

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

**Date:** Thursday 10 and Friday 11 February 2022  
**Time:** 9.30am  
**Meeting room:** Boardroom  
**Venue:** Ground Floor, Kaipātiki Local Board  
90 Bentley Avenue, Glenfield, Auckland

---

**PRIVATE PLAN CHANGE 66**  
**HEARING REPORT**  
**57 AND 57A SCHNAPPER ROCK RD,**  
**SCHNAPPER ROCK**  
**KBS DESIGN GROUP LIMITED**

---

**COMMISSIONERS**

**Chairperson** Cherie Lane  
**Commissioners** Nigel Mark-Brown  
Trevor Mackie

**Sam Otter**  
**KAITOHUTOHU MATAAMUA WHAKAWĀ**  
**SENIOR HEARINGS ADVISOR**

Telephone: 09 353 9587 or 021 196 2582  
Email: [sam.otter@aucklandcouncil.govt.nz](mailto:sam.otter@aucklandcouncil.govt.nz)  
Website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

## **WHAT HAPPENS AT A HEARING**

### **Te Reo Māori and Sign Language Interpretation**

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

### **Hearing Schedule**

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

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

### **Cross Examination**

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

### **The Hearing Procedure**

The usual hearing procedure is:

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

### **Please note**

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

**A NOTIFIED PRIVATE PLAN CHANGE TO THE AUCKLAND UNITARY PLAN BY KBS DESIGN GROUP LIMITED**

<b>TABLE OF CONTENTS</b>		<b>PAGE NO.</b>
<b>Reporting officer's report</b>		5 – 78
<b>Attachment 1</b>	Notification Material  The notification material is not being reproduced here and is available online at this link <a href="https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=114">https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/Pages/details.aspx?UnitaryPlanId=114</a>	
<b>Attachment 2</b>	Existing Auckland Unitary Plan Provisions	79 – 98
<b>Attachment 3</b>	Planning evidence of Terry Conner for Auckland Council in relation to Topic 081 Rezoning and Precincts (Geographical Areas) to the Auckland Unitary Plan Independent Hearings Panel	99 – 144
<b>Attachment 4</b>	Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council, Hearing Topics 016, 017 Changes to the Rural Urban Boundary; 080, 081 Rezoning and Precincts, Annexure 4, Precincts North, dated July 2016	145 – 348
<b>Attachment 5</b>	Auckland Unitary Plan Provisions proposed by PPC66	349 – 396
<b>Attachment 6</b>	Council Technical Expert Memos	397 – 456
<b>Attachment 7</b>	Reporting Planner's Qualifications and Experience	457 – 460
<b>Attachment 8</b>	Submissions	461 - 520

**Reporting officer, Vanessa Wilkinson, Planner**

Reporting on proposed Private Plan Change 66 - 57 and 57A Schnapper Rock Rd, Schnapper Rock to rezone 57 Schnapper Rock Road from Residential – Large Lot Zone to Residential – Single House Zone (2.11 ha) and Residential – Mixed Housing Suburban Zone (1.88 ha), and to remove the Greenhithe Precinct from 57 and 57A Schnapper Rock Road.

**APPLICANT:** KBS DESIGN GROUP LIMITED

<b>SUBMITTERS:</b>	
Page 463	Blair Thorpe
Page 467	P Zhou
Page 469	Dominique de Paula Reis
Page 471	Gavin Bennett
Page 475	Tracey Riordean
Page 479	Rosie Edginton
Page 481	Jacqueline Jolliffe
Page 483	Damon Jolliffe
Page 485	Christina Joan James
Page 487	Malama Caskie
Page 489	Watercare Services Limited c/- Ilze Gotelli
Page 494	Gordon Edginton
Page 496	Kim Edginton
Page 498	Subodh Kumar
Page 500	Chunlan Han
Page 502	Ningyi Guo
Page 504	Hanwei guo
Page 506	Terry Wang
Page 508	Scott Wilson
Page 513	Hsiue-Te Tu
Page 515	Auckland Transport c/- Jason Drury

<b>FURTHER SUBMITTERS:</b>
There are no further submitters



# Hearing Report for Proposed Private Plan Change 66: 57 & 57A Schnapper Rock Road, Schnapper Rock to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

**Report to:** Hearing Commissioners

**Hearing Dates:** 10 and 11 February 2022

**File No:** Hearing Report – Proposed Private Plan Change 66 (PPC66)

**Report Author:** Vanessa Wilkinson, Consultant Planner, Scott Wilkinson Planning for Plans and Places, Auckland Council

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

**Report produced:** 14 January 2022

# Summary of Proposed Private Plan Change 66: 57 & 57A Schnapper Rock Road, Schnapper Rock to the Auckland Unitary Plan (Operative in part)

<b>Plan subject to change:</b>	Auckland Unitary Plan (Operative in part), 2016
<b>Number and name of change:</b>	Proposed Private Plan Change 66 – 57 & 57A Schnapper Rock Road, Schnapper Rock
<b>Status of Plan:</b>	Operative in part
<b>Type of change:</b>	Proposed Private Plan Change
<b>Clause 25 decision outcome:</b>	Accept
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change:</b>	Planning Maps Chapter I Precincts
<b>Was clause 4A complete:</b>	The requestor has advised that they engaged 15 iwi groups in the preparation of the proposed plan change request. This was further responded to by 4 iwi groups being Ngāi Tai ki Tāmaki, Ngāti Pāoa, Ngāti Whātua o Kaipara and Ngāti Manuhiri.
<b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified:</b>	Publicly notified on 26 August 2021.
<b>Submissions received (excluding withdrawals):</b>	21
<b>Date summary of submissions notified:</b>	18 November 2021
<b>Number of further submissions received (numbers):</b>	0
<b>Legal Effect at Notification:</b>	No
<b>Main issues or topics emerging from all submissions</b>	<ul style="list-style-type: none"> <li>• Intensification that would be enabled by rezoning;</li> <li>• Requests to rezone land to Residential – Single House Zone only;</li> <li>• Adverse traffic impacts;</li> <li>• Adverse local infrastructure impacts;</li> <li>• Adverse effects on ecology of significant ecological areas and streams; and</li> <li>• Landscape effects.</li> </ul>

# Contents

Hearing Report for Proposed Private Plan Change 66: 57 & 57A Schnapper Rock Road, Schnapper Rock to the Auckland Unitary Plan (Operative in part) .....	
Executive Summary .....	5
1. Purpose of PPC66 .....	7
2. Site description .....	9
3. Surrounding Area .....	14
4. Existing Auckland Unitary Plan Provisions .....	16
4.1 Current Zoning .....	17
4.2 I509 Greenhithe Precinct .....	19
4.3 Overlays .....	22
4.4 Designations .....	24
4.4.1 Designation 9301 .....	24
4.4.2 Designation 4311 .....	24
4.5 Controls .....	25
4.5.1 Stormwater Management Area Control – Flow 1 and Flow 2 (SMAF) .....	25
4.5.2 Macroinvertebrate Community Index (MCI) .....	26
4.6 Other features .....	27
5. Background to PPC66 Areas Existing AUP Zoning .....	28
6. Auckland Unitary Plan Provisions Proposed by PPC66 .....	28
6.1 Residential – Single House Zone .....	28
6.2 Residential – Mixed Housing Suburban Zone .....	31
7. Hearings and decision-making considerations .....	34
8. Statutory and policy framework .....	36
8.1 Resource Management Act 1991 .....	36
8.1.1 Plan Change Matters – Regional and District Plans .....	36
8.2 Resource Management Act 1991 – Regional Matters .....	37
8.3 Resource Management Act 1991 – District matters .....	38
9. National Policy Statements .....	38
9.1 National Policy Statement on Urban Development 2020 (NPS-UD) .....	38
9.2 National Policy Statement on Freshwater Management 2020 (NPS-FM) .....	39
10. National environmental standards or regulations .....	40
11. Auckland Unitary Plan .....	42
11.1 Regional Policy Statement (RPS) .....	42
11.2 Auckland Unitary Plan – Regional and District Plan .....	43
12. Other relevant legislation .....	46
12.1 Resource Management (Enabling Housing Supply) Act 2021 .....	46

13. Other Plans and Strategies .....	46
13.1 The Auckland Plan .....	46
13.2 Upper Harbour Local Board Plan 2020 .....	48
13.3 Upper Harbour Greenways Plan.....	49
13.4 Open Space Provision Policy 2016.....	51
13.5 Iwi management plans.....	53
14. Assessment of effects on the environment .....	53
14.1 Transport.....	54
14.2 Ecology .....	56
14.3 Wastewater .....	57
14.5 Geotechnical .....	58
15. Consultation .....	59
15.1 Mana Whenua Consultation .....	59
15.2 Upper Harbour Local Board Consultation .....	60
16. Notification and Submissions .....	60
16.1 Notification details .....	60
17. Analysis of Submissions and Further Submissions.....	61
17.1 Intensification .....	61
17.2 Infrastructure .....	63
17.3 Traffic.....	65
17.4 Ecology / Landscape .....	68
17.5 Open Space .....	70
17.6 Objectives and Policies .....	70
17.7 Precinct Provisions.....	71
18. Analysis of the section 32 report and any other information provided by the requestor.....	71
19. Conclusions.....	72
20. Recommendations .....	72
21. Signatories .....	73



# Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PPC66	Proposed Private Plan Change 66
RMA	Resource Management Act 1991
AUP	Auckland Unitary Plan (Operative in part) 2016
SEA	Significant Ecological Area Overlay
SMAF	Stormwater Management Area Control – Flow 1 and Flow 2
MCI	Macroinvertebrate Community Index
AUPIHP	Auckland Unitary Plan Independent Hearings Panel
NPS-UD	National Policy Statement on Urban Development 2020
NPS-FM	National Policy Statement on Freshwater Management
NES	National Environmental Standards
RPS	Regional Policy Statement
NCI	Northern Corridor Improvements

# Attachments

Attachments	
<b>Attachment 1</b>	Proposed Private Plan Change 66 - Documents as Notified
<b>Attachment 2</b>	Existing Auckland Unitary Plan Provisions
<b>Attachment 3</b>	Planning evidence of Terry Conner for Auckland Council in relation to Topic 081 Rezoning and Precincts (Geographical Areas) to the Auckland Unitary Plan Independent Hearings Panel
<b>Attachment 4</b>	Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council, Hearing Topics 016, 017 Changes to the Rural Urban Boundary; 080, 081 Rezoning and Precincts, Annexure 4, Precincts North, dated July 2016
<b>Attachment 5</b>	Auckland Unitary Plan Provisions Proposed by PPC66
<b>Attachment 6</b>	Council's Technical Expert Memorandums
<b>Attachment 7</b>	Reporting Planner Qualifications and Experience
<b>Attachment 8</b>	Submissions

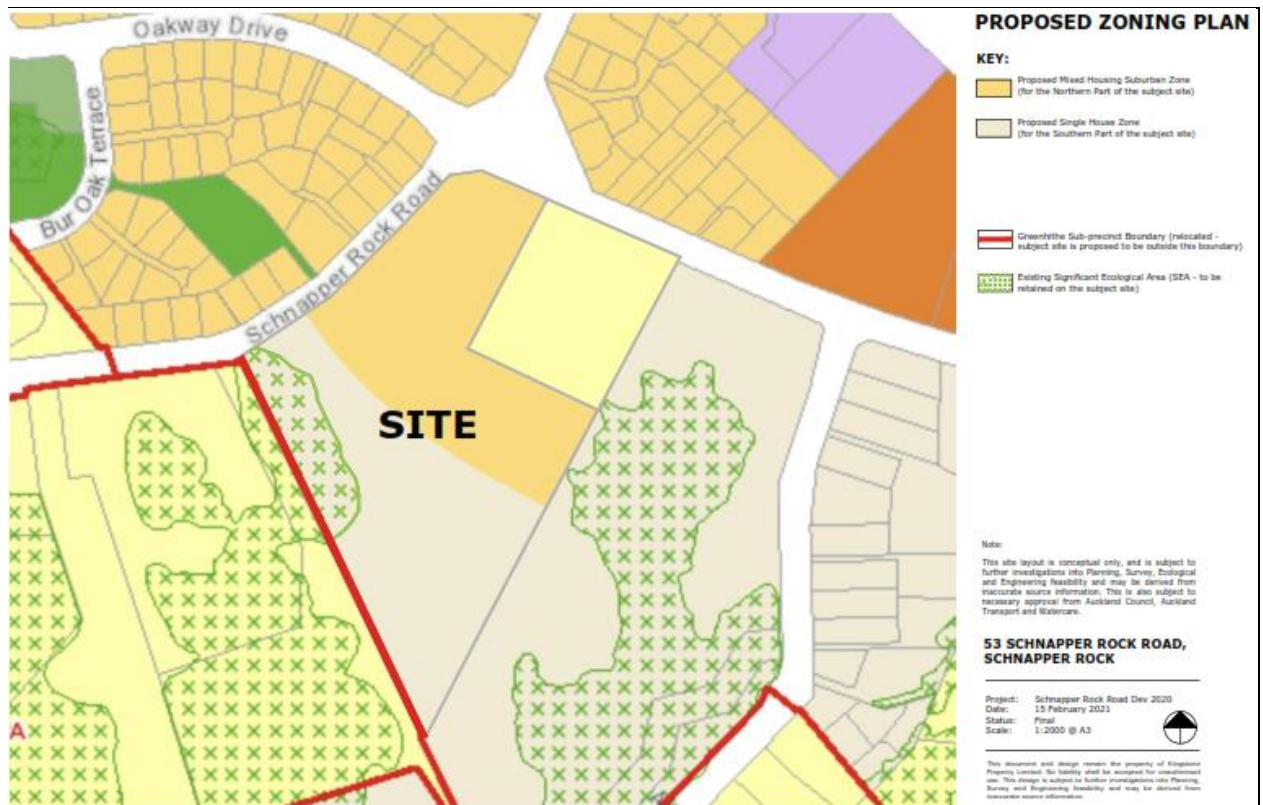
# Executive Summary

1. Proposed Private Plan Change 66 (PPC 66) to the Auckland Unitary Plan (Operative in Part) (**AUP**) seeks to rezone land at 57 Schnapper Rock Road, Schnapper Rock from Residential – Large Lot Zone to Residential – Mixed Housing Suburban Zone and Residential – Single House Zone. PPC66 also seeks the removal of the Greenhithe Precinct from both 57 and 57A Schnapper Rock Road in the AUP.
2. The private plan change process set out in Part 2 of Schedule 1 of the Resource Management Act 1991 ('RMA') was adhered to in developing PPC66.
3. Following the receipt of all further information under Clause 23 on 3 and 28 May 2021, PPC66 was accepted for processing under Clause 25 of Schedule 1 on 23 June 2021.
4. PPC66 was publicly notified on 26 August 2021. The submission period was due to end on 23 September 2021 however, given the Level 4 Covid-19 restrictions in place in Auckland at the time, the submissions period was extended until 22 October 2021. The summary of submissions was notified on 18 November 2021 and closed for further submissions on 2 December 2021.
5. 21 submissions were received within time. No late submissions and no further submissions were received.
6. In preparing for hearings on PPC66, this hearing report has been prepared in accordance with section 42A of the RMA.
7. This report considers the private plan change request and the issues raised by submissions on PPC66. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions on PPC66. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
8. This report also forms part of council's ongoing obligations to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised submissions on PPC66.
9. A report in accordance with section 32 of the RMA was prepared by the requestor as part of the private plan change request as required under clause 22(1) of Schedule 1 of the RMA. The information provided by the requestor in support of PPC66 (including the requestors Assessment of Environmental Effects, s32 Report and Statutory Analysis) is attached in **Attachment 1**.
10. In accordance with the evaluation in this report, but subject to the additional information regarding traffic matters being provided and confirmed as acceptable, I consider that the rezoning of 57 Schnapper Rock Road from Residential – Large Lot Zone to Residential – Single House Zone and Residential – Mixed Housing Suburban Zone; and the removal of the Greenhithe Precinct from 57 and 57A Schnapper Rock Road proposed by PPC66 are the most appropriate way of achieving the objectives of the AUP and the purpose of the RMA.

11. Subject to the additional information regarding traffic matters outlined in section 14.1 being provided and confirmed as acceptable, it is recommended that PPC66 be **approved** for the reasons set out in this report.

# 1. Purpose of PPC66

12. PPC66 to the AUP seeks to rezone 3.9889 hectares of land at 57 Schnapper Rock Road, Schnapper Rock from Residential – Large Lot Zone to Residential – Mixed Housing Suburban Zone (1.88 hectares) and Residential – Single House Zone (2.11 hectares). PPC66 also seeks the removal of the Greenhithe Precinct, specifically Sub-Precinct A, from both 57 and 57A Schnapper Rock Road in the AUP. The current zoning of 57A Schnapper Rock Road is to remain as Residential – Large Lot Zone. The proposed zoning is identified in the Proposed Zoning Plan provided by the requestor which is reproduced as **Figure 1** below (refer also to **Attachment 1**).



**Figure 1: Requestors Proposed Zoning Plan**

13. The requestor, KBS Design Group Limited, in section 5.2 (on page 17) of their Assessment of Effects, s32 Report and Statutory Analysis (refer to **Attachment 1**), advises that the purpose of PPC66 is to enable them to develop additional housing (between approximately 90 – 110 dwellings) on the 57 Schnapper Rock Road portion of the site. The requestor also advises, at section 10.1 of their Assessment of Effects, s32 Report and Statutory Analysis (refer to **Attachment 1**), that the objective of the plan change is to provide additional housing land supply in a location that is well serviced and accessible to a range of open space, employment and educational facilities; and that Residential – Single House Zone and Residential – Mixed Housing Suburban Zone would more appropriately provide for the type of mixed density housing development envisaged by them than the current Residential – Large Lot Zone.
14. The requestor also considers that the current Greenhithe Precinct, specifically Sub-precinct A, which is located over 57 and 57A Schnapper Rock Road creates an additional layer of planning control over a site which does not deserve such control as it does not have any particular natural and landscape quality that demands protection.

15. KBS Design Group Limited has provided the documents and reports listed in **Table 1** below to support their private plan change application.

**Table 1:** Information provided by the requestor for PPC66

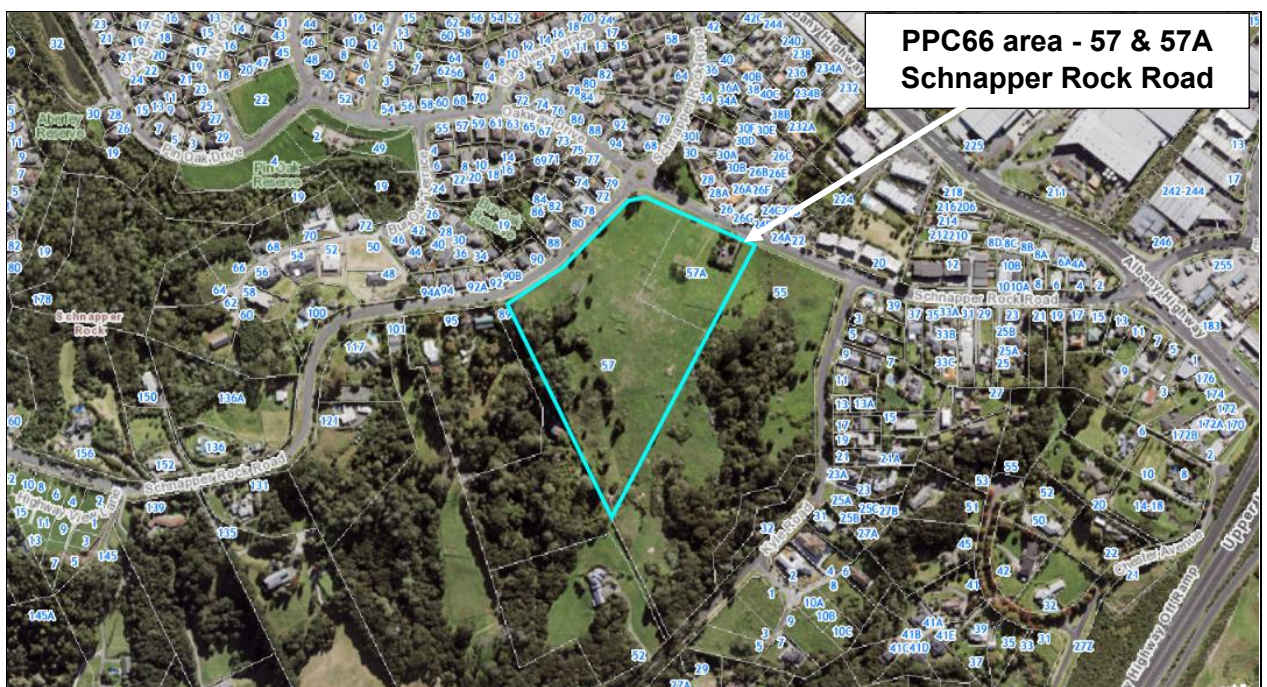
Document Name	Prepared By	Revision and Date
Private Plan Change Request 57 & 57A Schnapper rock Road, Schnapper Rock, Assessment of Environmental Effects, S32 Report and Statutory Analysis	Abu Hoque, Qbix Limited Planning and Urban Design	Revision F, 21 June 2021
Proposed Zoning Plan, 53 Schnapper Rock Road, Schnapper Rock <sup>1</sup>	Not stated	15 February 2021
Appendix 1 – Certificate of Title	LINZ	27 January 2021
Appendix 2 – Site Analysis and Zoning Proposal	Qbix Limited Planning and Urban Design	26 February 2021
Appendix 3 – Envisaged Housing Development	Not stated	15 February 2021
Appendix 4 – Geotechnical Feasibility Report, Future Residential Development through the Proposed Zone Change Proposal, 57 Schnapper Rock Road, Schnapper Rock	KGA Geotechnical	10 August 2021
Appendix 5 – Infrastructure Report, 57 & 57A Schnapper Rock Road	Maven	Revision B, 30 April 2021
Appendix 6 – Stormwater Management Report, 57 & 57A Schnapper Rock Road. Schnapper Rock	Maven	Revision C, 31 May 2021
Appendix 7 – Preliminary Site Investigation, 57 & 57A Schnapper Rock Road, Schnapper Rock	Thomas Consultants	Version 1.1, 9 August 2021
Appendix 8 – 57 & 57A Schnapper Rock Road, Plan Change, Transportation Assessment	Abley	Revision C, 9 August 2021
Appendix 9 – Assessment of Ecological Effects for a Plan Change Application at 57 & 57A Schnapper Rock Road, Schnapper Rock	Wildlands	February 2021
Appendix 10 – 57 & 57A Schnapper Rock Road Plan Change, Landscape and Amenity Effects Assessment	Stephen Brown, Brown NZ Limited	January 2021

<sup>1</sup> The original street address of the site, including the Watercare designated area, was 53 Schnapper Rock Road. As a result of subdivision to separate the Watercare designated site from the balance of the site, the address was subsequently updated to 57 and 57A Schnapper Rock Road. However, some of the technical reports and plans still refer to the site as 53 Schnapper Rock Road.

- 16. These documents include the responses provided to Clause 23 requests on 3 and 28 May 2021. The documents listed are the notified documents provided in **Attachment 1**.

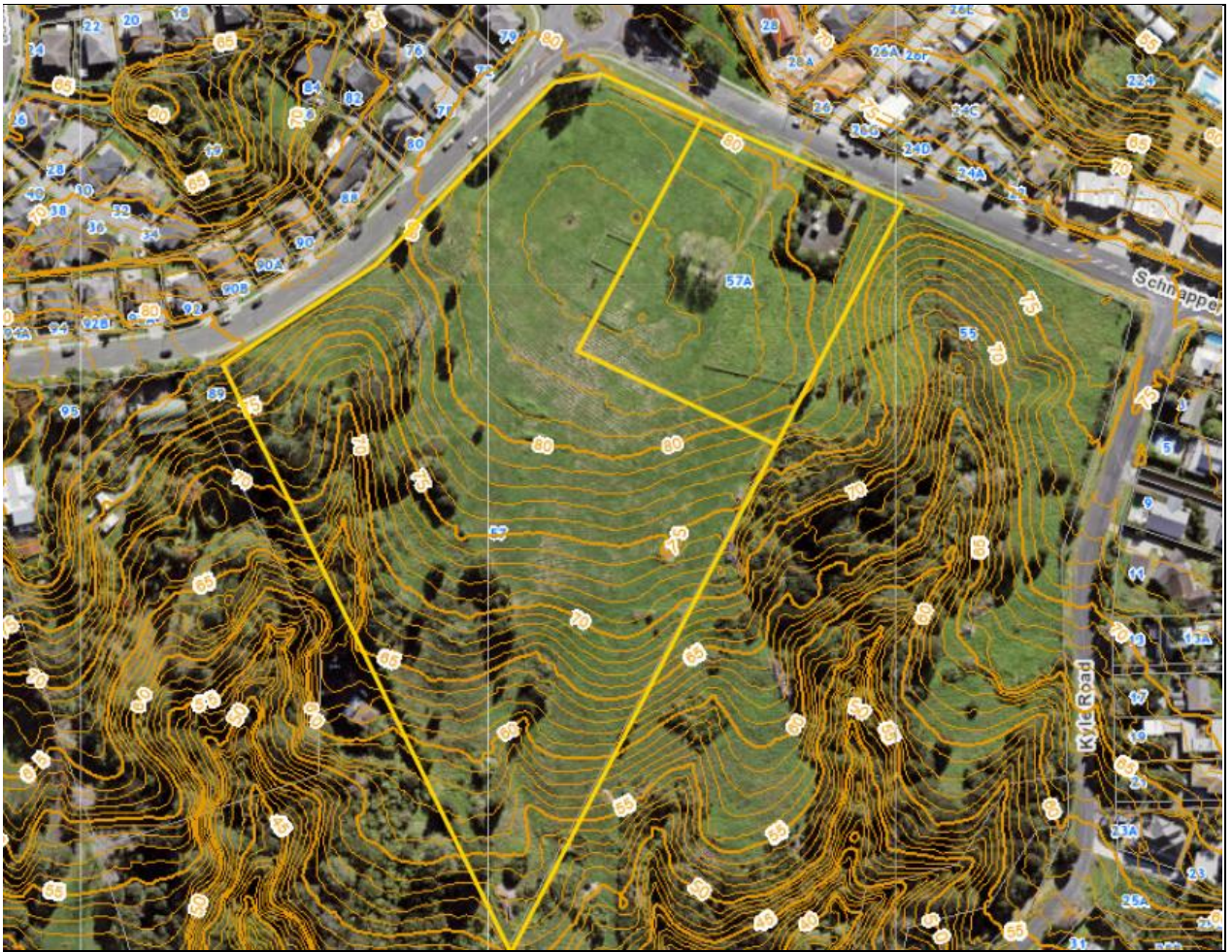
## 2. Site description

- 17. As identified in **Figure 2** below, the PPC66 land at 57 and 57A Schnapper Rock Road is located on the southern side of the roundabout controlled intersection of Schnapper Rock Road with Oakway Drive; and between 300m and 450m from the Albany Highway to the north or north-east.
- 18. The PPC66 area has frontage to Schnapper Rock Road along its north, north-east and north-west boundaries. Schnapper Rock Road runs along the ridgeline with properties sloping down and away from it in the vicinity of the PPC66 area.



**Figure 2: Location of plan change area**

- 19. 57 Schnapper Rock Road is 3.9889 hectares in size and 57A Schnapper Rock Road is one hectare in size, resulting in the PPC66 area being 4.9889 hectares in total area.
- 20. In its northern portion the PPC66 land is mostly flat; but the land then slopes downwards to the south-east and south-west and forms a gully, as illustrated by the contours in **Figure 3** below.



**Figure 3:** Auckland Council Geomap identifying PPC66 land contours.

21. 57 Schnapper Rock Road is currently owned by a company associated with the PPC66 requestor but was previously owned by Watercare.
22. 57 Schnapper Rock Road is currently vacant and mostly covered with grass. However, there is an identified significant ecological area (**SEA**) located in the western portion of the site. The SEA contains vegetation comprising a mix of Kanuka and Pine trees, as well as under storey vegetation and weed species. The SEA is likely to support habitat for fauna species such as the long-tailed bat, the long finned eel, and skink species.
23. In addition, outside of the identified SEA there are a number of large trees or groupings of trees. The location of these other trees or tree groupings are identified in **Figure 4** below and described in Appendix 12 - Existing Tree Inspection – 57 & 57A Schnapper Rock Road, Albany, prepared by Peers Brown Miller for the requestor (refer also to **Attachment 1**). Trees are identified as a mix of Monterey pine trees, Kanaka, Totara, and various weed species such as gorse, and privet.



**Figure 4:** Tree plan outside of SEA's.

**Source:** Tree Inspection Report prepared by Peers Brown Miller for the requestor

24. Furthermore, as confirmed by the stream classification prepared by Freshwater Solutions that accompanied the requestors Ecology Report (refer to **Attachment 1**), there are two intermittent streams located within the site which flow into the Te Wharau Creek and subsequently to the Lucas Creek and then the Upper Waitemata Harbour. The location of the streams (Watercourses A and B) within the PPC66 area is identified in **Figure 5** below. These streams are also identified on Council's Geomaps as overland flow paths, as outlined in paragraph 90 and **Figure 11** below.
25. The Certificate of Title for 57 Schnapper Rock Road lists a land covenant, Instrument 11927673.4. This covenant is in favour of Watercare, the owner of 57A Schnapper Rock Road. The covenant restricts the current and any future owners of 57 Schnapper Rock Road from making complaints about the use and operation of 57A Schnapper Rock Road for water supply and water reservoir purposes.





**Figure 5:** Location of intermittent streams in PPC66 area as identified in requestors Ecology Report.

26. 57A Schnapper Rock Road is owned and designated by Watercare and currently contains a Watercare water supply station, surrounded by vegetation in the north-eastern corner, which is accessible via a formed driveway and vehicle crossing to Schnapper Rock Road. On my site visit on 10 January 2022, I observed and was advised that the remainder of 57A Schnapper Rock Road is currently being used as a machinery and equipment storage area by Watercare contractors undertaking wastewater upgrade works in the wider Albany / Greenhithe area. This area is accessible to Schnapper Rock Road via an unsealed vehicle crossing and accessway. As also noted in paragraph 25 above, and based on the covenant instrument listed, it appears that Watercare intends to construct and operate water reservoirs on 57A Schnapper Rock Road at some point in the future.



**Photograph 1:** View of water supply station area on 57A Schnapper Rock Road, from Schnapper Rock Road.



**Photograph 2:** View of machinery and equipment storage area on 57A Schnapper Rock Road, from Schnapper Rock Road



**Photograph 3:** View of unsealed accessway to machinery and equipment storage area on 57A Schnapper Rock Road.

- 27. Albany Junior High School and Kristin School are located approximately 1km to the north- of the PPC66 area; while Upper Harbour Primary School is located approximately 1.5km to the south, accessible via Kyle Road.
- 28. Public transport, in the form bus route 883 is available on the western leg of Schnapper Rock Road. This route provides access to Constellation Drive. Bus 917 runs along the Albany Highway, 450m to the north of the PPC66 area, and provides access to the Albany Bus Station.
- 29. There are some food and retail shops located along Albany Highway however, the closest shopping centre and community facilities are provided at either the Albany Town Centre (Westfield Albany) or the Albany Village which are located approximately 3kms - 4 kms to the north.

### 3. Surrounding Area

- 30. To the north of the PPC66 area, Schnapper Rock Road’s northern leg is 20m wide and provides for two-way traffic movements and on-street car parking approximately 50m from the intersection with Oakway Drive. There is a formed footpath on the northern side of the road. The footpath has also recently been extended and constructed on the southern side of Schnapper Rock Road as part of the subdivision of the site at 55 Schnapper Rock Road.
- 31. Land slopes down to the north beyond Schnapper Rock Road which results in development typically being established at a lower level than the road.
- 32. The northern side of Schnapper Rock Road is currently zoned Residential - Mixed Housing Suburban Zone and this area predominantly comprises one dwelling, of between one to two storeys, on a site.



**Photograph 4:** View of residential development on northern side of Schnapper Rock Road, opposite PPC66 area.

- 33. To the north-east of the PPC66 area, opposite Kyle Road, zoning becomes Residential – Terraced Housing and Apartment Building Zone. This zoning appears to be associated with two sites, one with frontage to both Albany Highway (20 Albany Highway) and Schnapper Rock Road and the other (12 Schnapper Rock Road) with frontage to Schnapper Rock Road. These sites have been developed with two-storey terraced dwellings.

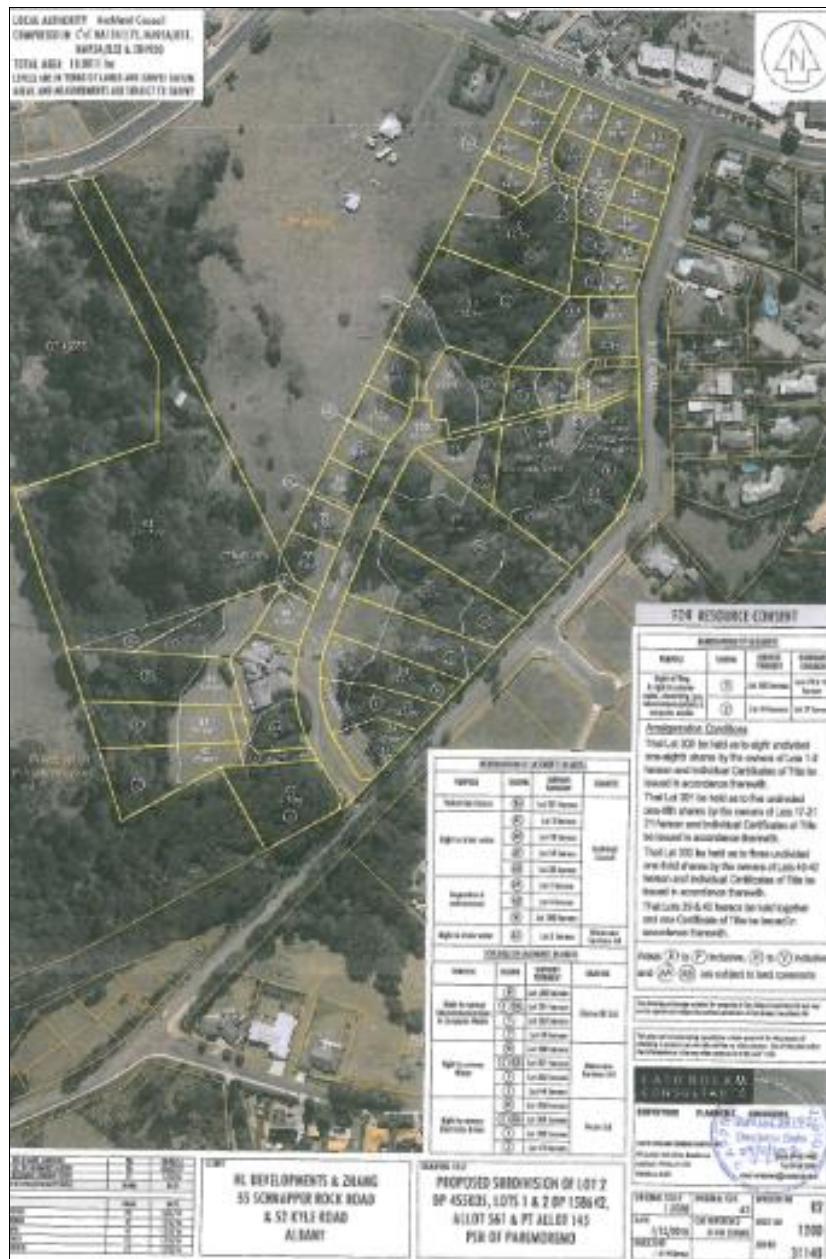
34. Further to the north, fronting Albany Highway is a pocket of Business – Mixed Use zoned land. Land on the northern side of the Albany Highway, is zoned Business – Light Industry Zone.
35. To the west of the PPC66 area, Schnapper Rock Road's southern leg is also 20m wide and provides for two-way traffic movements and on-street car parking. There are formed footpaths on both sides of the road along the PPC66 areas frontage and further to the south. However, the western side footpath ends approximately 175m past the PPC66 area.
36. Land slopes down to the west beyond the western side of Schnapper Rock Road, which again results in development typically being established at a lower level than the road.
37. The western side of Schnapper Rock Road is currently zoned Residential - Mixed Housing Suburban Zone and this area predominantly comprises one dwelling, of between one to two storeys, on a site.



**Photograph 5:** View of residential development on western side of Schnapper Rock Road, opposite PPC66 area. **Source:** Google Streetview.

38. Also, to the west, opposite the PPC66 area, between No.'s 88 and 90 Schnapper Rock Road, is an area of land that extends from Schnapper Rock Road through to Bur Oak Terrace which is zoned Open Space – Conservation Zone. This area slopes down to the west and contains a large amount of vegetation, but no formal footpath access. The Open Space – Conservation zoning continues on the western side of Bur Oak Terrace, but this also adjoins a playground area zoned Open Space – Informal Recreation Zone, accessible from Oakway Drive, Bur Oak Terrace and other streets to the west.
39. To the immediate east, south and south-west of 57 and 57A Schnapper Rock Road are 55 and 89 Schnapper Rock Road and 52 Kyle Road. 55 Schnapper Rock Road and 52 Kyle Road are zoned Residential – Single House Zone, while 89 Schnapper Rock Road is zoned Residential-Large Lot Zone.
40. Resource consent (Council References: BUN10628172, SUB60031923, REG2141514, LUS6004560 and DIS60045745) was granted on 29 November 2017 for the subdivision of these sites into 44 vacant residential lots of between 600m<sup>2</sup> and up to over 2 hectares in size with an associated access road off Kyle Road and privateways. The consent also enables associated earthworks, stream reclamation, alteration of overland flow paths, tree removal, and discharge

and diversion of stormwater. The approved scheme plan is provided in **Figure 6** below. The works to give effect to this resource consent are currently in progress on this site. It is also noted that the subdivided area of 89 Schnapper Rock Road is 2.0075 hectares, well above the 4,000m<sup>2</sup> required by the AUP for vacant lots in the Residential – Large Lot Zone.



**Figure 6:** Approved Scheme Plan for subdivision of 55 and 89 Schnapper Rock Road and 52 Kyle Road.

- 41. Further to the south, west and east from the PPC66 area, land is zoned Residential - Large Lot Zone and comprises larger lots containing residential dwellings, accessory buildings and areas of both protected (SEA) and non-protected vegetation.

#### 4. Existing Auckland Unitary Plan Provisions

- 42. As identified in **Figure 7** below, the land in the PPC66 area is currently zoned Residential - Large Lot Zone. The PPC66 area is also located within the Greenhithe Precinct, specifically Sub-Precinct A.

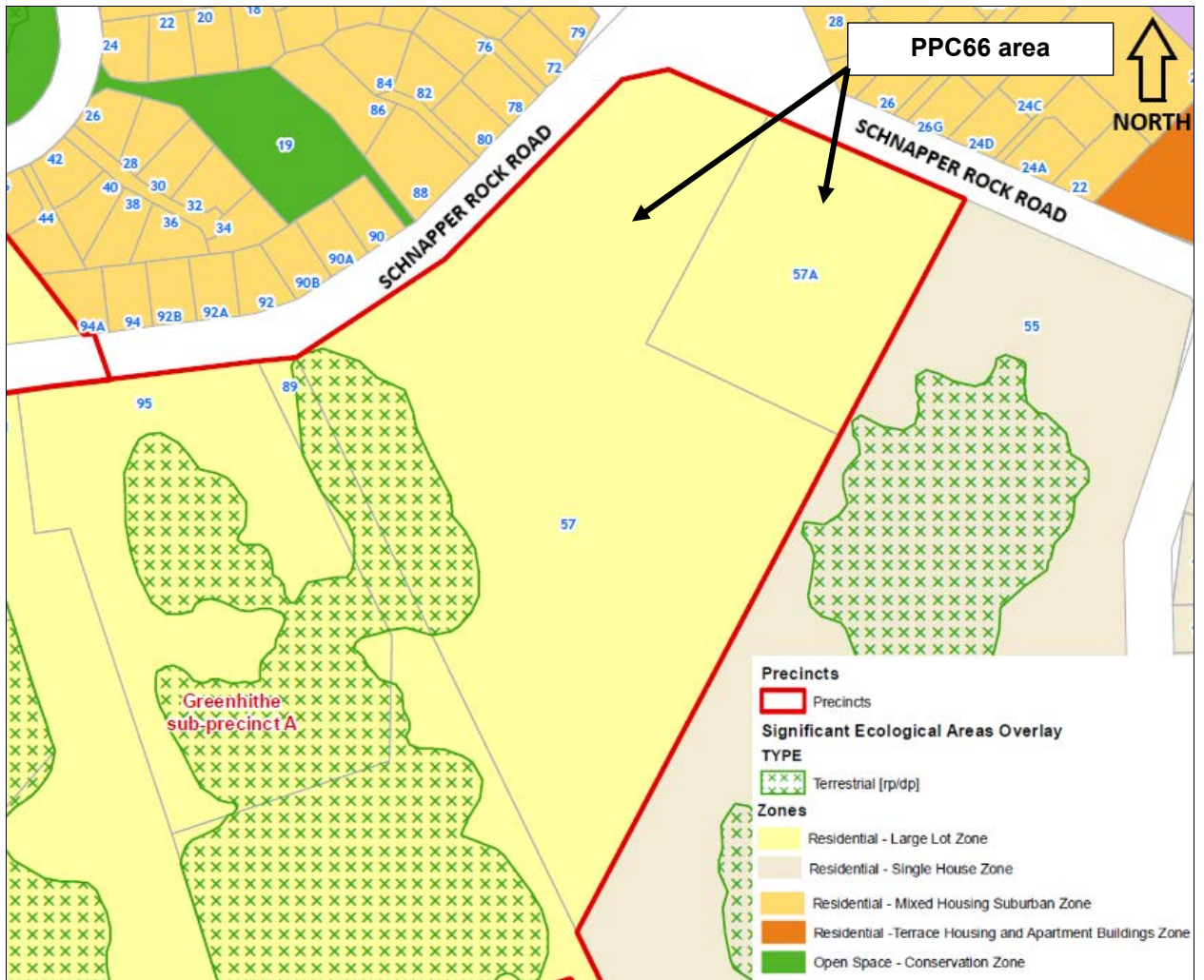


Figure 7: AUP map showing zoning, precinct boundary and SEA location.

#### 4.1 Current Zoning

43. A copy of the Residential – Large Lot Zone provisions is provided as **Attachment 2** to this report. The Residential – Large Lot Zone is described in H1.1 as follows:

*The Residential – Large Lot Zone provides for large lot residential development on the periphery of urban areas. Large lot development is managed to address one or more of the following factors:*

- *it is in keeping with the area’s landscape qualities; or*
- *the land is not suited to conventional residential subdivision because of the absence of reticulated services or there is limited accessibility to reticulated services; or*
- *there may be physical limitations to more intensive development such as servicing, topography, ground conditions, instability or natural hazards where more intensive development may cause or exacerbate adverse effects on the environment.*

*To manage existing or potential adverse effects, larger than standard site sizes are required and building coverage and impervious surface areas are restricted.*

44. The objectives of the Residential - Large Lot Zone (H1.2) seek development that maintains and is in keeping with the areas spacious landscape character, landscape qualities and natural features; that maintains the amenity of adjoining sites; and is appropriate for the physical and environmental attributes and any infrastructure constraints of the site.
45. While the policies for the Residential - Large Lot Zone (H1.3) require large minimum site sizes and limit the scale and intensity of development to ensure that:
  - sites can accommodate on-site wastewater treatment and disposal;
  - development will be in keeping with any landscape qualities or natural features; and
  - development will not exacerbate any physical limitations such as land instability.
46. The height, bulk and location of development is also required to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to adjoining sites. Accommodation is required to have useable and accessible outdoor space and the maximum impervious area on a site is restricted to manage the amount of stormwater runoff generated by a development to ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
47. Non-residential activities, of an appropriate scale and intensity, and that support the social and economic well-being of the community and contribute to the amenity of the neighbourhood, are also provided for.
48. The Residential – Large Lot Zone enables one dwelling per site as a permitted activity, subject to compliance with standards relating to the following:
  - building height – buildings are limited to 8m in height (with an exception for 50 percent of a roof pitch);
  - yards – a front yard of 10m, side and rear yard of 6m are required. A riparian yard of 10m is required from the edge of a permanent or intermittent stream.
  - maximum impervious area – the maximum impervious area must not exceed 35 percent of the site area or 1,400m<sup>2</sup>, which is lesser. While the maximum impervious area within a riparian yard must not exceed 10 percent of the riparian yard.
  - building coverage - the maximum building coverage must not exceed 20 percent of the net site area or 400m<sup>2</sup>, which is lesser.
49. More than one dwelling per site (other than a minor dwelling) or an integrated residential development requires resource consent as a Discretionary Activity.
50. One minor dwelling is also provided for as a Restricted Discretionary Activity subject to specific standards limiting their size to 65m<sup>2</sup> (excluding decks and garaging) and requiring the provision of an outdoor living space of between 5m<sup>2</sup> (one bedroom) and up to 8m<sup>2</sup> (two or more bedrooms), with a depth of 1.8m, which is directly accessible from the minor dwelling.

51. Other activities provided for include home occupations; residential care, boarding houses and visitor accommodation, with the number of people determining activity status; and the associated buildings requiring compliance with the standards listed in paragraph 48 above.
52. A range of non-residential activities such as diaries, restaurants and cafes with up to 100m<sup>2</sup> gross floor area are provided for as a Discretionary Activity, as are community and education facilities, and marae.

#### 4.2 I509 Greenhithe Precinct

53. As identified in paragraph 42 above, the PPC66 area is also located within the Greenhithe Precinct, specifically Sub-Precinct A. A copy of the Greenhithe Precinct provisions is also provided in **Attachment 2**.
54. The Greenhithe Precinct is described in I509.1 as follows:

*The Greenhithe Precinct covers a broad area of the Greenhithe Peninsula and drains in two directions to the upper Waitemata Harbour. The purpose of the precinct is to manage subdivision and development in a sensitive catchment and ensure that new development responds to the natural environment including topography, vegetation, water quality, landform and the visual landscape.*

*The Greenhithe Precinct comprises two sub-precincts. Sub-precinct A requires larger minimum site sizes than those permitted by the Residential - Large Lot Zone. Sub-precinct B allows smaller minimum site sizes than those permitted by the Residential - Large Lot Zone subject to specific constraints and opportunities including landscape features, topography, significant vegetation and access to a reticulated wastewater system. Subdivision and development in the precinct is supported where it avoids the removal of significant native vegetation (in order to protect visual landscape, native vegetation and habitat for native fauna), will minimise sedimentation and respond to and integrate with the features of the landscape.*

*The zoning of land within this precinct is the Residential – Large Lot Zone.*

55. There is only one objective in the Greenhithe Precinct, which is to be considered in addition to any overlay, zone and Auckland-wide objectives. The objective states that:
- (1) *Subdivision and development is managed to protect environmental values and the landscape character of the area.*
56. There are policies to support this objective applicable over the whole Precinct and there are specific policies for the two sub-precincts. Policies I509.3(1) – (6) are applicable to the whole precinct and include requirements to:
- design subdivision and development to protect environmental values and the landscape features and character of the area, including watercourses and significant native vegetation and fauna habitats;
  - determine the type and intensity of development opportunities in different parts of the precinct based on the environmental constraints;



- locate building platforms and access roads to:
    - minimise adverse effects on and protect native vegetation and fauna habitats;
    - minimise land modification and scarring of the landscape;
    - avoid where practicable significant steep slopes, ridgelines and stream valleys; and
    - minimise visual intrusion when viewed from public places;
  - minimise the potential to create sedimentation from land development and subdivision by managing the intensity of development and retaining vegetation cover, particularly on steep land and land close to natural water courses;
  - develop a satisfactory means to maintain water quality adjacent to waterways; and
  - retain and enhance native flora and fauna within the area.
57. Policy I509.3(7) is specific to Sub-Precinct A, and it requires the protection of the natural and physical environment by maintain the existing low density residential character of the area.
58. It is of note, that Policy I509.3(8), specific to Sub-Precinct B, enables greater residential intensity by clustering development in flatter areas where there is little or no vegetation and where there is access to a reticulated wastewater system.
59. Activity table I509.4.1 for the Greenhithe Precinct lists that generally the subdivision provisions of E38 Subdivision – Urban are applicable in the Precinct and sub-precincts. However, subdivision that does not comply with Precinct Standard I509.6.5, which sets minimum net site areas in both Sub-Precinct A and B, is a non-complying activity.
60. The Greenhithe Precinct introduces a height in relation to boundary standard (I509.6.1) that is not present in the underlying Residential - Large Lot Zone. This standard requires that buildings on sites smaller than 4,000m<sup>2</sup> do not project beyond a recession plane of 2.5m and 45 degrees along side and rear boundaries.
61. The Greenhithe Precinct also introduces an exception to the Residential – Large Lot Zone standards with regard to the yards, impervious surfaces and building coverage; and an exception to the E38 Subdivision – Urban standards relating to minimum net site area for subdivisions involving a parent site of both less than and greater than 1 hectare. Therefore, the underlying Residential – Large Lot Zone and E38 Subdivision - Urban standards are replaced by alternative standards in the Greenhithe Precinct.
62. The yards, building coverage and impervious surface standards in the Greenhithe Precinct require the following:
- Yards – A front yard of between 5m and up to 10m is required depending on site area (i.e. 5m for sites less than 1,499m<sup>2</sup> and up to 3,999m<sup>2</sup>; and 10m for sites over 4,000m<sup>2</sup>). Side and rear yards of 1.2m for a site less than 1,499m<sup>2</sup>; 3m for sites of between 1,500m<sup>2</sup> and 3,999m<sup>2</sup>; and 6m for sites over 4,000m<sup>2</sup>.

- Building coverage – building coverage is limited to 35 percent for sites between 500m<sup>2</sup> to 699m<sup>2</sup>; 30 percent for sites 700m<sup>2</sup> to 999m<sup>2</sup>; and if a site is over 1,000m<sup>2</sup> then building coverage is limited to 300m<sup>2</sup>.
  - Impervious surface – the maximum impervious area must not exceed 60 percent of the net site area.
63. It is of note that:
- the yard requirements for smaller sites in the Greenhithe Precinct (i.e. those less than 1,499m<sup>2</sup> and up to 3,999m<sup>2</sup>) are less than the yard requirements for the Residential – Large Lot Zone that they replace.
  - the building coverage for smaller sites in the Greenhithe Precinct enable more building on a site (i.e. sites up to 999m<sup>2</sup>) than the underlying Residential – Large Lot Zone would. However, larger sites (i.e. sites over 1,000m<sup>2</sup>) have a lesser building coverage than the Residential – Large Lot Zone.
  - the impervious surface standard in the Greenhithe Precinct is more enabling for all sites (i.e. 60 percent) than the underlying Residential – Large Lot Zone (i.e. 35 percent or 1,400m<sup>2</sup> which ever is lesser).
64. The minimum net site areas in the Greenhithe Precinct, as listed in Standard I509.6.5, are as follows:
- Sub-Precinct A – 2 hectares minimum net site area;
  - Sub-Precinct B – 500m<sup>2</sup> minimum net site area with some additional requirements regarding the need for minimum building envelopes and the degree of site slopes; and requirements for connection to a reticulated wastewater system, depending on site size.
65. It is of note that the 2-hectare minimum net site area in the Greenhithe Precinct, Sub-Precinct A, which would be applicable to the PPC66 area, is a greater requirement than 4,000m<sup>2</sup> minimum net site area required by the E38 Subdivision – Urban provisions for a site in the Residential – Large Lot Zone.
66. Overall, a proposal to subdivide a site such as the PPC66 area in Sub-Precinct A to an area less than the 2-hectare minimum net site area would require resource consent as a non-complying activity. In addition, noting again the minimum 2-hectare net site size required by the Greenhithe Precinct, Sub-Precinct A for the PPC66 area, the Greenhithe Precinct front yard (10m) and the side and rear yard (6m), remain the same as the underlying Residential – Large Lot Zone. While the amount of building coverage in the Greenhithe Precinct would be reduced (to 300m<sup>2</sup>) compared to the underlying Residential – Large Lot Zone (400m<sup>2</sup>); but the extent of impervious area enabled would be increased in the Precinct (60 percent) compared to the underlying Residential – Large Lot Zone (35 percent or 1,400m<sup>2</sup> which is lesser). In addition, there are no riparian margin yard or impervious area requirements in the Greenhithe Precinct.
67. The matters for discretion (I509.8.1) for subdivision and development are broad and include consideration of the effects of the subdivision design and the effect of the proposed development and effects associated with the location and development of building platforms and accessways.

68. The assessment criteria (I509.8.2) further characterise the assessment sought for the above matters as including consideration of:

- whether the subdivision and development is designed to respect and integrate with the natural characteristics, landscape setting, landmarks and views of the area by:
  - (i) *maintaining the low density residential character of the landscape;*
  - (ii) *providing larger sites where land has environmental or building limitations due to slope, stability, significant native vegetation or special natural values;*
  - (iii) *minimising the potential effects of sedimentation associated with the development of land by limiting the intensity of development and retaining vegetation cover particularly on steep land and close to natural water courses; and*
  - (iv) *protecting water quality and associated ecological values of nearby water bodies.*
- whether building platform, accessway and development are located to:
  - (i) *integrate with the landscape and minimise visual obstruction when viewed from public places including the coastal marine area;*
  - (ii) *avoid protruding above a ridgeline;*
  - (iii) *use existing or proposed vegetation to screen buildings and structures;*
  - (iv) *minimise landscape modification by selecting flat sites for building platforms;*
  - (iv) *locate building platforms to minimise long access driveways and use shared access driveways where practicable;*
  - (v) *avoid earthworks and retaining walls that would create significant and permanent visible scars on the landscape that cannot be mitigated with planting;*
  - (vi) *avoid modifying ridgelines, significant landforms and stream riparian margins which define the distinctive landscape character of the Greenhithe precinct; and*
  - (vii) *protect and enhance significant native flora and fauna habitats, in particular high-quality regenerating bush.*
- whether consent notices have been approved by Council for the location of all new building platforms and accessways.

69. These assessment criteria are reflective of the requirements of the objectives and policies outlined above.

### **4.3 Overlays**

70. As identified in **Figure 7** above, the western portion of 57 Schnapper Rock Road is also subject to a Significant Ecological Area Overlay, being SEA\_T\_8351. SEA\_T\_8351 is scheduled for

factors 2 and 4 relating to the SEA's threat status and rarity; and stepping stones, migration pathways and buffers. The characteristics of the SEA are described in paragraphs 22 to 24 above.

71. The objectives and policies for SEA's are located in D9 of the AUP, Significant Ecological Areas Overlay. However, the various rules that apply to SEA's are located in the following parts of the AUP:
- E3 Lakes, rivers, streams and wetlands;
  - E15 Vegetation management and biodiversity;
  - E11 Land disturbance – Regional; and
  - E26 Infrastructure.
72. Objectives D9.2(1) – (3) for SEA's seek that:
- area's of significant indigenous biodiversity value in terrestrial areas are protected from the adverse effects of subdivision, use and development;
  - indigenous biodiversity values of SEA's are enhanced; and
  - the relationship of Mana Whenua and their customs and traditions with indigenous vegetation and fauna is recognised and provided for.
73. While the relevant policies for terrestrial SEA's, D9.3(1) – (8) require:
- the management of effects of activities on the indigenous biodiversity values of SEA's by:
    - avoiding adverse effects as far as practicable, and where avoidance is not practicable, minimising adverse effects on identified values;
    - remedying adverse effects on identified values where they cannot be avoided;
    - mitigating adverse effects on identified values where they cannot be avoided or remedied; and
    - considering the appropriateness of offsetting any residual adverse effects that are significant and where they have not been mitigated, through protection, restoration and enhancement measures.
74. Policy D9.3(2) lists effects that should be considered and these include:
- the fragmentation of the size and extent of the SEA;
  - any disruption to connections between ecosystem and habitats;
  - changes which increase threats, including from pests.
  - the loss of buffering, or the loss of rare and threatened species or habitat, and ecosystem services;
  - cumulative effects;
  - downstream effects on wetlands, rivers, streams and lakes.

- modification of the viability and value of indigenous vegetation and habitat of indigenous fauna as a result of the use or development of other land or freshwater; and
  - a reduction in the associations held by Mana Whenua or the wider community.
75. Policies D9.3(3) and (4) seek enhancement of SEA's; while Policy D9.3(5) provides for some activities, such as some trimming or vegetation removal, to occur in specific circumstances (i.e. to provide for a dwelling on a site). However, this needs to be considered next to Policy D9.3(6) which seeks to avoid the removal of vegetation and the loss of biodiversity in SEA's from the construction of building platforms, accessways or infrastructure through means such as using existing cleared areas to accommodate development and assessing alternative locations that would reduce the need for vegetation removal or land disturbance.
76. Policy D9.3(7) provides for the role of Mana Whenua as kaitiaki in managing biodiversity; and Policy D9.3(8) seeks to manage the adverse effects of infrastructure on SEA's.
77. For the residential development anticipated by the requestor in the PPC66 area it is most likely that the rules for SEA's in the following AUP sections would be applicable:
- E3 Lakes, rivers, streams and wetlands;
  - E15 Vegetation management and biodiversity; and
  - E11 Land disturbance – Regional.

## 4.4 Designations

### 4.4.1 Designation 9301

78. As identified in **Figure 8** below, the 57A Schnapper Rock Road portion of the PPC66 area is also subject to Watercare Designation 9301. This designation identifies its purpose as being for water supply purposes, including the existing pump station and possible future pump stations, reservoirs, and associated structures.
79. Designation 9301 is a legacy designation, rolled over into the AUP from Designation 97 to the Auckland council District Plan (North Shore Section 2002). The designation has been given effect to, has no associated conditions, and has no lapse date.

### 4.4.2 Designation 4311

80. Furthermore, both 57 and 57A Schnapper Rock Road are subject to Designation 4311 for the protection of approach and departure paths at Whenuapai Airbase, by the Minister of Defence.
81. This designation requires the approval of the New Zealand Defence Force prior to the erection of any building, change of use of any land or building, or any subdivision of land. This designation also restricts the height of buildings in proximity to the Whenuapai Airbase. However, it does not apply to buildings less than 9m above natural ground level.

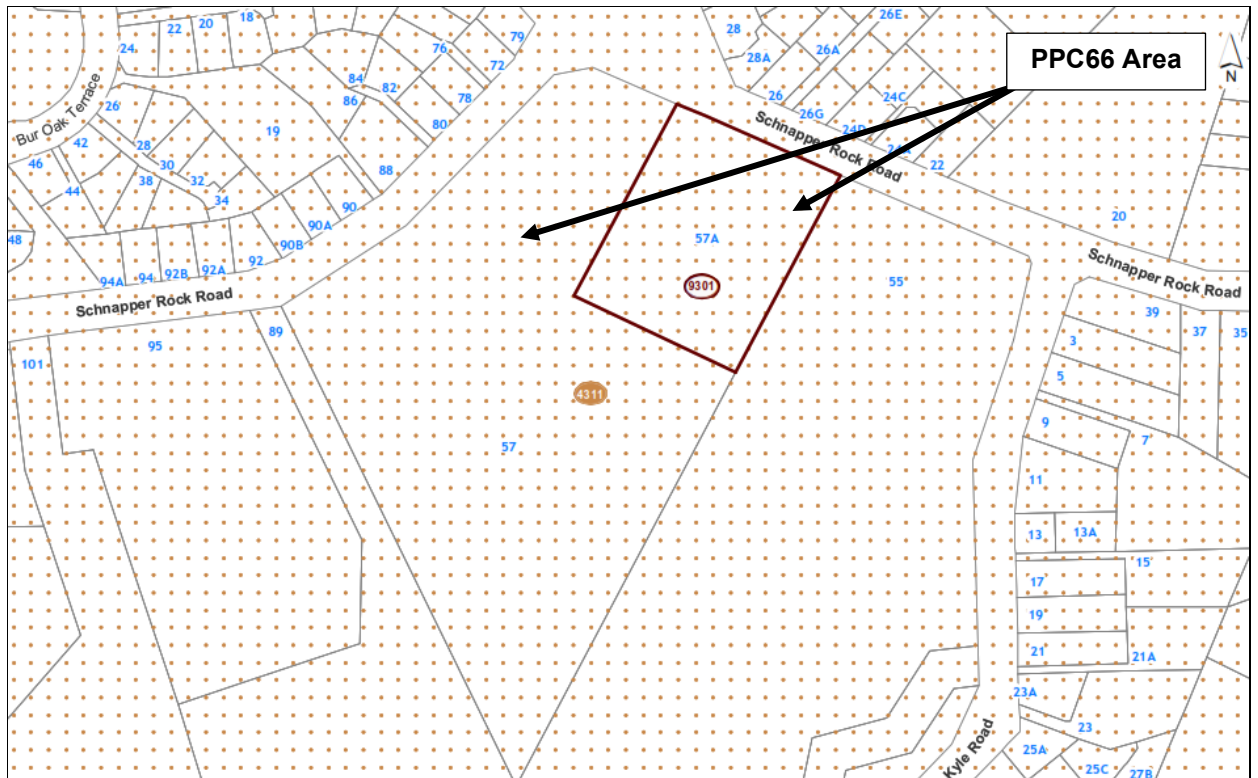


Figure 8: AUP map showing designation location and extent

## 4.5 Controls

### 4.5.1 Stormwater Management Area Control – Flow 1 and Flow 2 (SMAF)

82. As identified in Figure 9 below, the Stormwater Management Area Control – Flow 1 and Flow 2 (SMAF), specifically Kyle 1 being Flow 1 applies to most of the land to the south of Schnapper Rock Road. While the Albany West, Flow 2 control applies to parts of the land to the north-west.

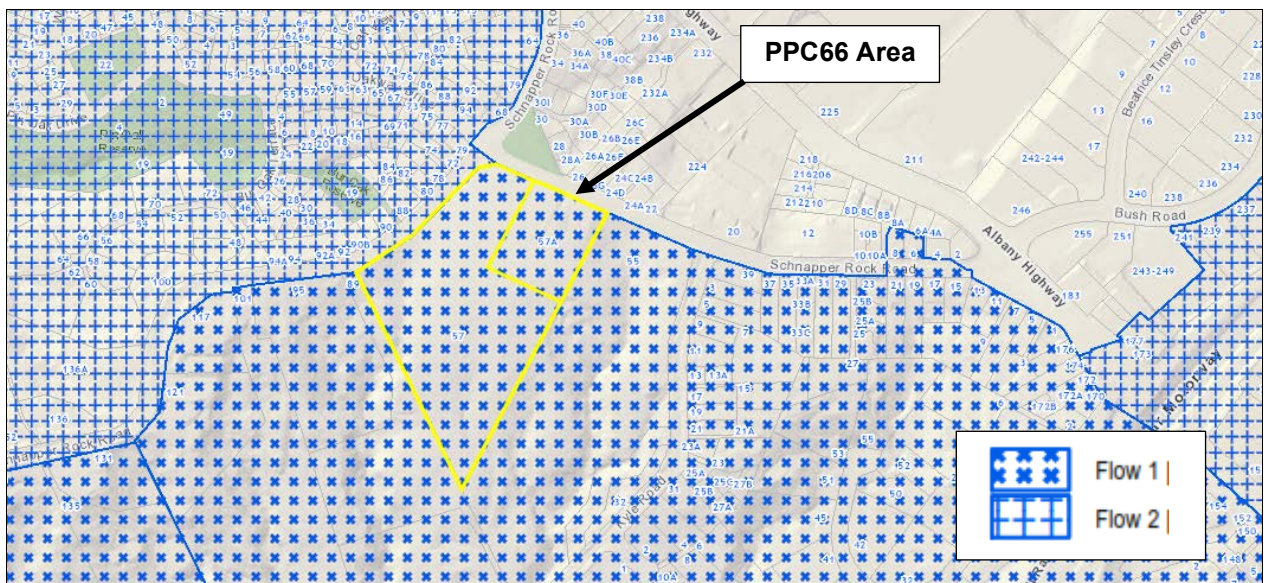


Figure 9: AUP map showing SMAF – Flow 1 and 2 locations.

83. The AUP provisions for the SMAF control are contained in E10 Stormwater Management Area – Flow 1 and Flow 2.

84. These provisions seek to protect and enhance rivers, streams and aquatic biodiversity in urban areas.
85. Flow 1 areas are described as those catchments which discharge to sensitive or high value streams that have relatively low levels of existing impervious areas. While Flow 2 areas are described as typically discharging to streams with moderate to high values and sensitivity to stormwater, but generally with higher levels of existing impervious area within the catchment.
86. The SMAF provisions enable future development and redevelopment subject to standards to reduce stormwater runoff to protect Auckland's aquatic biodiversity and other values from further decline and enhance them where possible.
87. For the residential development anticipated by the requestor in the PPC66 area it is most likely that resource consent as at least a Restricted Discretionary Activity would be required for the development of impervious areas.

#### 4.5.2 Macroinvertebrate Community Index (MCI)

88. As identified in **Figure 10** below, the Macroinvertebrate Community Index (MCI) – Exotic, Native, Rural and Urban also applies in various areas over the PPC66 area.



MCI - Exotic



MCI - Native



MCI - Rural



MCI - Urban

**Figure 10:** AUP maps identifying MCI areas across PPC66 area.

89. The MCI is used as an indicator of water quality and overall stream health. The objectives and policies in E1 Water quality and integrated management require the management of discharges, subdivision, use and development that affect freshwater systems to maintain or enhance water quality, flows, stream channels and their margins and other freshwater values where the current condition is above National Policy Statement for Freshwater Management National Bottom Lines and the relevant MCI guideline.

**4.6 Other features**

90. Finally, as identified in **Figure 11** below, there are also two identified overland flow paths (intermittent streams) that are located within the PPC66 area.



**Figure 11:** Auckland Council Geomap identifying overland flow paths in PPC66 area.

91. The provisions relating to overland flow paths and contained in E36 Natural Hazards and Flooding. The relevant objectives and policies require an assessment of the risk, so that the risk of adverse effects from natural hazards to people, buildings, infrastructure and the environment from subdivision, use and development in urban area, are not increased overall and where practicable are reduced, taking into account climate change. In addition, the safety and conveyance functions of floodplains and overland flow paths are required to be managed to be maintained.

92. The diversion of an entry or exit point of an overland flow path; and buildings to other structures located within or over an overland flow path require resource consent as a Restricted Discretionary Activity.



## 5. Background to PPC66 Areas Existing AUP Zoning

93. Section 3.1 of the requestors Assessment of Effects, s32 Report and Statutory Analysis (refer to **Attachment 1**) states that under the legacy North Shore District Plan the PPC66 area was zoned Rural 3 Zone.
94. I note this legacy zoning sought to protect landscapes of high natural value while allowing bush residential lots to be established with only a low intensity of development.
95. The requestor states that this Rural 3 zoning was essentially 'rolled over' in the PPC66 area as the AUP's Residential – Large Lot Zone. In my opinion, this is only somewhat correct. It is my understanding that the Residential – Large Lot Zone was considered to be generally the most appropriate zoning as it was the closest fit to the intensity of development that was occurring under the North Shore District Plan provisions. This is described in paragraph 1.5 of the planning evidence of Terry Conner for Auckland Council in relation to Topic 081 Rezoning and Precincts (Geographical Areas) to the Auckland Unitary Plan Independent Hearings Panel (**AUPIHP**) (Refer to **Attachment 3**).
96. However, the Greenhithe Precinct, and in this instance Sub-Precinct A, were also introduced over the PPC66 area to implement components of the North Shore City Greenhithe Structure Plan to manage subdivision and development in a sensitive catchment and to ensure that new development responded to the natural environmental constraints which include steep topography, significant vegetation, visible escarpments and close proximity to the coast.
97. The requestor does correctly note that, contrary to the recommendations contained in the Council's evidence, the land at 55 Schnapper Rock Road (as described in paragraphs 39 to 40; and identified in **Figure 6** above) was recommended to be rezoned from Residential – Large Lot Zone to Residential – Single House Zone by the Auckland Unitary Plan Independent Hearings Panel (refer to pages 30 - 34 of the Auckland Unitary Plan Independent Hearings Panel Report to Auckland Council, Hearing Topics 016, 017 Changes to the Rural Urban Boundary; 080, 081 Rezoning and Precincts, Annexure 4, Precincts North, dated July 2016 provided as **Attachment 4**).

## 6. Auckland Unitary Plan Provisions Proposed by PPC66

98. As outlined in both paragraphs 1 and 12; and identified in **Figure 1** above, PPC66 seeks to rezone land at 57 Schnapper Rock Road, Schnapper Rock from Residential – Large Lot Zone to Residential – Mixed Housing Suburban Zone and Residential – Single House Zone. No changes to the provisions of these zones are proposed by PPC66.
99. PPC66 also seeks the removal of the Greenhithe Precinct, specifically Sub-Precinct A, from both 57 and 57A Schnapper Rock Road in the AUP.
100. A copy of the AUP provisions for both the Residential - Single House Zone and the Residential Mixed Housing Suburban Zone are provided as **Attachment 5**. These zone provisions are also summarised below.

### 6.1 Residential – Single House Zone

101. The purpose of the Residential – Single House Zone is described in H3.1 as:

*The purpose of the Residential – Single House Zone is to maintain and enhance the amenity values of established residential neighbourhoods in number of locations. The particular amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. To provide choice for future residents, Residential – Single House Zone zoning may also be applied in greenfield developments.*

*To support the purpose of the zone, multi-unit development is not anticipated, with additional housing limited to the conversion of an existing dwelling into two dwellings and minor dwelling units. The zone is generally characterised by one to two storey high buildings consistent with a suburban built character.*

102. The Residential – Single House Zone objectives (H3.2(1) – (3)) seek that development:
- maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character;
  - is in keeping with the neighbourhood’s existing or planned suburban built character of predominately one to two storey buildings; and
  - provides quality on-site residential amenity for residents and adjoining sites and the street.
103. Policies H3.3(1), (2), (4) and (5) require:
- an intensity of development that is compatible with either the existing suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings;
  - development to be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; have sufficient setbacks and landscaped areas to maintain the existing, or achieve the planned built character, of one or two storey dwellings within a generally spacious setting; and maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to adjoining sites;
  - development to achieve attractive and safe streets and open spaces by providing for passive surveillance, front yard landscaping and minimising visual dominance associated with garage doors;
  - accommodation to have useable and accessible outdoor living spaces;
98. In addition, Policy H3.3(6) seeks to restrict maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
104. The objectives and policies also provide for non-residential activities in keeping with the scale and intensity of development anticipated by the zone, to provide for the community’s social and economic and cultural well-being and to contribute to the amenity of the neighbourhood.

105. The Residential – Single House Zone enables one dwelling per site as a permitted activity, subject to compliance with standards for buildings relating to the following:
- building height – buildings are limited to 8m in height (with an exception for 50 percent of a roof pitch);
  - height in relation to boundary - buildings must not project beyond a recession plane of 2.5m and 45 degrees along side and rear boundaries;
  - yards – a front yard of 3m, side and rear yard of 1m are required. A riparian yard of 10m is required from the edge of a permanent or intermittent stream.
  - maximum impervious area – the maximum impervious area must not exceed 60 percent of the site area. While the maximum impervious area within a riparian yard must not exceed 10 percent of the riparian yard.
  - building coverage - the maximum building coverage must not exceed 35 percent of the net site area.
  - landscaped area – the minimum landscaped area must be at least 40 percent of the net site area; and at least 50 percent of the area of the front yard must comprise landscaped area.
  - front, side and rear fences and walls – within the front yard fences and walls or a combination of these structures must not exceed 1.4m in height; or 1.8m in height for no more than 50 percent of the site frontage and 1.4m height for the remainder; or 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary. While fences or walls within side, rear or riparian yards must not exceed 2m in height.
106. More than one dwelling per site (other than a minor dwelling or the conversion of an existing dwelling into two dwellings) requires resource consent as a Non-Complying Activity.
107. One minor dwelling is also provided for as a Permitted Activity subject to specific standards limiting their size to 65m<sup>2</sup> (excluding decks and garaging) and requiring the provision of an outdoor living space of between 5m<sup>2</sup> (one bedroom) and up to 8m<sup>2</sup> (two or more bedrooms), with a depth of 1.8m, which is directly accessible from the minor dwelling. The standards outlined in paragraph 105 above are also required to be complied with.
108. Other activities provided for in the Residential – Single House Zone include home occupations; supported residential care, care centres, boarding houses and visitor accommodation, with the number of people determining activity status; and the associated buildings again requiring compliance with the standards listed in paragraph 105 above.
109. A range of non-residential activities such as diaries, restaurants and cafes with up to 100m<sup>2</sup> gross floor area are provided for as a Restricted Discretionary or Discretionary activity, as are community and education facilities, healthcare facilities with up to 200m<sup>2</sup> gross floor area, vet clinics and marae.
110. New buildings have the same activity status as the activity which they are proposed to accommodate and are mostly required to comply with the standards outline in paragraph 105 above.

111. There are also specific matters for discretion and assessment criteria for specific activities requiring consent (i.e. dairies) and for infringement of building standards.

## **6.2 Residential – Mixed Housing Suburban Zone**

112. The purpose of the Residential – Mixed Housing Suburban Zone is described in H4.1 as:

*The Residential – Mixed Housing Suburban Zone is the most widespread residential zone covering many established suburbs and some greenfields areas. Much of the existing development in the zone is characterised by one or two storey, mainly standalone buildings, set back from site boundaries with landscaped gardens.*

*The zone enables intensification, while retaining a suburban built character. Development within the zone will generally be two storey detached and attached housing in a variety of types and sizes to provide housing choice. The height of permitted buildings is the main difference between this zone and the Residential – Mixed Housing Urban Zone which generally provides for three storey predominately attached dwellings.*

*Up to three dwellings are permitted as of right subject to compliance with the standards. This is to ensure a quality outcome for adjoining sites and the neighbourhood, as well as residents within the development site.*

*Resource consent is required for four or more dwellings and for other specified buildings in order to:*

- *achieve the planned suburban built character of the zone;*
- *achieve attractive and safe streets and public open spaces;*
- *manage the effects of development on neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and*
- *achieve high quality on-site living environments.*

*The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve a quality design is increasingly important as the scale of development increases.*

113. The Residential – Mixed Housing Suburban Zone objectives (H4.2(1) – (3)) are similar to the Residential – Single House Zone, with the main difference being in the level of intensity that exists or is sought. This is evidenced mainly in Objective H4.2(1) which seeks that:

*(1) Housing capacity, intensity and choice in the zone is increased.*

114. Objectives H4.2(2) – (4) are generally the same as those for the Residential – Single House Zone, but with wording references only to planned suburban built character, not existing character as in the Residential - Single House Zone; and with more emphasis on two storey buildings in a variety of forms (attached and detached).

115. Residential – Mixed Housing Suburban Zone Policy H4.3(4) regarding maintaining a reasonable standard of sunlight access and privacy and minimising adverse dominance effects to adjoining

site; Policy H4.3(6) regarding the need for useable and accessible outdoor space; Policy H4.3(7) regarding restrictions on maximum impervious area on a site; and Policy H4.3(9) regarding providing for non-residential activities in the Residential- Mixed Housing Suburban Zone, all contain the same wording, albeit with a different overall zone intent, as policies H3.3(4), (5), (6) and (7) in the Residential – Single House Zone.

116. The other Residential – Mixed Housing Suburban Zone policies being policies (H4.3(1) - (3), (5), (8) and (10) identify requirements to achieve the anticipated zone intensification, as follows:

- (1) *Enable a variety of housing types including integrated residential development such as retirement villages.*
- (2) *Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:*
  - (a) *limiting the height, bulk and form of development;*
  - (b) *managing the design and appearance of multiple-unit residential development; and*
  - (c) *requiring sufficient setbacks and landscaped areas.*
- (3) *Encourage development to achieve attractive and safe streets and public open spaces including by:*
  - (a) *providing for passive surveillance*
  - (b) *optimising front yard landscaping*
  - (c) *minimising visual dominance of garage doors.*
- (5) *Require accommodation to be designed to meet the day to day needs of residents by:*
  - (a) *providing privacy and outlook; and*
  - (b) *providing access to daylight and sunlight and providing the amenities necessary for those residents.*
- (8) *Enable more efficient use of larger sites by providing for integrated residential development.*
- (10) *Recognise the functional and operational requirements of activities and development.*

117. Unlike the Residential – Single House Zone, the Residential – Mixed Housing Suburban Zone enables up to three dwellings per site as a permitted activity, subject to compliance with standards for buildings. Residential – Mixed Housing Suburban Zone building standards are similar to those in the Residential Single House Zone however, three additional standards being outlook space, daylight and outdoor space are introduced. The Residential – Mixed Housing Suburban Zone standards are summarised as follows:

- building height – buildings are limited to 8m in height (with an exception for 50 percent of a roof pitch);

- height in relation to boundary - buildings must not project beyond a recession plane of 2.5m and 45 degrees along side and rear boundaries;
- yards – a front yard of 3m, side and rear yard of 1m are required. A riparian yard of 10m is required from the edge of a permanent or intermittent stream.
- maximum impervious area – the maximum impervious area must not exceed 60 percent of the site area. While the maximum impervious area within a riparian yard must not exceed 10 percent of the riparian yard.
- building coverage - the maximum building coverage must not exceed 40 percent of the net site area (this is an increase of five percent building coverage compared to the Residential – Single House Zone).
- landscaped area – the minimum landscaped area must be at least 40 percent of the net site area; and at least 50 percent of the area of the front yard must comprise landscaped area.
- outlook space – outlook space of 6m depth and 4m width must be provided from a principal living room of a dwelling; and an outlook space of 3m depth and 3m width must be provided from a principal bedroom of a dwelling. All other habitable rooms must have an outlook space of 1m depth and 1m width.
- daylight – to ensure adequate daylight for living areas and bedrooms in dwellings and supported residential care and boarding houses and managed visual dominance effects, that part of a building higher than 3m opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55 degree arc from the centre of the window.
- outdoor living space – a dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m<sup>2</sup> that comprises ground floor and/or balcony/roof terrace space that:
  - where located at ground level has no dimension less than 4m and has a gradient not exceeding 1 in 20; and/or
  - where provided in the form of balcony, patio or roof terrace is at least 5m<sup>2</sup> and has a minimum dimension of 1.8m; and
  - is accessible from the dwelling, supported residential care unit or boarding house; and
  - is free of buildings, parking spaces, servicing and manoeuvring areas.

Or a dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:

- is at least 5m<sup>2</sup> for studio and one-bedroom dwellings and has a minimum dimension of 1.8m; or
- is at least 8m<sup>2</sup> for two or more bedroom dwellings and has a minimum dimension of 1.8m; and
- is accessible from the dwelling, supported residential care unit or boarding house.

- front, side and rear fences and walls – within the front yard fences and walls or a combination of these structures must not exceed 1.4m in height; or 1.8m in height for no more than 50 percent of the site frontage and 1.4m height for the remainder; or 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary. While fences or walls within side, rear or riparian yards must not exceed 2m in height.
118. There is also a standard requiring minimum dwelling size, dependent on the number of bedrooms proposed. However, this is not a listed standard to be complied with for up to three new dwellings.
119. Four or more dwellings in the Residential – Mixed Housing Suburban Zone requires resource consent as a Restricted Discretionary Activity. Of the standards listed in paragraph 117 above, only the standard relating to height, height in relation to boundary and yards are applicable. In addition, an alternative height in relation to boundary standard is introduced. This requires building within 20m of a sites frontage to be up to 3.6m high at side and rear boundaries and thereafter, to be set back 1m and then 0.3m for every additional metre in height (73.3 degrees) up to 6.96m and then one metre for every additional metre in height (45 degrees). The use of the alternative height in relation to boundary standard requires further resource consent and consideration as a Restricted Discretionary activity.
120. The matters for discretion and assessment criteria for four or more dwellings and the use of the alternative height in relation to boundary standard focus on building intensity, scale, location form and appearance, traffic and the location and design of parking. An assessment of the remaining standards outlined in paragraph 115 above is also required, as is an assessment of infrastructure and servicing capacity. If a development utilises the alternative height in relation to boundary standard, then consideration of sunlight access, attractiveness and safety of the street and overlooking and privacy is also required.
121. Other activities provided for in the Residential – Mixed Housing Suburban Zone include the conversion of existing dwellings into two dwellings, home occupations; supported residential care, care centres, boarding houses and visitor accommodation, with the number of people determining activity status; and the associated buildings again requiring compliance with the standards listed in paragraph 117 above.
122. Like the Residential – Single House Zone, a range of non-residential activities such as dairies, restaurants and cafes with up to 100m<sup>2</sup> gross floor area are provided for as a Restricted Discretionary or Discretionary activity, as are community and education facilities, healthcare facilities with up to 200m<sup>2</sup> gross floor area, vet clinics and marae.
123. New buildings have the same activity status as the activity which they are proposed to accommodate and are mostly required to comply with the standards outline in paragraph 117 above.
124. There are also specific matters for discretion and assessment criteria for specific activities requiring consent (i.e. dairies) and for infringements of building standards.

## **7. Hearings and decision-making considerations**

125. Clause 8B of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on private plan changes.

126. Auckland Council’s Combined Chief Executives’ Delegation Register delegates to hearing commissioners all powers, duties and functions under the Resource Management Act 1991. This delegation includes the authority to determine decisions on submissions on a plan change, and the authority to approve, decline, or approve with modifications, a private plan change request. Hearing Commissioners will not be recommending a decision to the council, but will be issuing the decision.
127. In accordance with s42A(1) of the RMA, this report considers the information provided by the requestor, the reporting provided by council’s technical experts, and summarises and discusses the submissions received on PPC66. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also identifies what amendments, if any, can be made to address matters raised in submissions. This report makes a recommendation on whether to approve, decline, or approve with modifications PPC66. Any conclusions or recommendations in this report are not binding to the Hearing Commissioners.
128. The Hearing Commissioners will consider all the information submitted in support of PPC66, information in this report, and the information in submissions, together with evidence presented at the hearing.
129. This report relies on technical advice provided by Council’s technical experts, as listed in **Table 2** below.

**Table 2: Technical Advice and Experts**

Technical Expertise	Name
Traffic	Wes Edwards, Engineer / Director, Arrive Limited
Development Engineering (Water and Wastewater)	Greg Hall, Senior Development Engineer, Auckland Council
Stormwater	Eseta Maka-Fonokalafi, Senior Healthy Waters Specialist, Resource Management Team, Healthy Waters and Gemma Chuah, Principal Specialist, Resource Management Team, Healthy Waters
Landscape	Bridget Gilbert, Landscape Architect, Landscape Architecture Limited
Ecology	Rue Statham, Senior Ecologist, Auckland Council
Parks Planning	Nick Williamson, Planning Consultant for Parks Planning, Auckland Council

130. The memorandums provided by the technical experts listed in **Table 2** above are provided in Attachment 2 to this report.
131. My qualifications and experience are provided in **Attachment 7**.



## 8. Statutory and policy framework

132. Private plan change requests can be made to the Council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA.
133. Clause 29(1) of Schedule 1 of the RMA provides “except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)”.
134. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.
135. PPC66 matters are district plan matters, with respect to introducing changing the residential zoning and removing a precinct over the plan change area. However, the consideration of how the proposed private plan change gives effect to a Regional Policy Statement is also required.
136. The following sections summarises the statutory and policy framework, relevant to PPC66.

### 8.1 Resource Management Act 1991

#### 8.1.1 Plan Change Matters – Regional and District Plans

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

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

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

138. The mandatory requirements for plan preparation are comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society v North Shore City Council*, Environment Court Auckland A078/2008, 16 July 2018 at [34] and updated in subsequent cases including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55 at [17]. When considering changes to district plans, the RMA sets out a wide range of issues to be addressed. The relevant sections of the RMA include sections 31-32 and 72-76 of the RMA.
139. The tests are the extent to which the objective of PPC66 is the most appropriate way to achieve the purpose of the Act (s32(1)(a)) and whether the provisions:
- accord with and assist the Council in carrying out its functions (under s 31) for the purpose of giving effect to the RMA;
  - accord with Part 2 of the RMA (s 74(1)(b));
  - give effect to the AUP regional policy statement (s 75(3)(c));
  - give effect to any national policy statement (s 75(3)(a));
  - have regard to the Auckland Plan 2050 (being a strategy prepared under another Act (s 74(2)(b)(i)));
  - have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s 76(3));
  - are the most appropriate method for achieving the objectives of the AUP, by identifying other reasonably practicable options for achieving the objectives (s 32(1)(b)(i)); and by assessing their efficiency and effectiveness (s 32(1)(b)(ii)); and:
  - identifying and assessing the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
    - economic growth that are anticipated to be provided or reduced (s 32(2)(a)(i)); and
    - employment that are anticipated to be provided or reduced (s 32(2)(a)(ii));
  - if practicable, quantifying the benefits and costs (s 32(2)(b)); and
  - assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions (s 32(2)(c)).
140. Under section 74(1)(e) the decision maker must also have particular regard to the section 32 evaluation report prepared in accordance with s32 (s74(1)(e)).

## **8.2 Resource Management Act 1991 – Regional Matters**

141. While there are mandatory considerations in the development of a proposed plan change to regional matters, PPC66 does not seek to change any regional plan provisions or matters.

### 8.3 Resource Management Act 1991 – District matters

142. There are mandatory considerations in the development of a proposed plan change to district plans and rules. **Table 4** below summarises district plan matters under the RMA, relevant to PPC66.

**Table 4:** Plan change – District plan matters under the RMA

Relevant Act/Policy/Plan	Section	Matters
Resource Management Act 1991	Part 2	Purpose and intent of the Act
Resource Management Act 1991	Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991	Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act 1991	Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment

## 9. National Policy Statements

143. The relevant national policy statements (NPS) must be considered in the preparation, and in considering submissions on PPC66. There are two NPS' of relevance to PPC66, these are the National Policy Statement on Urban Development 2020 and the National Policy Statement on Freshwater Management.

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

144. The National Policy Statement on Urban Development 2020 (**NPS-UD**) seeks to ensure that New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of diverse communities. It also seeks to remove barriers to development to allow growth 'up' and

'out' in locations that have good access to existing services, public transport networks and infrastructure.

145. The Environment Court considered the impact of the NPS-UD on private plan changes in its decision (*Eden-Epsom Residential Protection Society Incorporated v Auckland Council* [2021] NZEnvC 082) dated 9 June 2021 (released by the Court on 15 June 2021). The Environment Court decision appears to consider that the only NPS-UD objectives and policies that are relevant to the merits of a private plan change request accepted by the Council are those that include specific reference to 'planning decisions' i.e. Objectives 2, 5 and 7 and Policies 1 and 6. In the absence of the Council having completed the work envisaged by other policies, it appears that currently only some sub-clauses of Policy 6 would apply.
146. The Environment Court's decision also confirms that Policies 3 and 4 of the NPS-UD, do not currently apply when considering the merits of private plan change requests i.e. having regard to Part 4 and subpart 6 of Part 3 of the NPS-UD it is anticipated that future Council initiated plan changes will implement these policies.
147. In accordance with the Court's direction, I consider that Objectives 2, 5 and 7 and Policies 1 and 6 are relevant to PPC66, noting that Auckland is identified as a Tier 1 urban environment.
148. The requestor has provided an assessment against the NPS-UD on pages 18 - 19 of the Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**). This assessment concludes that:

*The proposed Plan Change will assist to supply additional housing with variety in density and housing typology in a popular location which is properly connected by public transport and able to be serviced without further extension or significant investment in infrastructure (refer to Appendix 5). Accordingly, the proposal will be able to meet the relevant objectives and policies of the NPS on Urban Development.*

149. Based on all the information provided, I generally agree with the requestors conclusion, and I agree that PPC66 will give effect to the NPS-UD, in particular Policy 1 with regard to enabling a variety of homes that would be achieved under the proposed rezoning to Residential – Single House or Mixed Housing Suburban Zone in comparison to the existing Residential – Large Lot Zone.

## **9.2 National Policy Statement on Freshwater Management 2020 (NPS-FM)**

150. The National Policy for Freshwater Management 2020 (**NPS-FM**) is relevant to PPC66 because of the two streams / overland flow paths located in the south-west and south portions of the plan change area, which discharge to the Te Wharau Creek.
151. The NPS-FM requires that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems, the health needs of people, and the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
152. The requestor has provided an assessment of the NPS-FM in sections 6.1.2 and 9.5 of the Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to

**Attachment 1).** In addition, the requestor’s Stormwater Management Plan provides for the water quality treatment and retention of runoff from impervious surfaces to avoid adverse effects on the receiving environment.

153. As a result, I consider PPC66 is able to give effect to the NPS-FM, in particular Objective 1, and Policies 2, 3, 9 and 15, as the development of the PPC66 area can be undertaken in a manner that protects the existing streams / overland flow paths and the ecology of these.

## 10. National environmental standards or regulations

154. Under section 44A of the RMA, local authorities must observe national environmental standards in its district / region. No rule or provision may be duplicate or in conflict with a national environmental standard or regulation.

155. The requestor has provided an assessment of PPC66 against the following National Environmental Standards (**NES**) or Regulations in section 6.2 of the Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**):

- National Environmental Standard on Air Quality;
- National Environmental Standard on Sources of Drinking Water;
- National Environmental Standard on assessing and managing contaminants into soil to protect human health; and
- National Environmental Standards for Freshwater Regulations.

156. For the National Environmental Standard on Air Quality the requestor’s assessment concludes that:

*adequate mitigation measures will be proposed as part of the resource consent process for the subdivision proposal to ensure compliance with the standards for ambient outdoor air quality.*

157. For the National Environmental Standard on Sources of Drinking Water the requestor’s assessment concludes that:

*Given the construction activities associated with implementing the future subdivision consent under the Proposed Plan Chane and as such the potential for contaminants to enter drinking water supplies, the NES for Sources of Drinking Water is considered to be relevant. At the subdivision consent stage, erosion and sediment controls such as sediment detention ponds, clean water diversion channels and bunds and dirty water diversion bunds will be undertaken in accordance with industry best practices and resource consent requirements.*

158. While there is no specific resource consent proposal being applied for or considered at this stage to enable a full consideration of air quality matters, I do agree that it is most likely that any proposed development that would occur as a result of PPC66 rezoning to Residential – Single House and Mixed Housing Suburban zones would be consistent with the National Environmental Standard on Air Quality and the National Environmental Standard on Sources of Drinking Water.

159. With regard to the National Environmental Standard on assessing and managing contaminants into soil to protect human health, the requestor has provided a Preliminary Site Investigation prepared by Thomas Consultants Limited (refer to **Attachment 1**). This assessment notes that:

*The proposed plan change will enable future subdivision and development of the property. In the context of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCSCS), the land use will change to a combination of residential (10% produce) and recreational land use.*

*Due to the proposed change of land use, a Preliminary Site Investigation (PSI) was carried out to determine whether or not an activity or industry listed on the Hazardous Activities and Industries List (HAIL; Ministry for the Environment [MfE], 2011b) has occurred on the site, and to determine the consenting requirements under the NESCSCS and the contaminated land rules of the Auckland Unitary Plan (Operative in Part) (AUP (OP)).*

*Thomas Consultants has conducted a PSI of the site in accordance with Contaminated Land Management Guidelines No. 1, Reporting on Contaminated Sites in New Zealand (CLMG No. 1; MfE, 2011a).*

*An initial desktop study, including a review of the Auckland Council Property File, the Auckland Council Contaminated Sites Enquiry, the Land Information New Zealand (LINZ) Historical Record of Title, the available geotechnical investigation report and the available historical aerial photographs (1940 to 2019), was undertaken to determine the current site layout, and previous uses of the site and surrounding areas, and the potential for the site to contain soil contamination as a result of historical site use.*

*The review of the available historical aerial photographs identified a number of former site structures on the site, however, as they are relatively small structures and as these areas have largely been reworked/disturbed, the potential risk of ground contamination associated with the use of lead-based paint on these historical structures is considered sufficiently low.*

*A site walkover and inspection were undertaken on 15 December 2020. During the site walkover, fragments of potential asbestos containing material (ACM) were identified in a localised area to the northwest of the Watercare site. However, based on the small number of suspected ACM fragments observed, it is considered unlikely that the underlying soils had been impacted. It is therefore recommended that the fragments of suspected ACM are hand-picked and disposed of appropriately prior to any soil disturbance in this area of the site.*

*Based on our desk top study and site inspection, it is considered unlikely that an activity or industry described in the HAIL, is currently being undertaken, or is likely to have previously been undertaken, at the site. Therefore, in accordance with Regulation 5(7), the regulations of the NESCSCS do not apply to the site.*

*Based on our desk top study and site inspection, it is considered unlikely that significant contamination is present at the site. Therefore, the contaminated land rules of the AUP (OP) do not apply to the site.*

*No further investigation of this site is judged to be necessary.*

160. As a result of this assessment, it is considered that PPC66 is consistent with the National Environmental Standard on assessing and managing contaminants into soil to protect human health. It is also noted that this matter will be further considered at resource consent stage.
161. With regard to the National Environmental Standards for Freshwater Regulations, the requestor states that:

*Two separate ecological assessments of the subject site have been undertaken. From the initial investigation, it is found that the site has two unnamed watercourses, and both of these have been classified as intermittent under the AUP. The stream quality of the watercourse to the east is not that good, and it is already compromised by the reclamation of the downstream part of the stream within the subdivision of the immediate neighbouring site to the east. However, the future subdivision of the subject site enabled by the proposed Plan Change will involve earthworks in these streams' vicinity. As such, the potential for stream ecology effects need[s] to be assessed, and the Freshwater NES is considered to be relevant.*

*At the subdivision consent stage, appropriate riparian margins and the necessary building line restrictions will be considered along with erosion and sediment controls for earthworks such as sediment detention ponds, clean water diversion channels and bunds and dirty water diversion bunds. All these will be undertaken in accordance with industry best practices and resource consent requirements.*

162. The National Environmental Standards for Freshwater Regulations introduce a range of additional consent requirements for development in proximity to freshwater. Given the two streams / overland flow paths identified in the PPC66 area these provisions will be relevant to and considered under a specific proposal / resource consent application to develop the PPC66 area.

## **11. Auckland Unitary Plan**

### **11.1 Regional Policy Statement (RPS)**

163. Section 75(3)(c) of the RMA requires that a district plan must give effect to any regional policy statement (RPS). The requestor has provided an assessment against most of the relevant RPS provisions in section 6.3.1.1 of the Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**).
164. Also noting the assessments provided by the requestor, and the comments provided by Council's experts (refer to **Attachment 6**), I agree with requestor's assessment that PPC66 is consistent with the following RPS provisions:
- B2.2 urban growth and form;
  - B2.3 A quality built environment

- B2.4 Residential growth;
- B7.2 Indigenous biodiversity;
- B7.3 and B7.4 as they relate to freshwater systems;
- B10.2 natural hazards and climate change
- B10.4 Land - contaminated

165. I note that the requestor does not address B3.3 Transport and B6 Mana Whenua. In this regard, subject to the comments provided in my Assessment of Effects in section 13.2 below relating to Traffic, I consider that it is likely that PPC66 will enable the movement of people, goods and services and ensure accessibility to sites and therefore will likely be consistent with B3.3.
166. I also am of the opinion that PPC66 is consistent with B6 Mana whenua, noting that the requestor has consulted with iwi and obtained a cultural impact assessment and other comments from Ngati Manihuri and Ngati Whatua o Kaipara; and that the requestor has advised they will continue to consult with mana whenua through any subsequent development process.
167. Overall, subject to confirmation of traffic effects, I am of the opinion that PPC66 is consistent with the relevant provisions of the RPS.

## **11.2 Auckland Unitary Plan – Regional and District Plan**

168. The AUP operative and proposed provisions are described in sections 4 and 6 of this report. The provisions for the operative Residential – Large Lot Zone and the Greenhithe Precinct seek to manage subdivision, use and development in an area with an identified sensitive catchment, landscape features, significant vegetation and ecological areas.
169. The provisions for the Residential – Single House Zone seek to maintain and enhance the amenity values where those values may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. While the provisions for the Residential – Mixed Housing Suburban Zone enables intensification, they also seek to retain a suburban built character. Both the Residential – Single House Zone and the Mixed Housing Suburban Zone are noted in their descriptions as being able to be applied to greenfield sites.
170. Noting the reasons for the existing zoning and precinct provisions and the objectives and policies, the requestor has provided a range of expert reports as listed in **Table 1** above. These include a landscape assessment that identifies that the landscape and visual characteristics that the PPC66 area has currently been zoned for will be altered by the subdivision at 55 Schnapper Rock Road, to the east of the PPC66 area, that has been approved and is currently being implemented, and therefore any landscape effects generated by PPC66 would be incremental. The landscape assessment also notes that the very limited range of landscape features, elements, patterns and values associated with the site itself mean that any additional, more intensive housing development across the PPC66 area would generate low or low to moderate landscape effects; or less than minor to minor effects.
171. Furthermore, the requestor’s landscape assessment concludes that PPC66 and related indicative development would not affect the ‘macro values’ of the wider valley or escarpment landscape that



visually frames and defines the northern side of the Greenhithe Valley noted as being the subject to Sub-precinct A in the Greenhithe Precinct.

172. While the landscape assessment acknowledges that the character of the PPC66 area would change i.e. from a grassed, vacant site, to one containing housing development, the assessment considers that the PPC66 area is of limited aesthetic coherence and pleasantness; and this limitation is likely to be exacerbated by the development of the adjacent sites at 55 Schnapper Rock Road and by any development on the 57A Schnapper Rock Road portion of the plan change area.
173. This assessment and its conclusions are agreed with by Council's landscape expert, Ms Bridget Gilbert (refer to **Attachment 6**). In this regard, Ms Gilbert also notes that the PPC66 area, particularly the 57 Schnapper Rock Road portion to be rezoned, has a reasonable level of visual containment as a result of the landform and vegetation patterns. Ms Gilbert also concludes that the varying residential density proposed by the rezoning across the PPC66 area responds to the landscape characteristics i.e:
- the steeper topography and vegetation features throughout the south-western portion of the site where the Residential – Single House Zone is proposed;
  - the established Residential – Mixed Housing Suburban context to the west, north and north-east; and the zoning and Greenhithe Sub-Precinct A to the south, which anticipates more spacious lot sizes; and
  - the varying lot sizes approved for the subdivision on the adjacent sites to the east and south.
174. In this regard, I consider that the operative provisions of the Residential – Large Lot Zone and the Greenhithe Precinct are no longer valid to the PPC66 area. I also note that the Residential – Single House and Mixed Housing Suburban zones maintain requirements for the consideration of amenity and limit the height and bulk of development of a site. As outlined in sections 4 and 6 above, some of these provisions are also not dissimilar to the operative provisions. It is also my opinion that the proposed Residential – Single House and Mixed Housing Suburban zone provisions will provide an appropriate level of amenity for the PPC66 area and the surrounding area, again noting the comments made about landscape and visual matters above.
175. In addition, the requestor has provided an Ecological Assessment prepared by Wildlands. This assessment considers that the identified SEA areas and water courses have ecological value that can be maintained and enhanced via PPC66 and any development that could occur as a result of the proposed rezoning. The assessment notes that there is value in the vegetation identified outside of the SEA areas but notes that this vegetation and associated habitat would likely be removed as a result of development. The assessment suggests the adverse effects of removal could be mitigated via enhancement of the stream / riparian margins that would be retained.
176. The requestor's ecological assessment has been reviewed by Council's Senior Ecologist, Mr Rue Statham. Mr Statham concludes that the requestor's Ecology Report adequately describes the freshwater and terrestrial environments within the proposed plan change boundaries however, he notes that there is a lack of detail regarding description in some minor areas, but that this does not detract from the conclusions of the requestors report.

177. I adopt and rely on Mr Statham's assessment, conclusions and recommendations. I note Mr Statham's comments regarding the potential presence of wetlands in the PPC66 area. However, I also agree that matters associated with wetlands, streams and the SEA can all be addressed in more detail at the resource consent application stage; and that these matters are not solely reliant on the objectives, policies or rules in the existing zone or precinct. Furthermore, these aspects impact on the potential development of the PPC66 area regardless of the existing or proposed zoning and, in this instance, I do not consider that they are determinative of it. I consider that there are sufficient other provisions existing the AUP (i.e. E15 Vegetation Management) or other legislation that require the protection and enhancement of SEA's and ecology, although I do acknowledge that this is harder to do where increased intensity of development is anticipated by a developer or site owner.
178. Noting that the PPC66 area was likely to have been zoned Residential – Large Lot zone and included in the Greenhithe Precinct due, in part, to its lack of infrastructure, the requestor has also provided an Infrastructure Report and a Stormwater Management Plan that confirm that the PPC66 area can be serviced with the necessary water, wastewater and stormwater services without significant adverse effects on freshwater systems. These reports have been reviewed and are agreed with by Council's technical experts (refer Attachment 6). Furthermore, there are also other existing provisions in the AUP (i.e. E1 Water quality and integrated management and E8 – 10 regarding stormwater matters) that also require consideration of the provision of sufficient infrastructure to an area.
179. The provisions of the Greenhithe Precinct also recognise that the area has steeper topography and that this may result in constraints on development. To address this, the requestor has provided a Geotechnical Report which assesses the ground conditions of the PPC66 area and confirms it is suitable for development. I agree with and adopt this report and also note that further, more detailed geotechnical investigation will continue to be required at the resource consent application stage. In addition, the provisions of E36 Natural Hazards and flooding would continue to apply to any development of the PPC66 area.
180. In my opinion, the existing AUP regional and district plan provisions contain sufficient requirements with regard to vegetation management, land disturbance, noise and vibration, natural hazards to enable a detailed environmental evaluation of any future development that may occur as a result of the rezoning of the 57 Schnapper Rock Road portion of the PPC66 area from Residential – Large Lot to Residential – Single House and Mixed Housing Suburban zones.
181. My Assessment of Effects in section 13.2 below outlines Traffic matters; and subject to the requested additional information being provided, I consider that it is likely that PPC66 will be consistent with the provisions of E27 Transport which seek that land use and transport are integrated, road networks efficient and pedestrian facilities are safe.
182. Overall, as a result of the above, but subject to the requested traffic information being provided, I am of the opinion that the proposed rezoning of 57 Schnapper Rock Road from Residential Large Lot Zone to Residential – Single House Zone and Residential Mixed - Housing Suburban Zone; and the removal of the Greenhithe Precinct, specifically sub-Precinct A, over 57 and 57A Schnapper Rock Road is appropriate and consistent with the objectives and policies of the Auckland Unitary Plan.

## **12. Other relevant legislation**

183. In considering a plan change, a territorial authority must have considered any regulation that is relevant to a regional or district plan change.

### **12.1 Resource Management (Enabling Housing Supply) Act 2021**

184. On 20 December 2021 the government passed the Resource Management (Enabling Housing Supply and Other Matters) Act. This Act requires that Council enable more medium-density housing in urban areas outside of walkable catchments. This requires Auckland Council to review the zoning and rules associated with all of its residential zones, except the Residential – Large Lot Zone, which is excluded from consideration by the Act; and prepare and notify plan changes to give effect to the new Act by 20 August 2022.

185. If the PPC66 area was to remain zoned Residential – Large Lot Zone it would not need to be reviewed under the provisions of the new Act. However, if the PPC66 area is rezoned to Residential – Single House Zone and Residential Mixed - Housing Suburban Zone as proposed, and that rezoning is operative before 20 August 2022, then Council will be required to review the newly operative zoning in accordance with the requirements of the new Act. Depending on the criteria adopted by Council with regard to any qualifying matters that might be enabled by the new Act, this could result in more intensive development of the PPC66 area than the proposed PPC66 rezoning would currently anticipate.

186. However, the revised zones, zone boundaries and the form of plan / plan change provisions to give effect to the new Act are not yet known and therefore cannot be applied to a consideration of the merits of this existing PPC66 request at this point in time. I do note that if provisions were applied to the PPC66 area they would also likely be applied to the adjoining site to the east at 55 Schnapper Rock Road and the existing Residential – Mixed Housing Suburban zoned and developed residential areas to the north, north-east and west. Therefore, the character of these areas could over time be altered, but the character of the PPC66 area would also be altered.

187. At the time of the preparation of this report, Council is still working to understand the Act's transitional provisions. I can provide an update to the hearing commissioners about the implications of the transitional provisions as part of the council's opening statement at the beginning of the hearing, should the hearing commissioners wish to receive that.

## **13. Other Plans and Strategies**

### **13.1 The Auckland Plan**

188. In considering a plan change, a territorial authority must have regard to plans and strategies prepared under other Acts.

189. The Auckland Plan, prepared under section 79 of the Local Government (Auckland Council) Act 2009 and is a relevant strategy document to be had regard to when considering PPC66.

190. The Auckland Plan 2050 was adopted in June 2018. It is a long-term spatial plan which considers how Auckland will address key challenges over the next 30 years. These challenges include high population growth, shared prosperity, and environmental degradation. The Auckland Plan

includes a development strategy and identifies six outcomes sought. These are described further as follows.

191. The Development Strategy in the Auckland Plan is intended to show how Auckland will physically grow and change of the next 30 years. It takes account of the above listed outcomes, as well as population growth and the provisions of the Auckland Unitary Plan to provide a pathway for Auckland's future physical development and a framework to prioritise and co-ordinate the required supporting infrastructure.
192. The Development Strategy states that Auckland will take a quality compact approach to growth and development. Where compact development will be focused in existing and new urban areas within the urban footprint, limiting expansion into rural areas. While quality means that:
- most development occurs in areas that are easily accessible by public transport, walking and cycling;
  - most development is within reasonable walking distance of services and facilities including centres, community facilities, employment opportunities and open space;
  - future development maximises efficient use of land; and
  - delivery of necessary infrastructure is coordinated to support growth in the right place at the right time.
193. The requestor has provided an assessment of the Auckland Plan at section 6.3.2 of their Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**) which concludes that:

*The subject site has urban zoning and is located directly adjacent to Schnapper Rock and Albany's established urban area. The proposed Plan Change will enable more efficient use of the existing urban land resource and infrastructure in this location. The location is close to urban amenities, schools, shops, doctors, open space areas, community facilities and public transport.*

*The site has one bus stop along its frontage. Two more are located approximately 20m and 100m from the site. These bus stops are served by Bus Route 883, operating between Constellation and Schnapper Rock area.*

*Buses arrive every 30mins and run from 6 am to 9 pm every day. Constellation [Drive] is a key interchange on the North Shore with bus services running to the city, Albany, Takapuna, and many other services. A new interchange station is proposed in Rosedale. This will connect to the existing interchanges both at Albany and Constellation. Both Albany station and Constellation station have park and ride facilities.*

*The Plan Change proposal will result in more efficient use of residential land than the existing Residential - Large Lot zoning in a location within the existing urban area and make the urban fabric more compact close to various established urban services and facilities. The objectives of the Auckland Plan have justified the development of the Plan Change proposal.*

194. I agree with and adopt this assessment; and as a result, I consider that PPC66 is consistent with the Auckland Plan.

### **13.2 Upper Harbour Local Board Plan 2020**

195. The Upper Harbour Local Board Plan has not specifically been addressed by the requestor.

196. The Upper Harbour Local Board Plan focuses on five outcomes. These are:

*Outcome 1: Empowered, connected and resilient Upper Harbour communities*

*Outcome 2: An efficient and accessible travel network*

*Outcome 3: Healthy and active communities*

*Outcome 4: Our unique natural environment is protected and enhanced*

*Outcome 5: A resilient local economy*

197. The plan notes that the upper harbour area is home to growing and diverse communities across multiple neighbourhoods and that transport and access are major contributing factors in the ability of communities to lead successful and enjoyable lives.

198. The local board plan also identifies that the travel network has been improved in the past ten years with the Northern Corridor Improvements (**NCI**) project and the Northern Busway increasing travel options and reducing travel times. But driving remains the only option to travel in and out of many neighbourhoods, including for short local journeys. As a result, a local board goal is to improve accessibility to public transport and active transport options in the Upper Harbour area, this includes through the implementation of the Upper Harbour Greenways Plan (refer to section 13.3 below) to provide a fit for purpose, accessible and safe network of pathways and cycleways across upper Harbour neighbourhoods; and through advocating Auckland Transport for the provision of improved public transport services such as feeder bus service integration. While additional information is sought (as outlined in section 14.1 below) to confirm the level of effects, the PPC66 area is accessible to the road network and wider area, it is serviced by a bus service and it is accessible to the surrounding area by foot.

199. The plan identifies that having safe, affordable and pleasant places to gather, socialise and participate in recreation and sport are also major contributors to an enhanced quality of life, health and general wellbeing. However, population growth and increasing density, as would occur as a result of PPC66 are placing more demand on facilities and open spaces and a changing and ageing population creates greater and more complex demands for services and infrastructure. As outlined in section 14.1 below, while no additional open space is proposed to be provided by PPC66, there are a number of open spaces in proximity to the PPC66 area and there are opportunities to improve access to these, including access through the Bur Oak Reserve to the west of the PPC66 area.

200. The Upper Harbour Local Board Plan also identifies that Upper Harbour is home to diverse and unique natural landscapes that are highly valued by residents and visitors but, that the environment is subject to pollution and contamination from intensive development. In addition, local native species and ecosystems are under threat from pests, weeds and diseases but restoration and conservation of the environment are a significant cost.

201. In this regard, while the rezoning of the PPC66 area and the removal of the Greenhithe Precinct will remove some of the objectives and policies that require outcomes to protect the environment and ecosystems, there are still provisions in the AUP i.e. D9 SEA Overlay, E15 Vegetation Management, and E36 Natural Hazards and flooding, as well as provisions in the NPS-FM which ensure these outcomes are fully considered and achieved if the PPC66 area were to be more intensively developed.
202. Overall, I am of the opinion that rezoning of the PPC66 area, and the removal of the Greenhithe Precinct, will continue to be consistent with the aspirations of the Upper Harbour Local Board Plan.

### **13.3 Upper Harbour Greenways Plan**

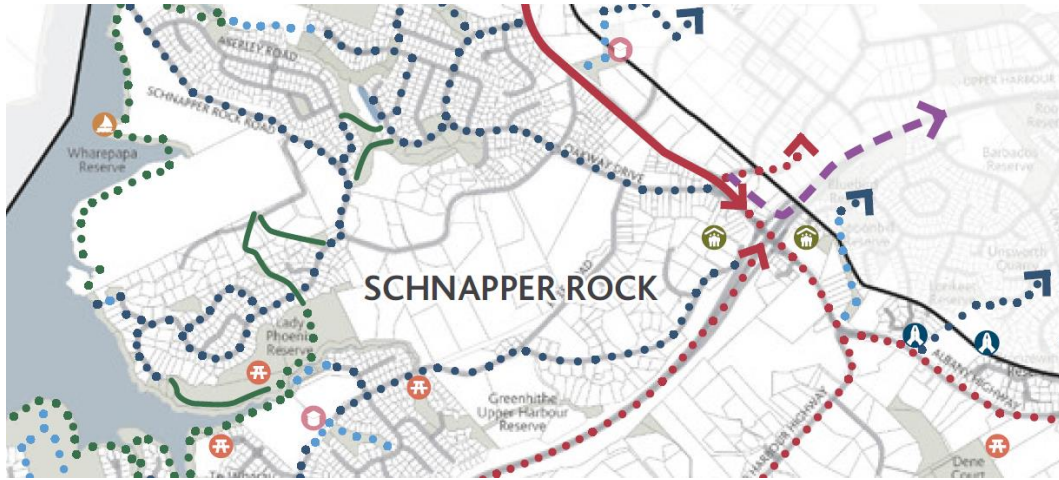
203. As outlined in the Technical Memorandum provided for Council, by Mr Nick Williamson, Consultant for Parks Planning:

*The purpose of Auckland's Greenway Plans was to create pathways linking parks and open spaces predominantly for recreational purposes with the intention that greenways would connect and create consistent connections throughout the Auckland region. A Greenways Plan is a blueprint document to guide the creation of a network of walking and shared / cycling paths that safely connect people to key destinations such as public transport, schools, local shops, libraries, parks and reserves. Walking or cycling for short local trips instead of driving reduces stress on the transportation network, supports local businesses, provide wider health benefits, for people and the environment, and helps create more connected communities.*

*The Upper Harbour Greenways Plan (September 2019) is a strategic document which shows connectivity within the Upper Harbour Local Board area and connectivity into neighbouring local board areas. To help facilitate the next stages of the path network the Upper Harbour Local Board has been organised into six focus areas to clearly identify, evaluate, and prioritise 'key routes' and 'key connections' for each area. The following excerpt from the Greenhithe and Schnapper Rock Greenway Plan<sup>2</sup> illustrates the 'aspirational' (dotted lines) path types:*

---

<sup>22</sup> <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/upper-harbour-local-board/Documents/upper-harbour-greenways-plan-final-2019.pdf>



*The refreshed Upper Harbour greenways network is built on the existing and planned Upper Harbour walking and cycling network, with the purpose of delivering improved recreational opportunities and effective alternative transport/travel options. The key routes and connections for each focus area have not been prioritised. Prioritisation of connections located within parks and reserves was undertaken as part of the 2019/2020 Community Facilities work programme adopted by the local board at the 20 June 2019 business meeting (resolution number UH/2019/70).*

204. The requestor has provided an assessment of PPC66 in relation to the Upper Harbour Greenways Plan at section 6.0 of the Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**) which concludes that:

*The Greenways Plan has identified some desirable pathway locations through the Schnapper Rock area, and one of these pathways is crossing along the northern frontage of the subject site. Currently, the footpath system around the site is not up to the urban standard, but the Plan Change proposal will allow the site to be developed appropriately with the necessary walkway infrastructure along its both frontages to achieve the vision developed by the Upper Harbour Greenways Plan. One of the intentions of the future subdivision, which the Plan Change proposal will enable, is to create a completely garage free streetscape along both north and west frontages of the northern part of the site beside the existing Schnapper Rock Road roundabout. This will assist further to establish a safe and pleasant walking environment through the Schnapper Rock Road corridor.*

205. In this regard, I note that the footpath on the southern side of the eastern leg of Schnapper Rock Road has now been extended and constructed along the edge of the PPC66 area and extends to the intersection with, and along the western side of Kyle Road. This has been undertaken as part of the approved subdivision works at 55 Schnapper Rock Road to the east of the PPC66 area.
206. As a result, I consider that PPC66 is consistent with the outcomes sought in the Upper Harbour Greenways Plan.

## 13.4 Open Space Provision Policy 2016

207. The Open Space Provision Policy 2016 has not specifically been addressed by the requestor. However, as also outlined in the Technical Memorandum provided for Council, by Mr Nick Williamson, Consultant for Parks Planning (refer **Attachment 6**):

*The Auckland Plan sets out a 30-year vision and strategy. Open spaces make a major contribution towards Auckland's quality of life and are integral to achieving the vision and outcomes set out in the Auckland Plan. The Parks and Open Space Strategic Action Plan is Auckland Council's core strategy for parks and open space. It identifies the challenges, opportunities, priorities and actions for Auckland Council's involvement in parks and open spaces over a 10-year planning horizon and establishes areas of focus.*

*The open space provision policy gives effect to the Parks and Open Spaces Strategic Action Plan. It informs the council's investment, asset, and acquisition activities in open space, and guides spatial planning by both the council and the private sector.*

*The council does not have a target for the provision of open space in general, such as a ratio of open space to population. Different types of open space have different drivers of demand. The demand for recreation and social open space are driven by human factors such as population, access, or the nature of built environment. Provision of open space for conservation purposes is determined by natural factors such as landform, or the presence of ecological or heritage values. The different drivers of demand for open space are reflected in the provision target for each open space typology. The table below (from the Council's Open Space Provision Policy 2016) identifies open space typologies and associated provision metrics that primarily achieve recreational or social outcomes:*



Typology	Description	Indicative amenities	Provision target
<b>Pocket Park</b>	<p>Provides 'door step' access to small amenity and socialising spaces in high density residential areas.</p> <p>Provides visual relief in intensively developed areas.</p> <p>New pockets parks are typically between 0.1 to 0.15 hectares.</p>	<ul style="list-style-type: none"> <li>landscaping and gardens</li> <li>small lawn areas</li> <li>furniture</li> <li>specimen trees</li> <li>hard surface treatments</li> <li>areas for socialising and respite</li> </ul>	<p>Voluntarily provided at no capital cost and only on agreement by council. Alternatively pocket parks can be retained in private ownership.</p> <p>Located in urban centres or high density residential areas. Must be located on a public street and not an internalised space within a development block.</p> <p>Not to be located within 100m of other open space.</p> <p>In addition to requirements for neighbourhood parks.</p>
<b>Neighbourhood Park</b>	<p>Provides basic informal recreation and social opportunities within a short walk of surrounding residential areas.</p> <p>New neighbourhood parks are typically between 0.3 to 0.5 hectares.</p>	<ul style="list-style-type: none"> <li>play space</li> <li>flat, unobstructed, kick-around space for informal games (30m by 30m)</li> <li>areas for socialising and respite</li> <li>landscaping</li> <li>specimen trees</li> <li>furniture</li> </ul>	<p>400m walk in high and medium density residential areas.</p> <p>600m walk in all other residential areas.</p> <p>Provides a range of different recreation opportunities between nearby neighbourhood and suburb parks.</p>

While PPC66 is not proposing any additional public open space within the boundaries of the subject site, the locality is not devoid of recreational opportunities. At a scale of 1:10,000, the image below illustrates the Public Open Space Zones within 400m and 600m of the subject site:



Immediately across the road from the proposed entrance to the site is Bur Oak Reserve. Although largely covered with native vegetation, this reserve does provide an open space linkage and opportunity for pedestrian access to the larger Pin Oak

*Reserve, which contains the nearest playground to the subject site. The current state of the reserve (in terms of vegetative cover and maintenance) is not particularly conducive to a pedestrian thoroughfare, but the opportunities for future linkages remain.*

*The property to the immediate south of the subject site has been recently subdivided. While ideally the SEA could provide a recreational corridor connection from Schnapper Rock Road through to Kyle Road to the south in parallel with the stream system and ecological corridor, that opportunity has likely passed. Although a public recreational corridor is reliant on legal right of passage, flora and fauna have no such property constraints, so natural systems are unlikely to be affected by the proposal.*

*Overall, and considering the scale of the proposed development relative to public open space assets in the locality, an additional 90-110 household units can be adequately accommodated within the existing public open space network.*

208. I agree with and adopt Mr Williamson's assessment and as result, I consider that PPC66 is not inconsistent with the Open Space Provision Policy 2016.

### **13.5 Iwi management plans**

209. At the time of writing this report, I have been advised that while Council has record of some iwi management plans, council is in a process of validating the accuracy and currency of these plans with mana whenua.
210. I have also undertaken an online search of all iwi identified as having an association with the Upper Harbour area and can find no reference to iwi management plans on their websites to enable a review of these documents as they relate to PPC66.
211. I also note that no iwi groups have made a submission on PPC66; and the comments in section 15.1 regarding mana whenua consultation.

## **14. Assessment of effects on the environment**

212. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account clause 6 and 7 of the Fourth Schedule of the RMA.
213. The requestor has provided an assessment of actual and potential effects on the environment in section 9.0 of their Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**). This assessment is supported by the various expert reports and documents listed in **Table 1** and also provided in **Attachment 1**.
214. I agree with the assessment and conclusions in the following sections of the requestor's Assessment of Environmental Effects, S32 Report and Statutory Assessment. In forming my opinion, I also adopt and rely on the technical advice of the Council technical experts listed in Table 2 and whose memorandums are provided and in **Attachment 6** to this report.
- Section 9.1 Urban Form including the landscape assessment;

- Section 9.2 Open Space and Community facilities;
- Section 9.3.1 Landscape Values and Amenity
- Section 9.6.1 Flooding and Overland Flow Path;
- Section 9.6.1 Stormwater;
- Section 9.6.4 Water Supply;
- Section 9.6.5 Other Utilities;
- Section 9.7 Earthworks;
- Section 9.8 Archaeology; and
- Section 9.9 Land Contamination.

215. I do not fundamentally disagree with the assessments provided with regard to Character and Amenity, Transport, Wastewater, Ecology or Geotechnical matters however, I am of the opinion that the requestor's assessment requires further comment and / or further information. Therefore, these aspects are considered further as follows.

#### 14.1 Transport

216. The requestor has provided a Transportation Assessment prepared by Abley (refer to **Attachment 1**). This assessment concludes that vehicle trips generated by the proposal will be able to be accommodated and there is no indication that they will significantly impact the operation of any of the studied intersections; and that overall PPC66 is acceptable from a transport planning perspective. A list of recommendations for the development of future subdivision and land use plans, based on AUP provisions and Abley's considerations to date is also provided. These recommendations include:

- *We recommend that the future public road be located in such a manner that it forms an intersection with Schnapper Rock Road on the northwest frontage of the proposal site (not the northeast frontage), and is located a minimum of 97m from the Oakway Drive / Schnapper Rock Road roundabout.*
- *An internal footpath should be provided to connect the site to the eastern frontage (near the Watercare designation) to ensure pedestrians do not have to walk around the long way if travelling east.*
- *A footpath connection to the Kyle Road subdivision to the south should be investigated to improve connectivity and integration with this development.*
- *Car parking and bicycle parking should be provided in accordance with the requirements of the AUPOP, at a minimum.*
- *Vehicle crossings and accessways shall be designed to avoid the need for vehicles to reverse when entering or exiting onto a public road, except where this is expressly permitted.*

- *It is recommended that a footpath is to be provided along the northeast boundary of the site (including in front of the Watercare designation) to connect with the surrounding walking network. [I note that this footpath is now provided].*
- *Pedestrian crossing facilities and traffic calming measures are recommended to be investigated on Schnapper Rock Road along the northeast frontage of the site and at the Schnapper Rock Road / Oakway Drive roundabout.*

217. The requestor's Transportation Assessment has been reviewed for Council by Mr Wes Edwards, Consultant Traffic Engineer. Mr Edwards' review concludes that:

*To summarise, the site is currently zoned for low-intensity development and the proposed change seeks to allow more intensive development in the order of 100 dwellings.*

*The site has modest public transport service and is not within walking distance of services, so travel to and from the site would be dominated by private cars. The site is therefore unsuited to intensive development; however, the proposed zoning is not intensive and is not inconsistent with transport planning policy.*

*Pedestrian access to the site could and should occur on both road frontages and as long as the missing footpaths, street lighting, and some sort of new pedestrian crossing facility are provided in conjunction with development the proposal could provide a safe and efficient environment for pedestrian travel.*

*There is at least one location where safe and efficient vehicular access to the site could be provided, allowing development of the site to occur.*

*The intersection of Albany Hwy/ Bush Rd/ Schnapper Rock Rd historically has significant delay and queueing on the Bush Rd and Schnapper Rock Rd approaches during peak periods which the proposal would exacerbate. The model results presented in the TA for 2021 are too optimistic and show the proposal could produce significant additional delay on Albany Hwy because green time is reallocated to the Schnapper Rock Rd approach.*

*In the short to medium term the traffic volumes along Albany Hwy are expected to reduce because of the NCI project, and this is likely to allow more green time to be reallocated to Schnapper Rock Rd without producing significant additional delay to Albany Hwy traffic. Because of this the operation of Schnapper Rock Rd is likely to be better than it has been, even when the additional traffic due to the plan change is included.*

*I recommend that the requestor provide additional information in evidence including:*

1. *The results of additional traffic modelling to:*
  - a. *Allow for additional development in Kyle Road not included in the traffic counts.*

- b. *Better represent the operation of the Bush Rd intersection together with the SH18 Interchange, and preferably based on delay and/or queue length survey data in Schnapper Rock Rd.*
  - c. *Allow an understanding of the likely effect of the plan change on the Kyle Rd/ Schnapper Rock Rd intersection*
2. *How provision of the proposed mitigation measures (footpaths, street lighting and a pedestrian crossing facility), and the proposed locations of the access road and pedestrian connections can be assured.*

*Subject to appropriate additional information being provided by the requestor, and any other evidence provided by the requestor or submitters, my preliminary recommendation about transportation matters is to support the plan change.*

218. I adopt and rely on Mr Edwards assessment and recommendations.
219. The requestor is encouraged to provide the additional information recommended by Mr Edwards in their evidence and / or at the hearing. At this stage, while I consider that the traffic effects of PPC66 are likely to be minor to less than minor and acceptable, this cannot be fully confirmed until the additional information recommended by Mr Edwards is provided.

## **14.2 Ecology**

220. The requestor has provided an Ecological Assessment prepared by Wildlands and an assessment of ecological effects in section 9.5 of their Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**). These assessments have been reviewed by Council's Senior Ecologist, Mr Rue Statham. Mr Statham concludes that:

- 6.1 *The Ecology Report adequately describes the freshwater and terrestrial environments within the proposed plan change boundaries. Whilst overall the descriptions are considered accurate and adequate to undertake an informed assessment of the ecological values of the proposed plan change area, the lack of specificity in a number of key locations are a minor matter that can/will be considered as part of any future resource consent for development, e.g. through detailed design. These areas are principally accurate with regard to locating of extents of stream and possible wetlands.*
- 6.2 *As I note in paragraph 8.0, the Ecology Report summarises the actual or potential terrestrial and freshwater ecological effects as a result of the proposed plan change.*
- 6.3 *The recommendations in Section 11 of the Ecology Report are certainly worth noting, present good ecological outcomes and are consistent with several other plan changes I have been involved with over the years. However, it is worth noting that outside of identified SEA areas the current AUP zone and subdivision standards do not require the enhancement of wetland / riparian margins or are there any constraints on planting on private property or due regard to improving fauna habitat.*

6.4 *Notwithstanding any minor matters, overall this technical assessment supports the plan change with regard to ecological matters.*

221. I adopt and rely on Mr Statham's assessment, conclusions and recommendations. I note Mr Statham's comments regarding the potential presence of wetlands in the PPC66 area however, I also agree that matters associated with wetlands, streams and the SEA can all be looked at in more detail at the development stage. These aspects impact on the potential development of the PPC66 area regardless of the existing or proposed zoning and, in this instance, I do not consider that they are determinative of it.

### 14.3 Wastewater

222. The requestor has provided an Infrastructure Assessment prepared by Maven and an assessment of wastewater effects in section 9.6.3 of their Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to Attachment 1). These assessments note that there are three options for the provision of wastewater to the PPC66 area. These are:

- Option 1 – construction of a low pressure system, similar to the approach used for the approved development on the lands to the east at 55 Schnapper Rock Road;
- Option 2 - construction of a public gravity pipe extension from the Kyle Road wastewater pump station through proposed Lot 44 and Lot 33 and Lot 44 the common accessway within the adjacent development at 55 Schnapper Rock Road; or
- Option 3 – construction of a new wastewater pump station within the site.

223. Initial feedback from Watercare indicated that Watercare did not support Option 1 and preferred Option 2. However, Watercare noted that Option 2 and 3 were still being reviewed.

224. This position is supported by the submission received from Watercare Services Limited (Submission No. 11). In the submission Watercare states that they do not accept Option 1 for the redevelopment of the PPC66 area. Watercare further states that, of the gravity options their strong preference is Option 2 i.e. to service the site via the existing pump station on Kyle Road.

225. The requestor's assessments and the Watercare submission have been reviewed by Council's Senior Development Engineer, Mr Greg Hall.

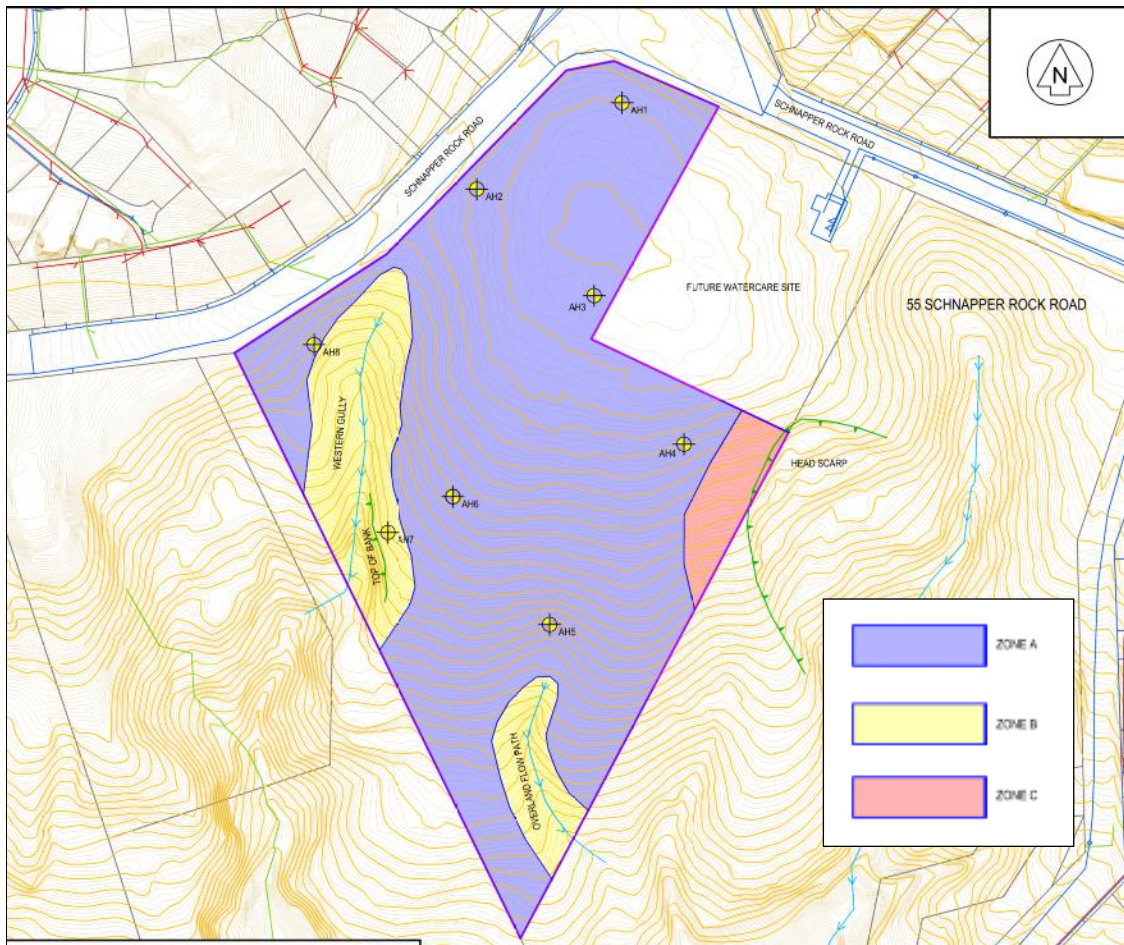
226. With regard to Option 3, Mr Hall notes that:

*the downstream site at 55 Schnapper Rock Road would also have undertaken this wastewater disposal consideration. The developer and WSL would both have a preference for a gravity disposal system to the pump station over Kyle Road. However, this was clearly considered unfeasible. There is a 810mm diameter bulk watermain within Kyle Road, a 450mm culvert and the development has also installed a 750mm culvert parallel to Kyle Road across the new road (Road 2) into their subdivision. Other power, phone, water and stormwater infrastructure is also located in this area. This infrastructure is likely to make it very difficult to extend a gravity wastewater pipe across to the other side of Kyle Road along the route indicated in the Infrastructure Report.*

227. Overall, Mr Hall concludes, and I agree, that it is not necessary for the plan change assessment to select which wastewater disposal option to utilise. It is merely required to be certain that there is a feasible and reasonable option available. Mr Hall also concludes that on the basis of what has been presented and the outcomes of the development at 55 Schnapper Rock Road, that the most likely option for wastewater servicing at this stage is Option 2. Mr Hall does recommend, and I agree, that it would be useful if prior to the hearing the requestor and Watercare discuss the matter further to see if a mutually preferred option can be confirmed.
228. As a result, I consider that the PPC66 area can be serviced by wastewater without adverse effects on the environment or any persons.

#### **14.5 Geotechnical**

229. The requestor has provided a Geotechnical Feasibility Report prepared by KGA Geotechnical and an assessment of geotechnical effects in section 9.10 of their Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**). With regard to slope stability and future development the Geotechnical Feasibility Report identifies three zones A, B and C which are identified in **Figure 12** below.
230. Zone A is described as relatively benign portions of the site which should otherwise generally be suitable for future development, without specific slope assessment and future development in these areas would most likely comprise conventional shallow foundations. Zone A corresponds to the areas to be rezoned both Residential – Single House and Mixed Housing Suburban Zone.
231. Zone B is described as “could” be generally suitable for future development subject to further development specific geotechnical investigation, slope stability analysis and design to provide the viability of any building platforms in these locations. Development in these areas could require piled foundations. Zone B appears to correspond to the stream / overland flow path and SEA areas in the PPC66 area.
232. Zone C is described as the area directly upslope of the head scarp feature along the eastern site boundary and this area is identified as being unsuitable for future development without specific geotechnical investigation and design. The Geotechnical Feasibility Report also states that Zone C potentially may not be suitable for intensive development at all. Furthermore, an in ground palisade wall and / or alternative remedial options would be required to provide stable building platforms in this area. Zone C appears to correspond to a small portion of mainly proposed Residential – Mixed Housing Suburban Zone adjacent to the eastern boundary and immediately to the south of the 57A Schnapper Rock Road portion of the PPC66 area.



**Figure 12: Stability zones. Source: KGA Geotechnical Feasibility Report**

- 233. Although there may be some restrictions on future development from a geotechnical perspective, it is considered that any effects associated with land stability can be suitably managed and future development can be located and / or designed to respond to any constraints and avoid or mitigate any potential effects on adjoining properties.
- 234. As a result, I consider that geotechnical effects from PPC66 to be less than minor.
- 235. Overall, I consider the likely adverse effects of PPC66 to be less than minor on the environment and any persons.

## 15. Consultation

### 15.1 Mana Whenua Consultation

- 236. The requestor has advised that they contacted 15 iwi or Mana Whenua groups in the preparation of PPC66. Those Mana Whenua groups that provided a response are outlined in **Table 5** below.



**Table 5:** Mana Whenua Groups Consulted and Feedback Provided

Iwi authority	Organisation	Detail
Ngāi Tai ki Tāmaki	-	The applicant met with representative(s) from Ngāi Tai ki Tāmaki on 17 February 2021. The iwi are satisfied with the stormwater and wastewater strategy. No written response has been provided to date.
Ngāti Pāoa	Ngāti Pāoa Iwi Trust	The applicant met with representative(s) from Ngāti Pāoa Iwi Trust on 24 February 2021. No major cultural concerns were raised. No written response has been provided to date.
Ngāti Whātua o Kaipara	Ngā Maunga Whakahii o Kaipara Development Trust	The applicant met with representative(s) from Ngā Maunga Whakahii o Kaipara Development Trust on 24 February 2021. A written response was provided by the Trust expressing support for the private plan change as the iwi consider it will provide housing as well as improve degraded ecological areas and wetland.
Ngāti Manuhiri	Ngāti Manuhiri Settlement Trust	The applicant met with representative(s) from Ngāti Manuhiri Settlement Trust on 24 February 2021. The Trust has provided a cultural impact assessment and expressed support the plan change in principle.

237. No submission was received from any mana whenua on full notification of the plan change. No iwi resource management groups recommended needing a decision maker in accordance with clause 4A of Schedule 1 of the RMA.

## 15.2 Upper Harbour Local Board Consultation

238. At this time of writing this report, PPC66 has not been reported to the Upper Harbour Local Board. The first opportunity for PPC66 to be considered by the Upper Harbour Local Board is at a meeting on 17 February 2022. At that time the matter of whether the Local Board wishes to be heard will also be known, and if that is required, the hearing may need to be reconvened to provide that opportunity to the Local Board.

## 16. Notification and Submissions

### 16.1 Notification details

239. Details of the notification timeframes and number of submissions received is outlined in **Table 6** below.

**Table 6:** Notification dates and submission numbers

Date of public notification for submissions	26 August 2021
Closing date for submissions	22 October 2021
Number of submissions received	21
Date of public notification for further submissions	18 November 2021

Closing date for further submissions	2 December 2021
Number of further submissions received	0

240. All submissions were received within time and there were no late submissions. Copies of the submissions are provided as **Attachment 8** to this report.

## 17. Analysis of Submissions and Further Submissions

241. The following sections address the submissions received on PPC66. It discusses the relief sought in the submissions and makes recommendations to the Hearing Commissioners in terms of accepting or rejecting the submission.

242. Submission points 15.1; 16.1; 17.1; 18.1 and 20.1 support PPC66 in its entirety. While submission 14.1 seeks the PPC66 be approved with amendments to address traffic matters.

243. I recommend that submission points 15.1; 16.1; 17.1; 18.1 and 20.1 be **accepted** for the reasons outlined in sections above.

244. With reference to the comments in section 17.3 below, I recommend that submission 14.1 be **accepted**.

245. The remainder of the submissions seeks that PPC66 be declined or amended.

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

- Intensification;
- Infrastructure;
- Traffic;
- Ecology / Landscape;
- Open Space;
- Objectives and Policies; and
- Greenhithe Precinct Provisions.

### 17.1 Intensification

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
1.1	Blair Thorpe	Retain site as single housing units.
3.1	Dominique de Paula Reis	Retain the site as is.
4.1; 4.2 and 4.6	Gavin Bennett	Rezone as Single House Zone as height and density are misaligned and the design

		does not consider the existing density of houses directly opposite the site. They should recognise the density of housing along the boundary of Schnapper Rock Road and insufficient amenities in the area.
6.2	Rosie Edginton	Rezone the whole valley the same zone.
7.3	Jacqueline Jolliffe	Retain the area as Large Lot or Single House Zone.
8.3	Damon Jolliffe	Retain the area as Large Lot or Single House Zone.
9.3	Christina Joan James	Retain the area as Large Lot or change to Single House Zone.
10.2	Malama Caskie	Rezone the area as Single House Zone, not Mixed Housing Suburban.
12.3	Gordon Edginton	To just rezone the requestors corner block through a private plan change is missing a great opportunity to release more urban land for the city to meet the pressing housing needs.
13.3	Kim Edginton	To just rezone the requestors corner block through a private plan change is missing a great opportunity to release more urban land for the city to meet the pressing housing needs.
14.5	Subodh Kumar	Rezone from Residential Large Lot Zone to Residential Single House Zone. Rezoning to Mixed Housing Suburban Zone shouldn't be approved.
19.1 and 19.2	Scott Wilson	Rezone to the Residential Single House zone, and not Mixed Housing Suburban Zone.

247. Submission points 1.1; 3.1; 4.1; 4.2; 4.3; 4.4; 4.5; 4.6; 6.2; 7.3; 8.3; 9.3; 10.2; 12.3; 13.3; 14.5; 19.1; and 19.2 raise concerns regarding the intensity of development and subsequent adverse effects (i.e. on traffic, amenity, green space, ecology), that could occur under the rezoning proposed by PPC66 and as a result of the removal of the Greenhithe Precinct. Most of these submissions consider that the existing Residential – Large Lot zoning should be retained or that the Residential – Single House zoning is appropriate for and should be applied to the whole of the PPC66 area to be rezoned; but that the Residential – Mixed Housing Suburban Zone is too intensive and not appropriate for the PPC66 area.

248. As outlined in section 4 of this report the PPC66 area is currently zoned Residential – Large Lot Zone and the intensity of development is restricted to address a combination of the areas landscape qualities, infrastructure restrictions and /or physical limitations such as topography, ground conditions, instability or natural hazards where these may exacerbate adverse effects on the environment.
249. As also outlined in section 4 of this report, the Greenhithe Precinct currently located over the PPC66 area seeks to manage subdivision and development to protect environmental and landscape character values.
250. The landscape and environmental features of the site and surrounding area, the provision of infrastructure servicing and traffic, and the geotechnical and natural hazard constraints of the site have been considered by the requestor in their Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**). The requestor’s assessments have also been reviewed by the Council’s technical experts (refer **Attachment 6**). Council’s technical experts mostly agree with the requestor’s experts and their comments regarding the effects on PPC66. In this regard, and as outlined in sections 11.1 and 11.2 of this report, the PPC66 area has been found to have a very limited range of landscape features, elements, patterns and values; and that the landscape character that was sought to be protected under the Greenhithe Precinct provisions has been altered by the approved subdivision at 55 Schnapper Rock Road. As a result, while the character (and intensity) of the PPC66 area would be altered by the rezoning proposed by PPC66, this would be in keeping with the character and intensity of development in the surrounding area and would not be detrimental to it. In addition, the area can be serviced with the necessary water, wastewater and stormwater infrastructure; and it is accessible to a range of open spaces and community and commercial services via private car or bus public transport. While traffic volumes in the surrounding area are high, and this aspect is subject to a request for further information by Council’s traffic expert, it is considered that overall, the traffic generated by an increased intensity of development and use in the plan change area can likely be accommodated in the road network.
251. Furthermore, the environmental features in the PPC66 area have been identified as being the SEA and the watercourses. Provisions requiring the consideration, protection, enhancement and maintenance of these features remain in the AUP regardless of the zoning i.e. via the provisions of D9 SEA Overlay, E1 Water quality and integrated management, E10 SMAF, E15 Vegetation management; and E36 Natural hazards and flooding.
252. As a result, it is recommended that submission points 1.1; 3.1; 4.1; 4.2; 4.3; 4.4; 4.5; 4.6; 6.2; 7.3; 8.3; 9.3; 10.2; 12.3; 13.3; 14.5; and 19.1 be **rejected**.

## 17.2 Infrastructure

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
3.3	Dominique de Paula Reis	Adverse impacts on local infrastructure
6.3	Rosie Edginton	Upgrade infrastructure to cope with increased number of people living in the area.

11.1	Watercare Services Limited c/- Ilze Gotelli	Watercare confirms there is currently sufficient capacity in the water supply network to service the Plan Change Area. However, capacity of the water supply network will need to be re-assessed at resource consent stage as local watermain upgrades may be required to service development within the Plan Change Area. The applicant will be required to provide and fund the local reticulation network within the plan change area and provide the necessary fire hydrants.
11.2	Watercare Services Limited c/- Ilze Gotelli	Watercare does not accept Option 1. Watercare's strong preference is to service the site by the existing pump station (Option 2) and there is capacity in the Kyle Road wastewater pump station to service this development. The developer will be required to construct and fund the infrastructure and necessary upgrades required to service the Plan Change Area. The layout of the new gravity wastewater network must be designed in accordance with Watercare's Code of Practice.

253. Submission points 3.3 and 6.3 raise concerns about the provision of infrastructure to the PPC66 area. As outlined in sections 11 and 14 of this report, the requestor has provided an Infrastructure Report and a Stormwater Management Plan that confirm that the PPC66 area can be serviced with the necessary water, wastewater and stormwater services without significant adverse effects on freshwater systems. These reports have been reviewed and are agreed with by Council's technical experts (refer **Attachment 6**).
254. As a result, it is recommended that submission points 3.3 and 6.3 be **rejected**.
255. Submission points 11.1 and 11.2 by Watercare confirm that water supply infrastructure can be provided to the PPC66 plan change area; and that while Watercare does not support one of the three options proposed for the provision of wastewater servicing to the PPC66 area, there is at least one option that they consider is viable.
256. Therefore, it is recommended that submission points 11.1 and 11.2 be **accepted**.

### 17.3 Traffic

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
2.1	P Zhou	Schnapper Rock Road is one of two entries to the area and the road is busy.
3.2	Dominique de Paula Reis	Adverse traffic impacts, particularly around the school.
4.3	Gavin Bennett	Revise traffic assessments as the traffic volume counts are out of date and the area has continued to grow and traffic worsen over time.
5.1	Tracey Riordean	Increase of traffic and subsequent hazards. Specifically increased on street parking blocking access, higher vehicle volumes and car accidents.
6.1	Rosie Edginton	Currently too much traffic on existing roads. No footpaths on Kyle Road and road is narrow and dangerous. Increased traffic from rezoning would increase traffic in and out of Kyle Road at school times. At peak times 30 min travel time from Kyle Road to Schnapper Rock Road. Upgrade Kyle Road to 2 lanes at top and footpaths.
7.4	Jacqueline Jolliffe	Traffic infrastructure cannot cope with intensification. The roads are not designed for so many cars or on street car parking. Additional traffic noise will also be an adverse effect.
8.4	Damon Jolliffe	The existing transport infrastructure is not capable of such a development. Insufficient car parking for the development, will create additional traffic congestion at a busy intersection (where Schnapper Rock and The Oaks meet). Traffic volume data used is outdated.
9.4	Christina Joan James	Will have adverse traffic effects on the area (volume and parking), it is a inappropriate location for medium density and terrace housing (corner of a busy intersection).

10.3	Malama Caskie	Major issues with traffic congestion at the intersection of Schnapper Rock Road and Albany Highway and will become even more congested with this and other development in the area. Traffic will be impossible at peak times. Most households have a minimum of two cars but many have more. Terraced housing doesn't usually include garaging or off street parking, so the road will become a big car park and this will add to issues.
12.2	Gordon Edginton	Too much traffic in the area for the current infrastructure to handle and the roads (especially Kyle Road) are terrible. No footpaths on Kyle Road and the road is extremely narrow and dangerous. Development will cause an increase in traffic coming in and out of Kyle Rd and Schnapper Rock Road. At peak hours during the week it can take 30 minutes to get from Kyle Road just to the Schnapper Rock lights.
13.2	Kim Edginton	Too much traffic in the area for the current infrastructure to handle and the roads (especially Kyle Road) are terrible. No footpaths on Kyle Road and the road is extremely narrow and dangerous. Development will cause an increase in traffic coming in and out of Kyle Road and Schnapper Rock Road. At peak hours during the week, it can take 30 minutes to get from Kyle Road just to the Schnapper Rock lights.
14.2; 14.3 and 14.4	Subodh Kumar	Exit through the intersection Albany Hwy/Schnapper Rock Rd/Bush Road in peak times takes around 10 to 15 minutes. Oakway Drive->Schnapper Rock Rd->Albany Hwy is used as thoroughfare by vehicles in peak times to bypass the massive congestion on Albany Hwy/Bush Road intersection contributing to the usual traffic. The rezoning will add more load to already congested roads/intersections. Revise traffic data.

		2014-2016 traffic data is too old to be relevant. Increasing housing density will exacerbate and worsen the transit for the residents in peak times. The proposed 100m exit from Schnapper Rock Rd onto roundabout at the intersection of Oakway Drive and Schnapper Rock Road will affect traffic at peak times.
19.3 and 19.6	Scott Wilson	Revise traffic assessments as the traffic volume counts are out of date and the area has continued to grow and traffic worsen over time.
21.1	Auckland Transport c/- Jason Drury	Resolve the matters raised in the submission to provide certainty that the transport infrastructure identified as improvements/mitigation in the applicant's Transport Assessment will be provided in conjunction with subdivision and development of the land included in PPC 66. This could include a site-specific amendment to the plan change and/or methods to ensure such transport effects are addressed.

257. Submission points 4.3; 5.1; 6.1; 7.4; 8.4; 9.4; 10.3; 12.2; 13.2; 14.2; 14.3; 14.4; 19.3; 19.6 and 21.1 raise concerns regarding adverse traffic effects associated with the rezoning of the PPC66 area. More specifically, concerns include that:

- The area is already busy and roads cannot cope with additional traffic volumes;
- Increased development intensity will increase traffic pressure around the local schools and there is a lack of footpath infrastructure;
- Insufficient car parking in any future development will increase on-street car parking;
- Traffic modelling data is outdated and should be revised; and
- Additional improvements are required to improve or mitigate the transport situation and improve amenity.

258. The traffic effects of PPC66 are considered in section 14.1 of this report, where it is noted that the requestor has provided a transportation assessment which includes concludes that they consider vehicle trips from increased intensity of development in the PPC66 area can be accommodated in road networks without significant impacts on operational efficiency. This assessment also recommends that additional footpath connections within the PPC66 area to the wider area be included in future development proposals; and that pedestrian crossing facilities



and traffic calming measures be investigated on Schnapper Rock Road along the northeast frontage of the PPC66 area and at the Schnapper Rock Road / Oakway Drive roundabout.

259. As also outlined in section 14.1, the requestor’s Transportation Assessment has been reviewed for Council by Mr Wes Edwards, Consultant Traffic Engineer. Mr Edwards’ review concludes that in his opinion, the site has modest public transport service and travel is dominated by cars; therefore, the area is unsuited to intensive development. However, in Mr Edwards’ opinion the proposed rezoning to Residential – Single House and Mixed Housing Suburban zones is not intensive and is not inconsistent with transport planning policy. Mr Edwards’ agrees that pedestrian access to the site could and should occur on both road frontages and as long as the missing footpaths, street lighting, and some sort of new pedestrian crossing facility are provided in conjunction with development the proposal could provide a safe and efficient environment for pedestrian travel.
260. With regard to traffic volumes and modelling Mr Edwards’ considers that the model results presented in the requestor’s Transport Assessment for 2021 are too optimistic and show the proposal could produce significant additional delay on Albany Highway because green time is reallocated to the Schnapper Rock Road approach. He also considers that in the short to medium term the traffic volumes along Albany Highway are expected to reduce because of the NCI project, and this is likely to allow more green time to be reallocated to Schnapper Rock Road without producing significant additional delay to Albany Highway traffic. Because of this, the operation of Schnapper Rock Road is likely to be better than it has been, even when the additional traffic due to the plan change is included. To clarify modelling and traffic effects Mr Edwards’ has requested the requestor provide additional traffic modelling to allow for additional development in Kyle Road not currently included in traffic counts, to better represent the operation of the Bush Road intersection and SH18 and enable an understanding of the likely effects on the Kyle Road / Schnapper Rock Road intersection.
261. Mr Edwards’ also suggests the requestor advise how mitigation measures such as footpaths, streetlights, and pedestrian crossing facilities, might be secured and ensured. However, he does provide his preliminary support for PP66.
262. As I state in section 14.1 of this report I adopt and rely on Mr Edwards assessment and recommendations.
263. As a result, I recommend that submission points 4.3; 5.1; 6.1; 7.4; 8.4; 9.4; 10.3; 12.2; and 13.2 be **accepted in part**; and that submission points 14.2; 14.3; 14.4; 19.3; 19.6 and 21.1 be **accepted** as they relate to the provision of additional modelling and / or mitigation measures.

#### 17.4 Ecology / Landscape

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
1.3	Blair Thorpe	Retain trees on the site. Maintain a front yard of 4.0m to enable specimen trees to be planted.

4.5	Gavin Bennett	Provide reporting on the impact on wild lizards habitat in the area.
7.5	Jacqueline Jolliffe	The housing density in the SEA will adversely effect the native flora and fauna.
8.5	Damon Jolliffe	Adverse impact on the native flora and fauna as a result of development in the SEA (low density housing where there is currently Large Lot). Will lead to destruction of native habitat.
9.5	Christina Joan James	Will have adverse effects on native flora and fauna (low density housing in an SEA).
10.4	Malama Caskie	Maintain green space.
19.5	Scott Wilson	Provide reporting on the impact on wild lizards habitat in the area.

264. Submission points 1.3; 4.5; 7.5; 8.5; 9.5; 10.4; and 19.5 raise concerns regarding the removal of trees from the PPC66 area and that increase intensity of development in the PPC66 area will adversely affect native flora and fauna, including in the identified SEA.
265. The ecology aspects and effects of PPC66 are discussed in sections 9.2, 10, 11.1, 11.2 and 14.2 of this report. In summary, the requestor's ecological assessment has been reviewed by Council's Senior Ecologist, Mr Rue Statham. Mr Statham concludes that the requestor's Ecology Report adequately describes the freshwater and terrestrial environments within the proposed plan change boundaries however, he notes that there is a lack of detail regarding description in some minor areas, but that this does not detract from the conclusions of the requestors report. I agree with Mr Statham that matters associated with wetlands, streams and the SEA can all be reviewed in detail at the subdivision and development stage. I also consider that the location of SEA's, watercourses and flora and fauna features impact on the potential development of the PPC66 area regardless of the existing or proposed zoning and, in this instance, I do not consider that they are determinative of it. I consider that there are sufficient provisions in the AUP or other legislation that require the protection and enhancement of SEA's and ecology, although I do acknowledge that this is harder to do where increased intensity of development is anticipated by a developer or site owner.
266. As a result, I recommend that submission points 1.3; 4.5; 7.5; 8.5; 9.5; 10.4; and 19.5 be **rejected**.

## 17.5 Open Space

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
4.4	Gavin Bennett	Add a playground and open green space field no less than 600m <sup>2</sup> in size as the distance and size of existing developed parks, community areas and playgrounds does not support the growing demand and needs this development will add into the local community.
19.4	Scott Wilson	Add a playground and open green space field no less than 600m <sup>2</sup> in size as the distance and size of existing developed parks, community areas and playgrounds does not support the growing demand and needs this development will add into the local community.

267. Submission points 4.4 and 19.4 seeks a playground and open green space field no less than 600m<sup>2</sup> in size be provided as the distance and size of existing developed parks, community areas and playgrounds does not support the growing demand and needs this development will add into the local community.
268. The provision of open space as it relates to PPC66 is considered in section 13.4 of this report and in the Technical Memorandum provided for Council, by Mr Nick Williamson, Consultant for Parks Planning (refer **Attachment 6**). Mr Williamson notes that council does not have a target for the provision of open space in general, such as a ratio of open space to population and that the provision of open space results from different demand drivers. Mr Williamson also identifies that the wider PPC66 area is not devoid of open space but that more could be done to improve access to and between the open spaces that exist. However, overall, Mr Williamson considers that the existing open space areas are suitably located and have the ability to cater for additional use created by more intensive development of the PPC66 area.
269. As a result, it is recommended the submission points 4.4 and 19.4 be **rejected**.

## 17.6 Objectives and Policies

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
7.2	Jacqueline Jolliffe	Inconsistent with the objectives and policies of the Auckland Unitary Plan.
8.2	Damon Jolliffe	Inconsistent with the objectives and policies of the Auckland Unitary Plan.

9.2	Christina Joan James	Inconsistent with the objectives and policies of the Auckland Unitary Plan.
-----	----------------------	---

270. Submission points 7.2; 8.2 and 9.2 consider that PPC66 is inconsistent with the objectives and policies of the AUP.
271. The AUP objectives and policies are considered in sections 11.1 and 11.2 of this report. Overall, and for the reasons listed in the identified sections, I consider that PPC66 is consistent with the objectives and policies of the AUP.
272. Therefore, I recommend that submission points 7.2; 8.2 and 9.2 be **rejected**.

## 17.7 Greenhithe Precinct Provisions

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter
1.2	Blair Thorpe	Retain the site in the Greenhithe Precinct
11.3	Watercare Services Limited c/- Ilze Gotelli	Should the Plan Change be approved, Watercare agrees to the removal of the Greenhithe Sub-precinct from the Watercare land.

273. Submission point 1.2 seeks that the Greenhithe Precinct be retained over the PPC66 area.
274. Submission point 11.3 by Watercare confirms that as owners of 57A Schnapper Rock Road they support the removal of the Greenhithe Precinct, specifically sub-precinct A from this portion of the PPC66 area.
275. Noting the assessment contained in this report regarding landscape and environmental characteristics of the PPC66 area, I recommend that submission point 1.2 be **rejected** and that submission point 11.3 be **accepted**.

## 18. Analysis of the section 32 report and any other information provided by the requestor

276. As identified throughout this report, the requestor has provided an Assessment of Environmental Effects, S32 Report and Statutory Assessment (refer to **Attachment 1**) and this includes a Section 32 Analysis at section 10.
277. With reference to the comments made throughout my report that the landscape features of the PPC66 area not significant and that the subdivision and development of the adjoining site alters the landscape features and visual qualities of the PPC66 area; that the PPC66 area can be serviced; and environmental matters can continue to be assessed under other provisions of the AUP and these are not proposed to be amended, I agree with the requestor's Section 32 analysis, including the assessment against Part 2 of the RMA; and that PPC66 is the most appropriate option to achieve the objective of the plan change and the purpose of the RMA.



## 19. Conclusions

278. Having considered all of the information provided by the requestor, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on submissions; but subject to the additional information regarding traffic matters being provided and confirmed as acceptable; I recommend that PPC66 should be approved as notified.
279. With reference to the comments made throughout my report that the landscape features of the PPC66 area not significant and that the subdivision and development of the adjoining site alters the landscape features and visual qualities of the PPC66 area; that the PPC66 area can be serviced; and environmental matters can continue to be assessed under other provisions of the AUP and these are not proposed to be amended, I consider that PPC66 will:
- give effect to Part 2 of the RMA;
  - give effect to the NPS-UD, in particular Policy 1 with regard to enabling a variety of homes that would be achieved under the proposed rezoning to Residential – Single House or Mixed Housing Suburban Zone in comparison to the existing Residential – Large Lot Zone;
  - give effect to the NPS-FM, in particular Objective 1, and Policies 2, 3, 9 and 15, as the development of the PPC66 area can be undertaken in a manner that protects the existing streams / overland flow paths and the ecology of these;
  - be consistent with the National Environmental Standard on Air Quality, the National Environmental Standard on Sources of Drinking Water; the National Environmental Standard on assessing and managing contaminants into soil to protect human health; and an assessment of the provisions of the National Environmental Standards for Freshwater Regulations can still be undertaken; and
  - give effect to the relevant provisions of the RPS and regional and district level objectives and policies of the AUP; and other relevant statutory documents such as the Auckland Plan and the Upper Harbour Local Board plan.

## 20. Recommendations

1. That, the Hearing Commissioners accept, accept in part or reject submissions as outlined in section 17 of this report.
2. That, subject to additional information regarding traffic matters outlined in section 14.1 being provided and confirmed as acceptable; and as a result of the recommendations on the submissions, **PPC66 be approved** and the Auckland Unitary Plan be amended by:
  - rezoning the land at 57 Schnapper Rock Road from Residential – Large Lot Zone to Residential – Single House Zone and Residential - Mixed Housing Suburban Zone; and removing the Greenhithe Precinct from 57 and 57A Schnapper Rock Road; all as identified in the Proposed Rezoning Plan provided by the requestor (refer to **Attachment 1**).

## 21. Signatories

	Name and title of signatories
Author	 Vanessa Wilkinson, Consultant Planner, Scott Wilkinson Planning Limited
Reviewer / Approved for release	 Eryn Shields, Team Leader, Planning – Regional, North, West and Islands

**ATTACHMENT 2**

**EXISTING AUCKLAND UNITARY PLAN  
PROVISIONS**





## **H1. Residential – Large Lot Zone**

### **H1.1. Zone description**

The Residential – Large Lot Zone provides for large lot residential development on the periphery of urban areas. Large lot development is managed to address one or more of the following factors:

- it is in keeping with the area’s landscape qualities; or
- the land is not suited to conventional residential subdivision because of the absence of reticulated services or there is limited accessibility to reticulated services; or
- there may be physical limitations to more intensive development such as servicing, topography, ground conditions, instability or natural hazards where more intensive development may cause or exacerbate adverse effects on the environment.

To manage existing or potential adverse effects, larger than standard site sizes are required and building coverage and impervious surface areas are restricted.

### **H1.2. Objectives**

- (1) Development maintains and is in keeping with the area’s spacious landscape character, landscape qualities and natural features.
- (2) Development maintains the amenity of adjoining sites.
- (3) Development is appropriate for the physical and environmental attributes of the site and any infrastructure constraints.
- (4) Non-residential activities provide for the community’s social, economic and cultural well-being, while being in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

### **H1.3. Policies**

- (1) Require large minimum site sizes and limit the scale and intensity of development to ensure that:
  - (a) sites are able to accommodate on-site wastewater treatment and disposal;
  - (b) development will be in keeping with any landscape qualities or natural features; and
  - (c) development will not exacerbate any physical limitations such as land instability.
- (2) Require development to be of a height and bulk and have sufficient setbacks and open space to maintain and be in keeping with the spacious landscape character of the area.

- (3) Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.
- (4) Encourage accommodation to have useable and accessible outdoor living space.
- (5) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
- (6) Enable non-residential activities that:
  - (a) support the social and economic well-being of the community; and
  - (b) are compatible with the scale and intensity of development anticipated within the zone; and
  - (c) avoid, remedy or mitigate adverse effects on residential amenity; and
  - (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metropolitan Centre Zone and the Business – Town Centre Zone.

**H1.4. Activity table**

Table H1.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Large Lot Zone pursuant to section 9(3) of the Resource Management Act 1991.

**Table H1.4.1 Activity table**

Activity		Activity status	Standards to be complied with
<b>Use</b>			
(A1)	Activities not provided for	NC	
<b>Residential</b>			
(A2)	Camping grounds	D	
(A3)	One dwelling per site	P	Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; Standard H1.6.7 Building coverage
(A4)	Minor dwellings	RD	Standard H1.6.3 Minor dwellings; Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; Standard H1.6.7 Building coverage
(A5)	More than one dwelling per site (other than a minor dwelling in Rule H1.4.1(A4))	D	

H1 Residential – Large Lot Zone

(A6)	Home occupations	P	Standard H1.6.2 Home occupations
(A7)	Home occupations that do not meet Standard H1.6.2	D	
(A8)	Integrated Residential Development	D	
(A9)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	RD	Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; Standard H1.6.7 Building coverage
(A10)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents	D	
(A11)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	RD	Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; Standard H1.6.7 Building coverage
(A12)	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	D	
(A13)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	RD	Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; Standard H1.6.7 Building coverage
(A14)	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	D	
<b>Commerce</b>			
(A15)	Dairies up to 100m <sup>2</sup> gross floor area per site	D	
(A16)	Restaurants and cafe up to 100m <sup>2</sup> gross floor area per site	D	
(A17)	Service stations on arterial roads	D	
<b>Community</b>			
(A18)	Care centres accommodating up to 10 people per site excluding staff	P	Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; Standard H1.6.7 Building coverage
(A19)	Care centres accommodating greater than 10 people per site	D	

H1 Residential – Large Lot Zone

	excluding staff		
(A20)	Community facilities	D	
(A21)	Education facilities	D	
(A22)	Tertiary education facilities	D	
(A23)	Emergency services adjoining an arterial road	D	
(A24)	Healthcare facilities	NC	
(A25)	Veterinary clinics	D	
(A26)	Grazing of livestock on sites greater than 2,000m <sup>2</sup> net site area	P	
<b>Mana Whenua</b>			
(A27)	Marae	D	
<b>Development</b>			
(A28)	Demolition of buildings	P	
(A29)	Internal and external alterations to buildings	P	Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; Standard H1.6.7 Building coverage
(A30)	Accessory buildings	P	Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; Standard H1.6.7 Building coverage
(A31)	Additions to an existing dwelling	P	Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; Standard H1.6.7 Building coverage
(A32)	New buildings and additions to buildings	The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate	
	<b>[new text to be inserted]</b>		

PC 54 (see Modifications)

### H1.5. Notification

- (1) Any application for resource consent for an activity listed in Table H1.4.1 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\(4\)](#).

## **H1.6. Standards**

### **H1.6.1. Activities listed in Table H1.4.1 Activity table**

- (1) Activities and buildings containing activities listed in Table H1.4.1 Activity table must comply with the standards listed in the column in Table H1.4.1 called Standards to be complied with.

### **H1.6.2. Home occupations**

Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.

- (1) A home occupation must comply with all the following standards:
  - (a) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
  - (b) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;
  - (c) no more than four people in total may work in the home occupation;
  - (d) the sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the site may not occur before 7am or after 7pm;
  - (e) car trips to and from the home occupation activity must not exceed 20 per day;
  - (f) heavy vehicle trips must not exceed two per week;
  - (g) no more than one commercial vehicle associated with the home occupation may be on site at any one time;
  - (h) storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view;
  - (i) materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and
  - (j) goods sold from the home occupation must be:
    - (i) goods produced on site; or
    - (ii) goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or
    - (iii) goods ancillary and related to a service provided by the home occupation.

### **H1.6.3 Minor dwellings**

Purpose:

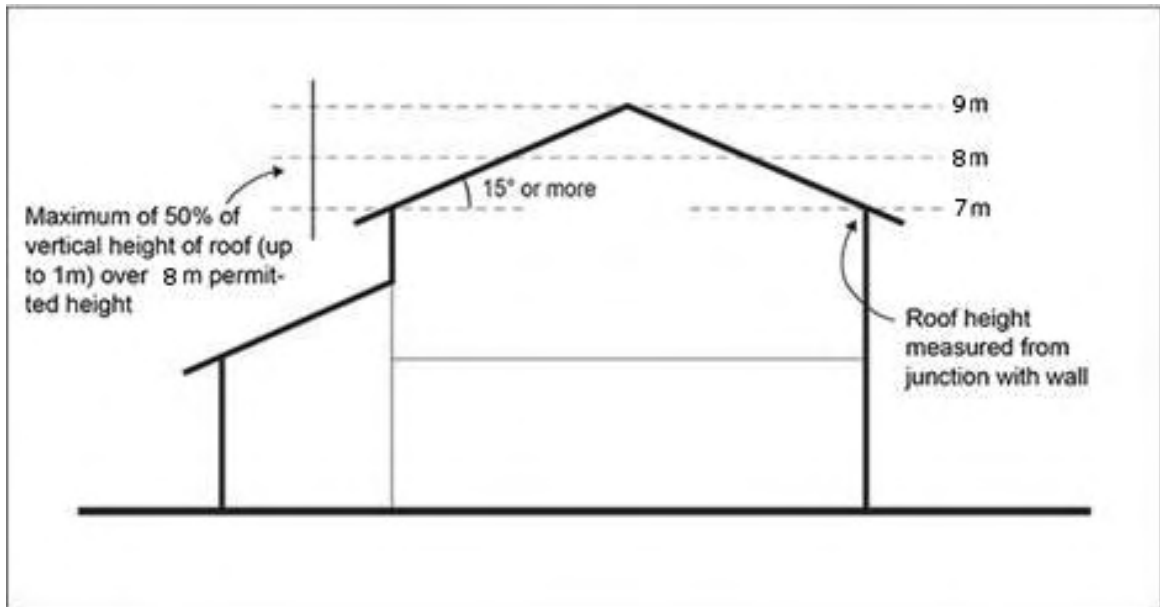
- to provide accommodation that is limited in size and secondary to the principal dwelling on a site; and
  - to ensure that sufficient outdoor living space is provided for the minor dwelling; and
  - to ensure there is no more than one minor dwelling on each site.
- (1) A minor dwelling must not exceed a floor area of 65m<sup>2</sup> excluding decks and garaging.
- (2) A minor dwelling must have an outdoor living space that is:
- (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling; and
  - (b) at least 1.8m in depth; and
  - (c) directly accessible from the minor dwelling.
- (3) There must be no more than one minor dwelling per site.

### **H1.6.4. Building height**

Purpose: to manage the height of buildings to:

- maintain and complement the spacious landscape character of predominantly one to two storeys and any landscape qualities and natural features; and
  - minimise visual dominance effects; and
  - maintain a reasonable standard of residential amenity for adjoining sites; and
  - provide some flexibility to enable variety in roof forms.
- (1) Buildings must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more. This is shown in Figure H1.6.4.1 Building height in the Residential – Large Lot Zone.

**Figure H1.6.4.1 Building height in the Residential – Large Lot Zone**



### H1.6.5. Yards

Purpose:

- to maintain the spacious landscape character of the zone; and
- to maintain a reasonable standard of residential amenity for adjoining sites; and
- to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards.

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H1.6.5.1 Yards below.

**Table H1.6.5.1 Yards**

Yard	Minimum depth
Front	10m
Side	6m
Rear	6m
Riparian	10m from the edge of permanent and intermittent streams
Lakeside	30m
Coastal protection yard	25m, or as otherwise specified in <a href="#">Appendix 6 Coastal protection yard</a>

### **H1.6.6. Maximum impervious area**

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks; and
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology; and
- to reinforce the building coverage standard; and
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.

- (1) The maximum impervious area must not exceed 35 per cent of the site area or 1400m<sup>2</sup>, whichever is the lesser.
- (2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area.

### **H1.6.7. Building coverage**

Purpose: to manage the extent of buildings on a site to maintain and complement the spacious, landscape character of the zone and any landscape qualities and natural features.

- (1) The maximum building coverage must not exceed 20 per cent of the net site area or 400m<sup>2</sup>, whichever is the lesser.

PC 54 (see  
Modifications)

[new text to be inserted]

### **H1.7. Assessment – controlled activities**

There are no controlled activities in this zone.

### **H1.8. Assessment – restricted discretionary activities**

#### **H1.8.1. Matters of discretion**

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application:

- (1) for supported residential care accommodating up to 10 people per site inclusive of staff and residents; boarding houses accommodating up to 10 people per site inclusive of staff and residents; and visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors:
  - (a) the effects on wastewater capacity; and
  - (b) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:
    - (i) building intensity, scale, location, form and appearance;



- (ii) traffic;
  - (iii) location and design of parking and access; and
  - (iv) noise, lighting and hours of operation.
- (2) for minor dwellings:
- (a) the effects on the landscape character, landscape qualities and natural features of the zone; and
  - (b) the effects on wastewater capacity.
- (3) for buildings that do not comply with Standard H1.6.4 Building height; Standard H1.6.5 Yards; Standard H1.6.6 Maximum impervious areas; and Standard H1.6.7 Building coverage:
- (a) any policy which is relevant to the standard;
  - (b) the purpose of the standard;
  - (c) the effects of the infringement of the standard;
  - (d) the effects on the landscape character, landscape qualities and natural features of the zone;
  - (e) the effects on the amenity of neighbouring sites;
  - (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
  - (g) the characteristics of the development;
  - (h) any other matters specifically listed for the standard; and
  - (i) where more than one standard will be infringed, the effects of all infringements.

PC 54 (see  
Modifications)

[new text to be inserted]

#### **H1.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) for supported residential care accommodating up to 10 people per site inclusive of staff and residents; boarding houses accommodating up to 10 people per site inclusive of staff and residents; and visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors:
  - (a) wastewater capacity:

## H1 Residential – Large Lot Zone

- (i) whether adequate wastewater capacity is provided within the on-site wastewater system based on the design occupancy to avoid significant adverse effects on public health, water quality and amenity values and to remedy or mitigate other adverse effects.

(b) building intensity, scale, location, form and appearance:

- (i) whether the intensity and scale of the activity, the building location, form and appearance is compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.

(c) traffic:

- (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.

(d) location and design of parking and access:

- (i) whether adequate parking and access is provided or required.

(e) noise, lighting and hours of operation:

- (i) whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by:
  - locating noisy activities away from neighbouring residential boundaries; and
  - screening or other design features; and
  - controlling the hours of operation and operational measures.

(2) for minor dwellings:

- (a) refer to Policy H1.3(1);
- (b) refer to Policy H1.3(2); and
- (c) refer to Policy H1.3(4).

(3) for building height:

- (a) refer to Policy H1.3(1);
- (b) refer to Policy H1.3(2); and
- (c) refer to Policy H1.3(3).

(4) for yards:

- (a) refer to Policy H1.3(1);

(b) refer to Policy H1.3(2); and

(c) refer to Policy H1.3(3).

(5) for maximum impervious areas:

(a) refer to Policy H1.3(5).

(6) For building coverage:

(a) refer to Policy H1.3(1);

(b) refer to Policy H1.3(2); and

(c) refer to Policy H1.3(3).

PC 54 (see  
Modifications)

[new text to be inserted]

### **H1.9. Special information requirements**

There are no special information requirements in this zone.

## **I509. Greenhithe Precinct**

### **I509.1. Precinct Description**

The Greenhithe Precinct covers a broad area of the Greenhithe Peninsula and drains in two directions to the upper Waitemata Harbour. The purpose of the precinct is to manage subdivision and development in a sensitive catchment and ensure that new development responds to the natural environment including topography, vegetation, water quality, landform and the visual landscape.

The Greenhithe Precinct comprises two sub-precincts. Sub-precinct A requires larger minimum site sizes than those permitted by the Residential - Large Lot Zone. Sub-precinct B allows smaller minimum site sizes than those permitted by the Residential - Large Lot Zone subject to specific constraints and opportunities including landscape features, topography, significant vegetation and access to a reticulated wastewater system. Subdivision and development in the precinct is supported where it avoids the removal of significant native vegetation (in order to protect visual landscape, native vegetation and habitat for native fauna), will minimise sedimentation and respond to and integrate with the features of the landscape.

The zoning of land within this precinct is the Residential – Large Lot Zone.

### **I509.2. Objective [rp/dp]**

- (1) Subdivision and development is managed to protect environmental values and the landscape character of the area.

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

### **I509.3. Policies [rp/dp]**

- (1) Design subdivision and development to protect environmental values and the landscape features and character of the area, including watercourses and significant native vegetation and fauna habitats. [rp/dp]
- (2) Determine the type and intensity of development opportunities in different parts of the precinct based on the environmental constraints.
- (3) Locate buildings platforms and access roads to:
  - (a) minimise adverse effects on and protect native vegetation and fauna habitats;
  - (b) minimise land modification and scarring of the landscape;
  - (c) avoid where practicable significant steep slopes, ridgelines and stream valleys; and
  - (d) minimise visual intrusion when viewed from public places.
- (4) Minimise the potential to create sedimentation associated with land development and subdivision by managing the intensity of development and retaining

vegetation cover, particularly on steep land and land close to natural water courses.

- (5) Develop, before any subdivision is approved, a satisfactory means within the sub-precincts to maintain water quality in adjacent waterways.
- (6) Retain and enhance native fauna and flora within the area.

**Greenhithe Sub-precinct A**

- (7) Protect the natural and physical environment by maintaining the existing low density residential character of the area.

**Greenhithe Sub-precinct B**

- (8) Maintain the character of the landscape by maintaining a low density residential environment whilst enabling greater residential intensity by clustering development in flatter areas where there is little or no vegetation and access to a reticulated wastewater system

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

**I509.4. Activity table**

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

Table I509.4.1 specifies the activity status of subdivision activities in the Greenhithe Precinct pursuant to section 11 of the Resource Management Act 1991.

A blank in Table I509.4.1 Activity table below means that the provisions of the overlays, zone or Auckland-wide apply.

**Table I509.4.1 Activity table**

Activity		Activity status
Subdivision		
(A1)	Subdivision as listed in <a href="#">E38.4</a> Activity table (Chapter <a href="#">E38</a> , <a href="#">Subdivision – Urban</a> )	
(A2)	<i>[deleted]</i>	
(A3)	<i>[deleted]</i>	
(A4)	Subdivision listed in (A1) which does not comply with Standard I509.6.5	NC

**I509.5. Notification**

- (1) Any application for resource consent for an activity listed in Table I509.4.1 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\(4\)](#).

### **I509.6. Standards**

The overlay, Residential - Large Lot Zone and Auckland-wide standards apply to development in this precinct, except for the following:

- [H1 Residential – Large Lot Zone – H1.6.4 \(Yards\)](#);
- [H1 Residential – Large Lot Zone – H1.6.5 \(Impervious surfaces\)](#); and
- [H1 Residential – Large Lot Zone – H1.6.6 \(Building coverage\)](#).

The Auckland-wide standards in [E38 Subdivision – Urban](#) applies to subdivision in this precinct, except for the following:

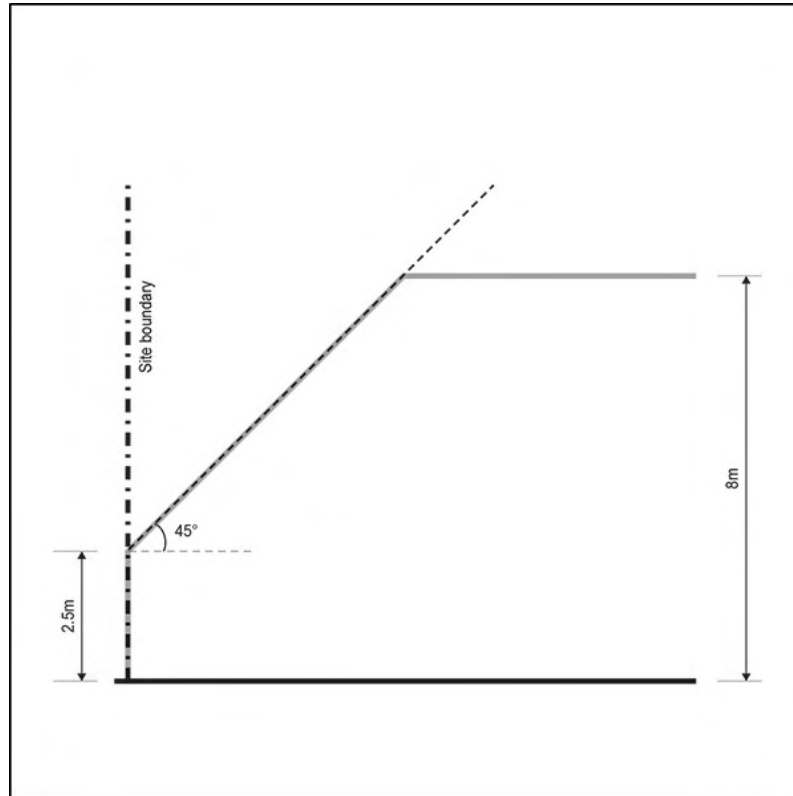
- Standard [E38.8.2.3 \(2\)](#) and [Table E38.8.2.3.1](#) Minimum net site area for subdivisions involving parent sites of less than 1 hectare; and
- Standard [E38.8.3.1 \(2\)](#).

All activities in Table I509.4.1 Activity table, unless they are discretionary or non-complying activities, must comply with the following standards.

#### **I509.6.1. Height in relation to boundary**

- (1) For sites smaller than 4000m<sup>2</sup>, buildings must not project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level along any side and rear boundaries as shown in Figure I509.6.1.1 Height in relation to boundary.

**Figure I509.6.1.1 Height in relation to boundary**



**I509.6.2. Yards**

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table I509.6.2.1 Yards.

**Table I509.6.2.1 Yards**

Yard	Minimum depth		
	Sites less than 1,499m <sup>2</sup>	Sites between 1,500m <sup>2</sup> and 3999m <sup>2</sup>	Sites over 4,000m <sup>2</sup>
Front yard	5m	5m	10m
Side and rear yards	1.2m	3m	6m

**I509.6.3. Building Coverage**

(1) The building coverage must not be greater than the values listed in Table I509.6.3.1 Building coverage.

**Table I509.6.3.1 Building Coverage**

Site area	Building coverage
500m <sup>2</sup> to 699m <sup>2</sup>	35 per cent
700m <sup>2</sup> to 999m <sup>2</sup>	30 per cent

Over 1,000m <sup>2</sup>	300m <sup>2</sup>
--------------------------	-------------------

**I509.6.4. Impervious surfaces**

(1) The maximum impervious area must not exceed 60 per cent of the site area.

**Subdivision**

**I509.6.5. Minimum net site area**

- (1) Within Sub-precinct A, the minimum net site area for subdivision is 2ha.
- (2) Within Sub-precinct B, the minimum net site area for subdivision is 500m<sup>2</sup> and must be in accordance with Table I509.6.5.1 Minimum net site area.

**Table I509.6.5.1 Minimum net site area**

Minimum net site area	Requirements
Between 500m <sup>2</sup> and 2499m <sup>2</sup>	Each site must: <ul style="list-style-type: none"> <li>i. have a minimum building envelope of 400m<sup>2</sup> that has an average slope of less than 8 degrees; and</li> <li>ii. be capable of being connected to a reticulated wastewater network</li> </ul>
Between 2500m <sup>2</sup> and 1ha	Each site must: <ul style="list-style-type: none"> <li>i. have a minimum building envelope of 1500 m<sup>2</sup> that has an average slope less than 15 degrees</li> </ul>
Over 1ha	No minimum requirements

**I509.7. Assessment – controlled activities**

There are no controlled activities in this precinct.

**I509.8. Assessment – restricted discretionary activities**

**I509.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, zone or Auckland-wide provisions:

- (1) Effects associated with subdivision design and/or proposed development.
- (2) Effects associated with the location and development of building platforms and accessways.



### **1509.8.2. 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, zone or Auckland- wide provisions:

- (1) Effects associated with subdivision design and/or proposed development:
  - (a) whether subdivision and development is designed to respect and integrate with the natural characteristics, landscape setting, landmarks and views of the area. In particular, by:
    - (i) maintaining the low density residential character of the landscape;
    - (ii) providing larger sites where land has environmental or building limitations due to slope, stability, significant native vegetation or special natural values;
    - (iii) minimising the potential effects of sedimentation associated with the development of land by limiting the intensity of development and retaining vegetation cover particularly on steep land and close to natural water courses; and
    - (iv) protecting water quality and associated ecological values of nearby water bodies.
- (2) Effects associated with the location and development of building platforms and accessways:
  - (a) whether building platforms, access ways and development are located to:
    - (i) integrate with the landscape and minimise visual obtrusion when viewed from public places including the coastal marine area;
    - (ii) avoid protruding above a ridgeline;
    - (iii) use existing or proposed vegetation to screen buildings and structures;
    - (iv) minimise landscape modification by selecting flat sites for building platforms;
    - (v) locate building platforms to minimise long access driveways and use shared access driveways where practicable;
    - (vi) avoid earthworks and retaining walls that would create significant and permanent visible scars on the landscape that cannot be mitigated with planting;
    - (vii) avoid modifying ridgelines, significant landforms and stream riparian margins which define the distinctive landscape character of the Greenhithe precinct; and

- (viii) protect and enhance significant native flora and fauna habitats, in particular high-quality regenerating bush.
- (b) whether consent notices have been approved by Council for the location of all new building platforms and accessways.

**I509.9. Special information requirements**

There are no special information requirements in this precinct.

**I509.10. Precinct Plans**

There are no precinct plans in this precinct.

## **ATTACHMENT 3**

# **PLANNING EVIDENCE OF TERRY CONNER FOR AUCKLAND COUNCIL IN RELATION TO TOPIC 081 REZONING AND PRECINCTS (GEOGRAPHICAL AREAS) TO THE AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL**



**BEFORE THE AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991  
and the Local Government (Auckland  
Transitional Provisions) Act 2010

**AND**

**IN THE MATTER** of **TOPIC 081** Rezoning and Precincts  
(Geographical Areas)

**AND**

**IN THE MATTER** of the submissions and further  
submissions set out in the Parties and  
Issues Report

---

**EVIDENCE REPORT ON SUBMISSIONS BY TERRY NORMA CONNER ON BEHALF OF  
AUCKLAND COUNCIL**

**GREENHITHE PRECINCT**

**29 JANUARY 2016**

---

## TABLE OF CONTENTS

1. SUMMARY.....	3
PART A: OVERVIEW AND BACKGROUND .....	6
2. INTRODUCTION .....	6
3. CODE OF CONDUCT.....	6
4. SCOPE .....	6
5. INTERIM GUIDANCE FROM THE PANEL.....	7
6. PAUP APPROACH TO PRECINCTS .....	7
PART B: OVERVIEW OF THE GREENHITHE PRECINCT .....	8
7. CONTEXT.....	8
8. STATUTORY FRAMEWORK .....	11
9. PAUP FRAMEWORK .....	12
PART C: OVERVIEW OF SUBMISSIONS .....	13
10. OVERVIEW OF SUBMISSION POINTS.....	13
11. INCORRECTLY CODED SUBMISSION POINTS .....	14
PART D: ANALYSIS OF SUBMISSIONS .....	14
12. PRECINCT ASSESSMENT .....	14
13. ANALYSIS OF PRECINCT PROVISIONS.....	16
14. PROPOSED AMENDMENTS OUTSIDE THE SCOPE OF SUBMISSIONS .....	25
15. CONSEQUENTIAL AMENDMENTS TO OTHER PARTS OF THE PAUP .....	27
16. CONCLUSIONS.....	27
ATTACHMENT A: CV of Report Writer .....	29
ATTACHMENT B: Greenhithe Track Changes.....	30
ATTACHMENT C: Greenhithe Precinct Map (Notified) .....	31
ATTACHMENT D: Greenhithe Precinct Map (Revised) .....	33
ATTACHMENT E: Greenhithe Additional Subdivision Control .....	35

## 1. SUMMARY

- 1.1 The purpose of this Evidence Report (**Report**) is to consider submissions and further submissions to the Proposed Auckland Unitary Plan (**PAUP**) in relation to Topic 081 Rezoning and Precincts Geographic (**Topic 081**). This Report considers submissions and further submissions received by Auckland Council (**the Council**) in relation to the Greenhithe Precinct.
- 1.2 The Report includes proposals on whether, in my opinion, it is appropriate to support or not support the submissions, in full or in part, and what amendments, if any, should be made to address matters raised in submissions.
- 1.3 The Greenhithe Precinct has been applied to a portion of the former North Shore City Greenhithe Structure Plan area (those areas zoned Area A: Mixed Environmental and Area B: Large Lot Residential) and the Rural 2 zone which lies to the north-east and south-east of Greenhithe Village. The purpose of the precinct as stated in the precinct description is to manage subdivision and thus subsequent development in a sensitive catchment and to ensure that new development responds to the natural environmental constraints which include steep topography, significant vegetation, visible escarpments and close proximity to the coast.
- 1.4 The underlying zone of the Greenhithe precinct is the Large Lot residential zone. This zone has a minimum lot size for subdivision of 4000 sqm. The precinct applies a 2 ha minimum lot size for subdivision to sub-precinct A and a range of lot sizes from 500 sqm – 1 ha depending on slope and SEA coverage to sub-precinct B. This is largely reflective of the legacy District Plan controls, however there are three key differences:
- (a) The Area A: Mixed Environmental and Area B: Large Lot Residential zones in the North Shore City legacy District Plan have been combined into one sub-precinct – sub-precinct B;
  - (b) An area bounded by the Upper Harbour Motorway, Albany Highway, Upper Harbour Drive and Blacks Road has been wrongly notated as sub-precinct A, when in fact it should be in sub-precinct B, if it is to reflect the lot sizes that currently apply;
  - (c) An area north of Schnapper Rock Road has been wrongly notated as sub-precinct A, when in fact it should be in sub-precinct B, if it is to reflect the lot sizes that currently apply.

- 1.5 The Large Lot residential zoning is generally the most appropriate zoning in my opinion as it is the closest fit to the intensity of development that has and is currently occurring under the North Shore City District Plan provisions. There are however pockets of development interspersed amongst the Large Lot zone that have the characteristics of the Single House (**SH**) zone.
- 1.6 A Large Lot zoning has also been applied to the Greenhithe Village (sometimes referred to as "old Greenhithe"). There are three submissions requesting that the Greenhithe Precinct be extended to cover the "Greenhithe" area and that an additional sub-precinct be created. The reasons for this are that the minimum lot size of 4,000 sqm for the Large Lot zone is not reflective of the legacy North Shore District Plan controls and the majority of lot sizes in the village.
- 1.7 The Local Board has clarified that its submission seeks that the additional sub-precinct be extended as far east as the intersection of Greenhithe Road and Upper Harbour Highway (an area partly covered by sub-precinct B).
- 1.8 The main differences between the precinct and the relevant overlays, zones or Auckland-wide rules are set out in **Table 1** below.

**Table 1**

<b>Main precinct provision or group of changes</b>	<b>Difference from PAUP provisions</b>
<i>Sub-precinct Area A minimum lot size 2 ha</i>	<i>Large lot Residential zone minimum lot size 4,000 sqm</i>
<i>Sub-precinct Area B minimum lot size  500 sqm  3,000 sqm  1 ha  (Lot size is dependent upon the slope of the land, presence of SEA's and connection to a reticulated waste water system)</i>	<i>Large lot Residential zone minimum lot size 4,000 sqm</i>



<i>Assessment criteria</i>	<i>The precinct provisions apply additional matters for discretion and assessment criteria related to managing subdivision and development to integrate with the natural characteristics and landscape settings of the area.</i>
----------------------------	--

1.9 My key proposals for the Greenhithe Precinct are to:

- a) Amend the Greenhithe sub-precinct boundaries to:
  - i. Include the area north of Schnapper Rock Road in sub-precinct B;
  - ii. Retain sub-precinct A over the two escarpments – between Kyle Road and Schnapper Rock Road and south of Upper Harbour Drive;
  - iii. Include the area bounded by the Upper Harbour Motorway, Albany Highway, Upper Harbour Drive and Blacks Road in sub-precinct B; and
  - iv. Remove the precinct from public open space zoned land south of Upper Harbour Drive.
- b) Apply an additional subdivision control to the “Greenhithe Village” (as shown in **Attachment E**) applying a minimum lot size of 1000 sqm with an underlying rezoning to SH as proposed in my Evidence Report 081c Rezoning and Precincts (Geographical Areas) Albany and Greenhithe.
- c) Amend the sub-precinct B subdivision controls to introduce a 2500m<sup>2</sup> minimum site size.
- d) Introduce development controls based on the SH including precinct yard controls and a height in relation to boundary control for sites smaller than 4000m<sup>2</sup>.
- e) Change “Subdivision and development is limited” to “Subdivision and development is managed” in Objective 1 and omitting the word “rural” from policy 7 in response to submissions from 3<sup>rd</sup> Fairways Development Limited.

- f) Make minor clarifying changes to the precinct description objective 1 and policies and rules. These are out of scope but included for clarification.

## **PART A: OVERVIEW AND BACKGROUND**

### **2. INTRODUCTION**

- 2.1 The purpose of this Report is to consider submissions and further submissions received by the Council in relation to the Greenhithe Precinct.
- 2.2 The Report includes proposals on whether, in my opinion, it is appropriate to support or not support the submissions, in full or in part, and what amendments, if any, should be made to address matters raised in submissions.
- 2.3 This Report has been prepared by Terry Conner. A summary of my qualifications and experience is attached in **Attachment A**.

### **3. CODE OF CONDUCT**

- 3.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

### **4. SCOPE**

- 4.1 I am providing planning evidence in relation to the Greenhithe Precinct.
- 4.2 In preparing this statement of evidence I have relied on the Auckland-wide evidence of John Duguid for Topic 080 Rezoning and Precincts (General) and Topic 081, which sets out the statutory framework, methodology, principles and section 32 evaluations used to guide the development and application of zones and precincts.
- 4.3 The following expert statements of evidence have been relied upon in preparing my Report:
- (a) Primary evidence of Robert Hillier for Topic 081a – General – Precincts and Rezoning – Geotechnical Assessment (multiple areas including Greenhithe).
  - (b) Primary evidence of Elizabeth Stewart for Topic 064: Subdivision.

- (c) Rebuttal evidence of Sandy Ormiston for Topics 059, 060, 062 and 063: Residential (**the Residential Topics**), in relation to the minimum site size required to accommodate on-site wastewater networks.
- (d) Alastair Cribbens, Steve Wrenn and Liam Winter (Auckland Transport) Topic 080 Rezoning and Precincts (General) and Topic 081 Rezoning and Precincts (Geographical Areas) Public Transport.
- (e) Mark Bourne, Topic 080 Rezoning and Precincts (General) Water Infrastructure Planning (Watercare Services Ltd).
- (f) David Mead, Topic 080 Rezoning and Precinct (General) Zoning and Natural Hazards.
- (g) Elizabeth Stewart and Rereata Hardman-Miller, Topics 059, 060, 062 and 063 – Planning – Subdivision Rules for the Residential Zones.
- (h) Marilyn Ford, Topic 023 Planning Vegetation Management.

4.4 This Report relies on the changes to the underlying Large Lot residential zone as proposed by the Council in the primary and rebuttal statements of evidence of Nick Roberts and the Council's closing statements for the Residential Topics.

## **5. INTERIM GUIDANCE FROM THE PANEL**

5.1 I have read the Panel's Interim Guidance direction and in particular those relating to:

- (a) Chapter G: General Provisions, dated 9 March 2015;
- (b) Best practice approaches to re-zoning and precincts, dated 31 July 2015;
- (c) Air Quality, dated 25 September 2015; and
- (d) Chapter G: Regional and District Rules, dated 9 October 2015.

## **6. PAUP APPROACH TO PRECINCTS**

6.1 The approach to precincts is detailed in the evidence of Mr Duguid. In particular Mr Duguid outlines the Plan structure and the relationship between overlays, zones, Auckland-wide and precinct provisions. Mr Duguid also provides an overview of the methodology for applying precincts and the types of precincts identified in the PAUP. I have read and agree with this evidence.

### Section 32 and 32AA

- 6.2 As outlined in the Auckland Unitary Plan Evaluation Report (**the Evaluation Report**), the Council has focussed its section 32 assessment on the objectives and provisions within the PAUP that represent significant changes in approach from those within the current operative Auckland RMA policies and plans. While the Evaluation Report applies to the entire plan, the report targets the 50 topics where the provisions represent a significant policy shift.
- 6.3 The precinct provisions do not reflect a major policy shift from the Operative North Shore City District Plan and are evaluated in this Report in accordance with s32 and s32AA of the Resource Management Act 1991 (**RMA**).

## PART B: OVERVIEW OF THE GREENHITHE PRECINCT

### 7. CONTEXT

- 7.1 The land that is subject to the Greenhithe Precinct has the following zoning and minimum lot sizes under the legacy North Shore City District Plan:

Zone	Location	Minimum Lot Size
Rural 2	Between Kyle Road and Schnapper Rock Road  South of Upper Harbour Drive	2 ha
Greenhithe Structure Plan Area A: Mixed Environmental	Area bounded by Albany Highway, Upper Harbour Drive, Blacks Road and Upper Harbour Motorway	Range from 500 sqm to 1 ha depending on the slope of the land and extent of significant native vegetation cover
Greenhithe Structure Plan Area B: Large Lot	Area bounded by Greenhithe Road, Upper Harbour Highway and Upper Harbour Motorway	1500 sqm minimum, 2000 sqm average

- 7.2 The Rural 2 zone has been applied to the bush-clad escarpments of Greenhithe, Paremoremo, and the Albany Hills. These areas have visual significance to the city and the local area, good quality native bush, good regeneration potential for native species and high wildlife value. The escarpments provide an important visual amenity as continuous green backdrops to the more urbanised areas of the city. The policies aim to maintain these ecological and amenity values by limiting encroachments into the bush and restricting the dominance of buildings. This area is zoned Large Lot under the PAUP. The Greenhithe sub-precinct A applies to this area. Neither escarpment has been identified as an Outstanding Natural Feature or an Outstanding Natural Landscape. Both escarpments contain extensive areas of SEA (Significant Ecological Areas) and the southern escarpment has an area of Coastal Natural Character.
- 7.3 The Greenhithe Structure Plan policies pursue a precautionary approach which involves a strongly differentiated pattern of zoning, designed to respond to the physical characteristics of the land.
- 7.4 The Greenhithe Structure Plan: Area A - Mixed Environmental zone minimum site areas of 500 sqm – 1 ha provides for a range of lot sizes at a sufficiently low density so as to protect the natural and physical environment, particularly in respect of: reducing the amount of sedimentation generated at development stage; protecting existing areas of native vegetation; and preserving the overall low density built character of the landscape. The opportunity is provided for more intensive development in areas clear of native vegetation and where access can be created with minimal impact on the natural environment. While some clustering of development is provided for, it is envisaged that the overall development pattern should retain a rural/residential character. The PAUP generally applies sub-precinct B to this area, with the exception of the two errors outlined in paragraph 1.4 of my evidence.
- 7.5 The Greenhithe Structure Plan: Area B: Large Lot applies a minimum site area of 1500m<sup>2</sup> and an average site area of 2000m<sup>2</sup>. This provides for rural-residential development, but at a sufficiently low density so as to protect the natural and physical environment, particularly in respect of: reducing the amount of sedimentation generated at development stage; and retaining the overall low density character of the landscape. The PAUP generally applies the sub-precinct B to this area.

- 7.6 Under the PAUP, the existing precinct comprises two areas – one south of the Upper Harbour motorway and the other to the north. The precinct location as notified is shown in the precinct map contained in **Attachment C**.
- 7.7 The purpose of the precinct as stated in the precinct description is to manage subdivision and thus subsequent development in a sensitive catchment and to ensure that new development responds to the natural environmental constraints which include steep topography, significant vegetation, visible escarpments and close proximity to the coast. The PAUP precinct provisions, with my proposed amendments, are contained in **Attachment B**.
- 7.8 In the PAUP as notified, the Greenhithe precinct has been divided into two separate sub-precincts (named sub-precinct A and sub-precinct B), as shown on the precinct map in **Attachment C**. Specific subdivision controls apply to each sub-precinct to recognise and manage the individual characteristics and the environmental issues within these areas.
- 7.9 The underlying zoning of land in the Greenhithe precinct is Large Lot Residential. There are 21 submissions concerning zoning in this area:
- (a) 15 requests to retain the Large lot zoning on 84 Laurel Oak Ave;
  - (b) one to rezone the Operative Residential zoned area from Large Lot to SH;
  - (c) one to rezone 55 Schnapper Rock Road and 52 Kyle Road from Large Lot to SH;
  - (d) one to rezone 80 Kyle Road from Large Lot to SH;
  - (e) one to rezone 22 Rame Road back to the current zoning of Residential 1 or otherwise to achieve a site size of 1,500m<sup>2</sup>;
  - (f) One to rezone 12 Greenhithe Road (in the Village) to Neighbourhood Centre; and
  - (g) One to retain the Light Industrial zone under the Boat Building precinct at 84-90 Rame Road.
- 7.10 As set out in my rezoning evidence report for Topic 081c Albany and Greenhithe I do not support a change in zone from SH to Large Lot, except in the case of the “old Greenhithe village” area, which is currently outside of the precinct and is zoned Residential 1 in the Operative North Shore District Plan. These two areas differ in

historical development and in current character. The areas currently within the precinct have more dramatic contours and higher development costs (refer to Mr Hillier’s evidence on development costs due to geotechnical conditions) as well as landscape and natural environmental values, which require a higher level of protection in perpetuity. For this reason, while “old Greenhithe” has always had a “planned suburban future” – aligning with the character of the Single House zone, the majority of the precinct does not.

7.11 The following overlays apply to land within the Greenhithe precinct. The precinct does not override any of these overlays:

- (a) High land transport route noise;
- (b) Coastal natural character areas;
- (c) Notable trees;
- (d) Air quality transport corridor separation;
- (e) Historic heritage place;
- (f) Historic heritage extent of place;
- (g) Sites and places of value to Mana Whenua;
- (h) Significant ecological area; and
- (i) Stormwater management area.

7.12 The surrounding area is characterised by the Mixed Housing Suburban zone (to the east of Greenhithe Village; to the east of Albany Highway and to the south of the Upper Harbour Drive escarpment), Public Open Space: Conservation zone (along the coastal margins), and pockets of SH zone to the north of Greenhithe Road and adjacent to the precinct in Schnapper Rock.

## **8. STATUTORY FRAMEWORK**

8.1 The overarching statutory framework applicable to zoning and precincts is outlined within Mr Duguid’s evidence for Topic 080, dated 3 December 2015, and is not

repeated here. Specific statutory requirements relevant to the Greenhithe area are summarised below.

*New Zealand Coastal Policy Statement*

- 8.2 The Greenhithe area includes coastal areas, with ridgelines to the west of Greenhithe Road and south of Upper Harbour Drive, Tauhinu Road, and Rame Road facing the northern reaches of the Waitematā Harbour.
- 8.3 Objective two of the NZCPS seeks to preserve the natural character of the coastal environment and protect natural features and landscape values, including by identifying areas where forms of subdivision, use, and development would be inappropriate.

**9. PAUP FRAMEWORK**

*Regional Policy Statement*

- 9.1 Key sections of the RPS, as amended by the Council's current position, are summarised within Mr Duguid's evidence for Topic 080, dated 3 December 2015, and is not repeated in full here.
- 9.2 I consider the following to be the key sections of the PAUP RPS, as proposed to be amended by the Council which need to be considered and given effect to:
- (a) B4.3.1 Natural character of the coastal environment seeks to ensure that subdivision, use and development within the coastal environment, wetlands, lakes and rivers and their margins preserve the natural character of these areas (Objective 1).
  - (b) B4.3.4 Biological diversity seeks to protect areas of significant indigenous biological diversity from the adverse effects of subdivision, use and development (Objective 1).
  - (c) B7.1 Subdivision, use and development in the coastal environment seeks to ensure that the adverse effects of subdivision, use and development on the values of the coastal environment are avoided, remedied or mitigated (Policy 2A).



## **PART C: OVERVIEW OF SUBMISSIONS**

### **10. OVERVIEW OF SUBMISSION POINTS**

10.1 A total of 60 submission points have been received requesting relief in relation to the precinct.

10.2 Of the 60 submission points received:

- (a) One submission point is seeking changes to the precinct description.
  - i. There is one further submission point in opposition.
- (b) One submission point is seeking changes to the objectives.
  - i. There are no further submissions.
- (c) One submission point is seeking changes to the policies.
  - i. There are no further submissions.
- (d) Twenty-six submission points seek either the retention of the rules or changes to them.
  - i. There are 16 further submission points in opposition to the retention of the minimum lot size for sub-precinct A.
- (e) One submission point is seeking changes to the assessment criteria.
  - i. There are no further submissions.
- (f) Fifteen submission points are seeking the retention of Greenhithe sub-precinct A.
  - i. There are 15 further submission points in opposition.
- (g) One submission point is seeking the retention of Greenhithe sub-precinct B.
  - i. There are no further submissions.
- (h) Eleven submission points are seeking changes to the boundary between sub-precincts A and B.
  - i. There are 7 further submission points in support, 1 support in part and 3 in opposition.

- (i) Three submission points are seeking a new precinct for “old Greenhithe”.
  - i. There are 7 further submission points in support, 2 support in part and 5 in opposition.

10.3 I provide detailed discussion of the key issues and themes emerging from the submissions in section 13 below. The above submissions were considered in conjunction with the relevant rezoning submissions addressed in my Rezoning evidence for Albany Greenhithe.

10.4 Informal discussions were held with the following submitters:

- (a) Claire Covington for Albany Investment and Development Limited (6838-1) regarding 364, 378, 382 and 404 Upper Harbour Drive and 128 Albany Highway;
- (b) Kotewell Trustees Limited (4981-2) regarding 131 Upper Harbour Drive; and
- (c) John Parlane (2168-2) regarding the Greenhithe Village or old Greenhithe area.

10.5 As a result of these discussions a better mutual understanding of the issues was gained but no agreement on the outcome. Kotewell submitted additional geotechnical information; and Mr Parlane suggested he would also be open to reducing the minimum site size to 800m<sup>2</sup>, and explained his detailed analysis of the site sizes in this area.

## **11. INCORRECTLY CODED SUBMISSION POINTS**

11.1 There are no incorrectly coded submission points that I am aware of.

## **PART D: ANALYSIS OF SUBMISSIONS**

### **12. PRECINCT ASSESSMENT**

12.1 As noted above, the underlying zoning of the Greenhithe precinct is the Large Lot residential zone. This zone has a minimum lot size for subdivision of 4000 sqm. The precinct applies a 2 ha minimum lot size for subdivision to sub-precinct A and a range of lot sizes from 500 sqm – 1 ha depending on slope and SEA coverage to sub-

precinct B. This is largely reflective of the legacy District Plan controls, however there are three key differences:

- (a) The Area A: Mixed Environmental and Area B: Large Lot Residential zones in the North Shore City legacy District Plan have been combined into one sub-precinct – sub-precinct B;
- (b) An area bounded by the Upper Harbour Motorway, Albany Highway, Upper Harbour Drive and Blacks Road has been wrongly notated as sub-precinct A, when in fact it should be in sub-precinct B, if it is to reflect the lot sizes that currently apply; and
- (c) An area north of Schnapper Rock Road has been wrongly notated as sub-precinct A, when in fact it should be in sub-precinct B, if it is to reflect the lot sizes that currently apply.

12.2 The Large Lot residential zoning is the most appropriate zoning in my opinion due to the landscape qualities, ecological values, and topographical constraints. The large Lot zone is also the closest fit to the intensity of development that has and is occurring under the North Shore City District Plan provisions. There are however pockets of more intensive development interspersed amongst the Large Lot zone due to the variation of minimum site sizes enabled by the legacy subdivision controls for sites without physical constraints or vegetation cover.

12.3 The main differences between the precinct and the relevant overlays, zones or Auckland-wide rules are set out in **Table 1**, which I have reproduced below:

**Table 1**

Main precinct provision or group of changes	Difference from PAUP provisions
<i>Sub-precinct A minimum lot size – 2 ha.</i>	<i>Large Lot residential zone minimum lot size – 4,000 sqm. The precinct provision is more restrictive.</i>
<i>Sub-precinct B minimum lot size: 500 sqm; 3,000 sqm;</i>	<i>Large lot Residential zone minimum lot size – 4,000 sqm. The precinct provisions are both more and less restrictive depending on the</i>

<p>1 ha.</p> <p><i>(Lot size is dependent upon the slope of the land, presence of SEAs and connection to a reticulated waste water system).</i></p>	<p><i>circumstances / constraints applying.</i></p>
<p><i>Assessment criteria</i></p>	<p><i>The precinct provisions apply additional matters for discretion and assessment criteria related to managing subdivision and development to integrate with the natural characteristics and landscape settings of the area.</i></p>

- 12.4 In summary, the precinct applies a larger lot size to sub-precinct Area A and a range of lots sizes to sub-precinct B, including smaller lot sizes. This recognises the environmental constraints associated with the area and reflects the approach in the North Shore City legacy District Plan. The precinct does not override any Auckland – wide rules (with the exception of the minimum lot sizes in the subdivision rules) or overlays.

### 13. ANALYSIS OF PRECINCT PROVISIONS

- 13.1 In this section, I summarise the key issues/themes emerging from submissions and provide an overview of the changes I propose to the precinct provisions in response. The precinct provisions, and my proposed amendments to them, are set out in **Attachment B**.

#### *Theme 1 - Description*

- 13.2 3<sup>rd</sup> Fairway Development Limited (7103-5) seeks that reference to the Large Lot zone be deleted, that reference to sub-precinct A requiring lower densities than the Large Lot zone be deleted and that reference to remedying and mitigating adverse effects be included. As described in paragraph 18.6 of John Duguid’s evidence for Topic 080, the Large Lot zone has been applied to the periphery of urban areas within the Rural Urban Boundary (**RUB**) where sites have high ecological values, landscape values or geotechnical issues.

- 13.3 The precinct works in conjunction with this zone. In my opinion, the application of the Large Lot zone is appropriate within the Greenhithe Precinct due to the landscape qualities, ecological values and topography of the area. It is also appropriate in my view that sub-precinct A requires a lower density of development. This sub-precinct has been applied to the two escarpments which have visual significance, good quality native bush and high wildlife value. The lower density of development is in response to these factors. I therefore do not support this submission to remove reference to the Large Lot zone. I do not support including the references to remedying and mitigating adverse effects in the precinct description and policies, as this weakens their intent. The options to remedy or mitigate are appropriate considerations when an application is being assessed against the objectives and policies and avoidance proves impractical.

*Theme 2 - Objectives*

- 13.4 3rd Fairway Development Limited (7103-6) seeks that reference to the Large Lot zone objectives is removed from preceding the precinct objective, and to reword the objective so that it manages rather than limits adverse effects. As discussed above I consider that reference to the Large Lot zone is appropriate as the zone objectives should also be applicable for the land within the Greenhithe Precinct. The precinct objective applies in conjunction with the zone objectives. I do however support a change to the wording of the objective so that subdivision and development are “managed” to protect environmental values as this better reflects purpose of the RMA (i.e managing the use, development, and protection of natural and physical resources in a way...).

*Theme 3 - Policies*

- 13.5 3<sup>rd</sup> Fairway Development Limited (7103-7) seeks that reference to the Large Lot zone policies is removed from preceding the precinct policies. The submitter also seeks to amend Policies 1, 3, 7 and 8 by adding the words “as far as practical” to Policy 1; “or where this is not practicable for infrastructure to include measures to remedy and mitigate adverse effects” to Policy 3; replace “rural” with “lower density” for Policy 7 and replacing “preserve with “maintain” and replacing reference to marinating a low density rural residential environment” with providing for lower density residential subdivision” for Policy 8.

- 13.6 As discussed above I consider reference to the Large Lot zone to be appropriate as the Large Lot zone policies should also be applicable for the land within the Greenhithe Precinct.
- 13.7 The purpose of the Greenhithe precinct is to manage development to ensure that new development responds to the natural environment including topography, vegetation, water quality, landform and the visual landscape. The requested amendments to Policies 1 and 3 seeking the addition of the wording 'as far as practicable' and to add "or where this is not practicable for infrastructure to include measures to remedy and mitigate adverse effects" is not supported as I support the policy intent of Policies 1 and 3 to require development to protect and minimise the effects of development on existing environmental and landscape values.
- 13.8 I support the requested amendments to Policies 7 and 8 to the extent that I do not consider it appropriate for 'rural' character to be referred to for sites within the RUB. The Large Lot zone enables low density residential development, appropriate within the context of the areas landscape qualities, physical, and infrastructure constraints, however it is not intended to enable a rural character (rather, the zone is intended to provide a transition to rural areas, as the Large Lot zone description records). I propose the amendment of policies 7 and 8 as shown in **Attachment B** which clarifies the low density "residential" character envisaged for the Greenhithe sub-precincts.

#### *Theme 4 - Rules*

- 13.9 The majority of submission points received in relation to the precinct subdivision controls in fact relate to the incorrect mapping of the sub-precinct boundaries, in particular the incorrect mapping of sub-precinct A, and the 2ha minimum site size this imposes. Many of the submitters seek an amendment to the sub-precinct A minimum site size, however I consider the amendment of the sub-precinct boundaries as described below to address the majority of the submitters' concerns. The maps in **Attachments C** and **D** show the notified sub-precinct boundaries, and the proposed amendments to the sub-precinct boundaries.
- 13.10 Sixteen submitters (17 submission points) seek the retention of Rule 2.1 - Minimum site size for sub-precinct A. The minimum site size of 2 ha is based on the minimum lot size for the Rural 2 zone in the legacy North Shore City District Plan. The Rural 2 zone was applied to the two escarpments between Kyle Road and Schnapper Rock Road and south of Upper Harbour Drive.

13.11 The explanation and reasons associated with the Rural 2 zone state:

“The Rural 2 Landscape Protection zone applies to land of high natural value and comprises the Albany Heights area (both sides of State Highway 1), the Greenhithe, Te Wharau and Paremoremo escarpments and land in the Glenvar Road/East Coast Road vicinity. These areas have:

- Visual significance to the city and the local area
- Good quality native bush
- Good regeneration potential for native species
- High wildlife value.

The integrity of the native bush and its continued progression towards mature forest is dependent on withstanding fragmentation, encroachment of invasive species, effects of weather, edge effects through clearing for access, buildings and other development activities. A continuation of bush cover is also necessary for it to function as a wildlife corridor, enabling recolonisation of areas as well as providing for the full range of food sources and other needs to maintain viable populations of some wide-ranging animal species. The escarpments themselves provide an important visual amenity as continuous green backdrops to the more urbanised areas of the city. The policies aim to maintain these ecological and amenity values by limiting encroachments into the bush and restricting the dominance of buildings.”

13.12 In my opinion, it is appropriate that a larger minimum lot size apply to sub-precinct A, particularly as this sub-precinct is now proposed to only apply to the two escarpment areas.

13.13 DH Turkington (1065 – 1) seeks that Rule 2.1 Minimum site size be amended so that the subdivision control for sub-precinct A are the same as sub-precinct B. 3<sup>rd</sup> Fairway Development Limited (7103-9 & 7103-10) raise the same issue. DH Turkington’s land has been incorrectly included in sub-precinct A. I therefore support it being in sub-precinct B.

13.14 P & K Thornton (1232-2) seek that the Area A: Environmental Protection provisions of the Operative District Plan be reintroduced as they relate to that part of the Greenhithe Peninsula located between Upper Harbour Drive and Upper Harbour Highway. The submitters’ land has been incorrectly included in sub-precinct A. I therefore support the submission.

13.15 J & M Herbert (1905-2) and J Herbert (1907-2) seek that the requirement to connect to a reticulated waste water network in Table 1 – Minimum Site Size Greenhithe sub-precinct B be deleted. This requirement to connect to a reticulated waste water network applies to lot sizes between 500 sqm – 2999 sqm. This is appropriate in my

opinion, as the smaller lot sizes are not suitable for on-site wastewater treatment systems. However as discussed in the evidence in rebuttal of Sandy Ormiston for Topics 059, 060, 062 and 063, the minimum site size able to accommodate on-site wastewater systems without adverse effects on the environment is 2,500m<sup>2</sup>. I therefore propose to amend the minimum lot size of 3000m<sup>2</sup> in table 1 to 2500m<sup>2</sup>.

- 13.16 T Sylvester and B Dickison (2680-2) seek that Rule 2.1 Minimum site size be amended from 1 ha to 6,000 sqm for 4, 11, 15, 18, 19, 22 and 24 Viridian Lane, Greenhithe. In an amendment to the submission the submitters have also included in their submission all the land north of Upper Harbour Drive from 236 to Upper Harbour Drive. The properties referred to in the submission have recently been subdivided. The lot sizes include sites of just over 800m<sup>2</sup> as well as very large residual lots likely to have further subdivision potential.
- 13.17 The submitters are of the view that a 1 ha lot size is too large and therefore difficult to maintain. The 1 ha lot size would however only be applied to land that has a slope of greater than 15 degrees and/or has more than 20% of the site area containing an SEA. I therefore do not support this submission.

#### *Theme 5 – Assessment Criteria*

- 13.18 3<sup>rd</sup> Fairway Development Limited (7103-11) seeks that Rule 3(2) Assessment Criteria be amended so that the area is not required to retain a rural character. I support the submission. Maintaining the low density “rural” character is not appropriate as the area is not zoned rural. The range of lot sizes required in the precinct is to ensure subdivision and subsequent development protect environmental values and landscape features.

#### *Theme 6 – Sub-precinct Boundaries*

- 13.19 The following sections describe the specific requests and proposed changes to the sub-precinct boundaries. Following a review of the sub-precinct boundaries in the context of legacy zoning and sub-division controls, existing development, topography and location of SEAs, sub-precinct A is proposed to be retained only for two escarpments areas, between Kyle Road and Schnapper Rock Road, and south of Upper Harbour Drive.
- 13.20 Fifteen submitters seek that 84 Laurel Oak Drive be retained in sub-precinct A. In my opinion, sub-precinct A should only be applied to the two bush-clad escarpments. The remainder of the precinct is appropriately sub-precinct B. 84 Laurel Oak Drive



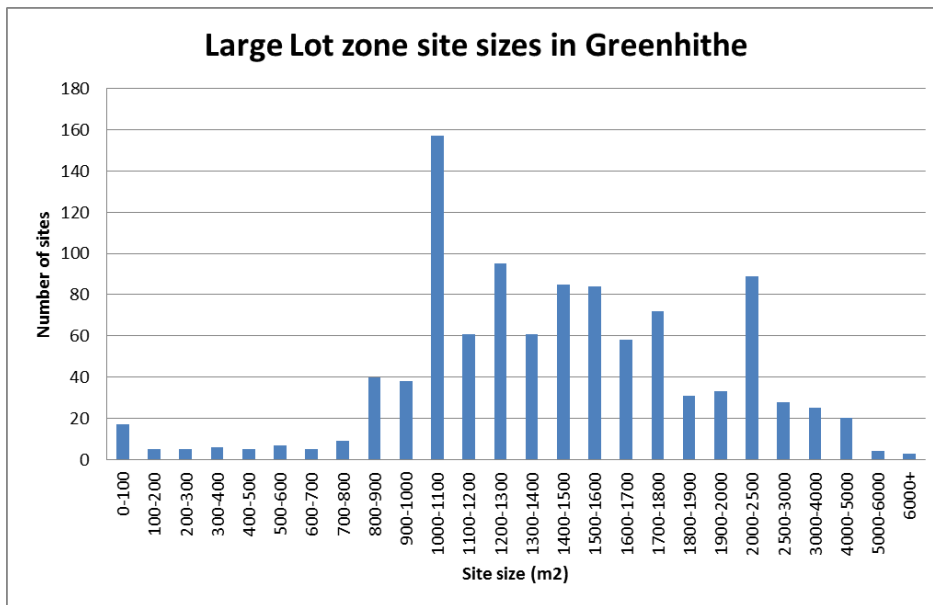
has similar characteristics to other land in sub-precinct B. It is currently zoned Area A: Mixed Environmental zone under the legacy North Shore City District Plan. Under the PAUP, a significant proportion of 84 Laurel Oak Drive is subject to a SEA overlay. This will limit the number of lots that are able to be subdivided. I therefore do not support the submissions.

- 13.21 J & M Herbert (1905-1) seek that 100 Schnapper Rock Road be retained in sub-precinct B, or an equivalent zone. In my opinion, 100 Schnapper Rock Road is appropriately included in sub-precinct B. This reflects the environmental and physical constraints associated with the site. I therefore support the submission.
- 13.22 Eight submitters (340-1, 1232-1, 1907-1, 2680-1, 6266-1, 6838-1, 7103-3, and 7103-4) seek that their properties be included in sub-precinct B. As discussed above, sub-precinct A was incorrectly applied to land between Upper Harbour Drive and Kyle Road, and to land north of Schnapper Rock Road. The land in this locality is, in my opinion, appropriately included in sub-precinct B. This reflects the current situation under the legacy North Shore City District Plan. I therefore support the submissions.
- 13.23 Two submitters (4981-2 and 7164-1) have land located in the escarpments that lie south of Upper Harbour Drive and between Kyle Road and Schnapper Rock Road. In my opinion, it is appropriate that these properties be retained in sub-precinct A. This reflects the environmental and physical constraints associated with the land. I therefore do not support the submission.
- 13.24 Auckland Council (5716-1182) seeks that the precinct boundaries be amended to exclude two locations of land zoned Public Open Space – Conservation. In my opinion, it is not appropriate to include public open space zoned land in the Greenhithe precinct as the changes to the minimum lot sizes that the precinct provides for are not relevant to public open space. I therefore support the submission.

*Theme 7 – New precinct*

- 13.25 Submission points have been received seeking the addition of the “Greenhithe Village” as either a new precinct, or as a new sub-precinct to the Greenhithe Precinct. The “Greenhithe Village” is located to the west of the Upper Harbour motorway and was zoned as Large Lot within the notified PAUP. The “Greenhithe Village” was not subject to a precinct within the notified PAUP, however submitters are seeking the addition of a new precinct in order to apply a smaller minimum site size than the 4000m<sup>2</sup> minimum site size of the Large Lot zone.
- 13.26 Auckland Council (5716-1181) and J Parlane (2168-2) seek that “Greenhithe Village” has a minimum site area of 1200 sqm. The Auckland Council submission also makes a distinction between sewerred sites and unsewerred sites, with a 4000 sqm minimum site area for unsewerred sites. Auckland Council (Upper Harbour Local Board) seeks a minimum site area of 1,000 sqm for the “Greenhithe Village”.
- 13.27 Greenhithe Village is zoned Residential 1 under the legacy North Shore City Plan. The minimum net site area for that zone is 1200m<sup>2</sup> on sewerred sites with a minimum average area of 1500m<sup>2</sup> (provided that sites with an area in excess of 1800m<sup>2</sup> shall not be considered when calculating average area). On non-sewerred sites the minimum net site area is 4000m<sup>2</sup>. The minimum lot size of the Large Lot zone of 4000 sqm is, in my opinion, not appropriate for the “Greenhithe Village” given the absence of any significant environmental and physical constraints, the current pattern of subdivision and development and that the area is now largely serviced with wastewater reticulation.
- 13.28 For this reason I have proposed in my rezoning evidence report (Topic 081c Rezoning and Precincts (Geographical Areas) Albany and Greenhithe) to rezone the Greenhithe Village from Large Lot to Single House. Although I consider the SH zone to be a more appropriate zone for the Greenhithe Village, and subject to/without the benefit of a complete landscape analysis of this area, I do not generally consider the minimum site size of 600m<sup>2</sup> to be appropriate. Due to historical subdivision patterns established by former on-site wastewater treatment and disposal requirements, and reinforced by the legacy North Shore City minimum site sizes for subdivision outlined above, current site sizes within the old part of the Greenhithe Village predominantly range between 1000m<sup>2</sup>-2000m<sup>2</sup> as detailed in **Table 3** below.

Table 3



- 13.29 To reflect the existing site sizes within the “Greenhithe Village” I consider that a 1000m<sup>2</sup> minimum site size is appropriate as a means to maintain the existing pattern of development, and preserve its well-wooded, coastal bush natural character, while enabling greater development potential than initially provided by the notified Large Lot zone subdivision controls.
- 13.30 I consider that the Greenhithe Precinct is appropriate for managing subdivision within areas of high landscape value, however due to the existing semi-suburban character of the “Greenhithe Village” area I do not consider this area appropriate to be included as a new sub-precinct. As an alternative to adding a new sub-precinct I propose to amend Table 3: Additional subdivision controls, within the residential subdivision controls to include a minimum site size of 1000m<sup>2</sup> for Greenhithe, and the planning maps amended to include an additional subdivision control over the Greenhithe Village as shown in **Attachment E**.
- 13.31 Having regard to the requirements of sections 32 and 32AA of the RMA and the other statutory criteria of the RMA outlined in the evidence of Mr Duguid and the matters raised by submitters, I consider that the proposed set of provisions as marked up in **Attachment B** are appropriate because they are the most appropriate way to refine the underlying Large Lot residential zone to recognise the variations of subdivision patterns enabled by the legacy subdivision controls, while managing the effects of subdivision and development on the landscape qualities, ecological values and topography of the area.

13.32 In considering the alternatives I have evaluated the following options:

- (a) Do nothing – this is not effective as it would continue to apply the wrong sub precinct to land which does not match the corresponding values; and it would preclude development which should otherwise be enabled. Further it does not address the issues of the Large Lot development controls, which when applied to the existing and proposed smaller sites would necessitate applications for non-compliance with development controls. In some cases newly approved subdivisions have created sites which would not be able to be developed without this consent. The costs of an oversight by Council would fall upon the landowners, and this would not be acceptable.
- (b) Rezone to Single House or a “higher” intensity residential zone – this would not achieve the level of environmental protection envisaged by the precinct and the RPS for the Greenhithe area although it would appear to support growth capacity for the urban area. In fact the constraints on the land are, over the Large Lot area of Greenhithe such that a different approach to development is appropriate from the “planned suburban future” envisaged by the Single House zone. In my opinion, the greater part of the Greenhithe precinct area has a different planned future - one of clusters of smaller sites within larger bush and generating bush sites. This supports RPS and residential policies by increasing diversity and choice of residential environments. The exception is the old Greenhithe area (ex-Residential 1) which has historically had a planned suburban future, albeit not envisaging such a closely subdivided one. To retain the qualities which are valued by the local community, I consider a minimum site size applied by way of additional subdivision control over a rezoning to Single House would be the most appropriate planning method. Moreover, the Single House zoning will allow a range of community activities which are suited to an area with a suburban future, but less necessary in the Large Lot area.
- (c) Plan change – In view of the confusion and consternation brought about by the erroneous application of the sub precincts, and the application of Large Lot zoning without the development controls appropriate to closer suburban living, I am of the opinion that a plan change with adequate public consultation would have been the best approach to rectifying this situation. The proposals herein are to my mind adequate and necessary to provide a tolerable planning regime in the interim. Council may wish to consider a later

review involving consultation with the community about these changes and the urban future of this area in view of raised public consciousness due to the circulation of the preliminary rezoning maps. These were circulated without the benefit of an explanation of the intention to apply additional subdivision controls.

- (d) Additional subdivisional controls in place of the precinct – initially the precinct would appear to only deal with subdivision size, but the intent was to roll over the previous North Shore Operative District Plan policy position, albeit in a much more simple format. Additional subdivisional controls do not have their own objectives and policies independent of the underlying zone. The Large Lot zone objectives and policies are applied region-wide and do not contain sufficient reference to the particular values needing to be protected in Greenhithe. Local values would not sit appropriately in the Large Lot objectives whereas the Greenhithe precinct is a methodology that provides for objectives policies and rules including assessment criteria tailored to this particular landscape. It is essential in my opinion to state clearly the values that are to be protected, and, while possibly too minimal compared to the very clear and detailed direction of the Operative Plan, the precinct as proposed to be amended is the best way to this, while not restating all the other applicable provisions of the large Lot zone.
- (e) Again, the exception to (d) is the old Greenhithe village, which is similar to the Rural and Coastal villages also listed in the additional subdivision controls in that reference can be made back to the Single House zone for supporting objectives and policy.

#### **14. PROPOSED AMENDMENTS OUTSIDE THE SCOPE OF SUBMISSIONS**

14.1 As outlined in Mr Duguid's evidence, a number of amendments are proposed which are, or may be out of scope of the submissions. This is to ensure:

- (a) that the most appropriate PAUP method is used to address the precinct matters;
- (b) the removal of duplication following a comparison review of the precinct to the amended PAUP position as proposed in the Council's closing statements to the Panel;
- (c) consistency in the organisation and terminology of all precincts; and

(d) adverse development outcomes are avoided.

14.2 Due to the landscape qualities, ecological values and topography constraints I support the retention of the Large Lot zone within the Greenhithe Precinct, however, unlike the Large Lot zone, the Greenhithe sub-precinct B enables the establishment of smaller sites on flat land with minimal SEA cover. The Large Lot zone development controls provide for development on larger sites, with large yard controls to retain a spacious landscape character. The Large Lot yard controls are a 10m front yard control and a 6m side and rear yard control. Due to the distance of the side and rear yards the zone does not have a height in relation to boundary control.

14.3 I consider that the Large Lot zone development controls are appropriate for sites within the Greenhithe Precinct with the exception of the yard controls and height in relation to boundary controls for smaller sites. Coverage may also be an issue unless the proposed changes in the Large Lot zone to increase the permitted site coverage are adopted. As sub-precinct B enables subdivision to site sizes smaller than envisaged by the Large Lot zone I consider it appropriate to provide (as an out of scope change) additional yard controls within the Greenhithe Precinct for sites below 4000m<sup>2</sup>. The legacy North Shore Greenhithe structure plan enabled the following yard controls:

Yard	Sites smaller than 1499m <sup>2</sup>	Sites between 1500m <sup>2</sup> – 3999m <sup>2</sup>
Front yard	5m	5m
Side and rear yards	1.2m	3m

14.4 I consider these yard controls are appropriate to be added to the Greenhithe precinct for sites below 4000m<sup>2</sup> to ensure the Large Lot zone does not apply onerous yard controls for existing and potential smaller sites within Greenhithe sub-precinct B.

14.5 With the addition of smaller yard controls, I also consider it necessary to introduce, as a further out of scope change, a height in relation to boundary control for sites below 4000m<sup>2</sup> to ensure sunlight access is retained for adjacent properties.

14.6 Some areas which have been placed in the wrong precinct have not been identified specifically by a submitter. This was essentially due to an error in translation, and in my opinion it is appropriate to consider the requisite changes as out of scope amendments.

- 14.7 Additionally I have proposed a number of amendments to precincts to correct minor technical or editorial errors. There are no particular submissions to which these amendments respond. All amendments are shown in my track changes attached as **Attachment B** or in the revised maps in **Attachment D**.

## 15. CONSEQUENTIAL AMENDMENTS TO OTHER PARTS OF THE PAUP

- 15.1 Table three of the residential subdivision rules is to be amended to add a new additional subdivision control for Greenhithe (over the area defined by the former Residential 1 zone west of Wainoni Park) with a minimum site size of 1000m<sup>2</sup>. This control will be mapped within the planning maps as shown in **Attachment E**.
- 15.2 In the case of the Greenhithe Village which was previously zoned Residential 1 in the Operative North Shore District Plan and also developed under earlier district Scheme provisions, the Large Lot zoning results in a high risk of many buildings becoming non-conforming. The amendments to the Precinct proposed above will not remedy this problem because the operative development controls for Residential 1 are different from those of Operative Plan under the previous Structure Plan A and B zones. For this reason I have proposed in my zoning evidence to support the submission of Mr Parlane and rezone that area as SH, so applying the development controls and amenity protections of the SH zone to the more suburban setting of that area.
- 15.3 I have considered alternative methods to applying a new subprecinct or one of the existing sub precincts to the Village in order to meet the need to protect and enable the existing character of this area to evolve while maintaining its most valued characteristics. I consider that the use of an additional subdivision control is a simpler and more effective method than a new precinct or sub-precinct in this location. I do not regard the area east of the Motorway to have the same characteristics, but consider it has more in common with the rest of sub-precinct B and sub-precinct B as modified by this evidence those controls should continue to apply to it.

## 16. CONCLUSIONS

- 16.1 I have considered the submissions received on the Greenhithe Precinct. I consider that the amendments as set out in the map included within **Attachment D** and the

proposed set of provisions as marked up in **Attachment B** most appropriately meet the purpose of the RMA.

**Terry Conner**

**29 January 2016**



## **ATTACHMENT A: CV of Report Writer**

### **Terry Norma Conner**

#### **Relevant experience**

1980-1989 Assistant planner, Planner, Borough Planner and City Planner roles  
Experience in statutory planning as Borough Planner for Henderson Borough and City Planner for Tamaki City Council including plan administration, oversight of plan reviews and regional plan submissions.

1990-1994 Senior Planner

On local government amalgamation joined Auckland City Council's district plan team. Processed plan changes, Notices of Requirements and worked on the Isthmus District Plan reviews, focussing on designations.

1994-2010 Senior Planner, Senior Policy Analyst and Principal Planner roles

Regional, spatial and environmental policy projects. Focussed on growth management, including developing growth plans for town centres and business precincts, demographics, land use, transport and infrastructure integration and modelling. Reporting planner for LGAA. IAP2 qualified in public consultation, experienced in collaboration, joint hearings, multi-skilled teams and innovation.

2010-present day Principal Planner

After the amalgamation into Auckland Council joined the Area Spatial Planning Team and currently in the North West Planning team of Auckland Council supporting on area plans, the Beach Haven Project and Milford Centre Plan, and liaising with Upper Harbour Local Board for Unitary Plan input.

Lead planner role in reporting on PAUP 081 Geographic non-industrial zoning and some precinct submissions for Albany-Greenhithe submission area units.

#### **Qualifications**

Bachelor of Town Planning (4 year degree) Auckland University 1980

Environmental Issues and Business Management Paper Massey University (1996)

Considerable professional development

#### **Affiliations**

New Zealand Planning Institute Graduate Member

**ATTACHMENT B: Greenhithe Track Changes**

## ATTACHMENT B: Greenhithe track changes

1. Additions are underlined and deleted text is in ~~strikethrough~~
  2. Black text changes record amendments proposed in primary evidence (either pre or post mediation).
  3. **Yellow highlighted text** records amendments that are considered out of scope of submissions.
- Numbering of this precinct will be reviewed as part of the overall review of the UP numbering protocols.

### PART 2 - REGIONAL AND DISTRICT RULES»

#### Chapter F: Precinct objectives and policies »5 North»

##### 5.12 Greenhithe

~~The objectives and policies of the underlying Large Lot zone apply in the following precinct unless otherwise specified. Refer to planning maps for the location and extent of the precinct and sub-precincts.~~

Comment [1]: Deleted and replaced with text following 'precinct description' heading, for consistency with other precincts.

##### Precinct description

The underlying zoning of land within this precinct is Large Lot zone. Refer to the planning maps for the location and extent of the precinct and sub-precincts.

The Greenhithe precinct covers a broad area of the Greenhithe Peninsula and drains in two directions to the upper Waitemata Harbour. The purpose of the precinct is to manage subdivision and development in a sensitive catchment and ensure that new development responds to the natural environment including topography, vegetation, water quality, landform and the visual landscape.

The Greenhithe precinct comprises two sub-precincts. Sub-precinct A requires lower ~~densities~~ minimum site sizes than those permitted by the Large Lot zone. Sub-precinct B allows higher densities minimum site sizes than those permitted by the Large Lot zone subject to specific constraints and opportunities including landscape features, topography, significant vegetation and access to a reticulated wastewater system. Subdivision and development in the precinct is supported where it avoids the removal of significant native vegetation (in order to protect visual landscape, native vegetation and habitat for native fauna), will minimise sedimentation and respond to and integrate with, the features of the landscape.

Comment [2]: For clarification. Although currently the density is 1 dwelling per site and therefore effectively subdivision and density are the same, "minimum site sizes" is proposed to replace the word "densities" as it is more accurate.

Comment [3]: For clarification in support of the changes to the objective

##### Objectives

The underlying Large Lot zone and Auckland-wide objectives apply in this precinct objectives are as listed in the Large Lot zone in addition to that those specified below:

Comment [4]: Consistency

1. Subdivision and development is limited managed to protect environmental values and the landscape character of the area.

Comment [5]: 3<sup>rd</sup> Fairway Development Limited 7103-6

## Policies

The underlying Large Lot zone and Auckland-wide policies apply in this precinct are as listed in the Large Lot zone in addition to those specified below:

Comment [6]: Consistency

1. Design subdivision and development to protect environmental values and the landscape features and character of the area, including watercourses and significant native vegetation and fauna habitats.
2. Determine the type and intensity of development opportunities in different parts of the precinct based on the environmental constraints.
3. Locate buildings platforms and access roads to:
  - a. avoid and protect native vegetation and fauna habitats
  - b. minimise land modification and scarring of the landscape
  - c. avoid significant steep slopes, ridgelines and stream valleys
  - d. minimise visual intrusion when viewed from public places.
4. Minimise the potential to create sedimentation associated with land development and subdivision by limiting the intensity of development and retaining vegetation cover, particularly on steep land and land close to natural water courses.
5. Develop, before any subdivision is approved, a satisfactory means within sub-precincts to achieve long-term water quality in adjacent waterways without environmental damage.
6. Retain and enhance native fauna and flora within the area.

### Greenhithe sub-precinct A

7. Protect the natural and physical environment by maintaining the existing low density rural residential character of the area.

Comment [7]: 3<sup>rd</sup> Fairway Development Limited 7103-7

### Greenhithe sub-precinct B

8. Preserve the character of the landscape by maintaining a low density rural residential environment whilst enabling greater residential intensity and by clustering of development in flatter areas where there is little or no vegetation and access to a reticulated wastewater system.

Comment [8]: 3<sup>rd</sup> Fairway Development Limited 7103-7

## 5.12 Greenhithe

The underlying zoning of land within this precinct is the Large Lot zone. The activities, controls, and assessment criteria in the underlying Large Lot zone and Auckland-wide rules apply in the following precinct and sub-precincts unless otherwise specified below. Refer to planning maps for the location and extent of the precinct and sub-precincts.

Comment [9]: Consistency

The provisions of Chapter I for the underlying zone and Auckland-wide provisions of Chapter H apply in the following precinct and sub-precincts unless otherwise specified below.

Comment [10]: Text in this paragraph has been standardised to PAUP template and moved, rather than any change of meaning or intent

### 1. Activity table

1. The activities in the underlying Large Lot zone and Auckland-wide activity tables apply in the Greenhithe precinct unless otherwise specified in the activity table below.

Comment [11]: Consistency

Table 1.

Activity	Activity Status
<b>Subdivision</b>	
Subdivision	RD

### 2. Subdivision controls

1. The subdivision controls in the Auckland-wide rules – subdivision apply in the Greenhithe precinct unless otherwise specified below.

#### 2.1 Minimum site size

1. Within Greenhithe sub-precinct A, the minimum site size for subdivision is 2ha.
2. Within Greenhithe sub-precinct B, the minimum site size for subdivision is 500m<sup>2</sup> and must be in accordance with the table below:

Comment [12]: Have made amendments to Table 1 to clarify intent

Table 24

Minimum site size	Controls
Between 500m <sup>2</sup> and 2499m <sup>2</sup>	Each site must: i. have a minimum building envelope of 400m <sup>2</sup> that has an average slope of less than 8 degrees ii. not contain any SEAs iii. be connected to a reticulated wastewater network
Between 2500m <sup>2</sup> and 3000m <sup>2</sup> and 1ha	Each site must: i. have a minimum building envelope of 1500m <sup>2</sup> that has an average slope less than 15 degrees ii. have less than 20 per cent of the site area which contains a SEA
Over 1ha	<del>No specific requirements</del> Auckland-wide requirements only apply

Comment [13]: Table renumberes so activity table can be Table 1. Note submissions referring to "Table 1" relate to this table.

Comment [14]: Out of scope change to reflect evidence of Sandy Ormiston see below

Comment [15]: Propose this change (from 3000m<sup>2</sup> to 2500m<sup>2</sup>) in light of the recommendation of Sandy Ormiston that 2500m<sup>2</sup> is the minimum site size able to accommodate on-site wastewater systems.

Comment [16]: 2680-2 Todd Sylvester and Bronwyn Dickison

3. The creation of any site smaller than the minimum site sizes specified in clauses 2.1.1-2 above is a non-complying activity.

### 3. Development controls

The underlying Large Lot zone development controls and Auckland-wide controls apply in this precinct, unless otherwise specified below.

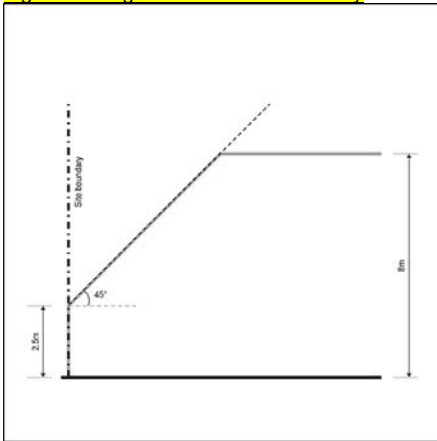
#### 3.1 Height in relation to boundary

1. For sites smaller than 4000m<sup>2</sup> buildings must not project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level alongside and rear boundaries as shown in Figure 1 below:

Comment [17]: Added in order to avoid major issues of non-compliance and loss of amenity protection. This corrects an oversight /error in the PAUP, that the LL applies in this Precinct to many smaller sites, yet lacks adequate protection or appropriate development controls

Comment [18]: Legacy development controls to be applied, to LL land on sites less than 4000m<sup>2</sup>.  
An alternative would be to cross refer to the SH development controls in their entirety; however the legacy yard controls are proposed below as more appropriate to the variety of site sizes .

Figure 1: Height in relation to boundary



**3.2 Yards**

1. Yards must comply with the Table 2 below:

Table 1: Minimum yard requirements

Yard	Sites smaller than 1499m <sup>2</sup>	Sites between 1500m <sup>2</sup> – 3999m <sup>2</sup>	Sites over 4000m <sup>2</sup>
Front yard	5m	5m	Large Lot zone yard
Side and rear yards	1.2m	3m	controls apply

Comment [19]: Yard controls taken from North Shore Operative District Plan legacy provisions for the former Greenhithe Structure Plan zones

**3.4. Assessment - Restricted discretionary activities**

The following provisions apply in addition to the relevant restricted discretionary activity matters for discretion and assessment criteria listed within the Auckland-wide – Subdivision rules.

**34.1 Matters of discretion**

1. The council will reserve its discretion to the matters below for the activities listed as restricted discretionary in clause 1 above:

a. clause 5.4 of the Auckland-wide – Subdivision rules

b.a. general subdivision and development

e.b. location and development of building platforms and accessways.

**34.2 Assessment criteria**

The council will consider the relevant assessment criteria below for the restricted discretionary activities listed in the activity table:

1. The assessment criteria outlined in clause 5.4 of the Auckland-wide – Subdivision rules.

2. General subdivision and development:

Comment [20]: Amendment for accuracy

a. Subdivision and development should be designed to respect and integrate with the natural characteristics, landscape setting, landmarks and views of the area. In particular it should:

- i. maintain the low density rural residential character of the landscape
- ii. provide larger sites where land has environmental or building limitations due to slope, stability, significant native vegetation or special natural values
- iii. minimise the potential effects of sedimentation associated with the development of land by limiting the intensity of development and retaining vegetation cover particularly on steep land and close to natural water courses
- iv. protect water quality and associated ecological values of nearby water bodies.

Comment [21]: 3rd Fairway Development Limited 7103-11

### 3. Building platforms and access ways

a. Building platforms, access ways and development should be located to:

- i. integrate with the landscape and minimise visual obstruction when viewed from public places including the coastal marine area
- ii. avoid protruding above a ridgeline
- iii. use existing or proposed vegetation to screen buildings and structures
- iv. avoid modifying landscapes by selecting flat sites for building platforms
- v. locate building platforms to avoid long access driveways and use shared access driveways where practicable
- vi. avoid earthworks and retaining walls that would create visible scars on the landscape
- vii. avoid modifying ridgelines, landforms and stream valleys which define the distinctive landscape character of the Greenhithe precinct
- viii. protect and enhance significant native flora and fauna habitats, in particular high-quality regenerating bush.

b. Ensure that consent notices are approved by council for the location of all new building platforms and accessways.



**2.3.1 Residential zones**

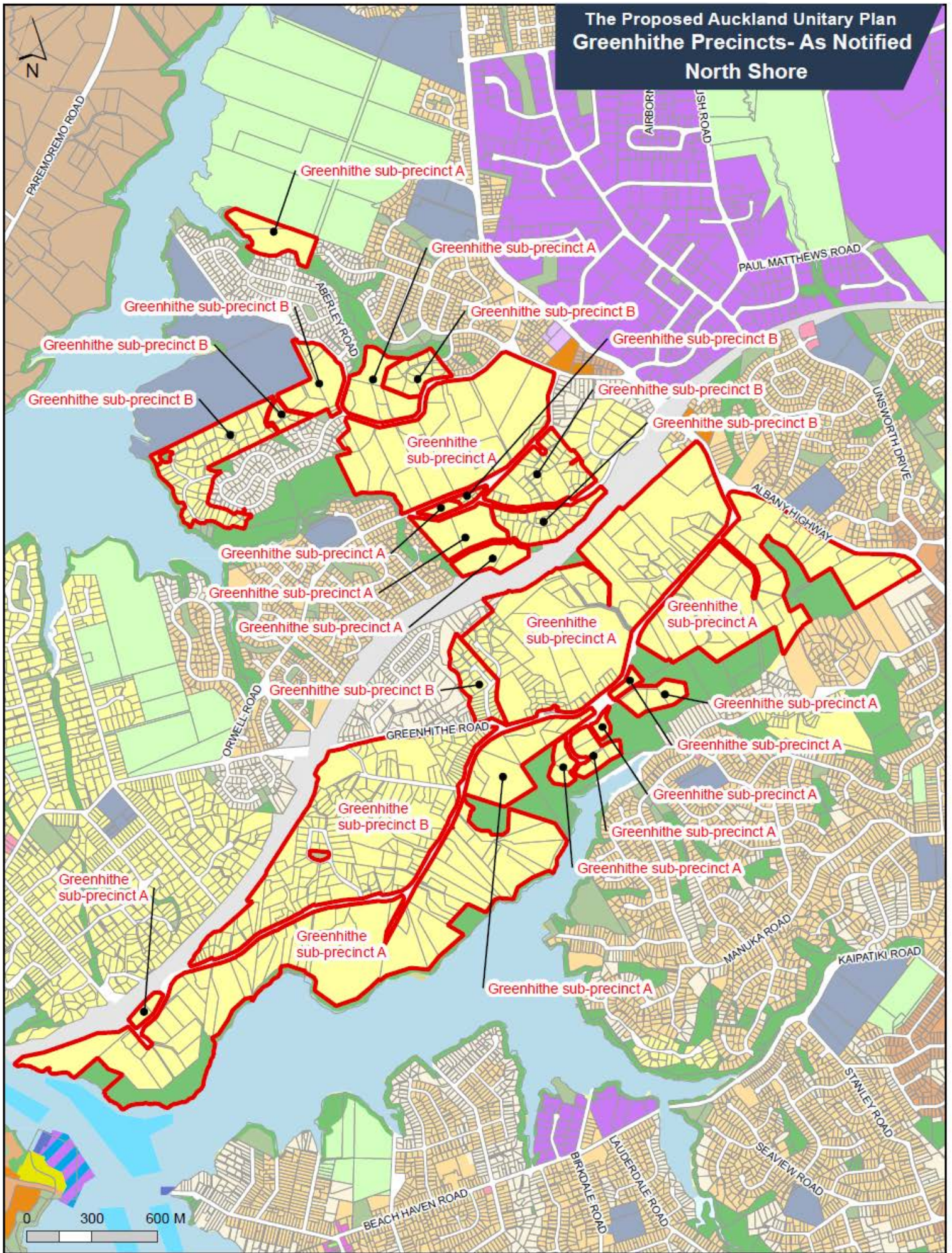
Table 3: Additional subdivision controls

Area	Minimum net site area
Albany North	1500m <sup>2</sup>
Albany West	600m <sup>2</sup>
Beachlands	700m <sup>2</sup>
Bombay	800m <sup>2</sup>
Buckland	800m <sup>2</sup>
Clarks Beach	800m <sup>2</sup>
Glenbrook Beach	800m <sup>2</sup>
Greenhithe	1000m <sup>2</sup>
Herald Island	800m <sup>2</sup>
Howick East	700m <sup>2</sup>
Kawakawa Bay	750m <sup>2</sup>
Kingseat	800m <sup>2</sup>
Manurewa	750m <sup>2</sup>
Maraetai/Omana Beach	700m <sup>2</sup>
Patumahoe	800m <sup>2</sup>
Point Wells	1000m <sup>2</sup>
Riverhead	800m <sup>2</sup>
Waiau Beach	800m <sup>2</sup>
Waimauku	800m <sup>2</sup>

Comment [22]: 5716-3403 Auckland Council (Upper Harbour Local Board) for 1000m<sup>2</sup>; 2168-2 John Parlane for rezoning to SH; alternative method in response to request for a new precinct

**ATTACHMENT C: Greenhithe Precinct Map (Notified)**

# The Proposed Auckland Unitary Plan Greenhithe Precincts- As Notified North Shore

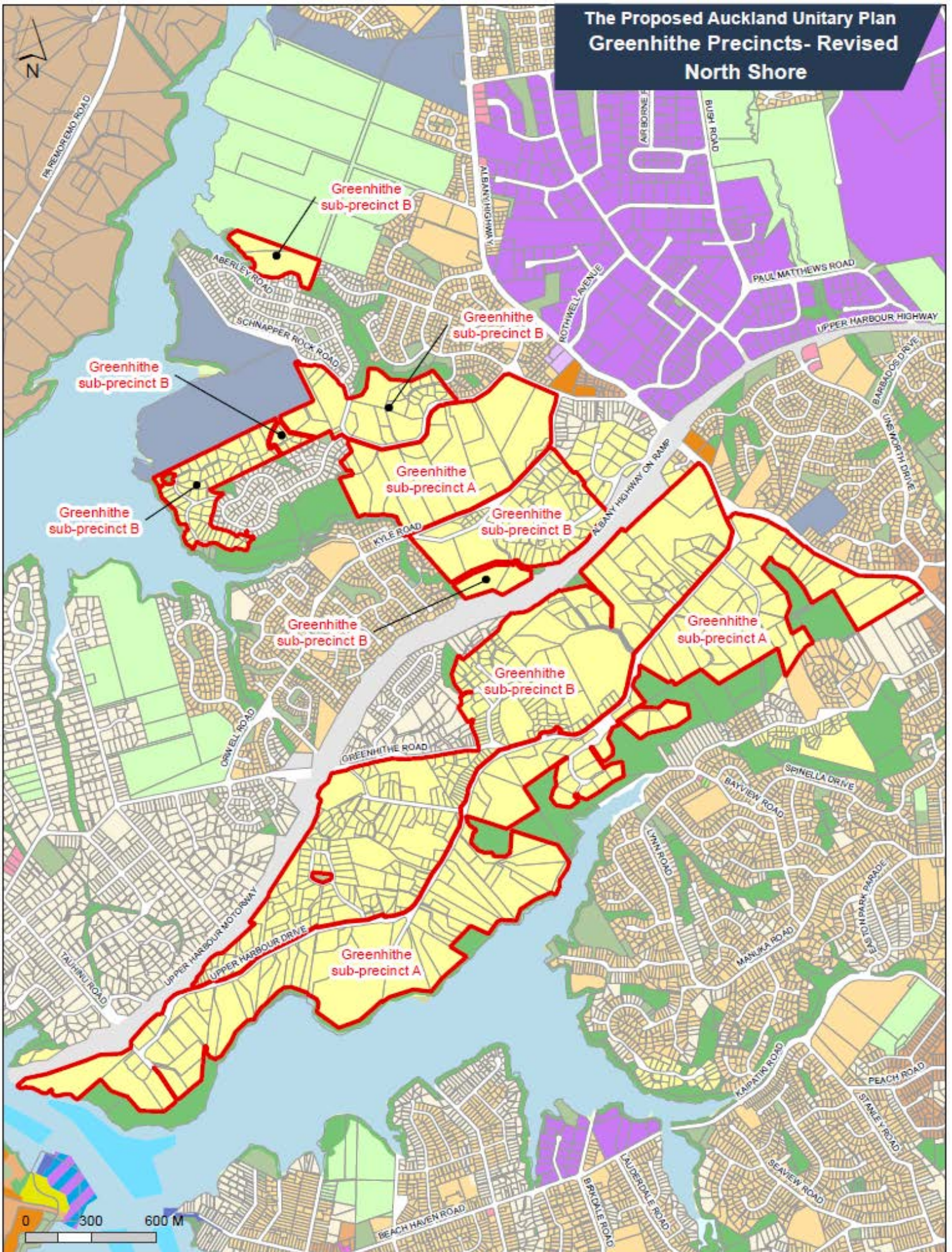


Legend	
Precincts	Terrace Housing and Apartment Buildings
Unitary Plan Zones - As Notified	Future Urban
Special Purpose	Green Infrastructure Corridor
Large Lot	Rural and Coastal Settlement
Single House	Neighbourhood Centre
Mixed Housing Suburban	Local Centre
Mixed Housing Urban	Town Centre
Metropolitan Centre	Mixed Use
City Centre	General Business
Rural Conservation	Business Park
Countryside Living	Light Industry
Rural Coastal	Rural Production
Mixed Rural	Public Open Space - Conservation
Public Open Space - Sport and Active Recreation	Public Open Space - Informal Recreation
Public Open Space - Community	Public Open Space - Civic Spaces
Public Open Space - Civic Spaces	Strategic Transport Corridor
Road [1]	Road [2]
Defence [1] (c/p/d)	Defence [2] (c/p/d)
Minor Port (c/p/d)	Marina (c/p/d)
Mooring (c/p)	General Coastal Marine (c/p)
Water [1]	Water [2]
Coastal Transport	Auckland Gulf Estuary



**ATTACHMENT D: Greenhithe Precinct Map (Revised)**

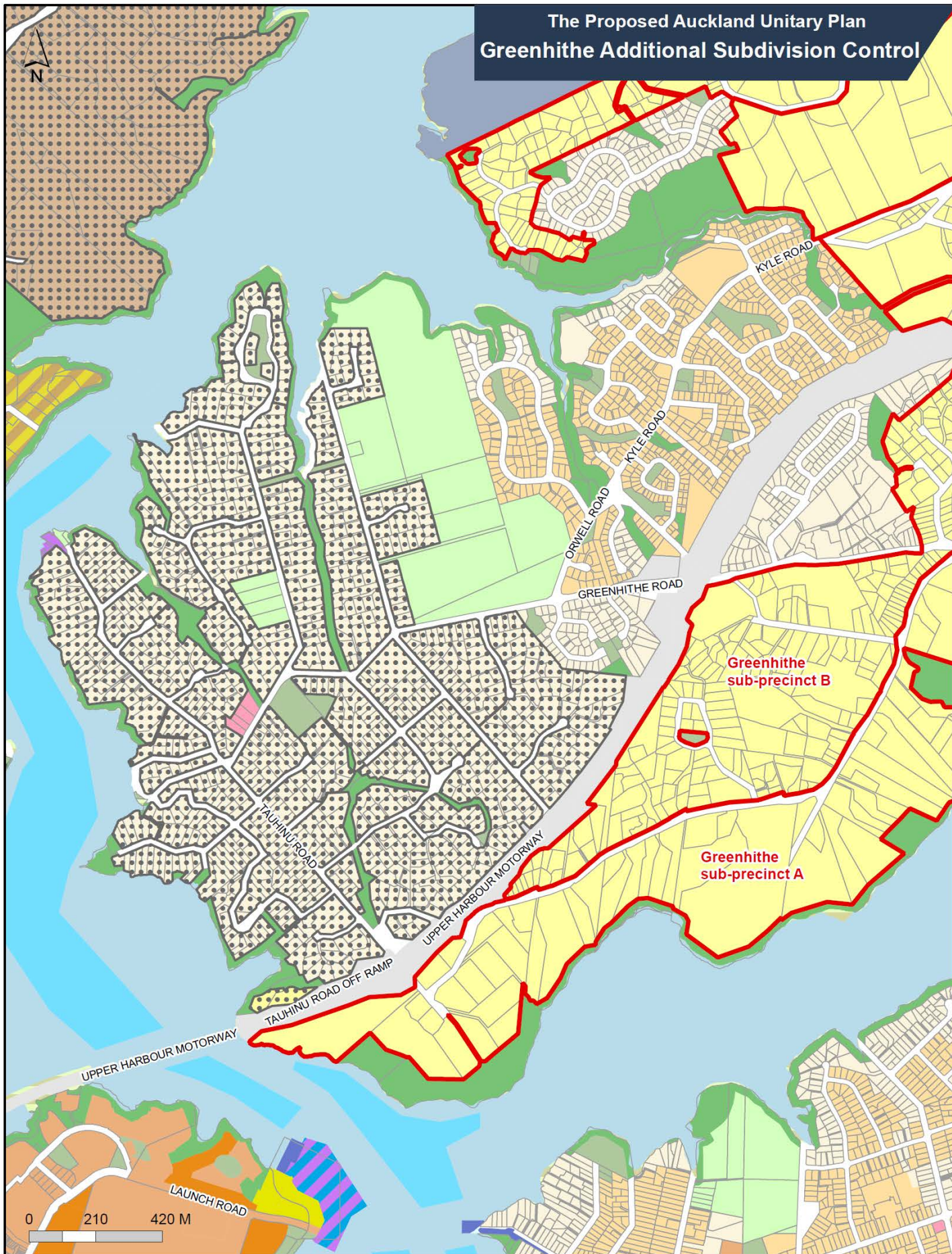
# The Proposed Auckland Unitary Plan Greenhithe Precincts- Revised North Shore



Legend	
Precincts	Terrace Housing and Apartment Buildings
Special Purpose	Future Urban
Large Lot	Green Infrastructure Corridor
Single Housing	Rural and Coastal Settlement
Mixed Housing Suburban	Neighbourhood Centre
Mixed Housing Urban	Town Centre
Metropolitan Centre	Rural Conservation
City Centre	Countryside Living
Mixed Use	Rural Coastal
General Business	Mixed Rural
Business Park	Rural Production
Light Industry	Public Open Space - Conservation
Heavy Industry	Public Open Space - Informal Recreation
Public Open Space - Sport and Active Recreation	Minor Port (rcp)ip
Public Open Space - Community	Marina (rcp)ip
Public Open Space - Civic Spaces	Mooring (rcp)
Strategic Transport Corridor	General Coastal Marina (rcp)
Road [I]	Water [I]
Road [II]	Coastal Transition
Defence (rcp)ip	Hauraki Gulf Islands
Ferry Terminal (rcp)ip	

**ATTACHMENT E: Greenhithe Additional Subdivision Control**

# The Proposed Auckland Unitary Plan Greenhithe Additional Subdivision Control



Legend		
Additional Subdivision Controls	Rural and Coastal Settlement	Rural Conservation
Precincts	Neighbourhood Centre	Countryside Living
<b>Revised Unitary Plan Zones</b>	Local Centre	Rural Coastal
Special Purpose	Town Centre	Mixed Rural
Large Lot	Metropolitan Centre	Rural Production
Single House	City Centre	Public Open Space - Conservation
Mixed Housing Suburban	Mixed Use	Public Open Space - Informal Recreation
Mixed Housing Urban	General Business	Public Open Space - Sport and Active Recreation
Terrace Housing and Apartment Buildings	Business Park	Public Open Space - Community
Future Urban	Light Industry	Public Open Space - Civic Spaces
Green Infrastructure Corridor	Light Industry	Water [i]
		Coastal Transition
		Hauraki Gulf Islands
		<b>Road [i]</b>
		Defence [rcp/dp]
		Ferry Terminal [rcp/dp]
		Minor Port [rcp/dp]
		Marina [rcp/dp]
		Mooring [rcp]
		General Coastal Marine [rcp]



**Auckland**  
**143 Council**  
Te Kauhēre o Tāmaki Makaurau





## **ATTACHMENT 4**

**AUCKLAND UNITARY PLAN INDEPENDENT  
HEARINGS PANEL REPORT TO AUCKLAND  
COUNCIL, HEARING TOPICS 016, 017  
CHANGES TO THE RURAL URBAN  
BOUNDARY; 080, 081 REZONING PRECINCTS,  
ANNEXURE 4, PRECINCTS NORTH DATED  
JULY 2016**



AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

---

**Report to Auckland Council**  
**Hearing topics 016, 017**  
**Changes to the Rural Urban**  
**Boundary; 080, 081 Rezoning**  
**and precincts**

**Annexure 4**  
**Precincts North**

**July 2016**

## Annexure 4 Precincts North

### Contents

<b>Part 1 Precincts supported.....</b>	<b>2</b>
500 Albany 3 Precinct.....	2
501 Albany 9 Precinct.....	4
502 Albany Centre Precinct .....	6
504 Bayswater Marina Precinct .....	9
505 Chelsea Precinct.....	18
506 Dairy Flat Precinct .....	21
507 Devonport Naval Base Precinct .....	24
508 Devonport Peninsula Precinct.....	26
509 Greenhithe Precinct .....	30
510 Gulf Harbour Marina Precinct.....	36
511 Hatfields Precinct.....	39
512 HMNZ Dockyard Precinct .....	45
514 Kakanui Point Precinct and rezoning .....	47
515 Kawanui Island Precinct .....	53
516 Kumeū Precinct and Rural Urban Boundary .....	58
517 Kumeū Showgrounds Precinct.....	61
518 Leigh Marine Laboratory Precinct .....	63
519 Long Bay Precinct.....	67
520 Martins Bay Precinct.....	70
521 Matakana 1 Precinct .....	72
522 Matakana 2 Precinct .....	75
523 Matakana 3 Precinct .....	83
527 Ōkura Precinct, Rural Urban Boundary and rezoning.....	85
528 Ōmaha South Precinct.....	92
529 Ōrewa 1 Precinct .....	96
530 Ōrewa 2 Precinct .....	99
531 Ōrewa 3 Precinct .....	101
532 Pinewoods Precinct .....	103
533 Red Beach Precinct.....	105
534 Riverhead 3 Precinct.....	108
535 Rodney Landscape Precinct .....	109
536 Silverdale 2 Precinct .....	112
537 Silverdale 3 Precinct .....	114
538 Smales 1 Precinct.....	116

539 Smales 2 Precinct.....	121
540 Takapuna 1 Precinct.....	127
541 Te Arai North Precinct.....	131
542 Te Arai South Precinct.....	133
543 Waimana Point Precinct.....	136
544 Wainui Precinct.....	138
545 Waiwera Precinct.....	142
546 Warkworth 3 Precinct.....	148
547 Wēiti Precinct.....	150
548 Whangaparāoa Precinct .....	154
<b>Part 2 Precincts unsupported .....</b>	<b>156</b>
Akoranga 1 Precinct .....	156
Albany 5 Precinct.....	158
Albany 6 Precinct.....	161
Gulf Harbour Precinct .....	163
Hatfields Beach 1 Precinct.....	165
Hatfields Beach 2 Precinct.....	171
Milford 2 Precinct.....	176
Ōrewa Countryside Precinct .....	178
Puhoi Precinct .....	180
Riverhead 1 Precinct .....	182
Riverhead 2 Precinct .....	183
Riverhead 4 Precinct .....	184
Riverhead South Precinct .....	185
Silverdale 1 Precinct.....	186
Silverdale North Precinct and rezoning .....	189
Takapuna 2 Precinct.....	194
Waikauri Bay Precinct.....	196
Wēiti 2 Precinct.....	198

## Part 1 Precincts supported

The Panel recommends the precincts below for inclusion in the Auckland Unitary Plan.

### 500 Albany 3 Precinct

#### 1. Summary of recommendations

The Panel supports this precinct and notes that no evidence was presented that contested the provisions prepared by the Council.

This precinct was heard in Topic 081.

#### 2. Precinct description

The Albany 3 Precinct is located north of Oteha Valley Road, comprising 13ha of land at 29, 40A and 42 Kewa Road. The underlying zone is the Residential - Single House Zone. The land is mainly hilly and there is an area of regenerating native bush to the south of the site identified as a significant ecological area.

The precinct is based on the provisions of Plan Change 32 (the relevant Environment Court decision was released on 3 May 2012) to the Auckland Council District Plan - Operative North Shore Section 2002 which reviewed the Albany Structure Plan zones.

The purpose of the precinct is to provide for the concept development plan for 29, 40A and 42 Kewa Road which emerged from Plan Change 32

#### 3. Key issues

The Panel accepts the need for a precinct for the reasons contained in the planning evidence on behalf of Council and set out below (paragraph 9.2):

In our view, the Albany 3 precinct gives effect to the purpose of the Act in recognising that specific provisions and development controls should continue to apply to the Kewa Road areas to ensure consistency of development and also recognises that these provisions were developed over an extensive period of time which included public consultation, expert assessment, and an Environment Court hearing (on Plan Change 32). The proposed precinct provisions still represent, in our view, the best method to enable appropriate development at Kewa Road. (Paragraph 9.2.)

The Panel has accepted the majority of the tracked changes recommended in the evidence presented on behalf of the Council, however a number of minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity.

One matter which is not supported by the Panel is a precinct objective and policy focussed on minimising noise effects from the Auckland Northern Motorway. Such effects are addressed by the Auckland-wide provisions and this precinct provides no additional standards or matters of assessment beyond the Auckland-wide provisions.

#### **4. Panel recommendations and reasons**

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Albany 3 Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### **5. Reference documents**

Auckland Council

[081c AK Cncl - North Shore - Precincts \(Albany 1 3 4 5 6, Milford 1, Browns Bay\) - \(T Conner, J Jeffries, E Patience\) - Planning \(27 January 2016\)](#)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\) \(3 March 2016\) \(Page 93\)](#)

## 501 Albany 9 Precinct

### 1. Summary of recommendations

The Panel supports this precinct and notes both Council and Massey University have agreed that a precinct is appropriate for this land and have also largely agreed on the wording of the precinct provisions.

This precinct was heard in Topic 080.

### 2. Precinct description

The Albany 9 Precinct covers the Massey University Albany Campus which was established in 1993 and is spread across 67 hectares of land between the Albany Expressway, Albany Highway, Bush Road and the Fernhill Escarpment.

The purpose of the precinct is to enable tertiary education and the development and operation of a range of activities to cater for the diverse requirements of the student population, employees and visitors. Community use of the facilities is also provided for.

It also allows for business, offices, research and laboratory facilities which are increasingly co-locating within these campuses, to the benefit of the tertiary institution, the students and the economic development of Auckland.

### 3. Key issues

Massey University was the only submitter in relation to this precinct. The Panel noted that there was agreement on the specific provisions to be included within the precinct, except in relation to the wording of the matters for discretion that relate to traffic generation for parking buildings and structures, and buildings greater than 500m<sup>2</sup> gross floor area. The wording of the introduction to this provision has been amended to make reference to the Auckland-wide provisions as was intended by both Massey University and the Council.

A number of other changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan, including the removal of framework plans, and more minor changes are made to the provisions to improve their functionality and for clarity.

### 4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the provisions of the Albany 9 Precinct as largely agreed by Massey University and by Council be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct.



## 5. Reference documents

### Auckland Council

[080 Ak Cncl - Massey University Albany, AUT, Albany 9, Akoranga 1, Manukau 2 Precincts \(I Bayliss\) - Planning](#) (04 December 2015)

[080 Ak Cncl - Legal Submissions \(POS, Tertiary and Other zones\)](#) (15 February 2016)

[080 Ak Cncl - Tertiary Education - Massey University Albany, AUT, Albany 9, Akoranga 1, Manukau 2 Precincts \(I Bayliss\) - Planning - REBUTTAL](#) (26 January 2016)

[080 Ak Cncl - Public Open Space, Tertiary \(excl Wairaka\), Schools, Maori, Major Rec & Coastal - CLOSING REMARKS](#) (18 March 2016) (Reference pages 8 to 13)

### Submitters

[080 Massey University \(J Bray\) - Planning](#) (21 December 2015)

## 502 Albany Centre Precinct

### 1. Summary of recommendations

The Panel recommends a precinct as generally proposed by Council along with a number of the changes sought by submitters.

This precinct was heard in Topic 081.

### 2. Precinct description

The Albany Centre Precinct is an existing precinct and comprises some 113ha of the emerging metropolitan centre located to the west of State Highway 1 and contained by Ōteahā Valley Road and Albany Expressway in the northern urban part of the North Shore.

The precinct recognises the component parts of the Business - Metropolitan Centre Zone Albany Centre and the supporting role of the southern section covered by Business - Business Park Zone. It identifies four sub-precincts with different development emphases and requires activities to develop in accordance with Albany Centre: Precinct plan 1 - Albany Centre.

Sub-precinct A is identified for high-density residential apartment living, with limited opportunity for convenience retail at ground level.

Sub-precinct B encourages the establishment of employment-generating activities, such as high-density office development, supported by a limited range of convenience retail activities.

Sub-precinct C is identified for car-orientated commercial and entertainment activities, limiting retail to those formats generally considered unsuitable for other higher-amenity areas of the Albany Centre precincts.

Sub-precinct D is identified for office and light commercial activities and limited retail with particular restrictions on large format retail.

The zoning of land within this precinct is Business - Metropolitan Centre Zone, Business - Business Park Zone, Open Space - Community Zone, Open Space - Informal Recreation Zone.

The purpose of the Albany Centre Precinct is to provide bespoke activity and development provisions that support the central core retail and open space areas.

### 3. Key issues

The key points of difference between Council and submitter Progressive Enterprises Limited relate to the public vesting of the proposed Main Street and a number of activity status rules. Council did not agree with the submitter that the Main Street should be retained in private ownership, nor that the various activity statuses should be changed.

Having reviewed the evidence the Panel largely agrees with Council for the reasons advanced – especially regarding the public vesting of roads in such centres. The Panel is

not persuaded that the private ownership of key roads in metropolitan centres, on the ground that this better enables the control of parking (without affecting potential trade competitors), is sufficiently well demonstrated or justified.

The key points of difference between Council and submitter Scentre (Westfield New Zealand Limited) concerned amendments to the objectives and policy section, and a number of development controls, most of which had an urban design focus. Council did not generally agree with the submitter.

Having reviewed the evidence the Panel agrees in many respects with the submitter, Scentre (Westfield New Zealand Limited) - except in respect of the 'reverse sensitivity' and some of the street frontage provisions sought. On the former matter the Panel agrees with Council for the reasons advanced in Mr Mackie's rebuttal evidence - namely that it is neither appropriate nor necessary to seek to constrain the activities of the Albany Mall by extending a provision with a completely different (being the control of major public event effects at the adjacent North Harbour Stadium).

The main differences between the Albany Centre Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of specific objectives and policies;
- ii. additional activity and development controls that are more appropriate to the surrounding context; and
- iii. reframing of assessment and discretion criteria.

Provisions are significantly more detailed than those otherwise provided, particularly through the Business - Metropolitan Centre Zone core provisions.

In summary, the Council's position in relation to the Albany Centre Precinct is set out in the planning evidence in chief and rebuttal of Mr Trevor Mackie (dated 27 January 2016 and 25 February 2016); and Council's closing remarks volume 1 (pages 93–94).

Progressive Enterprises Limited's position is as stated in Mr Michael Foster's planning evidence in chief (dated 10 February 2016).

Scentre (Westfield New Zealand Limited)'s position is as stated in Mr Craig McGarr's planning evidence in chief of 10 February 2016.

#### **4. Panel recommendations and reasons**

The Panel:

- i. supports the precinct and recommends a combination of the changes generally proposed (but not necessarily agreed) by Council and the submitter, Scentre (Westfield New Zealand Limited);
- ii. does not support the amendments sought by Progressive Enterprises Limited; and
- iii. recommends miscellaneous consequential and minor other amendments to the provisions, for the reasons set out above.

## 5. Reference documents

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) Attachment C, page 87)

081c Ak Cncl - North Shore - Precincts (Albany Centre) - (T Mackie) - Planning (27 January 2016)

081c Ak Cncl - North Shore - Precincts (Albany Centre) - (T Mackie) - Planning - REBUTTAL (25 February 2016)

081 Progressive Enterprises (M Foster) - Planning (11 February 2016)

081 Scentre (C McGarr) - Planning (16 February 2016)

# 504 Bayswater Marina Precinct

## 1. Summary of recommendations

The Panel recommends that the Bayswater Marina Precinct is adopted in the Plan as supported by the Council with some amendments. The provisions provide for marine activities and allow for residential development where land is not required for marine activities.

The precinct meets the requirements of section 32 and promotes the purpose of the Resource Management Act 1991.

This precinct was heard in Topic 081.

## 2. Precinct description

The Bayswater Marina precinct is located at O'Neills Point at the end of Bayswater peninsula in the Waitematā Harbour. The zoning of land within this precinct is Coastal - Marina Zone and Open Space – Informal Recreation Zone.

The precinct includes the coastal marine area and 4.5 hectares of reclaimed land that supports marina users, marine-related activities and the Bayswater ferry service, including providing for parking associated with these activities. The land is also used by the public for recreation, marine sports activities and for access to the coast.

The use of the land has a complex planning and legal history following its reclamation and was the subject of a decision of the Environment Court seven years ago (*Bayswater Marina Holdings v NSCC* [2009] A018). Since that decision some of the land that was previously leased from the Crown by Bayswater Marina Limited has now been purchased by the Marina. The Auckland Council also now supports the provisions in the precinct which are different to the provisions that were previously sought by Bayswater Marina Limited on Plan Variation 65, opposed by North Shore City Council and considered by the Court.

The primary purpose of the Bayswater Marina Precinct is to provide for marina, ferry terminal and marine-related activities, including associated parking and facilities, and for public access, community uses and marine sports uses, open space and recreation. Provision is also made for residential activities and food and beverage, subject to these activities being assessed through a resource consent process to assess the effects of the proposal on the use and function of the precinct for the purposes discussed above. Minimum standards are specified to qualify for discretionary activity status, and proposals then need to be carefully assessed to ascertain whether the proposal appropriately ensures the primary focus of the precinct is achieved.

The precinct is comprised of six sub-precincts as shown on the planning maps:

- i. Sub-precinct A provides for public access and open space, and for marina berth holder parking and marine-structures, around the seaward edge of the precinct land;
- ii. Sub-precinct B provides for marine -related uses, car parking, public pedestrian access and open space areas, food and beverage, and residential development;

- iii. Sub-precinct C provides for the main road into the precinct and a bus stop;
- iv. Sub-precinct D provides for the existing public boat ramp, passive open space activities, marine sports activities, the development of ferry terminal facilities, including on the old wharf, and associated access, manoeuvring and parking for all of these activities;
- v. Sub-precinct E provides for community uses and recreation; and
- vi. Sub-precinct F provides for marina, ferry service, marine and port activities

Mr Nolan for Bayswater Marina Limited clarified the ownership of the sub-precincts as follows:

- i. A - the 15m access strip (owned by Bayswater Marina Limited) adjacent to the water around the edge of the Marina which also at present includes the temporary ferry terminal building;
- ii. B - the internal part of Bayswater Marina Limited 's land;
- iii. C - the strip of Bayswater Marina Limited 's land which provides an access way from Sir Peter Blake Parade and where buses and other vehicles drop off or collect passengers using the temporary ferry terminal;
- iv. D - the old Bayswater wharf and adjacent land owned by the Council and designated by Auckland Transport for the future permanent ferry terminal, which includes a building currently occupied by the Takapuna Grammar Rowing Club, as well as the boat ramp owned by Bayswater Marina Limited;
- v. E - the Takapuna Boating Club; and
- vi. F - the largest part of the precinct, being the location of the 420 marina berths and floating breakwater, as well as the berthage and pedestrian ramps for the temporary ferry terminal.

### 3. Key issues

The Panel heard from the Council, Bayswater Marina Limited, resident groups in opposition and a number of individual submitters. The Panel was assisted by the expert witnesses called to support the submitters' positions. The issues were relatively polarised, particularly in regard to the extent to which Sub-precinct B should provide for residential development. In summary the key issues identified by the Panel were:

- i. the long-term use of the sub-precincts in terms of the respective demand for different marine related activities;
- ii. ensuring that public open space and access values are retained;
- iii. the extent of parking required to service the marina and other activities;
- iv. providing for boat servicing and boat chandlery;
- v. whether or not a minimum amount of boat storage should be specified;
- vi. public transport linkages; and
- vii. whether or not residential use is appropriate in the precinct.

Bayswater Marina Limited provided an indicative concept plan development in the evidence of Mr Gibbs. Mr Nolan submitted that the residential development illustrated by the concept plan only covered approximately 20 per cent of the land area in Sub-precincts A, B and C (Bayswater Marina's land). Accordingly, he submitted that the residential component is significantly less in the context of the entire precinct, including both land and the coastal marine area. He submitted that such a level of residential development would not dominate all six sub-precincts of the precinct and therefore would not be contrary to Objective 1 of the precinct.

For the Bayswater Community Committee Incorporated residents in opposition, Mr Littlejohn submitted that:

1.2. The submitters oppose future residential development on the Bayswater Marina reclamation area. They say the area should continue to be used solely for marine-related development, which is the primary purpose of the Marina Zone and therefore meets the relevant objectives and policies of the Zone.

For the Council Mr Reaburn in his planning evidence in rebuttal concluded:

4.11. I do not agree that the proposed provisions are weak or that they will compromise the important focus for the precinct as expressed in Objective 1. The following points are relevant:-

- a) Residential activity is not permitted. It would be discretionary only where provided for in a framework plan and meeting the proposed land use controls, otherwise it would be non-complying.
- b) Residential activity would not be possible other than via a deemed publically notified resource consent process.
- c) Any application would need to be shown as being consistent with the objectives and policies, which, as proposed, make it clear that the focus of the precinct is not on residential activity.
- d) The land use controls and thresholds need to be met to allow an application to be processed as a discretionary activity. It is important to understand that they are not permitted activity standards. An applicant would need to demonstrate that whatever provision is made for key activities on the site is sufficient. I expect that future proofing in respect of providing for those key activities will need to be part of the analysis.

## 4. Panel recommendations and reasons

### 4.1 General conclusions

The Panel recommends that the Bayswater Marina Precinct is adopted in the Plan as supported by the Council with some amendments. The provisions provide for marine activities and allow for residential development where land is not required for marine activities.

The Panel considers that the precinct:

- i. gives effect to the New Zealand Coastal Policy Statement 2010;

- ii. gives effect to the regional policy statement and coastal plan provisions of the Plan;
- iii. meets the requirements of section 32 of the Resource Management Act 1991; and
- iv. promotes the purpose of the Resource Management Act 1991.

#### 4.1.1 Land ownership

The Panel heard evidence from Bayswater Marina Limited that it had purchased land from the Crown after 2009 and that the focus of the previous Environment Court decision was that because at that time the land was owned by the Crown, the land should be primarily used for 'public purposes' (evidence in chief of Mr Herbert, 18 April 2016, paragraph 2.14). Mr Littlejohn made detailed submissions for the opponents, citing case law, that: "...private ownership of land is not a factor relevant to determining the appropriate provisions to apply to land under the RMA, except in the limited circumstances prescribed by s 85.". The Panel agrees with the general thrust of these submissions by Mr Littlejohn.

However, that is not where the enquiry of the Panel finishes. It was evident from the submissions and the evidence of some of the witnesses opposed to the development that they considered that Bayswater Marina Limited had almost a 'duty' to provide land for the benefit of the 'public' in terms of parking and access. The Panel does not agree.

Firstly, the Panel notes that Land Information New Zealand, prior to selling the land to Bayswater Marina Limited in 2013, had to undertake an assessment of the needs of the public in the future prior to selling the freehold interest. It is understood from a report provided by Mr Stafford-Bush that Land Information New Zealand considered there was no good reason not to grant the freehold title provided that Bayswater Marina Limited enter into a lease to provide land for a ferry terminal and a 15m strip to enable public access. The Panel considers that those requirements are provided for in the Plan provisions and to that extent the public interest has been provided for.

In regard to planning provisions that seek to impose restrictions on the use of private land in the public interest, for example for public open space, the case law indicates that:

- i. on the one hand, private land should not be zoned for open space (public) purposes unless it is incapable of other uses or the land owner agrees; designation or acquisition were the appropriate methods; imposition of zoning which inhibits development controls on private land is a decision which requires particular consideration of site-specific factors as part of the analysis under the former section 32 analysis (and presumably evaluation of the alternatives of designation or acquisition): *Capital Coast Health v Wellington CC* EnvC W101/98 (applying a line of cases under the TCPA 77); and
- ii. the approach above can be contrasted with *Hastings v Auckland CC* EnvC A068/01, where the Court held open space zoning could apply over private land in the face of an owner objecting to such zoning, particularly where the alternative zoning would have significant effects on the environment. The owner's remedies are set out in section 85 of the Resource Management Act 1991. The test is whether the proposed zoning serves the statutory purpose.



Based on the submissions, evidence and the merits of the circumstances that apply at Bayswater, and most importantly how the Panel considers the provisions will work, the Panel's recommendations strike an appropriate balance between the private interests of Bayswater Marina Limited and the broader public interests of the users of the marina facilities and the wider community.

#### 4.1.2 Changes since 2009

The previous decisions of the Environment Court and High Court on Plan Change 65 to the North Shore District Plan were canvassed in detail by submitters, with Bayswater Marina Limited arguing that this was quite a different proposal and opponents arguing that the Panel was still bound by the findings of the Environment Court in the 2009 final decision. Having carefully considered the previous decisions, and comparing the provisions previously proposed and the statutory planning framework that now applies, the Panel concludes that the previous final decision of the Court can be respectfully distinguished from the precinct that is now before the Panel. The reasons for this conclusion include;

- i. matters of 'issue estoppel' and 'precedent' are questionable in the context of decision-making under the Resource Management Act 1991 as noted by the High Court in the leading case of *Guardians of Paku Bay Assn Inc v Waikato Regional Council* [2011] 16 ELRNZ 544;
- ii. the facts of the precinct are different to the previous Plan Change 65;
- iii. the provisions are different in critical areas such as building height and the density of residential development that are now lower than what was previously proposed;
- iv. the higher level statutory instruments have now changed, including the New Zealand Coastal Policy Statement 2010, and it is noted that Policy 7(1)(a) specifically contemplates the identification of areas for future residential development in the coastal environment; and
- v. the Auckland Plan and the Unitary Plan have a consistent, overriding strategy to achieve a quality compact city and the development provided for in the Bayswater Marina Precinct will help to achieve that outcome.

#### 4.1.3 Weight of evidence

After having carefully considered the evidence provided, the Panel prefers the evidence of the Council and Bayswater Marina Limited. This includes the conclusions generally reached in the evidence of:

- i. planners Mr Reaburn and Mr Shearer;
- ii. urban designers Ms Mein and Mr Gibbs (also an architect);
- iii. architect Ms Stout;
- iv. landscape architects Ms Absolum and Mr Goodwin; and
- v. Mr Harris on traffic.

The Panel agrees that the Precinct will enable the activation and revitalisation of this currently under-utilised, but highly valued, reclaimed area. The Precinct will promote a more

efficient use of scarce urban land resources. The Panel relies on the conclusions of the witnesses identified above for its recommendations.

The Panel was also assisted by evidence in opposition to the precinct including from Mr Sergeant and Mr McKenzie. The landscape analysis undertaken by Mr McKenzie was a detailed spatial analysis of the site. However, the Panel agrees with Ms Absolum that Mr McKenzie did not take the next step and convert that analysis into recommended uses for different parts of the precinct.

The Panel heard from various witnesses about the existing and expected future demand for marine services at Bayswater. The Panel prefers the evidence of Mr Akehurst for the Council in this regard and accepts that due to the limited size of the marina, its isolation from other marine industry areas, and the need for critical mass for commercial viability, there is unlikely to be a demand for significant areas for marine-related activities in the future.

In any event the Panel considers that the objectives and policies will work to ensure that residential activity is not approved unless it is proven that the area is not needed for marine activities. This will lead to the most efficient use of this land resource.

#### **4.1.4 Possible provision of a marine services area?**

The Panel did consider adjusting the precinct boundaries to try and specifically accommodate marine-related activities, by for example, reducing the shape of Area B as shown in the concept plan attached as Appendix B to Mr Gibbs evidence in chief to reflect the concept in his Appendix C. Such a change would go some way to addressing concerns that boat servicing is properly provided for and this is a logical place near the ramp. It would remove an area from being used for residential development and the easiest way to achieve this would be to lift the precinct altogether so the Coastal - Marina Zone prevails unmodified in the selected part of the zone.

However, the Panel concludes that it does not have sufficient evidence to make such a change. The Gibbs plan is just a concept plan at this stage and following more detailed work a marine services area may, for example, be best located elsewhere. Also, the Panel did not have sufficient evidence to conclude how large any area should be. The precinct maintains the opportunity for marine services if the need arises.

## **4.2 Precinct provisions**

The Panel's amendments to the precinct provisions are summarised below.

### **4.2.1 Precinct description**

- i. Inclusion of 'marine sports activities'. This aligns with concerns raised by the Takapuna Grammar School Rowing Club to include water sport uses within the precinct description.
- ii. Minimum standards for discretionary activities are considered to be within scope and respond to concerns in many submissions relating to provision for residential activity.
- iii. Amendments to Sub-precinct D to ensure that access to parking and the boat ramp is adequately described.

## 4.2.2 Objectives

- i. The objectives have been amended to better ensure that development is comprehensive and integrated between activities.
- ii. The Panel considers that Objective 1 and 2 working together strongly favour marine activities but if it can be proven on the evidence of an application that residential use can be accommodated as well, then it could be approved. The Panel considers that this will ensure that the land is used efficiently.

## 4.2.3 Policies

- i. Policy 1 - "minimum" added in front of 15m as the esplanade reserve could be wider.
- ii. Policy 2(a) - the Panel had difficulty with the wording the Council proposed in its reply and considers that Mr Goodwin made a valid point and the Panel wording takes into account the Bayswater Marina Limited relief.
- iii. Policy 2(c) - Previous 2(c) has been deleted as suggested by Mr Goodwin and as was accepted by the Council in its reply.
- iv. Policy 2(e) - "or detract from" is added as identified by Mr Goodwin in his hearings summary.
- v. Policy 5 - "on publicly controlled land" added. Bayswater Marina Limited sought this addition and the Panel agrees. The Unitary Plan should not require public facilities to be located on private land. The Panel recommends "controlled" is a better word than "owned" as proposed by Bayswater Marina Limited because Council or Auckland Transport could obtain a licence or easement to control the use of the land for public transport use while not having to 'own' it *per se*. Such negotiated tenure arrangements are common.
- vi. Policy 10 - framework plan provisions deleted.
- vii. Policy 12 - this is an important policy in the Panel's view. Bayswater Marina Limited had wanted to slightly liberalise this policy as per their amendments shown in green tracked changes. Essentially the Bayswater Marina Limited wording would provide for the marina activities etc then the owner would be free to develop the rest of the sub-precinct. The Panel sees some merit in that position as long as it catered for future growth in marine activities. The Council wording includes the term "sufficient space" which is fairly open-ended and not particularly time-bound. The Panel considers that the final wording recommended is appropriate because "sufficiency" will be a matter of evidence, of the kind Mr Akehurst provided, at the time of application. That evidence should assist in determining a sustainable outcome regarding the mix of future activities.

## 4.2.4 Activity table

- i. The Panel has only made minor changes to the activity table to be consistent with the Panel's templating protocols.

#### 4.2.5 Discretionary activities

- i. Delete “storage space for 120, 9m length boats”. The Panel was persuaded by the Bayswater Marina Limited evidence that the Plan should not require such a specific rule that has significant commercial consequences for a private landowner. Such usage is best left to agreements between the respective parties.
- ii. Amendments to the assessment criteria to include reference to the coastal edge.

#### 4.2.6 Design statements

This section has been removed because the Panel has not recommended that “design statements” are a requirement in the rest of the Plan. However a design statement may be relevant information that can be provided in accordance with section 88(3) of the Resource Management Act 1991 if/when the assessment of environmental effects is not proportional and calibrated to effects of proposals.

#### 4.2.7 Precinct map

The Panel notes that the precinct map was not attached to the Council closing remarks version, but understands that the map that is agreed between the Council and Bayswater Marina Limited is the one on page 50 of Mr Reaburn’s planning evidence in chief for the Council of January 2016 and labelled Attachment C. The Panel recommends that this map is included in the precinct without modification.

### 5. Reference documents

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2015) Attachment C, page 95

[081c Ak Cncl - North Shore - Precinct \(Bayswater Marina\) - \(G Akehurst\) - Economics](#) (29 January 2016)

[081c Ak Cncl - North Shore - Precinct \(Bayswater\) - \(Melean Absolum\) - Landscape](#) (29 January 2016)

[081c Ak Cncl - North Shore - Precincts \(Bayswater Marina\) - \(P Reaburn\) - Planning](#) (29 January 2016)

[081c Ak Cncl - North Shore - Precinct \(Bayswater Marina\) - \(L Mein\) - Urban Design](#) (29 January 2016)

[081c Ak Cncl - North Shore - Precincts \(Bayswater Marina\) - \(P Reaburn\) - Planning - REBUTTAL](#) (25 February 2016)

Bayswater Community Committee

[081 Bayswater Community Committee Inc - Legal submissions](#) (18 April 2016)

Bayswater Marina Limited

[081 Bayswater Marina Ltd - Legal submissions](#) (17 April 2016)

081 Bayswater Marina Ltd (C Shearer) - Planning (15 February 2016)  
081 Bayswater Marina Ltd (B Harris) - Traffic (15 February 2016)  
081 Bayswater Marina Ltd (D Gibbs) - Architecture (16 February 2016)  
081 Bayswater Marina Ltd (J Goodwin, J Jeffcock) - Landscape and Visual (15 February 2016)  
081 Bayswater Marina Ltd (J Goodwin) - Landscape and Visual - Summary statement (17 April 2016)  
081 Bayswater Marina Ltd (S Herbert) - Corporate (15 February 2016)

Other submitters

081 Brian Stafford-Bush - REBUTTAL (24 February 2016)  
081 Michael Kwok and Brianna Parkinson & M & C Lane (D Serjeant) – Planning - Bayswater Marina Precinct (17 February 2016)  
081 Michael Kwok and Brianna Parkinson (B McKenzie) – Landscape - Bayswater Marina Precinct (17 February 2016)  
081 NZIA, UDF, GenZero (J Stout) - Hearing statement (Bayswater Marina) (17 April 2016)

## 505 Chelsea Precinct

### 1. Summary of recommendations

The Panel recommends that the Chelsea precinct be incorporated into the Unitary Plan in accordance with the amendments agreed between the Council and NZ Sugar dated 19 April 2016.

The request by submitters to zone part of the site, the 'Horse Paddock', as public open space is not recommended by the Panel.

This precinct was heard in Topic 081.

### 2. Precinct description

The Chelsea Sugar Refinery is a unique industrial site that was first established in the 1880s. The site has various scheduled historic heritage places, as shown in the Historic Heritage Overlay, and is also subject to the overlays for High Natural Character, Significant Ecological Areas and Natural Hazards – Coastal Inundation.

The underlying zonings of the land in the precinct are Open Space – Conservation Zone and Business - Light Industry Zone.

The evidence for NZ Sugar Company Limited (NZ Sugar) indicated that there are no current plans to abandon the sugar refining activities on the site. However, the precinct reflects the provisions in Private Plan Change 16 to the Auckland Council District Plan – Operative North Shore Section, to modify the Business - Light Industry Zone in order to provide for residential development should this land no longer be required for industrial use. The Precinct Plan 1: Chelsea Sub-precinct C shows current uses and Precinct Plan 2: Chelsea Sub-precinct C shows future use areas, scheduled buildings, conservation areas, indicative roading and building platforms.

Framework plans were part of the precinct in the notified proposed Auckland Unitary Plan Unitary Plan but these provisions have been deleted by agreement between the parties as reflected in the 19 April 2016 version in the Council's closing remarks.

The objectives, policies and development controls allow for future non-industrial use of the site, predominantly residential use, by modifying the Business - Light Industry Zone.

### 3. Key issues

As indicated above, the Panel was advised that the provisions dated 19 April 2016 are agreed in their entirety between Council officers and NZ Sugar. The Panel refers to the legal submissions on behalf of NZ Sugar dated 19 April 2016. The provisions attached as Appendix A to those legal submissions are the same as the Council's closing remarks version. Therefore, no issues remain between the Council and NZ Sugar, which is the only landowner subject to the precinct.

The main issue raised by other submitters, particularly Mr Elliott (2242) and Mr Holman (5358) was that Lot 2 DP405428, the 'Horse Paddock' area within Sub-precinct C, should be zoned public open space. The submitters previously appeared in Topic 058 –Public open space, where evidence was provided to the Panel, seeking to secure this land for public use.

Neither Mr Holman nor Mr Elliott presented additional evidence for Topic 081, but their position was well understood by the other parties to the hearing and it was addressed in submissions and evidence.

#### 4. Panel recommendations and reasons

The Panel understands that the primary outcome that the Chelsea Precinct achieves is to enable residential development on the site should the refinery close, without the need for a plan change to change the zoning from Business - Light Industry. The landscape witness for NZ Sugar, Ms De Lambert observed in her evidence that the intensity of residential development provided for by the precinct was arguably now insufficient to best use this important strategically-located brownfields site (should the refinery activity cease). The original outline master plan was developed in 2005 and the policy framework and expectations of residential intensification have changed over the past 10 years e.g. there is a cap of 240 on the number of dwellings in the Horse Paddock area, which is arguably a modest yield.

Therefore, it could be argued that, notwithstanding the precinct, a plan change process, if the refinery activity ceases, may lead to a more efficient use of this high-amenity land.

Nonetheless, the Panel recommends that the Chelsea Precinct be adopted into the Unitary Plan for the reasons set out below.

- i. The precinct futureproofs the residential development of the site should the current refining activity cease to operate.
- ii. The precinct provides an appropriate balance between the use, development and protection of the natural and physical resources on the site. The Panel makes particular note of the scheduled historic heritage places, which Dr Clough addressed in his evidence. He demonstrated that the important industrial heritage buildings would be properly provided for and that while Sub-precinct C provides for exceptions to the Historic Heritage Overlay, this is considered an appropriate mechanism.
- iii. The objectives, policies and development controls that provide for varied heights and a pre-determined layout, as in the Precinct Plan C – Future Use, will achieve a high-quality amenity environment for residents.
- iv. The Panel does not recommend that the Horse Paddock is zoned open space because it would be inappropriate for this large area of developable privately-owned land to be given such a zoning. Public access is well provided for within the precinct and it would in effect be similar to a designation, but without the statutory compensation protections available for a designation.
- v. The Panel notes from the evidence of Mr Ellis for NZ Sugar (paragraph 18) that there is already an existing conditional agreement between a Trust and NZ Sugar that grants the Trust a right of first refusal over the Horse Paddock land in the event that refining ceases and the land is available for sale or development. While it is arguably outside the scope of the Panel's recommendations on the precinct to take into account this arrangement it does appear that there may be an opportunity to secure this land for public use in the future. There may be commercial implications for the right of first refusal that arise from the zoning/precinct provisions but this is also not a matter that is a

key issue for the Panel. For the purpose of the Panel's deliberations the reason that an open space zoning is not recommended and the precinct is confirmed, is that the precinct best promotes the Purpose of the Act and satisfies the requirements of s 32.

The Panel has reformatted this lengthy precinct to reflect the consistent structure adopted in its recommended Plan.

## 5. Reference documents

### Auckland Council

[081c Ak Cncl - North Shore - Precincts \(Chelsea\) - \(E Ip and E Patience\) – Planning](#) (28 January 2016)

[081c Ak Cncl - North Shore - Precincts \(Chelsea\) - \(E Patience\) – Planning - REBUTTAL](#) (26 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (REFERENCE Attachment C page 22)

### Submitters

[081 NZ Sugar Company Limited – Legal submissions](#) (19 April 2016)

[081 NZ Sugar Company Ltd \(C Clark\) - Planning](#) (13 February 2016)

[081 NZ Sugar Company Limited – Supplementary Evidence](#) (19 April 2016)

[081 NZ Sugar Company Ltd \(J Ellis\) - Corporate](#) (13 February 2016)

[081 NZ Sugar Company Ltd \(R Clough\) - Heritage](#) (13 February 2016)

[081 NZ Sugar Company Ltd \(R de Lambert\) - Landscape](#) (13 February 2016)

[081 NZ Sugar Company Limited – Response to panel question - Agreed amendments between Council officers and planning witness](#) (19 April 2016)



# 506 Dairy Flat Precinct

## 1. Summary of recommendations

The Panel recommends that the Dairy Flat Precinct be adopted to ensure that any aero-park residential development that takes place does not compromise the activities of the North Shore Airport now and into the future.

The Panel has adopted most of the relief sought from the North Shore Airport to ensure that the operative district plan obligations on the owner of land within the precinct are carried into the Unitary Plan so that the operations of this strategic transport infrastructure are not compromised.

This precinct was heard in Topic 081.

## 2. Precinct description

The Dairy Flat Precinct applies to 50ha of land immediately adjoining the North Shore Airport airfield at Dairy Flat. The precinct provides for a residential aero park, and allows for the creation of sites sized between 2,500m<sup>2</sup> and 8,000m<sup>2</sup> in area, which will each have sealed aircraft taxiway access to and from the North Shore Airport.

The purpose of the Dairy Flat Precinct is to create an environment for aircraft enthusiasts to live in close proximity to the North Shore Airport, and to provide permanent access for aircraft from all individual properties to the airport. In addition, this precinct provides a buffer of aviation-friendly activities around the North Shore Airport, which will assist its long-term survival. It is intended that the aviation park will be developed in stages to be completed in general accordance with Dairy Flat: Precinct plan 1 - subdivision plan.

## 3. Key issues

The key issue with the precinct is to establish the appropriate balance between enabling the development of the aero-park, while ensuring that the development and the future residents do not compromise the activities of the North Shore Airport.

The Panel heard evidence from the airport that but for the fairly stringent provisions in the Auckland Council District Plan – Operative Rodney Section, the North Shore Airport would have not approved of the aero-park. It appeared to the Panel that some of the modifications made by the Council from the operative district plan provisions, while arguably subtle, as far as the Airport was concerned, watered down the legacy provisions and had the potential for the aero-park to cause reverse sensitivity effects on the Airport.

The Panel heard submissions and evidence that the Airport has had to engage in litigation in the High Court to ensure that the developer is binding future purchasers with appropriate covenants and restrictions on new titles created that are consistent with the provisions in the precinct.

The Panel has heard during hearings on other topics that the North Shore Airport is arguably not adequately recognised by the Council and Auckland Transport as an important part of the region's strategic transport network. The Panel accepts the general position of the Airport that it would be expensive and difficult to relocate the Airport to another site in the

Rodney area, and that it is appropriate to give protection from reverse sensitivity effects from residential activities and other sensitive activities that are far more flexible in terms of being able to utilise alternative locations

#### 4. Panel recommendations and reasons

The Panel recommends that the Dairy Flat Precinct be included in the Unitary Plan.

The Panel has generally accepted the provisions agreed between the Airport and the Council.

Where there have remained differences the Panel's recommended approach is set out below. Generally the Panel has adopted the more stringent provisions sought by the Airport as they most closely reflect the operative district plan provisions. The Panel makes particular note of the provisions and amendments set out below.

- i. The changes to the precinct description agreed between the Council and the Airport (shown as green tracked changes) are accepted.
- ii. Policy 2 'aviation' included as sought by submitter for further clarification.
- iii. Policy 4 was largely agreed between the Council and the Airport but the Panel recommends that the term 'legal and physical' is added into the policy to strengthen it. The Panel notes that requiring agreement with a third party (the Airport) is not generally encouraged in a plan but this is a unique situation where, but for such agreement, the development opportunity for the neighbouring landowner would not have been created. Therefore the Panel accepts that requiring agreement is not inappropriate. There is a need to protect the integrity of the Airport function. The above policy change is reinforced with a proposed new rule making subdivision without an access agreement non-complying.
- iv. There are some structural changes to the activity table to reflect best practice adopted by the Panel.
- v. New subdivision provisions. This change is to implement Policy 4 and ensure the subdivision is for aviation enthusiasts as intended. It obviously does not mean that you have to own a plane but that there is provision for this and the function of the Airport is preserved;
- vi. A standard for accessory buildings. The Panel agrees with the Council that the wording proposed by the Airport is unworkable as one cannot assess compatibility against a future dwelling that has not been built. The Panel understands that the 'mischief' to be avoided is poor amenity commercial construction (e.g. construction of a small hangar) which may open up the possibility of a future dwelling being constructed out of poor quality commercial materials. The text recommended by the Panel strengthens the provisions to address this risk.
- vii. Some matters of discretion are deleted because they replicate Auckland-wide rules.

- viii. A new reverse sensitivity matter of discretion. The Panel agrees with the Airport that because this may already be a policy does not prevent it being included as a criterion. The criteria should reflect the policies.
- ix. Amendment to assessment criteria I506.8.2(1)(a)(iii) to avoid, remedy and mitigate reverse sensitivity effects. The Panel agrees with the Airport for reasons stated previously and has also added remedy and mitigation as options rather than just relying on avoidance; and
- x. The Panel agrees with the Council that Civil Aviation compliance is required anyway so this does not need to be part of the rules. However, this is information (I506.9.4(2)) that would be helpful to the processing of the application to avoid disconnected consenting outcomes under the respective legislation.

## 5. Reference documents

### Auckland Council

[081b AK Cncl - Rodney - Precincts - \(Dairy Flat\) - \(J Jeffries\) - Planning](#) (02 February 2016)

[081b AK Cncl - Rodney - Precincts - \(Dairy Flat\) - \(J Jeffries\) - Planning - REBUTTAL](#) (24 February 2016)

[081b AK Cncl - Rodney - Precincts \(Dairy Flat\) - amended tracked changes in response to North Shore Aero Club](#) (23 March 2016)

[081b Ak Cncl - Rodney - Rezoning - Dairy Flat - \(E Paul\) - Planning - SUPPLEMENTARY STATEMENT \(11 Feb 2016\)](#) (14 February 2016)

[081b Ak Cncl - Rodney - Rezoning - Dairy Flat - \(E Paul, R Bradley\) - Planning](#) (27 January 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 3)

### North Shore Aero Club

[081 North Shore Aero Club - Legal submissions](#) (15 March 2016)

[081 North Shore Aero Club \(J Smith\) - Corporate](#) (14 February 2016)

[081 North Shore Aero Club \(K Rosser\) - Planning](#) (14 February 2016)

[081 North Shore Aero Club \(K Rosser\) - Planning - amended tracked changes](#) (17 March 2016)

## 507 Devonport Naval Base Precinct

### 1. Summary of recommendations

The Devonport Naval Base Precinct is recommended to be included in the Plan as agreed between the New Zealand Defence Force and the Council.

This precinct was heard in Topic 081.

### 2. Precinct description

The Devonport Naval Base Precinct covers most of the land held by the Crown for the HMNZ Naval Base (south yard) in Devonport. It incorporates the HMNZS Philomel area and part of the Calliope Road frontage containing the hospital and wardroom. This land is subject to a designation for defence purposes.

The precinct provides for non-defence use of the base's facilities and indicates the desired environmental standards for these activities. The precinct has been split into two sub-precincts to recognise the differing environmental characteristics within this area. Devonport Naval Base Sub-precinct A applies to the northern area adjoining Calliope Road, which is used for predominantly health and administration land uses. Devonport Naval Base Sub-precinct B applies to the lower coastal area of the south yard, known as HMNZS Philomel.

The zoning of land within this precinct is the Business - Mixed Use Zone and Coastal - Defence Zone.

The purpose of the precinct is to provide for non-defence use of the base's facilities and indicates the desired environmental standards for these activities.

### 3. Key issues

There were no issues remaining between the New Zealand Defence Force and the Council.

There were submissions from Devonport Heritage Incorporated about particular buildings but these submissions were addressed by the Panel in the Topic 032 Historic heritage schedule. Because the submitter did not provide sufficient evidence the relief sought was not granted, although the Panel recommended that Council do further work to assess such sites in the future.

### 4. Panel recommendations and reasons

The Devonport Naval Base Precinct is recommended to be included in the Plan as agreed between the New Zealand Defence Force and the Council.

The precinct is considered necessary rather than just relying on the zones in order to better manage the uses and activities at the Devonport Naval Base that are not defence-related and therefore not covered by the designation for defence purposes. The activity status of these activities is specified in a tailored activity table. A range of desired environmental outcomes specific to the base environment and location are stated in precinct policies and given effect to through specific development controls.

The precinct is appropriate because it satisfies the requirements of section 32 and promotes the purpose of the Resource Management Act 1991.

The main difference between what was presented at the hearings and what the Panel has recommended is that the objectives, policies and provisions are now contained within one section. This is consistent with other changes made by the Panel to the structure of the Plan to improve clarity and usability.

## 5. Reference documents

[081c Ak Cncl - North Shore - Precincts \(Devonport Naval Base\) - \(R Moffatt\) - Planning \(9 February 2016\)](#)

[081c Ak Cncl - North Shore - Precincts \(Devonport Naval Base & HMNZ Dockyard\)- \(R Moffatt\) - Planning - REBUTTAL \(2 March 2016\)](#)

[081c Ak Cncl - North Shore - Precincts \(Devonport Naval Base & HMNZ Dockyard\) - Memo of counsel - revised precinct provisions \(30 March 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 109\)](#)

[081 Devonport Heritage Inc - hearing notes \(18 April 2016\)](#)

[081 Devonport Heritage Inc - hearing presentation \(18 April 2016\)](#)

[081 New Zealand Defence Force \(K Baverstock\) – Planning - LATE \(23 February 2016\)](#)

# 508 Devonport Peninsula Precinct

## 1. Summary of recommendations

The Panel supports the retention of the Devonport Peninsula Precinct and the various sub-precincts and agrees with the additional height and transition provisions proposed by Ngati Whatua Orakei Whai Rawa Limited.

This precinct was heard in Topic 081.

## 2. Precinct description

The Devonport Peninsula Precinct collectively covers 27.9 hectares of land and comprises six large land holdings (sub-precincts) of former navy housing in suburban coastal areas of the peninsula. The sub-precincts are:

- i. Sub-precinct A - Marsden Street (4.1 hectares);
- ii. Sub-precinct B - Birchfield Road (1.9 hectares);
- iii. Sub-precinct C - Plymouth Crescent (7.1 hectares);
- iv. Sub-precinct D - Hillary Crescent (7.3 hectares);
- v. Sub-precinct E - Vauxhall Road (3.2 hectares); and
- vi. Sub-precinct F - Wakakura Crescent (4.3 hectares).

Ngati Whatua Orakei Whai Rawa Limited owns almost all of the land in Sub-precincts A to E and no longer owns Sub-precinct F.

The purpose of the precinct is to provide for the comprehensive residential development of the landholdings and to enable additional building height to increase the intensity of development within the sub-precincts. The provisions are designed to ensure that the effects generated as a result of the additional height and intensity are mitigated.

A number of zones apply to the precinct including Residential - Mixed Housing Suburban Zone, Residential - Mixed Housing Urban Zone and Open Space – Conservation Zone.

## 3. Key issues

### 3.1 General opposition to the precinct

Of the 196 submitters who lodged submissions on the Devonport Peninsula Precinct, 183 were generally opposed to either all of the precinct, or particular sub-precincts, and sought its deletion or amendment. Submitters opposed to the precinct were concerned about a range of issues, including traffic congestion, transport and infrastructure constraints, impacts on established suburban character and views, and site-specific concerns.

A consistent request by submitters was the rezoning from Residential - Mixed Housing Suburban Zone to Residential - Single House Zone, to reflect the existing nature and character of the surrounding areas. Changes to the zones that apply to the precinct have been addressed in the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016 (see the section on rezoning).

A number of submitters raised issues regarding the capacity of the wastewater and stormwater networks. Many submitters raised concerns about the effects of additional traffic volumes on an already congested Lake Road, the lack of frequent bus services and safety concerns for pedestrians and cyclists, particularly school children.

### **3.2 Council and Ngati Whatua Orakei Whai Rawa Limited**

Ngati Whatua Orakei Whai Rawa Limited and the Council are largely in agreement as to the rationale for the precinct and the provisions that apply to the sub-precincts. The remaining differences between the parties generally relate to matters of detail and are:

- i. height transition and interface rules;
- ii. height within precincts;
- iii. inclusion of indicative roads and pedestrian linkages on the precinct plan; and
- iv. amendments to streamline and improve the clarity of provisions.

Council's planning witness Mr Moffatt supports a height limit of five storeys (16 metres) in the centre of sub-precincts. He also proposes reducing the notified height limits along the street frontage in some of the sub-precincts to better reflect the scale of and reduce impacts on existing development.

Mr Moffatt supports three height areas to be applied across the sub-precincts, enabling five, three or two-storey buildings.

Ngati Whatua Orakei Whai Rawa Limited's planning witness Mr Roberts and urban design witness Mr McIndoe support a 16 metre height limit in the centre of sub-precincts with a two metre infringement which would be assessed as a non-notified restricted discretionary activity.

Mr Roberts and Mr McIndoe support four height areas to be applied across the sub-precincts, enabling five (with a two-metre infringement), four, three or two-storey buildings.

The Council's witness and Ngati Whatua Orakei Whai Rawa Limited's witnesses disagree on where the height areas should be applied on the various sub-precincts, with Council generally proposing more restrictive height limits and transition areas on the peripheries of the sub-precincts. The differences between the two parties in respect of each sub-precinct are summarised in paragraph 16.10 in the evidence in chief of Mr Moffatt.

Ngati Whatua Orakei Whai Rawa Limited does not support the inclusion of indicative roads and pedestrian connections in the various the sub-precinct plans. This is based on Ngati Whatua Orakei Whai Rawa Limited's experience developing the Hillary Framework Plan. It is Mr Roberts' view that it is inappropriate to provide an expectation that connections will be provided in specific locations, where these may not result in the most appropriate urban design outcome. Mr McIndoe has proposed amendments to the assessment criteria to address access as a consequence of deleting the indicative roads and pedestrian connections from the precinct plans.

## 4. Panel recommendations and reasons

The Panel supports the retention of the Devonport Peninsula Precinct and the various sub-precincts and agrees with the additional height and transition provisions proposed by Ngati Whatua Orakei Whai Rawa Limited's planning and urban design witnesses.

The Panel acknowledges the concerns raised by many submitters relating to infrastructure capacity. However, it heard evidence from both Watercare and the Council that their networks have the capacity, or have programmed upgrades (in the case of Watercare), to address any constraints.

The Panel heard from Auckland Transport that congestion on Lake Road is not unlike that on other arterial routes in the region and that they will be investigating a programme of improvements identified in the Lake Road Corridor Management Plan to address congestion, including transit lanes and a focus on public transport improvements.

In terms of the suitability of the various sub-precincts for intensification and the effects of the additional height on the surrounding neighbourhoods, the Panel was persuaded by the evidence of Ngati Whatua Orakei Whai Rawa Limited that:

- i. the amenity of neighbouring residential areas has been carefully considered with the height controls precluding higher and more intensive development next to existing residential development;
- ii. the development controls and a range of assessment criteria will both protect amenity and facilitate good quality residential development;
- iii. the sub-precincts typically have a depth that will enable taller structures to be developed in the centre of the area with buffer areas provided adjacent to surrounding residential land; and
- iv. the buffer provisions recognise the circumstances on neighbouring residential sites and ensure that the transition between different height levels is managed appropriately.

The Panel agrees with Ngati Whatua Orakei Whai Rawa Limited's proposal to delete the indicative roads and pedestrian connections in the various the sub-precinct plans. This is consistent with the Panel's recommendations in Topic 028 to delete indicative roads and open space overlays from the Future Urban Zone. In terms of that topic the Panel considered the overlays would not assist land owners to plan for future development of their land and could unnecessarily constrain the development. The Panel considers that there are clear and directive objectives and policies (precinct, zone and Auckland-wide) that will ensure development is well connected and supports the additional assessment criteria proposed by Mr McIndoe to offset the deletion of the indicative roads and pedestrian connections.

As set out in the Panel's Report to Auckland Council – Overview of recommendations July 2016, the Panel is proposing that the framework plan/consent provisions should not be included in the Plan. Consequently, all references to framework plans have been deleted from the Devonport Peninsula Precinct.

The deletion of these provisions and removal of the indicative roads and pedestrian connections has required the redrafting of a number of the precinct objectives, policies and



assessment criteria. These are consequential changes and therefore not considered to be out of scope.

At the close of the hearing the Panel asked Ngati Whatua Orakei Whai Rawa Limited to prepare a version of the precinct provisions with the framework plan provisions removed. The Panel appreciates the work done by Ngati Whatua Orakei Whai Rawa Limited in preparing the amended version and notes it has been most helpful to the Panel.

Changes to the zones that apply to the precinct have been addressed in the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016 (see the section on rezoning). However, as a result of these rezoning recommendations consequential changes have needed to be made to the precinct provisions. The changes involve amendments to the height areas in Sub-precinct C to reflect the change in zoning from Residential - Mixed Housing Suburban Zone to Residential - Mixed Housing Urban Zone.

## 5. Reference documents

[081c Ak Cncl - North Shore - Precincts \(Devonport Peninsula\) - \(R Moffatt\) - Planning \(29 January 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(Attachment C, page 24\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(Page 345\)](#)

[081 Ngati Whatua Orakei Whai Rawa \(N Roberts\) - Planning - Devonport Peninsula - LATE \(19 February 2016\)](#)

[081 Ngati Whatua Orakei Whai Rawa \(G McIndoe\) - Urban Design - Devonport Peninsula - LATE \(19 February 2016\)](#)

[081 Ngati Whatua Orakei Whai Rawa - Devonport Peninsula - Legal Submissions \(17 March 2016\)](#)

[081 Iain Rea - REBUTTAL - VERY LATE \(11 March 2016\)](#)

[081 Devonport Heritage Inc - hearing notes \(18 April 2016\)](#)

## 509 Greenhithe Precinct

### 1. Summary of recommendations

The Panel recommends that the Greenhithe Precinct be included in the Plan with some modifications sought by submitters as set out below:

- i. 84 Laurel Oak Drive - land owned by 3rd Fairway has been removed from the precinct;
- ii. 55 Schnapper Rock Road and 52 Kyle Road - change zoning from Residential - Large Lot Zone to Residential - Single House Zone; and
- iii. Greenhithe Village – the Panel does not recommend a minimum 1000m<sup>2</sup> lot size. It considers that the current character values are not highly significant, and the large number of existing smaller lots means that a minimum lot size that is different to that provided in other parts of Precinct B (500m<sup>2</sup>) is not justified.

This precinct was heard in Topic 081.

### 2. Precinct description

The Greenhithe Precinct originated from the Auckland Council District Plan - Operative North Shore Section.

The precinct has been applied to a portion of the former North Shore City Greenhithe Structure Plan area (those areas zoned Area A: Mixed Environmental and Area B: Residential - Large Lot Zone) and the Rural 2 zone which lies to the north-east and south-east of Greenhithe Village.

The Greenhithe Precinct covers a broad area of the Greenhithe Peninsula and drains in two directions to the upper Waitematā Harbour. The purpose of the precinct is to manage subdivision and development in a sensitive catchment and ensure that new development responds to the natural environment including topography, vegetation, water quality, landform and the visual landscape.

The Greenhithe Precinct comprises two sub-precincts. Sub-precinct A requires larger minimum site sizes than those permitted by the Residential - Large Lot Zone. Sub-precinct B allows smaller minimum site sizes than those permitted by the Residential - Large Lot Zone, subject to specific constraints and opportunities including landscape features, topography, significant vegetation and access to a reticulated wastewater system. Subdivision and development in the precinct is supported where it avoids the removal of significant native vegetation (in order to protect visual landscape, native vegetation and habitat for native fauna), will minimise sedimentation and respond to and integrate with the features of the landscape.

The zoning of land within this precinct is the Residential – Large Lot Zone.

### 3. Key issues

The precinct covers a wide area and there were a number of submitters seeking changes to the precinct both in terms of the provisions and the precinct boundaries. The Council produced evidence from Ms Conner, Ms Absolum and Mr Hillier.

In her evidence in chief and rebuttal evidence for the Council, Ms Conner recommended the following changes from the notified Plan in response to relief sought by submitters:

- a) amend the Greenhithe Sub-precinct boundaries to:
  - i. include the area north of Schnapper Rock Road in Sub-precinct B;
  - ii. retain Sub-precinct A over the two escarpments – between Kyle Road and Schnapper Rock Road and south of Upper Harbour Drive;
  - iii. include the area bounded by the Upper Harbour Motorway, Albany Highway, Upper Harbour Drive and Blacks Road in Sub-precinct B; and
  - iv. remove the precinct from public open space zoned land south of Upper Harbour Drive;
- b) apply an additional subdivision control to the 'Greenhithe Village' (as shown in Attachment E) applying a minimum lot size of 1000 sqm with an underlying rezoning to SH as proposed in my Evidence Report 081c Rezoning and Precincts (Geographical Areas) Albany and Greenhithe;
- c) amend the Sub-precinct B subdivision controls to introduce a 2500m<sup>2</sup> minimum site size;
- d) introduce development controls based on the SH including precinct yard controls and a height in relation to boundary control for sites smaller than 4000m<sup>2</sup>;
- e) change 'Subdivision and development is limited' to 'Subdivision and development is managed' in Objective 1 and omitting the word 'rural' from policy 7 in response to submissions from 3rd Fairways Development Limited; and
- f) make minor changes to the precinct description, objective 1 and policies and rules. These were included for clarification.

The Panel heard evidence from a number of submitters seeking changes to the precinct provisions and boundaries as summarised below:

- i. Y Zhang and HL Developments Limited;
- ii. John Parlane;
- iii. Judith Herbert;
- iv. Gordon and Kim Edginton;
- v. Kotewell Trustees Limited; and
- vi. 3rd Fairways Development Limited

The Panel refers to the evidence and closing remarks of the Council and the evidence of the individual submitters regarding the specific issues identified and relief sought.

## 4. Panel recommendations and reasons

The Panel recommends that the Greenhithe Precinct be included in the Plan in general accordance with provisions as notified, with the subsequent changes requested by the Council, subject to some modifications sought by submitters as set out below.

The Panel considers that the provisions it is recommending meet the requirements of section 32 and promote the purpose of the Resource Management Act 1991.

### 4.1 Modifications to provisions

- i. Description - 'minimum site sizes' is proposed to replace the word 'densities' as it is more accurate.
- ii. Policies:
  - a. Policy 3 has been amended to remove (replace with 'minimise') and temper ('where practicable') the use of the term 'avoid' as it is considered too onerous considering the King Salmon decision.
  - b. Policy 4 has been amended to replace with 'managing' which is more consistent with the small lot sizes provided for in Sub-precinct B.
  - c. Policy 5 wording has been clarified.
  - d. Policy 8 has replaced the word with 'Maintain'. The Panel agrees with 3rd Fairway that landscape areas in the precinct not identified as an outstanding natural feature should not be preserved and this is too high a standard and not consistent with the development also provided for.
- iii. Activity table:
  - a. Amendments have been made to be consistent with the Plan structure and standard templating.
  - b. The subdivision rules have been amended to better reflect the objective and policies and to be consistent with the approach to subdivision in the Auckland-wide rules.
- iv. Standards have been made more explicit and cross referenced to other parts of the Plan.
- v. Building Coverage – Table I509.6.3.1 and impervious surfaces
  - a. A new set of building coverage standards has added to provide for the smaller lots that are allowed in Sub-precinct B and to address the issue raised by Mr Tollemache.
  - b. A 60 per cent impervious surface area has been added for similar reasons to the above and this is the same as the standard for the Residential - Single House Zone.
- vi. Minimum site area – Table I509.6.5.1
  - a. The Panel's approach to significant ecological areas is that the overlay rules protect the significant ecological area but otherwise should not determine the zoning. With subdivision of a block with a significant

ecological area at least one of the sites will have a significant ecological area so the Panel is not sure how this rule would work.

- b. The Panel agrees with Dr Bellingham's evidence to strike out parts of the table.
- vii. Controlled activities - the provisions have been amended as per the Panel's standard templating.

#### **4.2 Site-specific relief different to that sought by Council**

The Council has proposed mapping changes in accordance with its evidence in chief, evidence in rebuttal and closing remarks. These changes are accepted for the reasons provided by the submitters and the Council, except as recommended by the Panel below:

- i. 84 Laurel Oak Drive - land owned by 3rd Fairway has been removed from the precinct;
- ii. 55 Schnapper Rock Road and 52 Kyle Road - change zoning from Residential - Large Lot Zone to Residential - Single House Zone; and
- iii. Greenhithe Village – the Panel does not recommend a minimum 1000m<sup>2</sup> lot size. It considers that the current character values are not highly significant and the large number of existing smaller lots, means that a minimum lot size that is different to that provided in other parts of Precinct B (500m<sup>2</sup>) is not justified.

Relief sought by 3rd Fairway was for its land at 84 Laurel Oak Drive to remain in the precinct but be subject to a Residential - Single House Zone and to amend the whole set of precinct provisions to sit over the top of both Residential - Large Lot and Residential - Single House Zones. The Panel does not recommend this approach, but it does agree with the broad thrust of the submissions and evidence from 3rd Fairway that development should be more enabled on 84 Laurel Oak Drive. The Panel recommends that this land is removed from the precinct and made Residential - Single House Zone for the following reasons:

- i. following a site visit the Panel was able to see that vegetation has been removed and earthworks, roading and stormwater management works have already been undertaken in accordance with the current subdivision consent;
- ii. therefore, the environmental protections that the precinct sets out to achieve have already been largely achieved and the reasons put forward in Council's closing remarks position are out-dated;
- iii. the development consent that has been granted by a relatively recent Environment Court decision provides for densities more similar to Residential - Single House Zone than Residential - Large Lot Zone because the development will be serviced;
- iv. the significant ecological area and riparian areas will be protected as in all Residential - Single House Zones by the general rules in the Plan;
- v. Ms Absolum, the Council's landscape witness, made no comments on landscape concerns for this site and the Panel did not identify any concerns from its site visit;

- vi. the concerns raised by Mr Tollemache in regard to coverage restrictions from the coverage rules for the Residential - Large Lot Zone when applied to the small sites provided for in Sub-precinct B, was not adequately addressed by the Council;
- vii. including this land in the precinct would create an anomaly as it is remote from other areas; and
- viii. the existing developed areas on adjoining land have a zoning of Residential - Single House Zone and the Panel considers that this same zoning for 84 Laurel Oak Drive will therefore be the most appropriate zone.

### 4.3 Kotewell Trustee

The Panel heard expert evidence from the Kotewell Trustee and the Panel did see some merit in the arguments raised and relief sought. However, the Panel agrees with the Council that it is most appropriate for a resource consent to be sought for the type of developments proposed by Kotewell rather than amending the precinct. If applications for subdivision are made the Council is encouraged to consider how the arrangement of lots, building platforms and site sizes, with appropriate legal instruments, could most sustainably manage the natural and physical resources in the precinct for the particular site.

## 5. Reference documents

[081c Ak Cncl - North Shore - Precincts \(Greenhithe\) - \(T Conner\) - Planning](#) (29 January 2016)

[081c Ak Cncl - North Shore - Precincts \(Greenhithe\) - \(T Conner\) - Planning - REBUTTAL](#) - (1 March 2016)

[081c Ak Cncl - North Shore - Precincts \(Greenhithe\) - \(M Absolum\) - Landscape - REBUTTAL](#) (1 March 2016)

[081c Ak Cncl - North Shore - Precincts \(Greenhithe\) - \(R Hillier\) - Geotechnical - REBUTTAL](#) (1 March 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 114)

[081 Y Zhang and H L Developments Albany Limited \(D Tilley\) - Planning](#) (17 February 2016)

[081 Y Zhang and H L Developments Albany Limited \(D Tilley\) - Planning - Summary statement](#) (22 March 2016)

[John D Parlane](#) (15 February 2016)

[081 John Parlane - Summary statement](#) (28 April 2016)

[081 Judith Herbert \(Mark Bellingham\) - Planning](#) (22 February 2016)

[081 Gordon and Kim Edginton - Greenhithe Precinct](#) (11 February 2016)

[081 3rd Fairway Development Limited - Summary statement](#) (14 February 2016)

[081 3rd Fairway Development Limited - Summary statement](#) (20 April 2016)

[081 Kotewell Trustee Ltd \(C Wedding\) - Ecology](#) (12 February 2016)

[081 Kotewell Trustee Ltd \(M Lockhart\) - Landscape](#) (12 February 2016)

[081 Kotewell Trustee Ltd \(S Lander\) - Geotechnical](#) (12 February 2016)

[081 Kotewell Trustee Ltd \(S Robson\) - Planning](#) (12 February 2016)

# 510 Gulf Harbour Marina Precinct

## 1. Summary of recommendations

The Panel supports the changes proposed by Council in response to submissions.

## 2. Precinct description

The Gulf Harbour Marina Precinct is located at Hobbs Bay on the southern edge of the Whangaparāoa Peninsula. Gulf Harbour was developed as a boat harbour under the Rodney County Council (Gulf Harbour) Vesting and Empowering Act 1977. It includes both the coastal marine area and an area of land to the east of the marina.

The purpose of the precinct is to provide for the marina, ferry service and marine-related services and facilities, including haul-out facilities, boat storage trailer parking, and a range of specialist marine trade services. The precinct also provides for a range of commercial and retail activities on part of the adjoining land. The underlying zoning of land in the precinct is Coastal - Marina Zone, and this zoning applies to both the land and the area of the precinct within the coastal marine area.

The Panel notes the precinct, as stated in the provisions, modifies the Coastal - Marina Zone to recognise and provide for the types of activities operating on the Gulf Harbour marina land and to protect the coastal open space nature and amenity of the Hammerhead area within the precinct.

## 3. Key issues

The Council proposes to maintain the precinct with some amendments, as detailed below, in response to four submissions received from Gulf Harbour Investments Limited, the Whangaparāoa Residents and Ratepayers Association, Thomas G Parsons and Auckland Transport.

The evidence at the hearing, for both the Council and the submitter who made an appearance (Gulf Harbour Investments Limited), supported the retention of the precinct, but with some amendments.

The evidence for the Council (Mr Robert Scott) supported the retention of Sub-precincts A and B. Sub-precinct A provides for a broad range of marina, ferry service, marine and port activities. Sub-precinct B provides for non-marine related uses such as offices, retail, healthcare services and care centres. The evidence also introduced Sub-precinct C to preserve the area of coastal open space referred to as the 'Hammerhead' with a lower height limit than the remainder of the precinct in order to minimise potential visual impacts of buildings due to the more visually prominent location of this area of land. The new sub-precinct was considered appropriate to distinguish this land from the more marine industrial and commercially-focused land uses in the precinct.

The precinct also modifies the height controls of the underlying Coastal - Marina Zone to specifically provide for marine industry, marine commercial and community/recreation facilities in each sub-precinct.



Agreement was largely reached between the Council and Gulf Harbour Investments Limited. In evidence for Gulf Harbour Investments Limited however, Mr David Hay expressed the view that in introducing Sub-precinct C the concept of protecting the 'coastal open space nature and amenity' could be interpreted as Council seeking to preserve the Hammerhead in its current form, that is, as a mix of open space and car parking. This was seen as being reflected in the restriction of uses within Sub-precinct C. He stated that the area is significantly under-utilised and has the ability to support and host a range of recreational and marine-related activities and other non marine-related activities.

In rebuttal evidence Mr Scott agreed with Mr Hay that the Council's intention is for the Hammerhead to be developed, but at a less intense scale than the other sub-precincts, and for it to provide for a range of marine-related or marine-complementary activities but recognising its coastal location. He recommended the statement in the precinct description be amended as:

The precinct modifies the marina zone to recognise and provide for the types of activities operating on the Gulf harbour Marina land, and to protect the coastal and amenity of the Hammerhead area.

Then, to reflect the above amendment in the description for the sub-precincts, he recommended further changes as below but adding 'complementary' before non-marine activities to protect the preference for marine activities in the sub-precinct. His amendments were:

Sub-precincts B and C provide for a range of both marine and complementary non-marine related activities such as office, retail, healthcare services and care centres.

There remained disagreement regarding office activity on the Hammerhead. The Panel agrees with this exclusion because offices not accessory to marine and port activity are enabled in Sub-precinct B; it is not necessary to complement the range of marine-related activities (and limited non-marine retail) that are enabled in Sub-precinct C; it does not have a functional need to be in a coastal location; and could limit the range of activities otherwise provided for in the sub-precinct. The Panel notes that in his summary statement to the hearing dated 14 March 2016 Mr Hay advised that Gulf Harbour Investments Limited no longer wished to pursue this matter.

The Panel finds agreement with the planning witnesses that the precinct is retained and with the amendments agreed, which provide additional specificity and clarification regarding the future intentions for the precinct. With Gulf Harbour Investments Limited deciding not to pursue its earlier concern regarding office activity on the Hammerhead, the Council and the submitters are largely in agreement with the revised provisions.

No comments were made by Council in its closing remarks.

#### **4. Panel recommendations and reasons**

The Panel accepts the position of Council presented in evidence that the precinct be supported largely in the form agreed between Council and the submitters. This is for the reasons set out in section 1.3 above.

In the above respects the Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, agrees that the provisions as

amended by Council in response to the submissions are the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991.

## 5. Reference documents

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Gulf Harbour Marina\) - \(R Scott\) - Planning](#) (26 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Gulf Harbour Marina\) - \(R Scott\) - Planning - REBUTTAL](#) (25 February 2016)

Gulf Harbour Investments Ltd

[081 Gulf Harbour Investments Ltd \(D Hay\) - Planning](#) (12 February 2016)

[081 Gulf Harbour Investments Ltd \(D Hay\) - Summary Statement](#) (21 March 2016)

## 511 Hatfields Precinct

### 1. Summary of recommendations

The Panel supports this precinct proposed by the landowner Kauri Orewa Limited (formerly Chin Hill Farm Limited). This precinct was not supported by the Council.

This precinct was heard in Topic 081.

### 2. Precinct description

The Hatfields Precinct is a contiguous 183.8 hectare block of rural land held in eight freehold titles, located immediately to the north of Hatfields Beach. The precinct is bounded by the Hibiscus Coast Highway on its eastern side, the Waiwera River on its northern side, State Highway 1 on its western side, and the existing Hatfields Beach settlement on its southern side.

The land is characterised by a mix of marginal pastoral farmland and large blocks of native bush, with a series of ridgelines and gullies. The south-western slopes contain stands of pristine native bush, including stands of kauri that stretch downward toward the Hibiscus Coast Highway and adjacent wetland and estuary. The bush area is within a significant ecological area overlay. The upper part of the precinct is within an outstanding natural landscape overlay. Other overlays also apply in this precinct.

The purpose of the precinct is to enable a comprehensively master-planned rural lifestyle development within a natural bush setting, while protecting and enhancing the nature conservation and landscape values of the land. The varied, rolling topography and existing areas of native bush – along with proposed revegetation and enhancement – ensure that the site is capable of absorbing rural lifestyle development in a manner that avoids or mitigates adverse effects on nature conservation, landscape and rural amenity values. This is achieved by setting aside areas within the precinct for protection and enhancement, with ‘clustered’ areas of rural lifestyle development in carefully chosen locations to minimise adverse landscape effects.

The precinct will also enable an off-road walking trail linking Hatfields Beach with Waiwera.

The precinct plan delineates three protection areas, and ten development areas. The protection areas are: the existing significant ecological area on the south-western slopes of the precinct; the gullies and slopes with regenerating bush, and the existing grazing land. It is intended that these protection areas be retired from farming and enhanced with new native revegetation and protected in perpetuity, along with comprehensive plant and pest management programmes.

Rural lifestyle development will be within nine distinct ‘clusters’ within the precinct with one common area which will support recreation amenity facilities for the homeowners.

Development within the precinct will be subject to building design standards and site landscaping standards, including native revegetation, to ensure buildings are in keeping with the landscape character and are not visually prominent. Maximum height levels and building envelopes will be set for each of the cluster areas to minimise adverse landscape effects.

Although sites will generally be within the range of 2000m<sup>2</sup> to one hectare each, the overall density of the development will achieve an average of one rural lifestyle site per at least three hectares.

The zoning under the notified proposed Auckland Unitary Plan Unitary Plan was Rural - Rural Production Zone and Rural - Rural Coastal Zone. The Council's revised zoning for the land within the proposed precinct is Rural – Rural Coastal Zone consistent with Mr Te Pairi's planning evidence on rezoning dated 28 January 2016.

### 3. Key issues

In Topic 016/017 the submitter requested an extension to the Rural Urban Boundary north of the existing urban area of Hatfields Beach. Initially the requested extension to the Rural Urban Boundary related to all of the submitter's land, however this was later reduced to relate to a small portion in the south-eastern corner of the land. This revised extension related to a portion of the land originally within the proposed precinct and would cover the rolling pastoral land, ending at the edge of Outstanding Natural Landscape 44 and the significant ecological area and the low-lying ridge to the east of the significant ecological area.

The Panel has recommended an extension to the Rural Urban Boundary north of the existing urban area of Hatfields Beach that includes the south-eastern portion of the submitter's land. This land now recommended to be within the Rural Urban Boundary has been excluded from the Hatfields Precinct.

The submitter requested a rezoning of the land within the proposed precinct from Rural - Rural Coastal Zone to Rural - Countryside Living Zone. This was not supported and the Council sought to retain the zoning of Rural - Rural Coastal Zone.

The Council legal submissions summarised the evidence in relation to the three precincts sought at Hatfields Beach, as set out below.

7. The Council does not support the inclusion of any of the Hatfields Beach Precincts in the PAUP particularly the degree of density of rural subdivision proposed in each of the three precincts. The basis for this is that rural subdivision is strategically managed within the PAUP in order to achieve consistency with a core strategic direction in the RPS – to prevent further sporadic and scattered subdivision in rural Auckland.

8. In addition, Hatfields Beach is a sensitive coastal area, that contains significant natural and landscape character values includes extensive areas of ONL44 and SEA.– which are acknowledged and protected by the RPS and zoning in the PAUP.

9. On the basis of the above issues, Mr Te Pairi, informed by the ecological evidence of Ms Myers, and the landscape evidence of Stephen Brown does not consider that the three Hatfields Beach Precinct proposals meet the Merits Based Assessment for new precincts, outlined in the evidence of Mr John Duguid for the Council on Topic 081 rezoning and precincts.

The Council's closing remarks responded to this specific precinct as set out below.

8. While the Council acknowledges that there are some benefits of the precinct, such as protection of native vegetation and potential public access, the Council considers

that these are not special enough to justify departure from the Council's RPS provisions and Auckland-wide rural subdivision provisions, particularly where SEA on the property will be protected through the PAUP provisions anyway.

10. In addition, the precinct provisions, while providing for clusters of development, would not adequately protect the significant landscape and coastal character values, including on ONL 44, identified by Stephen Brown. Mr Brown indicated to the Panel at the hearing that he considered the Kauri Orewa Precinct would not achieve the RPS policy of avoiding effects on ONL 44.

12. The Council remains of the view that the proposed RC zoning for the land is appropriate and that the proposed precinct provisions would result in an entirely inappropriate level of development which does not give effect to the RPS, the NZCPS or Part 2 of the RMA.

Mr Skelton, the submitter's landscape architect, in his summary statement presented at the hearing set out the differences in opinion between himself and Mr Stephen Brown on behalf of the Council, as set out below.

#### Pastoral vs natural character

10. Mr Brown states that I have misunderstood the role of the site's open pasture in contributing to ONL44. I have not misunderstood the role of pasture but I offer an alternative opinion on its value. Mr Brown places significant weight on the pasture's role as; A: a counterpoint to the mosaic of remnant bush and B: the legibility of the underlying landform.

11. I agree that the landform is more legible under the cover of pasture. So too are the scars of pastoral farming, the barren slopes eroded by pastoral animals, the land slumps and runoff channels which have resulted from the clearance of vegetation and subsequent erosion. I agree that the complex topography of the site is more legible under the cover of pasture, but it is the case that some of that topography is a result of the site's pastoral history. I consider that the site's complex topography can still be well appreciated under the cover of native bush and that pasture has in some cases, undermined the integrity of the landform.

12. The mosaic of remnant bush Mr Brown refers to is in fact remnant and a mosaic as a result of the pasture, which is entirely a manmade construct. While the patchwork of pasture is considered an important element within the much larger ONL44, throughout ONL44, pastoral lands often reach the edge of native bush and pastoral animals are kept from the bush by fences. In the case of the Chin Hill property, the remnant bush is part of the pasture, is not protected by fencing and is susceptible to further degradation due to pastoral grazing. As I understand the Chin Hill site is not a viable pastoral farm. On my several site visits I have witnessed very limited grazing which has left the pastoral areas overgrown and under grazed.

13. It is my interpretation that the overgrown and under grazed pasture which weaves between the remnant bush has degraded the natural integrity of the hills. I understand Mr Brown's romantic notion that the interplay of bush and pasture goes to the heart of New Zealander's appreciation of quintessential, local, natural landscapes. However in the case of the Chin Hill site, I consider this is an apathetic, old world interpretation. It is my opinion that a large, healthy native ecosystem facilitated by the development of pockets of recessive residential dwellings which

appear subservient to the landscape's naturalness is a progressive and appropriate response to the landscape. It is my opinion that this proposed development will better articulate a positive response to man's impact on the natural values of the landscape and that this response would continue to perpetuate the values which give ONL44 its outstanding character.

14. Furthermore, the existing estuary and its low growing plant life which exists between the Chin Hill site and the Hibiscus Highway and Hatfields Beach Reserve currently acts as the visual frontispiece to the subject land. This natural, mostly open land which is part of the coastal environment will continue to act as the foreground to the site and continue the open character which Mr Brown attributes to the pastoral lands.

15. In summary, I consider the proposed development to be, as Mr Brown has confirmed, restorative design. The Chin Hill site is no longer a productive, pastoral area and I consider the pastoral component of this site in particular to degrade the already marginalised remnant bush. Clustered, appropriately scaled, recessive residential development with strict controls to limit the spread of domestic effects will act as the impetus in a large scale rehabilitation of the landscape's natural values. In 3 – 10 years this transition will replace the manmade constructs of pastoral lands with the manmade constructs of residential and access areas.

However in 10 to 30 years the residential components of the landscape will be set deep within a strong natural landscape and its appreciation as being outstanding will continue.

Mr Jeff Brown in his planning evidence set out his summary of the following key issues.

B. The 183ha Chin Hill property is generally steep land with some flatter areas, and has a range of vegetation types including a significant ecological area (SEA) and high quality but non-SEA vegetation areas through the gully systems and indigenous wetlands, and extensive pasture. The ecological values are significant and are threatened by grazing and by animal and plant pests.

C. The property lies between Hatfields Beach and the Waiwera River, and there is opportunity for a walkway and cycleway linking the Hatfields reserve (on the south side) to Weranui Road near Waiwera (on the north side).

D. The land also has landscape values – it is in part within an outstanding natural landscape (ONL) – and it has particular locational attributes: it is close to the urban area, has various amenities, is close to the Hibiscus Coast Highway which provides a bus service, and has no real farming opportunities. It is appropriate for rural lifestyle development, and I consider that the sustainable management of the resources needs to include all of the following three components:

1. Retirement from farming; and
2. Protection and enhancement of natural values; and
3. Rural lifestyle development that recognises and addresses the significant landscape and coastal values while enabling the achievement of significant beneficial ecological outcomes.

E. I consider that the most appropriate method to achieve these 'sustainable management components' is by way of the bespoke precinct, within an underlying Countryside Living Zone (CLZ).

F. The precinct covers the whole of the Chin Hill property. The ecological benefits will be significant from the adoption of the precinct, including the opportunity to change a fragmented, degraded ecological landscape supporting important values under threat, to one where existing values are legally protected, restored, linked and reconnected, and enhanced such that benefits generated for biodiversity are significant and of local, regional and national significance. The precinct's most distinctive feature is its protection and enhancement of 160ha of native vegetation (including 70ha protection of existing bush and wetlands, and 90ha of revegetation) and covers 87% of the property. This is incentivised by the ability to create up to 58 rural lifestyle sites. The revegetation methodology is part of the precinct rules, to 'lock in' the ecological outcomes. The sites are in 4 separate clusters, located in response to the landscape values of the site and wider area, and development on each site is managed by stringent design controls.

G. The notified Rural Production Zone (RPZ) and the Rural Coastal Zone (RCZ) are not appropriate as the land has no economic value for farming and the adoption of those zones would not enable the protection and development opportunities inherent in the land.

H. I consider that the bespoke Precinct and the CLZ better serve the higher order objectives and policies of the PAUP, and are consistent with and achieve the Panel's interim guidance for best practice approaches to re-zoning and precincts, and that the precinct achieves the Council's merits assessment criteria. The precinct is consistent with the New Zealand Coastal Policy Statement objectives and policies.

I. I disagree with much of Mr Te Pairi's evidence on the zoning and the precinct.

J. I consider that the re-zoning and precinct are consistent with Sections 6(a) and (b) and 7(b), (c), (g) and (i) of the Act, and are the most appropriate way to achieve the Act.

For all of the reasons contained in the evidence presented on behalf of the submitter the Panel recommends that the Hatfields Precinct be adopted.

In relation to the zoning of the land, the Panel recommends the zoning of Rural - Rural Coastal Zone be retained for the reasons contained in the evidence presented on behalf of the Council. This zoning, together with the environmental and development outcomes anticipated by the precinct provisions, appropriately manage this land that abuts the revised Rural Urban Boundary at Hatfields Beach. The submitter's land, together with the surrounding land, is most unlikely to be rezoned for urban purposes and is not suitable for countryside living subdivision and development as contemplated by the Rural - Countryside Living Zone.

#### **4. Panel recommendations and reasons**

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the Hatfields Precinct be adopted.

The Panel has concluded that the positive environmental outcomes that will be achieved from the retirement of this land from farming, the protection and enhancement of the natural features, consistent with the precinct provisions that recognise and address the significant landscape and coastal values while enabling the achievement of significant beneficial ecological outcomes, is the most appropriate way to enable the development of the proposed precinct site and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

### Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Hatfields\) - \(S Myers\) - Ecology](#) (27 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Hatfields\) - \(N Te Pairi\) - Planning - REBUTTAL](#) (1 March 2016)

[081b Ak Cncl - Rodney - Precincts \(Hatfields 1,2 and 3\) - \(N Te Pairi\) – Planning](#) (28 January 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Page 10)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (Page 24)

### Chin Hill Farm

[081 Chin Hill Farm \(J Brown\) - Planning](#) (15 February 2016)

[081 Chin Hill Farm \(S Skelton\) - Landscape](#) (15 February 2016)

[081 Chin Hill Farm \(S Skelton\) - Landscape - summary statement](#) (16 March 2016)



# 512 HMNZ Dockyard Precinct

## 1. Summary of recommendations

The HMNZ Dockyard Precinct is recommended to be included in the Plan as agreed between the New Zealand Defence Force and the Council.

This precinct was heard in Topic 081.

## 2. Precinct description

The HMNZ Dockyard Precinct applies to the dockyard land on the western half of the reclamation along the base of the cliff at Calliope Road, Devonport. This land is subject to a designation for defence purposes.

The dockyard is occupied by wharf buildings, a dry dock, a syncrolift and industrial buildings. The primary use of the dockyard is for the maintenance of vessels. The dockyard is accessed at its eastern end from Philomel Crescent, via Queens Parade, and at its western end from the Stanley Bay gate by a vehicle crossing off Calliope Road, referred to as the Calliope Road service lane.

The purpose of the precinct is to enable the use of the dockyard for non-defence purposes, providing for the efficient use of existing resources and continued employment of a significant workforce.

The zoning of land within this precinct is Business - Light Industry zone.

## 3. Key issues

There were no issues remaining between the New Zealand Defence Force and the Council.

## 4. Panel recommendations and reasons

The HMNZ Dockyard Precinct is recommended to be included in the Plan as agreed between the New Zealand Defence Force and the Council.

The precinct is considered necessary rather than just relying on the zone in order to better manage the uses and activities at the Devonport Naval Base that are not defence-related and therefore not covered by the designation for defence purposes. The activity status of these activities is specified in a tailored activity table. A range of desired environmental outcomes specific to the base environment and location are stated in precinct policies and given effect to through specific development controls.

The precinct is appropriate because it satisfies the requirements of section 32 and promotes the purpose of the Resource Management Act 1991.

HMNZ Dockyard Precinct appropriately provides for the integrated management of the area, subject to amendments to the notified Plan to:

- i. ensure consistency of terminology/phrasing and structure with other precincts;
- ii. amend the objective to focus on non-defence use of facilities in the precinct;

- iii. include matters of discretion and assessment criteria for dominance and shading in relation to buildings, as these were missing in the notified Plan version of the precinct provisions; and
- iv. support the removal of the flood-prone area layer across the Calliope dry dock, as shown on the Plan maps.

The main difference between what was presented at the hearings and what the Panel has recommended is that the objectives, policies and provisions are now contained within one section. This is consistent with other changes made by the Panel to the structure of the Plan to improve clarity and usability.

## 5. Reference documents

Auckland Council

[081c Ak Cncl - North Shore - Precincts \(HMNZ Dockyard\) - \(R Moffatt\) - Planning \(9 February 2016\)](#)

[081c Ak Cncl - North Shore - Precincts \(Devonport Naval Base & HMNZ Dockyard\)- \(R Moffatt\) - Planning - REBUTTAL \(2 March 2016\)](#)

[081c Ak Cncl - North Shore - Precincts \(Devonport Naval Base & HMNZ Dockyard\) - Memo of counsel - revised precinct provisions \(30 March 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(Page 109\)](#)

New Zealand Defence Force

[081 New Zealand Defence Force \(K Baverstock\) – Planning \(23 February 2016\)](#)

# 514 Kakanui Point Precinct and rezoning

## 1. Summary of recommendations

The Panel recommends a precinct as proposed in the notified and as generally agreed between the submitter (The Gibbs Foundation) and Council and with further amendments to the precinct provisions set out in this report. It is appropriate to enable the continuing development of the sculpture park and its associated environment as an important cultural resource through a suite of land use and development controls designed to recognise its specific characteristics.

This precinct was heard in Topic 081.

## 2. Precinct description

The property covers approximately 353ha, and is located at Barr Road, Kaukapakapa, adjoining State Highway 16 to the east and the Kaipara Harbour to the west, and adjoins the Araparera River marginal strip. It includes rural and coastal land, and extends into the coastal marine area.

The purpose of the Kakanui Point precinct is to enable the continued operation and development of the sculpture park. The park contains works by sculptors and artists, as well as associated and complementary development and land uses. Together, they provide a unique landscape which reflects the creativity of the people commissioned to undertake the sculptures and artworks. The presence of modified or constructed landforms and waterbodies, extensive native and exotic plantings, and rare and exotic animals, complement and enhance the sculpture park. It is appropriate to enable the continuing development of the sculpture park and its associated environment as an important cultural resource through a suite of land use and development controls designed to recognise its specific characteristics.

## 3. Key issues

The Kakanui Point Precinct was included in the Plan as notified. The Council in its evidence acknowledged the site is unique as an internationally renowned sculpture park, and should be enabled through a set of plan provisions. The few issues outstanding relate to the appropriateness of the plan provisions, and these issues were further narrowed at the hearing.

The vast majority of proposed precinct provisions for the subject site were agreed between the Gibbs Foundation and the Council. This report largely addresses those matters not resolved.

Prior to the hearing, but after evidence exchange, the issue of subdivision (no longer pursued by the submitter) and the definition of 'artworks' were agreed. The definition of 'artworks' is discussed below, but note that the Panel's recommendation is to delete the Plan's definition of artworks in its entirety.

Immediately prior to the hearing the outstanding issues related to:

- i. amendments to Activity Table 1 and rule 2.2 relating to land disturbance, and vegetation management provisions;
- ii. activity status for further dwellings;
- iii. permitted volume of water take from on-stream dams; and
- iv. control of tourist and visitor activities.

Mr Cross, the Council's expert planner, stated at the hearing that there really was no disagreement; it was only how matters were expressed in the Plan.

There is also an outstanding issue in relation to a submission lodged by the Kaipara District Council challenging the proposed zoning of the site.

#### 4. Panel recommendations and reasons

The Panel acknowledges that the Gibbs Foundation's farm (the Kakanui Point Precinct) is a sculpture park of international significance. From a sculpture park perspective the Panel accepts there is nothing approaching its scale and significance in New Zealand with only a few others like it in the world. In this regard the Gibbs Foundation's farm is a true exception to the norm.

As set out in legal submissions, evidence presented by Mr Gibbs, and a range of expert evidence, of critical importance when considering appropriate planning provisions for the Gibbs Foundation's farm is an understanding that the landscape is integral to the experience and that includes the expanses of the Kaipara Harbour. In terms of the subject property itself, the landscape has been reworked and the sculptures and artwork interact with the landscape.

The Panel had extensive evidence on which to make its recommendations. This was from the Council (Mr Cross, the Council's expert planner), and the following from the Gibbs Foundation:

Mr A Gibbs (owner); Ms S Lagen (art expert); Mr G Lister (landscape); Mr K Cook (Planning); Mr L Hills (traffic); Mr C Robinson (acoustics); Dr G Dumbell (ecology) and Mr P Boardman (structural engineering).

The Kakanui Point Precinct provisions proposed by the Gibbs Foundation include changes to the objectives and policies proposed in the Plan as notified as well as a number of the provisions. Having had regard to all the submissions and evidence the Panel finds that in section 32 and 32AA terms the provisions that facilitate artworks and sculptures, including their establishment and associated land development and the other activities associated with management of the Gibbs Farm, are the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991.

The specific changes recommended by the Panel are addressed below.

##### 4.1 Zoning

Kaipara District Council sought that the zoning of the Kakanui Precinct be Rural – Rural Coastal Zone rather than Rural – Rural Production Zone. The reasons given were:

- i. Rural – Rural Production zoning is out of alignment with zoning of adjoining and other sites adjacent to the Kaipara Harbour;

- ii. Rural – Rural Coastal zoning provides for the appropriate management of activities where there are land/coastal interface issues; and
- iii. Rural - Rural Production zoning allows for effects in scale and intensity that would be different to those allowed on neighbouring sites under Rural – Rural Coastal zoning.

For the reasons set out below the Panel recommends the Rural – Rural Production Zone as in the notified Plan, and supports the evidence of the Gibbs Foundation. In summary the evidence supports the Rural – Rural Production Zone as more appropriate than the Rural – Rural Coastal because:

- i. the modified landscape of the property and the artworks themselves distinguish its character from that of adjoining Rural – Rural Coastal zoned land;
- ii. the subject property has a history of innovative land development and management that sets it apart from much of the neighbouring land;
- iii. the property as a whole has been remade as a work of landscape art. The land has been recontoured and the grass sward is groomed and mown to provide a smooth surface that accentuates the play of light on the landform; and
- iv. the zoning better reflects the operative plan zoning of the subject site (General Rural) and that of Plan Change 132.

The Panel notes that Kaipara District Council did not present any evidence in support of its submission.

Overall, the Gibbs Foundation’s farm is distinctly different to adjoining sites and other sites adjacent to the Kaipara Harbour, but it also includes farming and forestry. The Panel finds that the Rural – Rural Production Zone is the most appropriate zoning for the site.

## 4.2 Artworks definition

Mr Cook’s evidence sought a change to the artworks permitted within the precinct through an amendment to the definition of artwork. This was to capture sensory forms of art which were not included in the Plan’s definition – for example smoke, water or vapour. Mr Cross, on behalf of Council, agreed with the wording of the change but suggested the amended definition of artworks should not be limited to the text of the precinct provisions. Instead the revised definition of artworks should apply to the Plan as a whole.

The Panel has, in relation to the hearing on the definition of artworks (see the Panel’s Report to Auckland Council – Hearing topic 065 Definitions July 2016), recommended that the definition of artwork be deleted. Based on the evidence at those hearings, and reinforced by the evidence for this precinct, the Panel does not consider it is appropriate or necessary to define ‘artwork’. Artwork does not lend itself to a definition and it could be very widely or narrowly defined; however this could result in endless debates about ‘what is art’. Artwork is term that needs no definition.

### 4.3 Land disturbance and vegetation management provisions

Mr Cook set out in his rebuttal evidence why the amendments sought to the activity table and to provisions relating to vegetation management are necessary and appropriate.

The context of this is the interplay of landscape and sculpture at the Gibbs Foundation's farm, and the managed nature of the landscape. In addition the scale of the works is significant. Reworking of the landscape and/or installation of works involving substantial foundations is a fundamental part of the sculpture park, requiring earthworks and vegetation management.

With respect to land disturbance, it was Mr Cook's opinion that if the provisions were not amended as he recommended, this would mean the regional thresholds would still apply and this would severely fetter the purpose of permitting land disturbance in the Kakanui Point Precinct – i.e. to appropriately enable artworks, including landform modification. The changes proposed by Mr Cook would still mean the relevant land use controls would apply such as silt control, the lower thresholds for land disturbance in overlays, and the provisions relating to earthworks in the coastal marine area.

The Panel accepts that a different regime for land disturbance be applied in the precinct. The recommended controls will still ensure environmental protection through regional land use controls and the application of the thresholds for earthworks in overlays and the coastal marine area. The usual land disturbance thresholds have been deleted so that the artworks purpose of the precinct is enabled. It is noted that the earthworks controls in the Plan have been substantially redrafted to essentially separate the regional and district land use rules. The details of this are set out in the Panel's Report to Auckland Council – Hearing topic 041 Earthworks and minerals July 2016.

As with the situation described in relation to land disturbance, the absence of provisions in the Kakanui Point Precinct permitting vegetation alteration or removal would mean that the Auckland-wide rules would apply. Consents would be required to alter or remove the planting around lakes, wetlands and coastal margins within the precinct (not just protected trees). However, all of the planting has been introduced as part of the Gibbs Farm artworks and restoration, and is subject to ongoing management and change.

While the proposed precinct provisions would permit vegetation alteration or removal, land use controls make it clear that the exemption that would apply in the precinct is limited to the general Auckland-wide vegetation management rules. Accordingly, the Plan controls which limit vegetation alteration and removal within overlays would continue to apply.

The Panel finds that to give effect to the objectives and policies of the precinct and its fundamental purpose, the provisions relating to land disturbance and vegetation management as proposed by Mr Cook and supported by Dr Dumbell and other witnesses for the Gibbs Foundation, are the most appropriate. The Panel notes that Mr Cross did not have a fundamental opposition to the provisions, only how they were reflected in the Plan.

#### **4.4 Activity status for further dwellings**

The activity status for further dwellings on the site remained an area of disagreement between the parties. Mr Cook identified that the plan provisions he supports will result in the precinct applying the same activity status for additional dwellings as applies in the zone, and that is as a discretionary activity. It is noted that more than three dwellings per site, where the site is equal to or greater than 100ha, is a discretionary activity.

Mr Cross referred to the 'maximum number of 15 dwellings' for the subject site being arrived at in the context of the Plan Change 132 proceedings. It was pointed out to the Panel in legal submissions that Plan Change 132 did not in fact address the appropriateness of 15 dwellings on the Gibbs Farm.

The Panel finds that the discretionary activity proposed by Mr Cook is appropriate and consistent with the zoning of the site.

#### **4.5 Permitted volume of water take from on-stream dams**

Activity table 1 as proposed by Mr Cook provides for the taking and use of up to 20m<sup>3</sup>/day surface water from lawfully established on-stream dams. The basis for this provision was set out in the evidence of Mr Cook and Dr Dumbell.

Mr Cook and Dr Dumbell set out that the effects of this level of take would be minor, and given the purposes of the precinct, in particular the importance of the vegetation and groomed grass sward to the overall sculptural and landscape experience, that the proposed water take is appropriate. It is also noted that streams and lakes on the property have largely been created and designed to have this volume of water taken for the farm purposes.

Mr Cross set out in his evidence that he offered no opinion as to the merits of the water take provisions proposed as he has received no advice from Council's experts. At the hearing Mr Cross accepted the submitter's provisions regarding the use of up to 20m<sup>3</sup>/day surface water from lawfully established on-stream dams.

#### **4.6 Control of tourist and visitor activities.**

The site presently hosts monthly public open days. The Plan provisions, supported by Mr Cross, enabled six such events per year. He modified this to 12 events per year acknowledging the monthly public open days. It was the submitter's view, set out in legal submissions and the evidence of Messrs Cook, Hills (traffic) and Robinson (acoustics) that the number of events event should not be limited, but controlled by a traffic management plan.

The Panel was advised advised by Messrs Cook and Hills that direct discussions had taken place between traffic engineers for the Council (Mr Wong-Toi) and the Gibbs Foundation (Mr Hills). In summary the outcome of discussions involved moving the detailed traffic management measures proposed by Mr Hills to the special information requirements and replacing them with a suite of controls proposed by Mr Wong-Toi (with minor amendments) to ensure consistency with provisions applying to major recreation facilities.

The material difference involves deletion of the maximum six events permitted per calendar year, (which does not reflect the current use of at least one and sometimes two or more events per month). Instead, the frequency of events is to be addressed through traffic management plans.

The Panel heard how traffic has been managed to date, and supports the deletion of the number of events and the use of traffic management plans as set out in the revised provisions provided by Mr Cook.

## 5. Reference documents

Auckland Council

[081b AK Cncl - Rodney - Precincts – \(Kakanui Point\) - \(B Cross\) - Planning](#) (28 January 2016)

[081b AK Cncl - Rodney - Precincts - \(Kakanui Point\) - \(B Cross\) - Planning - REBUTTAL](#) (25 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 19)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) (26 May 2016) (page 9)

Refer to [hearings webpage](#) for all evidence documents logged on The Gibbs Foundation (081 Rezoning and Precincts (Geographical Areas) - IHP DOCUMENTS AND SUBMITTERS EVIDENCE)



# 515 Kawau Island Precinct

## 1. Summary of recommendations

The Panel supports the changes proposed by Auckland Council and points raised by submitters that are directed toward clarifying the vegetation removal and subdivision provisions by making reference to the Auckland-wide provisions and, in addition, deleting the front yard and coastal protection yard controls for development abutting the foreshore.

This precinct was heard in Topic 081.

## 2. Precinct description

Kawau Island is located off the east coast 8.4km from Sandspit and 1.5km south of the Tawharanui Peninsula. The significant elements that contribute to the distinctive character of Kawau Island are that it is an island settlement with generally hilly topography, often with steep land or cliffs. The vegetative cover is highly modified, containing large areas of kanuka/manuka and areas of both planted and wilding pine forest. Much of the ground level is depleted of regeneration and plant life as a result of browsing and grazing by wallabies.

There is a long history of maritime use of the sheltered harbours on the western side of the island, and access to and around the island relies on sea transport as there are no roads on the island. Almost all of the settlement is concentrated on the sheltered western side of the island. Most dwellings are located close to the coastal edge as a result of sites often having a limited area for a building platform because of the steep topography close to the foreshore, and because the only means of access to properties is from the sea.

Much of the island, outside of settled areas, is scheduled for its outstanding natural landscape values. The coastal edge on the eastern side is also scheduled for its outstanding natural character values, and other parts of the island are scheduled for their high natural character values. Significant ecological areas have not yet been identified for Kawau Island.

The island has a rich and interesting history which includes Māori occupation and use, copper mining, the former residence of Sir George Grey and his introduction of a number of exotic animals to the island. The Kawau Historic Reserve, including Mansion House, comprises approximately 10 per cent of the island and is administered by the Department of Conservation. Mansion House, the jetty and its surrounds are scheduled for their historic heritage values.

The purpose of the Kawau Island Precinct is to ensure the distinctive character of the island is recognised and provided for, and that regard is given to the non-statutory document Kawau Island Vision 2009.

The precinct comprises two sub-precincts to enable the distinction between the more densely settled area and the remainder of the island to be maintained. Sub-precinct A applies to the most densely settled areas on the western side of the island where the underlying zone is Residential - Rural and Coastal Settlement. Sub-precinct B applies to the eastern side and the underlying zone is the Rural - Rural Conservation Zone. Sub-precinct A enables a greater range of urban-scale activities to be undertaken than in Sub-precinct B.

### 3. Key issues

Key issues addressed through submissions and at the hearing were the vegetation removal and subdivision provisions and the front yard and coastal protection yard controls abutting the foreshore.

The Council proposed to retain the precinct with some amendments, as detailed below, in response to the submissions. The amendments, as identified by Council through its evidence are:

- i. recognising the importance of water access to sites and removing the requirement for sites to have legal access to a road;
- ii. recognising through permitted activity status the fire risk presented by the vast area of manuka and kanuka and therefore permitting, use of such wood through non-commercial harvesting, recognition of existing forestry activities, protection of native trees over 3m in height and protection of native bush over 500 m<sup>2</sup> in area; and
- iii. subdivision allowing only larger sites within Sub-precinct A (minimum area 4000m<sup>2</sup>) to reflect the objectives of the precinct to allow the creation of low intensity development.

Ms Hume, Ms Pardey and Dr Bellingham attended the hearing to address their submissions with Ms Hume also speaking on behalf of Mr Allbon. Ms Hume spoke to concerns regarding vegetation clearance for walking tracks being a permitted activity and sought that such provision should only apply to private property owners on their own land. The concern included the public crossing onto privately-owned land. Mr Allbon's submission sought reinstatement of the allowance for cutting manuka and kanuka for the purpose of reopening the canopy for revegetation with native species.

Ms Pardey spoke on behalf of the Kawau Island Advisory Committee expressing concerns for the precinct being of limited value if its provisions did not override any overlays. This was particularly to allow activities such as the cutting of manuka and kanuka. Her concerns also included the 6m foreshore yard being a problematic rule for building because of the steep topography extending close to the water. Dr Bellingham had concerns regarding rules missing from the precinct provisions for subdivision and sought the transferable rural site subdivision provisions should apply to Kawau Island as a donor area.

Mr Traub addressed the submissions for Council pointing out the Council has no rules that provide for the public to enter onto private land and that Ms Jane Andrews had provided ecological evidence that manuka and kanuka are an effective succession species on Kawau Island. Mr Traub stated the 6m foreshore yard control is as in the operative plan and, apart from addressing the siting of buildings, is concerned with coastal inundation and stability. In addressing Dr Bellingham's concerns he pointed out that some provisions are removed from the activity table because the underlying zone and Auckland-wide provisions adequately address subdivision within the precinct. He presented an amended set of provisions as part of the Council's closing remarks. He stated that the transferable rural site subdivision provisions are only used where necessary to protect significant ecological areas and that issues around incentivised subdivision could be considered as part of the future identification of significant ecological areas on the island.

The Panel notes that Mr Traub, subsequent to the hearing and as recorded in a memorandum from Ms Woolley as counsel, recommended removal of a number of the subdivision provisions from the activity list in response to concerns raised by Dr Bellingham. The Panel accepts those amendments because the underlying zoning and Auckland-wide provisions adequately address subdivision in these respects.

The Panel largely finds agreement with the Council and the amendments made to the provisions to address concerns raised in submissions. The Panel notes the vegetation management and removal provisions provide flexibility for residents with regard to concerns that included being able to clear manuka and kanuka.

Dr Bellingham's concerns are met by some provisions being removed from the activity table because the underlying zone and Auckland-wide provisions adequately address subdivision within the precinct. Further, the rural subdivision provisions in the Unitary Plan now provide for subdivision where a site meets the significant ecological area factors (set out in the regional policy statement and in Schedule 3: Significant Ecological Areas – Terrestrial Schedule) but is not identified as a significant ecological area in the Plan. The resulting site(s) can be in-situ or transferred to a site in the Rural - Countryside Living Zone. The provisions for this type of subdivision are contained in E39 Subdivision - Rural, and the reasoning for this option is explained in the Panel's Report to Auckland Council – Hearing topic 064 Subdivision - rural July 2016.

For Sub-precinct A the Panel supports the retention of the 4000m<sup>2</sup> minimum lot size, which overrides the underlying Residential - Rural and Coastal Settlement Zone provision for subdivision to 2500m<sup>2</sup>, in order to reflect current lot sizes and to ensure only low-intensity residential development within it. The Panel does not support the introduction of transferable development rights to allow more subdivision where wetlands, native bush and significant ecological areas are protected because these are better considered as consent applications to allow the particulars of a proposal to be assessed in the context of Kawau Island.

In relation to vegetation clearance, the activity rule for track clearance has been redrafted to make it clear this permitted activity only applies to the landowner's property. There is also a need to clarify that the Auckland-wide provisions, as well as underlying zone, need to be considered alongside the precinct provisions. The permitted activities in Chapter E15 Vegetation and biodiversity management apply, and these contain a number of rules that were repeated in the precinct, and have been removed for that reason. There are other rules in Chapter E15 that manage vegetation that are not included in the Kawau Island precinct provisions.

While no significant ecological areas are identified for the island, there are areas subject to overlays for outstanding natural landscapes, outstanding natural character, and high natural character, particularly in Sub-precinct B. The Panel notes that these overlays are not overridden by the precincts, unless there is a sound reason to do so, and that the overlays have the important role of addressing the matters of national importance and other matters under sections 6 and 7 of the Resource Management Act 1991. The objectives, policies and rules for these overlays will need to be considered in respect of subdivision, use and development.

The Panel does not accept that any further provision should be made for clearance of manuka - kanuka than is provided for in the Auckland-wide and precinct rules, as the Panel

accepts the council ecologist's view that these form a natural succession species in regeneration.

The Panel does find agreement with the submitters in relation to the 6m front yard and coastal protection yard being a problematic rule for building because of the steeper topography closer to the water. It can and has resulted in the easier, more level area of a site being left for the purposes of the yard and buildings having to be set back into the rising landform without any clear benefits of doing so. The 7m maximum height control for buildings has also been removed by council which means there is reliance, for height control, on the underlying zone and the outstanding natural landscape provisions. This ensures the precinct provisions do not trump the outstanding natural landscape overlay, which has a height limit of 5m, and the Rural and Coastal Settlement Zone provides for a height limit of 8m which meets the concern of Mr Coleman.

Other provisions that are not necessary have been deleted because they are covered by the Auckland-wide provisions or alternatively are not required. Wording changes have also been made to ensure the provisions are readily understood.

The Panel records that the provisions in relation to managing vegetation on Kawau Island are consistent with allowing for native vegetation removal to support natural regeneration whilst still achieving the objective of re-establishing the island's ecology.

#### **4. Panel recommendations and reasons**

The Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, agrees that the precinct provisions as amended by Council, and further by the Panel, in response to the submissions are the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991.

More specifically the vegetation removal and subdivision provisions are clarified by making reference to the Auckland-wide provisions and the front yard and coastal protection yard controls are deleted for development abutting the foreshore.

#### **5. Reference documents**

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Kawau Island\) - \(J Andrews\) - Ecology - REBUTTAL \(25 February 2016\)](#)

[081b Ak Cncl - Rodney - Precincts \(Kawau Island\) - \(A Traub\) - Planning \(26 January 2016\)](#)

[081b Ak Cncl - Rodney - Precincts \(Kawau Island\) - Response to Zakara Investments Ltd \(06 April 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(Page 19\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(Page 20\)](#)

Submitters

081 Godwit Trust (P Allbon) - LATE (7 March 2016)  
081 Peter Albon - Hearing Summary (31 March 2016)  
081 Kawau Island Advisory Committee (L Pardey) - Hearing statement (31 March 2016)  
081 Lyn Hume - Hearing Statement (24 March 2016)  
081 Zakara Investments Limited (M Bellingham) – Planning - Kawau Island Precinct (16 February 2016)  
081b Ak Cncl - Rodney - Precincts (Kawau Island) - (J Andrews) - Ecology - REBUTTAL (25 February 2016)  
081b Ak Cncl - Rodney - Precincts (Kawau Island) - (A Traub) - Planning (26 January 2016)

# 516 Kumeū Precinct and Rural Urban Boundary

## 1. Summary of recommendations

The Panel supports the changes proposed by Auckland Council and points raised by submitters to clarify the precinct provisions.

This precinct was heard in Topic 081.

## 2. Precinct description

The Kumeū Precinct applies to 12.2ha of land located at the centre of Kumeū. It lies adjacent to the Kumeū Village and extends northward from State Highway 16 to the Kumeū River. The purpose of the precinct is to enable the establishment of a town centre for the Kumeū-Huapai area with a strong commercial core and associated residential and recreational areas.

The precinct provisions require good urban design outcomes, an appropriate level of amenity, and provide for a mix of activities consistent with a town centre, while recognising the particular opportunities and constraints of the open areas alongside the Kumeū River.

The Kumeū Precinct is divided into the following sub-precincts, as identified on Kumeū Precinct Plan 1.

i. Sub-precinct A

To primarily accommodate large format retail to act as a transition between industrial activities to the west and the commercial/retail core of the town centre.

ii. Sub-precinct B

To provide for residential activities above ground level to increase the vitality of the commercial/retail core of the town centre.

iii. Sub-precinct C

To provide for single dwellings or multiple units.

iv. Sub-precinct D

To provide for the open area alongside the Kumeū River to be retained in order to enhance amenity for residents and visitors. Part of the area is traversed by high-voltage transmission power lines.

The zone for Sub-precincts A and B is Business – Town Centre Zone; the zone for Sub-precinct C is Residential – Mixed Housing Urban Zone and the zone for Sub-precinct D is Open Space – Conservation Zone.

The precinct provisions require development in Sub-precincts B and C to integrate visually and functionally with Sub-precinct D.

### 3. Key issues

A hearing of the issues raised in the submissions was not sought or required by the submitters or by Council. The submissions were from Maddren Property (5734), Auckland Council (5716), Transpower (3766) and Jennifer Mein (5089). The matters raised in submissions included: seeking detailed changes to the objectives, policies and rules and changing the precinct boundary to include a further site now occupied by a supermarket; the inclusion of transport-related provisions; permitted activity status for works relating to the National Grid; and Sub-precinct C being zoned Residential - Mixed Housing Urban Zone rather than Residential - Single House Zone.

A discussion regarding the submissions is included in the evidence dated 26 January 2016 from Ms Buckingham for the Council. Ms Buckingham considers the precinct should be retained because the provisions are based on local circumstances and arise out of an earlier plan change to the Auckland Council District Plan – Operative Rodney Section and further, are sufficiently different from the standard zone and Auckland-wide controls in the Plan to support a precinct approach.

Following the Panel's considerations of the submissions and the evidence from Ms Buckingham the precinct provisions are amended to include:

- i. splitting the precinct activity table into sub-precinct tables and removing those activities where the activity status is the same as the underlying zone;
- ii. removing the 12.5m height limit from the precinct provisions to allow an 18m height limit in accordance with the additional zone height control overlay and to be consistent with the height limits applying to the remainder of the Kumeū centre in the Plan;
- iii. rezoning Sub-precinct C to Residential – Mixed Housing Urban Zone, as more closely reflecting the type of development expected in the sub-precinct;
- iv. rezoning Sub-precinct D to Open Space – Conservation Zone, which is the most appropriate zoning consistent with the open space function of this area and reflecting the expectation that it is to be left undeveloped and available for public access, stormwater management and flood mitigation as required;
- v. amending the precinct boundary to include the New World supermarket development in Sub-precinct A as functionally being part of the precinct; and
- vi. deleting reference to framework plans for reasons including that the intent of those plans can be met by other Plan provisions and to be consistent with the approach adopted in other parts of the Plan.

Other amendments are made to the provisions in relation to the submissions and further, to address duplication and to achieve consistency on the provisions across all the precincts.

Although not raised directly in submissions, the Panel has moved the Rural Urban Boundary, and consequently the northern and eastern boundaries of Sub-precinct D, to extend it to the river. This is consistent with the Panel's best practice on changes to the Rural Urban Boundary and will better meet the purpose of the precinct. Accordingly the boundaries of the precinct and the Rural Urban Boundary now align with cadastral boundaries, rather than dividing individual sites.

#### **4. Panel recommendations and reasons**

The Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, agrees that the precinct provisions, as amended by Council, and further by the Panel, in response to the submissions, are the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991.

#### **5. Reference documents**

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Kumeu\) - \(E Buckingham\) - Planning](#) (26 January 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) (26 May 2016) (Page 30)



# 517 Kumeū Showgrounds Precinct

## 1. Summary of recommendations

The Panel supports a number of the changes proposed by Council in response to the submission from the Kumeū District Agricultural and Horticultural Society but disagrees with other points raised in the submission.

This precinct was heard in Topic 081.

## 2. Precinct description

The Kumeū Showgrounds Precinct comprises 17ha of land at the southern edge of Kumeū-Huapai. The Kumeū District Agricultural and Horticultural Society Act 1991 provides specifically for the activities undertaken by the Kumeū District Agricultural and Horticultural Society (the Society) at the showgrounds and the activities provided for in the precinct are closely aligned to the activities provided for in section 4 of this act.

The underlying zoning of the land within the Kumeū Showgrounds Precinct is the Rural – Countryside Living Zone.

The objectives and policies for the precinct include providing for the activities of the Society, as set out in the Kumeū District Agricultural and Horticultural Society Act 1991, minimising any associated adverse effects of the activities on the community and providing for a range of recreational, commercial, community and related activities at the showgrounds.

## 3. Key issues

The evidence at the hearing, for both the Council and the submitter (the Kumeū District Agricultural and Horticultural Society), supported the new precinct on the basis of it providing for the continuing use of the area for showgrounds and other related purposes, in particular because these activities are not specifically provided for in the underlying zoning. The precinct would also allow the Society to provide for the well-being of the wider community while providing suitable protection of neighbourhood amenity.

There were however some differences between Council and the submitter in terms of the activities and related controls. Some of these differences were resolved during the hearing process. The remaining differences are:

- i. whether to include reference to the Kumeū District Agricultural and Horticultural Society Act 1991 in the activity table;
- ii. whether to include tourism or visitor accommodation in the activity table; and
- iii. whether to require a 6m yard setback rather than 12m.

The Panel is supportive of the precinct providing for the activities enabled by the Kumeū District Agricultural and Horticultural Society Act 1991 but considers this should be in a manner that uses the language of the proposed Auckland Unitary Plan Unitary Plan for consistency. Similarly, much of what may be sought under the term ‘tourism or visitor accommodation’, such as concerts, festivals and exhibitions, can be achieved under the existing definition of ‘showgrounds’. Otherwise ‘tourism or visitor accommodation’ is an undefined term which potentially goes beyond what the precinct seeks to provide for in terms

of activities. The Panel notes further that activities such as visitor information centres would be considered to be accessory to other activities permitted by the activity table.

The Panel does not support a reduction in the yard setbacks for the site boundaries to 6m as sufficient reason for this was not provided by the submitter. The Panel notes this setback applies to buildings of any size and not only to smaller buildings of 100m<sup>2</sup>.

A number of amendments are made to the activity table in order to provide clarity regarding what activities are permitted or require consent.

#### **4. Panel recommendations and reasons**

The Panel accepts the position of Council presented in evidence that the precinct be supported largely in the form agreed between Council and the submitter but, for the reasons set out above, the Panel does not support:

- i. including a reference to the Kumeū District Agricultural and Horticultural Society Act 1991 in the activity table;
- ii. listing 'tourism or visitor accommodation' in the activity table; and
- iii. reducing the 12m yard setback to 6m – the Panel recommends retaining the 12m setback of the zone.

#### **5. Reference documents**

Auckland Council

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 22)

[081b Ak Cncl - Rodney - Precincts \(Kumeū Showgrounds\) - \(R Bradley\) – Planning](#) (26 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Kumeū Showgrounds\) - \(R Bradley\) - Planning - REBUTTAL](#) (24 February 2016)

Kumeū Agricultural and Horticultural Society

[081 Kumeū Agricultural and Horticultural Society Inc \(D Wren\) - Planning](#) (11 February 2016)

[081 Kumeū Ag and Hort Society Inc \(D Wren\) - Planning - Summary statement](#) (12 April 2016)

# 518 Leigh Marine Laboratory Precinct

## 1. Summary of recommendations

The Panel supports the Leigh Marine Laboratory Precinct and notes that both Council and the University of Auckland have agreed that a precinct is appropriate for this land.

There were differences between the parties as to the precinct provisions and the Panel has recommended some of the provisions sought by the Council and some of the provisions requested by the university.

This precinct was heard in Topic 080.

## 2. Precinct description

The Leigh Marine Laboratory Precinct applies to approximately 18,150m<sup>2</sup> of land on the northern side of Cape Rodney Road and adjoining the Cape Rodney Okakari Point Marine Reserve.

The precinct formed part of the Special 13 (Leigh Marine Laboratory) zone in the Auckland Council District Plan - Operative Rodney Section.

The precinct is located within an area subject to the following overlays: D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay (ONL 28; ONF: Feature 30); and D11 Outstanding Natural Character and High Natural Character (HNC 48). The precinct provisions seek to protect the intention of the overlays, however, some allowance for development is provided for within the Outstanding Natural Landscape 28 and High Natural Character 48.

The precinct is to enable the continuation of existing research, teaching and public education activities with a focus on marine ecology and to enable the use and expansion of these operations. Provision for staff and student accommodation and accessory uses are provided for, together with the construction of buildings, structures or facilities required for the activities.

The underlying zoning of land within this precinct is Rural - Rural Coastal Zone.

## 3. Key issues

The Panel supports the precinct in this particularly sensitive coastal environment, primarily because the University of Auckland has had a presence on this site since 1962 and as set out below in the evidence of Mr Arthur Cozens, the Business and Operations Manager of the Leigh Marine Laboratory, while the university has upgraded facilities it anticipates further development in the future.

The Leigh Marine Laboratory Centre is effectively the 'marine campus' of the University of Auckland. It provides world-class facilities for undergraduate and postgraduate teaching and research at its location beside the Goat Island Marine Reserve north of Warkworth.

The University of Auckland has progressively expanded and upgraded the buildings and facilities at the Centre. This includes a recently completed multi-million dollar

investment in new buildings. Part of this expansion is the Goat Island Marine Discovery Centre, providing an inter-active visitor experience about the marine environment and the research activities at Leigh.

Further development of new buildings and facilities is anticipated in the future. (Paragraphs 3-5.)

The Panel supports the uncontested evidence of both the university and the Council that it is appropriate for the precinct provisions to override the landscape, character and natural feature overlays that would otherwise unreasonably limit the further development opportunities for this long-established research facility.

In this regard the Panel supports the approach signalled in the evidence of Mr John Duguid on behalf of the Council that there would need to be careful justification for a precinct to override overlay provisions.

While I support the need to carefully justify a precinct overriding one of the overlays in the proposed Auckland Unitary Plan Unitary Plan, particularly where matters of national importance are being considered, in my opinion there is a benefit in enabling precincts to deal with site-specific issues that do not fit the general approach prescribed within an overlay. The alternative, of course, is for the overlays to address these site-specific matters. In terms of the overall usability of the proposed Auckland Unitary Plan Unitary Plan, I tend to the view that it is more appropriate for precincts to deal with these sorts of issues, rather than cluttering the overlays with additional content. (Paragraph 6.2.)

The evidence on behalf of the University of Auckland, together with the planning evidence of Nathan Te Pairi on behalf of the Council, provide justification of a precinct approach for this specific site where the entire site is subject to overlays.

Given the agreement by the end of the hearing that a precinct was appropriate for this land the key issues in contention related to the wording of the precinct provisions.

Consistent with the approach the Panel has recommended in relation to other tertiary education precincts, the Panel has provided for accessory activities but not complementary activities. In this regard the Panel has supported the evidence of Mr Te Pairi, as set out below, and legal submissions on behalf of the Council.

In the absence of any substantive justification or supporting information as to why these uses should be provided for, or how any intensity effects will be avoided, remedied or mitigated, I cannot support all the potential uses envisaged by the provisions proposed by Mr Cook on behalf of University Of Auckland.

My opinion is consistent with the Council's position on 'complementary activities' in other Tertiary sites as outlined in the closing statement for Topic 055 (Social Infrastructure).

In particular, I do not consider that a sensitive rural-coastal location is an appropriate setting for any complementary activities. In my view, these activities should be considered on a case-by-case basis so that the full range of adverse effects can be considered as a non-complying activity.

Therefore, in my view, it is appropriate that 'non-essential' uses remain non-complying to ensure that a rigorous test is applied to further intensification of the activities within the precinct. (Paragraphs 3.15-3.18.)

There were differences of opinion as to what yards should apply within the precinct. Mr Cook concluded that a 6 metre yard setback be required from the precinct boundary, whereas Mr Te Pairi concluded a 10 metre yard setback and that the proposed coastal protection yard within the precinct be reduced from 50 metres to 25 metres.

The Panel acknowledges that the Special 13 (Leigh Marine Laboratory) zone in the Auckland Council District Plan - Operative Rodney Section required only a 6 metre yard on the land now within the precinct and that a shoreline yard of 50 metres applied to the balance of the land owned by the university. The Panel notes however that the existing development within the precinct is set back from the coastal precinct boundary considerably more than 6 metres. Existing buildings are sited approximately 20 metres from this most sensitive boundary.

The Panel has, in reaching its recommendation, placed considerable weight on the characteristics of the site, including the overlays, the reduced size of the precinct from that originally sought, the physical siting of the existing consented development and the opportunities that exist within the precinct site for future development. Consideration has also been given to the provisions of the operative Special 13 (Leigh Marine Laboratory) zone.

The Panel recommends that no new buildings, or extensions to buildings, be sited closer to the coastal boundary of the precinct than the existing consented buildings. The Panel also recommends that the existing foreshore pump house and accessory structures and the pump house and any upgrading of these buildings that does not increase their footprint would be exempt from this yard standard. Rule I518.6.2 Yards has been amended accordingly.

With respect to the yard setback for the remaining boundaries of the precinct it is noted that the Special 13 (Leigh Marine Laboratory) zone contained two separate yard provisions. A minimum 6 metre yard for the portion of the university land now the subject of this precinct, with a 10 metre yard for the remaining portion of the university land that was approximately 58 hectares in area. The Panel notes that the underlying Rural - Rural Coastal Zone provides for a 12 metre yard.

Given the sensitivity of this coastal environment the Panel agrees with Mr Te Pairi that a 10 metre yard is appropriate rather than a 6 metre yard. Coupled with the height, coastal yard and building coverage standards, a 10 metre yard will enable further development within the precinct that could be located to the south of the existing buildings. The Panel notes that the precinct provisions provide for proposals that infringe these standards to be considered on their merits as a restricted discretionary activity.

With respect to building coverage and maximum height these matters were agreed in the planning evidence at 50 per cent and 10 metres respectively.

Overall the Panel recommends the amended precinct provisions as being appropriate to sustainably manage the existing and future physical resources of the university and the natural resources of this coastal environment.

A number of minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity.

#### 4. Panel recommendations and reasons

The Panel having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Leigh Marine Laboratory Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### 5. Reference documents

Auckland Council

[080 Ak Cncl - Leigh Marine Laboratory \(N Te Pairi\) - Planning](#) (4 December 2015)

[080 Ak Cncl - Leigh Marine Laboratory \(N Te Pairi\) - Planning - REBUTTAL](#) (29 January 2016)

[080 Ak Cncl - Legal Submissions \(POS, Tertiary and Other zones\)](#) (15 February 2016) (Page 28)

[080 Ak Cncl - Public Open Space, Tertiary \(excl Wairaka\), Schools, Maori, Major Rec & Coastal - CLOSING REMARKS](#) (18 March 2016) (Page 13)

[080 Ak Cncl - Precincts \(J Duguid\) - General statement](#) (5 December 2015)

University of Auckland

[080 University of Auckland - Leigh Marine Laboratory \(K Cook\) – Planning – Supplementary Evidence - final proposed revisions - precinct provisions](#) (19 December 2015)

[080 University of Auckland - Leigh Marine Laboratory \(K Cook\) – Planning – Supplementary Evidence - final proposed revisions - precinct provisions](#) (24 February 2016)

[080 University of Auckland – Leigh Precinct \(K Cook\) – Planning – Supplementary Evidence – final proposed revisions – Post hearing](#) (1 March 2016)

[080 University of Auckland - Leigh Laboratory \(A Cozens\) - Corporate](#) (19 December 2015)

[080 University of Auckland - Leigh Laboratory \(P Osborne\) - Economics](#) (23 December 2015)

# 519 Long Bay Precinct

## 1. Summary of recommendations

The Panel supports this precinct and recommends the precinct provisions proposed by Mr Mead on behalf of the Council, with a number of further minor changes to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity.

There was a significant degree of agreement between the submitters and the Council given the recent history in relation to this land and the fact that development is currently taking place within the precinct.

This precinct was heard in Topic 081.

## 2. Precinct description

The Long Bay Precinct is located in the Vaughan Stream catchment at Long Bay and comprises approximately 360 hectares. The precinct is bordered by Glenvar Road to the south, Vaughans Road to the north, and the Long Bay Regional Park to the east. To the west, the precinct extends most of the way up the Vaughan Stream catchment. The headwaters were not included in the structure plan due to landowner wishes to be excluded. The northern boundary of the precinct marks the operative Metropolitan Urban Limit line in the Auckland Regional Policy Statement as well as the proposed Rural Urban Boundary as set out in the notified proposed Auckland Unitary Plan Unitary Plan.

The precinct originates from Plan Change 66 (often referred to as the Long Bay Structure Plan) to the Auckland Council District Plan – Operative North Shore Section, which was made operative in 2010. The Long Bay Structure Plan was incorporated into section 17B of the North Shore Plan.

The Long Bay area has been subject to detailed consideration through the development of the Long Bay Structure Plan, the subsequent plan change process and as a result of an extensive Environment Court hearing. The tailored provisions in the operative plan are being retained through the precinct where they are sufficiently different from any of the standard zones and Auckland-wide controls in the Unitary Plan and also where they override any overlay provisions.

The purpose of the precinct is to enable the establishment of a new suburb of up to 2,500 to 3,000 dwellings while maintaining the high quality environment of the area. Valued and sensitive environments in the area include the Long Bay Regional Park, the Long Bay-Okura Marine Reserve and the Vaughan Stream. There is also a significant cluster of heritage resources in the area, on the Awaruku headland.

Development is currently being undertaken in the precinct and Long Bay Communities (part of Todd Property Group Ltd) is a major landowner in the precinct. In very broad terms the precinct provides for the urbanisation of the lower catchment, with the upper part identified for rural-residential development. The precinct includes extensive controls on earthworks, landscapes, heritage resources and streams.

The purpose of the precinct is to enable the establishment of a new suburb in the Long Bay area of North Shore, including associated rural-residential, residential, local centre, heritage and recreational areas.

### 3. Key issues

There was a significant degree of agreement between the submitters and the Council given the recent history in relation to this land and the fact that development is currently taking place within the precinct.

The Panel agrees with the Council's closing remarks in Topic 081 as set out below.

Both Mr Donnelly for Long Bay Communities and Ms McLaughlin for Long Bay-Okura Great Park Society stated at the hearings that they each preferred specific Long Bay Precinct provisions proposed by Mr Mead in his evidence-in-chief and rebuttal evidence. However they also indicated that they could accept the amended provisions put forward by Mr Mead in his supplementary statement in relation to the height of buildings and earthworks in the North Vaughans Area, if the Panel accepted these changes.' (Volume 1, page 124.)

The Panel acknowledges that the Council's evidence regarding the Long Bay Precinct was prepared by Mr Mead and he was involved in the drafting of the operative plan provisions that apply to this area and in the Environment Court process by which they were settled. The Panel accepts that Mr Mead was therefore well placed to provide planning advice in relation to the precinct provisions and the Panel has relied upon and adopted his evidence, particularly in relation to the further amendments he recommended in his supplementary evidence dated 19 April 2016. The Panel notes the provisions are of a complexity that several amendments to the provisions were provided through the proposed Auckland Unitary Plan Unitary Plan process (evidence in chief, rebuttal, supplementary, closing) and the Panel appreciates the way Council was flexible in considering its position to achieve the clearest set of provisions.

As a consequence of the Panel recommending that the Green Infrastructure Zone be removed from the Unitary Plan the land zoned Green Infrastructure within the precinct has been rezoned to Open Space – Informal Recreation.

With respect to the specific concerns raised by Mr Donnelly in relation to the inclusion of prohibited activity status for a number of activities within the precinct, the Panel recommends accepting Mr Mead's approach to retain the prohibited activity status approach which was supported by the Environment Court. The Panel however notes and supports the provisions where Mr Mead has recommended non-complying activity status to replace some of the prohibited activities that were previously operative.

The Panel has accepted the majority of the tracked changes recommended in the evidence presented on behalf of the Council by Mr Mead, however in addition to the abovementioned changes, a number of further minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity.



## 4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Long Bay Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

### Auckland Council

[081c Ak Cncl - North Shore - Precincts \(Long Bay\) - \(D Mead\) - Planning](#) (2 February 2016)

[081c Ak Cncl - North Shore - Precincts - \(Long Bay\) - \(D Mead\) - Planning - REBUTTAL](#) (26 February 2016)

[081c Ak Cncl - North Shore - Precincts \(Long Bay\) - \(D Mead\) - Planning - Supplementary Evidence](#) (19 April 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 122)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) (26 May 2016) (page 254)

### Submitters

[081 Long Bay - Okura Great Park Society \(F McLaughlin\)](#) (15 February 2016)

[081 Long Bay - Okura Great Park Society \(F Mclaughin\) - Property Consultant - REBUTTAL - LONG BAY](#) (28 February 2016)

[081 Long Bay - Okura Great Park Society AND Okura Environment Group \(A Webb\) - Legal Submissions](#) (21 April 2016)

[081 Long Bay Communities Limited \(N Donnelly\) - Corporate](#) (16 February 2016)

## 520 Martins Bay Precinct

### 1. Summary of recommendations

The Panel supports expanding the precinct by the creation of Sub-precinct B, as proposed by the submitter and supported by Council, but does not support the additional changes sought by the submitter to increase the number of dwellings provided for in Sub-precinct B and for the seaward boundary to be extended.

This precinct was heard in Topic 081.

### 2. Precinct description

Martins Bay Precinct is located adjacent to the beach at Martins Bay and to the entrance to Scandrett Regional Park. Its purpose is to maintain and enhance the existing development and character of this established coastal bach settlement. The existing 58 dwellings are provided for in Sub-precinct A and a maximum of six additional dwellings in Sub-precinct B. New dwellings will require resource consent and be subject to controls to maintain the scale of the coastal landscape character and the integrity of the upper slopes of the site. This will be by locating and limiting the visual impact of buildings, roads and earthworks to retain the landscape values, and unique character in Martins Bay, and its coastal bach settlement.

The precinct also provides for the establishment of an esplanade reserve that includes the trees along the foreshore of the site and for a significant area of communal open space to be maintained.

The underlying zone for the precinct is Residential - Rural and Coastal Settlement Zone. As notified it was Rural - Rural Coastal Zone.

### 3. Key issues

The key issues addressed through the submission and at the hearing were whether to retain the precinct, the extent of the precinct and the amount of future development that should be provided for in the precinct.

The evidence for Council supports the precinct for reasons including its unique character, the Residential - Rural and Coastal Settlement Zone not containing appropriate development controls to manage modifications to existing development, and the need to provide such controls in order to manage future development in the extended precinct area (Sub-precinct B). In that respect the extension of Sub-precinct B to the south, as sought by the submitter (being the owners S G Noyer and K A Anderson), reflects the extent of land zoned Future Urban Zone in the Auckland Council District Plan - Operative Rodney Section 2011. The extension covers part of an adjoining site but its development is limited to six dwellings consistent with the minimum net site area of 3000m<sup>2</sup> in the underlying zone.

The extension of the precinct into this area to the south will also serve to link the existing development in Sub-precinct A with the Martins Bay holiday park, effectively providing some consolidation of development in this location. The Panel notes there is a further small pocket of houses further south in Martins Bay.

The submitter seeks that the precinct be extended as above but also seawards to cover land that was not zoned future urban in the operative district plan. In addition, the submitter seeks that 12 dwellings be provided for as being more in line with expectations under the operative district plan. The submitter attended the hearing to speak to the submission points.

The Panel is of the view that development in the coastal area should be managed in a way that maintains, as far as is practicable, the coastal values which include the absence of built development, the retention of open space and public access. In these respects it is preferable to see future development limited and set back from the coastal frontage. That is achieved by limiting the extended area of the precinct to the land zoned Future Urban in the operative district plan. There is insufficient justification to extend the precinct beyond that existing land zoned Future Urban in the operative district plan. In addition, limiting future development in the extended precinct to six dwellings is consistent with the minimum site area for the underlying Residential - Rural and Coastal Zone and is therefore appropriate.

The Panel notes further, in supporting this precinct, the settlement of 58 dwellings has existed for a long period and is currently identified in the operative district plan as a precinct. It is also of a larger scale than other settlements that may seek to be included in a precinct. In addition, it is part of wider development that has occurred at Martins Bay that includes a motor camp, with an assortment of semi-permanent structures, and some more dwellings. In these respects it is distinguishable from other coastal settlements and warrants a precinct being applied to it.

#### **4. Panel recommendations and reasons**

The Panel accepts the position of Council presented in evidence that the precinct be retained with an extension to the south (Sub-precinct B), and amendments limiting the extended area of the precinct to the land zoned Future Urban Zone in the Auckland Council District Plan - Operative Rodney Section 2011 and limiting future development in the extended precinct to six dwellings.

#### **5. Reference documents**

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Martins Bay\) - \(A Fox\) - Planning](#) (27 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Martins Bay\) - \(A Fox\) - Planning - REBUTTAL](#) (24 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 26)

Submitters

[081 S G Noyer and K A Anderson - Statement of Evidence](#) (10 February 2016)

[081 S G Noyer and K A Anderson - Summary Statement](#) (29 March 2016)

# 521 Matakana 1 Precinct

## 1. Summary of recommendations

The Matakana 1 Precinct is recommended to be included in the Plan because it provides for the maintenance and enhancement of the character of Matakana more effectively than the zones as the village grows. However, the recommendation about whether or not to include or delete the precinct in the proposed Auckland Unitary Plan Unitary Plan was finely balanced.

The Precinct has had to be modified to ensure that it is compatible with the structure and content of the proposed Auckland Unitary Plan Unitary Plan.

This precinct was heard in Topic 081.

## 2. Precinct description

The purpose of the Matakana 1 Precinct is to incorporate Plan Change 64 to the Auckland Council District Plan – Operative Rodney Section into the proposed Auckland Unitary Plan Unitary Plan and give effect to the Matakana Village Sustainable Development Plan. The Matakana Village Sustainable Development Plan identified local community aspirations and values, and set out a land use approach for different areas in and around Matakana, and measures to ensure activities do not adversely affect stormwater runoff patterns. The precinct gives effect to the Matakana Village Sustainable Development Plan by providing for activities that specifically relate to the unique characteristics of the village.

To manage the variations in land uses and development controls which affect the sites subject to these zones, there are four sub-precincts located in the Matakana 1 Precinct.

- i. Sub-precinct A. This sub-precinct allows greater flexibility around the number of persons involved in home occupations, and introduces new matters for discretion and assessment criteria relating to home occupations. The zone for this sub-precinct is the Rural - Countryside Living Zone.
- ii. Sub-precinct B. This sub-precinct provides greater flexibility around the permitted number of people involved in home occupations, and also enables two or more dwellings within 200m of a Business - Local Centre Zone to allow for a range of living options. The zone for this sub-precinct is the Residential - Single House Zone.
- iii. Sub-precinct C. The purpose of this sub-precinct is to provide for light industrial activities which service the local catchment. The zone for this precinct is the Business - Light Industry Zone.
- iv. Sub-precinct D. The purpose of this sub-precinct is to ensure that a pedestrian-friendly environment is maintained. New objectives and policies have also been introduced which seek to protect and enhance the rural village character of the sub-precinct. The zone for this precinct is the Business - Local Centre Zone.

The key elements that the precinct provides for in the rules are:

- i. the maintenance of existing rural village character;

- ii. providing for two dwellings on a site within 200m of the village centre;
- iii. enabling home occupation up to 15 persons;
- iv. enabling visitor accommodation up to 15 guests;
- v. restricting bulk retail, drive-through restaurants and petrol stations;
- vi. some site specific relaxation on the building height to boundary control;
- vii. an indicative roading pattern; and
- viii. enhanced stormwater management.

The Matakana 1 Precinct originated as part of a suite of three plan changes to the Rodney District Plan as set out below:

- i. Plan Change 64 – Matakana 1 – Matakana Village;
- ii. Plan Change 148 – Matakana 2 – Matakana Country Park; and
- iii. Plan Change 163 – Matakana 3 – Morris and James Pottery.

### 3. Key issues

There were only a small number of submissions to the precinct that included the Council. Evidence for the Council was provided by Ms Ford. Ms Shelbourne presented evidence at the hearing in regard to building coverage issues.

The main issue for the Panel was to adapt the provisions to fit the structure and content of the Plan in terms of the relationship of the precinct with the zone rules and the Auckland-wide rules.

### 4. Panel recommendations and reasons

The Matakana 1 Precinct is recommended to be included in the Plan because it provides for the maintenance and enhancement of the character of Matakana more effectively than the zones as the village grows.

Having recommended that the precinct be adopted with modifications, the Panel is concerned that there is detailed control in the precinct over how development is to occur that may prevent the 'organic' growth of Matakana. Attempting to overly control design and urban form can stifle innovation and creativity and unnecessarily impede development. The Panel records that the Matakana 1 Precinct was finely balanced in terms of whether or not the Panel recommended it for inclusion in the Plan or deleted it.

Therefore the Panel recommends that the Council carefully monitor the implementation of the precinct to ensure that it is sufficiently enabling and is achieving what the community desires. The Panel is aware of community meetings that the Council has held where concern has been expressed about the overly prescriptive nature of the rules. Such monitoring is required under section 35 of the Resource Management Act 1991 and will assist the Council to meet the purpose of the act.

The precinct has had to be modified to ensure that it is compatible with the structure and content of the Unitary Plan. The Panel tabulated all of the relevant recommended rules from the four zonings and checked them against the precinct rules to ensure that there was

proper integration and that the precinct rules were only included when necessary to achieve the objectives and policies of the precinct.

The main changes from the notified Plan version of the precinct provisions are:

- i. taking into account the Matakana Village Sustainable Development Plan rather than giving effect to it because it is not a document that has been developed under the Resource Management Act 1991;
- ii. removal of provisions relating to outlook space and outdoor living space to maintain consistency with the zone provisions which removed these provisions as the sites are considered large enough to accommodate these provisions without controls;
- iii. providing for heights within the Sub-precinct D area to be consistent with Sub-precinct C. This allows for greater height 40 metres from Matakana Valley Road which will provide consistency and allow for greater floor area.

## 5. Reference documents

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Matakana 1\) - \(M Ford\) - Planning \(27 January 2016\)](#)

[081b Ak Cncl - Rodney - Precincts \(Matakana 1\) - \(M Ford\) - Planning - Supplementary Evidence \(18 March 2016\)](#)

[081b Ak Cncl - Rodney - Precincts \(Matakana 1\) - Response to submitter - Penelope Shelbourne and Timothy Smyth \(30 March 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 28\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 54\)](#)

## 522 Matakana 2 Precinct

### 1. Summary of recommendations

The Panel recommends that the Matakana 2 Precinct is included in the Unitary Plan with some modifications to the provisions to further enable development of this site as a tourist facility and to provide visitor accommodation. The Matakana Country Park is an important tourist resource and the Panel recommends that a clearly defined subdivision opportunity to create visitor accommodation will promote the purpose of the Resource Management Act 1991.

This precinct was heard in Topic 081.

### 2. Precinct description

The Matakana 2 Precinct was incorporated into the proposed Auckland Unitary Plan Unitary Plan after notification and following Plan Change 148 to the Auckland Council District Plan – Operative Rodney Section. A decision of the Environment Court regarding the Matakana Country Park was released on 9 December 2015 (*Matakana Museum Limited v Auckland Council* [2015] NZEnvC 118) (the Museum Decision). The submitters at the hearing referred to this decision in some detail and it was attached to the planning evidence of Mr Bradley for the Council dated 26 January 2016 as Attachment C.

Therefore, the Council and Matakana Country Park acknowledged that this was an out of scope change to the notified Auckland Unitary Plan. The Council sought to include the outcomes of the Court decision on Plan Change 148 into the Unitary Plan, and as set out in the Summary Legal Submissions of Mr Webb, dated 5 April 2016 (paragraph 25 and 26), the Matakana Country Park did not oppose the Council seeking this relief as long as his clients had the right to make submissions. The Panel accepts that this relief is out of scope of any original submissions.

The underlying zone in the proposed Auckland Unitary Plan Unitary Plan is the Mixed Rural Zone. The precinct enables the activities that have been established through resource consents to continue to operate and to expand, which would otherwise be contrary to the Mixed Rural Zone. This appears to be the reason that the proposed precinct provisions are very prescriptive which would not normally be appropriate in a district plan.

The facilities at the Matakana Country Park include a museum, historic church, restaurant and café, Sunday market, petting zoo, riding area, craft shop and other tourist-related activities.

The provisions in the precinct include:

- i. objectives and policies to enable tourist and visitor activities while maintaining a rural character and appearance;
- ii. permitting restaurants, cafes, markets and some retail activities, as well as public, community and tourist amenities;
- iii. enabling visitors' accommodation as a restricted discretionary activity;

- iv. allowing for subdivision of the separate Activity Areas from the main underlying title;
- v. controlling subdivision within Activity Areas beyond that provided in the previous bullet point; and
- vi. specifying separate Activity Areas in the precinct plan.

### 3. Key issues

The main submitters on the precinct were the Matakana Museum Limited and the Council. It is understood that during the process for Plan Change 148 to the operative plan, most of the provisions were agreed between the Council and Matakana Museum because they are understood to largely reflect the existing resource consent conditions. Those provisions are essentially the same as proposed in the precinct, with some notable exceptions as discussed below that were not agreed.

In the evidence from its planner, Mr Bradley, and in its closing remarks, the Council position was that the precinct should replicate the provisions from the Museum Decision without any amendments.

The key issues raised with the Panel by the submitters were:

- i. whether or not the Panel should recommend the precinct as per the Museum Decision or should change it to reflect the relief sought from Matakana Museum;
- ii. the degree to which subdivision within the precinct is enabled generally;
- iii. the most appropriate form of land ownership for planned visitor accommodation in Activity Area 9 of the precinct for up to 60 guests;
- iv. whether or not subdivision under the Unit Titles Act 2010 should be allowed; and
- v. the management and use of accommodation built within the precinct by visitors rather than permanent residents (excepting the manager's accommodation).

The Panel heard various allegations from both the Council and Matakana Museum in regard to procedural issues in the Museum Decision hearing, including about the admission/exclusion of evidence. The Panel is not in a position to comment further on the various claims made and does not consider that those matters are issues that are important to its recommendations.

## 4. Panel recommendations and reasons

### 4.1 Key recommendations

The Panel recommends in summary that:



- i. the Matakana 2 Precinct is included in the Unitary Plan;
- ii. the objectives and policies are amended to better guide any subdivision and to be consistent with the Panel drafting protocols;
- iii. visitor accommodation is a restricted discretionary activity;
- iv. there are new matters for assessment and criteria for tourist and visitor activities that do not meet the standard and would default to restricted discretionary activities in accordance with the general rules in the Unitary Plan;
- v. subdivision around the Activity Areas is a restricted discretionary activity;
- vi. further general subdivision (including unit title) is a non-complying activity in accordance with the general rules for the Rural - Mixed Rural Zone; and
- vii. subdivision for visitor accommodation is a discretionary activity in Activity Area 9 but matters to be considered in the exercise of that discretion are provided.

#### 4.2 Panel's independence

In paragraph 12 of the Council's closing remarks the Council appropriately refers to the Panel's Interim Guidance - [Best practice approaches to rezoning, precincts and changes to the Rural Urban Boundary](#) dated 31 July 2015, which stated that parties seeking changes to zoning should take into account the issues debated in recent plan changes (paragraph 1.4). In accordance with that guidance, the Panel also has very carefully considered the Museum Decision before making its recommendations.

The Council in paragraph 12 of its closing remarks then went on to say:

Judge Kirkpatrick has also provided further direction to the submitters and the Council by stating that the Panel considers itself bound by recent Environment Court decisions.

The footnote in the closing remarks then refers to that part of the hearings during the Council's legal submissions on precincts on 3 March 2016.

The Panel has gone back to the recording of the hearing for that day and had it transcribed. The closest that Judge Kirkpatrick comes to the relationship between Panel recommendations and decisions of the Environment Court is the statement in discussion with counsel for the Council that "We are still in precincts informed by recent Environment Court decisions. Silverdale 1." The Panel considers that the use of the word 'informed' by his Honour was appropriate.

The Panel understands that its jurisdiction is independent of that of the Environment Court and the Court's decisions are not binding on the Panel. The Panel is constituted under its own act of Parliament designed specifically for the development of Auckland's first unitary plan.

Regarding the role of the Panel and its respectful relationship with the Environment Court, this was set out more fully in the letter that Judge Kirkpatrick wrote to the Minister for the Environment in regard to the private plan change for the Three Kings quarry on 16 March 2016. The Panel affirms the position stated in that letter as properly setting out the

relationship between its recommendations and processes/decisions of the Environment Court.

This is not a situation where the principles of *res judicata* or 'issue estoppel' apply to the Panel recommendations, to the extent that those principles apply in resource management law in any event (*Guardians of Paku Bay Association Inc v Waikato Regional Council* CIV-2010-404-8097; (2011) 16 ELRNZ 544; [2012] 1 NZLR 271; [2012] NZRMA 61). The Paku Bay decision made it clear that issue estoppel and the doctrine of *res judicata* are primarily concerned with ensuring finality of litigation as a matter of public policy. However, they had limited or no application in the resource management context and must yield to the fundamental principle of public law that statutory duties and powers could not be fettered. This finding applies to the Panel's statutory duties and powers.

### 4.3 Panel recommendations

The issue of how to provide for visitor accommodation was the main matter that the Panel read and heard evidence about. It was agreed that there was a demand for visitor accommodation in the Matakana area and that it could be provided in this location but the main concerns were in regard to the tenure arrangements for the accommodation. The Panel notes that it is required to have regard to the Auckland Plan and in that plan strategic direction 9 states:

Increase the value added to the Auckland economy by rural sectors (including rural production, complementary rural enterprises, tourism and visitor experiences in rural areas) by 50% by 2040.

The Panel considers that this directive requires the Panel to take a broad view of rural economies and not just focus on what may traditionally be considered 'primary production'. Matakana has a developing reputation as an area that offers a wide range of visitor and tourist experiences, including a sculpture trail (Brick Bay), pottery (Morris and James), Saturday market and wineries. The Panel considers that enabling activities at the Country Park will help to give effect to the Auckland Plan and be a more efficient use of the land than the underlying Mixed Rural zone. A summary of the provisions is:

- i. visitor accommodation is restricted discretionary activity;
- ii. subdivision for visitor accommodation in the Matakana 2 Precinct generally is non-complying as with the underlying Rural - Mixed Rural Zone;
- iii. subdivision for visitor accommodation in Activity Area 9 for up to 60 guests is a discretionary activity but with;
  - a. a policy framework that does not provide for subdivision for permanent residential occupation but only for visitor accommodation;
  - b. guidance about matters that may be taken into account in the exercise of discretion, particularly about covenants/consent notices etc; and
- iv. subdivision is provided for in this way generally, which includes unit title, but unit title is not mentioned separately.

In summary the main reasons for this approach include:

- i. the precinct is confirmed as appropriate because it provides for the activities that are established and activities planned for the future, which are not

- compatible with the underlying Rural - Mixed Rural Zone (in future the zone could be changed to one that better reflects the activities taking place);
- ii. discretionary activity for subdivision in Activity Area 9 is a neutral starting point which is a compromise between restricted discretionary activity being too enabling and non-complying activity signalling that any subdivision is inappropriate i.e. it will be up to the applicant to put a robust application together with appropriate long term controls on use;
  - iii. discretionary activity for subdivision with guidance considerations (not criteria as with a restricted discretionary activity) does fill a gap that exists if subdivision is simply a discretionary activity or non-complying in terms of being clear about the Unitary Plan expectations regarding the tenure limitations on use;
  - iv. providing for subdivision generally, rather than singling out unit title subdivision, allows for other collective ownership models that are not unit titles that could be viable and still offer appropriate tenure protections; and
  - v. the Panel does not consider that the recommended provisions set a legal 'precedent' to the extent that precedent is a proper consideration for plan provisions and more generally under the Resource Management Act 1991 (*Gould* and *Dye* decisions for example).

In making its recommendations on the Matakana 2 Precinct, the Panel has taken into account the Museum Decision and has based its recommendations on its own statutory and policy context and the evidence that it heard. In regard to any attempt to compare the Matakana Museum decision and the Panel recommendations, the Panel comments as follows.

- i. The Panel recommendation is within the context of a whole plan review, as distinct from Plan Change 148 to the operative plan for one part of the Auckland Council territorial area.
- ii. The higher-level statutory policy framework for the Panel, including the regional policy statement, is quite different to the operative planning instruments that the Court considered. In summary, the Panel is recommending strong protection for land containing elite soils (and prime soils where practicable), while generally enabling development in rural areas more than under the operative plans.
- iii. The Panel is required to make its recommendations based on the evidence that it has heard in regard to the hearings for this precinct. The Panel is not able to speculate or make assumptions on evidence that was presented in a different forum notwithstanding submitters' claims regarding the same. For example, of note in the hearing for this precinct, as distinct from what the Panel understands from the Museum Decision:
  - a. the Council changed its planning expert from Mr Scott in the Environment Court to Mr Bradley in the Unitary Plan hearings. The Court appears to have placed some weight on Mr Scott's evidence in its proceeding, but the Panel did not hear from Mr Scott;
  - b. the Panel heard from witnesses that did not appear in the Environment Court, including Mr Hampson, a surveyor, and Mr Equab, an experienced and well-qualified economist. The Panel was persuaded by the evidence of Mr Equab, Mr Hampson and Mr Baker (and the letters attached to his

evidence) that a leasehold structure is unattractive to investors in comparison to a unit title form of ownership; and

- c. the Panel considers that a limited subdivision opportunity, with robust title covenants about use of the accommodation, body corporate rules and management agreements etc, approved by the Council as part of any subdivision consent application, will ensure that the accommodation is used appropriately.

#### 4.4 Matakana Riverside

The Matakana Riverside development was briefly referred to the Panel during the hearing. However, in a manner that was essentially late evidence, it is used as an example in the Council's closing remarks of an undesirable outcome because it allegedly:

gained resource consent as a visitor accommodation complex, but were [sic] subsequently unit titled and advertised as separate household units, thus circumventing the rural subdivisions rules, which limited the establishment of rural residential sites in the general rural areas. (Refer to paragraph 14.)

Being raised in this manner, there was no opportunity for other parties to make submissions and bring evidence on this point. The Matakana Riverside development does appear to have had some difficulties and was the subject of enforcement proceedings in regard to the use of a manager's unit as per the 2013 case *J&K Sinclair v Gosling Trust Limited* [2013] NZEnvC 226. However, the Panel also notes that:

- i. the Court in its final decision granting consent to Matakana Riverside did not support a condition making future unit title subdivision non-complying, but accepted this condition as it was promoted by the applicant (paragraph 2);
- ii. the Court went on to state at paragraph 6 that "...the relevant possible adverse effects arise out of the number of people being accommodated at any one time. Who those people are, in terms of having an interest in the property or not, and for how long any one person might be there at a time, are completely irrelevant." (*REM Developments Limited v RDC* [2005] W0075/2005);
- iii. Matakana Riverside does not appear to be a unit titled property as the Council alleges in its closing remarks. It is understood that the owners of the dwellings occupy them pursuant to a particular form of leasehold interest and own a fractional share of the interest in the freehold title of the entire 14 hectare site. It is quite a complex form of ownership;
- iv. most importantly, a quick Google search of 'Quest Riverside Matakana' reveals that visitor accommodation is offered in a development that appears to be attractive, with apparently favourable visitor experiences from ratings provided;
- v. whether or not units are transacted in the property market is of no consequence as long as the use remains for visitor accommodation;
- vi. the Panel heard that another arm of the Council, Auckland Tourism Events and Economic Development, supports the creation of strata titles to allow the Country Park to further develop to meet the demand for visitor accommodation in the area; and

- vii. the Panel was also persuaded by the letter from Hampton Downs, which indicated that strata titling was a key reason that its development was successful (Refer to the attachments to the evidence in chief of Mr Baker of 18 February 2016).

#### 4.5 Subdivision for visitor accommodation

The Panel notes that the Council has quoted passages from the Museum Decision in its closing remarks. As outlined above, the Panel has very carefully considered that decision in the light of the evidence that it has heard and the wider policy framework that the Panel is recommending.

In regard to the Museum Decision, and in response to the points raised by the Council in closing remarks, the Panel observes that:

- i. the Court supported visitor accommodation being provided for up to 60 guests in Activity Area 9;
- ii. the Court recognised the way in which subdivision on the site to release capital to further develop the Country Park is appropriate, providing it does not compromise the overall objective of enabling the tourist facility (paragraphs 38 and 46);
- iii. the Court indicated in paragraph 62 that it did not think that unit titling was necessary at this stage (in the sense of being desirable or expedient) and that it was very much a last resort for this site; and
- iv. the Court's main concern with unit titling appears to have been the ability to cater for large groups and providing a uniform standard of accommodation throughout the entire building, as set out in paragraph 62.

The Panel was persuaded by the evidence it heard, and in particular by the evidence that was not presented in the Museum Decision, that the ability to subdivide in a carefully controlled manner will better facilitate the development of the visitor accommodation than other ownership structures.

Subdivision is a well-established and accepted method to raise capital for development and spread the income risk of low occupancy of visitor accommodation. For example, unit titles are widely used in New Zealand, Australia (e.g. strata titles on the Gold Coast) and other parts of the world. The Panel heard that over six million dollars would be required to build the visitor accommodation and there was no evidence before the Panel to suggest that a single investor was willing to invest this amount with the risks of low occupancy creating an uncertain return on investment.

Title covenants can be imposed on any new titles created in Activity Area 9 to avoid permanent occupancy by owners or other occupants. The Panel does not consider it inappropriate that owners may stay for short periods in their own units, so the definition of 'visitor accommodation' needs to be considered in this context. The definition contemplates unit titling but excludes owners occupying their own units. It appears to be an unusual policy outcome that if an owner were to stay in their neighbour's unit they are a 'visitor', but they should be prevented from using their own unit for short stays. The resource management reason for this recommendation is supported by the quotation above from the Matakana Riverside decision (*REM Developments Limited v RDC* [2005] W0075/2005).

It is important to note that there was general agreement between submitters that visitor accommodation was a very desirable outcome in the precinct to support growth in tourism in the Matakana area. Therefore the issue is not one of 'if' but 'how'. The Panel was persuaded that the accommodation would be unlikely to be built, at least in the near future, without the ability to subdivide in some form and subject to the outcome of a consent application process.

In regard to the concerns raised about the management of the accommodation, the Panel considers Council has control of what management and tenure arrangements are put in place through the consenting process. The Council also has a full range of enforcement powers to ensure that the conditions of consent are complied with. Covenants on the titles, which may limit the duration of occupation by owners or other persons, would be permanent and enforceable, and would not be able to be removed without the consent of the Council.

In conclusion, the Panel considers that its recommendations will promote the sustainable management of natural and physical resources in accordance with Part 2 of the Resource Management Act 1991. The precinct is also appropriate in regard to assessments under section 32 of the Resource Management Act 1991, in particular, because it will enable economic growth to occur and also generate employment opportunities. The precinct will enable a far more productive use of this land than the Rural - Mixed Rural Zone and will enable people to provide for their social and economic well-being. The adverse effects on natural and physical resources arising from the precinct will be no more than minor.

## 5. Reference documents

Panel guidance

[Interim guidance released on best practice approaches to rezoning, precincts and changes to the RUB \(PDF 190KB\)](#) (31 July 2015)

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 26)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) ( 26 May 2016) (Attachment 2, page 73)

[081b Ak Cncl - Rodney - Precincts \(Matakana 2\) - \(R Bradley\) - Planning](#) (26 January 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016 page 26)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) ( 26 May 2016 Attachment 2, page 73)

Matakana Museum Ltd

[081 Matakana Museum Ltd \(J Baker\) - Corporate](#) (18 February 2016)

[081 Matakana Museum Ltd \(R Hampson\) - Surveying](#) (19 February 2016)

[081 Matakana Museum Ltd \(S Equab\) - Economics](#) (18 February 2016)

## 523 Matakana 3 Precinct

### 1. Summary of recommendations

The Panel recommends that the Matakana 3 Precinct is included in the Unitary Plan in accordance with the Auckland Council's closing remarks. The precinct is necessary in order to enable Morris and James Pottery to continue and to expand its activities on the site.

This precinct was heard in Topic 081.

### 2. Precinct description

The Matakana 3 Precinct provides for the clay extraction and pottery business of Morris and James, which is a longstanding valued local business. The Precinct modifies the underlying zoning which has been changed from Rural - Mixed Rural Zone to Rural - Rural Coastal Zone. The significance of that zoning change is that, for example, clay mineral extraction would be a non-complying activity in the Rural - Rural Coastal zone.

The origin of the Matakana 3 Precinct was as part of a suite of plan changes to the operative district plan as follows:

- i. Plan change 64 – Matakana 1 – Matakana Village
- ii. Plan change 148 – Matakana 2 – Matakana Country Park
- iii. Plan change 163 – Matakana 3 – Morris and James Pottery

The provisions in the precinct include:

- i. permitting retail activities that would otherwise be non-complying;
- ii. permitting rural tourist and visitor activities that would otherwise be discretionary;
- iii. permitting mineral extraction that would otherwise be non-complying;
- iv. permitting new buildings within the areas specified in the precinct; and
- v. managing dust and pollution effects on the Matakana River.

### 3. Key issues

The Council was the main submitter in the hearings on the precinct.

There were no contentious issues in the hearing. There were some submissions from Morris and James Pottery, which were generally in support, but did seek some amendments to the wording and also the precinct plan to recognise future changes in the clay extraction area. The Council had addressed these submission points in its reply version of the precinct.

## 4. Panel recommendations and reasons

The Panel recommends that the Matakana 3 Precinct is included in the Unitary Plan to provide for the continued operation and expansion of Morris and James Pottery. The Panel considers that the precinct is necessary to modify the underlying Rural - Rural Coastal Zone that would, in some cases, make the current activities non-complying e.g. clay mineral extraction.

The Panel is mindful that the current level of activity could no doubt rely on existing use rights and/or existing resource consents. However, such reliance probably would not enable changes to the nature and scale of the pottery activities on the site in the manner that the precinct can.

The Morris and James Pottery business is a valued and popular visitor destination and generates economic activity and employment for the Matakana area. The distinctive locally-made pottery also contributes to the identity of Matakana itself. Therefore the Panel considers that enabling this activity to continue and flourish will promote the purpose in Part 2 of the Resource Management Act 1991. It also meets the tests for section 32 and the precinct will achieve a more productive use of the natural and physical resources on the site than the Rural - Rural Coastal Zone would allow.

The Council attached a tracked change version of the Matakana 3 Precinct to the rebuttal evidence of Ms Ford dated 24 February 2016. There is also a precinct plan which shows the driveway, buildings and indicative clay extraction area and planting areas. This version has taken into account the submission points raised by Morris and James Pottery and the Panel recommends that this version of the precinct be incorporated into the Unitary Plan. The Panel agrees with the reasons for accepting and rejecting the relief sought by other submitters as set out in the evidence in chief of Ms Ford dated 26 January 2016 and her rebuttal evidence dated 24 February 2016.

Various amendments have been made to present the precinct in standard format and to improve workability, for example separating activity status from the relevant standards.

## 5. Reference documents

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Matakana 3\) - \(M Ford\) - Planning](#) (evidence dated 26 January; date placed on website 27 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Matakana 3\) - \(M Ford\) - Planning - REBUTTAL](#) (24 February 2016)



# 527 Ōkura Precinct, Rural Urban Boundary and rezoning

## 1. Summary of recommendations

The Panel supports this precinct as requested by Ōkura Holdings Limited. The precinct is however amended to only relate to the 130 hectares of land owned by Ōkura Holdings Limited and to exclude the 20 hectares of land not owned by Ōkura Holdings Limited.

Key issues in relation to the Ōkura Holdings Limited land were firstly, whether or not the land should be included within the Rural Urban Boundary, and secondly, if it were to be within the Rural Urban Boundary, whether the land should be zoned Future Urban Zone or whether 'live urban' zonings should be applied.

The Council, the Long Bay-Ōkura Great Park Society and the Ōkura Environmental Group did not support a shift in the Rural Urban Boundary, nor did they support any 'live urban' zonings for the proposed Ōkura Precinct.

The Panel agrees with Ōkura Holdings Limited that it is appropriate to relocate the Rural Urban Boundary and also recommends 'live urban' zonings that include approximately 75 hectares of Residential – Large Lot and Residential – Mixed Housing Suburban zoned land and approximately 55 hectares of Open Space – Conservation and Open Space – Informal Recreation zoned land.

This precinct was heard in Topic 081.

## 2. Precinct description

The Ōkura Precinct applies to 130 hectares of land to the north of Vaughan's Road, generally bound by Long Bay Regional Park and Piripiri Point to the east, the Ōkura Estuary to the north and a tributary to the Ōkura Estuary to the west. The amended precinct excludes approximately 20 hectares of land not owned by Ōkura Holdings Limited because the detailed structure planning undertaken by Ōkura Holdings Limited, and the evidence in support of the proposed precinct, related only to the Ōkura Holdings Limited land. There was insufficient evidence presented to the Panel in relation to the additional 20 hectares of land to support it being included in the precinct or rezoning.

The precinct reflects the opportunity offered by the land being held by a single landowner, combined with the opportunity for a substantial waterfront reserve that will extend the Long Bay Regional Park to within 150 metres of the Ōkura Village with esplanade reserves of between 70 and 170 metres in width that connect with the Ōkura Estuary Scenic Reserve.

The Ōkura Precinct comprises land zoned Open Space – Conservation Zone, Open Space – Informal Recreation Zone, Residential – Large Lot Zone, and Residential – Mixed Housing Suburban Zone. The spatial application of these zones has been informed by a structure planning process that has taken into account the natural, physical, cultural, and historic characteristics of the site and surrounds, with the aspiration to facilitate medium-density, comprehensive residential development that achieves a high level of protection and enhancement of the environment within the site and site surrounds.

The purpose of the Ōkura Precinct is to introduce additional provisions to enable the stream management approach developed through the structure plan process to be implemented; to

require additional stormwater and earthworks management measures; to ensure the establishment and master planning of land zoned open space; to provide flexibility for limited commercial development and informal public open space within the residential area; and to enable construction of the primary road network.

### 3. Key issues

The zoning of this land was the key issue in contention. The Panel was fully aware of the earlier Environment Court decisions in relation to the Ōkura and Long Bay area and previous proposals seeking more intensive zoning within the Ōkura catchment.

As discussed in the Council's opening legal submissions, a number of new precincts have been proposed by submitters within the Ōkura catchment. The precincts are in the vicinity of the Ōkura Estuary which forms part of the Long Bay-Ōkura Marine Reserve. None of the proposed Ōkura precincts were included in the proposed Auckland Unitary Plan as notified and none of these precincts was supported by the Council for inclusion following the hearing of evidence presented by submitters.

Mr Fox in his evidence on behalf of the Council for Topic 016 set out the background to the location of the Ōkura/Long Bay Rural Urban Boundary as follows:

8.1 The RUB in the PAUP as notified is in the same location as the Metropolitan Urban Limit (**MUL**) in the operative RPS which runs along East Coast Road, Ōkura River Road and Vaughans Road as shown in **Figure 1**. In 1996 the Environment Court considered appeals on the position of the MUL in the locality of Long Bay/Ōkura (North Shore City Council & Ors v Auckland Regional Council Decision No A86/96), and in 2003 (Keep Ōkura Green Society Inc & Ors v North Shore City Council Decision No A95/03) the Environment Court considered appeals on the subdivision provisions that should apply for subdivision and associated development within the Ōkura Catchment. The location of the MUL and the type of rural development in the Ōkura Catchment to the north of this limit follows this history of litigation.

8.2 The Ōkura/Long Bay area sits at the northern edge of the former North Shore City Council district. Long Bay is home to the popular coastal Long Bay Regional Park and Long Bay-Ōkura Marine Reserve, shown in **Figure 2**, with an adjacent large scale residential and commercial development by Todd Property Limited, which is currently under development. This development area has a number of urban zones under the PAUP along with a precinct to reflect the comprehensive and mixed use nature of the Long Bay development.

8.3 The Vaughans Road ridge forms the catchment boundary between Long Bay and Ōkura. Ōkura is a rural area of largely lifestyle blocks and also includes the small village of Ōkura (135 existing dwellings). The Ōkura Catchment drains into the Ōkura Estuary which forms part of the Long Bay-Ōkura Marine Reserve. The Ōkura village has a Rural and Coastal Settlement zoning and the surrounding area is zoned Countryside Living in the PAUP as notified.

The Council's position was that the Rural Urban Boundary should remain in its notified location and Ōkura should not therefore be urbanised. The primary reasons for this were, in the Council's view, that the Ōkura urbanisation proposals:

- i. will not give effect to the New Zealand Coastal Policy Statement 2010 due to the likely adverse effects of stormwater contaminants on the indigenous biodiversity in the Long-Bay Ōkura Marine Reserve;
- ii. will not give effect to the National Policy Statement for Freshwater Management 2014; and
- iii. do not provide a defensible boundary of the Rural Urban Boundary for future urban expansion.

The Council also submitted that even if it was appropriate to include the Ōkura land within the Rural Urban Boundary, it would be premature to live zone the Ōkura Holdings Limited land and a Future Urban Zone would be the most appropriate zoning in this circumstance. It was the Council's submission that the joint statement of Mr Peake and Mr Clark dated 20 April 2016 in relation to transport upgrades demonstrated that significant roading upgrades will be required to service the level of development proposed by Ōkura Holdings Limited. These upgrades are listed in table 1 of the joint statement. The joint statement also clearly states that no committed funding is available for these upgrade works.

The Council sought the retention of the notified Countryside Living zoning. The Long Bay-Ōkura Great Park Society and the Ōkura Environmental Group proposed a new countryside living development precinct that would apply to the Ōkura Holdings Limited land and the land zoned Countryside Living Zone further to the west. The notified Countryside Living Zone enabled 4 hectare site sizes and the proposed new countryside living development precinct also enabled 4 hectare sites for the Ōkura Holdings Limited land with 2 hectare average site sizes, with a minimum 0.5 hectare lot sizes for the land further to the west. The Council did not support this proposed countryside living development precinct.

The key conclusions of the evidence presented by Ms Brigid Kelly, on behalf of Ōkura Holdings Limited, were that:

- (a) The proposal is based on a well-researched Structure Plan that provides for a functional, sustainable new residential neighbourhood and community that offers the opportunity for a better outcome than developing the site merely into separate 4 hectare lots. It has high amenity value and protects cultural, ecological and historic attributes of the site and is highly sympathetic to its context.
- (b) Having undertaken a full statutory assessment, Mr Cook considered the Ōkura Holdings Limited proposal is the most appropriate.
- (c) Dr Green was confident in the accuracy of the NIWA modelling work and that it is fit for purpose.
- (d) Drs Lohrer, Townsend and De Luca considered the model is robust and confirmed at the Topic 016 hearing that they have undertaken a dispassionate and robust assessment using the best information available. They considered there will be no effects on biodiversity of the Marine Reserve as a result of Ōkura Holdings Limited's proposal:  
 ...the size of the potentially impacted area is predicted to be very small, and as such, **will not have any detectable adverse effects** on the biodiversity of the Ōkura Estuary as a whole or on the functioning of the Marine Reserve.

(e) Overall, from an ecological perspective, the Ōkura Holdings Limited proposal will have a significantly positive and far better outcome than the likely outcomes of the present Countryside Living use.

(f) Stormwater infrastructure will incorporate Water Sensitive Design principles. Ōkura Holdings Limited's experts were confident that, subject to detailed engineering design, matters such as providing base flow for streams can readily be incorporated. Ōkura Holdings Limited and its experts were confident that medium density is realistic. Similarly, appropriate erosion and sediment control can be readily incorporated.

(g) Ms de Lambert considered that the values and attributes that make the Ōkura Estuary an ONL will not be affected by the proposal and that the Estuary will remain an ONL post development. Furthermore, she recognised the potential for an improvement to the Regional Park as a result of the public open space network and coastal park Ōkura Holdings Limited proposes to vest in Council.

(h) Transportation and other infrastructure capacity issues have been addressed and there is sufficient capacity and no feasibility issues.

(i) The proposal will result in a net gain in both public access and recreational opportunities that will be significant at the local, regional and potentially national level. The proposal for public access to the coastal margin is supported by the Te Araroa Trust (New Zealand Trail) and the NZ Walking Access Commission. (Paragraph number 2.2.)

The Panel notes in particular the evidence of Mr Neil Donnelly in Topic 016 in relation to the experience gained from the development of the adjoining Long Bay land. Mr Donnelly states as follows:

7. The Long Bay Ōkura Marine Reserve was established in the mid 1990's and includes the receiving environments for both the Long Bay and Ōkura land. In this respect many of the considerations relating to the development of the Long Bay Structure Plan are applicable to Ōkura. This includes risk to receiving environments, the importance of stream retention and the impact of creating impervious surfaces through urbanisation and how to mitigate and minimise this.

8. A key factor in taking the risk, including time, cost and uncertainty of outcome in seeking a development outcome different from the sell down scenario once the coastal property market returned was the knowledge and experience gained from earthworking at Long Bay and the years of monitoring results we have observed there. In essence, the design and management of Long Bay as an earthworking site has led to outcomes that exceeded our expectations and given Todd Property the confidence that the Ōkura land can be developed while retaining the ecological values and functioning of the Ōkura Estuary. The ecological protection of the estuary was, and is, a bottom line for Todd Property. Simply put, we do not want to be known as an organisation that is responsible for the degradation of a national Marine Reserve.

9. Long Bay is one of, if not the, most heavily monitored earthworking sites in Auckland. In this regard the knowledge base of earthworking similar soil types, ground conditions and Marine Reserve receiving environment as Ōkura is large and allows informed decision making. Continuous monitoring and testing at Long Bay has proven that efficiencies of greater than 95% (ie less than 5% of

sediment generated during earthworks is discharged) are continually achieved. This compares to the 60-70% efficiency estimates used in the Environment Court proceedings when determining the initial location of the Metropolitan Urban Limit some twenty years ago (Env A86/96). More importantly than the actual quantum of sediment being generated, the effects of this are well understood through monitoring and observation with no discernible impact on the Marine Reserve as I understand it.

10. The Long Bay experience has also provided us with significant knowledge and understanding of Water Sensitive Urban Design (WSUD) principles, and of greater relevance, how to implement these. This includes measures such as stream retention, peak flow mitigation at a household level, bio-treatment of contaminant discharge at source and polishing through 'end of pipe' devices also designed to provide amenity and aesthetic benefit. It was always anticipated that a similar range of measures will be used at Ōkura and Todd Property is at the forefront of the implementation of these in greenfields areas. I would expect even better results to be achieved at Ōkura than at Long Bay with respect to post development run-off as we are constantly improving and learning as we develop Long Bay in small technical areas that makes a difference such a filtration media in rain gardens and relative effectiveness of different planting species.

Mr Donnelly's evidence was supported by the erosion and sediment control evidence of Mr Graeme Ridley, the estuarine modelling evidence of Dr Malcolm Green (the Principal Scientist for Coastal and Estuarine Physical Processes at the National Institute of Water and Atmospheric Research), the marine ecology evidence of Dr Sharon De Luca, Dr Andrew Lohrer and Dr Michael Townsend and the freshwater ecology evidence of Mr Edward Sides.

The Panel heard extensive and detailed evidence on behalf of the Council, Ōkura Holdings Limited, the Long Bay-Ōkura Great Park Society and the Ōkura Environmental Group. The Panel notes that there were other submitters who did not present evidence who had similar concerns to the Council and the submitters opposing any zoning of land within the Ōkura catchment. Apart from those submitters like Ōkura Holdings Limited and the Ōkura Rural Landowners Group who sought an extension to the Rural Urban Boundary, the other submitters were seeking the retention of the Rural Urban Boundary as notified and the retention of countryside living zonings.

#### **4. Panel recommendations and reasons**

The Panel, after carefully considering all of the evidence for and against any changes to the Rural Urban Boundary and zoning of land at Ōkura, recommends rezoning and a precinct for the Ōkura Holdings Limited land.

The primary reason for this recommendation is that the structure planning undertaken and the evidence supporting the proposal have been comprehensive and consistent with the approach contemplated by the regional policy statement.

With respect to the most contentious issue, being the extent of adverse effects on the biodiversity of the Ōkura Estuary as a whole or on the functioning of the Marine Reserve, the evidence on behalf of Ōkura Holdings Limited was preferred to the evidence presented by other parties. The primary reasons for this are that the Ōkura Holdings Limited evidence has been based on the specific National Institute of Water and Atmospheric Research modelling

work for the Ōkura Holdings Limited land and the erosion and sediment control experience gained from the recent Long Bay development. In addition specific provisions have been included within the Ōkura Precinct to enable the stream management approach developed through the structure plan process to be implemented and to require additional stormwater and earthworks management measures over and above the Auckland-wide standards contained within the proposed Auckland Unitary Plan Unitary Plan.

In relation to the location of the Rural Urban Boundary the Panel accepts a tributary to the Ōkura Estuary as the recommended western edge of the Rural Urban Boundary at Ōkura. With respect to the Ōkura Precinct, the Panel recommends a zoning of Future Urban for the land within the Rural Urban Boundary that is not owned by Ōkura Holdings Limited that has not been structure planned to the same level of detail as the Ōkura Holdings Limited land. Additionally, instead of following cadastral boundaries, the Future Urban zoning is recommended in relation to the southernmost portions of the Ōkura Holdings Limited land that had been identified through the structure planning process for Residential - Mixed Housing Suburban zoning. The Panel recommends that this land be structure planned in association with the remaining land within the Rural Urban Boundary to enable the integrated development of all of this land.

With respect to the transportation and other infrastructure capacity issues, in this case the Panel envisages that the upgrades and appropriate funding can be reprioritised once the Unitary Plan is operative and the Council's Long-term Plan is reviewed. The Panel has noted in the legal submissions on behalf of Ōkura Holdings Limited that "Mr Donnelly is in ongoing discussions with Auckland Transport in relation to possible funding arrangements."

In terms of an overall broad judgement, and weighing the positive outcomes of the proposed precinct against any adverse effects on the existing environment, including both the land and marine environments, the Panel agrees with the conclusions reached by Mr Karl Cook as set out below.

Inclusion of the Ōkura land within the RUB would be the most appropriate way, in my view, to achieve the RPS objectives relating to quality urban growth, protecting historic heritage, historic character and natural heritage, addressing issues of significance to tangata whenua, and sustainably managing the coastal environment.

This relates primarily to the extent to which the subject land is contiguous with the urbanised area at Long Bay, can be adequately serviced by infrastructure, is free of identified ecological, natural or heritage features while providing a waterfront park of 70-170m depth from the estuary boundary and enabling the protection of the ecological and tangata whenua features that exist in this margin. (Paragraph 8).

A number of other changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and more minor changes are made to the provisions to improve their functionality and for clarity.

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the provisions of the Ōkura Precinct be adopted, the Rural Urban Boundary be relocated to include the Ōkura Precinct and land within the precinct be rezoned as described in Section 1.2 above. Once amended further by best practice approaches outlined above these

provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

- [081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (page 40)
- [081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 33)
- [081b Ak Cncl - Rodney - Precincts \(Ōkura\) - \(A Fox\) - Planning](#) (2 February 2016)
- [081b Ak Cncl - Rodney - Precincts \(Ōkura\) - \(A Fox\) - Planning - REBUTTAL](#) (2 March 2016)
- [016&017 Hrg - Auckland Council - Ōkura - \(Austin Fox\) - Planning](#) (3 November 2015)
- [016&017 Hrg - Auckland Council - 016 Area Specific Evidence - Austin Fox - Planning - Ōkura - REBUTTAL](#) (23 December 2015)
- [081b Ak Cncl - Rodney - Precincts \(Ōkura\) - \(M Peake\) - Transport - REBUTTAL](#) (1 March 2016)
- [016&017 Hrg – Ōkura Holdings Limited - Legal Submissions](#) (26 January 2016)
- [016&017 Hrg - Ōkura Holdings Ltd \(Andrew Lohrer & Michael Townsend\) - Marine Ecology](#) (27 November 2015)
- [016&017 Hrg - Ōkura Holdings Ltd \(Edward Sides\) - Freshwater Ecology](#) (27 November 2015)
- [016&017 Hrg - Ōkura Holdings Ltd \(Karl Cook\) - Planning](#) (27 November 2015)
- [016&017 Hrg - Ōkura Holdings Ltd \(M Green\) - Supplementary Evidence - Summary Statement Estuarine Modelling](#) (27 January 2016)
- [016&017 Hrg - Ōkura Holdings Ltd \(Malcolm Greene\) - Estuary Modelling](#) (27 November 2015)
- [016&017 Hrg - Ōkura Holdings Ltd \(Neil Donnelly\) - Corporate](#) (27 November 2015)
- [016&017 Hrg - Ōkura Holdings Ltd \(Rachel Lambert\) - Landscape](#) (27 November 2015)
- [016&017 Hrg - Ōkura Holdings Ltd \(Sharon de Luca\) - Marine Ecology](#) (27 November 2015)
- [081 Okura Holdings Limited \(B Kelly\) - Legal Submissions](#) (21 April 2016)
- [081 Ōkura Holdings Limited and Auckland Council \(I Clarke, M Peake\) - Transportation - Joint hearing statement](#) (20 April 2016)

As well as the evidence listed above, the extensive evidence and legal submissions of the Long Bay Ōkura Great Park Society and Ōkura Environmental Group to Topic 081 and Topic 016 were relied on by the Panel and can be viewed on the Panel's website under each of these topics.

# 528 Ōmaha South Precinct

## 1. Summary of recommendations

The Panel supports this precinct.

The Panel recommends the precinct provisions sought by Omaha Beach Community Incorporated in preference to the provisions proposed by the Council.

The Panel recommends no change to the zoning of the property within the precinct at 5 Matariki Street, and notes that the Council supported the retention of the Business - Neighbourhood Centre Zone for this property.

This precinct was heard in Topic 081.

## 2. Precinct description

The Ōmaha South precinct applies to land south of Broadlands Drive at Ōmaha.

The purpose of the precinct is to manage residential and small-scale commercial development to ensure it is sustainable and complements the coastal character and landscape values of the area. It caps the total number of dwellings because of wastewater infrastructure and on-site stormwater soakage constraints and manages stormwater discharge effects from development to minimise adverse effects on the Ōmaha groundwater aquifer and the adjacent kahikatea forest/wetland. In particular, minimum site size and density controls apply across the five sub-precincts and development in close proximity to the fore dune area of Ōmaha Beach is limited.

The precinct is intended to carry forward the Special Purpose - Special 16 (Ōmaha South) zone in the Auckland Council District Plan - Operative Rodney Section 2011 into the proposed Auckland Unitary Plan Unitary Plan.

The underlying zoning of land within this precinct is Business - Neighbourhood Centre Zone, Residential - Single House Zone and Residential - Mixed Housing Suburban Zone.

## 3. Key issues

The Council and Omaha Beach Community Incorporated agreed that a precinct was required for Ōmaha South in order to carry forward the Special 16 Ōmaha South Zone provisions.

The key issue in contention was the extent to which the precinct provisions reflected the operative zone provisions and would be appropriate in managing the continued development of Ōmaha South.

Ms Kurzeja for the submitter at paragraph 9(d) of her planning evidence in chief stated that:

As discussed in the OBCI submission, substantial development has already taken place under the current Operative Plan provisions. Approximately 80% of all residential sections have had building construction completed. All the remaining residential sections are privately owned, and any development of them is controlled through covenants and the rules of the OBRS which state that development is to be



undertaken in accordance with Variation 76 - now the Operative Plan Special 16 zone. I consider that these are special circumstances where it is better that the consistency of these existing plan provisions is carried over, as they are inextricably linked to the land covenants and the design approval process.

Mr Brabant in his legal submissions, together with Mr Allan in his evidence, supported Ms Kurzeja's conclusions and the need to replicate in their entirety the special zone provisions, except where these are no longer relevant.

The Panel accepts the legal submissions and evidence on behalf of the submitter and recommends Ms Kurzeja's precinct provisions to those of those recommended on behalf of the Council.

With respect to the remaining outstanding issue Ms Kurzeja did not support the retention of the archaeological sites on the precinct plan. In her paragraphs 21(n) and (o) she stated that:

(n) Before development of Omaha South began, all archaeological sites were investigated by Clough and Associates, and iwi (Ngāti Manuhiri) were consulted. Those sites that the parties agreed were to be retained and protected from development were surveyed, and the extent of the cultural sites to be protected were incorporated into subdivision plans and recorded on the titles of the property or properties affected. In some cases, these midden sites are located within public reserves or road reserves vested in the Council. Since then, the covenant provisions registered against the titles affected by these survey midden sites, and the design control guidelines applying to all new development have ensured the protection of these midden sites to the satisfaction of the local iwi.

(o) The Omaha South Outline Plan for the Special 16 zone identifies known archaeological sites. These identified sites were identified on relevant parcel titles as part of the subdivision process. They are also recorded in the CHI and NZAA records and are in turn protected by the Historic Places Act. I acknowledge that Omaha South has a number of sites of value to mana whenua. This matter was addressed by the OBCI in submissions and evidence on Topic 037. Confirmed sites or places of value to iwi identified in Appendix 4.2 of the Operative Unitary Plan will be identified by a historic heritage overlay. I consider that the Historic Heritage overlay is the appropriate place for these sites of value to be mapped and therefore there is no need to replicate the location of these sites on the Omaha South

Precinct Plan. In addition, the original recorded archaeological sites considered to be of value to local iwi are protected through other means, such as by land covenants, as mentioned above.

The Panel recommends that Ms Kurzeja's approach be adopted given the extent of earthworks, subdivision and development that has occurred at Ōmaha South, together with the relevant operative planning provisions that have assessed, recorded, and where appropriate registered covenants against titles in order to protect middens and other places of significance to Ngāti Manuhiri.

A number of minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity. None of these changes alter the intent of the precinct provisions as requested by Omaha Beach Community Incorporated.

References to the adjoining golf course have also been deleted because although the golf course had been included with the operative Special 16 zoning, the golf course land is not included within the Ōmaha South Precinct. The Panel notes that the precinct plan identifies the six separate sub-precincts and that the five residential Sub-precincts A to E are separated by reserve development areas that lie outside the boundaries of these sub-precincts. The reserve development areas are an integral component of the established Ōmaha South development and reference to these areas is contained within the precinct provisions to provide context to the environmental outcomes anticipated within each of the sub-precincts.

In addition to the precinct provisions themselves the Panel also considered a rezoning request from Sandee Investments Limited which sought that the land at 5 Matariki Street, Ōmaha within the Ōmaha South Precinct, be rezoned from Business - Neighbourhood Centre Zone to Residential - Single House Zone. This rezoning request was opposed by the Omaha Surf Club Incorporated, Omaha Beach Community Incorporated and the Council.

The primary issue in contention by Sandee Investments Limited was that the provisions of the proposed Business - Neighbourhood Centre zoning would be inappropriate for the site and its land uses given the existing and proposed surrounding land uses, the locality of the site; and lack of commercial demand in this area.

The Omaha Surf Club was concerned that if the land was to be rezoned residential then there would be potentially be conflicts between a residential owner wanting quiet enjoyment of their home and the ongoing activities of the surf club. This conflict would not exist with a commercial development of the site as envisioned by the existing zoning.

Mr Bradley in his planning evidence in relation to the proposed rezoning on behalf of the Council stated in his Attachment C that:

Do not support rezoning from NC to SH zone. The NC zone has been identified as the commercial hub for Omaha. The area provides for limited small scale commercial activities to meet local and tourist needs. The zone is to service the settlement now and into the future. It would be premature to remove the zoning at this point in time as Omaha is still a growing settlement. It is noted that many sites in Omaha have yet to be built on and that as transport links improve (e.g. RoNS) Omaha will become a more attractive place to live and commute from. This will increase the population (both seasonal and permanent) that rely on this commercial area for local needs. It is also noted that residential use is available in the zone. The retention of the NC zone also avoids a split zoning on the property. It is noted that the precinct evidence of Deborah Yan supports retaining the SH zone.

The Panel recommends the zoning of Business - Neighbourhood Centre Zone be retained for the property at 5 Matariki Street, Ōmaha, for the reasons set out in the evidence on behalf of the Council and those submitters opposing the proposed rezoning.

#### **4. Panel recommendations and reasons**

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Ōmaha South Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of

the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

Auckland Council

- [081b Ak Cncl - Rodney - Precincts \(Omaha South\) - \(D Yan\) - Planning \(26 January 2016\)](#)
- [081b Ak Cncl - Rodney - Precincts \(Omaha South\) - \(D Yan\) - Planning - REBUTTAL \(24 February 2016\)](#)
- [081b Ak Cncl - Rodney - Precincts \(Omaha South\) - \(D Yan\) - Planning - TABLED AT HEARING \(21 March 2016\)](#)
- [081b Ak Cncl – Rodney – Rezoning - Rural – \(R Bradley, K Edmonds\) - Planning \(28 January 2016\)](#)
- [081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\) \(3 March 2016\) \(page 44\)](#)
- [081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 40\)](#)
- [081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 87\)](#)
- [081 Omaha Beach Community Inc \(K Kurzeja\) - Planning \(14 February 2016\)](#)
- [081 Omaha Beach Community Inc \(K Kurzeja\) - Summary Statement \(21 March 2016\)](#)
- [081 Omaha Beach Community Inc \(C Allan\) \(14 February 2016\)](#)
- [081 Omaha Beach Community Incorporated \(C Allan\) – TABLED \(17 March 2016\)](#)
- [081 Omaha Beach Community Inc \(R Brabant\) – Legal Submission \(21 March 2016\)](#)
- [081 Omaha Surf Club Inc \(C Campbell\) - REBUTTAL \(24 February 2016\)](#)
- [081 Sandee Investments Limited \(H Firth\) - Planning \(15 February 2016\)](#)
- [081 Sandee Investments Limited \(C Leuschke & D Winstone\) - Summary Statement \(21 March 2016\)](#)
- [081 Sandee Investments Limited \(C Leuschke & D Winstone\) - Supplementary Evidence \(21 March 2016\)](#)

## 529 Ōrewa 1 Precinct

### 1. Summary of recommendations

The Panel's recommendation is to retain the precinct but with amendments to the building height control and the street frontage control as requested in the submission from Kensington Park Holdings Limited.

This precinct was heard in Topic 081.

### 2. Precinct description

The Ōrewa 1 Precinct is located at the corner of Centreway Road and Puriri Avenue at the northern end of Ōrewa and covers a development known as Kensington Park. It sits within a natural bowl including significant stands of puriri trees at its core. The perimeter is bounded by:

- i. the Nukumea Stream and Alice Eaves Scenic Reserve to the north;
- ii. the Ōrewa North Primary School to the south; and
- iii. single dwelling residential development and Puriri Bush reserve to the east.

The sub-precincts respectively provide for a range of development and include specific provision for a retirement village, some shops and a communal activity area. Higher buildings are allowed centrally on the site with lower heights of buildings adjacent to the eastern and western boundaries.

Ōrewa 1: Precinct Plan 1 shows the layout of development across the precinct.

The purpose of the precinct is to enable the completion of a comprehensive residential community that will incorporate a range of housing typologies, complemented by community facilities, a network of public open spaces, and accessory commercial activity. Future built form and layout will be progressed in a manner that is complementary to the character of the substantial development progressed on-site to date, and provide the landowner and neighbouring properties with suitable certainty as to the overall outcome.

The zoning of land within the precinct is Residential – Mixed Housing Urban Zone, Open Space – Community Zone and Open Space – Informal Recreation Zone.

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

### 3. Key issues

The Panel notes that the precinct covers land that is partially developed as a planned residential development comprising single houses, terrace houses and apartment buildings together with open space and communal facilities. The precinct provisions are intended to implement a planning approach to the development that incorporates a master plan and design guidelines to ensure the precinct remains a high-quality environment.

The Panel finds that a precinct is appropriate in providing for different types of development in the precinct, particularly with respect to different building heights and with a retirement village and some commercial development to the south.

In its submission, Kensington Park Holdings Limited sought to continue the provisions from the operative district plan and to alter these provisions to take into account the policy direction for land use intensification and quality compact urban form in the proposed Auckland Unitary Plan Unitary Plan. Kensington Park Holdings Limited also sought to reduce the number of precincts from six to four. The Council agrees with the approach of Kensington Park Holdings Limited. The key issues raised at the hearing related to: whether a Residential - Terrace Housing and Apartment Buildings Zone over part of the site was appropriate; and the development controls for building height and street frontages.

The Panel finds that the Residential - Mixed Housing Urban Zone provides sufficiently to guide the remainder of the development within the precinct and does not therefore agree with Kensington Park Holdings Limited's request for a Residential - Terrace Housing and Apartment Buildings zoning.

After hearing the evidence the Panel asked the Kensington Park Holdings Limited representative, Mr McGarr, and the Council planner, Mr Wren, to meet regarding the building height control. Agreement was reached and the amended provision is included in the precinct provisions.

In relation to the street frontage controls, the Panel agrees with Kensington Park Holdings Limited that the provisions are unnecessarily prescriptive, requiring development in Sub-precinct B to contain commercial activities at ground floor. The Panel is of the view that the provisions are not intended to require commercial activity but to enable it and to ensure it addresses the streetscape. This is best achieved by deleting the rules and requiring any commercial development in this precinct to be subject to specific assessment criteria. This also provides flexibility to address other matters relating to built form, active frontages and cohesive design. The resultant provision is provided below.

Other amendments are made to the provisions in relation to the submissions and to address duplication and to achieve consistency in the provisions across all the precincts.

#### **4. Panel recommendations and reasons**

The Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, agrees that the precinct provisions partly as amended by Council in agreement with submitters, and further by the Panel, in response to the submissions are the most appropriate way to achieve the purpose of the precinct, the Regional Policy Statement and the Resource Management Act 1991.

The precinct provisions are amended by amending the building height development control to read:

- (1) Buildings must not exceed the maximum height shown on Precinct Plan 2: Ōrewa 1 Precinct where:
  - (a) For the purpose of determining the height of a building with a 9m maximum height, height is measured by either;

- (i) the vertical distance between ground level at any point and the highest part of the building immediately above that point (rolling height)
  - (ii) the vertical distance between the highest part of the building and average ground level, being the average level of the ground at the external foundations of the building walls, calculated around the external foundation of the building walls by measuring the ground level at 1m intervals, then adding these ground levels and dividing the total by the total number of ground levels that have been measured (average height).
- (b) For the purpose of determining height:
- (i) basement/semi-excavated car parking is not included in the building height
  - (ii) a building may include a roof space with a maximum height of 4m in addition to the allowable building height.
- (2) Buildings exceeding the heights shown in Precinct Plan 2: Ōrewa 1 Precinct will be a discretionary activity.

Note: The above also requires Precinct Plan 2: Ōrewa 1 Precinct as set out in the evidence of Sharon Dines to be included in the proposed Auckland Unitary Plan Unitary Plan.

The precinct provisions are amended by deleting the street frontage (mixed use area) provisions and inserting:

Matter of discretion

The nature and extent of built form accommodating commercial activities and retail.

Assessment criteria

The extent to which any commercial or retail activity in the ground floor of buildings provides for an active frontage and cohesive design including such components as glazing, verandas, building materials and pedestrian amenities.

## 5. Reference documents

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Ōrewa 1\) - \(E Wren\) - Planning](#) (26 January 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 42)

Kensington Park Holdings Ltd

[081 Kensington Park Holdings Ltd \(S Dines\) - Planning](#) (14 February 2016)

[081 Kensington Park Holdings Ltd \(C McGarr\) - Planning - JOINT MEMO with AC - Ōrewa 1 Precinct](#) (1 April 2016)

## 530 Ōrewa 2 Precinct

### 1. Summary of recommendations

The Panel supports this precinct and notes that the two submitters, Orewa Developments Limited and Auckland Council, supported the precinct provisions.

This precinct was heard in Topic 081.

### 2. Precinct description

The Ōrewa 2 Precinct is approximately 240ha of greenfields land bounded by Ōrewa River estuary to the south; Nukumea Stream to the north; State Highway 1 to the west; and the established Ōrewa urban area to the east. The precinct incorporates the following natural and physical values:

- i. the ecological and amenity value of Ōrewa Estuary and Nukumea Stream;
- ii. a number of native vegetation areas of ecological value; and
- iii. riparian vegetation and wetlands of ecological value.

The purpose of the precinct is to develop a new residential community on greenfield land in accordance with Precinct Plan 1 and Precinct Plan 2 while protecting and enhancing the ecological and amenity value of the receiving environment. A flexible range of residential densities is provided for.

The zoning of the land within the Ōrewa 2 Precinct is Residential - Single House Zone, Business - Neighbourhood Centre Zone and Open Space - Conservation Zone.

### 3. Key issues

The Panel has accepted the tracked changes recommended in the evidence presented on behalf of the Council, noting that these provisions were not contested. A number of minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity. None of these changes alter the agreed intent of the precinct provisions.

### 4. Panel recommendations and reasons

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Ōrewa 2 Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Orewa 2\) - \(E Wren\) - Planning \(27 January 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(Page 89\)](#)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\) \(03 March 2016\) \(Page 48\)](#)



# 531 Ōrewa 3 Precinct

## 1. Summary of recommendations

The Panel supports this precinct and notes that the landowner Changda International New Zealand Limited supported the precinct provisions, but requested an alternative development concept and layout for the precinct.

The Panel recommends that the alternative concept and layout sought by the landowner be adopted.

This precinct was heard in Topic 081.

## 2. Precinct description

The Ōrewa 3 Precinct is located off West Hoe Heights Road, Ōrewa.

The precinct is constrained by on-site features including geotechnical instability and native biodiversity. To respond to, and manage these constraints, a more intensive form of development is enabled by the precinct in areas free from constraints. The precinct contains eight sub-precincts which control the maximum number of dwellings.

The zoning of land within the Ōrewa 3 Precinct is Residential - Single House Zone.

## 3. Key issues

There was a large degree of agreement between the submitter and the Council and the Panel supports the agreed provisions.

The primary point of difference between the parties related to the size and location of building platforms within the precinct, road connections and the provision of open space.

For Auckland Council Mr Wren concluded in paragraph 6.1 of his planning evidence in rebuttal that:

The alternative precinct plan building platforms as proposed by the submitter are practicable from a geotechnical perspective. I have reservations about the extent to which open space is diminished by the proposal and consider that the connectivity through the site provided by roads A1 and A2 in the notified precinct plan should be retained.

For the reasons set out in the urban design evidence of Kester Ko and the planning evidence of Roger McDonald the Panel supports the revised precinct plan proposed by the submitter.

With respect to the remaining concerns of Mr Wren on behalf of the Council the Panel sought the agreement of the parties to amend the physical extent of the precinct to enable a new connector road to be provided in the southern portion of the site, and for the precinct plan to indicate that additional open space would be provided in this locality.

The Panel has accepted the agreed tracked changes and has replaced the precinct plan as requested by the submitter. A number of minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to

improve their functionality and for clarity. None of these changes alter the agreed intent of the precinct provisions.

#### **4. Panel recommendations and reasons**

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Ōrewa 3 Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### **5. Reference documents**

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Orewa 3\) - \(E Wren\) - Planning](#) (26 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Orewa 3\) - \(D Wren\) - Planning - REBUTTAL](#) (24 February 2016)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (page 49)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 41)

Submitter

[081 Changda International New Zealand Ltd \(R McDonald\) - Planning](#) (15 February 2016)

[081 Changda International NZ Ltd \(R McDonald\) - Summary statement](#) (29 March 2016)

[081 Changda International New Zealand Ltd \(K Ko\) - Urban Design](#) (15 February 2016)

[081 Changda International NZ Ltd \(K Ko\) - Presentation](#) (24 March 2016)

[081 Changda International New Zealand Ltd - Legal submissions](#) (24 March 2016)

[081 Changda International NZ Ltd - Legal submissions \(with provisions\)](#) (24 March 2016)

## 532 Pinewoods Precinct

### 1. Summary of recommendations

The Panel supports a precinct as generally proposed by the principal submitter, Pinewoods Motor Park Limited.

This precinct was heard in Topic 081.

### 2. Precinct description

The Pinewoods Precinct occupies approximately 13.3ha of coastal land on the southern side of the Orewa Estuary, legally described as Lot 2 Deposited Plan 209844, owned and managed by a single-purpose entity - Pinewoods Motor Park Limited - located at 23 Marie Avenue, Red Beach, Rodney.

A camping ground was formally established within the site in 1949 and has since evolved into an estate comprising a mixture of dwellings (many of which are occupied on a continuous basis), cabins, caravan, mobile camping vehicles and tenting sites, communal facilities, administrative buildings, and associated amenities. Pinewoods contains 245 shareholder baches and 150 casual camping sites (around 80 of these camping sites are occupied by site holders and year-round caravan/leisure units). The number of shareholders is limited to 250 under its constitution.

The purpose of the Pinewoods Precinct is to enable the ongoing use and development of the Pinewoods Precinct while protecting the amenity of adjoining sites.

The zoning of land within this precinct is Residential - Single House Zone.

The site is affected by the following overlays: the Notable Trees Overlay; the Outstanding Natural Features Overlay; and the Significant Ecological Areas Overlay.

The precinct is divided into 5 areas:

- i. Camping Ground (but not new dwellings);
- ii. Administration;
- iii. Temporary Events;
- iv. Dwellings (but not camping ground); and
- v. Dwellings and Camping Ground.

### 3. Key issues

The key issue of difference between Council and Pinewoods Motor Park Limited related to whether a precinct is necessary or, as Council preferred, the activity should continue to rely upon the Residential – Single House Zone along with regulation under the Camping-Grounds Regulations 1985.

Pinewoods Motor Park Limited submitted that because this is a unique situation combining long-term occupation with temporary (the rules and regulations set a 50-day continuous occupation upper threshold for camping-grounds), which had been recognised and provided

for specifically in the Auckland Council District Plan – Operative Rodney Section, it was appropriate to translate a similar set of bespoke provisions into the Unitary Plan by way of a precinct. Furthermore it is evident that the present spatial arrangement would not comply in all respects with the Residential – Single House Zone provisions, creating issues for future developments even of a relatively minor kind.

While Pinewoods Motor Park Limited has existing use rights, and could seek further development rights by way of resource consent applications, the Panel accepts that, as this ‘facility’ has endured in one form or another for some 67 years, and that the basic management structure is not planned to change, it merits bespoke consideration. A precinct does not mean that resource consents may not be required for the additional rental dwelling development indicated at the hearing (and which seemed to be a concern to Council) – as reflected in the activity table provisions.

The main differences between the Pinewoods Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of a tailored suite of objectives and policies;
- ii. additional activity and development controls; and
- iii. additional assessment criteria and discretion matter.

Council’s review of and conclusions on camping grounds generally, and Pinewoods Motor Park Limited specifically, are included in Attachment C to Mr Ewan David Paul’s Rodney – Hibiscus Coast planning evidence in chief. No additional comment was provided in Council’s closing remarks.

Pinewoods Motor Park Limited’s overall submissions are contained in the planning evidence in chief and supplementary statement of Mr Alistair White (dated 9 February 2016 and 14 April 2016 respectively).

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and recommends the changes generally agreed between Council and the principal submitter, Pinewoods Motor Park Limited; and miscellaneous consequential and other minor amendments to the provisions for the reasons set out in section 1.3 above.

#### **5. Reference documents**

Auckland Council

[081b Ak Cncl – Rodney – Rezoning - Orewa, Silverdale, Whangaparaoa – \(E Paul\) - Planning](#) (28 January 2016)

[081 Bob Lack \(Alistair White\) - Statement of Evidence](#) (09 February 2016)

[081 Bob Lack and Pinewoods Motor Park Limited - Legal Submissions](#) (23 March 2016)

[081 Bob Lack \(Alistair White\) Supplementary Statement](#) (14 April 2016)

# 533 Red Beach Precinct

## 1. Summary of recommendations

The Panel supports the precinct applying to this land (as described below) but providing for 570 dwellings, as compared with 520 dwellings as earlier proposed, and making it clear that the precinct provides for one dwelling per site as a permitted activity. Two additional assessment criteria are added relating to stormwater when considering subdivision and there is also a mapping correction.

The precinct was heard in Topic 081.

## 2. Precinct description

The Red Beach Precinct comprises approximately 44.6ha of land accessed off Hibiscus Coast Highway and Red Beach Road. It is applied to land previously occupied by the Peninsula Golf Course.

The purpose of the precinct is to provide for comprehensive and integrated residential development with a variety of residential housing options. Larger sites than allowed for by the zoning are required around the edge of the site. Development will be integrated with key road links, recreational resources and stormwater infrastructure.

The precinct includes three sub-precincts:

- i. Sub-precinct A provides for large lots with a minimum lot size of 600m<sup>2</sup>;
- ii. Sub-precinct B provides for medium lots with a minimum lot size of 450m<sup>2</sup>; and
- iii. Sub-precinct C provides for small lots, as for the Residential - Mixed Housing Suburban Zone.

The controls within the sub-precincts enable a moderate level of intensification, while retaining a relatively spacious quality consistent with the existing surrounding suburban residential character. Specific controls within the identified development control area also ensure a transition in both height and intensity of development around the periphery of the precinct where it abuts areas zoned Residential - Single House Zone.

## 3. Key issues

The key issue addressed through submissions and at the hearing was the maximum number of sites provided for by the precinct. The submitter, PLDL Limited, sought the maximum be increased from 520 sites to 570 sites. The Council sought to retain the lower limit. There was some apparent confusion in the respective statements from the witnesses and in draft precinct provisions regarding the number of dwellings being provided for in the precinct. It was implicit in the evidence and draft precinct provisions that the expectation was for one dwelling per site as a permitted activity. The Panel has now made this clear in the precinct provisions and particularly in the activity table.

The Council planner, Mr Paul, did not support the increase sought to the maximum number of sites due to the lack of assessment of the traffic effects on the wider network. Neither did he support moving the development cap rules to the subdivision section of the provisions. He agreed in evidence that the increase would not adversely affect the character of the

development, provided the additional sites occurred within Sub-precincts B or C and not within Sub-precinct A, the larger lot zone around the periphery of the development.

For the submitter, Mr McAlley and Mr Craig both indicated that the additional sites sought are likely to occur in Sub-precincts B and C. Mr Paul supported the rezoning of an adjacent area of land to the north-west of the site to Residential - Mixed Housing Urban Zone and its inclusion in the precinct to correct a mapping error. He also supported the addition of assessment criteria relating to stormwater in order to strengthen the criteria and to better align these criteria with the operative provisions.

Mr McAlley highlighted that the precinct provisions had been developed by Mr Paul for the Council and by Mr Craig and himself for PLDL Limited but that they disagreed on the cap now proposed by PLDL. The cap had been based on an assessment of the potential yield available under the operative plan subdivision provisions. Mr McAlley explained that the revised cap now sought was due to the significant change that had occurred since development of the plan provisions for the land in 2008, particularly with respect to the demand for housing in the region and the resultant need to provide for greater density within urban developments. He referred to the regional policy statement objectives and policies in the Plan relating to urban growth to support his views. He considered there would be no negative effects on the amenity of the surrounding properties.

Evidence on behalf of PLDL Limited from Mr Chryssafis relating to wastewater and water supply, Mr Clark relating to traffic and Dr Fisher relating to stormwater supported the revised cap at 570 sites. They concluded that all the associated effects from the increase were acceptable and would in any case be further considered in the context of restricted discretionary activity for any future subdivision.

The Panel agrees with the inclusion of the land to the north-west of the precinct on the basis of it being omitted as a mapping error and noting it relates logically to being part of the land comprising the precinct. It also agrees with the two additional restricted discretionary activity assessment criteria relating to stormwater when considering subdivision and to ensure particular regard to matters including water quality, flood storage and overland flow paths.

In relation to the development cap being increased the Panel notes the large size of the site and the potential it has for greater intensification consistent with the regional policy statement objectives and policies associated with providing for growth and quality compact urban form. In general terms the Plan provisions seek to focus residential intensification on land within and adjacent to centres, in close proximity to public transport and urban facilities and to enable a range of housing choices and densities.

The additional development provided for by increasing the cap is appropriately located within Sub-precincts B and C. In those locations the minimum net site area provides for a greater density of development than in Sub-precinct A, which is generally located in proximity to existing lower density accommodation.

In this case the precinct site is large, adjacent to an established shopping centre and in close proximity to public transport and urban facilities. The site is located within easy reach of bus stops and in proximity to local facilities that include the Red Beach shopping centre and primary school such that it will allow a reasonable proportion of trips by modes other than the private car. The traffic generation from the additional sites is not considered to be adverse

to the degree that the additional dwellings should be denied with that view being balanced by the need to provide for additional intensification where the opportunity is available.

The Panel notes that the further intensification that is now sought for the site will be subject to the bulk and location controls of the precinct, can be carried out without impacts on infrastructure and will enable a wider range of housing choices and densities.

#### **4. Panel recommendations and reasons**

The Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, agrees that the precinct provisions as amended by Council, and further by the Panel, in response to the submissions are the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991.

The Panel supports the precinct applying to this land and providing for 570 dwellings with the additional 50 dwellings being provided within Sub-precincts B and C, and further, making it clear that the precinct provides for one dwelling per site as a permitted activity. Two additional assessment criteria are added relating to stormwater when considering subdivision and there is also a mapping correction. The Red Beach: Precinct plan 3 which shows trees for possible relocation and possible retention is deleted because it is considered to be unnecessary and is not referred to in the precinct provisions.

#### **5. Reference documents**

- [081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(Attachment B, page 45\)](#)
- [081b Ak Cncl - Rodney - Precincts \(Red Beach\) - \(E Paul\) - Planning \(27 January 2016\)](#)
- [081b Ak Cncl - Rodney - Precincts \(Red Beach\) - \(E Paul\) - Planning - REBUTTAL \(26 February 2016\)](#)
- [081b Ak Cncl - Rodney - Precincts \(Red Beach\) - \(A Murray\) - Transport - REBUTTAL \(26 February 2016\)](#)
- [081 PLDL Ltd \(I McAlley\) - Planning - Peninsula Golf Course \(13 February 2016\)](#)
- [081 Fletcher Residential Ltd and PLDL Ltd \(I McAlley\) - Planning - Peninsula Golf Course - Supplementary Statement \(15 March 2016\)](#)
- [081 PLDL Ltd \(C Chryssafis\) - Water and Wastewater - Peninsula Golf Course \(13 February 2016\)](#)
- [081 PLDL Ltd \(I Clark\) - Traffic - Peninsula Golf Course \(13 February 2016\)](#)
- [081 PLDL Ltd \(I Craig\) - Urban Design - Peninsula Golf Course \(13 February 2016\)](#)
- [081 PLDL Ltd \(T Fisher\) - Stormwater - Peninsula Golf Course \(13 February 2016\)](#)

## 534 Riverhead 3 Precinct

### 1. Summary of recommendations

The Panel's recommendation is to retain the precinct as in the notified proposed Auckland Unitary Plan Unitary Plan but to rezone to Rural - Rural Conservation Zone as better reflecting the future use of the land.

This precinct was heard in Topic 081.

### 2. Precinct description

The site comprises 82ha of land in Cobblers Lane at the northern end of Riverhead. Bordered to the south by the Wautaiti and Rangitopuni Streams, the site is covered in regenerating native bush and pockets of pine trees.

Submissions were received from Anne Power, Farington Power and Roger Power (#3578) seeking retention of the precinct but with increasing subdivision potential from 50 to 62 sites, with 26 of these as restricted discretionary activities and 36 as discretionary activities. A Significant Ecological Area Overlay covers the extent of the site.

The purpose of the precinct "is to allow for a holistic and integrated approach to future subdivision and development whilst allowing for the protection of the high quality indigenous vegetation". It identifies the development capacity of the land and directs where development can occur in response to the natural characteristics of the land.

### 3. Key issues

Council's evidence supports the precinct but without the increased number of lots sought by the submitter. The precinct is in the Auckland Council District Plan – Operative Rodney section and is based on earlier Environment Court decisions.

There was no evidence and no appearance from the submitters.

### 4. Panel recommendations and reasons

To be able to consider the development capacity of the land in the context of the Significant Ecological Area notation affecting the land and to implement the earlier Environment Court decisions.

The submission is accepted to the extent that the precinct is retained but without increasing the total number of sites provided for by it.

The Panel recommends retaining the precinct as in the notified Plan but to rezone the area to Rural - Rural Conservation Zone as better reflecting the future use of the land.

### 5. Reference documents

Auckland Council

[081b AK Cncl - Rodney - Precincts \(Riverhead 3\) - \(K Morrissey\) - Planning](#) (26 January 2016)



# 535 Rodney Landscape Precinct

## 1. Summary of recommendations

The Panel supports the changes proposed by Auckland Council in response to submitters but disagrees with other points raised in the submissions. It removes Sub-precinct H, Silverdale, in response to a submission.

This precinct was heard in Topic 081.

## 2. Precinct description

The Rodney Landscape Precinct applies to various inland towns and coastal areas on and to the north of Whangaparāoa Peninsula. The purpose of the precinct is to vary zone land use, development and subdivision standards to protect significant ecological features, including significant ecological areas, native vegetation, notable ridgelines, natural gullies and water courses, and areas of high natural character. In addition, it includes controls on siting and design of buildings to reduce their visual prominence when viewed from public places and to account for land with physical constraints. It is made up of 10 sub-precincts which are described in the precinct provisions and identified on the planning maps.

## 3. Key issues

The Council proposes to maintain the precinct with some amendments, as detailed below, in response to the submissions. At the hearings for the precinct evidence was received from Mark Bellingham and Jan Woodhouse on behalf of Todd Sylvester, Ashala Enterprises, Peter Snell Youth Village (New Zealand Sunday School Union), Pauline Fudge and Silvertown Group Ltd; from Chris Dickson; from Fiona Flay; and from Burnette McNicol and Melean Absolum on behalf of D A Aley Estate. Planner Mr Paul had reported on the submissions for Council with landscape and ecological support respectively from Ms Gilbert and Ms Myers.

Sub-precinct A, Wellsford is deleted because the land has no greater landscape values than the surrounding land. This was agreed prior to the hearing between Dr Bellingham and Council. That sub-precinct is replaced in the provisions by Sub-precinct A, Chenery Road. This acknowledges this coastal land can be developed at a higher density than allowed by the Residential - Large Lot Zone provisions, which would otherwise apply to it, without compromising landscape character. This action accepts the submission by Chris Dickson.

In relation to Sub-precinct C, Sandspit, discussion at the hearing confirmed for Ms Flay that the properties neighbouring her had the same zoning and that any proposal for subdivision would require resource consent consideration. Ms McNicol and Ms Absolum provided evidence in which amendments were sought to the assessment criteria for development. The Panel accepts some amendment for clarity but otherwise retains the provisions as being consistent with the objectives for the precinct.

Two further sites at the road entry or western edge of Sandspit are included in the sub-precinct. The site closest to the road entry is included as a consequential amendment to the addition of the adjoining site into the precinct. If not included it would be the only site on this part of the hillside with a different zoning. The inclusion of both these sites is because they

are part of the ridgeline above Sandspit and logically and physically form part of the sub-precinct along with other sites across this eastern side of the hill.

Sub-precinct F Coal Mine Bay is retained because it is considered by the Panel to be necessary to sufficiently protect the landscape and ecological values of these areas. This is supported by the Environment Court decision, *New Zealand Sunday School v Auckland Council (2012) EnvC 268*, and by the landscape and ecological evidence from Council. The Panel does, however, agree to some amendments to the provisions and to reduce the limit of the significant ecological area at Coal Mine Bay, based on the evidence for the submitters and for Council.

Sub-precinct H Silverdale was sought to be retained by Council, given it contains a large significant ecological area and is an area that is steep and readily visible from the south, including from the Hibiscus Coast Highway and the Silverdale Town Centre. This action is supported by the evidence of Ms Gilbert and Ms Woodhouse. Dr Bellingham, however, highlighted the small extent of the sub-precinct that covers seven properties bounded by different urban zones and lacking the landscape character and quality of vegetative cover in other areas within the precinct. In relation to the latter he pointed to the removal of the significant ecological area from part of the land, that being at 32 Curley Avenue. Further, the landscape and development context of this locality has changed in the 20 years since a local landscape precinct was placed on the site.

The Panel agrees with the evidence for the submitters and notes the local landscape values and the significant ecological area can be protected, while providing for development through the provisions of the proposed Auckland Unitary Plan Unitary Plan. The sub-precinct is therefore removed from the precinct. The appropriate zoning to then be applied to the site is Residential - Large Lot Zone in recognition of its steeper topography, proximity to commercial activities and it having some visual prominence.

The Panel notes that the purpose of the precinct is to provide for a lower intensity of subdivision than permitted in the underlying zones (Residential -Large Lot Zone and Residential - Rural and Coastal Settlement Zone) in order to protect significant landscape features. In addition, it includes controls on siting and design of buildings to reduce their visual prominence when viewed from public places. The Panel notes that these reasons for the precinct were not contested through submissions, other than in the context of a few of the ten sub-precincts.

Two consequential amendments have been made to this precinct. The first is to introduce provision for new buildings and structures accessory to pastoral farming, cropping and other non-intensive forms of land production, and additions to existing structures, up to 50m<sup>2</sup> as a permitted activity. This is to align the activity listing for this precinct with other parts of the Plan, and particularly the overlays applying to large parts of this precinct that offer the highest levels of landscape and character value protection within the Plan.

The second amendment is to remove consideration of the physical constraints of land from the precinct provisions. That matter is addressed elsewhere in the Plan, and is also covered by section 106 of the Resource Management Act 1991.

Other more minor changes are made to the provisions to improve their functionality and clarity.

## 4. Panel recommendations and reasons

The Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, agrees that the precinct provisions as amended by Council in response to the submissions, and amended further by the deletion of Sub-precinct H Silverdale, the provision for buildings up to 50m<sup>2</sup> as a permitted activity, and by the removal of physical constraints considerations, are the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991.

## 5. Reference documents

Auckland Council

[081b AK Cncl - Rodney - Precincts \(Rodney Landscape\) - \(E Paul\) - Planning](#) (26 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Rodney Landscape\) - \(B Gilbert\) - Landscape - REBUTTAL](#) (28 February 2016)

[081b Ak Cncl - Rodney - Precincts \(Rodney Landscape\) - \(S Myers\) - Ecology - REBUTTAL](#) (26 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 49-53)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 19 May 2016](#) (19 May 2016) (Attachment A, pages 122-129)

Ashala Enterprises Ltd and others

[081 Ashala Enterprises Ltd \(M Bellingham\) - Planning - Updated 23 Feb 2016](#) (23 February 2016)

Estate DA Aley

[081 Estate DA Aley \(Melean Absolum\) - Landscape](#) (14 February 2016)

[081 Estate DA Aley \(B Micnicol\) - Planning](#) (14 February 2016)

Other submitters

[081 Chris Dickson \(S Peake\) - Landscape](#) (12 February 2016)

[081 Fiona G Flay](#) (24 February 2016)

## 536 Silverdale 2 Precinct

### 1. Summary of recommendations

The Panel recommends that the Silverdale 2 Precinct be adopted to ensure that the special nature of the recreational facilities on the site are appropriately provided for.

The Panel has adopted most of the relief sought by the Council and Snowplanet. This will ensure that the operative Rodney District Plan provisions are carried into the Unitary Plan so that this area continues to develop as previously intended.

This precinct was heard in Topic 081.

### 2. Precinct description

The Silverdale 2 Precinct applies to approximately 47ha of land located between East Coast Road and the motorway (State Highway 1). The precinct is bounded by the motorway to the west, East Coast Road to the east and the Snowplanet site to the south as shown in the Silverdale 2 - Precinct plan 1. It is highly visible from the motorway because the land slopes up significantly from the motorway to East Coast Road.

The purpose of the precinct is to facilitate the development of an entertainment cluster. Activities are limited to entertainment and recreation activities and accessory activities.

The zoning of land within this precinct is Business – General Business Zone.

### 3. Key issues

The Silverdale Precinct was largely settled by the time of the hearing for Topic 081. Snowplanet has sought a change in the zoning from General Business to Major Recreation but withdrew this relief at the hearing.

### 4. Panel recommendations and reasons

The Panel recommends that the Silverdale 2 Precinct be included in the Unitary Plan.

The Panel has generally accepted the agreed provisions between Snowplanet and the Council as attached to the evidence of Mr Paul.

The Panel recommends the following provisions and amendments.

- i. 'Ancillary' is changed to 'accessory' which is the Panel's preferred word.
- ii. Objective 4 – the reference to 'rural land' is deleted as the surrounding area is to be developed for urban use in the future.
- iii. Removal of Objective 7 and Policy 13 as it is to be expected that development will need to comply with the existing consents and retention would prompt the need for similar provisions for consistency across the entire Plan.
- iv. Amendments to the activity table to remove major recreation facility (which is undefined and covered within activity of recreation facilities).

- v. Lifting restricted discretionary activity and discretionary standards into activity table to make the determination of activity status simpler.
- vi. Clarifying subdivision to relate to vacant lot subdivision to avoid inappropriate capture of minor subdivision applications like unit titling and boundary adjustments.
- vii. That applications be subject to normal tests for notification.
- viii. Yard infringements have been amended to be discretionary for the standard being breached by more than 50 per cent rather than non-complying as the step change of activity status was considered too onerous.
- ix. Deleting the earthworks standard because it was worded as an assessment criterion, not a standard. The provision has been worked into assessment matters and criteria so that the intent is still met. The focus of the provisions on landform is different to the standard land disturbance rules so this provision is appropriate.
- x. The two sets of cumulative effect assessment criteria have been deleted as they are speculative about the future, not consistent with case law (*Dye v Auckland Regional Council CA86/01(2001) 7 ELRNZ 209* and *Rodney District Council v Gould CIV2003-485-2182 (2004) 11 ELRNZ 165*) and that the Plan provisions themselves set the level of development.
- xi. The precinct plan is to be amended to show the landscape buffer area in a different colour to the precinct boundary red colour.

The Panel carefully considered the provisions about the use of galvanised steel roofing. Such provisions have not been adopted in other parts of the Plan. The Panel is aware that conditions and provisions in regard to restricting the use of galvanised steel due to the contamination of zinc from runoff have been endorsed in previous decisions of the Environment Court so the use of materials is not just considered to be only a Building Act 2004 matter. For example in the *Living Earth v Auckland Regional Council [2007] A086/07* Puketutu Island case and the *Green and McCahill v Rodney District Council [2010] NZEnvC 183* Weiti plan change decision. There is a risk that large recreation buildings could potentially use galvanised steel so the Panel considers that the provisions are appropriate.

The precinct meets the requirements of section 32 and will promote the purpose of Part 2 of the Resource Management Act 1991.

## 5. Reference documents

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 may 2016\)](#)

[081b AK Cncl - Rodney - Precincts \(Silverdale 2\) - \(E Paul\) - Planning \(26 January 2016\)](#)

[081b AK Cncl - Rodney - Precincts \(Silverdale 2\) - \(E Paul\) - Planning - REBUTTAL \(24 February 2016\)](#)

[081 Snowplanet \(Alistair White\) - Statement of Evidence \(9 February 2016\)](#)

[081 Snowplanet \(Alistair White\) - Memorandum \(26 February 2016\)](#)

## 537 Silverdale 3 Precinct

### 1. Summary of recommendations

The Panel supports this precinct. There was a significant degree of agreement between the submitters and the Council given the recent consent order in relation to this land and the Panel has largely supported the agreed provisions.

This precinct was heard in Topic 081.

### 2. Precinct description

The Silverdale 3 Precinct is applied to approximately 41ha of land located between East Coast Road and the motorway (State Highway 1) known as the Hibiscus Coast Gateway.

The purpose of the proposed precinct is to manage the traffic effects of activities on the Hibiscus Coast Highway. It is also to achieve a high-quality urban design outcome within a visually strong 'vegetated framework'. All development within the precinct will require careful management to assist in creating a high quality gateway to the Hibiscus Coast.

### 3. Key issues

The Panel notes that this precinct is based on Plan Change 123 to the Auckland Council District Plan – Operative Rodney Section 2011 and the subsequent Environment Court Consent Order (*LM Painton Estate, Silverdale Golf Driving Range Limited and Runwild Trust v Auckland Council 2015*).

There was a significant degree of agreement between the submitters and the Council given the recent consent order in relation to this land and the Panel has largely supported the agreed provisions. It has been considered necessary however to recommend a number of changes to the agreed provisions in order for the precinct provisions to be consistent with other Panel recommendations. Framework consent provisions have been deleted, however compliance with the precinct plan will ensure the outcomes envisaged for this precinct are still met. Also precinct specific provisions have been deleted where the provisions of the recommended Auckland-wide provisions will appropriately manage earthwork activities.

The Panel has accepted the majority of the tracked changes recommended in the evidence presented on behalf of the Council, however in addition to the above changes, a number of further minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity.

### 4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Silverdale 3 Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

081b Ak Cncl - Rodney - Precincts (Silverdale 3) - (E Paul) - Planning (26 January 2016)

081b Ak Cncl - Rodney - Precincts (Silverdale 3) - (D Paul) - Planning - REBUTTAL (25 February 2016)

081 Ak Cncl – LEGAL SUBMISSIONS (PRECINCTS ONLY) (3 March 2016) (Page 68)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (page 59)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 (26 May 2016) (page 132)

081 LM Painton Estate, Silverdale Golf Driving Range Limited and Runwild Trust (B Macnicol) - Planning (14 February 2016)

081 Snowplanet (Alistair White) - Statement of Evidence (9 February 2016)

## 538 Smales 1 Precinct

### 1. Summary of recommendations

The Panel recommends that the Smales 1 Precinct be included in the Unitary Plan with some modifications to the provisions to further enable development of this site in accordance with the outcomes sought by Northcote RD1. The reasons for that enablement include giving effect to the compact city strategy in the regional policy statement, the site's location adjacent to the northern busway and State Highway 1, and its close proximity to existing residential and commercial development.

This precinct was heard in Topic 081.

### 2. Precinct description

The Smales 1 Precinct reflects provisions in the Auckland Council District Plan – Operative North Shore Section and contains relatively few provisions. The origin of the provisions was to attempt to ensure that office development on the site did not detract from the City Centre Zone or Takapuna, or cause adverse traffic effects.

The subject land is zoned as Business – Business Park Zone in the proposed Auckland Unitary Plan and is in the process of being developed with large office buildings occupied by high profile corporate entities. The development is characterised by circular-shaped office blocks interspersed with landscaping and car parking, some areas of which are intended to be occupied by buildings in the future.

The site is strategically very well located adjoining the northern motorway (State Highway 1) and now has a significant public transport connection provided by the northern busway which has a bus station adjoining the precinct. It is understood that development is occurring in accordance with demand and approximately 44,000 square metres of gross floor area has been built to-date and a further 15,000 square metres has been consented and is currently being constructed (refer to the evidence in chief and summary statement of Mr Smith for Northcote RD1).

The key components of the precinct are:

- i. enablement of office development providing the adverse effects of traffic, and on the amenity values of other centres, are managed;
- ii. restrictions on some commercial and retail activities that could otherwise take place in the zone that are high traffic-generating activities;
- iii. controls on gross floor area with caps;
- iv. a height control for buildings of RL48.5 which is more permissive than the Business - Business Park Zone; and
- v. less parking than would otherwise be allowed in the Business - Business Park Zone.



### 3. Key issues

The Panel heard evidence from planning and landscape experts for Northcote RD1 (refer to evidence of Mr Smith and Mr Goodwin) and from a planning witness for the Council (refer to evidence of Mr Mackie). The Panel was also assisted by legal submissions with tracked changes from Northcote RD1. The main two submitters were the land owner and the Council.

The key issues the Panel heard in regard to the precinct are:

- i. the type and the scale of activities that are appropriate for Smales Farm and the extent to which those activities should be managed with gross floor area caps;
- ii. the potential adverse effects of development at Smales Farm on the transport network and the amenity of neighbouring zones, the Business - City Centre Zone and other Business - Metropolitan and Business - Town Centre Zones;
- iii. the height limit for the precinct; and

the extent to which non-office commercial activities should be controlled.

### 4. Panel recommendations and reasons

The Panel appreciates that the Council and Northcote RD1 worked hard to largely reach agreement on the provisions in the precinct, including providing further revisions after the hearing (refer to agreed objectives and policies provided by Mr Mackie dated 28 April 2016). After weighing the evidence from the hearing the Panel recommends enabling development of this site beyond that provided for in the Council's closing remarks by:

- i. introducing a threshold for the management of adverse effects on the transport network and on the amenity of centres that they need to be 'significant'; and
- ii. making activities that exceed the thresholds for gross floor area in the activity table discretionary rather than non-complying.

The additional height limit sought is confirmed.

In summary the Panel has recommended what it considers to be appropriate, but arguably modest, changes to the provisions to further enable development. Future plan revisions may well increase the overall level of development provided for Smales Farm to achieve a more efficient use of this scarce urban land resource.

The Panel considers that the provisions will promote the purpose of Part 2 of the Resource Management Act 1991. The provisions also meet the requirements of section 32 of the Resource Management Act 1991 because they will allow economic and employment growth and provide significant benefits to enable people to provide for their social and economic well-being.

Various amendments have been made to present the precinct in standard format and to improve workability, for example separating activity status from the relevant standards.

## 4.1 Growth at Smales Farm enabled

The reason that the Panel agrees with greater enablement for development at Smales Farm, as put to it in the evidence of Mr Smith, is to implement the 'centres-plus' and quality compact city strategy in the Auckland Plan and the regional policy statement section of the proposed Auckland Unitary Plan Unitary Plan. The restrictions on the development of Smales Farm arise from the history of planning in North Shore City which was trying to reinforce Takapuna as a town centre by restricting office development through gross floor area controls and non-office commercial activities at Smales Farm.

It is important to note that these historical provisions pre-date the completion of the northern busway and the bus station that adjoins Smales Farm. As noted in the evidence of Mr Mackie, many of the other busway stations have limited opportunities for growth because they are constrained by existing land uses (paragraph 9.12) and the precinct could take on the characteristics of a town centre in the future (paragraph 7.7).

The Panel's recommendation is also based on recognising that employment growth on the North Shore has the potential to reduce the traffic demand for workers to travel to other centres, particularly the Business - City Centre Zone.

Furthermore, the Panel considers that due to its proximity to existing centres and business and residential areas, Smales Farm is an appropriate location to encourage office development in preference to areas that are more remote and have inferior public transport connections. The Panel is applying a region-wide approach to the management of growth and development which may differ to the manner in which policies were previously developed within each individual legacy territorial authority.

The Panel recommends a 'significance' threshold in regard to traffic effects and adverse effects on the amenity on other zones and centres because it is only when those effects are significant that they need to be managed (see for example paragraphs 10-12 and 25 of *Landco Mt Wellington v ACC* [2007] EnvC A 035-2007). As the Panel heard in evidence from Mr Smith, it is likely that office development on the site will generate adverse effects that are likely to be more than minor. Within an existing urban area the generation of adverse effects from growth and development is to be expected and unless those effects reach an appropriate threshold, they are to be tolerated as part of an urban environment.

The Panel was persuaded by the evidence of Mr Smith that trying to control development at Smales Farm by attempting to measure adverse effects on the function and the amenity of the City Centre Zone and Metropolitan and Town Centre Zones would be technically very difficult. The merits of such an exercise are also questionable, as it is difficult to envisage circumstances in which office development at Smales Farm would have a measurable and significant enough adverse effect on, for example, the Business - City Centre Zone to warrant planning interventions to prevent such development from occurring.

The threshold under the Resource Management Act 1991, and established in case law, for when an effect on amenity values, as a result of economic competition between commercial activities, warrants consideration is relatively high ('significant' in the Landco decision for example). The Business - City Centre Zone is growing rapidly and is not under threat from a lack of development in the foreseeable future. Takapuna, while it may not be growing as rapidly as some parties desire, is clearly not in decline.

In regard to how the above conclusions of the Panel affect the recommended provisions:

- i. the original relief sought by Northcote RD1 to delete any reference to the effects on traffic and other centres from the objective has not been recommended because the regional policy statement growth strategy is still centres-based and, at this stage at least, Smales 2 is not a centre;
- ii. however, the Council closing remarks text has been amended to reflect the thrust of the submissions, evidence and relief, from Northcote RD1 by raising the effects thresholds for planning controls to be triggered to one of 'significant'.

#### **4.2 Discretionary activity recommended**

The Panel recommends that activities not complying with the gross floor area in the activity table be assessed as discretionary activities rather than non-complying activities. The reason for this recommendation is that the Plan must be read as a whole and it has a clear strategic direction promoting a quality compact city and intensification around public transport nodes. As recognised in paragraph 7.7 of Mr Mackie's evidence for the Council (26 Jan 2016), as the precinct grows and develops it will take on more of the characteristics of a centre in its own right.

Therefore, considering that a non-complying activity starts from a presumption of being contrary to the Plan, the Panel does not consider that breaches of office gross floor area, or gross floor area for non-office activities, warrant non-complying activity status. Discretionary activity status is a neutral starting point, from which consent can, of course, be refused. Any application can be assessed in accordance with the objectives and policies in the Plan read as a whole.

#### **4.3 Height exceedance recommended**

In regard to the RL48.5 metre building height control, the Panel was assisted by comprehensive evidence from Mr Goodwin for Northcote RD1. He had undertaken a detailed modelling analysis of gross floor area from development enabled by the precinct which included three-dimensional models. This work persuaded the Panel that the RL sought would not have significant adverse effects in terms of amenity values. Indeed, the Panel considers that taking into account the strategic transport and proximity advantages of this site, it could be argued that the combination of the gross floor area provided for and the relatively modest height increase, means that the site risks not being developed to its full potential.

### **5. Reference documents**

Auckland Council

[081c Ak Cncl - North Shore - Precincts \(Smales 1\) - \(T Mackie\) – Planning](#) (26 January 2016)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (REFERENCE Attachment B pages 61 and 62)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 (REFERENCE Attachment A pages 194 to 197)

Submitters

081 Northcote Rd 1 Ltd (D Allan) - Legal Submissions (18 April 2016)

081 Northcote Rd 1 Ltd (V Smith) - Planning - Smales 1 precinct (13 February 2016)

081 Northcote Rd 1 Ltd (V Smith) - Planning - Smales 1 precinct - Summary statement (18 April 2016)

081 Northcote Rd 1 Ltd (J Goodwin) - Landscape - Smales 1 precinct (19 February 2016)

081 Northcote Rd 1 Ltd - Agreed Obs and Pols for Smales 1 precinct (28 April 2016)

## 539 Smales 2 Precinct

### 1. Summary of recommendations

The Panel recommends that the Smales 2 Precinct is included in the Unitary Plan. The precinct is appropriate because it provides for specific standards in regard to the outstanding natural feature and Lake Pupuke while also providing for additional development opportunities, including a taller building within the precinct, than would otherwise be provided for in the underlying zones (Business – Mixed Use Zone and Residential – Mixed Housing Suburban Zone).

The Panel recommends that the agreed controlled activity status for up to two vehicle accessways and associated earthworks, is provided through the outstanding natural feature from Northcote Road to Sub-precinct B.

In accordance with other parts of the Plan the Panel does not recommend the inclusion of the framework plan/consent mechanism. The Panel recommends acceptance of the relief sought by W Smale Limited to provide 'concept plans' as information when consents are assessed.

This precinct was heard in Topic 081.

### 2. Precinct description

The Smales 2 Precinct consists of two sub-precincts, A and B, and they adjoin Northcote Road and Sub-precinct A also adjoins Rangatira Avenue. Sub-precinct B has frontage to Lake Pupuke and the site was subject to an outstanding natural feature in the notified proposed Auckland Unitary Plan Unitary Plan. The precinct was formerly used as a quarry.

As part of Topic 019 Outstanding natural features, agreement was reached between the Council advisors (Mr Raeburn and Mr Jamieson) and Mr Smith, on behalf of the landowner, refining the outstanding natural feature notation to reduce its extent so that only a 'tongue' remained adjoining Northcote Road (refer to Joint Statement– Reaburn, Jamieson, Smith – Hearing 019 – 26 August 2015). That agreement also provided for access through the outstanding natural feature from Northcote Road and associated earthworks. A map showing the reduced outstanding natural feature, Northcote Road and the Smales 2 Precinct is provided below. This agreement is implemented in the Plan with the controlled activity provisions proposed by Smale Limited, and agreed to by the Council, as recorded in paragraph 6(c) of its closing remarks.



This brownfield site provides a valuable opportunity for future development in an accessible area to enable people to provide for their social and economic well-being. The particular features of the Smales 2 Precinct that justify a departure from the underlying respective zonings include:

- i. ensuring that development does not have adverse effects on the water quality of Lake Pupuke and the outstanding natural feature;
- ii. achieving a high-quality development outcome, including increased protection for adjoining residential sites;
- iii. providing for a landmark building to be located within a defined area close to Northcote Road and providing a landscape buffer with Northcote Road;
- iv. focussing on medical activities in Sub-precinct A; and
- v. providing for cycle and pedestrian linkages and a landscape buffer

### 3. Key issues

The key objectives, policies and development controls were largely agreed between the Council and the landowner (W Smale Limited). The bespoke provisions provide for improved environmental outcomes unique to the site that would otherwise not be achieved

under the generic zoning. They also provide for additional development opportunities and additional controls on development at the interface with adjoining residential zones.

The key issues arising from the hearing are summarised below.

- i. The use of framework plans. This is a precinct that had framework plans in the notified proposed Auckland Unitary Plan Unitary Plan. When the Panel questioned the *vires* of these provisions the Council sought declarations from the Environment Court (*Auckland Council* [2016] NZENV65).
- ii. The use of 'concept plans' as an alternative to the framework plan provisions.
- iii. Provision or not of a vehicular connection through the precinct and an accessway with associated earthworks through the outstanding natural feature.

Notification provisions. Neighbouring property owners A J and T L Field sought relief that would have required notification of any framework plan on a limited basis unless written approval had been provided (refer to evidence in chief of Mr Hartley dated 10 February 2016 and statement of Ms Field dated 18 April 2016).

#### 4. Panel recommendations and reasons

The Panel recommends that the Smales 2 Precinct, with its Sub-precincts A and B, be incorporated into the Unitary Plan for the following reasons:

- i. the precinct will provide for higher quality environmental and development outcomes than are provided for with the underlying zonings (this will promote the purpose of Part 2 of the Resource Management Act 1991);
- ii. the precinct will better protect the outstanding natural feature and the amenity and water quality of Lake Pupuke;
- iii. additional development capacity will be provided within the precinct than would otherwise be available and the location of a taller landmark building has been appropriately determined within Sub-precinct A;
- iv. the precinct provides additional boundary setbacks and height to boundary controls to maintain the amenity values of neighbouring properties;
- v. providing vehicle access between Northcote Road and Sub-precinct B will not adversely affect the outstanding natural feature because its form varies in height and there is an opportunity to create accessways with minor adverse effects; and
- vi. the provision of 'concept plans' as information for processing consents can promote integrated and comprehensive development, and protection, within the precinct.

Various amendments have been made to present the precinct in standard format and to improve workability, for example separating activity status from the relevant standards.

The Panel has recommended deleting a restricted discretionary activity (A13) that sought to make non-compliance with standards in other Unitary Plan provisions all restricted discretionary activities. The Panel has also recommended deleting a subdivision activity status in the activity table because it considers that the subdivision section of the Unitary Plan adequately provides for subdivision within the precinct. These deletions are

recommended based on principles of good planning practice and ensuring that there is a consistent approach across the Unitary Plan. These changes could be considered out of scope.

#### **4.1 Vehicle access through the outstanding natural feature**

As outlined in the precinct description above, agreement was reached between the Council and Smale Limited experts to reduce the extent of the outstanding natural feature, and also provide for up to two vehicle accessways and associated earthworks between Northcote Road and Sub-precinct B through the outstanding natural feature 'tongue'. Smale Limited proposed controlled activity criteria to create the road access and undertake associated earthworks. These criteria were attached to the legal submissions of Mr Allan and were agreed to by the Council in its closing remarks.

After considering the evidence of the parties and undertaking a site visit, the Panel recommends that the provisions agreed to by the parties are adopted. The Panel understands from its site visit that the height and composition of the outstanding natural feature varies over its length and at low points access can potentially be created with minor adverse effects on the outstanding natural feature.

The overall policy thrust in the Plan is to protect outstanding natural features and avoid modification, as reflected in the non-complying activity status for earthworks greater than 2m<sup>3</sup>. However, the Panel defers to the expert evidence of Mr Jamieson for the Council and is satisfied that the assessment criteria provide sufficient control to ensure that any adverse effects of the accessways on the outstanding natural feature are minimised.

The Panel recommends a new policy 5 to provide policy support for the controlled activity status for the accessways and earthworks through the outstanding natural feature. This is considered necessary as a counterbalance to the objectives and policies protecting outstanding natural landscapes in the Unitary Plan and for the assessment of consent applications. This is an out of scope recommendation and is also a consequential amendment in response to accepting the relief sought in the rule.

#### **4.2 Through vehicular access not recommended**

The Council had sought to require provision for the movement of vehicles 'through' the site. W Smale Limited had requested that the word 'through' is deleted from Policy 6(g). The Panel recommends that a vehicular link through the precinct, presumably between Rangitira and Northcote Road, i.e. effectively extending Lake Pupuke Drive, should not be required.

The reason for this recommendation is that the site has extensive frontage and access to the existing roading network. Any new through-vehicle link may adversely compromise the efficient development of the site and, in particular, the development of the area for the taller landmark building. Not requiring a through-vehicular connection does not preclude that one could be formed and the Council has designation powers if it considered that a new connection is a necessary public work.

#### **4.3 Framework consents not recommended**

The Council had sought to amend the precinct in its closing remarks in accordance with its interpretation of the *Auckland Council* [2016] NZENVC65 decision on framework plans. As has been discussed elsewhere in the Panel's recommendations, the Panel has determined



not to include framework plan provisions as originally notified or as modified (framework consents) by the Council in its closing remarks on Topic 081. (See the Panel's Report to Auckland Council – Overview of recommendations July 2016.)

In regard to this precinct the Panel was not persuaded that the proposed framework consents had overcome all of the concerns raised in previous decisions of the Courts. An example is the framework consent provisions in 5.2 Part B: Sub-precinct B of Council's closing remarks for this precinct.

The Panel has also determined not to recommend the inclusion of framework plans/consents in the Plan because of their questionable merit as a rule/method.

In the legal submissions of the landowner, W Smale Limited (18 April 2016), counsel referred the Panel to the, at that time, very recent *Auckland Council* [2016] NZEnvC65 decision which was released on 15 April 2016. In anticipation that the framework plan provisions may not be accepted by the Panel, counsel helpfully provided a tracked change version with blue highlights that recorded amendments suggested to remove reference to framework plans entirely. The Panel accepts that relief.

#### 4.4 Concept plans recommended

The same tracked change version from W Smale Limited also sought relief that 'encouraged' the use of concept plans as information for obtaining consents to promote broad-scale comprehensive and integrated planning for the whole area of each precinct. Because the concept plan is not a resource consent itself, it does not:

- i. change activity status in the Unitary Plan;
- ii. become a requirement against which future consents are assessed (a criteria);  
or
- iii. have to be given effect to.

Therefore, the Panel considers that the proposed concept plan provisions are within the scope of the Resource Management Act 1991 and such spatial plans have been endorsed by the Environment Court as information that can be required for the granting of consent.

The Panel recommends that the preparation of concept plans to promote integrated and comprehensive development, becomes an information requirement at the time that resource consents for activities are applied for. It is not inappropriate to have an objective and policy framework that seeks to improve the quality of information regarding a large area when consents for only a part of the whole area have been applied for.

The Panel would like to highlight that staged consenting processes are available under the resource Management Act 1991 and may also achieve what appears to be the intent of framework consents and concept plans. The Panel also notes that the Court in the Auckland Council decision declared that 'bundled' resource consents were also lawful.

Based on the legal submissions and planning evidence from W Smale Limited regarding the positive merits of concept plans the Panel has recommended that they be 'required' rather than merely 'encouraged'. Amendments have been made to the provisions to make concept plans mandatory information when consents are applied for and these are out of scope changes.

#### 4.5 Field notification relief not recommended

Mr Hartley, in his primary statement of evidence for the Fields (10 February 2016) requested an amended notification provision that, unless written approval was obtained from adjoining landowners, then limited notification was required. The Panel was not persuaded to recommend that relief for the following reasons:

- i. the precinct and zone development controls are intended to manage the adverse effects of development within the precinct on the amenity of adjoining residential zones;
- ii. the proposed amendment would apply to applications with only minor adverse effects and this would not be consistent with the provisions in the Resource Management Act 1991; and
- iii. the relief would place an inappropriate approval and notification burden on the applicant.

### 5. Reference documents

Auckland Council

[081c Ak Cncl - North Shore - Precincts \(Smales 2\) - \(T Mackie\) – Planning](#) (26 January 2016)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (REFERENCE Attachment B pages 63 to 65)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) (REFERENCE Attachment A pages 198 to 220)

[019 - Hrg - Auckland Council and W Smale Ltd - Joint Statement \(Peter Reaburn, Alastair Jamieson and Vaughan Smith\)](#) (26 August 2015)

Submitters

A J and T L Field

[081 AJ and T L Field \(S Hartley\) - Planning](#) (12 February 2016)

[081 AJ and T L Field \(T Field\) - hearing statement](#) (18 April 2016)

[081 AJ and T L Field \(S Hartley\) - Planning - Summary Statement](#) (18 April 2016)

W Smale Ltd

[081 W Smale Ltd \(D Allan\) - Legal Submissions](#) (18 April 2016)

[081 W Smale Ltd \(V Smith\) - Planning - Smales 2 precinct](#) (13 February 2016)

[081 W Smale Ltd \(V Smith\) - Planning - Smales 2 precinct - REBUTTAL](#) (24 February 2016)

[081 W Smale Ltd \(V Smith\) - Planning - Smales 2 precinct - Summary statement](#) (18 April 2016)

# 540 Takapuna 1 Precinct

## 1. Summary of recommendations

The Takapuna 1 Precinct is recommended to be included in the Plan because it provides for a more nuanced building height outcome that will avoid, remedy and mitigate adverse effects on the amenity Business - Metropolitan Centre Zone.

The increase in height sought by Pioneer Shore City is not recommended.

The bonus height incentives for the creation of pedestrian through-site links and exemption from the building setback rule, sought by Crown/Wilshire, are recommended.

This precinct was heard in Topic 081.

## 2. Precinct description

The zoning of land within the precinct is the Business - Metropolitan Centre Zone. The Takapuna 1 Precinct incorporates the central area of Takapuna.

Takapuna benefits from a coastal setting and includes a mix of commercial and residential activities. The built form is characterised by human-scale building frontages along the main shopping streets and large towers set away from the coast. The purpose of the precinct is to enable development that creates a quality built environment that complements coastal character and supports the revitalisation of the beachfront environment.

The precinct comprises sub-precincts A to D. A variety of building heights is provided across each of the sub-precincts, ranging from an unlimited building height in the area west of Lake Road from mid-block, down to three and five-storey development closer to the beachfront. This precinct also includes frontage and buildings setbacks and encourages through-site links.

## 3. Key issues

There was a small number of submitters on this Precinct and the Panel was assisted by most of the provisions being agreed by the parties. The main issues that the Panel had to address were:

- i. the appropriate height on the Pioneer site to the west of Lake Road;
- ii. the extent to which new through-site links between Hurstmere Road and The Strand/Channel View Road were desirable as a linkage to the coastal edge of Takapuna Beach;
- iii. the extent to which the creation of new pedestrian through-site links should be incentivised with height bonuses and over which sites any bonus provisions should apply; and

whether or not a building setback exemption should be allowed on the corners of Lake/Hurstmere/Strand/Northcroft Streets intersection for urban design and building utility reasons.

## 4. Panel recommendations and reasons

The Precinct is considered appropriate because it provides for an urban design outcome in regard to building heights that will better maintain the amenity values of the coastal environment and the existing developments than the default heights in the underlying Business - Metropolitan Centre Zone. The precinct will provide for a graduated increase in building heights from four to five storeys on the coastal edge to unlimited heights mid-block to the west of Lake Road. The Panel relies on the modelling evidence of Mr Sills for the Council that demonstrated that the shadowing and dominance effects of the precinct heights on the coastal reserve would be acceptable.

In terms of the specific relief sought the Panel recommendations and reasons are as set out below:

### 4.1 Pioneer Shore City

Pioneer Shore City sought relief of increased height for part of its block bounded by Como Street, Lake Road and Anzac Street. Mr McLean provided legal submissions and Mr Nobilo evidence for Pioneer. This relief was opposed by Mr Mackie for the Council.

The Panel does not recommend that the relief sought by Pioneer Shore City be accepted for the following reasons:

- i. the heights along Lake Road form a continuum to maintain amenity values at the street level and to allow higher buildings to the street frontage on the northern end of Lake Road would reduce the amenity values to the south and at street level;
- ii. Pioneer Shore City did not undertake a sufficiently robust analysis of shadowing and amenity effects of what it was proposing for the Panel to be confident to grant the relief sought;
- iii. the Panel considers that it is more appropriate for Pioneer Shore City to seek a resource consent for any departure from the building height in the precinct. The activity status is restricted discretionary, which is not an onerous activity status, and there are clear assessment criteria that can be applied to the particular development proposal sought to properly determine the nature and extent of any adverse effects; and
- iv. therefore the Panel considers that the Council position best meets the requirement of section 32 and promotes the purpose in Part 2 of the Resource Management Act 1991.

### 4.2 Crown Group and Wilshire Group

The Panel generally accepts the relief sought by the Crown/Wilshire Groups as outlined in the evidence of Mr Lala and Mr Falconer. The relief was in regard to through-site links/bonus provisions and an exemption from the standard Business - Metropolitan Centre Zone setback rule.

### 4.3 Through-site links

The Panel recommends that the through-site link opportunity should be extended all the way to Channel View Road and over the Colmar Brunton area, rather than stop mid-block as proposed by the Council (refer Mackie evidence or provisions attached). The Panel refers to the reasons in support of this extension in the evidence of Mr Lala. Those reasons include:

- i. Hurstmere Road will benefit from improved connections with Takapuna Beach;
- ii. the stopping of the mapped link incentive area mid-block as proposed by the Council is not a practical planning approach;
- iii. while there are some public access areas that currently exist, additional linkages will provide additional amenity and planning benefits for property owners and their customers and visitors; and
- iv. development scenarios undertaken by Ignite for the sites indicate that the linkage/bonus option is more likely to lead to viable developments and benefits such as the location of car parking underground.

The Panel considers that the relief that Crown Group is seeking will enable people and communities to better provide for their social and economic well-being and achieve a higher quality urban design and amenity outcome.

### 4.4 Building setback rule

The Panel recommends that there is an exemption from the 4m setback rule after five storeys for the corners of Lake/Hurstmere/Strand/Northcroft Streets as sought by Crown/Wiltshire Group. The Panel refers to the evidence of Mr Lala and Mr Falconer in making this recommendation. The Panel recommends that the plan attached to Mr Lala's evidence be included in the Unitary Plan.

Witnesses for Crown/Wiltshire stated that the exemption would mean that:

- i. there would be better urban design outcomes in terms of enclosure and framing the street, 'bookends etc (refer to model simulations).
- ii. columns to support the setbacks, which interfere with retail footplates, would not be required.
- iii. developments would be more viable commercially if no setback.

For the Council Mr Mackie indicated that:

- i. any infringements should be assessed as restricted discretionary activities on their merits;
- ii. the exemption may lead to a better urban design outcome;
- iii. but to grant an exemption would be inconsistent with the generic rules for other Metropolitan Centres.

The Panel was persuaded that the urban design outcomes justified departing from the standard approach based on the evidence of Mr Falconer. The Panel accepts that the multi-tiered 'wedding cake' building forms of the past have not always led to good urban design outcomes and the efficient use of the urban land resource.

The Panel notes that all new buildings in the Business - Metropolitan Centre Zone are restricted discretionary activities in any event and the amenity criteria address issues such as dominance and shading so, even with the exemption, any particular building development will have to be properly assessed on a case-by-case basis.

The Panel has changed Precinct Plan 3 and added Precinct Plan 4 to implement its recommendations in the Plan maps.

## 5. Reference documents

Auckland Council

[081c Ak Cncl - North Shore - Precincts \(Takapuna 1\) - \(T Mackie\) – Planning](#) (26 January 2016)

[081c Ak Cncl - North Shore - Precincts \(Takapuna 1\) - \(T Mackie\) - Planning - REBUTTAL](#) (24 February 2016)

[081c Ak Cncl - North Shore - Precincts \(Takapuna 1\) - \(A Sills\) - Shading Diagrams](#) (26 January 2016)

[081 Pioneer Shore City \(B Nobilo\) - Planning](#) (12 February 2016)

[081 Pioneer Shore City \(B Nobilo\) - Planning - Summary Statement](#) (19 April 2016)

[081 Pioneer Shore City \(M Maclean\) - Legal Submissions](#) (19 April 2016)

[081 Crown Property Group, Monaro Properties Ltd. & Takapuna Properties Ltd. and Wiltshire Property Group \(V Lala\) - Planning](#) (15 February 2016)

[081 Crown Mutual Ltd. and Crown Pacific Finance Limited and State Advances Corporation Ltd. \(G Falconer\) - Urban Design](#) (15 February 2016)

[081 Crown Property Group, Monaro Properties Ltd. & Takapuna Properties Ltd. and Wiltshire Property Group \(V Lala\) - Planning - Hearing Presentation](#) (26 April 2016)

## 541 Te Arai North Precinct

### 1. Summary of recommendations

The Panel supports retention of the precinct subject to the addition of an objective and policy relating to the proposed reserve and wording and formatting amendments for alignment with the whole Plan.

This precinct was heard in Topic 081.

### 2. Precinct description

The Te Arai North Precinct provisions carry over into the proposed Auckland Unitary Plan. The relevant provisions of Private Plan Change 166 from the Auckland Council District Plan – Operative Rodney Section. These were approved by an Environment Court consent order in 2014. The precinct forms part of the Treaty settlement between the Crown and Te Uri o Hau under the Te Uri o Hau Claims Settlement Act 2002.

The purpose of the Te Arai North Precinct is to enable the creation of 46 sites in exchange for a large public reserve.

The zoning of land in the precinct is Rural – Rural Coastal Zone and there are four overlays applicable.

Panel-assisted mediation with the Council and various parties took place on 10 December 2015 and 15 January 2016. The parties agreed to a set of precinct provisions for Te Arai North to reflect the provisions in Private Plan Change 166.

The Council's position is set out in the evidence in chief of Mr Ryan Bradley (planning), Dr Manu Bird (ecology), Mr Simon Cocker (landscape) and Mr Andrew Beer (open space). For Te Uri o Hau Settlement Trust (866, FS3728), Ngāti Manuhiri Settlement Trust (5805) and others (864, FS3142; 6440, FS3136; 861, FS3151), Mr Peter Hall (planner) and Mr Peter Whiting (landscape) supported the Council's position. All expert witnesses supported the mediated version of the precinct provisions (see evidence in chief, Mr Bradley).

### 3. Key issues

There were no significant issues raised by submitters.

The Te Arai Beach Preservation Society Incorporated (4167, FS1762) confirmed that the Society had taken part in mediation. Ms Marie Alpe, speaking for the Society, endorsed the precinct provisions as set out in the evidence of Mr Bradley for the Council.

Two late further submissions were received from Mr Gregory McDonald on behalf of the Mangawhai Pakiri Environmental Kaitiaki Protection Trust (FS3903) and Mr Roi McCabe, Chairman of the Ōmaha Marae (3913). The submitters' concerns primarily relate to the Te Arai South Precinct. The submitters did not identify any relevant resource management issues nor did they propose any amendments to the Te Arai North Precinct provisions. The Panel agrees with Mr Paul Majurey, counsel for Te Uri o Hau Settlement Trust and others, that it does not have jurisdiction to consider these late further submissions. This is due to the lateness of the submissions which disadvantaged other parties, the submissions raising

matters that are not resource management issues and it was not clear who is able to speak on behalf of the groups with interests in the area.

#### **4. Panel recommendations and reasons**

The Panel agrees that the precinct is necessary to carry forward the provisions of the proposed Auckland Unitary Plan Unitary Plan – Operative Rodney Section for the reasons set out in the evidence of chief of Mr Peter Hall. The Panel supports the agreed mediation version of the precinct provisions because they reflect Private Plan Change 166 as settled in the Environment Court. The Panel has added an objective and some policies recognising the importance of the substantial reserve and amended the wording of the assessment criteria to align with the approach to these provisions throughout the Plan. Other than formatting for consistency with the whole Plan, the Panel has adopted the agreed provisions unchanged.

#### **5. Reference documents**

[081b Ak Cncl - Rodney - Precincts \(Te Arai North\) - \(R Bradley\) - Planning](#) (12 February 2016)

[081b Ak Cncl - Rodney - Precincts \(Te Arai North\) - \(R Bradley\) - Planning](#) (12 February 2016)

[081b Ak Cncl - Rodney - Precincts \(Te Arai North, Te Arai South\) - \(M Bird\) - Ecology](#) (12 February 2016)

[081b Ak Cncl - Rodney - Precincts \(Te Arai North, Te Arai South\) - \(S Cocker\) - Landscape](#) (12 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Page 69)

[081 Te Uri o Hau Settlement Trust \(M Hohneck\) - Corporate - Te Arai North & South](#) (25 February 2016)

[081 Te Uri o Hau Settlement Trust \(P Whiting\) - Landscape - Te Arai North & South](#) (25 February 2016)

[081 Ngati Manuhiri Settlement Trust et al - legal submissions](#) (24 March 2016)

[081 Te Arai Beach Preservation Society \(M Alpe\) - Te Arai North](#) (25 February 2016)

[081 Te Arai Beach Preservation Society \(M Alpe\) - Hearing Summary](#) (24 March 2016)



## 542 Te Arai South Precinct

### 1. Summary of recommendations

The Panel supports retention of the precinct subject to wording and formatting amendments for alignment with the whole Plan.

This precinct was heard in Topic 081.

### 2. Precinct description

The original purpose of the Te Arai South Precinct provisions was to carry over into the proposed Auckland Unitary Plan the relevant provisions of Plan Change 166 from the Auckland Council District Plan – Operative Rodney Section. These were approved by an Environment Court consent order in 2014. The land was purchased by Ngāti Manuhiri as part of the commercial redress component of their Treaty settlement (Ngāti Manuhiri Claims Settlement Act 2012).

Specifically, the notified provisions carry forward the rural subdivision provisions which are generally more enabling than the notified proposed Auckland Unitary Plan provisions. The Te Arai South Precinct as notified provides for subdivision, for the protection of natural areas, the creation of additional public reserve land, and significant enhancement planting. The precinct also carries forward some land use rules, notably providing for outdoor recreation and motorsport activities as permitted activities (as these were permitted activities in the plantation forest land in Rodney).

The zoning of land in the precinct is Rural – Rural Coastal Zone and several overlays are applicable.

Panel-assisted mediation with the Council and various parties took place on 10 December 2015 and 15 January 2016. The parties agreed to a set of precinct provisions for Te Arai South to reflect the provisions in Plan Change 166. A pragmatic approach was taken when adopting the development, conservation and public open space approach in Plan Change 166. Notably, the purpose of the precinct was extended to enable the continued and further utilisation of a large onshore sand resource. Accordingly, sand extraction and associated structures and infrastructure were added to the activity table as Restricted Discretionary activities.

Consequently Mr Bradley, for Council, said that the provisions had changed completely from the notified version and identified the scope for these changes (evidence in chief, paragraph 10.5). Mr Bradley noted that, since mediation, he had made minor changes to the agreed provisions for consistency with the proposed Auckland Unitary Plan (evidence in chief, paragraph 10.4).

The Council's position is set out in the evidence in chief of Mr Ryan Bradley (planning), Dr Manu Bird (ecology), Mr Simon Cocker (landscape) and Mr Andrew Beer (open space). For Te Uri o Hau Settlement Trust (866, FS3728), Ngāti Manuhiri Settlement Trust (5805) and others (864, FS3142; 6440, FS3136; 861, FS3151), Mr Peter Hall (planner) and Mr Peter Whiting (landscape) supported the Council's position. All expert witnesses supported the mediated version of the precinct provisions as amended by Mr Bradley (see evidence in chief, Ryan Bradley, Attachment B).

### 3. Key issues

There were no significant issues raised by submitters.

The Te Arai Beach Preservation Society Incorporated (4167, FS1762) confirmed that the Society had taken part in mediation. During the hearing, several of the Society's concerns were canvassed including configuration of the proposed reserve adjacent to Slipper Lake and whether linkages to other reserves would be achieved, easement width, and the activity status of various land uses (hearing summary, Ms Marie Alpe, paragraph 9). These matters are recorded here because the parties agreed to continue their discussions after the hearing. However, the Panel has not made any changes in response because Ms Marie Alpe, speaking for the Society, endorsed the precinct provisions as set out in the evidence of Mr Bradley for the Council (hearing summary, paragraph 20).

Two late further submissions were received from Mr Gregory McDonald on behalf of the Mangawhai Pakiri Environmental Kaitiaki Protection Trust (FS3903) and Mr Roi McCabe, Chairman of the Omaha Marae (3913).

Mr McCabe described three pā and gave examples of the many wāhi tūpuna within the precinct. Archaeological evidence of Māori occupation includes middens distributed throughout the property. He told the Panel that he has met Mr Castiglione, who represents the joint venture responsible for undertaking development, seeking protection of these heritage sites. No specific changes to the precinct provisions were requested.

The submitters did not identify any additional resource management issues, nor did they propose any amendments to the Te Arai South Precinct provisions. The Panel agrees with Mr Paul Majurey, counsel for Te Uri o Hau Settlement Trust, Ngāti Manuhiri Settlement Trust and others, that it does not have jurisdiction to consider these late further submissions. This is due to the lateness of the submissions which disadvantaged other parties, the submissions raising matters that are not resource management issues, and because it was not clear who is able to speak on behalf of the groups with interests in the area.

In the circumstances, the Panel records receipt of this information and notes there is protection afforded to archaeological sites by the Heritage New Zealand Pouhere Taonga Act 2014 and the accidental discovery rules in the Plan (E 11.6.1 and E12.6.1).

### 4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary because there are too many different elements within the Te Arai South Precinct to appropriately use other methods such as a zone or overlay (evidence in chief, Mr Bradley, paragraph 12.3). The Panel supports the agreed mediation version of the precinct provisions because they enable the social, economic and cultural well-being of Ngāti Manuhiri, while providing significant public benefits such as open space and improved environmental management. Other than formatting for consistency with the whole Plan, the Panel has adopted the agreed provisions unchanged.

## 5. Reference documents

081b Ak Cncl - Rodney - Precincts (Te Arai South) - (R Bradley) - Planning (12 February 2016)

081b Ak Cncl - Rodney - Precincts (Te Arai North, Te Arai South) - (M Bird) - Ecology (12 February 2016)

081b Ak Cncl - Rodney - Precincts (Te Arai North, Te Arai South) - (S Cocker) - Landscape (12 February 2016)

081b Ak Cncl - Rodney - Precincts (Te Arai North, Te Arai South) - (A Beer) - Open Space (12 February 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Attachment B, page 67)

081 - Mediation Joint Statement (Te Arai South and Te Arai North) - 10 December 2015 (14 December 2015)

081 - Mediation Joint Statement (Te Arai South and Te Arai North) – 15 January 2016 (12 February 2016)

081 Ngati Manuhiri Settlement Trust (M Hohneck) - Corporate - Te Arai North & South (25 February 2016)

081 Te Uri o Hau Settlement Trust (M Hohneck) - Corporate - Te Arai North & South (25 February 2016)

081 Te Uri o Hau Settlement Trust (P Whiting) - Landscape - Te Arai North & South (25 February 2016)

081 Te Uri o Hau Settlement Trust (P Hall) - Planning - Te Arai North & South (25 February 2016)

081 Te Arai Beach Preservation Society (M Alpe) - Te Arai South (26 February 2016)

081 Te Arai Beach Preservation Society (M Alpe) - Hearing Summary (24 March 2016)

## 543 Waimana Point Precinct

### 1. Summary of recommendations

The Panel supports this precinct and notes both Council and the landowners have agreed that a precinct is appropriate for this land and have also agreed on the wording of the precinct provisions, except for the 6 metre height standard for buildings within 50 metres of the ridgeline. The Panel supports the Council's position that this standard sets a clear expectation for plan users of what constitutes appropriate development.

This precinct was heard in Topic 081.

### 2. Precinct description

The Waimana Point Precinct is located at the northern end of the Mahurangi Peninsula, between Algies Bay and Goldsworthy Bay. The purpose of the precinct is to ensure that development will not compromise the landscape values of this prominent point and to provide opportunities for public access. This precinct originates from scheduled activity 329 in the Auckland Council District Plan – Operative Rodney Section.

### 3. Key issues

At the hearing, it was submitted to the Panel that all but one of the proposed precinct provisions had been agreed between the parties prior to the hearing. The outstanding issue related to a six metre height restriction for buildings within 50 metres of a prominent ridgeline within the precinct. These distances were the starting point for any assessment of the visual effects of buildings on this prominent landscape feature.

The landowners stated that specifying these heights and distances within the rules was unnecessary as these are arbitrary figures and that assessment matters were sufficient to address the potential visual impacts of buildings on the ridgeline.

In this instance, the Panel preferred the evidence of the Council, which stated that by specifying distances within the rules, this sets a clear expectation for plan users of what constitutes appropriate development. The assessment matters then provide the ability for Council to consider the potential visual effects of buildings on a case-by-case basis.

The Panel agrees with the Council that the 6 metre height standard for buildings within 50 metres of the ridgeline is appropriate as a starting point for any assessment. The Panel also agrees that the assessment matters proposed by the Council will enable the visual effects of any proposed building to be appropriately considered.

### 4. Panel recommendations and reasons

Having regard to all the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, the Panel agrees that the provisions of the Waimana Point Precinct, as proposed by the Council, are the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991. The recommended precinct provisions have been modified to improve their functionality and clarity.

## 5. Reference documents

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Waimana Point\) - \(L Clarke\) - Planning](#) (26 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Waimana Point\) - \(L Clarke\) - Planning - REBUTTAL](#) (25 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Page 69)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 19 May 2016](#) (19 May 2016) (Attachment A, page 228)

## 544 Wainui Precinct

### 1. Summary of recommendations

The Panel supports this precinct. The Panel recommends that the precinct provisions requested by Redvale Quarry Limited be adopted with modifications.

This precinct was heard in Topic 081.

### 2. Precinct description

The Wainui Precinct is located to the west of Millwater, Silverdale, Ōrewa and the Northern Motorway. The precinct includes the Wainui East (Argent Lane) special housing area that was established by Order in Council dated January 2016, together with the surrounding land that has been purchased since the special housing area was established. The single ownership of all of the land within the precinct provides logical and defensible boundaries based on the location of roads and physical constraints and also enables the integrated development of the entire area.

The precinct applies to a master-planned community designed to offer a variety of residential activities and housing typologies to be established around public open space areas, neighbourhood centres and reserves.

The zonings of the land within the Wainui Precinct are Residential - Single House Zone, Residential - Mixed Housing Suburban Zone, Residential - Mixed Housing Urban Zone, Residential - Terrace Housing and Apartment Buildings Zone, Business - Neighbourhood Centre Zone, Business - Local Centre Zone, Open Space - Informal Recreation Zone and Open Space - Conservation Zone.

### 3. Key issues

The land at Wainui was zoned future urban in the notified version of the proposed Auckland Unitary Plan. The Council sought to retain the future urban zoning whereas the submitter, Redvale Quarry Limited (a subsidiary of Fulton Hogan Limited), sought live urban zonings to enable the subdivision and development of the land.

The Council did not support this precinct, or the proposed rezoning, and the Council's position in relation to the rezoning of land at Wainui East and Silverdale West was set out in the legal submissions as quoted below.

#### Council position

1.62 A range of expert evidence on behalf of Wilks Road 2014 Limited and Redvale Quarry Ltd has been lodged in support of a proposal to live urban zone and apply precincts to land in Wainui East and Silverdale West. The Council does not support the rezoning and precincts proposal.

#### Reasons

1.63 Expert rebuttal evidence has been lodged by the Council in respect of this proposal from Claudia Hellberg and Katja Huls (stormwater), Andrew Beer (open space), Alastair Lovell (AT) and Chris Allen (Watercare).

1.64 The Council's evidence indicates that the submitters' structure plans have not had adequate input from the Council, AT or Watercare. Given the breadth of concerns raised in the Council's evidence, it cannot be said that the potential adverse effects of the proposals have been adequately addressed and that they are aligned with the provision of infrastructure that is planned and has identified funding as anticipated by Chapter B2.3 of the RPS.

Mr Graeme Causer, Chief Executive Officer - Land at Fulton Hogan Limited in his evidence described the past and current development being undertaken in the vicinity of the Wainui Precinct and how Fulton Hogan has worked with infrastructure providers, as set out below.

2.2 Fulton Hogan's resources and experience mean that we are able to include the delivery of key public infrastructure beyond that normally required by the Council to make development possible. For example, at Millwater, works included the Wainui Road Interchange, Arran Drive, the main transport link between Millwater and Orewa, and the Route J network watermain. Fulton Hogan frequently works closely with infrastructure providers to deliver these projects, frequently entering into infrastructure funding agreements with Council service providers.

2.3 The Millwater development has been hugely successful, creating and selling on average 330 house lots per year. The development will be completed in 2019. Fulton Hogan has identified the land at Silverdale West and Wainui East as the ideal location for its focus once Millwater is complete, due to its reasonably flat topography and its proximity to major infrastructure and local centres.

The key differences between this zoning and precinct request and other similar requests to the Panel, including the Silverdale West Precinct which is not supported by the Panel, are summarised below.

- i. The large Wainui East special housing area which is supported by the Council, Watercare Services and Auckland Transport.
- ii. The submitter currently has a total landholding of 223 hectares at Wainui consisting of the Wainui East special housing area and surrounding properties.
- iii. The precinct has road access to State Highway 1 through the Wainui Road interchange, which was recently constructed by Fulton Hogan in conjunction with the Millwater development on the eastern side of the motorway. This interchange has south facing on and off ramps and an upgraded over bridge.
- iv. The precinct is well served by the Wainui Road interchange and is not as reliant on the Silverdale interchange as the proposed Silverdale West Precinct.
- v. The remaining infrastructure issues in relation to roading, waste water, water, stormwater, open space, pedestrian links and the like have been appropriately considered through the structure planning undertaken by Redvale Quarry Limited.
- vi. Any deficiencies that have been raised by the Council in relation to the structure planning process and the application of 'live zonings' can be resolved through the staging of subdivision and development and the application of the relevant zone and Auckland-wide provisions.
- vii. Apart from the infrastructure issues to be resolved before subdivision and development can occur, the precinct relies on the standard zoning provisions

and will not depart from the environmental outcomes anticipated by these zones.

- viii. The opportunity exists to build upon the Wainui East (Argent Lane) special housing area and enable the further expansion of the developing urban area on the eastern side of the motorway, within a timeframe that will meet the expected demand for future development in this locality and as the required infrastructure can be funded and constructed.

The key considerations to be addressed through the Wainui Precinct are the servicing of the development, including water, wastewater and integration with the wider transport network, and details on how servicing will be staged and funded and provided in a timely manner.

The precinct envisages that future subdivision consents will be staged according to the provision of infrastructure as agreed by infrastructure providers. The precinct requires that subdivision and development occur in a comprehensive and integrated manner in line with infrastructure by restricting any urban subdivision or development until such time as wastewater, water and transport services are provided to service the subdivision.

The Panel's recommendation in relation to the Wainui Precinct is consistent with the recommendation relating to the Redhills Precinct at Westgate and the approach that has been taken to coordinating infrastructure provision around a proposed special housing area to enable future urban development to occur in a timely manner where appropriate structure planning has been undertaken with only limited participation from the Council.

The Panel recommends a number of changes to the precinct as drafted by Redvale Quarry Limited to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity.

#### **4. Panel recommendations and reasons**

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the provisions of the Wainui Precinct be adopted. These provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### **5. Reference documents**

Auckland Council

[081 Ak Cncl - Rezoning - LEGAL SUBMISSIONS \(8 March 2016\) \(page 39\)](#)

[081b Ak Cncl - Rodney - Precincts \(Wainui East and Silverdale West\) - \(A Beer\) - Open Space - REBUTTAL \(7 March 2016\)](#)

[081b Ak Cncl - Rodney - Precincts \(Wainui East and Silverdale West\) - \(A Lovell\) - Auckland Transport - REBUTTAL \(7 March 2016\)](#)

[081b Ak Cncl - Rodney - Precincts \(Wainui East and Silverdale West\) - \(C Allen\) - Watercare - REBUTTAL \(7 March 2016\)](#)

[081b Ak Cncl - Rodney - Precincts \(Wainui East and Silverdale West\) - \(C Hellberg and K Huls\) - Stormwater - REBUTTAL \(7 March 2016\)](#)



081 Ak Cncl - Rezoning - CLOSING REMARKS – Including Attachments A-F (16 May 2016),  
page 39/285

Submitter

081 Wilks Road 2014 Ltd - Legal submissions (21 March 2016)

081 Wilks Road 2014 Ltd - Memorandum of counsel - Interim Guidance (2 March 2016)

081 Wilks Road 2014 Ltd (A Zhu-Grant) - Urban Design (15 February 2016)

081 Wilks Road 2014 Ltd (A Zhu-Grant) - Urban Design – Supplementary Evidence (18  
March 2016)

081 Wilks Road 2014 Ltd (B McKenzie) - Planning (15 February 2016)

081 Wilks Road 2014 Ltd (B McKenzie) - Planning – Supplementary Evidence (18 March  
2016)

081 Wilks Road 2014 Ltd (F Colegrave) - Economist (15 February 2016)

081 Wilks Road 2014 Ltd (G Causer) - Corporate (15 February 2016)

081 Wilks Road 2014 Ltd (G Salmon) - Water and Wastewater (15 February 2016)

081 Wilks Road 2014 Ltd (G Salmon) - Water and Wastewater – Supplementary Evidence  
(18 March 2016)

081 Wilks Road 2014 Ltd (P Battersby) - Ecology (15 February 2016)

081 Wilks Road 2014 Ltd (P Battersby) - Ecology– Supplementary Evidence (18 March  
2016)

081 Wilks Road 2014 Ltd (P Wadan) - Stormwater (15 February 2016)

081 Wilks Road 2014 Ltd (T Fraser) - Civil Engineering (18 March 2016)

081 Wilks Road 2014 Ltd (T Lee-Joe) - Traffic (15 February 2016)

081 Wilks Road 2014 Ltd (T Lee-Joe) - Traffic – Supplementary Evidence (18 March 2016)

081 Wilks Road 2014 Ltd and Redvale Quarries Ltd (T Fraser) - Civil Engineering –  
Summary Statement (18 March 2016)

081 Wilks Road 2014 Ltd and Redvale Quarries Ltd (T Lee-Joe) - Traffic – Supplementary  
statement in response to AT (27 April 2016)

## 545 Waiwera Precinct

### 1. Summary of recommendations

The Panel supports this precinct. The Panel recommends that the precinct provisions proposed by the Council and generally supported by Waiwera Properties Limited and UP Management Limited be adopted with modifications.

This precinct was heard in Topic 081.

### 2. Precinct description

This precinct recognises the importance of Waiwera as a regional tourist attraction.

The Waiwera Precinct applies to land on the southern side of Waiwera Road extending through to the eastern side of Waiwera Place and at the southern end of Waiwera Place, and includes the site of a potential future hotel (Sub-precinct A), the land occupied by the geothermal hot pools complex (Sub-precinct B) and the former camping ground site at 37 Waiwera Place (Sub-precinct C).

The purpose of the precinct was intended to:

- i. provide for the continued operation of the Waiwera hot pool complex, supporting recreational and tourist activities as well as a range of complementary activities;
- ii. ensure development responds to Waiwera's sense of place, including its natural coastal and landscape values; and
- iii. ensure development maintains the amenity values of surrounding residential land.

The Waiwera Precinct allows for the development of existing commercial activities in the area to include a wide variety of tourist, recreational, and conference activities and the development of residential and supporting commercial activities. This approach:

- i. supports the efficient use of the area's natural resources and its function as a regional tourist attraction; and
- ii. provides opportunities for residential living in a high-amenity coastal environment.

The precinct sits within an area that includes a mix of residential-zoned land, roads, reserves and a neighbourhood centre. Activities that include night-time gatherings, including those involving music, with noise generated by people and vehicles leaving late at night, generally require resource consent so that effects on the amenity values of adjoining residential sites can be considered.

The precinct manages the scale and form of development to recognise the built and landscape character of wider Waiwera, which is formed by the predominantly low scale of buildings (one to three storeys) within a generally spacious setting, in which the coastal and landscape environment is a strong visual feature. The coastal and landscape environment primarily comprises Waiwera Beach at the eastern extent of the settlement, Waiwera Hill to the south and the Wenderholm Headland to the north.

There is potential for new development within Sub-precinct A and B that could form a focus of the Waiwera settlement and enhance the amenity and vitality of the area. Greater height and building coverage is therefore possible within Sub-precinct A and B, provided the development positively responds to, and integrates with Waiwera's built and landscape character. The precinct provides for the comprehensive redevelopment of sites and recognises that this character will evolve over time, while respecting its defining features.

The precinct also gives particular emphasis to maintaining the amenity values of surrounding residential sites.

The zoning of land within the precinct is the Business - Mixed Use Zone and Residential - Mixed Housing Suburban Zone.

### 3. Key issues

All parties agreed for the need for the Waiwera Precinct, however the submissions received fell into two broad categories: those seeking to provide greater flexibility to provide for a wider range of activities and development within the precinct; and those seeking to limit activities and development in order to protect the amenity, character and tourist function of Waiwera.

The key issues in contention related to:

- i. the zoning of the land within the precinct;
- ii. activity status of residential activities, the mineral water bottling plant and potentially noisy and/or night-time activities;
- iii. building height, scale, form and yard standards; and
- iv. car parking requirements.

These issues were the subject of extensive evidence from all parties at the hearing. There were significant differences between the parties on most issues, however these differences were narrowed following further discussions and a meeting held after the presentation of evidence to the Panel.

While there was no agreement on the zoning for Sub-precincts A and B, there was been agreement between Waiwera Properties Limited and UP Management Limited and the Council witnesses on amendments to the precinct description and to the activity status of some activities in Sub-precincts A and B, and consequential amendments to the matters of discretion and assessment criteria for restricted discretionary activities.

The Panel was not advised by the other main submitter group (Waiwera Property Owners and Resident's Association Limited, Brian and Pamela Bolton, C Zambucka) if they supported the above agreed provisions.

#### 3.1 Zoning

The Panel notes from Ms Morgan's planning evidence dated 26 January 2016 the zoning and resource consent history in relation to this land.

7.4 The planning provisions applying in Waiwera have a long history. I understand that a planning approval was granted for a hotel development within Sub-Precinct A in

1989. This was carried over to the Special 9 (Waiwera Tourist and Entertainment) zone of the Operative Rodney District Plan in 1993, which specifically provided for this development and a limited range of recreation and related activities within Sub-Precinct A and B. Resource consent was granted for a new hotel development within Sub-Precinct A in 2007 by the Environment Court (refer Attachment D) and this is the resource consent that Waiwera Properties Limited and Retail Holdings Limited (WPL and RHL) is seeking to specifically provide for as a permitted activity within Sub-Precinct A.

The Panel also notes Ms Morgan's zoning comments in her evidence in rebuttal, particularly her acknowledgement in paragraph 5.3 that none of the business zones is a perfect fit for the Waiwera Precinct.

#### Underlying zone of Sub-Precinct A and B

5.2 Peter Neeve for Waiwera Properties Limited and UP Management Limited and Diana Bell for Waiwera Thermal Resort support applying the Mixed Use zone to Sub-Precinct A and B. Raewyn Catlow for Waiwera Property Owners and Residents Association, Oasis Apartments and C Zambucka supports applying the Neighbourhood Centre zone.

5.3 I acknowledge that none of the business zones, including the Neighbourhood Centre zone, are a perfect fit for the Waiwera Precinct. As outlined in my EIC, the task is therefore to identify the underlying zone that is the 'best fit' in terms of Waiwera's locational characteristics and the mix of activities and scale of development that the precinct provides for.

5.4 Mr Neeve and Ms Bell support the Mixed Use zone applying to Sub-Precinct A and B primarily on the basis that the zone description provides for the Mixed Use zone to be applied to areas where there is a need for a compatible mix of residential and employment activities. They state that Waiwera is an area that requires a compatible mix of residential and employment activities and conclude that the precinct is therefore consistent with the locational objectives and policies of the Mixed Use zone.

5.5 I disagree with this conclusion on the basis that the sentence in the zone description that Mr Neeve and Ms Bell rely on, when read in the context of Objective 1 and Policy 1, is identifying which sections of land around the rapid and frequent service network it is appropriate to apply the Mixed Use zone to. This is reinforced by Policy 1 in particular, which states that the Mixed Use zone is located in suitable locations within a close walk of the City Centre, Metropolitan and Town Centre zones and rapid and frequent service network. When the zone description, Objective 1 and Policy 1 are read together, in my view, they indicate that the zone is only applied around the higher order centres and those parts of the rapid and frequent service network where there is a need for a compatible mix of residential and employment activities. Waiwera is not within any of these locations.

5.6 Mr Neeve and Ms Bell state that the precinct is also consistent with several of the other objectives and policies of the Mixed Use zone and I generally agree with their analysis. The same can be said for the other objectives and policies of the Neighbourhood Centre zone that do not relate its location and extent. Under the Neighbourhood Centre zone or the Mixed Use zone, Objective 1 and Policy 1 would be amended by the more specific objectives and policies of the Waiwera Precinct.

5.7 Accepting that amendments to Objective 1 and Policy 1 of the Neighbourhood Centre zone and the Mixed Use zone would be required under either scenario, it is important to also consider the mix of activities and scale of development that the zone rules provide for in determining the most appropriate underlying zone. Included at Attachment B is a comparison of the Neighbourhood Centre zone and Mixed Use zone rules with the Waiwera Precinct. This in my view illustrates that the Neighbourhood Centre zone is a better fit for the Waiwera Precinct.

While agreeing that none of the Unitary Plan business zones is a perfect fit for Waiwera, the Panel recommends the Business - Mixed Use Zone be applied to Sub-precincts A and B, primarily for the reasons contained in the evidence presented by Mr Neeve and Ms Bell.

### **3.2 Activity status**

There was a significant degree of agreement between the Council and Waiwera Properties Limited and UP Management Limited and the Panel generally has supported this approach, as opposed to the alternative more restrictive approach sought on behalf of Waiwera Property Owners and Resident's Association Limited, Brian and Pamela Bolton, C Zambucka.

An exception to this relates to the request for permitted activity status for a hotel comprising 215 units, a restaurant and a shop at 41-51 Waiwera Road, Waiwera as approved by the Environment Court on 6 August 2007. The Panel was informed that the submitters (Waiwera Properties Management Limited and UP Management Limited) have an extant resource consent which has already been extended once and is valid until 7 August 2017. This consent enables a hotel development with a height of 16.5m increasing to 18m over part of the proposed development.

While acknowledging that the submitter has a resource consent that can be implemented, the Panel recommends that if that consent lapses any new development should be considered in terms of the precinct provisions. The evidence on behalf of the Council is supported in this regard.

### **3.3 Building height, scale, form and yard standards**

The Panel recommends the relevant provisions supported by Mr Falconer for the reasons set out in his summary statement of evidence as set out below.

1.1 The settlement of Waiwera occupies a magnificent coastal setting framed by two large scale headlands. But rather than an attractive settlement renowned for its hot springs Waiwera is looking increasingly like a tired backwater. It has a very small permanent population of 285 people and a total of 297 dwellings, half of which were unoccupied at the time of the 2013 census. Historically Waiwera has been a significant destination that caters for large visitor numbers in the hundreds of thousands, both local and international throughout the year. However largely due to a lack of investment and upkeep these visits are fast declining, halving in the last twelve years.

1.2 The hotel and camping ground sites have been central historically as integral features of a spa resort destination, though they are currently vacant and underutilised commercial sites. The Submitters support the proposed zonings but

are seeking a relatively small increase in allowable maximum height of 16m plus 2m for roof form across the hotel and pool sites and 12.5m across the camping ground site to optimise the development potential of these sites whilst maintaining their fit within the context.

- 1.3 In my opinion submitters against the proposal who argue for a low rise coastal village have not sufficiently taken into account the specific historical role of the two sites, how they are integral to the spa resort town function of Waiwera or the physical dominance of the surrounding headlands and the scale of the established mature tree network. They also assume that the present vacant nature of the two sites forms part of a small coastal village character.
- 1.4 Our landscape and visual assessment has demonstrated that the proposed increase in building height within the hotel and former camping ground site that is set back from the coastal edge can be successfully integrated within the built form of Waiwera.
- 1.5 I conclude that the development of the hotel and camping ground sites is integral to maintaining Waiwera as a successful and vibrant small coastal settlement, which is focused around the thermal springs. These represent an opportunity to provide for a broader range of accommodation and services to visitors within Waiwera. Through establishing new height limits development can make efficient use of the land available thus re-establishing buildings on the sites and re-establishing the settlement as a spa town.

### 3.4 Car parking

For the reasons set out in the evidence of Ms Morgan and Mr Gratton on behalf of the Council, the Panel agrees that Waiwera is a special case and warrants a more restrictive parking minimum, given the lack of available on-street parking and low accessibility of the area by other transport modes.

## 4. Panel recommendations and reasons

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the provisions of the Waiwera Precinct be adopted. These provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

Auckland Council

Refer to [hearings webpage](#) for all evidence documents logged on behalf of Auckland Council for Rodney – Precincts (Waiwera) (081b Rezoning and Precincts (Geographical Areas) - Auckland Council Evidence - RODNEY)

[081b Ak Cncl - Rodney - Precincts \(Waiwera\) - \(R Morgan\) - Planning](#) (27 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Waiwera\) - \(R Morgan\) - Planning - REBUTTAL](#) (26 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 73)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 238\)](#)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\) \(3 March 2016\) \(page 80\)](#)

Refer to [hearings webpage](#) for all evidence documents logged on behalf of Waiwera Properties Limited and Retail Holdings Limited (081 Rezoning and Precincts (Geographical Areas) - IHP DOCUMENTS AND SUBMITTERS EVIDENCE)

[081 Waiwera Property Owners and Resident's Association Inc \(R Catlow\) - Planning - Waipora \(12 February 2016\)](#)

[081 Waiwera Property Owners and Res, B & P Bolton, C Zambucka \(R Catlow\) - Planning - Hearing Presentation \(29 March 2016\)](#)

[081 Waiwera Property Owners and Resident's Association Inc \(R Catlow\) - Planning - REBUTTAL \(22 February 2016\)](#)

[081 Waiwera Properties Ltd and UP Management Ltd \(G Falconer\) - Urban Design \(14 February 2016\)](#)

[081 Waiwera Thermal Resort and Spa \(P Neeve, D Bell\) - Planning \(15 February 2016\)](#)

## 546 Warkworth 3 Precinct

### 1. Summary of recommendations

The Panel supports this precinct and notes that the two submitters, National Trading Company and Progressive Enterprises Limited, supported the final wording of the provisions prepared by the Council.

This precinct was heard in Topic 081.

### 2. Precinct description

This precinct is located at Warkworth and comprises the entire Warkworth Business – Town Centre Zone on the southern bank of the Mahurangi River.

The precinct was introduced to the Auckland Council District Plan – Operative Rodney Section 2011 through Variation 125, which was made operative in 2010 following an Environment Court consent order.

The purpose of the precinct is to protect the character of the older parts of the Warkworth Town Centre by requiring new development to be of a compatible scale. In effect, this means that any large scale new activities require a resource consent that assesses the development against some specific criteria that have been developed for Warkworth.

The precinct has been split into four sub-precincts:

- i. Sub-precinct A (Core Area) contains the core of the town centre's retailing and related commercial activities and lies in the older areas near the Mahurangi River;
- ii. Sub-precinct B (Fringe Area) includes the balance of the existing retail area on the fringe of the Warkworth Town Centre where activities such as offices, visitor accommodation and smaller scale retail activities are considered appropriate;
- iii. Sub-precinct C (Core Expansion) has been identified to provide the opportunity for the establishment of larger format, high pedestrian-generating stores, that have the potential to enhance the economic vitality of the adjoining core area (Sub-precinct A) in order to support the fine-grained retail activities that contribute significantly to the character of the town centre; and

Sub-precinct D is part of the Fringe Area but less restrictive rules apply to this site than to the rest of the Fringe Area due to it being the site of an existing supermarket.

### 3. Key issues

The Panel has accepted the tracked changes recommended in the evidence presented on behalf of the Council, which were supported by the submitters, however a number of minor changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and to improve their functionality and for clarity. None of these changes alter the agreed intent of the precinct provisions.



#### 4. Panel recommendations and reasons

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Warkworth 3 Precinct be adopted. Once amended further by best practice approaches outlined above, these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### 5. Reference documents

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Warkworth 3\) - \(R Bradley\) – Planning](#) (26 January 2016)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (Page 85)

[081 National Trading Company of NZ Ltd \(V Smith\) - Planning - Warkworth](#) (13 February 2016)

[081 Progressive Enterprises \(M Foster\) - Planning](#) (11 February 2016)

## 547 Wēiti Precinct

### 1. Summary of recommendations

The Panel supports the precinct applying to this land but providing for 550 dwellings in two parts of the precinct, as in the operative Auckland Council District Plan - Rodney Section 2011, rather than the larger number of dwellings sought by Wēiti Development LP in three parts of the precinct. In this respect the Panel agrees with Council. It does not meet all of the concerns of the Long Bay - Okura Great Park Society and the Okura Environmental Group who supported no increase above what they stated was the 327 dwellings that currently have consent.

This precinct was heard in Topic 081.

### 2. Precinct description

The Wēiti Precinct applies to land located between the Wēiti (Wade) River to the north, Okura River to the south and East Coast Road to the west. The land also bounds a portion of the Penlink road designation in the north-west. It comprises some 860ha. The precinct is an important landscape area which contributes to achieving the maintenance of a greenbelt between the North Shore and the urban extent of the Hibiscus Coast.

The purpose of the precinct is to provide for both clustered residential development and an intensive village settlement in specific locations while protecting the greenbelt and open space character of the area. The precinct controls also protect the landscape, skyline and coast from development when viewed from the Long Bay Regional Park, East Coast Road and Whangaparāoa Peninsula. It contains significant ecological areas that are to be enhanced by additional planting.

There are three sub-precincts:

- i. Sub-precinct A - Karepiro, which has larger site sizes and provides for residential activities. It is zoned Residential - Rural and Coastal Settlement Zone;
- ii. Sub-precinct B - Village, which provides for a mix of commercial and residential activities in close proximity at its centre, with lower intensity residential activities towards its edges. It is zoned Residential - Rural and Coastal Settlement Zone; and
- iii. Sub-precinct C - Conservation and forestry, which forms the balance of the area. It provides for activities that are consistent with the open space character including conservation, outdoor recreation and small scale forestry activities. It is zoned Rural - Rural Conservation Zone.

The objectives and policies of the respective Residential - Rural and Coastal Settlement Zone and Rural - Rural Conservation Zone apply in the precinct unless otherwise specified.

### 3. Key issues

The key issue at the hearing was the number of dwellings that are provided for in the precinct; that is the level of development that could reasonably be accommodated without having adverse effects on the local environment. The Auckland Council District Plan - Rodney Section 2011 provides for 550 dwellings (150 in Sub-precinct A1) in two villages near the centre of Wēiti.

Wēiti Development LP sought 1750 dwellings in three defined areas, with 1600 of those dwellings in Sub-precinct B. The other submitters and the Council sought to retain provision for 550 dwellings in two defined areas. The Council was of the view that further work needed to be carried out in order to support a greater number.

At the hearing the position of Wēiti Development LP, Ms Carruthers, legal counsel for the submitter, was to seek an expanded inland village area through the extension of Sub-precinct B to provide for the construction of three villages providing for a combined total of 1450 dwellings and the introduction of a new area for large lot development in the north, near Stillwater, in a new Sub-precinct A2. Wēiti Development LP also highlighted three key changes it had made to the precinct provisions, those being reference to high contaminant yielding building materials, restricting the area of office and retail activity within Sub-precinct B to 10,000m<sup>2</sup> and, restricting farming activities within those parts of the Wēiti Precinct that are within the Okura catchment.

Ms McLaughlin appeared for the Long Bay - Okura Great Park Society as a member of the Long Bay - Okura Great Park Society with experience in property related matters. She was supported by Mr Morgan, a coastal scientist. They were concerned about the uncertainty associated with the scientific evidence advanced in support of a greater number of dwellings and the cumulative effects arising from additional development rights. Mr Morgan discussed coastal processes and the areas of uncertainty. Ms McLaughlin and Mr Morgan considered there was not an adequate level of information to ascertain the full impact of the expanded proposal on the intertidal flats of Karepiro Bay and that the issue of cumulative effects of future development and intensification within the wider catchment needed to be addressed.

Ms Reid appeared for the East Coast Bays Coastal Protection Society which is a member of the Okura Environmental Group. She is not an ecologist but has particular knowledge of the area from work for the protection society. Ms Reid addressed the ecological significance of the area, the bush reserve area, the estuary and shorebirds and expressed the view that there should be no development at Wēiti beyond that currently approved.

For the Council, the evidence covered concerns for uncertainty regarding the effects particularly in the inter-tidal and sub-tidal regions of Karepiro Bay. The evidence did not support the proposed expansion because of inconsistency with the New Zealand Coastal Policy Statement; adverse visual effects; adverse ecological effects from increased catchment runoff and water and sediment discharge during the earthworks phase and contaminant loads as development proceeds; and, impact on the greenbelt buffer provided by the site.

A supplementary statement was presented for the Council from Dr Hellberg, Dr Carbines and Mr Vigar in which they reported on the effects that could be expected in Karepiro Bay as a consequence of the proposed development at Wēiti and particularly their position following the consideration of technical information provided by Mr Reinen-Hamill. That information

had supplied a more satisfactory understanding of the sediment dynamics of the intertidal and sub-tidal regions of Karepiro Bay. The Council witnesses were however of the view that the cumulative impact from all proposed developments had not been established and needed to be better understood. They pointed out that with increased urbanisation there will be less dilution of contaminants and higher potential for accumulation.

Evidence pointed to the total load of contaminants from the Wēiti Estuary, Okura Estuary and Karepiro Bay as being of consequence when considering the effects from heavy metal accumulation resulting from development in Karepiro Bay. These effects need to be fully understood along with the cumulative impact from all proposed developments that are planned in the locality. The evidence was that the associated coastal processes and resultant effects from development have not been fully addressed.

The Panel agrees with the evidence for the Council and the submitters seeking to limit development to the currently approved 550 dwellings. The Panel finds that there remain unresolved concerns with respect to the impacts associated with a greater amount of development. The wide ranging investigations carried out by Wēiti Development LP are acknowledged and are necessary in the context of the coastal environment at Wēiti. However, it is a sensitive environment given the coastal location, and with two rivers discharging to it, and there is a need to have particular regard to the physical, coastal, ecological, landscape and other considerations. In this location these matters are of either regional or national significance.

The Panel's view is that the combination of these regional and nationally significant values gives this locality a special status that could be sufficient to exclude the area from any greater urbanisation but certainly sufficient to justify a precautionary approach to development in the precinct. That precautionary approach demands that all potential effects of further development beyond that approved need to be identified and for it to be demonstrated those effects can be managed appropriately.

The provisions of the regional policy statement, the New Zealand Coastal Policy Statement and the Resource Management Act 1991 collectively support and require the above considerations.

The Panel was not satisfied on the evidence that the precinct can be amended in the manner sought by Wēiti Development LP to provide for additional development without having significant adverse effects on the environment.

The Panel has made other amendments to the provisions in order to be in accord with other parts of the Plan and with general practice.

#### **4. Panel recommendations and reasons**

The Panel accepts the position of the Council presented in evidence that the precinct be retained with some amendments to the provisions to clarify the extent of and number of dwellings, that being 550 dwellings, provided for in the precinct. The Panel accepts the evidence of submitters and Council regarding the need to carry out further investigations regarding contaminant loads and the cumulative impact from all developments that are planned in the locality and until satisfactory results are reported to adopt a precautionary approach and limit development to that currently approved.

In the above respects the Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, agrees that the provisions as amended by Council in response to the submissions are the most appropriate way to achieve the purpose of the precinct, the regional policy statement and the Resource Management Act 1991.

## 5. Reference documents

### Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Weiti\) - \(C Hellberg, M Carbines, N Vigar\) - Stormwater Supplementary statement \(26 April 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 77\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 142\)](#)

### Submitters

[081 Weiti Development LP and Green and McCahill Holdings Ltd \(E Williams\) - Corporate \(26 February 2016\)](#)

[081 Weiti Development LP and Green and McCahill Holdings Ltd \(S Grace\) - Planning \(26 February 2016\)](#)

[081 Long Bay- Okura Great Park Society - Fiona McLaughlin - Hearing summary - 26 April 2016 \(28 April 2016\)](#)

[081 Long Bay- Okura Great Park Society - Sam Morgan - Supplementary hearing evidence \(28 April 2016\)](#)

[081 The East Coast Bays Coastal Protection Society \(Lezette Reid\)- Hearing summary \(31 May 2016\)](#)

## 548 Whangaparāoa Precinct

### 1. Summary of recommendations

The Panel supports this precinct as requested by the Peter Snell Youth Village.

The Panel notes both Auckland Council and the Peter Snell Youth Village have agreed that a precinct is appropriate for this land and have also agreed on the wording of the precinct provisions except in relation to two of the assessment criteria.

This precinct was heard in Topic 081.

### 2. Precinct description

The Whangaparāoa Precinct is located at 1212 Whangaparāoa Road, Coal Mine Bay. The precinct is comprised of approximately 11.4 hectares. The site is bounded by Coal Mine Bay to the north, Whangaparāoa Road to the south and an established residential development to the east.

The purpose of the Whangaparāoa Precinct is to enable the ongoing operation of the Peter Snell Youth Village camp facility and to provide for its expansion while safeguarding significant coastal landscape values.

### 3. Key issues

The Panel accepts the need for a precinct to enable ongoing functioning and expansion of the Peter Snell Youth Camp while safeguarding significant coastal landscape values.

The precinct has been developed to provide for the outcomes of Plan Change 130 which was recently litigated, with Plan Change 130 becoming operative in April 2015. The site provides for the coastal outdoor education centre that was established in 1950, and in 1964 Peter Snell permitted his name to be used in association with the youth camp.

The precinct also meaningfully departs from the provisions of the underlying Residential - Large Lot Zone and the zoning does not contain activity or development controls appropriate to manage the existing or future development proposed for this site.

The Panel agrees with the Council that assessment criteria I1.8.2 (e) and (g) should be retained, rather than being deleted as requested by the submitter. The Panel recommends amendments to the wording of I1.8.2 (g) to address the specific concerns raised by Mr Hessel on behalf of the submitter.

A number of other changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and more minor changes are made to the provisions to improve their functionality and for clarity.

#### 4. Panel recommendations and reasons

The Panel having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the amended provisions of the Whangaparāoa Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### 5. Reference documents

Auckland Council

[081b Ak Cncl - Precincts \(Whangaparaoa\) - \(A Fox\) - Planning](#) (3 February 2016)

[081b Ak Cncl - Rodney - Precincts \(Whangaparaoa\) - \(A Fox\) - Planning - REBUTTAL](#) (1 March 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Page 55)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) (26 May 2016) (page 122)

Submitters

[081 Peter Snell Youth Village \(L Hessel\) - Planning](#) (12 February 2016)

[081 Peter Snell Youth Village \(L Hessel\) - Planning - REBUTTAL](#) (4 March 2016)

[081 Peter Snell Youth Village \(L Hessel\) - Planning - Summary statement](#) (17 March 2016)

## Part 2 Precincts unsupported

### Akoranga 1 Precinct

#### 1. Summary of recommendations

The Panel does not support this precinct.

This precinct was heard in Topic 080.

#### 2. Precinct description

The Akoranga 1 Precinct encompasses the Auckland University of Technology campus located at Akoranga Drive, Northcote.

The purpose of the precinct was to enable the development and operation of a range of activities to cater for the diverse requirements of the student population, employees and visitors. Community use of the facilities is also provided for.

It also allows for business, offices, research and laboratory facilities which are increasingly co-locating within these campuses, to the benefit of the tertiary institution, the students and the economic development of Auckland.

The campus was zoned Special Purpose - Tertiary Education Zone in the notified version of the proposed Auckland Unitary Plan Unitary Plan and is recommended by the Panel to be zoned Business – Mixed Use Zone consistent with the agreement reached between the Council and the Auckland University of Technology during the hearing process.

#### 3. Key issues

The zoning of the campus site had been agreed between the Council and Auckland University of Technology during the hearing process. The precinct provisions had also been largely agreed.

In the Panel's Report to Auckland Council - Hearing topic 074 Designations May 2016 (Minister for Tertiary Education, Skills and Employment – Minor matters and errors), the Panel has recommended that Designation 6101 for this campus be confirmed and notes that this designation is very general and provides for the:

construction, undertaking, establishment, management, operation and maintenance of a tertiary education facility and every use of the land for educational and ancillary purposes.

The Panel also notes that 'ancillary activities' in relation to Designation 6101 specifically:

includes activities, structures, and buildings supporting tertiary education such as (but not limited to) administration, research, and development needs, accommodation, meeting and assembly area, commercial retail and services.

The combination of the rezoning of the campus to Business – Mixed Use Zone, together with Designation 6101, in effect results in the proposed precinct being a regulatory duplication.



The Panel recommends that the precinct not be adopted as it is not required to enable the outcomes sought by the submitter for this land.

#### **4. Panel recommendations and reasons**

The Panel having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the Akoranga 1 Precinct not be adopted.

The rezoning of the land within the proposed precinct to Business – Mixed Use Zone, together with Designation 6101 of the site is considered the most appropriate way to enable the development of the proposed precinct site and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### **5. Reference documents**

[080 Ak Cncl - Massey University Albany, AUT, Albany 9, Akoranga 1, Manukau 2 Precincts \(I Bayliss\) - Planning \(01 June 2016\)](#)

[080 Ak Cncl - Tertiary Education - Massey University Albany, AUT, Albany 9, Akoranga 1, Manukau 2 Precincts \(I Bayliss\) - Planning - REBUTTAL \(26 January 2016\)](#)

[080 Ak Cncl - Legal Submissions \(POS, Tertiary and Other zones\) \(15 February 2016\)](#)

[080 Ak Cncl - Public Open Space, Tertiary \(excl Wairaka\), Schools, Maori, Major Rec & Coastal - CLOSING REMARKS \(18 March 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(Page 285\)](#)

[080 Auckland University of Technology - 15 Apollo Drive \(J Bray\) - Planning \(19 December 2015\)](#)

[080 Auckland University of Technology \(J Bray & C Freke\) - Joint Summary Statement - Planning & Transport \(23 February 2016\)](#)

# Albany 5 Precinct

## 1. Summary of recommendations

The Panel does not support this precinct.

The Panel notes that the precinct proposed by the landowner, North Eastern Investments Limited, was not supported by the Council.

This precinct was heard in Topic 081.

## 2. Precinct description

The proposed Albany 5 precinct is located at 56 Fairview Ave and 129/131 and 135 Oteha Valley Road.

The purpose of the precinct was to establish a policy and rule framework for the land that recognised its potential for intensive residential development to a higher intensity and height than that set as the benchmark for the Residential - Terrace Housing and Apartment Buildings Zone and for a mixed use development fronting Oteha Valley Road.

The precinct sought the inclusion of three sub-precincts to provide for differing building heights as follows:

- i. Sub-precinct A: 27m. This is the major, more elevated part of the site fronting Fairview Avenue;
- ii. Sub-precinct B: 23m. This is the Mixed Use area along Oteha Valley Road; and
- iii. Sub-precinct C: 34m or 60m through the Residential - Terrace Housing and Apartment Buildings Zone. This is the southernmost and lowest area of the site.

The zoning of the land in the notified proposed Auckland Unitary Plan Unitary Plan was predominantly Mixed Housing Urban Zone and in a small part, Mixed Housing Suburban Zone.

## 3. Key issues

The key issue between the Council and North Eastern Investments Limited related to the zoning of the land and the height and intensity of future development.

The Council's position was summarised in the joint planning evidence on precincts (Albany 1, 3, 4, 5 etc) dated 26 January 2016 in the table at paragraph 7.9, as set out below:

The underlying zone of the proposed new precinct under the notified PAUP is MHS and MHU. The MHS and MHU zones provide for a maximum building height of 8m and 11m respectively, and yard controls ranging from 1.3m to 2.5m.

The proposed new precinct would more than double the maximum building height limits from those proposed in the underlying zones. The zone controls for building height and yards are set at levels that are appropriate for the zone.

A proposal to exceed the height limits can be pursued through a resource consent application. The resource consent process would involve assessment of any dominance, privacy and shading effects on the surrounding neighbourhood.

The evidence of Terry Conner (Topic 081) explains why the change of zoning sought by the submitter from MHS and MHU to THAB is not supported. In summary, it is inappropriate to encourage more intensive residential development in this area without appropriate assessment of the effects.

Ms Conner's evidence also dated 26 January 2016 on Rezoning - North Shore – Albany and Greenhithe on page 32, as set out below.

Do not support change to THAB of either site, due to access concerns but support an alternative change for 39 Fairview Ave from SH/MHS to solely MHS to avoid split zoning. MHS is an appropriate zone for properties not close to centres and the RFN to recognise the planned suburban built character of the area. MHU is proposed to be retained on 56 Fairview. Access to much of this area is constrained by a 1 lane bridge and is not conducive to a safe pedestrian walk to public transport. Retention of the respective zones and the proposed change to MHS are the most appropriate ways to achieve the objectives of the MHS and MHU zones and gives effect to the RPS.

- The outcome of the Environment Court hearing of the proposed AT requirement for improvements at the Medallion Road, currently underway, may have a material impact on this issue.

The evidence on behalf of both parties set out the relevant history in relation to the earlier resource consent application and the Auckland Transport notice of requirement, both matters having been considered by the Environment Court.

The Panel agrees with the submitter that this site has considerable potential for residential development but was not convinced by the evidence that a precinct as proposed is necessary or appropriate. The Panel supports the evidence on behalf of the Council in opposing the precinct provisions.

The Panel has instead agreed with the submitter that a more intensive zoning is appropriate and has recommended that the entire eight hectare site be rezoned Residential - Terrace Housing and Apartment Buildings Zone. The proposed Business - Mixed Use Zone for a portion of the land is not supported in this location which is relatively close to but physically separated from the nearby metropolitan centre at Albany. If any future specific proposal seeks to exceed the height provisions of that zoning the Panel considers that such a proposal would need to be tested by way of a resource consent application.

The Panel is confident that the Auckland-wide provisions, together with the provisions of the Residential - Terrace Housing and Apartment Buildings Zone, will appropriately enable the future development of this site, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### **4. Panel recommendations and reasons**

The Panel having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the Albany 5 Precinct not be adopted. The rezoning of the land within the proposed precinct to Residential - Terrace Housing and Apartment Buildings Zone is considered the most appropriate way to enable the development of the proposed precinct site and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

081c AK Cncl - North Shore - Precincts (Albany 1 3 4 5 6, Milford 1, Browns Bay) - (T Conner, J Jeffries, E Patience) - Planning (27 January 2016)

081c Ak Cncl – North Shore – Rezoning – Albany and Greenhithe (T Conner) - Planning (28 January 2016)

081 Ak Cncl – LEGAL SUBMISSIONS (PRECINCTS ONLY) (3 March 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Attachment C, page 4)

081 North Eastern Investments Limited and Heritage Land Limited - Legal Submissions (20 April 2016)

081 North Eastern Investments Limited and Heritage Land Limited - Hearing presentation (21 April 2016)

081 North Eastern Investments Limited and Heritage Land Limited - Hearing submissions - Appendix 1 (20 April 2016)

081 North Eastern Investments Limited and Heritage Land Limited (A Coats) – Architecture – Albany precinct 5 (17 February 2016)

081 North Eastern Investments Limited and Heritage Land Limited (B Harries) - Engineering – Albany precinct 5 (17 February 2016)

081 North Eastern Investments Limited and Heritage Land Limited (J Farquhar) - Submitter (15 February 2016)

081 North Eastern Investments Limited and Heritage Land Limited (P Thomas) - Planning (15 February 2016)

081 North Eastern Investments Limited and Heritage Land Limited - Further information post hearing (29 June 2016)

081 North Eastern Investments Limited and Heritage Land Limited - Further information post hearing - Attachment 2 - Albany 5 Precinct Provisions (29 June 2016)

# Albany 6 Precinct

## 1. Summary of recommendations

The Panel does not support this precinct. The Panel notes that the precinct proposed by the Prema Charitable Trust, was not supported by the Council.

This precinct was heard in Topic 081.

## 2. Precinct description

The proposed Albany 6 precinct is located at 14 Mills Lane at a site approximately 7.62 hectares in area. The submission of the Prema Charitable Trust sought the precinct in order to:

- i. provide for 'tertiary education facilities' as a permitted activity;
- ii. provide for a range of activities accessory to tertiary education, including dwellings, student accommodation, community facilities, retail, and pastoral farming as permitted activities; and
- iii. provide for new buildings for a permitted activity, greater than 50m<sup>2</sup> where located on an indicative building platform as a restricted discretionary activity.

The zoning is Residential – Large Lot Zone and the site was subject to overlays for significant ecological areas, flooding constraints, and Stormwater Management Area – Flow 1 in the notified proposed Auckland Unitary Plan Unitary Plan.

## 3. Key issues

No evidence was presented on behalf of the submitter.

The Council's position was summarised in the legal submissions on precincts dated 3 March 2016 as follows:

3. The Council's evidence regarding this precinct is contained in the joint evidence report of Terry Conner, Joseph Jeffries, and Ewen Patience dated 26 January 2016. The Council officers do not support the proposed precinct.
4. In particular, the Council officers refer to Mr Roberts' evidence for the Council in relation to Topic 059-063 which amended the provisions for the Large Lot zone. As a result of those amendments, tertiary institutions are now provided for as a Discretionary activity in the Large Lot zone. A precinct is therefore unnecessary as the activity can be more appropriately managed through the resource consent process.
5. Accordingly, the precinct is not supported on the basis that it does not align with the strategic direction of the PAUP and to support the precinct would be inconsistent with the Panel's Interim Guidance on best practice.

The Panel has recommended that education facilities and tertiary education facilities be provided for as discretionary activities in the Residential - Large Lot Zone, consistent with the Council's evidence on Topic 059-063. The Panel is confident that the provisions of the Residential - Large Lot Zone will appropriately enable the future development of this site, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### **4. Panel recommendations and reasons**

The Panel having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the Albany 6 Precinct not be adopted. The provisions of the Residential - Large Lot Zone are considered to be the most appropriate way to enable the development of the proposed precinct site and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### **5. Reference documents**

Auckland Council

[081c AK Cncl - North Shore - Precincts \(Albany 1 3 4 5 6, Milford 1, Browns Bay\) - \(T Conner, J Jeffries, E Patience\) - Planning \(27 January 2016\)](#)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\) \(3 March 2016\) \(Page 97\)](#)

# Gulf Harbour Precinct

## 1. Summary of recommendations

The Panel's recommendation is to delete the precinct from the Plan as notified.

The majority of the precinct is now developed or has resource consents for development and the development cap and the associated standards are no longer required. The zones and the Auckland-wide provisions applicable to the sites in the precinct are considered sufficient to manage subdivision, use and development.

This precinct was heard in Topic 081.

## 2. Precinct description

The Gulf Harbour Precinct is a 350 ha master-planned development located at Hobbs Bay on the Whangaparāoa Peninsula.

The precinct regulates the following standards for development:

- i. a development cap including the total number of dwellings that could be established within the precinct;
- ii. maximum density in terms of net site area for Sub-precincts B, C and D;
- iii. discouraging the conversion of existing houses into two by imposing a non-complying activity status;
- iv. ensuring Sub-precinct F is open space in perpetuity and ensuring the area is used for a golf course; and
- v. ensuring the site coverage in Sub-precinct A at 50 per cent of net site area.

All other standards in the precinct revert to the zones and Auckland-wide provisions.

## 3. Key issues

Auckland Council's planning evidence supports the retention of the development cap provision due to wastewater and transport constraints. Top Harbour Limited requests the development cap be deleted.

Watercare evidence on behalf of Auckland Council from Mr Bourne confirmed that there is a project underway to upgrade the outfall pipe from the Army Bay Treatment Plant at the end of the Whangaparāoa Peninsula. This will increase the capacity of the flows able to be discharged, reducing the need to throttle flows in the network. This is programmed for completion in 2019. This is referenced in paragraphs 9.19–9.22 on page 23 of Mr Bourne's evidence.

In relation to transport, although the Penlink road connection is not yet constructed, the deletion of the precinct will not have any significant change to the development capacity at Gulf Harbour given that it is largely developed or there are consents in place for development.

Mr Peter Reaburn's evidence on behalf of Top Harbour Limited was that the maximum number of dwellings that could be established within the precinct was based on operative

district plan residential zone provisions. It is not related to the capacity of the wastewater network. This is referenced in paragraph 4.17 on page 9 of his evidence.

Mr Reaburn confirmed there were resource consents in place for Sub-Precincts B, C and D either side of The Anchorage and for Sub-precinct D north of Pinehurst Drive.

Accordingly, for the above reasons, it is not considered necessary to retain the development cap.

#### **4. Panel recommendations and reasons**

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the precinct be deleted.

As the development cap is considered unnecessary, the following are also unnecessary to limit the amount of development in the precinct:

- i. the maximum density in terms of net site area of Sub-precincts B, C and D;
- ii. the discouraging of the conversion of existing houses into two by imposing a non-complying activity status;
- iii. the modification to the minimum site area required for subdivision; and
- iv. the limit on the conversion of existing houses into two dwellings.

In addition, site coverage requirements in Sub-precinct A were to be limited to 50 per cent of net site area. This is considered unnecessary as there is no robust reason provided to adopt this standard. Stormwater is not raised as an issue for the precinct, and there are no site coverage requirements in the Panel's recommendation provisions for the Business – Local Centre Zone.

The retention of Sub-precinct F is also unnecessary. This sub-precinct was to have a standard stating that the purpose of the land was for a golf course. However, the golf course is privately owned and such a standard is considered unnecessary as the landowner would not be able to use the area for any other purpose without consideration being given to a change to the Plan or obtaining a resource consent or similar approval.

#### **5. Reference documents**

[081b Ak Cncl - Rodney - Precincts \(Gulf Harbour\) - \(J Jeffries\) - Planning](#) (26 January 2016)

[081b AK Cncl - Rodney - Precincts - \(Gulf Harbour\) - \(J Jeffries\) - Planning - REBUTTAL](#) (26 February 2016)

[081a Ak Cncl - General - Watercare Services \(M Bourne\) - Water Supply, Wastewater Networks, Transmission Infrastructure](#) (5 December 2015)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 5)

[081 Top Harbour Limited \(Peter Reaburn\) - Planning](#) (11 February 2016)



# Hatfields Beach 1 Precinct

## 1. Summary of recommendations

The Panel does not support this precinct.

The Panel notes that the precinct was proposed by a number of the landowners within the precinct and was not supported by the Council.

This precinct was heard in Topic 081.

## 2. Precinct description

The following description of the proposed precinct was set out in Attachment C to the planning evidence of Mr Jeff Brown:

The Seaforth Peninsula Precinct is located immediately north of Hatfields Beach and east of the Hibiscus Coast Highway. It contains 61 ha in 20 existing titles, used mainly for rural lifestyle purposes as well as visitor accommodation and a rest home. Much of the southern part of the peninsula is in native bush and is within the Significant Ecological Area overlay. Vegetation throughout the rest of the peninsula is predominantly exotic forest with native undergrowth.

The land has varied, rolling topography with a central east to west ridgeline, and is capable of absorbing a greater level of development without adverse effects on landscape values, coastal values or rural amenities. The land is very close to the urban area of Orewa and there is a regular bus route on the Hibiscus Coast Highway. Reticulated water supply on Hibiscus Coast Highway currently services some properties on the Peninsula.

The purpose of the Seaforth Peninsula Precinct is to enable rural lifestyle activities while avoiding, remedying and mitigating adverse effects on, and enhancing, nature conservation values, landscape and coastal values and rural amenities. This is achieved by setting aside areas within the Precinct for ecological protection, removal of exotic tree species, implementing an effective, long term strategy for plant and animal pest removal and management to enable natural, indigenous revegetation, enabling new rural lifestyle development in locations and densities that are appropriate to the local topography and aspect, and requiring amenity planting and building location and design controls to avoid or mitigate adverse visual effects when viewed from the coast and the Hibiscus Coast Highway.

The areas for protection and development are set out on the Seaforth Peninsula Precinct Plan. The protection areas and the protection methods promoted are:

- The **Significant Ecological Area** (SEA) on the southern slopes of the Precinct which will be protected by avoiding any new development and by the plant and animal pest management strategy;
- The **Native Vegetation Area**, on the eastern coastal periphery and in the centre of the Precinct, of the which contains regenerating native forest and shrub land but which is not within the SEA, and which will be protected by locating any new development only within low ecological value areas within this vegetation type, by removal of exotic species and by the plant and animal pest management strategy;

The areas for development comprise the balance of the Precinct. They are characterised by exotic grassland and other exotic scrub and trees, with patches of native understorey of varying quality, or bare land, and are ideal for low density rural lifestyle development, with suitable controls to avoid or mitigate potential adverse effects on local landscape and ecological values. The development areas are:

- The **Bush Residential 1 Area** is on the northern (highway) side of the ridge line. Development in this area is potentially visible when viewed from the Hibiscus Coast Highway. With appropriate separation from the highway, and with native landscaping planting within the separation buffer to screen the development from the highway, the Bush Residential 1 Area is capable of absorbing rural lifestyle development at an average density of 1 household per 0.8 ha. At this density, dwellings can be adequately separated for privacy and rural lifestyle amenity. Development will be subject to site and building design controls and landscaping controls, to ensure that development is not visually prominent and provides space and privacy for residents;
- The **Bush Residential 2 Area** is on the southern (coastal) side of the ridgeline. Development in this area is potentially visible from Hatfields Beach and the residential area to the south and from the ocean. The appropriate location of development within discrete pockets of land and on flatter areas where disruption to landform is minimised, along with site and building design controls, and landscaping controls, potential adverse effects on landscape values will be avoided or adequately mitigated. Landscaping controls will include native planting to complement the existing native vegetation within the SEA and Native Vegetation 1 and 2 Areas, to appropriately screen or soften the visibility of development when viewed from outside the Precinct, and to provide space and privacy for residents. With these controls the Bush Residential 2 Area is capable of absorbing a rural lifestyle density of 1 household per 1.5 hectares.

Both the Bush Residential 1 and 2 Areas will be enhanced by avoiding development where the native understorey is of moderate or high ecological quality, removal of the exotic species, and by the plant and animal pest management strategy, to enable natural regeneration of native vegetation. Access to the Precinct will be from existing access points. The additional development potential is capable of being serviced.

The zoning of this land under the notified proposed Auckland Unitary Plan Unitary Plan is Rural - Rural Coastal Zone and the submitter sought a zoning of Rural - Countryside Living Zone.

### 3. Key issues

The key issues between the Council and the submitter are set out below.

The Council in legal submissions dated 3 March 2016 summarised its evidence in relation to the three precincts sought at Hatfields Beach as set out below.

7. The Council does not support the inclusion of any of the Hatfields Beach precincts in the PAUP particularly the degree of density of rural subdivision proposed in each of the three precincts. The basis for this is that rural subdivision is strategically managed within the PAUP in order to achieve consistency with a core strategic direction in the RPS – to prevent further sporadic and scattered subdivision in rural Auckland.

8. In addition, Hatfields Beach is a sensitive coastal area, that contains significant natural and landscape character values includes extensive areas of ONL44 and SEA.– which are acknowledged and protected by the RPS and zoning in the PAUP.

9. On the basis of the above issues, Mr Te Pairi, informed by the ecological evidence of Ms Myers, and the landscape evidence of Stephen Brown does not consider that the three Hatfields Beach precinct proposals meet the Merits Based Assessment for new precincts, outlined in the evidence of Mr John Duguid for the Council on Topic 081 Rezoning and Precincts. (Page 24, paragraphs 7-9.)

The Council, in its closing remarks, responded to this specific precinct as set out below.

14. The Council notes that this land currently has 17 dwellings, plus ancillary buildings. CL zoning would provide for 32 sites, while the precinct provisions increase intensity to 54 sites. The CL zoning and precinct therefore significantly increase the development potential for this land. The Council does not consider that the existing intensity on the land is a valid basis to apply CL and significant additional development.

15. The Council considers that the same strategic planning and ecological issues apply here as in the Kauri Orewa precinct. The Council continues to rely on its expert witnesses who oppose the new precinct and the rezoning from RC to CL given the inconsistency with the Council's view that the RC zone best gives effect to the integrated management of the significant and landscape coastal values, including ONL44.

16. The Council's view is that there is nothing unique about the Seaforth land that justifies the level of intensity proposed by the submitter. (Volume 1, page 13, paragraphs 14-16.)

Mr Jeff Brown in his planning evidence set out his summary of the following key issues.

A. I support the Seaforth Precinct and in my evidence I discuss the Precinct in the context of the wider environs of Hatfields North, the relevant PAUP zonings and overlays, the higher order objectives and policies, the New Zealand Coastal Policy Statement, and section 32 and Part 2 of the Act.

B. The 61ha Seaforth peninsula area is immediately north of Hatfields Beach on the coastal side of the Hibiscus Coast Highway. The land has natural values – it is in part covered by the SEA and has other non-SEA native bush areas, all of which are threatened by plant and animal pests. It is not productive land and has no real farming opportunities. It has particular locational attributes: it is close to the urban area and the existing bus service from Waiwera to Orewa; it has various coastal and bush amenities; and it already has a rural lifestyle character, being in multiple ownerships with 17 existing dwellings (at an average density of around 1 dwelling per 3.6ha), and a rest home.

C. The land is appropriate for further rural lifestyle development, and I consider that the sustainable management of the resources needs to include all of the following three components:

1. Retention and development of its existing rural lifestyle character; and
2. Protection and enhancement of natural values; and

3. Rural lifestyle development that recognises and addresses the significant landscape and coastal values while enabling the achievement of significant beneficial ecological outcomes.

D. I consider that the most appropriate method to achieve these “sustainable management components” is by way of the bespoke Precinct, within an underlying Countryside Living Zone (**CLZ**).

The purpose of the Seaforth Precinct is to enable rural lifestyle activities while avoiding, remedying and mitigating adverse effects on, and enhancing, nature conservation values, landscape and coastal values and rural amenities. In summary this is achieved by setting aside areas within the Precinct for ecological protection, implementing an effective, long term strategy for plant and animal pest removal and management throughout the Precinct, arranging new rural lifestyle development in locations and densities that are appropriate to the local topography and aspect, and requiring amenity planting and building location and design controls to avoid or mitigate adverse visual effects when viewed from the coast and the Hibiscus Coast Highway.

E. The Precinct provides for a total of 54 rural lifestyle lots (including the existing development) in two densities: one per 8000m<sup>2</sup> in the northern part of the Peninsula and one per 1.5 ha in the southern part, and the average density would be approximately one dwelling per 1.1ha.

F. The notified Rural Coastal Zone (**RCZ**) is not appropriate as the land has no economic value for farming and the adoption of this zone would not enable the development and protection opportunities inherent in the land.

G. I consider that the bespoke Precinct and the CLZ better serve the higher order objectives and policies of the PAUP, and are consistent with and achieve the Panel’s interim guidance for best practice approaches to re-zoning and precincts, and that the Precinct achieves the Council’s merits assessment criteria. The Precinct is consistent with the New Zealand Coastal Policy Statement objectives and policies.

H. I disagree with much of Mr Te Pairi’s evidence on the zoning and the Precinct.

I. I consider that the re-zoning and Precinct are consistent with Sections 6(a) and (b) and 7(b), (c), (g) and (i) of the Act, and are the most appropriate way to achieve the Act.

Mr Te Pairi in his planning evidence dated 28 January 2016 provided his views on this proposed precinct as set out below.

### **Seaforth**

10.51 Almost the same area of land (and some of the same submitters) was the subject of an appeal to the Environment Court (EC) to the legacy Rodney District Plan (notified in 2000) (see **Figure 3**). After lengthy litigation, the appeal was resolved in 2010.

10.52 Mr Jeffrey Brown on behalf of Seaforth Ltd considers this decision is no longer relevant. I agree in so far as the provisions that resulted from that decision were based on a different set of circumstances and the policy framework of the day and, in my view 6 years has been a sufficient period to implement those development rights granted by the EC in 2010.

10.53 However, in reaching their decision (see **Attachment B**), the EC noted that the special provisions (that allowed multiple household units) that were included in the notified version of Rodney District Plan in 2000, did already compromise to some extent the objectives and policies of the East Coast Rural zone of the operative (Rodney) District Plan. Notwithstanding this, the EC granted some further minor development rights.

10.54 Neither the special provisions that were included in notified Rodney Plan nor the further development rights granted by the EC in 2010 have been rolled over into the PAUP. I support their exclusion from the PAUP for the reasons stated above in 10.52 and elsewhere in this report.

10.55 The relevance of this decision is the EC's observation that provisions in the Rodney Plan that was notified in 2000 already to compromised the objectives and policies of East Coast zone of the Hatfields North Peninsula. I take this to mean that further development opportunities are limited.

10.56 Stephen Brown has also reviewed the decision and is familiar with the Hatfields North Peninsula. He considers that additional development would exacerbate the situation of what is an unusually high density for the Rural Coastal zone. Therefore, in his view, further intensification would be inappropriate. I agree with Mr Brown.

10.57 On this basis, I do not support the scale and intensity (see 9.15) proposed by the Seaforth Precinct at the Hatfields North Peninsula. (Pages 29-30, paragraphs 10.51-10.57.)

#### 4. Panel recommendations and reasons

The Panel has preferred the evidence on behalf of the Council in relation to this proposed precinct.

Overall the Panel's recommendation, to retain the Rural - Rural Coastal Zone and not rezone this and surrounding coastal land to Rural - Countryside Living Zone, is consistent with the Council's approach to coastal land along the eastern coastline, particularly in relation to land adjacent to urban areas such as Warkworth.

The Panel has concluded that in recommending that this proposed precinct not be adopted, the following factors distinguish this proposed precinct from the Hatfields Precinct (Kauri Orewa Limited/Chin Hill Farm Limited) that the Panel has recommended to be adopted:

- i. the location of the land within this proposed precinct is to the east of the Hibiscus Coast Highway and there is a closer relationship with the coastal environment;
- ii. the relatively limited opportunities for environmental enhancement within the proposed precinct;
- iii. the fragmented ownership of the land which would have caused difficulties in achieving the environmental outcomes for the proposed precinct; and
- iv. the existing pattern of subdivision and intensity of settlement of the land within the proposed precinct.

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the Hatfields Beach 1 Precinct not be adopted. The retention of the Rural - Rural Coastal Zoning of the land within the proposed precinct is considered the most appropriate way to enable the development of the proposed precinct site and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (03 March 2016) (Page 24)

[081b Ak Cncl - Rodney - Precincts \(Hatfields 1,2 and 3\) - \(N Te Pairi\) – Planning](#) (28 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Hatfields\) - \(S Myers\) - Ecology](#) (27 January 2016)

[081a Ak Cncl - General \(S Brown\) - Landscape](#) (29 January 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 9)

[081 Chin Hill Farm \(J Brown\) - Planning](#) (15 February 2016)

[081 James B Mackenzie - Legal submissions](#) (17 March 2016)

Refer to [hearings webpage](#) for all evidence documents logged on behalf of James B Mackenzie (081 Rezoning and Precincts (Geographical Areas) - IHP DOCUMENTS AND SUBMITTERS EVIDENCE)

# Hatfields Beach 2 Precinct

## 1. Summary of recommendations

The Panel does not support this precinct.

The Panel notes that the precinct proposed by the landowner, Objective Holdings Limited, was not supported by the Council.

This precinct was heard in Topic 081.

## 2. Precinct description

The following description of the proposed precinct was set out in Attachment B to the planning evidence of Ms Kate Madsen, as set out below.

The Hatfields Beach 2 New precinct applies to land north-west of the Hibiscus Coast Highway (Waiwera) as identified on the Hatfields Beach 2 NEW Precinct Plan. The underlying zone for the precinct is Single House (sub- precinct A & sub- precinct B) and Rural Coastal (sub- precinct C). The precinct is ideally located between two establishing and regenerating medium to high density residential areas (Hatfields Beach and Waiwera).

This 53.23ha precinct is characterised by a high degree of naturalness, including a large bush block in the north-west and two regenerating wetlands to the south. The land has a rolling coastal topography that is predominately south facing with spectacular views towards Hatfields Beach, Orewa and the Hauraki Gulf. The precinct levels out at the southern end, with an additional east/west ridgeline providing visual relief from the adjoining Hibiscus Coast Highway. The Hibiscus Coast Highway itself offers an established high capacity transport link for the precinct, with an existing public transport network. The intent of the zone is to provide a unique sense of place by allowing natural New Zealand ecological features to become the dominant reference point and encouraging urban development to be recessive, both visually and in scale and dominance.

Sub-precinct A (approximately 22.656ha) provides for development consistent with the Single House Zone, creating a sheltered coastal subdivision with native bush views to the west and north.

Sub-precinct B (approximately 4.0167ha) respects areas of steeper topography with larger lot sizes and a sensitive response to the ecological features of the land and views towards the Hauraki Gulf.

Sub-precinct C (approximately 26.887ha) has been created to allow for restoration and rehabilitation wetland and bush planting, and the establishment of environmentally sensitive infrastructure such as a stormwater pond. These precinct provisions do not envisage any additional structures in sub- precinct C, apart from those related to pedestrian access. A small degree of development will be present in this area, being the result of previously approved resource consents.

Whilst the provisions of the Single House Zone provide the mechanisms for residential development within sub precincts A & B, the vision of the precinct aligns with the overarching vision of the Rural Coastal Zone wherever possible.

It is also highlighted that the use of a Framework Plan is essential to realising the vision of the precinct, with a high value placed on collaborating with Council for best outcomes at the early stages of development, particularly in relation to ecological enhancement, provision of key infrastructure and urban design with a kiwi vernacular.

Objective Holdings Limited also sought an extension to the Rural Urban Boundary to include the land within the proposed precinct, along with the rezoning of the land as described within the precinct provisions quoted above.

The zoning under the notified proposed Auckland Unitary Plan Unitary Plan is Rural - Rural Coastal Zone.

### 3. Key issues

The key issues between the Council and the submitter related to the proposed relocation of the Rural Urban Boundary, the proposed rezoning to Residential - Single House Zone and Residential - Large Lot Zone, the intensity and visual impact of the proposed development and the extent to which the proposed precinct is consistent with the regional policy statement.

The Panel has recommended a minor extension to the Rural Urban Boundary where the notified Rural Urban Boundary adjoins the existing urban-zoned land at Hatfields Beach. The submitter requested an extension of the Rural Urban Boundary to include the land owned by Objective Holdings Limited. The plan received on 29 March 2016 requested a new Rural Urban Boundary that followed the property boundaries and then either side of the Hibiscus Coast Highway to link the property back to the notified Rural Urban Boundary at Hatfields Beach.

The Council in legal submissions summarised the council's evidence in relation to the three precincts sought at Hatfields Beach, as set out below.

7. The Council does not support the inclusion of any of the Hatfields Beach precincts in the PAUP particularly the degree of density of rural subdivision proposed in each of the three precincts. The basis for this is that rural subdivision is strategically managed within the PAUP in order to achieve consistency with a core strategic direction in the RPS – to prevent further sporadic and scattered subdivision in rural Auckland.

8. In addition, Hatfields Beach is a sensitive coastal area, that contains significant natural and landscape character values includes extensive areas of ONL44 and SEA.– which are acknowledged and protected by the RPS and zoning in the PAUP.

9. On the basis of the above issues, Mr Te Pairi, informed by the ecological evidence of Ms Myers, and the landscape evidence of Stephen Brown does not consider that the three Hatfields Beach precinct proposals meet the Merits Based Assessment for new precincts, outlined in the evidence of Mr John Duguid for the Council on Topic 081 Rezoning and Precincts.

The Council's Closing Remarks responded to this specific precinct, as set out below.

21. Mr Te Pairi considers that the proposed RUB does not have a strong defensible boundary because it relies on land ownership boundaries and the Hibiscus Coast Highway (HCH) and despite the submitter including the HCH within the RUB, (as



shown on Figure 1 below) this would not overcome its separation from the existing Hatfields Beach settlement by 0.5 kilometres. He does not support the proposed revision to RPS Objective 4 and Policy 1 to include the words generally to enable the Objective land to come within the RPS Policy framework.

The Panel agrees with Mr Te Pairi's response and does not recommend any relocation of the Rural Urban Boundary to include the submitter's land.

As a consequence of the above recommendation on the Rural Urban Boundary the Panel does not support the proposed Residential - Single House Zone and Residential - Large Lot Zone urban zonings for portions of the land within the proposed precinct. In this regard the Panel agrees with the evidence presented on behalf of the council.

The nature, intensity and visual impact of the development within the proposed precinct was summarised in the evidence of Ms Madsen, as set out below.

#### Summary of Updated Precinct HB2

3.1. Precinct HB2 (objectives and policies, activity controls, matters for discretion and assessment criteria) is attached as Attachment B. In brief:

- The precinct boundaries is as identified in the Precinct Plan in Attachment B
- The underlying zone is Rural Coastal, with an overlay of Single House
- The size of Precinct HB2 is approximately 73ha, with 22ha proposed for development consistent with the Single House Zone (sub-precinct A), 4ha providing lower density (1500m<sup>2</sup> sites (Sub-Precinct B), and 47ha allowing for protection of existing natural features and enhancement planting (Sub-Precinct C).
- The Precinct approach is to be 'Landscape Led', with protection and enhancement of the landscape being prioritised over and before development outcomes.
- Residential development is capped at 320 dwellings.
- Access is via two existing vehicle crossings from Hibiscus Coast Highway, the alternate northern route with capacity to absorb additional traffic and in addition has an existing public transport service.
- Precinct HB2 (Sub-Precincts A & B) has low visibility impact from all public vantage points, including the State Highway.
- On-site stormwater and wastewater servicing can be achieved, with WSL in agreement to a potential future connection to an upgraded wastewater network pipe between Waiwera and Hatfields.

On page 3 of her evidence Ms Madsen summarised her evidence in relation to the relevant provisions of the regional policy statement, as set out below.

In regard to aligning with the objectives and policies contained in the Regional Policy Statement (RPS), overall it is considered that the identity and sense of place inherent

with the land subject to the precinct will be maintained and enhanced, allowing natural features on the site to mature and add to the underlying character of the Rural Coastal Zone without subjecting it to any visible change in character.

The Council's closing remarks responded to these matters, as set out below.

#### Precinct Intensity

22. The Objective precinct provides for 320 urban dwellings and healthcare facilities and is considered to be a new village which is contrary to Objective 2, Policy 1 and Policy 1A of RPS Urban Growth Chapter 2.1 which aims to avoid new urban villages or towns outside of RUB to achieve a compact quality urban city. The intent of the policy is to prevent the proliferation of ad hoc settlements that would undermine the ability to plan, coordinate and fund infrastructure in strategic locations that have been identified for future growth.

23. The proposed RUB extension and underlying SH zone sought by Objective would result in an incoherent zoning pattern that is at odds with both the Council's preferred zoning of RC and, the requested zoning by other submitters at Hatfields of CL. The SH zone would incorrectly signal that urban development is appropriate in this location.

#### Intensity of Development and Visual Impact

24. There was discussion at the hearing as to the visual impacts of the proposed urban development within the proposed Objective precinct. Mr Brown stated to the Panel that urban development would have a significant effect on the landscape blurring the edge between fully urban and Waiwera. As outlined on the map below showing the location of Mr Brown's annexures 8 and 10 the Green Shed, discussed in detail at the hearing, is visible along with the kanuka behind it. There is no second shed which could be mistaken for the Green Shed which clearly lies within sub-precinct A designed for 600m<sup>2</sup> lots.

#### RPS for Urban-Growth

25. From a strategic planning perspective, the Objective precinct is not supported as an 'urban' destination.

27. The proposed precinct also fails to protect the significant landscape, including ONL 44, and natural character values in the coastal environment that were identified in the evidence of Mr Brown. The above map provided by Mr Brown reinforces the location and potential impact of the proposed urbanisation of the submitter's land.

28. The Council experts remain of the view that the most appropriate zone is Rural Coastal to give effect to RPS Chapters 4.3.2 (natural heritage) and Chapter 7.1 (sustainably managing our coastal environment).

The Panel has preferred the evidence of the Council in relation to the above matters.

## 4. Panel recommendations and reasons

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the Hatfields Beach 2 Precinct not be adopted. The retention of the zoning of Rural - Rural Coastal Zone for the land within the proposed precinct is considered the most appropriate way to enable the development of the

proposed precinct site and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

## 5. Reference documents

[081b Ak Cncl - Rodney - Precincts \(Hatfields\) - \(S Myers\) - Ecology](#) (27 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Hatfields Beach\) - \(S Myers\) - Ecology - REBUTTAL](#) (26 February 2016)

[081b Ak Cncl - Rodney - Precincts \(Hatfields 1,2 and 3\) - \(N Te Pairi\) – Planning](#) (28 January 2016)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (page 24)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 10)

[081 Objective Holdings Ltd \(K Madsen\) - Planning](#) (15 February 2016)

Refer to [hearings webpage](#) for other evidence documents logged on behalf of Objective Holdings Limited (081 Rezoning and Precincts (Geographical Areas) - IHP DOCUMENTS AND SUBMITTERS EVIDENCE)

## Milford 2 Precinct

### 1. Summary of recommendations

The Panel's recommendation is to delete the precinct from the Plan as notified.

This precinct was heard in Topic 081.

### 2. Precinct description

The proposed Milford precinct is located at the Milford shopping centre and comprises the northern portion of the commercial area at Milford. It makes up close to one half of the Business - Town Centre Zone for Milford and includes both existing shops developed as a mall and an open car parking area. Access to the precinct is from Kitchener Road and it also has frontage to Milford Road, Ihumata Road and Omana Road.

The purpose of the precinct is to provide for a special intensive residential overlay for the Milford shopping centre. This is the Milford Intensive Residential Overlay as approved by an earlier plan change that was the subject of Environment Court proceedings.

The key element of the precinct relates to building height. The precinct contains nine identified building platforms, each with individual maximum permitted height controls and specific assessment criteria. The provisions complement those in the Business - Town Centre Zone applying to the shopping centre.

The surrounding area is a mix of commercial and residential development with the land to the north and east being occupied by mainly residential uses.

### 3. Key issues

The building height provisions to apply to the precinct were a significant matter raised in the submissions as a balance was sought to be achieved between providing for residential intensification and recognising the potential effects from the height of buildings on the neighbouring residential environment.

### 4. Panel recommendations and reasons

The Panel notes that the Council through the evidence of Mr Lala supported the precinct whereas the Milford Centre Limited, which appeared as a further submitter, did not support it and provided evidence through Messrs Barbour and Reaburn.

The Panel considers that in managing the height of buildings there is a need to enable development by providing for additional building height where this can be achieved without having significant adverse effects on the surrounding residential environment. At the Milford centre additional height beyond that provided for by the zoning can be achieved in parts of the centre that:

- i. are removed from the residential areas;
- ii. over the northern parts of the centre where any impacts from additional height are on or within the centre rather than on neighbours; and

- iii. where there is ample size and depth in the extent of the centre to similarly contain the effects within the centre.

These factors all apply at the Milford centre which can then provide for the intensification at the centres that is sought to be provided by the Plan. The additional height is specifically provided for through the height variation control in the Plan. In these respects the evidence of Mr Reaburn regarding the proposed Milford 2 Precinct is accepted by the Panel. His evidence records supporting reasons for the 18m/23.5m height regime to apply at the Milford centre that relate to:

- i. efficient use of land;
- ii. support to public transport and infrastructure;
- iii. support to vitality and vibrancy of the centre;
- iv. the large size and depth of the centre having limited effects on adjacent residential zones; and
- v. recognising the status of this centre in the centres hierarchy.

The Panel recommends that that the precinct be deleted from the Plan as notified, because additional height for buildings at the Milford centre can be achieved through the height variation control in the Plan without a precinct.

Additionally, the Panel considers that other aspects of future development at Milford can similarly be managed through the Plan provisions. These include the additional height assisting with the intensification sought and being provided for in those parts of the centre that are largely removed from the local residential neighbourhood.

## 5. Reference documents

[081c Ak Cncl - North Shore - Precincts \(Milford 2\) - \(V Lala\) - Planning](#) (16 February 2016)

[081 NZRPG and Milford Centre Limited \(C Barbour\) - Planning](#) (11 February 2016)

[081 NZRPG and Milford Centre Limited \(P Raeburn\) - Planning](#) (11 February 2016)

[081 Milford Residents Association \(D Dunsford & N Bott\)](#) (18 February 2016)

[081 - Milford Village Forum \(Peter Carter\) - Statement of Evidence](#) (17 February 2016)

# Ōrewa Countryside Precinct

## 1. Summary of recommendations

The Panel recommends that the proposed Ōrewa Countryside Precinct is deleted due to the Panel's recommendations on the location of the Rural Urban Boundary and the provision of a Future Urban Zone for this land.

This precinct was heard in Topic 081.

## 2. Precinct description

The Ōrewa Countryside Precinct covers an area of 85ha on the western edge of Ōrewa situated within the Rural - Countryside Living Zone in the notified Plan. The purpose of the precinct was to provide for rural-residential activities in a cluster subdivision layout that has already been consented.

The purpose of the precinct is to provide for rural-residential activities in a cluster subdivision layout while preserving open space for farming and recreation, significant vegetation and unstable land.

## 3. Key issues

The Panel is recommending that the area of land that is subject to the precinct is brought within the Rural Urban Boundary and is zoned as a Future Urban Zone to enable urban development following structure planning.

Therefore, the key issue for the Panel is, taking into account its recommendations on the Rural Urban Boundary, whether there was still a need for the Ōrewa Countryside Precinct.

## 4. Panel recommendations and reasons

The Panel recommends that the Ōrewa Countryside Precinct be deleted for the following reasons:

- i. the landowner sought that the land be brought within the Rural Urban Boundary and provided with a Future Urban Zone classification as their primary relief (Topic 016 and 017);
- ii. the Ōrewa Countryside Precinct was to modify the underlying Rural - Countryside Living Zone to enable more development but this was very much alternative relief to what the land owner primarily wanted; and
- iii. the Panel agrees with the landowner that the most efficient use of the land is for urban use at appropriate densities following a structure planning exercise. This outcome satisfies the requirements of section 32 and promotes the purpose of Part 2 of the Resource Management Act 1991.

Therefore the proposed precinct is no longer appropriate.

## 5. Reference documents

081b Ak Cncl - Rodney - Precincts (Orewa Countryside) - (D Paul) - Planning (27 January 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Page 43)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 (26 May 2016) (Page 112)

081 Orewa West Investments (C Shearer) - Planning (11 February 2016)

# Puhoi Precinct

## 1. Summary of recommendations

The Panel recommends that the proposed Puhoi Precinct is deleted because the Panel's recommendations on the Special Character Areas Overlay – Residential and Business and the Historic Heritage Overlay controls already satisfy the primary purpose of the precinct.

This precinct was heard in Topic 081.

## 2. Precinct description

The proposed precinct was intended to protect the significant heritage values of the historical Puhoi area, as Puhoi has a regionally and nationally important heritage dating back to the 1860s. Puhoi Village has a significant sense of place and character, manifested in its remaining historic buildings and in its strong community. The links to the Bohemian past continue to be celebrated and maintained by the community. The village character results from a combination of features such as topography and vegetation, the scattered nature of development, the style and nature of the existing buildings and their unique history.

## 3. Key issues

The Special Character Areas Overlay – Residential and Business and the Historic Heritage Overlay controls largely cover the same area as the proposed precinct. Therefore, the key issue for the Panel is whether there was still a need for the Puhoi Precinct, taking into account its recommendations on the Special Character Areas Overlay – Residential and Business and the Historic Heritage Overlay controls for the area.

The respective provisions, including subdivision controls, are addressed below.

### 3.1. Land use

Activity	Precinct	Rural- Rural Coastal Settlement Zone	Business - Neighbourhood Centre Zone	Special Character Areas Overlay – Residential and Business	Historic Heritage Overlay extent of place. Covers 4 buildings in Sub-precinct A
New builds	RD	P	RD	RD	D
Adds and Alts	RD	P	P (if <25m <sup>2</sup> ) otherwise RD	RD – if character defining otherwise C	RD

The mapped Special Character Areas Overlay – Residential and Business covers all of Sub-precinct A.

Taking the above table into account overlay provisions cover most of the rules for the proposed precinct and the objectives/policies are similar.



## Subdivision

Area	Precinct	Rural – Rural Coastal Settlement Zone	Business - Neighbourhood Centre Zone	Special Character Areas Overlay – Residential and Business	Historic Heritage Overlay extent of place. Covers 4 buildings in precinct
Sub-precinct A	4 ha	2500m <sup>2</sup>		NA	D
Precinct	4000m <sup>2</sup>	2500m <sup>2</sup>		NA	NA

The precinct controls are more restrictive than the zone rules in regard to subdivision.

However, following a review of existing site sizes the Panel recommends that there are not enough sites of sufficient size that could be subdivided under the zone rules that would adversely affect the special character and heritage values to justify the precinct. Zone-sized subdivisions could only occur if multiple properties applied for consent, which is not a common occurrence.

## 4. Panel recommendations and reasons

The Panel recommends that the precinct is deleted for the following reasons:

- i. the heritage and special character values of Puhoi are adequately protected by the Special Character Areas Overlay – Residential and Business and Historic Heritage Overlay, which renders the primary purpose of the precinct redundant;
- ii. the tighter controls on subdivision (compared to the zones) are not considered necessary because the parcel sizes that currently exist are of a size that the control would be of negligible benefit; and
- iii. the precinct does not meet the requirements of section 32 and promote the purpose in Part 2 of the Resource Management Act 1991.

## 5. Reference documents

Auckland Council

[081b AK Cncl - Rodney - Precincts \(Puhoi\) - \(R Freeman\) - Heritage](#) (27 January 2016)

[081b AK Cncl - Rodney - Precincts \(Puhoi\) - \(R Sanders\) - Planning](#) (27 January 2016)

# Riverhead 1 Precinct

## 1. Summary of recommendations

The Panel's recommendation is to delete the precinct from the Plan as notified.

This precinct was heard in Topic 081.

## 2. Precinct description

This is a former 14ha sawmill site located at Deacon Road and Forestry Road, Kumeū. Riverhead Forest is directly to the north and west. The underlying zoning of the site is Business - Light Industry Zone.

The purpose of the precinct is to enable development and land uses that are appropriate given the historic use of the site, limitations on the infrastructure (stormwater, water and wastewater) and neighbouring rural uses.

The precinct is supported by Council's evidence.

## 3. Panel recommendations and reasons

The Panel's recommendation is to delete the precinct from the Plan as notified due to the fact that the current and future activities on the site can be managed by the zone controls.

## 4. Reference documents

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 46)

## Riverhead 2 Precinct

### 1. Summary of recommendations

The Panel's recommendation is to delete the precinct from the Plan as notified but to rezone part of the land (389ha) as Rural - Countryside Living. The rezoning recognises that the zoning in the proposed Auckland Unitary Plan is not appropriate for the anticipated future use of the land, based on the evidence.

This precinct was heard in Topic 081.

### 2. Precinct description

This is an extensive area of land, 3252ha to the north of Riverhead. The land forms part of the Treaty of Waitangi Settlement Agreement between the Crown and Te Kawerau a Maki. The underlying zoning is Rural - Rural Production Zone.

The purpose of the precinct is not clearly stated in the Plan provisions but it is "to maintain existing subdivision and land use development opportunities" and to manage development "in a way that continues to protect and enhance the particular values of the land". The provisions show it is to protect the subdivision and development potential of the land and in particular the ability to develop housing for Māori.

Te Kawerau a Maki sought more intensive subdivision than provided for by the precinct and for it to be split into two sub-precincts. This was not supported by Council because of insufficient information justifying the scale and nature of development sought.

### 3. Panel recommendations and reasons

The Panel considered that the land use provisions need more attention before it could confirm any particular approach in the Plan. Insufficient information was provided to assess the effects on the environment of the future development sought, in particular how the density of development could fit with the landscape servicing and transport-related considerations. Current forestry and future activities on the site are appropriately addressed through a structure plan. The Panel acknowledges that the area is Treaty Settlement Land and considers that a future plan change should be pursued to develop specific provisions that are consistent with the enabling provisions in Chapter B6 Mana Whenua of the regional policy statement.

The Panel recommends that the precinct be deleted from the Plan as notified, but recommends rezoning part of the land (389ha) as Rural - Countryside Living Zone. The rezoning recognises that the zoning in the proposed Auckland Unitary Plan is not appropriate for the anticipated future use of the land, based on the evidence.

### 4. Reference documents

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 47)

[081 Te Kawerau Iwi Tribal Authority - Legal Submissions](#) (5 April 2016)

## Riverhead 4 Precinct

### 1. Summary of recommendations

The Panel's recommendation is to delete the precinct from the Plan as notified.

This precinct was heard in Topic 081.

### 2. Precinct description

The site comprises 533ha of the Riverhead Forest to the north of Huapai and east of Helensville. The land forms part of the Treaty of Waitangi Settlement Agreement between the Crown and Te Kawerau-a-Maki.

The purpose of the precinct is to protect the development potential of the land as at the time of settlement with the Crown, particularly with regard to the ability to develop the land for Māori housing. A precinct provides for protection of natural areas, additional reserves land, enhancement planting and also outdoor activities and motorsport activities.

Submissions were received from Norman Disney and Young Limited (5992-30) seeking clarification of the noise and vibration provisions, the Northern Region Equestrian Trust (5992-30) seeking to add tourist uses and facilities and Ngāti Whātua o Kaipara (4558-63) seeking amendments to the objectives and policies.

Council's evidence supports the precinct.

### 3. Panel recommendations and reasons

The Panel considered that the land use provisions need more attention before it could confirm any particular approach in the Plan. Insufficient information was provided to assess the effects on the environment of the future development sought, in particular how the density of development could fit with the landscape servicing and transport-related considerations. Current forestry and future activities on the site are appropriately addressed through a structure plan. The Panel acknowledges that the area is Treaty Settlement Land and considers that a future plan change should be pursued to develop specific provisions that are consistent with the enabling provisions in Chapter B6 Mana Whenua of the regional policy statement.

The Panel recommends that the precinct be deleted from the Plan as notified, but recommends rezoning part of the land (389ha) as Rural - Countryside Living Zone. The rezoning recognises that the zoning in the proposed Auckland Unitary Plan Unitary Plan is not appropriate for the anticipated future use of the land, based on the evidence.

The Panel recommends that the precinct be deleted from the Plan as notified.

### 4. Reference documents

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Riverhead 4\) - \(D Hookway\) - Planning](#) (12 February 2016)

## Riverhead South Precinct

### 1. Summary of recommendations

The Panel's recommendation is to delete the precinct from the Plan as notified.

This precinct was heard in Topic 081.

### 2. Precinct description

The precinct applies to land located between Kaipara-Portage Road, the Coatesville-Riverhead Highway and the Rangitopuni Stream, immediately south of Riverhead. The purpose of the precinct is to provide for the expansion of the town to the south.

The evidence from Council was that most of the land within the precinct has been developed or is in the process of being developed. While that evidence seeks the precinct be retained until development is completed, the Panel's view is that the precinct is no longer needed.

### 3. Panel recommendations and reasons

The land has been largely developed, meaning the need for a precinct to guide that development is no longer required.

The Panel recommends that the precinct be deleted from the Plan as notified.

### 4. Reference documents

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Riverhead South\) - \(M Ford\) - Planning](#) (26 January 2016)

# Silverdale 1 Precinct

## 1. Summary of recommendations

The Panel does not support the need for a precinct for this area and accordingly does not accept the submission seeking it be included in the Plan.

The Panel notes that associated with its recommendation on the delineation of the Rural Urban Boundary through this site the submitter (BAA Land Holdings Limited) also seeks amendments to the zoning pattern to reduce the industrial zoning to apply only to the lower (northern-most) part of the site with the balance left as Residential - Large Lot Zone. That is intended to respond to the concerns raised in the related submission from the Auckland Memorial Park as a potentially affected neighbour.

This precinct was heard in Topic 081.

## 2. Precinct description

The proposed Silverdale 1 Precinct comprises land off Peters Way and lies immediately east of the Auckland Memorial Park at Silverdale. It is located to the north of a ridge that lies generally in an east-west direction and which descends to the industrial area along Peters Way. To the south of the ridge, and outside the proposed precinct, the land is zoned Rural – Countryside Living Zone.

The proposed precinct provides for zoning of Business - Light Industry Zone over the northern part of the site (approximately 3.8ha) with a zoning of Residential - Large Lot Zone over the rear (approximately 5.3ha) and extending to the ridgeline. The balance of the site, which has an aspect to the south and lies outside the proposed precinct, is zoned Rural - Countryside Living Zone (approximately 3.8ha).

The purpose of the proposed precinct is stated, in the amended form presented by BAA Land Holdings Limited in evidence, as being to provide for light industrial development and large lot residential development in a comprehensive and integrated manner with specific controls that manage the effects of earthworks and buildings on the locality and the adjoining properties. The provisions impose additional controls that also manage building height, landscaping and density of development on the southern portion of the proposed precinct.

The amended provisions from BAA Land Holdings Limited also state, in addressing the neighbouring activities, that the location of large lot residential activities on the southern portion of the site will retain an open spacious nature and provide an appropriate transition to the Rural - Countryside Living Zone to the south and the cemetery to the west.

## 3. Key issues

The key issue addressed through the submissions and at the hearing was the potential impact of the activities provided for in the proposed precinct upon the neighbouring sites, principally the Auckland Memorial Park.

The Panel notes that the Council adopted a neutral position to the amendments sought by the submitter rather than perhaps responding to the submission by the landowner and/or the earlier Environment Court decision concerning the zoning of the site that had addressed the amenity of the site and of the neighbouring area.

Mr Lala, appearing for BAA Land Holdings Limited, supported the proposed precinct but with amended provisions he had prepared having taken into account the evidence of Mr Rae for BAA Land Holdings Limited and the Environment Court decision. He considered there is no specific zone in the Plan that would achieve the same outcomes as the proposed precinct. He said that it provides a combination of activity rules and development controls that will enable the comprehensive and integrated development of the site in a manner that is complementary to the immediate environment.

Evidence opposing the proposed precinct was presented on behalf of Auckland Memorial Park from Messrs Hessell and Pryor in relation to planning and landscape matters respectively. They highlighted that building platforms and buildings on the site would potentially be visible from and intrude on the visual amenity of the neighbouring cemetery.

Messrs Lala and Rae pointed out that these concerns are addressed by the reduction in the area available for industrial development from that originally proposed and its replacement by the Residential - Large Lot Zone over the elevated part of the site. This was seen as meeting the concern of the neighbour and to be complemented by the zone provisions relating to the creation of building platforms and maximum building heights along with landscape planting.

The Panel does not consider there is a need for a precinct to provide for the development of the site and future activities upon it but does acknowledge that regard needs to be given to the concerns raised by the Auckland Memorial Park in that future development of it. These concerns are addressed by removing the proposed industrial zoning off the higher parts of the site and replacing it with the Large Lot Zone in the manner as sought by BAA Land Holdings Limited. This means the range of future residential uses are more compatible with the neighbour's activity. In addition, the controls in the Plan provide for control to be exercised over the site development matters that are of concern to the neighbouring property owner.

In these respects the Panel does not see a need for a precinct to apply to this single site.

#### **4. Panel recommendations and reasons**

The Panel, having had regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, considers that the precinct is not necessary and that the Plan provisions sufficiently provide for future activities on the site and the potential effects of such development upon neighbouring properties.

## 5. Reference documents

- 081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Attachment B, page 54)
- 081 BAA Land Holdings Ltd formally Silverdale Estates Ltd (V Lala) - Planning (15 February 2016)
- 081 BAA Land Holdings Ltd formally Silverdale Estates Ltd (V Lala) - Planning - REBUTTAL (26 February 2016)
- 081 BAA Land Holdings Ltd formally Silverdale Estates Ltd (N Rae) - Urban Design (15 February 2016)
- 081 BAA Land Holdings Ltd formally Silverdale Estates Ltd (N Rae) - Urban Design - REBUTTAL (26 February 2016)
- 081 Auckland Memorial Park Ltd (L Hessel) - Planning (15 February 2016)
- 081 Auckland Memorial Park Ltd (L Hessel) - Planning - REBUTTAL - LATE (01 March 2016)
- 081 Auckland Memorial Park Ltd (R Pryor) - Landscape (15 February 2016)
- 081 Auckland Memorial Park Ltd (R Pryor) - Landscape - REBUTTAL - LATE (01 March 2016)
- 081 Auckland Memorial Park Ltd (L Hessel) - Planning - Supplementary Statement (18 July 2016)



# Silverdale North Precinct and rezoning

## 1. Summary of recommendations

The Panel does not support this precinct. The precinct was proposed by Council in order to incorporate the provisions of Special 19 (Silverdale North) Zone of the Auckland Council District Plan - Operative Rodney Section 2011 into the proposed Auckland Unitary Plan Unitary Plan.

This precinct was heard in Topic 081.

## 2. Precinct description

The Silverdale North Precinct comprises approximately 490ha of land to the north of the original town of Silverdale. The precinct is bounded by State Highway 1 to the west, Ōrewa Estuary to the north, Jelas Road to the east and Hibiscus Coast Highway to the south.

The purpose of the proposed precinct is to ensure that the development of Silverdale North is carried out in an integrated way, and that urban development is restricted ahead of necessary improvements being made to the primary roads network. The provisions ensure that development in advance of infrastructure does not create significant adverse effects on the primary road network and connections to that network.

The underlying zoning under the notified proposed Auckland Unitary Plan Unitary Plan was Business - General Business Zone, Residential - Single House Zone, Business - Town Centre Zone and Business - Neighbourhood Centre Zone.

## 3. Key issues

The key issues between the Council and the various submitters were firstly if a precinct should be retained and, secondly, what zone provisions should be applied to the land within the proposed precincts.

### 3.1. Should the precinct be retained?

The Council supported the proposed precinct for the reason set out in legal submissions dated 3 March 2016 that summarised the Council's evidence in relation to the proposed Silverdale North Precinct.

5. The Council's evidence regarding the precinct is contained in the evidence report of Ewan Paul dated 26 January 2016 and rebuttal evidence report dated 24 February 2016. Mr Paul supports the proposed precinct, which is sought to incorporate the provisions of Special 19 (Silverdale North) zone of the Auckland Council District Plan Operative Rodney Section 2011 (**Operative Plan**) into the PAUP. These provisions were the result of a complex plan change (Plan Change 52), and were the subject of Environment Court consent orders in 2008 and 2009.

6. The precinct is divided into sub-precincts as follows:

a. Sub-precinct A: (General Business) - enables and encourages the establishment of land use activities that will attract knowledge and people based businesses and a more limited or different range of business activities than might expect to be found in

an industrial zone. Industrial activities that could compromise the campus like appearance of sub-precinct A are discouraged.

b. Sub-precinct B: (Single House) – provides for medium density residential with a limited percentage of higher density.

c. Sub-precinct C: (Town Centre) – limits on larger scale retail and industry.

d. Sub-precincts D1 and D2 (Neighbourhood Centre) and D3 (Local Centre) – limits on large scale retail.

7. The main differences between the precinct provisions and the underlying zones are set out at **Table 1** in the evidence report of Mr Paul, at paragraph 1.5. Those variations reflect the previous plan changes and judicial process relating to the precinct area.

Mr Alistair White in his planning evidence on behalf of Highgate Business Park Limited, the owners of a significant portion of the land within the proposed precinct, did not support the need for the precinct. In his paragraph 2.6 he stated that:

Council's evidence concerning Silverdale north recommends the retention of the precinct structure for HBPL's land and the balance of Silverdale North. I do not share the view that the precinct structure now needs to be retained for all of Silverdale North because circumstances have overtaken the substantial benefit of same. The legacy staging provisions (pacing development relative to roading improvements and capacities) are now satisfied for large tracts of Silverdale North and the development of significant areas are now completed, under construction or consented, to the extent that the remaining areas will now follow the establishing pattern which will ensure the objective of integrated development. In most cases the precinct structure is an unnecessarily heavier regulatory hand when compared to the underlying zoning, without consequential benefit. I would prefer to collapse much of the precinct structure to instead rely upon underlying zonings and remnants of the precincts where relevant. My evidence recommends removing the precinct structure at least from the HBPL's land, changes to the zonings of HBPL's land, whilst also providing recommendations on what changes I consider are necessary should the precinct structure remain, so that those remaining precinct provisions better meet the purposes and principles of the Resource Management Act 1991 and the PAUP Regional Policy Statement.

Mr Paul in his evidence in rebuttal on behalf of Council dated 24 February 2016 responded to Mr White's evidence as set out below.

4.1 The planning evidence of Alistair White on behalf of Highgate Business Park (Highgate) (5736) addresses three main issues:

(a) The removal of the precinct from the Highgate land, because in his opinion, the provisions are largely redundant as circumstances have overtaken them, a Development Concept Plan has been approved for the substantive part of the Highgate land, earthworks have commenced, much of the balance of the land is SHA and the traffic staging provisions for much of the land have been addressed.

(b) Amendments to the activity status of various activities to generally relax the provisions.

(c) Miscellaneous rule changes.

## Removal of the precinct

4.3 Removing the precinct was not sought in Highgate's submission. However, I do not support the removal of the precinct. I consider that there are provisions within the precinct that are necessary to achieve the outcomes intended for the area.

Removing the precinct and relying on the underlying zone, or alternative zones, as suggested by Mr White, would not in my opinion result in the completion of the development of the Silverdale North area as contemplated by the Silverdale North precinct.

4.4 Mr White suggests that the granting of a resource consent for a Development Concept Plan (**DCP**) for the land owned by Highgate means that the provisions are no longer necessary. In my opinion I do not consider that the granting of such a resource consent necessarily guarantees an outcome. An amendment to a DCP or new resource consents could be sought if the precinct provisions were removed before the consented DCP was implemented. Also, a DCP is high level and may not address all the matters that the precinct provisions cover, eg the management of retail activity.

4.5 Also, an approved **DCP** does not manage the development of particular activities, or limit or require particular activities to obtain resource consent to achieve the objectives of the precinct, such as for example creating a quality campus like environment and limiting retail activity. Within the Highgate area earthworks are currently being completed but the establishment of specific activities has not yet started.

4.6 Therefore, in my opinion, it is still appropriate to retain the precinct. I do not support changes to the underlying zones as suggested by Mr White while the precinct is still in place. To change the zonings while retaining the precinct would necessitate the creation of new sub-precincts for the Light Industry and Business Park zones, if these were accepted, as suggested by Mr White, to achieve the intended outcomes of the precinct.

4.7 As set out in my primary evidence report I do support amendments to the precinct where provisions have been overtaken, namely the amendment of the staging provisions to reflect that granting of resource consents and the completion of roading projects that have made the provisions redundant.

The Panel has preferred the evidence of Mr White and for the reasons contained in his evidence the Panel recommends that the Silverdale North Precinct not be adopted.

The Panel has concluded that the zonings that have been recommended below are the most appropriate way to enable the development of the proposed precinct land and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

### 3.2. Zoning

A number of submitters presented evidence in relation to the zoning of land within the proposed precinct, or lodged submissions in relation to zoning, including:

- i. Highgate Business Park Limited;
- ii. Stride Property Limited (Formerly DNZ Property Fund);

- iii. Richard and Tracey Lee Martin;
- iv. Colin Chester;
- v. Johns Creek Holdings Limited; and
- vi. WFH Properties Limited.

Each of these submitters had either specific concerns with the proposed zoning of their land, or had more general concern with the wider approach to zoning of land within the proposed precinct.

The Panel has carefully considered all of the submissions and the evidence presented on behalf of submitters and recommends the zoning of land within the proposed precinct as contained in the relevant planning maps. In summary the recommended zonings are as follows.

- i. Precinct excluding Highgate area:
  - re-zone Residential - Single House Zone areas to Residential - Mixed House Suburban Zone, retain Business - Neighbourhood Centre Zone and Open Space – Informal Recreation Zone or Open Space – Conservation Zone.
- ii. Highgate Area (Development Areas 8 and 9C on Precinct Plan 3):
  - a. rezone the Business - General Business Zone to Business - Light Industry Zone;
  - b. retain the zoning of the Business - Neighbourhood Centre Zone but reduce its area to 1ha. That is to be comprised in a more or less rectangular area 75m by 133m with the centre of the rectangle located 170m southwest of the centre of the intersection of Ridgedale Road and Wainui Road. This will result in the centre of the reduced zone being approximately in the same position as the centre of the zone as notified;
  - c. re-zone the areas shown as Residential - Single House Zone:
    - between Wainui Road and the eastern edge of the Business - Light Industry Zone boundary to Residential - Mixed Housing Urban Zone;
    - the area shown as Development Area 9C on Precinct Plan 3 to Residential - Mixed Housing Urban Zone; and
    - amend the boundary between the Business - Light Industry Zone and the Residential - Mixed Housing Urban Zone on the western side of Wainui Road so that the zone encompasses all of the subdivided land at the northern end of the Residential - Mixed Housing Urban Zone and position the interface between these two zones at 50 metres from and parallel to the western edge of Wainui Road.
- iii. Other submissions:
  - a. 2278-1 Richard and Tracy-Lee Martin land at 129 Wainui Road be rezoned from Residential - Large Lot Zone to Residential - Single House Zone as requested and supported by Council;

- b. 6592-1 Colin Chester land at 165 Wainui Road be re-zoned from General Business and Residential - Single House Zone to Residential - Mixed Housing Suburban Zone as requested;
- c. 6105-1 Johns Creek Holdings Limited land at Lots 3 and 4 DP 336198 from General Business to Residential - Mixed Housing Suburban Zone as requested and supported by Council; and
- d. 6488-1 WFH Properties Limited land at 177 Millwater Drive to Neighbourhood Centre as requested and supported by Council.

#### **4. Panel recommendations and reasons**

The Panel, having regard to the submissions, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the Silverdale North Precinct not be adopted. The rezoning of the land within the proposed precinct as recommended by the Panel is considered the most appropriate way to enable the development of the proposed precinct land and to give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### **5. Reference documents**

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (Page 70)

[081b Ak Cncl - Rodney - Precincts \(Silverdale North\) - \(E Paul\) - Planning](#) (27 January 2016)

[081b Ak Cncl - Rodney - Precincts \(Silverdale North\) - \(E Paul\) - Planning - REBUTTAL](#) (24 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Page 62)

[081 Highgate Business Park Limited - Legal submissions](#) (16 March 2016)

[081 Highgate Business Park Limited \(A White\) - Planning](#) (12 February 2016)

[081 Highgate Business Park Limited \(Alistair White\) - Planning - REBUTTAL](#) (25 February 2016)

# Takapuna 2 Precinct

## 1. Summary of recommendations

The Panel does not support the precinct proposed by Council and recommends its deletion.

This precinct was heard in Topic 081.

## 2. Precinct description

The Takapuna 2 Precinct is an existing precinct located on the western fringe of the Takapuna Metropolitan Centre and applies to approximately 12.4ha of land bounded by Auburn Street, Huron Street, the upper reaches of Shoal Bay, Lake Pupuke Drive and Killarney Street.

The precinct results from appeals to Plan Change 37 to the Auckland Council District Plan – Operative North Shore Section and a consent order by the Environment Court dated 9 October 2013.

The purpose of the Takapuna 2 Precinct is to:

- i. promote high quality 'perimeter block'-style residential and mixed-use development;
- ii. incentivise the provision of a laneway connecting Auburn Reserve to Killarney Park, which in turn connects upper Shoal Bay with Killarney Park and Lake Pupuke; and
- iii. provide a wider front yard along Anzac Street to assist its function as a principal gateway to the Takapuna Metropolitan Centre, and mitigate the effects of increased height and residential intensity in the precinct.

The Takapuna 2 Precinct is divided into four development areas (Areas A to D). Specific controls apply to each development area to reflect their relationship to Anzac Street, the Takapuna Metropolitan Centre, or to the lower-height residential areas further west.

- i. Area A is a four-storey only area at the western end of the precinct. It flanks Residential - Mixed Housing Urban Zone and Residential - Mixed Housing Suburban Zone land to the north.
- ii. Area B is a four-storey area, but six storeys is provided for as a 'bonus' height where the 'through-site' laneway is achieved, in favour of public access in a north-south alignment, from Auburn Reserve to Killarney Park.
- iii. Area C is a six-storey area on Anzac Street, with 'bonus' height up to eight storeys where certain prerequisites are met.
- iv. Area D is an eight-storey area on Auburn Street, with no site frontage (width) control, recognising the immediate proximity to the metropolitan centre.

The precinct is zoned residential - Terrace Housing and Apartment Buildings Zone.

The relief sought by submitters covered the spectrum from adoption to deletion of the precinct.

### 3. Key issues

The Council proposes to maintain the precinct with some amendments in response to submissions.

The main differences between the Takapuna 2 Precinct as proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. a comprehensive set of policies and assessment criteria to address local needs and desired future outcomes;
- i. more prescriptive controls to address building forms, to achieve a 'laneway', to enable non-residential uses, and to improve the busy Anzac Street arterial street environment;
- ii. more building height, and less, in certain circumstances; some of this is as 'bonus' height to achieve the laneway;
- iii. greater provision for non-residential uses, given its close proximity to the Takapuna Metropolitan Centre, so as to add interest and functionality for residents and visitors as well as employment options; and
- iv. a 'laneway' running north-south, mid-block and street to street, creating an important pedestrian link between the inner harbour (and Auburn Reserve) and Killarney Park and Lake Pupuke to the north.

In summary, the Council's position in relation to the Takapuna 2 Precinct is set out in the planning evidence in chief of Mr Ewen Patience, and Council's closing remarks Volume 1.

Having reviewed the evidence, the Panel finds that the precinct is no longer necessary with the changes recommended to the general provisions for the Residential - Terrace Housing and Apartment Buildings Zone and the associated Business - Metropolitan Zone, along with other Auckland-wide requirements. It agrees with those submitters (for example, El Callao Limited) who recognised that Takapuna is a key metropolitan centre around which intensification must follow in order to give effect to the compact quality urban form principle. Concerns regarding urban design and spatial form can and will be addressed through the relevant provisions.

### 4. Panel recommendations and reasons

The Panel does not support the precinct proposed by Council and recommends its deletion for the reasons set out in section 3 above.

### 5. Reference documents

Auckland Council

[081c Ak Cncl - North Shore - Precincts \(Takapuna 2\) - \(E Patience\) - Planning](#) (27 January 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Page 130)

# Waikauri Bay Precinct

## 1. Summary of recommendations

The Panel does not support the precinct proposed by the submitter and supported by Council.

This precinct was heard in Topic 081.

## 2. Precinct description

Waikauri Bay Precinct is a proposed new precinct which is intended to ensure the scale and intensity of the existing development is maintained while providing for reasonable replacement or alteration of existing buildings. The precinct does not seek to enable new development on the site beyond the existing 25 dwellings.

The site lies in the Rural - Rural Coastal Zone of the Unitary Plan. The existing dwellings are not provided for in the zone provisions.

## 3. Key issues

The submitter (Waikauri Bay Reserve Limited) seeks a precinct because otherwise the existing dwellings and any additions are non-complying in the Rural - Rural Coastal Zone. It states it would be prohibitively difficult to make reasonable additions and alterations unless existing use rights are proved, which is seen to be a complex process.

The evidence for Council was a precinct is appropriate because Waikauri Bay is unique in character within the Rural - Rural Coastal Zone as an example of an existing small coastal bach settlement. It points out the coastal settlement is a departure from the Rural - Rural Coastal Zone, which does not provide for such settlement nor contain development controls that are appropriate to manage the existing development. The evidence states the precinct would simplify the process of replacing or altering the existing dwellings which would otherwise need an application for a non-complying activity. That evidence reflected much of what was advanced by the submitter, represented by Mr Richard Burton, in seeking the proposed precinct. Council's closing remarks confirmed agreement with the precinct.

The Panel notes the precinct is based on provisions in the Auckland Council District Plan - Operative Rodney Section. This includes the settlement as a scheduled activity which allows for alterations to existing dwellings as a restricted discretionary activity, additions or reconstruction as discretionary and any increase in the number of dwellings as non-complying. That is, however, not necessary given that existing use rights apply to the development on the site in terms of section 10 of the Resource Management Act 1991. That provides for reconstruction or alteration of the existing dwellings as sought by the precinct provisions. Any additional development would be a non-complying activity just as it would be with the precinct provisions.

In these respects the Panel does not consider the precinct is necessary and that existing and any future development on the site in the coastal environment can be suitably managed by the zone provisions in the Unitary Plan and the relevant provisions of the Resource Management Act 1991.



#### **4. Panel recommendations and reasons**

The Panel does not support the request for a precinct for the reasons set out in section 1.3 above.

In this respect the Panel, having had regard to the submission, the evidence and sections 32 and 32AA of the Resource Management Act 1991, considers this is the most appropriate way to achieve the purpose of the regional policy statement and the Resource Management Act 1991. The existing and future development can be suitably managed by the zone provisions in the Unitary Plan and the relevant provisions of the Resource Management Act 1991.

#### **5. Reference documents**

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) p 68](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) Attachment A, p 222](#)

## Wēiti 2 Precinct

### 1. Summary of recommendations

The Panel agrees with Council and does not support the precinct proposed by Hugh Green Limited and recommends its deletion.

This precinct was heard in Topic 081.

### 2. Precinct description

The Wēiti 2 Precinct is a request by submitter Hugh Green Limited for a new precinct over some 250ha of land at 1695-1697 East Coast Road, Redvale. The precinct seeks the inclusion of the Wēiti Station Structure Plan from the Auckland Council District Plan - Operative Rodney Section which was developed through a plan change and settled by consent order of the Environment Court.

The purpose of the Wēiti 2 Precinct is to provide for a 224-lot clustered subdivision with an average density of one dwelling per 1.5 hectares, retaining large balance areas of over 25 hectares.

The precinct is zoned Rural - Countryside Living Zone.

### 3. Key issues

Council does not support the precinct and submitted the following reasons why the precinct was not necessary through the evidence of Mr Scott (planning evidence in rebuttal, page 4, paragraph 1.7):

- (a) The underlying CSL zone enables a similar level of development to that proposed by HGL, which is 1 dwelling per 2 ha.
- (b) Should the TRSS provisions be utilised, the density of development increases to 1 dwelling per ha.
- (c) To enable the new precinct the ASC would need to be removed from the land and this may have the adverse consequence of reducing the available land for receiver sites under the TRSS process. This in turn could undermine the effectiveness of the TRSS method in this area and have an adverse impact on the PAUP's rural strategy in this locality.
- (d) The opportunity for cluster-style subdivision, as sought by HGL in the new precinct, has some support at RPS and rural zone policy level and could be established through an application for resource consent (as a non-complying activity).
- (e) The proposed precinct enables a Village Centre and Green which is considered to be unacceptably urban in scale relative to the surrounding locality and the rural strategy under the PAUP.

Those concerns were addressed in Ms Bayley's planning evidence. In short she submitted, among other things, that proceeding under the standard zone provisions would result in a less satisfactory resource management outcome – and a resource consent application for the proposal could not be guaranteed as it would be a non-complying activity.

After considering the evidence the Panel was inclined to agree with the submitter. However on reviewing the provisions proposed, the Panel was unable to support a precinct because:

- i. the density permitted by the zone, regardless of any potential to use the Transferable Rural Site Subdivision provisions, would be similar, and under the Transferable Rural Site Subdivision provisions would potentially be greater;
- ii. the surrounding area is in transition and will experience further significant change once the location and construction of the Penlink Wēiti crossing occurs – which may herald a different land use future (or at least require adjustments);
- iii. no objectives or policies specific to the precinct were advanced; and
- iv. while the operative district plan provisions deal with a wider site, the provisions have not been modified to reflect the smaller site.

The Panel was therefore left in a situation where it could not itself amend the precinct provisions sufficiently to enable it.

The Panel considers there is no good reason why this area should not be a receiver area under the Transferable Rural Site Subdivision provisions.

In summary, the Council's position in relation to the Wēiti 2 Precinct is set out in the planning rebuttal evidence of Mr Robert Scott (dated 24 February 2016) and Council's Closing Remarks Volume 1 (pages 80 – 81).

Hugh Green Limited's position is as stated in the planning evidence in chief and hearing statement of Ms Emma Bayley (dated 10 February 2016 and 14 March 2016) and the legal submissions of Ms Asher Davidson (dated 14 March 2016).

Having reviewed the evidence from parties, the Panel agrees with the concept proposed by the submitter but has residual concerns over the adequacy of the provisions, matters that in the time available are unable to be resolved. The Panel is therefore unable to support the precinct at this time.

#### **4. Panel recommendations and reasons**

The Panel does not support the precinct proposed by Hugh Green Limited and recommends its deletion for the reasons set out in section 3 above.

The Panel recommends this area be a receiver area under the Transferable Rural Site Subdivision provisions.

#### **5. Reference documents**

Auckland Council

[081b Ak Cncl - Rodney - Precincts \(Weiti 2\) - \(R Scott\) - Planning - REBUTTAL](#) (26 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment B, page 76)

Hugh Green Ltd

[081 Hugh Green Ltd \(E Bayly\) - Planning - Redvale](#) (13 February 2016)

081 Hugh Green Ltd (E Bayly) - Planning - Redhills - Cultural Impact Statement (14 March 2016)

081 Hugh Green Ltd - Legal submissions - Weiti (14 March 2016)

# **ATTACHMENT 5**

## **AUCKLAND UNITARY PLAN PROVISIONS PROPOSED BY PC66**



### **H3. Residential – Single House Zone**

#### **H3.1. Zone description**

The purpose of the Residential – Single House Zone is to maintain and enhance the amenity values of established residential neighbourhoods in number of locations. The particular amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. To provide choice for future residents, Residential – Single House Zone zoning may also be applied in greenfield developments.

To support the purpose of the zone, multi-unit development is not anticipated, with additional housing limited to the conversion of an existing dwelling into two dwellings and minor dwelling units. The zone is generally characterised by one to two storey high buildings consistent with a suburban built character.

#### **H3.2. Objectives**

- (1) Development maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character.
- (2) Development is in keeping with the neighbourhood's existing or planned suburban built character of predominantly one to two storeys buildings.
- (3) Development provides quality on-site residential amenity for residents and for adjoining sites and the street.
- (4) Non-residential activities provide for the community's social, economic and cultural well-being, while being in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

#### **H3.3. Policies**

- (1) Require an intensity of development that is compatible with either the existing suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings.
- (2) Require development to:
  - (a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or
  - (b) be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting.

- (3) Encourage development to achieve attractive and safe streets and public open spaces including by:
- (a) providing for passive surveillance
  - (b) optimising front yard landscaping
  - (c) minimising visual dominance of garage doors.
- (4) Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjoining sites.
- (5) Encourage accommodation to have useable and accessible outdoor living space.
- (6) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
- (7) Provide for non-residential activities that:
- (a) support the social and economic well-being of the community;
  - (b) are in keeping with the scale and intensity of development anticipated within the zone;
  - (c) avoid, remedy or mitigate adverse effects on residential amenity; and
  - (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and the Business – Town Centre Zone.
- (8) To provide for integrated residential development on larger sites.

#### H3.4. Activity table

Table H3.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Single House Zone pursuant to section 9(3) of the Resource Management Act 1991.

**Table H3.4.1 Activity table**

Activity		Activity status	Standards to be complied with
<b>Use</b>			
(A1)	Activities not provided for	NC	
<b>Residential</b>			
(A2)	Camping grounds	D	
(A3)	One dwelling per site	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard



H3 Residential – Single House Zone

			H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A4)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings	P	Standard H3.6.3 Conversion of a principal dwelling into a maximum of two dwellings
(A5)	Minor dwellings	P	Standard H3.6.4 Minor dwellings; Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A6)	More than one dwelling per site (other than the conversion of a principal dwelling in Rule H3.4.1(A4) or minor dwellings in Rule a H3.4.1(A5))	NC	
(A7)	Home occupations	P	Standard H3.6.2 Home occupations
(A8)	Home occupations that do not meet Standard H3.6.2	D	
(A9)	Integrated Residential Development	D	
(A10)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A11)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents	D	
(A12)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage;

H3 Residential – Single House Zone

			Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A13)	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	D	
(A14)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A15)	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	D	
<b>Commerce</b>			
(A16)	Dairies up to 100m <sup>2</sup> gross floor area per site	RD	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; and Standard H3.6.12 Front, side and rear fences and walls
(A17)	Restaurants and cafes up to 100m <sup>2</sup> gross floor area per site	D	
(A18)	Service stations on arterial roads	D	
(A19)	Offices within the Centre Fringe Office Control as identified on the planning maps	P	Standard H3.6.5 Offices within the Centre Fringe Office Control
(A20)	Offices within the Centre Fringe Office Control as identified on the planning maps that do not comply with Standard H3.6.5	D	
<b>Community</b>			
(A21)	Care centres accommodating up to 10 people per site excluding staff	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard

H3 Residential – Single House Zone

			H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; and Standard H3.6.12 Front, side and rear fences and walls
(A22)	Care centres accommodating greater than 10 people per site excluding staff	D	
(A23)	Community facilities	D	
(A24)	Education facilities	D	
(A25)	Tertiary education facilities	D	
(A26)	Emergency services adjoining an arterial road	D	
(A27)	Healthcare facilities up to 200m <sup>2</sup> gross floor area per site	RD	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; and Standard H3.6.12 Front, side and rear fences and walls
(A28)	Healthcare facilities greater than 200m <sup>2</sup> gross floor area per site	NC	
(A29)	Veterinary clinics	D	
<b>Rural</b>			
(A30)	Grazing of livestock on sites greater than 2,000m <sup>2</sup> net site area	P	
<b>Mana Whenua</b>			
(A31)	Marae	D	
<b>Development</b>			
(A32)	Demolition of buildings	P	
(A33)	Internal and external alterations to buildings	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A34)	Accessory buildings	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard

			H3.6.10 Building coverage
(A35)	Additions to an existing dwelling	P	Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls
(A36)	New buildings and additions to buildings	The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate	
	[new text to be inserted]		

PC 54 (see Modifications)

### H3.5. Notification

(1) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:

(a) [deleted]

(b) development which does not comply with H3.6.12 (1a) Front, side and rear fences and walls.

(2) Any application for resource consent for an activity listed in Table H3.4.1 Activity table and which is not listed in H3.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(3) 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\(4\)](#).

### H3.6. Standards

#### H3.6.1. Activities listed in Table H3.4.1 Activity table

(1) Activities and buildings containing activities listed in Table H3.4.1 Activity table must comply with the standards listed in the column in Table H3.4.1 Activity table called Standards to be complied with.

#### H3.6.2. Home occupations

Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.

(1) A home occupation must comply with all the following standards:

- (a) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
- (b) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;
- (c) no more than four people in total may work in the home occupation;
- (d) the sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the site may not occur before 7am or after 7pm;
- (e) car trips to and from the home occupation activity must not exceed 20 per day;
- (f) heavy vehicle trips must not exceed two per week;
- (g) no more than one commercial vehicle associated with the home occupation may be on site at any one time;
- (h) storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view;
- (i) materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and
- (j) goods sold from the home occupation must be:
  - (i) goods produced on site; or
  - (ii) goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or
  - (iii) goods ancillary and related to a service provided by the home occupation.

**H3.6.3. The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings**

Purpose: to enable a dwelling existing as at 30 September 2013 to be converted into a maximum of two dwellings and to provide for sufficient outdoor living space for each of the dwellings.

- (1) Where a dwelling existing as at 30 September 2013 is proposed to be converted into a maximum of two dwellings each dwelling must have an outdoor living space that is:
  - (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling; and
  - (b) at least 1.8m in depth; and

(c) directly accessible from the dwelling.

#### **H3.6.4. Minor dwellings**

Purpose:

- to provide accommodation that is limited in size and secondary to the principal dwelling on a site;
- to ensure that sufficient outdoor living space is provided for the minor dwelling;
- to ensure there is no more than one minor dwelling on each site.

(1) A minor dwelling must not exceed a floor area of 65m<sup>2</sup> excluding decks and garaging.

(2) A minor dwelling must have an outdoor living space that is:

- (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling; and
- (b) least 1.8m in depth; and
- (c) directly accessible from the minor dwelling.

(3) There must be no more than one minor dwelling per site.

#### **H3.6.5. Offices within the Centre Fringe Office Control as identified on the planning maps**

(1) Offices must be located in existing buildings.

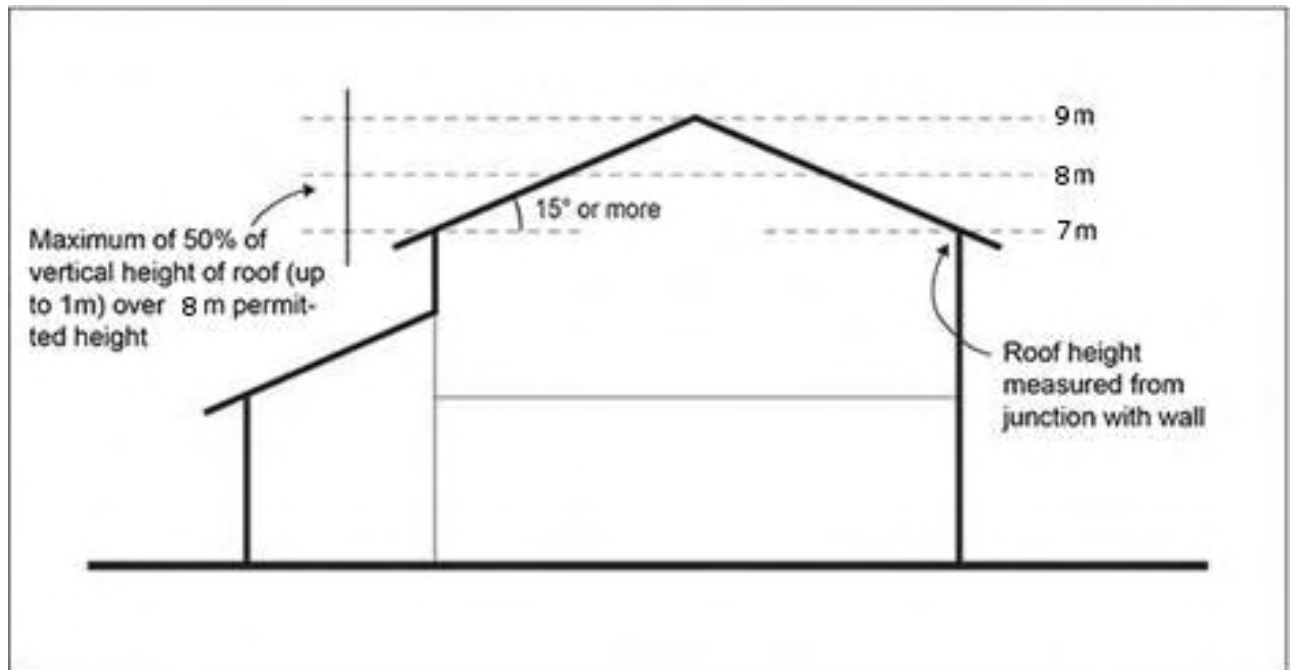
#### **H3.6.6. Building height**

Purpose: to manage the height of buildings to:

- Achieve the planned suburban built character of predominantly one to two storeys;
- minimise visual dominance effects;
- maintain a reasonable standard of residential amenity for adjoining sites; and
- provide some flexibility to enable variety in roof forms.

(1) Buildings must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H3.6.6.1 Building height in the Residential – Single House Zone below.

**Figure H3.6.6.1 Building height in the Residential – Single House Zone**

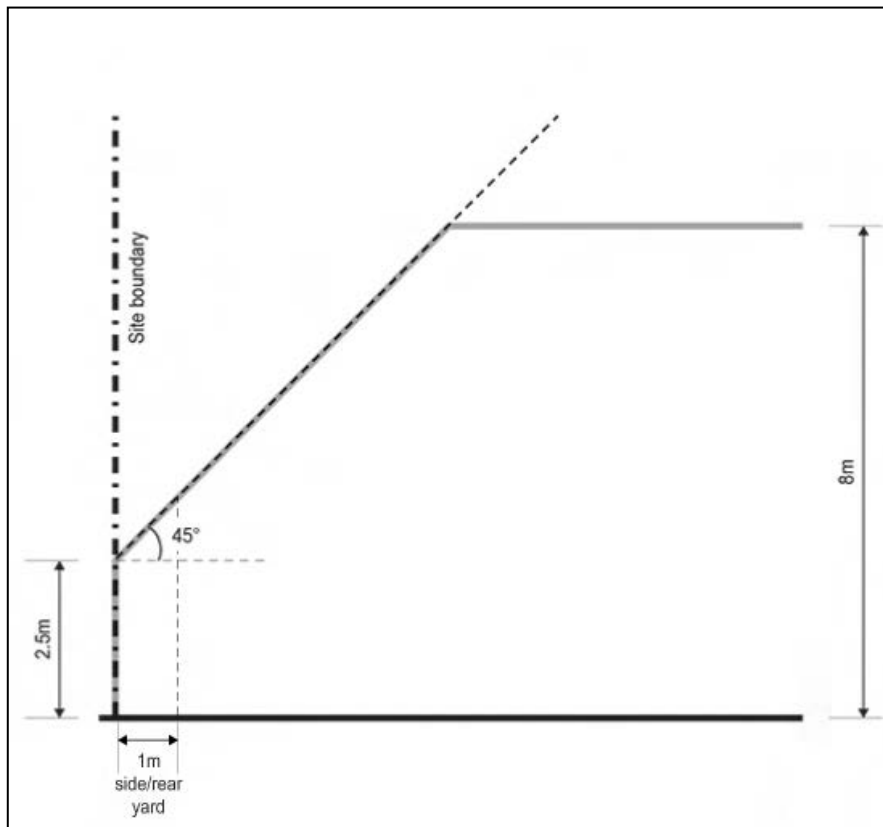


### H3.6.7. Height in relation to boundary

Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours.

- (1) Buildings must not project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level along side and rear boundaries, as shown in Figure H3.6.7.1 Height in relation to boundary below.

**Figure H3.6.7.1 Height in relation to boundary**



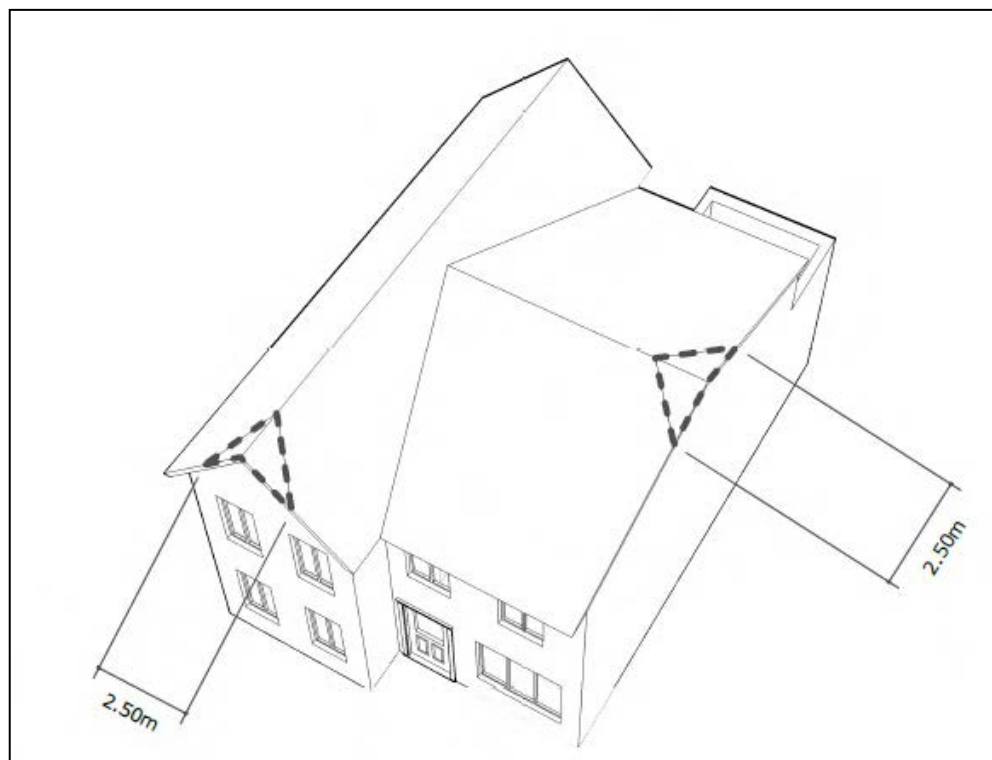
(2) Standard H3.6.7(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:

- (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business - Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone.
- (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space - Community Zone:
  - (i) that are greater than 2000m<sup>2</sup>;
  - (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
  - (iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.



- (3) Standard H3.6.7(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (4) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, control in Standard H3.6.7(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
  - (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H3.6.7.2 Exceptions for gable ends and dormers and roof projections below .

**Figure H3.6.7.2: Exceptions for gable ends and dormers and roof projections**



- (6) No more than two gable ends, dormers or roof projections are allowed for every 6m length of site boundary.

### H3.6.8. Yards

Purpose:

- to maintain the suburban built character of the streetscape and provide sufficient space for landscaping within the front yard;

- to maintain a reasonable standard of residential amenity for adjoining sites;
  - to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and
  - to enable buildings and services on the site or adjoining sites to be adequately maintained.
- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H3.6.8.1 Yards below.

**Table H3.6.8.1 Yards**

Yard	Minimum depth
Front	3m
Side	1m
Rear	1m
Riparian	10m from the edge of all other permanent and intermittent streams
Lakeside	30m
Coastal protection yard	10m, or as otherwise specified in <a href="#">Appendix 6 Coastal protection yard</a>

- (2) Standard H3.6.8.1 above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

### H3.6.9. Maximum impervious area

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;
  - to support the functioning of riparian yards, lakeside yards and coastal protection yards and water quality and ecology;
  - to reinforce the building coverage and landscaped area standards; and
  - to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.
- (1) The maximum impervious area must not exceed 60 per cent of site area.
- (2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, lakeside yard or coastal protection yard area.

### **H3.6.10. Building coverage**

Purpose: to manage the extent of buildings on a site to achieve the planned suburban built character of buildings.

- (1) The maximum building coverage must not exceed 35 per cent of net site area.

### **H3.6.11. Landscaped area**

Purpose:

- to provide for quality living environments consistent with the planned suburban built character of buildings;
- to maintain the landscaped character of the streetscape within the zone.

- (1) The minimum landscaped area must be at least 40 per cent of the net site area.

- (2) At least 50 per cent of the area of the front yard must comprise landscaped area.

### **H3.6.12. Front, side and rear fences and walls**

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side, rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place
- minimise visual dominance effects to immediate neighbours, the street or adjoining public place.

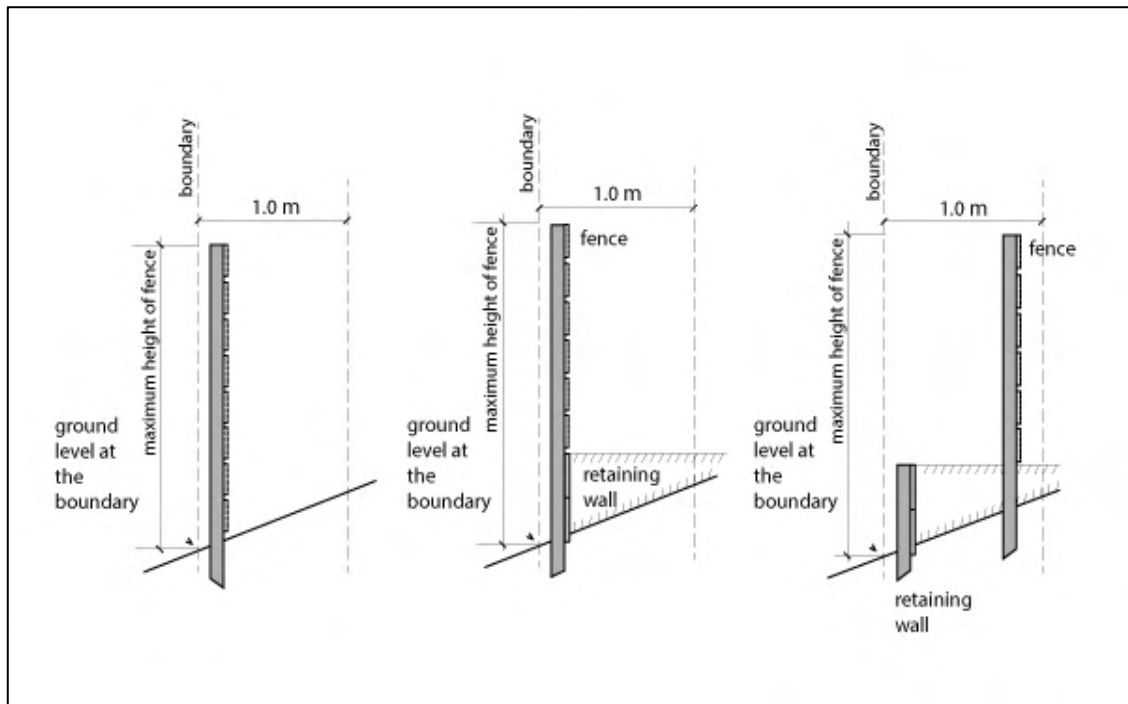
- (1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, either:

- (i) 1.4m in height, or
- (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
- (iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

(b) Within side, rear, coastal protection, lakeside or riparian yards: 2m.

**Figure H.3.6.12.1 Measurement of fence height**



**H3.7. Assessment – controlled activities**

There are no controlled activities in this zone.

**H3.8. Assessment – restricted discretionary activities**

**H3.8.1. Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application:

- (1) for dairies up to 100m<sup>2</sup> gross floor area per site; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:

- (a) the effects on the neighbourhood character, residential amenity and the surrounding residential area from all of the following:
  - (i) building intensity, scale, location, form and appearance;
  - (ii) traffic;
  - (iii) location and design of parking and access; and
  - (iv) noise, lighting and hours of operation.

- (2) for buildings that do not comply with Standard H3.6.6 Building height; Standard H3.6.7 Height in relation to boundary; Standard H3.6.8 Yards; Standard H3.6.9 Maximum impervious areas; Standard H3.6.10 Building coverage; Standard H3.6.11 Landscaped area; Standard H3.6.12 Front, side and rear fences and walls:

- (a) any policy which is relevant to the standard;
- (b) the purpose of the standard;
- (c) the effects of the infringement of the standard;
- (d) the effects on the suburban built character of the zone;
- (e) the effects on the amenity of neighbouring sites;
- (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
- (g) the characteristics of the development;
- (h) any other matters specifically listed for the standard; and
- (i) where more than one standard will be infringed, the effects of all infringements.

PC 54 (see  
Modifications)

[new text to be inserted]

### **H3.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- (1) for dairies up to 100m<sup>2</sup> gross floor area per site; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:

- (a) building intensity, scale, location, form and appearance:

- (i) whether the intensity and scale of the activity, the building location, form and appearance is compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.

- (b) traffic:

- (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.

- (c) location and design of parking and access:

- (i) whether adequate parking and access is provided or required.

- (d) noise, lighting and hours of operation:

- (i) whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by:

### H3 Residential – Single House Zone

- locating noisy activities away from neighbouring residential boundaries; and
- screening or other design features; and
- controlling the hours of operation and operational measures.

(2) for building height:

- (a) refer to Policy H3.3(1);
- (b) refer to Policy H3.3(2); and
- (c) refer to Policy H3.3(4).

(3) for height in relation to boundary:

- (a) refer to Policy H3.3(1);
- (b) refer to Policy H3.3(2); and
- (c) refer to Policy H3.3(4).

(4) for yards:

- (a) refer to Policy H3.3(1);
- (b) refer to Policy H3.3(2);
- (c) refer to Policy H3.3(4); and
- (d) refer to Policy H3.3(5).

(5) for maximum impervious areas:

- (a) refer to Policy H3.3(6).

(6) for building coverage:

- (a) refer to Policy H3.3(1);
- (b) refer to Policy H3.3(2); and
- (c) refer to Policy H3.3(4).

(7) for landscaped area:

- (a) refer to Policy H3.3(1);
- (b) refer to Policy H3.3(2); and
- (c) refer to Policy H3.3(4).

(8) for front, side and rear fences and walls:

- (a) refer to Policy H3.3(1);

(b) refer to Policy H3.3(2);

(c) refer to Policy H3.3(3); and

(d) refer to Policy H3.3(4).

PC 54 (see  
Modifications)

[new text to be inserted]

### **H3.9. Special information requirements**

There are no special information requirements in this zone.

## **H4. Residential – Mixed Housing Suburban Zone**

### **H4.1. Zone description**

The Residential – Mixed Housing Suburban Zone is the most widespread residential zone covering many established suburbs and some greenfields areas. Much of the existing development in the zone is characterised by one or two storey, mainly stand-alone buildings, set back from site boundaries with landscaped gardens.

The zone enables intensification, while retaining a suburban built character.

Development within the zone will generally be two storey detached and attached housing in a variety of types and sizes to provide housing choice. The height of permitted buildings is the main difference between this zone and the Residential – Mixed Housing Urban Zone which generally provides for three storey predominately attached dwellings.

Up to three dwellings are permitted as of right subject to compliance with the standards. This is to ensure a quality outcome for adjoining sites and the neighbourhood, as well as residents within the development site.

Resource consent is required for four or more dwellings and for other specified buildings in order to:

- achieve the planned suburban built character of the zone;
- achieve attractive and safe streets and public open spaces;
- manage the effects of development on neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and
- achieve high quality on-site living environments.

The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve a quality design is increasingly important as the scale of development increases.

### **H4.2. Objectives**

- (1) Housing capacity, intensity and choice in the zone is increased.
- (2) Development is in keeping with the neighbourhood's planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached).
- (3) Development provides quality on-site residential amenity for residents and adjoining sites and the street.
- (4) Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

### **H4.3. Policies**

- (1) Enable a variety of housing types including integrated residential development such as retirement villages.



- (2) Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:
  - (a) limiting the height, bulk and form of development;
  - (b) managing the design and appearance of multiple-unit residential development; and
  - (c) requiring sufficient setbacks and landscaped areas.
  
- (3) Encourage development to achieve attractive and safe streets and public open spaces including by:
  - (a) providing for passive surveillance
  - (b) optimising front yard landscaping
  - (c) minimising visual dominance of garage doors.
  
- (4) Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.
  
- (5) Require accommodation to be designed to meet the day to day needs of residents by:
  - (a) providing privacy and outlook; and
  - (b) providing access to daylight and sunlight and providing the amenities necessary for those residents.
  
- (10) Recognise the functional and operational requirements of activities and development.
  
- (6) Encourage accommodation to have useable and accessible outdoor living space.
  
- (7) Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
  
- (8) Enable more efficient use of larger sites by providing for integrated residential development.
  
- (9) Provide for non-residential activities that:
  - (a) support the social and economic well-being of the community;
  - (b) are in keeping with the scale and intensity of development anticipated within the zone;
  - (c) avoid, remedy or mitigate adverse effects on residential amenity; and
  - (d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and Business – Town Centre Zone.

#### **H4.4. Activity table**

Table H4.4.1 Activity table specifies the activity status of land use and development activities in the Residential – Mixed Housing Suburban Zone pursuant to section 9(3) of the Resource Management Act 1991.

Table H4.4.1 Activity table

		Activity status	Standards to be complied with
<b>Use</b>			
(A1)	Activities not provided for	NC	
<b>Residential</b>			
(A2)	Camping grounds	D	
(A3)	Up to three dwellings per site	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A4)	Four or more dwellings per site	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A5)	The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings	P	Standard H4.6.3 The conversion of a principal dwelling into a maximum of two dwellings
(A6)	Home occupations	P	Standard H4.6.2 Home occupations
(A7)	Home occupations that do not meet Standard H4.6.2	D	
(A8)	Integrated Residential Development	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A9)	Supported residential care accommodating up to 10 people per site inclusive of staff and residents	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor

H4 Residential – Mixed Housing Suburban Zone

			living space; Standard H4.6.14 Front, side and rear fences and walls
(A10)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A11)	Boarding houses accommodating up to 10 people per site inclusive of staff and residents	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls
(A12)	Boarding houses accommodating greater than 10 people per site inclusive of staff and residents	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
(A13)	Visitor accommodation accommodating up to 10 people per site inclusive of staff and visitors	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A14)	Visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards
<b>Commerce</b>			
(A15)	Dairies up to 100m <sup>2</sup> gross floor area per site	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; and Standard H4.6.14 Front, side and rear

H4 Residential – Mixed Housing Suburban Zone

			fences and walls
(A16)	Restaurants and cafes up to 100m <sup>2</sup> gross floor area per site	D	
(A17)	Service stations on arterial roads	D	
<b>Community</b>			
(A18)	Care centres accommodating up to 10 people per site excluding staff	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A19)	Care centres accommodating greater than 10 people per site excluding staff	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A20)	Community facilities	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, side and rear fences and walls
(A21)	Education facilities	D	
(A22)	Tertiary education facilities	D	
(A23)	Emergency services adjoining an arterial road	D	
(A24)	Healthcare facilities up to 200m <sup>2</sup> gross floor area per site	RD	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard

H4 Residential – Mixed Housing Suburban Zone

			H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; and Standard H4.6.14 Front, Side and rear fences and walls
(A25)	Healthcare facilities greater than 200m2 gross floor area per site	D	
(A26)	Veterinary clinics	D	
<b>Rural</b>			
(A27)	Grazing of livestock on sites greater than 2,000m2 net site area	P	
<b>Mana Whenua</b>			
(A28)	Marae complex	D	
<b>Development</b>			
(A29)	Demolition of buildings	P	
(A30)	Internal and external alterations to buildings	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size
(A31)	Accessory buildings	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage.
(A32)	Additions to an existing dwelling	P	Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size

(A33)	New buildings and additions to buildings which do not comply with H4.6.5 Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary	RD	Standard H4.6.6 Alternative height in relation to boundary  Note: Compliance with Standard H4.6.5 Height in relation to boundary is not required.
(A34)	New buildings and additions	The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate	
	[new text to be inserted]		

PC 54 (see Modifications)

#### H4.5. Notification

- (1) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain the written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
- (a) four or more dwellings per site that comply with all of the standards listed in Table H4.4.1 Activity table
  - (b) an integrated residential development that complies with all of the standards listed in Table H4.4.1 Activity table;
  - (c) New buildings and additions to buildings which do not comply with H4.6.5 Height in relation to boundary, but comply with Standard H4.6.6 Alternative height in relation to boundary.
  - (d) development which does not comply with H4.6.14 (1a) Front, side and rear fences and walls; or
  - (e) development which does not comply with Standard H4.6.15 Minimum dwelling size.
- (2) Any application for resource consent for an activity listed in Table H4.4.1 Activity table and which is not listed in H4.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) 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\(4\)](#).

#### H4.6. Standards

##### H4.6.1. Activities listed in Table H4.4.1 Activity table

- (1) Activities and buildings containing activities listed in Table H4.4.1 Activity table must comply with the standards listed in the column in Table H4.4.1 called Standards to be complied with.

#### **H4.6.2. Home occupations**

Purpose: to enable people to work from home at a scale that the residential character and amenity is maintained.

(1) A home occupation must comply with all the following standards:

- (a) at least one person engaged in the home occupation must use the dwelling on the site as their principal place of residence;
- (b) no more than two people who do not use the dwelling as their principal place of residence may work in the home occupation;
- (c) no more than four people in total may work in the home occupation;
- (d) the sale of goods or services from the home occupation that requires customers to come to the site and the delivery of goods to and from the site may not occur before 7am or after 7pm;
- (e) car trips to and from the home occupation activity must not exceed 20 per day;
- (f) heavy vehicle trips must not exceed two per week;
- (g) no more than one commercial vehicle associated with the home occupation may be on site at any one time;
- (h) storage for rubbish and recycling associated with the home occupation must be provided on site and screened from public view;
- (i) materials or goods manufactured, serviced or repaired in the home occupation must be stored and worked on within a building on the same site; and
- (j) goods sold from the home occupation must be:
  - (i) goods produced on site; or
  - (ii) goods that are primarily ordered by mail or electronic transaction and redistributed by post or courier; or
  - (iii) goods ancillary and related to a service provided by the home occupation.

#### **H4.6.3. The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings**

Purpose: to enable a dwelling existing as at 30 September 2013 to be converted into a maximum of two dwellings and to provide for sufficient outdoor living space for each of the dwellings.

(1) Where a principal dwelling existing as at 30 September 2013 is proposed to be converted into a maximum of two dwellings each dwelling must have an outdoor living space that is:

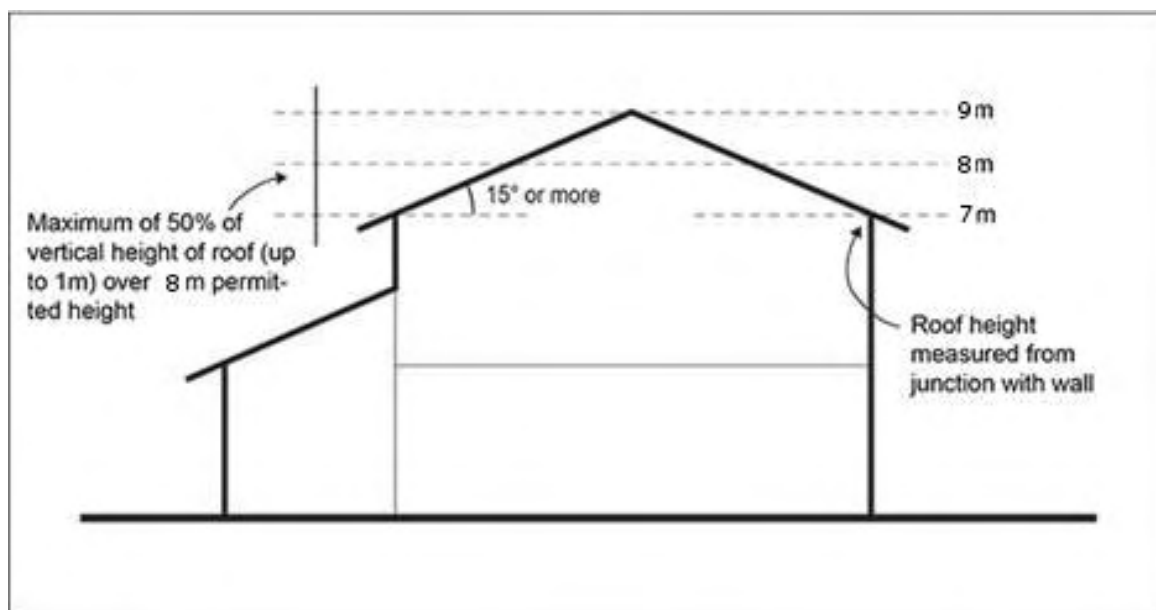
- (a) at least 5m<sup>2</sup> for a studio or one-bedroom dwelling and 8m<sup>2</sup> for a two or more bedroom dwelling; and
- (b) at least 1.8m in depth; and
- (c) directly accessible from the dwelling.

#### H4.6.4. Building height

Purpose: to manage the height of buildings to:

- achieve the planned suburban built character of predominantly one to two storeys;
  - minimise visual dominance effects;
  - maintain a reasonable standard of residential amenity for adjoining sites; and
  - provide some flexibility to enable variety in roof forms.
- (1) Buildings must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more, as shown in Figure H4.6.4.1 Building height in the Residential – Mixed Housing Suburban Zone below.

**Figure H4.6.4.1 Building height in the Residential – Mixed Housing Suburban Zone**



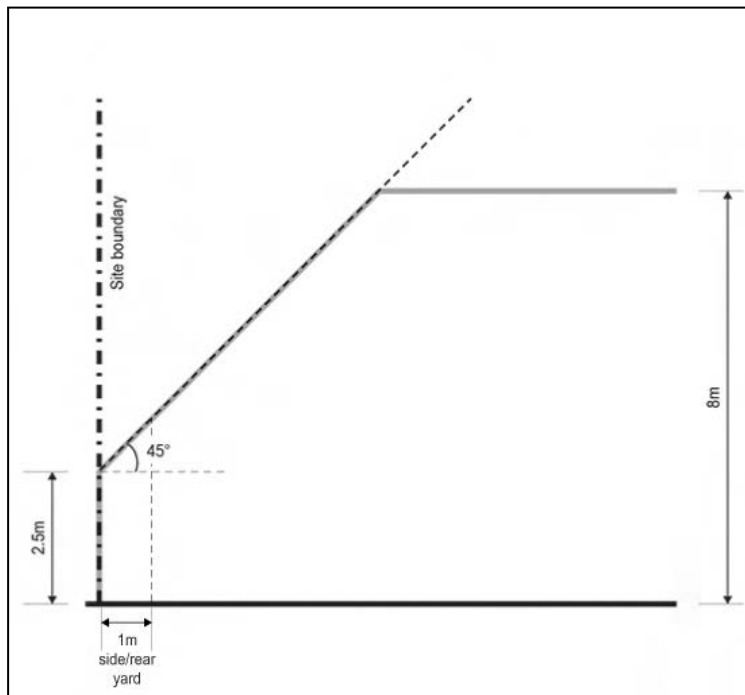
#### H4.6.5. Height in relation to boundary

Purpose: to manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours.

- (1) Buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along side and rear boundaries, as shown in Figure H4.6.5.1 Height in relation to boundary below.



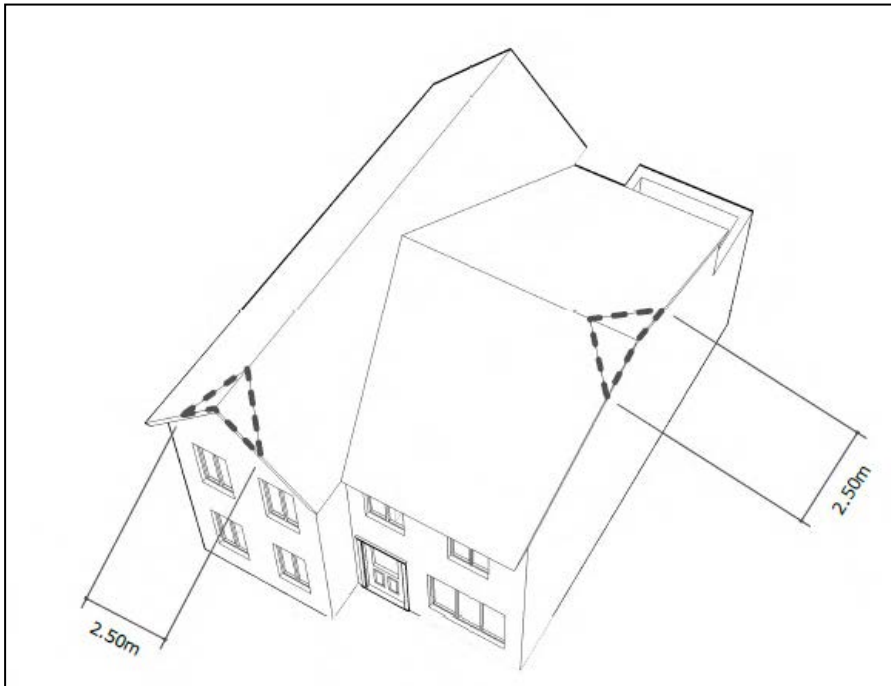
**Figure H4.6.5.1 Height in relation to boundary**



- (2) Standard H4.6.5(1) above does not apply to a boundary, or part of a boundary, adjoining any of the following:
- (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
  - (b) sites within the: Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone:
    - (i) that are greater than 2000m<sup>2</sup>;
    - (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
    - (iii) Where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.
- (3) Standard H4.6.5(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (4) Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the control in Standard H4.6.5(1) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.

- (5) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
- (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H4.6.5.2 Exceptions for gable ends, dormers and roof projections below.

**Figure H4.6.5.2 Exceptions for gable ends, dormers and roof projections**



- (6) No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.
- (7) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

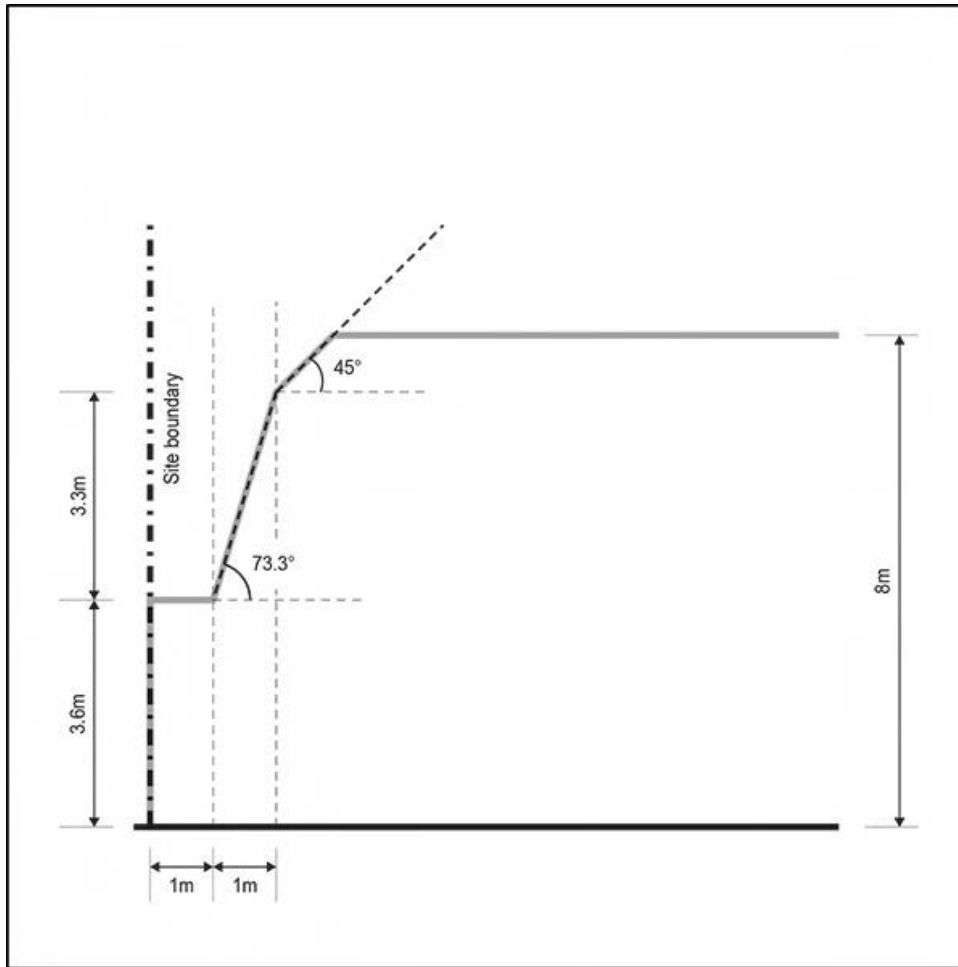
#### **H4.6.6. Alternative height in relation to boundary**

Purpose: to enable the efficient use of the site by providing design flexibility where a building is located close to the street frontage, while maintaining a reasonable level of sunlight access and minimising overlooking and privacy effects to immediate neighbours.

- (1) This standard is an alternative to the permitted Standard H4.6.5 Height in relation to boundary and applies to development that is within 20m of the site frontage.
- (2) Buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries.

Thereafter, buildings must be set back one metre and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then one metre for every additional metre in height (45 degrees) as shown in Figure H4.6.6.1 Alternative height in relation to boundary below.

**Figure H4.6.6.1 Alternative height in relation to boundary**

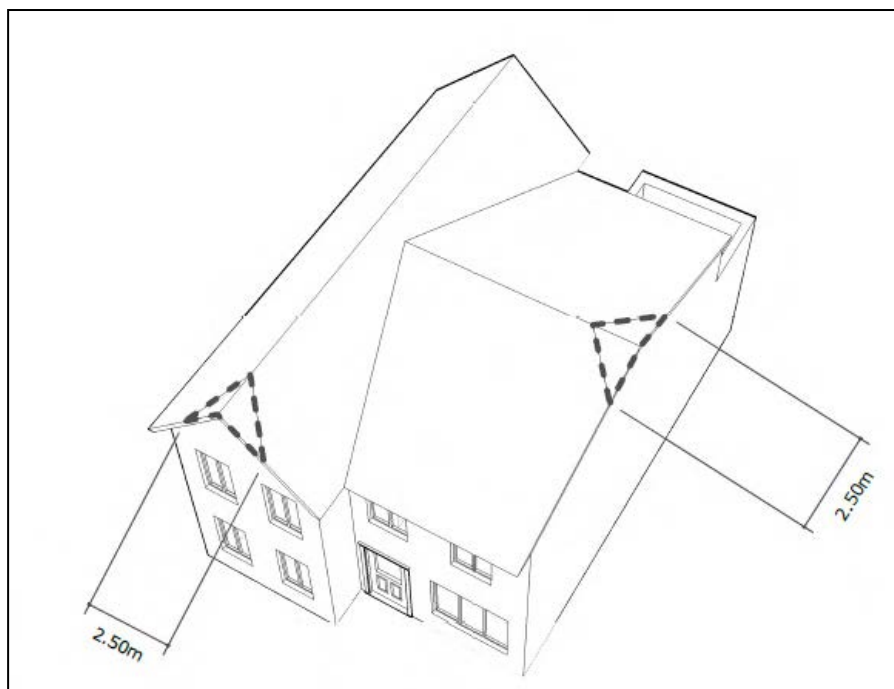


(3) Standard H4.6.6(2) above does not apply to a boundary adjoining any of the following:

- (a) a Business – City Centre Zone; Business – Metropolitan Centre Zone; Business – Town Centre Zone; Business – Local Centre Zone; Business – Neighbourhood Centre Zone; Business – Mixed Use Zone; Business – General Business Zone; Business – Business Park Zone; Business – Light Industry Zone and Business – Heavy Industry Zone; or
- (b) sites within the Open Space – Conservation Zone; Open Space – Informal Recreation Zone; Open Space – Sports and Active Recreation Zone; Open Space – Civic Spaces Zone; or the Open Space – Community Zone:
  - (i) that are greater than 2000m<sup>2</sup>;
  - (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and
  - (iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards listed below.

- (4) Standard H4.6.6(2) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (5) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H4.6.6(2) applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
- (6) A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
  - (a) no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height; and
  - (b) no greater than 2.5m cumulatively in length measured along the edge of the roof as shown in Figure H4.6.6.2 Exceptions for gable ends and dormers and roof projections below.

**Figure H4.6.6.2 Exceptions for gable ends, dormers and roof projections**



- (7) No more than two gable ends, dormer or roof projections are allowed for every 6m length of site boundary.
- (8) The alternative height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

#### **H4.6.7. Yards**

Purpose:

- to maintain the suburban built character of the streetscape and provide sufficient space for landscaping within the front yard;
- to maintain a reasonable standard of residential amenity for adjoining sites;

- to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and
- to enable buildings and services on the site or adjoining sites to be adequately maintained.

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H4.6.7.1 Yards below.

**Table H4.6.7.1 Yards**

Yard	Minimum depth
Front	3m
Side	1m
Rear	1m
Riparian	10m from the edge of all other permanent and intermittent streams
Lakeside	30m
Coastal protection yard	10m, or as otherwise specified in <a href="#">Appendix 6 Coastal protection yard</a>

(2) Standard H4.6.7(1) does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

#### **H4.6.8. Maximum impervious area**

Purpose:

- to manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks;
- to support the functioning of riparian yards, lakeside yards and coastal yards and water quality and ecology;
- to reinforce the building coverage and landscaped area standards; and
- to limit paved areas on a site to improve the site's appearance and cumulatively maintain amenity values in a neighbourhood.

(1) The maximum impervious area must not exceed 60 per cent of site area.

(2) The maximum impervious area within a riparian yard, a lakeside yard or a coastal protection yard must not exceed 10 per cent of the riparian yard, the lakeside yard or the coastal protection yard area.

#### **H4.6.9. Building coverage**

Purpose: to manage the extent of buildings on a site to achieve the planned suburban built character of buildings.

- (1) The maximum building coverage must not exceed 40 per cent of the net site area.

#### **H4.6.10. Landscaped area**

Purpose:

- to provide for quality living environments consistent with the planned suburban built character of buildings within a generally spacious setting; and
- to maintain the landscaped character of the streetscape within the zone.

- (1) The minimum landscaped area must be at least 40 per cent of the net site area.
- (2) At least 50 per cent of the area of the front yard must comprise landscaped area.

#### **H4.6.11. Outlook space**

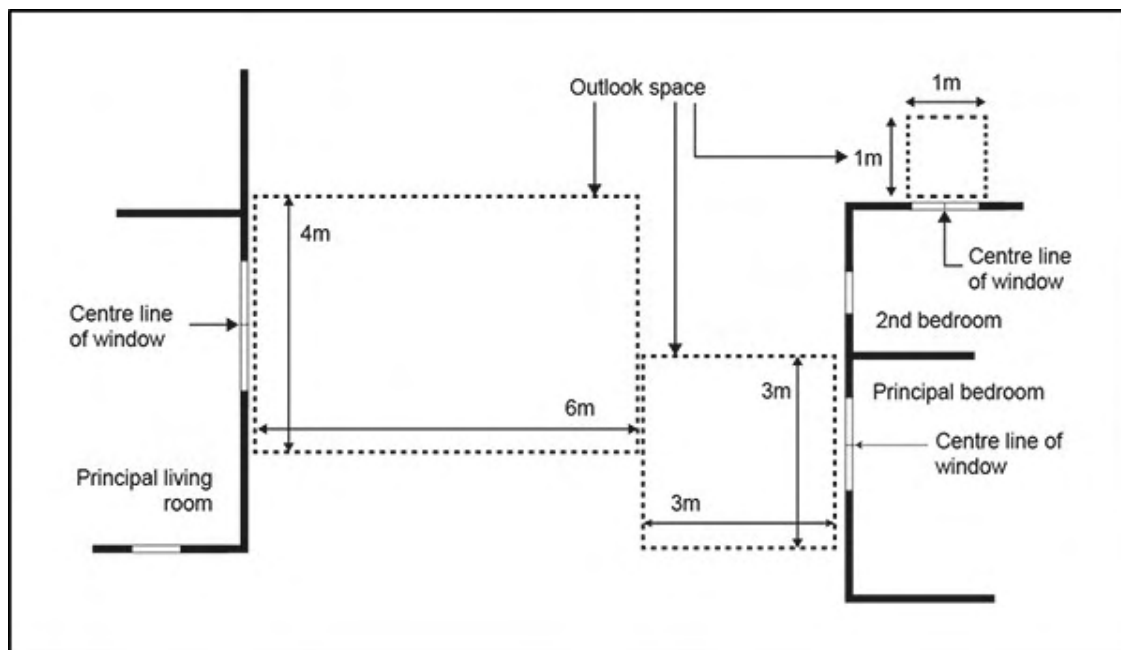
Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- in combination with the daylight standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

- (1) An outlook space must be provided from the face of a building containing windows to a habitable room. Where the room has two or more external faces with windows the outlook space must be provided from the face with the largest area of glazing.
- (2) The minimum dimensions for a required outlook space are as follows:
  - (a) a principal living room of a dwelling or main living and dining area within a boarding house or supported residential care must have a outlook space with a minimum dimension of 6m in depth and 4m in width;
  - (b) a principal bedroom of a dwelling or a bedroom within a boarding house or supported residential care unit must have an outlook space with a minimum dimension of 3m in depth and 3m in width; and
  - (c) all other habitable rooms must have an outlook space with a minimum dimension of 1m in depth and 1m in width.
- (3) The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.
- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (5) The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.

- (6) Outlook spaces may be within the site, over a public street, or other public open space.
- (7) Outlook spaces required from different rooms within the same building may overlap.
- (8) Outlook spaces may overlap where they are on the same wall plane.
- (9) Outlook spaces must:
  - (a) be clear and unobstructed by buildings;
  - (b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in Standard H4.6.11(6) above; and
  - (c) not extend over an outlook spaces or outdoor living space required by another dwelling.

**Figure H4.6.11.1 Required outlook space**



#### H4.6.12. Daylight

Purpose:

- to ensure adequate daylight for living areas and bedrooms in dwellings, supported residential care and boarding houses; and
  - in combination with the outlook standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.
- (1) Where the proposed building and/or opposite building contains principal living room or bedroom windows in a dwelling, or main living/dining area or bedroom windows in supported residential care and boarding houses, then:
    - (a) That part of a building higher than 3m opposite buildings within the same site is limited in height to twice the horizontal distance between the two buildings for a length defined by a 55 degree arc from the centre of the window. The arc

may be swung to within 35 degrees of the plane of the wall containing the window as shown in Figure H4.6.12.2 Required setbacks for daylight below.

Refer to Table H4.6.12.1 Maximum height of the part of a building within a site facing a principal living room or bedroom window within the same site; Figure H4.6.12.1 Required setbacks for daylight and Figure H4.6.12.2 Required setbacks for daylight below).

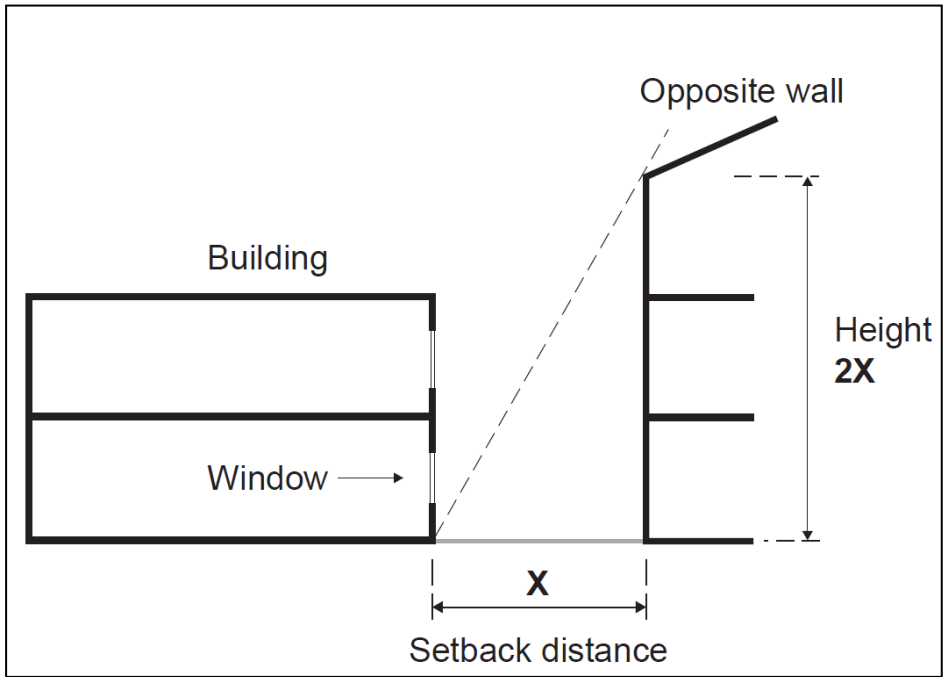
- (2) Where the principal living room, main living/dining area or bedroom has two or more external faces with windows, Standard H4.6.12(1) above will apply to the largest window.
- (3) Where the window is above ground level, the height restriction is calculated from the floor level of the room containing the window.
- (4) Standards H4.6.12(1), (2) and (3) do not apply to development opposite the first 5m of a building which faces the street, measured from the front corner of the building.

**Table H4.6.12.1 Maximum height of that part of a building within a site facing a principal living room or bedroom window within the same site**

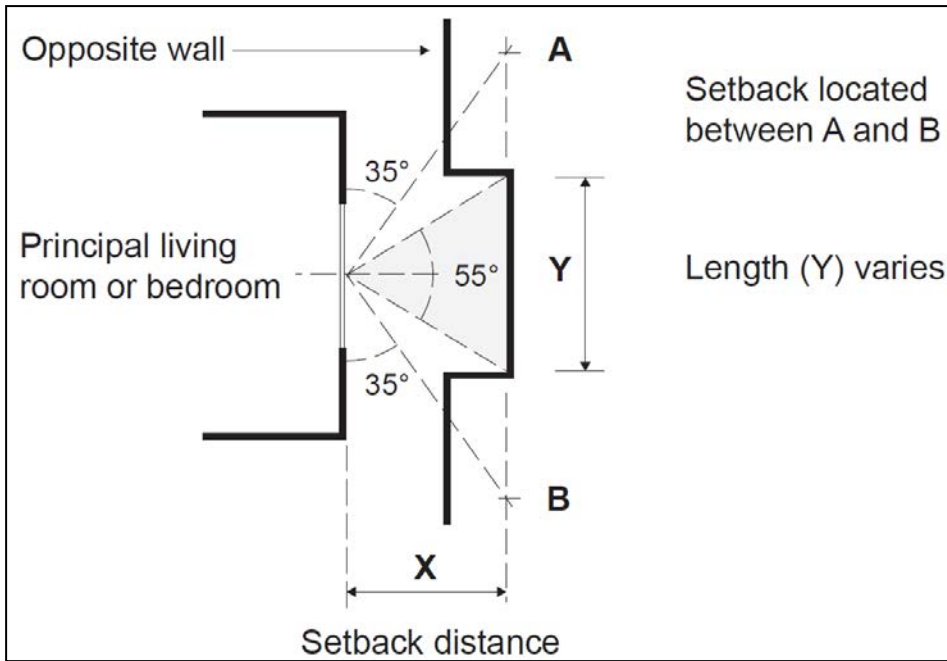
Distance of the building from the largest principal living room, living/dining room or bedroom window (x)	Maximum height of the defined portion of wall opposite an identified window	Length of wall restricted if 55 degree arc is perpendicular to window (y) (rounded)
1.0m	2.0m	1.0m
1.5m	3.0m	1.5m
2.0m	4.0m	2.0m
2.5m	5.0m	2.5m
2.7m	5.4m	2.7m
3.0m	6.0m	3.0m
3.5m	7.0m	3.5m
4.0m	8.0m	4.0m
4.5m	9.0m	4.5m



**Figure H4.6.12.1 Required setbacks for daylight**



**Figure H4.6.12.2 Required setbacks for daylight**

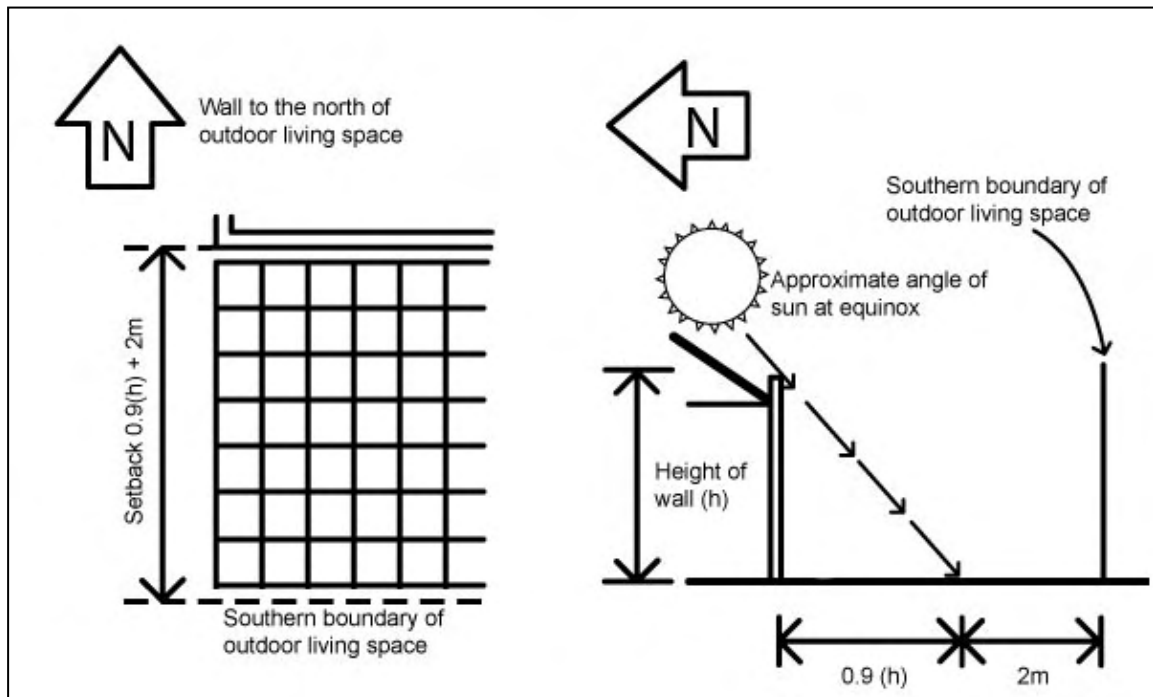


#### **H4.6.13. Outdoor living space**

Purpose: to provide dwellings, supported residential care and boarding houses with outdoor living space that is of a functional size and dimension, has access to sunlight, and is accessible from the dwelling.

- (1) A dwelling, supported residential care or boarding house at ground floor level, must have an outdoor living space that is at least 20m<sup>2</sup> that comprises ground floor and/or balcony/roof terrace space that:
  - (a) where located at ground level has no dimension less than 4m and has a gradient not exceeding 1 in 20; and/or
  - (b) where provided in the form of balcony, patio or roof terrace is at least 5m<sup>2</sup> and has a minimum dimension of 1.8m; and
  - (c) is accessible from the dwelling, supported residential care unit or boarding house; and
  - (d) is free of buildings, parking spaces, servicing and manoeuvring areas.
- (2) A dwelling, supported residential care or boarding house located above ground floor level must have an outdoor living space in the form of a balcony, patio or roof terrace that:
  - (a) is at least 5m<sup>2</sup> for studio and one-bedroom dwellings and has a minimum dimension of 1.8m; or
  - (b) is at least 8m<sup>2</sup> for two or more bedroom dwellings and has a minimum dimension of 1.8m; and
  - (c) is accessible from the dwelling, supported residential care unit or boarding house.
- (3) Where outdoor living space required by Standard H4.6.13(1) or Standard H4.6.13(2) above is provided at ground level, and is located south of any building located on the same site, the southern boundary of that space must be separated from any wall or building by at least  $2m + 0.9(h)$ , where (h) is the height of the wall or building as shown in the Figure H4.6.13.1 Location of outdoor living space below. For the purpose of this standard south is defined as between 135 and 225 degrees.

**Figure H4.6.13.1 Location of outdoor living space**



**H4.6.14. Front, side and rear fences and walls**

Purpose: to enable fences and walls to be constructed on a front, side or rear boundary or within a front, side, rear, riparian, coastal protection or lakeside yard to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street or adjoining public place.
- minimise visual dominance effects to immediate neighbours, the street or adjoining public place.

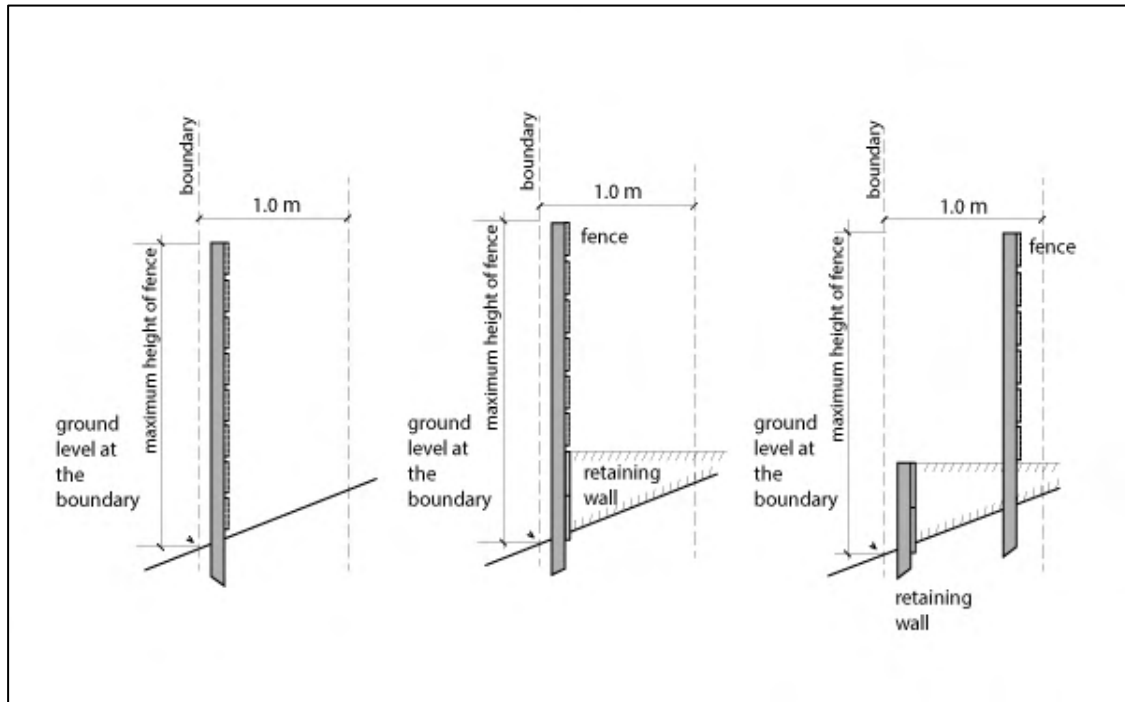
(1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:

(a) Within the front yard, either:

- (i) 1.4m in height, or
- (ii) 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
- (iii) 1.8m in height if the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.

(b) Within side, rear, coastal protection, lakeside or riparian yards: 2m.

**Figure H.4.6.14.1 Measurement of fence height**



**H4.6.15. Minimum dwelling size**

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

- (1) Dwellings must have a minimum net internal floor area as follows:
  - (a) 30m<sup>2</sup> for studio dwellings.
  - (b) 45m<sup>2</sup> for one or more bedroom dwellings.

PC 54 (see Modifications)

[new text to be inserted]

**H4.7. Assessment – controlled activities**

There are no controlled activities in this zone.

**H4.8. Assessment – restricted discretionary activities**

**H4.8.1. Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary activity resource consent application:

- (1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10

people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:

- (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
    - (i) building intensity, scale, location, form and appearance;
    - (ii) traffic;
    - (iii) location and design of parking and access; and
    - (iv) noise, lighting and hours of operation.
  - (b) Infrastructure and servicing.
- (2) for four or more dwellings per site:
- (a) the effects on the neighbourhood character, residential amenity, safety and the surrounding residential area from all of the following:
    - (i) building intensity, scale, location, form and appearance;
    - (ii) traffic; and
    - (iii) location and design of parking and access.
  - (b) all of the following standards:
    - (i) Standard H4.6.8 Maximum impervious areas;
    - (ii) Standard H4.6.9 Building coverage;
    - (iii) Standard H4.6.10 Landscaped area;
    - (iv) Standard H4.6.11 Outlook space;
    - (v) Standard H4.6.12 Daylight;
    - (vi) Standard H4.6.13 Outdoor living space;
    - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
    - (viii) Standard H4.6.15 Minimum dwelling size.
  - (c) Infrastructure and servicing.
- (3) for integrated residential development:
- (a) the effects on the neighbourhood character, residential amenity, safety, and the surrounding residential area from all of the following:
    - (i) building intensity, scale, location, form and appearance;
    - (ii) traffic;
    - (iii) location and design of parking and access; and
    - (iv) noise, lighting and hours of operation.
  - (b) all of the following standards:
    - (i) Standard H4.6.8 Maximum impervious areas;

- (ii) Standard H4.6.9 Building coverage;
  - (iii) Standard H4.6.10 Landscaped area;
  - (iv) Standard H4.6.11 Outlook space;
  - (v) Standard H4.6.12 Daylight;
  - (vi) Standard H4.6.13 Outdoor living space;
  - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
  - (viii) Standard H4.6.15 Minimum dwelling size.
- (c) Infrastructure and servicing.
- (4) for buildings that do not comply with Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards; Standard H4.6.8 Maximum impervious areas; Standard H4.6.9 Building coverage; Standard H4.6.10 Landscaped area; Standard H4.6.11 Outlook space; Standard H4.6.12 Daylight; Standard H4.6.13 Outdoor living space; Standard H4.6.14 Front, side and rear fences and walls; Standard H4.6.15 Minimum dwelling size:
- (a) any policy which is relevant to the standard;
  - (b) the purpose of the standard;
  - (c) the effects of the infringement of the standard;
  - (d) the effects on the suburban built character of the zone;
  - (e) the effects on the amenity of neighbouring sites;
  - (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
  - (g) the characteristics of the development;
  - (h) any other matters specifically listed for the standard; and
  - (i) where more than one standard will be infringed, the effects of all infringements.
- (5) For new buildings and additions to buildings which do not comply with H4.6.5. Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary:
- (a) Sunlight access;
  - (b) Attractiveness and safety of the street; and
  - (c) Overlooking and Privacy.

#### H4.8.2. Assessment criteria

The Council will consider the assessment criteria below for restricted discretionary activities to the extent relevant to the proposal:

(1) for supported residential care accommodating greater than 10 people per site inclusive of staff and residents; boarding houses accommodating greater than 10 people per site inclusive of staff and residents; visitor accommodation accommodating greater than 10 people per site inclusive of staff and visitors; dairies up to 100m<sup>2</sup> gross floor area per site; care centres accommodating greater than 10 people per site excluding staff; community facilities; and healthcare facilities up to 200m<sup>2</sup> gross floor area per site:

(a) infrastructure and servicing:

- (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
- (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

(b) building intensity, scale, location, form and appearance:

- (i) whether the intensity and scale of the activity, the building location, form and appearance is compatible with the character and residential amenity provided for within the zone and compatible with the surrounding residential area.

(c) traffic:

- (i) whether the activity avoids or mitigates high levels of additional non-residential traffic on local roads.

(d) location and design of parking and access:

- (i) whether adequate parking and access is provided or required.

(e) noise, lighting and hours of operation:

- (i) whether noise and lighting and the hours of operation of the activity avoids, remedies or mitigates adverse effects on the residential amenity of surrounding properties, by:
  - locating noisy activities away from neighbouring residential boundaries;
  - screening or other design features; and
  - controlling the hours of operation and operational measures.

(2) for four or more dwellings on a site:

- (a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

- (i) Standard H4.6.8 Maximum impervious areas;
  - (ii) Standard H4.6.9 Building coverage;
  - (iii) Standard H4.6.10 Landscaped area;
  - (iv) Standard H4.6.11 Outlook space;
  - (v) Standard H4.6.12 Daylight;
  - (vi) Standard H4.6.13 Outdoor living space;
  - (vii) Standard H4.6.14 Front, side and rear fences and walls; and
  - (viii) Standard H4.6.15 Minimum dwelling size
- (b) The extent to which the development contributes to a variety of housing types in the zone and is in keeping with the neighbourhood's planned suburban build character of predominantly two storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.
- (c) [deleted]
- (d) The extent to which development achieves attractive and safe streets and public open space by:
- (i) providing doors, windows and/or balconies facing the street and public open space
  - (ii) minimising tall, visually impermeable fences
  - (iii) designing large scale development (generally more than 15 dwellings) to provide for variations in building form and/or façade design as viewed from streets and public open spaces.
  - (iv) optimising front yard landscaping
  - (v) providing safe pedestrian access to buildings from the street
  - (vi) minimising the visual dominance of garage doors, walkways or staircases to upper level dwellings, and carparking within buildings as viewed from streets or public open spaces
- (e) The extent to which the height, bulk and location of the development maintains a reasonable standard of sunlight access and privacy and minimises visual dominance to adjoining sites.
- (f) The extent to which dwellings:
- (i) Orientate and locate windows to optimise privacy and encourage natural cross ventilation within the dwelling
  - (ii) Optimise sunlight and daylight access based on orientation, function, window design and location, and depth of the dwelling floor space
  - (iii) Provide secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.



- (iv) Provide the necessary waste collection and recycling facilities in locations conveniently accessible and screened from streets and public open spaces.

(g) The extent to which outdoor living space:

- (i) Provides for access to sunlight
- (ii) Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.
- (iii) When provided at ground level, is located on generally flat land or is otherwise functional.

(h) refer to Policy H4.3(7); and

(i) infrastructure and servicing:

- (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
- (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

(3) for integrated residential development:

(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:

- (i) Standard H4.6.8 Maximum impervious areas;
- (ii) Standard H4.6.9 Building coverage;
- (iii) Standard H4.6.10 Landscaped area;
- (iv) Standard H4.6.11 Outlook space;
- (v) Standard H4.6.12 Daylight;
- (vi) Standard H4.6.13 Outdoor living space; and
- (vii) Standard H4.6.14 Front, side and rear fences and walls; and
- (viii) Standard H4.6.15 Minimum dwelling size (excluding retirement villages).

(b) refer to Policy H4.3(1);

(c) refer to Policy H4.3(2);

(d) refer to Policy H4.3(3);

(e) refer to Policy H4.3(4);

(f) refer to Policy H4.3(5);

(g) refer to Policy H4.3(6);

- (h) refer to Policy H4.3(7);
- (i) refer to Policy H4.3(8).
- (j) refer to Policy H4.3(9); and
- (k) infrastructure and servicing:
  - (i) Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.
  - (ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.

- (4) For new buildings and additions to buildings which do not comply with H4.6.5. Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary:

**Sunlight access**

- (a) Whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:

Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September):

- (i) over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard H4.6.13: or
  - (ii) over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard H4.6.13.
- (b) In circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in (a):
- (i) The extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard H4.6.5 Height in relation to boundary control; and
  - (ii) The extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

**Attractiveness and safety of the street**

- (c) The extent to which those parts of buildings located closest to the front boundary achieve attractive and safe streets by:
- (i) providing doors, windows and balconies facing the street;
  - (ii) optimising front yard landscaping;
  - (iii) providing safe pedestrian access to buildings from the street; and

- (iv) minimising the visual dominance of garage doors as viewed from the street.

**Overlooking and privacy**

- (d) The extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.
- (5) for building height:
    - (a) refer to Policy H4.3(2);
    - (b) refer to Policy H4.3(4); and
    - (c) refer to Policy H4.3(5).
  - (6) for height in relation to boundary:
    - (a) refer to Policy H4.3(2);
    - (b) refer to Policy H4.3(4); and
    - (c) refer to Policy H4.3(5).
  - (7) for alternative height in relation to boundary infringements:
    - (a) refer to Policy H4.3(2);
    - (b) refer to Policy H4.3(3);
    - (c) refer to Policy H4.3(4); and
    - (d) refer to Policy H4.3(5).
  - (8) for yards:
    - (a) refer to Policy H4.3(2); and
    - (b) refer to Policy H4.3(4).
  - (9) for maximum impervious areas:
    - (a) refer to Policy H4.3(7).
  - (10) for building coverage:
    - (a) refer to Policy H4.3(2); and
    - (b) refer to Policy H4.3(4).
  - (11) for landscaped area:
    - (a) refer to Policy H4.3(2);
    - (b) refer to Policy H4.3(4);
    - (c) refer to Policy H4.3(5); and
    - (d) refer to Policy H4.3(6).
  - (12) for outlook space:

- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(4);
  - (c) refer to Policy H4.3(5); and
  - (d) refer to Policy H4.3(6);
- (13) for daylight:
- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(4); and
  - (c) refer to Policy H4.3(5).
- (14) for outdoor living space:
- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(4);
  - (c) refer to Policy H4.3(5); and
  - (d) refer to Policy H4.3(6).
- (15) for front, side and rear fences and walls:
- (a) refer to Policy H4.3(2);
  - (b) refer to Policy H4.3(3); and
  - (c) refer to Policy H4.3(4).
- (16) For minimum dwelling size:
- (a) Policy H4.3(5)

PC 54 (see  
Modifications)

[new text to be inserted]

#### **H4.9. Special information requirements**

There are no special information requirements in this zone.

**ATTACHMENT 6**  
**COUNCIL TECHNICAL EXPERT MEMOS**





# **Private Plan Change 66 57 & 57A Schnapper Rock Rd**

Technical Specialist Report - Transport

---

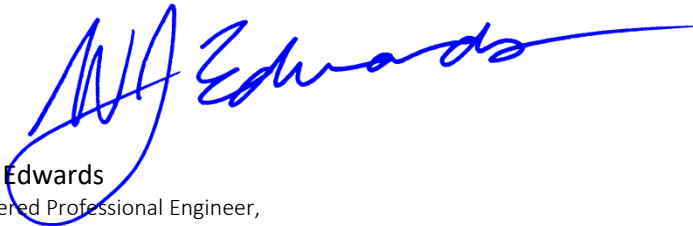
Private Plan Change 66  
57 & 57A Schnapper Rock Rd  
Technical Specialist Report- Transport

for  
Auckland Council



---

Prepared for Auckland Council by

  
Wes Edwards  
Chartered Professional Engineer,  
NZCE, BE, CMEngNZ, MITE, IntPE(NZ)  
Director | Transportation Advisor

---

Arrive Limited

 16 Whiting Grove  
West Harbour  
Auckland 0618  
New Zealand  
 +64 9 416-3334  
 [info@arrive.nz](mailto:info@arrive.nz)  
 [arrive.nz](http://arrive.nz)

---

File Ref: 101135  
Issue: A 20/12/2021

---



# 1 Introduction

---

Auckland Council has received a request to change the Auckland Unitary Plan – Operative in Part [AUP] to rezone land at 57 and 57A Schnapper Rock Road in Schnapper Rock, referred to as Private Plan Change 66 [PPC66].

Auckland Council has asked Arrive to review the transport aspects of the plan change to assist the reporting planner in preparing the s42A report and assist the hearings panel in deciding on the plan change.

This report has been prepared by Wes Edwards, Transportation Advisor and Director of Arrive Ltd, a specialist traffic and transport consulting practice. A summary Curriculum Vitae is appended.

In writing this report, I have reviewed the following documents:

- Private Plan Change Request, Assessment of Environmental Effects [AEE] and s32 Analysis, where relevant to transport
- Appendix 2 Site Analysis and Zoning Proposal
- Appendix 3 Envisaged Housing Development
- Appendix 8 Transportation Assessment [TA]
- Submissions relating to transport

## Effect of Covid19 Health Orders

This report has been prepared while Auckland is subject to Health Orders that have significantly changed activity and transport patterns in the region. While I have been able to visit the site and the area, I have not been able to observe the operation of the local transport environment under normal conditions (no Health Orders) prior to preparing this report. I have some familiarity with the operation of Albany Hwy, particularly in the vicinity of the SH18 Interchange and the Schnapper Rock Rd / Bush Rd intersection, including during peak periods.

I have relied to a significant extent on the observations of the traffic network in April 2021 as described in the TA. When those observations were undertaken Auckland was subject to Health Orders at Alert Level 1. At that time most businesses and workplaces were operating, although many people were still working from home at least part of the week, and some tertiary education was being undertaken remotely. For those reasons the observations and traffic conditions described in the TA are likely to represent fewer vehicle movements than would have occurred in the absence of the Health Orders.

This report is undertaken with the expectation that traffic conditions will return to normalcy in the short to medium term, and that any long-term or permanent effects on travel behaviour would have a relatively minor impact on peak-period congestion.

## 1.1 Key Transport Issues

This report is structured around the key transport issues for this plan change which are:

1. Consistency with transport planning policy, and particularly the suitability of the proposed intensity of development considering the accessibility of transport services and amenities.
2. The ability for vehicles to safely enter and exit the site
3. Effects on the transport environment from additional traffic movements and parking demand.

4. The provision of transport infrastructure to address any effects, including funding, responsibility, and timing.

## 2 Context

The site of 4.9 hectares is located at 57 and 57A Schnapper Rock Road and is generally well-described in the material provided by the Requestor.

With respect to transport the site is bounded by Schnapper Rock Road on the northern and western sides. Access to the wider road network is provided by three routes:

- Schnapper Rock Road to the east, connecting with Albany Highway at the signal-controlled intersection with Bush Road near the Upper Harbour Highway, State Highway 18 [SH18] Albany Hwy Interchange;
- Schnapper Rock Road to the north, connecting with Albany Hwy at a sign-controlled intersection where movements are confined to left-in left-out
- Oakway Drive to the northwest, connecting with Albany Hwy at a signal-controlled intersection.

Kyle Road, 100-250m east of the site, provides access to a residential area and the Upper Harbour Primary School and relies on the same three access routes to connect with the wider road network.

Albany Highway was widened and modified by Auckland Transport in recent years and typically has a four-lane divided cross-section where the kerbside T2 lanes are reserved for vehicles with two or more occupants during peak periods.

Albany Hwy experiences congestion during peak periods, particularly around the Schnapper Rock Rd/ Bush Rd intersection and the SH18 Interchange. Extensive queues are known to develop in the morning peak period along Schnapper Rock Rd and on the eastbound SH18 off-ramp, particularly for the left-turn from SH18 onto Albany Hwy. Queues on Bush Rd can be significant in the evening peak period.

### 2.1 Traffic Volumes

The TA provides a summary of traffic count data from the area collected by Auckland Transport. The most recent counts on Schnapper Rock Road were undertaken in December 2014. At the time of writing those remain the most recent counts on Schnapper Rock Road undertaken by Auckland Transport.

While Auckland Transport undertakes traffic counts on busier roads more frequently it is not uncommon for roads with lower traffic volumes to be counted less often. In addition, any traffic counts that have been undertaken while the Health Orders have been in effect are unlikely to be representative of normal conditions.

Other counts undertaken in the area include a count on the northern part of Kyle Road in February 2020. The only previous counts on record are on the northern part of Kyle Road and on Schnapper Rock Road east of Kyle Road from February 2009.

Between 2009 and the most recent counts, the average weekday traffic volume on Kyle Road decreased from 3,261 in Feb 2009 to 2,778 in Feb 2020. The volume on Schnapper Rock Road increased from 6,129 veh/d in Feb 2009 to 7,486 veh/d in Feb 2014, an average increase of 4.4% per annum.

If the traffic volumes on Schnapper Rock Road have increased at the same rate since 2014, they could potentially be in the order of 10,100 veh/d in February 2022 without Health Orders; however, the actual growth in this period is heavily dependent on the level of new housing provided in the area in that time.

Auckland Transport estimates the traffic volume on each section of road on an annual basis for the purposes of forecasting road maintenance activities. The June 2020 estimates of average daily traffic volume are set out in the following table.

Table 1: Auckland Transport Traffic Volume Estimates

Road	Location	Average Daily Volume
Schnapper Rock Road	West of Oakway Dr	546
	North of Oakway Dr	2,866
	East of Kyle Rd	7,198
Oakway Dr	South of Albany Hwy	2,922
Kyle Rd	South of Schnapper Rock Rd	2,489

The age of the traffic counts presented in the TA was raised during our initial review for adequacy of information prior to notification and this review of likely effects. In response the Requestor's transport consultants collected additional traffic data in April 2021.

Counts at signal-controlled intersections were sourced from the traffic signal control system that monitors traffic flows over in-ground detectors. These volumes are typically within 10% of actual volumes so provide a reasonable basis for assessment. These automated counts were supplemented by additional on-site observations on 15 April 2021 to provide sufficient data to construct a software model of the key intersections.

A count of traffic movements at the Schnapper Rock Rd/ Oakway Dr roundabout adjacent to the site was undertaken during peak periods on 15 April 2021.

While the additional data does not provide information on the likely average daily traffic volumes on the road network, that is not particularly important in this case as transport assessments in urban areas are usually focussed on the performance of key intersections during peak periods as intersections typically determine the performance of the network in the area.

## 2.2 Crash History

The TA includes a description of the crash history in the area. One pedestrian crash was reported on Schnapper Rock Road about 100m east of the site and involved an adult pedestrian stepping into the path of a car resulting in minor injuries. No additional crashes were reported in the area near the site in the period up to 9 November 2021.

The crash record does not indicate there is a significant road safety issue in the area. While there have undoubtedly been several crashes that were not reported to Police, that is common to all areas, and unreported crashes tend to be less severe.

## 2.3 Public Transport

Public transport services are classified as "Rapid" (rail and busway services), "Frequent" (usually on dedicated lanes running at least every 15 minutes), "Connector" (at least every 30 minutes), "Local" and "Peak Only".

As noted in the TA, the site is served by bus route 883 (Constellation Station – Schnapper Rock) that runs along the western boundary of the site with bus stops located nearby. Route 883 is a "Local" service with service frequencies of 30 minutes between 6am and 9pm.

Bus route 917 (Albany Station – Birkenhead Wharf) is a "Connector" service that runs along Albany Hwy every 15 minutes during peak periods and every 30 minutes off-peak. The nearest stops are near the northern Schnapper Rock Rd/ Albany Hwy intersection, approximately a 450m (5 minute) walk from the site.

As a guide to accessibility the walkscore.com website gives the site a WalkScore of 44% “Car Dependent” as most errands require a car, and a TransitScore of 37% “Some Transit”, but the transit score appears to be largely based on the availability of numerous school bus services so the score would be lower for other people.

## 2.4 Changes to Transport Infrastructure and Services

### 2.4.1 Transport Infrastructure

Waka Kotahi New Zealand Transport Agency [**WKA**] is currently constructing the Northern Corridor (previously known as Northern Connector Improvements) [**NCI**] project, which includes additional lanes along the Northern Motorway State Highway 1 [SH1] and ramps at the Constellation Interchange.

The extension of the Northern Busway to Albany Station, the addition of a new bus station at Rosedale Road, and the provision of walking and cycling routes alongside SH1 and SH18 are being undertaken as part of the NCI project which is expected to be completed in September 2022.

This project is expected to result in some changes to traffic patterns in the area, and these are significant for the assessment of this proposal. The TA provides some information on the level of change expected at key intersections. In each case the peak-period traffic volumes forecast for 2031 are below the volumes forecast (prior to Covid-19) for 2021.

No other transport infrastructure projects are planned for the area over the next 10 years.

### 2.4.2 Public Transport Services

The plan for provision of public transport services is set out in the Auckland Regional Public Transport Plan [**RPTP**] with the 2018-2028 edition being current at time of writing. Additional information is provided in the AT Future Connect publication, the new AT 10-year plan.

This information indicates that additional public transport services are planned for the Albany area including improved service frequency on Route 917, but this route would remain at Connector level.

## 2.5 Other Planned Changes

The following figures show the operative zoning in the area and 2017 aerial photography showing development at that time. There are two sites to the east of the PC66 site zoned Residential-Single House Zone where residential development is in progress, 52 Kyle Road and 55 Schnapper Rock Rd. These sites, and potentially others, would add traffic to Kyle Road and to the same access routes that connect the PC66 site to the wider road network.

Figure 1: Operative Zoning

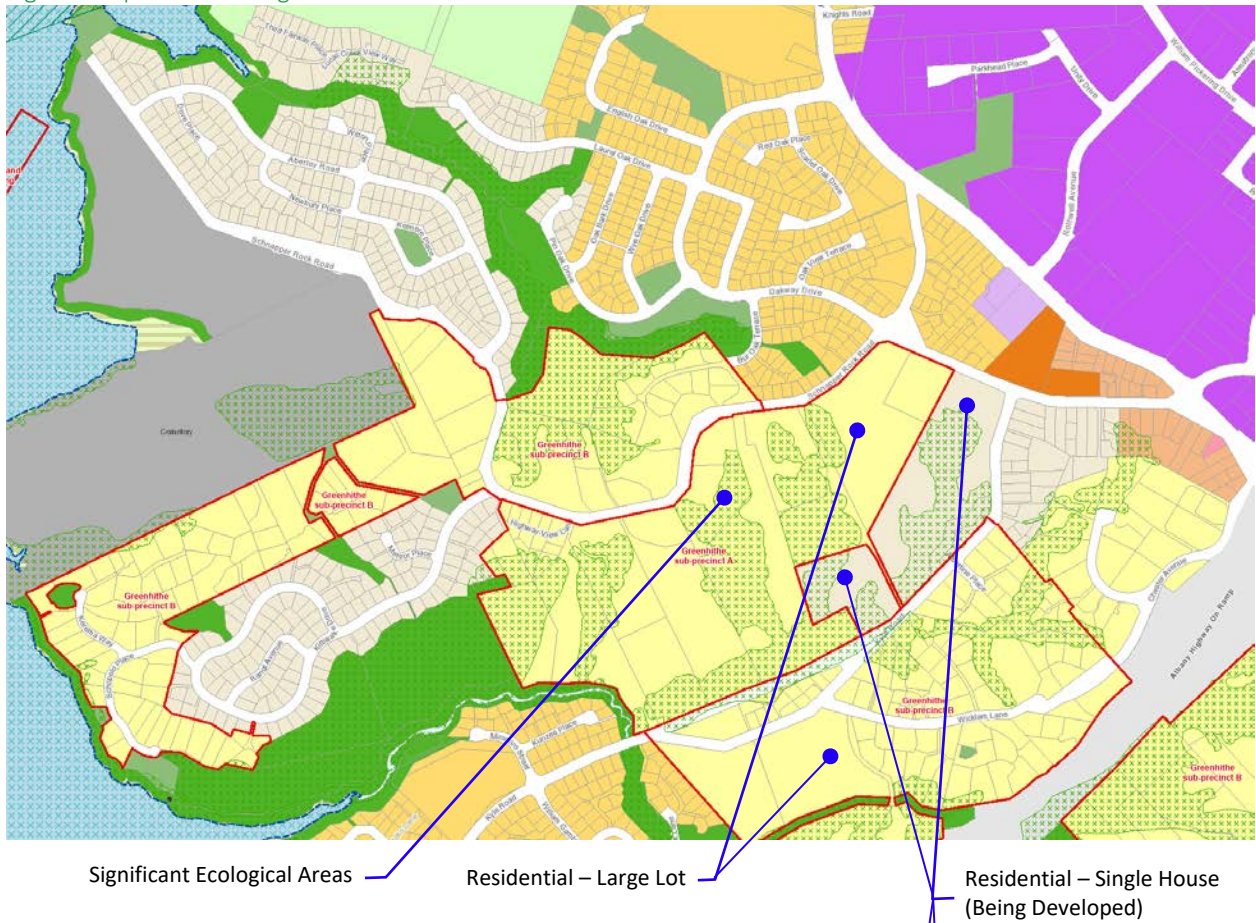
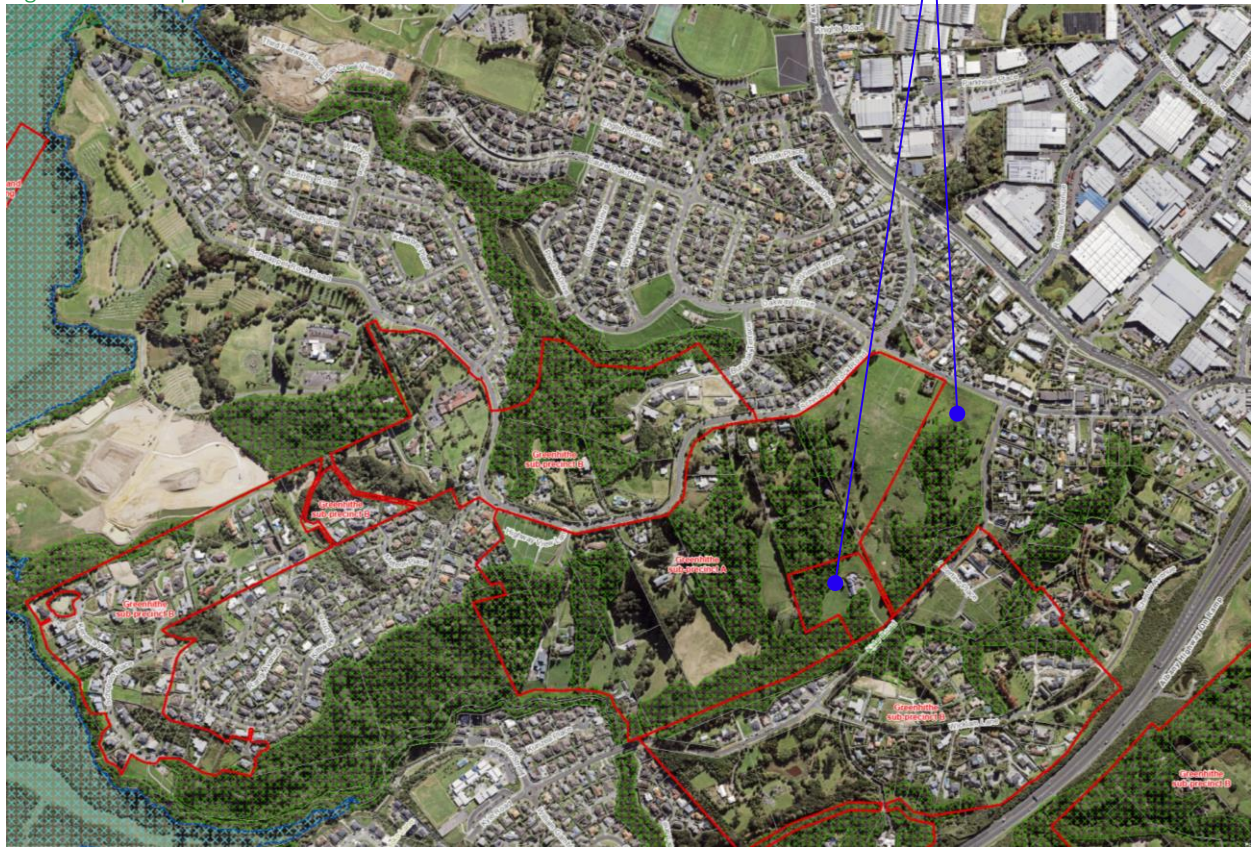


Figure 2: Development in 2017



## 3 Form of development

### 3.1 Zoning and Yield

Private Plan Change 66 seeks to rezone the site from Residential – Large Lot Zone [R-LL] to Residential – Mixed Housing Suburban Zone [R-MHS] and Residential - Single House Zone [R-SH]. It also seeks to remove the site from Greenhithe Sub-Precinct A which has additional development rules to provide low development density.

The actual number of dwellings to be provided on the land will be determined at the time of subdivision or development. At this stage, the Requestor's assessments are based on an expected yield of 90 to 110 dwellings. That would suggest an average yield across both proposed zones of 18 to 22 dwellings per gross hectare which I consider to be towards the lower end of medium density.

### 3.2 Access and Connections

When evaluating a Plan Change it is important to consider if the land is capable of being developed in accordance with the proposed provisions, and this includes considering if safe and efficient access could be provided.

The Requestor has provided an "Envisaged Housing Development" diagram that shows one proposed public road within the site connecting to Schnapper Rock Road opposite a link to the Burr Oak Reserve (located between 88 and 90 Schnapper Rock Rd). It is important to note that unless embodied into precinct provisions, there is nothing requiring the access road to be located at that position as any eventual subdivision and/ or development could take a different form. The Proposed Zoning Plan used for the TA included an indicative roading pattern within the site, but this was removed in the Notified version of the Zoning Plan.

It is necessary to ensure that at least one safe and efficient way of accessing the site is available, and this assessment includes consideration of the access location shown in the envisaged development diagram.

Given the volume of traffic likely to be generated by development of the site, and the moderate volume of traffic on Schnapper Rock Road, a single sign-controlled T-intersection would be sufficient to provide efficient access to the site. An access intersection on the western part of Schnapper Rock Road (as proposed) would not result in a significant number of vehicle movements turning right into the new road so a right turn bay on Schnapper Rock Road would not be required. If good sightlines are available at the intersection the access should be sufficiently safe.

Sightline requirements are determined by the speed of vehicles passing along the road, and the assessment of sight distances is set out at section 5.1 of the TA. Operating speeds of 56km/h eastbound and 53km/h westbound were observed resulting in the Austroads Safe Intersection Sight Distance [SISD] being 107m for eastbound traffic and 100m for westbound traffic using the default parameters.

The TA describes the sight distances at representative potential intersection locations A, B, and C. The minimum sight distances are available for a vehicle leaving the new road at all three locations (or anywhere in between), although for locations A and B the sightlines would be obscured by vehicles parked on the western side of Schnapper Rock Road.

The sightlines for eastbound traffic approaching a vehicle waiting to turn right into the new road are shorter as they are constrained by hedges and fencing on private properties on the inside of the bend. Austroads also provides a Stopping Sight Distance [SSD] standard which is substantially shorter than SISD and would provide for adequate safety for that movement, particularly as the number of vehicles turning right into the new road is expected to be minimal.

I am satisfied that there is at least one safe and efficient method for providing road access for development of the land. Depending on the final location of the intersection it may be necessary for parking to be removed from the inside of the bend in Schnapper Rock Road using a “No Stopping at All Times” restriction marked by broken yellow lines, and that can be addressed when the location of the road is assessed at the time of subdivision or development.

The TA recommends there be no road access on the north-eastern road frontage of the site, and I agree with that recommendation. This would not apply to private driveways, including Commonly Owned Access Lots [COALs] providing access to several dwellings. The Unitary Plan has standards for driveways which should be sufficient to control the placement and use of driveways.

To maximise the potential for travel to occur via walking and cycling I recommend that a path connection to the north-eastern road frontage form a part of the site development, and that recommendation is also made in the TA.

The subdivision pattern for the land to the east of the site at 55 Schnapper Rock Road has already been determined, and this does not provide for a road or pedestrian connection to the PC66 land.

## 4 Effects

---

### 4.1 Pedestrians and Cyclists

The development of the PC66 land is expected to generate additional walking and cycling trips in the area. As noted above, it is recommended that convenient pedestrian access be provided from all parts of the site to both Schnapper Rock Rd frontages.

It is expected that both road frontages of the site would be improved with the addition of missing sections of kerb and channel, footpaths, and street lighting to bring them up to current Auckland Transport standard as part of any development of the site. It would be desirable for appropriate pedestrian crossing facilities (such as central refuge islands) to be installed near pedestrian connection points.

If that infrastructure is provided the effects of development of the land on pedestrians and cyclists is likely to be appropriately dealt with at the time of subdivision.

### 4.2 Trip Generation

An estimate of the trip generation from development of the site is provided in the TA at section 6.1. The adopted trip generation rate of 0.9 vehicle movements per dwelling unit per hour [v/du/h] at peak times is derived from surveys of low to medium density residential areas.

The RTA guide, which recommends a rate of 0.85 v/du/h, notes that rate was determined by counting the traffic entering and leaving larger residential areas so did not include many “internal” trips to local shops, schools, and social visits. Those internal trips were estimated by the RTA to be around 25% of all household vehicle trips. That would suggest the peak-hour trip generation rate could be as high as 1.1 v/du/h, although that rate would be higher than trip generation rates measured elsewhere so the 25% estimate is likely to be too high.

A modifying factor in larger cities with congestion is that peak-period trips tend to be spread out over a longer period as drivers attempt to avoid congestion. The result is a longer peak period with a lower rate of trips in the peak one-hour interval.

Longer-term transport studies and transport modelling for future growth areas in Auckland tend to use significantly lower peak-period trip rates of below 0.6 v/du/h, generally as there is a trend of decreasing household size (number of residents) that is expected to continue, and to reflect an expectation of increasing use of transport modes other than private cars.

As a result, the trip rate of 0.9 v/du/h adopted in the TA assessment is reasonable, and development of the site could be expected to generate somewhere around 99 vehicle movements per peak hour.

### 4.3 Trip Distribution

The best available indicator of trip distribution is the Census “*Journey to Work*” data sourced from the 2018 Census questions about travel to work and education. This data does not contain information about other trips, such as shopping or recreation, but those trips are likely to form a relatively small proportion of traffic, particularly in the morning peak period.

That information, together with traffic counts at the Bush Rd intersection, has been used to derive the estimates of turning movements contained in the TA.

The estimates assume that in the morning peak hour most traffic will use the Bush Rd intersection, and most of that traffic would turn right onto Albany Hwy towards the SH18 interchange. In the evening peak period, most traffic would turn left from Albany Hwy into Schnapper Rock Rd. This appears to be consistent with current traffic patterns.

To put the additional vehicles for those movements into context, the right turn out of Schnapper Rock Rd in the morning peak increases from 262 v/h to 306 v/h (17%), and the left turn into Schnapper Rock Rd in the evening peak increases from 352 v/h to 396 v/h (13%).

The volume on Schnapper Rock Rd near the Bush Rd intersection is estimated to increase from 626 v/h to 698 v/h (12%) in the morning peak and increase from 798 v/h to 865 v/h (8%) in the evening peak.

These assumptions are based on the best data currently available and appear to be reasonable for assessing the likely impact of the proposal.

### 4.4 Traffic Modelling Methodology

As noted earlier, the NCI project is expected to result in changes to the traffic patterns in this area when it is completed. This makes it difficult to predict future performance based on existing traffic patterns.

The NCI project was informed by a detailed traffic software model of the wider Upper Harbour area with inputs derived from several sources including the Auckland Regional Transport [ART] model, a relatively coarse model of travel patterns across the entire region.

The ART model is based on projections of residential and employment areas and travel forecasts aligned with future Census years to allow comparison with actual Journey to Work data. The NCI model provided forecast traffic volumes for a nominal year of 2031. The model forecast that traffic volumes on Albany Hwy near the PC66 site would reduce because of the NCI project. This change is attributed to increased capacity on the SH1 corridor resulting in some traffic using SH1 instead of Albany Hwy. The NCI modelling results are presented in section 7.5 of the TA.

My initial preference for modelling the plan change was to use the NCI model for the task, but upon enquiry the requestors transport consultants were unable to secure access to that model. As a result, the analysis has been based on more localised models created by the requestors team.

The TA has used models of:



- Schnapper Rock Rd/ Oakway Dr (roundabout)
- Albany Hwy/ Oakway Dr (signals)
- Schnapper Rock Rd/ Albany Hwy/ Bush Rd (signals).

The TA analysis has used the April 2021 traffic volumes for a short-term analysis and the 2031 NCI forecast volumes for a medium-term analysis.

The assessment does not appear to have allowed for the development of the neighbouring sites or other underdeveloped sites in the area, although it is likely that the development of these sites is represented in the 2031 NCI model by virtue of the land being zoned for development so likely included in the traffic forecasts generated by the ART model that informed the NCI model.

It is recommended that the TA team update the models to make allowance for the development of underdeveloped land in the Schnapper Rock area and that this information be provided for the hearing.

One recommendation flowing from the initial review was that modelling of the Bush Rd intersection should be done together with the SH18 Albany Hwy Interchange. This is because the intersections are close together, the queues from one intersection can affect the operation of the next intersection, and the three sets of traffic signals are coordinated by the traffic control system so changes in flow at one intersection have the potential to change the performance of the other intersections. For example, if the control centre modifies the signal settings at the Interchange to reduce the extent of queuing on the motorway, this could result in changes in operation of the Bush Rd intersection.

The TA has not modelled the Bush Rd intersection together with the SH18 Interchange and as a result the analysis may not capture all the effects on the transport network. This is discussed further below.

## 4.5 Traffic Modelling Results - 2021

Four metrics are typically used in assessing the performance of intersections:

- Degree of Saturation [**DoS**] is the ratio of demand to capacity (referred to as Capacity Ratio in the TA).
- Level of Service [**LOS**] is a qualitative measure of performance. For intersections it is based on average delay<sup>1</sup>. LOS A represents good conditions. LOS E generally represents an intersection at capacity, and LOS F represents over-capacity conditions with long delays.
- The 95th percentile queue length is the queue that is exceeded around 5% of the time.
- Cycle Time [**CT**] is the length of time taken for a signal controller to complete each phase for which there is demand. Traffic signals that are linked together to reduce delay along a corridor must run at a common cycle time. Signal control systems typically increase the cycle time to keep the DoS with a target band, but longer cycle times are associated with longer delays and queues, so typically do not exceed 150 seconds.

What constitutes acceptable performance can vary, and there are no Auckland Transport guidelines or standards to refer to. The Austroads series of guidelines, which are widely used in New Zealand as de facto standards, recommends that the degree of saturation at signal-controlled intersections does not exceed 0.9<sup>2</sup> as intersections with higher values have longer delays and queues.

It is also typical to target a LOS no worse than D for the intersection overall during peak periods, ideally with few if any movements at LOS F, and it is also typical to require the 95<sup>th</sup> percentile queue length to remain within the storage length available.

<sup>1</sup> The average delay thresholds between different levels of service are different for roundabouts, sign-controlled intersections, and signal controlled intersections

<sup>2</sup> Guide to Traffic Management Part 3: Transport Study and Analysis Methods, page 38. Austroads, 2020.

#### 4.5.1 Schnapper Rock Rd/ Oakway Dr

All traffic to and from the site would travel through this roundabout. All movements at the intersection are modelled to operate at LOS A with low levels of delay in both peak periods and there are no concerns with the operation of this intersection.

#### 4.5.2 Albany Hwy/ Oakway Dr

Most traffic entering the site from the north is likely to use this intersection. The modelling results show acceptable performance in both peak periods with and without development of the PC66 land with minimal increases in delay or queue length because of the development.

#### 4.5.3 Albany Hwy/ Schnapper Rock Rd (North)

This intersection has not been modelled. Given this intersection does not have right turns, the traffic volumes are moderate. The development of the PC66 land is expected to add up to 23 v/h, the operation of this intersection is expected to be adequate and the impact of the rezoning at this intersection is likely to be minimal. The lack of modelling for this intersection is not a significant omission.

#### 4.5.4 Albany Hwy/ Schnapper Rock Rd/ Bush Rd

This intersection has been modelled as an individual intersection isolated from the SH18 Interchange. The modelling has taken some account of queuing at the SH18 Interchange by reducing the exit speed of traffic departing the Bush Rd intersection, but this is unlikely to accurately reflect the impact of the proposal on this intersection and provides no indication of effects of PC66 on the Interchange. As noted above, while that would normally be a cause for concern the NCI forecast for reduced traffic flow along this section of Albany Hwy gives sufficient comfort that the network would operate satisfactorily in future.

The TA notes the model of this intersection was calibrated to the extent of congestion shown on the Google Maps traffic layer. I am not aware of this calibration method being used previously and traffic signal models are typically calibrated against measured delay, observed queue lengths, and/ or measured travel time.

The models of the existing intersection performance based on April 2021 traffic counts show the morning peak operating at a reasonably satisfactory level for a peak period. The intersection operates at LOS D overall with one movement (right turn into Schnapper Rock Rd) at LOS F. For traffic turning right out of Schnapper Rock Rd the average delay is 51.4 seconds and the queue length is 93.5m.

In the evening peak the model has the intersection operating well at LOS D overall with Schnapper Rock Rd operating at LOS F with average delays of 94 to 102 seconds and a queue length of 97m.

When the development traffic is added, the intersection is projected to perform slightly better in the morning peak with LOS C overall but with three movements at LOS F (through and right turn out of Bush Rd, right turn into Schnapper Rock Rd). The average delay exiting Schnapper Rock Rd in the morning peak is expected to increase to 58.1 seconds (+13%), and the queue length is expected to increase to 116.7m (+25%). These are moderate to significant increases.

In the evening peak the overall intersection operates at a similar level, and the performance of the Schnapper Rock Rd approach is predicted to improve, with delay for the right turn exit reducing from 101.5 seconds to 74.3 seconds (-27%). Bush Rd is also shown to have lower delay. These improvements in side road operation have been achieved by reallocating some green time from Albany Hwy to the side roads. The model predicts poorer performance for Albany Hwy through movements with delays increasing from 22 to 30 seconds (+36%) northbound and 35 to 45 seconds (+29%) southbound. These are significant increases, compounded by the high number of vehicles on Albany Hwy subjected to the increased delay.

As the traffic signals at this intersection operate as part of a coordinated system, particularly during peak periods, and the signal operations team will prioritise movement along Albany Hwy and through the

Interchange, it is unlikely that the green time would be reallocated to the side roads, at least not to the extent indicated by the models.

I expect that a model of the Bush Rd intersection that includes the SH18 Interchange and the networked operation of these intersections would predict poorer performance for the side roads in the evening peak hour, not better performance.

Some submitters note that this approach has significant delays and queues in peak periods. For example, submitter #6 Rosie Edington states, “At peak hours during the week it can take 30 minutes to get from Kyle Road just to the Schnapper Rock lights” and submitter #14 Subodh Kumar states “Exit through the intersection Albany Hwy/Schnapper Rock Rd/Bush Road in peak times takes around 10 to 15 minutes.” These submitters may experience the congestion at different times of the day, and potentially the 10-to-15-minute value may be an average and the 30-minute value may be a maximum, or the 30-minute value may include time spent queuing in Kyle Rd. In any case, it is difficult to reconcile these values with the model results of less than 2 minutes average delay on Schnapper Rock Rd.

While the model may or may not be representative of traffic conditions in Schnapper Rock Rd in April 2021 it represents far better operation than the statements from submitters. It is possible the model is only calculating delay for a short length of Schnapper Rock Road, and it is likely the Google Maps congestion data does not represent actual queue length, but only shows areas where longer delays are likely to be experienced, so the Google Maps congestion data could be a poor reference for model calibration. It is also possible that the signal settings at this intersection are modified by the control centre to improve operation of the Interchange nearby, and that may result in poorer performance for Bush Road and Schnapper Rock Rd.

In summary, the model results are too optimistic.

It is recommended that the TA team undertake in-field observations of queue lengths in the peak periods (Schnapper Rock Rd and Albany Hwy in the morning, and Bush Rd and Albany Hwy in the evening) to recalibrate the models and include the two SH18 Interchange intersections in the model and that this information be provided for the hearing. The ability to undertake detailed calibration may however be constrained by the effect of Health Orders and the summer holiday period with schools and tertiary institutions closed.

#### 4.5.5 Schnapper Rock Rd/ Kyle Rd

No analysis of this intersection is provided. As traffic turning in and out of Kyle Rd must give way to traffic passing along Schnapper Rock Rd the additional traffic generated by development of the PC66 site would be expected to increase the delay for Kyle Rd traffic. While the change in delay is expected to be minor it would be beneficial for understanding the existing environment and the effects of the plan change if results from a model of this intersection were provided for the hearing.

It is recommended the TA team provide some information on the likely impact of PC66 on the Schnapper Rock Rd/ Kyle Rd intersection.

### 4.6 Traffic Modelling Results – 2031

The TA presents the results of modelling for the forecast 2031 traffic volumes which project lower traffic volume passing along Albany Hwy. This includes reductions of around 10-15% through the Bush Rd intersection. With that level of reduction in flow along Albany Hwy it is likely that some green time could be reallocated to the side roads to improve performance.

Under these conditions the Bush Rd model predicts little change in the operation of the Bush Rd intersection due to the additional traffic generated by development of the PC66 land, and better operation than is currently experienced at this intersection.

As noted above, the Bush Rd model is too optimistic, and this is likely due in large part to not including the SH18 Interchange as part of a network model; however, with the significant reductions in traffic volumes forecast by the NCI model, the intersections are likely to operate better than they do now even when the PC66 development traffic is added. That provides sufficient comfort that PC66 would not cause significant adverse operation of the wider road network. The queuing and delay in Schnapper Rock Rd over the next 10 years is likely to be better than the current situation, but without revised modelling it is not possible to quantify the effect of PC66. As noted above, it is recommended the requestor team provide updated modelling results for the hearing.

## 4.7 Parking

The Auckland Unitary Plan [**AUP**] currently requires some development within the R-MHS zone to provide a minimum number of parking spaces for each activity. Dwellings with two or more bedrooms are required to provide one parking space per dwelling, while studio and one-bedroom dwellings are required to provide at least half a space per dwelling.

In the R-SH zone all dwellings require at least one parking space.

There is no minimum requirement for providing on-street parking within a subdivision in the AUP although most local residential streets do contain some on-street parking spaces.

Some medium-density housing areas that comply with the current AUP minimum requirements and have similar access to public transport as the PC66 land experience parking demands that are significantly higher than the parking supply provided. This results in cars parking on berms, footpaths, reserves and other undesirable areas, creating adverse effects for road safety in the process.

As the site is not located close to high-frequency public transport services and is not located near to a major centre providing most day-to-day needs, most travel to and from this site will be by private car. That will create parking demand.

Despite this, the PC66 site is not sufficiently different from other residential areas in Auckland to justify a bespoke minimum parking requirement.

The government has issued the National Policy Statement on Urban Development 2020 [**NPS-UD**] which is addressed in more detail below. The government has also recently passed the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act [**RMEHSA**].

The NPS-UD requires all minimum parking requirements to be removed from the AUP and Council is required to implement that change by 2022. The RMEHSA requires Council to change the AUP to allow more intensive residential development across much of Auckland.

The nature of the changes under the NPS-UD and the RMEHSA are not yet known, so at the time of writing this report it is not clear how adverse effects generated by parking demand might be addressed, or what the effects of a greater intensity of development (if any) might be.

If there is a desire to address the likely overspill of parking onto the roads in and around the PC66 site this would need to be addressed in ways other than requiring a minimum number of parking spaces to be provided.

Potential measures such as adopting a less intensive zoning to reduce the demand for parking and to increase the supply of parking by having larger lots may be contrary to planning policy seeking to reduce sprawl and increase intensity/density and could potentially be overridden by the proposed RMA amendments. As a result, providing for some development of the site whilst managing parking overflow issues will need careful consideration.

## 5 Consistency with Planning Provisions

Two key policy statements are of relevance to considering the transport aspects of PC66.

### 5.1 National Policy Statement on Urban Development 2020

The NPS-UD sets out several objectives and policies and obliges Council to take several matters into account when deciding to zone land. Following recent direction from the Environment Court, I understand that Policies 3 and 4 should not be applied in this case.

#### 5.1.1 Policy 2

Policy 2 requires Council to provide sufficient development capacity for housing and business land, and that development capacity must be “infrastructure ready”.

The NPS-UD has requirements for short term (3 years), medium term (3 to 10 years), and long term (10 to 30 years). The short and medium terms are within the 10-year planning horizon of the AUP and are more relevant to the zoning of land for development, with the long-term period being of greater relevance to Future Urban zoned land.

With respect to the short term, development capacity is infrastructure-ready if there is adequate existing development infrastructure. The existing transport infrastructure, supplemented by improvements to the road frontage required to be provided by the developer at time of subdivision, and subject to additional modelling and assessment recommended to be provided at the hearing, is likely to be adequate to support development of PPC66. Subject to additional modelling information, PPC66 is likely to be infrastructure ready in the short term.

For medium-term capacity, existing infrastructure must be adequate or funding for adequate infrastructure is to be identified in a long-term plan, and this requirement is likely to be met, subject to the additional information recommended to be provided at the hearing.

To summarise, PPC66 is consistent with Policy 2.

### 5.2 Regional Policy Statement

Relevant objectives and policies are identified below.

#### 5.2.1 B2.2 Urban Growth and Form

*Objective B2.2.1 (1) A quality compact urban form that enables all of the following:*

...

*(c) better use of existing infrastructure and efficient provision of new infrastructure;*

*(d) improved and more effective public transport;*

...

The best and most efficient use of public transport infrastructure is to locate the most intensive employment, services, and residential development areas within the RTN and FTN walkable catchments. As this site is outside those walkable catchments a low or medium-density zoning is appropriate.

The recent government proposal to increase the supply of housing in urban areas by increasing density is noted.

#### 5.2.2 B2.3 A Quality Built Environment

*B2.3.2. Policies*

*(1) Manage the form and design of subdivision, use and development so that it does all of the following:*

...

- (b) *contributes to the safety of the site, street and neighbourhood;*
- (c) *develops street networks and block patterns that provide good access and enable a range of travel options;*
- (d) *achieves a high level of amenity and safety for pedestrians and cyclists;*
- ...

(2) *Encourage subdivision, use and development to be designed to promote the health, safety and well-being of people and communities by all of the following:*

- (a) *providing access for people of all ages and abilities;*
- (b) *enabling walking, cycling and public transport and minimising vehicle movements; and*

...

PPC66 must rely on the existing city-wide infrastructure rules to achieve the built environment policies relating to access, and street connections. PC66 is not contrary to this policy.

### 5.2.3 B2.4 Residential Growth

*Policy B2.4.2 (6) Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.*

As traffic generated by the development of the PC66 land would effectively “fill in” some of the reductions arising from the NCI project, at a large scale the existing transport infrastructure will allow the development to be adequately serviced. There may be adverse effects in some areas such as Schnapper Rock Road and Kyle Rd, and it is recommended the Requestor provide more information about the likely scale of those effects.

### 5.2.4 B3.3 Transport

*Objective B3.3.1 (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.*

*Policy B3.3.2(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.*

PC66 does not encourage a reduction in the demand for private vehicle trips as it is not located with convenient access to frequent public transport. Arguably it may not enable the supply of parking to reflect demand; however, the ability of Council to realise that policy has now been constrained by government.

## 6 Submissions

This section addresses submissions that raise transport related matters, with similar submission points grouped into topic areas. I note that no further submissions were received.

### 6.1 Adequacy of Transport Assessment

Submitters 4, 8, 14, 1 and 19 all stated the 2014 traffic volumes used in the TA are out of date and updated volumes should be used.

The TA used traffic volumes from April 2021 to assess the peak-period performance of the critical intersections and this data is an appropriate basis for assessing those intersections, noting that the traffic volumes may have been a little lower because of Auckland being at Covid Alert Level 2 at the time. These submission points are not supported.

### 6.2 Traffic Congestion and Delays

#### 6.2.1 General

Submitters 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, and 14 all raised issues around the capacity and performance of the road network, generally stating the network was already at capacity.

The modelling of the Bush Rd intersections as presented in the TA shows that intersection is not at capacity, but as noted earlier the existing models do not match the anecdotal data provided by submitters. The model results for the “with development” scenario are based on a significant reallocation of green time from Albany Hwy to Schnapper Rock Rd that is unlikely to occur with current flows along Albany Hwy. The TA modelling is overly optimistic.

It is possible the Schnapper Rock Rd approach to the intersection is close to capacity during peak periods and additional modelling data from the requestor would be useful to determine the level of effect here, as outlined earlier.

The NCI project is forecast to result in a drop in traffic volume using Albany Hwy and that may allow some green time to be reallocated to the Schnapper Rock Rd approach without resulting in an increase in delay along Albany Hwy and at the Interchange. That may be sufficient to offset most effects from development enabled by PC66. Additional modelling data to confirm that assumption would be beneficial.

#### 6.2.2 Schnapper Rock Rd/ Oakway Dr Roundabout

Submitters 7, 8, 9, and 14 expressed the view that the intersection of Schnapper Rock Road and Oakway Drive was a busy one and an inappropriate location for medium density and terraced housing. The assertion that this roundabout is a particularly busy location, and the implication there is insufficient capacity at this intersection is not supported by the peak-hour traffic counts and modelling presented in the TA. These submission points are not supported.

#### 6.2.3 School Traffic in Kyle Rd

Submitters 6, 12, and 13 are concerned the development would increase traffic using Kyle Rd during school peak times.

The 2018 Census asked residents about travel to work and education. The site is within the “Schnapper Rock” Statistical Area and the primary school is in the adjacent “Greenhithe East” Statistical Area. The Census data for Schnapper Rock is:

- There were 3,861 residents and 1,167 dwellings (average 3.3 people per dwelling)
- There were 1,473 workers (38%)

- 1218 people left Schnapper Rock for work, and 75% of those drove a vehicle.
- 255 people worked at home
- There were 966 learners (25%)
  - 924 people left Schnapper Rock for education, including 174 to Greenhithe East
  - 42 people learned at home

The 174 people that went to Greenhithe East for education were 4.5% of the residents. Using these averages, if development of PC66 resulted in 100 new dwellings and 330 residents, and around 15 children left Schnapper Rock to learn in Greenhithe East, there would be fewer than 15 additional cars using Kyle Road in peak periods. This is a modest number of vehicles and any impact on the operation of Kyle Rd is likely to be minor, but it would be beneficial if the requestor could provide further information and analysis around this point for the hearing.

### 6.3 Road Safety

Submitter 5 is concerned that PC66 would increase the speed of vehicles on Schnapper Rock Rd with a consequential increase in crash risk. To my knowledge there is no evidence to support that concern, and in most cases additional housing along the road frontage is more likely to result in a reduction in vehicle speed compared with the site developed in accordance with the existing zoning. That submission point is not supported.

Submitters 3, 4, 6, and 12 were concerned about the safety of pedestrians, particularly in relation to the bus stop on Schnapper Rock Rd that is used by school buses, and additional traffic around the primary school.

As noted above PC66 is not expected to result in a significant increase in traffic around the primary school, and those submission points are not supported.

Adverse effects on pedestrian safety would be confined to a minor increase in the likelihood of conflict between pedestrians and vehicles on Schnapper Rock Rd. Those risks could be addressed, and the effects adequately mitigated, by forming new footpaths where there are currently none along the site frontages, and by installing a pedestrian crossing facility on Schnapper Rock Road. Informal pedestrian refuge islands are likely to be the most appropriate form of facility. To that extent these submission points are supported.

Submitter 21 (Auckland Transport) requests street lighting and footpaths be provided along the site frontage, and that a safe [pedestrian] crossing point be provided along the north-eastern Schnapper Rock Rd frontage and at the roundabout with traffic calming features included if necessary. The measures requested by Auckland Transport are reasonable and would address the concerns raised by submitters 3, 4, 6, and 12. The submission by Auckland Transport is supported. The Requestor is encouraged to address this matter at the hearing.

### 6.4 Parking

Submitters 4, 5, 7, 8, 9, 10, and 19 are concerned about parking, with most concerned there will be insufficient parking provided to cater for the generated parking demand.

Concerns around parking demand exceeding the supply within the site are well-founded. I have surveyed several medium-density residential neighbourhoods, and many have parking demands much higher than the formal parking supply resulting in cars parking on berms, footpaths, reserves and other undesirable locations. That can result in adverse effects on road safety and pedestrian amenity, but in most cases those effects are relatively minor.



The Auckland Unitary Plan has introduced lower minimum parking requirements for a variety of reasons which I understand to include encouraging people to use other modes of transport, and to more dwellings and less urban sprawl. There appears to be nothing particularly unusual about this site compared with other such areas to justify special parking minimum rules. The on-street parking in the areas around the site does not appear to be in particularly high demand at present.

As outlined earlier the government, under the NPS-UD, is requiring parking minimums be removed from the Unitary Plan in 2022, but the nature of those changes and the assessment of effects generated by parking are unknown at the time of writing.

Auckland Transport does have some measures available to manage and enforce parking rules, but none of those increase the supply of parking. Increasing public transport service for the site is unlikely to be economic and Auckland Transport would not have funding for improving public transport for the site.

One way to address the parking supply and demand issue would be to reduce the intensity of development as larger lots are more likely to have more on-site parking spaces, increasing the supply and reducing the demand. That needs to be balanced against the provision of more dwellings as discussed next.

## 6.5 Location/ Intensity of Zoning

Submitters 4 and 19 are concerned that the proposed zoning is too intensive as the site is remote from amenities and direct public transport.

Walkable access to amenities and high-frequency public transport is an important consideration (some would say requirement) for the higher-density zones such as Terraced Housing and Apartment Buildings, Mixed-Use, and some centre zones, and the NPS-UD requires areas within those walkable catchments to have higher density.

There is generally a graduation of development density across the city with denser development located in areas with the best access to services and lower density in more remote areas.

I do not consider the R-MHS and R-SH zones to be high-density and would characterise them as low-medium density in the context of Auckland's zoning pattern.

It is generally accepted that areas away from centres and higher-frequency public transport will typically be car-dependant. The impact of that can depend on the capacity of the local transport network, and a balancing of viewpoints on traffic congestion and emissions against the desire to provide additional dwellings and reduce sprawl, which in turn reduces travel.

The recent introduction of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act requires Council to allow more medium-density housing in urban areas, although the form of the changes to the AUP are not yet known. If the AUP changes enable greater intensity on the site this concern expressed by the submitters would be largely moot, but that is not currently known.

As the proposed zones are not high-density zones that should only be located within walkable catchments of services these submission points are not supported.

## 6.6 Other Matters

Submitter 5 is concerned that the location of a new road could result in headlight sweep across their dwelling. At this point, the location of the new road is not certain, and individual or common driveways may be located at many points along the road frontages. Headlight sweep is usually of most concern in rural areas rather than well-lit suburban streets, and in most cases is addressed through fencing and window dressings to the point where the effect is likely to be minor. This submission is not supported.

Submitter 15 supports the Plan Change as it would tidy up the footpaths; however, that should occur if the site were developed under the operative zoning, and the Plan Change is unlikely to have a significant effect in that regard. This submission is not supported.

## 7 Provisions

---

The plan change seeks to rezone land as shown on the Proposed Zoning Map with the southern part of the site zoned Single House and the remainder of the site zoned Mixed Housing Suburban. It also redraws the boundary of the Greenhithe Precinct, so the site is excluded from this Precinct.

Some maps included in the application material show an indicative road within the site. This road is not shown on the zoning map as notified as indicative roads are not shown on zoning maps. Where precincts are used, some precincts included maps showing indicative roads and other features. There are no precinct plans in the Greenhithe Precinct, the site is proposed to be excluded from the Greenhithe precinct, and no new precinct is proposed.

Showing the roading pattern within the plan change area is not considered to be essential for producing an acceptable development outcome, and it is possible the internal development pattern could change.

The location of the road access to the development is a more significant issue in that it should be confined to the southern half of the north-western site boundary. This should not apply to driveways for COALs or individual lots.

The requestor has also offered that works such as a new footpath and pedestrian crossing are undertaken in conjunction with development, and I understand Auckland Transport's support for the proposal is conditional on those works being undertaken. I recommend the requestor outline how these matters can be addressed.

## 8 Conclusion

---

To summarise, the site is currently zoned for low-intensity development and the proposed change seeks to allow more intensive development in the order of 100 dwellings.

The site has modest public transport service and is not within walking distance of services, so travel to and from the site would be dominated by private cars. The site is therefore unsuited to intensive development; however, the proposed zoning is not intensive and is not inconsistent with transport planning policy.

Pedestrian access to the site could and should occur on both road frontages and as long as the missing footpaths, street lighting, and some sort of new pedestrian crossing facility are provided in conjunction with development the proposal could provide a safe and efficient environment for pedestrian travel.

There is at least one location where safe and efficient vehicular access to the site could be provided, allowing development of the site to occur.

The intersection of Albany Hwy/ Bush Rd/ Schnapper Rock Rd historically has significant delay and queueing on the Bush Rd and Schnapper Rock Rd approaches during peak periods which the proposal would exacerbate. The model results presented in the TA for 2021 are too optimistic and show the proposal could produce significant additional delay on Albany Hwy because green time is reallocated to the Schnapper Rock Rd approach.

In the short to medium term the traffic volumes along Albany Hwy are expected to reduce because of the NCI project, and this is likely to allow more green time to be reallocated to Schnapper Rock Rd without

producing significant additional delay to Albany Hwy traffic. Because of this the operation of Schnapper Rock Rd is likely to be better than it has been, even when the additional traffic due to the plan change is included.

I recommend that the requestor provide additional information in evidence including:

1. The results of additional traffic modelling to:
  - a. Allow for additional development in Kyle Road not included in the traffic counts.
  - b. Better represent the operation of the Bush Rd intersection together with the SH18 Interchange, and preferably based on delay and/or queue length survey data in Schnapper Rock Rd.
  - c. Allow an understanding of the likely effect of the plan change on the Kyle Rd/ Schnapper Rock Rd intersection
2. How provision of the proposed mitigation measures (footpaths, street lighting and a pedestrian crossing facility), and the proposed locations of the access road and pedestrian connections can be assured.

Subject to appropriate additional information being provided by the requestor, and any other evidence provided by the requestor or submitters, my preliminary recommendation about transportation matters is to support the plan change.

## Appendix A- Curriculum Vitae

---

Wes Edwards is Managing Director of Arrive Limited, a specialist traffic engineering and transportation planning practice he founded in 2002. Wes specialises in assessing the transport implications of projects, integrating transport with planning and urban design, and the master-planning and design of residential streets and suburbs, particularly in relation to liveable neighbourhoods, and has participated in providing for over 14,000 new dwellings over the past 12 years.

Wes has 36 years engineering experience with over 30 of those as a traffic specialist in local authorities and independent consulting companies working on a wide range of engagements including, strategic structure plans, plan changes, notices of requirement, residential areas, infrastructure projects, and commercial developments.

Wes has served as an expert witness in mediations, council hearings, arbitrations, tribunals, EPA Board of Inquiry, Environment Court, District Court, and High Court. He has completed the Ministry for the Environment *Making Good Decisions* programme.

### Qualifications

- Chartered Professional Engineer
- International Professional (APEC) Engineer
- Bachelor of Engineering (Civil)
- New Zealand Certificate in Engineering (Civil)
- KiwiRail Level Crossing Safety Impact Assessor
- New Zealand Transport Agency Site Traffic Management Specialist

### Associations

- Chartered Member of Engineering New Zealand
- Fellow of Engineering New Zealand
- Member of Institute of Transportation Engineers (USA)
- Member of Association of Consulting and Engineering, New Zealand.

### Specialisations

- Strategic transportation inputs into structure plans, and plan changes
- Traffic Impact Assessments and Integrated Transportation Assessments
- Street and street network design, particularly for liveable residential neighbourhoods
- Computer modelling of traffic networks and intersections
- Design of infrastructure such as roundabouts, traffic signals, parking areas, and streets
- Analysis of crash data, road safety improvements, road safety audits, crash investigations
- Preparation and presentation of expert evidence in traffic engineering

### Experience

#### Plan Changes, Masterplans, Structure Plans, District Plans, Notices of Requirement

Wes has participated in master planning of over 14,000 homes plus several retirement villages, town centres, business parks, and industrial developments, for a variety of private and government clients, including providing advice to Councils with respect to proposed plan changes and subdivision consents. He has also been involved in several Notice of Requirement processes and in the preparation of District Plans.

Project	Client	Scale	Period
PC59 Albany North	Kristin School	Residential and commercial, 13ha	2021
AT Designation Lincoln Rd	Auckland Council	Road widening designation	2021
PC61 Waipupuke, Drury West	Auckland Council	Residential and commercial, 56 ha	2020-21
Proposed Waikato District Plan	Pokeno Village Holdings	Additional zoning around Pokeno	2020-21
PC43 McLaughlins Quarry	Auckland Council	Industrial, 24.9ha	2020-21
NoR KiwiRail Wiri – Quay Park	Auckland Council	Rail corridor widening designation	2020-21
NoR NZTA SH1 Warkworth*	Middle Hill	Road widening designation	2019-21
PC45 Clevedon-Kawakawa Rd	Auckland Council	Countryside Living, 9.9 ha	2019-21
PC55 Patumahoe	Auckland Council	Residential, Industrial, 34.5ha	2019-21
PC25 Warkworth North*	Middle Hill	Residential, business, centre, 99ha	2019-21
NoR NZTA East-West Link*	Submitter	New road designation	2017
Springfield (East Tamaki)	Stride Property	5.2ha light industrial	2016-17
SHA Plan Variation, Paerata Rise	Grafton Downs	294ha, 5000 homes, town centre	2013-19
Plan Change Snells Beach	Auckland Council	7.9ha residential	2013-15
Waipa Proposed District Plan	Waipa District Council	Rezoning near Hamilton Airport	2012
NoR NZTA SH1 Whangarei*	Whangarei District Council	Road widening designation	2010-15
Plan Change Hingaia 1b	Landowners	600 homes	2009-11
Plan Change Kingseat Village	Landowners	5000 population village.	2009-11
Subdivision, Waiata Shores	Fletcher Residential	500 homes	2011-17
Plan Change Waterside	Trans-Tasman Properties	26ha business park	2008-09
Plan Changes Pokeno Village	Pokeno Village Holdings	5900 population, 1880 jobs	2007-21
Plan Change Belmont	Landowners	600 homes and school	2007-10
East Urban Lands (Taupo)	Taupo District Council	2000 homes, town centre	2007-09
Plan Change McLennan	Housing New Zealand	450 homes and school	2006-07
Kohimarama Retirement	Landowners	200 retirement units	2006-08
Subdivision Anselmi Ridge	McConnell Property	500 homes	2005-08
Plan Change Addison	McConnell Property	1500 homes, town centre.	2005-17
Plan Change Cosgrave	Landowners	800 homes	2004-08
Plan Change Kirikiri	Landowners	500 homes	2004-08
Plan Change Hingaia 1a	Landowners	1300 homes, shopping centre	2003-06

\*Environment Court / Land Valuation Tribunal / Board of Inquiry. Proposed changes that are not yet notified are not included.

## **Memo (technical specialist report to contribute towards Council's section 42A hearing report)**

8 December 2021

To: Vanessa Wilkinson, Planning Consultant for Auckland Council

From: Greg Hall, Senior Development Engineer, Auckland Council

---

**Subject: Private Plan Change – PC66  
57 and 57A Schnapper Rock Road  
Wastewater Submission Assessment**

### **1.0 Introduction**

1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council, in relation to the wastewater system.

1.2 I am a Senior Development Engineer at Auckland Council. I hold a Bachelor of Engineering (Civil) from the University of Auckland, and I am a Member of Engineering New Zealand. I have been employed by Auckland Council for thirteen years. In my current role, I am responsible for reviewing infrastructure proposed for subdivision and development servicing. In this role I have worked on the Engineering Approval for the current development downstream of the site at 55 Schnapper Rock Road.

1.3 In writing this memo, I have reviewed the following documents:

- 'Infrastructure Report for 57 and 57A Schnapper Rock Road, Schnapper Rock', prepared for KBS Design Group by John Duran of Maven Associates Limited.
- Watercare Services Limited (**WSL**) submission on the Private Plan Change.

### **2.0 Water**

2.1 I agree with the applicants Infrastructure report that there is sufficient water supply capacity and the ability to connect the plan change area to the water supply network.

### **3.0 Key Wastewater Issues**

3.1 There is no existing wastewater network that services the 57 Schnapper Rock Road. The key issue is the capacity of the water and wastewater network to support the proposed development.

3.2 57A Schnapper Rock Road is being provided with a wastewater connection by the development at 55 Schnapper Rock Road.

3.3 The applicants Infrastructure Report has outlined three wastewater disposal options capable of serving 57 Schnapper Rock Road.

- 3.4 The infrastructure report has not indicated a preference for any of the three options. The applicant has indicated that these should be discussed, and the preferred option selected under Resource Consent.
- 3.5 The submission from WSL rejects one of the proposed options and advises of WSL's preferred option.

#### **4.0 Applicant's assessment**

##### **Wastewater**

- 4.1 The applicants three wastewater disposal options are summarised as follows:

**Option 1** A low pressure system which involves tanks and pumps on each lot which discharge into a rising main to a discharge point at top of the site by 57A Schnapper Rock Road.

**Option 2** A gravity pipe extension through 55 Schnapper Rock Road, to the lower end of the site and then across Kyle Road to an existing wastewater pump station.

**Option 3** A new public pump station located at the lower area of 57 Schnapper Rock Road, with an internal gravity network serving future lots, and a pressurised rising main to the same connection point as Option 1.

#### **5.0 Watercare Services Limited (WSL) Submission**

- 5.1 Under section 1.1 of the WSL submission, it is noted the Watercare is required to manage it's operations efficiently with a view to keeping overall costs over waters supply and wastewater services to it customers (collectively) at minimum levels.
- 5.2 With respect to wastewater, WSL do not note any currently known issues regarding downstream capacity.
- 5.3 Section 2.2.2. advises that WSL has a strong preference for Option 3, and rejects Option 1.
- 5.4 The reasons for rejecting Option 1 are not advised.

#### **6.0 Assessment of Wastewater Options**

- 6.1 Three potential wastewater disposal options have been presented. It appears that all three may be feasible. I consider that the decision on which option to choose should best be made once a Resource Consent is submitted for development, at which point significantly more detailed investigation of the options will need to be undertaken than is required for this plan change.

- 6.2 In terms of operational efficiency, as referred to in WSL's Submission, Section 1.1, a gravity system would generally be expected to be the most efficient means of disposal. The other systems involve pumps, which require electricity and regular maintenance, which are likely to significantly increase the operation cost. Hence this it likely to explain WSL's preference for **Option 3**.
- 6.3 With regard to **Option 1**, 55 Schnapper Rock Road has utilised a Low Pressure System for the lower area of the development. The site at 57 Schnapper Rock Road has fairly similar topography, and so at this early stage prior to any detailed design, it appears that this option would be feasible. However, it is not clear if this option would have overall operational cost benefits greater than **Option 2** (public pump station). Watercare rejected this option but did not explain whether that is due to operational costs for customers, or whether it is considered technically unfeasible.
- 6.4 **Option 2** takes away some developable area, and has operational costs associated with it for WSL, however it is also a fairly common part of the wastewater network. I am not aware of whether the overall operational costs of having one party (WSL) operate a pump station is more cost efficient compared to multiple individual owners maintaining individual pumps. This option is technically feasible.
- 6.5 Returning to **Option 3**, it should be noted that the downstream site at 55 Schnapper Rock Road would also have undertaken this wastewater disposal consideration. The developer and WSL would both have a preference for a gravity disposal system to the pump station over Kyle Road. However, this was clearly considered unfeasible. There is a 810mm diameter bulk watermain within Kyle Road, a 450mm culvert and the development has also installed a 750mm culvert parallel to Kyle Road across the new road (Road 2) into their subdivision. Other power, phone, water and stormwater infrastructure is also located in this area. This infrastructure is likely to make it very difficult to extend a gravity wastewater pipe across to the other side of Kyle Road along the route indicated in the Infrastructure Report.
- 6.6 The feasibility of this option may therefore be in some doubt, unless other route options were investigated

## 7.0 Conclusions and recommendations

### Wastewater

- 7.1 Three wastewater disposal options have been presented by the developer.
- 7.2 It is not necessary for the plan change assessment to select which wastewater disposal option to utilise. It is merely required to be certain that there is a feasible and reasonable option available.
- 7.3 Option 3 (gravity) is preferred by WSL, likely due to cost efficiency. However, it may not be feasible. Option 2 (public pump station) is otherwise accepted by WSL and is a reasonable and feasible option. Option 1 (low pressure system) appears to be technically feasible based on the neighbouring development, but it is uncertain if there



may be other issues which would prevent this system being used, as WSL have stated they reject this option.

- 7.4 On the basis of what has been presented and the outcomes of the development at 55 Schnapper Rock Road I would expect that the most likely option at this stage is Option 2.
- 7.5 I recommend that prior to the hearing the applicant and WSL discuss the matter further to see if a mutually preferred option can be confirmed.
- 7.6 I recommend that the plan change proceed as the evidence so far provided demonstrates that there is at least one feasible and reasonable option for disposal of wastewater, and that the final installed option can be technically assessed and agreed on under the resource consent process.

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

20<sup>th</sup> December 2021

To: Emily Ip– Senior Policy Planner, Auckland Council

From: Eseta Maka-Fonokalafi, Senior Healthy Specialist, Resource Management Team, Healthy Waters

Gemma Chuah, Principal Specialist, Resource Management Team, Healthy Waters

---

**Subject: Private Plan Change – PC66 - 57 and 57A Schnapper Rock Road — Healthy Waters Stormwater and Flooding Assessment**

## **1.0 Introduction**

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to stormwater effects.
- 1.2 I am a Senior Healthy Waters Specialist in the Healthy Waters Department of Auckland Council. I hold a Master of Planning from the University of Otago and I am a member of the New Zealand Planning Institute. In my current role I am responsible for providing technical and planning input from Healthy Waters perspective into plan changes and resource consent applications and for managing the mana whenua engagement portfolio.
- 1.3 In writing this memo, I have reviewed the following documents:
- Private Plan Change Request for 57 & 57A Schnapper Road Rock, Schnapper Rock, Assessment of Environmental Effects, S32 Report and Statutory Analysis, Prepared by Abu Hoque, Qbix Limited, (Rev F), Dated 21 June 2021.
  - Infrastructure Report Prepared by Maven Associates Ltd, Rev B, Dated 30 April 2021
  - Site Analysis and Zoning Proposal Prepared by Qbix Limited, Dated 26<sup>th</sup> February 2021.
  - Assessment of Ecological Effects for a Plan Change Application at 57 and 57A Schnapper Rock Road Prepared by Wildland Consultants, Dated February 2021.
  - Stormwater Management Plan prepared by Maven, Dated 31 May 2021, Version C.

## **2.0 Site Characteristics**

- 2.1 This memo provides a Healthy Waters network operator and stormwater management review of the proposed private plan change to rezone the site from Residential - Large Lot Zone to a combination of Residential - Single House and Mixed Housing Suburban Zone and to remove the site from Greenhithe Sub precinct-A.
- 2.2 The total site area is 4.9889 hectares and is currently vacant. The portion of the site known as 57A Schnapper Rock Road is designated for water supply purposes by Watercare.

- 2.3 The subject site is positioned within an Overland Flow Path and Stormwater Management Area-Flow 1 (SMAF).
- 2.4 The southern portion of the site is also within a Significant Ecological Area (SEA) Overlay and contains an intermittent stream which also extends into the intermittent stream located in the adjacent site.
- 2.5 The intermittent stream also has significant erosion downstream that is greater than 60% of the bank.
- 2.6 The current site discharges via surface runoff into the gullies in the east and west. The two gullies meet further downstream towards the south into the Te Wharau Creek which continues west into Lucas Creek.
- 2.7 To the south of the site are two existing undersized culverts near Kyle Road where it is more sensitive to flooding as indicated in Geomaps.

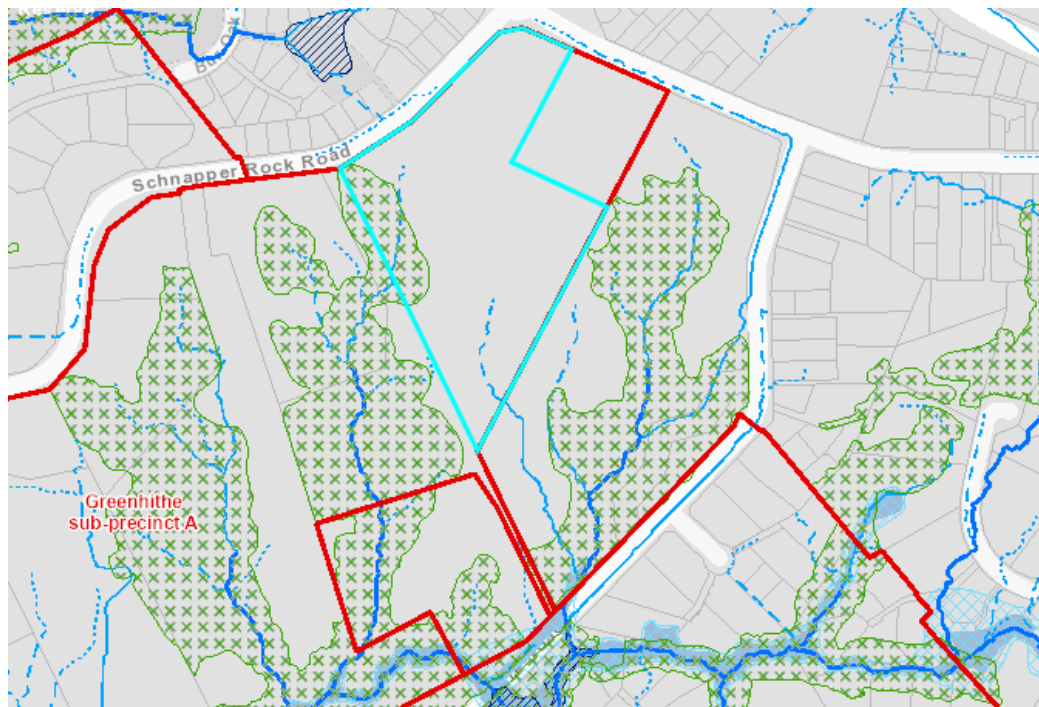


Figure 1. Displaying the locations of the OLFP, Flood plains, Flood Sensitive Areas and SEA in relation to the subject site highlighted within the Greenhithe Precinct Sub-A..

### 3.0 Plan Change Proposal

- 3.1 The proposal seeks to remove the precinct standards and rules to enable more flexibility with the anticipated mixed density housing typologies that is proposed in the applicants Envisioned Housing Development Plan.
- 3.2 The existing maximum impervious area for the Greenhithe Sub Precinct-A is 60% noting that the underlying zone standard for impervious surfaces is not applicable.
- 3.3 The proposed Residential - Single House and Mixed Housing Suburban zone is also 60% maximum impervious surfaces.

- 3.4 No specific precinct is proposed.
- 3.5 It is proposed that any potential future development will revert to all existing region wide objectives and policies that currently sit under the Auckland Unitary Plan (AUP).

#### **4.0 Applicant's assessment**

- 4.1 The applicant has provided an assessment of the proposal and states that;
- The proposed plan change site currently discharges stormwater through surface run off into the gullies that flow to Te Wharau creek.
  - The total catchment discharge anticipated into the new network will be determined by the network capacity downstream based on a 10-year storm event as well as 10 year flow. Attenuation will be included in the design as required.
  - They will avoid or mitigate any land disturbance within the SEA area and stream environment using the implementation of best practical erosion and sediment controls as well stormwater management/ water sensitive designs.
  - An outlet wingwall structure will minimise any potential adverse effects that has been identified in the adjacent intermittent stream to service the eastern catchment of the subject site.
  - the site is generally suitable for development subject to slope stability assessment of the site which will be addressed through the resource consent process.
- 4.2 Overall, the applicant considers that all potential adverse stormwater and flooding effects are less than minor and can be managed appropriately.

#### **5.0 Assessment of stormwater effects and management**

- 5.1 The site is currently grassed and has no structures or buildings. The change in zoning to Residential - Single House Zone and Mixed Housing Suburban Zone and the removal of the Greenhithe Precinct will not result in any increase in the maximum impervious area than what is already provided for in the precinct rules.
- 5.2 The AEE and other supporting documents of the plan change proposal did not include any specific assessment against the objective E1.2 and policies E1.3 (9)-(14) where relevant which sets out the direction for management of freshwater and stormwater.
- 5.3 However, It is considered in my view that the existing standards in the Residential - Single House and Mixed Housing Suburban Zone will appropriately address the potential and adverse effects associated with this plan change in relation to stormwater. All other provisions of the Unitary Plan which relate to stormwater management will apply as relevant to the future proposed development.

#### *Infrastructure Capacity*

- 5.4 The plan change proposal will be served by the following stormwater network:

- 39,482m<sup>2</sup> (including Watercare’s site of 9,998m<sup>2</sup>) to be drained by new pipes connected to the 525mm diameter and 300mm diameter pipe connections provided by the neighbouring development (55 Schnapper Rock Road).
- 10,930m<sup>2</sup> to be drained by pipes discharging to the stream at the western corner of the site.
- Overland flow paths for 24,968m<sup>2</sup> (including Watercare’s site) are connected to proposed overland flow paths in the neighbouring development.
- The overland flows for the rest of the plan change site discharges to the existing stream to the south-west.



Figure 2. Stormwater Catchment Plan- 10 year

### *Flooding and overland flow paths*

- 5.5 The segment of the proposed stormwater network is to be connected to the neighbour’s (55 Schnapper Rock Road) network.
- 5.6 The proposed network will need to be designed in accordance with the new Stormwater Code Practice Version 3 (SWCoP) as well as other relevant By-Laws, Standards and Guidelines.
- 5.7 Although initial assessment made by the applicant showed that pipe connections and overland flow paths through the neighbouring properties have sufficient capacity, a detailed assessment based on updated development information and the latest SWCoP will be required at the Engineering Plan Application / Building Consent stage.

- 5.8 Any shortfall in the capacity of the neighbour's network to provide for this proposed plan change will need to be mitigated with the provision of peak flow attenuation devices or other acceptable mitigation measures on site.
- 5.9 The site is not located within a flood plain nor a flood sensitive area.
- 5.10 The applicants Engineering Infrastructure Report has identified that flooding occurs south downstream near Kyle Road where the Te Wharau Creek crosses the road twice via culverts with severe capacity constraints.
- 5.11 The neighbouring development (55 Schnapper Rock Road) has an approved EPA for a 750mm pipe by-pass (refer to map below) in order to remove the capacity constraint and flood risk to Kyle Road. This has been designed including the runoff from the development of the subject site.
- 5.12 There is no further flooding issue downstream. The council's catchment wide stormwater model shows that the 100-year ARI flows based on future maximum probable development land use and increased rainfall due to climate change (2.1°C increase) is contained within the stream reserve.
- 5.13 Overland flow from the subject site into the adjacent property has been accounted for within the design of the adjacent subdivision. Detailed design of the location and form of the overland flow paths will need to be undertaken at the time of resource consents.
- 5.14 It is in my view that with the information provided by the applicant that stormwater effects such as flooding can be conveyed safely to the receiving environment from subject area and not give rise to the downstream effects on the neighbouring properties through water sensitive design.

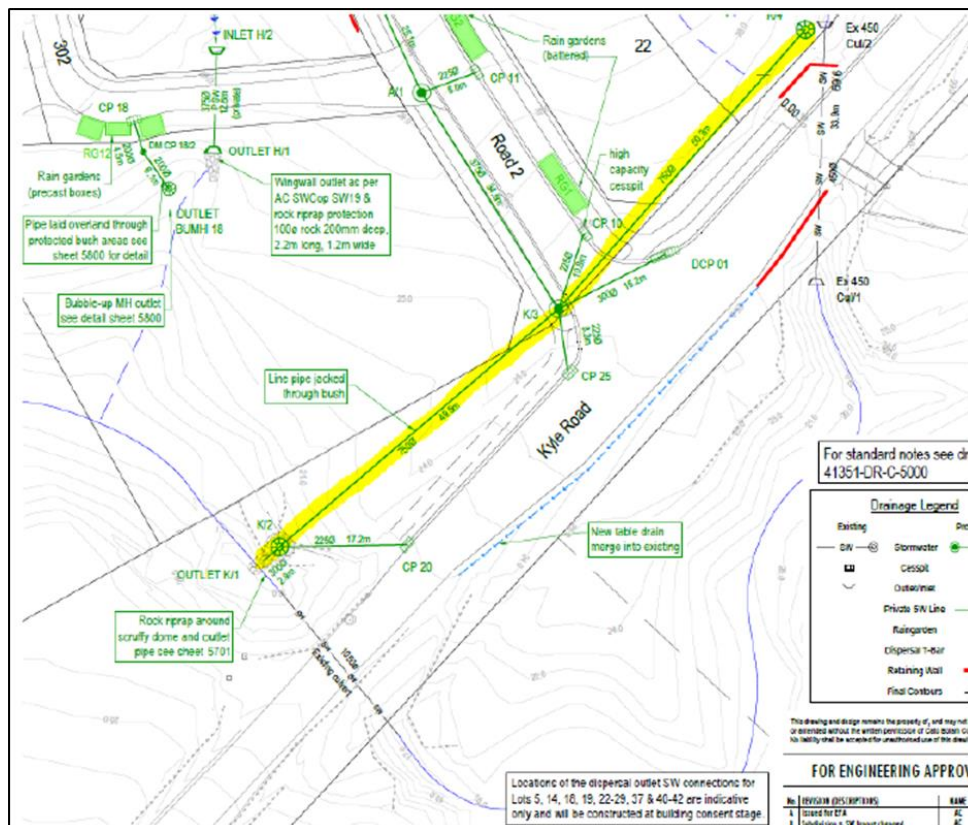


Figure 3. Proposed SW Bypass Plan

### Water Quality

- 5.15 Stormwater run-off from the plan change site is proposed to discharge through a pipe network into natural watercourses.
- 5.16 The applicant is proposing water quality treatment by devices designed in accordance with GD01 for public roads and commonly owned driveways and Inert roofing materials which will assist in managing adverse effects from intensive development. The applicant is also proposing re-use tanks which will be plumbed into at least one toilet or indoor washing. This will provide a water quality benefit as the 'first flush' will be diverted to the wastewater network.
- 5.17 The mitigation measures proposed by the applicant will appropriately address the potential water quality issues that may arise from the plan change.

### Stream erosion

- 5.18 Bank stability and erosion is a significant existing issue for the downstream stream and urbanisation typically significantly exacerbates stream bank erosion unless carefully managed. The Auckland Unitary Plan seeks to avoid, minimise and / or mitigate stream bank erosion.
- 5.19 SMAF 1 hydrological mitigation measures are proposed using at source retention/detention devices. These proposed devices will be assessed in more detail at

the Resource Consent stage. The following should be considered and included in the SMP at resource consent stage:

- Roof water reuse with plumbing to flush toilets and other non-potable usage.
- Large public devices to be adopted rather than multiple smaller devices to achieve better operation and maintenance efficiency.
- Adequate land with maintenance access to be allocated for public devices rather than locating the public devices on road berms.
- Opportunities for enhancement of the natural stream within the plan change area should be assessed and included in the SMP.
- Green outfalls to the stream should be adopted for the proposed pipes discharging to the stream.



*Figure 4. Stream erosion. Red line indicates erosion along the stream banks is greater than 60%, yellow indicated 20-40% bank erosion. Based on stream walkovers.*

5.20 Post development flows will need to be equal to the predevelopment.

5.21 In my view the adverse hydrology effects have been addressed by the applicant in relation to the proposed plan change. If the recommendations that have been mentioned in this section are actioned, then the effects are acceptable.

## 6.0 Other matters

### *Healthy Waters Regionwide Stormwater Network discharge consent (NDC)*

6.1 The applicant has provided a stormwater management plan (SMP) in accordance with the requirements of Healthy Haters NDC in order to authorise the future diversion and discharge of stormwater from the future development.



- 6.2 Further information regarding how the stormwater management approach is likely to be implemented is needed to ensure that stormwater effects can be managed appropriately and not likely to result in any downstream effects and that the stormwater management approach is implemented in an integrated manner
- 6.3 There remain some outstanding matters within the SMP which will need to be addressed before the SMP can be adopted into the NDC. It has not been accepted at this stage.
- 6.4 These outstanding matters include;
- The selection and location of devices to provide water quality and hydrology mitigation for the road areas.
  - Protection of the western gully and downstream environment from erosion.
  - Whether all impervious surfaces areas will be treated to GD01 not just roads and communal driveways.
- 6.5 Healthy Waters are willing to work together with the applicant on optimising the layout of the stormwater devices to integrate effectively with the subdivision layout as they progress in the design phases of the future development.
- 6.6 To achieve the outcome intended for policy E1.3.10 it is important that the details of the implementation of the stormwater management proposed in the SMP and overall stormwater integrated management can be established as part of the resource consent which will be required for the development of this site. The SMP should be adopted prior to resource consent application.

## **7.0 Submissions**

- 7.1 No submissions raised matters relating to stormwater or flooding.

## **8.0 Conclusions and recommendations**

- 8.1 The applicant has adequately addressed the stormwater infrastructure and potential adverse effects relating to the plan change.
- 8.2 There are not likely to be any significant adverse effects in relation to stormwater arising from the plan change, noting the matters identified in paragraphs 4.15 and 5.4 above are required to be included at the resource consent stage and to enable adoption of the SMP into the NDC.
- 8.3 All other provisions of the Unitary Plan which relate to stormwater management will apply unchanged as relevant to future proposed development.
- 8.4 The overall plan change proposal of the site presents opportunities to achieve integrated stormwater management outcomes in accordance with the E1.2 Objectives and E1.3 (9) Policies under Chapter E1 of the AUP OP. It is appropriate to leave the detailed design of the stormwater system including giving effect to the above Objectives and Policies, to the time of the development of the site and as part of the assessment of the resource consents. There are sufficient existing provisions in the Unitary Plan that will ensure that these matters are considered at that time.

- 8.5 Overall Healthy Waters can support the plan change as long as outstanding matters that were not addressed in this stage of the plan change are adequately addressed prior to lodging the resource/subdivision consent application.

# Landscape Review

Private Plan Change: 53 Schnapper Rock Road

14 December 2021 | FINAL

## 1 Introduction

- 1.1 Bridget Gilbert Landscape Architecture Limited (**BGLA**) has been requested by Auckland Council (**Council**) to:
  - a) Undertake a Landscape Peer Review of the Landscape and Amenity Effects Assessment (**Landscape Report**), prepared by Brown NZ Ltd in support of a private plan change to rezone land at 53 Schnapper Rock Road from Residential – Large Lot to a mix of Residential – Single House (**SHZ**) and Mixed Housing Suburban zone (**MHU**), and to remove the site from the Greenhithe Sub-precinct A.
  - b) Provide comment with respect to landscape matters raised in submissions.
- 1.2 A peer review is an evaluation of work by another expert with similar competencies. It is not a re-assessment but rather a tool to maintain quality standards, improve performance, and provide credibility. With this in mind, the focus of this peer review is to:
  - a) Confirm whether the assessment methodology used in the Landscape Report has been prepared in accordance with industry best practice.
  - b) Confirm whether the information provided is adequate to enable a clear understanding of the landscape and visual effects of the plan change.
  - c) Provide comment as to whether the findings of the Landscape Report with respect to landscape-related effects are credible and justified.
  - d) Make recommendations with respect to landscape-related provisions where appropriate (should Council be minded to approve the plan change).
- 1.3 A summary of my expert qualifications and relevant experience is attached in **Appendix A**.
- 1.4 I confirm that my Landscape Review comments have been prepared in accordance with the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2014. This Landscape Review is within my area of expertise, except where I state that I rely upon the evidence of other experts. I have not omitted to consider any material facts known to me that might alter or detract from the opinions expressed.

- 1.5 The following documents have been relied on in the preparation of my Landscape Review:
- a) Appendix 10: Landscape and Amenity Effects Assessment (**Landscape Report**), prepared by Brown NZ Ltd and dated January 2021.
  - b) AEE prepared by Qbix Limited, dated 26 February 2021.
  - c) Appendix 2: Site Analysis and Zoning Proposal, prepared by Qbix Limited and dated 26 February 2021.
  - d) Appendix 3: Envisaged Housing Development (Draft, dated 15 February 2021).
  - e) Appendix 9: Assessment of Ecological Effects for a Plan Change Application at 53 Schnapper Rock Road, Schnapper Rock, prepared by Wildlands and dated February 2021.
  - f) Appendix 12: Existing Tree Inspection – 53 Schnapper Rock Road, Albany, prepared by Peers Brown Miller Ltd and dated 20 January 2021.
  - g) The approved Subdivision Plan for the neighbouring property at 55 Schnapper Rock Road and 52 Kyle Road, Albany showing lot sizes (prepared by Cato Bolam Consultants and dated 29 June 2015).
  - h) The planning, landscape, and engineering evidence supporting the Auckland Unitary Plan Topic 081c rezoning submission for 55 Schnapper Rock Road and 52 Kyle Road (adjacent the site).
  - i) Public submissions received in relation to the proposed plan change.
- 1.6 I undertook a visit to the site and local area on Monday 22 February 2021, accompanied by Ms Emily Ip of Auckland Council.

## 2 Clause 23 Request for Further Information

---

- 2.1 No Clause 23 request for further information was made with respect to landscape matters.

## 3 Landscape Peer Review

---

### Landscape Assessment Methodology

- 3.1 I confirm that the landscape assessment methodology that has been applied in the Landscape Report is consistent with landscape assessment best practice.

### Description of the Existing Environment, Relevant Statutory Context, and Proposed Development

- 3.2 The Landscape Report and AEE provides a thorough description of the existing environment (including the site, wider context, and consented environment), relevant statutory context, and proposed plan change.

## Evaluation of Landscape-Related Effects

### 3.3 The Landscape Report concludes that:

Based on this assessment, it is considered that:

- Any landscape effects generated by the proposed Plan Change would be incremental and very much secondary to those effects associated with current development on neighbouring properties that is permitted by the AUP. Development on those adjoining sites will change the nature of the landscape on part of the Schnapper Rock Road ridge directly associated with 53 Schnapper Rock Road and the context for development under the proposed Plan Change. This, together with the very limited range of landscape features, elements, patterns and values associated with the site itself indicates that future housing development across it would generate landscape effects of a low to low-moderate order.
- The proposed Plan Change and related indicative development would not affect the 'macro values' of the wider valley / escarpment landscape that visually frames and defines the northern side of the Greenhithe valley (Sub-precinct A).
- Instead, this evaluation of the site and its surrounds supports the removal of 53 Schnapper Rock Road from Greenhithe Sub-precinct A and the consequential realignment of its boundary.
- Although the indicative housing development proposed by KBS Design Group Ltd would change the character of part of Schnapper Rock Road that currently remains in grassed open space, the limited utility and aesthetic value of that area of old pasture – subject to further effects from development on 55 Schnapper Rock Road and with the Watercare Services site – limits its 'aesthetic coherence' and 'pleasantness'. Conversely, the proposed pattern of housing on the subject site would be generally in accord with that already found across Schnapper Rock Road, as well as that consented for 55 Schnapper Rock Road and 52 Kyle Road. It would not give rise to any appreciable 'nuisance effects'. As a result, the amenity effects generated by the proposed Plan Change would also be quite limited.

On the basis of these findings, it is concluded that KBS Design Group's Plan Change proposal is appropriate in terms of its landscape and amenity effects. Overall, it would generate effects that are typically of a low order, and 'Less Than Minor' in RMA terminology.

### 3.4 I concur with these conclusions and consider that the proposed plan change is appropriate from a landscape effects perspective. The key factors that lead to my conclusions in this regard are as follows:

- a) The reasonable level of visual containment afforded the site by landform and vegetation patterns.
- b) The varying residential density proposed across the site that responds to:
  - i. the landscape characteristics of the site, i.e. the steeper topography and vegetation features throughout the southwestern portion of the site where SHZ and riparian corridors are proposed, along with the retention of the SEA overlay;

- ii. the established Mixed House Suburban context to the west, north and northeast;
  - iii. the Greenhithe Sub-precinct A zoning to the south which anticipates more spacious lot sizes; and
  - iv. the varying lot size densities proposed across the 55 Schnapper Rock Road and 52 Kyle Road property (adjacent the site).
- 3.5 I note that the Landscape Report mentions the development change that is likely to occur on the Watercare land as part of the context of the site. I have sought clarification from Auckland Council officers with respect to the development change that is contemplated on the Watercare site and am advised that the development intentions of Watercare are unknown. I am also advised that the designation that applies to this land does not contain any conditions guiding the form of development, so Watercare would technically be limited to the bulk and location requirements of standards in the Large Lot zone.
- 3.6 I confirm that this advice in relation to the Watercare site does not alter my analysis with respect to landscape related effects of the proposed rezoning.

## 4 Landscape matters raised in Submissions

---

- 4.1 One submission<sup>1</sup> supports the plan change, citing the improved visual appearance of the site and associated 'tidying up' of the footpath as reasons for their support (amongst other matters).
- 4.2 However, a number of submissions oppose the plan change, citing landscape-related reasons.<sup>2</sup> The issues raised can be summarised as a concern that the proposed rezoning will detract from visual amenity values and result in built development that generates adverse visual dominance effects.
- 4.3 The Landscape Report provides a comprehensive evaluation of visual amenity (and landscape) effects that is based on an analysis of effects from a range of viewpoints. The viewpoints are mapped on Attachment 9 of the Landscape Report and reveal a 'spread' of viewpoints that forms a representative sample of the visual amenity (and landscape) effects that will be experienced by the local community.
- 4.4 In my view, the Landscape Report's evaluation and key findings that (visual) amenity effects are **low**, or at most **low-moderate**<sup>3</sup> are credible. The analysis acknowledges that the proposed rezoning will comprise an appreciable change to the appearance and character of the site, particularly for close-range audiences, most notably with a loss of the open grassed character of the site 'on their doorstep'.
- 4.5 In my opinion, the existing urban zoning of the site anticipates an appreciable change away from the existing open grassed character.
- 4.6 I also agree with the Landscape Report that:

*..... the aesthetic character, coherence and 'pleasantness' of the landscape exposed to the subject site, together with the identity of its wider landscape setting, will all be re-shaped by the development currently occurring on neighbouring properties – well before housing under the Plan Change can add to this change.*

---

<sup>1</sup> Submission # 15.

<sup>2</sup> Submission # 4, 10, 19.

<sup>3</sup> Corresponds to a 'minor' rating using RMA terminology.

*In effect, the proposed subdivision would be at the tail-end of the sequence of development already unfolding across part of the Schnapper Rock Road ridge. Any amenity effects generated by proposed Plan Change would therefore be small scale and wholly subsidiary to those already being wrought by development on neighbouring properties.<sup>4</sup>*

- 4.1 For these reasons, along with the observations made at paragraph 3.4 earlier, I do not agree with the submitters that the proposed rezoning will generate adverse visual dominance effects or detract from visual amenity values.

## 5 Conclusion

---

- 5.1 In conclusion, I consider that the proposed rezoning is appropriate from a landscape perspective.



Bridget Gilbert  
Landscape Architect  
B Hort Dip LA ALI NZILA

---

<sup>4</sup> Landscape Report, page 32.

# APPENDIX A

---

## Bridget Gilbert: Qualifications And Experience

Bridget holds the qualifications of Bachelor of Horticulture from Massey University and a postgraduate Diploma in Landscape Architecture from Lincoln College, is an associate of the Landscape Institute (UK) and a registered member of the New Zealand Institute of Landscape Architects.

Bridget has practised as a Landscape Architect for over twenty-five years in both New Zealand and England. Upon her return to New Zealand, Bridget worked with Boffa Miskell Ltd in their Auckland office for seven years. She has been operating her own practice for the last sixteen years, also in Auckland.

During the course of her career, Bridget has been involved in a wide range of work in expert landscape evaluation, assessment, and advice throughout New Zealand, including:

- landscape assessment in relation to Regional and District Plan policy;
- preparation of structure plans for rural, coastal, and urban developments;
- conceptual design and landscape assessment of infrastructure, rural, coastal, and urban development; and
- detailed design and implementation supervision of infrastructure, rural, coastal, and urban projects.

Of particular relevance to Bridget's landscape peer review role in relation to the Schnapper Rock Road plan change, Bridget provided landscape advice to private landowners (and Council) in relation to a wide range of matters in the Auckland Unitary Plan hearings. This included rezoning requests for some of the more 'sensitive' parts of the Auckland urban area e.g. around the western edges of the city adjacent the Waitakere foothills.

Bridget is currently a panel member of the Auckland Urban Design Panel (with a Chair endorsement).

Bridget is also an Independent Hearing Commissioner for Auckland Council.

In addition, Bridget was appointed as one of three peer reviewers of the *Te Tangi a te Manu Aotearoa* Landscape Assessment Guidelines under the direction of the New Zealand Institute of Landscape Architects. This work has given Bridget an up-to-date insight into landscape assessment best practice.



**Memo (Terrestrial Ecology technical specialist report to contribute towards Council's section 42A hearing report)**

9<sup>th</sup> December 2020

To: Vanessa Wilkinson, Planning Consultant, Scott Wilkinson Planning

From: Rue Statham (Senior Ecologist, Ecological Advice, Auckland Council)

**Subject: Private Plan Change PC66 – 57 and 57A Schnapper Rock Road– Terrestrial Biodiversity Assessment**

**1.0 Introduction**

- 1.1. I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to Terrestrial Ecology effects.
- 1.2. I hold the qualifications of Bachelor of Science in Earth and Environmental Sciences (Hons) and British Technical Enterprise Council qualifications in Arboriculture. My experience extends to over 25 years in countryside / environmental / conservation management.
- 1.3. I have completed and passed: Making Good Decisions Course (MfE – 2018, recertified 2021), the Auckland Council Stream Ecological Valuation (SEV) training (2011), University of Auckland RMA training (2008)
- 1.4. In writing this memo, I have reviewed the following documents:
  - Private Plan Change Request, 57 & 57A Schnapper Rock Road, Schnapper Rock, Assessment of Environmental Effects, S32 Report and Statutory Analysis (Rev F), updated to include clause 23 requests.. Prepared by QBIX Limited. Dated 21 June 2021. (Herein referred to as the 'Planning Report').
  - Assessment of Ecological Effects for a Plan Change Application at 57 and 57A Schnapper Rock Road, Schnapper Rock. Prepared by Wildlands Ltd. Dated February 2021. (Herein referred to as the 'Ecology Report').
  - Stormwater Management Plan: 57 & 57A Schnapper Rock Road, Schnapper Rock. Prepared by Maven Associates. Revision C Dated 31 May 2021. (Herein referred to as the 'Stormwater Report').
- 1.5. The applicant has prepared a Proposed Zoning Plan, including conceptual plans, as part of the application material.
- 1.6. I undertook site a visit on 3<sup>rd</sup> March 2021.

**2.0 Applicant's assessment**

2.1 The Ecology Report assesses several actual or potential terrestrial ecological effects because of the proposed plan change and identifies opportunities to manage these effects (section 8 of the Ecology report). In summary these are:

- Localised loss of indigenous and exotic vegetation
- Effects on indigenous fauna
- Stream sedimentation
- Stormwater run-off and contamination of receiving environments
- Increased housing density close to habitats with high ecological value

2.2 The Ecology Report provides comment on a possible development concept plan that, “the subdivision design will be adapted as necessary to minimise or avoid potential adverse effects as much as possible”. . Mitigation measures have been identified for any potential ecological effects that cannot be avoided. Mitigation measures identified include:

- Protection and enhancement of retained vegetation
- Fauna management
- Implementation of best practice erosion and sediment controls and stormwater management
- Restricting planting of invasive garden plants

### **3.0 Assessment of terrestrial biodiversity effects**

3.1 The key terrestrial ecology issues are summarised below, these are discussed further in the section 6

#### Certainty regarding protection of high ecological value terrestrial habitats and the consistent application of Precinct Plan provisions:

3.2 The Plan Change documents have adequately described and identified Significant Ecological Areas (SEA) as per the Auckland Unitary Plan – Operative in Part (AUP) overlay.

3.3 However, the ecology report in Section 8.2 presents evidence to suggest that habitat outside of SEA are present within the Plan Change area and might be removed for the development. The report goes on to suggest that the mitigation for such activities would be the protection and enhancement of the SEA. This is not considered a correct interpretation of the AUP.

3.4 The relevant standards of chapter E38, specifically Standard E38.8.2.5 require identified SEA values to be protected and enhanced as a part of any future subdivision, as a matter of course. Vegetation outside of wetland, riparian or SEA areas in urban zones is generally unprotected, and therefore would not require mitigation for adverse effects (notwithstanding any considerations under the Wildlife Act).

- 3.5 It is my understanding that the applicant is not intending to encroach on SEA areas, or riparian / wetland habitats, and I am satisfied that all discussion and correspondence to date affirms this approach to any future development.

#### Identification of streams and wetlands

- 3.6 From observations on my site visit, there are minor interpretation matters for the location and extent of streams, and potential presence of wetland at the headwaters of Watercourse A and low reaches of Watercourse B.
- 3.7 However, as the streams and wetlands are afforded setbacks by all urban zone standards and National Environment Standards, I am satisfied that due consideration will be given to their presence during any future consenting procedures.

#### Provision for the active enhancement freshwater habitats and riparian margins:

- 3.8 The Ecology Report, s11, highlights the opportunities for enhancement of terrestrial and wetland values through the active enhancement of habitats, including riparian margins.
- 3.9 The land is currently zoned Residential - Large Lot. It is considered that the AUP provides for adequate provision for the active enhancement of wetlands and streams and for habitats to be retained. This Plan change does not propose any new provisions, as part of a 'precinct'.
- 3.10 As noted previously, any freshwater habitat located within identified SEA habitats is afforded protection and enhancement measures pursuant of Chapter E38.
- 3.11 The AUP does not have any restrictions on planting on private property for amenity purposes, when considering the recommendations of the ecology report.

#### Fauna management

- 3.12 As noted above, there are considerations under the AUP and Wildlife Act regarding fauna. Whilst the threat status of native lizards has been updated since the Ecology Report was submitted (e.g. copper skink (*Oligosoma aeneum*), is now assessed as At Risk – Declining), an Lizard Management Plan (LMP) would likely be required for any future development proposal.
- 3.13 The main threat to any lizards found on site is that both Copper Skink and Ornate skink (*Oligosoma ornatum*) occupy the more fragmented bush edge habitat, and may be further constrained with an increased zone intensity/density, and the likelihood of more cats etc. Any increase in suitable habitat would be welcomed as part of any future development.
- 3.17 There are also additional comments relating to the terrestrial ecological assessment provided in section 6 below.

### **4.0 Submissions**

- 4.1 The Plan Change has received several submissions relating to biodiversity protection.

- 4.2 Mr Thorpe (Submission No. 1) submits that not enough consideration is given to retaining Totara trees.
- 4.3 As noted above, vegetation / habitat outside of wetland, riparian or SEA areas in urban zones is generally unprotected, unless identified as a notable tree or groups of trees. The applicant could investigate whether any of the trees meet 'notable' criteria. However, a notable tree assessment is outside the scope of this review.
- 4.4 Mr D Jolliffe (Submission No. 8) and Ms J Jolliffe (Submission No. 7) have concerns regarding development in SEA areas. As I note above, Chapter 38 standards provide Council the ability on ensuring development avoids identified SEA habitat. Furthermore, any development will need to have regard to effects on wildlife outside of any protected area, due to the Wildlife Act. The applicant is intending, notwithstanding the lack of specific standards, to enhance riparian margins, thus likely affording greater opportunities for fauna habitat.
- 4.5 Ms James (Submission No. 9) has concerns similar concerns to Ms Jolliffe regarding development in SEA areas. As I note above, AUP standards provide Council the ability on ensuring development avoids identified SEA habitat. The applicant is intending to enhance riparian margins, thus likely affording greater opportunities for fauna habitat.
- 4.6 Ms Caskie (Submission No. 10) has concerns with the loss of green space. As I note previously, there are no protection standards for areas outside of riparian, wetland or SEA habitats in the AUP.
- 4.7 Mr G Edginton (Submission No. 12) and Ms K Edginton (Submission No. 13) support the protection and enhancement of SEA and riparian habitats. This is agreed, as would also be the situation under the current residential development limitations pursuant to chapters' E38 Subdivision – Urban and H1 Residential – Large Lot Zone standards.
- 4.8 Mr Wilson (Submission No. 19) has concerns regarding native fauna during development. As is common for Plan Change ecological reports, their purpose is to highlight biodiversity matters that need avoiding (e.g. critical habitats) or will need further consideration as part of any future development. In this case the ecologists have highlighted that a Lizard Management Plan (LMP) would be required prior to any habitat alteration, through a submitted resource consent (for development stages), and that due regard will be provided to the restoration of habitats suitable for lizard populations. A LMP at this stage of the process is not regarded as necessary. From the preliminary findings by the ecologist I am of the opinion that any significant populations of lizards have been identified, locally, and that no other factors exist that would warrant further investigation. As noted above SEA habitat should be avoided as part of any future development.

## **5.0 Statutory Considerations**

- 5.1 Key statutory considerations relating to the matters of this technical assessment are summarised below. The National Policy Statement of Freshwater [2020] (NPS-FM),

Regional Policy Statement (RPS) and AUP contain provisions that are relevant to the avoidance and management of adverse effects on wetland and terrestrial ecosystems, and the maintenance and enhancement of these systems through development.

- 5.2 The NPS-FM includes objectives to safeguard ecological values and maintain or improve water quality, including:
- To safeguard: a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and [...]
  - The overall quality of fresh water within a freshwater management unit is maintained or improved while [...]
- 5.3 The RPS includes a range of provisions that seek the loss of freshwater systems is avoided, adverse effects are managed, and enhancement of freshwater systems through development, including (but not limited to):
- B7.2.1 (1) Areas of significant indigenous biodiversity value in terrestrial, freshwater, and coastal marine areas are protected from the adverse effects of subdivision use and development.
  - B7.2.1 (2) Indigenous biodiversity is maintained through protection, restoration and enhancement in areas where ecological values are degraded, or where development is occurring.
  - B7.2.2 (1) Identify and evaluate areas of indigenous vegetation and the habitats of indigenous fauna in terrestrial and freshwater environments considering the following factors in terms of the descriptors contained in Schedule 3 Significant Ecological Areas – Terrestrial Schedule....
- 5.4 Whilst there is a strong direction for avoidance of adverse effects, the RPS provides for an integrated and balanced approach whereby sustainable use of land and resources to provide for growth and development is allowed for when there are no practicable alternative and adverse effects are managed.
- 5.5 The regional and district provisions of the AUP include various provisions to maintain and improve wetland and terrestrial habitats. Avoiding and managing adverse effects through development of land that affects wetland and terrestrial systems, including (but not limited to):
- E1.2. (1) Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas.
  - E1.3 (2) Manage discharges, subdivision, use, and development that affect freshwater systems to maintain or enhance water quality, flows, stream channels and their margins and other freshwater values [....]

- E3.2 (2) Auckland's lakes, rivers, streams and wetlands are restored, maintained or enhanced.
- E3.2 (6) Reclamation and drainage of the bed of a lake, river, stream and wetland is avoided, unless there is no practicable alternative.
- E3.3 (2) Manage the effects of activities in, on, under or over the beds of lakes, rivers, streams or wetlands outside the overlays identified in Policy E3.3(1) by: (a) avoiding where practicable or otherwise remedying or mitigating any adverse effects on lakes, rivers, streams or wetlands; and (b) where appropriate, restoring and enhancing the lake, river, stream or wetland.
- E3.3(3) Enable the enhancement, maintenance and restoration of lakes, rivers, streams or wetlands.
- E15.2 (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.
- E15.2 (2) Indigenous biodiversity is restored and enhanced in areas where ecological values are degraded, or where development is occurring.
- E15.3 (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.
- E15.3 (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.
- E15.3 (4) Protect, restore, and enhance biodiversity when undertaking new use and development....
- E15.3 (5) Enable activities which enhance the ecological integrity and functioning of areas of vegetation, including for biosecurity, safety and pest management and to control kauri dieback.
- E15.3 (8) Recognise and provide for the management and control of kauri dieback as a means of maintaining indigenous biodiversity.

## **6.0 Conclusions and recommendations**

- 6.1 The Ecology Report adequately describes the freshwater and terrestrial environments within the proposed plan change boundaries. Whilst overall the descriptions are considered

accurate and adequate to undertake an informed assessment of the ecological values of the proposed plan change area, the lack of specificity in a number of key locations are a minor matter that can/will be considered as part of any future resource consent for development, e.g. through detailed design. These areas are principally accurate with regard to locating of extents of stream and possible wetlands.

- 6.2 As I note in paragraph 8.0, the Ecology Report summarises the actual or potential terrestrial and freshwater ecological effects as a result of the proposed plan change
- 6.3 The recommendations in Section 11 of the Ecology Report are certainly worth noting, present good ecological outcomes and are consistent with several other plan changes I have been involved with over the years. However, it is worth noting that outside of identified SEA areas the current AUP zone and subdivision standards do not require the enhancement of wetland / riparian margins or are there any constraints on planting on private property or due regard to improving fauna habitat.
- 6.4 Notwithstanding any minor matters, overall this technical assessment supports the plan change with regard to ecological matters.

**Memo prepared by:**

Rue Statham

Ecological Advice Team

A handwritten signature in black ink, enclosed in a thin black rectangular border. The signature is stylized and appears to read 'Rue Statham'.

## STATEMENT OF RUPERT STATHAM

### **Qualifications and expertise**

1. My name is Rupert Edward George Statham (Rue Statham)
2. I hold the qualifications of Bachelor of Science in Earth and Environmental Sciences (Hons) and British Technical Enterprise Council qualifications in Arboriculture.
3. I am a Senior Ecologist with the Ecological Advice Team, Auckland Council; currently taking the role of Acting Team Manager. My experience extends to over 25 years in countryside / environmental / conservation management. Prior to moving to New Zealand I gained experience with organisations such as English Nature (now Natural England), National Trust (UK), British Trust for Conservation Volunteers (BTCV), Cornwall County Council, the Highways Agency (UK), and the Environment Agency (UK); I have also been privately contracted to individual landholders. My United Kingdom experience extends to the protection, rehabilitation and enhancement of natural areas, including Sites of Special Scientific Interest (SSSI) National Nature Reserves (NNRs), Local Nature Reserves (LNRs) and Areas of Outstanding Natural Beauty (AONB).
4. The last 15+ years I have been employed by Auckland Council (nee. Rodney District Council). My role is, predominately, to peer review ecological aspects of land-use and subdivision resource consent applications, latterly I have been required to provide technical biodiversity input to policy/rules planning and review (Unitary Plan and National Policy).
5. I provide advice to landholders and developers with regards to the protection, rehabilitation and enhancement of natural areas for the purposes of RMA/Unitary Plan requirements, and/or voluntary natural heritage protection schemes; my current non-RMA focussed work extends to the preparation and submission of a translocation application to the Department of Conservation in relation to the absolutely protected species of *Paryphanta busbyi busbyi* (Kauri Snail) which was under threat from logging operations in Whangateau, Leigh.
6. I have completed and passed: Making Good Decisions Course (MfE – 2018, recertified 2021), University of Auckland RMA training (2008), the Auckland Council Stream Ecological Valuation (SEV) training (2011) and provided expert evidence at the Environment Court (notably ENV-2008-AKL-I04, c.2010)



**Memo**

**17/12/2021**

To: Vanessa Wilkinson – Consultant Planner

From: Nick Williamson – Consultant Parks Planner

---

Subject: **Private Plan Change 66**  
57 and 57A Schnapper Rock Road, Schnapper Rock

---

### **1. Description of the proposal and site**

Proposed Private Plan Change 66 (“PPC66”) seeks to rezone approximately 5ha of land at 57 and 57A Schnapper Rock Road from **Residential – Large Lot** to a mix of **Residential – Single House** and **Mixed Housing Suburban** zones. It is also proposed that the **Greenhithe Sub-precinct A** be removed from the site. The consequence of the proposed plan change will generate between 90 to 110 additional lots on the subject site.

Resource consent applications for a comprehensive development of the site will be lodged subsequently. The future subdivision consent proposal will introduce additional site-specific covenants and easements, which will be implemented and monitored by a Residents' Association.

Covenants and easements will be proposed at the subdivision stage to protect and manage the existing SEA and the stream environment along the site's southern boundary. In this respect, the necessary resource consent will be lodged once PPC66 is operative.

On the topic of public open space and community facilities, the application states (at paragraph 9.2 page 40):

The wider Schnapper Rock area currently has a diverse range of community facilities and open spaces, including school, childcare facility, sports field, golf course, park, walkways, coastal esplanade reserve, healthcare facility, and various types of commercial and retail facilities as well. The majority of these facilities are located in close proximity to the Plan Change site.

Due to the confined nature of the plan change, which will provide approximately 90 to 110 additional dwellings, it is considered that the existing community facility infrastructure in the area is sufficient to support the proposed population increase resulting from this plan change. The proposed plan change site is also in close proximity to the existing open space and provides linkages between the site and Schnapper Rock Reserve and the associated recreational facilities. Therefore, different open space options already exist within the area, and additional open spaces are not required to be provided.

For these reasons, it is considered that the Plan Change does not warrant additional community facilities nor additional open spaces or reserves in the wider Schnapper Rock area, and the potential effects on the social well-being of the future community are to be positive.

### **2. Scope of comments**

My review of PPC66 will focus on the effects of the proposed zone changes, and the extent to which it achieves the objectives and policies of the Auckland Unitary Plan (“AUP”) and other

relevant strategies and policies of the Auckland Council in relation to public open space and recreation.

### **3. The information and considered**

The following documents have been relied on in the preparation of my review of the public open space and recreation aspects of PPC66:

- AEE prepared by Qbix Limited, dated 21 June 2021.
- Appendix 10: Landscape and Amenity Effects Assessment (Landscape Report), prepared by Brown NZ Ltd and dated January 2021.
- Appendix 2: Site Analysis and Zoning Proposal, prepared by Qbix Limited and dated 26 February 2021.
- Appendix 3: Envisaged Housing Development (Draft, dated 15 February 2021).
- Appendix 9: Assessment of Ecological Effects for a Plan Change Application at 57 and 57A Schnapper Rock Road, Schnapper Rock, prepared by Wildlands and dated February 2021.
- The approved Subdivision Plan for the neighbouring property at 55 Schnapper Rock Road and 52 Kyle Road, Albany showing lot sizes (prepared by Cato Bolam Consultants and dated 29 June 2015).
- Auckland Council Upper Harbour Greenways Plan, September 2019.
- Auckland Council Open Space Provision Policy 2016.
- Auckland Council Parks & Open Space Acquisition Policy, June 2013.
- Auckland Council Parks & Open Spaces Strategic Action Plan 2013.
- Public submissions received in relation to the proposed plan change.

### **4. Main issues / discussion**

#### The relevant AUP provisions

It is the subdivision stage that has the most impact on the nature and form of subsequent built development. This is when land is identified for either development or protection, and the pattern of development – its connectivity with the existing natural and built environment – is locked in.

Subdivision under both the existing and proposed zones fall under the same chapter of the AUP **E38 Subdivision - Urban**. The objective and policy framework relevant to any subdivision of the subject site land remains constant notwithstanding the zone changes presently proposed. The activity tables, including the requirements for subdivision of land subject to Significant Ecological Areas (“SEAs”) are also the same. Any future subdivision of the site must identify these features, and any other areas of indigenous vegetation, waterways and streams. [Standard E38.6.6 refers].

The fundamental difference between the existing zoning and what is proposed is the standard relating to minimum lot sizes, and therefore, the development yield. The **Residential – Large Lot** zone generally provides for subdivision to a minimum net lot site of 4,000m<sup>2</sup>, although in the **Greenhithe Sub-Precinct A** the a much larger minimum net site area of 2ha applies. Therefore, under the current zoning, the AUP provides for the site to be subdivided into two lots. The proposed re-zoning provides approximately 90-110 sites.

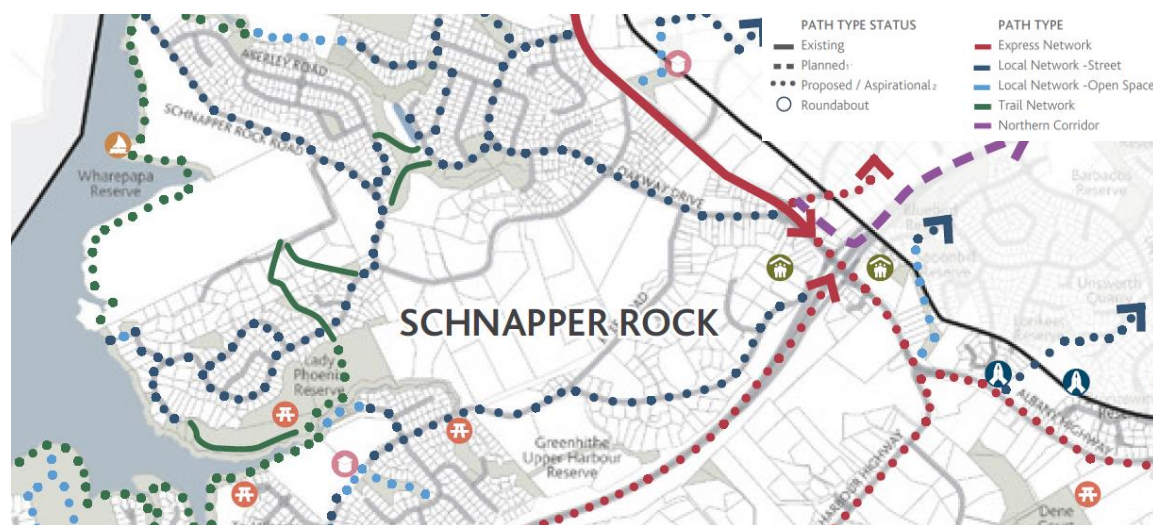
The **Greenhithe Sub-Precinct A** does include additional land subdivision and development considerations that will no longer apply to any future applications if the plan change is adopted. The objectives and policies of **Greenhithe Sub-Precinct A** seek to protect native vegetation and habitats, minimise land modification and the associated sedimentation from steep land and land close to watercourses. Under the current precinct provisions however, the site is unlikely to be subdivided in a fully compliant form at all, in which case none of those provisions would come into play in any event.

The applicant has indicated that the future comprehensive subdivision of the site would propose the identification and protection of the existing SEAs, streams and their margins by way of legal instruments. As stated above, this is a requirement for all urban subdivision proposals (Standard E38.6.6) and would continue to apply after the zone change and removal from the Precinct provisions.

### Upper Harbour Greenways Plan

The purpose of Auckland’s Greenway Plans was to create pathways linking parks and open spaces predominantly for recreational purposes with the intention that greenways would connect and create consistent connections throughout the Auckland region. A Greenways Plan is a blueprint document to guide the creation of a network of walking and shared / cycling paths that safely connect people to key destinations such as public transport, schools, local shops, libraries, parks and reserves. Walking or cycling for short local trips instead of driving reduces stress on the transportation network, supports local businesses, provide wider health benefits, for people and the environment, and helps create more connected communities.

The Upper Harbour Greenways Plan (September 2019) is a strategic document which shows connectivity within the Upper Harbour Local Board area and connectivity into neighbouring local board areas. To help facilitate the next stages of the path network the Upper Harbour Local Board has been organised into six focus areas to clearly identify, evaluate, and prioritise ‘key routes’ and ‘key connections’ for each area. The following excerpt from the Greenhithe and Schnapper Rock Greenway Plan<sup>1</sup> illustrates the ‘aspirational’ (dotted lines) path types:



<sup>11</sup> <https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/local-boards/all-local-boards/upper-harbour-local-board/Documents/upper-harbour-greenways-plan-final-2019.pdf>

The refreshed Upper Harbour greenways network is built on the existing and planned Upper Harbour walking and cycling network, with the purpose of delivering improved recreational opportunities and effective alternative transport/travel options. The key routes and connections for each focus area have not been prioritised. Prioritisation of connections located within parks and reserves was undertaken as part of the 2019/2020 Community Facilities work programme adopted by the local board at the 20 June 2019 business meeting (resolution number UH/2019/70).

As acknowledged in PPC66:

“The Greenways Plan has identified some desirable pathway locations through the Schnapper Rock area, and one of these pathways is crossing along the northern frontage of the subject site. Currently, the footpath system around the site is not up to the urban standard, but the Plan Change proposal will allow the site to be developed appropriately with the necessary walkway infrastructure along its both frontages to achieve the vision developed by the Upper Harbour Greenways Plan. One of the intentions of the future subdivision, which the Plan Change proposal will enable, is to create a completely garage free streetscape along both north and west frontages of the northern part of the site beside the existing Schnapper Rock Road roundabout. This will assist further to establish a safe and pleasant walking environment through the Schnapper Rock Road corridor.” – PC Application (Section 6.0 p38)

#### Open Space Provision Policy 2016

The Auckland Plan sets out a 30-year vision and strategy. Open spaces make a major contribution towards Auckland’s quality of life and are integral to achieving the vision and outcomes set out in the Auckland Plan. The Parks and Open Space Strategic Action Plan is Auckland Council’s core strategy for parks and open space. It identifies the challenges, opportunities, priorities and actions for Auckland Council’s involvement in parks and open spaces over a 10-year planning horizon and establishes areas of focus.

The open space provision policy gives effect to the Parks and Open Spaces Strategic Action Plan. It informs the council’s investment, asset, and acquisition activities in open space, and guides spatial planning by both the council and the private sector.

The council does not have a target for the provision of open space in general, such as a ratio of open space to population. Different types of open space have different drivers of demand. The demand for recreation and social open space are driven by human factors such as population, access, or the nature of built environment. Provision of open space for conservation purposes is determined by natural factors such as landform, or the presence of ecological or heritage values. The different drivers of demand for open space are reflected in the provision target for each open space typology. The table below (from the Council’s Open Space Provision Policy 2016) identifies open space typologies and associated provision metrics that primarily achieve recreational or social outcomes:

Typology	Description	Indicative amenities	Provision target
<b>Pocket Park</b>	<p>Provides 'door step' access to small amenity and socialising spaces in high density residential areas.</p> <p>Provides visual relief in intensively developed areas.</p> <p>New pockets parks are typically between 0.1 to 0.15 hectares.</p>	<ul style="list-style-type: none"> <li>landscaping and gardens</li> <li>small lawn areas</li> <li>furniture</li> <li>specimen trees</li> <li>hard surface treatments</li> <li>areas for socialising and respite</li> </ul>	<p>Voluntarily provided at no capital cost and only on agreement by council. Alternatively pocket parks can be retained in private ownership.</p> <p>Located in urban centres or high density residential areas. Must be located on a public street and not an internalised space within a development block.</p> <p>Not to be located within 100m of other open space.</p> <p>In addition to requirements for neighbourhood parks.</p>
<b>Neighbourhood Park</b>	<p>Provides basic informal recreation and social opportunities within a short walk of surrounding residential areas.</p> <p>New neighbourhood parks are typically between 0.3 to 0.5 hectares.</p>	<ul style="list-style-type: none"> <li>play space</li> <li>flat, unobstructed, kick-around space for informal games (30m by 30m)</li> <li>areas for socialising and respite</li> <li>landscaping</li> <li>specimen trees</li> <li>furniture</li> </ul>	<p>400m walk in high and medium density residential areas.</p> <p>600m walk in all other residential areas.</p> <p>Provides a range of different recreation opportunities between nearby neighbourhood and suburb parks.</p>

While PPC66 is not proposing any additional public open space within the boundaries of the subject site, the locality is not devoid of recreational opportunities. At a scale of 1:10,000, the image below illustrates the Public Open Space Zones within 400m and 600m of the subject site:



Immediately across the road from the proposed entrance to the site is Bur Oak Reserve. Although largely covered with native vegetation, this reserve does provide an open space linkage and opportunity for pedestrian access to the larger Pin Oak Reserve, which contains the nearest playground to the subject site. The current state of the reserve (in terms of vegetative cover and maintenance) is not particularly conducive to a pedestrian thoroughfare, but the opportunities for future linkages remain.

The property to the immediate south of the subject site has been recently subdivided. While ideally the SEA could provide a recreational corridor connection from Schnapper Roack Road through to Kyle Road to the south in parallel with the stream system and ecological corridor, that opportunity has likely passed. Although a public recreational corridor is reliant on legal right of passage, flora and fauna have no such property constraints, so natural systems are unlikely to be affected by the proposal.

Overall, and considering the scale of the proposed development relative to public open space assets in the locality, an additional 90-110 household units can be adequately accommodated within the existing public open space network.

## **5. Response to submissions**

Having considered all the matters raised by submitters to PPC66, I consider the following points of submission relate the topic of public open space:

Submission Point 4.4 & 19.4:

Add a playground and open green space field no less than 600m<sup>2</sup> in size as the distance and size of existing developed parks, community areas and playgrounds does not support the growing demand and needs this development will add into the local community.

Submission Point 4.4:

Current community amenities are insufficient for such development. The density of housing proposed lend itself to sections more adequately located in walking distance of amenities such as super markets, post offices and eateries. Amenities do not support denser housing. Concern that the proposed walkways within the development without adequate electrical and natural lighting and housing setback in the development will cause security and safety concerns.

Submission Point 10.4:

Maintain green space. There is going to be a huge environmental impact by removing a vast green space for the native plants and wildlife.

The existing public open space amenities in the locality provide sufficient passive recreational opportunities for the additional households likely to result from PPC66. The provision of additional playgrounds or more localised open greenspace is not something that the Council would require at the time of subdivision. Such recreational assets come at a cost (whether through acquisition or ongoing maintenance) and would be subject to the usual statutory considerations that encumber the expenditure of public funds.

The rezoning of the subject site does not alleviate the landowners' responsibility to have to recognise and provide for the existing SEAs and streams within the subject site. The provisions of the urban subdivision chapter of the AUP provide sufficient opportunity for the creation of recreational corridors in a form that maintains and enhances the existing ecological systems within the subject site.

## 6. Conclusion

I consider that the proposed rezoning and uplifting of the precinct provisions is appropriate from a public open space perspective.

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

Ngā mihi



Nick Williamson  
Planning Consultant  
*for Parks Planning*  
Email: [nwilliamson@align.net.nz](mailto:nwilliamson@align.net.nz)  
Phone: 027 555 5454





## **ATTACHMENT 7**

### **REPORTING PLANNER'S QUALIFICATION AND EXPERIENCE**



## QUALIFICATIONS AND EXPERIENCE OF VANESSA WILKINSON

<b>NAME</b>	Vanessa Wilkinson
<b>POSITION</b>	Planning Consultant Scott Wilkinson Planning Limited
<b>QUALIFICATIONS</b>	Bachelor of Arts in Geography; and Management Studies and Labour Relations University of Auckland (1996)  Master of Planning Practice Planning University of Auckland (1998)  Certified Independent Commissioner Ministry for the Environment (2018 and 2021 Chair Certification)
<b>MEMBERSHIPS</b>	New Zealand Planning Institute (Int) Resource Management Law Association
<b>EXPERIENCE</b>	<p>I have 21 years statutory planning in New Zealand, Australia and the United Kingdom. I have worked for local authorities (most recently Auckland Council) and within the private sector.</p> <p>One of my Auckland Council roles was assisting the Auckland Unitary Plan Independent Hearings Panel with the hearings process and recommendations on the Auckland Unitary Plan.</p> <p>I have been a Consultant Planner at Scott Wilkinson Planning since 2019.</p> <p>I have experience in assessing plans, plan changes and notices of requirements for Auckland Council.</p> <p>I also have experience in the preparation and assessment of resource consent applications, both for Councils and for private clients.</p>



## **ATTACHMENT 8**

**SUBMISSIONS  
(NO FURTHER SUBMISSIONS WERE  
RECEIVED)**



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

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



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

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

For office use only
Submission No:
Receipt Date:

### Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) blair THORPE

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

Address for service of Submitter

P O box 31243 Milford auckland 0741

Telephone:

0220364005

Fax/Email:

blair\_thorpe@hotmail.com

Contact Person: (Name and designation, if applicable)

### Scope of submission

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

Plan Change/Variation Number

PC 66 (Private)

Plan Change/Variation Name

57 & 57A Schnapper Rock Road

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

[Empty box]

Or

Property Address

57 & 57A Schnapper Rock Road

Or

Map

[Empty box]

Or

Other (specify)

### Submission

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

I support the specific provisions identified above

# 01

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are:

I am against the intensification to medium terrace type housing. The whole site should remain as si 1.1

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

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

Decline the proposed plan change / variation

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

require a front building line of min 4m with requirement that this is not all sealed for parking but suff

I wish to be heard in support of my submission

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

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

  
blair Thorpe

26 august 2021

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

Date

**Notes to person making submission:**

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

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

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

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

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

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

(a) adversely affects the environment; and

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



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

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



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

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

For office use only
Submission No:
Receipt Date:

## Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

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

Address for service of Submitter

Telephone:

Fax/Email:

Contact Person: (Name and designation, if applicable)

## Scope of submission

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

Plan Change/Variation Number

PC 66 (Private)

Plan Change/Variation Name

57 & 57A Schnapper Rock Road

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

57 Snapper rock road

Or

Map

Or

Other (specify)

## Submission

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

I wish to have the provisions identified above amended

Yes

No

# 01

The reasons for my views are:

the sites should remain single housing units not multiable units. The sites should also remain

within the Greenhithe subprecint. The proposals require the removal of too many existing Totara trees that should (could be) designed around

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

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

Decline the proposed plan change / variation

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

I want to keep the green in Greenhithe - please! over intensification of sites means a loss of any real tree cover. If minded to allow then please ensure a good front bounding line of say 4m min with max 50% hardstanding so that specimen trees can be planted and grow to give a strong visual amenity to the area. House sites should have sufficient land to allow a specimen tree to b planted

I wish to be heard in support of my submission

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

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

Signature of Submitter

(or person authorised to sign on behalf of submitter)

Date

29.8.2021

**Notes to person making submission:**

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

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

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

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

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

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

(a) adversely affects the environment; and

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: P Zhou

Organisation name:

Agent's full name:

Email address: [jpengzhou@gmail.com](mailto:jpengzhou@gmail.com)

Contact phone number: 0220550889

Postal address:

schnapper rock  
auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:  
zone change

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

Schnapper Rock Road is one of two entries for this area, the road is busy enough for current occupations

2.1

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

Submission date: 1 September 2021

### Attend a hearing

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

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

### **Declaration**

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Dominique de Paula Reis

Organisation name:

Agent's full name:

Email address: [domfleiser@gmail.com](mailto:domfleiser@gmail.com)

Contact phone number:

Postal address:  
0632  
Schnapper rock road  
Albany 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:  
Building more housing

Property address: 57, 57a Schnapper rock

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

The area should be kept as it. No further housing should be build in this location. There are too many houses in the area already being built. It will further impact on local traffic, people's well-being, further burden the local school roles. Impacting on the children's well-being. Further traffic around school posing a further physical danger to children. And more strain on parents. More strain on the local infrastructure which will diminish local residents well-being

3.1

3.2

3.3

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

Submission date: 2 September 2021

### Attend a hearing

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

**Declaration**

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Gavin Bennett

Organisation name:

Agent's full name:

Email address: [gavinpbennett@gmail.com](mailto:gavinpbennett@gmail.com)

Contact phone number: 021683887

Postal address:  
286A Schnapper Rock Road  
Albany  
Auckland 0632

### Submission details

#### This is a submission to:

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

#### My submission relates to

Rule or rules:

Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.

Property address:

Map or maps:

Other provisions:

Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.

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

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

The reason for my or our views are:

Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.

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

4.1

4.1

Details of amendments: Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.

Submission date: 20 September 2021

Supporting documents  
Feedback on 57 Schnapper Rock Road.pdf

### **Attend a hearing**

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

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

### **Declaration**

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

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

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

Yes

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



## Feedback on 57 Schnapper Rock Road

### Height and density of development

1. Concerns around proposed building height and shading effect: Height of the proposed lot is 83m above sea level, which is 2-3 meters above the boundary (80m). Zoning for high density housing will create adverse visual dominance effects as the height of the foundations and land where housing is proposed will domineer over existing neighbouring properties. It is the highest section in the subdivision and any high development (over 2 stories) would dominate the landscape and environment of the suburb.

4.2

**Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.**

2. The proposed concept of building intensity has terraced housing at the north- west (roundabout) of the site, graduating with low density towards the south-east. This design does not consider the existing density of houses directly opposite the site and seeks to maximise profits for the developer without consideration on value, privacy and security for existing residents. If in their own submission they have made this phased density, then surely, they should recognise the density of housing along the boundary of Schnapper Rock Road.

4.2

**Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.**

3. Point of clarification – documents provided include different number of dwellings, ranging from 93 to 110. Confirmation of exact intended number of dwellings requested by existing residents.

### Traffic & parking volumes, and pedestrian safety

1. Have concerns on the traffic analysis/traffic distribution and assessment: traffic volume counts are out of date and not relevant in informing a decision. The volumes date back to **2014** which is 7 years ago, and the area has continued to grow, and traffic worsen in this time. Given this development includes a new public road, the transport report needs to include **current** assessments, specifically for peak times of the morning and evening with Schnapper Rock Road and Albany Highway. Also of consideration is the increased development of Kyle Road and the adjacent new development already approved.

4.3

**Request an ITA be completed taking both new developments and existing traffic volumes as at 2021 into account.**

2. This development is too far away from amenities to walk, and there is also **no direct** bus to the Albany mall. This will encourage car ownership and more people will drive from the area to shop at Albany Pak n Save, Albany New World and Countdown Glenfield.
3. There needs to be adequate **onsite parking** and garaging for every property.
4. Safety of pedestrians and school children: the area already has limited pedestrian crossings or raised crossings. The bus stop on the Schnapper Rock Road western boundary to the site is a drop off point for school buses, and many kids walk home from here every day. The additional traffic flows from the new road make the lack of crossings a safety concern.

4.3

**Request a raised crossing or pedestrian crossing near the bus stop on Schnapper Rock Road.**

### Lack of green space and community wellbeing

1. The distance and size of existing developed parks, community areas and playgrounds does not support the growing demand and needs this development will add into the local community.

4.4

Parks and open space are a part of healthy, active neighbourhoods and this development has not considered this in their proposed development.

**Propose a playground and open green space field is incorporated, no less than 600m2 in size.**

### Environmental impact on native species

1. Better reporting into impact on wild Lizards natural habitat in the area, especially around the waterways. Known protected species are in the area and spotted at neighbouring sites. Potentially devastating impacts on wild population in the area which should not be disturbed.

**Suggestion of in-depth report, shared lizard management plan and if suitable a dedicated public green space park area within the development with lizard friendly gardens near the waterways**

4.5

### Lack of and distance to amenities

1. Current community amenities are insufficient for such development. The density of housing proposed, dwellings and nature of the density would lend itself to sections more adequately located in walking distance of amenities such as supermarkets, post offices and eateries.

**Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban. Amenities do not support denser housing.**

4.6

2. Concern that the proposed walkways within the development without adequate electrical and natural lighting and housing setback in the development will cause security and safety concerns.

**Propose wider walkways than suggested and electrical lighting included as a requirement.**

### Degradation of area attractiveness

1. In keeping with the area and covenants on surrounding neighbours' properties, any allowance for 3 story housing would not be in keeping with the area and would impact property values for existing neighbouring sections

**Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.**

4.2

2. The density is too high and out of proportion with neighbouring properties. Attachment 2 -site analysis of the proposal is a cherrypicked representation of the area, clearly in support of the developer. **Propose the same zoning as the adjacent Kyle Road development – Residential Single House zone.**

**Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.**

4.2

Hi there,

Further to your letter notifying of plan change request from KBS Design Group Ltd.

I agree with my fellow neighbors on their submission with regards to impediment of views, increase of traffic and subsequent hazards high density housing will create and agree with their suggestion of low density housing only - WITH ADEQUATE PARKING.

In addition, my property - 90 Schnapper Rock Road, appears to be opposite where a new road is proposed.

Not only will this affect enjoyment of my property with constant vehicle headlights in my main window, there will also be an increase of vehicles parking/blocking my property. It is already an issue when I put my recycling/bins out - vehicles park in front of the bins and a couple of times my bins haven't been emptied.

5.1

I already experience issues with inconsiderate parkers and was successful in getting a white triangle when they first trialed a few years ago. With the proposed increase in vehicles I guarantee some inconsiderate people will park on the triangle and block my access.

Additionally, I have attached a few pictures that represent the speed down Schnapper Rock Road at present - which will only escalate with a higher volume of vehicles. A vehicle crashed into three vehicles parked outside my property and I am fortunate one didn't get pushed down into my property as I do not have a front fence to protect my property. You can also note in the pic severe sunstrike can happen at peak times.

If the developer insists on an accessway opposite and/or affects my property - 90 Schnapper Road I request they make arrangements to build a suitable fence for my protection - preferably brick in line with the style and covenant of the subdivision at their expense.

Thank you for reviewing my submission.

Kind regards  
Tracey,

[tjiordean@gmail.com](mailto:tjiordean@gmail.com)







The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Rosie Edginton

Organisation name:

Agent's full name: Roseanne Edginton

Email address: [rosieedginton@gmail.com](mailto:rosieedginton@gmail.com)

Contact phone number:

Postal address:

102  
Kyle Road  
Greenhithe  
Auckland  
Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:

The whole thing

Property address: 57 and 57A Schnapper Rock Road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

There is already far too much traffic in the area for the current infrastructure to handle and the roads (especially Kyle Road) are terrible. There have been no footpaths on Kyle Road while the entire area has been intensively developed and the road is extremely narrow and dangerous - especially with a primary school at the end of it! This development would cause a massive increase in traffic coming in and out of Kyle during school times and Schnapper Rock which is already extremely congested. At peak hours during the week it can take 30 minutes to get from Kyle Road just to the Schnapper Rock lights. The infrastructure and surrounding area is NOT adequate for this kind of development in any way. Also, the neighbouring properties in the valley have a different zoning which seems ridiculous. If the zoning is going to change, the entire surrounding area should be changed too.

| 6.1

| 6.3

| 6.2

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

Details of amendments: Change the entire surrounding area zoning. Upgrade the infrastructure significantly to be able to cope with the increased number of people living in the area. Upgrade Kyle Road to have 2 lanes coming out at the top and foot paths for safety!

Submission date: 22 September 2021

### **Attend a hearing**

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

### **Declaration**

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

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

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

Yes

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



The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Jacqueline Jolliffe

Organisation name:

Agent's full name:

Email address: [jacs.jolliffe@gmail.com](mailto:jacs.jolliffe@gmail.com)

Contact phone number: 0273758323

Postal address:  
21 Rangī Ave  
Schnapper Rock  
Auckland 0632

## Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:  
The whole plan change

Property address: 57 and 57A Schnapper Rock Road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

The entire application is inconsistent with the objectives and policies of the AUP.

This type of development is inconsistent with the surrounding area and zones - it is not in accordance with the existing and expected amenity of the area in many ways - the bulk of the area is Large Lot of Single House Zone - not terrace housing such as this. It will turn a quiet residential area into a hub of vehicle noise and high density housing.

Furthermore, the existing infrastructure will not cope with this level of intensification - transport especially - the roads in the area are not designed for so many cars - there are always far more people living in houses these days - more than 2 cars per house, cars are always parked on the roads, blocking roads (most houses these days in the area seem to be rented out by the room - usually 3-4 cars per house). Schnapper Rock Road cannot cope with higher traffic volumes than what we have at present. The additional traffic noise will also be an adverse effect. This is totally the wrong location for a medium density/terrace housing development - on the corner of a busy intersection!

7.2

7.3

7.4

The Low density housing zone in the SEA will adversely effect the native flora and fauna - this is a known area for tui and kereru - intensive housing will remove their natural habitat and cause them to leave the area, or kill them, resulting in adverse effects on the ecological habitat. If anything, this site should be kept as Large Lot or Single House Zone. It is inappropriate to turn this type of area into a high density housing area under the guise of 'addressing the national housing shortage'.

7.5

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

7.1

Submission date: 22 September 2021

### **Attend a hearing**

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

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

### **Declaration**

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Damon Jolliffe

Organisation name:

Agent's full name:

Email address: [damon.jolliffe@gmail.com](mailto:damon.jolliffe@gmail.com)

Contact phone number:

Postal address:  
21 Rangī Ave  
Schnapper Rock  
Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:  
Whole application

Property address: 57 and 57A Schnapper Rock Road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

Inconsistent with the objectives and policies of the Auckland Unitary Plan. | 8.2

Adverse effects on the environment and community - not in accordance with the expected amenity of the existing and future environment. | 8.3

The existing transport infrastructure is not capable of such a development - insufficient car parking for the development, will create additional traffic congestion at a busy intersection (where Schnapper Rock and The Oaks meet). Traffic volume data used is outdated (from 2014 - we are now in 2021). | 8.4

Adverse impact on the native flora and fauna - development in the SEA (low density housing where there is currently Large Lot) - destruction of native habitat. | 8.5

This should be kept Large Lot of Single House Zone. | 8.3

I or we seek the following decision by council: Decline the plan change | 8.1

Submission date: 22 September 2021

### **Attend a hearing**

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

### **Declaration**

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Christina Joan james

Organisation name:

Agent's full name:

Email address: [mcjames@xtra.co.nz](mailto:mcjames@xtra.co.nz)

Contact phone number:

Postal address:  
30 kittiwake drive  
Schnapper Rock  
Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:

It is inconsistent with the objectives and policies of the AUP, will be inconsistent with the existing and anticipated amenity of the area, will have adverse traffic effects on the area (volume and parking), it is a inappropriate location for medium density and terrace housing (corner of a busy intersection), will have adverse effects on native flora and fauna (low density housing in an SEA). At worst, this should be a Large Lot or Single House Zone development.

Property address: 57 and 57a schnapper rock road , plan 66

Map or maps: 57 and 57a schnapper rock road

Other provisions:

It is not consistent with the objectives and policies of the AUP, will be inconsistent with the existing and anticipated amenity of the area, will have adverse traffic effects on the area (volume and parking), it is a inappropriate location for medium density and terrace housing (corner of a busy intersection), will have adverse effects on native flora and fauna (low density housing in an SEA). At worst, this should be a Large Lot or Single House Zone development.

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

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

The reason for my or our views are:

It is inconsistent with the objectives and policies of the AUP, will be inconsistent with the existing and anticipated amenity of the area, will have adverse traffic effects on the area (volume and parking), it is a inappropriate location for medium density and terrace housing (corner of a busy intersection), will

9.2

9.4

have adverse effects on native flora and fauna (low density housing in an SEA). This should be a Large Lot or Single House Zone development.

9.5

9.3

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

9.1

Submission date: 22 September 2021

### **Attend a hearing**

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

### **Declaration**

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Malama Caskie

Organisation name:

Agent's full name:

Email address: [malamae@hotmail.com](mailto:malamae@hotmail.com)

Contact phone number:

Postal address:  
0632  
Schnapper Rock  
Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:

Property address: 57&57a Schnapper Rock Road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

We have concerns relating to the planned development. If there was to be high density housing in this area, a less pleasing outlook to the current community feel we have now and with the elevation of the site and proposed dwellings, they will tower over the neighbouring properties and be an eyesore to the tranquil landscape and current environment.

10.2

We would propose that this site be in keeping with the area and be zoned as Residential Single House zone, not Mixed Housing Suburban.

10.2

The proposed density of housing will have a huge impact on the value and outlook of the area as well as greatly increased traffic loads, parking issues and increased security risks for the current residents.

There is already major issues with traffic congestion at the intersection of Schnapper Rock Road and Albany Highway and once the new subdivisions on Kyle Road are populated, it will become even

more congested. By adding mixed housing zones to this already heavily populated area will make it impossible at peak times. Most households in the area have a minimum of two cars, but many households have more depending on the make up of occupants. Terraced housing don't usually include garaging or off street parking, so the area will become a big side road car park which will add to the already problematic theft issues as it will become a Smorgasbord for car thieves. This might become less of an issue if each property had garaging and ample off street parking. | 10.3

The local Amenities and schools would also not support denser housing. | 10.2

There is also going to be a huge environmental impact to the area by removing such a vast green space for the native plants and wildlife. | 10.4

We would Propose the same zoning as the Kyle Road development – Residential Single House zone, not Mixed Housing Suburban.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested | 10.1

Details of amendments: As above - residential single house zone, notMixed residential

Submission date: 22 September 2021

**Attend a hearing**

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

**Declaration**

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

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

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

Yes

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



Auckland Council

Level 24, 135 Albert Street

Private Bag 92300

Auckland 1142

Attn.: Planning Technician

**unitaryplan@aucklandcouncil.govt.nz**

**TO:** Auckland Council

**SUBMISSION ON:** Plan Change 66 (Private): 57 and 57A Schnapper Rock Road

**FROM:** Watercare Services Limited

**ADDRESS FOR SERVICE:** ilze.gotelli@water.co.nz

**DATE:** 23 September 2021

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

## **1. INTRODUCTION**

### **1.1. Watercare's purpose and mission**

Watercare Services Limited ("**Watercare**") is New Zealand's largest provider of water and wastewater services. Watercare is a council-controlled organisation under the Local Government Act 2002 and is wholly owned by the Auckland Council ("**Council**").

Watercare provides integrated water and wastewater services to approximately 1.4 million people in Auckland. Watercare collects, treats and distributes drinking water from 11 dams, 26 bores and springs, and four river sources. A total of 330 million litres of water is treated each day at 15 water treatment plants and distributed via 89 reservoirs and 90 pump stations to 450,000 households, hospitals, schools, commercial and industrial properties.

Watercare’s water distribution network includes more than 9,000 km of pipes. The wastewater network collects, treats and disposes of wastewater at 18 treatment plants and includes 7,900 km of sewers.

Watercare is required to manage its operations efficiently with a view to keeping overall costs of water supply and wastewater services to its customers (collectively) at minimum levels, consistent with the effective conduct of its undertakings and the maintenance of the long-term integrity of its assets. Watercare must also give effect to relevant aspects of the Council’s Long Term Plan, and act consistently with other plans and strategies of the Council, including the Auckland Unitary Plan (Operative in Part) and the Auckland Future Urban Land Supply Strategy.<sup>1</sup>

## 2. SUBMISSION

### 2.1. General

This is a submission on a change proposed by KBS Design Group Ltd (“**Applicant**”) to the Auckland Unitary Plan (Operative in Part) that was publicly notified on 26 August 2021 (“**Plan Change**”).

The Applicant proposes to rezone 57 Schnapper Rock Road from Residential – Large Lot Zone to Residential – Single House Zone (2.11 ha) and Residential – Mixed Housing Suburban Zone (1.88 ha), and to remove the Greenhithe Sub-precinct A overlay (“**the Overlay**”) from 57 and 57A Schnapper Rock Road (“**Plan Change Area**”).

Watercare neither supports nor opposes the Plan Change.

The purpose of this submission is to address:

- (a) the technical feasibility of the proposed water and wastewater servicing arrangement to ensure that the effects on Watercare’s existing and planned water and wastewater network are appropriately considered and managed in accordance with the Resource Management Act 1991 (“**RMA**”); and
- (b) Watercare’s position on removal of the Overlay as landowner of 57A Schnapper Rock Road.

In making its submission, Watercare has considered the relevant provisions of the Auckland Plan 2050, Te Tahua Taungahuru Te Mahere Taungahuru 2018 – 2028/The 10-year Budget Long-term Plan 2018 – 2028, the Auckland Future Urban Land Supply Strategy 2015 and 2017, the Water Supply and Wastewater Network Bylaw 2015, the Water and Wastewater Code of Practice for Land Development and Subdivision and the Watercare Asset Management Plan 2016 - 2036. It has also considered the relevant RMA documents including the Auckland Unitary Plan (Operative in Part) and the National Policy Statement on Urban Development 2020 which (among other matters) requires local authorities to ensure that at any one time there is sufficient housing and business development capacity which:

- (a) in the short term, is feasible, zoned and has adequate existing development infrastructure (including water and wastewater);

---

<sup>1</sup> Local Government (Auckland Council) Act 2009, s58.

- (b) in the medium term, is feasible, zoned and either:
  - (i) serviced with development infrastructure, or
  - (ii) the funding for the development infrastructure required to service that development capacity must be identified in a long term plan required under s93 of the Local Government Act 2002; and
- (c) in the long term, is feasible, identified in relevant plans and strategies by the local authority for future urban use or urban intensification, and the development infrastructure required to service it is identified in the relevant authority's infrastructure strategy required under the Local Government Act 2002.<sup>2</sup>

## 2.2. Specific parts of the Plan Change

The specific parts of the Plan Change that this submission relates to are:

- (a) the proposed water and wastewater servicing arrangements;
- (b) the effects of the Plan Change on Watercare's existing and planned water and wastewater network; and
- (c) the removal of the Greenhithe Sub-precinct A overlay from Watercare's property at 57A Schnapper Rock Road.

Watercare has reviewed the Plan Change and considers that:

- (a) the proposed water and wastewater capacity and servicing requirements have been adequately assessed as part of the Plan Change;
- (b) subject to development occurring in accordance with the proposed staging and infrastructure upgrades described further below:
  - (i) the proposed servicing arrangements are technically feasible; and
  - (ii) any adverse effects of the Plan Change on Watercare's existing and planned water and wastewater infrastructure network will be appropriately managed.

### 2.2.1. Water supply servicing for the Plan Change Area

An existing water supply station is located at 57A Schnapper Rock Road within the eastern corner of the Plan Change Area. A 250PE water supply pipe is located in the Schnapper Rock Road corridor. The application for the Plan Change states that the water supply pipe in the Schnapper Rock Road corridor will service the proposed development.<sup>3</sup>

11.1

Watercare confirms that there is currently sufficient capacity in the water supply network to service the Plan Change Area. However, the capacity of the water supply network will need

<sup>2</sup> National Policy Statement on Urban Development 2020, subpart 1, 3.2 to 3.4.

<sup>3</sup> Appendix 5 – Infrastructure Report at 1.5 and Assessment of Environmental Effects at 9.6.4.

to be re-assessed at the resource consent stage as local watermain upgrades may be required to service development within the Plan Change Area.

The Applicant will be required to provide and fund the local reticulation network within the Plan Change Area.

11.1

Fire hydrants must be provided within the proposed internal water supply network to comply with the Fire Fighting Water Supply Code of Practice Services minimum distances. These are also to be paid for by the developer.

### 2.2.2. Wastewater

The Plan Change Area is located within a well-established wastewater reticulated area. However, due to the topography of the site and the surrounding area, a public gravity extension to network cannot be achieved.

To address this issue, the Applicant has proposed three alternative options to service the site:<sup>4</sup>

- (a) Option 1 – Construction of a Low Pressure Sewer (“LPS”) system to service the site. This is a similar approach to the approved servicing method for the adjacent development (55 Schnapper Rock Rd).
- (b) Option 2 – Construction of a public gravity pipe extension from the Kyle Road wastewater pump station through proposed Lot 44 and Lot 33 & Lot 44 Common Accessway within the adjacent development as shown indicatively in Figure 3 of the Infrastructure Report.
- (c) Option 3 – Construction of a new pump station within the site as indicated in Figure 4 of the Infrastructure Report. An extension from the point of supply provided by the adjacent subdivision is required via gravity extension along Schnapper Rock Road towards the northern section of the site.

Watercare does not accept Option 1 for this development. Of the gravity options, Watercare’s strong preference is to service the site by the existing pump station (Option 2 above). Watercare has confirmed that there is capacity in the Kyle Road wastewater pump station to service this development.

11.2

The developer will be required to construct and fund the infrastructure and necessary upgrades required to service the Plan Change Area. The layout of the new gravity wastewater network must be designed in accordance with Watercare’s Code of Practice. This infrastructure will be fully funded by the applicant.

11.2

### 2.2.3 Removal of the Greenhithe Sub-precinct A overlay from Watercare’s land

57A Schnapper Rock Road, which forms part of the application area, is owned by Watercare and is designated under the Auckland Unitary Plan (Operative in Part) for “Water Supply Purposes”, specifically a “Water Supply Station and Future Reservoirs”.<sup>5</sup>

<sup>4</sup> Appendix 5 – Infrastructure Report at 1.3 and Assessment of Environmental Effects at 9.6.3.

<sup>5</sup> Designation 9301.

The Plan Change seeks to remove the Overlay from Watercare's land. Excerpts from the Auckland Unitary Plan (Operative in Part) that describe the effect of the Overlay are included at 6.3.1.5 of the Assessment of Environmental Effects. The Applicant has sought that the Overlay be removed from Watercare's land to "adopt a consistent resource management mapping approach in relation to neighbouring properties".

Removal of the Overlay does not otherwise implicate Watercare's use of 57A for water supply purposes. Therefore, should the Plan Change be approved, Watercare agrees to the removal of the overlay.

11.3

### 2.3 DECISION SOUGHT

Watercare seeks a decision that ensures that the water and wastewater capacity and servicing requirements of the Plan Change will be adequately met, such that the water and wastewater related effects are appropriately managed. It also seeks a decision that protects Watercare's existing and planned infrastructure at 57A Schnapper Rock Road.

To enable that decision to be made, Watercare:

- (a) continues to support Option 2 for wastewater servicing; and
- (b) confirms acceptance of the removal of the Greenhithe Sub-Precinct A overlay from Watercare land.

### 3. HEARING

Watercare wishes to be heard in support of its submission.

23 September 2021

Ilze Gotelli  
**Head of Major Developments**  
**Watercare Services Limited**

Address for Service:  
Ilze Gotelli  
Head of Major Developments  
Watercare Services Limited  
Private Bag 92 521  
Wellesley Street  
Auckland 1141  
Phone: 021 831 470  
Email: [ilze.gotelli@water.co.nz](mailto:ilze.gotelli@water.co.nz)

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Gordon Edginton

Organisation name:

Agent's full name:

Email address: [gordon@prendos.co.nz](mailto:gordon@prendos.co.nz)

Contact phone number: 021677772

Postal address:

[gordon@prendos.co.nz](mailto:gordon@prendos.co.nz)

North Shore City

Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:

Property address: 57 & 57A Schnapper Rock Road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

There is already far too much traffic in the area for the current infrastructure to handle and the roads (especially Kyle Road) are terrible. There have been no footpaths on Kyle Road while the entire area has been intensively developed and the road is extremely narrow and dangerous - especially with a primary school at the end of it! This development would cause a massive increase in traffic coming in and out of Kyle during school times and Schnapper Rock which is already extremely congested. At peak hours during the week it can take 30 minutes to get from Kyle Road just to the Schnapper Rock lights. The infrastructure and surrounding area is NOT adequate for this kind of development in any way. Also, the neighbouring properties in the valley have a different zoning which seems ridiculous. If the zoning is going to change, the entire valley on the northern side of Kyle Road and southern side of Schnapper Rock Road

should be rezoned to residential single House and/or Suburban as was approved for the block of land at 52 Kyle Road and 55 Schnapper Rock where a 32 lot subdivision has been approved. The entire could be developed in a similar fashion rather than the inconsistent ad hoc nature of the zoning that

12.2

12.3

has been implemented to date. These type of zones combined with SEA protection on the main streams and bush margins will adequately protect and preserve any natural environments the council may wish to remain intact. This valley already has the "three waters" infrastructure available so is a prime central piece of Albany land now ready for rezoning and redevelopment. To just rezone the applicants corner block through a private plan change is missing a great opportunity to release more urban land for the city to meet the pressing housing needs.

12.4

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

12.1

Details of amendments: Change the entire valley zoning - there is no consistency and it is a waste of land fit for development. Upgrade roading infrastructure and layout - widening roads, foot paths etc.

Submission date: 23 September 2021

### **Attend a hearing**

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

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

### **Declaration**

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Kim Edginton

Organisation name:

Agent's full name:

Email address: [g.edginton@xtra.co.nz](mailto:g.edginton@xtra.co.nz)

Contact phone number:

Postal address:  
102 Kyle Road  
Greenhithe  
Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:

Property address: 57 and 57A Schnapper Rock Road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

There is already far too much traffic in the area for the current infrastructure to handle and the roads (especially Kyle Road) are terrible. There have been no footpaths on Kyle Road while the entire area has been intensively developed and the road is extremely narrow and dangerous - especially with a primary school at the end of it! This development would cause a massive increase in traffic coming in and out of Kyle during school times and Schnapper Rock which is already extremely congested. At peak hours during the week it can take 30 minutes to get from Kyle Road just to the Schnapper Rock lights. The infrastructure and surrounding area is NOT adequate for this kind of development in any way. Also, the neighbouring properties in the valley have a different zoning which seems ridiculous. If the zoning is going to change, the entire valley on the northern side of Kyle Road and southern side of Schnapper Rock Road

should be rezoned to residential single House and/or Suburban as was approved for the block of land at 52 Kyle Road and 55 Schnapper Rock where a 32 lot subdivision has been approved. The entire could be developed in a similar fashion rather than the inconsistent ad hoc nature of the zoning that

13.2

13.3



has been implemented to date. These type of zones combined with SEA protection on the main streams and bush margins will adequately protect and preserve any natural environments the council may wish to remain intact. This valley already has the "three waters" infrastructure available so is a prime central piece of Albany land now ready for rezoning and redevelopment. To just rezone the applicants corner block through a private plan change is missing a great opportunity to release more urban land for the city to meet the pressing housing needs.

13.4

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

13.1

Details of amendments: Change the zoning of the entire valley for consistency. Upgrade road infrastructure - road widening, foot paths, more lanes.

Submission date: 23 September 2021

### **Attend a hearing**

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

### **Declaration**

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Subodh Kumar

Organisation name:

Agent's full name: Subodh Kumar

Email address: [subodhkumar83@gmail.com](mailto:subodhkumar83@gmail.com)

Contact phone number: 0220240199

Postal address:  
94 Oakway Drive  
Schnapper Rock  
Schnapper Rock  
Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:  
Rezoning to Mixed House suburban zone.

Property address:

Map or maps:

Other provisions:

In the Transportation assessment document under the section 'Executive Summary', level of service has been mentioned using indicators such as C, D and A. The document doesn't provide a legend advising what these indicators mean. These could be evident for a person with SIDRA knowledge but general public can't relate these to the impacts.

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

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

The reason for my or our views are:

Exit through the intersection Albany Hwy/Schnapper Rock Rd/Bush Road in peak times takes around 10 to 15 minutes.

Oakway Drive->Schnapper Rock Rd->Albany Hwy is used as thoroughfare by vehicles in peak times to bypass the massive congestion on Albany Hwy/Bush Road intersection contributing to the usual traffic.

There already is a mixed housing development on Schnapper Rock Rd and Albany Hwy and as soon as the occupants move in it will add more load on the already congested Albany Hwy/Schnapper

Rock Rd/Bush Rd intersection.

The assessment cites the traffic count in sec 3.3, table 3.1 from 2014-2016 which is old to be relevant when in general Auckland traffic has increased significantly in the last 5 years.

14.3

Increasing the housing density will definitely exacerbate the situation, further worsening the transit for the residents in peak times. Additionally, the proposed 100m exit from Schnapper Rock Rd onto round about situated at the intersection of Oakway Drive and Schnapper Rock road will affect traffic at peak times.

14.4

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

14.1

Details of amendments: Only permit rezoning from Residential large lot zone to Residential Single house zone. Rezoning to mixed housing suburban zone shouldn't be approved.

14.5

Submission date: 25 September 2021

### Attend a hearing

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

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

### Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: chunlan Han

Organisation name:

Agent's full name:

Email address:

Contact phone number:

Postal address:

[58911071@qq.com](mailto:58911071@qq.com)

albany

auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:

Property address: 14 oak view terrace, Schnapper rock

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

once the site been developed, will change the ugly road front, and will tidy up the footpass...

I or we seek the following decision by council: Approve the plan change without any amendments

15.1

Details of amendments:

Submission date: 29 September 2021

### Attend a hearing

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

## Declaration

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Ningyi Guo

Organisation name:

Agent's full name:

Email address: [guoningyi@hotmail.com](mailto:guoningyi@hotmail.com)

Contact phone number:

Postal address:  
62 Laurel Oak Drive  
Albany  
Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:  
Don't mind

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:  
Don't mind

I or we seek the following decision by council: Approve the plan change without any amendments

16.1

Details of amendments:

Submission date: 29 September 2021

**Attend a hearing**

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

**Declaration**

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

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

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

Yes

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Hanwei guo

Organisation name:

Agent's full name:

Email address: [epclauckland@hotmail.com](mailto:epclauckland@hotmail.com)

Contact phone number: 021350123

Postal address:  
86 oakdrive

auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:  
57-57a schnapper rock road

Property address:

Map or maps:

Other provisions:

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

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

The reason for my or our views are:  
im happy with the change

I or we seek the following decision by council: Approve the plan change without any amendments

17.1

Details of amendments:

Submission date: 29 September 2021

### Attend a hearing



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

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

### **Declaration**

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Terry Wang

Organisation name:

Agent's full name:

Email address: [terrywz@gmail.com](mailto:terrywz@gmail.com)

Contact phone number:

Postal address:

### Submission details

#### This is a submission to:

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

#### My submission relates to

Rule or rules:

Property address: 9 Schnapper rock road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:  
looks fine to me.

I or we seek the following decision by council: Approve the plan change without any amendments

18.1

Details of amendments:

Submission date: 29 September 2021

### Attend a hearing

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

### Declaration

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

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

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

No

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

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Scott Wilson

Organisation name:

Agent's full name:

Email address: [wilsonscott@live.com](mailto:wilsonscott@live.com)

Contact phone number: 0221705041

Postal address:

Schnapper Rock  
Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:

Rezone 57 Schnapper Rock Road from Residential – Large Lot Zone to Residential – Single House Zone (2.11 ha) and Residential – Mixed Housing Suburban Zone (1.88 ha)

Property address: 57 & 57A Schnapper Rock Road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

I am resubmitting my feedback, as I haven't had any confirmation my feedback was received.

I seek that the council decline the plan change, but if approved, only use the Residential Single House zone, and no Mixed Housing Suburban. | 19.1

My reasons are outlined in detail in the document attached, and can be summarised as follows:

1. Height and density of development is misaligned with existing neighbouring properties | 19.2
2. Concerns around traffic & parking volumes, and pedestrian safety | 19.3
3. Lack of green space and community wellbeing | 19.4
4. Negative environmental impact on native species | 19.5

5. Lack of and distance to amenities
6. Degradation of area attractiveness

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

Details of amendments: Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban

Submission date: 3 October 2021

Supporting documents  
Feedback on 57 Schnapper Rock Road rezoning.pdf

### **Attend a hearing**

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

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

### **Declaration**

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

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

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

Yes

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

**1. Height and density of development**

- a) Concerns around proposed building height and shading effect: Height of the proposed lot is 83m above sea level, which is 2-3 meters above the boundary (80m). Zoning for high density housing will create adverse visual dominance effects as the height of the foundations and land where housing is proposed will domineer over existing neighboring properties. It is the highest section in the subdivision and any high development (over 2 stories) would dominate the landscape and environment of the suburb.

19.2

Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.

- b) The proposed concept of building intensity has terraced housing at the north- west (roundabout) of the site, graduating with low density towards the south-east. This design does not consider the existing density of houses directly opposite the site and seeks to maximise profits for the developer without consideration on value, privacy and security for existing residents. If in their own submission they have made this phased density, then surely they should recognise the density of housing along the boundary of Schnapper Rock Road.

19.2

Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.

- c) Point of clarification – documents provided include different number of dwellings, ranging from 93 to 110. Confirmation of exact intended number of dwellings requested by existing residents.

**2. Traffic & parking volumes, and pedestrian safety**

- a) Have concerns on the traffic analysis/traffic distribution and assessment: traffic volume counts are out of date and not relevant in informing a decision. The volumes date back to 2014 which is 7 years ago, and the area has continued to grow and traffic worsen in this time. Given this development includes a new public road, the transport report needs to include current assessments, specifically for peak times of the morning and evening with Schnapper Rock Road and Albany Highway. Also of consideration is the increased development of Kyle road and the adjacent new development already approved.

19.3

Request an ITA be completed taking both new developments and existing traffic volumes as at 2021 into account.

- b) This development is too far away from amenities to walk, and there is also no direct bus to the Albany mall. This will encourage car ownership and more people will drive from the area to shop at Albany Pak n Save, Albany New World and Countdown Glenfield.

19.3

- c) There needs to be adequate onsite parking and garaging for every property.

19.3

- d) Safety of pedestrians and school children: the area already has limited pedestrian crossings or raised crossings. The bus stop on the Schnapper Rock Road western boundary to the site is a drop off point for school buses, and many kids walk home from here every day. The additional traffic flows from the new road make the lack of crossings a safety concern. 19.3

Request a raised crossing or pedestrian crossing near the bus stop on Schnapper Rock Road.

**3. Lack of green space and community wellbeing**

- a) The distance and size of existing developed parks, community areas and playgrounds does not support the growing demand and needs this development will add into the local community. Parks and open space are a part of healthy, active neighbourhoods and this development has not considered this in their proposed development. 19.4

Propose a playground and open green space field is incorporated, no less than 600m2 in size.

**4. Environmental impact on native species**

- a) Better reporting into impact on wild Lizards natural habitat in the area, especially around the waterways. Known protected species are in the area and spotted at neighbouring sites. Potentially devastating impacts on wild population in the area which should not be disturbed. 19.5

Suggestion of in-depth report, shared lizard management plan and if suitable a dedicated public green space park area within the development with lizard friendly gardens near the waterways

**5. Lack of and distance to amenities**

- a) Current community amenities are insufficient for such development. The density of housing proposed, dwellings and nature of the density would lend itself to sections more adequately located in walking distance of amenities such as super markets, post offices and eateries. 19.6

Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban. Amenities do not support denser housing.

- b) Concern that the proposed walkways within the development without adequate electrical and natural lighting and housing setback in the development will cause security and safety concerns.

Propose wider walkways than suggested and electrical lighting included as a requirement.

**6. Degradation of area attractiveness**

- a) In keeping with the area and covenants on surrounding neighbours properties, any allowance for 3 story housing would not be in keeping with the area and would impact property values for existing neighbouring sections 19.2

Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.

- b) The density is too high and out of proportion with neighboring properties. Attachment 2 - site analysis of the proposal is a cherrypicked representation of the area, clearly in support of the developer. Propose the same zoning as the Kyle Road development – Residential Single House zone.

19.2

Propose the zoning for the section be Residential Single House zone, not Mixed Housing Suburban.



The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Hsiue-Te Tu

Organisation name:

Agent's full name:

Email address: [hsiute@gmail.com](mailto:hsiute@gmail.com)

Contact phone number: 0224539966

Postal address:  
135 Schnapper Rock Road  
Albany  
Auckland 0632

### Submission details

**This is a submission to:**

Plan change number: Plan Change 66

Plan change name: PC 66 (Private): 57 & 57A Schnapper Rock Road

**My submission relates to**

Rule or rules:

Property address: 101 & 135 Schnapper Rock Road

Map or maps:

Other provisions:

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

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

The reason for my or our views are:

Schnapper Rock area is so close to all the major infrastructure change in Albany, it is no longer a farm area. Change the Schnapper Rock zoning, will provide more dwellings as all the infrastructure already in place.

20.1

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 4 October 2021

**Attend a hearing**

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

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

### **Declaration**

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

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

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

No

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

19 October 2021

Plans and Places  
Auckland Council  
Private Bag 92300  
Auckland 1142

Attn: Planning Technician

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**PROPOSED PRIVATE PLAN CHANGE 66 – 57 AND 57A SCHNAPPER ROCK ROAD**

Please find attached Auckland Transport's submission on Proposed Private Plan Change 66 57 and 57A Schnapper Rock Road, from KBS Design Group.

If you have any queries in relation to this submission, please contact me on 09 447 4547 or email [jason.drury@at.govt.nz](mailto:jason.drury@at.govt.nz)

Yours sincerely



Jason Drury  
**Principal Planner, Land Use Policy and Planning**

cc:  
Qbix Limited  
Abu Hoque  
by email

## Submission by Auckland Transport on Private Plan Change 66: 57 and 57A Schnapper Rock Road

**To:** Auckland Council  
Private Bag 92300  
Auckland 1142

**Submission on:** Proposed Private Plan Change 66 from KBS Design Limited for land at Schnapper Rock Road

**From:** Auckland Transport  
Private Bag 92250  
Auckland 1142

### 1. Introduction

- 1.1 KBS Design Limited ('the applicant') is applying for a private plan change (**PPC66 or the plan change**) to the Auckland Unitary Plan – Operative in Part (**AUP(OP)**) to rezone 57 Schnapper Rock Road from Residential – Large Lot Zone to Residential – Single House Zone (2.11 ha) and Residential – Mixed Housing Suburban Zone (1.88 ha), and to remove the Greenhithe Precinct from 57 and 57A Schnapper Rock Road, Albany. The applicant has advised that the plan change will provide for the establishment of 90-110 dwellings.
- 1.2 Auckland Transport is a Council-Controlled Organisation of Auckland Council (**the Council**) and the Road Controlling Authority for the Auckland region. Auckland Transport has the legislated purpose to contribute to an 'effective, efficient and safe Auckland land transport system in the public interest'.<sup>1</sup> In fulfilling this role, Auckland Transport is responsible for:
- a. The planning and funding of most public transport;
  - b. Promoting alternative modes of transport (i.e. alternatives to the private motor vehicle);
  - c. Operating the roading network; and
  - d. Developing and enhancing the local road, public transport, walking and cycling networks.

### 2. Specific parts of the plan change that this submission relates to

- 2.1 The specific parts of the plan change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport.
- 2.2 Auckland Transport **supports the plan change subject to the resolution of Auckland Transport's concerns** as outlined in **Attachment 1**.
- 2.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

---

<sup>1</sup> Local Government (Auckland Council) Act 2009, section 39.

**3. Decisions sought**

3.1 The decisions which Auckland Transport seeks from the Council are set out in **Attachment 1**.

3.2 In all cases where amendments to the plan change are proposed, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any consequential amendments required to give effect to the decisions requested.

**4. Appearance at the hearing**

4.1 Auckland Transport wishes to be heard in support of this submission.

4.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

**Name:** Auckland Transport

**Signature:**



Christina Robertson  
Group Manager: Strategic Land Use and Spatial Management

**Date:** 23 September 2021

**Contact person:** Jason Drury  
Principal Planner: Land Use Policy and Planning

**Address for service:** Auckland Transport  
Private Bag 92250  
Auckland 1142

**Telephone:** 09 447 4547

**Email:** [jason.drury@at.govt.nz](mailto:jason.drury@at.govt.nz)

Attachment 1

Issue	Support / oppose	Reasons for submission	Decision requested
<p>Transport infrastructure and mitigation</p>	<p>Support in part</p>	<p>Auckland Unitary Plan (Operative in Part) has a number of relevant objectives and policies such as, B2 Urban growth and form, B2.4.2 Policies:  <i>(3) provide for medium residential intensities in areas that are within moderate walking distance to centres, public transport, social facilities and open space.</i>  <i>(4) provide for lower residential intensity in areas:</i>  <i>(a) that are not close to centres and public transport;</i></p> <p>The application material provided in support of the plan change proposal suggests that improvements to the local roading network are required to provide for the moderate walking distances safely, and that the improvements will be addressed through future subdivision consents.</p> <p>Auckland Transport considers that the scope at the subdivision stage in the development process is limited due to the potential incremental nature of consenting programmes/staging and, depending on the reasons for consent, the potential lack of scope for matters outside lot development to be addressed.</p> <p>The Unitary Plan’s regional policies stated above seek to manage cumulative transport effects through spatial zoning decisions and those transport effects are a consideration of this plan change application.</p> <p>The proposal is a significant change in the context of zoning choices as it proposes to go from a Large Lot Zone that is designed to be limiting development to a low residential intensity, to Mixed Housing Suburban zone which is designed to be enabling of development. The current zone is limiting to approximately 2 dwellings (at 1 per minimum site area of 20,000m<sup>2</sup> Greenhithe sub precinct A) and the plan change will result in a zone that enables approximately 90-110 dwellings (as stated in the application material).</p> <p>Auckland Transport agrees that the following improvements (as stated in the application material) are required to ensure that</p>	<p>Resolution of the matters raised in this submission to provide certainty that the transport infrastructure identified as improvements/mitigation in the applicant’s Transport Assessment will be provided in conjunction with subdivision and development of the land included in PPC 66. This could include a site-specific amendment to the plan change and/or methods to ensure such transport effects are addressed.</p>

21.1

Issue	Support / oppose	Reasons for submission	Decision requested
		<p>development enabled by the plan change meets relevant Auckland Unitary Plan policies:</p> <ol style="list-style-type: none"><li data-bbox="651 308 1352 424">1. Street lighting facilities and foot path facilities along the site frontage are provided consistent with Auckland Transport's Transport Design Manual specifications for an urban residential environment.</li><li data-bbox="651 432 1352 608">2. Pedestrian crossing facilities and traffic calming measures are investigated and, if deemed necessary to achieve a safe crossing point, implemented on Schnapper Rock Road along the north east frontage of the site and the Schanpper Rock Road / Oakway roundabout.</li></ol>	

