

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

Date: Friday 4, Monday 7 & Thursday 10 May 2018
Time: 9.30am

Venue (4 May): Council Chambers
Level 2, Henderson Service Centre
6 Henderson Valley Road, Henderson

Venue (7 & 10 May): Council Chamber
Ground Floor
Auckland Town Hall
301-303 Queen Street
Auckland Central

HEARING AGENDA - VOLUME ONE

PLAN MODIFICATION 5 - WHENUAPAI PLAN CHANGE

COMMISSIONERS

Chairperson Robert Scott
Commissioners Juliane Chetham
Gavin Lister
Cr Chris Darby

Andrea Chung
HEARINGS ADVISOR

Telephone: 09 890 2102 or 021 858 737
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Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this agenda 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

At the start of the hearing, the Chairperson will introduce the commissioners and council staff and will briefly outline the procedure. The Chairperson may then call upon the parties present to introduce themselves to the panel. The Chairperson is addressed as Mr Chairman or Madam Chair.

Any party intending to give written or spoken evidence in Māori or speak in sign language should advise the hearings advisor at least five working days before the hearing so that a qualified interpreter can be provided.

Catering is not provided at the hearing. Please note that the hearing may be audio recorded.

Scheduling submitters to be heard

A timetable will be prepared approximately one week before the hearing for all submitters who have returned their hearing attendance form. Please note that during the course of the hearing changing circumstances may mean the proposed timetable is delayed or brought forward. Submitters wishing to be heard are requested to ensure they are available to attend the hearing and present their evidence when required. The hearings advisor will advise submitters of any changes to the timetable at the earliest possible opportunity.

The Hearing Procedure

The usual hearing procedure (as specified in the Resource Management Act) is:

- The reporting officer may be asked to provide a brief overview of the plan change.
- Submitters (for and against the application) are then called upon to speak. Submitters may also be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker. The council officer's report will identify any 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 information (evidence) in support of your application or your submission please ensure you provide the number of copies indicated in the notification letter.
- Only members of the hearing panel can ask questions about submissions or evidence. Attendees may suggest questions for the panel to ask but it does not have to ask them. No cross-examination - either by the applicant or by those who have lodged submissions – is permitted at the hearing.
- After the applicant and submitters have presented their cases, the chairperson may call upon council officers to comment on any matters of fact or clarification.
- The chairperson then generally closes the hearing and the applicant, submitters and their representatives leave the room. The hearing panel will then deliberate "in committee" and make its decision by way of formal resolution. You will be informed in writing of the decision and the reasons for it.

A NOTIFIED PLAN CHANGE TO THE AUCKLAND COUNCIL UNITARY PLAN BY AUCKLAND COUNCIL

TABLE OF CONTENTS		PAGE NO.
VOLUME ONE		
Reporting officer's report		7-228
Attachment 1	Proposed Plan Change 5 as Notified	229-262
Attachment 2	Section 32 Report	263-404
Attachment 3	Relevant provisions of the Auckland Unitary Plan (Operative in Part)	405-424
VOLUME TWO		
Attachment 4	Submissions and Further submissions	425-1038
VOLUME THREE		
Attachment 5	Recommended changes to Proposed Plan Change 5	1039-1072
Attachment 6	Maps and precinct plans with recommended changes	1073-1082
Attachment 7	Summary of decisions requested, further submissions and hearing report recommendations	1083-1140
Attachment 8	Technical Note from Flow Transportation Specialists	1141-1160
Attachment 9	Memo from Auckland Council Healthy Waters Department	1161-1174
Attachment 10	Memo – Whenuapai Plan Change, Stage 1 – Coastal Hazards	1175-1180
Attachment 11	Memo – Whenuapai Plan Change, Stage 1 – Coastal Hazards	1181-1188
Attachment 12	Evidence for Topic 080 Rezoning Precincts before the Auckland Unitary Plan Independent Hearings Panel	1189-1304
Attachment 13	Whenuapai Airbase Engine Testing Noise Peer Review and Advice from Acousafe	1305-1316
Attachment 14	Zoning Map (Hearing Report Recommendations Version) with Notified and Amended Aircraft Engine Testing Noise Boundaries	1317-1320

Reporting officer, Anne Bradbury

Reporting on proposed Plan Modification 5 - Whenuapai Plan Change to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones. The plan change also proposes changes to the following sections of the AUP (OP):

- Chapter I Precincts – inclusion of a new precinct I616 Whenuapai 3 Precinct
- Chapter L Schedule – 14.1 Table 1 Places, 14.1 Table 2 Areas, 14.2 Clarks Lane Historic Heritage Area
- Chapter M Appendices – Appendix 17
- Additions to the Historic Heritage Overlay map
- Additions to the control map, the Stormwater Management Area Flow Control -1 (SMAF-1) is added to the plan change area.

SUBMITTERS:		
Page 427	Lydia Lin	
Page 429	Serrena Storr	
Page 431	Teresa Pattinson	
Page 435	Peter E Pattinson and Teresa Pattinson	
Page 440	Brigham Investments Limited	Attn: Clayton Bradbury
Page 444	Sharron L and Roy J Preece	
Page 454	Andrew C Braithwaite	
Page 456	Upper Harbour Ecology Network	Attn: Annette Mitchell
Page 465	Guoqing Wu	
Page 467	Junwei Wu	
Page 469	Gongwang Li	Attn: Wayne Wang
Page 483	Dayna Swanberg	
Page 485	Debbie Clark	
Page 487	78 Hobosonville Limited and Prestige Clark Road Limited	Attn: Abu Hoque
Page 497	Whenuapai Ratepayers and Residents Association	Attn: Andy Milne
Page 500	Pauline Howlett	
Page 502	Austino	Attn: D Pope & B Dales
Page 509	Hsiu Ho Lin	Attn: Daniel Shao
Page 516	Herald Island Environmental Group	Attn: Charissa Snijders
Page 523	Martin and Rochelle Good	Attn: Rochelle Good
Page 526	Cabra Developments Limited	Attn: Hannah Edwards
Page 577	Royal Forest and Bird Protection Society NZ	Attn: Nicholas Beveridge
Page 586	New Zealand Transport Agency	Attn: Lorraine Houston
Page 588	Stride Holdings Limited (Stride)	Attn: Bianca Tree
Page 592	Heritage New Zealand Pouhere Taonga	Attn: Rebecca Vertongen
Page 599	GRP Management Limited	Attn: Evita Key

Page 610	Mark Dawe	
Page 615	Peter and Helen Panayuidou	Attn: Mark Weingarth
Page 624	Ockleston Investments Limited	Attn: Evita Key
Page 634	Dave Allen	
Page 638	Jack N and Gillian M Shepherd	
Page 640	Ming Ma	Attn: Evita Key
Page 651	Sinton Developments	Attn: Evita Key
Page 704	Charles Ku	Attn: Peter Hall
Page 717	Sheng Xin Property Investment Limited	Attn: Toby Mandeno
Page 727	CDL Land New Zealand Limited (CDL)	Attn: Douglas Allan
Page 763	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Attn: Nigel Hosken
Page 768	Verve Construction Limited	Attn: Brad Nobilo
Page 796	Richard and Jane Paul	
Page 797	TDR Family Trust, CAR Family Trust, and KW Ridley Trust Company Limited	Attn: Craig Magee
Page 799	New Zealand Defence Force	Attn: Alia Cederman
Page 819	Auckland Transport	Attn: Lian Winter
Page 827	Trig Road Investments Limited	Attn: Toby Mandeno
Page 839	Lichun Gao	Attn: Toby Mandeno
Page 851	Paul and Kaaren Batchelor	
Page 854	Neil Construction Limited	Attn: Phill Ainsworth
Page 867	Maraetai Land Development Limited	Attn: Phill Ainsworth
Page 880	Yuewen Zhang and Yue Liu	Attn: Phill Ainsworth
Page 888	Feng Tan	Attn: Philip Brown
Page 892	Lu Hui Feng	
Page 894	Nga Maunga Whakahii o Kaipara Whenua Hoko Holdings	Attn: Daniel Clay

FURTHER SUBMITTERS:

Page 902	Dayna Swanberg	
Page 904	Austino	DCS
Page 908	Seventy-eight Hobsonville Limited and Prestige Clark Road Limited	Attn: Abu Hoque
Page 918	TDR Family Trust & CAR Family Trust & KW Ridley Family Trust Company Ltd	Attn: Craig Magee
Page 924	CDL Land NZ Limited	Attn: Douglas Allan
Page 934	Royal Forest and Bird Protection Society of New Zealand Inc	Attn: Nicholas Beveridge
Page 946	Charles Ku	Attn: Peter Hall
Page 958	Tim and Stephanie Woodward	

Page 961	New Zealand Transport Agency	Attn: Lorraine Houston
Page 966	Auckland Transport	Attn: Liam Winter
Page 971	Nicola Flemming	
Page 975	Rebecca Dawe	
Page 977	Mark and Sherrie Dawe	
Page 985	Kristina Dobson	
Page 987	Stride Holdings Limited	Attn: Bianca Tree
Page 997	Ryan Dobson	
Page 999	Cabra Developments Limited	Attn: Hannah Edwards
Page 1012	Mario Walsh	
Page 1014	Katherine McCallum	
Page 1016	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen	Attn: Nigel Hosken
Page 1021	New Zealand Defence Force	Attn: Rebecca Davies
Page 1033	Neil Construction Limited	Attn: Phil Ainsworth



Hearing Report for Proposed Plan Change 5: Whenuapai Plan Change Section 42A Hearing Report under the Resource Management Act 1991

Report to: The Hearing Commissioners

Date: 12 April 2018

Subject: Proposed Plan Change 5: Whenuapai Plan Change

File Name: Hearing Report – Proposed Plan Change 5 (PPC5)

File Reference: U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC005-Whenuapai

Report Author: Anne Bradbury, Principal Planner, North West and Islands Planning

Report Approver: Eryn Shields, Team Leader, North West and Islands Planning

Summary of PPC5

Plan subject to change	Auckland Unitary Plan (2016) (Operative in Part)
Number and name of change	Proposed Plan Change 5 – Whenuapai Plan Change to the Auckland Unitary Plan
Status of Plan	Operative in part
Type of change	Council-initiated proposed plan change
Committee date of approval (or adoption) for notification	5 September 2017 (Planning Committee)
Parts of the Auckland Unitary Plan affected by the proposed plan change	<ul style="list-style-type: none"> • Chapter I Precincts – inclusion of a new precinct I616 Whenuapai 3 Precinct • Chapter L Schedule - 14.1 Table 1 Places, 14.1 Table 2 Areas, 14.2.13 Clarks Lane Historic Heritage Area • Chapter M Appendices – Appendix 17.
Date draft proposed plan change was sent to iwi for feedback	11 August 2017
Date of notification of the proposed plan change and whether it was publicly notified or limited notified	21 September 2017, publicly notified
Date submissions closed	19 October 2017
Plan development process used – collaborative, streamlined or normal	Normal
Submissions received (excluding withdrawals)	51
Date summary of submissions notified	9 November 2017
Number of further submissions received (numbers)	22
Legal Effect at Notification	The proposed amendment to Schedule 14.1 and the Historic Heritage Overlay had immediate legal effect from the date of notification, 21 September 2017, in accordance with section 86B(3) of the RMA.
Main issues or topics emerging from all submissions	<ul style="list-style-type: none"> • Aircraft engine testing noise • Infrastructure provision • Indicative road layout • Zoning • Coastal setback yard • Stormwater management • Scope of PPC5

Table of Contents

1.	Executive summary	6
2.	Decision-making considerations	7
3.	Plan change area	7
4.	Background.....	8
5.	Existing plan provisions	9
6.	Proposed plan provisions	9
7.	Statutory and policy framework	11
7.1	Resource Management Act 1991	11
7.2	Reference to other relevant Acts	14
7.3	National Policy Statements.....	14
7.4	National Environmental Standards or Regulations.....	14
7.5	Auckland Unitary Plan (Operative in Part) – Regional Policy Statement.....	14
7.6	Auckland Unitary Plan (Operative in Part) – Regional and District Plan Provisions.....	15
7.7	The Auckland Plan 2012	16
7.8	Any relevant management plans and strategies prepared under any other Act	16
8.	Consultation	16
9.	Notification	17
10.	Analysis of submissions and further submissions	17
10.1	General support or opposition	18
10.1.1	Submission points that support PPC5 and support PPC5 with amendments	18
10.1.2	Submission points that provide general support for PPC5.....	20
10.1.3	Submission points seeking to amend or decline PPC5	21
10.2	Out of scope submission points.....	21
10.3	Plan change boundary submission points that are in scope	27
10.4	Zoning.....	28
10.4.1	Area-wide requests	31
10.4.2	Site-specific requests	33
10.4.3	General support	40
10.4.4	General opposition	41
10.5	Integration of subdivision and development with the provision of infrastructure	44
10.5.1	Objectives	44
10.5.2	Policies.....	50
10.5.3	Standard I616.6.2.....	56
10.5.4	Other matters relating to the integration of subdivision and development with the provision of infrastructure	67
10.6	Transport.....	70
10.6.1	Objective I616.2(6).....	70
10.6.2	Policy I616.3(8)	74
10.6.3	Standard I616.6.1.....	77
10.6.4	Standard I616.6.8.....	78
10.6.5	Indicative road network shown on Whenuapai 3 Precinct Plan 2.....	84
10.6.6	Other matters relating to transport.....	97
10.7	Stormwater management	102
10.7.1	Whenuapai 3 Precinct stormwater management provisions	102
10.7.2	Whenuapai 3 Stormwater Management Plan	114
10.7.3	General submission points on stormwater management	116
10.8	Coastal erosion risk.....	122
10.8.1	Coastal erosion setback yard	122
10.8.2	Effects on the Upper Waitematā Harbour (coastal environment)	126
10.8.3	General coastal environment.....	128
10.9	Biodiversity.....	130
10.9.1	Submission points on indigenous biodiversity.....	130
10.9.2	Submission points on riparian planting	142
10.10	Stream network.....	151
10.11	Open space	159

10.11.1	Indicative open space	159
10.11.2	Open space provisions in Whenuapai 3 Precinct	166
10.12	Effects on Whenuapai Airbase.....	171
10.12.1	Whenuapai Airbase	171
10.12.2	Lighting and glare	177
10.12.3	Bird strike	180
10.13	Aircraft engine testing noise.....	182
10.13.1	The location of aircraft engine testing noise boundaries.....	182
10.13.2	Whenuapai 3 Precinct aircraft engine testing noise provisions.....	186
10.13.3	Other submission points on aircraft engine testing noise	189
10.14	Heritage.....	192
10.15	Activity table in Whenuapai 3 Precinct	196
10.16	Other submission points	205
10.16.1	Submission points seeking consequential or further changes	205
10.16.2	Submission points relating to zone provisions.....	206
10.16.3	Submission points on other matters.....	209
11.	Other recommended changes due to errors	218
12.	Conclusions.....	220
13.	Recommendations	220
14.	Signatories	221

Abbreviations

Abbreviations used throughout the text of this report are:

Abbreviation	Meaning
PPC5	Proposed Plan Change 5
RMA	Resource Management Act 1991
AUP (OP)	Auckland Unitary Plan (Operative in Part)
RPS	Regional Policy Statement
FULSS	Future Urban Land Supply Strategy
HIF	Housing Infrastructure Fund
WSP	Whenuapai Structure Plan
ITA	Integrated Transport Assessment
THAB	Residential - Terrace Housing and Apartment Buildings Zone
NZCPS	New Zealand Coastal Policy Statement
RTN	Rapid Transit Network

Attachments	
Appendix 1	PPC5 (Whenuapai Plan Change) as Notified
Appendix 2	Section 32 Report
Appendix 3	Relevant provisions of the AUP (OP)
Appendix 4	Submissions and further submissions
Appendix 5	Recommended changes to PPC5
Appendix 6	Maps and precinct plans with recommended changes
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Appendix 8	Technical Note from Flow Transportation Specialists
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Appendix 10	Memo – Whenuapai Plan Change, Stage 1 – Coastal Hazards
Appendix 11	Memo – Whenuapai Plan Change, Stage 1 – Biodiversity Submissions
Appendix 12	Evidence for Topic 080 Rezoning Precincts before the Auckland Unitary Plan Independent Hearings Panel
Appendix 13	Whenuapai Airbase Engine Testing Noise Peer Review and Advice from Acousafe
Appendix 14	Zoning Map (Hearing Report Recommendations Version) with Notified and Amended Aircraft Engine Testing Noise Boundaries

1. Executive summary

1. This Hearing Report has been prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). It considers the various issues raised by the submissions to Proposed Plan Change 5 (PPC5) to the Auckland Unitary Plan (Operative in Part) (AUP (OP)), in order to assist the Hearing Commissioners.
2. This report forms part of the council's ongoing reporting obligations to consider the appropriateness of the proposed provisions; the benefits and costs of any policies, rules or other methods; and the issues raised in submissions on PPC5. In addition to this report, the Section 32 Report and associated documentation related to PPC5 on the council's website should be considered.
3. The discussion and recommendations included in this report are intended to assist the Hearing Commissioners and those persons and organisations that lodged submissions on PPC5. The recommendations contained within this report are not the decision of the Hearing Commissioners.
4. PPC5 is a council-initiated plan change which seeks to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones. PPC5 also proposes changes to the following sections of the AUP (OP):
 - Chapter I Precincts – inclusion of a new precinct I616 Whenuapai 3 Precinct
 - Chapter L Schedule – 14.1 Table 1 Places, 14.1 Table 2 Areas, 14.2 Clarks Lane Historic Heritage Area
 - Chapter M Appendices – Appendix 17
 - additions to the Historic Heritage Overlay map
 - additions to the control map, the Stormwater Management Area Flow Control -1 (SMAF-1) is added to the plan change area.
5. The proposed text changes to Chapter L and the proposed changes to the Historic Heritage Overlay were given immediate effect on the date of notification, 21 September 2017.
6. The Whenuapai 3 Precinct contains specific requirements for subdivision, use and development within the PPC5 area. The precinct seeks to manage the effects of subdivision and development, transport infrastructure, development in the neighbourhood centre, stormwater management, coastal erosion risk, biodiversity, open space, effects on Whenuapai Airbase and aircraft engine testing noise.
7. The standard RMA Schedule 1 process was followed in developing PPC5.
8. Fifty-one submissions were received on PPC5, with one submitter supporting PPC5, 23 in support of PPC5 and seeking amendments, 14 opposing PPC5 and seeking amendments and one opposing PPC5. The main issues the submitters raised are around transport and infrastructure provision, aircraft engine testing noise boundaries, the indicative road layout, the coastal setback yard, stormwater management and zoning. There are also submissions requesting land outside the boundary of PPC5 be included in PPC5. These issues are discussed in section 10 of this report in response to submissions received.
9. It is recommended that PPC5 be approved with amendments in response to submissions received. The recommended amendments are included in Appendix 5.

2. Decision-making considerations

10. This report has been prepared under section 42A of the RMA to assist the Hearing Commissioners in considering the issues raised by submissions to PPC5.
11. This report considers the issues raised in submissions, the relief sought and then makes recommendations about whether to accept or reject each submission. Where appropriate, this report groups submissions that address the same subject matter.
12. The recommendations set out in this report have been made in terms of the most appropriate methods of achieving the purpose of the RMA. Any conclusions reached or recommendations made in this report are not binding on the Hearing Commissioners. The Hearing Commissioners are required to consider all submissions and evidence presented at the hearing.
13. The Hearing Commissioners have been delegated full responsibility by Auckland Council's Regulatory Committee to determine the council's decisions on submissions on PPC5 under section 34 of the RMA. The Hearing Commissioners will not be making a recommendation to the council, but will be making a decision directly.
14. This report has been prepared by the following authors and draws on information provided by a number of technical experts.

Lead Author	Anne Bradbury
Contributing author	Emily Ip
Contribution author	Wayne Siu
Technical expert – Transport	Angie Crafer, Flow Transportation Services
Technical expert – Stormwater	Shaun Jones
Technical expert – Stormwater	Chloe Trenouth, Hill Young Cooper
Technical expert – Biodiversity	Rue Stratham
Technical expert – Open Space	Ezra Barwell
Technical expert – Coastal	Natasha Carpenter
Technical expert – Coastal	Richard Reinen-Hamill, Tonkin and Taylor
Technical expert – Noise	Nigel Lloyd, Acousafe
Technical expert – Historic Heritage - Built	Cara Francesco
Technical expert – Historic Heritage - Archaeology	Robert Brassey

3. Plan change area

15. Whenuapai is located in the Upper Harbour and Henderson-Massey Local Board areas and shares a boundary with the Rodney Local Board. Hobsonville Road forms the plan change boundary to the south of State Highway 18. The south-eastern boundary is where the Future Urban Zone meets the existing Business – Light Industry Zone in the AUP (OP). Trig Road and some properties that front onto Trig Road form the western boundary. The rest of the PPC5 area is bounded by Whenuapai Airbase, State Highway 18 and the coast. The PPC5 area is approximately 360 hectares and is shown in Figure 1 below.

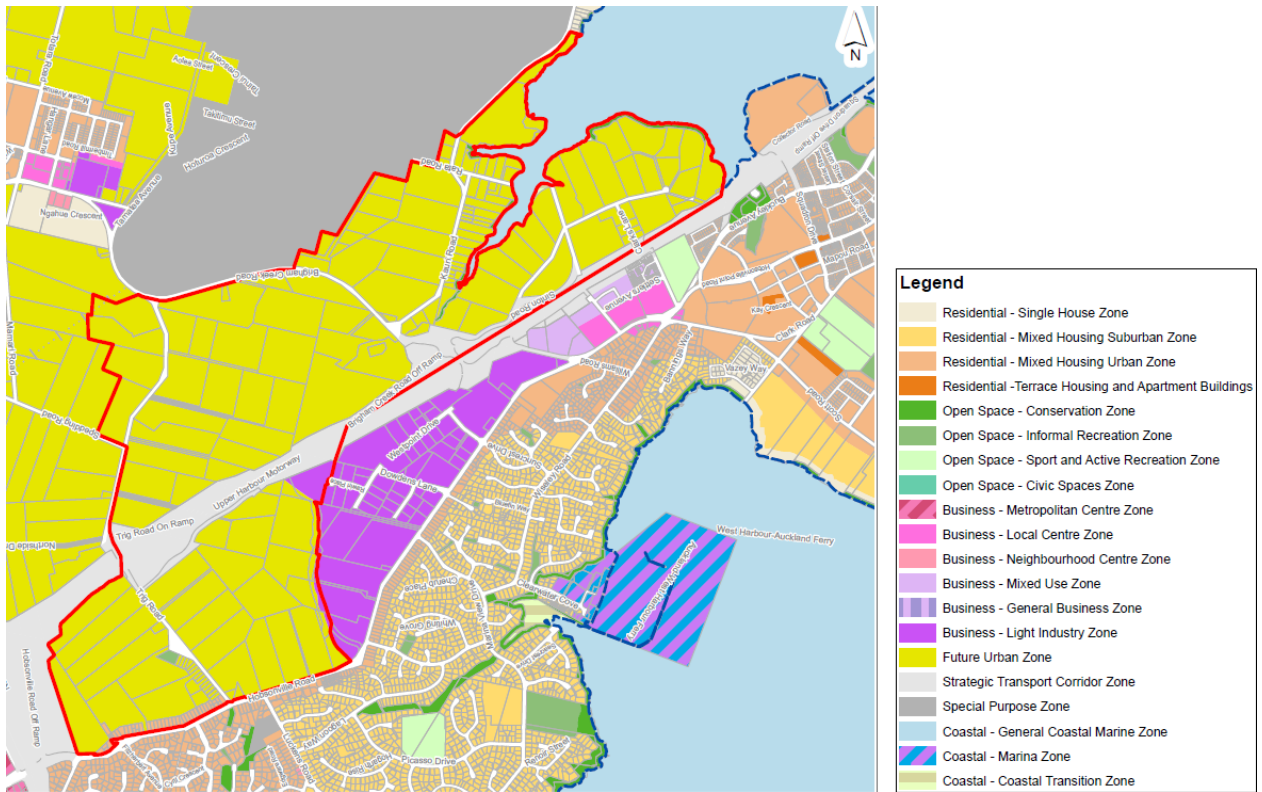


Figure 1: PPC5 area shown within the red line

4. Background

16. PPC5 is the first plan change that seeks to implement the first part of the Whenuapai Structure Plan (WSP) which was prepared in accordance with the structure plan guidelines in Appendix 1 of the AUP (OP). The WSP was approved by the Auckland Development Committee on 15 September 2016. At that meeting, the committee requested staff to prepare a plan change for the area. More information about the WSP can be found in section 5 of the Section 32 Report in Appendix 2.
17. The PPC5 area is made up of the areas identified as stages 1A-1E in the WSP with minor refinements to the boundaries of the stages. The Regional Policy Statement (RPS) provisions of the AUP (OP) require that land is subdivided and developed in an integrated manner with the appropriate infrastructure. The boundary of PPC5 was determined by the availability of infrastructure needed to support development in line with the RPS. PPC5 also follows the council's Future Urban Land Supply Strategy 2017 (FULSS) which sequences the release of future urban land over the next 30 years. The FULSS identifies Whenuapai Stage 1 (the same area as the PPC5 area) as being development ready between 2018 and 2022, while Whenuapai Stage 2 is identified as being development ready between 2028 and 2032. A second plan change will occur closer to 2028 to rezone Whenuapai Stage 2.
18. A draft plan change was approved by the Planning Committee on 28 March 2017 for public consultation for a five week period in April-May 2017. PPC5 incorporates changes since the draft plan change as a result of feedback received, and further technical analysis that has been completed.

5. Existing plan provisions

19. The majority of the PPC5 area is currently zoned Future Urban in the AUP (OP).
20. The Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. The Future Urban Zone is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until it is rezoned for urban purposes. The objectives of the Future Urban Zone are listed below.

H18.2 Objectives

- (1) *Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been zoned for urban purposes.*
 - (2) *Rural activities and services are provided for to support the rural community until the land is rezoned for urban purposes.*
 - (3) *Future urban development is not compromised by premature subdivision, use or development.*
 - (4) *Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.*
21. Further information about this zone can be found in *H18 Future Urban Zone* of the AUP (OP).
 22. There is some existing Residential – Mixed Housing Urban zoned land alongside Hobsonville Road. This land was included in PPC5 even though it already has an urban zone. This was done to ensure integrated management of this land with the surrounding Future Urban Zone areas that are being rezoned through PPC5. There are also some existing parcels of Open Space – Conservation Zone along the Upper Waitematā Harbour. There are no changes proposed to these open space zones. There is also one parcel of Open Space – Informal Recreation Zone on Trig Road. There is no change proposed to this zone. There are some parcels of land with the Coastal Transition Zone in the PPC5 area, these will be discussed in section 11 of this report.

6. Proposed plan provisions

23. PPC5 proposes to rezone the plan change area from predominantly Future Urban Zone to business, residential and open space zones. Approximately 124 hectares of industrial land and 217 hectares of residential land are proposed. The land proposed to be zoned residential has development capacity for approximately 5,000 houses. PPC5 also includes the addition of a new precinct to Chapter I Precincts, changes to Schedule 14 Historic Heritage Schedule, Statement and Maps, an addition to Appendix 17 and the inclusion of an overlay and a control to the planning maps. These changes seek to implement the WSP and are outlined below.

Zone changes

24. Residential, business and open space zones from the AUP (OP) have been applied to the PPC5 area in a manner consistent with the RPS, specifically *B2.2. Urban growth and form*. High density residential zones are applied along key transport corridors, across State Highway 16 from Westgate Metropolitan Centre and adjacent to the proposed neighbourhood centre. The Residential – Single House Zone is applied to address the effects of engine testing noise from Whenuapai Airbase, reverse sensitivity effects on the airbase, coastal hazard risk and to protect existing historic heritage. The Business – Light Industry Zone is applied to provide for business land. The PPC5 area is an ideal location for business land due to its proximity to State Highways 16 and 18. There is also land

proposed to be zoned Business – Light Industry due to constraints arising from aircraft noise under the existing Aircraft Noise Overlay and the proposed aircraft engine testing noise boundaries within PPC5. The zones applied to the PPC5 area provide for a mixture of dwelling types and densities, and for employment land in the Business – Light Industry Zone.

Whenuapai 3 Precinct

25. PPC5 includes a new precinct, the Whenuapai 3 Precinct which can be found in Appendix 1. It contains specific requirements for subdivision, use and development within the PPC5 area. The precinct seeks to manage the effects of subdivision and development, transport infrastructure, development in the neighbourhood centre, stormwater management, coastal erosion risk, biodiversity, open space, reverse sensitivity effects on Whenuapai Airbase and aircraft engine testing noise.
26. Whenuapai 3 Precinct includes three precinct plans, in Appendix 6. Whenuapai 3 Precinct Plan 1 shows permanent streams, intermittent streams, streams wider than three metres, indicative esplanade reserves, indicative open space and indicative coastal esplanade reserves. Whenuapai 3 Precinct Plan 2 shows indicative arterial roads, indicative collector roads, intersection upgrade locations and new intersections to be provided. Whenuapai 3 Precinct Plan 3 shows aircraft engine testing noise boundaries.
27. The proposed precinct provisions as notified are discussed in section 7 of the Section 32 Report. Changes to the precinct in response to the submissions are discussed in section 10 of this report and shown in Appendix 5.

Text changes to the Auckland Unitary Plan (Operative in Part)

28. PPC5 proposes to include a Historic Heritage Area over the land at 3, 4, 5, 6, 7, 9 and 10 Clarks Lane to replace the individually scheduled historic heritage place listings at 4, 5, 6, 7, 9 and 10 Clarks Lane in the AUP (OP). The sites contain former workers' cottages. This area is proposed to be added to Schedule 14.1 Schedule of Historic Heritage (Table 2 Areas). The addition of the area also requires information to be added to the Schedule 14.2 Historic Heritage Areas – Maps and statements of significance. Historic Heritage Areas are described in Policy B5.2.2(4)(d) of the AUP (OP) as:

...groupings of interrelated but not necessarily contiguous historic heritage places or features that collectively meet the criteria for inclusion in Schedule 14.1 Schedule of Historic Heritage in Category A or B and may include both contributing and non-contributing places or features, places individually scheduled as Category A or B, and notable trees.

29. All but one of the workers' cottages (3 Clarks Lane) are individually scheduled historic heritage places in the AUP (OP). The existing individual schedule entries for 4, 5, 6, 9 and 10 Clarks Lane are therefore proposed to be deleted from Schedule 14.1 to avoid a duplicate layer of management for these sites.
30. The current Schedule 14.1 entry will remain for the former church located at 7 Clarks Lane. The church has historic heritage values in its own right, and contributes to, and has association with, the values for the Historic Heritage Area.
31. A Historic Heritage Place overlay is proposed to be added over 4 Spedding Road and 92 Trig Road, Whenuapai. This is the site of a World War II era heavy anti-aircraft battery. This battery meets the criteria for inclusion in Schedule 14.1 Schedule of Historic Heritage as a Category B historic place. Amendments are required to the Schedule 14.1 (Schedule of Historic Heritage) text and to the Historic Heritage Place Extent of Place maps.

32. The other text changes are the inclusion of the following document to be incorporated by reference in Appendix 17:

- The Whenuapai Stormwater Management Plan 2017.

Overlays

33. A map showing the proposed addition to the Historic Heritage Overlay Extent of Place is shown in Appendix 1.

Controls

34. The Whenuapai Stormwater Management Plan recommended adding the Stormwater Management Area Flow 1 (SMAF-1) control over the PPC5 area. A map showing the extent of the SMAF-1 control is shown in Appendix 1.

35. All changes to the AUP (OP) were evaluated in accordance with the requirements of section 32 of the Resource Management Act 1991. The Section 32 Report is attached in Appendix 2.

Immediate effect from the date of notification, 21 September 2017

36. Section 86E of the RMA requires that a local authority must clearly identify any rule in a plan change that has legal effect other than the date on which decisions on submissions is made. Section 86B(3) states that a rule has immediate effect if it protects historic heritage.

37. The text changes to Schedule 14.1 Schedule of Historic Heritage described above and listed in Appendix 1, are subject to the provisions in D17 Historic Heritage Overlay which manages the protection of significant historic heritage places, including the modification, relocation, demolition, use and development of these places. Tables D17.4.1 to D17.4.3 specify the activity status of activities affecting scheduled historic heritage places. The proposed amendment to Schedule 14.1 and the Historic Heritage Overlay had immediate legal effect from the date of notification, which was 21 September 2017, in accordance with section 86B(3) of the RMA.

7. Statutory and policy framework

38. The RMA requires that unitary authorities consider a number of statutory and policy matters when developing proposed plan changes. PPC5 was developed under the relevant statutory and policy matters. The submissions on PPC5 were also considered under the relevant statutory and policy matters. The following section summarises this statutory and policy framework.

7.1 Resource Management Act 1991

39. Part 2 of the RMA sets out the overarching purpose of the RMA. Achieving the purpose of the RMA as stated in Part 2 is discussed in the Section 32 Report attached in Appendix 2. I rely on the analysis contained in the Section 32 Report for PPC5. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified PPC5 since the Section 32 Report was completed. All amendments to the notified PPC5 recommended in this report have been assessed in accordance with section 32AA.

40. PPC5 is a plan change to district level provisions within the AUP (OP). As such, sections 31, 32, 73, 74, 75 and 76 of the RMA set out specific provisions that must be considered in

the preparation of plan changes and as such are considered for PPC5. These are summarised in Table 1 below.

Table 1: Relevant sections of the RMA

Section	Matters
Section 5	Purpose of the RMA.
Section 6	Matters of national importance that are required to be recognised and provided for, in particular: <ul style="list-style-type: none"> (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development; (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers; (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; (f) the protection of historic heritage from inappropriate subdivision, use, and development; and (h) the management of significant risks from natural hazards.
Section 7	Other matters which shall be given particular regard to, in particular: <ul style="list-style-type: none"> (a) kaitiakitanga; (b) the efficient use and development of natural and physical resources; (c) the maintenance and enhancement of amenity values; (d) intrinsic values of ecosystems; (f) maintenance and enhancement of the quality of the environment; and (i) the effects of climate change.
Section 8	The principles of the Treaty of Waitangi must be taken into account.
Section 31	Functions of territorial authorities in giving effect to the RMA.
Section 32	Requirements for preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal.
Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan.
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 statements, other regulations and other matters.
Section 75	Outlines the requirements in the contents of a district plan.
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.
Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities.

41. The mandatory requirements for plan preparation under the RMA are summarised by the Environment Court in *Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council* (Decision A078/2008).¹ In this decision the Court set out the measures for evaluating objectives, policies, rules and other methods. This is outlined below:

Decision A078/2008:

A. General requirements

1. *A district plan (change) should be designed to accord with, and assist the territorial authority to carry out - its functions so as to achieve, the purpose of the Act.*
2. *When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
3. *When preparing its district plan (change) the territorial authority shall:*

¹ Subsequent cases have updated the Long Bay summary, including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55.

	<p>(a) have regard to any proposed regional policy statement;</p> <p>(b) not be inconsistent with any operative regional policy statement.</p>
4.	<p><i>In relation to regional plans:</i></p> <p>(a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and</p> <p>(b) must have regard to any proposed regional plan on any matter of regional significance etc.;</p>
5.	<p>When preparing its district plan (change) the territorial authority must also:</p> <ul style="list-style-type: none"> • have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities; • take into account any relevant planning document recognised by an iwi authority; and • not have regard to trade competition;
6.	<p>The district plan (change) must be prepared in accordance with any regulation (there are none at present);</p>
7.	<p>The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.</p>
B. Objectives [the section 32 test for objectives]	
8.	<p>Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.</p>
C. Policies and methods (including rules) [the section 32 test for policies and rules]	
9.	<p>The policies are to implement the objectives, and the rules (if any) are to implement the policies;</p>
10.	<p>Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:</p> <p>(a) the benefits and costs of the proposed policies and methods (including rules); and</p> <p>(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.</p>
D. Rules	
11.	<p>In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.</p>
E. Other statutes:	
12.	<p>Finally territorial authorities may be required to comply with other statutes. Within the Auckland Region they are subject to:</p> <ul style="list-style-type: none"> • the Hauraki Gulf Maritime Park Act 2000; • the Local Government (Auckland) Amendment Act 2004.

42. These principles have been applied with any necessary modifications from changes in legislation since the Long Bay decision.

43. In the *Appealing Wanaka Inc v Queenstown Lakes District Council [2015]* (NZEnvC 139) the Environment Court suggested that, apart from the formal requirements as to what a

plan must (and may) contain, the sections outlined above impose three sets of positive obligations when preparing or changing a plan.

44. These are:
- i. to ensure the plan or change accords with the council's functions, including management of the effects of development, use and protection of natural and physical resources in an integrated way;
 - ii. to give proper consideration to Part 2 of the RMA and the lists of relevant statutory documents; and
 - iii. to evaluate the proposed plan or change under section 32 of the RMA.

7.2 Reference to other relevant Acts

45. The Hauraki Gulf Marine Park Act 2000 is applicable to PPC5 as the PPC5 area drains into the Upper Waitematā Harbour which is within the Hauraki Gulf. This is discussed in more detail in section 4.1.1, 6.4 and 6.6 of 1 of the Section 32 Report which can be found in Appendix 2.

7.3 National Policy Statements

46. The New Zealand Coastal Policy Statement 2010 (NZCPS) is applicable to PPC5. The NZCPS is discussed in more detail in section 4.1.2 of the Section 32 Report.
47. The National Policy Statement from Freshwater Management 2011, updated in 2017, is applicable to the PPC5 area. This NPS is discussed in more detail in section 4.1.3 of the Section 32 Report.
48. The National Policy Statement on Urban Development Capacity 2016 is relevant to PPC5. PPC5 assists Auckland Council to provide sufficient development capacity for housing and business in accordance with this NPS. This is discussed in more detail in section 4.1.4 of the Section 32 Report.

7.4 National Environmental Standards or Regulations

49. There are no National Environmental Standards or Regulations relevant to PPC5.

7.5 Auckland Unitary Plan (Operative in Part) – Regional Policy Statement

50. The relevant provisions of the RPS in the AUP (OP) were considered in the preparation of PPC5 and when considering the submissions on PPC5. PPC5 gives effect to the provisions of the RPS that address urban growth, infrastructure, transport, built heritage, Mana Whenua values, natural resources, the coastal environment and environmental risk.
51. Table 2 below summarises the relevant RPS provisions that are relevant to PPC5. More details can be found in Appendix 3. These provisions are also discussed in more detail in the Section 32 Report.²

Table 2: Relevant provisions of the RPS in the AUP (OP)

RPS section	Relevant sub-sections
B2 Urban growth and form	B2.2 Urban growth and form B2.3 A quality built environment B2.4 Residential growth

² See section 4.2 of the Section 32 Report.

RPS section	Relevant sub-sections
	B2.5 Commercial and industrial growth B2.7 Open space and recreation facilities
B3 Infrastructure, transport and energy	B3.2. Infrastructure B3.3. Transport
B5 Built heritage and character	
B6 Mana Whenua	B6.3 Recognising Mana Whenua values
B7 Natural resources	B7.2 Indigenous biodiversity B7.3 Freshwater systems B7.4 Coastal water, freshwater and geothermal water
B8 Coastal environment	B8.2 Natural character B8.3 Subdivision and development
B10 Environmental risk	B10.2 Natural hazards and climate change

52. Issues relating to RPS matters are discussed in response to submissions in the following sections of the report:
- sections 10.5 and 10.6 – infrastructure and transport
 - section 10.4 – built heritage and character
 - sections 10.7, 10.9 and 10.10 – natural resources
 - section 10.8 – coastal environment
 - sections 10.7 and 10.8 – environmental risk.
53. PPC5, in my opinion, gives effect to the RPS. The reasons for my view are that:
- a. PPC5 seeks to ensure a quality built environment and that subdivision use and development is coordinated with the provision of infrastructure;
 - b. PPC5 provides provisions to ensure that the transport network is provided as development progresses;
 - c. PPC5 provides provisions to protect natural resources and enhance freshwater systems;
 - d. PPC5 provides provisions to protect the coastal environment and address the risk of coastal erosion; and
 - e. Mana Whenua values have been considered through stormwater provisions, biodiversity and coastal provisions.

7.6 Auckland Unitary Plan (Operative in Part) – Regional and District Plan Provisions

54. The relevant regional and district plan provisions also need to be considered in the preparation and in considering the submissions for PPC5. With regards to Chapter D Overlays, PPC5 takes into account the Significant Ecological Area Overlay, the Aircraft Noise Overlay and adds a new Historic Heritage Area to the Historic Heritage Overlay. With regards to Chapter E Auckland-wide, and Chapter F Coastal and Chapter H Zones, PPC5 relies on and integrates with these existing provisions.
55. The relevant AUP (OP) regional and district level provisions are listed below. More details can be found in Appendix 3 and in section 4.2 of the Section 32 Report.
- **Chapter D Overlays**
 - D17 Historic Heritage Overlay
 - D24 Aircraft Noise Overlay
 - **Chapter E Auckland-wide**
 - E1 Water quality and integrated management
 - E3 Lakes, rivers and streams
 - E11 Land disturbance – regional
 - E15 Vegetation management and biodiversity
 - E18 Natural character of the coastal environment

- E27 Transport
- E36 Natural hazards and flooding
- E38 Subdivision – Urban.

56. The parts of the AUP (OP) containing the provisions of the existing and proposed zones in the PPC5 area are as follows:
- F8 Coastal Transition Zone
 - H4 Residential – Single House Zone
 - H5 Residential – Mixed Housing Urban Zone
 - H6 Residential – Terrace Housing and Apartment Buildings Zone
 - H7.4 Open Space - Conservation Zone
 - H7.5 Open Space - Informal Recreation Zone
 - H12 Business – Neighbourhood Centre Zone
 - H17 Business – Light Industry Zone
 - H18 Future Urban Zone.

7.7 The Auckland Plan 2012

57. The Auckland Plan is a spatial plan prepared under section 79 of the Local Government (Auckland Council) Act 2009. It is a relevant strategy document that the council shall have regard to under section 74(2) of the RMA. A key component of the Auckland Plan is the Development Strategy which sets out how future growth will be accommodated to 2040.³ Whenuapai was identified in the Development Strategy as a greenfield area for investigation. See sections 2 and 4.3 in the Section 32 Report for more detail.
58. The Auckland Plan is currently being refreshed and the final plan will be published in August 2018.
59. PPC5 is, in my opinion, consistent with the priorities and directives of the Auckland Plan for the following reasons:
- a. The Development Strategy of the Auckland Plan identifies Whenuapai as a greenfield area for investigation.
 - b. It provides business land which the Development Strategy identifies is required.

7.8 Any relevant management plans and strategies prepared under any other Act

60. There are no relevant management plans or strategies to PPC5.

8. Consultation

61. Following on from the structure plan process, meetings and workshops were held with key internal and external stakeholders including developers, the New Zealand Defence Force, the Ministry of Education and the New Zealand Transport Agency from October 2016 to March 2017. Information from these meetings and workshops informed the draft plan change that was put out for public engagement from 10 April to 14 May 2017. Six drop-in sessions were held and over 330 people attended these sessions. 41 pieces of feedback were received during this period. A summary of the feedback received can be found in Appendix 1 of the Section 32 Report.
62. All nine iwi groups with interest in the area were contacted at the beginning of the structure plan process. Ngāti Whātua o Kaipara and Te Kawerau a Maki have worked in partnership

³ Chapter D, Auckland Plan

with the council to develop cultural values assessments that helped to inform the WSP and the preparation of PPC5.

63. The council has undertaken site visits with Ngāti Whātua o Kaipara and the iwi have met with the council's Healthy Waters staff to discuss storm water management in Whenuapai.
64. A copy of the plan change was circulated to all iwi with known interest in this area on 11 August 2017 as per the requirements under Clause 4A, Schedule 1 of the RMA. Relevant iwi were asked if they would like a commissioner with an understanding of tikanga Māori and of the perspectives of local iwi or hapū. Meetings were held with Ngāti Whātua o Kaipara on 21 August 2017 and with Te Kawerau a Maki on 22 August 2017 to run through the PPC5 before it was notified.
65. The consultation undertaken with mana whenua is consistent with the requirements of Clause 3B, Schedule 1 of the RMA.
66. Further detail on consultation undertaken in preparation of PPC5 is provided in the Section 32 Report.
67. Post-notification meetings have been held with submitters at their request. Below is a table showing the submitters that the reporting team met with and a summary of what was discussed.

Table 3: Post-notification meetings with submitters

Submitter number	Submitter name	Meeting Date	Matters discussed
17	Austino	9.02.18	Zoning of submitters sites and the plan change boundary
42	Auckland Transport	13.02.18	Discussed the use of experts, agreed that council would use Flow Transportation Services as their experts. Flow prepared the Integrated Transport Assessment for the WSP.

9. Notification

68. Details of the notification timeframes and number of submissions received are summarised below.

Date of public notification for submissions	21 September 2017
Closing date for submissions	19 October 2017
Number of submissions received	51
Date of public notification for further submissions	9 November 2017
Closing date for further submissions	23 November 2017
Number of further submissions received	22

69. There were no late submissions. Copies of the submissions are attached as Appendix 4 to this report.

10. Analysis of submissions and further submissions

70. The following sections of this report address the submissions and further submissions received on PPC5, discuss the relief sought in the submissions and make recommendations to the Hearing Commissioners. Submissions that address the same issues and seek the same relief have been grouped together in this report under the topic

headings are shown in Table 4 below. A full list of the submission points, the section of the report they are addressed in, and the reporting team's recommendation on each point is shown in Appendix 7.

Table 4: Submission groups and the section of the report they are discussed in

Report section	Topic heading	Section author
10.1	General support or rejection	Anne Bradbury
10.2	Out of scope	Anne Bradbury
10.3	Plan change boundary	Anne Bradbury
10.4	Zoning	Emily Ip/Anne Bradbury
10.5	Integration of Subdivision and Development with the Provision of Infrastructure	Anne Bradbury
10.6	Transport	Anne Bradbury
10.7	Stormwater Management	Emily Ip
10.8	Coastal Erosion Risk	Wayne Siu
10.9	Biodiversity	Wayne Siu
10.10	Stream identification	Wayne Siu
10.11	Open Space	Wayne Siu
10.12	Effects on Whenuapai Airbase	Emily Ip
10.13	Aircraft Engine Testing Noise	Emily Ip
10.14	Heritage	Emily Ip
10.15	Activity Table in Whenuapai 3 Precinct	Emily Ip
10.16	Other submission points	Anne Bradbury

10.1 General support or opposition

10.1.1 Submission points that support PPC5 and support PPC5 with amendments

Submission point	Name of submitter	Summary of relief sought	Recommendation
2.1	Serrena Storr	Accept the plan change with amendments.	Accept in part
4.1	Peter E Pattinson and Teresa Pattinson	Accept the plan change with amendments.	Accept in part
6.1	Sharron L and Roy J Preece	Accept plan change with amendments.	Accept in part
9.1	Guoqing Wu	Accept the plan change with amendments.	Accept in part
10.1	Junwei Wu	Accept the plan change with amendments.	Accept in part
12.1	Dayna Swanberg	Accept the plan change with amendments.	Accept in part
13.2	Debbie Clark	Accept the plan change with amendments.	Accept in part
14.1	78 Hobsonville Limited and Prestige Clark Road Limited	Accept the plan change with amendments.	Accept in part
15.1	Whenuapai Ratepayers and Residents Association	Accept the plan change with amendments.	Accept in part
16.3	Pauline Howlett	Accept the plan change with amendments.	Accept in part
17.1	Austino	Accept the plan change with amendments.	Accept in part

Submission point	Name of submitter	Summary of relief sought	Recommendation
21.1	Cabra Developments Limited	Accept the plan change with amendments.	Accept in part
23.6	New Zealand Transport Agency	Seeks that the council adopts PC5.	Accept in part
25.1	Heritage New Zealand Pouhere Taonga	Accept the plan change with amendments.	Accept in part
26.1	GRP Management Limited	Accept the plan change with amendments.	Accept in part
27.1	Mark Dawe	Accept the plan change with amendments.	Accept in part
28.1	Peter and Helen Panayuidou	Accept the plan change with amendments.	Accept in part
29.1	Ockleston Investments Limited	Accept the plan change with amendments.	Accept in part
30.1	Dave Allen	Accept the plan change with amendments.	Accept in part
32.1	Ming Ma	Accept the Plan Change/Variation with amendments as outlined below.	Accept in part
33.1	Sinton Developments	Accept the Plan Change/Variation with amendments.	Accept in part
35.1	Sheng Xin Property Investment Limited	Accept the plan change with amendments.	Accept in part
37.1	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Submitter generally accepts the need for and support the proposed Plan and seeks some amendments to address specific issue of concern .	Accept in part
38.1	Verve Construction Limited	Accept the Plan Change/Variation with amendments.	Accept in part
42.1	Auckland Transport	Accept the plan change with amendments.	Accept in part
43.1	Trig Road Investments Limited	Accept the plan change with amendments.	Accept in part
44.1	Lichun Gao	Accept the plan change with amendments.	Accept in part
45.1	Paul and Kaaren Batchelor	Support the plan change with amendments.	Accept in part
50.1	Lu Hui Feng	Accept the plan change.	Accept in part
51.1	Nga Maunga Whakahii o Kaipara Whenua Hoko Holdings	Support the plan change with amendments.	Accept in part

Discussion

71. The submission points in the table above all support the plan change with amendments. These submission points do not seek any amendments themselves, the submitters have other submission points seeking amendments which are addressed in the appropriate sections of this report.

Recommendations

72. I recommend that **submission points 2.1, 4.1, 6.1, 9.1, 10.1, 12.1, 13.2, 14.1, 15.1, 16.3, 17.1, 21.1, 23.6, 25.1, 26.1, 27.1, 28.1, 29.1, 30.1, 32.1, 33.1, 35.1, 37.1, 38.1, 42.1, 43.1,**

44.1, 45.1, 50.1 and 51.1 are accepted in part. I note their support and the reporting team is recommending some changes to PPC5 in response to other submission points from these submitters but we are not accepting all of their suggested amendments.

10.1.2 Submission points that provide general support for PPC5

Submission point	Name of submitter	Summary of relief sought	Recommendation
19.18	Herald Island Environmental Group	Supports Objective I616.2(2).	Accept
19.19	Herald Island Environmental Group	Supports Objectives I616.2 (3), (4), (5), (8), (9), (10) and (11).	Accept
21.2	Cabra Developments Limited	Supports the growth and intensification that is enabled by plan change 5, specifically the opportunities it provides for residential growth and intensification through the introduction of the Mixed Housing Urban Zone together with the following related matters except where particularly addressed within the submission: Precinct Plan 1 - location of indicative open space on 10 Clarks Lane, Standard I616.6.4, Standard I616.6.5, Standard I616.6.6, Standard I616.6.7.	Accept
24.5	Stride Holdings Limited (Stride)	Generally supports the provisions of the Whenuapai 3 Precinct, including the objectives, policies and rules that require infrastructure and roading networks to be integrated, comprehensive and coordinated with the development in the precinct.	Accept
42.14	Auckland Transport	Supports Matters of discretion I616.8.1(1) and Assessment criteria I616.8.2(1).	Accept
46.2	Neil Construction Limited	Confirm the plan change to the extent that it enables urbanisation of land within its boundaries.	Accept
47.2	Maraetai Land Development Limited	Confirm the plan change to the extent that it enables urbanisation of land within its boundaries.	Accept
48.2	Yuewen Zhang and Yue Liu	Confirm the plan change to the extent that it enables urbanisation of land within its boundaries.	Accept

Discussion

73. The submission points in the table provide general support for the plan change but these submission points do not fit under any of the other groupings in section 10. I note their support.

Recommendations

74. I recommend that **submission points 19.8, 19.19, 21.2, 24.5, 42.14, 46.2, 47.2 and 48.2 are accepted.**

10.1.3 Submission points seeking to amend or decline PPC5

Submission point	Name of submitter	Summary of relief sought	Recommendation
1.1	Lydia Lin	If plan change is not declined then amend	Reject
3.1	Teresa Pattinson	If plan change is not declined then amend.	Reject
5.1	Brigham Investments Limited	Decline the plan change.	Reject
5.2	Brigham Investments Limited	Amend plan change in accordance with submission.	Reject
7.1	Andrew C Braithwaite	Decline the plan change/variation.	Reject
8.1	Upper Harbour Ecology Network	Decline the plan change/variation.	Reject
11.1	Gongwang Li	Amend the plan change if it is not declined.	Reject
19.1	Herald Island Environmental Group	If plan change is not declined then amend.	Reject
20.1	Martin and Rochelle Good	Oppose the plan change and seeks amendments.	Reject
31.1	Jack N and Gillian M Shepherd	Decline the plan change or amend.	Reject
40.1	TDR Family Trust, CAR Family Trust, and KW Ridley Trust Company Limited	Decline the Plan Change/Variation, if the Plan Change/Variation is not declined, then amend it as outlined in the submission.	Reject

Discussion

75. The submission points in the table above seek that PPC5 is declined, or seek amendments to PPC5 however these submission points do not seek any amendments themselves. The submitters have other submission points seeking amendments which are addressed in the appropriate sections of this report.

Recommendations

76. I recommend that **submission points 1.1, 3.1, 5.1, 5.2, 7.1 8.1, 11.1, 19.1, 20.1, 31.1 and 40.1 are rejected**. I do not agree that PPC5 should be declined and I do not agree with the submitters suggested amendments.

10.2 Out of scope submission points

Submission point	Name of submitter	Summary of relief sought	Recommendation
12.2	Dayna Swanberg	Request that wastewater services are brought into the village	Out of scope
13.1	Debbie Clark	Request zoning change for properties allowing single house if large area of land. Specifically in the Whenuapai Village area.	Out of scope
17.3	Austino	Seeks inclusion of a portion of 86 and 100 Hobsonville Road be zoned residential	Out of scope
17.5	Austino	Seek that the small residual triangle shapes piece of land 100 Hobsonville Road be included within the Proposed Plan Change	Out of scope

Submission point	Name of submitter	Summary of relief sought	Recommendation
		5 Whenuapai zone change area	
17.6	Austino	Seek that the small residual triangle shape piece of land at 100 Hobsonville Road be zoned from Light Industry to residential.	Out of scope
27.2	Mark Dawe	Seeks an increase in the area of Light Industry land to be rezoned.	Out of scope
27.3	Mark Dawe	Seeks the inclusion of 3, 5 and 7 Spedding Road and 84, 88 and 90 Trig Road to the current plan change area.	Out of scope
27.4	Mark Dawe	Seeks the inclusion of 3, 5 and 7 Spedding Road and 84, 88 and 90 Trig Road, and other properties within the Housing Infrastructure Fund area, to the current plan change area, perhaps with the proviso that development cannot start until such time as the Whenuapai pump station is nearing completion.	Out of scope
38.2	Verve Construction Limited	Request the area covered by the draft Whenuapai Plan Change is expanded to include 41-45 Brigham Creek Road in a combination of the Residential Mixed Housing Urban and Terrace Housing and Apartment Buildings zone.	Out of scope
38.4	Verve Construction Limited	Supports Plan Change 5 with the inclusion of 41-45 Brigham Creek Road.	Out of scope
43.3	Trig Road Investments Limited	Amend the plan change area to include 84, 86, 88 and 90 Trig Road and rezone properties as Light Industry	Out of scope
44.3	Lichun Gao	Amend the plan change area to include 84, 86, 88 and 90 Trig Road and rezone properties as Light Industry	Out of scope
46.7	Neil Construction Limited	Amend the plan change area to include the north-western parts of Whenuapai (refer to Figure 3 on p.8 of the submission).	Out of scope
47.7	Maraetai Land Development Limited	Amend the plan change area to include the north-western parts of Whenuapai (refer to Figure 3 on p.8 of the submission).	Out of scope
49.1	Feng Tan	Extend the plan change area to include 2 Riverlea Road and surrounding properties.	Out of scope

Discussion

77. The submission points listed above all seek to rezone land that is outside the notified PPC5 area. They ask for the plan change boundary to be extended to include the additional land. A map of the land submitters seek to be included in PPC5 is shown in Figure 2 below.

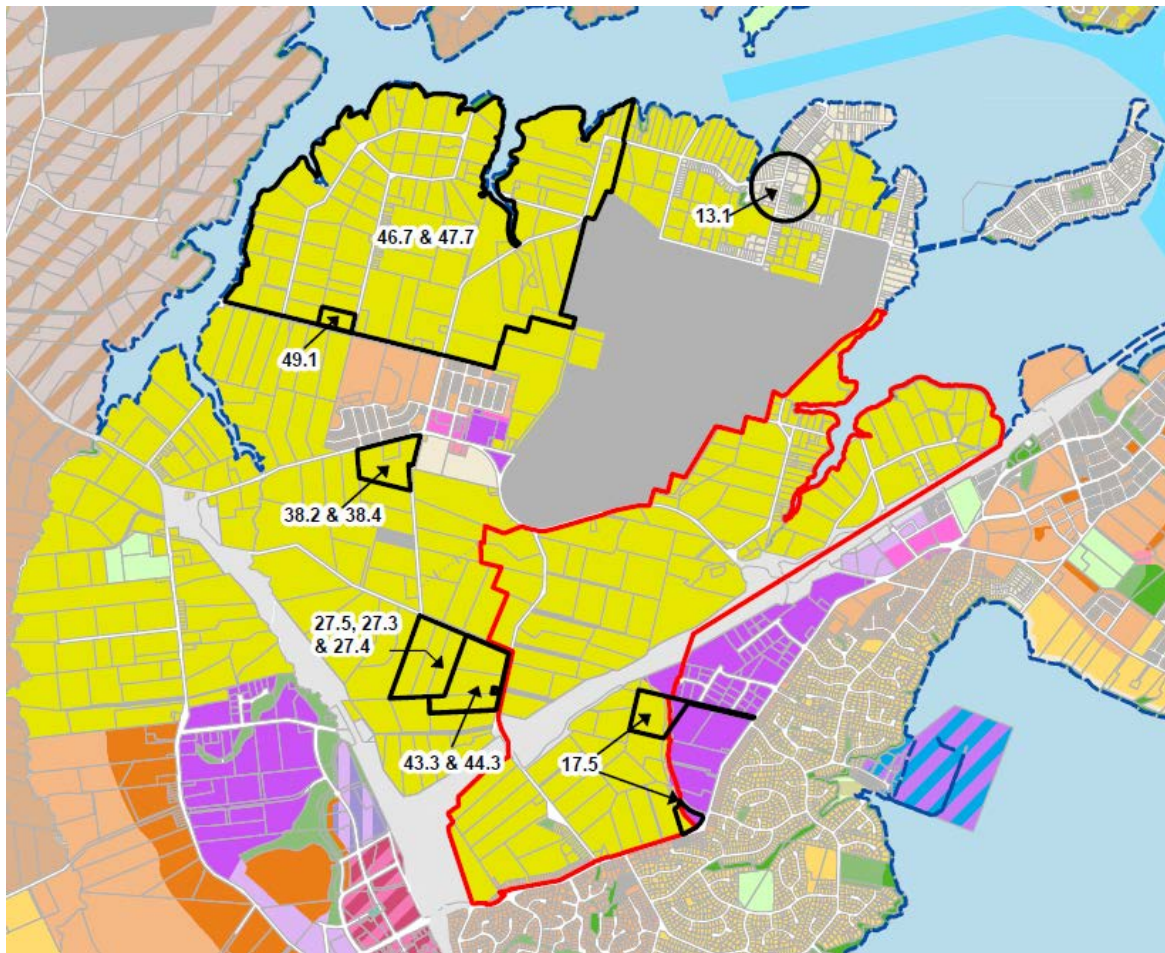


Figure 2: Submissions received outside the PPC5 area

Rationale for the location of the notified plan change boundary

78. The boundary of the PPC5 area was determined by the analysis in the WSP and further technical work on the ability to provide infrastructure to the plan change area in the next 10 years to mitigate adverse effects on the environment. This is because the RPS, *B2 Urban growth and form*, requires land to be developed in an integrated manner with infrastructure to mitigate adverse effects on the environment. The plan change boundary is consistent with the council's Future Urban Land Supply Strategy 2017 (FULSS) which splits Whenuapai into two stages. Stage 1 is wholly provided for by PPC5 and a plan change for stage 2 will be prepared when infrastructure to service stage 2 is able to be provided, approximately 2028. The plan change boundary also takes into account Watercare's ability to service the area and the Supporting Growth Strategy⁴ which identifies the transport infrastructure needed to support development in Whenuapai and the wider northwest area. See section 5.4.1 of the Section 32 Report for more information on the PPC5 boundary. The Section 32 Report did not include any evaluation on rezoning additional land to urban zones outside the boundary of the plan change area.
79. A significant amount of infrastructure needs to be provided to service the wider Whenuapai area before development can occur. To service the area's wastewater needs the Northern Interceptor needs to be built. It is not due for completion until 2026. A new pump station near Brigham Creek Road and a smaller pump station near Totara Road, planned for 2032, will then need to be built to connect to the Northern Interceptor. Developers with site specific solutions to servicing land outside the plan change boundary could establish a patchwork of pump stations and pipes which is not an efficient long term outcome and is

⁴ Supporting Growth - Delivering transport networks

inconsistent with Watercare's North-West Transformation Area Wastewater Servicing Strategy. This is also inefficient because it will provide Watercare with operational challenges and the individual site pump stations are likely to become redundant or need to be replaced in the long term. In terms of transport infrastructure, Brigham Creek Road will need to be upgraded as will Totara Road leading into Whenuapai Village. The wider transport network outlined in the Supporting Growth Strategy⁵ is needed to service development in Whenuapai. The ability to provide infrastructure was taken into account in the FULSS.

80. The Housing Infrastructure Fund (HIF) loan the council has been allocated by central government is intended to release land in the Whenuapai – Redhills area for housing. The projects that will be funded by the HIF have not yet been confirmed and it is not possible to extend the plan change area to include the land in the submission points above based on the HIF loan. It may bring forward the development of some land scheduled for development later in the FULSS but this is yet to be determined. If this happens it is appropriate that the land be rezoned in a future plan change.

Scope of PPC5

81. I consider that there is a scope issue with the submission points that are seeking to incorporate land located outside of the notified boundary of the PPC5 area within the plan change. If a submission point is not “on” the plan change, that is if it is not within the scope of the plan change, then the council cannot consider it. A two stage approach to the assessment of whether a submission is on a plan change was set out in *Clearwater Resort Ltd v Christchurch City Council HC Christchurch AP 34/02, 14 March 2003*. The two tests to determine if a submission is “on” a plan change are:
- I. The submission can only be regarded as being “on” the plan change if it is addressed to the extent to which the plan change changes the pre-existing status quo; and
 - II. If the effect of regarding a submission as being “on” a plan change could be to allow a plan to be appreciably amended without real opportunity for participation by those potentially affected, it will be a “powerful consideration” against finding that the submission is truly “on” the plan change.
82. In my opinion **submission points 12.2, 13.1, 46.7, 47.7, 49.1, 38.2 and 38.4** are not on the plan change as they fail both of the Clearwater tests. PPC5 does not propose to change the status quo of any land outside its boundary (test I). There are a large number of people that would be potentially affected by the inclusion of that additional land in PPC5 who have not been given a real opportunity to participate in the plan change process (test II).
83. **Submission points 27.2, 27.3, 27.4, 43.3 and 44.3** seek to rezone land outside of the notified boundary of the plan change area but which is adjacent to the boundary of the plan change area. These submission points may require more focused consideration in light of the Clearwater tests to determine if they are on the plan change.
84. In a later High Court decision (*Palmerston North City Council v Motor Machinists Ltd [2013] NZHC 1290*) Justice Kos stated that there are two questions to ask when analysing if a submission falls within the ambit of a plan change. He then went on to talk about incidental or consequential extensions of zoning changes.

[81] ... to ask whether the submission raises matters that should have been addressed in the s32 evaluation report. If so the submission is unlikely to fall within the ambit of the plan change. Another is to ask whether the

⁵ Supporting Growth - Delivering transport networks

management regime in a district plan for a particular resource (such as a particular lot) is altered by the plan change. If it is not then a submission seeking a new management regime for that resource is unlikely to be “on” the plan change. That is one of the lessons from the Halswater decision. Yet the Clearwater approach does not exclude altogether zoning extension by submission. Incidental or consequential extensions of zoning changes proposed in a plan change are permissible, provided that no substantial further s 32 analysis is required to inform affected persons of the comparative merits of that change. Such consequential modifications are permitted to be made by decision makers under schedule 1, clause 10(2). Logically they may also be the subject of submission.

85. As **submission points 27.2, 27.3, 27.4, 43.3 and 44.4** are seeking for land next to the plan change boundary to be included in PPC5, it may be considered to be an “incidental or consequential extension” of the zoning change proposed by PPC5. These submission points are mapped on Figure 3 below. However, in my view the submission still fails the first Clearwater test as it raises matters that were not addressed in the Section 32 Report, and PPC5 does not alter the resource management regime for the land that submissions 27, 43 and 44 seek to include in PPC5. It is also unclear whether including this land in PPC5 would meet the second Clearwater test.

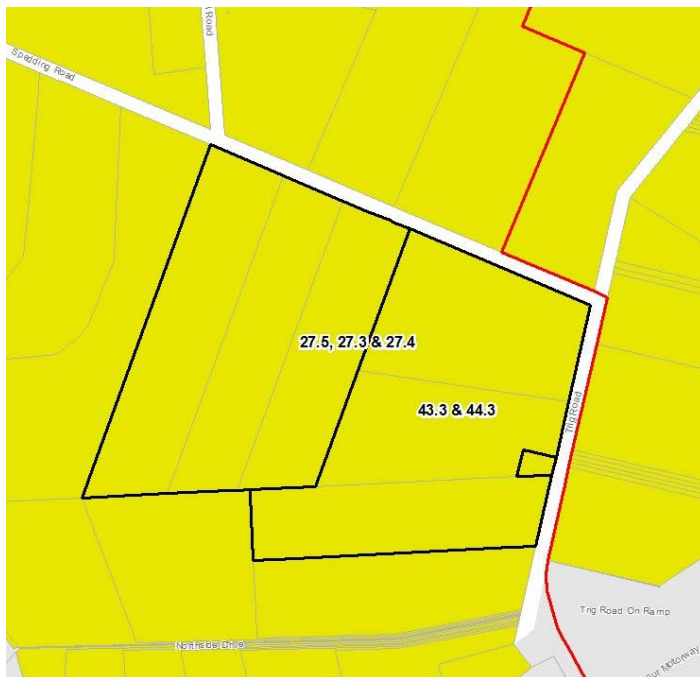


Figure 3: Land submitters 27, 43 and 44 are seeking to include in PPC5. The boundary of PPC5 is noted by the red line.

86. Justice Kos also said in *Palmerston North* at para [91](c) that:

[91](c) A precautionary approach is required to receipt of submissions proposing more than incidental or consequential further changes to a notified proposed plan change. Robust, sustainable management of natural and physical resources requires notification of the s 32 analysis of the comparative merits of a proposed plan change to persons directly affected by those proposals. There is a real risk that further submissions of the kind just described will be inconsistent with that principle, either because they are unaccompanied by the s 32 analysis that accompanies a proposed plan (whether public or private) or because persons directly affected are, in the absence of an obligation that they be notified, simply unaware of the further changes

proposed in the submission. Such persons are entitled to make a further submission, but there is no requirement that they be notified of the changes that would affect them.

87. In my opinion, including the land that submitters 13, 27, 38, 46, 47 and 49, are seeking to include in PPC5 would be more than an “incidental or consequential further change” to PPC5. The sustainable management of natural and physical resources has not been adequately addressed and persons who would be affected by the inclusion of this land have not been notified of the proposed extensions to the plan change boundary. There is insufficient supporting information to support the inclusion of any land outside the plan change area to be included in PPC5.
88. **Submission points 17.3, 17.5 and 17.6** seek to include all of 86 and 100 Hobsonville Road in the plan change and for both sites to be zoned residential. These sites are shown in Figure 4 below. The plan change boundary bisects both 86 and 100 Hobsonville Road. The land outside the PPC5 boundary at 86 and 100 Hobsonville Road has an existing urban zone which is Business – Light Industry Zone. PPC5 is not rezoning operative urban land if the proposed zones applied in PPC5 are consistent with neighbouring operative urban zones. The Business – Light Industry Zone is consistent with its neighbouring sites.
89. 100 Hobsonville Road is split by Rawiri Stream and PPC5 proposes to zone the riparian margin Open Space – Conservation Zone as the council owns that land. The stream and open space zone provide a buffer between the existing Business – Light Industry Zone and the Residential – Mixed Housing Urban Zone PPC5 is proposing. Furthermore, for the reasons outlined in the case law above, I do not consider that a submission seeking the inclusion of the part of 100 Hobsonville Road that is outside the PPC5 area can fairly be said to be “on” the plan change.
90. The notified plan change boundary bisects 86 Hobsonville Road. For the reasons outlined in the case law above, I do not consider that a submission seeking the inclusion of the part of 100 Hobsonville Road that is outside the PPC5 area can fairly be said to be “on” the plan change. I deal with the suggested zoning of part of the land that is in the PPC5 boundary in section 10.4.2 of this report in response to submissions on zoning.

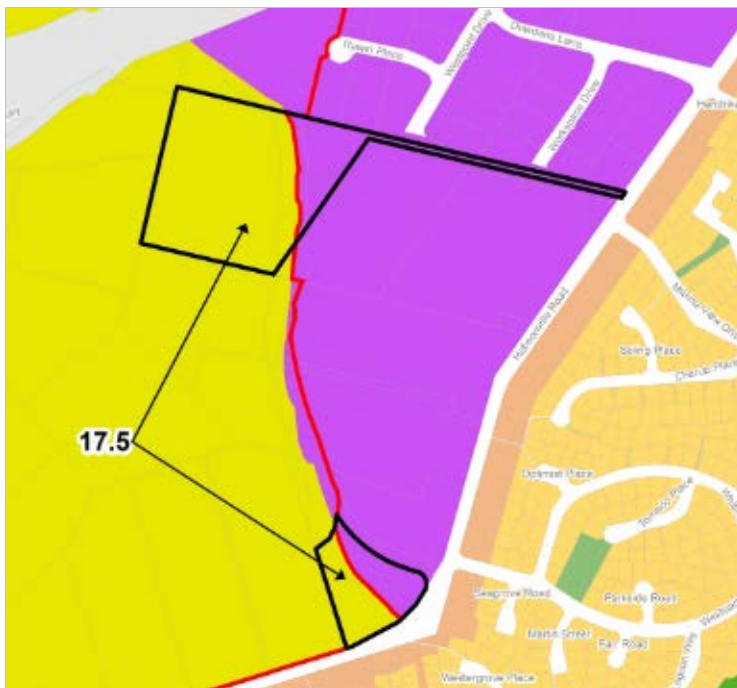


Figure 4: Land submitter 17 is seeking to include in PPC5, 100 Hobsonville Road to the north and 86 Hobsonville Road to the south

Recommendations

91. In my opinion **submission points 12.2, 13.1, 17.3, 17.5, 17.6, 27.2, 27.3, 27.4, 38.2, 38.4, 43.3, 44.3, 46.7, 47.7 and 49.1** are not on the plan change and the council is therefore unable to consider them as they are submissions that fall outside the scope of the notified plan change.

10.3 Plan change boundary submission points that are in scope

Submission point	Name of submitter	Summary of relief sought	Recommendation
4.5	Peter E Pattinson and Teresa Pattinson	Seeks the boundary of Whenuapai Precinct 3 to be redrawn to exclude existing affected properties whilst still retaining the amendments outlined in the submission (point 4.3).	Reject
23.7	New Zealand Transport Agency	Seeks the retention of the geographical extent of PC5 and retention of the provisions within PC5 that provide for staged development of land.	Accept
38.3	Verve Construction Limited	Requests further information regarding transport infrastructure capacity which has determined the boundary for Plan Change 5.	Accept

Discussion

92. These submission points relate to the plan change boundary. **Submission point 4.5** seeks to exclude properties along Hobsonville Rd with existing urban zones from the PPC5 area. **Submission point 23.7** supports the geographical extent of the plan change boundary. **Submission point 38.3** requests further information on transport capacity that was used to determine the boundary of the PPC5 area.
93. **Submission point 4.5** seeks to not include the properties currently zoned Residential – Mixed Housing Urban on the northern side of Hobsonville Road in the plan change area if their other submission points are rejected. These properties are shown in Figure 5 below. Their other submission points relate to concerns about the loss of sunshine if the land in the Future Urban Zone north of their boundary is developed. While PPC5 is primarily to rezone Future Urban Zone land, there are sites with other zones that are included in the plan change area to ensure integrated management with the neighbouring land being rezoned. This strip of existing houses with Residential – Mixed Housing Urban Zone along Hobsonville Road is being rezoned as the proposed zone for the Future Urban Zone north of the boundary is zoned Residential – THAB. The Residential – THAB zone is applied to this section of the plan change area in a manner consistent with the RPS Policy B2.2(5). Hobsonville Road is a key transport corridor and the proposed Residential – THAB zone is adjacent to the Westgate Metropolitan Centre so the Residential – THAB zone is the most appropriate zone for this area, including the existing Residential – Mixed Housing Urban zoned properties.

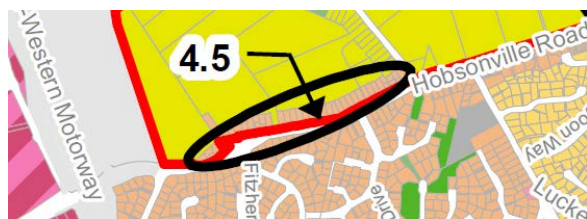


Figure 5: showing existing Residential – Mixed Housing Urban zone along Hobsonville Road

94. **Submission point 23.7** seeks to retain the geographical extent of the plan change boundary. This support is noted and I accept this submission point as the plan change boundary was determined by the ability to service the plan change area with infrastructure to mitigate adverse effects on the environment. This is necessary to give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*.
95. With regards to **submission point 38.3**, information was provided to the submitters at the time of notification in the Section 32 Report, with accompanying technical reports and reports supporting the WSP. The Integrated Transport Assessment⁶ and the Technical Inputs Report⁷ contain information about the transport network. In addition, the Supporting Growth Strategy outlines the transport network, including public transport and safety improvements needed to support growth in Whenuapai and other parts of north-west Auckland. Auckland Council's Future Urban Land Supply Strategy also outlines the infrastructure needed in Auckland's future urban areas and the timing of release of land to coincide with infrastructure provision. Section 6.2.2 of the Section 32 Report identified the Supporting Growth Strategy and other relevant documents and reports about transport infrastructure that were applicable to the plan change area. These strategies outline plans for the transport network in the wider Whenuapai area and the timeline for delivery of projects.

Recommendations

96. I recommend that **submission point 4.5 be rejected** for the following reasons:
- The existing Residential – Mixed Housing Urban land is included in PPC5 to ensure integrated management of this land with the neighbouring Future Urban zoned land;
 - The neighbouring Future Urban zoned land is proposed to be zoned Residential – THAB; and
 - Residential – THAB was applied to this land in a manner consistent with the RPS. Residential – THAB is the most appropriate zone as the land is along a main transport route and next to a Metropolitan Centre.
97. I recommend that **submission point 23.7 is accepted** for the following reasons:
- The plan change boundary was determined by the analysis in the WSP and further technical work since the WSP was approved to determine the availability of infrastructure to mitigate the adverse effects of subdivision and development on the environment;
 - The plan change boundary is consistent with the council's Future Urban Land Supply Strategy; and
 - This submission point is consistent with the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*.
98. I recommend that **submission point 38.3 is accepted** for the following reasons:
- Information was provided to the submitters at the time of notification however the submitter can look at other public documents including the Supporting Growth Strategy and Auckland Council's Future Urban Land Supply Strategy.
99. There are no consequential amendments associated with these recommendations.

10.4 Zoning

100. The zoning approach for the PPC5 area is informed by the WSP and is consistent with the direction of RPS *B2 Urban growth and form* to provide a quality compact urban form and

⁶ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

⁷ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

enable higher residential intensification in and around centres, along identified corridors and close to public transport, open space and employment. Additional assessments of aircraft engine testing noise from Whenuapai Airbase and coastal hazard risk have also informed the proposed zoning for the PPC5 area.

101. Aircraft engine testing noise from Whenuapai Airbase is further discussed in section 10.13 of this report. The areas within PPC5 considered to be adversely affected by engine testing noise are shown on Whenuapai 3 Precinct Plan 3 which shows modelled noise levels depicted as 57 dB L_{dn} and 65 dB L_{dn} noise boundaries. The zoning approach taken for areas subject to aircraft engine testing noise in the Whenuapai 3 Precinct is consistent with the approach taken in *D24 Aircraft Noise Overlay* of the AUP (OP) for areas subject to the Aircraft Noise Overlay. While D24 seeks to manage land uses in areas of high cumulative noise around airports and airfields resulting from aircraft operations, which do not include engine testing, it provides guidance for how noise from aircraft engine testing can be managed. D24 directs that new activities sensitive to aircraft noise within the 65 dB L_{dn} noise contour be avoided while residential and other activities sensitive to aircraft noise between the 55 dB L_{dn} and 65 dB L_{dn} noise contours should be avoided 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”.⁸ This approach is carried through to the Whenuapai 3 Precinct by way of Policies I616.3(24) and (25) which state:

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

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

102. Based on the approach described above, in the PPC5 area, all land within the 65 dB L_{dn} noise boundary is proposed to be zoned Business – Light Industry. Most land between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries is proposed to be zoned Residential – Single House to limit the potential number of people exposed to aircraft engine testing noise. There are exceptions to this approach, particularly along Sinton Road where there is a narrow area under the 57 dB L_{dn} noise boundary. As described in the peer review prepared by Acousafe⁹, this is a “relatively small area on a ridgeline that is slightly more exposed to engine testing noise”. The noise level has been modelled to be just over 57 dB L_{dn} at a height of 4.2 metres and less than 57 dB L_{dn} at ground level. As notified in PPC5, the affected area is zoned Residential – THAB Zone. However, since notification of PPC5 and through the submissions process, it has been acknowledged that the noise boundaries shown on Whenuapai 3 Precinct Plan 3 do not align with the boundaries shown in Figure 13 of the Malcolm Hunt Associates Noise Predictions & Assessment report.¹⁰ This is recommended to be corrected and further addressed in response to submissions in section 10.13.1. The recommendations in this section in response to submission points requesting zone changes are based on the corrected noise boundaries.
103. PPC5 also proposes to apply the Residential – Single House Zone 50 metres landwards from mean high water springs to support the function of the coastal erosion setback yard.

⁸ Policy D24.3(1) and Policy D24.3(3)(a)

⁹ Acousafe. 2017. Peer Review: NZDF Engine Testing Noise Proposal.

¹⁰ Malcolm Hunt Associates. 2017. Airbase Auckland: Whenuapai. Noise from Aircraft Engine Testing: Noise Predictions & Assessment.

The purpose of the coastal erosion setback yard is to manage identified erosion hazard risks along the coast. This is consistent with the direction of the NZCPS and RPS *B2 Urban growth and form*, *B8 Coastal environment* and *B10 Environmental risk*. As a matter of national importance, there is also direction in the RMA through section 6(h) to manage significant risks from natural hazards.

104. In this respect, the following provisions in the NZCPS are relevant considerations in the proposed zoning:

- Objective 5 – locating new development away from areas prone to coastal hazard risks;
- Policy 3 – adopt a precautionary approach to the use and management of coastal resources potentially vulnerable to climate change;
- Policy 6(1) – in terms of development in the coastal environment, consider if the existing built environment should be encouraged; and set back development from the coastal marine area where practicable to protect the natural character, open space, public access and amenity values of the coastal environment;
- Policy 7(1) – in the preparation of plans, identify areas where particular activities and forms of subdivision, use and development may be inappropriate and provide protection through plan provisions;
- Policy 24 – identify areas that are potentially affected by coastal hazards; and
- Policy 25 – avoid increasing the risk of social, environmental and economic harm from coastal hazards.

105. In addition, the proposed zoning also aligns with the following RPS provisions:

- Objective B2.3.1(1) – subdivision, use and development that respond and adapt to the effects of climate change;
- Policy B2.4.2(4) – provide for lower residential intensity in areas that are subject to high environmental constraints;
- Policy B2.4.2(5) – avoid intensification in areas that are subject to significant natural hazard risks;
- Objective B8.2.1(2) – subdivision, use and development in the coastal environment are designed, located and managed to preserve the characteristics that contribute to the natural character of the coastal environment;
- Objective B8.3.1(1) – subdivision, use and development in the coastal environment are located in appropriate places and are of an appropriate form;
- Objective B8.3.1(7) – subdivision, use and development avoid increasing the risk of social, environmental and economic harm;
- Objective B10.2.1(3) – avoid new risks to people, property and infrastructure when carrying out new subdivision, use and development;
- Objective B10.2.1(4) – the effects of climate change on natural hazards are recognised and provided for;
- Objective B10.2.1(5) – manage subdivision, use and development of land subject to natural hazards; and
- Policy B10.2.2(13) – in areas potentially affected by coastal hazards over the next 100 years, avoid changes in land use that would increase the risk of adverse effects from coastal hazards.

106. The Residential – Single House Zone along the coast is the most appropriate zone to give effect to the RPS and is consistent with the NZCPS.

107. The submission points on zoning are grouped into four sections below, area-wide zoning requests, site-specific zoning requests, general support for the proposed zoning and general opposition to the proposed zoning.

10.4.1 Area-wide requests

Submission point	Name of submitter	Summary of relief sought	Recommendation
17.4	Austino	Seeks increased residential intensification along indicative collector and arterial road frontages.	Accept in part
17.7	Austino	Seeks increased residential intensification along indicative collector and arterial road frontages.	Accept in part
21.10	Cabra Developments Limited	Rezone the land zoned Single House along the coastal edge, particularly within area 1D as illustrated in Precinct Plan 2 to Mixed Housing Urban.	Reject
24.4	Stride Holdings Limited (Stride)	Seeks that the proposed zoning, location and extent be approved with the exception of extending the Terrace Housing and Apartment Buildings Zone to the south of the Upper Harbour Motorway to cover more of the block bounded by the Upper Harbour Motorway, the Northwestern Motorway and Hobsonville Road.	Reject
41.7	New Zealand Defence Force	Amend zoning so that maximum height limit does not infringe the Obstacle Limitation Surface. Alternative relief: Adopt the resolution of the Minister of Defence's High Court appeal - (Minister of Defence v Auckland Council CIV 2016-404-2314).	Accept in part
51.2	Nga Maunga Whakahii o Kaipara Whenua Hoko Holdings	Seeks rezoning of sites zoned Single House to Mixed Housing Urban.	Reject

Discussion

108. There are six submission points which seek area-wide zoning requests in the PPC5 area.
109. **Submission points 17.4 and 17.7** seek increased residential intensification along indicative collector and arterial road frontages. The zoning approach for PPC5 is consistent with the direction of *B2 Urban growth and form* in the RPS. In particular, the PPC5 zoning is consistent with:
- *B2.2 Urban growth and form* – higher residential densities in and around centres and close to key roads and public transport;
 - *B2.4 Residential growth* – application of the Residential – THAB Zone within walking distance to Westgate Metropolitan Centre and Hobsonville Local Centre, and Residential – Mixed Housing Urban in residential areas close to centres, public transport and open space; and application of the Residential – Single House Zone in areas subject to environment constraints (along the coast) and affected by aircraft engine testing noise; and
 - *B2.5 Commercial and industrial growth* – sufficient supply of business land through the application of the Business – Light Industry Zone to meet current and future demands.

110. Accordingly, I consider the zoning as notified in PPC5 is the most appropriate way to give effect to the RPS and no amendments are necessary in response to the submission points.
111. **Submission point 21.10** seeks to rezone land along the coastal edge, particularly within area 1D on Whenuapai 3 Precinct Plan 2, from Residential – Single House to Residential – Mixed Housing Urban. As stated in paragraph 103 above, the Residential – Single House Zone has been applied along the coast in PPC5 to take into account the identified coastal hazard risks and the amenity of the coastal environment therefore I do not support this submission point.
112. **Submission point 24.4** supports the proposed zoning with an extension of the Residential – THAB Zone in the area south of the Upper Harbour Motorway to cover more of the block bounded by State Highway 18, State Highway 16 and Hobsonville Road. The area is proposed to be zoned Residential – THAB and Residential – Mixed Housing Urban. The Residential – THAB Zone is proposed for the half of the land closer to Hobsonville Road to the west of Trig Road. The remainder of the area is proposed to be zoned Residential – Mixed Housing Urban. I consider the sites to be too far from the Westgate Metropolitan Centre to be zoned Residential – THAB. In my opinion the zoning proposed in PPC5 is consistent with the urban growth provisions in the RPS. This is outlined in paragraph 109 above. For these reasons, I do not support the relief sought by the submitter and consider that Residential – Mixed Housing Urban is the most appropriate way to give effect to the RPS.
113. **Submission point 41.7** seeks to amend zoning so that maximum height limit of the zones does not infringe the Obstacle Limitation Surface (OLS) or, alternatively, adopt the High Court resolution in *Minister of Defence v Auckland Council* CIV 2016-404-2314. I consider the submitter's concerns can be adequately addressed if resource consent applicants are aware of the relationship between building heights and the OLS as shown in Designation 4311 and the requirement to comply with the designation conditions. Therefore while I do not support amending the zoning, I consider it is appropriate to include the following at the end of the Whenuapai 3 Precinct Description:
- In addition to the provisions of I616 Whenuapai 3 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.*
114. This approach is consistent with the resolution of the Minister of Defence High Court appeal, and consistent with the recommendation in response to submission point 41.25 (see section 10.12).
115. **Submission point 51.2** seeks to rezone sites zoned Residential – Single House in PPC5 to Residential – Mixed Housing Urban. As proposed, PPC5 applies the Residential – Single House Zone to sites within 50 metres of the coast and those between the 57 dB L_{dn} and 65 dB L_{dn} aircraft engine testing noise boundaries as shown on Whenuapai 3 Precinct Plan 3. The rationale for this zoning is discussed in paragraphs 100 to 106 above. I consider the Residential – Single House Zone is the most appropriate zone for these areas which are subject to coastal hazard risk or aircraft engine testing noise. Consequential zoning amendments are recommended in section 10.13.1 as a result of corrections to Whenuapai 3 Precinct Plan 3. However, changes beyond the consequential amendments are not supported for the reasons stated in paragraphs 100 to 106.

Recommendations

116. I recommend that **submission points 17.4 and 17.7** be accepted in part for the following reasons:

- a. The proposed zoning in PPC5 is consistent with the urban growth provisions of the RPS;
- b. Higher residential densities are enabled along Hobsonville Road and close to centres through the application of the Residential – THAB and Residential – Mixed Housing Urban Zones; and
- c. The Business – Light Industry Zone proposed ensures a sufficient supply of business land for Auckland’s northwest.

117. I recommend that **submission point 41.7** be accepted in part for the following reasons:

- a. Amending the zoning so that the maximum height limit does not infringe the Obstacle Limitation Surface is not supported; and
- b. It is recommended to adopt the approach taken in the *Minister of Defence v Auckland Council* CIV 2016-404-2314 High Court resolution by including a reference in the Whenuapai 3 Precinct description to refer to any designations, overlays and controls on the planning maps.

118. I recommend that **submission points 21.10, 24.4 and 51.2** be rejected for the following reasons:

- a. The Residential – Single House Zone has been applied along the coast in PPC5 to take into account the identified coastal hazard risks and the amenity of the coastal environment and therefore should be retained;
- b. The Residential – THAB and Residential – Mixed Housing Urban Zones are the most appropriate zones for the area bounded by State Highway 18, State Highway 16 and Hobsonville Road to give effect to *B2 Urban growth and form* in the RPS; and
- c. The Residential – Single House Zone is the most appropriate zone for areas subject to coastal hazard risk or aircraft engine testing noise.

119. There are no consequential amendments associated with these recommendations.

10.4.2 Site-specific requests

Submission point	Name of submitter	Summary of relief sought	Recommendation
6.2	Sharron L and Roy J Preece	Retain the existing residential status at 50 Kauri Road, Whenuapai.	Reject
6.4	Sharron L and Roy J Preece	Amend the plan change to ensure that rural residential uses at 50 Kauri Road, Whenuapai are not excluded (can continue).	Accept in part
6.5	Sharron L and Roy J Preece	Oppose the Business – Light Industry zoning at 50 Kauri Road, Whenuapai.	Accept in part
14.2	78 Hobsonville Limited and Prestige Clark Road Limited	Rezone 78 and 80 Hobsonville Road from Mixed Housing Urban Zone to Terrace Housing and Apartment Buildings Zone.	Reject
16.2	Pauline Howlett	Seeks that the land (assuming 7 Trig Road and land near the intersection of the realigned Trig Road and Hobsonville Road) should be maximised with high density housing.	Reject
17.2	Austino	Seeks that 86 Hobsonville Road remains as residential and not light industry	Reject
18.1	Hsiu Ho Lin	Supports rezoning of 17 Trig Road, Whenuapai from Future Urban Zone to Mixed Housing Urban.	Accept
24.3	Stride Holdings	Supports the rezoning of 4500m2 of land	Accept

Submission point	Name of submitter	Summary of relief sought	Recommendation
	Limited (Stride)	to Business - Neighbourhood Centre at the intersection of Trig Road and Hobsonville Road.	
26.2	GRP Management Limited	The proposed zoning of Mixed Housing Urban on 12 Sinton Road is supported	Accept
28.2	Peter and Helen Panayuidou	Support the proposed zoning of 82 Hobsonville Road as Mixed Housing Urban and endorse the adoption of the Mixed Housing Urban Zone activities and standards in the Auckland Unitary Plan (Operative in Part).	Accept
28.3	Peter and Helen Panayuidou	Seeks confirmation of the zoning of 82 Hobsonville Road as Mixed Housing Urban.	Accept
29.2	Ockleston Investments Limited	The proposed zoning of Terraced Housing and Apartment Building on 1 Ockleston Landing is supported	Accept
32.2	Ming Ma	Support the proposed zoning of predominately Mixed Housing Urban zone with a strip of Single House zone adjoining the estuary on 12 Sinton Road	Accept
33.2	Sinton Developments	Support the proposed zoning of predominately Mixed Housing Urban zone with a strip of Single House zone adjoining the estuary on 18 Sinton Road	Accept
34.2	Charles Ku	Support proposed zoning map, particularly as it relates to the property at 55 Trig Road being zoned Light Industry	Accept
36.1	CDL Land New Zealand Limited (CDL)	Amend the proposed zoning of land within Stage 1A, change the zone of the land west of Trig Rd south to Business – Mixed Use Zone	Reject
36.20	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.1. Precinct Description, 'Zoning' <i>Zoning</i> <i>The zoning of the land within this precinct is Residential – Single House, Residential – Mixed Housing Urban, Residential – Terrace Housing and Apartment Buildings, <u>Business – Mixed Use</u>, Business – Light Industry, Business – Neighbourhood Centre, Open Space – Informal Recreation, Open Space – Conservation and Special Purpose – Airports and Airfields zones.</i>	Reject
37.2	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Seek that the Terrace and Apartment Zone be applied to 38 Trig Road	Reject
37.3	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Seek that a Neighbourhood Centre be provided for adjacent to the Neighbourhood Park in place of the proposed centre of Hobsonville Road	Reject
40.2	TDR Family Trust, CAR Family Trust, and KW Ridley Trust Company Limited	The Council should consider whether it would be more appropriate to apply Mixed Use zoning to sites not affected by the Aircraft Noise overlays. This includes 151 Brigham Creek Road,	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
		which is predominantly outside the 55dBA Aircraft Noise overlay. It would also provide a more appropriate interface to the land proposed to be rezoned as Single House.	
46.4	Neil Construction Limited	Amend the zoning of 2-10 Kauri Road and 150-152 Brigham Creek Road from Single House and Light Industry to Mixed Housing Urban.	Accept in part
47.4	Maraetai Land Development Limited	Amend the zoning of 12-18 Kauri Road and 34 Kauri Road from Single House and Light Industry to Mixed Housing Urban.	Accept in part
48.3	Yuewen Zhang and Yue Liu	Support the proposed zoning of 10 Clarks Lane and 14 Clarks Lane as Terrace Housing and Apartment Buildings Zone.	Accept in part

120. There are 23 submission points with site-specific zoning requests in the PPC5 area.
121. **Submission point 6.2** seeks that the “existing residential status at 50 Kauri Road” is retained and **submission points 6.4 and 6.5** oppose the Business – Light Industry Zone for the same property. It is noted that 50 Kauri Road is currently zoned Future Urban and PPC5 proposes to rezone it to Business – Light Industry. Based on the recommended corrections to the aircraft engine testing noise boundaries in response to submission point 41.9 (discussed further in section 10.13.1 of this report and shown in Appendix 14), 50 Kauri Road is now between the 57dB L_{dn} and 65 dB L_{dn} noise boundaries, not within the 65 dB L_{dn} noise boundary. In accordance with the approach taken in PPC5 and set out in Policy I616.3(25), I support the rezoning of 50 Kauri Road from Business – Light Industry Zone to Residential – Single House Zone as the property is now identified as being outside the 65 dB L_{dn} noise boundary.
122. **Submission point 14.2** seeks to rezone 78 and 80 Hobsonville Road from Residential – Mixed Housing Urban Zone to Residential – THAB Zone. The submitter considers that “the subject site is capable of accommodating more intensive development” and that the Residential – Mixed Housing Urban Zone would not “assist to utilise the site’s full development potential for mid to high density housing developments”. RPS Policy B2.2.2(5) sets out suitable areas for higher residential intensification as follows:
- Enable higher residential intensification:*
- (a) *in and around centres;*
 - (b) *along identified corridors; and*
 - (c) *close to public transport, social facilities (including open space) and employment opportunities.*
123. While Hobsonville Road is an arterial with public transport services, the properties are over 1.2 kilometres away from the Westgate Metropolitan Centre. The Residential – Mixed Housing Urban Zone enables a range of housing typologies up to three storeys. Based on the zoning approach described in paragraph 109, I do not support the submitter’s request to rezone the sites to Residential – THAB Zone. I consider the Residential – Mixed Housing Urban Zone at 78 and 80 Hobsonville Road is the most appropriate zone to give effect to *B2 Urban growth and form* in the RPS.
124. **Submission point 16.2** considers that 7 Trig Road and land near the intersection of the realigned Trig Road and Hobsonville Road should be maximised with high density housing.

The submitter considers “the land should be maximised with high density housing to make full use of the new facilities and the existing North West town centre”. While the Residential – THAB Zone is proposed on the south-western side of Trig Road, I do not consider the eastern side of Trig Road should have the same zoning because of the distance from Westgate Metropolitan Centre. I consider the Residential – Mixed Housing Urban Zone is the most appropriate zone at this location to give effect to *B2 Urban growth and form* in the RPS.

125. **Submission point 17.2** seeks that part of 86 Hobsonville Road “remain as residential” and not be zoned Business – Light Industry. The site is shown in Figure 6 below. This land is currently zoned Future Urban, not residential and PPC5 proposes Business – Light Industry Zone for the site. The Business – Light Industry Zone is consistent with the neighbouring zones located to the east and the topography provides a natural buffer between 86 Hobsonville Road and the neighbouring site to the west at 82 Hobsonville Road. The land slopes upwards from 86 Hobsonville Road and the ridgeline is at the boundary of 86 and 82 Hobsonville Road (84 Hobsonville Road is the same site as 86 Hobsonville Road). Therefore I do not support submission point 17.2 as the topography of the area acts as a buffer between the residential zoning proposed on the neighbouring western site and the existing Business - Light Industry Zone to the east. Part of 86 Hobsonville Road is also outside the PPC5 area and this addressed in section 10.2 of this report in response to submissions that are out of scope.



Figure 6: 86 Hobsonville Road and the PPC5 boundary in red

126. There are 10 submission points that support the proposed zoning in PPC5 for specific properties. **Submission point 18.1** supports the zoning of 17 Trig Road from Future Urban to Residential – Mixed Housing Urban. **Submission point 24.3** supports the location and zoning of the proposed neighbourhood centre at the intersection of the realigned Trig Road and Hobsonville Road. **Submission point 26.2** supports the Residential – Mixed Housing Urban Zone at 12 Sinton Road. **Submission points 28.2 and 28.3** support the Residential – Mixed Housing Urban Zone at 82 Hobsonville Road. **Submission point 29.2** supports the Residential – THAB Zone at 10 Ockleston Landing. **Submission point 32.2** supports the Residential – Mixed Housing Urban and Residential – Single House Zones at 12 Sinton Road. **Submission point 33.2** supports the Residential – Mixed Housing Urban and Residential – Single House Zones at 18 Sinton Road.
127. I note the support in submission points 18.1, 24.3, 26.2, 28.2, 29.2, 32.2 and 33.2. The zoning approach for PPC5 is described in paragraphs 100 to 106, and 109. I support retaining the zoning at these properties because the zones are the most appropriate to give effect to *B2 Urban growth and form* in the RPS.
128. **Submission point 34.2** supports the proposed zoning map, in particular the Business – Light Industry Zone at 55 Trig Road. I acknowledge and accept the support from the submitter and note that the Business – Light Industry Zone at this location is consistent with the Business Land Assessment and gives effect to *B2 Urban growth and form* in the RPS.

129. **Submission point 36.1** seeks to amend the zoning of the land to the west of the southern part of Trig Road from Residential – THAB Zone and Residential – Mixed Housing Urban Zone to Business – Mixed Use Zone. The area shown in Figure 7 below in purple outline which is taken from submission 36. Part of this land was proposed to be zoned Residential – THAB in PPC5 and part of it Residential – Mixed Housing Urban, both residential zones.

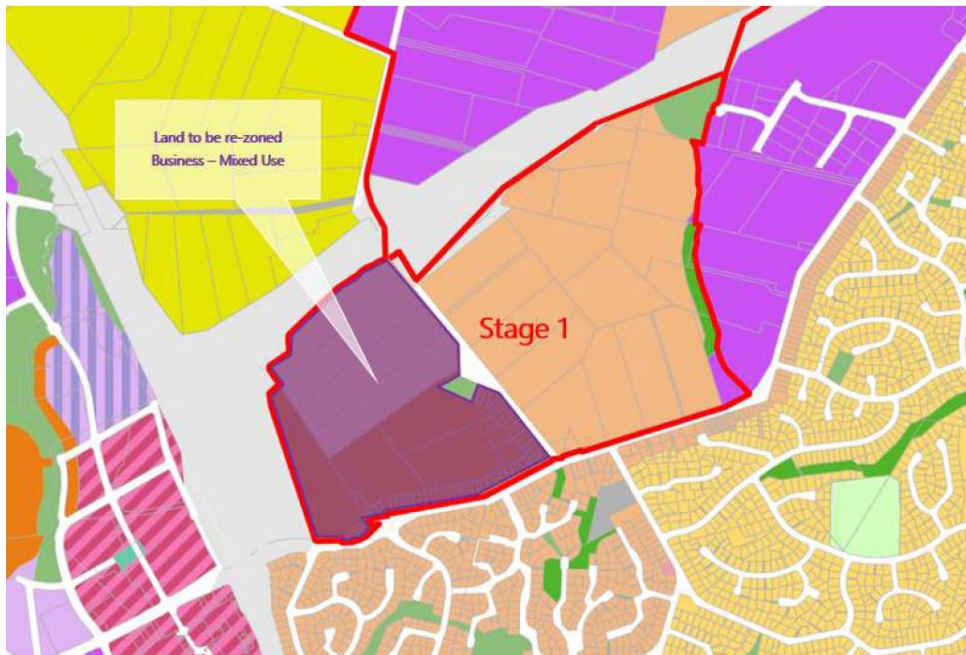


Figure 7: Area the submitter request to be rezoned to Business – Mixed Use (shown in purple outline) from submission 36

130. The submitter states that the Business – Mixed Use Zone “would enable greater densities of residential development adjacent, and very accessible to, the metropolitan centre of Westgate”.
131. *H13 Business – Mixed Use Zone* of the AUP (OP) states that the zone provides for residential activity as well as predominantly smaller scale commercial activity that does not cumulatively affect the function, role and amenity of centres. This is supported by the policy framework for the Business – Mixed Use Zone, in particular Policy H13.3(17) states:

Provide for a range of commercial activities that will not compromise the function, role and amenity of the City Centre Zone, Business – Metropolitan Centre Zone, Business – Town Centre Zone and Business – Local Centre Zone, beyond those effects ordinarily associated with trade effects on trade competitors.

132. While residential development is enabled within the Business – Mixed Use Zone, there is no requirement to provide residential activities in the zone because the zone also enables and promotes commercial activities. Westgate Centre, which is approximately 300 metres to the west of the PPC5 area, is one of 10 Metropolitan Centres in the AUP (OP). While there is pedestrian access to Westgate via Hobsonville Road, State Highway 16 remains a significant physical barrier between the PPC5 area and Westgate. The Whenuapai Structure Plan Business Land Assessment states that there is over 200,000 square metres of retail gross floor area capacity at Westgate.¹¹ Additional business land in the form of the Business – Mixed Use Zone is not required close to Westgate Metropolitan Centre.

¹¹ Whenuapai Structure Plan Business Land Assessment May 2016

133. I consider the Residential – THAB Zone as notified is the most appropriate zone for this location as it gives effect to the RPS, in particular Policy B2.2.2(5) which is provided in paragraph 122 above. Therefore, I do not support submission point 36.1.
134. **Submission point 36.20** seeks to amend the precinct description under the ‘Zoning’ heading as follows:
- Zoning*
...Residential – Terrace Housing and Apartment Buildings, Business – Mixed Use...
135. As I do not support the suggested amendment in submission point 36.1 to include Business – Mixed Use in the PPC5 area I do not support this suggested amendment.
136. **Submission point 37.2** seeks to rezone 38 Trig Road from Residential – Mixed Housing Urban Zone to Residential – THAB Zone. The property is adjacent to the area proposed to be zoned Residential – THAB along Trig Road. However, the property is not within walking distance of Westgate Metropolitan Centre. For the same reasons in response to submission points 14.2 and 16.2, I consider Residential – Mixed Housing Urban Zone at 38 Trig Road is the most appropriate way to give effect to *B2 Urban growth and form* in the RPS. Accordingly, I recommend that submission point 37.2 be rejected.
137. **Submission point 37.3** seeks that:
- ...a Neighbourhood Centre be provided for adjacent to the Neighbourhood Park in place of the proposed centre of Hobsonville Road.*
138. The Business Land Assessment that was undertaken for the WSP determined that a neighbourhood centre with 1,400 square metres of gross floor area would be required in the southern area of the plan change to service the area as it develops. The proposed Business – Neighbourhood Centre Zone is located on the corner of two main roads, Hobsonville Road and Trig Road when it is realigned, and will also service the existing Hobsonville community on the southern side of Hobsonville Road from the PPC5 area. In my opinion this is the best location for a neighbourhood centre in the southern part of the plan change area and as a second neighbourhood centre is not required. Therefore, I do not support this submission point.
139. **Submission point 40.2** seeks to rezone sites not affected by the Aircraft Noise Overlay to Business – Mixed Use and in particular for 151 Brigham Creek Road. The submitter notes that 151 Brigham Creek Road is predominantly outside the 55 dB L_{dn} noise contour in the Aircraft Noise Overlay.
140. The Business Land Assessment commissioned for the WSP states that the demand for light industrial land in the northwest is projected to be between six and nine hectares per annum over the next 30 years. This area of Whenuapai is an ideal location for business land because of its proximity to State Highway s16 and 18 and due to the constraints on residential development because of the Aircraft Noise Overlay. As the submitter points out, 151 Brigham Creek Road is outside of the noise contours in the Aircraft Noise Overlay however it is adjacent to land that is under the contours and is proposed to be zoned Business – Light Industry Zone. The zoning of this area of land Business – Light Industry gives effect to *B2 Urban growth and form* in the RPS to provide employment opportunities with housing opportunities. It also provides for the light industrial land that the Business Land Assessment states is required as the area urbanises. It also is worth noting that dwellings are a permitted activity under the Business – Mixed Use Zone however there is no obligation to provide business uses in this zone. The Business – Mixed Use Zone will not provide the employment land that is required. Therefore, I do not support this submission point.

141. **Submission point 46.4** seeks to amend the zoning of 2-10 Kauri Road and 150-152 Brigham Creek Road from Residential – Single House and Business – Light Industry to Residential – Mixed Housing Urban. **Submission point 47.4** seeks to amend the zoning of 12-18 Kauri Road and 34 Kauri Road from Residential – Single House and Business – Light Industry to Residential – Mixed Housing Urban. These properties are affected by the aircraft engine testing noise boundaries shown on Whenuapai 3 Precinct Plan 3. Corrections to Whenuapai 3 Precinct Plan 3 are discussed in section 10.13.1 of this report. Consequential to the corrections are zoning changes in accordance with the direction of proposed Policies I616.3(24) and (25). Accordingly, I support the zoning changes in Table 5 below:

Table 5: Recommended zoning changes in response to submission points 46.4 and 47.4

Property	Zoning as notified in PPC5	Recommended changes (consequential to updated Whenuapai 3 Precinct Plan 3)
2-10 Kauri Road	Light Industry Zone and Single House Zone	Single House Zone and Mixed Housing Urban Zone
150-152 Brigham Creek Road	Light Industry Zone	Light Industry Zone and Single House Zone
12-18 Kauri Road	Light Industry Zone and Single House Zone	Light Industry Zone, Single House Zone and Mixed Housing Urban Zone
34 Kauri Road	Light Industry Zone and Single House Zone	Light Industry Zone, Single House Zone and Mixed Housing Urban Zone

142. A map of the recommended zoning is provided in Appendix 6. The relationship between the amended zoning, the notified aircraft engine testing noise boundaries and the corrected aircraft engine testing noise boundaries is shown on Figure 8 in section 10.13.1.
143. **Submission point 48.3** supports the zoning of 10 Clarks Lane and 14 Clarks Lane as Residential – THAB Zone. I consider the Residential – THAB Zone for 14 Clarks Lane and the part of 10 Clarks Lane without the Historic Heritage Overlay – Extent of Place is the most appropriate zone to give effect to the RPS, given their proximity to the Hobsonville Local Centre which is within walking distance. However, I recommend retaining the Residential – Single House Zone for the portion of 10 Clarks Lane with a Historic Heritage – Extent of Place Overlay as I consider Residential – Single House is the most appropriate zone to recognise the heritage values of the Clarks Lane Historic Heritage Area. Accordingly, I recommend that submission point 48.3 be accepted in part.

Recommendations

144. I recommend that **submission points 18.1, 24.3, 26.2, 28.2, 28.3, 29.2, 32.2, 33.2 and 34.2** be accepted for the following reasons:
- The submission points support the proposed zoning for specific properties within the PPC5 area; and
 - It is recommended to retain the notified zoning for the properties as the proposed zones give effect to *B2 Urban growth and form* in the RPS.
145. I recommend that **submission points 6.4, 6.5, 46.4 and 47.4 be accepted in part** for the following reasons:
- It is recommended to update the aircraft engine testing noise boundaries shown on Whenuapai 3 Precinct Plan 3 to align with the boundaries shown on Figure 13 of the Malcolm Hunt Associates report;
 - As a result of the correction to the aircraft engine testing noise boundaries, consequential amendments are recommended to the properties referred to in these submission points; and
 - The consequential amendments shown on Figure 8 in section 10.13.1 align with the direction of proposed Policies I616.3(24) and (25) to zone properties between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries as Residential – Single House and properties under the 65 dB L_{dn} noise boundary as Business – Light Industry.

146. I recommend that **submission point 48.3 be accepted in part** for the following reasons:
- The Residential – THAB Zone is the most appropriate zone for 14 Clarks Lane and the part of 10 Clarks Lane that is not part of the Clarks Lane Historic Heritage Area given the proximity to the Hobsonville Local Centre; and
 - The Residential – Single House Zone is the most appropriate zone for the part of 10 Clarks Lane that is part of the Clarks Lane Historic Heritage Area to ensure development appropriately responds to and recognises the historic heritage values of the area.
147. I recommend that **submission point 6.2 be rejected** for the following reasons:
- 50 Kauri Road is currently zoned Future Urban in the AUP (OP) and not residential as suggested by the submitter; and
 - PPC5 proposed to zone the property as Business – Light Industry however as a result of recommended amendments to the aircraft engine testing noise boundaries, consequential zoning amendments are also recommended. These amendments are discussed in response to submission points 6.4 and 6.5.
148. I recommend that **submission points 14.2, 16.2, 17.2, 36.1, 36.20, 37.2, 37.3 and 40.2 be rejected** for the following reason:
- The proposed zones for the properties identified in the above submission points as notified in PPC5, are consistent with the zoning approach as set out in *B2 Urban growth and form* in the RPS.
149. There are no consequential amendments associated with these recommendations.

10.4.3 General support

Submission point	Name of submitter	Summary of relief sought	Recommendation
24.1	Stride Holdings Limited (Stride)	Supports the rezoning of 217 ha of land to residential zones.	Accept in part
24.2	Stride Holdings Limited (Stride)	Supports the rezoning of 124 ha of land to Business – Light Industry.	Accept in part
35.3	Sheng Xin Property Investment Limited	Subject to the acceptance of relief specified in their submission, support the proposed zoning of the Whenuapai Plan change area.	Accept in part
41.8	New Zealand Defence Force	Retain the Light Industry zoning adjacent to Whenuapai Airbase.	Accept in part
42.19	Auckland Transport	Generally supports the proposed zoning for the PPC5 area.	Accept in part
43.2	Trig Road Investments Limited	Generally supports the proposed zoning.	Accept in part
44.2	Lichun Gao	Generally supports the proposed zoning.	Accept in part

Discussion

150. There are seven submission points that generally support the proposed zoning in PPC5.
151. **Submission point 24.1** supports the rezoning of 217 hectares of land to residential zones while **submission point 24.2** supports the rezoning of 124 hectares of land to the Business – Light Industry Zone. I note the support of these submission points as the zoning gives effect to the RPS. In particular *B2 Urban growth and form* which aims to provide a quality compact urban form and enable higher residential intensification in and around centres,

along identified corridors and close to public transport, open space and employment. Subject to recommended zoning changes resulting from the updated aircraft engine testing noise boundaries discussed in paragraphs 141 and 142 of this section and in greater detail in section 10.13.1 of this report, I consider it is appropriate to retain the mix of residential and business zones proposed in PPC5. The recommended zoning amendments provide 113 hectares of Business – Light Industry Zone and 227 hectares of residential zones.

152. **Submission point 35.3** supports the proposed zoning in PPC5, subject to the relief sought by the submitter in other parts of their submission. There are seven other submission points from the submitter. These relate to infrastructure provision and transport and are addressed in sections 10.5.3 and 10.6.4. I recommend accepting in part two of the submitter’s submission points about infrastructure provision (submission points 35.4 and 35.5) however I do not support all of the relief sought by the submitter. Therefore I recommend to accept submission point 35.3 in part.
153. **Submission point 41.8** supports the Business – Light Industry Zone adjacent to Whenuapai Airbase. The Business – Light Industry Zone is the most appropriate zone for the areas adjacent to the airbase for the reasons discussed in paragraph 140 and it gives effect to *B2 Urban growth and form* in the RPS. However, as noted in paragraph 141, consequential zoning changes are recommended in section 10.13.1 of this report to reflect the updated aircraft engine testing noise boundaries. Accordingly, I consider this submission point is accepted in part.
154. **Submission points 42.19, 43.2 and 44.2** generally support the proposed zoning in PPC5. The support is noted. Subject to the amendments recommended to zoning as a result of the updated aircraft engine testing noise boundaries, the zoning proposed in PPC5 is the most appropriate way to give effect to *B2 Urban growth and form* in the RPS.

Recommendations

155. I recommend that **submission points 24.1, 24.2, 35.3, 41.8, 42.19, 43.2 and 44.2 be accepted in part** for the following reasons:
- a. The zoning proposed in PPC5 gives effect to *B2 Urban growth and form* in the RPS; and
 - b. With the exception of consequential amendments to zoning from the updated aircraft engine testing noise boundaries discussed in section 10.13.1 of this report, the proposed zoning in PPC5 is recommended to be retained.
156. There are no consequential amendments associated with this recommendation.

10.4.4 General opposition

Submission point	Name of submitter	Summary of relief sought	Recommendation
15.8	Whenuapai Ratepayers and Residents Association	Opposes rezoning for increased industrial/business activities as they bring with them heavier types of traffic, patterns of traffic and traffic density.	Reject
20.4	Martin and Rochelle Good	Opposes the increase industrial/business activities that will arise from the rezoning at the end of Kauri Road as it would add more traffic and lead to safety, speed, noise, vibration and air pollution issues.	Reject
31.2	Jack N and Gillian M Shepherd	Seeks the removal of the Light Industry Zone	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
31.3	Jack N and Gillian M Shepherd	Seeks less housing	Reject

Discussion

157. **Submission point 15.8** opposes the Business – Light Industry Zone in the PPC5 area in general as the submitter considers that it will have transport implications and states:

...increased industrial or business activities in the Whenuapai are will result in heavier types of traffic, patterns of traffic and traffic density. These changes will have a direct impact on the residents of greater Whenuapai & Herald Island in regards to safety, speed, noise, vibration and air pollution.

158. The Integrated Transport Assessment¹² (ITA) prepared for the WSP models the transport network based on the land use. This has been updated in the Technical Inputs Report¹³ and the Technical Note prepared in April 2018 which is attached in Appendix 8. The Technical Note took into account the zones as notified in PPC5.

159. Transport is covered in section 6.2 of the Section 32 Report and the objectives in Whenuapai 3 Precinct that are related to transport and infrastructure provision are evaluated in section 7.2 of the Section 32 Report. Objective I616.2(3) in Whenuapai 3 Precinct states that:

Subdivision and development does not occur in advance of the availability of public wastewater supply services and transport infrastructure, including wider transport network investments.

160. This objective and the other objectives under the ‘Integration of Subdivision and Development with the Provision of Infrastructure’ heading provide a clear policy framework that infrastructure will be provided to mitigate the effects of traffic as development progresses throughout the precinct.
161. I consider the effects of transport due to the proposed zoning of Business – Light Industry, have been addressed in the Section 32 Report. In addition the current provisions of the AUP (OP) including *E27 Transport* and *E38 Subdivision – Urban*, and the proposed precinct provisions ensure these effects will be appropriately managed through the resource consent process. I therefore do not support submission point 15.8.
162. **Submission point 20.4** opposes the activities enabled by the Business – Light Industry Zone “at the end of Kauri Road” due to the effects associated with increased traffic. The submitter states that the proposed changes will adversely affect the residents at Whenuapai Village, north of the PPC5 area, as they will have to drive through the area.
163. The ITA undertaken for the WSP was for the whole of the Whenuapai area and took into account the suggested land uses of the area. This was refined by the Technical Inputs Report from June 2017 which took into account the Business – Light Industry Zone. The road network and intersection upgrades shown on Whenuapai 3 Precinct Plan 2 are a product of these two technical documents and are necessary to support subdivision and development in the area. I consider the provisions in Whenuapai 3 Precinct are adequate to ensure the road network and transport infrastructure will be provided as subdivision and

¹² Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

¹³ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

development happens. In addition, the Business Land Assessment ¹⁴ commissioned for the WSP states that the demand for light industrial land in the northwest is projected to be between six and nine hectares per annum over the next 30 years. This area of Whenuapai is an ideal location for business land due to the constraints on residential development because of the Aircraft Noise Overlay and the location to State Highways 16 and 18. The zoning of this area of land Business – Light Industry gives effect to *B2 Urban growth and form* in the RPS to provide employment opportunities with housing opportunities. Therefore I do not support this submission point.

164. **Submission point 31.2** opposes of the rezoning and seeks removal of the Business – Light Industry Zone from the PPC5. As discussed in paragraph 140, the Business Land Assessment identified Whenuapai as an ideal location for business use and projected the demand for light industry to be between six and nine hectares per annum (net) respectively over the next 30 years. Section 2.3.1 of the Section 32 Report discusses the demand for industrial land and states that:

As identified in the structure plan and in previous council documents, there is a need to provide greenfield business land to provide employment opportunities. This is not only for the future Whenuapai but for the growing communities within neighbouring developments such as Scott Point and Redhills.

165. PPC5 needs to supply sufficient Business – Light Industry zoned land to meet the growing demand and give effect to *B2 Urban growth and form* in the RPS to provide employment opportunities. In addition, PPC5 aligns with the National Policy Statement on Urban Development Capacity which seeks to ensure there is a sufficient business land capacity. Consequently, I do not support submission point 31.2.

166. **Submission point 31.3** seeks less housing in the PPC5 area. As discussed in section 2.1 of the Section 32 Report, Whenuapai has been identified for growth for since the former Waitakere City Council published the Best for the West – Growth Management Strategy for Waitakere in 2010. The land is currently zoned Future Urban Zone which is a transitional zone and is used for land that has been identified as being suitable for urbanisation. In addition, PPC5 aligns with the National Policy Statement on Urban Development Capacity which seeks to ensure there is a sufficient housing land capacity.

Recommendations

167. I recommend that **submission points 15.8 and 20.4 be rejected** for the following reasons:
- The transport network shown on Whenuapai 3 Precinct Plan 2 has been shown in the Integrated Transport Assessment¹⁵ to support the area as it develops; and
 - E27 Transport and E38 Subdivision – Urban* of the AUP (OP), and the proposed Whenuapai 3 Precinct provisions seek to ensure traffic effects will be appropriately managed at the time a resource consent is applied for.
168. I recommend that **submission points 31.2 and 31.3 be rejected** for the following reasons:
- Whenuapai has been identified for growth for since the former Waitakere City Council published the Best for the West – Growth Management Strategy for Waitakere in 2010;
 - The land in PPC5 is zoned Future Urban Zone which is a transitional zone and is used for land that has been identified as being suitable for urbanisation;
 - The Business Land Assessment identified that Whenuapai as an ideal location for business use and projected the demand for light industry to be between six and nine hectares per annum (net) respectively over the next 30 years; and

¹⁴ Whenuapai Structure Plan Business Land Assessment prepared for Auckland Council in May 2016

¹⁵ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

- d. PPC5 aligns with the National Policy Statement on Urban Development Capacity to ensure there is sufficient housing and business land capacity.

169. There are no consequential amendments associated with these recommendations.

10.5 Integration of subdivision and development with the provision of infrastructure

10.5.1 Objectives

Submission point	Name of submitter	Summary of relief sought	Recommendation
General support			
23.2	New Zealand Transport Agency	Supports the inclusion of I616.2 Objectives for the integration of subdivision and development with the provision of infrastructure.	Accept
23.8	New Zealand Transport Agency	Seeks the retention of provisions in PC5 that require the integration of subdivision and development with the provision of local transport infrastructure that supports the effective, efficient and safe operation of the wider transport network.	Accept
24.7	Stride Holdings Limited	Seeks that the objectives, policies and rules relating to the provision of infrastructure be approved.	Accept
42.2	Auckland Transport	Supports the objective and policy framework as a whole in that it clearly requires certainty of infrastructure provision prior to subdivision and development, including mitigation of the cumulative effects of urbanisation.	Accept
42.3	Auckland Transport	Support Objectives I616.2(3) and (6) as proposed.	Accept
Objective I616.2(3)			
34.8	Charles Ku	Seek amendments to I616.2. Objectives (3) as follows: "Subdivision and development does not occur in advance of the availability of transport infrastructure <u>necessary to service that subdivision and development</u> , including regional and local transport infrastructure" or otherwise specify that development can occur ahead of regional and local transport infrastructure where developers provide an alternative measure for the provision of the upgrade works.	Reject
36.22	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.2. Objectives, delete objective (3).	Reject
46.13	Neil Construction Limited	Amend Objective I616.2(3) as follows: Subdivision and development does not occur in advance of the availability of transport infrastructure <u>that is required to support the subdivision being proposed</u> , including regional and local transport infrastructure.	Reject
47.13	Maraetai Land Development Limited		Reject
48.14	Yuewen Zhang and Yue Liu		Reject
Objective I616.2(4)			

Submission point	Name of submitter	Summary of relief sought	Recommendation
41.12	New Zealand Defence Force	Amend Objective I616.2 (4) as follows: (4) The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area <u>and surrounding areas.</u>	Reject
42.4	Auckland Transport	Amend Objective I616.2(4) as follows: The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area, <u>including through the provision of new and upgraded infrastructure.</u>	Reject
Objective I616.2(5)			
42.5	Auckland Transport	Amend Objective I616.2(5) as follows: Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks for <u>within the wider</u> Whenuapai 3 Precinct area <u>and with the wider network.</u>	Reject

Discussion

General support

170. The submission points in the table above relate to the objectives for the Integration of Subdivision and Development with the Provision of Infrastructure which are Objectives I616.2(3), I616.2(4) and I616.2(5) in Whenuapai Precinct 3.
171. Objectives I616.2(3), (4) and (5) are necessary to ensure that development does not occur without the necessary infrastructure to support it. These objectives are the most appropriate way to achieve the purpose of the RMA and the RPS, particularly *B2 Urban Growth and form* and *B3 Infrastructure, transport and energy* as these objectives support the integrated planning of land use, infrastructure and development. These objectives enable subdivision, use and development while ensuring the necessary infrastructure is provided to avoid or mitigate any adverse effects, including cumulative effects. The PPC5 area is in fragmented land ownership which means the provision of infrastructure may not always occur in a coordinated manner without these objectives.
172. These objectives are assessed in section 7.2.2 of the Section 32 Report. That assessment states that cumulative effects of developing the greenfield area need to be considered in the context of the future environment which will be considerably changed once it is urbanised, and effects of development on this future environment need to be managed through these objectives. Likewise the economic effects on other developers and ratepayers and future residents of individual developers not contributing to infrastructure need to be addressed. The objectives ensure that development within the plan change area is managed in a way that is consistent with RPS *B2 Urban Growth and Form* and *B3 Infrastructure, E27 Transport and E38 Subdivision - Urban*. The relevant objectives and parts of objectives from B2 and B3 of the RPS are listed below.

B2.2.1 Objectives

- (1) *A quality compact urban form that enables all of the following:*
(a) *a higher-quality urban environment*

- ...
- (c) *better use of existing infrastructure and efficient provision of new infrastructure*
- (d) *improved and more effective public transport*
- ...
- (g) *reduced adverse environmental effects.*

B3.2.1 Objectives

- (2) *The benefits of infrastructure are recognised, including:*
 - (a) *providing essential services for the functioning of communities, businesses and industries within and beyond Auckland;*
 - (b) *enabling economic growth;*
 - ...
 - (e) *protecting the quality of the natural environment; and*
 - ...
- (5) *Infrastructure planning and land use planning are integrated to service growth efficiently.*
- (6) *Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development.*

B3.3.1 Objectives

- (1) *Effective, efficient and safe transport that:*
 - (a) *supports the movement of people, goods and services;*
 - (b) *integrates with and supports a quality compact urban form;*
 - (c) *enables growth;*
 - (d) *avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and*
 - (e) *facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community*

173. These objectives are consistent with community outcomes that were identified during the WSP consultation. The community expressed a desire for an efficient transport network, including public transport and these objectives will ensure that infrastructure is provided as development progresses.
174. Submission points 23.2, 23.8, 24.7, 42.2 and 42.3 all support precinct provisions integrating subdivision and development with the provision infrastructure. **Submission point 23.2** supports the inclusion of objectives about integration of subdivision and development. **Submission point 23.8** supports provisions in PPC5 that “*require the integration of subdivision and development with the provision of local transport infrastructure that supports the effective, efficient and safe operation of the wider transport network.*” **Submission point 24.7** seeks that “*the objectives, policies and rules relating to the provisions of infrastructure be approved*”. **Submission point 42.2** supports the objectives and policy framework as a whole, the recognition of infrastructure provision to mitigate the cumulative effects of development, and **submission point 42.3** supports Objectives I616.2(3) and (6) as proposed.
175. I note the support contained in these submissions and their acknowledgement of the importance of the provision of infrastructure to the PPC5 area to mitigate effects, including cumulative effects, of subdivision and development.

Objective I616.2(3)

176. Submission points 34.8, 36.22, 46.13, 47.13 and 48.14 relate to Objective I616.2(3). Objective I616.2(3) states:

Subdivision and development does not occur in advance of the availability of transport infrastructure, including regional and local transport infrastructure.

177. **Submission point 34.8** seeks to amend Objective I616.2(3) as follows:

Subdivision and development does not occur in advance of the availability of transport infrastructure necessary to service that subdivision and development, including regional and local transport infrastructure.

178. The alternative relief sought by the submitter is “to specify that development can occur ahead of regional and local transport infrastructure where developers provide an alternative measure for the provision of the upgrade works”.

179. I do not support this suggested amendment to Objective I616.2(3) because an upgraded transport network is critical to mitigate the adverse effects of development on the environment and to give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*. I agree with the submitter that not all infrastructure shown in the WSP is required to be in place to enable development, and some sites can develop in advance of regional transport infrastructure. However, Standard I616.6.2 allows for this through an “alternative measure” without the need to amend this objective. This can be determined through the resource consent process as stated in clauses (2) and (3) of the standard as seen below.

Standard I616.6.2

...

- (2) *Where the applicant, in applying for a resource consent, cannot achieve or provide the required local infrastructure work identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required must be provided.*
- (3) *The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.*

180. **Submission point 36.22** seeks to delete Objective I616.2(3). The submitter states that this objective “limits delivery of development that can be accessed via alternative means that do not compromise future delivery of identified regional and local transport infrastructure.” I do not support the deletion of this objective. As this is a greenfield area, there is a significant transport network upgrade required to give effect to the RPS and mitigate the cumulative effects of development which go beyond site specific transport solutions. That is the effects of the sum of individual developments on the environment as the PPC5 area urbanises. Objective I616.2(3) seeks to enable subdivision and development while mitigating adverse environmental effects on the area. As stated in paragraph 179, Standard I616.6.2 allows for “alternative measures” to give the precinct provisions some flexibility where appropriate.

181. **Submission points 46.13, 47.13 and 48.14** seek to amend Objective I616.2(3) as follows:

Subdivision and development does not occur in advance of the availability of transport infrastructure that is required to support the subdivision being proposed, including regional and local transport infrastructure.

182. Objective I616.2(3) seeks to enable subdivision and development while mitigating adverse environmental effects on the area. As this is a greenfield area, there are significant upgrades to the transport network required to give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*, and mitigate the cumulative effects of subdivision and development that go beyond site specific transport solutions. Furthermore, as discussed in paragraph 179, Standard I616.6.2 allows for “alternative measures” to give the plan provisions some flexibility where appropriate. Therefore, I do not support this submission point.

Objective I616.2(4)

183. Submission points 41.12 and 42.4 relate to Objective I616.2(4), which states:

The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area.

184. **Submission point 41.12** seeks to amend Objective I616.2(4) to:

The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area and surrounding areas.

185. The submitter states that the objective would be stronger if it recognised links to infrastructure outside of the precinct. The submitter states that stormwater and road infrastructure “needs to be designed to appropriately link to areas outside of the Precinct and avoid or mitigate adverse effects on areas outside the Precinct”. I do not support this suggested amendment because while there are infrastructure links outside the PPC5 area, the precinct cannot seek to meet the foreseeable needs outside of the precinct area. These links are either managed by other AUP (OP) provisions or will be the subject of future plan changes or notices of requirement.

186. **Submission point 42.4** seeks to amend Objective I616.2(4) to:

The adverse effects, including cumulative effects, of subdivision and development on ~~existing and future~~ infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area, including through the provision of new and upgraded infrastructure.

187. Objective I616.2(4) as notified ensures that the effects of subdivision and development on infrastructure are managed to meet the needs of the precinct. The submitter is seeking the objective to ensure that the effects of subdivision and development on infrastructure are managed to meet the needs of the precinct through infrastructure provision. I consider this amendment complicates the objective and that it is unnecessary. Furthermore the cumulative effects of developing the greenfield area need to be considered in the context of the future environment which will be considerably changed once it is urbanised, and effects of development on this future infrastructure need to be managed through these objectives. Therefore I consider referring to “existing and future infrastructure” as notified is appropriate and I do not support this suggested amendment.

Objective I616.2(5)

188. Submission points 42.5 relates to Objective I616.2(5), which states:

Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks for the wider Whenuapai 3 Precinct area.

189. **Submission point 42.5** seeks to amend Objective I616.2(5) to:

Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks ~~for~~ within the wider Whenuapai 3 Precinct area and with the wider network.

190. There are infrastructure links outside of the precinct area but I do not consider it appropriate to amend Objective I616.2(5) to refer to the wider network as this submission point suggests. I do not consider it appropriate for subdivision and development in the precinct to consider the wider network in its entirety. Therefore, I do not support this suggested amendment.

Recommendations

191. I recommend **submission points 23.2, 23.8, 24.7, 42.2 and 42.3 be accepted** for the following reason:

- a. Objectives I616.2(3), (4) and (5) give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*.

192. I recommend that **submission points 34.8, 36.22, 46.13, 47.13 and 48.14 be rejected** for the following reasons:

- a. Objective I616.2(3) as notified is necessary to give regard to *B2 Urban growth and form* and *B3 Infrastructure, transport and energy* of the RPS;
- b. The suggested amendments to I616.2(3) do not take into account the cumulative effects of development on the transport network; and
- c. Standard I616.6.2 allows for "alternative measures" to give the precinct provisions some flexibility where appropriate which means the suggested amendments are not necessary.

193. I recommend that **submission points 41.12 and 42.4 be rejected** for the following reasons:

- a. Objective I616.2(4) as notified is necessary to give regard to *B2 Urban growth and form* and *B3 Infrastructure, transport and energy* of the RPS.

194. I recommend that **submission points 42.5 be rejected** for the following reasons:

- a. Objective I616.2(5) as notified is necessary to give regard to *B2 Urban growth and form* and *B3 Infrastructure, transport and energy* of the RPS.

195. There are no consequential amendments associated with these recommendations.

10.5.2 Policies

Submission point	Name of submitter	Summary of relief sought	Recommendation
General support			
23.4	New Zealand Transport Agency	Supports the inclusion of Policies I616.3(4), (7) and (8) for the integration of subdivision and development with the provision of infrastructure.	Accept in part
42.6	Auckland Transport	Support Policies I616.3(1), (6), (7) and (8) as proposed.	Accept in part
Policy I616.3(4)			
42.7	Auckland Transport	Amend Policy I616.3(4) as follows: <i>Require subdivision and development to be <u>staged</u>, managed and designed to <u>align with the coordinated with the provision and upgrading of the transport infrastructure, including regional and local transport infrastructure. network within the precinct, and with the wider transport network.</u></i>	Reject
46.15	Neil Construction Limited	Amend Policy I616.2(4) as follows: <i>Require subdivision and development to be managed and designed to align with the coordinated provision and upgrading of the transport infrastructure network within the precinct, and with the wider transport network.</i>	Reject
47.15	Maraetai Land Development Limited		Reject
48.16	Yuewen Zhang and Yue Liu		Reject
Policy I616.3(5)			
41.16	New Zealand Defence Force	Amend Policy I616.3 (5) as follows: <i>(5) Avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct <u>and surrounding areas.</u></i>	Reject
42.8	Auckland Transport	Amend Policy I616.3(5) as follows: <i><u>Require subdivision and development to avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct, including through the provision of new and upgraded infrastructure. required to support the Whenuapai 3 Precinct.</u></i>	Reject
Policy I616.3(6)			
36.25	CDL Land New Zealand Limited (CDL)	Seek amendments, delete policy I616.3(7) Integration of Subdivision and Development with the Provision of Infrastructure; <i>(7) Require the provision of infrastructure to be proportionally shared across the precinct.</i>	Reject
46.16	Neil Construction Limited	Amend Policy I616.2(6) as follows: <i>Require the provision of infrastructure to be proportionally shared across the</i>	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
47.16	Maraetai Land Development Limited	<i>development areas in the precinct.</i>	Reject
48.17	Yuewen Zhang and Yue Liu		Reject
Policy I616.3(7)			
34.10	Charles Ku	Seek amendment to Policy I616.3 (7) as follows "Require subdivision and development.....Whenuapai 3 Precinct Plan 2 to the extent necessary to service that subdivision or development" or otherwise to specify that the infrastructure elements are only required insofar as they relate to that particular subdivision or development.	Reject
36.26	CDL Land New Zealand Limited (CDL)	Seek amendments, delete Policy I616.3(8) Integration of Subdivision and Development with the Provision of Infrastructure (8) Require subdivision and development to provide the local transport network infrastructure necessary to support the development of the areas 1A-1E shown in Whenuapai 3 Precinct Plan 2.	Accept

Discussion

196. The submission points in the table above relate to the policies for the Integration of Subdivision and Development with the Provision of Infrastructure which are Policies I616.3(4), (5), (6) and (7) in Whenuapai 3 Precinct. These policies seek to achieve Objectives I616.2(3), (4) and (5) which are discussed in response to submissions in section 10.5.1 of this report. The objectives are evaluated in section 7.2 of the Section 32 Report.
197. These policies ensure that *B2 Urban growth and form* and *B3 Infrastructure, transport and energy* are given effect to by requiring subdivision and development to be coordinated with the provision of infrastructure, that adverse effects on infrastructure are avoided, remedied or mitigated, and for the provision of that infrastructure to be shared across the precinct.

General support

198. **Submission point 23.4** supports the inclusion of Policies I616.3(4), (7) and (8). **Submission point 42.6** supports Policies I616.3(1), (6), (7) and (8) as proposed. Policy I616.3(8) is about transport and is addressed in section 10.6.2 of this report. I note the support contained in these submission points and the acknowledgement of the importance of the provision of infrastructure to the PPC5 area to mitigate adverse effects, including cumulative effects, of development. I recommend to accept these submission points in part as I am recommending to delete Policy I616.3(7) in response to submission point 36.26 which is discussed in paragraph 217 below.

Policy I616.3(4)

199. Submission points 42.7, 46.15, 47.15 and 48.16 relate to Policy I616.3(4), which states:

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

200. **Submission point 42.7** seeks to amend Policy I616.3(4) as follows:

Require subdivision and development to be staged, managed and designed to align ~~with the coordinated~~ with the provision and upgrading of the transport infrastructure, including regional and local transport infrastructure. ~~network within the precinct, and with the wider transport network.~~

201. I do not support this amendment to Policy I616.3(4) because the provisions in the Whenuapai 3 Precinct do not control for staging. While infrastructure to support development, including infrastructure that addresses cumulative effects of development beyond site specific proposals, is necessary to mitigate the effects of a development proposal, the precinct does not require staging. The precinct provisions seek to share the obligation to provide transport infrastructure across the precinct so individual subdivision and development does not have to wait until infrastructure is in place before it can proceed. Instead, Standard I616.6.2 implements Policy I616.3(4) and the proportional share mechanism in this standard allows for development without the need for staging. I do not support this suggested amendment. I am recommending amendments to Standard I616.6.2 as notified in response to submission points and this is discussed in section 10.5.3. These recommended amendments do not necessitate any consequential changes to Policy I616.3(4).

202. **Submission points 46.15, 47.15 and 48.16** seek to amend Policy I616.3(4) to:

Require subdivision and development to be managed and designed to align with the ~~coordinated~~ provision and upgrading of the transport network within the precinct, and the wider transport network.

203. The submitters state that:

The word “co-ordinated” is unnecessary, as the provisions that are proposed to be introduced by PPC5 will provide for the necessary level of coordination.

204. I do not agree with this view, the provisions in the precinct do require subdivision and development to be coordinated with the provision of infrastructure. This co-ordination is necessary to give effect to the RPS, in particular *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*. This is discussed in the evaluation of the objectives in section 7.2 of the Section 32 Report and in response to submission points on the objectives in section 10.5.1 of this report. Deleting the word “co-ordination” undermines the precinct provisions that need objectives and policies to enable subdivision and development applications to be assessed against. In my opinion, it is important to retain this word in Policy I616.3(4) and I do not support the suggested amendment.

Policy I616.3(5)

205. Submission points 41.16 and 42.8 relate to Policy I616.3(5), which states:

Avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct.

206. **Submission point 41.16** seeks to amend Policy I616.3(5) to the following, or words to similar effect:

Avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct and surrounding areas.

207. This submission point is linked to submission point 41.12 about Objective I616.2(4) which is discussed in section 10.5.1 of this report. I do not support this suggested amendment because while I agree that the infrastructure will have links outside the precinct area, the wording in this policy as notified provides for infrastructure required to support the precinct. Infrastructure required to support the precinct can be located outside of the precinct area, for example wastewater pump stations and stormwater drains. Therefore, in my opinion, this suggested amendment is unnecessary and I do not support this submission point.

208. **Submission point 42.8** seeks to amend Policy I616.3(5) as follows:

Require subdivision and development to avoid, ~~remedy~~ or mitigate the adverse effects, including cumulative effects, ~~of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct, including through the provision of new and upgraded infrastructure.~~ required to support the Whenuapai 3 Precinct.

209. In my opinion the suggested amendments are unnecessary, the policy as notified is clear and certain, and includes existing and future infrastructure which would include new and upgraded infrastructure. I do not support this suggested amendment.

Policy I616.3(6)

210. Submission points 36.25, 46.16 47.16 and 48.17 relate to Policy I616.3(6), which states:

Require the provision of infrastructure to be proportionally shared across the precinct.

211. **Submission point 36.25** seeks to delete Policy I616.3(6) as the submitter does not support:

the inclusion of funding references within the precinct provisions, nor the inference that landowners are required to collaborate financially to achieve the delivery of necessary infrastructure.

212. As this is a greenfield area, there is a significant amount of infrastructure required to mitigate any adverse effects, including cumulative effects, of subdivision and development and give effect to the RPS, in particular *B2 Urban growth and form*. The precinct provisions seek to share the obligation to provide transport infrastructure across the precinct so development isn't held up by staging provisions. This policy and the proportional share mechanism in Standard I616.6.2 allow for development without the need for staging, that is, so development does not have to wait until specific pieces of infrastructure are in place before it can proceed.

213. This policy is implemented by Standard I616.6.2. There is flexibility in Standard I616.6.2 to allow for alternative measures and this can be discussed at the time a resource consent is applied for. I am proposing amendments to Standard I616.6.2 in response to submissions. The amendments reduce the number of transport infrastructure projects that are subject to the proportional share mechanism and clarify which pieces of transport infrastructure the proportional share relates to. Standard I616.6.2 and recommended amendments to the standard are discussed in section 10.5.3 in response to submission points about that standard. I do not support this submission point, in my opinion Policy I616.3(6) is

necessary and the amendments to Standard I616.6.2 I am proposing provide submitters with more clarity.

214. **Submission points 46.16, 47.16 and 48.17** seek to amend Policy I616.3(6) follows:

Require the provision of infrastructure to be proportionally shared across the development areas in the precinct.

215. The submitter is referring to the development areas that were included in Standard I616.6.2 and shown on Whenuapai 3 Precinct Plan 2 as notified. I am suggesting amendments to Standard I616.6.2 as notified in response to other submission points, points 42.9 and 42.10. These amendments are to reduce the number of transport infrastructure projects that are subject to the proportional share mechanism. The remaining projects are arterial roads and intersections. In the Technical Note received from Flow in April 2018 which can be seen in Appendix 8, they have stated that some of the projects that were previously in one development area should be spread out over other areas. This shows these projects have benefits across the precinct and so I am also recommending deleting the development areas from the standard. Therefore I do not support confining the proportional share mechanism for the remaining projects in Standard I616.6.2 to the development areas and I do not support this submission point. Standard I616.6.2 and recommended amendments to the standard are discussed in section 10.5.3 in response to submission points about that standard.

Policy I616.3(7)

216. Submission points 34.10 and 36.26 relate to Policy I616.3(7), which states:

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

217. **Submission point 36.26** seeks to delete Policy I616.3(7). The submitter opposes this policy in accordance with their suggested deletion of Objective I616.2(3). The submitter believes the remaining policies are sufficient. I address the submission point seeking the deletion of Objective I616.2(3) in section 10.5.1 of this report and in that section I do not support deleting this objective. However I am recommending some changes to Standard I616.6.2 in response to other submission points. These changes are to remove the local projects from Table I616.6.2.1 and remove the development areas from the table as the remaining projects have transport benefits across the whole precinct area. In light of the changes I am recommending to Standard I616.6.2, I agree with the deletion of Policy I616.3(7) and I recommend this submission point to be accepted. Policy I616.3(8) requires the provision of roads and upgrades in accordance with Whenuapai 3 Precinct Plan 2 and with the deletion of the development areas from Table I616.6.2.1, Policy I616.7 is not required.

218. **Submission point 34.10** seeks to amend Policy I616.3(7): as follows:

Require subdivision and development to provide the local transport network infrastructure necessary to support the development areas 1A-1E shown in Whenuapai 3 Precinct Plan 2 to the extent necessary to service that subdivision or development.

219. I am recommending the deletion of Policy I616.3(7) in response to submission point 36.25 therefore I do not support this suggested amendment.

Recommendations

220. I recommend that **submission points 23.4 and 42.6 be accepted** in part for the following reasons:
- a. Policies I616.3(4), (5) and (6) give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*; and
 - b. I am recommending to delete Policy I616.3(7) in response to submission point 36.26.
221. I recommend that **submission point 42.7 be rejected** for the following reasons:
- a. The precinct provisions do not control for staging so it is inappropriate to include the word “staging” in Policy I616.3(4);
 - b. There is insufficient information to support any changes.
222. I recommend that **submission points 46.15, 47.15 and 48.16 be rejected** for the following reasons:
- a. The precinct provisions seek to coordinate subdivision and development with the provision of infrastructure;
 - b. This co-ordination is necessary to give effect to the RPS, in particular *B2 Urban growth and form*; and
 - c. The suggested amendment would not give regard to the RPS.
223. I recommend that **submission point 41.16 be rejected** for the following reason:
- a. The suggested amendment is not necessary as Policy I616.3(5) refers to infrastructure required to support the precinct which could be infrastructure inside, or outside the precinct area.
224. I recommend that **submission point 42.8 be rejected** for the following reason:
- a. Policy I616.3(5) as notified supports the objectives and gives regard to the RPS.
 - b. Policy I616.3(5) as notified mentions existing and future infrastructure which would include new and upgraded infrastructure, therefore the suggested amendments are not necessary.
225. I recommend that **submission point 36.25, 46.16, 47.16 and 48.17 be rejected** for the following reasons:
- a. The proportional share mechanism and Policy I616.3(6) enables subdivision and development while giving effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*;
 - b. Policy I616.3(6) is necessary to give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*; and
 - c. The amendments suggested to Standard I616.6.2 mean costs of the remaining infrastructure projects are shared across the precinct as a whole (these amendments are discussed in section 10.5.3).
226. I recommend that **submission point 36.26 be accepted** for the following reason:
- a. I am recommending amendments to Standard I616.6.2 and these amendments mean that Policy I616.3(7) is not necessary.
227. I recommend that **submission point 34.10 be rejected** for the following reason:
- a. I am recommending the deletion of Policy I616.3(7) in response to submission point 36.26, therefore I do not support any suggested amendments to this policy.
228. There are no consequential amendments associated with these recommendations.

10.5.3 Standard I616.6.2

Submission point	Name of submitter	Summary of relief sought	Recommendation
10.2	Junwei Wu	Request clarification on how and when the indicative collector roads will be built.	Accept in part
21.3	Cabra Developments Limited	Amend Standards I616.6.2 (1), (2) and (3) to provide clarity on how the "proportional share of local infrastructure works" are determined and, in doing so, such provisions need to be reasonable and equitable to enable an applicant to progress the subdivision and development of their landholding without reliance on third parties.	Accept in part
23.5	New Zealand Transport Agency	Supports the inclusion of the provisions for transport as set out in I616.6.2 and Activity Table I616.2.1.	Accept in part
34.14	Charles Ku	Seek amendments to I616.6.2 to redraft including clause 1 to make it clear that subdivision and development must meet its proportional share of funding local infrastructure works, unless otherwise provided for by clauses 2 and 3. Otherwise support the ability for alternative measures as set out in clauses 2 and 3.	Accept in part
34.15	Charles Ku	Seek amendments to Table I616.6.2. that the areas 1A - 1E are not sequential but only dependent on the provision of the local transport infrastructure required in the table, or alternatives as determined under I616.6.2 clauses 2 and 3.	Accept in part
35.4	Sheng Xin Property Investment Limited	Seek clarification around the requirements to upgrade transport infrastructure through subdivision process, primarily with respect to the identified upgrades needed in support of the future development of Area 1A.	Accept in part
35.5	Sheng Xin Property Investment Limited	Request the 'General Cost' section is reworded to provide certainty around Transport Infrastructure upgrade requirements. The total expected cost for the upgrades need to be identified and made publicly available. The total costs should categorise the various components with particular reference made to the cost of land acquisitions in isolation from the estimated construction costs.	Reject
35.6	Sheng Xin Property Investment Limited	Request the inclusion of a definition of "Proportional Share" as follows "Proportional Share" is a value of the overall costs identified for the upgrades of the respective sub-area. The overall costs are then divided between the sub-area, with such costs determined by the lot size and indented zone of the AUP-OP."	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
35.7	Sheng Xin Property Investment Limited	Seek amendments to I616.6.2 (2) Transport infrastructure requirements as follows "Where the applicant,... must be provided. The Applicant must demonstrate how their alternative measures achieve the proportional share of costs determined for their respective sites by Council. Council will consider the following in their determination of costs: a) The cost of land needed for a proposed Collector Road; b) The payment of a localised development contribution or levy; c) Construction costs associated with a Collector Road; d) Contribution of costs relating to the upgrading of identified intersections."	Reject
36.7	CDL Land New Zealand Limited (CDL)	Seek amendments to the precinct provisions around 'Reference to Funding Mechanisms', the precinct provisions would be better suited to identifying the specific infrastructure projects that are necessary to service precinct development and establishing a framework for assessment and implementation of those projects, or suitable alternatives that facilitates and enables development to occur within an appropriate timeframe.	Reject
36.8	CDL Land New Zealand Limited (CDL)	Seek amendments to the precinct provisions around 'Delivery of Transport Infrastructure Upgrades', establish an assessment framework for transport projects whereby developers provide either the identified upgrades or suitable alternatives, including interim measures until Auckland Transport can deliver the identified upgrades. This is particularly relevant where the delivery of upgrades is outside the control of the subject developer. This assessment framework could be implemented via a restricted discretionary activity consent application.	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
36.17	CDL Land New Zealand Limited (CDL)	<p>Seek amendments to I616.1. Precinct Description, '<i>Integration of Subdivision and Development with Infrastructure</i>'</p> <p><i>The comprehensive and coordinated approach to subdivision, use and development outlined in the precinct is a consequence of the reflects the size and significant amount of infrastructure required to enable subdivision and development. Funding of all required infrastructure is critical to achieving the integrated management of the precinct. The primary responsibility for funding of local infrastructure lies with the applicant for subdivision and/or development. The council may work with developers to agree development funding agreements for the provision of infrastructure, known as Infrastructure Funding Agreements. These agreements define funding accountabilities, who delivers the works, timings and securities, amongst other matters.</i></p>	Reject
36.18	CDL Land New Zealand Limited (CDL)	<p>Seek amendments; amendments to I616. Whenuapai 3 Precinct, I616.1. Precinct Description, '<i>Transport</i>'</p> <p><i>Transport</i></p> <p><i>Whenuapai 3 Precinct is split into five areas, 1A-1E, based on the local transport infrastructure upgrades required to enable the transport network to support development in the areas. These upgrades are identified in Table I616.6.2.1 and are <u>to be implemented prior to or in conjunction with urban development.</u> required be in place prior to development going ahead. The cost of these transport infrastructure upgrades are to be proportionally shared across each area as development progresses. If these upgrades are not implemented prior to or in conjunction with urban development in place prior to development occurring developers are able to provide an alternative means of access which does not compromise the function and achievement of Auckland Transport's proposed project(s). <u>measure for the provision of the upgrade works.</u> This may include an agreement with the council to ensure that the local share of the upgrade works attributable to the development is provided for. This could include an Infrastructure Funding Agreement or some alternative funding mechanism. Where there is an Auckland Transport project to provide the new or upgraded roads, developers may be required to contribute to it in part. Where a development proceeds ahead of an Auckland Transport project,</i></p>	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
		<i>the developer is required to work with Auckland Transport to ensure that the Auckland Transport project(s) is not precluded by the development.</i>	
36.45	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.6.2. Transport infrastructure requirements, amend (1) <i>(1) All subdivision and development must be aligned with delivery of the meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below.</i>	Reject
36.46	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.6.2. Transport infrastructure requirements, delete (3) <i>(3) The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.</i>	Reject
42.9	Auckland Transport	Amend Table I616.6.2.1 to remove references to projects which fall within the sole responsibility of the relevant developers.	Accept
42.10	Auckland Transport	Amend the wording of Standard I616.6.2 to reflect the relief sought in submission point 42.9.	Accept
46.12	Neil Construction Limited	Clarify provisions to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement), and that cost sharing occurs across each of the identified development areas shown on Whenuapai 3 Precinct Plan 2 to which the upgrades relate.	Accept in part
46.17	Neil Construction Limited	Amend Table I616.6.2.1 to impose obligation for development in Areas 1C and 1E to contribute equally to new and upgraded intersections on Brigham Creek Road.	Accept in part
47.12	Maraetai Land Development Limited	Clarify provisions to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement), and that cost sharing occurs across each of the identified development areas shown on Whenuapai 3 Precinct Plan 2 to which the upgrades relate	Accept in part
47.17	Maraetai Land Development Limited	Amend Table I616.6.2.1 to impose obligation for development in Areas 1C and 1E to contribute equally to new and upgraded intersections on Brigham Creek Road.	Accept in part

Submission point	Name of submitter	Summary of relief sought	Recommendation
48.13	Yuewen Zhang and Yue Liu	Clarify provisions to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement), and that cost sharing occurs across each of the identified development areas shown on Whenuapai 3 Precinct Plan 2 to which the upgrades relate.	Accept in part
48.18	Yuewen Zhang and Yue Liu	Amend Table I616.6.2.1 by deleting the three items of local transport infrastructure required for Area 1D.	Accept

Discussion

229. The submission points in the table above relate to Standard I616.6.2 Transport infrastructure requirements in Whenuapai 3 Precinct. Standard I616.6.2 is necessary to achieve the objectives and policies in the precinct. Specifically Objectives I616.2 (3), (4) and (5) and Policies I616.3(4), (5), (6) and (7) as notified.
230. The Integrated Transport Assessment¹⁶ (ITA) that was prepared for the WSP and the Technical Inputs Report¹⁷ prescribed a road network. The ITA was completed in 2016, the July 2016 version was on the council's website when PPC5 was notified, however the report was finalised in August 2016. The August 2016 version of the ITA will be placed on the website with this Hearing Report. The projects in this road network were included in Table I616.6.2.1 in Standard I616.6.2 in order to achieve Objectives I616.2(3), (4) and (5) which are necessary to ensure that development does not occur without the necessary infrastructure to support it. These objectives are the most appropriate way to achieve the purpose of the RMA and the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*. The objectives support the integrated planning of land use, infrastructure and development. They enable subdivision, use and development while ensuring the necessary infrastructure is provided to avoid or mitigate any adverse effects, including cumulative effects on the environment. The PPC5 area is in fragmented land ownership which means the provision of infrastructure, including the transport network, may not occur in a coordinated manner without these objectives, the corresponding policies and Standard I616.6.2. These objectives are discussed in response to submissions in section 10.5.1 of this report. These objectives are evaluation in section 7.2.2 of the Section 32 Report.
231. These submission points seek clarity on how this standard is to work, they propose amendments to the standard or request parts of the standard to be deleted. I address submission points 42.9 and 42.10 first in this section as I am proposing changes to Standard I616.6.2 as notified in response to these submission points. These changes provide greater clarity and may address other submission points.
232. **Submission point 42.9** seeks to amend Table I616.6.2.1 to remove references to projects which fall within the sole responsibility of the relevant developers. The submitter states that Table I616.6.2.1 includes projects which are the sole responsibility of the relevant developers given that they do not have wider benefits beyond providing access to sites/developments. They state that Standard I616.6.8 requires that developers provide the parts of the indicative road network that are located on their sites. The submitter says that these projects should not be subject to a proportional share mechanism and should be deleted from the table because they are covered by Standard I616.6.8.

¹⁶ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

¹⁷ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

233. I agree with the submitter that Standard I616.6.8, along with the relevant AUP (OP) rules cover the projects that are necessary for individual development proposals. In response to submission point 42.9 I am recommending all the collector road projects are deleted from Table I616.6.2.1. In the Technical Note received from Flow in April 2018 which can be seen in Appendix 8, they have stated that some of the projects that were in one development area in the notified version of Table I616.6.2.1 should be spread over multiple areas. This is because these projects have benefits across the precinct and so I am also recommending deleting the development areas from the standard as the costs of projects that have benefits beyond the development site should be shared across the precinct. I am also recommending deleting the word “local” from the table.
234. **Submission point 42.10** seeks to refine the wording of Standard I616.6.2 to reflect the relief sought in submission point 42.9. I am recommending amending Table I616.6.2.1 in response to submission point 42.9 to only include projects that have wider benefits. As a consequence of this I am recommending amending the wording of Standard I616.6.2 to reflect these amendments. I am recommending deleting the word “local” from Standard I616.6.2 and replace it with the word “transport”.
235. The amendments I am recommending to Standard I616.6.2 are shown below and in Appendix 5.

I616.6.2 Transport infrastructure requirements

- (1) *All subdivision and development must meet its proportional share of ~~local~~ transport infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below.*
- (2) *Where the applicant, in applying for resource consent, cannot achieve or provide the required ~~local~~ transport infrastructure work identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required must be provided.*
- (3) *The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.*

Table I616.6.2.1 ~~Local~~ Transport infrastructure requirements

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

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

236. I am also recommending amendments to the precinct description in Whenuapai 3 Precinct as a result of accepting submission points 42.9 and 42.10. The precinct description as notified includes references to development areas. As I am recommending that the development areas be deleted from Table I616.6.2.1, I am recommending amending the wording of the precinct description. This is shown below and in Appendix 5.

Transport

~~Whenuapai 3 Precinct is split into five areas, 1A-1E, based on the local Transport infrastructure upgrades required to enable the transport network to support development in the areas precinct. These upgrades are identified in Table I616.6.2.1 and. These upgrades and are required be in place prior to development going ahead. The cost of these transport infrastructure upgrades are to be proportionally shared across each area the precinct as development progresses.~~

237. **Submission point 10.2** requests clarification on how and when the indicative collector roads will be built. The collector roads have been taken out of Standard I616.6.2 in response to submission point 42.9 because their construction is the responsibility of developers. I am unable to give clarification on how and when the collector roads will be built because they will be built by developers as and when development occurs.

238. **Submission point 21.3** seeks to amend I616.6.2(1), (2) and (3) to provide clarity on these three points:

- 1 *The s32 analysis does not explain the process for determining the “proportional share of local infrastructure works”, nor how access is to be obtained to undertake works within privately held land that is not owned by an applicant.*
- 2 *It is unclear whether an agreement in respect of an alternative method to achieve the infrastructure is intended to satisfy I616.6.2, and whether this would trigger (or not) the need to obtain resource consent in respect of activities (A2) and/or (A17) within I616.4 Activity Table.*
- 3 *It is unclear whether a landowner is required to contribute to all transport infrastructure within the Precinct, or only that portion located within the “area” identified on Precinct Plan 2.*

239. In response to the first point above, the proportional share will be calculated at the time of resource consent which is outlined in Standard I616.6.2(3). In response to the second point, an agreement on an alternative measure will satisfy I616.6.2 and therefore would not trigger (A2) or (A17). I do not believe this needs clarifying as if an alternative measure is agreed then Standard I616.6.2 is complied with. In response to the third point, the development areas have been removed from Table I616.6.2.1 in response to submission

points 42.9 and 42.10. Costs of projects that remain in the table are to be shared over the whole precinct area.

240. **Submission point 23.5** supports the inclusion of the provisions for transport as set out in I616.6.2 and Activity Table I616.2.1. I note the support but as I am recommending some amendments to Standard I616.6.2, I am recommending accepting this submission point only in part.

241. **Submission point 34.14** seeks amendments to:

Redraft clause 1 of Standard I616.6.2 to make it clear that subdivision and development must meet its proportional share of funding local infrastructure works, unless otherwise provided for by clauses 2 and 3. Otherwise support the ability for alternative measures as set out in clauses 2 and 3.

242. I accept that clarity is needed for this standard and the amendments I am suggesting in response to submission points 42.9 and 42.10 provide greater clarity. In my opinion, I616.6.2(1), I616.6.2(2) and I616.6.2(3) with the amendments suggested in paragraph 235 do make this clear and I do not support any other amendments.

243. **Submission point 34.15** seeks amendments to Standard I616.6.2. to clarify that the areas 1A - 1E are not sequential but only dependent on the provision of the local transport infrastructure required in the table, or alternatives as determined under I616.6.2 clauses 2 and 3. The amendments to this standard that I am recommending include removing the local projects and development areas 1A-1E from Table I616.6.2.1. This provides clarity that there are no requirements for sequential development without the need to add a note to the table.

244. **Submission point 35.4** seeks clarification around the requirements to upgrade transport infrastructure through subdivision, primarily with respect to the identified upgrades needed in support of the future development of area 1A. The amendments I am recommending to Standard I616.6.2 remove collector roads from the table and reduce the number of projects that are subject to the proportional share mechanism. The Section 32 Report provided an indication of the costs, however detailed costings for the projects subject to Standard I616.6.2 are not known at the time of writing. This will be calculated at the time of resource consent application, as provided for in Standard I616.6.2.

245. **Submission point 35.5** requests that:

The total expected cost for the upgrades need to be identified and made publicly available. The total costs should categorise the various components with particular reference made to the cost of land acquisitions in isolation from the estimated construction costs.

246. The Section 32 Report provided an indication of the costs however detailed costings for the projects subject to Standard I616.6.2 is not known at the time of writing. This will be calculated at the time of any resource consent application as provided for in Standard I616.6.2.

247. **Submission point 35.6** requests the inclusion of a definition of Proportional Share as follows:

Proportional Share is a value of the overall costs identified for the upgrades of the respective sub-area. The overall costs are then divided between the sub-area, with such costs determined by the lot size and indented zone of the AUP-OP.

248. I am recommending amendments to Standard I616.6.2 to provide more clarity, however I do not support a definition for proportional share, as this will be calculated at the time of any resource consent application as provided for in Standard I616.6.2.

249. **Submission point 35.7** seeks amendments to Standard I616.6.2(2) by adding the following sentence to the end of clause 2:

The Applicant must demonstrate how their alternative measures achieve the proportional share of costs determined for their respective sites by Council. Council will consider the following in their determination of costs:

a) The cost of land needed for a proposed Collector Road;

b) The payment of a localised development contribution or levy;

c) Construction costs associated with a Collector Road;

d) Contribution of costs relating to the upgrading of identified intersections.

250. I note that these suggested amendments relate to collector roads and I am recommending deleting collector roads from Table I616.6.2.1 in response to submission point 42.9 as discussed in paragraphs 232 to 233. This may address the submitter's concerns. Standard I616.6.2(3) allows for agreement about the quantum of costs at the time of resource consent and I consider that this is appropriate.

251. **Submission point 36.7** seeks amendments to the precinct provisions around 'Reference to Funding Mechanisms'. The submission point suggests precinct provisions would be better suited to identifying the specific infrastructure projects that are necessary to service precinct development and establishing a framework for assessment and implementation of those projects, or suitable alternatives that facilitates and enables development to occur within an appropriate timeframe. The suggested amendments to Table I616.6.2 are the specific transport infrastructure projects that are necessary to service the development of the precinct. I support the provisions in Whenuapai 3 Precinct and I am not recommending any amendments to the precinct in response to this submission point.

252. **Submission point 36.8** seeks amendments to the precinct provisions for 'Delivery of Transport Infrastructure Upgrades'. The submitter considers that:

a more appropriate approach would be to establish an assessment framework for transport projects whereby developers provide either the identified upgrades or suitable alternatives, including interim measures until Auckland Transport can deliver the identified upgrades. This is particularly relevant where the delivery of upgrades is outside the control of the subject developer.

253. The suggested amendments to Standard I616.6.2 to remove the local projects from the standard and this clarifies that the local projects are in the control of the developer. The precinct description explains the situation where development may proceed ahead of an Auckland Transport project to provide a road and states "the developer is required to work with Auckland Transport to ensure that the Auckland Transport project(s) is not precluded by the development". I do not consider that any other amendments to the precinct are necessary in response to this submission point.

254. **Submission point 36.17** seeks amendments to I616.1. Precinct Description, 'Integration of Subdivision and Development with Infrastructure':

The comprehensive and coordinated approach to subdivision, use and development outlined in the precinct is a consequence of the ~~reflects the size and significant~~ amount of infrastructure required to enable subdivision and development. ~~Funding of all required infrastructure is critical to achieving the integrated management of the precinct. The primary responsibility for funding of local infrastructure lies with the~~

~~applicant for subdivision and/or development. The council may work with developers to agree development funding agreements for the provision of infrastructure, known as Infrastructure Funding Agreements. These agreements define funding accountabilities, who delivers the works, timings and securities, amongst other matters.~~

255. This submission point is included in this section of the report as this part of the precinct description is linked with Standard I616.6.2. The submitter states that:

...the precinct provisions ought to focus on the infrastructure necessary and the various means by which development can be implemented in conjunction with these infrastructure projects.

256. The submitter is correct that the precinct provisions should focus on necessary infrastructure but I consider that is what the precinct provisions do. As this is a greenfield area, there is a significant amount of infrastructure that is required to mitigate the adverse effects of development and give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*. The precinct provisions therefore seek to ensure that infrastructure is provided as development progresses.

257. **Submission point 36.18** also seeks amendments to I616.6.1 Precinct Description as follows:

Transport

~~Whenuapai 3 Precinct is split into five areas, 1A-1E, based on the local transport infrastructure upgrades required to enable the transport network to support development in the areas. These upgrades are identified in Table I616.6.2.1 and are to be implemented prior to or in conjunction with urban development, required be in place prior to development going ahead. The cost of these transport infrastructure upgrades are to be proportionally shared across each area as development progresses. If these upgrades are not implemented prior to or in conjunction with urban development in place prior to development occurring developers are able to provide an alternative means of access which does not compromise the function and achievement of Auckland Transport's proposed project(s). measure for the provision of the upgrade works.~~

~~This may include an agreement with the council to ensure that the local share of the upgrade works attributable to the development is provided for. This could include an Infrastructure Funding Agreement or some alternative funding mechanism.~~

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

258. I am recommending some changes to this part of the precinct description in response to submission points 42.9 and 42.10 which are outlined in paragraph 236. These changes remove the development areas from the precinct description because I am recommending removing them from Standard I616.6.2 and Whenuapai 3 Precinct Plan 2. However I do not accept the suggested amendments in this submission point. There is a significant amount of infrastructure required in the precinct area and the proportional share mechanism in Standard I616.6.2 allows development to proceed while everyone in the precinct contributes to their share of the arterial roads.

259. **Submission point 36.45** seeks amendments to Standard I616.6.2. Transport infrastructure requirements. The submitter seeks to amend clause (1) to:

- (1) *All subdivision and development must be aligned with delivery of the ~~meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below.~~*

260. I address this submission point with submission point 36.46 in the paragraph below.

261. **Submission point 36.46** seeks amendments to Standard I616.6.2. Transport infrastructure requirements, delete clause (3):

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

262. Standard I616.6.2 has been amended in response to other submission points but I do not support this submitter's suggested amendments to the wording of this standard. In my opinion, the infrastructure projects in the table I616.6.2.1 are required. The effects of a development go beyond the site boundaries and the Integrated Transport Assessment¹⁸ undertaken for the WSP and the Technical Inputs Report¹⁹ outline the transport infrastructure that is necessary to service development in the precinct. As this is a rural area, the existing Brigham Creek and Trig Roads need upgrading to become arterial roads and a new urban arterial road is needed crossing State Highway 18. These three arterial roads are vital to the transport network in the precinct and as such are all subject to the proportional share mechanism. The appropriate time to determine the proportional share is when a resource consent is applied for as it will be dependent on the extent of the development proposal.

263. **Submission points 46.12, 47.12 and 48.13** seek to clarify provisions to confirm that transport upgrades occur concurrently with development occurring (rather than prior to its commencement), and that cost sharing occurs across each of the identified development areas shown on Whenuapai 3 Precinct Plan 2 to which the upgrades relate. I am recommending amendments to Standard I616.6.2 in response to submission points 42.9 and 42.10 which remove the local projects from Table I616.6.2 and remove the development areas from the table. This means that the proportional share mechanism for the remaining projects will be calculated across the precinct as a whole, not just the development areas. In the Technical Note received from Flow in April 2018 which can be seen in Appendix 8, they have stated that some of the projects that were previously in one development area should be spread over multiple areas. This is because these projects have benefits across the precinct. I can confirm that the local transport infrastructure required will be delivered by developers through subdivision and development and this will be part of the resource consent application process.

264. **Submission points 46.17 and 47.17** seek to amend Table I616.6.2.1 to include the requirement for development in Areas 1C and 1E to contribute equally to new and upgraded intersections on Brigham Creek Road. The amendments I am recommending to Table I616.6.2 remove the local projects and the development areas. This means subdivision and development across the precinct area as a whole will contribute to the costs of new and upgraded intersections. The costs of upgrading intersections on Brigham Creek Road will be shared across the precinct area.

265. **Submission point 48.18** seeks to amend Table I616.6.2.1 by deleting the three items of local transport infrastructure required for Area 1D. I agree with the submitter that these three items of local transport can be deleted from Table I616.6.2.1. Table I616.6.2.1

¹⁸ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

¹⁹ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

includes projects that are the sole responsibility of the developer and I am recommending the removal of these projects from the table.

Recommendations

266. I recommend **submission points 42.9 be accepted** because:
- a. Transport projects that are the responsibility of the developers should not be subject to the proportional share rule; and
 - b. Transport projects that are the responsibility of developers are covered by Standard I616.6.8.
267. I recommend submission point **42.10 be accepted** for the following reason:
- a. Amendments to the wording of Standard I616.6.2 are necessary following the suggested amendments to Table I616.6.2.1 in response to submission point 42.9.
268. I recommend that **submission point 48.18 be accepted** for the following reason:
- a. The local items of infrastructure have been removed from Whenuapai 3 Precinct Plan 2 and can therefore be removed from Standard I616.6.2.
269. I recommend that **submission point 23.5 be accepted in part** for the following reason:
- a. I note the support of the submitter for Standard I616.6.2 as notified however I am recommending some changes to be made to the standard in response to other submission points.
270. I recommend that **submission points 10.2, 35.4, 34.14, 34.15, 46.12, 46.17, 47.12, 47.17, 48.13 and 48.18, 46.13, 47.13 and 48.14 be accepted in part** for the following reasons:
- a. I am recommending amendments to Standard I616.6.2 to delete local infrastructure projects and development areas as the remaining projects are projects with benefits across the whole precinct area; and
 - b. My suggested amendments provide more clarity sought by the submitters, although I do not accept all the submitters suggested amendments.
271. I recommend that **submission points 35.5, 35.6, 35.7, 36.7, 36.8, 36.17, 36.18, 36.45 and 36.46 be rejected** for the following reasons:
- a. Standard I616.6.2 is necessary to achieve Objectives I616.6.2(3), (4), (5);
 - b. This Standard and Objectives I616.6.2(3), (4), (5) are necessary to give regard to the RPS, in particular *B2 Urban growth and form* and ensure infrastructure is provided to mitigate adverse impacts of subdivision and development;
 - c. The amendments I am recommending to Standard I616.6.2 in response to other submission points provide some clarity but I do not agree with the amendments suggested in these submission points; and
 - d. The proportional share mechanism, or an alternative measure, will be determined at the time of a resource consent application for a development proposal.
272. There are no consequential amendments associated with these recommendations.

10.5.4 Other matters relating to the integration of subdivision and development with the provision of infrastructure

Submission point	Name of submitter	Summary of relief sought	Recommendation
19.21	Herald Island Environmental Group	Seeks an integrated approach where the main arterial roads are completed at one time linking the main routes to provide a sense of continuity and safety.	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
28.6	Peter and Helen Panayuidou	Seeks that any contributions made towards upgrading infrastructure within the precinct are taken into account and offset by any future contributions.	Reject
34.5	Charles Ku	Seek amendments to I616.1. Precinct Description. Amend paragraph headed "Integration of Subdivision and Development with Infrastructure" - deleting the sentence "The primary responsibility for funding of local infrastructure lies with the applicant for subdivision and/or development" and redraft the paragraph specifying the funding of local infrastructure will be shared equitably in accordance with relative demands on infrastructure provision.	Reject
37.7	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Seek the inclusion of a requirement for an infrastructure development funding agreement to be in place before approving any zone change.	Reject
51.3	Nga Maunga Whakahii o Kaipara Whenua Hoko Holdings	Amend provisions after reviewing the proposed road alignments, classifications, requirements and links to development potential. The responsibility for providing (and protecting) future roads should be reviewed and the provisions amended or replaced accordingly.	Reject

Discussion

273. The submission points in the table above relate to the Integration of Subdivision and Development with the Provision of Infrastructure but do not fit into any of the other groupings of responses to submissions under this heading. The submission points are about the provision of infrastructure and the funding of infrastructure.
274. **Submission point 19.21:**
- ...supports a fully integrated approach where the main arterial roads are all completed at one time, linking main routes so residents have a sense of continuity and safety.*
275. The arterial roads will be completed by Auckland Transport as development progresses and as funding allows. As land in the precinct is in private and fragmented ownership, it is not possible to know when, or if development will occur. If a development proceeds ahead of an Auckland Transport project, the developer is required to work with Auckland Transport to ensure that the Auckland Transport project is not precluded by the development. Consequently I do not support this submission point.
276. **Submission point 28.6** seeks that any contributions made towards upgrading infrastructure within the precinct are taken into account and offset by any future contributions. The submitter states that when they have to provide public land, and in particular reserves and open space, that there should be an ability to not pay development contributions for such matters at a later date. I do not support this submission point because development contributions are required for all infrastructure, including open space but also roads and other infrastructure. If open space is acquired by the council this will go

through a separate process to the development contribution process. I see no reason to deviate from the council's approach to development contributions and open space acquisition in the PPC5 area.

277. **Submission point 34.5** seeks amendments to the I616.6.1 Precinct Description to delete the sentence "The primary responsibility for funding of local infrastructure lies with the applicant for subdivision and/or development". The submitter seeks to redraft the paragraph specifying the funding of local infrastructure will be shared equitably in accordance with relative demands on infrastructure provision. I do not support this suggested amendment as the responsibility for the funding of local infrastructure lies with the applicant. This part of the precinct description is linked with Standard I616.6.2 which is discussed in response to submissions in section 10.5.3 of this report. I am recommending amendments to Standard I616.6.2 to delete the local projects and the development areas from Table I616.6.2.1 in response to submission points 42.9 and 42.10. As a consequence of these amendments, I am recommending amendments to the precinct description. The amendments I am recommending to the precinct description are shown below. These amendments may address some of the submitter's concerns.

Transport

~~Whenuapai 3 Precinct is split into five areas, 1A-1E, based on the local transport infrastructure upgrades required to enable the transport network to support development in the areas precinct. These upgrades are identified in Table I616.6.2.1 and. These upgrades and are required to be in place prior to development going ahead. The cost of these transport infrastructure upgrades are to be proportionally shared across each area the precinct as development progresses.~~

278. **Submission point 37.7** seeks to include a requirement for an infrastructure development funding agreement to be in place before approving any zone change. I do not support this submission point because the appropriate time to seek an Infrastructure Funding Agreement is when an applicant applies for a resource consent for a development proposal. The zone needs to be changed to enable development and enable applicants to apply for resource consents.

279. **Submission point 51.3** states that:

...the roading requirements are unfair on land developers in many cases and go beyond the effects of a development. The proposed road alignments, classifications, requirements and links to development potential should be reviewed and amended or removed to provide a more balanced approach. This is especially the case for the Crown site on Brigham Creek Rd, and responsibility for providing (and protecting) future roads should be reviewed and the provisions amended or replaced accordingly.

280. The indicative road alignments are the product of the Integrated Transport Assessment²⁰ and the Technical Inputs Report²¹. As PPC5 is a greenfield area a large amount of infrastructure, including roads, is required to mitigate adverse effects of subdivision and development on the environment. I do not support this submission point as the Technical Inputs Report states that the collector roads through the area near the crown site on Brigham Creek Road which is at 161 and 167 Brigham Creek Road are necessary to provide direct routes between the residential and employment areas and to provide connections to the residential areas northeast of Brigham Creek Road. The roads and

²⁰ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

²¹ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

intersections with Brigham Creek Road will help spread the traffic generated in those areas where it joins onto Brigham Creek Road. I see no evidence to suggest an alternative road alignment or that providing local roads would be unfair.

Recommendations

281. I recommend that **submission point 19.21 be rejected** for the following reason:
- a. The arterial roads will be provided and upgraded as and when development progresses.
282. I recommend that **submission point 28.6 be rejected** for the following reasons:
- a. Development contributions and open space acquisitions are two separate processes; and
 - b. I see no reason to deviate from the council's policy on development contributions or open space acquisitions in the PPC5 area.
283. I recommend that **submission point 34.5 be rejected** for the following reasons:
- a. The primary responsibility for the funding of local infrastructure does lie with the developer; and
 - b. I am proposing some amendments to Standard I616.6.2 and the precinct description which clarifies these matters but I do not agree with the submitters suggested amendments.
284. I recommend that **submission point 37.7 be rejected** for the following reason:
- a. The appropriate time to seek an Infrastructure Funding Agreement is when a resource consent is applied for.
285. I recommend that **submission point 51.3 be rejected** for the following reasons:
- a. The Technical Inputs Report²² outlines the importance of the indicative collector roads; and
 - b. I see no evidence to change my view that the indicative roads as outlined on Precinct Plan 2 should be moved.
286. There are no consequential amendments associated with these recommendations.

10.6 Transport

10.6.1 Objective I616.2(6)

Submission point	Name of submitter	Summary of relief sought	Recommendation
23.3	New Zealand Transport Agency	Supports the inclusion of Objective I616.2(6) for the integration of subdivision and development with the provision of transport infrastructure in general accordance with I616.10.2 Whenuapai 3 Precinct Plan 2.	Accept
34.9	Charles Ku	Seek amendments to I616.2. Objectives (6) as follows" Unless already implemented, subdivision and development implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2, to the extent necessary to service that subdivision or development, and takes into account the regional and	Accept

²² Whenuapai Plan Change Stage 1 Technical Inputs June 2017

Submission point	Name of submitter	Summary of relief sought	Recommendation
		local transport network" or otherwise to specify that the infrastructure elements are only required insofar as they relate to that particular subdivision or development	
36.23	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.2. Objectives, Transport; <i>(6) Subdivision and development reflects and does not compromise implementation of implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2 and takes into account the regional and local transport network.</i>	Reject
46.14	Neil Construction Limited	Amend Objective I616.2(6) as follows: <i>Subdivision and development implements (or provides for) the transport network connections and elements in the applicable development area as shown on Whenuapai 3 Precinct Plan 2 and takes into account the regional and local transport network.</i>	Reject
47.14	Maraetai Land Development Limited		Reject
48.15	Yuewen Zhang and Yue Liu		Reject

Discussion

287. The submission points in the table above relate to the objective for transport which is Objective I616.2(6) which states:

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

288. Objective I616.2(6) is necessary to ensure that subdivision and development does not occur without the necessary transport infrastructure to support it. This objective, along with Objectives I616.6.2(3), (4) and (5), are the most appropriate way to achieve the purpose of the RMA and the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy* as the objective supports the integrated planning of land use, infrastructure and development. Objectives I616.6.2(3), (4), (5) and (6) enable subdivision, use and development while ensuring the necessary infrastructure is provided to avoid or mitigate any adverse effects, including cumulative effects. The plan change area is in fragmented land ownership which means the provision of infrastructure may not occur in a coordinated manner without these objectives being clear about the outcome sought. These objectives are evaluated in section 7.2.2 of the Section 32 Report.
289. Objective I616.2(6) in particular ensures that the transport network shown on Whenuapai 3 Precinct Plan 2 will be provided. The transport network shown on Whenuapai 3 Precinct Plan 2 is the product of the Integrated Transport Assessment²³ (ITA) that was produced for the WSP and the Technical Inputs Report²⁴ produced in June 2017. These two reports identified the transport network that is necessary in the PPC5 area to mitigate adverse effects of subdivision and development on the environment and on the wider transport network.
290. The relevant objectives and parts of objectives from B2 and B3 of the RPS that Objective I616.2(6) gives effect to are listed below:

²³ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

²⁴ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

B2.2.1 Objectives

- (1) *A quality compact urban form that enables all of the following:*
 - (a) *a higher-quality urban environment*
 - ...
 - (c) *better use of existing infrastructure and efficient provision of new infrastructure*
 - (d) *improved and more effective public transport*
 - ...
 - (g) *reduced adverse environmental effects.*

B3.2.1 Objectives

- (2) *The benefits of infrastructure are recognised, including:*
 - (a) *providing essential services for the functioning of communities, businesses and industries within and beyond Auckland;*
 - (b) *enabling economic growth;*
 - ...
 - (e) *protecting the quality of the natural environment; and*
 - ...
- (5) *Infrastructure planning and land use planning are integrated to service growth efficiently.*
- (6) *Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development.*

B3.3.1 Objectives

- (1) *Effective, efficient and safe transport that:*
 - (a) *supports the movement of people, goods and services;*
 - (b) *integrates with and supports a quality compact urban form;*
 - (c) *enables growth;*
 - (d) *avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and*
 - (e) *facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community*

291. **Submission point 23.3** supports the inclusion of Objective I616.2(6). I note the submitter's support and I recommend this submission point is accepted as the objective gives effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*.

292. Submission point 34.9 seeks to amend Objective I616.2(6) as follows:

Unless already implemented, subdivision and development implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2, to the extent necessary to service that subdivision or development, and takes into account the regional and local transport network.

293. The submitter seeks the above amendments or "to otherwise as to specify that the infrastructure elements are only required to be provided insofar as they relate to that particular subdivision or development".

294. I consider that the addition of "unless already implemented" to this objective is not necessary. When a resource consent is applied for, existing infrastructure will be assessed as part of the resource consent process. In addition, an upgraded transport network is critical to mitigate the adverse effects of development on the environment and to give effect

to the RPS, particularly *B2 Urban growth and form* and *B3 Transport, infrastructure and energy*. As this is a greenfield area, the upgrades required to the transport network are significant and go beyond site specific transport solutions. Consequently, I do not support this submission point.

295. **Submission point 36.23** seeks to amend Objective I616.2(6) as follows:

Subdivision and development reflects and does not compromise implementation of ~~implements~~ the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2 and takes into account the regional and local transport network

296. The submitter states that:

...the changes to Objective 6 are necessary to ensure it is consistent with Objective 5 and to ensure development can be progressed where alternative means of access to that shown on the precinct plan have been determined to be acceptable and found not to compromise the precinct's proposed network.

297. Objective I616.2(5):

Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks for the wider Whenuapai 3 Precinct area.

298. Objective I616.2(5) is about the infrastructure networks across Whenuapai. Objective I616.2(6) as notified is about the transport network shown on Precinct Plan 2. The two objectives complement each other and I do not support the submitters suggested amendment because Objective I616.2(6) enables subdivision, use and development while ensuring the necessary infrastructure is provided to avoid or mitigate any adverse effects, including cumulative effects. This ensures compliance with the RPS, in particular *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*.

299. **Submission points 46.14, 47.14 and 48.15** seek to amend Objective I616.2(6) as follows:

Subdivision and development implements (or provides for) the transport network connections and elements in the applicable development area as shown on Whenuapai 3 Precinct Plan 2 and takes into account the regional and local transport network.

300. I am recommending changes to Standard I616.6.2 and Whenuapai 3 Precinct Plan 2 in response to submission points 42.9 and 42.10. These changes are discussed in detail section 10.5.3 of this report. The changes I am recommending remove the development areas from Standard I616.6.2 and from Precinct Plan 2 therefore I do not support the suggested addition of the words "in the applicable development area".

Recommendations

301. I recommend that **submission point 23.3 be accepted** for the following reason:

- a. Objective I616.2(6) as notified gives effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*.

302. I recommend that **submission points 34.9, 36.23, 46.14, 47.14 and 48.15 be rejected** for the following reasons:

- a. Objective I616.2(6) is necessary to give regard to the RPS, in particular *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*,

- b. The suggested amendments to Objective I616.2(6) do not take into account the cumulative effects of development on the transport network; and
- c. Recommended changes to Standard I616.6.2 in response to other submission points in section 10.5.3 include removing development areas from the standard and Whenuapai 3 Precinct Plan 2 so it is not appropriate to refer to development areas in this policy.

303. There are no consequential amendments associated with these recommendations.

10.6.2 Policy I616.3(8)

Submission point	Name of submitter	Summary of relief sought	Recommendation
34.11	Charles Ku	Seek amendments to Policy (8) as follows "Require the provision of new <u>collector roads</u> and upgrades of existing roads <u>generally in the locations and alignments as shown on...the location and alignment of collector roads</u> only allowed where the realigned road will provide an equivalent transport function. <u>For the avoidance of doubt, this may mean locations and alignments of roading on different allotments to those shown on the Precinct Plan</u> ", or otherwise to provide for flexibility in the final positions and alignments of roads and to differentiate between function and benefits of collector and arterial roads.	Accept in part
34.21	Charles Ku	Seek amendments to I616.8.2. Assessment Criteria, amend 1(a) as follows (a) the extent to which any subdivision or development layout is <u>generally</u> consistent with and provides for the upgraded roads and new indicative <u>collector roads</u> shown on the Whenuapai 3 Precinct Plan 2;..."	Reject
36.27	CDL Land New Zealand Limited (CDL)	Seek amendments to policy I616.3.(9) Transport <i>(9) Require the provision of new roads and upgrades of existing roads as shown on Whenuapai 3 Precinct Plan 2 through subdivision and development, with amendments to the location and alignment of collector roads only allowed where the realigned road will provide an equivalent transport function.</i>	Reject

Discussion

304. The submission points in the table above relate to the transport policy which is Policy I616.3(8) in Whenuapai 3 Precinct. This policy will achieve Objective I616.2(6) which is discussed in response to submissions in section 10.6.1 of this report. The objectives are evaluated in section 7.2 of the Section 32 Report.

305. Policy I616.3(8) as notified reads:

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

306. The transport network shown on Whenuapai 3 Precinct Plan 2 are the product of the Integrated Transport Assessment²⁵ (ITA) that was produced for the WSP and the Technical Inputs Report²⁶ produced in June 2017. These two reports identified the transport network that is necessary in the PPC5 area to mitigate adverse effects of subdivision and development on the environment, and on the wider transport network.
307. Policy I616.3(8) ensures that *B2 Urban growth and form* and *B3 Infrastructure, transport and energy* are given effect to by requiring the transport network will be provided to avoid, remedy or mitigate adverse effects on the environment.
308. Standard I616.6.2 is relevant to the discussion on these submission points and is shown below:

I616.6.2 Transport infrastructure requirements

- (1) All subdivision and development must meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below unless otherwise provided for by (2) and (3) below.*
- (2) Where the applicant, in applying for resource consent, cannot achieve or provide the required local infrastructure work identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required must be provided.*
- (3) The applicant and the council must agree the alternative measure(s) to be provided as part of the application and provide evidence of this agreement in writing as part of the application for resource consent.*

309. **Submission point 34.11** seeks to amend Policy I616.3(8) as follows:

Require the provision of new collector roads and upgrades of existing roads generally in the locations and alignments as shown on Whenuapai 3 Precinct Plan 2 through subdivision and development, with amendments to the location and alignment of collector roads ~~only~~ allowed where the realigned road will provide an equivalent transport function. For the avoidance of doubt, this may mean locations and alignments of roading on different allotments to those shown on the Precinct Plan or otherwise to provide for flexibility in the final positions and alignments of roads and to differentiate between function and benefits of collector and arterial roads.

310. This policy is intended to cover the location and alignment of all roads shown on Whenuapai 3 Precinct Plan 2, including arterial roads. Auckland Transport will build the arterial roads but subdivision and development of individual sites, or groups of sites, still has to allow for the location and alignment of the arterial roads. As notified, the Policy I616.3(8) allows for some flexibility for the location and alignment of roads as long as the road can provide the equivalent transport function as that shown in Whenuapai 3 Precinct Plan 2. Standard I616.6.1(2) also allows for flexibility for the location and alignment of roads if an activity can not comply with Whenuapai 3 Precinct Plan 2. This can be worked through at the time of a resource consent application. I do however agree with the submitter that the word “only” is redundant and I am recommending deleting that from the policy. Therefore I am recommending to accept this submission point in part.
311. I address submission point 34.21 in this section because it is linked to submission point 34.11. **Submission point 34.21** seeks to amend I616.8.2 Assessment Criteria (1)(a) as follows:

²⁵ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

²⁶ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

- (1) *Subdivision and development*
 - (a) *the extent to which any subdivision or development layout is generally consistent with and provides for the upgraded roads and new indicative collector roads shown on the Whenuapai 3 Precinct Plan 2.*

312. The submitter states that:

Criterion 1(a) should recognise the indicative alignment of the roading network should only require general consistency and that arterial roads can be achieved by other methods (namely designation).

313. As stated in paragraph 310 above, Standard I616.6.1(2) provides for some flexibility on the location and alignment of roads shown on Whenuapai 3 Precinct Plan 2. The word “generally” is not necessary, especially in the assessment criteria when (a) is prefaced with “the extent to which...”. In addition, while arterial roads can be designated this is not always the case, and subdivision and development still has to allow for the location and alignment of the arterial roads. Consequently I do not support this submission point.

314. **Submission point 36.27** seeks to amend Policy I616.3(8) as follows:

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

315. I agree with the submitter that there may be more than one reason to support an alternative alignment for collector roads. However the alternative alignment must always provide an equivalent transport function to the roads shown on Whenuapai 3 Precinct Plan 2. The roads shown on Whenuapai 3 Precinct Plan 2 are the product of ITA²⁷ and the Technical Inputs Report²⁸. Traffic modelling has shown the location of the roads on Whenuapai 3 Precinct Plan 2 is the best location to ensure the transport network mitigates adverse effects of subdivision and development on the environment. Standard I616.6.1(2) allows for some flexibility for the location and alignment of roads if an activity can not comply with Whenuapai 3 Precinct Plan 2. This can be worked through at the time of a resource consent application. I do not support this suggested amendment because a different location or alignment of road can only be acceptable when the road still provides the equivalent transport function.

Recommendations

316. I recommend that **submission point 34.11 be accepted in part** for the following reasons:
- a. Subdivision and development need to take into account the location and alignment of arterial roads, as well as collector roads;
 - b. Standard I616.6.1(2) also allows for flexibility for the location and alignment of roads if an activity cannot comply with Whenuapai 3 Precinct Plan 2; and
 - c. The word “only” is redundant and I agree with removing it from Policy I616.3(8).
317. I recommend that **submission points 34.21 and 36.27 be rejected** for the following reasons:
- a. Policy I616.3(8) is the best way to support Objectives I616.2(3), (4), (5) and (6) and give regard to the RPS, in particular *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*;

²⁷ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

²⁸ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

- b. Subdivision and development has to provide for the location and alignment of all roads shown on Whenuapai 3 Precinct Plan 2;
- c. Standard I616.6.1(2) also allows for flexibility for the location and alignment of roads if an activity can not comply with Whenuapai 3 Precinct Plan 2; and
- d. The only amendment to the location and alignment of roads can be when the realigned road will provide an equivalent transport function.

318. There are no consequential amendments associated with these recommendations.

10.6.3 Standard I616.6.1

Submission point	Name of submitter	Summary of relief sought	Recommendation
21.12	Cabra Developments Limited	Retain Standard I616.6.1, subject to an amendment to limit the scope of the standard to Whenuapai 3 Precinct Plan 1.	Reject
22.35	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Retain Standard I616.6.1(1) as proposed.	Accept
22.36	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Delete Standard I616.6.1(2).	Reject

Discussion

319. The submission point in the table above relates to Standard I616.6.1 Compliance with Whenuapai 3 Precinct Plans. Standard I616.6.1 as notified reads:

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

320. Whenuapai 3 Precinct Plan 1 shows:

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

321. Whenuapai 3 Precinct Plan 2 shows:

- Indicative new roads and intersections
- Proposed upgrades to existing roads and intersections.

322. **Submission point 21.12** seeks to limit the scope of Standard I616.6.1 to Whenuapai 3 Precinct Plan 1 only. The submitter states that the “roading matters” should be limited to Standard I616.6.2. Standard I616.6.2 is about the provision of roads but Whenuapai 3 Precinct Plan 2 shows the layout of the roads. The indicative road network shown on Whenuapai 3 Precinct Plan 2 is a product of the ITA²⁹ and the Technical Inputs Report³⁰. Clause (2) of the standard allows for alternative measures as long as the outcomes in the precinct plans are not compromised and this can be worked out through the resource consent process. This transport network is necessary to mitigate the cumulative effects of subdivision and development within the precinct and I do not support this submission point

²⁹ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

³⁰ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

as the standards as notified is required to ensure the transport network as shown on Whenuapai 3 Precinct Plan 2 is provided.

323. **Submission point 22.35** seeks to retain Standard I616.6.1(1) as proposed. I note the submitter's support and support this submission point as the road and stream network are necessary to give effect to the RPS, in particular *B2 Urban growth and form*, *B3 Infrastructure, transport and energy* and *B7.3 Freshwater systems*.
324. **Submission point 22.36** seeks to delete Standard I616.6.1(2). The road and stream network shown on Whenuapai 3 Precinct Plans 1 and 2 is indicative. Clause (2) of Standard I616.6.2 is appropriate to allow for flexibility when a resource consent is applied for. Therefore, I do not support this submission point.

Recommendations

325. I recommend that **submission points 21.2 be rejected** for the following reasons:
- The location and alignment of all roads shown on Whenuapai 3 Precinct Plan 2 is a product of the Integrated Transport Assessment³¹ and the Technical Inputs Report³² and provides a road network that mitigates the adverse effects of subdivision and development and give effect to the RPS, in particular *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*, and
 - Other provisions in the precinct deal with the provision of infrastructure but Whenuapai 3 Precinct Plan 2 outlines the location and alignment of the indicative roads and Standard I616.6.1 is necessary to ensure the indicative road layout is provided as shown.
326. I recommend that **submission point 22.35 be accepted** for the following reason:
- Clause (1) of Standard I616.6.1 is necessary to give effect to the RPS, in particular *B2 Urban growth and form*, *B3 Infrastructure, transport and energy* and *B7.3 Freshwater systems*.
327. I recommend that **submission point 22.36 be rejected** for the following reasons:
- The road and stream network shown on Whenuapai 3 Precinct Plans 1 and 2 is indicative; and
 - Clause (2) of Standard I616.6.2 is appropriate to allow for flexibility when a resource consent is applied for.
328. There are no consequential amendments associated with this recommendation.

10.6.4 Standard I616.6.8

Submission point	Name of submitter	Summary of relief sought	Recommendation
21.8	Cabra Developments Limited	Retain Standard I616.6.8 Roads and amend wording to limit 'upgrade' works to the construction of the associated kerb and channel on the opposite side of the road to any development site.	Accept
21.9	Cabra Developments Limited	Amend the provisions for clarity and equity including the extent to which development contributions are allocated or otherwise to such infrastructure works.	Accept in part

³¹ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

³² Whenuapai Plan Change Stage 1 Technical Inputs June 2017

Submission point	Name of submitter	Summary of relief sought	Recommendation
34.18	Charles Ku	Seek amendments to I616.6.8 to require that where the Precinct Plan shows an indicative road adjoin an allotment, that road shall be provided in a manner to serve (provide frontage to) both the parent lot on which the road is located and the lot which it adjoins.	Reject
34.19	Charles Ku	Seek amendments to rule I616.6.8 to better achieve policy I616.3. (8) subject to amendments to that policy sought in this submission. This includes specifying that new roads shall be 'generally' provided in the locations and alignments shown on the Precinct Plan, and that these road locations and alignments are indicative.	Reject
34.23	Charles Ku	Insert a new criterion to I616.8.2 to deal with circumstances where the Precinct Plan shows an indicative road adjoining an allotment. In these circumstances the subdivision shall demonstrate how the road serves (provides frontage) both the parent lot on which the road is located and the lot which it adjoins.	Reject
35.8	Sheng Xin Property Investment Limited	Seek clarification on the definition and intended outcome of standard I616.6.8(1). Believe this standard should be amended as follows "Development and subdivision occurring adjacent to an existing road must upgrade the proportion of the road to the centreline adjoining the development site where subdivision and development is to occur. In the event that the other side of the road is not within Stage 1 of PC5, the entire width of the road must be upgraded."	Reject
35.9	Sheng Xin Property Investment Limited	Amend I616.6.8 to add at the bottom "For the purpose of clarity with respect to Standard I616.6.8(2) above, the term road excludes collector and arterial roads identified on I616.10.2 Whenuapai 3 Precinct Plan 2."	Reject
36.51	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.6.8 Roads, delete (1) <i>I616.6.8. Roads</i> (1) Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road adjacent to the site where subdivision and development is to occur.	Reject
42.11	Auckland Transport	Support Standard I616.6.8.	Accept
42.12	Auckland Transport	Amend Standard I616.6.8(2) to require developments along a proposed new arterial alignment to provide a full arterial road reserve width, even if the developer only intends to form a collector road standard in the interim.	Accept

Submission point	Name of submitter	Summary of relief sought	Recommendation
46.11	Neil Construction Limited	Amend Standard I616.6.8(1) to clarify that where roads are required to be upgraded, the upgrading works are required only within that part of the road reserve extending from the developer's property boundary to the opposite carriageway kerb.	Accept
47.11	Maraetai Land Development Limited		Accept
48.12	Yuewen Zhang and Yue Liu		Accept

Discussion

329. The submission points in the table above relate to Standard I616.6.8 Roads. Standard I616.6.8 as notified reads:

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

330. **Submission point 42.11** supports Standard I616.6.8. I note the submitter's support. I address submission points 42.12, 21.8, 46.11, 47.11 and 48.12 next in this section as I am proposing changes to Standard I616.6.8 as notified in response to these submission points. These changes provide clarity and may address other submission points.

331. **Submission point 42.12** seeks an addition to Standard I616.6.8 to require developments along a proposed new arterial alignment to provide a full arterial road reserve width, even if the developer only intends to form a collector road standard in the interim. The submitter states that:

In cases where development is proceeding ahead of the arterial standard requirement, this approach ensures that the development can proceed whilst providing for the road ultimately required to meet the future capacity and multi-modal requirements of the transport network.

332. I agree with the submitter, this was the intention in the standard. This can be seen in the precinct description which states:

Where a development proceeds ahead of an Auckland Transport project, the developer is required to work with Auckland Transport to ensure that the Auckland Transport project(s) is not precluded by the development.

333. However this was never explicitly stated in the standard.

334. I am recommending an addition to clause 2 of Standard I616.6.8 in response to this submission point as follows:

- (2) *Development and subdivision involving the establishment of new roads must:*
 - (a) *provide the internal road network within the site where subdivision and development is to occur; and*

- (b) *be built through to the site boundaries to enable existing or future connections to be made with, and through, neighbouring sites; and*
- (c) *provide a full arterial road width along any proposed new arterial alignment shown on Whenuapai 3 Precinct Plan 2 if the subdivision and development is proceeding ahead of the arterial road.*

335. **Submission points 46.11, 47.11 and 48.12** seek to amend Standard I616.6.8(1) to:

...clarify that where roads are required to be upgraded, the upgrading works are required only within that part of the road reserve extending from the developer's property boundary to the opposite carriageway kerb.

336. **Submission point 21.8 seeks** similar amendments to submission points 46.11, 47.11 and 48.12. This submitter seeks to:

Retain standard I616.6.8 Roads, and amend wording to limit 'upgrade' works to the construction of the associated kerb and channel on the opposite side of the road to any development site.

337. This was the intention of the standard but I agree with the submitter that the standard wording should be amended to clarify this. I am recommending to amend clause (1) or I616.6.8 in response to these submission points to:

- (1) *Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road from the property boundary of adjacent to the site where subdivision and development is to occur to the kerb on the opposite side of the road.*

338. **Submission point 21.9** seeks that the provisions are amended to include the extent to which developer contributions are allocated to infrastructure works. This submission point relates to Standard I616.6.8 and the submitter states that:

It is unclear whether this requires that applicant to pay for all associated works adjacent to the site, or whether costs will be shared between the Council and the applicant, or between the Council, the applicant and other parties adjacent and/or opposite, and how this is to be implemented.

339. The council does not collect development contributions for collector roads. The construction of these roads is the responsibility of the developer. Once constructed to the appropriate standard these roads are vested in the council. If a developer is upgrading or building a collector road under this standard, they will not also be paying development contributions for the road. The council collects development contributions for some arterial roads and Auckland Transport provides the roads.

340. The addition I am recommending to clause (2) of Standard I616.6.8 clarifies that developers must provide a full arterial width if their development is proceeding ahead of the arterial road build or upgrade. That is, they have to provide space for the arterial road to be built or upgraded but they do not build or upgrade the road themselves. The amendments I am recommending that are discussed in paragraphs 335 to 337 provide more clarity and no other amendments are necessary to further clarify this standard.

341. **Submission point 34.18** seeks amendments to Standard I616.6.8 to:

...require that where the Precinct Plan shows an indicative road adjoining an allotment, that road shall be provided in a manner to serve (provide frontage to) both the parent lot on which the road is located and the lot which it adjoins.

342. If the amendments suggested under submission point 34.18 are not accepted, **submission point 34.19** seeks that:

Otherwise amend rule I616.6.8. to better achieve policy I616.3. (8) subject to the amendments to that policy sought in this submission. This includes specifying that new roads shall be 'generally' provided in the locations and alignments shown on the Precinct Plan, and that these roads and alignments are indicative.

343. Clause (2)(b) of Standard I616.6.8 requires that new roads must be built to the site boundaries to enable existing or future connections to be made with, and through, neighbouring sites. In my opinion this is sufficient to address submission point 34.18 and no further amendments are necessary. I do not support submission point 34.19 as the roads are labelled as indicative on Whenuapai 3 Precinct Plan 2 and Standard I616.6.1 allows for some flexibility for the alignment of roads. The exact alignment of the road can be determined at the time of resource consent. In my opinion no further amendments to this standard are necessary in response to submission point 34.19.

344. I address **submission point 34.23** in this section as it is linked with points 34.18 and 34.19. Submission point 34.23 seeks to add a new criterion to I616.8.2 Assessment Criteria to deal with:

...circumstances where the Precinct Plan shows an indicative road adjoining an allotment. In these circumstances, the subdivision shall demonstrate how that road serves (provides frontage) both the parent lot on which the road is located and the lot which it adjoins.

345. The amendments I am suggesting to clause (1) of Standard I616.6.8 as discussed in paragraphs 335 to 337 clarify that roads need to be upgraded from the property boundary of the development site to the kerb on the opposite side of the road. As stated in paragraph 343, clause (2) of Standard I616.6.8 requires that new roads must be built to the site boundary to enable existing or future connections with and through neighbouring sites. The exact location and alignment of a road is determined at the time of a resource consent application and in my opinion no addition to the assessment criteria as a result of this submission point is necessary.

346. **Submission point 35.8** seeks to amend Standard I616.6.8(1) as follows:

Development and subdivision occurring adjacent to an existing road must upgrade ~~the entire width of the road~~ proportion of the road to the centreline adjoining the development site where subdivision and development is to occur. In the event that the other side of the road is not within Stage 1 of PC5, the entire width of the road must be upgraded.

347. I am suggesting amendments to Standard I616.6.8(1) in response to submission points as discussed in paragraphs 335-337. These amendments clarify that developers are required to upgrade the entire width of the road to the opposite kerb. Acceptance of this submission point would result in some roads having only part of them upgraded and because there is fragmented land ownership in the PPC5 area there is no certainty when development across the other side of the road will occur and the remainder of the road will be upgraded. This is not practical or safe and I do not support this submission point.

348. **Submission point 35.9** seeks to amend Standard I616.6.8 to add the following below clause (1):

For the purpose of clarity with respect to Standard I616.6.8(2) above, the term road excludes collector and arterial roads identified on I616.10.2. Whenuapai 3 Precinct Plan 2.

349. Standard I616.6.8(2) ensures internal road networks are connected beyond the development site, regardless of road classification. The submitter states that developers should only pay for local roads. The standard applies to the roads regardless of who pays for them. There is no reason to exclude collector and arterial roads from this standard and I do not support this submission point.

350. **Submission point 36.51** seeks to amendments to Standard I616.6.8 Roads to delete clause (1):

~~(1) — Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road adjacent to the site where subdivision and development is to occur.~~

351. The submitter states that they believe this clause is unnecessary and onerous. I consider that the clause is necessary as subdivision and development will happen at different times throughout the precinct as and when landowners wish to subdivide and develop. This standard is necessary to ensure that the entire width of the road is upgraded without waiting for subdivision and development to occur on sites across the road and on neighbouring sites. As there is fragmented land ownership in the PPC5 area, there is no certainty as to when development will occur. I do not support the deletion of this standard.

Recommendations

352. I recommend that **submission points 21.8, 42.11, 42.12, 46.11, 47.11 and 48.12 be accepted** for the following reasons:

- a. Standard I616.6.8 requires clarifying and the amendments suggested by the submitters were intended but not clear in the standard;
- b. The amendments suggested explicitly state how arterial roads will be managed which provides clarity; and
- c. The amendments suggested explicitly state that the road is to be upgraded to the kerb across the road from the development site and not to the footpath.

353. I recommend that **submission points 21.9 be accepted in part** for the following reasons:

- a. Some clarity is required and Standard I616.6.8 is amended in response to submission points 21.8, 42.12, 46.11, 47.11 and 48.12 to provide clarity; and
- b. The submitter's suggested amendments to this standard are not supported as they are not necessary once the standard has been amended.

354. I recommend that **submission points 34.18, 34.19, 34.23, 35.8, 35.9 and 36.51 be rejected** for the following reasons:

- a. The amendments suggested in response to submission points in paragraphs 335 to 337 provide clarity to Standard I616.6.8 and other amendments are not necessary or appropriate; and
- b. Standard I616.6.8 is necessary to ensure connectivity between sites and that the whole width of a road is upgraded or built because there is fragmented land ownership in the PPC5 area.

355. There are no consequential amendments associated with these recommendations.

10.6.5 Indicative road network shown on Whenuapai 3 Precinct Plan 2

Submission point	Name of submitter	Summary of relief Sought by the Submitter	Recommendation
4.6	Peter E Pattinson and Teresa Pattinson	Seeks that the proposed main access loop road ran along the northern boundary of the houses as shown in the proposed development.	Reject
14.3	78 Hobsonville Limited and Prestige Clark Road Limited	Seek that the location and geometric alignment of the intersection between 78 and 80 Hobsonville Road, Arterial Road and Collector Road are shown on the Plan Change map as indicative only a subject to final design at resource consent stage.	Accept
18.3	Hsiu Ho Lin	Opposes having to provide both a collector road and a neighbourhood park on the site at 17 Trig Road, Whenuapai.	Reject
18.5	Hsiu Ho Lin	Opposes the location of indicative roads on 17 Trig Road, Whenuapai.	Reject
18.8	Hsiu Ho Lin	Support the alignment of the indicative collector road on the site at 17 Trig Road, Whenuapai on the basis that the indicative open space is removed from the site.	Reject
21.4	Cabra Developments Limited	Amend Whenuapai 3 Precinct Plan 2 to delete the indicative road connecting Kauri Road and Sinton Road, and Sinton Road and Hobsonville Road and make consequential amendments to Standard I616.6.8.	Reject
21.5	Cabra Developments Limited	Amend the indicative roads north of Clarks Lane and east of Ockleston Landing from 'collector' to 'local' roads on Whenuapai 3 Precinct Plan 2 and make consequential amendments to Standard I616.6.8.	Accept in part
21.6	Cabra Developments Limited	Amend Whenuapai 3 Precinct Plan 2 to reposition the existing collector road to the east of the Special Character Area and the indicative collector road to the north of Clarks Lane to reflect the correct alignment within the property at 1 Ockleston Landing and amend both roads from 'collector' to 'local' roads. Make consequential amendments to Standard I616.6.8.	Accept in part
26.4	GRP Management Limited	Seeks the deletion of the three indicative cul-de-sacs in Area 1D as identified on Whenuapai 3 Precinct Plan 2.	Accept
26.5	GRP Management Limited	Seeks the deletion of the collector road that is identified as an existing collector road and parallel to Clarks Lane from Whenuapai 3 Precinct Plan 2.	Accept
26.6	GRP Management Limited	Seeks the deletion of one of the secondary loops of Sinton Road, identified as an existing collector road on Whenuapai 3 Precinct Plan 2.	Accept

Submission point	Name of submitter	Summary of relief Sought by the Submitter	Recommendation
26.7	GRP Management Limited	Seeks the deletion of, or clarity around, the indicative collector road that crosses SH18 but lies outside of the precinct plan area.	Reject
29.3	Ockleston Investments Limited	Seeks the deletion of the collector road along the western boundary of 1 Ockleston Landing as identified on Whenuapai 3 Precinct Plan 2 as the road does not exist.	Accept
29.4	Ockleston Investments Limited	Seeks the deletion of the three indicative coastal cul-de-sacs in Area 1D as identified on Whenuapai 3 Precinct Plan 2.	Accept
29.5	Ockleston Investments Limited	Seeks the deletion of the cul-de-sac collector road that is parallel to Clarks Lane, identified as an existing collector on Whenuapai 3 Precinct Plan 2.	Accept
29.6	Ockleston Investments Limited	Seeks the deletion of one of the secondary loops of Sinton Road, identified as an existing collector road on Whenuapai 3 Precinct Plan 2.	Accept
29.7	Ockleston Investments Limited	Seeks the deletion of, or clarity around, the indicative collector road that crosses SH18 but lies outside of the precinct plan area.	Reject
32.4	Ming Ma	Delete the three coastal cul-de-sac indicative collector roads in Area 1D as identified on the Whenuapai 3 Precinct Plan 2	Accept
32.5	Ming Ma	Delete the cul-de-sac collector road that is parallel to Clarkes Lane identified as an existing collector road on the Whenuapai 3 Precinct Plan 2	Accept
32.6	Ming Ma	Seeks the deletion of one of the secondary loops of Sinton Road, identified as an existing collector road on Whenuapai 3 Precinct Plan 2.	Accept
32.7	Ming Ma	Delete or provide clarity around the indicative road that crosses over SH18 but lies outside of the Precinct Plan area.	Reject
33.3	Sinton Developments	Delete the indicative collector road that is located along the southern boundary of 18 Sinton Road as identified in Whenuapai 3 Precinct Plan 2.	Reject
33.4	Sinton Developments	Delete the three coastal cul-de-sac indicative collector roads in Area 1D as identified on the Whenuapai 3 Precinct Plan 2	Accept
33.5	Sinton Developments	Delete the cul-de-sac road that is parallel to Clarkes Lane as identified as an existing collector on the Whenuapai 3 Precinct Plan 2	Accept
33.6	Sinton Developments	Delete one of the secondary loops on Sinton Road that is identified as an existing collector on the Whenuapai 3 Precinct Plan 2	Accept

Submission point	Name of submitter	Summary of relief Sought by the Submitter	Recommendation
33.7	Sinton Developments	Delete or provide clarity around the indicative collector road that crosses over SH18 but lies outside the Precinct Plan area	Reject
33.8	Sinton Developments	Consider alternative options to the re-aligning Sinton Road as described in Attachment 2 of the submission	Reject
34.4	Charles Ku	Seek amendments to Precinct Plan 2 in relation to the extension of the Speeding Road Arterial into the properties adjoining and to the South of 55 Trig Road. Either the precinct plan indicates that this arterial will be designated if retained in its proposed position or it is repositioned to be wholly or partly in the property at 55 Trig Rd	Reject
34.6	Charles Ku	Seek amendment to I616.1 Precinct description. Amend paragraph headed 'Transport' to recognise the designation of roads by Council or AT is alternative way to achieve the proposed transport network through structure plan, particularly in relation to arterial roads.	Reject
35.2	Sheng Xin Property Investment Limited	Support the location of the Collector Road (Section I616.10.2) although the location of the road will not enable development as the location of the stream and requirement for riparian planting will leave insufficient depth between the road and stream.	Accept in part
36.2	CDL Land New Zealand Limited (CDL)	Seeks amendments to Precinct Plan 2, the proposed collector road through the western block of stage 1A should be amended to provide access into the western block of stage 1A from both Trig Rd south and Hobsonville Rd. It is not necessary or appropriate to prescribe an internal road layout at this stage and doing so might compromise or constrain the comprehensive and logical future development of the land. A revised Precinct Plan 2 is included at Appendix 1 of the submission.	Reject
36.3	CDL Land New Zealand Limited (CDL)	The collector road shown on Precinct Plan 2 in 1A which differs from that proposed in the Draft Plan Change should be realigned in accordance with the ITA identifying a route from the proposed new intersection of Trig Rd/Hobsonville Rd. A revised Precinct Plan 2 is included at Appendix 1 of the submission.	Reject

Submission point	Name of submitter	Summary of relief Sought by the Submitter	Recommendation
36.4	CDL Land New Zealand Limited (CDL)	CDL seeks incorporation into Precinct Plan 2 of an identified vehicular access point to its land from Hobsonville Road. This could utilise an existing crossing location for access at either 4 or 30 Hobsonville road and be annotated with "intersection upgrade" notation as per the proposed Precinct Plan 2. A revised Precinct Plan 2 is included at Appendix 1 of the submission.	Reject
37.5	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Seek that the Proposed Transport Network as described in Figure 22 of the Whenuapai Structure Plan be incorporated into Whenuapai 3 Precinct Plan 2 to link the collector road between Trig Road and Hobsonville Road through the residential development block west of Trig Road.	Reject
42.16	Auckland Transport	Supports the inclusion of Whenuapai 3 Precinct Plan 2, particularly the use of indicative arterial and collector roads to denote the required road network at this level to be provided through subdivision and development.	Accept in part
42.17	Auckland Transport	Amend Whenuapai 3 Precinct Plan 2 to include indicative locations for future rapid transit stations.	Reject
46.9	Neil Construction Limited	Amend Whenuapai 3 Precinct Plan 2 by deleting collector roads within Area 1B.	Reject
46.10	Neil Construction Limited	Amend Whenuapai 3 Precinct Plan 2 by deleting the proposed indicative collector road between Sinton Road and Kauri Road.	Reject
47.9	Maraetai Land Development Limited	Amend Whenuapai 3 Precinct Plan 2 by deleting collector roads within Area 1B.	Reject
47.10	Maraetai Land Development Limited	Amend Whenuapai 3 Precinct Plan 2 by deleting the proposed indicative collector road between Sinton Road and Kauri Road.	Reject
48.8	Yuewen Zhang and Yue Liu	Amend Whenuapai 3 Precinct Plan 2 by deleting the length of 'proposed upgrade of existing collector road' adjoining the eastern boundaries of the sites at 3-9 Clarks Lane.	Accept
48.9	Yuewen Zhang and Yue Liu	Amend Whenuapai 3 Precinct Plan 2 by deleting the three cul-de-sac sections of 'indicative collector road' extending to the north of Clarks Lane and Ockleston Landing.	Accept
48.10	Yuewen Zhang and Yue Liu	Amend Whenuapai 3 Precinct Plan 2 by deleting the proposed indicative collector roads shown between Sinton Road and Kauri Road, and between Sinton Road and Sinton Road East.	Reject
48.11	Yuewen Zhang and Yue Liu	Amend Whenuapai 3 Precinct Plan 2 by including a direct link from Sinton Road to Brigham Creek Road.	Reject

Discussion

356. The submission points in the table above relate to the indicative road network in the PPC5 area which is shown on Whenuapai 3 Precinct Plan 2. The indicative road network is a product of the three technical reports that have been produced for the WSP and PPC5:
- the Integrated Transport Assessment³³ (ITA) finalised in August 2016;
 - the Technical Inputs Report³⁴ produced in June 2017; and
 - the Technical Note produced in April 2018 which can be seen in Appendix 8.
357. The ITA was produced for the WSP and outlines the road network that is needed to support subdivision and development in Whenuapai. The ITA also identified a potential public transport network including cycling, walking and a rapid transit network along State Highway 16 and State Highway 18. This is shown in Figure 12 of the WSP, the Transport Networks Map. The road network shown on Whenuapai 3 Precinct Plan 2 and the transport modelling done for the ITA reports takes into account this public transport network. The ITA was completed in 2016, the July 2016 version was on the council's website when PPC5 was notified, however the report was finalised in August 2016. The August 2016 version of the ITA will be placed on the website with this Hearing Report.
358. The Technical Inputs Report produced in June 2017 refined the ITA for the PPC5 area and took into account more detailed zone information. The Technical Inputs Report and the ITA were on the council's website with the other technical documents when PPC5 was notified. The Technical Note produced in April 2018 updated the transport modelling to include Scenario I11 of the Auckland Regional Transport model and took account of the zones in the notified PPC5. The Technical Note also responds to points raised by submitters. This report can be seen in Appendix 8.
359. The road network is necessary to mitigate adverse effects on the environment, on the wider transport network, and to give effect to the RPS, *particularly B2 Urban growth and form and B3 Infrastructure, transport and energy*. The relevant objectives and parts of objectives from B2 and B3 are listed below.

B2.2.1 Objectives

- (1) *A quality compact urban form that enables all of the following:*
- (a) *a higher-quality urban environment*
 - ...
 - (c) *better use of existing infrastructure and efficient provision of new infrastructure*
 - (d) *improved and more effective public transport*
 - ...
 - (g) *reduced adverse environmental effects.*

B3.2.1 Objectives

- (2) *The benefits of infrastructure are recognised, including:*
- (a) *providing essential services for the functioning of communities, businesses and industries within and beyond Auckland;*
 - (b) *enabling economic growth;*
 - ...
 - (e) *protecting the quality of the natural environment; and*
 - ...
- (5) *Infrastructure planning and land use planning are integrated to service growth efficiently.*

³³ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

³⁴ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

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

B3.3.1 Objectives

- (1) *Effective, efficient and safe transport that:*
- (a) *supports the movement of people, goods and services;*
 - (b) *integrates with and supports a quality compact urban form;*
 - (c) *enables growth;*
 - (d) *avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and*
 - (e) *facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community*

Sinton Road – Kauri Road indicative collector road connection

360. Submission points 21.4, 33.3, 46.10, 47.10 and 48.10 all relate to the indicative collector road shown on Whenuapai 3 Precinct Plan 2 as a link between Kauri Road and Sinton Road.
361. **Submission point 21.4** requests:
- ...a copy of the technical transportation input received by Council in June 2017 regarding the requirement for and alternative solutions/locations that were considered in respect of the proposed connection between Kauri and Sinton Roads, and Sinton Road and Hobsonville. In the absence of any suitable justification being established, Cabra seeks that the requirement to provide these roads be deleted from Precinct Plan 2 and standard I616.6.8.*
362. The submitter refers to Standard I616.6.8 in this submission point and in submission points 21.5 (discussed in paragraph 377) and 21.6 (discussed in paragraph 379). Standard I616.6.8 relates to how roads are built in the precinct. Standard I616.6.2 Transport Infrastructure requirements relates to Whenuapai 3 Precinct Plan 2 and the provision of transport infrastructure. I interpret the submitter meaning Standard I616.6.2 when they refer to Standard I616.6.8 as in my opinion Standard I616.6.2 is linked with their submission points.
363. **Submission point 33.3, 46.10 and 47.10** seek to delete the indicative collector road located along the southern boundary of 18 Sinton Road in area 1D of Whenuapai 3 Precinct Plan 2. This is the proposed connection between Kauri Road and Sinton Road as mentioned in submission point 21.4.
364. **Submission point 48.10** seeks to amend Whenuapai 3 Precinct Plan 2 by deleting the same indicative collector road shown between Sinton Road and Kauri Road, as well as the indicative collector road between Sinton Road and Sinton Road East. I discuss the indicative collector road connection between Sinton Road and Sinton Road East in paragraphs 372-274.
365. The realignment of Sinton Road to connect to Kauri Road was specified in the ITA³⁵ as being required to increase capacity of Brigham Creek Road and the motorway interchange. As development occurs and traffic increases, the majority of traffic heading for State Highway 18 will go through the Brigham Creek Road roundabout. This roundabout will then need extra capacity to accommodate the increase in traffic and closing the Sinton Road connection to the roundabout will provide additional capacity.

³⁵ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

366. When the Sinton Road connection to the roundabout is closed, another connection to Sinton Road area will be required. The connection from Sinton Road to Kauri Road shown in Whenuapai 3 Precinct Plan 2 will provide a link between housing and employment in the Kauri Road area. It will also provide an opportunity to develop pedestrian and cycle links between the areas west of Kauri Road and the proposed rapid transit network (RTN) station in the Sinton Road area. Access to the RTN station is vital to provide travel choices and help reduce vehicle trips on the transport network. The transport modelling undertaken shows that this road is necessary and therefore I do not support submission points 21.4, 33.3 46.10, 47.10 and 48.10.
367. **Submission point 33.8** seeks the consideration of alternative options to realigning Sinton Road such as what is outlined in Attachment 2 of their submission. Attachment 2 of submission 33 states that the existing Sinton Road connection to Brigham Creek roundabout could remain as it is. Or, that the proposed Sinton Road – Kauri Road connection could be realigned to be located further to the west to form a T-intersection with Brigham Creek Road.
368. I will address retaining the existing Sinton Road to Brigham Creek roundabout connection first. The realignment of Sinton Road to connect to Kauri Road was specified in the ITA³⁶ as being required to increase capacity of Brigham Creek Road and the motorway interchange. As development occurs and traffic increases, the majority of traffic heading for State Highway 18 will go through the Brigham Creek Road roundabout. This roundabout will then need extra capacity to accommodate the increase in traffic and closing the Sinton Road connection to the roundabout will provide additional capacity. The Technical Note from April 2018 shown in Appendix 8 shows the signalised intersection that has been modelled with the Sinton Road link remaining. The modelling shows that at the morning and evening peak, the intersection will operate with a Level of Service F (LOS F). LOS F is an unstable flow where queues form behind bottlenecks. This is an unacceptable level of service and therefore it is not appropriate to retain the connection from Sinton Road to Brigham Creek Road roundabout.
369. The second option in Appendix 2 of submission 33 is to realign the proposed Sinton Road – Kauri Road connection and move it further to the west so that it joins Brigham Creek Road at a t-intersection. The Technical Note states that an assessment of this option has been undertaken which showed that LOS F and significant queuing is predicted at the proposed t-intersection in both the morning and evening peaks. The Technical Note states that:
- Brigham Creek Road will accommodate significant traffic volumes in the future and any road connection to Brigham Creek will need to be signalised to improve safety and intersection operation. However, a signalised intersection will be inappropriate at this location due to the short distance between Kauri Road and the SH18 northbound ramps intersection.*
370. A LOS F is an unacceptable level of service and therefore I do not support this submission point.
371. **Submission point 48.11** seeks to amend Whenuapai 3 Precinct Plan 2 by including a direct link from Sinton Road to Brigham Creek Road. As discussed in paragraphs 368 to 369 above in response to submission point 33.8, I do not support this for the reasons outlined in the Technical Note which can be seen in Appendix 8.

Sinton Road – Hobsonville Road indicative collector road connection

³⁶ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

372. **Submission points 21.4 and 48.20** also seek for the indicative collector road connection between Sinton Road and Hobsonville Road that crosses over State Highway 18 to be deleted. **Submission points 26.7, 29.7, 32.7 and 33.7** seek the deletion of the same indicative collector road or for some clarification around the road.
373. The ITA³⁷ indicated that a second road connection to Sinton Road area, in addition to the Sinton Road – Kauri Road connection, will be required for connectivity, accessibility and resilience in the network. The ITA indicated that this second road connection could be via Rata Road, however the Technical Inputs Report³⁸ revised this second road connection to a bridge over State Highway 18. The Technical Inputs Report stated this connection to Sinton Road would provide better access to the proposed RTN station. This report states:

This link will provide resilience and greater accessibility to the Sinton Road area, which otherwise will only have one road connecting it to Kauri Road and beyond. Based on traffic modelling (reported on later in this report), it is anticipated that the link will reduce traffic volumes that would otherwise eventuate at the SH18/Brigham Creek Interchange and it will be required to support the residential yield anticipated for the Sinton Road area.

374. The work undertaken by Flow in April 2018 using scenario I11 of the Auckland Regional Transport model and the zones in the notified PPC5, confirm this second connection to Sinton Road is necessary. This connection allows bus connections from Kauri Road to Hobsonville Road through the proposed RTN station without buses having to travel through the Brigham Creek Road roundabout. This second connection will reduce traffic volumes on Kauri Road, Brigham Creek Road and through the State Highway 18 interchange. This second connection will also provide an additional pedestrian and cyclist route between Whenuapai and Hobsonville. Therefore I do not support submission points 21.4, 48.20, 26.7, 29.7, 32.7 and 33.7.

Sinton Road collector roads loops

375. **Submission points 26.6, 29.6, 32.6 and 33.6** seek the deletion of one of the secondary loops of Sinton Road. Both loops are identified as existing collector roads on Whenuapai 3 Precinct Plan 2 as notified. The Technical Note from April 2018 which can be seen in Appendix 8, states that having both roads as collector roads is unnecessary as the predicted peak directional traffic on Sinton Road is predicted to be 500 to 600 vehicles per hour which can be accommodated by one collector road with one lane in each direction. This amount of traffic assumes the RTN is available and the Sinton Road – Hobsonville Road connection has been built. The Technical Note suggests retaining the northern loop as a collector road and the southern loop can remain a local road or a walking/cycling link. The Technical Note states:

The northern link is suggested as the Collector as the southern link, being shorter, may encourage rat running from Kauri Road and Brigham Creek Road to Hobsonville Road, via the new bridge over SH18. This could introduce additional traffic into the Sinton Road area and lead to reduced capacity on both Sinton Road and Kauri Road.

376. Therefore I support submission points 26.6, 29.6, 32.6 and 33.6 and I recommend deleting the southern loop from Whenuapai 3 Precinct Plan 2.

Indicative collector roads shown in area 1D on Whenuapai 3 Precinct Plan 2 as notified

³⁷ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

³⁸ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

377. **Submission point 21.5** seeks to change the indicative collector roads in area 1D to local roads on Whenuapai 3 Precinct Plan 2, and make consequential amendments to Standard I616.6.8. The roads the submitter is referring to are all classed as local roads in the ITA³⁹ and therefore I recommend that these roads are deleted from Whenuapai 3 Precinct Plan 2 in response to this submission point. I interpret the submitter as meaning Standard I616.6.2 and I am recommending changes to Standard I616.6.2 in response submission points 42.9 and 42.10, including deleting these indicative roads from the standard. Standard I616.6.2 and the changes are discussed in section 10.5.3 of this report.
378. **Submission points 26.4, 29.4, 32.4, 33.4 and 48.9** seek to delete the indicative collector roads shown in area 1D from Whenuapai 3 Precinct Plan 2. As discussed in paragraph 377, I recommend these roads are deleted and these submission points are accepted.
379. **Submission point 21.6** seeks to amend Whenuapai 3 Precinct Plan 2 to reposition the existing collector road shown to the east of the Historic Heritage Area and the indicative collector road to the north of Clarks Lane to reflect the correct alignment within the property at 1 Ockleston Landing and amend both roads from collector to local roads. This submission point also seeks to make consequential amendments to Standard I616.6.8, which I interpret as Standard I616.6.2. The location of the existing collector road shown east of Clarks Lane in Whenuapai 3 Precinct Plan was incorrect in the notified version of PPC5. I recommend deleting that road on Whenuapai 3 Precinct Plan 2 as it was identified as a local road in the ITA, not a collector road. I also recommend deleting the road north of Clarks Lane shown as an indicative collector road on Whenuapai 3 Precinct Plan 2 as it was not identified as a collector road in the ITA. Therefore I recommend to accept this submission point in part.
380. **Submission points 26.5, 29.5 32.5, 33.5 and 48.8** seek to delete the road that is identified as an existing collector road and is parallel to Clarks Lane in area 1D from Whenuapai 3 Precinct Plan 3. **Submission point 29.3** seeks that “the collector road stream” that is identified along the western boundary of 1 Ockleston Landing on the proposed Whenuapai 3 Precinct Plan 2 is deleted in its entirety as the submitter considers that it does not exist. There are no streams shown on Whenuapai Precinct Plan 2, I interpret this submission point as seeking the removal of the collector road and treat it the same as submission point 29.5. I recommend this road is deleted as it was identified as a local road in the ITA and therefore I support these submission points.

Spedding Road extension – indicative arterial road

381. **Submission point 34.4** seeks amendments in relation to the extension of Spedding Road to create a new arterial road as shown on Whenuapai 3 Precinct Plan 2. The submitter requests:
- In particular, that **either** the Precinct Plan indicate that this Arterial will be designated and dedicated by the Council or Auckland Transport if retained in its proposed position **or** the Spedding Road extension Arterial is repositioned to be wholly or partly in the property at 55 Trig Road.*
382. This arterial is part of the Supporting Growth Strategy network and it may be designated under Part 8 of the RMA in the future. However it is not appropriate to state on Whenuapai 3 Precinct Plan 2 that the road will be designated and provisions are needed to protect the location and alignment of the road before it is designated.
383. It is important that the intersection of the Spedding Road extension aligns with the existing Spedding Road and Trig Road intersection. The exact location and alignment of the road

³⁹ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

can be determined at the time of resource consent if it is not designated. Auckland Transport in their further submission (FS_10) state that the business case for strategic projects in the northwest is commencing.

384. I address **submission point 34.6** in this section as it is linked to submission point 34.4. Submission point 34.6 seeks to amend the precinct description in the Whenuapai 3 Precinct. This submission points seeks to amend the paragraph headed 'Transport' to recognise the designation of roads by Auckland Council or Auckland Transport is an alternative way to achieve the proposed transport network, particularly in relation to arterial roads. Designating future roads is an alternative way to achieve a road network. However I do not support this submission point as there are no provisions in Whenuapai 3 Precinct that relate to the designation of roads. Designating roads is done through a separate RMA process and any subdivision or development application in the precinct area will have to take into account the indicative road network and the precinct provisions that relate to the network.

Indicative collector roads in area 1A of Whenuapai 3 Precinct Plan 2 as notified

385. **Submission point 35.2** relates to the location of the indicative road in area 1A that is to the rear of the boundary of 25 Trig Road. The submission point states that:

Although the Collector Road will run through our Client's site, the location of the road will not enable development, due to the location of the stream and requirement for riparian planting with a minimum depth of 10m from the top of the stream bank. There is insufficient depth between the road and stream to enable the creation of allotments, and thus, the road provides no value to our Clients site or future development potential.

386. I am recommending changes to Whenuapai 3 Precinct Plan 2 in this area. These changes are in response to submission points 21.5, 26.4, 29.4, 32.4, 33.4 and 48.9 discussed in paragraphs 377 to 378. These submission points seek to delete the roads that were shown as indicative collector roads in area 1D but were identified as local roads in the ITA⁴⁰. I am recommending amending Whenuapai 3 Precinct Plan 2 to show the road network that was shown in Figure 1 of the Technical Input report from June 2017. Therefore I agree with deleting this indicative collector road but not for the reasons the submitter suggests so I am recommending to accept this submission point in part.

387. **Submission point 36.2** seeks to amend the indicative collector road shown in the area west of Trig Road in area 1A of Whenuapai 3 Precinct Plan 2 so that it joins Hobsonville Road. The Technical Note dated April 2018 states that the collector road was considered to connect to Hobsonville Road between the State Highway 16 interchange and Trig Road but it was removed in the ITA that was finalised in August 2016. It was removed because a new connection to Hobsonville Road was considered unnecessary to accommodate the predicted vehicle trips. The Technical Note states:

A direct connection between Trig Road and Hobsonville Road west will introduce "rat-run" trips on the proposed Collector road and could result in safety issues at its intersection with Hobsonville Road. Trig Road is the most appropriate road to perform the function of an Arterial Road and accommodate this through traffic and is planned to be realigned to join Hobsonville Road at the existing Hobsonville Road/Luckens Road intersection

...

A Collector road, providing for mainly trips within and to/from the local neighbourhood, is not considered suitable for such traffic.

⁴⁰ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

388. For the reasons outlined in the Technical Note, I do not support submission point 36.2.
389. Submission points 36.3 and 36.4 are linked to 36.2. **Submission point 36.3** seeks an amendment to Whenuapai 3 Precinct Plan 2 that realigns the indicative collector road in accordance with the *Figure ES3: Proposed Road Network* in the ITA⁴¹ to identify a route from the proposed new intersection on Trig Road through to Hobsonville Road. **Submission point 36.4** seeks vehicular access to their land at either 4 or 30 Hobsonville Road. I do not support these submission points because of the reasons outlined in paragraph 387 above.
390. However, I am recommending changes to Whenuapai 3 Precinct Plan 2 in this area. These changes are in response to submission points 26.4, 29.4, 32.4, 33.4 and 48.9 seeking to delete the roads that were shown as indicative collector roads on Whenuapai 3 Precinct Plan 2 but were identified as local roads in the ITA. I am recommending amendments to the precinct plan to show the road network that was shown in Figure 1 of the Technical Input report from June 2017. However I do not agree with an additional intersection with Hobsonville Road because of the reasons outlined in paragraph 387.
391. **Submission point 37.5** also concerns area 1A west of Trig Road. This submission point seeks that the proposed transport network as described in Figure 22 of the WSP be incorporated into Whenuapai 3 Precinct Plan 2 to link the collector road between Trig Road and Hobsonville Road through the residential development west of Trig Road. There is no Figure 22 in the WSP so I interpret the submitter as meaning Figure 12 which is the Transport Networks Map. This map showed a connection from a new road to Hobsonville Road. For the reasons outlined in paragraph 387 I do not support this submission point however I am recommending amending Whenuapai 3 Precinct Plan 2 in this area to follow the suggested transport network plan in the Technical Inputs Report.⁴²
392. **Submission point 4.6** seeks to retain the proposed main access loop road that runs along the northern boundary of the existing houses along Hobsonville Road in area 1A west of Trig Road. The submitter states that this road may avoid the problem of shading the submitter considers the existing houses along Hobsonville Road will have if the area to the north of their properties is developed. I am recommending deleting this indicative collector road in response to submission points 26.4, 29.4, 32.4, 33.4 and 48.9 and to show the indicative road network as shown in Figure 1 of the Technical Input report from June 2017. Therefore I do not support this submission point.

Other submission points on the transport network

393. **Submission point 14.3** seeks that the location and geometric alignment of the Trig Road upgrade, and the intersection of the indicative collector road where it meets the realigned Trig Road, are shown as indicative only and subject to final design at resource consent stage. All new roads on Whenuapai 3 Precinct Plan 2 are labelled as indicative. Policy I616.3(8) allows for amendments to the location and alignment of collector roads where the realigned road will provide an equivalent transport function. Standard I616.6.1 requires compliance with Whenuapai 3 Precinct Plan 2 but clause (2) allows for an alternative measure that will generally align with, and not compromise, the outcomes sought in the precinct plan. In my opinion the Whenuapai 3 Precinct provisions state that the new roads to be provided are indicative, and allow for flexibility where appropriate which can be determined at resource consent stage. I am interpreting this submission point as support for the precinct provisions and I do not support any amendments in response to this submission point.

⁴¹ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

⁴² Whenuapai Plan Change Stage 1 Technical Inputs June 2017

394. **Submission point 18.3** opposes having both a collector road and a neighbourhood park at 17 Trig Road. **Submission point 18.5** opposes the location of indicative roads on 17 Trig Road. The location of the open space shown on 17 Trig Road is consistent with the council's Open Space Provision Policy 2016. The location of the open space is discussed further in section 10.11.1 in response to other submission points from the submitter about open space. The indicative collector road at 17 Trig Road is a product of the ITA ⁴³ and the Technical Inputs Report is needed to provide access to the area east of Trig Road south of State Highway 18. I do not support changing the alignment of this indicative collector road on Whenuapai 3 Precinct Plan 2. **Submission point 18.8** supports the alignment of the indicative collector road on 17 Trig Road if the indicative open space is removed from the site. The reporting team is not recommending removing the indicative open space so I do not support this submission point.
395. **Submission point 42.16** supports the inclusion of Whenuapai 3 Precinct Plan 2, particularly the use of indicative arterial and collector roads to denote the required road network to be provided through subdivision and development. I note the submitter's support as the arterial and collector road network is a product of the ITA and the Technical Inputs Report⁴⁴ and is necessary to mitigate the adverse effects of subdivision and development on the environment. However I am recommending some changes to Whenuapai 3 Precinct Plan 2 in response to other submission points discussed in this section.
396. **Submission point 42.17** seeks to amend Whenuapai 3 Precinct Plan 2 to add indicative locations for future rapid transit stations. There is no detail of the future rapid transit stations in the submission however stations were identified through the ITA and Supporting Growth Strategy and are shown on the WSP Transport Network map. In my opinion it is not appropriate to show the stations on Whenuapai 3 Precinct Plan 2 as the precinct provisions do not reference the stations at all. In addition, the timing and delivery of the RTN stations is uncertain. I do not support this submission point therefore I recommend to accept this submission point in part.
397. **Submission points 46.9 and 47.9** seek to amend Whenuapai 3 Precinct Plan 2 by deleting the collector roads in area 1B. The submitters state that they consider:
- ...that these are not collector roads as they have no significant connecting function for through traffic. They are local roads that would be established at the time of subdivision.*
398. The collector roads in area 1B were identified in the ITA and the Technical Inputs Report as collector roads. The Technical Note from April 2018 which can be seen in Appendix 8 confirmed that these roads are required. Therefore I do not support these submission points.
399. The changes I am recommending to the Whenuapai 3 Precinct Plan 2 in response to these submission points can be seen in Appendix 5.

Recommendations

400. I recommend that **submission points 21.4, 33.3, 33.8, 46.10, 47.10, 48.10 and 48.11** be rejected for the following reasons:
- a. A second connection to Sinton peninsula for connectivity, accessibility and resilience;

⁴³ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

⁴⁴ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

- b. A connection between Kauri Road and Sinton Road as shown on Whenuapai 3 Precinct Plan 2 is the most appropriate alignment for this second connection as it will provide access to the Rapid Transit Network; and
- c. This connection is shown in the Technical Inputs Report and was confirmed in modelling work done in March 2018.

401. I recommend that **submission points 26.7, 29.7, 32.7 and 33.7 be rejected** for the following reasons:
- a. The indicative collector road that crosses over State Highway 18 is required for connectivity, accessibility and resilience;
 - b. This link will reduce traffic volumes from the State Highway 18 and Brigham Creek Road interchange; and
 - c. This link is required to support residential development in Sinton Road.
402. I recommend **submission points 26.6, 29.6, 32.6 and 33.6 be accepted** for the following reason:
- a. Both loops of Sinton Road are not required as collector roads as the predicted traffic flows are light enough for one road with one lane in each direction.
 - b. I recommend to delete the southern loop of Sinton Road from Whenuapai 3 Precinct Plan 2.
403. I recommend that **submission point 21.5 and 21.6 be accepted in part** for the following reasons:
- a. The indicative roads shown in area 1D of Whenuapai 3 Precinct Plan 2 are classed as local roads in the ITA⁴⁵; and
 - b. I recommend deleting the roads from Whenuapai 3 Precinct Plan 2 rather than reclassifying them.
404. I recommend **submission points 26.4, 26.5, 29.3, 29.4, 29.5, 32.4, 32.5, 33.4, 33.5, 48.8 and 48.9 be accepted** for the following reason:
- a. The indicative collector roads shown in area 1D of Whenuapai 3 Precinct Plan 2 are classed as local roads in the ITA.
405. I recommend that **submission points 34.4 and 34.6** be rejected for the following reasons:
- a. The location and alignment of the Spedding Road extension can be determined at the time of a resource consent application; and
 - b. Amendments to the precinct description are not required.
406. I recommend that **submission point 35.2 be accepted in part** for the following reason:
- a. The indicative collector roads from Whenuapai 3 Precinct Plan 2 that were not shown on Figure 1 of the Technical Inputs Report⁴⁶ as collector roads should be deleted.
407. I recommend that **submission points 36.2, 36.3, 36.4 and 37.5 be rejected** for the following reasons:
- a. A new connection to Hobsonville Road is considered unnecessary to accommodate the predicted vehicle trips; and
 - b. A direct connection between Hobsonville Road and Trig Road will introduce 'rat-run' trips and could result in safety issues at its intersection with Hobsonville Road.
408. I recommend that **submission point 4.6 be rejected** for the following reasons:

⁴⁵ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

⁴⁶ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

- a. I recommend the deletion of the indicative collector roads from Whenuapai 3 Precinct Plan 2 that were not shown on Figure 1 of the Technical Inputs Report from June 2017; and
 - b. This includes the indicative collector road this submission point is supporting.
409. I recommend that **submission point 14.3 be accepted** for the following reason:
- a. The provisions Whenuapai 3 Precinct Plan allow for the location and alignment of roads to be determined at the resource consent stage.
410. I recommend that **submission points 18.3, 18.5 and 18.8 be rejected** for the following reasons:
- a. The location of the open space on 17 Trig Road is consistent with the council's Open Space Provision Policy 2016; and
 - b. The indicative collector road on 17 Trig Road is a product of traffic modelling and is consistent with the ITA⁴⁷ and later technical reports.
411. I recommend that **submission point 42.16 be accepted in part** for the following reason:
- a. I note the submitters support for the indicative road network but I am recommending some changes to Whenuapai 3 Precinct Plan 2 in response to other submission points in this section.
412. I recommend that **submission point 42.17 be rejected** for the following reason:
- a. It is not appropriate to show future rapid transit stations on a precinct plan when the timing and delivery of the stations is uncertain.
413. I recommend that **submission points 46.9 and 47.9 be rejected** for the following reason:
- a. The indicative collector roads in area 1B on Whenuapai 3 Precinct Plan 2 were identified as collector roads in the ITA.
414. There are no consequential amendments associated with these recommendations.

10.6.6 Other matters relating to transport

Submission point	Name of submitter	Summary of relief sought	Recommendation
15.5	Whenuapai Ratepayers and Residents Association	Oppose the lack of an integrated approach in road, pedestrian and cycleway improvements by landholders and the requirement for each landowner to be responsible for these works.	Reject
19.22	Herald Island Environmental Group	Requests a master plan to show that pedestrian and cycleways connect to arterial roads to ensure connectivity between places to create a safe and liveable community.	Reject
19.38	Herald Island Environmental Group	Opposes roads and cycle ways being developed on an ad-hoc basis by individual developers.	Reject
21.7	Cabra Developments Limited	Insert typical road cross-sections to the Precinct provisions.	Reject
28.5	Peter and Helen Panayuidou	Seeks that the plan provisions be amended to allow for development of	Reject

⁴⁷ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

Submission point	Name of submitter	Summary of relief sought	Recommendation
		sites that already have full road frontage to an existing public road.	
30.4	Dave Allen	Opposes the traffic congestion due to the lack of upgrades.	Reject
30.5	Dave Allen	There is no concept for a roundabout at the intersection of Kauri and Brigham Creek Roads.	Reject
36.52	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.8.2. Assessment Criteria, (1) Subdivision and development, delete (e) (1) Subdivision and development: ... (e) the extent to which any subdivision or development layout complies with the Auckland Transport Code of Practice or any equivalent standard that replaces it;	Reject
36.53	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.8.2. Assessment Criteria, (1) Subdivision and development, delete (i) [and consequential change to (g) and (h)] (1) Subdivision and development: ... (i) whether an appropriate public funding mechanism is in place to ensure the provision of all required infrastructure.	Reject
37.6	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Seek the inclusion of a requirement for the provision of a walking and cycling network. This network is to utilise all publically vested assets including road reserves, stormwater reserves and public open spaces.	Reject
42.15	Auckland Transport	Amend assessment criterion I616.8.2(1)(i) as follows: (i) whether an appropriate public funding mechanism is in place to ensure the provision of all required infrastructure.	Accept
45.2	Paul and Kaaren Batchelor	Amend to the plan change to bring forward upgrades to Kauri Road and Puriri Road, specifically the provision of footpath and cycleway.	Reject

Discussion

415. The submission points in the table above relate to the transport network and the transport provisions in Whenuapai 3 Precinct Plan 2 but they do not fit under any other sub groups in section 10.6.
416. **Submission point 15.5** opposes the lack of an integrated approach in road, pedestrian and cycleway improvements by landholders and the requirement for each landowner to be responsible for these works. **Submission point 19.38** opposes road and cycleways being developed in an ad hoc way by individual developers.

417. PPC5 is rezoning the land to urban zones which enables development to occur. Whether or not development occurs is then up to the individual landowners. As the submitter points out, the land is in fragmented ownership in the PPC5 area which means upgrades to the transport network will happen as and when development occurs. Auckland Transport will upgrade and build the arterial roads shown on Whenuapai 3 Precinct Plan 2, however the collector and local roads are the responsibility of individual developers. I do not support these submission points.
418. **Submission point 19.22** requests:
- ...a master plan confirming that pedestrian and cycleways do connect to the arterial roads to ensure connectivity between places and thereby create a safe and liveable community.*
419. Potential walking and cycling routes were identified through the structure plan process and can be seen in Figure 12, the Transport Networks Map in the WSP. This map identifies cycle and walking routes that follow future bus routes and connect to arterial roads. The Integrated Transport Assessment⁴⁸ (ITA) for the WSP identified separated cycle lanes along key roads, buffered cycleways on connector roads and buffered cycle lanes and shared paths where residential catchments are close to schools. However, more refined masterplanning is not an option in a greenfield area with multiple landowners that may or may not be ready to develop, it is beyond the remit of this plan change. I do not support this submission point.
420. **Submission point 21.7** seeks to insert “typical cross sections of roads” into the precinct provisions. I do not support this submission point because cross sections become out of date over time. Development in the precinct may not happen for 10-30 years and the standard of what we want in a road may change during that time. Referring to standards, for example the Auckland Transport Code of Practice, is the preferred approach as standards can be updated over time.
421. **Submission point 28.5** seeks that the plan provisions are amended to allow for development of sites that already have a full road frontage to an existing public road. When a resource consent is applied for, existing infrastructure, including all existing roads are part of the assessment of the application. However since Whenuapai is currently a rural area, the existing roads will need to be upgraded to an urban standard. This will happen as and when development occurs. Consequently I do not support this submission point.
422. **Submission point 30.4** states that the traffic congestion resulting from a lack of upgrades will cause serious congestion. Traffic modelling was used to determine the transport network that would be needed as the area developed. Traffic modelling took into account the land use and was undertaken for the ITA in 2016, the Technical Inputs Report⁴⁹ in June 2017 and the Technical Note in April 2018. The transport network shown on Whenuapai Precinct Plan 2 is an output from those technical reports and will be adequate to service the area when it is developed. Furthermore, when a resource consent is applied for, the applicant will have to provide an ITA for their proposal and show how they plan to mitigate the impacts of their development on the transport network. Consequently, I do not support this submission point.
423. **Submission point 30.5** states that there is no concept for a roundabout at the intersection of Kauri Road and Brigham Creek Road. The ITA⁵⁰ identifies this intersection as being a signalised intersection, not a roundabout. The Technical Note in Appendix 8 states that this

⁴⁸ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

⁴⁹ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

⁵⁰ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

intersection will need to accommodate significant traffic volumes including vehicle trips, walking and cycling trips. Traffic modelling shows that traffic signals are required to enable traffic to turn to and from Kauri Road. Signals are also required so that pedestrians and cyclists can safely cross Kauri Road and Brigham Creek Road. Consequently, I do not support this submission point.

424. **Submission point 36.52** seeks amendments to I616.8.2. Assessment Criteria, (1) Subdivision and development, by deleting (e):

~~(e) the extent to which any subdivision or development layout complies with the Auckland Transport Code of Practice or any equivalent standard that replaces it.~~

425. As stated in paragraph 420 above, referring to standards is the preferred approach. The alternative approach would be to show cross sections and these can become out of date by the time subdivision and development applications are received. Consequently I do not support this submission point.

426. **Submission point 36.53** seeks amendments to I616.8.2 Assessment Criteria, (1) Subdivision and development, delete (i) ~~(i) whether an appropriate public funding mechanism is in place to ensure the provision of all required infrastructure.~~ The submitter states that they consider it is not appropriate to reference funding mechanisms in an assessment of a resource consent application. I do not support this submission point because the importance of the provision of infrastructure to give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy* has been highlighted. The objectives and policies in the Whenuapai 3 Precinct seek that infrastructure will be provided at the time of subdivision and development and therefore this assessment criteria is appropriate. I am recommending changes to this assessment criteria in response to submission point 42.15, this is discussed in paragraph 427.

427. **Submission point 42.15** seeks to amend I616.8.2 Assessment Criteria, (1) Subdivision and development as follows:

~~(i) whether an appropriate public funding mechanism is in place to ensure the provision of all required infrastructure.~~

428. The criteria intends to ensure that infrastructure is provided, regardless of who pays for it so I support this submission point and I recommend to delete the word “public” from this assessment criteria. Recommended changes in response to submission points can be seen in Appendix 5.

429. **Submission point 37.6** seeks that the plan change is amended to see the inclusion of a requirement for the provision of a walking and cycling network. This network is to utilise all publically vested assets including road reserves, stormwater reserves and public open spaces. Potential walking and cycling routes were identified through the structure plan process and can be seen in Figure 12, the Transport Networks Map in the WSP. That map identifies cycle and walking routes following future bus routes and connecting to arterial roads. The ITA identified separated cycle lanes along key roads, buffered cycleways on connector roads, and buffered cycle lanes and shared paths where residential catchments are close to schools. The Auckland-wide *E27 Transport* and *E38 Subdivision - Urban* apply to all resource consent applications in the PPC5 area and there are no location specific reasons to put additional, or different, provisions in Whenuapai 3 Precinct relating to walking and cycling. Auckland Transport will consider bus and cycle routes in the area as development progresses.

430. **Submission point 45.2** requests that the:

Kauri Road footpath / cycleway to be brought forward (within 2 years, as currently this is NON-EXISTENT), and Puriri Road footpath to be widened and upgraded to accommodate cyclists, as it is VERY DANGEROUS to use either of these roads for cycling/walking at the present time.

431. As discussed in paragraph 429 above, the Auckland-wide E27 and E38, zone and other provisions in the AUP (OP) apply to the PPC5 area. Developers are responsible for the construction of local roads as part of their subdivision as the area is developed. Developers will be required to upgrade the roads adjacent to their development site and this will include footpath upgrades. Auckland Transport will consider bus and cycle routes in Whenuapai as the area develops. I note that Puriri Road is outside of the PPC5 area. I do not support this submission point.

Recommendations

432. I recommend that **submission points 15.5, 19.22, 19.38, 37.6 and 45.2 be rejected** for the following reasons:
- PPC5 seeks to rezone the plan change area to allow for subdivision and development but it does not contain any specific development proposals;
 - The private land in the PPC5 area is in fragmented ownership, masterplanning of site and specific development proposals are not part of PPC5; and
 - Public transport routes have been identified in WSP and will be built out as development progresses, however they are not able to be a requirement of PPC5.
433. I recommend that **submission point 21.7 be rejected** for the following reason:
- The standards that roads are built to changes over time and cross sections become outdated.
434. I recommend that **submission point 28.5 be rejected** for the following reason:
- Existing infrastructure is taken into account when a resource consent is applied for, therefore no amendments as a result of this submission point are necessary.
435. I recommend that **submission point 30.4 be rejected** for the following reasons:
- The transport modelling undertaken in the ITA⁵¹, the Technical Inputs Report⁵² and the Technical Note in April 2018 used land use and zone information to produce the transport network shown in Whenuapai 3 Precinct Plan 2 which will service the area once developed; and
 - Development proposals have to comply with the Whenuapai 3 Precinct provisions, the existing AUP (OP) provisions and provide an ITA for their proposal, and these are sufficient to mitigate effects.
436. I recommend that **submission point 30.5 be rejected** for the following reason:
- The ITA identified the intersection of Kauri Road and Brigham Creek Road as being a signalised intersection, not a roundabout due to the high traffic volumes and walking and cycling trips the intersection will need to accommodate.
437. I recommend that **submission points 36.52 be rejected for the following reason:**
- Referring to standards is the preferred approach as cross sections can be out of date by the time a proposal is submitted for resource consent.
438. I recommend that **submission point 36.53 be rejected** for the following reasons:

⁵¹ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

⁵² Whenuapai Plan Change Stage 1 Technical Inputs June 2017

- a. The provision of infrastructure is necessary to give effect to *B2 Urban growth and form* and *B3 Infrastructure, transport and energy* of the RPS; and
- b. Therefore, the provision of infrastructure is an important consideration in a resource consent application.

439. I recommend that **submission point 42.15 be accepted** for the following reason:
- a. The criteria intends to ensure infrastructure is provided regardless of who pays for it.
440. I recommend that **submission point 45.2 be rejected** for the following reasons:
- a. Upgrades to footpaths and roads will happen as development occurs; and
 - b. Puriri Road is outside of the PPC5 area.
441. There are no consequential amendments associated with these recommendations.

10.7 Stormwater management

10.7.1 Whenuapai 3 Precinct stormwater management provisions

Submission point	Name of submitter	Summary of relief sought	Recommendation
21.13	Cabra Developments Limited	Delete Policy I616.3(13) and Standards I616.6.3(1) and (2) and rely on Chapter E36 of the Unitary Plan.	Reject
21.14	Cabra Developments Limited	Delete Standard I616.6.3(3) and rely on standards contained within Chapters E8 and E9 of the Unitary Plan.	Reject
22.21	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Add a new objective to avoid and mitigate sediment in stormwater.	Reject
22.22	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend Objective I616.2(8)(d) as follows: <i>protects and enhances the ecological values of the receiving environment;</i>	Accept
34.12	Charles Ku	Seek amendments to Policy I616.3 (13) as follows "Require development to (13) manage the flood risk of new buildings locating in the 1 per cent annual exceedance probability (a)(AEP) floodplain;..."	Reject
34.16	Charles Ku	Seek amendments to I616.6.3 (2) as follows "(2) all new buildings containing habitable floor levels must be located outside of the 1 per cent AEP floodplain and overland flow path".	Reject
36.10	CDL Land New Zealand Limited (CDL)	Oppose the introduction of precinct provisions relating to stormwater and some flooding or hazard management, since the matters are comprehensively addressed through the Auckland-wide chapters of the Auckland Unitary Plan.	Reject
36.19	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.1. Precinct Description, 'Stormwater Management' <i>Stormwater Management within the precinct is guided by the Whenuapai 3 Precinct Stormwater Management Plan (2017). This assessment has identified</i>	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
		<p><i>that the streams and coastal waters within the precinct are degraded and sensitive to changes in land use and stormwater flows. As a result of these findings, part of the stormwater management approach, stormwater treatment requirements and the stormwater management area control – Flow 1 overlay has been applied to the precinct and these Auckland-wide provisions will ensure development in the precinct is cognisant of its sensitive receiving environment.</i></p>	
36.28	CDL Land New Zealand Limited (CDL)	<p>Seek amendments to I616.3. Stormwater Management, delete policy (14) (14) Require development to: (a) avoid locating new buildings in the 1 per cent annual exceedance probability (AEP) floodplain; (b) avoid increasing flood risk; and (c) mitigate existing flood risk where practicable.</p>	Reject
36.47	CDL Land New Zealand Limited (CDL)	<p>Seek amendments to I616.6.3. Stormwater management, delete (1), (2), (3) and (4) I616.6.3. Stormwater management (1) Stormwater runoff from new development must not cause the 1 per cent annual exceedance probability (AEP) floodplain to rise above the floor level of an existing habitable room or increase flooding of an existing habitable room on any property. (2) All new buildings must be located outside of the 1 per cent AEP floodplain and overland flow path. (3) Stormwater runoff from impervious areas totalling more than 1,000m² associated with any subdivision or development proposal must be: (a) treated by a device or system that is sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance. (4) All stormwater runoff from: (a) commercial and industrial waste storage areas including loading and unloading areas; and (b) communal waste storage areas in apartments and multi-unit developments must be directed to a device that removes gross stormwater pollutants prior to entry to the stormwater network or discharge to water.</p>	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
36.56	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.9. Special Information requirements, amend (3) <i>(3) Stormwater management within Whenuapai 3 coastal erosion setback yard</i> <i>All applications for development and subdivision of land within the Whenuapai 3 coastal erosion setback yard must include a plan demonstrating how stormwater management requirements will be met including:</i> <i>(a) areas where stormwater management requirements are to be met on-site and where they will be met through communal infrastructure;</i> <i>(b) the type and location of all public stormwater network assets that are proposed to be vested in council;</i> <i>(c) consideration of the interface with, and cumulative effects of, stormwater infrastructure in the precinct.</i>	Reject
41.17	New Zealand Defence Force	Retain provisions addressing the potential adverse effects of stormwater due to subdivision, use and development.	Accept in part
41.18	New Zealand Defence Force	Amend Policy I616.3 (12) so stormwater management recognise and seek to avoid and /or mitigate bird strike risk.	Reject
42.13	Auckland Transport	Amend Standard I616.6.3(3) Stormwater Management to remove references to roads.	Reject

Discussion

442. This group of submission points relate to the Whenuapai 3 Precinct stormwater management provisions. The submission points are addressed based on the provision(s) they relate to.
443. Stormwater management within the PPC5 area is guided by the Whenuapai 3 Stormwater Management Plan (Whenuapai SMP). The Whenuapai SMP recognises that as the PPC5 area transitions from a predominantly rural environment to an urban environment, there are opportunities to enhance freshwater and coastal water quality within the Waiarohia catchment. The catchment drains into the Upper Waitematā Harbour, which is identified as 'Degraded 1' in the AUP (OP).⁵³ RPS Objective B7.3.1(1) directs that degraded freshwater systems are enhanced.
444. As outlined in section 6.4.2 of the Section 32 Report, while there are Auckland-wide stormwater management provisions in the AUP (OP)⁵⁴, the plan change process presents an opportunity to introduce area-specific stormwater management provisions that respond to the receiving environment of the Waiarohia catchment and the Upper Waitematā Harbour and reflect the outcomes sought by the Whenuapai SMP and *E1 Water quality and integrated management* of the AUP (OP). The Whenuapai 3 Precinct provisions are consistent with the direction set out in RPS *B7 Natural resources*.

⁵³ AUP (OP) Figure B7.4.2.1

⁵⁴ Through E1, E8, E9, E10, E11, E12 and E36

445. PPC5 seeks to manage stormwater runoff in the plan change area using an integrated management approach that minimises and mitigates adverse effects on the environment. By way of summary, the stormwater management approach for the PPC5 area is as follows:
- Through the Whenuapai 3 Precinct provisions:
 - Flood hazard management – development does not create or exacerbate existing flooding of any habitable floor; new buildings to be located outside of the one per cent annual exceedance probability (AEP) floodplain; riparian planting requirement to assist with safely conveying flood flows;
 - Streams and wetlands – all permanent and intermittent streams and wetlands are mapped and retained; riparian planting requirement along all permanent and intermittent streams; all stormwater outfalls are set back from the edge of streams where practicable and protected against erosion;
 - Coastal erosion setback yard – coastal outfalls use green infrastructure where practicable and are protected against erosion; and
 - Water quality – impervious areas over 1,000 m² are required to be treated in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); runoff from waste storage areas are treated by gross pollutant traps; the generation and discharge of contaminants is reduced at source as far as practicable; water quality treatment is achieved on-site unless there is an acceptable communal device.
 - Hydrology – the application of stormwater management area control – Flow 1 (SMAF-1 control) to the entire PPC5 area.
446. This approach is reflected in the Whenuapai 3 Precinct provisions as discussed in this section of the report. The coastal erosion setback yard is discussed in section 10.8.1 of this report.

Objectives

447. As notified, the Whenuapai 3 Precinct contains one objective that addresses stormwater management in the precinct:

Objective I616.2(8)

Through subdivision, use and development, implement a stormwater management approach that:

- (a) is integrated across developments;*
- (b) avoids new flood risk;*
- (c) mitigates existing flood risk;*
- (d) protects the ecological values of the receiving environment;*
- (e) seeks to mimic and protect natural processes; and*
- (f) integrates with, but does not compromise the operation of, the public open space network.*

448. **Submission point 22.21** seeks to add an additional objective to avoid and mitigate sediment in stormwater. Erosion and sedimentation effects from land disturbance activities are addressed in *E11 Land disturbance – Regional* and *E12 Land disturbance – District* of the AUP (OP). All land disturbance activities will be assessed against these Auckland-wide provisions. In particular, the following objective and policies are relevant:

Objective E11.2(2)

Sediment generation from land disturbance is minimised.

Policy E11.3(2)

Manage land disturbance to:

- (a) *retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity;*
- (b) *manage the amount of land being disturbed at any one time, particularly where the soil type, topography and location is likely to result in increased sediment runoff or discharge;*
- (c) *avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and*
- (d) *maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.*

Policy E11.3(7)

Require any land disturbance that will likely result in the discharge of sediment laden water to a surface water body or to coastal water to demonstrate that sediment discharge has been minimised to the extent practicable, having regard to the quality of the environment; with:

- (a) *any significant adverse effects avoided, and other effects avoided, remedied or mitigated, particularly in areas where there is:*
 - (i) *high recreational use;*
 - (ii) *relevant initiatives by Mana Whenua, established under regulations (relating to the conservation or management of fisheries, including taiāpure, rāhui or whakatupu areas;*
 - (iii) *the collection of fish and shellfish for consumption;*
 - (iv) *maintenance dredging; or*
 - (v) *a downstream receiving environment that is sensitive to sediment accumulation;*
- (b) *adverse effects avoided as far as practicable within areas identified as sensitive because of their ecological values, including terrestrial, freshwater and coastal ecological values; and*
- (c) *the receiving environments ability to assimilate the discharged sediment being taken into account.*

449. In addition, all permitted earthworks are required to implement best practice erosion and sediment control measures in accordance with Technical Publication 90 Erosion and Sediment Control Guideline for Land Disturbing Activities in the Auckland Region under Standard E11.6.2(2). As there is no minimum site area trigger, this requirement applies to all earthworks up to the permitted threshold. *E12 Land disturbance – District* contains the district level rules for land disturbance activities which will also have to be complied with when undertaking development. I do not consider it is necessary or appropriate to duplicate the Auckland-wide provisions in the Whenuapai 3 Precinct.

450. **Submission point 22.22** seeks to amend Objective I616.2(8) as follows:

Through subdivision, use and development, implement a stormwater management approach that:

- (a) *is integrated across developments;*
- (b) *avoids new flood risk;*
- (c) *mitigates existing flood risk;*
- (d) *protects and enhances the ecological values of the receiving environment;*
- (e) *seeks to mimic and protect natural processes; and*
- (f) *integrates with, but does not compromise the operation of, the public open space network.*

451. The submitter states that there may be enhancement opportunities when considering stormwater management approaches and that the amendment is consistent with the direction of the notified Policy I616.3(12)(b) which seeks to “manage stormwater diversions and discharges to enhance the quality of freshwater systems and coastal waters”. I consider the amendment is appropriate and reflects the RPS direction as set out in *B7 Natural Resources* and the intent of *E1 Water quality and integrated management* in the AUP (OP). In particular, RPS Objective B7.3.1(1) directs that degraded freshwater systems are enhanced while Objective E1.2(1) seeks improvement of freshwater and sediment quality in degraded areas over time. Accordingly, I recommend that submission point 22.22 be accepted.

Policies

452. There are three policies in the Whenuapai 3 Precinct which set out the stormwater management approach for the precinct:

Policy I616.3(12)

Require subdivision and development within the Whenuapai 3 Precinct to:

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

Policy I616.3(13)

Require development to:

- (a) avoid locating new buildings in the 1 per cent annual exceedance probability (AEP) floodplain;*
- (b) avoid increasing flood risk; and*
- (c) mitigate existing flood risk where practicable.*

Policy I616.3(14)

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

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

453. Submissions were received on Policies I616.3(12) and (13) but not on Policy I616.3(14). However, for completeness, Policy I616.3(14) is provided above.

454. **Submission point 41.18** seeks to amend Policy I616.3(12) so that bird strike risk is avoided and/or mitigated when managing stormwater. The submitter is concerned about the potential effects of stormwater features, such as wetlands or ponds, which may attract birds and therefore increase risks associated with bird strike by planes taking off or landing at Whenuapai Airbase. As noted in the memo from the council's Healthy Waters Department dated 19 March 2018 which can be seen in Appendix 9, with the requirement for at-source stormwater management and treatment devices, it is anticipated that there will be a reduced demand for large communal devices such as wetlands. In addition, the construction of any wetlands or large communal devices would require consent under *E26 Infrastructure* in the AUP (OP). Approval from the New Zealand Defence Force may be required in accordance with the conditions of Designation 4311 which affects the airspace in the vicinity of Whenuapai Airbase. In line with the recommendations on other requests

relating to bird strike risk discussed in section 10.12.3 of this report, I do not support amending Policy I616.3(12) as requested by the submitter.

455. **Submission point 21.13** seeks to delete Policy I616.3(13) and Standards I616.6.3(1) and (2) and rely on *E36 Natural hazards and flooding*. The response in relation to deletion of the standards is discussed in paragraphs 464 and 466. While **submission point 36.28** refers to Policy I616.3(14), the amendment sought relates to the deletion of the policy addressing flood hazards which is Policy I616.3(13). The submitters consider that the provisions in E36 are sufficient for addressing development in areas subject to flooding.

456. The following direction in relation to environmental risk is provided in B10 of the AUP (OP):

RPS Objective B10.2.1(3)

New subdivision, use and development avoid the creation of new risks to people, property and infrastructure.

457. Policy E36.3(17) addresses floodplains in greenfield areas:

Policy E36.3(17)

On greenfield land outside of existing urban areas, avoid locating buildings in the 1 per cent annual exceedance probability (AEP) floodplain.

458. There are generally more opportunities to reduce flood risk in the development of greenfield areas than in urban areas. "Greenfield" is defined in the AUP (OP) as "land identified for future development that has not been previously developed". In contrast, for development in floodplains within existing urban areas, Policies E36.3(13) and E36.3(15) state:

Policy E36.3(13)

In existing urban areas require new buildings designed to accommodate more vulnerable activities to be located:

- (a) outside of the 1 per cent annual exceedance probability (AEP) floodplain; or*
- (b) within or above the 1 per cent annual exceedance probability (AEP) floodplain where safe evacuation routes or refuges are provided.*

Policy E36.3(15)

Within existing urban areas, enable buildings containing less vulnerable activities to locate in the 1 per cent annual exceedance probability (AEP) floodplains where that activity avoids, remedies or mitigates effects from flood hazards on other properties.

459. The above policies only require new buildings accommodating more vulnerable activities in existing urban areas to be located outside the 1 per cent AEP floodplain. Those activities can also be located within the floodplain if safe evacuation routes or refuges are provided. As the PPC5 area is being rezoned from the Future Urban Zone to various urban zones, there is a risk that the intention to avoid locating new buildings within the 1 per cent AEP floodplain in greenfield areas as sought by Policy E36.3(17) cannot be achieved. Once a site is developed, it is no longer deemed a greenfield site and development within the floodplain is possible. This is contrary to the intent of RPS Objective B10.2.1(3) and Policy E36.3(17). Therefore, I consider Policy I616.3(13) is necessary to ensure that new urban development in the PPC5 area does not exacerbate flood risks.

460. **Submission point 34.12** seeks to amend Policy I616.3(13) to delete the requirement for new buildings to locate outside of the 1 per cent AEP floodplain, as follows:

Require development to:

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

- (b) *avoid increasing flood risk; and*
- (c) *mitigate existing flood risk where practicable.*

461. The submitter considers that the focus of Policy I616.3(13) should be on habitable floors and that locating non-habitable buildings within the 1 per cent AEP floodplain should be at the landowner's risk. The approach for managing flood risks are described in the Healthy Waters memo and discussed in paragraphs 455 to 459 above. Additionally, Objective E36.2(5) in E36 provides the following:

Subdivision, use and development including redevelopment, is managed to safely maintain the conveyance function of floodplains and overland flow paths.

462. The relief sought by the submitter does not align with the intent Objective E36.2(5) or Policy E36.3(17) which seeks to avoid all new buildings within the 1 per cent AEP floodplain in greenfield areas. As such, I do not support the amendments sought in submission point 34.12.

Standards

463. There are five submission points seeking amendments to the I616.6.3 standards which are provided below:

Standard I616.6.3(1)

Stormwater runoff from new development must not cause the 1 per cent annual exceedance probability (AEP) floodplain to rise above the floor level of an existing habitable room or increase flooding of an existing habitable room on any property.

Standard I616.6.3(2)

All new buildings must be located outside of the 1 per cent AEP floodplain and overland flow path.

Standard I616.6.3(3)

Stormwater runoff from impervious areas totalling more than 1,000m² associated with any subdivision or development proposal must be:

- (a) *treated by a device or system that is sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or*
- (b) *where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance.*

Standard I616.6.3(4)

All stormwater runoff from:

- (a) *commercial and industrial waste storage areas including loading and unloading areas; and*
- (b) *communal waste storage areas in apartments and multi-unit developments must be directed to a device that removes gross stormwater pollutants prior to entry to the stormwater network or discharge to water.*

464. **Submission point 21.13** seeks to delete Standards I616.6.3(1) and (2) and rely on E36 *natural hazards and flooding* in the AUP (OP). Standard I616.6.3(1) requires that stormwater runoff from new development do not cause the 1 per cent AEP floodplain to rise above the floor level of an existing habitable room or increase flooding of an existing habitable room on any property.

465. E36 addresses increased flood risk from development within floodplains and overland flow paths and *E8 Stormwater – discharge and diversion* contains provisions for managing flood risk in relation to stormwater diversion and discharges. However, these Auckland-wide provisions do not address the potential effects of new development on stormwater flows which may increase existing flood risk. Therefore, I consider Standard I616.6.3(1) is necessary to ensure any adverse effects of development on flood risk are adequately addressed.
466. Standard I616.6.3(2) requires all new buildings in the Whenuapai 3 Precinct to be located outside of the 1 per cent AEP floodplain and overland flow path. For the reasons discussed in paragraphs 455 to 459, I consider this standard is necessary to ensure existing flood risk is not exacerbated as a result of new development.
467. **Submission point 34.16** seeks amendments to Standard I616.6.3(2) as follows:

All new buildings containing habitable floor levels must be located outside of the 1 per cent AEP floodplain and overland flow path.

468. For the reasons stated in paragraphs 461 and 462 above, I do not consider the amendment achieves the outcomes sought by *E36 Natural hazards and flooding* of the AUP (OP). The additional wording will not safely maintain the conveyance function of floodplains and overland flow paths as sought in Objective E36.2(5). For the same reason, I also do not support the deletion of Standard I616.6.3(2). Standard I616.6.3(2) as notified is consistent with Objective I616.2(8) and Policy I616.3(13) of the Whenuapai 3 Precinct and gives effect to RPS Objective B10.2.1, Objective E36.2(5) and Policy E36.3(17). Therefore, I recommend that Standard I616.6.3(2) be retained as notified.
469. **Submission point 21.14** seeks to delete Standard I616.6.3(3) which relates to the treatment of stormwater runoff from impervious areas and rely on *E8 Stormwater – Discharge and diversion* and *E9 Stormwater quality – High contaminant generating car parks and high use roads*. The submitter refers to Activity Table E8.4.1 which specifies the activity status of stormwater discharge and diversion activities. Standard I616.6.3(3) relates to stormwater treatment and not discharges as such I do not consider Table E8.4.1 in *E8 Stormwater discharge and diversion* to be relevant.
470. **Submission point 42.13** seeks to amend Standard I616.6.3(3) to remove references to roads. I note that the notified standard does not specifically refer to roads however it does refer to impervious areas which include roads as defined in the AUP (OP).
471. As stated on page 8 of the Healthy Waters memo, it is not appropriate to rely on the Auckland-wide provisions for quality treatment in Whenuapai as those provisions only seek to treat high use roads. The AUP (OP) defines a “high use road” as:
- A road, motorway or state highway that carries more than 5000 vehicles per day, excluding cycle lanes, footpaths and ancillary areas that do not receive stormwater runoff from the road carriageway.*
472. *E9 Stormwater quality – High contaminant generating car parks and high use roads* applies to high contaminant generating car parks and high use roads only. Roads are a significant source of contaminants and given the sensitivity of the receiving environment in and around the PPC5 area, I consider it is appropriate to require at-source quality treatment of impervious areas, including roads, over 1,000m² as this will capture most high-risk contaminating activities.
473. Accordingly, I do not support submission points 21.14 and 42.13 as I consider Standard I616.6.3(3) is necessary to ensure stormwater runoff from impervious areas over 1,000m²

is treated to mitigate effects on the receiving environment. I recommend that Standard I616.6.3(3) be retained with amendments to clarify that treatment is to be carried out at-source. The amendments are recommended in response to submission point 8.5, which is addressed in paragraph 506 in section 10.7.3 of this report.

Standard I616.6.3(3)

Stormwater runoff from impervious areas totalling more than 1,000m² associated with any subdivision or development proposal must be:

- (a) treated at-source by a stormwater management device or system that is sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or*
- (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance.*

474. **Submission point 36.47** seeks to delete all stormwater management standards in I616.6.3 and rely on the relevant Auckland-wide chapters such as *E10 Stormwater management area – Flow 1 and Flow 2*. As stated in the Healthy Waters memo, the SMAF-1 controls only form one part of the stormwater management approach and, on their own, will not be sufficient for addressing the quality treatment of stormwater discharges into the sensitive receiving environment. As provided in the background section of *E10 Stormwater management area – Flow 1 and Flow 2*:

The control seeks to protect and enhance Auckland's rivers, streams and aquatic biodiversity in urban areas.

...

The creation of impervious surfaces in a catchment undergoing development increases the flow rate and volume of stormwater runoff. This change in hydrology, unless managed, can have a significant adverse effect on streams within the catchment, including accelerating river and stream erosion and bank instability, particularly in steeper upper catchment areas, and creating hydrological conditions that do not support healthy aquatic ecosystems.

...

...in areas that are yet to be developed, or where development is at low levels, development can be enabled while also protecting and enhancing in-stream biodiversity and other river and stream values by reducing and managing stormwater runoff, and other measures such as enhancing riparian margins.

475. The application of the SMAF-1 control to the PPC5 area reduces the overall volume of stormwater discharged by capturing the first 5mm of runoff (retention) and detaining the remaining 95th percentile for slow release into the environment (detention). The overall effect is to reduce both volume and peak flow into streams which reduces in-stream erosion and stabilises stream base flow and groundwater recharge.
476. As such, the stormwater management standards as listed in paragraph 463 above are necessary to ensure the outcomes sought by *E1 Water quality and integrated management* and *E36 Natural hazards and flooding* are achieved in the PPC5 area. I also consider Standards I616.6.3(1), (2) and (3) are necessary as discussed in response to other submission points in paragraphs 455 to 466. Standard I616.6.3(4) requires treatment of stormwater runoff from commercial/industrial waste storage areas and communal waste storage areas within multi-unit developments. This standard is necessary to ensure stormwater runoff from these areas, which are not captured in *E9 Stormwater quality – High contaminant generating car parks and high use roads*, are treated to remove gross stormwater pollutants before being discharged to the receiving environment.

Special information requirements

477. **Submission point 36.56** seeks to amend special information requirement I616.9(3) for stormwater management so that it only applies to subdivision and development within the Whenuapai 3 coastal erosion setback yard. As notified, special information requirement I616.9(3) states:

I616.9 Special information requirements

...

(3) Stormwater management

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

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

478. In accordance with Standard I616.6.5, new buildings cannot be located within the Whenuapai 3 coastal erosion setback yard. As such I do not consider it appropriate to narrow this requirement to subdivision and development proposals within the Whenuapai 3 coastal erosion setback yard. Additionally, as described in the Whenuapai SMP, stormwater management issues apply to the entire PPC5 area, and not only along the coast. It is important for all developments to utilise an integrated management approach to managing stormwater for the reasons outlined in this section. Therefore, I do not support the amendments sought by submission point 36.56 and recommend that I616.9(3) be retained as notified.

Precinct description

479. **Submission point 36.19** seeks the following amendments to the Whenuapai 3 Precinct description:

Stormwater Management

Stormwater management within the precinct is guided by the Whenuapai 3 Precinct Stormwater Management Plan (2017). This assessment has identified that the streams and coastal waters within the precinct are degraded and sensitive to changes in land use and stormwater flows. As a result of these findings, part of the stormwater management approach, stormwater treatment requirements and the stormwater management area control – Flow 1 overlay has have been applied to the precinct and these Auckland-wide provisions will ensure development in the precinct is cognisant of its sensitive receiving environment.

480. The submitter considers that stormwater within the Whenuapai 3 Precinct is best managed under the Auckland-wide provisions of the AUP (OP). In particular, the submitter considers that:

additional stormwater management provisions beyond the application of the SMAF overlay, which CDL supports, may result in confusion and conflict with the Auckland-wide provisions which apply.

481. The importance of additional stormwater management provisions in the Whenuapai 3 Precinct is highlighted in the paragraphs above. In particular, as discussed in response to

submission point 36.47 in paragraphs 474 to 476, the main purpose of the SMAF-1 control is to achieve hydrology mitigation. The Whenuapai 3 Precinct provisions addressing stormwater management and flood hazards give effect to the direction of *E1 Water quality and integrated management* and *E36 Natural hazards and flooding* of the AUP (OP). It is considered appropriate to include provisions on these matters given the degraded nature of the Upper Waitematā Harbour. This is consistent with the direction of RPS Objective B7.3.1(1) to enhance degraded freshwater systems and provisions in E1 of the AUP (OP). As such, I consider that the stormwater management provisions within the Whenuapai 3 Precinct are necessary and appropriate, and therefore do not support the amendments sought by the submitter to the precinct description.

General

482. **Submission point 36.10** opposes the provisions in the Whenuapai 3 Precinct relating to stormwater and flooding as the submitter considers that “the matters are comprehensively addressed through the Auckland-wide chapters of the Auckland Unitary Plan”. The submitter states that “the imposition of the SMAF overlay now requires assessment against Chapter E10” therefore “precinct-specific provisions relating to these matters are not considered necessary”. I do not support this submission point for the reasons set out in paragraphs 455 to 476 above.
483. **Submission point 41.17** seeks to retain provisions that address the potential adverse effects of stormwater due to subdivision, use and development. Subject to recommended amendments in response to other submission points on stormwater management, and for reasons discussed in this report that seek to improve the stormwater management approach in the PPC5 area, I support this submission point. Accordingly, I recommend submission point 41.17 be accepted in part.

Recommendations

484. I recommend that **submission point 22.22 be accepted** for the following reasons:
- It is appropriate to amend Objective I616.2(8) to ensure that the ecological values of the receiving environment are not only protected but enhanced; and
 - The amendment sought by the submitter is consistent with Policy I616.3(12) in the notified Whenuapai 3 Precinct, reflects the direction of the RPS as set out in *B7 Natural resources* and the intent of *E1 Water and integrated management* in the AUP (OP).
485. I recommend that **submission point 41.17 be accepted in part** for the following reasons:
- It is appropriate to retain the stormwater management provisions in the Whenuapai 3 Precinct to ensure the effects of subdivision, use and development on the receiving environment are adequately managed: and
 - In response to other submission points, amendments to the stormwater management provisions are recommended to improve clarity and alignment with *B7 Natural resources* and *E1 Water and integrated management* in the AUP (OP).
486. I recommend that **submission points 21.13, 21.14, 34.12, 34.16, 36.10, 36.19, 36.28 and 36.47 be rejected** for the following reasons:
- The stormwater management provisions in the Whenuapai 3 Precinct are necessary to ensure the outcomes sought in B7, B10, E1 and E36 of the AUP (OP) are met;
 - Policy I616.3(13) and Standards I616.6.3(1) and (2) in the Whenuapai 3 Precinct are consistent with the direction of RPS Objective B10.2.1(3) and Policy E36.3(17) to avoid new flood risks in greenfield areas and therefore the deletion of these provisions is not supported; and

- c. The application of the SMAF-1 control to the PPC5 area does not address all the stormwater management issues in the area. The proposed stormwater management provisions are necessary to ensure the outcomes of E1 and E36 are achieved.

487. I recommend that **submission point 36.56 be rejected** for the following reason:
- a. It is not appropriate to narrow the scope of special information requirement I616.9(3) to development proposal within the Whenuapai 3 coastal erosion setback yard as stormwater management issues apply to the entire PPC5 area and not only along the coast.
488. I recommend that **submission point 22.21 be rejected** for the following reasons:
- a. Erosion and sedimentation effects from land disturbance activities are already addressed in *E11 Land disturbance – Regional* and *E12 - Land disturbance – district* of the AUP (OP); and
 - b. The new objective sought by the submitter is covered by Objective E11.2(2) of the AUP (OP) and duplication of provisions is not supported.
489. I recommend that **submission point 41.18 be rejected** for the following reasons:
- a. With the requirement for at-source stormwater management and treatment devices, it is anticipated that there will be a reduced demand for large communal devices such as wetlands and as such amendment to Policy I616.3(12) to ensure bird strike risk is avoided and/or mitigated is not necessary; and
 - b. Construction of any wetlands or large communal devices would require consent under *E26 Infrastructure* in the AUP (OP) and likely to require approval from the New Zealand Defence Force as a requirement of conditions under Designation 4311; and
 - c. This recommendation is consistent with recommendations on other bird strike requests in section 10.12.3 of this report.
490. I recommend that **submission point 42.13 be rejected** for the following reason:
- a. Standard I616.6.3(3), as notified, does not make explicit reference to roads however it is not appropriate to specifically exclude roads from the standard as requested by the submitter given that roads are a significant source of contaminants and the sensitivity of the receiving environment in the PPC5 area.

491. There are no consequential amendments associated with these recommendations.

10.7.2 Whenuapai 3 Stormwater Management Plan

Submission point	Name of submitter	Summary of relief sought	Recommendation
19.25	Herald Island Environmental Group	Oppose in part the current Whenuapai 3 Precinct Stormwater Management Plan (2017).	Accept in part
22.9	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seek that the plan change retains or adds policy direction to ensure matters addressed in submission points 22.7 and 22.8 are required by the Stormwater Management Plan.	Accept in part

Discussion

492. Two submission points make reference to the Whenuapai 3 Precinct Stormwater Management Plan (Whenuapai SMP). The Whenuapai SMP was prepared as part of the plan change process and supports the stormwater management provisions within the Whenuapai 3 Precinct.

493. In accordance with clause 34 in Schedule 1 of the Resource Management Act 1991, the Whenuapai SMP was notified as being proposed to be incorporated by reference into the AUP (OP) on 14 September 2017. Three submissions were received on the Whenuapai SMP from the Royal Forest & Bird Protection Society, Herald Island Environmental Group and Upper Harbour Ecology Network. The submission points from these submitters on the Whenuapai SMP have generally been addressed in response to other submissions on PPC5 in this section of the report, section 10.11 on open space, section 10.9 on biodiversity and riparian planting.
494. Subsequent to the notification of PPC5, Healthy Waters provided clarification of the status of the Whenuapai SMP. In February 2018, Healthy Waters applied for a region-wide stormwater network discharge consent (NDC). The application was publicly notified on 3 February 2018 and submissions closed on 20 March 2018. When approved, the NDC will authorise existing stormwater discharges in the Auckland region and establish a process for approving future discharges through the use of stormwater management plans. In the PPC5 area, the Whenuapai SMP will have to be approved in terms of being in accordance with the NDC when the public stormwater network for Whenuapai is established. At the subdivision stage, each subdivision application will then be required to provide a site-specific stormwater management plan to demonstrate how the outcomes of the approved Whenuapai SMP will be achieved.
495. As notified, the Whenuapai SMP is referred to in the Whenuapai 3 Precinct description and in Policy I616.3(12), as follows:

I616. Precinct Description

...

Stormwater Management

Stormwater management within the precinct is guided by the Whenuapai 3 Precinct Stormwater Management Plan (2017). This assessment has identified that the streams and coastal waters within the precinct are degraded and sensitive to changes in land use and stormwater flows...

Policy I616.3(12)

Require subdivision and development within the Whenuapai 3 Precinct to:

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

496. **Submission point 19.25** opposes in part the Whenuapai SMP. The submitter makes reference to the submission they made on the Whenuapai SMP. The submission on the Whenuapai SMP supports the principles of water sensitive design/integrated stormwater management; the protection of permanent and intermittent streams and wetlands; enhancing waterways; and additional treatment for high contaminant generating activities. I consider these matters have been adequately addressed in response to other submissions on stormwater management in section 10.7.1 and 10.7.3 of this report.
497. Based on the additional information provided in the Healthy Waters memo outlined in paragraph 494 and the scope provided by submission point 19.25, I consider it is appropriate to remove the references to the Whenuapai SMP in the Whenuapai 3 Precinct as long as the stormwater management outcomes sought in the Whenuapai SMP are addressed within the precinct provisions. This allows flexibility for Healthy Waters to review and update the Whenuapai SMP as required.

498. **Submission point 22.9** seeks that the matters stated in submission points 22.7 and 22.8 are required in the SMP. For reference, submission points 22.7 and 22.8 are addressed in section 10.9 of this report and they seek:

- Requirements for surveys of existing indigenous biota before works are undertaken; and
- The provision of adequate riparian planting for all intermittent and permanent streams and wetlands.

499. The Whenuapai 3 Precinct includes Standard I616.6.4 which requires the margins of all intermittent and permanent streams and wetlands to be planted to a minimum width of 10 metres upon development. This standard is supported by Policies I616.3(17) and (19). In regards to the request for surveys of existing indigenous biota, I expect this to be provided as part of any comprehensive development by way of an assessment of environmental effects. Accordingly, I recommend that submission point 22.9 be accepted in part.

Recommendations

500. I recommend that **submission point 19.25 be accepted in part** for the following reasons:

- a. The matters referred to in submission point 19.25 have been adequately addressed in response to other stormwater management submission points; and
- b. It is recommended to remove references to the Whenuapai SMP in the Whenuapai 3 Precinct to allow flexibility for the council's Healthy Waters Department to review and update it accordingly.

501. I recommend that **submission point 22.9 be accepted in part** for the following reasons:

- a. Standard I616.6.4, as notified, requires the margins of all intermittent and permanent streams and wetlands to be planted to a minimum width of 10 metres upon development and its retention is supported; and
- b. In regards to surveys of existing indigenous biota, this is best addressed at the consenting stage and provided as part of any comprehensive development through an assessment of environmental effects.

502. Consequential to the recommendation in paragraph 500 to remove references to the Whenuapai SMP is the removal of the reference to the Whenuapai 3 Precinct Stormwater Management Plan (2017) from Appendix 17 of the AUP (OP).

10.7.3 General submission points on stormwater management

Submission point	Name of submitter	Summary of relief sought	Recommendation
8.4	Upper Harbour Ecology Network	Support concern for marine environment, all development should minimise the amount of stormwater discharged into the Waiarohia Inlet and Brigham Creek, as following WSD practice.	Accept in part
8.5	Upper Harbour Ecology Network	Support that all development reduces the generation of contaminants at source and applies treatment as required to effectively minimise contaminant increases in coastal waters and sediment.	Accept
8.6	Upper Harbour Ecology Network	Do not support that it is best practice sustainable urban development to pipe all stormwater to the Waiarohia Stream and its tributaries. All care must be	Accept in part

Submission point	Name of submitter	Summary of relief sought	Recommendation
		taken to ensure restoration and regeneration and to not allow any further coastal erosion.	
15.3	Whenuapai Ratepayers and Residents Association	Opposes the method of dealing with stormwater in the precinct i.e. the piping of stormwater into the Waiarohia and Wallace inlets as it will degrade the water quality of the Upper Harbour and its tributaries.	Accept in part
15.7	Whenuapai Ratepayers and Residents Association	Opposes the lack of filtering/treatment of the increased stormwater run-off into harbour and protected waterways as it will result in even more pollution and in a fish breeding zone.	Accept in part
19.5	Herald Island Environmental Group	Seek mandatory use of 21st century stormwater best practice and water sensitive design to manage the impact of stormwater from all new developments.	Accept in part
19.11	Herald Island Environmental Group	Supports the application of stormwater management area control - Flow 1 for the whole of the precinct.	Accept
19.26	Herald Island Environmental Group	Requests the enforcement of all water sensitive design practices such as holding tanks, swales, green roof gardens, permeable paving and filtering holding ponds.	Accept in part
19.28	Herald Island Environmental Group	Requests that Te Kawerau a Maki, Ngāti Whātua o Kaipara and Ngāti Whātua Ōrākei are informed and involved in all stormwater discharges to this area.	Accept in part
19.30	Herald Island Environmental Group	Supports that all development reduces the generation of contaminants at source and applies treatment to effectively minimize contaminant increases in coastal waters and sediment	Accept
19.40	Herald Island Environmental Group	Seek that all developments minimise the amount of stormwater being discharged into the Waiarohia Inlet and Brigham Creek as following water sensitive design practice.	Accept in part
20.2	Martin and Rochelle Good	Seeks more investigation into how much stormwater runoff there would be and how the stormwater will be treated/filtered to stop more pollution in the Upper Harbour.	Accept in part
22.10	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks requirements for adequate measures to control run-off and sedimentation of waterways and the coastal environment from both construction works and once operational.	Accept in part
30.3	Dave Allen	Opposes the increased stormwater runoff due to the rezoning as it will adversely affect the water quality of the harbour.	Accept in part
39.1	Richard and Jane Paul	Do not support the increase in storm water discharge into Waiarohia and	Accept in part

Submission point	Name of submitter	Summary of relief sought	Recommendation
		Wallace inlets as a result of increased impervious areas. The use of land in the plan change does not enhance the quality of water in the Upper Harbour and therefore we do not support it.	

Discussion

503. There are 15 submission points that address stormwater management in the PPC5 area generally. The submitters are mainly concerned about the potential effects of increased stormwater runoff on the receiving environment and, in particular, adverse effects on the Upper Waitematā Harbour. The stormwater management approach is outlined in paragraphs 443 to 445.
504. **Submission points 8.4 and 19.40** consider that water sensitive design practice should be utilised to ensure that all development minimises the amount of stormwater discharged into the Waiarohia Inlet and Brigham Creek. **Submission point 19.5** seeks “mandatory use of 21st century stormwater best practice and water sensitive design to manage the impact of stormwater from all new developments”. **Submission point 19.26** seeks that water sensitive design practices are enforced.
505. Through *B7.3 Freshwater systems* and *E1 Water quality and integrated management* in the AUP (OP), an integrated approach to stormwater management is required. In particular, this approach is reflected in Policies E1.3(8) to (16) and carried through to the Whenuapai 3 Precinct provision. Water sensitive design is not specifically referred to in the Whenuapai 3 Precinct. However it is encompassed under the broader term of integrated stormwater management.⁵⁵ While I do not recommend specific changes to PPC5 in response to submission points 8.4, 19.40, 19.5 or 19.26, I recommend accepting the submission points in part as a result of recommended amendments to clarify the stormwater management approach of the Whenuapai 3 Precinct. These amendments are in response to submissions addressed in section 10.7.1 above. Accordingly, I consider that the stormwater management provisions within the Whenuapai 3 Precinct, when read in conjunction with *E1 Water quality and integrated management*, seek to achieve best practice stormwater management.
506. **Submission points 8.5 and 19.30** support the reduction and treatment of contaminants at-source in order to minimise contaminants and sediment in coastal waters. **Submission point 15.7** opposes the lack of treatment of increased stormwater runoff into the harbour and waterways. **Submission point 8.6** states that it is not best practice to pipe all stormwater to the Waiarohia Stream and its tributaries and that care must be taken to ensure restoration and regeneration. The submitter also seeks that further coastal erosion be avoided. Similarly, **submission point 15.3** opposes the stormwater management method proposed for the Whenuapai 3 Precinct with reference to piping stormwater directly to the Waiarohia and Wallace Inlets.
507. Clarification of the stormwater management approach is discussed in the Healthy Waters memo. It confirms that the council does not support piping stormwater directly to the receiving environment. Page 9 of the memo states:

Whilst it is acknowledged that parts of the SMP could be misinterpreted to suggest that stormwater runoff will be piped directly to the receiving environment this approach is not supported. The stormwater management approach seeks a

⁵⁵ Section 3.2, Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council: Hearing topics 046, 047, 048 and 049

treatment train approach to achieve hydrology mitigation (reduce quantity) and quality treatment by implementing SMAF 1 controls, and the proposed Standard I616.6.3.

508. As described above, stormwater quality and quantity are managed in PPC5 through the application of the SMAF-1 control and the precinct standards in I616.6.3 which includes the requirement to treat impervious areas over 1,000 m². Standard I616.6.3(3) ensures stormwater quality treatment in areas where the SMAF-1 control does not apply (below 2m RL). However, I support amending Policy I616.3(12) and Standard I616.6.3(3) as recommended in the Healthy Waters memo to require quality treatment at-source. The recommended amendments are shown below:

Policy I616.3(12)

Require subdivision and development within the Whenuapai 3 Precinct to:

- (a) apply an integrated stormwater management approach; and*
- (b) ~~manage stormwater diversions and discharges~~ treat stormwater runoff at-source treat stormwater runoff at-source to enhance the quality of freshwater systems and coastal waters; ~~and~~*
- (c) ~~be consistent with the requirements of the Whenuapai 3 Precinct Stormwater Management Plan (2017) and any relevant stormwater discharge consent.~~*

Standard I616.6.3(3)

Stormwater runoff from impervious areas totalling more than 1,000m² associated with any subdivision or development proposal must be:

- (a) treated at-source by a stormwater management device or system that is sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or*
- (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance.*

509. I consider the above amendments will ensure more efficient and effective treatment of stormwater and better protection and enhancement of the receiving environment.

510. The Healthy Waters memo suggests that the proposed Whenuapai 3 Precinct provisions will address most stormwater quality concerns. However the Whenuapai 3 Precinct, as notified, has no controls for high contaminant generating building materials. As described on page 8 of the memo:

High contaminant building materials are those with exposed surfaces resulting in contaminants such as copper, zinc, and aluminium. Any such materials should be treated at-source prior to avoid discharges of metals to the environment. Therefore additional controls are recommended that require inert building materials to be utilised unless runoff is treated to remove contaminants, and also to require all impervious areas that are not directed to a stormwater management device (i.e. for quality or quantity) to be treated prior to discharge to the environment.

511. Accordingly, I consider that it is appropriate to include a new standard to address the issue to minimise the discharge of contaminants to the receiving environment. The new standard is provided below:

Standard I616.6.3(5)

Stormwater runoff from impervious areas not directed to an approved stormwater management device (achieving either quality treatment or hydrology mitigation in accordance with Stormwater management area control – Flow 1) must:

- (a) achieve quality treatment on-site in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003) prior to disposal to the stormwater network; or
- (b) use inert building materials.

512. I consider that the amended Standard I616.6.3(3) and the new Standard I616.6.3(5) will ensure high risk activities in the PPC5 area are adequately addressed.
513. **Submission point 22.10** seeks “requirements for adequate measures to control run-off and sedimentation of waterways and the coastal environment from both construction works and once operational”. Sediment control is addressed in *E11 Land disturbance – Regional* in the AUP (OP). Standard E11.6.2(2) requires best practice erosion and sediment control measures to be implemented for all earthworks, including for permitted land disturbance activities. Therefore additional provisions within the Whenuapai 3 Precinct to address sedimentation are not supported as they would duplicate the existing Auckland-wide provisions. However, to provide certainty to plan users, I consider it is appropriate to reference the sediment control requirements in *E11 Land disturbance – Regional* in the precinct description under the ‘Stormwater Management’ heading. Accordingly, I recommend the following amendments to the precinct description as follows:

Stormwater Management

...

As part of the stormwater management approach, stormwater treatment requirements and the stormwater management area control – Flow 1 have been applied to the precinct. Sedimentation effects from land disturbance during construction are addressed by Standard E11.6.2(2) requiring implementation of best practice erosion and sediment control measures for all permitted land disturbance activities.

514. **Submission point 20.2** seeks more investigation into the volume of stormwater runoff anticipated from development and how the stormwater will be treated to reduce pollution in the Upper Harbour. **Submission point 30.3** opposes the increased stormwater runoff from rezoning due to adverse effects on the water quality of the harbour. Similarly, **submission point 39.1** opposes the increase in stormwater discharged into the Waiarohia and Wallace Inlets due to increased impervious areas and that the land use changes enabled by PPC5 do not enhance the water quality of the Upper Harbour. **Submission point 19.11** supports the application of SMAF-1 control for the whole of the Whenuapai 3 Precinct area.
515. PPC5 proposes to apply SMAF-1 control to the entire plan change area, recognising that the creation of impervious surfaces in a catchment undergoing development increases the flow rate and volume of stormwater runoff. The application of the SMAF-1 control will reduce the volume of stormwater discharged and peak flow into streams as well as stabilise stream base flow and groundwater recharge. The application of the SMAF-1 control will help maintain and enhance stream hydrology. The provisions for SMAF-1 are contained in *E10 Stormwater management area – Flow 1 and Flow 2* in the AUP (OP). The SMAF-1 provisions apply in addition to the provisions of the Whenuapai 3 Precinct. In conjunction with the recommended amendments to the I616.6.3 standards, I consider that through the application of the SMAF-1 control, the concerns of the submitters have largely been addressed.
516. **Submission point 19.28** requests that Te Kawerau a Maki, Ngāti Whātua o Kaipara and Ngāti Whātua Ōrākei are informed and involved in all stormwater discharges to this area. Stormwater discharges to the environment are controlled by the rules in Auckland-wide *E8 Stormwater – Discharge and diversion* in the AUP (OP). With regards to working with iwi, the council’s Healthy Waters Department has a process in place for this when considering any discharges associated with the public network. It is also anticipated that iwi would be

involved with discharges associated with private proposals in accordance with good practice. Accordingly, while I do not recommend any changes in response to submission point 19.28, I consider it is accepted in part based on the council's existing practice.

Recommendations

517. I recommend that **submission points 8.5 and 19.30 be accepted** for the following reasons:
- a. It is appropriate to require the treatment of stormwater runoff at-source therefore amendments to Policy I616.3(12) Standard I616.6.3(3) are proposed to clarify this; and
 - b. An additional standard, Standard I616.6.3(5), is recommended to require quality treatment in areas where SMAF controls do not apply or that inert building material be used.
518. I recommend that **submission point 19.11 be accepted** for the following reasons:
- a. The submitter's support for application of the SMAF-1 control for the PPC5 area is noted; and
 - b. The SMAF-1 control is an appropriate tool for maintaining and enhancing stream hydrology in the PPC5 area.
519. I recommend that **submission points 8.4, 8.6, 15.3, 15.7, 19.5, 19.26, 19.40, 20.2, 30.3 and 39.1 be accepted in part** for the following reasons:
- a. The Whenuapai 3 Precinct provisions seek to achieve an integrated approach to stormwater management and water sensitive design is considered to be a component of this approach;
 - b. The integrated stormwater management approach is consistent with Policies E1.3(8) to (16) in the AUP (OP); and
 - c. While no specific amendments are recommended in response to these submission points, the stormwater management provisions as amended in response to other submission points and when read in conjunction with *E1 Water quality and integrated management* of the AUP (OP), are appropriate to ensure best practice stormwater management is achieved.
520. I recommend that **submission point 22.10 be accepted in part** for the following reasons:
- a. Sediment control is adequately addressed in E11 of the AUP (OP) and in particular through Standard E11.6.2(2) which requires best practice erosion and sediment control measures to be implemented for all earthworks (including permitted activities); and
 - b. Duplication of *E11 Land disturbance – Regional* within the Whenuapai 3 Precinct to address sedimentation is therefore not supported; however, it is recommended to include a reference in the precinct description to the sediment control requirements in E11 to provide clarity to plan users.
521. I recommend that **submission point 19.28 be accepted in part** for the following reasons:
- a. The council's Healthy Waters Department has a process in place for working with iwi when considering any discharges associated with the public network; and
 - b. For all other discharge consents, it is also anticipated that iwi would be involved in accordance with good practice.
522. There are no consequential amendments associated with these recommendations.

10.8 Coastal erosion risk

10.8.1 Coastal erosion setback yard

Submission point	Name of submitter	Summary of relief sought	Recommendation
5.3	Brigham Investments Limited	Delete the specific provisions relating to the Whenuapai coastal erosion set back yard as they re-litigate the approach to coastal hazards in the AUP.	Reject
5.4	Brigham Investments Limited	That the width of the coastal yard setback should be adopted to measure the coastal hazard area within the Whenuapai 2 precinct (as provided by paragraph (c) of the Chapter J1 definition of coastal erosion hazard area).	Reject
5.5	Brigham Investments Limited	Oppose the departure from Chapter E36 of the AUP in the manner contemplated by the plan change.	Reject
5.6	Brigham Investments Limited	Oppose the categorisation of land within the (coastal) setback yard as a 'greenfield area'.	Reject
5.7	Brigham Investments Limited	Oppose the total prohibition on all new buildings located within the (coastal) set back area this should be a restricted discretionary activity as in the AUP currently.	Reject
5.8	Brigham Investments Limited	Oppose that coastal protection structures in the precinct are either a discretionary activity (if outside the coastal setback) or a non-complying activity (if within the coastal setback) as opposed to the AUP which manages such structures as a restricted discretionary activity (if outside the coastal erosion hazard area) or a discretionary activity (if within the coastal erosion area).	Reject
19.12	Herald Island Environmental Group	Supports coastal erosion setback yard to avoid locating new buildings in identified areas of risk.	Accept
21.16	Cabra Developments Limited	Amend Policy I616.3(16) to enable the construction of appropriate erosion control structures as follows: <i>Avoid the Provide for the use of hard protection structures where appropriate to manage avoid, remedy or mitigate the effects of coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.</i>	Reject
21.17	Cabra Developments Limited	Amend I616.4 Activity Table to delete activity (A4) Hard protection structures and amend the activity status for activity (A5) Hard protection structures located within the Whenuapai 3 coastal erosion setback yard from non-complying to discretionary.	Reject
22.26	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Add a policy to encourage the use of alternatives to hard protection structures in the coastal environment.	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
22.40	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Delete the provision for new development in the coastal erosion setback.	Reject
51.5	Nga Maunga Whakahii o Kaipara Whenua Hoko Holdings	Seeks that the coastal setback provisions are reviewed and reduced to allow buildings within that setback in certain cases.	Reject

Discussion

523. This group of submissions relate to the coastal erosion setback yard provisions contained in the Whenuapai 3 Precinct. Coastal hazard risks include dangers from coastal erosion and inundation – both of which can be exacerbated by climate change. The WSP emphasised the potential effects of coastal erosion risk on people and property. The WSP acknowledges this by including a possible 100m building restriction line⁵⁶ and identifies the ‘coastal constraints’⁵⁷. The WSP responds to these matters by proposing low density land use along the coast.
524. PPC5 supports this approach by incorporating a policy framework based on the concept of a coastal erosion setback yard. This is informed by further area-specific coastal hazard risk analysis produced by Tonkin and Taylor.⁵⁸ Sections 6.6 and 7.5 of the Section 32 Report provide a more detailed planning assessment of the costs and benefits as well as outlining how the provisions give effect to the RPS and NZCPS.
525. Brigham Investments Limited made six **submission points (5.3, 5.4, 5.5, 5.6, 5.7, and 5.8)** in relation to the coastal erosion setback yard. The submitter accepts the findings of the Tonkin and Taylor report but challenges PPC5’s planning response on the basis that there is insufficient evidence to deviate from *E36 Natural hazards and flooding*.
526. The Coastal Hazard Assessment Whenuapai Plan Change Stage 1 prepared by Tonkin and Taylor uses a probabilistic approach to provide a locality specific risk assessment.⁵⁹ A memo was provided by council’s Principal Coastal Specialist, Dr Carpenter, in response to submissions received on PPC5. I agree with Dr Carpenter’s memo that the report provides sufficient additional certainty about the coastal erosion risk within the plan change area to warrant an enhanced approach over and above the region-wide AUP (OP) approach⁶⁰. A coastal erosion setback yard was derived for PPC5 after considering a range of factors understood to influence foreshore erosion rates including historic long term retreat, geology, cliff height, slope and future sea-level rise. The report adopts a risk-based approach to determine the most appropriate erosion rate for the PPC5 area. This response is consistent with the latest guidance on coastal hazards and climate change planning released by the Ministry for the Environment⁶¹. Therefore I do not support the relief sought by submission points 5.3, 5.4, 5.5 and 5.8.
527. **Submission point 5.6** opposes the identification of land as a ‘greenfield area’ as a justification for the council’s approach to coastal erosion. I note that any dwellings existing in the proposed coastal erosion setback yard will continue to exercise existing use rights. I

⁵⁶ Whenuapai Structure Plan, section 7.16.1 (p.72)

⁵⁷ Whenuapai Structure Plan, Figure 14 (p.83)

⁵⁸ Tonkin and Taylor (2017) Coastal Hazard Assessment Whenuapai Plan Change Stage 1. Report prepared for Auckland Council.

⁵⁹ section 5.2 Methodology (p.11)

⁶⁰ Memo Whenuapai Plan Change, Stage 1 – Coastal Hazards Submissions, Dr Natasha Carpenter, 21 March 2018

⁶¹ Coastal hazards and climate change: guidance for local government, Ministry for the Environment 2017

do not see the existing dwellings as a reason to not take any planning action against exposing additional people and property to coastal hazard risks. Therefore I do not support the relief sought by submission point 5.6.

528. **Submission point 5.7** opposes Standards I616.6(3) and I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard as they prohibit new buildings within the coastal set back yard. I do not agree with the submitter that the PPC5 precinct provisions will prohibit new development, noting that under Rule I616.4.1(A17), activities not complying with Standard I616.6.5 is a non-complying activity rather than a prohibited activity. This activity status allows people to make an application that does not meet the standard provided they can address any potential adverse environmental effects. Therefore I do not support the relief sought by submission point 5.7.

529. **Submission point 19.12** supports the coastal erosion setback yard as a mechanism to avoid locating new buildings in identified areas of risk. This support is noted.

530. **Submission point 21.16** seeks to amend Policy I616.3(16) as follows:

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

531. **Submission point 21.7** seeks to Amend I616.4 Activity Table to delete activity (A4) Hard protection structures and amend the activity status for activity (A5) Hard protection structures located within the Whenuapai 3 coastal erosion setback yard from non-complying to discretionary.

532. Objective I616.2 (9) and Policy I616.3 (15) intends to avoid locating new buildings on land within the Whenuapai 3 coastal erosion setback yard to avoid exposing additional people and property to coastal hazard risk. The submitter considers that this approach introduces too high a consenting threshold for hard protection structures to manage effects such as subsidence (paragraph 3.41 of their submission). It is my view that the relief sought in submission points 21.16 and 21.17 would undermine PPC5's risk management approach by encouraging development to be inappropriately located within an area of coastal erosion risk. Likewise, I also note that the submitter has not demonstrated how enabling structures (as well as hard protection structures) will avoid adverse effects on coastal amenity, coastal process, coastal character and biodiversity values. Therefore I do not support the relief sought in submission points 21.16 and 21.17.

533. **Submission point 22.26** seeks to add a policy to encourage the use of alternatives to hard protection structures in the coastal environment. PPC5 Policy I616.3 (16) states:

(16) Avoid the use of hard protection structures to manage coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.

534. This policy addresses hard coastal protection structures within the landward parts of the coastal marine area. *F2 Coastal – General Coastal Marine Zone* provides for protection structures in the coastal marine area. Relevantly, F2.16.2 Objectives state:

(1) Structures are generally limited to those that have a functional need to be located in the coastal marine area, or those that have an operational need and that cannot be practicably located outside of the coastal marine area.

...

(3) Structures are appropriately located and designed to minimise adverse effects on the ecological, natural character, landscape, natural features, historic

heritage and Mana Whenua values of the coastal marine area, and avoid to the extent practicable the risk of being adversely affected by coastal hazards.

F2.16.3 Policies state:

(14) Avoid a proliferation of hard protection structures in the coastal marine area by requiring:

*....
(d) evidence to demonstrate that the proposed structure is the most appropriate method for remedying or mitigating a coastal hazard having regard to the entire area affected or potentially affected by the hazard, and taking into account alternative methods, including soft engineering works.*

535. Rule F2.19.10 (A142) states that hard protection structures are a discretionary activity in the General Coastal Marine Zone. PPC5 Rule I616.4.1 (A5) states that hard protection structures in the Whenuapai 3 coastal erosion setback yard are a non-complying activity. I note these in contrast to Rule E36.4.1 (A14) and (A15) which identify beach nourishment and dune stabilisation as defence against coastal hazards are a permitted activity, and Rule F2.19.5 (A51) which identifies the planting of native vegetation in the coastal marine area as a permitted activity.
536. I am of the view that taken together, the policy framework of the AUP (OP) and PPC5 gives a clear guidance for the avoidance of hard protection structures by requiring resource consents, while 'soft' engineering is encouraged as a permitted activity. A policy encouraging the use of alternatives to hard protection structures should identify the alternative measures. I consider it inappropriate to prescribe alternative measures without detailed assessments of each individual site or an understanding of the development being proposed within each coastal cell. Therefore, without further evidence about the inappropriateness of the existing policy framework that encourages the avoidance of hard protection structures or evidence of appropriate alternative measures, I do not support the relief sought in submission point 22.26.
537. **Submission point 22.40** seeks to remove provision for new development in the coastal erosion setback yard. The submitter argues that it is inappropriate to allow development along the sensitive coastal environment. Rule I616.4.1 (A16) makes development not complying with Standard I616.6.5 a non-complying activity. This sets a high threshold for any developer to demonstrate how they have addressed any adverse effects before allowing development to occur. I am of the view that this is consistent with the functions of the council to achieve integrated management of the effects of development under section 31 of the Act. Therefore, I do not support the relief sought.
538. **Submission point 51.5** seeks to review and reduce the Whenuapai 3 coastal setback yard and allow 'buildings within that setback (if justified) should be allowed in certain cases'. With regards to the spatial extent of the Whenuapai 3 coastal setback yard, the submitter has not provided supporting evidence to dispute the findings of the Tonkin and Taylor coastal hazard assessment. Therefore I am not convinced that a review of the setback yard is necessary.
539. With regards to enabling building within the Whenuapai 3 coastal setback yard, I note that Rule I616.4.1 (A16) states that development that does not meet Standard I616.6.5 a non-complying activity. This means that buildings meeting the consenting threshold could be located within the coastal erosion setback yard. Therefore, I do not support relief sought in submission point 51.5.

Recommendations

540. I recommend that **submission point 19.12 be accepted** for the following reasons:
- PPC5's risk-based approach in managing coastal erosion risk is the most appropriate method to give effect to the RPS and the NZCPS
541. I recommend that **submission points 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 21.16, 21.17, 22.26, 22.40, and 51.1 be rejected** for the reasons:
- PPC5's risk-based approach in managing coastal erosion risk is the most appropriate method to give effect to the RPS and the NZCPS
 - PPC5 uses a risk-based approach based on detailed evidence specific to the unique characteristics of the plan change area.
542. There are no consequential amendments associated with these recommendations.

10.8.2 Effects on the Upper Waitematā Harbour (coastal environment)

Submission point	Name of submitter	Summary of relief sought	Recommendation
15.4	Whenuapai Ratepayers and Residents Association	Opposes the proposed land uses as they do not enhance the water quality in the Upper Harbour.	Reject
19.6	Herald Island Environmental Group	Seek assurance that wastewater impacts on the Upper Harbour from urban intensification and wastewater outlets entering the Waiarohia Inlet are compliant with the NZ Coastal Policy Statement.	Reject
19.7	Herald Island Environmental Group	Seeks evidence that tidal flows will be restored and assist to flush out Waiarohia inlet	Reject
19.29	Herald Island Environmental Group	Supports the concern for the susceptibility and sensitivity of the valued marine environment.	Accept
19.31	Herald Island Environmental Group	Supports minimisation of the impact on the Upper Harbour of wastewater from urban intensification.	Accept
19.37	Herald Island Environmental Group	Supports the restoration of Upper Waitematā Harbour tidal flows in the vicinity of the Waiarohia inlet, around the Herald Island Causeway using Causeway culverts and dredging/replacement of the Causeway with a bridge.	Reject

Discussion

543. This group of submissions relate to effects on the Upper Waitematā Harbour. The WSP and PPC5 do not propose any changes to the coastal marine area. Notwithstanding, PPC5 recognises the interaction between land uses and their effects on the Upper Waitematā Harbour. PPC5 contain Objectives I616.2 (8) and (10), Policies I616.3 (12), (17) and (19) and Standard I616.6.3 which require stormwater discharges to enhance the quality of freshwater systems and coastal waters. Stormwater will be treated at-source and subdivision and development will provide riparian planting along permanent and intermittent streams.
544. **Submission point 15.4** opposes the land use proposed by PPC5. The submitter states that the proposed land uses do not enhance the water quality of the Upper Waitematā Harbour as they increase the amount of impermeable surfaces. Standard I616.6.3

introduces requirements for treatment of stormwater runoff from all new impervious surfaces over 1000m² and from high-contaminant generating areas. This will reduce sediment inputs into the sensitive receiving environment of the Upper Waitematā Harbour. It is my opinion that by reducing sediment inputs, PPC5 will help to maintain and enhance the water quality of the Upper Waitematā. Therefore, I do not support the relief sought in submission point 15.4.

545. **Submission points 19.6 and 19.7** relate to wastewater discharges and ensuring the tidal characteristics of the Upper Waitematā are restored to assist in flushing out the inlet. The submitter is concerned that additional loading on the existing wastewater system will result in wastewater discharge in the Waiarohia inlet. The council's position is that developers will be required through the subdivision and land use consent process to work with Watercare to install wastewater infrastructure. All new developments in the plan change area will connect to the forthcoming expanded reticulated wastewater system. I am of the view that there will be adequate capacity within the wastewater system to not require wastewater to be discharge into the Waiarohia inlet. Therefore, I do not support the relief sought in submission points 19.6 and 19.7.
546. **Submission point 19.29** supports a development approach of recognising the sensitivity of the marine environment. I am of the view that the objectives and policies of PPC5 and Standard I616.6.3 will maintain and enhance freshwater quality and the receiving environment of the Upper Waitematā Harbour. Consequently, I have interpreted submission point 19.29 as supporting the PPC5 approach. This support is noted.
547. **Submission point 19.31** supports the minimisation of wastewater impact on the Upper Waitematā Harbour as a result of urban intensification. I have interpreted submission point 19.31 as supporting the PPC5 approach as wastewater infrastructure will be developed as part of subdivision and land use enabled by this plan change. This support is noted.
548. **Submission point 19.37** supports the restoration of Upper Waitematā tidal flows in the vicinity of the Waiarohia inlet. The submission refers to the introduction of causeway culverts/bridge replacement to restore tidal flows around Herald Island. I note that Herald Island and its causeway are outside the plan change area and that PPC5 does not propose any changes to the coastal marine area. While I am not aware of any scheduled programme to replace the Herald Island causeway, I consider that any such programme is the more appropriate time to address the matters raised in submission point 19.37. Such a process will have the funding and scope to fully analyse the technical implications. Therefore, I do not support the relief sought in submission point 19.37.

Recommendations

549. I recommend that **submission points 15.4, 19.6, 19.7 and 19.37 be rejected** for the following reasons:
- a. Standard I616.6.3 introduces requirements which will improve the water quality of the Upper Waitematā Harbour.
 - b. Development will connect to an expanded reticulated wastewater system which will avoid wastewater discharges into the Waiarohia Inlet.
 - c. The Herald Island causeway is more appropriately addressed as part of a separate programme of works rather than as part of PPC5.
550. I recommend that **submission points 19.29 and 19.31 be accepted** for the following reason:
- a. The plan change area is adjacent to the sensitive receiving environment of the Upper Waitematā Harbour. Therefore, it is appropriate for PPC5 to incorporate an integrated stormwater management approach to reduce sediment inputs and to minimise the impact of stormwater.

551. There are no consequential amendments associated with these recommendations.

10.8.3 General coastal environment

Submission point	Name of submitter	Summary of relief sought	Recommendation
22.14	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seek that the council set out how the plan change gives effect to the NZCPS including measures required to enhance the natural character of the coastal environment.	Reject
22.20	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Add a new objective as follows: <i><u>Subdivision, use and development avoids significant adverse effects on the natural character of water bodies and the coastal environment protects areas of significant indigenous biodiversity and provides for the enhancement of environmental values.</u></i>	Reject
22.23	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Add a new objective that subdivision will be undertaken subject to protection required under s6(c) of the RMA and Policy 11 of the NZCPS.	Reject

Discussion

552. This group of submission points relates to the submission made by Royal Forest and Bird Protection Society NZ (Forest and Bird) on the coastal environment. Coastal erosion hazards and coastal biodiversity are addressed by sections 10.8 and 10.9 of this report respectively.
553. **Submission point 22.14** seeks that the council set out how PPC5 gives effect to the New Zealand Coastal Policy Statement including measures required to enhance the natural character of the coastal environment. PPC5 was developed to give effect to the RPS. Similarly, it relies on the zone, Auckland-wide, and overlay rules of the AUP (OP). In my opinion, by giving effect to the RPS, PPC5 is giving effect to the NZCPS. I refer to the evidence of John Duguid for Topic 080 Rezoning Precincts (General)(Topic 080) before the Auckland Unitary Plan Independent Hearings Panel which sets out how the council's approach to zoning gives effect to the NZCPS (see Appendix 12). I also note that sections 6.5 Biodiversity, 6.6 Coastal management – coastal erosion risk, 7.4 Biodiversity, and 7.5 Coastal management – coastal erosion risk in the Section 32 Report outlines how the planning approach of PPC5 gives effect to the NZCPS. It is my opinion that it is inappropriate to incorporate the rationale of provisions into the PPC precinct provisions when that matter is adequately addressed in the Section 32 Report. As such, I do not support the relief sought in submission point 22.14.
554. **Submission point 22.20** seeks to add a new objective as follows:

Subdivision, use and development avoids significant adverse effects on the natural character of water bodies and the coastal environment protects areas of significant indigenous biodiversity and provides for the enhancement of environmental values.

555. Forest and Bird outlines their rationale in page 6 of their submission. The purpose of the objective sought in the relief is to give effect to the National Policy Statement Freshwater Management and the New Zealand Coastal Policy Statement. RPS *B7 Natural Resources*, *B8 Coastal environment* and D Overlays (particularly *D8 Wetland Management Areas Overlay*, *D9 Significant Ecological Areas Overlay*, *D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay*, and *D11 Outstanding Natural Character and High Natural Character Overlay*) of the AUP (OP) contain provisions which seek to protect water quality and riparian ecosystems, as well as protection of significant coastal natural character and biodiversity. I refer to the evidence of John Duguid for Topic 080 Rezoning Precincts (General) (Topic 080) before the Auckland Unitary Plan Independent Hearings Panel which sets out how the council's approach to zoning gives effect to the NZCPS (see Appendix 12).
556. PPC5 proposes to apply an integrated stormwater management approach to minimise and mitigate adverse effects on the environment. This approach focuses on at-source stormwater treatment and encourages integrated stormwater management. Whenuapai 3 Precinct includes the following, as outlined in section 10.7:
- Streams and wetlands – all permanent and intermittent streams and wetlands are mapped and retained (Whenuapai 3 Precinct Plan 1);
 - riparian planting requirement along all permanent and intermittent streams (Standard I616.6.4);
 - all stormwater outfalls are set back from the edge of streams where practicable and protected against erosion (Policy I616.3 (14));
 - Water quality – impervious areas over 1,000 m² are required to be treated in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003);
 - runoff from waste storage areas are treated by gross pollutant traps;
 - the generation and discharge of contaminants is reduced at source as far as practicable; water quality treatment is achieved on-site unless there is an acceptable communal device (Standard I616.6.3).
 - Hydrology – the application of stormwater management area control – Flow 1 (SMAF-1 control) to the entire PPC5 area.
557. This enhances the quality of any stormwater discharges entering the sensitive receiving environment of the Upper Waitemata Harbour. Likewise the council can take an esplanade reserve or strip under section 230 of the RMA when privately owned land is subdivided. Esplanade reserves of 20 metres width will be set aside where the lot adjoins the coast, rivers whose bed width is an average of 3 metres or more. Whenuapai 3 Precinct Plan 1 identifies the indicative coastal esplanade reserves. The forthcoming coastal esplanade reserves will provide amenity.
558. Standard I616.6.3, Standard I616.6.4, and the coastal esplanades will protect the coastal environment by preventing inappropriate development from occurring, improving the quality of stormwater runoff, creating additional habitat for wildlife and allow for public access.
559. I consider that the provisions in the Whenuapai 3 Precinct are consistent with RPS *B7 Natural resources* and *B8 Coastal environment*. Likewise, PPC5 is consistent with the NZCPS and the NPSFM, therefore I do not support the relief sought in submission point 22.20.
560. **Submission point 22.23** seeks to add a new objective that subdivision will be consistent with section 6(c) of the RMA and Policy 11 of the NZCPS. The submitter did not provide suggested wording. Section 6 (c) refers to protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. Policy 11 of the NZCPS directs

territorial authorities to protect / avoid significant adverse effects on indigenous biological diversity in the coastal environment. I refer to the evidence of for Topic 080 Rezoning Precincts before the Auckland Unitary Plan Independent Hearings Panel⁶² which sets out how the council's approach to zoning gives effect to the NZCPS (see Appendix 12). RPS *B7 Natural Resources, B8 Coastal environment* and Chapter D Overlays (particularly *D8 Wetland Management Areas Overlay, D9 Significant Ecological Areas Overlay, D10 Outstanding Natural Features Overlay, Outstanding Natural Landscapes Overlay and D11 Outstanding Natural Character and High Natural Character Overlay*) of the AUP (OP) contain provisions which seek to protect water quality and riparian ecosystems, as well as protection of significant coastal natural character and biodiversity. *D9 Significant Ecological Overlays* gives effect to section 6(c) of the RMA identifying and protecting of areas of significant indigenous vegetation. Forest and Bird have not raised new resource management issues which suggest to me that the PPC5 and AUP (OP) provisions do not give effect to the RMA or the NZCPS. Therefore, I do not support the inclusion of a new objective to ensure consistency with the RMA and the NZCPS.

Recommendations

561. I recommend that **submission points 22.14, 22.20, and 22.23 be rejected** for the following reason:
- a. The relief all relate to amending PPC5 to give effect to the RMA and the NZCPS. PPC5 is consistent with the RPS of the AUP (OP) and the NZCPS.
562. There are no consequential amendments associated with these recommendations.

10.9 Biodiversity

10.9.1 Submission points on indigenous biodiversity

Submission point	Name of submitter	Summary of relief sought	Recommendation
8.2	Upper Harbour Ecology Network	Request that all Enhancement Opportunities (ref Morphum Environment Ltd view) are utilised when planning the development of Whenuapai	Reject
8.8	Upper Harbour Ecology Network	Do not support the fact that there are no substantial areas identified and set aside for natural biodiversity to enable the North West Wildlink to operate across this region	Reject
19.3	Herald Island Environmental Group	Seek that the degradation of wetlands, streams and riparian margins is made right.	Accept in part
19.8	Herald Island Environmental Group	Requests that all enhancement opportunities (ref. Morphum Environmental) are utilized when planning the development of Whenuapai and that a longer term and macro view of the area is taken to ensure enough land is set aside for residential use and the introduction of substantial green infrastructure zones.	Reject
19.13	Herald Island Environmental	Supports North-West Wildlink and that Whenuapai is recognised as a stepping	Accept

⁶² Evidence of John Duguid for Topic 080 Rezoning Precincts (General)(Topic 080) before the Auckland Unitary Plan Independent Hearings Panel

Submission point	Name of submitter	Summary of relief sought	Recommendation
	Group	stone in this link.	
19.35	Herald Island Environmental Group	Opposes the lack of substantial areas identified and set aside for natural biodiversity to enable the North West Wildlink to operate across this region.	Reject
22.5	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks amendments to the plan change to provide suitable fencing to reduce predator access to indigenous habitat areas.	Reject
22.6	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks amendments to the plan change to provide suitable street tree planting to complement the riparian and conservation zone biodiversity habitat vegetation.	Reject
22.7	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks requirements for adequate surveys of existing indigenous biota before works are undertaken and that appropriate protection measures are subsequently put in place taking in to account the results of surveys.	Reject
22.13	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks that the council set out how the plan change gives effect to the NZCPS including requirements for adequate surveys of existing indigenous flora and fauna before works are undertaken and that appropriate protection measures are subsequently put in place taking into account the result of the surveys.	Reject
22.25	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend Plans and/or Policies to clearly set out the location and extent of riparian areas and other areas for enhancement and protection of indigenous vegetation and habitat.	Reject
22.27	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Replace Policy I616.3(17) as follows: <i><u>Provide for riparian planting and the establishment of substantial conservation areas to enhance the North-West Wildlink.</u></i>	Reject
22.28	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend Policy I616.3(18) to avoid or minimise the footprint of and number of crossings and by identifying the location of potential crossings.	Accept in part
22.32	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend Activity (A17) to include a new standard relating to the protection and enhancement of indigenous biodiversity.	Reject
22.34	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Include standards to provide for areas of indigenous vegetation to be established linking to the riparian zones. These areas to be vested in the council or other methods to ensure long term protection.	Reject
22.41	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Preferably locate illuminated signs away from riparian and indigenous vegetation areas.	Reject
30.6	Dave Allen	There are no areas set aside to increase biodiversity values and recognise the North-West Wildlink.	Reject

Discussion

563. This group of submission points relate to biodiversity and ecological values. PPC5 recognises the area's important role as part of the North-West Wildlink and its proximity to the Upper Waitematā Harbour (part of the Hauraki Gulf). The AUP (OP) identifies the Upper Waitematā Harbour as 'Degraded 1' (Figure B7.4.2.1).
564. *D9 Significant Ecological Areas, E1 Water quality and integrated management, E3 Lakes, rivers, streams and wetlands and E15 Vegetation management and biodiversity* of the AUP (OP) applies to the plan change area. The Significant Ecological Areas (SEA) Overlay seeks to identify and protect areas of significant indigenous flora and fauna. There is an identified SEA – Terrestrial in the upper reaches of the Waiarohia Inlet.
565. PPC5 proposes to enhance the stream environment (including wetlands) to restore biodiversity values in the plan change area. This is consistent with the directive of the NZCPS on coastal species and habitats, and RPS B7.2 Indigenous biodiversity, *B7.3 Freshwater systems*, and *B8.5 Managing the Hauraki Gulf*. Section 6 of the RMA identifies the following relevant matters of national importance:
- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
 - ...
 - (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
566. Submission points relating specifically to the PPC5 stormwater, riparian planting or streams precinct provisions are addressed in the sections 10.7, 10.9.2 and 10.10 of this report respectively.

Submission points relating to North-West Wildlink

567. **Submission point 19.13** supports recognising Whenuapai as a stepping stone in the North-West Wildlink. The WSP and PPC5 provide clear guidance that they seek to enhance the existing stream network as a means of supporting the biodiversity and ecological values of the North-West Wildlink. This support is noted.
568. **Submission points 8.8, 19.35 and 30.6** seek to amend PPC5 to provide more areas to be set aside to give effect to the North-West Wildlink. Submission points 8.8 and 19.35 oppose
- the fact that there are no substantial areas identified and set aside for natural biodiversity to enable the North West Wildlink to operate across this region.*
569. The submitters propose a 10 per cent intact forest cover as an adequate metric. Submission point 30.6 also states that no areas have been set aside to give effect to the North-West Wildlink. PPC5 does not set aside area for natural biodiversity because the council does not zone land Open Space – Conservation until land is vested in the council. There is no programme of land acquisition in Whenuapai solely for conservation purposes.
570. Notwithstanding, the council approved an urban forest strategy at its Environment and Community Committee meeting on 20 February 2018. The urban forest strategy sets an objective of growing the canopy cover to 30 per cent of urban land area (wider Auckland) with no local board areas having canopy coverage of less than 15 per cent. A draft version

of the adopted strategy is included as attachment 12 of the Environment and Community Agenda Tuesday, 20 February 2018.

571. PPC5 provides an opportunity to contribute to this urban forest strategy. The implementation of Standard I616.6.4 will in effect create areas for biodiversity. Standard I616.6.4 requires 10m of riparian planting on the margins of a permanent or intermittent stream or a wetland. Standard I616.6.4(3) requires the use of eco-sourced native vegetation where available and that any planting is consistent with local biodiversity. A desktop GIS analysis shows that implementing Standard I616.6.4 Riparian planting creates an additional amount of vegetation cover equal to five point eight per cent of the total plan change area. I consider this additional habitat area for wild life will support the biodiversity values of the North-West Wildlink.
572. Furthermore, the council can take an esplanade reserve or strip under section 230 of the RMA when privately owned land is subdivided. Esplanade reserves of 20 metres width will be set aside where the lot adjoins the coast, rivers whose bed width is an average of 3 metres or more. Whenuapai 3 Precinct Plan 1 indicatively identifies the location of esplanade reserves. Such esplanade reserves support the function of the riparian planting by ensuring development is appropriately set back, and may in turn include appropriate native planting.
573. I note that the canopy cover referenced in the urban forest strategy refers to all vegetation. An intact forest cover as requested by the Upper Harbour Ecology Network and Herald Island Environmental Group requires unbroken landscape with no sign of significant human activity or habitat fragmentation. I do not consider this practical in an urban area in light of the National Policy Statement on Urban Development Capacity directing the council to enable urban land uses. Likewise, the council's limited fiscal envelop prevents the acquisition of land to prevent development occurring.
574. I am of the view that Standard I616.6.3 in conjunction with esplanade reserves or esplanade strips vested under section 230 of the RMA will give effect to the canopy cover targets of the urban forest strategy. This combined with other implementation methods outlined by the strategy will likely create a canopy cover of no less than fifteen percent per local board (or approximately 60 hectares within the PPC5 area). Such canopy cover provides a substantial area that will provide for the biodiversity values of the North-West Wildlink. Consequently, I consider that PPC5 and the urban forest strategy adequately address the matters raised in submission points 8.8, 19.35 and 30.6. Therefore, I do not support the relief sought.

Submission points relating to PPC5 approach to biodiversity

575. **Submission point 19.3** seeks to '*make right the degradation of wetlands, streams and riparian margins*'. After reading the submission, I have interpreted this to mean improving the quality of wetlands, streams and riparian margins within the plan change area.
576. Relevantly, the following sections of the AUP (OP) applies to the PPC5 plan change area:
- E1 Water quality and integrated management
 - E3 Lakes, rivers, streams and wetlands
 - E8 Stormwater – discharge and diversion
 - E9 Stormwater quality – High contaminant generating car parks and high use roads
 - E10 Stormwater management area – Flow 1 and Flow 2
 - E11 Land disturbance - Regional
 - E12 Land disturbance – District
 - E15 Vegetation management and biodiversity

- Residential and business zones in Chapter H Zones which require a 10m riparian yard from all permanent and intermittent streams.

577. PPC5 proposes to apply an integrated stormwater management approach to minimise and mitigate adverse effects on the environment. This approach focuses on at-source stormwater treatment and integrated stormwater management, and is further described in section 10.7 of this report.
578. The PPC5 precinct provisions, when applied in conjunction with the relevant rules of the AUP (OP), will enhance the quality of wetlands, streams and riparian margins within the PPC5 area and are consistent with RPS *B7 Natural resources* and the National Policy Statement Freshwater Management. Therefore I recommend that submission point 19.3 be accepted in part to the extent that it is supporting the PPC5 precinct provisions giving effect to the RPS and the NPSFM.

Submission points relating to biodiversity policies

579. **Submission point 22.27** seeks to replace Policy I616.3(17) with the following:
- Provide for riparian planting and the establishment of substantial conservation areas to enhance the North-West Wildlink.*
580. Policy I616.3 (17) currently reads as follows:
- Recognise the role of riparian planting in the precinct to support the ecosystem functions of the North-West Wildlink.*
581. Table 6 in section 8.4 of the Section 32 Report outlines the effectiveness and efficiency of Policy I616.3 (17) in achieving Objective I616.2 (10). Objective I616.2 (10) states:
- Subdivision, use and development enhance the coastal environment, biodiversity, water quality and ecosystem services of the precinct, the Waiarohia and the Wallace Inlets, and their tributaries.*
582. The recommended wording in the submission point contains two components seeking to enhance the North-West Wildlink. One providing the establishment of riparian planting and secondly to require substantial conservation areas.
583. With regards to the first component, Policy I616.3 (19) already requires riparian planting at the time of subdivision and development. Policy I616.3 (17) uses the word recognise because enhancement of the North-West Wildlink is not the sole rationale for the introduction of riparian planting. Riparian planting also contributes towards the amenity of the area and stormwater management.
584. With regards to the second component, I do not consider 'substantial conservation areas' an appropriate metric as it does not provide direction for the plan user. The provision of substantial conservation areas suggests zoning areas of the plan change area Open Space – Conservation. The council will have to acquire such land before applying Open Space – Conservation zoning.
585. I also consider that this directive is inefficient as there are other means to achieve objective I616.2 (10). Principally, I note that while significant, the North-West Wildlink does not represent the sole means of enhancing the coastal environment, biodiversity, water quality and ecosystems of the precinct. Indigenous planting can occur outside of conservation areas. This includes planting within the street corridor, within private properties, the indicative open spaces identified in the Whenuapai 3 Precinct Plan 1, and esplanade

reserve or strips required under section 230 of the RMA. Esplanade reserve of 20 metres width will be set aside where the lot adjoins the coast, rivers whose bed width is an average of 3 metres or more. I also note that the council has adopted an urban forest strategy with a goal of growing Auckland's canopy cover to 30 per cent of urban land area with no local board areas less than 15 per cent canopy cover. It also outlines non-statutory methods including monitoring and potential funding programmes. The implementation of the urban forest strategy within the Whenuapai area will also enhance the biodiversity values of the North-West Wildlink.

586. Policy I616.3 (17) should be assessed in conjunction with other stormwater policies – I616.6.3 (12), (13), and (14). They encourage an integrated stormwater management approach by giving effect to by Standard I616.3 which requires:
- impervious areas over 1,000 m² to be treated in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003);
 - runoff from waste storage areas are treated by gross pollutant traps; the generation and discharge of contaminants is reduced at source as far as practicable;
 - water quality treatment is achieved on-site unless there is an acceptable communal device.
587. PPC5 also proposes to apply the stormwater management area control – Flow 1 to the PPC5 area. The Stormwater management area control – Flow 1 contains standards to reduce stormwater runoff and applies to catchments discharging into sensitive or high value streams with low levels of existing impervious area. I consider that the Whenuapai 3 Precinct provisions, applied in conjunction the AUP (OP), give appropriate effect towards the enhancement of biodiversity and ecology values of the PPC5 area. Consequently, I do not support amendment to Policy I616.3(17) as sought by submission point 22.27.
588. **Submission point 22.28** seeks to amend policy I616.3 (18) to avoid or minimise the footprint of and number of stream crossings by identifying the location of potential crossings. Policy I616.3 (18) currently states:
- Avoid stream and wetland crossings where practicable, and if avoidance is not practicable, ensure crossings take the shortest route to minimise or mitigate freshwater habitat loss.*
589. The submission point did not provide an alternate wording. The submitter states that the shortest route may not be the best environmental outcome (p7 of the submission).
590. I consider that the submission point raises two key points. Firstly, the outcome of avoiding or minimising the footprint of and number of crossings. Secondly, what is the most appropriate way to avoid or minimise the crossings.
591. I support the intent of avoiding and minimising stream crossings. PPC5 considers this an effective and efficient way to give effect to enhancing biodiversity, water quality and ecosystems of the plan change area. Policy I616.3 (18) already provides for this, therefore I do not consider an amendment necessary.
592. With regards to the second matter, the submitter states that the most appropriate way to avoid and minimise stream crossings is to specify the location of crossings on the Whenuapai 3 Precinct Plan 3. I disagree that identifying crossings is appropriate because this will require substantial detailed technical analysis and planning work to determine what development occurs at each individual site. The council does not anticipate developing any land in the plan change area. It is inappropriate for the council to predetermine how individual landowners develop their property within the planning framework of PPC5 and the AUP (OP). Finally, I consider it more appropriate to consider the exact location of

crossings and how their effects are managed at the time of a resource consent application after further detailed analysis.

593. Notwithstanding this, I do agree with the submitter that ‘the shortest route’ referenced in Policy I616.3 (17) does not always achieve the best environmental outcome in avoiding or minimising the footprint or number of stream crossings. Based on the advice of Mr Stratham⁶³ I am of the view that perpendicular crossings provide more certainty. Perpendicular crossings ensure that they are in-line with stream flow and reduce the potential scouring of stream banks and the need for riprap or aprons. Therefore, I recommend that submission point 22.28 is accepted in part.

Submission points relating to PP5 precinct provisions

594. **Submission points 8.2 and 19.8** seek to incorporate all the enhancement opportunities made in the Morpium Whenuapai Structure Plan Area Watercourse Assessment Report (2016). Section 4.2 of the report identifies the enhancement opportunities – they include:

- Farm pond removal at 30 Mamari Road
- Daylighting stream at 61 Totara Road
- Protect and enhance remnant riverine wetland
- Inanga spawning investigation and enhancement, and fish passage barrier removal
- Wetland enhancement and fish passage barrier remediation
- Farm pond removal at 33 and 39 Brigham Creek Road

595. I will address the enhancement opportunities below.

Removal of farm ponds

596. Development of the plan change area from rural to urban uses will allow for the removal of online farm ponds as and when they are no longer needed. The AUP (OP) does not consider artificial farm ponds to be wetlands and affords them no protection under *E3 Lakes, rivers, streams and wetlands*. Artificial ponds are generally created through a dam. The removal of a dam is consistent with Objective E3.2 (2) seeking to restore lakes, rivers streams and wetlands as the removal of the dam will return the underlying permanent or intermittent stream to its’ natural flow. PPC5 does not propose any additional provisions that would restrict removal of the pond. Prior to such development by the landowner, the council does not consider it appropriate to initiate the removal of farm ponds on private property. This does not preclude the council investigating such opportunities with land owners during the resource consent application stage.

Daylighting streams

597. The council does not currently fund a programme of daylighting streams in the Whenuapai area. While the biodiversity and ecological outcomes are desirable, the council does not consider daylighting to be an efficient means to enhance biodiversity values. This does not preclude the council investigating daylighting opportunities with land owners during the resource consent application stage. I consider that the council’s approach is consistent with the recommendation of the Whenuapai Structure Plan Area Watercourse Assessment Report (2016).

⁶³ Memo – Whenuapai Plan Change, Stage 1 – Biodiversity Submissions, Rue Stratham, 16 March 2018

Protecting remnant riverine wetland/wetland enhancement and fish passage barrier remediation

598. *E3 Lakes, rivers, streams and wetlands, E7 Taking, using, damming and diversion of water and drilling, E12 Land disturbance – District and E15 Vegetation management and biodiversity* applies to the plan change area. The Whenuapai 3 Precinct provisions include the following:

- Streams and wetlands – all permanent and intermittent streams and wetlands are mapped and retained (Whenuapai 3 Precinct Plan 1);
- riparian planting requirement along all permanent and intermittent streams (Standard I616.6.4);
- all stormwater outfalls are set back from the edge of streams where practicable and protected against erosion (Policy I616.3 (14));
- Water quality – impervious areas over 1,000 m² are required to be treated in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003);
- runoff from waste storage areas are treated by gross pollutant traps; the generation and discharge of contaminants is reduced at source as far as practicable;
- water quality treatment is achieved on-site unless there is an acceptable communal device (Standard I616.6.3).
- Hydrology – the application of stormwater management area control – Flow 1 (SMAF-1 control) to the entire PPC5 area.

599. These provisions will protect and enhance the riverine wetland by improving the quality of water flowing into streams and wetlands. Fish barriers are not protected by the AUP (OP). PPC5 does not propose any additional provisions that would restrict removal of fish barriers. This does not preclude the council investigating such opportunities with land owners during the resource consent application stage.

Inanga spawning investigation and enhancement, and fish passage barrier removal

600. The council does not have a funded programme of inanga spawning investigation and enhancement within the plan change area. Notwithstanding, I consider that Standard I616.6.3 Stormwater management and I616.6.4 Riparian planting will enhance the wider stream network and wetlands to the benefit of any potential inanga spawning areas. I note that the culvert referenced in page 42 of the Morphem Watercourse Assessment is located off Totara Road and is outside of the PPC5 plan change area. This is more appropriately addressed at a subsequent plan change for that part of Whenuapai. Consequently, I consider that PPC5 and the AUP (OP) have appropriately addressed the matters raised in submission points 8.2 and 19.8. There I do not support the relief sought in submission points.

601. **Submission point 22.5** seeks to amend PPC5 to provide suitable fencing to reduce predator access to indigenous habitat areas and provide for the North-West Wildlink. As noted in Mr. Statham's memo which is show in Appendix 11 the installation of predator proof fence would be an inefficient method to protect indigenous habitat areas in the PPC5 area. Examples at Tawharanui and Shakespear regional parks demonstrate that similar fences are unlikely to be completely secure from incursion. The ends of the fence will be open due constraints in topography and coastal areas. Likewise, public access, utilities and infrastructure associated with an urban area places additional constraints on the design and location of any predator proof fences.

602. As the memo notes:

Omaha predator fence is an example of a fence with regular incursions due to site constraints; the maintenance level is high to ensure the fences integrity along the entire fence line. There is also a high level of monitoring necessary to ensure that the fenced area remains pest free; as well as budget, equipment and staff to respond to all / any incursions.

603. Mr. Statham concludes:

Pest animal control undertaken on behalf of Auckland Councils' Community Facilities, and on private properties and through Pest Free 2050 community initiatives, is likely to be successful in reducing predation of the fauna and flora communities within indigenous habitats of Whenuapai to acceptable levels

604. I am of the view that the installation of a predator proof fence is an inappropriate method of providing for the North-West Wildlink. Therefore I do not support the relief sought in submission point 22.5.

605. **Submission point 22.6** seeks to provide street planting within the plan change area. Auckland Transport as the road controlling authority is directed by the Roads and Streets Framework and the Transport Design Manual. They provide strategic guidance on the appropriate road typologies and technical specifications for new roads. The documents also guide external parties about the planning, design, construction and vesting requirement of assets that will be managed by Auckland Transport.

606. One of the strategic directives of the Roads and Streets Framework is for greener roads, streets and assets. It seeks (p81):

Greater use of planting including through pocket parks, community gardens, tree planting, planters and green roads and streets.

607. Chapter 4 of the Roads and Streets Framework identifies examples of how planting can be incorporated into different typologies of roads and streets appropriate for their function. I consider that the Roads and Streets Framework is more appropriate method of addressing street planting as it provides guidance on the design of roads. It forms part of the detailed technical analysis subject to proposed roads and streets as part of a subdivision or land use resource consent.

608. PPC5 precinct provisions prescribing specific road cross-sections or planting requirement may not always result in the most appropriate environmental outcomes. A prescribed cross-section or planting requirement may not be appropriate for a particular function or location of a future road or street. Therefore, I do not support the relief sought in submission point 22.6.

609. Submission point 22.7 relates to stormwater management and submission point 22.13 relates to the NZCPS. Both **submission points 22.7** and **22.13** seek to include requirements for surveys of existing indigenous species before development and that the results are used to inform protection measures.

610. The WSP was informed by the AECOM Coastal Habitat Assessment: Whenuapai Structure Plan Area 2017 and an information review of existing biodiversity/environmental investigation reports/sources⁶⁴. The Coastal Habitat Assessment: Whenuapai Structure Plan Area 2017 did not identify indigenous species or taxa what would trigger Policy 11a of the NZCPS (i.e. avoid adverse effects of activities on). As such, NZCPS Policy 11b applies to the PPC5 area which is to avoid significant adverse effects and avoid, remedy or mitigate

⁶⁴ As outlined in section 1 of The Whenuapai Structure Plan Biodiversity Assessment (Statham & Bouma, 2016)

other adverse effects of activities. The WSP and PPC5 have used these surveys as the basis for the Whenuapai 3 precinct provisions. PPC5 has not duplicated AUP (OP) provisions which provide an appropriate protection of indigenous species. Some of the relevant sections of the AUP (OP) include:

- *D9 Significant Ecological Areas Overlay* – identifies and protects terrestrial and marine areas of significant indigenous biodiversity. The SEA – terrestrial along the upper Waiarohia Inlet is the only identified SEA in the area.
- *E3 Lakes, rivers, streams and wetlands* (overlay rules) and *E15 Vegetation management and wetlands* (overlay rules) contain rules that apply to SEAs.
- *E38 Subdivision – Urban* gives effect to D9 by requiring subdivision to occur in way to retain, protect or enhance SEAs.

611. Consequently, I consider that an adequate survey of existing indigenous biodiversity has been appropriately carried out. Likewise, I note that these surveys form part of the rationale for PPC5 precinct provisions to go above and beyond the AUP (OP). Further to this, any subdivision or land use resource consent application will be accompanied by an assessment of environmental effects. Such an assessment would clearly identify indigenous species. *E38 Subdivision – Urban* of the AUP (OP) requires a resource consent for a restricted discretionary activity for the creation of new sites through subdivision. Therefore, I do not support the relief sought in submission points 22.7 and 22.13.
612. **Submission point 22.25** seeks to amend Whenuapai 3 Precinct Plan 1 to ‘clearly set out’ the location of riparian areas and areas for enhancing/protecting indigenous vegetation and habitats. Whenuapai 3 Precinct Plan 1 shows permanent and intermittent streams, indicative esplanade reserves, and indicative coastal esplanade reserves.
613. Standard I616.6.4 Riparian planting requires 10m of riparian planting on the margins of a permanent or intermittent stream or a wetland. Standard I616.6.4 (3) requires the use of eco-sourced native vegetation where available and that any planting is consistent with local biodiversity. Therefore, I consider that reading Standard I616.6.4 in conjunction with Whenuapai 3 Precinct Plan 1 provides reasonable clarity to a plan user that PPC5 seeks that where 10m either side of the permanent and intermittent streams is identified it will be planted to enhance biodiversity values.
614. Furthermore, the council can take an esplanade reserve or strip under section 230 of the RMA when privately owned land is subdivided. Esplanade reserve of 20 metres width will be set aside where the lot adjoins the coast, rivers whose bed width is an average of 3 metres or more. Whenuapai 3 Precinct Plan 1 indicatively identifies the location of esplanade reserves. Section 229 of the RMA identifies the purposes for which the council can require esplanade strips or reserves in particular subsection (a) which relevantly states:
- ...to contribute to the protection of conservation values...*
615. *D9 Significant Ecological Areas Overlay* of the AUP(OP) identifies and protects terrestrial and marine areas of significant indigenous biodiversity. The SEA – terrestrial along the upper Waiarohia Inlet is the only identified SEA in the area. This is shown in the AUP (OP). I do not consider it appropriate to duplicate this overlay in the Whenuapai 3 Precinct Plan 1. Consequently, I consider that the PPC5 precinct provisions clearly set out the location and extent of areas for enhancement and protection of indigenous vegetation and habitat. Therefore, I do not support the relief sought in submission point 22.25.
616. **Submission point 22.32** seeks a new standard relating to the protection and enhancement of indigenous biodiversity. **Submission point 22.34** seeks to include standards to provide for areas of indigenous vegetation linking riparian ‘zones’. The submitter states that the PPC5 precinct provision do not provide for indigenous biodiversity.

617. The AUP (OP) takes an 'identify and protect' approach to managing biodiversity. *D9 Significant Ecological Areas Overlay*, *E1 Water quality and integrated management*, *E3 Lakes, rivers, streams and wetlands* and *E15 Vegetation management and biodiversity* all provide guidance on biodiversity. *D9 Significant Ecological Areas Overlay* identifies and protects terrestrial and marine areas of significant indigenous biodiversity. The SEA – terrestrial along the upper Waiarohia Inlet is the only identified SEA in the area.
618. Rules that apply to SEAs are contained in *E3 Lakes, rivers, streams and wetlands*; *E15 Vegetation management and biodiversity*; *E11 Land disturbance – Regional*; *E26 Infrastructure*. *D9 Significant Ecological Areas Overlay* and *E15 Vegetation management and biodiversity* contain provisions seeking to protect and enhance indigenous biodiversity. The Auckland-wide, overlay, and zone rules supports D9 and E15.
619. The Whenuapai 3 precinct include additional provisions by including the following:
- Streams and wetlands – all permanent and intermittent streams and wetlands are mapped and retained (Whenuapai 3 Precinct Plan 1);
 - riparian planting requirement along all permanent and intermittent streams (Standard I616.6.4);
 - all stormwater outfalls are set back from the edge of streams where practicable and protected against erosion (Policy I616.3 (14));
 - Water quality – impervious areas over 1,000 m² are required to be treated in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003);
 - runoff from waste storage areas are treated by gross pollutant traps;
 - the generation and discharge of contaminants is reduced at source as far as practicable; water quality treatment is achieved on-site unless there is an acceptable communal device (Standard I616.6.3).
 - Hydrology – the application of stormwater management area control – Flow 1 (SMAF-1 control) to the entire PPC5 area.
620. The submitter has not raised new resource management issues which would suggest to me that the PPC5 precinct provisions and the relevant provisions I have listed from the AUP (OP) have not appropriately addressed the protection and enhancement of indigenous biodiversity. Therefore I do not support the relief sought submission point 22.32.
621. **Submission point 22.41** seeks to amend Standard I616.6.11 Lighting to locate illuminated signage away from riparian and indigenous vegetation areas. Illuminated Signage are controlled by the council's Signage Bylaw 2015 unless there are specific adverse effects that needs additional intervention. I note that there are no additional controls of lightning and signage along the Hibiscus Coast (part of the North-West Wildlink). The submitter did not raise additional resource consent matter to convince me that PPC5 has erred by not going above and beyond the AUP (OP) provisions. Therefore, I do not support the relief sought in submission point 22.41.

Recommendations

622. I recommend that **submission point 19.13 be accepted** for the following reason:
- a. PPC5 provides clear guidance to enhance the existing stream network as a means of support the biodiversity and ecological values of the North-West Wildlink. The support is noted.
623. I recommend that **submission points 8.8, 19.8, 19.35, and 30.6 be rejected** for the following reasons:

- a. The council has adopted an urban forest strategy which seeks to achieve a canopy cover of 30 per cent of urban land area.
 - b. PPC5 provisions will contribute towards the urban forest strategy.
 - c. The council will acquire a significant network of esplanade reserves under section 230 of the RMA.
 - d. Taken together, the PPC5 precinct provisions provide an appropriate amount of forest cover to enhance the values of the North-West Wildlink.
624. I recommend that **submission point 19.3 be accepted in part** for the following reason:
- a. The PPC5 precinct provisions in conjunction with the relevant rules of the AUP (OP) will enhance the quality of wetlands, streams and riparian margins within the plan change area and is consistent with RPS *B7 Natural resources* and the National Policy Statement Freshwater Management.
625. I recommend that **submission point 22.27 be rejected** for the following reasons:
- a. Policy I616.3 (19) already requires riparian planting at the time of subdivision and development.
 - b. The North-West Wildlink does not represent the sole means of enhancing the coastal environment, biodiversity, water quality and ecosystems of the precinct
 - c. PPC5 provides clear guidance to enhance the existing stream network as a means of support the biodiversity and ecological values of the North-West Wildlink.
626. I recommend that **submission point 22.28 be accepted in part** for the following reason:
- a. Policy I616.3 (18) already supports the intent of avoiding and minimising stream crossings.
 - b. It is inappropriate for the council to pre-determine how individual landowners develop their property within the planning framework of PPC5 and the AUP (OP).
627. I recommend that **submission points 8.2 and 19.8 be rejected** for the following reason:
- a. PPC5 and the AUP (OP) have appropriately addressed the matters raised.
628. I recommend that **submission point 22.5 be rejected** for the following reason:
- a. The relief sought is an inappropriate method of providing for the North-West Wildlink.
629. I recommend that **submission point 22.6 be rejected** for the following reasons:
- a. Auckland Transport as the road operator is directed by the Roads and Streets Framework and the Transport Design Manual which already seek to create 'greener roads, streets and assets'.
 - b. Precinct provisions prescribing specific road cross-sections or planting requirement may not always result in the most appropriate environmental outcomes.
630. I recommend that **submission points 22.7, 22.13, 22.25, 22.32, and 22.34 be rejected** for the following reasons:
- a. The relief sought are already appropriately addressed by PPC5 and the AUP (OP).
631. I recommend that **submission point 22.41 be rejected** for the following reasons:
- a. Illuminate signage is addressed by the council's Signage Bylaw 2015.
 - b. Without additional evidence, I consider that the AUP (OP) provisions as the most appropriate means to address the matters in the submission point.
632. There are no consequential amendments associated with these recommendations.

10.9.2 Submission points on riparian planting

Submission point	Name of submitter	Summary of relief sought	Recommendation
2.1*	Serrena Storr	Seeks the removal of riparian planting plan that touches/ends on the back corner of 3 Sinton Road	Reject
19.2	Herald Island Environmental Group	Seek that a minimum of 10% of land is intact forest including riparian margins to provide space and corridors for wildlife to flourish.	Reject
21.15	Cabra Developments Limited	Retain Standard I616.6.4(4) and delete Standards I616.6.4(5) and (6).	Reject
22.2	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks amendments to the plan change to provide for larger, sustainable habitat areas at intervals along the riparian margins for both permanent and intermittent waterbodies.	Reject
22.3	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks amendments to the plan change to increase the 10m setback from waterways to a minimum of 20m each side of permanent waterbodies.	Reject
22.8	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks provision of adequate riparian planting (including a maintenance period) for all intermittent and permanent streams and wetlands.	Reject
22.11	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks that the precinct maps clearly identify the location of all intermittent and permanent streams and wetlands within a subdivision or development.	Accept in part
22.12	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks that the precinct maps set out the extent of riparian areas to be provided for as part of the precinct development.	Accept in part
22.29	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend Policy I616.3(19) as follows: <i>Require, at the time of subdivision and development, riparian planting is undertaken in the open space conservation areas as shown on Whenuapai 3 Precinct Plan 1 with appropriate native species along...</i>	Reject
22.37	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Retain the minimum 10m of riparian planting as set out in Standard I616.6.4(1) and identify areas which will be significantly wider for short lengths of the stream.	Reject
22.38	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend Standard I616.6.4(2) to set out the extent of riparian margins to be vested.	Reject
22.39	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Retain Standard I616.6.4(6) as proposed.	Accept

Submission point	Name of submitter	Summary of relief sought	Recommendation
22.43	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend Whenuapai 3 Precinct Plan 1 to show areas which will be planted to support and enhance the North-West Wildlink. Identify the extent of these areas on the plan.	Accept in part
34.17	Charles Ku	Seek amendments to I616.6.4 Riparian Planting to specify that the clause does not apply to intermittent streams.	Reject
36.9	CDL Land New Zealand Limited (CDL)	Seek amendments to precinct provisions around 'Streams and Riparian Margins', oppose the inclusion of all watercourses and overland flow paths on the precinct plans that are not significant. There are provisions in the AUP that manage development over or near watercourses. Riparian margins ought to be assessed on a case-by-case basis, having regard to the catchment management plan for the area.	Reject
36.29	CDL Land New Zealand Limited (CDL)	Seek amendments to policy I616.3.(20) Biodiversity; <i>(20) Require, at the time of subdivision and development, riparian planting of appropriate native species along the edge of identified permanent and intermittent streams and wetlands to:</i> ...	Reject
36.48	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.6.4. Riparian planting, amend (1) <i>(1) The riparian margins of a permanent or intermittent stream or a wetland identified on Whenuapai 3 Precinct Plan 1 must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.</i>	Reject
36.49	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.6.4. Riparian planting, delete (2) <i>(2) Riparian margins must be offered to the council for vesting.</i>	Reject
36.50	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.6.4. Riparian planting, delete (4), (5) and (6) <i>(4) Where pedestrian and/or cycle paths are proposed, they must be located adjacent to, and not within, the 10m planted riparian area.</i> <i>(5) The riparian planting required in Standard I616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.</i> <i>(6) The riparian planting required by Standard I616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.</i>	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
36.54	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.9. Special Information requirements, amend (1) <i>(1) Riparian planting plan</i> <i>An application for land modification, development and subdivision which adjoins a permanent or intermittent stream identified on Whenuapai 3 Precinct Plan 1 must be accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants.</i>	Reject

Discussion

633. This group of submission points relate to riparian planting alongside intermittent and permanent streams and wetlands. The WSP acknowledged the importance of riparian planting in enhancing the freshwater quality, the health of the sensitive receiving environment of the Upper Waitematā and the North-West Wildlink. Riparian planting acts as a form of on-site stormwater treatment to protect stream health and provide habitats for different species.
634. The Whenuapai 3 Precinct provisions seek to achieve the outcomes of the WSP. Policy I616.3 (17) recognises the role of riparian planting in supporting the North-West Wildlink, while Policy I616.3 (18) requires the provision of riparian planting at the time of subdivision and development. Standard I616.6.4 Riparian Planting requires all permanent or intermittent stream or wetlands to be planted to a minimum width of 10m.
635. The Whenuapai Watercourse Assessment Report 2016 forms the basis for all permanent and intermittent streams and wetlands identified in the Whenuapai 3 Precinct Plan 1. Standard I616.9 (2) requires all resource consent applications to identify permanent and intermittent streams and wetlands. This ensures that any previously unidentified permanent and intermittent streams or wetlands will be identified through the surveying process as part of any resource consent application. Submissions points relating specifically to the permanent or intermittent streams and wetlands are addressed in section 10.10.

Submission point on removing an indicative esplanade reserve

636. **Submission point 2.1*** seeks to remove the ‘riparian planting plan that touches/ends on the back corner of 3 Sinton Road’. Reading the submission in full, I am of the view that the submitter is referring to the indicative esplanade reserve on the northern part of 3 Sinton Road shown in Whenuapai 3 Precinct Plan 1. The submission states that the relief is to ‘...allow for further use and enjoyment of the land’. The submitter did not raise any resource consent matters which demonstrated how riparian planting or an esplanade reserve would infringe on the use and enjoyment of the land.
637. The council can take an esplanade reserve or strip under section 230 of the RMA when privately owned land is subdivided. Esplanade reserves of 20 metres width will be set aside where the lot adjoins the coast, rivers whose bed width is an average of 3 metres or more. The riparian planting required by Standard I616.6.4 and esplanade requirements under section 230 of the RMA enhances natural and recreational values by improving the quality of stormwater runoff, creating additional habitat for wildlife and allow for public access. Therefore, I do not support the relief sought in submission point 2.1*.

Submission points seeking to increase riparian planting

638. The four following submission points relate to increasing the amount of riparian planting. **Submission point 19.2** seeks a minimum of 10% of land is intact forest including riparian margins to provide space and corridors for wildlife to flourish. **Submission point 22.2** seeks to provide larger, sustainable habitat areas at intervals along the riparian margins for permanent and intermittent waterbodies. **Submission point 22.3** seeks to increase the 10m setback from waterways to 20m. **Submission point 22.37** seeks retain the minimum 10m of riparian planting and identify areas which would require a wider amount of planting. The submission did not specify which sections of the stream network would require additional planting.
639. PPC5 precinct provisions seek to provide biodiversity enhancements wherever possible alongside urban development. The implementation of Standard I616.6.4 will in effect create areas for biodiversity. Standard I616.6.4 requires the 10m of riparian planting on the margins of a permanent or intermittent stream or a wetland. Standard I616.6.4 (3) requires the use of eco-sourced native vegetation where available and that any planting is consistent with local biodiversity. A desktop GIS analysis reveals that implementing Standard I616.6.4 creates an additional amount of vegetation cover equal to five point eight per cent of the total plan change area. Standard I616.6.3 requires stormwater discharges to enhance the quality of freshwater systems and coastal waters.
640. Furthermore, the council can take an esplanade reserve or strip under section 230 of the RMA when privately owned land is subdivided. Esplanade reserve of 20 metres width will be set aside where the lot adjoins the coast, rivers whose bed width is an average of 3 metres or more. Whenuapai 3 Precinct Plan 1 indicatively identifies the location of esplanade reserves. Such esplanade reserves support the function of the riparian planting as habitats by ensuring development is appropriately set back, and may in turn include appropriate native planting. The council will have to acquire land beyond the required 20m of esplanade reserves provided for by section 230 of the RMA. I note that the council does not currently have budget allocated to acquire additional land solely for conservation purposes in the Whenuapai area.
641. I also note that the council approved an urban forest strategy at its Environment and Community Committee meeting on 20 February 2018. The urban forest strategy sets an objective of growing the canopy cover to 30 per cent of urban land area (wider Auckland) with no local board areas less than 15 per cent. A draft version of the adopted strategy is attached as attachment 12 of the Environment and Community Agenda Tuesday, 20 February 2018. Standard I616.6.4 contributes to the objective of the urban forest strategy.
642. I consider Standards I616.6.3 and I616.6.4 provide an appropriate amount of biodiversity enhancement. The request for additional riparian planting to provide habitats will need to be considered alongside the council's other initiatives (such as the urban forest strategy outlined above). The PPC5 precinct provisions are one element of many which contributes towards the overall goal of improving Auckland's (and Whenuapai) biodiversity and ecology. Likewise, any statutory method to enhance such values will need to be assessed against the directive from the National Policy Statement on Urban Development Capacity 2016 for the council to enable sufficient housing development. Consequently, I consider it inappropriate to increase the amount of riparian planting when the council has made sufficient provision. Likewise, increasing riparian planting/setbacks will have associated costs that the council has not programmed for, and will limit the ability of land owners to provide for the social and economic wellbeing of future communities by restricting land uses. Therefore I do not support the relief sought in submissions point 19.2, 20.2, 22.3, and 22.37.

Amendments to the Whenuapai 3 Precinct Plan 1

643. **Submission point 22.11** seeks that the precinct map clearly identifies the location of all intermittent and permanent streams and wetlands within a subdivision or development. **Submission point 22.12** seeks to amend Whenuapai 3 Precinct Plan 1 to set out the extent of riparian areas provided as part of the precinct development. **Submission point 22.43** seeks to amend the Whenuapai 3 Precinct Plan 1 to show areas which will be planted to support and enhance the North-West Wildlink. The submitter states that the precinct plan does not show zoning or areas of indigenous biodiversity necessary to enhance the Wildlink.
644. The council does not zone land as public open space until it is vested. Standard I616.6.4 requires riparian planting alongside all permanent and intermittent streams and wetlands. Standard I616.6.4 (3) requires the use of native vegetation where available; and that any planting is consistent with local biodiversity. Standards I616.6.4 relates to Whenuapai 3 Precinct Plan 1 which identifies permanent and intermittent streams. I consider that viewing the Whenuapai 3 Precinct Plan 1 and the Whenuapai 3 Precinct provisions together allow the plan user to have a reasonable understanding of what riparian planting the council is seeking.
645. However, I acknowledge that the Whenuapai 3 Precinct Plan 1 does not identify the extent of wetlands. While many of the wetlands are elongated along stream margins, for clarity, I recommend amending Whenuapai 3 Precinct Plan 1 to include wetlands. I consider it appropriate and consistent with Objective I616.2 (10) and Policies I616.3 (17) and (19). Morphum Environmental identified wetlands as part of their watercourse assessment report. The geospatial data from this will be incorporated into an amended Whenuapai 3 Precinct Plan 1 (see Appendix 6). Therefore, I support the relief sought in submission points 22.11, 22.12 and 22.43 to the extent of incorporating the identified wetlands in the Whenuapai 3 Precinct Plan 1.

Submission points relating to provisions associated with riparian planting

646. **Submission point 21.15** seeks to retain Standard I616.6.4 (4) and delete standards I616.6.4 (5) and (6). The submitter states that standards I616.6.4 (5) and (6) duplicate I616.9 (3) special information requirement. Relevantly Standard I616.6.4 states:
- ...
- (5) *The riparian planting required in Standard I616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.*
- (6) *The riparian planting required by Standard I616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.*
647. Relevantly, special information requirement I616.9 (1) states:
- An application for land modification, development and subdivision which adjoins a permanent or intermittent stream must be accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants.*
648. Standard I616.6.4 (5) seeks to control the quality of the planting plan by requiring an adequately experienced individual to carry it out; while Standard I616.6.4 (6) clarifies that riparian planting required by Standard I616.6.4 cannot be included as a mitigation measure. I am of the view that the matters addressed in these standards are substantively different from I616.6.9 which outlines what the riparian planting plan must include. Therefore, I do not support the relief sought in submission point 21.5.

649. **Submission point 22.8** seeks to provide adequate riparian planting (including a maintenance period) for all intermittent and permanent streams and wetlands. The submission did not include evidence to suggest a metric for adequate riparian planting. Standard I616.6.4 requires riparian planting along all permanent and intermittent streams and wetlands. Standard I616.6.4 (3) (d) requires plants to be planted at a density of 10,000 plants per hectare. Whenuapai 3 Precinct Plan 1 identifies permanent and intermittent streams. In light of paragraph 645 above supporting the inclusion of wetlands in the Whenuapai 3 Precinct Plan 1, I am of the view that the PPC5 precinct provisions provide adequate riparian planting. My opinion is that maintenance periods are more appropriately addressed as a resource consent condition matter, rather than through the precinct provisions. Therefore, I do not support the relief sought in submission point 22.8.

650. **Submission point 22.29** seeks to amend Policy I616.3 (10) to:

Require, at the time of subdivision and development, riparian planting is undertaken in the open space conservation areas as shown on Whenuapai 3 Precinct Plan 1 with ~~of~~ appropriate native species along...

651. I note that this relief should be read alongside submission point 22.28 which seeks to identify open space conservation areas on the Whenuapai 3 Precinct Plan. The council does not zone land public open space until it is vested.

652. The submitter states that they want to ensure that riparian planting is not subject to housing and business development under future consents. The council can take an esplanade reserve or strip under section 230 of the RMA when privately owned land is subdivided. Esplanade reserve of 20 metres width will be set aside where the lot adjoins the coast, rivers whose bed width is an average of 3 metres or more. The council will zone these parcels public open space once they are vested. Consequently, I consider such riparian planting alongside esplanade reserves as protected.

653. Relevantly, *H3 Residential – Single House Zone, H4 Residential – Mixed Housing Suburban Zone, H5 Residential – Mixed Housing Urban Zone, H6 Residential – Mixed Housing Terrace and Apartment Buildings Zone and H17 Business – Light Industry Zone* all contain minimum yard standards requiring buildings to be set back at least 10m from the edge of all permanent and intermittent streams. Development not meeting this riparian yard control will require resource consent as a restricted discretionary activity. Standard I616.6.4 (2) requires riparian margins to be offered to the council for vesting – allowing the council the ability to acquire parts of riparian margins that are critical to enhancing biodiversity values. I consider the matters raised in the submission point as appropriately addressed by the AUP (OP) and the PPC5 precinct provisions. Therefore, I do not support the relief sought by submission point 22.29.

654. **Submission point 22.38** seeks to amend standard I616.6.4 (2) to set out the extent of riparian margins to be vested. Standard I616.6.4 (2) states:

Riparian margins must be offered to the council for vesting.

Standard I616.6.4 (1) states

The riparian margins of a permanent or intermittent stream or a wetland must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.

655. I consider the wording of Standard I616.6.4 (1) explicit in describing the riparian margins referenced in Standard I616.6.4 (2). Therefore I do not consider the amendments necessary.
656. **Submission point 22.39** supports the retention of Standard I616.6.4 (6). This standard clarifies that any riparian planting cannot be considered as part of any environmental compensation or offset mitigation. This standard is to avoid 'double-counting' the beneficial effects of riparian planting. Their support is noted.
657. **Submission point 34.17** seeks to amend I616.6.4 to exclude intermittent streams. The submitter considers that this will result in unreasonable limitations on land uses in the light industry zone by not providing alternative methods. Riparian margins add to the resilience of streams for water conveyance and to the ecological health of the stream network. All permanent and intermittent streams are an important part of the stream network – their maintenance is important for maintaining stream health and natural hydrology. This provides greater conveyance and resilience than pipes. Planted margins contribute to maintaining and enhancing freshwater systems – consistent with the outcomes sought in *E1 Water quality and integrated management* of the AUP (OP) and the NPSFM. Furthermore, the submitter did not demonstrate how the requirement to plant the riparian margins of intermittent streams removes the option to pursue alternative methods. Therefore, I do not support the relief sought in submission point 34.17.
658. **Submission point 36.9** opposes the inclusion of 'all watercourses and overland flow paths on the precinct plans that are not significant'. The Whenuapai 3 Precinct Plan 1 identifies permanent and intermittent streams only and does not show overland flow paths. All permanent and intermittent streams form an important part of the natural hydrology and are natural stormwater infrastructure that provides greater conveyance and resilience than pipes. Their maintenance is also important for maintaining stream health. Natural watercourses that have been modified over time into straight channels are still defined as natural streams by Chapter J Definitions of the AUP (OP). Riparian planting is particularly important in these circumstances as any stormwater will flow into the sensitive receiving environment of the Upper Waitematā Harbour. This is consistent with the outcomes sought in *E1 Water quality and integrated management* of the AUP (OP) and the NPSFM. Therefore, I do not support the relief sought in submission point 36.9.
659. The three following submission points relates to limiting riparian planting to permanent and intermittent streams or wetlands identified on the Whenuapai 3 Precinct Plan 1.
Submission point 36.29 seeks to amend policy I616.3 (20) to:
- Require, at the time of subdivision and development, riparian planting of appropriate native species along the edge of identified permanent and intermittent streams and wetlands to:*
- ...
660. **Submission point 36.48** seeks to amend standard I616.6.4 (1) to
- The riparian margins of a permanent or intermittent stream or a wetland identified on Whenuapai 3 Precinct Plan 1 must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.*
661. **Submission point 36.54** seeks to amend I616.9 (1) to
- Riparian planting plan*
An application for land modification, development and subdivision which adjoins a permanent or intermittent stream identified on Whenuapai 3 Precinct Plan 1 must be

accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants.

662. I note that the submitter's submission point 36.9 also seeks to remove all watercourses from their property. The Whenuapai Watercourse Assessment Report forms the basis of all permanent and intermittent streams and wetlands identified in Whenuapai 3 Precinct Plan 1. While this is the council's most accurate data, the permanent and intermittent streams shown in Whenuapai 3 Precinct Plan 1 remain indicative due to the limitations of the study methodology. Relevantly, the Whenuapai Stream Classification Survey Memo⁶⁵ explains:

Limitations included the timing of the survey (early autumn) and the lack of ability to assess all of the PAUP criteria (lack of rain fall; lack of a source of upstream organic debris). Likely ephemeral and likely intermittent classifications were determined as a practical solution to reaches that could not confidently be classified as intermittent or ephemeral due to the lack of criteria that could be assessed during autumn.

663. Consequently, the Whenuapai 3 Precinct Plan 1 supplements rather than replace I616.9 Special Information requirements which require all applications to identify permanent and intermittent streams and wetlands. I616.9 seeks to include any streams or waterbodies that were not properly identified. The submitter's amendments will limit the amount of riparian planting and may cause inappropriate development to occur on unidentified reaches of the stream network. I consider that the amendment does not appropriately maintain or enhance freshwater systems as directed by *E1 Water quality and integrated management* and *E3 Lakes, rivers, streams and wetlands* of the AUP (OP) and consequently the directives of the NPSFM. Therefore, I do not support the relief sought in submission points 36.29, 36.48 and 36.54.

664. The two following submission points relate to Standard I616.6.4. **Submission point 36.49** seeks to delete Standard I616.6.4 (2) requiring riparian margins to be offered to the council for vesting. This standard ensures the council has the option to acquire riparian margins on a case-by-case basis. Multiple uses can be derived from council ownership including enhancing biodiversity values, water quality, and transport connections (such as walking and cycling). **Submission point 36.50** seeks to delete Standards I616.6.4 (4), (5), and (6). They state:

- (4) *Where pedestrian and/or cycle paths are proposed, they must be located adjacent to, and not within, the 10m planted riparian area.*
- (5) *The riparian planting required in Standard I616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.*
- (6) *The riparian planting required by Standard I616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.*

665. Standards I616.6.4 (4) and (5) seek to avoid compromising the integrity of the planted riparian margin. Riparian margins add to the resilience of streams for water conveyance and to the ecological health of the stream network. Standard I616.6.4 (6) seeks to clarify that the riparian planting required cannot be considered as part of environmental compensation or offset mitigation. I note that the submitter did not comment on why the standards should be deleted and did not address the positive environmental effects of the standards. Therefore, I do not support the removal of Standards I616.6.4 (2), (4), (5), and (6).

⁶⁵ Morphum Environmental, 2016a, in Appendix 2 of the Morphum Environmental Watercourse Assessment Report 2016

Recommendations

666. I recommend that **submission point 2.1* be rejected** for the following reason:
- a. Riparian planting enhances natural and recreational values by improving the quality of stormwater runoff, creating additional habitat for wildlife and allow for public access.
667. I recommend that **submission points 19.2, 22.2, 22.3 and 22.37 be rejected** for the following reasons:
- a. PPC5 precinct provisions and the AUP (OP) already appropriately provides for biodiversity enhancements.
 - b. PPC5 precinct provisions will contribute towards the objectives of the urban forest strategy which seeks a canopy cover of 30 per cent throughout the Auckland area.
668. I recommend that **submission points 22.11, 22.12 and 22.43 be accepted in part** for the following reasons:
- a. It is appropriate and consistent with the objective I616.2 (10) and Policies I616.3 (17) and (19) to include wetlands in the Whenuapai 3 Precinct Plan 1.
669. I recommend that **submission point 21.15 be rejected** for the following reason:
- a. The matters addressed in these Standards I616.6.4 (5) and (6) are substantively different from I616.9.
670. I recommend that **submission point 22.8 be rejected** for the following reason:
- a. PPC5 already requires an appropriate level of riparian planting.
671. I recommend that **submission point 22.29 be rejected** for the following reasons:
- a. The council does not zone land public open space until it is vested in the council.
 - b. The PPC5 precinct provisions and AUP (OP) contain appropriate protections for riparian planting.
672. I recommend that **submission point 22.38 be rejected** for the following reason:
- a. PPC5 is sufficiently clear in describing what riparian margins are to be offered to the council for vesting.
673. I recommend that **submission point 22.39 be accepted** for the following reason:
- a. Standard I616.6.4(6) clarifies that any riparian planting is cannot be considered as part of any environmental compensation or offset mitigation.
674. I recommend that **submission points 34.17, 36.9, 36.29, 36.48, 36.50, 36.54, 36.49 and 36.50 be rejected** for the following reason:
- a. Riparian planting aids in maintaining or enhancing freshwater systems and is consistent with RPS *B7 Natural resources, E1 Water quality and integrated management* of the AUP (OP) and the NPSFM.
675. There are no consequential amendments associated with these recommendations.

10.10 Stream network

Submission point	Name of submitter	Summary of relief sought	Recommendation
8.7	Upper Harbour Ecology Network	Support the protection of streams through the identification of permanent and intermittent streams at development design stages, creation of riparian margins through development setbacks and appropriate design and use of green infrastructure. This needs to be taken further - streams need to be identified and protected. Support the enhancement of streams and steps taken in the plan.	Accept in part
16.1	Pauline Howlett	Remove the intermittent stream running through the north west part of 7 Trig Road as it does not meet the guidelines of an intermittent stream.	Reject
19.32	Herald Island Environmental Group	Supports the protection of streams through identification of permanent and intermittent streams at development design stages, creation of riparian margins through development setbacks and appropriate design and use of green infrastructure.	Accept in part
19.33	Herald Island Environmental Group	Requests that streams are identified and protected.	Accept in part
19.34	Herald Island Environmental Group	Supports the enhancement of streams and the steps outlined in the plan.	Accept
22.44	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Identify stream crossings on Whenuapai 3 Precinct Plan 2 consistent with the policy to avoid and minimise.	Reject
26.3	GRP Management Limited	Seeks deletion of the permanent stream identified along the south-western boundary of 12 Sinton Road, Hobsonville, from Whenuapai 3 Precinct Plan 1.	Reject
32.3	Ming Ma	Delete the permanent stream that is identified on the adjacent site at 12 Sinton Road on the Whenuapai 3 Precinct Plan 1.	Reject
34.3	Charles Ku	Seek amendments to I616.10.1. Whenuapai Precinct Plan 1 to; Correct error in title, and request the removal of the Intermittent stream identified on property at 55 Trig Road .	Reject
36.5	CDL Land New Zealand Limited (CDL)	Oppose the extent of streams (both permanent and intermittent) as annotated on Precinct Plan 1. A revised Precinct Plan 1 is included at Appendix 1 of the submission.	Reject
36.16	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.1. Precinct Description, under 'Development of this precinct is directed by Whenuapai 3 Precinct Plans 1, 2 and 3. Whenuapai 3 Precinct Plan 1 shows:' · <i>indicative open space, esplanade</i>	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
		<p>reserves and coastal esplanade reserves;</p> <ul style="list-style-type: none"> · the <u>extent of the permanent and intermittent stream network that is to be retained when the land is developed, including streams wider than three metres; and</u> · the Whenuapai 3 coastal erosion setback yard. 	
36.55	CDL Land New Zealand Limited (CDL)	<p>Seek amendments to I616.9. Special Information requirements, amend (2) (2) <i>Permanent and intermittent streams and wetlands</i></p> <p><i>All applications for land modification, development and subdivision must include a plan identifying all permanent and intermittent streams and wetlands on the application site that are identified on Whenuapai 3 Precinct Plan 1.</i></p>	Reject
46.1	Neil Construction Limited	Support in principle proposals for restoration of natural streams, although it is considered that some of the areas of identified stream network are actually modified farm drainage systems.	Accept in part
46.6	Neil Construction Limited	Amend Whenuapai 3 Precinct Plan 1 to reclassify the stream on 150-152 Brigham Creek Road from 'permanent' to 'intermittent'.	Reject
47.1	Maraetai Land Development Limited	Support in principle proposals for restoration of natural streams, although it is considered that some of the areas of identified stream network are actually modified farm drainage systems.	Accept in part
47.6	Maraetai Land Development Limited	Amend Whenuapai 3 Precinct Plan 1 to reclassify the stream on the 34 Kauri Road from 'permanent' to 'intermittent'.	Reject
48.1	Yuewen Zhang and Yue Liu	Support in principle proposals for restoration of natural streams, although it is considered that some of the areas of identified stream network have not been correctly classified.	Accept in part
48.5	Yuewen Zhang and Yue Liu	Delete the intermittent stream adjacent to the northern boundary of 14 Clarks Lane, and the part of the permanent stream the falls within the artificial pond on the site.	Reject

Discussion

676. This group of submission points relate the stream network and the wider freshwater system in the PPC5 area. The streams and wetlands in Whenuapai provide important functions in maintaining the hydrology and ecology of the area.
677. The Watercourse Assessment Report: Whenuapai Structure Plan Area dated September 2016 forms the basis for the management of all permanent and intermittent streams and wetlands identified in the Whenuapai 3 Precinct Plan 1. This watercourse assessment report has primarily been informed by a previous Watercourse Assessment undertaken by

Golders (2014) in the northern half of the Whenuapai catchment and more recent surveys undertaken by Morphum Environmental to support the WSP process. The watercourse assessment is consistent with Chapter J Definitions of the AUP (OP) which specifies what constitutes a permanent or intermitted stream.

678. Relevant parts of the AUP (OP) include:

- RPS B7.3 *Freshwater systems* recognises the role of streams in maintaining freshwater systems. It sets out a direction of minimising loss and significant modification of freshwater systems and enhancement where they are degraded.
- *E3 Lakes, rivers, streams and wetlands* – recognises the role of lakes, rivers, streams and wetlands in the protection of ecological and biodiversity values. The AUP (OP) approach is to minimise permanent loss and avoid significant modification or diversion of lakes, rivers, streams and wetlands. There is also a direction to enhance lakes, rivers, streams and wetlands.
- The business and residential zone rules in Chapter H Zones of the AUP (OP) – Yard controls in most zones contain a riparian yard which requires buildings to be setback 10m from the edge of permanent and intermittent streams.

679. While the above illustrates that there are provisions in the AUP (OP), PPC5 introduce area-specific provisions that respond to the sensitive receiving environment of the Waiarohia catchment and the Upper Waitematā Harbour as well as recognise the role of Whenuapai in the North-West Wildlink. PPC5 contains a more directive approach than AUP (OP) by identifying all permanent and intermittent streams and wetlands in the Whenuapai 3 Precinct Plan 1 and require 10m of riparian planting (Standard I616.6.4). The Whenuapai 3 Precinct provisions are consistent with the direction set out in RPS B7.

Submission points supporting the protection of streams

680. **Submission point 8.7, 19.32, 19.33, and 19.34** all seek the same relief. They support the *...identification of permanent and intermittent streams at development design stages, creation of riparian margins through development setbacks and appropriate design and use of green infrastructure.*

and support the

...enhancement of streams and steps taken as per the plan.

681. The submitters also seek the protection of streams. Stating:

However, this needs to be taken further – not only do the streams need to be identified they need to be protected.

682. I have interpreted the first component of the submission points as supporting following PPC5 precinct provisions on the basis that they seek to identify and protect permanent and intermittent streams:

- Whenuapai 3 precinct plan 1 identifying permanent and intermittent streams
- Standard I616.9 (2) requiring land modification, development and subdivision applications to identify of all permanent and intermittent streams and wetlands
- Standard I616.6.4 Riparian planting
- Standard I616.6.3 Stormwater management.

683. I am also addressing **submission points 46.1, 47.1 and 48.1** with this subgroup as they all support in principle the proposal to restore natural streams, but notes that some of the

identified streams are modified farm drainage systems (this is addressed in submission points 47.6 and 48.6).

684. Their support is noted. I consider that the PPC5 approach gives effect to the NZCPS, NPSFM, RPS *B7.3 Freshwater systems, B7.4 Coastal water, freshwater and geothermal water*, as well as the North-West Wildlink. I consider that the Whenuapai 3 Precinct Provisions will ensure permanent or intermittent streams and wetlands are identified and protected from inappropriate development. Likewise, their biological and hydrological values will be enhanced through Standard I616.6.3 Stormwater management and Standard I616.6.4 Riparian planting. The stormwater management requirements will maintain and enhance the quality of water entering the in both the freshwater system and the receiving environment of the Upper Waitematā Harbour. Riparian planting provide habitat for wildlife and stormwater treatment to improve water quality.
685. With regards to the component of submission points 8.2, 19.32, 19.33, and 19.34 seeking to protect the streams I note that *E3 Lakes, rivers, streams and wetlands* applies to the PPC5 area. Objective E3.2 relevantly states:

...
(2) Auckland's lakes, rivers, streams and wetlands are restored, maintained or enhanced.

...
(5) Activities in, on, under or over the bed of a lake, river, stream and wetland are managed to minimise adverse effects on the lake, river, stream or wetland.

(6) Reclamation and drainage of the bed of a lake, river, stream and wetland is avoided, unless there is no practicable alternative.

686. This directive is supported by Rule E3.4.1 (A49) stating that any new reclamation requires a resource consent application as a non-complying activity. Likewise, E3.6 Standards contains standards controlling activities in and around the beds of lakes, rivers, streams and wetlands. The business and residential zones in Chapter H Zones all contain riparian yard standards which require all buildings or part of buildings to be set back 10m from the edge of all permanent and intermittent streams. Developments not meeting the riparian yard standards are a restricted discretionary activity and will require a resource consent application. PPC5 goes above and beyond the AUP (OP). Rule I616.4 (A16) states that activities not complying with standard I616.6.4 Riparian planting will need a resource consent as a discretionary activity. Standard I616.9 Special information requirements also require all subdivision and land use resource consent applications to identify permanent and intermittent streams and wetlands. Consequently I consider that the AUP (OP) and the PPC5 precinct provisions appropriately protect permanent or intermittent streams and wetlands. Therefore, I do not support submission points 8.7, 19.32, and 19.33 to the extent that they seek protection for streams. However, I support submission points 8.7, 19.32, 19.33, 19.34, 47.1 and 48.1 to the extent that they support the approach of PPC5.

Submission points seeking the removal of specific portions of a permanent or intermittent stream

687. **Submission point 16.1** seeks to remove the parts of the intermittent stream on 7 Trig Road identified in the Whenuapai 3 Precinct Plan 1. The submitter considers that this part of the intermittent stream does not meet the 'guidelines'. I have interpreted that the guidelines they referred to as Chapter J Definitions of the AUP (OP). Chapter J Definitions defines an intermittent stream as:

Stream reaches that cease to flow for periods of the year because the bed is

periodically above the water table. This category is defined by those stream reaches that do not meet the definition of permanent river or stream and meet at least three of the following criteria:

- (a) it has natural pools;*
- (b) it has a well-defined channel, such that the bed and banks can be distinguished;*
- (c) it contains surface water more than 48 hours after a rain event which results in stream flow;*
- (d) rooted terrestrial vegetation is not established across the entire cross-sectional width of the channel;*
- (e) organic debris resulting from flood can be seen on the floodplain; or*
- (f) there is evidence of substrate sorting process, including scour and deposition.*

688. On this matter I have relied on the Morphem Environmental Watercourse Assessment Report. Morphem Environmental identified and assessed permanent and intermittent streams using the definitions in the AUP (OP). I note that Morphem Environmental classified this reach of watercourse as a transition zone. A transition zone is the reach between the intermittent stream and the ephemeral stream. Their advice to me is that these reaches are classified as an Intermittent Stream. The submitter did not provide evidence which challenged the advice I received from Morphem Environmental. Therefore, I do not support the relief sought in submission point 16.1.

689. **Submission point 26.3 and 32.3** seeks to remove the permanent stream on 12 Sinton Road identified in the Whenuapai 3 Precinct Plan 1. The submitters consider that the permanent stream on 12 Sinton Road is a man-made farm drain and therefore is an artificial watercourse. Artificial watercourses are excluded from the definition of a stream. Chapter J Definitions of the AUP (OP) relevantly defines:

River or stream

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

690. I note that Chapter J Definitions still defines artificial watercourses as a river or a stream provided that it *'is a modified element of a natural drainage system'*. The key issue raised by the submitter is whether the farm drain is a modified element of a natural drainage system. The submission notes on page 7:

If present over the Subject Site, a naturally occurring watercourse would follow the course of the natural contours which would be down the shallow valley that runs down the middle of the Subject Site towards the coast. Given that the existing farm drain has been dug in a linear fashion along the boundary, which is the highest point of the Subject Site, it is obvious this is not a naturally occurring watercourse.

691. Notwithstanding, the submitter did not demonstrate that the farm drain did not modify the naturally occurring drainage pattern by diverting drainage away from the centre of the site towards the boundary. The council's overland flow path dataset, which predicts stormwater path during a rain event, shows the natural drainage system flowing into the modified canal. Therefore I do not support the relief sought in submission point 26.3 and 32.3.

692. **Submission point 34.3** seeks to remove the intermittent stream on 55 Trig Road identified in the Whenuapai 3 Precinct Plan 1. The submitter considers that identified stream creates

'unreasonable limitations' on the future potential of the site. I note that the permanent and intermittent streams have been assessed and identified by Morphem Environmental following the definitions in Chapter J of the AUP (OP). The submitter did not provide any evidence or raised any resource management issues which challenge the conclusion of the watercourse assessment report. I consider the PPC5 precinct provisions consistent with RPS *B7 Natural resources*. Therefore, I do not support the relief sought in submission point 34.3.

693. **Submission point 36.5** seeks to remove all permanent and intermittent streams west of Trig Road. The submitter opposes such streams on the basis that they are modified by the presence of the motorway corridor. All permanent and intermittent streams form an important part of the natural hydrology. They are a form of natural stormwater infrastructure that provides greater conveyance and resilience than pipes. Natural watercourses that have been modified over time into straight channels are still defined as natural streams according to the AUP (OP). Riparian planting is particularly important in this area as any stormwater will flow into the sensitive Upper Waitematā Harbour. I consider this consistent with RPS *B7 Natural resources* and an appropriate planning response in light of the areas proximity to the Upper Waitematā Harbour and role in the North-West Wildlink. Therefore, I do not support the relief sought in submission point 36.5
694. **Submission point 48.5** seeks to remove the intermittent stream adjacent to the northern boundary of 14 Clarks Lane, and the part of the permanent stream that falls within the artificial pond on the site. The submitter relevantly states in page 3 of their submission:

A substantial proportion of the 'permanent stream' is an artificial pond that was created as an ornamental garden feature. The Council has indicated that this feature can be removed and filled as it is a constructed pond rather than a natural system, and because it serves no required detention or water quality function. The Submitters wish to remove it at some point in the future to unlock the anticipated development potential on the land and would not wish to see the status of the pond as a 'permanent stream' become an impediment to that outcome. As a consequence, the permanent stream status of the pond should be deleted from PC5.

695. The artificial ponds are created as a result of modifying a part of a permanent stream system. The council does not object to the removal of such artificial ponds. Should the pond be removed, the natural drainage pattern would restore the permanent stream. This approach is consistent with Objective E3.2 (2) which states '*Auckland's lakes, rivers, streams and wetlands are restored, maintained or enhanced*'. The submitter did not raise any resource management matters which suggest that the permanent stream is not on the site. Therefore, I do not support the relief sought in submission point 48.5.

Submission points relating to Whenuapai 3 Precinct Plan 2

696. **Submission point 22.44** seeks to identify stream crossings on Whenuapai 3 Precinct Plan 2. The submitter considers it necessary to support Policy I616.3 (18) which seeks to avoid and minimise stream crossings. Identification of stream crossings will require substantial detailed technical analysis and planning work to determine what development occurs at each individual site. The council does not anticipate developing any land in the plan change area. It is inappropriate for the council to predetermine how individual landowners develop their property within the planning framework of PPC5 and the AUP (OP). Therefore, I do not support the relief sought in submission point 22.44.

Submission points relating to the classification of a stream

697. **Submission point 46.6** seeks to reclassify the stream on 150-152 Brigham Creek Road from permanent to intermittent. **Submission point 47.6** seeks to reclassify the stream on 34 Kauri Road from permanent to intermittent. Permanent and intermittent streams are afforded the same weight in terms of protection under the AUP (OP) and the PPC5 precinct provisions.
698. The submitter states that the stream is fed by an artificial pond and includes piped sections. Chapter J Definitions of the AUP (OP) relevantly defines:

River or stream

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

699. Artificial ponds and modified sections can still be defined as a river or stream if it is a modified element of the "natural drainage pattern". The submitters reference a report by Freshwater Solutions Limited as their supporting evidence. I was not able to find any such document attached as part of their submission, as such I was not able to consider what if any matters this report might have raised. In light of this, I continue to rely on Morphem Environmental's assessment of the stream network. Therefore, I do not support submission points 46.6 and 47.6.

Submission points relating to references to Whenuapai 3 Precinct Plan 1

700. **Submission points 36.16** seeks to amend I616.1. Precinct Description to:

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

- *indicative open space, esplanade reserves and coastal esplanade reserves;*
- *the extent of the permanent and intermittent stream network that is to retained when the land is developed, including streams wider than three metres; and*
- *the Whenuapai 3 coastal erosion setback yard.*

701. **Submission point 36.55** seeks to amend I616.9 (2) to

All applications for land modification, development and subdivision must include a plan identifying all permanent and intermittent streams and wetlands on the application site that are identified on Whenuapai 3 Precinct Plan 1.

702. Submission points 36.16 and 36.55 relate to 36.6, 36.9 and 36.54. The Morphem Environmental Watercourse Assessment Report: Whenuapai Structure Plan Area dated September 2016 forms the basis for the management of all permanent and intermittent streams and wetlands identified in the Whenuapai 3 Precinct Plan 1. Notwithstanding, Standard I616.9 Special information requirement requires that all subdivision and land use resource consent applications to identify all permanent or intermittent streams and wetlands. This is to identify any reaches of the freshwater system that might have been missed by the Morphem Environmental Watercourse Assessment Report. Relevantly, the Whenuapai Stream Classification Survey Memo⁶⁶ explains:

⁶⁶ Morphem Environmental, 2016a, in Appendix 2 of the Morphem Environmental Watercourse Assessment Report 2016

Limitations included the timing of the survey (early autumn) and the lack of ability to assess all of the PAUP criteria (lack of rain fall; lack of a source of upstream organic debris). Likely ephemeral and likely intermittent classifications were determined as a practical solution to reaches that could not confidently be classified as intermittent or ephemeral due to the lack of criteria that could be assessed during autumn.

703. I consider this consistent with RPS *B7 Natural resources* – particularly its directive around avoiding the permanent loss of freshwater systems.
704. The submitter's proposed wording changes the intent of the PPC5 precinct provisions by suggesting that protection and enhancement only applies to the permanent or intermittent streams or wetlands identified in Whenuapai 3 Precinct Plan 1. The submitter did not provide any new resource management matters which convinced me that the PPC5 precinct provisions are inappropriate or inconsistent with RPS *B7 Natural resources*. Therefore I do not support the relief sought in submission point 36.16 and 36.55.

Recommendations

705. I recommend that **submission points 8.7, 19.32, 19.33, 46.1, 47.1 and 48.1 be accepted in part** for the following reason:
- a. The PPC5 precinct provisions appropriately protect permanent or intermittent streams and wetlands and are consistent with the NZCPS, NPSFM, RPS B7.3 Freshwater systems, B7.4 Coastal water, freshwater and geothermal water, as well as the North-West Wildlink.
706. I recommend that **submission point 19.34 be accepted** for the following reason:
- a. The PPC5 precinct provisions appropriately protect permanent or intermittent streams and wetlands and are consistent with the NZCPS, NPSFM, RPS B7 Natural resources, as well as the North-West Wildlink.
707. I recommend that **submission points 16.1, 26.3, 32.3, 34.3, 36.5, and 48.5 be rejected** for the following reasons:
- a. Morphem Environmental Watercourse Assessment Report identified and assessed permanent and intermittent streams using the definitions in Chapter J of the AUP (OP).
 - b. Protection of the permanent or intermittent streams and wetlands is consistent with the NZCPS, NZPSFM, and RPS B7 Natural Resources.
708. I recommend that **submission point 22.44 be rejected** for the following reason:
- a. It is inappropriate for the council to predetermine how individual landowners develop their property within the planning framework of PPC5 and the AUP (OP) by specifying the location of stream crossings.
709. I recommend that **submission points 46.6 and 47.6 be rejected** for the following reasons:
- a. Permanent and intermittent streams are afforded the same weight in terms of protection under the AUP (OP) and the PPC5 precinct provisions.
 - b. Morphem Environmental Watercourse Assessment Report identified and assessed permanent and intermittent streams using the definitions in Chapter J of the AUP (OP).
710. I recommend that **submission points 36.16 and 36.55 be rejected** for the following reasons:
- a. The PPC5 precinct provisions are appropriate and consistent with RPS *B7 Natural resources*.
711. There are no consequential amendments associated with these recommendations.

10.11 Open space

10.11.1 Indicative open space

Submission point	Name of submitter	Summary of relief sought	Recommendation
1.2	Lydia Lin	Remove 92 Trig Road as part of the indicative sports park.	Reject
8.3	Upper Harbour Ecology Network	Request that enough land is set aside for residential recreational use and the introduction of substantial Green Infrastructure Zones.	Reject
8.9	Upper Harbour Ecology Network	Support the provision of esplanade reserves and the opportunity this provides to incorporate walking and cycle ways	Accept
11.2	Gongwang Li	Remove the indicative open space from 40 Trig Road.	Reject
15.6	Whenuapai Ratepayers and Residents Association	Seeks an increase in park and reserve areas as the current amount is insufficient.	Reject
18.2	Hsiu Ho Lin	Remove the indicative open space from 17 Trig Road.	Reject
18.4	Hsiu Ho Lin	Support the indicative esplanade reserve notations shown on Whenuapai 3 Precinct Plan 1 on 17 Trig Road, Whenuapai.	Accept
18.6	Hsiu Ho Lin	Amend the location of the indicative open space from 17 Trig Road onto a neighbouring property.	Reject
19.4	Herald Island Environmental Group	Seek that large green open spaces for locals with connectivity between spaces for walkways and cycleways are provided	Accept
19.9	Herald Island Environmental Group	Seeks clear identification and retention of indicative open space extent, open space conservation zones and esplanade reserves.	Reject
19.16	Herald Island Environmental Group	Seeks that all green zones are specific, identified and mapped before developments proceed.	Reject
19.36	Herald Island Environmental Group	Supports the provision of esplanade reserves and the opportunity this provides to incorporate walking and cycle ways.	Accept
20.3	Martin and Rochelle Good	Seeks more green spaces, parks and reserves.	Reject
28.4	Peter and Helen Panayuidou	Seeks to relocate the indicative open space from 82 Hobsonville Road to an alternative site that provides a more logical end to the walking tracks and connections that will be provided throughout the area. Options for alternative sites include those not required to set land aside to facilitate the development of the precinct and those located at the end of waterways. Or, seek that council provide confirmation that the planting and vesting of riparian	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
		margins will be deemed to have met the 'indicative open space' requirement and that no further public open space is required on that site	
22.18	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Identify Open Space - Recreation and Open Space - Conservation Zones on Whenuapai 3 Precinct Plans 1 and 2.	Reject
30.7	Dave Allen	There are insufficient park or reserve areas for recreation.	Reject
31.4	Jack N and Gillian M Shepherd	Seeks a park or play area as previously planned for the area	Accept
37.4	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Remove the indicative open space from 38 Trig Road.	Reject
46.5	Neil Construction Limited	Support and confirm the location of indicative open space on Kauri Road as identified on Whenuapai 3 Precinct Plan 1.	Accept
47.5	Maraetai Land Development Limited	Support and confirm the location of indicative open space on Kauri Road as identified on Whenuapai 3 Precinct Plan 1.	Accept
48.4	Yuewen Zhang and Yue Liu	Support and confirm the location of indicative open space on Clarks Lane as identified on Whenuapai 3 Precinct Plan 1.	Accept

Discussion

712. These submission points relate to the indicative open space shown on the Whenuapai 3 Precinct Plan 1. Access to quality open space is important to support future communities. Open space provides informal recreation, organised sport, civic amenity, and conservation (including natural, ecological, landscape and cultural and historic heritage values) functions for the PPC5 area. The WSP recognises the importance of the open space network by identifying an indicative open space network (Fig 15. Open Space and Recreation map, pp 86-87). The structure plan identifies 14 neighbourhood parks, three suburb parks and a single sports park as necessary to service the whole of the WSP area. This network implements Whenuapai Structure Plan: Parks and Open Space Report (2016). The report applies the council's Open Space Provision Policy 2016 when determining the amount and spatial arrangement of open space in Whenuapai. PPC5 gives effect to the structure plan open space network by duplicating it in the Whenuapai 3 Precinct Plan 1 and by introducing a policy framework to enable the open space network to developed at the time of subdivision.
713. The indicative open space received 20 submission points. Three submission points were made in support of esplanade reserves. Three submission points seek to increase the amount of indicative open space. One submission point comments generally on the open space planning approach. Three submission points relate to open space zoning. Four submission points relate to the indicative open space on Kauri Road. Six submission points seek to either remove or completely relocate one indicative open space as shown on Whenuapai 3 Precinct Plan 1. They seek to remove the indicative open spaces on 17, 38, 40, and 92 Trig Road, and to move the indicative open space on 82 Hobsonville Road onto a neighbouring site.

Support of esplanade reserves

714. **Submission points 8.9 and 19.36** support the provision of esplanade reserves. **Submission point 18.4** supports the identification of an esplanade reserve on 17 Trig Road by Whenuapai 3 Precinct Plan 1. I note their support, and that the identified esplanade reserves are consistent with section 230 of the RMA.

Seeking an increase in the amount of open space

715. **Submission point 8.3** seeks to ensure sufficient land is set aside for recreational use and the introduction of 'substantial green infrastructure zones'. The submission point contains two salient matters:
- Firstly the provision of recreational space and;
 - secondly provide 'green infrastructure zones' which in the context of the submission I have interpreted as providing space to give effect to the North-West Wildlink.
716. On the first matter, Whenuapai 3 Precinct Plan 1 applies the provision metrics from Part 2 of the council's Open Space Provision Policy 2016 (pp29-39). The metric does not contain a target (e.g. a ratio of open space to population); but rather identifies open space typologies driven by an assessment of the needs of the future community. I consider the provision metrics of the Open Space Provision Policy 2016 as the most appropriate way to ensure the social and cultural well-being of the future community as it will ensure the creation of a high quality and appropriately located open space. I note that the council has indicatively identified the location of open spaces as it does not zone private land open space. This is in line with the principles set out in *Auckland City Council v Dilworth Trust (1980) 7 NZTPA 198*. The court found that applying an unusually restrictive zoning (such as open space, or as in the case, Recreation D) is unreasonable without the consent of the landowner. I do not consider it appropriate to apply open space zoning to indicative open space when the land is in private ownership. Any land will be rezoned following its vesting in the council as part of the subdivision process. An appropriate open space zone will be applied at this time.
717. On the second matter, I note that there is no 'green infrastructure zones' within the AUP (OP). Notwithstanding, The implementation of Standard I616.6.4 will in effect create areas for biodiversity. Standard I616.6.4 requires 10m of riparian planting on the margins of a permanent or intermittent stream or a wetland.
718. Standard I616.6.4 (3) requires the use of eco-sourced native vegetation where available and that any planting is consistent with local biodiversity. A desktop GIS analysis shows that implementing Standard I616.6.4 Riparian planting creates an additional amount of vegetation cover equal to five point eight per cent of the total plan change area. I consider this additional habitat area for wild life will support the biodiversity values of the North-West Wildlink. I note that section 10.9 of this report address the matter of supporting the North-West Wildlink in greater detail.
719. I consider that PPC5 has appropriately addressed the matters sought in the relief. Likewise, the precinct provisions are consistent with Objective B2.7.1 (1) and Policies B2.7.2 (1), (3), and (4), and provisions in *B7 Natural resources* of the RPS. Therefore, I do not support relief sought in submission point 8.3.
720. **Submission points 15.6, 20.3, and 30.7** when read in the context of the original submission reveal comments about PPC5 not having enough parks and reserves to meet the future population enabled by PPC5. Therefore, I have interpreted them as seeking to increase the amount of open space identified in Whenuapai 3 Precinct Plan 1. The

submitters did not state what a desirable metric of open space provision would look like. There was no additional supporting evidence.

721. PPC5 relies on the Whenuapai Structure Plan: Parks and Open Space Report (2016). It applied the provision metrics identified in Part 2 (pp29-39) of the Open Space Provision Policy 2016. The metric does not contain a target (e.g. a ratio of open space to population); but rather identifies open space typologies driven by an assessment of the needs of the future community. The open space typologies are outlined in a table (pp 30 & 31) which includes the amount of land required and the population it serves as measured by a walking catchment (e.g. a neighbourhood park of 0.3 to 0.5 hectares should be within a 400m walk of any household in a high and medium density area, or a 600m walk of any household in any other residential area). It is my view that the provision metrics outlined in the Open Space Provision Policy 2016 is the most appropriate way to ensure the social and cultural well-being of the future community as it will ensure the creation of a high quality and appropriately located open space. Likewise, I am of the view that this approach gives effect to Objective B2.7.1(1) and Policies B2.7.2(1), (3), and (4) of the RPS.
722. Submission points 15.6, 20.3 and 30.7 did not raise any resource management matters that change the conclusion in sections 6.10 and 7.9 of the Section 32 Report. Consequently these submissions seeking to increase the number and size of parks in the plan change area are not supported.

Open space planning approach

723. **Submission point 19.4** in full reads as follows:

Enhance the quality of the environment for residents through designating large green open space for local residents with connectivity between spaces for walkways and cycleways.

724. I am of the view that the relief sought is consistent with PPC5 in light of the indicative open spaces shown in Whenuapai 3 Precinct Plan 1, Objective I616.2 (11), and Policies I616.3 (2), (20), and (21). They all seek to ensure the provision of a substantial area of public open space. Therefore I have interpreted this submission point as supporting the Whenuapai 3 precinct's approach to open space provision. The support is noted.

Zoning

725. **Submission points 19.9, 19.16 and 22.18** when read in the context of their respective submissions seek to zone the indicative open space as Open Space – Conservation or Open Space – Informal Recreation. The council does not apply open space zonings to private land in line with the principles set out in *Auckland City Council v Dilworth Trust (1980) 7 NZTPA 198*. The court found that applying an unusually restrictive zoning (such as open space, or as in the case, Recreation D) is unreasonable without the consent of the landowner. I do not consider it appropriate to apply open space zoning to indicative open space when the land is in private ownership. This land will be rezoned following its vesting in the council as part of the subdivision process. An appropriate open space zone will be applied at this time. Therefore, I do not support the submission points seeking to apply open space zoning to the indicative open space.

Indicative open space on Kauri Road

726. Reading the submission in full, I have interpreted **submission point 31.4** as seeking an indicative open space as an alternative measure to the changes sought in submission points 31.2 and 31.3. Submission points 31.2 and 31.3 oppose light industry and seek less housing respectively. They are addressed in section 10.4 of this report. With regards to

submission point 31.4, the submission references a 'park or play area as previously planned' on the western ('airfield side) side of Kauri Road. I support the relief sought on the basis that Whenuapai 3 Precinct Plan 1 continues to show an indicative open space in this area.

727. **Submission points 46.5, 47.5 and 48.4** seek to support and confirm the location of the indicative open space on Kauri Road as shown on Whenuapai 3 Precinct Plan 1. Their support is noted.

Removal or relocation of indicative open space

728. Submission points 1.2, 11.2, 18.2, 18.6, 28.4 and 37.4 all seek to either remove or completely relocate an indicative open space as shown on Whenuapai 3 Precinct Plan 1.
729. **Submission point 1.2** seeks to remove the indicative open space from 17 Trig Road. The submission did not contain further supporting evidence. Without further evidence I am of the opinion that the removal of this indicative open space will be inappropriate as it will be inconsistent with the council's Open Space Provision Policy 2016 and is contrary to RPS B2.7 of the AUP (OP) which seeks to ensure the recreation needs of people and communities are met.
730. **Submission point 11.2** seeks to remove the indicative open space from 40 Trig Road. The submission provides a description of the characteristics and the value of the property. The matters raised did not present a new resource management issue which indicates that the indicative open space would cause adverse effects or would be inconsistent with RPS B2.7 of the AUP (OP).
731. **Submission points 18.2 and 18.6** when read in the context of submission 18 both seek to remove the indicative open space from 17 Trig Road. Paragraphs 16, 17, 21, 22, and 23 of the submission contain the submitter's key argument for the removal of the indicative open space. Paragraph 17 states that:

...cumulative impact of providing both a collector road and a neighbourhood park, on top of the non-negotiable requirement to vest a significant area of the Site as esplanade reserve, is unfair and unreasonable.

732. I note that the submitters do not address the positive effects caused by either the collector road or the indicative neighbourhood park. Positive effects of the collector road include enabling the development of the plan change area, while the indicative neighbourhood park will contribute towards social and cultural well-being while enabling increased density. Likewise, the submitter's evidence does not identify any adverse effects caused by the indicative neighbourhood park (and collector road). The perception of an unreasonable burden on the submitter is premised upon an interpretation of the council's Open Space Acquisition Policy 2013 as outlined in paragraph 21 of the submission which states:

The Submitter understands and accepts that esplanade reserves will be vested in the Council at no cost. However, the Submitter is concerned that the same approach is being applied, in an arbitrary way, to prime development land through the use of indicative open space notations and associated rules, to the detriment of affected landowners.

733. I have reviewed the Whenuapai 3 Precinct provisions and note that the only reference to vesting occurs in I616.6.4 and I616.9 (3) relating to special information requirements on stormwater management. Therefore I do not agree with the submitter's interpretation of the precinct provision or the Open Space Acquisition Policy 2013. I am of the view that the council will acquire any indicative open space from the submitter on a willing seller – willing

buyer basis or through discussions at the time of subdivision at an agreed upon value which reflects the market price.

734. **Submission point 28.4** seeks to relocate the indicative open space from 82 Hobsonville Road. In page 3 of the submission, it states:

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

735. I note that the submission does not provide further evidence as to why an indicative open space would not be a sustainable use of natural and physical resources beyond reducing the amount of space the submitter can develop as housing. The submission does not take into account the positive social, cultural and economic effects generated by the development of public open space when making this assessment. All sites within the precinct contribute towards open space provisions via development contributions which fund the acquisition of land for open space purposes.
736. **Submission point 37.4** seeks to remove the indicative suburb park from 38 Trig Road. The submitter states that this location is inappropriate for a park due to the limited catchment and that the council's decision was based on landform considerations. The indicative open space is identified as a suburb park. Under the council's Open Space Provision Policy 2016, suburb parks provide for residents from across a suburb and is a 1000m walking distance from homes in a high and medium density area. The indicative suburb park at 38 Trig Road will be located near, if not alongside an arterial and collector road shown on Whenuapai 3 Precinct Plan 2 which provides important road frontage needed for accessibility, visibility, and safety reasons. Most of the land within 1000m of the indicative suburb park is either proposed Residential – THAB or Residential – Mixed Housing Urban zoning. It is therefore best situated to serve the highest densities of residential housing proposed by PPC5. Based on these reasons, I do not support the submitter's assessment.
737. The perception of a financial burden on the submitter and the assessment of the location of the indicative open space are key issues across the submissions relating to removing indicative open space. The council's Parks and Open Space Acquisition Policy 2013 outlines the council's policy for how it will acquire land for parks – methods include:
- Willing seller – willing buyer
 - Compulsory acquisition under the Public Works Act 1981
 - Gifting and Bequeathing
 - Vesting
 - Land exchange and transfer between public uses
 - First right of purchase agreement.
738. A valuation of the property will be obtained to reflect its market value (i.e. the development potential of the underlying zone) as part of all acquisition processes. As the landowner will be fully reimbursed, I remain unconvinced by submissions that have interpreted the process as being a financial burden.
739. Funding for land acquisition comes primarily through development contributions based on the budget set by the Long Term Plan. As all developers will have to pay development contributions, I am of the view that the costs are evenly distributed throughout the plan change area.

740. The Parks and Open Space Acquisition Policy 2013 also contain a set of site suitability criteria (p22) for selecting a preferred site. It considers matters such as:
- Location and physical characteristics
 - Financial aspects
 - Community support
 - Amenity
 - Planning and legal restrictions.
741. After reviewing the indicative open space shown in Whenuapai 3 Precinct Plan 1, I am confident that the council has appropriately applied the site suitability criteria. With regards to the submission points, I have not been convinced by the submitter's evidence that the council is incorrect in its assessment.
742. In light of the above and my response to specific submission points I do not support the relief sought by submission points 1.2, 11.2, 18.2, 18.6, 28.4, and 37.4.

Recommendations

743. I recommend that **submission point 8.9, and 19.36 be accepted** for the following reason:
- a. I note their support for supporting esplanade reserves consistent with section 230 of the RMA.
744. I recommend that **submission point 19.4 be accepted** for the following reason:
- a. I note their support of an approach that is consistent with PPC5. The indicative open space network shown on Whenuapai 3 Precinct Plan 1 gives effect to the council's Open Space Provision Policy 2016.
745. I recommend that **submission points 31.4, 46.5, 47.5, and 48.4 be accepted** for the following reason:
- a. I note their support for retaining the indicative open space on Kauri Road proposed by PPC5.
746. I recommend that **submission points 8.3, 15.6, 20.3, and 31.4 be rejected** for the following reasons:
- a. The indicative open space network shown on Whenuapai 3 Precinct Plan 1 gives effect to the council's Open Space Provision Policy 2016 and gives effect to RPS B2.7.
 - b. The submitter did not provide sufficient evidence supporting an alternative level of open space provision or raise sufficient resource management issues to support amending the provision of indicative open space.
747. I recommend that **submission points 19.9, 19.16, and 22.18 be rejected** for the following reason:
- a. Rezoning land not vested in the council as open space is not consistent with the principles set out in *Auckland City Council v Dilworth Trust*.
748. I recommend that **submission points 1.2, 11.2, 18.2, 18.6, 28.4, and 37.4 be rejected** for the following reasons:
- a. The indicative open space identified by the council is the most appropriate method to give effect to RPS *B2.7 Open space and recreational facilities*.
 - b. The council's assessment is based on its Park and Open Space Acquisition Policy 2013 and Open Space Provision Policy 2016 is the most appropriate resource management response.
749. There are no consequential amendments associated with these recommendations.

10.11.2 Open space provisions in Whenuapai 3 Precinct

Submission point	Name of submitter	Summary of relief sought	Recommendation
4.7	Peter E Pattinson and Teresa Pattinson	Seeks that the indicative green area is made mandatory with a shared boundary for houses who will be impacted the most from shading problems.	Reject
19.14	Herald Island Environmental Group	Generally supports objectives for open space	Accept
19.15	Herald Island Environmental Group	Opposes the lack of requirement for developers to develop open space networks	Reject
19.17	Herald Island Environmental Group	Seeks the establishment of an exact ratio of intact forest/riparian margins/green open space that all development needs to comply with.	Reject
19.20	Herald Island Environmental Group	Seeks green open space buffer between the Business – Light Industry Zone and residential zones.	Reject
21.11	Cabra Developments Limited	Amend Policy I616.2(2) to encourage a variety of methods for the provision of public access to and along the stream and coastal edge environments	Reject
22.19	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks provisions to ensure any subdivision in open space areas are a non-complying activity.	Reject
22.24	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend Objective I616.2(11)	Reject
22.30	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend Policy I616.3(20) so that any open space as shown on Precinct Plan 1 that is no longer fit for that purpose be retained or swapped to better location within the precinct for the establishment of indigenous biodiversity habitat in order to contribute to maintenance of biodiversity and support the North-West Wildlink.	Reject
22.31	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Add a new activity classification. Note that the submitter seeks additional areas to be shown on Plans.	Reject
34.7	Charles Ku	Seek amendment to I616.1 Precinct description paragraph headed 'Open Space' to be more specific about the proposed purposes of the Open Space network proposed.	Reject
34.22	Charles Ku	Delete criterion I616.8.2 1(d)	Reject
36.30	CDL Land New Zealand Limited (CDL)	Seek amendments policy I616.3(22) Open Space	Accept

Discussion

750. This group of submission points relate to the open space section of the PPC5 Whenuapai 3 Precinct provisions. The Whenuapai 3 Precinct Plan 1 identifies a network of indicative open spaces consistent with the council's Open Space Provision Policy 2016. Whenuapai 3 Precinct provisions address open space provision through Objective I616.2 (11), Policies I616.3 (20) and I616.3 (21), and Standard I616.6.1 which seek to encourage subdivision and development to positively react to the network of indicative open space.

751. **Submission point 19.14** generally supports the objectives for open space. This support is noted.

752. **Submission point 21.11** seeks to amend Policy I616.3(20) as follows:

Encourage ~~roads that provide for~~ pedestrian and cycle connectivity to and alongside riparian margins and open spaces.

753. I note that the submitter is in agreement with the principle of the policy in providing public access to and alongside public open space (paragraph 3.27 of submission 21). However, the submitter considers (in paragraph 3.28 of the submission) that a positive interface achieving public access benefits, social integration benefits, passive surveillance with development fronting and activating the space can be achieved without a road frontage. They refer to indicative layouts attached in Appendix 3 of the submission. The submitter's considers that this is achieved with a pedestrian and cycle pathway rather than the provision of the road.

754. After viewing the layout shown in Appendix 3 of their submission, I note that the submitter has not demonstrated how, in the absence of a road, they have achieved houses fronting onto the indicative esplanade reserve rather than the road (as proposed by the indicative layout). It is my opinion that having the road frontage on the other side of the property will result in houses fronting the road and the construction of rear fences. This can potentially create adverse effects on the amenity and passive surveillance values of any future coastal walkway or cycle pathway. I stress that the submitter has only addressed the interface between development and the esplanade reserve and not to other future open spaces which is also subject to Policy I616.3 (20).

755. It is also my view that an abutting road will create a prominent street frontage which will maximise the potential of any future reserves as a public open space. Open space having frontage onto a street creates clarity that such spaces are for the enjoyment of the public. This will make public spaces safer and more pleasant for the community to enjoy. Therefore, without further supporting evidence as to how they can achieve a positive interface with riparian margins and open spaces, I do not consider the relief sought in submission point 21.11 appropriate.

756. **Submission point 22.30** seeks to amend Policy I616.3(20):

...so that any open space as shown on Whenuapai 3 Precinct Plan 1 that is no longer fit for that purpose be retained or swapped to better location within the Precinct for the establishment of indigenous biodiversity habitat in order to contribute to maintenance of biodiversity and support the Wildlink.

757. In their rationale, the submitter refers to open space conservation zone which PPC5 does not propose. After reading the submission in full, I have interpreted the submission point as referring to the indicative esplanade reserves in Whenuapai 3 Precinct Plan 1. Policy I616.3 (20) when read with Policy I616.3 (21) allows for flexibility when developing recreation open space assets. Policy I616.3 (20) states:

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

758. Policy I616.3 (21) states:

Only allow amendments to the location and alignment of the open space where the amended open space can be demonstrated to achieve the same size and the equivalent functionality.

759. In some instances, minor adjustment to the location and configuration of the open space can provide better outcomes for all parties. It would be inappropriate to bind the council or the landowner to a specific open space location/configuration without the ability to pursue alternate measures. The esplanade reserve network and riparian planting required in Standard I616.6.4 Riparian Planting will maintain and enhance biodiversity values and support the North-West Wildlink. Consequently I consider that PPC5 has appropriately addressed the submitter's concerns and do not support amending Policy I616.3 (20).

760. **Submission point 36.30** seek to amend policy I616.3 (22) as follows:

(22) ~~Only a~~ Allow amendments to the location and alignment of the open space where the amended open space can be demonstrated to achieve the same size and the equivalent functionality.

761. I agree with the submitter that there can multiple reasons why an alternative location or alignment of an open space may be preferable. I am also of the view that this amendment will make the wording of Policy I616.3 (22) consistent with the rest of the policies and does not materially change the meaning of the policy I616.3 (22). Therefore, I accept the relief sought in submission point 36.30.

762. The three following submission points all relate to requiring development to provide, not just enable the creation of the open space network. **Submissions point 19.15** and **19.17** seeks to amend PPC5 to include provisions requiring developers to provide the open space network (or a ratio of open space). **Submission point 22.24** seeks to amend Objective I616.2(11) as follows:

Enable subdivision, use and development enable the provision where this provides of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values.

763. The amended wording would change the approach of PPC5 as using subdivision, use and development as a means of creating the public open space network. I consider this inappropriate as the council already require developer contributions to fund the acquisition of land. Likewise, in many instances the council will acquire land for public open space separate from when a landowner decides to subdivide or develop their site.

764. With regards to submission points 19.15 and 19.17, the Whenuapai 3 Precinct Plan 1 identify where open space is necessary. PPC5 does not require the outright provision on the basis that a level of flexibility is necessary to ensure the layout and precise location of an open space is appropriate. I note that the council generally develops the open space network through land acquisitions on a willing seller-willing buyer basis. Likewise, new parcels of land to be acquired for open space are created during the subdivision process. Land acquisition uses funds set aside in the Long Term Plan⁶⁷. The budget approved by

⁶⁷ Auckland Council Parks and Open Space Acquisition Policy, 2016.

the Long Term Plan informs the amount of development contribution paid by developers. Therefore the council already requires development to fund open space necessitated by growth. The council would be 'double dipping' if it were to require open space contribution under the precinct provisions as well as require development contributions.

765. Further to this section 260 of the RMA requires the vesting of 20m of esplanade reserves alongside the coast or a stream equal to or more than 3m wide when a site less than 4 hectares is created through subdivision. In light of these existing requirements for developers to contribute towards development of the open space network and without further evidence from the submitters, I do not consider an amendment to the PPC5 precinct provisions as necessary.
766. After reading the submission in its entirety I have interpreted **submission point 4.7** as making the indicative open space near 10 Hobsonville Road mandatory to address shading effects from potential development to the north of the property. PPC5 proposes that 10 Hobsonville Road and all adjoining properties be zoned Residential – THAB.
767. **Submission point 19.20** seeks an open space buffer between the Business – Light Industry Zone and residential zones.
768. I am addressing submission points 4.7 and 19.20 together as they both relate to using open spaces as a means to address a perceived adverse effect. The council does not acquire public open space to address interface issue between adjoining properties. The open space network should achieve the most appropriate recreational and amenity values for the whole community and not a single landowner. The interface between developments is more appropriately addressed via the relevant zone standards in the AUP (OP). Therefore, I do not support the relief sought in submission point 4.7 and 19.20.
769. **Submission point 22.19** seeks to make subdivision in open space areas into a non-complying activity. The submitter states that:
- ...it is not clear whether the residential/industrial subdivision could be undertaken in these zones without the need for a future plan change.*
770. I note that land will be zoned open space once it is vested in the council. *E38 Subdivision – Urban* contains the controls for subdividing within open space zones. Objective E38.2 (1) states that land is subdivided to achieve the objectives of their respective zones. Any land zoned open space will be subdivided to achieve the objectives of open space zones rather than that of a residential or industrial zone. Finally, I note that residential or industrial land uses are not controlled through the subdivision process (though the activity status of a subdivision resource consent applications may be determined by an approved land use consent) but rather through a land use application. I consider that the AUP (OP) appropriately address the concerns raised by the submitter. Therefore, I do not support the relief sought in in submission point 22.19.
771. **Submission point 22.31** seeks to make structures located on or abutting the esplanade reserve or open space zone identified in the Whenuapai 3 Precinct Plan 1 and 2 as a non-complying activity. The submitter states that this is to ensure public involvement via the public notification of non-complying resource consent applications in open space conservation and recreation areas. *H7 Open Space zones* of the AUP (OP) manages activities on land of the various open space zones. H7 will apply once the land is vested in or acquired by the council for open space purposes. Standard H7.9 Activity Table and H7.11 Standards have already considered the effects generated by different activities and whether they are appropriate for a particular type of open space zoning. PPC5 already proposes Policy I616.3 (20), Rule I616.4 (A3) and Standard I616.6.1 Compliance with Whenuapai 3 Precinct Plans which seeks to ensure subdivision and development aligns

with the indicative open space network. Once the new open space parcels are created through subdivision, the matter of structures abutting open space then becomes an interface matter controlled by the zones rules of the AUP (OP). In light of the above, I consider that the matters raised by the submission point are already appropriately addressed by PPC5 and the Auckland-wide and zone rules of the AUP (OP). Therefore, I do not support the relief sought in submission point 22.31.

772. The two following submission points relate to assessment criteria I616.8.2 (d). **Submission point 34.7** seeks to a more detailed description of the various open spaces shown in Whenuapai 3 Precinct Plan 1 to provide clarity for assessment criteria I616.8.2 (d). **Submission point 34.22** seeks to delete criterion I616.8.2 1(d) due to the lack of clarity around the purpose of the open spaces. Assessment criteria I616.8.2 1(d) reads as follows:

(d) the extent to which any subdivision or development layout is consistent with and provides for the indicative open space shown within Whenuapai 3 Precinct Plan 1;

773. I do not agree with the submitter that assessment criteria I616.8.2 1(d) is difficult to achieve. When read in conjunction with Objective I616.2 (11) and Policies I616.3 (20) and (21) it becomes clear that the key metric in assessment criteria I616.8.2 1(d) is whether a resource consent application is providing for the extent of open space shown in Whenuapai 3 Precinct Plan 1. I am of the view that Whenuapai 3 Precinct Plan 1 sufficiently shows the location of the indicative open space for the plan user to reasonably determine whether they have provided for an indicative open space or not. Therefore, I do not consider the relief sought in submission points 34.7 and 34.22 as necessary.

Recommendations

774. I recommend that **submission point 19.14 be accepted** for the following reason:
- a. The identification of an open space network is consistent with the RPS B2.7.
775. I recommend that **submission point 36.30 be accepted** for the following reason:
- a. The alternative wording for Policy I616.3 (22) will provide clearer guidance on open space provision.
776. I recommend that **submission points 21.11, 22.30 be rejected** for the following reasons:
- a. The PPC5 approach is the most appropriate method to give effect to RPS B2.7.
777. I recommend that **submission points 19.15, 19.17 and 22.24 be rejected** for the following reasons:
- a. The council already require developers to contribute towards the acquisition of open space under the Local Government Act 2002, and provide esplanade reserves under section 230 of the RMA.
778. I recommend that **submission points 4.7 and 19.20 be rejected** for the following reasons:
- a. It is inappropriate for the council to acquire public open space to address interface issues. Public open space should provide additional recreational and amenity values for the community.
 - b. Interface issues are already addressed in the relevant Auckland-wide, overlay and zone rules of the AUP (OP).
779. I recommend that **submission points 22.19 and 22.31 be rejected** for the following reason:
- a. The matters the submitter raised are provided for in the relevant Auckland-wide, overlay and zone rules of the AUP (OP).

780. recommend that **submission points 34.7 and 34.22 be rejected** for the following reason:
 a. PPC5 sufficiently shows the location of the indicative open space for the plan user to reasonably determine whether they are able to achieve assessment criteria I616.8.2 1 (d) or not.

781. There are no consequential amendments associated with these recommendations.

10.12 Effects on Whenuapai Airbase

10.12.1 Whenuapai Airbase

Submission point	Name of submitter	Summary of relief sought	Recommendation
41.10	New Zealand Defence Force	Retain reference to Whenuapai Airbase in the Precinct Description.	Accept
41.11	New Zealand Defence Force	Amend Objective I616.2 (1) and add a new objective to recognise the importance of Whenuapai Airbase: <i>(1) Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the strategic importance of Whenuapai Airbase.</i> <i>(2) Subdivision, use and development in the Whenuapai 3 Precinct occurs in a manner that recognises the presence, ongoing operation, and strategic importance of Whenuapai Airbase.</i>	Accept in part
41.13	New Zealand Defence Force	Amend Objective I616.2 (12) as follows: Reverse Sensitivity Effects on Whenuapai Airbase <i>(12) The lighting effects, including reverse sensitivity and safety 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.</i>	Accept in part
41.14	New Zealand Defence Force	Alternative relief sought in submission point 41.14, retain Objective I616.2 (12) and insert a new objective: <u><i>Whenuapai Airbase is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity and safety effects.</i></u>	Reject
41.19	New Zealand Defence Force	Amend Policy I616.3 (22) to ensure it covers the range of potential adverse effects and reverse sensitivity and safety effects on Whenuapai Airbase, including: noise, lighting and glare, obstacle heights, and bird strike risk.	Reject
41.20	New Zealand Defence	Amend the heading above Policy I616.3 (22) as follows: Reverse Sensitivity Effects on Whenuapai	Accept

Submission point	Name of submitter	Summary of relief sought	Recommendation
	Force	<i>Airbase</i>	
41.24	New Zealand Defence Force	Amend provisions to include subdivision and development standards to ensure the following effects are appropriately managed: noise, lighting and glare, obstacle heights and bird strike risk.	Reject
41.25	New Zealand Defence Force	Include standards to increase visibility of the Obstacle Limitation Surface (OLS) and to ensure that applicants within the precinct provide detailed information through the application process about the relationship between structure heights and the OLS limits, and how the OLS limits will be compiled with during construction. Adopt the resolution of the Minister of Defence's High Court appeal - Minister of Defence v Auckland Council CIV 2016-404-2314.	Accept in part
41.26	New Zealand Defence Force	Insert a new standard applying to all activities: <i><u>To ensure that potential reverse sensitivity effects on the adjacent RNZAF Whenuapai Base are appropriately addressed and provided for within the precinct, a no-complaints covenant shall be included on each title issued within the precinct. This covenant shall be registered with the deposit of the subdivision plan, in a form acceptable to the Council under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 or otherwise in respect of any subdivision, use or development of the RNZAF Base Whenuapai.</u></i>	Reject
41.31	New Zealand Defence Force	Include additional matters of discretion and assessment criteria to address the effects of any works, structures or objects on the ongoing safe operation of the Whenuapai Airbase.	Reject

Discussion

782. This group of submission points relates to the effects of development within the PPC5 area on Whenuapai Airbase. Whenuapai Airbase is a defence facility operated by the New Zealand Defence Force. It is located to the north of the PPC5 area. While the airbase contributes to the character of the Whenuapai 3 Precinct area, it is located outside of the precinct boundary.
783. As notified, the Whenuapai 3 Precinct contains references to Whenuapai Airbase in the precinct description, Objective I616.2(1), Objective I616.2(12), Policy I616.3(22) and Policy I616.3(23). In addition, Policies I616.3(24) and I616.3(25) address the effects of aircraft engine testing noise. Submission points relating to aircraft engine testing noise are discussed separately in section 10.13 of this report. The precinct description, as notified, is provided in Appendix 1. Other than aircraft engine testing noise, the objectives and policies that refer to the airbase are provided as follows:

Objective I616.2(1)

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

Objective I616.2(12)

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

Policy I616.3(22)

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.

Policy I616.3(23)

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

784. The Whenuapai 3 Precinct provisions generally seek to recognise the importance of the safe operation of Whenuapai Airbase in providing for subdivision, use and development.

785. **Submission point 41.10** seeks to retain the reference to Whenuapai Airbase in the Whenuapai 3 Precinct description, with particular reference made to paragraph 2 of the precinct description which states:

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

786. While Whenuapai Airbase is outside of the Whenuapai 3 Precinct boundary, given its proximity to the precinct area and contribution to the character of the precinct, I support submission point 41.10 and consider it is appropriate to retain the references to the airbase in the precinct description.

787. **Submission point 41.11** seeks to amend Objective I616.2(1) and add a new objective to recognise the strategic importance of Whenuapai Airbase, as follows:

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

(2) Subdivision, use and development in the Whenuapai 3 Precinct occurs in a manner that recognises the presence, ongoing operation, and strategic importance of Whenuapai Airbase.

788. Whenuapai Airbase is an important asset of strategic importance located at the edge of the Whenuapai 3 Precinct area. Therefore, in providing for subdivision, use and development within the precinct, I consider it is important to recognise the presence of Whenuapai Airbase in Objective I616.2(1). However, I do not consider that a new objective to recognise this is necessary. My view is that an amendment to the notified version of Objective

I616.2(1) to include reference to the ongoing operation of the airbase achieves the same intent and is consistent with the precinct's approach as outlined in the precinct description:

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

789. Accordingly, in response to submission point 41.11, I recommend that Objective I616.2(1) be amended as follows:

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

790. **Submission point 41.13** seeks to amend Objective I616.2(12) and its heading as follows:

~~*Reverse Sensitivity Effects on Whenuapai Airbase*~~

(12) The lighting effects, including reverse sensitivity and safety 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.

791. The submitter considers that the amendments sought in submission point 41.13 supports Policy I616.3(22), which directs that adverse effects, including reverse sensitivity effects, on Whenuapai Airbase are avoided, remedied or mitigated. The submission also states that "potential reverse sensitivity and safety effects are not limited to lighting but include noise, glare and bird strike risk". I agree that the effects of development on Whenuapai Airbase are not limited to reverse sensitivity effects and include safety effects. Therefore, I support amending the heading above Objective I616.2(12) to 'Effects on Whenuapai Airbase'. I also consider it is appropriate, as an objective, to refer to the effects of subdivision, use and development on the operation of Whenuapai Airbase more generally and therefore also support the deletion of the word 'lighting'.

792. However, I do not consider it is necessary to include the references to reverse sensitivity and safety effects as they are already included in the objective through the reference to effects more generally.

793. I support the inclusion of the words 'as far as practicable or otherwise', as it is consistent with RPS Policy B3.2.2(4) in *B3 Infrastructure, transport and energy* of the AUP (OP), which states:

Policy B3.2.2(4)

Avoid where practicable, or otherwise remedy or mitigate, adverse effects of subdivision, use and development on infrastructure.

794. For the reasons outlined in paragraphs 791 to 793, I recommend accepting submission 41.13 in part and amending Objective I616.2(12) and the associated heading as follows:

~~*Reverse Sensitivity Effects on Whenuapai Airbase*~~

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

795. **Submission point 41.14** seeks to insert a new objective, as an alternative to the relief sought in submission point 41.13. The new objective as requested by the submitter states:

Whenuapai Airbase is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity and safety effects.

796. As discussed in paragraphs 791 to 793, submission point 41.13 is recommended to be accepted in part. Therefore, I do not consider the alternative relief sought in submission point 41.14 is necessary.
797. **Submission point 41.19** seeks amendments to Policy I616.3(22) to ensure a wider range of effects on Whenuapai Airbase such as noise, lighting and glare, obstacle heights and bird strike risk. Reverse sensitivity effects relating to aircraft engine testing noise are specifically addressed in Policies I616.3(24) and I616.3(25). Lighting and glare are already included in Policy I616.3(22) while obstacle heights are managed through the conditions of Designation 4311 (refer to paragraph 800 below). For reasons stated in section 10.12.3 of this report and in response to other submission points seeking provisions on bird strike risk, I do not consider it appropriate to make reference to bird strike risk in Policy I616.3(22). Accordingly, I do not consider amendments to Policy I616.3(22) as requested by the submitter are necessary.
798. **Submission point 41.20** seeks to amend the heading above Policy I616.3(22) as follows: “~~Reverse sensitivity~~ Effects on Whenuapai Airbase”. For the same reasons as discussed in response to submission point 41.13 in paragraph 791 above, I agree that the policies under this heading addresses matters broader than reverse sensitivity effects on the airbase and support the requested amendment.
799. **Submission point 41.24** seeks amendments to include subdivision and development standards to ensure effects relating to noise, lighting and glare, obstacle heights and bird strike risk are managed. For the same reasons discussed in paragraph 797 in response to submission point 41.19, I do not consider it is necessary or appropriate to include additional standards, beyond the recommended changes shown in Appendix 5, to address the effects sought by the submitter.
800. **Submission point 41.25** seeks to include standards to ensure applicants are aware of the Obstacle Limitation Surface (OLS) that must be complied with under Designation 4311, or alternatively, adopt the High Court resolution in *Minister of Defence v Auckland Council* CIV 2016-404-2314. While it is acknowledged that applicants must be aware of the relationship between building heights and the OLS as shown in Designation 4311, and comply with the requirements in the designation, I do not support new standards in the Whenuapai 3 Precinct that duplicate the conditions within Designation 4311. However, consistent with the resolution of the Minister of Defence High Court appeal, I recommend to include the following at the end of the Whenuapai 3 Precinct Description:

In addition to the provisions of I616 Whenuapai 3 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.

801. **Submission point 41.26** seeks to include a new precinct standard requiring all titles issued within the Whenuapai 3 Precinct to include a no-complaints covenant as follows:

To ensure that potential reverse sensitivity effects on the adjacent RNZAF Whenuapai Base are appropriately addressed and provided for within the precinct, a no-complaints covenant shall be included on each title issued within the precinct. This covenant shall be registered with the deposit of the subdivision plan, in a form acceptable to the Council under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the

Resource Management Act 1991 or otherwise in respect of any subdivision, use or development of the RNZAF Base Whenuapai.

802. In their submission, the submitter states:

NZDF notes that reverse sensitivity due to noise effects is an issue not limited to within the boundaries of the Aircraft Noise Overlay and the proposed Engine Testing Noise Boundaries.

803. Engine testing noise is discussed in section 10.13 of this report and in section 6.8 of the Section 32 Report. I consider the adverse effects associated with aircraft engine testing noise will be adequately addressed through Objective I616.2(13), Policy I616.3(24), Policy I616.3(25) and Standard I616.6.10. As discussed in section 10.13.3 of this report, I do not support the requirement for no-complaints covenants within the precinct area. The importance of the ongoing operation of the airbase is recognised and acknowledged. However, no-complaints covenants, in the form requested by the submitter, will prevent all future residents within the Whenuapai 3 Precinct area from complaining or making a submission on any future proposals put forward by the New Zealand Defence Force, and not just in relation to engine testing noise. I consider this requirement is inappropriate and not an effective way to address the potential effects of noise from the airbase. Therefore, I do not support submission point 41.26.

804. **Submission point 41.31** seeks to include additional matters of discretion and assessment criteria to “address the effects of any works, structures or objects on the ongoing safe operation of the Whenuapai Airbase”. The submitter states that the “proposed assessment criteria address matters of concern to NZDF relating to lighting, but do not address reverse sensitivity and safety issues relating to bird strike and the OLS”. Consistent with responses to submission points 41.19 and 41.24, in the absence of additional provisions and standards relating to the airbase, I do not consider additional matters should be included in the matters of discretion and assessment criteria.

Recommendations

805. I recommend that **submission points 41.10 and 41.20 be accepted** for the following reasons:

- a. Whenuapai Airbase is adjacent to the Whenuapai 3 Precinct area and contributes to the character of the area. It is therefore appropriate to make reference to it within the Whenuapai 3 Precinct description; and
- b. The effects of development on Whenuapai Airbase are not limited to reverse sensitivity effects and include safety effects therefore it is appropriate to amend the heading above Policy I616.3(22) to refer to effects on Whenuapai Airbase more generally.

806. I recommend that **submission points 41.11, 41.13 and 41.25** be accepted in part for the following reasons:

- a. It is important to recognise the presence and ongoing operation of Whenuapai Airbase in Objective I616.2(1);
- b. It is appropriate to amend Objective I616.2(12) to refer to effects on Whenuapai Airbase more generally and for the wording to be consistent with Policy B3.2.2(4) in the AUP (OP); and
- c. While it is not appropriate to include new standards in the Whenuapai 3 Precinct that duplicate conditions in Designation 4311, I support the inclusion of a sentence to the end of the Whenuapai 3 Precinct description that is consistent with the resolution of the High Court appeal *Minister of Defence v Auckland Council* CIV 2016-404-2314.

807. I recommend that **submission points 41.14, 41.19, 41.24, 41.26 and 41.31** be rejected for the following reasons:
- An additional objective to address reverse sensitivity and safety effects on Whenuapai Airbase within the Whenuapai 3 Precinct is not necessary as Objective I616.2(12) adequately addresses these effects;
 - It is not appropriate to refer to a wider range of effects on Whenuapai Airbase in the provisions as those matters are dealt with under separate policies within the Whenuapai 3 Precinct or, in the case of the Obstacle Limitation Surface, addressed by Designation 4311;
 - Additional precinct provisions that reference bird strike are not supported for the reasons provided in section 10.12.3 of this report; and
 - No-complaints covenants, in the form provided by the submitter, are not the most effective way to manage noise from the airbase.

808. There are no consequential amendments associated with these recommendations.

10.12.2 Lighting and glare

Submission point	Name of submitter	Summary of relief sought	Recommendation
34.20	Charles Ku	Seek amendments to I616.6.11. Light clause (b) as follows "... (b) outside illumination of any structure or feature by up lit floodlights "	Accept in part
41.21	New Zealand Defence Force	Retain Policy I616.3 (23).	Accept
41.28	New Zealand Defence Force	Amend Standard I616.6.11 Lighting to ensure that permitted activities do not adversely affect the operations of Whenuapai Airbase, this includes a requirement for shielding outdoor lighting from above.	Accept in part
41.29	New Zealand Defence Force	Include a standard to address potential effects of glare on the safe operation of Whenuapai Airbase. This could be the same or similar to the standard used in the Business - City Centre Zone, as follows: <i><u>Buildings must be designed and built so that the reflectivity of all external surfaces does not exceed 20 per cent of white light. This means that glass and other materials with reflectivity values that exceed 20 per cent may only be used provided they are covered or screened in such a way that the external surfaces will still meet this standard.</u></i>	Reject
41.30	New Zealand Defence Force	Amend assessment criteria as follows to require consideration of potential glare effects on the Whenuapai Airbase: <i>I616.8.1 (5) <u>Lighting and glare</u> associated with development, structures, infrastructure and construction.</i> <i>I616.8.2 (5) <u>Lighting and glare</u> associated with development, structures, infrastructure and construction: (a) <u>The effects of lighting and reflective</u></i>	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
		<i>surfaces on the safe and efficient operation of Whenuapai Airbase, to the extent that the lighting:</i> ...	

Discussion

809. This group of submission points relate to the lighting provisions within the Whenuapai 3 Precinct which are addressed through Objective I616.2(12), Policies I616.3(22) and (23) and Standard I616.6.11. The potential effects of lighting on the operation of the airbase relate to the risk of outdoor lighting imitating or masking runway lighting, resulting in glare for approaching and departing pilots. For safety reasons, it is important that lighting does not distract and impair the vision of pilots.

810. As notified, the provisions read:

Objective I616.2(12)

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

Policy I616.3(22)

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.

Policy I616.3(23)

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

Standard I616.6.11

- (1) *No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am:*
- (a) *searchlights; or*
 - (b) *outside illumination of any structure or feature by floodlight.*

811. No submissions were made on Objective I616.2(12) or Policy I616.3(22). The New Zealand Defence Force through **submission point 41.21** seeks to retain Policy I616.3(23) which requires roads and associated lighting to be clearly differentiated from runway lights. Street lighting has the potential to imitate runway lights if they are close to and parallel to the runway. The provision supports Objective I616.2(12) and provides direction to developers when design road layouts. I therefore support the retention of Policy I616.3(23) as notified.

812. Submission points 34.20 and 41.28 seek to amend Standard I616.6.11. **Submission point 34.20** seeks to amend Standard I616.6.11(1)(b) to: “outside illumination of any structure or feature by up lit floodlights”. The submitter considers that the issue for aircraft safety relates to floodlights that illuminate upwards, not floodlights that shine down to the ground. **Submission point 41.28** seeks to amend the standard so that there is a requirement to shield outdoor lighting from above. The submitter, the New Zealand Defence Force, states that the concern is lighting that is directed to the sky.

813. It is noted there are no conditions relating to lighting in the New Zealand Defence Force designations (4310 and 4311). For guidance, Designation 1102 for the Auckland

International Airport Limited prohibits any light from “shining above the horizontal” within a defined area (1500m wide, extending equidistant either side of the runway centreline for a distance of 4440m from the end of the runway strip). This is consistent with sections 5.3.1 and 5.3.2 in Civil Aviation Authority Advisory Circular AC139-6 which provides guidance for managing lights which may endanger the safety of aircraft and lights which may cause confusion for pilots. Accordingly, in response to submission points 34.20 and 41.28, I recommend amending Standard I616.6.11 as follows:

Standard I616.6.11

- (1) *No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am:*
- (a) *searchlights; or*
 - (b) *outside illumination of any structure or feature by floodlight that shines above the horizontal.*

814. **Submission point 41.29** seeks to include a new standard to address the potential effects of glare on airbase operations. The suggested wording is copied from Standard H8.6.29 of H8 Business – City Centre Zone. The submitter considers that the potential effects of glare are not only related to lighting but also building materials that reflect sunlight and create glare for pilots. While it is possible that glare from buildings may be an issue in Whenuapai, there is insufficient information provided by the submitter to support the inclusion of a new standard that all developments will have to comply with. The development enabled by PPC5 is anticipated to be much lower intensity than the existing built environment of the city centre and the development enabled through the City Centre Zone provisions. As such, it is not appropriate to adopt the same glare standard as City Centre Zone in Whenuapai. It is also noted that the purpose of Standard H8.6.29 is to “ensure non-reflective materials are used on buildings to avoid, remedy and mitigate the adverse effects of glare on pedestrians and motorists”. Therefore I do not support the new standard sought in submission point 41.29.
815. **Submission point 41.30** seeks amendments to the assessment criteria to make references to glare and reflective surfaces. As noted in paragraph 814, there is insufficient evidence to support the possibility that glare will be an issue in Whenuapai. I do not support the additional glare standard and, in that regard, also do not support the additional references to glare in the assessment criteria. In the absence of a standard for assessing glare, Policy I616.3(22), which refers to glare more generally, should be relied on in the consenting process.

Recommendations

816. I recommend that **submission point 41.21 be accepted** for the following reason:
- a. Policy I616.3(23) provides clear direction for developers when designing road layouts, and is the most appropriate way to achieve Objective I616.2(12).
817. I recommend that **submission points 34.20 and 41.28 be accepted in part** for the following reason:
- a. It is appropriate to amend Standard I616.6.11 to clarify that the standard is about ensuring floodlights do not shine upwards based on the approach taken in Auckland International Airport Limited Designation 1102.
818. I recommend that **submission points 41.29 and 41.30 be rejected** for the reasons:
- a. There is insufficient evidence from the submitter that glare will be an issue within the Whenuapai 3 Precinct; and
 - b. It is not appropriate to adopt the same glare standard as the City Centre Zone within the Whenuapai 3 Precinct.

819. There are no consequential amendments associated with these recommendations.

10.12.3 Bird strike

Submission point	Name of submitter	Summary of relief sought	Recommendation
41.1	New Zealand Defence Force	Amend the proposed plan change to include objectives, policies and methods addressing potential bird strike effects on the Whenuapai Airbase.	Reject
41.2	New Zealand Defence Force	Amend Objective I616.2 (8) by inserting: <i><u>(g) avoids or mitigates potential effects of bird strike on the Whenuapai Airbase.</u></i>	Reject
41.3	New Zealand Defence Force	Amend Objective I616.2 (11) as follows: <i>Subdivision, use and development enable the provision of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values <u>avoids or mitigates potential effects of bird strike on the Whenuapai Airbase.</u></i>	Reject
41.4	New Zealand Defence Force	Insert a new policy as follows: <i><u>Avoid or mitigate the risk of bird strike resulting from construction activity, change in habitat, and new buildings and structures affecting operations at Whenuapai Airbase by ensuring:</u></i> <i><u>- Buildings, stormwater treatment measures and landscape features are designed to avoid attracting feeding, nesting and roosting birds;</u></i> <i><u>and</u></i> <i><u>- Earthworks and waste are managed to minimise attraction of birds.</u></i>	Reject
41.5	New Zealand Defence Force	Amend Standard I616.6.4 by inserting a new subclause: <i><u>(7) Species mix and type must be in accordance with the recommendations of the Civil Aviation Authority's Advisory Circular AC139-16 to avoid attracting feeding, nesting and roosting birds.</u></i>	Reject
41.6	New Zealand Defence Force	Amend assessment criteria I616.8.2(1) to include: <i><u>(X) The extent to which the proposal minimises risks of bird strike (by way of a bird management plan if appropriate).</u></i>	Reject

Discussion

820. This group of submission points relate to concerns around bird strike by the New Zealand Defence Force, submitter 41. Before notification of PPC5, the New Zealand Defence Force commissioned Avisure to provide a technical report about bird strike risk within 13 kilometres of Whenuapai Airbase.⁶⁸ While it was acknowledged in section 6.7 of the Section 32 Report that the consequences of wildlife collisions with aircraft can be very serious, the solutions identified in the Avisure report were mostly outside of the council's

⁶⁸ Avisure. 2017. RNZAF Base Auckland (Whenuapai Aerodrome): Landuse Planning for Wildlife Hazards Report.

control. Therefore, it was not considered appropriate to introduce provisions relating to bird strike risk in the Whenuapai 3 Precinct.

821. **Submission point 41.1** seeks additions to the Whenuapai 3 Precinct, through objectives, policies and methods, to address bird strike risk. **Submission point 41.2** seeks to include a new clause to Objective I616.2(8) to ensure that any stormwater management approach avoids or mitigates potential effects of bird strike on Whenuapai Airbase. While it is acknowledged that bird strike risk is a concern for the New Zealand Defence Force, there is insufficient evidence to support the request sought. Additionally, it is noted in the memo from the council's Healthy Waters Department dated 19 March 2018, in response to other submission points, states that there is an emphasis in the amended precinct provisions on the use of at-source management and treatment. This is anticipated to reduce demand for large communal devices such as wetlands. In any case, the construction of any wetlands or large communal devices would require consent under *E26 Infrastructure* in the AUP (OP) and approval from the New Zealand Defence Force may be required in accordance with the conditions of Designation 4311. I do not support submission points 41.1 and 41.2.

822. **Submission point 41.3** seeks to amend Objective I616.2(11) as follows:

Subdivision, use and development enable the provision of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values avoids or mitigates potential effects of bird strike on the Whenuapai Airbase.

823. The purpose of Objective I616.2(11) is to ensure subdivision, use and development enable the provision of an open space network. While bird strike risk is acknowledged as a potential issue, it is unclear from the submission how bird strike can be avoided or mitigated. Submission points 41.4, 41.5 and 41.6 are also relevant in the consideration of submission point 41.3. **Submission point 41.4** seeks to include a new policy to the precinct addressing bird strike as follows:

Avoid or mitigate the risk of bird strike resulting from construction activity, change in habitat, and new buildings and structures affecting operations at Whenuapai Airbase by ensuring:

- *Buildings, stormwater treatment measures and landscape features are designed to avoid attracting feeding, nesting and roosting birds; and*
- *Earthworks and waste are managed to minimise attraction of birds.*

824. **Submission point 41.5** seeks to add a new clause to Standard I616.6.4 which contains the standards for riparian planting, as follows:

(7) Species mix and type must be in accordance with the recommendations of the Civil Aviation Authority's Advisory Circular AC139-16 to avoid attracting feeding, nesting and roosting birds.

825. **Submission point 41.6** seeks to add the following clause to assessment criteria I616.8.2(1):

(1) *Subdivision and development:*

...

(X) The extent to which the proposal minimises risks of bird strike (by way of a bird management plan if appropriate).

826. In my opinion, the suite of amendments and provisions put forward by the New Zealand Defence Force does not provide sufficient clarity for managing bird strike risk. I do not support the additional policy requested in submission point 41.4 for managing bird strike

risk. While bird strike risk is a potential concern for the New Zealand Defence Force, the provisions requested by the New Zealand Defence Force do not provide direction as to how potential effects of bird strike can be avoided, remedied or mitigated. I do not consider that the new policy and related standards as requested by the New Zealand Defence Force provide certainty for plan users.

827. The request in **submission point 41.5** to specify the species mix and type of planting in accordance with the Civil Aviation Authority's Advisory Circular in Standard I616.6.4 is not considered to be appropriate. As noted in the memo from Rue Stratham dated 16 March 2018 (Appendix 11), the Advisory Circular AC139-16 for controlling bird hazards is directed at managing bird strike risk at aerodromes and does not contain specific recommendations on species and/or densities for planting in the adjacent urban environment. It is not considered appropriate to apply AC139-16 to activities outside of the airbase, or to refer to a third party document in a standard within the AUP (OP). In the absence of a standard for managing bird strike, an assessment criterion as sought in submission point 41.6 is also not supported.
828. For the reasons discussed in paragraphs 820 to 827 above, I do not support the additional provisions requested by the New Zealand Defence Force in submission points 41.1, 41.2, 41.3, 41.4, 41.5 and 41.6. Insufficient evidence has been provided to suggest that the requested provisions can adequately address bird strike risk around the airbase.

Recommendations

829. I recommend that **submission points 41.1, 41.2, 41.3, 41.4, 41.5 and 41.6 be rejected** for the following reasons:
- a. The provisions sought by the New Zealand Defence Force, when considered together, do not provide clear direction for plan users for managing bird strike risk; and
 - b. It is not appropriate to require compliance with a third party document, being Advisory Circular AC139-16, without an adequate assessment of its effectiveness in managing bird strike risk.
830. There are no consequential amendments associated with these recommendations.

10.13 Aircraft engine testing noise

10.13.1 The location of aircraft engine testing noise boundaries

Submission point	Name of submitter	Summary of relief sought	Recommendation
6.3	Sharron L and Roy J Preece	Amend the plan change to redraw the 65dB noise contour so as to exclude 50 Kauri Road, Whenuapai and other longstanding residential properties.	Accept in part
6.9	Sharron L and Roy J Preece	Amend the plan change to redraw the 65dB noise contour with a more realistic approach to 'worst case scenarios' and safety margins.	Reject
41.9	New Zealand Defence Force	Amend the Whenuapai Engine Testing Noise Boundaries shown on Whenuapai 3 Precinct Plan 3 to align with Figure 13 of the Malcom Hunt Associates report.	Accept

Submission point	Name of submitter	Summary of relief sought	Recommendation
46.3	Neil Construction Limited	Amend Whenuapai 3 Precinct Plan 3 by deleting the engine testing noise boundaries from 2-10 Kauri Road and 150-152 Brigham Creek Road.	Reject
47.3	Maraetai Land Development Limited	Delete the engine testing noise boundaries from 12-18 Kauri Road and 34 Kauri Road.	Reject
48.6	Yuewen Zhang and Yue Liu	Amend Whenuapai 3 Precinct Plan 3 by deleting the 57dB L _{dn} aircraft engine testing noise boundary located on 14 Clarks Lane and 15 Clarks Lane.	Accept
48.19	Yuewen Zhang and Yue Liu	Amend Whenuapai 3 Precinct Plan 3 by deleting the two small areas of 57 db L _{dn} boundary.	Accept

Discussion

831. This group of submission points relate to the location of the aircraft engine testing noise boundaries as shown on Whenuapai 3 Precinct Plan 3. The noise boundaries were derived from a noise assessment carried out by Malcolm Hunt Associates and commissioned by the New Zealand Defence Force.⁶⁹ The purpose of the assessment was to quantify aircraft engine testing noise within the PPC5 area using existing aircraft engine noise data and available engine testing information from the airbase. The modelled noise levels from the assessment are depicted as 57 dB L_{dn} and 65 dB L_{dn} aircraft engine testing noise boundaries in the PPC5 area. The Malcolm Hunt Associates assessment is discussed more fully in section 6.7.2 of the Section 32 Report.
832. **Submission point 41.9** seeks that Whenuapai 3 Precinct Plan 3 be amended to align with Figure 13 of the Malcolm Hunt Associates report. I acknowledge the Whenuapai 3 Precinct Plan 3 as notified does not fully align with Figure 13 of the Malcolm Hunt Associates report, and I recommend an amendment to the precinct plan to rectify this. Subsequent to PPC5 being notified, the council received updated data files from the New Zealand Defence Force. The updated Whenuapai 3 Precinct Plan 3 is shown in Appendix 6.
833. **Submission points 6.3, 46.3, 47.3, 48.6 and 48.19** seek to amend the aircraft engine testing noise contours, as shown on Whenuapai 3 Precinct Plan 3, to exclude specific properties. The properties referred to in submissions are located at 50 Kauri Road, 150-152 Brigham Creek Road, 34 Kauri Road, 14 Clarks Lane and 15 Clarks Lane. Beyond the corrections to Whenuapai 3 Precinct Plan 3 discussed in paragraph 832, I do not support deleting or amending the aircraft testing noise boundaries. I consider the aircraft engine testing noise boundaries provide an appropriate tool for identifying properties that are expected to be adversely affected by engine testing noise. The noise boundaries also form a basis for the suite of provisions in the Whenuapai 3 Precinct that seek to ensure existing and future residents are adequately protected from the adverse effects of engine testing noise from the airbase. As such, beyond minor adjustments to align the boundaries with the Malcolm Hunt report, I do not support changes to Whenuapai 3 Precinct Plan 3.
834. Based on the updated noise boundaries on Whenuapai 3 Precinct Plan 3 shown in Appendix 6, I recommend a number of consequential zoning changes. These are shown in Figure 8 and Table 6 below. A map showing the recommended zoning and both the notified and amended aircraft engine testing noise boundaries is provided in Appendix 14.

⁶⁹ Malcolm Hunt Associates. 2017. Airbase Auckland: Whenuapai, Noise from Aircraft Engine Testing.

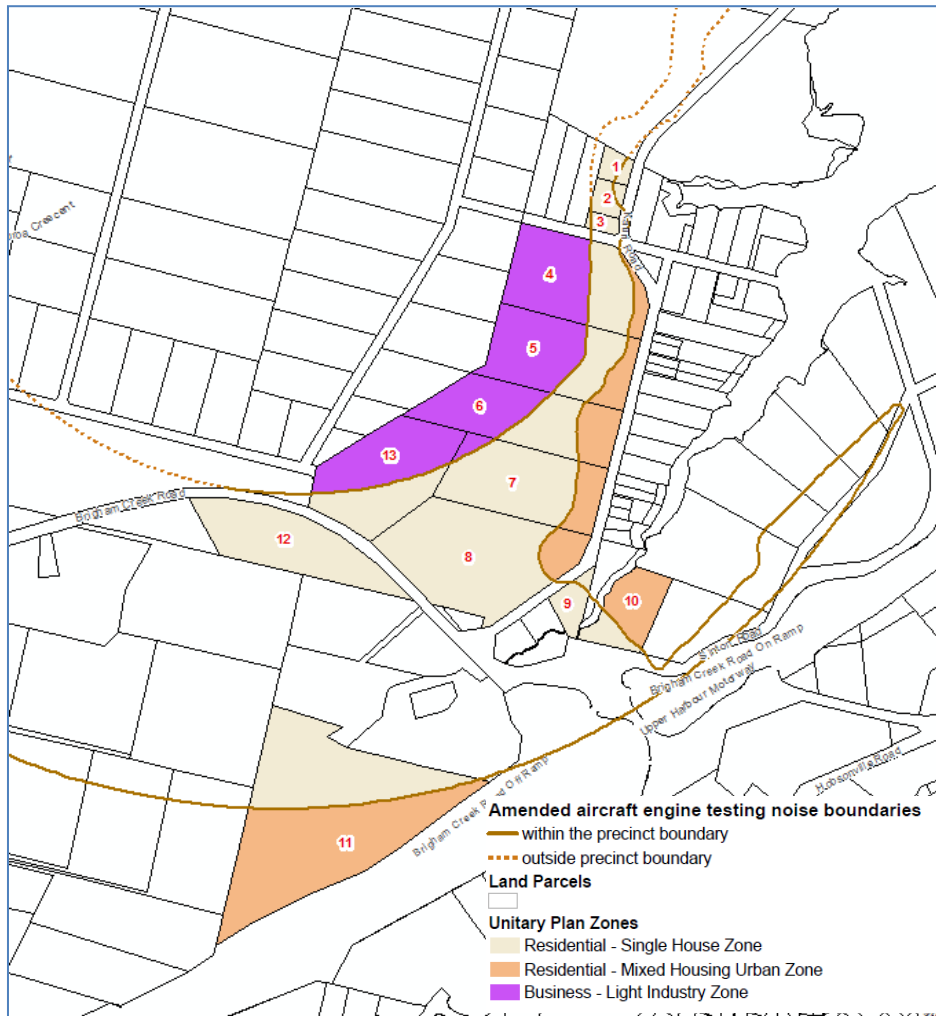


Figure 8: Locations of properties with consequential zoning changes and the updated aircraft engine testing noise boundaries

Table 6: Consequential zoning changes as a result of the updated aircraft engine testing noise boundaries on Whenuapai 3 Precinct Plan 3 (properties with zoning submissions are marked with *)

No. on map	Property	Zoning as notified in PPC5	Area (m ²)	Recommended changes (consequential to updated Whenuapai 3 Precinct Plan 3)	Area (m ²)
1	52 Kauri Road	Light Industry Zone	3433	Light Industry Zone	0
		Single House Zone	0	Single House Zone	3433
2	50 Kauri Road*	Light Industry Zone	3998	Light Industry Zone	0
		Single House Zone	0	Single House Zone	3998
3	1 Rata Road	Light Industry Zone	2088	Light Industry Zone	0
		Single House Zone	0	Single House Zone	2088
4	2 Rata Road	Light Industry Zone	25722	Light Industry Zone	25127
		Single House Zone	15646	Single House Zone	12733
		Mixed Housing Urban Zone	0	Mixed Housing Urban Zone	3509

No. on map	Property	Zoning as notified in PPC5	Area (m ²)	Recommended changes (consequential to updated Whenuapai 3 Precinct Plan 3)	Area (m ²)
5	34 Kauri Road*	Light Industry Zone	28218	Light Industry Zone	24382
		Single House Zone	12244	Single House Zone	9977
		Mixed Housing Urban Zone	0	Mixed Housing Urban Zone	3509
6	20-26 Kauri Road	Light Industry Zone	31735	Light Industry Zone	19880
		Single House Zone	8729	Single House Zone	12198
		Mixed Housing Urban Zone	0	Mixed Housing Urban Zone	8386
7	12-18 Kauri Road*	Light Industry Zone	20387	Light Industry Zone	1846
		Single House Zone	20081	Single House Zone	31279
		Mixed Housing Urban Zone	0	Mixed Housing Urban Zone	7343
8	2-10 Kauri Road*	Light Industry Zone	13190	Light Industry Zone	0
		Single House Zone	47463	Single House Zone	54179
		Mixed Housing Urban Zone	0	Mixed Housing Urban Zone	6474
9	5 Kauri Road	Single House Zone	0	Single House Zone	6001
		Mixed Housing Urban Zone	6001	Mixed Housing Urban Zone	0
10	1 Sinton Road	Single House Zone	0	Single House Zone	4365
		Mixed Housing Urban Zone	16310	Mixed Housing Urban Zone	11945
11	167 Brigham Creek Road	Single House Zone	88660	Single House Zone	44330
		Mixed Housing Urban Zone	17110	Mixed Housing Urban Zone	61440
12	155-157 Brigham Creek Road	Light Industry Zone	32805	Light Industry Zone	0
		Single House Zone	3404	Single House Zone	36209
13	150-152 Brigham Creek Road*	Light Industry Zone	42429	Light Industry Zone	25747
		Single House Zone	0	Single House Zone	16683

835. As a result of the updated noise boundaries shown in Appendix 14, the 65 dB L_{dn} noise boundary is no longer located over 50 Kauri Road. Therefore, I consider **submission point 6.3** is accepted in part because the noise boundaries are only recommended to be moved to reflect a correction in data, and not as a direct outcome of this submission point. Due to the updated noise boundaries, I support the rezoning of 50 Kauri Road from Business – Light Industry Zone to Residential – Single House Zone.
836. However, I do not support the deletion of the aircraft engine testing noise boundaries from 2-10 Kauri Road, 150-152 Brigham Creek Road, 12-18 Kauri Road and 34 Kauri Road as requested through submission points 46.3 and 47.3 for the reasons stated in paragraph 833. While I recommend that submission points 46.3 and 47.3 be rejected, amendments to the zoning of these properties are recommended as a result of the updated aircraft engine testing noise boundaries. These changes are shown in Table 6 above.

837. **Submission points 48.6 and 48.19** seek to delete the two small areas of the 57 dB L_{dn} aircraft engine testing noise boundary over 14 and 15 Clarks Lane. I note that the updated aircraft engine testing noise boundaries no longer show the two small circles on 14 and 15 Clarks Lane. Accordingly, I support the relief sought by the submitter and recommend that submission points 48.6 and 48.19 be accepted.
838. **Submission point 6.9** seeks that the 65dB L_{dn} noise boundary be amended “with a more realistic approach to ‘worst case scenarios’ and safety margins”. For the same reasons stated in paragraph 833, amendments beyond corrections to Whenuapai 3 Precinct Plan 3 are not supported. The approach to noise modelling is discussed further in paragraphs 856 to 858 in section 10.13.3, and in section 6.8 of the Section 32 Report.

Recommendations

839. I recommend that **submission points 41.9, 48.6 and 48.19 be accepted** for the following reasons:
- It is appropriate to amend Whenuapai 3 Precinct Plan 3 so that the aircraft engine testing noise boundaries align with Figure 13 of the Malcolm Hunt Associates report; and
 - The two small circles over 14 and 15 Clarks Lane are no longer shown on the corrected aircraft engine testing noise boundaries.
840. I recommend that **submission point 6.3 be accepted in part** for the following reasons:
- The aircraft engine testing noise boundaries shown on Whenuapai 3 Precinct Plan 3 are only recommended to be moved to reflect a correction in data, and not as a direct outcome of this submission point; and
 - As a result of the updated noise boundaries, 50 Kauri Road is no longer under the 65 dB L_{dn} noise boundary. Accordingly, it is appropriate to rezone this property from Business – Light Industry Zone to Residential – Single House Zone.
841. I recommend that **submission points 6.9, 46.3 and 47.3 be rejected** for the following reasons:
- The aircraft engine testing noise boundaries are an appropriate tool for identifying properties that are expected to be most affected by engine testing noise; and
 - Deleting the aircraft engine testing noise boundaries will not address the adverse effects of engine testing noise on residential amenity and the reverse sensitivity effects on Whenuapai Airbase.
842. Consequential zoning amendments from the amended aircraft engine testing noise boundaries on Whenuapai 3 Precinct Plan 3 are shown in Table 6 of this section.

10.13.2 Whenuapai 3 Precinct aircraft engine testing noise provisions

Submission point	Name of submitter	Summary of relief sought	Recommendation
<i>Objective I616.2(13)</i>			
41.15	New Zealand Defence Force	Retain Objective I616.2 (13).	Accept
46.8	Neil Construction Limited	Delete Objective I616.2(13).	Reject
47.8	Maraetai Land Development Limited	Delete Objective I616.2(13).	Reject
48.7	Yuewen Zhang and Yue Liu	Delete Objective I616.2(13).	Reject
<i>Policies</i>			
41.22	New Zealand Defence Force	Retain Policy I616.3	Accept

Submission point	Name of submitter	Summary of relief sought	Recommendation
		(24).	
41.23	New Zealand Defence Force	Retain Policy I616.3 (25).	Accept
<i>Standard I616.6.10</i>			
41.27	New Zealand Defence Force	Retain Standard I616.6.10.	Accept

Objective I616.2(13)

843. Objective I616.2(13) seeks to address the adverse effects of aircraft engine testing noise. The objective, as notified, reads:

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

844. **Submission point 41.15** seeks to retain Objective I616.2(13) while **submission points 46.8, 47.8 and 48.7** seek to delete the objective.

845. As discussed in section 7.7 of the Section 32 Report, Objective I616.2(13) seeks to protect the health and amenity of existing and future residents within the PPC5 area. It is important to recognise the potential adverse effects of aircraft engine testing noise from Whenuapai Airbase on new activities sensitive to noise that are located in close proximity to the airbase. As such, deletion of Objective I616.2(13), as requested in submission points 46.8, 47.8 and 48.7, is not supported.

Policies

846. Policies I616.3(24) and (25) gives effect to Objective I616.2(13) by restricting uses under the aircraft engine testing noise boundaries identified on Whenuapai 3 Precinct Plan 3. As notified, they state:

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

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

847. The New Zealand Defence Force submitted on both of these provisions in support, seeking their retention (**submission points 41.22 and 41.23**). No other submissions were received on these policies. For the reasons discussed in section 8.7 of the Section 32 Report, Policies I616.3(24) and I616.3(25) are necessary and provide direction to plan users about where activities sensitive to noise should not be located. This approach is reflected in the zoning of the PPC5 area as discussed in section 10.4 of this report. Therefore, I support the retention of Policies I616.3(24) and (25) as notified.

Standard I616.6.10

848. Standard I616.6.10 contains the requirements for development within the aircraft engines testing noise boundaries:

- (1) *Between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries as shown on Whenuapai 3 Precinct Plan 3, new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise must provide sound attenuation and related ventilation and/or air conditioning measures:*
- (a) *to ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB L_{dn}; and*
 - (b) *that are certified to the council's satisfaction as being able to meet Standard I616.6.10(2)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and*
 - (c) *so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4, or any equivalent standard which replaces it, with all external doors of the building and all windows of the habitable rooms closed.*

849. These requirements are consistent with the approach taken in *D24 Aircraft Noise Overlay* for the establishment of new activities sensitive to aircraft noise. However because Standard I616.6.10 controls the effects of engine testing noise (as opposed to aircraft noise), it refers to activities sensitive to noise instead of activities sensitive to aircraft noise. I note there is a minor error in Standard I616.6.10(1)(b). It should read:

- (a) *that are certified to the council's satisfaction as being able to meet Standard I616.6.10(12)(a) by a person suitably qualified and experienced in acoustics prior to its construction: and*

850. **Submission point 41.27** supports the retention of Standard I616.6.10 as a way “to address noise attenuation at the receiver and avoid or mitigate potential reverse sensitivity effects on the Whenuapai Airbase”. Section 8.7 of the Section 32 Report contains an assessment of this provision. Compliance with the standard will ensure new activities sensitive to noise are sufficiently protected from aircraft engine testing noise. Standard I616.6.10 is also supported by the council's acoustic specialist.⁷⁰ For these reasons, I support the retention of Standard I616.6.10 as notified.

Recommendations

851. I recommend that **submission points 41.15, 41.22, 41.23 and 41.27 be accepted** for the following reasons:
- a. Objective I616.2(13) seeks to protect the health and safety of new and existing residents by recognising that there may be adverse effects from aircraft engine testing at Whenuapai Airbase; and
 - b. Policies I616.3(24) and I616.3(25), and Standard I616.6.10 are the most effective way to achieve Objective I616.2(13) by ensuring that activities sensitive to noise are sufficiently protected from aircraft engine testing noise.
852. I recommend that **submission points 46.8, 47.8 and 48.7 be rejected** for the following reasons:
- a. Objective I616.2(13) is necessary to ensure that the potential adverse effects of aircraft engine testing noise from Whenuapai Airbase on new activities sensitive to noise are avoided, remedied or mitigated.
853. There are no consequential amendments associated with these recommendations.

⁷⁰ Acousafe. 2017. Peer Review: NZDF Engine Testing Noise Proposal.

10.13.3 Other submission points on aircraft engine testing noise

Submission point	Name of submitter	Summary of relief sought	Recommendation
6.6	Sharron L and Roy J Preece	Amend the plan change so the noise contours are supported by a professional field survey (i.e. physical testing) to determine the real position of the 65dBA noise contour.	Reject
6.7	Sharron L and Roy J Preece	Seek the installation of acoustic barriers around the designated testing locations on the Whenuapai Airbase to absorb or deflect noise to the noise contours currently legislated i.e. the current 55bD noise profile.	Reject
6.8	Sharron L and Roy J Preece	Seek that the airbase considers abandoning the problematic testing locations close to the boundaries (of the plan change) in favour of new locations well away from residential properties.	Reject
6.10	Sharron L and Roy J Preece	Amend the plan change to enable a covenant of no objection to noise emanating from the airbase to be registered on the title of 50 Kauri Road.	Reject
7.2	Andrew C Braithwaite	Council should stipulate to the RNZAF the necessary rules for aircraft testing - which are the sole cause of the rezoning plans	Reject
15.2	Whenuapai Ratepayers and Residents Association	Opposes method used for the noise study as the results are highly theoretical and not based on actual measurements.	Reject
30.8	Dave Allen	The noise from the airfield will adversely affect far outside the sound contours indicated which anyway are highly theoretical and not based on actual measurements, nor do they take into account what aircraft engines might be used in the future.	Reject
51.4	Nga Maunga Whakahii o Kaipara Whenua Hoko Holdings	Seeks a review of the reverse sensitivity provisions, in particular the acoustic protection contours, to ensure they are necessary and appropriate and recognise the need to provide for both the NZDF activities and community needs.	Reject

Discussion

854. Eight submission points address other matters relating to aircraft engine testing noise. **Submission point 6.6** seeks that physical testing be undertaken to determine the position of the 65dB L_{dn} noise boundary. The same submitter, in **submission point 6.10**, seeks amendment to the plan change to enable a no-complaints covenant to be registered on the title of 50 Kauri Road.
855. **Submission point 15.2** opposes the methodology of the engine testing noise assessment by Malcolm Hunt Associates as the modelling is not based on field measurements. **Submission point 30.8** considers that the adverse effects of noise from Whenuapai Airbase go beyond the “sound contours indicated” and that they are not based on field measurements.

856. The plan change was informed by a noise assessment undertaken by Malcolm Hunt Associates on behalf of the New Zealand Defence Force.⁷¹ The purpose of the assessment was to quantify aircraft testing noise within the plan change area. That assessment was peer reviewed by Nigel Lloyd from Acousafe.⁷² The review confirmed that the approach undertaken in the noise assessment was appropriate for determining the effects of aircraft engine testing noise on the PPC5 area. Section 6.8 of the Section 32 Report states:

The council's review of NZDF's noise assessment report concluded that the noise contours in the report were reasonable, would allow land affected by aircraft engine testing to be appropriately zoned and plan provisions to address the issue to be incorporated into a precinct.

857. The noise assessment was based on existing aircraft engine noise data and information on the procedures adopted at the airbase. While submitters have questioned this, no further technical information has been received from any of them to suggest that the assessment is inaccurate.

858. After the close of submissions, Mr Lloyd, provided further advice in response to submissions⁷³. Of relevance are his comments on whether the noise boundaries/contours are representative of the engine testing activity that occurs at Whenuapai Airbase. At paragraph 7.10 of this report dated 13 March 2018, he states that:

It would be useful if NZDF could provide further information regarding the frequency of engine testing that has been undertaken, and the aircraft, to demonstrate that the contours are representative of the engine testing activity. Because the engine testing is variable in nature, then a shorter averaging period may be more representative of annoyance. Regular activity at an airport allows long term monitoring to take place but there may be a sudden increase of engine testing in a one-week period that may cause annoyance in the shorter term (for instance).

859. In the absence of any further information from the New Zealand Defence Force, I am of the view that the aircraft engine testing noise boundaries provided in the Malcolm Hunt Associates report in 2017 is appropriate for determining the extent of the PPC5 area most affected by engine testing noise.

860. **Submission point 6.10** seeks that a no-complaints covenant be registered on the title of 50 Kauri Road. In respect of the effectiveness of no-complaints covenants, Mr Lloyd has provided the following in his 13 March 2018 advice (at paragraph 7.9):

I do not consider that non-complaint covenants have a place in the District Plan. While these have been used elsewhere in the District Plan I do not consider that non-complaint covenants provide appropriate protection to either the noise maker or to the noise recipient.

861. I do not consider it appropriate to enable or require no-complaints covenants on specific properties or all properties within the PPC5 area. While no-complaints covenants prevent people from complaining about specified matters such as noise, they do not address the effects of noise. It is noted that a covenant may be offered up as part of a resource consent application however it cannot be imposed without the consent of the applicant.⁷⁴ There are

⁷¹ Airbase Auckland: Whenuapai – Noise from Aircraft Engine Testing: Noise Predictions & Assessment dated 24 August 2017

⁷² Peer Review: NZDF Engine Testing Noise Proposal dated 14 September 2017

⁷³ Acousafe. 2018. Proposed Whenuapai 3 Precinct: Whenuapai Airbase Engine Testing Noise – Peer Review & Advice on Submissions.

⁷⁴ *Ports of Auckland v Auckland City Council* [1999] 1 NZLR 601

numerous landowners within the PPC5 boundary and it is inappropriate and unreasonable to require a covenant be registered on each of the titles.

862. To address the potential effects of aircraft engine testing noise, Standard I616.6.10 in the Whenuapai 3 Precinct requires new activities sensitive to noise between the 57dB L_{dn} and 65dB L_{dn} noise boundaries to ensure the noise environment of habitable rooms does not exceed 40dB L_{dn}. Zoning is also used as a planning mechanism to address potential effects from engine testing noise within the 65dB L_{dn} noise boundary through the application of the Business – Light Industry Zone.
863. **Submission point 51.4** seeks a review of the reverse sensitivity provisions within the Whenuapai 3 Precinct with the view to ensure that they are “necessary and appropriate and recognise the need to provide for both the NZDF activities and community needs”. The submitter makes reference to amending the activities provided for within the “acoustic protection contours”, being the aircraft engine testing noise boundaries in the Whenuapai 3 Precinct, to ensure that this balance is achieved. As discussed in section 10.4 above and in section 10.13.2, the approach taken to address the potential effects of aircraft engine testing noise is consistent with the approach taken for activities under the Aircraft Noise Overlay in the AUP (OP)⁷⁵.
864. An assessment of the aircraft engine testing noise provisions in the Whenuapai 3 Precinct is provided in section 8.7.2 of the Section 32 Report. The report acknowledged that there may be costs associated with reduced development opportunities and reduced dwelling yields from zoning sites within the 65 dB L_{dn} noise boundary as Business – Light Industry. However, for activities sensitive to noise between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries, there are acoustic and ventilation requirements in Standard I616.6.10(2) to provide protection for new residents. Overall, I consider that the suite of provisions addressing aircraft engine testing noise in the Whenuapai 3 Precinct, as notified, are the most effective way to achieve Objective I616.2(13). With the exception of correcting the aircraft engine testing noise boundaries to align with the Malcolm Hunt report and consequential zoning changes, I do not support any amendments to the notified aircraft engine testing noise provisions.
865. **Submission points 6.7, 6.8 and 7.2** seek changes in the way the New Zealand Defence Force carry out engine testing and include requests for acoustic barriers to be installed around the airbase, that testing be conducted away from residential properties and for the council to stipulate additional rules for engine testing.
866. Whenuapai Airbase was established in 1937 and has been operating as a military airbase since the 1960s. The airbase operations, including engine testing activities, are enabled by Designation 4310 with the designation purpose being for "defence purposes" as defined by section 5 of the Defence Act. While the airbase forms part of the wider PPC5 environment, the facility is outside of the plan change area.
867. The requests sought in the above submissions are not within the council's powers and functions and I do not support these requests.

Recommendations

868. I recommend that **submission points 6.6, 15.2, 30.8 and 51.4 be rejected** for the following reasons:
- a. In the absence of field survey data, at the time of writing, the noise assessment undertaken by Malcolm Hunt Associates is appropriate for determining the extent of the PPC5 area most affected by aircraft engine testing noise;

⁷⁵ Policy D24.3.1 and Standard D24.6.1(1)

- b. No further technical information has been received from submitters to suggest that the predictions are inaccurate; and
- c. The suite of provisions addressing aircraft engine testing noise in the Whenuapai 3 Precinct, as notified, are the most effective way to achieve Objective I616.2(13).

869. I recommend that **submission point 6.10 be rejected** for the following reasons:

- a. No-complaints covenants only prevent people from complaining about noise but they do not address the effects of aircraft engine testing noise; and
- b. There are numerous landowners within the PPC5 boundary, as such, it is inappropriate and unreasonable to require a covenant be registered on each of the titles in the plan change area.

870. I recommend that **submission points 6.7, 6.8 and 7.2** be rejected for the following reason:

- a. The requests are outside of the council's powers and functions.

871. There are no consequential amendments associated with these recommendations.

10.14 Heritage

Submission point	Name of submitter	Summary of relief sought	Recommendation
25.2	Heritage New Zealand Pouhere Taonga	Strongly supports the scheduling of Clarks Lane as a Historic Heritage Area and the scheduling of the Whenuapai anti-aircraft battery.	Accept
25.3	Heritage New Zealand Pouhere Taonga	Seeks that development within the Whenuapai 3 Precinct is encouraged to respond positively with the scheduled Historic Heritage Area and Historic Heritage Place.	Reject
25.4	Heritage New Zealand Pouhere Taonga	Seeks that potential unrecorded archaeology in the coastal and riparian areas is recognised and provided for within the precinct provisions.	Reject
25.5	Heritage New Zealand Pouhere Taonga	Seeks that a further field survey in the coastal area be undertaken and that known sites and any further archaeological sites identified should then be provided for within the policy framework of the precinct, particularly the objectives and policies of the open space in the precinct and in the provision for coastal esplanades and open space areas.	Reject
25.6	Heritage New Zealand Pouhere Taonga	Retain the Clarks Lane workers' residences as a Historic Heritage Area and the Whenuapai anti-aircraft battery as a Historic Heritage Place.	Accept
25.7	Heritage New Zealand Pouhere Taonga	Amend the precinct provisions to include reference to the historic heritage of the area including development sympathetic to the scheduled historic heritage area and place, and incorporating archaeological consideration in the provision of open space.	Reject
25.8	Heritage New Zealand	Amend the precinct description to include reference to the area's varied and important history. For example:	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
	Pouhere Taonga	<p><i>The purpose of this precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural <u>and historic</u> environment and the proximity of the Whenuapai airbase.</i></p> <p><u>Historic Heritage</u></p> <p><u>The precinct area has an extensive and varied history. The Clarks Lane Historic Heritage Area and the Whenuapai heavy anti-aircraft battery are within the precinct area, as well as a number of recorded and potentially unrecorded archaeological sites. Development is encouraged to positively respond and interact with the scheduled historic heritage in the precinct area.</u></p>	
25.9	Heritage New Zealand Pouhere Taonga	Amend Objective I616.2(2) as follows: <i>Subdivision, use and development achieves a well-connected, safe and healthy environment for living and working with an emphasis on the public realm including parks, roads, walkways and the natural <u>and historic</u> environment.</i>	Reject
25.10	Heritage New Zealand Pouhere Taonga	Amend Objective I616.2(11) as follows: <i>Subdivision, use and development enable the provision of a high quality and safe open space network that integrates stormwater management, ecological, <u>archaeological</u>, amenity, and recreation values.</i>	Reject
25.11	Heritage New Zealand Pouhere Taonga	Add a new Policy I616.3(X): <u>Encourage subdivision, use and development to protect the ecological, archaeological, historic heritage, amenity, and recreation values of the area.</u>	Reject

Discussion

872. This group of submission points relate to historic heritage and archaeology within the PPC5 area. Through the WSP and plan change processes, assessments of the Clarks Lane workers' residences and an anti-aircraft battery site on Trig Road and Spedding Road were undertaken. The workers' residences are located at 3, 4, 5, 6, 7, 9 and 10 Clarks Lane, Hobsonville and the anti-aircraft battery site is located at 4 Spedding Road and 92 Trig Road, Whenuapai. The sites have been evaluated and meet the heritage and significance criteria and thresholds as set out in *B5.2 Historic heritage* of the RPS.
873. Currently, the Clarks Lane workers' residences, with the exception of 3 Clarks Lane, have the Historic Heritage Overlay Extent of Place over the sites and are individually scheduled in Schedule 14.1 – Table 1 Places in the AUP (OP). PPC5 proposes to include the group of workers' residences as a Historic Heritage Area in Schedule 14.1 Schedule of Historic Heritage – Table 2 Areas with a Historic Heritage Overlay Extent of Place applied to the properties at 3, 4, 5, 6, 7, 9 and 10 Clarks Lane. A statement of significance describing the Clarks Lane Historic Heritage Area is also proposed to be added to Schedule 14.2 Historic Heritage Areas – Maps and statements of significance in the AUP (OP).

874. An evaluation of the anti-aircraft battery site was included as part of the technical documents supporting PPC5.⁷⁶ As discussed in section 6.9 of the Section 32 Report:

The five structures that make up the Whenuapai anti-aircraft battery are mainly filled with earth so their condition is not fully known. They are constructed of thick reinforced concrete and are considered to be in fair condition based upon the two emplacements that were able to be accessed. Protection of these two sites will add to the heritage fabric in this part of Whenuapai and provide tangible links to the past as the new community locates into these areas.

875. As part of PPC5, the anti-aircraft battery at 4 Spedding Road and 92 Trig Road is proposed to be included in Schedule 14.1 – Table 1 Places with the inclusion of a Historic Heritage Overlay Extent of Place on the planning maps. The existing AUP (OP) provisions in *D17 Historic Heritage Overlay* manage these scheduled places. As such, I do not consider additional provisions within the Whenuapai 3 Precinct are necessary.

876. I note that the proposed amendments have immediate legal effect in accordance with section 86B(3) of the RMA.

877. **Submission point 25.2** supports the scheduling of the Clarks Lane Historic Heritage Area and the anti-aircraft battery site while **submission point 25.6** seeks that the scheduling of these sites are retained. As outlined in paragraph 872, these sites have been evaluated against the significance criteria in RPS B5.2 which both the Clarks Lane workers' residences and the anti-aircraft battery site meet. Therefore I support the inclusion of the Clarks Lane workers' residences and the anti-aircraft battery site in the Schedule of Historic Heritage in the AUP (OP) and applying the Historic Heritage Overlay Extent of Place to these sites in the planning maps.

878. **Submission point 25.3** seeks that “development within the Whenuapai 3 Precinct is encouraged respond positively with the scheduled Historic Heritage Area and Historic Heritage Place”. There are only two scheduled places within the Whenuapai 3 Precinct and as such it is unreasonable to expect all development within the precinct to positively respond to historic heritage. The majority of development will not be in close proximity to the historic heritage sites. The management of these scheduled places is reliant on the provisions of *B5 Built heritage and character* and *D17 Historic Heritage Overlay*. In my opinion the current AUP (OP) provisions listed above are effective when addressing development in proximity to the scheduled places within the Whenuapai 3 Precinct. Accordingly, I do not support the amendment sought by submission point 25.3.

879. **Submission point 25.4** seeks that potential unrecorded archaeology in the coastal and riparian areas is recognised and provided for within the precinct provisions. Related to this is **submission point 25.5** which seeks that a further field survey in the coastal area be undertaken and that additional provisions be included in the precinct should further archaeological sites be identified. As discussed in section 6.9.1 of the Section 32 report, it was concluded that most archaeological and heritage sites are located around the coastal edge and unrecorded sites are protected by accidental discovery protocols, which are required by Standards E11.6.1 and E12.1 in the AUP (OP) In addition, the majority of archaeological sites are likely to be confined to esplanade reserves or located within the coastal erosion setback yard proposed as part of PPC5, which limits development within 26 to 41 metres of the mean high water springs. Therefore, I do not consider it is necessary to include provisions in the Whenuapai 3 Precinct to recognise and provide for unrecorded archaeology.

⁷⁶ Clough & Associates Ltd. 2017. Whenuapai Heavy AA Battery, 92 Trig Road and 4 Spedding Road, Whenuapai: Historic Heritage Evaluation for Auckland Council Unitary Plan

880. **Submission point 25.7** seeks amendments to the Whenuapai 3 Precinct provisions “to include reference to the historic heritage of the area including development sympathetic to the scheduled historic heritage area and place, and incorporating archaeological consideration in the provision of open space”. As per the response to submission 25.3 in paragraph 878, I consider that scheduled heritage places are sufficiently managed in existing AUP (OP) provisions and additional precinct provisions would duplicate these provisions and are not necessary.

881. **Submission point 25.8** seeks amendments to the Whenuapai 3 Precinct description as follows:

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

Historic Heritage

The precinct area has an extensive and varied history. The Clarks Lane Historic Heritage Area and the Whenuapai heavy anti-aircraft battery are within the precinct area, as well as a number of recorded and potentially unrecorded archaeological sites.

Development is encouraged to positively respond and interact with the scheduled historic heritage in the precinct area.

...

882. **Submission points 25.9 and 25.10** seek amendments to Objectives I616.2(2) and I616.2(11) as follows:

Objective I616.2(2)

Subdivision, use and development achieves a well-connected, safe and healthy environment for living and working with an emphasis on the public realm including parks, roads, walkways and the natural and historic environment.

Objective I616.2(11)

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

883. **Submission point 25.11** seeks the inclusion of a new policy as follows:

Policy I616.3(X)

Encourage subdivision, use and development to protect the ecological, archaeological, historic heritage, amenity, and recreation values of the area.

884. As discussed in paragraphs 878 to 880, in my opinion additional precinct provisions addressing historic heritage matters are not necessary. I consider provisions in *B5 Built heritage and character* and *D17 Historic Heritage Overlay* in the AUP (OP) adequately protect historic heritage in the PPC5 area therefore I do not support the inclusion of historic heritage matters within the Whenuapai 3 Precinct.

Recommendations

885. I recommend that **submission points 25.2 and 25.6 be accepted** for the following reason:

- a. Clarks Lane workers' residences at 3, 4, 5, 6, 7, 9 and 10 Clarks Lane and the anti-aircraft battery site at 4 Spedding Road and 92 Trig Road meet the significance criteria set out in RPS *B5.2 Historic heritage* for scheduling.

886. I recommend that **submission points 25.3, 25.4, 25.5, 25.7, 25.8, 25.9, 25.10 and 25.11 be rejected** for the following reasons:

- a. It is unnecessary to include provisions within the Whenuapai 3 Precinct to address historic heritage and archaeology as these matters are already appropriately managed through existing provisions in B5 and D17 of the AUP (OP); and
- b. Unrecorded archaeological sites are managed by the accidental discovery rule in Standards E11.6.1 and E12.1 of the AUP (OP), and not through the Whenuapai 3 Precinct.

887. There are no consequential amendments associated with the above recommendations.

10.15 Activity table in Whenuapai 3 Precinct

Submission point	Name of submitter	Summary of relief sought	Recommendation
22.17	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks that the council includes a non-complying activity status for subdivision activities which seek to change the requirements or vary the detail on the Plans.	Reject
24.6	Stride Holdings Limited (Stride)	Opposes Rule I616.4 (A15) which provides for "activities not otherwise provided for" as a discretionary activity.	Accept in part
24.8	Stride Holdings Limited (Stride)	Seeks that Rule I616.4.1 (A15) be amended to provide for "activities not otherwise provided for" as a non-complying activity.	Accept in part
24.9	Stride Holdings Limited (Stride)	Seeks the deletion of activities I616.4.1 (A7), (A8), (A9), (A10) and (A11) so that the underlying zone provisions apply.	Reject
34.13	Charles Ku	Insert a new activity in the table under Subdivision as a restricted discretionary activity as follows: "Subdivision that complies with Standards at I616.6.2 and I616.6 - RD	Reject
36.11	CDL Land New Zealand Limited (CDL)	Seek amendments to precinct provisions, particularly the 'Activity status within Rule I616.4.1'. Consider that subdivision and activities within the precinct ought to be permitted (under the precinct provisions) where they comply with all relevant standards, which is an approach adopted throughout the AUP.	Reject
36.31	CDL Land New Zealand Limited (CDL)	Seek amendments; delete 'Note' in I616.4. Activity table <i>The activity tables in any relevant overlays, Auckland-wide and zones apply unless the activity is listed in Table I616.4.1 Activity table below.</i> <i>Table I616.4.1 specifies the activity status of land use and subdivision activities in the Whenuapai 3 Precinct pursuant to sections</i>	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
		<i>9(3) and section 11 of the Resource Management Act 1991. Note: A blank cell in the activity status means the activity status of the activity in the relevant overlays, Auckland-wide or zones applies for that activity.</i>	
36.32	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, delete (A1) (A1) Subdivision listed in Chapter E38 Subdivision – Urban	Reject
36.33	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, add a new activity (A1) (A1) Subdivision in accordance with all the Standards contained in I616.6 and in accordance with the Precinct Plans 1, 2 and 3 P	Reject
36.34	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, amend activity (A2) (A2) Subdivision that does not comply with any one or more of the Standards contained in I616.6 I616.6.2 Transport infrastructure requirements NG RD	Reject
36.35	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, delete activity (A3) (A3) Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with any one or more of the other standards contained in Standards I616.6 D	Reject
36.36	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, delete activity (A7) (A7) Activities listed as permitted or restricted discretionary activities in Table H3.4.1 Activity table in the Residential – Single House Zone	Reject
36.37	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, delete activity (A8) (A8) Activities listed as permitted or restricted discretionary activities in Table H5.4.1 Activity table in the Residential – Mixed Housing Urban Zone	Reject
36.38	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, delete activity (A9) (A9) Activities listed as permitted or restricted discretionary activities in Table H6.4.1 Activity table in the Residential – Terrace Housing and Apartment Buildings Zone	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
36.39	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, delete activity (A10) (A10) Activities listed as permitted or restricted discretionary activities in Table H12.4.1 Activity table in the Business – Neighbourhood Centre Zone	Reject
36.40	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, delete activity (A11) (A11) Activities listed as permitted or restricted discretionary activities in Table H17.4.1 Activity table in the Business – Light Industry Zone	Reject
36.41	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, delete activity (A12) (A12) Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space – Informal Recreation	Reject
36.42	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, delete activity (A13) (A13) Activities listed as permitted or restricted discretionary activities in Table H7.9.1 Activity table in the Open Space – Conservation	Reject
36.43	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, amend activity (A16) (A16) Activities that comply with: • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; but do not comply with any one or more of the other standards contained in Standards I616.6D RD	Reject
36.44	CDL Land New Zealand Limited (CDL)	Seek amendments to Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct, amend activity (A17) (A17) Activities that do not comply with: • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries NC	Reject

Discussion

888. There are 20 submission points seeking specific amendments to the activity table, Table I616.4.1 Land use and subdivision activities in Whenuapai 3 Precinct.

889. The relationship between overlays, zones, Auckland-wide rules and precincts is set out in Rule C1.6(3). This rule states that the activity status of an activity managed by an overlay takes precedence over the activity status of that activity in a precinct. If the precinct provides for an activity which has a different activity status under the zone or Auckland-wide rules, then the activity status in the precinct takes precedence. This is stated in Rule C1.6(4) of the AUP (OP) which states:
- (4) Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the Auckland-wide rules, then the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether that activity status is more or less restrictive.*
890. Table I616.4.1 provides the activity status of land use and subdivision activities within in the Whenuapai 3 Precinct. Where a blank cell is shown in Table I616.4.1, the underlying zone activity status applies. Section A1.7.7 of the AUP (OP) states that:
- Where an activity table for a precinct leaves the status for a particular activity blank, then the activity status in the relevant overlay, zone or Auckland-wide provision applies.*
891. The Whenuapai 3 Precinct also includes standards that are to be read in conjunction with relevant standards in the underlying zone. The blank cells in Table I616.4.1 in the Whenuapai 3 Precinct are included to ensure that the standards in the precinct apply to that activity, as well as the standards in the underlying zone. This approach is stated in the Whenuapai 3 Precinct through the following note under I616.4 Activity table:
- Note: A blank cell in the activity status means the activity status of the activity in the relevant overlays, Auckland-wide or zones applies for that activity.*
892. **Submission point 22.17** seeks to add a non-complying activity status for subdivision activities which “seek to change the requirements or vary the detail on the Plans”. The submission point was made in the context of the 2017 amendments to Resource Management Act 1991 for public notification. In particular, the submitter is concerned that public notification is generally precluded for restricted discretionary and discretionary subdivision activities under section 95A(5)(b)(ii) of the Act. I interpret the reference to “plans” to relate to the Whenuapai 3 Precinct Plans.
893. Subdivision is provided for in the Whenuapai 3 Precinct through Rules I616.4.1(A1) to (A3). Subdivision that complies with all the relevant standards in *E38 Subdivision - Urban* and in the Whenuapai 3 Precinct is a restricted discretionary activity. Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements but does not comply with any one or more of the other standards in I616.6 is a discretionary activity. Subdivision is only a non-complying activity if Standard I616.6.2 Transport infrastructure requirements cannot be met. I do not consider a non-complying activity status for any subdivision activity that cannot meet one standard or that seek an alternative to Whenuapai 3 Precinct Plans 1 and 2 is appropriate. The Whenuapai 3 Precinct anticipates some deviation from the precinct plans in relation to the provision of roads and open space as long as any adverse effects arising from the activity, or its deviation from the precinct plans, can be mitigated. This approach is reflected in Policies I616.3(8) and (21). The open space on Whenuapai 3 Precinct Plan 1 and the road layout on Whenuapai 3 Precinct Plan 2 are indicative only. Accordingly, I do not support submission point 22.17.
894. **Submission point 24.6** opposes the discretionary activity status in Rule I616.4.1(A15). The rule, as notified, stipulates that activities not otherwise provided for are a discretionary activity. **Submission point 24.8** seeks to amend the same rule so that activities not

otherwise provided for are a non-complying activity. The submitter states that the discretionary activity status is “inconsistent with the provisions of the Residential zones and the Business – Neighbourhood Centre and Light Industry zones” and that the “activity statuses in the underlying zones are appropriate and should apply”.

895. Rule C1.7(1) of the AUP (OP) states that any activity that has not had an activity status specifically assigned to it, is to be considered as a discretionary activity unless otherwise specified by a rule for an overlay, zone or precinct or in an Auckland-wide rule. Activities not provided for in all the underlying zones in the Whenuapai 3 Precinct are assigned non-complying activity status in the respective zone rules. To avoid inconsistency with the underlying zone rules, I recommend deleting Rule I616.4.1(A15) in the Whenuapai 3 Precinct and have proposed activities rely on the underlying zone rules. Therefore, I consider submission points 24.6 and 24.8 are accepted in part.
896. **Submission point 24.9** seeks to delete Rules I616.4.1(A7) to (A11) inclusive, and **submission points 36.35, 36.36, 36.37, 36.38, 36.39, 36.40, 36.41** and **36.42** seek to delete Rules I616.4.1(A7) to (A13) inclusive. These rules in the activity table relate to permitted and restricted discretionary activities listed in the activity tables for each of the underlying zones. The activity status column is blank for each of these rules because they rely on the activity status of the activity in the relevant overlay, Auckland-wide provision or zone chapter. This approach is consistent with Section A1.7.7 of the AUP (OP), as described in paragraphs 890 and 891 above. This approach is also described under I616.6.4 Activity table in the Whenuapai 3 Precinct as a note. As discussed in paragraph 891, the blank cells are included to ensure that the standards in the precinct apply to that activity, as well as the standards in the relevant underlying overlay, zone and/or Auckland-wide chapters. Therefore, I do not support submission points 24.9, 36.35, 36.36, 36.37, 36.38, 36.39, 36.40, 36.41 and 36.42 and consider the rules and blank cells should be retained.
897. Related to the above submission points, **submission point 36.31** seeks to delete the note under I616.4 Activity table. With reference to Rule C1.6 in the AUP (OP), the submitter states that:
- ...there is no requirement to add blank cells to the precinct’s activity table where it adopts the underlying zone rules. The absence of an entry in the precinct activity table implicitly requires reference to the underlying zone.*
898. As outlined in paragraph 889 above, Rule C1.6 sets out how the overall activity status is determined. In line with my recommendations on submission points 24.9, 36.35, 36.36, 36.37, 36.38, 36.39, 36.40, 36.41 and 36.42, I do not support deleting the note under I616.4 Activity table because this approach is consistent with Section A1.7.7 of the AUP (OP).
899. **Submission point 34.13** seeks to insert a new activity into Activity Table I616.4.1 under the ‘Subdivision’ heading as a restricted discretionary activity as follows:

Activity		Activity status
(XX)	Subdivision that complies with Standards at I616.6.2 and I616.6	RD

900. The submitter states that “the activity table does not specify the status of subdivision that complies with at I616.6.2 and I616.6”. It is unclear why the submitter has specifically referred to I616.6.2 as those standards sit under the broader heading of I616.6 Standards. The activity status of subdivision activities is discussed in paragraph 893 above in response to submission point 22.17. Rule I616.4.1(A1) relies on the rules in *E38 Subdivision – Urban*. I consider it is appropriate to rely on the activity status of subdivision activities provided for

in E38 to ensure that the appropriate standards in that section, in addition to the standards within the Whenuapai 3 Precinct, apply. For example Rule E38.4.2(A16) provides for the subdivision of vacant sites involving parent sites of less than one hectare that comply with Standard E38.8.2.3 as a restricted discretionary activity. The same activity in the Whenuapai 3 Precinct will also be a restricted discretionary activity as long as it complies with all the relevant standards in I616.6. For this reason, I do not support submission point 34.13 and recommend that the submission point be rejected.

901. **Submission point 36.11** seeks amendments to precinct provisions, particularly the activity status within Table I616.4.1 however no specific changes are sought in this submission point. The submitter considers that:

...subdivision and activities within the precinct ought to be permitted (under the Precinct provisions) where they comply with all relevant standards, which is an approach adopted throughout the AUP.

902. **Submission point 36.32** seeks to delete Rule I616.4.1(A1) and **submission point 36.33** seeks to replace the rule with the following:

Activity		Activity status
(A1)	Subdivision listed in Chapter E38 Subdivision – Urban	
(A1)	<u>Subdivision in accordance with all the Standards contained in I616.6 and in accordance with the Precinct Plans 1, 2 and 3.</u>	<u>P</u>

903. For similar reasons discussed in paragraphs 893 and 900 above, I do not support amending Rule I616.4.1(A1) to provide for subdivision activities that comply with all standards in the I616.6 as a permitted activity. Other subdivision standards provided in *E38 Subdivision – Urban* are relevant and to avoid or mitigate adverse effects on the environment, it is important that those standards are also met. Rule C1.6(4) of the AUP (OP) stipulates that:

Where an activity is subject to a precinct rule and the activity status of that activity in the precinct is different to the activity status in the zone or in the Auckland-wide rules, then the activity status in the precinct takes precedence over the activity status in the zone or Auckland-wide rules, whether that activity status is more or less restrictive.

904. Therefore, if the Whenuapai 3 Precinct provides for subdivision as a permitted activity, the underlying activity status in *E38 Subdivision – Urban* no longer applies. The approach suggested in the submission does not allow the council to assess such subdivision activities because subdivision consents would not be required. I do not consider this achieves the objectives in the Whenuapai 3 Precinct. I also consider this approach would not meet the sustainable management purpose of the RMA.

905. **Submission point 36.34** seeks to amend Rule I616.4.1(A2) as follows:

Activity		Activity status
(A2)	<u>Subdivision that does not comply with any one or more of the Standards contained in I616.6 – Standard I616.6.2</u> Transport infrastructure requirements	<u>NG RD</u>

906. Standard I616.6.2 Transport infrastructure requirements sets out how transport infrastructure will be provided either through a proportional share of local infrastructure

works or through alternative measures provided through I616.6.2(2) and (3). Standard I616.6.2 is discussed in section 10.5.3 of this report. The Whenuapai 3 Precinct seeks to ensure subdivision, use and development are integrated with the provision of infrastructure. Through subdivision and development, Objective I616.2(6) seeks to implement the transport network as shown on Whenuapai 3 Precinct Plan 3.

907. The submitter states that:

... Where subdivision does not meet the standards identified for the precinct, an appropriately limited assessment can be carried out that addresses the ways in which the subdivision does not accord with the precinct provisions, the effects arising from the non-compliances and an assessment against the objectives and policies of the precinct. This approach has been adopted throughout the AUP and the alternative, as proposed here by Council, will not engender efficient nor effective delivery of much-needed development in the precinct area...

908. To ensure subdivision in the PPC5 area occurs in a coordinated and integrated way with infrastructure provision, I do not consider it appropriate to provide for subdivision that does not comply with the standards in I616.6 as a restricted discretionary activity. As discussed in paragraph 893, residential subdivision that complies with minimum lot sizes is a restricted discretionary activity in *E38 Subdivision - Urban*. Residential subdivision not complying with standards ranges from discretionary to non-complying. A restricted discretionary activity status will restrict the council's ability to assess subdivision proposals in this area to those matters in I616.8 Matters of discretion. This approach is inconsistent with the approach taken in E38 and will not achieve integrated development as sought by the Whenuapai 3 Precinct provisions.

909. Standard I616.6.2 implements the objectives and policies in Whenuapai 3 Precinct that relate to the integration of subdivision and development with the provision of infrastructure and the transport network. The transport network, as shown on Whenuapai 3 Precinct Plan 2 and the projects included in Standard I616.6.2 are a product of the Integrated Transport Assessment⁷⁷ completed for the WSP and the Technical Inputs Report⁷⁸ that was undertaken for PPC5. These assessments model traffic in the area, take into account land use and have determined the appropriate network for the area to ensure urbanisation can happen without adverse effects on the environment and the surrounding transport network. This transport network and Standard I616.6.2 are vital to give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, subdivision and development*. I consider a non-complying activity status is appropriate for activities that do not comply with Standard I616.6.2. This will ensure that any non-complying activity not meeting the standard are not contrary to the objectives and policies of Whenuapai 3 Precinct, or that the effects of that activity are no more than minor.

910. For the reasons stated above, I do not support the submission point 36.34 to:

- Remove the reference to Standard I616.6.2 Transport infrastructure requirements from Rule I616.4.1(A2); and
- Change the activity status from non-complying to restricted discretionary in the same rule.

911. **Submission point 36.43** seeks to amend Rule I616.4.1(A16) as follows:

Activity		Activity status
(A16)	Activities that comply with:	<u>RD</u>

⁷⁷ Whenuapai Structure Plan Integrated Transport Assessment Report August 2016

⁷⁸ Whenuapai Plan Change Stage 1 Technical Inputs June 2017

	<ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; <p>but do not comply with any one or more of the other standards contained in Standards I616.6</p>	
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912. The submitter makes reference to the relief sought in respect of subdivision activities that do not comply with the standards, and states that:

CDL considers the same approach ought to apply to activities that do not comply with the Standards, i.e. that a restricted discretionary activity status will allow Council the opportunity to undertake an appropriately limited assessment of the non-compliance(s).

913. For similar reasons as those discussed in paragraph 909 above, I do not support the amendments sought in submission point 36.43. It is not appropriate for activities that do not comply with the standards in I616.6 and in particular Standard I616.6.2 to be provided for as a restricted discretionary activity. There is a general rule in the AUP (OP) which states that the activity status of permitted and restricted discretionary activities which do not comply with standards. Rule C1.9 (2) provides:

An activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity.

914. When a standard in I616.6 cannot be met, to ensure integrated development, I consider it is important for the council to have the ability to assess a broader range of matters than those specified in I616.8 Matters of discretion. Accordingly, it is appropriate to be more stringent than Rule C1.9(2).

915. **Submission point 36.44** seeks to amend Rule I616.4.1(A17) as follows:

Activity		Activity status
(A17)	Activities that do not comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries 	NC

916. The submitter accepts a non-complying activity status for activities not complying with Standards I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard and I616.6.10 Development within the aircraft engine testing noise boundaries. However the submitter considers that Standard I616.6.2 Transport infrastructure requirements should be deleted from Rule I616.4.1(A17). For the reasons discussed in section 10.5.3 and in paragraphs 252 and 253 in response to submission point 36.8, I do not support deleting Standard I616.6.2 from this rule. Standard I616.6.2 ensures the transport network will be provided as subdivision and development progress. This is necessary to give effect to the RPS, particularly *B2 Urban growth and form* and *B3 Infrastructure, transport and energy*. I

consider a non-complying activity status is appropriate for activities that do not comply with Standard I616.6.2. This will ensure that any non-complying activity not meeting the standard are not contrary to the objectives and policies of Whenuapai 3 Precinct, or that the effects of that activity are no more than minor.

Recommendations

917. I recommend that **submission points 24.6 and 24.8 are accepted in part** for the following reasons:
- a. While general Rule C1.7(1) in the AUP (OP) provides for activities not otherwise provided for as a discretionary activity, the underlying zone rules for all the relevant zones in PPC5 stipulates that such activities are non-complying;
 - b. To ensure consistency with the underlying zone rules for “activities not provided for”, it is not recommended to amend the activity status of Rule I616.4.1(A15) from discretionary to non-complying as requested by the submitter; and
 - c. It is appropriate to delete Rule I616.4.1(A15) and rely on the activity status in the underlying zones.
918. I recommend that **submission point 22.17 be rejected** for the following reasons:
- a. A non-complying activity status for all subdivision that does not align with Whenuapai 3 Precinct Plans 1 and 2, as requested by the submitter, is not considered appropriate because the Whenuapai 3 Precinct anticipates some deviation from the precinct plans as set out in Policies I616.3(8) and (21); and
 - b. As proposed, if subdivision cannot meet one or more standard, and depending on the standard that is not met, it is either a discretionary or non-complying activity under Rules I616.4.1(A2) and (A3).
919. I recommend that **submission points 24.9, 36.31, 36.35, 36.36, 36.37, 36.38, 36.39, 36.40, 36.41 and 36.42 be rejected** for the following reasons:
- a. The blank cells in the activity status column of Table I616.4.1 relate to permitted and restricted discretionary activities in the activity tables of the underlying zones;
 - b. The blank cells are included to ensure that the standards in the Whenuapai 3 Precinct apply to permitted and restricted discretionary activities of the underlying zones as well as the standards in the relevant underlying overlay, zone and/or Auckland-wide chapters; and
 - c. This approach is consistent with Section A1.7.7 of the AUP (OP).
920. I recommend that **submission points 34.13, 36.11, 36.32, 36.33, 36.34, 36.43 and 36.44 be rejected** for the following reasons:
- a. It is not appropriate to provide for subdivision activities that comply with all standards in I616.6 as a permitted activity because other subdivision standards in *E38 Subdivision – Urban* are also relevant to ensure adverse effects can be avoided, remedied or mitigated;
 - b. The transport network and Standard I616.6.2 are critical for ensuring the cumulative effects of subdivision and development are avoided, remedied or mitigated therefore a non-complying activity status for activities that do not meet Standard I616.6.2 is appropriate. This ensures that any non-complying activity not meeting the standard are not contrary to the objectives and policies of Whenuapai 3 Precinct, or that the effects of that activity are no more than minor; and
 - c. The amendments sought by the submitters do not represent sustainable management of natural and physical resources.
921. There are no consequential amendments associated with these recommendations.

10.16 Other submission points

10.16.1 Submission points seeking consequential or further changes

Submission point	Name of submitter	Summary of relief sought	Recommendation
21.18	Cabra Developments Limited	Seeks the relief set out within this submission, the specific relief set out in Appendix 1 of the submission and any consequential amendments necessary to enable the relief to be sought.	Accept in part
21.19	Cabra Developments Limited	Seeks further or other changes as may be necessary to give effect to the requirements of the Resource Management Act 1991.	Accept in part
22.1	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks other relief, including consequential changes, as necessary to give effect to relief sought in the submission.	Accept in part
24.10	Stride Holdings Limited (Stride)	Seek such other relief and/or amendments to the Plan Change as may be necessary to address the concerns outlined in the submission.	Accept in part
28.7	Peter and Helen Panayuidou	Seeks consequential relief necessary to give effect to the submission.	Accept in part
34.1	Charles Ku	Accept the Plan Change with Amendments as outlined in this submission, with such other relief and consequential amendments as to give effect to the relief sought in this submission.	Accept in part
36.13	CDL Land New Zealand Limited (CDL)	Amend the proposed Precinct provisions to give effect to this submission. One way of giving effect to the relief sought would be to make amendments as per marked-up document attached as Appendix 1 in the submission.	Accept in part
36.14	CDL Land New Zealand Limited (CDL)	Seeking all consequential or alternative relief to give effect to the specific amendments in the submission.	Accept in part
37.8	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Seek that any objective, policies or explanatory passages on which the rules identified in the submission are reliant or based are deleted or amended to the extent necessary in order for council to appropriately make the amendments sought above.	Reject
37.9	Li-O Lee, Su-Chin Lin and Shu-Cheng Chen (Lee Lin and Chen)	Seek such other relief or consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission	Reject
42.18	Auckland Transport	Supports any consequential amendments to Whenuapai 3 Precinct Plan 2 to give effect to other changes sought for the precinct.	Accept in part

Submission point	Name of submitter	Summary of relief sought	Recommendation
46.18	Neil Construction Limited	Consequential changes to give effect to the relief sought in this submission.	Accept in part
47.18	Maraetai Land Development Limited	Consequential changes to give effect to the relief sought in this submission.	Accept in part
48.20	Yuewen Zhang and Yue Liu	Consequential changes to give effect to the relief sought in this submission.	Accept in part

Discussion

922. The 14 submission points in the table above all seek further or other changes, or consequential amendments to give effect to the individual submissions. These submission points do not seek any amendments themselves, the submitters have other submission points seeking amendments which are addressed in the appropriate sections of this report.

Recommendations

923. I recommend that **submission points 21.18, 21.19, 22.1, 24.10, 28.7, 34.1, 36.13, 36.14, 42.18, 46.18, 47.18 and 48.20 be accepted** in part because the reporting team is recommending to accept some, but not all of the other submission points by these submitters.
924. I recommend that **submission points 37.8 and 37.9 be rejected** because the reporting team is recommending to reject all other submission points from this submitter.
925. There are no consequential amendments associated with these recommendations.

10.16.2 Submission points relating to zone provisions

Submission point	Name of submitter	Summary of relief sought	Recommendation
3.2	Teresa Pattinson	Seeks amendments to the proximity and height of the buildings proposed as they will result in negative visual dominance on their property.	Reject
3.3	Teresa Pattinson	Seeks amendments to the proximity and height of the buildings proposed as a reasonable level of sunlight on their property will be compromised.	Reject
3.4	Teresa Pattinson	Seeks amendments to the proximity and height of the buildings proposed as they will negatively impact on nearby trees, shrubs and bird habitat.	Reject
3.5	Teresa Pattinson	Seeks amendments to the apartments and terraced housing so they can not be located in such close proximity to the property boundary of 10 Hobsonville Road.	Reject
3.7	Teresa Pattinson	Seeks written provisions to minimise the exposure of privacy for any apartments/terraced houses built behind the boundary where the paddocks are.	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
4.2	Peter E Pattinson and Teresa Pattinson	Seeks that the proposed new building envelope be amended where new buildings are to be built adjacent to the northern boundaries of existing properties.	Reject
4.3	Peter E Pattinson and Teresa Pattinson	Seeks that the building envelope be changed from a 45 degree line to a 30 degree line or move the 3 metre height limit from the boundary to 3 metres inside the new property boundary so the 45 degree line will start at ground level which will move the minimum distance between boundary and building out to 3m.	Reject
4.4	Peter E Pattinson and Teresa Pattinson	Seeks that no tall buildings are built on one side of the road while lower buildings exist on the other side on Hobsonville Road so that shading will not impact on those on the southern side.	Reject
4.8	Peter E Pattinson and Teresa Pattinson	Seeks amendments to the proximity and height of the buildings proposed as they will result in negative visual dominance on their property.	Reject
4.9	Peter E Pattinson and Teresa Pattinson	Seeks amendments to the proximity and height of the buildings proposed as a reasonable level of sunlight on their property will be compromised.	Reject
4.10	Peter E Pattinson and Teresa Pattinson	Seeks amendments to the proximity and height of the buildings proposed as they will negatively impact on nearby trees, shrubs and bird habitat.	Reject
4.11	Peter E Pattinson and Teresa Pattinson	Seeks amendments to the apartments and terraced housing so they cannot be located in such close proximity to the property boundary of 10 Hobsonville Road.	Reject
19.24	Herald Island Environmental Group	Seeks that blank walls are not allowed as of right on the road frontage.	Reject
19.39	Herald Island Environmental Group	Opposes Council approving of buildings that are out of place in a residential environment.	Reject

Discussion

926. The 14 submission points listed above relate to the provisions in zones in the AUP(OP). 12 of the submission points listed above points relate to the interface between any new development in the proposed Residential – THAB Zone and the existing houses along Hobsonville Road. The two submitters who have made the submission points listed above live at 10 Hobsonville Road. They are concerned about potential development in the land to the northwest of their site which is proposed to be zoned Residential – THAB through PPC5. 10 Hobsonville Road is currently zoned Residential – Mixed Housing Urban and is also proposed to be zoned Residential – THAB through PPC5. The approach taken in PPC5 is to apply existing AUP (OP) zones to the PPC5 area without altering any rules in these zones.
927. The following standards in the Residential – THAB zone provisions relate to interface issues:

- H6.6.6 Height relation to boundary
- H6.6.9 Yards
- H6.6.13 Outlook space
- H6.6.14 Daylight.

928. The other two submission points listed in the table above, points 19.24 and 19.39, are addressed in this section because they are also seeking relief that is governed by existing AUP (OP) zone rules.
929. **Submission point 4.2** seeks that proposed new building envelopes be amended where new buildings are to be built on the boundaries of existing buildings. The submitter is concerned about the loss of sunshine and the loss of views. **Submission point 4.3** suggests that the building envelope be amended as follows:
- from a 45 degree line to a 30 degree line; or
 - move the 3 metre height limit from boundary to 3 metres inside the new boundary line so that the 45 degree line will start at ground level.
930. PPC5 is applying existing AUP (OP) zones and relying on the provisions in those zones. I see no location specific reasons to justify a departure from the existing rules in the Residential – THAB zone in this case and am satisfied that the points raised by the submitter will be adequately addressed through the resource consent process. Accordingly, I do not support submission points 4.2 and 4.3.
931. **Submission points 3.2 and 4.8** both seek amendments to the proximity and height of the buildings proposed as the submitters state they will result in negative visual dominance for them.
932. In the same paragraph of the submissions (paragraph 11 of both), **submission points 3.3 and 4.9** seek amendments to the proximity and height of the buildings as they are concerned about the loss of reasonable sunlight on their property. The submitters state:
- The concept that there would continue to be reasonable level of sunlight into our property would be very much comprised as a consequence (i.e. a negative impact would results for us).*
933. **Submission points 3.5 and 4.11** are identical and are linked to points 3.2, 4.8, 3.3 and 4.9. The submitters state that there could be negative impacts on their property. They state
- ...the proposed plan encompasses some aspects (which could be imposed on us by council) that have the potential to impact our property, our living environment and neighbourhood in a negative way. Basically, because the proposed amendments and terraced houses could be located in such close proximity to our property.*
934. **Submission point 3.7** seeks written provisions to minimise the exposure of privacy by any apartments or terraced houses built behind the boundary of the existing houses on Hobsonville Road.
935. **Submission point 4.4** seeks that there are no tall buildings on the northern side of Hobsonville Road while lower buildings exist on the other side on Hobsonville Road so that shading will not impact on those on the southern side.
936. As stated in paragraph 930, I see no location specific reasons to justify a departure from the existing rules in the Residential – THAB Zone and I am satisfied the points raised can be addressed through the resource consent process. There is no evidence to suggest that there will be visual dominance on the submitters' site. These concerns can be adequately

addressed through the resource consent process. I therefore do not support submission points 3.2, 3.3, .3.5, 3.7, 4.2, 4.4, 4.8, 4.9 and 4.11.

937. **Submission point 3.4 and 4.10** are identical submissions and both seek amendments to the standards for proximity and height of the buildings proposed as the submitters consider new buildings will have an adverse effect on nearby trees, shrubs and bird habitat. The submitters state:

We believe it is reasonable, considering the proposed loss of green space in the Whenuapai Precinct, to take into consideration the negative effect that reduced sunlight and high-density apartments, terraced housing and suchlike buildings in close proximity to our property boundary will have on these trees and shrubs and bird habitat.

938. As stated in paragraph 930, I see no location specific reasons to justify a departure from the existing rules in the Residential –THAB Zone. In addition there amount of indicative open space shown on Whenuapai 3 Precinct Plan 1 aligns with the council’s Open Space Provision Policy, and there are provisions in the Whenuapai 3 Precinct to provide for biodiversity across the precinct. Consequently I do not support these submission points.
939. **Submission point 19.24** seeks that blank walls are not allowed as of right on the road frontage. PPC5 is applying existing AUP (OP) zones to the plan change area and relying on the provisions in those zones. I see no location specific reasons to justify a departure from the existing rules and I am satisfied that this point can be addressed through the resource consent process. I do not support this submission point.
940. **Submission point 19.39** opposes council approving of buildings that are out of place in a residential environment. PPC5 applies residential zones to the plan change area in a manner that gives effect to the RPS, particularly *B2 Urban growth and form*. This is discussed in more detail in section 10.4 of this report in response to submission points about zoning. PPC5 is not seeking to amend any changes to the zone rules about what is permitted in a residential zone. I see no location specific reasons to justify a departure from the existing rules and I am satisfied that this point can be addressed through the resource consent process. I do not support this submission point.

Recommendations

941. I recommend that **submission points 3.2, 3.3, 3.4, 3.5, 3.7, 4.3, 4.4, 4.8, 4.9, 4.10, 4.11, 19.24 and 19.39** be rejected for the following reasons:
- a. There are no location specific reasons to depart from existing AUP (OP) rules;
 - b. The submitter’s concerns can be addressed through the resource consent process;
 - c. There is no evidence to suggest location specific rules are necessary to address perceived sunlight and visual amenity issues; and
 - d. The location of the zoning is considered appropriate and gives effect to the RPS, particularly *B2 Urban growth and form*.
942. There are no consequential amendments associated with these recommendations.

10.16.3 Submission points on other matters

Submission point	Name of submitter	Summary of relief sought	Recommendation
3.6	Teresa Pattinson	Seek recognition that the sewerage system at 10 Hobsonville Road is connected to a sewer manhole located just outside the north western boundary.	Accept in part

Submission point	Name of submitter	Summary of relief sought	Recommendation
4.12	Peter E Pattinson and Teresa Pattinson	Seek recognition that the sewerage system at 10 Hobsonville Road is connected to a sewer manhole located just outside the north western boundary.	Accept in part
8.10	Upper Harbour Ecology Network	Request a facility be created for development of Greenways and related infrastructure to ensure ecological restoration is integrated into development and that development does not bring about further environmental degradation to the landscape including Whenuapai specific restoration guides, planting guides and stream restoration guidelines	Reject
8.11	Upper Harbour Ecology Network	Request that the Upper Harbour Ecology Network is invited to lead local restoration activities with support from council and developers, and is consulted on all further consultations and hearings during the planning and development process.	Reject
9.2	Guoqing Wu	Request that the plan change happens as soon as possible.	Accept
18.7	Hsiu Ho Lin	Seeks that Council provides a regulatory impact assessment for every property that is affected by multiple precinct notations which require the vesting of land where no compensation will be payable. The purpose of this assessment is to analyse and quantify the cumulative effects, including financial impact or imposing burdens on individual landowners.	Reject
19.10	Herald Island Environmental Group	Seeks reinstatement of developer contributions of 10% to regenerate local ecology and best practice infrastructure.	Reject
19.23	Herald Island Environmental Group	Requests further information on how effective the identified Neighbourhood Centre Zone will be for its purpose.	Accept
19.27	Herald Island Environmental Group	Requests to obtain and review the Environmental Monitoring from Watercare to provide an understanding on the current impacts wastewater has on the surrounding environment and the future impacts of both stormwater and wastewater.	Reject
22.4	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks amendments to the plan change to include adequate ongoing weed and pest mammal control, including signage to require dogs on leads in all riparian areas and conservation zones and a weed management plan.	Reject
22.15	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks that council provides further detail and certainty on the Plans for the precinct development.	Reject
22.16	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Seeks that the council sets out clear requirements for subdivision and development to provide for amenity and environmental outcomes.	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
22.33	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Amend the notification provisions to recognise that special circumstances may require the notification of activities which in particular relate to matters of national importance and affect the wider public generally.	Reject
22.42	Royal Forest and Bird Protection Society NZ (Forest and Bird)	Add standards requested above to section I616.8 if they do not already apply to restricted discretionary activities.	Reject
23.1	New Zealand Transport Agency	Supports the provisions for staged development of land within the Whenuapai Structure Plan area as provided for in Proposed PC5.	Reject
30.2	Dave Allen	Opposes the extent of affected parties identified; in particular those who live nearby in a no-exit street must pass through the plan change area but did not receive a notification letter.	Reject
36.6	CDL Land New Zealand Limited (CDL)	Seek amendments to the precinct provisions around including the 'Proximity to Westgate Metropolitan Centre'.	Reject
36.12	CDL Land New Zealand Limited (CDL)	Where there are departures from precinct plans or non-compliance with standards proposed, a limited assessment of proposals as a restricted discretionary activity is appropriate. Support assessment criteria proposed at I616.8.2 as a comprehensive yet targeted set of matters to be addressed when considering subdivision or development in the precinct area.	Accept in part
36.15	CDL Land New Zealand Limited (CDL)	Seek amendments; add additional content into I616.1. Precinct Description <i>The purpose of the precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural environment and the proximity of the <u>Westgate Metropolitan Centre and Whenuapai Airbase...</u></i>	Reject
36.21	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.2. Objectives (1) <i>Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising <u>the proximity of parts of the precinct to the Westgate Metropolitan Centre and the strategic importance of Whenuapai Airbase.</u></i>	Reject
36.24	CDL Land New Zealand Limited (CDL)	Seek amendments to I616.3. Policies (4) <i>Encourage intensive development in the immediate vicinity of the <u>Westgate Metropolitan Centre.</u></i>	Reject

Submission point	Name of submitter	Summary of relief sought	Recommendation
51.6	Nga Maunga Whakahii o Kaipara Whenua Hoko Holdings	Review plan change to provide greater focus on the effects of development and the need to provide increased housing in the area, and amended or replaced as appropriate.	Reject

Discussion

943. The 22 submission points in the table above do not fit into any of the other groupings in section 10. Some of the relief sought in these submission points is not able to be granted by PPC5. The purpose of PPC5 is to rezone land in the Future Urban Zone to urban zones to allow for residential and employment uses. PPC5 does not contain specific development proposals. In addition, some of these submission points seek outcomes that are governed by legislation other than the RMA.
944. **Submission points 3.6 and 4.12** are concerned about the residential sewerage system at 10 Hobsonville Road which is connected to a sewer manhole outside the northwest boundary of 10 Hobsonville Road. I note the submitters' point and I have notified Watercare of the location of sewer manhole. This should be included in the assessment of any resource consent application for the land that the manhole is on, however I am not recommending any changes to PPC5 in response to these submission points so I am recommending to accept them in part.
945. **Submission point 8.10** seeks that "a facility be created for the development of greenways and related infrastructure", and include "Whenuapai specific restoration guides; planting guides, including eco-sourcing; stream restoration guidelines". I consider the matters raised in this submission point are more appropriately addressed by guidance outside of the resource management process and I do not support this submission point. However, I note that:
- Greenways plans are non-statutory documents that are developed throughout the Auckland region by local boards.
 - The council does not have a programme of facility development in the Whenuapai area.
 - Appendix 16 of the AUP (OP) provides Guidelines for native revegetation plantings. The council also provides various guidelines including guidelines on native forest restoration, coastal forest planting, and riparian management. These are available online through the Auckland Council website.
946. **Submission point 8.11** requests that:
- ... on behalf of the local community, the Upper Harbour Ecology Network is:*
- *Invited to lead local restoration activities within the new communities, with the support from Auckland Council and developers.*
 - *Consulted on all further consultations and hearings during the planning and development process of Whenuapai.*
947. There are no specific local restoration activities or development proposals in the PPC5 area and this submission point cannot be addressed through PPC5. Any future development proposals will be assessed through the resource consent process and notification of the consent applications will follow the RMA. Therefore, I do not support this submission point.

948. **Submission point 9.2** seeks that the plan change happens as soon as possible to create more residential and employment areas in the local area. I interpret this as support for the plan change and therefore I support this submission point.
949. **Submission point 18.7** requests that:
- ...the Council to provide a regulatory impact assessment for every property that is affected by multiple precinct notations which require the vesting of land where no compensation will be payable. The purpose of this assessment is to analyse and quantify the cumulative effects, including financial impact, of imposing multiple burdens on individual landowners.*
950. PPC5 is not proposing to require vesting of land above and beyond what is currently required through the RMA and the AUP (OP). Land is vested in the council through subdivision, this will be determined through the resource consent process. I do not support this submission point.
951. **Submission point 19.10** requests that:
- Auckland Council reinstate Developer Contributions to 10% to ensure ability to regenerate local ecology and best practice green infrastructure.*
952. Development contributions are governed by the Local Government Act 2002 (LGA) and the implementation of development contributions follows the council's Financial Contributions Policy. This plan change is governed by the RMA and it is not possible to reinstate development contributions through PPC5.
953. **Submission point 19.23** requests further information on how effective the identified Business - Neighbourhood Centre Zone will be for its purpose. The Business Land Assessment undertaken for the WSP stated that a Neighbourhood Centre with 1,400 m² of gross floor area would be required in the southern part of the plan change area. The proposed Business – Neighbourhood Centre Zone is readily accessible as it is located on the corner of two main roads. The approximately 4,580 m² proposed to be zoned Business – Neighbourhood Centre takes into account land for access and parking. The actual retail floor space will be less than that once developed.
954. **Submission point 19.27** requests to:
- ... review the Environmental Monitoring that Watercare has undertaken to provide an understanding on the current impacts wastewater has on the surrounding environment and an understanding of the considerations Council is giving to the future impacts of development on both Wastewater and Stormwater.*
955. The North-West Transformation Area Wastewater Servicing Strategy prepared in 2015 outlines Watercare's strategy for providing the area with wastewater infrastructure. Wastewater is managed through existing AUP (OP) provisions and was addressed in section 6.3 of the Section 32 Report. Stormwater is managed through existing AUP (OP) provisions and provisions in Whenuapai 3 Precinct. Stormwater is addressed in section 6.4 of the Section 32 Report and in section 10.7 of this report in response to submission points about stormwater. I consider that wastewater and stormwater in the PPC5 area can be adequately managed and do not support this submission point.
956. **Submission point 22.4** seeks:

Adequate ongoing weed and pest mammal control, including signage to require dogs on leads in all riparian areas and conservation zones and a weed management plan”.

957. All riparian areas will be subject to weed and pest animal control through public or private covenants. Dogs on leads in public open space would be at the discretion of the local board through a bylaw. PPC5 is unable address the points raised in this submission.
958. **Submission point 22.15** seeks the council provides further details and certainty on the plans for precinct development. As stated in paragraph 943 above, PPC5 seeks to change zones to enable subdivision and development. There are no specific development proposals as part of PPC5 therefore I do not support this submission point. The PPC5 area is in private land ownership and it is up to individual landowners if they want to develop or not. Applicants will submit plans for development when they apply for resource consent.
959. **Submission point 22.16** seeks that the council sets out clear requirements for subdivision and development to provide for amenity and environmental outcomes. The Whenuapai 3 Precinct contains provisions that seek to achieve amenity and environmental outcomes including Objectives I616.2(2), (7), (8), (9), (10) and (11) and their corresponding policies. There are standards to ensure compliance with the open space network identified on Whenuapai 3 Precinct Plan 1, to deal with stormwater management, provide for riparian planting, coastal erosion, the transport network and development in the Business - Neighbourhood Centre Zone. I consider that the current provisions of the AUP (OP) combined with the provisions in the Whenuapai 3 Precinct are sufficient to address concerns for amenity and environmental outcomes. I do not support submission point 22.16 as I do not consider any additional provisions are necessary.
960. **Submission point 22.33** seeks amendments to the notification provisions to recognise that special circumstances may require the notification of activities which in particular relate to matters of national importance and affect the wider public generally. Notification of resource consent applications will be subject to the usual tests under section 95 of the RMA, I see no Whenuapai specific reasons to depart from these tests and in my opinion it would not be appropriate to change the notification tests for subdivision and development in PPC5. For this reason I do not support submission point 22.33.
961. **Submission point 22.42** seeks to add additional criteria to I616.8 Assessment Criteria. The submitter is seeking the same additions to the standards which are set out other submission points and are addressed in other parts of this report as follows:
- indigenous biodiversity – submission point 22.34 discussed in section 10.9.1
 - wider riparian planting – submission point 22.37 discussed in section 10.9.2
 - the extent of riparian planting to be vested – submission point 22.38 discussed in section 10.9.2
 - the coastal erosion setback yard – submission point 22.40 discussed in section 10.8.1
 - lighting and biodiversity– submission point 22.41 discussed in section 10.9.1.
962. The reporting team is not recommending any changes to the standards in response to these submission points as set out in the various sections of this report. For the same reasons I am not recommending any changes to I616.8 Assessment Criteria and I do not support this submission point.
963. **Submission point 23.1** supports the provision for staged development of land within WSP as provided for in PPC5. The precinct provisions do not control for staged development therefore I do not support this submission point.

964. **Submission point 30.2** opposes the extent of affected parties that were identified and who were sent a letter when PPC5 was notified. The submitter states that:
- ...those of us who live nearby in a no-exit street must pass through this area and the resulting traffic congestion will adversely affect our quality of life and the value of our properties, so we are indeed directly affected (see point 3 below), but received no such letter.*
965. PPC5 was publicly notified according to clause 5 of Schedule 1 of the RMA. Letters were sent to those people considered to be directly affected by PPC5, which includes all those properties within the PPC5 area and properties adjacent to the boundary of PPC5 area, in accordance with clause 5(1A) of Schedule 1 of the RMA. I am satisfied that that proper notification processes were followed and I do not support submission point 30.2.
966. Submission points 36.6, 36.15, 36.21 and 36.24 all relate to referencing the Westgate Metropolitan Centre. **Submission point 36.6** seeks amendments to the precinct description to include reference to the Westgate Metropolitan Centre and the area's proximity to that centre. **Submission point 36.15** seeks amendments to I616.1. Precinct Description as follows:
-The purpose of the precinct is for the area to be developed as a liveable, compact and accessible community with a mix of high quality residential and employment opportunities, while taking into account the natural environment and the proximity of the Westgate Metropolitan Centre and Whenuapai Airbase...*
967. **Submission point 36.21** seeks to amend Objective I616.2(1) as follows:
- (1) Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the proximity of parts of the precinct to the Westgate Metropolitan Centre and the strategic importance of Whenuapai Airbase.*
968. **Submission point 36.24** seeks amendments to I616.3. Policies to include an additional policy as follows:
- Encourage intensive development in the immediate vicinity of the Westgate Metropolitan Centre.*
969. The Metropolitan Centre has been recognised through the application of zones to the PPC5 area. The highest density residential zone, Residential – THAB Zone has been applied to the part of the precinct that is closest to the Metropolitan Centre. However the Metropolitan Centre is not in, or contiguous with the PPC5 boundary and in my opinion it does not require a specific reference in the precinct provisions or in Objective I616.2(2). An additional policy as suggested in submission point 36.24 is not necessary as the Metropolitan Centre has been recognised by applying the Residential – THAB zone in the area closest to the Metropolitan Centre. This suggested policy duplicates Policy B2.2.2(5)(a) of the RPS which states that higher residential intensification should be enabled around centres.
970. For the reasons stated in paragraph 969 I do not support the submission points that relate to referencing the Westgate Metropolitan Centre.
971. **Submission point 36.12** generally supports the assessment criteria proposed at I616.8.2 as a comprehensive yet targeted set of matters to be addressed when considering subdivision or development in the precinct area. I note the submitter's support however the

reporting team does not recommend accepting the submitter's suggested amendments to the activity table therefore I recommend accepting this submission point in part. The submitter's suggested amendments to I616.4 Activity Table are discussed in section 10.15 of this report.

972. **Submission point 51.6** requests that the provisions in their submission are reviewed with a focus on the effects of development and the need to provide increased housing in the area, and PPC5 is amended as appropriate. The other submission points from this submitter seek:
- rezoning of sites zoned Residential – Single House to Residential – Mixed Housing Urban (submission point 51.2 discussed in section 10.4.2)
 - a review of proposed road alignments, classifications and responsibility for providing roads (submission point 51.3 discussed in section 10.5.4)
 - a review of reverse sensitivity provisions, in particular the acoustic protection contours (submission point 51.4, discussed in section 10.13.3)
 - a review of the coastal setback provisions (submission point 51.5 discussed in section 10.8.1).

973. As the reporting team do not recommend any changes in response to the submission points listed above, I do not support submission point 51.6.

Recommendations

974. I recommend that **submission points 3.6 and 4.12 be accepted in part** for the following reasons:
- a. I note the manhole is located outside of the property and have passed this information on to Watercare; and
 - b. I do not recommend to amend PPC5 in response to these submission points.
975. I recommend that **submission points 8.10, 8.11 and 22.15** be rejected for the following reasons:
- a. PPC5 seeks to change the land to urban zones to enable development however PPC5 does not contain any specific development proposals;
 - b. There are no local restoration activities or development proposals in PPC5; and
 - c. The relief sought in these submission points is unable to be granted through PPC5.
976. I recommend that **submission point 9.2 be accepted** as it supports PPC5.
977. I recommend that **submission point 18.7 be rejected** for the following reason:
- a. PPC5 is not proposing to require the vesting of land above and beyond what is currently required through the RMA and AUP (OP).
978. I recommend that **submission point 19.10 be rejected** for the following reason:
- a. Development contributions are governed by the Local Government Act 2002, it is not possible to reinstate them through PPC5.
979. I recommend that **submission point 19.23 be accepted** for the following reasons:
- a. Business Land Assessment report states that a neighbourhood centre is needed in the southern part of the plan change; and
 - b. The proposed Business - Neighbourhood Centre Zone is consistent with the Business Land Assessment report.
980. I recommend that **submission point 19.27 be rejected** for the following reasons:
- a. The North-West Transformation Area Wastewater Servicing Strategy outlines how the plan change area and wider northwest area will be serviced by wastewater;

- b. Existing AUP (OP) provisions are adequate to manage wastewater; and
- c. Existing AUP (OP) provisions and the provisions in Whenuapai 3 Precinct are adequate to manage stormwater.

981. I recommend that **submission point 22.4 be rejected** for the following reason:
- a. Weed management plans and signs to keep dogs on leads are outside of the remit of PPC5.
982. I recommend that **submission point 22.16 be rejected** for the following reasons:
- a. Whenuapai 3 Precinct has provisions to provide for amenity and environmental outcomes including Objectives I616.6.2(2), (7), (8), (9), (10) and (11) and their corresponding policies; and
 - b. I do not recommend any further changes to PPC5 in response to this submission point.
983. I recommend that **submission point 22.3 be rejected** for the following reason:
- a. Notification of resource consent applications will be subject to the tests under section 95 of the RMA.
984. I recommend that **submission point submission point 22.42 be rejected** for the following reason:
- a. The reporting team is not recommending any changes to I616.6 Standards in response to this submitter's other submission points, therefore I do not recommend any changes the I616.8.2 Assessment Criteria.
985. I recommend that **submission point 23.1 be rejected** for the following reason:
- b. The provisions in Whenuapai 3 Precinct do not control for staging.
986. I recommend that **submission point 30.2 be rejected** for the following reason:
- a. PPC5 was publically notified in accordance with section 5 of Schedule 1 of the RMA.
987. I recommend that **submission points 36.6, 36.15, 36.21 and 36.24 be rejected** for the following reasons:
- a. The Metropolitan Centre has been recognised through the application of zones to the PPC5 area;
 - b. The Metropolitan Centre is not in, or contiguous with the PPC5 boundary and it does not require a specific reference in the precinct provisions, or specifically in Objective I616.2(2); and
 - c. An additional policy is not required as suggested as it duplicates Policy B2.2.2(5)(a) of the RPS.
988. I recommend that **submission point 36.12 be accepted** in part for the following reasons:
- a. It supports I616.8.2 Assessment Criteria; and
 - b. The reporting team is not recommending changes the submitter is seeking through other submission points.
989. I recommend that **submission point 51.6 be rejected** for the following reason:
- a. The reporting team is not recommending any changes in response to the submitter's other submission points, therefore I do not support this submission point.
990. There are no consequential amendments associated with these recommendations.

11. Other recommended changes due to errors

Coastal Transition Zone

991. The Coastal - Coastal Transition Zone applies to land above mean high water springs that was typically un-zoned in previous district plans. The zone is administrative and was included in the AUP (OP) to account for improvements in the quality of information on the location of the line of mean high water springs. As the mapping of boundaries defined by mean high water springs is refined over time, this zone is expected to be no longer necessary.
992. In the zoning map of the notified PPC5, the small sections of Coastal - Coastal Transition Zone were rezoned in error and the proposed zone of the neighbouring site was applied. A section of the coast with the Coastal – Coastal Transition Zone is shown in the figures below. Figure 9 shows the Coastal – Coastal Transition Zone in the current AUP (OP) map next to the existing Future Urban Zone. Figure 10 shows the Coastal – Coastal Transition Zone shown as Residential – Single House Zone in the notified PPC5.



Figure 9: the Coastal – Coastal Transition Zone shown hatched in the AUP (OP) map

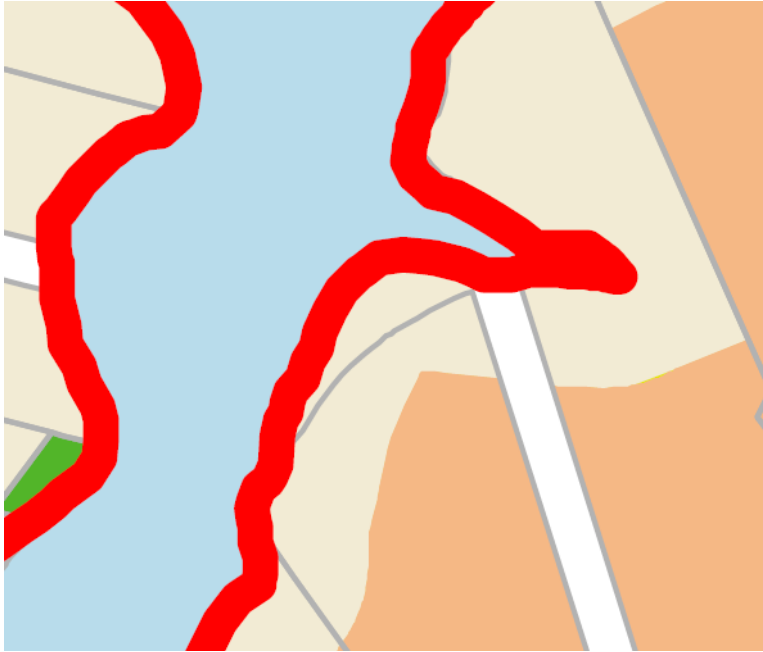


Figure 10: the Coastal – Coastal Transition Zone shown as Residential - Single House Zone in the notified PPC5

Recommendation

993. I recommend that the Coastal Transition Zone is reinstated to the PPC5 area. The amended zoning map can be seen in Appendix 6.

Standard I616.6.10

994. Standard I616.6.10 contains the requirements for development within the aircraft engine testing noise boundaries.
- (1) *Between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries as shown on Whenuapai 3 Precinct Plan 3, new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise must provide sound attenuation and related ventilation and/or air conditioning measures:*
 - (a) *to ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB L_{dn} ; and*
 - (b) *that are certified to the council's satisfaction as being able to meet Standard I616.6.10(2)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and*
 - (c) *so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4, or any equivalent standard which replaces it, with all external doors of the building and all windows of the habitable rooms closed.*
995. These requirements are consistent with the approach taken in D24 Aircraft Noise Overlay for the establishment of new activities sensitive to aircraft noise. However because Standard I616.6.10 controls the effects of engine testing noise (as opposed to aircraft noise), it refers to activities sensitive to noise instead of activities sensitive to aircraft noise.
996. I note that there is a minor error in Standard I616.6.10(1)(b) as notified. It should read:

(b) that are certified to the council's satisfaction as being able to meet Standard I616.6.10(12)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and

Recommendation

997. I recommend that Standard I616.6.10(1)(b) is amended as shown in paragraph 996.

12. Conclusions

998. Submissions have been received in support of and in opposition to PPC5. The majority of submitters are in support of PPC5 but are seeking amendments. The main issues the submitters raised are around transport and infrastructure provision, aircraft engine testing noise boundaries, the indicative road layout, the coastal setback yard, stormwater management and zoning. The submitters that were in opposition to the plan change wanted to keep the rural aspects of Whenuapai.

999. Having considered all of the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PPC5 be adopted subject to the amendments to the text and planning maps of the AUP (OP) as set out in Appendix 5 to this report.

1000. Adoption of PPC5:

- a. will assist the council in achieving the purpose of the RMA;
- b. give effect to the National Policy Statement on Urban Development Capacity;
- c. give effect to National Policy Statement on Freshwater Management;
- d. will give regard to RPS of the AUP (OP); and
- e. is consistent with the Auckland Plan.

13. Recommendations

1001. That, the Hearing Commissioners accept, accept in part or reject the submission points as outlined in section 10 of this report.

1002. That, as a result of the recommendations on the submissions, the Auckland Unitary Plan (Operative in Part) be amended by:

- the inclusion of:
 - i. Chapter I Precincts – I616 Whenuapai 3 Precinct
 - ii. Chapter L Schedule - 14.1 Table 1 Places, 14.1 Table 2 Areas, 14.2.13 Clarks Lane Historic Heritage Area.
 - iii. Chapter M Appendices - Appendix 17
 - iv. additions to the Historic Heritage Overlay
 - v. additions to the control map, the Storm Water Management Area Flow -1 (SMAF-1) – control is added to the plan change area.as set out in Proposed Plan Change 5 (Whenuapai Plan Change) to the Auckland Unitary Plan (Operative in Part).
- the inclusion of the amendments to Proposed Plan Change 5 in response to submissions as set out in Appendix 5 to this report.

14. Signatories

	Name and title of signatories
Authors	Anne Bradbury, Principal Planner, North West and Islands Planning Emily Ip, Principal Planner, North West and Islands Planning Wayne Siu, Planner, North West and Islands Planning
Reviewer / Approver	Eryn Shields, Team Leader, North West and Islands Planning

ATTACHMENT 1
PROPOSED PLAN CHANGE 5 AS NOTIFIED

Auckland Unitary Plan Operative in part

PROPOSED PLAN CHANGE 5

Whenuapai

Public notification: 21 September 2017

Close of submissions: 19 October 2017

This is a council initiated plan change

In accordance with Section 86B (3) of the RMA the proposed plan change rules in chapter L have immediate legal effect.

Explanatory note – not part of proposed plan change

The proposed changes to the Auckland Unitary Plan seek to rezone approximately 360 hectares of mostly Future Urban zoned land to a mix of business and residential zones.

As well as the proposed zoning changes there are proposed text changes to the following sections of the Auckland Unitary Plan Operative in Part:

- Chapter I Precincts – inclusion of a new precinct I616 Whenuapai 3 Precinct
- Chapter L Schedule - 14.1 Table 1 Places, 14.1 Table 2 Areas, 14.2.13 Clarks Lane Historic Heritage Area.
- Chapter M Appendices - Appendix 17.

There are proposed additions to the Historic Heritage Overlay. These changes have immediate legal effect from notification date.

There are proposed changes to the control map, the Storm Water Management Area Flow Control -1 (SMAF-1) is added to the plan change area.

Plan change provisions

Note:

Amendments proposed by this proposed plan change to the Auckland Unitary Plan are shown on the Unitary Plan GIS Viewer - "Appeals and Plan Modification" layer and are symbolised with a black hatching.

Proposed Whenuapai Plan Change: Text Changes to the Auckland Unitary Plan (Operative in Part)

Addition to Chapter I Precincts West

I616. Whenuapai 3 Precinct

I616.1. Precinct Description

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

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

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

Whenuapai 3 Precinct Plan 1 shows:

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

Whenuapai 3 Precinct Plan 2 shows:

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

Whenuapai 3 Precinct Plan 3 shows:

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

Integration of Subdivision and Development with Infrastructure

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

Transport

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

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

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

Neighbourhood Centre

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

Stormwater Management

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

Coastal Erosion Risk

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

Biodiversity

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

Open Space

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

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

Reverse Sensitivity Effects on Whenuapai Airbase

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

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

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

Aircraft Engine Testing Noise

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

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

Zoning

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

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

I616.2. Objectives

- (1) Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the strategic importance of Whenuapai Airbase.
- (2) Subdivision, use and development achieves a well-connected, safe and healthy environment for living and working with an emphasis on the public realm including parks, roads, walkways and the natural environment.

Integration of Subdivision and Development with the Provision of Infrastructure

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

Transport

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

Development in the Neighbourhood Centre Zone

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

Stormwater Management

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

Coastal Erosion Risk

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

Biodiversity

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

Open Space

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

Reverse Sensitivity Effects on Whenuapai Airbase

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

Aircraft Engine Testing Noise

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

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

I616.3. Policies

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

Integration of Subdivision and Development with the Provision of Infrastructure

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

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

Transport

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

Development in the Neighbourhood Centre Zone

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

Stormwater Management

- (12) Require subdivision and development within the Whenuapai 3 Precinct to:
- (a) apply an integrated stormwater management approach;
 - (b) manage stormwater diversions and discharges to enhance the quality of freshwater systems and coastal waters; and
 - (c) be consistent with the requirements of the Whenuapai 3 Precinct Stormwater Management Plan (2017) and any relevant stormwater discharge consent.
- (13) Require development to:
- (a) avoid locating new buildings in the 1 per cent annual exceedance probability (AEP) floodplain;

- (b) avoid increasing flood risk; and
 - (c) mitigate existing flood risk where practicable.
- (14) Ensure stormwater outfalls are appropriately designed, located and managed to avoid or mitigate adverse effects on the environment, including:
- (a) coastal or stream bank erosion;
 - (b) constraints on public access;
 - (c) amenity values; and
 - (d) constraints on fish passage into and along river tributaries.

Coastal Erosion Risk

- (15) Avoid locating new buildings on land within the Whenuapai 3 coastal erosion setback yard.
- (16) Avoid the use of hard protection structures to manage coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.

Biodiversity

- (17) Recognise the role of riparian planting in the precinct to support the ecosystem functions of the North-West Wildlink.
- (18) Avoid stream and wetland crossings where practicable, and if avoidance is not practicable, ensure crossings take the shortest route to minimise or mitigate freshwater habitat loss.
- (19) Require, at the time of subdivision and development, riparian planting of appropriate native species along the edge of permanent and intermittent streams and wetlands to:
- (a) provide for and encourage establishment and maintenance of ecological corridors through the Whenuapai area;
 - (b) maintain and enhance water quality and aquatic habitats;
 - (c) enhance existing native vegetation and wetland areas within the catchment;
and
 - (d) reduce stream bank erosion.

Open Space

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

- (21) Only allow amendments to the location and alignment of the open space where the amended open space can be demonstrated to achieve the same size and the equivalent functionality.

Reverse Sensitivity Effects on Whenuapai Airbase

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

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

Aircraft Engine Testing Noise

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

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

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

I616.4. Activity table

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

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

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

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

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

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

I616.5. Notification

- (1) Any application for resource consent for an activity listed in Table I616.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the council will give specific consideration to those persons listed in Rule C1.13(4).

I616.6. Standards

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

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

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

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

I616.6.1. Compliance with Whenuapai 3 Precinct Plans

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

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

I616.6.2. Transport infrastructure requirements

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

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

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

Table I616.6.2.1 Local transport infrastructure requirements

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

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

1616.6.3. Stormwater management

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

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

I616.6.4. Riparian planting

- (1) The riparian margins of a permanent or intermittent stream or a wetland must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.
- (2) Riparian margins must be offered to the council for vesting.
- (3) The riparian planting proposal must:
 - (a) include a plan identifying the location, species, planting bag size and density of the plants;
 - (b) use eco-sourced native vegetation where available;
 - (c) be consistent with local biodiversity;
 - (d) be planted at a density of 10,000 plants per hectare, unless a different density has been approved on the basis of plant requirements.
- (4) Where pedestrian and/or cycle paths are proposed, they must be located adjacent to, and not within, the 10m planted riparian area.
- (5) The riparian planting required in Standard I616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.
- (6) The riparian planting required by Standard I616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.

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

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

Table I616.6.5.1 Whenuapai 3 coastal erosion setback yard

Area	Coastal erosion setback yard
------	------------------------------

A	41m
B	40m
C	26m
D	35m

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

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

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

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

I616.6.8. Roads

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

I616.6.9. Development in the Neighbourhood Centre Zone

I616.6.9.1. Access

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

I616.6.9.2. Building frontage

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

I616.6.9.3. Verandas

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

I616.6.10. Development within the aircraft engine testing noise boundaries

- (1) Between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries as shown on Whenuapai 3 Precinct Plan 3, new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise must provide sound attenuation and related ventilation and/or air conditioning measures:
 - (a) to ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB L_{dn} ; and
 - (b) that are certified to the council's satisfaction as being able to meet Standard I616.6.10(2)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and

- (c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4, or any equivalent standard which replaces it, with all external doors of the building and all windows of the habitable rooms closed.

I616.6.11. Lighting

- (1) No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am:

- (a) searchlights; or

- (b) outside illumination of any structure or feature by floodlight.

I616.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I616.8. Assessment – restricted discretionary activities

I616.8.1. Matters of discretion

The council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide and zone provisions.

- (1) Subdivision and development:
 - (a) safety, connectivity, walkability, public access to the coast and a sense of place;
 - (b) location of roads and connections with neighbouring sites;
 - (c) functional requirements of the transport network, roads and different transport modes;
 - (d) site and vehicle access, including roads, rights of way and vehicle crossings;
 - (e) location of buildings and structures;
 - (f) provision of open space; and
 - (g) provision of the required local transport infrastructure or an appropriate alternative measure.
- (2) Use and development in the Neighbourhood Centre Zone:
 - (a) the design and location of onsite parking and loading bays; and
 - (b) building setbacks from Hobsonville Road and the realigned Trig Road.

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

I616.8.2. Assessment criteria

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

- (1) Subdivision and development:
 - (a) the extent to which any subdivision or development layout is consistent with and provides for the upgraded roads and new indicative roads shown on the Whenuapai 3 Precinct Plan 2;
 - (b) the extent to which any subdivision or development provides for public access to the coast;
 - (c) the extent to which any subdivision or development layout achieves a safe, connected and walkable urban form with a sense of place;

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

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

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

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

- (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
 - (i) whether public access to the coast is affected;
 - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
 - (iii) refer to Policy E38.3(2).

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

1616.9. Special information requirements

(1) Riparian planting plan

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

(2) Permanent and intermittent streams and wetlands

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

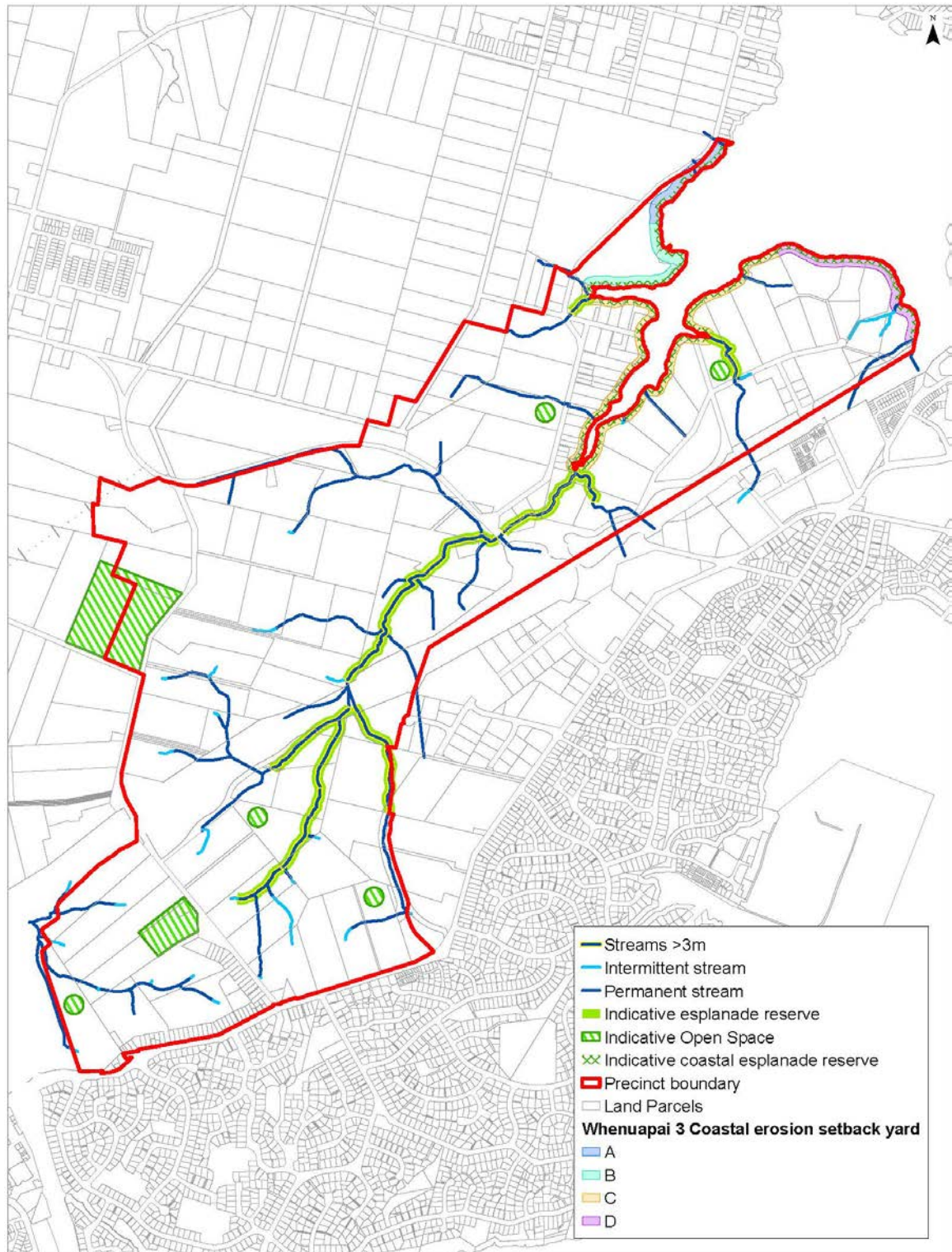
(3) Stormwater management

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

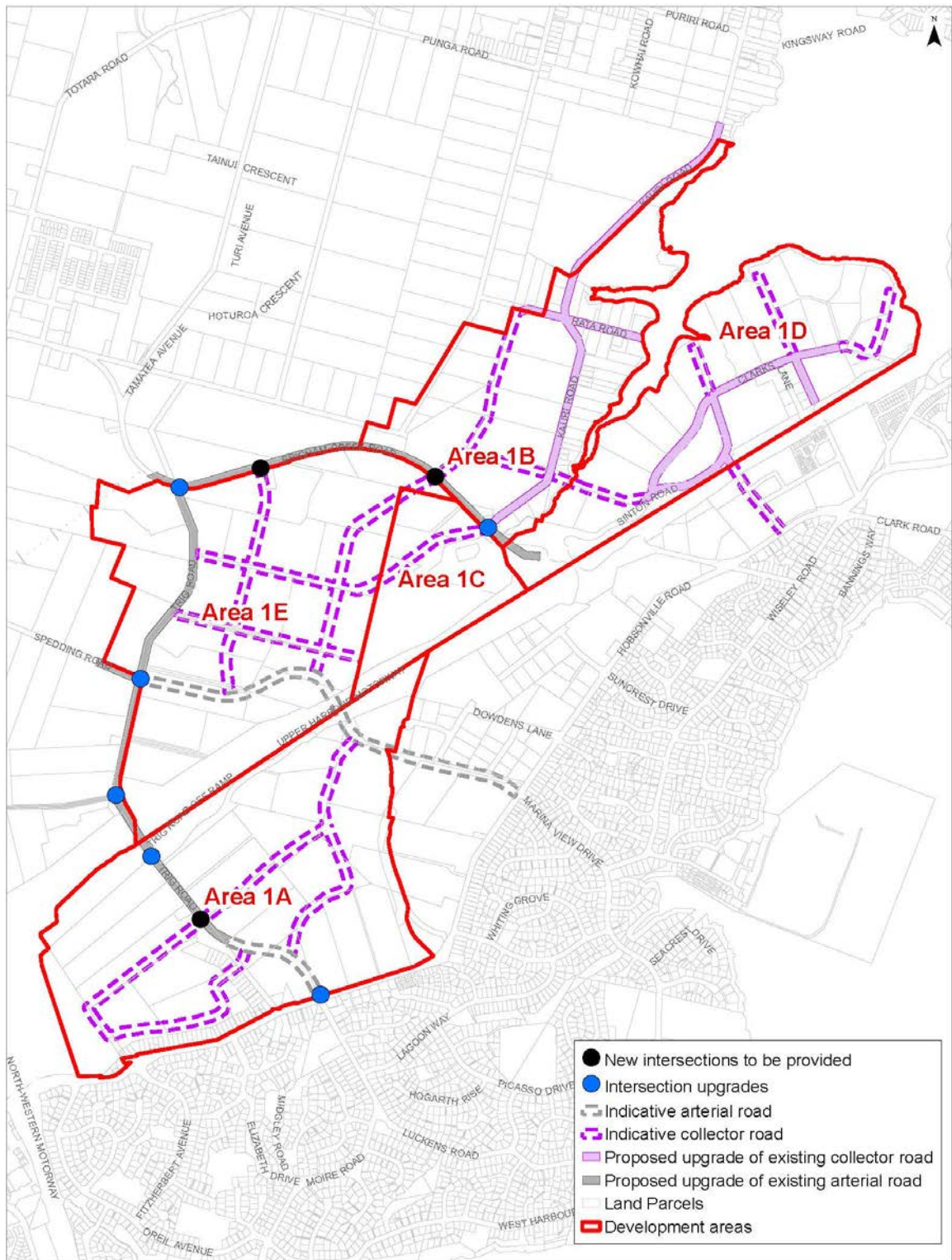
- (a) areas where stormwater management requirements are to be met on-site and where they will be met through communal infrastructure;
- (b) the type and location of all public stormwater network assets that are proposed to be vested in council;
- (c) consideration of the interface with, and cumulative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

I616.10. Precinct plans

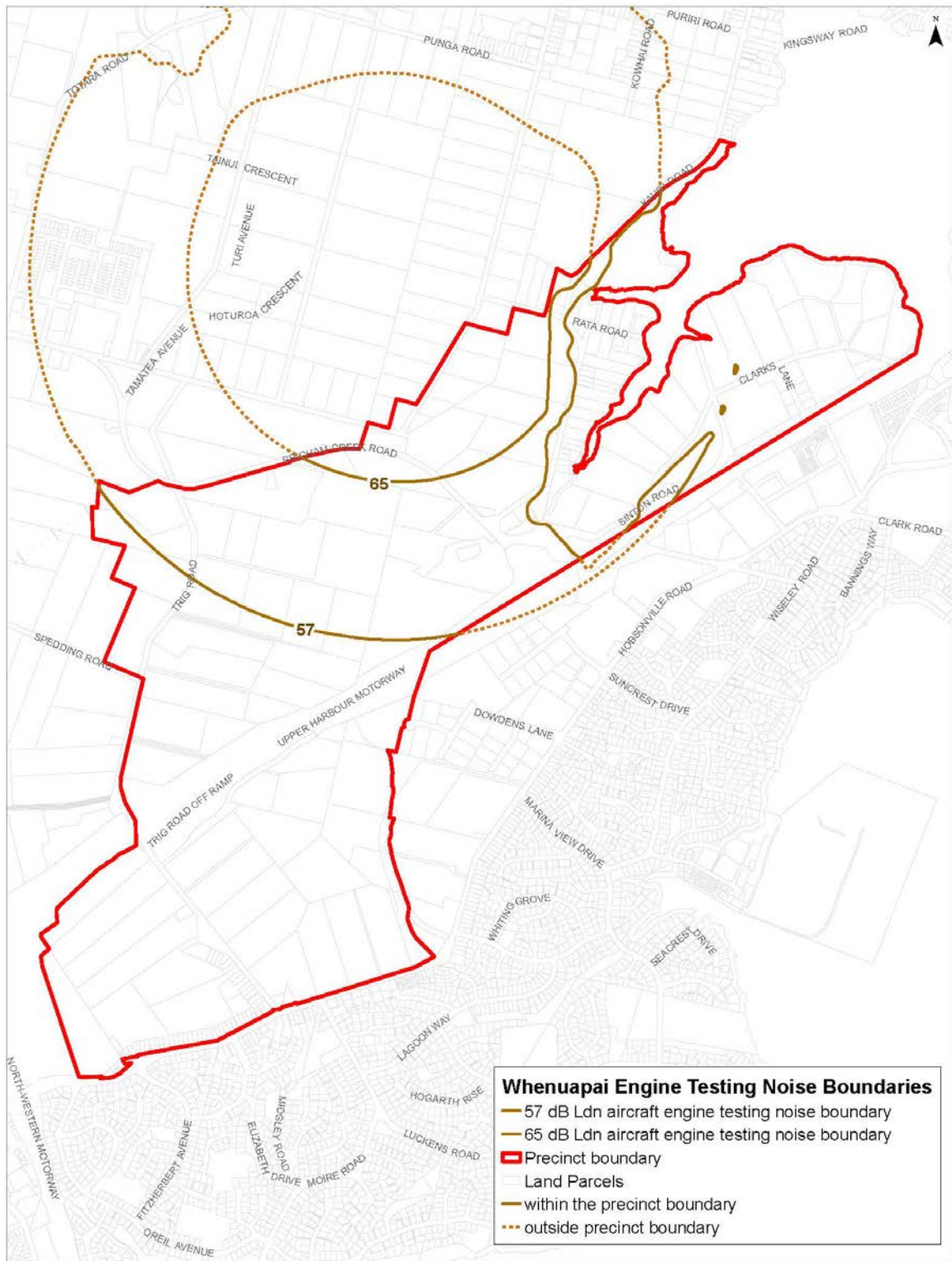
I616.10.1. Whenuapai 3 Precinct Pan 1



I616.10.2. Whenuapai 3 Precinct Plan 2



I616.10.3. Whenuapai 3 Precinct Plan 3



Addition to Schedule 14.1 Table 1 Places

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

Deletion of existing schedule entries from 14.1 Table 1 Places

ID	Place Name and/or Description	Verified Location	Verified Legal Description	Category	Primary Feature	Heritage Values	Extent of Place	Exclusions	Additional Rules for Archaeological Sites or Features	Place of Maori Interest or Significance
00135	Worker's Dwelling	9 Clarks Lane, Hobsonville	LOT 1 DP 411781	B		A,F	Refer to planning maps	Interior of building(s)		
00246	Worker's Residence	5 Clarks Lane, Hobsonville		B		A,F	Refer to planning maps	Interior of building(s)		
00247	Worker's Residence	4 Clarks Lane, Hobsonville		B		A,F	Refer to planning maps	Interior of building(s)		
00248	Worker's Residence	6 Clarks Lane, Hobsonville		B		A,F	Refer to planning maps	Interior of building(s)		
00249	Worker's Residence	10 Clarks Lane, Hobsonville		B		A,B,F,H	Refer to planning maps	Interior of building(s)		

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

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

					<u>in</u> <u>another</u> <u>schedule</u> <u>d historic</u> <u>heritage</u> <u>place</u>				<u>Clarks</u> <u>Lane (Lot</u> <u>5 DP</u> <u>411781)</u>
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Addition to Schedule 14.2

14.2.13 Clarks Lane Historic Heritage Area

Statement of significance

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

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

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

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

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

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

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

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

Map 14.2.13.1: Clarks Lane Historic Heritage Area



Addition to Appendix 17

I616 Whenuapai 3 Precinct

Whenuapai 3 Precinct Stormwater Management Plan (2017)

ATTACHMENT 2
SECTION 32 REPORT

**Proposed Whenuapai Plan Change
Section 32 Report**

21 September 2017

Contents

1. Introduction.....	6
1.1 Scope and purpose of the report.....	6
1.2 Overview of the plan change.....	6
1.3 The evaluation approach.....	8
2. The growth challenge.....	10
2.1 Background.....	10
2.2 Housing demand.....	11
2.3 Business demand	11
2.4 Infrastructure provision	12
3. Resource Management Act 1991	13
4. National and regional planning context	14
4.1 National policy documents	14
4.1.1 Hauraki Gulf Marine Park Act 2000.....	14
4.1.2 New Zealand Coastal Policy Statement	14
4.1.3 National Policy Statement for Freshwater Management.....	15
4.1.4 National Policy Statement on Urban Development Capacity	15
4.2 Auckland Unitary Plan (Operative in Part).....	15
4.3 Auckland Plan 2012.....	16
4.4 Future Urban Land Supply Strategy 2017	16
5. Development of the proposed plan change	18
5.1 The structure planning process.....	18
5.2 The plan change process.....	19
5.3 Consultation and engagement	20
5.3.1 Community and stakeholder engagement.....	20
5.3.2 Working in partnership with mana whenua.....	22
5.4 Extent of plan change area	24
5.4.1 Rationale for Stage 1 of the structure plan area	24
5.5 Options analysis	25
6. Resource management issues and desired outcomes	29
6.1 Integrated subdivision, use and development	29
6.2 Transport	31
6.2.1 Current planning provisions	31

6.2.2	Other relevant documents/reports.....	32
6.2.3	Technical inputs.....	36
6.3	Water supply and wastewater servicing	40
6.3.1	Current planning provisions	40
6.3.2	Planning response to issue	41
6.4	Stormwater management.....	41
6.4.1	Current Planning Provisions.....	43
6.4.2	Planning response to issue	46
6.5	Biodiversity	47
6.5.1	Current planning provisions	48
6.5.2	Planning response to issue	50
6.6	Coastal management – coastal erosion risk.....	50
6.6.1	Current planning provisions	51
6.6.2	Planning response to issue	53
6.7	Reverse sensitivity effects on Whenuapai Airbase	54
6.7.1	Current Planning Provisions.....	55
6.7.2	Planning response to issue	56
6.8	Aircraft engine testing noise.....	56
6.8.1	Current planning provisions	60
6.8.2	Planning response to issue	62
6.9	Historic heritage and trees	62
6.9.1	Current planning provisions	63
6.9.2	Planning response to heritage issue	64
6.10	Provision of open space.....	65
6.10.1	Current planning provisions	65
6.10.2	Planning response to issue	66
7.	Evaluation of objectives	68
7.1	Integrated subdivision, use and development	68
7.1.1	Objectives.....	68
7.1.2	Evaluation.....	68
7.2	Transport and other infrastructure.....	70
7.2.1	Objectives.....	70
7.2.2	Evaluation of the objectives	71

7.3	Stormwater management.....	72
7.3.1	Objective.....	72
7.3.2	Evaluation of the objective	73
7.4	Biodiversity	74
7.4.1	Objective.....	74
7.4.2	Evaluation of the objective	74
7.5	Coastal management – coastal erosion risk.....	75
7.5.1	Objective.....	75
	Coastal erosion risk	75
7.5.2	Evaluation of the objective	75
7.6	Reverse sensitivity effects on Whenuapai Airbase – lighting.....	77
7.6.1	Objective.....	77
7.6.2	Evaluation of the objective	77
7.7	Aircraft engine testing noise.....	78
7.7.1	Objective.....	78
7.7.2	Evaluation of the objective	78
7.8	Historic heritage.....	79
7.9	Provision of open space.....	80
7.9.1	Objective.....	80
	Provision of open space	80
7.9.2	Evaluation of the objective	80
8.	Assessment of provisions	82
8.1	Integrated subdivision, use and development	82
8.1.1	Risk assessment.....	82
8.1.2	Assessment of the provisions	82
8.2	Transport	89
8.2.1	Risk assessment.....	89
8.2.2	Assessment of the provisions	90
8.3	Stormwater management.....	94
8.3.1	Risk assessment.....	94
8.3.2	Assessment of the provisions	94
8.4	Biodiversity	101
8.4.1	Risk assessment.....	101

8.4.2	Assessment of the provisions	101
8.5	Coastal management – coastal erosion risk.....	107
8.5.1	Risk assessment.....	107
8.5.2	Assessment of the provisions	107
8.6	Reverse sensitivity effects on Whenuapai Airbase – lighting.....	115
8.6.1	Risk assessment.....	115
8.6.2	Assessment of the provisions	115
8.7	Aircraft engine testing noise.....	118
8.7.1	Risk assessment.....	118
8.7.2	Assessment of the provisions	118
8.8	Historic heritage.....	122
8.8.1	Risk assessment.....	122
8.8.2	Assessment of the provisions	122
8.9	Provision of open space.....	124
8.9.1	Risk assessment.....	124
8.9.2	Assessment of the provisions	124
9.	Section 86B of the RMA.....	126
10.	Conclusion	127
	References	128
	Appendix 1: Draft Whenuapai Plan Change – Summary of Feedback and Responses	130
	Appendix 2: Whenuapai Plan Change Stage 1 Technical Inputs – Draft Triggers for Transport Investment	135

1. Introduction

1.1 Scope and purpose of the report

This report has been prepared by Auckland Council to fulfil the statutory requirements of section 32 of the Resource Management Act 1991 (RMA or the Act). It is a record of the processes and evaluation undertaken for the Proposed Whenuapai Plan Change (plan change) to the Auckland Unitary Plan (Operative in Part) (AUP (OP)), in accordance with section 32 of the RMA.

When preparing a plan change (proposal) under the RMA, the council must carry out an evaluation under section 32 of the Act. This evaluation must occur prior to the public notification of any proposed plan change. A section 32 evaluation report examines:

- the extent to which the objectives of the proposals are the most appropriate way to achieve the purpose of the RMA – these are specific objectives being introduced or amended, or the purpose of the proposal (if they do not relate to specific objectives); and
- whether the provisions of the proposal are the most appropriate way to achieve the objectives – these are the specific policies, rules and other methods that implement, or give effect to, the objectives of the proposal.

The evaluation report must be made available at the same time as the plan change being notified.

1.2 Overview of the plan change

Whenuapai is located approximately 23 kilometres northwest of central Auckland, with a majority of the area being currently zoned Future Urban under the AUP (OP). This plan change proposes to rezone 351 hectares of land in the southern part of Whenuapai, most of which is zoned Future Urban, to a mix of residential and business zones.

While the predominant zoning of the land within the plan change area is Future Urban, the plan change also includes a small area of existing Residential – Mixed Housing Urban Zone along Hobsonville Road, Business – Light Industry Zone south of State Highway 18, Open Space – Conservation Zone and Open Space – Informal Recreation Zone.

The plan change area and existing AUP (OP) zoning are shown in Figure 1 following.

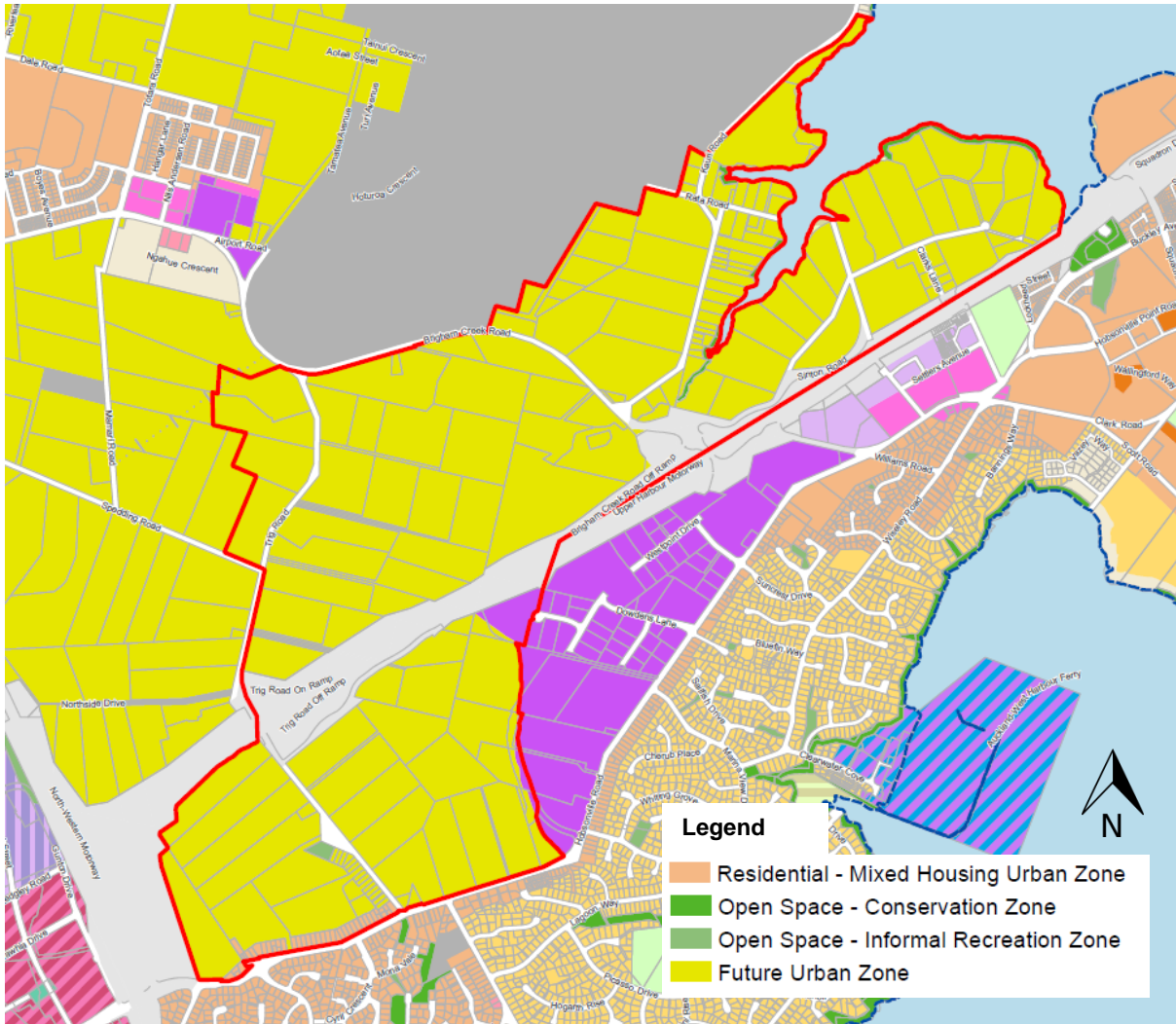


Figure 1: Proposed plan change area shown within the red line

The existing area is predominantly rural with a mix of lifestyle blocks generally located along Kauri Road, and low density housing along the western end of Hobsonville Road and the southern end of Trig Road. There is a Special Housing Area established at Ockleston Landing, immediately north of Hobsonville Centre, which will provide 70 to 80 dwellings of various housing types. The first houses will be available there at the end of 2017 with the entire development projected to be completed by the end of 2018.

In addition to rezoning, this plan change also introduces a new precinct to ensure subdivision, use and development within the plan change area are integrated with infrastructure provision and take into account the sensitive receiving environment of the Upper Waitematā Harbour. The precinct is the part of the plan change that contains the majority of text and contains the objectives, policies, rules and other methods.

Amendments are also proposed to Schedule 14.1 Schedule of Historic Heritage and Schedule 14.2 Historic Heritage Areas – Maps and statements of significance of the AUP (OP), to recognise a new historic heritage site in the plan change area and the new Clarks Lane Historic Heritage Area.

A stormwater management area – Flow 1 control is proposed to be applied to the whole plan change area.

1.3 The evaluation approach

This section outlines how the plan change will be evaluated. This report follows the evaluation approach described in Table 1 below.

In line with section 32(6) of the RMA, and for the purposes of this report, the following definitions are used:

- **the proposal** refers to this plan change;
- **the objectives** refers to the objectives of the Proposed Whenuapai 3 Precinct; and
- **the provisions** refers to the policies, rules and other methods that implement the objectives of the Proposed Whenuapai 3 Precinct.

The plan change is not seeking to alter existing provisions in the AUP (OP). The AUP (OP) contains existing objectives, policies and rules which have been used as a basis for the additional, and more specific, provisions in this plan change.

Table 1: Evaluation approach

Section 2	The growth challenge	This section outlines the overarching issue, being Auckland’s growth challenge, which the plan change seeks to contribute to addressing.
Section 3	Resource Management Act 1991	This section sets out the RMA purpose and principles.
Section 4	Strategic context	This section provides strategic context for this plan change by providing an overview of relevant statutory and non-statutory planning documents.
Section 5	Development of the plan change	This section provides information on how the plan change was developed and includes an evaluation of the options. In this section, the options considered are in relation to the overall approach of the plan change, rather than for each individual resource management issue.
Section 6	Resource management issues and desired outcomes	This section identifies the resource management issues to be resolved, states the desired outcomes for each issue and describes how the issues are being addressed through the current planning provisions (status quo).
Section 7	Evaluation of the objectives	This section states the objectives of the plan change and examines the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA. This section of the report fulfils the requirements of section 32(1)(a) of the Act.

Section 8	Assessment of the provisions	This section evaluates reasonably practicable options for achieving the objectives of the plan change. An evaluation of whether the provisions are the most appropriate way of achieving the objectives of the plan change is provided. This section fulfils the requirements of sections 32(1)(b) and 32(2) of the Act.
Section 9	Section 86B of the RMA	This section describes the provisions of this plan change that have immediate legal effect under section 86B of the RMA.
Section 10	Conclusions	This section is the conclusion for this report.

2. The growth challenge

The population of Auckland was 1,493,200 people at the time of the 2013 Census and was estimated to be over 1.6 million in 2016. By 2043, the population is projected to grow to 2.3 million¹. To accommodate this population growth, an adequate supply of housing and jobs will be required alongside significant further investment in infrastructure. The Auckland Plan 2012 anticipates that 400,000 new dwellings and 277,000 additional jobs will be needed to accommodate Auckland's population by 2040. As part of a quality compact approach to growth, up to 240,000 dwellings are expected to be developed within the existing urban area. However, up to 160,000 dwellings and 1,400 hectares of business land will be required outside the existing urban area, in the land zoned Future Urban in the AUP (OP).

2.1 Background

Auckland's northwest has been identified for future urban growth since the late-1990s/early-2000s and a number of strategic documents from the last two decades help inform the council's current plans and strategies for urban growth in the northwest.

The Auckland Regional Growth Strategy 1999 identified the area immediately south of Whenuapai and land along Hobsonville Road and at Westgate as future growth areas. The shortage of business land in the west was acknowledged in that document and in the 2001 Northern and Western Sectors Agreement which was signed by the former North Shore City, Waitakere City and Rodney District Councils. It identified the Brigham Creek/Waiarohia area was identified as an existing rural area with capacity for growth.

In 2010, the former Waitakere City Council published the Best for the West – Growth Management Strategy for Waitakere. That strategy suggested staged new urban development at Redhills, Trig Road and Whenuapai and prioritised structure planning for the Whenuapai Business Area and Hobsonville Corridor West. The structure planning exercise undertaken by the council in 2016 generally aligned with the approach of this strategy.

A concept plan for the area was prepared in 2010.² The plan included land at Redhills, Westgate, Whenuapai North, the triangle south of Brigham Creek Road between State Highway 16 and State Highway 18, Hobsonville Corridor West, Hobsonville Corridor, Hobsonville Point and Scott Point. Land between State Highway 16, State Highway 18 and Brigham Creek Road was identified as business land. It also identified Hobsonville Corridor West (Trig Road area, south of SH18) as development ready in 2020 and Whenuapai North as scheduled for development after 2030.

Subsequent council documents including the Auckland Plan (2012), AUP (OP), Future Urban Land Supply Strategy (2015), the Whenuapai Structure Plan (2016) and the updated

¹ Based on medium growth scenario, Subnational Population Projections: 2013(base)-2043 update, Statistics New Zealand, 22 February 2017

² Whenuapai Development Area Stage Two: Hobsonville Corridor West and Whenuapai Business Area Planning Review and Revision of the Development Concept, 2010

Future Urban Land Supply Strategy (2017) all identify Whenuapai as a future urban growth area. The Whenuapai Structure Plan is discussed in section 5.1 of this report. The Future Urban Land Supply Strategy, adopted by the council in July 2017, identified Whenuapai Stage 1 as 'development ready' in 2018-2022 and Whenuapai Stage 2 ready in 2028-2032. Stage 1 in the Future Urban Land Supply Strategy is the same area as the plan change area.

2.2 Housing demand

Auckland has to ensure an adequate supply of a wide range of housing types to meet demand. While most of the growth is anticipated to be within existing urban areas, the Auckland Plan's Development Strategy expects 30 to 40 per cent of new dwellings to be in greenfield areas. Whenuapai is identified in the Auckland Plan as being a greenfield area for investigation.³

Based on historical trends, population forecasts and feedback received during the recent structure planning process undertaken in Whenuapai, there will be continued interest and strong demand for releasing land in Whenuapai for housing. This is due to its proximity to the Upper Waitemata Harbour, Westgate Centre and accessibility to the state highway network.

2.3 Business demand

2.3.1 Industrial land

Whenuapai is located between State Highways 16 and 18 with good accessibility to the rest of the Auckland region. This makes south western Whenuapai an ideal location for accommodating a significant proportion of future industrial growth in the northwest.

As identified in the structure plan and in previous council documents, there is a need to provide greenfield business land to provide employment opportunities. This is not only for the future population in Whenuapai but for the growing communities within neighbouring developments such as Scott Point and Redhills.

The Auckland Plan Development Strategy identifies that approximately 1400 hectares of Group 1 business land will be required across Auckland in greenfield areas over the next 30 years. Group 1 business land refers to land extensive activities such as manufacturing, transport and storage, logistics, construction and wholesale trade. These are industrial land uses with large buildings that are not easily intensified, so large tracts of land are required to accommodate them. The structure plan identified around 300 hectares of business land to assist in meeting demand for future industrial activities.

Demand for light industry land in the urban west and north is projected to be between six and nine hectares per annum (net) respectively over the next 30 years, or 243 hectares in the west and 350 hectares in the north (gross).⁴

³ Auckland Plan Map D.1 Development Strategy Map

⁴ Market Economics, PAUP Business Land: Land Demand by Activity and PAUP Supply (2016).

This plan change proposes to rezone 124 hectares of future urban land to Business – Light Industry Zone. This will provide business land until Whenuapai Stages 1F and 2, as identified in the structure plan, are development ready. Figure 2 in section 5.1 shows a map of the structure plan area and its stages.

2.3.2 Retail and services

The plan change area is currently served by the existing Whenuapai Local Centre on Brigham Creek Road, Hobsonville Local Centre and Westgate Metropolitan Centre. All of these centres are outside of the plan change area.

Residential growth in the plan change area will result in an increase in the amount of retail and services spending by residents in the area. It is expected that a large proportion of retail spending will be in nearby centres such as Hobsonville and Westgate, but as Whenuapai develops, increased retail and services floor space will be required to cater for the demands of the local population.⁵

The only new centre proposed in the plan change area is a neighbourhood centre on the corner of Hobsonville Road and the proposed realigned Trig Road. This will complement the functions of the existing Whenuapai Local Centre that is located further north and will provide convenience retail particularly for existing and new residents in the plan change area located south of State Highway 18.

2.4 Infrastructure provision

It is essential that greenfield development is aligned and integrated with the provision of infrastructure. To enable development in Whenuapai and the wider northwest area, significant upgrades to existing water supply and wastewater networks are required, along with regional and local upgrades to the transport network.

The Northern Interceptor wastewater project, when completed in 2025, will take wastewater from Whenuapai and Hobsonville to the Rosedale Wastewater Treatment Plant. In respect of water supply, the North Harbour 2 water main will provide public supply water from the Waitakere Ranges to West Auckland, North Shore and Rodney. This water main is anticipated to be completed by 2026.

In relation to transport, the Supporting Growth Strategy, a joint project between the council, Auckland Transport and the New Zealand Transport Agency, identifies a preferred transport network to support and enable growth in greenfield areas, including Whenuapai.

⁵ Market Economics, Whenuapai Structure Plan Business Land Assessment (2016)

3. Resource Management Act 1991

The Resource Management Act (RMA) provides a legislative framework for the sustainable management of natural and physical resources in New Zealand. The purpose of the Act is to promote the sustainable management of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety.

The principles of the RMA are stated in sections 6, 7 and 8 of the Act. An assessment against Part 2 of the RMA is provided in the evaluation of objectives for each topic in section 7 of this report.

Section 6 of the RMA contains the matters of national importance that are required to be recognised and provided for:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;
- (g) the protection of protected customary rights;
- (h) the management of significant risks from natural hazards.

Sections 6(a), (d), (e), (f) and (h) are relevant considerations for this plan change. They are discussed in section 7 of this report.

Section 7 of the RMA contains other matters which shall be given particular regard to:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:
 - (aa) the ethic of stewardship:
 - (b) the efficient use and development of natural and physical resources:
 - (ba) the efficiency of the end use of energy:

- (c) the maintenance and enhancement of amenity values:
- (d) intrinsic values of ecosystems:
- (e) [Repealed]
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

Of these matters, section 7(a), (b), (c), (d), (f) and (i) are considered to have particular relevance to this plan change.

The principles of the Treaty of Waitangi must also be taken into account under section 8 of the RMA. Section 5.3.2 of this report describes the involvement of mana whenua in the development of this plan change.

4. National and regional planning context

A number of strategic and statutory planning documents have informed the plan change process. This section provides a summary of those documents.

4.1 National policy documents

4.1.1 Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (HGMPA) applies to the Hauraki Gulf, its islands and catchments. This includes any area of land where the surface water drains into the Hauraki Gulf. As the plan change area drains into the Upper Waitematā Harbour within the Hauraki Gulf, the HGMPA is a relevant consideration.

Sections 7 and 8 of the HGMPA are treated as a national policy statement and a New Zealand coastal policy statement. Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf, its islands and catchments, while section 8 of this Act outlines the objectives of the management of the Hauraki Gulf, its islands and catchments. The objectives are intended to protect, maintain and where appropriate enhance the life-supporting capacity of the environment of the Gulf and its islands.

The HGMPA is further discussed in the stormwater management and coastal management sections of this report, sections 6.4 and 6.6.

4.1.2 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement 2010 (NZCPS) contains objectives and policies relating to the coastal environment to achieve the purpose of the RMA. The NZCPS is applicable to this plan change as the Upper Waitematā Harbour is the receiving environment

for the area. Specific provisions of the NZCPS are discussed in sections of this report that relate to stormwater management, biodiversity and coastal erosion risk.

4.1.3 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2011 (NPSFM) sets a national policy framework for managing freshwater quality and quantity. The NPSFM was updated in August 2017 to incorporate amendments from the National Policy Statement for Freshwater Amendment Order 2017. The amendments came into effect on 6 September 2017 and include provisions that seek to improve fresh water quality with a target to increase the proportion of rivers and lakes suitable for primary contact to 90 per cent by 2040. There are also new provisions that enable the use of freshwater for economic wellbeing.

The NPSFM is further discussed in the stormwater management and biodiversity sections of this report.

4.1.4 National Policy Statement on Urban Development Capacity

The National Policy Statement on Urban Development Capacity 2016 (NPS on Urban Development Capacity) came into effect on 1 December 2016. It recognises the national significance of urban environments and provides direction to decision-makers on planning for urban environments. The NPS on Urban Development Capacity seeks to ensure there is sufficient development capacity for housing and business with a suite of objectives and policies to guide decision-making in urban areas. There is an emphasis on integrated planning of land use, development and infrastructure provision.

Policy PA1 sets out housing and business land development capacity that local authorities are required to provide in the short, medium and long-term.

This plan change proposes to rezone the Future Urban Zone in part of Whenuapai to a range of residential and business zones which will provide opportunities for a range of dwelling types as well as employment opportunities for the local population. This will assist in providing sufficient development capacity for housing and business by enabling the development of approximately 6000 dwellings and 124 hectares of business land.

4.2 Auckland Unitary Plan (Operative in Part)

The AUP (OP) is the primary statutory planning document for Auckland. It is comprised of the regional policy statement, regional coastal plan, regional plan and district plan. The AUP (OP) provides the regulatory framework for managing Auckland's natural and physical resources while enabling growth and development, and protecting matters of national importance.

Of particular relevance to this plan change are the provisions relating to urban growth and the Future Urban Zone. The plan change area is zoned Future Urban, with the exception of some existing Residential – Mixed Housing Urban along Hobsonville Road and Business – Light Industry south of State Highway 18 at the plan change boundary.

Chapter B2 of the regional policy statement contains provisions directing urban growth and form in Auckland. There is strong direction to provide for Auckland's growing population in an integrated manner within the metropolitan area as defined in Appendix 1A of the AUP (OP). There is an emphasis on the need to provide for integrated land use, development and the provision of infrastructure, along with direction to avoid urbanisation without carrying out a structure planning exercise first. Appendix 1 of the AUP (OP) sets out the structure planning guidelines which are to be followed when undertaking a structure planning exercise.

The Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. Chapter H18 of the AUP (OP) contains the Future Urban Zone provisions. There is direction to avoid urbanisation of Future Urban zoned land until the sites have been rezoned for urban use.

Specific provisions of the AUP (OP) are discussed in other parts of this report.

4.3 Auckland Plan 2012

The Auckland Plan is the council's key strategic document which sets the council's social, economic, environmental and cultural objectives. A key component of the Auckland Plan is the Development Strategy⁶ which sets out how future growth will be accommodated up to 2040. The Development Strategy aims to provide for up to 70 per cent of growth within existing urban areas and up to 40 per cent outside of urban areas including greenfield areas, satellite towns and rural and coastal towns. As outlined in section 2 of this report, Whenuapai was identified in the Development Strategy as a greenfield area for investigation. The Development Strategy also identifies that approximately 1400 hectares of Group 1 business land (land extensive industrial activities) will be required across Auckland in new greenfield areas over the next 30 years.

4.4 Future Urban Land Supply Strategy 2017

The council's Future Urban Land Supply Strategy, refreshed in July 2017, implements the Auckland Plan and gives effect to the NPS on Urban Development Capacity by identifying a programme to sequence future urban land over 30 years. The strategy relates to greenfield land only and ensures there is 20 years of supply of development capacity at all times and a seven year average of unconstrained and ready to go land supply. Ready to go land is land with operative zoning and bulk services in place such as the require transport and water infrastructure.

⁶ Chapter D, Auckland Plan

The Future Urban Land Supply Strategy informs the council's infrastructure funding priorities and feeds directly into the council's long-term plans, annual plans and other strategic documents.

The refresh of the Future Urban Land Supply Strategy took into consideration the AUP (OP) and amended the sequencing of some future urban areas. Whenuapai Stage 1 (the same area as the plan change area) is identified as being development-ready between 2018 and 2022, while the timing for Whenuapai Stage 2 was amended to be sequenced for 2028-2032.

5. Development of the proposed plan change

5.1 The structure planning process

The structure planning process started in January 2016. In early 2016 a series of technical reports were commissioned by council to help develop an understanding of the opportunities and constraints for development within Whenuapai. New and updated information gathered included:

- Biodiversity Assessment
- Business Land Assessment
- Community Facility Provision Report
- Cultural Values Assessment (Te Kawerau a Maki)
- Integrated Transport Assessment
- Natural Character, Landscape and Visual Assessment
- Neighbourhood Design Statement
- Noise Assessment
- Parks and Open Space Report
- Preliminary Aboricultural Assessment
- Preliminary Coastal Habitat Assessment
- Preliminary Geotechnical and Coastal Erosion Assessment Report
- Preliminary Historic Heritage Assessment
- Preliminary Lighting Assessment
- Draft Stormwater Management Plan
- Wastewater Servicing Strategy.

The reports and previous research that had been undertaken in the area over the past decade were analysed. Council engaged with relevant government departments, iwi, representatives from the development community and residents and ratepayer groups. A draft structure plan was produced based on the above technical assessments and the engagement that was undertaken.

Public engagement on the draft plan was held in June-July 2016. Feedback from 172 different parties was received during this period. This feedback was analysed and helped to inform the final Whenuapai Structure Plan which was adopted by the Auckland Development Committee in September 2016. The approved structure plan represents an integrated land use and infrastructure plan to guide the subsequent plan changes. It also identified the staging of development based on availability of infrastructure. Stage 1 (comprising 1A to 1F) was identified as 'development-ready' in the next two to 10 years. The remainder of land, identified as Stage 2, will require further investment in new infrastructure beyond the next decade.

The structure plan staging approved by council in September 2016 is shown in Figure 2 below.

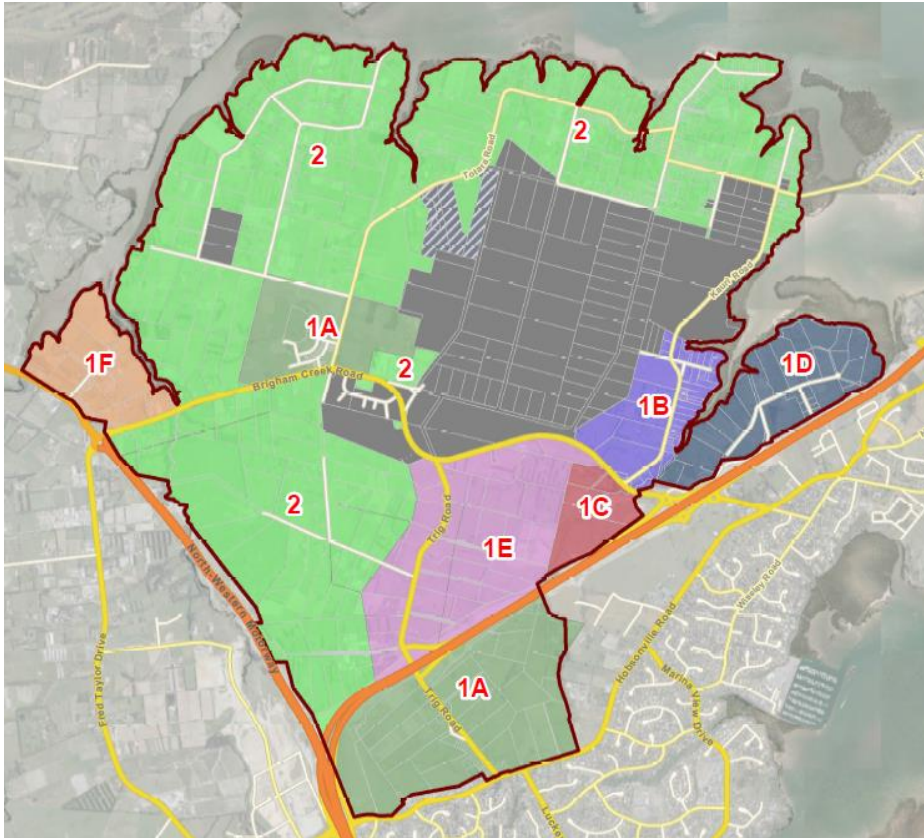


Figure 2: Whenuapai Structure Plan staging

The development of the structure plan followed the requirements of Appendix 1 of the AUP (OP).

5.2 The plan change process

A planning team led the development of the plan change supported by a Project Control Group which was made up of technical experts from the council and council controlled organisations. The planning team was guided by a Project Steering Group, comprising of managers from the different technical disciplines which met throughout the process.

A Political Reference Group comprising of elected members from the relevant wards, local boards and an Independent Maori Statutory Board Member provided oversight of the project. The Political Reference Group has continued to meet throughout the plan change development process and has provided guidance prior to Auckland Council Planning Committee meetings.

The structure of this is provided in Figure 3 below.

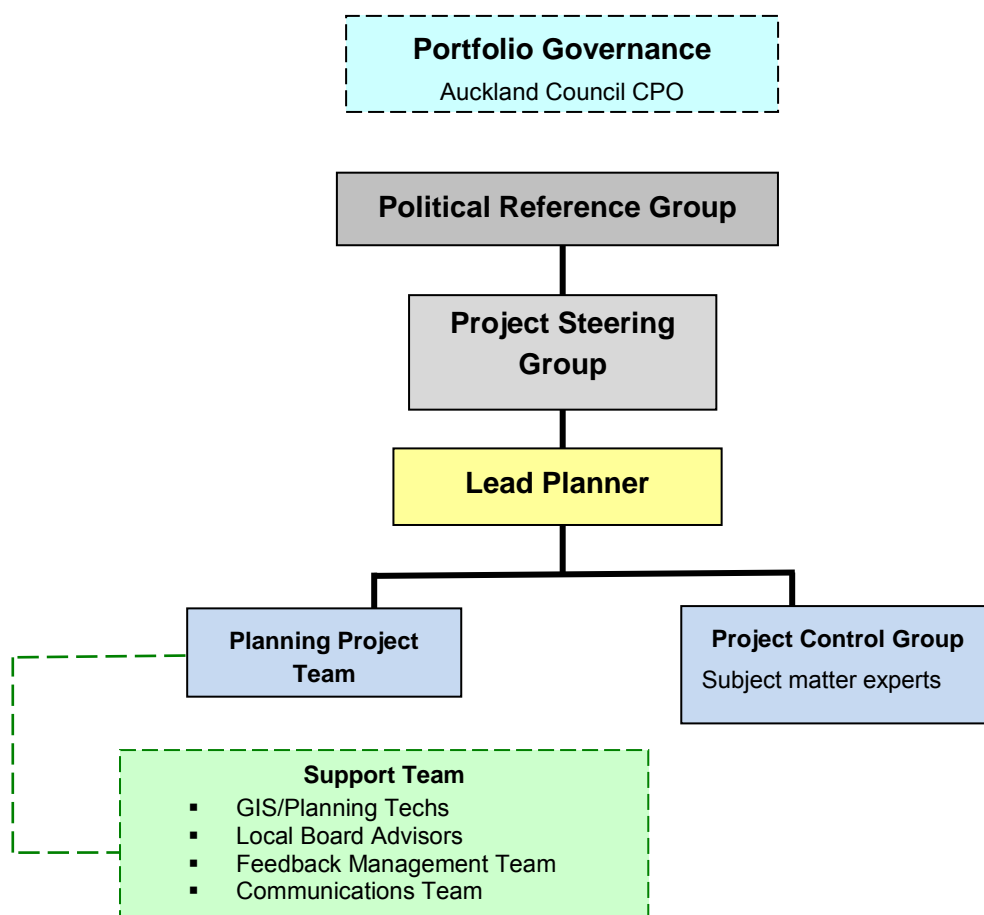


Figure 3: Whenuapai Plan Change Project Structure

The draft plan change was approved for public engagement at the Auckland Council Planning Committee meeting on 28 March 2017.

In addition to the Planning Committee, the relevant Local Boards have been involved in the plan change process. A memo was prepared for the Henderson Massey and Upper Harbour Local Boards in March 2017 to inform them of the report going to the Planning Committee on 28 March and update them on the plan change process.

5.3 Consultation and engagement

Continuing on from the structure plan process, from October 2016 to March 2017, meetings and workshops were held with key internal and external stakeholders including developers, New Zealand Defence Force, Ministry of Education and the New Zealand Transport Agency.

5.3.1 Community and stakeholder engagement

Information from these meetings and workshops informed the draft plan change that was put out for public engagement from 10 April to 14 May 2017.

During this five week period the following drop in sessions were held:

- Tuesday 11 April, 19:30-21:30, Whenuapai Village Hall
- Saturday 29 April, 10:00-14:00, Countdown Westgate Centre
- Sunday 30 April, 10:00-14:00, Countdown Hobsonville
- Tuesday 2 May, 7am-10:30, West Harbour Ferry Terminal
- Thursday 4 May, 19:30-21:30, Hobsonville Primary School
- Sunday 7 May, 9:00-13:00, Hobsonville Point Farmers Market.

There were also displays at Massey Library, an article in Our Auckland and an online presence at the council's consultation website, Shape Auckland.

Three-hundred and thirty people attended the drop in sessions and 41 pieces of feedback were received during the consultation period.

Key themes from the feedback as follows:

- Transport network – placement of indicative roads
- Open space – location of indicative parks
- Biodiversity – support for greater protection
- Extent of plan change area – some wanted Stage 1F and Stage 2 of the Whenuapai Structure Plan to be included in the plan change
- Zoning – there were some rezoning requests
- Whenuapai Airbase – people concerned about noise from the airbase and the New Zealand Defence Force concerned about reverse sensitivity effects.

A summary of the feedback received and council's response to it was placed on the Shape Auckland website and can be found in Appendix 1.

Changes have been made to the precinct provisions and the zoning map in response to the feedback received. There have also been changes made in response to additional technical work that was undertaken after the engagement period on the draft structure plan.

The consultation and engagement process is summarised in Figure 4 below.

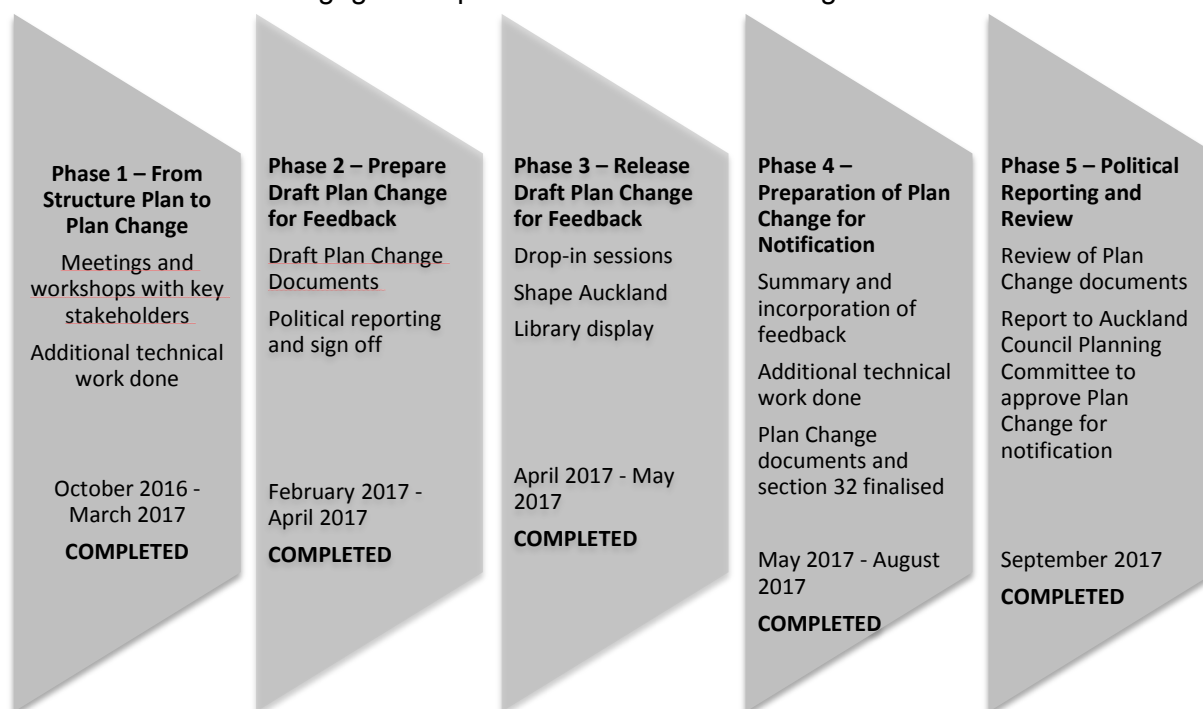


Figure 4: Whenuapai Plan Change Consultation and Engagement Process

Full public notification of the plan change will take place on 21 September 2017. In addition to the general public notice and the letters to relevant government departments and iwi, letters will also be sent to all owners and occupiers of the land which is directly affected by the plan change. The letters will provide information about the plan change process and set out the location on the council’s webpage where more information can be found about the plan change. The letters will provide contact details if the owners/occupiers have further questions or wish to discuss the process or plan changes further. It is considered appropriate and in accordance with Environment Court direction that all directly affected landowners are notified in writing about these plan changes.

5.3.2 Working in partnership with mana whenua

There are nine iwi groups with an interest in the area, Ngāti Paoa, Te Akitai Waiohua, Te Rūnanga o Ngāti Whātua, Ngāti Whātua o Kaipara, Te Kawerau a Maki, Ngāti Whātua o Ōrākei, Ngāti Manuhiri, Ngāti Te Ata Waiohua and Ngāti Maru.

All iwi listed above were contacted at the beginning of the structure plan process. Ngāti Whātua o Kaipara and Te Kawerau ā Maki worked in partnership with the council to develop the structure plan. The council’s planning team met with representatives from both iwi during and at the end of the structure planning process to discuss the plan change process.

Te Kawerau a Maki provided a cultural values assessment for the area as part of the structure planning process and Ngāti Whātua o Kaipara have provided their cultural values assessment during the plan change process.

A site visit was held with Ngāti Whātua o Kaipara representatives, council planners and council staff from Healthy Waters in late 2016. During this site visit the proposed approach to storm water was explained and Ngāti Whātua o Kaipara supported the approach and the efforts to map the streams in the area. A further site visit was held with Ngāti Whātua o Kaipara representatives and council planners on 4 May 2017. During this site visit the general plan change approach and proposals were explained.

After Schedule 1 of the RMA was amended to insert clause 4A, the same nine iwi were contacted in early May 2017 to let them know the draft plan change was going out for consultation. They were also asked if they thought it was appropriate to have a commissioner on the hearings panel with an understanding of tikanga Māori and the perspectives of local iwi and hapū which is accordance with section 34A(1A).

The same iwi were again contacted in August and sent a copy of the proposed plan change and asked for their input. They were asked again if they thought it was appropriate to have a commissioner on the hearings panel with an understanding of tikanga Māori and the perspectives of local iwi and hapū.

A meeting was held with representatives from Ngāti Whātua o Kaipara on 21 August 2017 to discuss the proposed plan change. Feedback from iwi at the meeting was as follows:

- supportive of riparian planting and that the planting was encouraged to be eco-sourced (Sections 6.3 and 6.4)
- supportive of the emphasis on the degraded Upper Waitematā Harbour and the efforts to enhance it and improve water quality (Sections 6.4, 6.5, 7.3 and 7.4)
- supportive of the coastal setback to respond to concerns around sea level rise and recognised this could help protect middens being located along the coast (Section 7.5)
- supportive of stormwater approach and asked to see the Stormwater Management Plan (Section 6.4 and 7.3)
- concerned about stormwater run off from Light Industry Zone (Section 7.3)
- concerned there are no proposed scheduled trees (Section 7.8).

A meeting was held with a representative from Te Kawerau a Maki on 22 August 2017 to discuss the proposed plan change. Comments received in the meeting from iwi representatives were as follows:

- support for the riparian planting and that the planting was native (Sections 6.3 and 6.4)
- support for the recognition of the North-West Wildlink (Sections 6.5 and 8.4)
- support for protecting streams (Sections 6.4, 6.5, 7.3 and 7.4).

More information on the issues raised by iwi and the council's response to these issues is included in each topic section.

Our approach to working with iwi is consistent with the RMA requirements, including the legislative changes made through the Resource Legislation Amendment Act 2017.

5.4 Extent of plan change area

5.4.1 Rationale for Stage 1 of the structure plan area

The proposed plan change area comprises the areas identified as Stages 1A-1E in the Whenuapai Structure Plan with some minor amendments. The Regional Policy Statement provisions of the AUP (OP) require that land is developed in an integrated manner with the appropriate infrastructure. As this is a greenfield area, a significant amount of infrastructure is needed to enable development and mitigate effects on the environment of the future development. Infrastructure is needed both to support specific development proposed on the site and to contribute to the wider needs for the whole of Whenuapai. To allow development of the whole structure plan area would raise expectations about the ability to develop to an urban density in the short term, which is not possible without the provision of appropriate infrastructure.

The Environment Court's decision in *Foreworld Developments Ltd v Napier City Council W008/2005* suggests that the use of development triggers where infrastructure cannot be provided within the lifetime of a plan raises expectations and is contrary to the purpose of the RMA. The infrastructure required to support development in the whole of the structure plan area is not able to be provided within 10 years, which is the lifetime of the AUP (OP). Therefore, only the parts of the structure plan area that can be readily developed within the life of the AUP (OP) are being rezoned in this plan change.

The boundary of the plan change area was determined in consultation with Auckland Transport and Watercare. It is determined by the ability of existing bulk infrastructure to service the area. The infrastructure constraints for the remaining land, namely the Northern Interceptor project and the timing of the regional transport upgrades identified in the Supporting Growth Strategy, are significant and much of that infrastructure will not be available until at least 2026. This infrastructure will need to be programmed for future funding in the 2018-2028 Long-term Plan and subsequent long-term plans. A second plan change will occur closer to 2026 to rezone Stage 1F and Stage 2 of the structure plan area.

The land on the west side of Trig Road and north of Spedding Road was included in the plan change area to enable development along both sides of the road, and to facilitate the required upgrade of Trig Road. Only properties to the west of Trig Road that connect to Trig Road were included. The land bounded by Spedding Road, State Highway 16, State Highway 18 and Trig Road is not part of this plan change due to the uncertainty around the timing of when the Northside Drive bridge and eastern extension will be built.

Hobsonville Road forms the plan change boundary to the south of State Highway 18. The eastern boundary is where the Future Urban Zone meets the existing Light Industry Zone in the AUP (OP).

The rest of the plan change area is bounded by the Whenuapai Airbase, State Highway 18 and the coast.

5.5 Options analysis

In the preparation of this plan change, a number of options were identified. These are:

- **Option 1:** Status quo – retain Future Urban Zone for the plan change area.
- **Option 2:** Rezone plan change area from Future Urban Zone to residential zones only (no business land) and no precinct.
- **Option 3:** Rezone plan change area to a mix of business and residential zones with a new precinct.
- **Option 4:** Rezone plan change area to a mix of business and residential zones with no precinct.

An analysis of the options is provided in Table 2 following. Option 3 has been chosen as the preferred option as it will enable residential and business development by way of rezoning, while applying area specific provisions through the introduction of the Proposed Whenuapai 3 Precinct. The precinct allows area specific matters to be addressed while ensuring the area is developed in an integrated and coordinated manner.

Table 2: Options Analysis

Options	Costs	Benefits	Efficiency	Effectiveness
<p>Option 1: Status quo – retain Future Urban Zone for the plan change area.</p>	<p>This option does not add to Auckland’s housing and business land supply to accommodate growth.</p> <p>This option is contrary to the council’s Future Urban Land Supply Strategy.</p> <p>Landowners and developers within Stage 1 of the Whenuapai Structure Plan area cannot develop.</p> <p>Landowners and developers will need to submit non-complying resource consents or private plan changes to rezone Future Urban land.</p>	<p>Removes the cost of initiating a plan change for the council.</p> <p>Maintains Whenuapai’s existing semi-rural character which some residents consider beneficial.</p>	<p>The council may receive resource consent applications and/or private plan changes to develop or rezone future urban zoned land in the area. These will not be able to be considered in a co-ordinated and integrated manner.</p>	<p>Additional capacity anticipated by the Future Urban Land Supply Strategy for housing will not be enabled.</p> <p>Piecemeal and ad hoc land development may occur.</p> <p>This option is inconsistent with the Whenuapai Structure Plan 2016.</p> <p>Land is not released in a timely manner for residential and business development.</p> <p>This option is not an effective option for the reasons stated above.</p>
<p>Option 2: Rezone plan change area from Future Urban Zone to residential zones only (no business land) and no precinct.</p>	<p>Cost of preparing a plan change for the council, including technical work to support the rezoning.</p> <p>Loss of opportunity to provide business land within Stage 1 of the Whenuapai Structure Plan area. Future residents will have to commute further to work and</p>	<p>No additional changes or additions to the AUP (OP) required.</p> <p>Less time consuming and less costly than Option 3.</p> <p>Land released for residential development.</p>	<p>Further investigations may be required after the plan change is operative to ensure subdivision and development is coordinated with the timing of infrastructure provision.</p> <p>Development will rely on residential zones in the AUP (OP) without an additional layer</p>	<p>Rezoning the area does not ensure that the infrastructure required to service the area will be available at the time of development.</p> <p>Inconsistent with the Whenuapai Structure Plan 2016.</p>

Options	Costs	Benefits	Efficiency	Effectiveness
	<p>the new development will become a commuter suburb.</p> <p>Cost to developers, the council, Auckland Transport and Watercare to provide the necessary infrastructure to service the plan change area.</p>		<p>of management via a precinct.</p>	<p>Without the guidance of a precinct, the plan change area is unlikely to be developed in a comprehensive and coordinated manner.</p> <p>Existing AUP (OP) urban zone provisions may not be suitable for managing greenfield growth.</p> <p>Site-specific approaches are not considered.</p> <p>This option is not an effective option for the reasons stated above.</p>
<p>Options 3: Rezone plan change area to a mix of business and residential zones with a new precinct.</p>	<p>Cost of preparing a plan change for the council, including technical work to support the rezoning and precinct provisions.</p> <p>Cost to developers, the council, Auckland Transport and Watercare to provide the necessary infrastructure to service the plan change area.</p>	<p>Comprehensive approach to rezoning future urban land, in accordance with the direction of the RPS and NPS on Urban Development Capacity.</p> <p>Expectations and requirements of key stakeholders, land owners and land developers can be clearly set out within the proposed precinct.</p> <p>Enables the development of 217 hectares of residential land and 124 hectares of business land.</p>	<p>Provides greater certainty for the council, developers and landowners about the nature and extent of development in Whenuapai.</p> <p>The requirements for applicants are clearly set out in the precinct provisions.</p> <p>This is considered the most efficient option.</p>	<p>Land is rezoned for residential and business uses, contributing to residential capacity and providing business land in proximity to housing.</p> <p>This option is the most effective option as the precinct provisions ensure that development will occur in an integrated way.</p>

Options	Costs	Benefits	Efficiency	Effectiveness
<p>Option 4: Rezone plan change area to a mix of business and residential zones with no precinct.</p>	<p>Cost of preparing a plan change for the council, including technical work to support the rezoning.</p> <p>Cost to developers, the council, Auckland Transport and Watercare to provide the necessary infrastructure to service the plan change area.</p>	<p>No additional changes or additions to the AUP (OP) required.</p> <p>Enables the development of 217 hectares of residential land and 124 hectares of business land.</p>	<p>Further investigations may be required after the plan change is operative to ensure subdivision and development is coordinated with the timing of infrastructure provision.</p>	<p>Live-zoning does not ensure infrastructure required to service the area will be available at the time of development.</p> <p>Without the guidance of a precinct, the plan change area is unlikely to be developed in a comprehensive and coordinated manner.</p> <p>Existing AUP (OP) urban zone provisions may not be suitable for managing greenfield growth.</p> <p>Site-specific approaches are not considered.</p> <p>This option is not an effective option for the reasons stated above.</p>

6. Resource management issues and desired outcomes

6.1 Integrated subdivision, use and development

Issue: There is potential that subdivision, use and development occurs in an ad hoc and uncoordinated manner, without consideration of integrated infrastructure provision required within, and outside of, the plan change area.

Provision of residential land

As described in section 2 of this report, the population of Auckland is forecast to grow to 2.3 million by 2043. The rezoning of Future Urban land to enable its development into housing and business land will contribute to the developable capacity of land in Auckland's northwest.

Provision of business land

A business land assessment (May 2016) was provided to support the Whenuapai Structure Plan. The assessment identified business land requirements within the structure plan area and the retail floor space in centres that will serve the Whenuapai community.

In relation to retail, it concluded that the Whenuapai Local Centre along Brigham Creek Road is the appropriate location for retail and services floor space to cater for the retail goods and services demands of the future population. The sustainable level of retail floor space is projected to be 2700-3500m² by 2026, 5700-7200m² by 2036 and 9400-12,400m² by 2046.

As well as the retail floor space, the assessment concluded that between 240 and 350 hectares of light industry land (gross) is required in Whenuapai to accommodate around 6000 employees. The Whenuapai Structure Plan identified that this land is best located under the aircraft noise contours associated with the Whenuapai Airbase.

A neighbourhood centre on Trig Road was also identified in the structure plan. To serve residents within the plan change area, it was recommended by an urban design consultant that was procured by council⁷ that a 3000m² – 3500m² site able to accommodate 1000 m² – 1500m² of gross retail floor area be provided. It is important that the proposed centre is located to enable the optimal access from the proposed residential catchment and on a site that is economically viable. The neighbourhood centre site has been included in the plan change at the corner of Hobsonville Road and the proposed realigned Trig Rd.

Desired outcome: The plan change area is developed in a comprehensive way that is integrated with the provision of infrastructure and provides a mix of high quality residential and employment opportunities.

⁷ Letter on urban design matters from Ian Munro, independent urban planning and design consultant, dated 21 May 2017.

To achieve this vision the plan change area will be developed in a comprehensive and integrated way that is aligned with the provision of transport infrastructure and all other infrastructure. The economic, social and cultural wellbeing of existing and future communities will be enhanced through the provision of a compatible mix of residential and business uses. The adverse effects on the environment of developing a greenfield area will be mitigated by the requirements of the AUP (OP), site specific requirements and the timely provision of infrastructure. An important part of achieving this vision is to ensure that transport and all other infrastructure is provided to service the area, which is addressed in sections 6.1 and 6.2 of this report.

6.1.1 Current Planning Provisions

The majority of the plan change area is currently zoned Future Urban under the AUP (OP). There are properties on Hobsonville Road, at the southern boundary of the plan change area that are zoned Residential – Mixed Housing Urban Zone.

The Future Urban Zone is a zone for land identified within the Rural Urban Boundary as being suitable for development within the next 30 years. The zone generally provides for rural activities. Activities permitted in the Future Urban Zone include farming, greenhouses, forestry, animal breeding/boarding and onsite primary produce manufacturing. Only one dwelling is permitted per site, regardless of the size of the site. The policy framework seeks that further development does not occur until the land has been rezoned for urban purposes following a structure planning process carried out in accordance with Appendix 1 of the AUP (OP).

Subdivision in the Future Urban Zone is not supported by the AUP (OP) policies and is a non-complying activity under Chapter E39 Subdivision – Rural.

In accordance with Appendix 1, a structure planning exercise was undertaken by the council in 2016. The Whenuapai Structure Plan identified areas of residential and business land, along with an indicative road and open space network. Stage 1A to 1E in the Whenuapai Structure Plan area is in the Future Urban Land Supply Strategy as being development ready between 2018 and 2022. As such, there is a mandate and an expectation that this area will be rezoned to urban uses in the near future. Stages 1F and 2 are listed in the strategy in the first half of decade two, being 2028-2032.

6.1.2 Planning response to issue

This plan change seeks to rezone land identified as Stages 1A-1E in the Whenuapai Structure Plan from Future Urban to residential and business zones.

The structure plan identified suitable areas for residential and business development along with an indicative road and open space network to serve the area. For the plan change area, this has been translated into 217 hectares of residential zoned land and 124 hectares of light industry zoned land. There is also provision for a neighbourhood centre at the corner of Hobsonville Road and the proposed realigned Trig Road.

To supplement the rezoning, a new precinct is proposed as part of this plan change. The precinct seeks to ensure that subdivision, use and development is carried out in an integrated manner and is aligned with the provision of infrastructure. There is also an emphasis on quality urban design outcomes including emphasis on the public realm and provisions for the neighbourhood centre.

6.2 Transport

Issue: The transport network, both within Whenuapai and the wider network, needs to support residential and business land, and not impede the movement of people around the northwest region.

Whenuapai's current transport network is comprised of rural roads which were designed and constructed to serve the predominately agricultural and semi-rural residential uses in the area. It is car dominated with limited capacity in the network, and little to no provision for walking, cycling or public transport.

To support the urbanisation of this land, large scale urban transport infrastructure is required. This includes new roads and upgrades to existing roads and intersections, and regional projects such as busways. Land ownership in the plan change area is fragmented which means that the provision of infrastructure may not occur in a co-ordinated manner.

Desired outcome: The transport network is provided as development progresses. The transport network:

- prioritises residents of the plan change area's mobility and accessibility to places within Whenuapai and to the rest of Auckland, including employment areas
- does not impede mobility and accessibility of people living in the surrounding area
- provides people with transport choices (is multi modal)
- services the business land efficiently
- is resilient
- enables growth
- is developed in a way that avoids, remedies or mitigates adverse effects on the environment
- is safe.

The transport network, both within the plan change area and the wider network, supports additional people living and working in the area, and services the business land to make it an attractive business location.

6.2.1 Current planning provisions

Auckland Unitary Plan Operative in Part

Matters relating to transport and the provision of infrastructure have specific objectives, policies and methods to achieve transport networks that are integrated with the urban form and provide choices to residents.

Regional Policy Statement

The regional policy statement in the AUP (OP) provides guidance for transport infrastructure and systems in the context of urban growth and development. Relevant provisions include:

- B2 Urban Growth and Form – a quality compact urban form that enables improved and more effective public transport, reduces adverse environmental effects, maximises resource and infrastructure efficiency, achieves a high level of amenity and safety for pedestrians and cyclists, develops street network and block patterns that provide good access and enable a range of travel options.
- B3 Infrastructure, transport and energy – the transport network is effective, efficient and safe and transport infrastructure is managed and integrated with subdivision, use and development.

Chapter E Auckland-wide

There is strong high level policy direction in the Auckland-wide chapter on accessible street networks, amenity for pedestrians and cyclists, land uses integrating with all modes of transport, improved and more effective public transport. Relevant provisions include:

- E27 Transport – land use and all modes of transport are integrated and an integrated public transport network including public transport, walking, cycling, private vehicles and freight is provided for.
- E38 Subdivision – Urban – infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner, and subdivision has a layout which is safe, efficient, convenient and accessible.

6.2.2 Other relevant documents/reports

Auckland Plan

The strategic directions and long term goals of the Auckland Plan which are relevant to this plan change, as set out in Chapters 9, 12 and 13 of the document, are as follows:

<i>Directive 9.5</i>	<i>Accessible and adequate active transport, public transport and roading between housing, services, employment and recreational areas.</i>
<i>Strategic Direction 12</i>	<i>Plan, deliver and maintain quality infrastructure to make Auckland liveable and resilient.</i>
<i>Strategic Direction 13</i>	<i>Create better connections and accessibility within Auckland, across New Zealand and the world.</i>
<i>Directive 13.2</i>	<i>Manage Auckland's transport system according to the following transport functions:</i> <ul style="list-style-type: none">• <i>International – seaports and airport</i>

- *National – inter-regional connections by road, rail, sea and air*
- *Auckland-wide – those parts of the transport system that provide safe and efficient movement of people and goods through all or parts of Auckland.*
- *Local – those parts of the transport system that provide safe, local access and connectivity, and that support communities.*

Auckland Transport Alignment Project 2016

The Auckland Transport Alignment Project (ATAP) is a joint project involving Auckland Council, the Ministry of Transport, Auckland Transport, the New Zealand Transport Agency, the Treasury and the State Services Commission. Through ATAP, Auckland's transport priorities have been agreed and a 30 year investment prioritisation programme has been agreed.

One of the critical transport challenges identified by ATAP is how to enable a faster rate of housing growth, particularly in new greenfield areas. The northwest is identified as a priority area.

The ATAP projects that are relevant to the plan change area and the timing of their delivery are identified below.

First decade (2018-28):

- Northwestern busway (Westgate to Te Atatu)
- complete State Highway 16 to State Highway 18 connection
- new or upgraded arterial roads in the northwest to enable greenfield growth.

Second decade (2028-38):

- new strategic road to Kumeu
- Northwestern busway extensions
- continued investment to enable greenfield growth.

Supporting Growth Strategy 2016

The Supporting Growth Strategy is an Auckland Transport, Auckland Council and the New Zealand Transport Agency project that seeks to develop transport networks to support Auckland's new housing and business areas over the next 30 years.

The Supporting Growth projects in the North West are:

- Rapid Transit Network from Kumeu to the city, and Kumeu to Albany
- A new park and ride near the Brigham Creek Road and State Highway 16 intersection
- safety improvements on State Highway 16 between Brigham Creek Rd and Waimauku
- improvements to Brigham Creek Road
- the cycling and walking network will be expanded to connect to local centres and link to public transport hubs
- Squadron Drive interchange movements.

These projects are shown in Figure 5.

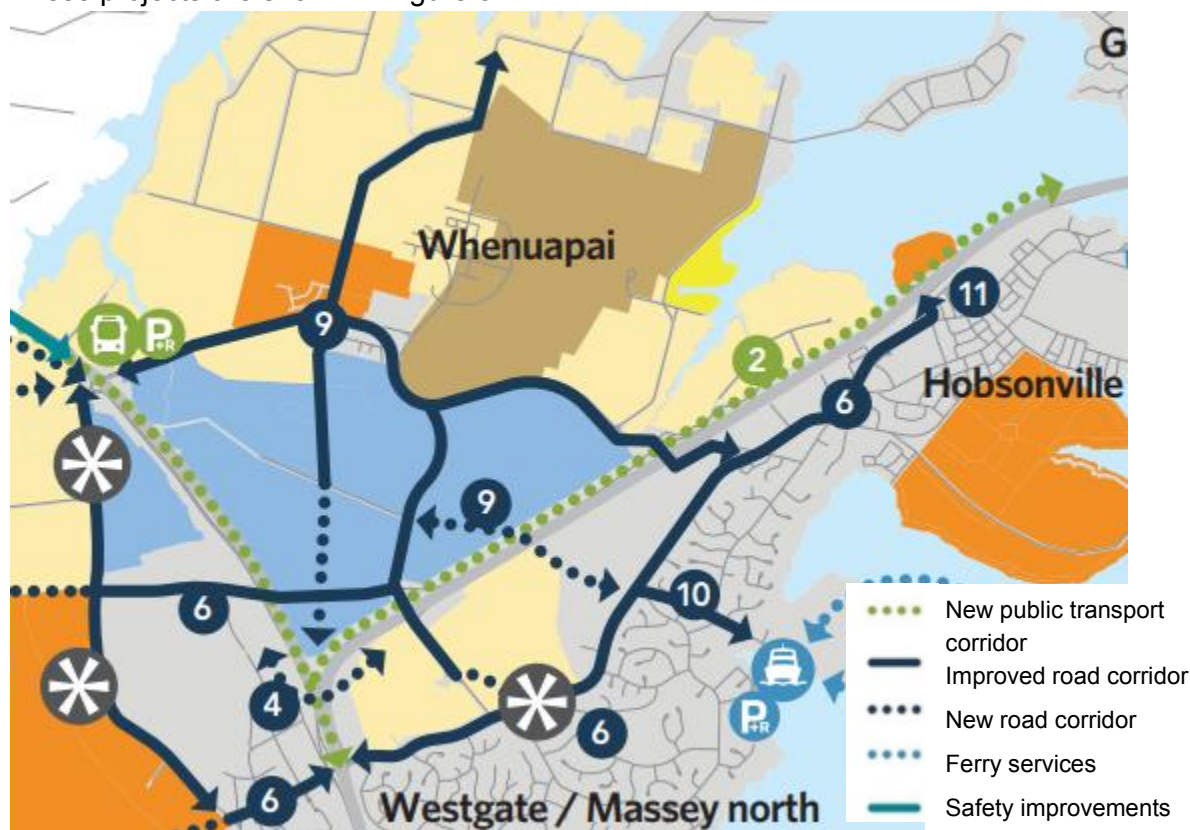


Figure 5: Supporting Growth Strategy projects for the Whenuapai area

Regional Land Transport Plan 2015-2025

The Regional Land Transport Plan is jointly delivered by Auckland Transport, New Zealand Transport Agency and Kiwi Rail and sets out the funding programme for Auckland's transport and services. It forms part of the National Land Transport Programme and Auckland Council's Long-term Plan. It includes a 10-year prioritised delivery programme and it is a statutory requirement that the New Zealand Transport Agency and Auckland Transport revise this delivery programme every three years.

Growth in the northwest is anticipated and provided for in the Regional Land Transport Plan through the following projects:

- bus priority improvements and transit lanes (2015-2025)
- walking and cycling programme – Auckland Transport (2015-2025)
- walking and cycling programme – Transport Agency (2015-2025)
- safety programmes including safety and minor improvements, safety around schools, crash reduction implementation, regional safety programme and safety speed management (2015-2025)
- State Highway 16/State Highway 18 intersection
- Brigham Creek Road corridor road improvements (2018-2025).

Funding of additional transport initiatives identified through the Supporting Growth Strategy and the subsequent business case programmes to service the new Whenuapai urban area

will need to be considered as part of the next Regional Land Transport Plan and Long-term Plan.

Integrated Transport Programme 2012-2041

Auckland's Integrated Transport Programme (ITP) sets out the 30-year investment programme to meet the transport priorities outlined in the Auckland Plan. The ITP informs the detailed programming of activities in the Regional Land Transport Programme.

The ITP mentions Whenuapai as a greenfield area for further investigation. The rapid transit network along State Highway 16 and State Highway 18 are shown on a map of Auckland's Priority Transport Projects. Brigham Creek Road is also identified as needing improvements.

Regional Public Transport Plan 2015

This plan is prepared by Auckland Transport as required by the Land Transport Management Act 2003. The plan describes the public transport network that Auckland Transport proposes for the region, identifies the services that are integral to that network over the next 10 years, and sets out the objectives, policies and procedures that apply to those services.

Currently, none of the routes servicing the northwest meet the definition of a Rapid Transit Network (RTN) or Frequent Transit Network (FTN). A RTN is the highest level of public transport services, it has services at least every 10 minutes between 7am and 7pm. A FTN provides a service every 15 minutes between 7am and 7pm. The Regional Public Transport Plan provides for the upgrade of State Highway 16 services between Auckland's Central Business District and Westgate to FTN status by 2018, and services between Westgate and the North Shore and along Hobsonville Road to be upgraded to FTN status by 2022. These routes will be supported by all-day services through West Harbour and north to Kumeu and Huapai.

Routes along State Highway 16 (to Westgate initially and subsequently Kumeu and Huapai) and State Highway 18 will be upgraded to RTN status as dedicated bus rights-of-way are built. The Supporting Growth Strategy has made recommendations as to what form these RTN corridors will take in future and how they interact with Whenuapai. Consideration of the future public transport network was a key consideration when the zoning and land uses for the proposed plan change were determined.

Housing Infrastructure Fund

The Housing Infrastructure Fund is a central government loan for infrastructure that has to be repaid. There are two arterials in the Whenuapai Plan Change area are currently proposed to be covered by the Housing Infrastructure Fund, the Trig Road upgrade and the new crossing of State Highway 18 to Marina View Drive. A business case is being prepared for these monies.

6.2.3 Technical inputs

Whenuapai Structure Plan Integrated Transport Assessment

Auckland Transport commissioned consultants to undertake an Integrated Transport Assessment (ITA) for the Whenuapai Structure Plan. The ITA considered the transport effects of the proposed land use zoning and associated transport infrastructure. Staging and sensitivity tests were also undertaken as part of the ITA.

Transport infrastructure and service investments were recommended as necessary to support the urbanisation of the land to accommodate the travel demands associated with the structure plan land use. These include:

- Walking and cycling network as shown in Figure 6

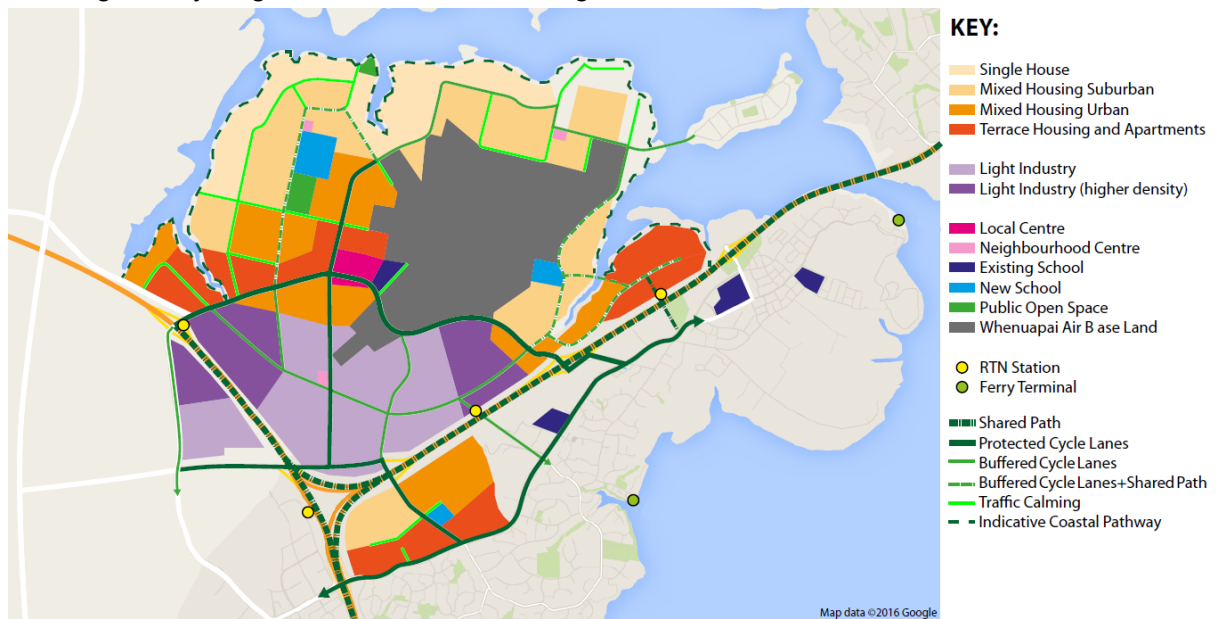


Figure 6: Proposed walking and cycling network

- Public transport network as shown in Figure 7

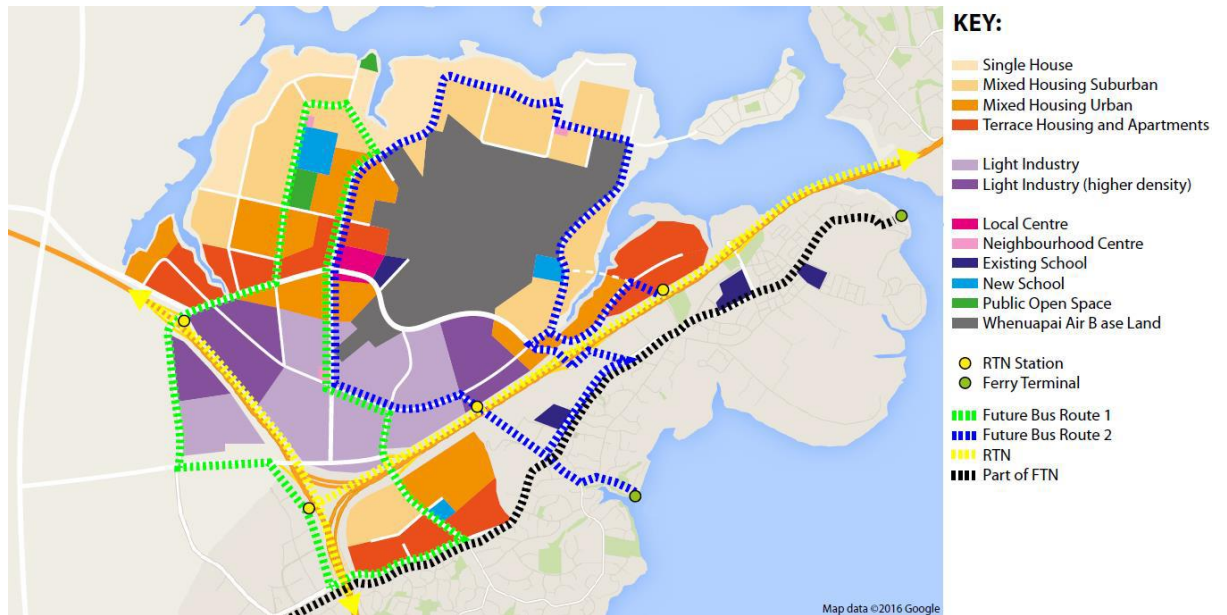


Figure 7: Proposed public transport network

- Regional transport network – investments proposed through planning programmes other than the Whenuapai Structure Plan but are considered necessary to support the structure plan
- Whenuapai transport and road network as shown in Figure 8

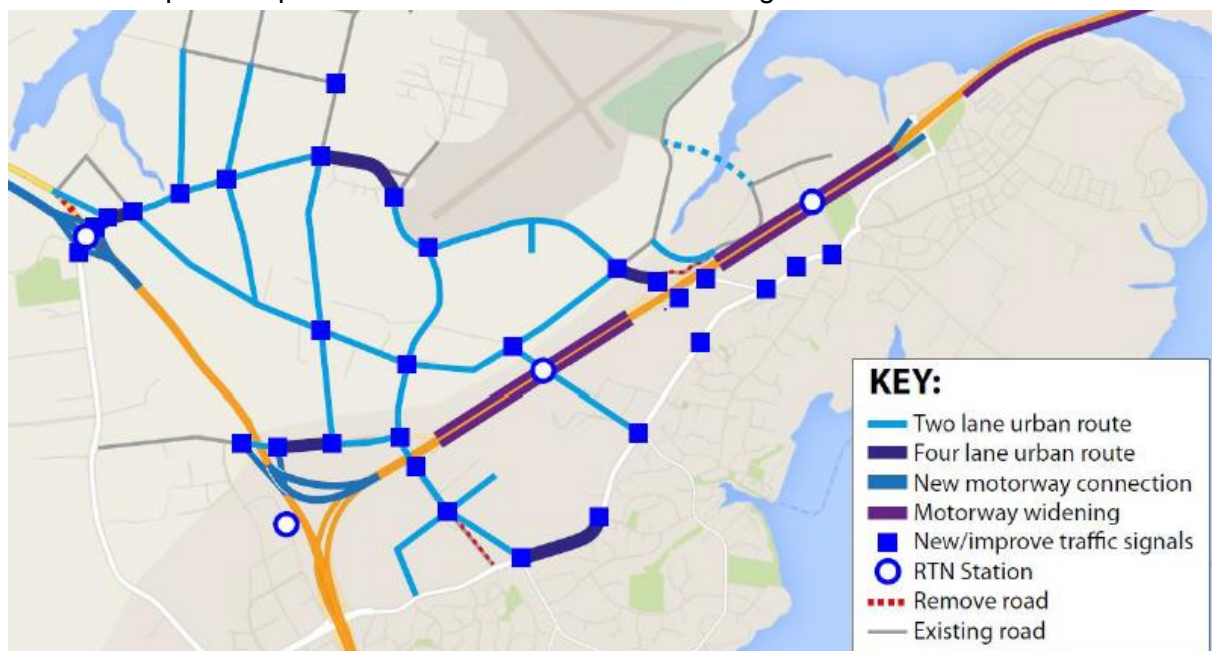


Figure 8: Proposed transport network in and around the plan change area

The ITA assessed interim development years broadly representing 2021, 2026, 2036 and 2046. The staging scenarios in the July 2016 ITA are notional only and further work was undertaken during the plan change process to refine the staging.

Technical Inputs June 2017

In this report, the proposed transport network associated with the Draft Whenuapai 3 Precinct Plan 1 was reviewed. Changes to the network were recommended, including to the collector roads within the Trig Road south residential development area not connecting through to the Hobsonville business area, the alignment of the Whenuapai to Marina View Drive link through to Spedding Road, and some minor changes to the alignment of other roads. The suggested arterial and collector road network plan that was subsequently agreed by Auckland Transport and council planners can be seen in Figure 9 below.

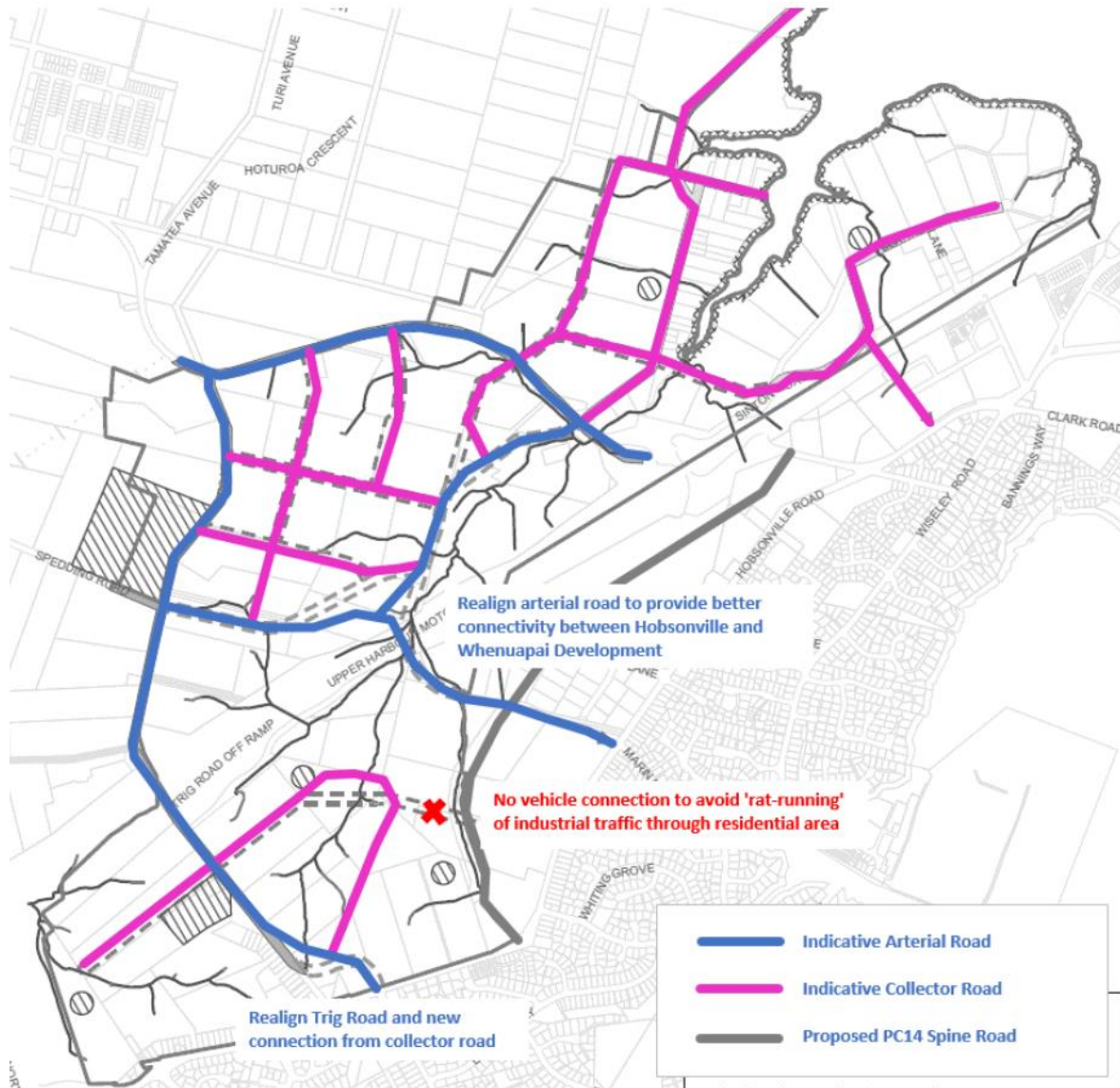


Figure 9

The transport infrastructure requirements and Stage 1 land use zoning were reviewed taking into account revised land use scenarios from Auckland Transport, including the Regional model (ART) Scenario I10. This model includes faster growth in land use than previously assumed and also includes different travel patterns. Transport provisions considered

necessary for a base scenario were identified, as well as those associated with six staged land use scenarios. A refined land use-transport investment trigger table was prepared and the types of improvements identified.

Sensitivity tests relating to yield assumptions and independence of stages were considered. These indicate that the proposed transport network has some flexibility to accommodate increased yields. Tests also indicated that the order of the staged release of land within the plan change area is not important if a Rapid Transit Network (RTN) is provided and results in lower vehicle trip rates for development. The risk of not implementing a RTN with suitable walking, cycling and local bus connections in place prior to development occurring is that developers may design neighbourhoods around a dominant car mode and residents will be accustomed to using their cars. This could prove difficult to change once a RTN is provided.

Information about the regional and local transport network investment required can be found in Appendix 2.

6.2.4 Planning response to issue

A precinct is needed to help deal with the fragmented land ownership in the plan change area. The main infrastructure issues to be addressed in a precinct, the identification of the location of indicative roads and clarifying the delineation of responsibility for provision of roading between Auckland Transport (AT) and land developers.

Indicative roads

There is policy direction in the Regional Policy Statement (RPS) that identifies the need to allow for the protection of routes for transport infrastructure (B3.3), and there are subdivision provisions that support roads with sufficient reserves being planned and provided for (E38.2-3). A number of provisions also set out the need for liveable, walkable and connected networks. However the E38 subdivision provisions only have assessment criteria to achieve these outcomes. Precinct provisions with at least indicative arterials shown are necessary to provide greater certainty and direction to land owners and developers of the roading network that is required in the greenfield plan change area.

Delineation of funding responsibility

There is policy direction in the RPS (B3.3(5)) requiring development to integrate with infrastructure funding, and a number of references to AT funding plans as a consideration. From these it is possible to determine what developer responsibilities are likely to be, that is projects that are not funded by AT, but this is not sufficiently clear for the development community. Precinct provisions can clearly set out developer responsibility.

Provision of infrastructure

Beyond the requirement for ITAs in the Auckland-wide transport provisions, and the need to provide staging plans for staged subdivisions, there is nothing in the Auckland-wide provisions to support how infrastructure is provided in greenfield areas. The structure plan guidelines require that ITAs are prepared for whole sub-regional areas, which imply support for a holistic understanding of the transport effects, mitigation and staging for large areas.

This supports a precinct where each of the areas associated with Stage 1 of Whenuapai trigger a number of transport upgrades. These have been identified as development areas in Precinct Plan 2 and the local transport projects that are required to support subdivision, use and development have also been identified.

Development in the plan change area will have cumulative effects on the transport network and this is addressed through the development areas shown in Precinct Plan 2 and provisions in the precinct.

6.3 Water supply and wastewater servicing

Issue: There are potential adverse environmental effects on open space, residential and business zoned land if water supply and wastewater infrastructure cannot be provided for plan change area.

The water supply network servicing the Whenuapai area has good capacity to service the growth in the short term but will require upgrading to meet long term growth. Three transmission bulk supply points (the three bulk water supply water mains), located at the Brigham Creek Road/Hobsonville Road intersection, Trig Road/Hobsonville intersection and the Fred Taylor Drive/Don Buck Road intersection feed the existing local network. These bulk supply points will continue to supply the area in the long term.

There are three existing wastewater pump stations at Hobsonville, Whenuapai and Massey North that are servicing growth in the southern part of Whenuapai, adjacent to State Highway 18. The pump stations currently pump wastewater to the Mangere Wastewater Treatment Plant via the Western Interceptor. Other parts of Whenuapai are currently serviced by private onsite disposal systems such as septic tanks.

Desired outcome: There will be a co-ordinated approach to the provision of water and wastewater infrastructure across the plan change area as development progresses.

As the plan change area develops, it is important new development can be serviced by a public wastewater system to ensure the health and safety of the community and minimise adverse effects on the environment.

6.3.1 Current planning provisions

Auckland Unitary Plan (Operative in Part)

Matters related to environmental protection, such as urban growth and form, a quality built environment, and infrastructure, have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the region.

The relevant parts of the Regional Policy Statement (RPS) include:

- B2 Urban Growth and Form – a quality compact urban form that enables the efficient

provision of new infrastructure and reduces adverse environmental effects.

- B3 Infrastructure – infrastructure is resilient, efficient and effective, and infrastructure planning and land use planning are integrated to service growth efficiently.

6.3.2 Planning response to issue

The Regional Policy Statement objectives in the AUP (OP) would not be able to be met in the plan change area with the existing infrastructure. Within the plan change area the use of existing infrastructure, namely septic tanks, may create adverse effects on the environment. As such, upgrades to a public wastewater network are necessary as the plan change area develops into an urban environment.

Watercare have confirmed that there is capacity in the existing network to provide for development of the plan change area.

In relation to water supply, existing and proposed development will be served by three transmission bulk water supply points to the south of the Whenuapai area. Renewal and upsizing of this network will be required to meet future urban intensification yields and fire-fighting requirements. New water lines will follow the proposed indicative roading network. A second North Harbour water main, planned for completion in 2028, will provide the additional capacity necessary to service the northern part of Whenuapai.

In relation to wastewater, the plan change area will be initially serviced by the Mangere Wastewater Treatment Plant via the Western Interceptor. The Northern Interceptor, a new wastewater pipeline, will connect to the Rosedale Wastewater Treatment Plant to take up further capacity as the population in Whenuapai and other north-western areas grows. This will be constructed in stages with construction to be initiated in 2018 and completion of Stage 1 due in 2021. Stage 2, the final stage, is due to be completed in 2026. From 2017 – 2027 all of this plan change area will have the option of moving from a wastewater septic tank system to public wastewater infrastructure. A change to public infrastructure will assist in mitigating any adverse environmental effects caused by septic tank systems.

The existing AUP (OP) provisions and Watercare's cost recovery policy are sufficient to ensure water and wastewater infrastructure requirements in the plan change area are met.

6.4 Stormwater management

Issue: Greenfield development within the plan change area presents opportunities for an integrated stormwater management approach to be adopted and enhancement of water quality and ecosystems within the degraded Waiarohia catchment and estuary.

The plan change area is within a catchment that is predominantly rural at present. As a result of previous agricultural and horticultural activities, there is variable coverage of exotic and native vegetation and modified watercourses throughout the area. This has resulted in

degraded streams and negative impacts on the marine environment. The Upper Waitematā Harbour is identified as 'Degraded 1' under the AUP (OP)⁸, recognising the high level of degradation to marine water quality and ecosystem health.

New urban development has the potential to increase stormwater flows, which may lead to increased stress on streams and flood risk. If unmitigated, urban development can generate and discharge contaminants such as gross stormwater pollutants (litter), heavy metals and hydrocarbons. This is likely to increase the accumulation of metals such as copper and zinc in the narrow estuaries of the Waiarohia Inlet and Brigham Creek.

While development in the plan change area has the potential to increase flood risks and further degrade the receiving environment of the Upper Waitematā Harbour, it also creates opportunities to reduce existing adverse effects and enhance freshwater and coastal environments that are degraded. Through this plan change there are opportunities to maintain a sustainable hydrology, to minimise the generation and discharge of urban pollutants, and to enhance riparian margins to improve stream water quality and habitat. Keeping development out of floodplains and overland flow paths will ensure flood risk is not increased.

Flood hazards

The plan change area currently has low flood hazard risk with only two existing buildings within the catchment identified as being susceptible to habitable floor flooding in the 100-year average rain index (ARI) event.

Flood modelling carried out for future development indicated a small increase in flood risk and inundation of buildings. Therefore, flooding is not a constraint to development provided an appropriate approach is in place to ensure buildings are located outside of floodplains and overland flow paths, and to ensure the capacity of the flood plains and flow paths to safely store and convey stormwater during flood events is maintained.

Stream environments

The stream environment within the catchment is heavily-modified as a result of agricultural activities. Unrestricted stock access and the lack of riparian vegetation have resulted in stream bank erosion, contamination and sedimentation of the harbour. Artificial ponds created to support agricultural activities have negatively affected ecological values and reduced the base flow of streams during summer months. Modifications also restrict fish passage up the catchment.

Unless managed and mitigated, there is potential for streams in the catchment to be further degraded through increased urban stormwater runoff rates and volumes, vegetation removal, piping/culverting of watercourses and increase in urban-type contaminants.

The council commissioned specialists to carry out a watercourse assessment⁹ for the Whenuapai Structure Plan area. The assessment identified permanent and intermittent

⁸ Figure B7.4.2.1 in the AUP (OP)

⁹ Watercourse Assessment Report: Whenuapai Structure Plan Area dated September 2016.

streams within the structure plan area, which were confirmed by stream walks and surveys conducted in 2016. The assessment concluded that the Waiarohia Stream and its tributaries are degraded as a result of current land uses. However, it also identified enhancement opportunities and made recommendations to restore and enhance the stream environments as greenfield development progresses.

Coastal environment

The Upper Waitematā Harbour is the receiving environment of stormwater runoff from current and future development within the plan change area. The narrow and low energy estuaries are sensitive and susceptible to contaminant accumulation. If development is not managed appropriately, there is potential for the harbour to become further degraded. The Waiarohia and Brigham Creek estuaries are classified as 'Degraded 1' under the AUP (OP).

Aquifer systems

There are potential effects on the Kumeu-Waitematā aquifer, which is identified in the AUP (OP) as a 'high use aquifer management area', as a result of reduction in infiltration of stormwater runoff. However, this can be mitigated by maintaining a sustainable hydrology that includes infiltration of stormwater runoff to replace infiltration lost through the establishment of impervious surfaces. The aquifer is currently not fully allocated and the land use change from agriculture/horticulture to residential and business activities will likely reduce water demand from the aquifer. However, consideration will need to be given to maintaining sufficient infiltration to sustain the aquifer system.

Mana whenua values

Both Ngati Whatua o Kaipara and Te Kawerau a Maki have provided cultural values assessments (CVA) identifying values that are important to them. The CVA prepared by Ngati Whatua o Kaipara identified opportunities for water quality to be enhanced through development while Te Kawerau a Maki's CVA for the Whenuapai Structure Plan was focussed around the management of waterbodies, native flora and indigenous fauna.

Desired outcome: Stormwater runoff in Whenuapai is managed using an integrated management approach that minimises and mitigates adverse effects, and that there is an overall improvement in water quality and ecosystem health in streams and estuaries in the Upper Waitematā Harbour.

6.4.1 Current Planning Provisions

The plan change area currently has little existing public stormwater infrastructure. Stormwater is currently being managed by a combination of piped culverts, open drains, ponds, modified wetlands and road drainage. As discussed above, streams in the catchment and estuaries of the Upper Waitematā Harbour to which they discharge are degraded.

High-level statutory documents

The New Zealand Coastal Policy Statement 2010 (NZCPS), the National Policy Statement for Freshwater Management 2014 and the Hauraki Gulf Marine Park Act 2000 are relevant

considerations in relation to stormwater management within the plan change area. These national policy instruments generally seek to:

- Maintain water freshwater and coastal water quality where it is high
- Enhance water quality where it is degraded
- Maintain or sustain the life-supporting capacity of ecosystems
- Protect and enhance the natural, historic, cultural and physical resources of the Hauraki Gulf and its catchments.

With regard to stormwater, the NZCPS contains direction to avoid significant adverse effects on ecosystems when discharging stormwater into the coastal marine area by promoting the integrated management of stormwater and the reduction of contaminant loads and stormwater flows at-source. These outcomes are given effect to by the relevant parts of the AUP (OP) described in the following section.

Auckland Unitary Plan (Operative in Part)

Regional Policy Statement

The regional policy statement (RPS) in the AUP (OP) provides guidance for stormwater management in the context of urban growth and development. Relevant provisions include:

- B3.2 Infrastructure – recognition of the benefits and operational needs of infrastructure while minimising adverse effects related to its development and use. There is also an emphasis on urban growth and infrastructure provision being integrated.
- B7.3 Freshwater systems – direction to minimise permanent loss and significant modification of freshwater systems and enhancement where they are degraded. Freshwater systems have a broad definition in the AUP (OP) and include watercourses, riparian margins and floodplains. In relation to the management of subdivision, use and development, provisions in this chapter promote the enhancement of degraded freshwater systems; seek an integrated management approach; and aim to minimise erosion and avoid the unnecessary loss and modification of streams and the establishment of structures within stream beds.
- B7.4 Coastal water, freshwater and geothermal water – direction to maintain water quality where it is good and progressively improve water quality where it is degraded. Subdivision, use and development minimises the generation and discharge of contaminants and adverse effects on freshwater and coastal water, and to adopt the best practicable option for stormwater diversions and discharges. Mana whenua values, mātauranga and tikanga associated with coastal water, freshwater and geothermal water are recognised and provided for.

- B10.2 Natural hazards and climate change – a key direction in this chapter is that the creation of new risks is avoided in greenfield developments. There is also direction to protect the functions of natural systems, such as flood plains and overland flow paths, in flood management.

E1 Water quality and integrated management

An integrated stormwater management approach has been adopted in the AUP (OP), which seeks to integrate the management of land use, development, discharges, catchments and stormwater networks to improve the overall management of stormwater and improve water quality and ecosystem health. Chapter E1 is the guiding chapter for water quality and integrated management across Auckland. In particular, Policy E1.3.10 outlines the key elements of an integrated stormwater management approach:

- (10) In taking an integrated stormwater management approach have regard to all of the following:
- a) the nature and scale of the development and practical and cost considerations, recognising:
 - i. greenfield and comprehensive brownfield development generally offer greater opportunity than intensification and small-scale redevelopment of existing areas;
 - ii. intensive land uses such as high-intensity residential, business, industrial and roads generally have greater constraints; and
 - iii. site operational and use requirements may preclude the use of an integrated stormwater management approach.
 - b) the location, design, capacity, intensity and integration of sites/development and infrastructure, including roads and reserves, to protect significant site features and hydrology and minimise adverse effects on receiving environments;
 - c) the nature and sensitivity of receiving environments to the adverse effects of development, including fragmentation and loss of connectivity of rivers and streams, hydrological effects and contaminant discharges and how these can be minimised and mitigated, including opportunities to enhance degraded environments;
 - d) reducing stormwater flows and contaminants at source prior to the consideration of mitigation measures and the optimisation of on-site and larger communal devices where these are required; and
 - e) the use and enhancement of natural hydrological features and green infrastructure for stormwater management where practicable.

E36 Natural hazards and flooding

The provisions in E36 relating to flooding are focused on avoiding new development within floodplains in greenfield areas and managing subdivision and development to not increase flood risk. The AUP (OP) adopts the 1 per cent annual exceedance probability (AEP) floodplains for managing development and risk to human life and properties.

E38 Subdivision

Any subdivision will need to be designed to manage stormwater in accordance with any approved stormwater discharge consent or network discharge consent, and in a way that is consistent with the outcomes sought in E1 Water quality and integrated management.

Appendix 1 Structure plan guidelines

As a requirement for rezoning land zoned Future Urban, a structure planning process needs to be undertaken to address the matters listed in Appendix 1 of the AUP (OP). Of those and in respect of infrastructure provision, there is a requirement to identify, investigate and address the following matter:

- (3) The location, scale and function of stormwater management facilities based on the principles of an integrated stormwater management approach, including the retention of natural water systems and the primary use of onsite flow and quality controls (and related impervious area limits) to manage stormwater runoff from proposed sites and roads.

As part of the structure plan guidelines, Appendix 1 of the AUP (OP) includes the following matters to be addressed at the structure planning stage in relation to stormwater management:

- The application of an integrated stormwater management approach within developments to reduce impacts on the environment while enhancing urban amenity (1.4.5(1)(e))
- The location, scale and function of stormwater management facilities based on the principles of an integrated stormwater management approach, including the retention of natural water systems and the primary use of onsite flow and quality controls (and related impervious area limits) to manage stormwater runoff from proposed sites and roads (1.4.7(3))
- A stormwater management plan to support the process (1.5(2)(a)).

6.4.2 Planning response to issue

The plan change responds to this issue by introducing a suite of objectives, policies and rules within the Whenuapai 3 Precinct for managing stormwater in the plan change area. The provisions are supported by a precinct plan which identifies the permanent and intermittent stream network, as well as streams over three metres in width. The plan change also makes reference to the Whenuapai 3 Precinct Stormwater Management Plan 2017 in the proposed precinct and this document is proposed to be added into Appendix 17 Documents incorporated by reference in the AUP (OP). The SMP provides guidance in relation to stormwater outcomes sought for assessing development proposals within the area in accordance with the direction provided by national and regional planning instruments.

While it is possible to manage development and the associated stormwater discharge through the provisions of the AUP (OP), the integration of stormwater management provisions into the precinct enables stormwater management to be customised to the catchment and receiving environments, reflecting the approach of the Whenuapai 3 Precinct SMP. This is consistent with the integrated management approach promoted by the AUP

(OP). It also provides clear guidance to developers as to the specific stormwater management performance requirements and facilitates consistent and integrated stormwater management across multiple subdivisions and development within the precinct.

6.5 Biodiversity

Issue: Development of a rural environment can place pressure on the life-supporting capacity of land and water but can also be an opportunity to enhance existing values.

The Whenuapai plan change area has historically been used for agricultural and horticultural activities. As a result, the area is mainly grassed with little habitat or connective corridors for native fauna and birds¹⁰. This has also resulted in degraded freshwater habitats.

Despite this, the area plays an important role as a stepping stone in the North-West Wildlink, as it is located midway between Haruaki Gulf Islands / Whangaparaoa and the Waitakere Ranges. Key ecological features include the Upper Waitematā Harbour (part of the Hauraki Gulf Marine Park), Waiarohia Inlet, stream systems, and further ecological connections to the North-West Wildlink.

Inappropriate development has the potential to degrade terrestrial habitat by removing scarce vegetation and freshwater/coastal habitats through sediment runoff and contaminant discharges from increased impervious surfaces. However, there is also opportunity to reintroduce native vegetation and manage sediment runoff and discharges through new provisions that better manages these effects.

Freshwater habitats

Council consultants have carried out a watercourse assessment and conducted stream walks and surveys in 2016 (refer to section 6.4 which addresses stormwater management in the area). They found that wetlands and the stream environments in the plan change area are generally degraded due to heavy modification from bank erosion or barriers (dams/culverts).

Riparian planting and other at-source stormwater management techniques help protect or enhance water quality and ecological values of freshwater habitats.

Coast

Mangrove forests are evident around the coastal margin and are the dominant habitat type in the coastal environment. Isolated patches of oioi, glasswort and sea rush were observed on the shore of Wallace and Waiarohia Inlets indicating that isolated salt marsh habitats are present along the coastline¹¹. These habitats are of high ecological value despite the modified landscape and potential contamination from existing land uses. The vegetation

¹⁰ Whenuapai Structure Plan Biodiversity Assessment (2016) and Whenuapai Structure Plan Preliminary Coastal Habitat Assessment (2016)

¹¹ Whenuapai Structure Plan Preliminary Coastal Habitat Assessment (2016)

surrounding the Waiarohia Inlet is identified as a Significant Ecological Area under the AUP (OP).

Desired outcomes:

1. Development and use does not adversely affect biodiversity.
2. Ecological and biodiversity values are restored when possible.

6.5.1 Current planning provisions

National planning documents

New Zealand Coastal Policy Statement 2010 (NZCPS)

The NZCPS provides guidance on national priorities in relation to the coastal environment. Policy 11 provides direction that any adverse effects on particularly threatened species and their supporting habitats are avoided, and to avoid significant adverse effects on indigenous ecosystems and habitats. No threatened species have been identified along the coast in the plan change area. Therefore, Policy 11(b) applies. The direction of Policy 11(b) is to avoid significant adverse effects.

National Policy Statement for Freshwater Management 2014 (NPSFM)

The NPSFM sets out the objectives and policies for freshwater management under the RMA. It recognises the national significance of fresh water and Te Mana o te Wai (the mana of the water). The key directive is to protect the life-supporting capacity of fresh water and any associated ecosystems by managing the use of fresh water.

Auckland Unitary Plan (Operative in Part)

Chapter B: Regional Policy Statement

The following Regional Policy Statement (RPS) provisions are relevant to biodiversity:

- B7.2 Indigenous biodiversity – management approach to indigenous biodiversity is to identify areas with significant values for protection via overlays and controls.
- B7.3 Freshwater systems - direction to minimise permanent loss and significant modification of freshwater systems and enhancement where they are degraded. There are no biodiversity specific provisions beyond ensuring the health of freshwater systems, and by extension, its life-supporting capacity.
- B8.5 Managing the Hauraki Gulf/Te Moana Nui o Toi/Tikapa Moana – direction to manage the use and development of catchments of the Hauraki Gulf to ensure ecological values and life-supporting capacity of the Hauraki Gulf and protect and enhanced.

Chapter D: Overlays

The AUP (OP) takes an 'identify and protect' approach to managing biodiversity. Chapter D9 Significant Ecological Area, Chapter E1 Water quality and integrated management, Chapter E3 Lakes, rivers, streams, and Chapter E15 Vegetation management and biodiversity provide the main policy guidance on biodiversity.

The AUP (OP) spatially identifies areas of significant biodiversity value and ensures that those values are properly protected through Chapter D9 Significant Ecological Areas Overlay. There is one SEA – terrestrial surrounding the Waiarohia Inlet. This is the only SEA within the plan change area.

Rules that apply to SEAs are contained in Chapters E3 Lakes, rivers, streams and wetlands; E15 Vegetation management and biodiversity; E11 Land disturbance – Regional; E26 Infrastructure.

The SEA overlay is under appeal (CIV-2016-404-002343) by the Royal Forest and Bird Protection Society of NZ in the High Court. This appeal does not impact on the objectives and rules of the overlay.

Chapter E: Auckland-wide

E1 Water quality and integrated management

The AUP (OP) takes an integrated stormwater management approach. It seeks to improve water quality and ecosystem health. For further details, see section 6.4 of this report.

E3 Lakes, rivers, streams and wetlands

The AUP (OP) recognises the importance of the beds of lakes, rivers, streams and wetlands in the protection of ecological and biodiversity values. The AUP (OP) approach is to minimise permanent loss and avoid significant modification or diversion of lakes, rivers, streams and wetlands. There is also a direction to enhance lakes, rivers, streams and wetlands.

E15 Vegetation management and biodiversity

Chapter E15 Vegetation management and biodiversity manages terrestrial and coastal vegetation and biodiversity values outside of areas identified by specific overlays. The AUP (OP) approach is to recognise the role that vegetation plays in maintaining biodiversity values while enabling development that avoids, remedies or mitigates effects on those values to occur.

Provisions in E15 generally seek to control the circumstance and the amount of vegetation that can be cleared annually.

6.5.2 Planning response to issue

The plan change responds to the issue by focusing on the stream environment as an opportunity to restore biodiversity values in the area. The Whenuapai 3 Precinct will introduce provisions to encourage the restoration of the stream network to create an ecological corridor within the area. This will include the reintroduction of native vegetation along the riparian margin. The Whenuapai 3 Precinct will also introduce stormwater management provisions to enhance the life-supporting capacity of freshwater habitats.

6.6 Coastal management – coastal erosion risk

Issue: Development along the coast can potentially expose people to natural hazards and cause adverse effects on the coastal environment.

The coastal environment is a finite resource with high environmental, social, economic, and cultural values. Inappropriate development along the coast can threaten the life-supporting capacity of the marine environment, the amenity value it provides to future communities, as well as potentially threaten people and property by exposing them to coastal hazard risks.

The Whenuapai plan change area contains approximately 4.5 km of cliffed coastline. The coastline is unique in its estuarine, low-energy characteristics, and proximity to the sensitive receiving environments of the upper Waitematā Harbour.

Coastal biodiversity

Council consultants conducted field investigations in November 2016 to determine the ecological values of the wider Whenuapai area. Their report found that invasive weed species accounts for 90 percent of the flora composition and concluded that the area is heavily modified and degraded. There are, however, also coastal habitats of high ecological value despite modification and degradation resulting from historic patterns of land use.

Coastal erosion hazards

Council commissioned a localised coastal erosion assessment in July 2017¹². The assessment identifies a one hundred year erosion hazard area extending between 26m to 41m landward of the current cliff toe.

Coastal protection structures and stormwater outfalls

The management of coastal erosion risks can create additional issues. They include¹³:

- Stormwater outfalls that do not integrate with the coastal environment.
- Hard protection structures becoming the default coastal hazard management approach.

¹² Tonkin & Taylor. 2017. Coastal Hazard Assessment: Whenuapai Plan Change Stage 1.

¹³ Memo from Coastal and Geotechnical Services, Auckland Council dated 2 May 2017 and memo from Healthy Waters, Auckland dated 23 February 2017

The result is adverse effects on coastal amenity, coastal processes and biodiversity values. Hard protection structures can also introduce ongoing maintenance costs to council.

Desired outcomes:

1. Avoid increasing the exposure of people or property to risks from natural hazards.
2. Development and land use do not cause adverse effects on the coastal environment, including to species, habitats and ecosystems.

6.6.1 Current planning provisions

High-level statutory documents

The New Zealand Coastal Policy Statement and the Hauraki Gulf Marine Park Act 2000 (HGMPA) provide high-level direction for managing the complexities of the coastal environment. Section 10 of the HGMPA requires section 7 and 8 to be treated as a New Zealand coastal policy statement for the Hauraki Gulf. These documents generally seek to:

- recognise the national significance of the Hauraki Gulf
- protect the integrity of the coastal environment and ecosystems
- maintain and enhance features that contribute to the natural character of the coastal environment and landscape values
- maintain and enhances public use of, and access along, the coastal environment
- manage the risks associated with coastal hazards and climate change
- enable appropriate use and development, noting that the protection of the values of the coastal environment does not preclude development done sympathetically and within limits.

The relevant sections of AUP (OP) give effect to the objectives and policies of the NZCPS. They are outlined below.

Auckland Unitary Plan (Operative in Part)

The AUP (OP) gives effect to the requirements of the NZCPS by adopting a risk based approach to manage natural hazards, and by integrating the management of land use, development and subdivision, to recognise the unique amenity and biodiversity values of the coastal environment.

Chapter B: Regional Policy Statement

The following regional policies are relevant to the coastal environment:

- B2.2 Urban Growth and Form – recognises the risks from coastal hazard by directing intensification to avoid areas subject to significant natural hazard risks and areas prone to coastal hazards where practicable.
- B3.2 Infrastructure – requires the development and operation of infrastructure to be done in a way that manages adverse effects on the coastal environment.

- B4.3 Viewshafts – recognises the importance of the natural character of the coastal environment in contributing towards high amenity values. In particular, identifies and protects significant views from public places to the coastal environment.
- B6.3 Recognising Mana Whenua values – enhance the mauri of and relationship of Mana Whenua with coastal resources.
- B7.2 Indigenous biodiversity – management approach to indigenous biodiversity in the coastal marine area is to identify areas with significant values for protection via overlays and controls.
- B7.4 Coastal water, freshwater and geothermal water – the AUP (OP) takes an integrated approach to managing land use and water quality, acknowledging the complex relationship between the two. Refer to section 6.4 of this report (stormwater issues).
- B8.2 Natural character – direction to protect areas of outstanding and high natural character. Subdivision, use, and development should be done in a way to preserve qualities that contribute to the natural character of the coastal environment, and where practicable, restore areas of degraded natural character.
- B8.3 Subdivision, use and development – directs subdivision, use and development in the coastal environment to recognise the range of coastal values. Requires subdivision, use and development to avoid increasing risk in areas potentially affected by coastal hazard.
- B8.4 Public access and open space – direction to maintain and enhance public access to, and recreation and amenity values of the coast. Recognises that in some circumstances access could be restricted on safety grounds.
- B10.2 Natural hazards and climate change – directs new development to not increase risks from natural hazards. Requires any assessment of coastal hazards to be done at a minimum of a 100-year timeframe.

Chapter D: Overlays

Chapter D9 Significant Ecological Areas (SEA) Overlay identifies areas of significant ecological values and protects them from adverse effects of development by limiting the scope of development. An SEA – terrestrial applies to the areas surrounding the Waiarohia Inlet.

There are no coastal character values scheduled under the Outstanding Natural Features, Outstanding Natural Landscapes, Outstanding Natural Character or the High Natural Character overlays within the plan change area.

Chapter E: Auckland-wide

E15 Vegetation management and biodiversity

The AUP (OP) seeks to manage vegetation and biodiversity outside of scheduled significant ecological areas by limiting the scale and circumstances for vegetation removal.

E18 Natural character of the coastal environment

This chapter provides policy guidance for activities in areas of the coastal environment not scheduled by the AUP (OP). It generally directs development to maintain natural characteristics and restore or rehabilitate natural character values when practical. There are no rules associated with this chapter.

E19 Natural features and natural landscapes in the coastal environment

This chapter provides policy guidance for activities in the areas of the coastal environment not scheduled by the AUP (OP) and directs development to maintain the landscape, and amenity values of the coastal environment. There are no rules associated with this chapter.

E26 Infrastructure

The AUP (OP) allows for the construction and maintenance of infrastructure in the coastal environment while managing its effects. Provisions control activities within identified overlays such as SEAs. Effects on the coastal environment are considered as part of an assessment criteria.

E36 Natural hazards and flooding

The AUP (OP) takes a risk-based approach towards managing coastal hazard risks. The chapter requires that development to only proceed if risks from natural hazards are not increased. Risks should be reduced when practicable, and natural features should not be used (where appropriate) in preference to hard protection structures when managing natural hazards.

E38 Subdivision – Urban

This chapter reinforces Chapter E36 Natural hazards and flooding. It directs subdivision to provide for a safe and stable building platform and vehicle access, and esplanade reserves and/or strips.

6.6.2 Planning response to issue

Coastal management provisions within the plan change area will address the issue of coastal erosion hazards. Biodiversity values in the coastal environment will be assessed through the biodiversity provision sections of this report. It is considered that the existing AUP (OP) approach is sufficient in addressing public access to the coastal environment.

Coastal Erosion

The plan change responds to the coastal erosion hazards identified in the coastal hazard assessment. The localised assessment provides greater precision and certainty than the AUP (OP)'s region-wide approach. The plan change introduces a planning framework, including objective, policies, and standards, to avoid any development that increases the exposure of people and property to risk from coastal erosion. The plan change also introduces a planning framework to limit the use of hard protection structures in areas of identified coastal erosion risk.

Stormwater outfalls

The plan change will apply a resource consent requirement for stormwater outfalls within the coastal hazard area to ensure the designs are appropriate and do not exacerbate coastal erosion or impact inappropriately on amenity. This will include matters of discretion enabling the council to ensure appropriate consideration is given to managing adverse effects associated with the design and placement of coastal outfalls.

6.7 Reverse sensitivity effects on Whenuapai Airbase

Issue: Potential reverse sensitivity effects of subdivision, use and development in the plan change area on the ongoing operation of Whenuapai Airbase.

The plan change area is located immediately south and west of Whenuapai Airbase. While the airbase is outside the plan change area, it contributes to the area's existing environment and character. The airbase is a defence facility operated by the New Zealand Defence Force (NZDF). It is of national and strategic importance and operates in accordance with its defence obligations under the Defence Act 1990. Its operations include maritime patrol, search and rescue, transport of personnel and equipment, and the provision of assistance in times of emergency in New Zealand and overseas.

It is important to address potential reverse sensitivity effects on the airbase as the area changes from rural to urban. The airbase is likely to remain in Whenuapai for the foreseeable future. Therefore any planning for Whenuapai will need to ensure potential adverse effects on the airbase are appropriately managed.

In their submission on the draft plan change, the NZDF highlighted a number of matters relating to reverse sensitivity effects including noise effects, building heights, lighting and bird strike hazards. Noise effects from Whenuapai Airbase are addressed separately in section 6.8 of this report.

With respect to building heights, the NZDF were concerned with new buildings and structures penetrating the obstacle limitation surfaces (OLS) within Designation 4311 (Whenuapai Airfield Approach and Departure Path Protection), particularly in parts of the plan change area where the ground level is close to the OLS. Construction cranes in the

vicinity of the airbase have been an issue in recent years. These incidents have the potential to force the closure of runways and disrupt airbase operations.

The key issue in relation to lighting is the potential for outdoor lighting to imitate or mask runway lighting and result in glare for approaching and departing pilots.

The NZDF feedback on the draft plan change also highlighted the issue of bird strike risk as an operational safety issue. There is potential for increased bird strike risks from new development in the area. Since the draft plan change, the NZDF have provided a specialist wildlife hazards report¹⁴ focusing on bird strike risk within 13 kilometres of Whenuapai Airbase. There is potential that new and existing land uses in the vicinity of the airbase could create an attractive environment for birds. This poses risks for aircrafts flying in and out of the airbase and could impact on the NZDF's capability and operational readiness.

The wildlife hazards report was reviewed by the council.¹⁵ The review acknowledges the consequences of wildlife collisions with aircraft can be very serious. However, it notes that the report was heavily focussed on overseas studies. While the issue cannot be dismissed, the threats and activities identified by the report are generally outside the control of the council. The review also noted that many of the activities listed are permitted or controlled activities under the AUP (OP). On that basis, no new provisions are proposed to address bird strike risk in this plan change.

Desired outcome: Subdivision, use and development within the plan change area occurs in a way that enables operations at Whenuapai Airbase to continue in a safe and efficient manner.

6.7.1 Current Planning Provisions

Auckland Unitary Plan (Operative in Part)

There is direction in the Regional Policy Statement (RPS) to manage reverse sensitivity effects from urban intensification on land with existing incompatible activities.¹⁶ The RPS also seeks to protect infrastructure, which includes the airbase, from reverse sensitivity effects caused by incompatible subdivision, use and development.¹⁷ Additionally, Policy B3.2.2(5) seeks to “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”. This is recognised throughout the AUP (OP), including in Chapters D24 Aircraft Noise Overlay, E25 Noise and vibration, E26 Infrastructure, E38 Subdivision – Urban and E39 Subdivision – Rural.

¹⁴ Avisure. 2017. RNZAF Base Auckland (Whenuapai Aerodrome): Landuse Planning for Wildlife Hazards Report.

¹⁵ Memo from Rue Statham, Ecologist, Auckland Council dated 2 August 2017.

¹⁶ Chapter B2 Urban growth and form, Policy B2.4.2(7)

¹⁷ Objective B3.2.1(6)

Designation 4311 includes conditions relating to the protection of the approach and departure paths at Whenuapai Airbase. In relation to lighting, Chapter E24 Lighting in the AUP (OP) contains provisions for managing light spill and glare. However, there are no specific provisions for managing effects of lighting on the safe operation of airports. There are also no provisions in the AUP (OP) that address bird strike risk.

6.7.2 Planning response to issue

While Chapter E24 of the AUP (OP) contains provisions for artificial lighting, there are currently no specific provisions to address the effects of lighting on airport operations. The plan change incorporates an objective and a policy addressing reverse sensitivity effects of subdivision, use and development on the airbase. The objective and policy are supported by a lighting standard and assessment criteria.

Noise from aircraft operations is addressed in NZDF's Designation 4310 as well as in Chapter D24 Aircraft Noise Overlay in the AUP (OP). Aircraft operations are defined in the AUP (OP) as including:

- the landing and take-off of any aircraft at an airport or airfield;
- the taxiing of aircraft associated with landing and take-off and other surface movements of aircraft for the purpose of taking an aircraft from one part of the airport to another; and
- aircraft flying along any flight path.

Aircraft engine testing noise is addressed in section 6.8 of this report.

Structures that penetrate the approach and departure path obstacle limitation surfaces are managed under Designation 4311. As such, it is not considered appropriate or necessary to include another layer of management within the Whenuapai 3 Precinct to address that issue.

In regards to bird strike risk, based on the wildlife hazards report, it is not appropriate to incorporate planning provisions in this plan change. However, it may be helpful to promote the recommendations of the wildlife hazards report to all who are developing in the area, as a voluntary measure. This could be further discussed between the NZDF, the council and developers.

6.8 Aircraft engine testing noise

Issue: Adverse effects of aircraft and engine testing noise from Whenuapai Airbase on the health and wellbeing of existing and future residents in the plan change area.

The Whenuapai Airbase is used for military operations and related military activities by the New Zealand Defence Force (NZDF). The airbase has two runways servicing the No.6 Squadron, No.5 Squadron (Orion), No.40 Squadron (Hercules and Boeing 757) and RNZAF Parachute Training Support Unit. The NZDF has advised that the airbase will remain a

military airbase and continue to operate at a similar scale and intensity for the foreseeable future. Engine testing is an essential part of the NZDF's operations at Whenuapai Airbase.

Noise from aircraft operations, which excludes engine testing noise, is managed under Designation 4310 and the Aircraft Noise Overlay in the AUP (OP).

The structure plan identified noise from engine testing on the airbase and helicopter flights as a potential issue. The issue was also highlighted in the NZDF's feedback on the draft plan change. The majority of the complaints that the airbase receive relate to engine testing noise due to its intensity and duration. As Future Urban land becomes rezoned to urban zones and development occurs, more people will be exposed to noise from the airbase. Appropriate planning responses are required to ensure any adverse effects of noise from the operation of the airbase on the health and wellbeing of residents are managed.

The NZDF commissioned consultants to provide an assessment of engine testing noise on the plan change area. A noise assessment report was produced¹⁸ which uses aircraft engine noise data to model noise levels in the plan change area. It does not take into account noise from aircraft operations which are managed by Designation 4310 and the Aircraft Noise Overlay provisions in the AUP (OP). NZDF's noise assessment report was reviewed by council noise consultants, which confirmed the approach undertaken was appropriate for determining the effects of aircraft engine testing noise on the plan change area.

The purpose of the noise assessment was to quantify aircraft engine testing noise within the plan change area. A desktop assessment was undertaken to predict the extent of areas affected by engine testing noise using existing aircraft engine noise data and information on the procedures adopted at the airbase.

Engine testing noise emitted by the largest aircrafts at Whenuapai Airbase, being the Boeing B757, Hercules C130H and P-3K2 Orion, were used in the assessment. A survey of engine testing conducted at Whenuapai Airbase was undertaken over a 60-day period in May and July 2016. The survey included engine testing data on the aircraft type, time and date of test, power levels, duration, test location, and wind direction and speed. The survey showed there were 96 engine tests conducted within the 60-day period and 37 of those were 'high power' tests. High power tests are tests where the engine is using greater than 85 per cent of its full power.

Most engine testing occurs during the day. Testing after 10 pm only occurs in exceptional circumstances and must be authorised by the base commander. Within the surveyed period, only two tests were carried out after 10 pm.

While high power engine testing happens less frequently, usually every 2.5 days, the average duration of high power testing is around 75 minutes compared to 27 minutes for low power testing occurring every 1.5 days. Combining tests from both power levels over the 60 days gives an average of one 34-minute test per day.

¹⁸ Malcolm Hunt Associates. 2017. Airbase Auckland: Whenuapai, Noise from Aircraft Engine Testing.

In terms of test locations, over 95 per cent of engine testing occurs at six key locations on the base. These locations are shown on Figure 10 following.

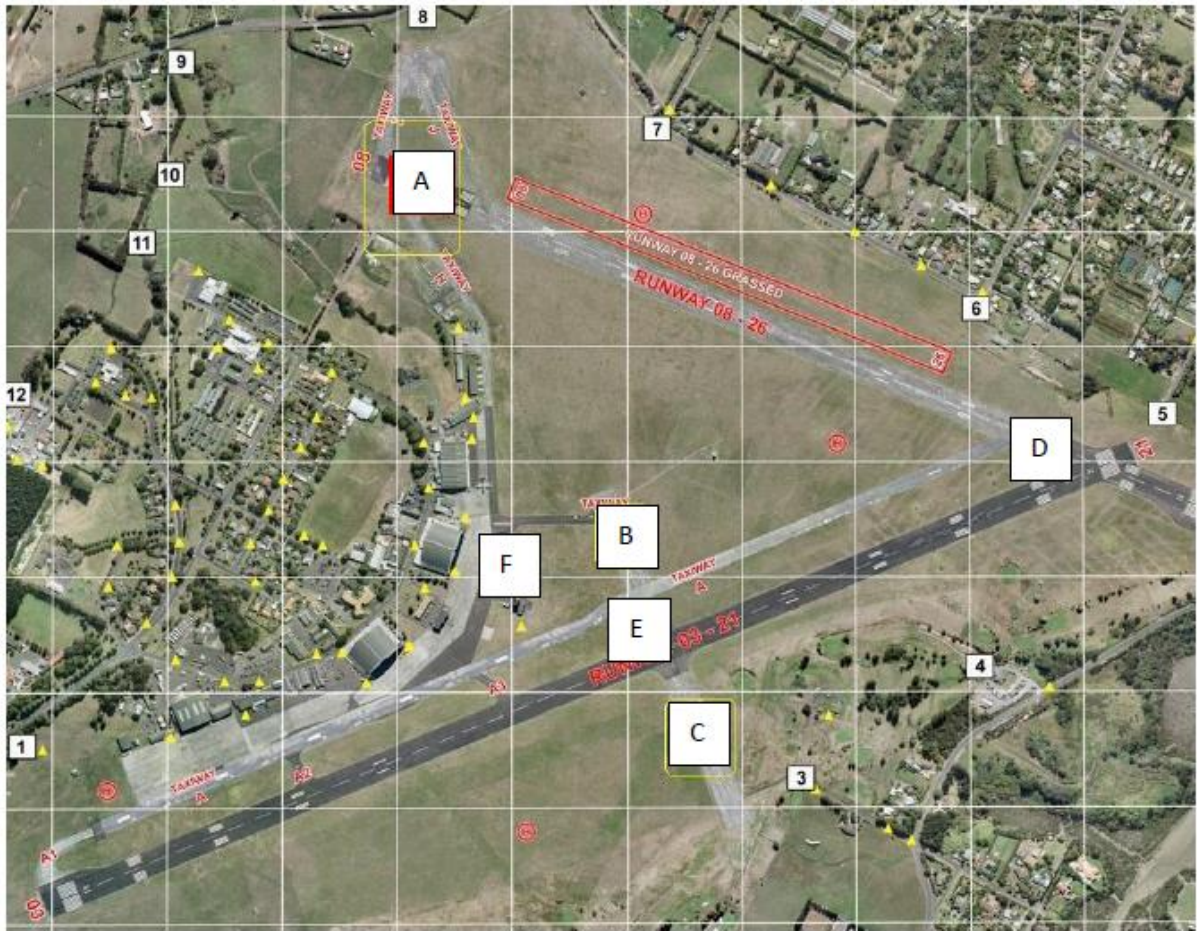


Figure 10: Key sites for aircraft engine testing at Whenuapai Airbase¹⁹

Three representative receiver locations (A, B and C) were identified within the plan change area, as shown in Figure 11 following.

¹⁹ Source: Malcolm Hunt Associates 2017

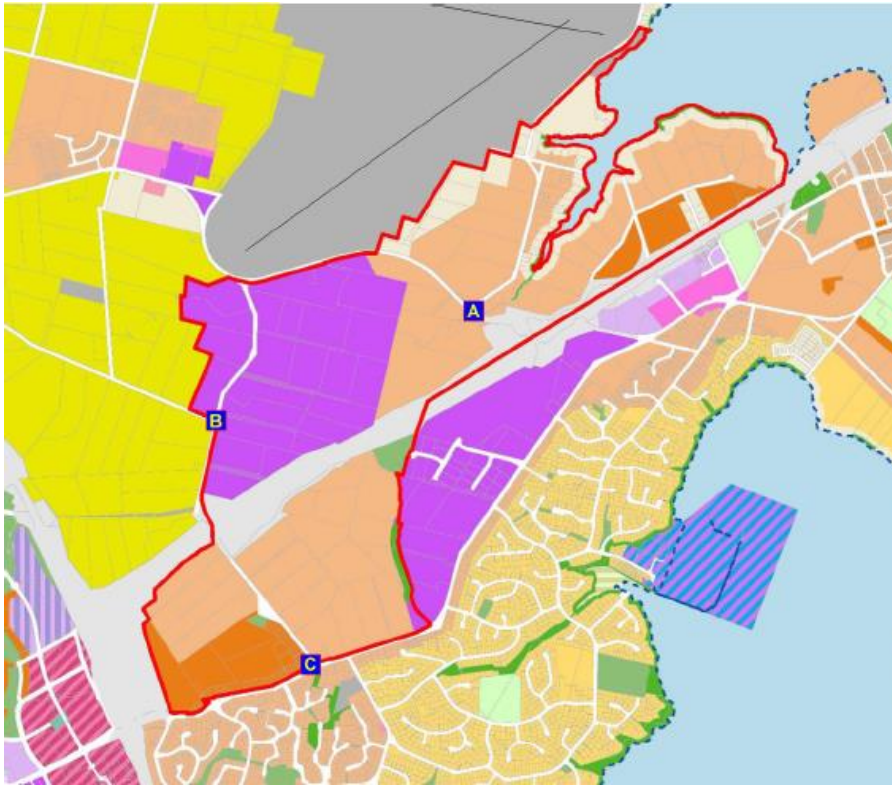


Figure 11: Representative receiver locations identified as A, B and C within the plan change area.

A worst case scenario was predicted for the identified receiver locations, based on a seven-day rolling average with both high and low powered tests conducted for all three aircraft types. The predictions were based on a receiver height of 4.2 metres which equates to the upper storey of a two-storey dwelling and the noise levels are mapped as 57 dB L_{dn} and 65 dB L_{dn} contours within the plan change area.

The report concluded that areas within the 65 dB L_{dn} are not suitable for new residential or noise sensitive activities. For the area between the 57 dB L_{dn} and 65 dB L_{dn} contours, noise effects are predicted to be significant without any additional acoustic treatment of habitable rooms. Outside of the 57 dB L_{dn} contour, engine testing noise levels are considered to be acceptable for noise sensitive activities without any mitigation measures.

The council's review of NZDF's noise assessment report concluded that the noise contours in the report were reasonable, would allow land affected by aircraft engine testing to be appropriately zoned and plan provisions to address the issue to be incorporated into a precinct. The review noted that the worst case scenario may be exceeded on occasion and that there will be many instances when the engine testing noise will be less than the seven-day rolling average. As engine testing generally occurs before 10pm, significant sleep interference issues are avoided.

Desired outcome: The existing and future community of Whenuapai is adequately protected from the adverse effects of noise from the ongoing operations at Whenuapai Airbase.

6.8.1 Current planning provisions

Auckland Unitary Plan (Operative in Part)

Whenuapai Airbase has a Special Purpose Airports and Airfields Zone under the AUP (OP). Chapter H23 refers to Chapter I Precincts for provisions applicable to each airport or airfield. There are no specific provisions relating to Whenuapai Airbase as there is no precinct over the airbase.

However, the Aircraft Noise Overlay (Chapter D24) applies across a part of the plan change area and its provisions are relevant. The description (D24.1) states:

The purpose of the Aircraft Noise Overlay is to manage the subdivision of land and location of activities sensitive to aircraft noise in areas of high cumulative noise around the region's airports and airfields, so that the continued operation of the airports and airfields is not compromised and reverse sensitivity issues are addressed.

The extent of the Aircraft Noise Overlay in Whenuapai is shown in Figure 12.

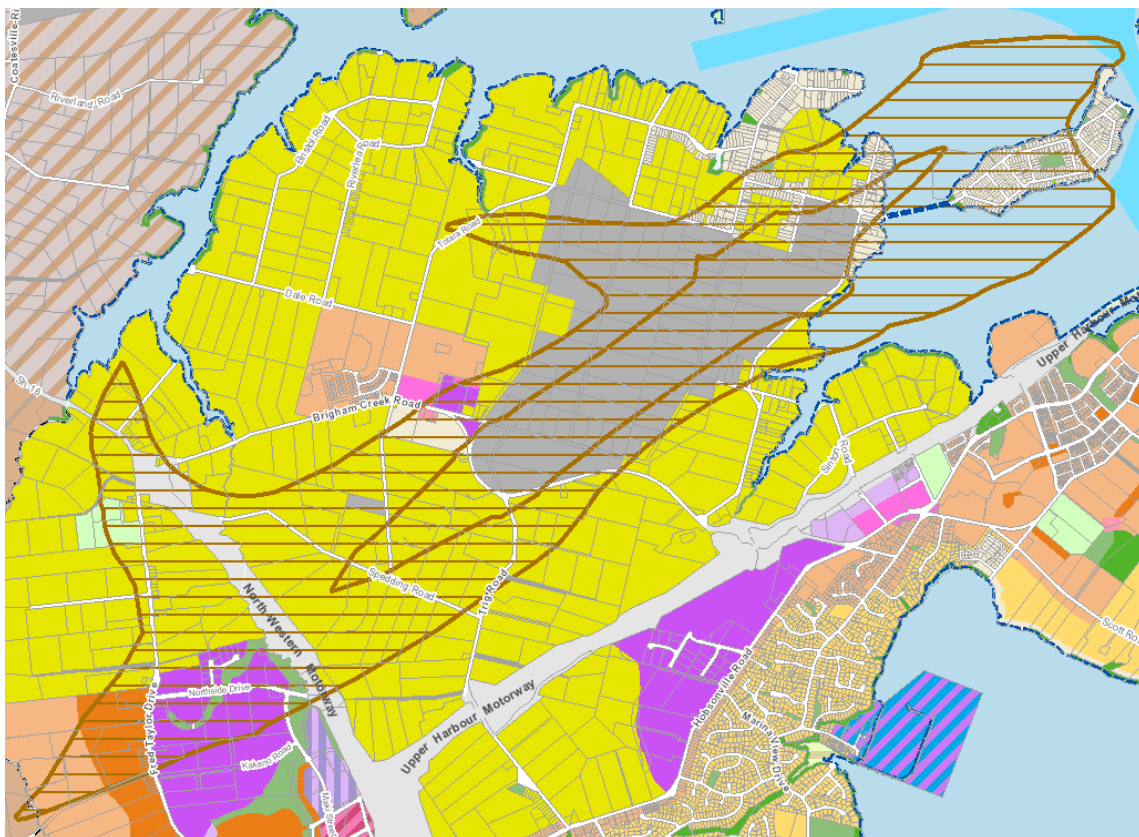


Figure 12: The Aircraft Noise Overlay (in brown) in Whenuapai.

The inner contour in Figure 12 represents the 65 dB L_{dn} noise boundary while the outer contour represents the 55 dB L_{dn} noise boundary.

There is strong direction to protect airports and airfields from reverse sensitivity effects and address adverse effects of aircraft noise on activities sensitive to aircraft noise (including residential). Policy D24.3.1 seeks to avoid the establishment of new activities sensitive to aircraft noise within the 65 dB L_{dn} noise contour in the overlay (the inner contour for Whenuapai Airbase). Between the 55 dB L_{dn} and 65 dB L_{dn} noise contours, new residential and other activities sensitive to aircraft noise should be avoided 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” (Policy D24.3.3(a)).

Policy 24.3.5 is also relevant:

Manage residential intensification and activities sensitive to aircraft noise within (5) areas identified for accommodating urban growth in a way that avoids reverse sensitivity effects as far as practicable, including reverse sensitivity effects between those land uses and such effects on Auckland International Airport, Ardmore Airport, Whenuapai Airbase and North Shore Airport, and that avoids, remedies or mitigates adverse aircraft noise effects on people and communities.

Between the 55 dB L_{dn} and 65 dB L_{dn} noise boundaries, new activities sensitive to aircraft noise and alterations/additions to existing buildings accommodating activities sensitive to aircraft noise are a restricted discretionary activity (Rule D24.4.1(A1) and (A3)), provided they comply with Standard D24.6.1(1). The standard specifies sound attenuation and ventilation requirements. However subdivision of land for activities sensitive to aircraft noise to create a new site between the 55 dB L_{dn} and 65 dB L_{dn} noise boundaries is non-complying.

Within the 65 dB L_{dn} noise boundary, new activities sensitive to aircraft noise are prohibited as is any subdivision of land for activities sensitive to aircraft noise. Alterations and additions to existing buildings accommodating activities sensitive to aircraft noise are a non-complying activity.

The AUP (OP) only manages the effects of aircraft noise under the Aircraft Noise Overlay with no other controls for noise effects such as engine testing noise outside of the noise contours.

6.8.2 Planning response to issue

No response is proposed in respect of managing the effects of aircraft noise from Whenuapai Airbase as the issue is adequately addressed by way of the Aircraft Noise Overlay, the associated provisions in Chapter D24 and the conditions of Designation 4310.

However, as the Aircraft Noise Overlay and Designation 4310 do not include noise from aircraft engine testing, this plan change proposes to incorporate the 57 dB and 65 dB L_{dn} contours identified in NZDF's noise assessment report as part of the Whenuapai 3 Precinct. Specific rules are proposed to ensure adverse effects from aircraft engine testing noise on activities sensitive to noise are appropriately managed. This includes zoning sites within the 65 dB L_{dn} contour as Business – Light Industry and between the 57 dB L_{dn} and 65 dB L_{dn} contours as Residential – Single House to limit the number of people exposed to the noise. Additionally, Standard I616.6.19 require sound attenuation and related ventilation to the noise environment of habitable rooms does not exceed 40 dB L_{dn} . This approach is consistent with the existing measures for managing activities affected by operational aircraft noise.

6.9 Historic heritage and trees

Issue: Urban development within the plan change area may adversely affect heritage and / or archaeological sites and areas, leading to their modification such that the heritage or archaeological values are compromised or lost.

The plan change area has only a few heritage sites and these are already listed in the AUP (OP). The existing sites have protection and the plan change does not seek to amend those provisions.

As part of the structure plan and plan change processes, further investigations were carried out for the Clarks Lane workers' residences and for an anti-aircraft battery site located at 4 Spedding Road and 92 Trig Road.

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

The five structures that make up the Whenuapai anti-aircraft battery are mainly filled with earth so their condition is not fully known. They are constructed of thick reinforced concrete

and are considered to be in fair condition based upon the two emplacements that were able to be accessed. Protection of these two sites will add to the heritage fabric in this part of Whenuapai and provide tangible links to the past as the new community locates into these areas.

An arboriculture assessment undertaken in April 2017²⁰ found that no trees in the plan change area met the requirements in the AUP (OP) to be added to the Notable Trees Schedule.

Desired outcome: Archaeological and heritage items and sites are appropriately managed in the plan change area.

6.9.1 Current planning provisions

Auckland Unitary Plan (Operative in Part)

The AUP (OP) has provisions that manage heritage sites and items at both Regional Policy Statement and district plan levels.

Regional Policy Statement

Chapter B5 contains objectives and policies that guide the management of historic heritage and special character. The recognition, protection, conservation and appropriate management of historic heritage places will help future generations appreciate what these places mean to the development of the region. Historic heritage places are a finite resource that cannot be duplicated or replaced.

Special character areas include older established areas and places which may be whole settlements or parts of suburbs or a particular rural, institutional, maritime, commercial or industrial area. They are areas and places of special architectural or other built character value, exemplifying a collective and cohesive importance, relevance and interest to a locality or to the region.

Chapter D Overlays

Chapter D17 Historic Heritage Overlay provides for scheduled historic heritage places that can be an individual feature, or encompass multiple features and/or properties, and may include public land, land covered by water and any body of water. A historic heritage place may include cultural landscapes, buildings, structures, monuments, gardens and plantings, archaeological sites and features, traditional sites, sacred places, townscapes, streetscapes and settlements. The provisions within Chapter D17 manage the protection, conservation, maintenance, modification, relocation, use and development of scheduled historic heritage places.

²⁰ Memo from Greenscene NZ to council dated 3 April 2017

Clarks Lane

There are six dwellings in Clarks Lane in the eastern part of the plan change area that have the AUP (OP)'s Historic Heritage Overlay Extent of Place over them. This overlay provides protection to the dwellings numbered 4, 5, 6, 7, 9, and 10 Clarks Lane. Number 3 Clarks Lane is not included, but will be included as part of the Plan Change.

The council engaged consultants to undertake a preliminary historical assessment of the Whenuapai Structure Plan area which was completed in June 2016. The report identified approximately 35 historic heritage sites in the plan change area, the majority being located in the vicinity of Clarks Lane.

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

Anti-Aircraft Battery at 4 Spedding and 92 Trig Road

The AUP (OP) currently provides no protection for this site.

6.9.2 Planning response to heritage issue

The AUP (OP) has a policy and rule framework to manage development that affects the heritage and archaeological values associated with development sites. These provisions mean that no new provisions are required to be included in this plan change to manage the heritage areas that are being included in the AUP (OP).

The new Clarks Lane Historic Heritage Area (HHA) is proposed to be included in the AUP (OP) Schedule 14.1 Historic Heritage and Schedule 14.2. This HHA is supported by a map that identifies contributing and non-contributing sites and features in Clarks Lane, and by the inclusion of a Historic Heritage Extent of Place notation in the AUP (OP) Overlay Maps. Individual notations for 4, 5, 6, 9, and 10 Clarks Lane are deleted from Schedule 14.1 and the AUP (OP) Overlay Maps.

As part of this plan change, the anti-aircraft battery is proposed to be included in the AUP (OP) Schedule 14.1 Historic Heritage and is supported by the inclusion of a Historic Heritage Extent of Place notation in the AUP (OP) Overlay Maps.

The proposed amendments to Schedule 14.1 and the Historic Heritage overlay protect historic heritage and therefore have immediate legal effect in accordance with section 86B(3) of the RMA. More information about section 86B of the RMA can be found in section 8 of this report.

6.10 Provision of open space

Issue: Existing open spaces in Whenuapai are inadequate to meet the social and recreational needs of the future community of the area.

The existing network of open space in the plan change area comprises one neighbourhood park on Ryans Road off Trig Road, and pieces of disjointed esplanade reserves along the coast.

As part of enabling the development of 351 hectares of land, it is important to ensure there is adequate provision of open space to meet the diverse needs of the future community and that this open space is integrated with the social, cultural and physical environments. The council's Parks and Recreation Policy team prepared the Whenuapai Structure Plan: Parks and Open Space Report (2016). This report applied the council's Open Space Provision Guidelines 2016 to determine the appropriate amount of open spaces for the Whenuapai area as well as the spatial arrangement of this open space. The structure plan identified the preferred network of open space comprising of five neighbourhood parks, one suburb park and one 10 hectare sports park which will be a regional facility.

There are a number of streams within the plan change area. There are opportunities to integrate the open space network with the stream network and the coastal environment, to increase public access along the coast and the stream edge.

The council is also in the process of acquiring land for the Rawiri Stream restoration and reserve project. The Rawiri Stream runs along the plan change boundary between Hobsonville Road and State Highway 18. The plan change proposes to rezone properties that have been acquired as part of this project to an open space zone under the AUP (OP).

Desired outcome: A functional and attractive open space network that meets the diverse needs of the community and is an integral part of Whenuapai's social, cultural and physical environment.

6.10.1 Current planning provisions

Auckland Unitary Plan (Operative in Part)

The regulatory framework within the AUP (OP) deals with the management of existing open spaces. The structure planning process identified the amount and location of open space needed to meet the needs of future communities consistent with the requirements of Appendix 1: Structure plan guideline of the AUP (OP).

There are small areas of existing Open Space Zones and Coastal Transition Zone in the plan change area.

Appendix 1 Structure plan guidelines

Appendix 1 requires the following matters to be addressed in the structure planning stage:

- Auckland Council's Parks and Open Space Strategy Action Plan
- Integration of green networks with open space and transport networks, and opportunities for environmental restoration and biodiversity
- Mix and distribution of land use which include providing open spaces
- Urban form which includes provision of open spaces highly visible from streets and meets identified community needs
- Location, scale, function and provision of open space.

Relevant council plans

Parks and Open Spaces Strategic Action Plan 2013

Appendix 1 of the AUP (OP) requires consideration of the Parks and Open Spaces Strategic Action Plan when a structure plan is prepared. The action plan provides strategic guidance for planning and developing parks and open spaces. There are four areas of focus:

- opportunities to learn about the special features (including protecting significant ecological, natural, cultural and historic heritage values as well as the coast) of the open space network
- expand the network to include more uses and activities
- visually and physically connecting the open space network to create opportunities for people to move around the city and to enhance biodiversity
- recognise the role of the open space network in improving quality of life, particularly, the synergy between open spaces and creating a green, resilient and prosperous city.

Open Space Provision Guidelines 2016

The provision guidelines provide quantity, distribution and configurations of parks in both greenfield and urban developments. The provision guidelines give effect to the objectives of the Parks and Open Spaces Strategic Action Plan and the AUP (OP).

The Open Space Provision Guideline 2016 has informed the extent of open space necessary in the plan change area.

Parks and Open Spaces Acquisition Policy 2013

While the provision guidelines dictate the quantum necessary, the acquisition policy sets out council's method and process for acquiring parks and open spaces.

6.10.2 Planning response to issue

The plan change will give effect to the identified open space network identified in the Whenuapai Structure Plan: Parks and Open Space Report (2017). This will be done through

a planning framework to ensure development does not preclude the open space outcomes identified, while allowing for some flexibility for developers to determine the exact location of open space.

7. Evaluation of objectives

7.1 Integrated subdivision, use and development

7.1.1 Objectives

Objective I616.2(1)	Subdivision, use and development in the Whenuapai 3 Precinct is undertaken in a comprehensive and integrated way to provide for a compatible mix of residential living and employment opportunities while recognising the strategic importance of Whenuapai Airbase.
Objective I616.2(2)	Subdivision, use and development achieves a well-connected, safe and healthy environment for living and working with an emphasis on the public realm including parks, roads, walkways and the natural environment.
Objective I616.2(7)	Development in the Neighbourhood Centre Zone: (a) is coordinated and comprehensive; (b) has active frontages facing the street; and (c) promotes pedestrian linkages.

The implementation of this plan change will see Whenuapai change from a mainly rural environment to an urban environment over time. However, with fragmented land ownership, there is uncertainty where development will occur, at what times and how quickly the area will develop after the plan change becomes operative.

Objectives I616.2(1) and I616.2(2) are the overarching objectives to guide subdivision, use and development within the plan change area. The application of these objectives within the Whenuapai 3 Precinct and the proposed zoning approach recognises the importance of ensuring that development occurs in an integrated way that will sustainably manage both development and the environment. They also recognise the importance of a high quality urban environment with an emphasis on the public realm.

As shown on the proposed zoning map for this plan change, approximately 4000m² of land is proposed to be zoned Neighbourhood Centre on Hobsonville Road. The Neighbourhood Centre Zone provides for the convenience retail needs of local residents and passers-by and is considered to be integral to an accessible and liveable urban environment. The plan provides direction for how development within the Neighbourhood Centre Zone is envisaged to occur through Objective I616.2(7).

7.1.2 Evaluation

The current planning provisions described in section 6.1 represents the do-nothing option (status quo) for the objectives assessed in this section. Section 6.1 provides the reasons why a planning response is needed to address the identified issue.

Relevance

Objectives I616.2(1) and (2) relate to the key issue that the plan change seeks to address – to provide for integrated subdivision, use and development in Whenuapai. It is important that subdivision, use and development are integrated with the provision of infrastructure to mitigate adverse effects of urbanising a greenfield area.

The objectives are the most appropriate way to achieve the purpose of the RMA. In particular, Objective I616.2(2) gives effect to section 5(2) of the Act by enabling development in Whenuapai in a manner which safeguards the life-supporting capacity of ecosystems. The objectives also recognise and provide for section 6 matters such as the preservation of the natural character of the coastal environment, the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers, and the protection of historic heritage from inappropriate subdivision, use and development. They also have regard to section 7 matters, including: the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, intrinsic values of ecosystems, maintenance and enhancement of the quality of the environment and the effects of climate change.

The Whenuapai Airbase is an important asset at the edge of the plan change area and any development will need to consider its potential effects on existing airbase operations. Objective I616.2(7) relates to the provision of a functional neighbourhood centre.

The objectives assist the council with giving effect to the National Policy Statement on Urban Development Capacity 2016. Through rezoning land and area specific precinct provisions, the plan change will, when applied in conjunction with the AUP (OP), provide opportunities to develop land in Whenuapai for residential and business uses in a coordinated and integrated manner.

The AUP (OP) Regional Policy Statement contains a number of provisions that are relevant for this plan change. These are outlined in section 4.2 of this document. The plan change objectives align with the strategic outcomes sought in the Regional Policy Statement of the AUP (OP), particularly those in Chapter B2 Urban growth.

The plan change objectives are also within the scope of the council's functions under sections 30 and 31 of the RMA. The Resource Legislation Amendment Act 2017 included “the establishment, implementation and review of objectives, policies and methods to ensure there is sufficient development capacity in relation to housing and business land to meet the expected demands of the region” into sections 30 and 31 of the RMA. The plan change aligns with this statutory requirement.

Achievability

The council has the ability to deliver on these objectives through the application of the AUP (OP), the district plan provisions proposed in this plan change, and through Watercare and

Auckland Transport as council controlled organisations and infrastructure providers. The provisions fall within the council's functions under section 31 of the RMA.

The provisions of the Whenuapai 3 Precinct provide direction and certainty to landowners and developers within the plan change area about what the planning outcomes for the area are.

Acceptability

The objectives are consistent with the direction provided by the Whenuapai Structure Plan and identified community outcomes. As outlined in section 5.1 of this report, the structure planning process was the subject of a public consultation period in April-May 2016.

Comments received during public consultation were used to create the vision for Whenuapai. The vision is as follows:

Whenuapai is a liveable, compact and accessible place with a mix of high quality residential and employment opportunities. It makes the most of its extensive coastline, is well connected to the wider Auckland Region, and respects the cultural and heritage values integral to its distinctive character.

This structure plan vision was supported in the structure plan by seven key objectives. They are translated into Objectives I616.2(1), (2) and (7) in this plan change.

Both Te Kawerau a Maki and Ngati Whatua o Kaipara have been involved throughout the development of the structure plan and the drafting of the plan change. They have expressed their general support for development within Whenuapai as long as land is developed in a way whereby infrastructure provision is integrated with protection of the streams, archaeological sites and the Upper Waitematā Harbour.

7.2 Transport and other infrastructure

7.2.1 Objectives

Objective I616.2(3)	Subdivision and development does not occur in advance of the availability of transport infrastructure, including regional and local transport infrastructure.
Objective I616.2(4)	The adverse effects, including cumulative effects, of subdivision and development on existing and future infrastructure are managed to meet the foreseeable needs of the Whenuapai 3 Precinct area.
Objective I616.2(5)	Subdivision and development does not occur in a way that compromises the ability to provide efficient and effective infrastructure networks for the wider Whenuapai 3 Precinct area.
Objective I616.2(6)	Subdivision and development implements the transport network connections and elements as shown on Whenuapai 3 Precinct Plan 2 and takes into account the regional and local transport network.

Proposed Objectives I616.2(3) to (6) seek to ensure that development does not occur without the necessary infrastructure to support it, including transport, wastewater and water supply infrastructure required within the plan change area and beyond.

For transport infrastructure, the Technical Inputs report dated June 2017 proposes arterial and collector roads as shown on Whenuapai 3 Precinct Plan 2. The report also assessed the infrastructure investments required in areas within the precinct to ensure the transport network supports development. Five development areas were determined, identified as areas 1A to 1E on Whenuapai 3 Precinct Plan 2, and the infrastructure identified within each area that needs to be provided as development progresses. This infrastructure is required to mitigate adverse effects of subdivision and development.

7.2.2 Evaluation of the objectives

The current planning provisions described in section 6.2 represents the do-nothing option (status quo) for the objectives assessed in this section. Section 6.2 provides the reasons why a planning response is needed to address the identified issue.

Relevance

The objectives are the most appropriate way to achieve the purpose of the RMA as it enables subdivision, use and development while ensuring the necessary infrastructure is provided to mitigate any adverse effects of the development of the precinct, including cumulative effects, on the wider transport network as the area is developed.

Cumulative effects of developing the greenfield area need to be considered in the context of the future environment which will be considerably changed once it is urbanised, and impacts of development on this future environment need to be managed through these objectives. Likewise the economic impacts on other developers and ratepayers and future residents of not contributing to infrastructure need to be addressed.

The objectives ensure that development within the plan change area is managed in a way that is consistent with the Regional Policy Statement (RPS) (B2 Urban Growth and Form and B3 Infrastructure), Chapter E27 Transport and Chapter E38 Subdivision - Urban of the AUP (OP).

The objectives give effect to the RPS and are consistent with the provisions of Chapter E38 Subdivision – Urban.

Achievability

These objectives are implemented through precinct provisions and standards that are based on the technical work by council consultants. There is a level of risk as the transport infrastructure is not yet costed or funded and as such proportional shares cannot be calculated. This does not give developers certainty. However, the transport costs for the plan change area are being determined and it is expected the projects will be in the 2018-2022

Long-term plan or future annual plans. The standards and rules in the precinct are the most appropriate way to meet the objectives and align with the AUP (OP).

For wastewater and water supply infrastructure, this objective is achieved through existing AUP (OP) provisions and Watercare's Waste Water Servicing Strategy²¹.

Acceptability

The objectives are consistent with identified community outcomes as stated in the Whenuapai Structure Plan. Throughout the structure plan and plan change process the community expressed a desire for an efficient transport network, including public transport. These objectives aim to provide that network through a combination of public and developer funding so ratepayers and the community are not bearing the total cost of the works necessary to enable development.

Te Kawerau Iwi Tribal Authority stated in their Cultural Values Assessment that they advocate for transport options and road infrastructure needed to accommodate growth while protecting the environment and improving pedestrian access and safety. These objectives are consistent with these outcomes.

Ngati Whatua o Kaipara's Cultural Values Assessment does not raise any concerns about the transport network or wider infrastructure provision.

7.3 Stormwater management

7.3.1 Objective

Objective I616.2(8)	Through subdivision, use and development, implement a stormwater management approach that: (a) is integrated across developments; (b) avoids new flood risk; (c) mitigates existing flood risk; (d) protects the ecological values of the receiving environment; (e) seeks to mimic and protect natural processes; and (f) integrates with, but does not compromise the operation of, the public open space network.
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Objective I616.2(8) seeks to implement an integrated stormwater management approach across the plan change area that is consistent with the outcomes sought in the Whenuapai 3 Precinct Stormwater Management Plan 2017 (SMP). It also aligns with the objectives and policies of B7.3, B7.4, B10.2 and the framework in E1 Water quality and integrated management of the AUP (OP).

The SMP was prepared to support the proposed plan change and to provide an appropriate stormwater management response in the context of the catchment's receiving environment

²¹ North West Transformation Area (NwTA) Wastewater Servicing Strategy 2015

and existing stormwater management issues and opportunities. The SMP provides overarching guidance for stormwater management across the plan change area and outlines the outcomes sought and sets out minimum requirements for developers.

7.3.2 Evaluation of the objective

The current planning provisions described in section 6.4 represents the do-nothing option (status quo) for the objectives assessed in this section. Section 6.4 provides the reasons why a planning response is needed to address the identified issue

Relevance

The objective ensures that greenfield development within the plan change area is managed in a way that is consistent with the SMP and Chapter E1 Water quality and integrated management of the AUP (OP).

The objective is the most appropriate way to achieve the purpose of the RMA as it enables subdivision, use and development while maintaining ecosystem health and protecting the receiving environment. It also relates to the provision of public access to rivers (section 6(d) of the Act) and the maintenance and enhancement of the quality of the environment (section 7(f)).

The proposed objective is also consistent with the outcomes sought in the National Policy Statement for Freshwater Management. It does this by managing the adverse effects of stormwater runoff from subdivision, use and development on streams, rivers and the Waitematā Harbour.

The outcomes sought in Regional Policy Statement Chapters B7 Natural resources, B8 Coastal environment and B10 Environmental risk are also recognised through the proposed objective. In particular, provisions in Chapter B7 recognise the pressure of urban growth on water resources and there is direction to integrate the management of land use and freshwater systems to enhance degraded freshwater and coastal systems, and to minimise the loss of freshwater systems through the objectives and policies.

The proposed objective is within the scope of the council's functions under section 31 of the RMA, in particular the integrated management of resources and the avoidance or mitigation of natural hazards. The objective will also influence the management of water quality, discharges and ecosystems in waterbodies and coastal waters.

Achievability

This objective seeks to implement the provisions of Chapter E1 Water quality and integrated management in the AUP (OP) and sits alongside existing stormwater management provisions in Chapters E1 and E10. It provides direction and sets an expectation for the level of stormwater management required across all developments within the plan change area. The objective is implemented through precinct provisions that are guided by, and refer to, the SMP.

Acceptability

Objective I616.2(8) is consistent with identified iwi outcomes. Te Kawerau a Maki and Ngati Whatua o Kaipara have been involved in the structure planning and plan change processes. Through their cultural values assessments and meetings with council staff, the iwi have expressed their support for improving water quality within the catchment, protecting streams and managing stormwater in an integrated manner. The objective is consistent with the requirements of Chapter E1 in the AUP (OP).

7.4 Biodiversity

7.4.1 Objective

Topic:	Biodiversity
Objective I616.2(10)	Subdivision, use and development enhance the coastal environment, biodiversity, water quality, and ecosystem services of the precinct, the Waiarohia and the Wallace Inlets, and their tributaries.

Objective I616.2(10) responds to the existing low biodiversity values in Whenuapai as well as the unique ecological features in the area. The objective seeks to require development to enhance biodiversity values, including coastal environment, biodiversity, water quality, and ecosystem services. This is consistent with chapter B7 Natural resources of the AUP (OP).

7.4.2 Evaluation of the objective

The current planning provisions described in section 6.5 represents the do-nothing option (status quo) for the objectives assessed in this section. Section 6.5 provides the reasons why a planning response is needed to address the identified issue.

Relevance

Section 5(2) of the RMA defines sustainable management to include safeguarding the life-supporting capacity of air, water, soil and ecosystems. Section 7 requires particular regard to be given to the intrinsic values of ecosystems, and the maintenance and enhancement of the quality of the environment.

Policy 11(b) of the New Zealand Coastal Policy Statement (NZCPS) seeks to limit significant adverse effects or mitigate adverse effects on biodiversity values of the coast.

Regional Policy Statement (RPS) Chapter B7 Natural resources addresses the pressure of urban growth on land and water resources including habitats and biodiversity. In particular, objective B7.2.1(2) directs development to restore indigenous biodiversity while objective B7.3.1 seeks to protect freshwater systems.

Objective I616.2(10) achieves the purpose of the RMA and is consistent with the outcomes sought in the NZCPS and RPS of the AUP (OP) because it recognises the ecosystem functions and directs development to enhance the quality of, the local environment – particularly the unique features of the Waiarohia and the Wallace Inlets.

Objective I616.2(10) gives effect to the council’s functions under section 31(a) and (b)(iii) of the RMA. The objective manages the effects of development on the natural and physical resources of the district and maintains indigenous biological diversity.

Achievability

The biodiversity provisions are based on further information prepared for the Whenuapai Structure Plan and are consistent with the directive of the NZCPS and the AUP (OP). The objective gives effect to the council’s functions under section 31 of the RMA.

The objective is also given effect to through precinct provisions rules, and standards. Non-statutory methods include council initiatives such as its Biodiversity Strategy and its participation in the North-West Wild Link project. Similarly, community planting and other private initiatives can contribute to enhancing biodiversity values of the area.

Acceptability

Objective I616.2(10) is consistent with outcomes sought by Te Kawerau a Maki and Ngati Whatua o Kaipara as expressed through their cultural values assessments. In particular, the objective addresses their advocacy for protecting existing native species and enhancing ecosystems – especially native flora associated with waterways.

7.5 Coastal management – coastal erosion risk

7.5.1 Objective

Topic:	Coastal erosion risk
Objective I616.2(9)	New development does not occur in areas identified as subject to coastal erosion, taking into account the likely long-term effects of climate change.

Objective I616.2(9) seeks to avoid development on land subject to coastal erosion hazards and to ensure outcomes consistent with the risk based approach outlined in E36 Flooding and Natural Hazards of the AUP (OP).The objective give effect to the coastal hazards assessment which identifies the likely extent of coastal erosion hazard in the local area, taking into account the likely long-term effects of climate change.

7.5.2 Evaluation of the objective

The current planning provisions described in section 6.6 represents the do-nothing option (status quo) for the objectives assessed in this section. Section 6.6 provides the reasons why a planning response is needed to address the identified issue.

Relevance

Section 5(2) of the RMA defines sustainable management to include enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety. Section 6 of the RMA identifies the management of significant risks from natural hazards as a matter of national importance.

The New Zealand Coastal Policy Statement (NZCPS) provides clear direction on how to manage coastal hazards: the identification of hazard areas (Policy 24) and to avoid increasing the risk of harm in these areas (Policy 25). The AUP (OP) reinforces this approach. The direction of Regional Policy Statement Chapter B10 Environmental risk is to ensure resilience to natural hazards (and climate change) and to progressively reduce risks from such hazards, while Chapter E36 manages subdivision, use and development to not increase such risks.

Objective I616.2(9) is consistent with the risk-based approach to planning for coastal hazards as it is based on the findings of a localised coastal hazards assessment. It reinforces the risk-based approach by clearly directing that no development should occur in identified coastal erosion hazard area, thereby avoiding the creation of new risks.

Objective I616.2(9) is the most appropriate way to achieve the purpose of the RMA as it is consistent with, and gives effect to the coastal hazard outcomes sought in the AUP (OP), and the NZCPS.

The objective gives effect to the function of Council under section 31(b)(i) of the RMA by avoiding or mitigating the effects of natural hazards.

Achievability

The objective is consistent with the purpose of the RMA and gives effect to the functions of the council. The outcomes of the objective are achievable through precinct provisions, rules, standards, and zoning.

Acceptability

Te Kawerau a Maki and Ngati Whatua o Kaipara did not identify specific coastal hazard outcomes in their cultural values assessments. Though the objective focuses on managing risk from coastal erosion, the zoning provision will give effect to the outcome of protecting heritage sites/wahi tapu which are predominately located on the coast.

As noted above, the objective gives effect to the AUP (OP) which was prepared with significant community input in 2015-2016.

7.6 Reverse sensitivity effects on Whenuapai Airbase – lighting

7.6.1 Objective

Objective I616.2(12)	The lighting effects of subdivision, use and development on the operation and activities of Whenuapai Airbase are avoided, remedied or mitigated.
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Objective I616.2(12) seeks to manage lighting effects within the plan change area to ensure activities do not adversely affect the safe operation of Whenuapai Airbase. It is important for new landowners and developers within the area to be aware of the presence of the airbase and the importance of not having lighting that imitates or masks runway light.

7.6.2 Evaluation of the objective

The current planning provisions described in section 6.7 represents the do-nothing option (status quo) for the objectives assessed in this section. Section 6.7 provides the reasons why a planning response is needed to address the identified issue.

Relevance

This objective addresses reverse sensitivity effects, related to lighting associated with development, on Whenuapai Airbase. While there are other reverse sensitivity effects associated with new greenfield development, such as bird strike risk, noise and building height, lighting effects are manageable through this plan change.

Although bird strike risk has been identified as a potential issue by the New Zealand Defence Force (NZDF), the recommendations provided in their wildlife hazards report are generally outside the scope of the council's functions.

In regards to aircraft noise, the existing AUP (OP) provisions within Chapter D24 Aircraft Noise Overlay address reverse sensitivity effects associated with aircraft movements from Whenuapai Airbase. The effects of aircraft engine testing noise are addressed separately. This is discussed further in section 6.8 of this report.

There is direction in the Regional Policy Statement (RPS) Chapter B3 Infrastructure, transport and energy to recognise the functional and operational needs of infrastructure and that infrastructure is protected from reverse sensitivity effects from incompatible subdivision, use and development. In that regard, the proposed objective seeks to give effect to the RPS by ensuring lighting from new development does not adversely affect operational activities on the airbase. Objective I616.2(12) is the most appropriate way to achieve the purpose of the Act.

Objective I616.2(12) aligns with the council's district council functions under section 31 of the RMA. In particular, section 31(1)(a) which includes provisions to achieve integrated

management of effects of the use, development, or protection of land and associated natural and physical resources of the district.

Achievability

As noted above, Objective I616.2(12) is consistent with the RPS provisions within Chapter B3 of the AUP (OP). This objective is achieved through a lighting standard within the Whenuapai 3 Precinct. Non-statutory methods such as public education and working with the NZDF may also assist with achieving this objective.

Acceptability

The proposed objective has the potential to affect the NZDF, being the operators of Whenuapai Airbase, and landowners and developers wishing to develop their site(s) within the plan change area. In their feedback on the draft plan change, the NZDF noted their concerns regarding the potential for lighting within the plan change area to create safety hazards for aircrafts. They also requested standards that are consistent with the existing provisions of the Whenuapai 1 and 2 Precincts.

Objective I616.2(12) is considered to be acceptable, given the strategic and national importance of the airbase. It is in the interests of the NZDF as well as the surrounding communities that lighting effects do not adversely affect aircraft operations.

7.7 Aircraft engine testing noise

7.7.1 Objective

Objective I616.2(13)	The adverse effects of aircraft engine testing noise on activities sensitive to noise are avoided, remedied or mitigated at the receiving environment.
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Objective I616.2(13) sets out to address the issue of noise from aircraft engine testing carried out at Whenuapai Airbase on activities sensitive to noise in the receiving environment. In particular, it seeks to protect the health and amenity of residents, including new residents, within the plan change area.

7.7.2 Evaluation of the objective

The current planning provisions described in section 6.8 represents the do-nothing option (status quo) for the objectives assessed in this section. Section 6.8 provides the reasons why a planning response is needed to address the identified issue.

Relevance

This objective recognises the potential for significant noise effects from aircraft engine testing on residents and other noise sensitive activities within parts of the plan change area, and seeks to avoid, remedy or mitigate those effects at the receiving environment.

Objective I616.2(13) contributes to sustainable management under section 5(2) of the RMA by providing for the health and safety of people and their communities, and is consistent with section 7(c) which requires particular regard to be had to the maintenance and enhancement of amenity values.

Objective B3.2(6) in the Regional Policy Statement (RPS) seeks to protect infrastructure from reverse sensitivity effects resulting from incompatible subdivision, use and development. The objective is supported by Policies B3.2.2(4) and (5) which direct that adverse effects on infrastructure are avoided, remedied or mitigated and that subdivision, use and development do not constrain the development, operation, maintenance and upgrading of existing and planned infrastructure. In addition, Policy B2.4.2(7) in the RPS addresses reverse sensitivity effects from urban intensification on land with existing incompatible activities.

It is therefore important that the council, in seeking to rezone land around Whenuapai Airbase for residential uses, ensures that the adverse effects of aircraft engine testing noise from the airbase on existing and future residents can be avoided, remedied or mitigated at the receiving environment.

Objective B3.2(6) aligns with the council's functions under section 31 of the RMA, particularly in regards to the management and mitigation of noise effects.

Achievability

The council has the ability to deliver on this objective through the application of area-specific provisions and standards within the Whenuapai 3 Precinct. The inclusion of provisions to address aircraft engine noise effects at the receiving environment also signals the presence of an operational airbase next to the plan change area.

Acceptability

The proposed objective is reasonable as it addresses reverse sensitivity effects on Whenuapai Airbase as well as adverse noise effects on residents under the 57 dB L_{dn} and 65 dB L_{dn} aircraft engine testing noise boundaries. Engine testing noise has been an issue raised by the NZDF and members of the public throughout the structure plan and draft plan change processes. As such, it is important to ensure that new residents have an acceptable level of indoor amenity when engine testing is happening at the airbase.

7.8 Historic heritage

There are no new objectives for historic heritage, archaeology and notable trees being introduced into the AUP (OP) via the plan change. The plan change relies upon the existing objectives that manage these built and natural resources. Consequently there is no requirement to assess the existing objectives, as they are supported by the section 32 report prepared for the Proposed Auckland Unitary Plan.

The plan change includes additions to Schedule 14.1 Schedule of Historic Heritage and 14.2 Schedule of Historic Heritage Area – Maps and Statements of Significance, which are methods by which the objectives of AUP (OP) are met. These additions are assessed in section 6.9 of this report. There are no archaeological sites added to these Schedules.

7.9 Provision of open space

7.9.1 Objective

Topic:	Provision of open space
Objective I616.2(11)	Subdivision, use and development enable the provision of a high quality and safe public open space network that integrates stormwater management, ecological, amenity, and recreation values.

Objective I616.2(11) ensures the development of a network of public open space that is integrated with natural values, is safe and has on-site development that is of a high quality. Indicative open spaces are shown on Whenuapai 3 Precinct Plan 1.

7.9.2 Evaluation of the objective

The current planning provisions described in section 6.10 represents the do-nothing option (status quo) for the objectives assessed in this section. Section 6.10 provides the reasons why a planning response is needed to address the identified issue.

Relevance

The proposed objective seeks to ensure a high-quality network of open space throughout the plan change area, recognising its importance in contributing to a liveable and healthy community.

It also contributes to achieving the purpose of the RMA by providing for the social, economic and cultural wellbeing of the future community and to meet the foreseeable needs of future generations. Section 7(c) of the Act is also relevant, as the provision of open space will enhance the amenity values of an area.

Regional Policy Statement Chapter B2 Urban growth and form in the AUP (OP) contains objectives and policies that seek to provide for the recreational needs of people and communities through the provision of quality open spaces and recreational facilities.

Objective I616.2(11) is within the scope of the council's functions under section 31 of the RMA and in particular section 31(1)(a) relating to integrated management of effects of use and development.

Achievability

The objective is within the council's powers, skills and resources and can be realistically achieved. The preferred locations of open space throughout the plan change area have

been identified through the structure planning process and in accordance with the council's policies and guidelines in respect of parks acquisition. Those locations have been identified in this plan change in the Whenuapai 3 Precinct (Precinct Plan 1).

Parks acquisition is outside the framework of the RMA. Land for suburb and larger sports parks will be purchased by the council while neighbourhood parks will generally be acquired by the council through subdivision.

Acceptability

The provision of open space through subdivision and development in a new growth area is acceptable and anticipated by the community.

Te Kawerau Iwi Tribal Authority stated in their Cultural Values Assessment that they advocate for using esplanade reserves or similar open spaces as part of subdivision. Ngati Whatua o Kaipara's Cultural Values Assessment does not raise any concerns about open space.

8. Assessment of provisions

8.1 Integrated subdivision, use and development

Topic:	Integrated subdivision, use and development
Relevant objectives:	Objectives I616.2(1), (2), (7), (11)

8.1.1 Risk assessment

It is considered there is sufficient information to support the proposed provisions relating to integrated subdivision, use and development. The Whenuapai Structure Plan and the supporting technical reports have formed the basis for this plan change. This is considered to be sufficient information such that an assessment under section 32(2)(c) is not required.

8.1.2 Assessment of the provisions

The costs, benefits, efficiency and effectiveness of the proposed provisions are set out in Table 3 below. Section 32(2)(b) of the RMA requires costs and benefits to be quantified where practicable.

- Costs of loss of rural amenity are not quantified as it is difficult to quantify amenity values.
- Costs of displacing communities are not quantified as it is not possible to quantify these costs.
- Possible loss of cultural values has not been costed because it is difficult to quantify cultural values.
- Costs associated with complying with the neighbourhood centre standards are not quantified because to the costs of collecting the data would not be appropriate to the significance of the impacts, this cost is a small cost in the plan change.

Table 3: Assessment of proposed policies, rules and other methods for integrated subdivision, use and development

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>Proposed zoning Properties within the plan change area are proposed to be rezoned from Future Urban (and small areas of Residential – Mixed Housing Urban and Business – Light Industry) to a mix of Residential – Terrace Housing and Apartment Buildings, Residential – Mixed Housing Urban, Residential – Single House, Business – Light Industry, Business – Neighbourhood Centre, Open Space – Conservation, Open Space – Informal Recreation and Special Purpose – Airports and Airfields.</p>	<p>Environment</p> <ul style="list-style-type: none"> ▪ The loss of rural land in favour of development into urban residential and business uses. ▪ Loss of rural amenity from development. <p>Social</p> <ul style="list-style-type: none"> ▪ Existing communities may be displaced over time as the rural environments are replaced by urban development. 	<p>Environment</p> <ul style="list-style-type: none"> ▪ Through Policy I616.3(1), subdivision, use and development is expected to be carried out in an integrated manner. ▪ High amenity values associated with the development of the Neighbourhood Centre. <p>Social</p> <ul style="list-style-type: none"> ▪ Having a mix of employment, residential, open space and other services means residents have easy access to these different types of land uses. ▪ Placing an emphasis on the public realm improves the wellbeing of communities. <p>Cultural</p> <ul style="list-style-type: none"> ▪ Opportunities through development to improve water quality throughout 	<p>The proposed provisions seek to ensure that any subdivision, use and development within a greenfield area are undertaken in a comprehensive and integrated way. This means that the provisions provide effective urban development outcomes and deliver efficient use of the natural and physical resources in the plan change area.</p>
<p>Policies in the Whenuapai 3 Precinct</p> <p>Policy I616.3(1) Require subdivision, use and development to be integrated, coordinated and in general accordance with the Whenuapai 3 Precinct Plans 1 and 2.</p>	<p>Cultural</p> <ul style="list-style-type: none"> ▪ Potential loss of cultural values if development is not managed properly in terms of protecting those values. 		<p>An integrated mix of residential and business land is an efficient outcome for future residents.</p>
<p>Policy I616.3(2) Encourage roads that provide for pedestrian and cycle connectivity alongside riparian margins and open spaces.</p>	<p>Economic</p> <ul style="list-style-type: none"> ▪ Costs associated with the provision of infrastructure as identified in Whenuapai 3 Precinct. ▪ Costs associated with the 		<p>The expectations of the outcomes for the area are effectively articulated in the plan change provisions.</p>
<p>Policy I616.3(3) Encourage high quality urban design outcomes by considering the location and orientation of buildings in relation to roads and public open space.</p>			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p><u>Rules in the Whenuapai 3 Precinct</u></p> <p>I616.4. Activity table Activities listed within the respective activity tables in Chapters E38 Subdivision – Urban, H3 Residential – Single House Zone, H5 Residential – Mixed Housing Urban, H6 Residential – Terrace Housing and Apartment Buildings and H12 Business – Neighbourhood Centre, H17 Business – Light Industry continue to apply to activities within the plan change area.</p> <p><u>Standards in the Whenuapai 3 Precinct</u></p> <p>Standard I616.6.1 Compliance with Whenuapai 3 Precinct Plans (1) Activities must comply with Whenuapai 3 Precinct Plan 1 and Whenuapai 3 Precinct Plan 2. (2) Activities not meeting Standard I616.6.1(1) must provide an alternative measure that will generally align with, and not compromise, the outcomes sought in Whenuapai 3 Precinct Plans 1 and 2.</p> <p>I616.6.9. Development in the Neighbourhood Centre Zone I616.6.9.1. Access (1) Vehicle accesses must be located at least 30m from the intersection of Hobsonville Road and the realigned Trig Road. (2) All development must provide pedestrian access</p>	<p>standards applying to the Neighbourhood Centre for example the costs of verandas.</p>	<p>the plan change area.</p> <ul style="list-style-type: none"> ▪ Opportunities through development to protect and enhance items of cultural interest. <p>Economic</p> <ul style="list-style-type: none"> ▪ Increased land values and development opportunities through to rezoning of future urban land to live zones under the AUP (OP). The uplift in land values will have a margin to compensate for the development costs of the provisions outlined in the following sections, for example the cost of riparian planting. ▪ Employment opportunities generated from the proposed zoning of approximately 124ha of light industrial land and 4500m² for the retail based neighbourhood centre. ▪ Increased opportunities to develop an attractive centre to serve the local 	

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>that connects to the intersection of Hobsonville Road and the realigned Trig Road.</p> <p>1616.6.9.2. Building frontage (1) Any new building must:</p> <ul style="list-style-type: none"> (a) front onto Hobsonville Road or the realigned Trig Road identified in Precinct Plan 2; and (b) have a building frontage along the entire length of the site excluding vehicle and pedestrian access. <p>1616.6.9.3. Verandas (1) The ground floor of any building fronting Hobsonville Road and the realigned Trig Road must provide a veranda along the full extent of the frontage, excluding vehicle access. (2) The veranda must:</p> <ul style="list-style-type: none"> (a) be contiguous with any adjoining building; (b) have a minimum height of 3m and a maximum height of 4.5m above the footpath; (c) have a minimum width of 2.5m; and (d) be set back at least 600mm from the kerb. <p><u>Other methods in the Whenuapai 3 Precinct</u></p> <p>1616.8.1 Matters of discretion (1) Subdivision and development:</p> <ul style="list-style-type: none"> (a) safety, connectivity, walkability, public access to the coast and a sense of place; (b) location of roads and connections with neighbouring sites; 		community.	

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>(c) functional requirements of the transport network, roads and different transport modes;</p> <p>(d) site and vehicle access, including roads, rights of way and vehicle crossings;</p> <p>(e) location of buildings and structures;</p> <p>(f) provision of open space; and</p> <p>(g) provision of the required local transport infrastructure or an appropriate alternative measure.</p> <p>(2) Use and development in the Neighbourhood Centre Zone:</p> <p>(a) the design and location of onsite parking and loading bays; and</p> <p>(b) building setbacks from Hobsonville Road and the realigned Trig Road.</p> <p>1616.8.2 Assessment criteria</p> <p>(1) Subdivision and development:</p> <p>(a) the extent to which any subdivision or development layout is consistent with and provides for the upgraded roads and new indicative roads shown on the Whenuapai 3 Precinct Plan 2;</p> <p>(b) the extent to which any subdivision or development provides for public access to the coast;</p> <p>(c) the extent to which any subdivision or development layout achieves a safe, connected and walkable urban form with a sense of place;</p> <p>(d) the extent to which any subdivision or</p>			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>development layout is consistent with and provides for the indicative open space shown within Whenuapai 3 Precinct Plan 1;</p> <p>(e) the extent to which any subdivision or development layout complies with the Auckland Transport Code of Practice or any equivalent standard that replaces it;</p> <p>(f) the extent to which any subdivision or development layout provides for the functional requirements of the existing or proposed transport network, roads and relevant transport modes;</p> <p>(g) the extent to which access to an existing or planned arterial road, or road with bus or cycle lane, minimises vehicle crossings by providing access from a side road, rear lane, or slip lane;</p> <p>(h) the extent to which subdivision and development provides for roads to the site boundaries to enable connections with neighbouring sites; and</p> <p>(i) whether an appropriate public funding mechanism is in place to ensure the provision of all required infrastructure.</p> <p>(2) Use and development in the Neighbourhood Centre Zone:</p> <p>(a) the extent to which staff car parking, loading spaces and any parking associated with residential uses is:</p> <p>(i) located to the rear of the building; and</p> <p>(ii) maximises the opportunity for provision</p>			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>(b) of communal parking areas. the extent to which building setbacks are minimised to ensure buildings relate to Hobsonville Road and the realigned Trig Road.</p>			

8.2 Transport

Topic:	Transport and other infrastructure
Relevant objectives:	Objectives 6, 16.2(3), (4), (5), (6)

8.2.1 Risk assessment

The Technical Inputs report from June 2017 defines the interdependencies in each development area, the boundaries of the development areas, as well as the corresponding transport infrastructure required in each area as shown on Whenuapai 3 Precinct Plan 2.

High-level cost estimates have been obtained for the collector and arterial roads shown on Precinct Plan 2. These costs are estimates only and do not take into account streams or the topography of the area. Estimates of the length of the roads were used to calculate the costs rather than detailed measurements. At the time of notification more detailed costings were not available and the proportional share to be paid by applicants for subdivision and development within each development area has not been calculated. The projects are not yet confirmed to be in the 2018-2028 Long-term Plan (LTP). The council will be unable to confirm funding for the arterial roads and may not be able to enter into Infrastructure Funding Agreements with developers until they are in the 2018-2028 LTP.

The Technical Inputs report identifies risks if the Rapid Transit Network (RTN) is not built as development progresses. The modelling shows the RTN is needed to reduce vehicle trip rates and the network will be at capacity with little flexibility if the RTN is not in place. Another risk is that developers may design neighbourhoods around a dominant car mode and it will be hard to change residents' travel behaviour once they are used to travelling by car. At the time of notification the timing of delivery of the RTN is unknown.

Watercare operate a cost recovery system and all development has to pay to connect from their sites to the bulk supply. There is no foreseeable risk associated with the provision of waste water and water supply infrastructure.

8.2.2 Assessment of the provisions

The costs, benefits, efficiency and effectiveness of the proposed provisions are set out in Table 4 below. Section 32(2)(b) of the RMA requires costs and benefits to be quantified where practicable.

- Approximate costs of providing the indicative roads on Precinct Plan 2 have been quantified because these are a significant issue for the plan change (costs are approximate only at this stage)
- The costs to land owners and cost to council to acquire land for roads are not quantified because the value of land should be determined by a qualified valuer and is dependent on the specific characteristics of the site.

Table 4: Assessment of proposed policies, rules and other methods for transport and other infrastructure

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
Policies in the Whenuapai 3 Precinct			
Policy I616.3(4) Require subdivision and development to be managed and designed to align with the coordinated provision and upgrading of the transport infrastructure network within the precinct, and the wider transport network.	Economic <ul style="list-style-type: none"> ▪ A very high level assessment of roading costs estimates it will cost approximately \$315m-\$421m for the arterial and collector roads in the plan change area to be built. Note, this figure does not take into account topography of the area and the distances used for the roads is approximate. ▪ There is a cost to council and ratepayers if the collector roads are not 	Environment <ul style="list-style-type: none"> ▪ An efficient transport network in the precinct and wider area ensures adverse effects on the environment, e.g. air quality, are reduced. ▪ A quality public transport system reduces the reliance on private vehicles, and with fewer emissions from cars, there will be reduced adverse effects on the environment. Social <ul style="list-style-type: none"> ▪ Improve residents' quality 	Efficiency The application of the policies, rules and standards through the Whenuapai 3 Precinct are consistent with Objectives I616.2(3)-(6). The provisions recognise that infrastructure needs to be provided in a coordinated manner to ensure adverse effects of subdivision and development are mitigated. Standards I616.6.1 and I616.6.8 ensure applicants have to consider neighbouring sites and the transport network
Policy I616.3(5) Avoid, remedy or mitigate the adverse effects, including cumulative effects, of subdivision and development on the existing and future infrastructure required to support the Whenuapai 3 Precinct.			
Policy I616.3(6) Require the provision of infrastructure to be proportionally shared across the precinct.			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>Policy I616.3(7) Require subdivision and development to provide the local transport network infrastructure necessary to support development of the areas 1A-1E shown in Whenuapai 3 Precinct Plan 2.</p> <p>Policy I616.3(8) Require the provision of new roads and upgrades of existing roads as shown on Whenuapai 3 Precinct Plan 2 through subdivision and development, with amendments to the location and alignment of collector roads only allowed where the realigned road will provide an equivalent transport function.</p> <p><u>Rules in the Whenuapai 3 Precinct</u></p> <p>I616.4. Activity table (A2) Subdivision that does not comply with Standard I616.6.2 Transport infrastructure requirements – NC</p> <p>(A3) Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with one or more of the other standards contained in Standards I616.6 – D</p> <p>(A14) Any structure located on or abutting an indicative road identified in the Whenuapai 3 Precinct Plan 2, unless an alternative road alignment has been approved by resource consent – RD</p>	<p>provided by the developers.</p> <ul style="list-style-type: none"> ▪ There is a cost to council and ratepayers if the arterial road projects are not in the long-term plan and council is unable to charge contributions for them. ▪ Potential loss of developable land where some of the land is used for roads. ▪ There are costs to landowners to provide the collector roads as shown on Whenuapai 3 Precinct Plan 2. ▪ Without detailed costings and the proportional share calculated there is no certainty to applicants about how much the infrastructure costs associated with their subdivision and development proposals will be. ▪ The economic impact (on other developers and ratepayers and future 	<p>of life by ensuring they have an efficient transport network, easy access to services (including business land) and a choice of modes of transport.</p> <ul style="list-style-type: none"> ▪ Improved social cohesion, character and services in the community by being able to travel efficiently. <p>Economic</p> <ul style="list-style-type: none"> ▪ An integrated transport network provides choices for people and access to the local business land. This reduces travel times and is beneficial for employees and employers. ▪ An efficient transport network benefits local retailers as people can more easily access local shops for their convenience retail needs. 	<p>across the precinct.</p> <p>Effectiveness There are risks associated with Standard I616.2 because as the proportional cost share is not yet identified, there is uncertainty for developers.</p> <p>It was not appropriate for the transport infrastructure to be funded through financial contributions as the recent RMA amendments signal the end of that mechanism. The recent case of <i>Norsfo Bulc Limited v Auckland Council</i> ENV-2016-AKL-000168 states that there are no provisions in the AUP (OP) which enable any condition of consent requiring a financial contribution to be imposed, and a plan change to the AUP (OP) would be required before council could charge financial contributions. Therefore, the rules and standards in this precinct are deemed the most effective method of ensuring the necessary infrastructure is</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>(A16) Activities that comply with:</p> <ul style="list-style-type: none"> • Standard I616.6.2 transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; <p>But do not comply with any one or more of the other standards contained in Standards I616.6 – D</p> <p>(A15) Activities that do not comply with:</p> <ul style="list-style-type: none"> • Standard I616.6.2 transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries – NC <p><u>Standards in the Whenuapai 3 Precinct</u></p> <p>Standard I616.6.1 Compliance with Whenuapai 3 Precinct Plans</p> <p>(1) Activities must comply with Whenuapai 3 Precinct Plan 1 and Whenuapai 3 Precinct Plan 2.</p> <p>(2) Activities not meeting Standard I616.6.1(1) must</p>	<p>residents) of not contributing to infrastructure need to be addressed.</p>		<p>provided across the precinct.</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>provide an alternative measure that will generally align with, and not compromise, the outcomes sought in Whenuapai 3 Precinct Plans 1 and 2.</p> <p>Standard I616.6.2 Transport infrastructure requirements</p> <p>(1) All subdivision and development must meet its proportional share of local infrastructure works as identified in Table I616.6.2.1 below.</p> <p>(2) Where the applicant cannot achieve or provide the required local infrastructure works as identified in Table I616.6.2.1 below, alternative measure(s) to achieve the outcome required are to be provided.</p> <p>(3) The applicant and the council must agree the alternative measure(s) to be provided as part of the application.</p> <p>Standard I616.6.8 Roads</p> <p>(1) Development and subdivision occurring adjacent to an existing road must upgrade the entire width of the road adjacent to the site where subdivision and development is to occur.</p> <p>(2) Development and subdivision involving the establishment of new roads must:</p> <p>(a) provide the internal road network within the site where subdivision and development is to occur: and</p> <p>(b) be built through to the site boundaries to enable existing or future connections to be made with, and through, neighbouring sites.</p>			

8.3 Stormwater management

Topic:	Stormwater management
Relevant objective:	Objective I616.2(8)

8.3.1 Risk assessment

Additional work was carried out during the Whenuapai Structure Plan process to identify the locations of all permanent and intermittent streams and a stormwater management plan for the entire Whenuapai area was provided as part of that process. With that previous work and the current Whenuapai 3 Precinct SMP which supports this proposed plan change, it is considered that there is sufficient information to act.

8.3.2 Assessment of the provisions

The costs, benefits, efficiency and effectiveness of the proposed provisions are set out in Table 5 below.

Section 32(2)(b) of the RMA requires costs and benefits to be quantified where practicable.

- Benefits associated with improved water quality are not quantified however improvements can be quantified through monitoring.
- The extent of riparian planting and esplanade reserves anticipated if the plan change area was fully developed are quantified below.
- Compliance costs are not quantified because it is linked to the complexity and scale of the specific development proposals.
- Benefits associated with cultural, aesthetic and biodiversity values are not quantified because of their intrinsic nature.

Table 5: Assessment of proposed policies, rules and other methods for stormwater management

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<u>Application of an existing control in the AUP (OP)</u> Application of the Stormwater Management Area Control – Flow 1 to the plan change area.	Economic <ul style="list-style-type: none"> • The requirement, through Policy I616.3(13) to avoid locating new buildings in the 1 per cent AEP floodplain potentially reduces the developable 	Environment <ul style="list-style-type: none"> • Protection of streams through the identification of permanent and intermittent streams within Whenuapai 3 Precinct Plan 1 and the special information 	Efficiency The application of the policies, standards and special information requirements through the Whenuapai 3 Precinct along with introducing the SMAF-1 control for the
<u>Policies in the Whenuapai 3 Precinct</u>			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>Policy I616.3(12) Require subdivision and development within the Whenuapai 3 Precinct to:</p> <p>(a) apply an integrated stormwater management approach;</p> <p>(b) manage stormwater diversions and discharges to enhance the quality of freshwater systems and coastal waters; and</p> <p>(c) be consistent with the requirements of the Whenuapai 3 Precinct Stormwater Management Plan (2017) and any relevant stormwater discharge consent.</p> <p>Policy I616.3(13) Require development to:</p> <p>(a) avoid locating new buildings in the 1 per cent annual exceedance probability (AEP) floodplain;</p> <p>(b) avoid increasing flood risk; and</p> <p>(c) mitigate existing flood risk where practicable.</p> <p>Policy I616.3(19) Require, at the time of subdivision and development, riparian planting of appropriate native species along the edge of permanent and intermittent streams and wetlands to:</p> <p>(a) provide for and encourage establishment and maintenance of ecological corridors through the Whenuapai area;</p> <p>(b) maintain and enhance water quality and aquatic habitats;</p>	<p>area for sites with floodplains. This is likely to be minor as floodplains in the plan change area are not extensive and are associated with stream channels.</p> <ul style="list-style-type: none"> ▪ The requirement for 10m of riparian planting along all intermittent and permanent streams upon subdivision and development (through Policy I616.3(19) and Standard I616.6.4) will increase costs to those wishing to develop on sites with streams. ▪ Costs associated with the requirements of Standard I616.3(3) for those undertaking developments with impervious areas over 1000m². ▪ Additional development costs associated with the requirement to treat stormwater runoff onsite from waste handling and disposal areas (Standard I616.6.3(4)). ▪ Potential costs associated 	<p>requirement for all streams and wetlands to be identified for all applications for land modification, development and subdivision.</p> <ul style="list-style-type: none"> ▪ Reduced adverse effects on streams, the coastal environment and underlying 'high use' groundwater aquifer. ▪ Through subdivision and development, the proposed provisions provide opportunities to enhance and restore the degraded stream environment and improve coastal water quality to meet environmental outcomes under the NPSFM and NZCPS. ▪ Policy I616.3(13) and Standards I616.6.3(1) and (2) require new flood risks to be avoided, consistent with Objective B10.2.1 of the AUP (OP). ▪ Riparian planting requirements provide bank stability and filtration of 	<p>whole plan change area are consistent with Objective I616.2(8). The provisions recognise that the Waiarohia Stream, its tributaries and the Waiarohia Inlet are degraded. While subdivision and development within the plan change area has the potential to increase degradation, it also provides opportunities for enhancing the stream environment, while protecting floodplains and overland flow paths.</p> <p>Overall, it is considered efficient to include stormwater management requirements and guidance through the precinct provisions at the same time as rezoning greenfield land for urban development.</p> <p>Effectiveness The stormwater provisions within the Whenuapai 3 Precinct seek to integrate land use and water quality outcomes. They apply to any subdivision and development undertaken within</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>(c) enhance existing native vegetation and wetland areas within the catchment; and</p> <p>(d) reduce stream bank erosion.</p> <p><u>Rules in the Whenuapai 3 Precinct</u></p> <p>I616.4. Activity table</p> <p>(A3) Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with any one or more of the other standards contained in Standards I616.6</p> <p>– D</p> <p>(A16) Activities that comply with:</p> <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; <p>but do not comply with any one or more of the other standards contained in Standards I616.6</p> <p>– D</p> <p><u>Standards in the Whenuapai 3 Precinct</u></p> <p>Standard I616.6.1. Compliance with Whenuapai 3 Precinct Plans</p> <p>(1) Activities must comply with Whenuapai 3</p>	<p>with the implementation of the hydrology mitigation requirements in existing AUP (OP) Chapter E10 Stormwater management area – Flow 1 and Flow 2.</p>	<p>surface runoff to assist with the reduction of contaminants and sediment entering streams. It also provides improved shading and assists in improving stream habitat.</p> <ul style="list-style-type: none"> ▪ Aesthetic and amenity values associated with riparian planting for communities within the plan change area. ▪ 15.8km of riparian planting and 3.6km of esplanade reserves along streams (through Standard E38.7.3.2 in the AUP (OP) for streams over 3m). <p>Social</p> <ul style="list-style-type: none"> ▪ The Whenuapai 3 Precinct Stormwater Management Plan 2017 sets out the expected outcomes in relation to the management of stormwater for the area. This provides certainty for the community and developers. <p>Cultural</p>	<p>the plan change area, in addition to other relevant provisions in AUP (OP) Chapters E1 Water quality and integrated management, E9 Stormwater quality – High contaminant generating car parks and high use roads, E36 Natural hazards and flooding and E38 Subdivision. All of these provisions are consistent with the direction provided by the NPSFM, NZCPS and RPS.</p> <p>The provisions are therefore effective in achieving the outcomes sought in Objective I616.2(8).</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>Precinct Plan 1 and Whenuapai 3 Precinct Plan 2.</p> <p>(2) Activities not meeting Standard I616.6.1(1) must provide an alternative measure that will generally align with, and not compromise, the outcomes sought in Whenuapai 3 Precinct Plans 1 and 2.</p> <p>Standard I616.6.3. Stormwater management</p> <p>(1) Stormwater runoff from new development must not cause the 1 per cent annual exceedance probability (AEP) floodplain to rise above the floor level of an existing habitable room or increase flooding of an existing habitable room on any property.</p> <p>(2) All new buildings must be located outside of the 1 per cent AEP floodplain and overlaid flow path.</p> <p>(3) Stormwater runoff from impervious areas totalling more than 1,000m² associated with any subdivision or development proposal must be:</p> <p>(a) treated by a device or system that is sized and designed in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or</p> <p>(b) where alternative devices are proposed,</p>		<ul style="list-style-type: none"> ▪ An integrated stormwater management approach that improves water quality throughout the catchment is consistent with Ngati Whātua o Kaipara's long-term objective to protect and restore the mauri of the Upper Waitematā Harbour²² and ensures stormwater is managed to enhance the receiving environment as requested by Te Kawerau a Maki.²³ <p>Economic</p> <ul style="list-style-type: none"> ▪ An integrated approach to stormwater management provides an opportunity to consider costs, practicality and benefits on a catchment wide basis. ▪ The suite of provisions within the precinct provides certainty for developers at the design stage. ▪ At-source management of contaminants is a cost- 	

²² Ngati Whātua o Kaipara (May 2017), Cultural Values Assessment: Whenuapai Stage 3

²³ Te Kawerau a Maki (June 2016), Cultural Values Assessment for Whenuapai Structure Plan

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance.</p> <p>(4) All stormwater runoff from:</p> <ul style="list-style-type: none"> (a) commercial and industrial waste storage areas including loading and unloading areas; and (b) communal waste storage areas in apartments and multi-unit developments <p>must be directed to a device that removes gross stormwater pollutants prior to entry to the stormwater network or discharge to water.</p> <p>Standard I616.6.4. Riparian planting</p> <p>(1) The riparian margins of a permanent or intermittent stream or a wetland must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.</p> <p>(2) Riparian margins must be offered to the council for vesting.</p> <p>(3) The riparian planting proposal must:</p> <ul style="list-style-type: none"> (a) include a plan identifying the location, species, planting bag size and density of the plants; (b) use eco-sourced native vegetation where available; (c) be consistent with local biodiversity; (d) be planted at a density of 10,000 plants per hectare, unless a different density has 		<p>effective way of addressing the water and sediment quality in streams and the Upper Waitematā Harbour, and is consistent with the direction provided by the NZCPS.</p>	

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>been approved on the basis of plant requirements.</p> <p>(4) Where pedestrian and/or cycle paths are proposed, they must be located adjacent to, and not within, the 10m planted riparian area.</p> <p>(5) The riparian planting required in Standard 1616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.</p> <p>(6) The riparian planting required by Standard 1616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.</p> <p><u>Other methods in the Whenuapai 3 Precinct</u></p> <p>1616.9 Special information requirements</p> <p>(1) Riparian planting plan An application for land modification, development and subdivision which adjoins a permanent or intermittent stream must be accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants.</p> <p>(2) Permanent and intermittent streams and wetlands All applications for land modification, development and subdivision must include a</p>			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>plan identifying all permanent and intermittent streams and wetlands on the application site.</p> <p>(3) Stormwater management</p> <p>All applications for development and subdivision must include a plan demonstrating how stormwater management requirements will be met including:</p> <ul style="list-style-type: none"> (a) areas where stormwater management requirements are to be met on-site and where they will be met through communal infrastructure; (b) the type and location of all public stormwater network assets that are proposed to be vested in council; (c) consideration of the interface with, and cumulative effects of, stormwater infrastructure in the precinct. 			

8.4 Biodiversity

Topic:	Biodiversity and ecology
Relevant objective:	Objective I616.2(10)

8.4.1 Risk assessment

A preliminary coastal habitat assessment was carried out during the structure planning process. The assessment included a desktop study and a limited site visit. The assessment was further supported by a Biodiversity Assessment undertaken by council's Natural Environment Strategy and Environmental Services teams. The council led assessment contains a review of all council-held biodiversity records. The Watercourse Assessment Report provided during the structure planning process identified all permanent and intermittent streams in the plan change area. Therefore, it is considered that there is sufficient information to act.

8.4.2 Assessment of the provisions

The costs, benefits, efficiency and effectiveness of the proposed provisions are set out in Table 6 below.

Section 32(2)(b) of the RMA requires costs and benefits to be quantified where practicable.

- Adverse effects on freshwater habitats are not quantified because of the complexity and scale of the cost.
- Compliance costs are not quantified because it is linked to the complexity and scale of the specific development proposals.
- Benefits associated with cultural, aesthetic and biodiversity values are not quantified because of their intrinsic nature as well as the complex relationship between economic measures and those values, that is, premiums on property close to amenity values and ecosystem functions.
- Where possible, spatial costs and benefits are quantified.

Table 6: Assessment of proposed policies, rules and other methods for biodiversity

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p><u>Policies in the Whenuapai 3 Precinct</u></p> <p>Policy I616.3(17) Recognise the role of riparian planting in the precinct to support the ecosystem functions of the North-West Wildlink.</p> <p>Policy I616.3(18) Avoid stream and wetland crossings where practicable, and if avoidance is not practicable, ensure crossings take the shortest route to minimise or mitigate freshwater habitat loss.</p> <p>Policy I616.3(19) Require, at the time of subdivision and development, riparian planting of appropriate native species along the edge of permanent and intermittent streams and wetlands to:</p> <ol style="list-style-type: none"> provide for and encourage establishment and maintenance of ecological corridors through the Whenuapai area; maintain and enhance water quality and aquatic habitats; enhance existing native vegetation and wetland areas within the catchment; and reduce stream bank erosion. 	<p>Environment</p> <ul style="list-style-type: none"> Adverse effects on freshwater habitats for when it is not practicable to avoid stream and wetland crossings. <p>Economic</p> <ul style="list-style-type: none"> Costs associated with designing crossings to minimise effect on streams and wetland. Costs associated with Standard I616.6.4 which requires 10m of riparian planting along either side of all permanent and intermittent streams. Costs associated with designing stormwater outfalls in the Whenuapai 3 coastal erosion setback yard as assessed by standards I616.8.1(4) and I616.8.2(4). Compliance costs associated with providing the information required in 	<p>Environment</p> <ul style="list-style-type: none"> Improved biodiversity values through the creation of an ecological corridor. Improve terrestrial habitats through requiring riparian planting. Protection of approximately 14km of streams and wetlands as freshwater habitats. Improved aesthetic and amenity values associated with riparian planting for existing and future communities. Protect aesthetic and amenity values of the coast from improperly designed stormwater outfalls. <p>Social</p> <ul style="list-style-type: none"> Protect public health and safety along the coast by ensuring properly designed stormwater 	<p>Efficiency</p> <p>Application of the policies, rules, standards and special information requirements in the Whenuapai 3 Precinct is consistent with Objective I616.2(10).</p> <p>The provisions will enable restoration of biodiversity values in an area largely denuded by historic horticultural uses. It could be argued that expanding the riparian planting requirements beyond what is required, can provide better environmental outcomes. However this needs to be weighed against the improvements the provisions will make to the current degraded environment and the associated economic costs. The level of riparian planting required is considered appropriate for meeting the outcomes of the objective.</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p><u>Rules in the Whenuapai 3 Precinct</u></p> <p>I616.4. Activity table</p> <p>(A3) Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with any one or more of the other standards contained in Standards I616.6 – D</p> <p>(A16) Activities that comply with:</p> <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; but do not comply with any one or more of the other standards contained in Standards I616.6 – D <p><u>Standards in the Whenuapai 3 Precinct</u></p> <p>Standard I616.6.4. Riparian planting</p> <p>(1) The riparian margins of a permanent or intermittent stream or a wetland must be planted to a minimum width of 10m measured from the top of the stream bank and/or the wetland's fullest extent.</p> <p>(2) Riparian margins must be offered to the council for vesting.</p> <p>(3) The riparian planting proposal must:</p> <p>(a) include a plan identifying the location,</p>	<p>standard I616.9 Special information requirements.</p>	<p>outfalls.</p> <ul style="list-style-type: none"> ▪ Improve recreation values and amenity along the riparian margin by requiring cycle and pedestrian to be located in appropriate locations as required by standard I616.6.4(4). <p>Cultural</p> <ul style="list-style-type: none"> ▪ Standard I616.6.4 is consistent with Māori cultural values – specifically, the mauri of water – as outlined in the stormwater provisions assessment (section 7.3). ▪ Restoration of damaged ecosystem, particularly through reintroducing native vegetation (and habitat for native species) as required by I616.6.4 is consistent with the Māori principle of kaitiaki. <p>Economic</p> <ul style="list-style-type: none"> ▪ At-source treatment of contaminants is the most cost-effective way of 	<p>Overall, it is considered efficient to include riparian planting, coastal outfall requirements and biodiversity guidance through the precinct provisions at the same time as rezoning greenfield land for urban development.</p> <p>Effectiveness</p> <p>The biodiversity provisions within the Whenuapai 3 Precinct seek to recognise the importance of the stream network as well as the role of Whenuapai in the North-West Wildlink.</p> <p>Policies I616.3(17) and (19) and their associated rules and standards require any subdivision and development to provide native planting and to protect freshwater habitat in streams and wetlands.</p> <p>Standards I616.8.1(4) and I616.8.2(4) ensure any stormwater outfalls that need to be located on the coast will not adversely affect the biodiversity</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>species, planting bag size and density of the plants;</p> <p>(b) use eco-sourced native vegetation where available;</p> <p>(c) be consistent with local biodiversity;</p> <p>(d) be planted at a density of 10,000 plants per hectare, unless a different density has been approved on the basis of plant requirements.</p> <p>(4) Where pedestrian and/or cycle paths are proposed, they must be located adjacent to, and not within, the 10m planted riparian area.</p> <p>(5) The riparian planting required in Standard I616.6.4(1) above must be incorporated into a landscape plan. This plan must be prepared by a suitably qualified and experienced person and be approved by the council.</p> <p>(6) The riparian planting required by Standard I616.6.4(1) cannot form part of any environmental compensation or offset mitigation package where such mitigation is required in relation to works and/or structures within a stream.</p> <p>Standard I616.8.1 Matters of discretion</p> <p>(4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:</p> <p>(a) the effects on landscape values, ecosystem values, coastal processes, associated earthworks and landform modifications;</p> <p>(b) the effects on land stability including any exacerbation of an existing natural hazard, or</p>		<p>addressing water quality, and thus, freshwater habitats.</p>	<p>values of the coast. This reinforces the coastal management provisions of the Whenuapai 3 precinct.</p> <p>Overall, it is considered that the provisions are effective in achieving the outcomes sought in Objective I616.2(10).</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>creation of a new natural hazard, as a result of the structure;</p> <p>(c) the resilience of the structure to natural hazard events;</p> <p>(d) the use of green infrastructure instead of hard engineering solutions;</p> <p>(e) the effects on public access and amenity, including nuisance from odour;</p> <p>(f) the ability to maintain or enhance fish passage; and</p> <p>(g) risk to public health and safety.</p> <p>Standard I616.8.2 Assessment Criteria</p> <p>(4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:</p> <p>(a) the extent to which landscape values, ecological values and coastal processes are affected or enhanced by any works proposed in association with the structure(s);</p> <p>(b) the extent to which site specific analysis, such as engineering, stability or flooding reports have been undertaken and any other information about the site, the surrounding land and the coastal marine area;</p> <p>(c) the extent to which the structure(s) is located and designed to be resilient to natural hazards;</p> <p>(d) the extent to which the proposal includes green infrastructure and solutions instead of hard engineering solutions;</p>			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>(e) the extent to which public access and / or amenity values, including nuisance from odour, are affected by the proposed structure(s);</p> <p>(f) the extent to which fish passage is maintained or enhanced by the proposed structure(s); and</p> <p>(g) the extent to which adverse effects on people, property and the environment are avoided, remedied or mitigated by the proposal.</p> <p><u>Other methods in the Whenuapai 3 Precinct</u></p> <p>1616.9 Special information requirements</p> <p>(1) Riparian planting plan An application for land modification, development and subdivision which adjoins a permanent or intermittent stream must be accompanied by a riparian planting plan identifying the location, species, planter bag size and density of the plants.</p> <p>(2) Permanent and intermittent streams and wetlands All applications for land modification, development and subdivision must include a plan identifying all permanent and intermittent streams and wetlands on the application site.</p>			

8.5 Coastal management – coastal erosion risk

Topic:	Coastal erosion risk
Relevant objective:	Objective I616.2(9)

8.5.1 Risk assessment

The coastal hazards assessment applied a probabilistic approach to hazard assessment. The assessment provides a P_{5%} extent of erosion landward of the cliff toe (that is, a five per cent probability of it being exceeded) based on a range of Representative Concentration Pathways scenarios (greenhouse gas concentration trajectories used when determining the effects of climate change). As such, the council has sufficient information to act.

8.5.2 Assessment of the provisions

The costs, benefits, efficiency and effectiveness of the proposed provisions are set out in Table 7 below.

Section 32(2)(b) of the RMA requires costs and benefits to be quantified where practicable.

- Adverse effects on freshwater habitats are not quantified because of the complexity and scale of the cost.
- Compliance costs are not quantified because it is linked to the complexity and scale of the development proposal.
- Costs and benefits associated with development potential is quantified based on high level yield calculations.
- Costs to people and property from coastal erosion hazards are not quantified because it is dependent on the specific development proposals in the coastal erosion setback yard.
- Benefits associated with cultural, aesthetic/coastal character and biodiversity values are not quantified because of their intrinsic nature as well as the complex relationship between economic measures and said values, that is, premiums on property close to amenity values and ecosystem functions.
- Costs to ratepayers are not quantified as it is dependent on the scale and type of hard protection structure.
- Where possible, spatial costs and benefits are quantified.

Table 7: Assessment of proposed policies, rules and other methods for coastal erosion risk

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p><u>Proposed zoning</u> The plan change proposes to rezone sites zoned Future Urban adjacent to the coast to Single House.</p> <p><u>Policies in the Whenuapai 3 Precinct</u></p> <p>Policy I616.3(14) Ensure stormwater outfalls are appropriately designed, located and managed to avoid or mitigate adverse effects on the environment, including: (a) coastal or stream bank erosion; (b) constraints on public access; (c) amenity values; and (d) constraints on fish passage into and along river tributaries.</p> <p>Policy I616.3(15) Avoid locating new buildings on land within the Whenuapai 3 coastal erosion setback yard.</p> <p>Policy I616.3(16) Avoid the use of hard protection structures to manage coastal erosion risk in the Whenuapai 3 coastal erosion setback yard.</p>	<p>Environment</p> <ul style="list-style-type: none"> ▪ Adverse effects on environmental values from enabling development. <p>Economic</p> <ul style="list-style-type: none"> ▪ Single House zoning along the coast reduces amount of developable land for housing. ▪ Cost of lost development potential. The direction of Policy I616.3(15), and requirement of Standards I616.6.5 and I616.6.7 to avoid subdivision and development within the Whenuapai 3 coastal erosion setback yard reduces the amount of developable lots. The yard applies to approximately 15ha of land. This means a reduction of approximately 130 developable lots based on replacing the Mixed Housing Urban Zone in the draft plan change with the proposed Single House zoning. ▪ Costs of standard I616.6.6 	<p>Environment</p> <ul style="list-style-type: none"> ▪ Protection of coastal process from the adverse effects from development. ▪ Reduces adverse effects on the character of the coast. ▪ Amenity values are protected and enhanced for new and existing residents associated with maintaining coastal character. ▪ Adverse effects on the sensitive receiving environment of the Upper Waitematā Harbour are reduced by limiting the amount of surface runoff near the coast and through well designed coastal outfalls. ▪ Protection of coastal processes and biodiversity values from hard protection structures. <p>Social</p>	<p>Efficiency</p> <p>The application of policy I616.3(15), and associated rules and standards within the Whenuapai 3 precinct will give effect to Objective I616.2(9). The provisions identify the coastal erosion hazard areas and manage development and subdivision to avoid locating new buildings in the Whenuapai coastal area. This avoids the creation of new risks from coastal erosion hazards.</p> <p>The application of policy I616.3(16) and associated rules and standards is consistent with Objective I616.2(9), and gives effect to Objectives I616.2(8), and I616.2(10). This approach puts in place a more onerous assessment for the use of hard protection structures when managing coastal erosion risks.</p> <p>Overall, it is considered</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>Rules in the Whenuapai 3 Precinct</p> <p>I616.4. Activity table</p> <p>(A3) Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with any one or more of the other standards contained in Standards I616.6 – D</p> <p>(A5) Hard protection structures located within the Whenuapai 3 coastal erosion setback yard – NC</p> <p>(A16) Activities that comply with:</p> <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; <p>but do not comply with any one or more of the other standards contained in Standards I616.6 – D</p> <p>(A17) Activities that do not comply with:</p> <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within 	<p>which requires external alterations to buildings within the Whenuapai 3 coastal erosion setback yard to not increase the existing gross floor area.</p> <ul style="list-style-type: none"> • Costs associated with consenting to expand existing buildings in the Whenuapai 3 coastal protection yard. • Cost associated with standard I616.6.7 requiring proposed sites to locate specific features outside of the Whenuapai 3 coastal erosion setback yard. This reduces the flexibility for landowners to develop their lots. • Costs associated with consents to develop stormwater outfalls in the Whenuapai 3 coastal erosion setback yard. • Costs associated with split-zoning along the cost. Development will have to subdivide along zoning boundary. • Costs associated with consenting and design to 	<ul style="list-style-type: none"> • Avoids exposing people to new and existing risks in coastal erosion hazard areas. • Provides certainty to developers and the future community with the expected outcomes in the coastal environment. <p>Cultural</p> <ul style="list-style-type: none"> • Avoids exposing people to new risks in coastal erosion hazard areas. • Ensures public access to the coast by allowing council to manage access as the cliff toe retreats. • Protects unidentified middens and wahi tapu associated with historic Māori occupation of the area from inappropriate development. <p>Economic</p> <ul style="list-style-type: none"> • Avoids creating new risks in coastal erosion hazard areas. • Avoids costs to ratepayers as hard protection 	<p>efficient to include a risk-based management approach to avoid locating new buildings in areas of known coastal erosion hazard. Likewise, it is considered efficient to include rules to limit the use of hard protection structures.</p> <p>Effectiveness</p> <p>The Whenuapai 3 coastal hazard provisions seek to avoid locating new buildings within areas of coastal erosion hazard. The provision will apply to all buildings within the Whenuapai 3 coastal erosion setback yard.</p> <p>The application of policy I616.3(16) and associated rules and standards discourage the use of hard protection structure by making such structures a more restrictive activity.</p> <p>The provisions are therefore effective in achieving the outcomes sought by Objective I616.2(9)</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness										
<p>the aircraft engine testing noise boundaries – NC</p> <p><u>Standards within the Whenuapai 3 Precinct</u></p> <p>Standard I616.6.5. New buildings within the Whenuapai 3 coastal erosion setback yard</p> <p>(1) New buildings must not be located within the Whenuapai 3 coastal erosion setback yard shown in Whenuapai 3 Precinct Plan 1. The widths of the yard are specified in Table I616.6.5.1 and is to be measured from mean high water springs. This is to be determined when the topographical survey of the site is completed.</p> <p>(2) Alterations to existing buildings within the Whenuapai 3 coastal erosion setback yard must not increase the existing gross floor area.</p> <p>Table I616.6.5.1 Whenuapai 3 coastal erosion setback yard</p> <table border="1" data-bbox="975 1487 1145 1957"> <thead> <tr> <th>Area</th> <th>Coastal erosion setback yard</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>41m</td> </tr> <tr> <td>B</td> <td>40m</td> </tr> <tr> <td>C</td> <td>26m</td> </tr> <tr> <td>D</td> <td>35m</td> </tr> </tbody> </table> <p>Standard I616.6.6. External alterations to buildings within the Whenuapai 3 coastal erosion setback yard</p> <p>(1) External alterations to buildings within the</p>	Area	Coastal erosion setback yard	A	41m	B	40m	C	26m	D	35m	<p>take into account more restrictive application for hard protection structures rule I616.4.1 (A4), and (A5).</p>	<p>structures located on an esplanade reserve to enable landward development will have to be maintained and operated by council.</p> <ul style="list-style-type: none"> ▪ Avoids costs to ratepayers when council has to provide assistance when properties are damaged/destroyed. ▪ Zoning clearly signals the development potential of coastal land in light of the known coastal erosion hazard risks. ▪ Single House zoning along the coast allows for some appropriate development. More developable lots are enabled than if Residential - Large Lot Zone was applied to this land. 	
Area	Coastal erosion setback yard												
A	41m												
B	40m												
C	26m												
D	35m												

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>Whenuapai 3 coastal erosion setback yard identified in Standard I616.6.5 and Whenuapai 3 Precinct Plan 1 must not increase the existing gross floor area.</p> <p>Standard I616.6.7. Subdivision of land in the Whenuapai 3 coastal erosion setback yard</p> <p>(1) Each proposed site on land in the Whenuapai 3 coastal erosion setback yard must demonstrate that all of the relevant areas/features below are located outside of the Whenuapai 3 coastal erosion setback yard:</p> <ul style="list-style-type: none"> (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones; (b) access to all proposed building platforms or areas; and (c) on-site private infrastructure required to service the intended use of the site. <p><u>Other methods in the Whenuapai 3 Precinct</u></p> <p>I616.8.1 Matters of discretion</p> <p>(3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:</p> <ul style="list-style-type: none"> (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to 			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>coastal erosion.</p> <p>(4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:</p> <p>(a) the effects on landscape values, ecosystem values, coastal processes, associated earthworks and landform modifications;</p> <p>(b) the effects on land stability including any exacerbation of an existing natural hazard, or creation of a new natural hazard, as a result of the structure;</p> <p>(c) the resilience of the structure to natural hazard events;</p> <p>(d) the use of green infrastructure instead of hard engineering solutions;</p> <p>(e) the effects on public access and amenity, including nuisance from odour;</p> <p>(f) the ability to maintain or enhance fish passage; and</p> <p>(g) risk to public health and safety.</p> <p>1616.8.2 Assessment criteria</p> <p>(3) Subdivision of land in the Whenuapai 3 coastal erosion setback yard:</p> <p>(a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:</p> <p>(i) whether public access to the coast is affected;</p>			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>(ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and</p> <p>(iii) refer to Policy E38.3(2).</p> <p>(4) Stormwater outfalls and associated erosion and protection structures within the Whenuapai 3 coastal erosion setback yard:</p> <p>(a) the extent to which landscape values, ecological values and coastal processes are affected or enhanced by any works proposed in association with the structure(s);</p> <p>(b) the extent to which site specific analysis, such as engineering, stability or flooding reports have been undertaken and any other information about the site, the surrounding land and the coastal marine area;</p> <p>(c) the extent to which the structure(s) is located and designed to be resilient to natural hazards;</p> <p>(d) the extent to which the proposal includes green infrastructure and solutions instead of hard engineering solutions;</p> <p>(e) the extent to which public access and / or amenity values, including nuisance from odour, are affected by the proposed</p>			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>structure(s);</p> <p>(f) the extent to which fish passage is maintained or enhanced by the proposed structure(s); and</p> <p>(g) the extent to which adverse effects on people, property and the environment are avoided, remedied or mitigated by the proposal.</p>			

8.6 Reverse sensitivity effects on Whenuapai Airbase – lighting

Topic:	Reverse sensitivity effect on Whenuapai Airbase – lighting
Relevant objective:	Objective I616.2(12)

8.6.1 Risk assessment

As part of the Whenuapai Structure Plan process, a Preliminary Lighting Assessment for the Whenuapai Structure Plan area was carried out to determine outdoor lighting requirements for the area. However, that assessment was carried out before the AUP (OP) became operative in part, and with the view to provide high-level recommendations for the structure plan.

Further details regarding this issue were included in the New Zealand Defence Force's feedback on the draft plan change. There are also lighting restrictions set out in Part 77.7 of the Civil Aviation Authority Rules, along with information in the CAA Advisory Circular AC139-6.

There are also existing provisions within the Whenuapai 1 and 2 Precincts that address the effects of lighting on aircraft operations.

Therefore, it is considered there is sufficient information to proceed with introducing provisions relating to lighting in this plan change.

8.6.2 Assessment of the provisions

The costs, benefits, efficiency and effectiveness of the proposed provisions are set out in Table 8 below.

Section 32(2)(b) of the RMA requires costs and benefits to be quantified where practicable. However, there are no quantifiable costs and benefits relating to lighting. The cost to landowners and developers will be dependent on the overall design of roads, buildings and structures.

Table 8: Assessment of proposed policies, rules and other methods for reverse sensitivity effects on Whenuapai Airbase – lighting

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p><u>Policies in the Whenuapai 3 Precinct</u></p> <p>Policy I616.3(22) 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.</p> <p>Policy I616.3(23) Require the design of roads and associated lighting to be clearly differentiated from runway lights at Whenuapai Airbase to provide for the ongoing safe operation of the airbase.</p> <p><u>Rules in the Whenuapai 3 Precinct</u></p> <p>I616.4. Activity table (A3) Subdivision that complies with Standard I616.6.2 Transport infrastructure requirements, but not complying with any one or more of the other standards contained in Standards I616.6 – D (A16) Activities that comply with:</p> <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; <p>but do not comply with any one or more of the other standards contained in Standards I616.6 – D</p>	<p>Social</p> <ul style="list-style-type: none"> ▪ Reduced operational hours of parks that require floodlighting. ▪ Lighting associated with events may also be affected by these proposed requirements. <p>Economic</p> <ul style="list-style-type: none"> ▪ Potential increase in construction costs for roads built to avoid being aligned parallel to the runways. 	<p>Environment</p> <ul style="list-style-type: none"> ▪ Light spill is minimised throughout the plan change area. ▪ Adverse effects on the aircraft operations are avoided. <p>Social</p> <ul style="list-style-type: none"> ▪ The implementation of the proposed lighting provisions will minimise safety risks associated with aircraft incidents on communities. 	<p>Efficiency The risks associated with not having specific lighting provisions within the precinct are low but potentially significant. As expressed in their feedback on the draft plan change, lighting is a significant safety concern for the NZDF.</p> <p>Effectiveness The proposed provisions seek to achieve Objective I616.2(12). They provide direction for developers and landowners when designing road layouts and proposing outdoor lighting, particularly floodlights.</p> <p>The provisions are the most appropriate way to achieve Objective I616.2(12).</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p><u>Standards in the Whenuapai 3 Precinct</u></p> <p>I616.6.11. Lighting</p> <p>(1) No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am:</p> <ul style="list-style-type: none"> (a) searchlights; or (b) outside illumination of any structure or feature by floodlight. <p><u>Other methods in the Whenuapai 3 Precinct</u></p> <p>Matter of discretion I616.8.1(5)</p> <p>Lighting associated with development, structures, infrastructure and construction.</p> <p>Assessment criteria I616.8.2(5)</p> <p>(5) Lighting associated with development, structures, infrastructure and construction:</p> <ul style="list-style-type: none"> (a) The effects of lighting on the safe and efficient operation of Whenuapai Airbase, to the extent that the lighting: <ul style="list-style-type: none"> (i) avoids simulating approach and departure path runway lighting; (ii) ensures that clear visibility of approach and departure path runway lighting is maintained; and (iii) avoids glare or light spill that could affect aircraft operations. 			

8.7 Aircraft engine testing noise

Topic:	Aircraft engine testing noise
Relevant objective:	Objective I616.2(13)

8.7.1 Risk assessment

The New Zealand Defence Force have provided a noise assessment of the noise from aircraft engine testing. That noise assessment used available noise data of aircraft engines that were representative of aircrafts at Whenuapai Airbase and a survey of the airbase engine testing practices over a 60-day period in 2016. The noise assessment was reviewed by the council's acoustic specialist who generally agreed with the approach taken and results of the assessment. It is considered there is sufficient information to include provisions to address the issue of aircraft engine testing noise within the plan change area.

8.7.2 Assessment of the provisions

The costs, benefits, efficiency and effectiveness of the proposed provisions are set out in Table 9 below.

Section 32(2)(b) of the RMA requires costs and benefits to be quantified where practicable. The assessment quantifies the increase in business land and the decrease in residential land resulting from the proposed zoning to address the issue of aircraft engine testing noise.

Table 9: Assessment of proposed policies, rules and other methods for aircraft engine testing noise

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p><u>Proposed zoning</u> All land within the 65 dB L_{dn} contour is zoned Light Industry and most land between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries is zoned Single House.</p> <p><u>Policies in the Whenuapai 3 Precinct</u></p> <p>Policy I616.3(24) Avoid the establishment of new activities sensitive to noise within the 65 dB L_{dn} aircraft engine testing noise boundary shown on Whenuapai 3 Precinct Plan 3.</p> <p>Policy I616.3(25) Avoid establishing residential and other activities sensitive to noise within the area between the 57 dB L_{dn} and 65 dB L_{dn} aircraft engine testing noise boundaries as shown on Whenuapai 3 Precinct Plan 3, unless the noise effects can be adequately remedied or mitigated at the receiving site through the acoustic treatment, including mechanical ventilation, of buildings containing activities sensitive to noise.</p> <p><u>Rules in the Whenuapai 3 Precinct</u></p> <p>I616.4. Activity table (A16) Activities that comply with:</p> <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; 	<p>Social</p> <ul style="list-style-type: none"> ▪ Potential effect on the ability of residents to enjoy the outdoors while engine testing is being carried out. <p>Economic</p> <ul style="list-style-type: none"> ▪ Dwelling yields for the plan change area reduced (from draft plan change) from 8233 to 6182 as a result of extending the Light Industry Zone to the area south of the airbase. ▪ Presence of known noise issues within the noise boundaries may negatively impact on property values. ▪ Reduced development opportunities as a result of Single House zoning between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries. ▪ Potential increase in cost 	<p>Environment</p> <ul style="list-style-type: none"> ▪ Adverse noise effects on new residents from aircraft engine testing are mitigated through the requirements in Standard I616.6.10. ▪ Reverse sensitivity effects on Whenuapai Airbase from aircraft engine testing noise are minimised. ▪ The proposed zoning provides a buffer between residential activities and the airbase. <p>Social</p> <ul style="list-style-type: none"> ▪ The provisions seek to provide some certainty to new residents that dwellings built to standard will provide sufficient protection against engine testing noise when indoors. <p>Economic</p>	<p>Efficiency While there are associated costs to landowners and developers, the proposed provisions are the most efficient way to achieve Objective I616.2(13). It is not considered appropriate for a council-initiated plan change to rezone land most affected by aircraft engine testing noise to higher residential densities. It is also inappropriate to rezone land within the aircraft engine testing noise boundaries without any protection measures for new residents.</p> <p>Effectiveness The proposed provisions and zoning are the most effective way to achieve Objective I616.2(13).</p> <p>Given the airbase is a defence facility, and aircraft engine testing is an essential part of its operation, the proposed</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<ul style="list-style-type: none"> • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries; but do not comply with any one or more of the other standards contained in Standards I616.6 – D (A17) Activities that do not comply with: <ul style="list-style-type: none"> • Standard I616.6.2 Transport infrastructure requirements; • Standard I616.6.5 New buildings within the Whenuapai 3 coastal erosion setback yard; and • Standard I616.6.10 Development within the aircraft engine testing noise boundaries – NC <p>(A18) New activities sensitive to noise within the 65 dB L_{dn} noise boundary shown on Whenuapai 3 Precinct Plan 3 – Pr</p> <p><u>Standards in the Whenuapai 3 Precinct</u></p> <p>Standard I616.6.10 Development within the aircraft engine testing noise boundaries</p> <p>(1) Activities sensitive to noise must not be located within the 65 dB L_{dn} noise boundary as shown on Whenuapai 3 Precinct Plan 3.</p> <p>(2) Between the 57 dB L_{dn} and 65 dB L_{dn} noise boundaries as shown on Whenuapai 3 Precinct Plan 3, new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise must</p>	<p>of building dwellings due to need for sound attenuation and ventilation/insulation requirements.</p> <ul style="list-style-type: none"> ▪ Increased consenting costs for those who do not comply with Standard I616.6.10 being classified as a non-complying activity. 	<ul style="list-style-type: none"> ▪ Increased business land resulting from a greater area within the plan change zoned as Light Industry (from 95 ha in the draft plan change to 124 ha in the proposed). 	<p>provisions seek to mitigate known noise effects on surrounding land uses.</p> <p>The area under the 65 dB L_{dn} aircraft engine testing contour is zoned Light Industry, with activities sensitive to noise (term is defined in the AUP (OP)) classified as a prohibited activity. This clearly signals to the plan users that sites most affected by engine testing noise are not suitable for residential development.</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>provide sound attenuation and related ventilation and/or air conditioning measures:</p> <ul style="list-style-type: none"> (a) to ensure the internal environment of habitable rooms does not exceed a maximum noise level of 40 dB L_{dn}; and (b) that are certified to the council's satisfaction as being able to meet Standard I616.6.9(2)(a) by a person suitably qualified and experienced in acoustics prior to its construction; and (c) so that the related ventilation and/or air conditioning system(s) satisfies the requirements of New Zealand Building Code Rule G4, or any equivalent standard which replaces it, with all external doors of the building and all windows of the habitable rooms closed. 			

8.8 Historic heritage

Topic:	Historic heritage
Relevant objectives:	Existing operative objectives in Chapters B5 and D17 of the AUP (OP)

8.8.1 Risk assessment

The heritage assessments carried out to support the Whenuapai Structure Plan and this plan change are outlined in section 5.9 of this report. It is considered there is sufficient information under section 32(2)(c) of the RMA to act based on that information.

8.8.2 Assessment of the provisions

The costs, benefits, efficiency and effectiveness of the proposed provisions are set out in Table 10 below.

Table 10: Assessment of proposed methods for historic heritage

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>Other methods in the AUP (OP)</p> <ul style="list-style-type: none"> ▪ Deletion of individual entries for the Clarks Lane workers' cottages from Table 1 Places in Schedule 14.1 of the AUP (OP) ▪ Addition of the Clarks Lane Historic Heritage 	<p>Environment</p> <ul style="list-style-type: none"> ▪ No costs to the environment as the identified built heritage is protected by the scheduling. <p>Economic</p> <ul style="list-style-type: none"> ▪ Economic costs to the landowners of the site with the anti-aircraft battery associated with a reduction in the potential land available to meet their development aspirations. 	<p>Environment</p> <ul style="list-style-type: none"> ▪ The built heritage features in Clarks Lane contribute to the local and regional history representing some of the earliest development in the area. ▪ The anti-aircraft battery site contributes to the local and regional history as it represents the ongoing military presence in Whenuapai since the 1940s. 	<p>Efficiency</p> <p>Utilising the plan change as the statutory process to assess and improve the protection of the buildings in Clarks Lane and the values of the anti-aircraft battery site is efficient as combining this amongst the planning of the area ensures that integrated resource management of the whole of Whenuapai occurs. It is also more efficient than doing a separate plan change for</p>

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>Area to Table 2 Areas in Schedule 14.1 of the AUP (OP)</p> <ul style="list-style-type: none"> ▪ Addition of a statement of significance and related map for the Clarks Lane Historic Heritage Area to Schedule 14.2 of the AUP (OP) ▪ Addition of the Whenuapai heavy anti-aircraft battery to Table 1 Places in Schedule 14.1 of the AUP (OP). 		<p>Social</p> <ul style="list-style-type: none"> ▪ The built heritage has a direct connection to the Clark family, which provides a social benefit associated with the prominence of this family in the early development of the area. ▪ The built heritage has a direct connection to the military history of Whenuapai and Hobsonville, which provides a social benefit associated with the development of the social identity of the area. <p>Cultural</p> <ul style="list-style-type: none"> ▪ The location and setting of the buildings in Clarks Lane provide an important part of the cultural fabric of Whenuapai and the neighbouring Hobsonville as they assist in defining the historic communities that resided in this area. ▪ The location and setting of the anti-aircraft battery site provides an important part of the cultural fabric of Whenuapai and the neighbouring Hobsonville as it assists in defining the historic communities and military history in this area. 	<p>heritage values.</p> <p>Effectiveness</p> <p>Utilising the plan change as the statutory process to assess and insert Clarks Lane historic heritage area and the anti-aircraft battery site into AUP (OP) is the most appropriate way to achieve the existing objectives within Chapter D17 Historic Heritage Overlay in the AUP (OP). These provisions have immediate legal effect from the date of notification so will become effective from then.</p>

8.9 Provision of open space

Topic:	Provision of open space
Relevant objective:	Objective I616.2(11)

8.9.1 Risk assessment

It is considered there is sufficient information to include provisions in the plan change to guide the development of the open space network.

8.9.2 Assessment of the provisions

The costs, benefits, efficiency and effectiveness of the proposed provisions are set out in Table 11 below.

Section 32(2)(b) of the RMA requires costs and benefits to be quantified where practicable.

- The costs to owners and cost to council to acquire open space are not quantified because the value of land should be carried out by a qualified valuer and is dependent on the specific characteristics of the site.
- Benefits associated with the amenity, aesthetic/coastal character and recreation values from open space are not quantified because of their intrinsic nature as well as the complex relationship between economic measures and said values, that is premiums on property close to amenity values and proximity to open space.
- Where possible, spatial costs and benefits are quantified.

Table 11: Assessment of proposed policies for the provision of open space

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
Policies in the Whenuapai 3 Precinct	Economic <ul style="list-style-type: none"> ▪ Potential loss of developable land for landowners where some of their land is used for open space. ▪ Cost to the council to acquire open space. 	Environment <ul style="list-style-type: none"> ▪ The provisions seek to ensure adequate provision of quality open space for the community as the area develops. ▪ Amenity values from the provision of open space. 	Efficiency <p>The proposed policies are efficient in achieving Objective I616.2(11), and provide some certainty for landowners, developers and the existing and future communities as to where parks will be generally</p>
Policy I616.3(20) Require the provision of open space as shown on Whenuapai 3 Precinct Plan 1 through subdivision and			

Plan Change Provision	Costs	Benefits	Efficiency and Effectiveness
<p>development, unless the council determines that the indicative open space is no longer required or fit for purpose.</p> <p>Policy I616.3(21) Only allow amendments to the location and alignment of the open space where the amended open space can be demonstrated to achieve the same size and the equivalent functionality.</p>		<p>Social</p> <ul style="list-style-type: none"> ▪ Increased opportunities for passive and active recreation through an additional 15ha (excluding esplanade reserves vested during subdivision) of open space and through the encouragement of pedestrian and cycle connectivity. <p>Cultural</p> <ul style="list-style-type: none"> ▪ Opportunities to enhance cultural and heritage values through the provision of open space. <p>Economic</p> <ul style="list-style-type: none"> ▪ Policy I616.3(20) provides the council with the ability to reject proposals for open space if it is no longer required or fit for purpose. ▪ Increased property values due to proximity to open space amenity and recreational values. 	<p>located.</p> <p>Effectiveness Combined with non-RMA methods, including the council's acquisition policy, the policies are the most effective way of achieving Objective I616.2(11).</p>

9. Section 86B of the RMA

When deciding the date on when a plan change takes effect, the RMA provides in section 86B(3) that:

- A rule in a proposed plan has immediate legal effect if the rule—
- (a) protects or relates to water, air, or soil (for soil conservation); or
 - (b) protects areas of significant indigenous vegetation; or
 - (c) protects areas of significant habitats of indigenous fauna; or
 - (d) protects historic heritage; or
 - (e) provides for or relates to aquaculture activities.

Historic heritage is defined in the Act as:

historic heritage—

- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
 - (i) archaeological;
 - (ii) architectural;
 - (iii) cultural;
 - (iv) historic;
 - (v) scientific;
 - (vi) technological; and
- (b) includes—
 - (i) historic sites, structures, places, and areas; and
 - (ii) archaeological sites; and
 - (iii) sites of significance to Māori, including wāhi tapu; and
 - (iv) surroundings associated with the natural and physical resources

As discussed in section 6.9 the proposed amendments to Schedule 14.1 and the Historic Heritage Overlay protect historic heritage. These amendments are subject to D17 Historic Heritage Overlay which manages the protection of significant historic heritage places, including the modification, relocation, demolition, use and development of these places. Tables D17.4.1 to D17.4.3 specify the activity status of activities affecting scheduled historic heritage places.

The proposed amendment to Schedule 14.1 and the Historic Heritage Overlay have immediate legal effect from the date of notification in accordance with section 86B(3) of the RMA.

10. Conclusion

The purpose of this plan change is to rezone 351 hectares of land in Whenuapai, generally Stages 1A to 1E of the Whenuapai Structure Plan, to enable development to occur in a greenfield area. Most of the land is currently zoned Future Urban under the AUP (OP). It is proposed to rezone this land to various residential and business zones and introduce new provisions by way of a new precinct in the AUP (OP) to manage the effects of greenfield development.

As assessed in section 7 of this report, the proposed objectives within the Whenuapai 3 Precinct, when considered in conjunction with relevant existing AUP (OP) objectives, are the most appropriate way to address the resource management issues identified and to achieve the purpose of the RMA. Section 8 of this report demonstrates that the proposed policies, rules and other methods are efficient and effective in achieving the objectives. The plan change is within the scope of the council's functions under section 31 of the Act.

Overall, the plan change enables subdivision, use and development within a greenfield area while ensuring any adverse effects on the environment can be appropriately avoided, remedied or mitigated in a way that is consistent with Part 2 of the Act and the direction given by the Regional Policy Statement.

References

Legislation

Hauraki Gulf Marine Park Act 2000
Resource Management Act 1991

National policy documents

National Policy Statement for Freshwater Management 2011
National Policy Statement on Urban Development Capacity 2016
New Zealand Coastal Policy Statement 2010

Council documents

Auckland Plan 2012
Auckland Regional Growth Strategy 1999
Auckland Transport Alignment Project 2016
Auckland Unitary Plan (Operative in Part)
Best for the West – Growth Management Strategy for Waitakere 2010
Future Urban Land Supply Strategy 2017
Integrated Transport Programme 2012-2041
North West Transformation Area Wastewater Servicing Strategy 2015
Open Space Provision Guidelines 2016
Parks and Open Spaces Acquisition Policy 2013
Parks and Open Spaces Strategic Action Plan 2013
Regional Land Transport Plan 2015-2025
Regional Public Transport Plan 2015
Supporting Growth Strategy 2016
Whenuapai 3 Precinct Stormwater Management Plan 2017
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Appendix 1: Draft Whenuapai Plan Change – Summary of Feedback and Responses

Topic	Summary of feedback received	Response
Airbase noise	The effects of noise from the airbase on new residents have been identified as a potential issue.	The Planning Team is working with the New Zealand Defence Force to better understand the noise issue and any effects on new residents to the area. Additionally, work is being carried out to determine the best way to manage reverse sensitivity effects of urbanisation around the airbase.
Biodiversity	The draft precinct provisions do not provide a level of certainty to ensure the protection, maintenance and enhancement of biodiversity of the area.	<p>The Auckland Unitary Plan (Operative in Part) (AUPOP) policy framework and provisions achieve the purpose of the Resource Management Act 1991 and will give effect to the New Zealand Coastal Policy Statement. These will continue to apply for development in the plan change area.</p> <p>In addition to the existing AUPOP provisions, the Whenuapai 3 Precinct recognises the area's role in the North-West Wildlink by requiring riparian planting and encouraging the ecological corridor functions of the streams network in the area.</p> <p>The support is noted.</p>
Biodiversity	Feedback was received supporting the recognition of the North-West Wildlink.	
Centres	Request to include a neighbourhood centre adjacent to the proposed neighbourhood park.	The Planning Team, in conjunction with the Auckland Design Office, are currently looking at potential locations for a new neighbourhood centre. It will be shown in the plan change when it is publicly notified.
Coastal hazards	There was feedback received regarding coastal hazard risk and that development should be avoided in areas of significant risk.	Appropriate coastal setbacks and associated provisions are currently being refined through the preparation of a detailed coastal hazard assessment of the area.
Draft precinct provisions	Feedback received opposing the additional matters identified in the draft precinct such as those relating to biodiversity, riparian planting, water quality, stormwater and coastal hazard management.	The plan change addresses matters beyond the provisions of the Auckland Unitary Plan (Operative in Part). The draft plan change was informed by the Whenuapai Structure Plan, feedback from the public, engagement with mana whenua and technical reports. The Upper Waitemata Harbour is a sensitive receiving environment and, coupled with the additional work undertaken specific to Whenuapai, it is considered appropriate to include additional provisions to address issues relating to stormwater, riparian planting, biodiversity, water quality and coastal hazard risk.

Topic	Summary of feedback received	Response
Extent of plan change area	<p>There was support to only rezone Stage 1A-1E of the structure plan area, recognising that there are infrastructure constraints associated with development.</p> <p>However, we also received feedback from landowners and developers outside of the draft plan change area seeking to be included in this plan change. Some parties sought all of Stage 2 to be included and others sought the inclusion of specific sites within Stage 2.</p>	<p>The Regional Policy Statement provisions of the Auckland Unitary Plan (Operative in Part) (AUPOP) require that land is developed in an integrated manner with the appropriate infrastructure. Triggers are required in this instance to comply with these provisions. However the Environment Court's decision in <i>Foreworld Developments Ltd v Napier City Council W008/2005</i> suggests that the use of development triggers where infrastructure cannot be provided within the lifetime of a plan raises expectations and is contrary to the purpose of the Resource Management Act 1991. Therefore, only the parts of the structure plan area that can be readily developed within the life of the AUPOP are being rezoned in this plan change. The boundary of the plan change area was determined in consultation with Auckland Transport and Watercare. It is determined by the ability of existing bulk infrastructure to service the area. The infrastructure constraints for the remaining land (Stage 1F and Stage 2) are significant and infrastructure will not be available until at least 2026. This infrastructure will need to be programmed for future funding in the 2018-2022 Long-term Plan.</p>
Inclusion of Stage 2	<p>There were requests to include land outside of the plan change area (i.e. land identified as Stage 2 in the structure plan) in this plan change on the basis that the infrastructure required to service Stage 2 can be provided by developers.</p>	<p>Not all infrastructure can be provided by developers. The Council has a strategic and regional overview of the transport and wastewater networks.</p> <p>In terms of transport infrastructure, the cumulative effect of incremental expansion of the plan change area needs to be carefully considered. Analysis undertaken to date suggests that the cumulative effects of development beyond that assumed for the currently proposed Stage 1 are such that significant 'bulk' transport infrastructure investment will be required beyond site-specific mitigation. This will include capacity improvements on State Highways 16 and 18, the State Highway 16/18 connection, and the North-Western Busway and stations. The capital works for these projects remain unfunded, though business cases have been initiated. Auckland Transport does not support the live zoning of land which depends on unfunded projects.</p> <p>In terms of wastewater, Watercare is currently able to provide bulk wastewater services only to Stage 1 of the plan change area, with developers providing the local wastewater networks connecting into as</p>

Topic	Summary of feedback received	Response
Infrastructure capacity	The existing infrastructure cannot cope with the level of growth anticipated by the plan change.	development progresses. Servicing the rest of the area requires the Northern Interceptor to be built and connected to the Rosedale Wastewater Treatment Plant. Servicing of the Stage 2 area before the Northern Interceptor is connected will establish a patchwork of pump stations and pipes. This is not a desirable long-term outcome and likely to be redundant or need to be replaced if some or all of them do not fit the long-term servicing strategy.
Infrastructure funding	Feedback received relating to the funding of infrastructure by developers and whether the Council would be double-dipping by increasing rates as well as require developers to pay for the necessary infrastructure.	The plan change boundary has been decided in consultation with infrastructure providers. There is existing capacity in the current wastewater network to accommodate growth in the plan change area with developers providing the local wastewater networks connecting to the bulk supply. In terms of transport infrastructure, the precinct provisions require certain intersections to be upgraded as development progresses in each stage. The Council is currently in the process of refining the infrastructure triggers for transport in order to more precisely define what traffic volumes can be supported at each stage from a transport perspective. Stage 2 of the Whenuapai Structure Plan was not included in this plan change due to infrastructure capacity issues relating to the wider transport network and wastewater. The required infrastructure cannot be provided to unlock the land in Stage 2 for approximately another 10 years.
Open spaces	There were requests for more green spaces and walkways by the coast.	The Council follows the tools provided by the Local Government Act 2002 for funding public works, which may be a combination of rates, development contributions or agreed contributions. Double-dipping is not allowed. Funding of infrastructure is required as land is developed while rates provide for the ongoing maintenance and improvements of those infrastructure assets over time.
		The Draft Whenuapai Plan Change identifies five 0.3-0.5 hectare neighbourhood parks, one three-hectare suburb park and one 10-hectare sports park. This is consistent with Council's adopted Open Space Provision Policy 2016. Additionally there will be provision of esplanade reserves along the coast and vegetated riparian corridors along the stream network. Developers may also wish to vest additional open space which will be assessed at a case-by-case basis at the time of subdivision.

Topic	Summary of feedback received	Response
Open spaces	Opposition to the placement of indicative open spaces including the location of the sports park and the suburb park.	The open spaces are indicative only however their size and location are consistent with the Council's adopted Open Space Provision Policy. In relation to the location of the sports park, it is preferable for it to be located within the future industrial area to avoid reverse sensitivity effects on residential uses. The Council is moving towards artificial turf and flood lighting to extend playing hours which will increase adverse effects on potential residents.
Reverse sensitivity	There was feedback about the potential increased risk of bird strike from change of land use on the operational safety of the airbase.	The Planning Team is working with the New Zealand Defence Force to determine the best way to manage reverse sensitivity effects, including the risk of bird strike, arising from urbanisation around Whenuapai Airbase.
Timing of development	General feedback received around the timing of development.	The plan change enables land to be developed through the rezoning of future urban land however it is up to landowners if they choose to develop their property. There are efficiencies from amalgamating land for development but the Auckland Unitary Plan (Operative in Part) (AUPOP) and the plan change does not require this. There are many factors that contribute to pace of development. The Council controls the resource management effects arising from development through the AUPOP and regulatory processes, however the Council cannot control the commercial decision-making of landowners and developers.
Transport network	The transport network has to have adequate provisions for bus operations, future rapid transport and adequate cycling and walking infrastructure.	All the provisions in the Auckland Unitary Plan (Operative in Part) will apply to the plan change area as well as the precinct provisions. The Whenuapai Structure Plan showed the proposed walking and cycling routes in the area. With regards to walking, cycling and bus operations, proposed standard 16.16.6.3 in the draft precinct provides guidance on the network roles of each type of road, and cross-references to the Auckland Transport standards which new/upgraded roads need to comply with to enable servicing by these modes. Auckland Transport and the New Zealand Transport Agency are working to progress business cases on the relevant regional projects such as the State Highway 16/18 connections and Bringham Creek Road upgrades. Local and collector roads will be provided through development.

Topic	Summary of feedback received	Response
Transport network	There was opposition to the placement of some indicative roads. Some parties expressed the preference for indicative roads to be along property boundaries to enable costs to be shared.	Further work to refine the best location for all indicative roads is occurring. The location of roads also needs to consider implications for streams, planned parks and feedback on roads from other landowners. A refined position in respect of the arterial and collector roads will be included in the proposed plan change when it is notified.
Zoning and density	There was support for the inclusion and location of the Light Industry Zone so people can live locally and have local trips to work. However there was also feedback seeking for more business land within the plan change area.	The Light Industry Zone is positioned in the areas where the motorways join which is a strategic location for business land. It is also under the flight path for Whenuapai Airbase where residential uses are less appropriate. There is 93 hectares of business land in the plan change area which is considered enough for the next 10 years. The surrounding areas in the plan change are more suitable to residential uses to take advantage of existing centres and coastal amenity.
Zoning and density	There were requests for zoning changes to specific properties.	There will be more business land released in Stage 2 and there is also land zoned as Light Industry outside of the plan change area on Hobsonville Road.
Other	There were requests for specific types of activities such as petrol stations and retail shops.	The zoning for the plan change area is being reviewed. Any zoning changes will need to give effect to the Regional Policy Statement in the Auckland Unitary Plan (Operative in Part).
Other	Feedback from people we did not want development to occur in Whenuapai and for the area to stay rural.	The Council controls development through the Unitary Plan and regulatory processes, however we do not control the commercial decision making of landowners. The Council is unable to specify where specific types of retail will go.
Other	There were requests to include a separate precinct map showing overlays in the Auckland Unitary Plan (Operative in Part).	The area is zoned Future Urban in the Auckland Unitary Plan (Operative in Part) which means urbanisation will occur sometime in the future. Future urban land forms part of Auckland's 30-year housing supply. The Whenuapai plan change is the first plan change to Future Urban zoned land in Auckland. Stage 1 Whenuapai has been identified as being able to be serviced by infrastructure within the next 10 years.
Other		The overlays are shown on the Auckland Unitary Plan (Operative in Part) (AUPOP) maps. Plan changes to the AUPOP can only include material that is new. The plan change needs to be read in conjunction with the existing provisions of the AUPOP so that the complete policy and rule framework for development is understood.

Appendix 2: Whenuapai Plan Change Stage 1 Technical Inputs – Draft Triggers for Transport Investment

Scenario	Associated Transport Infrastructure					
	Land Use Assumptions		Regional Transport Network	Whenuapai Proposed Plan Change Transport Network		
	Whenuapai	Adjacent Land Use Development	Investment	Triggers		
Base Scenario (background growth based on ART 2021)	<ul style="list-style-type: none"> Existing primary schools at Whenuapai and Hobsonville 2,000 dwellings in Whenuapai including: <ul style="list-style-type: none"> 850 existing outside future urban zone 1,150 consented dwellings located either side of Totara Road between Brigham Creek Road and Dale Road No new business activity 	<ul style="list-style-type: none"> As per Scenario I10 predictions. 	FTN from Brigham Creek Road to Kumeu. ¹⁴	Inherent assumption in trip rates in surrounding areas.	A comprehensive network of pedestrian footpaths and appropriate cyclist infrastructure commensurate with development but in line with ultimate provisions.	Any development fronting an existing road will need to upgrade it to urban standard etc.
			<ul style="list-style-type: none"> FTN on Hobsonville Road which may require widening of Hobsonville Road to provide bus priority.¹⁵ Bus shoulder running Auckland CBD to Westgate.¹⁶ 	<ul style="list-style-type: none"> Inherent assumption complete by 2021. 	<ul style="list-style-type: none"> Brigham Creek Road urbanisation with 50 km/hr speed restriction between SH16 and SH18 interchanges and widening of Brigham Creek Road to four lanes between SH16 and Totara Road, and between Kauri Road and SH18/Brigham Creek Road interchange. 	<ul style="list-style-type: none"> Required to accommodate anticipated additional traffic and to limit growth in through traffic along Brigham Creek Road.
			<ul style="list-style-type: none"> Re-alignment and urbanisation (50 km/hr) of Trig Road south of SH18 to connect to Luckens Road and traffic signals at the Trig Road/Hobsonville Road/Luckens Road intersection.¹⁵ 	<ul style="list-style-type: none"> Inherent assumption complete by 2021. 	<ul style="list-style-type: none"> Traffic signals at: <ul style="list-style-type: none"> Brigham Creek Road/Totara Road/Mamari Road Brigham Creek Road/Tamatea Avenue Brigham Creek Road/Kauri Road Brigham Creek Road/Trig Road 	<ul style="list-style-type: none"> Background traffic growth
			<ul style="list-style-type: none"> Traffic signals on Hobsonville Road¹⁵ at <ul style="list-style-type: none"> Brigham Creek Road Sinton Road Clark Road Marina View Road Westpark Drive Suncrest Drive SH16 widening between Hobsonville Road and Lincoln Road.¹⁶ 	<ul style="list-style-type: none"> Background traffic growth but further assessment may indicated needed earlier based on growth in Trig Road South. 		
			<ul style="list-style-type: none"> New roundabout at SH16/Coatesville-Riverhead Highway intersection.¹⁴ 	<ul style="list-style-type: none"> Inherent assumption complete by 2021. 		
			<ul style="list-style-type: none"> SH16/Brigham Creek Road roundabout capacity improvements comprising a longer northbound short lane on the SH16 north approach. Widening of SH18 Upper Harbour Bridge in the westbound direction. 	<ul style="list-style-type: none"> Background traffic growth. The SH16/Brigham Creek Road intersection and SH18 Upper Harbour Bridge are close to operating at capacity during peak modelled times in 2021. Accordingly, investment will likely be necessary with further development within the Whenuapai Plan Change and they have been assumed to be in place prior to development associated with the development scenarios tested. 		

¹⁴ Identified in draft Preferred Transport for Future Growth Area (TFGA) project

¹⁵ Identified in Northern Strategic Growth Area (NorSGA) project

¹⁶ Part of the Western Ring Route project

Scenario	Land Use Assumptions		Associated Transport Infrastructure			
	Whenuapai	Adjacent Land Use Development	Regional Transport Network		Whenuapai Proposed Plan Change Transport Network	
			Investment	Triggers	Investment	Triggers
Scenario 1a (background growth based on ART 2021)	<ul style="list-style-type: none"> ◆ Existing primary schools at Whenuapai and Hobsonville ◆ New primary school in south Trig Road area ◆ New secondary school on Riverlea Road ◆ 4,350 dwellings in Whenuapai including: <ul style="list-style-type: none"> ■ 850 existing outside future urban zone ■ 1,150 consented dwellings located either side of Totara Road between Bringham Creek Road and Dale Road ■ 2,350 new dwellings around Trig Road south of SH18 ◆ No new business activity 	<ul style="list-style-type: none"> ◆ As above. 	As above.	As above.	<ul style="list-style-type: none"> Bus connector route through Trig Road South area, connecting with FTN services and bus priority on Hobsonville Road and RTN at Westgate. Extension of Riverlea Road to meet Bringham Creek Road and traffic signals at Bringham Creek Road/Riverlea Road. New local road extending west from Trig Road into area south of SH18. New local road extending east from Trig Road into area south of SH18 Traffic signals at Trig Road/Connector road between SH18 and Hobsonville Road intersection. 	<ul style="list-style-type: none"> Inherent assumption in trip rates therefore needed for development in Trig Road South. New Secondary School on Riverlea Road. Any additional development west of Trig Road. Any additional development east of Trig Road Should be assessed for each application as affected by location of development – indicative requirement is at 400 dwellings each side.

Scenario	Land Use Assumptions			Associated Transport Infrastructure		
	Whenuapai	Adjacent Land Use Development	Regional Transport Network	Regional Transport Network	Whenuapai Proposed Plan Change Transport Network	Whenuapai Proposed Plan Change Transport Network
			Investment	Triggers	Investment	Triggers
Scenario 1b (background growth based on ART 2021)	<ul style="list-style-type: none"> ◆ Primary schools at Whenuapai, Hobsonville and Trig Road south ◆ New primary school on Riverlea Road ◆ Secondary school on Riverlea Road ◆ 5,105 dwellings in Whenuapai including: <ul style="list-style-type: none"> ▪ 850 existing outside future urban zone ▪ 1,150 consented dwellings located either side of Totara Road between Brigham Creek Road and Dale Road ▪ 2,350 new dwellings around Trig Road south of SH18 ▪ 755 new dwellings in the Kauri Road area ◆ No new business activity 	As above.	As above, plus widening of Brigham Creek Road between the SH18 interchange roundabouts and changing the lane arrangements to provide a double right turn from the SH18 southbound off-ramp, with two lanes provided through the southbound off-ramp roundabout.	Needs to be assessed for each application but indicatively with 100 new dwellings in the Kauri Road area.	Capacity improvements at the traffic signal controlled intersection of Kauri Road/Brigham Creek Road identified in the Base Scenario, including double right turn lanes from Brigham Creek Road east.	Needs to be assessed for each application but indicatively with 200 new dwellings in Kauri Road area. It is noted that the lane arrangement for this intersection could be constructed initially at the Base Scenario stage, rather than when development occurs.
Scenario 1c (background growth based on ART 2021)	<ul style="list-style-type: none"> ◆ Primary schools at Whenuapai, Hobsonville, Trig Road south and Riverlea Road ◆ Secondary school on Riverlea Road ◆ 5,470 dwellings in Whenuapai including: <ul style="list-style-type: none"> ▪ 850 existing outside future urban zone ▪ 1,150 consented dwellings located either side of Totara Road between Brigham Creek Road and Dale Road ▪ 2,350 new dwellings around Trig Road south of SH18 ▪ 755 new dwellings in the Kauri Road area ◆ No new business activity 	As above.	As above, plus RTN/FTN along SH18 with stations adjacent to SH18 th , with new link provided between the Sinton Road RTN station and Kauri Road, providing as a minimum, access for pedestrians, cyclists and buses.	Any new development northwest of the SH18/Brigham Creek Road interchange as included in vehicle trip rate predictions for the Kauri Road development.	As above, plus addition of fourth leg to Kauri Road/Brigham Creek Road intersection (assumes this does not connect through to Trig Road).	Any development northwest of the SH18/Brigham Creek Road interchange.

Scenario	Associated Transport Infrastructure			
	Land Use Assumptions		Whenuapai Proposed Plan Change Transport Network	
	Whenuapai	Adjacent Land Use Development	Regional Transport Network	Triggers
Scenario Id (background growth based on ART 2021)	<ul style="list-style-type: none"> ◆ Primary schools at Whenuapai, Hobsonville, Trig Road south and Riverlea Road ◆ Secondary school on Riverlea Road ◆ 6,670 dwellings in Whenuapai including: <ul style="list-style-type: none"> ▪ 850 existing outside future urban zone ▪ 1,150 consented dwellings located either side of Totara Road between Brigham Creek Road and Dale Road ▪ 2,350 new dwellings around Trig Road south of SH18 ▪ 750 new dwellings in the Kauri Road area ▪ 365 new dwellings northwest of the SH18/Brigham Creek Road interchange ▪ 1200 new dwellings in the Sinton Road area ◆ No new business activity 	As above.	<p>Investment</p> <p>As above, plus capacity improvements at the SH16/Brigham Creek Road roundabout comprising a signalised roundabout or a left turn slip lane on the SH16 south approach.</p> <p>Triggers</p> <p>Required for any development in Sinton Road area, although resulting from growth within all new development areas.</p>	<p>Investment</p> <p>As above, plus removal of the existing Sinton Road connection to the Brigham Creek Road/SH18 Northbound on-ramp intersection, with a new connection provided between Sinton Road and Kauri Road. This link could follow the same alignment as the link identified for Scenario 1c.</p> <p>Triggers</p> <p>Needs to be assessed for each application but indicatively with 500 new dwellings in the Sinton Road area.</p>
			<p>Investment</p> <p>New local link crossing SH18 connecting the Sinton Road area via Sinton Road East to Hobsonville Road.</p> <p>Triggers</p> <p>Needs to be assessed for each application but indicatively with 900 new dwellings in the Sinton Road area. As well as being considered necessary to provide for travel options, this link also provides necessary resilience with regard to emergency access to and from the Sinton Road area.</p>	

Scenario	Land Use Assumptions		Associated Transport Infrastructure			
	Whenuapai	Adjacent Land Use Development	Regional Transport Network		Whenuapai Proposed Plan Change Transport Network	
			Investment	Triggers	Investment	Triggers
Scenario 1e (background growth based on ART 2021)	<ul style="list-style-type: none"> ◆ Primary schools at Whenuapai, Hobsonville and Trig Road south ◆ Secondary school on Riverlea Road ◆ 6,670 dwellings in Whenuapai including: <ul style="list-style-type: none"> ▪ 850 existing outside future urban zone ▪ 1,150 consented dwellings located either side of Totara Road between Brigham Creek Road and Dale Road ▪ 2,350 new dwellings around Trig Road south of SH18 ▪ 750 new dwellings in the Kauri Road area ▪ 365 new dwellings northwest of the SH18/Brigham Creek Road interchange ▪ 1200 new dwellings in the Sinton Road area ◆ New business activity including 2,800 employees in the vicinity of Brigham Creek Road East and Trig Road. 	As above.	As above, south facing ramps at the SH18/Squadron Drive interchange. ¹⁴	Needs to be assessed for each application but likely required with 1,000 FTE in the development area near Brigham Creek Road.	As above, plus construct new Collector and Local roads into business area from Brigham Creek Road east of Trig Road.	Any development requiring access to avoid driveways onto Brigham Creek Road (as these will have cycle facilities).
			Traffic signals at the intersections forming the SH18/Trig Road interchange (including allowing for future extension of Northside Drive at the on-ramp intersection).	Needs to be assessed for each application but likely required for any new development along Trig Road north of SH18.	Traffic signals at the intersection of the above proposed Collector roads and Brigham Creek Road.	Needs to be assessed for individual application but indicatively required with 100 FTE along any local roads connected to Brigham Creek Road
					Construct new Collector and Local roads east from Trig Road towards Kauri Road Extension (assumes these do not join Brigham Creek Road/Kauri Road intersection - otherwise could need further changes at Brigham Creek Road/SH18 interchange)	Any new development east of Trig Road and any development requiring access to avoid driveways onto Trig Road (as these will have cycle facilities).
					Construct new Collector and Local roads into business area from Trig Road to the west.	Any development requiring access to avoid driveways onto Trig Road (as these will have cycle facilities).
					Urbanisation of Trig Road between Brigham Creek Road and SH18 Interchange	Any development fronting an existing road will need to upgrade it to urban standard and enable separated cycle facilities.

Scenario	Land Use Assumptions		Associated Transport Infrastructure			
	Whenuapai	Adjacent Land Use Development	Regional Transport Network		Whenuapai Proposed Plan Change Transport Network	
			Investment	Triggers	Investment	Triggers
Scenario 2 (background growth based on ART 2026)	<ul style="list-style-type: none"> Primary schools at Whenuapai, Hobsonville and Trig Road south Secondary school on Riverlea Road 8,070 dwellings in Whenuapai including: <ul style="list-style-type: none"> 850 existing outside future urban zone 1,150 consented dwellings located either side of Totara Road between Brigham Creek Road and Dale Road 2,350 new dwellings around Trig Road south of SH18 750 new dwellings in the Kauri Road area 365 new dwellings northwest of the SH18/Brigham Creek Road interchange 1,200 new dwellings in the Sinton Road area 700 new dwellings in the Brigham Creek Road/Mamari Road area 700 new dwellings in the Brigham Creek Road/Riverlea Road area Business activity including: <ul style="list-style-type: none"> 2,800 employees in the vicinity of Brigham Creek Road East and Trig Road 1,400 employees in the vicinity of Trig Road west and Brigham Creek Road extension 	<p>Same as the 2026 Scenario 110 Land Use</p>	<p>As above, plus provide increased capacity at SH16/Brigham Creek Road roundabout comprising a signalised roundabout or free left turn lanes on the SH16 north, Fred Taylor Drive west and Brigham Creek Road east approaches.</p> <p>Motoway to motorway connections between SH16 (north) and SH18.</p> <p>Northside Drive connection to SH18/Trig Road interchange.</p> <p>Additional westbound lane on SH18 between Squadron Drive westbound off ramp and Trig Road westbound off ramp.</p> <p>Capacity upgrades at SH18/Brigham Creek Road interchange. Options to be assessed by the SH16/18 corridor improvement study</p> <p>Widening of Hobsonville Road between Trig Road and Marina View Road</p>	<p>Required due to background growth and accumulated growth in Whenuapai.</p>	<p>Extend Riverlea Road into the residential development south of Brigham Creek Road with addition of fourth leg to Brigham Creek Road/Riverlea Road signalised intersection (no connection between Riverlea Road and Spedding Road necessary).</p> <p>New East West road extending from Brigham Creek Road/Trig Road intersection connecting Mamari Road north and Riverlea Road extension. Addition of fourth leg to Trig Road/Brigham Creek Road signalised intersection and include two right turn lanes from Brigham Creek Road east to Brigham Creek Road north.</p> <p>Widening of Brigham Creek Road to two lanes per direction between SH16 and Riverlea Road.</p> <p>Traffic signals at the Trig Road/Kauri Road Extension intersection.</p> <p>Urbanisation of Mamari Road south of Brigham Creek Road, rear access is assumed to enable separated cycle facility</p> <p>Extend Mamari Road north and south as development occurs, eventually linking between Northside Drive extension and Brigham Creek Road.</p>	<p>Development south of Brigham Creek Road, to avoid driveways on to Brigham Creek Road.</p> <p>Assessed for individual application depending where development occurs</p> <p>Need to be assessed for individual applications depending where development occurs</p> <p>Needs to be assessed for each application depending where employment occurs.</p> <p>Needs to be assessed for each application depending where development occurs.</p> <p>Needs to be assessed for each application depending where development occurs.</p>

ATTACHMENT 3

RELEVANT PROVISIONS OF THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

Appendix 3 – Relevant Auckland Unitary Plan (Operative in Part) Provisions

This appendix contains the provisions in the AUP (OP) that are relevant to PPC5.

Chapter B Regional policy statement

This section contains the following:

RPS section	Relevant sub-sections
B2 Urban growth and form	B2.2 Urban growth and form B2.3 A quality built environment B2.4 Residential growth B2.5 Commercial and industrial growth B2.7 Open space and recreation facilities
B3 Infrastructure, transport and energy	B3.2. Infrastructure B3.3. Transport
B5 Built heritage and character	
B6 Mana Whenua	B6.3 Recognising Mana Whenua values
B7 Natural resources	B7.2 Indigenous biodiversity B7.3 Freshwater systems B7.4 Coastal water, freshwater and geothermal water
B8 Coastal environment	B8.2 Natural character B8.3 Subdivision and development
B10 Environmental risk	B10.2 Natural hazards and climate change

B2 Urban growth and form

B2.2 Urban growth and form

B2.2.1 (1) A quality compact urban form that enables all of the following:

Objectives

- (a) a higher-quality urban environment;
- (b) greater productivity and economic growth;
- (c) better use of existing infrastructure and efficient provision of new infrastructure;
- (d) improved and more effective public transport;
- (e) greater social and cultural vitality;
- (f) better maintenance of rural character and rural productivity; and
- (g) reduced adverse environmental effects.

(2) Urban growth is primarily accommodated within the urban area 2016 (as identified in Appendix 1A).

(3) Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.

(4) Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.

(5) 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.

**B2.2.2.
Policies**

(5) Enable higher residential intensification:

- (a) in and around centres;
- (b) along identified corridors; and
- (c) close to public transport, social facilities (including open space) and employment opportunities.

(6) Identify a hierarchy of centres that supports a quality compact urban form:

- (a) at a regional level through the city centre, metropolitan centres and town

centres which function as commercial, cultural and social focal points for the region or sub-regions; and

- (b) at a local level through local and neighbourhood centres that provide for a range of activities to support and serve as focal points for their local communities.

- (7) 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:
 - (a) support a quality compact urban form;
 - (b) provide for a range of housing types and employment choices for the area;
 - (c) integrate with the provision of infrastructure; and
 - (d) follow the structure plan guidelines as set out in Appendix 1.

B2.4 Residential growth

B2.4.1

Objectives

- (1) Residential intensification supports a quality compact urban form.
- (3) Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification.

B2.4.2

Policies

- (4) An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland's diverse and growing population.
- (1) Provide a range of residential zones that enable different housing types and intensity that are appropriate to the residential character of the area.
- (2) Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space.
- (3) Provide for medium residential intensities in area that are within moderate walking distance to centres, public transport, social facilities and open space.
- (4) Provide for lower residential intensity in areas:
 - (a) that are not close to centres and public transport;
 - (b) that are subject to high environmental constraints;
 - (c) where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character; and
 - (d) where there is a suburban area with an existing neighbourhood character.
- (5) Avoid intensification in areas:
 - (a) where there are natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character; or
 - (b) that are subject to significant natural hazard risks; where such intensification is inconsistent with the protection of the scheduled natural or physical resources or with the avoidance or mitigation of the natural hazard risks.
- (6) Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.
- (7) Manage adverse reverse sensitivity effects from urban intensification on land with existing incompatible activities.

B2.5 Commercial and industrial growth

B2.5.1

Objectives

- (1) Employment and commercial and industrial opportunities meet current and future demands.
- (3) Industrial growth and activities are enabled in a manner that does all of the following:

- (a) promotes economic development;
- (b) promotes the efficient use of buildings, land and infrastructure in industrial zones;
- (c) manages conflicts between incompatible activities;
- (d) recognises the particular locational requirements of some industries; and
- (e) enables the development and use of Mana Whenua's resources for their economic well-being.

**B2.5.2
Policies**

- (7) Enable the supply of land for industrial activities, in particular for land-extensive industrial activities and for heavy industry in areas where the character, scale and intensity of the effects from those activities can be appropriately managed.
- (8) Enable the supply of industrial land which is relatively flat, has efficient access to freight routes, rail or freight hubs, ports and airports, and can be efficiently served by infrastructure.
- (9) Enable the efficient use of industrial land for industrial activities and avoid incompatible activities by all of the following:
 - (a) limiting the scale and type of non-industrial activities on land zoned for light industry;
 - (b) preventing non-industrial activities (other than accessory activities) from establishing on land zoned for heavy industry; and
 - (c) promoting co-location of industrial activities to manage adverse effects and to benefit from agglomeration.

B2.7 Open space and recreation facilities

**B2.7.1
Objectives**

- (1) Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities.
- (2) Public access to and along Auckland's coastline, coastal marine area, lakes, rivers, streams and wetlands is maintained and enhanced.

**B2.7.2
Policies**

- (1) Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions.
- (2) Promote the physical connection of open spaces to enable people and wildlife to move around efficiently and safely.
- (3) Provide a range of open spaces and recreation facilities in locations that are accessible to people and communities.
- (4) Provide open spaces and recreation facilities in areas where there is an existing or anticipated deficiency.
- (9) Enable public access to lakes, rivers, streams, wetlands and the coastal marine area by enabling public facilities and by seeking agreements with private landowners where appropriate.

B3 Infrastructure, transport and energy

B3.2 Infrastructure

**B3.2.1
Objectives**

- (1) Infrastructure is resilient, efficient and effective.
- (5) Infrastructure planning and land use planning are integrated to service growth efficiently.
- (6) Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development.
- (8) The adverse effects of infrastructure are avoided, remedied or mitigated.

**B3.2.2
Policies**

- (1) Enable the efficient development, operation, maintenance and upgrading of infrastructure.
- (4) Avoid where practicable, or otherwise remedy or mitigate, adverse effects of subdivision, use and development on infrastructure.
- (8) Avoid, remedy or mitigate the adverse effects from the construction, operation, maintenance or repair of infrastructure.

B3.3 Transport

**B3.3.1
Objectives**

- (1) Effective, efficient and safe transport that:
 - (a) supports the movement of people, goods and services;
 - (b) integrates with and supports a quality compact urban form;
 - (c) enables growth;
 - (d) avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and
 - (e) facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community.

**B3.3.2
Policies**

- (1) Enable the effective, efficient and safe development, operation, maintenance and upgrading of all modes of an integrated transport system.
- (2) Enable the movement of people, goods and services and ensure accessibility to sites.
- (3) Identify and protect existing and future areas and routes for developing Auckland's transport infrastructure.
- (4) Ensure that transport infrastructure is designed, located and managed to:
 - (a) integrate with adjacent land uses, taking into account their current and planned use, intensity, scale, character and amenity; and
 - (b) provide effective pedestrian and cycle connections.
- (5) Improve the integration of land use and transport by:
 - (a) ensuring transport infrastructure is planned, funded and staged to integrate with urban growth;
 - (b) encouraging land use development and patterns that reduce the rate of growth in demand for private vehicle trips, especially during peak periods;
 - (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;
 - (d) requiring proposals for high trip-generating activities which are not located in centres or on corridors or at public transport nodes to avoid, remedy or mitigate adverse effects on the transport network;
 - (e) enabling the supply of parking and associated activities to reflect the demand while taking into account any adverse effects on the transport system; and
 - (f) requiring activities adjacent to transport infrastructure to avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure.

B5 Built Heritage and character

B5.2 Historic heritage

B5.2.1 Objectives (1) Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.

(2) Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.

B5.2.2 Policies

(1) Identify and evaluate a place with historic heritage value considering the following criteria:

- (a) historical: the place reflects important or representative aspects of national, regional or local history, or is associated with an important event, person, group of people, or with an idea or early period of settlement within New Zealand, the region or locality;
- (b) social: the place has a strong or special association with, or is held in high esteem by, a particular community or cultural group for its symbolic, spiritual, commemorative, traditional or other cultural value;
- (c) Mana Whenua: the place has a strong or special association with, or is held in high esteem by, Mana Whenua for its symbolic, spiritual, commemorative, traditional or other cultural value;
- (d) knowledge: the place has potential to provide knowledge through archaeological or other scientific or scholarly study, or to contribute to an understanding of the cultural or natural history of New Zealand, the region, or locality;
- (e) technology: the place demonstrates technical accomplishment, innovation or achievement in its structure, construction, components or use of materials;
- (f) physical attributes: the place is a notable or representative example of:
 - (i) a type, design or style;
 - (ii) a method of construction, craftsmanship or use of materials; or
 - (iii) the work of a notable architect, designer, engineer or builder;
- (g) aesthetic: the place is notable or distinctive for its aesthetic, visual, or landmark qualities;
- (h) context: the place contributes to or is associated with a wider historical or cultural context, streetscape, townscape, landscape or setting.

(2) Define the location and physical extent of a significant historic heritage place, having considered the criteria in Policy B5.2.2 (1) to identify:

- (a) the area that contains the historic heritage values of the place; and
- (b) where appropriate, any area that is relevant to an understanding of the function, meaning and relationships of the historic heritage values.

(3) Include a place with historic heritage value in Schedule 14.1 Schedule of Historic Heritage if:

- (a) the place has considerable or outstanding value in relation to one or more of the evaluation criteria in Policy B5.2.2 (1); and
- (b) the place has considerable or outstanding overall significance to the locality or greater geographic area.

(4) Classify significant historic heritage places in Schedule 14.1 Schedule of Historic Heritage in one of the following categories:

- (a) Category A: historic heritage places that are of outstanding significance well beyond their immediate environs;
- (b) Category A*: historic heritage places identified in previous district plans which are yet to be evaluated and assessed for their significance;
- (c) Category B: historic heritage places that are of considerable significance to a locality or beyond;
- (d) Historic heritage areas: groupings of interrelated but not necessarily

contiguous historic heritage places or features that collectively meet the criteria for inclusion in Schedule 14.1 Schedule of Historic Heritage in Category A or B and may include both contributing and non-contributing places or features, places individually scheduled as Category A or B, and notable trees.

- (6) Avoid significant adverse effects on the primary features of significant historic heritage places which have outstanding significance well beyond their immediate environs including:
 - (a) the total or substantial demolition or destruction of any of the primary features of such places;
 - (b) the relocation or removal of any of the primary features of such places away from their original site and context.
- (7) Avoid where practicable significant adverse effects on significant historic heritage places. Where significant adverse effects cannot be avoided, they should be remedied or mitigated so that they no longer constitute a significant adverse effect.
- (8) Encourage new development to have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places.

B6 Mana Whenua

B6.3 Recognising Mana Whenua values

B6.3.1

Objectives

- (1) Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.
- (2) The mauri of, and the relationship of Mana Whenua with, natural and physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall.
- (3) The relationship of Mana Whenua and their customs and traditions with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, natural resources or historic heritage values is recognised and provided for.

B6.3.2

Policies

- (2) Integrate Mana Whenua values, mātauranga and tikanga:
 - (a) in the management of natural and physical resources within the ancestral rohe of Mana Whenua, including:
 - (i) ancestral lands, water, sites, wāhi tapu and other taonga;
 - (ii) biodiversity; and
 - (iii) historic heritage places and areas.
 - (b) in the management of freshwater and coastal resources, such as the use of rāhui to enhance ecosystem health;
 - (c) in the development of innovative solutions to remedy the long-term adverse effects on historical, cultural and spiritual values from discharges to freshwater and coastal water; and
 - (d) in resource management processes and decisions relating to freshwater, geothermal, land, air and coastal resources.
- (3) Ensure that any assessment of environmental effects for an activity that may affect Mana Whenua values includes an appropriate assessment of adverse effects on those values.

B7 Natural resources

B7.2 Indigenous biodiversity

- B7.2.1 Objectives** (2) Indigenous biodiversity is maintained through protection, restoration and enhancement in areas where ecological values are degraded, or where development is occurring.

B7.3 Freshwater systems

- B7.3.1 Objectives** (1) Degraded freshwater systems are enhanced.
- (2) Loss of freshwater systems is minimised.
- (3) The adverse effects of changes in land use on freshwater are avoided, remedied or mitigated.
- B7.3.2 Policies** (1) Integrate the management of subdivision, use and development and freshwater systems by undertaking all of the following:
- (a) ensuring water supply, stormwater and wastewater infrastructure is adequately provided for in areas of new growth or intensification;
 - (b) ensuring catchment management plans form part of the structure planning process;
 - (c) controlling the use of land and discharges to minimise the adverse effects of runoff on freshwater systems and progressively reduce existing adverse effects where those systems or water are degraded; and
 - (d) avoiding development where it will significantly increase adverse effects on freshwater systems, unless these adverse effects can be adequately mitigated.
- (3) Promote the enhancement of freshwater systems identified as being degraded to progressively reduce adverse effects.
- (5) Manage subdivision, use, development, including discharges and activities in the beds of lakes, rivers streams, and in wetlands, to do all of the following:
- (a) protect identified Natural Lake Management Areas, Natural Stream Management Areas, and Wetland Management Areas;
 - (b) minimise erosion and modification of beds and banks of lakes, rivers, streams and wetlands;
 - (c) limit the establishment of structures within the beds of lakes, rivers and streams and in wetlands to those that have a functional need or operational requirement to be located there; and
 - (d) maintain or where appropriate enhance:
 - (i) freshwater systems not protected under Policy B7.3.2(5)(a);
 - (ii) navigation along rivers and public access to and along lakes, rivers and streams;
 - (iii) existing riparian vegetation located on the margins of lakes, rivers, streams and wetlands; and
 - (iv) areas of significant indigenous biodiversity.
- (6) Restore and enhance freshwater systems where practicable when development, change of land use, and subdivision occur.

B7.4 Coastal water, freshwater and geothermal

- B7.4.1 Objectives** (2) The quality of freshwater and coastal water is maintained where it is excellent or good and progressively improved over time where it is degraded.
- (4) The adverse effects of point and non-point discharges, in particular stormwater runoff and wastewater discharges, on coastal waters, freshwater and geothermal water are minimised and existing adverse effects are progressively reduced.
- (5) The adverse effects from changes in or intensification of land use on coastal water and freshwater quality are avoided, remedied or mitigated.

- (6) Mana Whenua values, mātauranga and tikanga associated with coastal water, freshwater and geothermal water are recognised and provided for, including their traditional and cultural uses and values.

**B7.4.2
Policies**

- (1) Integrate the management of subdivision, use, development and coastal water and freshwater, by:
- (a) ensuring water supply, stormwater and wastewater infrastructure is adequately provided for in areas of growth; and
 - (b) requiring catchment management planning as part of structure planning;
 - (c) controlling the use of land and discharges to minimise the adverse effects of runoff on water and progressively reduce existing adverse effects where those water are degraded; and
 - (d) avoiding development where it will significantly increase adverse effects on water, unless these adverse effects can be adequately mitigated.
- (6) Progressively improve water quality in areas identified as having degraded water quality through managing subdivision, use, development and discharges.
- (7) Manage the discharges of contaminants into water from subdivision, use and development to avoid where practicable, and otherwise minimise, all of the following:
- (a) significant bacterial contamination of freshwater and coastal water;
 - (b) adverse effects on the quality of freshwater and coastal water;
 - (c) adverse effects from contaminants, including nutrients generated on or applied to land, and the potential for these to enter freshwater and coastal water from both point and non-point sources;
 - (d) adverse effects on Mana Whenua values associated with coastal water, freshwater and geothermal water, including wāhi tapu, wāhi taonga and mahinga kai; and
 - (e) adverse effects on the water quality of catchments and aquifers that provide water for domestic and municipal supply.
- (8) Minimise the loss of sediment from subdivision, use and development, and manage the discharge of sediment into freshwater and coastal water, by:
- (a) promoting the use of soil conservation and management measures to retain soil and sediment on land; and
 - (b) requiring land disturbing activities to use industry best practice and standards appropriate to the nature and scale of the land disturbing activity and the sensitivity of the receiving environment.
- (9) Manage stormwater by all of the following:
- (a) requiring subdivision, use and development to:
 - (i) minimise the generation and discharge of contaminants; and
 - (ii) minimise adverse effects on freshwater and coastal water and the capacity of the stormwater network;
 - (b) adopting the best practicable option for every stormwater diversion and discharge; and
 - (c) controlling the diversion and discharge of stormwater outside of areas serviced by a public stormwater network.

B8 Coastal environment

B8.2 Natural character

B8.2.1

Objectives

- (2) Subdivision, use and development in the coastal environment are designed, located and managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment.
- (3) Where practicable, in the coastal environment areas with degraded natural

character are restored or rehabilitated and areas of high and outstanding natural character are enhanced.

**B8.2.2
Policies**

- (4) Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character of the coastal environment not identified as outstanding natural character and high natural character from inappropriate subdivision, use and development.
- (5) Enable land use practices and restoration projects that will restore, rehabilitate or enhance natural character in outstanding natural character and high natural character areas in the coastal environment.

B8.3 Subdivision, use and development

**B8.3.1
Objectives**

- (1) Subdivision, use and development in the coastal environment are located in appropriate places and are of an appropriate form and within appropriate limits, taking into account the range of uses and values of the coastal environment.
- (2) The adverse effects of subdivision, use and development on the values of the coastal environment are avoided, remedied or mitigated.
- (7) In areas potentially affected by coastal hazards, subdivision, use and development avoid increasing the risk of social, environmental and economic harm.

**B8.3.2
Policies**

- (4) Require subdivision, use and development in the coastal environment to avoid, remedy or mitigate the adverse effects of activities above and below the mean high water springs, including the effects on existing uses and on the coastal receiving environment.
- (5) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown or little understood, but could be significantly adverse.
- (7) Set back development from the coastal marine area, where practicable, to protect the natural character and amenity values of the coastal environment.

B10 Environmental risk

B10.2 Natural hazards and climate change

**B10.2.1
Objectives**

- (3) New subdivision, use and development avoid the creation of new risks to people, property and infrastructure.
- (4) The effects of climate change on natural hazards, including effects on sea level rise and on the frequency and severity of storm events, is recognised and provided for.
- (5) The functions of natural systems, including floodplains, are protected from inappropriate subdivision, use and development.
- (6) The conveyance function of overland flow paths is maintained.

**B10.2.2
Policies**

- (1) Identify areas potentially affected by natural hazards, giving priority to those at high risk of being affected, particularly in the coastal environment.
- (2) Undertake natural hazard identification and risk assessments as part of structure planning.
- (3) Ensure the potential effects of climate change are taken into account when undertaking natural hazard risk assessments.

- (4) Assess natural hazard risks:
 - (a) using the best available and up-to-date hazard information; and
 - (b) across a range of probabilities of occurrence appropriate to the hazard, including, at least, a 100-year timeframe for evaluating flooding and coastal hazards.

- (5) Manage subdivision, use and development of land subject to natural hazards based on all of the following:
 - (a) the type and severity of potential events, including the occurrence natural hazard events in combination;
 - (b) the vulnerability of the activity to adverse effects, including the health and safety of people and communities, the resilience of property to damage and the effects on the environment; and
 - (c) the cumulative effects of locating activities on land subject to natural hazards and the effects on other activities and resources.

- (6) Adopt a precautionary approach to natural hazard risk assessment and management in circumstances where:
 - (a) the effects of natural hazards and the extent to which climate change will exacerbate such effects are uncertain but may be significant, including the possibility of low-probability but high potential impact events; or
 - (b) the level of information on the probability and/or impacts of the hazard is limited.

- (8) Manage the location and scale of activities that are vulnerable to the adverse effects of natural hazards so that the risks of natural hazards to people and property are not increased.

- (9) Encourage activities that reduce, or do not increase, the risks posed by natural hazards, including any of the following:
 - (a) protecting and restoring natural landforms and vegetation;
 - (b) managing retreat by relocation, removal or abandonment of structures;
 - (c) replacing or modifying existing development to reduce risk without using hard protection structures;
 - (d) designing for relocatable or recoverable structures; or
 - (e) providing for low-intensity activities that are less vulnerable to the effects of relevant hazards, including modifying their design and management.

- (13) Require areas potentially affected by coastal hazards over the next 100 years to do all of the following:
 - (a) avoid changes in land use that would increase the risk of adverse effects from coastal hazards;
 - (b) do not increase the intensity of activities that are vulnerable to the effects of coastal hazards beyond that enabled by the Plan;
 - (c) in the event of redevelopment, minimise natural hazard risks through the location and design of development; and
 - (d) where it is impracticable to locate infrastructure outside of coastal hazard areas, then ensure coastal hazard risks are mitigated.

Chapter D Overlays

This section contains the following:

Chapter D section
D17 Historic Heritage Overlay
D24 Aircraft Noise Overlay

D17 Historic Heritage Overlay

- D17.2 Objectives**
- (1) The protection, maintenance, restoration and conservation of scheduled historic heritage places is supported and enabled.
 - (2) Scheduled historic heritage places are protected from inappropriate subdivision, use and development, including inappropriate modification, relocation, demolition or destruction.
 - (3) Appropriate subdivision, use and development, including adaptation of scheduled historic heritage places, is enabled.

D24 Aircraft Noise Overlay

D24.2 Objectives

- Objectives**
- (1) Airports and airfields are protected from reverse sensitivity effects.
 - (2) The adverse effects of aircraft noise on residential and other activities sensitive to aircraft noise are avoided, remedied or mitigated.

D24.3 Policies

- (1) Avoid the establishment of new activities sensitive to aircraft noise (except tertiary education facilities) within the 65dB Ldn noise contour in the Aircraft Noise Overlay.
- (3) 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;...
- (5) Manage residential intensification and activities sensitive to aircraft noise within areas identified for accommodating urban growth in a way that avoids reverse sensitivity effects as far as practicable, including reverse sensitivity effects between those land uses and such effects on Auckland International Airport, Ardmore Airport, Whenuapai Airbase and North Shore Airport, and that avoids, remedies or mitigates adverse aircraft noise effects on people and communities.

Chapter E Auckland-wide

This section contains the following:

Chapter E section
E1 Water quality and integrated management
E3 Lakes, rivers, streams and wetlands
E10 Stormwater management area – Flow 1 and Flow 2
E11 Land disturbance – Regional
E15 Vegetation management and biodiversity
E18 Natural character of the coastal environment
E27 Transport
E36 Natural hazards and flooding
E38 Subdivision – Urban

E3 Lakes, rivers, streams and wetlands

- E3.2 Objectives**
- (2) Auckland's lakes, rivers, streams and wetlands are restored, maintained or enhanced.
- (3) Significant residual adverse effects on lakes, rivers, streams or wetlands that cannot be avoided, remedied or mitigated are offset where this will promote the purpose of the Resource Management Act 1991.
- E3.3 Policies**
- (3) Enable the enhancement, maintenance and restoration of lakes, rivers, streams or wetlands.
- (15) Protect the riparian margins of lakes, rivers, streams, and wetlands from inappropriate use and development and promote their enhancement to through all of the following:
- (a) safeguard habitats for fish, plant and other aquatic species, particularly in rivers and streams with high ecological values;
 - (b) safeguard their aesthetic, landscape and natural character values;
 - (c) safeguard the contribution of natural freshwater systems to the biodiversity, resilience and integrity of ecosystems; and
 - (d) avoid or mitigate the effects of flooding, surface erosion, stormwater contamination, bank erosion and increased surface water temperature.
- (16) Protect land alongside streams for public access through the use of esplanade reserves and esplanade strips, marginal strips, drainage reserves, easements or covenants where appropriate and for water quality, ecological and landscape protection purposes.

E10 Stormwater management area – Flow 1 and Flow 2

- E10.2 Objective**
- (1) High value rivers, streams and aquatic biodiversity in identified urbanised catchments are protected from further adverse effects of stormwater runoff associated with urban development and where possible enhanced.
- E10.3 Policies**
- (1) Manage stormwater runoff from impervious areas in Stormwater management area – Flow 1 and Flow 2 areas to minimise the adverse effects of stormwater runoff on rivers and streams to retain, and where possible enhance, stream naturalness, biodiversity, bank stability and other values.
- (2) Require stormwater hydrology mitigation in Stormwater management area control – Flow 1 and Flow 2 areas where there are:
- (a) new impervious areas;
 - (b) redeveloped impervious areas; or
 - (c) entire sites where the area of development or redevelopment comprises more than 50 per cent of the site area.

E11. Land disturbance – Regional

- E11.2 Objectives**
- (1) Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.
 - (2) Sediment generation from land disturbance is minimised.
- E11.3 Policies**
- (2) Manage land disturbance to:
 - (a) retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity;
 - (b) manage the amount of land being disturbed at any one time, particularly where the soil type, topography and location is likely to result in increased sediment runoff or discharge;
 - (c) avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and
 - (d) maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.
 - (7) Require any land disturbance that will likely result in the discharge of sediment laden water to a surface water body or to coastal water to demonstrate that sediment discharge has been minimised to the extent practicable, having regard to the quality of the environment; with:
 - (a) any significant adverse effects avoided, and other effects avoided, remedied or mitigated, particularly in areas where there is:
 - (i) high recreational use;
 - (ii) relevant initiatives by Mana Whenua, established under regulations relating to the conservation or management of fisheries, including taiāpure, rāhui or whakatupu areas;
 - (iii) the collection of fish and shellfish for consumption;
 - (iv) maintenance dredging; or
 - (v) a downstream receiving environment that is sensitive to sediment accumulation;
 - (b) adverse effects avoided as far as practicable within areas identified as sensitive because of their ecological values, including terrestrial, freshwater and coastal ecological values; and
 - (c) the receiving environments ability to assimilate the discharged sediment being taken into account.

E15 Vegetation management and biodiversity

- E15.2 Objectives**
- (1) Ecosystem services and indigenous biological diversity values, particularly in sensitive environments, and areas of contiguous indigenous vegetation cover, are maintained or enhanced while providing for appropriate subdivision, use and development.
 - (2) Indigenous biodiversity is restored and enhanced in areas where ecological values are degraded, or where development is occurring.
- E15.3 Policies**
- (1) Protect areas of contiguous indigenous vegetation cover and vegetation in sensitive environments including the coastal environment, riparian margins, wetlands, and areas prone to natural hazards.
 - (2) Manage the effects of activities to avoid significant adverse effects on biodiversity values as far as practicable, minimise significant adverse effects where avoidance is not practicable, and avoid, remedy or mitigate any other adverse effects on indigenous biological diversity and ecosystem services, including soil conservation, water quality and quantity management, and the mitigation of natural hazards.

E18 Natural character of the coastal environment

- E18.2 Objectives**
- (1) The natural characteristics and qualities that contribute to the natural character of the coastal environment are maintained while providing for subdivision, use and development.
 - (2) Where practical the natural character values of the coastal environment are restored or rehabilitated.
- E18.3 Policies**
- (3) Manage the effects of subdivision, use and development in the coastal environment to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects, on the characteristics and qualities that contribute to natural character values, taking into account:
 - (a) the location, scale and design of the proposed subdivision, use or development;
 - (b) the extent of anthropogenic changes to landform, vegetation, coastal processes and water movement;
 - (c) the presence or absence of structures, buildings or infrastructure;
 - (d) the temporary or permanent nature of any adverse effects;
 - (e) the physical and visual integrity of the area, and the natural processes of the location;
 - (f) the intactness of any areas of significant vegetation, and vegetative patterns;
 - (g) the physical, visual and experiential values that contribute significantly to the wilderness and scenic values of the area;
 - (h) the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, streams, rivers and surf breaks;
 - (i) the natural characteristics and qualities that exist or operate across mean high water spring and land in the coastal environment, including processes of sediment transport, patterns of erosion and deposition, substrate composition and movement of biota, including between marine and freshwater environments; and
 - (j) the functional or operational need for infrastructure to be located in a particular area.
 - (4) Promote land use practices and restoration activities that will restore or rehabilitate natural character values.

E27 Transport

- E27.2 Objectives**
- (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.

E36 Natural hazards and flooding

- E36.2 Objectives**
- (1) Subdivision, use and development outside urban areas does not occur unless the risk of adverse effects to people, property, infrastructure and the environment from natural hazards has been assessed and significant adverse effects are avoided, taking into account the likely long-term effects of climate change.
 - (2) Subdivision, use and development, including redevelopment in urban areas, only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable are reduced, taking into account the likely long term effects of climate change.

- (5) Subdivision, use and development including redevelopment, is managed to safely maintain the conveyance function of floodplains and overland flow paths.
- (6) Where appropriate, natural features and buffers are used in preference to hard protection structures to manage natural hazards.

**E36.3
Policies**

- (1) Identify land that may be subject to natural hazards, taking into account the likely effects of climate change, including all of the following:
 - (a) coastal hazards (including coastal erosion and coastal storm inundation, excluding tsunami);
 - (b) flood hazards;
 - (c) land instability; and
 - (d) wildfires.
- (6) Avoid subdivision, use and development in greenfield areas which would result in an increased risk of adverse effects from coastal hazards, taking account of a longer term rise in sea level.
- (7) Ensure that buildings in areas subject to coastal hazards are located and designed to minimise the need for hard protection structures.
- (11) Consider hard protection works to protect development only where existing natural features will not provide protection from the natural hazard and enhancement of natural defences is not practicable.
- (13) In existing urban areas require new buildings designed to accommodate more vulnerable activities to be located:
 - (a) outside of the 1 per cent annual exceedance probability (AEP) floodplain; or
 - (b) within or above the 1 per cent annual exceedance probability (AEP) floodplain where safe evacuation routes or refuges are provided.
- (14) Require redevelopment of sites where existing more vulnerable activities are located within the 1 per cent annual exceedance probability (AEP) floodplain to address all of the following:
 - (a) minimise risks from flood hazards within the site;
 - (b) minimise the risks from flood hazards to people and property upstream and downstream of the site;
 - (c) remedy or mitigate where practicable or contribute to remedying or mitigating flood hazards in the 1 per cent annual exceedance probability floodplain;
 - (d) location of habitable rooms above flood levels; and
 - (e) provide safe evacuation routes or refuges from buildings and sites.
- (15) Within existing urban areas, enable buildings containing less vulnerable activities to locate in the 1 per cent annual exceedance probability (AEP) floodplains where that activity avoids, remedies or mitigates effects from flood hazards on other properties.
- (17) On greenfield land outside of existing urban areas, avoid locating buildings in the 1 per cent annual exceedance probability (AEP) floodplain.
- (21) Ensure all development in the 1 per cent annual exceedance probability (AEP) floodplain does not increase adverse effects from flood hazards or increased flood depths and velocities, to other properties upstream or downstream of the site.
- (29) Maintain the function of overland flow paths to convey stormwater runoff safely from a site to the receiving environment.

E38 Subdivision Urban

E38.2 Objectives

- (1) Land is subdivided to achieve the objectives of the residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (10) Subdivision:
 - (a) within urban and serviced areas, does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards;
 - (b) avoids, where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
 - (c) maintains the function of flood plains and overland flow paths to safely convey flood waters, while taking into account the likely long term effects of climate change.

E38.3 Policies

- (1) Provide for subdivision which supports the policies of the Plan for residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.
- (10) Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including:
 - (a) a road network that achieves all of the following:
 - (i) is easy and safe to use for pedestrians and cyclists;
 - (ii) is connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
 - (iii) is connected to public transport, shops, schools, employment, open spaces and other amenities; and
 - (b) vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.
- (18) Require subdivision to provide for the recreation and amenity needs of residents by:
 - (a) providing open spaces which are prominent and accessible by pedestrians;
 - (b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and
 - (c) providing for pedestrian and/or cycle linkages.
- (19) Require subdivision to provide servicing:
 - (a) to be coordinated, integrated and compatible with the existing infrastructure network;
 - (b) to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development; and
 - (c) to enable electricity and telecommunications services to be reticulated

underground to each site wherever practicable.

- (22) Require subdivision to be designed to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
 - (b) in a manner consistent with stormwater management policies in E1 Water quality and integrated management;
 - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in E1 Water quality and integrated management;
 - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
 - (e) to maintain, or progressively improve, water quality;
 - (f) to integrate drainage reserves and infrastructure with surrounding development and open space networks; and
 - (g) in an integrated and cost-effective way.

