

RECOMMENDATION REPORT OF THE JOINT HEARINGS PANEL TO THE PLAN CHANGES NOTIFIED IN ACCORDANCE WITH THE LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004 AND THE RESOURCE MANAGEMENT ACT 1991

WAITAKERE CITY DISTRICT PLAN

PROPOSED PLAN CHANGE 17: NEW LYNN

File Reference: Report WCC 10

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 Plan Change 17: New Lynn. Other submissions and further submissions to Plan Change 17 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 District Plan arising from the Panel recommendations discussed throughout this report are set out in the Panel Recommendation Version of WCC Plan Change 17, dated 28 May 2007, which forms Appendix 1 to this report. Appendix 1 incorporates the amendments to Waitakere District Plan resulting from the Panel’s recommendations.

2. BACKGROUND

RPS Change 6 was 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). This is the purpose of Plan Change 17: New Lynn.

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.

Plan Change 17: New Lynn amends the text of both the policy and the rules of the Waitakere District Plan, in addition to amendments to the maps to give effect to the LGAAA. Plan Change 17: New Lynn incorporates the Growth Concept into the Waitakere District Plan and provides a policy framework for the location and density of urban intensification.

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:

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 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.

5 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

Local Government (Auckland) Amendment Act 2004 – LGAAA

Resource Management Act 1991 – RMA

Territorial Authorities – TA / TAs

5. DISCUSSION OF SUBMISSIONS.

5.1 SUBMISSIONS SEEKING TO RETAIN THE PLAN CHANGE

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
95/32 17	Housing New Zealand Corporation (1)	Retain Plan Change 17 as notified.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
98/1 17	Jack C.L. Chan	Retain Plan Change 17 in order to facilitate the development of No. 1 Clark Street, New Lynn.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
85/9 17	Enterprise Waitakere	Retain the Plan Change as notified as it is consistent with the Regional Growth Strategy and the Northern and Western Sector Agreements and LGAAA and provides for land use intensification in a sub-regional centre which is able to be integrated with public transport infrastructure.	

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

These submitters sought that the Plan Change (or particular parts of the Plan Change) be retained. The Waitakere City Council prepared and publicly notified the Plan Changes in order to achieve the purpose of the LGAAA. As such, it is considered that the Plan Change should be retained, subject to any appropriate amendments that are determined through the statutory process. A number of recommended amendments are discussed elsewhere in this report.

Panel Recommendation 5.1.1

Submissions 95/32, 98/1, 85/9 be accepted.

5.2 SUBMISSIONS SEEKING TO REJECT/DELETE THE PLAN CHANGE

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
310/1 17	Macey Confectionary Ltd	Reject Plan Change in its entirety.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
198/13 17	PARANZ Limited	Delete in its entirety.	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 208 Sylvia Park Business Centre Limited 204 The Waitakere Ranges Protection Society Incorporated
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/2	PLC New Zealand Ltd	Delete in its entirety.	Opposed By: 218 AMP Capital Investors (NZ) Limited 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
284/23 17	Oratia Landowners Action Group	Delete the whole plan change as it is ultra vires to the RMA and is contrary to sections 6, 7, 31, 75, 76 and 32 and consultation has been incomplete.	Opposed By: 208 Sylvia Park Business Centre Limited 204 The Waitakere Ranges Protection Society

Evidence Presented:

The Oratia Landowners Action Group, and PARANZ did not present or table evidence at the hearing. Macey Confectionary tabled evidence at the hearing in support of 310/1. PCL was represented by Mr J Bentley and others, who all spoke in support of the overall submission. Mr Bentley queried through his evidence the appropriateness of the intensification of New Lynn through the Plan Change as part of the LGAAA Process.

Discussion

These submitters sought that the Plan Changes be deleted, or that the proposed plan changes are *ultra vires*, and that consultation associated with the plan change process has been inadequate. A number of the submitters have requested that the Plan Changes be re-notified in a format that better balances the need to provide for increased residential densities with the needs of existing industrial activity.

Section 3 of this report sets out the statutory provisions 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 Auckland Regional Growth Strategy. In this context, the Plan Changes 13-18 cannot be rejected without having alternative Plan Changes that meet the requirements of the LGAAA.

In any event, it is considered that the objectives of the Plan Changes fall squarely within the ambit of the matters that the LGAAA is explicitly seeking to address. Subject to recommended amendments suggested elsewhere in this report, or that may be recommended through reports that will be prepared later in this statutory process, it is considered that the Plan Changes achieve the purpose of the LGAAA and should be retained.

Panel Recommendation 5.2.1

Submission 310/1, 198/13, 142/2, 284/23 be rejected.

5.3 SUBMISSIONS SEEKING AMENDMENT OF THE PLAN CHANGE SUBJECT TO FURTHER s32 REVIEW

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
264/61 17	Centre for Urban and Transport Studies	Amend the Plan change to reflect a reviewed Section 32 analysis for all policies and plans which has been conducted by an independent agency and peer reviewed.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
264/62 17	Centre for Urban and Transport Studies	Amend the section 32 report to provide sufficient information on the costs and effects of the proposed policies and plans.	

Evidence Presented:

The submitter did not present or table evidence at the hearing.

Discussion:

The submitter sought that the section 32 report be amended to provide sufficient information on the costs and effects of the proposed policies and plans, and that the section 32 analysis be conducted by an independent agency and be peer reviewed.

Section 32 of the RMA requires a local authority to consider the alternatives, benefits and costs of any change that it proposes to its district plan. It is considered that the Section 32 evaluations are thorough, comprehensive, and address all relevant statutory requirements as set out in the RMA.

Independent peer reviews of the section 32 evaluations were not undertaken. However, it is noted that the section 32 reports are available for public inspection and, as a result, submitters have the opportunity to scrutinise the reports and identify any particular deficiencies to the Hearings Panel through the statutory process.

Panel Recommendation 5.3.1

Submission 264/62, 264/61 be rejected

5.4 SUBMISSIONS SEEKING AMENDMENTS TO DEFINITIONS

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/361 17	Waitakere City Council	Amend the definition of 'Proposed Reserve' to delete the reference to 'New Lynn'.	

Evidence Presented:

The submitter did not present evidence specifically on this matter.

Discussion:

The submitter sought the deletion of the words "New Lynn", as it is not required to describe a reserve area located on the New Lynn map. In addition it is considered that the reserve should be called Open Space to be consistent with other Open Spaces within the City. Accordingly it is considered appropriate to recommend that the definition is amended to proposed open space.

Panel Recommendation 5.4.1

Submission 257/361 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/219 17	Auckland Regional Council	Amend the definition of " <i>Air Discharge Device</i> " to clarify its meaning.	

Evidence Presented:

The submitter submitted evidence in support of submission 250/219, through the evidence of R N Nicoll, such that they support the proposed change in definition.

Discussion:

The submitter sought that this definition was revised to provide greater clarity as to its meaning. Consultation with the submitters has indicated that the definition only covers discharge from point sources, but not from area sources. While the definition was produced in the context of town centre re/development of New Lynn, it would be a definition that becomes part of the District Plan and it is considered appropriate that the definition is amended as proposed to cover both types of discharge.

Panel Recommendation 5.4.2

Submission 250/219 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/345 17	Waitakere City Council	Amend all references to " <i>Town Centre - Mainstreet Type 1</i> " (and the other street types) to align with the full street type definitions. This will ensure consistency in the use of the terms since often references in	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

		<p>rules and legends do not include the first two words "<i>Town Centre</i>".</p> <p>Or;</p> <p>Provide for the short version of the definition in the <i>Definitions</i> section:</p> <p>"Town Centre - Mainstreet Type 1 (<i><u>Mainstreet Type 1</u></i>)"</p>	
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Evidence Presented:

The submitter did not present evidence in support of this submission.

Discussion:

The submitter sought amendments to the Street Frontage description. These changes have also been sought through PC 18 to achieve consistency. The recommendation in Plan Change 18 is "Town Centre & Mainstreet Typology 1" and "Town Centre – Commercial Typology 3", and it is considered that this will provide the clarity sought.

Panel Recommendation 5.4.3

Submission 257/345 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/362 17	Waitakere City Council	Amend all references in Plan Change 17 to the 'New Lynn Concept Plan', including definitions, by adding the word in italics and underlined: "New Lynn <i><u>Urban</u></i> Concept Plan."	

Evidence Presented:

The submitter did not present evidence in relation to this submission point.

Discussion:

The submitter sought this amendment to create uniformity throughout the Plan Change. It will result in the text being consistent with the map of the same name that contains the proposed zoning for the New Lynn Town Centre area.

Panel Recommendation 5.4.4

Submission 257/362 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/359 17	Waitakere City Council	Amend the 'Definitions' Section to introduce new definitions, and/or amendments to proposed definitions to address key concepts of the Plan Change. Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	<p>Supported By: 107 Westfield (New Zealand) Limited</p> <p>Opposed By: 153 The National Trading Company of New Zealand Ltd 184 West Auckland Land Holdings Ltd 108 Progressive Enterprises Limited 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited</p>

Evidence Presented:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

The submitter did not present evidence in relation to this point of submission.

Discussion:

The submitter sought that amendments are made to the definitions section, to address key concepts of the Plan Change. The changes sought have not been specified. Accordingly the submission is rejected.

Panel Recommendation 5.4.5

Submission 257/359 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/387 17	Waitakere City Council	Amend the definition of "landmark sites" by adding those words in italics and underlined: "Means those sites identified on the New Lynn Concept Plan within the Human Environments. <u><i>The identification of these sites as "landmark sites" is in recognition of their prominent location. These sites have the potential to become reference points, that will increase the legibility of the townscape ."</i></u>	

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

The submitter sought that the definition of Landmark Site be amended by the above addition to provide clarity as to the purpose of Landmark Sites notation. The Landmark Sites have been chosen due to their prominent location (rather than a heritage type reference) on corner sites, and the contribution that they can potentially make to the streetscape. Accordingly the Landmark Sites are subject to rules within the proposed plan that capture any building works, so that these can be assessed so that they do not detract from the streetscape. It is considered that the amendment provides the clarity sought.

Panel Recommendation 5.4.6

Submission 257/387 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/542 17	Waitakere City Council	Amend the Plan Change to broaden the definition of "Street" (as defined in WCC Plan Change 17) to include, but not be limited to, the inclusion of private roads, proposed roads, indicative roads or accessways to ensure better environmental outcomes. (see also submission 257/510)	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

The relief sought by this submitter would broaden the definition to ensure that the street frontage rules apply to any existing or proposed access way over which the public may have access from time to time. This would ensure that the urban design objectives that are implemented through the Plan Change will apply in all appropriate situations. The comprehensive development planning framework that is proposed in new development areas, such as Massey North, would ensure that any streets are categorised within the appropriate typology. This matter has previously been

addressed in the hearing report for Plan Change 18 as a response to similar submissions (257/510 and 257/513).

Panel Recommendation 5.4.7

Submission 257/542 be accepted in part

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/543 17	Waitakere City Council	Amend the Plan Change to broaden the definition of "Street Frontage" (as defined in WCC PC17) to include, but not be limited to, the inclusion of public streets and roads, urban open space, reserves, proposed roads, pedestrian walkways, drainage/ecological open space, open space and rear sites. (see also submission 257/511).	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

It is considered that the amendments requested are not specific enough to be of use. Some modification to the street frontage controls definition is warranted, to clarify its application and correct errors. As a result the submission is only accepted in part. A similar matter was addressed in the hearing report for Plan Change 18 in response to submission 257/511. Matters of frontage to open space are also addressed in response to submissions 257/269, 257/414, 257/488 and 257/511 in the PC 18 hearing report with the proposed addition of an assessment criteria in City Wide Rule 3 to address these matters on a case by case basis.

Panel Recommendation 5.4.8

Submission 257/543 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/344 17	Waitakere City Council	Delete the following definitions from the plan change: <i>"Street Typology";</i> <i>"Town Centre - Mainstreet Type 1";</i> <i>"Town Centre Commercial"</i> and <i>"Urban Concept Plan"</i> in order to avoid repetition between Plan Change 17 and Plan Change 18.	

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

The submitter sought that the above definitions are deleted from this Plan Change, as they are replicated within Plan Change 18. As with similar submissions, and to avoid processing issues, the wording can remain, as all points of submissions will be amalgamated as part of the one District Plan at the end of the statutory process. Each of these definitions contained in Rule 3 of Plan Change 18 is also subject to submissions which are addressed in the Plan Change 18 hearing report.

Panel Recommendation 5.4.9

Submission 257/344 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/360 17	Waitakere City Council	<p>Amend the Plan Change so that the following 'Explanations' be included as 'Definitions' (with the 'Explanations' to be deleted from the proposed plan changes).</p> <p><u><i>“Active Street Frontage :</i></u> <i>Is a building, or groups of buildings that have has the following characteristics:</i></p> <ul style="list-style-type: none"> - <i>building facades are varied and articulated to provide visual interest</i> - <i>street level windows and numerous building entries are present</i> - <i>Arcades, porches and balconies are used</i> - <i>Generally there is a continuous building façade along the street frontage and buildings are adjacent to close to the street edge</i> - <i>Retail and commercial uses predominate on the ground floor</i> - <i>Commercial and residential uses on the upper floors overlook the street through the location of glazing and balconies and the location of rooms containing activities such as offices and living areas in residential units.</i> <p><i>Buildings that involve blank walls, an unbroken series of garage doors, or high fences along street frontages do not create active street frontages.”</i></p> <p><u>“Sleeved (sleeving)</u> <i>Locating small buildings and activities, with their entrances to the street, on the outside of a large format retail building or activity; thereby helping to create an active street frontage and mitigating the effects of large expanses of blank unarticulated walls.”</i></p>	<p>Opposed By: 108 Progressive Enterprises Limited</p>

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

The submission sought to relocate these explanations from the explanation section of the Policy Volume to the Definition section of the Plan. It is considered that these explanations are more suited to the explanations section, as they are of a descriptive rather than of a precise nature.

Panel Recommendation 5.4.10

Submission 257/360 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/346 17	Waitakere City Council	Amend the <i>Definitions</i> section to insert a definition for “ <i>Titirangi Town Centre</i> ”.	<p>Supported By: 107 Westfield (New Zealand) Limited</p> <p>Opposed By: 108 Progressive Enterprises Limited</p>

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

This relates to the proposed amendments to Rule 4.1 of the Community Environment to clarify where the reference to Titirangi Road applies as this road also adjoins the New Lynn Town Centre. It is considered that the Titirangi Town Centre is a clearly identifiable area of Community Environment zoning and it is unnecessary to include a specific definition.

Panel Recommendation 5.4.11

Submission 257/346 be rejected.

5.5 SUBMISSIONS SEEKING MINOR CHANGES

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
258/246 17	Auckland Regional Transport Authority	Amend so that the words "should" or "may" be replaced with the word "shall" in all policies included in Plan Change 17.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not address this point of submission in their tabled evidence.

Discussion:

The submitter sought that the wording is changed within Plan Change 17, with the words "should" and "may" being changed to "shall". The word "should" occurs numerous times in the new policies and existing policies that are amended via Plan Change 14. It is considered is important that policies provide clear and certain guidance on what the District Plan is seeking from Plan Change 17. To this end the use of the word "shall" is more directive than the word "should", and is appropriately used in Policies 4.2, 10.1, 10.3, 10.4, 10.5, 10.7, 10.11, 11.1, 11.4, 11.8, 11.14, 11.16, 11.21, 11.23, 11.27, 11.28, 11.28A, 11.46, 11.47, 11.48. The use of the word "may" is appropriate within some parts of Plan Change 17 as contained within the attached appendix.

Panel Recommendation 5.5.1

Submission 258/246 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/393 17	Waitakere City Council	Amend Page 6, 'Written Consents and Notification - Discretionary Activities & Non-Complying Activities' by inserting the following: <i><u>"Number 6 (non-complying activities generally notified)."</u></i>	Opposed By: 108 Progressive Enterprises Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

The submitter sought that Page 6 of the District Plan be modified with the addition as above regarding non complying activities. However it does appear that the Plan already has this text, and it is considered that this addition is not required.

Panel Recommendation 5.5.2

Submission 257/393 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/348 17	Waitakere City Council	Amend plan change to ensure all cross references in rules refer to the correct policy numbers in the “ <i>Note: see policies...</i> ” sections.	

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

This general amendment sought a non specified relief. It is most likely that such amendments can be undertaken as required as other points of submission are processed.

Panel Recommendation 5.5.3

Submission 257/348 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/201 17	Auckland Regional Council	Amend all policies by deleting words such as “where possible” and “should” and adding more directive language in order to better guide development of the area and assist in future decision making.	Opposed By: 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

The submitter sought a wording amendment as outlined above. The word “should” and “may” occur in the new and existing policies that are amended via Plan Change 17. It is important that policies provide clear and certain guidance on what the District Plan is seeking from Plan Change 17. To this end the use of the word “shall” is more directive than the word “should” or “may”, and accordingly the Policies are amended as outlined in the appendix to this report.

Panel Recommendation 5.5.4

Submission 250/201 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/205 17	Auckland Regional Council	Amend all assessment criteria by deleting the words “ <i>the extent to which</i> ” and add words that are more specific and directive to reflect the intention of the LG(A)AA and the vision for the area.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

It is noted that the Waitakere District Plan utilises the term “...*The extent to which...*” in almost all of its assessment criteria. It is acknowledged that assessment criteria are not performance standards, which need to be distinct and specific. Assessment criteria are used when a performance standard is not met and as a consequence the Council is afforded discretion in the assessment of that matter within a wider resource consent application.

It is considered that the use of “*The extent to which...*” enables the resource consent processing staff to utilise their professional expertise within the policy and rule framework of the District Plan when assessing a proposal, especially where the matters being assessed are not “hard and fast” within the environment. The blanket removal of the words “*The extent to which...*” may inadvertently elevate some assessment criteria into the realm of performance standards, which is not appropriate within the District Plan.

Panel Recommendation 5.5.5

Submission 250/205 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
177/15 17	John Ingram	Amend to ensure that rules are ‘watertight’	

Evidence Presented:

The submitter did not present or table at the Hearing.

Discussion:

It is considered important that every effort is made to draft rules so that they are clear in their intent, unambiguous, legally enforceable and provide a level of certainty. That can be a difficult proposition when the rules in question are attempting to achieve outcomes that are largely qualitative. However, it is considered that the rules as drafted, subject to a number of amendments recommended through the submission process, are as “watertight” as possible.

Panel Recommendation 5.5.6

Submission 177/15 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/349 17	Waitakere City Council	Amend the Plan Change to reword the policies, rules and assessment criteria to eliminate ambiguity. Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	Opposed By: 153 The National Trading Company of New Zealand Ltd 184 West Auckland Land Holdings Ltd 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission.

Discussion:

This generic point of submission did not include suggested amendments. Accordingly this actual point of submission is rejected and any such changes to eliminate ambiguity will be contained within the responses to individual submissions as required.

Panel Recommendation 5.5.7

Submission 257/349 be rejected.

5.6 SUBMISSIONS RELATING TO MISCELLANEOUS MATTERS

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
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184/9 17	West Auckland Land Holdings Ltd	Seeks that the Plan Change process should be placed on hold until the Council gives the public full access to the reports it has commissioned as part of its research process and referenced in its section 32 reports, in particular the report "Citywide Retail Strategy" referred to in the submission.	Opposed By: 108 Progressive Enterprises Limited
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Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The submitter refers to a city wide retail study undertaken by Mark Tansley. It is understood by the Panel that while this work formed part of the background work undertaken in relation to the Plan Change it was not a strategy, and in the long term did not go on to contribute to the policy position adopted by Waitakere City Council in New Lynn. The report is in draft format and has not been endorsed by the Council. It is background information only. It is understood that the report has been made available to the public.

Panel Recommendation 5.5.8

Submission 184/9 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
184/10 17	West Auckland Land Holdings Ltd	Seeks that following the provision of access to the report(s) referred to in the submission, the plan change should be re-notified so that submitters can submit on the plan change with a better understanding of the background to and implications of the plan change (see also submission 184/9).	

Evidence Presented:

The submitter did not table or present evidence in relation to this point of submission.

Discussion:

This point of submission refers to the report quoted in the submission above. It is understood that a list of documents and the documents that formed part of the background to the plan change were available at the Council from the time of notification. It was considered that the documents that made up part of the list were those that contributed to the stance contained within the Plan Change as proposed.

Panel Recommendation 5.5.9

Submission 184/10 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
176/1 17	The Salvation Army Property Trust Board	Amend to acknowledge the existence and long standing practices and activities of The Salvation Army on their land in New Lynn either within the Plan Change or in relevant Council files.	

Evidence Presented:

The submitter verbally addressed the Hearing, and sought recognition of their site, and of their long standing practices and services within the New Lynn community

Discussion:

The site is zoned Living Environment under the Operative Plan, and a similar residential, albeit more intensive Living 5 Environment under the Proposed Plan Change. The submitter clarified at the Hearing that they are not seeking a spot zoning of the site to recognise their existing activities.

While the activities of the Salvation Army are not to be acknowledged within the Plan Change, with regard to the long standing practices of the Salvation Army at that site, this can be acknowledged for the group, who may wish to establish their existing use rights in relation to the site. They are able to apply to Council for such certification, on production of the background of the site-relevant consents and permits and so on.

Panel Recommendation 5.5.10

Submission 176/1 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/9 17	M George Easton	Amend the Plan Change to ensure that seats are placed in a number of places for the convenience of pedestrians.	

Evidence Presented:

The submitter tabled written evidence at the Hearing but did not address this matter.

Discussion:

The submitter sought that the Plan Change provide for street furnishings. The focus of the Plan Change is to provide the policy platform in which various works will take place. In this instance the Plan Change focuses on the provision of amenity and walkability of the streetscape. (see City Wide Rules) It is considered that it is not the place of regulatory documents such as the District Plan to dictate the placement of street furnishings.

Panel Recommendation 5.5.11

Submission 53/9 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/10 17	M George Easton	Retain provisions to have all shop fronts made attractive to the public, with adequate lighting under all verandahs, also hanging flower baskets could be used.	

Evidence Presented:

The submitter tabled written evidence at the hearing but did not address this matter.

Discussion:

The submitter sought the retention of the street frontage controls, in addition to detail covering lighting and flower baskets.

The Plan Changes pursue provisions relating to the amenity of street frontage, through the provisions of Plan Change 18, City Wide Urban Design Rules City Wide Rule 3 building design-street Frontage. The Panel consider that the submitter has raised a valid matter regarding lighting, and while it may have been covered under general comments relating to safety within the street frontage rules, it is appropriate that this matter is explicitly mentioned, and as such will be inserted into the relevant assessment criteria. It is considered that adequate lighting would make a significant contribution to enhancing the walkability of the towncentre.

With regard to the matter of hanging flower baskets, such matters are usually dealt with by the local business group/s, and typically are not part of a District Plan regime.

Panel Recommendation 5.5.12

Submission 53/10 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/5 17	M George Easton	Seeks that the Todd triangle reserve be retained as it is used by many people and the clock tower is a significant feature.	

Evidence Presented:

The submitter tabled written evidence at the hearing but did not address this matter.

Discussion:

The Todd Triangle is part of the area that makes up Plan Change 17, and the Plan Change does not propose that it is removed.

Panel Recommendation 5.5.13

Submission 53/5 be accepted.

5.7 SUBMISSIONS SEEKING AMENDMENTS TO MAPPING AND ZONING

5.7.1 SUBMISSIONS SEEKING SPECIFIC ZONING ALTERATIONS

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
187/2 17	N Mills	Amend the Plan Change to ensure all provisions related to the interface between the Monier Special Area, Living 6 Environment and proposed reserve with the Community Environment clearly outline the relationship with surrounding properties, especially those areas that are to be changed from Working to Community Environment, in the Crown Lynn Place area.	

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The submitter sought greater clarity as to the relationship between the zonings in the Crown Lynn Place area. The proposed plan change has incorporated both new and amended policy, being primarily new policy 11.46, to outline the function of the new zones. It is considered that this policy clearly identifies that the town centre is in the process of transition, and accordingly the rules look to avoid, remedy or mitigate adverse effects that may arise from the interaction of the various uses, both existing and proposed. It is considered that no additional information is required.

Panel Recommendation 5.7.1.1

Submission 187/2 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
97/2 17	Maycey Confectionary Limited	Amend to rezone the equivalent amount of land area within the Waitakere City Council administrative area 'working' to replace the area proposed to be rezoned 'community'.	

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
310/4 17	Macey Confectionary Ltd	If the Plan Change is not rejected in its entirety, amend the Plan Change to ensure that an equivalent amount of land that is proposed to be rezoned "Community" be rezoned to "Working" within the Waitakere City Council administration area.	

Evidence Presented:

The submitter tabled written evidence at the Hearing, through Mr C G Hardacre. The submitter considers that additional Working Environment land is required as they will be forced to move from their current location due to the reverse sensitivity pressures brought about by the provisions of Plan Change 17.

Discussion:

The submitter sought that the equivalent area of land that was Working Environment and has been changed to Community Environment through Plan Change 17 is reinstated in another location within the City. The Panel notes that as part of the proposed changes under LGAAA process, the "City" proposes through other concurrent plan changes, at Massey and Hobsonville, to provide areas for new employment land. In addition there is a substantial area of Working Environment land remaining in New Lynn to the north of the Plan Change area. The rules are proposed to be revised through the LGAAA process to preclude residential activity from this area, so that noxious industry can locate there.

It is also considered that the measures contained within the Plan Changes are sufficiently robust to mitigate the potential adverse affects of reverse sensitivity. The measures include both the installation of ventilation systems and acoustic attenuation in apartment dwellings.

The Panel understand that Waitakere City, through Waitakere Enterprise is able to offer assistance to businesses interested in locating or relocating within the City. The Panel consider that the Council should give priority to support businesses wishing to make such changes as New Lynn town centre transitions to a mixed use town centre.

Panel Recommendation 5.7.3

Submission 97/2, 310/4 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
162/7 17	Redwood Group Limited	Amend the Plan Change to reinstate previous planning regime with respect to the activity of residential use within the Working Environment. In the alternative, extend the Living Environment zoning to include the submitters land (Portage Rd).	Opposed By: 1200 Wayne Scott Panelbeaters & Spraypainters Limited 142 PLC New Zealand Ltd 213 CSR Building Products NZ Ltd ('Monier Brickmakers') 214 Henkel NZ Ltd (The Sellotape Company) 215 Huhtamaki NZ Limited 216 Waitakere Working Environment Group 217 Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The submitter sought that residential uses be reinstated within the Working Environment, as per the Operative Plan. Plan Change 17 proposed that residential activity is to become limited to the

extent that only those in a caretaker role that was subsidiary to the primary industrial activity could locate within the zone.

The Panel support the intention that large scale residential activity is proposed to be removed from the Working Environment, as outlined in proposed Policy 11.49. In addition the Working Environment zone does not contain any controls to mitigate adverse effects between sites within the zone that would afford any protection to sensitive users.

Panel Recommendation 5.7.1.2

Submission 162/7 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/27 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to make particular provision for large foot print retail in the Community Environment within the subject block.	Supported By: 184 West Auckland Land Holdings Ltd 109 The Warehouse Ltd 110 Warehouse Stationery Limited Opposed By: 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited 107 Westfield (New Zealand) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/23 17	Waitakere Working Environment Group	Amend the Plan Change to make particular provision for large foot print retail in the Community Environment within the subject block.	Supported By: 109 The Warehouse Ltd 110 Warehouse Stationery Limited Opposed By: 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter through the evidence of Mr F J Bentley expressed concern at the overall unsuitability of the proposed Plan Change. In addition brief comment was made regarding a proposal from the owners of the abovementioned land who had suggested alternative design options that placed non residential activity along the boundary with Monier, and anticipate ongoing communications with this party.

Discussion:

This group of submitters sought that the zoning of the land and the land that surrounds their site, being the land bounded by Rankin Ave, Clark St, Margan Ave and Astley Ave, is amended to make provision for large format retail. This block of land is zoned Working Environment under the Operative Plan. Plan Change 17 proposes that the land is rezoned a combination of Community Environment and Living 6 Environment, with the Monier site becoming Monier Special Area.

The Panel note that the proposed rules of the Living 6 Environment do not provide for large format retail, as intensive residential development is proposed to be the primary use proposed for this zone. However in response to the submitter that represented the above mentioned block of land zoned Living 6 (see submission discussion immediately below) it is considered that it would be of benefit to allow a small specified area of mixed use into the Living 6 land, adjacent to the Monier boundary.

Panel Recommendation 5.7.1.3

Submission 213/27, 216/23 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
77/1 17	Harry Bhana & Associates Ltd	Amend to introduce a special Community Environment zone on land identified in this submission, for business activities (excluding residential apartments as permitted or discretionary activities).	Supported By: 142 PLC New Zealand Ltd 213 CSR Building Products NZ Ltd ('Monier Brickmakers') 214 Henkel NZ Ltd (The Sellotape Company) 215 Huhtamaki NZ Limited 216 Waitakere Working Environment Group 217 Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn) Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
77/2 17	Harry Bhana & Associates Ltd	Amend the Waitakere City Operative District Plan, Proposed Plan Change 17 as necessary to enable Lot 2 DP 122011, located Clinker Place New Lynn to be developed and used for retail activities.	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

During the time between the primary submissions being received and the Hearing, the owners of the site-Vuksich & Borich Limited, on whose behalf the original submission was lodged, have entered into a joint venture with a party who have been authorised by Mr H Bhana to pursue the submission and any subsequent appeal rights. This new group presented evidence outlining a development vision for the site that had been progressed to the stage of concept drawings that were tabled as part of their evidence.

The new party will be referred to as the submitter

The submitter has undertaken discussions with both Officers at Waitakere City Council and representatives of the adjacent Monier land. They have developed a concept plan for the Living 6 land that contains predominantly intensive residential activity, of the type envisaged by the Councils proposed Living 6 zoning, a small area of mixed use development fronting a wide boulevard style street adjacent to the boundary of the Monier site that would be facilitated by a new roading typology, a new indicative roading layout for the Living 6 zone that includes a roading link to Margen Ave, the removal of the Open Space area that fronts onto Margen Ave, and that building would front the Open Space proposed around the stormwater reserve/open space area . It is proposed by the submitter that the development for the most part would acknowledge the development controls proposed for the Living Six zone through Plan Change 17. The submitter considers that the refined proposal meets the intentions of the Waitakere City Proposed Plan Change 17, and various concerns raised by other submitters such as Monier.

Discussion:

The original submitter sought that the abovementioned lot proposed as Living Environment 6, a high intensity residential zoning, be amended to provide for retail activities. In addition various other submitters sought that the Living 6 Zone be amended to allow for retail activities. It is on this basis that the Panel consider that they have the scope to give regard to the proposal presented at the Hearing as outlined above.

The New Lynn Urban Concept Plan is to be amended based on the following discussion, in addition to other rules outlined in the discussion. The proposal continues to facilitate the intensive residential development as sought in the original Living 6 Zoning, while also providing two blocks

(2) of mixed used activity together with the boulevard style road adjacent to the Monier boundary. It is considered that this small element of mixed use would not undermine the core business section of New Lynn, as a mixed use element was already part of the proposed Living 6 zoning. This latter aspect of the proposed development would provide an enhanced level of amenity to the overall development in the Living 6 Zone, particularly that which front onto the large Monier site.

The proposal consisted of a new street typology to facilitate the buffer area that contained the road and the commercial buildings. However it is considered that a more appropriate method to achieve the enhanced buffer would be to take the cross section from the drawings that depicted the buffer and make this an appendix of the (Waitakere District) Plan. A requirement to give regard to the appendix (buffer) will be made in the new rule outlined below, and in the Living 6 Non Residential activity controls. It is considered that the new roading typology for this area, as suggested by the submitter is not required. The enhanced reserve area around the stormwater pond is also to be included in the New Lynn Urban Concept Plan.

It should be noted that it has previously been omitted to annotate the indicative and proposed roads within the residential zone with the relevant typology being Residential Typology-City Wide Rule 3. It is considered that this is a consequential amendment to be undertaken, in addition to the inclusion of a rule (Rule 2A New Lynn Urban Concept Plan-Living 6 Environment-New Lynn Town Centre) within the Living Environment controls, that creates a link to the City Wide Rules, just as currently occurs within the roading typologies in the Community Environment and the City Wide Rules.

It is considered that roading network, proposed by the submitter will become part of the New Lynn Urban Concept Plan, but cannot include the link out onto to Margen Ave. In addition the removal of the Open Space area that fronts onto Margen Ave cannot be endorsed by the Panel. Both of these latter elements if they are to be further pursued need to go through the relevant notified processes. Accordingly the proposal is accepted in part only.

Panel Recommendation 5.7.1.4

Submission 77/1, 77/2 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
184/1 17	West Auckland Land Holdings Ltd	Amend Policy 11.46 along with its associated explanation to recognise a wider area of mixed use (including retail) activity, including large format retail activity rather than residential activity on the land east of the Monier Special Area.	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
	Submitter	Summary of Decision Sought	Further Submitter/s
184/3 17	West Auckland Land Holdings Ltd	Amend the Plan Change to rezone a larger area to community zoning, including the land to the east of the Monier Special Area, and/or create a specific bulk retail zone or precinct encompassing a wide area or areas including the land to the east of the Monier Special Area (this would include changes to the mainstreet notations on Appendix XXI).	Supported By: 109 The Warehouse Ltd 110 Warehouse Stationery Limited Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The concerns of the submitter have been meet through the response to the above points of submission being submission points 77/1 and 77/2.

Panel Recommendation 5.7.1.5

Submission 184/1, 184/3 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
1/1 17	Puriri St Syndicate	Opposes change from Working to Community (New Lynn) Environment as it will lower the value of the property and restrict the type of tenant that can be procured in the future. Seeks compensation for the drop in value of the property.	

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The submitter sought that recognition be given to a perceived drop in value in properties in the Plan Change area that will make tenants difficult to procure. Such matters, if in fact correct, are outside the scope of consideration for this Plan Change.

Panel Recommendation 5.7.1.6

Submission 1/1 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/1 17	New Zealand Post Ltd	Amend by deleting NZP property (Southern corner of Memorial Drive/Great North Road) from the Landmark Site notation.	Opposed By: 250 Auckland Regional Council

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The submitter sought the removal of the notation of Landmark Site from the subject property. The Landmark Sites have been chosen due to their prominent location (rather than a heritage type reference) on corner sites, and the contribution that they make to the streetscape. This control would be activated at the time of alterations or redevelopment. Accordingly, it is considered that it would not be appropriate to remove an individual site from the group of sites, as it is the collective contribution that these sites make to the town and streetscape that is important.

Panel Recommendation 5.7.1.7

Submission 121/1 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
218/6 17	AMP Capital Investors (NZ) Limited	Amend the Plan Change to: Remove reference to the Lynn Mall site from Proposed Plan Change 17 by retaining the existing zoning of the site (New Lynn Community Environment, rather than the proposed zoning of Community Environment (New Lynn)) and also retaining the references to New Lynn Community Environment throughout the District Plan, until such time as a variation (to be developed by Waitakere City Council and AMP) to Proposed Plan Change 17 has been publicly notified. OR; Alternatively, rezone the site Community Environment (LynnMall), and amend all references to the New Lynn Community	Supported By: 106 Property Council of New Zealand Opposed By: 250 Auckland Regional Council Support and Opposed By: 108 Progressive Enterprises Limited

		<p>Environment to Community Environment (LynnMall). OR; In the alternative, without resiling from the above, the following decision is sought:</p> <p>Remove from the "Proposed Street Classification" plan, the Commercial Street (blue line) identification from the Veronica Street East frontage and from the north eastern portions of the Great North Road and Totara Avenue frontages of the LynnMall site.</p>	
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Evidence Presented:

The submitter spoke in support of submission point 218/6, primarily through the evidence of Ms J M Carvill. Ms Carvill clarified that the submitter no longer sought that a Variation be prepared for the AMP site, and that a variant of the existing provisions may be able to meet the concerns of the submitter. The primary concern of the submitter is that the characteristics of the LynnMall both existing and as envisaged into the future by AMP make the requirements of the urban design rules in particular the requirements to develop to the street frontage difficult to achieve.

The variant presented by the submitter at the Hearing revolves around the inclusion of additional criteria to rule 5A, to which regard must be given in the processing of consents for the LynnMall site. The criteria outline the constraints and opportunities, over time, that AMP/LynnMall consider that they are bound by when attempting to give affect to the active street frontage controls. In addition the submitter proposes that the status of the assessment would drop from discretionary to limited discretionary. The proposed amendments also sought to include new supporting policies.

In the development of the new criteria the submitter had undertaken consultation with the Waitakere City Council and on that basis presented their set of provisions as an agreed set of provisions. However Waitakere City Council, who spoke at a later time in the Hearing process, stated that while they agree with the proposed methodology, they did not agree with the set of criteria tabled by AMP, and accordingly produced an alternative version of the criteria in their evidence.

Discussion:

The Panel accepts the significance of the subject site, recognising both its historical contribution to New Lynn the size of the land holding within the New Lynn Town Centre, and it's proximity to the transport interchange. It is also accepted that site is likely to remain a mall and as such some of the controls would be unusual for such a use to be subject.

The submitter in their submission point 218/17 that related to the City Wide rules sought alternative treatment of the Lynn Mall site. It is considered that a variant to the rules or criteria making them in some way site specific to Lynn Mall could be recommended to provide the relief sought by this submitter, and is regarded as more appropriate than a change to the actual zoning or typologies. In addition the Panel accept that a limited level of acknowledgement should occur within the policies to support the approach being adopted within the rules and the criteria.

On that basis this point of submission is accepted in part, with the relief outlined in the response to submission point 218/17.

Panel Recommendation 5.7.10

Submission 218/6 is accepted in part.

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
53/7 17	M George Easton	Amend the plan change to ensure the existing 'Community Periphery' zone be	

		retained.	
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Evidence Presented:

The submitter tabled written evidence however it did not address the above point of submission.

Discussion:

The submitter sought that the Community Periphery zoning be retained. To retain this zoning would be detrimental to the outcomes of the Plan Change as the expanded Community Environment allows for an expansion in retail and commercial opportunities. In addition the development is also subject to the streetscape controls to ensure that this new area has high standards of pedestrian amenity. These outcomes would not be achieved through the Community Periphery zoning.

Panel Recommendation 5.7.1.8

Submission 53/7 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/15 17	M George Easton	Retain the proposed change of zone from 'Working' to 'Living 6' for the large area off the southern end of Crown Lynn Place, and off Clinker Place and Margan Ave.	

Evidence Presented:

The submitter tabled written evidence, but it did not address the above point of submission.

Discussion:

The submitter sought that Living 6 Environment zone be retained. The proposed Plan Change seeks to provide a mixture of residential, retail and commercial opportunities. The Plan Change has proposed the rezoning of Working and Community Periphery land to Community to allow for an expanded retail and mixed use core town centre. To ensure that sufficient residential development takes place, several areas immediate to town centre have been zoned for medium density and high intensity living, including the Living 6 zone. Accordingly this zoning should be retained.

Panel Recommendation 5.7.1.9

Submission 53/15 be accepted.

5.7.2 SUBMISSIONS RELATING TO REVERSE SENSITIVITY

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
97/1 17	Maycey Confectionary Limited	Reject the Plan Change in its entirety; or Delete residential uses from the Plan Change in the land to the south of Totara Avenue; or Amend to implement adequate planning rules and controls in the new 'Community' zoning to recognise the existing use rights and the reverse sensitivity issues of a confectionary business remaining within an area to be developed with new retailing, commercial uses and residential developments.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
310/3 17	Macey Confectionary Ltd	If the Plan Change is not rejected in its entirety, amend the Plan Change to implement adequate planning rules and controls in the new "Community" zoning to	

		recognise the existing use rights and the reverse sensitivity issues of a Confectionary business remaining within an area to be developed with new retailing, commercial uses and residential developments	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
310/2 17	Macey Confectionary Ltd	If the Plan Change is not rejected in its entirety, delete Residential uses from the Plan Change in the land south of Totara Avenue.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/5 17	PLC New Zealand Ltd	Reject the Proposed Plan Change and re notify to undergo a more detailed analysis to specifically address the zoning pattern which balances the need to provide for increased residential densities with the needs of existing industrial activity and be re-notified.	Opposed By: 218 AMP Capital Investors (NZ) Limited 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
215/2 17	Huhtamaki NZ Limited	Delete/Withdraw the Proposed Plan Change in its entirety; Or, Re-notify the Proposed Plan Change with a more detailed section 32 analysis, which specifically addresses the zoning pattern which balances the need to provide for increased residential densities with the needs of existing industrial activity.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
217/2 17	Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)	Delete/Withdraw the Proposed Plan Change in its entirety; Or, Re-notify the Proposed Plan Change with a more detailed section 32 analysis, which specifically addresses the zoning pattern which balances the need to provide for increased residential densities with the needs of existing industrial activity.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/2 17	Waitakere Working Environment Group	Delete/Withdraw the Proposed Plan Change in its entirety; Or, Re-notify the Proposed Plan Change with a more detailed section 32 analysis, which specifically addresses the zoning pattern which balances the need to provide for increased residential densities with the needs of existing industrial activity.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/2 17	Henkel NZ Ltd (The Sellotape Company)	Delete/Withdraw the Proposed Plan Change in its entirety; Or, Re-notify the Proposed Plan Change with a more detailed section 32 analysis, which specifically addresses the zoning pattern which balances the need to provide for increased residential densities with the needs of existing industrial activity.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/2 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Delete/Withdraw the Proposed Plan Change in its entirety; Or, Re-notify the Proposed Plan Change with a more detailed section 32 analysis, which	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 218 AMP Capital Investors (NZ) Limited

		specifically addresses the zoning pattern which balances the need to provide for increased residential densities with the needs of existing industrial activity.	
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NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/10 16	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to delete reference to the 'Monier Special Area'.	Opposed By: 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter presented extensive evidence through Mr F J Bentley and others that queried the suitability of New Lynn to be part of the LGAAA process, and the location of incompatible activities adjacent to each other. He considered that the Plan Change would give rise to severe reverse sensitivity issues that could not be resolved through the mitigation measures proposed by Waitakere City Council.

Discussion:

The submitters listed above sought that the Plan Changes be deleted, the deletion of the Monier Special area, and / or a revision of the S32 analysis to specifically address the zoning issue related to the need to balance increased residential densities and the needs of industrial activity.

The statutory provisions of the LGAAA 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 Auckland Regional Growth Strategy. In this context the Plan Changes 13-18 cannot be rejected without having alternative Plan Changes that meet the requirements of the LGAAA.

In any event, it is considered that the objectives of the Plan Changes fall squarely within the ambit of the matters that the LGAAA is explicitly seeking to address. Subject to recommended amendments suggested elsewhere in this report, or that may be recommended through reports that will be prepared later in this statutory process, it is considered that the Plan Changes achieve the purpose of the LGAAA and should be retained.

It should be noted that in response to submission points 77/1 and 77/2 the Living 6 zoning, which includes a buffer notation, will contain a slight alteration to facilitate an element of mixed use development. Otherwise all zoning remains as proposed and it is considered that the mitigation measures proposed will mitigate adverse effects that may arise as a result of reverse sensitivity. A discussion of specific measures will be outlined in response to submissions below.

Panel Recommendation 5.7.2.1

Submission 310/3, 97/1,213/10,213/2,214/2,216/2,217/2,215/2,142/5,310/2, be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
217/4 17	Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)	Amend the Plan Change to: Re-instate the present zoning pattern for the block of land bordered by Rankin Ave, Clark St, Astley Ave and Margan Ave. OR; Restore the Working Environment zoning for Monier (together with limitations on residential development) and the adjoining vacant site together with a Community	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited

		Environment Zoning (or other light industrial/mixed use zoning on adjoining boundaries) provided that such zoning did not provide for residential development.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/15 17	PLC New Zealand Ltd	Amend the Plan Change by restoring present zoning patterns (for the block of land bordered by Rankin Ave, Clark Street, Astley Ave and Margan Ave); and confirming non-complying activity status for residential development in the Working Environment Zone. The intensity of development proposed for the Living 6 zone in close proximity to established industry will create environmental issues.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/16 17	PLC New Zealand Ltd	Amend the Plan Change to restore present zoning patterns (for the block of land bordered by Rankin Ave, Clark Street, Astley Ave and Margan Ave); and confirm non-complying activity status for residential development in the Working Environment Zone. Or, amend this policy to reflect realities of 'reverse sensitivity'.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/12 17	PLC New Zealand Ltd	Amend the Plan Change to recognise and adequately provide for the containment of 'reverse sensitivity' by restoring present zoning patterns (for the block of land bordered by Rankin Ave, Clark Street, Astley Ave and Margan Ave); and confirming non-complying activity status for residential development in the Working Environment Zone).	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/11 16	PLC New Zealand Ltd	Amend the Plan Change to restore present zoning patterns (for the block of land bordered by Rankin Ave, Clark Street, Astley Ave and Margan Ave); and confirm non-complying activity status for residential development in the Working Environment Zone).	Opposed By: 218 AMP Capital Investors (NZ) Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 107 Westfield (New Zealand) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/7 17	PLC New Zealand Ltd	Amend the Plan Change to re-instate the present zoning pattern for the block of land bordered by Rankin Ave, Clark Street, Astley Ave and Margan Ave. Alternatively, restore the zoning for Monier Special Area to Working Environment - with limitations on residential development.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/17 17	PLC New Zealand Ltd	Reject the zoning mix described because it fails to adequately provide for 'reverse sensitivity'. Amend the Plan Change to restore present zoning patterns (for the block of land bordered by Rankin Ave, Clark Street, Astley Ave and Margan Ave); and confirm non-complying activity status for residential development in the Working Environment	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/18 17	PLC New Zealand Ltd	Amend the Plan Change to restore present zoning patterns (for the block of land bordered by Rankin Ave, Clark Street, Astley Ave and Margan Ave); and confirm non-complying activity status for residential development in the Working Environment Zone; and confirm the proposed reserve identified in the New Lynn Urban Concept Plan.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
142/10 16	PLC New Zealand Ltd	Amend the Plan Change to restore the present zoning pattern (for the block of land bordered by Rankin Ave, Clark Street, Astley Ave and Margan Ave); and confirm non-complying activity status for residential development in the Working Environment Zone).	Opposed By: 218 AMP Capital Investors (NZ) Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd 110 Warehouse Stationery Limited
215/4 17	Huhtamaki NZ Limited	Amend the Plan Change to: Re-instate the present zoning pattern for the block of land bordered by Rankin Ave, Clark St, Astley Ave and Margan Ave, OR; Restore the Working Environment zoning for Monier (together with limitations on residential development) and the adjoining vacant site together with a Community Environment Zoning (or other light industrial/mixed use zoning on adjoining boundaries) provided that such zoning did not provide for residential development.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
216/4 17	Waitakere Working Environment Group	Amend the Plan Change to: Re-instate the present zoning pattern for the block of land bordered by Rankin Ave, Clark St, Astley Ave and Margan Ave, OR; Restore the Working Environment zoning for Monier (together with limitations on residential development) together with a Community Environment zoning (or other light industrial/mixed use zoning on adjoining boundaries) provided that such zoning did not provide for residential development but did permit large foot print retailing, OR; Establish a 'transition' period indicating likely future activities but protecting present industrial use rights conferred by zoning for at least 15 years.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
213/4 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the plan Change to: Re-instate the present zoning pattern for the block land bordered by Rankin Ave, Clark St, Astley Ave and Margan Ave, or; Restore the Working Environment zoning for Monier (together with limitations on	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors

		residential development) together with a Community Environment Zoning (or other light industrial/mixed use zoning on adjoining boundaries provided that such zoning did not provide for residential development but did permit large foot print retailing, or; Establish a 'transition' period indicating likely future activities but protecting present industrial use rights conferred by zoning for at least 15 years.	(NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/4 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to re-instate the present zoning pattern for the block of land bordered by Rankin Ave, Clark St, Astley Ave and Margan Ave.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/20 17	PLC New Zealand Ltd	Amend Plan Change Rules 11.2,11.3,Assessment criteria 11(e), to restore present zoning patterns (for the block of land bordered by Rankin Ave, Clark Street, Astley Ave and Margan Ave); and confirm non-complying activity status for residential development in the Working Environment Zone; and confirm the proposed reserve identified in the New Lynn Urban Concept Plan. Alternatively , amend the night time noise limit between Working Environment and Community Environment to 65dba (L10).	Opposed By: 218 AMP Capital Investors (NZ) Limited 153 The National Trading Company of New Zealand Ltd

Evidence Presented:

The submitter presented extensive evidence through Mr F J Bentley and others that queried the location of incompatible activities adjacent to each other. He considered that the Plan Change would give rise to severe reverse sensitivity issues that could not be resolved through the mitigation measures proposed by Waitakere City Council.

In relation to concerns regarding noise it is noted that by the time of further submissions, while the submitter acknowledge that Waitakere City were attempting to re instate the noise levels that they sought in their primary submissions, they consider that this will exacerbate reverse sensitivity issues related to noise. The noise expert, Mr C Day was of the opinion that the suite of proposed measures would not provide adequate mitigation of noise, and that the various noise levels proposed by the City as desirable standards to achieve were not sufficient to provide a suitable acoustic environment.

In reply evidence presented at the Hearing, Waitakere City, through their noise expert, Mr N Hegley, disputed some of the material presented by the submitter group, particularly regarding the level of noise that should be regarded as acceptable in relation to outdoor levels of quiet, stating that the New Zealand Standard level of 55 dBA L₁₀ (as sought by Waitakere City), was the level sought to be achieved most commonly throughout New Zealand. Mr Hegley also expressed concern at the proposition put forward by the submitter that activities may generate a noise/s (not identified) that may not achieve the required level of quiet at the residential interface. Mr Hegley described this proposition as fanciful.

Discussion:

With regard to the points of submission seeking that the “present” zoning, being that of the Operative Plan, is restored, it is considered by the Panel, for the same reasons in response to the submissions that sought that the Plan Changes be declined, that this is not considered to be an appropriate solution. Accordingly the current proposed zoning will be recommended for approval, subject to minor alterations to some rules and assessment criteria as outlined in the response to the Auckland Regional Council submissions at the end of this section, and the response to the original submission of Mr H Bhana being 77/1 and 77/2.

Many of the submitters sought confirmation of the proposed rule that residential activities are non complying activities within the Working Environment. This particular change is recommended for approval, as it will enhance the functioning of the working environment.

Various points of submission also sought that the evening noise limit between the Working and Community Environment is amended to 65 DbA L10. It is noted that WCC own submission to these plan changes sought to have this noise level reinstated, and this submission has been recommended for approval as part of Plan Change 18 : Urban Design Hearing. This aspect of the submission is recommended for approval. The Panel consider that the combination of setback buffers and the forced ventilation will achieve the desired levels of quiet, albeit with the windows closed. With regard to the concerns between the noise experts regarding the desirable levels of outdoor quiet that are to be achieved, it is considered that the correct level to be achieved through development is that of the New Zealand Standards, and therefore would be consistent with the similar controls of the Waitakere District Plan and not the standard as sought by Mr Day.

Some of these submissions sought that the proposed reserve will be confirmed. The reserve will be recommended for approval, however it is noted that the “Reserve ‘ is recommended to be zoned Open Space, so as to be consistent with the other similar areas on the city also zoned/known as Open Space. This aspect of the submissions is recommended for approval.

Some of this submitter group sought that the proposed zoning is amended to allow ‘transitional uses’ or other uses including large format retail, particularly in relation to the block of land currently proposed as Living 6 Environment. As discussed elsewhere in this report it is not appropriate to extensively alter the mix of uses as the overall goal is to achieve the intensification of New Lynn in both employment and residential activity, however there is a small alteration to the Living 6 zone to allow an area mixed use to be developed.

Panel Recommendation 5.7.2.2

Submission

217/4,142/15,142/16,142/12,142/11,142/7,142/17,142/18,142/10,215/4,216/4,213/4, 214/4,142/20 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/13 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submissions 213/4 - 213/7.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/21 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submissions 213/4 - 213/7.	Supported By: 184 West Auckland Land Holdings Ltd

	Brickmakers')		Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/12 16	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submission 213/4 - 213/7.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited 111 The National Trading Company of New Zealand Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/11 16	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submissions 213/4 - 213/7.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 218 AMP Capital Investors (NZ) Limited 109 The Warehouse Ltd 110 Warehouse Stationery Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/9 16	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submissions 213/4 - 213/7.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/8 16	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submissions 213/4 - 213/7.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/18 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submissions 213/4 - 213/7.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited

			Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/19 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submission 213/4 - 213/7.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/16 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submissions 213/4 - 213/7.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/25 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submissions 213/4 - 213/7. OR; Amend the Plan Change to set the night time noise limit between Working Environment and Community Environment to 65dba (L10).	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/17 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to restore the zoning pattern as requested in Submissions 213/4 - 213/7; OR; Amend the Plan Change by re-writing the Policy to reflect realities of 'reverse sensitivity'.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited

Evidence Presented:

The submitter presented extensive evidence through Mr F J Bentley and others that queried the location of incompatible activities adjacent to each other. He considered that the Plan Change would give rise to severe reverse sensitivity issues that could not be resolved through the mitigation measures proposed by Waitakere City Council.

Discussion

This group of submissions seek to have the present zoning, being that of the Operative District Plan, reinstated. As discussed above this will not achieve the aspirations of an integrated land and transport hub, and accordingly these points of submissions are rejected.

Panel Recommendation 5.7.2.3

Submission 213/13,

213/21, 213/12, 213/11, 213/9, 213/8, 213/18, 213/16, 213/19, 213/25, 213/17 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/9 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to restore the zoning pattern as requested in Submissions 214/4 - 214/6.	Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/14 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to restore the zoning pattern as requested in Submissions 214/4 - 214/6.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/8 16	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to restore the zoning pattern as requested in Submissions 214/4 - 214/6.	Opposed By: 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/7 16	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to restore the zoning pattern as requested in Submissions 214/4 - 214/6.	Opposed By: 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 218 AMP Capital Investors (NZ) Limited 109 The Warehouse Ltd 110 Warehouse Stationery Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/15 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to restore the zoning pattern as requested in Submissions 214/4 - 214/6.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/13 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to restore the zoning pattern as requested in Submissions 214/4 - 214/6. OR; Amend the Plan Change by re-writing the Policy to reflect realities or 'reverse sensitivity'.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/17 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to restore the zoning pattern as requested in Submissions 214/4 - 214/6.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors

		OR; Amend the Plan Change to set the night time noise limit between Working Environment and Community Environment to 65dba (L10).	(NZ) Limited
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Evidence Presented:

The submitter presented extensive evidence through Mr F J Bentley and others that queried the location of incompatible activities adjacent to each other. He considered that the Plan Change would give rise to severe reverse sensitivity issues that could not be resolved through the mitigation measures proposed by Waitakere City Council.

Discussion:

This group of submissions sought to have the present zoning, being that of the Operative District Plan, reinstated. As discussed above this will not achieve the aspirations of an integrated land and transport hub, and accordingly these points of submissions are rejected

Panel Recommendation 5.7.2.4

Submission 214/9, 214/14,214/8,214/7,214/15, 214/13,214/17 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
215/12 17	Huhtamaki NZ Limited	Amend the Plan Change to restore the zoning pattern as requested in Submissions 215/4 - 215/5. OR; Amend the Plan Change by re-writing the Policy to reflect realities of 'reverse sensitivity'.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
215/16 17	Huhtamaki NZ Limited	Amend the Plan Change to restore the zoning pattern as requested in Submissions 215/4 - 215/5. OR; Amend the Plan Change to set the night time noise limit between Working Environment and Community Environment to 65dba (L10).	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited
215/13 17	Huhtamaki NZ Limited	Amend the Plan Change to restore the zoning pattern as requested in Submissions 215/4 - 215/5.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited 108 Progressive Enterprises Limited
215/7 16	Huhtamaki NZ Limited	Amend the Plan Change to restore the zoning pattern as requested in Submissions 215/4 - 215/5.	Opposed By: 111 The National Trading Company of New Zealand Limited 218 AMP Capital Investors (NZ) Limited 108 Progressive Enterprises Limited
215/14 17	Huhtamaki NZ Limited	Amend the Plan Change to restore the zoning pattern as requested in Submissions 215/4 - 215/5.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors

		(NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
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Evidence Presented:

The submitter presented extensive evidence through Mr F J Bentley and others that queried the location of incompatible activities adjacent to each other. He considered that the Plan Change would give rise to severe reverse sensitivity issues that could not be resolved through the mitigation measures proposed by Waitakere City Council.

Discussion:

This group of submissions sought to have the present zoning, being that of the Operative District Plan, reinstated. As discussed above this will not achieve the aspirations of an integrated land and transport hub, and accordingly these points of submissions are rejected

Panel Recommendation 5.7.2.5

Submission 215/14, 215/7, 215/13,215/16,215/12 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/21 17	Waitakere Working Environment Group	Amend the Plan Change to restore the zoning pattern as requested in Submissions 216/4 - 216/5. OR; Amend the Plan Change to set the night time noise limit between Working Environment and Community Environment to 65dba (L10).	Opposed By: 218 AMP Capital Investors (NZ) Limited
216/14 17	Waitakere Working Environment Group	Amend the Plan Change to restore the zoning pattern as requested in Submissions 216/4 - 216/5. OR; Amend the Plan Change by re-writing the Policy to reflect realities of 'reverse sensitivity'.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
216/10 17	Waitakere Working Environment Group	Amend the Plan Change to restore the zoning pattern as requested in Submissions 216/4 - 216/5.	Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited
216/17 17	Waitakere Working Environment Group	Amend the Plan Change to restore the zoning pattern as requested in Submissions 216/4 - 216/5.	Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited
216/9 16	Waitakere Working Environment Group	Amend the Plan Change to restore the zoning pattern as requested in Submissions 216/4 - 216/5.	Opposed By: 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/15 17	Waitakere Working Environment Group	Amend the Plan Change to restore the zoning pattern as requested in Submissions 216/4 - 216/5.	218 AMP Capital Investors (NZ) Limited Opposed By: 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited Support and Opposed By: 108 Progressive Enterprises Limited

Evidence Presented:

The submitter presented extensive evidence through Mr F J Bentley and others that queried the location of incompatible activities adjacent to each other. He considered that the Plan Change would give rise to severe reverse sensitivity issues that could not be resolved through the mitigation measures proposed by Waitakere City Council.

Discussion

This group of submissions sought to have the present zoning, being that of the Operative District Plan, reinstated. As discussed above this will not achieve the aspirations of an integrated land and transport hub, and accordingly these points of submissions are rejected

Panel Recommendation 5.7.2.6

Submissions 216/15,216/9, 216/17,216/10,216/14,216/21 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
215/8 17	Huhtamaki NZ Limited	Amend the Plan Change Policy 10.1 to restore the zoning pattern as requested in Submissions 215/4 - 215/5.	Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/12 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change Policy 11.1 to restore the zoning pattern as requested in Submissions 214/4 - 214/6.	Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/13 17	Waitakere Working Environment Group	Amend the Plan Change Policy 11.1 to restore the zoning pattern as requested in Submissions 216/4 - 216/5.	Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
215/11 17	Huhtamaki NZ Limited	Amend the Plan Change Policy 11.1 to restore the zoning pattern as requested in Submissions 215/4 - 215/5.	Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter presented extensive evidence through Mr F J Bentley and others that queried the location of incompatible activities adjacent to each other. He considered that the Plan Change would give rise to severe reverse sensitivity issues that could not be resolved through the mitigation measures proposed by Waitakere City Council.

Discussion:

This submission sought to have the present zoning, being that of the Operative District Plan, reinstated. As discussed above this will not achieve the aspirations of an integrated land and transport hub, and accordingly this point of submission is rejected

Panel Recommendation 5.7.2.7

Submission 214/12, 215/11, 215/8, 216/13 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/217 17	Auckland Regional Council	Retain the approach of continuing to work with industries located within New Lynn to manage transition.	
250/218 17	Auckland Regional Council	Retain policies and assessment criteria that identify air quality issues and seek to control reverse sensitivity.	
250/220 17	Auckland Regional Council	Amend the plan change by adding further methods to reduce effects of reverse sensitivity to the Monier Brick Making Special Area.	

Evidence Presented:

The submitter presented evidence in support of submission points 250/217, 250/218 and 250/220, through the evidence of R M Nicoll and Mr C A Kirkby. Their evidence discussed both the strategic context of air quality matters and reverse sensitivity (in relation to air quality), and included a response to a method of assessment that sought to avoid adverse impacts from the air discharge from Monier, that was proposed by Waitakere City Council and included in the planners report. The method of assessment was based on information in relation to the plume (as modelled by G Fisher) that was converted into a diagram that accompanied Mr Fisher's report, which was to be used to guide development. The evidence of the ARC (Mr Charles Kirkby) suggested that the thresholds for assessment would benefit from being altered to provide a greater level of certainty, which was not available in the initial model provided by Mr Fisher.

Discussion:

The matter of Reverse Sensitivity: Air Quality, had been raised in submissions from the Regional Council, as outlined above. The planners report contained a review report by an air quality specialist (Mr G Fisher) that gave regard to the existing situation, which included a mix of uses that emit discharges, some requiring a permit from the Auckland Regional Council. The modelling for the report was based on a "worst case scenario" being production the potential allowable discharges provided for by the resource consent, and climatic conditions which would essentially result in the pollutants being caught in an inversion layer and remaining as a concentrated plume.

With regard to current levels of emission, at ground level (being below 15m) the report concluded that the discharge from Monier will have no adverse effects. When an assessment is taken at plume level it should be noted that at current levels of emission the guidelines could be exceeded for several contaminants at levels between 30-50m high, 50-150m from the stack. (**Table 7** of the report). At the consented levels of emission it was found that there is an adverse health effect on the proposed receiving environment. The adverse effects are generally likely to be sore throats and stinging eyes, although a more severe reaction is likely in people with respiratory illnesses

such as asthma. This effect potentially impacts on tall buildings in the adjacent Living 6, Working and Community Environments (i.e. structures directly in the plume).

The Panel consider that the precautionary response contained in the planners report was at an appropriate level of response. However it is considered that the revised methodology outlined by Mr Kirkby and found to be acceptable to Waitakere City is a more robust solution to what will be an ongoing issue for as long as Monier continues to operate. The new methodology is to be supported by policies, a separate rule and assessment criteria that collectively acknowledge, and balance the desire for proposed cumulative development with the functions of the historical industrial use. To this end it is considered that the (other) proposed development controls do not have to be changed,

With regard to the other uses that have Air Discharge permits, it is considered that the issue most likely to arise with these uses are odour/nuisance, and the panel is satisfied that the controls contained in the Operative and Proposed contain relevant assessment criteria for this matter.

Panel Recommendation 5.7.2.8

Submission 250/217, 250/18,250/20 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/9 17	PLC New Zealand Ltd	Retain proposed zoning, to confirm the proposed reserve.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not address this point specifically at the Hearing.

Discussion

The submitter sought that the proposed reserve is retained. Waitakere City Council have outlined that the proposed reserve is designed to provide amenity to the future apartments that will populate the adjacent Living 6 zone, and that the pond that is part of the reserve will undertake a stormwater function for a portion of the surrounding sites. It is noted that for consistency the reserve area will be recommended to be referred to as open space, to be consistent with such areas in the remainder of the city.

Panel Recommendation 5.7.2.9

Submission 142/9 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/6 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to expand the buffer area to at least 50m.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not address this point of submission at the Hearing, although in general statements through the evidence of Mr F J Bentley, it was the opinion of the submitter that the measures put forward by Waitakere City Council to mitigate reverse sensitivity would not resolve the issue.

Discussion:

The submitter sought to expand the buffer at least 50m. The reasons outlined in the submission are that "the proposed buffer will offer no protection, as it would not attenuate noise nor provide visual screening for the upper floors of adjoining buildings.

The proposed buffer is 20m in proximity to the Henkel site. It is considered that if the surrounding industries operate at the noise levels required by the District Plan, which to clarify would be retained at the levels outlined in the operative plan, together with the buffer distance for habitable rooms, and the requirement for acoustic attenuation, that suitable mitigation will be achieved. This set of controls will achieve a level of 55 Dba outdoors.

Panel Recommendation 5.7.2.10

Submission 214/6 be rejected

5.7.3 Submissions seeking changes to roading pattern

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/15 17	The National Trading Company of New Zealand Ltd	Support the roading structure shown in the New Lynn Urban Concept Plan and that a new east-west 'Indicative Street' be placed in the position shown on the attached amended Appendix XXI (dissecting Crown Lynn plaza).	Opposed By: 108 Progressive Enterprises Limited 2 Clark Street Investments Limited

Evidence Presented:

The submitter gave evidence in support of submission 153/15, elaborating that the proposed indicative road would assist in the development of a fine grained roading pattern within the town centre.

Discussion:

The submitter sought an amendment to Appendix XXI, which shows indicative and proposed roads. The submitter sought an additional indicative road to be shown on the Appendix XXI. It is considered that the location of the indicative road sought by the submitter would assist in the development of the fine grained roading pattern that is sought by the Council for the Town Centre development.

Panel Recommendation 5.7.3.1

Submission 153/15 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
2/1 17	Clark Street Investments Limited	Opposes the proposal to investigate a road closure to traffic at Crown Lynn Place and as shown in New Lynn Urban Concept Plan - Appendix XXI.	Supported By: 108 Progressive Enterprises Limited Opposed By: 153 The National Trading Company of New Zealand Ltd
187/1	N Mills	Amend the New Lynn Urban Concept Plan by deleting from Appendix XXI the proposed road closure (road closed to traffic) of Crown Lynn Place.	Supported By: 108 Progressive Enterprises Limited 184 West Auckland Land Holdings Ltd 2 Clark Street Investments Limited Opposed By: 153 The National Trading Company of New Zealand Ltd

Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

The submitters sought that the proposed road closure to Crown Lynn is removed from the Proposed Plan Change. The road is proposed to be closed as other links are being provided, to enhance the overall roading pattern by providing a greater level of connectivity, and a greater quantity of street frontage.

Panel Recommendation 5.7.3.2

Submission 2/1, 187/1 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/33 17	The National Trading Company of New Zealand Ltd	Seeks that the Plan Change clarify the street typology/classification of the "Indicative Streets" and "Proposed Roads" shown on Appendix XXI.	Supported By: 109 The Warehouse Ltd 110 Warehouse Stationery Limited Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not specifically address this point of submission at the Hearing.

Discussion:

The submitter sought that a street typology is assigned to the indicative or proposed roads. This matter was recognised by Waitakere City Council, who made a further submission to amend this oversight to have not assigned road types, as this has the potential to undermine the design work of the Plan Change and accordingly the Appendix XXI maps are recommended to be altered in recognition of this, as outlined in the submission below.

Panel Recommendation 5.7.3.3

Submission 153/33 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/405 17	Waitakere City Council	Amend the Legend in Appendix XXI <i>New Lynn Urban Concept Plan</i> to show that the Proposed Road and Indicative Street keys relate to the colour coding of the Mainstreet Typology 1 and Commercial Street Types as referenced by Rule 5A and 7A of the Community Environment. The dashed lines of Indicative Streets should be coloured blue as Commercial Street Typologies. The proposed road extension of Memorial Place across Totara Avenue should be coloured red as Mainstreet Typology 1. The proposed road known (and shown) as the Clarke Street Extension should be coloured blue as a Commercial Street. The proposed road extension of Crown Lynn and Clinker Place should be coloured blue as a Commercial Street Typology. Amendments to the Legend text include: "Indicative Street (<i>Commercial Street</i>)" "Proposed Road (<i>Mainstreet Typology 1 / Commercial Street</i>)"	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 184 West Auckland Land Holdings Ltd

Evidence Presented:

The submitter did not present specific material in relation to this matter in their evidence.

Discussion:

The submitter sought the amendments to correct mistakes in the original proposed mapwork. It is considered that the amendments as sought would provide greater clarity

Panel Recommendation 5.7.3.4

Submission 257/405 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/202 17	Auckland Regional Council	Amend the plan change by adding a colour code for street typologies of indicative and proposed roads.	Supported By: 258 Auckland Regional Transport Authority Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not present specific material in relation to this matter in their evidence.

Discussion:

The submitter sought that the indicative and proposed roads are assigned typologies. It is considered that this is a practical measure that will assist in furthering the design aspirations of the Plan Change, and will occur as outlined in the above submission point discussion-257/405.

Panel Recommendation 5.7.3.5

Submission 250/202 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
258/245 17	Auckland Regional Transport Authority	Amend so that the road linkage formed by the roundabout at the intersection of Rankin Ave, Clark Street and Totara Ave be identified as "Investigate Road Closed To Traffic" in Appendix XXI.	Supported By: 108 Progressive Enterprises Limited Opposed By: 153 The National Trading Company of New Zealand Ltd

Evidence Presented:

The submitter did not present specific material in relation to this matter in their evidence.

Discussion:

The submitter sought that the roundabout at the intersection of Rankin Ave/Clarke Street and Totara Ave be identified as Road Closed to Traffic. The text of the submission states that ARTA understands that this additional road closure should occur due to the indicative and proposed roads in the immediate vicinity. It is understand that this area of roading will continue to operate into the future. Its future operation will be enhanced as the rail line will be underground.

Panel Recommendation 5.7.3.6

Submission 258/245 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
184/4 17	West Auckland Land Holdings	Amend the Plan Change to remove the buffer area, proposed road, indicative street and	Opposed By: 108 Progressive Enterprises

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

	Ltd	indicative connection notations from the land to the east of the Monier Special Area and if necessary replace these with a single indicative street along the boundary between the site and the Monier Special Area to connect Crown Lynn Place with Margan Avenue.	Limited
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Evidence Presented:

The submitter did not present or table evidence in relation to this point of submission.

Discussion:

The submitter sought the removal of the overlay features being the buffer, and indicative and proposed roads, from the significant site, being Living 6 Environment to the east of Monier. It is considered that these proposed measures on the site will assist to guide its future development, assist to integrate this piece of land with its surrounds, and maximise the use of the land by providing frontage opportunities. It is considered that the relief sought by the submitter will not be of assistance in these matters.

Panel Recommendation 5.7.3.7

Submission 184/4 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/16 17	Waitakere Working Environment Group	Amend the Plan Change to delete the proposed new roads where they pass over land identified as 'Monier Special Area'.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/20 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to delete the proposed new roads where they pass over land identified as 'Monier Special Area'.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/6 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to delete the proposed roads through the submitter's land.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter addressed this point of submission through the evidence of Mr F J Bentley, who expressed concern that the roads were shown on the site, yet there was no indication that the business intended to relocate.

Discussion:

The submitters sought that the proposed new roads are removed from the Monier Special Area. The New Lynn Urban Concept Plan Appendix XXI has a combination of both indicative and proposed roads identified on the Monier site. The concern of the submitter is that the new roads will impact on the company's use of the site but that the District Plan gives no indication as to what likely future use will be accommodated by these roads.

The indicative and proposed roads shown in the above mentioned maps are shown, and it is anticipated that they would be implemented when/if the land is redeveloped. The location of these proposed /indicative roads would assist to complete an overall roading pattern. Such roads have also been imposed on other sites within New Lynn with the similar intention, and their placement is

not dependant on the businesses having shown that they would relocate. It is considered that to retain the potential for the overall roading pattern to be developed, that the proposed and indicative roads are to remain on this site.

Panel Recommendation 5.7.3.8

Submission 213/6,213/20,216/16 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
218/7 17	AMP Capital Investors (NZ) Limited	Retain indicative streets, connections and proposed roads.	Supported By: 106 Property Council of New Zealand Opposed By: 108 Progressive Enterprises Limited 2 Clark Street Investments Limited

Evidence Presented:

The submitter spoke in support of submission point 218/7, through the evidence of R V de Lambert. The original submission supported the indicative and proposed roads, and the submitter considered that they would assist in making the town more walkable. However the evidence of the submitter was concerned that the indicative and proposed roads would require a road to be installed in the event of future development and this was regarded by Ms de Lambert as an unrealistic and artificial expectation. She suggested that an alternative expectation could be that the same routes could be regarded as pedestrian routes, which it is assumed would be indoors.

Discussion:

While it is acknowledged that the Lynn mall site will continue to have particular interests pertaining to the functioning /maintenance of the fairly traditional mall structure, it is considered that the retention of the indicative and proposed roads, to be taken when the land is redeveloped, will assist towards the overall framework of connectivity that is sought for the Town Centre.

Panel Recommendation 5.7.3.9

Submission 218/7 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/7 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to remove the 'Commercial Street' notation from the submitter's Rankin Ave frontage.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not present specific evidence relating to this point of submission at the Hearing.

Discussion:

The Commercial Street typologies do not relate to any rule controlling the development of the Monier Special Area or the Working Environment, therefore it is considered appropriate to delete this street typology from the Rankin Ave frontage.

Panel Recommendation 5.7.3.10

Submission 213/7 is accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
16/1 17	Jiyong Zhung	Amend plan change by deleting the road connecting Crown Lynn Place and Margan	Opposed By: 153 The National Trading

		Ave and deleting the proposed road connecting Clark Street and Crown Lynn Place.	Company of New Zealand Ltd
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Evidence Presented:

The submitter did not table or present evidence in relation to their submission.

Discussion:

The submitter sought the removal of specific indicative and proposed roads. It is considered that these proposed roads will assist with the future development of New Lynn providing linkages to the surrounding area, creating a finer grained roading pattern and maximising the use of the land by providing additional road frontage opportunities.

Panel Recommendation 5.7.3.11

Submission 16/1 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/1 17	M George Easton	Retain and construct the 'Proposed Road' along the southern side of the existing rail line from Clark St to meet Great North Road, and the 'Indicative Connection' along the northern side of the rail line to run to Titirangi Road and that the connection to Totata Ave be made to take local traffic only.	Opposed By: 108 Progressive Enterprises Limited

Evidence Presented:

The submitter did not present specific material in relation to this matter in their tabled evidence.

Discussion:

The submitter endorsed specific "proposed and indicative "roads, in addition to seeking that the connection to Totara Road is made for local traffic only.

The support of the indicative and proposed roads is accepted. With regard to the connection to Totara Road be made for local traffic only, at the time of writing the preparatory work on the Clarke St extension was not yet finished, and this would have an impact on this connection, and it's functioning. Accordingly it is considered that this latter point should be rejected.

Panel Recommendation 5.7.3.12

Submission 53/1 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/16 17	M George Easton	Amend the plan change to ensure no connection to Crown Lynn Place which serves the existing Working Environment area.	Opposed By: 153 The National Trading Company of New Zealand Ltd

Evidence Presented:

The submitter did not present specific material in relation to this matter in their evidence.

Discussion:

The submitter sought an amendment to ensure no connection to Crown Lynn Place which serves the existing Working Environment area. The intention of the submission is unclear as no reason is given for the request. It is considered that the proposal would be contrary to the overall proposal.

Panel Recommendation 5.7.3.13

Submission 53/16 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/6 17	M George Easton	Seeks that Todd Ave not be closed off at the junction with Totara Ave.	

Evidence Presented:

The submitter did not present specific material in relation to this matter in their evidence.

Discussion:

The submitter sought that Todd Ave is not to be closed off at the junction with Totara Ave. Since the time of submissions this closure has been undertaken, and the former street area has been pedestrianised.

Panel Recommendation 5.7.3.14

Submission 53/6 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/13 17	M George Easton	Seeks that the junction of Binstead Rd and Delta Ave be improved by providing a better turning radius into Delta Ave which would involve the relocation of some houses.	

Evidence Presented:

The submitter did not present specific material in relation to this matter in their evidence.

Discussion:

The submitter sought that roading work, being the improvement of the turning radius, is part of the plan change. Such works are undertaken as part of the Roothing Assets programme, and the Transportation section of the Council will be advised of the submitter's interest in such an improvement

Panel Recommendation 5.7.3.15

Submission 53/13 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/4 17	M George Easton	Seeks the provision of bus lanes on roads leading to New Lynn which will reduce the space available on the road for private cars, and bring people from adjoining residential areas to the railway network.	

Evidence Presented:

The submitter did not present specific material in relation to this matter in their evidence.

Discussion:

The submitter sought that the provision of bus lanes on roads leading to the town centre. The provision of bus lanes are typically not part of a plan change document, being implemented by the Roothing Assets section of the council as required.

Panel Recommendation 5.7.3.16

Submission 53/4 be accepted in part

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/14 17	M George Easton	Reid Rd as a residential road and prevent through traffic.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/12 17	M George Easton	Seeks that Binstead Rd be the main traffic route along the northern side of Living Environment 5 zoned land.	

Evidence Presented:

The submitter did not present specific material in relation to this matter in their evidence.

Discussion:

The submitter sought that Reid Road is defined as a residential road and that through traffic is prevented from accessing the road, and that Binstead road is to become the main traffic road along the northern side of the land zoned proposed Living Environment 5.

Both of these roads are part of the roading network that link this part of New Lynn town centre to the surrounding New Lynn area. As such it would not be appropriate to remove and alter their position within the network.

Panel Recommendation 5.7.3.17

Submission 53/12, 53/14 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/8 17	M George Easton	Amend the plan change to provide a No Stopping zone for the full width of Totara Ave opposite Institute Lane in order to improve access.	

Evidence Presented:

The submitter did not present specific material in relation to this matter in their evidence.

Discussion:

The submitter sought that the Plan Change is amended to include no stopping lines. Such traffic control measures are not typically included in a Plan Change rather they are part of a traffic management planning, which is undertaken through the Transport Assets section of the Council.

Panel Recommendation 5.7.3.18

Submission 53/8 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/3 17	M George Easton	Seeks that the railway line be located overhead and that the area of land of the existing railway would be available for all-day free parking for railway commuters and eliminate the existing level crossings.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/2 17	M George Easton	Seeks that vehicle level crossings be eliminated by having the railway line located overhead through New Lynn, or else laid underground, alternatively these level crossings be grade separated to allow continuous traffic flow via underpass.	

Evidence Presented:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

The submitter tabled written evidence in support of submission points 53/3 and 53/2.

Discussion:

Since the time of notification of the Plan Change a decision has been made to trench the rail line through the New Lynn Town centre. This change will result in an improved traffic flow for the New Lynn Town centre, which was the key concern raised by the submitter. As discussed in the group of submissions relating to carparking, the Council are undertaking measures to look at the provision of carparking in New Lynn, other than that required by District Plan ratios, however many of these measures lie outside the plan change process.

Panel Recommendation 5.7.3.19

Submission 53/2, 53/3 be accepted in part.

5.7.4 SUBMISSIONS SEEKING CHANGES TO ROADING TYPOLOGY

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/404 17	Waitakere City Council	Amend the title of Appendix XXI by adding the words in italics and underlined: "New Lynn Urban Concept Plan <u>and Street Classification</u> ".	

Evidence Presented:

The submitter did not specifically address this submission point in their evidence at the Hearing.

Discussion:

The submitter sought an amendment to the Appendix XXI title so that the title more fully describes the material on the Appendix Plan. It is considered that this amendment would provide clarity for the reader.

Panel Recommendation 5.7.4.1

Submission 257/404 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/130 17	Progressive Enterprises Limited	Delete the Proposed Street Classification Plan in Appendix XXII.	Supported By: 208 Sylvia Park Business Centre Limited Opposed By: 153 The National Trading Company of New Zealand Ltd

Evidence Presented:

The submitter presented evidence in support of submission point 108/130, through the evidence of Mr M J Foster, who confirmed that the submitter accepted the recommendation of the previous report, subject to progressive's other submissions.

Discussion:

The submitter sought that the proposed street classification is deleted from Appendix XXII. This is considered appropriate as this map replicates information shown on Appendix XXI

Panel Recommendation 5.7.4.2

Submission 108/130 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/14 17	The National Trading Company of New Zealand Ltd	<p>Amend the New Lynn Concept Plan as follows:</p> <p>(a) Ensuring that the terminology used to describe the street classifications shown on the Plan is consistent with City-Wide Rule 3 of Proposed Plan Change 18.</p> <p>(b) The “Main Street” and “Commercial Street” classifications shown applying to Clark Street between Astley Avenue and Rankin Avenue be removed and replaced with Town Centre - Periphery Typology described in City-Wide Rule 3 of Proposed Plan Change 18 and as amended by other NTC submissions</p> <p>The street typology applying to the southern end of Crown Lynn Place, adjacent recent residential apartment development, be changed from “Commercial Street” to Town Centre - Residential Typology.</p>	<p>Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 184 West Auckland Land Holdings Ltd</p>
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/16 17	The National Trading Company of New Zealand Ltd	<p>Amend the New Lynn Concept Plan as follows:</p> <p>(a) Ensuring that the terminology used to describe the street classifications shown on the Plan is consistent with City-Wide Rule 3 of Proposed Plan Change 18</p> <p>(b) The “Main Street” and “Commercial Street” classifications shown applying to Clark Street between Astley Avenue and Rankin Avenue be removed and replaced with Town Centre - Periphery Typology described in City-Wide Rule 3 of Proposed Plan Change 18 and as amended by other NTC submission.</p> <p>(c) The street typology applying to the southern end of Crown Lynn Place, adjacent recent residential apartment development, be changed from “Commercial Street” to Town Centre - Residential Typology.</p>	<p>Supported By: 184 West Auckland Land Holdings Ltd</p> <p>Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited</p> <p>Support and Opposed By: 184 West Auckland Land Holdings Ltd</p>

Evidence Presented:

The submitter presented extensive evidence in support of Clarke St becoming a periphery typology, through the evidence of Mr J M Burgess, Mr B J Rae, and Mr V R C Warren. The central component of their evidence, through Mr Burgess was that the existing and likely future characteristics of Clarke St were more suited to the periphery typology.

Mr J M Burgess described the current and possible future operational characteristics of Clarke street, noting the recent road widening and that kerbside parking is prohibited, and Clarke St is a major arterial route within the City. He drew on the Planners report from Plan Change 18, that stated “that the periphery typology applies to areas generally outside the walkable catchment of the core that are typified by lower pedestrian volumes and higher numbers of vehicles”, in

support of changing the typology of this part of Clarke St to periphery typology. At 3.8 of his evidence Mr Burgess comments that the supermarket site, in its location on the arterial road will form a transition point between the town centre, and the larger commercial activities to the east.

Discussion:

The submitter sought various changes to the City Wide Rule 3, with regard to the changes sought in submission points (a) above. It is considered that The New Lynn Urban Concept Plan does need to be modified to ensure consistency, and those elements are recommended for approval.

With regard to the amendment sought to apply the periphery street typology to Clarke St, being the portion of Clarke St in immediate proximity to the submitters site, the Panel considers that the transportation function of a road, while not to be disregarded, should not be deemed to be the compelling reason for the application of a particular typology, as was argued by Mr Burgess. Conversely the Panel have concerns that if not treated correctly that the arterial function of Clarke St could undermine the change sought in New Lynn through the policies and rules of Plan Changes 17 and 18 to facilitate the redevelopment of the New Lynn Town Centre.

Plan Change 17 seeks to integrate land use and transport functions within New Lynn by creating a mixed use, intensive commercial and residential environment, and for this to be achieved successfully the Panel consider that strong linkages between the existing town centre and newer elements proposed for the town centre in the south east quadrant will need to be facilitated. At the time of the Hearing the rail line had been approved to be trenched through the central part of New Lynn, which potentially brought a co-hesive town centre a step closer. In this context it is considered by the Panel that the application of the Mainstreet typology on Clarke St will make a significant contribution to forging the required links between the old and new areas through the high level of amenity required by the typology, and assist to overcome Clarke St being seen as an area of transition between different parts of New Lynn.

There is concern that there are elements of the periphery typology being setbacks from the street frontage and the provision of parking in the front yard that have the potential to undermine and adversely affect the development of strong linkages required throughout this part of the town. Accordingly the Panel cannot endorse the application of this typology in this location. However the Panel are mindful of the potential of the arterial function of the road to undermine the contribution that the typology can make to the town centre, and consider that additional measures should be undertaken to support the typology. It is considered that an amendment is to be made to the relevant rules to require the provision of 24 hour kerbside parking along this portion of Clarke St, that will further contribute to the development of a pedestrian supportive environment. A notation will be made to the New Lynn Urban Concept Plan to show the location of the 24 hour kerbside parking, on both sides of Clarke St, and the rules of the Transportation Environment will be amended to facilitate the installation of the carparking.

It should be noted that some of the amendments that have been recommended to the City Wide Urban Design controls would assist the large format retail to locate within the environments that required high levels of amenity.

Panel Recommendation 5.7.4.3

Submission 153/16, 153/14 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
1127/1 17	Don Thomas	Seeks that the main street classification be extended up to the eastern Rata St/Titirangi Rd intersection.	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

The submitter did not present or table evidence at the Hearing.

Discussion:

The submitter sought that the Main Street classification is extended up the eastern Rata St/Titirangi Road intersection. It is considered that this is appropriate as this land already exhibits Mainstreet characteristics with the existing buildings built to the street frontage.

Panel Recommendation 5.7.4.4

Submission 1127/1 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/402 17	Waitakere City Council	Amend Appendix XXI to add a red line (Mainstreet Typology 1) to the street frontage of the lot on the corner of Hetana and Clarke Street.	Supported By: 250 Auckland Regional Council Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not specifically address this point of submission within their evidence. However they did speak at length about the importance of the street typologies achieving the vision of a vibrant town centre, through the implementation of controls at the time of the redevelopment of the land through the resource consent processes.

Discussion:

The submitter sought that the plan is amended to include the addition of a red line (Mainstreet Typology 1), to the street frontage at the corner of Hetana and Clarke St. This addition will result in the site becoming subject to the street frontage controls, as currently there was no typology assigned to the site. However, it is considered appropriate that this site should be subject to the Commercial typology which is located on the adjoining sites.

Panel Recommendation 5.7.4.5

Submission 257/402 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/401 17	Waitakere City Council	Amend the legend on Appendix XXI by adding reference to the correct mainstreet street type. Mainstreet <u>Typology 1</u> .	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not address this point of submission within their evidence.

Discussion:

The submitter sought an addition to the Map Appendix XXI that will make it easier for the reader to assign the street typology to the project that they are undertaking.

Panel Recommendation 5.7.4.6

Submission 257/401 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
110/130 17	Warehouse Stationery	Amend the Urban Concept Plan to change the designation of the western end of Clark	Opposed By: 208 Sylvia Park Business

	Limited	Street from "Main Street" to " <i>Commercial Street</i> ".	Centre Limited 108 Progressive Enterprises Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/130 17	The Warehouse Ltd	Amend the Urban Concept Plan to change the designation of the western end of Clark Street from "Main Street" to " <i>Commercial Street</i> ".	Opposed By: 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited

Evidence Presented:

The submitter through the evidence of Mr V A Smith continues to seek the above amendment.

Discussion:

The submitters sought that the western end of Clarke St has its proposed typology changed from Main St to Commercial. The western end of Clarke Street is the portion of the street that leads into the town centre. It is considered that it is appropriate that the street has a Mainstreet classification to achieve the design outcomes for the town centre.

Panel Recommendation 5.7.4.7

Submission 109/130, 110/130 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
21/1 17	EL & MI Wotherspoon	Retain Living 1 zoning for Binstead Rd/ Rata Rd/ Hugh Brown Dr/ Delta Ave/ Reid Rd area.	

Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

The submitter sought that the proposed Living 5 Environment zone, which will provide a further opportunity for medium density housing living, should be reverted to its Operative Plan Living 1 status. The subject area, in close proximity to the New Lynn Town centre, is characterised predominantly by single level dwellings. There is also a large lawn bowling club. It is considered that to retain large lot living within such close proximity to a town centre is not an efficient use of the land resource and that the proposed more intensive medium density housing zoning be retained.

Panel Recommendation 5.7.4.8

Submission 21/1 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
304/1 17	Ian Hay	Amend the proposed Living 5 environment in Reid Road to delay its implementation for 15 years.	

Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

The proposed Living 5 Environment zone will provide a further opportunity for medium density housing living. The submitter sought that this is deferred for 15 years" to allow existing long term residents of an urban backwater time to adjust" This area, in close proximity to the New Lynn Town centre, is characterised predominantly by single level dwellings. There is also a large lawn bowling club. To maximise the efficient use of this land, the proposed rule requires that large lots are to be developed, which would require the amalgamation of the land. It is anticipated that this

requirement will result in the development of the land over time. It is considered appropriate that the proposed change in land use is made to assist in the intensification of New Lynn.

Panel Recommendation 5.7.4.9

Submission 304/1 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
53/11 17	M George Easton	Retain the proposed change of zone from 'Living' to 'Living 5' as it will provide for further residential development in the future.	

Evidence Presented:

The submitter did not address this point of submission in their evidence at the Hearing.

Discussion:

The Living 5 Environment zone will provide a further opportunity for medium density housing living. This area, in close proximity to the New Lynn Town centre, is characterised predominantly by single level dwellings. There is also a large lawn bowling club. To maximise the efficient use of this land, the proposed rule requires that larger lots are to be developed, which will require the amalgamation of the land in some instances.

Panel Recommendation 5.7.4.10

Submission 53/11 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/206 17	Auckland Regional Council	Retain and amend the New Lynn Urban Concept Plan to clarify the form of rail crossings and ensure all crossings of the railway are subject to the Auckland Regional Transport Authority's (ARTA) study on undergrounding the railway in New Lynn; and provide for additional accessways.	Supported By: 258 Auckland Regional Transport Authority Opposed By: 184 West Auckland Land Holdings Ltd

Evidence Presented:

The submitter did not address this point of submission in their evidence at the Hearing.

Discussion:

The submitter sought that the New Lynn Urban Concept Plan is amended to clarify rail crossings and that all work is subject to the ARTA study on the undergrounding of the railway in New Lynn, in addition to showing additional access ways. As a result of the submission an addition to the New Lynn Urban Concepts map will be that a proposed road will be shown crossing from Hetana to Totara Road. It is not considered necessary to have additional annotation on the maps to show that a road crosses a railway line.

Panel Recommendation 5.7.4.11

Submission 250/206 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/397 17	Waitakere City Council	Amend the 'New Lynn Urban Concept Plan' by adding the 'restoration areas', 'coastal edges' and 'riparian margins' as identified on 'District Plan Map Natural Areas F11'. Identify these as ' <u>Open Space</u> ' with the use of the open space key colour.	

Evidence Presented:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

The submitter did not address this point of submission specifically in their evidence at the Hearing.

Discussion:

The submitter sought that additional information to be displayed on the New Lynn Urban Concept Plan. It is considered that the subject addition is not required as such information already exists on the Natural Area maps for New Lynn, which would be consulted as part of the development process. It is considered that accepting this request would result in an unnecessary replication of information.

Panel Recommendation 5.7.4.12

Submission 257/397 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/396 17	Waitakere City Council	<i>Amend the 'Legend' of Appendix XXI by combining "Reserve" and "Open Space" together, with both colours/patterns retained in a combined key which shall be titled "Open Space".</i>	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/400 17	Waitakere City Council	Amend Appendix XXI to show the Margan Avenue Reserve as 'Open Space'.	

Evidence Presented:

The submitter did not address this point of submission in their evidence at the Hearing.

Discussion:

The submitter sought an amendment to the maps in relation to Open Space. This is considered to be an appropriate request, and aligns the mapping notation with the rules of the Plan that refer to Open Space.

Panel Recommendation 5.7.4.13

Submission 257/396, 257/400 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/399 17	Waitakere City Council	Amend Appendix XXI to add a 'proposed road' linking Clinker Place to the extension of Crown Lynn Place.	Opposed By: 108 Progressive Enterprises Limited 2 Clark Street Investments Limited

Evidence Presented:

The submitter did not address this point of submission in their evidence at the Hearing.

Discussion:

The submitter sought an amendment to the New Lynn Urban Concept Plan to correct an anomaly, so the plan would show that Clinker Place was to be joined to Crown Lynn Place, through a proposed road notation, as was intended. It is considered that as this would ensure that the road network was completed, this amendment can be recommended for approval.

Panel Recommendation 5.7.4.14

Submission 257/399 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/398 17	Waitakere City Council	Delete "Local Street" and "Arterial Street" from the legend and the Urban Concept Plan map.	Opposed By: 108 Progressive Enterprises Limited

Evidence Presented:

The submitter did not address this point of submission in their evidence at the Hearing.

Discussion:

The submitter sought that the information relating to local and arterial roads is deleted from the Urban Concept Map. It is considered that this is an appropriate request as this information is already contained within the Roding Hierarchy maps that are contained within the existing set of District Plan maps. This deletion would assist with the reduction of unnecessary replication. Consequently, there are a number of commercial street typologies which have been located in error on Living 5 and Living 6 Environment frontages and these need to be deleted.

Panel Recommendation 5.7.4.15

Submission 257/398 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/403 17	Waitakere City Council	Delete Appendix XXII - Proposed Street Classification.	Supported By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not address this point of submission in their evidence at the Hearing.

Discussion:

The submitter sought the deletion of the Appendix XXII. It is considered that this is an appropriate request as the information on this map is already contained on Appendix XXI. This deletion assists with the reduction of unnecessary duplication.

Panel Recommendation 5.7.4.16

Submission 257/403 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/13 17	The National Trading Company of New Zealand Ltd	Support the proposed changes to the Human Environment Maps F10 and F11.	

Evidence Presented:

The submitter did not address this point of submission in their evidence at the Hearing.

Discussion:

The submitter supported the proposed changes to Human Environment Maps F10 and F11 that are changes in zoning related to Plan Change 17 that will allow the intensification of the New Lynn Town Centre.

Panel Recommendation 5.7.4.17

Submission 153/13 be accepted.

5.8 Transportation

5.8.1 SUBMISSIONS SEEKING AMENDMENTS TO THE GENERAL/ ROADING NETWORK

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/210 17	Auckland Regional Council	Retain the role of Totara St and Clark St as a main street as long as there is an arterial road link between Waitakere and Auckland City.	<p>Supported By: 258 Auckland Regional Transport Authority 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited</p> <p>Opposed By: 153 The National Trading Company of New Zealand Ltd</p>

Evidence Presented:

The submitter did not address this point of submission in their evidence at the Hearing.

Discussion:

The submitter sought that the role of Totara St and Clark St remain as a main street as long as there is an arterial road link between Waitakere and Auckland City. Currently there are three arterial roads that link Waitakere City and Auckland City in the New Lynn area. Totara and Clarke are one of these, and it is understood that it is the intention of the Council that it is both the arterial road and also achieves the Mainstreet function and form. It is considered that the focus on the creation of a "pedestrian friendly" through a high level of urban design required by the City Wide Rules will allow these roads to fulfil both functions.

Panel Recommendation 5.8.1.1

Submission 250/210 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
1126/1 17	Transportation Auckland Corp. Ltd (Stagecoach)	<p>Amend the plan change to address the following points:</p> <ul style="list-style-type: none"> • Good public transport links be provided and maintained to all residential areas, whether low, medium or high density housing areas. • Good public transport links be provided and maintained to the New Lynn Town Centre. • Bus priority measures be planned and/or established for the future. • proper infrastructure such as bus stops, timetable information is provided on street for intending passengers. 	

Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

The submitter sought that the Plan Change includes a number of changes related to the provision of public transport.

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

It is noted that the District Plan is one of the key regulatory documents for the Council and as such contains a specific range of measures. Support of public transport, and its importance to the effective use of the land resource is outlined within the Policy of the District Plan and the proposed plan change. In addition the District Plan through the proposed layout of roading can ensure that good road linkages and population densities are established that will contribute to support public transport.

With regard to the first two points of this submission, ARTA is responsible for the actual provision of public transport, which is done through a consultative process with Council. This process sits outside the District Plan, as does the provision of bus stops and bus timetables, although the installation of bustops and shelters is the responsibility of the Council, and funding of this is undertaken through the Annual Plan process, and is in line with the ARTA Passenger Transport Network Plan.

Bus priority measures are also the responsibility of the Council, and currently the annual plan budget, shows funding being allocated to a Strategy for Bus Priority Study for 2007, which will outline the next 10 year programme for bus priorities.

Panel Recommendation 5.8.1.2

Submission 1126/1 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
218/8 17	AMP Capital Investors (NZ) Limited	<p>Amend Appendix XXI to suitably recognise and protect the location and form of the existing transport hub in New Lynn.</p> <p>Corresponding to this, introduce new rules to support such identification in Appendix XXI to provide for the activity and further development, as well as requiring any prospective alternate location to be subject to a resource consent and assessed against suitable criteria regarding such matters as integration, accessibility, relationship with town centre. In this regard, a public transport interchange (bus or rail station) on any land other than the existing locations should be required to obtain a resource consent for a discretionary activity.</p>	<p>Supported By: 106 Property Council of New Zealand</p> <p>Opposed By: 108 Progressive Enterprises Limited</p>

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that the existing Transport Hub in New Lynn, is recognised and protected with associated new rules.

The location of the existing hub is located on a combination of Transport Environment and the Rail Way designation. It is considered that this zoning and designation will ensure that adequate regard is given to the functioning of the hub and its integration with the town centre. In addition additional work (non statutory) is being undertaken with the redevelopment of the transport hub as outlined in the evidence of Waitakere City Council.

Panel Recommendation 5.8.1.3

Submission 218/8 be rejected.

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
258/247 17	Auckland Regional Transport Authority	Amend to ensure that the District Plan enables all works associated with the planned New Lynn Interchange to proceed without undue delay.	

Evidence Presented:

The submitter did not address this specific point of submission in their tabled evidence.

Discussion:

The submitter sought that the Plan Change is amended to enable works for the New Lynn Plan Change to proceed without delay. It is noted that the District Plan is one of the key regulatory documents for the Council. Support of public transport and its importance to the effective use of the land resource is outlined within the policy of the District Plan and the proposed Plan Change. This transport supportive policy does assist to facilitate the interchange as it is clear that the interchange is integral to achieving land and transport integration in New Lynn. However the works associated with the interchange may require resource consent. The funding of the interchange or works associated with this are funded through the annual plan process. It is considered that no changes to the District Plan are required to further facilitate the interchange.

Panel Recommendation 5.8.1.4

Submission 258/247 be accepted in part.

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
315/1 17	New Lynn Properties Ltd	Amend the Plan Change to include a new policy to widen the railway bridge abutments on Titirangi Road, in order to recognise that the transportation network needs to be suitably integrated with the proposed town centre rezoning and intensification proposals.	

Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

The submitter sought an amendment to the Plan Change to enable the widening of the railway bridge abutments. It is noted that as the Railway is covered by a Designation such works or the initiation of such works are outside the control of the Council, as they are not the Designating Authority in this instance.

Panel Recommendation 5.8.1.5

Submission 315/1 be rejected

N0.	Submitter	Summary of Decision Sought	Further Submitter/s
250/209 17	Auckland Regional Council	Amend the plan change to incorporate the results of the parking study currently being undertaken by Waitakere City.	Supported By: 258 Auckland Regional Transport Authority Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter addressed this point of submission through the evidence of Mr B J Waddell.

Discussion:

At the time of writing the City Wide parking strategy/study has yet to be completed, although this study will rely on smaller area based parking studies that have been undertaken. This study relates to the provision of street parking and its management rather than the parking ratios, as found in the District Plan.

Panel Recommendation 5.8.1.6

Submission 250/209 be rejected.

5.8.2 SUBMISSIONS SEEKING AMENDMENTS TO CARPARKING

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
105/1 17	Graeme David Berryman	Retain Rule 14A.1 'Permitted Activities' as the concept of allowing development of small sites without the provision of car parks is supported.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The Plan Change has not required the provision of carparks for smaller sites being those under 1000m² as a permitted activity, on certain road typologies in an attempt to achieve the more efficient use of the land resource in New Lynn. Studies tabled by Waitakere City Council as part of their evidence have shown an historic over supply of carparks for the township. It is considered that this measure when combined with the enhanced provision of public transport will assist, over time, to reduce reliance on motor vehicle for all journeys within the New Lynn area.

Panel Recommendation 5.8.2.1

Submission 105/1 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
105/2 17	Graeme David Berryman	Amend the plan change rule 14A to provide a clearer vision of how the number of vehicle crossings could be reduced to enable a continuous road frontage to principal commercial streets. Possible ideas include: <ul style="list-style-type: none"> • Sale of any Council owned access ways and/or purchase and consolidation of access ways. • Limiting drive through commercial facilities to access and discharge from side streets not principal streets. 	Supported By: 250 Auckland Regional Council Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The submitter sought amendments to the Plan Change, to address issues relating to pedestrian amenity. The series of issues raised by the submitter are addressed through Plan Change 18 City Wide Rule 3: Building Design-Street Frontage and these issues are applicable to the relevant streets in New Lynn

Panel Recommendation 5.8.2.2

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

Submission 105/2 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/214 17	Auckland Regional Council	Amend rule 5A.2 to ensure all development is assessed against matters of design, pedestrian amenity, screening landscape treatment, carparking and access.	Supported By: 258 Auckland Regional Transport Authority Opposed By: 108 Progressive Enterprises Limited 184 West Auckland Land Holdings Ltd

Evidence Presented:

The submitter did not address this point of submission in their evidence at the Hearing.

Discussion:

These discretions and matters for assessment that are raised by the submitter are identified in City Wide Rule 3, which are directly referenced in Rule 5A. It is considered that it does not require additional reference.

Panel Recommendation 5.8.2.3

Submission 250/214 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/2 17	The National Trading Company of New Zealand Ltd	Delete proposed amendments to policy 10.11 Or Alternatively Amend so that the policy include reference to the provision of a Council initiated and funded central parking development which will provide for the parking needs of residents In lieu of on-site parking being provided by residential developers.	Supported By: 184 West Auckland Land Holdings Ltd 109 The Warehouse Ltd 110 Warehouse Stationery Limited

Evidence Presented:

The submitter did not address this submission point in their evidence at the Hearing, however through the evidence of Ms Y Rust on behalf of Waitakere City Council, it is noted that there are a number of carparking initiatives under way, through a variety of Council processes. Some of these measures include a significant range of other non-parking initiatives in New Lynn, that will assist to decrease the demand for parking, which include the New Lynn Transit Oriented Development project (rail, bus, road connections, etc), investigation of pedestrian and cycle connections in New Lynn (investigation to be done by end June 2007), and cycleway planning (Seabrook to Clark, West Lynn, rail corridor cycleway).

Discussion:

The submitter sought that the proposed amendments to Policy 10.11, which relate to carparking in New Lynn, are deleted, or that the policy is amended to make reference to the provision of Council funded and initiated carparking. It is considered that the policies do not have to be altered to reflect this as such initiatives relating to carparking as outlined above are being undertaken by the Council.

Panel Recommendation 5.8.2.4

Submission 153/2 be accepted in part

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
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153/3 17	The National Trading Company of New Zealand Ltd	Amend Policy 11.21 by adding those words in italics: “Parking associated with...side of the site <i>where required by applicable street typology</i> and buildings...street frontage <i>where required by applicable street typology.</i> ”	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
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Evidence Presented:

The submitter did not address this submission point in their evidence at the Hearing.

Discussion:

It is considered that the proposed amendment assists in clarifying how this policy applies to each applicable street typology.

Panel Recommendation 5.8.2.5

Submission 153/3 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/8 17	The National Trading Company of New Zealand Ltd	Amend the fifth bullet point to the Policy 11.47 by adding those words in italics and deleting those words struckthrough: <ul style="list-style-type: none"> “Along the main retail streets and high pedestrian routes, carparking...active street frontages. On other streets, a limited the amount of carparking is possible in the <i>within the</i> front yard, provided that a safe and high quality should reflect the existing and desired <i>pedestrian environment is provided.</i>” 	Supported By: 218 AMP Capital Investors (NZ) Limited 184 West Auckland Land Holdings Ltd Opposed By: 250 Auckland Regional Council

Evidence Presented:

The submitter did not address this particular point of submission in their evidence at the Hearing.

Discussion:

The submitter sought that Policy 11.47 is amended in relation to carparking and the pedestrian environment. The focus of the policy is on the creation of high quality pedestrian environments. It is considered that the proposed amendments sought to remove some of the focus of the policy from the pedestrian environment, which is inconsistent with the intent of the policy, and accordingly should be rejected.

Panel Recommendation 5.8.2.6

Submission 153/8 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/338 17	Waitakere City Council	Amend assessment criteria to insert a condition which requires that off site carparking be subject to a legally enforceable right to share car parking in perpetuity.	Supported By: 258 Auckland Regional Transport Authority

Evidence Presented:

The submitter did not address this submission point in their evidence at the Hearing.

Discussion:

The Plan Change seeks a reduction in the provision carparking in New Lynn. This will be achieved through a combination of reduced carparking and the provision of enhanced public transport measures. The opportunity to share the carparking supply can arise through development, and is an effective measure to reduce the overall level of carparking supply. It is considered important that measures are put in place that make such arrangements work effectively and the above assessment criteria insures that shared parking is recognised through legal documentation, for example it would become part of the title document.

Panel Recommendation 5.8.2.7

Submission 257/338 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/339 17	Waitakere City Council	Delete assessment criteria 14A(b)(ii) from the proposed plan change. And; Delete any other similar criteria related to "car ownership".	

Evidence Presented:

The submitter did not address this submission point specifically in their evidence at the Hearing.

Discussion:

The Waitakere City Council sought the deletion of the criteria as the criteria makes assumptions about user groups, in addition to it being difficult to monitor the actual car ownership of such people. It is considered that this amendment is appropriate.

Panel Recommendation 5.8.2.8

Submission 257/339 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/12 17	The National Trading Company of New Zealand Ltd	Amend proposed Rule 14A.2 Permitted Activities by adding those words in italics and deleting those words struckthrough: (a) For any Residential Activity and for any Non-Residential activity on a site with an area of less than 1000m² and adjoining a street identified as Town Centre – Mainstreet typology 1, one car park per dwelling shall be provided there is no requirement to provide parking. (b) Any Non-Residential Activity on a site with an area of greater than 1000m² and adjoining a street... Or Alternatively Amend so that the appropriate District Plan Changes be made to include reference to the provision of a Council initiated and funded central parking development which will provide for the parking needs of residential developments, and customers and staff of smaller businesses within the Community Environment (New Lynn) in lieu of on-site parking being provided by such	Supported By: 108 Progressive Enterprises Limited 184 West Auckland Land Holdings Ltd Opposed By: 107 Westfield (New Zealand) Limited

		developments.	
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Evidence Presented

The submitter did not present evidence in support of submission point 153/12 at the Hearing.

Discussion:

The submitter sought changes to the parking rules for the Community Environment rule that would result in a carparking requirement for smaller sites, whereas currently it is proposed that no parking is required for smaller sites. The submitter presents an alternative, such that the District Plan could refer to Council initiated and funded central carparking, in lieu of parking being provided by developments.

It is considered that the amendment sought to the rule is completely contrary to the policy stance that has been adopted within the Plan Change, of smaller sites not being required to provide carparking. This proposed stance which the Panel support has been adopted by the City to attempt to correct over time, the inefficient use of land in New Lynn.

With regard to the use of Council funds see the reply to above submissions by the same party 153/2.

Panel Recommendation 5.8.2.9

Submission 153/12 is rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/15 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Policy by requiring car parking for all residences.	Supported By: 184 West Auckland Land Holdings Ltd 153 The National Trading Company of New Zealand Ltd Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/12 17	Waitakere Working Environment Group	Amend the Policy by requiring car parking for all residences.	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
215/10 17	Huhtamaki NZ Limited	Amend the Policy 10.11 by requiring car parking for all residences.	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/11 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Policy 10.11 by requiring car parking for all residences.	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter presented evidence in support of submission points 213/15,216/12,215/10, and 214/11 through the evidence of Mr F J Bentley, who elaborated that within the subject block, in which his client industries are located, that the problem of congestion created by kerbside parking is significant and should not be exacerbated by apartments not providing carparking. Mr Bentley does not consider that the non provision of carparks will result in a decrease of vehicle ownership.

Discussion:

The submitter sought that Policy 10.11 is amended to require car parking for all residences. Policy 10.11 currently relates to car parking in New Lynn, stating that in certain situations car parking is not required for residential activities.

The effect of this amendment would be that the proposed intensive housing that is to be built in proximity to a Town Centre and transport hub would require additional land area to service the car parking requirement, resulting in the inefficient use of land within the town centre. It is however noted that carparking may actually be supplied with such a development, but it is not required.

Such a situation would not be consistent with the overall purpose and intention of the Plan Changes under LGAAA. It is considered important that the land area within the town centre is maximised, which currently has not been the case. It is anticipated that the provision of the improved transport hub within New Lynn town centre will provide enhanced transport opportunities, decreasing the need for private vehicle journeys, thus requiring less private provision for parking spaces.

Panel Recommendation 5.8.2.10

Submission 213/15, 214/11, 215/10, 216/12 is rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/22 17	PLC New Zealand Ltd	Amend the Plan Change to incorporate a rule enabling the provision of more than one car park per residential unit.	Opposed By: 218 AMP Capital Investors (NZ) Limited
142/21 17	PLC New Zealand Ltd	Amend the Plan Change to incorporate a car parking requirement for residential development.	Opposed By: 218 AMP Capital Investors (NZ) Limited
213/28 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to incorporate a rule enabling the provision of more than one car park per residential unit.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors (NZ) Limited
214/19 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to incorporate a rule enabling the provision of more than one car park per residential unit.	Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors (NZ) Limited
215/18 17	Huhtamaki NZ Limited	Amend the Plan Change to incorporate a rule enabling the provision of more than one car park per residential unit.	Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors (NZ) Limited
217/7 17	Sullivan & Armstrong Building Supplies Ltd	Amend the Plan Change to incorporate a rule enabling the provision of more than one car park per residential unit.	Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors

	(Placemakers New Lynn)		(NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/24 17	Waitakere Working Environment Group	Amend the Plan Change to incorporate a rule enabling the provision of more than one car park per residential unit.	Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/26 17	CSR Building Products NZ Ltd (Monier Brickmakers')	Amend the Plan Change to incorporate a car parking requirement for residential development.	Supported By: 184 West Auckland Land Holdings Ltd 153 The National Trading Company of New Zealand Ltd Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/18 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to incorporate a car parking requirement for residential development.	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
215/17 17	Huhtamaki NZ Limited	Amend the Plan Change to incorporate a car parking requirement for residential development.	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/22 17	Waitakere Working Environment Group	Amend the Plan Change Rule 14.4 to incorporate a car parking requirement for residential development.	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
217/6 17	Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)	Amend the Plan Change to incorporate a car parking requirement for residential development.	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 258 Auckland Regional Transport Authority 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter presented evidence in support of submission points 142/22, 142/21, 213/28, 214/19, 215/18, 217/7, 216/24, 213/26, 214/18, 215/17, 216/22, and 217/6, through the evidence of Mr F J Bentley, who elaborated that within the subject block, in which his client industries are located, that the problem of congestion created by kerbside parking is significant and should not be exacerbated by apartments not providing carparking. Mr Bentley does not consider that the non provision of carparks will result in a decrease of vehicle ownership.

Discussion:

These submitters sought that either rules or policy were amended to require car parking for all residences. The effect of this amendment would be that the proposed intensive housing that is to be built in proximity to a town centre and transport hub would require additional land area to service the supply of this car parking requirement.

It is considered that this would continue to give rise to the inefficient use of land within the town centre. Such a situation would not be consistent with the overall purpose and intention of the Plan Changes under LGAAA. It is considered important that the land area within the town centre is maximised, which currently has not been the case. It is anticipated that the provision of the improved transport hub within New Lynn town centre will provide enhanced transport opportunities, decreasing the need for private vehicle journeys. It is noted that the provisions do not preclude the provision of carparking and should the market seek that carparking is provided this can be achieved as part of the resource consent application process.

Panel Recommendation 5.8.2.11

Submission 213/28, 214/19, 215/18, 216/24, 217/7, 142/21,142/22,213/26, 214/18, 215/17, 216/22 ,217/6 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
218/12 17	AMP Capital Investors (NZ) Limited	<p>Amend Rule 14A.1(a) and (b) by deleting those words struck through:</p> <p style="padding-left: 40px;">"(a) For any Residential Activity and for any Non-Residential Activity on a site with an area of less than 1000m² and adjoining a street identified as Town Centre - Mainstreet Typology 1, there is no requirement to provide parking.</p> <p style="padding-left: 40px;">(b) Any Non-Residential Activity on a site with an area of greater than 1000m² and adjoining a street identified as Town Centre - Mainstreet Typology 1 with:</p> <p style="padding-left: 80px;">(i) one car park for every 35m² of gross floor area at ground floor or mezzanine level;</p> <p style="padding-left: 80px;">(ii) one car park for every 50m² of gross floor area for floorspace not covered in (i) above."</p>	<p>Supported By: 106 Property Council of New Zealand</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 107 Westfield (New Zealand) Limited</p>
218/13 17	AMP Capital Investors (NZ) Limited	<p>Amend Rule 14A.2 by deleting those words struck through, and adding those in italics and underlined:</p> <p style="padding-left: 40px;">"14A.2 Controlled <i>Limited Discretionary</i> Activities meeting the following Performance Standard are Controlled <i>Limited Discretionary</i> Activities:</p>	<p>Supported By: 106 Property Council of New Zealand</p> <p>Opposed By: 108 Progressive Enterprises Limited</p>

		<p>Any Activity not meeting the standards of Rule 14A.1 <u>and pays a financial contribution as set out below.</u></p> <p>A calculation of a financial contribution needs to be developed, based on the cost of provision of public parking or public transport.</p>	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
218/14 17	AMP Capital Investors (NZ) Limited	<p>Amend the Plan Change to add a new Rule 14A.3 as follows:</p> <p><u>"14A.3 Discretionary Activities Activities meeting the following Performance Standard are Discretionary Activities:</u></p> <p><u>Any Activity not meeting the standards of Rule 14A.1 or Rule 14A.2"</u></p>	<p>Supported By: 106 Property Council of New Zealand</p> <p>Opposed By: 108 Progressive Enterprises Limited</p>

Evidence Presented:

The submitter gave evidence in support of submission point 218/12, 218/13 and 218/14, through the presentation of Ms J M Carvill, who considered that sufficient work had not been undertaken through the s32 analysis to justify the approach to carparking being sought by Waitakere City within the New Lynn Town centre. It was considered that a more onerous assessment process should be sought for those seeking to undersupply carparking. It was also considered that the potential should be created for applicants to pay a financial contribution to mitigate the impacts of carparking shortfalls.

Discussion:

The proposed carparking controls sought to reduce the supply of carparking (and the inefficient use of the land resource) by not requiring carparking on certain sites as a permitted activity. It is anticipated that as sites are redeveloped consideration will be given to the demand for carparking and some developers may choose to supply carparking. The submitter seeks alterations such that parking would be required on these sites as a permitted activity.

It is considered that the amendment sought would be in contradiction of the outcomes sought in the New Lynn town centre through the other provisions that relate to the need for more intensive land uses and enhanced levels of public transport provision.

Panel Recommendation 5.8.2.12

Submission 218/12, 218/13, 218/14 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/129 17	Progressive Enterprises Limited	Amend Policy 10.11, Policy 11.21, the corresponding Explanations and Rule 14A to ensure that minimum parking standards apply to all uses in the Community (New Lynn) Environment.	<p>Supported By: 208 Sylvia Park Business Centre Limited</p>

Evidence Presented:

In support of submission point 108/129, the submitter presented evidence through Mr M. J Foster. The submitter continues to seek that minimum carparking standards be applied in New Lynn, so

that an assessment can take place in the event of a development choosing not to supply carparking.

Discussion:

The submitter sought that Policy 10.11 is amended to require car parking for all residences. Policy 10.11 currently relates to car parking in New Lynn, stating that in certain situations car parking is not required for residences.

The effect of this amendment would be that the proposed intensive housing that is to be built in proximity to a town centre and transport hub would require additional land area to service the supply of this car parking requirement. This would result in the ongoing inefficient use of land within the town centre.

Such a situation would not be consistent with the overall purpose and intention of the Plan Changes under LGAAA. It is considered important that the land area within the town centre is maximised, which historically has not been the case. It is anticipated that the provision of the improved transport hub within New Lynn town centre will provide enhanced transport opportunities, decreasing the need for private vehicle journeys, thus requiring less private provision for parking spaces.

Panel Recommendation 5.8.2.13

Submission 108/129 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
84/2 17	Pim van der Voort	Amend rules to require on-site car parking for new apartments and other projects.	Opposed By: 258 Auckland Regional Transport Authority
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
84/1 17	Pim van der Voort	Amend policies to require on-site car parking for new apartments and other projects.	Supported By: 153 The National Trading Company of New Zealand Ltd

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The submitter sought that the Rules and Policy 10.11 is amended to require car parking for all residences. Policy 10.11 currently relates to car parking in New Lynn, stating that in certain situations car parking is not required for residences.

It is considered that the effect of this amendment would be that the proposed intensive housing that is to be built in proximity to a town centre and transport hub would require additional land area to service the supply of this car parking requirement. This would result in the inefficient use of land within the town centre.

Such a situation would not be consistent with the overall purpose and intention of the plan changes under LGAAA. It is considered important that the land area within the town centre is maximised, which currently has not been the case. It is anticipated that the provision of the improved transport hub within New Lynn town centre will provide enhanced transport opportunities, decreasing the need for private vehicle journeys, thus requiring less private provision for parking spaces.

It is noted that development in the Living 5 and Living 6 Environments are required to provide a minimum of one space per dwelling.

Panel Recommendation 5.8.2.14

Submission 84/2, 84/1 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/365 17	Waitakere City Council	Amend the wording of Policy 10.11 by adding those words in italics and underlined: “Provided that, <i><u>in certain circumstances</u></i> , residential activities in the Community Environment (New Lynn) do not have to provide any on site car parking.”	

Evidence Presented:

The submitter did not present evidence on this submission point at the Hearing.

Discussion:

The submitter sought an addition to the policy to clarify that it is not in all circumstances that residential activities do not provide carparking. It is considered that this is a useful addition, and for further clarification the reader can refer to the carparking rules to determine the circumstances in which to provide carparking.

Panel Recommendation 5.8.2.15

Submission 257/365 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/332 17	Waitakere City Council	Amend the last bullet point under Policy 11.21 by adding those words underlined in order to provide clarity of intent: “Enables the redevelopment of smaller properties in the central area of the New Lynn town centre <i><u>by not requiring carparking to be provided in all instances.</u></i> ”	Supported By: 258 Auckland Regional Transport Authority Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not present evidence specifically on this submission point at the Hearing.

Discussion:

It is considered that the addition sought by the submitter to the policy that will make it explicit that the intention of the policy in relation to the redevelopment of the small sites is that these smaller sites do not provide carparking in an effort to make more efficient use of the land.

Panel Recommendation 5.8.2.16

Submission 257/332 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/331 17	Waitakere City Council	Amend the first bullet point under Policy 11.21 by adding those words underlined in order to provide clarity of intent: “Protects and enhances the visual amenity and pedestrian based character of the area, <i><u>by ensuring the provision of parking at side or rear of site & avoiding parking at street frontage.</u></i> ”	Supported By: 250 Auckland Regional Council Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited

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Evidence Presented:

The submitter did not address this specific point in their evidence at the Hearing.

Discussion:

It is considered that the proposed addition to the policy relating to the provision of carparking, will provide an explanation as to how carparking can be provided and still protect the amenity and pedestrian character at street frontage. The provision of carparking at the rear or side of a site will be achieved through the Street Frontage controls contained in Plan Change 18.

Panel Recommendation 5.8.2.17

Submission 257/331 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
110/126 17	Warehouse Stationery Limited	Amend the 5 th bullet of Policy 11.47 to delete the second sentence.	Opposed By: 208 Sylvia Park Business Centre Limited 250 Auckland Regional Council
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/126 17	The Warehouse Ltd	Amend the 5 th bullet of Policy 11.47 to delete the second sentence.	Opposed By: 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited

Evidence Presented:

The submitter did not present evidence in support of this particular point of submission at the Hearing.

Discussion:

The submitter sought the deletion of a sentence from this policy that relates to the situation where in some instances carparking may be provided at the front of the building if a safe and high quality pedestrian environment is maintained. The reason for the deletion is that some retail formats work best with parking at the front of the building, and in areas that are not main pedestrian routes. It is considered that the reason for the deletion is not consistent with the content of the policy, and that accordingly the submission be rejected.

Panel Recommendation 5.8.2.18

Submission 109/126, 110/126 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/391 17	Waitakere City Council	Amend Rule 14A by adding a new rule, or similar as follows : <u>"14A.3 Discretionary Activities</u> <u>Any activity on a site under 1000m², and adjoining a street identified as Town centre – Mainstreet Typology 1, that chooses to supply carparking other than those required as disabled carparks, or loading spaces.</u> <u>That the above activity be subject to a maximum level of carparking.</u> <u>And that the activity be assessed through the imposition of appropriate criteria."</u>	Opposed By: 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not present evidence in support of this particular point of submission at the Hearing.

Discussion:

The rule sought by the submitter is to provide an assessment for the provision of carparking on sites under 1000m². Currently the rules do not require carparking on such sites as a permitted activity, in an attempt by the City to encourage the more efficient use of land. Such a measure can be undertaken as the town centre is located around a transport hub.

It is appropriate to read the carpark supply controls in conjunction with the controls for the street frontage and the required location for the supply of carparks. (The design aspects are addressed through the use of City Wide Rule 3 – Building Design - Street Frontages, which require two storey and continuous active frontages to the street, with car parking located at the rear of buildings). It is considered that these measures are sufficient to reduce the overall level of carparking, and provide a more efficient use of the land resource, and that a more onerous level of assessment is not required.

Panel Recommendation 5.8.2.19

Submission 257/391 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/337 17	Waitakere City Council	Amend by adding those words underlined in order to make it clear to the reader, that in the event that they are not required to supply carparks under the District Plan, they still must adhere to the requirements of the legislation: “For any Residential Activity and for any Non Residential Activity on a site with an area of less than 1000m ² and adjoining a street identified as Town Centre-Mainstreet Typology ¹ , there is no requirement to provide parking. <u>(This control does not preclude the requirements of other legislation or standards)</u> ”	Opposed By: 108 Progressive Enterprises Limited

Evidence Presented:

The submitter did not present specific evidence on this point of submission.

Discussion:

The submitter sought the amendment to the text that would cover the need that would arise under the New Zealand standards for a disabled carparking space. It is considered that if this is the intention of the proposed amendment then it should be specific to the matter, and that a further amendment is made that refers to the provisions of disabled parks as sought by the relevant New Zealand Standard. The text to be inserted will be the same as that found at 14A.1(e), where this requirement is included as part of the carparking requirement.

Panel Recommendation 5.8.2.20

Submission 257/337 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/128 17	The Warehouse Ltd	Amend Rule 14A.1(a) to insert the following at the end of the sentence:	Opposed By: 208 Sylvia Park Business

		<i>"on-site, provided parking is available off-site and a commercial arrangement has been made for the use of that parking".</i>	Centre Limited
110/128 17	The Warehouse Stationary Ltd	Amend Rule 14A.1(a) to insert the following at the end of the sentence: <i>"on-site, provided parking is available off-site and a commercial arrangement has been made for the use of that parking".</i>	Opposed By: <i>208 Sylvia Park Business Centre Limited</i>

Evidence Presented:

The submitter discussed the points of submission in the evidence of Mr V A Smith, who elaborated that while the concept of not requiring parking for small sites was supported at a conceptual level, with the potential of improved urban design outcomes, it was considered that some parking should be made provided at off site locations.

Discussion:

This submitter sought an amendment to the rule, such that carparking for the development of sites for residential activity or non residential sites under 1000m² would be required off site. It is acknowledged that the submitter recognised that to not provide carparks on site would provide potential for urban amenity enhancements however enhancing amenity is not the only reason for carparking not to be provided as a permitted activity. It has been recognised that the provision of carparking either on or off site has the potential to undermine both the efficient use of the land resource, and the uptake of public transport, which will slow down the integration of landuse and transport in New Lynn.

Panel Recommendation 5.8.2.21

Submission 109/128, 110/128 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/129 17	The Warehouse Ltd	Amend subsections (i) and (ii) in Rules 14A.1(b) and 14A.1(c) to insert the words " <i>a minimum of</i> " before the words "one car park".	Opposed By: <i>258 Auckland Regional Transport Authority 208 Sylvia Park Business Centre Limited</i>
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
110/129 17	Warehouse Stationary Ltd	Amend subsections (i) and (ii) in Rules 14A.1(b) and 14A.1(c) to insert the words " <i>a minimum of</i> " before the words "one car park".	Opposed By: <i>258 Auckland Regional Transport Authority 208 Sylvia Park Business Centre Limited</i>

Evidence Presented

The submitter discussed the points of submission in the evidence of Mr V A Smith, who elaborated that the amendment would make it clear that the parking requirements represent a minimum standard and not an exact or maximum

Discussion:

The submitters sought that an addition is made to the carparking rule that states the required level of carparking to be the minimum requirement. The Panel can advise that the levels are minimums as in the existing Waitakere District plan, unless otherwise stated. It is not considered necessary to make such an annotation.

Panel Recommendation 5.8.2.22

Submission 109/129, 110/129 be accepted in part.

5.9 SUBMISSIONS SEEKING AMENDMENTS TO POLICY

5.9.1 GENERAL

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
304/3 17	Ian Hay	Amend the Plan Change to restrict the establishment of apartment buildings to major roads.	

Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

The submitter sought that apartment buildings are restricted to establishing on major roads. The submitter resides at Reid Road, and the text of the submission outlines that Reid Road is not suitable for apartments in the opinion of the submitter.

The proposed zoning for Reid Road is Living 5 Environment. This is a new residential zoning, "which has been created to provide for medium density housing and low rise apartments in the Rewarewa Creek and Reid Road Areas" (Proposed Policy 11.46). It is considered that this proposed zoning will provide a transition from the primarily single level development found on the western side of the town centre, to the more intensive apartment development found in the eastern side of New Lynn. To limit such development to major roads would result in lost potential for the most efficient use of the land resource in close proximity to the Town Centre.

Panel Recommendation 5.9.1.1

Submission 304/3 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
1115/15 17	Edwin Simperingham	Seeks that developments such as the redevelopment of the old Placemakers site in New Lynn, the Cambridge Clothing site, or various other redevelopable sites adjacent to the streams in New Lynn should provide public access, high amenity and improvement to the ecological values from the current situation. Seeks that any proposals to build over or move the streams in New Lynn should be prohibited activities.	Opposed By: 108 Progressive Enterprises Limited

Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

The submitter sought that the Plan Change is amended to provide a greater level of public access, amenity and improvement to the ecological values from the current situation. In addition they sought that any proposals to build over or move the streams in New Lynn should be prohibited activities. It is considered that the request to make a prohibited activity of building over or moving a stream is not required. It is considered that the District Plan and many other Council documents do already give such matters significant regard. It should be noted that proposals in relation to water ways are the jurisdiction of the ARC and accordingly it is not within the scope of this particular Plan Change to make such changes.

Panel Recommendation 5.9.1.2

Submission 1115/15 be accepted in part

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
258/244 17	Auckland Regional Transport Authority	Retain, in general, the policies contained in Proposed Plan Change 17	Supported By: 258 Auckland Regional Transport Authority

Evidence Presented:

The submitter did not present evidence in support of this particular point of submission at the Hearing.

Discussion:

The Panel accepts that the submitter supports, in general, the policies of the Plan Change.

Panel Recommendation 5.9.1.3

Submission 258/244 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/358 17	Waitakere City Council	Amend the Plan Change to introduce a policy and associated rule or assessment criteria requiring that buildings address linkages with adjacent public open spaces (rather than streetscapes only).	Supported By: 250 Auckland Regional Council Opposed By: 184 West Auckland Land Holdings Ltd 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not address this point of submission in their evidence.

Discussion:

The submitter seeks to introduce a policy and associated rule or assessment criteria requiring that buildings address linkages with adjacent public open spaces (rather than streetscapes only).

This matter has already been addressed in the Urban Design Hearing, with a new assessment criteria being recommended for Rule 3(a)(vii), of the City Wide Rules.

Where *site* adjoins an *Open Space* environment, pedestrian walkway, reserve, 'drainage / ecological open space' or Urban Open Space illustrated on an Urban Concept Plan or Approved Comprehensive Development Plan or other *public space*, designing the frontage of the *building* or *development* to a high standard, and where appropriate providing **active street frontages** ensuring the amenity of the adjoining site is maintained and that the proposal provides for safe and attractive *public places*.

Accordingly changes are not recommended within this report.

Panel Recommendation 5.9.1.4

Submission 257/358 be accepted in part

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/200 17	Auckland Regional Council	Amend the plan change by adding objectives for the New Lynn area identified in the Plan Change for intensification and for each of the Special Areas, which reflect the intention of the LG(A)AA, the strategic direction of the Auckland Regional Policy Statement (including Proposed Plan Change 6) and the specific vision, history and features of the	Supported By: 258 Auckland Regional Transport Authority Opposed By: 218 AMP Capital Investors (NZ) Limited

	area/s.	
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Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing

Discussion:

Plan Change 16 is an important component of the Council’s LGAAA response, and Objective 0 seeks to provide the outcomes for Waitakere City’s development and re-development. The Objective includes an Explanation relating to the land contained within Plan Change 17, and this is expanded upon in Policy 0.1 in Plan Change 16 and Policies 11.14,11.16,11.46,11.48,11.49, in Plan Change 17.

It is considered that this Objective and policies articulate the vision for the area, and seek to achieve the objectives of the LGAAA, the Growth Concept, and the Regional Policy Statement. Consequently the addition of a specific objective for the New Lynn Town Centre is not required.

Panel Recommendation 5.9.1.5

Submission 250/200 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/384 17	Waitakere City Council	Amend the Plan Change to amend the relevant policies, rules, and assessment criteria, so that all buildings become subject to relevant design criteria.	Supported By: 250 Auckland Regional Council Opposed By: 184 West Auckland Land Holdings Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not present evidence on the particular point of submission at the Hearing.

Discussion:

This relates to Rule 5A (Plan Change 17) (there are similar submissions relating to Rule 3 Street Frontages PC 18). The submitter is concerned that this rule currently only applies to buildings visible from a street, but there is ambiguity as to how to address minor alterations and repairs and to clarify that the rule does not apply to internal additions and alterations.

Within the context of matters raised by other submissions on PC 18, it is proposed that the street frontages rules (PC 18) should be amended to clarify that they do not apply to internal additions and alterations and minor cosmetic alterations in accordance with the relief sought by submission 142/6 (PC 18).

It is considered that this is a satisfactory solution as small changes to buildings may not require resource consent. It is noted by the Panel that Auckland City Council provides a similar discretion in the Victoria Quarter. On the basis of the above, it is recommended that Rule 5A is amended such that minor alterations do not trigger this rule.

Panel Recommendation 5.9.1.6

That submission 257/384 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
264/64 17	Centre for Urban and Transport	Amend the Plan Change to replace constraint policies with "enablement of people and	Supported By: 109 The Warehouse Ltd

	Studies	communities" policies (including for business firms as communities), to meet the RMA's express purpose.	110 Warehouse Stationery Limited
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Evidence Presented:

The submitter presented evidence in support of submission point 264/64, at the Hearing, through the evidence of Mr D Wilmot, who expressed concern that the Plan Changes were imposing a particular style of development on the community and it was submitted that the controls should enable the community to pursue a range of outcomes.

Discussion:

The submitter sought that the Plan Change is modified to replace the constraint policies with enablement policies.

It is considered that the Plan Change is enabling, in that it will encourage development to occur in conjunction with enhanced public transport services. The new zonings will allow New Lynn to achieve intensified residential and employment growth, and as such this can be viewed as the enabling of the community.

Panel Recommendation 5.9.1.7

Submission 264/64 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/370 17	Waitakere City Council	Amend the Plan Change so that the subdivision policy, rules, and assessment criteria are amended to ensure that the Monier site cannot be subject to further subdivision.	Supported By: 250 Auckland Regional Council Opposed By: 213 CSR Building Products NZ Ltd ('Monier Brickmakers')

Evidence Presented:

The submitter did not present evidence at the Hearing.

Discussion:

The submitter sought that the subdivision policy rules and assessment criteria are amended to ensure that the Monier site cannot be subject to further subdivision. The submitter has not included the particulars of the relief sought. The submitter considered that any changes to the Monier Special area must not reduce its capacity to provide for intensive residential /mixed use development.

It is considered that while the intent behind the submissions may be desirable from a land development perspective it is appropriate to consider equity issues. It is not appropriate that the Monier site be precluded from subdivision. It is one of several large land holdings within New Lynn, and the other sites have not been identified in this way.

Panel Recommendation 5.9.1.8

Submission 257/370 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/355 17	Waitakere City Council	Amend the Plan Change to include reference to the need to avoid, remedy or mitigate adverse cumulative effects in relevant policies and rules. Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	Supported By: 107 Westfield (New Zealand) Limited Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises

			Limited 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited
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Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter has requested that amendments are made to the Plan Change to include reference to the need to avoid, remedy or mitigate adverse cumulative effects in relevant policies and rules. The submitter indicates that further particulars of proposed amendments will be provided at any hearing of this Plan Change.

It is considered that this amendment replicates the requirements already included within the Resource Management Act, to which all resource consent applications are subject, and that it is not required to be specified within the Plan Change.

Panel Recommendation 5.9.1.9

Submission 257/355 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/351 17	Waitakere City Council	Amend the Plan Change to consider additional policy / rules in relation to the need to avoid, remedy or mitigate adverse reverse sensitivity effects. Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	Supported By: 250 Auckland Regional Council Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 109 The Warehouse Ltd 110 Warehouse Stationery Limited

Evidence Presented:

The submitter did not address this specific point of submission at the Hearing.

Discussion:

The submitter sought non specified additional rules and policy that may be required in relation to the need to avoid remedy or mitigate the adverse effects of reverse sensitivity.

The matter of reverse sensitivity has arisen in relation to several aspects of the Plan Change, and through many points of submission. It is considered that a response that directly relates to specific relief sought is more appropriate.

Panel Recommendation 5.9.1.10

Submission 257/351 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/342 17	Waitakere City Council	Amend Plan Change 18 by deleting Policy 11.45, and replacing it with Policy 11.47 from Plan Change 17. Delete Policy 11.47 from Plan Change 18.	

Evidence Presented:

The submitter did not present evidence in support of this particular point of submission at the Hearing.

Discussion:

The above submission sought to place Policy 11.47 into Plan Change 18. This policy discusses urban design outcomes that the City seeks throughout the Plan Changes under the LGAAA within the town centres. At the conclusion of this statutory process the material contained in this suite of plan changes will become part of the overall District Plan. It is considered that for ease of administration of processing the policy through the plan change process, while more logically read with the material contained in Plan Change 18, it can remain within Plan Change 17.

Panel Recommendation 5.9.1.11

Submission 257/342 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/126 17	Progressive Enterprises Limited	Amend the plan change to reflect any amendments made to the Regional Policy Statement in response to Progressive Enterprises' submission to ARC Plan Change 6 (Submission 108/1 - 108/23).	Supported By: 208 Sylvia Park Business Centre Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
107/93 17	Westfield (New Zealand) Limited	Amend the plan change to reflect any amendments made to the Regional Policy Statement in response to Westfield's submission to ARC Plan Change 6 (Submission 107/1 - 107/22).	Support and Opposed By: 208 Sylvia Park Business Centre Limited

The submitter presented evidence in support of submission point 108/126, through the evidence of Counsel and Mr M Foster. Their submission reiterated the importance of consistency between Regional and District plans.

Discussion:

These submitters support Plan Change 17 provided that it is in accordance with a centres-based policy for retail and business development. These submitters also seek consistency with the Regional Policy Statement and the other specific relief sought in its submissions.

The Panel has adopted a centres and corridors based approach to development, as outlined in section 4.2 of this report. The Waitakere District Plan currently promotes a hierarchy of business development sequencing with the centralisation of retail and business activities, particularly within existing and proposed town centres at the top of this hierarchy. This approach is not inconsistent with the centres and corridors approach of the Panel.

Accordingly the Panel has approved those elements of the submission to the Regional Policy Statement that will give effect to the preferred centres and corridors based approach.

Panel Recommendation 5.9.1.12

Submission 107/93,108/126 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/354 17	Waitakere City Council	Amend the Plan Change to include a requirement in policies to avoid activities that are contrary to the intent of the individual policy. Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	Opposed By: 153 The National Trading Company of New Zealand Ltd 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited

			110 Warehouse Stationery Limited
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Evidence Presented:

The submitter did not address this specific point of submission at the Hearing.

Discussion:

This submission sought non specified relief in relation to policies including statements to the effect that activities that are contrary to policy are to be avoided. It is considered that such a statement is not required as this actual matter is implicit within policy. If a policy clearly states the desired outcomes required, such as the outcomes of a mixed use town centre, it is then inferred that any activity that could be viewed as contrary to this is to be avoided.

Panel Recommendation 5.9.1.13

Submission 257/354 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/208 17	Auckland Regional Council	Amend the Plan Change to provide for intensification within an 800m radius catchment of the train station; and implement District Plan controls to align with densities of Appendix H of the RPS (Proposed Change 6), particularly within 400m radius of train station.	Supported By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter presented evidence in support of submission point 250/208, primarily through the evidence of Mr B J Waddell,

Discussion:

The submitter seeks that the Plan Change be amended to provide for intensification within an 800m radius catchment of the train station; and implement District Plan controls to align with densities of Appendix H of the RPS (Proposed Change 6), particularly within 400m radius of train station.

With regard to Appendix H, it has been previously recommended through out the Hearing process that this is to be used as a guide to the intensification of the region. It is noted that Waitakere City Council has several methods for the guidance of its intensification, being Policy maps X and Z, and Schedule Y, all of which are contained within Plan Change 16 of the LGAAA process. It is noted that Policy map X shows that intensification is to be achieved around neighbourhood train stations to the extent of 500m, and at town centre train stations to an extent of 1000m.

It is noted that within the proposed Plan Change the provisions are enabling, and minimum heights are set for commercial and residential buildings to avoid lost opportunities from lower density development. The zones recognise opportunities for high rise residential, medium rise apartments and provisions for medium density housing are maintained on the basis of the 1km circle.

Panel Recommendation 5.9.1.14

Submission 250/208 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/211 17	Auckland Regional Council	Retain concept to extend retail hub, however this should be subject to ARTA's finding on study to underground rail line.	Supported By: 258 Auckland Regional Transport Authority 108 Progressive Enterprises Limited 107 Westfield (New Zealand)

		Limited
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Evidence Presented:

The submitter did not address this specific point of submission at the Hearing.

Discussion:

The submitter sought that the expansion of the retail hub (as sought by the expansion of the proposed Community zoning over the Operative Community Periphery zone), be subject to the findings of the report by ARTA on the undergrounding of the rail line.

Since the Plan Change has been notified, the project to underground the rail line has been progressed, to the extent that Government funding has been approved for the project. There are still further approval processes to take place under the Resource Management and Building Acts for the undergrounding of the rail line, but it is considered that these are not at all likely to affect the overall nature of the Plan Change.

Panel Recommendation 5.9.1.15

Submission 250/211 be accepted in part

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/356 17	Waitakere City Council	Amend the Plan Change to clarify policies with regards to the minimum mixed use ratios that are expected for individual developments involving mixed use activities.	Opposed By: 184 West Auckland Land Holdings Ltd 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited

Evidence Presented:

The submitter did not address this specific point of submission at the Hearing.

Discussion:

The submitter sought that the Plan Change contains minimum mixed use ratios to guide the development of the New Lynn Town Centre, but did not provide any further material in terms of examples of such a ratio. It is considered that any such ratio would have to be carefully constructed and developed within the context of the comprehensive controls related to urban design.

Panel Recommendation 5.9.1.16

Submission 257/356 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/212 17	Auckland Regional Council	Amend the plan change by adding permitted activity rules related to maximum floor area for retail premises in order to ensure New Lynn develops as a mixed use centre, and big box retail does not unnecessarily undermine the objective of extensive mixed use development around the rail station.	Supported By: 258 Auckland Regional Transport Authority 107 Westfield (New Zealand) Limited Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited

			184 West Auckland Land Holdings Ltd
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Evidence Presented:

The submitter did not address this specific point of submission at the Hearing.

Discussion:

The submitter sought that a maximum floor limit is set for retail activities, to ensure a mixed use centre develops, and is not undermined by big box retail.

It is considered that Plan Change 17, in conjunction with Plan Change has a very strong urban design focus that looks to provide attractive street frontages and a high level of pedestrian amenity both of which are important to the success of the town centre. Within this context the plan change as proposed would allow a large format retail operation to establish within the town centre if it meets the requirements of the controls relating to urban design.

However certain elements of the controls would result in a large format retail being more likely to locate towards edge of the centre as outlined. The street frontage rules require a minimum of two storeys for all non-retail development in the centre, regardless of the type of retail/commercial proposed. The Mainstreet street typology surrounds the core of the town centre which requires a particular built form. The commercial typology provides more flexibility for big box to possibly locate on the periphery of the town centre.

For this combination of reasons it is considered that a maximum floor area ratio is not required, as the outcomes that should evolve from the Plan Change, as outlined in the various policies will be achieved by the current proposed controls.

Panel Recommendation 5.9.1.17

Submission 250/212 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/357 17	Waitakere City Council	Amend the Plan Change to introduce a policy to address the importance of certain site standards, in particular height minima and maxima.	Opposed By: 153 The National Trading Company of New Zealand Ltd 184 West Auckland Land Holdings Ltd 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited

Evidence Presented:

The submitter did not address this specific point of submission at the Hearing.

Discussion:

The proposed Policy of the Plan Changes sought to intensify New Lynn. It is noted that these changes are outlined through the new Policies that are part of Plan Change 17, and Plan Change 16. In particular Policy 11.46, that refers specifically to New Lynn discusses the importance of the intensification opportunities, and states minimum heights for Living 6 Environment. In addition the minimum heights are then stated in the rules relating to the various Environment zones. It is considered that an amendment to the policy is not necessary

Panel Recommendation 5.9.1.18

Submissions 257/357 be rejected

5.9.2 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 4.2

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/363 17	Waitakere City Council	Amend the last sentence of Policy 4.2 by deleting the word struck through, and adding those in italics and underlined: “...Apartments should <i>shall</i> be accommodated <i>within identified areas</i> the main town centres of the City “, <i>and avoided outside these areas.</i> ”	Opposed By: 142 PLC New Zealand Ltd 213 CSR Building Products NZ Ltd ('Monier Brickmakers') 214 Henkel NZ Ltd (The Sellotape Company) 215 Huhtamaki NZ Limited 216 Waitakere Working Environment Group 217 Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)

Evidence Presented:

The submitter did not address this point of submission at the Hearing.

Discussion:

The submitter sought that amendments are made to Policy 4.2 that relates to the location of the intensive housing.

While the original policy was considered clear and unambiguous, the proposed amendment would strengthen the policy by clearly indicating that it is not appropriate to locate intensive housing outside the areas for which it is zoned. This is important as some parties may wish to maximise their land value by building intensive housing in an inappropriate location that may not have the support of good levels of public transport, as found in close proximity to town centres, and retail and community services such as libraries, and recreation opportunities. This is a key element in the success of the LGAAA process, and it is important that processes are not undermined by an inappropriate use of the land resource.

Panel Recommendation 5.9.2.1

Submission 257/363 be accepted

5.9.3 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 10.1

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/364	Waitakere City Council	Amend the “Explanations” section for Policy 10.1 by adding the following text after the last sentence of the third paragraph: <i>“Rule 2.2 (d) of the Living Environment requires that apartments in the Living (L6) Environment be provided with forced mechanical ventilation to mitigate potential dust nuisance from activities undertaken on the adjoining Monier (CSR) Special Area.”</i>	Supported By: 142 PLC New Zealand Ltd Opposed By: 213 CSR Building Products NZ Ltd ('Monier Brickmakers') 214 Henkel NZ Ltd (The Sellotape Company) 215 Huhtamaki NZ Limited 216 Waitakere Working Environment Group 217 Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)

Evidence Presented;

The submitter did not address this specific point of submission at the Hearing, however the submitter did present evidence relating to the range of measures being proposed by the Waitakere

City, as part of their response to submissions relating to reverse sensitivity. The response includes a range of amendments to strengthen policy, and rules relating to the installation of forced mechanical ventilation, setbacks, and building height and location.

Discussion

The submitter sought an addition to the policy relating to a measure to avoid the occurrence of reverse sensitivity. It is considered that the proposed addition is for the most part useful, however to make it consistent with the wording of the actual rule it should be modified to exclude reference to Monier and dust, and should make a more general reference to nuisance, dust and odour. This would ensure that the chances of reverse sensitivity being mitigated in the widest possible way.

Panel Recommendation 5.9.3.1

That submission 257/364 be accepted in part.

5.9.4 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 10.2

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/343 17	Waitakere City Council	Delete policy 10.2 from the plan change.	<p>Supported By: 108 Progressive Enterprises Limited</p> <p>Opposed By: 142 PLC New Zealand Ltd 213 CSR Building Products NZ Ltd ('Monier Brickmakers') 214 Henkel NZ Ltd (The Sellotape Company) 215 Huhtamaki NZ Limited 216 Waitakere Working Environment Group 217 Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)</p>

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought the deletion of this policy from Plan Change 17, as it is repeated as part of Plan Change 18, in which it is more appropriately located as that Plan Change covers matters relating to noise.

While the submissions may relate to matters captured within a particular plan change, at the end of this statutory process policies are part of the District Plan rather than being tied to a plan change. In addition many parties have made submissions to a particular policy, only in the context of a particular plan change, and to remove the policy out of that plan change would create process issues for the discussion of submissions. Accordingly the policy is not deleted from this plan change.

Panel Recommendation 5.9.4.1

Submission 257/343 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
107/94 17	Westfield (New Zealand) Limited	Delete Policy 10.2 and replace with a policy along the following lines by adding those words underlined: <i>“Activities in residential and rural areas</i>	<p>Supported By: 153 The National Trading Company of New Zealand Ltd</p> <p>Support and Opposed By:</p>

		<i>should not emit noise such that it causes a nuisance to occupants of surrounding properties. Activities within town centres can generate varying noise effects, and should be managed so as not to cause excessive noise that conflicts with the need to encourage a mix of business and residential activities in these areas. <u>Residential uses within mixed use centres should also be subject to appropriate design rules in order to address the potential adverse effects which may arise from adjacent commercial, retail and business activities</u>".</i>	208 Sylvia Park Business Centre Limited
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Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

The submission sought that additions are made to Policy 10.2, which relate to noise. However the submitter should note that additions are proposed by the City to this policy, through the Plan Change 18 report (see discussion on submission point 257/492, 257/493). It has been considered by the Panel that this submission and consequent change to Plan Change 18 would meet the concerns of the submitter, as the amended policy clearly creates an obligation on those who emit noise to avoid exceeding the standards and that residential activities provide acoustic attenuation.

Panel Recommendation 5.9.4.2

Submission 107/94 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/10 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to re-write the Policy10.2 so that it recognises that some activities are incompatible.	Opposed By: 218 AMP Capital Investors (NZ) Limited
216/11 17	Waitakere Working Environment Group	Amend the Plan Change to re-write the Policy10.2 so that it recognises that some activities are incompatible.	Opposed By: 218 AMP Capital Investors (NZ) Limited
213/14 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to re-write the Policy 10.2 so that it recognises that some activities are incompatible.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 218 AMP Capital Investors (NZ) Limited
215/9 17	Huhtamaki NZ Limited	Amend the Plan Change to re-write the Policy 10.2 so that it recognises that some activities are incompatible.	Opposed By: 218 AMP Capital Investors (NZ) Limited
142/13 17	PLC New Zealand Ltd	Amend Policy 10.2 to adequately prevent and/or manage 'reverse sensitivity' so as to recognise that some activities are incompatible.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter presented evidence in support of submission points 214/10,216/11,213/14,215/9 and 142/13, through Mr D A Kirkpatrick, Mr F J Bentley, Mr C Day and others, who consider that the range of measures proposed by Waitakere City Council, through the submission and hearing

processes, to manage reverse sensitivity would be ineffective and that sufficient separation distance is the only satisfactory resolution to the incompatible location of activities.

Discussion:

The submitters sought that the policy is amended to recognise that some activities are incompatible. Policy 10.2 relates particularly to noise.

It is considered that the policies of the Plan Change do recognise that some activities may be incompatible and accordingly have sought to achieve mitigation of potential adverse effects, through design measures so that reverse sensitivity effects do not occur. It is considered that suitable noise mitigation can be achieved by requiring the residential activity to provide acoustic attenuation and a separation distance of 20m at the boundaries of the Living 6 and surrounding sites. See the discussion in Plan Change 18 report in relation to the discussion of submissions 257/492, 257/493, where proposed additions to the policy seek to recognise that activities must co exist.

Panel Recommendation 5.9.4.3

Submission 142/13, 215/9, 213/14, 216/11, 214/10 be accepted in part, although no changes are required

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/121 17	The Warehouse Ltd	Amend Policy 10.2 by inserting a full stop after “noise effects” in the second sentence and deleting the balance of that sentence. Insert a further sentence: <i>“The effects of noise within town centres should be managed by a combination of controls on noise emissions and design standards for residential development so that existing and future commercial activities can satisfactorily co-locate with residential activities in these areas:.”</i>	Opposed By: 208 Sylvia Park Business Centre Limited
110/121 17	Warehouse Stationery Limited	Amend Policy 10.2 by inserting a full stop after “noise effects” in the second sentence and deleting the balance of that sentence. Insert a further sentence: <i>“The effects of noise within town centres should be managed by a combination of controls on noise emissions and design standards for residential development so that existing and future commercial activities can satisfactorily co-locate with residential activities in these areas:.”</i>	Opposed By: 208 Sylvia Park Business Centre Limited

Evidence Presented:

The submitter presented in support of submission 109/121, through the evidence of Mr V A Smith, who was concerned that planners report stated that the onus of mitigation with regard to reverse sensitivity had been placed on the residential activity, and that the policy did not make such as reference, or discuss acoustic attenuation.

Discussion:

The submitter sought an amendment to Policy 10.2, with a proposed addition relating to activities co locating in a satisfactory manner.

The policies of the Plan Change, seek to achieve mitigation of potential adverse effects, so that reverse sensitivity effects do not occur. It is considered that the proposed Plan Changes place the onus of mitigation on the residential activity. See discussion in Plan Change 18 report, in relation to the discussion of submissions 257/492, 257/493, where additions to the policy seek recognition that activities must co exist. In addition it is considered that the proposed amendment sought by Waitakere City, to the Living 6 controls such that residential activities must have forced ventilation, will be recommended to be accepted as this will ensure that effects of noise can be mitigated as residences will be able to close windows and still be able to achieve a good level of comfort inside the building.

Panel Recommendation 5.9.4.4

Submission 109/121,110/121 be accepted in part

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/128 17	Progressive Enterprises Limited	Delete Policy 10.2 and replace with a policy along the following lines (deletions are in strikethrough, and additions underlined): <i>“Activities in residential and rural areas should not emit noise such that it causes a nuisance to occupants of surrounding properties. Activities within town centres can generate varying noise effects, and should be managed so as not to cause excessive noise that conflicts with the need to encourage a mix of business and residential activities in these areas. <u>Residential uses within mixed use centres should also be subject to appropriate design rules in order to address the potential adverse effects which may arise from adjacent commercial, retail and business activities</u>”.</i>	Supported By: 208 Sylvia Park Business Centre Limited

Evidence Presented:

The submitter presented in support of submission 108/128 through the evidence of Mr M J Foster, who accepted the recommendation of the planners report subject to the outcomes of the other progressive submissions to Plan Changes 17 and 18.

Discussion:

The submission sought that additions are made to Policy 10.2, which relate to noise. However the submitter should note that additions are proposed by the City to this policy, through the Plan Change 18 report (see discussion on submission point 257/492, 257/493). It has been considered by the Panel that this submission and consequent change to Plan Change 18 would meet the concerns of the submitter, as the amended policy clearly creates an obligation on those who emit noise to avoid exceeding the standards and that residential activities provide acoustic attenuation.

Panel Recommendation 5.9.4.5

Submission 108/128 be accepted in part.

5.9.5 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 10.4

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/326	Waitakere City Council	Amend policy 10.4 by deleting the words “ <i>Wherever possible...</i> ” in order to strengthen and clarify this policy and avoid potential dispute over the provision of private open space.	

Evidence Presented:

The submitter did not present evidence in support of this point of submission.

Discussion

The submitter sought that Policy 10.4, that relates to the provision of outdoor space be amended to delete “wherever possible”. The Panel agrees that the current wording would weaken the policy, potentially reducing the occurrence of outdoor space being provided, and that it should be recommended to be deleted.

Panel Recommendation 5.9.5.1

That submission 257/326 be accepted

5.9.6 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 11.8

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/327 17	Waitakere City Council	Amend paragraph 1 of Policy 11.8 and the third paragraph of its <i>Explanation</i> by adding those words underlined: <i>“Structures, (except within the Working and Community Environments and specific intensive Living Environments-L5 and L6), should ...</i> <i>Explanation</i> ... <i>Low to mid rise residential apartments buildings are appropriate in specific Living Environments (Living (L6 and L5) to achieve...”</i>	

Evidence Presented:

The submitter did not present evidence in support of this point of submission.

Discussion:

The submitter sought an amendment to the explanation of the Policy 11.8 that relates to the height and scale of structures ensuring that they do not overwhelm the generally low rise structures of the Human Environment. It is considered that the amendment sought would make the policy more specific, and align it with the higher intensity zoning and rules of Plan Change 17.

Panel Recommendation 5.9.6.1

Submission 257/327 be accepted

5.9.7 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 11.14

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/328	Waitakere City Council	Amend paragraph 2 of Policy 11.14 by adding those words underlined: <i>“Tall buildings in the Community Environment (New Lynn) should be designed to avoid, remedy or mitigate, any adverse effects ...”</i>	

Evidence Presented:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

The submitter did not present evidence in support of this point of submission.

Discussion:

The submitter sought an amendment to the policy such that it would state that tall buildings would avoid, remedy or mitigate adverse effects. This amendment echoes the words of the Resource Management Act and of the assessment criteria on Rule 6A in relation to building height in New Lynn. It is considered sufficient that the policy states the goal that the City seeks to avoid tall buildings that create an adverse effect. The other aspects are picked up within the processing of the applications, and those matters do not need to be replicated within the text of the policy.

Panel Recommendation 5.9.7.2

Submission 257/328 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/329 17	Waitakere City Council	Amend paragraph 2 of Policy 11.14 by adding those words underlined for greater clarity: <i>“Tall buildings <u>(20m and over)</u> in the Community Environment (New Lynn) should be designed to avoid...”</i>	

Evidence Presented:

The submitter did not present evidence in support of this point of submission.

Discussion:

The submitter sought an amendment to paragraph 2 of Policy 11.14 by adding those words underlined for greater clarity:
“Tall buildings (20m and over) in the Community Environment (New Lynn) should be designed to avoid...”.

It is considered that this proposed amendment will align the policy with the explanation, which explicitly states that it is buildings over 20m that will be assessed for matters in relation to likely wind effects.

Panel Recommendation 5.9.7.3

Submission 257/329 is accepted.

5.9.8 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 11.18

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/381 17	Waitakere City Council	Amend the “Explanation” of Policy 11.18 by adding the following text after the last sentence of the third paragraph: <i>“<u>In addition, within the Living (L5) Environment smaller scale work places with a maximum gross floor area of 150 m², located on the ground floor of a building and fronting a street will also support employment opportunities for residents.</u>”</i>	

Evidence Presented:

The submitter did not present evidence in support of this point of submission.

Discussion:

The submitter sought an addition to the text of the policy, such that the policy would cover the matter of the proposed Living 5 Environment being able to accommodate non residential activities. It is considered that as this policy already covers the matter of non residential activities in the Living 6 Environment that is the other proposed higher intensity zone, that it should also recognise the potential for non residential activities in Living 5 Environment. This intensification opportunity will contribute to the reduction of vehicle trips, and the vibrancy of the residential area. It is noted that the associated rules and assessment criteria additions are discussed in the rules section of this report.

Panel Recommendation 5.9.8.1

Submission 257/381 be accepted

5.9.9 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 11.19

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/330 17	Waitakere City Council	Amend Policy 11.19 by adding those words underlined in order to specifically refer to reverse sensitivity: <i>“Residential activities may be located within the Community Environment, provided that the impacts of odour, noise, vibration and glare on any residential activity can be adequately mitigated, <u>so as to avoid reverse sensitivity.</u>”</i>	Supported By: 109 The Warehouse Ltd 110 Warehouse Stationery Limited

Evidence Presented:

The submitter did not present evidence in support of this particular point of submission, but presented an overview of the proposed measures that they sought to become part of the Plan Change, to avoid reverse sensitivity occurring. The range of measures included policy additions and provisions within the rules that required acoustic attenuation and the avoidance of locating within air discharge plumes.

Discussion:

The submitter sought that the policy is amended to include a further reference to reverse sensitivity. It is considered that this addition is consistent with other changes throughout the Plan Change that seek to make the policies more robust in relation to the matter of reverse sensitivity, and to ensure that the onus of protection against reverse sensitivity is on the sensitive party.

Panel Recommendation 5.9.9.1

Submission 257/330 be accepted

5.9.10 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 11.21

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/122 17	The Warehouse Ltd	Amend the new sentence at the end of the first paragraph in the explanation of Policy 11.21 by deleting the words ‘retail area’ and replacing them with “core”.	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
110/122 17	Warehouse Stationery Limited	Amend the new sentence at the end of the first paragraph in the explanation of Policy 11.21 by deleting the words 'retail area' and replacing them with "core".	Opposed By: 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited

Evidence Presented:

The submitter presented evidence in support of submission point 109/122, through the evidence of Mr V A Smith, who elaborated that that it was inappropriate and potentially confusing to refer to the retail area in this way as it may contain activities other than retail. In addition he considers that some areas outside the core contain activities that are car based and that they should not be restricted.

Discussion:

This policy discusses the provision of off street parking. The submitter sought the deletion of the words retail area and replacing them with core, in policy 11.21.

The explanation discusses the connection between building location and car parking and their impacts on urban form – this is linked to the street frontage rules. It is considered appropriate to refer to the "retail area", as this includes land identified as Mainstreet and Commercial typologies. It should be noted that this policy will not preclude the supply of carparking should an applicant wish to apply for it as part of the development of their site.

Panel Recommendation 5.9.10.1

Submission 109/122,110/122 be rejected

5.9.11 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 11.23

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/367 17	Waitakere City Council	Amend the Plan Change to include the following sentence at the end of Policy 11.23: <i><u>"In the case of the Monier (CSR) Special Area, any changes to the Monier (CSR) Special Area must not reduce its capacity to provide for intensive residential/mix use development."</u></i>	Opposed By: 213 CSR Building Products NZ Ltd ('Monier Brickmakers')

Evidence Presented:

The submitter did not present evidence in support of this point of submission.

Discussion:

The submitter sought an amendment to Policy 11.23, in the discussion of Special Areas, in particular Monier Special Area. It is considered that the additions that were originally proposed as part of the Plan Change are sufficient to ensure that this special area continues its operation, while not undertaking any new activities unless they are directly related to its primary function. It is considered that this further amendment, while it may be desirable from the perspective of the City is not equitable as no other activity has been targeted in this manner.

Panel Recommendation 5.9.11.1

Submission 257/367 be rejected

5.9.12 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 11.45

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
218/16 18	AMP Capital Investors (NZ) Limited	Amend Policy 11.45 to include (after the list of bullet points): <i><u>"Except that, until such time as a variation is notified to this Plan Change, this policy does not apply to LynnMall."</u></i>	Supported By: 106 Property Council of New Zealand Opposed By: 250 Auckland Regional Council
218/11 17	AMP Capital Investors (NZ) Limited	Amend Policy 11.47 to include (after the list of bullet points): <i><u>"Except that, until such time as a variation is notified to this Plan Change, this policy does not apply to LynnMall."</u></i>	Supported By: 106 Property Council of New Zealand 108 Progressive Enterprises Limited Opposed By: 250 Auckland Regional Council

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission.

Discussion:

The submitter sought an amendment to the policy that relates to the development of the street frontage within the town centres. In other submissions to this plan change this submitter has sought that their site is to become subject to a variation containing a separate set of rules. The Panel note that the submitter no longer seeks a separate Variation but does seek a variant to the policies and rules to support the ongoing development of the mall in the context of the street frontage rules. The changes to the policy (11.46 and 11.47) and rules (Rule 5A Community Environment) have been made in response to submission point 218/17 discussed later in this report. Minor changes have been made to the policies to support the change in the rules. It is considered that these minor changes to the policy will not undermine the design outcomes sought for the entire City.

Panel Recommendation 5.9.12.1

Submission 218/16,218/11 be accepted in part

5.9.13 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 11.46

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
218/10 17	AMP Capital Investors (NZ) Limited	Retain Policy 11.46	Supported By: 106 Property Council of New Zealand Opposed By: 153 The National Trading Company of New Zealand Ltd

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission.

Discussion:

The submitter sought that Policy 11.46 is retained. This policy relates to the New Lynn town centre continuing to redevelop as a mixed use town centre.

Panel Recommendation 5.9.13.1

Submission 218/10 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
162/9 17	Redwood Group Limited	Delete the Explanation of Policy 11.46 which refers to the need to accommodate a substantial increase in retail floor space as no demand exists for such a substantial increase in retail floor space.	Supported By: 107 Westfield (New Zealand) Limited Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

The submitter sought that Policy 11.46 that relates to the continuing redevelopment of the mixed use town centre-being New Lynn, is amended, such that the explanation is removed. The explanation refers to the need of the expanded town centre to accommodate a substantial increase in retail floor space. The submitter states that there would be no demand for this additional retail floor space. While the evidence relating to retail expansion at the hearing did vary in relation to the actual level of retail growth that would occur, it is expected that over time that the demand for extra retail floor space will arise out of the development of the mixed used town centre as the population rises.

Panel Recommendation 5.9.13.2

Submission 162/9 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/4 17	The National Trading Company of New Zealand Ltd	Amend the last sentence of the first paragraph of the explanation to policy 11.46 by adding those words in italics: "Within the expanded Community Environment...high standards of pedestrian amenity <i>where appropriate.</i> "	Supported By: 184 West Auckland Land Holdings Ltd

Evidence Presented:

The submitter presented evidence in support of submission point 153/4 through the evidence of Mr V R C Warren, who did not consider that the range of activities or high standards of amenity sought would be achievable or appropriate in every part of the town centre. He considered that the amendment would provide better opportunities for large format retail developments.

Discussion:

The submitter sought an amendment to the explanation of Policy 11.46 that discusses the redevelopment of the town centre. The change requested to the explanation relates to pedestrian amenity. It is considered that the proposed addition would serve to weaken the intent of the policy, which seeks to achieve a high level of pedestrian amenity within the revitalised town centre. Should an applicant wish to diverge from the intent of the policy, as suggested by the submitter they may be able to do this within the context of a resource consent application.

Panel Recommendation 5.9.13.3

Submission 153/4 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/127 17	Progressive Enterprises	Amend Policy 11.46 and the Explanation to that policy as follows (or words to like effect)	Supported By: 214 Henkel NZ Ltd (The

Limited	<p>(deletion in strikethrough and additions underlined):</p> <p><i>“The New Lynn Town Centre should continue This is to be achieved by:</i></p> <ul style="list-style-type: none"> • <i>Allowing for a mix of residential and non-residential activities (including retail activities) within the central part of New Lynn, generally in that area within 400m of Memorial Drive, and covering Great North Road and Clark Streets west of Ward / Veronica Streets, including Totara Avenue, Delta Avenue and the northern part of Crown Lynn Place. <u>Community (New Lynn) Environment.</u></i> • <i>Providing for industrial and employment activities generally east of Binstead Road, Ward and Veronica Streets and Astley Avenue. <u>Residential activities are not permitted in this industrial area within the Working (New Lynn) Environment.</u></i> • <i>Enabling intensive residential development in the Ambrico Place, Crown Lynn Place and Reid Road areas.</i> • <i>Providing for the continued operation of the Monier (CSR Building Products) plant.</i> <p><i>Explanation</i></p> <p><i>The New Lynn Town Centre is in a process This commercial area will need to accommodate a substantial increase in retail floor space, as well as a range of service and residential activities. Retail development is anticipated to occur along Clark Street, helping to meet demand for additional retail activities, including larger format retail. Further intensification of retail activities within the current retail area is also expected. However r <u>Retail development should not spread beyond the Community (New Lynn) Environment this core area, as this will lead to a fragmented centre.</u>”</i></p>	<p>Sellotape Company) 208 Sylvia Park Business Centre Limited</p> <p>Opposed By: 153 The National Trading Company of New Zealand Ltd</p> <p>Support and Opposed By: 142 PLC New Zealand Ltd 213 CSR Building Products NZ Ltd ('Monier Brickmakers') 215 Huhtamaki NZ Limited 216 Waitakere Working Environment Group 217 Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)</p>
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Evidence Presented:

The submitter presented evidence in support of submission point 108/127, through the evidence of Mr M J Foster. The submitter continues to express concern that the policy and explanation are unclear about where retail development will be encouraged to locate within the New Lynn Town Centre.

Discussion:

The submitter sought amendments to the policy and explanation so as to make it clear that mixed use development will be encouraged throughout the Community (New Lynn) Environment, and industrial and employment will be provided in the Working (New Lynn) Environment. The submitter also sought the deletion of descriptive material that outlined where the various activities can occur, or are preferred within the various zonings.

It is considered that the amendments sought by the submitter would be inconsistent with the desired outcomes of the New Lynn Plan Change, which has a design focus. The key requirement

is that buildings have to meet certain level of amenity. It may be that the building contains a retail activity, or some other activity. While retail activity is constrained within some areas of the town centre, such as the Working environment, it is considered that such a constraint would not be helpful through the remainder of the town centre, as it could potentially constrain the growth of the town centre.

Panel Recommendation 5.9.13.4

Submission 108/127 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/333 17	Waitakere City Council	Amend the bullet points under Policy 11.46 by adding those words underlined and deleting those words in strikethrough: <ul style="list-style-type: none"> ▪ “... ...Residential activities are not permitted <u>shall be avoided</u> in this industrial area. ▪ Enabling intensive residential development in Ambrico Place, Crown Lynn Place, and Reid Road <u>Living Environment</u> Areas. ▪ ...” 	

Evidence Presented:

The submitter did not present specifically on this point of submission in their evidence.

Discussion:

The submitter sought that new Policy 11.46 that relates to the new zoning pattern for the town centre is amended to provide clarity to the policy.

It is considered that the removal of the phrase “are not permitted” assists to make the policy more factually correct, as residential activities are no longer proposed to be permitted in this area, with some allowance being made for caretaker type facilities. The inclusion of Living Environment clarifies the location in the zones to which the policy is applicable. This change will make the Working Environment a more suitable location for noxious activities as residential activity will be strictly limited.

Panel Recommendation 5.9.13.5

Submission 257/333 be accepted.

5.9.14 SUBMISSIONS SEEKING AMENDMENTS TO POLICY 11:47

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
110/123 17	Warehouse Stationery Limited	Amend the second bullet of Policy 11.47 by inserting the words “Where Practicable” at the beginning of the 2 nd sentence and replacing the words ‘in all cases’ in the final sentence with “where practicable”.	Opposed By: 208 Sylvia Park Business Centre Limited 250 Auckland Regional Council
109/123 17	The Warehouse Ltd	Amend the second bullet of Policy 11.47 by inserting the words “Where Practicable” at the beginning of the 2 nd sentence and replacing the words ‘in all cases’ in the final sentence with “where practicable”.	Opposed By: 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited

Evidence Presented:

The submitter continues to seek the relief sought in the original submission, as outlined in the evidence of Mr VA Smith.

Discussion:

The submitter sought to amend the wording of Policy 11.47, changing the current “in all cases” to where practicable. The policy itself discusses development of sites in relation to the streetscape.

It is considered that the amendment sought by the submitter would serve to weaken the policy quite considerably. It is the purpose of policy to signal a clear direction for the users of the District Plan, and not provide an opportunity for unspecified alternatives through terms such as where practicable, that could in turn undermine the collective direction sought by the plan. If the submitter considers that, as in this instance that blank walls, could be suitable in a street frontage, they are able to undertake a resource consent application to argue the individual merits of their own blank walls, rather than increase the potential for them within the greater New Lynn streetscape, through diluted policy framework.

Panel Recommendation 5.9.14.1

Submission 109/123,110/123 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/9 17	The National Trading Company of New Zealand Ltd	Amend the second paragraph of the explanation to the sixth bullet point to the Policy 11.47 by adding those words in italics and deleting those words struckthrough: “To maintain and enhance...the New Lynn Town Centre, two <i>three</i> different street types...and display spaces. The New Lynn Concept Plan seeks to extend this character to parts of Clark Street in the vicinity of the train station. Further from the core...the street edge. <i>The Periphery Typology applying to Clark Street between Astley Avenue and Rankin Avenue recognises the vehicle oriented nature of this area and the existing and future high traffic volumes on the road.</i> ”	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/34 17	The National Trading Company of New Zealand Ltd	Seeks that in the alternative to the relief requested in Submission 153/9, appropriate amendments are made to Policy 11.47 and its explanation to recognise the vehicle oriented nature of Clark Street, the suitability of Clark Street as a possible location for large format retail, and recognition of the characteristics and operational requirements of large format retail.	Supported By: 109 The Warehouse Ltd 110 Warehouse Stationery Limited Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter presented evidence in support of submission point 153/9 and 153/34, through the evidence of Mr V R C Warren, Mr B Rae, and Mr JM Burgess and others. Their evidence centred on the suitability of Clarke St to service the particular requirements of large format retail /supermarkets. Accordingly the street should be given a more suitable typology. Their material is briefly summarised below.

Mr J M Burgess described the current and possible future operational characteristics of Clarke street, noting the recent road widening and that kerbside parking is prohibited, and that Clarke St is a major arterial route within the City. He considers that the function of the road must form the basis of any urban design decisions. Accordingly the periphery typology would acknowledge and protect the characteristics of the street. He drew on the Planners report from Plan Change 18, that stated “that the periphery typology applies to areas generally outside the walkable catchment of the core that are typified by lower pedestrian volumes and higher numbers of vehicles” At 3.8 of his evidence Mr Burgess comments that the supermarket site, in its location on the arterial road will form a transition point between the town centre, and the larger commercial activities to the east.

Mr B Rae commented at 4.13 of his evidence that it was essential that a Mainstreet include kerbside parking, and that the intention to convert part of Clarke St into a successful main street was at odds with the existing town centre. He suggested that other options for Clarke St included that of being a green arterial route. Mr Rae commented at 5:10 of his evidence that “New Lynn should also provide for large format retail (as in Massey) development which inherently has difficulties in achieving high pedestrian amenity. A large format-friendly street typology is necessary at New Lynn to cater for large format retail demand”.

Mr Warren promoted the suitability of Clarke St for the periphery typology, which in turn would facilitate the location of large format retail development, which he considers would not be facilitated by the current proposed typology of Mainstreet. He considers that Clarke St presents characteristics well suited to the requirements of large format retail.

Discussion:

In relation to submission point 153/9 the submitter sought amendments to the text that ensure consistency with other submission points. (The change relating to the number of street types is a reference to the submission (153/14) requesting that some of Clarke St be referenced as Periphery Typology.)

In relation to submission point 153/9, for the same reasons outlined in the discussion below (in response to 153/34) it is considered that the Periphery Typology will not be assigned to the portion of Clarke St as sought by the submitter, and that the first point of submission is recommended to be rejected. The second point and third of submission relates to the submitters requested change in the typology, to make the paragraph align to the Periphery typology. These are recommended to be rejected for the same reasons as above.

In relation to submission point 153/34 the submitter sought various amendments to Policy 11.47, to recognise the vehicle oriented nature of Clark St, the suitability of Clark St as a possible location for large format retail, and recognition of the characteristics and operational requirements of large format retail.

This policy discusses the importance of high amenity in the street frontages, and already clearly states within the explanation that a higher standard of amenity should extend to some parts of Clarke St. While Clarke St is an arterial road within the Cities roading hierarchy, a higher level of amenity would provide a significant contribution to the redevelopment of the New Lynn town centre. It is considered that the Mainstreet typology (which is not to be construed as exactly the same as the well known Mainstreet redevelopment schemes) will be the key planning tool to facilitate the higher level of amenity sought in Clarke St, and will assist (in conjunction with other measures such as the trenching of the rail line) to merge the old and (proposed) new parts of the town centre

It is considered critical that Clarke St is regarded as an effective link between the old and new parts of New Lynn, rather than a point of transition to the large lot commercial activity as suggested by Mr Burgess. To be a point of transition would not be giving sufficient regard to the significant level of proposed residential activity that is within both the Community Environment and to the south of the Community Environment, in the Living 6 zone. These residents have to be enabled

and encouraged to access the centre of the town and the transport hub, and accordingly the high level of amenity as found in the Mainstreet typology is desirable.

The panel acknowledges that the arterial status of Clarke Street could represent a significant constraint to the road being able to meet the intent of the policy and the successful implementation of the Mainstreet typology as outlined by the submitters. The submitters have outlined the role that kerbside parking could contribute to the successful implementation of the typology (Rae Evidence 4.13-It is absolutely essential that a main street includes kerb side parking.....),. To this end an amendment is recommended that the New Lynn Urban concept map is annotated to include 24 hour kerbside parking on the portion of Clarke St that is the subject of these submissions. To facilitate the installation of the carparking an amendment is made to the rules of the Transport Environment. It is considered that this measure will contribute to the successful implementation of the Mainstreet Typology. The amendment sought regarding the periphery typology is rejected.

It is also acknowledged that the submitter sought the application of the periphery typology to better facilitate the development of the large format retail. With regard to the latter point of submission it is noted that very similar points of submission have been raised within the Urban Design Plan Change 18, in particular 153/21. The panel have agreed to changes in the urban design controls that would be of assistance to those wishing to develop in the large format retail style. Accordingly this element of the submission is accepted in part.

Panel Recommendation 5.9.14.2

Submission 153/9 be rejected

Submission 153/34 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/6 17	The National Trading Company of New Zealand Ltd	Amend the second bullet point to the Policy 11.47 by adding those words in italics and deleting those words struckthrough: <ul style="list-style-type: none"> “Activities and development...close to the street edge <i>where required by street typology</i> and through the...front yard. However in all cases blank walls along street frontages should be avoided <i>where practicable</i> and appropriate...” 	<p>Supported By: 184 West Auckland Land Holdings Ltd</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 107 Westfield (New Zealand) Limited</p>

Evidence Presented:

The submitter presented evidence in support of submission point 153/6, through the evidence of Mr V R C Warren, who expressed concern that the amendment as sought should be upheld as it was important that there was flexibility within planning controls to allow alternatives to be considered.

Discussion:

The submitter sought to amend the wording of the 11.47, by deleting “in all cases’ and adding where practicable and appropriate. The policy itself discusses development of sites in relation to the streetscape, and in particular that blank walls should be avoided in all cases.

While Mr Warren stated that he could not rule out the possibility of an interesting blank wall being acceptable, the Panel are of the opinion that the amendment sought by the submitter would serve to weaken the policy quite considerably. It is the purpose of policy to signal a clear direction for the users of the District Plan, and not provide an opportunity for unspecified alternatives through terms such as where practicable, that could in turn undermine the collective direction sought by the plan. If the submitter considers as in this instance that blank walls could be suitable in a street frontage, they are able to undertake a resource consent application to argue the individual merits of the case, rather than increase the potential for them within the greater New Lynn Streetscape, through

diluted policy framework. The flexibility sought by the submitter lies within the resource consent process rather than in the policy framework of the District Plan

Panel Recommendation 5.9.14.3

Submission 153/6 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/407 17	Waitakere City Council	Amend the "Explanation" to Policy 11.47 (submitted to replace Policy 11.45 of Plan Change 18) by adding the following text after the last sentence of the second paragraph: <i>"Proposed roads and indicative streets have street typologies identified in the New Lynn Urban Concept Plan to allow the assessment of buildings where they adjoin these streets."</i>	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission.

Discussion:

The submission sought an amendment that provides additional information as to how the combination of rules and controls work in relation to achieving the amenity levels in the town centre. It is considered that this amendment will assist the reader to understand the intention of the controls.

Panel Recommendation 5.9.14.4

Submission 257/407 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/5 17	The National Trading Company of New Zealand Ltd	Amend the first bullet point to the Policy 11.47 by adding those words in italics and deleting those words struckthrough: <ul style="list-style-type: none"> • "Development of attractive...two storeys in height along principal roads depending on street typology." 	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission.

Discussion:

The submitter sought a amendment in the text of Policy 11.47, such that "principle roads" is changed to "street typology" As the street typology is the trigger for the height of buildings this is considered an appropriate change.

Panel Recommendation 5.9.14.5

Submission 153/5 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
218/9 17	AMP Capital Investors (NZ) Limited	Amend Table 3.7(a) to include specific reference to LynnMall.	Supported By: 106 Property Council of New Zealand

Evidence Presented:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

The submitter did not present specific evidence in relation to this point of submission.

Discussion:

The submitter sought an addition to Table 3.7(a) Local Area of part 3 of the Plan: The City’s Environment. The table identifies the landscape elements of various parts of the city as they exist.

The table contains very generic descriptions of the areas of the City. It is not considered appropriate that specific buildings are listed.

Panel Recommendation 5.9.14.6

Submission 218/9 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/10 17	The National Trading Company of New Zealand Ltd	Amend the first bullet in the middle column of Table B Effects on Landscape Elements by adding those words in italics: <ul style="list-style-type: none"> Discontinuous street frontages <i>in parts of the Town Centre</i> 	Supported By: 184 West Auckland Land Holdings Ltd

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission.

Discussion:

The submitter sought an addition to Table 5.11(a) of Part 5 of the Plan: Objectives, Policies and Methods. The table identifies how the landscape elements of various parts of the city have been affected, and the proposed addition to the bullet point would advise that the “discontinuous street frontages (were) *in parts of the town centre*”. The purpose of the table is to pick up the elements of the chosen landscape that are less than desirable. It is considered of no benefit to add non specific information to this description.

Panel Recommendation 5.9.14.7

Submission 153/10 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/1 17	The National Trading Company of New Zealand Ltd	Amend the “Landscape Elements” column by adding those words in italics: <ul style="list-style-type: none"> Fine grained <i>development where appropriate</i>, connected road pattern 	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 108 Progressive Enterprises Limited

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission.

Discussion:

The submitter sought an addition to Table 3.7(a) Local Area of part 3 of the Plan: The City’s Environment. The table identifies the landscape elements of various parts of the city as they exist. The WCC addition to the table proposes to describe a New Lynn of the future that would exist after the implementation of the Plan Change 17 New Lynn. It is considered that this addition does not fit with the explanatory text and therefore as a consequential amendment should be deleted.

Panel Recommendation 5.9.14.8

Submission 153/1 be rejected

5.10 Submissions seeking amendments relating to Rules

5.10.1 SUBMISSIONS SEEKING CHANGES TO SPECIAL AREA RULE 28: MONIER SPECIAL AREA

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/368 17	Waitakere City Council	Amend Rule 28.1 so that the following deletion is made: "28.1 Permitted Activities: a) manufacturing , storage and retail of ceramics b) other non residential activities (except retail activities) not covered by (a) "	Opposed By: 213 CSR Building Products NZ Ltd ('Monier Brickmakers')
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/369 17	Waitakere City Council	Amend Rule 28 by deleting the text struck through, and adding those words in italics and underlined: "28.3— <u>2</u> Non Complying Activities Activities meeting the following Performance Criteria are Non Complying Activities: a) retail activities(excluding ceramics); b) residential activities; c) <u><i>Non residential activities not directly associated with the Manufacturing, storage and retail of ceramics.</i></u> 28.4 <u>3</u> Other Rules"	Opposed By: 213 CSR Building Products NZ Ltd ('Monier Brickmakers')

Evidence Presented

The evidence presented by the submitter generically addressed this point in that the Special Area had been initiated to protect and facilitate the future of the activity.

Discussion:

The Plan Change sought to apply a Special Area zoning to the Monier site. This amendment sought to ensure that the activities on the site are consistent with that of the predominant use. This is consistent with the methodology associated with the Special Areas in the Waitakere City Council District Plan. As such the amendment is accepted.

Panel Recommendation 5.10.1.1

Submission 257/368, 257/369 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/29 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to delete Rule 28.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The evidence presented by the submitter through Mr F J Bentley did not specifically address this point of submission.

Discussion:

The Special Area zoning is a tool that has been utilised by Waitakere City Council within their planning methodology for areas that require specific treatment due to the nature of their activity

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

within the context of the adjacent environment. It is a feature of the special area zones that the activity allowed for under these zones is limited to the specified activity on the site.

In this context the Special Area zoning achieves a holding pattern for the site. It protects the site for the existing activity but because the zoning is specific to the Monier activity should the activity change a new owner would have to approach the Council to undertake the change. It is considered that as this site is strategically important in the redevelopment of the New Lynn Town centre that the Special Area zone is appropriate.

Panel Recommendation 5.10.1.2

Submission 213/29 be rejected

5.10.2 SUBMISSIONS SEEKING GENERAL AMENDMENTS TO RULES AND ASSESSMENT CRITERIA

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/207 17	Auckland Regional Council	<ul style="list-style-type: none"> • Retain <i>Living 5 Environment</i> and the introduction of minimum density control. • Retain <i>Living 6 Environment</i> and the introduction of minimum height control. • Retain provisions for apartments in <i>Community Environment</i> areas. • Retain rules in the Plan Change regarding residential development being a non-complying activity in the <i>Working Environment</i>, New Lynn. 	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/213 17	Auckland Regional Council	<ul style="list-style-type: none"> • Retain provision for buildings to be a minimum of two storeys in height. • Retain policies and rules that set out a range of matters that need to be taken into account in the design and layout of new development and the particular emphasis placed on the public/private interface. • Retain creation and intention of street types. 	Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited

Evidence Presented:

The submitter through the evidence of Mr D E Burt expressed overall support of Plan Change 17 subject to several matters outlined within his own evidence and that of his party, that have been responded to under specific points of submission.

Discussion:

These submission points express support for the key elements of the Plan Change 17. All of these elements will contribute to the successful intensification of New Lynn. The Panel accepts the submission.

Panel Recommendation 5.10.2.1

Submission 250/213, 250/207 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/352 17	Waitakere City Council	Delete Assessment Criteria that require consultation with public bodies; substitute with a 'Note' indicating that WCC will expect applicants to undertake consultation with public bodies, in particular the Auckland Regional Council, to address cumulative effect issues, especially associated with water quality.	

Evidence Presented:

The submitter did not present evidence on this point of submission.

Discussion:

This submission sought a correction to the assessment criteria. Consultation is required as part of fulfilling the requirements of the Resource Management Act, and it is considered that it is not required to be stated as part of the assessment criteria. The advice note is part of the additional information included within the District Plan, and an appropriate location for the information outlined as part of the submission, as it assists the applicant with process issues.

Panel Recommendation 5.10.2.2

Submission 257/352 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/353 17	Waitakere City Council	Amend Assessment Criteria that require 'recognition' be given to non statutory standards; substitute to require assessment of the extent to which there has been compliance with the relevant standard under the non statutory instrument.	

Evidence Presented:

The submitter did not present evidence on this specific point of submission.

Discussion:

The submitter sought a non specific generic amendment, and as such it is recommended to be rejected.

Panel Recommendation 5.10.2.3

Submission 257/353 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
37/1 17	Marie Mugeridge	Amend plan change to require all high-density housing be sound proofed and windows have double-glazing, have proper air space and natural lighting between buildings.	Supported By: 258 Auckland Regional Transport Authority

Evidence Presented:

The submitter did not present table or present evidence at the Hearing.

Discussion:

The submitter sought that all proposed high density housing be sound proofed, that windows have double glazing, and that there is proper air space and natural lightening between buildings.

It is considered that the aspects sought by this submitter are encapsulated within the City Wide Design Rules of Plan Change 18 that seek to provide acoustic attenuation for habitable rooms of apartments, setbacks to achieve a suitable level of outdoor acoustic amenity, and the provision of outdoor living opportunities with balconies.

Panel Recommendation 5.10.2.4

Submission 37/1 be accepted in part.

5.10.3 SUBMISSIONS SEEKING CHANGES RELATING TO CITY WIDE RULES

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
218/17 18	AMP Capital Investors (NZ) Limited	Amend the Plan Change so that City Wide Rule 3 not apply to LynnMall and a variation is prepared to provide more comprehensively for LynnMall, as per AMP's submission on Proposed Plan Change 17.	Supported By: 106 Property Council of New Zealand

Evidence Presented:

The submitter spoke in support of submission point 218/17, primarily through the evidence of Ms J M Carvill. Ms Carvill clarified that the submitter no longer seeks that a Variation be prepared for the AMP site, and that a variant of the existing provisions may be able to meet the concerns of the submitter. The primary concern of the submitter is that the characteristics of the mall both existing and as envisaged into the future by AMP make the requirements of the urban design rules, in particular the requirements to develop to the street frontage, difficult to meet. The variant presented by the submitter at the Hearing revolves around the inclusion of some additional criteria to Rule 5A Building Design Street Frontage New Lynn, to which regard must be given in the processing of consents for the LynnMall site, the status of the Resource Consent assessment dropping from discretionary to limited discretionary, and additions to the Policy to support this new approach.

In the development of this variant the submitter had undertaken consultation with the Waitakere City Council and on that basis presented an agreed set of provisions. However Waitakere City Council, who spoke at a later time in the Hearing process, stated that while they agree with the proposed methodology, they did not agree with the variant tabled by AMP, and accordingly produced an alternative version in their evidence.

Discussion:

Currently the LynnMall site under Plan Change 17 would be subject to the rules of the Community New Lynn Environment, and the City Wide design rules related to it's location on a (mostly) Commercial Street typology. The policies and the rules do not give specific regard to LynnMall site.

However as outlined in the response to submission point 218/6 earlier in this report, the Panel accepts the significance of the subject site, recognising both its historical contribution to New Lynn the size of the land holding within the New Lynn Town Centre, and it's proximity to the transport interchange. They also accept that the site is likely to remain a mall and as such it would be difficult to fulfill the requirements of the controls.

It is however considered important that LynnMall at the time of any redevelopments, some of which could be significant, is still subject to the controls relating to the town centre to ensure that a good level of cohesion is achieved throughout New Lynn. To this end the Panel consider that the approach adopted by the parties of some additional criteria in rule 5A Building Design Street Frontage New Lynn, that give particular regard to Lynn Mall to be most satisfactory method to

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

achieve the desired cohesion in the town centre. This change is preferred over a change to the City Wide Rules, as originally sought by the submitter, which are to be administered over the whole of the city, whereas Rule 5A is specific to New Lynn.

The Panel accept that a limited level of acknowledgement should occur within the policies to support the approach being adopted within the rules and criteria. The Panel partially accepts the draft set of new criteria submitted through the AMP evidence team, but have concerns relating to elements of both the proposed criteria and policy that have sought to relegate some of the street frontages to achieving no more than service functions. Of particular concern is the treatment of Totara Ave, given it's proximity to the transport interchange. At a future point in time redevelopment could give rise to enhancements being able to be achieved on this street frontage in this vital location. It is considered that the elements of the proposed criteria and policy that would preclude this from occurring cannot be accepted. An amended set of criteria is part of the revised version of the rules attached to this report.

Panel Recommendation 5.10.3.1

Submission 218/17 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/378 17	Waitakere City Council	Amend the Plan Change so that a new street typology, and associated performance standards and criteria, will be developed in the City Wide Rule 3: Building Design Street Frontage to address design issues that may arise when mixed use activities are established at the ground level of a mostly residential building in a Living Environment.	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter raises a matter that was previously raised by submission 257/541, and discussed in the Urban Design Report: Plan Change 18: City Wide Rules, regarding the introduction of a mixed use street typology.

It is considered that there will be a number of situations where mixed use development is occurring in and around town centres. It is appropriate that there be some means in the District Plan to address development of this nature to ensure that amenity standards are maintained and enhanced. Amendments to the Street Frontage Rule were recommended in the Urban Design PC 18 Hearing in order to address this matter, and it is considered that those recommended amendments would satisfy the relief sought by the submitter.

Panel Recommendation 5.10.3.2

Submission 257/378 be accepted

5.10.4 SUBMISSIONS SEEKING CHANGES TO RULES IN THE LIVING ENVIRONMENT

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/371 17	Waitakere City Council	Amend the Plan Change so that a minimum density requirement control, such as people/dwelling units per hectare, is included	Supported By: 258 Auckland Regional Transport Authority

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

		within Rule 2, that would work to achieve the intensification levels required by the plan change.	
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Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that minimum density controls are placed in the Plan to ensure that intensification is achieved.

It is considered that this specific type of control would be too rigid a stance to take within a District Plan rule. The Plan Changes and in particular Plan Change 16 already contain policy maps showing the proposed location and timing of intensification within Waitakere City, in addition to recommendations of the Panel regarding the use of Appendix H of the Auckland Regional Plan as a guide to intensification, as outlined in Section 4.6 of this report. It may be that due to that nature of development, which is dependant on a range of external parties wanting to locate within an area that specific guides such as a particular density per hectare are too onerous. A reference to Appendix H will be inserted into Rule 2, as part of the response to submission point 250/204.

Panel Recommendation 5.10.4.1

Submission 257/371 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/373 17	Waitakere City Council	Amend Rule 2 so that consideration is given to the most appropriate methods of achieving minimum levels of development for the Living 5 and Living 6 Environment.	

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that Rule 2; Residential Activities /Density, is amended so that consideration is given to the most appropriate methods of achieving minimum levels of development for the Living Environment 5 and 6. The submission did not suggest a specific method.

It is noted that the minimum development requirements are a permitted activity, and to not achieve these limits is a discretionary activity. The Panel considers that this is a satisfactory incentive. In addition there are new assessment criteria (see 2G), that assesses the proposals ability to have a density sufficient to support the intensification of the town centre, and that regard is given to Appendix H, as required by the Panel and outlined in section 4.6 of this report. It may be that the submitter takes the opportunity to develop non statutory techniques in terms of additional incentives.

Panel Recommendation 5.10.4.2

Submission 257/373 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/204 17	Auckland Regional Council	Amend Living Environment Rule 2 Assessment Criteria 2(g) by adding an additional reference to ensure that development aligns with Appendix H of the amended ARPS.	Supported By: 258 Auckland Regional Transport Authority

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission at the Hearing.

Discussion:

Proposed assessment Criteria 2(g) refers to the extent to which apartment development is of a sufficient density to support the intensification of the New Lynn Town centre. The submission of the Auckland Regional Council seeks to align this reference to Appendix H of the Auckland Regional Policy Statement.

The Panel consider that Appendix H is to be regarded as a guideline rather than a strict goal, as outlined in section 4 of this report. One of the key reasons for this is the variability at which intensification of development may occur. However it is part of the toolset to be used to ensure that town centres achieve a sufficient density to facilitate the successful integration of land use and transport. Accordingly a reference in the assessment criteria is to be made to Appendix H.

Panel Recommendation 5.10.4.3

Submission 250/204 is accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/372 17	Waitakere City Council	<p>Amend Rule 2.2 by deleting the text struck through, and adding those words in italics and underlined:</p> <p>(a) “Any <i>Residential Activity</i> involving <i>medium density housing</i> or <i>apartments</i> located in the <i>Living (L5) Environment</i> which:</p> <ul style="list-style-type: none">(i) is established on a <i>site</i> with a minimum <i>net site area</i> of 1500m² and a minimum <i>street frontage</i> of 20 metres; and(ii) has a minimum density of 1 unit per 200 m² of <i>net site area</i>; and(iii) provides not greater than 70% of the <i>site</i> as impermeable area; and(iv) <u>for apartments, can comply</u> with the Performance Standards of the <i>City-Wide Rule 1 General Apartment Design</i>. <p>Assessment of <i>Limited Discretionary Activity</i> applications made under this rule will be limited to the matters of <i>design</i>, location, scale, <i>outdoor space</i>, <i>screening</i>, <i>landscape treatment</i> and provision for vehicles and pedestrians, and will be considered in accordance with Assessment Criteria 2(a) to 2(e) and <u>for apartments</u>, the Assessment Criteria of the <i>City-Wide Rule 1 Apartments, or for Medium Density Housing will be considered in accordance with the “Medium Density Housing Criteria” Appendix to these rules.”</i></p>	

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought an amendment that is considered to clarify that point (iv) is applicable to apartments, that may be built in the Living 5 Environment zone.

Panel Recommendation 5.10.4.4

Submission 257/372 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/375 17	Waitakere City Council	Amend Assessment Criteria 2(f) of Rule 2 by deleting those words struck through, and adding those in italics and underlined: "The extent to which the a <i>Apartment development, located in the Living (L5) Environment (adjoining Rankin Avenue) and Living (L6) Environment (New Lynn) should be located and designed to minimise any adverse effects on residents from being in close proximity to non-residential activities in the Community Environment (New Lynn), Working Environment (New Lynn) and Monier (CSR) Special Area, including noise, outdoor storage areas, truck docks and loading areas, lighting, vehicle movements, wastes and air discharges generated from activities in these areas. Measures should be undertaken to avoid, remedy or mitigate the adverse effects, including the orientation of habitable rooms and balconies away from potential sources of disturbance and nuisance located on adjoining sites. Mitigates, noise, dust and other nuisances from the adjoining activities in the Working Environment (New Lynn) or the Monier (CSR) Special Area."</i>	Supported By: 153 The National Trading Company of New Zealand Ltd Opposed By: 142 PLC New Zealand Ltd 213 CSR Building Products NZ Ltd ('Monier Brickmakers') 214 Henkel NZ Ltd (The Sellotape Company) 215 Huhtamaki NZ Limited 216 Waitakere Working Environment Group 217 Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought amendments to the criteria that serve to place the onus of mitigation for the effects of reverse sensitivity on the sensitive use. The actual implementation of the measures outlined within this assessment criteria are contained within the City Wide Rules which are applicable to all apartment development. It is considered that the criteria are important to the contributing to achieving the successful mitigation of the effects of reverse sensitivity.

Panel Recommendation 5.10.4.5

Submission 257/375 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/347 17	Waitakere City Council	Amend Rule 2.2(d) to insert a numbering system in front of each clause: " (i) complies with the Performance	

		Standards of... (ii) provides not greater than 70% of..."	
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Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought the insertion of additional numbering so that the points of assessment are itemised, and become clear to the reader.

Panel Recommendation 5.10.4.6

Submission 257/347 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/374 17	Waitakere City Council	Amend Rule 2.3(b) by adding those words in italics and underlined: (a) "Any <i>Residential Activity</i> involving <i>medium density housing or apartments</i> located in the <i>Living (L5) Environment</i> not meeting the performance standards in Rule 2.2 (c). <i>Discretionary Activity</i> applications made under Rule 2.3 (b) will be assessed having regard to Assessment Criteria 2(a) to 2(g), and <i>where relevant</i> the Assessment Criteria of the <i>City-Wide Rule 1 Apartments or the "Medium Density Housing Criteria" Appendix to these rules</i> and any other matters which are relevant under section 104 of the Act."	

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The Panel consider that the addition sought by the submitter to this rule, does clarify the scope of the Rule, given that both medium density housing and/or apartments can occur within the Living 5 Environment Zone

Panel Recommendation 5.10.4.7

Submission 257/374 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
304/2 17	Ian Hay	Amend Plan Change to make the maximum allowable height in the Living 5 zone to 8m or do this selectively according to the characteristics of the street.	

Evidence Presented:

The submitter did not table or present evidence at the Hearing.

Discussion:

The submitter sought the maximum height proposed for the new Living 5 Environment zone, which is 11.0m be reduced to 8m or that this is done selectively according to the characteristics of the street.

The Living 5 Environment zone, while located at the edge of the core of the town centre, is still close enough to be considered as part of the town centre that should be intensified. This will be achieved with the greater height level. With regard to the consideration as to how a development fits into the street in terms of compatibility this will be undertaken as part of the overall assessment process.

Panel Recommendation 5.10.4.8

Submission 304/2 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/376 17	Waitakere City Council	Amend Rule 4 so that consideration is given to the most appropriate methods of achieving minimum levels of height for the Living Environment L6.	

Evidence Presented:

The submitter did not present specific evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that Rule 4; Building Height, is amended so that consideration is given to the most appropriate methods of achieving minimum levels of height for the Living 6 Environment. The submission does not suggest a specific method.

It is noted that the minimum height requirements are a permitted activity, and to not achieve these limits is a discretionary activity. It is considered that this is a satisfactory incentive. It may be that the submitter takes the opportunity to develop non statutory techniques in terms of additional incentives.

Panel Recommendation 5.10.4.9

Submission 257/376 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/377 17	Waitakere City Council	Amend Rule 6 - Living Environment to cross reference to City Wide Rule 3: Building Design Street Frontage.	Opposed By: 108 Progressive Enterprises Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that Rule 6: Front Yards, be amended to cross reference to the Building Design: Street Frontage. While Plan Change 18 introduced a residential street typology, Plan Change 17 did not propose to utilise this typology for the management of frontages in the Living Environment. The design criteria of City Wide Rule 1 "General Apartment Design" are considered to be appropriate to address frontage design in residential areas.

Panel Recommendation 5.10.4.10

Submission 257/377 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/379 17	Waitakere City Council	Amend Rule 10.2 - Living Environment by adding the following clause/s: (c) <u>"any non-residential activities (except a home occupation) located in</u>	Supported By: 108 Progressive

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

		<p><u>the Living (L5) Environment which meet the following Performance Standards:</u></p> <p>i. <u>a non-residential activity shall only be located on the ground floor of a building and shall directly front the street;</u></p> <p>ii. <u>the gross floor area of each non-residential activity shall not exceed 150 m²;</u></p> <p>iii. <u>no retail activities.”</u></p>	Enterprises Limited 107 Westfield (New Zealand) Limited
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Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that the rule is amended to include the addition that refers to non residential activities in the Living 5 Environment zone so that it is consistent with the other parts of the rule.

Panel Recommendation 5.10.4.11

Submission 257/379 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/380 17	Waitakere City Council	<p>Amend Rule 10 - Living Environment by adding the following additional assessment criteria.</p> <p><u>“10(f)</u> <u>Non-residential activity in the Living (L5) Environment should be compatible with the medium density character of the neighbourhood. Activities should front a street and have its main pedestrian entrance directly accessible to the street. Car parking associated with the non-residential activity should not be located between the building and the street boundary. For buildings involving non-residential activities, the development should provide transparent door and window openings fronting the street. Outdoor storage areas should be screened from the street and adjoining sites and residential activities and managed to ensure nuisance effects including odour and vermin, noise disturbances from deliveries and rubbish collection are avoided. The non-residential activities should not be associated with any outdoor activities except for car parking.”</u></p>	<p>Supported By: 250 Auckland Regional Council</p>

Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought an amendment to add an assessment criteria (currently lacking) that ensures that should a non residential activity wish to locate within the Living 5 Environment zone that it is assessed for its suitability and compatibility. It is considered that this is a relevant addition.

Panel Recommendation 5.10.4.12

Submission 257/380 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
107/95 17	Westfield (New Zealand) Limited	Retain Rule 10.2.	Support and Opposed By: 208 Sylvia Park Business Centre Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/132 17	Progressive Enterprises Limited	Retain and adopt Rule 10.2.	Supported By: 208 Sylvia Park Business Centre Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that Rule 10.2, which relates to non residential activities in the Living Environments requiring a limited discretionary consent is retained and adopted. It is considered that the assessment is limited to matters that would ensure that the proposed activity would be compatible with the residential activity.

Panel Recommendation 5.10.4.13

Submission 107/95 108/132 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/382 17	Waitakere City Council	Amend Rule 12.1(e) of the Living Environment by adding those words in italics and underlined: “(e) <i>non-residential activities</i> (except home occupations) in the <i>Living (L5) Environment and Living (L6) Environment</i> within the <i>New Lynn Town Centre</i> that provide car parks, loading and driveway access in accordance with Rule 14 Parking, Loading and Driveways of the <i>Community Environment</i> .”	

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

It is considered that the amendment sought to include reference to the Living 5 Environment so that it is consistent with the other parts of the rule is relevant.

Panel Recommendation 5.10.4.14

Submission 257/382 be accepted

5.10.5 SUBMISSIONS SEEKING CHANGES TO RULES IN THE COMMUNITY ENVIRONMENT

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/350	Waitakere City	Amend Rules 2A, 5A, 6A, 7A, 11 & 14A,	

17	Council	under the heading 'Resource Consent Conditions', to delete the words, "Such other matters provided for in section 108 of the Act" and insert the words: <u>"Such other matters provided for in the assessment criteria."</u>	
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Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought an amendment to the rules, under the heading Resource Consent Conditions. It is considered appropriate that the deletion is made as the section of the Act would be applicable, regardless if it was mentioned in this section. It is however appropriate that this section states that matters covered under assessment criteria can become matters for which a condition of consent may be required.

Panel Recommendation 5.10.5.1

Submission 257/350 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/406 17	Waitakere City Council	Add the following to the "Notes" for Rule 5A and Rule 7A: <u>"The street typology (either Mainstreet Typology 1 or Commercial Street) for proposed road and indicative street are identified in Appendix XXI. Activities with Street Frontage to an indicative street or proposed road will be required to be considered against Rule 5A Building Design - Street Frontage - New Lynn."</u>	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought the addition of a note, to assist the reader of the plan, to make the connection between the street typologies and the rules. It is considered that this is a helpful addition and it is recommended that this is accepted with consequential amendments to reference the recommended street typology descriptions from the Urban Design Hearing.

Panel Recommendation 5.10.5.2

Submission 257/406 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/334 17	Waitakere City Council	Amend <i>Rule 1 General - Special Areas</i> by adding those words underlined in order to make it clear that Controlled and Limited Discretionary Activities within Rule 28 are subject to general Rule 1 - Special Areas: <u>"The following rules 1.1, 1.2 and 2 to 28 apply to activities situated in the special area"</u> And; Amend special area - rule 1.1 notification/non-notification general, to read:	

		<i>"In relation to Controlled Activities and Limited Discretionary Activities under the following rules 2 to 28 applications..."</i>	
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Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

It is considered that the amendment sought that allows Special Area 28 (Monier) to be included as part of the Special Area General rule is to be recommended for approval, as exclusion from this rule would render it ineffective.

Panel Recommendation 5.10.5.3

Submission 257/334 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/21517	Auckland Regional Council	Amend rule 3.1 to ensure fences adjacent to open space are designed to maintain views between the dwelling and the open space from at least part of the dwelling; and to ensure public open space is located adjacent to public streets, and that backyards are avoided from locating adjacent to open space.	

Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that this rule is amended to ensure that views are maintained from the dwelling.

It is considered that the matter of passive surveillance of public spaces is reflected in the apartment design criteria of Appendix 1 to City-wide Rule 1. Recommendations on other submissions in respect to City Wide Rule 3 have proposed amendments to address design principles. No amendments are proposed through Plan Change 17.

Panel Recommendation 5.10.5.4

Submission 250/215 be accepted in part

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/131 17	Progressive Enterprises Limited	Amend Rule 5 to ensure that the Building Design and Site Design rules which apply to the Henderson Environment also apply to the Community (New Lynn) Environment. OR; Alternatively, substantially redraft Rule 5 to recognise the particular operational characteristics of retail activities such as supermarkets.	Supported By: 109 The Warehouse Ltd 208 Sylvia Park Business Centre Limited 110 Warehouse Stationery Limited

Evidence Presented

The submitter presented evidence in support of the above submission point 108/131 and through the evidence of the Counsel sought to correct the section part pf the above submission point such that it should refer to Rule 3.

Discussion:

The submitter has sought that Rule 5 of the Operative Plan, currently applicable to Henderson and the New Lynn town centre be amended to become applicable to the New Lynn Community Environment, or that the rules(3) are altered to recognise the particular operational characteristics of supermarkets.

It is considered that an amendment including a portion of the rules applicable to the Henderson Town centre would not be suitable, as the rules for the New Lynn town centre are designed to work together as a package. It would also be inappropriate for the rules to particularly recognise a specific use within the town centre, as this potentially undermines the cohesive design outcome desired for the town centre. It would be more appropriate if the submitter wishes to put forward an alternative outcome that this was put forward in the context of a resource consent process, where an analysis can take place giving regard to the proposal in the context of it's immediate surrounds, as would occur under the Site Analysis rule of the City Wide Rules.

It should be noted that the Panel have recommended some changes to the rules that would assist to facilitate the development of large format retail activities such as supermarkets, through the Urban Design Plan Change 18 report.

Panel Recommendation 5.10.5.5

Submission 108/131 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/383 17	Waitakere City Council	Amend Rule 5A - Community Environment so that consideration is given to the most appropriate methods of achieving maximum levels of compliance with the street frontage controls.	Opposed By: 153 The National Trading Company of New Zealand Ltd 184 West Auckland Land Holdings Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that the rule is amended to achieve maximum levels of compliance. All buildings in the Community Environment are required by Rule 5A to comply with the street frontage controls. To achieve a maximum level of compliance would be that those who do not comply would be deemed as a non complying activity. The panel does not consider that this would be helpful, to achieving the intent of the rule. It is considered that maximum compliance with the rules is more likely to be achieved through such non statutory methods as pre application meetings and additional design advice so that applicants can fully understand the intent of the rules, and the contribution that their project can make to the vision of an integrated town centre.

Panel Recommendation 5.10.5.6

Submission 257/383 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/11 17	The National Trading Company of New Zealand Ltd	Amend proposed Rule 5A.2 Limited Discretionary Activities by adding a third point as follows:	Supported By: 184 West Auckland Land Holdings Ltd Opposed By:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

		Or (iii) <i>buildings or development visible on sites which front a street identified as Town Centre - Periphery and which meet Performance Standard E: Town Centre Periphery Typology of City-Wide Rule 3: Building Design - Street Frontage.</i>	108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
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Evidence Presented

The submitter presented extensive evidence as outlined in the response to submission points 153/34.

Discussion:

The submitter sought that Rule 5A.2 is amended by making reference to a new road typology that they have sought in previously discussed points of submission. As the submission seeking the new typology has been rejected, this point of submission cannot be accepted.

Panel Recommendation 5.10.5.7

Submission 153/11 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/23 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to make provision for building visible from the street in Margan Ave, Rankin Ave, Clark St, Astley Ave block as permitted activities.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/19 17	Waitakere Working Environment Group	Amend the Plan Change to make provision for building visible from the street in Margan Ave, Rankin Ave, Clark St, Astley Ave block as permitted activities.	Opposed By: 218 AMP Capital Investors (NZ) Limited 250 Auckland Regional Council

Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion

The submitter sought that the rule 5A1: Building Design: Street Frontage: Community Environment be amended as the submitter finds the limitation on buildings visible from the street severe.

The control requires that buildings visible from the street frontage are assessed as limited discretionary activities. The intention was that all such buildings would have to go through an assessment relating to amenity as the success of the street frontage is vital to New Lynn. It is considered that as the assessment is at a limited discretionary level only that this is not onerous, and accordingly these points of submission are rejected.

Panel Recommendation 5.10.5.8

Submission 216/19,213/23 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/3 17	New Zealand Post Ltd	Amend by deleting provisions associated with Landmark Sites as limited discretionary activities.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/5 17	New Zealand Post Ltd	Amend by deleting the NZP property from the application of Rule 5A 2	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/10	New Zealand	Seeks relief from provisions that would see	Opposed By:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

17	Post Ltd	any building development on the NZP site requiring a resource consent application for a discretionary activity and relief from the undefined discretion of Council in assessing building development proposals.	250 Auckland Regional Council
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/4 17	New Zealand Post Ltd	Seeks relief from obstacles in the way of property owners seeking to carry out improvements to their properties i.e. provisions that would see any building development on the NZP site requiring a resource consent application for a limited discretionary activity with such a proposal being assessed by the Council against stated criteria that are far too subjective.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/8 17	New Zealand Post Ltd	Amend by deleting the NZP property from the application of the recession plane control.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/9 17	New Zealand Post Ltd	Amend by deleting the NZP property from the application of the recessions plane control.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/7 17	New Zealand Post Ltd	Seeks relief from obstacles in the way of property owners seeking to carry out improvements to their properties i.e. special attention given to any building development on the NZP site because it fronts a street of a particular type and is simply visible.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/6 17	New Zealand Post Ltd	Amend the Plan to include the NZP property in the application of Rule 5a.1 Permitted Activities.	
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
121/2 17	New Zealand Post Ltd	Amend by deleting provisions associated with Landmark Sites as limited discretionary activities.	

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought various alterations to the rules regarding those sites on which buildings or development are identified as Landmark Sites, in most instances seeking relief specific to their own site, being the New Zealand Post site on the corner of Memorial Drive and Great North Road. The submitter sought to have this site exempt from the controls, which requires a consent process for alterations to an existing building.

As noted earlier in the discussion of the definition of landmark sites some clarification was required regarding these sites. However it is considered that as these sites will make a key contribution to the amenity of the City as they are entry points to the town centre, it is not appropriate to exempt one of the visually prominent sites from the controls.

Panel Recommendation 5.10.5.9

Submission 121/3 121/5 121/10, 121/2, 121/4 121/6, 121/7, 121/8,121/9 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/385 17	Waitakere City Council	Amend Rule 7A so that development, which does not meet the requirements of 7A.1 but which provides roads, streets and reserves	Opposed By: 153 The National Trading Company of New Zealand Ltd

		as proposed by the New Lynn Concept Plan, has restricted/limited discretionary status.	218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/386 17	Waitakere City Council	Amend Rule 7A so that development, which does not provide the roads, streets and reserves as proposed by the New Lynn Concept Plan, has discretionary/or non complying status.	Supported By: 250 Auckland Regional Council Opposed By: 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited 184 West Auckland Land Holdings Ltd

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that rule 7A “New Lynn Urban Concept Plan” be amended to achieve a more stringent level of assessment so as to provide a greater level of certainty that the proposed road/streets /reserves network of the Plan Change is achieved. This proposed rule looks to control building and the nature of development around the proposed /indicative roads, and reserves.

The group of proposed roads that will contribute to the successful development of New Lynn, have been part of the future planning work for the New Lynn area for some considerable time, with some of the proposed roads arising out of work in the New Lynn Charette. It is important for the purposes of connectivity, fine grained development and amenity that the complete network is achieved. The process would be undermined should only part of the proposed network be achieved

It would be appropriate that an application that did not provide the said streets would be viewed as a discretionary activity.

Panel Recommendation 5.10.5.10

Submission 257/385 257/386 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/24 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to delete Rule 7A.	Opposed By: 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/20 17	Waitakere Working Environment Group	Amend the Plan Change to delete Rule 7A.	Opposed By: 108 Progressive Enterprises Limited 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

This group of submitters sought that rule 7A “New Lynn Urban Concept Plan” is to be deleted from the Plan Change. This proposed rule seeks to control building and the nature of development around the proposed /indicative roads, and reserves. The reasons outlined for the request are that

the limitation on land within 20m of the proposed roads etc is unreasonable given the current and future use of the land.

It is considered that the group of proposed roads will contribute to the successful development of New Lynn. It is appropriate and an accepted methodology for the Council to signal their future intentions for the development of an area. It is noted at the Hearing that the member of the submitter group did say that in the very long term that there was some possibility of the Monier activity leaving the site, which makes the imposition of such controls relevant.

Panel Recommendation 5.10.5.11

Submission 213/24 216/20 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/335 17	Waitakere City Council	Amend Assessment Criteria 7A(b) to specify that a private connection must be developed in such a way so as to be able to provide public access.	Supported By: 258 Auckland Regional Transport Authority Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that the assessment criteria is amended to provide certainty that when a private connection is undertaken that it must be able to provide public access. It is considered that this is a relevant submission, as in the current wording it is not clear that a privately constructed accessway would have to be made available for public access. The amendment is important in the overall consideration of site development as careful consideration should be given to the matter of the location of a public access through the site. Wording was not provided as part of the submission, therefore the following amendment is proposed

7A(b)

The *development* shall provide the *indicative streets and indicative connections* shown on the *New Lynn Concept Plan*, with their alignment generally to be in accordance with the *New Lynn Concept Plan*. *Indicative Streets* should provide for pedestrians and vehicles in a shared, low speed environment. *Indicative connections* may be publicly or privately constructed and are to be may be formed as publicly accessed streets, lanes and accessways or where vehicle access is impractical, pedestrian connections.

Panel Recommendation 5.10.5.12

Submission 257/335 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/388 17	Waitakere City Council	Amend Rule 11 so that consideration is given to the most appropriate methods of achieving minimum levels of compliance with the street frontage controls.	

Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought that that Rule 11-Residential Activities is amended. However, all buildings in the Community Environment are required by Rule 5A to comply with the street frontage controls. This would automatically capture any apartment building triggered by Rule 11.

Panel Recommendation 5.10.5.13

Submission 257/388 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/389 17	Waitakere City Council	Amend Rule 11.2(b)(i) of the Community Environment by deleting those words struck through, and adding those in italics and underlined: <i><u>“(b) Any residential activity in the Community Environment (New Lynn) which: (i) involves a purpose built apartment develops a building with a minimum height of four storeys”</u></i>	

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought an amendment to this control from the notified version, as they consider that the inclusion of the term “purpose built apartment building” will cause confusion, and may be interpreted to exclude non-residential activities. The panel concurs with this and the suggested change.

Panel Recommendation 5.10.5.14:

Submission 257/389 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
162/5 17	Redwood Group Limited	Amend Section 11.2(b)(iii) by deleting the reference that limited discretionary activities for residential activities have residential activities at ground level	Opposed By: 1200 Wayne Scott Panelbeaters & Spraypainters Limited

Evidence Presented

The submitter did not present table or present evidence at the Hearing.

Discussion:

The submitter sought an amendment to Rule 11 of the Community Environment that relates to residential activity. The rule seeks to locate residential activity in the most suitable locations. The rule states at 11.2(b)(iii) that at limited discretionary level residential activity is anticipated at the second level of a building when on a Mainstreet Typology 1. If this cannot be achieved such a proposal would be assessed as a discretionary activity.

The submitter has not provided clarification of their submission, which is unclear to the Panel.

Panel Recommendation 5.10.5.15

Submission 162/5 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/390 17	Waitakere City Council	Amend Assessment Criteria 11(e) of Rule 11 by including those words in italics and underlined: “11(e) Residential activities in the <i>Community Environment (New Lynn)</i> should be located and <i>designed</i> to minimise any adverse <i>effects</i> on residents from being in close proximity to <i>non-residential activities</i> in the <i>Community Environment, Working Environment (New Lynn)</i> and <i>Monier (CSR) Special Area</i> , including noise, <u><i>outdoor storage areas, truck docks and loading areas</i></u> lighting, vehicle movements, wastes and air discharges generated from activities in these areas. <u><i>Measures should be undertaken to avoid, remedy or mitigate the adverse effects, including the orientation of habitable rooms and balconies away from potential sources of disturbance and nuisance located on adjoining sites.</i></u> ”	Supported By: 153 The National Trading Company of New Zealand Ltd 250 Auckland Regional Council 217 Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn) Opposed By: 142 PLC New Zealand Ltd 213 CSR Building Products NZ Ltd ('Monier Brickmakers') 214 Henkel NZ Ltd (The Sellotape Company) 215 Huhtamaki NZ Limited 216 Waitakere Working Environment Group

Evidence Presented

The submitter did not present specific evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought to make additions to the assessment criteria of the proposed Plan Change, to mitigate effects associated with possible reverse sensitivity. It is considered that this addition to the assessment criteria, together with other similar rules and assessment criteria will assist to control the effects of reverse sensitivity.

Panel Recommendation 5.10.5.16

Submission 257/390 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/336 17	Waitakere City Council	Amend assessment criteria 11(e) and 11(f) to insert the words <i>“The extent to which...”</i> at the beginning of each, in order to ensure consistency with other criteria.	

Evidence Presented

The submitter did not present specific evidence in relation to this point of submission at the Hearing.

Discussion:

The proposed amendment is sought to ensure consistency with the wording of all the other criteria in the Waitakere City Council District Plan, both Operative and Proposed.

Panel Recommendation 5.10.5.17

Submission 257/336 be accepted.

5.10.6 SUBMISSIONS SEEKING CHANGES TO RULES OF THE WORKING ENVIRONMENT

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
215/15 17	Huhtamaki NZ Limited	Amend the Plan Change Working Environment Rule 3.1(a) to delete the limitation on buildings etc. on rear yards of land zoned Working Environment where they adjoin land zoned Living 6 and Community Environment.	Opposed By: 218 AMP Capital Investors (NZ) Limited
214/16 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change Rule 3.1(a) to delete the limitation on buildings etc. on rear yards of land zoned Working Environment where they adjoin land zoned Living 6.	Opposed By: 218 AMP Capital Investors (NZ) Limited
216/18 17	Waitakere Working Environment Group	Amend the Plan Change-Rule 3.1(a) to delete the limitation on buildings etc. on rear yards of land zoned Working Environment where they adjoin land zoned Living 6 and Community Environment.	Opposed By: 218 AMP Capital Investors (NZ) Limited
213/22 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change-Rule 3.1(a) to delete the limitation on buildings etc. on rear yards of land zoned Working Environment where they adjoin land zoned Living 6 and Community Environment.	Opposed By: 218 AMP Capital Investors (NZ) Limited

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/19 17	PLC New Zealand Ltd	Delete limitation on buildings etc on rear yards of land zoned Working Environment where they adjoin land zoned Living 6 and Community Environment.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

This group of submitters sought that the Plan Change is amended to remove the building limitation when the yard abuts a Living or Community site.

The proposed setback will be applicable should new building take place and it is considered that this would make a valid contribution to the maintenance of amenity of the adjacent sites, and reduces the instances of reverse sensitivity occurring.

Panel Recommendation 5.10.6.1

Submission 214/16, 215/15, 216/18, 213/22, 142/19 be rejected

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/392 17	Waitakere City Council	Amend Rule 5 of the Working Environment by adding those words underlined: <i>"5.3 Non-Complying Activities Any activity to which these rules apply which is not a permitted activity or a Discretionary Activity under the above rules shall be deemed to contravene a rule in this Plan and shall be a Non-Complying Activity. Or Any activity to which these rules apply located in the Working Environment (New Lynn) which is not a Permitted Activity under</i>	Opposed By: 109 The Warehouse Ltd 110 Warehouse Stationery Limited

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 10 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

		<u>the above rules shall be deemed to contravene a rule in this Plan and shall be a Non-Complying Activity.</u>	
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Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The Plan Change already provides for exceptions relating to building limitations where Working Environment sites abut the Living and Community Environment. No further amendments are considered necessary, noting that the urban design hearings report has recommended the reinstatement of the 65 dba 24 hour standard for Working Environment sites adjoining the Living 6 Environment.

Panel Recommendation 5.10.6.2

Submission 257/392 be accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/394 17	Waitakere City Council	Amend Rule 7.1 of the Working Environment by deleting the text struck through and underlined: “7.1 Permitted Activities: Activities meeting the following Performance Standard are <i>Permitted Activities</i> : <ul style="list-style-type: none"> ▪ <i>dwelling</i>s where the use of the <i>dwelling</i> is subsidiary to a <i>Non-Residential Activity</i> on the same site.” 	

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The amendment sought by Waitakere City Council is to ensure that the only residential activity that can occur within the Working Environment is the caretaker type of activity that is subsidiary to the primary non residential activity on the site.

It is considered that this is a relevant that seeks to curb the development of residential activity in working land that has the potential to undermine the functioning of the industrial activity, as there are no attenuation measures for the adverse effects that experienced within the industrial area between sites. This amendment is supported by Proposed Policy 11.49.

Panel Recommendation 5.10.6.3

Submission 257/394 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/395 17	Waitakere City Council	Amend Rule 8 - Working Environment by adding the words in italics and underlined: “8.1 Permitted Activities (b) meets the noise standards set out in the following table as measured at part of any <i>site</i> (other than the <i>site</i> on which the activity is situated) within the <i>Working Environment</i> (except the <i>Lincoln Working Environment</i>) <u>or</u>	Opposed By: 213 CSR Building Products NZ Ltd ('Monier Brickmakers')

		<u>the Living (L5) Environment adjoining Rankin Avenue and Living (L6) Environment in the New Lynn Town Centre;</u> and”	
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Evidence Presented:

The submitter presented evidence in support of submission point 257/395 through the evidence of Mr N Hegley, who elaborated that the working environment could continue to function at the levels of the Operative Plan. His report confirmed that the noise attenuation measures proposed on the adjacent living and community sites, and setbacks of habitable rooms from mutual site boundaries, will result in a satisfactory levels of noise within the residential sites, therefore reducing the chances of reverse sensitivity occurring.

Discussion:

The amendment sought by Waitakere City is to remedy the restrictive noise levels that were contained within the original notified version of the Plan Change 17. The restrictive noise level in the notified version of the plan change was the subject of many other submissions in opposition, including submissions from Monier, who have sought that the level be changed to the more lenient levels that were applicable prior to the zoning changes that brought about the application of more restrictive levels. This submission will amend the rule to make the more lenient levels applicable.

Panel Recommendation 5.10.6.4

Submission 257/395 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
215/5 17	Huhtamaki NZ Limited	Amend the Plan Change to clarify/confirm the non-complying activity status for residential development in the Working Environment Zone.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
214/5 17	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to clarify/confirm the non-complying activity status for residential development in the Working Environment Zone.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
142/8 17	PLC New Zealand Ltd	Amend the Plan Change to confirm the non-complying activity status for residential development in the Working Environment Zone.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
217/5 17	Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)	Amend the Plan Change to clarify/confirm the non-complying activity status for residential development in the Working Environment Zone.	Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
213/5 17	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to clarify/confirm the non-complying activity status for residential development in the Working Environment Zone.	Supported By: 184 West Auckland Land Holdings Ltd Opposed By: 218 AMP Capital Investors (NZ) Limited
NO.	Submitter	Summary of Decision Sought	Further Submitter/s
216/5 17	Waitakere Working Environment Group	Amend the Plan Change to clarify/confirm the non-complying activity status for residential development in the Working Environment Zone.	Opposed By: 218 AMP Capital Investors (NZ) Limited

Evidence Presented

The submitter did present specific evidence in support of this point of submission.

Discussion:

This group of submitters sought that the proposed rule that limits the use of Working Environment land for residential purposes, is confirmed. This proposed rule is supported by the proposed Policy 11.49. It is considered that the restriction of residential activity in this type of land is appropriate as it will maximise the use of 'industrially zoned land for industrial purposes, while recognising that some level of residential activity may have to occur, such as caretaker units that are subsidiary to the primary industrial activity.

Panel Recommendation 5.10.6.5

Submission 213/5, 215/5, 216/5, 217/5, 142/8, 214/5 be accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
162/3 17	Redwood Group Limited	Opposes Rule 11 and in particular 11.2 and seeks the inclusion of provision for residential apartments as a limited discretionary activity within the Working Environment.	Opposed By: 1200 Wayne Scott Panelbeaters & Spraypainters Limited

Evidence Presented:

The submitter did not present or table evidence at the Hearing.

Discussion:

The submitter sought the inclusion of residential activity, as a Limited Discretionary activity within the Working Environment. Historically Waitakere City Council have permitted residential activity within the Working Environment, however now seek through proposed Policy 11.49, and associated rules to allow only the very necessary level of residential activity within the Working Environment, where it may assist the functioning of a Working Environment activity.

To allow the request of the submitter would be contrary to the direction of many of the councils in the greater Auckland area that have sought to limit residential activity within industrial zonings.

Panel Recommendation 5.10.6.6

Submission 162/3 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
162/6 17	Redwood Group Limited	Amend the Plan Change to make provision for residential apartment development within New Lynn, consistent with Operative District Plan.	Opposed By: 1200 Wayne Scott Panelbeaters & Spraypainters Limited

Evidence Presented

The submitter did not present or table evidence in relation to this point of submission at the Hearing.

Discussion:

The Operative Plan allows residential activity within the Working Environment. For the same reasons as those outlined above, this submission is rejected.

Panel Recommendation 5.10.6.7

Submission 162/6 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
162/4 17	Redwood Group Limited	Amend the Plan Change so that apartment buildings comprising limited discretionary activities not be required to have a minimum height of four stories .	Opposed By: 1200 Wayne Scott Panelbeaters & Spraypainters Limited

Evidence Presented

The submitter did not table or present evidence at the Hearing.

Discussion:

This submission relates to the above relief sought by the submitter that residential development is a limited activity within the Working Environment. The Panel concurs with the Councils stance that residential activity (generally) within the Working Environment is not appropriate, and accordingly this associated submission is recommended to be rejected.

Panel Recommendation 5.10.6.8

Submission 162/4 be rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/340 17	Waitakere City Council	Delete the descriptive paragraph under 7.3m, <i>Non Complying Activities</i> from the proposed plan change.	

Evidence Presented:

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The submitter sought the above amendment, as generally the Plan does not narrowly define non-complying activities-they are intended as an overall catch-all. If a definition is to be used it should be written as an exclusion from the Discretionary Activity criteria. Accordingly the description contained within the Non Complying Activities should be deleted.

Panel Recommendation 5.10.6.9

Submission 257/340 be accepted

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
304/4 17	Ian Hay	Amend the plan Change to include an assessment of the character of the road and surroundings for apartments as 'Limited Discretionary Activities'.	

Evidence Presented

The submitter did not table or present evidence at the Hearing.

Discussion:

The amendment that the submitter sought is actually contained within the City Wide Rule 2: Site Analysis Rule, which is contained within Plan Change 18, which is a part of this suite of plan changes. All development within the town centre is required to be subject to this rule.

Panel Recommendation 5.10.6.10

Submission 304/4 is accepted in part.

5.10.7 SUBMISSIONS SEEKING AMENDMENTS TO SUBDIVISION RULES

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/341 17	Waitakere City Council	Amend the assessment criteria under <i>Subdivision Rules</i> by adding those words underlined and deleting those words in strikethrough: “ <i>Subdivision</i> occurring within the <i>New Lynn Town Centre</i> shall recognise and provide for all <i>proposed roads</i> and <i>proposed reserves</i> shown on the <i>New Lynn Urban Concept Plan</i> . <i>Subdivision</i> should also provide the indicative streets and <i>indicative connections</i> . where practicable. ”	Supported By: 250 Auckland Regional Council

Evidence Presented

The submitter did not present evidence in relation to this point of submission at the Hearing.

Discussion:

The amendments sought by Waitakere City are to clarify the intent of the assessment criteria, as it was unclear about which connections were being referred to. This matter is resolved by the addition of the words urban and indicative. The removal of the words where practicable serves to strengthen the assessment criteria by ensuring that the installation of these connections is not regarded as optional, therefore ensuring that the development of the network is achieved.

Panel Recommendation: 5.10.7.1

That submission 257/341 be accepted.