



Waitakere City Council  
*Te Taiao o Waitakere*

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

## WAITAKERE CITY DISTRICT PLAN

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

## URBAN DESIGN

File Reference :Report WCC 7

---

### 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 urban design issues of the Waitakere City Council Plan Changes 13-18 (Proposed Changes 13-18). Other submissions and further submissions to Proposed Changes 13-18 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 Proposed Changes 13-18 arising from the Panel recommendations discussed throughout this report are set out in the Panel Recommendation version of Proposed Changes 13-18, dated 28 May 2007, which forms Appendix 1 to this report. Appendix 1 incorporates the amendments to Proposed Changes 13-18 resulting from all of the Panel’s recommendations.

## 2. BACKGROUND

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

The LGAAA mandates that all councils in the Auckland Region integrate their land transport and land use provisions and ensure these are consistent with the Auckland Regional Growth Strategy (“the growth strategy”), 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, in effect, the purpose of Proposed Changes 13-18.

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.

The Waitakere City Council Proposed Changes 13-18 seek to:

- Manage and direct urban growth and rural development in an integrated manner;
- Progress the intensification of the City around the major town centres and address concerns around urban design outcomes through a series of plan changes to the Waitakere City District Plan;
- Address specific issues of intensification, urban amenity and management of the redevelopment of the New Lynn Town Centre through a specific plan change to the Waitakere City District Plan;
- Seek an expansion of the Metropolitan Urban Limits (MUL) at Hobsonville Airbase, Hobsonville Village Centre and Massey North to allow for, in particular, the development of additional employment land to meet the needs of the growing community not able to be met in the existing urban area;
- Ensure District Plan objectives, policies and rules support and better integrate intensified land use to support viable public transport and investment in transport infrastructure; and
- Introduce Plan Changes to the Waitakere City District Plan in relation to the Hobsonville Airbase, Hobsonville Village, Massey North and New Lynn, to ensure that high quality, integrated and compact development is undertaken in these growth areas in a manner that is consistent with the City’s overall Growth Management Strategy.

### 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:

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

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.

### **4A DISCUSSION AND RECOMMENDATIONS**

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

#### Abbreviations Used In This Report

Auckland Regional Policy Statement – ARPS / RPS

Auckland Regional Growth Strategy – RGS

Integrated Catchment Management Plan – ICMP

Local Government (Auckland) Amendment Act 2004 – LGAAA

Metropolitan Urban Limit – MUL

Regional Land Transport Strategy - RLTS

Regional Open Space Strategy – ROSS

Resource Management Act 1991 – RMA

Territorial Authorities – TA / TAs

## 5. DISCUSSION OF SUBMISSIONS

Where the relief sought by submissions is accepted or accepted in part, any recommended amendments to the Plan Changes are contained in Appendix 1 to this report.

### 5.1 SUBMISSIONS SEEKING TO REJECT / DELETE THE PLAN CHANGES

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
198/14	PARANZ Limited	Delete in its entirety.	<b>Supported By:</b> 264 Centre for Urban and Transport Studies <b>Opposed By:</b> 95 Housing New Zealand Corporation (1) 208 Sylvia Park Business Centre Limited 204 The Waitakere Ranges Protection Society Incorporated
142/3	PLC New Zealand Ltd	Delete in its entirety.	<b>Opposed By:</b> 95 Housing New Zealand Corporation (1) 218 AMP Capital Investors (NZ) Limited
110/131	Warehouse Stationery Limited	Reject the Proposed Plan Change. Replace with a methodology for encouraging good urban design that makes use of guidelines and a design review panel.	<b>Opposed By:</b> 208 Sylvia Park Business Centre Limited
109/131	The Warehouse Ltd	Reject the Proposed Plan Change. Replace with a methodology for encouraging good urban design that makes use of guidelines and a design review panel.	<b>Supported By:</b> 184 West Auckland Land Holdings Ltd <b>Opposed By:</b> 208 Sylvia Park Business Centre Limited
184/11	West Auckland Land Holdings Ltd	Seeks that the Plan Change process 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 referred to in the submission "Citywide Retail Strategy".	
184/12	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 184/11).	
110/138	Warehouse Stationery Limited	If the whole Proposed Plan Change is not rejected, delete and replace with a methodology for encouraging good urban design that makes use of guidelines and a design review panel.	<b>Opposed By:</b> 208 Sylvia Park Business Centre Limited
109/138	The Warehouse Ltd	If the whole Proposed Plan Change is not rejected, delete and replace with a methodology for encouraging good urban design that makes use of guidelines and a design review panel.	<b>Supported By:</b> 184 West Auckland Land Holdings Ltd <b>Opposed By:</b> 208 Sylvia Park Business Centre Limited
142/6	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	<b>Opposed By:</b> 218 AMP Capital Investors (NZ) Limited

	industrial activity and be re-notified.	
--	---	--

**Evidence Presented:**

Evidence was presented on behalf of the Warehouse Limited and Warehouse Stationery Limited by Vaughan Smith and Fiona Shilton.

**Discussion:**

The submitters listed above seek that the Plan Changes be deleted. In summary, the submitters have suggested that the proposed Plan Changes should be replaced with design guidelines and a design review panel, and that further information including background reports and research should be made available to submitters. 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 Council is unable to simply reject Plan Changes 13-18 without having alternative Plan Changes that meet the requirements of the LGAAA.

In any event, the Panel considers that the objectives of the Plan Changes fall 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 in other recommendation reports, the Panel considers that the Plan Changes achieve the purpose of the LGAAA and should be retained.

**Panel Recommendation 5.1.1:**

The Panel recommends that submissions 198/14, 142/3, 110/131, 109/131, 184/11, 184/12, 110/138, 109/138 and 142/6 are rejected.

**5.2 SUBMISSIONS SEEKING TO RETAIN THE PLAN CHANGES**

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
250/221	Auckland Regional Council	Retain City Wide Rule 1 - General Apartment Design.	
218/15	AMP Capital Investors (NZ) Limited	Retain the general concept of ensuring high quality amenity and design for apartments.	<b>Supported By:</b> 106 Property Council of New Zealand
250/225	Auckland Regional Council	<ul style="list-style-type: none"> <li>Retain City Wide Rule 2 as it ensures that a proper site analysis be undertaken as an important part of the design process.</li> <li>Retain City Wide Rule 3 as it ensures that built development addresses the street frontage in a manner which results in a high urban design outcome; and assists in giving effect to RPS policy 2.6.8 of Proposed Change 6.</li> <li>Retain City Wide Rule 4 as it ensures that mixed use development occurs in a manner which results in a higher urban design outcome; and assists in giving effect to RPS policy 2.6.8 of Proposed Change 6.</li> </ul>	<b>Supported By:</b> 258 Auckland Regional Transport Authority

**Evidence Presented:**

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 7 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

Evidence was presented on behalf of the Auckland Regional Council by Duane Burt and Megan Patrick.

**Discussion:**

These submitters have requested that the Plan Changes (or particular parts of the Plan Changes) be retained. As noted previously in this report, the Council is required to prepare and publicly notify plan changes in order to achieve the purpose of the LGAAA. As such, the Panel considers that the Plan Changes 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 5.2.1:**

The Panel recommends that submissions 250/225, 250/221 and 218/15 are accepted.

### 5.3 SUBMISSIONS SEEKING GENERAL AMENDMENTS

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
292/8 (14)	Beacon Pathway Ltd	<p>Amend the Plan Change by including additional sustainability criteria with respect to the design of all buildings and infrastructure to improve energy efficiency, water conservation and to reduce waste and pollution. Such measures include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Requirement for orientation and design of all buildings to suit both passive and active solar (e.g. solar hot water heating)</li> <li>• Requirement for design to suit natural ventilation</li> <li>• Requirement for design of all buildings for energy efficiency using existing means, such as optimal insulation and thermal mass properties of materials</li> <li>• Provision for wind turbines and other means of renewable energy generation in Plan rules and in the design of all buildings and infrastructure</li> <li>• Requirement for use of innovative stormwater treatment systems</li> <li>• Requirement for stormwater reduction mechanisms such as through landscaping design, pervious surface requirements, green roofs, rainwater tanks</li> <li>• Requirement for at least one tree per four parking bays in all carparks, in order to provide shade, reduce the effect of large heat islands, and absorb runoff from impermeable surfaces</li> <li>• Provision for avenues trees to occupy a small portion of the space devoted to kerbside parking lanes</li> <li>• Provision or requirement for</li> </ul>	<p><b>Opposed By:</b> 108 Progressive Enterprises Limited</p>

		<p>greywater recycling systems</p> <ul style="list-style-type: none"> <li>• Requirement for interconnected street patterns</li> </ul> <p>Requirement for safe, convenient, and high-quality facilities for pedestrians, cyclists and users of public transport.</p>	
292/9 (15)	Beacon Pathway Ltd	<p>Amend the Plan Change by including additional sustainability criteria with respect to the design of all buildings and infrastructure to improve energy efficiency, water conservation and to reduce waste and pollution. Such measures include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Requirement for orientation and design of all buildings to suit both passive and active solar (e.g. solar hot water heating)</li> <li>• Requirement for design to suit natural ventilation</li> <li>• Requirement for design of all buildings for energy efficiency using existing means, such as optimal insulation and thermal mass properties of materials</li> <li>• Provision for wind turbines and other means of renewable energy generation in Plan rules and in the design of all buildings and infrastructure</li> <li>• Requirement for use of innovative stormwater treatment systems</li> <li>• Requirement for stormwater reduction mechanisms such as through landscaping design, pervious surface requirements, green roofs, rainwater tanks</li> <li>• Requirement for at least one tree per four parking bays in all carparks, in order to provide shade, reduce the effect of large heat islands, and absorb runoff from impermeable surfaces</li> <li>• Provision for avenues trees to occupy a small portion of the space devoted to kerbside parking lanes</li> <li>• Provision or requirement for greywater recycling systems</li> <li>• Requirement for interconnected street patterns</li> </ul> <p>Requirement for safe, convenient, and high-quality facilities for pedestrians, cyclists and users of public transport.</p>	
292/10 (16)	Beacon Pathway Ltd	<p>Amend the Plan Change by including additional sustainability criteria with respect to the design of all buildings and infrastructure to improve energy efficiency, water conservation and to reduce waste and</p>	

		<p>pollution. Such measures include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Requirement for orientation and design of all buildings to suit both passive and active solar (e.g. solar hot water heating)</li> <li>• Requirement for design to suit natural ventilation</li> <li>• Requirement for design of all buildings for energy efficiency using existing means, such as optimal insulation and thermal mass properties of materials</li> <li>• Provision for wind turbines and other means of renewable energy generation in Plan rules and in the design of all buildings and infrastructure</li> <li>• Requirement for use of innovative stormwater treatment systems</li> <li>• Requirement for stormwater reduction mechanisms such as through landscaping design, pervious surface requirements, green roofs, rainwater tanks</li> <li>• Requirement for at least one tree per four parking bays in all car parks, in order to provide shade, reduce the effect of large heat islands, and absorb runoff from impermeable surfaces</li> <li>• Provision for avenues trees to occupy a small portion of the space devoted to kerbside parking lanes</li> <li>• Provision or requirement for greywater recycling systems</li> <li>• Requirement for interconnected street patterns</li> </ul> <p>Requirement for safe, convenient, and high-quality facilities for pedestrians, cyclists and users of public transport.</p>	
292/7 (17)	Beacon Pathway Ltd	<p>Amend the Plan Change by including additional sustainability criteria with respect to the design of all buildings and infrastructure to improve energy efficiency, water conservation and to reduce waste and pollution. Such measures include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Requirement for orientation and design of all buildings to suit both passive and active solar (e.g. solar hot water heating)</li> <li>• Requirement for design to suit natural ventilation</li> <li>• Requirement for design of all buildings for energy efficiency using existing means, such as optimal insulation and thermal mass</li> </ul>	

		<p>properties of materials</p> <ul style="list-style-type: none"> <li>• Provision for wind turbines and other means of renewable energy generation in Plan rules and in the design of all buildings and infrastructure</li> <li>• Requirement for use of innovative stormwater treatment systems</li> <li>• Requirement for stormwater reduction mechanisms such as through landscaping design, pervious surface requirements, green roofs, rainwater tanks</li> <li>• Requirement for at least one tree per four parking bays in all carparks, in order to provide shade, reduce the effect of large heat islands, and absorb runoff from impermeable surfaces</li> <li>• Provision for avenues trees to occupy a small portion of the space devoted to kerbside parking lanes</li> <li>• Provision or requirement for greywater recycling systems</li> <li>• Requirement for interconnected street patterns</li> <li>• Requirement for safe, convenient, and high-quality facilities for pedestrians, cyclists and users of public transport.</li> </ul>	
292/12	Beacon Pathway Ltd	<p>Amend the Plan Change by including additional sustainability criteria with respect to the design of all buildings and infrastructure to improve energy efficiency, water conservation and to reduce waste and pollution. Such measures include but are not limited to:</p> <ul style="list-style-type: none"> <li>• Requirement for orientation and design of all buildings to suit both passive and active solar (e.g. solar hot water heating)</li> <li>• Requirement for design to suit natural ventilation</li> <li>• Requirement for design of all buildings for energy efficiency using existing means, such as optimal insulation and thermal mass properties of materials</li> <li>• Provision for wind turbines and other means of renewable energy generation in Plan rules and in the design of all buildings and infrastructure</li> <li>• Requirement for use of innovative stormwater treatment systems</li> <li>• Requirement for stormwater</li> </ul>	

		<p>reduction mechanisms such as through landscaping design, pervious surface requirements, green roofs, rainwater tanks</p> <ul style="list-style-type: none"> <li>• Requirement for at least one tree per four parking bays in all carparks, in order to provide shade, reduce the effect of large heat islands, and absorb runoff from impermeable surfaces</li> <li>• Provision for avenues trees to occupy a small portion of the space devoted to kerbside parking lanes</li> <li>• Provision or requirement for greywater recycling systems</li> <li>• Requirement for interconnected street patterns</li> </ul> <p>Requirement for safe, convenient, and high-quality facilities for pedestrians, cyclists and users of public transport.</p>	
--	--	--	--

**Evidence Presented:**

No evidence was presented in support of the submission(s).

**Discussion:**

The submissions seek a number of modifications to the Plan Changes in order to address issues related to sustainability. The Plan Changes in their current form already address a number of these issues, and further modifications recommended through the submission process would address, to a certain extent, some of the particular issues raised. In particular, modifications are proposed to highlight the need for design to enhance safety and accessibility. The Panel considers that several of the other matters fall outside the intended scope of the Plan Changes.

**Panel Recommendation 5.3.1:**

The Panel recommends that submissions 292/8, 292/9, 292/10, 292/7 and 292/12 are accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
177/5 (14)	John Ingram	Amend to introduce policy about affordable housing and remove requirements that make housing less affordable	
177/8 (15)	John Ingram	Amend to introduce policy about affordable housing and remove requirements that make housing less affordable	
177/11 (16)	John Ingram	Amend to introduce policy about affordable housing and remove requirements that make housing less affordable	
177/14 (17)	John Ingram	Amend to introduce policy about affordable housing and remove requirements that make housing less affordable	
177/17	John Ingram	Amend to introduce policy about affordable housing and remove requirements that make housing less affordable	
177/2	John Ingram	Amend to introduce policy about affordable housing and remove requirements that make housing less affordable	

**Evidence Presented:**

No evidence was presented in support of the submission(s).

**Discussion:**

The proposed Plan Changes are not intended to directly address issues of housing affordability. However, the Panel considers that intensification is a means of achieving greater affordability within the Auckland housing market, given that the region has a rapidly increasing population within a relatively constrained urban area. Plan Change 18 in particular focuses on the need to ensure that amenity values are maintained or enhanced through the intensification process, through the use of good urban design.

**Panel Recommendation 5.3.2:**

The Panel recommends that submissions 177/5, 177/8, 177/11, 177/14, 177/17 and 177/2 are accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
177/4 (14)	John Ingram	Amend to introduce additional rules and assessment criteria that require sustainable building and subdivision	
177/7 (15)	John Ingram	Amend to introduce additional rules and assessment criteria that require sustainable building and subdivision	
177/10 (16)	John Ingram	Amend to introduce additional rules and assessment criteria that require sustainable building and subdivision	
177/1 (17)	John Ingram	Amend to introduce additional rules and assessment criteria that require sustainable building and subdivision	
177/16	John Ingram	Amend to introduce additional rules and assessment criteria that require sustainable building and subdivision	

**Evidence Presented:**

No evidence was presented in support of the submission(s).

**Discussion:**

The proposed Plan Changes have been prepared within the context of the Resource Management Act, which has a core tenet of sustainability. A number of amendments are recommended that seek to address issues of energy efficiency through good design. As such, the Panel considers that the modified Plan Changes would largely satisfy the relief that the submitter is seeking.

**Panel Recommendation 5.3.3:**

The Panel recommends that submissions 177/4, 177/7, 177/10, 177/1 and 177/16 are accepted.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
177/12 (16)	John Ingram	Amend to ensure that rules are 'watertight'	
177/18	John Ingram	Amend to ensure that rules are 'watertight'	

**Evidence Presented:**

No evidence was presented in support of the submission(s).

**Discussion:**

It is 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, the Panel considers that the rules as drafted, subject to a number of amendments recommended through the submission process, are as "watertight" as possible.

**Panel Recommendation 5.3.4:**

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 7 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

The Panel recommends that submissions 177/12 and 177/18 are accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
588/1 (16)	Zena Rombarts	Amend the Plan Change to address youth and safe access issues as set out in the submission including: <ul style="list-style-type: none"> <li>• accessible, safe, attractive green playing areas,</li> <li>• inclusion of a youth facility for teenagers,</li> <li>• safe walkways suitable for prams and wheelchairs planned into areas with facilities.</li> </ul>	

**Evidence Presented:**

No evidence was presented in support of the submission(s).

**Discussion:**

The Panel considers that the provisions contained within the proposed Plan Changes do address issues of passive surveillance and security through design. Other issues contained within the submission, such as the request for the inclusion of a youth facility for teenagers, is considered to fall outside the scope of the Plan Change process.

**Panel Recommendation 5.3.5:**

The Panel recommends that submission 588/1 is accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
573/1	Carole Shone	Seeks that Plan Change 18 include provisions for areas for clotheslines rather than relying on clothes driers and solar panels need to be installed on every apartment to reduce the need for electricity.	

**Evidence Presented:**

No evidence was presented in support of the submission(s).

**Discussion:**

The provision of solar panels is not a matter that can reasonably be imposed through the Apartment Design rule. However, the Apartment Design Criteria do provide for consideration of appropriate service areas to meet the needs of residents in apartment buildings.

**Panel Recommendation 5.3.6:**

The Panel recommends that submission 573/1 is accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
250/224	Auckland Regional Council	Amend the plan change to include rules for a mix of apartment sizes within any one residential apartment building.	<b>Opposed By:</b> 148 Vision Senior Living Limited <b>Support and Opposed By:</b> 95 Housing New Zealand Corporation (1)

**Evidence Presented:**

Evidence was presented on behalf of the Auckland Regional Council by Duane Burt and Megan Patrick.

**Discussion:**

The point raised through the submission is accepted. The Panel considers it important that apartment buildings provide for a range of apartment sizes, either within an individual development or within a wider apartment or mixed use precinct. Amendments are recommended to the Plan Change in order to facilitate such an outcome.

**Panel Recommendation 5.3 7:**

The Panel recommends that submission 250/224 is accepted.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
257/413	Waitakere City Council	Amend the Plan Change to introduce a new policy to address the importance of certain site standards and building envelope, in particular height minima and maxima.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd 218 AMP Capital Investors (NZ) Limited
257/487	Waitakere City Council	Amend the Plan Change to introduce a policy to address the importance of certain site standards and building envelope, in particular height minima and maxima.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd 184 West Auckland Land Holdings Ltd 218 AMP Capital Investors (NZ) Limited
257/490	Waitakere City Council	Amend the Plan Change to give consideration to proposed policies to ensure that they meet the outcomes sought by the performance standards and assessment criteria in particular to the achievement of minimum standards.	<b>Opposed By:</b> 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) 218 AMP Capital Investors (NZ) Limited
257/416	Waitakere City Council	Amend the Plan Change to consider a proposed policy to ensure that it meets the outcomes sought by the performance standards and assessment criteria in particular to the achievement of minimum standards.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd 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) 218 AMP Capital Investors (NZ) Limited
257/408	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.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd 109 The Warehouse Ltd 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) 218 AMP Capital Investors

			(NZ) Limited 110 Warehouse Stationery Limited <b>Support and Opposed By:</b> 95 Housing New Zealand Corporation (1)
257/482	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.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd 184 West Auckland Land Holdings Ltd 214 Henkel NZ Ltd (The Sellotape Company) 109 The Warehouse Ltd 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) 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited <b>Support and Opposed By:</b> 95 Housing New Zealand Corporation (1)
257/411	Waitakere City Council	Amend the Plan Change to include reference to the need to avoid adverse cumulative effects in relevant policies and rules. Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd 109 The Warehouse Ltd 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) 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited
257/485	Waitakere City Council	Amend the Plan Change to include reference to the need to avoid adverse cumulative effects in relevant policies and rules. Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd 109 The Warehouse Ltd 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) 218 AMP Capital Investors

			(NZ) Limited 110 Warehouse Stationery Limited
--	--	--	---

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

This group of submissions is very general in the relief that is sought. In these circumstances, it is difficult to determine what amendments would satisfy the issues raised by the submitter. Recommended amendments in relation to other submissions would cover some of the issues that are broadly raised, so it is likely that the relief sought may be provided in part. In addition, there are several errors and repetitious assessment criteria that can be deleted to avoid confusion. Likewise, several groups of criteria can be merged together for clarity.

**Panel Recommendation 5.3.8:**

The Panel recommends that submissions 257/413, 257/487, 257/490, 257/416, 257/408, 257/482, 257/411 and 257/485 are accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
257/409	Waitakere City Council	Amend the Plan Change to include policy/rule in relation to the need to avoid, remedy or mitigate adverse reverse sensitivity effects.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd <b>Support and Opposed By:</b> 95 Housing New Zealand Corporation (1)
257/483	Waitakere City Council	Amend the Plan Change to include a policy/rule in relation to the need to avoid, remedy or mitigate adverse reverse sensitivity effects.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd <b>Support and Opposed By:</b> 95 Housing New Zealand Corporation (1)

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

Reverse sensitivity effects can be a significant issue in relation to intensification. It is important that the Plan Changes provide some clear policy direction to enable consistent decision making in this regard. It is recommended that the relief sought by the submitter be accepted. Several consequential changes to policies and rules are recommended in order to indicate that residential activities need to be designed to attenuate any permitted adverse effects of industrial or commercial activities.

**Panel Recommendation 5.3.9:**

The Panel recommends that submissions 257/409 and 257/483 are accepted.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
257/414	Waitakere City Council	Amend the Plan Change to introduce policy and assessment criteria requiring that buildings address linkages with adjacent public spaces, open space environments and stream corridors (rather than road reserves only).	<b>Supported By:</b> 258 Auckland Regional Transport Authority <b>Opposed By:</b> 218 AMP Capital Investors (NZ) Limited
257/488	Waitakere City Council	Amend the Plan Change to introduce a policy and assessment criteria requiring that buildings address linkages with adjacent	<b>Supported By:</b> 258 Auckland Regional Transport Authority

		public spaces (rather than streetscapes only).	<b>Opposed By:</b> 184 West Auckland Land Holdings Ltd 218 AMP Capital Investors (NZ) Limited
--	--	--	---

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

A number of amendments are recommended, to Plan Change 18 in particular, in order to emphasise that new buildings should respond favourably to all elements of the public realm, not just public roads.

**Panel Recommendation 5.3.10:**

The Panel recommends that submissions 257/414 and 257/488 are accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
1115/8	Edwin Simperingham	Seeks that developments such as West City Westfield Shopping Town in Henderson be required to front onto these streams with active frontages such as cafes and pedestrian walkways.	

**Evidence Presented:**

No evidence was presented in support of the submission(s).

**Discussion:**

The relief sought by the submitter relates to the West City shopping centre in Henderson and, specifically, to its relationship with the Oratia Stream. In general terms, the Plan Changes propose provisions that encourage better urban design, particularly through the rules that would be put in place under Plan Change 18.

It is noted that these provisions would not apply retrospectively to the West City shopping centre situation.

**Panel Recommendation 5.3.11:**

The Panel recommends that submission 1115/8 is accepted in part, to the extent that the Plan Changes would introduce provisions that are intended to improve urban design outcomes arising from new development. However, no amendments to the Plan Changes are recommended in response to the submission.

## 5.4 SUBMISSIONS SEEKING AMENDMENTS TO POLICIES

### 5.4.1 General Amendments

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/484	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.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd 109 The Warehouse Ltd 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) 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited
257/410	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.	<b>Opposed By:</b> 153 The National Trading Company of New Zealand Ltd 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) 218 AMP Capital Investors (NZ) Limited

#### Evidence Presented:

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

#### Discussion:

The relief sought in the submission is too broad to respond to in any meaningful way. As a result, the submissions are rejected.

#### Panel Recommendation 5.4.1.1:

The Panel recommends that submissions 257/484 and 257/410 are rejected.

### 5.4.2 Submissions Seeking Amendments to Policy 10.2

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/492	Waitakere City Council	Amend Policy 10.2 by adding those words in italics and underlined: "Activities in <u>residential and rural areas</u> should not emit noise such that it causes a nuisance to occupants of surrounding properties. <u>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. Residential activities will require specific design to meet acoustic standards in mixed use developments.</u> "	<b>Opposed By:</b> 109 The Warehouse Ltd 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) 110 Warehouse Stationery Limited
257/493	Waitakere City Council	Amend the 'Explanation' of Policy 10.2 by adding those words in italics and underlined: "Noise has been identified by residents as one of the most significant concerns that affect health. Noise, single intensive noise sources and background or ambient noise levels, contribute to stress which in turn can become a significant factor affecting people's health. This policy is concerned with	<b>Supported By:</b> 109 The Warehouse Ltd 110 Warehouse Stationery Limited <b>Opposed By:</b> 142 PLC New Zealand Ltd 213 CSR Building Products NZ Ltd ('Monier Brickmakers') 214 Henkel NZ Ltd (The

		addressing both single source or event noise and ambient noise levels. <u>Standards for noise are set out in all the Human Environments. In all cases the standards are set to reflect the characteristic levels of quiet of the area, and all fall within the safety levels for humans. It is acknowledged that the noise levels within a town centre can be greater than traditional residential areas. The District Plan seeks to ensure that reasonable noise attenuation is provided for residential activities within town centres but recognizes that residential activities must coexist with other activities.</u> "+	Sellotape Company) 215 Huhtamaki NZ Limited 216 Waitakere Working Environment Group 217 Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)
--	--	--	---

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

Residential activities in town centres and mixed use areas should provide appropriate attenuation measures in their design in order to avoid reverse sensitivity effects. This will facilitate residential intensification of town centres, which by their nature are noisier environments than suburban areas. The requested amendments to the policy and explanation are supported as they make it clear that the onus on mitigating any reverse sensitivity effects lies with the residential activity.

**Panel Recommendation 5.4.2.1:**

The Panel recommends that submissions 257/492 and 257/493 are accepted.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
257/494	Waitakere City Council	Delete the paragraph which follows "METHODS" for Policy 10.2 in Plan Change 18 as it is superfluous.	<b>Support and Opposed By:</b> 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:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

It is accepted that the paragraph in question is unnecessary and, as such, should be deleted from Plan Change 18.

**Panel Recommendation 5.4.2.2:**

The Panel recommends that submission 257/494 is accepted.

**5.4.3 Submissions Seeking Amendments to Policy 10.4**

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
------------	------------------	-----------------------------------	----------------------------

257/421	Waitakere City Council	Amend Policy 10.4 to better identify and outline why private open space is so essential (within the 'Explanation'), and note the new Policy 11.28A for apartments, that emphasises the basic performance standards for apartments.	
257/420	Waitakere City Council	Amend Policy 10.4 to enhance the requirement for provision of minimum balcony sizes and outlook areas for each unit.	

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

Policy 10.4 already includes comment relating to the provision of balconies and outlook areas. The Panel considers that there is little benefit in adding further explanation to the text the currently exists in Policy 10.4.

**Panel Recommendation 5.4.3.1:**

The Panel recommends that submissions 257/421 and 257/420 are rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/419	Waitakere City Council	Amend Policy 10.4 by deleting the words "Wherever possible".	

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

The requested amendment is supported by the Panel. All residential activities should provide for an adequate area of outdoor space, and the requested amendment would reinforce this expectation.

**Panel Recommendation 5.4.3.2:**

The Panel recommends that submission 257/419 is accepted.

## 5.4.4 Submissions Seeking Amendments to Policy 11.19

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/422	Waitakere City Council	Amend Policy 11.19 to discuss the management of apartments in mixed use developments and the management of reverse sensitivity effects.	

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

The requested amendments to Policy 11.19 have been addressed through recommended changes to other policies and assessment criteria. As a consequence, Policy 11.19 should remain unchanged.

**Panel Recommendation 5.4.4.1:**

The Panel recommends that submission 257/422 is accepted in part, although specific amendments to Policy 11.19 are not recommended.

## 5.4.5 Submissions Seeking Amendments to Policy 11.28A

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/423	Waitakere City Council	<p>Amend Policy 11.28A to establish clear outcomes in the process and the methodology for implementing the rules relating to apartments. Amend the fourth sentence by deleting those words struck through, and adding those in italics and underlined:</p> <p><del>“Apartments should be of a minimum size (floor area) to provide reasonable internal spaces, while decks, balconies and outlook areas are mandatory</del></p> <p><u><i>Apartments are required to meet minimum standards as follows:</i></u></p> <ul style="list-style-type: none"> <li>▪ <u><i>A minimum size (floor area) to provide for reasonable internal spaces, and</i></u></li> <li>▪ <u><i>Provision of private outdoor space that is a balcony, roof garden or courtyard for passive recreation, and</i></u></li> <li>▪ <u><i>An outlook area that has a minimum dimension from the main glazing or balcony of the apartment and the site boundary or another building on the same site to provide light, air and an outlook.</i></u></li> </ul> <p><u><i>In addition to meeting minimum standards the design of apartments must satisfy a number of criteria formulated to ensure that the site development, the common areas in the building and the management of the building achieve a high standard of amenity. Apartments must also meet acoustic standards to mitigate the effects of noisier environments in town centres.”</i></u></p>	<p><b>Supported By:</b> 250 Auckland Regional Council</p>

### Evidence Presented:

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

### Discussion:

The requested amendments to Policy 11.28A cover matters included within the rules and assessment criteria, and the Panel considers that a suitable reference in the policy ensures that the District Plan is integrated and coherent in its approach to managing effects.

### Panel Recommendation 5.4.5.1:

The Panel recommends that submission 257/423 is accepted.

## 5.4.6 Submissions Seeking Amendments to Policy 11.33

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/491	Waitakere City Council	<p>Amend Policy 11.33 by adding the underlined and italicised words as follows:</p> <p><u><i>“In order to achieve Objective 11, it is essential for new development and significant</i></u></p>	<p><b>Supported By:</b> 250 Auckland Regional Council</p> <p><b>Opposed By:</b></p>

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 7 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

		<p><u>alterations to existing buildings to be in keeping with the optimum capacity of their site and well integrated in the wider neighbourhood. Therefore applications for mixed use developments, including retail development and apartments, medium density housing will require</u> a site analysis to record the physical features or characteristics of the neighbourhood and the site. The key is to consider the interaction between existing features and characteristics and <u>achieve</u> a design of the site which responds to the identified existing and future character of the neighbourhood. A site analysis <u>shall include and address:</u></p> <ul style="list-style-type: none"> <li>▪ <u>a description of the site and locality, buildings, activities, traffic and pedestrian networks</u></li> <li>▪ the pattern of development in the neighbourhood</li> <li>▪ the built form, scale and character of the surrounding development</li> <li>▪ architecture and roof styles</li> <li>▪ <u>cross sections and a written statement explaining how the design of the proposed development has responded to the site analysis</u></li> <li>▪ any other notable features of the characteristics of the neighbourhood.”</li> </ul>	218 AMP Capital Investors (NZ) Limited
--	--	---	--

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

Policy 11.33 relates to the new Site Analysis rule proposed under Plan Change 18. The amendments that are requested in the submission would serve to better explain the need for site analysis in respect of applications for resource consent, and would clarify the information required. For these reasons, the requested amendments are recommended.

**Panel Recommendation 5.4.6.1:**

The Panel recommends that submission 257/491 is accepted.

**5.4.7 Submissions Seeking Amendments to Policy 11.45**

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/24	The National Trading Company of New Zealand Ltd	<p>Amend the second paragraph of the explanation of Policy 11.45 by adding those words underlined and deleting those words struckthrough:</p> <p><i>“To maintain and enhance...the New Lynn Town Centre, <del>two three</del> different street types have been identified - <del>M</del> <del>ain</del>street (<del>T</del> <del>t</del>ypology 1), and commercial streets <u>and Periphery Typology</u> - on the New Lynn...between buildings. <del>Generally the ground floor facades are dominated by windows, doors and display spaces. The New</del></i></p>	<p><b>Supported By:</b> 184 West Auckland Land Holdings Ltd</p> <p><b>Opposed By:</b> 258 Auckland Regional Transport Authority</p>

		<i>Lynn Concept Plan seeks to extend this character to parts of Clark Street in the vicinity of the train station. Further from the core .....back from the street. Along Clark Street between Astley Avenue and Ranks Avenue a Town Centre - Periphery Typology is applied recognising the existing and future high traffic volumes along this road and the more vehicle oriented nature of adjacent land uses."</i>	
--	--	---	--

**Evidence Presented:**

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst.

**Discussion:**

Policy 11.45 relates to street frontages. The requested changes from the submitter are not consistent with the intention of the policy and, accordingly, are not supported.

**Panel Recommendation 5.4.7.1:**

The Panel recommends that submission 153/24 is rejected.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
153/22	The National Trading Company of New Zealand Ltd	Amend the fifth bullet point to policy 11.45 by adding those words in italics and deleting those words struckthrough: <ul style="list-style-type: none"> <li>“Along the main retail streets <del>and high pedestrian routes,</del> carparking...active street frontages. On other streets, <del>a limited the</del> amount of carparking <del>is possible in the</del> within the front yard, <del>provided that a safe and high quality should reflect the existing and desired</del> pedestrian environment <del>is provided.”</del>”</li> </ul>	<b>Supported By:</b> 218 AMP Capital Investors (NZ) Limited 184 West Auckland Land Holdings Ltd <b>Opposed By:</b> 258 Auckland Regional Transport Authority 250 Auckland Regional Council

**Evidence Presented:**

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst.

**Discussion:**

Similar to the previous submission, the requested changes would dilute the intention of the policy. The amendments as sought by the submitter are therefore not recommended.

**Panel Recommendation 5.4.7.2:**

The Panel recommends that submission 153/22 is rejected.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
153/25	The National Trading Company of New Zealand Ltd	Amend the second paragraph of the explanation of Policy 11.45 to clarify the reference to “commercial streets”.	<b>Supported By:</b> 184 West Auckland Land Holdings Ltd

**Evidence Presented:**

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 7 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst.

**Discussion:**

The Panel considers that the concern of the submitter in relation to the reference “commercial streets” would be clarified by recommended amendments proposed in relation to other submissions.

**Panel Recommendation 5.4.7.3:**

The Panel recommends that submission 153/25 is accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
153/21	The National Trading Company of New Zealand Ltd	Amend the fourth bullet point to policy 11.45 by adding those words in italics and deleting those words struckthrough: <ul style="list-style-type: none"> <li>“Large format retail...should be sleeved <i>where appropriate and practicable</i>, by outward facing...at street level. <del>Along other street frontages</del> <i>E f</i> <del>acades</del> should be articulated.”</li> </ul>	<b>Supported By:</b> 218 AMP Capital Investors (NZ) Limited <b>Opposed By:</b> 250 Auckland Regional Council

**Evidence Presented:**

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst.

**Discussion:**

The submission seeks that ‘sleeving’ only be required where appropriate and practicable. It is acknowledged that there will be situations where sleeving is not necessary because the building itself is able to respond in a positive way to the street frontage. It is recommended that Policy 11.45 be amended to only require sleeving where active street frontages are not achieved. The Panel considers that this would, in part, satisfy the concerns of the submitter.

**Panel Recommendation 5.4.7.4:**

The Panel recommends that submission 153/21 is accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
153/26	The National Trading Company of New Zealand Ltd	Amend the fourth paragraph of the explanation to Policy 11.45 by adding those words in underlined: <p>“<i>Some forms of...internally focussed malls and large format retail, or extensions to existing industrial activities ...intent of the policy, where practicable, to create...</i>”</p>	<b>Opposed By:</b> 250 Auckland Regional Council

**Evidence Presented:**

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst.

**Discussion:**

A number of amendments to the Plan Change are recommended in order to provide more flexibility in relation to the needs of large format retail activities. While those amendments may not fully satisfy the submitter, the Panel considers that they would partially provide the relief that is sought in general terms.

#### Panel Recommendation 5.4.7.5:

The Panel recommends that submission 153/26 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/20	The National Trading Company of New Zealand Ltd	Amend to clarify the reference to "mainstreet" in policy 11.45.	<b>Supported By:</b> 184 West Auckland Land Holdings Ltd

#### Evidence Presented:

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst.

#### Discussion:

In response to submissions, the street typology names have been amended for reasons of consistency, clarity and ease of understanding. The Panel considers that these changes should address the issue raised by the submitter.

#### Panel Recommendation 5.4.7.6:

The Panel recommends that submission 153/20 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/19	The National Trading Company of New Zealand Ltd	Amend the second bullet point to policy 11.45 by adding those words in italics: <ul style="list-style-type: none"><li>• "Activities and development...to the street edge <i>where practicable and as appropriate</i> and through...should be avoided <i>where practicable</i> and appropriate..."</li></ul>	<b>Supported By:</b> 184 West Auckland Land Holdings Ltd <b>Opposed By:</b> 250 Auckland Regional Council
153/17	The National Trading Company of New Zealand Ltd	Amend the first paragraph of policy 11.45 by adding those words in italics: "Development with frontage...high quality pedestrian environments <i>where appropriate</i> ."	<b>Supported By:</b> 109 The Warehouse Ltd 110 Warehouse Stationery Limited 184 West Auckland Land Holdings Ltd <b>Opposed By:</b> 250 Auckland Regional Council

#### Evidence Presented:

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst.

#### Discussion:

Both of these submissions seek to insert terms such as "where practicable" and "where appropriate" into the policy. The Panel considers that such words merely serve to make interpretation of the policy more difficult, as interpretation becomes more subjective and may be subject to debate. If this situation were to occur, it would undermine the Council's intention for the Plan Change.

#### Panel Recommendation 5.4.7.7:

The Panel recommends that submissions 153/19 and 153/17 are rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/18	The National Trading Company of New Zealand Ltd	Amend the first bullet point of policy 11.45 by adding those words in italics and deleting those words struckthrough:	<b>Supported By:</b> 184 West Auckland Land Holdings Ltd

	Zealand Ltd	<ul style="list-style-type: none"> <li>“Development of attractive...two storeys in height <del>along the mainstreet</del> where required by applicable street typology.”</li> </ul>	
--	-------------	---	--

**Evidence Presented:**

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst.

**Discussion:**

The Panel considers that there is some merit in amending the bullet point in Policy 11.45 to relate it to the applicable street typology, as suggested by the submitter. An amendment is therefore recommended, with wording that is generally consistent with that sought by the submitter.

**Panel Recommendation 5.4.7.8:**

The Panel recommends that submission 153/18 is accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
300/103	IMF Westland Ltd	<p>Amend Policy 11.45 to insert the following additional Policy Statement:</p> <p><i>Urban places consist of a mix of uses, building types and quality, street environments and pedestrian movement patterns that reflect personal choices, investment decisions, public needs and civil/private investment. These urban places provide opportunities for diverse consumer needs to be met at various levels.</i></p> <p><i>The policies recognise the need for the provision of these different environments, with levels of design standards specified and street typologies established. The standards and policies seek to provide direction and guidance and are not intended to be completely prescriptive.</i></p>	<p><b>Supported By:</b> 153 The National Trading Company of New Zealand Ltd</p> <p><b>Support and Opposed By:</b> 81 IB, GA and IE Midgley</p>

**Evidence Presented:**

Tabled evidence was provided on behalf of IMF New Zealand Limited by Craig Cairncross.

**Discussion:**

The Panel considers that the amendments requested by the submitter would add value to Policy 11.45, subject to some refinement in the language used. It is anticipated that the recommended amendments would largely address the relief sought by the submitter.

**Panel Recommendation 5.4.7.9:**

The Panel recommends that submission 300/103 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
184/6	West Auckland Land Holdings Ltd	Amend Policy 11.45 along with associated explanation to be more realistic in the design expectations for developments outside of the mainstreet areas of town centres.	
184/5	West Auckland Land Holdings Ltd	Amend Policy 11.45 along with associated explanation to be more realistic in the design expectations for developments outside of the mainstreet areas of town centres.	

**Evidence Presented:**

No evidence was presented in support of the submission(s).

**Discussion:**

A number of amendments are recommended to the Plan Changes in order to provide more realistic design expectations, particularly for development in the periphery of town centres and outside of the 'mainstreet' areas. These amendments would recognise the operational characteristics of large format retail activities.

**Panel Recommendation 5.4.7.10:**

The Panel recommends that submissions 184/6 and 184/5 are accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
184/8	West Auckland Land Holdings Ltd	Amend the Plan Change to abandon the concept of 'sleeving' large format retail stores.	<b>Supported By:</b> 109 The Warehouse Ltd 110 Warehouse Stationery Limited <b>Opposed By:</b> 258 Auckland Regional Transport Authority 250 Auckland Regional Council
203/28	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Delete the fourth bullet point of Policy 11.45, and all other references to the sleeving of larger format retail developments.	<b>Supported By:</b> 81 IB, GA and IE Midgley 109 The Warehouse Ltd 110 Warehouse Stationery Limited <b>Opposed By:</b> 250 Auckland Regional Council 300 IMF Westland Ltd

**Evidence Presented:**

Tabled evidence was provided by Jennifer Carvill on behalf of AMP Capital Investors (NZ) Limited.

**Discussion:**

'Sleeving' is considered to be an appropriate design response for large format stores in town centres, where those retail activities are unable to provide an active street frontage. It is recommended that the policies and rules be revised to make it clear that sleeving is only required if a suitable active street frontage cannot be achieved through design. On this basis, sleeving would no longer be a requirement for large format retail activities unless an appropriate design response to the location could not otherwise be achieved.

**Panel Recommendation 5.4.7.11:**

The Panel recommends that submissions 184/8 and 203/28 are accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
203/30	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend the first sentence of the third paragraph of the Explanation for Policy 11.45 to read as follows in italics: <i>"To develop and enhance amenity values associated with the new town centres at Hobsonville Airbase and Massey North and the new and extended town centre at Hobsonville Village, street typologies..."</i>	<b>Supported By:</b> 81 IB, GA and IE Midgley <b>Opposed By:</b> 250 Auckland Regional Council 300 IMF Westland Ltd

**Evidence Presented:**

Tabled evidence was provided by Jennifer Carvill on behalf of AMP Capital Investors (NZ) Limited.

**Discussion:**

The requested amendments do not appear to add any significant benefit to the wording of the policy. As such, it is not recommended that any changes be made to Policy 11.45 in response to the submission.

**Panel Recommendation 5.4.7.12:**

The Panel recommends that submission 203/30 is rejected.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
315/4	New Lynn Properties Ltd	Amend Policy 11.45 in order to give effect to the relief sought in submission 315/2.	

**Evidence Presented:**

No evidence was presented in support of the submission(s).

**Discussion:**

The submission referred to was not supported, and consequently it follows that the relief in this current submission would also not be granted.

**Panel Recommendation 5.4.7.13:**

The Panel recommends that submission 315/4 is rejected.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
110/136	Warehouse Stationery Limited	If the whole Proposed Plan Change is not rejected, delete the words "the main retail streets and high pedestrian routes" in the 5 <sup>th</sup> bullet of Policy 11.45 and replace them with the words " <i>routes used by high numbers of pedestrians</i> ".	<b>Opposed By:</b> 208 Sylvia Park Business Centre Limited
109/136	The Warehouse Ltd	If the whole Proposed Plan Change is not rejected, delete the words "the main retail streets and high pedestrian routes" in the 5 <sup>th</sup> bullet of Policy 11.45 and replace them with the words " <i>routes used by high numbers of pedestrians</i> ".	<b>Supported By:</b> 184 West Auckland Land Holdings Ltd <b>Opposed By:</b> 208 Sylvia Park Business Centre Limited

**Evidence Presented:**

Evidence was presented on behalf of the Warehouse Limited and Warehouse Stationery Limited by Vaughan Smith and Fiona Shilton.

**Discussion:**

The wording proposed in the submissions is similar to that wording which currently exists in the Plan Change. There does not appear to be any compelling reason why the current wording should be modified in the manner sought.

**Panel Recommendation 5.4.7.14:**

The Panel recommends that submissions 110/136 and 109/136 are rejected.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
250/226	Auckland Regional Council	Retain Policy 11.45 which states that development with frontage to a street should be of a high standard and it notes a number of conditions where attention should be paid to.	<b>Supported By:</b> 258 Auckland Regional Transport Authority

**Evidence Presented:**

Evidence was presented on behalf of the Auckland Regional Council by Duane Burt and Megan Patrick.

**Discussion:**

It is recommended that Policy 11.45 be retained, which would give effect to the submission.

**Panel Recommendation 5.4.7.15:**

The Panel recommends that submission 250/226 is accepted.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
153/23	The National Trading Company of New Zealand Ltd	Amend the sixth bullet point to Policy 11.45 by deleting those words struckthrough: <ul style="list-style-type: none"> <li>“Along main streets <del>and those streets with existing or potential high volumes of pedestrian traffic</del>, provide continuous weather protection.”</li> </ul> and that the reference to "mainstreet" in the bullet be clarified.	<b>Supported By:</b> 184 West Auckland Land Holdings Ltd <b>Opposed By:</b> 258 Auckland Regional Transport Authority 250 Auckland Regional Council

**Evidence Presented:**

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst.

**Discussion:**

Amendments that are recommended to Policy 11.45 would clarify the reference to ‘mainstreet’ within the Policy. The request that a reference to streets with high volumes of pedestrian traffic be removed, in situations where the developer would be obliged to provide continuous weather protection, is rejected. It is important that where pedestrian flows are high, continuous weather protection is provided in order to create a reasonable standard of amenity within town centres.

**Panel Recommendation 5.4.7.16:**

The Panel recommends that submission 153/23 is rejected.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
257/495	Waitakere City Council	Amend the Plan Change to renumber the policy to “ <i>Policy 11.47.</i> ”	

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

Where changes to numbering and formatting are required in order to fit comfortably within an existing District Plan, such matters can be addressed without formality through the provisions of Clause 16(2) of the First Schedule of the Resource Management Act. This provision allows amendments of no material consequence to be made. It is not necessary for a submission to be lodged to achieve such an outcome.

**Panel Recommendation 5.4.7.17:**

The Panel recommends that submission 257/495 is accepted.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
257/497	Waitakere City Council	Amend the Explanation in the second paragraph of the policy to emphasize that the performance standard requires canopies	<b>Supported By:</b> 258 Auckland Regional Transport Authority 250 Auckland Regional

		across the sites entire width to provide weather protection, by adding the underlined and italicised words to the end of the third sentence as follows: “Generally ground floor facades are dominated by windows, doors and display spaces <u>and continuous weather protection is provided for pedestrians in the street.</u> ”	Council
--	--	---	---------

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

The wording requested in the submission is largely provided through recommended amendments arising from other submissions. However, the Panel considers that some further specific changes consistent with those sought by the submitter would be of benefit in relation to managing the effects of new development within existing centres.

**Panel Recommendation 5.4.7.18:**

The Panel recommends that submission 257/497 is accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
257/496	Waitakere City Council	Amend the policy by adding the following two bullet points: <ul style="list-style-type: none"> <li>▪ <u>“Individual units or tenancies should be clearly legible in a building façade.</u></li> <li>▪ <u>Buildings should provide varied facades focused on interest rather than the use of repetitive modules and uniform materials.”</u></li> </ul>	<b>Supported By:</b> 250 Auckland Regional Council

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

The specific amendments sought are not supported. The issues raised in the submission are considered to have been addressed elsewhere, through recommended amendments to Policy 11.45 and consequential changes to rules and assessment criteria.

**Panel Recommendation 5.4.7.19:**

The Panel recommends that submission 257/496 is accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
300/104	IMF Westland Ltd	Delete Policy 11.45, bullet 4 and replace with the following: <i>It is desirable that larger format retail developments, including Mall type developments avoid large expanses of blank, inactive facades at street level. A number of techniques should be used to mitigate these effects along major pedestrian frontages including, sleeving by outward facing, smaller scale activities, articulated facades, provision</i>	<b>Supported By:</b> 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited <b>Opposed By:</b> 250 Auckland Regional Council <b>Support and Opposed By:</b> 81 IB, GA and IE Midgley

		<i>of doors, windows and openings, balconies, active uses such as cafes etc.</i>	
--	--	--	--

**Evidence Presented:**

Tabled evidence was provided on behalf of IMF New Zealand Limited by Craig Cairncross.

**Discussion:**

The issues raised in the submission are addressed, at least partially, through recommended amendments to the fourth bullet point of Policy 11.45.

**Panel Recommendation 5.4.7.20:**

The Panel recommends that submission 300/104 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/137	The Warehouse Ltd	If the whole Proposed Plan Change is not rejected, delete the 2 <sup>nd</sup> sentence of the 5 <sup>th</sup> bullet of Policy 11.45.	<b>Supported By:</b> 184 West Auckland Land Holdings Ltd <b>Opposed By:</b> 208 Sylvia Park Business Centre Limited
110/137	Warehouse Stationery Limited	If the whole Proposed Plan Change is not rejected, delete the 2 <sup>nd</sup> sentence of the 5 <sup>th</sup> bullet of Policy 11.45.	<b>Opposed By:</b> 208 Sylvia Park Business Centre Limited

**Evidence Presented:**

Evidence was presented on behalf of the Warehouse Limited and Warehouse Stationery Limited by Vaughan Smith and Fiona Shilton.

**Discussion:**

In response to these and other submissions, several recommended amendments have been made to the bullet point in question to take into account landscaping of car parking areas and the location of proposed buildings relative to the street. The Panel considers that these amendments may partially satisfy the relief sought by the submitter.

**Panel Recommendation 5.4.7.21:**

The Panel recommends that submissions 109/137 and 110/137 are accepted in part.

**5.4.8 Submissions Seeking Amendments to Policy 11.47 (Plan Change 17)**

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
153/7 (17)	The National Trading Company of New Zealand Ltd	Amend the fourth bullet point to the Policy 11.47 by adding those words in italics and deleting those words struckthrough: <ul style="list-style-type: none"> <li>“Large format retail...should be sleeved <i>where appropriate and practicable</i>, by outward facing...at street level. <del>Along other street frontages</del> <u>F</u> facades should be articulated.”</li> </ul>	<b>Supported By:</b> 218 AMP Capital Investors (NZ) Limited 184 West Auckland Land Holdings Ltd <b>Opposed By:</b> 250 Auckland Regional Council
184/2 (17)	West Auckland Land Holdings Ltd	Amend Policy 11.47 along with its associated explanation to create a more realistic urban design framework for large format retail developments in recognition of the importance of a low cost structure and ample visible parking to the success of large	<b>Supported By:</b> 153 The National Trading Company of New Zealand Ltd 108 Progressive Enterprises

		format retailing.	Limited 109 The Warehouse Ltd 110 Warehouse Stationery Limited <b>Opposed By:</b> 250 Auckland Regional Council 107 Westfield (New Zealand) Limited
110/124 (17)	Warehouse Stationery Limited	Delete the 4 <sup>th</sup> bullet of Policy 11.47.	<b>Opposed By:</b> 208 Sylvia Park Business Centre Limited 250 Auckland Regional Council
109/124 (17)	The Warehouse Ltd	Delete the 4 <sup>th</sup> bullet of Policy 11.47.	<b>Opposed By:</b> 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited

#### Evidence Presented:

Evidence was presented on behalf of the National Trading Company of New Zealand Limited by Barry Rae, John Burgess and Angela Hurst. Evidence was presented on behalf of the Warehouse Limited and Warehouse Stationery Limited by Vaughan Smith and Fiona Shilton.

#### Discussion:

These submissions relate to aspects of the Policy that seek to integrate large format retail activities into the streetscape through techniques such as sleeving. It has been noted previously that amendments to the Policy are recommended to indicate that sleeving would only be required where active street frontages cannot be obtained through other methods. The Panel considers that the recommended amendments would go some way towards meeting the concerns of the submitters.

#### Panel Recommendation 5.4.8.1:

The Panel recommends that submissions 153/7, 184/2, 110/124 and 109/124 are accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
110/125 (17)	Warehouse Stationery Limited	Amend the 5 <sup>th</sup> bullet of Policy 11.47 to replace the words "the main retail streets and high pedestrian routes" with the words " <i>routes used by high numbers of pedestrians</i> "	<b>Opposed By:</b> 208 Sylvia Park Business Centre Limited
109/125 (17)	The Warehouse Ltd	Amend the 5 <sup>th</sup> bullet of Policy 11.47 to replace the words "the main retail streets and high pedestrian routes" with the words " <i>routes used by high numbers of pedestrians</i> "	<b>Opposed By:</b> 208 Sylvia Park Business Centre Limited

#### Evidence Presented:

Evidence was presented on behalf of the Warehouse Limited and Warehouse Stationery Limited by Vaughan Smith and Fiona Shilton.

#### Discussion:

Recommended amendments to bullet point 5 would limit the application of the bullet point to main town centre streets in high pedestrian routes, rather than main retail streets. This would remove any ambiguity in terms of the application of the Policy, and may go some way toward providing the relief sought by the submitters.

#### Panel Recommendation 5.4.8.2:

The Panel recommends that submissions 110/125 and 109/125 are accepted in part.

## 5.5 SUBMISSIONS SEEKING AMENDMENTS TO DEFINITIONS

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/480	Waitakere City Council	Amend the City Wide Definitions to add a new definition for broadband as follows:  <u>“BROADBAND means a class of communication channel capable of supporting a wide range of frequencies, typically from audio up to video frequencies. A broadband channel can carry multiple signals by dividing the total capacity into multiple, independent bandwidth channels, where each channel operates only a specific range of frequencies.”</u>	

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

A definition of “broadband” would have little benefit in assisting with rule interpretation. The definitions that are included within the District Plan are there only where they are required to assist with interpretation of rules, and should be avoided where they provide little benefit in this respect.

**Panel Recommendation 5.5.1:**

The Panel recommends that submission 257/480 is rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/478	Waitakere City Council	Amend the definition of Mixed Use by adding the following underlined words: <b>“MIXED USE</b> means the integration of compatible land uses/activities in one locality, block or building and includes a mixture of <i>Residential Activities and Non-Residential Activities</i> such as <i>apartments or medium density housing</i> and commercial, retail, hospitality or recreational. <u>In respect of the <i>City Wide Rules</i> 1- 4 the Mixed Use Rules only apply to that part of a development or building which houses non-residential activities. Apartment Design Rules apply to floors with residential activities within them.”</u>	

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

The relief sought in the submission is effectively redundant given recommended amendments to the rules. Elements of Rule 4 that relate to residential activities would be incorporated within the Apartment Design rule. Effectively, this would grant the relief sought by the submitter.

**Panel Recommendation 5.5.2:**

The Panel recommends that submission 257/478 is rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/477	Waitakere City	Amend the following definition by deleting the	

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 7 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

	Council	struck out words, and adding those underlined: <b>"APARTMENT(S)</b> Means multi storey <i>development</i> providing for <i>residential activities</i> and any associated common internal access, recreation facilities or parking and access, <del>that meet the General Apartment Design Rule and the performance criteria in the Apartment Design Criteria Appendix,</del> and which may include retail or other commercial activities ( <b>Mixed Use</b> ) in the same <i>development</i> or building, but does not include <i>medium density housing</i> ."	
--	---------	--	--

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

The response to this submission is similar to that provided in relation to the previous submission. The relief sought by the submitter has effectively been superseded by recommended amendments to the rules.

**Panel Recommendation 5.5.3:**

The Panel recommends that submission 257/477 is rejected.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/481	Waitakere City Council	Delete the proposed definition <b>Habitable Room</b> which contradicts the existing definition in the District Plan (and Building Act) by excluding kitchen as a habitable room.	

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

The relief sought in this submission is accepted, in order to ensure that there is no contradiction between definitions in the District Plan.

**Panel Recommendation 5.5.4:**

The Panel recommends that submission 257/481 is accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
148/8	Vision Senior Living Limited	Amend the definition of Apartment(s) as follows by deleting those words struck through; Apartment(s) Means multi story development providing for residential activities and any associated internal access, recreation facilities or parking and access, <del>that meet the General Apartment Design Rule and the performance criteria in the Apartment Design Rule and</del> may include retail or other commercial activities (Mixed Use) in the same development or building, but does not include medium intensity housing.	

		<p>And</p> <p>Add a new definition of 'Retirement Apartment(s)' as follows:</p> <p><i>Means multi story development providing for residential activities and any associated internal access, recreation facilities or parking and access, designed for and where all residents are at least 55 years old and may include retail or other commercial activities (Mixed Use) in the same development or building, but does not include medium intensity housing.</i></p>	
--	--	--	--

**Evidence Presented:**

Evidence was presented on behalf of Vision Senior Living Limited by David Wren and Phil Molloy.

**Discussion:**

The amendments sought by the submitter seek to recognise the unique characteristics of retirement living. The issue raised by the submitter is acknowledged, and amendments are recommended in the Apartment Design Assessment Criteria in order to recognise that different design standards may be appropriate in some instances for retirement apartments. The particular assessment criterion incorporates a definition of an apartment building which is dedicated for retirement purposes.

**Panel Recommendation 5.5.5:**

The Panel recommends that submission 148/8 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/415	Waitakere City Council	Amend the Plan Change to introduce new definitions to address key urban design and development control concepts, introduced in the Plan Change.	<b>Opposed By:</b> 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited
257/489	Waitakere City Council	Amend the Plan Change to introduce new definitions to address key urban design and development control concepts, introduced in the Plan Change.	<b>Opposed By:</b> 184 West Auckland Land Holdings Ltd 109 The Warehouse Ltd 218 AMP Capital Investors (NZ) Limited 110 Warehouse Stationery Limited

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

The relief sought in the submissions is relatively general, although it is noted that a number of new definitions have been proposed either in the original Plan Changes or in response to submissions.

**Panel Recommendation 5.5.6:**

The Panel recommends that submission 257/415 and 257/489 are accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/479	Waitakere City Council	Amend the City Wide Definitions to add a new definition for glazing: defining main glazing, secondary glazing and tertiary	

		<p>glazing:</p> <p><b>“GLAZING</b> means windows that perform the following functions:</p> <ul style="list-style-type: none"> <li>▪ <b>Main glazing</b> means the main windows of the main <i>living</i> room on an exterior wall of an <i>apartment</i>, and may include a combination of both windows and doors provided the minimum area is 5m<sup>2</sup> and the minimum width is 2m..</li> <li>▪ <b>Secondary glazing</b> means the main windows of a <i>habitable</i> room on an exterior wall of an <i>apartment</i></li> <li>▪ <b>Tertiary glazing</b> means windows in an <i>apartment</i> that are located on an exterior wall of an <i>apartment</i> that are: <ul style="list-style-type: none"> <li>- A window in a service or non-habitable room, or</li> <li>- A tertiary window in a habitable room that has a sill height of 1.7 metres above the finished floor level or is fixed obscure glazing”</li> </ul> </li> </ul>	
--	--	--	--

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

The requested definition would assist in the clarification and interpretation of the new Apartment Design rule. As such, it is recommended that the requested wording be incorporated within the District Plan.

**Panel Recommendation 5.5.7:**

The Panel recommends that submission 257/479 is accepted.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/513	Waitakere City Council	<p>Amend the Plan Change to consider/review the provision of additional definitions included within the Plan Change to include the following:</p> <ul style="list-style-type: none"> <li>▪ useable floorspace</li> <li>▪ tenancy</li> <li>▪ Private Roads</li> <li>▪ urban open space (Massey North Urban Concept Plan) ,</li> <li>▪ Drainage / Ecological Open Space (Massey North Urban Concept Plan).</li> </ul>	<p><b>Opposed By:</b>  109 The Warehouse Ltd  218 AMP Capital Investors (NZ) Limited  110 Warehouse Stationery Limited</p>

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

With the exception of “tenancy”, the requested definitions would assist with interpretation of the Plan and should be accepted. The tenancy definition is considered to be no longer required given recommended amendments to the Mixed Use rule.

**Panel Recommendation 5.5.8:**

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 7 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

The Panel recommends that submission 257/513 is accepted in part.

## 5.6 SUBMISSIONS SEEKING AMENDMENTS TO RULES

### 5.6.1 Submissions Seeking Amendments to Plan Change 15

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/94 (15)	Progressive Enterprises Limited	Delete reference to Citywide Rule 3 in Rules 26. 2(c) and 26.2(f), unless and until Citywide Rule 3 is substantially redrafted to recognise the particular operational characteristics of retail activities such as supermarkets (as sought in Progressive's submission on Plan Change 18).	<b>Supported By:</b> 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd

#### Evidence Presented:

No evidence was presented in support of the submission(s).

#### Discussion:

A number of amendments are recommended in respect of Rule 3, in order to recognise the particular operational characteristics of retail activities such as supermarkets. The Panel considers that those amendments would provide greater flexibility and allow the use of a number of different design solutions to achieve active street frontages. The proposal to increase the range of street typologies would also provide more certainty as to locations that may be suitable for larger format retail activities. Given these changes, the Panel considers that the relief sought by the submitter is satisfied at least in part.

#### Panel Recommendation 5.6.1.1:

The Panel recommends that submission 108/94 is accepted in part.

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/269 (15)	Waitakere City Council	Amend Rule 26.2(c) to review the Street Frontage typologies (Rule 3 Building Design - Street Frontage of Plan Change 18) to provide standards for buildings to front 'drainage / ecological open space'.	<b>Supported By:</b> 250 Auckland Regional Council <b>Opposed By:</b> 108 Progressive Enterprises Limited

#### Evidence Presented:

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

#### Discussion:

The submission is considered to have merit, and appropriate amendments are recommended to the rule in order to give effect to the relief that is sought.

#### Panel Recommendation 5.6.1.2:

The Panel recommends that submission 257/269 is accepted.

### 5.6.2 Submissions Seeking Amendments to City Wide Rule 1

#### 5.6.2.1 General Performance Standards

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
148/2	Vision Senior Living Limited	Amend 1.0 General Performance Standards by adding the underlined, as follows: <i>1.0 General Performance Standards</i>	

		<i>The following performance standards shall apply only to Residential Activities - Retirement Apartments and Apartments.</i>	
148/1	Vision Senior Living Limited	Amend the City Wide Rule - General Apartment Design as specified in submissions 148/2 - 148/7;  OR  Alternatively add a separate rule for retirement apartments be included within the proposed plan change as specified in Appendix 1 attached to the submission.	

**Evidence Presented:**

Evidence was presented on behalf of Vision Senior Living Limited by David Wren and Phil Molloy.

**Discussion:**

The submitter seeks some recognition of the unique characteristics of retirement apartments. The thrust of this submission is accepted, and a recommended amendment to the rule would introduce a new assessment criterion that would specifically provide for consideration of the special circumstances and needs of the occupants of retirement apartments. It is anticipated that this approach would satisfy the objective of the submitter.

**Panel Recommendation 5.6.2.1.1:**

The Panel recommends that submissions 148/2 and 148/1 are accepted in part.

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
257/436	Waitakere City Council	Amend City Wide Rule 1 to ensure that there is clarity for applications that do not comply with the performance standard to become Discretionary Activities with the addition of a new clause to clarify the status of residential activities - apartments not meeting the performance standards as follows:  <i><u>"1.1 Discretionary Activities</u></i>  <i><u>Residential Activities - Apartments meeting the following Performance Standards are Discretionary Activities:</u></i>  <ul style="list-style-type: none"> <li>▪ <i><u>Any Residential Activity - Apartments which does not meet the Performance Standards 1.0 (i) - (iii)</u></i></li> </ul> <i><u>Discretionary Activity applications made under this rule will be assessed having regard, as relevant, to assessment criteria 1(a) - 1(i) and any other matters that are relevant under section 104 of the Act."</u></i>	<b>Supported By:</b> 95 Housing New Zealand Corporation (1) 250 Auckland Regional Council <b>Opposed By:</b> 148 Vision Senior Living Limited

**Evidence Presented:**

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

It is important that the rules provide some certainty as to the activity status of any proposed apartment development. The submission seeks that the rule be amended to provide for such certainty. Amendments are recommended to the rule in order to make activity status clear in respect of a proposed development, although a slightly different approach has been adopted whereby the activity status is determined through the rules of the Human Environment in which the development would occur.

#### Panel Recommendation 5.6.2.1.2:

The Panel recommends that submission 257/436 is accepted in part.

### 5.6.2.2 City Wide Rule 1 – (i) Apartment Size

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
148/3	Vision Senior Living Limited	Amend City Wide Rule 1.0 General Performance Standards - (i) Apartment Size, as follows: <i>"Apartments shall meet one of the following two standards:</i> 1. <i>The minimum...shall be: <u>35m<sup>2</sup></u>  <u>40m<sup>2</sup></u> ...</i> 2. <i>The minimum...shall be:</i> <i>Studio - <u>35m<sup>2</sup></u> -<u>40m<sup>2</sup></u> ...</i> <i>One Bedroom - <u>40m<sup>2</sup></u> -<u>50m<sup>2</sup></u> ...</i> <i>Two bedrooms - <u>55m<sup>2</sup></u> -<u>70m<sup>2</sup></u> ...</i> <i>Three bedrooms - <u>60m<sup>2</sup></u> -<u>95m<sup>2</sup></u> ...."</i>	
95/19	Housing New Zealand Corporation (1)	Amend clause 1 of Rule 1.0 (i) Apartment Size with the following amended wording: <i>"Apartments shall meet one of the following two standards:</i> 1. <i>The minimum gross floor area of each apartment, excluding balconies, roof gardens, outdoor living areas and common internal access shall be: 40m<sup>2</sup>; and all habitable rooms (<u>or open - plan living areas consisting of more than one functional area</u>) are to be provided with direct and exclusive access to daylight from a window located on an exterior wall of the building; or:"</i>	
95/20	Housing New Zealand Corporation (1)	Amend 1.0(i), Clause 2, with the addition of the following standard: <i>"One and a half bedroom - 60m<sup>2</sup>."</i>	
257/424	Waitakere City Council	Amend City Wide Rule 1(i) to clarify the two clauses (1 and 2) of the performance standard relating to the minimum gross floor area for an apartment.	

#### Evidence Presented:

Evidence was presented on behalf of Vision Senior Living Limited by David Wren and Phil Molloy. Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen. Tabled evidence was provided on behalf of Housing New Zealand Corporation.

#### Discussion:

These submissions seek amendments to those rules that would control the size of apartments. Vision Senior Living Limited seeks a reduction the size of an apartment, from the currently proposed 40m<sup>2</sup> down to a new minimum of 35<sup>2</sup>. The Panel considers that 40m<sup>2</sup> represents an appropriate minimum apartment size,

and reduction below this level would have the potential to create poor internal amenity for residents and inadequate living spaces.

The other three submitters seek clarifications and amendments to the apartment size rule. The Panel considers that there is merit in simplifying the rule by removing much of the detail and transferring it to other parts of the Plan Change. In particular, the standards applying to 1, 2 and 3 bedroom apartments could more appropriately be located within the design criteria. Likewise, requirements in relation to access to daylight are more appropriately dealt with elsewhere in the Plan Change. It is important that the rule is preserved for only the standards that should not be breached, rather than including a number of desirable design guides within the rule itself.

#### Panel Recommendation 5.6.2.2.1:

The Panel recommends that submission 148/3 is rejected. The Panel recommends that submissions 95/19, 95/20 and 257/424 are accepted in part, to the extent identified in recommended amendments contained within Appendix 1.

### 5.6.2.3 City Wide Rule 1 – (ii) Balconies, Roof Gardens, Courtyards

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
148/4	Vision Senior Living Limited	Amend City Wide Rule 1.0 General Performance Standards - (ii) Balconies, roof gardens, courtyards, as follows: a) A minimum area of $5.7m^2$ b) <del>Glazing in the main living room that has a minimum area of <math>5m^2</math> and opening doors with a minimum width of 1.5 metres</del>	
95/21	Housing New Zealand Corporation (1)	Retain Rule 1.0(ii) Balconies, Roof Gardens, Courtyards as notified in Plan Change.	
257/425	Waitakere City Council	Amend City Wide Rule 1(ii)(a) of the performance standard to increase the diameter of the circle that must be accommodated within a roof garden or courtyard by up to 5 metres. Increase the required area accordingly. Possibly also amend to increase the diameter of the circle that must be accommodated within a balcony by up to 0.5 metres, subject to analysis of the effect on the solar access of apartments below, and on structural affordability.	<b>Opposed By:</b> 148 Vision Senior Living Limited <b>Support and Opposed By:</b> 95 Housing New Zealand Corporation (1)
257/427	Waitakere City Council	Delete Clause (b) of City Wide Rule 1(ii) which refers to glazing in the performance standard, as it is more appropriate to include it in the Outlook/Amenity performance standard. A new definition for glazing is proposed to include main, secondary and tertiary glazing that will relate to setbacks for windows in the Appendix - Apartment Design Criteria.	
257/426	Waitakere City Council	Amend City Wide Rule 1(ii) to consider removing the outdoor space requirement for apartment units that do not have access to winter sun.	<b>Supported By:</b> 95 Housing New Zealand Corporation (1)

#### Evidence Presented:

Evidence was presented on behalf of Vision Senior Living Limited by David Wren and Phil Molloy. Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen. Tabled evidence was provided on behalf of Housing New Zealand Corporation by Kristen McGavock.

## Discussion:

The Panel considers the balconies, roof gardens and courtyards are an important part of apartment living. Although people are making a choice to reside within an apartment block, with the minimal outdoor living that accompanies such a residential typology, apartment residents will still gain significant amenity from a high quality outdoor living area even if that area is relatively small.

As a consequence the submission seeking a reduction in area of a balcony is not accepted. The current proposed level of 7m<sup>2</sup> is considered to be the minimum area that can provide a useful outdoor space.

Two of the submissions refer to the requirement for a minimum area of glazing for the main living room. The Panel considers that this part of the rule should be removed from its current location and considered within the outlook/amenity part of the rule.

One of the submitters requests that consideration be given to removing the outdoor space requirement for apartment units that do not have access to winter sun. Because apartment buildings respond strongly to the street layout in many situations, it is inevitable that a number of apartments will be created where the main areas of glazing face south. Presumably this could comprise up to 25 percent of all apartments that are constructed. This request presupposes that the benefit of outdoor space is solely about sunlight. The Panel considers that there are many other benefits that are derived from a balcony, including the ability to obtain fresh air, ventilation, views of the street and surrounding neighbourhood, and an ability to interact with neighbours. It is also apparent that balconies are likely to be used most often during the summer months, when a shady spot may well be desirable. For these reasons it is recommended that the rule requiring balconies on all apartments should remain unchanged, although it is acknowledged that an opportunity will remain for developers to make application for apartments that do not include a balcony.

The other requested amendments relate to the size of a circle that must be accommodated within balconies, roof gardens, or courtyards. Certainly in situations where an apartment has access to a roof garden or a courtyard, it would be appropriate for a larger diameter circle to be accommodated within the outdoor living space. However, the Panel considers that this matter could be addressed through amendments to the design criteria for apartments rather than having a specific (larger) diameter circle for roof gardens and courtyards.

A request from the submissions also seeks consideration of whether the minimum diameter of the circle for a balcony should be increased by up to 0.5 metres, subject to analysis of the impact of such a change on solar access to apartments below, and on structural affordability. The Panel considers that this would be a worthwhile amendment to the rules. A minimum dimension of 2.0 metres would allow a table and chairs to be accommodated on a deck and would greatly enhance the utility of that balcony for apartment residents. Such a change would have some impact on the cost of apartment development, but it is not considered that it would not be of great significance in the context of the overall development costs. A wider deck would have some impact on solar access to apartments below. However, it is not considered that such an impact would be significant and, in any event, the benefits of more usable outdoor living areas are considered to outweigh any disadvantages.

### Panel Recommendation 5.6.2.3.1:

The Panel recommends that submission 257/427 is accepted. The Panel recommends that submissions 148/4, 95/21 and 257/425 are accepted in part, to the extent identified in recommended amendments contained in Appendix 1. The Panel recommends that submission 257/426 is rejected.

## 5.6.2.4 City Wide Rule 1 – (iii) Outlook / Amenity

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
148/5	Vision Senior Living Limited	Amend City Wide Rule 1.0 General Performance Standards - (iii) Outlook & Amenity as follows: <i>"Within the Community Environment .....using the following equation: Outlook area <u>between buildings on the same site</u> = <math>\frac{(\text{height of building}^2)}{10}</math> <u>Outlook area between buildings and the site boundary</u></i>	

		<p><u>= (height of building<sup>2</sup>)</u> <u>20</u></p> <p>Provided that the minimum outlook area shall be <u>4 8 metres</u> and the maximum required outlook area shall be <del>20</del> <u>10 metres</u>. The outlook area shall be measured .....</p> <p>(i) An area ...of structures <u>of the same height or higher than the floor of the apartment</u> (not including trees or vegetation); and ....."</p>	
95/22	Housing New Zealand Corporation (1)	Delete the words ' <del>Community Environment</del> ' from the title of Rule 1.0(iii) and otherwise retain the rule as notified.	
257/431	Waitakere City Council	Amend City Wide Rule 1(iii) to consider introducing a different rule above a defined level (3-6 storeys) that would encourage a configuration of towers above the slab or podium configuration encouraged by the notified plan rule. This would eliminate the ability, above the defined level, to build walls against the boundary, and would deal with outlook through a more sophisticated set of indicators, such as those contained within the Auckland City District Plan (Central Area Section) Appendix 7 (Building in Relation to Boundary).	<p><b>Supported By:</b> 148 Vision Senior Living Limited</p> <p><b>Opposed By:</b> 95 Housing New Zealand Corporation (1)</p>
257/430	Waitakere City Council	Amend City Wide Rule 1(iii) to clarify the method for determining the 'outlook area' (including deleting the formula) but retain an outlook area with a minimum dimension of up to 20m that relates more explicitly to the number of stories in conjunction with the height of the building to ensure that it is easy to use. See table or guide in City Wide Rule 1 Appendix - Apartment Design Criteria. Allow exceptions where the outlook is over an existing road reserve.	<p><b>Opposed By:</b> 95 Housing New Zealand Corporation (1) 148 Vision Senior Living Limited</p>
257/429	Waitakere City Council	Amend the words "outlook area" in City Wide Rule 1(iii) to include reference to distance or dimension as it is not an area defined in square metres and should read as follows: <u>"outlook area with a minimum dimension of..."</u>	
257/428	Waitakere City Council	Amend City Wide Rule 1(iii) to delete the reference to 'Community Environment' in the title. Apartments are provided for in the Living 5 and 6 Environments, Hobsonville Base Village Special Area, Massey North Town Centre Special Area - Precinct B. Ensure that the rule applies to the above environments and Special Areas as appropriate.	<p><b>Supported By:</b> 95 Housing New Zealand Corporation (1)</p>

#### Evidence Presented:

Evidence was presented on behalf of Vision Senior Living Limited by David Wren and Phil Molloy. Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen. Tabled evidence was provided on behalf of Housing New Zealand Corporation by Kristen McGavock.

#### Discussion:

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 7 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

A rule in relation to outlook/amenity is important for apartment design, in order to avoid situations where the outlook from an apartment faces a blank wall on an adjoining site. Regrettably, such situations have occurred on occasion at apartment developments within the Auckland region. It can be avoided by carefully considering the permitted development potential on adjoining sites and taking steps to ensure that development is sufficiently set back from the boundaries.

Several of the submitters seek amendments in order to clarify and simplify the outlook/amenity rule. By way of example, the 'outlook' control of Plan Change 1 and 2 to the Auckland City Central Area Plan is highlighted. This rule appears to be working well and is also relatively simple and clear. The Panel considers that there is merit in amending the outlook/amenity rule to more closely align with the Auckland City example, which would also provide a greater deal of regional consistency.

It is also requested that the words "Community Environment" are removed from the title of the outlook/amenity rule. This is considered to be appropriate, given that the rule is intended to apply more widely than just within the Community Environment.

Other requested amendments would, at least partially, be given effect to through the proposed amendments to the outlook/amenity rule.

#### **Panel Recommendation 5.6.2.4.1:**

The Panel recommends that submissions 257/428 and 95/22 are accepted. The Panel recommends that submissions 148/5, 257/431, 257/430 and 257/429 are accepted in part.

### **5.6.2.5 City Wide Rule 1 – (iv) Visual Privacy**

<b>NO.</b>	<b>Submitter</b>	<b>Summary of Decision Sought</b>	<b>Further Submitter/s</b>
148/6	Vision Senior Living Limited	Amend City Wide Rule 1.0 General Performance Standards - (iv) Visual Privacy as follows: <i>"Apartments within buildings located ....minimum separation distance of: a) <del>10</del> 8 metres...and b) <del>10</del> 8 metres...and c) <del>10</del> 8 metres...adjoining site.</i>  <i><u>Provided that this rule shall not apply to those faces of buildings or balconies that face each other at angles of greater than 110°"</u></i>	
95/23	Housing New Zealand Corporation (1)	Delete Rule 1.0(iv) Visual Privacy.	
257/432	Waitakere City Council	Amend City Wide Rule 1(iv) to resolve the conflict between the performance standards (iii) Outlook/Amenity (Community Environment) and (iv) Visual Privacy by incorporating relevant parts of the latter into one performance standard.	

#### **Evidence Presented:**

Evidence was presented on behalf of Vision Senior Living Limited by David Wren and Phil Molloy. Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen. Tabled evidence was provided on behalf of Housing New Zealand Corporation by Kristen McGavock.

#### **Discussion:**

In the version of Plan Change 18 as publicly notified, it is apparent that a number of the matters that are addressed in the visual privacy rule are also dealt with through the outlook/amenity rule. The Panel considers that there is benefit in simplifying the rules so that these issues are contained within the same rule,

in this instance being the amended version of the outlook/amenity rule. For this reason the visual privacy rule could be deleted from the Plan, given that the matters that it deals with can be addressed elsewhere.

The Panel considers that such changes would largely address the issues raised through these submissions.

#### Panel Recommendation 5.6.2.5.1:

The Panel recommends that submissions 148/6, 95/23 and 257/432 are accepted in part.

### 5.6.2.6 City Wide Rule 1 – (v) Acoustic Privacy

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/222	Auckland Regional Council	Amend the acoustic privacy rules by requiring a higher external noise standard, and external noise mitigation measures for any apartments built adjacent to major road and rail corridors in order to avoid reverse sensitivity effects that might result from a higher frequency of rail or road activity.	<b>Supported By:</b> 258 Auckland Regional Transport Authority <b>Opposed By:</b> 148 Vision Senior Living Limited
257/433	Waitakere City Council	Amend City Wide Rule 1(v) to correct the reference to the "City Wide Rule 4 Mixed Use Development" by deleting and referring to " <u>Rule 1.10 Mixed Use Development - Noise.</u> "	
257/434	Waitakere City Council	Amend City Wide Rule 1(v) to ensure that modifications to this rule reflect traffic volume analysis, requirements for active street frontages and includes reference to conditions of consent discussed in submissions 257/442 and 257/443, and includes further or other relief as may be necessary to give effect to this submission.	
215/19	Huhtamaki NZ Limited	Amend the Plan Change to clarify the rule by enabling noise emissions at a level presently permitted at night time at the adjoining boundary.	<b>Opposed By:</b> 218 AMP Capital Investors (NZ) Limited
213/30	CSR Building Products NZ Ltd ('Monier Brickmakers')	Amend the Plan Change to clarify the rule by enabling noise emissions at a level presently permitted at night time at the adjoining boundary.	<b>Opposed By:</b> 218 AMP Capital Investors (NZ) Limited
217/8	Sullivan & Armstrong Building Supplies Ltd (Placemakers New Lynn)	Amend the Plan Change to clarify the rule by enabling noise emissions at a level presently permitted at night time at the adjoining boundary.	<b>Opposed By:</b> 218 AMP Capital Investors (NZ) Limited
214/20	Henkel NZ Ltd (The Sellotape Company)	Amend the Plan Change to clarify the rule by enabling noise emissions at a level presently permitted at night time at the adjoining boundary.	<b>Opposed By:</b> 218 AMP Capital Investors (NZ) Limited
216/25	Waitakere Working Environment Group	Amend the Plan Change to clarify the rule by enabling noise emissions at a level presently permitted at night time at the adjoining boundary.	<b>Opposed By:</b> 218 AMP Capital Investors (NZ) Limited
148/21	Vision Senior Living Limited	Amend Rule (v)(ii)(a) Acoustic Privacy to the following: <i><u>"The building shall be designed and constructed so as to provide an indoor design level of 40dBA L<sup>10</sup> between 10pm and 7am in any habitable room assuming the building is exposed to a noise level of 60dBA L<sup>10</sup> at the boundary of the site. Provided that an acoustic report prepared by an acoustic engineer or other suitably qualified person establishing how the indoor design level</u></i>	

		<u>would be met for each apartment shall be provided with any application.</u>	
--	--	--	--

**Evidence Presented:**

Evidence was presented on behalf of Vision Senior Living Limited by David Wren and Phil Molloy. Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen. Evidence was presented on behalf of the Auckland Regional Council by Duane Burt and Megan Patrick. Evidence was presented by Jim Bentley on behalf of a number of the submitters collectively known as the Waitakere Working Environment Group.

**Discussion:**

Several of the submissions are from New Lynn industries that surround the proposed Living 6 Environment. Those industries are concerned that their current ability to generate noise at the boundary at a level not exceeding 65dBA would be reduced as a result of the proposed Plan Change. The Panel considers that this is a legitimate concern, which could have an adverse impact on the operation of these businesses.

In order to address this issue the Council has engaged an Acoustic Consultant to consider the impact on residential amenity within the Living 6 Environment from continuing noise generated by the adjoining industries at the currently permitted level. The Acoustic Consultant has concluded that an external noise level of 55dBA could be achieved provided there was a 20 metre setback from the industrial boundary. The rules as currently drafted provide for a 20 metre buffer for development within the Living 6 Environment where such development would adjoin a Working Environment boundary. The technical report from the Acoustic Consultant demonstrates that the industries could continue to generate noise at 65dBA on the boundary and residential development could proceed without undue loss of amenity, provided that the 20 metre buffer was retained. As a result, the submitters request to retain a 65dBA noise limit can be accepted and the proposed Plan Changes amended accordingly.

The Panel notes that evidence presented at the New Lynn hearing did not accord with the evidence of the Acoustic Consultant engaged by the Council. As a result, the Panel has decided to take a slightly more conservative position which is explained more fully in the Recommendation Report relating to New Lynn.

The Panel considers that the other matters raised through submissions are adequately addressed through the rules as they are proposed to be amended. In particular the acoustic privacy rule would be deleted and amalgamated with City Wide Rule 1.10 – ‘Residential Activities - Noise Attenuation’. That is consistent with the request made through the Council’s submission.

The request to protect the rail corridor from reverse sensitivity effects is accepted to the extent that apartments would need to be acoustically insulated in locations proximate to the rail corridor. This can be achieved through a simple amendment to the proposed City Wide Rule 1.10, and would provide consistency with the District Plan rules that relate to the attenuation of noise from major roads.

**Panel Recommendation 5.6.2.6.1:**

The Panel recommends that submissions 250/222, 257/433, 257/434, 215/19, 213/30, 217/8, 214/20 and 216/25 are accepted. The Panel recommends that submission 148/21 is accepted in part.

**5.6.2.7 City Wide Rule 1 – (vi) Street Frontage / HIRTB**

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/435	Waitakere City Council	Amend City Wide Rule 1(vi) to reword the performance standard as follows: <u>“Apartments in a Mixed Use Development or in Apartment buildings shall comply with the City Wide Rule 3 - Building Design Street Frontage and Height in Relation to Boundary rules of the specific Environment in which the site is located.”</u>	

**Evidence Presented:**

Waitakere City Council - Proposed Plan Changes 13-18 - Report WCC 7 - Panel Recommendation Report of 28 May 2007 adopted as decisions of Waitakere City Council on 20 June 2007 - printed 31 July 2007.

Evidence was presented on behalf of Waitakere City Council by John Mackay and Mark Tollemache, with written evidence tabled by Michael Cullen.

**Discussion:**

This submission has been made redundant by recommended amendments to the rules that would integrate the street frontage component of apartments into City Wide Rule 3 – Street Frontage.

**Panel Recommendation 5.6.2.7.1:**

The Panel recommends that submission 257/435 is accepted in part.