

AUCKLAND UNITARY PLAN OPERATIVE IN PART

Proposed Plan Change 107 (Private): Whenuapai Business Park

SUMMARY OF DECISIONS REQUESTED

Enclosed:

- **Explanation**
- **Summary of Decisions Requested**
- **Submissions**

Explanation

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by 07 February 2025.
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

Summary of Decisions Requested

Plan Change PC 107 (Private): Whenuapai Business Park

Summary of Decisions Requested

| Sub # | Sub Point | Submitter Name | Address for Service | Summary of Decisions Requested |
|--------------|------------------|-----------------------------------|--|--|
| 1 | 1.1 | David George Allen | Dave.Allen@outlook.co.nz | Accept the proposed plan change with amendments as outlined |
| 1 | 1.2 | David George Allen | Dave.Allen@outlook.co.nz | Seeks for walking and cycling access on Kauri Road, and further analysis on whether improvement works are required for the Kauri Road/Brigham Creek intersection. |
| 2 | 2.1 | Maraetai Land Development Limited | info@campbellbrown.co.nz | Supports PPC107 |
| 2 | 2.2 | Maraetai Land Development Limited | info@campbellbrown.co.nz | Seeks that the Council approve PPC107 |
| 3 | 3.1 | Cabra Development Limited | duncan@cabra.co.nz | Supports PPC107 |
| 3 | 3.2 | Cabra Development Limited | duncan@cabra.co.nz | Seeks for the activity table I6X.4.1 to be amended to resolve a potential error in Activity (A4) |
| 3 | 3.3 | Cabra Development Limited | duncan@cabra.co.nz | Seeks clarification about whether an infringement arises if subdivision, use or development is not in accordance with the precinct plan |
| 3 | 3.4 | Cabra Development Limited | duncan@cabra.co.nz | Seeks amendments to require additional mitigation in order to reach the maximum build out of 150,000m ² GFA, and/or additional assessment criteria to consider the need for other mitigation measures should the 725 vph be exceeded. |
| 3 | 3.5 | Cabra Development Limited | duncan@cabra.co.nz | Seeks for the plan change to be approved, subject to amendments as sought. |
| 4 | 4.1 | Watercare Services Limited | planchanges@water.co.nz | Decline the plan change, but if approved, make the requested amendments |

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|--------------|------------------|----------------------------|--|---|
| 4 | 4.2 | Watercare Services Limited | planchanges@water.co.nz | Seeks amendments to PPC107 precinct description, objectives and policies, rules/standards, matters of discretion, precinct plans, and special information requirements to address stormwater and flooding effects so that there is no increase in flood levels at the Whenuapai Wastewater Pump Station or that could compromise its operation. |
| 5 | 5.1 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Opposes the plan change in part, and if approved, PPC107 is amended to reflect the decisions sought in the submission. |
| 5 | 5.2 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks for the plan change to adequately provide for the strategic integration of transport, wastewater and water infrastructure and address funding of this infrastructure. |
| 5 | 5.3 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks for the inclusion of a new policy to ensure bulk water supply and wastewater infrastructure is provided prior to subdivision and development |
| 5 | 5.4 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks amendments to the precinct provisions to require a Restricted Discretionary Activity consent for the construction of a vehicle crossing on Trig Road. Further, seeks amendments to the precinct plans to provide a fourth leg on intersection 'A' to provide access to the western side of Trig Road. |

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| 5 | 5.5 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks information on how development enabled within the plan change are will avoid creating new risks to people, property and infrastructure, including the wastewater pump station. |
| 5 | 5.6 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | seeks the plan change is declined in its entirety, unless the matters raised in this submission are addressed. |
| 5 | 5.7 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks for Objectives I1.2(1) - (10) be retained |
| 5 | 5.8 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks for Policies I1.2(1) - (14) be retained |
| 5 | 5.9 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks the inclusion of a new policy as follows: (X) Avoid subdivision and development occurring that does not align with the provision of sufficient capacity in the water and wastewater network to service the Precinct. |
| 5 | 5.10 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks amendments to precinct Activity (A2) to include any use and development not complying with Standard IX.6.4 as a non-complying activity |

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| 5 | 5.11 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | <p>Seeks amendments to Standard IX.6.4 Wastewater and Water Supply Infrastructure as follows:</p> <p>a) The Any subdivision and the construction of any new buildings within the Precinct can only proceed following the completion and commissioning of the must be able to be connected to publicly available functioning bulk wastewater and water network that is completed and commissioned with sufficient capacity to service the subdivision or development. supply infrastructure as is required within its catchment.</p> <p>b) Note: Standard I1.6.4(a) will be considered to be complied with if the identified upgrades are constructed and operational: i. prior to the lodgement of a resource consent application; OR ii. form part of the same resource consent, or a separate resource consent, which is given effect to prior to release of the certificate under section 224(c) of the Resource Management Act 1991 for any subdivision; OR iii. prior to occupation of any new building(s) for a land use only.</p> |

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|--------------|------------------|---------------------------|--|--|
| 5 | 5.12 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks amendments to precinct provisions to impose vehicle access restrictions on Trig road as a Restricted Discretionary Activity, with the assessment criteria/matters of discretion to be based on E27.8.1(12) and E27.8.2(11) |
| 5 | 5.13 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks amendments to the precinct provisions and precinct plans (Infrastructure Staging) to show a fourth leg on intersection 'A' to provide access to the orange shaded area on the western side of Trig Road. |
| 5 | 5.14 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | Seeks amendments to the precinct provisions to address flood risk to properties and infrastructure outside the plan change area and include provisions to require any upgraded infrastructure to provide safe egress and/or mitigate flood risk. |
| 5 | 5.15 | Auckland Council | unitaryplan@aucklandcouncil.govt.nz | seeks any other alternative or consequential relief to address the matters outlined in this submission. |
| 6 | 6.1 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Supports PPC107, but seeks amendments to the proposed precinct provisions and additional amendments to cover any points raised that are not currently addressed in the proposed precinct provisions |

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| 6 | 6.2 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks that the PPC 107 Precinct provisions (and associated maps) reflect the Obstacle Limitation Surface restriction, possibly though a height overlay or similar. |
| 6 | 6.3 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks for development that the constraints contained in designation 4311 of the AUP, are incorporated into PPC107 Precinct Provisions including a requirement to obtain NZDF approval. |
| 6 | 6.4 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seek to ensure that the safe and efficient access to the RNZAF Base Auckland is not compromised by development enabled by PPC107 |
| 6 | 6.5 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks to ensure that development enabled under PPC 107 does not exacerbate flood risk hazard on RNZAF Base Auckland, and seeks consideration of flooding and stormwater effects on RNZAF Base Auckland. |
| 6 | 6.6 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks amendment to the precinct description as follows: ...RNZAF Base Auckland is a <u>strategic</u> defence facility of national and regional <u>strategic</u> importance. ...This approach is consistent with Regional Policy Statement provisions that recognise the <u>functional</u> and operational needs of infrastructure... |

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| 6 | 6.7 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks amendments to Precinct Objective I1.2(8) as follows: Stormwater devices avoid, as far as practicable, or otherwise minimise or mitigate adverse effects on the receiving environment, and including the attraction of birds that could become a hazard to aircraft operations at RNZAF Base Auckland.” |
| 6 | 6.8 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks Precinct Objective I1.2(9) be retained as notified |
| 6 | 6.9 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks amendments to Precinct Objective (9) heading and to delete objective (10), as follows: Effects of <u>on</u> RNZAF Base Auckland (9)... (10) The adverse effects of aircraft engine testing noise on activities sensitive to aircraft noise are avoided, remedied, or mitigated at the receiving environment. |

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| 6 | 6.10 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks amendments to Precinct Policy I1.3(10) as follows: (10) <u>Require</u> the stormwater management outcomes and devices for the site shall <u>to</u> be planned, designed, and implemented to avoid attracting birds and therefore mitigate the potential for bird strike to impact safety and flight operations at RNZAF Base Auckland. |
| 6 | 6.11 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks amendments to Precinct Policy I1.3(13) as follows: (13) Require subdivision, use and development within the Precinct to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects, and safety risks relating to bird strike, lighting, glare and reflection, on the operation and activities of RNZAF Base Auckland. |
| 6 | 6.12 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks for Precinct Policy I1.3(14) be retained as notified |

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| 6 | 6.13 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | <p>Seeks the following amendment to the wording above the Activity table:</p> <p>In addition to the provisions of the Precinct, reference should also be had to the planning maps (GIS Viewer) which show the extent of all designations, overlays and controls applying to land within the Whenuapai Business Park Precinct. Development in the Precinct is subject to height restrictions under Designation 4311 <u>and land use and subdivision in specified areas requires the written approval of the New Zealand Defence Force.</u> Reference should also be made to Whenuapai Airbase Designation 4310 including the Aircraft Noise provisions of Condition 1 and associated Airbase Noise maps. This Precinct introduces additional 57 dB Ldn and 65 dB Ldn noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise within this area.</p> |
| 6 | 6.14 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks for Precinct Activity (A3) to be retained as notified |

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| 6 | 6.15 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks clarity of the wording of I6XX.4.1(A4) to: - Retain a non-complying activity status for activities that do not comply with Standard I1.6.11 development within the aircraft engine testing noise boundaries. - Separate out and make clear the activity status of non-compliance with Standards I1.6.5 to I1.6.10. |
| 6 | 6.16 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks the deletion of Precinct Activity (A7) |

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| 6 | 6.17 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | <p>Seeks amendments to I1.5 Notification as follows:</p> <p>...</p> <p>(2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to:</p> <p>(a) those persons listed in Rule C1.13(4); <u>and</u> (b) <u>The New Zealand Defence Force in relation to any proposal that does not comply with:</u> <u>(i) I1.6.3(d) Stormwater management (dry detention basins or stormwater ponds);</u> <u>(ii) I1.6.5 Bird strike;</u> <u>(iii) I1.6.9 Lighting;</u> <u>(iv) I1.6.10 Noise;</u> <u>(v) I1.6.11 Development within the aircraft engine testing noise boundaries</u></p> |

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| 6 | 6.18 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | <p>Seeks a new standard to be included in PPC107 Precinct provisions, which is as follows:</p> <p><u>Standard I1.6.12 Land use and subdivision within “conditional” [or “NZDF approval”] overlay (or similar):</u></p> <p>a) <u>The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the “conditional” [or “NZDF approval”] overlay.</u></p> |
| 6 | 6.19 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks Standard I1.6.3 Stormwater management to be retained as notified |
| 6 | 6.20 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks Standard I1.6.5 Bird strike to be retained as notified |
| 6 | 6.21 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | <p>Seeks amendments to Standard IX.6.6 Yards, to include the following:</p> <p>d) <u>Vegetation planting must be of species unlikely to be attractive to large and/or flocking bird species.</u></p> |

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| 6 | 6.22 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | <p>Seeks amendments to Standard I1.6.9 as follows:</p> <p><u>I1.6.9 Lighting, glare, and reflection</u></p> <p>Purpose:</p> <ul style="list-style-type: none"> • To manage reverse sensitivity effects on RNZAF Base Auckland • To avoid or minimise the effects of lighting on aircraft descending to land at RNZAF Base Auckland. <p>a) Any subdivision and development must avoid effects of lighting on the safe and efficient operation of RNZAF Base Auckland, to the extent that lighting:</p> <ol style="list-style-type: none"> i. Avoids simulating approach and departure path runway lighting ii. Ensures that clear visibility of approach and departure path runway lighting is maintained; and iii. Avoids glare or light spill that could <u>affect flight safety</u> or aircraft operations. <p>b) External building materials must be constructed with the following:</p> <ol style="list-style-type: none"> i. <u>Roof surfaces</u> and external building surfaces (excluding vertical surfaces) <u>greater than 10m above ground level</u> must not exceed a reflectivity (specular reflectance) of <u>2030% white light where located 10m above ground level</u>; and all roof surfaces. c) No person may illuminate or display the |

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| 6 | 6.23 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | <p>Seeks amendments to Standard I1.6.10 Noise as follows:</p> <p>I1.6.10 Noise Purpose:</p> <ul style="list-style-type: none"> To ensure that potential reverse sensitivity effects of noise from <u>on</u> the adjacent RNZAF Base Auckland are appropriately <u>avoided, remedied, or mitigated</u> addressed and provided for within the Precinct. <p>a) A no-complaints covenant or consent notice shall be included on each title issued within the precinct. This covenant or consent notice shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland <u>the New Zealand Defence Force</u> under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 and successive legislation or otherwise in respect of any noise associated with the RNZAF Base Auckland.</p> |
| 6 | 6.24 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks Standard I1.6.11 is retained as notified |

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| 6 | 6.25 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | <p>Seeks for a new standard to be inserted into the PPC107 Precinct:</p> <p><u>11.6.X. Temporary activities and construction Purpose:</u></p> <ul style="list-style-type: none"> • to avoid safety and operation risk effects on the RNZAF Base Auckland. <p><u>(1) Any application for subdivision and development that requires the use of a temporary structure or construction equipment that infringes the Obstacle Limitation Surface must seek written approval from the RNZAF Base Auckland.</u></p> |
| 6 | 6.26 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | <p>Seeks amendments to the Matters of Discretion 11.7.1(1) as follows:</p> <p>f) Effects of <u>on</u> the operation of RNZAF Base Auckland including reverse sensitivity effects and any measures to avoid, remedy or mitigate these effects;</p> |

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| 6 | 6.27 | New Zealand Defence Force | rebecca.davies@nzdf.mil.nz AND kbaverstock@tonkintaylor.co.nz | Seeks amendments to the I1.7.2 Assessment Criteria as follows: (5) The effects on the operation of the RNZAF Base Auckland, including potential reverse sensitivity effects and effects on aircraft safety, in relation to: a) Lighting, and glare, and reflection; b) Temporary structures and construction; and c) Noise |

Submissions

Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991
FORM 5



Send your submission to unitaryplan@aucklandcouncil.govt.nz or post to :

Attn: Planning Technician
Auckland Council
Level 16, 135 Albert Street
Private Bag 92300
Auckland 1142

| |
|---------------------|
| For office use only |
| Submission No: |
| Receipt Date: |

Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name) Mr David George A LIEN

Organisation Name (if submission is made on behalf of Organisation)

n/a

Address for service of Submitter

23 Waimarie Road, Whenuapai, Auckland 0618

Telephone: Email:

Contact Person: (Name and designation, if applicable)

Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

Plan Change/Variation Name

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes No

The reasons for my views are:

Insufficient consideration of walking/cycling access on Kauri road, and to the Kauri Road/Brigham Creek Road intersection

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

Provide walking/cycling access on Kauri road, and further analysis of the Kauri Road/Brigham Creek Road intersection

1.1

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

Dave Allen
Signature of Submitter
(or person authorised to sign on behalf of submitter)

11/13/2024
Date

Notes to person making submission:

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could /could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am / am not directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Submission on PC107 from D G ALLEN.

- 1) An enormous amount of work has gone into the application which seems at variance with the conclusion in Appendix D, section 5, that:-

“ the proposed road cross sections and network allows the WBPPC to be accessible by all transport modes: walking, cycling, bus and private vehicles”

For decades the local population have sought a cycling/walking path along Kauri Road, and the lack of one is at variance with the above statement.

This apparent conflict would appear to need resolution

- 2) While it is understood that the development area under PC 107, does not quite extend to the Kauri Road/ Brigham Creek Road intersection, extensive study on that intersection is reported in App.D based on SIDRA etc modelling, and Auckland Council have issued RFI #3 & #14 accordingly.(pages 86 & 91 of 95)

The data in Figures 17 & 18 (pages 24 & 25) is supported by data (page 87/95 of submission App D), but the values seem of high significance, even when the Austroad rules are applied with reduced distancing.

Should work be conducted to improve this intersection ?

- 3) It is noted that the green/red colours created by the “Waka App” in the diagram on page 10 of Appendix D, have e.g. the area including Waimarie Road Whenuapai and Herald Island “red” meaning work destinations, when they are clearly residential areas, which casts doubt on related transport studies referenced above.

Is this “Waka App’ data realistic ?, - as if not it would seem to affect many transport issues.

1.2

FORM 5

SUBMISSION ON PRIVATE PLAN CHANGE 107 – WHENUAPAI BUSINESS PARK

To: Auckland Council
Private Bag 92300
Auckland 1142

Name of Submitter: Maraetai Land Development Limited

Maraetai Land Development Limited ('the Submitter') provides this submission on Private Plan Change 107: Whenuapai Business Park.

Auckland Council has accepted a private plan change request to the Auckland Unitary Plan (Operative in Part) from Neil Construction Limited under Schedule 1 to the Resource Management Act 1991 (RMA). The purpose of the private plan change is described in the public notice as the following:

- This private plan change seeks to rezone the land from Future Urban Zone to Business – Light Industry Zone.
- The private plan change seeks to apply a new Whenuapai Business Park Precinct over the land to manage effects of future development on the land and to apply the Stormwater Management Area Flow control.

The Submitter owns or has interest in land within the Whenuapai area.

The Submitter could not gain an advantage in trade competition through this submission and the submission does not raise matters that relate to trade competition or the effects of trade competition.

The Submitter **supports** the Private Plan Change 107: Whenuapai Business Park in its entirety.

2.1

The reasons for the Submitter's support are:

1. The private plan change would generally promote the sustainable management of natural and physical resources, in accordance with Part 2 of the Resource Management Act 1991;
2. The private plan change is consistent with the objectives and policies of the Auckland Unitary Plan and other provisions in relevant statutory planning instruments;
3. The private plan change ensures that appropriate infrastructure upgrades and new infrastructure are provided to enable the planned growth and intensification of this part of Auckland; and

4. The private plan change would establish employment land to support the existing and planned residential areas in Whenuapai, promoting the use of public transport and active modes, such as cycling, and reducing the dependency on private vehicles.

Relief sought:

The Submitter seeks that the Council **approve** the private plan change.

2.2

The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the submitter would consider presenting a joint case with them at any hearing.

Maraetai Land Development Limited

5th December 2024

Address for service of submitter:

C/- Campbell Brown Planning Limited
PO Box 147001
Ponsonby
AUCKLAND 1144

Attention: Campbell Brown Planning Limited

Telephone: (09) 378 4936

Email: info@campbellbrown.co.nz

SUBMISSION ON A NOTIFIED PROPOSAL FOR POLICY STATEMENT OR PLAN, CHANGE OR VARIATION

CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142
unitaryplan@aucklandcouncil.govt.nz

Name of submitter: Cabra Development Limited ("**Cabra**")

Introduction

1. This is a submission on an application for a Private Plan Change 102 ("**PC107**") to the Auckland Unitary Plan (Operative in Part) ("**AUP**") by Neil Construction Limited ("**Applicant**").
2. The Applicant proposes to rezone approximately 47.5ha of land within Whenuapai from Future Urban zone to Business – Light Industry zone, as well as to introduce a Precinct and to apply the Stormwater Management Area – Flow 1 control to the plan change area.
3. Cabra is a land development company established in 1987. Cabra specialises in greenfield subdivision within the western and northern parts of the Auckland region. Cabra owns various properties in Whenuapai including the site at 90 Trig Road, which is located to the south of the plan change area, and 15 Clarks Lane, and 10, 14 and 16 Sinton Road, to the east of the plan change area.
4. Cabra is a potential trade competitor for the purposes of the Resource Management Act 1991 ("**RMA**") as it has landholdings that are located within the same transport network, and may be directly affected by transportation effects arising from the proposal as set out in the following submission.

Scope and Reasons for Submission

5. Cabra **supports** the Application, subject to matters raised in this submission, on the basis that, if the matters in this submission are addressed, the Application:
 - a) will promote the sustainable management of resources and therefore will achieve the purpose and principles of the RMA;
 - b) is generally consistent with Part 2 and other provisions of the RMA;

3.1

- c) will meet the reasonably foreseeable needs of the future generations;
 - d) will enable social, economic and cultural wellbeing;
 - e) is generally consistent with the purposes and provisions of the relevant statutory planning instruments, including the Unitary Plan and the anticipated outcomes of the Whenuapai Structure Plan and Future Development Strategy;
 - f) will avoid, remedy or mitigate adverse environmental effects, including on the surrounding road network.
6. The following comments are made in particular without derogating from the generality of the above.

Submission

7. Cabra supports the proposed plan change application as it is generally aligned with the outcomes anticipated by the Whenuapai Structure Plan 2016, will unlock greenfield development in a manner that is integrated with the delivery of upgrades to transport and three waters infrastructure, and it will deliver the efficient use of land for light industrial activities which provides employment opportunities for existing and future residential development in Whenuapai, reducing travel distances (and 'vehicle kilometers travelled') within the surrounding road environment and beyond.
8. The following specific comments are made in respect of infrastructure and servicing, transport and planning matters, in support of the application.

Infrastructure and servicing

9. Cabra supports the proposed approach to stormwater management as set out in the Stormwater Management Plan, acknowledging the stormwater catchment is different from the catchments that are relevant to Cabra's landholdings at Trig Road, Clarks Lane and Sinton Road.
10. Cabra supports the proposed water and wastewater solution on the basis that subdivision and construction of new buildings cannot proceed until the required infrastructure upgrades and network within the catchment are completed and operational.
11. Further, we note that the plan change area is not reliant on Watercare's wastewater packages 1 and 2 (Massey Connector & Northern Interceptor project), which are not expected to be completed until late 2028.

Transportation

12. Cabra supports the Applicant’s proposed upgrades to Brigham Creek Road, Trig Road, and the identified intersections, to the design intended by the Supporting Growth Alliance’s Notices of Requirement.
13. Cabra supports the staged approach to the delivery of upgrades via the infrastructure staging plan (Drawing C-4800 revision E). These upgrades will not only mitigate the adverse effects of the plan change but also positively contribute to and enable wider urbanisation in Whenuapai, particularly the proposed upgrade of the Trig Road and Brigham Creek Road intersection.

Precinct Provisions

14. The following observations are provided in respect of the proposed precinct provisions to assist with the interpretation and implementation of the precinct.

Activity Table

15. In respect of Activity Table I6X.4.1(A4), there appears to be a drafting error whereby the non-complying activity status appears to apply to development within engine testing noise boundaries, and development that does not comply with any other standard. The relevant text is underlined below for assistance. We anticipate the rule was not intended to capture standard infringements as blanket non-complying activities. There may be an assumption that Rule C1.9(2) applies, however we suggest this is not explicit enough and requires further clarification. Moreover, consequential amendments may be required accordingly.

3.2

| | | |
|------|--|----|
| (A4) | Activities <u>that do not comply</u> with: <ul style="list-style-type: none"> • Standard XX Development within the aircraft engine testing noise boundaries; <u>but do not comply</u> with any one or more of the other standards contained in Standards X. | NC |
|------|--|----|

16. The Activity Table is clear that consent is required as a restricted discretionary activity to infringe Standard IX.6.2 Trip generation. Perhaps a new row in the Activity Table to confirm the activity status for infringements to standards would assist, directing readers to the assessment criteria at I1.7.2 accordingly.
17. We query whether an infringement arises in the event that subdivision, use or development is not in accordance with the proposed Precinct Plan – this is not mentioned in the Activity Table. In other examples within Whenuapai, activity in accordance with the Precinct Plan (and/or Staging Plan in this case) would be

3.3

restricted discretionary, and activity not in accordance with the Precinct Plan would be non-complying. It is possible the Plan Change proponent considers a permitted activity status for activity in accordance with the Precinct Plan is appropriate, as opposed to introducing a further consent matter, especially given the underlying Light Industry zoning.

3.3

18. It is unclear whether the staging of development and infrastructure is required to be carried out in a particular order, and if so, what planning framework applies should an infringement arise in this regard. For example, if the area shown in blue is delivered first, what effects arise if Intersection A is not in place at the time of use and development (given Intersection A is not required to be delivered until the area shown in red is developed), and so on.

Standard I1.6.2 Trip generation

19. The Integrated Transport Assessment (“ITA”) identifies at section 3.4 that the Precinct can accommodate up to 151,200m² GFA of industrial activity. However, the ITA explains that modelling identifies that ‘sensitivities’ arise in the road network from the volume of trips (950 trips at peak hour) that would be generated from this GFA. The ITA identifies that reducing the volume of trips to 725 trips at peak hour would retain spare capacity in the traffic network, including when the proposed intersection and road upgrades are included in the model. On this basis, Standard I1.6.2 Trip generation proposes to cap gross floor area at 115,000m² unless a traffic monitoring report demonstrates that *‘peak hour trip generation from all existing or consented development in the Precinct does not exceed 725 vehicles per hour’*.
20. While acknowledging that at this early stage and without the intersection upgrades being place, a high degree of assumption is required to foreshadow traffic rates and distributions. We also acknowledge that this business plan change will create job opportunities for the existing and emerging local community, and traffic will be travelling to/from the plan change area from nearby locations, supporting the reduction of traffic demand on the networks otherwise travelling to the Metropolitan Centre, SH16 and SH18. However, there appears to be ‘gap’ in traffic generation in the immediate local network that does not appear to be mitigated by the proposed transport upgrades, being the difference in traffic of 725 and 950 vehicles per hour (peak). We query whether the precinct standards could or should require additional mitigation in order to reach the maximum build out of 150,000m² GFA, and/or whether additional assessment criteria may be required to consider the need for other mitigation measures should the 725 vph be exceeded.

3.4

Relief Sought

21. On the basis that the above queries are resolved, it is considered that the plan change application generally reflects the anticipated outcomes of the Whenuapai Structure Plan and Future Development Strategy, and will deliver a well-functioning urban environment that provides opportunities for local employment coincidentally with residential growth in Whenuapai.
22. Cabra seeks that the Plan Change is approved, subject to resolution of the matters outlined in this submission. | 3.5
23. Cabra does not wish to be heard in support of its submission.

DATED at Auckland this 6th day of **December 2024**

Signature:



Duncan Unsworth
General Manager
Cabra Developments Limited

Address for Service:

PO Box 197
Orewa
Auckland
duncan@cabra.co.nz

From: UnitaryPlanSubmissionForm@donotreply.aucklandcouncil.govt.nz
To: [Unitary Plan](#)
Subject: Unitary Plan Publicly Notified Submission - Plan Change 107 - Watercare
Date: Friday, 6 December 2024 3:16:12 pm
Attachments: [Watercare Submission to PPC 107 - Whenuapai.pdf](#)

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Watercare

Organisation name: Watercare

Agent's full name:

Email address: markbishop@water.co.nz

Contact phone number: 022 010 6301

Postal address:

Remurewa
Auckland 1050
Remurewa
Auckland 1050

Submission details

This is a submission to:

Plan change number: Plan Change 107

Plan change name: PC 107 (Private): Whenuapai Business Park

My submission relates to

Rule or rules:
Plan Change 107

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Please see attached submission.

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Please see our attached submission

Submission date: 6 December 2024

Supporting documents
Watercare Submission to PPC 107 - Whenuapai.pdf

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

[Check water quality and swimming conditions. Decide with Safeswim.](#)



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Auckland Council
Unitary Plan Private Bag 92300
Auckland 1142

Watercare Services Limited
73 Remuera Road, Remuera,
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Private Bag 92521, Victoria Street West,
Auckland 1142, New Zealand
Telephone +64 9 442 2222
www.watercare.co.nz

Attention: Planning Technician

unitaryplan@aucklandcouncil.govt.nz

TO: Auckland Council
SUBMISSION ON: Private Plan Change 107: Whenuapai Business Park
FROM: Watercare Services Limited
ADDRESS FOR SERVICE: planchanges@water.co.nz

DATE: 6 December 2024

Watercare could not gain an advantage in trade competition through this submission.

1. WATERCARE'S PURPOSE AND MISSION

- 1.1. Watercare Services Limited (**Watercare**) is New Zealand's largest provider of water and wastewater services. Watercare is a council-controlled organisation under the Local Government Act 2002 (**LGA**) and is wholly owned by the Auckland Council (**Council**).
- 1.2. As Auckland's water and wastewater services provider, Watercare has a significant role in helping Council achieve its vision for the city. Watercare's mission is to provide reliable, safe, and efficient water and wastewater services to Auckland's communities.
- 1.3. Watercare provides integrated water and wastewater services to approximately 1.7 million people in the Auckland region. Over the next 30 years, from 2023-2053,

this is expected to increase by another 520,800 people¹. The rate and speed of Auckland's population growth puts pressure on our communities, our environment, and our housing and infrastructure networks. It also means increasing demand for space, infrastructure, and services necessary to support this level of growth.

- 1.4. Watercare has certain obligations under both the LGA and the Local Government (Auckland Council) Act 2009. For example, Watercare must achieve its shareholder's objectives as specified in its statement of intent, be a good employer, and exhibit a sense of social and environmental responsibility.²
- 1.5. Watercare must also give effect to relevant aspects of the Council's Long-Term Plan, and act consistently with other plans and strategies of the Council, including the Auckland Plan 2050 and the Auckland Future Development Strategy 2023-2053.
- 1.6. Watercare is required to manage its operations efficiently with a view to keeping overall costs of water supply and wastewater services to its customers (collectively) at minimum levels, consistent with effective conduct of the undertakings and maintenance of long-term integrity of its assets.

2. SUBMISSION

Background

- 2.1. This is a submission on Private Plan Change 107 (**PPC 107**) by Neil Construction Limited (**Applicant**) to rezone approximately 47.5 hectares of land from Future Urban Zone to Light Industry Zone and establish the Whenuapai Business Park Precinct.
- 2.2. The PPC 107 land is located upstream of the Whenuapai Transmission Pump Station (**WWPS**), which is critical infrastructure built in 2013 with an expected asset life of 100 years. The WWPS is essential for collecting and conveying wastewater from the wider Whenuapai area to the Hobsonville Peninsula pumping station and from there to either Māngere or Rosedale wastewater treatment plants.
- 2.3. The location of the WWPS in relation to the plan change area is shown in **Schedule 1**.

General Reasons for Submission

- 2.4. PPC 107 and the proposed Whenuapai Business Park Precinct provisions:
 - a) will not promote the sustainable management of resources, will not achieve the purpose of the Resource Management Act 1991 (**RMA**), and are contrary to Part 2;
 - b) are inadequate to protect Watercare's critical wastewater infrastructure from increased flood risk;

- c) will not meet the reasonably foreseeable needs of future generations and will not enable the social and economic wellbeing of the community in the Auckland region;
- d) do not represent the most appropriate means of exercising the Council's functions or achieving the purpose of the RMA as required by section 32; and
- e) do not give effect to relevant Auckland Unitary Plan (**AUP**) provisions, including higher order provisions, regarding risks to infrastructure.

Specific Reasons for Submission

- 2.5. Council's Healthy Waters department undertook detailed modelling in 2020, which demonstrates that the WWPS is vulnerable to flooding effects under current (pre-development) conditions.
- 2.6. Council (Healthy Waters) modelling shows potential flood depths up to 1.2m at the WWPS under Maximum Probable Development with climate change.
- 2.7. Watercare does not agree with the Applicant's current assessment that any adverse flooding / inundation effects from PPC 107 development on the WWPS will be "insignificant" or "less than minor".
- 2.8. Watercare considers that potentially **significant** adverse effects on the WWPS will arise due to an increased risk of flooding / inundation from PPC 107 development.
- 2.9. The Applicant's Flood and Flood Hazard Risk Assessment Report (**Flood Report**) is inadequate because:
 - a) It fails to properly account for climate change impacts;
 - b) It understates potential flood level increases, with flood level increases at the WWPS predicted to be only either:
 - i. 10mm with an unblocked culvert; or
 - ii. 30mm when the culvert is 50% blocked;
 - c) The claimed 10mm increase in flood levels is highly doubtful given the significant increase in impervious surfaces and the lack of climate change consideration in the modelling;
 - d) The Flood Report does not adequately assess risks from the 30mm increase scenario with culvert blockage;
 - e) There are fundamental inconsistencies between the Flood Report and the Applicant's draft Stormwater Management Plan, including regarding:

- i. Whether the predicted 30mm flood level increase results from culvert blockage or climate change;
- ii. Which scenarios were actually modelled and analysed;
- iii. The treatment of climate change effects.

This creates significant uncertainty about the actual flood risks to the WWPS.

- 2.10. Recent events, particularly the January 2023 floods which damaged the Wairau Valley pump station, have demonstrated that allowing development to increase flood risk and inundation risk to pump station buildings is unacceptable because:
- a) Pump station electronics are highly vulnerable to flood damage;
 - b) Once water enters electrical systems, the pump station becomes inoperable;
 - c) Pump failure can lead to wastewater overflow, with serious environmental and public health consequences;
 - d) Recovery from flood damage can take days, during which time raw sewage may flow to waterways;
 - e) The costs of repair and environmental cleanup are substantial;
 - f) Even modest flooding can prevent effective operation. For example:
 - i. Staff may not be able to safely access the pump station for operation and maintenance; and
 - ii. Emergency response becomes difficult when access routes are submerged.
- 2.11. The Applicant must mitigate flood flows from the plan change area to prevent any increase in flood levels beyond existing conditions. The Applicant has not proposed any mitigation measures to prevent flooding of the WWPS, which is inadequate given:
- a) The matters traversed above, including the concerns at paragraph 2.9 as to the inadequacy of the Applicant's assessment and lack of proper consideration of climate change impacts; and
 - b) The large impervious areas proposed under the Light Industry zoning will result in large increases in surface runoff, likely exacerbating flood risks in an area where the WWPS is already vulnerable to flooding under current conditions.
- 2.12. The proposed stormwater management approach does not sufficiently protect critical infrastructure.

2.13. PPC 107 fails to give effect to key higher order provisions of the AUP including (for example and without limitation):

- a) Objective B10.2.1(3): *"New subdivision, use and development avoid the creation of new risks to people, property and infrastructure."*

Comment: PPC 107 will potentially create new flood risks to critical infrastructure – the WWPS – contrary to this objective.

PPC 107 would have potentially significant adverse effects on critical wastewater infrastructure through increased flood risks. The proposed development may constrain the operation of the WWPS by increasing flood risks, and potentially compromising the WWPS's ability to function during flood events and hindering access for maintenance and emergency response.

- b) Policy B10.2.2(3): *"Ensure the potential effects of climate change are taken into account when undertaking natural hazard risk assessments."*

Comment: The Applicant's flood assessment fails to properly account for climate change, contrary to this policy.

- c) Policy B10.2.2(6): *"Adopt a precautionary approach to natural hazard risk assessment and management in circumstances where: (a) the effects of natural hazards and the extent to which climate change will exacerbate such effects are uncertain but may be significant..."*

Comment: Given the uncertainties and inconsistencies identified above in relation to the flood assessment work, a precautionary approach is required by this policy.

- d) Policy B10.2.2(12): *"Minimise the risks from natural hazards to new infrastructure which functions as a lifeline utility by:
(a) assessing the risks from a range of natural hazard events including low probability but high potential impact events ..."*

Comment: While this policy concerns new infrastructure, it demonstrates the importance the AUP places on protecting lifeline utilities from natural hazards. The same rationale applies to protecting existing critical infrastructure like the WWPS.

3. SPECIFIC PARTS OF PPC 107 THAT THIS SUBMISSION RELATES TO

3.1. Watercare's submission relates to PPC 107 in its entirety.

3.2. Without limiting the generality of paragraph 3.1 above, Watercare has a particular interest in:

- a) The proposed stormwater management approach;

- b) Assessment of flooding effects;
- c) Proposed mitigation measures;
- d) Protection of critical infrastructure.

4. DECISIONS SOUGHT

4.1. For the reasons stated in this submission, Watercare seeks:

- a) **Primary relief:** That PPC 107 be declined in its entirety; or
- b) **Secondary relief:** In the alternative, if PPC 107 is approved, amendments to the precinct provisions (including to the precinct description, objectives, policies, rules, matters of discretion / assessment criteria, special information requirements, precinct plans and other provisions) to address the concerns raised in this submission, and to require that there be no increase in flood levels at the WWPS.

4.1

4.2. Without limiting the generality of paragraph 4.1(b) above, if PPC 107 is approved, Watercare seeks amendments to the precinct provisions as follows (or to like effect):

4.2

- a) Amendments to the **precinct description** to recognise the proximity and importance of the WWPS and to refer to the need to avoid adverse flooding / inundation effects on the WWPS;
- b) Amendments to the **objectives and policies** to address the issues raised in this submission, including to avoid adverse flooding / inundation effects on the WWPS that could compromise its operation; and
- c) Amendments to the **rules / standards** to include requirements for comprehensive stormwater and flood mitigation measures (including, without limitation, on-site attenuation / water storage designed to achieve hydraulic neutrality) within the plan change area that:
 - i. Account for climate change impacts
 - ii. Protect critical infrastructure
 - iii. Prevent any increase in flood risk to the WWPS.
- d) Amendments to the **matters of discretion and assessment criteria**, to ensure appropriate assessment of the matters raised in this submission, including (but not limited to) to ensure that climate change impacts are taken into account through the resource consent process.

- e) Any necessary amendments to the **precinct plan(s)** to give effect to the amended rules / standards including, without limitation, to show indicative stormwater attenuation devices / areas that will serve the Precinct.
- f) Amendments to the **special information requirements** to include a requirement to provide with any application for resource consent for subdivision and / or development within the precinct detailed mitigation measures to achieve hydraulic neutrality and prevent any increase in flood levels at the WWPS.

4.2

- 4.3. In all cases where amendments are proposed, Watercare would consider alternative wording which addresses the reason(s) for Watercare's submission.
- 4.4. Watercare also seeks any consequential amendments required to give effect to the decisions requested.

5. APPEARANCE AT HEARING

- 5.1. Watercare wishes to be heard in support of its submission.

6 December 2024



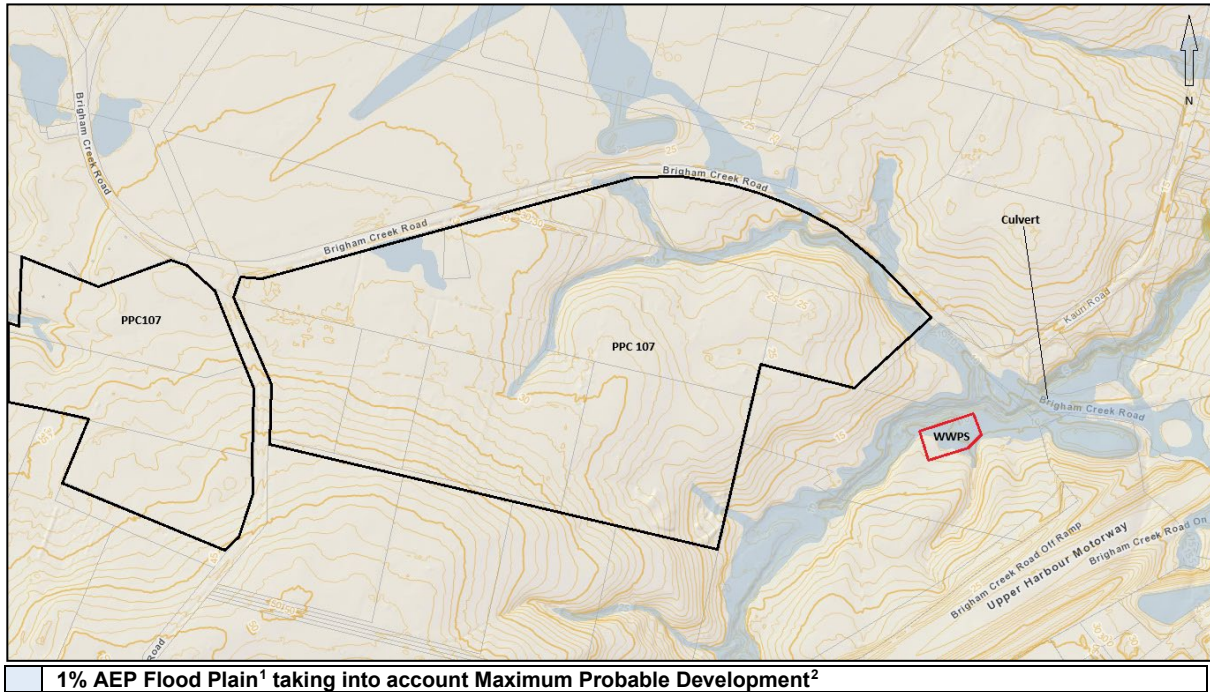
Mark Bourne
Chief Operations Officer

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SCHEDULE 1

Map showing location of Whenuapai WWPS in relation to plan change area



¹ Sourced from Auckland Council [Geomaps](#)

² Refer to the Auckland Unitary Plan for the definitions of Flood Plain and Maximum Probable Development

IN THE MATTER of the Resource
Management Act 1991
(**RMA**)

A N D

IN THE MATTER of a submission under
clause 6 of the First
Schedule to the RMA on
Private Plan Change 107:
Whenuapai Business
Park

**SUBMISSION ON NOTIFIED PROPOSAL FOR PRIVATE PLAN CHANGE 107
TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

To: Auckland Council

Name of submitter: Auckland Council
(contact: Celia Davison)

Address for service: 35 Albert Street
Private Bag 92300
Auckland 1142

INTRODUCTION

1. This is a submission on Private Plan Change 107: Whenuapai Business Park (**the plan change**) to the Auckland Unitary Plan (Operative in Part) (**AUP**) by Neil Construction Limited (the **Applicant**).
2. This submission by Auckland Council is in its capacity as submitter (**ACS**).
3. ACS could not gain an advantage in trade competition through this submission.

THE SPECIFIC PROVISIONS OF THE PROPOSAL THE SUBMISSION RELATES TO

4. The specific provisions of the plan change that this submission relates to are:
 - a. Whenuapai Business Park Precinct (the **Precinct**) provisions in their entirety
 - b. I1.2 Objectives
 - c. I1.3 Policies
 - d. I6XX4.1 Activity table
 - e. I1.6 Standards
 - f. Table 1: Road Function and Required Design Elements
 - g. Precinct Plan (Infrastructure Staging)
 - h. Precinct Plan

SUBMISSION

5. ACS opposes the plan change in part and seeks that if approved, the matters raised in this submission are addressed. The key issues are providing for the strategic integration of transport, water and wastewater infrastructure, and the planning / funding of such infrastructure, with the land use proposed in the plan change. In addition, ACS seeks amendments to address flood risk to properties and infrastructure, and the safe functioning of Trig Road as an arterial road in the future.

5.1

Infrastructure prerequisites

6. The National Policy Statement on Urban Development (**NPS-UD**) and Auckland Regional Policy Statement (**RPS**) Chapters B2 and B3 of the AUP contain objectives and policies that place strong emphasis on the importance of ensuring the integration of infrastructure, including transport infrastructure, with land use / urbanisation. Section 75(3) of the RMA requires the plan change to “give effect to” these higher order provisions. This is a strong directive requiring the relevant objectives and policies to be implemented.¹ Examples of these provisions include:
 - a) Objective 6 of the NPS-UD which requires local authority decisions on urban development that affect urban environments to be “*Integrated with infrastructure planning and funding decisions*”.

¹ *Environmental Defence Society Inc v New Zealand King Salmon Company Ltd* [2014] NZSC 38 at [77].

b) The range of RPS provisions in chapters B2 and B3 that address the need for the integration of infrastructure provisions, planning and funding with land use, and the timely, efficient, and adequate provision of infrastructure, including B2.2.1(1); B2.2.2(2)(c) and (d); B2.2.2(4) and (7); B3.3.1(1)(b); B3.3.2(5).

7. Policy B2.2.2(7) is directly relevant to the plan change as it applies to Future Urban Zoned land.

B2.2.2(7) Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following

(a) support a quality compact urban form;

(b) provide for a range of housing types and employment choices for the area;

(c) integrate with the provision of infrastructure; and

(d) follow the structure plan guidelines as set out in Appendix 1.

8. Plan Change 80 amended Policy B2.2.2(7) to integrate the concepts of “well-functioning urban environment” and added the following additional clause: “(caa) provide good accessibility, including by way of efficient and effective public or active transport”. The decision on this plan change was notified on 14 September 2023.

9. B2.9 Explanation and Principal Reasons for Adoption of the objectives and policies, states:

In addressing the effects of growth, a key factor is enabling sufficient development capacity in the urban area and sufficient land for new housing and businesses over the next 30 years. The objectives and policies guide the location of urban growth areas. They identify how greenfield land which is suitable for urbanisation will be managed until it is re-zoned for urban development. They encourage provision for Mana Whenua to develop and use their resources. They also set out the process to be followed to ensure that urban development is supported by infrastructure on a timely and efficient basis.

They should be considered in conjunction with the Council’s other principal strategic plans such as the Auckland Plan, the Long-term plan and the Regional Land Transport Plan. The strategies and asset management plans of infrastructure providers will also be highly relevant.

10. The explanatory text at B3.5 of the RPS confirms the intention that *“development, especially that associated with growth in greenfield areas, must be integrated and co-ordinated with the provision of infrastructure and the extension of networks”*.
11. Auckland Council adopted the Auckland Future Development Strategy 2023-2053 (**FDS**) in November 2023. This replaces the Future Urban Land Supply Strategy (2023-2027). The FDS meets the intent behind the NPS-UD and focuses on the long-term future of Tamaki Makaurau. A key component of the FDS is to integrate long-term land use and infrastructure planning while meeting future climate, environmental, population, housing and employment needs.
12. The FDS introduces infrastructure prerequisites, linked to the development readiness of areas. This is to ensure that bulk infrastructure for development is well-coordinated and is able to provide a safe, sustainable environment on which communities can be based. The FDS identifies the timing for the plan change area is not before 2025+. It includes a statement that *“some business can take advantage of existing capacity”*, noting that the infrastructure prerequisites listed are the projects to support full build out. The infrastructure prerequisites² identified for the Whenuapai Business land are as follows:
 - a. Spedding Road/ Northside Drive connection over SH16
 - b. SH16 to SH18 Connections
 - c. Spedding Road Upgrade and Extension
 - d. Mamari Road Upgrade and Extension
 - e. Trig Road Upgrade
 - f. North Western Bus Improvements (not rapid transit)
 - g. Northwest Rapid Transit
 - h. Whenuapai Wastewater Package 1
 - i. Whenuapai Wastewater Package 2
 - j. Trig Road Water Reservoir
 - k. North Harbour No.2 Watermain Project
13. Matters concerning the provision, timing and funding of infrastructure are directly relevant to decisions on zoning. It is not sound resource management practice and contrary to the purpose of the RMA to zone land for an activity when the

² Auckland Future Development Strategy 2023-2053, Appendix 6 Future urban infrastructure prerequisites, at p38

infrastructure necessary to allow that activity to occur without adverse effects on the environment does not exist, or there is a high degree of uncertainty as to whether that infrastructure will be provided in a timely and efficient way.³

14. Where infrastructure needed to support a plan change is not planned for in the Long Term Plan and Regional Land Transport Plan⁴, it is incumbent on the Applicant to show how the infrastructure needed to service the development would be provided.
15. A key concern for ACS is therefore that the plan change must adequately provide for the strategic integration of transport, wastewater and water infrastructure, and the planning / funding of such infrastructure, with land use, otherwise it would be contrary to the principles of the FDS. ACS acknowledges that the Applicant has gone some way to address issues relating to infrastructure prerequisites. 5.2
16. Watercare Services Limited (**Watercare**) confirmed its notice of requirement for the designation of the Whenuapai Wastewater Servicing Scheme Package 1 on 28 November 2024. The appeal period closes on 19 December 2024. ACS understands the anticipated completion date for the Package 1 and 2 works is late 2028 and that this is likely to align with the build out of the plan change area, if the plan change is approved. ACS acknowledges that the Precinct provisions include standard I1.6.4 for wastewater and water supply infrastructure. However, ACS is concerned that the note within this standard provides for buildings to be constructed, but not occupied in advance of there being sufficient infrastructure capacity. Moreover, compliance with this standard only applies to subdivision and not use and development. This would enable buildings to be constructed prior to the commissioning of the required infrastructure. ACS does not support this.
17. ACS seeks the inclusion of a new policy to ensure bulk water supply and wastewater infrastructure with sufficient capacity is available prior to subdivision and development proceeding. Amendments to the standards and rules to prevent the construction of buildings prior to the required water and wastewater infrastructure being in place are also sought. 5.3
18. The Auckland Transport notices of requirement for designations to upgrade Trig Road and Brigham Creek Road are under appeal. The upgrade of Trig Road and Brigham Creek Road form part of the North West Local Arterials Network under the Te Tupu Ngātahi Supporting Growth Programme. The objectives of these projects include improving connectivity through Whenuapai and to the strategic transport network, supporting planned urban growth, contributing to mode shift, a safe transport corridor for all users and improving network resilience.

³ See, for instance, *Foreworld Developments Ltd v Napier City Council* EnvC Wellington W8/2005, 2 February 2005.

⁴ Documents to which regard must be had under section 74(2)(b)(i) of the RMA.

19. Land within the plan change area has frontage to Trig Road and Brigham Creek Road. Table 1 of the Precinct identifies Trig Road as a 'future arterial' and the Precinct Plan (Infrastructure Staging) identifies the proposed transport infrastructure upgrades to be delivered as part of the development of the plan change land.
20. The Precinct provisions include a standard that identifies required transport infrastructure upgrades within the precinct in standard I1.6.1. ACS supports this standard and the non-complying activity status of subdivision, use and development where compliance is not achieved. However, ACS is concerned that if the plan change is approved, the subsequent development has the potential to undermine the functioning of Trig Road as an arterial road. A proliferation of vehicle crossings on this section of Trig Road, close to the intersection with Brigham Creek Road has the potential to compromise the function and safety of Trig Road. As a future arterial, Trig Road is important to the wider transport network and future urban development of the wider area. ACS therefore seeks amendments to the plan change provisions to require a restricted discretionary activity consent for the construction of vehicle crossings on Trig Road, with matters of discretion corresponding with E27.8.1(12). Additionally, ACS considers that provision should be made on the Precinct Plan and Precinct Plan (Infrastructure Staging) to provide for a fourth leg on intersection 'A' to provide access to the orange shaded area on the western side of Trig Road. This would enable the number of vehicle crossings to be limited to ensure the intended functioning and safety of Trig Road as an arterial road.

5.4

Flood risk to properties and infrastructure outside the plan change area

21. Chapter B10 of the RPS addresses natural hazards and climate change. Objective (3) is directly relevant to this plan change, and states:
- New subdivision, use and development avoid the creation of new risks to people, property and infrastructure.*
22. The Stormwater Management Plan at Appendix N to the plan change documents assesses the change of land use on land and structures outside the plan change area. The modelled scenarios identify that no habitable floors are affected outside the plan change area by the 2, 10 and 100 year rainfall events, however access to properties will be affected, including the Watercare wastewater pump station at 161 Brigham Creek Road.
23. The wastewater pump station is a lifeline utility under the Civil Defence Emergency Management Act 2002. As such, there is a duty to ensure that the pump station is able to function to the fullest possible extent during and after an emergency. ACS is concerned that access is maintained to this lifeline utility to ensure continuity of service during a flood event.

- 24. The Clause 23 response material indicates that works are required outside the plan change area to address flood risk. For example, a culvert upgrade is proposed at the Applicant’s cost for the property at 163 Brigham Creek Road. There are no provisions within the Precinct to give effect to this undertaking.
- 25. ACS wishes to understand how the development enabled within the plan change area will avoid creating new risks to people, property and infrastructure, including the wastewater pump station. And further, how the Precinct provisions will ensure that any necessary mitigation measures outside the plan change area will be implemented. | 5.5

DECISION SOUGHT

- 26. ACS seeks the plan change is declined in its entirety, unless the matters raised in this submission are addressed. | 5.6
- 27. In the alternative to the primary relief, ACS seeks the following decisions if the plan change is approved:
 - a. Retain I1.2 Objectives (1) – (10). | 5.7
 - b. Retain I1.3 Policies (1) – (14). | 5.8
 - c. Amend I1.3 Policies to include a new policy as follows:
 - (X) *Avoid subdivision and development occurring that does not align with the provision of sufficient capacity in the water and wastewater network to service the Precinct.* | 5.9
 - d. Amend (A2) in Table I6.XX.4.1 Activity table to also classify any use and development not complying with standard IX.6.4 as a non-complying activity. | 5.10
 - e. Amend standard IX.6.4 Wastewater and Water Supply Infrastructure as follows: | 5.11

Purpose: To ensure that bulk water supply and wastewater infrastructure with sufficient capacity is available to support development within the Precinct.

a) ~~The Any subdivision and the construction of any new buildings within the Precinct can only proceed following the completion and commissioning of the must be able to be connected to publicly available functioning bulk wastewater and water network that is completed and commissioned with sufficient capacity to service the subdivision or development. supply infrastructure as is required within its catchment.~~

~~b) Note: Standard I1.6.4(a) will be considered to be complied with if the identified upgrades are constructed and operational:
 i. prior to the lodgement of a resource consent application; OR
 ii. form part of the same resource consent, or a separate resource consent, which is given effect to prior to release of the certificate under section 224(c) of the Resource Management Act 1991 for any subdivision; OR
 iii. prior to occupation of any new building(s) for a land use only.~~

f. Amend the Precinct provisions, including Table 1, to impose vehicle access restrictions on Trig Road and to require consent as a restricted discretionary activity for the construction of vehicle crossings, with corresponding matters of discretion and assessment criteria based on E27.8.1(12) and E27.8.2(11). 5.12

g. Amend the Precinct Plan and Precinct Plan (Infrastructure Staging) to show a fourth leg on intersection 'A' to provide access to the orange shaded area on the western side of Trig Road. 5.13

h. Amend the Precinct provisions to address flood risk to properties and infrastructure outside the plan change area and include provisions to require any upgraded infrastructure to provide safe egress and/or mitigate flood risk. 5.14

28. ACS seeks any other alternative or consequential relief to address the matters outlined in this submission. 5.15

APPEARANCES AT THE HEARING

29. ACS wishes to be heard in support of its submission.

30. If others make a similar submission, ACS will consider presenting a joint case with them at the hearing.

DATED 6 December 2024

On behalf of Auckland Council as submitter:



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**Submission on Auckland Unitary Plan (Operative in Part)
 Proposed Plan Change 107 (Private): Whenuapai Business Park**

Clause 6 of First Schedule, Resource Management Act 1991

To: Auckland Council
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Preliminary Matters

1. This is a submission by the New Zealand Defence (NZDF) on Auckland Unitary Plan Plan – Operative in Part (AUP) Proposed Plan Change 107 (Private): Whenuapai Business Park (PPC 107). PPC 107 seeks to rezone land from Future Urban Zone to Business – Light Industry Zone and apply a new Whenuapai Business Park Precinct over the land.
2. NZDF operates the Royal New Zealand Air Force (RNZAF) Base Auckland at Whenuapai, located immediately to the north of the PPC 107 area. RNZAF Base Auckland is a significant Defence facility, of strategic importance regionally, nationally and internationally. Ensuring that this facility can continue to operate to meet statutory Defence purposes under section 5 of the Defence Act 1990 is critical. Defence purposes include the defence of New Zealand, the provision of assistance to the civil power either in New Zealand or elsewhere in times of emergency, and the provision of public service when required. RNZAF Base Auckland is essential to achieving those purposes.
3. NZDF seeks to protect RNZAF Base Auckland from the adverse effects of reverse sensitivity. Development must be appropriately located and designed in relation to this established nationally and regionally significant infrastructure. Given the location

of the PPC 107 land in relation to the approach/departure path for the main runway and runway lighting, it is critical that potential risks to NZDF aircraft and RNZAF Base Auckland operations are avoided.

4. Protection is required by the AUP policy framework, specifically Objective B3.2.1(6) and Policies B3.2.2(4) and (5) of the Regional Policy Statement (RPS) which aim to protect significant infrastructure, including Defence facilities, from reverse sensitivity effects. PPC 107 is required to give effect to this strong policy direction.
5. NZDF generally supports the approach taken in PPC 107 with the inclusion of specific Precinct provisions to address reverse sensitivity effects on RNZAF Base Auckland, including a requirement for no-complaints covenants to be included on each new title issued within the Precinct. However, NZDF requests amendments to some specific proposed Precinct provisions (as set out in Appendix 1), as well as additional amendments to incorporate any points raised below that are not currently addressed in proposed Precinct provisions. The points raised below include NZDF's request for specific consideration to be given to parts of the PPC 107 land (including parts of 96 and 96A Trig Road) that are within an area in which land use and subdivision is subject to NZDF approval.

6.1

Development restrictions associated with RNZAF Base Auckland

6. The following AUP overlays and designations relevant to RNZAF Base Auckland apply to the PPC 107 land:
 - a. The PPC 107 land is within Minister of Defence Designation 4311 "Whenuapai Airfield Approach and Departure Path Protection" (Designation 4311) which applies to airspace in the vicinity of RNZAF Base Auckland. Parts of the PPC 107 land (including 96 and 96A Trig Road) are within the areas of the designation requiring NZDF approval for any land use or subdivision (discussed further below);
 - b. Most of the PPC 107 land is covered by the Aircraft Noise Overlay; and.
 - c. The northern part of the PPC 107 land is also within the 57dB engine testing noise contour (identified in the Proposed Precinct Plan).
7. Conditions 1 and 2 of Designation 4311 require that:
 - (1) NZDF approval be obtained for land use and subdivision within the areas identified as 'land use and subdivision subject to NZDF approval' (shown "hatched" in drawing 9B-2-6 in Designation 4311). Those areas are protection areas for aircraft approach/departure paths generally within 1,000m of runway ends, and are subject to development restrictions for safety reasons in the event of an aircraft accident on approach or departure; and
 - (2) No obstacle shall penetrate the approach and departure path obstacle limitation surfaces (OLS) (as shown on the planning maps and described in the designation) without the prior approval in writing of NZDF. Buildings with a height of not more than 9 metres above natural ground level are excluded from that requirement, however, that allowance does not apply to the area referred to in condition (1).

8. As identified in the Designation 4311 Contours plan in Appendix W to the PPC 107 documentation, there are parts of the PPC 107 land where existing ground level is very close to the OLS. This impacts developable height.
9. NZDF will not approve infringement of the OLS above the 9 metre allowance in Designation 4311. To ensure expectations regarding feasible development are clear, NZDF seeks that the PPC 107 Precinct provisions (and associated maps) reflect that restriction, possibly through a height overlay or similar.

6.2

Additional development constraints: 96 and 96A Trig Road

10. In addition to the restrictions identified above, parts of the PPC 107 land (including parts of 96 and 96A Trig Road) are subject to development constraints because they lie within the 1000 metre protection area off the 03/21 runway. NZDF approval is therefore required for land use and subdivision within those areas. The 9 metre height allowance provided in Designation 4311 does not apply in this area; NZDF will not approve any structure with a height that penetrates the OLS within that area.
11. Development on 96 and 96A Trig Road is constrained by the following:
 - a. Approach lights for the main RNZAF Base Auckland runway are located on 96 and 96A Trig Road; and
 - b. Both properties are subject to various registered encumbrances in favour of NZDF relating to reverse sensitivity and development constraints.
12. For background, NZDF gave written approval for the establishment of a storage yard at 96A Trig Road (resource consent BUN60422322). The activity incorporates various restrictions necessary to protect aircraft operations.
13. The parts of the PPC 107 land subject to the development constraints above may not be suitable for industrial zoning. Regardless, NZDF requests that constraints applying to land within the area in which land use and subdivision is subject to NZDF approval (including parts of 96 and 96A Trig Road) are incorporated into PPC 107 and that the Precinct provisions specifically include a requirement to obtain NZDF approval. A separate “conditional” or “NZDF approval” (or similar) overlay could apply to those areas.

6.3

Other matters

14. Traffic: NZDF seeks to ensure that safe and efficient access to RNZAF Base Auckland (including by emergency services vehicles) is not compromised by development enabled under PPC 107, and seeks consideration of traffic impacts on RNZAF Base Auckland.
15. Stormwater and flood risk hazard: NZDF seeks to ensure that development enabled under PPC 107 does not exacerbate flood risk hazard on RNZAF Base Auckland, and seeks consideration of flooding and stormwater effects on RNZAF Base Auckland.

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NZDF **could not** gain an advantage in trade competition through this submission.

NZDF **wishes to be heard** in support of this submission.

If others make a similar submission, **NZDF will consider** presenting a joint case with them at the hearing.



6 December 2024

Person authorised to sign
on behalf of New Zealand Defence Force

Appendix 1 – Amendments requested by NZDF

| Point | Provision | Support/ Oppose | Reasons | Relief Sought | |
|-------|---------------------------|-----------------|---|--|------|
| 1. | I1.1 Precinct Description | Support in part | NZDF supports the Precinct Description text referencing RNZAF Base Auckland, its significance, and engine testing activities. NZDF has identified some minor amendments to improve the wording. | Amend as follows: <i>“...RNZAF Base Auckland is a <u>strategic</u> defence facility of national and regional <u>strategic importance</u>”.</i> <i>“...This approach is consistent with Regional Policy Statement provisions that recognise the <u>functional</u> and operational needs of infrastructure...”</i> | 6.6 |
| 2. | Objective I1.2(8) | Support in part | NZDF supports Objective I1.2(8) relating to stormwater devices. NZDF has identified a minor amendment to improve the wording of the objective. | Amend as follows: <i>“Stormwater devices avoid, as far as practicable, or otherwise minimise or mitigate, adverse effects on the receiving environment, <u>and including</u> the attraction of birds that could become a hazard to aircraft operations at RNZAF Base Auckland.”</i> | 6.7 |
| 3. | Objective I1.2(9) | Support | NZDF supports Objective I1.2(9) relating to effects on RNZAF Base Auckland. | Retain as notified. | 6.8 |
| 4. | Objective I1.2(10) | Oppose | Objective I1.2(10) suggests that the effects from aircraft engine testing shall be avoided, rather than managing reverse sensitivity effects on RNZAF and Objective I1.2(10) should be deleted. NZDF considers the title above Objective I1.2(9) should be amended to refer to effects <u>on</u> RNZAF Base Auckland. | Amend as follows: <i>Effects of <u>on</u> RNZAF Base Auckland (9)...</i> <i>(10) The adverse effects of aircraft engine testing noise on activities sensitive to aircraft noise are avoided, remedied, or mitigated at the receiving environment.</i> | 6.9 |
| 5. | Policy I1.3(10) | Support in part | NZDF supports Policy I1.3(10) relating to stormwater management and mitigating bird strike potential. NZDF has | Amend as follows: <i>(10) <u>Require</u> tThe stormwater management</i> | 6.10 |

| Point | Provision | Support/ Oppose | Reasons | Relief Sought |
|-------|---|-----------------|--|--|
| | | | identified a minor amendment to improve the wording of the policy. | <i>outcomes and devices for the site shall to be planned, designed, and implemented to avoid attracting birds and therefore mitigate the potential for bird strike to impact safety and flight operations at RNZAF Base Auckland.</i> |
| 6. | Policy I1.3(13) | Support in part | NZDF supports the intent of Policy I1.3(13) to manage reverse sensitivity effects <u>and</u> safety risks on the operation and activities of RNZAF Base Auckland. However, the wording should be clarified to make it clear that it addresses reverse sensitivity effects in addition to safety risks relating to bird strike, lighting, glare and reflection. This could be achieved through the addition of a comma after reverse sensitivity effects. | Amend as follows: <i>(13) Require subdivision, use and development within the Precinct to avoid, remedy or mitigate any adverse effects, including reverse sensitivity effects, and safety risks relating to bird strike, lighting, glare and reflection, on the operation and activities of RNZAF Base Auckland.</i> |
| 7. | Policy I1.3(14) | Support | NZDF supports Policy I1.3(14) relating to activities sensitive to noise within the engine testing noise boundaries. | Retain as notified. |
| 8. | I1.4 Activity table: Introductory text above I6XX.4.1 Activity Table | Support in part | NZDF supports the text above the Activity Table referring readers to the existence of Designations 4310 and 4311, however, NZDF seeks an amendment to draw specific attention to constraints applying to parts of the PPC 107 land that is subject to the requirement to obtain NZDF approval for land use and subdivision. | Amend as follows: <i>In addition to the provisions of the Precinct, reference should also be had to the planning maps (GIS Viewer) which show the extent of all designations, overlays and controls applying to land within the Whenuapai Business Park Precinct. Development in the Precinct is subject to height restrictions under Designation 4311 <u>and land use and subdivision in specified areas requires the written approval of the New Zealand Defence Force.</u> Reference should also be made to Whenuapai Airbase Designation 4310 including the Aircraft Noise provisions of Condition 1 and associated Airbase Noise maps. This Precinct introduces additional 57 dB Ldn and 65 dB Ldn noise contour boundaries for aircraft engine testing noise and restrictions for activities sensitive to noise within this area.</i> |

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| Point | Provision | Support/ Oppose | Reasons | Relief Sought |
|-------|-------------------|-----------------|---|--|
| 9. | Rule I6XX.4.1(A3) | Support | NZDF supports a discretionary activity status for new activities sensitive to noise and alterations and additions to existing buildings accommodating activities sensitive to noise within the aircraft engine testing noise boundaries. | Retain as notified. |
| 10. | Rule I6XX.4.1(A4) | Support in part | NZDF supports a non-complying activity status for activities that do not comply with Standard I1.6.11 development within the aircraft engine testing noise boundaries. However, the provision as currently drafted is not clear. The rule refers to “Standard XX” (which appears to be Standard I1.6.11) and “Standards X”, and it is unclear which standard/s this is referring to. In addition, the clauses are joined by “but”, making it unclear whether the activity must be non-compliant with both Standard I1.6.11 and another standard in order to be a non-complying activity. NZDF requests that the rule be clarified and the activity status of activities that do not comply with Standards I1.6.5 to I1.6.10 made clear. It appears that the intention is that non-compliance with these standards is a restricted discretionary activity pursuant to Clause C1.9(2). This is supported by the inclusion of matters for discretion in I1.7.1. However, this is not explicit, and the wording of Rule (A4) and the inclusion of Rule (A5) making non compliance with Standard IX.6.2 a restricted discretionary activity creates uncertainty. | Clarify the wording of I6XX.4.1(A4) to: <ul style="list-style-type: none"> - Retain a non-complying activity status for activities that do not comply with Standard I1.6.11 development within the aircraft engine testing noise boundaries. - Separate out and make clear the activity status of non-compliance with Standards I1.6.5 to I1.6.10. |
| 11. | Rule I6XX.4.1(A7) | Oppose | Lighting is included in Rule (A7), which refers to the Lighting chapter. The Activity table states that “a blank in the activity status column means that the activity status in the relevant overlay, Auckland-wide or zone applies”. Potential inconsistency is created as it suggests the Lighting chapter overrides the provisions of the Precinct (which includes lighting standards in I1.6.9). As the Lighting chapter would apply regardless as stated in the first sentence of section I1.4 Activity table (“All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is listed in Activity Table I6XX.4.1 below”) NZDF requests that Rule A7 | Delete Rule I6XX.4.1(A7): <i>Activities listed as permitted or restricted discretionary activities in Table E24.4.1 Activity Table (Lighting)</i> |

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| Point | Provision | Support/ Oppose | Reasons | Relief Sought |
|-------|--|--------------------|---|--|
| | | | is deleted. | |
| 12. | I1.5 Notification | Support in part | NZDF requests that clause (2) be amended to include specific reference to NZDF being considered an affected party for the purpose of limited notification. This is consistent with Whenuapai 3 Precinct. | <p>Amend as follows:</p> <p><i>11.5. Notification</i></p> <p>...</p> <p><i>(2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to:</i></p> <p><i>(a) those persons listed in Rule C1.13(4); and</i></p> <p><i>(b) <u>The New Zealand Defence Force in relation to any proposal that does not comply with:</u></i></p> <p><i>(i) <u>11.6.3(d) Stormwater management (dry detention basins or stormwater ponds);</u></i></p> <p><i>(ii) <u>11.6.5 Bird strike;</u></i></p> <p><i>(iii) <u>11.6.9 Lighting;</u></i></p> <p><i>(iv) <u>11.6.10 Noise;</u></i></p> <p><i>(v) <u>11.6.11 Development within the aircraft engine testing noise boundaries</u></i></p> |
| 13. | Insert new standard I1.6.12 Land use and subdivision within the “conditional” | | NZDF requests that constraints applying to land within the area in which land use and subdivision is subject to NZDF approval (including parts of 96 and 96A Trig Road) are incorporated into PPC 107 and that the Precinct provisions specifically include a requirement to obtain NZDF approval. A separate “conditional” or “NZDF approval” (or similar) overlay could apply to those areas. | <p>Insert new standard as follows:</p> <p><u>Standard 11.6.12 Land use and subdivision within “conditional” [or “NZDF approval”] overlay (or similar):</u></p> <p><u>a) The approval in writing of the New Zealand</u></p> |

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| Point | Provision | Support/ Oppose | Reasons | Relief Sought |
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| | or “NZDF approval” overlay (or similar) | | | <u>Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the “conditional” [or “NZDF approval”] overlay.</u> |
| 14. | Standard I1.6.3 Stormwater Management | Support | Bird strike risk is a significant concern for NZDF. Stormwater management devices should not include open water or new habitats for birds, in order to avoid attracting birds to areas in close proximity to the end of the main runway. NZDF supports this provision which requires stormwater management devices to be designed to avoid or minimise the potential for attracting birds. | Retain as notified. |
| 15. | Standard I1.6.5 Bird strike | Support | As noted above, bird strike risk is a significant concern for NZDF. NZDF supports this standard requiring measures to discourage bird roosting if roof gradients are less than 15 degrees. | Retain as notified. |
| 16. | Standard I1.6.6 Yards | Oppose | Vegetation that is attractive to large and/or flocking bird species increases bird strike risk. NZDF requests that any planted vegetation is of species unlikely to be attractive to large and/or flocking bird species. | Amend as follows: <i>I1.6.6 Yards</i> ... <i>b) Front yards (excluding access points or the location of infrastructure) must be planted with a mixture of native trees, shrubs, or ground cover plants (including grass) within and along the full extent of the yard.</i> <i>c) Side and rear yards must be planted with native vegetation comprising a mixture of trees, shrubs or</i> |

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| Point | Provision | Support/ Oppose | Reasons | Relief Sought |
|-------|--------------------------|--------------------|---|---|
| | | | | <p><i>ground cover plants (including grass) within and along the full extent of the yard to provide a densely planted visual buffer of at least 3m in depth and must be appropriately maintained thereafter.</i></p> <p><u><i>d) Vegetation planting must be of species unlikely to be attractive to large and/or flocking bird species.</i></u></p> |
| 17. | Standard 11.6.9 Lighting | Support in part | <p>Lighting and glare is a concern for NZDF as it can distract pilots and cause confusion by replicating runway lighting.</p> <p>There is the potential for reflection from roofing and cladding materials to create a sunstrike effect on pilots approaching or taking off from the Base Auckland runway and this should be avoided. External cladding of buildings and roofs needs to be of low reflectivity materials (less than 20% specular reflectance) to avoid this sunstrike effect.</p> <p>NZDF supports a standard avoiding or minimising these effects. However, NZDF requests that the standard be amended to:</p> <ul style="list-style-type: none"> - Better reflect the scope of the standard in the title by including reference to glare and reflection - Delete reference to reverse sensitivity as it is not the purpose of this standard - Include reference to 'flight safety' or aircraft operations - Clarify the wording of clause (b) - Require a maximum reflectivity of 20% rather than 30% consistent with the Whenuapai 3 Precinct Standard 1617.6.3(2) - Include restrictions on outdoor lighting consistent with the Whenuapai 3 Precinct Standard 1617.6.3(3). | <p>Amend as follows:</p> <p><u><i>11.6.9 Lighting, glare, and reflection</i></u></p> <p><i>Purpose:</i></p> <ul style="list-style-type: none"> • <i>To manage reverse sensitivity effects on RNZAF Base Auckland</i> • <i>To avoid or minimise the effects of lighting on aircraft descending to land at RNZAF Base Auckland.</i> <p><i>a) Any subdivision and development must avoid effects of lighting on the safe and efficient operation of RNZAF Base Auckland, to the extent that lighting:</i></p> <ul style="list-style-type: none"> <i>i. Avoids simulating approach and departure path runway lighting</i> <i>ii. Ensures that clear visibility of approach and departure path runway lighting is maintained; and</i> <i>iii. Avoids glare or light spill that could affect <u>flight safety</u> or aircraft operations.</i> <p><i>b) External building materials must be constructed with the following:</i></p> <ul style="list-style-type: none"> <i>i- Roof surfaces and</i> <i>eExternal building surfaces (excluding vertical surfaces) <u>greater than 10m above</u></i> |

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| Point | Provision | Support/ Oppose | Reasons | Relief Sought |
|-------|---|--------------------|--|---|
| | | | | <p><i>ground level must not exceed a reflectivity (specular reflectance) of 2030% white light where located 10m above ground level; and all roof surfaces.</i></p> <p><i>c) No person may illuminate or display the following outdoor lighting between 11:00pm and 6:30am:</i></p> <p><i>i. searchlights; or</i></p> <p><i>ii. outside illumination of any structure or feature by floodlight that shines above the horizontal plane.</i></p> |
| 18. | Standard I1.6.10 Noise | Support in part | <p>NZDF supports the inclusion of a standard requiring no-complaints covenants, and considers covenants to be necessary in order to appropriately protect RNZAF Base Auckland from reverse sensitivity effects.</p> <p>NZDF requests that the standard be amended to:</p> <ul style="list-style-type: none"> - Clarify the purpose of the standard which is to avoid or mitigate reverse sensitivity effects <u>on</u> RNZAF Base Auckland (not to manage effects from Base Auckland and not to 'provide for' reverse sensitivity effects). - Refer to New Zealand Defence Force as the entity rather than RNZAF Base Auckland (the facility/location). - Delete reference to 'consent notice'. | <p><i>11.6.10 Noise</i></p> <p><i>Purpose:</i></p> <ul style="list-style-type: none"> • <i>To ensure that potential reverse sensitivity effects of noise from <u>on</u> the adjacent RNZAF Base Auckland are appropriately <u>avoided, remedied, or mitigated addressed and provided for within the Precinct.</u></i> <p><i>a) A no-complaints covenant or consent notice shall be included on each title issued within the precinct. This covenant or consent notice shall be registered with the deposit of the survey plan, in a form acceptable to RNZAF Base Auckland <u>the New Zealand Defence Force</u> under which the registered proprietor will covenant to waive all rights of complaint, submission, appeal or objection it may have under the Resource Management Act 1991 and successive legislation or otherwise in respect of any noise associated with the RNZAF Base Auckland.</i></p> |
| 19. | Standard I1.6.11 Development within the aircraft engine testing noise | Support | <p>NZDF considers that this standard is appropriate to manage reverse sensitivity effects on RNZAF Base Auckland in relation to noise from engine testing.</p> | <p>Retain as notified.</p> |

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| Point | Provision | Support/ Oppose | Reasons | Relief Sought |
|-------|--|------------------------------|--|---|
| | boundaries | | | |
| 20. | New standard | Oppose (new standard sought) | <p>Although NZDF’s prior written approval would be required for any buildings or structures that penetrate the OLS, there is potential for the requirements of the OLS to be overlooked particularly where a structure is compliant with maximum height standards but infringes the OLS.</p> <p>Due to the close proximity of ground level to the OLS in some parts of the PPC 107 area, it is important for parties to be aware of this constraint on both permanent and temporary obstacle heights. This includes obstacles penetrating the OLS that do not require building or resource consent, such as construction cranes and trees. Such obstacles are a frequent problem for RNZAF Base Auckland, and create a significant safety risk for aircraft operating from RNZAF Base Auckland. For example, there have been incidents where NZDF has not been notified prior to the operation of cranes within the OLS, which has forced the closure of the main runway.</p> <p>NZDF requests a standard be included to address this, similar to Standard I617.6.4 in Whenuapai 3 Precinct.</p> | <p>Add new standard as follows:</p> <p><u><i>11.6.X. Temporary activities and construction</i></u></p> <p><u><i>Purpose:</i></u></p> <ul style="list-style-type: none"> <u><i>to avoid safety and operation risk effects on the RNZAF Base Auckland.</i></u> <p><u><i>(1) Any application for subdivision and development that requires the use of a temporary structure or construction equipment that infringes the Obstacle Limitation Surface must seek written approval from the RNZAF Base Auckland.</i></u></p> |
| 21. | I1.7.1(1) Matters of discretion | Support | <p>NZDF supports effects on operation of RNZAF Base Auckland, including reverse sensitivity effects, being included as a matter for discretion but requests the wording be amended to clarify that the matter relates to effects <u>on</u> the operation of RNZAF Base Auckland.</p> | <p>Amend as follows:</p> <p><i>f) Effects of<u>on</u> the operation of RNZAF Base Auckland including reverse sensitivity effects and any measures to avoid, remedy or mitigate these effects;</i></p> |
| 22. | I1.7.2 Assessment Criteria (4) and (5) | Support | <p>NZDF supports the assessment criteria relating to RNZAF Base Auckland but requests some minor wording amendments for consistency of terms within the chapter.</p> | <p>Amend as follows:</p> <p><i>...(4) For stormwater detention/retention ponds/wetlands not complying with the standards in 11.6(3), the extent to which the proposal minimises</i></p> |

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| Point | Provision | Support/ Oppose | Reasons | Relief Sought |
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| | | | | <p><i>the attraction of birds that could become a hazard to aircraft operating at RNZAF Base Auckland.</i></p> <p><i>(5) The effects on the operation of the RNZAF Base Auckland, including potential reverse sensitivity effects and effects on aircraft safety, in relation to:</i></p> <ul style="list-style-type: none"> <i>a) Lighting, and glare, and reflection;</i> <i>b) Temporary structures and construction; and</i> <i>c) Noise</i> <p>...</p> |

6.27