

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 5
Precincts West

July 2016

Annexure 5 Precincts West

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Part 1 Precincts supported

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

600 Babich Precinct

1. Summary of recommendations

The Panel supports retention of the precinct but has replaced the framework plan provisions with new policy, activity statuses and assessment criteria enabling the planned development and subdivision anticipated in Sub-precincts A and C. Further amendments improve workability and alignment with the whole Plan.

The Panel supports a consequential amendment removing the designated school site from Precinct Plan 1.

This precinct was heard in Topic 081.

2. Precinct description

The Babich Precinct provisions carry over into the proposed Auckland Unitary Plan the relevant provisions of the Babich Urban Concept Plan from the Auckland Council District Plan – Operative Waitākere Section. These were settled by consent order in the Environment Court in 2007.

The purpose of the Babich Precinct is to provide for the existing activities of the Babich Vineyard and the Auckland Outdoor Naturist Club which are expected to remain in their current use in the medium to long term. The precinct also provides for staged residential development of these properties over a period of 30 years. A precinct is justified because of the need to manage this open-ended transition.

The zoning of land in the precinct is Residential – Single House Zone and Residential – Large Lot Zone. The precinct is subject to three overlays.

The Council's position is set out in the evidence in chief of Mr Douglas Sadlier (planning). For Babich Wines Limited, Mr Philip Brown (planning) tabled a statement in support of the precinct provisions as amended by the Council.

3. Key issues

Babich Wines Limited and the Council are in agreement with respect to the precinct provisions, including amendments relating to the transport network proposed by the Council in its own submission (5716).

Two further submissions were received from the National Trading Company of New Zealand (FS2963) and Fletcher Residential Limited (FS3505), both generally opposing the Council's submissions. The issue is that Auckland Transport is not the territorial authority and therefore references to its codes of practice and engineering standards ought not to be implemented through the Plan. A further issue is that imposition of a blanket design approach derived from these codes and standards does not provide for site and context-specific examination and will not result in the best outcomes.

The Panel identified an issue with the use of framework plan provisions. Babich Precinct as amended by the Council (see evidence in chief, Mr Douglas Sadlier, Attachments B and C) contains framework plan provisions requiring resource consent to be sought for subdivision and development and specifically for roads and pedestrian and cycling linkages, open space, proposed buildings and stormwater management devices. The Panel considers that framework plans are not an appropriate method for the reasons set out in the Panel's Report to Auckland Council – Overview of recommendations July 2016. In this precinct, the activities and pattern of development sought in a framework plan can be enabled by inserting a new policy, clarifying activity statuses and including relevant assessment criteria. This conventional method can achieve the same outcomes and reduces the number of consents required. The standard tests for notification are applicable.

4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary to carry forward the provisions of the Babich Urban Concept Plan from the Auckland Council District Plan – Operative Waitākere Section. The Council, landowners and community have settled expectations of the density and pattern of development that is appropriate based on the concept plan. Certainty of outcome long-term is the key to managing an open-ended transition from winemaking and recreational uses to urban purposes.

The Panel agrees that reference to Auckland Transport codes of practice and engineering standards is acceptable because they provide guidance in a situation where it may be some years until the exact design and layout of subdivision will be known.

The Panel generally agrees with the amendments recommended in Mr Sadlier's evidence in chief (paragraphs 10.1-10.8) subject to deletion of the framework plan provisions and some further changes for better alignment with the whole Plan. Removal of the designated school site from Precinct Plan 1 is supported as a consequential matter. The school site is not integral to achieving the land use and transport outcomes of this precinct and being subject to a designation it is not appropriate to include it within the precinct.

The Panel has replaced the framework plan provisions with policy, activity statuses and assessment criteria making it clear that:

- i. development in Sub-precinct A should be in accordance with Precinct Plan 1; and
- ii. development in Sub-precinct C should take into account the existing winery and be in accordance with Precinct Plan 1.

To ensure that the outcomes sought in Precinct Plan 1 are achieved, links between the assessment criteria and the precinct plan are strengthened.

5. Reference documents

[081d Ak Cncl - West - Precincts \(Babich\) - \(D Sadlier\) - Planning.pdf](#) (26 January 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 136)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) (26 May 2016) (page 503)

602 Birdwood Precinct

1. Summary of recommendations

The Panel supports retention of the precinct subject to amendments providing for additional subdivision allocations on identified properties and a change in activity status from prohibited to non-complying for lots in addition to the number allocated or already utilised. Other amendments are made for consistency and alignment with the whole Plan.

This precinct was heard in Topic 081.

2. Precinct description

The Birdwood Precinct covers about 160 hectares of land west of Massey located outside the Rural Urban Boundary.

The Precinct provisions carry over the provisions of the Birdwood Structure Plan from the Auckland Council District Plan – Operative Waitākere Section which were settled by an Environment Court consent order in 2004. Site-specific subdivision allocations (as restricted discretionary) are shown on the precinct plan.

The underlying zoning is Rural – Countryside Living Zone and several overlays apply.

The Council's position is set out in the evidence in chief and evidence in rebuttal of Raj Maharjan (planning), Bridget Gilbert (landscape), Shelly Wharton (stormwater) and Robert Hillier (geotechnical).

Mr Ron Law gave evidence supporting his own submission (5680, FS2221) and on behalf of the Juderon Family Trusts (5517) and the following landowners:

Landowner	Property Address
Jim & Anne Leyland	9 Mudgeways Rd
Suzanne & Adon Kumar	15 Mudgeways Rd
Annu & Astrid Ram	19 Mudgeways Rd
Margaret & Mike Dutton	21 Mudgeways Rd
Malcolm & Trina Woolmore	93 Sunnyvale Rd
Des & Christine Rankin	232 Birdwood Rd
Rick Bull	240-276 Birdwood Rd
Rachel & Murray Nelson	10 Red Hills Rd
Vince & Karen Godek	20 Red Hills Rd
	101 Chamberlain Rd
Theo & Monique Van Lier	135 Chamberlain Rd
Ernie & Martha Glaus	143 Chamberlain Rd

Several of these landowners (or their representatives) spoke to their submissions at the hearing. Twelve submitters provided geotechnical reports assessing the potential availability of building platforms on their properties prior to the hearing.

Sandra and Ian Harper (1329) live at 58 Red Hills Road and their submission supported the precinct provisions but sought a more permissive activity status for subdivision. Mr and Mrs Harper have subdivided their property into three lots as per the allocation. They told the Panel that due to receiving poor advice when preparing their submission, they had not sought the two additional lots that they wished to have over and above the three already taken up.

3. Key issues

The main issues in contention are the site-specific allocation of subdivision entitlements and the activity status of additional lots over and above the number allocated on the precinct plan. The submitters disagreed with the Council's proposal to remove the subdivision allocation from the precinct plan where this has already been exercised (evidence in chief, Raj Maharjan, Attachment C precinct plan; evidence of Ron Law, paragraphs 58 and 59).

Mr Maharjan also proposed an amendment providing for a three-lot subdivision of 135 Chamberlain Road which was agreed with the landowner in consultation prior to notification of the proposed Auckland Unitary Plan, but which was inadvertently omitted from the precinct plan.

4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary to carry over the Birdwood Structure Plan provisions into the Plan.

With respect to activity status, subdivision beyond the site-specific allocations was a prohibited activity in the notified provisions. Having given careful regard to the constraints present in the Birdwood area, Mr Maharjan proposed amending this activity status to non-complying (evidence in chief, paragraphs 10.18-10.21). He did not support discretionary activity status for lots within a certain size range as sought by the submitters because a conservative approach to additional subdivision capacity is warranted. In his opinion, any subdivision should be assessed on its merits with careful regard to constraints (evidence in rebuttal, paragraph 7.8). Mr Mahajan said that deletion from the precinct plan of the numbers on sites is to clarify that the subdivision allocation on those sites has been previously utilised and hence no further allocation remains on those sites (evidence in rebuttal, paragraph 7.7).

Mr Ron Law, who has had a lengthy involvement in the promulgation and implementation of the precinct provisions, addressed a number of matters including minimum lot size, revegetation as stormwater mitigation and landscape enhancement, and geotechnical assessments. He described several examples of completed subdivisions to show the range of lot sizes and effectiveness of bush protection and revegetation initiatives. The following paragraph sums up his experience in consenting subdivisions under the operative provisions (evidence in chief, paragraph 19):

Development under the Birdwood Structure Plan has proven that there are few constraints to developing to an average density of approximately 8,000m², as proposed. Such development is easily able to manage the potential effects of any additional capacity; most have already been adequately addressed through rules such as rule 7(ze) relating to providing stable building platforms, and the utilization of the Countryside and Foothills Stormwater Management Code of Practice. That, along with weed control and covenants, go a very long way to using discrete additional development to not only unstitch the degradation of the environment that has occurred over the past century or so, but also to provide a robust, sustainable green belt between urban and rural land.

Mr Law considered that the Council's planning witness was seeking detailed information on a site-by-site basis more appropriate for consenting purposes than for policy-making (evidence, paragraphs 49 and 50).

Several submitters supplied geotechnical assessments showing that their properties have one or more additional building platforms to the number allocated on the precinct plan. They spoke about their aspirations for the future and sought additional subdivision allocations to enable them to realise those aspirations.

The Panel asked questions of the Council's expert witnesses with a view to understanding the outcomes achieved under the operative provisions. Ms Bridget Gilbert, landscape architect for the Council, considered that the average new lot size of 1.4 hectares was on the low scale for rural character and said she had recommended changes to address gaps in this regard, for example amenity planting. There is relatively little rural land use present. In her opinion, the provisions will deliver a form of rural residential development.

Mr Robert Hillier, geotechnical engineer, stood by his assessment that Birdwood is geotechnically challenged and confirmed that a conservative approach to additional development capacity is required to ensure that geotechnical constraints are properly assessed and mitigated where practicable (evidence in rebuttal, paragraphs 1.3 and 1.4).

Mr Maharjan and Mr Law agreed that of the 97 additional lots enabled in the precinct, about one-third have been taken up since 2004 when the provisions became operative.

The Panel concluded that site-specific evaluation of subdivision proposals is appropriate in Birdwood, not only because of the geotechnical conditions and the need to avoid downstream flooding but also, as stated by Mr Law, because this will promote revegetation and rural character. The Panel found Mr Law's evidence compelling because it was based on long experience 'on the ground' and with the community. He demonstrated that the environmental benefits of revegetation and promotion of rural character (albeit more like bush living in the Panel's view) were linked to the economic benefits of enabling additional lots to be created.

The Panel also concluded from reading the geotechnical reports provided by the submitters that additional building platforms are available on their properties over and above the number allocated in the precinct plan. It is a normal part of the subdivision consenting process for the Council to evaluate the geotechnical constraints when approving the number and location of building platforms.

Overall, the Panel agrees with the submitters that carefully designed subdivision has resulted in the sort of environmental outcomes intended for this precinct. Accordingly, the Panel

considers that, in principle, additional lots should be allowed throughout the precinct subject to site-specific assessment. This enables the well-being of the landowners while promoting the environmental outcomes intended for this precinct. In coming to this conclusion, the Panel took into account the rate of uptake to date, which indicates there will be time to evaluate the outcomes after a period of implementation and, if these are not satisfactory, to undertake a plan change. The Panel also took into account Mr Maharjan's opinion that non-complying activity status for additional lots is appropriate to ensure careful regard to the constraints of the Birdwood area.

The location of this precinct between urban Massey and Swanson North, which is well-vegetated, is also a relevant consideration. This is a desirable residential area offering generous sites within close proximity to the new Northwest metropolitan centre. A range of site sizes is anticipated with the minimum area per lot being greater than that provided for in the Rural – Large Lot Zone (2000m²) and less than the Rural – Countryside Living Zones (two hectares).

Accordingly, the Panel has made the following amendments to the Birdwood Precinct provisions:

- i. removed allocations from sites that have utilised their numbers as originally denoted on the precinct plan;
- ii. increased by two lots the numbers denoted for all sites where the allocated number has not yet been taken up;
- iii. provided for subdivisions that do not comply with the standards in H1.6.1 as non-complying activities (no longer prohibited), and
- iv. provided for minor dwelling units as non-complying activities to give effect to Policy H1.3(c) – no more than one dwelling per site.

Consequently, for sites that have utilised their entitlements, additional lots require consent as a non-complying activity. For sites that have not utilised their entitlements, two more lots have been allocated over and above the initial allocation and the activity status of subdivision is restricted discretionary. A consequential amendment providing for minor dwelling units as non-complying activities gives effect to Policy H1.3(c) – no more than one dwelling per site.

Mr and Mrs Harper's concern that they would not be able to subdivide further is addressed by the amendment providing for additional subdivision that does not comply with the standards in H1.6.1 as a non-complying activity. In other words, it is open to them to seek resource consent for additional lots over and above those already consented.

The Panel supports the allocation of three lots to 135 Chamberlain Road as proposed by Mr Maharjan.

Subject to the above amendments, the Panel supports retention of the Birdwood Precinct.

5. Reference documents

Auckland Council

[081d Ak Cncl - West - Precincts \(Birdwood and Swanson North\) - \(B Gilbert\) - Landscape.pdf](#) (26 January 2016)

[081d Ak Cncl - West - Precincts \(Birdwood\) - \(S Wharton\) - Stormwater](#) (26 January 2016)

IHP Report to AC Changes to RUB, rezoning and precincts Annexure 5 Precincts West
2016-07-22

081d Ak Cncl - West - Precincts (Birdwood) - (R Maharjan) - Planning (26 January 2016)

081a Ak Cncl - General - Rezoning and Precincts (Swanson North, Birdwood, Runciman, Ramarama, Karaka, Linwood, Greenhithe, Riverhead, Orewa) - (R Hillier) - Geotechnical Assessment (26 January 2016)

081d Ak Cncl - West - Precincts (Birdwood and Swanson North) - (R Maharjan) - Planning – REBUTTAL (1 March 2016)

Submitters

081 Juderon Family Trusts and Ron Law (R Law) - Geotechnical Report for 145 Chamberlain Rd (12 April 2016)

081 Juderon Family Trusts (R Law) (15 February 2016)

603 Hobsonville Corridor Precinct

1. Summary of recommendations

The Panel supports a precinct but recommends the deletion of notified Sub-precinct A, the recasting of Sub-precincts B and C to A and B respectively, amendments to (new) Sub-precinct B, removal of framework consent provisions, and miscellaneous other minor amendments as sought by submitters, or to integrate the precinct with zone and Auckland-wide provisions.

This precinct was heard in Topics 080 and 081.

2. Precinct description

The Hobsonville Corridor Precinct is located between Hobsonville Road and the Upper Harbour Highway (State Highway 18), and extends from Brigham Creek Road eastwards to Memorial Park Lane at the Hobsonville Domain.

The purpose of the precinct is to provide a comprehensive and integrated approach to development to enable integrated land use and transport outcomes to occur in the proximity of the Brigham Creek interchange. High standards of urban design and landscape development are required throughout the precinct to provide active, pedestrian-orientated frontages along Hobsonville Road and to maintain amenity for Hobsonville primary school and residents on the south side of Hobsonville Road.

There are two Sub-precincts in the precinct (as amended by the Panel):

- i. Sub-precinct A - divided into Area 1 and Area 2; and
- ii. Sub-precinct B.

The underlying zonings of the land within the Hobsonville Corridor Precinct are Business - Mixed Use Zone and Business - Local Centre Zone.

The Precinct derives from a series of earlier plan changes (primarily Plan Change 14, as well as 16 and 18) to the Auckland Council District Plan - Operative Waitākere Section dating from 2005 onward, the relevant parts of which were finally settled by the Court by consent orders in September 2009 and November 2013.

Council opposed changes sought to rezone areas from Business - Light Industry Zone to Business – General Business Zone, Business – Mixed Use Zone to Residential - Terrace Housing and Apartment Buildings Zone, or Business - Local Centre Zone to Business – Mixed Use Zone.

Principal submitters in addition to Council were Neil Group Limited, Brigham Creek Business Park Limited, National Trading Company of New Zealand, and Progressive Enterprises Limited.

Council's review of, and conclusions on, relevant submissions were presented in Ms Joanna Hart's evidence in chief and rebuttal.

3. Key issues

Key issues generally related to Sub-precincts A and C (as notified) – the latter now Sub-precinct B.

3.1 Notified Sub-precinct A

Submitters sought either the retention of this sub-precinct, its deletion, or amendments.

Neil Group Limited sought a number of amendments to activities, their status and assessment criteria so as to make them less restrictive than the underlying Business - Light Industry Zone provisions. Council supported a number of those.

Brigham Creek Business Park Limited sought the removal of the sub-precinct and a rezoning to Business - General Business Zone over an identified section fronting Hobsonville Road either side of Olive Sinton Lane. Council did not support the main relief sought.

After considering the evidence received, the Panel agreed with those submissions that sought deletion of this sub-precinct on the ground that the underlying Business - Light Industry Zone and associated plan provisions rendered a sub-precinct unnecessary.

3.2 Notified Sub-precinct C

Notified Sub-precinct C is now Sub-precinct B.

The National Trading Company of New Zealand amended its relief seeking the deletion of this sub-precinct on the grounds that consent for the two bookend supermarkets had already been given and the underlying Business - Local Centre Zone provisions catered for the matters otherwise provided, rendering it unnecessary.

Progressive Enterprises Limited took issue with National Trading Company of New Zealand, supporting Council and the retention of the sub-precinct. Progressive Enterprises Limited considered the underlying zone provisions insufficient to replace the comprehensively integrated, place-based planning framework created by the earlier plan changes as translated into the sub-precinct provisions.

The Panel was not persuaded that the wider outcomes from deleting this sub-precinct would be more appropriate if left to the provisions of the underlying zones alone. It acknowledges that two supermarkets have been granted resource consent, but agrees with Council that there are wider considerations to be achieved by these provisions and therefore, in the absence of persuasive reasons, those provisions should be confirmed.

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

- i. inclusion of a comprehensive suite of objectives and policies;
- ii. additional activity and development controls; and
- iii. additional assessment criteria and discretion matters.

Provisions are both more restrictive and more enabling than those provided for by the underlying zones but are appropriate for the stage of development reached in the precinct –

and are more tailored toward the wider Hobsonville context in terms of urban design criteria and the relationship of the precinct to Hobsonville Road.

In summary, the Council's position in relation to the Hobsonville Corridor Precinct is set out in the planning evidence in chief and rebuttal of Ms Joanna Hart; and Council's closing remarks.

4. Panel recommendations and reasons

The Panel supports the precinct but recommends the deletion of Sub-precinct A, the recasting of Sub-precincts B and C to A and B respectively, amendments to (new) Sub-precinct B, along with miscellaneous consequential and other minor amendments to the provisions for the reasons set out in section 1.3 above.

5. Reference documents

Auckland Council

[081d Ak Cncl - West - Precincts \(Hobsonville Corridor\) - \(J Hart\) - Planning \(27 January 2016\)](#)

[081d Ak Cncl - West - Precincts \(Hobsonville Corridor\) - \(J Hart\) - Planning - REBUTTAL \(1 March 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 142\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 530\)](#)

604 Hobsonville Marina Precinct

1. Summary of recommendations

The Panel recommends the retention of the precinct, mainly as notified but with changes to the following development provisions:

- i. some changes to the maximum heights;
- ii. a change to the coverage requirement in Sub-precinct B; and
- iii. a change to landscaping in Sub-precincts B and C.

A minor change is also made to the public access policy.

This precinct was heard under Topic 081.

2. Precinct description

Hobsonville Marina Precinct is located at Clearwater Cove Hobsonville. It includes both land in the coastal marine area and land which is above mean high water springs. The precinct was included in the notified proposed Auckland Unitary Plan.

The purpose of the precinct is to provide for a range of marine-related commercial retail and residential activities, as well as marina activities. It also provides for a ferry terminal which has daily commuter services to the Auckland Central Business District.

The landward component of the existing marina was established as a special zone (Marine Special Area) under the Auckland Council District Plan – Operative Waitākere Section. The operative provisions are broad and enabled the establishment of a range of residential, accommodation, commercial and industrial activities on the land adjoining the marina berths and the coastal marine area.

The Precinct as notified in the Plan has six sub-precincts which are essentially carried over from the operative district plan. The precinct description says that:

- i. Sub-precincts A, B and C provide for a broad range of activities and impose specific height controls;
- ii. Sub-precinct D specifically provides access to the boat ramp, trailer parking and park-and-ride facility associated with the ferry terminal; and
- iii. Sub-precincts E and F provide for marina and marine-related uses.

3. Key issues

The main issue before the Panel was that while the Council supported the notified precinct provisions, council officers had formed the view that the precinct provisions as notified were not well drafted. The Panel was advised that the provisions enabled, as permitted activities, residential, commercial and industrial activities in all three land-based Sub-precincts (A, B and C), and did not distinguish between the two coastal Sub-precincts (E and F), even though Sub-precinct E contains the existing marina berths and Sub-precinct F is for future expansion (subject to resource consent).

While no evidence was presented by the Council, legal counsel advised that the officers were concerned that the provisions as drafted could lead to reverse sensitivity and other resource management conflicts within and between the sub-precincts, and that some amendments to the activity table might be needed to control potentially incompatible activities (residential, industrial, commercial and marine-related) in the precinct as a whole.

The Council advised the Panel that the provisions are different from and more permissive than the underlying Coastal - Marina Zone. Council's legal counsel said that any changes it may have wished to make to the precinct provisions, to overcome any perceived deficiencies, would be out of scope. Submitters advised that they did not support any out of scope changes. In light of this the Council said it supported the provisions as notified.

Hobsonville Marina Limited and Bayswater Marina Limited largely support the provisions as notified. However they sought some changes to the provisions.

4. Panel recommendations and reasons

Hobsonville Marina Limited sought some changes to the notified precinct provisions. Expert landscape and planning evidence was given to support these changes. Three development controls were addressed by Hobsonville Marina Limited and are:

- i. some changes to the maximum heights;
- ii. a change to the coverage requirement in Sub-precinct B; and
- iii. a change to landscaping in Sub-precincts B and C.

4.1 Height control

The notified heights in the sub-precincts ranged between 8 metres, 10 metres and 12 metres. The submission sought a uniform height of 18 metres across Sub-precincts A, B and C.

Hobsonville Marina Limited commissioned a detailed study by Boffa Miskell, with assistance from Mr D Gibbs (architect/master planning). This was to obtain an understanding of the different ground levels within the precinct and then to determine the most appropriate heights, after considering visual and landscape effects on other properties and the desirability of enabling reasonable intensification of land use in the precinct.

The results of the study were presented as joint evidence of Mr Goodwin and Mr Jeffcock from Boffa Miskell. Mr Shearer, expert planner for the submitter, also addressed this matter in his evidence. As a result of that expert advice, the Panel was advised that Hobsonville Marina Limited was no longer seeking 18 metres across the whole of Sub-precincts A, B and C. It now sought to retain the notified building heights for a large part of the land, although the detailed study referred to in the evidence showed that some additional height could be accommodated in specific areas.

To give effect to this approach to maximum height, Hobsonville Marina Limited proposed a simple height plan to be included in the precinct with maximum heights specified for the different areas shown there. The Panel agrees with and supports this approach for the reasons set out in the expert evidence.

As a result of this change, Mr Shearer sought a consequential change to the controlled activity assessment criteria to enable Council to require permeability through buildings in proposed height area 3 close to the marina berths. Again the Panel supports this amendment, but has recommended amendments to Mr Shearer's provisions to make them clearer in terms of what is to be assessed.

4.2 Maximum building coverage

This issue relates solely to the coverage allowed in Sub-precinct B. Hobsonville Marina Limited considered that the notified 35 per cent building coverage was more appropriate for a residential context. This limited amount of coverage would be an inefficient use of such a valuable resource and would not contribute to the outcomes envisaged for the precinct nor the sustainable management of the land.

The Panel accept the submitter's view that a mixed-use development is the most likely end use of this land and needs to be at a greater degree of intensity than would be expected in the Residential - Single House Zone.

The Panel supports the change for the reasons set out in the expert evidence presented by the submitter.

4.3 Landscape treatment

The notified proposed Auckland Unitary Plan provided a landscape control of 10 per cent in Sub-precinct A, 35 per cent in Sub-precinct B and 15 per cent in Sub-precinct C. The Hobsonville Marina Limited submission sought that all three be reduced to 7.5 per cent.

As set out in Hobsonville Marina Limited's legal submissions, and based on further investigations and discussions with Hobsonville Marina Limited's experts, it was proposed that the 10 per cent in Sub-precinct A be retained, but that Sub-precincts B and C also be 10 per cent. Mr Shearer addressed this in his evidence and, in respect of Sub-precinct B, makes the point that 35 per cent is excessive and more aligned to a residential precinct.

Hobsonville Marina Limited's position was that, after considering the various activities such as the marine industry, food and beverage and other mixed uses likely to take place here, a figure of 7.5 per cent was considered more appropriate. The Panel agrees, again for the reasons set out in the expert evidence presented by the submitter.

5. Reference documents

Auckland Council

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

Hobsonville Marina Limited

[081 Hobsonville Marina - Legal submissions](#) (28 April 2016)

[081Hobsonville Marina \(Craig Shearer\) - Planning](#) (12 February 2016)

[081 Hobsonville Marina \(J Goodwin and J Jeffcock\) - Landscape](#) (12 February 2016)

[081 Hobsonville Marina \(J Goodwin\) - Maps tabled at hearing](#) (2 May 2016)

605 Hobsonville Point Precinct

1. Summary of recommendations

The Panel supports a precinct as generally proposed by Council, but with a number of the other changes sought by submitters.

This precinct was heard in Topics 080 and 081.

2. Precinct description

The Hobsonville Point Precinct is located approximately 11 kilometres north west of Central Auckland, and is being redeveloped as a sustainable community with a compatible mix of residential and employment activities. Development of this precinct will be guided by the following precinct plans:

- i. Hobsonville Point Precinct Plan (Precinct Plan 1);
- ii. Hobsonville Point features Plan (Precinct Plan 2);
- iii. Catalina Sub-precinct Plans (Precinct Plans 3 - 5); and
- iv. Landing Sub-precinct Plans (Precinct Plans 6 - 7).

The purpose of the precinct is to provide for a comprehensive and integrated redevelopment of the former airbase, making efficient use of land and infrastructure and increasing the supply of housing in the Hobsonville area.

There are six sub-precincts in the precinct:

- i. Hobsonville Point Village (Sub-precinct A);
- ii. Buckley (Sub-precinct B);
- iii. Sunderland (Sub-precinct C);
- iv. The Airfields (Sub-precinct D);
- v. Catalina (Sub-precinct E); and
- vi. The Landing (Sub-precinct F).

The underlying zoning of the land within the Hobsonville Point Precinct is Residential – Mixed Housing Urban Zone, Residential – Terrace Housing and Apartment Buildings Zone, Business – Mixed Use Zone, Open Space – Informal Recreation Zone, Open Space – Conservation Zone, and Special Purpose – Māori Purpose Zone.

The precinct derives from an earlier Plan Change 13 to the Auckland Council District Plan – Operative Waitākere Section as settled by the Court in June 2009.

Council opposed extending the precinct to include The Landing with an underlying Business – Mixed Use Zone.

The precinct is also subject to two special housing areas variously across Sub-precincts A - F.

Council's review of and conclusions on relevant submissions is included at Part C section 10 and Part D section 13 of Ms Joanna Hart's evidence in chief.

In rebuttal, Ms Hart supported Mr Vijay Lala's out of scope proposed (26 January 2016) amended provisions for Panuku Auckland Development's interests in Sub-precinct D.

3. Key issues

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

- i. inclusion of a comprehensive suite of objectives and policies;
- ii. additional activity and development controls; and
- iii. additional assessment criteria and discretion matters.

Provisions are both more restrictive and more enabling than those provided for by the underlying zones but are appropriate for the stage of development reached in the precinct. Activity status and development control provisions are generally more permissive; land use controls are generally more restrictive.

In summary, the Council's position in relation to the Hobsonville Point Precinct is set out in the planning evidence in chief and rebuttal of Ms Joanna Hart; and Council's closing remarks Volume 1.

Hobsonville Land Company Limited's position is as stated in Mr Anthony Giles Bramwell's and Mr Matt Lindenberg's planning evidence and supplementary statements.

The key point of difference with Council concerned the inclusion of The Landing as a live zone within the precinct, as sought by the Hobsonville Land Company Limited. Mr Lindenberg provided, by way of supplementary evidence, a copy of the Hobsonville Landing Special Area report intended to accompany the private plan change that was abandoned with the notification of the proposed Auckland Unitary Plan, as indicative of the planning background work that had already been completed.

Council opposed the sub-precinct's live zoning on the principal grounds that direct discussions had not resolved all matters; a structure plan had not been completed for this area as required before land zoned Future Urban Zone could be live zoned (under its notified regional policy statement provision); and Business – Mixed Use Zone provisions (among others) are not developed for the precinct as would likely be required in light of its coastal location. Ms Hart also referred to the evidence in chief of Ms Alison Pye.

Having reviewed all the evidence, the Panel is not persuaded that the risk of acting positively in this instance is outweighed by the risk of not acting (i.e. of putting this matter further on hold by imposing a Future Urban Zone). The Panel is persuaded that sufficient technical work has been undertaken on The Landing such that the proposed provisions, along with other relevant Plan provisions, will enable all matters of concern to be appropriately addressed – and that there are no unknowns of consequence lying in wait..

4. Panel recommendations and reasons

The Panel supports the precinct and recommends the changes generally agreed between Council and the submitter, Hobsonville Land Company Limited, and inclusion of The Landing as Sub-precinct F as proposed by the submitter, along with miscellaneous consequential and minor other amendments to the provisions for the reasons set out in section 1.3 above.

5. Reference documents

Auckland Council

081d Ak Cncl - West - Precincts (Hobsonville Point) - (J Hart) - Planning (29 January 2016)

081d Ak Cncl - West - Precincts (Hobsonville Point) - (J Hart) - 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 146)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 (26 May 2016) (page 561)

081d Ak Cncl – West – Rezoning – North West Waitakere, Hobsonville, West harbour and Herald Island (A Pye) - Planning - SUPPLEMENTARY STATEMENT (10 February 2016)

080 Hobsonville Land Company Ltd (Anthony Bramwell) - Planning (18 December 2015)

081 Hobsonville Land Company Ltd (G Bramwell) - Planning - Updated 18 Feb (18 February 2016)

081 Hobsonville Land Company Ltd (M Lindenberg) - Planning - The Landing (15 February 2016)

081 Hobsonville Land Company Limited (M Lindenberg) - Supplementary Evidence Tabled (31 March 2016)

606 Lincoln Precinct

1. Summary of recommendations

The Panel supports a precinct as generally proposed by Council and the principal submitter, Laidlaw College Incorporated and Laidlaw College Foundation.

This matter was heard in Topic 080.

2. Precinct description

The Lincoln Precinct is located between Lincoln Road, Clemway Place and Central Park Drive, in Henderson.

Laidlaw College is currently decommissioning the land at the western end of the campus for college purposes, which in future will not be used as part of the college campus. The hall of residence has recently been decommissioned. Laidlaw College will continue to occupy the eastern portion of its current site and intends to progressively redevelop its facilities on the eastern portion over time.

The purpose of the precinct is to enable the development and operation of a range of activities to cater for the diverse requirements of the student population, employees and visitors, with community use of the facilities also provided for on the Laidlaw College site (Sub-precinct A) while ensuring adjoining commercial and light industrial uses (Sub-precinct B) manage their effects in relation to the Laidlaw College site.

The Lincoln Precinct has been split into three sub-precincts. Sub-precinct A and C apply to the Laidlaw College site. Sub-precinct B applies to the remaining land within the precinct.

Sub-precinct A enables a range of activities to cater for the unique and diverse requirements of Laidlaw College and its student population, employees and visitors. Sub-precinct B provides more stringent development controls than those allowed for in the applicable Business - Light Industry Zone, in order to manage reverse sensitivity effects on Sub-precinct A. Sub-precinct C provides more stringent development controls than those allowed for in the applicable Business - Mixed Use Zone in order to manage reverse sensitivity effects on Sub-precinct A.

The zoning of land within this precinct is Business – Mixed Use Zone and Business – Light Industry Zone.

3. Key issues

The one remaining issue of difference between Council and the submitter, Laidlaw College Incorporated and Laidlaw College Foundation, related to the boundary line between Sub-precinct A and C, which the submitter sought to be moved eastwards to align with the Identified Growth Corridor Overlay line that runs on a north-south axis through the precinct connecting with the stub roads of Soljan Drive.

The Panel agrees with the logic of that boundary adjustment - a consequence of which is that the number of sites in Sub-precinct B is reduced as they no longer adjoin Sub-precinct A so do not need the same degree of control – as was suggested by the submitter.

Having reviewed Council's reasons for the precinct, the Panel agrees and adopts those, modified by accepting the submitter's reason for the boundary adjustment referred to above.

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

- i. the inclusion of a tailored set of objectives and policies;
- ii. additional activity and development controls; and
- iii. additional matters of discretion and assessment criteria.

Council's position was as stated in the joint statement of evidence and joint statement of rebuttal, and Ms Jennifer Caldwell and Mr Matthew Gribben's legal submissions (Rezoning and Precincts) - Public Open Space, Tertiary, and Other Zones.

The Laidlaw College Incorporated and Laidlaw College Foundation's submissions are contained in the planning evidence in chief of Mr Glenn Teal.

4. Panel recommendations and reasons

The Panel supports the precinct and recommends the changes generally agreed between Council and the principal submitter, Laidlaw College Incorporated and Laidlaw College Foundation, with the addition of the boundary realignment of Sub-precinct A and consequential to Sub-precinct B, for the reasons set out in section 3 above.

5. Reference documents

[080 Ak Cncl – Mt Albert 2 sub-precinct A and B; Lincoln sub-precinct A and B; Manukau 4; Ardmore 3; Grafton; Epsom; St Johns Theological College; Tamaki 1 \(joint statement\) - Planning \(3 December 2015\)](#)

[080 Ak Cncl – Mt Albert 2; Lincoln; Manukau 4; Ardmore 3; Grafton; Epsom; St Johns Theological College; Tamaki 1 \(joint statement\) - Planning - REBUTTAL \(27 January 2016\)](#)

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

[080 Laidlaw College \(G Teal\) - Planning \(22 December 2015\)](#)

607 New Lynn Precinct

1. Summary of recommendations

The Panel supports the changes proposed by Council in response to the submitters: Kiwi Property Group Limited, Les Mills Holdings Limited and Avanda Limited (successor to Vuksich and Borich Limited).

This precinct was heard in Topic 081.

2. Precinct description

The New Lynn Precinct is an existing precinct resulting from consent orders (2012/2014) issued by the Environment Court on Plan Change 17 to the Auckland Council District Plan – Operative Waitākere Section.

The New Lynn Precinct reflects specific approaches to intensify an area of brownfield land (mainly previously in industrial or cleanfill uses) to provide for apartment development and a larger metropolitan centre.

The purpose of the New Lynn Precinct is to enable the growth and development of the metropolitan centre, while providing for existing activities. Achieving this purpose requires:

- i. enabling development that supports public transport facilities;
- ii. enabling intensive, high amenity retail, commercial and residential development;
- iii. providing for existing industrial activities; and
- iv. providing for the road network and new proposed roads.

Controls in addition to the underlying zones are required to achieve the expected outcomes, including quality urban design, mixed-use developments and new connections, within and adjoining the metropolitan centre.

Four sub-precincts are used to address outcomes specific to a particular site or group of sites. These include the urban form approach of particular developments, along with the extent of mixed use activities anticipated in parts of the Residential -Terrace Housing and Apartment Buildings Zone. The sub-precincts are:

- i. Sub-precinct A: intensive residential (Claypits and southern part of The Brickworks);
- ii. Sub-precinct B: retail development (northern part of Brickworks);
- iii. Sub-precinct C: retail development (LynnMall); and
- iv. Sub-precinct D: terrace housing and apartment development along with retail, commercial, and food and beverage (Southern part of Brickworks). This sub-precinct is new and is in response to submissions.

The zonings for land within this precinct are the Business - Metropolitan Centre Zone, Business - Mixed Use Zone, Open Space - Informal Recreation Zone, Open Space - Conservation Zone, Open Space - Civic Spaces Zone and Residential - Terrace Housing and Apartment Buildings Zone.

3. Key issues

The Council proposes to maintain the precinct with some amendments in response to submissions, as well as minor consequential amendments recognising that the Monier (CSR) Brickworks no longer operates from its previous site and therefore the notified reverse sensitivity and review provisions are no longer required.

The main differences between the New Lynn Precinct as proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. additional objective and policy in Sub-precinct B relating to the design of development and its effects on the transportation network;
- ii. identification of required roads, lanes, connections and open space on Precinct Plan 1;
- iii. less restrictive development control provisions relating to apartment buildings in the Residential - Terrace Housing and Apartment Buildings Zone (height, building coverage and impervious are controls) in order to reflect the intensification opportunities available;
- iv. specific provisions for limited retail and commercial development in the Residential - Terrace Housing and Apartment Buildings Zones reflecting the consent orders on Plan Change 17; and
- v. specific building frontage rules associated with LynnMall.

In summary, the Council's position in relation to the New Lynn Precinct is set out in the planning evidence in chief of Mr Mark Tollemache (dated 26 January 2016), and his statement of evidence in rebuttal (dated 24 February 2016).

Mr Dunn, expert planner for Les Mills Holdings Limited, generally agreed with the provisions for the New Lynn Precinct detailed in Mr Tollemache's statement but sought amendments to the wording of Rule 3.1.1.1. Mr Tollemache responded that this was not necessary for the reasons given in paragraph 4.2 of his rebuttal (i.e. the rule only relates to sites containing identified features and is only triggered by new development). The Panel agrees with those reasons.

Mr Roberts, expert planner for Avanda Limited, also sought amendments to Rule 3.1.1 seeking greater flexibility in the width of roads required. Neither Council nor Auckland Transport agreed because of the significant pedestrian movement / access function of those roads. The Panel agrees with Council.

The submitters, Kiwi Property Group Limited and Avanda Limited, agreed with all other matters addressed in the Council's evidence in rebuttal.

4. Panel recommendations and reasons

The Panel supports the changes proposed by Council in response to the submitters for the reasons set out in section 1.3 above.

5. Reference documents

[081d Ak Cncl - West - Precincts \(New Lynn\) - \(M Tollemache\) – Planning](#) (26 January 2016)

081d Ak Cncl - West - Precincts (New Lynn) - (M Tollemache) - 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)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 (26 May 2016)

081 Les Mills Holdings Ltd (M Dunn) - Planning - New Lynn (12 February 2016)

081 CSR Building Products (New Zealand) Limited & Vuksich and Borich Limited and Cook Group Holdings Limited (N Roberts) – Planning - New Lynn Precinct - LATE (18 February 2016)

081 Kiwi Property Group Ltd (G Thompson) - Planning - New Lynn (12 February 2016)

609 Penihana North Precinct

1. Summary of recommendations

The Panel supports the retention of the precinct generally as amended by Council and further amended by the Panel for workability and consistency with the whole Plan.

This precinct was heard under Topic 081.

2. Precinct description

The Penihana North Precinct is an existing precinct located south of the Swanson Railway Station, adjacent to the Rural Urban Boundary and Waitākere Ranges Heritage Area. It occupies an area of 22.5ha. The purpose of the precinct is to provide for the integrated development of greenfield land in a manner that transitions from an urban character in the north adjacent to the train station to the sensitive rural landscapes of the Waitākere Ranges Heritage Area located to the south. The precinct carries over the operative plan provisions resolved by consent orders of the Environment Court in 2013. Development has commenced in accordance with a resource consent granted in 2014.

The zoning of land in the precinct is Residential – Mixed Housing Urban Zone, Residential – Single House Zone and Residential – Large Lot Zone.

The main differences between the precinct and the relevant overlays, Auckland-wide and zone provisions are set out below.

- i. Infrastructure and natural environmental outcomes are provided for and mapped in Precinct Plan 1. These outcomes are not provided for elsewhere in the Unitary Plan.
- ii. Residential development is different in density and height from the underlying zones in recognition of the location of the precinct between a local centre and the Waitākere Ranges Heritage Area.

A subdivision pattern designed to cluster higher densities near the train station and local centre and lower densities near the Rural - Waitākere Foothills Zone. This is to minimise the impact of development on rural landscapes and character to the south.

3. Key issues

The Council is the only submitter to the precinct, seeking changes incorporating references to the transport network. Amendments to improve clarity and effectiveness were proposed in planning evidence. Further submissions in support and opposition were received but no evidence was provided by any parties other than the Council.

The Council's position in relation to the Penihana North Precinct is set out in the planning evidence in chief of Mr Raj Maharjan.

4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary because development is underway and it is desirable for the outcomes intended by the operative plan to be fulfilled. These outcomes

will ensure that the rural character of the Waitākere Ranges Heritage Area is maintained and enhanced while enabling residential development of this key site adjacent to the train station.

The Panel supports the retention of the precinct generally as amended by Council and further amended by the Panel for workability and consistency with the whole Plan for the reasons given above.

5. Reference documents

Auckland Council

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (Page 136)

[081d Ak Cncl - West - Precincts \(Penihana North\) - \(R Maharjan\) - Planning](#) (27 January 2016)

610 Redhills Precinct

1. Summary of recommendations

The Panel supports a new precinct and operative zoning and recommends the changes proposed by submitters including Hugh Green Limited, Mr and Mrs S Nuich Trust, Westgate Partnership, Peter Bolam, Orchid Plant Trust and Plantarama.

This precinct was heard in Topic 081.

2. Precinct description

The Redhills Precinct is a new suburb (some 600ha) forming a significant part of the north western extent of Auckland's wider metropolitan area, approximately 18km northwest of Auckland's CBD, 4.5km north west of Waitākere City, 3km south west of Whenuapai and adjacent to the suburb of Massey West, and west of Fred Taylor Drive and the Westgate/Massey North Metropolitan Centre.

The precinct is bordered by Fred Taylor Drive and Don Buck Road to the east, Redhills Road to the south and west and Henwood Road to the north, with the exception of a small portion that extends north of Henwood Road, between the Ngongotepara Stream and Fred Taylor Drive up to the northern cadastral boundary of 132-140 Fred Taylor Drive (opposite Northside Drive)

The purpose of the Redhills Precinct is to implement the Redhills Precinct Plan to ensure that the precinct creates high-quality residential development with a local centre established centrally within the precinct to provide a heart and focal point for the Redhills community.

The precinct is zoned Residential - Single House Zone, Residential - Mixed Housing Suburban Zone, Residential - Mixed Housing Urban Zone, Residential - Terrace Housing and Apartment Buildings Zone, Business - Local Centre Zone and Special Purpose – School Zone.

As notified by Council this area was proposed to be zoned Future Urban Zone. Council opposed a live zoning.

Furthermore, Council's planner, Ms Wickham, noted in her evidence in chief that the Redhills special housing area is located on a smaller portion of this larger area of Future Urban Zone. The Redhills special housing area was gazetted under the Housing Accords and Special Housing Areas Act 2013 in September 2014 as part of Tranche 4 and covers 200ha. Ms Wickham further noted that the evidence from Westgate Joint Venture, Nuich Trust, Peter Bolam, and the Orchard Plant Trust related to the rezoning and application of a precinct to the area of land that is subject to the Redhills special housing area (as opposed to the wider area zoned Future Urban Zone that Hugh Green Limited has sought to be rezoned). That special housing area was limited notified on 13 June 2016, with a hearing anticipated early in September 2016.

3. Key issues

Council opposed the precinct primarily because of:

- i. unresolved agreement on the funding of water and wastewater infrastructure;
- ii. different approaches being taken to stormwater management by the two main proponents;
- iii. incomplete agreement on strategic road alignments and cross-sections;
- iv. late lodgement of information on traffic effects and precinct provisions;
- v. miscellaneous issues relating to location of parks and urban design;
- vi. insufficiently detailed review by Council of the Redhills Structure Plan; and
- vii. uncertainty about the extent of consultation undertaken.

These issues were discussed in the evidence of Ms Wickham.

3.1 Stormwater

The submitters' stormwater evidence (Mr Michael Chapman) was that there was nothing inherently or practically incompatible between the management approaches proposed; that the draft stormwater management plan was aligned with Council practice and principles; and that communication between the respective stormwater consultants was ongoing to align rule provisions. Mr Chapman also advised of his familiarity working with Council's stormwater unit on stormwater management plans over time as well as since the proposed Auckland Unitary Plan was notified.

While the Panel accepts that final stormwater provisions are yet to be agreed, and applications progressed, it does not accept this issue as a basis for not proceeding with a precinct. It appears to the Panel that sufficient work has been undertaken over many years such that the baseline for addressing stormwater issues is now well understood and agreed. What remains is the fine-grained detail that can and will emerge through the application process based, as the Panel understands, on agreed management principles and the provisions of this Plan.

3.2 Water Infrastructure

The submitter advised, by Memorandum of Counsel on 3 June 2016, that Watercare and the relevant submitter parties had agreed to prepare and sign a Memorandum of Understanding regarding a process to conclude wastewater funding arrangements for the Redhills special housing area; that this would be followed by a detailed service agreement; and confirming that Watercare agreed to work on a wider servicing strategy for the Redhills area taking into account Watercare's bulk infrastructure requirements. In addition the precinct requires wastewater infrastructure to be in place as a prerequisite for certain dwelling numbers to be exceeded.

That memorandum included an attachment to the above effect signed by Marion Bridge, General Manager Retail, Watercare Services Limited dated 26 May 2016.

The Panel is satisfied that provides sufficient ground for progressing the precinct.

3.3 Rooding

All parties accept that roading and traffic issues are significant matters that need to be addressed. In addition to the submitters and Council, the Panel also heard from Auckland

Transport and the New Zealand Transport Agency on wider strategic issues (such as access through the Northside Drive extension).

Rather than detail that considerable evidence, helpfully captured in Mr Ian Clark's powerpoint presentation to the Panel on 14 April 2016, the Panel records it accepts that those issues are now well identified, understood and will need to be addressed not just for this proposed precinct but also for the wider development areas of Hobsonville, Massey and beyond. Furthermore, while the critical east-west arterial road alignment (from the Fred Taylor Drive/Don Buck Road intersection to the Nelson/Nixon /Red Hills Road intersection) is not yet precisely anchored (although indicated on the precinct plan) it is clear that this, and the other key arterials, must be resolved before significant actual development within the precinct can occur – and provisions proposed ensure that. In addition the precinct provisions require defined transport issues to be resolved as a prerequisite for certain dwelling numbers to be exceeded.

The Panel is therefore satisfied that sufficient consideration has been given to these matters to enable their detailed resolution to proceed to the next stage.

3.4 Other

Beyond those key issues the Panel is not persuaded that the other matters raised by Council are incapable of resolution through the normal processes of development application. Furthermore it is not unusual with an area of this size for a series of subsequent plan changes to be promoted as developments are refined and circumstances change. That prospect is not a reason for further delay for an area that has been heralded for urban development for some considerable time – and the Panel did not understand Council to dispute that future.

The Panel also notes that any decision on the special housing area, if that were to become operative before this Plan, could well require changes to the precinct plan in the event that different road alignments, for example, are required. However, it would not be appropriate to defer the precinct pending that outcome.

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

- i. a comprehensive suite of objectives and policies to reflect the structure and purpose of the precinct;
- ii. detailed development control and activity provisions; and
- iii. contingency provisions for the relationship between infrastructure and the staging of development.

The precinct otherwise employs the zone structure of the Plan.

The Panel recommends a consequential change to the zoning proposed by the submitters to increase the extent of the Residential - Terrace Housing and Apartment Buildings Zone that borders Fred Taylor Drive and is close to the Westgate/Massey North Metropolitan Centre. The Panel considers this change to be more consistent with the centres and corridors strategy it has taken with the Plan more widely.

In summary, the Council's position in relation to the Redhills Precinct is set out in the evidence in chief of Ms Jarette Wickham, the evidence in rebuttal of Mr Derek Foy and Mr Gregory Akehurst, and Mr Ian Clark's (transportation) presentation.

Multiple statements of evidence were made on behalf of Hugh Green Limited, Mr and Mrs S Nuich Trust, Westgate Partnership, Peter Bolam, Orchid Plant Trust and Plantarama. These are summarised in the legal submissions and Memorandum of Counsel of Ms Asher Davidson and Ms Sue Simons, their joint Memorandum of Counsel and the summary and supplementary statements of planning evidence of Mr Russell Baikie and Ms Emma Bayley, Ms Karen Joubert and Mr David Haines. Those statements were supported by further technical evidence on transportation, water, wastewater and stormwater, geotechnical and civil engineering, ecology, and urban design.

Council and the submitters did not resolve their respective differences.

Having considered the relevant evidence presented, the Panel prefers the overall evidence of the submitter and supports a precinct and operative live zoning.

4. Panel recommendations and reasons

The Panel supports a new precinct and recommends the changes proposed by submitters including Hugh Green Limited, Mr and Mrs S Nuich Trust, Westgate Partnership, Peter Bolam, Orchid Plant Trust and Plantarama, for the reasons set out above. Furthermore the Panel is satisfied that an operative live zoning as recommended gives effect to the regional policy statement.

5. Reference documents

Auckland Council

[081d Ak Cncl - West - Precincts \(Redhills\) - \(G Akehurst\) - Economics - REBUTTAL](#) (1 April 2016)

[081d Ak Cncl - West - Precincts \(Redhills\) - \(D Foy\) - Economics - REBUTTAL](#) (12 April 2016)

[081d Ak Cncl - West - Precincts \(Redhills\) - \(J Wickham\) - Planning](#) (12 April 2016)

[081 Ak Cncl - West - Precincts \(Redhills\) - \(I Clark\) - Transport - HEARING PRESENTATION](#) (14 April 2016)

Refer to [hearings webpage](#) for other evidence documents logged on behalf of Hugh Green Limited – Redhills (081 Rezoning and Precincts (Geographical Areas) - IHP DOCUMENTS AND SUBMITTERS EVIDENCE)

611 Swanson North Precinct, Rural Urban Boundary and rezoning

1. Summary of recommendations

The Panel supports the retention of the precinct generally as amended by the Council in agreement with submitters. The Panel has made amendments for workability and alignment with the whole Plan.

An amendment changes the activity status of 'subdivision of sites within the precinct exceeding the total lot allocation as identified in Precinct Plan 1 Swanson North' from prohibited to non-complying.

Other out of scope amendments proposed by the Council are supported (evidence in chief of James Harris, paragraph 1.7) including those amendments designed to ensure that the entire precinct sits outside the Rural Urban Boundary.

The Panel does not support the inclusion of 19 Church Road within the Rural Urban Boundary nor its rezoning to Residential – Mixed Housing Urban.

The Panel proposes an out of scope amendment rezoning 19 Church Road to Rural – Countryside Living Zone.

The Panel does not support rezoning of the precinct to an urban residential or Future Urban Zone.

This precinct was heard in Topic 081.

2. Precinct description

The Swanson North Precinct provisions carry over into the proposed Auckland Unitary Plan the relevant provisions of the Swanson Structure Plan from the Auckland Council District Plan – Operative Waitākere Section. The Swanson Structure Plan was the subject of an extensive process from 2002-2013 culminating in an Environment Court decision.

Swanson North is a rural area which acts as a buffer between the urban areas to the south and east, the Waitākere Ranges Heritage Area in the south-west, and productive areas in the north. The purpose of the precinct is to provide for the full extent of the precinct's subdivision capacity, while protecting and enhancing the ecological and rural landscape functions of the area.

The zoning of land in the precinct is Rural – Countryside Living Zone and the precinct is subject to a number of overlays.

The main differences between the precinct and the overlay, Auckland-wide rules and the zone are set out in the evidence in chief of Mr J Harris for the Council (paragraph 1.4). In this precinct, the provisions modify overlays reflecting the detailed planning underpinning the rules and Precinct Plan.

The Council's position is set out in the evidence in chief of Mr James Harris (planning), the rebuttal evidence of Mr Raj Maharjan (who adopted Mr Harris's primary statement), the evidence in chief of Mr Robert Hillier (geotechnical) and the evidence in chief of Ms Bridget

Gilbert (landscape). Ms Alison Pye's evidence in chief on rezoning in the North-West Waitakere and Hobsonville, West Harbour and Herald Island area addressed two submissions seeking that the underlying zoning be changed to a residential zone.

Mr Peter Reaburn gave planning evidence in support of Susan and Ray Harrison.

For the Addams Company Trust Limited, evidence was presented by Mr L Wijewardhana (planning), Mr A Buttling (proposal), Mr A Flanagan (siteworks) and Mr S Rankin (engineering).

3. Key issues

Susan and Ray Harrison (2547) seek an amendment to the Precinct Plan to provide a two-lot subdivision at 16 Crows Road. The Council and the submitter agree that this amendment is appropriate and the Panel supports that amendment. An assessment of the property was carried out by the Council's witnesses. Mr Reaburn's evidence in chief (paragraphs 3.1 – 3.4) sets out the conclusions of this assessment and the reasons why an amendment is appropriate. The Panel accepts these reasons and in particular agrees with the witnesses that approval of a special housing area immediately to the east has changed the context of this site. The visibility of housing on this property will be significantly reduced by the introduction of urban development on the sloping land to the east. The landscape and visual effects of one additional lot at 16 Crows Road are therefore acceptable.

Two submitters seek zoning changes. The residents of Yelash Road seek an urban residential or Future Urban zoning for the whole precinct. The Panel agrees with Ms Alison Pye that rezoning of these sites would result in urban zoning beyond the Rural Urban Boundary and therefore no zoning changes are recommended.

The Addams Trust Company Limited (7019) seeks a Residential – Mixed Housing Urban Zone or Residential – Large Lot Zone for 19 Church Road and inclusion within the Rural Urban Boundary.

For the Addams Trust Company Limited, Mr Wijewardhana supported Residential - Mixed Housing Urban zoning because the land is potentially suitable for a retirement village and it is inside the Rural Urban Boundary in the Auckland Council District Plan – Operative Waitākere Section. In the alternative, he supported Residential - Large Lot zoning with site-specific provisions for a retirement village/care centre/healthcare facility.

In Topic 016/017 Rural Urban Boundary, the Panel did not support the inclusion of this property within the Rural Urban Boundary and therefore an urban residential zoning is not appropriate. The Panel recognises that rehabilitation of this former landfill is unlikely to occur unless a range of economically feasible activities are enabled. For this reason, the Panel considers that a zoning of Rural – Countryside Living Zone for the whole property enables a wider range of activities than the notified mix of Rural - Rural Conservation and Rural – Countryside Living zoning. Rural – Countryside Living zoning for the entire property and is consistent with the zoning of surrounding land. This zoning is preferred to a Residential – Large Lot Zone as sought by the submitter. Accordingly, an amendment is supported changing the zoning of the western half of 19 Church Road to Rural – Countryside Living Zone. No allocation of lots is shown on the Precinct Plan because there are a number of titles already and there has been no assessment of its suitability for subdivision, use and development. An assessment is important because the site is a former cleanfill.

The Panel identified an issue with respect to the activity status of 'subdivision of sites within the precinct exceeding the total lot allocation as identified in Precinct Plan 1 Swanson North. In the proposed Auckland Unitary Plan and in the Council's closing version of the precinct provisions, additional lots are prohibited activities. Similar provisions were considered in Topic 075 Waitākere Ranges in relation to Swanson South and a 'within scope' amendment was made changing the activity status of additional lots over the allocation from Prohibited to Non-complying activity status.

In that topic, the Panel concluded that non-complying activity status enables sufficient testing of proposals when the objectives and policies of the Plan establish clear outcomes. Prohibited activity status should be used sparingly and only in situations where there is a high risk to people and/or the environment, or there is a high level of certainty that the Plan's provisions are right. As the case of 16 Crows Road demonstrates, circumstances may change the effects of subdivision and development over time and, after assessment, an additional allocation of lots may be appropriate. In such circumstances, the uncertainty and costs associated with seeking a plan change for one additional lot are disproportionate to the likely benefits. A more efficient and effective approach is to adopt non-complying activity status.

4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary to carry forward the provisions of the Swanson Structure Plan from the Auckland Council District Plan – Operative Waitākere Section. The Council, landowners and the community have settled expectations of the density and pattern of development that is appropriate in the precinct based on the Swanson Structure Plan. There was no evidence to the contrary and therefore the Panel generally supports the agreed provisions, including several amendments proposed by the Council (evidence in chief of James Harris, paragraph 1.7) particularly:

- i. updates to Precinct Plan 1 to remove the subdivision allocation numbers from three sites (37 Crows Road, 44 Crows Road and 39 Sunnyvale Road) where the total allocated subdivision opportunity has been used; and remove any site specific precinct plans relating to these properties. This is an out of scope change; and
- ii. amendments to the precinct boundary in order to exclude the areas of Residential - Large Lot Zone, Rural – Rural Conservation Zone and Open space – Informal Recreation zoning from the precinct. The precinct provisions should only relate to sites zoned Rural - Countryside Living Zone, and no site-specific controls or subdivision opportunities have been allocated to these other sites. The entire precinct thereby sits outside the Rural Urban Boundary.

The Panel supports a further out of scope amendment changing the activity status of 'subdivision of sites within the precinct exceeding the total lot allocation as identified in Precinct Plan 1 Swanson North' from prohibited to non-complying. Non-complying activity status is the more efficient and effective means of evaluating proposals for additional lots over and above the Plan's allocation.

With respect to zoning, the Panel supports an amendment rezoning the western portion of the property at 19 Church Road to Rural – Countryside Living Zone because this zoning is consistent with the zoning of the surrounding area. Rural – Rural Conservation zoning is

unsuitable because it constrains the development potential of the site. Enabling some development potential is a necessary part of the rehabilitation of this former cleanfill.

The Panel supports the retention of the precinct generally as amended by Council and further amended by the Panel for the reasons given above.

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) (Attachment D, page 20)

[081d Ak Cncl - West - Precincts \(Swanson North\) - \(J Harris\) - Planning.pdf](#) (26 January 2016)

[081a Ak Cncl - General - Rezoning and Precincts \(Swanson North, Birdwood, Runciman, Ramarama, Karaka, Linwood, Greenhithe, Riverhead, Orewa\) - \(R Hillier\) - Geotechnical Assessment](#) (26 January 2016)

[081d Ak Cncl - West - Precincts \(Birdwood and Swanson North\) - \(R Maharjan\) - Planning – REBUTTAL](#) (1 March 2016)

[081d Ak Cncl - West - Precincts \(Birdwood and Swanson North\) - \(B Gilbert\) - Landscape.pdf](#) (26 January 2016)

[081d Ak Cncl – West – Rezoning – North West Waitakere, Hobsonville, West harbour and Herald Island \(A Pye\) - Planning - SUPPLEMENTARY STATEMENT](#) (10 Feb 2016) (10 February 2016)

Susan and Ray Harrison

[081 Susan and Ray Harrison \(Peter Reaburn\) - Statement of Evidence](#) (11 February 2016)

Addams Trust Company Limited

[081 Addams Trust Company Ltd \(L Wijewardhana\) - Planning](#) (12 February 2016)

[081 Addams Trust Company Ltd \(A Buttlng\) \(31 March 2016\)](#)

[081 Addams Trust Company Ltd \(P Flanagan Construction\) - Supplementary Evidence](#) (31 March 2016)

[081 Addams Trust Company Ltd \(S Rankin\) - Engineering](#) (12 February 2016)

615 Westgate Precinct

1. Summary of recommendations

The Panel supports the retention of the Westgate Precinct largely in the form it was notified but with key changes as described below.

This precinct was heard in Topic 081.

2. Precinct description

The Westgate Precinct reflects Plan Change 15 (Massey North) that formed part of the Auckland Council District Plan – Operative Waitākere Section. This Plan Change was instigated as the planning mechanism to guide the development of a new Metropolitan Centre integrated with the pre-existing Westgate Shopping Centre.

3. Key issues

Most submitters supported retention of this precinct, with differing views on the key changes proposed to:

- i. remove the retail development constraints in Sub -precinct E that are tied to development in Sub-precinct A achieving certain levels;
- ii. raise the permitted height for buildings in Sub-precinct D from 14.5m and four storeys to 32.5m and eight storeys;
- iii. remove Sub-precinct F to allow the underlying Business - Light Industry Zone to operate unhindered;
- iv. apply a sub-precinct to the open space areas that weave through the precinct; and
- v. some of the underlying zones of some sub-precincts.

In addition the precinct included references to framework plans.

4. Panel recommendations and reasons

4.1 Retail development constraints in Precinct E

The New Zealand Retail Property Development Group Limited requested these development constraints be removed. Stride Property Limited and others argued against their removal. In its closing remarks the Council retained these constraints.

The Panel considers the case for the removal of these constraints was not made. In particular there was insufficient evidence that the overall context of the precinct had changed to the extent that the reasons originally used to support these constraints no longer applied.

The Panel recommends the retail development constraints in Sub-precinct E remain.

4.2 Permitted building height in Sub-Precinct D

Sub-precinct D is zoned Terrace Housing and Apartment Buildings Zone. The notified permitted building height is 14.5m and four storeys. A number of submitters requested the permitted building height be increased to 32.5m and eight storeys, which would be in line with the permitted heights notified for the Business - Mixed Use Zone (Sub-precinct C) and Business -General Business Zone (Sub-precinct B) in this precinct. Urban design evidence was provided to support this increase in height. The Council in its closing remarks retained the notified height of 14.5m and four storeys.

The Panel considers an increase in height is consistent with the wider intent of intensive residential living in Sub-precinct D. This intention is underscored by a standard in this sub-precinct requiring a minimum density of 60 dwellings per hectare (a minimum density requirement is unusual in the Plan). Additional height would assist the achievement of intensive residential development and would be in keeping with the surrounding Business - Mixed Use Zone and Business - General Business Zone with the same height limits.

The Panel recommends the permitted building height for the Terrace Housing and Apartment Buildings Zone (which is in Sub-precinct D) be increased from 14.5m and four storeys to 32.5m and eight storeys.

4.3 Whether to remove Sub-precinct F

The primary reason for Sub-precinct F was to make trade suppliers a non-complying activity whereas this activity is a permitted activity in the underlying Business - Light Industry Zone. Some submitters requested this restriction in activity status of trade suppliers be retained while others sought its removal. The Council in its closing remarks removed Sub-precinct F.

The Panel was not convinced that this area of Business - Light Industry Zone requires development controls with respect to trade suppliers that differ from those in the zone provisions. The Panel therefore recommends the removal of Sub-precinct F.

4.4 Whether to apply a sub-precinct to the open space areas

The Council proposed applying a sub-precinct to the open space areas that weave their way through the precinct in order to better coordinate the development of these spaces and the linkages through them.

The Panel supports the application of this sub-precinct (called Sub-precinct F) to open space areas.

4.5 Deletion of framework plans

References to framework plans have been deleted from this precinct consistent with the Panel's general recommendation in this regard.

4.6 Underlying zones

There were a number of requests to change the underlying zones in some of the sub-precincts. The Council's planner supported some minor rezoning (see evidence in chief of Eryn Shields 26 January 2016, paragraph 8.8), which the Panel supports, but the Panel was not persuaded to rezone other areas.

5. Reference documents

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(Attachment D page 21\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) – Attachment C page 649](#)

[081d Ak Cncl - West - Precincts \(Westgate\) - \(E Shields\) - Planning \(26 January 2016\)](#)

[081 Westgate Partnership \(D Ecob\) - Urban Design - Updated 25 Feb 2016 \(25 February 2016\)](#)

Part 2 Precincts unsupported

Henderson Corban Estate Precinct

1. Summary of recommendations

The Panel does not support the inclusion of this proposed new precinct.

The Panel supports out of scope amendments to the scheduled historic heritage place.

The Panel further recommends that Council initiates a plan change to rezone the Corban Winery Estate as Open Space – Community Zone to reflect its realistic potential. Residential - Terrace Housing and Apartment Buildings Zone for part of the site may be appropriate and should be considered.

This precinct was heard in Topic 081.

2. Precinct description

The Henderson 3 Precinct is proposed by the Corban Winery Estate Heritage Protection and Development Trust (Corban Trust) (6902 and FS1279) and the Waitakere Arts and Cultural Development Trust (2545 and FS3046). These submissions sought provisions that recognised the heritage importance of the Corban Winery Estate, and that moderated the intensity of development otherwise enabled by the notified Business - Metropolitan Centre Zone while still providing for development of the estate by:

- i. modifying the list of activities provided for in the zone and adding provisions for museums as a permitted activity;
- ii. applying additional controls relating to building height, heritage setback yard, building coverage and minimum landscaped area; and
- iii. applying new matters of discretion and assessment criteria for new buildings.

Essentially, the submitters sought to carry forward the provisions of Plan Change 25 to the Auckland Council District Plan – Operative Waitākere Section 2003 which became operative in 2013 (see evidence in chief of James Hook, paragraphs 16-17 and Attachment 1).

The Corban Winery Estate is located in Henderson and comprises 6.6 hectares.

The zoning of land in the precinct is Business - Metropolitan Centre Zone and overlays protecting historic heritage and significant ecological areas apply.

The submitters' position was set out in the evidence of Mr James Hook for the Waitakere Arts and Cultural Development Trust and Messrs Warren, Pearson and Corban and Ms Evans for the Corban Trust. Mr Warren adopted the planning evidence of Mr Hook subject to some minor amendments.

The Council's position in relation to the proposed precinct is set out in the evidence in chief and evidence in rebuttal of Mr Douglas Sadlier, and the evidence in chief and evidence in rebuttal of Ms Cara Francesco.

3. Key issues

The parties agreed that the precinct has significant heritage values which are to be protected and that development of the property needs to be consistent with those values. They differ as to the need for a precinct.

The Panel considers there are three matters to assess when considering the need for this precinct:

- i. the appropriateness of the Business - Metropolitan Centre Zone on this site;
- ii. activity status of museums; and
- iii. historic heritage scheduling.

3.1 The appropriateness of the Business - Metropolitan Centre Zone

One of the primary reasons for a precinct is that the zone and/or Auckland-wide provisions are insufficient to enable appropriate development and/or management of the area.

For Waitakere Arts & Cultural Development, Mr Hook said in his evidence in chief:

35. My principal concern is that the provisions of the Metropolitan Centre zone are inappropriate for the site. In particular, the objectives and policies promote high intensity large scale development, the activity table provides for certain activities that would be inappropriate on the site, and the development controls provide for a bulk and scale of buildings that would be incompatible with the natural and physical features of the site, including existing heritage buildings.

36. Accordingly, while I am not opposed to the Metropolitan Centre being retained as the underlying zoning for the site (as it provides for a generally appropriate range of activities), in my view there is a resource management necessity to introduce a precinct to moderate and adapt the underlying zone in order to provide for the sustainable management of the Corban Estate.

In response to questions from the Panel about the appropriate zoning, Mr Hook said that none of the business zones was suitable for this site and therefore Business - Metropolitan Centre Zone was acceptable but not ideal.

Mr Sadlier, for the Council, held to his opinion that:

(a) A precinct is not required to limit residential activities or manage reverse sensitivity. Existing lawfully established activities on the Corban Estate can co-exist with 'sensitive' activities (such as residential accommodation) and reverse sensitivity effects can be managed through the zone and overlay provisions if these activities are designed and located appropriately.

(b) A precinct is not required to provide for museums, as these are already a permitted activity in the Metropolitan Centre zone.

(c) The Metropolitan Centre zone and Auckland-wide provisions will achieve appropriate outcomes for height, yard setbacks, building and landscape coverage for new development, that will not dominate or adversely impact existing heritage

buildings and heritage places in the Corban Estate, through the resource consenting process.

The Panel considers that the Business - Metropolitan Centre Zone is not appropriate for this site. It is physically separated from the rest of the Centre by the railway, a stream and reserve. Although there is access under the railway bridge at the eastern end, it is a very poor connection for any direct expansion of the Henderson Centre. When the extent of historic heritage place and significant ecological area are taken into account, very little of the site is available for development, apart from an area near Mt Lebanon Lane. This area is more logically developed as an extension of the Residential - Terrace Housing and Apartment Buildings Zone. The zoning takes little or no account of the existing obstacles to development and gives an inaccurate picture of the likely extent of the Business - Metropolitan Centre Zone.

A related question is whether the submitters' concerns about the Council's future plans are an adequate basis for creating a precinct. The Panel considers the risk of a future Council looking to place a large bulky commercial or residential building on the area not affected by the overlays is low. This is because the land is held in trust for a public purpose with all the obligations that entails, as stated by Mr Makgill, counsel for the Corban Trust, in his legal submissions:

(12) I wish to pause here for a moment, and stress, that while the land is now in the ownership of Auckland Council and leased by the Waitakere Arts & Cultural Development Trust, it remains public land that was acquired for a public purpose. Auckland Council effectively holds the land in a form of trust for the benefit of west Auckland and the wider region. Any actions of Council that depart from, or threaten, the original purposes of acquisition must be clearly and transparently justified.

Given the purpose of acquisition and the background to it, public interest in the Council's stewardship, and particularly in any proposed development, would be high. In addition, both Trusts and Heritage New Zealand Pouhere Taonga would be affected parties to any application for resource consent given their interests and the notification rules in Chapter C General Rules. These are additional reasons why the Panel considers that the risk of inappropriate activities and buildings is low notwithstanding the Business - Metropolitan Centre Zone.

Similar facilities, including the Lake House Arts Centre at 37 Fred Thomas Drive and the Titirangi Community Centre, are zoned Open Space – Community Zone in the Plan. Nationally and regionally significant facilities such as the Auckland War Memorial Museum, Monte Cecilia and the Observatory are located in open space zones with precincts to manage activities, development and parking. Mr Pearson and Mr Warren, for the Corban Trust, demonstrated that this winery complex is a rare example of its type nationally with strong connections to a notable West Auckland family. In the Panel's view, this important complex merits similar management to other nationally, regionally and locally community facilities in the Plan.

In summary, the Panel considers that this significant historic heritage place and community facility should be rezoned in part as Residential - Terrace Housing and Apartment Buildings Zone and in part as Open Space – Community Zone. Whether or not a precinct is also necessary is related to the strategic plan for its future. Having said this, the Panel recognises that open space zoning cannot be imposed without the consent of the landowner

and therefore the Panel does not have scope to make this change. In the circumstances, the Panel recommends to the Council that a plan change be initiated to rezone the Corban Winery Estate as Open Space – Community Zone to reflect its realistic potential.

3.2 Activity status of museums

Mr Warren expressed concern that there is no explicit provision in the proposed Auckland Unitary Plan for museums as an activity (evidence in chief, paragraph 48). Ensuring that museums are permitted activities is one of the reasons for seeking a precinct.

In Topic 065 Definitions, the inclusion of museums in the definition of ‘community facilities’ was confirmed (Robert Buxton for Council Topic 065-Track Changes Closing Statement dated 1 December 2015). Because community facilities are a permitted activity in the Business - Metropolitan Centre Zone, museums are already provided for in the Corban Estate.

3.3 Historic heritage – out of scope amendment to the extent of place and Schedule 14.1

The Corbans Estate Winery Complex (former) is a Category B Historic Heritage Place within the notified proposed Auckland Unitary Plan (Schedule ID 00142).

For the Council, Ms Francesco proposed amendments to the identification of the Corbans Estate Winery Complex (former) within the Historic Heritage Overlay and Schedule 14.1 Schedule of Historic Heritage. In her evidence in chief and evidence in rebuttal, Ms Francesco proposed expanding the extent of place and amending the identified exclusions. Specifically, she recommended that the interior of the former homestead is not an exclusion (i.e. it is protected) and the 1960s shed and rear pavilion are new exclusions. The amendments proposed are further to those addressed in her evidence for Topic 032 for the Corbans Estate Winery Complex (former).

The Panel agrees with Ms Francesco (evidence in rebuttal, paragraph 3.5) and Mr Pearson (evidence in chief, paragraph 54,) that the interior of the homestead merits protection because it exhibits a high level of fabric integrity, as well as having associated historical significance being the long-term home of the Corban family.

Mr Hook and Ms Francesco agreed that the 1960s shed and pavilion building does not have sufficient heritage value in its own right to warrant protection. The Panel agrees with this conclusion and confirms this building as an exclusion from the schedule. The Panel also agrees with Ms Francesco for the reasons given at paragraph 4.3 of her evidence in rebuttal that this area of land falls within the immediate setting of the historic heritage buildings and should be included in the extent of place. This will enable better management of this area of high physical and visual interface.

Accordingly, the Panel agrees with the out of scope amendments to Schedule 14.1 Schedule of Historic Heritage proposed by Ms Francesco because they address in part the submitters’ concerns. There is no breach of natural justice as a consequence of this recommendation because the Council, as owner, has offered these amendments based on an evaluation carried out by its own expert.

4. Panel recommendations and reasons

The Panel does not support the inclusion of this proposed new precinct because there is a low risk of commercial or residential buildings of the scale provided for in the Business - Metropolitan Centre Zone being proposed for this site.

The Panel supports out of scope amendments to the scheduled historic heritage place because they are based on a recent expert evaluation and the Council, as owner, has offered these amendments. To some extent, these amendments address the submitters' concerns.

The Panel further recommends to the Council that a plan change be initiated to rezone the Corban Winery Estate as Open Space – Community Zone to reflect its realistic potential. Zoning as Residential - Terrace Housing and Apartment Buildings Zone may be appropriate for part of the site and should be considered.

5. Reference documents

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (Page 132)

[081d Ak Cncl - West - Precincts \(Henderson 3\) - \(C Francesco\) - Historic Heritage](#) (26 January 2016)

[081d Ak Cncl - West - Precincts \(Henderson 3\) - \(C Francesco\) - Historic Heritage - REBUTTAL](#) (26 February 2016)

[081d Ak Cncl - West - Precincts \(Henderson 2 and 3\) - \(D Sadlier\) - Planning](#) (26 January 2016)

[081d Ak Cncl - West - Precincts \(Henderson 3\) - \(D Sadlier\) - Planning - REBUTTAL](#) (26 February 2016)

[032 - Hrg - 4 - Place Specific Matters \(Joint Heritage Statement\)](#) (16 August 2015)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Page 140)

[065 Hrg - Auckland Council \(Jennifer Caldwell\) - CLOSING STATEMENT \(including latest Tracked Changes\)](#) (2 December 2015 Business - Metropolitan Centre Zone 15)

[081 Corban Winery Estate Heritage Preservation and Development Trust - Legal submissions](#) (13 April 2016)

[081 Corban Winery Estate Heritage Preservation and Development Trust \(V Warren\) – Planning – LATE](#) (18 February 2016)

[081 Corban Winery Estate Heritage Preservation and Development Trust \(R Evans\) – Heritage - Museum Collections](#) (17 February 2016)

[081 Corban Winery Estate Heritage Preservation and Development Trust \(D Pearson\) – Heritage](#) (17 February 2016)

[081 Corban Winery Estate Heritage Preservation and Development Trust \(A Corban\) - LATE - Updated 24 Feb](#) (24 February 2016)

Waitemata Gun Club Precinct

1. Summary of recommendations

The Panel does not support the precinct, agrees with Council, and recommends its deletion.

This precinct was heard in Topic 080.

2. Precinct description

The Waitemata Gun Club Precinct applies to the long-established Waitemata Gun Club (the Gun Club) in Kumeū. The Precinct is located at 465 Old North Road, Huapai, Kumeū and operates pursuant to a 1968 permit which allowed trap shooting on one day per month between 11am and 5pm.

The purpose of the precinct is to provide for an increased level of gun club activities, while protecting the amenity of the surrounding properties. There are specific controls on gun cartridge loads, noise levels, hours and days of operation. There are also assessment criteria regarding noise, site management and timing and number of events.

The precinct is zoned Open Space - Sport and Active Recreation Zone.

The relief sought by opposing submitters is the deletion of the precinct.

Council did not support a precinct.

3. Key issues

The Council proposed to delete the precinct principally on the ground of adverse noise effects on neighbouring properties, the main ground of submitter Ms Leslie Eckard.

Expert acoustic evidence was provided by Mr Nevil Hegley for the Gun Club and Mr Jon Styles for Council. Those witnesses did not agree on the practicability of achieving the noise levels sought by means of the measures proposed, and it was apparent that this disagreement has further history behind it.

Notwithstanding the observation made by planning witness Mr David Hay that most residents had come to the area (and therefore to the nuisance) since the Gun Club was formed, the fact is that land use in this area is changing and further changes in the wider area are proposed. In order to provide a precinct with the provisions proposed by the Gun Club, the Panel would need to be satisfied both that the adverse noise effects would be controlled to an acceptable level (putting aside for the moment the debate as to how to establish that level), and that this would enable a viable club to operate.

Without rehearsing the detailed evidence advanced by Mr Styles in response to Mr Hegley, the Panel considers this proposal is a matter that would require its own dedicated hearing to determine, regardless of whether that was by way of resource consent or plan change. The Panel is not in that position.

Accordingly the Panel must decline the request, without prejudice to any future process.

In summary, the Council's position in relation to the Waitemata Gun Club Precinct is set out in the planning evidence in chief and rebuttal of Ms Juliana Cox and the acoustic evidence in chief of Mr Jon Styles.

The submitter's position was presented in the planning evidence in chief of Mr David Hay, the acoustic evidence in chief of Mr Nevil Hegley, and the evidence in chief of Mr Laurie Coppins.

Having reviewed the evidence from parties, and particularly the expert acoustic evidence of Mr Hegley and Mr Styles, the Panel finds that the approval of a precinct is not appropriate in the circumstance.

4. Panel recommendations and reasons

The Panel does not support the precinct, agrees with Council and recommends its deletion for the reasons set out in section 3 above.

5. Reference documents

Auckland Council

[080 Ak Cncl - Public Open Space - Waitemata Gun Club - Supplementary Closing Remarks \(23 May 2016\)](#) (23 May 2016)

[080 Ak Cncl - Public Open Space - Waitemata Gun Club \(J Styles\) - Acoustics - REBUTTAL - LATE](#) (4 February 2016)

[080 Ak Cncl - Public Open Space - Regional Parks, Monte Cecilia, Waitemata Gun Club, Mt Wellington 5 \(J Cox\) - Planning](#) (7 December 2015)

[080 Ak Cncl - Public Open Space - Regional Parks, Monte Cecilia, Waitemata Gun Club, Mt Wellington 5 \(J Cox\) - Planning - REBUTTAL](#) (29 January 2016)

Waitemata Gun Club

[080 Waitemata Gun Club \(D Hay\) - Planning](#) (18 December 2015)

[080 Waitemata Gun Club \(N Hegley\) - Noise](#) (18 December 2015)

[080 Waitemata Gun Club \(L Coppins\) - submitter statement](#) (18 December 2015)