Proposed Plan Change: Hobsonville Corridor precinct

Plan Change to the Auckland Unitary Plan (Operative in part)

SECTION 32
EVALUATION REPORT

March 2018
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Executive Summary

This report is prepared as part of the evaluation required by Section 32 of the Resource Management Act 1991 (‘the Act’) for proposed Plan Change x (the ‘plan change’) to the Auckland Unitary Plan (Operative in Part) (AUP (OP)).

The plan change is considered an appropriate response to addressing issues within an area adjacent to the operative Hobsonville Corridor precinct. This area is proposed as sub-precinct C in the plan change. Feedback was sought on a draft version of the plan change in 2017 and that process assisted in further refining the proposed provisions.

This report sets out the assessment of the proposed objectives and provisions relating to three key themes:

- Transport
- Urban Design
- Stormwater

The plan change responds to transport issues within sub-precinct C relating to the need for future roads. These include the completion of Westpoint Drive and the protection of the route for a future arterial road connecting Whenuapai to West Harbour. The plan change seeks to include indicative future road alignments, preferred future road alignments, an indicative arterial road, objectives, policies, standards and assessment criteria to address these issues. There will be costs for developers associated with the delivery of Westpoint Drive. The benefits of the provisions requiring the road include providing alternative routes and thereby lessening traffic congestion on Hobsonville Road. This has positive effects on the safety of Hobsonville Road and opportunities for bus, cycle and walking modes of transport. Providing for the indicative arterial route will ensure that development does not preclude this road’s future delivery.

The urban design issues in sub-precinct C relate to the interface of buildings within the Light Industrial Zone with residential properties on the south side of Hobsonville Road and Hobsonville Primary School. The scale of development permitted within the Zone has the potential to create dominance and shading effects on these properties. The plan change seeks to add maximum height, height in relation to boundary and landscaping standards for Light Industry Zoned properties in these locations. These standards will work together to reduce the shading and dominance effects of future developments.

Stormwater issues relate to managing effects of development on hydrology mitigation and water quality. The plan change seeks to apply the SMAF control to the precinct to address hydrology mitigation. It also proposes an additional standard relating to stormwater quality. Both of these proposals reflect current requirements in the Waiarohia Stream network discharge consent (NDC). They are proposed to retain these levels of protection in light of the unknown outcome of the future Auckland-wide NDC which will supersede the current NDC.

This report also provides an overview of additional and consequential changes to the precinct provisions. These changes do not address any new issue or seek to achieve any new outcomes. They are therefore not assessed as part of this report.
1. Introduction

This report is prepared as part of the evaluation required by Section 32 of the Resource Management Act 1991 (‘the Act’) for proposed Plan Change X (the ‘plan change’) to the Auckland Unitary Plan (Operative in Part) (AUP (OP)).

Section 32 Evaluation

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and

- Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.

The evaluation must also take into account:

- The benefits and costs of policies, rules, or other methods; and

- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

Overview of the plan change

The plan change area

The Hobsonville Corridor Precinct (the ‘precinct’) is located approximately 20 kilometres northwest of central Auckland. The existing Hobsonville Corridor Precinct in the AUP (OP) is bordered by Memorial Park Lane, Hobsonville Road, Brigham Creek Road and State Highway 18. The surrounding area consists of the residential communities of West Harbour and Hobsonville Point, as well as the future growth area of Whenuapai.

The proposed Hobsonville Corridor Precinct Plan Change (the plan change) extends the boundary of the precinct to Rawiri Stream in the southwest. The area of land that is proposed to be added to the precinct is referred to as Sub-precinct C (the sub-precinct) and is approximately 70 hectares in size.
The types of land use and the level of activity within the plan change area are in transition, with a number of developments recently completed and currently underway. Development of sub-precincts A and B is generally more advanced than sub-precinct C. Parts of the future road network throughout the precinct have been constructed, stormwater ponds have been formed and services installed.

Recent developments within the precinct include retail, light industrial, commercial and residential developments. These types of activities currently sit alongside the more established land uses including Hobsonville Primary School, produce stores, a garden centre, and a drive through coffee shop.

Recent subdivisions within the sub-precinct have created sites of variable sizes. There is potential for further subdivision of the larger sites and the sites that have not been subdivided to date.

Land within the existing precinct area is zoned Local Centre and Mixed Use in the AUP (OP). Land within the sub-precinct is zoned Light Industry, as shown below:
The purpose of the plan change

This purpose of this plan change is to ensure the delivery of urban design, stormwater and transport outcomes for both the existing Hobsonville Corridor precinct area as well as for the new proposed sub-precinct C. It also seeks to amend the operative precinct provisions to better align them with the AUP(OP) and to make changes for the purposes of consistency, clarity and to keep the provisions up to date.

The evaluation approach

This section outlines how this plan change has been evaluated. The rest of this report will follow the evaluation approach described in Table 1 below. In accordance with section 32(6) of the RMA and for the purposes of this report:

i. the ‘proposal’ means this plan change
ii. the ‘objectives’ means the proposed objectives of the Proposed Hobsonville Corridor Precinct
iii. the ‘provisions’ means the proposed policies, standards and other methods that implement the objectives of the Proposed Hobsonville Corridor Precinct.

This section 32 evaluation report will continue to be refined in response to any consultation feedback provided to the council, and in response to any new information received.
Table 1: Evaluation approach

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<td>Section 2</td>
<td><strong>Resource Management Act 1991</strong>&lt;br&gt;This section sets out the RMA purpose and principles.</td>
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<td>Section 3</td>
<td><strong>National and Local Planning Context</strong>&lt;br&gt;This section provides strategic context for this plan change by providing an overview of relevant statutory and non-statutory planning documents.</td>
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<td>Section 4</td>
<td><strong>Development of the plan change</strong>&lt;br&gt;This section provides information on how the plan change was developed and includes an evaluation of the options and therefore the reasons for the plan change. The options considered are in relation to the overall approach of the plan change, rather than for each individual resource management issue. However, some issue specific commentary is provided.</td>
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<td>Section 5</td>
<td><strong>Transport</strong>&lt;br&gt;Sections 5, 6 and 7 cover the following matters for each topic area:</td>
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<td>• resource management issues</td>
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<td>• desired outcomes</td>
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<td>• current planning provisions relating to the issues</td>
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<td>• proposed planning response</td>
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<td>Section 6</td>
<td><strong>Urban Design</strong>&lt;br&gt;• evaluation of the objectives to examine the extent to which they are the most appropriate way to achieve the purpose of the RMA (under section 32 (1)(a) of the Act)</td>
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<td>• evaluation of the provisions and whether the provisions are the most appropriate way of achieving the objectives of the plan change is provided. (under sections 32(1)(b) and 32(2) of the Act)</td>
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<td>Section 7</td>
<td><strong>Stormwater</strong>&lt;br&gt;• evaluation of the objectives to examine the extent to which they are the most appropriate way to achieve the purpose of the RMA (under section 32 (1)(a) of the Act)</td>
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<td></td>
<td>• evaluation of the provisions and whether the provisions are the most appropriate way of achieving the objectives of the plan change is provided. (under sections 32(1)(b) and 32(2) of the Act)</td>
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<td>Section 8</td>
<td><strong>Other proposed changes</strong>&lt;br&gt;This section describes the other changes proposed to the precinct provisions, which are not the subject of a detailed section 32 assessment.</td>
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<td>Section 9</td>
<td><strong>Conclusions</strong>&lt;br&gt;This section is the conclusion for this report.</td>
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The Resource Management Act 1991 (RMA) provides a legislative framework for the sustainable management of natural and physical resources in New Zealand. The purpose of the Act is to promote the sustainable management of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety.

The principles of the RMA are stated in sections 6, 7 and 8 of the Act. An assessment against Part 2 of the RMA is provided in the evaluation of objectives for each topic in Sections 5 to 7 of this report.

Section 6 of the RMA contains the matters of national importance that are required to be recognised and provided for:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development;

(g) the protection of protected customary rights;

(h) the management of significant risks from natural hazards.

Section 7 of the RMA contains other matters which shall be given particular regard to:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:
Attachment D: Section 32 (RMA, 1991) Evaluation Report

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

The principles of the Treaty of Waitangi must also be taken into account under section 8 of the RMA, which states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 4 of this report describes the involvement of mana whenua in the development of this plan change.
3. National and Local Planning Context
A number of strategic and statutory planning documents have informed the plan change process. This section provides a summary of those documents.

National policy documents
National Policy Statement on Urban Development Capacity

The National Policy Statement on Urban Development Capacity 2016 (NPSUDC) came into effect on 1 December 2016. It recognises the national significance of urban environments and provides direction to decision-makers on planning for urban environments. The NPS on Urban Development Capacity seeks to ensure there is sufficient development capacity for housing and business with a suite of objectives and policies to guide decision-making in urban areas. There is an emphasis on integrated planning of land use, development and infrastructure provision.

Policy PA1 of the NPSUDC sets out housing and business land development capacity that local authorities are required to provide in the short, medium and long-term.

This plan change proposes to retain the Local Centre, Mixed Use and Light Industry zonings in the precinct area. Together the area will provide opportunities for new business developments. A key objective of the precinct, and this plan change, is to provide for such development in a way that is integrated with infrastructure, most notably through requiring a new road network. A second objective is to manage amenity value effects on existing residential development along and around Hobsonville Road.

National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2011 (NPSFM) sets a national policy framework for managing freshwater quality and quantity. The NPSFM was updated in August 2017 to incorporate amendments from the National Policy Statement for Freshwater Amendment Order 2017. The amendments came into effect on 6 September 2017 and include provisions that seek to improve fresh water quality with a target to increase the proportion of rivers and lakes suitable for primary contact to 90 per cent by 2040. There are also new provisions that enable the use of freshwater for economic wellbeing.

Section 7 of this report addresses stormwater management, and is relevant to the NPSFM.

Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act 2000 (HGMPA) applies to the Hauraki Gulf, its islands and catchments. This includes any area of land where the surface water drains into the Hauraki Gulf. As the plan change area drains into the Upper Waitematā Harbour within the Hauraki Gulf, the HGMPA is a relevant consideration.

Sections 7 and 8 of the HGMPA are treated as a national policy statement and a New Zealand coastal policy statement. Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf, its islands and catchments, while section 8 of this Act outlines the objectives of the management of the Hauraki Gulf, its islands and catchments.
The objectives are intended to protect, maintain and where appropriate enhance the life-supporting capacity of the environment of the Gulf and its islands.

Section 7 of this report addresses stormwater management, and is relevant to the HGMPA.

**Auckland Plan 2012**

The Auckland Plan is the Council’s key strategic document which sets the council’s social, economic, environmental and cultural objectives. A key component of the Auckland Plan is the Development Strategy\(^\text{1}\) which sets out how future growth will be accommodated up to 2040. The Development Strategy aims to provide for up to 70 per cent of growth within existing urban areas and up to 40 per cent outside of urban areas including greenfield areas, satellite towns and rural and coastal towns. Map D.2: Development Strategy Map (Urban Core) shows the Hobsonville Corridor as a major business area.

The Auckland Plan requires provision and development of an integrated transport network that enables people and goods to move freely and efficiently, while respecting the need for place-making. The network comprises motorways, roads and streets, public transport (ferries, buses and trains), footpaths and cycle-ways, ports and airports.

The residential and business growth provided for within the Hobsonville Corridor Precinct will contribute towards the delivery of the growth strategy. In addition, this plan change seeks changes that will enable a more efficient and integrated transport network alongside development within the precinct area.

**Auckland Unitary Plan (Operative in Part)**

The AUP (OP) is the primary statutory planning document for Auckland. It is comprised of the regional policy statement, regional coastal plan, regional plan and district plan. The AUP (OP) provides the regulatory framework for managing Auckland’s natural and physical resources while enabling growth and development, and protecting matters of national importance.

Of particular relevance to this plan change are the existing operative Hobsonville Corridor Precinct provisions, as well as those relating to the Mixed Use, Local Centre, Light Industry and Open Space- Informal Recreation Zones. In addition, area-wide provisions relating to matters such as subdivision and transport, as well as overlay provisions relating to Stormwater Management Area Flow 1 (SMAF 1) control are relevant.

**Plan Change 14 to the Waitakere District Plan**

Plan Change 14 to the former Waitakere District Plan (PC14) was part of Waitakere’s Growth and Transportation Integration Programme – a response to the Local Government (Auckland) Amendment Act 2004 and the Auckland Regional Growth Strategy.

PC14 modified the Human Environments (activity areas or zones) and Natural Areas Rules (earthworks, vegetation clearance) for Hobsonville Village, re-identifying land from rural Countryside Living to urban Living Environment. The plan change was designed to help Hobsonville grow and develop in an integrated way by providing for four distinct areas of land use; industry, mixed uses, open space and a school.

\(^1\) Chapter D, Auckland Plan
In addition to providing for a range of land uses, PC14 identified an internal road network, including a collector “spine” road through the industrial area. The benefits of these roads included the reduction of freight traffic using Hobsonville Road. Instead freight traffic would access industry via the collector road which provides direct access to SH18 via Brigham Creek Road.

The former Waitakere City District Plan provided that as the land in Hobsonville was subdivided, the indicative internal road network shown in the plan provisions (introduced by PC 14) would be provided. As noted earlier some subdivision and development has occurred under these provisions; and parts of the internal network have been formed.

The plan change also identified areas of riparian margins consistent with the Waiarohia Integrated Catchment Management Plan prepared for the whole Hobsonville Peninsula catchment to support the change in the metropolitan urban limit. The areas of riparian margin were excluded from the Council’s modelling of impermeable surfaces. The areas were intended to fulfil both a storm water management purpose and provide potential for passive recreation.

**Supporting Growth Programme**

Auckland Council, Auckland Transport (AT) and the NZ Transport Agency (NZTA) are working together to develop transport networks to support Auckland’s new housing and business areas over the next 30 years.

The programme will begin delivering some of the key priorities laid out in the Auckland Transport Alignment Project, which is a collaboration between Auckland Council and the New Zealand Government to improve alignment on a long-term strategic approach to transport in Auckland.

Currently AT is seeking to confirm funding for local road network development and improvements in Whenuapai and other urgent live-zone or ‘next-in-line’ areas. The proposed arterial road addressed in this Plan Change, from Spedding Road (Whenuapai) over SH18 to Marina View Road (West Harbour) is identified in Supporting Growth programme.
4. Development of the plan change

Background
The area referred to as sub-precinct C in this plan change was included as sub-precinct A in the Hobsonville Corridor Precinct in the proposed version of the Auckland Unitary Plan (PAUP).

The submissions on the PAUP included 43 submission points seeking relief in relation to the precinct. The submissions for sub-precinct C included points relating to:

- the activity table
- building height for buildings on Hobsonville Road
- assessment criteria and the focus on urban design outcomes
- car-parking requirements
- the landscape interface requirements with the school.

Council accepted the recommendations of the Independent Hearings Panel to remove this sub-precinct. This was because it was considered that its provisions were adequately addressed through the Light Industry zone provisions.

Subsequent to the Auckland Unitary Plan becoming Operative in Part, issues have become apparent relating to the removal of sub-precinct C from the Hobsonville Corridor precinct. These issues relate to the delivery of the future road network through the area and the interface between industrial developments and the residential properties along Hobsonville Road and Hobsonville Primary School.

Options
The following overall options were identified to address the issues discussed above:

- **Option 1**: Status quo – rely on the relevant AUP (OP) provisions and the limited access road status for Hobsonville Road.

- **Option 2**: Add the area as a new sub-precinct within the Hobsonville Corridor Precinct, and introduce new sub-precinct provisions to address local issues.

- **Option 3**: Develop a bespoke precinct to address the issues for this area.

Further description and analysis of these options is provided in Table 2 below.

It is noted that there are also options specific to transport and urban design issues. These options are discussed in Sections 5 and 6 of this report.
Table 2: Evaluation of options

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<tr>
<th>Description of Option</th>
<th>Effectiveness</th>
<th>Efficiency</th>
<th>Costs</th>
<th>Benefits</th>
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<tr>
<td><strong>Option 1</strong> Status Quo (do nothing)</td>
<td>The reliance on the operative planning provisions is not considered to be effective in addressing the local issues relating to urban design, transport and stormwater.</td>
<td>When pursuing design options, the status quo is not efficient for developers as it does not clearly set out road requirements to incorporate into site layout options. Developers may have to rework plans subsequent to discussions with AT about the implication of the limited access status.</td>
<td>There are no requirements for developments to provide for the preferred future road alignment and as such they may not be delivered. This would lead to increasingly significant transport issues on and around Hobsonville Road. This would likely reduce desirability of this area and undermine the delivery of business and employment growth in the area. It will also affect the walking, cycling and public transport functions of Hobsonville Road.</td>
<td>Economic benefits for Council given there are no plan change costs. Benefits to landowners as development potential would not be limited by further planning restrictions.</td>
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<td>Rely on the provisions in the relevant AUP(OP) sections including Light Industry Zone (H17) and Auckland wide rules (Chapter E), in particular Transport (E27) and Subdivision (E38).</td>
<td>The transport and subdivision provisions are not able to ensure the delivery of the alternative road within sub-precinct C. AT is able control vehicle access on to Hobsonville Road. There is pressure to allow vehicle access and is difficult for AT to deny access to Hobsonville Road if no &quot;reasonably practicable&quot; alternative access exists for the site. Relying on the effectiveness of this method therefore carries risks.</td>
<td>The current NDC will satisfy the stormwater quality and hydrology outcomes. However it is efficient to consider changes required to ensure these standards continue in the future for the precinct, when this NDC is superseded.</td>
<td>There are efficiencies from retaining and applying Auckland wide provisions, in terms of industry knowledge and expectations.</td>
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<td>To address transport issues the status quo would rely on the limited access' status of Hobsonville Road to manage issues relating to the road.</td>
<td>While the Light Industry zone has front yard and HIRTB standards when the zone has an interface with schools and residential properties, these are not considered adequate to address shading and dominance effects in this area.</td>
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<td>For stormwater issues, the status quo would rely on the existing NDC and the future anticipated Auckland wide NDC.</td>
<td>There is a risk that</td>
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<td>Option 2</td>
<td><strong>A new sub-precinct within the Hobsonville Corridor precinct</strong></td>
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<td><strong>Undertake a plan change to the existing Hobsonville Corridor precinct, retaining operative provisions where appropriate and including a new sub-precinct for the Light Industry zone.</strong></td>
<td>A precinct approach would be effective in addressing locally specific issues in an integrated way.</td>
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<td>The purpose of the operative precinct to achieve integrated land use, development and transport outcomes is the same as for the Light Industry area. It would be efficient to make use of the operative provisions to include a new sub-precinct. This would avoid the need to prepare a whole new set of objectives policies and methods unnecessarily.</td>
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<td>There will be costs associated with the plan change process.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>A precinct approach would provide certainty for the community and support good transport, stormwater and urban design outcomes. This includes certainty that roads will be delivered and that the interface between industrial developments and the schools and residential properties will be assessed. This approach also provides an opportunity to update the existing precinct provisions.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option 3</th>
<th><strong>A bespoke precinct</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Undertake a plan change for a new precinct. This includes new objectives, policies, rules and other methods to</strong></td>
<td>A precinct approach would be effective in addressing locally specific issues in an integrated way.</td>
</tr>
<tr>
<td></td>
<td>While this option provides an approach that is consistent with the established planning framework, it requires the development of new provisions (objectives, policies, rules and methods). This is not efficient given</td>
</tr>
<tr>
<td></td>
<td>There will be costs associated with the plan change process.</td>
</tr>
<tr>
<td></td>
<td>A precinct approach would provide certainty for the community and support good transport, stormwater and urban design outcomes. This includes certainty that roads will be</td>
</tr>
<tr>
<td>guide subdivision and development in this area.</td>
<td>that there is an existing precinct in the area with the same purpose as would be anticipated for any separate precinct for the area.</td>
</tr>
</tbody>
</table>
Rationale for the chosen option
Option 2 has been chosen as the preferred option as it will enable the local issues to be addressed in an integrated and efficient manner.

It is considered the most appropriate option as it recognises the local circumstances which warrant a precinct approach while also making efficient use of existing precinct provisions. It also provides an opportunity to seek improvements to the operative precinct provisions for the purposes of clarity and consistency.

The plan change process to date
This section describes the process that has been undertaken to date for the development of the proposed plan change. In doing so it also summarises the key inputs for the proposed changes, including feedback from the public and iwi as well as specialist advice. The details of these inputs are further summarised in Sections 5-7 in relation to each of the resource management issues.

A draft plan change was prepared in 2017 to consider the issues for the area and potential options for addressing them within the precinct provisions. The draft plan change incorporated the following amendments to the Hobsonville Corridor Precinct:

- The addition of a new sub-precinct C for the area bounded by Brigham Creek Road, Hobsonville Road, Rawiri Stream and State Highway 18 to the Hobsonville Corridor Precinct.
- A preferred future road alignment to connect to strategic access points at Brigham Creek Road and Hobsonville Road
- A future road from Whenuapai to show the section of the arterial road that would connect through sub-precinct C to connect Whenuapai and West Harbour
- Standards requiring development and subdivisions within sub-precinct C to provide for the preferred future road alignment and the future arterial road from Whenuapai.
- Restricted Discretionary activity status for buildings along Hobsonville Road and adjacent to Hobsonville Primary School.
- Height in relation to boundary standards for buildings adjacent to Hobsonville Primary School
- A series of assessment criteria for buildings along Hobsonville Road and adjacent to Hobsonville Primary School.
- Minor changes to the provisions for sub-precincts A and B for the purposes of clarity and consistency.

Consultation was held between 6 and 20 November 2018. It involved two public drop-in sessions, a meeting with the Upper Harbour Local Board, letters to landowners, fliers to local residents and a meeting with iwi which was held on 27 November 2018. Key themes of the feedback included:

- Strong support for the need for buildings along Hobsonville Road to apply for resource consent, along with:
  - concern about the appearance and height of development along Hobsonville Road, including its shading effects on residential properties opposite
Attachment D: Section 32 (RMA, 1991) Evaluation Report

- plantings to screen buildings along Hobsonville Road
- concern about the effects of development on Hobsonville Primary School
- notification of applications for buildings along Hobsonville Road
- ensuring the efficient use of industrial land
- considering the use of standards rather than criteria to achieve better design outcomes

- Support in approximately one third of responses for the future roads, and:
  - concern about the high level of traffic on Hobsonville Road, with particular mention of trucks
  - the need for more details about the roads
  - comments about the need for public transport
  - concern about safety around the school
  - the need for interchange improvements

- Ensuring future development enables the planned improvements to the Rawiri stream area, including the stream environment and the provision of walking and cycling access.
- Changes to the wording and format of provisions to ensure their intentions are delivered.

Alongside public and iwi feedback, internal specialist advice has been utilised to develop the proposed provisions. This has included advice from:

- Auckland Transport and their consultants FLOW
- Healthy Waters (stormwater) team, Auckland Council
- Auckland Design Office, Auckland Council
- Practice and Training Team, Western Resource Consents

Summary of the Proposed Plan Change
The Proposed Plan Change built on the draft version to reflect public feedback and specialist inputs. In addition to the changes proposed in the draft (listed above) the proposed plan change includes:

- New objectives and policies relating to:
  - buildings on sites adjoining the school and with frontages along Hobsonville Road in sub-precinct C
  - stormwater
  - transport

- Standards relating to:
  - the design of new roads
  - Height in relation to boundary, yard, fencing and landscaping standards for buildings adjacent to Hobsonville Primary School
  - building height, height in relation to boundary, yards, landscaping for buildings along Hobsonville Road
  - water quality

- Assessment criteria relating to:
  - transport matters for sub-precinct C
  - stormwater quality
Attachment D: Section 32 (RMA, 1991) Evaluation Report

- Application of the SMAF 1 Control to the precinct
- Additional changes to the provisions for sub-precincts A and B for the purposes of updating zone boundaries, clarity and consistency
5. Transport
This section provides an analysis of the:

- transport issues for Hobsonville Corridor
- desired outcomes for transport within Hobsonville Corridor
- current planning provisions relating to transport issues
- proposed planning response
- the appropriateness of the proposed objectives to meet the purpose of the Act (Section 32 (1)(a) of the Act)
- appropriateness of the proposed provisions to achieving the proposed objectives (Sections 32(1) (b) and 32(2) of the Act).

Issues
The overarching transport issue for the precinct is the expected increase in traffic on Hobsonville Road and the related need for additional roads to achieve an integrated transport network within and around the precinct area. These additional roads firstly include the completion of Westpoint Drive, to serve as an alternative route between the western end of Hobsonville Road and SH18. Secondly it involves a future arterial road connecting Whenuapai to West Harbour. The issues and opportunities relating to these two roads are discussed below.

There is also additional commentary below, about the issue of the lack of suitable provisions in the AUP(OP) to ensure the delivery of these roads.

Westpoint Drive

A future road network was identified in Plan Change 14 to the Waitakere District Plan and included a ‘spine road’ to provide an alternative route to Hobsonville Road. Sections of this spine road, Westpoint Drive, have been completed within the proposed sub-precinct C.

The benefits of Westpoint Drive are outlined in the report titled Hobsonville Corridor Precinct: Technical Transportation Assessment June 2017 (Flow Transportation Specialists, Attachment A). These are noted in the assessment of costs and benefits below.

Development in the area was previously subject to planning provisions that required the delivery of this road. However, this sub-precinct is not part of the AUP (OP) and development and subdivision activities are only subject to the relevant zone and Auckland-wide provisions.

The absence of plan provisions to require a new internal road network, in conjunction with more permissive plan provisions in the AUP, results in the a risk that Westpoint Drive will not be completed. The provision of a connected internal road network is reliant on the ability of the Council to advocate for new road connections between existing formed roads or on developers working together to deliver further sections of the network. Due to sites within the precinct being in multiple ownerships, with assumed varied development aspirations, there is a risk that the remaining sections of the road will not be completed.
Attachment D: Section 32 (RMA, 1991) Evaluation Report

In addition to this, there is also potential for new building(s) over the potential alignment of the preferred route for Westpoint Drive as a permitted activity. This will affect and potentially lose the ability to deliver the road.

It is noted that in other parts of Auckland the absence of directive policy and supporting criteria has resulted in formed sections of road (such as Soljan Drive, Henderson as shown in Figure 3) being left unconnected. In Westgate, it has resulted in a Certificate of Compliance being issued for a building in a location which was previously overlaid with an indicative road (between Northside Drive and Kakano Road) as shown in Figure 4 below.

An incomplete Westpoint Drive would result in Hobsonville Road being the main access for freight traffic to serve the industrial area. There is potential for this to adversely affect impact negatively on the safe and efficient movement of walkers, cyclists and public transport along Hobsonville Road. The growth of development, business and residential activities within the precinct as well as in neighbouring areas would then occur without the appropriate transport infrastructure to manage effects.

A future arterial road connecting Whenuapai and West Harbour

The planned road network for the Hobsonville Corridor area also includes an arterial road from Whenuapai to West Harbour. Council is rezoning large areas of Whenuapai for housing and business development consistent with the Whenuapai Structure Plan. The Whenuapai Structure Plan anticipates a future arterial road extension from Marina View Road to Spedding Road to the north of SH18. This incorporates a future connection to Westpoint Drive extension within the proposed sub-precinct C area, therefore providing an additional connection between Hobsonville Road and Westpoint Drive. It also provides a quicker route between the Hobsonville Corridor Precinct and the West Harbour Ferry Terminal.

Similar to the completion of Westpoint Drive, there is a need to ensure that future development within the proposed sub-precinct C provides for this new road.
Desired outcomes
The key transport-related outcomes that are sought through this plan change are:

- Development and subdivision processes consider the form of the road, alignment of the future roads, the connections to access points on Hobsonville and Brigham Creek Roads and its relationship to the vested riparian areas along Rawiri Stream.
- Development and subdivision within sub-precinct C deliver sections of Westpoint Drive so that (over time) it is completed to provide road users with a safe and efficient alternative route to Hobsonville Road. This delivers the benefits listed above under ‘Westpoint Drive’
- The route for the future arterial road connecting Whenuapai and West Harbour is protected
- The adverse effects of future development on Hobsonville Road are reduced.
- The relationship of the future spine road with the area of riparian margin owned by council is managed so that the potential for the land to be used for passive recreation is achieved.

This section of the report outlines the current provisions within the AUP(OP) that relate to the transport issue, being the delivery of roads, within sub-precinct C. It also addresses the limited ability of these provisions to deliver the planned road, which is outlined above as a key issue.

Zone and Auckland-wide provisions
This section considers the provisions in the Light Industry zone and Transport sections of the AUP(OP).

None of the zone objectives and policies is focused on achieving development that will result in an effective and efficient road network (new or existing). The only requirement related to roads is that all proposed sites must be provided with legal and physical access to a road (E38.6.2. Access and entrance strips).

The zone has a number of permitted activities that could generate high volumes of traffic, and while there are rules in E27 Transport related to parking requirements and trip generation, many of the permitted activities in the zone will not be managed by the development thresholds of Table E27.6.1.1. This is due in part to the combination of the thresholds specified in E27.6.1.1 with the potential for small sites to be created under the E38 Subdivision provisions for the Light Industry Zone. In addition the zone allows for a significant level of development, including up to 20m of building height. Together this means that there is the potential for a high number of freight and vehicle movements along Hobsonville Road as assessed by Flow Transportation Ltd in Attachment A.

Attachment B contains a list of permitted activities that may not trigger the assessment required in E27.6.11.
Subdivision provisions

The subdivision provisions in E38 Subdivision-Urban of the AUP (OP) provide limited opportunity for the Council to ensure an integrated and connected road network for this land.

The assessment matters that the Council will consider in relation to subdivision around existing buildings and development, and subdivision in accordance with an approved land use resource consent are set out in E38.12.2(6). The only criterion that the Council could potentially rely on if a subdivision prevented delivery of new roads or extension of existing road sections is set out in (a)(ii). This relates to whether there is appropriate provision made for infrastructure. However, case law (attached in Attachment C) highlights that there are legal limits to Council’s ability to require an application to address the appropriateness of connections to the road network.

Subdivision occurring after a building has been constructed is unlikely to be declined on the basis that there is no appropriate provision for infrastructure, as the existing building will have already included conditions of resource consent that manage the effects. In addition Council cannot include a consent condition requiring land to be provided to form a new road (or a section of new road) or for an applicant to pay for a new road unless it can be shown that the requirement is fair and reasonably related to the subdivision. If a building is permitted without the need for a road; requiring the applicant to provide a road when the land is subdivided is likely to be considered to be unlawful.

The assessment criteria for subdivision of vacant sites and subdivision in accordance with approved land use are set out in E38.12.2 (7) for all other restricted discretionary activity subdivisions. These matters include:

(a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road

(e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood

(g) the effects arising from any significant increase in traffic volumes on the existing road network

Policies E38.3 (10), (12), (15), (16) and (17) are relevant; however the Light Industry zone’s description, objectives and policies are not focused on achieving development that will result in an effective and efficient road network. As a result, it may be possible for an applicant to argue that:

• providing safe legible and convenient access to a legal road can be achieved without providing a new road or an extension to the sections of Westpoint Drive that have already been formed and vested in Council
• there is no significant increase in traffic volumes
• the layout of the block and road in enabling a liveable, walkable and connected neighbourhood is not relevant for a light industry area and/or
• the land is zoned without a precinct overlaying it, meaning that there are no characteristics / values that need to be considered or given priority
Evaluation of the proposed objectives

This section of the report fulfils Section 32(1) (a) of the Resource Management Act, which requires an examination of the extent to which the objectives are the most appropriate way to achieve the purpose of the Act. It assesses whether the objectives are relevant, achievable and acceptable.

The plan change introduces the following objective relating to transport:

I603.2 (5) Transport linkages within the precinct provide direct, alternative routes to using Hobsonville Road and the State Highway network.

Relevance

Objective I603.2 (5) will meet the purpose of the Act by providing for new road networks. This will ensure the potential of physical resources to meet the reasonably foreseeable needs of future generations and avoid or mitigate adverse effects of development on the environment. It is also particularly related to the ‘efficient use and development of natural and physical resources’ under section 7(b) of the Act.

The proposed objective will contribute to the objectives of the regional policy statement in the AUP (OP) relating to a connected transport network and achieving a quality compact urban growth and form, in particular objective B2.2.1(1):

A quality compact urban form that enables all of the following:

(a) a higher-quality urban environment;
(b) greater productivity and economic growth;
(c) better use of existing infrastructure and efficient provision of new infrastructure;
(g) reduced adverse environmental effects

The proposed objective is also relevant to the objectives of the NPS on Urban Development Capacity, the Supporting Growth programme and the Auckland Plan.

It is also directly relevant to, and will support the following purpose and objectives within the operative precinct provisions:

• the purpose of the Hobsonville Corridor precinct being to deliver an integrated land use and transport outcomes
• Objective 2- transport and land use patterns are integrated, particularly around the Brigham Creek interchange to achieve a sustainable, liveable community
• Objective 5- Pedestrian linkages are promoted through the sub-precincts

Acceptability

The proposed objective provides additional detail to the operative objectives for the precinct. In doing so, it reflects the outcomes sought in the operative precinct, which were tested through planning processes and were concluded to be consistent with the purpose of the Act. The level of development potential, as well the transport effects of development, remain key transport issues as they were though these earlier processes. The proposed objective
also reflects feedback provided on the draft version of the plan change. For these reasons it is considered to be acceptable.

Achievability

The proposed objective is considered to be achievable through the suite of provisions proposed within the plan change for sub-precinct C, as outlined below. It also will be achieved through operative provisions for sub-precincts A and B.

Proposed planning response

This plan change proposes the following new and amended provisions relating to transport:

Policy

I603.3 (5) (21) Require the provision of road connections through sites:

(a) as generally indicated on I603.10.42 Hobsonville Corridor: Precinct plan 42- Sub-precincts A and B and I603.10.3 Hobsonville Corridor: Precinct plan 3- Sub-precinct C.

(b) to connect to identified strategic access points indicated in Hobsonville Corridor: Precinct plan 3 – Sub-precinct C and with existing roads or road sections in Sub-precinct C.

(c) to provide direct road linkages to and through the precinct as an alternative to using Hobsonville Road and the State Highway network as indicated in I603.10.2 Hobsonville Corridor: Precinct plan 2 – Sub-precincts A and B and I603.10.3 Hobsonville Corridor: Precinct plan 3 – Sub-precinct C.

(d) to enable the existing road network to be expanded or extended to adjacent land (including aligning with any new proposed connections to or over the state highway) to support safe and efficient movement within the precinct and to and from the surrounding transport network.

Activities

The proposed provisions indicate a Discretionary activity status for development of subdivision that does not comply with one or more of the standards contained in I603.6.1 or I603.2 (discussed below).

Standards

I603.6.1 Standards - subdivision and development

Purpose: ensure that roads are constructed to serve development in general accordance with I603.10.2 Hobsonville Corridor: Precinct plan 2 Sub-precincts A and B and I603.10.3 Hobsonville Corridor: Precinct plan 3 – Sub-precinct C.

(1) Any subdivision or development of a site that contains an indicative future road or a preferred future road alignment must include the development of that road in general accordance with I603.10.2 Hobsonville Corridor: Precinct plan 2 – Sub-precincts A and B- and I603.10.3 Hobsonville Corridor: Precinct plan 3 – Sub-precinct C.
(2) Any subdivision or development of a site that contains the indicative arterial road as shown in I603.10.3 Hobsonville Corridor: Precinct plan 3 – Sub-precinct C must provide for that new road.

(3) No structure will be located within an indicative future road, preferred future road alignment or indicative arterial road as identified in the I603.10.2 Hobsonville Corridor: Precinct plan 2 – Sub-precincts A and B and I603.10.3 Hobsonville Corridor: Precinct plan 3 – Sub-precinct C, unless an alternative road alignment has been approved by resource consent.

1603.6.2 Standards – New Roads

Purpose: ensure that roads are constructed to serve development in general accordance with I603.10.2 Hobsonville Corridor: Precinct plan 2 Sub-precincts A and B and I603.10.3 Hobsonville Corridor: Precinct plan 3 – Sub-precinct C.

(1) Any new road required under I603.6.1 above must be designed and constructed to meet its operational and functional requirements.

(2) Where the site includes the terminus of an indicative future road or a preferred future road alignment it must be designed to connect to the identified ‘strategic access points’ on I603.10.3 Hobsonville Corridor: Precinct plan 3 – Sub-precinct C.

(3) Any new road or section of road as required in 1603.6.2(1) or (2) above must connect with existing formed section/s and consented alignments on adjacent sites and must be designed to the same standard (to accommodate the same transport modes) as those existing and consented formed sections(s) of road that it connects to.

Matters of Discretion

(1) Subdivision in Sub-precinct C

(a) location of roads and connections with neighbouring sites

(b) functional requirements of the transport network and different transport modes

(c) site and vehicle access including roads, rights of way, and vehicle crossings

(d) construction of indicative roads

Assessment Criteria

I603.8.2  (w) The design and alignment of any new road should not compromise the function of the state highway network

Sub-precinct C

(x) the extent to which any development or subdivision layout:
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i. is consistent with and provides for the preferred future road alignments and indicative arterial road shown on the I603.10.3 Hobsonville Corridor: Precinct plan 3 – Sub-precinct C.

ii. complies with the AT Code of Practice or any equivalent standard that replaces it

iii. provides for the functional requirements of the existing or proposed transport network and different transport modes

iv. provides for roads to the site boundaries to enable connections with neighbouring sites

v. minimises vehicle crossings to on existing or planned arterial roads by providing access from a side road, rear lane, or slip lane.

(y) the design and alignment of Westpoint Drive should include consideration of any interface with the planned walkway along Rawiri Stream.

Diagrams

The plan change incorporates the following transport related changes to the diagrams:

a) A new Precinct Plan 3, which includes the following items for Sub-precinct C:
   • Preferred future road alignment
   • Indicative arterial road
   • Strategic access point locations along Brigham Creek Road and Hobsonville Road

b) Changes to Precinct Plan 2 (which contains information formerly shown on precinct plans 1 and 2)
   • Revision of the locations of strategic access points along Brigham Creek to reflect current circumstances and for consistency with the new Precinct Plan 3.
   • Removal of the indicative bus, pedestrian and cycle routes (discussed further in section 8 of this report).

Assessment of the proposed provisions

This section provides an evaluation of the proposed provisions as required by Section 32 of the Act. This assessment includes:

- the risks of acting or not acting and whether the provisions are the most appropriate way to achieve the objective,
- any other options available to achieve the outcomes, and
- the costs, benefits, efficiency and effectiveness of the proposed provisions

Risk assessment

Section 32(2)(c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the plan change. This s32 evaluation process includes a transportation assessment (Flow report, Attachment A), which has been prepared
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to understand the effects of the plan change. Based on this assessment, it is considered that sufficient information has been gathered to justify proceeding with the proposed plan change and that the risk of acting on this information is less than not acting and adopting a reactive approach to development within the plan change area.

**Assessment of other options**

As discussed in Section 4 above, in considering options for the transport issues in the area, the option to designate the land required for road purposes was considered. In the case of the preferred future road alignment in sub-precinct C this option is not considered an appropriate method to achieve the objectives. This is because Auckland Transport does not designate Local roads or have funding in place for Westpoint Road. In addition, the delivery of the road has been undertaken by developers to date and it is therefore considered most appropriate to continue this form of delivery through provisions relating to private development and subdivision.

The land for the future arterial road will be progressed through a future designation process. At this stage, its inclusion in this precinct is for information and development that takes cognisance of this will act to protect this route.

**Assessment of efficiency and effectiveness**

*Effectiveness*

The proposed provisions will be effective in ensuring that the objective will be met. Together they require the delivery of the preferred future road alignment and the protection of the future arterial route. The provisions include these requirements through diagrams and standards. The proposed provisions will ensure that the roads are effective in terms of function and design. The provisions require a Discretionary assessment if standards are not met, and include appropriate policies to guide this assessment. The assessment criteria will also be effective in managing the transport effects of proposed developments.

*Efficiency*

The proposed provisions reflect an efficient approach to realising the stated objective. They will work together to ensure the roads are delivered in an integrated and therefore efficient manner, as opposed to relying on advocacy on a site by site and development by development basis.

**Assessment of costs and benefits**

The following table provides an assessment of the proposed provisions as required by Section 32(b) of the Act.

*Note:* Section 32(2) (b) of the RMA requires costs and benefits to be quantified where practicable. The costs relating to transport are unable to be quantified as they relate to the complexity and scale of delivering the road on specific sites as well as the unique costs relating to consent costs, stormwater requirements and design objectives for each developer. The table below instead provides a description of the types of costs associated with the proposed transport provisions.
### Table 3: Costs and Benefits of Transport Provisions

<table>
<thead>
<tr>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environmental</strong></td>
<td></td>
</tr>
<tr>
<td>Increased impervious area within the precinct.</td>
<td>The planned road connections will result in improved network resilience; improved connectivity; reduced traffic on Hobsonville Road; improved opportunities for bus priority measures on Hobsonville Road; improved walking and cycling environment on Hobsonville Road.</td>
</tr>
<tr>
<td></td>
<td>Encourages connectivity to the wider transport network including the State Highway network and Whenuapai</td>
</tr>
<tr>
<td></td>
<td>Stormwater from new roads will be captured and passed through stormwater treatment devices that remove the majority of contamination from the roads and are sized, designed and provided as part of development.</td>
</tr>
<tr>
<td></td>
<td>Internalising some of the noise from additional traffic into the sub-precinct. Noise from traffic using the spine road or the new arterial road within the precinct is not considered to be an issue. The adjoining land has a noise limit of 65dB L_{Aeq}.</td>
</tr>
<tr>
<td><strong>Social and Cultural</strong></td>
<td></td>
</tr>
<tr>
<td>Less flexibility for developers with regard to locating development and constructing the proposed spine road.</td>
<td>There are social benefits related to all of the environmental benefits listed above. These include access to a variety of modes of transport, and an enhanced environment along Hobsonville Road to encourage walking and cycling.</td>
</tr>
<tr>
<td>Uncertainty about the final alignment on adjacent sites could affect the ease by which some landowners can plan for future development of their site.</td>
<td>Westpoint Drive will also deliver benefits to the school community by reducing traffic on Hobsonville Road, and thereby providing more opportunities for safe crossings. This will reduce the severance of the school to its residential catchment.</td>
</tr>
<tr>
<td>Any application will go through a restricted discretionary activity application</td>
<td>The new road network has the potential to reduce travel times across the wider transport network.</td>
</tr>
<tr>
<td></td>
<td>The new road network would reduce the pressure for additional vehicle crossings to Hobsonville Road to serve new development. This will reduce the adverse effects of crossings on its arterial function, thereby enhancing the multi-modal functions of the Hobsonville Road corridor.</td>
</tr>
<tr>
<td></td>
<td>The provisions include the need to develop the road in 'general accordance with' the road locations on the</td>
</tr>
</tbody>
</table>
process and may be declined. diagrams. This reflects the possibility that the alignment of the road within the existing sites may change through the detailed design process. This allows landowners some flexibility to accommodate their desired site layout.

There will be greater interface of sites with public spaces allowing both formal and informal surveillance by users of the road; in turn making these areas safer and encouraging more walking.

Certainty for stakeholders, including Auckland Transport about future connections to the future arterial road.

The requirement to complete the road will realise the expected benefits for the landowners and developers who have already invested in the constructed the sections of road on their sites.

The requirement for the design of Westpoint Drive to consider the interface with the planned walkway will ensure a safe and pleasant walking/cycling environment.

---

**Economic**

<table>
<thead>
<tr>
<th>Economic Factors</th>
<th>Benefits Arising</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of some land on some development sites to provide for the roads.</td>
<td>Benefits arising from the accessibility and visibility of industrial premises fronting Westpoint Drive.</td>
</tr>
<tr>
<td>Costs to developer of constructing sections of Westpoint Drive, including required stormwater management.</td>
<td>Delivery of the new roads and stormwater infrastructure as part of the subdivision/development design process for sites means that the developer will be able to respond to a range of land-use, visual, environmental, technical, construction, operation and maintenance considerations that will result in a more integrated and cost efficient outcome</td>
</tr>
<tr>
<td>Provision of traffic signals at new road intersections will be a cost for developers.</td>
<td>While costs associated with the provision of additional infrastructure to service growth will be primarily borne by developers; it is noted that it is common for developers to provide internal road networks.</td>
</tr>
<tr>
<td>Sites fronting Hobsonville Road will have less opportunity to take advantage of direct access for passing traffic.</td>
<td></td>
</tr>
</tbody>
</table>
6. Urban Design
This section provides an analysis of the:

- Urban design issues for Hobsonville Corridor
- desired urban design outcomes for Hobsonville Corridor
- current planning provisions relating to urban design
- appropriateness of the proposed objectives to meet the purpose of the Act (Section 32 (1)(a) of the Act)
- proposed planning response
- proposed provisions and how they will achieve the proposed objectives (Sections 32(1) (b) and 32(2) of the Act).

Issues
There are emerging issues relating to the interface of development within the Light Industry zone in the proposed sub-precinct C area, and the surrounding residential and school land uses. The scale of development that is possible under the Light Industry zone provisions has the potential to dominate and shade the residential properties on the eastern side of Hobsonville Road. It also has the potential to adversely affect the amenity of the school, residents and users of Hobsonville Road.

Dominance effects
Developments within the Light Industry Zone have potential dominance effects on residential properties, Hobsonville Primary School and the street environment. These effects include an overbearing built form, when compared to the difference in scale of development in the existing residential environment. This scale will result in visual effects, by restricting views and the sense of spaciousness for the residential and school environments.

Development under the Light Industry provisions has a maximum permitted height of 20 metres and a front yard requirement of 2m. Standard H17.6.2 within the Light Industry Zone sets out a height in relation to boundary requirement for developments located across the road from residential zones. There are no side/rear yards or height in relation to boundary controls on the school boundaries as the school is zoned Light Industry rather than Special Purpose- School Zone.

Recent development along Hobsonville Road demonstrates the dominance effects. The photos below were taken in October 2017 and illustrate these effects in relation to the recently constructed storage unit facility located at 110 Hobsonville Road. It should be noted that with an approximate height of 15m and a 6m front yard, this development does not represent the full extent of the development permitted in the zone.
Figure 5 - Photo taken from the eastern side of Hobsonville Road

Figure 6 - Photo taken from Suncrest Drive, showing the roofline of Hobsonville Road properties and the storage facility behind.
Shading effects

An assessment has been undertaken to demonstrate the shading effects of buildings designed to the maximum extent of the permitted height and yard standards.

The following diagrams show that the extent to which the residential properties opposite the Light Industry zone will be in shade by 3pm during winter and the September equinox, and by 6pm in summer. It should be noted that this analysis has not incorporated any change in gradient, but that there is no significant change in gradient between the two sides of Hobsonville Road. A full set of shading diagrams is included as Attachment D.
Figure 7: Shading effects of a building designed to maximise height and coverage under the operative Light Industry Zone provisions at 6pm in summer.

Figure 8: Shading effects of a building designed to maximise height and coverage under the operative Light Industry Zone provisions at 3pm at the September equinox.

The shading diagrams show that there is potential for significant shading effects on the residential properties from development within the Light Industry zone.

**Desired outcomes**

The desired outcomes for urban design relate to the interface between Light Industry and residential and school properties and include:

- a good standard of visual amenity for residential and school properties,
- reducing the shading effects of light industry development on the residential and school properties, and
- reducing the dominance effects of light industry development on the residential and school properties
Current planning provisions
The operative planning provisions for the Light Industry zone and which relate to the interface between this zone and neighbouring residential and school activities include:

<table>
<thead>
<tr>
<th>Light Industry Zone Standards</th>
<th>When a site is opposite residential zone on Hobsonville Road</th>
<th>When a site is adjacent to Hobsonville Primary School (which is not zoned as Special Purpose- School zone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height</td>
<td>20m</td>
<td>20m</td>
</tr>
<tr>
<td>Height in relation to boundary</td>
<td>6m plus 35 degree recession plane from the residential boundaries</td>
<td>No relevant standards</td>
</tr>
<tr>
<td>Front yard</td>
<td>2m</td>
<td></td>
</tr>
<tr>
<td>Side and rear yards</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Landscaping of yards</td>
<td>The full extent must be planted</td>
<td></td>
</tr>
<tr>
<td>Storage and screening</td>
<td>Outdoor storage or rubbish areas must be screened with landscaping or a solid 1.8m high wall/fence.</td>
<td></td>
</tr>
</tbody>
</table>

Evaluation of the proposed objectives
This section of the report fulfils Section 32(1) (a) of the Resource Management Act, which requires an examination of the extent to which the objectives are the most appropriate way to achieve the purpose of the Act. It assesses whether the objectives are relevant, achievable and acceptable.

The plan change introduces the following objective relating to urban design within sub-precinct C:

**Sub-precinct C**

(13) Development along Hobsonville Road and adjacent to Hobsonville Primary School provides a good amenity interface with the residential properties on the opposite side of Hobsonville Road as well as with the school.

Relevance
Objective 13 is considered the most appropriate way to achieve the purpose of the Act. It particularly relates to the management of physical resources in a way that enables people to provide for their social wellbeing and health. It also directly relates to the ‘maintenance and enhancement of amenity values’ as listed in Section (7) of the Act.
This objective also relates to, and reflects, the following objectives of the Light Industry Zone:

- Development avoids, remedies or mitigates adverse effects on the amenity of adjacent public open spaces and residential zones
- Adverse effects on amenity values and the natural environment, both within the zone and on adjacent areas, are managed.

Objective 13 is directly relevant to the issues relating to the interface between industrial development and neighbouring residential and school land uses.

**Achievability**

Objective 13 is achievable through the assessment of applications on sites adjacent to the school and along Hobsonville Road. The plan change proposes a restricted discretionary status for developments on these sites. It proposes a suite of policies, standards and criteria to deliver this objective. These are described and assessed below.

Sub-precinct C has significant un-met development potential, including along Hobsonville Road and around the primary school. This enhances the achievability of this objective, as future development proposals will be subject to the precinct provisions.

**Acceptability**

Objective 13 reflects the approach that was developed as a plan change to the legacy Waitakere District Plan. It therefore has been previously tested by planning processes including expert advice and scrutiny, submissions and hearings.

Recent feedback received on the draft version of this plan change has reinforced the need for, and therefore the acceptability of, such an objective for development in these two interface areas.

**Proposed planning response**

This plan change proposes the following provisions relating to urban design in sub-precinct C:

**I603.3 Policies**

*Built form in sub-precinct C*

(15) Manage development along Hobsonville Road and adjacent to Hobsonville Primary School to provide visual amenity for the school and properties on the eastern side of Hobsonville Road.

**I603.4 Activity Table**

The following activities are proposed within the activity table for Sub-precinct C:

| (A34) | New buildings that have a frontage to Hobsonville Road or are on sites adjoining Hobsonville Primary RD |
External alterations and additions to buildings that have a frontage to Hobsonville Road or are on sites adjoining Hobsonville Primary School

Development that does not comply with one or more of the standards contained in I603.6.1, I603.6.2, I603.6.4, I603.6.6 or I603.6.7.

Standards

**I603.6.6 Standards - New buildings and external alterations and additions to buildings fronting Hobsonville Road in Sub-precinct C**

**Purpose:** manage the adverse effects of development fronting Hobsonville Road on the residential properties on the eastern side of the road.

1. **New buildings and external alterations and additions must have a front yard of 8m.**
2. **Front yards must not be used for storage of materials or waste.**
3. **The front yard must be planted with a mix of grasses, shrubs and trees for a minimum depth of 3m.**
4. **New buildings and additions on sites fronting Hobsonville Road in sub-precinct C must not exceed the following standards, as shown in Figure 1 below:**
   - a height of 10m above the finished level of the street for a minimum depth of 10m from the building frontage for a minimum of 50% of that frontage.
   - 20m above the finished level of the street for the remaining depth of the building
   - Any part of a building that is more than 10m high must be setback by a minimum of 10m from the building frontage.
5. **Buildings must not project beyond a 30 degree recession plane measured from a point 6m vertically above ground level along the boundary of the residential zone, measured at the road boundary, as shown in Figure 1 below:**
I603.6.7 Standards - Development and subdivision on sites adjoining Hobsonville Primary School

Purpose: ensure development adjoining the Hobsonville Primary School mitigates adverse effects on the school.

(1) A landscape buffer of 3m in depth should be provided prior to the construction of the buildings on all sites identified with Landscape Frontage Areas on Precinct Plan 5, to the satisfaction of Council.

(2) The landscape buffer required in I603.6.7(1) above must be planted in a manner that will mitigate the potential adverse effects of proposed development and activities on the school.

(3) Continuous acoustic fencing must be provided for the entire length of property boundaries with the school, to the satisfaction of Council.

(4) Buildings on sites identified with Landscape Frontage Area A1 on Precinct Plan 5 must be setback by 9 metres from the boundary with Hobsonville Primary School.

(5) A 3 metre wide landscaped area must be provided within the 9 metre building setback required in I603.6.7(4), to the satisfaction of Council. This is in addition to the landscape buffer described in I603.6.7(1) above.
(6) Buildings on all sites with Landscape Frontage Area A2 or Landscape Frontage Area B on Precinct Plan 5 must be setback by at least 6 metres from the boundary with Hobsonville Primary School.

(7) New buildings and external alterations and additions on sites identified with Landscape Frontage Area A1 or Landscape Frontage Area A2 on Precinct Plan 5: Landscape Frontage Areas must be contained within a recession plane of no more than 35 degrees as measured from any relevant point 2.5m vertically above ground level on that boundary.

(8) New buildings and external alterations and additions on sites identified with Landscape Frontage Area B on Precinct Plan 5: Landscape Frontage Areas must be contained within a recession plane of no more than 45 degrees as measured from any relevant point 2.5m vertically above ground level on that boundary.

Matters of Discretion

(2) Buildings or development:

(b) in sub-precinct C, building interface with residential properties and Hobsonville Primary School

Assessment Criteria for restricted discretionary activities

Sub-precinct C

(r) The frontage of any proposed development or buildings on sites that front Hobsonville Road or adjoin Hobsonville Primary School should achieve a good standard of visual amenity for the residential properties along Hobsonville Road and for the school, through such methods as:

i. design articulation

ii. glazing

iii. selection of trees that will achieve mature heights that will mitigate the bulk and height of buildings and soften the built form of development

Precinct Diagrams

The proposed plan change proposes the following new Precinct Plan 5: Landscape Frontage Areas
Assessment of the proposed provisions

Risk assessment

Section 32(2) (c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the plan change. There is information to support the proposed urban design provisions, including from public feedback and from analysis of the current planning provisions, as discussed in relation to the urban design issues above. The risks of acting are considered to outweigh those of not acting and as such it is considered appropriate to proceed with the proposed urban design provisions.

Assessment of other options

In considering options to address the urban design issue, the option of rezoning land within sub-precinct c was considered. Given that the issues relate to the interface between the Light Industry zone development and residential properties and the school, this option was considered specifically for the properties within the Light Industry zone that have these interfaces.

It is anticipated that the General Business zone could deliver better urban design outcomes for the interface areas, given that this zone permits 16.5m height (Standard H14.6.1) and has a specific Height in Relation to boundary standard (H14.6.2) for residential interface areas. However, the activities permitted within this zone would effectively spread the types
Attachment D: Section 32 (RMA, 1991) Evaluation Report

of activities also anticipated in the Local Centre and Mixed Use zones further south along Hobsonville Road. This would not support the objectives for sub-precincts A and B. These objectives seek to focus these types of activities in these two sub-precinct areas in order to develop a defined centre for local residents. Furthermore, Light Industry land is in short supply across Auckland and therefore it is important that this zone be retained for the land within sub-precinct c.

Assessment of costs, benefits, efficiency and effectiveness

The following table provides an assessment of the proposed provisions (outlined in Section 6.5.1 above) as required by Section 32(b) of the Act. This assessment considers whether the provisions are the most appropriate way to achieve the objective.

Note: Section 32(2) (b) of the RMA requires costs and benefits to be quantified where practicable. The costs relating to the proposed provisions are unable to be quantified as they relate to the complexity and scale of each proposal and site.
Table 4: Assessment of the Proposed Urban Design Provisions

<table>
<thead>
<tr>
<th>Costs</th>
<th>Benefits</th>
<th>Efficiency</th>
<th>Effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>The standards may reduce the overall volume of development able to be achieved on the site. There will be additional costs for developers to deliver the landscaping requirements</td>
<td>Retains the Light Industry zone, contributing towards the city-wide lack of such land. The provisions: • provide for a “human scale” building frontage, which is a more appropriate interface for residential neighbours and the school community. • provide greater amenity by way of stepped building envelope along Hobsonville Road • allow for design of generous 2-3 storey office, entrance or similar frontage along corridor. • reduce the dominance of built form by increasing distance between residential activities and larger built forms in the LI zone • minimise shading onto residential properties (refer to Attachment 4) • do not preclude car parking in front of development • allow for design of a legible street front entrance • seek to achieve good amenity and attractive streetscape for the Hobsonville Road corridor</td>
<td>Retains status quo of maximum overall height, and therefore largely consistent with Light Industry zone controls The proposed standards only apply to those sites where development will most affect residential and school activities. They therefore work to reduce dominance and shading effects in a way that minimises the reduction of development capacity within the area. The reduction of maximum height only applies to the first 10 m of building, and therefore is more cost efficient in terms of ensuring development capacity than applying this restriction to the whole site. The use of standards allows for certainty in the assessment of resource consent applications. The standards are consistent with the current consent notice applying to several properties next to the school.</td>
<td>Using a standard will provide greater certainty of outcome than only relying on assessment criteria Standard is clear; simple to understand, apply, administer Managing the placement of buildings on site is one of the most effective ways of mitigating adverse environmental effects. Front yard controls are proven methods of reducing building dominance for taller buildings. Landscape requirements are an effective way to soften/reduce effects of building bulk Minimising heights will have direct effect on reducing shading and dominance.</td>
</tr>
</tbody>
</table>
7. Stormwater Management

This section firstly sets out some background information relating to the current and proposed stormwater management approaches in the Hobsonville Corridor area. It then provides an assessment of the plan change in relation to the two key stormwater issues of hydrology mitigation and water quality.

The following analysis is provided for each key issue:

- A description of the issue
- desired outcomes
- current planning provisions relating to the issue
- the proposed planning response
- the appropriateness of the proposed objectives to meet the purpose of the Act (Section 32 (1)(a) of the Act)
- the appropriateness of the proposed provisions to achieving the proposed objectives (Sections 32(1) (b) and 32(2) of the Act).

Background

The Hobsonville Corridor Precinct discharges to the Waiarohia Inlet which a tributary of the Upper Waitemata Harbour. There is no direct discharge of stormwater to the Waiarohia Inlet as the Brigham Creek interchange of SH18 cuts off direct access. The Hobsonville Corridor Precinct has undergone some development already with consents granted under previous planning regimes and some communal devices (wetlands) were installed to manage stormwater.

The approach to stormwater management has changed since consents for communal stormwater devices were granted and the new approach is embodied in the AUP(OP). The new approach directs for on-site reduction of contaminants and water quality treatment as close to source as possible be applied. An on-site approach enables greater flexibility in use of the land and achieves greater water quality than large scale communal devices can provide.

The Hobsonville Corridor Precinct is subject to the Waiarohia Stream Network Discharge Consent (the ‘NDC’). The NDC was varied in December 2016 to reflect the direction of the AUP (OP), changing land use and stormwater management requirements to protect the Waiarohia Stream receiving environment. It applies a higher level of water quality treatment to the Hobsonville Corridor area than required by the region wide rules of the AUP (OP).

The NDC will be superseded in the future by the Auckland Wide Network Discharge Consent. The standards in that consent may or may not be the same as is currently expressed in the NDC. In light of this, the proposed precinct provisions outlined below reflect the specific requirements of the NDC. This approach is taken to ensure that the current approach to both hydrology mitigation and water quality treatment is retained within the precinct regardless of changes to network discharge consents.
Hydrology mitigation

Issues
Development within the precinct has and will change the natural hydrology. Development contributes to changes in stream base flows, groundwater levels and increased erosion in the receiving environment. It can also increase flooding risk by increasing the volume of water that flows into drains and streams during rain events.

Desired outcome
The desired outcome is to reflect the ‘retain and detain’ approach to hydrology mitigation that the current Waiaroha Stream NDC requires. This will ensure that changes to hydrology are minimised, in order to minimise the effects of greater water volumes into the receiving environment (including erosion) and to maintain groundwater levels.

Current planning provisions
Policy E1.3.8(c) of the AUP (OP) directs that impacts on hydrology are minimised or mitigated. However it does not provide specific guidance on how this should be achieved in greenfield sites.

Other provisions in the AUP (OP), particularly Policies E1.3.10 and E1.3.13 encourage quality and quantity management at source. However, how this may be achieved depends on site specific factors such as soil type and anticipated land use.

Proposed planning response
This plan change seeks to apply the Stormwater Management Area Flow 1 (SMAF 1) control to the Hobsonville Corridor Precinct area to address the issue of hydrology mitigation. This is the same requirement as in the existing NDC. The SMAF 1 control is currently applied to brownfield sites which contain streams sensitive to increased stormwater flow and volume.

SMAF 1 is an approach to hydrology mitigation which takes into account factors such as soil type and infiltration rates. It works by retaining a portion of the stormwater runoff and detaining the rest of the rainfall event for slow release into the environment. The SMAF 1 control requires retention of the first 5mm of runoff (which is the volume reduction) and detention of the 95th percentile of a 24 hour rain event.

The combined effect of this retention and detention is to reduce the volume of water that discharges into streams and estuaries thus reducing erosion and maintaining more consistent base flows. The full technical explanation for SMAF 1 is described in detail in Technical Report 2013/35 - Auckland Unitary Plan stormwater management provisions: Technical basis of contaminant and volume management requirements. An extract from the Executive Summary explains this rational and is included as Attachment E to this report.

Evaluation of the proposed objectives
This section of the report fulfils Section 32(1) (a) of the Resource Management Act, which requires an examination of the extent to which the objectives are the most appropriate way to achieve the purpose of the Act. It assesses whether the objectives are relevant, achievable and acceptable.
Attachment D: Section 32 (RMA, 1991) Evaluation Report

The plan change replaces the operative precinct objective relating to stormwater, with text as follows:

**I603.2 (7) Stormwater management and treatment mitigates adverse effects of development on the receiving environments.**

This is a high-level objective that relates to both of the key issues (hydrology mitigation and water quality) discussed below.

**Relevance**

Objective 7 is the most appropriate way to achieve the purpose of the Act. It clearly sets out the objective of managing stormwater to mitigate its effects. It contributes to achieving the sustainable management of natural and physical resources and therefore the purpose of the Act. It also directly relates to the ‘matter of national importance’ (a), as well as the ‘other matters’ (d), (f) and (g) of the Act, as listed in Sections 6 and 7 of the Act:

- **Section 6**
  - (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;

- **Section 7**
  - (d) intrinsic values of ecosystems
  - (f) maintenance and enhancement of the quality of the environment
  - (g) any finite characteristics of natural and physical resources

**Achievability**

Objective 7 is achievable through the operative Auckland-wide provisions relating to the management of stormwater, as well as through the proposed provisions for the precinct, outlined below.

**Acceptability**

The proposed Objective 7 is considered acceptable given that it aligns with the objectives within the Auckland-wide provisions and that it does not alter the intent of the precinct objective.

**An assessment of the proposed provisions**

This section considers whether the provisions are the most appropriate way to achieve the objective.

The application of the SMAF 1 control in the precinct provides the same level of requirement as within the Waiaroha Inlet NDC. SMAF 1 is therefore considered an appropriate way to reflect the retention and detention requirements for hydrology mitigation that are set out in the NDC.
Attachment D: Section 32 (RMA, 1991) Evaluation Report

It is also considered the most appropriate option for ensuring that the objective is met, for the reasons discussed below:

- The precinct is developing into an urbanised catchment for which SMAF 1 was designed.
- The soil type is suitable for the retention and detention approach. The 5mm retention volume and 95th percentile runoff detention specifications in the NDC mirror that of the SMAF 1 control.
- SMAF 1 is applied in neighbouring catchments south and north of the Hobsonville Corridor Precinct.
- Devices used to meet SMAF requirements can, with minor modification, be designed to meet the water quality treatment proposed for this precinct.
- Where stormwater is designed to a communal device SMAF controls require the retention of 5mm runoff which is the volume reduction part of the SMAF control.

Risk assessment

Section 32(2) (c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the plan change. The existing NDC for this area considered the local issues and requirements and the requirements proposed within this plan change reflect the NDC. This NDC is considered to be information to support this plan change. In addition, there is uncertain information as to the details of the future Auckland wide Network Discharge consent and whether it will provide the same level of protection for the receiving environment. Given this, the risks of not acting outweigh the risks of acting and it is considered appropriate to proceed with the plan change in respect of the proposed stormwater provisions.

Assessment of costs, benefits, efficiency and effectiveness

The table below provides an analysis of the application of SMAF within the precinct, as required by Section 32(b) of the Act:

Note that Section 32(2) (b) of the RMA requires costs and benefits to be quantified where practicable. The costs relating to the application of SMAF 1 overlay are unable to be quantified as they relate to the specifics of each site and proposal. However, as stated below these costs are not expected to be higher than those associated with current consent requirements.

Table 5: Costs and Benefits of Proposed Provisions for Hydrology Mitigation

<table>
<thead>
<tr>
<th>Costs</th>
<th>Benefits</th>
<th>Efficiency</th>
<th>Effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>47</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The proposed approach is not expected to impose additional cost to land owners over and above that required by the current NDC.

This approach will make the stormwater requirements clear and certain in the precinct provisions.

Should the Waiarohia NDC be superseded in the future, the stormwater management approach will be retained without causing confusion for developers and land users.

This approach is no different to what is already required under the Waiarohia NDC and therefore is efficient in terms of not unnecessarily developing new landowner requirements to meet the provisions.

Applying the ‘retention and detention’ approach via the SMAF 1 control results in greater visibility on the application of retention and detention, as opposed to relying on compliance with the connection standards of an NDC.

Water quality treatment

Issues
Stormwater can convey contaminants into receiving environments. Any stormwater infrastructure designed now will have an effect on the receiving environment for decades into the future. Contaminants of concern for the Auckland region identified in Technical Report 2013/35 - Auckland Unitary Plan stormwater management provisions: Technical basis of contaminant and volume management requirements (TR2013/35) were sediment, heavy metals and nutrients.

Policy B7.4.2 (6) of the AUP(OP) is to “Progressively improve water quality in areas identified as having degraded water quality through managing subdivision, use, development and discharges.” with the Waiarohia Stream and Upper Waitemata Harbour being identified as degraded due to human activities (see Figure B7.4.2, AUP(OP). However, long term ecological monitoring of the area where the Waiarohia Stream discharges into the Upper Waitemata ranks the Waiarohia Stream as green in the Environmental Response Criteria². Trends since 2005 are that fine sediment is increasing, most notably in the last two years of monitoring, while heavy metal contaminants are slowly decreasing.

The AUP (OP) directs that “freshwater systems are enhanced unless irreversibly degraded by land use” (Policy E1.3 (3)). The information from the long term sampling sites near Waiarohia Stream supports that all effort should be made to prevent further degradation to the receiving environment and enhance it over time.

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**Desired outcome**
The desired outcome is for a high level of at source water quality treatment in order to enhance the sensitive receiving environment of the Waiaroha Inlet, and prevent further degradation.

**Current planning provisions**
Water quality policies are found in E1.3 (2), 1.3(3), 1.3 (8), 1.3(10) – (14) of the AUP (OP).

Chapter E9 defines high contaminant generating activities, which includes high use roads and car parks and use of certain building materials. Specific treatment guidelines are given in E9 if the triggers for high contaminant generating activities are met.

Chapter E8 addresses discharges and diversions to the stormwater network, which are permitted if standards are met. Chapter E8 does not address the water quality treatment of the discharge, which is what the proposed precinct standard seeks to address.

**Proposed planning response**
The proposed plan change inserts the following regional plan activity and standard into the precinct provisions:

<table>
<thead>
<tr>
<th>(A22), (A29)</th>
<th>Development of new or redevelopment of impervious areas</th>
<th>P</th>
</tr>
</thead>
</table>

**I603.6.3 Development of new or redevelopment of impervious areas**

1. Impervious areas where stormwater runoff is directed to an approved communal stormwater management device designed to achieve 75% total suspended solids removal and extended detention stormwater quality treatment must:

   a. Use inert building materials that do not have an exposed surface made from contaminants of concern to water quality (i.e. zinc, copper, and lead); and

   b. Achieve stormwater quality treatment at-source for all high use roads and high contaminant generating carparks using a filtration device (or similar) designed to remove metals and hydrocarbons in accordance with Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003); or


2. All other impervious areas (except inert building materials) must achieve stormwater quality treatment at-source in accordance with Auckland Council Technical Publication 10: Design Guideline Manual for Stormwater Treatment Devices (2003). (Note: the implementation of bio-retention devices to achieve retention in accordance with Table E10.6.3.1.1 Hydrology mitigation requirements are considered to achieve this standard).
Evaluation of the proposed objectives
As discussed above, the proposed plan change proposes changes to objective 7. As this objective relates to all of the stormwater topics in this report, refer to the section above relating to hydrology mitigation for the analysis of this objective as required under the Act.

An assessment of the proposed provisions
The precinct standard requires a higher level of treatment than the Auckland-wide rules. It achieves a higher level of treatment for all contaminant generating impervious areas and ensures that all road surfaces are treated. This recognises the risk that contaminants generated on roads pose to the environment and that cumulative effects are significant to already degraded receiving environments. The standard has been drafted to reflect the water quality treatment aspects of Condition 3 in the NDC and to ensure that there is no duplication with existing region wide rules in the AUP(OP). Standard (1) requires additional treatment above 75% TSS to address contaminants from industrial/commercial activities.

The precinct standard will take precedence over the regional E9 rules and as such the activity tables in the precinct are proposed to be amended to make reference to including a regional standard.

Risk assessment
Section 32(2) (c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the plan change. The existing NDC for this area considered the local issues and requirements and the requirements proposed within this plan change reflect the NDC. This NDC is considered to be information to support this plan change. In addition, there is uncertain information as to the details of the future Auckland Wide Network Discharge Consent and whether it will provide the same level of protection for the receiving environment. Given this, the risks of not acting outweigh the risks of acting and it is considered appropriate to proceed with the plan change in respect of the proposed stormwater provisions.

Assessment of costs, benefits, efficiency and effectiveness
This assessment considers whether the provisions are the most appropriate way to achieve the objective. The table below provides an analysis of the proposed provisions, as required by Section 32(b) of the Act.

Costs
Section 32(2) (b) of the RMA requires costs and benefits to be quantified where practicable. The costs relating to the proposed provisions are unable to be quantified as they relate to the specific development requirements that manage stormwater generated by each site.
Table 6: Costs and Benefits of Proposed Provisions for Water Quality

<table>
<thead>
<tr>
<th>Costs</th>
<th>Benefits</th>
<th>Efficiency</th>
<th>Effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td>The level of treatment proposed is higher than the current AUP region wide rules as it captures all impervious surface stormwater. This will have additional costs for developers; however this requirement is already in place under the existing NDC. Also, depending on the site it is possible that stormwater devices to achieve hydrology mitigation will also meet the water quality treatment standards.</td>
<td>The high level of treatment identified in the NDC will be retained for the area.</td>
<td>These provisions utilise and reflect he details of the NDC.</td>
<td>By requiring water quality treatment for each site, the Standards will be effective in reducing the cumulative effects of untreated stormwater runoff.</td>
</tr>
<tr>
<td>The high level of treatment identified in the NDC will be retained for the area.</td>
<td>The standard will ensure that stormwater quality treatment includes a biological component in all circumstances to provide a high level of treatment performance for the types of contaminants that are typically sourced from light industrial land uses (i.e. metals, sediment, hydrocarbons) and from road use.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>This is in recognition that the Waiaroha Inlet is a sensitive receiving environment that has some degradation and increased sedimentation over time but is still has relatively good Environmental Response Criteria scores for contaminants.</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
8. **Other Proposed Changes**

In addition to the proposed changes discussed in sections 6 to 9 above, this plan change seeks to amend the operative provisions for the purposes of clarity, consistency and to reflect current circumstances. These changes take advantage of the opportunity to update the precinct provisions and are identified as underlined text and strike-throughs in the proposed plan change document. They include editorial changes, corrections, zoning changes based on changes in land ownership and changes to the layout of information within the precinct to reflect the new template for precincts, including:

- Rezoning 19 Westpoint Drive from Light Industry to Open Space- Informal Recreation Zone (Attachment F)
- Updating the Mixed Use zone to align with property and designation boundaries for State Highway 18 and amending the precinct boundary accordingly (Attachment F)
- Rezoning along Rawiri Stream to Open Space-Conservation Zone (Attachment F)
- Categorising operative provisions to make clear where they only apply to sub-precincts A and B
- Moving controls that are currently written as standards into the activity table where those standards refer to an activity status.
- Revising and removing provisions and map details relating to public transport, walking and cycling where they are not directly controlled or delivered through the precinct provisions. This is consistent with the approach for other precincts.
- Making reference to the objectives of the Rawiri Stream project, within the objectives, policies and assessment criteria.
- Replacing the mapping of riparian margins within the precinct plans with a special information requirement.
- Correcting the provisions in light of the Environment Court's declaration of Framework Plans (Decision No. [2016] NZEnvC 056).

These changes do not address any new issue or seek to achieve any new outcomes. They are therefore not assessed as part of this report.

9. **Conclusions**

The purpose of this plan change is to address issues relating to transport, urban design and stormwater in the proposed sub-precinct C area.

As assessed in sections 5 to 7 of this report, the proposed objectives within the plan change, when considered in conjunction with relevant existing AUP (OP) objectives, are the most appropriate way to address the resource management issues identified and to achieve the purpose of the RMA. The proposed objectives also reflect the overall objective for the precinct, relating to integrated transport and land use outcomes.

Sections 5 to 7 of this report also demonstrate that the proposed policies, rules and other methods are efficient and effective in achieving the objectives.
# List of Attachments

<table>
<thead>
<tr>
<th>Attachment</th>
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<tbody>
<tr>
<td>A</td>
<td>Hobsonville Corridor Precinct: Technical Transportation Assessment June 2017 (Flow Transportation Specialists)</td>
</tr>
<tr>
<td>B</td>
<td>Activities not subject to E27.6.11</td>
</tr>
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<td>Case law: assessment of road connections</td>
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<td>D</td>
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<td>F</td>
<td>Diagram showing proposed changes to zoning, precinct boundaries and SMAF 1 control</td>
</tr>
</tbody>
</table>
Attachment D: Section 32 (RMA, 1991) Evaluation Report

Attachment A: Hobsonville Corridor Precinct: Technical Transportation Assessment June 2017 (Flow Transportation Specialists)

This report is attached separately
Attachment B: Activities not subject to E27.6.11

Permitted activities subject to E27.6.11 that due to individual site size may not trigger assessment include:

- Wholesaler (10,000m² GFA trigger)
- Storage and lock-up facilities (20,000m² GFA trigger)
- Industrial activities (10,000m² GFA trigger)

Other permitted activities in the zone are shown below. Those identified with a * are expected to be captured under E27.6.11:

- Dairies up to 100m² gross floor area
- Workers accommodation – one per site
- Drive-through restaurant*
- Food and beverage up to 120m² gross floor area per site
- Garden centres (as there is no Business – Heavy Industry zoned land nearby)*
- Marine retail (as there is no Business – Heavy Industry zoned land nearby)
- Offices that are accessory to the primary activity on the site and:
  
  (a) the office gross floor area does not exceed 30 per cent of all buildings on the site; or
  
  (b) the office gross floor area does not exceed 100m²

- Retail accessory to an industrial activity on the site, where the goods sold are manufactured on site and the retail gross floor area does not exceed 10 per cent of all buildings on the site
- Service stations*
- Show homes*
- Trade suppliers*
- Emergency services
- Tertiary education facilities that are accessory to an industrial activity on the site
- Animal breeding or boarding
- Horticulture
Attachment C: Case Law

 Reuters Homes Limited v Wanganui District Council (CIV-2010-483-278)

Reuters Homes Limited owns a relatively large block of land in suburban Wanganui, adjoining two substantial properties owned by Presbyterian Support Services (“PSS”) and Hospice Wanganui (“Hospice”). Reuters developed a subdivision proposal for its land, in consultation with PSS and Hospice, that created 35 small residential sites accessed by a cul-de-sac off the main road, Virginia Road. The intention was to create small units for elderly occupants in a quiet and secure living environment.

Reuters responded by explaining that the concept plan had been under development for two years in negotiations with PSS, and that providing a through road would require significant changes in design involving yet further negotiations with PSS. Reuters advised that in light of the adverse financial implications and adverse effect on the character that Reuters and PSS were hoping to create, the request for road connectivity was unreasonable.

The Council then followed up with a request for further information under s92 of the RMA, seeking “a revised roading layout and configuration showing the connections required.” Reuters responded, objecting to the request, and explaining why it was neither desirable nor feasible to provide the roading connection. The Council considered it was left with no option, but to fully notify the proposal under s95C of the RMA.

Reuters judicially reviewed the Council’s decision to notify, seeking orders that the request for further information was unlawful, the decision to publicly notify was unlawful, and that the Council had acted in abuse of its powers. In essence, Reuters claimed that the context in which the Council resorted to s92 as a device to force it to introduce a significant change construed a misuse of the power to request information in relation to an application, leading to an unlawful exercise of the default power under s95C to require public notification on account of the perceived inadequacy of the information.

The Court agreed. It held:

“On any view of the proposal, the transformation of the roading servicing it from a relatively small cul de sac, to a through road, would substantially transform the proposal. Reuters sought to develop a community that was complementary to two existing uses on its boundaries, with both PSS and Hospice supporting the cul de sac formation and being opposed to any through road.

WDC’s request did not seek information enabling it to better understand the traffic consequences of the cul de sac proposed. Rather, WDC sought to require the developer to transform its proposal into one that would address WDC’s objectives for a much wider area, in terms of roading development."

The Court agreed with Reuter’s legal analysis that:

Power will be abused if it is invoked for a purpose that is inconsistent with, or goes beyond, the purpose for which the statute has created the power;
A purpose will be improper if it goes beyond the purposes for which the statute has created the power.

The Court held that Council officers had clearly misconstrued the scope of the power available to them under s92 as the request required Reuters to recast, in a substantial manner, the detail and scope of its application. This did not constitute a request for information on the application as lodged, but instead sought to transform that application. The Court noted:

“In other situations, requests for further information that might contemplate rearrangement of details, or inclusion of alternatives for some details, of a proposed development could be justified. Within the present context, the difference is so significant as to require the developer to transform the proposal into a different development.”

Reuters was successful, with the Court making declarations that:

The Council could not require the provision of an amended plan addressing its own road connectivity aspirations pursuant to an information request under s92; and

The Council had erred in law in treating Reuter’s refusal as a sufficient refusal to provide further information for the purpose of the default power to notify in section 95C.

A request under s92 must be for information that relates to the application, which is required to enable the Council to be satisfied as to the nature, scope and extent of the application and its actual or potential effects. This recent decision of the High Court makes it clear that s92 requests cannot be for the purpose of “transforming” the application into something else.

Applicants should take care before responding to s92 requests that appear to be somewhat out on a limb, particularly when the request involves providing a significantly different “alternative” to that applied for. Otherwise, the Council may elect to grant consent to the “alternative” provided in a further information request, instead of to the application before it.
## Attachment D: Shading Analysis

<table>
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<tr>
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<tr>
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<tr>
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### Attachment D: Section 32 (RMA, 1991) Evaluation Report

<table>
<thead>
<tr>
<th>Season</th>
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<tr>
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</tbody>
</table>

“There are two aspects of flow management that are considered in the report. The first assesses the requirements for hydrology mitigation having regard to the aims and benefits of mitigation and the restoration of more natural hydrologic processes, the current approach of managing peak flows, an extensive review of international approaches to flow management and an assessment of rainfall and runoff characteristics in Auckland.

This leads to the derivation of hydrology mitigation requirements that incorporate both detention (peak flow attenuation) for the 95th percentile, 24 hr storm event runoff volume and retention (reduced volume) of 10 mm of the design event. The report concludes that this approach will mitigate the adverse hydrologic effects of development such as reduced infiltration and increased surface runoff more successfully than the current approach to peak flow management.

An assessment of the implementation of the retention and detention requirements concludes that the required performance can be met using standard TP10 designs with some minor modification, although some commonly used devices such as ponds and wetlands are unable to meet retention (volume loss) requirements. Importantly, volume loss can be achieved for a single site redevelopment and enable small developments to mitigate the effects of their development where previously mitigation was not possible. Volume reduction is a good fit for intensification expected through implementation of the Unitary Plan. Large greenfield development will go through more extensive structure planning processes to derive a comprehensive and integrated approach to stormwater management.

The second aspect of hydrology management is the identification of streams and their associated subcatchments that are particularly susceptible to the adverse effects of increased stormwater runoff, in which hydrology mitigation requirements are necessary to prevent further degradation of the stream and its values.

This involved the application of three primary criteria for determining stream sensitivity to increased stormwater flows (slope, catchment imperviousness and Macroinvertebrate Community Index score), which were then applied to the catchments within the Rural Urban Boundary (RUB) to derive a consolidated numerical score along the stream and its contributing sub-catchments. The initial score was then “moderated” using a combination of factors and knowledge of the catchments to identify those sub-catchments where hydrology mitigation of impervious surfaces would be beneficial to minimise the adverse effects of further development on the streams.

These areas have been identified in the Unitary Plan in the Stormwater Management Area: Flow (SMAF) Overlay – which is a spatially applied set of requirements for the development and redevelopment of impervious areas.”
Attachment F: Proposed changes to zoning, precinct boundaries and SMAF 1 control