



Waitakere City Council
Te Tatao o Waitakere

REPORT TO THE JOINT HEARINGS PANEL

WAITAKERE CITY DISTRICT PLAN

PROPOSED PLAN CHANGE 15 (MASSEY NORTH)

File Reference : Report WCC 8C
Date : 31 January 2006

1 OUTLINE

This report considers submissions and further submissions which were received in response to proposed Plan Change 15 to the Waitakere City District Plan (referred to in this report as “the Plan Change”). Additional submissions to the Plan Change are considered in submission hearing reports under other topic headings.

This report has been prepared in accordance with section 42(a) of the Resource Management Act to assist the Joint ARPS and District Plan Changes Hearings Panel (“the Hearings Panel”) with its consideration of submissions received in respect of the Plan Changes.

The report discusses each submission or groups of similar submissions and includes a recommendation on submissions that has been made by staff preparing the report, **but it is not the decision of the Waitakere City Council (“the Council”)**. Recommendations are made following the summary of original submissions. However, in keeping with standard practice, recommendations are not directly made with respect to further submissions in support of or in opposition to the original submissions.

Submitters and further submitters are invited to attend the hearing and present evidence in support of their submissions for the Hearings Panel to consider. Alternatively if submitters and further submitters are unable to attend the hearing they may provide written evidence which will be tabled for the Hearings Panel to consider.

Following consideration of all the submissions and supporting evidence, if any, presented by the submitters and further submitters at the hearing to the Hearings Panel, the Hearings Panel will make recommendations to the Waitakere City Council. The Council will consider those recommendations and then make a decision concerning each submission.

The suggested amendments to the Waitakere City District Plan arising from the staff recommendations discussed throughout this report are listed in full in Appendix 1. The suggested amendments are set out in the same style as the Waitakere City District Plan. However, it should be noted that a number of submissions, that will be considered separately from this report, have sought broad amendments to the content and direction of other proposed changes and the inclusion of additional matters. This may result in some changes to the wording, structure and format of these provisions, which is not reflected in Appendix 1.

2 BACKGROUND

Proposed Plan Changes 15 (“the Plan Change”) was notified on 31 March 2005 as a requirement of the Local Government (Auckland) Amendment Act 2004 (“the LGAAA”). Amongst other things, the Act required Auckland local authorities to prepare and notify changes to their district plans to provide for integrated land transport and land use provisions that are consistent with the Auckland Regional Growth Strategy.

The LGAAA and the relationship between the LGAAA and the Resource Management Act 1991 (“the RMA”) is discussed further in section 3 of this report.

In response to the requirements of the LGAAA, Waitakere City Council publicly notified six Plan Changes (being Plan Changes 13 to 18 inclusive). The Plan Changes provide for:

- The establishment of three new peripheral urban growth areas, which are primarily intended to provide for the development of commercial and industrial activities (Plan Changes 13, 14 and 15); and
- The introduction of a new chapter in the Policy Section of the District Plan to provide additional objectives and policies concerned with the management of growth (Plan Change 16); and
- Specific rules and supporting policies intended to facilitate and encourage the intensification of development in and around the New Lynn town centre (Plan Change 17); and
- The establishment of new rules to more effectively manage the impacts of growth and intensification (Plan Change 18).

This report addresses those submissions that are specific to Plan Change 15. However, some submissions made on Plan Change 15 which concern general issues are addressed in other reports.

3 STATUTORY FRAMEWORK

3.1 LOCAL GOVERNMENT (AUCKLAND) AMENDMENT ACT 2004

The LGAAA requires 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 (ARGS), give effect to its growth concept and contribute to the matters specified in Schedule 5.

Part 2 of the LGAAA focuses on “Auckland Region land transport and storm water” and includes sections 6 to 44. The purpose of Part 2 is set out in section 6:

The purpose of this Part is to-

- (a) *assign to the Auckland Regional Council principal responsibility for-*
 - i.) *setting the strategy for the Auckland regional land transport system; and*
 - ii) *integrating the planning, funding and development of the Auckland regional land transport system; and*
 - iii) *stormwater funding in the long-term interests of the Auckland Region (to the extent that this function was, before the commencement of this Act, the responsibility of Infrastructure Auckland; and*
- (b) *establish the Auckland Regional Transport Authority and Auckland Regional Holdings to assist the Auckland Regional Council to discharge that responsibility; and*
- (c) *dissolve Infrastructure Auckland, and transfer its assets and liabilities to Auckland Regional Holdings and other organisations; and*
- (d) *require Auckland local authorities to prepare and notify changes to the policy statement and plans under the Resource Management Act 1991 to provide for integrated land transport and land use provisions that are consistent with the Auckland Regional Growth Strategy.*

The subsection of key interest here is section 6 (d). It is important to note that the test in section 6 (d) is one of consistency.

Section 40 on the extent of land transport and land use changes states:

- (1) *A land transport and land use change is a change or variation to an Auckland planning document by including issues, objectives, policies, and descriptions of methods for the purpose of-*
 - (a) *Giving effect, in an integrated manner, to the growth concept in the Auckland Regional Growth Strategy prepared under section 37SE of the Local Government Act 1974; and*
 - (b) *contributing, in an integrated manner, to the matters specified in Schedule 5.*
- (2) *A change for the purposes of subsection (1)(a) and a change for the purposes of subsection (1)(b) must, in relation to each other, be integrated.*

Section 40 (1) further underscores the importance of the ARGs by requiring changes or variations to give effect to the ARGs growth concept. The importance of integration is stressed through Section 40 (1) (b) and (2).

Schedule 5: Land transport and land use changes, indicates that for section 40 (1) (b) the matters are as follows:

- (a) *providing increased certainty in the assessment of resource consents, designations, and plan changes related to transport and urban form, and ensuring that transport and land use patterns are aligned to achieve sustainability, efficiency, and liveability in the Auckland Region; and*
- (b) *managing transport and transport infrastructure, facilitating a multimodal transport network, and facilitating integrated transport management; and*
- (c) *reducing adverse effects of transport on the environment (including improving air and water quality, reducing noise and stormwater, improving heritage protection and reducing community disruption and transport land use), and reducing the adverse effects and increasing the positive interactions of transport and land use; and*
- (d) *supporting compact sustainable urban form and sustainable urban land use intensification (including location, timing and sequencing issues, and associated quality, character, and values of urban form and design); and*
- (e) *integrating transport and land use policies to reinforce metropolitan urban and rural objectives of the Auckland Regional Policy Statement, the development of a competitive and efficient economy and a high quality of life, underpinned by a quality environment and amenity.*

The matters that the LGAAA requires to be included in changes to statutory documents support the RMA's purpose of promoting sustainable management of natural and physical resources.

3.2 RESOURCE MANAGEMENT ACT 1991 PROVISIONS

The purpose of the RMA, as outlined in Part II of the Act, is the sustainable management of natural and physical resources. Part II also outlines the matters, including those matters of national importance, to which Council must have regard to and provide for in achieving that purpose.

The purpose of a district plan as outlined in section 72 is to assist Council to carry out its functions. Councils' functions are outlined in Section 31 as the control of actual and potential effects of the use, development or protection of land and associated natural and physical resources in order to achieve the purpose of the RMA. Councils are obliged to establish, implement and review the objectives, policies and methods to achieve this and can also include rules, which prohibit, regulate or allow certain activities.

Section 32(2) of the RMA 1991 requires a further "s.32" evaluation by the local authority before making any decision on submissions under clause 10 or clause 29(4) of Schedule 1 of the RMA 1991. As the preparation of recommendations is part of the process leading to decision by the Council, it is appropriate that the further evaluation be undertaken when preparing recommendations.

The evaluation must examine:

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

Where the report recommends changes in response to submissions, the author has evaluated the recommended changes in accordance with (a) and (b) above and is satisfied that s.32 has been complied with. Where no changes are recommended, the original s.32 evaluation carried out in preparation of the notified Plan Change continues in effect.

3.3 THE RELATIONSHIP BETWEEN THE RMA AND THE LGAAA

The matters that the LGAAA requires be included in changes to statutory documents, that is, changes consistent with the Auckland Regional Growth Strategy (ARGS) and to give effect to its growth concept, can be taken as promoting the RMA's purpose of promoting sustainable management of natural and physical resources.

The impetus for the Auckland Regional Growth Strategy (ARGS) grew out of the statutory processes surrounding the region's first ARPS, and the region's desire to work together more strategically to enhance the region's future. Environmental protection and sustainable management of the region's natural and physical resources is central to the ARGS.

The Local Government Act (LGA 1974) gave statutory recognition to the Auckland Regional Growth Forum and legitimised work on a growth strategy through a 1998 amendment. Section SE37 stated that:

- (1) *The Auckland Regional Council must prepare and adopt a regional growth strategy for its region.*
- (2) *The objective of the strategy for the Auckland Region will be to ensure growth is accommodated in a way that meets the best interests of the inhabitants of the Auckland Region.*
- (3) *The regional growth strategy prepared under this section may include (but need not be limited to)*
 - (a) *Identification of the anticipated and preferred locations of growth within the Auckland Region:*
 - (b) *A statement of key values for considering growth issues:*
 - (c) *Information about future growth to assist regional providers of infrastructure to plan to meet future requirements:*
 - (d) *Such other matters as are considered appropriate.*

Subsection 4 required that an (Auckland) regional growth strategy not be inconsistent with any operative or proposed regional policy statement, while 5 provided for reviews.

It is acknowledged that the RMA and the LGAAA legislative language varies somewhat, and may give rise to a range of views about what is appropriate, and under what statute. For the avoidance of doubt, this hearing report assumes that the changes proposed are to meet the LGAAA requirements, and that these requirements fall within the RMA's requirements. Again, for the avoidance of doubt, if there are any doubts, or the appearance of potential conflicts between the two statutes and their requirements, the LGAAA, as the more specific legislation applies.

4 OTHER RELEVANT DOCUMENTS AND STRATEGIES

4.1 THE AUCKLAND REGIONAL GROWTH STRATEGY: 2050

4.1.1 An Overview

The ARGS represents the future vision for the Auckland region by its councils working jointly together in the Auckland Regional Growth Forum. It seeks to promote the sustainable management of the region's resources within a sustainable development framework. It was launched by Auckland councils in late 1999, with the then reviewed Regional Land Transport Strategy (ARLTS).

The strategy provides a vision for what Auckland could look like in 2050 when it may have a population of 2 million. It built on the policy approach in the Auckland Regional Policy Statement (ARPS). However it contrasts with the ARPS and District Plans that under the RMA are operative for 10 years, and tend to focus on a far shorter time horizon. The Auckland Regional Growth Strategy (ARGS) seeks to take an integrated strategic approach to regional growth management into the longer term. Its vision is to sustain:

- strong, supportive communities,
- a high quality living environment,
- a region that is easy to get around, and
- protection of the coast and surrounding natural environment.

The ARGS states that:

Three key themes relating to the major issues and growth pressures facing the Auckland region emerge from these prioritised desired outcomes. They are:

- desirable communities and diversity and choice optimised,
- accessibility optimised,
- natural and physical environment optimised.

When the ARGS was launched Auckland councils signed a Memorandum of Understanding committing themselves to its effective implementation through appropriate resourcing of growth work, committing to develop sector agreements within two years of the ARGS having been signed and implementing these.

One crucial aspect of implementation includes ongoing changes to RMA policy statements and plans to incorporate relevant aspects of the ARGS and its sector agreements.

4.1.2 The Growth Concept

The "Growth Concept" is a snapshot of how the region could look at 2050 if growth is managed according to the vision, outcomes and principles.

Key features of the "Growth Concept" are:

- that growth will be managed by promoting quality, compact urban environments (intensification) to assist with managing the effects of growth;

- most growth within the existing metropolitan area with development outside current urban limits only where environmental, accessibility and community principles can be met;
- most urban growth focused around town centres and major transport routes to create higher density communities, with a variety of housing, jobs, services, recreational and other activities (mixed use);
- much less emphasis on general infill throughout suburban areas;
- development of the most highly valued and sensitive natural areas is avoided.

Looking out to 2050, some expansion in new greenfield areas was seen as necessary to provide sufficient land and locational choice for dwellings and businesses. If all proposed greenfield development proceeds the Auckland region's metropolitan area may increase by about 10% or 5000 hectares, over the 50-year timeframe.

By 2050, more than a quarter of the population (more than 500,000 people) could be living in higher density, multi-unit accommodation compared with less than an eighth or 125,000 people in 1996. However, even after 50 years, 70% of people could still live at lower densities in the suburbs and rural areas.

It is acknowledged that the LGAAA requirement to give effect to the growth concept, is somewhat problematic for the Section 32 evaluation. The Auckland Regional Growth Strategy (ARGS) is a broad brush strategic document, reliant on technical and consultative work done to underpin it but which is not part of it. The ARGS notes that:

The Growth Concept is essentially a snapshot that illustrates how the Growth Forum believes the region could look in the year 2050 if growth is managed according to the vision, outcomes and principles contained in the strategy. The Growth Concept provides one possible future scenario for the Auckland region. The use of sector and local area agreements provides flexibility for a number of alternative scenarios to eventuate at a sector level. Therefore sector and local area agreements may result in changes to this Growth Concept as other options are assessed against the vision, priority outcomes and principles and agreed by the Growth Forum and its members at a sector level. (p27)

In other words, further work may raise issues with the focus of growth in a specific area, and which could compromise the vision, outcomes and principles. Maintaining the commitment to the ARGS may require reconsideration of detailed aspects of sector and other agreements and thus changes to them, and to the growth concept.

In addition, further technical work may well be needed to implement sector agreements and to include relevant aspects in district plans. At times, such work may require details of sector agreements to be reconsidered and may result in changes to them.

The way that the ARGS is set up is important. It outlines a vision, key principles and outcomes with a growth concept; these are to be implemented through Memoranda of Understanding between the councils (and also with others), through the development of sector agreements, and sector agreement implementation of these through various mechanisms including changes to statutory documents. The ARGS broad brush picture is expected to remain the largely the same or similar, but the specifics may alter.

Each step in the process enables further consideration of whether what was envisaged in the higher, more general document actually continues to be a good fit with the ARGS vision, principles and outcomes, or whether further refinement is necessary. The ARGS

acknowledges it is a living strategy. Consequently, reviews are important and implementation needs to reflect emerging issues.

4.1.3 The Northern and Western Sectors Agreement

The Memorandum of Understanding signed by the Regional Growth Forum members committed the members to sector-based agreements as a method of implementing the ARPS. Four geographic sectors were identified in the ARGS. Issues for the northern and western sectors are combined in the Northern and Western Sectors Agreement, October 2001. This was prepared by North Shore City Council, Rodney District Council, Waitakere City Council and Auckland Regional Council who are signatories to the agreement.

The sector agreements are an important tool for implementation of the ARGS. However, they are not a statutory document, nor are they incorporated by reference into the LGAAA, and were not expressly prepared under other legislation. Therefore there is no requirement to “have regard to” or “give effect to” sector agreements. Nevertheless where a submission refers to the Northern and Western Sectors Agreement, then regard may be had to the sector agreement within the context of that submission (refer submissions 85/8, 251/49, 259/9, 257/258 and 250/166). Also the implementation of the sector agreement may be given as a reason for a particular recommendation on a submission.

4.3 THE NEW ZEALAND COASTAL POLICY STATEMENT

The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement containing policies on the coastal environment. The Waitakere City District Plan must give effect to the NZCPS.

The land area subject to the Plan Change is some distance from the coastline and is not part of the coastal environment. Therefore many of the policies in the NZCPS are not directly applicable to the Plan Change. However, changes to land use in the catchment subject to the Plan Change have a theoretical potential to affect the adjacent Waitemata Harbour through stormwater runoff or other discharges. Therefore those NZCPS policies concerned with coastal water quality and the effects of land use on coastal water and ecology are relevant. No submissions expressly refer to the NZCPS, but Section 5.7 of this report addresses relevant submissions concerned with stormwater and its potential effects on the coastal environment.

4.4 THE AUCKLAND REGIONAL POLICY STATEMENT

The Auckland Regional Policy Statement (ARPS) sets regional policy. The ARPS contains a variety of policy relating to management of urban growth. This includes relatively detailed new policy introduced by Proposed Change 6 to the ARPS under the LGAAA.

The Waitakere City District Plan must give effect to the ARPS and the new policy introduced by Proposed Change 6 is relevant to Proposed Plan Change 15. However, Proposed Change 6 is not operative yet and the Regional Council has not made decisions on submissions to Proposed Change 6. At the time of writing of this report, it was not clear what sequence is to be followed in the release of decisions on Proposed Change 6, relative to release of decisions on the proposed changes to the district plans.

Some submissions have raised consistency with the ARPS as an issue.

4.5 THE AUCKLAND REGIONAL PLAN: COASTAL

The Auckland Regional Plan: Coastal (ARPC) contains policy and rules relating to the coastal marine area. While the area of land subject to the Plan Change is not in the coastal marine area, the ARPC does contain policy relating to effects on the coastal marine area of the discharges from land-based activities. No submissions have expressly raised consistency with the ARPC as an issue.

4.6 THE AUCKLAND REGIONAL PLAN: AIR, LAND AND WATER

The Auckland Regional Plan: Air, Land and Water (ARPALW) contains policy and rules relating to air quality, water quality, water quantity, alteration of water bodies and other related matters. Some of this policy is relevant to the Plan Change. No submissions have expressly raised consistency with the ARPALW as an issue.

4.7 THE AUCKLAND REGIONAL PLAN: SEDIMENT CONTROL

The Auckland Regional Plan: Air, Land and Water (ARPSC) contains policy and rules relating to land disturbance. Some of this policy is relevant to the Plan Change. No submissions have expressly raised consistency with the ARPSC as an issue.

4.8 THE TOTARA CREEK INTEGRATED MANAGEMENT PLAN

The Totara Creek Integrated Management Plan (TICMP) is a stormwater network discharge consent application which has been lodged with the Auckland Regional Council. This consent application is referenced as application 26185. The application is for stormwater discharge for the entire Totara Catchment, which includes the entire land area subject to the Plan Change. The application was notified for public submissions in 2006, but the Auckland Regional Council has made an administrative decision to delay further processing of the application until after the relevant LGAAA decisions are released. Submissions concerned with consistency between the TICMP and Proposed Plan Change 15, or with stormwater generally are addressed in section 5.7 of this report.

5. DISCUSSION OF SUBMISSIONS

5.1 Section Outline and Summary of Issues

The original submissions and further submissions have been summarized by the Auckland Regional Council. In this report the summaries of submissions are grouped into general topics presented in order ranging from general issues at the front, to more specific or detailed matters towards the end. A brief overview of the issues raised in submissions and the recommended response is provided below for each topic group.

Section 5.2 Retain Plan Change

This section addresses those submissions that support the plan change as notified. Generally it is recommended that these submissions be accepted in part to the effect that the Plan Change be accepted subject to some amendments made in response to other more specific submissions.

Section 5.3 Reject Plan Change

This section addresses those submissions which request that the whole plan change be rejected. The submissions do not advance good reasons to reject the entire plan change, but some changes are recommended to address particular issues raised by some submitters.

Section 5.4 General Sustainability / Effects / Efficient Use of Land

This section addresses generalized submissions requesting general changes on the topics in the heading. Overall it is recommended that the plan change does provide for sustainable management subject to some amendments.

Section 5.5 General Objectives

This section addresses submissions requesting insertion of additional objectives. Overall the existing objectives are adequate and no additional objectives are recommended.

Section 5.6 Integration with Transport Systems

This section addresses submissions concerned about integration of the town centre with both private and public transport systems, and also the effects of those transportation systems on the environment.

There are other interrelated submissions on the transportation topic which are addressed in the report: Transportation Report WCC 4 (Agenda Wednesday 25 October 2006). It is recommended that report WCC 4 be reviewed prior to consideration of Section 5.6 of this report.

The submissions on the plan change range from generalized submissions seeking rejection of the entire plan change for transport related reasons, to more specific submissions seeking particular changes. Successful sustainable integration of land-use with a multimodal transport system is an important requirement under the LGAAA. A Transport Audit had been undertaken by WCC as requested in some submissions, and the results of this audit have been considered in the preparation of recommendations.

Some changes are recommended to the plan change in response to particular submissions. In particular changes are recommended to update the Massey North Concept Plan with respect to the outcomes of the Audit and to provide for greater integration of land use development and public transport provision.

Section 5.7 Stormwater

This section addresses submissions that query consistency with the corresponding Totara Integrated Catchment Management Plan (TICMP) network discharge consent, or request changes to assessment criteria relating to stormwater. Some changes are recommended in response to these submissions, mainly with the intent of achieving consistency between land use and the Totara ICMP.

Section 5.8 Transmission Lines

This section addresses a submission relating to a map notation showing existing Transpower overhead transmission lines. There are more related submissions on this topic in the Infrastructure Report. No changes are recommended.

Section 5.9 General Infrastructure Provision

This section addresses submissions seeking changes related to the provision of infrastructure. Changes are recommended to update the Massey North Urban Concept plan to be consistent with the draft transport audit and the Totara ICMP 2006. In addition changes to the rules are recommended to expressly provide for roading and infrastructure in the precincts.

Section 5.10 Integration with Westgate (Precinct E)

This section addresses submissions concerned with the degree of integration of the existing Westgate Centre with the proposed new Massey North Town Centre. No changes are recommended other than general changes to density requirements across the town centre as a whole which will also have an effect in Westgate.

Section 5.11 New Precinct F and Other Areas to be Included in Special Areas

This section addresses submissions that request additional areas or precincts be added to the Plan Change. No changes are recommended.

Section 5.12 Neon Boron Land – Change Zoning

This section addresses a submission seeking a change to zoning within Massey outside of the area subject to the Plan Change. No change is recommended.

Section 5.13 Location of Town Centre / Arrangement of Special Areas and Precincts

This section addresses submissions seeking the Massey North town centre be located elsewhere, or that the precincts be altered, or that the purpose of precincts be changed. It is recommended that the maximum building coverage rule be deleted, and that the Community Facility area in Precinct D have an underlying Massey North Employment Special Area land use.

Section 5.14 Apartment Living Issues

This section addresses submissions concerned with the quality of apartment living provided for by the Plan Change. An additional assessment criteria is recommended to encourage provision of apartments for diverse lifestyle choices.

Section 5.15 Dwelling and Employment Targets

This section addresses submissions seeking higher employment and residential densities within the Massey North. The Plan Change has residential density standards for apartments but does not have standards for employment density whereas the Auckland Regional Policy Statement sets targets for both. Options for controlling employment density are discussed. It is recommended that higher employment densities be encouraged by controlling built form rather than targeting employment density directly. Changes are recommended to set minimum floor area ratios, change the parking rules to

maximums, increase the apartment density standard and raise the maximum height standards.

Section 5.16 Residential Mix

This section addresses submissions seeking limitations on the proportion of residential activity in the Town Centre. There are no limitations in the Plan Change, and it is recommended that maximum standards be set for ground floor residential activity.

Section 5.17 Retail General / Retail Mix / Retail Limits (refer also to individual precinct submissions)

This section addresses submissions seeking alteration of rules controlling retail activity in the Town Centre. There are a variety of submissions seeking either tightening or relaxing of the rules relating to the proportion of the town centre that is allocated to retail activity. Rules are necessary to prevent excessive dominance of retail activities and encourage a more diverse town centre with higher employment densities. It is recommended that rules limiting supermarkets to one per precinct be removed. However it is also recommended that additional standards be set limiting the size of other retail units and setting retail maximums for precincts

Section 5.18 Retail Issues – Precinct A

This section addresses submissions seeking alteration of rules controlling retail activity in Precinct A. It is recommended that the one supermarket restriction be removed, and that the maximum floor area limit for super markets be generalized to apply to all large retail units.

Section 5.19 Retail Issues – Precinct B

This section addresses submissions seeking alterations of rules controlling retail activity in Precinct B. Some changes to the precinct activity definitions are recommended. It is also recommended that the rules controlling the size of retail units be simplified.

Section 5.20 Retail Issues – Precinct C

This section addresses submissions seeking alteration of rules controlling retail activity in Precinct C. There is a degree of inconsistency between the provisions for this precinct. Changes are recommended to the activity areas within the precinct, the eastern boundary of the precinct and the rules to clarify the extent of retail activity that can be undertaken.

Section 5.21 Retail Issues – Precinct D

This section addresses submissions seeking alteration of rules controlling retail activity in Precinct D. Changes are recommended to set a maximum retail threshold.

Section 5.22 Retail Issues – Precinct E

This section addresses submissions seeking alteration of rules controlling retail activity in Precinct E. Some changes are recommended including removal of the one supermarket limitation.

Section 5.23 Building Design / Block Layout / Streetscape / Typology

This section addresses submissions relating to controls on buildings design, the layout of streets, and the interface between streets and activities. Some changes are recommended including the addition of indicative street typologies to the Massey North Urban Concept Plan.

Section 5.24 Performance Standards General

This section addresses a variety of submissions on performance standards. Removal of the maximum building coverage standard is recommended.

Section 5.35 General – Noise / Amenity / Dust / Traffic

This section addresses submissions concerned with affects on general amenity values. Some changes to the policy and rules are recommended.

Section 5.36 Reverse Sensitivity

This section addresses submissions concerned with potential effects of new activities moving into an area on the ability of existing activities to continue. No changes are recommended.

Section 5.37 Heritage

This section addresses a submission seeking protection of a heritage building. It is recommended that the building be listed in the heritage appendix.

Section 5.38 Appendix XX

This section addresses submissions on the Massey North Urban Concept Plan. Some changes are recommended to the explanatory material.

Section 5.39 Comprehensive Development Plan / Consent Processing Issues

This section addresses submissions seeking changes to the comprehensive development plan rules and related consent administration processes. Some changes are recommended to clarify the application of rules.

Section 5.40 Rules Assessment Criteria

This section addresses submissions seeking changes to the assessment criteria used to assess consent applications. Various changes are recommended

Section 5.41 Consent Conditions

This section addresses submissions seeking changes to the section on consent conditions. Some changes are recommended.

Section 5.42 Existing Uses

This section addresses submissions seeking changes to the rules on existing uses. Changes are recommended to delete express rules on existing uses.

Section 5.43 Signs

This section addresses submissions seeking changes to the rules on signs. Changes are recommended to clarify the application of the rules on signs.

Section 5.44 Natural Area Rules

This section addresses submissions seeking changes to the natural area rules that apply within Massey North. Changes are recommended to earthworks rules applying to Massey North.

Section 5.45 City-wide Rules

This section addresses submissions seeking changes to the way City-wide rules apply within Massey North. Minor changes are recommended.

Section 5.46 Other Rules Applying

This section addresses submissions seeking changes clarify the way other rules apply within Massey North. Minor changes are recommended.

Section 5.47 Default Rules

This section addresses submissions seeking changes to clarify whether activities are discretionary or non-complying. Changes to the rules are recommended to clarify the status of activities.

Section 5.48 Financial Contributions

This section addresses submissions seeking clarification of the application of financial contributions. Changes to the explanation and assessment criteria are recommended.

Section 5.49 Flexibility / Discretion in Policies & Rules / Control v Permissiveness / Certainty

This section addresses submissions seeking alterations to the wording of the plan change provisions to make them either more or less precise in their meaning. Changes are recommended to clarify the matters over which Council has discretion.

Section 5.50 Notification

This section addresses submissions seeking changes to the rules regarding notification of resource consents. Changes are recommended to clarify that limited discretionary consents will not be notified.

Section 5.51 Clarity / Word Economy

This section addresses submissions seeking general changes to clarify the provisions of the plan. Various changes are recommended to clarify or simplify the plan.

Section 5.53 Errors

This section addresses submissions seeking corrections of errors, which it is recommended be corrected.

Section 5.53 Consequential Changes

This section addresses submissions seeking changes consequential to other submissions.

5.2 Retain Plan Change

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
4/1	Rexford Family Trust	Retain the extension of the MUL at Hobsonville Airbase, Hobsonville Village and Massey North (RPS Map Series 1, Maps 7, 7A and 8)	Supported By: 254 North Shore City Council
4/4	Rexford Family Trust	Retain in Plan Change 15 the provision for job opportunities embedded in these plan changes.	Support and Opposed By: 300 IMF Westland Ltd
23/2	Phillip Glucina	Retain plan change as supports plan change on basis that existing Massey North complex is success, taking pressure off local roads.	
29/1	Massey Gardens & Orchard Limited	Retain Plan Change 15 - Massey North in the form notified.	Supported By: 300 IMF Westland Ltd
30/1	Maurice and Maree Marinovic	Retain Plan Change 15 - Massey North in the form notified.	
44/1	Sweet Red Trust	Retain the entire Proposed Plan Change 15 - Massey North, and adopt in the form notified.	
85/8	Enterprise Waitakere	Retain the Plan Change as notified as it is generally consistent with the Regional Growth Strategy and the Northern and Western Sector Agreements and other reasons set out in the	Supported By: 300 IMF Westland Ltd

		submission.	
95/30	Housing New Zealand Corporation (1)	Retain the provisions enabling and encouraging affordable residential development as notified in the plan change.	
140/5	Garelja Brothers Strawberry Gardens	Retain Plan Change 15 and the creation of the Massey North Employment Special Area and the Massey North Town Centre Special Areas subject to the amendments sought in submissions 140/1-140/4.	
169/2	Robin J Crothall	Support growth policies, particularly in the Whenuapai/ Hobsonville area	
253/52	Manukau City Council	Retain the provisions notified in Plan Change 15.	Supported By: 300 IMF Westland Ltd
256/42	Rodney District Council	Retain the Plan Change 15 subject to the outcome of Rodney District Council's further business research being undertaken in Western Rodney in consultation with Waitakere City Council.	
260/1	Bristow, Barbour & Walker	Retain proposed plan change 15 and support it becoming fully operative	
282/2	PA Purdy	Retain proposed plan change 15 Massey North	
295/4	Edward & Merlene Cox and Kylie May	Retain the Plan Change. We support the concept plan and associated rules as this is a comprehensive growth plan.	
296/4	Mitchell & Helena Cox	Retain the Plan Change. We support the concept plan and associated rules as this is a comprehensive growth plan.	
297/1	Judith Ann & Lisa Robin MacLaine	Retain the Plan Change. We support Auckland Regional Council's move to provide a platform for sensible development of the Auckland Region.	
297/4	Judith Ann & Lisa Robin MacLaine	Retain the Plan Change. We support the concept plan and associated rules as this is a comprehensive growth plan.	
329/1	David Phillips	Support the plan change for the new town centre	
330/2	The Michael Bridgford Family Trust	Support the proposed plan change 15 - Massey North	Supported By: 140 Garelja Brothers Strawberry Gardens
340/3	Grant Smith	Retain intensification of urbanised areas	
543/2	Sandi Kem	Retain Plan Change 15 for reasons including that it will; create employment and services closer to where people live, reduce traffic, provide social, economic and environmental benefits, make available quality apartments for those desiring it, provide a range of commercial and community services particularly for those in the community who find it hard to get around, provide a safe and vibrant town centre, link to the current shopping centre and use existing infrastructure and transit road extensions, restrict sprawl by allowing growth to occur in a controlled, planned manner.	
544/2	Margaret Cowper		
545/2	Suzanne Maree Cameron		
546/2	Lorraine Snell		
547/2	Janine Lodge-Osborn		
548/2	Jaimi-Leigh Fairbairn		
549/2	Virginia Kem		
550/2	R Rainbow		
551/2	Dominique Taku		
552/2	Harvey World Travel		
553/2	Nola Jewell		
554/2	Bounty Scrapbook		

	Supplies Ltd		
555/2	Nailed It		
556/2	New Zealand Driver Licensing Ltd		
557/2	Westgate Fashion		
558/2	David Craddock		
559/2	Chris McLennan Photography		
560/2	Deneece Goldsworthy		
561/2	Stacey Clegg		
562/2	Tina Hodson		
563/2	Debbie McIntosh		
564/2	Westgate Fashion		
565/2	Craft World New Zealand Ltd		
566/2	Harvey World Travel		
567/2	Deborah Collett		
568/2	Memories Forever		
569/2	Bounty Scrapbooks		
570/2	Bounty Scrapbooks Supplies Ltd		
571/2	Catherina Pearton		
587/3	Chapmans Chartered Accountants Ltd	Retain the proposed changes to include the Westgate area with the MUL as the development of a comprehensive town at Westgate it will bring jobs to this part of Auckland and reduce the need to travel.	
1074/2	Future Choices Ltd	Retain Plan Change 15 for reasons including that it will; create employment and services closer to where people live, reduce traffic, provide social, economic and environmental benefits, make available quality apartments for those desiring it, provide a range of commercial and community services particularly for those in the community who find it hard to get around, provide a safe and vibrant town centre, link to the current shopping centre and use existing infrastructure and transit road extensions, restrict sprawl by allowing growth to occur in a controlled, planned manner and people and their communities of interest it is responsive to their needs and accessibility.	
1075/2	Juponica Gardens	Retain Plan Change 15 for reasons including that it will; create employment and services closer to where people live, reduce traffic, provide social, economic and environmental benefits, make available quality apartments for those desiring it, provide a range of commercial and community services particularly for those in the community who find it hard to get around,	

		provide a safe and vibrant town centre, link to the current shopping centre and use existing infrastructure and transit road extensions, restrict sprawl by allowing growth to occur in a controlled, planned manner and make Whenuapai Airport/Hobsonville Airport as international.	
1076/2	E H Grbic	Retain Plan Change 15 for reasons including that it will; create employment and services closer to where people live, reduce traffic, provide social, economic and environmental benefits, make available quality apartments for those desiring it, provide a range of commercial and community services particularly for those in the community who find it hard to get around, provide a safe and vibrant town centre, link to the current shopping centre and use existing infrastructure and transit road extensions, restrict sprawl by allowing growth to occur in a controlled, planned manner and seeks a continuous transport system for the elderly within the centre to minimise the amount of walking.	
1077/2	G E & H W Stone	Retain Plan Change 15 for reasons including that it will; create employment and services closer to where people live, reduce traffic, provide social, economic and environmental benefits, provide a range of commercial and community services particularly for those in the community who find it hard to get around, provide a safe and vibrant town centre, link to the current shopping centre and use existing infrastructure and transit road extensions, restrict sprawl by allowing growth to occur in a controlled, planned manner and as promoting town for young generations family houses are more suitable.	
1078/2	Gordon Kay	Retain Plan Change 15 for reasons including that it will; create employment and services closer to where people live, reduce traffic, provide social, economic and environmental benefits, make available quality apartments for those desiring it, provide a range of commercial and community services particularly for those in the community who find it hard to get around, provide a safe and vibrant town centre, link to the current shopping centre and use existing infrastructure and transit road extensions, restrict sprawl by allowing growth to occur in a controlled, planned manner and also seeks that provision be made for a decent bus transfer site rather than exposed shelters now at Westgate.	
1079/2	Peter & Sheila Le Masurier	Retain Plan Change 15 for reasons including that it will; create employment and services closer to where people live, reduce traffic, provide social, economic and environmental benefits, make available quality apartments for those desiring it, provide a range of commercial and community services particularly for those in the community who find it hard to get around, provide a safe and vibrant town centre, link to the current shopping centre and use existing infrastructure and transit road extensions, restrict sprawl by allowing growth to occur in a	

		controlled, planned manner and seeks that it includes medical facilities.	
1080/2	Darren Anderson	Retain Plan Change 15 for reasons including that it will; create employment and services closer to where people live, reduce traffic, provide social, economic and environmental benefits, make available quality apartments for those desiring it, provide a range of commercial and community services particularly for those in the community who find it hard to get around, provide a safe and vibrant town centre, link to the current shopping centre and use existing infrastructure and transit road extensions, restrict sprawl by allowing growth to occur in a controlled, planned manner .	
1129/2	NZ Hardware Co		
1130/2	Judith Hildred		
1131/2	Danielle Hows		
1132/2	Momentum Magazine Group		
1133/2	Sally Ann Mitson		
1134/2	Stephen Holyer		
1135/2	Debra Burns		
1137/2	Lynette Aroha McGookin		
1138/2	Angela Riggs		
1139/2	Xiong Zhang		
1140/2	Wu Qifen		
1141/2	Michael Alswailer		
1142/2	Trish Alswailer		
1143/2	Mr Mervyn & Mrs Margaret Rix		
1144/2	Marama Moreliu		
1145/2	Chester John Sherab		
1146/2	Lisa Gamond		
1147/2	Suburban Newspapers		
1148/2	Ceryl & Chris Patchell		
1149/2	Pauline R Langford		
1150/2	Alan Roy & Jenny Bleakley		
1151/2	Lita Summerfield		
1152/2	Alastair Munro		
1153/2	Gillian & James Lawson		
1154/2	Tracey Thomas		
1155/2	Steve & Karen Raine		
1156/2	Ben & Anita Kaa		
1157/2	Nadine Taupo		
1158/2	Tom & Martha Wubben		
1159/2	Jocelyn Avery		
1160/2	Bernard C Prewett		

1161/2	Gwen Nash	Retain Plan Change 15 for reasons including that it will; create employment and services closer to where people live, reduce traffic, provide social, economic and environmental benefits, make available quality apartments for those desiring it, provide a range of commercial and community services particularly for those in the community who find it hard to get around, provide a safe and vibrant town centre, link to the current shopping centre and use existing infrastructure and transit road extensions, restrict sprawl by allowing growth to occur in a controlled, planned manner and people and their communities of interest it is responsive to their needs and accessibility.	
1162/2	Vinka Williams		
1163/2	David John Thomson		
1164/2	Raymond & Maureen Barnett		
1165/2	Eric & Myrene Ramm		
1166/2	Mike Dickens & Arti Sugesti		
1167/2	Asrian Blaser		
1168/2	Doris Mitchell		
1169/2	Garry Green		
1170/2	Memory Ellis		
1171/2	Constantinus Bonsel and Wilheimina Bonsel		
1172/2	Duthie Lidgard		
1173/2	Grimmer and Norma Gordon		Supported By: 300 IMF Westland Ltd
1174/2	RM D Barrett		
1175/2	K& R Clarke		
1176/2	David Chad		
1177/2	Casey Realty Ray White Royal Heights		
1178/2	Christine & Barry Whittle		
1179/2	Gerald Martens		
1180/2	Barry Johnstone		
1181/2	Murray Addis		
1182/2	Colin McHoln		
1183/2	Peter Hon		
1184/2	Charlene Moffat		
1185/2	Jackie Cochran		
1186/2	John & Noni Carroll		
1187/2	Cutting Edge NZ Consultants Ltd		
1188/2	Irene Levet		
1189/2	Amber & Raymond Sanchez		

Discussion:

These submissions support the proposed plan change 15 in general for the reasons given in submissions. The support of these submitters is acknowledged and is taken into account in consideration of other submissions requesting changes to the proposed plan change. Some changes are recommended in response to other submissions. However, these changes should not adversely affect the favourable attributes identified by the submitters.

Recommendation:

Submissions 4/1, 4/4, 23/2, 29/1, 30/1, 44/1, 85/8, 95/30, 140/5, 169/2, 253/52, 260/1, 282/2, 295/4, 296/4, 297/1, 297/4, 329/1, 330/2, 340/3, 543/2, 544/2, 545/2, 546/2, 547/2, 548/2, 549/2, 550/2, 551/2, 557/2, 558/2, 559/2, 560/2, 561/2, 562/2, 563/2, 564/2, 565/2, 566/2, 567/2, 568/2, 569/2, 570/2, 571/2, 587/3, 1074/2, 1075/2, 1076/2, 1077/2, 1078/2, 1079/2, 1080/2, 1129/2, 1130/2, 1131/2, 1132/2, 1133/2, 1134/2, 1135/2, 1137/2, 1138/2, 1139/2, 1140/2, 1141/2, 1142/2, 1143/2, 1144/2, 1145/2, 1146/2, 1147/2, 1148/2, 1149/2, 1150/2, 1151/2, 1152/2, 1153/2, 1154/2, 1155/2, 1156/2, 1157/2, 1158/2, 1159/2, 1160/2, 1161/2, 1162/2, 1163/2, 1164/2, 1165/2, 1166/2, 1167/2, 1168/2, 1169/2, 1170/2, 1171/2, 1172/2, 1173/2, 1174/2, 1175/2, 1176/2, 1177/2, 1178/2, 1179/2, 1180/2, 1181/2, 1182/2, 1183/2, 1184/2, 1183/2, 1184/2, 1185/2, 1186/2, 1187/2, 1188/2 and 1189/2 are accepted in part with no changes being made in response to these submissions.

5.3 Reject Plan Change

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
11/1	Dennis Terry	Opposes the development of a shopping, office, residential area at Massey North on the grounds of excessive expansion of built-up areas in the Auckland region- traffic congestion, stormwater run-off, extra strain on infrastructure, loss of fertile and productive land	Opposed By: 108 Progressive Enterprises Limited
11/3	Dennis Terry		Opposed By: 108 Progressive Enterprises Limited 140 Garelja Brothers Strawberry Gardens 76 Ivan & Milka Selak 74 Roy Wigg 75 Steve Nuich
13/3	John Birkbeck	Opposes creeping urbanisation (Westgate and Hobsonville), development should be confined to existing boundaries.	Opposed By: 254 North Shore City Council 108 Progressive Enterprises Limited 95 Housing New Zealand Corporation (1)
13/12	John Birkbeck	Opposes the extension of the MUL as show in Map Series 1 - Sheet 7a, it is in conflict with the stated aim of minimising the urbanisation of productive rural land.	Opposed By: 254 North Shore City Council 140 Garelja Brothers Strawberry Gardens 76 Ivan & Milka Selak 74 Roy Wigg 75 Steve Nuich
81/3	IB, GA and IE Midgley	Delete Plan Change 15 in its entirety.	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited
198/11	PARANZ Limited	Delete in its entirety.	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited 107 Westfield (New Zealand) Limited 204 The Waitakere Ranges Protection Society Incorporated
250/157	Auckland Regional Council	In the event that the associated application to move the MUL to include Massey North is not successful or is amended, the Proposed Plan Change 15 be withdrawn or amended accordingly.	
251/49	Auckland City Council	Reject Plan Change 15.	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited
284/21	Oratia Landowners Action Group	Delete the whole plan change as it is ultra vires to the RMA and is contrary to sections 6, 7, 31, 75, 76 and 32 and consultation has been incomplete.	Opposed By: 108 Progressive Enterprises Limited 208 Sylvia Park Business

			Centre Limited 107 Westfield (New Zealand) Limited 204 The Waitakere Ranges Protection Society Incorporated
335/1	Jeremy & Rebekah Opie	Opposes the proposed development at Westgate (Massey North)	Opposed By: 254 North Shore City Council 95 Housing New Zealand Corporation (1)
335/2	Jeremy & Rebekah Opie		
336/2	Denise Finlayson	Reject plan changes relating to extensions of MUL's	
337/3	Heather Rogers	Reject plan changes relating to extensions of MUL's	
340/4	Grant Smith	Reject plan changes relating to extensions of MUL's	
1081/2	Emily Simes	Delete Plan Change 15 for reasons set out in the submission including that another shopping mall will not encourage employment, instead of driving to a new town it is better to walk to existing towns (New Lynn, Glen Eden etc), the needs of north west Auckland could be provided for by revitalising and making better use of existing shops.	Opposed By: 108 Progressive Enterprises Limited
1082/2	Sue Maloney	Delete Plan Change 15 as not aware of any community consultation.	

Discussion:

This group of submissions opposes the whole of Proposed Plan Change 15 for various reasons.

Submissions 11/1, 11/3, 13/12, 335/1, 335/2, 336/2, 337/3, 340/4 and 1081/2

These submissions have raised specific concerns set out in the full submissions about the effects of the proposed new township. These are responded to as follows.

The Council is promoting intensification of existing town centres as well as the development of the new town centre at Massey North, consistent with Councils long-standing policy of three town centres within Waitakere City; being New Lynn, Henderson and Massey North. Redevelopment of New Lynn and Henderson is being undertaken in conjunction with the new town centre at Massey North. The overall aim is to provide employment opportunities within closer proximity to residential areas. While some individuals may still choose to travel long distances to work, the opportunities to work closer to home will be improved for Waitakere City residents.

Massey North will be located adjacent to the new State Highways 16 and 18 being constructed by Transit NZ and therefore will have good access to the state highway network. The potential effects of traffic on road congestion has been analysed and modelling indicates that traffic densities and congestion will not be significantly increased, and regional travel times will be reduced. An integrated bus-based public transport system has been provided for. Some changes to the rules and are recommended in response to other submissions specifically concerned with transport issues discussed in section 5.6. These recommended changes would assist in addressing the submitters concerns.

Stormwater will be managed by the Integrated Catchment Management Plan - Totara Creek (ICMP) (ARC permit application 26185), to ensure that the harbour estuary is not adversely affected. However, the link between the landuse controls in Proposed Plan Change 15 and the ICMP needs to be reinforced to ensure sustainability. Changes to Policy 11.44, rule 26.2 and rule 27, along with amendments to the Massey North Urban Concept Plan to align the Plan Change with the ICMP are recommended in response to this submission and other submissions refer (refer 250/165 in section 5.7) specifically concerned with stormwater.

While the land is productive, it is not New Zealand's or the regions best agricultural soil, and the productivity that has been achieved is more of a testament to the skills of the farmers, than the quality of the soil. New Zealand agriculture and consumers will not be adversely affected by the urban development of this area.

The costs of infrastructure will be mostly funded by developers, and that cost will ultimately be reflected in the purchase cost of sites in Massey North. Therefore ratepayers in other parts of the district will not be financially disadvantaged. No change is recommended.

Submission 13/3

This submission opposes the plan change on the grounds of “creeping urbanisation” and wants development confined to existing boundaries. In response, the plan change is one of a series of changes to address urban growth issues under the Auckland Regional Growth Strategy, which explicitly recognises that some growth will be accommodated outside existing boundaries. No change is recommended.

Submission 81/3

This submission seeks to replace the Proposed Plan Change 15 with an alternative town layout. This is inappropriate for the reasons advanced in response to other related submissions by the same submitter. No change is recommended.

Submission 198/11

This submission asserts that “The proposal does not prevent or correct ‘urban sprawl’ or ensure high standards of urban (or rural design) design. It encourages higher urban densities without addressing the social problems that occur.” In response: Waitakere City has a long-standing policy of three town centres being New Lynn, Henderson and Massey/Westgate. While development of Massey North does involve development of a greenfield site, it is not uncontrolled sprawl. Careful consideration has been given to integration with transport systems, and the urban design of the new town centre. The provisions of Proposed Plan Change 15 and the associated Proposed Plan Change 18 will require a high quality urban design.

Submission 250/157

This submission refers to the link between Proposed Plan Change 15 and the corresponding proposed change to the Auckland Regional Policy Statement to relocate the Metropolitan Urban Limit (MUL). Obviously, if the extension to the MUL is not approved then the Plan Change cannot proceed in its current form. However, it is not necessary to have a decision on a submission to withdraw the Plan Change, as Waitakere City Council can withdraw this proposed plan change at any time simply by giving notice, in the event that the MUL shift is not approved. No change is recommended.

Submission 251/49

This submission requests that Proposed Plan Change 15 be deleted entirely because:

- it departs from the principles of the Regional Growth Strategy, the Regional Growth Memorandum and the Northern and Western Sectors Agreement and creates an unsuitable precedent;
- there was a failure to consult;
- the Section 32 evaluation was inadequate;
- is contrary to the intent of the LGAAA;
- does not achieve a compact urban form;
- early release of land will compromise intensification and have negative affects on the roading network;
- is inappropriate in advance of a review of the relevant sector agreement.

In response, it is not clear why the submitter believes that the Plan Change departs from the Auckland Regional Growth Strategy (ARGS) principles. The ARGS principles are of a broad-brush nature and are set out in Table 4 of the ARGS (pages 23 -25). The plan change appears to be consistent with these principles.

The Memorandum of Understanding signed by the Regional Growth Forum members committed the members to sector-based agreements as a method of implementing the ARPS. Four geographic sectors were identified in the ARGS. Issues for the northern and western sectors are combined in the Northern and Western Sectors Agreement, October 2001. This was prepared by North Shore City Council, Rodney District Council, Waitakere City Council and Auckland Regional Council who are signatories to the agreement. The submitter – Auckland City Council is not a party to the Northern and Western Sectors Agreement because the Auckland City district does not extend into the Northern and Western geographic sectors.

The sector agreements are an important tool for implementation of the ARGS. They assist the signatories to coordinate their activities under the ARGS. However, the sector agreements are not a statutory document, and are not intended to function as a detailed urban development plan.

The Northern and Western Sectors Agreement (NWSA) provides for a new Town Centre and major employment area at Massey North. This is indicated in a sketchy manner within Figures 2 and 3 of the NWSA. The area of land to be allocated for employment purposes at Massey North under the Plan Change is larger than indicated in the NWSA, but is still consistent with the locational frame work set in the NWSA.

A section 32 evaluation has been prepared and it is not clear why the submitter considers it to be inadequate.

The Plan Change as notified would allow for a relatively low density within the new Town Centre. This issue is discussed in more detail section 5.15 of this report. Amendments are recommended to provide for greater density and thus consistency with the LGAAA. These include insertion of a minimum floor area ratio, changing the parking standards to maximums and corresponding changes to policy.

A transport audit including traffic modelling has been undertaken. This indicates reduced cross regional travel, particularly from west to south. There will be a positive rather than adverse effect on road congestion in central Auckland.

Submission 284/21

This submission alleges that sections 6, 7, 31, 75, 76 and 32 of the Act have not been complied with, but does not give reasons or other explanation of this statement. Proposed Plan Change 15 has been prepared in accordance with these sections of the Act. The submission is also concerned that consultation was not adequate. However, consultation was undertaken in the preparation of the Plan Change and is summarised in the Section 32 Report. Further, given that Massey North is remote from Oratia; it is not obvious what if any effects could be of concern to the submitter. No change is recommended.

Submission 1082/2

This submission queries whether consultation has been undertaken. Consultation did occur in the preparation of Proposed Plan Change 15 and is summarised in the Section 32 Report. No change is recommended.

Recommendation:

Submissions 13/3, 13/12, 81/3, 198/11, 250/157, 284/21 and 1082/2 are rejected.

Submissions 11/1, 11/3, 251/49, 335/1, 335/2, 336/2, 337/3, 340/4 and 1081/2 are accepted in part to the extent shown in Appendix 1.

5.4 General Sustainability / Effects / Efficient Use of Land

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/222	Waitakere City Council	Amend Policy 10.18 by adding the following sentence: <ul style="list-style-type: none"> ▪ <i>“efficient use of land for urban activities”</i> 	
257/225	Waitakere City Council	Amend Policy 11.7 by adding the following bullet: <ul style="list-style-type: none"> ▪ <i>“minimises adverse effects on the Upper Waitemata Harbour.”</i> 	Supported By: 300 IMF Westland Ltd
257/245	Waitakere City Council	Amend the Plan Change to consider including reference to the need to avoid adverse cumulative effects. Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	Opposed By: 108 Progressive Enterprises Limited
329/4	David Phillips	Amend Plan to ensure that the sustainability of the environment is the overall consideration in the new development	

Discussion:

Submissions 257/222 and 257/225

These submissions request amendments to ensure that policy appropriately reflects the outcomes sought for urban development and subdivision. It is recommended that the changes requested be adopted.

Submission 257/245

This submission requests changes to address cumulative effects, but does not specify what particular changes are thought to be necessary. The submitter has the option of presenting further detail at the

hearings. However, opposing submitters should be given an opportunity to comment on any new material presented by the submitter. In the interim, no changes are recommended.

Submission 329/4

The submitter indicates overall support for Proposed Plan Change 15 in submission 329/1. However, this opposing submission 329/4 expresses a non-specific concern about sustainability of development. Other submissions by the same submitter focus on providing for public transport (329/2), car free areas (329/3) and provision of a green corridor. The submitter doesn't want "another Westgate". In response: public transport is provided for in the Plan Change provisions. Also, in response to other submitters who are concerned specifically with public transport, changes are recommended to discourage oversupply of parking and encourage public transport use. Open space is provided for within the Drainage Ecological Area and Urban Open Space indicated in the Massey North Urban Concept Plan. It is recommended that this be amended to be consistent with the Totara North Integrated Catchment Management Plan, 2006, to the effect that the Drainage Ecological Area and Urban Open Space is amended to extend between the new state highway 16 and development in precincts A and B. This would provide a green buffer between the new State Highway and development.

Recommendation:

Submission 257/245 is rejected.

Submissions 257/222 and 257/225 are accepted.

Submission 329/4 is accepted in part to the extent shown in Appendix 1.

5.5 General Objectives

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/170	Auckland Regional Council	Amend the plan change by adding objectives for the entire Westgate/Massey North area and for each of the Special Areas, which reflect the intention of the LG(A)AA, the principles of the Growth Concept, the strategic direction of the Auckland Regional Policy Statement (including Proposed Plan Change 6) and the specific vision for the areas.	Supported By: 258 Auckland Regional Transport Authority Opposed By: 300 IMF Westland Ltd
257/210	Waitakere City Council	Amend the Plan Change to consider the inclusion of an additional objective into the District Plan to provide greater guidance on the policy outcomes sought for the Massey North Town Centre and Employment Special Areas.	Opposed By: 108 Progressive Enterprises Limited

Discussion:

Submissions 250/170 and 257/210 seek the addition of objectives relating to the Massey North special areas, but do not state what those objectives should be. There is already a hierarchy of objectives and policies in the plan including the policies inserted by plan changes 15 and 16. This ranges from the general Objective 0, through intermediate level policy such as policies 0.1, 0.2 etc... to specific policy such as policies 11.44 and 11.45. Taking into account other submissions, and the need to retain consistency in the hierarchy of policy it is more appropriate to refine the specific policies 11.44 and 11.45, rather than insert additional objectives. Changes are recommended in response to other submissions by these submitters elsewhere in this report.

Recommendation:

Submissions 250/170 and 257/210 are accepted in part to the extent shown in Appendix 1.

5.6 Integration with Transport Systems

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
4/7	Rexford Family Trust	Delete the indicative road identification over the submitters land (81 & 91 State Highway 16, Pt Lot 3 DP 98668 and Lot 1 DP 98668) or designate them.	
108/98	Progressive Enterprises Limited	Amend the Plan Change, to clarify whether or not access to the land adjoining Road [that part of the Indicative Road shown in Precinct	Supported By: 208 Sylvia Park Business Centre Limited

		C on the Massey North Urban Concept Plan which is adjoined on both sides by Urban Open Space] will be available.	300 IMF Westland Ltd
108/99	Progressive Enterprises Limited	Amend the Plan Change to clarify the basis on which the development of Precinct A and Precinct C will develop, having regard to the fact that proposed infrastructure, such as the Road [that part of the Indicative Road shown in Precinct C on the Massey North Urban Concept Plan which is adjoined on both sides by Urban Open Space], will necessarily serve more than one precinct in the Massey North Town Centre Special Area.	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
108/100	Progressive Enterprises Limited	Amend the Plan Change so that Council promulgate the Road [that part of the Indicative Road shown in Precinct C on the Massey North Urban Concept Plan which is adjoined on both sides by Urban Open Space] as a public work.	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
109/105	The Warehouse Ltd	Delete Item (i) from Assessment Criterion 26(x).	Opposed By: 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises Limited
110/105	Warehouse Stationery Limited	Delete Item (i) from Assessment Criterion 26(x).	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
110/113	Warehouse Stationery Limited	Delete the final sentence from paragraph 11 of the explanation as many high traffic-generating activities are not multi-visit and are not suitable for access by public transport.	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
111/102	The National Trading Company of New Zealand Limited	Delete Item (i) from Assessment Criterion 26(x).	Opposed By: 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises Limited
111/110	The National Trading Company of New Zealand Limited	Delete the final sentence from paragraph 11 of the explanation as many high traffic-generating activities are not multi-visit and are not suitable for access by public transport.	Opposed By: 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited
127/23	Land Transport New Zealand	Withdraw Proposed Plan Change 15. Land Transport NZ may review its position on this primary relief once it has had the opportunity to review a complete and robust s32 analysis from the Council that includes a comprehensive transportation study that addresses the impacts on the land transport system including State highways and public transport networks compared with alternative growth scenarios, and has held further discussions with the Council to address the matters set out in this submission.	Supported By: 258 Auckland Regional Transport Authority Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 81 IB, GA and IE Midgley 140 Garelja Brothers Strawberry Gardens
203/43	AMP NZ Property	Amend Rule 26 - Transportation Criteria as follows (additions underlined, and deletions in	Supported By: 81 IB, GA and IE Midgley

	Development Ltd & AMP Capital Investors (NZ) Ltd	<p>strikethrough):</p> <p>" (note: all of the following assessment criteria are to be addressed in a Transport Management Plan prepared to satisfy the standards in Rule 26.2 (fg)-(xiii))</p> <p>26(s) The extent to which provision has been made for upgrading roads and transport systems to and around the <i>Massey North Special Area</i>, sufficient to enable efficient and safe transport movements having regard to traffic generation from the Special Area as a whole and the growth of traffic generally through the area.</p> <p>26(ab) The extent to which <i>carparking</i> is designed having regard to:</p> <p>.....</p> <p>(iii) a perimeter block layout where <i>carparking</i> is provided behind <i>buildings</i> or in basements or on roofs, except for kerbside parking, so that the main "activity frontage" for <i>buildings along roads that are important to the development of pedestrian amenity and character of the Town Centre</i> is oriented towards <u>those roads</u> rather than parking areas;....."</p>	<p>107 Westfield (New Zealand) Limited</p> <p>108 Progressive Enterprises Limited</p> <p>Opposed By:</p> <p>250 Auckland Regional Council</p> <p>300 IMF Westland Ltd</p>
250/158	Auckland Regional Council	Amend the Plan Change so that Waitakere City Council (in consultation with ARTA) prepare a comprehensive 'transport concept' (the vision for an efficient, integrated, multi modal transport network and the required infrastructure) for the whole of the Massey North Urban Concept Plan area.	<p>Supported By:</p> <p>108 Progressive Enterprises Limited</p> <p>127 Land Transport New Zealand</p> <p>Opposed By:</p> <p>300 IMF Westland Ltd</p>
250/159	Auckland Regional Council	Amend the Plan Change to confirm that both Transit NZ and ARTA support the plan change and will deliver the mitigating and integrating roading infrastructure and public transport services.	<p>Supported By:</p> <p>258 Auckland Regional Transport Authority</p> <p>127 Land Transport New Zealand</p> <p>Opposed By:</p> <p>300 IMF Westland Ltd</p>
250/160	Auckland Regional Council	Amend the plan change to confirm the final form of Hobsonville Road - whether it will remain a state highway or become a local road.	<p>Supported By:</p> <p>258 Auckland Regional Transport Authority</p> <p>Opposed By:</p> <p>300 IMF Westland Ltd</p> <p>108 Progressive Enterprises Limited</p>
250/162	Auckland Regional Council	Amend the Plan Change to confirm that the proposal meets the requirements of the Land Transport Management Act.	<p>Opposed By:</p> <p>300 IMF Westland Ltd</p>
250/163	Auckland Regional Council	Amend the plan change by deleting the proposed location for the Park and Ride because vehicle access through a congested Westgate interchange at peak periods will be problematic.	<p>Supported By:</p> <p>108 Progressive Enterprises Limited</p> <p>Opposed By:</p> <p>300 IMF Westland Ltd</p>
250/164	Auckland Regional Council	Amend the plan change to confirm that bus lanes have been provided for through the State Highway 16 and 18 interchanges; and ascertain the appropriate location for public transport interchanges, located to suit local services or regional bus routes.	<p>Opposed By:</p> <p>300 IMF Westland Ltd</p> <p>Support and Opposed By:</p> <p>108 Progressive Enterprises Limited</p> <p>258 Auckland Regional Transport Authority</p>

250/175	Auckland Regional Council	Amend the plan change by adding provisions for a bus station and associated public transport services to be located at walking distance (200 metres) from the northern edge apartments; and retain the provisions for residential apartments.	Opposed By: 300 IMF Westland Ltd
257/230	Waitakere City Council	Amend Policy 11.20 by deleting those words struck through, and adding those in italics and underlined: “Activities located on sites in the periphery area of the Henderson and New Lynn <i>and the Massey North Town Centre Special Area (precincts B, C & D) shall</i> should be designed and carried out in...”	
257/231	Waitakere City Council	Amend Policy 11.21 by adding those words in italics and underlined: “Off-street carparking within the core of the Henderson Community Environment, <i>the Massey North Town Centre Special Area</i> , and the entire Community Environment (New Lynn).”	
257/233	Waitakere City Council	Amend and clarify Policy 11.44 to emphasize the importance of providing for a high standard of pedestrian amenity. State that main pedestrian routes are to be identified at CDP stage and are to adequately provide for circulation around a precinct, between precincts, to schools, parks and community services, and integrated with public transport nodes and bus stops.	Supported By: 250 Auckland Regional Council Support and Opposed By: 258 Auckland Regional Transport Authority
257/251	Waitakere City Council	Amend Policy 11.44 to provide clarification regarding the need to provide adequately for carparking - normal district plan parking requirements to be met unless it can be shown, at CDP and individual development stages, that a lesser requirement can be justified, through such means as indicating likely employee numbers and provision to be made for access by public transport.	Opposed By: 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority
257/291	Waitakere City Council	Amend Assessment Criteria for Transportation and Infrastructure to confirm that these criteria shall be considered for all applications, rather than solely where a Comprehensive Development Plan is relied upon.	
257/295	Waitakere City Council	Amend Assessment Criterion 26(y) to refer to the Waitakere City Council Parking and Driveway Guideline, as a guideline for “standard” carparking requirements, and a statement making it clear that reductions will only be given where it can be confirmed that a lesser number of carparking spaces will satisfy likely demand.	Opposed By: 258 Auckland Regional Transport Authority Support and Opposed By: 250 Auckland Regional Council
257/296	Waitakere City Council	Amend Rule 26.3(f) by requiring parking to comply with the rules of Rule 14.1(a) Community Environment.	Support and Opposed By: 250 Auckland Regional Council
257/303	Waitakere City Council	Amend Rule 27 to include additional controls and assessment criteria within the Massey North Employment Node to address access onto Highway 16.	Supported By: 140 Gareija Brothers Strawberry Gardens
258/202	Auckland Regional Transport Authority	Amend to add objectives for urban development for the Massey North area be included in the plan change. The objective(s) should include specific transport outcomes	Opposed By: 300 IMF Westland Ltd Support and Opposed By: 108 Progressive Enterprises Limited

		sought for the area.	
259/9	Transit New Zealand	Reject and withdraw Proposed Plan Change 15.	Opposed By: 81 IB, GA and IE Midgley 108 Progressive Enterprises Limited 140 Garelja Brothers Strawberry Gardens 157 Federated Farmers of New Zealand (Inc) 300 IMF Westland Ltd
295/5	Edward & Merlene Cox and Kylie May	Amend the Plan Change to ensure roading infrastructure (e.g. extension of SH16) within the proposed development area is integrated with Transit NZ's motorway system.	
296/5	Mitchell & Helena Cox	Amend the Plan Change to ensure roading infrastructure (e.g. extension of SH16) within the proposed development area is integrated with Transit NZ's motorway system.	
297/5	Judith Ann & Lisa Robin MacLaine	Amend the Plan Change to ensure roading infrastructure (e.g. extension of SH16) within the proposed development area is integrated with Transit NZ's motorway system.	
300/51	IMF Westland Ltd	Amend Assessment Criteria 26(s) as follows: <u>Utilising information, provided by Council in respect of areas beyond that proposed by the applicant, demonstrate the provision for upgrading roads and traffic systems to and around the Massey North Special Area, sufficient to enable efficient and safe traffic movements having regard to likely traffic generation from the Special Area and the growth of traffic generally through the area. Provide a basis for such provision to be delivered incrementally, as development progresses including the utilisation of temporary measures, as well as the proposed staging to final provision.</u>	Support and Opposed By: 81 IB, GA and IE Midgley
300/52	IMF Westland Ltd	Amend Assessment Criteria 26(w) to insert the following words in italics: The extent to which development has been designed to integrate land uses with transport systems, including provision for public transport within the precinct, and between precincts. (Note, it is expected that in the development of comprehensive development plans, there will be consultation with the Auckland Regional Council, the Auckland Regional Land Transport Authority and Transit New Zealand). <i>Consultation shall be limited to the issues relevant to that authority and the authority shall have 20 working days within which to respond with specific needs and requirements, including the reasons for such requirements.</i>	Support and Opposed By: 81 IB, GA and IE Midgley
300/78	IMF Westland Ltd	Amend the Human Environments Map, the notation within the legend of the map to insert the following words in italics: 'Designation TSNZ4 - <i>to be uplifted</i> '	Opposed By: 259 Transit New Zealand Support and Opposed By: 81 IB, GA and IE Midgley
300/80	IMF Westland Ltd	Amend the Human Environments Map, to show the position of the indicative reconfigured interchange.	Support and Opposed By: 81 IB, GA and IE Midgley
300/81	IMF Westland Ltd	Amend the map to show the position of the indicative northern roading connection from the eastern side of the proposed motorway extension.	Support and Opposed By: 81 IB, GA and IE Midgley

300/85	IMF Westland Ltd	Amend Appendix XX - Massey North Urban Concept Plan, to remove indicative road and transport interchange in Precinct E.	Support and Opposed By: 81 IB, GA and IE Midgley 108 Progressive Enterprises Limited
329/2	David Phillips	Amend plan change to include investigation of a potential Henderson rail line and provision for this.	
329/3	David Phillips	Amend Plan Change to prohibit traffic in the centre of the new town.	Opposed By: 108 Progressive Enterprises Limited
585/1	Leanne Raewyn Karl	Seeks that the Plan Change not be allowed unless public transport facilities are factored in.	
1080/3	Darren Anderson	Seeks that in the long term there is a train connecting Henderson, Westgate and the North Shore as it will not just be West Aucklanders working there.	

Discussion:

Submitter 4/7

This submission requests that the indicative roads in the Massey North Urban Concept Plan be removed from their property at 81 & 91 State Highway 16. In response the road indicated is a key element of the roading network for the Massey North Special Area and it is necessary for the development of the area.

The submitter's property currently has direct access to State Highway 16 which is a limited access road operated by Transit New Zealand who are also a submitter. Direct access to State Highway 16 is acceptable while the current rural landuse continues, but would not be acceptable, for safety reasons, once the land is developed for industrial purposes. Therefore the indicative roading network in Massey North has been designed to facilitate development of the property without direct access to State Highway 16.

The proposed road that the submitter is concerned about runs North - South through the eastern half of the submitter's property. It would provide access to the submitter's property from the proposed Northside Drive, which would in turn provide access from State Highway 16 through a controlled intersection built to Transit standards. Thus future industrial development of the property is dependent on the new road running through it.

Since notification further pre-hearing meetings have been held with both Transit and the submitter, and a transport audit has been completed by WCC. This has resulted in some modifications to the roading network, but it is necessary for the road running through the submitter's property to remain.

The normal process for road development is that the property developer provides the road, which is then vested in the Council, who is responsible for subsequent maintenance. Section 4(b) of the LGAAA2004 prevents any new designation being introduced through plan changes made under the LGAAA2004 process. Designations can be pursued through separate statutory processes and Waitakere City Council is currently reviewing the extent of designations required to implement the Massey North Urban Concept Plan, but it is unlikely that this particular section of roading would be designated. No change is recommended.

Submission 108/98, 108/99 and 108/100

These submissions seek clarification as to whether access will be available to the road linking precincts C and D and how development is to be sequenced across the precincts. They also request that the road be promulgated as a public work. In response, the road is a key element of the roading network that links a number of precincts and access points off the state highway. It is necessary for this road to be a public road to ensure appropriate development of the town centre as a whole.

The normal process for road development is that the property developer provides the road, which is then vested in the Council, who is responsible for subsequent maintenance. However in this particular case, because the extension to Fernhill Drive will provide an important connection to Precincts A and C, and also connects to State Highway 16, a designation would be appropriate for that part of the Fernhill Drive extension that runs from State Highway 16, through Precinct C to Precinct A. This point is discussed further in section 5.20.

Section 4(b) of the LGAAA2004 prevents any new designation being introduced through plan changes made under the LGAAA2004 process. However, designations can be pursued through separate statutory processes. The panel can make a recommendation to the effect that the Council consider a separate designation process in the event that the plan change proceeds.

It is also recommended the Massey North Urban Concept plan be amended to clearly identify the key elements of the roading network (see also response to submission 300/83 in section 5.9 and submission 259/9 below). Amendments to policies 11.44 and 11.45, and the assessment criteria for rules 26 and 27 are also recommended to expressly refer to sequencing of land development in relation to transport services.

Submissions 109/105, 110/105 and 111/102

These submissions seek removal of the need to consider adverse effects on the capacity of roads giving access to a site. In response, it is appropriate and necessary to consider the effects of proposed developments on the public road network. No change is recommended.

Submissions 110/113 and 111/110

These two submissions seek deletion of the last sentence of paragraph 11 of the explanation for policy 11.45 on the grounds that it is inaccurate. In response, it is recommended that it be deleted because it is peripheral to the subject matter of policy 11.45 and is partly inaccurate to the extent that:

- it implies no public transport will be available in the Massey North Special Employment Area, which is incorrect, and
- some trips to high traffic generating activities may be single-visit.

However, high traffic generating retail activities are often clustered together in compatible groups to facilitate multi-visit shopping. Also, in principle, there is no reason why the public should not have the option to access retail activities by public transport if they wish. Not all shopping involves bulky items that are difficult to move on buses. Consequentially, it is appropriate to provide for retail principally within Precincts B, A and E of the Massey North Town Centre Special Area which provides for a range of compatible activities with good access to the roading network and public transport.

Submission 203/43

This submission concerns two separate submission topics. The first of these seeks an amendment to assessment criteria 26(s) (renumbered as (t) in Appendix 1) objecting to the need to have regard to *“the growth of traffic generally through the area.”*

The Massey North Town Centre development will consist of a network of interconnected public streets which will in turn connect to the adjacent state highway network. The general growth in traffic needs to be taken into account because the Town Centre is part of a wider package of development initiatives in NorSGA. However, it is the initial responsibility of Waitakere City Council as promoter of the Plan Change, to ensure (in conjunction with ARTA and Transit) that provision of the public roading network will be appropriate to the predicted growth in demand. A transport audit has been prepared in response to submissions from LTNZ, ARTA, ARC and Transit (refer: Draft Transport Audit for the Auckland Regional Transport Authority of Waitakere City Councils Proposal to Develop the Massey North to Hobsonville Corridor). The audit analyses traffic growth and indicates key public roads, intersections and public transport facilities necessary to a sustainable roading network. The particular layout of key routes and intersections with State Highway 16 is critical to the efficient functioning of the road network and public transport.

Given the requirements of the Fifth Schedule of the LGAAA regarding certainty, integration and multi-modal transport, it is important that the plan provides sufficient certainty about the key elements of the transport system. This point is discussed in more detail in responses to other transport submissions below. It is recommended that the current assessment criteria and Massey North Urban Concept Plan should be updated to reflect the outcomes of the transport audit (refer also to the discussion of 259/9 below). Assessment criteria 26(s) (renumbered as (t) in Appendix 1) should be amended to focus more on consistency with the revised Massey North Urban Concept Plan. This will provide the consent applicant with the alternative of either adopting the key elements of the transport network as set out in the revised Massey North Urban Concept Plan, or alternatively expend resources to demonstrate the feasibility of an alternative network layout.

The second matter raised in the submission is a request to alter assessment criteria 26(ab)(iii) (renumbered as (iv) in Appendix 1) to limit the perimeter block layout development format set in the plan change to areas *“along roads that are important to the development of the pedestrian amenity and character of the Town Centre”*. In response, the Town Centre is relatively compact with walkable distances and it is not appropriate that any part of the Town Centre should have low amenity values dominated by ground level parking. All parts of the Town Centre streetscape are intended to be accessible to pedestrians, though the amount of pedestrian traffic may vary. Maintaining amenity values is important to all users of the Town Centre, including those that work, visit and live in particular areas.

This assessment criterion also needs to be considered in the context of the policies in the plan. Policy 11.44 asserts the importance of street amenity values and a perimeter block layout. Policy 11.45 (incorrectly numbered) and related standards and assessment criteria in Proposed Plan Change 18 also addresses this issue in more detail. The overall policy, rules and assessment criteria reinforce the perimeter block layout, but provide some flexibility to make a case for a modest amount of street front parking depending on the street typology that applies.

It is considered that the plan provisions provide adequate flexibility in this regard and changes to assessment criteria 26(ab) should be limited to a cross reference to the relevant provisions in Proposed Plan Change 18.

Submissions 250/158 and 250/159

These submissions seek preparation of a comprehensive 'transport concept' (the vision for an efficient, integrated, multi modal transport network and the required infrastructure) for the whole of the Massey North Urban Concept Plan area. They also seek confirmation that Transit and ARTA support the plan change and will provide the relevant road and public transport infrastructure. In response, both Transit and ARTA have each made separate submissions on Proposed Plan Change 15 and the issues raised in those submissions are dealt with elsewhere in this report and the Transport Report.

Clauses (a) and (b) of the Fifth Schedule of the LGAAA require a multi-modal and integrated approach to land use planning in the district plan. The district plan cannot compel the delivery of a transport service. Nevertheless, the LGAAA implies greater evidence of practical integration between land use planning and transport service delivery than may have been apparent in the past. There are three aspects to this. Firstly, the proposed Plan Change needs to be of a form that will result in land use that facilitates delivery of a multimodal transport system. Secondly, there needs to be some evidence that the transport system is likely to be delivered in practice. Thirdly, land-use planning can control the sequencing of land development so that it matches the transport service delivery.

Since notification of the Plan Change, a transport audit has been undertaken in consultation with ARTA and Transit. The Draft Transport Audit for the Auckland Regional Transport Authority of Waitakere City Councils Proposal to Develop the Massey North to Hobsonville Corridor confirms that the local roading network can be successfully integrated into the state highway network, subject to some amendments to the roading network shown in the Massey North Urban Concept Plan. Also Transit is already committed to funding of the new state highways 16 and 18. Waitakere City Council has also committed funding in the LTCCP for intersection work. Some funding will also provided through development contributions.

However, the proposed roading network layout needs to be updated to be consistent with the audit. In addition, some clarification is required as to how important elements of the internal roading network are to be delivered. Changes are recommended as detailed in response to submission 259/9 below.

The draft transport audit and the Statement of Evidence of Darren Davis, 31 October 2006, also discusses public transport. Subject to some changes, the proposed planning framework for the Town Centre will be effective in facilitating public transport. Waitakere City Council has committed funding for the bus interchange, bus priority measures and park and ride. The main routes will be part of ARTA's 'Quality Transit Network'. Provision of funding for some local connection routes remains to be clarified.

Overall it is likely that appropriate multimodal transport infrastructure will be delivered. Changes are recommended to update the Plan Change to be consistent with the audit and provide for better sequencing of development and public transport as detailed in response to submission 250/164 and 250/165 below.

Submission 250/160

This submission requests confirmation of the status of the existing State Highway 16 in the future. Discussions with Transit New Zealand indicate that it is likely that the existing State Highway 16 will remain a state highway in the medium term. Accordingly, the Massey North Urban Concept Plan has been developed on the assumption that Hobsonville Rd will remain a state highway, with limited access provisions. Further consideration has been given to the specific location of intersections with the existing State Highway 16 and details are provided in the Draft Transport Audit for the Auckland Regional Transport Authority of Waitakere City Councils Proposal to Develop the Massey North to Hobsonville Corridor. It is recommended that the Massey North Urban Concept Plan be updated to reflect the key roads and intersections in the revised roading network as set out in the audit report.

Submission 250/162

This submission seeks confirmation that Proposed Plan Change 15 meets the requirements of the Land Transport Management Act. It is not clear why the submitter thinks the Plan Change may not meet the requirements of the Land Transport Act 2003, which is primarily concerned with the allocation of Crown funding for land transport. There is no obvious deficiency in this respect. No change is recommended.

Submissions 250/163, 250/164 and 250/175

These submissions all request specific clarification regarding provision of public transport facilities.

In response to the request that a bus station be located within 200 metres of the apartments - the current Massey North Urban Concept Plan shows a public transport interchange near the northern side of the apartments, which should meet this request. However, further analysis contained in the draft audit report indicates that the most efficient location of a bus interchange is on a revised Fernhill Drive alignment, in the block to the north of Fernlea Drive. The bus interchange is funded in the Waitakere City Council Long Term Council Community Plan 2006-2016, Volume 3, page 94. A local connector bus route is proposed, which would provide convenient access from apartments to public transport to the effect that all apartments will be within 400m of a bus stop. The bus interchange would also be serviced by ARTA Quality Transit Network providing connections to other parts of Waitakere City, Rodney, Auckland and North Shore. Funding for the connector loop within Massey North has not been expressly secured at this time and apartment residents would be disadvantaged if this service or an equivalent service was not provided. However, the cost of this connector loop is relatively low, so provision of this service should not be a significant obstacle.

It is also important to ensure that development of the precincts occurs contemporaneously with the provision of public transport, so that the public transport is available from the start of occupation and use of the sites. Further, the sequencing of precinct development is important to effective public transport delivery because the proposed bus routes from Precincts D and C will all run through the bus interchange in Precinct A. The district plan cannot expressly require the delivery of a public transport service, but can regulate land use according to the availability of the service.

Therefore amendments to Policy 11.44 and assessment criteria are recommended to coordinate land development with provision of public transport. This would discourage intensive urban land use in the absence of the service, and would also encourage contemporaneous provision of the service. In addition, it is recommended that rule 26.2(f)(iv) (renumbered as (e)(v) in Appendix 1) and assessment criteria 26(v) and (w) (renumbered as (w) and (x) in Appendix 1) be amended to cross reference to the revised Massey North Urban Concept Plan. Corresponding changes are recommended for 27(q) & (r) (renumbered as (r) and (s) respectively in Appendix 1.

The draft audit report indicates that bus lanes are to be provided at the state highway interchanges and also to facilitate bus access to the interchange. Funding for these is provided for in the Waitakere City Council Long Term Council Community Plan 2006-2016, Volume 3, page 94.

The park and ride is funded in the Waitakere City Council Long Term Council Community Plan 2006-2016, Volume 3, page 94. The current position of the park and ride within the Massey North Urban Concept plan is indicative only. The actual position of the park and ride may change as Massey North develops. Also further analysis contained in the audit indicates that the park and ride facility should eventually be located at a less privileged location further from the Town Centre and the bus interchange. This could be further to the north within Massey North, on the Kumeu/Helensville bus route. The reason for this is that the park and ride should be located in a position that discourages direct bus journey substitution by park and ride.

Therefore it is recommended that the park and ride facility notation in the Massey North Urban Concept Plan be amended to indicate that it is temporary and indicative. Waitakere City Council may need to consider designating a final site for the park and ride, but it would be premature to do this until the final decisions have been made on the overall Plan Change. Note that while the park and ride facility will contribute to the overall sustainability of the transport system in Auckland, it is not integral to the Massey North Town Centre.

It is recommended that the residential apartment provisions be retained, with some changes in response to other submissions.

Submission 257/230 and 257/231

These submissions seek that policies 11.20 and 11.21 be amended to apply to Massey North as well as Henderson and New Lynn. This change is appropriate. It is recommended that the policies be amended as requested by the submitter.

Submission 257/233

This submission seeks changes to policy 11.44 to emphasise the importance of pedestrian amenity and connectivity. In response, this request is partly met by the amendments to Policy 11.20 recommended in response to submission 257/230. However, this also needs to be expressed in the assessment criteria for Rule 26, for reference in the consideration of limited discretionary consent applications for comprehensive

development plans. Therefore it is recommended that an additional assessment criterion (refer to Appendix 1 for details) be added as well as the recommended amendments to Policy 11.20.

Submission 257/291

This submission seeks that the assessment criteria for transport and infrastructure apply to all consent applications, not just consent applications for comprehensive development plans. This submission needs to be considered in the context of submission 257/285 in section 5.40 which seeks specific changes to the cross referencing between the rules and assessment criteria. Note also submission 257/211 seeking a reduction in the number and complexity of rules relating to comprehensive development plans.

Some discussion of the rules is required to clarify this matter. For a discretionary activity (without any limitations) the Council can take into account any of the assessment criteria, as is noted in the paragraph at the end of rule 26.4. For a limited discretionary activity (described as a restricted discretionary activity in section 77(B) (4) of the RMA), the Council must expressly state those matters over which it is restricting its discretion. These can include assessment criteria. The last paragraph of rule 26.2 states:

“Assessment of *Limited Discretionary Activity* applications will be limited to the matters referred to in Rule 26.2 and matters of provision to be made for transport systems and the integration of those systems with land use, health and safety *design, construction*, location, health and safety and matters within Assessment Criteria 26(a) – 26(ar) and relevant assessment criteria in the Specified City-Wide Rules.”

This implies that all the assessment criteria except (as) are to be taken into account for all limited discretionary applications. However, the start of the first paragraph of the transportation criteria states:

“(note: all of the following assessment criteria are to be addressed in a Transport Management Plan prepared to satisfy the standards in Rule 26.2 (g)(xiii))”

The reference to 26.2(g)(xiii) is an error and the note is intended to refer to 26.2(f)(xiii) (renumbered as (e) (xiv) in Appendix 1). There is no similar notation for rules 26.2(c) (renumbered as (b) in appendix 1), 26.2(e) (renumbered as (d) in Appendix 1) which relate to building and subdivision respectively. This could give rise to an interpretation that transport assessment criteria apply only to comprehensive development plans. Overall these rules are confusing and it is not entirely clear what the Council is restricting the exercise of its discretion to. This general issue is discussed further in the response to submission 257/285.

Many of the transport assessment criteria are relevant to new buildings. Therefore to that extent it is recommended that the notations relating to rules be amended to clarify which transport assessment criteria apply to buildings.

Submissions 257/251 and 257/295

These submissions seek express inclusion of the Waitakere City Council Parking Guidelines in the Plan Change and rigorous enforcement of the guidelines. In response, these submissions seek a demand led approach to parking which is inconsistent with submission 257/220 and other submissions requesting a more flexible approach to parking. No change is recommended.

Submission 257/296

This submission seeks to alter rule 14 in the Massey North Town Centre to the effect of requiring less parking. However, this is still a demand led approach, inconsistent with submission 257/220 and other submissions requesting a more flexible approach to parking. No change is recommended.

Submission 257/303

This submission seeks better control of vehicle access onto State Highway 16 for reasons of traffic safety and efficiency. The transport audit undertaken by Waitakere City Council indicates that vehicle access to State Highway 16 needs to be limited to Strategic Access Points (intersections) for reasons of traffic safety and efficiency. This has been confirmed with Transit. It is also necessary to maintain amenity values. Therefore it is recommended that:

- the Massey North Urban Concept Plan be amended to show the Strategic Access Points,
- the rules be amended to the effect that vehicle access to the state highway other than through these Strategic Access Points is a Non-complying Activity,
- policy be amended to ensure appropriate decision making.

Submission 258/202

This submission seeks additional objectives on the Massey North area, relating to transport outcomes but does not state what those objectives should be. There is already a hierarchy of objectives and policies in the plan including the policy inserted by plan changes 15 and 16. This ranges from the general Objective 0, through intermediate level policy such as policies 0.1, 0.2 etc... to specific policy such as policies 11.44 and 11.45. Taking into account other submissions requesting brevity, and the need to retain consistency in the hierarchy of policy, it is more appropriate to refine the specific policies 11.44 and 11.45, rather than insert additional objectives; to the extent that changes are required.

Further pre-hearing meetings with the submitter were undertaken as part of the transport audit. At those meetings, the submitter indicated a specific concern with the effects on the viability of public transport, of the rules that require the provision of car parking. This issue is discussed in more detail in the Transport Report, including discussion of submission 258/225, which requests a cap on parking and 257/220 which requests a more flexible approach to parking to facilitate multimodal transport. Consequentially, to the recommendations in the Transport Report, it is further recommended that policies 11.44 and 11.45, and rules 26, and the relevant assessment criteria be amended to ensure that car parking provisions are flexible enough to facilitate multimodal transport use as expressed in the Fifth Schedule of the LGAAA. This is because there is evidence that increased public transport use is correlated with reduced accessibility of private carparking though the extent of the benefit has not been quantified for Massey North specifically. Further details of the recommended changes are outlined below.

The existing rules for the Massey North Town Centre Special Area require resource consent for new urban activities as either a limited discretionary or discretionary activity. This includes a requirement to obtain resource consent for Comprehensive Development Plan (CDP) for each precinct. Assessment criteria 26(y) (renumbered as (aa) in Appendix 1) to (ad) relate to parking and apply to consent applications. In addition, rule 14 of the Community Environment applies with its associated standards and a host of assessment criteria relating to parking. Assessment criterion 26(y) refers to "relevant parking guidelines", which could include the Council's existing non-statutory parking guidelines. These guidelines contain minimum parking ratios for a variety of activities. Rule 14 also sets minimum parking ratios but these ratios are different to the guidelines. The net result is an array of rules, standards and assessment criteria on parking that emphasise a demand led approach to provision of parking, although providing a limited degree of flexibility. Application of these rules is likely to lead to over provision of parking to the extent that Massey North may not be able to meet the density standards in the ARPS, and could be inconsistent with the LGAAA, the flexible approach required in policy 11.44 and the changes recommended in the Transport Report. Accordingly changes to the Massey North Town Centre Area rules are recommended with the following general effect (refer to Appendix 1 for details):

- remove the cross reference to Community Environment Rule 14, but relocate some of the relevant rule 14 assessment criteria and amalgamate them with the assessment criteria of rule 26;
- insert a new rule that sets a maximum parking standard based on the ratios contained in Rule 14, i.e. changing Rule 14 from a minimum standard to a maximum standard (for Massey North).
- amend the contents of assessment criteria 26(y) to (ad) (renumbered as (aa) to (ac) in Appendix 1) to provide a more flexible approach to the assessment of parking requirements.

These changes do not set a specific cap on parking, but do provide for an appropriate balance between facilitating public transport use, while also ensuring that development dependent on car access remains viable. These changes will also encourage a built form that facilitates higher employment densities (refer submissions 250/169, 257/234, 257/266, 257/286 and 258/203), by putting an upper limit on the proportion of land occupied by carparking.

The existing rules for the Massey North Employment Special Area require resource consent for development and building as either a limited discretionary or discretionary activity. Assessment criteria 27(m) (renumbered as (n) in Appendix 1) and (n) (renumbered as (o) in Appendix 1) relate to parking and apply consent applications. A change to assessment criterion 27(m) (renumbered as (n) in Appendix 1) is recommended to refer to public transport, cycle and pedestrian alternatives.

Rule 9 of the Working Environment applies with associated standards and assessment criteria relating to parking. However, there is no basis within submissions for altering the application of Rule 9. Also, within an industrial area, there is more risk of market under provision of parking than there is in the Massey North Town Centre Special Area, where retail activities will want more parking for customers. Therefore no changes are recommended to the parking rules in the Massey North Employment Special Area.

Submission 259/9

This submission requests that the plan change be declined in total on the grounds that:

- there is insufficient technical analysis of the transport implications to make an informed decision,
- the proposed changes are inconsistent with the proposed State Highway 16 and State Highway 18 and would require a redesign of the roads and interchanges,
- the extent of the development is greater than previously advised and is outside the scope of the sector agreement for this area,
- the concentration of commercial activity around the State Highway 16 and State Highway 18 interchanges is inappropriate because of high anticipated travel demand,
- the new business zones will encourage local journeys on the state highway network which could compromise its strategic through function,
- development adjacent to state highway 16 may cause adverse effects on the existing State Highway 16 if the development occurs before the construction of the new State Highway 16.

Some of the issues raised by the submitter are important to the overall sustainability of the project under the RMA, and the Fifth Schedule of LGAAA. Effects on the efficiency of the state highway network need to be taken into account. But at the same time, it needs to be noted that the state highway network is centrally funded on an open and equal access basis. Any person wishing to use the network has an equal right of use, irrespective of the length or origin of their journey. There is no basis to discriminate in favour of effects on the efficiency of the network from long-distance journeys in comparison to short distance or local journeys on the state highway network. Therefore consideration of the effects on the efficiency of the network needs to be in terms of the overall efficiency, not the origin or length of journeys.

The documentation associated with development of the notified plan includes the report "Auckland Regional Transport (ART) Model for NorSGA and Land Use Allocations" Sinclair Knight Merz, 10 November 2004. This provides an analysis of predicted change (generally low) in traffic quantities, but does not indicate what the effect on the state highway network will be in terms of congestion and traffic flow. Therefore it is not a sufficient basis to resolve the issues raised by the submitter.

More detailed investigations have been undertaken since the plan change was notified and are reported in the Draft Transport Audit for the Auckland Regional Transport Authority of Waitakere City Councils Proposal to Develop the Massey North to Hobsonville Corridor. The analysis confirms that development of the Massey North Town Centre Special Area and Massey North Special Employment Area can be undertaken in a way that will not adversely affect the functioning of the state highway system provided that the internal roading network is revised as indicated in the audit report. This is discussed more detail in the statements of evidence of Ross O'Neill Hill, and Jeff Brian Murray, both dated 31 October 2006, and presented at the Transport Topic hearings

Therefore, to provide for a sustainable outcome, the Massey North Urban Concept Plan would need to be updated to reflect the revised internal road layout, positioning of intersections with existing State Highway 16 and slip lanes adjacent to State Highway 16 as shown in the figures contained in the transport audit. The draft audit indicates that revised layout would ensure efficient traffic flow both within the state highway network and within the local roading network within Massey North and surrounding areas. This applies even if the new State Highway 16 is not constructed prior to development of Massey North. It has also been designed to ensure efficient public transport operation without compromising other vehicle movement on the state highways.

Consequently, the compatibility of Massey North with the state highway network is contingent on the correct layout of the internal roading network across the precincts and the positioning of and control of intersections with State Highway 16. However:

- The existing Massey North Urban Concept Plan (as notified in 2005) is out of date with respect to the results of the audit.
- These roads are not designated or vested as yet.
- It is not clear from the existing plan change what elements of the roading and intersections are critical to efficient transportation, or the relative roles of the Council and developers in providing for this.
- The Waitakere City Council Long Term Council Community Plan 2006-2016, Volume 3, page 94 provides a funding contribution for Northside Drive and FernHill Drive, but it is not clear how the other critical elements (such as the other State Highway 16 intersections) are to be delivered.
- The existing plan change does not require conjunctive applications for adjoining CDP applications, and CDP are not required in the Massey North Area where the land is in separate ownership. This could lead to a disjointed approach to development, which may have effects on State Highway 16.
- The plan does not prevent use of employment area sites prior to the development of the important Northside Drive link to Trig Rd, which, if it did occur, could result in excessive traffic through the town centre and additional unnecessary traffic on the existing State Highway 16.
- The correct roading and intersection controls are also critical to the bus-based public transport system.

This situation introduces a degree of uncertainty as to whether the roading network and associated public transport can be delivered as anticipated by the audit, under the existing Plan Change. Therefore it is recommended, in accordance with the Schedule 5 of the LGAAA, that more certainty be provided in the delivery of the key components of local roading network for Massey North, to the extent possible considering that the district plan primarily controls the effects of activities rather than directing the delivery of services. Generalised changes are recommended as follows (refer to Appendix 1 for details):

- update the Massey North Urban Concept Plan to show the revised roading network as per the audit report;
- indicate on the Massey North Urban Concept Plan, which of those roads are the key roads and intersections;
- amend policy 11.44 and 11.45 and relevant assessment criteria to cross reference to the revised Massey North Urban Concept Plan so that decisions on consent applications can be effective in implementing the desired roading network and associated public transport networks;
- amend policy and relevant assessment criteria so that widespread commercial and industrial use of new sites in the Massey North Special Employment Area is discouraged prior to completion of Northside Drive connection to Trig Rd (site development can still occur prior to the connection being established);
- amend policy to ensure that individual traffic generators are managed so as not to adversely affect the state highway network.

Note also the recommendations in section 5.9 of this report in response to submissions 300/56 and 300/83 on infrastructure.

Submissions 295/5, 296/5 and 297/5

These submissions generally support the plan change but request an assurance *“that roading infrastructure within the proposed development is to be integrated with Transit’s Motorway System.”* Submitters 295 and 296 give their address as No. 97 State Highway 16, and submitter 297 gives their address as No. 107A State Highway 16. These properties are located at the north-western corner of Massey North.

In response, the proposed Northside Drive, as indicated in the Massey North Urban Concept Plan, will run across the southwest corner of No. 97 State Highway 16. This will provide a connection to the existing State Highway 16 to the west. Northside Drive will also continue eastward crossing over the new State Highway 16 via a bridge and then connect to Trig Road. Trig Road will in turn be connected to the new State Highway 18 by north facing ramps. There will be no direct connection between the new Northside Drive and the new State Highway 16, as Transit NZ has declined a request for such a connection. Traffic modelling indicates that these proposed connections to the existing State Highway 16 and the new State Highway 18 are sufficient.

No particular changes are requested by these submissions but it is recommended that the Massey North Urban Concept Plan be updated to include the indicative position of Northside Drive running over the proposed new State Highway 16 through to Trig road. This is not shown in the existing Massey North Urban Concept Plan, but will be an important part of the roading network.

Submission 300/51

This submission seeks amendments to the effect that provision of information on traffic growth outside the area proposed to be developed, to be the primary responsibility of Council. It also asks for allowance to be made for staged delivery over time to the final provision with the use of temporary measures; presumably referring to development of the transport network. These points are interrelated in part with the matters raised in submissions 108/99, 108/100 and 203/43.

General growth in traffic needs to be taken into account because the Town Centre is part of a wider package of development initiatives in NorSGA. However, it is the initial responsibility of Waitakere City Council as promoter of the plan change, to ensure (in conjunction with ARTA and Transit) that provision of the public roading network will be appropriate to the predicted growth in demand. A transport audit has been prepared in response to submissions from ARTA, ARC and Transit. The audit analyses traffic growth and indicates key public roads, intersections and public transport facilities necessary to a sustainable roading network in and around Massey North. The particular layout of key routes and intersections is critical to the efficient functioning of the road network and public transport.

Given the requirements of the Fifth Schedule of the LGAAA regarding certainty, integration and multi-modal transport, it is important that the plan provides sufficient certainty about the key elements of the transport system. It is recommended that the current assessment criteria and Massey North Urban Concept Plan should be updated to reflect the outcomes of the transport audit. In particular assessment criteria 26(s)

(renumbered as (t) in Appendix 1) should be amended to focus more on consistency with the key elements of the roading network as shown in the Massey North Urban Concept Plan revised in accordance with the audit. This will provide the applicant with the alternative of either adopting the key elements of the transport network as set out in the audit, or alternatively expend resources to demonstrate the feasibility of an alternative network layout. It is also recommended that:

- assessment criterion 26(s) (renumbered as (t) in Appendix 1) is amended to provide for staging and temporary measures as the town centre will be developed over time rather than all at once.
- assessment criterion 26(w) (renumbered as (x) in Appendix 1) is amended to refer to sequencing and consistency with the transport audit.

Submission 300/52

This submission requests alteration of assessment criteria 26(w) (renumbered as (x) in Appendix 1) to limit the subject matter and time frame for consultation. Note also submissions 257/290 and 257/306, which request alterations to this criteria, on the basis that the Act does not contain an express requirement to consult. It is recommended that this notation is best expressed as a recommendation to consult on transport matters, rather than an 'expectation'. However, there is no statutory basis to limit the length of time for consultation.

Submission 300/78

This submission requests that a notation be inserted into the Human Environment Maps to the effect that designation TSNZ4 is to be uplifted. It is possible that part of the designation will be uplifted by agreement with Transit in the future. However, it is inappropriate to include any imprecise notations at this stage unless more details can be provided with the agreement of Transit NZ. No changes are recommended.

Submission 300/80

This submission requests that the Hobsonville Rd interchange be included in the Human Environment maps. In response, it is already included in the Massey North Urban Concept Plan in an indicative fashion. Roads are only indicated on the Human Environment maps as Transport Environment, which is the area held for roading purposes. The Human Environment maps will be progressively updated over time to show the new roads as Transport Environment, as land purchases proceed, In the interim all land held by Transit NZ for motorway purposes is deemed (under the district plan rules) to be Transport Environment, even if it is not currently indicated as Transport Environment in the maps. No changes are recommended.

Submission 300/81

This submission requests that the indicative position of Northside Drive and connections to State Highways be shown in the Human Environment maps. In response, roads are only indicated on the Human Environment maps as Transport Environment, which is the area held for roading purposes. At this point in time, the exact route of Northside Drive and other Massey North roads and the associated property vestings have not been finalised. Therefore it would be inappropriate to include it on the Human Environment maps in an indicative way as this creates uncertainty. Note that all land held by WCC for roading purposes is deemed (under the district plan rules) to be Transport Environment, even if it is not indicated as Transport Environment in the maps. Therefore as land is transferred to WCC for roading purposes, the relevant rules will apply. It is recommended that the Massey North Urban Concept Plan be amended to show Northside Drive extending between State Highway 16 and Trig Road.

Submission 300/85

This submission requests removal of the transport interchange shown located within precinct E (Westgate) within the Massey North Urban Concept Plan. The Massey North Urban Concept Plan also shows a second transport interchange in Precinct A within Massey North Town Centre. Both these interchanges were intended for bus based public transport. Provision of public transport has been analysed in more detail in the draft transport audit which has concluded that there should only be one interchange for the Massey North/Westgate area, and that this should be located within the Town Centre off Fernhill Drive within Precinct A. Therefore it is recommended that the Precinct E interchange be removed from the Massey North Urban Concept Plan and that the interchange in Precinct A be relocated to the position shown in the audit report. Note that bus services would continue to run through Westgate and the interchange site will continue to serve as a bus stop.

Submissions 329/2 and 1080/3

These submissions request provision of rail connections between Henderson, Westgate and North Shore. This is not possible because of the absence of an existing rail corridor connecting these areas, and the high cost associated with purchasing and constructing a new rail corridor. However, an extensive bus-based public transport system will be provided (refer to: Draft Transport Audit for the Auckland Regional Transport Authority of Waitakere City Councils Proposal to Develop the Massey North to Hobsonville Corridor). This

will include 'Quality Transit' links between Henderson, Massey North and North Shore. Dedicated bus lanes are to be provided for in the construction of the new State Highway 18. No changes are recommended.

Submission 329/3

This submission requests that traffic be prohibited from the Town Centre. In response, the Town Centre concept involves a "mainstreet" with car access. Approximately half of the total width of the mainstreet road reserve will be available for pedestrian use and landscaping. The remainder will be carriage way for cars and limited parking. Other roads in the Town Centre will generally have a higher proportion of carriage way but all areas are intended to be pedestrian friendly and accessible, and the plan contains resource consent assessment criteria to that effect. A complete prohibition on cars would not be consistent with mainstreet model and connectivity. However, it is recommended that a new assessment criterion be inserted emphasising the importance of pedestrian amenity, safety and connectivity.

Submission 585/1

This submission seeks confirmation that public transport has been provided for. In response, bus-based public transport is to be provided for. Details of intended routes are contained in the Draft Transport Audit for the Auckland Regional Transport Authority of Waitakere City Councils Proposal to Develop the Massey North to Hobsonville Corridor. In summary, the public transport system will consist of longer distance 'quality' links and shorter connecting routes. The location of the roading network, bus routes and bus stops will ensure a relatively short walking distance to a bus stop, and services will be provided at frequent intervals. A bus interchange and park and ride facility are to be provided. The bus interchange facility will have dedicated lane access at the state highway interchange. Dedicated bus lanes are also to be provided for in the construction of the new State Highway 18. Connections will also be provided to proposed future passenger ferries at Westpark Marina and Hobsonville airbase. Some changes are recommended to the Massey North Urban Concept Plan and the policies and rules of the plan to reinforce public transport by altering parking rules and assessment criteria (see also the response to submission 258/202). In addition, it is recommended that the assessment criteria be amended to cross reference to the transport audit, and that the assessment criteria be amended to facilitate contemporaneous provision of public transport with development.

Recommendation:

Submissions 4/7, 109/105, 110/105, 111/102, 111/102, 250/162, 257/295, 257/296, 300/78, 300/80, 329/2 and 1080/3 are rejected.

Submissions 108/98, 108/99, 108/100, 295/5, 296/5 and 297/5 are accepted in part, with no changes made as a result of these submissions.

Submissions 110/113, 111/110, 203/43, 250/159, 250/160, 250/164, 257/291, 258/202, 259/9, 295/5, 296/5, 297/5, 300/51, 300/52, 300/81 and 585/1 are accepted in part to the extent shown in Appendix 1.

Submissions 250/163, 250/158, 257/295, 257/303 and 300/85 are accepted with changes as shown in Appendix 1.

5.7 Stormwater

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/165	Auckland Regional Council	Reject Plan Change 15 because it has not been fully informed by the stormwater and wastewater Network Discharge Consent and Integrated Catchment Management Plan processes, and does not reflect the outcomes of these processes. Or; Amend the assessment criteria in relation to infrastructure to include a requirement that development be consistent with the Integrated Catchment Management Plan; and promotes Low Impact Design and source control for stormwater management; and fully incorporates and reflects the outcomes of the Upper Waitemata Harbour Study.	Opposed By: 300 IMF Westland Ltd
300/54	IMF Westland Ltd	Reject Assessment Criteria 26(ag) and replace with: <i>Demonstration of the basis upon which</i>	Support and Opposed By: 81 IB, GA and IE Midgley

		<i>sustainable stormwater management techniques are incorporated into road design, to deliver the required quality and quantity performance standards, and with regard to the appropriateness of the techniques to the character desired for and objectives of particular precincts.</i>	
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Discussion:

Submissions 250/165 and 300/54

Submission 250/165 is concerned with effective integration of regulation of stormwater discharge from Massey North and regulation of land use within Massey North. Submission 300/54 is concerned about the practicalities of inserting low impact design stormwater design methods within a compact urban development.

Massey North is within the Totara Catchment, which drains to the Brighams sub-estuary of the Upper Waitemata Harbour. The Upper Waitemata Harbour is a sensitive estuarine environment. It is a recognised estuarine settling zone and is therefore potentially susceptible to the accumulation of contaminants via stormwater from adjacent land-based activities including urban activities. It is important that the future development proposed under the Plan Change does not contribute significantly to long-term degradation of the upper harbour. This is a significant sustainability test for the Plan Change under the RMA and LGAAA.

Accordingly Waitakere City Council has prepared the Integrated Catchment Management Plan - Totara Creek (ICMP), which forms the documentation for the Totara Catchment network consent application (ARC permit application 26185). This included detailed modelling of effects on the Upper Waitemata Harbour. The ICMP was first submitted to the Auckland Regional Council (ARC) on 31 August 2005 in association with a network discharge consent application. The ARC issued a section 92 notice (request for further information) on the 10 November 2005. Responses to the information request are incorporated to the current ICMP document dated 27 April 2006, which has been publicly notified by the ARC for submissions. At the completion of any hearings of submissions, the ARC may make a decision on the network consent application. The decision making process for the network discharge consent application has by agreement been phased to be contemporaneous with the decision making process for the Plan Change, but will be independent of the LGAAA process.

Preparation of the ICMP and preparation of the Massey North Urban Concept plan have been fully integrated. The contents of the ICMP show that the discharge of stormwater from the urban area can be managed to ensure that the urban development is in accordance with the ICMP and the Massey North Concept Plan and will not significantly alter long-term contaminant accumulation rates in the Upper Waitemata Harbour. In addition, the proposed development will not cause significant contaminant accumulation in the immediate Brighams Creek sub-estuary.

The ICMP has been amended as a result of the section 92 requests and further detailed analysis has resulted in some changes to the ICMP and the Massey North Urban Concept Plan since original notification of the Proposed Plan Change. In particular, the area to be set aside for Drainage/Ecological Space has been refined, and the locations of stormwater treatment wetlands have been determined. The ICMP has a detailed and integrated approach to stormwater management. A preferred option for stormwater management has been selected (refer to Option 9 discussed in sections 11 and 12 of the ICMP). The preferred option will comprise three essential elements: source control of zinc coating systems, seven constructed wetlands to provide treatment and detention for the entire developed catchment, and rainwater detention tanks. This option will allow a compact urban form, is relatively cost effective, and will be effective in the long-term.

It is important that the Massey North Urban Development Plan and consequent development remain consistent with the ICMP and the ultimate network discharge consent. Therefore it is recommended that the Massey North Concept Plan be updated to be consistent with Figure 3-5, dated 27 July 2005, of the ICMP. In addition, relevant text of the plan change should be amended to ensure that development is consistent with the ICMP. In particular:

- the ICMP is not referred to in the policies and Policy 11.44 should be amended to require consistency with the discharge consent;
- rule 26.2(f) (renumbered as (e) in Appendix 1) should refer to the ICMP so that comprehensive development plan applications specifically provide for the ICMP and that Low Impact Design relevant to the ICMP is used;
- also the assessment criteria 26(al) (renumbered as (aj) in Appendix 1) which applies to Limited Discretionary Activities, is open ended and should be amended to ensure that development is consistent with the ICMP;

- assessment Criteria 26(ag), can be deleted as the recommended changes to 26.2(f) (renumbered as (e) in Appendix 1) supersede the subject matter of the criteria;
- similar changes to rule 27 are required for consistency.

Recommendation:

Submissions 250/165 and 300/54: are accepted in part to the extent shown in Appendix 1.

5.8 Transmission Lines

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
300/79	IMF Westland Ltd	Amend the Human Environments Map, the notation within the legend of the map as follows: ' <u>TP2</u> High Voltage Electricity Lines (over 33kv) - <u>to be uplifted</u>	Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

This submission requests an alteration to the notation related to the dashed line indicating the route of Transpower's transmission lines on the Human Environment map C8. In response, the dashed line on the district plan map marks the current route of the transmission lines which crosses over Massey North. As far as the report writer is aware there is no formal (or informal) agreement to alter the route of the transmission lines. Therefore it would be inappropriate to alter the notation at this point in time. As the line is a notation on the map (not a designation) it can be altered at any time in the future as a minor amendment, once agreement as has been reached over the future location of the transmission line.

Recommendation:

Submission 300/79 is rejected.

5.9 General Infrastructure Provision

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/239	Waitakere City Council	Amend Policy 11.44 to explicitly refer to the requirement to provide adequate infrastructure.	Supported By: 1207 Watercare Services Ltd
257/249	Waitakere City Council	Amend Policy 11.44 to require the need to " <u>provide for adequate infrastructure (etc)</u> " rather than simply "require development contributions".	Supported By: 1207 Watercare Services Ltd
300/56	IMF Westland Ltd	Amend Plan Change to provide for Council to identify through an Infrastructure Plan the potential for certain infrastructure to be provided or facilitated by the relevant owner or the Council acting as a public authority.	Support and Opposed By: 81 IB, GA and IE Midgley
300/83	IMF Westland Ltd	Amend Appendix XX - Massey North Urban Concept Plan to provide further plans denoting the locations of anticipated indicative major civil infrastructure and designations for roading etc are inserted into the UCP.	Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submissions 257/239 and 257249

These submissions request that policy 11.44 be amended to include a requirement to provide appropriate infrastructure. In response, policy 11.44 already includes a bullet which reads: "ensuring provision is made for roading, stormwater and wastewater drainage and all other infrastructure." Therefore the existing policy adequately provides for the submitters request and no changes to the plan are recommended. However, it is recommended that key roading infrastructure and drainage open space be more clearly identified (refer to response to 300/83 below).

It is also recommended that roads, bridges, infrastructure and any activity necessary to implement the Totara Creek Integrated Management Plan be included within Rule 1.2 Special Area Definitions for each precinct. If these activities are not included they would be non-complying activities which would be inconsistent with the policy. Roads and bridges need to be specifically listed as they are not included in the current district plan

definition of infrastructure. Also some modern stormwater treatment devices, such as swales and ponds are not included in the definition of infrastructure and need to be provided for by generic reference to the ICMP.

Submission 300/56 and 300/83

These submissions seek more explicit identification of major infrastructure within the plan including any designations. The existing Proposed Plan Change 15 provisions do not provide a detailed plan of infrastructure, although a roading network, Transport Interchange, Park and Ride and the Drainage / Ecological Space Area and potential Community Facility locations, are all shown in a general indicative way on the Massey North Urban Concept Plan. The Drainage / Ecological Space Area is necessary to the Totara North ICMP. Other physical infrastructure not shown includes stormwater, wastewater, telecommunications and electricity.

There are three forms of infrastructure that the plan needs to address with an appropriate degree of certainty.

The first of these is the key elements of the roading network. This is necessary to provide for efficient operation of both public and private transport because the layout and location of key intersections with the state highway and connecting routes between precincts is critical to the functioning of the transport system. It is recommended that the indicative road network be amended to show the road network in a manner consistent with the Transport Audit for the Auckland Regional Transport Authority of Waitakere City Councils Proposal to Develop the Massey North to Hobsonville Corridor. Further, the key elements of the roading network should be clearly distinguished with a notation to the effect that these are intended to become public roads. Details are shown in Appendix 1 including:

- the Northside Drive connection between state highways 16 and 18,
- the main internal circulation roads between the special areas and precincts,
- the key strategic intersections with state highway 16,
- any indicative controls on intersections that have implications for land use or access,
- the public transport interchange and priority measures,
- the main indicative public transport routes.

The second key item of infrastructure is the area of land to be set aside as Drainage/Ecological Open Space. This area is necessary for consistency with the Totara North ICMP and associated network consent and is fundamental to the overall sustainability of the Town Centre. It is recommended that this be updated to be consistent with the ICMP (2006) including the intended locations of the main stormwater wetlands.

Providing for the public roading network will facilitate provision and planning of other utilities. However, the detailed planning for wastewater, water supply, telecommunications, and electricity; is best dealt with through comprehensive consent applications.

The third element infrastructure is social infrastructure. This includes community facilities, government services not-for-profit services and medical services. The Massey North Urban Concept Plan contains areas indicated as potential sites for community facilities. These are most likely to be used for facilities provided by Waitakere City Council but could be used for community facilities provided by others. Some changes to the map notation of these areas are recommended in response to submissions discussed in Section 5.29.

Section 4(b) of the LGAAA 2004 prevents any designations being introduced via plan changes made under the LGAAA process. Therefore any designations will need to be undertaken separately. This should not be interpreted as a commitment to use designations as under the normal process for development of greenfield sites, the developer provides the roads, which are then transferred to the Council. However, designations may be necessary in some cases to implement an efficient road and infrastructure network.

Recommendation:

Submissions 257/239, 257/249, 300/56 and 300/83 are accepted in part to the extent shown in Appendix 1.

5.10 Integration with Westgate

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
118/1	Westgate Properties Limited	Amend objectives, policies and rules as necessary to ensure that the proposed town centre is integrated with the existing Westgate Shopping Centre.	Opposed By: 108 Progressive Enterprises Limited
250/161	Auckland	Amend the Plan Change to resolve the issues	Supported By:

	Regional Council	regarding the integration of the town centre across Hobsonville Road.	111 The National Trading Company of New Zealand Limited 258 Auckland Regional Transport Authority 1198 Magsons Hardware Ltd (Mitre 10) 1206 Bilimab Holdings Ltd Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited
250/167	Auckland Regional Council	Amend plan change provisions to require intensification and significant improvements in urban design and amenity within the existing Westgate shopping centre; and include plans for the town centre mainstreet to be extended south of Hobsonville Road through the existing Westgate shopping centre.	Supported By: 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority Opposed By: 300 IMF Westland Ltd
250/168	Auckland Regional Council	Amend the plan change by deleting the proposed dissection of the town centre by Hobsonville Road (State Highway 16) in order to achieve a successful integrated sub-regional centre, pedestrian movement, public transport and vehicle access.	Supported By: 111 The National Trading Company of New Zealand Limited 258 Auckland Regional Transport Authority 1198 Magsons Hardware Ltd (Mitre 10) 1206 Bilimab Holdings Ltd Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited

Discussion:

Submission 118/1

This submission request additional objectives, policies and rules for integration of the Town Centre and the Westgate shopping Centre. In response this submission is very general and it is not clear what provisions the submitter thinks would be relevant. Also, Proposed Plan Change 15 provides for integration by incorporating the existing Westgate shopping Centre within the Town Centre as shown on the Massey North Urban Concept Plan and Rule 1.2 Special Area Definitions. No change is recommended.

Submissions 250/161 and 250/168

These submissions concern the dissection of the Town Centre by Hobsonville Rd. The summary for 250/168 is not entirely accurate as the relief requested is "That the issue regarding the dissection of the town centre by Hobsonville Rd (State Highway 16) and the implications for pedestrian, public transport and vehicle movement be resolved." In response, the existing Hobsonville Rd will remain a State Highway, at least until after the new State Highway 16 is completed. The issues of vehicle access, pedestrian movement and public transport are addressed in more detail in the Transport Audit. This shows that it is possible to integrate movements across Hobsonville Rd, though the width of the highway will remain as a physical feature separating precincts A and E. No change is recommended.

Submission 250/167

This submission requests unspecified changes to require intensification and urban design improvements in Precinct E, including extension of the Mainstreet into Precinct E. In response, existing provisions of Proposed Plan Change 15 will assist in achieving better urban design within Precinct E. The existence of Hobsonville Rd prevents extension of the main street into Precinct E. It is recommended that some amendments are made to achieve higher building intensity over time, as discussed in response to submission 250/169 in section 5.15.

Recommendation:

Submissions 118/1, 118/4, 250/1 and 250/168 are rejected.
Submission 250/167 is accepted in part to the extent shown in Appendix 1.

5.11 New Precinct F and Other Areas to be Included in Special Areas

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
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22/1	JW Hull and Clover Farms Limited	Amend or delete Massey North Urban Concept Plan to make provision for the completion of the Totara Structure as originally committed to the Council.	Supported By: 264 Centre for Urban and Transport Studies Opposed By: 204 The Waitakere Ranges Protection Society Incorporated
52/1	Frances Clare Ltd (Chick. Broiler Farm Unit)	Amend the plan change/maps to extend the proposed MUL to include the land within the triangle formed by SH16 and Brigham Creek Road and the new motorway extension as industrial/commercial zoning (refer submission).	Opposed By: 107 Westfield (New Zealand) Limited 259 Transit New Zealand 108 Progressive Enterprises Limited
52/2	Frances Clare Ltd (Chick. Broiler Farm Unit)		Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Opposed By: 254 North Shore City Council 259 Transit New Zealand
71/2	Henry B Norcross	Amend to include the land east of the ridge line within the Living Environment zone (as shown on plan submitted).	Supported By: 1198 Magsons Hardware Ltd (Mitre 10) 1206 Bilimab Holdings Ltd 111 The National Trading Company of New Zealand Limited Opposed By: 204 The Waitakere Ranges Protection Society Incorporated 254 North Shore City Council 259 Transit New Zealand
71/3	Henry B Norcross		Supported By: 111 The National Trading Company of New Zealand Limited 1198 Magsons Hardware Ltd (Mitre 10) 1206 Bilimab Holdings Ltd Opposed By: 204 The Waitakere Ranges Protection Society Incorporated 259 Transit New Zealand
74/2	Roy Wigg	Amend so that the MUL be altered as shown on map attached to submission.	Supported By: 1198 Magsons Hardware Ltd (Mitre 10) 1206 Bilimab Holdings Ltd 111 The National Trading Company of New Zealand Limited Opposed By: 254 North Shore City Council 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
74/3	Roy Wigg	Amend to expand the area within the proposed Massey North Town Centre Special Area to include the additional land as shown on the plan attached to this submission	Supported By: 111 The National Trading Company of New Zealand Limited 1198 Magsons Hardware Ltd (Mitre 10) 1206 Bilimab Holdings Ltd Opposed By: 108 Progressive Enterprises Limited

			259 Transit New Zealand 107 Westfield (New Zealand) Limited
74/4	Roy Wigg	Amend the zone for 'urban development' to 'living environment' or a combination of 'living environment' and low level apartment residential in the area within 300m of SH 16.	
74/5	Roy Wigg	Amend by extending the proposed expansion area not zoned 'living environment' with extensions of Precinct Areas C and D or a new precinct F (in the manner detailed in following submissions).	Opposed By: 108 Progressive Enterprises Limited 259 Transit New Zealand 107 Westfield (New Zealand) Limited
74/6	Roy Wigg	Amend 11.4 by adding new clause: Town Centre Precinct Area F <i>Town Centre Precinct Area F shall not compromise the objectives for the overall Massey North Town Centre and Massey North Urban Concept Plan. Those objectives seek to establish an integrated town centre surrounded by a supportive town centre periphery. In particular, this precinct seeks to integrate the existing Westgate Shopping Centre into an expanded Town Centre, with connections where possible across Hobsonville Road. In particular the precinct seeks to;</i> <ul style="list-style-type: none"> • <i>enable apartment and mixed use activities to occur and utilise the amenity value for the riparian margins for residents. The apartment development will be encouraged to locate mixed use activities on the ground floors.</i> • <i>enable conventional residential development where this is located further than 800m from the centre of the Massey North Centre.</i> • <i>ensure that development of the Town Centre Precinct Area F does not compromise the objectives for the Town Centre as a whole.</i> • <i>avoid the establishment of supermarkets / department stores and /or significant retail units that might detract from the intensification outcomes sought within the Town Centre Core A Area,</i> • <i>maintain areas of open space and riparian margins to provide for stormwater mitigation and passive recreational opportunities.</i> 	Opposed By: 110 Warehouse Stationery Limited 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
74/7	Roy Wigg	Amend Rule 26.2 by adding "Town Centre Precinct Area F" after 'Town centre Precinct Area E'	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
74/8	Roy Wigg	Amend Rule 26.2, assessment criterion 26n (c), by adding "Town Centre Precinct Area F" after 'Town Centre Precinct Area E'	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
74/9	Roy Wigg	Amend Rule 26.2 by adding "And F" to the heading that reads 'Town Centre Precinct Area D'	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises

			Limited
74/10	Roy Wigg	Amend Rule 26.3 by adding “(vi) Town Centre Precinct Area F - 10 metres”	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
74/11	Roy Wigg	Amend Rule 26.3(c) by adding “(vi) Town Centre Precinct Area F - this rule does not apply”	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
74/12	Roy Wigg	Amend Rule 26.3 (d) by adding “(vi) Town Centre Precinct Area F - 60% net site area”	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
74/13	Roy Wigg	Amend Rule 26.3 (e) by adding “(vi) Town Centre Precinct Area F - this rule does not apply”.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
74/14	Roy Wigg	Amend Special Area Rule 1 by adding the words underlined: “Massey North Precinct D and F Activities”	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
75/1	Steve Nuich	Amend so that all references within proposed Plan Change 6 to the Massey North Centre should include the land identified in this submission (map attached to submission).	Opposed By: 108 Progressive Enterprises Limited 257 Waitakere City Council 95 Housing New Zealand Corporation (1) 107 Westfield (New Zealand) Limited
75/2	Steve Nuich	Amend to expand the area within the proposed Massey North Town Centre Special Area and the Massey North Employment Special Area to include the additional land as shown on the plan attached to this submission; and to expand the MUL to include this area.	Opposed By: 108 Progressive Enterprises Limited 257 Waitakere City Council 95 Housing New Zealand Corporation (1) 107 Westfield (New Zealand) Limited
75/5	Steve Nuich	Amend to expand the area within the proposed Massey North Town Centre Special Area to include the additional land as shown on the plan attached to this submission.	Supported By: 111 The National Trading Company of New Zealand Limited 1198 Magsons Hardware Ltd (Mitre 10) 1206 Bilimab Holdings Ltd Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
75/6	Steve Nuich	Amend to zone the zoned for ‘urban development’ to ‘living environment’ or a combination of ‘living environment’ and low level apartment residential in the area within 300m of SH 16.	
75/7	Steve Nuich	Amend by extending the proposed expansion area not zoned ‘living environment’ with extensions of Precinct Areas C and D or a new precinct F (as outlined in submission 75/8).	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
75/8	Steve Nuich	Amend Policy 11.44 by adding new clause: “Town Centre Precinct Area F” <i>Town Centre Precinct Area F shall not compromise the objectives for the overall Massey North Town Centre and Massey</i>	Opposed By: 110 Warehouse Stationery Limited 107 Westfield (New Zealand) Limited 108 Progressive Enterprises

		<p><i>North Urban Concept Plan. Those objectives seek to establish an integrated town centre surrounded by a supportive town centre periphery. In particular, this precinct seeks to integrate the existing Westgate Shopping Centre into an expanded Town Centre, with connections where possible across Hobsonville Road. In particular the precinct seeks to;</i></p> <ul style="list-style-type: none"> <i>enable apartment and mixed use activities to occur and utilise the amenity value for the riparian margins for residents. The apartment development will be encouraged to locate mixed use activities on the ground floors.</i> <i>enable conventional residential development where this is located further than 800m from the centre of the Massey North Centre.</i> <i>ensure that developemnt of the Town Centre Precinct Area F does not compromise the objectives for the Town Centre as a whole.</i> <i>avoid the establishment of supermarkets / department stores and /or significant retail units that might detract from the intensification outcomes sought within the Town Centre Core A Area,</i> <i>maintain areas of open space and riparian margins to provide for stormwater mitigation and passive recreational opportunities.</i> 	<p>Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd</p>
75/9	Steve Nuich	Amend Rule 26.2 by adding “Town Centre Precinct Area F” after ‘Town Centre Precinct Area E’.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
75/10	Steve Nuich	Amend Rule 26.2, assessment criterion 26n (c), by adding “Town Centre Precinct Area F” after ‘Town Centre Precinct Area E’	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
75/11	Steve Nuich	Amend Rule 26.2 (g) by adding “And F” to the heading that reads ‘Town Centre Precinct Area D’.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
75/12	Steve Nuich	Amend Rule 26.3 (a) by adding “(vi) Town Centre Precinct Area F - 10 metres”	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
75/13	Steve Nuich	Amend Rule 26.3 (c) by adding “(vi) Town Centre Precinct Area F - this rule does not apply”	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
75/14	Steve Nuich	Amend Rule 26.3 (d) by adding “(vi) Town Centre Precinct Area F - 60% net site area”.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
75/15	Steve Nuich	Amend Rule 26.3 (e) by adding “(vi) Town Centre Precinct Area F - this rule does not	Opposed By: 107 Westfield (New Zealand) Limited

		<i>apply</i> ".	108 Progressive Enterprises Limited
75/16	Steve Nuich	Amend Special Area Rules by adding those words underlined: "Massey North Precinct D <u>and F</u> Activities"	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
75/17	Steve Nuich	Amend to expand the area within the proposed Massey North Town Centre Special Area and the Massey North Employment Special Area to include the additional land as shown on the plan attached to this submission; and to expand the MUL to include this area.	Opposed By: 107 Westfield (New Zealand) Limited Support and Opposed By: 108 Progressive Enterprises Limited
76/3	Ivan & Milka Selak	Amend to expand the area within the proposed Massey North Town Centre Special Area to include the additional land as shown on the plan attached to this submission	Supported By: 111 The National Trading Company of New Zealand Limited 1198 Magsons Hardware Ltd (Mitre 10) 1206 Bilimab Holdings Ltd Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
76/4	Ivan & Milka Selak	Amend to zone the zoned for 'urban development' to 'living environment' or a combination of 'living environment' and low level apartment residential in the area within 300m of SH 16.	
76/5	Ivan & Milka Selak	Amend by extending the proposed expansion area not zoned 'living environment' with extensions of Precinct Areas C and D or a new precinct F (as set out in submission 76/6).	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
76/6	Ivan & Milka Selak	Amend Policy 11.44 by adding new clause: <u>"Town Centre Precinct Area F"</u> <i>Town Centre Precinct Area F shall not compromise the objectives for the overall Massey North Town Centre and Massey North Urban Concept Plan. Those objectives seek to establish an integrated town centre surrounded by a supportive town centre periphery. In particular, this precinct seeks to integrate the existing Westgate Shopping Centre into an expanded Town Centre, with connections where possible across Hobsonville Road. In particular the precinct seeks to;</i> <ul style="list-style-type: none"> • <i>enable apartment and mixed use activities to occur and utilise the amenity value for the riparian margins for residents. The apartment development will be encouraged to locate mixed use activities on the ground floors.</i> • <i>enable conventional residential development where this is located further than 800m from the centre of the Massey North Centre.</i> • <i>ensure that developemnt of the Town Centre Precinct Area F does not compromise the objectives for the Town Centre as a whole.</i> 	110 Warehouse Stationery Limited 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd

		<ul style="list-style-type: none"> • <i>avoid the establishment of supermarkets / department stores and /or significant retail units that might detract from the intensification outcomes sought within the Town Centre Core A Area,</i> • <i>maintain areas of open space and riparian margins to provide for stormwater mitigation and passive recreational opportunities.</i> 	
76/7	Ivan & Milka Selak	Amend Rule 26.2 by adding "Town Centre Precinct Area F" after 'Town centre Precinct Area E'.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
76/8	Ivan & Milka Selak	Amend Rule 26.2, assessment criterion 26n (c), by adding "Town Centre Precinct Area F" after 'Town Centre Precinct Area E'.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
76/9	Ivan & Milka Selak	Amend Rule 26.2 (g) by adding "And F" to the heading that reads 'Town Centre Precinct Area D'.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
76/10	Ivan & Milka Selak	Amend Rule 26.3 (a) by adding "(vi) Town Centre Precinct Area F - 10 metres".	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
76/11	Ivan & Milka Selak	Amend Rule 26.3 (c) by adding "(vi) Town Centre Precinct Area F - this rule does not apply".	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
76/12	Ivan & Milka Selak	Amend Rule 26.3 (d) by adding "(vi) Town Centre Precinct Area F - 60% net site area".	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
76/13	Ivan & Milka Selak	Amend Rule 26.3 (e) by adding "(vi) Town Centre Precinct Area F - this rule does not apply".	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
76/14	Ivan & Milka Selak	Amend Special Area Rule 1 by adding those words underlined: "Massey North Precinct D <u>and F</u> Activities".	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
118/4	Westgate Properties Limited	Amend Section 3.9 so that the land zoned Working Environment and adjoining the existing Westgate Shopping Centre to the west is included in the Massey North Town Centre Special Area. So as to provide appropriate rules in regard to the land zoned Working Environment, consistent with those embodied in Rule 27, to protect its Working Environment status and non-retail employment capabilities.	Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
118/5	Westgate Properties Limited	Amend the plan so that the adjoining residential area on Westgate Drive, that is currently used for commercial parking for the existing shopping centre and Westgate Outlet Centre, becomes Community Environment.	
154/1	Joan Winnifred Boyle	Amend to extend the MUL as shown in the map attached to the submission	Opposed By: 254 North Shore City Council 259 Transit New Zealand

			108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
154/2	Joan Winnifred Boyle	Amend the proposed employment special area to include land to the north of the motorway designation as shown on the map attached to the submission.	Opposed By: 259 Transit New Zealand
300/43	IMF Westland Ltd	Seeks that if Submission 300/27 is not accepted, amend the bullet list under the subheading 'Town Centre Precinct E' to insert the following additional bullets: <ul style="list-style-type: none"> Working Environment (Fernhill Drive) be amended by the creation of a new Precinct F with the same rules as that pertaining to the Massey North Employment Special Area Residential (Westgate Parking area) be amended to be included in Precinct E 	Support and Opposed By: 81 IB, GA and IE Midgley
298/46	Landco Limited	Reject the Plan Change, OR amend to allow a much larger area of land to be included within the extensions to the MUL.	Supported By: 111 The National Trading Company of New Zealand Limited 1198 Magsons Hardware Ltd (Mitre 10) 1206 Bilimab Holdings Ltd Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 259 Transit New Zealand 107 Westfield (New Zealand) Limited
1116/1	Land Sea Air Trust	Seeks that the site at 105 State Highway 16, Whenuapai (Lot 4, DP 105 157) be included in the Plan Change	Opposed By: 108 Progressive Enterprises Limited 259 Transit New Zealand 107 Westfield (New Zealand) Limited

Discussion:

This group of submissions seeks extension or amendment of the plan to include rural areas outside of the current Massey North Urban Concept Plan. Many of these submissions would require extensions to the Metropolitan Urban Limit (MUL) beyond that provided for in the existing LGAAA plan changes. Section 4(a) of the LGAAA prevents any extension of the MUL being included within these plan changes without the agreement of the Auckland Regional Council (ARC). The ARC has not made further submissions opposing these submissions. However, none of the submissions have provided any evidence of a formal agreement with the ARC to extent the MUL, and in the absence of any evidence to the contrary it must be assumed that no agreement exists. Additional comments related to the particular submissions are included below.

Submission 22/1

This submission relates to land at 13 Sinton Rd, outside of and well to the East of the Massey North Urban Concept Plan area. The submission is effectively requesting a plan change to allow rural subdivision down to 2 Ha sometimes termed "countryside living". This would not necessarily require an extension to the MUL. However, Plan Change 15 and related plan changes are about planning for urban growth as required under the LGAAA. It is inappropriate for the plan change to address countryside living issues within the wider district. Furthermore policy 2.6.17.3 of the ARPS indicates that Countryside Living will be limited to that provision made in District Plans prior to March 2005. It would be premature for the Council to initiate further structure planning until this policy is determined. WCC Plan Change 16 Policy 0.11 identifies that no further intensive settlement is needed to accommodate population growth prior to 2021. No change is recommended.

Submissions 52/1 and 52/2

This submission seeks extension of the Massey North Special Area northwards to include the triangle of land between the existing State Highway 16 and the proposed new State Highway 16. In response, it would be inappropriate to include this area in the absence of detailed analysis of the potential effects on transport

systems, regional, sector and City growth and downstream effects on the upper Waitemata Harbour. It would also be contrary to section 4(a) of the LGAAA in the absence of any agreement with the ARC. No change is recommended.

Submissions 71/2 and 71/3

These submissions concern a block of land immediately to the south west of Don Buck Rd and State Highway 16. The land is outside the Massey North Urban Concept Area and is currently zoned as Foothills Environment. However, the zoning is subject to an Appeal to the Environment Court. The block is part of a wider area known as "Redhills", in turn part of the Northern Strategic Growth Area. The block is outside the current MUL but is within the area scheduled for development in the Northern and Western Sectors Agreement 2001, Proposed Plan change 16 and Proposed Change 6 to the Auckland Regional Policy Statement. These documents delay urban development of the redhills area until after 2021 in order to provide an integrated approach to urban development throughout the Northern Strategic Growth Area. They, and relevant background data, have determined that Plan Changes, 13, 14, and 15 are more suited to urbanisation to meet the City's immediate growth needs. It would be inappropriate to zone the area for urban development at this point in time. No change is recommended.

Submissions 74/1, 74/2, 74/3, 74/4, 74/5, 74/6, 74/7, 74/8, 74/9, 74/10, 74/11, 74/12, 74/13, 74/14, 75/5, 75/6, 75/6, 75/7, 75/8, 75/9, 75/10, 75/11, 75/12, 75/13, 75/14, 75/15, 75/16, 75/17, 76/3, 76/4, 76/5, 76/6, 76/7, 76/8, 76/9, 76/10, 76/11, 76/12, 76/13, 76/14

These submissions all propose rezoning an area of land south west of Don Buck Rd and State Highway 16. so that it becomes part of the Town Centre with provision for residential use. The land is outside the Massey North Urban Concept Area and the MUL and is currently zoned as Countryside Environment and Foothills Environment. Part of the area zoned Foothills is subject to an Appeal to the Environment Court. That part of the proposed area south of Dunlop Road is part of a wider area known as "Redhills", in turn part of the Northern Strategic Growth Area contained within the Northern and Western Sectors Agreement 2001. That agreement delays urban development of the redhills area until after 2021 in order to provide an integrated approach to urban development within the Northern Strategic Growth Area. It would be inappropriate to zone the area for urban development at this point in time. The remainder of the area is outside The Redhills area. No analysis of the potential effects of urbanisation has been provided. It would also be contrary to section 4(a) of the LGAAA in the absence of any agreement with the ARC. No change is recommended.

Submission 118/4 and 300/43

This submission requests inclusion of the existing Working Environment adjacent to the Westgate Shopping Centre, within the Massey North Town Centre Special Area. In response, a review of the existing Working Environment area may be appropriate. However, this would require a separate plan change process to adequately research and address the issues. No change is recommended.

Submission 118/5 and 300/43

This submission requests re-identification of a small area of undeveloped Living Environment Land adjacent Westgate on 13 Westgate Drive as Community Environment. This area of land is currently used as carparking for Westgate shopping Centre and is surrounded by Open Space Environment except along the road frontage. Given the location and context, a change to commercial use would be appropriate. However, it would be more appropriate to re-identify this site as part of Precinct E in the Massey North Town Centre Special Area, rather than as Community Environment, and it is recommended that Massey North Urban Concept Plan be amended to that effect.

Submission 154/2

This submission relates to the triangle of land lying between the proposed routes of the new state highways 16 and 18 and Northside Drive. The submission requests that this land be added to the Massey North Employment Special Area. In response, this area is outside the current MUL boundary and the Northern and Western Sectors Agreement. No analysis of the sustainability of extending the MUL is provided as required in the Regional Policy Statement. It is not clear whether the land is suitable for industrial use and can be integrated with transport systems. No change is recommended.

Submission 298/46

This submission seeks that either the plan change be declined or that a much larger area of land be included within the MUL. The reasons given by the submitter are summarised as:

- contrary to the RMA,
- the Massey North extension could compromise wider development and integrated planning of opportunities particularly in association with the Whenuapai airfield,
- the Redhills area should not be excluded.

The LGAAA seeks alignment of District Plans with the ARGS Growth Concept. This strategy identifies that sequencing and timing of growth areas will be determined at sector and City level. Redhills is identified for future urban growth post 2021, as a low priority, whereas Massey North is identified as a high priority. No evidence is presented that the proposed Massey North extension of the MUL compromises development of other areas in the vicinity. In this context the Massey North Urban Concept Plan shows the Town Centre confined as an integral unit between the existing state highway 16 and the proposed new state highway 16. Therefore it will not functionally compromise adjacent areas. The type of development allowed for in precincts C and D will be compatible with eventual development of Redhills, as will the proposed intersection layout.

The Airforce has indicated that it will occupy and use Whenuapai until at least 2014. It will not be possible to reach a conclusion on future use of the airfield until around that time. The Massey North Special Employment Area will utilise an area that is unsuitable for residential use because of the existing aircraft noise emissions. Consequently, future commercial airfield use should not be adversely affected by the Massey North Special Employment Area.

In the interim it is inappropriate to disallow any development based on speculation as to future use of the airfield, as Waitakere City has a predicted shortfall of suitable employment land that needs to be addressed proactively. Further delay would serve no useful purpose. In any case it is unlikely that the whole remaining Whenuapai/Hobsonville area could or would be developed as one single MUL shift because of the difficulties of integrating transport and infrastructure and the achievement of a compact urban form over such a large area in one stage. Therefore any future shifts of the MUL will of necessity be discrete. The current proposed Massey North MUL extension is a suitable discrete shift to the MUL taken in the context of surrounding land use and the construction of new state highways 16 and 18.

Future development of Redhills is anticipated within the Northern and Western Sectors Agreement 2001. That agreement delays urban development of the redhills area until after 2021 in order to provide an integrated approach to urban development within the Northern Strategic Growth Area. It would be inappropriate to zone the area for urban development at this point in time. No change is recommended.

Submission 1116/1

This submission relates to a site at 105 State Highway 16. It is immediately adjacent to the North-western corner of the Massey North Employment Special Area. The submission seeks that it be included in the Massey North Employment Special Area, but does not provide any justification or explanation of why this would be consistent with sustainable management. It would also be contrary to section 4(a) of the LGAAA in the absence of any agreement with the ARC. No change is recommended.

Recommendation:

Submissions 22/1, 52/1, 52/2, 71/2, 71/3, 74/1, 74/2, 74/3, 74/4, 74/5, 74/6, 74/7, 74/8, 74/9, 74/10, 74/11, 74/12, 74/13, 74/14, 75/5, 75/6, 75/6, 75/7, 75/8, 75/9, 75/10, 75/11, 75/12, 75/13, 75/14, 75/15, 75/16, 75/17, 76/3, 76/4, 76/5, 76/6, 76/7, 76/8, 76/9, 76/10, 76/11, 76/12, 76/13, 76/14, 154/2, 298/46 and 1116/1 are rejected

5.12 Neon Boron Land - Change Zoning

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
1128/2	Neon Limited and Boron Limited	Seeks that the zoning of the land between Westgate shopping centre and Royal Rd Massey and bordering SH 16 (Lot1 DP 205681, Lot 2 DP 320466 and lot 8 DP 48449 be rezoned as commercial.	Opposed By: 108 Progressive Enterprises Limited 259 Transit New Zealand 107 Westfield (New Zealand) Limited

Discussion:

This submission seeks re-identification of an existing area of undeveloped Living Environment as Community Environment. It may be appropriate to review the zoning of this area. However, no analysis of the potential effects of such a change is provided in the submission. Rezoning of additional Community Environment may adversely affect the intensification outcomes sought in Massey North or have other adverse effects. Resolution of this submission would be better addressed as a separate analysis and plan change process. No change is recommended.

Recommendation:

Submission 1128/2 is rejected.

5.13 Location of Town Centre / Arrangement of Special Areas and Precincts

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
81/4	IB, GA and IE Midgley	Amend by relocating the core retail and commercial area to be within Precinct C.	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited
81/5	IB, GA and IE Midgley	Delete the policies and rules promoting Precinct A as the retail and commercial core.	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited
81/6	IB, GA and IE Midgley	Amend by inserting policies and rules promoting Precinct A as the retail and commercial core.	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited
81/7	IB, GA and IE Midgley	Amend the policies and rules relating to Precinct C by: <ul style="list-style-type: none"> a) delete the introductory statement and replace with wording to the effect that Precinct C will be or form part of the retail and commercial core of the Massey North Town Centre b) delete from the first bullet point the word "limited" c) delete references to "green network" in the second bullet point d) delete the third, fourth and fifth bullet points e) delete the words in the sixth bullet point after "throughout the Town Centre" f) delete the eighth bullet point 	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited
81/8	IB, GA and IE Midgley	Amend the reference in the wording in the Explanation particularly the preference given to Precinct Area A as the core retail and commercial area, to remove the limitations on retail and commercial development in Precinct Area C and to remove references to "buffer" and to "green network".	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited
81/9	IB, GA and IE Midgley	Amend Rule 26.3 (d) (iii) by deleting the words from "60%.....Plan" and replace with the words: "this rule does not apply".	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited
81/10	IB, GA and IE Midgley	Amend Rule 26.3 (a) by deleting the words "10 metres within 100 metres of State Highway 16 otherwise"	Opposed By: 300 IMF Westland Ltd
81/11	IB, GA and IE Midgley	Delete Rule 26.3 (b).	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited
81/12	IB, GA and IE Midgley	Amend the Special Area Definitions in Rule 1.2 in relation to "Massey North Town Centre Precinct C Activities" as follows: <ul style="list-style-type: none"> a) delete the words after "yard base activities" in the first bullet point b) delete all the words after "service stations" in the fourth bullet point 	Supported By: 111 The National Trading Company of New Zealand Limited Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises

		c) delete the words " <i>excluding cinemas but</i> " in the tenth bullet point add " <i>supermarkets</i> "	Limited
81/13	IB, GA and IE Midgley	Amend concept plan as follows: a) depict the whole of Precinct C as "Town Centre" b) delete all indicative roads shown on Precinct C c) delete all Urban Open Space shown on Precinct C d) delete all Mixed Use Periphery/Commercial shown on Precinct C e) delete all Apartment Residential shown on Precinct C f) amend Plan to show indicative road access to Precinct C from land other than that within Precinct C g) amend Precinct A to take account of the motorway designation, future development and the high voltage power lines h) amend the location and boundaries of Precincts A and C to more appropriately represent the Town Centre within the area shown as Precinct C	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited
154/3	Joan Winnifred Boyle	Amend the proposed town centre special area by retaining only precinct A and the drainage and ecological open space as proposed. All other proposed precincts to be redefined as employment special areas.	Opposed By: 108 Progressive Enterprises Limited
203/2	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend the plan change by replacing the Massey North Urban Concept Plan with the version of the Concept Plan attached as Annexure 1, and make any consequential changes to the zoning maps to ensure they correctly identify the locations of the Massey North Town Centre Special Area, and the Massey North Employment Special Area on the plan attached to the submission (Annexure 1).	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd
203/3	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend Section 3.9 to read as follows with deletions in strikethrough: Massey North Town Centre Special Area - This is an area of land where it is proposed to establish an expanded integrated Major Town Centre.	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd
203/16	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend the text of Rule 26.0 - General - Massey North Town Centre Special Area as set out on pages 23 - 33 of the submission (203) and including the following amendments (additions underlined, and deletions in strikethrough): Rule 26.0 - General	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd

		<p>(d) The “Concept Plan” referred to in these rules is the Urban Concept Plan for the <i>Massey North Town Centre Special Area</i>, dated 31 March 2005 <u>[As per the replacement version of that plan attached to this submission]</u>.</p> <p>(Also note submissions 203/31 - 203/46 relating to Rule 26.)</p>	
257/235	Waitakere City Council	<p>Amend Policy 11.44 Town Centre Precinct A to insert the words: <u>“Shall not compromise the aims for the overall Massey North Town Centre...”</u></p>	
257/258	Waitakere City Council	<p>Amend the wording of 6.2.4 by adding those words in italics and underlined, to the end of: “... (particularly Policy 11.17) and rules (particularly Working Environment Rule 5).</p> <p><u>The expansion of the Westgate North Town Centre to include the land to the north of Hobsonville Road is considered to accord with the sequential approach for the development of urban activities as agreed in the Northern and Western Sectors Agreement. The Massey North Town Centre Special Area seeks to establish a mixed use town centre rather than just a retail shopping centre.”</u></p> <p>“All shopping, and particularly that which is pedestrian-oriented is focused in the <u>community environment cores and identified Special Areas.....</u>”</p> <p>“The <u>community environment core and identified Special Areas</u> will be monitored...”</p> <p>Resource Consents</p> <p>“In the <u>Working Environments and identified employment Special Areas</u>, there...”</p>	<p>Supported By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited</p>

Discussion:

This group of submissions includes submitters who are requesting large scale changes to the distribution of special areas or precincts within the area of the proposed Massey North Urban Concept Plan.

Development of the Massey North Urban Concept Plan involved the consideration of a number of alternative locations for the Town Centre as whole, and the location of the mainstreet and core retail area within the Town Centre. The following documents summarise the various steps in that process and are relevant background material to consideration of these submissions:

- Hobsonville Corridor and Massey North Scenario Development Workshop*, 19-22 August 2002.
- Northern Strategic Growth Area Outline Growth Strategy Working Document 1*, 22 April 2003.
- Westgate and Massey North Design Workshop*, September 2003.
- Westgate and Massey North Design Workshop: Outcomes Report*, March 2004.
- An Assessment of Industrial Land Needs and Development Opportunities in the Massey North Hobsonville Corridor*, Derek Kemp, 2004.
- Urban Design Report Massey North Town Centre Special Area Within the MUL Change and District Plan Change 15 – Westgate/Massey North Area as Proposed by Waitakere City Council*, Urbanism +, 28 January 2005.
- Westgate Town Centre Summary Economic Analysis & Design Review*, Patrick Partners, January 2005.
- Totara Creek Integrated Catchment Management Plan*, 32 March 2006.

Submissions 81/4, 81/5, 81/6, 81/7, 81/8, 81/9, 81/10, 81/11, 81/12, 81/13

The submitter objects to the type of development that will be allowed in precincts C and D under the Massey North Urban Concept Plan. These submissions collectively seek a reorientation of the precincts within the Massey North Town Centre Special Area to the effect that Precinct A is not the Town Centre and Precinct C becomes the Town Centre with provision for commercial development in Precinct C which would then become the core retail area. Removal of other restrictions on development is also requested.

Waitakere City Council considered four main options for location of the Town Centre core in the process of preparing Proposed Plan Change 15. A comparative evaluation of the four options was carried out using assessment criteria and is summarised in the two reports by Urbanism + and Patrick Partners referred to above. The four options are summarised as follows:

- Option 1 provided for an East/West main street within Precinct C located north of the intersection of State Highway 16, Hobsonville Rd and Don Buck Rd.
- Option 2 provided for a North/South main street as an extension of Fernhill Drive to the North of Hobsonville Rd.
- Option 3 provided for an East/West main street located North of Fernhill Drive parallel to Hobsonville Rd.
- Option 4 provided for a North/South main street within Precinct A as an extension of Westgate centre's North entrance. This is the option selected for Proposed Plan Change 15.

Relocating the Town Centre Core to Precinct C, as requested by the submitter, would have an effect similar to the Option 1 considered by the Council. Option 1 was ranked as least favourable under the assessment criteria used for analysis. Option 4 was ranked as most favourable. Options 2 and 3 had intermediate rankings.

Evaluation of the arguments presented in the submission do not lead to a conclusion that the options analysis undertaken by the Council should be overturned to give effect to the submitters general request. Amending the retail core and commercial centre to Precinct C as requested is the least favourable location for the core of the Town Centre. This area of land is less suited to large format uses, because of its slope and bisection by the Sakaria Stream system, which also limits the potential for growth of the Town Centre. It would also decrease integration with the existing Westgate centre increasing the probability of the failure to achieve an integrated Town Centre. Conversely the orientation, topography and stream features of precincts C and D suit residential use, though commercial use is provided for adjacent to State Highway 16 and Hobsonville Rd in Proposed Plan Change 15.

The area of Drainage and Ecological Open Space is necessary for consistency with regional and existing district plan policy regarding maintenance of stream systems. It is also necessary for consistency with the Totara Creek Integrated Catchment Management Plan and associated network discharge permit application 26185.

It is appropriate to retain some additional height restrictions adjacent to State Highway 16, but this can be reduced to a less restrictive standard. Assuming a 20m road and 10m buffers on either side of State Highway 16, i.e. 40m total open area, then a building height of 20 metres would be appropriate. The application of this standard can also be limited to the first 30 metres from the highway. Therefore it is recommended that 26.3(a)(iii) and (iv) be amended as described.

The reason for the 60% apartment maximum building coverage rule 26.3(d) is not clear. Also General Natural Area Rules 4.1 and 4.2 and control impermeable surfaces directly. The effect of the Natural Area rules is that a Limited Discretionary Resource Consent will be required if impermeable surfaces exceed 60% of the site where reticulation is available and 15% where reticulation is not available. The Natural Area rules provide a sufficient mechanism for integration with the requirements of the ICMP and Rule 26.3(d) is unnecessary. Therefore it is recommended that rule 26.3(d) be deleted.

There are limited access rights onto State Highway 16, which necessitate the use of slip lanes adjacent to the State Highway. The 10-metre building setback is necessary to provide for the slip lanes and landscaping. Therefore it would be inappropriate to remove the requirement for the 10-metre setback.

Submission 154/3

This submission seeks that the Massey North Town Centre Special Area be modified by retaining Precinct A and the Ecological Open Space, but changing all other precincts to employment special areas. Adopting this

request would in effect extend the Massey North Employment Special Area (industrial uses) to include all of precincts B, C and D of the Massey North Town Centre Special Area.

The district has an acknowledged shortage of employment (and particularly industrial) land in suitable locations (refer to section 5.0 in Proposed Plan Change 16). However, the issue is not one simply of providing for industrial uses versus residential uses, as the economy is more diverse - including commercial uses that generate employment and economic opportunities. A balance in provision for the different categories of employment generating activities is needed. Also fully developed industrial activities typically have a lower average employment density than fully developed commercial areas. The overall plan change provides for a mix of employment generating activities and nothing in the submission provides evidence that the overall mix is fundamentally wrong.

In promoting the plan change the Council needs to implement wider strategic policies to provide employment opportunities, integrate all activities with transport and other infrastructure, and promote the sustainability of urban land use with respect to the needs of communities and the life-supporting capacity of the environment. This includes providing for residential land uses in close proximity to employment opportunities to reduce transport related effects on the environment and to provide for more functional communities. The Council also needs to take into account the local suitability of land for industrial use. Individual precincts are considered further as follows.

Precinct D would be used for apartment density residential, Mixed Use Periphery/Commercial and Community Facility uses under the current Massey North Urban Concept Plan. Apartment uses will occur in the north-eastern part of the precinct where the sloping topography and dissection by the Sakaria Stream make the land unsuitable for large format industrial or commercial uses. Conversely, the north aspect, access to open space, buffering from the state highways and proximity to both the town centre and Massey North Employment Special Area, make the land suitable for residential use. Mixed Use Periphery/Commercial is provided for along the State Highway 16 border of Precinct D. Use of this land for industrial purposes would lead to an incompatibility of amenity values and poorer connectivity between the Town Centre, the apartment residential area, and the future Redhills residential area.

The Community Facility area in Precinct D was intended for school uses. However, at the time at which this report was written, the Ministry of Education has been unable to confirm that this site is necessary to accommodate future growth needs.

Neither is it clear what other community facilities are needed or warrant retention of this area. It is possible that there is a need for relatively flat open community space, which is not represented in the Drainage Ecological Open Space Area. However this or other needs have not been identified in the plan change documentation or confirmed by subsequent work. Waitakere City Council may wish to present further information on the intended uses of this area at the hearing.

It is inappropriate to zone significant areas of private land for unspecified future community use, as this will affect the legally viable uses and therefore the value of the land. If the Council or other community service provider wants the land at some stage in the future then the appropriate course of action is to designate the land and purchase it.

Therefore it is recommended that the Massey North Urban Concept Plan be amended to show the Community Facility as a hatched area with an underlying zoning of Massey North Employment Special Area and mixed use. This amendment indicates a potential future use as community facility but also clarifies the underlying zoning and allows use of the land for other purposes, in the event that is not all needed for a community facility.

The majority of Precinct D would be predominantly used for Mixed Use Periphery/Commercial and Town Centre activities with some provision for Apartment Residential in the north of the precinct. Changing this precinct to industrial use would be inappropriate for the same reasons as given for Precinct C.

Precinct B would be used for Large Format Retail under the current Massey North Urban Concept Plan. Changing this to industrial use would give rise to a conflict with precincts A and D in terms of amenity values of built form, noise and heavy vehicle use. Failure to provide for large format retail would weaken the overall viability and attractiveness of the Town Centre and could lead to further fragmentation and higher overall transport costs if large format retail sought to locate further away from the Town Centre.

Apart from the re-identification of the Community Facility as Massey North Special Employment Area, no changes are recommended.

These submissions request that the precincts be rearranged so that the Town Centre is located to the North of the intersection of State Highway 16, Don Buck Rd and Hobsonville Rd. This contrasts with the notified urban concept plan which shows the Town Centre located to the North of Hobsonville Rd opposite the existing Westgate Centre. When these submissions are read in the context of other submissions from the same submitter, it is clear that the submitter promotes the concept of Town Centre that is physically and functionally separated from the existing Westgate Centre, with associated changes to the rules that would allow mall or semi-mall style development (ref 203/4).

The advantages and disadvantages of alternative locations for the Town Centre are reviewed for four options in:

Change 15 – Westgate/Massey North Area as Proposed by Waitakere City Council, Urbanism +, 28 January 2005.

Westgate Town Centre Summary Economic Analysis & Design Review, Patrick Partners, January 2005.

The Town Centre location promoted by the submitter is similar to Option 1 summarised in the above reports. However, Option 1 was ranked as least favourable under the assessment criteria used for analysis.

Evaluation of the arguments presented in the submission does not lead to a conclusion that the options analysis undertaken by the Council should be overturned to give effect to the submitter's general request. Amending the retail core and commercial centre as requested is essentially the same as Option 1 described above and is the least favourable location for the core of the Town Centre. This area of land is less suited to large format uses, because of its slope and bisection by the Sakaria Stream system, which also limits the potential for growth of the Town Centre. It would also decrease integration with the existing Westgate centre and achievement of a cohesive Town Centre. No change is recommended.

Submission 257/235

This submission seeks insertion of a phrase into policy 11.44 to the effect that development "shall not compromise the aims for the overall Massey North Centre". It is unclear where within policy 11.44 that it is intended that this be inserted. The existing policy contains similar phrases for precincts B, C, D and E but does not contain a similar phrase for Precinct A. It is likely that the submitter intended to add this to the policy for Precinct A. This is supported in principle. However, the existing policy then becomes very repetitious saying the same thing many times over (twice for each precinct). In light of other submissions seeking a more succinct policy and economy of wording, it is recommended that this phrase be inserted only once at the beginning of policy 11.44 referring to all precincts. Existing instances of the phrase or similar words can then be deleted, resulting in a shorter policy without altering its effect.

Submission 257/258

This submission seeks the introduction of explanatory text into section 6.2.4 of the plan. It is recommended that these changes be accepted as they assist in plan interpretation.

Recommendation:

Submissions 81/4, 81/5, 81/6, 81/7, 81/8, 81/10, 81/11, 81/12, 81/13, 203/3 and 203/16 are rejected.

Submissions 81/9, 154/3 and 257/235 are accepted in part to the extent shown in Appendix 1.

Submission 257/258 is accepted as shown in Appendix 1.

5.14 Apartment Living Issues

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
140/3	Garelja Brothers Strawberry Gardens	Amend the Plan Change to readdress the proposal to build high-rise apartments and high-density housing as in New Zealand these types of developments are not done well.	
337/2	Heather Rogers	Reject plan changes relating to Apartment Style Living as low quality apartments are out of character with Waitakere City.	

Discussion:

Submissions 140/3 and 337/2

These submissions oppose provision for apartment style living on the grounds that these could be low quality and out of character for Waitakere City. In response, the Auckland Regional Policy Statement requires high

residential densities for new town centres such as Massey North. The higher densities allow better integration of residential activity, work and transport. This necessitates apartment style residential buildings.

There are already examples of apartment style residential areas in Waitakere City, thus they are not “out of character”, and fulfil a market need, as not all people want to live in traditional detached housing, which will still remain the dominant form of all housing stock in Waitakere City.

There is evidence that the 4-storey apartments favoured by the plan are of a scale that is acceptable to people.

Nevertheless, the submitters concern with the quality of apartment buildings is a valid one as adequate control over planning, design and construction standards has not always been exercised in the past.

Recent amendments to building legislation should be effective in preventing a poor physical standard of construction. Also the plan changes contain a variety of policies, rules, and assessment criteria to control the design of apartments. A key feature is that all buildings will require consent as a limited discretionary activity at the minimum. It will not be possible to build apartments as a permitted or controlled activity. Note also the provisions of Plan Change 18 that control apartment development. This gives Council the ability to decline consent applications or set conditions of consent, in the event that proposals are inadequate. Overall the provisions of the plan changes provide adequate mechanisms to prevent poor quality apartments. However, this may not be sufficient to provide a diverse community with a demographic mix. Therefore, it is recommended that an assessment criteria to the effect of “The extent to which apartments are designed to provide for a variety of lifestyle choices and a mixed community environment” be added. This would provide more express recognition of the need to provide for and encourage a diverse community. Note that diversity of apartment sizes is also addressed in the Apartment Design Criteria Appendix of Plan Change 18.

Recommendation:

Submissions 140/3 and 337/2 are accepted in part to the extent shown in Appendix 1.

5.15 Dwelling and Employment Targets

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/169	Auckland Regional Council	Amend the plan change to include provisions that will achieve on average, (gross) residential densities of 40 dwellings per hectare and employment densities of 200 employees per hectare in sub-regional centres such as Westgate in order to support the public transport system and align with the household and employment densities required in Appendix H of the Auckland Regional Policy Statement (proposed Plan Change 6).	Supported By: 258 Auckland Regional Transport Authority Opposed By: 300 IMF Westland Ltd Support and Opposed By: 127 Land Transport New Zealand
257/226	Waitakere City Council	Amend Policy 11.8 by adding the following words: <i><u>“Specific intensive Living Environments and Apartment Living areas within Special Areas”</u></i>	
257/234	Waitakere City Council	Amend Policy 11.44 to include reference to the need to meet specified employment densities for the town centre.	Opposed By: 300 IMF Westland Ltd
257/266	Waitakere City Council	Amend Rule 26 to review the 40 unit per hectare minimum to provide a density that will guarantee apartment typologies are used and not medium density ones. Consider moving the density criteria into Rule 26.3. Activities not meeting the density requirement should be a non-complying activity.	Supported By: 258 Auckland Regional Transport Authority
257/286	Waitakere City Council	Amend Assessment Criteria 26(k) by adding the text in italics and underlined: <i><u>“The extent to which areas identified for Apartment Residential achieves a density of 40 units per 1 hectare in order to achieve</u></i>	

		housing objectives. Such development should be large enough to accommodate comprehensively designed development with sufficient roading frontage.” [Note: Proposed apartment density requirement subject to further review as outlined in submission 257/266 above].	
258/203	Auckland Regional Transport Authority	Amend so that dwelling and employment targets be included for the land use proposed.	Opposed By: 300 IMF Westland Ltd

Discussion:

Submission 257/226

This submission seeks to amend Policy 11.8 so as to provide an exemption for apartments from the aims of the policy. In response, some compromise may be needed to achieve higher urban density, but it would not be appropriate to completely waive consideration of the matters listed in the policy as this could give rise to unsatisfactory apartment environments such as some recently constructed between Hobson and Nelson streets in central Auckland. Policy 11.8 will not be applied to limited discretionary activities, but it is appropriate that it remain for discretionary and non-complying activities. No change is recommended.

Submissions 250/169, 257/234, 257/266, 257/286 and 258/203

These submissions all seek to strengthen the plan provisions with respect to achievement of higher residential and employment densities.

Proposed Change 6 to the Auckland Regional Policy Statement (ARPS) inserts Appendix H “Household and Employment Densities Required in High Density Centres and Corridors to Support the Public Transport System” This appendix is not operative yet and decisions had not been released at the time this report was written. Therefore the legal weight that can be attached to it is relatively low. Nevertheless, it is appropriate to have regard to the densities in the appendix, as higher densities are necessary provide for an efficient multimodal transport system as required by the LGAAA, this is standard planning practice overseas, and evidence has been presented that indicates that these densities can be achieved in Auckland (Statement of Evidence of Brian Joseph Waddell, for ARTA).

Massey North will be a sub regional town centre serviced by an ARTA “Quality Transit” service, which is equivalent to the “premium” public transport service referred to in Appendix H of the ARPS. Therefore the Appendix H density targets that apply to Massey North are 40 dwellings per hectare and 200 employees per hectare. Both targets are expressed as gross figures in the ARPS, thus including public roads and reserves.

The ARPS density targets are interpreted as targets to be achieved over time rather than as targets that must be achieved instantly. Therefore Proposed Plan Change 15 would only be inconsistent with the ARPS targets if there was some fundamental reason why the employment targets cannot be met over a reasonable timeframe.

The dwelling targets are averages over the catchment area of the Town Centre, i.e. a 800m radius. Taking the northern end of the mainstreet as the centre point, an 800m radius includes all of the Massey North Town Centre Special Area, some rural areas outside the MUL, and some of the existing development adjacent to Precinct E. The areas outside the current and proposed MUL are excluded from further consideration.

The employment targets apply to any area zoned for employment within the town centre. In the context of Massey North, this is interpreted to apply to all of the Massey North Town Centre Special Area. However, it is recommended that Massey North Employment Special Area be excluded. This is because it will be an industrial zone, and the evidence presented by Brian Waddell shows that industrial areas by nature cannot achieve the high employment density targets in the ARPS. Nevertheless industrial activities are still necessary to the economy and need to be accommodated.

A summary of the existing provisions in Proposed Plan Change 15 and Proposed Plan Change 16 that relate to residential and employment densities is provided below.

Policy 0.1 of Proposed Plan Change 16 provides:

The further development or re-development of urban areas should be planned to provide the following:

- *In the town centre areas identified as Community Environment or Special Area provision for mixed use development, including residential activity, above ground floor level;*
- *In any Living Environment which is within a 10 minute walking distance of the New Lynn Community Environment or the Henderson Community Environment or the Massey North/Westgate Special Area, any new development should achieve a household unit density of at least 40 household units/hectare (gross);...*
- *In any new area introduced by a plan change, which is intended primarily for residential purposes, residential densities should achieve an average household unit density of 40 households/hectare (gross);*

The 10 minute walking distance in the second bullet corresponds with the 800m radius in the ARPS. This only applies to the Living Environment which includes a small area of the existing Massey urban area near the existing Westgate centre, but outside the Massey North Township. This area is predominantly existing low density residential development. It is unlikely to be redeveloped in the near future, so will stay at low density for some time to come, at least until after the new Town Centre is developed.

The third bullet applies to the Apartment Residential areas shown within the Massey North Urban Concept Plan. It does not apply to Mixed Use or Town Centre areas.

No specific target is set for residential in mixed use areas because the uncertainty regarding market demand for mixed use residential.

It is not clear whether there is any practical difference between “household unit” or “dwelling” as used in the ARPS. It is recommended that the term “dwelling” be used for consistency with the ARPS and national statistics.

Overall this policy is broadly consistent with the target densities in the ARPS.

There are no employment targets set in Proposed Plan Change 16.

Proposed Plan Change 15 does not contain any policy relating to residential or employment density. However, Rule 26 and related assessment criteria contain residential density targets:

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

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

Town Centre Precinct Area A

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

...

(x) The method by which no less than 40 apartments per hectare will be provided for within the Apartment Living area of this precinct.

Town Centre Precinct Area B

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

...

(vii) The method by which no less than 40 apartments per hectare will be provided for within the apartment living area of this precinct.

Town Centre Precinct Area C

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

...

(vi) The method by which no less than 40 apartments per hectare will be provided for within the apartment living area of this precinct.

Town Centre Precinct Area D

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

...

(vi) The method by which no less than 40 apartments per hectare will be provided for within the apartment living area of this precinct.

General Criteria

26(k) The extent to which areas identified for Apartment Residential achieve a density of 1 unit per 40 hectares in order to achieve housing objectives. Such development should be large enough to accommodate comprehensively designed development with sufficient roading frontage.

Note the error in this assessment criterion, which should read "...40 units per hectare..."

Rule 26.3 (c) also sets a 4-storey minimum standard for apartment buildings. This rule facilitates increased densities, and in particular addresses a problem caused by unit titling of apartments which locks in a particular form of development for a long period of time (50 - 100 years). If lower storey buildings were allowed, unit titling of the apartments would make it highly unlikely that they would be redeveloped in the foreseeable future to achieve higher densities. The opportunity for more intensive development later would be lost. Therefore it is important that the built form is capable of achieving high residential densities from the start of development. The application of the 4-storey standard may involve a trade-off between the initial rate of development, and the achievement of ultimately higher density targets over time. However, given that the town centre will persist in perpetuity it is appropriate to set such a compliance threshold.

There are no rules or assessment criteria specifically relating to employment density within Plan Change 15. Note that Rule 26.3(c) (i) sets a 2-storey minimum standard along both sides of the mainstreet. The main purpose of this rule is to facilitate an appropriate streetscape and intensity along the mainstreet from the start of development. It will also incidentally contribute to creating higher employment densities and a more diverse mix of activities in the town centre.

The ability of Massey North to meet the residential and employment density targets is dependent on a variety of factors which are summarised below. The following features will assist achievement of a higher density:

- location adjacent to a motorway with connections to the North and South,
- serviced by ARTA's Quality Transit Network (and the Rapid Transit Network in the future),
- sufficient scale,
- moderate topography,
- greenfields site unhampered by existing patterns of subdivision and landuses (c.f. existing town centres which were never specifically designed for high intensity),
- existing and planned development at Massey and Hobsonville, provides an urban catchment.

There are a few factors that will detract from but not prevent achievement of the density targets:

- location on the periphery of Auckland,
- relatively low income urban catchment,
- the need to set aside riparian land to protect the upper Waitemata Harbour.

Overall it is considered that Massey North does have the potential to reach the target densities but this will take time. There is some uncertainty about the rate of growth, but projections indicate that a density of 80 jobs / ha in the retail areas, a density of 40-80 jobs / ha in the business / commercial areas, and a density of 20 to 40 jobs/ ha in industrial land will be achieved by 2021. This is a conservative estimate and actual densities may be higher than this by 2021. It also assumes that development will not be underway until the next decade given the likely time required to complete all statutory processes. Therefore the density targets will set in the ARPS are unlikely to be achieved until after 2021.

In the fullness of time, there does not seem to be any fundamental reason why Massey North cannot meet or exceed the targets provided that the plan provisions are appropriate. The Proposed Plan Change 15 provisions are reviewed below in relation to the targets.

The existing Proposed Plan Change 15 provides for residential density principally by providing for an Apartment residential area within precincts A, B, C, and D. This is to be implemented by the rules listed above. Rule 26.2 (g) (renumbered as (f) in Appendix 1) indicates a standard of "40 apartments per hectare". However, the current construction of rules 26.2 (a) and 26.4(b) are confusing in terms of the phrase "have regard to" which implies that the matters in Rule 26.2(g) are assessment criteria rather than standards. Further, there is no current performance standard for residential density in rule 26.3 which is the rule that sets performance standards for activities. Thus it is not entirely clear whether an apartment proposal with less than 40 apartments per hectare is to be assessed as a limited discretionary activity or as a discretionary activity.

Therefore, to clarify matters it is recommended that rule 26.2 (a) be amended to clarify that comprehensive development plans must comply with the information standards set in rule 26.2(g), in order to be considered as a limited discretionary activity. Corresponding changes are also recommended to Rule 26.4(b).

Further analysis of the potential for apartment development indicates that there is a physical potential to provide for an apartment density greater than 40 dwellings per hectare. For example, the Waitakere City Council Growth Capacity Summary 2006, indicates that areas of 4-storey apartments should be able to achieve residential densities well in excess of 40 apartments per hectare. A desk-top analysis of potential apartment development in Massey North also indicates that it is possible to achieve densities higher than 40 apartments (net of roads) within the Apartment Residential area.

The ultimate potential density is partly limited by planning restrictions in the Plan Change and partly by the economic viability of apartment development. The planning restrictions that apply include:

1. Those in Proposed Plan Change 18, e.g. those which require each apartment to have an outlook thus indirectly limiting the total building site coverage. This is necessary to achieve a good standard of urban environment. It will not prevent achievement of targets set in the ARPS, but does plus some upper limit on the density of apartment buildings.
2. The 30-metre maximum height standard set in the Proposed Plan Change 15. Once again this is set well above the minimum required to achieve the ARPS densities but does plus some upper limit on the density of apartment buildings.

For economic reasons it is unlikely that developers will build higher than the 4-storey minimum height standard within Massey North.

Taking into account both planning and economic limitations, it is considered that the density target could reasonably be raised to 60 apartments per hectare. Raising the apartment density target to 60 will partially offset the fact that residential densities in the mixed use areas of the Town Centre are unlikely to achieve the 40 apartments per hectare standard. The Plan Change does not set any residential density minimum targets for the mixed use area because of the uncertain market. Therefore it is recommended that the plan be amended to set a 60 apartment per hectare standard for Apartment Residential areas.

In addition it is recommended that the Apartment Residential Area within Precinct B, be extended further to the North along the margin of the Drainage / Ecological Open Space and that an additional area of Mixed Use / Periphery Commercial area be included to the north of Precinct B. This increases the total density.

Overall the whole of the Massey North Town Centre may fall a little short of the overall target of 40 dwellings per hectare set in the ARPS. However, public transport will not be adversely affected because space in mixed use areas that is not used for residential activities, will instead be used for employment generating activities.

It is also recommended that the residential density target be expressed as net rather than gross figures. This is because the use of gross figures creates an incentive for developers to minimise the amount of public road and reserve space, which could lead to a poor urban environment. Note that ARTA has recommended use of net figures in its evidence to the Panel.

Before moving on to discuss employment densities, it is necessary to first clarify the difference between a goal and method of implementation. In the case of residential densities (discussed above), the real goal is to achieve higher population densities, but apartment density is used as an indicator of population density and a regulatory method of implementation. This is because it would be inappropriate and impractical to directly control population density in residential areas. Instead the plan focuses on providing a built form that will facilitate higher population densities in Apartment Residential areas.

In contrast employment densities are a direct measure of population density. Specific employment targets have not been set in the rules of the Plan Change because it is inappropriate for the issue of employment densities to be considered at each individual consent application. To do so could give rise to unfortunate situations; for example, where a high-tech, high skill/wage, high productivity company could not gain consent, where as a company employing lots of low wage staff in cramped conditions could gain consent. It may also spawn a new industry of business consultants producing employment plans for consent applicants. The Council would then have to review, monitor and enforce these consents. It would involve a level of intervention in business management that is likely to be economically counterproductive and would be unpopular in New Zealand.

Instead methods of controlling the built form of development in a way that facilitates higher employment densities would be needed if the employment targets are to be implemented. Potential regulatory options are discussed below, but before that it is useful to review available existing examples of built form compared to employment density as this provides information on what built form is necessary to achieve higher employment densities.

Appendix 5 of Brian Waddell's evidence for ARTA to the Panel includes the Auckland Regional Urban Density Summary. A comparison of the employment examples of Botany Employment, Henderson Employment and Takapuna Employment are provided below.

Name	Type	Employment Density	Characteristics
Botany Downs	Town Centre	41e/ha gross, 46e/ha net	Large mall. Large proportion of site used for at grade parking. Buildings a mixture of single storey warehouse style and 2-3 storey mall buildings.
Henderson	Sub-regional Centre	153e/ha gross, 213/ha net.	Large mall, but includes more traditional commercial development to the north and south. Minimal at grade parking, with most parking incorporated into a multi-storey building. Buildings predominantly multi-storey.
Takapuna	Sub-regional Centre	249 e/ha gross, 346e/ha gross.	More traditional street block arrangement. Limited at grade parking. Small mall, otherwise multi-storey commercial buildings.

The key features of built form in the examples with higher density include:

- a well connected grid of publicly owned streets,
- moderate use of land for at grade parking,
- high floor area ratio,
- multi-storey buildings.

The existing provisions of Proposed Plan Change 15 and Proposed Plan Change 18 provide for the first bullet point. However, the existing Proposed Plan Change 15 provisions would facilitate extensive at grade parking and predominantly single storey buildings (except along the mainstreet where two storey buildings are required). The collective effect of the existing provisions would be low-moderate employment density that would only slowly increase over time, and may not be of a form that facilitates a multimodal transport system. Therefore the current plan provisions (as notified in 2005) are not fully consistent with the ARPS (as notified in 2005) or the LGAAA, and amendments are recommended to provide for a built form that will facilitate higher employment densities over time. For the purposes of s.32 or the RMA 1991, a summary of the various regulatory methods that could be used is provided in the following table. For completeness this table includes both methods that control employment directly and methods that control built form. The 'do nothing' option is Proposed Plan Change 15 as notified, as discussed above in this paragraph.

Description	Method	Advantages	Disadvantages	Overall Evaluation
Direct control of the number of employees in each use.	Rules require consent for use of sites, and set standards or assessment criteria to the effect that any use that does not achieve 200 employees per hectare does not gain consent.	Very direct form of control that does not rely on built form and the associated construction costs and possible inefficient allocation of resources to physical assets.	Every use and change of use requires resource consent. Economically inefficient in that it may create a bias towards, low labour productivity, low skill and low wage enterprises. This is the opposite of what economists are recommending for New Zealand. May disadvantage modern industrial activities that are a necessary part of the economy but typically have lower employment densities. Council would need to peer review, decide on, monitor and enforce employment densities for each business.	Not recommended because of the disadvantages. Would be inefficient and potentially ineffective.

			<p>Not clear what happens when a business needs to retrench or alternatively invest in labour saving technology as this could breach consent conditions.</p> <p>Not clear how averages would be dealt with across a precinct for individual consents.</p> <p>This degree of intervention in business activities would be unacceptable to the majority of New Zealanders.</p>	
<p>Broad control of commercial activity types to select those with the highest average employment density.</p>	<p>Rules set commercial activity thresholds for each precinct.</p> <p>Alternatively rules could prevent activity types with a low employment density.</p>	<p>A direct form of control that does not rely on built form and the associated construction costs and possible inefficient allocation of resources to physical assets.</p> <p>The information available indicates that some commercial activities have higher employment densities than others. For example the employment density of retail is generally about half that of other commercial activities.</p> <p>Simpler and less costly than controlling each individual land use.</p>	<p>The relationship between employment density and floor area is variable according to circumstances. This weakens the case for use in a direct regulatory context.</p> <p>May disadvantage modern automated and industrial activities that are a necessary part of the economy but typically have lower employment densities.</p>	<p>Not recommended purely for employment density reasons in the absence of further information.</p> <p>However, there may be other good reasons for having activity thresholds, in order to create a mixed town centre.</p> <p>Also, to the extent that the built form of the environment influences the type of business activity that occurs, then this should be taken into account. This point is discussed further below.</p>
<p>Reduction of public roads, reserves and other space that cannot be built on so that the maximum amount of space is available for buildings.</p>	<p>Reduce area and length or road and reserve in the Massey North Urban Concept Plan.</p>	<p>Reducing the area set aside for reserves and roads will increase the area available for buildings and thus employment.</p>	<p>Reducing the area of Drainage/Ecological Open Space would be ecologically unsound in Massey North because it would compromise the ICMP and the sustainability of the upper Waitemata Harbour.</p> <p>It would also reduce the overall amenity values of the town centre.</p> <p>Reducing the length of the roading network will reduce connectivity, which may have a counterproductive effect on employment density in the long-term, notwithstanding that the area available for buildings would increase.</p>	<p>Not recommended because of disadvantages. Would also be inconsistent with the Regional Plan: Coastal, Regional Plan: Air, Land and Water and the ARPS.</p>
<p>Reduce the area of space allocated to at grade parking.</p>	<p>Several alternatives:</p> <p>(a) rules that limit at grade parking</p>	<p>Reduces space lost to carparking, potentially making more space available for buildings and thus employment.</p>	<p>Will increase the cost of development to a degree if the same number of carparks needs to be located in basements or multi-storey carparking.</p>	<p>Could be effective but it may be more efficient to target overall parking density and floor</p>

	directly, (b) rules that maximise site building coverage, thus indirectly limiting at grade parking.	<p>May encourage use of shared parking and greater use of public transport.</p> <p>Lack of researched basis or precedent for setting limit.</p>	May also increase the cost of carparking to individuals.	area ratios as discussed further below.
Reduce the overall area allocated to parking, whether or not it is at grade.	Maximum parking rules.	<p>Reduces total space lost to car parking, potentially increasing the space available for employment.</p> <p>Will encourage greater use shared carparking and public transport.</p> <p>May encourage a greater percentage of non-retail commercial activity which has a lesser requirement for casual customer carparking.</p>	<p>Will indirectly increase the cost of carparking to individuals because of induced scarcity (this may be considered an advantage in a public transport context).</p> <p>May make some types of retail destinations less attractive to customers.</p> <p>May not necessarily increase the total area of floor space available for employment activity.</p>	Would be appropriate in conjunction with floor area ratio rules.
Control floor area ratio (FAR). More floor area equates to more space available for employment.	Rules that set a minimum floor area ratio FAR.	<p>Provides directly for building space and thus employment potential.</p> <p>Provides flexibility to build either vertically or horizontally within the confines of a site.</p> <p>Will discourage excessive provision for on-site parking due to the cost of providing for basement parking or parking buildings.</p> <p>Will result in multi-storey buildings if FAR is set over approximately 0.8. This facilitates a mix of different employment generating activities.</p>	<p>May discourage or delay development if the FAR is set high in relation to market demand.</p> <p>Where land is relatively cheap, will result in higher development costs.</p> <p>Will encourage land developers to minimise the amount of space set aside for roads, reserves, pedestrian areas and landscaping; with a resulting adverse effect on streetscape, general amenities, connectivity, and possibly transport efficiency.</p> <p>There is a wide variance in relationship between FAR and employment density on a site by site basis and a relative lack of factual research on the relationship between FAR and employment density in New Zealand. This issue is discussed further below.</p>	Would be appropriate, provided it is used in combination with controls limiting parking.
Control of vertical built form, i.e. storey height.	Rules setting minimum storey heights	<p>Potentially provides for greater floor area and thus employment potential.</p> <p>Assuming high site coverage, an average of 3-4 - storey buildings will achieve approximately 200 employees per hectare.</p> <p>Multiple storeys provide greater potential for a mix of different employment activities, e.g. retail on ground floor, non-retail above.</p>	<p>May discourage or delay development if the minimum storey height is set high in relation to market demand.</p> <p>No guarantee that the total area of floor space will increase, i.e. developers may initially build to the same floor area, but vertically instead of horizontally.</p> <p>May result in a disbursed form of built environment, with poorer pedestrian connectivity and transport efficiency.</p> <p>Initial location of multi-storey buildings on a site may compromise the construction of additional buildings in the future.</p> <p>Multi-storey buildings may cost</p>	Would be appropriate, provided it is used in combination with controls limiting parking and the location of buildings (future proofing).

			<p>more.</p> <p>Multi-storey buildings are less attractive for retail uses and therefore less attractive to developers.</p> <p>May indirectly encourage large areas of at grade carparking, at least in the early stages of development.</p> <p>May be problematic in industrial zones where there is a common need for a proportion of high stud single storey buildings.</p>	
Control of the proportion of site occupied by buildings.	Rules set minimum building site coverage.	Decreases the proportion of sites that can be used for non-employment generating activities such as car parking.	Will only result in single storey buildings, which is insufficient to meet the employment density targets even if good site coverage is achieved.	Not recommended because it would be ineffective.
<p>Remove other conflicting planning rules.</p> <p>Planning rules set for other reasons may unintentionally compromise achievement of employment objectives.</p>	<p>Delete rules that would compromise achievement of employment densities. In the context of Massey North, are three rules that potentially conflict with achievement of the employment densities. These are the:</p> <p>(a) height restrictions in Precincts C and D and the Massey North Special Employment Area.</p> <p>(b) Community Environment Rule 14 (minimum parking).</p> <p>(c) Working Environment Rule 9.</p>	<p>Removing height restrictions will allow taller buildings and higher employment densities in the long-term.</p> <p>Removing parking minimum standards will allow more efficient use of space</p>	<p>Removing the height restrictions may result in other adverse effects on the environment.</p> <p>Removing minimum parking standards may lead undersupply of parking. There is less risk of this in the retail focused areas. However, within industrial areas there is more risk of undersupply of parking and potential street congestion.</p>	<p>Height restrictions in Proposed Plan Change 15 are generally set high enough that they will not compromise the density targets in the ARPS. One exception is the 10 metre limit in parts of Precincts C and D. This rule should be amended (refer section 5.24).</p> <p>The parking rules for the Massey North Town Centre Special Area need to be amended to facilitate higher employment densities.</p>

Of the above methods, the most efficient and effective combination of methods is a combination of rules that set minimum floor area ratios (FAR) and maximum overall parking standards for the Massey North Town Centre Special Area. Note that the two methods should be combined.

Further, the continued application of the minimum parking standard rules Community Environment Rule 14 will prevent achievement of high employment densities in Massey North. This rule could result in employment densities around one half to two thirds of the ARPS target in Massey North if allowed to continue in effect.

The report Waitakere City Council Growth Capacity Summary 2006, provides an analysis of the relationship between Employment Density and floor area ratio. Figures are provided in a table on page 8 of that report. Note that the floor areas relate to meshblocks, which are a land unit used for statistical purposes. This table indicates that a floor area ratio of 1.3 would achieve an employment density of approximately 200 employees per hectare.

However, four points need to be kept in mind.

Firstly, the relationship between floor area ratio and employee density is approximate. The actual relationship between floor area ratio and employment density achieved depends on a variety of site specific factors. While it is widely accepted overseas that there is a positive relationship between increasing floor area ratio and employment density, relatively little research has been done on this in New Zealand.

The Auckland Regional Urban Density Study evidence presented by Brian Waddell indicates, in a photographic way, that there is some broad relationship between increasing floor area ratio and increasing employment density, e.g. compare the photographs of Botany Downs, Henderson and Takapuna. However, this research did not provide actual floor area ratios, so only provides qualitative evidence of a positive relationship.

Research has been done on the relationship of floor area ratio and employment density in New Lynn. This is reported in Waitakere City Growth Centres – Feasible Development Review. Surprisingly Table 5 suggests a negative relationship between employment density and floor area ratio. The exact reasons for this are unclear but are probably due to a combination of historical circumstances that are peculiar to New Lynn and would not necessarily occur in Massey North. These include:

1. Historical planning controls applying to New Lynn which were not designed to achieve high employment densities, and may have had a contrary effect (unintentionally). For example, minimum parking standards, which require extensive parking, particularly on large retail sites.
2. The prevalence of retail which has lower employment densities and favours larger single storey sites.
3. The prevalence of single storey buildings which favour retail activities and allow employees to spread out.
4. The recent economic decline in New Lynn which has probably resulted in spare space, perhaps more so on larger sites.

Therefore the evidence from New Lynn is not a sufficient basis to say that floor area ratios cannot be used to manage employment density. However, it does illustrate that:

- district plan regulation needs to be applied in an integrated way with all tools coordinated to achieve higher densities, i.e. floor area ratio rules need to be integrated with other rules;
- where single stories dominate, floor area ratio may be an unreliable indicator of employment density, i.e. at floor area ratios of less than approximately 0.7;
- more research is required and that an adaptive approach is required over time.

Secondly, new development at Massey North will not be able to achieve that floor area ratio over the entire Town Centre from day one. It will take time to grow. Therefore the issue becomes one of timing. This needs to be allowed for in the regulation of floor area ratio. In practice it is likely that the development of Massey North will start in the second decade. Consequently, it is unlikely that development will reach a floor area ratio (FAR) of 1.3 until sometime after the first planning period ends in 2021. Therefore achievement of a FAR of 1.3 needs to be considered as a medium-term aim rather than a short-term aim.

Thirdly, the imposition of a minimum FAR would encourage developers to minimise the amount of public space, such as pedestrian areas, roads and reserves. This could result in a less attractive urban environment. Therefore public roads, reserves, pedestrian areas and other public facilities should be excluded from the calculation of FAR. Likewise areas dedicated to ecological life-supporting services, e.g. stormwater treatment, should also be excluded.

Fourthly, comprehensive development plans would be the principal consent mechanism of implementation of FAR over a whole precinct. This provides a basis for a flexible approach to the application of an average

FAR to individual buildings over a precinct, and also achievement of the FAR (and thus employment density) over a period of time through staging.

In practice buildings on individual sites should be consistent with the FAR set for a precinct and the rules are designed to provide a regulatory incentive for buildings to be consistent with the comprehensive development plan for a precinct. However, Proposed Plan Change 15 does not prohibit applications for individual buildings that are not provided for in a comprehensive development plan, although a more stringent consent process applies in such cases. Therefore the rules need to ensure that the development of individual buildings will not compromise long-term achievement of the average FAR for each precinct.

Submission 257/266 requests that the failure to achieve the density standard be a non-complying activity. This is reasonable given the importance of achieving reasonable densities in order to implement the LGAAA. However, flexibility does need to be provided through the comprehensive development plan process to achieve the targets over time.

Regulatory alternatives for staging achievement of the FAR target over time are summarised in the following table. The option of no staging is considered first for comparison.

Method	Advantages and Disadvantages
<p>No staging. FAR ratio set as a standard for all new development from the start of development.</p>	<p>Administratively simple with regulatory certainty. However actual results may be less certain because a market may not initially exist for multi-storey buildings. Establishment of the initial retail core of the Town Centre would also be more difficult if all development had to attain a FAR of 1.3 (i.e. 3-4 storeys).</p> <p>Consequently development of the Town Centre could be delayed, with a consequent opportunity cost, and possible leakage to other sites and districts with less rigorous controls.</p> <p>Alternatively, it could give rise to artificial forms of development, where token additional storeys are added using cheap construction, but remain unoccupied for some time.</p> <p>This option may work more efficiently if it was applied rigorously on a region-wide basis. However, it may be inappropriate to apply it to one locality such as Massey North in isolation.</p>
<p>Apply staging over time frames set in the plan. One example could be to set a standard FAR of 1.0 to be achieved by 2021, and FAR of 1.3 by 2031.</p>	<p>This option is also regulatory certain.</p> <p>Actual outcomes may still be uncertain because it is difficult to predict future economic growth rates and therefore set appropriate target dates. If growth is slower than predicted, developers cannot be forced into additional development to achieve a higher density. It is not clear that this option would deliver results at a rate different to what the market would have delivered in the absence of this regulatory option. However, it does make intentions clear and would force comprehensive development plans (CDP) to expressly address the issue of intensification over time.</p> <p>At the second stage, there may still be leakage to other localities with less rigorous controls, i.e. at 2031 developers would have the choice of developing to higher intensities or looking for cheaper land elsewhere without rigorous controls. Therefore there may still be an opportunity cost to the district.</p>

	<p>This option makes it easier to establish an initial town centre retail core.</p> <p>The CDP for each precinct would need to expressly provide for the staging, either by scheduling some sites for future redevelopment, or land banking some sites for future multi-storey buildings. This could make the CDP's more complex to prepare and administer over time. Also land banking of some sites for future development could dilute overall initial densities.</p>												
<p>Apply staging by area of floor space. For example, the first 20,000m² of gross floor space would have a Minimum FAR of 0.75, the second 20,000m² a minimum FAR of 0.90 and any development beyond 40,000m² would need to achieve a minimum FAR of 1.30.</p> <p>Note: The FAR figures chosen above correspond to:</p> <p>FAR 0.75 = Mainly 2 storey, FAR 0.90 = Some 4 storey, mostly 2 storey, FAR 1.3 = Mixed 4 storey and 2 storey.</p> <table border="1" data-bbox="151 929 782 1153"> <thead> <tr> <th>FAR</th> <th>Building Form</th> <th>Approx Emp. Density</th> </tr> </thead> <tbody> <tr> <td>0.75</td> <td>Mainly 2 storey</td> <td>150</td> </tr> <tr> <td>0.90</td> <td>Some 4 storey, mostly 2 storey</td> <td>160</td> </tr> <tr> <td>1.3</td> <td>Mixed 4 storey and 2 storey</td> <td>210</td> </tr> </tbody> </table> <p>Source: Waitakere City Council Growth Capacity Summary 2006.</p>	FAR	Building Form	Approx Emp. Density	0.75	Mainly 2 storey	150	0.90	Some 4 storey, mostly 2 storey	160	1.3	Mixed 4 storey and 2 storey	210	<p>This option still has a reasonable degree of regulatory certainty. It is not necessary to set target dates as development occurs at a rate determined by the market.</p> <p>Staging by area, allows initial development of a Town Centre retail dominant core, followed by subsequent stages of more intense development. For example, 20,000m² gross floor area (GFA) in the first stage would allow for two large retail anchors and some additional intervening smaller retail units at low - moderate density. The second 20,000m² GFA would allow consolidation of retail mixed use town centre up to 40,000m² GFA, further development after that would need to average 3 storeys, which would shift the balance towards development of non-retail commercial activities around the retail core.</p> <p>Note that this option will shift the activity balance over time towards activities with higher employment densities as well as increasing the floor area density.</p> <p>If this standard is applied to the whole Massey North Town Centre Special Area, consideration needs to be given how it is applied across precincts. Given the need to establish an effective mainstreet and town centre core in Precinct A, it would be necessary to allocate at least the initial stage to development in Precinct A exclusively. This may mean some initial opportunity costs in other precincts.</p> <p>Cumulative floor area would need to be monitored but this can be done with existing information systems.</p> <p>Problems of leakage to other localities may still arise at the second or third stages giving rise to opportunity costs.</p> <p>The comprehensive development plan (CDP) for each precinct would need to expressly provide for the staging, either by scheduling some sites for future redevelopment, or land banking some sites for future multi-storey buildings. This could make the CDP's more complex to prepare and administer over time. Also land banking of some sites for future intensive development could dilute overall initial densities.</p>
FAR	Building Form	Approx Emp. Density											
0.75	Mainly 2 storey	150											
0.90	Some 4 storey, mostly 2 storey	160											
1.3	Mixed 4 storey and 2 storey	210											
<p>Apply staging in density at a rate to be determined in</p>	<p>This option has the least regulatory certainty, but the</p>												

<p>CDP's. For example, the Plan would set a minimum FAR of 1.3 to be achieved at rate determined in the CDP's</p>	<p>most flexibility.</p> <p>Floor area ratio (FAR) staging would be effectively "negotiated" with the individual comprehensive development plan (CDP) applicants.</p> <p>This provides flexibility for CDP to develop options suited to market conditions. The CDP for each precinct would need to expressly provide for the staging, either by scheduling some sites for future redevelopment, or land banking some sites for future multi-storey buildings. This could make the CDP's more complex to prepare and administer over time. Also land banking of some sites for future development could dilute overall initial densities.</p> <p>In the absence of a specific time or area threshold set in the rules, the consent authority would be negotiating from a weaker position.</p> <p>Difficulties could arise in coordinating density across different CDP's.</p> <p>It is not clear that this option would deliver results at a rate different to what the market would have delivered in the absence of this regulatory option. However, it does make intentions clear and would force comprehensive development plans (CDP) to expressly address the issue of intensification over time.</p> <p>Leakage is perhaps less likely to occur but that is not certain.</p>
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Overall, the option of staging floor area ratio (FAR) by area of floor space provides the best balance between certainty and flexibility and is more likely than the other options to lead to higher densities in practice.

Given the setting of the density targets, it is also appropriate to amend the existing assessment criteria so that they can usefully inform consent processing. It is considered that the existing assessment criterion 26(k) is not useful because it merely restates the residential density target, and does not refer to employment densities. Also the meaning of the second sentence is unclear.

On the basis of the above the following changes are recommended:

(a) That policy 11.44 include a new bullet to read:

- ensuring that non-residential development achieves a minimum floor area ratio of 1.3 in the medium term.

(b) That rule 26.2(f) (renumbered as (e) in Appendix 1) is amended to include a new information requirement for comprehensive development plan consent applications as follows:

The means by which the minimum average floor area ratio (FAR) of 1.3 will be achieved over time for non-residential activities.

(c) That a new performance standard be inserted into Rule 26.3 to the following effect:

Minimum Floor Area Ratios (FAR) for *Non-residential Activities*.

- For the *development* of the first 0 - 20,000m² of a *gross floor area of non-residential activity* in the Massey North Town Centre Special Area – a minimum FAR of 0.75.

The first 20,000m² *gross floor area of non-residential activity* must be located within Precinct A along the mainstreet.

- For the *development* of the second 20,001 to 40,000m² of gross floor area of *non-residential activity* in the Massey North Town Centre Special Area – a minimum FAR of 0.90.
- For the *development* of *non-residential activity* of more than 40,001m² *gross floor area* within the Massey North Town Centre Special Area – a minimum FAR of 1.3.
- *Buildings and development* not provided for in a comprehensive development plan – FAR of 1.3.

The above gross floor area standards are exclusive of the gross floor area in existence at the date on which this provision became operative.

Calculation of FAR is to exclude *land* area used for public *road*, public reserve, community facilities, public *infrastructure*, and any private areas expressly used for provision of landscaping, pedestrian use, or ecological life-support. Calculation of FAR is also to exclude floor area that is expressly used for car parking.

(d) That the rules 26.4 and 26.5 be amended to the effect that activities not complying with the FAR performance standards in rule 26.3 will be non-complying activities.

(e) That assessment criteria 26(k) be amended to read:

Comprehensive development plans, development, buildings or subdivision that do not achieve a minimum FAR of 1.3 for non-residential activities, or 60 dwellings per hectare for Apartment Residential Activity; must demonstrate that they will not compromise the ability of the Town Centre to:

- achieve an employment/and or residential density targets set in the Auckland Regional Policy Statement,
- support an efficient public transport system.

(f) That the cross references to Community Environment Rule 14 be deleted and that new maximum parking performance standards be inserted in Rule 26.3 as discussed in section 5.6 above.

(g) That the maximum building height performance standards be amended as discussed in section 5.25 below.

These recommendations are based on the assumption that Appendix H of Change 6 to the ARPS is retained in a form similar to that notified. However, if the Panel decides to recommend deletion of, or substantial changes to, Appendix H, then the above recommendation would need to be reviewed.

Recommendation:

Submission 257/226 is rejected

Submissions 250/169, 257/234, 257/286 and 258/203 are accepted in part to the extent shown in Appendix 1.

Submission 257/266 is accepted as shown in Appendix 1.

5.16 Residential Mix

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/280	Waitakere City Council	Amend the rules of the Plan Change to consider a residential cap on Precinct 'B' so that aside from the housing edge, no purely residential buildings should be permitted (i.e. be made non complying activities unless the ground floor (at least) is a business use).	
257/281	Waitakere City Council	Amend the rules of the Plan Change to consider placing an overall residential cap on Precincts A, B, and C so that no more than 30% of the total GFA at ground level of each precinct is for residential land uses with control flexibility providing for a greater proportion in the event that Precinct D achieves 90% or greater residential use.	

These submissions request a limit on residential activities on the ground floor of precincts A, B and C. There is a theoretical possibility that the ground floor of the Town Centre could be dominated by residential activity. This is unlikely to occur in practice under current economic conditions. However, if it did, it would adversely affect the functionality of the Town Centre. Therefore it is appropriate to have a regulatory standard. However, it is unclear why the submitter thinks more residential should be allowed in precincts A, B and C if precinct D achieves 90% residential use. To do so would appear to be counterproductive.

Also any amendments need to take into account the fact that precincts A, B, and C have more than one activity area as set out in the Massey North Urban Concept Plan. For example, Precinct A has both an Apartment Residential Area and a Town Centre Area. It would be inappropriate for the residential cap to apply within Apartment Residential Area. Therefore it is recommended that Rule 26.3 be amended to include a performance standard of 30% maximum residential gross floor area on the ground floor of Town Centre, and Mixed Use Periphery/Commercial areas. It is also recommended that Rule 1.2 Special Area Definitions – Precinct B be amended to exclude ground floor residential activity in the Large Format Retail/Commercial area.

Recommendation:

Submission 257/280 is accepted as shown in Appendix 1.

Submission 257/281 is accepted in part to the extent shown in Appendix 1.

5.17 Retail General / Retail Mix / Retail Limits (refer also to individual precinct submissions)

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/87	Progressive Enterprises Limited	Retain Policy 11.44 and adopted insofar as is consistent with a centres-based strategy, subject to specific amendments sought in submission 108/88 & 108/89.	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
108/88	Progressive Enterprises Limited	Amend the Plan Change by inserting a new bullet point, as a general point, under Policy 11.44 and the Town Centre Precinct Area A section of Policy 11.44, to read (or words to like effect): <i><u>“notwithstanding the foregoing urban design requirements, to recognise the specific locational and operational requirements of major retail uses such as supermarkets”.</u></i>	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
108/89	Progressive Enterprises Limited	Amend the Explanation by adding a new paragraph before the heading "Town Centre Precinct B" to read (or words to like effect): <i><u>“However, it is acknowledged that some retail activities such as supermarkets, because of their operational characteristics and locational requirements, may not be able to completely satisfy the urban design requirements and, for this reason, a degree of flexibility will be applied when the Council considers the form, function and content of a Comprehensive Development Plan for the Town Centre Precinct Area A”.</u></i>	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd Opposed By: 250 Auckland Regional Council
109/95	The Warehouse Ltd	Amend Policy 11.44 by inserting an additional bullet: <i><u>“Enabling competition and choice with respect to retail activity”.</u></i>	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 208 Sylvia Park Business

			Centre Limited
110/95	Warehouse Stationery Limited	Amend Policy 11.44 by inserting an additional bullet: <i>“Enabling competition and choice with respect to retail activity”.</i>	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited Support and Opposed By: 300 IMF Westland Ltd
111/92	The National Trading Company of New Zealand Limited	Amend Policy 11.44 by inserting an additional bullet: <i>“Enabling competition and choice with respect to retail activity”.</i>	Opposed By: 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited
140/2	Garelja Brothers Strawberry Gardens	Amend Town Centre Precinct Areas A & E policies by deleting the restrictions placed on supermarket operations.	Supported By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited
250/176	Auckland Regional Council	Amend the plan change by establishing maximum floor area controls for retail premises to ensure that the town centre develops as a mixed use centre and is not dominated by big box retail.	Supported By: 258 Auckland Regional Transport Authority 107 Westfield (New Zealand) Limited Opposed By: 300 IMF Westland Ltd Support and Opposed By: 108 Progressive Enterprises Limited
257/208	Waitakere City Council	Amend the Plan Change to consider/review the provision of additional District Plan definitions for terms used within the Plan Change, including but not limited to: <ul style="list-style-type: none"> ▪ Retail Sales and Service Activities; ▪ Mixed-use Activities; consider activity proportions, or floor area limitations to limit the scale of commercial/retail activities; consider rules to limit the type of mixed use activities within certain precincts. Mixed use should be sited ground floors only within the Apartment Residential areas. Consider restrictions on the size of such ground floor tenancies. ▪ Entertainment Activities; ▪ Supermarket Activities - consider allowing other specialty food retail within the Massey North Town Centre Special Area Precincts; ▪ Convenience shops. Consider restriction of Convenience Shops to allow food retail only within the Employment Special Area. Review 500m radius requirement. 	Supported By: 107 Westfield (New Zealand) Limited Opposed By: 110 Warehouse Stationery Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
257/228	Waitakere City Council	Amend Policy 11.17 by adding the following bullets: <ul style="list-style-type: none"> ▪ <u><i>“the use of activity thresholds within the Massey North Town Centre Special Area to encourage mixed use activities within the town centre rather than just retail activities.</i></u> ▪ <u><i>requiring the integration of the existing Westgate Shopping centre with the Massey North Town Centre Special</i></u> 	Opposed By: 300 IMF Westland Ltd

		<i>Area.”</i>	
257/240	Waitakere City Council	Amend Policy 11.44 to insert additional wording into policy framework to address the importance of minimum / maximum gfa requirements for retail and entertainment; consider definition or clarification of ‘Entertainment’ activities.	Supported By: 250 Auckland Regional Council Opposed By: 110 Warehouse Stationery Limited 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
257/255	Waitakere City Council	Amend the ‘Explanation’ to Policy 11.45 by deleting the word struck through, and adding that in italics and underlined: “ <u>core</u> retail activities are generally discouraged....”	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
257/264	Waitakere City Council	Amend the Plan Change to consider transferring a number of retail threshold rules, that are currently included in the definitions section, into relevant rules and policies of Rule 26.	Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd 108 Progressive Enterprises Limited
257/265	Waitakere City Council	Amend the Plan Change rules to make it clear that retail uses in a mixed-use form will still be counted towards the GFA limits of each precinct. Clarify retail activities allowed in Precinct D.	Supported By: 107 Westfield (New Zealand) Limited Opposed By: 110 Warehouse Stationery Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
257/275	Waitakere City Council	Amend retail threshold rule to ensure that retail activities within any consented mixed use development are subject to the retail threshold rules of the rule 26.3(e).	Supported By: 107 Westfield (New Zealand) Limited Opposed By: 108 Progressive Enterprises Limited
257/299	Waitakere City Council	Amend the Plan Change to consider the provision of additional retail floor area constraints within Precincts B, C, D and E to ensure that these precincts support Precinct A rather than compete with it.	Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Support and Opposed By: 107 Westfield (New Zealand) Limited
257/300	Waitakere City Council	Amend the Plan Change to clarify within the rules whether ‘retail activities’ includes retail sales and services.	Supported By: 107 Westfield (New Zealand) Limited Opposed By: 108 Progressive Enterprises Limited

Discussion:

Submissions 108/87, 108/88 and 108/89

These submissions request that policy 11.44 be retained to the extent that it is consistent with a centres based approach but request amendments to the policy in regard to major retail uses such as supermarkets. These submissions also need to be read in the context of other submissions by the same submitter. The

requested amended wording is vague and uncertain in effect, and could undermine other important aspects of the policy intended to achieve high densities, achieve an attractive street based, mixed urban town centre, and avoid a mall style development. Note that Precinct B already provides flexibility for large format retail developments. It would be inappropriate to extend this through the entire Town Centre. No change is recommended.

Submissions 109/95, 110/95 and 111/92

These submissions request a specific amendment to policy 11.44 to enable retail choice and competition. The existing Policy 11.17 already contains a statement which reads:

- “ enabling competition between retailers and types of retailing”

Given that the Act prevents Council from having direct regard to trade competition, this policy can only be applied as a reminder of the intent of the Act that provisions in plans cannot be made for the express purpose of either promoting or restricting trade competition, although they may be made to achieve wider social and economic goals.

On a broad scale Proposed Plan Change 15 already provides for retail choice and competition. There is nothing obvious in the provisions of Proposed Plan Change 15 that would prevent any of the submitters from establishing premises within the Town Centre. If this is not the case, the submitters can clarify this at the hearing. Note that the total area of the Town Centre is large, providing many potential opportunities.

There are some controls on what activities can be established in particular precincts and these are necessary to reinforce the focus of the Town Centre. However, these controls are activity, not brand specific, and therefore do not adversely affect retail choice or competition.

Policy 11.44 needs to remain concise and concentrate on giving clear guidance to the processing of resource consents, in a way that would prevent significant adverse effects arising. Generalised statements about retail choice and competition are an unhelpful repetition of Policy 11.77 and it is noted that in the processing of consents, regard cannot be had to trade competition issues, or any policies addressing trade competition issues.

No change is recommended.

Submission 140/2

This submission requests removal of the restraints on supermarkets in precincts A and E, particularly the one per precinct limitation in Special Area Rule 1.2.

The origin of the one supermarket per precinct rule can be traced back to the report: Urban Design Report Massey North Town Centre Special Area, January 2005, Urbanism Plus; which states:

“The Need to Protect the Anchors

The viability of the ‘main street’ is largely dependent on having successful larger retail anchors. These set up pedestrian movement patterns that create passing trade for the smaller shops. It is likely that one of these anchors will need to be a supermarket and this use will need to be protected from competition at least until the ‘mainstreet’ has established itself.”

The reason expressed in the above quote is primarily a trade competition reason. As such it is contrary to section 74(3) of the Act, which prevents the Council from having regard to trade competition. The issue of managing commercial risk is really one for the precinct developer to address, rather than the Council. Therefore it is recommended that the one supermarket per precinct limitation on Precincts A and E be deleted.

The 9000m² maximum gross floor area limitation for supermarkets is intended to address the potential for the bulk and floor area to limit the diversity of the core retail area and retail activity along the main street and should be retained.

The 4000m² minimum gross floor area limitation for supermarkets appears to be unnecessary and it is recommended that it be deleted.

Submission 250/176

This submission seeks maximum floor area controls for retail premises to ensure that the Town Centre develops as a mixed use centre and is not dominated by “big box” retail.

In response, there is evidence that retail activities have lower average employment densities than non-retail commercial activities. Achievement of reasonable employment density is a key aim of the Proposed Plan Change 15 and Proposed Change 6 to the Auckland Regional Policy Statement. Also a more diverse Town Centre is desirable for other reasons.

The existing rules provide varying degrees of control over retail depending on the precinct and activity area. Rule 26.3(e) which sets a retail activity threshold in Precinct A is particularly relevant. Also Rule 1.2 Special Area Definitions sets a maximum gross floor area limit of 9000m² for supermarkets. These rules partly address the submitters concerns, but more comprehensive control over other large retail units would be appropriate. It is recommended that this be provided by extending the 9000m² limit to any retail unit in Precinct A. To support this, an additional assessment criterion is recommended to address the effects of bulk retail on retail diversity.

It is also recommended that an overall retail limit of 10,000m² be set for Precinct C. The reasons for this are discussed further in response to submission 257/208 below and other submissions in Section 5.20.

The physical form of development over time has a significant effect on the activity diversity of town centres. Therefore it is recommended that any additional control focus on developing a built form that will facilitate development of a mixed use town centre over time. In response to submission 250/169, additional minimum floor area ratio controls are recommended. These will also indirectly address submission 250/176.

Submissions 257/208 and 257/240

These submissions request a variety of changes relating to the definition and regulation of activities. These are discussed separately as follows.

The submitter requests a definition for the phrase 'Retail Sales and Service Activities'. This term is not used in Proposed Plan Change 15, but the term 'Retail Sales and Services' is used in rule 26.1(d). It is not defined in the plan. However the phrases 'Retail Sales' and 'Retail Services' are both defined in the plan. These definitions are adequate, but it is recommended that Rule 26.1(d) be amended by replacing 'Retail Sales and Services' with 'Retail Sales and Retail Services' for consistency with the district plan definitions.

The submitter requests express limitations on the component activities of mixed use areas in relation to particular precincts. There is merit in this but the submission is non-specific. Taking into account other more specific submissions in this section and in sections 5.20 and 5.21, the following limitations are recommended:

- Retail – 5000m² gross floor area maximum for Precinct D with individual tenancies limited to 500m².
- Retail – 10,000m² gross floor area maximum for Precinct C, until Precinct A reaches 40,000m², thereafter 2500m² may be added to precinct C for every 10,000m² added to Precinct A with individual large retail units limited to 2000m².
- Apartment Residential – non – residential tenancies to be limited to the ground floor only and individual tenancies are to be a maximum of 500m².
- Residential – 30% maximum gross floor area of residential activities on the ground floor.

It is recommended that the rules be amended to give effect to these limits.

Also 'mixed use' is provided for within Rule 1.2 Special Area Definitions for precincts A, B, C, D and E, while it appears from the Massey North Urban Concept Plan that mixed use is only intended for parts of Precincts D and C. This may be an error. This creates uncertainty and confusion as the definition of mixed use in Proposed Plan Change 18, is open-ended and would allow for a variety of activities that are intended to be excluded by definition from particular precincts. The intent of the plan change was to allow the activities listed under Rule 1.2 to be combined as a mixed use rather than allowing additional activities to be combined as a mixed use.

To remove this potential source of confusion it is recommended that:

- mixed use be deleted from Rule 1.2 Special Area Definitions for precincts A, B, C, D and E; and
- Rule 1.2 Special Area Definitions include a notation for each precinct to read: "The activities listed in this definition may be combined to form mixed use."

Submission 257/208 requests an amendment to the effect that non-residential activities in Apartment Residential areas be limited to the ground floor and that there be a limit on the size of the tenancies. In response it is appropriate to limit non-residential activities to the ground floor to provide a degree of separation and to ensure that adequate residential densities are achieved. The submission also requests a limit on the size of individual non-residential activities. A limit is appropriate to avoid adverse effects on Precinct A and the amenities of Apartment Residential areas. A limit of 500m² is recommended. Therefore

it is recommended that the rules be amended to set a standard that non-residential activities are to be limited to the ground floor and that individual tenancies shall not be larger than 500m².

A definition of the phrase 'Entertainment Activities' is requested by the submitter but the submission does not propose a specific definition. In response, it is considered that the ordinary meaning of the phrase is adequate and that a definition in the plan is not necessary.

Submission 257/208 refers to 'Supermarket Activities' and requests other specialty food retail be allowed. In response it is considered that specialty food retail is already provided for within the general term 'retail activity'. No change is necessary.

Submission 257/208 requests that the definition of 'convenience shops' within the Massey North Employment Special Area be limited to food only and that the 500m radius be reviewed. In response, a restriction to food only is excessively restrictive in the context of convenience shops and would be impracticable to implement. Also the submission does not state what aspect of the 500m radius may be unsatisfactory. No change is recommended.

Submission 257/240 requests additional policy to provide a framework for minimum and maximum GFA for retail and entertainment activities. In response, the submission lacks detail and it is considered that the existing policy relating to retail thresholds is sufficient. No reason has been given for setting entertainment activity thresholds and there are no obvious adverse effects that need to be addressed. No change is recommended.

Submission 257/228

This submission requests specific additions to Policy 11.17. In response the additions requested in the submissions are appropriate in a principle but are an unnecessary duplication of similar and more specific components of Policy 11.44. Therefore no changes are recommended.

Submission 257/255

This submission concerns Policy 11.45 applying to the Massey North Employment Special Area. The requested change to the explanation is consistent with the existing policy and it is recommended that it be accepted.

Submission 257/264

This submission relates to the special area precinct definitions set in rule 1.2 and requests that they be transferred to the Rule 26 and related policy. In response, the precinct definitions are intended to specify the activities that can occur in each precinct, in keeping with the aim of each precinct and the overall town form. The definitions are referred to in italics in the current Rule 26.2(c), which controls building. However they are not referenced in other parts of Rule 26.2 relating to comprehensive development plans, subdivision or development. In addition there are no rules that control change of an activity type that does not require building. Consequently, the definitions set in Special Area Rule 1.2 will not have the full legal regulatory intent intended. This appears to be an error. Therefore it is recommended that Rule 26 be amended to clarify that they are permitted within the relevant precinct, but are non-complying if not located in the relevant precinct.

Submission 257/265

This submission requests amendments to clarify that mixed use retail is to be included within the retail GFA limits for each precinct. In response, the submitters request would close a potential loophole and it is recommended that the relevant rules be amended to that effect.

This submission also asks for clarification on retail activities allowed in Precinct D. The current activity definitions do not include any retail activities other than service stations. It is not clear whether this is intentional. It is considered that some retail is appropriate, provided this is not of a scale that adversely affects the retail viability of the Town Centre and the main street in particular or has adverse effects on amenity values. Therefore it is recommended that Special Area Rule 1.2 for Precinct D be amended to include "retail sales and/or retail services excluding yard based activities" and that Precinct D have a maximum of 5000m² *gross floor area of retail sales or retail services* and individual *retail sales or retail services* tenancies are not to exceed 500m² *gross floor area*.

Submission 257/275

This submission requests amendments to clarify that mixed use retail is to be included within the activity threshold rule 26.3(e) (renumbered as (d) in Appendix 1. This would close a potential loophole and it is recommended that Rule 26.3(e) be amended to that effect.

Submission 257/299

This submission requests additional retail limits on precincts B, C, D and E so that retail in these precincts, does not overwhelm the retail focus in Precinct A. This submission is generalised and lacks specific recommendations on retail limits. In the absence of further information, it is considered that the existing rules are generally adequate, except in regard to mixed use as it applies to retail. This is discussed further in response to submissions 257/208, 257/265 and 275 above and changes are recommended to ensure that mixed use retail in precincts C and D does not compromise the Precinct A.

Submission 257/300

The submission requests clarification of whether retail activities include both retail sales and retail services. The phrases 'Retail Activity', 'Retail Sales' and 'Retail Services' are defined in the plan. Note that Retail Activity does not include Retail Services. These definitions are adequate, but it is recommended that Rule 26.1(d) be amended by replacing 'Retail Sales and Services' with 'Retail Sales and Retail Services' for consistency with the district plan definitions. It is also recommended that the phrase "retail activities" be replaced by "retail sales or retail services" wherever it occurs.

Recommendation:

Submissions 108/87, 108/88, 108/89, 109/95, 110/95, 111/92 and 257/240 are rejected.
Submission 257/228 is accepted in part with no changes recommended.

Submissions 140/2, 250/176, 257/208, 257/264, 257299, 257/300 are accepted in part to the extent shown in Appendix 1.

Submissions 257/265 and 257/275 are accepted as shown in Appendix 1.

5.18 Retail Issues – Precinct A

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/102	Progressive Enterprises Limited	Amend the 2nd bullet point of the definition of "Massey North Town Centre Precinct A Activities" in Rule 1.2 as follows (or words to like effect) (deletions in strikethrough and additions underlined): <i>"a supermarket <u>activities</u> (limited to only one on the Massey North Town Centre Precinct A Area) with a gross floor area not less than 4,000m² or greater than 9,000m²".</i>	Supported By: 111 The National Trading Company of New Zealand Limited 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
108/103	Progressive Enterprises Limited	Amend Note 2 to the definition for "Massey North Town Centre Precinct A Activities" as follows (or words to like effect) (deletions in strikethrough and additions underlined): <i>"Note 2: Supermarket in respect of the above definition means a store within which retail sales are primarily of food and grocery items. For the purpose of calculating the gross floor area of a supermarket, the area occupied for the sale, storage, and other use of items other than food and grocery items shall be excluded".</i>	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd Opposed By: 250 Auckland Regional Council
109/94	The Warehouse Ltd	Delete bullet 11 of Policy 11.44.	Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
109/107	The Warehouse Ltd	Delete the second bullet of Precinct A (and associated notes) from Rule 1 of the Special Area General Rules [limiting the number of supermarkets is not effects based].	Opposed By: 300 IMF Westland Ltd 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises Limited
110/94	Warehouse	Delete bullet 11 of Policy 11.44 [operational	Opposed By:

	Stationery Limited	requirements for large scale retail].	108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
110/107	Warehouse Stationery Limited	Delete the second bullet of Precinct A (and associated notes) from Rule 1 of the Special Area General Rules [limiting the number of supermarkets is not effects based].	Opposed By: 300 IMF Westland Ltd 250 Auckland Regional Council 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
111/91	The National Trading Company of New Zealand Limited	Delete bullet 11 of Policy 11.44 [operational requirements for large scale retail].	Opposed By: 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises Limited 250 Auckland Regional Council
111/104	The National Trading Company of New Zealand Limited	Delete the second bullet of Precinct A (and associated notes) from Rule 1 of the Special Area General Rules [limiting the number of supermarkets is not effects based].	Opposed By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 250 Auckland Regional Council 108 Progressive Enterprises Limited
257/241	Waitakere City Council	Amend Policy 11.44 for Precinct A to make it clear that any large format retail would need to be sleeved by other specialty retail or commercial activities.	Opposed By: 110 Warehouse Stationery Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
257/274	Waitakere City Council	Review Rule 26.3(e) to determine whether additional minimum or maximum floor area restrictions are required for retail activities within Precinct A.	Supported By: 107 Westfield (New Zealand) Limited Opposed By: 108 Progressive Enterprises Limited
300/60	IMF Westland Ltd	Delete Rule 26.3(e)(i) and replace with the following: <i>Town Centre Core Precinct Area A - Retail activities shall be limited to a maximum 60,000m² gross floor area that will include a minimum 6,000m² gross floor area of other Massey North Town Centre Precinct A Activities (excluding retail activities) have been established and, thereafter, for every additional 20,000m² gross floor area of retail activities, 20% of other Massey North Town Centre Precinct A Activities shall be provided.</i>	Supported By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited Opposed By: 250 Auckland Regional Council Support and Opposed By: 81 IB, GA and IE Midgley
300/63	IMF Westland Ltd	Delete the second bullet from Rule 1.2 Special Area Definitions, "Massey North Town Centre Precinct A Activities" and replace with the following: <ul style="list-style-type: none"> ■ <i>Supermarkets</i> 	Supported By: 111 The National Trading Company of New Zealand Limited 108 Progressive Enterprises Limited Opposed By: 250 Auckland Regional Council Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submissions 108/102, 108/103, 109/107, 110/107, 111/104 and 300/63

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These submissions seek alterations to the Special Area Rule 1.2 definitions to remove the one supermarket limitation and increase or remove the floor area limitations for supermarkets.

The origin of the one supermarket per precinct limitation can be traced back to the report: Urban Design Report Massey North Town Centre Special Area, January 2005, Urbanism Plus; which states:

“The Need to Protect the Anchors

The viability of the ‘main street’ is largely dependent on having successful larger retail anchors. These set up pedestrian movement patterns that create passing trade for the smaller shops. It is likely that one of these anchors will need to be a supermarket and this use will need to be protected from competition at least until the ‘mainstreet’ has established itself.”

The reason expressed in the above quote is primarily a trade competition reason. As such it is contrary to section 74(3) of the Act, which prevents the Council from having regard to trade competition. The issue of managing commercial risk of competing individual enterprises is really one for the precinct developer to address, rather than the Council. Therefore it is recommended that the one supermarket per precinct limitation on Precinct A be deleted.

The 9000m² maximum gross floor area limitation for supermarkets is intended to address the potential for the bulk and floor area of individual units to limit the diversity of the core retail area and retail activity along the main street. This standard should be retained.

The 4000m² minimum gross floor area limitation for supermarkets appears to be unnecessary and it is recommended that it be deleted.

Submissions 109/94, 110/94 and 111/94

These submissions request deletion of bullet 11 of Policy 11.44. In response bullet 11 is appropriate for management of retail activities in the Town Centre Precinct A. No change is recommended.

Submission 257/241

This submission requests amendments to the policy for Precinct A to make it clear that large format retail is to be sleeved by specialty retail. In response, the fourth bullet of Precinct A already states what the submitter requests and no additional policy amendment is required to give effect to the submitter’s request. However, Policy 11.44 is not listed as one of the matters that Council is restricting its discretion to. This omission is a legally significant but probably unintentional oversight during plan drafting. Therefore it is recommended that amendments be made to list Policy 11.44 as one of the matters over which discretion is to be limited to.

Submission 257/274

This submission requests a review of Rule 26.3(e) (renumbered as (d) in Appendix 1) to determine whether additional retail floor area restrictions are required. In response, the submission is generalised and it is unclear what changes the submitter thinks may be relevant. However, taking into account other submissions (refer 250/176) it is considered that the 9000m² limit for supermarkets should be generalised to apply to all large retail units and it is recommended that the rules be changed to that effect.

Submission 300/60

This submission opposes the retail threshold set in Rule 26.3(e) and requests an alternative threshold.

The existing rule requires that no more than 40,000m² of retail and entertainment space be developed until at least 4000m² (10%) of other activities have been developed. Thereafter, for every additional 10,000m² of retail developed, at least 4000m² (40%) of other activities must be developed.

The intent of this rule is to create a regulatory incentive towards a development of a mixed use town centre, rather than a retail dominant centre. A mixed centre is desirable for a number of reasons:

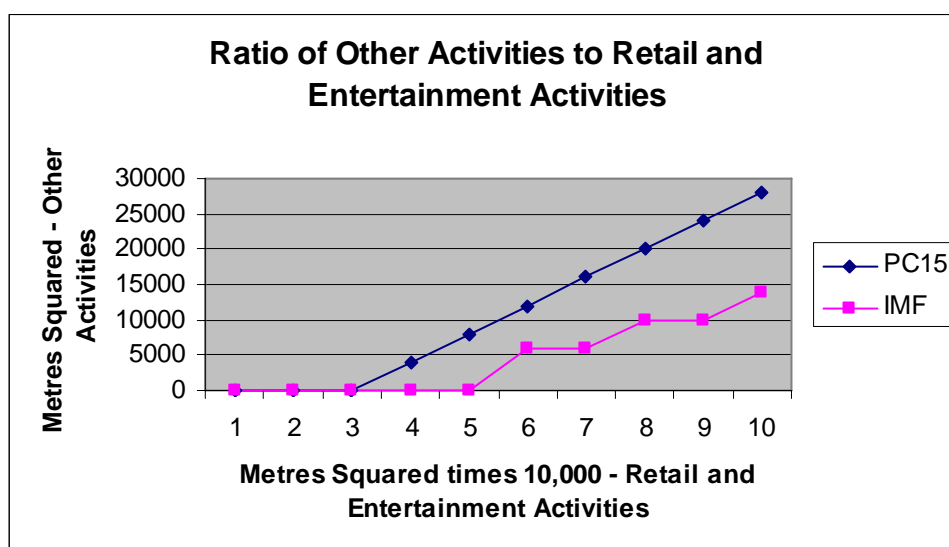
- potential synergies between different activities;
- greater potential to reduce travel associated with multi-destination trips and associated transport efficiencies;
- other activities generally generate higher employment densities than retail activity;
- greater potential for activities which can utilise multi-storey buildings, resulting in higher employment densities and a higher potential for effective public transport use.

The proposed rule is structured in such a way as to allow the development of a sizeable retail/entertainment core, before any requirement for development of other activities takes effect. Once the core is established, other activities would be added at a 40% proportion of gross floor area. Note that this rule does not necessarily prevent a lower rate of non-retail being developed as a developer may apply as a discretionary activity for development that does not meet the threshold standard.

The submitter proposes that the rule require that no more than 60,000m² of retail or entertainment space be developed until at least 6,000m² (10%) of other activities have been developed. Thereafter, for every additional 20,000m² of retail developed, at least 4,000m² (20%) of other activities must be developed. The effect of the submitters request is to provide for a higher proportion of retail and entertainment in the Town Centre. This is illustrated in the following chart which illustrates the proportion of other activities in relation to retail and entertainment activities, under the rule as proposed (PC15) and as requested by the submitter (IMF).

There are substantial differences between the current rule and submitter's proposal as follows:

1. The point at which other activities are required changes from 40,000m² to 60,000m² under the submitter's proposal.
2. The quantity of other activities rises more slowly over time,
3. The cumulative ratio of other activities to retail and entertainment activities is lower, e.g. at 80,000m² of retail and entertainment activities, the submitters proposal would result in 10,000m² of other activities whereas the current rule would provide for 24,000m² of other activities.



The submitter primarily objects on the grounds that the 40,000m² limitation is not viable and will therefore not be optimal. The submitter is the current property owner and is also a property developer with extensive experience in retail development.

In responding to this submission it is not necessary to address the relative commercial viability of different development strategies in detail. There may be a variety of professional viewpoints on this topic depending on the relative experience with different types of development. Rather the following recommendations are based on what is considered appropriate to achieve the purposes of the Resource Management Act and the Local Government (Auckland) Amendment Act. Consideration of commercial viability is relevant to the extent that it affects the town centres ability to grow thus providing for peoples social and economic well being, or the other requirements of the two Acts.

It is necessary for Massey North to have a strong retail core to function effectively as a town centre and to attract other activities. This is particularly so in the context of a town centre on the urban periphery, as distinct from the Auckland CBD. However, extensive provision of retail could effectively consume space available for other activities or effect the built environment in a way that would prevent or discourage opportunities for other activities, such as commercial offices.

It is estimated that development of the Town Centre area in Precinct A would provide approximately 60,000m² of gross floor area, allowing for space lost to roads, carparking, parks etc... This assumes build-

out of all available land area within the precinct to a height of one storey except along the main street, which would be built to two storeys. Subsequent future rounds of investment would result in addition of extra storeys (build-up) which would increase the total floor area beyond 60,000m².

Taking this as a reference point, the existing district plan rules allow approximately 66% of the initially available area to be retail or entertainment, whereas the submitter's proposal would allow approximately 100% of the initially available area to be retail or entertainment.

Effectively the submitters proposal would postpone most if not all non-retail development to the second build-up phase of town centre development. This is inconsistent with the policy intent of a mixed use town centre. In this context it is considered that the submitter's proposal does not provide sufficient opportunity for non-retail activities in the initial build-out phase of town centre development.

In particular, little or no space would be available for non-retail activities at ground level. While many commercial activities can take place on second or above storeys, it is likely that there will be some private non-retail and governmental activities which will have a preference for a ground floor frontage, or at least buildings that are specifically designed to cater for office use. The report "Prosperous Places", Derek Kemp 2004 indicated that 18,500m² of "Street level, affordable office space..." could be planned for within the NorSGA corridor, with as much as possible located in Massey North. This figure is perhaps over precise but indicates that a substantial quantity of ground floor office space should be provided for in the initial build-out phase of town centre development.

Also some potential commercial (non-retail) tenants have a preference for buildings that are specifically designed with office use in mind. An approach that relies entirely on retrofitting non-retail activities into the second storeys of buildings that have been primarily designed for retail use (e.g. large format retail) may suffer as a result of there being a more narrow range of potential non-retail tenants who will accept this arrangement.

The submitter's proposal would also limit the rate of non-retail activities required to be added during the subsequent build-up phase of town centre development. Noting that development beyond 60,000m² of floor space, will need to be primarily provided for by adding additional storeys, and that multi-storey retail is uncommon outside a mall environment and limited even within a mall environment, it is unclear how the town centre could continue to grow without specific targeting of other non-retail activities. In this context the submitter's proposal would appear to imply a substantial limitation on the town centres ability to grow by vertical intensification. Unless there is a clear focus on attracting and providing for non-retail activities, then the town centre may fail to achieve the density targets proposed in the Auckland Regional Policy Statement and the mixed town centre policy of the district plan.

The submitters request that 60,000m² of retail activity is needed within Precinct A for commercial viability, needs to be considered in the light of competition with other town centres (this is not trade competition, but a more general economic effect).

The nearest town centre competing with Massey North would be Henderson, which had approximately 44,000m² of retail floor space (excluding Lincoln Rd) as of August 2004.

Comparison could also be made to St Lukes which is estimated to have approximately 40,000m² of lettable space (not quite the same as retail floor space), as of June 2006.

In comparison, the existing Westgate (Massey North Precinct E and immediate surrounds) had 23,000m² of retail floor space as of August 2004 and Proposed Plan Change 15 allows for a maximum of 40,000m² in precinct E. Precinct A would have at least 40,000m² (under current proposed rules), Precinct B would have an unspecified additional amount of Yard and large format retail type retail activity, and there would be additional retail within Precincts C (at least 10,000m²) and D (unspecified).

This would amount to a total retail floor space of around 90,000m² specified and roughly 30,000m² unspecified, or very approximately 120,000m² in total, in Massey North, at the completion of the initial build-out phase of town centre development. Note also that additional retail floor space could be added, provided that the required amount of other activities is provided.

This is well in excess of Henderson, is large by NZ standards, and is sufficient to form a commercially viable town centre. Therefore the existing retail threshold rule 26.3(e) will not threaten the overall viability of the Massey North Town Centre. No change is recommended.

Recommendation:

Submissions 109/94, 110/94, 111/94, and 300/60 are rejected.

Submissions 257/241, 108/103 and 257/274 are accepted in part to the extent shown in Appendix 1.
 Submissions 108/102, 109/107, 110/107, 111/104 and 300/63 are accepted as shown in Appendix 1.

5.19 Retail Issues – Precinct B

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/97	The Warehouse Ltd	Delete the 5 th bullet of Policy 11.44, Town Centre Precinct Area B [Provide for large format retail in Precinct B].	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
109/108	The Warehouse Ltd	Delete the sub-bullets of the first main bullet of Precinct B Activities as all retail and retail services should be enabled in this precinct for reasons of competition and consumer choice.	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
110/97	Warehouse Stationery Limited	Delete the 5 th bullet of Policy 11.44, Town Centre Precinct Area B [Provide for large format retail in Precinct B].	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
110/108	Warehouse Stationery Limited	Delete the sub-bullets of the first main bullet of Precinct B from Activities as all retail and retail services should be enabled in this precinct for reasons of competition and consumer choice.	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
111/94	The National Trading Company of New Zealand Limited	Delete the 5 th bullet of Policy 11.44, Town Centre Precinct Area B [Provide for large format retail in Precinct B].	Opposed By: 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises Limited 250 Auckland Regional Council
111/105	The National Trading Company of New Zealand Limited	Delete the sub-bullets of the first main bullet of Precinct B Activities Definition.	Opposed By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 250 Auckland Regional Council
257/301	Waitakere City Council	Amend Retail rules for Precinct B to allow home improvement stores.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
300/64	IMF Westland Ltd	Delete from Rule 1.2 Special Area Definitions, "Massey North Town Centre	Support and Opposed By: 81 IB, GA and IE Midgley

		Precinct B Activities" sub bullet point two and replace with the following two sub-bullets: <ul style="list-style-type: none"> • <i>home improvement and handyman supplies including building materials, swimming pools and garden furniture, plant and garden supplies, servicing activities;</i> • <i>yard based activities</i> 	
300/65	IMF Westland Ltd	Amend Rule 1.2 Special Area Definitions, "Massey North Town Centre Precinct B Activities" by the addition of the following: <ul style="list-style-type: none"> • <i>electronics</i> 	Support and Opposed By: 81 IB, GA and IE Midgley
300/66	IMF Westland Ltd	Delete from Rule 1.2 Special Area Definitions, "Massey North Town Centre Precinct B Activities", the proviso immediately after the list of sub-bullets of bullet one and replace with the following: <i>Provided that retail activities shall have a minimum GFA of 400m² with the exception of retail and retail services established in tenancies less than 400m² up to a maximum of 20% of the GFA of all retail activities established within Precinct B. Uses proposed that fall outside the scope of those permitted shall be considered provided it can be demonstrated that they do not detract from the objectives of Precinct A.</i>	Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Support and Opposed By: 81 IB, GA and IE Midgley 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited

Discussion

Submissions 109/97, 109/108, 110/97, 110/108, 111/94 and 111/105

These submissions request the 5 Bullet of Precinct B Policy 11.44 be deleted so as to provide for large format retail in Precinct B. It is also requested that the sub-bullets of the first main bullet of Precinct B Activities definition be deleted.

The retail activity normally undertaken by submitter 110 (Warehouse Stationery Ltd) would fall within the definition of business and office supplies provided for in Precinct B. This activity could also be undertaken in Precinct A. Therefore Proposed Plan Change 15 already provides for the substance of submitter 110's request.

The activities normally undertaken by submitters 109 and 111 would not fall within the definition of activities provided for in Precinct B. However, they do fall within the definition of activities that can be undertaken in Precinct A. Therefore comprehensive retail choice is provided for within the Massey North Town Centre.

Precinct A is intended to be the core retail area, while Precinct B is intended for retail activities such as yard based activities that would not be compatible with the amenity of Precinct A. It would be inappropriate to locate core retail activities in Precinct B as this would detract from the overall focus of Precinct A as the Town Centre core. No change is recommended.

Submission 257/301

This submission requests amendment of the retail rules to provide for home improvement stores in Precinct B. In response, the Precinct B Activity definition already provides for "home improvement and handyman supplies". Therefore Proposed Plan Change 15 already provides for the outcome requested by the submitter, and no further changes are recommended.

Submissions 300/64 and 300/65

These submissions seek various amendments to the bullets of Special Area Rule 1.2 Precinct B Activities. The changes requested are consistent with the purpose of the precinct and it is recommended that they be accepted.

Submission 300/66

This submission requests a relaxation of the retail thresholds set in the definition. These thresholds were intended to ensure that smaller specialty retail was concentrated in Precinct A, as opposed to being dispersed across a number of precincts including Precinct B. This is to ensure that a critical mass of retail was directed to mainstreet in Precinct A.

However, the rule is complex and sets multiple thresholds that are insufficiently flexible in a commercial environment. Therefore changes are recommended to simplify the rule and provide greater flexibility while still retaining sufficient control. Specifically it is recommended that up to 10% of gross retail floor space in precinct B be allowed as tenancies of less than 400m². All other tenancies would need to be larger, but with the maximum of 15,000m² retained.

The last sentence proposed by the submitter is too uncertain for an activity definition.

Recommendation:

Submissions 109/97, 109/108, 110/108, 111/94 and 111/105 are rejected.

Submissions 300/64, 300/65 and 300/66 are accepted as shown in Appendix 1.

Submissions 110/97, 257/301 are accepted in part with no changes recommended.

5.20 Retail Issues – Precinct C

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
107/71	Westfield (New Zealand) Limited	Delete the Town Centre area in Precinct C and replace with a residential, commercial and mixed use area as appropriate. Such further or consequential amendments, including amendments to policy 11.44, the Special Area Definitions and Rule 26, necessary to give effect to this submission.	Supported By: 300 IMF Westland Ltd Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 81 IB, GA and IE Midgley 109 The Warehouse Ltd Support and Opposed By: 208 Sylvia Park Business Centre Limited
108/101	Progressive Enterprises Limited	Delete the Town Centre area in Precinct C and replace with a residential, commercial and mixed use area as appropriate. Such further or consequential amendments, including amendments to policy 11.44, the Special Area Definitions and Rule 26, necessary to give effect to this submission.	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
109/98	The Warehouse Ltd	Delete the word 'limited' from the 1 st bullet of Policy 11.44, Town Centre Precinct Area C [provision for retail activities that are near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
109/99	The Warehouse Ltd	Delete the 4 th bullet of Policy 11.44, Town Centre Precinct Area C [provision for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
109/100	The Warehouse Ltd	Delete the words 'other than retail' from the 5 th bullet of Policy 11.44, Town Centre	Opposed By: 107 Westfield (New Zealand)

		Precinct Area C [provision for retail activities, that are predominantly accessed by car, near the State Highway].	Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 208 Sylvia Park Business Centre Limited
109/109	The Warehouse Ltd	Delete the words 'supermarket and department stores' from the first bullet of Precinct C Activities definition [limiting the type of retail and retail service activities].	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
109/110	The Warehouse Ltd	Delete the words after 'urban concept plan' from the first bullet of Precinct C Activities definition [limiting the type of retail and retail service activities].	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
110/98	Warehouse Stationery Limited	Delete the word 'limited' from the 1 st bullet of Policy 11.44, Town Centre Precinct Area C [provision for retail activities that are near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited Support and Opposed By: 300 IMF Westland Ltd
110/99	Warehouse Stationery Limited	Delete the 4 th bullet of Policy 11.44, Town Centre Precinct Area C [provision for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited Support and Opposed By: 300 IMF Westland Ltd
110/100	Warehouse Stationery Limited	Delete the words 'other than retail' from the 5 th bullet of Policy 11.44, Town Centre Precinct Area C [provision for retail activities, that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 208 Sylvia Park Business Centre Limited Support and Opposed By: 300 IMF Westland Ltd
110/109	Warehouse Stationery Limited	Delete the words 'supermarket and department stores' from the first bullet of Precinct C Activities [limiting the type of retail and retail service activities].	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited

			250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
110/110	Warehouse Stationery Limited	Delete the words after 'urban concept plan' from the first bullet of Precinct C Activities Definition [limiting the type of retail and retail service activities].	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
111/95	The National Trading Company of New Zealand Limited	Delete the word 'limited' from the 1 st bullet of Policy 11.44, Town Centre Precinct Area C [provision for retail activities near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 250 Auckland Regional Council
111/97	The National Trading Company of New Zealand Limited	Delete the words 'other than retail' from the 5 th bullet of Policy 11.44, Town Centre Precinct Area C [provision for retail activities, that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority
111/106	The National Trading Company of New Zealand Limited	Delete the words 'supermarket and department stores' from the first bullet of Precinct C Activities Definition [limiting the type of retail and retail service activities].	Opposed By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 250 Auckland Regional Council
111/107	The National Trading Company of New Zealand Limited	Delete the words after 'urban concept plan' from the first bullet of Precinct C from Activities Definition [limiting the type of retail and retail service activities].	Opposed By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 250 Auckland Regional Council
300/38	IMF Westland Ltd	Seeks that if Submission 300/27 is not accepted, reject the 4 th bullet under the subheading 'Town Centre Precinct C' and replace with the following: <i>prohibit the establishment of supermarkets/department stores and/or significant retail units that might detract from the intensification outcomes sought within the Town Centre Core Precinct A Area;</i>	Supported By: 108 Progressive Enterprises Limited Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Support and Opposed By: 81 IB, GA and IE Midgley
300/67	IMF Westland Ltd	Delete Rule 1.2 Special Area Definitions, "Massey North Town Centre Precinct C Activities" the 1 st bullet and replace with the	Supported By: 107 Westfield (New Zealand) Limited

	<p>following: <i>provided that the total gross floor area of retail activities, including retail within mixed use, shall not exceed 10,000m² and no single tenancy is greater than 1000m². Retail uses proposed that fall outside the scope of those permitted shall be considered provided it can be demonstrated that they do not detract from the objectives of Precinct A. Preference in this precinct is given to retail services and other retail uses that are not of sufficient standard for precinct A or if larger than 1000 m², cannot be accommodated in precinct B.</i></p>	<p>108 Progressive Enterprises Limited Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Support and Opposed By: 81 IB, GA and IE Midgley</p>
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Discussion:

These submissions all relate to the extent to which retail activities are provided for in Precinct C. Before addressing these submissions individually, some discussion of the existing provisions for Precinct C is warranted.

Precinct C sits between precincts A and D and fronts to both Hobsonville Rd and State Highway 16. It is important to note that the boundary of Precinct C, as shown on the Massey North Urban Concept Plan, has been drawn to coincide with the pattern of land ownership at the time of notification. This is to facilitate the lodgement of a single comprehensive development plan by the landowner. However, as a consequence the boundaries of Precinct C enclose a variety of different activity areas as shown on the Massey North Urban Concept Plan. These include:

- Apartment Residential
- Mixed Use Periphery
- Town Centre.

The activity areas are drawn to indicate the preferred layout for the overall land use layout for Massey North, and in the case of Precinct C, they do not coincide with the precinct boundaries, which as noted above, are defined more for resource consent administrative reasons. There is nothing inherently wrong with this approach but it does result in additional complexity and a need to ensure that the rules and policy for precinct C are aligned with what is the most appropriate land use for Massey North Town Centre as a whole, having regard to the submissions.

In this context it should be noted that there are a number of apparent discrepancies between the various existing provisions relating to Precinct C, which are discussed as follows.

Firstly, the Massey North Urban Concept Plan shows Town Centre area, within Precinct C adjacent to the boundary with Precinct A. While it might be assumed from the concept plan, that the same rules apply to Town Centre in both Precincts, this is not actually the case as Rule 1.2 Special Area Definitions – Precinct C, excludes supermarkets and limits total retail to 10,000m².

Secondly, Rule 1.2 only provides for retail within the Town Centre part of Precinct C, whereas the definition of Mixed Use in Proposed Plan Change 18 expressly provides for retail, and in fact places no limitation on the amount of retail that can be provided in a mixed use area. Also Policy 11.44 expressly states: “to... enable commercial and business, and limited retail activities to occur along the frontage to Hobsonville Rd, and along the existing State Highway 16.” In addition, retail is specifically provided for within the Apartment Residential Area under policy 11.44 and the definition of Apartment(s) within Proposed Plan Change 18.

Consequently, there is some confusion between the provisions as to where retail can take place and how much is to be allowed within Precinct C. Depending on how the provisions are interpreted, the amount of retail actually developed within Precinct C could vary substantially. Clearly this has significant implications for the overall form and function of Massey North.

Thirdly, that part of Precinct C that abuts Precinct A includes a small area of “Town Centre” that is sandwiched between the boundary of Precincts A and C on one side and the proposed extension to Fernhill Drive. From a logical land use perspective, this area should be part of Precinct A, but because it is in different ownership it is located in Precinct C. Given that the submissions from the landowners of precincts C and A indicate contrasting viewpoints on development, it is unclear how efficient use of the land is to be implemented in the vicinity of the boundary between precincts A and C.

The plans intent for Precinct C appears to most clearly expressed in Policy 11.44, therefore where inconsistencies arise in the rules, it is recommended that Policy 11.44 be used as the primary guide to what is intended.

The above problems need to be resolved to the extent that it is possible to do so within the context of responding to submissions. Submission 257/212 and 257/263 (section 5.50) provides general scope to clarify the provisions of the plan, but as these are very generalised submissions, any changes recommended in response to them should not be of a scope that could conflict with natural justice. Therefore substantive changes should be recommended in the context of responding to other more specific submissions. Items 1 and 2 above are addressed in response to submissions 107/71 and 108/101 below. Item 3 above is addressed in response to submissions 108/99 – 100 in section 5.6, submission 300/83 in section 5.9 and submissions 107/71 and 108/101 below.

Submissions 107/71 and 108/101

These submissions request deletion of the Town Centre area from Precinct C and replacement of that area with a residential, commercial and mixed use area as appropriate.

The reasons given in the submissions are: “that it is not appropriate that a Town Centre (and in particular associated retail activities) be allowed to develop in Precinct C, but rather that it is more appropriate that this area be designated for residential, commercial and mixed use activities to enable, amongst other things, the cohesive grouping of activities within the overall Massey North Town Centre Special Area.”

In response, these submissions are requesting a generic change that is consistent with the intent of Policy 11.44 – Precinct C. It is appropriate to allow some retail within Precinct C, but this should not be of a scale or form that detracts from Precinct A, particularly during the initial build out phase of town centre development. It is considered that the 10,000m² limit for retail set in Rule 1.2 Special Area Definitions – Precinct C is appropriate, provided that it applies to the whole of Precinct C not just that part of Precinct C shown as Town Centre in the Massey North Urban Concept Plan.

Taking into account the other submissions below that favour more retail in Precinct C, it is considered that allowing precinct C to exceed 10,000m², will not adversely affect Precinct A once Precinct A has reached a critical mass of 40,000m². Therefore the rules could provide for additional retail in Precinct C, provided that ratio is retained, i.e. for every 10,000m² retail added to Precinct A above 40,000m², then an additional 2500m² of retail could be added to Precinct C. Therefore it is recommended that Rule 1.2 be amended to that effect.

Also the inclusion of Town Centre within Precinct C as shown on the Massey North Urban Concept Plan actually gives a misleading impression of what the policy in the plan intends for this Precinct. Therefore it is recommended that that the Town Centre in Precinct C be deleted and Mixed Use Periphery / Commercial be substituted in its place. Therefore it is recommended that the Massey North Urban Concept Plan be amended to replace Town Centre in Precinct C with Mixed Use Periphery Commercial, except for that part of the Town Centre in Precinct C which is east of the Fernhill Drive extension.

It is also recommended that the boundary of precincts C and A be realigned to correspond with the new Fernhill Drive extension. As discussed earlier in this report (sections 5.6. and 5.9), it would be appropriate for Waitakere City Council to designate this part of FernHill Drive, preferably inclusive of any land east of the drive but not held by the owner of Precinct A. Land surplus to the construction of Fernhill Drive can then be resold and allocated to the relevant precinct. While the LGAAA process cannot include a designation, it can be implemented as a separate statutory process, and a recommendation can be made to pursue a designation as a separate statutory process. In this case, a designation may be the best method available that is likely to be effective in establishing an appropriate boundary between precincts C and A.

Submissions 109/98, 109/99, 109/100, 109/109, 109/110, 110/98, 110/99, 110/100, 110/109, 110/110, 111/95, 111/97, 111/106, 111/107

These submissions request various changes to Policy 11.44 and Rule 1.2 Special Area Definitions – Precinct C, which would have the effect of more extensive provision for retail in Precinct C.

It is appropriate to allow some retail within Precinct C, but this should not be of a scale or form that detracts from Precinct A, particularly during the initial build out phase of town centre development. It is considered that the 10,000m² limit for retail set in Rule 1.2 Special Area Definitions – Precinct C is appropriate, provided that it applies to the whole of Precinct C not just that part of Precinct C shown as Town Centre in the Massey North Urban Concept Plan (see comments above). However, it is considered that allowing precinct C to exceed 10,000m², will not adversely affect Precinct A once Precinct A has reached a critical mass of 40,000m². Therefore the rules could provide for additional retail in Precinct C, provided that ratio is retained,

i.e. for every 10,000m² retail added to Precinct A above 40,000m², then an additional 2500m² of retail could be added to Precinct C. Therefore it is recommended that the rules be amended to that effect.

Policy 11.44 states “avoid the establishment of supermarkets/department stores and/or retail units that might detract from the intensification outcomes sought within the Town Centre Core A Area;” The intent is that retail units within precinct C should not be of a scale that effectively pulls the retail hub of the Town Centre away from the intended core along the mainstreet. This policy approach is reasonably necessary to achieve a mixed use town centre that is not excessively dispersed. However, it is considered that the current wording of Policy 11.44 and Rule 1.2, is too selective in terms of the activities they exclude, and instead should exclude activities on the basis of size rather than the type of retail unit. Therefore amendments are recommended to Policy 11.44 and Rule 1.2 to this effect. In particular it is recommended that the reference to supermarkets and department stores be deleted and replaced by a reference to retail units in excess of 2000m². It is considered that retail units this size or smaller are unlikely to detract from the Town Centre. It is also recommended that the phrase “Town Centre Core A Area” in Policy 11.44 Precinct C be amended to read Town Centre Precinct A, to avoid potential for confusion about what area the policy is intended to refer to.

Submissions 300/38 and 300/67

These submissions seek further restriction of retail activity within Precinct C. In regard to submission 300/38, activities that do not comply with Rule 1.2 are a non-complying activity rather than a prohibited activity. Therefore it is inappropriate to use “prohibit” in the policy. No change is recommended.

In response to submission 300/67, it is appropriate that the 10,000m² retail limit apply to the whole of Precinct C including mixed use areas, and that there be a size limit for individual retail units. However, an individual size limit of 1000m² is unnecessarily restrictive and a 2000m² limit is more appropriate. Also taking into account the other submissions above that favour more retail in Precinct C, it is considered that allowing precinct C to exceed 10,000m², will not adversely affect Precinct A once Precinct A has reached a critical mass of 40,000m². Therefore the rules could provide for additional retail in Precinct C, provided that ratio is retained, i.e. for every 10,000m² retail added to Precinct A above 40,000m², then an additional 2500m² of retail could be added to Precinct C. It is recommended that Rule 1.2 be amended to this effect.

Recommendation:

Submission 300/38 is rejected.

Submissions 109/98, 109/99, 109/100, 109/109, 109/110, 110/98, 110/99, 110/100, 110/109, 110/110, 111/95, 111/97, 111/106, 111/107 and 300/67 are accepted in part to the extent shown in Appendix 1.

Submissions 107/71 and 108/101 are accepted.

5.21 Retail Issues – Precinct D

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/101	The Warehouse Ltd	Delete the word 'limited' from the 1 st bullet of Policy 11.44, Town Centre Precinct Area D [provide for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
109/102	The Warehouse Ltd	Delete the 5 th bullet of Policy 11.44, Town Centre Precinct Area D [provide for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
109/103	The Warehouse Ltd	Delete the words 'other than retail' from the 6 th bullet of Policy 11.44, Town Centre Precinct Area D.	Opposed By: 300 IMF Westland Ltd 259 Transit New Zealand 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises

			Limited
110/101	Warehouse Stationery Limited	Delete the word 'limited' from the 1 st bullet of Policy 11.44, Town Centre Precinct Area D [provide for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited Support and Opposed By: 300 IMF Westland Ltd
110/102	Warehouse Stationery Limited	Delete the 5 th bullet of Policy 11.44, Town Centre Precinct Area D [provide for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited Support and Opposed By: 300 IMF Westland Ltd
110/103	Warehouse Stationery Limited	Delete the words 'other than retail' from the 6 th bullet of Policy 11.44, Town Centre Precinct Area D [provide for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited Support and Opposed By: 300 IMF Westland Ltd
111/96	The National Trading Company of New Zealand Limited	Delete the 4 th bullet of Policy 11.44, Town Centre Precinct Area C [provide for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 250 Auckland Regional Council
111/98	The National Trading Company of New Zealand Limited	Delete the word 'limited' from the 1 st bullet of Policy 11.44, Town Centre Precinct Area D [provide for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 250 Auckland Regional Council
111/99	The National Trading Company of New Zealand Limited	Delete the 5 th bullet of Policy 11.44, Town Centre Precinct Area D [provide for retail activities that are predominantly accessed by car, near the State Highway].	Opposed By: 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited 250 Auckland Regional Council
111/100	The National Trading Company of New Zealand Limited	Delete the words 'other than retail' from the 6 th bullet of Policy 11.44, Town Centre Precinct Area D.	Opposed By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises

			Limited
300/40	IMF Westland Ltd	[Large format retail] Seeks that if Submission 300/27 is not accepted, amend the 5 th bullet under the subheading 'Town Centre Precinct D' to read as follows: <i>prohibit</i> the establishment of supermarkets/department stores and/or significant retail units that might detract from the intensification outcomes sought within the Town Centre Core Precinct A Area;	Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Support and Opposed By: 81 IB, GA and IE Midgley
300/68	IMF Westland Ltd	Amend Rule 1.2 Special Area Definitions, "Massey North Town Centre Precinct D Activities" the 1 st bullet to insert the following words in italics: <i>mixed use activities provided that the total gross floor area of retail activities within mixed use activities shall not exceed 5,000m² and no single tenancy is greater than 500m². Provided that such retail does not detract from the policies and objectives for Precinct A</i>	Supported By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submissions 109/101, 109/102, 109/103, 110/101, 110/102, 110/103, 111/96, 111/98, 111/99 and 111/98

These submissions seek alterations to Precinct D Policy 11.44, to provide for more retail in Precinct D. In response it is not appropriate to provide for more extensive retail in precinct D because:

- it would detract from the core focus of retail in Precinct A,
- it would result in a extended strip of intensive retail that would be inefficient from a transport perspective and unattractive for pedestrians,
- direct access onto State Highway 16 will be limited,
- an excessive ratio of retail to non-retail activity in the Town Centre as a whole will reduce the overall employment density and compromise the ability of the Town Centre to achieve higher employment density targets.

No change is recommended.

Submission 300/40

This submission requests that the 5 bullet of Precinct B Policy 11.44 be amended to expressly prohibit the establishment of supermarkets and other large retail activities. In response, the existing wording of the policy which states "avoid the establishment..." is appropriate for a policy. No change is recommended.

Submission 300/68

This submission seeks a limitation on the proportion of mixed use that can be retail activity. In response, Proposed Plan Change 18 does contain a general definition of mixed use but this does not contain express ratios. In the absence of minimum ratios, there is a risk that an excessive level of retail could develop, undermining the mixed use concept. Therefore it is recommended that the rules be amended to include a quantitative retail limit as per the submission. However, the qualitative statement in the second sentence is inappropriate for a definition, and this matter is adequately addressed in the 4 bullet of Town Centre Precinct C Policy 11.44 and 5 bullet of Town Centre Precinct D Policy 11.44

Recommendation:

Submissions 109/101, 109/102, 110/101, 110/102, 110/103, 111/96, 111/98, 111/99, 111/98 and 300/40 are rejected.

Submission 300/68 is accepted in part to the extent shown in Appendix 1.

5.22 Retail Issues – Precinct E

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/111	The Warehouse Ltd	Delete the words in brackets from the first bullet of Precinct E Activities Definition.	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 208 Sylvia Park Business

			Centre Limited
109/112	The Warehouse Ltd	Delete the second bullet from Precinct E Activities Definitions.	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
110/111	Warehouse Stationery Limited	Delete the words in brackets from the first bullet of Precinct E Activities Definition.	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited
110/112	Warehouse Stationery Limited	Delete the second bullet from Precinct E Activities Definitions.	Opposed By: 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited 208 Sylvia Park Business Centre Limited
111/108	The National Trading Company of New Zealand Limited	Delete the words in brackets from the first bullet of Precinct E Activities Definition.	Opposed By: 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises Limited 107 Westfield (New Zealand) Limited
111/109	The National Trading Company of New Zealand Limited	Delete the second bullet from Precinct E Activities Definition.	Supported By: 108 Progressive Enterprises Limited Opposed By: 208 Sylvia Park Business Centre Limited 107 Westfield (New Zealand) Limited 250 Auckland Regional Council
300/41	IMF Westland Ltd	[Clarity] Seeks that if Submission 300/27 is not accepted, reject the Introductory Statement for the 'Town Centre Precinct E' and replace with the following: <u><i>Town Centre Precinct Area E</i></u> <i>The Town Centre Periphery Precinct E shall be developed as an area for an existing shopping centre adjacent to Precinct A. Development proposed for the precinct shall demonstrate the basis upon which it either does not detract from or alternatively, complements and provides support to Precinct A. The precinct shall not compromise the objectives for the overall Massey North Town Centre and the Massey North Urban Concept Plan.</i>	Supported By: 108 Progressive Enterprises Limited Support and Opposed By: 81 IB, GA and IE Midgley
300/42	IMF Westland Ltd	Seeks that if Submission 300/27 is not accepted, amend the first three bullets under the subheading 'Town Centre Precinct E' to read as follows: <ul style="list-style-type: none"> Retain existing retail activities in the Westgate Shopping Centre at the same time as the development of the Town Centre Core and other precincts. The main focus of the Westgate Centre is to consolidate the centre for large format 	Opposed By: 108 Progressive Enterprises Limited Support and Opposed By: 81 IB, GA and IE Midgley

		<p>retail activities while encouraging <i>small scale retail to develop such that improved urban design performance is achieved for the Centre and in particular the north-south axis to the new Town Centre is reinforced</i></p> <ul style="list-style-type: none"> ensure that development of the Town Centre Precinct Area E in the short term (<i>until the retail gross floor area in Precinct A matches that which currently exists within precinct E</i>) does not compromise the objectives for the Town Centre as a whole.; avoid the establishment significant intensive retail on Precinct E in the short term (<i>until the retail gross floor area in Precinct A matches that which currently exists within precinct E</i>) that might detract from the intensification outcomes sought within the Town Centre Core Precinct A Area; 	
300/69	IMF Westland Ltd	<p>Amend Rule 1.2 Special Area Definitions, "Massey North Town Centre Precinct E Activities" the 1st and 2nd bullets to read:</p> <ul style="list-style-type: none"> retail activities and retail services a supermarket. 	<p>Supported By: 108 Progressive Enterprises Limited</p> <p>Opposed By: 107 Westfield (New Zealand) Limited 111 The National Trading Company of New Zealand Limited</p> <p>Support and Opposed By: 81 IB, GA and IE Midgley</p>

Discussion:

Submissions 109/111, 110/111 and 111/108

These submissions request the deletion of the phrase "(including a supermarket)" from bullet one of Rule 1.2 Special Area Definitions – Precinct E. In response, the phrase is superfluous as supermarkets are included within retail sales. Therefore it is recommended that the phrase be deleted.

Submissions 109/112, 110/112 and 111/109

These submissions request the deletion of the second bullet of Rule 1.2 Special Area Definitions – Precinct E. In response, it is recommended that these submissions be accepted for the same reasons as given in response to submissions 140/2 (section 5.17) and submissions 108/102, 108/103, 109/107, 110/107, 111/104 and 300/63 (section 5.18).

Submissions 300/41 and 300/42

These submissions seek a number of alterations to Policy 11.44 Precinct E. In response, two sentences of the first paragraph of the Precinct E policy, and the second bullet are repetitive statements that appear in each of the precinct policies. Therefore in response to other submissions seeking brevity and clarity it has been recommended that the subject matter of these provisions be amalgamated into a shorter statement at the beginning of Policy 11.44 and applying to all precincts. This leaves the third sentence of the Precinct E policy which refers to integration of the Westgate Centre with the Town Centre as a whole. It is considered that the focus on integration should not be lost in the opening sentence and therefore the submitters proposed amendments to the first paragraph are less desirable than the existing emphasis. Therefore no change is recommended.

The submitters proposed amendments to the first bullet has two key features. The first is the removal of reference to sleeving of existing large format retail stores with specialty retail. Given the nature of existing development, the absence of public roads, and the emphasis on large format retail, it is not clear that complete sleeving with specialty retail is possible or practical in Precinct E. Therefore the emphasis on improved urban design performance as suggested in the submission is appropriate in this context. Secondly the submission proposes referring to the North South access of the Town Centre rather than the internal access road. This proposed change would usefully clarify the intent but should expressly refer to Fernlea Drive to identify a particular axis. Therefore it is recommended that the second bullet be amended as requested in the submission but with the addition of reference to Fernlea Drive.

The requested changes to the third bullet seek more flexibility to add additional intensive retail to Precinct E. In response, it is appropriate to provide a degree of flexibility to add additional intensive retail but this should be more of a medium to long-term consideration rather than a short-term one as suggested in the submission. Overall the existing policy in the third bullet provides adequate flexibility, and does not stop further development of Precinct E, provided that this does not detract from Precinct A. This judgment needs to be made on the facts that apply at the time.

Submission 300/69

This submission requests deletion of the retail thresholds set in Rule 1.2 Special Area Definitions – Precinct E. In response, these thresholds are considered appropriate to implement the policy for Precinct E. No change is recommended.

Recommendation:

Submissions 300/41 and 300/69 are rejected.

Submission 300/42 is accepted in part to the extent shown in Appendix 1.

Submissions 109/111, 110/111, 111/108, 109/112, 110/112 and 111/109 are accepted as shown in Appendix 1.

5.23 Building Design / Block Layout / Streetscape / Typology

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/93	The Warehouse Ltd	Delete bullets 4 - 9 of Policy 11.44 and replace with one bullet as follows: <i>“Encouraging good urban design and the appropriate location of activities by the use of guidelines and a design review panel.”</i>	Opposed By: 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
110/93	Warehouse Stationery Limited	Delete bullets 4 - 9 of Policy 11.44 and replace with one bullet as follows: <i>“Encouraging good urban design and the appropriate location of activities by the use of guidelines and a design review panel.”</i>	Opposed By: 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
111/90	The National Trading Company of New Zealand Limited	Delete bullets 4 - 9 of Policy 11.44 and replace with one bullet as follows: <i>“Encouraging good urban design and the appropriate location of activities by the use of guidelines and a design review panel.”</i>	Opposed By: 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises Limited
203/4	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend new Policy 11.44 as follows with additions underlined and deletions in strikethrough: “The <i>Massey North Town Centre Special Area</i> shall This is to be achieved by: <ul style="list-style-type: none"> • ensuring that development takes into account the Massey North Urban Concept Plan (<u>as per the replacement version of that plan attached to this submission</u>); • ensuring that the expansion <u>development</u> of the Massey North Town Centre Area is undertaken • • ensuring that activities and buildings are designed and located so that they address <u>spaces that will be accessible to and frequented by the public</u> the street and public spaces thereby contributing to amenity • 	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd

		<ul style="list-style-type: none"> ensuring that buildings are designed so that according to a perimeter block layout where car parking is provided behind buildings, except for kerbside parking, and with the main "activity frontage" for buildings <i>is oriented towards public pedestrian focused thoroughfares streets</i> rather than parking areas; requiring a minimum number of floor levels to ensure a compact town centre within <u>key parts of</u> the Town Centre Core Precinct A (i.e. along the <u>key north/south axis</u>); requiring the location, design and layout of large format retail activities within the Town Centre Core Area A to relate well to adjoining sites and activities such as having adjoining small scale activities along all street frontages acknowledging that while landscape character may change, ensuring that change is managed to provide areas that are visually compatible internally to precincts, and with the surrounding land, roads, and precincts; contributions." 	
203/42	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend Rule 26 - Assessment Criteria - General Criteria as follows (additions underlined, and deletions in strikethrough):</p> <p>" 26(c) The extent to which <i>building design</i> within the Massey North Town Centre Special Area will achieve:</p> <p>(iv) variations in building footprints, form and style rather than rows of buildings of the same footprint, form and style;</p> <p>26(g) <u>In the case of buildings greater than 12 metres in height, t</u>The extent to which building height</p> <p>26(h) The extent to which, for any <i>development</i> not meeting the minimum <u>numbers of floors, levels,</u> there are adverse <i>effects</i> on the vitality and intensification of the <i>Massey North Town Centre Special Area.</i> "</p>	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd</p>
257/223	Waitakere City Council	<p>Amend Policy 11.3 by adding the wording and additional bullet in italics and underlined:</p> <ul style="list-style-type: none"> "the setback of buildings from the road boundary, <i>where appropriate.</i> <i><u>the requirement that buildings be constructed according to a street frontage typology where such streets have been identified within the plan.</u></i>" 	<p>Supported By: 300 IMF Westland Ltd</p> <p>Opposed By: 110 Warehouse Stationery Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd</p>
257/224	Waitakere City Council	Amend Policy 11.3 - Explanation by adding	Supported By: 300 IMF Westland Ltd

		the following sentence: <i>“In terms of the achievement of good urban design outcomes within Town Centres, the District Plan seeks to encourage buildings to be constructed up to the public street edges with active street frontages and the provision for weather protection.”</i>	258 Auckland Regional Transport Authority Opposed By: 108 Progressive Enterprises Limited
257/227	Waitakere City Council	Amend Policy 11.15 by deleting the word struck through, and adding the following wording and additional bullet in italics and underlined: “Activities on main shopping streets within town centres <i>shall</i> should be designed, located and managed to promote: <ul style="list-style-type: none"> ▪ A high standard of <i>urban design and amenity</i>, including weather protection for.... ▪ <i>Buildings will be expected to be designed according to the street frontage typology where identified within the District Plan.</i>” 	Supported By: 300 IMF Westland Ltd Opposed By: 108 Progressive Enterprises Limited
257/243	Waitakere City Council	Amend Policy 11.44 to address the importance of certain site standards, in particular height minima and maxima, street frontage typology, thresholds rules.	Opposed By: 110 Warehouse Stationery Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
257/262	Waitakere City Council	Amend ‘Special Area Rule 1.2’ to review the streetscape anticipated from service stations and add assessment criteria to ‘Rule 3 Building Design - Street Frontage’ of Plan Change 18 as it relates to Plan Change 15.	Supported By: 250 Auckland Regional Council Opposed By: 108 Progressive Enterprises Limited
257/270	Waitakere City Council	Amend Rule 26.2(c) to review the performance standards for the street typologies of Rule 3 Building Design - Street Frontage of Plan Change 18 and where necessary amend to ensure that service lanes are provided for in the relevant street typologies.	Opposed By: 108 Progressive Enterprises Limited
257/271	Waitakere City Council	Amend Rule 26.2(c) to include clarification within rules to ensure that private roads are also subject to the Streetscape Typology rules.	Opposed By: 110 Warehouse Stationery Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
257/272	Waitakere City Council	Amend Rule 26.3(b) to review the Street Frontage typologies (Rule 3 Building Design - Street Frontage of Plan Change 18) and add any necessary standards or criteria to address the 10 metre yard setback required for buildings fronting SH 16 and development fronting Hobsonville Road.	Opposed By: 110 Warehouse Stationery Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
257/273	Waitakere City Council	Amend the relevant policies, rules, and assessment criteria of the Plan Change, so that all buildings become subject to relevant design criteria.	Supported By: 250 Auckland Regional Council Opposed By: 110 Warehouse Stationery Limited 108 Progressive Enterprises

			Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
257/292	Waitakere City Council	Amend Rule 26 to include reference for a requirement to consider Citywide Assessment Criteria where relevant.	
300/46	IMF Westland Ltd	Amend Rule 26.2(f)(vi) to insert the words in italics as follows: Design guidelines including standards and conditions which are to be developed to achieve the matters outlined in Policy 11.42 (Note: site layouts and buildings are to be designed in accordance with the relevant street <i>typology but with appropriate flexibility allowed in the case of streets other than the mainstreet to cater to localised circumstances</i>).	Support and Opposed By: 81 IB, GA and IE Midgley 108 Progressive Enterprises Limited
300/49	IMF Westland Ltd	Amend Assessment Criteria 26(d) as follows: The extent to which activities, buildings, driveways, carparking and other development are of a size, location, scale and design that will accommodate the proposed activity and complement the character of buildings and development of adjoining land, having regard to the existing and potential use(s), (<i>as identified within an approved comprehensive development plan</i>) for adjoining land in the <u>MNTCSA</u> .	Support and Opposed By: 81 IB, GA and IE Midgley
300/53	IMF Westland Ltd	Reject Assessment Criteria 26(ab)(iii) and replace with: <i>the desire to limit the visual effects of extensive parking areas and the effects on active building frontages</i> .	Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submissions 109/93, 110/93 and 111/90

These submissions seek removal of bullets 4-9 of Policy 11.44 and replacement with one bullet to the effect of encouraging good urban design using an urban design review panel. In response, bullets 4-9 provide necessary guidance on the intended form of Massey North Town Centre. Removal of these bullets is likely to result in:

- an inappropriate urban form, with low urban densities,
- excessive retail dominance,
- low employment density,
- wasteful use of space,
- poor pedestrian environment,
- poor connectivity, a low quality streetscape,
- a low potential for intensification and growth of non-retail business activities, and
- an inefficient transport system predominantly reliant on cars generating high peak traffic densities.

It is recognised that processing of consent applications for comprehensive development plans will require above average levels of skill and experience, which the consent authority will need to provide. However, the persons processing the applications are legally bound to do so within the context of the plan provisions. Therefore appropriate plan provisions that provide good guidance are necessary to achieve a result consistent with the RMA and the LGAAA, even if an experienced panel is used. Generalised statements about “good urban design” will not be helpful to those charged with making good decisions on resource consent applications. No change is recommended.

Submission 203/4

This submission requests a variety of amendments to Policy 11.44. The main amendment requested is to substitute an urban concept plan which relocates the Town Centre further to the west. As discussed in response to submissions 203/2, 203/3 and 203/16, relocation of the Town Centre would be inappropriate.

The other changes requested are also mostly inappropriate for the following reasons. Massey North is intended to have a well connected grid of publicly owned streets with development facing onto the public streets using a perimeter block layout. The changes requested by the submitter would allow the development of privately owned "public" spaces and thoroughfares in the form of a mall or semi-mall layout, potentially surrounded by extensive car parking between the buildings and the street. This is likely to result in an inappropriate urban form, with low urban densities, excessive retail dominance, low employment, poor potential for intensification and growth of non-retail business activities, and an inefficient transport system predominantly reliant on cars generating high peak traffic densities. Therefore it is recommended that the majority of this submission be rejected.

However, the bullet relating to minimum floor levels unnecessarily duplicates similar bullets in the Precinct A Policy, and is somewhat misleading in that it implies that minimum floor levels will be applied across the whole Town Centre, which is not the case. Therefore it is recommended that this bullet be deleted entirely.

Submission 203/42

This submission seeks changes to the assessment criteria. These are discussed individually below.

Assessment criterion 26(c) (iv) is necessary to provide for an attractive urban environment that is not excessively uniform. No change to this criterion is recommended.

Assessment criterion 26(g) currently applies to all buildings, even low ones, which is not really necessary to address wind effects which typically arise from tall buildings. The requested 12m (approx 3 storeys) cut off point for application of the criterion is reasonable and it is recommended that it be accepted.

Assessment criterion 26(h) is intended to apply to the number of floor levels or storeys, rather than floor level as an elevation. The requested changes clarify this and it is recommended that it be accepted.

Submissions 257/223, 257/224 and 257/227

These submissions request changes to Policies 11.3 and 11.15 in relation to urban design. These changes are appropriate given the need to provide for an appropriate streetscape. However, street typologies have not been included in the Proposed Plan Change 15 other than for the mainstreet in Precinct A. Also policies 11.3 and 11.15 are not listed as matters over which Council has restricted the exercise of its discretion. These two factors mean that the requested policy changes will have little practical effect in Massey North.

Proposed Plan Change 15 Rule 26.2(f) (iii) (renumbered as (e)(iv) in Appendix 1) currently requires the street typologies to be identified in comprehensive development plan consent applications. Overall it is preferable to have indicative street typologies identified in the Massey North Urban Concept Plan as this gives more guidance to the development of the comprehensive development plans. Therefore it is recommended that this submission be accepted subject to the inclusion of indicative street typologies in the Massey North Urban Concept Plan. Details are contained in Appendix 1. The actual locations of the typologies will be confirmed through the Comprehensive Development Plan process with only indicative typologies shown on the Massey North Urban Concept Plan to assist in the consideration of the design detail that will be produced for the Comprehensive Development Plans.

The street typologies are determined by their location and function within a town centre's overall movement network.

Key determinants for the street typologies and their location are:

- level of street integration in the town centre,
- level of intensification of buildings, employment and residents,
- level of existing or anticipated pedestrian activity and effective practical walkable catchments,
- level of retail activity,
- amenity of the town centre.

The street typology frontages are:

- The 'Town Centre & Mainstreet' typology applies to those areas with the highest intended pedestrian related (fine-grained) retail activity. The typology is located along or adjacent to the busiest portion of a town centre's mainstreet.
- The 'Transitional Commercial' typology applies to those areas that form the transitional zone between the edge and core of the new town centre. This is the typology of the 'next highest' pedestrian related activity. It is adjacent to the inner core and within approximately 5 minute (effective) walkable catchment.

- The 'Periphery' typology applies to areas generally outside the walkable catchment of the core and are typified by lower pedestrian volumes and higher numbers of vehicular movements. Within precincts utilising the periphery typology there will be streets that should have active building frontages, being located on important movement corridors for pedestrians and vehicles. Other streets may serve as access points for vehicles and may not have continuous active frontages.
- The 'Residential' typology applies to the residential apartment areas of the town centre and new residential neighbourhoods.

Further submitters should be given an opportunity to comment on the proposed indicative typologies.

Submission 257/243

This submission seeks addition of unspecified material to Policy relating to standards for height and street frontage typologies. It is assumed that this is referring to the standards already set in Rule 26.3 and Special Area Rule 1.2. In response the submission is of a very general nature, and it is considered that Policy 11.44 is already fairly comprehensive. No change is recommended.

Submissions 257/262, 257/270 and 257/272

These submissions seek amendments to the provisions of Proposed Plan Change 15 and Proposed Plan Change 18 relating to street typologies to ensure that they address service stations, service lanes and the 10m set-back along State Highway 16. In response there is may be merit in the submission but it lacks sufficient detail to give effect to it. It is recommended that the submitter be given the opportunity to provide further detail. Further submitters should be given an opportunity to comment on any additional information presented by the submitter. Similar issues are addressed in the recommendations on submissions to Proposed Plan Change 18. No change is recommended in the interim.

Submission 257/271

This submission requests changes to clarify that the street typologies apply to private roads. In response the existing typologies in Proposed Plan Change 18 apply to "streets" without any apparent distinction between public and private roads. Proposed Plan Change 18 does apply only to typologies identified in a plan or in a comprehensive development plan. As the typologies for Massey North are not identified in the plan, the issue will need to be addressed through the comprehensive development plan process (this gives rise to some uncertainty and potential for disagreement as to what is sufficient to meet the standard set in 26.2(f)(iv)). However, Rule 26.2(f)(iii) (renumbered as (e)(iv) in Appendix 1) which sets a standard requiring identification of street typologies in the comprehensive development plans, refers to "roads" not "streets". Roads are defined in the plan to be roads vested in the Council, i.e. public roads. Therefore the minimum requirement set in Proposed Plan Change 15 is to identify street typologies for public roads. Any identification of typologies for private roads would be optional.

The majority of the road network for Massey North is intended to be public road. Therefore this should not be a significant issue in practice. Also it may not be appropriate or practical to apply the street typologies to minor private streets.

However, an issue may arise in Precinct E where the existing road network is privately owned. This may result in a loop hole which would allow a comprehensive development plan to be submitted for Precinct E without any street typologies having been identified for the internal streets. This could undermine the continuity of the built form of the mainstreet into Precinct E. Therefore it is recommended that Rule 26.2(f)(iii) (renumbered as (e)(iv) in Appendix 1) be amended to the effect that a typology for Fernlea Drive in Precinct E will be identified in the comprehensive development plan.

An alternative, as recommended in response to 257/223 and other submissions above, is to insert indicative street typologies into the plan, at least for the critical streets.

Submission 257/273

This submission requests very broad changes and it is unclear what the intended effect of this submission is. No change is recommended.

Submission 257/292

This submission requests an amendment to require consideration of City-wide assessment criteria. In response, the existing rules appear to provide for the submitter's request, in particular the last paragraph of Rule 26.2 and the first paragraph of Rule 26.5. However for clarity it is recommended that a cross reference to Rule 26.5 be included in the last sentence of Rule 26.2. Also the reference to "Design – Intensification Developments" should be changed to "City-Wide Urban Design Rules" for clarity.

Submission 300/46

This submission seeks greater flexibility in the application of street typologies to local circumstances. In response the City Wide rules, set standards for street typologies (refer Proposed Plan Change 18). If these standards are not met, or are considered by the applicant to be inappropriate to the circumstances, then Rule 26.3 (e) requires a resource consent as a discretionary activity. The merits of the circumstances can then be assessed through the consent process. As 26.2 (f) (vi) (renumbered as (e)(vii) in Appendix 1) is a standard it should not be uncertain. Therefore no change is recommended.

Submission 300/49

This submission requests an amendment to 26(d) to clarify what is meant by "potential". The requested changes provide useful clarification and it is recommended that they be adopted.

Submission 300/53

This submission seeks removal of the assessment criteria requiring a perimeter block layout of building in relation to parking. In response, the perimeter block layout approach is integral to the Massey North Urban Concept Plan. Removal of this will result in a lower quality of urban environment, lower urban densities and excessive retail dominance. The requested amendment is open ended and would not provide good guidance to those charged with processing and deciding on resource consents. No change is recommended.

Recommendation:

Submissions 109/93, 110/93, 111/93, 257/273, 257/243, 257/262, 257/270, 257/272, 257/273, 300/46 and 300/53 are rejected.

Submissions 203/4, 203/42, 257/223, 257/224, 257/227 and 257/271 are accepted in part to the extent shown in Appendix 1.

Submission 300/49 is accepted as shown in Appendix 1.

5.24 Performance Standards - General

203/39	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend Rule 26.3 - Performance Standards as follows (additions underlined, and deletions in strikethrough):</p> <p>"26.3 Performance standards relating to Permitted Activities, Controlled Activities and Limited Discretionary Activities</p> <p>(a) <u>Maximum Building Height:</u></p> <p>(i) Town Centre Core Precinct Area A - 30 metres</p> <p>(ii) Town Centre Precinct Areas <u>B(1) and (2)</u> - 30 metres</p> <p>(iii) Town Centre Precinct Area C - 40 metres within 100 metres of State Highway 16 otherwise 30 metres</p> <p>(iv) Town Centre Precinct Area D - 10 metres within 100 metres of State Highway 16 otherwise <u>1230</u> metres</p> <p>(v) Existing Town Centre Precinct Area E - 30 metres</p> <p>(b) Yards: <u>7.5</u> 40 metre building setback along State Highway 16 <u>(as it exists as at 31 March 2005)</u> and Hobsonville Road frontages. Note: State Highway 16 refers to that section of the State Highway North of Don Buck Road</p> <p>(c) <u>Minimum Numbers of Floors Levels:</u></p> <p>(i) Town Centre Core Precinct Area A - Two <u>Storeys</u> along both sides of the <u>Main Street area</u> Mainstreet, as shown on <u>Massey North Urban Concept Plan</u>. Four Storeys for areas identified as</p>	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd</p>
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		<p>Apartment Residential on the Massey North Urban Concept Plan</p> <p>(ii) Town Centre Precinct Area B - Four Storeys for areas identified as Apartment Residential on the Massey North Urban Concept Plan</p> <p>(iii) Town Centre Precinct Area C - Four Storeys for areas identified as Apartment Residential Areas on the Massey North Urban Concept Plan</p> <p>(iv) Town Centre Precinct Area D - Four Storeys for areas identified as Apartment Residential on the Massey North Urban Concept Plan - this rule does not apply</p> <p>(v) Existing Town Centre Precinct Area E - this rule does not apply</p> <p>(d) Maximum Building Coverage</p> <p>(i) Town Centre Core Precinct Area A - this rule does not apply</p> <p>(ii) Town Centre Precinct Area B - this rule does not apply</p> <p>(iii) Town Centre Precinct Area C - 60% for net site area shown as Apartment Residential Area living on the Massey North Urban Concept Plan</p> <p>(iv) Town Centre Precinct Area D - 60% for net site are shown as apartment living on the Massey North Urban Concept Plan</p> <p>(v) Existing Town Centre Precinct Area D E - this rule does not apply</p> <p>(e) Activity Thresholds:</p> <p>(i) Town Centre Core Precinct Area A - Retail and entertainment activities: shall be limited to a maximum 40,000m²; and shall be limited to a maximum 60,000m² gross floor are, until a minimum 12,000m² gross floor area of other Massey North Town Centre Precinct a Activities (excluding retail and entertainment activities) have been established thereafter, for every additional 10,000m² gross floor area of retail and entertainment activities 4,000m² of other Massey North Town Centre Precinct A Activities shall be provided. </p> <p>(v) Existing Town Centre Precinct Area E - this rule does not apply.</p> <p>(f) Parking Loading - and Driveway Access: For all areas in the Concept Plan as for Rule 14 Community Environment Provided that:</p>	
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		<p>Town Centre Core Precinct Area A</p> <ul style="list-style-type: none"> - No <i>driveway</i> access shall be located along the <u>Main Street area</u> Mainstreet as shown on the <i>Massey North Urban Concept Plan</i> - No parking shall 	
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Discussion:

This submission requests a variety of alterations to the standards in Rule 26.3. These are discussed separately below.

Building height issues are addressed in more detail in section 5.25 below. In response to this submission it is recommended that:

Rule 26.3(a) (iii) be amended to read:

(iii) Town Centre Precinct Area C - 20 metres within 30 metres of State Highway 16 otherwise, 30 metres;

The other requested changes to the building height standards are inappropriate.

The 10m Yard requirement along State Highway 16 is necessary as this will remain a state highway with priority being given to the rapid movement of vehicles. The 10m Yard provides for a buffer, slip lanes and landscaping adjacent to the highway. This restraint need only apply along State Highway 16. No change is recommended.

The minimum floor level standards are actually standards on the minimum storey height within buildings. They are not intended to be floor level elevations. Consequently the heading is misleading and it is recommended that it be changed as requested by the submitter. In addition bullet (v) is superfluous and it is recommended that it be deleted. In other respects the changes requested by the submitter are inappropriate because the minimum 4-storey standard is necessary to achieve a reasonable initial built density, given that the prevailing practice of unit titling of apartments will discourage any further redevelopment of building for higher densities in the future.

For reasons discussed in response to submission 81/9 (section 5.13), maximum building coverage rule 26.3(d) is not considered necessary and it is recommended that it be deleted entirely.

The activity threshold standards are necessary to encourage a mixed use Town Centre. The standards requested by the submitter will be less effective long-term in achieving this goal. Therefore no change to Rule 26.3(e) (renumbered as (d) in Appendix 1) is recommended.

It is considered that the use of Mainstreet in Rule 26.3(f) (renumbered as (h) in Appendix 1) is sufficient given that this is the term used in the legend of the Massey North urban concept plan. No change is recommended.

Recommendation:

Submission 203/39 is accepted in part to the extent shown in Appendix 1.

5.25 Building Height

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/106	The Warehouse Ltd	Amend Rule 26.3(a)(iii) and (iv) to provide a maximum building height of 30m throughout Areas C and D.	Opposed By: 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
110/106	Warehouse Stationery Limited	Amend Rule 26.3(a)(iii) and (iv) to provide a maximum building height of 30m throughout Areas C and D.	Opposed By: 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
111/103	The National Trading Company of New	Amend Rule 26.3(a)(iii) and (iv) to provide a maximum building height of 30m throughout Areas C and D.	Opposed By: 208 Sylvia Park Business Centre Limited

	Zealand Limited		108 Progressive Enterprises Limited
257/283	Waitakere City Council	Amend the rules of the Plan Change to consider amending the height limit of Precincts B, C, and D; should be lowered to 20 - 25m with a 10m flexibility built in to Precinct B providing that building forms may extend to 35m when designed in a manner that reinforces the critical mass or focal point of the town centre in Precinct A.	
257/284	Waitakere City Council	Amend the rules of the Plan Change to review the height limit in Precinct A (at the least for 100m either side of the mainstreet if not the entire Precinct) to be increased to 40m.	Supported By: 300 IMF Westland Ltd
300/30	IMF Westland Ltd	Seeks that if Submission 300/27 is not accepted, reject the 8 th bullet of Policy 11.44 and replace with the following: <i>Building heights shall have regard to the objectives to achieve urban intensity without compromising precinct objectives and urban design requirements.</i>	Support and Opposed By: 81 IB, GA and IE Midgley
300/58	IMF Westland Ltd	Delete Rule 26.3(a), particularly items (i) and (v).	Support and Opposed By: 81 IB, GA and IE Midgley
300/75	IMF Westland Ltd	Delete Rule 27.3(a).	Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submissions 109/106, 110/106, 111/103

These submissions request removal of the standard that sets a 10m height limit within 100m of State Highway 16, so that the 30m height standard applies over the whole of precincts C and D. In response, the 10m standard was set for a variety of reasons including the prominent ridge top location, to maintain amenity values along State Highway 16, and to maintain amenity values for future adjacent development in the Redhills area after 2021.

However, the 10m standard only allows for 2 or possibly 3 storey buildings over a considerable area. This will conflict with the aim of achieving higher employment densities as specified in the ARPS. Also it is not obvious that a 10m height restriction will result in a visual appearance markedly improved to that of a 30m height restriction, given the context of other adjacent areas which have a 30m height standard.

The amenity of State Highway 16, and the future adjacent Redhills development can be reasonably be maintained provided that the buildings adjacent to State Highway 16 are limited to a height approximately half that of the total width of the state highway and setbacks. This would avoid a tunnel like effect and maintain reasonable solar access. State Highway 16 is approximately 20 metres wide, and assuming two 10m setbacks, the total width of open space will be 40m. Therefore buildings adjacent to State Highway 16 should be limited to a 20m height. It is considered that applying this standard to the first 30m from the northern boundary of State Highway 16 is adequate considering that the ground slopes down to the north. Therefore it is recommended that Rule 26.3(a) (iii) and (iv) be amended to that effect.

Submission 257/283

This submission requests a stepped regulatory approach to height standards within precincts B, C and D with a flexible range between 20 to 35m providing the focal point of Precinct A is not affected. In response, the regulatory system proposed, although not exactly specified, is likely to be excessively complex in relation to the potential benefit. No change is recommended.

Submission 257/284

This submission requests a 40m height standard for Precinct A. This would provide for buildings with approximately 10 storeys whereas the existing 30m height standard provides for approximately 7 storeys. Raising the height standard for Precinct A will assist in maintaining Precinct A as the central focus. Therefore is recommended that Rule 26.3(a) (i) be amended to provide for a 40m height standard.

Submission 300/30

This submission requests that bullet 8 of Policy 11.44 which currently states “limiting building height to ensure that a human scale is retained” to read “building heights shall have regard to the objectives to achieve urban intensity without compromising precinct objectives and urban design requirements”.

In response, bullet 8 represents a particular concern that excessively tall buildings can adversely affect people’s perceptions of the urban environment, especially at street level. This policy focus does not necessarily take into account the more recent emphasis within the proposed changes to the Auckland Regional Policy Statement (ARPS), on attaining higher employment and residential densities. Multi-storey buildings are required to attain the proposed targets set in the ARPS and in practice would probably require an average building height of around 3-4 storeys.

The issue of human perceptions of building height is a complex one as it is dependent on viewing position, the nature of the environment around the building, and personal circumstances. General experience indicates that people find buildings of up to four storeys acceptable, but perceptions become progressively less accepting as building height goes beyond four storeys.

At street level, the ratio of street width to building height affects people’s perceptions of the nature of the public space. Where the ratio is one to one, the impression is that of an alley with “enclosure”. Where the ratio is approximately two to one, the impression is more that of a street, and where the ratio is four to one the impression is more that of a plaza or square. These rules of thumb are approximate only.

It is desirable (from an urban design perspective) to create a sense of enclosure along the Town Centre streets. This requires multi-storey buildings. For example, the Transport Audit indicates a mainstreet width of approximately 26 metres, and a sense of enclosure would be provided by buildings 26m (about 6 stories) high. However, this should not be taken to the point where excessive concentrations of tall buildings create an experience that becomes tunnel like, or otherwise deters pedestrian/street activity.

The existing standard set in rule 26.3 already allows buildings taller than that necessary to provide enclosure. Consequently, there is an implicit trade off between attaining higher urban densities in the long-term, and maintaining a “human scale”, i.e. a potential inconsistency between this bullet in the policy and the rules. Although in practice this situation is unlikely to arise in the short to medium-term.

Overall the existing bullet point is considered to be unhelpful in that it does not provide any guidance as to what is meant by a “human scale”. This may give rise to conflicting viewpoints and foster false expectations. The policy needs to reflect an appropriate balance between the positive and negative effects of tall buildings. Therefore it is recommended that the bullet be amended to read: “managing the height and location of buildings to provide for an enclosed streetscape and improved urban density while retaining a satisfactory pedestrian environment at street level”.

Submission 300/58

This submission requests removal of the height standards within the Massey North Town Centre Special Area. In response, taller buildings will provide opportunities for growth and higher employment densities. However, taller buildings also have more potential to create adverse effects on the surrounding urban environment. These include wind deflection, shading, dispersion of the focus away from the Town Centre in Precinct A and creating a perception of an inhospitable tunnel like environment a street level.

The existing rule sets a height above which the effects of tall buildings will be individually assessed for effects as a discretionary activity. This does not necessarily prevent taller buildings from gaining consent.

The ARPS employment density targets can be achieved with an average building height of 3-4 stories, which is well under the 30m height standard. However, higher densities should be encouraged. On balance it is recommended that the height standard for Precinct A be raised to 40m. Note that changes to policy on height are recommended in response to submission 300/30 above.

Submission 300/75

This submission requests removal of the building height and 10m State Highway 16 Yard standards applying in the Massey North Special Employment Area.

The Massey North Special Employment Area is an industrial area and the buildings in it will have an industrial character. The industrial buildings will be visible from the Apartment Residential Area, and the height standard is intended to provide for additional control over taller buildings. However, setting the height standard at 10m is unnecessarily low and some single storey industrial buildings exceed this. It is recommended that the height standard be changed to 15m, which would provide for taller single storey industrial buildings.

The 10m Yard standard is necessary because of the limited access rights onto State Highway 16 and the consequent need to retain room for slip lanes adjacent to the State Highway. This highway will remain prioritised for fast vehicle movement. Therefore it would be inappropriate to remove the 10-metre setback. No change is recommended.

Recommendation:

Submission 257/283 is rejected

Submissions 109/106, 110/106, 111/103, 300/58 and 300/75 are accepted in part to the extent shown in Appendix 1.

Submission 257/284 is accepted as shown in Appendix 1.

5.26 State Highway 16 - 10 Metre Setback

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/177	Auckland Regional Council	Amend the plan change by reducing the proposed 10 metre setback along Don Buck Road to assist in forming a good urban streetscape which will reduce vehicle speeds and encourage pedestrian uses.	Supported By: 300 IMF Westland Ltd

Discussion:

This submission relates to the 10m development setback along State Highway 16. The submitter asks that it be reduced with the aim of allowing a built up form closer to the street, which through the “tunnel effect” will reduce average vehicle speeds. In response, the general traffic management principle behind the submission is acknowledged, but would be inappropriate to apply that in this particular location, because of the limited access rights onto State Highway 16 and the consequent need to retain room for slip lanes adjacent to the State Highway. Also, this highway will remain prioritised for fast vehicle movement. Therefore it would be inappropriate to remove the 10-metre setback. No change is recommended.

Recommendation:

Submission 250/177 is rejected.

5.27 Riparian Margins, Urban Open Space and Drainage/Ecological Open Space

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
4/6	Rexford Family Trust	Delete the riparian margin identification margin from the submitters land (81 & 91 State Highway 16, Pt Lot 3 DP 98668 and Lot 1 DP 98668). An ecological report on the proposed Riparian Margins is attached to and forms part of the submission.	
81/14	IB, GA and IE Midgley	Amend the plan showing proposed changes to riparian margins by deleting the requirement for riparian margins on the submitter’s land (ie: the area shown on other plans as Precinct C).	Opposed By: 300 IMF Westland Ltd
109/115	The Warehouse Ltd	Amend by deleting the ‘urban open space’ shown on either side of the “indicative road” (over the extent of the area shown as ‘town centre’), which runs north from the northern side of Hobsonville Road, opposite Fernhill Drive.	Supported By: 108 Progressive Enterprises Limited Opposed By: 300 IMF Westland Ltd 208 Sylvia Park Business Centre Limited
110/115	Warehouse Stationery Limited	Amend by deleting the ‘urban open space’ shown on either side of the “indicative road” (over the extent of the area shown as ‘town centre’), which runs north from the northern side of Hobsonville Road, opposite Fernhill Drive.	Supported By: 108 Progressive Enterprises Limited Opposed By: 300 IMF Westland Ltd 208 Sylvia Park Business Centre Limited
111/112	The National Trading Company of New	Amend by deleting the ‘urban open space’ shown on either side of the “indicative road”	Supported By: 108 Progressive Enterprises Limited

	Zealand Limited	(over the extent of the area shown as 'town centre'), which runs north from the northern side of Hobsonville Road, opposite Fernhill Drive.	Opposed By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
140/1	Garelja Brothers Strawberry Gardens	Amend the plan change to define the Riparian Margins more accurately. The current map shows a non-existent waterway on the property at 63 State Highway 16.	
203/45	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend Rule 26 - Other Criteria - as follows (additions underlined, and deletions in strikethrough): " 26(ao)The extent to which areas of public open space are provided and developed so that they are: (i) readily visible and accessible such as with a generous street frontage or bordering the front yards of sites or front faces of buildings; (ii) are located to provide visual relief, particularly in intensively developed areas; (iii) are integrated with surrounding <i>development</i> ; (iv) are sized according to community and neighbourhood needs; (v) are developed so that they are usable; (vi) are easily maintained. "	Supported By: 81 IB, GA and IE Midgley Opposed By: 250 Auckland Regional Council 300 IMF Westland Ltd
		And delete Criteria 26 (aq) and 26 (ar).	
257/244	Waitakere City Council	Amend the Plan Change to introduce a new policy and associated rule or assessment criteria requiring that buildings address linkages with adjacent public open spaces (rather than streetscapes only).	Supported By: 250 Auckland Regional Council
257/268	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 'urban open space'.	Supported By: 250 Auckland Regional Council
257/309	Waitakere City Council	Amend the Massey North Urban Concept Plan so that the 'Drainage/Ecological Open Space' strip shown within Precincts A and B be reviewed and if appropriate that the strip be removed from the Plan Change and that, if necessary, additional green space be compensated in the main drainage reserve between the town and employment centre precincts.	Supported By: 300 IMF Westland Ltd
296/6	Mitchell & Helena Cox	Amend the Plan Change to provide assurance that the riparian margins and ecological areas identified on the submitter's land (97 SH16) in the proposed Natural Area Maps are based on a robust technical assessment & reflect the actual on the ground situation.	
300/34	IMF Westland Ltd	Seeks that if Submission 300/27 is not accepted, amend the 11 bullet following the	Support and Opposed By:

		subheading 'Town Centre Precinct A' by inserting the following words in italics: maintain areas of open space and riparian margins to provide for stormwater mitigation and passive recreational opportunities, <i>where retaining these features enhances the compact urban form being sought. When it is proposed that the areas of open space and riparian margins are not to be maintained, a demonstration, through triple bottom line analysis as to how overall environmental performance is achieved, will be required.</i>	81 IB, GA and IE Midgley
300/50	IMF Westland Ltd	Amend Assessment Criteria 26(l) as follows: The extent to which landscape treatment and development complements and enhances the <u>ecological value</u> of riparian margins <u>that are deemed necessary of retention.</u>	Support and Opposed By: 81 IB, GA and IE Midgley
300/55	IMF Westland Ltd	Reject Assessment Criteria 26(an) and replace with: <i>The extent to which development utilises riparian margins, identified within the CDP as necessary for retention in accordance with ecological assessments to improve environmental performance.</i>	Support and Opposed By: 81 IB, GA and IE Midgley
300/82	IMF Westland Ltd	Amend the map to delete the eastern riparian margin (adjacent to the northern extension of the main street on UCP).	Support and Opposed By: 81 IB, GA and IE Midgley
300/84	IMF Westland Ltd	Amend Appendix XX - Massey North Urban Concept Plan, to delete the drainage/ecological open space identified on the UCP adjacent to the northern extension of the main street.	Support and Opposed By: 81 IB, GA and IE Midgley
306/1	Robert Hogg & Helen Purcell	Amend the Map 'Proposed Changes to A7, C7 and C8 Natural Areas' to draw the 'Area of Plan Change' to scale. At present the area shown on the map misrepresents the amount of land affected by the yellow 5m-margin provision.	
1117/1	Dianne & Graham Head and Family	Amend the width of the Riparian Margins Natural Area from 30m to 10m.	

Discussion:

Submission 4/6

This submission requests removal of the Riparian Margin Natural Area on 91 State Highway 16 as shown on the Natural Area Map. In response, the Riparian Margins were identified by a scientific process as reported in Totara Creek Integrated Management Plan 2006. The width of the riparian margin natural area is 5m either side of the stream bank. This represents a small proportion of the total property and will not unreasonably restrict use or industrial development of the property. Note that it will still be possible to apply for consent to alter the watercourse, if for example it is necessary to bridge it.

The surrounds of this stream are also shown as Drainage / Ecological Open Space within the Massey North Urban Concept Plan and within The Totara Creek Integrated Catchment Management Plan, 2006. It is important to retain as much as possible of the full length of the stream system including minor tributary headwaters, as the downstream watercourse will be affected by the state of the upstream watercourse. Therefore it is recommended that the 5m Riparian Margin Natural Area be retained on this property.

However, it is recommended that Rule 3.2 of the Riparian Margins Natural Area be amended to ensure that any earthworks for infrastructure and roads are a limited discretionary activity, rather than a non-complying activity. This maintains a consistent approach to consenting of development in Massey North.

Submission 81/14

This submission requests removal of the Riparian Margins Natural Area from Precinct C. In response, the riparian margins were identified by a scientific process as reported in Totara Creek Integrated Management

Plan 2006. The width of the riparian margin natural area is 10m either side of the stream bank. This represents a small proportion of the total property and will not unreasonably restrict use or development of the property. Note that it will still be possible to apply for consent to alter the watercourse, if for example it is necessary to bridge it. Retention of the riparian area is necessary for ecological reasons. Therefore it is recommended that the 10m Riparian Margin Natural Area be retained on this property.

In addition it is recommended that Rule 3.2 of the Riparian Margins Natural Area Rule be amended to ensure that any earthworks for comprehensive development plans are limited discretionary activity, rather than a non-complying activity. This maintains a consistent approach to consenting of development in Massey North.

Submissions 109/115, 110/115 and 111/112

These submissions seek removal of the Urban Open Space indicated along the road within Precinct C. In response the urban open space shown along both sides of the Fernhill Drive would provide for a park connection to the Drainage / Ecological Open Space to the North. However it would also create a barrier between precincts A and D, reducing the degree of integration between the precincts. Also as a result of further investigation of the road network, it is proposed to realign Fernhill Drive to run further to the East. This would incidentally reduce the degree of connection with the Drainage / Ecological Open Space to the North. Also a narrow strip of open space on either side of a busy public road will have limited attractiveness for public use.

It is necessary to provide for urban open space. However the strip on either side of the Fernhill Drive is unsatisfactory for the reasons listed above. Therefore it is recommended that this urban open space be deleted, provided that an equivalent or better quality urban space can be located elsewhere. Further investigations indicate that a suitable open space can be provided in the form of a town square within Precinct A, and it is recommended that the Massey North Urban Concept Plan be amended to give effect to this.

Submission 140/1

This submission requests that the Riparian Margin Natural Area maps be corrected as they are alleged to show a waterway on 63 State Highway 16. In response, the maps do not show any Riparian Margin Natural Area on this Property. There is a non-riparian watercourse shown on the property. This appears to be correlated with a depression in the ground clearly indicated in aerial photographs dating from 2001 but this needs to be confirmed.

There are no rules associated with non-riparian watercourses. It is however helpful to have them shown on maps as they give an indication of issues, such as overland flow paths that may need to be addressed during development.

Further discussions with the submitter has clarified that the submission is actually referring to a short length of riparian margin in 95A State Highway 16. Investigation has shown that there is no actual watercourse in this location. Therefore the maps are in error and it is recommended that the 5m riparian natural area shown lying within 95A State Highway 16 be deleted.

Submission 203/45

This submission requests amendments to assessment criteria 26(ao) (renumbered as (am) in Appendix 1) and deletion of assessment criteria 26(aq) and (ar) .

In regard to 26(ao)(i) the text as notified provides guidance in accordance with policy and no change to it is recommended. In regard to 26(ao)(ii)-(vi), the "are" is grammatically superfluous and it is recommended that it be deleted from each clause.

Assessment criteria 26(aq) relates to a consent processing administration issue rather than potential effects on the environment. While coordination with ARC consent processes is obviously desirable, the mechanisms for administration of consent processing are prescribed by the Act rather than the plan. Therefore this assessment criterion is unnecessary and inappropriate. It is recommended that it be deleted.

Assessment criteria 26(ar) provides a cross reference to the assessment criteria for other rules applying. In response, this is better expressed within the matters over which discretion is limited to rather than as an assessment criterion, i.e. it would be more appropriate if the cross reference was made within the last paragraph of Rule 26.2. Therefore it is recommended that the last paragraph of 26.2 be amended to the effect that where other rules apply then the assessment criteria of those other rules also apply in relation to those rules and that 26(ar) be deleted.

Submissions 257/244 and 257/268

These submissions request amendments to the provisions of Proposed Plan Change 15 and Proposed Plan Change 18 to ensure that the design of buildings addresses public reserves as well as streets. In response these submissions may have merit but it is unclear exactly what additional provisions would be appropriate. Most reserves will be fringed by public roads. Development on the other side of the roads will face the roads and the relevant street typology will apply. Thus in most cases building design should be compatible with the adjacent reserves. The existing criteria such as 26(c) and (d) etc... should be sufficient. No change is recommended.

Submissions 257/309, 300/34, 300/50, 300/55, 300/82 and 300/84

These submissions request deletion of the Riparian Margin Natural Area and Drainage Ecological Open Space, relating to the stream that bisects precincts B and A. Related changes are also requested to Policy 11.44 and assessment criteria 26(l) and (an) (renumbered as (al) in Appendix 1).

This stream is an unnamed tributary of Totara Stream, and is labelled as W21 in the Totara Creek Integrated Catchment Management Plan, 2006 (ICMP). It has a 10m Riparian Margin Natural Area, and is included within the Drainage / Ecological Open Space as shown in Proposed Plan Change 15. The stream is currently located in a pastoral environment and has been affected by historical agricultural activities.

Part of the stream within precinct B has been piped and the piped length of stream is excluded from the Riparian Margin Natural Area and the Drainage / Ecological Open Space. Apart from this piped section, the majority of the streambed appears to be relatively unmodified, following a natural depression in the ground.

No information is available on the flow rates of the stream, but visual inspection indicates a low but not insignificant rate of flow. There is no significant native vegetation along the margins of the stream. No information is available on native fauna habitat but it is likely to contain native species such as eels that can adapt to an agriculturally modified stream habitat. It would meet the Auckland Regional Plan: Air, Land and Water definition of a Category 1 Stream. The overall habitat significance of this stream is probably low but it does make a broader ecological function in the catchment and has potential for riparian restoration.

The primary function of the Drainage / Ecological Open Space throughout Massey North is to manage stormwater and catchment hydrology in accordance with the ICMP so that use and development of the catchment is sustainable. It will also provide passive recreation areas, and flora and fauna habitat after enhancement.

However, Figure 3-5 of the ICMP, 2006 does not include a Drainage / Ecological Open Space for this stream. Therefore it can be assumed that retention of the Drainage / Ecological Open Space for this stream is not considered necessary to give effect to the ICMP.

Note also that there are other differences between the Drainage / Ecological Open Space shown in Figure 3 -5 of the ICMP and the Drainage / Ecological Open Space shown in Proposed Plan Change 15. This is discussed further in section 5.7 above.

It is recommended that the Drainage / Ecological Open Space be deleted from precincts B and A, as requested by the submitters. This recommendation is subject to the Massey North Urban Concept Plan being amended so that the Drainage / Ecological Open Space matches that shown in Figure 3 - 5 of the ICMP, as recommended in section 5.7.

It is possible, as the submitters argue, that the overall purpose of the Act will be best achieved by piping this particular stream and allowing the Town Centre to be constructed over it. However, this is a matter that is best addressed through the comprehensive development plan consent process. Therefore it is recommended that the riparian zoning be retained as shown in Proposed Plan Change 15, but that it is recommended that Rule 3.2 of the Riparian Margins Natural Area Rule be amended to ensure that any earthworks for development are a limited discretionary activity, rather than a non-complying activity. This maintains a consistent approach to consenting of development in Massey North.

It is recommended that some flexibility be provided in Policy 11.44. However, the specific amendments requested by the submitter, are too broad. It is more important to demonstrate that any changes to the Drainage / Ecological Open Space will not compromise implementation of the ICMP. Also this should apply generically across all precincts, not just Precinct A. Therefore changes are recommended to the policy and assessment criteria to the effect that any changes to the Riparian Margins Natural Area or Drainage / Ecological Open Space need to demonstrate that the ICMP will not be compromised.

It is also recommended that the Drainage / Ecological Open Space be renamed Ecological and Urban Open Space to reflect its main functions which are ecological (under the ICMP) and recreational, rather than drainage.

Submission 296/6

This submission relates to 97 State highway 16 and requests assurance that the Riparian Margins Natural Area and Drainage / Ecological Open Space are as based on robust technical research that reflects the on the ground situation.

These areas were determined by scientific research summarised by the Totara Creek Integrated Catchment Management Plan, 2006 (ICMP). Inspection of aerial photographs indicates the centreline of the Riparian Margins Natural Area, may be displaced from the centreline of the stream by a matter of metres in some locations. This is due to scaling errors that would not be discernable at the 1:8000 scale that the district plan maps are normally printed at. The district plan rules and definitions define the position of the riparian zone by the actual position of the stream, not the indicative position shown on the district plan maps. Note that under the Totara Creek Integrated Catchment Management Plan 2006 (ICMP), much of this property will need to be purchased for construction of stormwater wetlands. No change is recommended.

Submission 306/1

This submission relates to the black line shown enclosing the Riparian Margins Natural Area on the district plan maps. The submitter notes that it incorrectly portrays the width of the Riparian Margins Natural Area and asks for it to be amended. The black line was included to enclose the area of map subject to Proposed Plan Change 15. It was not intended to indicate the width of the Riparian Margins Natural Area, but could give this impression. This black line would be removed from the operative version of the maps. No change is required.

Submission 1117/1

This submission requests that the riparian margin on Totara Creek be changed from the proposed 30m, back to the 10m shown in the district plan prior to notification of Proposed Plan Change 15. The submitter owns 76 Trig Road and is particularly concerned with the effect of the 30 riparian margin on the value of this property. In response, the widths of the riparian margins were determined by ecological criteria as set out in the report Riparian Margin Survey of Waitakere City's Northern Strategic Growth Areas, 2004. The submitter has not provided any information that would lead to the view that the 2004 assessment is incorrect. Also 76 Trig Road is within the State Highway 16 Designation shown as TSNZ4 in the District Plan. Ultimately the whole of property will be purchased by Transit New Zealand for construction of the new State highway 16, which will run just to the east of Totara Creek. No change is recommended.

Recommendation:

Submission 300/34, 300/50, 300/82 and 1117/1 are rejected.

Submission 140/1, 257/244, 257/268 and 296/6 are accepted in part with no changes recommended.

Submissions 4/6, 81/14, 109/115, 110/115, 111/112, 203/45, 257/309, 300/55, and 300/84 are accepted in part to the extent shown in Appendix 1.

Submission 306/1 is accepted with no changes recommended.

5.28 Massey North Special Employment Area

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/114	The Warehouse Ltd	Delete the words after 'floorspace' from Rule 27.2(b)(i).	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
110/114	Warehouse Stationery Limited	Delete the words after 'floorspace' from Rule 27.2(b)(i).	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 250 Auckland Regional Council 208 Sylvia Park Business Centre Limited
111/111	The National Trading Company of New Zealand Limited	Delete the words after 'floorspace' from Rule 27.2(b)(i).	Opposed By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises

			Limited 250 Auckland Regional Council
140/4	Garelja Brothers Strawberry Gardens	Amend the last part of the paragraph starting <i>“having regard for the above...”</i> to read <i>“...the achievement of <u>an excellent standard of urban design.</u>”</i>	
171/3	Mariko and Zoka Pavich	Support proposed new area which will provide growth and opportunities for people to work as area is less suitable for strawberry farming as too close to urban areas	Supported By: 140 Garelja Brothers Strawberry Gardens
203/31	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Seeks that the industrial activities in the Massey North Employment Special Area that are located along the northern edge of the public open space facing the Massey North Town Centre Special Area be replaced with residential activities.	Supported By: 81 IB, GA and IE Midgley Opposed By: 250 Auckland Regional Council 300 IMF Westland Ltd
250/166	Auckland Regional Council	Delete the Massey North Employment Special Area from the plan change because it has not yet been identified as a future urban growth area in the Auckland Regional Growth Strategy or the Northern and Western Sectors Agreement.	Supported By: 127 Land Transport New Zealand Opposed By: 300 IMF Westland Ltd 76 Ivan & Milka Selak 74 Roy Wigg 75 Steve Nuich
257/214	Waitakere City Council	Amend Policy 1.18 by adding the following additional sentence: <i>“In terms of the Northern Employment Areas <u>activities shall not compromise the functional purpose of this land for employment activities.</u>”</i>	
257/215	Waitakere City Council	Amend Policy 1.18 - Explanation by adding the following sentence: <i>“The Northern Employment Growth Areas <u>have been specifically provided to address the issue of the workforce commuting out of the city and to provide an additional area of employment land to meet local population growth.</u>”</i>	
257/216	Waitakere City Council	Amend Policy 4.7 by adding the following additional sentence: <i>“In terms of the Massey North Employment Area, <u>activities shall not compromise the functional purpose of this land for employment activities.</u>”</i>	
257/217	Waitakere City Council	Amend Policy 4.7-Explanation by adding the following sentence: <i>“The Northern Employment Growth Areas <u>have been specifically provided to address the issue of the workforce commuting out of the city and to provide an additional area of employment land to meet local population growth.</u>”</i>	
257/218	Waitakere City Council	Amend Policy 10.1 by adding those words in italics and underlined: <i>“Within an appropriate Working Environment <u>or within an appropriate Special Area Environment.</u>”</i>	
257/229	Waitakere City Council	Amend Policy 11.17(a) by adding the following sentence: <i>“Retail Activities within the Massey North <u>Employment Special Area will be restricted to ensure that retail activities consolidate within the Massey North Town Centre special area and to ensure that a suitable area of</u></i>	Supported By: 300 IMF Westland Ltd Support and Opposed By: 108 Progressive Enterprises Limited

		employment land is retained for other employment activities.”	
257/256	Waitakere City Council	Amend 6.1.1 to include the following sentence: <i>“One of the significant issues facing Waitakere City is its ongoing perception as a dormitory suburb. At the present time, the rate of population growth is outstripping the creation of local employment within the city. There is an identified lack of suitable employment land within the city. This means that there has been an increase in the numbers of workforce leaving the city for employment. In order to consolidate the city and stem the flow, there is the need to provide additional employment land in and around town centres. This will have the benefit of aiding urban consolidation reducing air and water pollution and regional congestion from commuters.”</i>	
257/257	Waitakere City Council	Amend 6.2.2 to refer to Massey North Employment Special Area: <i>“The development of Northern Strategic Growth Area Corridor is considered to provide an opportunity to meet the employment needs of the city.”</i>	
257/302	Waitakere City Council	Amend Rule 27 to include additional controls and assessment criteria within the Massey North Employment Node to address the interface with surrounding areas including State Highway 16 and the interface between the Massey North Town Centre Special Area, to ensure that buildings are of an appropriate scale and design, and to not compromise the amenity of adjoining sites.	
257/305	Waitakere City Council	Amend Rule 27.5 by adding those words in italics and underlined: <i>“(Note: this includes any residential activity or retail activity not provided for under rule 27.2 or rule 27.4)”</i>	
261/1	H & C Evans	Reject the rezoning of area industry opposite the most residential type area of this part of State Highway 16	Opposed By: 76 Ivan & Milka Selak 74 Roy Wigg 75 Steve Nuich
261/2	H & C Evans	Amend to include an open space/green belt along the highway that sets any industry back from the road	
300/73	IMF Westland Ltd	Amend the 9th bullet as follows: ensuring that adverse effects on natural resources, including water quality and native vegetation are avoided remedied or mitigated;	Support and Opposed By: 81 IB, GA and IE Midgley
300/74	IMF Westland Ltd	Amend Rule 27.2(b)(i) as follows: Convenience shops <u>with an aggregated retail floorspace</u> not exceeding 100m ² provided there are no other convenience shops within a 500m radius of the centre of the site subject to any proposal;	Support and Opposed By: 81 IB, GA and IE Midgley 108 Progressive Enterprises Limited
300/76	IMF Westland Ltd	Amend Assessment Criteria 27(i) as follows: The extent to which activities, buildings, driveways, carparking and other development are of a size, location, scale and design that will accommodate the proposed activity and complement the character of buildings and	Support and Opposed By: 81 IB, GA and IE Midgley

		development of adjoining land, having regard to the existing and potential use(s), (as identified within an approved resource consent) of that adjoining land;	
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Discussion:

Submission 109/114, 110/114 and 111/111

These submissions request removal of the text after the word 'floorspace' in 27.2(b) (i). In response these rules are intended to discourage general retail development in the industrial area as there is a shortage of industrial land. The proximity limitation is a necessary component of this. Therefore no change is recommended.

Submission 140/4

This submission requests replacement of the word "reasonable" with the word "excellent", in the second to last paragraph of policy 11.45. In response, "a reasonable" standard of design is a rather low target to aim at and it would be more appropriate, with a new greenfields development to aim for "an excellent" standard, particularly considering the visibility of much of this area from nearby residential areas, rural areas and the state highway. However it is recommended that the industrial nature of the area be recognised by amending it to read and "an excellent standard of industrial urban design."

Submission 171/3

This submission states support for the Massey North Employment Special Area. Support is acknowledged. No change is required.

Submission 203/31

This submission requests that residential activities replace industrial activities along the south western edge of the Massey North Employment Special Area adjacent to the Drainage / Ecological Open Space. In response, Waitakere City Council has a recognised shortage of industrial land and the Massey North Employment Special Area is being promulgated to address this. It would be inappropriate to use this land for residential purposes. In addition, if residential activities were placed here, adverse effects could arise because of incompatibility with the adjacent industrial uses. The Drainage / Ecological Open Space provides a buffer between Apartment Residential activities and industrial activities. No change is recommended.

Submission 250/166

This submission requests that the Massey North Special Employment Area be entirely deleted on the grounds that it is not included within the Auckland Regional Growth Strategy (ARGS), 1999 or the Northern and Western Sectors Agreement 2001 (NWSA).

In response, while the Massey North Employment Special Area is not expressly identified by name in these two documents, it is not necessarily inconsistent with them either. It is part of the Henderson to Westgate Corridor referred to on page 32 of the ARGS. It does protrude approximately 1km beyond the area shown in Figure 5 of the ARGS as "Westgate", and also figures 2 and 3 of the Northern and Western Sectors Agreement shown as Massey North. However, both the ARGS and the NWSA are essentially broad-brush approaches to growth planning and do not detail the exact extent of growth and development. Both documents provide for an intensive urban centre in Massey North. Note that Figure 5 of the ARGS is titled a "Growth Concept" which implies a general outline subject to more detailed planning to take place. Also section 2.2 of the NWSA identifies that population capacities will be changed when concept plans are developed.

The scope of this intensive urban centre has been refined since the NWSA document of 2001, leading to Proposed Plan Change 15. It has also been confirmed since then in the Waitakere City Capacity Study. This includes provision for industrial land use as part of a viable mixed town centre. Location of the industrial area underneath the airbase noise control area is an appropriate land use. Therefore Proposed Plan Change 15 represents a more detailed evolution of the broad outline of the ARGS and NWSA, rather than a departure from the ARGS and NWSA.

The Massey North Special Employment Area (subject to the recommended amendments) can be developed in a way that is consistent with the Auckland Regional Policy Statement, Local Government Auckland Amendment Act 2004 and the Resource Management Act 1991. Therefore no change is recommended.

Submissions 257/214, 257/215, 257/216 and 257/217

These submissions request policy amendments to protect employment special areas from activities that compromise them. In response, the principle behind these submissions is appropriate but the proposed wording of the amendments relates poorly to the wording of the existing policies 1.18 and 4.7 (policy relating

to adverse effects on water and air quality caused by commuting) and their preceding objectives 1 and 4. The subject matter of the submitters request relates better to policy 0.10 introduced by Proposed Plan Change 16 and the explanation that goes with that policy. Therefore it is recommended that the policy 0.10 be amended by the addition of text to the effect that:

"Activities should not compromise the ability of Working Environment, Community Environment and employment special areas to provide employment opportunities within Waitakere City."

In addition it is recommended that consequential amendments be made to the explanation of policies 1.18 and 4.7 to insert "employment special areas" after "Working and Community Environments".

Submission 257/218

This submission requests a consequential amendment to Policy 10.1. It is recommended that it be accepted.

Submission 257/229

This submission requests an addition to policy 11.17(a). This amendment is appropriate and it is recommended that it be accepted.

Submission 257/256

This submission requests insertion of additional explanatory material in section 6.1.1. The material is appropriate reflecting one of the main aims of the plan change. It is recommended that it be accepted subject to any consequential amendments.

Submission 257/257

This submission requests insertion of additional explanatory material in section 6.2.2. The material is appropriate reflecting one of the main aims of the plan change. However it is considered that some of the existing text in 6.2.2 may need to be updated to more adequately reflect the outcomes of urban planning under the LGAAA. Therefore it is recommended that the submitter be asked to provide a more comprehensive update to the text of 6.2.2 as a consequential change in the event that Proposed Plan Changes 13, 14 and 15 are accepted.

Submission 257/302

This submission requests amendments to better address the interface with surrounding areas including State Highway 16 and the interface between the Massey North Town Centre Special Area and the Massey North Employment Special Area.

In regard to the interface with existing State Highway 16, it is recommended that the changes recommended in response to submission 261/2 (below) be adopted for the reasons given below.

In regard to the interface with the rural land to the North, there are existing residential (lifestyle) activities that could be affected by the close proximity of industrial activities. Therefore it is recommended that a 10 metre yard be extended along the northern boundary of the Massey North Employment Special Area. This yard should apply to buildings, outdoor storage areas, and carparking, as these activities have the potential to detract from the rural amenity.

With respect to the interface with the new State Highway 16, the area of Drainage/ Ecological Open Space provides sufficient buffer width and no additional controls are recommended.

With respect to the interface with the Massey North Town Centre Special Area, the area of Drainage/ Ecological Open Space provides reasonable buffer width, but the potential scale of industrial activities may still cause adverse effects on the amenity of the adjacent Apartment Residential Area. The existing rule 27.2(a) provides inadequate control because it does not include development that would be a controlled activity under Working Environment Rule 4.2. This is probably an unintentional oversight. Therefore some additional control over building form and appearance is appropriate. It is recommended that:

- an additional assessment criteria be inserted,
- rule 27.2(a) be amended to include controlled activities.

Submission 257/305

This submission requests an amendment to the notation at the end of Rule 27.5, to include a cross-reference to Rule 27.4. This is appropriate for consistency and it is recommended that it be accepted.

Submissions 261/1 and 261/2

These submissions are from a submitter on the opposite side of State Highway 16 to the Massey North Employment Special Area. The submitter objects to the industrial zoning adjacent to the “most residential type area of this part of State Highway 16”. The submitter also requests a green belt to set industry back from the road.

The general character of the existing environment is semi-rural with the submitter’s property being part of a loose cluster of residential or rural production buildings along the margin of State Highways 16. Development would see the eastern side of State Highway 16 change to an industrial character, although landscaping will be undertaken between the buildings and the State Highway.

Proposed Plan Change 15 provides for a 10m Yard or building set-back along State Highway 16. This is intended to result in buildings being setback from the legal boundary of the road by 10 metres. Working Environment Rule 2.1 also sets a 45 degree height to boundary standard, which will discourage excessively tall buildings close to the State Highway. Site development and building will also require resource consent under Rule 27.2. There are also assessment criteria that apply such as 27(d) (ii). Collectively these provisions provide a potential mechanism to mitigate the effects the submitter is concerned with. However, some changes are recommended to ensure the rules will be effective.

Firstly, the existing Rule 27.3(b) Yards, does not say what the 10 metre yard is meant to apply to. It is recommended that this be amended so that the Yard applies to buildings, outdoor storage areas, and carparking, as these activities have the potential to detract from the amenity along State Highway, and reduce the space available for landscaping and tree planting. It is also recommended that a similar amendment be made to rule 26.3(b).

Secondly, Rule 27.2(a) omits to refer to controlled activities (refer Working Environment Rule 4.2). This is probably an error. Therefore it is recommended that Rule 27.2(a) be amended to include controlled activities as well as permitted and limited discretionary activities. This will provide a better mechanism for control of buildings adjacent to the 10m Yard.

Thirdly, an additional assessment criteria is recommended regarding landscaping of the 10 metre yard.

Submission 300/73

This submission seeks changes to the 9th bullet of Policy 11.45. In response, the existing wording is appropriate and supports the implementation of the Totara Integrated Catchment Management Plan. No change is recommended.

Submission 300/74

This submission request amendments to Rule 27.2(b) (i) to clarify that it applies to the total retail floor area up to 100m². It is recommended that this amendment be accepted for the reasons given by the submitter.

Submission 300/76

This submission is primarily concerned with the reference to “potential use(s) of adjoining land” in assessment criterion 27(i). In response the second sentence is ambiguous and unnecessarily complicates the issue. In addition the reference to existing uses may also complicate matters, when an existing use on adjoining land is a historical use not consistent with the Massey North Urban Concept Plan. The aim should be to ensure that development and buildings are consistent with the character of adjoining uses that are anticipated by the Plan change. It is recommended that assessment criterion be amended as follows:

“The extent to which *activities, buildings, driveways, carparking* and other *development* are of a *size, location, scale and design* that complements the character of, *buildings and development* on adjoining land as intended by the relevant Human Environment or Massey North Urban Concept Plan”.

Recommendation:

Submissions 109/114, 110/114, 111/111, 203/31, 250/266, 261/1 and 300/73 are rejected.
 Submissions 140/4, 257/214, 257/215, 257/216, 257/217, 257/256, 257/302, 261/2 and 300/76 are accepted in part to the extent shown in Appendix 1.
 Submissions 257/218, 257/229, 257/305 and 300/74 are accepted as shown in Appendix 1.
 Submission 171/3 is accepted with no changes recommended.

5.29 Massey North Community Facility

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
250/174	Auckland Regional Council	Amend the plan change by relocating the	Opposed By: 300 IMF Westland Ltd

		proposed community facility to a more appropriate location, integrated with the town centre.	Support and Opposed By: 108 Progressive Enterprises Limited
257/308	Waitakere City Council	Amend the Massey North Urban Concept Plan to reconsider the references to Community Facility and consider changing the proposed land use to the adjoining proposed land uses. In the case of the school area this could comprise of the northern half as industrial and the southern portion as mixed use. Consider amending Massey North Urban Concept Plan to show transport interchanges as indicative only.	Supported By: 300 IMF Westland Ltd Opposed By: 108 Progressive Enterprises Limited

Discussion:

Submissions 250/174

This submission requests relocation of the community facility to a location integrated with the Town Centre. The Community Facility area in Precinct D was intended for school uses. However, at the time at which this report was written, the Ministry of Education has been unable to confirm that this site is necessary to accommodate future growth needs.

Neither is it clear what other community facilities are needed or warrant retention of this area. It is possible that there is a need for relatively flat open community space, which is not represented in the Drainage Ecological Open Space Area. However this or other needs have not been identified in the Plan Change documentation. Waitakere City Council may wish to present further information on the intended uses of this area at the hearing.

It is inappropriate to zone significant areas of private land for unspecified future community use, as this will affect the legally viable uses and therefore the value of the land. If the Council or other community service provider wants the land at some stage in the future, then the appropriate course of action is to designate the land and purchase it.

However, the potential need for larger scale community facilities that cannot easily be accommodated in the town centre needs to be recognised in the Massey North Urban Concept Plan.

Therefore it is recommended that the Massey North Urban Concept Plan be amended to show the Community Facility as a hatched area with an underlying zoning of Massey North Employment Special Area, but with a 50m wide strip of mixed use adjacent to the southern boundary.

This amendment indicates a potential future use as community facility but also clarifies the underlying zoning and allows use of the land for other purposes, in the event that is not all needed for a community facility.

Submission 257/308

This submission requests consideration of replacement of the Community Facility with Massey North Special area to the North and Mixed Use Periphery / Commercial to the south.

Please refer to the recommendations for submission 250/174 above and also submission 154/3 in section 5.13. Taking into account the shortage of suitable land for industrial activity, it is more appropriate for the underlying zoning to be Massey North Employment Special Area and mixed use, while retaining options for Community Facility Use.

The Transport Audit indicates that the location of the transport interchange needs to be determined in advance because the location is critical with respect to efficient traffic circulation and the various intersection controls and bus priority measures. Therefore it is recommended that this aspect of the submission should be rejected.

Recommendation:

Submissions 250/174 and 257/308 are accepted in part to the extent shown in Appendix 1.

5.30 Massey North Town Centre Special Area Precinct A

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/96	The Warehouse	Delete bullet points 2-9 of Policy 11.44, Town	Opposed By:

	Ltd	Centre Precinct Area A, and replace with: <i>"Encouraging good urban design and the appropriate location of activities by the use of guidelines and a design review panel"</i> .	108 Progressive Enterprises Limited 110 Warehouse Stationery Limited 208 Sylvia Park Business Centre Limited
110/96	Warehouse Stationery Limited	Delete bullet points 2-9 of Policy 11.44, Town Centre Precinct Area A, and replace with: <i>"Encouraging good urban design and the appropriate location of activities by the use of guidelines and a design review panel"</i> .	Opposed By: 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
111/93	The National Trading Company of New Zealand Limited	Delete bullet points 2-9 of Policy 11.44, Town Centre Precinct Area A, and replace with: <i>"Encouraging good urban design and the appropriate location of activities by the use of guidelines and a design review panel"</i> .	Opposed By: 208 Sylvia Park Business Centre Limited 108 Progressive Enterprises Limited
154/4	Joan Winnifred Boyle	Amend all policies and rules relating to the precinct A area to allow a wide range of commercial smaller scale retail and appropriate light industrial uses.	Opposed By: 108 Progressive Enterprises Limited
203/5	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend text so that it reads as follows with additions underlined and deletions in strikethrough: "The Massey North Town Centre Special Area has been divided into five <u>four</u> precincts. The specific policies relating to each precinct are described below: The Town Centre Precinct Area A shall be designed town centre by: <ul style="list-style-type: none"> requiring development to provide a high level of amenity values for pedestrians who are utilising <u>spaces that are accessible to the public realm</u>; utilising good<u>accepted</u> urban design principles including matters such as the development of verandah coverage on footpaths, zero setback of buildings along <u>pedestrian oriented spaces and street frontages</u> and <u>implementing</u> minimum areas of glazing to ensure that blank wall facades are minimised along <u>those spaces and frontages</u> public streets; the development of interactive frontages, and the avoidance of blank facades along <u>pedestrian oriented spaces and street frontages</u> the public realm." <u>where appropriate</u> ensuring parking buildings and large format retail developments are sleeved by the provision of specialty retail shopping or residential and commercial activities; nominating <u>street frontages</u> to the <u>selected</u> proposed streets <u>(as identified in the Massey North Urban Concept Plan)</u> and requiring all buildings to be designed in accordance with the <u>relevant</u> street typology ies; imposing minimum <u>numbers of floors</u> levels and activity thresholds to encourage a variety of activities to occur within the Town Centre; 	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 250 Auckland Regional Council 300 IMF Westland Ltd

		<ul style="list-style-type: none"> •; • imposing minimum <u>numbers of floors levels</u> along the <u>identified</u> mainstreet thereby <u>promoting ensuring that the ability to provide a compact mixed use Town Centre is achieved</u>; • providing <u>flexible flexibility</u> to parking standards to enable the most efficient use of the scarce land resource in the Town Centre, and to encourage visitors to the Town Centre to use public transport, or, when they choose to bring their vehicles to the Town Centre to use communal parking areas; • <u>ensuring that the design of the Town Centre as a whole is focussed upon having it is integrated with the public transport facilities that service the Town Centre and the links within the City and across the Auckland Region.</u> • <u>Maintain areas of open space and riparian margins to provide for stormwater mitigation and passive recreational opportunities."</u> 	
203/11	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend the text of Policy 11.44 - Explanation - Town Centre Precinct Area A as follows with additions underlined, and deletions in strikethrough: "Town Centre Precinct Area A</p> <p>The <u>T</u>own <u>C</u>entre retail core should be developed as a compact, pedestrian orientated retail based town centre with <u>larger scale retail activities at the periphery and appropriate provision for mixed use.....</u></p> <p>Activities will be expected to provide a high level of amenity values for pedestrians who are utilising the public realm, <u>utilising incorporating sound up to date approaches to urban design including matters</u></p> <p>To assist the development of interactive frontages, and assist with the avoidance of blank facades, parking buildings and large format retail developments will be sleeved by the provision of specialty retail shopping.....</p> <p>The use of thresholds levelsTo this end, the Rules <u>require also seek</u> minimum floor levels along the main street thereby <u>promoting ensuring that the ability to provide a compact mixed use Town Centre is achieved.</u></p> <p>The Plan also seeks to provide <u>flexible flexibility</u> to parking standards to enable the most efficient use of the scarce land resource in the Town Centre, and <u>to encourage</u> visitors to the Town Centre to use public transport, or, when they choose to bring their vehicles to the Town <u>e</u>Centre, use communal parking</p>	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 108 Progressive Enterprises Limited 258 Auckland Regional Transport Authority 250 Auckland Regional Council 300 IMF Westland Ltd</p>

		<p>areas. Consequently it is proposed that the design of the Town Centre as a whole is focussed upon having it be integrated with the public transport facilities that service the town centre and the links within the City and across the Auckland Region. "</p>	
203/17	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend Rule 1.2 Special Area Definitions - "Massey North Town Centre Precinct A Activities" as follows with additions underlined, and deletions in strikethrough: "Massey North Town Centre Precinct <u>Area A</u> Activities" means the use of land and buildings for one or more of the following:</p> <ul style="list-style-type: none"> • any retail activities and/or retail services excluding yard based activities; • a supermarkets (limited to only one on the Massey North Town Centre Precinct A Area) with a gross floor area not less than 4000m² or greater than 9,000m²; • any administrative, commercial and/or professional offices; • public and private parking buildings and passenger transport facilities; 	<p>Supported By: 81 IB, GA and IE Midgley 111 The National Trading Company of New Zealand Limited 108 Progressive Enterprises Limited</p> <p>Opposed By: 250 Auckland Regional Council 300 IMF Westland Ltd</p>
203/33	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend the text of Rule 26.2 - Limited Discretionary Activities - Town Centre Precinct Area A as set out on pages 23 - 33 of the submission (203) and including the following amendments (additions underlined, and deletions in strikethrough):</p> <p>"Town Centre Precinct Area A</p> <p>Any The Comprehensive Development Plan relating to for the Town Centre Precinct Area A is to provide details of:</p> <ol style="list-style-type: none"> (i) The exact boundaries of areas to be developed as Town Centre, Apartment Residential, Bus Interchange and Park and Ride, and Urban Open Space; (ii) <u>The exact location and configuration of the proposed street network and associated intersections;</u> (iii) <u>The indicative location of buildings and how each building will be designed to relate visually to adjoining activities and the streets (having regard to the nominated street typology);</u> (iv) The location, dimension and indicative design of <u>any the proposed pedestrian orientated open spaces and pedestrian routes Town Square;</u> (v) Provision to be made for <u>Mainstreet</u> vehicular and pedestrian connections to <u>other parts of the Massey North Town Centre Special Area the existing Westgate Shopping Centre (Precinct E);</u> (vi) The, the streets (having regard to the nominated <u>street frontage</u>) and the identified Main Street area; 	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd</p>

		<p>(vii);</p> <p>(viii)</p> <p>(ix) The location and indicative design of a public transport interchange and park and ride;</p> <p>(x) The method by which existing overhead transmission wires are to be integrated with the precinct development design, including any relocation or undergrounding proposed;</p> <p>(xi) Provision to be made for residential activities within the Apartment Residential Area adjacent to Open Space Areas as shown on the Massey North Concept Plan (ground floor may be used for non-residential activities);</p> <p>(xii) The method by which no less than 40 apartments per hectare will be provided for within the Apartment Living area of this precinct."</p>	
257/238	Waitakere City Council	Amend Policy 11.44 by adding the words " <i>Precinct Area A</i> " after the words "Town Centre" in bullet points 6, 7, 8, 9, & 10.	
300/33	IMF Westland Ltd	Seeks that if Submission 300/27 is not accepted, amend the 2 nd bullet following the subheading 'Town Centre Precinct A' by inserting the following words in italics: utilising good urban design principles including matters such as the development of verandah coverage on footpaths, zero setback of buildings along street frontages and minimum areas of glazing <i>on mainstreet but not necessarily all other (transitional commercial, peripheral or residential) streets</i> to ensure that blank wall facades are minimised along public streets.	Support and Opposed By: 81 IB, GA and IE Midgley
300/59	IMF Westland Ltd	Delete Rule 26.3(c)(i) and replace with the following: <i>Town Centre Core Precinct Area A - Generally two storeys along both sides of the Mainstreet except in the case of development proposed to accommodate double volume retail tenancies, atriums and arcade entries in which case the equivalent minimum height of 2 storeys shall be allowed.</i>	Support and Opposed By: 81 IB, GA and IE Midgley
300/61	IMF Westland Ltd	Delete the proviso of Rule 26.3(f) and replace with the following: <i>Provided that:</i> <ul style="list-style-type: none"> <i>Town Centre Core Precinct Area A Driveway access along the Mainstreet as shown on the Massey North Concept Plan shall be limited to a maximum of 2.</i> 	Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submissions 109/96, 110/96 and 111/93

These submissions seek removal of bullets 2-9 of Precinct A, Policy 11.44 and replacement with one bullet to the effect of encouraging good urban design using an urban design review panel. In response, bullets 4-9

provide necessary guidance on the intended form of Massey North Town Centre. Removal of these bullets is likely to result in an inappropriate urban form with:

- low urban densities,
- excessive retail dominance,
- low employment density,
- wasteful use of space,
- poor pedestrian environment,
- poor connectivity,
- a low quality streetscape,
- a low potential for intensification and growth of non-retail business activities, and
- an inefficient transport system predominantly reliant on cars generating high peak traffic densities.

It is recognised that processing of consent applications for comprehensive development plans will require above average levels of skill and experience, but the persons processing the applications are legally bound to do so within the context of the plan provisions. Therefore appropriate plan provisions that provide good guidance are necessary to achieve a result consistent with the RMA and the LGAAA, even if an experienced panel is used. Generalised statements about “good urban design” will not be helpful to those charged with making good decisions on resource consent applications. No change is recommended.

Submission 154/4

This submission requests non-specific amendments to provide for “a wide range of commercial smaller scale retail and appropriate light industrial uses. In response, the provisions of Proposed Plan Change 15 provides for commercial and smaller scale retail uses and no changes are required to give effect to this aspect of the submission. Light industrial activities would be inappropriate in the Town Centre. No change is recommended in respect of this aspect of the submission.

Submissions 203/5, 203/11, 203/17 and 203/33.

These submissions request major changes to the provisions of Precinct D consistent with the revised urban concept plan presented by the submitter. The revised urban concept plan presented by the submitter is discussed in more detail in section 5.13 above, where it is recommended that it be rejected. Therefore no change is recommended.

Submission 257/238

This submission requests amendments to Policy 11.44 Town Centre Precinct A, for clarification. It is recommended that these changes be accepted.

Submission 300/33

This submission requests amendment to the second bullet of Town Centre Precinct Area A, Policy 11.44, to the effect that it will not necessarily be applied on streets other than the main street. In response, some flexibility is appropriate as not all the methods listed will be applicable to all streets. For example, apartment buildings do not necessarily need to be located with a zero set back to achieve good urban design. It is recommended that the policy be amended to apply in a way that is consistent with relevant street typology.

Submission 300/59

This submission requests an exemption for atriums, arcade entries and double volume retail, from the mainstreet two storey minimum standard. In response, an exemption for atriums and arcade entries would be appropriate. However, allowing exemptions for large retail activities would undermine the overall effectiveness of the standard. Therefore it is recommended that the Rule 26.3(c) (i) be amended to exempt atriums and arcade entries only. The submitter has also made a related submission on Proposed Plan Change 18.

Submission 300/61

This submission seeks a two driveway exemption from the main street driveway restriction in Rule 26.3(f) (renumbered as (g) in Appendix 1). The reason for this rule is to provide a continuous unbroken building façade and pedestrian environment along the main street. However, given that the main street will be over 200 metres long, allowing two driveways or service lanes would not cause an excessive interruption to the building façade and pedestrian environment. Therefore it is recommended that this rule be amended to allow two driveways or service lanes on the main street.

Recommendation:

Submissions 109/96, 110/96 and 111/93, 203/5, 203/11, 203/17, 203/33 are rejected.

Submissions 300/33 and 300/59 are accepted in part to the extent shown in Appendix 1.

Submission 154/4 is accepted in part with no changes recommended.

Submissions 257/238 and 300/61 are accepted as shown in Appendix 1.

5.31 Massey North Town Centre Special Area Precinct B

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
203/6	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Delete the all of the text in Policy 11.44 relating to Town Centre Precinct Area B.	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd
203/18	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend Rule 1.2 Special Area Defintions - "Massey North Town Centre Precinct B Activities" as follows with additions underlined, and deletions in strikethrough: "Massey North Town Centre Precinct <u>Areas B(1) and (2)</u> Activities" means the use of land and buildings for one or more the following: <ul style="list-style-type: none"> • <u>retail activities</u> and/or <u>retail services</u> involving the following: <ul style="list-style-type: none"> • furniture retailing • yard based activities including home improvement and handyman supplies including building materials, swimming pools and garden furniture, plant and garden supplies, servicing activities and; • garden centres; • auction markets; • provided that retail activities and retail services may be established in tenancies less than 200m² up to a total gross floor area of 300m² and in tenancies between 200m²-400m² up to a total gross floor area of 1,500m². All other tenancies shall have a minimum gross floor area of 400m². No individual tenancy shall have a ground floor retail area greater than 15,000m²; • any administrative, • <u>service stations</u> provided that ".	Supported By: 81 IB, GA and IE Midgley Opposed By: 250 Auckland Regional Council 108 Progressive Enterprises Limited 300 IMF Westland Ltd
203/34	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend the text of Rule 26.2 - Limited Discretionary Activities - Town Centre Precinct Area B as set out on pages 23 - 33 of the submission (203) and including the following amendments (additions underlined, and deletions in strikethrough): "Town Centre Precinct Area <u>B(1) and B(2)</u> The Any Comprehensive Development Plan <u>relating to for the</u> Town Centre Precinct Area <u>B(1) or (2)</u> is to provide details of: (i) The exact boundaries of.....Retail/Commercial, Apartment Residential,	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd

		<p>(ii) The indicative location of the streets (having regard to the nominated <i>street typology</i>) and the <u>Town Centre Precinct Area A Main Street core area</u>;</p> <p>(iii)</p> <p>(iv) <u>In the case of Town Centre Precinct Area B(1), the location and indicative design of a public transport interchange and park and ride</u></p> <p>(v)</p> <p>(vi) <u>In the case of Town Centre Precinct Area B(1), the method by which the existing overhead</u>;</p> <p>(vii) Provision to be made for <i>residential activities</i> within the Apartment Residential Area adjacent to Open Space Areas as shown on the <i>Massey North Urban Concept Plan</i> (ground floor may be used for <i>non residential activities</i>);</p> <p>(viii) The method by which no less than 40 apartments per hectare will be provided for within the apartment living area of this precinct. "</p>	
300/35	IMF Westland Ltd	<p>Seeks that if Submission 300/27 is not accepted, reject the Introductory Statement for the 'Town Centre Precinct B' and replace with the following:</p> <p><u><i>Town Centre Precinct Area B</i></u> <i>The Town Centre Periphery Precinct B shall be developed as an area for the development of large format retail primarily but with provision enabled for smaller retail service and other land uses. The precinct shall not compromise the objectives for the overall Massey North Town Centre and the Massey North Urban Concept Plan.</i></p>	<p>Supported By: 108 Progressive Enterprises Limited Support and Opposed By: 81 IB, GA and IE Midgley</p>
300/36	IMF Westland Ltd	<p>Seeks that if Submission 300/27 is not accepted, amend the 1st bullet under the subheading 'Town Centre Precinct B' to read as follows:</p> <p>enable the development of comprehensively planned large format retail developments between the proposed apartment housing and the proposed State highway 16 Motorway, to act as a buffer for those residential activities. The large format retail will be required to meet more flexible design standards than those standards expected in the Town Centre Core. However these developments will need to <u>demonstrate how they mitigate the effects of large scale buildings particularly where directly associated with an active pedestrian environment.</u></p>	<p>Support and Opposed By: 81 IB, GA and IE Midgley</p>
300/86	IMF Westland Ltd	<p>Amend Appendix XX - Massey North Urban Concept Plan, the map to replace the northern boundary of large format retail in</p>	<p>Support and Opposed By: 81 IB, GA and IE Midgley</p>

		precinct B with a boundary that has been determined through detailed investigation and provision within the comprehensive development plan.	
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Discussion:

Submissions 203/6, 203/18 and 203/34

These submissions request major changes to the provisions of Precinct B consistent with the revised urban concept plan presented by the submitter. Note that Precinct B would be split into two sub-precincts located in different positions to that of Precinct B as shown in the Massey North Urban Concept Plan. The revised urban concept plan presented by the submitter is discussed in more detail in section 5.13 above, where it is recommended that it be rejected. Therefore no change is recommended.

Submissions 300/35 and 300/36

These submissions seek changes to Precinct B policy 11.44 to clarify the purpose of Precinct B and amend the first bullet. In response, it is considered that the overall format of the existing precinct subsections of Policy 11.44 is inconsistent and involves some unnecessary duplication. Therefore, in response to other submissions requesting brevity it is recommended that the subsections of policy 11.44 be restructured into a simpler layout.

With respect to submission 300/35 the subject matter of the submission is similar to that of the first bullet and there seems to be no need to repeat it as an additional paragraph. No change is recommended.

With respect to submission 300/36, it is not clear how the last sentence of the first bullet can be given effect practically in the context of large format retail and yard based activities. Greater flexibility should be provided but interactive facades should still be the preferred technique. However, in response to submissions on Proposed Plan Change 18, the phrase “active street frontages” is recommended instead of “interactive facades”. Therefore it is recommended that this sentence be amended to the following effect:

“However, these developments will need to provide a high standard of amenity particularly for adjacent pedestrian environments. Use of active street frontages is the generally preferred method for providing amenity, but other methods may also be considered in cases where active street frontages are not feasible.”

Submission 300/86

This submission requests amendment of the Massey North Urban Concept Plan to: “replace the northern boundary of large format retail in precinct B with a boundary that has been determined through detailed investigation and provision within the comprehensive development plan.” The submission does not specify particular changes. However, the Council has undertaken further detailed investigation. This indicates that the northern area of Precinct B should be revised to better manage land use in relation to the environment. The main changes are:

- extension of the Ecological Open Space between the precinct and the new State Highway 16 to approximately 50m width,
- extension of a public road around the entire north eastern boundary of Precinct B,
- extension of the apartment residential area further to the North around the margin of Precinct B,
- inclusion of an additional area of Mixed Use / Periphery Commercial area to the north.

It is recommended that the Massey North Urban Concept Plan be amended to give effect to the above points.

Recommendation:

Submissions 203/6, 203/18, 203/34 and 300/35 are rejected.

Submissions 300/36, 300/66 and 300/86 are accepted in part to the extent shown in Appendix 1.

Submissions 300/64 and 300/65 are accepted as shown in Appendix 1.

5.32 Massey North Town Centre Special Area Precinct C

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
203/7	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend Policy 11.44 - Town Centre Precinct Area C as follows with additions underlined, and deletions in strikethrough: “Town Centre Precinct Areas C-B <u>(1) and</u>	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional

		<p><u>B(2)</u> The Town Centre Precinct Areas C<u>B (1) and B (2)</u> shall not compromise the objectives for the overall Massey North Town Centre and the Massey North Urban Concept Plan. Those objectives seek to establish an integrated <u>and compact</u> town centre surrounded by a supportive town centre periphery, <u>including mixed use and apartment activities.</u> In <u>These precincts provide for the development of commercial and mixed use activities on the periphery of the Town Centre Precinct Areas A and C.</u> particular, the <u>The precincts</u> seeks to:</p> <p>§ enable commercial, and business, and limited retail activities to occur in the case of Town Centre Precinct Area <u>B(1)</u> along the frontage to Hobsonville Road <u>and alongside the North Western Motorway/State Highway 16 designation,</u> and <u>in the case of Town Centre Precinct Area B(2)</u> along the <u>frontage to the existing State Highway 16 north of the Don Buck Road intersection;</u></p> <p>§ to enable apartment and mixed use activities to occur along the green network and to utilise the amenity value for the riparian margins for residents. The apartment development will be encouraged to located mixed use activities on the ground floors;</p> <p>§ provide an opportunity</p> <p>§ ensure that development of the Town Centre Precinct Areas C<u>B(1) and B(2)</u> does not compromise the objectives for the Town Centre as a whole;</p> <p>§ avoid the establishment of <u>activities supermarkets/department stores and/or significant retail units</u> that might detract from the intensification outcomes sought within the Town Centre <u>Precinct Area Core A Area;</u> or from the amenity of <u>residents of the Town Centre Precinct Area C;</u></p> <p>§ allow the establishment of other complementary activities other than large format retail within Town Centre Precinct Area B, such as residential, commercial and mixed use activities;</p> <p>§ ensuring integration of public transport <u>facilities services</u> throughout the Town Centre while reinforcing the development of the Town Centre Main Street in Precinct A;</p> <p>§ provide flexibility parking areas;</p> <p>§ maintain areas of open space and riparian margins to provide for <u>the mitigation of adverse effects that might be caused by stormwater mitigation and for passive recreational opportunities.</u> "</p>	Council 300 IMF Westland Ltd
203/13	AMP NZ	Amend text in Policy 11.44 - Explanation -	Supported By:

	<p>Property Development Ltd & AMP Capital Investors (NZ) Ltd</p>	<p>Town Centre Precinct Area C as follows with additions underlined, and deletions in strikethrough: "Town Centre Precinct Areas <u>B(1) and B(2)</u> €</p> <p>The Town Centre Precinct Areas <u>B(1) and B(2)</u> € will have an important role in supporting the functioning of the Town Centre Core, but <u>and</u> will have a distinctly Consequently some commercial and business activities and retail will be enabled to occur <u>in the case of Town Centre Precinct Area B(1) along the frontage to Hobsonville Road and alongside the North Western Motorway/State Highway 16 designation, and in the case of Town Centre Precinct Area B(2) along the frontage to the existing State Highway 16 north of the Don Buck Road intersection.</u> This <u>Precinct Area commercial and retail area</u> will act as a buffer <u>between the arterial roading system and the</u> to <u>apartment residential activity</u> that is proposed to be located within Precinct C.</p> <p>The Precinct seeks to encourage apartment development along the green network areas identified within Precinct C, thereby providing amenity values associated with the green network to the residents. The quality of</p> <p>It is expected that the development of <u>any</u> retail activities within this Precinct will complement the development of the Town Centre Core. Significant retail activities are to be avoided within the p<u>P</u>recinct.</p> <p><u>These Precinct Areas contain areas of open space associated with the riparian margins. The provision of open space in these Precinct Areas seeks to address the passive recreational needs of both the residents and the workforce of the Massey North town Centre, while avoiding and mitigating the effects of the development on the streams and their riparian margins."</u></p>	<p>81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd</p>
203/35	<p>AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd</p>	<p>Amend the text of Rule 26.2 - Limited Discretionary Activities - Town Centre Precinct Area C as set out on pages 23 - 33 of the submission (203) and including the following amendments (additions underlined, and deletions in strikethrough): "Town Centre Precinct Area C</p> <p>The <u>Any</u> Comprehensive Development Plan relating to for the Town Centre Precinct Area C is to provide details of:</p> <p>(i) The exact boundaries of areas to be developed as <u>Mixed Use Periphery/Commercial, Town Centre, Apartment Residential, Medium Density Residential, Urban Open Space and Drainage Ecological Open Space</u> use;</p>	<p>Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd</p>

		<p>(ii) The indicative location of <i>buildings</i>the street (having regard to the nominated <i>street typology</i>) <u>and the Town Centre Precinct Area A</u>;</p> <p>(iii)</p> <p>(iv)</p> <p>(v) Provision to be madeon the <i>Massey North Urban Concept Plan (areas that directly address the Town Centre Precinct Area A at grade ground floor may be used for non-residential activities)</i>;</p> <p>(vi) The method by whichfor within the Apartment <u>Residential living Area</u> of this precinct."</p>	
300/37	IMF Westland Ltd	<p>[Clarity]Seeks that if Submission 300/27 is not accepted, reject the Introductory Statement for the 'Town Centre Precinct C' and replace with the following: <u>Town Centre Precinct Area C</u> <i>The Town Centre Periphery Precinct C shall be developed as an area for predominantly intensive residential, mixed use commercial and limited retail activities peripheral to the town core in precinct A. The development proposed for the precinct shall demonstrate the basis upon which it will complement and provide support for precinct A and shall not compromise the objectives for the overall Massey North Town Centre and the Massey North Urban Concept Plan.</i></p>	<p>Supported By: 108 Progressive Enterprises Limited Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Support and Opposed By: 81 IB, GA and IE Midgley</p>

Discussion:

Submissions 203/7, 203/13 and 203/35

These submissions request major changes to the provisions of Precinct C consistent with the revised urban concept plan presented by the submitter. The revised urban concept plan presented by the submitter is discussed in more detail in section 5.13 above, where it is recommended that it be rejected. Therefore no change is recommended.

Submission 300/37

This submission seeks changes to Precinct C policy 11.44 to clarify the purpose of Precinct C. In response, it is considered that the overall format of the existing precinct subsections of Policy 11.44 is inconsistent and involves some unnecessary duplication. Therefore, in response to other submissions requesting brevity it is recommended that the subsections of policy 11.44 be restructured into a simpler layout. The subject matter of the submission is similar to that of the first two bullets and there seems to be no need to repeat it as an additional paragraph.

Recommendation:

Submissions 203/7, 203/13 and 203/35 are rejected.
Submission 300/37 is accepted in part to the extent shown in Appendix 1.

5.33 Massey North Town Centre Special Area Precinct D

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
203/8	AMP NZ Property Development Ltd & AMP Capital Investors (NZ)	Amend text as follows with additions underlined, and deletions in strikethrough: "Town Centre Precinct Area <u>C</u> D The Town Centre Precinct Area <u>C</u> D shall not	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited

	Ltd	<p>compromise the objectives for the overall Massey North Town Centre and the Massey North Urban Concept Plan. Those objectives seek to establish an integrated <u>and compact</u> town centre surrounded by a supportive town centre periphery- <u>including mixed use and apartment activities</u>. <u>This precinct provides for residential activities in close proximity to the Town Centre Precinct Area and to the urban open spaces and drainage/ecological open spaces, so as to maximise the amenity and convenience of residents</u>. In particular, this <u>The precinct seeks to:</u></p> <ul style="list-style-type: none"> • enable commercial and business, and limited retail activities to occur along the frontage to State Highway 16; • to enable apartment and mixed use activities to occur along the green network and to utilise the amenity value for of the riparian margins for residents. The apartment development will be encouraged to locate mixed use activities on the ground floors; • provide an opportunity to establish a school within close proximity to the Town Centre Core and new residential; • ensure that development of the Town Centre Precinct Area <u>C D</u> does not compromise the objectives for the Town Centre as a whole; • avoid the establishment of <u>activities supermarkets/department stores and/or significant retail units</u> that might detract from the intensification outcomes sought within the Town Centre <u>Precinct Area Core A Area</u> or from the <u>amenity of residents of the Town Centre Precinct Area C;</u> • allow the intensive establishment of other complementary activities other than retail within Town Centre Precinct Area <u>C D</u>, such as residential, commercial and mixed use activities; • ensuring integration of public transport <u>services facilities</u> throughout the Town Centre while reinforcing the development of the Town Centre Main Street in Precinct A; • provide flexibility to parking standards to enable the most efficient use of the scarce land resource, and encourage visitors to the Town Centre to use public transport, or, when they choose to bring their vehicles to the Town Centre, use communal parking areas; • maintain areas of open space and riparian margins to provide for <u>the mitigation of adverse effects that might be caused by stormwater runoff mitigation and for</u> passive recreational opportunities. <p>"</p>	<p>250 Auckland Regional Council 300 IMF Westland Ltd</p>
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203/14	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend text in Policy 11.44 - Explanation - Town Centre Precinct Area D as follows with additions underlined, and deletions in strikethrough: "Town Centre Precinct Area <u>CD</u></p> <p>The Town Centre Precinct <u>CD</u> will have an important role in supporting the functioning of the Town Centre Core, but will have a distinctly different pattern of development. <u>This Precinct provides for residential activities in close proximity to the Town Centre Precinct Area A and to the urban open spaces and drainage/ecological open spaces, so as to maximise the amenity and convenience of residents.</u> This pattern of development seeks to ensure that the intensity of development of the Town Centre Core is not dispersed across a large area. Consequently some commercial and business activities and retail will be enabled to occur along the frontage to the existing State Highway 16. This commercial and retail area will act as a buffer to apartment development that is proposed to be located within Precinct D.</p> <p>The <u>Pprecinct provisions</u> seeks to <u>encourage a</u> Apartment residential development. The quality of the urban design of this precinct will be similar to the Town Centre Core, given this Precinct's supporting role for the Town Centre Core.</p> <p>This Precinct has scope for the development of community facilities, and a contains a large area of open space associated with the riparian margins. The community area identified is considered to provide an ideal opportunity for school facility which is integral to the development of the Town Centre, and those facilities will service the new residents and the workforce that spends its working day in the Town Centre or the Employment Centre Precincts. The provision of open space in this precinct seeks to address the passive recreational needs of both the residents and the workforce <u>of the Massey North Town Centre</u>, while avoiding and mitigating the effects of the development on the streams and their riparian margins. Significant retail activities are to be avoided within the precinct. "</p>	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 250 Auckland Regional Council 108 Progressive Enterprises Limited 300 IMF Westland Ltd</p>
203/19	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<ul style="list-style-type: none"> Amend Rule 1.2 Special Area Definitions - "Massey North Town Centre Precinct C Activities" as follows with additions underlined, and deletions in strikethrough: "Massey North Town Centre Precinct <u>Area C</u> Activities" means the use of land and buildings for one or more the following: retail activities and retail services <u>with</u> 	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 250 Auckland Regional Council 108 Progressive Enterprises Limited 300 IMF Westland Ltd</p>

		<p>a maximum floor area of 200 m² each provided they are located directly facing the ground level of Massey North Town Centre Precinct Area A excluding yard based activities, supermarkets and department stores provided that retail activities shall be restricted to the Town Centre Area of Precinct C as shown on the Massey North Urban Concept Plan and provided that the total gross floor area of retail activities shall not exceed 10,000m²;</p> <ul style="list-style-type: none"> • mixed use activities with a maximum floor area of 200 m² each provided they are located directly facing the ground level of Massey North Town Centre Precinct Area A; • any administrative, commercial and professional offices provided they are located directly facing the ground level of Massey North Town Centre Precinct Area A; • service stations located within the Mixed Use Periphery / Commercial Area of Precinct C as shown on the Massey North Urban Concept Plan • cafes, restaurants and other eating places; • reception, conference, seminar and theatre facilities (including overnight tourist accommodation); • educational, preschool and childcare facilities; • residential activities; • healthcare facilities (including medical centres, hospitals, rest homes); • entertainment facilities, (excluding cinemas but including bars, taverns, nightclubs); • public and private parking buildings; • community facilities (including libraries, public toilets, recreational facilities, religious facilities gymnasiums); • emergency facilities (including police, fire and ambulance). <p>• In addition".</p>	
203/20	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Delete the definition - "Massey North Town Centre Precinct D Activities" from Rule 1.2 Special Area Definitions.	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 250 Auckland Regional Council 108 Progressive Enterprises Limited 300 IMF Westland Ltd</p>
203/36	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend the text of Rule 26.2 - Limited Discretionary Activities - Town Centre Precinct Area D as set out on pages 23 - 33 of the submission (203) and including the following amendments (additions underlined, and deletions in strikethrough):	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council</p>

		"Town Centre Precinct Area D The Any Comprehensive Development Plan relating to for the Town Centre Precinct Area D is to provide details of:..." and delete (i), (v) and (vi).	300 IMF Westland Ltd
257/282	Waitakere City Council	Amend the rules of the Plan Change to consider a minimum requirement of 70% of GFA in Precinct 'D' should be for residential land uses with control flexibility providing for this to be lowered to no less than 50% if the retail limits in Precincts A, B, and C are achieved.	Opposed By: 250 Auckland Regional Council
300/39	IMF Westland Ltd	[Clarity] Seeks that if Submission 300/27 is not accepted, reject the Introductory Statement for the 'Town Centre Precinct D' and replace with the following: <u><i>Town Centre Precinct Area D</i></u> <i>The Town Centre Periphery Precinct D shall be developed as an area for predominantly intensive residential, mixed use commercial and limited retail activities peripheral to the town core in Precinct A. The development proposed for the precinct shall demonstrate the basis upon which it complements and provides support to Precinct A and shall not compromise the objectives for the overall Massey North Town Centre and the Massey North Urban Concept Plan.</i>	Supported By: 108 Progressive Enterprises Limited Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submissions 203/8, 203/14, 203/19, 203/20 and 203/36

These submissions request major changes to the provisions of Precinct D consistent with the revised urban concept plan presented by the submitter. The revised urban concept plan presented by the submitter is discussed in more detail in section 5.13 above, where it is recommended that it be rejected. Therefore no change is recommended.

Submission 257/282

This submission requests insertion of a minimum 70% gross floor area to be residential land use with some flexibility for a lower amount. The submission appears to be intended to ensure a minimum amount of residential activity.

The amount of floor area allocated to Apartment Residential will be dealt with when comprehensive development plan consent applications are lodged and assessed for consistency with the Massey North Urban Concept Plan (see assessment criterion 26(a)). A significant reduction of area allocated to Apartment Residential would be inconsistent with the Massey North Urban Concept Plan.

Also, if space is not allocated to residential activity, it will be used for a non-residential activity contributing to employment density. In the context of Appendix H of the ARPS, either high residential densities or high employment densities will support public transport. Therefore the exact ratio between residential and non-residential activity is not important, though it is desirable to gain a reasonable proportion of residential activity in close proximity to the Town Centre.

The existing plan provisions provide for a 4 storey minimum within the apartment residential area. This will ultimately provide for a high residential floor area, once all area allocated to apartments is built out. However, this may take time if the market for apartments is slow to develop. In that context a 70% gross floor area threshold could place an inappropriate brake on development of the remainder of the precinct, which may in turn slow development of apartments. Thus the proposed regulation could be counterproductive.

Given that non-residential activity is allowed within apartment residential areas, an alternative limitation on the proportion of apartment floor area that can be used for non-residential activities is appropriate. This

would ensure that residential activity remains the primary activity in this area. Therefore it is recommended that Rule 26.3 be amended to limit non-residential activity to the ground floor only of apartments, and limit individual non-retail tenancies to 500m² within apartment buildings.

Submission 300/39

This submission seeks changes to Precinct C policy 11.44 to clarify the purpose of Precinct C. In response, it is considered that the overall format of the existing precinct subsections of Policy 11.44 is inconsistent and involves some unnecessary duplication. Therefore, in response to other submissions requesting brevity it is recommended that the subsections of policy 11.44 be restructured into a simpler layout. The subject matter of the submission is similar to that of the first bullet and there seems to be no need to repeat it as an additional paragraph.

Recommendation:

Submissions 203/8, 203/14, 203/19, 203/20, 203/36 are rejected.

Submissions 257/282 and 300/39 are accepted in part to the extent shown in Appendix 1.

5.34 Massey North Town Centre Special Area Precinct E

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
118/2	Westgate Properties Limited	Amend Policy 11.44 and relevant Plan Map so that the existing zoning for existing Westgate Shopping Centre (Community Environment) is retained.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
118/3	Westgate Properties Limited	Amend to ensure that the plan provisions for Precinct E are consistent with those contained within the current Community Environment zone.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited
203/9	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend text of Policy 11.44 Town Centre Precinct Area E as follows with additions underlined, and deletions in strikethrough: "The Town Centre Precinct Area <u>D E</u> shall not compromise the objectives for the overall Massey North Town Centre and the Massey North Urban Concept Plan. Those objectives seek to establish an integrated <u>and compact</u> town centre surrounded by a supportive town centre periphery, <u>including mixed use and apartment activities</u> . In particular, this precinct seeks to integrate This precinct provides for large format retail activities on the site of the existing Westgate Shopping Centre. into an expanded Town Centre, with eConnections will be provided where possible across Hobsonville Road to the Town Centre Precinct Area A via the Fernhill Drive intersection . In particular, <u>The</u> precinct seeks to: <ul style="list-style-type: none"> • retain existing <u>large format</u> retail activities in the Westgate Shopping Centre. at the same time as the development of the Town Centre Core and other precincts. The main focus on the Westgate Centre is to consolidate the centre for large format retail activities while encouraging limited specialty retail along the internal access road and fronting existing large format retail stores; • ensure that development of the Town Centre Precinct Area <u>D E</u> does not compromise the objectives for the Town Centre as a whole.; 	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd

		<ul style="list-style-type: none"> • avoid the establishment of malls or significant intensive retail on <u>Town Centre Precinct Area D</u> E that might detract from the intensification outcomes sought within the Town Centre Core Precinct Area A <u>Area</u>; • allow the intensive establishment of other complementary activities other than retail within Town Centre Precinct Area <u>D</u> E, such as residential, commercial and mixed use activities; • <u>promoting accessible public transport services for patrons of Town Centre Precinct Area D.</u> ensuring integration of public transport facilities across Hobsonville Road to facilitate access throughout the Town Centre while reinforcing the development of the Town Centre Main Street in Precinct A; • <u>providing flexible</u> provide flexibility to parking standards to enable the most efficient use of the scarce land resource, and encourage visitors to the Town Centre <u>Centre</u>, <u>to</u> use communal parking areas. 	
203/10	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend text of Policy 11.44 Town Centre Precinct Area E - Explanation as follows with additions underlined, and deletions in strikethrough:</p> <p>"Explanation</p> <p>The Massey North Towncentre. The aim is to expand the existing Westgate Town Centre to develop into an expanded and integrated town centre. The District Plan seeks to ensure that the development of a new pedestrian focussed town centre to the north of Hobsonville Road is integrated with the existing Westgate precinct <u>shopping centre</u>, to ensure thatclose proximity to important public and private transport corridors.</p> <p>....The plan also seeks to encourage reusable and adaptable buildings, and to achieve excellent urban design outcomes.</p> <p>The environmental issues relating to the upper Waitemata Harbour means that a higher quality</p> <p>Development <u>Financial</u> contributions will be necessary to fund</p> <p>Existing Town Centres <u>comprise, in each case, a concentration</u> represent an agglomeration of significant resources and have an associated value and range of benefits to the community. This presents</p>	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd</p>

		<p>challenges for the identification of appropriate mechanisms to ensure that such resources are <u>managed</u> sustainably managed for existing and future communities.</p> <p>Retail activities in new urban form, including:</p> <ul style="list-style-type: none"> • • Whether affects <u>existing</u> centres have outlived their original historical function and whether the rate of transition is such as to maintain an appropriate level of function and amenity. <p>Activities within Town <u>Centres</u> can, if not appropriately managed, give rise to adverse effects on the visual and other amenities within and adjoining the areas including effects of building height, form and design, and effects of an activity's noise noise production, hours of operation and traffic generation.</p> <p><u>The location and capacity of intersections with the arterial road network, parking provision and demand and traffic generation</u> are key issues in determining the integration of town centres with the capacity and safety of the supporting road network. Given the proximity of <u>the Town Centre</u> these areas to the <u>existing and</u> proposed arterial road network, there is a need to ensure that parking and accesses layout and effects on to and from the wider road network for the Town Centre are <u>located, designed and managed in such as way as</u> to avoid adverse effects on the safety and efficiency of the roading network.</p> <p>The <i>Massey North Town Centres Special Area</i> has been divided into five <u>four</u> "precincts" (see <i>Massey North Urban Concept Plan</i>). Each</p> <p>The approach the District Plan Special Area provisions take is to identify each precinct and to set up an objectives and <u>a</u> resource management approach</p> <p>The first layer of managementillustrates the precincts <u>key intersections with the arterial road network, and major</u> indicative roading pattern</p> <p>A second layer of managementPlans are prepared on a <u>whole or part</u> precinct basis and assessed</p> <p>The third layer of management involves a resource consent requirement (as a Limited Discretionary Activity) for each building proposed; and for <u>certain</u> non-residential activities (residential activities are permitted</p>	
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		<p>in buildings approved for that purpose). be assessed against the other layers of management - i.e. the <u>C</u>oncept <u>P</u>lan and <u>the relevant C</u>omprehensive <u>D</u>evelopment <u>P</u>lan. "</p>	
203/15	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend text in Policy 11.44 - Explanation - Town Centre Precinct Area E as follows with additions underlined, and deletions in strikethrough:</p> <p>"Town Centre Precinct Area <u>D</u> E This precinct Those objectives seek to <u>integrate retain large format retail activities on the site of the existing the</u> Westgate Shopping Centre. <u>into the larger Town Centre, with C</u>onnections <u>will be provided where possible</u> across Hobsonville Road <u>to the Town Centre Precinct Area A via the Fernhill Drive intersection.</u> <u>It is not appropriate in traffic planning terms to provide vehicular connections across Hobsonville Road at any point east of Fernhill Drive.</u></p> <p>The provision of retail activity in the Westgate Shopping Centre is expected to maintain a strong Large Format Retail character, while allowing limited additional retail to enhance the existing Mainstreet and to sleeve existing large format buildings. The plan seeks to provide flexibility for other complementary non-retail activities to establish within the pprecinct. This intensification at the Westgate Shopping Centre will enable other retail uses to locate within the Area, while requiring integration with new Town Centre, and ensuring that It is intended that development within of the pPrecinct does not compromise the objective for the Town Centre as a whole.</p> <p>This integration will include the upgrading of public transport facilities and integration of public transport across Hobsonville Road to facilitate access throughout the Town Centre while reinforcing the development of the Town Centre main street in Precinct A. "</p>	<p>Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd</p>
203/21	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend Rule 1.2 Special Area Definitions - "Massey North Town Centre Precinct E Activities" as follows with additions underlined and deletions in strikethrough: "Massey North Precinct <u>Area D</u> E Activities" means the use of land and buildings for one or more the following:</p> <ul style="list-style-type: none"> • <i>retail activities and retail services</i> provided that any additional <i>retail activity</i> established after 31 March 2005 shall have a minimum gross floor area of 400m², except that up to 5,000m² gross floor area of retail activities of less than 400m² per tenancy may be located along the central spine road or Westgate Drive to a dept of 20 metres. The total gross floor area of <i>retail activities</i> (including a 	<p>Supported By: 81 IB, GA and IE Midgley Opposed By: 258 Auckland Regional Transport Authority 250 Auckland Regional Council 108 Progressive Enterprises Limited 300 IMF Westland Ltd</p>

		<p>supermarket) for Precinct Area D E shall not exceed 40,000m².</p> <ul style="list-style-type: none"> a supermarkets (limited to only one on the Massey North Town Centre Precinct E Area) with a gross floor area not less than 4,500m² or greater than 9,000m². any administrative, commercial and professional offices; reception, conference, seminar and theatre facilities including overnight tourist accommodation; residential activities; public and private parking buildings and passenger transport facilities; community facilities including libraries recreational facilities, religious facilities; <u>service stations.</u> 	
203/37	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Delete the text in Rule 26.2 - Limited Discretionary Activities relating to Town Centre Precinct Area E.	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd</p>

Discussion:

Submissions 118/2 and 118/3

These submissions request retention of the existing community environment zoning and rules for Precinct E. In response, the provisions of Proposed Plan Change 15 provide for Precinct E to develop as an integrated part of the whole Town Centre. Reversion to the Community Environment provisions, would potentially allow Precinct E to develop as a completely separate retail centre, which would be inappropriate. No change is recommended.

Submissions 203/9, 203/10, 203/15, 203/21 and 203/37

These submissions request major changes to the provisions of Precinct E consistent with the revised urban concept plan presented by the submitter. The revised urban concept plan presented by the submitter is discussed in more detail in section 5.13 above, where it is recommended that it be rejected. Therefore no change is recommended.

Recommendation:

Submissions 118/2, 118/3, 203/9, 203/10, 203/15, 203/21 and 203/37 are rejected.

5.35 General – Noise / Amenity / Dust / Traffic

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
78/1	Martin and Karen Smith	Amend to include requirement for fences, trees and noise controls at residential interface with industrial and motorway areas.	
257/219	Waitakere City Council	Amend Policy 10.2 by adding the following sentence: <i><u>“New activities within town centres, particularly residential activities shall be designed to meet a certain level of acoustic attenuation, while at the same time recognising that town centres provide a noisier environment than traditional residential environments.”</u></i>	<p>Supported By: 110 Warehouse Stationery Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd</p>
257/252	Waitakere City Council	Amend Policy 11.44 to add a further policy statement confirming that it will be a	<p>Opposed By: 108 Progressive Enterprises</p>

		requirement, at CDP and individual development stages, to address potential adverse effects (noise, vehicle movements, glare, odour, dust, etc) on surrounding sites, particularly where residential activities exist or are possible under relevant rules.	Limited
257/294	Waitakere City Council	Amend Assessment Criterion 26(j) to refer to wider (than aural) effects, including visual, odour, dust, vehicle movement, hours of activity, traffic and security.	Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
300/47	IMF Westland Ltd	Reject Rule 26.2(f)(x).	Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submission 78/1

This submission requests inclusion of a requirement for fences, trees and noise controls at residential interface with industrial and motorway areas. In response, the Massey North Urban Concept plan deliberately places the main residential areas at a distance from the proposed new State Highway 16 and the existing State Highway 16. Industrial activities will be limited to the Massey North Employment Area Special Area, which will be separated from residential areas by a open space buffer zone. These measures are sufficient to provide adequate noise mitigation of industrial and motorway noise. The submission is accepted in principle but no changes are recommended.

Submission 257/281

This submission requests amendments to Policy 10.2 to provide policy that is relevant to town centres. In response the proposed policy is generally appropriate except that it is unclear what is meant by "a certain level". Therefore it is recommended that the policy be adopted but with "reasonable" substituting for "certain".

Submissions 257/252 and 257/294

These submissions seek changes to policy and assessment criteria to create an express requirement to assess effects of noise, dust, odour, traffic, hours of work and security. In response, town centres are inherently subject to higher than average noise, traffic and general activity levels. People living and working in Town centres must reasonably expect that. Therefore these proposed changes may conflict with the objective of a high density mixed use town centre with high activity levels. However, mitigation of noise and other nuisance is a reasonable expectation within an area expressly set aside as apartment residential area. It is considered that the existing bullet 16 (renumbered as 18 in Appendix 1) of policy 11.44, rule 26.2(f) (x) (renumbered as (e)(xi) in Appendix 1) and Assessment Criteria 26(j) are adequate. No change is recommended.

Submission 300/47

This submission requests deletion of Rule 26(f) (x) (renumbered as (e)(xi) in Appendix 1). In response, provision for aural amenity is important particularly in relation to noise sensitive activities such as residential activities. However the current statement is too wide ranging and open ended. It is recommended that it be amended to focus on effects of noise on noise sensitive activities such as residential activities and schools.

Recommendation:

Submissions 257/252 and 257/294 are rejected.

Submission 78/1 is accepted with no changes being recommended.

Submissions 257/281 and 300/47 are accepted in part to the extent shown in Appendix 1.

5.36 Reverse Sensitivity

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/250	Waitakere City Council	Amend Policy 11.44 to provide clarification in relation to the need to avoid, remedy or mitigate adverse reverse sensitivity effects.	

Discussion:

This submission request amendments to Policy 11.44 to address reverse sensitivity. However, the submission is general in nature and it is unclear what reverse sensitivity issues need to be addressed. No change is recommended.

Recommendation:

Submission 257/250 is rejected.

5.37 Heritage

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/213	Waitakere City Council	Amend the Plan Change to consider including the homestead at 17 SH16 as a Category 3 listed building within the District Plan. Details of the historical merit of this building shall be presented at the hearing.	

Discussion:

This submission requests listing of an existing building at 17 State Highway 16 as a category 3 building in the Heritage Appendix. The effect of accepting this request would be that demolition or removal of the building would require resource consent as a discretionary activity. No information is provided in the submission to justify the listing.

However, the building at 17 State Highway 16 is identified as a significant heritage item in the report "Northern Region Strategic Development: Heritage Assessment". It has significant historical value and is listed in the Cultural Heritage Inventory as CHI 3327. Although the heritage report does not recommend an express category rating, the overall evidence indicates that a category 3 rating would be appropriate. Therefore it is recommended that the Heritage Appendix be amended to include the building at 17 State Highway 16.

Recommendation:

Submission 257/213 is accepted with changes as shown in Appendix 1.

5.38 Appendix XX

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
300/87	IMF Westland Ltd	Amend Appendix XX - Massey North Urban Concept Plan, by inserting the following onto the plan: <i>The Concept Plan is intended as a guiding document to use allocation, precinct definition, alignment of structural elements such as major roads and the identification of preferred locations for public facilities such as community facilities, transport interchange and park & ride. Comprehensive Development Plans prepared shall be substantially in accordance with the Plan and where there is more than minor change shall be accompanied by an assessment of how the policies and objectives of the area are being met through the Comprehensive Development Plan.</i>	Supported By: 108 Progressive Enterprises Limited Support and Opposed By: 81 IB, GA and IE Midgley
300/88	IMF Westland Ltd	Amend Appendix XX - Massey North Urban Concept Plan by inserting the following onto the plan: <i>Provision needs to be made for the following facilities to be located within the town: - Community Facility - the facility is to be located within 200m of the position shown on the plan, offer visual prominence and be easily accessible for pedestrians and public transport users Urban Open Space - is to be located within the major intersection position shown on the plan, be easily accessible for pedestrians and public transport users and deliver solar amenity</i>	Support and Opposed By: 81 IB, GA and IE Midgley

		<p><i>Park and Ride - the facility is to be located such that it is easily accessible for pedestrians and public transport users and delivers a safe and secure environment for users. The location can change as the town develops further including the option to deliver such as within a parking structure</i></p> <p><i>Transport Interchange - the facility is to be located within 200m of the main street, offer visual prominence and be safe & easily accessible for pedestrians and public transport users.</i></p>	
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Discussion:

Submission 300/87

This submission requests the addition of explanatory material to the Massey North Urban Concept Plan – Appendix XX. In response, the first sentence is generally appropriate but should additionally refer to ‘urban form’ after use allocation. The second sentence is also appropriate but is better included as a bullet within Policy 11.44 to give it legal substance.

Submission 300/88

This submission requests the addition of explanatory material to the Massey North Urban Concept Plan – Appendix XX relating to the facilities shown. In response, the request is generally appropriate but needs to be updated to reflect the recent transport audit and other design work. It is recommended that this submission be adopted in principle but the actual contents of the explanation are determined once all other submissions have been addressed.

Recommendation:

Submissions 300/87 and 300/88 are accepted in part to the extent shown in Appendix 1.

5.39 Comprehensive Development Plan / Consent Processing Issues

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
107/69	Westfield (New Zealand) Limited	Amend Rule 26.2 (or other appropriate provision) to make it clear that an application may be made simultaneously for a CDP and resource consent(s) for activities within the area covered by the proposed CDP and, accordingly, may be processed together.	Supported By: 300 IMF Westland Ltd Support and Opposed By: 208 Sylvia Park Business Centre Limited
108/93	Progressive Enterprises Limited	Amend Rule 26.2 (or other appropriate provision) to make it clear that an application may be made simultaneously for a CDP and resource consent(s) for activities within the area covered by the proposed CDP and, accordingly, may be processed together.	Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
108/97	Progressive Enterprises Limited	Amend Rule 26.5 by adding those words underlined (or words to like effect): <i><u>“The following rules of the Plan shall also apply to Any Activity within the Massey Town Centre Special Area (except where those rules are inconsistent with an Approved Comprehensive Development Plan)”.</u></i>	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
203/32	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend the text of Rule 26.2 - Limited Discretionary Activities - Massey North Town Centre Special Area as set out on pages 23 - 33 of the submission (203) and including the following amendments (additions underlined, and deletions in strikethrough):	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council

		<p>"The following are <i>Limited Discretionary Activities</i>:</p> <p>(a) Prior to the establishment of <i>Any Activity</i> or <i>building</i> that is not a <i>Permitted Activity</i> under Rule 26.2, a Comprehensive Development Plan for any the whole or part of one or more of the following precincts as shown on the <i>Massey Urban North Concept Plan</i> shall be provided and approved. <u>Any application for a Comprehensive Development Plan shall be assessed as a Limited Discretionary Activity.</u> In considering a</p> <ul style="list-style-type: none"> • Town Centre Precinct Areas B(1) & (2) • Town Centre Precinct Area E. <p>This rule shall be limited to the first Comprehensive Development Plan only in respect of each precinct (any further Comprehensive Development Plan or any amendment to a Comprehensive Development Plan shall be a Discretionary Activity pursuant to Rule 26.4(a).</p> <p>(c) The erection of alteration :</p> <ul style="list-style-type: none"> • buildings or development visible on a site which fronts a relevant nominated street typology on an Approved Comprehensive Development Plan comply with Citywide Rule 3 as either B. Town Centre Mainstreet Typology 2, D. Town Centre Commercial Transitional Typology, E. Town Centre - Periphery Typology or F. Town Centre Residential Typology • any Apartment or Mixed Use Activity shall also be subject to Citywide Rule 1 General Apartment Design; Citywide Rule 2 - Noise; Rule 4 - Mixed Use. <p>(f) General Standards for Comprehensive Development Plans (applying to all Precincts)</p> <p>(see the <i>Massey North Urban Concept Plan</i> for location of identified features):</p> <p>A Comprehensive Development Plan shall include provision for all-relevant components of the <i>Massey North Urban Concept Plan</i>, for the whole <u>or part</u> of the relevant precinct <u>subject to the application</u>, and any <i>infrastructure</i> required to service that <u>land precinct</u>,</p>	300 IMF Westland Ltd
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		<p>and shall include details of:</p> <p>(iv) The method by which the <u>land precinct</u>—will be integrated visually,</p> <p>(vi) Design Guidelines including standards and conditions which are developed to achieve the matters outlined in Policy 11.442; (Note:</p> <p>(viii) All Proposed bus stops within the precinct;</p> <p>(xiv) An <i>infrastructure</i> management plan prepared in accordance with Assessment Criteria 26(ae) to and 26(an); ..."</p>	
257/209	Waitakere City Council	Amend the Plan Change to clarify the proposed rules to require that subsequent buildings are built in accordance with approved Comprehensive Development Plan (CDP). Buildings or activities not in accordance with CDP shall be assessed as a non-complying activity.	<p>Supported By: 250 Auckland Regional Council</p> <p>Opposed By: 110 Warehouse Stationery Limited 108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd</p>
257/211	Waitakere City Council	<p>Amend the Plan Change to review the requirements for the CDP, in order to:</p> <ul style="list-style-type: none"> • incentivise the use of the CDP method, by reducing the number of relevant rules and assessment criteria, where a CDP is relied upon; • clarify what additional incentives may be applied to the use of the CDP; • amend the CDP process to clarify that it can only be relied upon as a Limited Discretionary activity where all relevant land owners of a precinct have agreed to use a CDP, otherwise a CDP is required to be assessed as a Discretionary Activity. 	<p>Opposed By: 108 Progressive Enterprises Limited</p>
257/232	Waitakere City Council	Amend Policy 11.44 to add a further policy statement explaining the intent of the district plan provisions, which provide for flexibility in the design of development, but only where a Comprehensive Development Plan (CDP) has first been prepared and approved. Include a statement that development "shall" be in accordance with a CDP. Include reference to the importance of the CDP not being changed once development has commenced (that being a non-complying activity); Include reference to the need for buildings to be designed and sited to allow access to light and sun, and the maintenance of outlook.	<p>Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited</p>
257/236	Waitakere City Council	Amend Policy 11.44 to add an additional bullet point to read:	<p>Opposed By: 110 Warehouse Stationery Limited</p>

		<ul style="list-style-type: none"> <i>“Ensuring that development proceeds in a coordinated manner by requiring that a comprehensive development plan is prepared for each precinct.”</i> 	111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
300/44	IMF Westland Ltd	Reject Rule 26.2(a).	Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council Support and Opposed By: 81 IB, GA and IE Midgley
300/45	IMF Westland Ltd	Amend Rule 26.2(f)(ix) to insert the words in italics as follows: Provision to be made for community facilities <i>as identified and specified by WCC, provided further that in the event that no commitment is received from the appropriate agency to construct or lease such facilities on appropriate commercial terms within 2 months of the lodging of the CDP, that such provision shall not be required.</i>	Opposed By: 250 Auckland Regional Council Support and Opposed By: 81 IB, GA and IE Midgley
300/62	IMF Westland Ltd	Delete Rule 26.4(a).	Opposed By: 108 Progressive Enterprises Limited Support and Opposed By: 81 IB, GA and IE Midgley
300/71	IMF Westland Ltd	Amend Chapter 26 in order to provide for a dedicated team of officers to manage WCC's assessment of CDP's and resource consent applications. The necessary clauses would be added within Plan Change 15 by way of either a new 'rule' under 26.0 General or by way of the insertion of an "Other Method" or "Explanation" at the end of chapter 26.	Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submissions 107/69 and 108/93

These submissions request amendments to provide for simultaneous applications for comprehensive development plans and activities provided for in the comprehensive development plan applications. In response, joint lodgement of consent applications for comprehensive development plans and related activities would facilitate an integrated approach to processing of consents. Therefore it is recommended that the rule 26.2(c) (renumbered as (b) in Appendix 1) be amended to give effect to this request where buildings are expressly identified in comprehensive development plan consent applications. Consequential amendments are also required to Rule 26.6.

Submission 108/97

This submission requests that Rule 26.5 be amended to the effect that the rules referenced in 26.5 do not apply where they are inconsistent with a comprehensive development plan. In response, the comprehensive development plans are resource consents, not statutory plans. Resource consents create a specific permission to operate in breach of specific rules (subject to specific conditions), but resource consents can't create a general permission to waive the rules in a district plan. Therefore no change is recommended.

Submission 203/32

These submissions request major changes to the provisions of the plan consistent with the revised urban concept plan presented by the submitter. The revised urban concept plan presented by the submitter is discussed in more detail in section 5.13 above, where it is recommended that it be rejected. Therefore no change is recommended in that regard.

In addition, the submission requests two changes of more general effect. These are to amend rule 26.2(a) to allow comprehensive development consent applications for part of a precinct (rather than the whole precinct), and to make all comprehensive development consent applications a limited discretionary activity.

In response to the first matter, the intent of the Rule 26.2(a) is that the comprehensive development consent applications would cover entire precincts to provide for an integrated process of development. A more piecemeal approach to lodgement of comprehensive development consent applications could undermine this

integration. Note that Rule 26.2(f) (xiii) provides for comprehensive development plan consent applications to specify staging of development. This provides adequate flexibility. No change is recommended.

In regard to the second matter, Rule 26.2(a) provides that only the first comprehensive development plan for each precinct is a limited discretionary activity. This is because any development undertaken under the first comprehensive development plan consent alters the environment. Therefore a discretionary category for secondary comprehensive development plan consent applications is appropriate to allow effects to be comprehensively assessed and, if necessary, provide for the notification of affected parties. Also that the Act deems all variations to the conditions of resource consent to be a discretionary activity. No change is recommended.

Submission 257/209

This submission requests amendments to the rules to require that buildings or activities not in accordance with a comprehensive development plan are a non-complying activity.

The comprehensive development plan consent process provides for an integrated process for managing development and use to give effect to the objectives and policies of the plan. Subsequent applications for buildings that are in accordance with a comprehensive development plan follow a relatively streamlined limited discretionary consent process. Conversely where proposed buildings are not consistent with a comprehensive development plan, it is appropriate that they be tested against the plan objectives and policies via the non-complying activity process. Therefore it is recommended that Rule 26.6 be amended to give effect to this submission.

Submission 257/211

This submission requests generalised changes to provide incentives to use comprehensive development plans such as reducing the number of assessment criteria, and amendments to the effect that comprehensive development plans are only a limited discretionary activity, where all land owners within a precinct have agreed to the comprehensive development plan.

In response to the first matter, some amendments can be made to simplify the assessment criteria and related rules in response to other more specific submissions. However, the comprehensive development plans will need to address a range of issues and therefore the matters over which discretion is limited to needs to be comprehensive. It is recommended that:

- Assessment criterion 26(p) (signs) be deleted as it unnecessarily duplicates city-wide rules
- Assessment criterion 26(q) (contaminated sites) be deleted as it unnecessarily duplicates city-wide rules
- Assessment criterion 26(r) be deleted as archaeological surveys indicate that there are no sites in Massey North and there are other rules and heritage assessment criteria that relate to listed buildings
- Assessment criteria 26(ag) 27(u) be deleted as they can be subsumed under an amended 26(aj) and 27(z).
- Rules 26.3(f) and the cross reference to Community Environment Rule 14 and associated assessment criteria be amalgamated into one rule and a reduced set of assessment criteria.
- Assessment criteria 26(ag) and (27ag) which relate to earthworks be deleted, as there are separate criteria under the earthworks rules.
- Assessment criteria 26(aq) and 27(ah) be deleted as the extent of consultation about the administrative processes of another agency is not a suitable matter for an assessment criteria.
- Assessment criteria 26(ar) and 27(aa) be deleted as they unnecessarily duplicate other rules.
- Rule 26.2(c) be amended by the deletion of "connections or", as connections should not be subject to a consent process and their inclusion is an error.
- Rule 26.2 be amended by altering the last paragraph so that only relevant assessment criteria apply to Rules 26.2 (a) to (c).

In regard to the second matter, the main potential incentive for the use of the comprehensive development plan approach relates to non-notification of the applications. It is assumed but not expressly stated that the limited discretionary comprehensive development plans will be processed on a non-notified basis. However, the Act requires the plan to expressly state that the applications will not be notified, and will be processed without the written approval of affected parties. Refer to the recommendation on submissions 300/70 and 300/77 for more discussion of this point.

The amendments recommended in response to submission 257/209 will also provide an incentive to use comprehensive development plans, as activities not provided for in a comprehensive development plan would be processed as a non-complying activity.

In regard to the third matter, it is not clear whether it is legally permissible for a plan to specify that the written permission of another party must be obtained to determine the category of resource consent, as this effectively devolves an aspect of the Council's duties and functions to a third party. In the absence of legal advice to the effect that a rule of this type is permissible, no change is recommended.

Submission 257/232

This submission requests a variety of changes to Policy 11.44.

Firstly, an explanation of the intent of the comprehensive development plan process is requested. In response it is considered that there is already adequate explanatory material. No change is recommended.

Secondly, it is requested that a statement be included to the effect that development shall be in accordance with a comprehensive development plan. This is appropriate and it is recommended that an additional bullet be added to Policy 11.44 to that effect.

Thirdly, it is requested that the plan be amended to provide that there are to be no changes to a comprehensive development plan once development is underway. In response, the Act provides for consent holders to seek a variation to the conditions of resource consents. The plan cannot revoke this right, and in any case, there may be good resource management reasons for amending comprehensive development plan. The Council also has a right to decline any such request for a variation if it would not be appropriate. Therefore no change is recommended.

Fourthly, it is requested that the need for buildings to be designed and sited to allow access to sun, light and outlook. In response, it is not clear how it is intended that this be provided for within a town centre where intensity is a priority and buildings are likely to be multi-storey. No change is recommended.

Submission 257/236

This submission requests that Policy 11.44 be amended to require a comprehensive development plan be prepared for each precinct. In response, the plan cannot force people to lodge comprehensive development plan resource consents. All that can be done is to use rules that provide an incentive to use a comprehensive development plan process, rather than seek consent for each activity individually. No change is recommended.

Submissions 300/44 and 300/62

These submissions seek deletion of rules 26.2(a) and 26.4(a) on the grounds that both amendments to existing comprehensive development plans and any subsequent comprehensive development plans should be a limited discretionary activity. In response, Rule 26.2(a) provides that only the first comprehensive development plan for each precinct is a limited discretionary activity. This is because any development undertaken under the first comprehensive development plan consent alters the environment. Therefore a discretionary category for secondary comprehensive development plan consent applications is appropriate to allow effects to be thoroughly assessed and, if necessary, provide for the notification of affected parties. Section 127 of the Act also provides for consent holders to seek a variation to the conditions of resource consents and deems all variations to be a discretionary activity. This includes consents for comprehensive development plans. No change is recommended.

Submission 300/45

This submission seeks alterations to Rule 26.2(f)(ix) to the effect that community facilities have to be purchased by Council within 2 months of lodging a comprehensive development plan. In response, the processes for Council purchase of land for public works are set out in other legislation and it would be inappropriate to attempt to constrain them in the plan. No change is recommended.

Submission 300/71

This submission seeks provision of a dedicated team of officers to process comprehensive development plan applications and amendments to the plan to give effect to that. In response, processing of comprehensive development plan applications will require an above average level of resources. The Council needs to recognise this. However, allocation of resources to consent processing is an administrative function that cannot be predetermined by specification in a plan. Therefore it is recommended that the submission be accepted in principle but no change be made.

Recommendation:

Submissions 108/97, 203/32, 257/236, 300/44, 300/45 and 300/62 are rejected.

Submission 300/71 is accepted in part with no changes recommended.

Submissions 257/211 and 257/232 are accepted in part to the extent shown in Appendix 1.

Submissions 107/69, 108/93 and 257/209 are accepted as shown in Appendix 1.

5.40 Rules Assessment Criteria

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
107/66	Westfield (New Zealand) Limited	Amend the Assessment Criteria under Rule 26 to include the following additions (or words to like effect): "26(X) <i>The extent to which any proposed Comprehensive Development Plan is consistent with Policy 11.44 and the specific policies for each precinct as appropriate.</i> 26(X) <i>The extent to which any proposed development, buildings and activity are consistent with Policy 11.44 and the specific policies for each precinct as appropriate.</i> "	Supported By: 300 IMF Westland Ltd Support and Opposed By: 208 Sylvia Park Business Centre Limited
107/67	Westfield (New Zealand) Limited	Amend 26(b) of the Assessment Criteria by adding those words underlined (or words to like effect): "26(c) <i>The extent to which any proposed development and buildings are consistent with the Massey North Urban Concept Plan and the Approved Comprehensive Development Plan, to which the degree of consistency shall usually be afforded greater weight than the degree of non-compliance with other relevant Assessment Criteria.</i> "	Supported By: 300 IMF Westland Ltd Support and Opposed By: 208 Sylvia Park Business Centre Limited
108/90	Progressive Enterprises Limited	Amend the Assessment Criteria under Rule 26 to include the following additions (or words to like effect): <u>"26(X) <i>The extent to which any proposed Comprehensive Development Plan is consistent with Policy 11.44 and the specific policies for each precinct as appropriate.</i></u> <u>26(X) <i>The extent to which any proposed development, buildings and activity are consistent with Policy 11.44 and the specific policies for each precinct as appropriate.</i></u> "	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
108/91	Progressive Enterprises Limited	Amend 26(b) of the Assessment Criteria by adding those words underlined (or words to like effect): "26(c) <i>The extent to which any proposed development and buildings are consistent with the Massey North Urban Concept Plan and the Approved Comprehensive Development Plan, to which the degree of consistency shall usually be afforded greater weight than the degree of non-compliance with other relevant Assessment Criteria.</i> "	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
203/38	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend Rule 26.2 - Limited Discretionary Activities as follows (additions underlined, and deletions in strikethrough): "Assessment of <i>Limited Discretionary Activity</i> applications will be limited to the matters referred to in Rule 26.2 and matters of provision to be made for transport systems and the integration of those systems with land use, health and safety <u>the design of and materials used in buildings, construction, the location of buildings, health and safety issues</u> "	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd

		and matters within Assessment Criteria 26(a) - 26(ar) and relevant assessment criteria in the Specified City-Wide Rules."	
250/173	Auckland Regional Council	Amend all assessment criteria by deleting the words " <i>the extent to which</i> " and add words that are more specific and directive to reflect the intention of the LG(A)AA and the vision for the area. For example, Assessment Criteria 26(c) states: " <i>The extent to which building design within the Massey North Town Centre Special Area will achieve...</i> ". Amend this to read: " <i>26(c) Building design within the Massey North Town Centre Special Area shall achieve...</i> "	Opposed By: 300 IMF Westland Ltd
254/17	North Shore City Council	Amend Plan Change 15 to include suitable assessment criteria for limited discretionary and discretionary activities in the rules packages in the plan change to ensure the adequate control of activities (including industrial activities).	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited
257/276	Waitakere City Council	Amend Rule 26.4 to require compliance with the rules in Rule 26, not simply the assessment criteria.	
257/285	Waitakere City Council	Amend the last sentence of Rule 26.2 by deleting the following wording: health and safety and matters within Assessment Criteria 26(a) - 26(ar) and relevant assessment criteria in the Specified City-Wide Rules. and replacing with: <u>"and, in respect of Rule 26.2(a), Assessment Criteria 26(a), (b)-(as), in respect of Rule 26.2(b), Assessment Criteria 26(b), (c),(p),(ar),(as); in respect of Rule 26.2(c), Assessment Criteria 26(b)-(r),(v)-(ae), (ag) (ai)-(an), (ap)-(as); in respect of Rule 26.2(d), Assessment Criteria 26(t)-(an); in respect of Rule 26.2(e) Assessment Criterion 26(a),(o),(g),(r),(t)-(w)(ae)-(as)."</u>	Support and Opposed By: 108 Progressive Enterprises Limited
257/287	Waitakere City Council	Amend Rule 26 to add the following additional assessment criteria: <u>"The extent to which the site is of adequate size to accommodate the proposed Massey North Town Centre Activities together with associated carparking, landscape treatment and any other facilities.</u> <u>The extent to which proposed development makes the most efficient use of the land resource with the use of shared facilities between similar activities both on adjoining sites and in the vicinity."</u> And any consequential renumbering of assessment criteria [Note: proposed Assessment Criteria to require assessment under Rules 26.2 (a), (c), (e) (f) and (g)].	
257/288	Waitakere City Council	Amend Assessment Criteria 26(ak) that requires 'recognition' be given to non statutory standards; substitute to require	

		assessment of the extent to which there has been compliance with the relevant standard under the non statutory instrument.	
257/289	Waitakere City Council	Delete Assessment Criteria 26(aq) and place reference to ARC within the Notes section of Rule 26.	Supported By: 300 IMF Westland Ltd Opposed By: 250 Auckland Regional Council
257/290	Waitakere City Council	Delete Assessment Criteria that require consultation with public bodies; substitute with a 'Note' indicating that WCC will expect applicants to undertake consultation with public bodies, in particular the Auckland Regional Council, to address cumulative effect issues, especially associated with water quality.	Supported By: 300 IMF Westland Ltd Opposed By: 259 Transit New Zealand 250 Auckland Regional Council
257/306	Waitakere City Council	Delete Assessment Criteria that require consultation with public bodies; substitute with a 'Note' indicating that WCC will expect applicants to undertake consultation with public bodies, in particular the Auckland Regional Council, to address cumulative effect issues, especially associated with water quality.	Opposed By: 250 Auckland Regional Council

Discussion:

Submissions 107/66 and 108/90

These submissions request additional assessment criteria to cross reference to Policy 11.44. This is appropriate in principle as Policy 11.44 is relevant to the consideration of limited discretionary consent applications, but is not currently listed as a matter over which discretion is to be exercised. The simplest way to rectify this is to include Policy 11.44 as one of the matters over which discretion will be limited to. Therefore it is recommended that the last paragraph of Rule 26.2 be amended to include Policy 11.44 as one of the matters over which discretion is to be exercised.

Submissions 107/67 and 108/91

These submissions request an amendment to assessment criterion 26(c) to the effect that consistency with the Massey North Urban Concept Plan will be given greater weight than consistency with the assessment criteria. In response, while there may be instances where there is an inconsistency between the assessment criteria and the Massey North Urban Concept Plan. However, it may not be appropriate to the circumstances to automatically give priority to the urban concept plan, which is of a generalised nature. These judgements are best made according to specific circumstances. No change is recommended.

Submission 203/38

This submission requests various amendments to the last paragraph of Rule 26.2. In response the deletion of the duplicated "health and safety" is appropriate as is the replacement of "construction" with "design of and materials used in buildings". However, "location" should not just be limited to the location of buildings as there are other activities such as carparking which do not always involve buildings, but which need to be controlled. It is recommended that the last paragraph of Rule 26.2 be amended to this effect.

Submission 250/173

This submission requests that the phrase "the extent to which" in all assessment criteria be replaced with more directive wording. In response the phrase "the extent to which" is a suitable expression for assessment criteria and has been accepted by the Environment Court. No change is recommended.

Submission 254/17

This submission requests additional assessment criteria to control activities, particularly industrial activities. This submission is non-specific but it is recommended that the matters over which Council reserves discretion over be amended to include the matters in policies 11.44 and 11.45 as these matters are not all contained within the assessment criteria. This will provide for a more comprehensive basis for assessing consent applications.

Submission 257/276

This submission requests "Clarify rules to require compliance with the rules in Rule 26, not simply the assessment criteria". It is not completely clear what this submission is referring to but it is probably 26.4(b)

which currently only refers to the "Precinct Standards in Rule 26.2(a). It is recommended that this be amended to refer to the general standards in rule 26.2(f) and the precinct standards in rule 26.2(g) for clarity.

Submission 257/285

This submission requests amendments to the matters over which discretion is restricted to clarify which matters are relevant to which rules. It is recommended that this submission be accepted in principle as it would result in better correlation of rules with relevant assessment criteria. Therefore it is recommended that changes be made to the last paragraph of Rule 26.2 as described in Appendix 1.

Submission 257/287

This submission requests the addition of two new assessment criteria. The subject matter of the proposed assessment criteria is appropriate and will assist in achieving the purpose of the Act. It is recommended that the assessment criteria be inserted as requested.

Submission 257/288

This submission requests amendment of assessment criterion 26(ak) to replace "recognition has been given to" with "there has been compliance with the". This change is appropriate. It is recommended that this request be accepted. Note that this criterion is consequently renumbered as 26(ai) in Appendix 1.

Submissions 257/289, 257/290 and 257/306

These submissions request deletion of assessment criterion 26(aq) and any other assessment criteria that require consultation and replacement with a notation.

Assessment criterion 26(aq) relates to consultation with the ARC in respect of consent requirements. This is an inappropriate subject for an assessment criterion but is suitable for a notation. It is recommended that this request be accepted.

Assessment criteria 26(w) and 27(r) contain a notation on consultation. It is recommended that the notation be amended to the effect that consultation is a recommendation rather than an expectation. Note that 26(w) is renumbered 26(x) in Appendix 1.

Recommendation:

Submissions 107/67, 108/91 and 250/173 are rejected.

Submissions 107/66, 108/90, 203/38, 254/17, 257/276 and 257/285 are accepted in part to the extent shown in Appendix 1.

Submissions 257/287, 257/289, 257/290 and 257/306 are accepted as shown in Appendix 1.

5.41 Consent Conditions

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
203/46	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	<p>Amend Rule 26 - Resource Consent Conditions - as follows (additions underlined, and deletions in strikethrough):</p> <p>" In granting a <i>resource consent</i> Council may impose conditions. <u>With respect to restricted discretionary activities,</u> cConditions may <u>govern include</u> any one or more of the following matters:</p> <ul style="list-style-type: none"> • Requiring alterations to <i>design</i> and/or location of <u>buildings,</u> including adherence to design guidelines established for all development. • Limiting the scale of <i>activities</i> and other development • Requiring <i>onsite</i> or <i>offsite</i> works and services to avoid, remedy, mitigate or offset <u>relevant adverse effects.</u> • Such other matters provided for in section 408 of the Act" 	<p>Supported By: 81 IB, GA and IE Midgley</p> <p>Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd</p>

257/279	Waitakere City Council	Delete the words, under the heading 'Resource Consent Conditions' for Rule 26, "Such other matters provided for in section 108 of the Act" and insert the words: <u>"Such other matters provided for in the assessment criteria."</u>	Opposed By: 250 Auckland Regional Council
257/293	Waitakere City Council	Amend Rule 26 to insert a further bullet point under "Resource Consent Conditions" allowing a 10 year consent period in respect of Comprehensive Development Plans.	Supported By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited
257/307	Waitakere City Council	Delete the words, under the heading 'Resource Consent conditions' for Rule 27, "Such other matters provided for in section 108 of the Act" and insert the words: <u>"Such other matters provided for in the assessment criteria."</u>	Opposed By: 250 Auckland Regional Council

Discussion:

Submission 203/46

This submission requests a number of amendments to the statement on conditions. In response, this section is a generalised statement on conditions and it applies as much to discretionary and non-complying activities as it does to limited discretionary activities. Overall the amendments requested do not improve the statement. No change is recommended.

Submissions 257/279 and 257/307

These submissions request replacement of "Such other matters provided for in section 108 of the Act" with "Such other matters provided for in the assessment criteria." In response, this section is a generalised statement on conditions and it applies to discretionary and non-complying activities as well as limited discretionary activities. Therefore the requested change is inappropriate. No change is recommended.

Submission 257/293

This submission requests insertion of a clause allowing a 10-year period for comprehensive development plan resource consents. This request represents a doubling of the normal 5-year period. This is appropriate in the context of a comprehensive development plan. It is recommended that this request be accepted. However, note that under the Act, the applicant will still need to apply for the extension.

Recommendations:

Submissions 203/46, 257/279 and 257/307 are rejected.
Submissions 257/293 is accepted as shown in Appendix 1.

5.42 Existing Uses

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/267	Waitakere City Council	Delete Rule 26.1(b), and if it is felt necessary by the Council, a more generic statement could be provided at the beginning of each section of the Plan Changes prior to the list of permitted activities as a note confirming that lawfully established existing uses on land subject to applications are provided for by the Resource Management Act and may continue without the need for further authorisation unless they change their scale, intensity, or character.	
257/304	Waitakere City Council	Delete Rule 27.1(b) and if it is felt necessary, a more generic statement could be provided at the beginning of each section of the Plan Changes PRIOR to the list of permitted activities as a note confirming that lawfully established existing uses on land subject to applications are provided for by the Resource	

		Management Act and may continue without the need for further authorisation unless they change their scale, intensity, or character.	
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Discussion:

These submissions request deletion of rules 26.1(b) and 27.1(b). In response, these two rules are unnecessary as they restate existing use provisions of the Act. It is recommended that they be deleted. No additional notations are necessary.

Recommendation:

Submissions 257/267 and 257/304 are accepted with changes as shown in Appendix 1.

5.43 Signs

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/297	Waitakere City Council	Amend the Plan Change to include an additional rule to allow signage on consented buildings which complies with the Community Environment provisions of the District Plan, except for areas denoted as Apartment living which should be subject to the living environment provisions.	

Discussion:

This submission requests amendments to the rules controlling signs. In response, the intended effect of the submission is not entirely clear and the existing rules 26.1(e) 26.2(b) and 26.5 are confusing. There is also an error in the cross-referencing to Living Environment Rule 4, which should be 15. There is the potential for overlap and inconsistency in the various rules that may apply. Overall it is considered that greater certainty is needed as to which rules apply to particular areas. It is recommended that Community Environment Rule 12 should apply in all areas of the Massey North Town Centre Special Area, except the Apartment Residential, Drainage/ Ecological and Open Space areas. Within the Apartment Residential Area, the existing Living Environment Rule 15 could be applied. However, this is not entirely appropriate, as it is intended that the ground floor of apartment buildings can be used for commercial activities. Therefore it is recommended that Community Environment Rule 12 apply on the ground floor of apartment residential areas where the sign is for a non-residential activity on the ground floor of that building. In regards to the Drainage/ Ecological and Open Space areas, it is recommended that the Open Space Environment Rules apply.

Recommendation:

Submission 257/297 is accepted in part to the extent shown in Appendix 1

5.44 Natural Area Rules

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/259	Waitakere City Council	Amend the Natural Area rules to allow the Working and Community earthwork rules to apply to the proposed Special Areas.	

Discussion:

This submission requests that the Natural Area Rules which control earthworks in the Community Environment and Working Environment area be amended to apply to the Massey North special areas, in order to integrate consent requirements. In response, General Natural Area Rules 3.2 and 3.3 contain particular provisions for earthworks in the Community Environment and Working Environment. It is appropriate that the same approach applies in the special areas. Therefore it is recommended that these rules be amended to include the Massey North special areas.

Recommendation:

Submission 257/259 is accepted with changes as shown in Appendix 1.

5.45 City-wide Rules

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/248	Waitakere City Council	Amend Policy 11.44 to provide an explanation regarding how "City-Wide Rules" are to be applied when implementing the	Opposed By: 110 Warehouse Stationery Limited

		Massey North Town Centre Special Area Rules.	108 Progressive Enterprises Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
257/278	Waitakere City Council	Amend Rule 26.4 to clarify that any infringements to the City Wide rules as imposed for Massey North are a discretionary activity.	Opposed By: 108 Progressive Enterprises Limited

Discussion:

These submissions request changes to policy and rules to clarify the application of the City Wide rules. In response it is considered that the contents of policy in Proposed Plan Change 15 and Proposed Plan Change 18 are adequate and it is not clear that further changes to the policy would be of benefit. Rule 26.4 Discretionary Activities already states that '(e) Activities which do not meet the specified standards in City-Wide Rules – "Design Intensification Developments"'. The reference to "Design – Intensification Developments" should be changed to "City-Wide Urban Design Rules" for clarity. This appears to meet the submitters request without further amendment being necessary.

Recommendation:

Submissions 257/248 and 257/278 are accepted in part with changes as shown in Appendix 1.

5.46 Other Rules Applying

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
203/41	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend Rule 26.5 - Other Rules Applying as follows (additions underlined, and deletions in strikethrough): " The following rules of the <i>Plan</i> shall also apply to <i>Any Activity within the Massey North Town Centre Special Area:.....</i> "	Supported By: 81 IB, GA and IE Midgley Opposed By: 250 Auckland Regional Council 300 IMF Westland Ltd
257/298	Waitakere City Council	Amend the Plan Change to include cross reference within the rules to require compliance with Community Environment Rule 15.	

Discussion:

Submission 203/41

This submission requests a correction to 26.5 to clarify that it applies to Massey North and not Massey as a whole. This correction is appropriate and it is recommended that the amendment be accepted.

Submission 257/298

This submission requests an amendment to require compliance with Community Environment Rule 15. In response, Rule 26.5 already states that Community Environment Rule 15 applies within the Massey North Town Centre Special Area. No further change is required to give effect to the submitter's request. No change is recommended.

Recommendation:

Submission 203/41 is accepted with changes as shown in Appendix 1.
Submission 257/298 is accepted in part with no changes recommended.

5.47 Default Rules

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
107/70	Westfield (New Zealand) Limited	Amend Rule 26.4(d) - Discretionary Activities and Rule 26.6 - Non-Complying Activities to make it clear which activities will be classified as discretionary and non-complying activities.	Supported By: 300 IMF Westland Ltd Support and Opposed By: 208 Sylvia Park Business Centre Limited
108/95	Progressive Enterprises Limited	Amend Rule 26.4(d) - Discretionary Activities by adding those words in italics and underlined (or words to like effect): " <i>Any Activity not provided for as a Permitted,</i>	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd

		<i>Limited Discretionary Activity or Non-complying Activity”.</i>	
108/96	Progressive Enterprises Limited	Amend Rule 26.6 - Non-Complying Activities to make it clear which activities will be classified as non-complying activities in particular by adding the following (or words to like effect): <i>“Any Building or Any Activity within Town Centre Precinct B, not specifically provided for in the Special Area Definition of Massey North Town Centre Precinct B Activities under Rule 1.2.</i> <i>Any Building or Any Activity within Town Centre Precinct C, not specifically provided for in the Special Area Definition of Massey North Town Centre Precinct C Activities under Rule 1.2.</i> <i>Any Building or Any Activity within Town Centre Precinct D, not specifically provided for in the Special Area Definition of Massey North Town Centre Precinct D Activities under Rule 1.2”.</i>	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd Opposed By: 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd 110 Warehouse Stationery Limited
257/277	Waitakere City Council	Amend rules to clarify whether an activity qualifies as discretionary or non-complying. Review 26.4(d) and consider making Any Activity not provided for as a Permitted or Limited Discretionary Activity a Non-complying Activity.	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited

Discussion:

Submissions 107/70, 108/95, 108/96 and 257/277

These submissions all seek clarification of the overlap between rules 26.4(d) and 26.5. In response, the current drafting of these rules creates uncertainty as to whether the activities referred to in 26.4(d) are either a discretionary or non-complying activity. This uncertainty should be resolved and, on balance it is appropriate that activities not otherwise referred to in the rules, should be a non-complying activity. Therefore it is recommended that that Rule 26.4(d) be deleted. It is also recommended that Rule 26.6 be amended to clarify that activities not provided for in the precinct definitions are non-complying activities and that a corresponding amendment be made to rule 26.1 to clarify that activities provided for in the precinct definitions are permitted activities (note that buildings or subdivision will still require resource consent even if the activity is permitted).

Recommendation:

Submissions 107/70, 108/95, 108/96 and 257/277 are accepted in part with changes as shown in Appendix 1.

5.48 Financial Contributions

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/247	Waitakere City Council	Amend Policy 11.44 and its ‘Explanation’ to provide further clarification regarding ‘financial contributions’ verses ‘development contributions’.	Supported By: 300 IMF Westland Ltd Opposed By: 108 Progressive Enterprises Limited
257/254	Waitakere City Council	Amend Policy 11.45 and its ‘Explanation’ to provide clarification regarding ‘financial contributions’ verses ‘development contributions’.	
300/57	IMF Westland Ltd	Amend Assessment Criteria 26(an) (assume submitter means (as)) to insert the following at the end of the criteria: <i>Demonstrate the manner in which the financial contribution framework provides for efficient public infrastructure provision across</i>	Support and Opposed By: 81 IB, GA and IE Midgley

		<i>precinct or site boundaries.</i>	
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Discussion:

Submissions 257/247, 257/54 and 300/57

These submissions seek clarification of the way in which development contributions and financial contributions are to be applied to provide for infrastructure development.

In response, Council's Long Term Council Community Plan sets out the development contributions that will be payable. These development contributions are set under the Local Government Act 2002 and are independent of the district plan. Development contributions will be used to fund infrastructure such as but not limited to stormwater and wastewater.

Financial contributions will continue to be taken under section 409 of the RMA for reserve contribution processes, although this policy may be reviewed in the near future.

The content of policy 11.44 is appropriate, but the explanation should be amended to reflect the above. Also the phrase "including an upgrading contribution" should be deleted from assessment criterion as financial contributions will no longer be used to provide for infrastructure upgrades.

Recommendation:

Submissions 257/247, 257/54 and 300/57 are accepted in part with changes as shown in Appendix 1.

5.49 Flexibility / Discretion in Policies & Rules / Control v Permissiveness / Certainty

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
177/9	John Ingram	Amend to ensure that rules are 'watertight'	
257/246	Waitakere City Council	Amend Policy 11.44 to include a requirement to avoid activities that are contrary to the intent of the individual policy. Add the following additional bullet point to Policy 11.44: <i>"Activities that do not achieve the above policies shall be avoided."</i> Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
258/204	Auckland Regional Transport Authority	Amend so that the words "should" or "may" be replaced with the word "shall" in all policies included in Plan Change 15.	
264/50	Centre for Urban and Transport Studies	Amend the Plan Change to replace constraint policies with "enablement of people and communities" policies (including for business firms as communities), to meet the RMA's express purpose.	Supported By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd
300/27	IMF Westland Ltd	Reject Policy 11.44 and replace with that contained in Appendix A of this submission.	Supported By: 108 Progressive Enterprises Limited Opposed By: 110 Warehouse Stationery Limited 111 The National Trading Company of New Zealand Limited 109 The Warehouse Ltd Support and Opposed By: 81 IB, GA and IE Midgley
300/28	IMF Westland Ltd	Seeks that if Submission 300/27 is not accepted, amend Policy 11.44 to utilise the terms " <i>Encouraging</i> "...or " <i>It is desirable that....</i> " in the place of "Ensuring" or "Requiring" to generally reflect the	Supported By: 108 Progressive Enterprises Limited Support and Opposed By: 81 IB, GA and IE Midgley

		amendments proposed in Submission 300/27.	
300/72	IMF Westland Ltd	Amend Policy 11.45 to utilise the terms “ <i>Encouraging</i> ”...or “ <i>It is desirable that...</i> ” in the place of “Ensuring” or “Requiring”.	Supported By: 108 Progressive Enterprises Limited Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submission 177/9

This submission makes a generalised request for amendments to ensure that the rules are watertight. In response it is considered that the rules will be sufficiently robust to achieve the purpose of the Act, if they are amended as recommended in response to other submissions. No change is recommended

Submission 257/246

This submission requests specific changes to Policy 11.44. In response it is considered that the existing wording, e.g. “ensuring” “requiring”, of the bullets of Policy 11.44 is adequately directive. However, there is a related problem in that Policy 11.44 is not listed as a matter over which discretion is restricted to for limited discretionary activities. This prevents Policy 11.44 being taken into account when processing limited discretionary consent applications. Therefore it is recommended that the last paragraph of Rule 26.2 be amended to include reference to Policy 11.44 as one of the matters which Council will consider.

Submission 258/204

This submission requests that the words “should” or “may” be replaced with the word “shall” in all policies. In response, the policies do not use words such as “should” but do use words such as “ensuring”. Therefore the existing wording of policies achieves intent of the submission. No changes are recommended.

Submission 264/50

This submission seeks generalised changes to “constraint” policies to enable people and communities. In response the submission is of a very general nature. Proposed Plan Change 15 will enable people and communities and particularly businesses to meet their social and economic needs. To the extent that the policies create constraints, these are necessary to achieve the purpose of the Act including provision for people’s social and economic needs. No change is recommended.

Submissions 300/27, 300/28 and 300/72

These submissions seek that either Policy 11.44 be replaced as requested by the submitter, or alternatively replace “ensuring” and “requiring” with terms such as “encouraging” or “It is desirable that”. In response the existing choice of words is appropriate and necessary to assist the Council in achieving the purpose of the RMA and implementing the LGAAA. The phrases requested by the submitter would create uncertainty as to intended outcomes and substantially reduce the likelihood that they would be achieved. No change is recommended.

Recommendation:

Submission 264/50, 300/27, 300/28 and 300/72 are rejected.
Submission 177/9 and 258/204 are accepted in part with no changes recommended.
Submission 257/246 is accepted in part to the extent shown in Appendix 1.

5.50 Notification

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
257/260	Waitakere City Council	Amend ‘Special Area - Rule 1.0 General’ to include the number ‘28’ as follows: “The following Rules 1.1, 1.2 and 2 to <u>28</u> apply to activities situated in the Special Area.”	
257/261	Waitakere City Council	Amend ‘Special Area - Rule 1.1 Notification/Non-Notification General’ to include the number ‘28’ as follows: “In relation to <i>Controlled Activities</i> and <i>Limited Discretionary Activities</i> under the following Rules 2 to <u>28</u> applications...”	
300/70	IMF Westland Ltd	Amend Chapter 26 or make the necessary changes to the Special Areas chapter to provide discussion on notification / non-	Supported By: 108 Progressive Enterprises Limited

		notification when giving effect to Plan Change 15.	Support and Opposed By: 81 IB, GA and IE Midgley
300/77	IMF Westland Ltd	Amend Chapter 27 or make the necessary changes to the Special Areas chapter to provide discussion on notification / non-notification when giving effect to Plan Change 15.	Supported By: 108 Progressive Enterprises Limited Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

These submissions note that that Proposed Plan Change 15 does not make any statement about notification, and request amendments to clarify this.

In response, section 77D of the Act states:

*A **rule** for a **controlled activity** or a **restricted discretionary activity** may state whether applications for a **resource consent** for the activity may be decided without notification under section 93 or without service under section 94(1).]*

(See also section 94D).

In the absence of such a statement in the plan, the normal provisions of section 93 and 94/1 apply. Special Area Rule 1.1 does contain a statement on notification giving effect to section 77D of the Act. This rule applies to special areas 2 to 20, but through an oversight, Proposed Plan Change 15 did not extend the numbering to include the new special areas through to number 28.

The intention of Proposed Plan Change 15 was that the first round of comprehensive development plans within Massey North would be processed on a non-notified basis, without the written approval of affected parties. This is because the areas being developed are greenfield sites, and the general public has had an opportunity to make submissions on the Massey North Urban Concept Plan and related plan provisions within Proposed Plan Change 15. Subsequent development that is consistent with an approved comprehensive development plan should also be consented on a non-notified basis.

Therefore it is recommended that Special Area Rule 1.0 and Special Area Rule 1.2 be amended to refer to Special Areas 2 to 28.

Recommendation:

Submissions 257/260, 257/261, 300/70 and 300/77 are accepted with changes as shown in Appendix 1.

5.51 Clarity / Word Economy

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
107/68	Westfield (New Zealand) Limited	Amend the plan change to clarify Rule 1.2 and/or Rule 26 (as appropriate) to make it clear that any reference to the terms <i>Any Activity, Building</i> and any other relevant term in Rule 26 means an activity, building or development within the scope of the Rule 1.2 Special Area Definitions.	Supported By: 300 IMF Westland Ltd Support and Opposed By: 208 Sylvia Park Business Centre Limited
108/92	Progressive Enterprises Limited	Amend the plan change to clarify Rule 1.2 and/or Rule 26 (as appropriate) to make it clear that any reference to the terms <i>Any Activity, Building</i> and any other relevant term in Rule 26 means an activity, building or development within the scope of the Rule 1.2 Special Area Definitions.	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
257/212	Waitakere City Council	Amend the Plan Change to reword the policies, rules and assessment criteria to eliminate ambiguity and promote greater word economy. Further particulars of proposed amendments will be provided at any hearing of this Plan Change.	Supported By: 300 IMF Westland Ltd Opposed By: 108 Progressive Enterprises Limited
257/253	Waitakere City Council	Amend the 'Explanation' to Policy 11.44 to condense it in length.	Opposed By: 107 Westfield (New Zealand) Limited 108 Progressive Enterprises Limited

257/263	Waitakere City Council	Amend Rule 1.2 to clarify the proposed activity lists to provide greater certainty and direction to the activities to be contemplated for each of the respective precincts. Full particulars of the proposed changes will be provided at any hearing of the Plan Change.	<p>Supported By: 107 Westfield (New Zealand) Limited</p> <p>Opposed By: 258 Auckland Regional Transport Authority 108 Progressive Enterprises Limited</p>
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Discussion:

Submissions 107/68 and 108/92

These submissions seek changes to “make it clear that any reference to the terms Any Activity, Building and any other relevant term in Rule 26 means an activity, building or development within the scope of the Rule 1.2 Special Area Definitions.”

The term “Any Activity” is defined in the district plan to mean “a *Residential Activity* or a *Non Residential Activity*, but does not include a *Prohibited Activity* or a *Temporary Activity*”. The terms in italics are also defined in the plan.

The term “Non Residential Activity is defined as “any activity not defined as a Residential Activity or a Temporary Activity or a Prohibited Activity.”

The activities listed in Rule 1.2 Special Area Definitions for each precinct are all effectively subsets of “Any Activity”

The opening sentence of Rule 26.2(a) states:

“Prior to the establishment of *Any Activity* or *building* that is not a *Permitted Activity* under Rule 26.2, a Comprehensive Development Plan for any one or more of the following precincts...”

It is appropriate to refer to Any Activity in this context as the intention is that a comprehensive development plan be approved prior to any activity occurring other than permitted activities and existing uses. Note that there is an error in cross referencing to permitted activities where 26.2 should be amended to read 26.1.

However rule 26.2(b) should also state that the comprehensive development plans can only provide for the activities listed in Rule 1.2 Special Area Precinct Definitions. Therefore it is recommended that a statement to this effect be inserted into Rule 26.2(b).

The opening sentence of Rule 26.2(c) states:

“The erection or alteration of any building for a *Massey North Town Centre Precinct A Activity*, *Massey North Town Centre Precinct B Activity*, *Massey North Town Centre Precinct C Activity*; *Massey North Town Centre Precinct D Activity*; *Massey North Town Centre Precinct E Activity* provided that...”

There are potential deficiencies with this formulation.

Firstly, while the rule regulates erection or alteration of buildings for the precinct activities only, it does not regulate a use or change of use that does not require a building, or does not require an alteration to an existing building. This could result in activities being established that are not consistent with the precinct definitions set in Rule 1.2, as rule 26.6 – Non-complying Activities does not regulate establishment of activities that are inconsistent with the precinct definitions. Therefore it is recommended that Rule 26.6 be amended to apply to establishment of activities that are inconsistent with the precinct definitions.

Secondly, Rule 26.2(c) refers to the Precinct Activities but omits to cross reference to Rule 1.2 which would be desirable for clarity. Therefore it is recommended that Rule 26.2(c) be amended to include a cross reference to the definitions set in Rule 1.2

Submission 257/212

This submission seeks non-specific changes to eliminate ambiguity and promote greater word economy. It is recommended that this submission be accepted in principle and that the changes recommended in response to other submissions will address this submission.

Submission 257/253

This submission requests condensation of the length of the explanation for Policy 11.44. In response while the explanation is lengthy and could be condensed, further submitters oppose a condensation. Therefore no change is recommended.

Submission 257/263

This submission requests clarification of “the proposed activity lists to provide greater certainty and direction to the activities to be contemplated for each of the respective precincts.” In response, the activity definitions themselves are sufficiently clear, subject to any amendments made in response to other submissions. However, there is a deficiency in the cross referencing between the Rule 1.2 and Rule 26. This is discussed in more detail above in response to submissions 107/68 and 108/92, and the same recommendations apply. Also, under the existing rules it is unclear whether the activities are intended to be permitted or subject to a resource consent (in addition to that required for CDP and buildings). Therefore it is recommended that rules 26.1 and 26.6 be amended to clarify that the activities are permitted provided that they occur within the relevant precinct and are consistent with the CDP for that precinct.

Recommendation:

Submission 257/253 is rejected.

Submissions 107/68, 108/92, 257/211 and 257/263 are accepted in part with changes as shown in Appendix 1.

5.52 Errors

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
108/104	Progressive Enterprises Limited	Amend the Plan Change to correct the referencing in Rule 26.2(a) and Assessment Criteria 26(u)(vi).	Supported By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd
203/40	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Amend Rule 26.4 - Discretionary Activities as follows (additions underlined, and deletions in strikethrough): "The following are <i>Discretionary Activities</i> : (b) Activities which do not satisfy the Precinct Standards in Rule 26.2(a)."	Supported By: 81 IB, GA and IE Midgley Opposed By: 108 Progressive Enterprises Limited 250 Auckland Regional Council 300 IMF Westland Ltd
257/237	Waitakere City Council	Amend Policy 11.44 by deleting the word “core” in Bullets 9 & 10.	
300/48	IMF Westland Ltd	Amend Rule 26.2(f)(xv) as follows. Details of how the Precinct will comply with the Performance Standards of 26.3.	Support and Opposed By: 81 IB, GA and IE Midgley

Discussion:

Submission 108/104

This submission requests corrections to the referencing Rule 26.2(a) and assessment criterion 26(u)(vi). In response there are errors in cross-referencing. The reference to permitted activities should be amended to refer to rule 26.1, the reference to General Standards should be amended to refer to rule 26.2(f) and the reference to Additional Precinct Standards should be amended to refer to Rule 26.2(g). It is probable that the submitter is referring to Rule 26.2(f)(vi) as there is no 26(u)(vi). Rule 26.2(f)(vii) incorrectly refers to Policy 11.42. This should refer to Policy 11.44. It is recommended that these corrections be made.

Submission 203/40

This submission requests correction of an error in the cross-referencing in Rule 26.4(a) which refers to the standards in Rule 26.2(a). It is recommended that this be amended to referencing to 26.2(f) and (g).

Submission 257/237

This submission requests removal of “core” from bullets 9 & 10 of Policy 11.44. This is appropriate as the Town Centre as shown on the Massey North Urban Concept Plan extends across both precincts A and C. The phrases “Precinct A” and “Town Centre” and “Core” are sometimes used interchangeably but they do not cover the same area. For clarity it is recommended that these bullets be amended to just refer to Town Centre and a notation be inserted to the effect that Town Centre is as shown on the Massey North Urban concept Plan, or Comprehensive Development Plan consent. Consequentially it is also recommended that bullets currently located in Precinct A policy but applying more generally to the whole Town Centre area, should be relocated to the general section of the policy.

Submission 300/48

This submission requests correction of an error in the cross referencing within Rule 26.2(f)(xv) which should refer to Rule 26.3. It is recommended that this submission be accepted.

Recommendation:

Submissions 108/104, 203/40, 257/237 and 300/48 are accepted with changes as shown in Appendix 1.

5.53 Consequential Changes

NO.	Submitter	Summary of Decision Sought	Further Submitter/s
109/104	The Warehouse Ltd	Amend the explanation of Policy 11.44 to make changes consequent to those set out in submissions 109/92-109/103.	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
110/104	Warehouse Stationery Limited	Amend the explanation of Policy 11.44 to make changes consequent to those set out in submissions 110/92-110/103.	Opposed By: 300 IMF Westland Ltd 108 Progressive Enterprises Limited 208 Sylvia Park Business Centre Limited
111/101	The National Trading Company of New Zealand Limited	Amend the explanation of Policy 11.44 to make changes consequent to those set out in submissions 111/89-111/100.	Opposed By: 208 Sylvia Park Business Centre Limited 300 IMF Westland Ltd 108 Progressive Enterprises Limited
203/12	AMP NZ Property Development Ltd & AMP Capital Investors (NZ) Ltd	Delete the text in Policy 11.44 - Explanation relating to Town Centre Precinct Area B.	Supported By: 81 IB, GA and IE Midgley Opposed By: 250 Auckland Regional Council 300 IMF Westland Ltd

Discussion:

Submissions 109/104, 110/104 and 111/101

These submissions seek unspecified changes consequential to other submissions by the same submitters. It is recommended that any consequential changes necessary can be dealt with during preparation of the Panels final report. No changes are recommended at this point in time.

Submission 203/12

This submission seeks changes to the explanation for Policy 11.44. Other submissions by the same submitter request major changes to the provisions of Precinct E consistent with the revised urban concept plan presented by the submitter. The revised urban concept plan presented by the submitter is discussed in more detail in section 5.12 above, where it is recommended that it be rejected. Therefore no change to the explanation of Policy 11.44 is recommended.

Recommendation:

Submission 203/12 is rejected.

Submissions 109/104, 110/104 and 111/101 are accepted in part with no changes recommended.