

Local Government (Auckland) Amendment Act Appeals to Plan Changes 13 to 18.

ENV Court #	WCC #	Appellants To WCC Plan Changes	Section 274 Parties	Appeals					
				PC 13	PC 14	PC 15	PC 16	PC 17	PC 18
Env-2007-AKL-000565 PC 13	201	Auckland Regional Council		✓					
Env-2007-AKL-000568 PC 14	201	Auckland Regional Council	Ockleston Family Trust		✓				
Env-2007-AKL-000566 PC 15	201	Auckland Regional Council				✓			
Env-2007-AKL-000567 PC 16	201	Auckland Regional Council					✓		
Env-2007-AKL-000680 PC 16	202	AMP Capital Investors (NZ) Ltd					✓		
Env-2007-AKL-000680 PC 17	202	AMP Capital Investors (NZ) Ltd						✓	
Env-2007-AKL-000680 PC 18	202	AMP Capital Investors (NZ) Ltd							✓
Env-2007-AKL-000556 PC 16	203	CSR, Huhtamaki (NZ), and others					✓		
Env-2007-AKL-000556 PC 17	203	CSR, Huhtamaki (NZ), and others	Vusich, Borich, Bhana & others					✓	
Env-2007-AKL-000556 PC 18	203	CSR, Huhtamaki (NZ), and others							✓
Env-2007-AKL-000648	204	Garelja Brothers Strawberry Gardens				✓			
Env-2007-AKL-000629	205	Gary Harfield					✓		
Env-2007-AKL-000678	206	Henry Norcross				✓			
Env-2007-AKL-000609 PC 14	207	IMF NZ Ltd	Ockleston Family Trust		✓				
Env-2007-AKL-000616 PC 15	207	IMF NZ Ltd				✓			
Env-2007-AKL-000614 PC 18	207	IMF NZ Ltd							✓
Env-2007-AKL-000537	208	Ivan and Milka Selak					✓		
Env-2007-AKL-000626	209	John Calvert					✓		
Env-2007-AKL-000522	210	Land Transport NZ	Progressive Enterprises Ltd			✓			
Env-2007-AKL-000542	211	Maycey's Confectionary						✓	
Env-2007-AKL-000623	212	Midgley, iB+GA, IE				✓			
Env-2007-AKL-000658	213	Neil Construction Ltd					✓		
Env-2007-AKL-000533	214	Neon Ltd and Boron Ltd	Westfield (NZ) Ltd			✓			

ENV Court #	WCC #	Appellants To WCC Plan Changes	Section 274 Parties	Appeals					
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Env-2007-AKL-000552	215	North Shore CC		✓					
Env-2007-AKL-000543	216	Ockleston Family Trust			✓				
Env-2007-AKL-000585 PC 13	217	Progressive Enterprises Ltd		✓					
Env-2007-AKL-000597 PC 14	217	Progressive Enterprises Ltd			✓				
Env-2007-AKL-000594 PC 15	217	Progressive Enterprises Ltd				✓			
Env-2007-AKL-000591 PC 16	217	Progressive Enterprises Ltd					✓		
Env-2007-AKL-000581 PC 17	217	Progressive Enterprises Ltd						✓	
Env-2007-AKL-000596 PC 18	217	Progressive Enterprises Ltd							✓
Env-2007-AKL-000589	218	Titan Hunter Trust Formerly Rexford Family Trust				✓			
Env-2007-AKL-000540	219	Roy Wigg					✓		
Env-2007-AKL-000538	220	Steve Nuich					✓		
Env-2007-AKL-000564 PC 13	221	The National Trading Company (NZ) Ltd		✓					
Env-2007-AKL-000563 PC 14	221	The National Trading Company (NZ) Ltd	Ockleston Family Trust		✓				
Env-2007-AKL-000561 PC 15	221	The National Trading Company (NZ) Ltd				✓			
Env-2007-AKL-000560 PC 16	221	The National Trading Company (NZ) Ltd					✓		
Env-2007-AKL-000558 PC 17	221	The National Trading Company (NZ) Ltd						✓	
Env-2007-AKL-000555 PC 18	221	The National Trading Company (NZ) Ltd							✓
Env-2007-AKL-000641 PC 16	222	The Warehouse Ltd					✓		
Env-2007-AKL-000646 PC 17	222	The Warehouse Ltd						✓	
Env-2007-AKL-000664 PC 18	222	The Warehouse Ltd							✓
Env-2007-AKL-000613 PC 14	223	Transit NZ	Ockleston Family Trust		✓				
Env-2007-AKL-000613 PC 15	223	Transit NZ				✓			
Env-2007-AKL-000613 PC 16	223	Transit NZ					✓		

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Env-2007-AKL-000545	224	Vusich, Borich, Bhana & others						✓	
Env-2007-AKL-000530	225	Waitakere Ranges Protection Society					✓		
Env-2007-AKL-000636 PC 16	226	Warehouse Stationary Ltd					✓		
Env-2007-AKL-000639 PC 17	226	Warehouse Stationary Ltd						✓	
Env-2007-AKL-000642 PC 18	226	Warehouse Stationary Ltd							✓
ENV-2007-AKL-000711 PC15	227	Westfield (NZ) Ltd				✓			
Env-2007-AKL-000595 PC16	227	Westfield (NZ) Ltd					✓		
Env-2007-AKL-000618	228	Westgate Properties Ltd				✓			

A3

Proposed Plan Change 25 Corban Estate Special Area

N.B new text is underlined
text to be deleted is ~~struck through~~

Operative District Plan	Plan Change 25 Proposed Changes
<p>1.2 Special Area Definitions</p> <p>Corbans Estate Activities means conference, convention, exhibition and festival centres, places of assembly; performance and audio-visual theatres, catering facilities required for <i>on-site</i> activities, outdoor performance and display areas; indoor sports facilities and indoor and outdoor recreation and entertainment facilities, storage facilities, manufacturing activity related to arts and crafts shops for the <i>retail sale</i> of crafts and souvenirs; shops for the <i>retail sales</i> of items serving the <i>on-site</i> needs of visitors; <i>restaurants</i>; tourist accommodation; manufacture, storage, distribution and sale of wine and other beverages; offices and related facilities; and <i>Residential Activities</i> which are <i>subsidiary</i> to any of the foregoing.</p>	<p>1.2 Special Area Definitions</p> <p>Corban Estate Activities means:</p> <ul style="list-style-type: none"> • conference, convention, exhibition and festival centres; • places of assembly; • <u>educational facilities</u>; • performance and audio-visual theatres; • catering facilities required for <i>on-site</i> activities; • outdoor performance and display areas; • indoor sports facilities and indoor and outdoor recreation and entertainment facilities; • storage facilities; • <u>the retail sale of art, crafts, and souvenirs</u>; • manufacturing activity related to arts and crafts shops for the retail sale of goods associated with live performance, art, crafts and souvenirs; • shops for the <i>retail sales</i> of items serving the <i>on-site</i> needs of visitors; • <u>retail services</u>; • <i>restaurants</i>; • tourist accommodation; • manufacture, storage, distribution and sale of wine and other beverages; • offices and related facilities; and • <i>Residential Activities</i>. which are subsidiary to any of the foregoing.

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RULES

5.0 General

The following rules shall apply to *Any Activity on land* situated in the *Corban Estate Special Area*.

5.1 Permitted Activities

Activities meeting the following Performance Standards are *Permitted Activities*:

- (a) *Corban Estate Activities* not requiring the *construction* of any *buildings* or additions to any existing *building*; and
- (b) parks, playgrounds, cycleways and walkways.

5.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- (a) the erection or alteration of *buildings* for any *Corban Estate Activity*;
- (b) the erection or alteration of medium density housing;
- (c) the erection or alteration of apartments meeting City Wide Rule 1 Urban Design General Performance Standards Apartment Design and City Wide Rule 1.10 Residential Activities – Noise Attenuation;
- (d) Car parking

Assessment of *Limited Discretionary Activity* applications made under this rule will be limited to matters of **density**, design, location, scale, outdoor space, screening, landscape treatment, amenity and provision for vehicles and pedestrians, and will be considered in accordance with the Assessment Criteria of City-Wide Rule 1 Apartment Design, City Wide Noise Standard Rule

ASSESSMENT CRITERIA

5(a)

The extent to which *buildings* are of a scale and *design* which complements the character of the existing *buildings* on the *site* and which avoids adverse *effects* on **neighbourhood character** and **amenity values**.

5(b)

The extent to which activities compromise the natural **landscape character** of the adjacent *Open Space Environment* and the *Opanuku Stream* and the *Ecological Linkage/Restoration Natural Area*.

5(c)

The extent to which *habitable rooms* are located to receive adequate daylight.

5(d)

The extent to which *outdoor-space* and living habitable rooms are to be protected from overlooking by adjacent activities

5(e)

The extent to which *development* promotes a safe *environment* for residents, including adequate lighting, and location and *design* of entrances.

5(f)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

See also Policies 1.1, 1.2, 1.5, 1.10, 1.16, 1.20, 2.1, 2.4, 3.1, ~~5.4~~, 5.3, 5.4, 10.2, 10.5, 10.6, 10.11, 10.14, 10.15, 10.16, 10.27, 11.3, ~~11.14~~, ~~11.19~~, 11.23, 11.27, 11.28, 11.33.

AS

1.10 Residential Activities – Noise Attenuation, Medium Density Housing Criteria and will also be considered in accordance with Assessment Criteria 5(a) - 5(b) and 5(f).

5.3 Discretionary Activities

Activities meeting the following Performance Standard are Discretionary Activities:

(a) Apartments not meeting:

(i) the General Performance Standards of Urban Design City Wide Rule 1 Apartment Design; and / or

(ii) City Wide Rule 1.10 Residential Activities – Noise Attenuation Residential Activities not meeting the standards in Rule 5.1.

(b) Medium Density Housing not meeting Rule 5.2(b)

Assessment of *Discretionary Activity* applications will be considered in accordance with Assessment Criteria 5(a)-5(f) and any other matters that are relevant under section 104 of the Act.

5.4 Other Rules Applying

The following rules of the *Plan* shall apply to *Any Activity*.

All Relevant City-Wide Rules;

Commercial Sex Activities
Prohibited Activities
Temporary Activities
Maintenance and Condition of Buildings
General Noise Standards
Natural Hazards
Hazardous Facilities and Contaminated Sites
Heritage
Apartment Design (Proposed Plan Change 18)
Site Analysis (Proposed Plan Change 18)

(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. The conditions may include any one or more of the following matters:

- Requiring alterations to the *building design* and/ or *building location* on the *site*;
- Requiring the retention of trees and/or other *vegetation*;
- Requiring provision of a *landscape treatment plan* and its implementation within a given time frame;
- Requiring *financial contributions* in accordance with the *Plan*;
- The imposition of a *bond* to cover ~~satisfaction of~~ conditions of consent;
- Requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*;
- Requiring an acoustic consultant report to confirm required noise standards will be met;
- Requiring measures in respect of proposals for residential activities to attenuate potential adverse effects from adjoining or nearby non-residential activities;
- Requiring that measures to address land stability issues be included in the construction of structures and where required in the implementation of the Landscape Treatment Plan;
- Requiring financial contributions in accordance with the Plan;
- In the case of a subdivision consent, other matters as provided for in section 220 of the Act;
- Such other matters provided for in section 108 of the Act.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters above to which the Council has restricted the exercise of its discretion.

AB

Noise Standard Rule 1.10 Residential Activities – Noise Attenuation.

Living Environment:

Living Environment Rules that apply to Medium Density Housing Assessment Criteria

Working Environment:

- Rule 2 Height in Relation to Boundaries;
- Rule 3 ~~Building and Development Location;~~
- Rule 4 ~~Landscape Treatment;~~
- Rule 5 Retailing
- Rule 6 Air Discharges
- Rule 8 Noise;
- Rule 9 ~~Parking, Loading and Driveway Access;~~
- Rule 10 Odour, Glare and Vibration;
- Rule 11 Signs; and
- Rule 12 Infrastructure

Subdivision:

Rules 1 & 2 General
Rule 3 Infill Subdivision

~~*Community Environment~~

~~Rule 5 Building Bulk, Location, Design Henderson and New Lynn~~

5.5 Non-Complying Activities

Any Activity to which these rules apply which is not a *Permitted Activity* or a *Limited Discretionary Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

A7

**NOTICE TO THE TERRITORIAL AUTHORITY
OF REMOVAL OF DESIGNATION
UNDER SECTION 182 OF THE RESOURCE MANAGEMENT ACT 1991**

To: The Waitakere City Council

1. I, PHIL GOFF, Minister of Defence, Parliament Buildings, Wellington, give notice that I no longer require the "MD 1 Defence Purposes – Water Supply designation applying to the following area of land:

SITE	WORK
Being sections 1 and 2, part Allot 39, North Auckland Land District, SO 30369, (excludes area 'A' and 'B')	former reservoir

comprising approximately 2665 square metres

and shown highlighted in yellow on the attached plan.

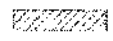


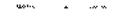
2. I now request the Territorial Authority to amend the Waitakere City District Plan as required by Section 182 of the Resource Management Act 1991.

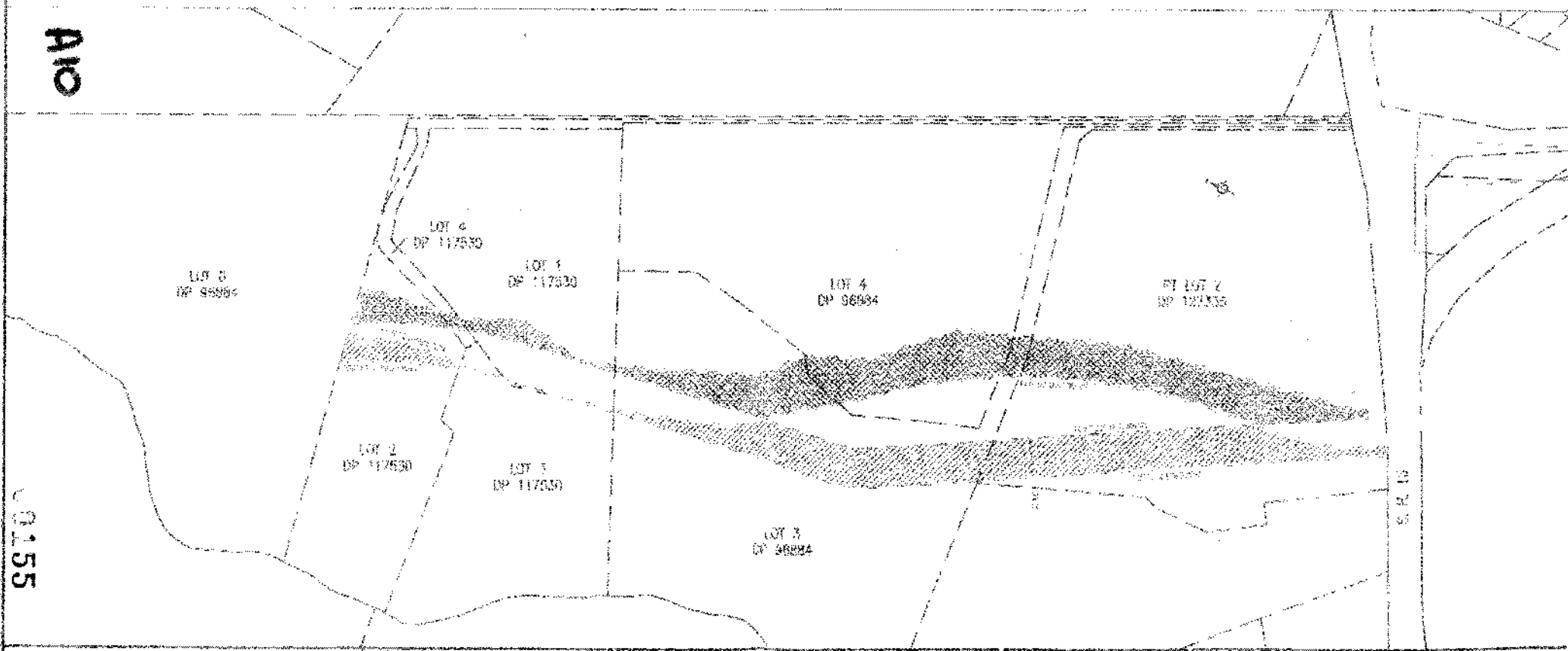


Hon Phil Goff
MINISTER OF DEFENCE

21 August 2007

RESOURCE MANAGEMENT ACT 1991
 REQUIREMENT OF TRANSIT NEW ZEALAND
 ALTERATION OF DESIGNATION
 UNDER SECTION 181

-  ALTERATION TO DESIGNATION
 "SH1 10 & SH 18."
-  DESIGNATION TO BE REMOVED
-  EXISTING DESIGNATION
-  PROPOSED ALTERATION TO DESIGNATION



<p>DATE: 1/8/87</p> <p>SCALE: 1:1000</p> <p>PROJECT: MAUNSELL</p>	<p>MAUNSELL</p>	<p>MAUNSELL</p>	 <p>DEPARTMENT OF CONSERVATION</p>	<p>WAIKAREMOATA DISTRICT PLAN KEEGLEY DRIVE - ALTERATION OF DESIGNATION</p> <p>1/87A/37 1104 105 RD</p>
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ENV Court Number	Appellants To WCC Plan Changes	Section 274 Parties	Appeals - Text						Appeals Maps
			PC 13	PC 14	PC 15	PC 16	PC 17	PC 18	
Env-2007-AKL-000565 PC 13	Auckland Regional Council	Waikare Properties Ltd Hobsonville Land Company Ltd	✓						13
Env-2007-AKL-000568 PC 14	Auckland Regional Council	National Trading Company (NZ) Ltd Transit NZ Land Transport NZ Fulton Hogan Ltd Auckland Regional Transport Authority IMF NZ Ltd		✓					14
Env-2007-AKL-000566 PC 15	Auckland Regional Council	National Trading Company (NZ) Ltd Progressive Enterprises Ltd Transit NZ Land Transport NZ Titan Hunter Ltd Auckland Regional Transport Authority IMF NZ Ltd			✓				15
AN Env-2007-AKL-000567 PC 16	Auckland Regional Council	The Warehouse Ltd Warehouse Stationary Ltd Progressive Enterprises Ltd Westfield (NZ) Ltd National Trading Company (NZ) Ltd Neil Construction Ltd Gary Harfield				✓			
Env-2007-AKL-000680 PC 16	AMP Capital Investors (NZ) Ltd	National Trading Company (NZ) Ltd Progressive Enterprises Ltd Neil Construction Ltd Gary Harfield CSR and Others Auckland Regional Council The Warehouse Ltd Warehouse Stationary Auckland Regional Transport Authority					✓		

ENV Court Number	Appellants To WCC Plan Changes	Section 274 Parties	Appeals - Text						Appeals Maps
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Env-2007-AKL-000680 PC 17	AMP Capital Investors (NZ) Ltd	National Trading Company (NZ) Ltd Graeme Berryman Progressive Enterprises Ltd CSR and Others The Warehouse Ltd Warehouse Stationary					✓		
Env-2007-AKL-000680 PC 18	AMP Capital Investors (NZ) Ltd	National Trading Company (NZ) Ltd Progressive Enterprises Ltd CSR and Others The Warehouse Ltd Warehouse Stationary						✓	
Env-2007-AKL-000556 PC 16	CSR, Huhtamaki (NZ), and others	Progressive Enterprises Ltd National Trading Company (NZ) Ltd Auckland Regional Council Neil Construction Ltd Gary Harfield					✓		
Env-2007-AKL-000556 PC 17	CSR, Huhtamaki (NZ), and others	Vusich, Borich, Bhana & others Progressive Enterprises Ltd National Trading Company (NZ) Ltd Auckland Regional Council						✓	17
Env-2007-AKL-000556 PC 18	CSR, Huhtamaki (NZ), and others	Progressive Enterprises Ltd National Trading Company (NZ) Ltd Auckland Regional Council						✓	
Env-2007-AKL-000648	Garelja Brothers Strawberry Gardens	National Trading Company (NZ) Ltd Westfield NZ Ltd Titan Hunter Ltd IMF NZ Ltd			✓				15
Env-2007-AKL-000629	Gary Harfield	Neil Construction Ltd				✓			16
Env-2007-AKL-000678	Henry Norcross	National Trading Company (NZ) Ltd Transit NZ			✓				15

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Env-2007-AKL-000609 PC 14	IMF NZ Ltd	Ockleston Family Trust National Trading Company (NZ) Ltd Fulton Hogan Ltd Auckland Regional Transport Authority		✓					14
Env-2007-AKL-000616 PC 15	IMF NZ Ltd	National Trading Company (NZ) Ltd Westfield NZ Ltd Auckland Regional Council Transit NZ Titan Hunter Ltd Auckland Regional Transport Authority			✓				15
Env-2007-AKL-000614 PC 18	IMF NZ Ltd	Progressive Enterprises Ltd						✓	
Env-2007-AKL-000537	Ivan and Milka Selak	Transit NZ National Trading Company (NZ) Ltd Neil Construction Ltd Gary Harfield				✓			16
Env-2007-AKL-000626	John Calvert	Neil Construction Ltd Gary Harfield				✓			16
Env-2007-AKL-000522	Land Transport NZ	Progressive Enterprises Ltd Auckland Regional Council Titan Hunter Property Ltd IMF NZ Ltd			✓				15
Env-2007-AKL-000542	Maycey's Confectionary	CSR and Others					✓		
Env-2007-AKL-000623	Midgley, IB+GA, IE	National Trading Company (NZ) Ltd Progressive Enterprises Ltd Westfield NZ Ltd Auckland Regional Council Titan Hunter Ltd Transpower NZ Ltd IMF NZ Ltd			✓				15
Env-2007-AKL-000658	Neil Construction Ltd	Gary Harfield IMF NZ Ltd				✓			16

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Env-2007-AKL-000533	Neon Ltd and Boron Ltd	Westfield (NZ) Ltd Auckland Regional Council IMF (NZ) Ltd Westgate Properties Ltd Titan Hunter Ltd			✓				15
Env-2007-AKL-000552	North Shore CC	Waitakere Properties Ltd Hobsonville Land Company Ltd	✓						13
Env-2007-AKL-000543	Ockleston Family Trust	Auckland Regional Council Land Transport NZ Auckland Regional Transport Authority		✓					14
Env-2007-AKL-000585 PC 13	Progressive Enterprises Ltd	National Trading Company (NZ) Ltd Transit NZ Auckland Regional Council Auckland Regional Transport Authority The Warehouse Ltd Warehouse Stationary Hobsonville Land Company Ltd	✓						
Env-2007-AKL-000597 PC 14	Progressive Enterprises Ltd	National Trading Company (NZ) Ltd Transit NZ Auckland Regional Council The Warehouse Ltd Warehouse Stationary Auckland Regional Transport Authority IMF NZ Ltd		✓					
Env-2007-AKL-000594 PC 15	Progressive Enterprises Ltd	National Trading Company (NZ) Ltd Transit NZ Westfield NZ ltd Auckland Regional Council The Warehouse Ltd Warehouse Stationary Auckland Regional Transport Authority Westgate Properties Ltd IMF NZ Ltd			✓				

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Env-2007-AKL-000591 PC 16	Progressive Enterprises Ltd	National Trading Company (NZ) Ltd Westfield (NZ) Ltd Transit NZ Neil Construction Ltd Gary Harfield CSR and Others Auckland Regional Council The Warehouse Ltd Warehouse Stationary Auckland Regional Transport Authority IMF NZ Ltd				✓			
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Env-2007-AKL-000596 PC 18	Progressive Enterprises Ltd	National Trading Company (NZ) Ltd Transit NZ CSR and Others Auckland Regional Council The Warehouse Ltd Warehouse Stationary Auckland Regional Transport Authority						✓	
Env-2007-AKL-000589	Rexford Family Trust (withdrawn) Titan Hunter Trust				✓				15
Env-2007-AKL-000540	Roy Wigg	Transit NZ National Trading Company (NZ) Ltd Neil Construction Ltd Gary Harfield				✓			16
Env-2007-AKL-000538	Steve Nuich	Transit NZ National Trading Company (NZ) Ltd Neil Construction Ltd Gary Harfield				✓			16

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116 Env-2007-AKL-000561 PC 15	National Trading Company (NZ) Ltd	Progressive Enterprises Ltd Transit NZ Westfield NZ Ltd Auckland Regional Council Titan Hunter Ltd Auckland Regional Transport Authority IMF NZ Ltd							
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AP7 Env-2007-AKL-000646 PC 17	The Warehouse Ltd	National Trading Company (NZ) Ltd Progressive Enterprises Ltd Auckland Regional Council Auckland Regional Transport Authority						✓	
Env-2007-AKL-000664 PC 18	The Warehouse Ltd	National Trading Company (NZ) Ltd Progressive Enterprises Ltd Auckland Regional Council Transit NZ Auckland Regional Transport Authority IMF NZ Ltd							✓
Env-2007-AKL-000613 PC 14	Transit NZ	Ockleston Family Trust National Trading Company (NZ) Ltd Land Transport NZ Hobsonville Land Company Ltd Fulton Hogan Ltd		✓					14

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Env-2007-AKL-000595 PC16	Westfield (NZ) Ltd	Progressive Enterprises Ltd Transit NZ Neil Construction Ltd Gary Harfield Auckland Regional Council The Warehouse Ltd Warehouse Stationary Auckland Regional Transport Authority IMF NZ Ltd				✓			
Env-2007-AKL-000618	Westgate Properties Ltd	Progressive Enterprises Ltd Westfield NZ ltd Auckland Regional Council Titan Hunter Ltd Transpower NZ Ltd Auckland Regional Transport Authority			✓				18

A19

Submission issue	Appeal Issue	WCC Appeal to ARPS	274 Interest	No 274 Interest
Protection of Waitakere Ranges	Rural provisions – In particular consistency with Ranges Bill Objectives	•	Expansion of rural towns Linwood acres Project Consultancy Group Dikstaal Te Ari Coastal RDC Ranges provisions WRPS Neils Harfield delete avoidance of significant areas HAKA international Horticulture NZ Fed Farmers Te Ari Coastal Green & McCahill Wairoa River Canal Ltd Mighty River Power Genesis Power Ltd Putt and others Rural subdivision RDC Rodney Highlands Ltd Fed Farmers Henderson Family Trust	
Provision of employment	Centres and corridors density targets (Appendix H)/Classification	•	Sylvia Park RDC Warehouse stationery Warehouse Ltd	
Future Urban clarification	Alter location and timing of corridors	•	NTC (Gt Nth, Te atatu, Swanson)	
Business Location	Centres and corridors activities (retailing)	•	NTC Progressive Westfield NZ Ltd Warehouse stationery Ltd Warehouse Ltd	
Future Urban Clarification	MUL criteria/Policies	•	Landco Cornerstone Norcross RDC	

A20

			Auckland International Airport	
Transport issues	Regional parking strategy	•	Sylvia Park	
Density and population targets	Identify which growth areas are QTN and LCN	•		
Provision of employment	Regional match of employment and population growth	•		
Business Location	Regional retail strategy	•		
Status of Density and population Targets	Clarify how capacity for growth will be determined	•	Landco Cornerstone RDC Terra Nova Planning (countryside Living)	
Clarification of Urban Activities	Amend definition of Urban Activities/Urban Activity Policies		Roman Catholic Bishop of Auckland PDC Putt & others Auckland International Airport Fed Farmers RDC Harfield Cornerstone Harfield Neils Te Ari Coastal Lands Ltd	
Clarification of Future Urban Activities	Alter location and timing of future Urban Growth Areas		Calvert(Birdwood) Harfield and Neils (Penihana) Hsu (silverdale)	Hingaia: Karaka Centre Limited Karaka Harbourside Estate Limited Karaka Lakes Limited
Transport	Growth nodes at Ferry terminals		Bayswater Marina Developments Dikstaal	
Provision of Countryside Living Aggregates	Reverse sensitivity		Fed Farmers (transport) RDC (corridors)	Winstone Aggregates (Countryside Living)
Clarification of Future Urban Activities	Withdraw MUL shift		NTC Transit (Fulton Hogan)	
Clarification of Future Urban	Additional areas inside MUL		Cornerstone (silverdale) Norcross (Don	

A21

Activities			Buck) James Trust (Puhinui Road)	
Regional Infrastructure	3 water requirements		RDC (ICMP's) ACC	

Appeals originally limited as panel accepted large proportion of WCC evidence - 274 largely to preserve WCC original position

Note all these issues within scope of original submissions

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WAITAKERE CITY COUNCIL

BYLAW NO. 7 1991

TRAFFIC

(Incorporating Amendments)

The Waitakere City Council, acting on behalf of the Mayor, Councillors and citizens of the City of Waitakere **HEREBY CONFIRMS** by **SPECIAL ORDER** the following Bylaw pursuant to the powers contained in the Local Government Act 1974 and the Transport Act 1962 and any other Act or Authority in any way enabling the Council in that behalf:-

1 SHORT TITLE

The Short Title of this Bylaw shall be the Waitakere City Council Bylaw No. 7, 1991 - Traffic.

2 COMMENCEMENT

This Bylaw shall come into force on the 11th day of March 1991.

3 INTERPRETATION

"Council" means the Waitakere City Council and any duly authorised Committee, Community Board or other body or person.

"Cycle Track" means a public cycle track as is referred to in Section 332 of the Local Government Act 1974.

"Goods Service" has the same meaning as in Section 2 of the Transport Services Licensing Act 1989.

"Goods Service Vehicle" has the same meaning as in Section 2 of the Transport Services Licensing Act 1989.

"Motor Vehicle" has the same meaning as in Section 2 of the Transport Act 1962.

"Parking" means -

(a) In relating to any portion of a road where parking is for the time being governed by the location of parking metres placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding five minutes.

(b) In relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road.

"Passenger Service" has the same meaning as in Section 2 of the Transport Services Licensing Act 1989.

"Road" includes a street; and also includes any place to which the public have access, whether as of right or not; and also includes all bridges, culverts, ferries, and fords forming part of any road, street, or place as aforesaid.

"Use", in relation to a vehicle, includes driving, drawing, or propelling by means of another vehicle, and permitting to be on any road.

4 **TRAFFIC CONTROL**

The Council may by resolution fix or vary the charges authorised to be made by this Bylaw in respect of traffic in the District.

5 **ONE WAY STREETS**

No person shall drive any vehicle or ride a bicycle on any road or street or portions thereof except in conformity with a notice erected or exhibited by the Council at the entrances to or exits from any such road or street indicating in which direction traffic shall proceed, which the Council from time to time by resolution declares shall be used by traffic proceeding in only one direction.

5.1 **NO "U-TURNS"**

- 1 No person driving any vehicle shall manoeuvre or attempt to manoeuvre the same in the form of a "U-turn" in any street or portion thereof in the District declared by resolution of the Council to be subject to the provisions of this Clause and where a notice prohibiting U-turns is displayed.
- 2 It shall be a defence to any person charged with a breach of this Clause if the person proves that at the time of the alleged offence he was driving a vehicle:
 - (a) Used as an ambulance fitted with a siren or bell or flashing red or blue lights, and being at the time used on urgent ambulance service; or
 - (b) Conveying a traffic officer or police officer engaged on urgent public business, or in the execution of his duty; or
 - (c) Used by the Fire Service for attendance at fires and at the time responding to a fire call or other emergency; or

6 **NO STOPPING OF VEHICLES**

- 6.1 No person being the driver or in charge of any vehicle shall park the vehicle in any part of any street, public place or private street in contravention of any prohibition, limitation or restriction imposed from time to time by resolution of the Council and evidenced by signs authorised by Regulations under the Transport Act 1962 erected or marked on the place affected.
- 6.2 Any such resolution may apply to any specified street, public place or private street or to any specified part or parts thereof or to any specified class or classes of vehicles and may operate at any time or any specified time or times.
- 6.3 Except where otherwise specified, the said prohibitions, limitations and restrictions shall not apply on Saturdays, Sundays or holidays, as defined by the Acts Interpretation Act 1924 or on any other day not being a Friday or other late closing day before 8.00 am and after 6.00 PM and on Fridays and other late closing days between 8.00 am and after 9.00 PM.

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7 **LOADING ZONES**

- 7.1 The Council may at any time and from time to time by resolution determine that any part of a street which shall be defined in such resolution shall be a 'loading zone' for the purposes of this Bylaw.
- 7.2 The Council may at any time by resolution prohibit, limit or restrict the stopping, standing or parking of vehicles other than goods service vehicles in any loading zone.
- 7.3 The Council may further and in like manner prohibit the parking of any vehicles in any loading zone in excess of a period fixed by such resolution.
- 7.4 The Council shall maintain in or on the street a notice, traffic sign, marking or sign indicating a loading zone and the nature of such prohibition, limitation or restriction and the purposes so determined.
- 7.5 No person or driver in charge of any vehicle shall stop, stand or park it whether attended or unattended in any such zone where such a notice, traffic sign, marking or sign on the street is maintained except in conformity with the terms of such prohibition, limitation or restriction or for the purposes so determined.

7A **HEAVY VEHICLE RESTRICTIONS**

- 7A.1 No person shall on any road or part of road to which a notice pursuant to Section 70AA of the Transport Act 1962 applies drive or park any kind of heavy traffic specified in such notice in such a manner as to breach that notice.

8 **STANDS - EXCLUSIVE RIGHTS**

- 8.1 The Council may by resolution, appoint, provide, reserve and mark out any part of the street within the District as a stopping place for any particular class of vehicles engaged in a passenger service and may in like manner from time to time abolish any stopping place so appointed or enlarge or diminish the limits of the same.

9 **PARKING PLACES - PARKING BUILDINGS - TRANSPORT STATIONS**

- 9.1 The Council may from time to time by resolution:
- (1) Declare any piece of land or any road or any part of a road or any building or any part of a building owned or occupied by the Council to be a parking place or a transport station within the meaning of Section 591 of the Local Government Act 1974. The provisions of this Bylaw shall henceforth apply to all parking places established by the Council.
 - (2) Define the times, manner and conditions for parking of vehicles in any such parking place or transport station.
 - (3) Define the vehicles or classes of vehicles that may be entitled to use any such parking place or transport station, and the conditions upon and subject to which such parking place or transport station may be used.

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- (4) Limit any parking place or transport station which has been appointed for the use of vehicles engaged in a passenger or goods service or for the use of any specified kind of such vehicles, or for the use of vehicles used for any specified public purposes, or any specified part thereof to vehicles belonging to or used by particular persons or to vehicles used for particular public purposes.
- (5) (a) Reserve any specified parking place for use, either generally or at specified times, only for the use of disabled persons as defined in Section 2 of the Disabled Persons Community Welfare Act 1975 where those persons are the passengers in or the drivers of vehicles lawfully parked therein. Every place reserved as aforesaid shall be clearly identified by an appropriate notice or symbol.
(b) Only vehicles in which a disabled person is a passenger or the driver shall be permitted to park in such a parking place reserved as aforesaid and shall display at all times in a prominent position an approved notice or symbol that would be used by a disabled person.
(c) Only the Mobility Card issued by the Crippled Children's Society, or any other similar notice which has been approved by the Council shall be an approved notice or symbol."
- (6) Fix the charge or charges payable for the parking of vehicles including penalty fees in any such parking place or transport station.
- (7) Make provision for the efficient management and control of any such parking place or transport station.
- (8) Fix the number of spaces in a parking area in each of which a vehicle may be parked.
- (9) Fix the charge or charges on the payment of which the driver or person in charge of a vehicle may leave it in a space not reserved for the use of any other person in terms of this Bylaw.
- (10) Fix the charge or charges to be paid by the owner of a vehicle in return for the privilege referred to in Sub-Clause 9.5 hereof.
- (11) Define the hours during which the owner of a vehicle or his duly authorised agent shall be entitled to enjoy the privilege referred to in the next following Sub-Clause.
- (12) Except as provided in paragraphs (3), (4) and (5) hereof, no part of a road may be appointed as a parking place available only to a specified person or to a specified class of persons or to vehicles owned or operated by a specified person or by specified classes of persons.

9.2 No driver or persons in charge of any vehicle shall cause, allow, permit or suffer such vehicle to be parked in any such parking place except as permitted by such resolution.

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- 9.3 Any vehicle parked otherwise than in accordance with the provisions of this Bylaw or any resolution may be removed by the Council or its agent to a place of safety at the expense of the owner(s).
- 9.4 Any such resolution may from time to time be amended or rescinded by a further resolution of the Council.
- 9.5 Payment of the charge or charges referred to in Sub-Clause 9.1 (1 0) above shall entitle the owner of a vehicle in respect of which application has been made or his duly authorised agent to have the sole right to park such vehicle in the space allotted to him during the period that such privilege is conferred.
- 9.6 The Council shall erect and cause to be clearly displayed on each reserved area a notice or notices as follows:
- (1) Specifying the class or classes of vehicles that shall be permitted to park therein.
 - (2) Stating the hours during which parking spaces are reserved for exclusive use of persons who have paid for the privilege.
 - (3) Indicating which particular space or spaces are reserved as aforesaid.
 - (4) Stating the hours during which drivers of the specified class or classes of vehicles may park the same in any space whether or not the same is reserved for exclusive use at other times.
- 9.7 No person shall leave a vehicle in:-
- (1) A parking space that is not in the class or classes permitted to use it.
 - (2) In any space in a parking area during the time that the space is reserved by the Council for the use of any other person.
 - (3) In a parking area except in a parking space.
- 9.8 A parking space as described herein may only be used for the purpose of parking a vehicle and payment of the prescribed fees shall not entitle any person to use the space for any other purpose.

10 CYCLETRACKS

- 10.1 The Council may, in accordance with the provisions of this Bylaw, on any road or part thereof or on any land vested in or under the control of the Council, form a public cycle track.
- 10.2 The Council may from time to time by resolution fix the length, route and siting of a public cycle track on any such road or land, and, by the same means, it may alter its length, route or siting.

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- 10.3 When a cycle track has been laid out in accordance with the provisions of this Clause every vehicle shall yield the right of way thereon to a cyclist, PROVIDED however that this obligation shall not prejudice the stopping, standing, or parking of vehicles on a cycle track that forms part of the carriageway of a road and on which stopping, standing or parking of vehicles is not prohibited by any other enactment.
- 10.4 For the purposes of this Clause the word 'vehicle' shall not include a cycle, but apart from this exclusion it shall have the same meaning as appears in Section 2 of the Transport Act 1962.
- 10.5 (1) In the case of a cycle track located on a footpath the cycle track shall be on the portion of the footpath nearer the carriageway and its points of separation from the part reserved for the exclusive use of pedestrians shall be clearly marked out by white lines painted on the footpath.
- (2) In the case of a cycle track located on a carriageway it shall be the portion thereof alongside the kerb line, and its outer limits shall be clearly marked out by white lines painted on the carriageway.
- (3) Signs indicating the existence of a cycle track shall be displayed in appropriate positions, whether it be laid out on a footpath or on the carriageway or on any other land vested in or under the control of the Council.
- 10.6 (1) Where a cycle track is provided, no person shall except in case of emergency ride a cycle upon a part of the footpath outside the limits of the cycle track.
- (2) Every person riding a cycle on a cycle track located on a footpath shall yield the right of way to any pedestrian in his path.

11 SPECIAL PARKING

- 11.1 Notwithstanding Clause 7 or Clause 9.1 of this bylaw the Council or any officer of the Council authorised by the Council for that purpose may authorise the driver of any vehicle to park contrary to the parking times and conditions specified in any resolution made pursuant to this bylaw in the circumstances that it would be unreasonable to require the vehicle to be parked elsewhere and the safety and convenience of other road users is not unreasonably affected and the vehicle at all times displays in a conspicuous position a sign provided by the Council for this purpose.
- 11.2 The Council may by resolution from time to time fix a charge payable for parking of vehicles in return for the privilege conferred in Clause 11.1 hereof.

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PART B - CONFIRMATION OF SPECIAL ORDERS

5 AMENDMENT TO BYLAW NO. 7 1991, TRAFFIC - BUS PRIORITY LANE

The Council on Wednesday, 26 March 2003 resolved by way of Special Order to Amendment to Bylaw No. 7 1991, Traffic - Bus Priority Lane. The Special Order was publicly notified on Monday, 7 April 2003 and Monday, 21 April 2003 in accordance with Section 716B of the Local Government Act 1974. At the time of the agenda printing no objections had been received, however a correction to the commencement date of the Bylaw has been recommended by staff to make the Bylaw legally correct.

The Special Order resolution incorporating the correction of the commencement date is now confirmed as follows:

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MOVED by Cr Presland, seconded Cr Yates:

1. The Waitakere City Council acting in pursuance and exercise of the power and authorities conferred on it by the Local Government Act 1974, the Transport Act 1962, Traffic Regulations 1976 the Bylaws Acts 1910 and all other powers and authorities in any way enabling it **HEREBY CONFIRMS BY SPECIAL ORDER** the following amendment to Bylaw No. 7 1991, Traffic hereby:-

1. **SHORT TITLE**

The Short Title of this Bylaw shall be the Waitakere City Council Bylaw No. 7 1991, Traffic, Amendment No. 6, 2003.

2. **COMMENCEMENT**

This Amendment shall come into force on Friday, 16 May 2003.

3. **AMENDMENT**

Bylaw No. 7 1991, Traffic is amended by adding after clause 10 - CYCLE TRACKS the following clause entitled "BUS PRIORITY LANE"

10A) BUS PRIORITY LANE

10A.1 The Council or any duly delegated committee of the Council including a community board may at any time and from time to time by resolution determine that any part of street which shall be defined in such resolution shall be a 'bus priority lane' for the purposes of this Bylaw.

10A.2 The Council or any duly delegated committee of the Council including a community board may at any time by resolution prohibit, limit or restrict all classes of vehicle from using any 'bus priority lane' except for large passenger service vehicles, bicycles, police and traffic enforcement vehicles, emergency vehicles, and by any vehicle for a distance of not more than 50 metres for the purpose of turning into or out of side streets and properties.

10A.3 The Council or any duly delegated committee of Council including a community board may further and in like manner prohibit the parking of any vehicles in any bus priority lane in excess of a period fixed by such resolution.

10A.4 The Council shall maintain in or on the street a notice, traffic sign, marking or sign indicating a bus priority lane and the nature of such prohibition, limitation or restriction and purposes so determined.

10A.5 No person or driver in charge of any vehicle shall stop, stand or park it whether attended or unattended in any such lane where such a notice, traffic sign, marking or sign on the street is maintained except in conformity with the terms of such prohibition, limitation or restriction or for the purposes so determined.

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11A SPEED LIMITS

- 11A.1 No person shall use any road or street under the control of the Council for the purpose of driving a motor vehicle on or along such road or street when such motor vehicle is driven at a speed exceeding 50km/h (except such road or street as may be excluded from time to time by the Minister of Transport by notice published in the Gazette, pursuant to Section 52 of the Transport Act 1962). **PROVIDED** THAT the Council may fix such lower speed limit than 50 km/h as it deems necessary to roads over which it has control and to which it may from time to time by resolution determine.
- 11A.2 In determining which roads or streets to which it will fix such lower speed limit to, the Council shall consult with the New Zealand Police and take account of its comments.
- 11A.3 Any resolution made pursuant to this clause shall be publicly notified in at least one newspaper circulating in the City."

11B SPEED CONTROLS

- 11B.1 Where the Ministry of Transport by notice published in the Gazette, excludes any road or street from the limitations as to speed imposed by Section 52(1) of the Transport Act 1962 or Regulation 21 of the Traffic Regulations 1976 the Council may by resolution fix such lower speed limit on that road or street as it deems necessary for the safety of the public or for the better preservation of the road.
- 11B.2 In determining which roads or streets such lower speed limit shall be applied, the Council shall undertake the procedures set out in Road and Traffic Standard 17 - Guidelines for setting Speed Limits and any road or street against which a resolution is made in accordance with Clause 11.B.1 shall satisfy the criteria contained within that document.
- 11B.3 Any resolution made pursuant to the clause shall be publicly notified in at least one newspaper circulating within the City.

12 OFFENCES

- 12.1 Every person commits an offence against this Bylaw who:
- (1) Does any act in contravention of or fails to comply with any requirements thereof; or
 - (2) Knowingly permits or suffers any condition or thing to exist contrary to any provision contained in this Bylaw; or
 - (3) Does not refrain from doing anything which under this Bylaw he is required to refrain from doing.

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