



Waitakere City Council
Te Taiao o Waitakere

RECOMMENDATION REPORT OF THE JOINT HEARINGS PANEL TO THE PLAN CHANGES NOTIFIED IN ACCORDANCE WITH THE LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004

WAITAKERE CITY DISTRICT PLAN

PROPOSED PLAN CHANGE 13 (HOBSONVILLE AIRBASE)
PROPOSED PLAN CHANGE 14 (HOBSONVILLE VILLAGE CENTRE)
PROPOSED PLAN CHANGE 15 (MASSEY NORTH)
PROPOSED PLAN CHANGE 16 (MANAGING CITY GROWTH)
PROPOSED PLAN CHANGE 17 (NEW LYNN)
PROPOSED PLAN CHANGE 18 (CITY WIDE URBAN DESIGN RULES)

INFRASTRUCTURE / RURAL

File Reference : Recommendation Report WCC 2

1. OUTLINE

This report is part of a series of reports that contain the recommendations of the Joint Regional Policy Statement and District Plan Changes Hearings Panel ("the Panel") following consideration of submissions and further submissions received in relation to infrastructure and rural matters in Plan Changes 13, 14, 15, 16, 17 and 18. Other submissions and further submissions to these Plan Changes are dealt with in additional topic based recommendation reports.

The Panel was jointly appointed by the councils of the region under the Local Government (Auckland) Amendment Act 2004 ("the LGAAA"). Following consideration of all the submissions and supporting evidence presented and/or tabled by the submitters and further submitters at the hearings, and the reporting officer's report, the Panel now makes the recommendations contained in this report to the Auckland Regional Council ("ARC").

To reiterate, this report contains the **recommendations** to Council of the Panel on submissions that have been made during the course of the hearings. **It is not the decision of the Council.**

The suggested amendments to the Waitakere City District Plan arising from the Panel recommendations discussed throughout this report are set out in the Panel Recommendation amendments to the Plan Changes, dated 28 May 2007. This forms Appendix 1 to this report.

2. BACKGROUND

Plan Changes 13-18 were notified on 31 March 2005 as a mandatory requirement of the LGAAA.

The LGAAA mandates that all councils in the Auckland Region integrate their land transport and land use provisions and ensure these are consistent with the Auckland Regional Growth Strategy ("RGS"), give effect to its Growth Concept and contribute to the land transport and land use matters specified in Schedule 5 (s39 & s40 LGAAA).

The matters that the LGAAA requires to be included in changes to statutory documents support the purpose of the Resource Management Act 1991 ("RMA") in promoting sustainable management of natural and physical resources.

3. THE PANEL AND THE HEARINGS PROCESS

3.1 The Joint Hearings Panel

The Panel was comprised of the following members:

Cr Paul Walbran (Chair)
Cr Wyn Hoadley (Deputy Chair)
Cr Carolynne Stone
Cr Neil Morrison
Cr Bill Smith
Lindsey Rea
David Hill
Alan Watson

The members of the Panel included regional councillors, city and district councillors, a community board chairperson and two independent commissioners.

The councils of the region jointly delegated to the Panel their powers, functions and duties to hear submissions and make recommendations (under s41(1) and (2) LGAAA, and s24A RMA) on the following 15 proposed plan changes:

AUCKLAND REGIONAL POLICY STATEMENT

Proposed Change 6 - Giving Effect to the Regional Growth Concept and Integrating Landuse and Transport.

Proposed Change 7 - Metropolitan Urban Limits

AUCKLAND CITY DISTRICT PLAN – Operative Isthmus Section

Proposed Plan Modification 175 - Giving Effect to the Regional Growth Concept

FRANKLIN DISTRICT PLAN

Proposed Plan Change 20 - Changes Pursuant to Local Government (Auckland) Amendment Act 2004.

MANUKAU CITY DISTRICT PLAN

Proposed Plan Change 12 - Manukau's Growth.

NORTH SHORE CITY DISTRICT PLAN

Proposed Plan Change 12 - Redraft of parts of the North Shore City District Plan - Required by the Local Government (Auckland) Amendment Act 2004.

PAPAKURA DISTRICT PLAN

Proposed Plan Change 10 - ARPS Changes to the Operative District Plan.

RODNEY DISTRICT PLAN

Proposed Variation 22 to the Proposed District Plan 2000
Proposed Plan Change 97 to the Operative Transitional District Plan 1993.

WAITAKERE CITY DISTRICT PLAN

Proposed Plan Change 13 - Hobsonville Airbase;
Proposed Plan Change 14 - Hobsonville Village Centre;
Proposed Plan Change 15 - Massey North;
Proposed Plan Change 16 - Managing City Growth;
Proposed Plan Change 17 - New Lynn;
Proposed Plan Change 18 - City Wide Urban Design Rule

3.2 The Hearings Process

The proposed plan changes were notified by local authorities by 31 March 2005, in accordance with section 39 of the LGAAA. Given the number of proposed plan changes and the predicted volume of submissions to be dealt with, the Panel agreed that submissions were to be separated into categories. The categories used are detailed in the following table:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 2 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

Category	Topic	Number of Submissions	Number of submitters and further submitters
A	General Growth	1575	266
B	Infrastructure / Natural Resources / Rural / Countryside Living	1098	174
C	Business Issues & Retail Location	290	93
D	Transport	534	115
E	MUL Issues (Not Hobsonville/Massey North)	79	85
F	Housing Lobby Identical Submissions	996	520
G	Swanson / Penihana	251	229
H	MUL Hobsonville and Massey North	1041	197
I	New Lynn	332	48
J	Urban Design WCC 18	281	32
K	Howick	60	29
M	ARC Miscellaneous	8	32
W	WCC 16 & 18 (Miscellaneous)	20	12
TOTAL		6565	1832

Hearing Reports were generated by each local authority in the region under Schedule 1 of the RMA for each category – 50 reports in total. Public hearings were notified and held for each category, addressing all submissions deemed by the relevant Hearing Reports to fall within that category. In total, there were 46 hearing days, commencing on 27 April 2006. A further 12 days were utilised for site visits and deliberations. The Panel allocated time at the end of each hearing day to conduct preliminary deliberations. Additionally, more in-depth interim deliberations were held at the end of each topic. The last day of deliberations following the hearings was on 21 May 2007.

The Panel obtained legal advice in relation to the scope of the hearings process and other key issues raised prior to and during the hearings.

In forming its recommendations, the Panel focussed on the purpose of the LGAAA – to integrate land use and land transport provisions to ensure consistency with the growth strategy, give effect to its Growth Concept and contribute to the matters specified in Schedule 5 of the LGAAA. Under the legislation, local authorities were mandated to notify changes to the RPS and all District Plans to achieve this purpose – a substantial process.

The LGAAA came into effect on 1 July 2004 and notification of changes was required from all local authorities by 31 March 2005. It is relevant that, while District Plans are required to give effect to the RPS, the proposed changes to the RPS were notified at the same time as the proposed amendments to the District Plans.

Due to the relatively short timeframe and substantial changes envisaged by the LGAAA, there has been a mixed approach from local authorities, with different levels of detail reflected in the various proposed plan changes. This had the potential to frustrate the purpose of the LGAAA in terms of achieving integration across planning documents. Given the ambitious task set by the LGAAA, the Panel has taken the decision to concentrate its efforts on ensuring the RPS gives effect to the Growth Concept and meets the purpose of the LGAAA. The Panel considers that, once the RPS reflects the aims of the LGAAA, the District Plans will be required to give effect to the RPS and consequential amendments to the Plans will follow accordingly.

The Panel noted that many of the submissions focussed only on the plan changes and variations notified under the LGAAA. These changes were in many instances “filling the gaps” that existed in the current planning documents. When considering the Panel’s recommendations it is necessary to take into account the changes notified under the LGAAA, the existing District Plans, and other changes that have been notified both before and during the LGAAA process. The Panel was advised that work that each council currently has in train provides an indication of each council’s longer term plans.

The Panel also noted that many of the submissions lodged under the LGAAA were made in respect of the RPS and simply stated that the District Plans should be amended to reflect any changes to the RPS. The Panel considers that the issues raised in these submissions are best addressed after local authorities release the decision reports and any appeals to RPS Change 6 and RPS Change 7 are concluded. It will then be clear to what the District Plans must give effect.

This approach was not universal across the region or for all issues raised by the submissions. Some proposed District Plan changes were substantial, for example, those put forward by Waitakere City. In such cases, the Panel has dealt with the proposed changes in the same level of detail as the proposed RPS changes.

The Panel considers that the approach outlined above is practical and realistic, and will give local authorities time to prepare the necessary changes and carry out consultation with local communities. Ultimately, the objectives of the LGAAA can best be achieved by allowing the process in respect of the RPS to run its course, with subsequent amendments to District Plans in the context of a clear and robust RPS. Legal advice to the Panel has confirmed this approach.

3.3 Evidence

The Panel has received extensive and detailed evidence from submitters during the hearings process. The Panel has carefully considered this evidence and the substantial number of submission points put before it. This recommendation report does not attempt to comprehensively summarise each submission point and/or piece of evidence as this would result in an unduly lengthy report without substantially adding to the recommendations.

3.4 Integration

A key element of the LGAAA is the requirement for “integration” in a number of aspects. These include “*giving effect, in an integrated manner, to the growth concept*” and “*contributing, in an integrated manner, to the matters specified in schedule 5* “. Changes that seek to achieve these requirements must, in relation to each other, be integrated (s40 LGAAA). Schedule 5 also refers to “*facilitating integrated transport management*”, and “*integrating transport and land use policies*”.

Integration is therefore required within each of the planning instruments, and across all planning instruments in the Auckland Region. The Panel recognises the importance of integration to the LGAAA process and has been very mindful of this in its deliberations.

The Panel has made a number of recommendations on matters which provide integration across the planning documents, for example the recommendations to include material on the following:

- recommendations in relation to corridors
- recognition of regionally significant infrastructure
- integrated transport assessments
- Appendix H on densities required to support public transport

These, and other matters, are discussed further in the Panel Key Issues Recommendation Report.

4.1 PANEL KEY ISSUES RECOMMENDATION REPORT

In response to the extensive detail and evidence presented, the Panel has produced a Panel Key Issues Recommendation Report (the “Key Issues Report”) setting out its direction on the issues it considers to be key to the LGAAA process. This report is overarching of issues and is not separated into different categories, as with the recommendation reports. The recommendation reports for each proposed plan change and category refer back to the Key Issues Report where it assists in providing the context for specific recommendations.

The Key Issues Report is attached to and forms part of this recommendation report, and should be taken to comprise Section 4 of this report. It should be read in conjunction with Section 5 – Discussion and Recommendations.

4.2 DISCUSSION AND RECOMMENDATIONS

The following discussion is the Panel’s recommendation, having considered all the submissions and further submissions, both within the reporting officer’s report and presented and/or tabled at the hearings.

Abbreviations Used In This Report

Auckland Regional Policy Statement – ARPS / RPS
Auckland Regional Growth Strategy – RGS
Integrated Catchment Management Plan – ICMP
Local Government (Auckland) Amendment Act 2004 – LGAAA
Metropolitan Urban Limit – MUL
Regional Land Transport Strategy - RLTS
Regional Open Space Strategy – ROSS
Resource Management Act 1991 – RMA
Territorial Authorities – TA / TAs

5. DISCUSSION OF SUBMISSIONS AND RECOMMENDATIONS

5.1 SUBMISSIONS RELATING TO ALL SIX WAITAKERE CITY PLAN CHANGES (13-18)

The following submissions have been made to all six Waitakere City Plan Changes (13-18), with the same wording in respect of each submission point. There are therefore considered comprehensively in the following sections.

5.1.1 METROPOLITAN URBAN LIMITS

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
88/10	Schipper Cleanfill Limited	<p>Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:</p> <ul style="list-style-type: none"> - Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and - That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and - That expansion of rural settlements/centres is provided for without the need for structure plans; and - New countryside living areas are not restricted from being established in rural areas. 	<p>Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd</p> <p>Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 204 The Waitakere Ranges Protection Society Incorporated 250 Auckland Regional Council 259 Transit New Zealand</p> <p>Support and Opposed By: 95 Housing New Zealand Corporation (1)</p>
88/11	Schipper Cleanfill Limited	<ul style="list-style-type: none"> - That expansion of rural settlements/centres is provided for without the need for structure plans; and - New countryside living areas are not restricted from being established in rural areas. 	<p>Opposed By: 107 Westfield (New Zealand) Limited 204 The Waitakere Ranges Protection Society Incorporated 259 Transit New Zealand 250 Auckland Regional Council 108 Progressive Enterprises Limited</p> <p>Support and Opposed By: 95 Housing New Zealand Corporation (1)</p>
88/12	Schipper Cleanfill Limited		<p>Opposed By: 107 Westfield (New Zealand) Limited 204 The Waitakere Ranges Protection Society Incorporated 259 Transit New Zealand 250 Auckland Regional Council 108 Progressive Enterprises Limited</p>
88/13	Schipper Cleanfill Limited		<p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 259 Transit New Zealand 204 The Waitakere Ranges Protection Society Incorporated</p>

88/14	Schippers Cleanfill Limited	Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 204 The Waitakere Ranges Protection Society Incorporated
88/15	Schippers Cleanfill Limited	- Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 95 Housing New Zealand Corporation (1) 204 The Waitakere Ranges Protection Society Incorporated
89/10	Huron Holdings Limited	- That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and	110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 107 Westfield (New Zealand) Limited Support and Opposed By: 95 Housing New Zealand Corporation (1)
89/11	Huron Holdings Limited	- That expansion of rural settlements/centres is provided for without the need for structure plans; and	Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council Support and Opposed By: 95 Housing New Zealand Corporation (1)
89/12	Huron Holdings Limited	- New countryside living areas are not restricted from being established in rural areas.	Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 108 Progressive Enterprises Limited
89/13	Huron Holdings Limited		Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council
89/14	Huron Holdings Limited		Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

89/15	Huron Holdings Limited	Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:	<p>Supported By: 153 The National Trading Company of New Zealand Ltd</p> <p>Opposed By: 95 Housing New Zealand Corporation (1)</p>
90/10	Pacific Rim Builders Limited	<ul style="list-style-type: none"> - Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and - That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and 	<p>Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd</p> <p>Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 250 Auckland Regional Council</p> <p>Support and Opposed By: 95 Housing New Zealand Corporation (1)</p>
90/11	Pacific Rim Builders Limited	<ul style="list-style-type: none"> - That expansion of rural settlements/centres is provided for without the need for structure plans; and - New countryside living areas are not restricted from being established in rural areas. 	<p>Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 108 Progressive Enterprises Limited</p> <p>Support and Opposed By: 95 Housing New Zealand Corporation (1)</p>
90/12	Pacific Rim Builders Limited		<p>Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 108 Progressive Enterprises Limited</p>
90/13	Pacific Rim Builders Limited		<p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council</p>
90/14	Pacific Rim Builders Limited		<p>Supported By: 153 The National Trading Company of New Zealand Ltd</p> <p>Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited</p>
90/15	Pacific Rim Builders Limited		<p>Supported By: 153 The National Trading Company of New Zealand Ltd</p> <p>Opposed By: 95 Housing New Zealand Corporation (1)</p>

91/10	Top Enterprise Group	<p>Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:</p> <ul style="list-style-type: none"> - Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and 	<p>Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 107 Westfield (New Zealand) Limited</p> <p>Support and Opposed By: 95 Housing New Zealand Corporation (1)</p>
91/11	Top Enterprise Group	<ul style="list-style-type: none"> - That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and - That expansion of rural settlements/centres is provided for without the need for structure plans; and 	<p>Opposed By: 250 Auckland Regional Council 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited</p> <p>Support and Opposed By: 95 Housing New Zealand Corporation (1)</p>
91/12	Top Enterprise Group	<ul style="list-style-type: none"> - New countryside living areas are not restricted from being established in rural areas. 	<p>Opposed By: 250 Auckland Regional Council 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited</p>
91/13	Top Enterprise Group		<p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council</p>
91/14	Top Enterprise Group		<p>Supported By: 153 The National Trading Company of New Zealand Ltd</p> <p>Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited</p>
91/15	Top Enterprise Group		<p>Supported By: 153 The National Trading Company of New Zealand Ltd 284 Oratia Landowners Action Group</p> <p>Opposed By: 95 Housing New Zealand Corporation (1)</p>

92/10	Anglican Diocese of Auckland	<p>Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:</p> <ul style="list-style-type: none"> - Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and 	<p>Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 107 Westfield (New Zealand) Limited</p> <p>Support and Opposed By: 95 Housing New Zealand Corporation (1)</p>
92/11	Anglican Diocese of Auckland	<ul style="list-style-type: none"> - That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and - That expansion of rural settlements/centres is provided for without the need for structure plans; and 	<p>Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 108 Progressive Enterprises Limited</p> <p>Support and Opposed By: 95 Housing New Zealand Corporation (1)</p>
92/12	Anglican Diocese of Auckland	<ul style="list-style-type: none"> - New countryside living areas are not restricted from being established in rural areas. 	<p>Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 108 Progressive Enterprises Limited</p>
92/13	Anglican Diocese of Auckland		<p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council</p>
92/14	Anglican Diocese of Auckland		<p>Supported By: 153 The National Trading Company of New Zealand Ltd</p> <p>Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited</p>
92/15	Anglican Diocese of Auckland		<p>Supported By: 153 The National Trading Company of New Zealand Ltd</p> <p>Opposed By: 95 Housing New Zealand Corporation (1)</p>
93/10	Methodist Mission Northern		<p>Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 107 Westfield (New Zealand) Limited</p> <p>Support and Opposed By: 95 Housing New Zealand Corporation (1)</p>

93/11	Methodist Mission Northern	Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:	Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 108 Progressive Enterprises Limited Support and Opposed By: 95 Housing New Zealand Corporation (1)
93/12	Methodist Mission Northern	- Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and	Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 108 Progressive Enterprises Limited
93/13	Methodist Mission Northern	- That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and	Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council
93/14	Methodist Mission Northern	- That expansion of rural settlements/centres is provided for without the need for structure plans; and - New countryside living areas are not restricted from being established in rural areas.	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
93/15	Methodist Mission Northern		Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 95 Housing New Zealand Corporation (1)
94/10	LM & JA Barber		Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 107 Westfield (New Zealand) Limited Support and Opposed By: 95 Housing New Zealand Corporation (1)
94/11	LM & JA Barber		Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 108 Progressive Enterprises Limited Support and Opposed By: 95 Housing New Zealand Corporation (1)
94/12	LM & JA Barber		Opposed By: 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 108 Progressive Enterprises Limited

94/13	LM & JA Barber	Reject the proposed amendments to the Regional Policy Statement and District Plans in their entirety and notify new plan changes/variations to the Regional Policy Statement and District Plans which maintain the metropolitan urban limit and the extent of rural settlements/centres to ensure:	Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council
94/14	LM & JA Barber	<ul style="list-style-type: none"> - Urban/commercial activities requiring a rural location, or serving the rural community, or already established within the rural area, or requiring proximity to consumers/users/markets or existing business or commercial areas, or requiring large areas of land, are not limited by the proposed policies on urban containment; and 	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
94/15	LM & JA Barber	<ul style="list-style-type: none"> - That the expansion of legally established urban activities in rural zones are not limited by the proposed policies on urban containment, or overly prescriptive structure plan provisions; and - That expansion of rural settlements/centres is provided for without the need for structure plans; and - New countryside living areas are not restricted from being established in rural areas. 	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 95 Housing New Zealand Corporation (1)

Evidence Presented:

The Panel heard evidence from Pacific Rim Builders, Methodist Mission Northern and the Anglican Diocese of Auckland, but the focus of that evidence related to the Auckland Regional Council Plan Change 6 and matters related to land holdings in Wellsford, Pukekohe and Kawakawa Bay. Therefore this evidence was not immediately relevant to Waitakere City Council Plan Changes 13-18.

The Panel did not receive evidence in support of the submissions from the Schippers Cleanfill Limited, Huron Holdings Limited, Top Enterprise Group and LM & JA Barber or their representatives.

The Panel also heard evidence from the Waitakere Ranges Protection Society as a further submitter. The Society reiterated its submission 204/12, relating to Policy 0.11 in Plan Change 16. That submission is dealt with in the Panel's recommendations in the Growth Report, and will not be addressed in this Report.

Discussion:

The submitters listed above seek that the plan changes be deleted (including all other plan changes notified by other local authorities). In summary, the submitters have suggested that the proposed plan changes are unreasonable and do not provide for the wise use and management of resources or sustainable management, and in particular that no provision has been made for growth of business/commercial areas in rural settlements/centres without significant structure planning exercises being undertaken. The submissions effectively oppose the restrictions arising under the ARGs, and the use of the metropolitan urban limits as a planning tool to give effect to the requirements of the LGAAA. The submissions could also be read in terms of touching on issues related to the definition of urban activities.

Section 3 of the Hearing Report set out the statutory requirements of the LGAAA that require Auckland local authorities to prepare and notify changes to their district plans in order to provide for integrated land transport and land use provisions that are consistent with the ARGs. In this context, the Panel notes that the Council is unable to simply reject Plan Changes 13-18 without having alternative plan changes that meet the requirements of the LGAAA.

In any event, the Panel considers that the objectives of the plan changes fall within the ambit of the matters that the LGAAA is explicitly seeking to address. In particular, the submissions are seeking to overhaul the provisions of the ARGS, which the LGAAA requires be given effect to through the district plan changes. The submissions therefore seek a significant degree of amendment to the ARGS, which would affect the overall purpose and objectives of the LGAAA, and the outcomes that are sought through that legislation and consequently the ARGS. The ARGS itself is also given effect to through sector agreement commitments from the various local authorities, which acknowledge the overall objectives of the ARGS and requirements for further technical work (and structure plans). The Panel considers that the relief sought in the above submissions is therefore considered to be contrary to the purpose and legislative imperatives within the LGAAA and which Plan Changes 13-18 are seeking to give effect.

Panel Recommendation 5.1.1.1:

Submissions 88/10, 88/11, 88/12., 88/13, 88/14, 88/15, 89/10, 89/11, 89/12, 89/13, 89/14, 89/15, 90/10, 90/11, 90/12, 90/13, 90/14, 90/15, 91/10, 91/11, 91/12, 91/13, 91/14, 91/15, 92/10, 92/11, 92/13, 92/14, 92/15, 93/10, 93/11, 93/12, 93/13, 93/14, 93/15, 94/10, 94/11, 94/12, 94/13, 94/14 and 94/15 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.1.2 MINERAL EXTRACTION AND PROCESSING

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
128/25, 128/28, 128/31, 128/34, 128/37, 128/40	The Aggregate & Quarry Assoc. of NZ (Inc)	Amend to recognise that mineral extraction and processing are appropriate activities within the rural area and a planning regime that enables the establishment of mineral extraction and processing activities, provided that the adverse environmental effects of these activities can be avoided, remedied or mitigated.	N/A
129/28, 129/31, 129/34, 129/37, 129/40, 129/43	New Zealand Minerals Industry Association		

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives.

Discussion:

The submitters seek greater recognition of, and provision for, mineral extraction and processing activities within the rural areas of the City. Although the submissions have been lodged against all six plan changes notified by Waitakere City Council, it is apparent to the Panel that as four of those plan changes relate to specific and defined areas within the City, and one refers to urban design rules, that the focus of the submissions could only relate to the Council’s Proposed Plan Change 16 (entitled “Managing City Growth”).

Proposed Plan Change 16 seeks to give effect to the Waitakere City Growth Management Strategy, which proposes that 78% of the City’s growth will be accommodated within the existing urban area, 17% in the Northern Strategic Growth Area (NorSGA) corridor, and 5% in the rural area. The Panel notes that areas identified within the Waitakere City Growth Management Strategy that are located within the City’s rural areas include Penihana, the Hobsonville Corridor and Peninsula, and the Redhills area. These are in close proximity to established urban areas, and there is no evidence that development in these areas will reduce any potential opportunities for mineral extraction and processing activities.

Panel Recommendation 5.1.2.1:

Submissions 128/25, 128/28, 128/31, 128/34, 128/37, 128/40 and 129/28, 129/31, 129/34, 129/37, 129/40, 129/43 be rejected.

5.1.3 REVERSE SENSITIVITY – COUNTRYSIDE LIVING

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
128/26, 128/29, 128/32, 128/35, 128/38, 128/41	The Aggregate & Quarry Assoc. of NZ (Inc)	Amend to recognise the potential for reverse sensitivity on lawfully established activities in the rural area, from countryside living opportunities.	
129/29, 129/32, 129/35, 129/38, 129/41, 129/44	The NZ Minerals Industry Association		
131/27, 131/30, 131/33, 131/36, 131/39, 131/42	The Poultry Industry Association of NZ (Inc)		
128/27, 128/30, 128/33, 128/36, 128/39, 128/42	The Aggregate & Quarry Assoc. of NZ (Inc)	Amend to discourage countryside living to reduce the potential for reverse sensitivity to occur and can undermine a compact urban form.	
129/30, 129/33, 129/36, 129/39, 129/42, 129/45	The NZ Minerals Industry Association	Amend to discourage countryside living both to reduce the potential for reverse sensitivity effects to occur and to ensure that the provisions of the LGAAA and ARGS are met through intensification of residential activities in existing rural areas.	
131/28, 131/31, 131/34, 131/37, 131/40, 131/43	The Poultry Industry Association of NZ (Inc)		

Evidence Presented:

The Poultry Industry Association of New Zealand (Incorporated) (submitter 131) presented evidence on the matter of reverse sensitivity.

Submitter 131 sought the strengthening of the provisions in both the Auckland Regional Policy Statement and Auckland territorial local authority district plans to expressly recognise “reverse sensitivity” effects from countryside living located in proximity to lawfully established rural activities. The Panel did not receive evidence in support of submissions from the Aggregate & Quarry Assoc. of NZ (Inc) and the NZ Minerals Industry Association, or their representatives.

Discussion:

The submissions indicate concern at existing and potential opportunities for countryside living which may result in adverse and reverse sensitivity effects on mineral extraction and processing activities. These activities are required to support the infrastructural demands of greater intensification within existing metropolitan areas. The submissions seek that countryside living should be discouraged, both to reduce the likelihood of reverse sensitivity effects and to ensure that the provisions of the LGAAA and ARGS are met through the intensification of residential activities in existing rural areas.

Although the submissions have been lodged against all six plan changes notified by the Council, it is apparent to the Panel that four of those plan changes relate to specific and defined areas within the City, and one refers to urban design rules. The focus of the submissions could only relate primarily to Plan Change 16 (entitled "Managing City Growth"). The Panel considers that the policies and methods in that Plan Change will result in the objectives of the submitters being addressed. In addition, the Panel notes the description of the policies and methods, at Section 6.2.1 of Plan Change 16. This requires that the implementation of a structure plan will include consideration of, *inter alia*, the protection of natural resources and the avoidance of impacts on the efficient operation of rural activities.

The Panel considers that the protection of any existing mineral extraction activities would be able to be addressed under the current structure planning provisions. Accordingly, no further provision for these activities is considered necessary, and the submissions should be rejected.

Panel Recommendation 5.1.3.1:

Submissions 128/26, 128/27, 128/29, 128/30, 128/32, 128/33, 128/35, 128/36, 128/38, 128/39, 128/41, 128/42 and 129/29, 129/30, 129/32, 129/33, 129/35, 129/36, 129/38, 129/39, 129/41, 129/42, 129/44, 129/45 and 131/27, 131/28, 131/30, 131/31, 131/33, 131/34, 131/36, 131/37, 131/39, 131/40, 131/42, 131/43 be rejected

5.1.4 INTENSIVE FARMING

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
131/26, 131/29, 131/32, 131/35, 131/38, 131/41	Poultry Industry Assoc. of NZ (Inc)	Amend to recognise that intensive farming is an appropriate activity within the rural area and a planning regime that enables the establishment of intensive farming activities, provided that the adverse environmental effects of these activities can be avoided, remedied or mitigated.	

Evidence Presented:

Submitter 131 sought the strengthening of the provisions in both the Auckland Regional Policy Statement and Auckland territorial local authority district plans to expressly recognise that intensive farming is an accepted and anticipated activity in rural areas.

Submitter 131 sought the strengthening of the provisions in both the Auckland Regional Policy Statement and Auckland territorial local authority district plans to expressly recognise that intensive farming is an appropriate activity within the rural area.

Discussion:

The submission seeks greater recognition of, and provision for, intensive farming activities within the rural areas of the City. Although the submissions in this respect have been lodged against all six plan changes notified by the Council, it is apparent to the Panel that four of those plan changes relate to specific and defined areas within the City, and one refers to urban design rules. The focus of the submissions should only relate to Plan Change 16 (entitled "Managing City Growth").

Proposed Plan Change 16 seeks to give effect to the Waitakere City Growth Management Strategy, which proposes that 78% of the City's growth will be accommodated within the existing urban area, 17% in the Northern Strategic Growth Area (NorSGA) corridor, and 5% in the rural area. The areas identified within the Waitakere City Growth Management Strategy that are located within the City's rural areas include Penihana, the Hobsonville Corridor and Peninsula, and the Redhills area. These are in close proximity to established urban areas, and there is no evidence that development in these areas will reduce potential opportunities for intensive farming activities.

Panel Recommendation 5.1.4.1:

Submissions 131/26, 131/29, 131/32, 131/35, 131/38, 131/41 be rejected.

5.1.5 RECOGNISE STREAMS

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
1115/1	Edwin	Seeks that the Plan Change ensure that all	1115/1 and 1115/5 Opposed

1115/2 1115/3 1115/4 1115/5 1115/6	Simperingham	streams in Henderson (specifically the Oratia Stream, the Opanuku Stream and Henderson Creek and all these streams tributary streams) and New Lynn (specifically the Rewarewa Creek, Manawa Stream, Scroggy Stream, Avondale Stream, Whau Creek and all of their tributary streams) should be specifically recognised and their amenity values protected in the town centre rules. This would be consistent with Councils policies around urban villages and with the Twin Streams project.	By: 108 Progressive Enterprises Limited
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Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

The relief sought by the submitter relates to Henderson and New Lynn streams and that their amenity values be protected in the town centre rules. This is similar to the submitter's submission 1115/7 which relates specifically to the Oratia Stream and the West City shopping centre in Henderson which was discussed within the General Growth Principles and Issues report (refer to section 5.3.2).

In similar terms to that report, the Panel considers that the plan changes propose provisions that encourage better design, particularly through the rules that would be put in place under Plan Change 18 (City Wide Urban Design Rules). The Panel notes Policy 0.4, proposed under Plan Change 16 (Managing City Growth), will provide higher level guidance to assist with the assessment of development proposals in the vicinity of streams.

Submissions 1115/1 – 1115/6 are therefore accepted in part, to the extent that the plan changes have introduced provisions into the District Plan that are intended to improve ecological outcomes arising from new development. However, no amendments to the plan changes are recommended in response to the submissions.

Panel Recommendation 5.1.5.1:

Submissions 1115/1, 1115/2, 1115/3, 1115/4, 1115/5 and 1115/6 be accepted in part.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.1.6 RIPARIAN MARGINS

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
1115/9 1115/1 01115/ 111115 /12111 5/1311 15/14	Edwin Simperingham	Seeks that no development, earthworks or establishment of structures be allowed in the Riparian Margins Natural Areas and that an area beyond the width of the Riparian Margins Natural Area be required as an amenity setback and that public access in the form of a decent width (2 metres) footpath be provided adjacent to the amenity setback.	

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

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Discussion:

The submissions above seek the restriction of earthworks and development within the riparian margins Natural Areas (which are identified in the Concept Plans that form part of Plan Changes 13, 14 and 15), and that such riparian margins include an amenity setback and associated footpath. The introduction of the Riparian Margins Natural Areas in the Concept Plans (at 5, 7, 10, 15 and 20 metre dimensions) allows for the enhancement of these riparian areas identified on the relevant Natural Area maps.

The Panel notes that the rules relating to Riparian Margins contained within the District Plan already control the effects of vegetation alteration, earthworks, paved surfaces and buildings. The development of footpaths or boardwalks is a matter also presently controlled by the provisions of the District Plan (as a limited discretionary activity).

The location of some of the identified riparian margins might lend themselves to pedestrian connections between reserves and indicative roads, and form part of green linkages. However the Panel considers that the formalisation of public access would need to be resolved at either the time of subdivision and the creation of esplanade reserves (in accordance with the Council's Parks Strategy), or at the Comprehensive Development Plan stage, and with the approval of the landowner. The proposed Plan Changes enable such outcomes, and the submissions are therefore accepted in part. However, no amendments to the plan changes are recommended in response to the submissions.

Panel Recommendation 5.1.6.1:

Submissions 1115/9, 1115/10, 1115/11, 1115/12, 1115/13 and 1115/14 be accepted in part.

5.2 PLAN CHANGE 13

5.2.1 Infrastructure Maintenance/Upgrading

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
104/2	AA Environmental Ltd	Amend the plan change to make any other necessary changes to provide for maintenance and upgrading of infrastructure and streetscape without unintended or unnecessary consent requirements.	Supported By: 1207 Watercare Services Ltd

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

The concern identified in this submission arises from Rule 21 of Plan Change 13, and the impression that Plan Change 13 appears to partly override the normal application of the District Plan Human Environment and Natural Area Rules. Consequently, it is not clear what rules apply to maintenance and upgrading projects. Rule 21.3 of Plan Change 13 provides for the establishment of infrastructure (Rule 21.3(f)) and connections to infrastructure (approved as part of a Comprehensive Development Plan) as limited discretionary activities, and for connections to infrastructure approved under Rule 21.3(f) as a controlled activity. Rule 21.6 makes any activity not permitted, limited discretionary, or discretionary, a non-complying activity, and overlooks the controlled activity category.

The Panel considers that the concerns expressed in the submission could be resolved through the addition of the word "upgrading" to Rule 21.3(f). The definition of "Upgrading" in the City Wide Rules Definitions section includes maintenance. Rule 21.3(f) applies to any activity within the subject area, and is not dependent on being part of an overall Comprehensive Development Plan of the area. However, it would ensure that any infrastructure developments will be in accordance with the assessment criteria applying to the area. The Panel also considers it appropriate to amend Rule 21.6 to include controlled activities.

Panel Recommendation 5.2.1.1:

Submission 104/2 be accepted in part. Recommended amendments to Rule 21.3 and 21.6 in Plan Change 13 are set out in Appendix 1.

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 2 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.3 PLAN CHANGE 15

5.3.1 Whole Plan Change National Grid

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
185/89, (185/28-38)	Transpower New Zealand Limited	Amend the Plan Change 15 to reflect the strategic issues pertaining to regionally significant infrastructure, in particular the National Grid (and see also submissions 185/28-38). The detailed relief sought in the submission is set out in the discussion section below.	Supported By: 250 Auckland Regional Council Opposed By: 81 IB, GA and IE Midgley

Evidence Presented:

Representatives from Transpower gave evidence in relation to Plan Changes 15 and 16.

The evidence relating to Plan Change 15 supported all but one recommendation made in the report, and that recommendation was associated with the details required as part of development in Precinct E. Consideration of the evidence has led the Panel to accept in part submissions 185/34 and 185/38, which are both referred to in the discussion below. The health and safety components of this suggested assessment criteria are deleted, and the amended version of Rules 26 and 27 recommended by the Panel read as follows:

- XX(**) The extent to which the precinct *development* addresses the following matters associated with existing high voltage transmission lines or cables:-
- (i) adverse visual effects of the existing high voltage transmission lines, through *building* orientation and the location of *development*;
 - (ii) continued access to *lines* and cables for *maintenance*, inspections and *upgrading*;
 - (iii) minimising the risk of injury and/or property damage from lines and cables;
 - (iv) the nature and location of proposed *vegetation*;
 - (v) the proposed location of other *infrastructure*.

Discussion:

The area subject to Plan Change 15 includes an existing designation identified as "TP2", being a High Voltage Electricity Line traversing across the eastern part of the land, and over both the Massey North Town Centre Special Area and the Massey North Employment Special Area.

185/28 Retain lines on the Human Environments Map (shown as changes to A7, C7 and C8).

This amendment is accepted insofar as the Panel notes that submission 185/28 is already met, and the identification of the transmission lines on the relevant Human Environment Maps will ensure that the lines are identified and addressed in any resource consents required within Plan Change 15.

185/29 Identify high voltage transmission lines traversing the Massey Urban Concept plan in Appendix XX

This amendment is rejected as this matter has already been identified and retained on the Human Environment Maps via submission 185/28. The identification of the transmission lines on those Human Environment Maps will ensure that the lines are identified and addressed in any resource consents required within Plan Change 15.

185/30. Insert a new bullet point into new Policy 11.44 along the following lines:

- ensuring that development in close proximity to existing infrastructure is designed and constructed so that the operation of that infrastructure, and options for future use of existing regionally significant infrastructure, are not compromised.

The Panel considers it important to recognise the existence and need for regionally significant infrastructure when development of new growth areas occurs. This addition is accepted in part as it introduces an important reference within the policies for safeguarding regionally significant infrastructure. This is accepted in part, subject to the deletion of the text "...that infrastructure, and options for future use of..." as this text does not add to the intent of this policy addition.

185/31. Add a new bullet point into the specific policies relating to the Massey North Town Centre Special Area, Precincts A, B and E along the following lines:

- managing the design and location of new subdivision and development proposed near regionally significant infrastructure to address its potential to adversely affect the operation, maintenance, upgrading and extension of such infrastructure.

This addition is accepted as it introduces an important reference within the policies for safeguarding regionally significant infrastructure within the specified Precincts within the Massey North Town Centre Special Area.

185/32 Add the following to the explanation for the Town Centre Precinct Areas A, B and E:

Future development of land over which high voltage transmission lines or under which high voltage transmission cables pass, must be managed to ensure it does not adversely affect the lines. This includes management of issues such as encroachment (resulting in reverse sensitivity issues), adverse effects such as dust from earthworks and operations, and compliance with mandatory separation distances from existing lines. Existing corridors represent an important strategic asset that should not be compromised by urban growth.

This addition is accepted in part, as it provides an explanation for the preceding policy additions above. The Panel recommends that the addition of the words "or cables" occurs at the end of the first sentence for completeness. The Panel also recommend that the last sentence be removed, as the District Plan provides a policy and rule framework to enable the regionally significant infrastructure and urban development to occur in relative proximity.

185/33 Replace the requirements in Rule 26 for a Comprehensive Development Plan for the Town Centre Precinct A (requirement viii) and B (requirement v) [which require details to be provided of the method by which existing overhead transmission wires are to be integrated with the precinct development design, including any relocation or undergrounding proposed] with the following:

The method by which the precinct development design mitigates the effects of, and the effects on, existing overhead high voltage transmission lines, including, if practicable and agreed to by the asset owner, by relocating or under grounding existing high voltage transmission lines.

This addition is accepted in part, as it highlights the desirability of relocating or under grounding transmission lines. This would be likely to have a beneficial effect from a resource management/urban design and visual amenity viewpoint and result in urban form not having to be compromised by the existing location of overhead transmission lines. The Panel also recommends that the words "and agreed to by the asset owner" be deleted from the relief sought, as the concerns of the asset owner are adequately addressed by the remaining text in the Comprehensive Development Plan requirements.

185/34 Add a new criteria into the infrastructure assessment criteria associated with Rule 26 along the following lines or to achieve the same intent:-

- 26(ax) The extent to which the precinct development design addresses the following matters as they have the potential to adversely affect mitigation of existing high voltage transmission lines or cables:-
- (vi) potential adverse visual effects of the lines through building orientation and the location of development;

- (vii) continued access to lines and cables for maintenance, inspections and upgrading;
- (viii) minimising the risk of injury and/or property damage from lines and cables;
- (ix) the impact of earthworks and the construction of subsequent buildings on electrical safety distances (NZECP : 34 2001);
- (x) the nature and location of proposed vegetation;
- (xi) the proposed location and installation of utilities.

See Evidence Section above.

- 185/35 *Require that a Comprehensive Development Plan in Rule 26 for the Town Centre Precinct Area E is to provide details of:*

The method by which the precinct development design mitigates the effects of and the effects on existing overhead high voltage transmission lines and on any underground transmission cables.

This addition is accepted as it is consistent with and reinforces the acceptance of the policy additions referred to in Policy 11.44 above.

- 185/36 *Add a new bullet point into new Policy 11.45 along the following lines, or text to achieve the same intent:*

- ensuring that development in close proximity to existing infrastructure is designed and constructed so that the operation of that infrastructure, and options for future use of existing regionally significant infrastructure, are not compromised.

This addition is accepted as it introduces an important reference within the policies for safeguarding regionally significant infrastructure. This is subject to deletion of the words “that infrastructure, and options for future use of” as these do not add to the intent of this policy addition.

- 185/37 *Add the following to the explanation for Policy 11.45:*

Future development of land over which high voltage transmission lines or under which high voltage transmission cables pass, must be managed to ensure it does not adversely affect the lines. This includes management of issues such as encroachment (resulting in reverse sensitivity issues), adverse effects such as dust from earthworks and operations, and compliance with mandatory separation distances from existing lines. Existing corridors represent an important strategic asset that should not be compromised by urban growth.

This addition is accepted in part, subject to the inclusion of the words “or cables” at the end of the last sentence. The Panel also recommends that the last sentence be removed, as the District Plan provides a policy and rule framework to enable the regionally significant infrastructure and urban development to occur in relative proximity.

- 185/38 *Add a new criteria into the infrastructure assessment criteria associated with Rule 27 along the following lines or to achieve the same intent:-*

27(ax) The extent to which the precinct development design addresses the following matters as they have the potential to adversely affect mitigation of existing high voltage transmission lines or cables:-

- (i) potential adverse visual effects of the lines through building orientation and the location of development;
- (ii) continued access to lines and cables for maintenance, inspections and upgrading;
- (iii) minimising the risk of injury and/or property damage from lines and cables;
- (iv) the impact of earthworks and the construction of subsequent buildings on electrical safety distances (NZECP : 34 2001);
- (v) the nature and location of proposed vegetation;
- (vi) the proposed location and installation of utilities.

Refer to Evidence discussion above.

Panel Recommendation 5.3.1.1:

Submission 185/89 be accepted in part.
Submission 185/28 be accepted
Submission 185/29 be rejected
Submission 185/30 be accepted in part
Submission 185/31 be accepted
Submission 185/32 be accepted in part
Submission 185/33 be accepted in part
Submission 185/34 be accepted in part
Submission 185/35 be accepted
Submission 185/36 be accepted
Submission 185/37 be accepted in part
Submission 185/38 be accepted in part

Recommended amendments are set out in Appendix 1.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.3.2 Rule 26 Assessment Criteria Infrastructure Criteria

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
203/44	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend Rule 26 - Infrastructure Criteria as set out below: (additions underlined, and deletions in strikethrough):	Supported By: 81 IB, GA and IE Midgley Opposed By: 250 Auckland Regional Council 300 IMF Westland Ltd

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

The amendments sought to Plan Change 15 are considered by the Panel to be able to be met through the following changes, or changes that achieve the same effect:

(note: All of the following assessment criteria are to be addressed in a Infrastructure Management Plan prepared to satisfy the standards in Rule 26(fg) (xiv)) ...

26(ag) *The adequacy and appropriateness of the extent to which stormwater management features proposed such as rain gardens, swales and permeable paving are incorporated into road design.*

This amendment is not accepted as the Panel notes that the actual point of the criteria is to identify stormwater management features for road design. The removal of such references would therefore remove the rationale for the criteria. Use of the phrase “the extent to which” indicates that use of these management features is not mandatory, but provides a benchmark against which other methods can be assessed. The amendment of the reference from 26(g) to 26(f) is however supported as (g) is an incorrect reference.

26(ah) *The extent to which the design of streets and public lanes conserves land and encourages walkability by using minimal dimensions for carriageways and integrating service lines beneath footpaths or parking bays.*

This amendment is not accepted, as the deleted text provides the indicative method by which the criteria can be met.

26(ai) *The extent to which infrastructure for stormwater, wastewater and water supply are designed to ensure techniques are used to minimise water use, stormwater runoff and wastewater generation.*

These changes are accepted as they provide additional clarity to the intent of this criterion.

26(aj) *The extent to which the infrastructure provided to serve any new development promotes models a range of different methods to achieve sustainability, with a particular emphasis on the efficient use and natural treatment of water systems......*

This amendment is not accepted as the Panel considers it changes the intent of the criterion, which is to require an applicant to demonstrate the effects of a range of methods to achieve sustainable management of water systems, rather than simply to promote an outcome.

26(am) *The extent to which stormwater retention and treatment facilities are ~~to be~~ designed to retain in stream*

Although this amendment has little effect on the intent of the criterion, the deletion of “to be” is considered by the Panel to be a grammatical improvement and is therefore accepted.

Panel Recommendation 5.3.2.1:

Submission 203/44 be accepted in part. Recommended amendments are set out in Appendix 1.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

.3.3 Changes to Natural Areas Maps A7, C7 & C8

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
295/6	Edward & Merlene Cox and Kylie May	The submitter seeks assurance that the riparian margins and ecological areas identified on the submitter's land (97 State Highway 16) in the proposed Natural Area Maps are based on a robust technical assessment and reflect the actual on the ground situation.	Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

The submitter's land is subject to three areas of riparian margins, including a 30m margin adjacent to the tributary of the Totara Stream along the submitter's eastern boundary, as well as 5m and 10m margins extending into the property from this Stream. Because of the various margins identified within the submitter's land, assurance is sought that they have been accurately identified.

The location of the riparian margins has been subject to detailed assessment and review. However, if the submitter is able to provide evidence that these margins have not been shown in their correct location, the planning maps would be able to be amended accordingly. However, the riparian margins notation is an indicative one, and the exact location of these margins are likely to only be able to be confirmed through a detailed topographical survey which would be expected at the time of any land use or subdivision consent application for the land.

The manner in which the location of the riparian streams is identified on the Proposed Maps may possibly give cause for concern, as the black outline around the various streams may give an impression of a wider riparian margin than is actually the case. It is also noted that the Totara Stream margin forms the eastern boundary of the title of the submitter's property, and is therefore considered to be accurate. The submission is therefore accepted in part, insofar as the assurances sought by the submitter are able to be confirmed by the Council.

Panel Recommendation 5.3.3.1:

Submission 295/6 be accepted in part.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.3.4 Section 3.9 Special Areas - Policy 11.44 (Infrastructure)

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
300/29	IMF Westland Ltd	<p>Seeks that if Submission 300/27 is not accepted, amend Policy 11.44 to insert an additional bullet as follows:</p> <p><i><u>“Ensuring that efficient and sustainable infrastructure is provided via the Council preparing an infrastructure strategy and supporting infrastructure plan detailing the indicative major civil infrastructure networks (roads, sewers, water, stormwater) that will form part of the future provision of public infrastructure.”</u></i></p>	<p>Support and Opposed By: 81 IB, GA and IE Midgley</p>

Evidence Presented:

Evidence sought that an infrastructure management plan be prepared, if submission 300/27 was not accepted.

Discussion:

Submission 300/27 from the above submitter refers to the preparation of an overall alternative wording for Policy 11.44 (Appendix A to the submission), as the Policy is considered by the Submitter to require restructuring and rewording to achieve a greater clarity of the messages to be communicated for the Massey North Town Centre Special Area.

The Council has made an application to the ARC for an Integrated Catchment Management Plan (“ICMP”) for the whole of the Totara Creek catchment (some 700ha, excluding the Transit NZ realignment of SH16/18). The ICMP has been prepared in order to identify the physical constraints of the Totara Creek catchment, and has been developed in parallel to the changes prepared by the Council to the District Plan and the ARPS. As noted in the ICMP, *“as the ICMP feeds information into the changes to the ARPS and the District Plan that are needed to ensure that the requirements of the LG(A)AA 2004 are met, then it is considered that the ICMP is also consistent with the requirements of the LG(A)AA 2004.”*

The Panel considered that the development of an infrastructure management strategy or plan is not necessary if planning guidance for the relevant infrastructure is included in Policy 11.44. These matters are covered within that Policy, and therefore no amendments are required.

Panel Recommendation 5.3.4.1:

Submission 300/29 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.3.5 Section 3.9 Special Areas Policy 11.44 (13th Bullet: Effects on Natural Resources)

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
300/32	IMF Westland Ltd	<p>Seeks that if Submission 300/27 is not accepted, to reject the 12th bullet point of Policy 11.44 and replace with the following:</p> <p><i><u>“ensuring that adverse effects on natural resources, including water quality and native vegetation are avoided, remedied or mitigated. Mitigation in this context can also mean that overall environmental performance (Triple Bottom Line) is improved through the implementation of the proposal.”</u></i></p>	<p>Support and Opposed By: 81 IB, GA and IE Midgley</p>

Evidence Presented:

The relevant bullet point is now the 14th bullet point in Policy 11.44. The submitter contends that the reference to "...no more than minor..." is higher than that required by section 5(2) of the Resource Management Act 1991.

Discussion:

The bullet point states:

"ensuring that there are no more than minor adverse effects on natural resources, including water quality and native vegetation."

The submitter seeks that the policy be amended because *"the 'no more than minor' test imposed by the policy is higher than that required by s5(2)(c) of the RMA"*. Section 5(2) refers to the definition of sustainable management of natural and physical resources while *"avoiding, remedying or mitigating any adverse effects of activities on the environment"* (sub-section (c)). However, the Panel considers that the outcomes sought in both the original wording and the submission do not differ in their actual intent, and therefore there is no compelling reason to alter the Plan Change in the manner sought.

The Panel does not support the reference to a "triple bottom line" as its application is unclear, and the Resource Management Act framework is sufficient to assess consent applications.

Panel Recommendation 5.3.5.1:

Submission 300/32 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.3.6 Whole Plan Change Stormwater Filters

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
1080/4	Darren Anderson	Seeks that all new developments should have special stormwater filters to clean out chemicals and other bad stuff before the water reaches the rivers and the cost should be covered by developers and the government.	

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

New developments requiring discharge consents from the ARC, or contained within areas subject to an ICMP (currently Totara Creek and the New Lynn catchments) will be subject to the ARC's Technical Publication 10 guidelines. These guidelines will address those matters sought to be controlled through this submission. Accordingly, no changes to the Plan Change are considered necessary by the Panel to address this submission.

Panel Recommendation 5.3.6.1:

Submission 1080/4 be rejected.

5.4 PLAN CHANGE 16

5.4.1 Whole Plan Change – National Grid

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
185/90	Transpower New Zealand Limited	Amend the Plan Change 16 to reflect the strategic issues pertaining to regionally significant infrastructure, in particular the National Grid (and see also submissions 185/39 -45).	Supported By: 250 Auckland Regional Council

Evidence Presented:

Representatives from Transpower gave evidence in relation to Council Plan Changes 15 and 16. The evidence relating to Plan Change 16 addressed various matters. The submitter seeks the addition of the word “infrastructure” in Issue 5.0. The Panel notes that list is associated with the 12 Objectives within the District Plan, and infrastructure is not one of the natural media that the 12 Objectives are based upon. Consequently it is considered by the Panel that it is not appropriate to add the word to the list.

Discussion:

It is important to recognise the existence and need for regionally significant infrastructure when development of new growth areas occurs. However, the Plan Change introduces a number of new provisions to address issues of reverse sensitivity and urban design. As such, the Panel considers that the issues of concern to the submitter would be addressed without the need to amend the Plan Change in the manner that is sought.

Panel Recommendation 5.4.1.1:

Submission 185/90 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.4.2 Issue 5.0 - Managing City Growth

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
185/39	Transpower New Zealand Limited	Amend to include ‘adverse effects of development on infrastructure’ as a new issue that can arise from urban growth, as follows: <i>The issues which can arise from such development are outlined in the following Objectives of this Chapter and include adverse effects of development on: - “Infrastructure”</i>	Supported By: 250 Auckland Regional Council Opposed By: 157 Federated Farmers of New Zealand (Inc)

Evidence Presented:

The submitter seeks the addition of the word “infrastructure” in Issue 5.0. The list is associated with the 12 Objectives within the District Plan, and infrastructure is not one of the natural media the objectives are based upon. Consequently it is not appropriate to add the word to the list.

Discussion:

It is important to recognise the existence and need for regionally significant infrastructure when development of new growth areas occurs. However, the Plan Change introduces a number of new provisions to address issues of reverse sensitivity and urban design. As such, the Panel considers that the issues of concern to the submitter would be addressed without the need to amend the Plan Change in the manner that is sought.

Panel Recommendation 5.4.2.1:

Submission 185/39 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 2 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

5.4.3 Issue 5.0 - Managing City Growth

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
185/40	Transpower New Zealand Limited	<p>Amend the paragraph in Section 5.0 - Managing City Growth that begins ... <i>"The city's infrastructure resources need to be recognised"</i> ...to address the risk of not recognising infrastructure resources when considering urban growth proposals. This could be achieved by making amendments along the following lines:</p> <p>"The city's infrastructure resources need to be recognised....., waterways and harbours. <u>Notwithstanding this, the failure to recognise and provide for core energy related infrastructure runs the real risk of undermining the ability to achieve the envisaged urban form. Energy related infrastructure, including transmission corridors, is an important strategic asset that is affected by increased demands and over-building and under-building. Energy related infrastructure impacts upon the scale, nature and form of future land development. The operation, maintenance, upgrading and extension of energy related infrastructure can be seriously constrained as a result of urban growth. The future development of land must be managed to ensure it does not adversely affect existing infrastructure and does not preclude the ability to upgrade infrastructure to meet demand.</u>"</p>	<p>Supported By: 250 Auckland Regional Council</p> <p>Opposed By: 157 Federated Farmers of New Zealand (Inc)</p>

Evidence Presented:

The submitter seeks the addition wording associated with the inclusion of the word "infrastructure" in Issue 5.0.

Discussion:

It is considered important to recognise the existence and need for regionally significant infrastructure when development of new growth areas occurs. However, the Plan Change introduces a number of new provisions to address issues of reverse sensitivity and urban design. The Panel is of the view that the generic discussion of infrastructure in Issue 5.0 is sufficient and consequently it is not appropriate to add the text to the discussion.

Panel Recommendation 5.4.3.1:

Submission 185/40 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.4.4 Issue 5.0 - Managing City Growth

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
185/41	Transpower New Zealand Limited	<p>Amend to insert a specific issue relating to how infrastructure needs to be addressed when managing city growth. This could be achieved by making amendments along the following lines:</p> <p><i>Specific:</i> <u>Managing growth in close proximity to regionally significant infrastructure, including high voltage transmission line or cables.</u></p>	<p>Supported By: 250 Auckland Regional Council 1207 Watercare Services Ltd</p> <p>Opposed By: 157 Federated Farmers of New Zealand (Inc)</p>

Evidence Presented:

The submitter seeks the addition of specific text associated with the infrastructure in Issue 5.0.

Discussion:

It is considered important to recognise the existence and need for regionally significant infrastructure when development of new growth areas occurs. However, the Plan Change introduces a number of new provisions to address issues of reverse sensitivity and urban design. The Panel is of the view that the word infrastructure is already included in the Specific Issues section of the Issue at bullet point 7. Therefore infrastructure is sufficiently covered in issue 5.0 and consequently it is not appropriate to add the text to the discussion.

Panel Recommendation 5.4.4.1:

Submission 185/41 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.4.5 Policy 0.1 Further Development & Redevelopment

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
185/42	Transpower New Zealand Limited	<p>Amend to include the following in italics as a matter which should be provided in any further development or re-development of urban areas:</p> <p><i><u>"In any land corridor within 20m of the centreline of a high voltage transmission line, to ensure that the design and location of new subdivision and development to address its potential to adversely affect the operation, maintenance, upgrading and extension of regionally significant infrastructure"</u></i>.</p>	<p>Opposed By: 157 Federated Farmers of New Zealand (Inc)</p>

Evidence Presented:

The submitter seeks the addition of the word "infrastructure" in Policy 0.1.

Discussion:

It is considered important to recognise the existence and need for regionally significant infrastructure when development of new growth areas occurs. However, the Plan Change introduces a number of new provisions to address issues of reverse sensitivity and urban design. The Panel is of the view that the generic discussion of infrastructure in Policy 0.7 is sufficient and consequently it is not appropriate to add the text to Policy 0.1.

Panel Recommendation 5.4.5.1:

Submission 185/42 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.4.6 Policy 0.4 New Urban Development

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
185/43	Transpower New Zealand Limited	Amend Policy 0.4 to include " <u>The design and location of new development should address its potential to adversely effect the operation, maintenance, upgrading and extension of regionally significant infrastructure</u> " as a matter which should be given attention when designing new urban development at the site, neighbourhood or community level.	Supported By: 1207 Watercare Services Ltd Opposed By: 157 Federated Farmers of New Zealand (Inc)

Evidence Presented:

The submitter seeks the addition of wording in Policy 0.4 associated with the inclusion of the word "infrastructure" in Issue 5.0. The Panel is of the view that this Policy is the appropriate Policy to include text related to infrastructure. Consideration of the evidence has lead the Panel to accept in part submission 185/43. The amended version of this bullet point is recommended by the Panel and reads as follows:

The design and location of new development should consider its potential to adversely affect the operation, maintenance, and upgrading of regionally significant infrastructure

Discussion:

See Evidence discussion above.

Panel Recommendation 5.4.6.1:

Submission 185/43 be accepted in part

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.4.7 Table 2.1(a) Strategic Platforms Strategic Platforms

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
185/44	Transpower New Zealand Limited	Amend to insert an additional bullet point to Table 2.1(a) (Strategic Platforms) In the area of infrastructure to include: <u>"the management and recognition of infrastructure, especially regionally significant infrastructure, to facilitate urban growth"</u> .	Supported By: 1207 Watercare Services Ltd Opposed By: 157 Federated Farmers of New Zealand (Inc)

Evidence Presented:

The submitter seeks the addition of specific text associated with the infrastructure into Table 2.1(a)

Discussion:

The Panel considers it important to recognise the existence and need for regionally significant infrastructure when development of new growth areas occurs. However, the Plan Change introduces a number of new provisions to address this matter. As such, the Panel considers that the issues of concern to the submitter are addressed without the need to amend the Plan Change in the manner that is sought.

Panel Recommendation 5.4.7.1:

Submission 185/44 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.4.8 Issue 5 Policy 0.7 Infrastructure

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/191	Auckland Regional Council	Amend Policy 0.7 to require that adequate infrastructure is provided prior to or concurrent with development; and add structure planning as a Method.	Supported By: 259 Transit New Zealand 1207 Watercare Services Ltd

Evidence Presented:

The Panel received evidence from the submitter, however the submitter discussed matters that were generic in nature (Countryside Living, School locations and new towns and settlements). The submitter made no specific comments in relation to submission 250/191.

Discussion:

Policy 0.7 states:

"In all new developments, infrastructure should be able to be provided which:

- *Minimises the need for water;*
- *Minimises the generation of and/or the disposal off-site of stormwater and wastewater;*
- *Provides adequately for an interconnected road network and private access and carparking;*
- *Provides public open space which is:-*
 - ◆ *readily visible and accessible, such as with a generous street frontage or bordering the front yards of sites or front faces of buildings*
 - ◆ *located to provide visual relief, particularly in intensively developed areas*
 - ◆ *integrated with surrounding development*
 - ◆ *sized according to community and neighbourhood needs*
 - ◆ *developed so that is practicable, relevant to local needs and usable*
 - ◆ *are easily maintained."*

Proposed methods include:

- Medium Density Housing, Apartment Housing and Mixed Use Rules (District Plan Rules)
- Comprehensive plan areas
- Provision of design guidelines
- Provision of design advice
- Catchment Management Plans
- Waitakere City Parks Strategy
- Monitoring

The submission notes that the policy is consistent with the ARGS, the draft Auckland Regional Land Transport Strategy and the ARPS. It seeks that the policy be amended to require that adequate infrastructure is provided prior to or concurrent with development, and that structure planning should be included as a method. The Panel considers, however, that it is implicit within the wording of the policy that such infrastructure is required to be provided at the time of development (*"In all new development..."*). The Panel notes that proposed methods also include reference to comprehensive plan areas and catchment management plans that are consistent with the concept plans for the individual plan change areas contained within Plan Changes 13, 14, 15 and 17. These are considered by the Panel to be more appropriate at a concept plan level than a broader structure planning exercise, which is nevertheless provided for as a method at section 6.2.1 of Plan Change 16 relating to Managing City Growth.

Panel Recommendation 5.4.8.1:

Submission 250/191 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.4.9 Policy Section of District Plan Policy 0.7 Infrastructure

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
259/12	Transit New Zealand	Retain that part of Policy 0.7 that requires provision of infrastructure for all new developments which <i>“provides adequately for an interconnected road network”</i> .	Opposed By: 157 Federated Farmers of New Zealand (Inc)

Evidence Presented:

Transit NZ supported the recommendation in the officers report in relation to Policy 0.7.

Discussion:

The submission records the submitter’s agreement with Policy 0.7, and accordingly no amendments to the Plan Change are recommended. The Panel also noted that the submission does not affect the relief sought by submission 250/191 regarding Policy 0.7 (ARC is that submitter). The submission is therefore accepted in part, insofar as no amendments are necessary to address the submission.

Panel Recommendation 5.4.9.1:

Submission 259/12 be accepted in part.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.4.10 Policy 0.7 Explanation, 1st paragraph Infrastructure

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
300/97	IMF Westland Ltd	Amend Policy 0.7, the first paragraph of the explanation as follows: <i>“Wherever <u>appropriate</u> possible, the demands on public infrastructure should be minimised by using sustainable on-site techniques such as water tanks, permeable surfaces and waste reduction devices. Where public infrastructure is to be used, it will be upgraded as necessary to meet demands and standards.”</i>	

Evidence Presented:

Evidence considered that it is not always appropriate that demands on public infrastructure should be minimised by use of the techniques listed in Policy 0.7

Discussion:

The outcomes sought in both the original wording and the submission do not differ in their actual intent, and there is no compelling reason to alter the Plan Change in the manner sought. The Panel considered the suggested wording amendment, and considered that the use of the word “possible” is acceptable, as the Policy provides examples of techniques available to minimise demands on public infrastructure, and is not a definitive list. For this reasons, it is recommended that Policy 0.7 remain unchanged in this respect.

Panel Recommendation 5.4.10.1:

Submission 300/97 be rejected.

5.4.11 Policy 0.7 Explanation, 2nd paragraph Infrastructure

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
300/98	IMF Westland Ltd	<p>Amend Policy 0.7, the second paragraph of the explanation to insert the following words:</p> <p><i><u>"In greenfields areas new infrastructure will be provided, but the same principles will apply. There is an absolute necessity, particularly in greenfield situations where land ownership patterns are dispersed, for Council to recognise that it is largely the private sector that will provide the public infrastructure required but Council who needs to ensure that it is efficient and coherently developed regardless of land ownership issues.</u></i></p> <p><i><u>In order to provide an equitable basis for the costs of infrastructure to be shared across those who utilise or benefit from it, the Council must develop an infrastructure strategy, framework and development contribution regime, including a staging plan."</u></i></p>	<p>Supported By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited</p>

Evidence Presented:

The Panel noted the inclusion of specific policies in Plan Change 15 associated with infrastructure in Massey North. It also saw the need for a strategy associated with infrastructure costs as being determined by the Council's long term Council Community Plan, rather than a matter to be addressed in the District Plan.

Discussion:

The additional explanation sought by the submitter is not considered by the Panel to be required, as the actions that the submitter seeks are effectively already progressing.

Panel Recommendation 5.4.11.1:

Submission 300/98 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.4.12 Policy 0.7 Policy 0.7 Infrastructure

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
300/96	IMF Westland Ltd	<p>Amend Policy 0.7 to insert the following additional bullets:</p> <ul style="list-style-type: none"> • <i><u>Is efficient</u></i> • <i><u>is in accordance with an integrated public infrastructure strategy and framework that optimises the provision</u></i> • <i><u>offers an equitable basis of cost allocation to affected or benefiting owners.</u></i> 	

Evidence Presented:

The Panel noted that the submitter suggested a process outside of the Plan Change process to progress the possibility of an integrated infrastructure strategy, and suggests that the Council engages with the submitter on this matter. The Panel did not agree with the submitter on the suggested amendments to Policy 0.7, in the light of the possibility of a non-statutory process to address the issues raised.

Discussion:

The Panel notes that the Council is progressing infrastructure strategies through ICMP's, including one for Totara Creek. This ICMP has been prepared with regard to the relevant statutory requirements, and in particular addresses priorities and assesses costs and benefits. The Council's Development Contributions policy establishes the method of contribution calculation for affected or benefiting owners, and the plan change process does not override any of the provisions of that policy.

The Panel considers that there is no compelling basis on which to amend the Plan Change in the manner sought by the submitter.

Panel Recommendation 5.4.12.1:

Submission 300/96 be rejected.

5.4.13 Policy 0.7, Bullet 2 Infrastructure

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
300/95	IMF Westland Ltd	Delete Policy 0.7, the 2 nd bullet and replace with the following: <ul style="list-style-type: none">• <u>Minimises, where appropriate, the generation of stormwater and wastewater</u>• <u>Manage the disposal of wastewater having regard to a more sustainable approach to management;</u>• <u>Manage the quality and quantity of stormwater generation through appropriate on and off site techniques</u>	

Evidence Presented:

Evidence indicated that it is not always appropriate that the disposal of storm water and waste water off site can be minimised. In some cases, off site disposal may be absolutely appropriate.

Discussion:

The second bullet point of Policy 0.7 reads:

- *Minimises the generation of and/or the disposal off-site of stormwater and wastewater*

The submission seeks to amend the effect of the term "minimises" through the addition of "where appropriate". However, it is considered that there is a priority to minimise stormwater and wastewater flows across the City, and such a policy will always be "appropriate".

The Panel considers that the outcomes sought in the submissions do not assist the meaning and intent of the Policy, and therefore there is no compelling reason to alter the Plan Change in the manner sought. For this reasons, it is recommended that Policy 0.7 remain unchanged in this respect

Panel Recommendation 5.4.13.1:

Submission 300/95 be rejected.

5.4.14 Issue 5 Policy 0.8 Energy

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
250/192	Auckland Regional Council	Retain Policy 0.8 as it is consistent with the Auckland Regional Policy Statement.	

Evidence Presented:

The Panel received evidence from the submitter, however the submitter discussed matters that were generic in nature (Countryside Living, School locations and new towns and settlements). The submitter made no specific comments in relation to submission 250/192.

Discussion:

The submission records the submitter's agreement with Policy 0.8, which the Panel notes relates to sustainability and energy efficiency in development and building design. While the Panel notes the submission, this matter is more comprehensively address in the Urban Design Panel Recommendation Report. The submitters support for Policy 0.8 is noted, but no amendments to the Plan Change are recommended. The submission is accepted in part, insofar as no amendments are necessary to address the submission, but that changes to the Policy may arise as a result of other submissions.

Panel Recommendation 5.4.14.1:

Submission 250/192 be accepted in part.

5.5 PLAN CHANGE 17

5.5.1 Whole Plan Change - Stormwater

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/216	Auckland Regional Council	Amend the Plan Change to ensure that it references the Network Discharges consent process and incorporates outcomes from the process.	

Evidence Presented:

The Panel received evidence from the submitter, however the submitter discussed matters that were generic in nature (Countryside Living, School locations and new towns and settlements). The submitter made no specific comments in relation to submission 250/216.

Discussion:

The Panel notes that the detail of this submission is summarised as follows:

The Council has lodged a Network Discharge Consent for the discharge of stormwater and wastewater in the New Lynn East area, based on the ICMP for that catchment, which covers a significant proportion of the Plan Change 17 area, and this is now being reviewed with the knowledge of the requirements of the Proposed Regional Plan: Air, Land and Water. It is expected that an appropriate stormwater and wastewater management strategy will be developed. This strategy is expected to include Low Impact Urban design, onsite treatment where possible and also catchment wide facilities, while acknowledging that the catchment is largely a developed area.

The submitter is concerned that the issues and policies of Plan Change 17 make no reference to this process. Plan Change 17 is considered to need to give effect to the development of the Integrated Catchment Management Plan and any outcomes incorporated as necessary into the district plan provisions rather than relying on existing city-wide provisions within other parts of the plan. The section 32 analysis that the opportunities for a comprehensive approach to stormwater management are limited is not accepted until such time as the above detail is completed.

The ICMP process for the New Lynn catchment is currently progressing, and the network discharge consent application referred to in the submission is to be publicly notified around the time that this report was being prepared. However, the outcome of that process is not certain, and it would be inappropriate to detail a consent process that is likely to occur within a shorter timeframe than the anticipated life of the Plan Change. The ICMP for New Lynn does identify that it has been prepared in order to be consistent with the RMA and the LGAAA, and the catchment management plan approach is considered to be consistent with the relevant legislation and planning documents both on a broad level and specifically in relation to the New Lynn East catchment.

Given the specific matters addressed within the Plan Change, focussed on land use and urban design issues, it is considered that the lack of reference to the ICMP process, and reliance on City-wide controls in the meantime, is appropriate. Accordingly, and until the outcome of the ICMP application is known, the relief sought in the submission is not supported.

Panel Recommendation 5.5.1.1:

Submission 250/216 be rejected.

5.5.2 City Wide Rule 1 Appendix Apartment Design Criteria Low Impact Design

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
8/6	Danielle Hancock	Seeks that design criteria and development considers Low Impact Design in accordance with ARC Publication TP 124 with resulting changes to the district plan relating to narrower roads, altered road and drainage designs, restrictions on building materials etc.	

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives.

Discussion:

These requirements are considered by the Panel to be encapsulated within the ICMP's being prepared for the City, and to that extent the submission is accepted in part.

Panel Recommendation 5.5.2.1:

Submission 8/6 be accepted in part.

5.5.3 City Wide Rule 1 Appendix Apartment Design Criteria Education and Information Boards

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
8/12	Danielle Hancock	Seeks placards and information boards be put in public areas to educate about the importance of open streams, riparian planting, open space, permeable surfaces, stormwater treatment and source control (building material choice).	

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

This submission is understood by the Panel to be a Parks Assets issue rather than a resource management issue. It is understood by the Panel that the Parks Assets department has a progressive approach to enabling the public to access where appropriate and understand the ecological processes that occur outside the District Plan framework. The submission is therefore rejected.

Panel Recommendation 5.5.3.1:

Submission 8/12 be rejected.

5.5.4 City Wide Rule 1 Appendix Apartment Design Criteria Stormwater Treatment Devices

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
8/10	Danielle Hancock	Seeks that apartment gardens, such as rain gardens be used as stormwater treatment	

		devices.	
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Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

These requirements are considered to be encapsulated within the ICMP's being prepared for the City, and to that extent the submission is accepted in part.

Panel Recommendation 5.5.4.1:

Submission 8/10 be accepted in part.

5.5.5 City Wide Rule 1 Appendix Apartment Design Criteria Permeable Paving

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
8/9	Danielle Hancock	Seeks that all driveways should be permeable paving.	Opposed By: 148 Vision Senior Living Limited

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

These requirements are considered to be encapsulated within the ICMP's being prepared for the City. However, the Panel notes that while permeable pavers for driveways may be an appropriate solution in some cases, there will be other cases where such pavers may not be adequate or acceptable, having regard to traffic or pedestrian volumes over those driveways, although acceptability in those cases will be dependent on the form of permeable paver used. It is therefore recommended, having regard to the generality of the submission, that this submission be rejected.

Panel Recommendation 5.5.5.1:

Submission 8/9 be rejected.

That further submissions in support of or in opposition to the submissions noted above, are accepted or rejected in whole or in part, accordingly.

5.5.6 City Wide Rule 1 Appendix Apartment Design Criteria Integrated Catchment Management

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
8/7	Danielle Hancock	Seeks the information identified in Integrated Catchment Management Plans relating to how to manage land use, development, contaminant source and treatment, retrofitting of land use practices and treatment devices be included in the District Plan including the rules.	

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

These requirements are considered to be encapsulated within the ICMP's being prepared for the City, for which these matters can be assessed as part of a discretionary activity consent application, and which will need to be abided by in all developments subject to ICMP's. To that extent the submission is accepted in part with no amendments are necessary to address the submission.

Panel Recommendation 5.5.6.1:

Submission 8/7 be accepted in part.

5.5.7 City Wide Rule 1 Appendix Apartment Design Criteria - C7 Stormwater

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
8/15	Danielle Hancock	Retain Design Criteria C7 - Stormwater.	

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

The submission records the submitter's agreement with Apartment Design Criteria C7 and accordingly no amendments to the Plan Change are recommended.

Panel Recommendation 5.5.7.1:

Submission 8/15 be accepted in part.

5.5.8 City Wide Rule 1 Appendix Apartment Design Criteria - C7 Stormwater Design

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
8/16	Danielle Hancock	Amend Design Criteria C7 - Stormwater to include consideration of; water re-use, stormwater treatment devices, management of sediment runoff during construction, exterior building materials should be mentioned as a form of source control.	

Evidence Presented:

The Panel did not receive evidence in support of this submission from the submitter or its representatives at the hearing for this report.

Discussion:

These requirements are considered by the Panel to be encapsulated within the ICMP's being prepared for the City, and to that extent the submission is accepted in part, with no amendments required.

Panel Recommendation 5.5.8.1:

Submission 8/16 be accepted in part.

APPENDIX 1

RECOMMENDED AMENDMENTS

Additions shown underlined, and deletions in ~~strikethrough~~.

RECOMMENDED AMENDMENTS TO PLAN CHANGE 13 (HOBSONVILLE AIRBASE)

(a) Rule 21.3 (Limited Discretionary Activities), paragraph (f) be amended to read:

"The establishment and upgrading of infrastructure."

AAE 104/2

(b) Rule 21.6 (Non-complying activities) be amended to read

"Any activity which is not a Permitted Activity or a Controlled Activity or a Limited Discretionary Activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in the Plan and shall be a Non-Complying Activity."

AAE 104/2

RECOMMENDED AMENDMENTS TO PLAN CHANGE 15 (MASSEY NORTH)

(a) Insert a new bullet point into new Policy 11.44 as follows:

The *Massey North Town Centre Special Area* shall be developed for urban activities which recognise the importance of the area as a major town centre and its suitability for a range of sustainable urban development outcomes. This area should be developed in a way which achieves an integrated and compact Town Centre, providing for a broad range of mutually compatible activities and employment opportunities that are integrated with public transport, and provide a strong community focal point. This is to be achieved by:

- ensuring that development takes into account the Massey North Urban Concept Plan;
- ensuring that the expansion of the Massey North Town Centre Area is undertaken in a coherent, integrated and compact fashion;
- ensuring that transport and land use patterns are aligned to achieve sustainability, efficiency and liveability;
- ensuring that activities and buildings are designed and located so that they address the street and public spaces thereby contributing to amenity values and in particular pedestrian accessibility and safety;
- requiring that activities and buildings are sited and designed in a manner which promotes informal surveillance of streets and public spaces;
- ensuring that buildings are designed according to a perimeter block layout where car parking is provided behind buildings, except for kerbside parking, and with the main "activity frontage" for buildings oriented towards public streets rather than parking areas;
- allowing for and encouraging residential and office activities to be located above the ground level within the Town Centre Core;
- limiting maximum building height to ensure that a human scale is retained ;
- requiring a minimum number of floor levels to ensure a compact town centre within the Town Centre Core Precinct A;
- imposing thresholds to ensure the establishment of a vibrant mixed use Town Centre including office, community, commercial residential activities;
- requiring the location, design and layout of large format retail activities within the Town Centre Core Area A to relate well to adjoining sites and activities, such as by having adjoining small scale activities along all street frontages.
- ensuring the efficient and effective use of resources in particular those associated with land.
- ensuring that there are no more than minor adverse effects on natural resources, including water quality and native vegetation;

- acknowledging that while landscape character may change, ensuring that change is managed to provide areas that are visually compatible internally to precincts, and with the surrounding land, roads and precincts;
- ensuring provision is made for roading, stormwater and wastewater drainage and all other infrastructure;
- ensuring that development in close proximity to existing infrastructure is designed and constructed so that the operation of existing regionally significant infrastructure is not compromised; [Transpower 185/30](#)
- ensuring existing and future residents are protected from adverse effects on health and amenity values, such as from noise;
- ensuring open space, ecological and pedestrian/cycling linkages are provided for, including enhancement of the riparian margins
- having regard to the above, ensuring that development proceeds in a manner that recognises the need for a comprehensive approach to future development within the Massey North area, including the achievement of high standards of urban design.
- requiring development contributions.

- (c) Add a new bullet point into the specific policies relating to the Massey North Town Centre Special Area, Precincts A, B and E:

The Massey North Town Centre special area has been divided into five precincts. The specific policies relating to each precinct are described below:

Town Centre Precinct Area A

The Town Centre Precinct Area A shall be developed as a compact, pedestrian orientated retail core with larger scale retail activities integrated with smaller retail tenancies and provision made for commercial (including offices), mixed use, community and residential development. It is expected that this precinct will be developed as an integrated high quality, comprehensively designed town centre by:

- requiring development to provide a high level of amenity values for pedestrians who are utilising the public realm;
- utilising good urban design principles including matters such as the development of verandah coverage on footpaths, zero setback of buildings along street frontages and minimum areas of glazing to ensure that blank wall facades are minimised along public streets;
- the development of interactive frontages, and the avoidance of blank facades along the public realm;
- ensuring parking buildings and large format retail developments are sleeved by the provision of specialty retail shopping or residential and commercial activities;
- nominating *street frontages* to the proposed streets and requiring all buildings to be designed in accordance with the street typologies;
- imposing minimum floor levels and activity thresholds to encourage a variety of activities to occur within the Town Centre;
- creating a diversity and choice in terms of the shopping and recreational experience for the community, as well as enabling different sized commercial enterprises and community activities to take up the opportunity provided by the development of the Town Centre;
- imposing minimum floor levels along the main street thereby ensuring that the ability to provide a compact mixed use Town Centre is achieved;
- provide flexibility to parking standards to enable the most efficient use of the scarce land resource in the Town Centre, and to encourage visitors to the Town centre to use public transport, or, when they choose to bring their vehicles to the Town centre, use communal parking areas;
- the design of the Town Centre as a whole is focussed upon having it integrate with the public transport facilities that service the town centre and the links within the City and across the Auckland Region;
- maintain areas of open space and riparian margins to provide for stormwater mitigation and passive recreational opportunities.
- managing the design and location of new subdivision and development proposed near regionally significant infrastructure to address its potential to adversely affect the operation, maintenance, upgrading and extension of such infrastructure. [Transpower 185/31](#)

Town Centre Precinct Area B

The Town Centre Precinct Area B shall not compromise the objectives for the overall Massey North Town Centre and the Massey North Urban Concept Plan. Those objectives seek to establish an integrated town centre surrounded by a supportive town centre periphery. In particular, the precinct seeks to:

- enable the development of comprehensively planned large format retail developments between the proposed apartment housing and the proposed State highway 16 Motorway, to act as a buffer for those residential activities. The large format retail will be required to meet more flexible design standards than those standards expected in the Town Centre Core. However these developments will need to provide interactive facades and be of a human scale;
- to enable apartment and mixed use activities to occur along the green network and to utilise the amenity value for the riparian margins for residents. The apartment development will be encouraged to locate mixed use activities on the ground floors;
- restricting residential activities along the Motorway, to ensure that the adverse effects on residential development from the Motorway are avoided;
- ensure that development of the Town Centre Precinct Area B does not compromise the objectives for the Town Centre as a whole;
- avoid the establishment of supermarkets/department stores and/or significant intensive/specialty retail units that might detract from the intensification outcomes sought within the Town Centre Core A Area;
- allow the establishment of other complementary activities other than large format retail within Town Centre Precinct Area B, such as residential, commercial and mixed use activities;
- ensuring integration of public transport facilities throughout the Town Centre while reinforcing the development of the Town Centre Main Street in Precinct A;
- provide flexibility to parking standards to enable the most efficient use of the scarce land resource, and encourage visitors to the Town centre to use public transport, or, when they choose to bring their vehicles to the Town centre, use communal parking areas;
- maintain areas of open space and riparian margins to provide for stormwater mitigation and passive recreational opportunities.
- [managing the design and location of new subdivision and development proposed near regionally significant infrastructure to address its potential to adversely affect the operation, maintenance, upgrading and extension of such infrastructure. Transpower 185/31](#)

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Town Centre Precinct Area E

The Town Centre Precinct Area E shall not compromise the objectives for the overall Massey North Town Centre and the Massey North Urban Concept Plan. Those objectives seek to establish an integrated town centre surrounded by a supportive town centre periphery. In particular, this precinct seeks to integrate the existing Westgate Shopping Centre into an expanded Town Centre, with connections where possible across Hobsonville Road. In particular, the precinct seeks to:

- retain existing retail activities in the Westgate Shopping Centre at the same time as the development of the Town Centre Core and other precincts. The main focus on the Westgate Centre is to consolidate the centre for large format retail activities while encouraging limited specialty retail along the internal access road and fronting existing large format retail stores;
- ensure that development of the Town Centre Precinct Area E does not compromise the objectives for the Town Centre as a whole.;
- avoid the establishment of malls or significant intensive retail on Precinct E that might detract from the intensification outcomes sought within the Town Centre Core A Area;
- allow the intensive establishment of other complementary activities other than retail within Town Centre Precinct Area E, such as residential, commercial and mixed use activities;

- ensuring integration of public transport facilities across Hobsonville Road to facilitate access throughout the Town Centre while reinforcing the development of the Town Centre Main Street in Precinct A;
- provide flexibility to parking standards to enable the most efficient use of the scarce land resource, and encourage visitors to the Town centre to use public transport, or, when they choose to bring their vehicles to the Town centre, use communal parking areas.
- [managing the design and location of new subdivision and development proposed near regionally significant infrastructure to address its potential to adversely affect the operation, maintenance, upgrading and extension of such infrastructure. Transpower 185/31](#)

(d) Add the following to the explanation for the Town Centre Precinct Areas A, B and E:

Explanation

The Massey North Town Centre Special Area has been identified as a strategically important location for the development of a comprehensive town centre. The aim is to expand the existing Westgate Town Centre to develop into an expanded and integrated town centre. The District Plan seeks to ensure that the development of a new pedestrian focussed town centre to the north of Hobsonville Road is integrated with the existing Westgate precinct, to ensure that the area is developed as one integrated centre. The intended policy outcome will be a town centre which incorporates a compact, integrated range of mutually compatible activities and facilities, developed in close proximity to important public and private transport corridors.

One of the key drivers of the Town Centre is to provide opportunities for increased employment within the city. It is considered that the establishment of retail activities that provide good pedestrian amenity will create demand for other landuse intensification within the town centre, including increased non-retail employment. It is also considered that creating a mixture of employment activities other than retail, encourages optimum passenger transport use.

The District Plan seeks to enable flexibility to development, provided that such development gives effect to the relevant policies for each of the proposed Town Centre precincts, and the outcomes that the Plan is seeking to achieve. The plan also seeks to encourage reusable and adaptable buildings, and to achieve excellent urban design outcomes.

The environmental issues relating to the upper Waitemata Harbour means that a higher quality of development in terms of environmental standards will be required. This includes high standards of control for the quantity and quality of stormwater discharged from the town centre.

It is proposed that the development of Massey North Town Centre will be staged so as to achieve a compact urban form with a level of intensification and quality of outcome that is consistent with the policies of the District Plan and the outcomes that are sought through the Local Government (Auckland) Amendment Act 2004.

Development contributions will be necessary to fund the significant infrastructural costs associated with the establishment of the Town Centre.

Existing Town Centres represent an agglomeration of significant resources and have an associated value and range of benefits to the community. This presents challenges for the identification of appropriate mechanisms to ensure that such resources are sustainably managed for existing and future communities.

Retail activities in new or expanded locations may improve access to goods and services and better enable the community to meet their social and economic needs. However, any change in the pattern of distribution of commercial centres can result in adverse effects or require consideration of linkages with other aspects of urban form, including:

- Relationship to living areas, transport routes and community facilities;
- Efficient use of existing resource including public infrastructure and the ability to access goods and services through a variety of transport modes;
- Impact on existing centres, the significance of the impact and whether there is a reduction in the social and economic function and amenity of these centres;

- Consequential impact on the ability of existing centres to function as focal points contributing to the wellbeing of people and communities; and
- Whether affects centres have outlived their original historical function and whether the rate of transition is such as to maintain an appropriate level of function and amenity.

Activities within Town Centres can, if not appropriately managed, give rise to adverse effects on the visual and other amenities within and adjoining the areas including effects of building height, form and design, and effects of an activities noise production, hours of operation and traffic generation.

Parking and traffic generation are key issues in determining the integration of town centres with the capacity and safety of the supporting road network. Given the proximity of these areas to the proposed arterial road network, there is a need to ensure that parking and access layout and effects on the wider road network for the Town Centre are managed to avoid adverse effects on the safety and efficiency of the roading network.

The *Massey North Town Centres Special Area* has been divided into five “precincts” (see *Massey North Urban Concept Plan*). Each precinct has its own characteristics, constraints and opportunities, and needs to be managed and developed in different ways.

The approach the District Plan Special Area provisions take is to identify each precinct and to set up an objectives and resource management approach which partly relates to the whole of the Special Area and partly relates to each individual precinct.

Permitted activities are limited to the specified use of existing buildings and activities. All new development will be subject to three layers of management control.

The first layer of management relates to the whole of the Special Area. The plan change includes a Concept Plan, which illustrates the precincts and major roading pattern and green network, together with amenity and character features and the expected land uses.

Each element of the Concept Plan must be incorporated into the ultimate development of each precinct. In this way, an overall planned approach to development occurs.

A second layer of management involves the necessary preparation of a Comprehensive Development Plan before any development is allowed. Comprehensive Development Plans are prepared on a precinct basis and assessed via a resource consent application (as a Limited Discretionary Activity). The Comprehensive Development Plan must include relevant elements of the Concept Plan, as well as greater detail in matters such as final roading patterns, open space provision, proposed positions of key buildings, satisfaction of minimum housing densities, and indicative site layouts. There are also expectations for design guidelines and the allocation of streetscape typologies for the proposed roading, which will inform the urban design controls for development. The aim is to ensure new development is of a co-ordinated, high quality. The provision of infrastructure is also addressed at this time, with it being necessary to ensure such matters as stormwater and wastewater disposal are adequately catered for. [Future development of land over which high voltage transmission lines or under which high voltage transmission cables pass, must be managed to ensure it does not adversely affect the lines or cables. This includes management of issues such as encroachment \(resulting in reverse sensitivity issues\), adverse effects such as dust from earthworks and operations, and compliance with mandatory separation distances from existing lines. Transpower 185/32](#)

The third layer of management involves a resource consent requirement (as a Limited Discretionary Activity) for each building proposed, and for non-residential activities (residential activities are permitted in buildings approved for that purpose). This allows detailed assessment of the design and quality of each building and how it relates to the street and surrounding development, as well as ensuring activities are appropriate and complementary. Each building and activity will be assessed against the other layers of management – i.e. the concept plan and comprehensive development plan.

There are a range of other rules applying in this Special Area which cover such matters as height, gross floor area controls and thresholds, noise, parking and natural areas management.

While this approach does involve a high level of management, that is considered justified considering that the expected new development will be at a relatively high density and will need to be carefully designed.

All of this is supported by a comprehensive set of assessment criteria, and an overall basis of special area policies which outline expectations for management of the area as a whole, and each precinct.

- (e) Replace the requirements in Rule 26 for a Comprehensive Development Plan for the Town Centre Precinct A (requirement viii) and B (requirement v) [which require details to be provided of the method by which existing overhead transmission wires are to be integrated with the precinct development design, including any relocation or undergrounding proposed] as follows:

26.2(f) General Standards for Comprehensive Development Plans (applying to all Precincts)

A Comprehensive Development Plan shall include provision for all relevant components of the *Massey North Urban Concept Plan*, for the whole of the relevant precinct, and any *infrastructure* required to service that precinct, and shall include details of:-

- (i) The exact boundaries between the precinct and adjoining precincts;
- (ii) The location and design of proposed areas of *open space*, or *ecological linkages*, natural features to be retained, and areas to be developed for stormwater treatment and detention purposes;
- (iii) The location and *design* of all proposed *roads*, and the identification of the *street typology* for each *road frontage* in accordance with Citywide Rule 3 as either B. Town Centre - Mainstreet Typology 2, D. Town Centre Commercial Transitional Typology, E. Town Centre - Periphery Typology or F. Town Centre - Residential Typology);
- (iv) The method by which the precinct will be integrated visually, and by vehicular, public transport, pedestrian, bicycle and open space networks, with adjoining land and precincts and, where relevant, SH16/ Hobsonville Road;
- (v) The method by which public open space areas as shown on the Massey North Urban Concept Plan are to be developed including, where relevant, enhancement of natural features such as native vegetation and riparian margins, and the development of public amenities and facilities;
- (vi) Design Guidelines including standards and conditions which are developed to achieve the matters outlined in Policy 11.42; (Note: site layouts and *buildings* are to be designed in accordance with the relevant *street typology*);
- (vii) The proposed landscaping and street design for the precinct;
- (viii) All proposed bus stops within the precinct;
- (ix) Provision to be made for community facilities;
- (x) Provision for aural *amenity* between activities within precincts, between precincts, and between the *Massey North Town Centre Special Area* and any adjoining land;
- (xi) An indicative layout of *proposed sites* including the design of a street grid block layout;
- (xii) The method by which *development* of the precinct is to be staged and the means of managing any vacant land during the staging of development;
- (xiii) A transport management plan prepared in accordance with Assessment Criteria 26(t) - 26(ad);
- (xiv) An *infrastructure* management plan prepared in accordance with Assessment Criteria 26(ae) and 26(an).
- (xv) Details of how the Precinct will comply with the Performance Standards of Rule 26.4;

(g) Additional Standards for Comprehensive Development Plans (applying to specific precincts)

(see the *Massey North Urban Concept Plan* for location of identified features):

Town Centre Precinct Area A

The Comprehensive Development Plan for the Town Centre Precinct Area A is to provide details of:-

- (i) The exact boundaries of areas to be developed as Town Centre, Apartment Residential, Bus Interchange and Park and Ride, and Urban Open Space;
- (ii) The location, dimension and indicative design of the proposed Town Square;
- (iii) Provision to be made for Mainstreet vehicular and pedestrian connections to the existing Westgate Shopping Centre (Precinct E);
- (iv) The proposed location of *large format retail* and how each *large format retail* activity will be designed to relate visually to adjoining activities, the street (having regard to the nominated *street frontage*) and the identified Main Street area;

- (v) Provision to be made for carparking, and, where relevant, loading or service bays for all proposed activities;
- (vi) The location of bus stops;
- (vii) The location and indicative *design* of a public transport interchange and park and ride;
- (viii) ~~The method by which existing overhead transmission wires are to be integrated with the precinct development design, including any relocation or undergrounding proposed; The method by which the precinct development design mitigates the effects of, and the effects on, existing overhead high voltage transmission lines, including, if practicable, by relocating or undergrounding existing high voltage transmission lines; Transpower 185/33~~
- (ix) Provision to be made for *residential activities* within the Apartment Residential Area adjacent to Open Space Areas as shown on the *Massey North Concept Plan* (ground floor may be used for *non-residential activities*);
- (x) The method by which no less than 40 apartments per hectare will be provided for within the Apartment Living area of this precinct.

Town Centre Precinct Area B

The Comprehensive Development Plan for the Town Centre Precinct Area B is to provide details of:-

- (i) The exact boundaries of areas to be developed as Large Format Retail/Commercial, Apartment Residential drainage/ Ecological Space and Urban Open Space;
- (ii) The indicative location of *buildings* and how each *building* will be designed to relate visually to adjoining activities, the street (having regard to the nominated *street typology*) and the Main Street core area;
- (iii) Provision to be made for carparking, and, where relevant, loading or service bays for all proposed activities;
- (iv) The location of bus stops;
- (v) ~~The method by which the existing overhead transmission wires are to be integrated with the precinct development design, including any relocation or undergrounding proposed; The method by which the precinct development design mitigates the effects of, and the effects on, existing overhead high voltage transmission lines, including, if practicable and agreed to by the asset owner, by relocating or undergrounding existing high voltage transmission lines; Transpower 185/33~~
- (vi) Provision to be made for *residential activities* within the Apartment Residential Area adjacent to Open Space Areas as shown on the *Massey North Urban Concept Plan* (ground floor may be used for *non-residential activities*);
- (vii) The method by which no less than 40 apartments per hectare will be provided for within the apartment living area of this precinct.

- (f) Amend the Comprehensive Development Plan in Rule 26.2 for the Town Centre Precinct Area E as follows:

Town Centre Precinct Area E

The Comprehensive Development Plan for the Town Centre Periphery Precinct E is to provide details of:-

- (i) The indicative location of *buildings* and how each *building* will be designed to relate visually to adjoining activities and the street (having regard to the nominated *street frontage*);
- (ii) Provision to be made for carparking, and, where relevant, loading or service bays for all proposed activities;
- (iii) The location of bus stops;
- (iv) ~~The method by which the precinct development design mitigates the effects of and the effects on existing overhead high voltage transmission lines and on any underground transmission cables. Transpower 185/35~~

- (g) Add a new bullet point into new Policy 11.45 as follows:

Policy 11.45

The Massey North Employment Special Area shall be developed to achieve an integrated business and employment area, providing for a broad range of mutually compatible business

activities and employment opportunities that are integrated with private and public transport. This will be achieved by:

- ensuring that development gives effect to the overall Massey North Urban Concept Plan framework including road location;
- ensuring that the subdivision or development of this employment land is undertaken in a coherent, integrated and compact fashion;
- ensuring that transport and land use patterns are aligned to achieve sustainability, efficiency and liveability
- ensuring that activities and buildings are designed and located so that they address the street and public spaces, thereby contributing to amenity values and in particular pedestrian accessibility and safety;
- ensuring that activities and buildings are sited and designed in a manner which promotes informal surveillance of streets and public spaces;
- preventing residential activities from locating within this area;
- preventing retail activities from establishing within this area other than minor convenience retail that serves the local employee community, subsidiary manufacturing retail, yard based retail, service stations and automotive and marine products parts and accessories;
- ensuring the efficient and effective use of a finite physical resource in particular those associated with employment land.
- ensuring that there are no more than minor adverse effects on natural resources, including water quality and native vegetation;
- recognising that while landscape character may change, ensuring that change is managed to provide environments which are visually compatible with the surrounding future environs;
- ensuring adequate provision is made for roading, stormwater and wastewater drainage and all other infrastructure;
- ensuring that development in close proximity to existing infrastructure is designed and constructed so that the operation of that existing regionally significant infrastructure, are not compromised. [Transpower 185/36](#)
- ensuring that ecological and pedestrian linkages are provided for, including enhancement of the riparian margins;
- requiring development contributions.

having regard to the above, requiring that development proceeds in a manner that recognises the need for a comprehensive approach to development within the Massey North Employment Special Area, including the achievement of a reasonable standard of urban design.

Activities that do not achieve the above requirements shall be avoided in the Massey North Employment Special Area

(h) Add to the explanation for Policy 11.45 as follows:

Explanation

The *Massey North Employment Special Area* has been identified as a strategically important location for the development of employment activities. These will incorporate a wide range of mutually compatible employment activities and facilities, developed in close proximity to public and private transport corridors.

The land is currently fragmented into land parcels. Maintaining the current Countryside Environment identification within this area could lead to inappropriate development of these land parcels. Accordingly, further fragmentation of the existing land parcels in this area would be inappropriate in the short term. Activities such as parks, filming and existing residential and rural activities have been provided for as these will not significantly impact on the potential future development of the area.

The supply of suitable employment land throughout the city is considered to be an important factor in enabling the community to live close to where they work to minimise travel demand. People may need or choose to travel further to obtain a job, however it is important to provide opportunities for local employment for less mobile people, to reduce regional congestion (sic) and for ongoing population growth.

In addition, employment activities can, if not appropriately managed, give rise to adverse effects on the visual and other amenities within and adjoining the areas of business activity. These effects include building height, form and design, aural effects, hours of operation and traffic generation.

The District Plan seeks ensure that this area of land is retained as an employment land resource while ensuring that potential effects on the environment from the development of this resource is avoided, remedied or mitigated.

The District Plan seeks to allow flexibility to development provided that such development recognises the focus upon the provision of a supply of employment land that will increase business activity within the city.

The *Massey North Employment Special Area* also aims to achieve a reasonable standard of architectural, urban design and landscape development, as the interfaces between the private and public realm are seen as important.

The *Massey North Employment Special Area* emphasises on the provision of public transport facilities that are integrated with the employment node. This is considered to be consistent with the policies of the District Plan and achieves the outcomes that are sought through the Local Government (Auckland) Amendment Act 2004.

Existing commercial centres represent an agglomeration of significant resources and have an associated value and range of benefits to the community; this presents challenges for the identification of appropriate mechanisms to ensure that such resources are sustainably managed for existing and future communities.

Retail activities are generally discouraged from locating within the *Massey North Employment Special Area*. The exception to this is the provision for retail which supports the local employee community, such as lunch bars. Subsidiary manufacturing retail and yard based retail are provided for as these are not considered to be appropriate activities within a town centre. Such activities still require a resource consent to avoid, remedy or mitigate any adverse effects that may arise. Other retail activities are considered to be high traffic generating activities and thus are considered to be more suited to locations which provide multi-visit rather than single purpose vehicle trips and greater use of public transport.

The sensitive environmental issues relating to the upper Waitemata Harbour means that a higher quality of development in terms of environmental standards will be required, particularly in terms of the management of earthworks and the design of infrastructure, particularly stormwater and wastewater. The potential impact of future development on the water quality of the upper Waitemata Harbour makes it important that the actual or potential adverse effects of development within the Massey North Employment Special Area are comprehensively managed.

[Future development of land over which high voltage transmission lines or under which high voltage transmission cables pass, must be managed to ensure it does not adversely affect the lines or cables. This includes management of issues such as encroachment \(resulting in reverse sensitivity issues\), adverse effects such as dust from earthworks and operations, and compliance with mandatory separation distances from existing lines. \[Transpower 185/37\]\(#\)](#)

Development contributions will be necessary to fund the significant infrastructural costs associated with the establishment of the area. One of the keys to accessing this employment node is the establishment of the proposed Northside Drive. The construction of roading will be levied through the LTCCP. Reserve contributions will be levied via the District Plan.

Overall, this policy recognises that development will occur on the Massey North Employment Special Area, however this development needs to be managed to ensure a comprehensive, well-designed employment centre is created. (Note: see also Section 6.2.15 of the Explanation of the Strategic Direction for further detail on how development will be managed).

- (i) Amend Infrastructure Criteria 26(ae)-(an) as follows:

(note: All of the following assessment criteria are to be addressed in a Infrastructure Management Plan prepared to satisfy the standards in Rule 26(fg) (xiv))

- 26(ae) The extent to which the infrastructure provided to serve an new development is of a recognised public standard (such as compliance with the Waitakere City Code of Practice).
- 26(af) The extent to which the design and location of street lighting will assist in creating and enhancing a consistent and safe character throughout the relevant precinct and the Massey North Town Centre Special Area as a whole.
- 26(ag) The extent to which stormwater management features proposed such as rain gardens, swales and permeable paving are incorporated into road design.
- 26(ah) The extent to which the design of streets and public lanes conserves land and encourages walkability by using minimal dimensions for carriageways and integrating service lines beneath footpaths or parking bays.
- 26(ai) The extent to which infrastructure for stormwater, wastewater and water supply are designed to ensure techniques are used to minimise water use, [stormwater runoff](#) and [wastewater generation](#). [AMP NZ Property 203/44](#)
- 26(aj) The extent to which the infrastructure provides to serve any new development models a range of different methods to achieve sustainability, with a particular emphasis on the efficient use and natural treatment of water systems.
- 26(ak) The extent to which recognition has been given to the NOSGA Local Water Agenda Plan when designing infrastructure.
- 26(al) The extent to which provision for stormwater disposal meets the Totara Catchment Management Plan requirements, in a way that best complements design for the relevant precinct, such as incorporating stormwater ponds into open space and pedestrian linkage opportunities.
- 26(am) The extent to which stormwater retention and treatment facilities are ~~to be~~ designed to retain in stream ecological values and added additional habitat (e.g. wetlands) where possible. [AMP NZ Property 203/44](#)
- 26(an) The extent to which development retains and enhances riparian margins and provides protection.

26(ao) The extent to which the precinct development addresses the following matters associated with existing high voltage transmission lines or cables:-

- (xii) adverse visual effects of the existing high voltage transmission lines, through building orientation and the location of development;
- (xiii) continued access to lines and cables for maintenance, inspections and upgrading;
- (xiv) minimising the risk of injury and/or property damage from lines and cables;
- (xv) the nature and location of proposed vegetation;
- (xvi) the proposed location of other infrastructure. [Transpower 185/34](#)

Amend Infrastructure Criteria 27(ae)-(ag) as follows:

Add additional infrastructure assessment criterion 27(af) – Re-number “af” as “ag”

- 27(ae) The extent to which storm water retention and treatment facilities are to be designed to retain in stream ecological values and added additional habitat (e.g. wetlands) where possible.

27(af) The extent to which the precinct *development* addresses the following matters associated with existing high voltage transmission lines or cables:-

- (xvii) adverse visual effects of the existing high voltage transmission lines, through *building orientation and the location of development*;
- (xviii) continued access to *lines and cables for maintenance, inspections and upgrading*;
- (xix) minimising the risk of injury and/or property damage from lines and cables;
- (xx) the nature and location of proposed *vegetation*;
- (xxi) the proposed location of other *infrastructure*. [Transpower 185/38](#)

27(agf) 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 on or off *site* and/or through payment or provision of a *financial contribution*, including an *upgrading contribution*.

RECOMMENDED AMENDMENTS TO PLAN CHANGE 16 (MANAGING CITY GROWTH)

Insert the following bullet point into **Policy 0.4**

The design and location of new development should consider its potential to adversely affect the operation, maintenance, and upgrading of regionally significant infrastructure

POLICY 0.4.

When designing new urban development at the site, neighbourhood or community levels, attention should be given to the following:

- The need for a variety of development forms, in such a way as will provide for affordability and choice, to ensure that new development is integrated with existing development, and to avoid visual monotony;
- Provision is made for mixed use activity and community services as integral components of land use and urban form;
- Provision is made for appropriate visual and activity connections to streets, according to location and the form of existing and expected future development, including the provision of streetscape design which encourages integration of the street with adjoining development;
- As far as it is possible, development forms part of a comprehensive area plan which incorporates access to open space, community services, transport networks, work places and shops;
- That existing community identities are recognised and, if necessary such as in redeveloping intensive areas, managed to a definable new identity;
- Emphasis is given to creating interconnected vehicle, walking and cycling routes, providing logical, attractive and safe linkages to activities within and beyond the site or areas;
- Existing features such as significant streams, vegetation, heritage buildings / sites, landscapes and views are adequately recognised and ~~if necessary~~ protected and enhanced. In circumstances where protection and enhancement are not possible, some form of mitigation will be required to improve the sustainable values of the natural and built environment;
- That public access is provided alongside and to stream and coastal margins;
- Potential conflicts between incompatible land uses are recognised and provided for, including through managing design, traffic and noise;
- Comprehensive planning is undertaken before achieving a high urban amenity standard through building design and articulation, street and access and parking area design, lighting themes and landscape treatment;
- Private development is ~~always~~ designed to address public places;
- The design and location of new development should consider its potential to adversely affect the operation, maintenance, and upgrading of regionally significant infrastructure [Transpower 185/43](#)
- Developments are managed so that they continue to be maintained to a high standard.