AGENDA

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.

Apologies:

HC.1 PROPOSED PRIVATE PLAN CHANGE 16 - MIXED USE OVERLAY AREA AND PLAN
Report: Environmental Policy Consultant - K Phyn, January 2007 (Appendix A)

OFFICER’S RECOMMENDATION:

THAT THE INFORMATION BE RECEIVED AND CONSIDERED.
REPORT

TO Hearing Commissioners
ON 20 February 2007 (day one)
FROM Environmental Policy Consultant – Keith Phyn (KP Associates Ltd)
SUBJECT Proposed (Private) Plan Change 16 Chelsea Mixed Use Overlay Area and Plan

1.0 INTRODUCTION

Terms of Reference

1.1 This report has been prepared in accordance with section 42A of the Resource Management Act 1991 (the Act). It outlines and discusses the issues raised and decisions sought by the submitters in respect to Proposed (Private) Plan Change 16 Chelsea Mixed Use Overlay Area and Plan (the plan change). The plan change 16 is a private plan change to the North Shore City District Plan (operative in part). Any person may request the Council to change a district plan (section 73(2) of the Act). Council has accepted the processing of the plan change in accordance with Schedule 1 of the Act. The plan change has accordingly been notified and submissions and further submissions received.

1.2 The comments and preliminary recommendations in this report are intended to assist not only hearing commissioners but also those persons who have lodged the submissions and further submissions, and the requester of the plan change. As the submitters and the plan change requester are yet to speak at the hearing and to present any evidence, any conclusions and recommendations within this report must be qualified to apply only to the written submissions received. The report provides recommendations on submissions. They are the opinion of the reporting officer only.

1.3 The hearing commissioners have been given the role of considering the submissions and relevant matters presented to the hearing, and making the decisions on the submissions and plan change on Council’s behalf.

Submitters and Summary of Decisions Requested

1.4 Copies of every submission and further submission will be available at the plan change hearing.

1.5 The full nature and issues of the submissions are outlined and discussed in sections 11 and 15 of this report.

2.0 PLAN CHANGE EXPLANATION

2.1 The plan change seeks to introduce the Chelsea Mixed Use Overlay Area and Plan into the provisions of the North Shore District Plan. This includes additional objectives, policies, rules and assessment criteria (and an accompanying Chelsea Mixed Use Overlay Area Diagram) to the Business 9 zone of the District Plan. The mechanism provides for alternative uses for a defined area of land and buildings located in the south-eastern quarter of the Chelsea Estate, Birkenhead. The land is presently occupied by the fully operational Chelsea Sugar Refinery.

1 The names and addresses of the submitters, together with a summary of the decisions requested in respect of the plan change, are available at the offices of North Shore City Council and at www.northshorecity.govt.nz. (District Plan / Plan Change 16).
This includes the Refinery and associated store and buildings and an undeveloped area of land to the west of the Refinery known as the ‘Horse Paddock’.

2.2 Under the operative North Shore City District Plan (district plan), the alternative activities provided for, if refining should cease, are limited to general business (mainly light industrial) activities (i.e. those which are found in other areas zoned Business 9 such as at the edge of the Wairau Valley area and Beachhaven industrial area). Limited opportunities, through a resource consent process, are available for residential activities.

2.3 The proposed objectives, policies and rules of the plan change are stated in the preliminary explanation to the plan change as being to enable the land to be developed for a mixture of activities including a combination of residential and commercial development and various measures to protect the unique qualities of the setting.

2.4 The plan change introduces the Chelsea Mixed Use Overlay Area and Plan (the Overlay) as the mechanism through which future alternative land use will be managed and provided for. Any proposed development that is consistent with the terms of the Overlay will be assessed as a Limited Discretionary activity and will be subject to the discretions and assessment criteria that are set out in this plan change. Any development that is not consistent with any of the terms of the Overlay, or which implements a portion of the Overlay while the Refinery is still operating, is a Discretionary activity. The Overlay therefore sets initial expectations as to the extent, intensity, scale and location of development as well as principal parameters for development beyond the defined thresholds.

2.5 The plan change seeks to alter Section 9 and Section 15 of the District Plan, including the addition of a new Appendix 15M. This identifies the Overlay components such as land use (residential, business/retail, community and car parking), public and private open space, building heights and residential density. These define the elements (building location and extent, height and use, for example) that determine the activity status of Limited Discretionary activity. The plan change also introduces changes to the Subdivision and Development Rules (Controlled and Discretionary activities).

2.6 The plan change also seeks to introduce new objectives, policies and rules. They include descriptions of methods, explanations and reasons for the objectives and policies, and expected environmental results. These are added to Section 15.3 including:

15.3.8 Chelsea Mixed Use Overlay Area

Objective

To enable the redevelopment of land currently occupied by the Chelsea Sugar Refinery and adjoining land in a manner which, in the event of refining ceasing, will provide for increased residential capacity and commercial potential and a wider choice of residential lifestyles, including access to community and commercial services, and transport infrastructure as well as employment options, all carefully planned to avoid, remedy or mitigate significant adverse effects on the environment.

2.7 Changes are made to the rules of Section 15, adding a new Limited Discretionary activity as follows:

Add new item d) to rule 15.5.1.4 Limited Discretionary Activities:

d) Any activity or development not otherwise listed as a Permitted, Controlled or Limited Discretionary activity in the Business 9 zone but which complies with Figures A and B in Appendix 15M (the Chelsea Mixed Use Overlay Plan).

And add to Discretionary Activities as follows:

Amend the seventh bullet point under clause c) of rule 15.5.1.5 Discretionary Activities as follows (additions underlined):
Activities with a residential component in the Sub-regional 6, Business Park 7 (but not Business Park 7G) and the General 9 (except in the Chelsea Mixed Use Overlay Area) and 10 zones.

And, add new bullet point under clause c) as follows:

Any activity or development not otherwise provided for in the Business 9 zone and which does not comply with the Figures A and B in Appendix 15M (the Chelsea Mixed Use Overlay Plan) or which implements a portion of the Overlay Plan while the Refinery is still operating.

2.8 The plan change also seeks to make additions to the district plan provisions of the Comprehensive Development Plan (CDP) requirements. New specific provisions (15.6.2.12) are added for resource consents (Discretionary) for development within the Chelsea Mixed Use Overlay Area. Additional controls also apply to the assessment of discretionary and limited discretionary activity. The latter includes reference to matters such as:

- Streetscape and neighbourhood character and amenity
- Building form
- Outlook and outdoor spaces
- Privacy
- Landform, vegetation and landscaping
- Traffic, parking, access and pedestrian amenity and the provision of services.

2.9 These new provisions are an adjunct to the existing provisions contained in Section 15 for Business 9 zones as well as those existing Conservation Area provisions (Section 8) and Cultural Heritage Provisions (Section 11).

2.10 The plan change also alters zoning map No. 29 of the North Shore District Plan notating the land as Chelsea Mixed Use Overlay Area (Business 9).

3.0 PLAN CHANGE AREA NATURAL AND PHYSICAL DESCRIPTION

3.1 The plan change site incorporates some 13.9 hectares of coastal land forming an extension of the larger expansive Chelsea Estate located at the southern end of Colonial Road approx 1 km from the Highbury centre (refer Attachment 1 - Location Plan). The background and site description to the plan change is described in the section 32 evaluation provided with the plan change request.

3.2 The plan change area is distinctive in terms of its both natural and physical form. There are two differing character areas. Firstly, an upper and relatively prominent, headland area with highly visible vegetation and natural environment and secondly, a lower level dominated by the visually distinctive heritage Refinery buildings complex. This lower level includes the Refinery area proper comprising the buildings and surrounds of the Chelsea Sugar Refinery and associated wharf area. It includes a number of visually prominent and historically significant buildings, coastal frontage and wharf area, and various other industrial, warehouse and office buildings of the Refinery complex. This area occupies the flatter valley floor adjacent to the southern extent of the Chelsea Estate.

3.3 The second area is the western and relatively undeveloped section of the Refinery including an area commonly referred to as the ‘Horse Paddock’. The Horse Paddock occupies the more elevated section of the site to the west of the Refinery buildings. This area is bounded by highly vegetated and visible cliff escarpment along the harbour foreshore and greater Chelsea Estate to the north and west, and bounded by the Duck Creek pond system to the North. The Duck Creek pond area is outside the plan change site area. The two distinctive site topographical areas merge with one another with a rising terrace and small escarpment between the Refinery and Horse Paddock area. This area is occupied by the distinctive bulk sugar store building.
3.4 The Horse Paddock is undeveloped and comprises an open pasture plateau area surrounded by well-vegetated slopes and merging into the coastal escarpment and the extensive vegetated areas of the greater Chelsea Estate area and the significant wildlife areas to the west and north of the site. These vegetated areas also extend from Duck Creek and cover to varying degrees parts of the slopes above the Refinery area. The Duck Creek Pond area is at the base of a larger gully system that bisects the Chelsea Estate proper and is dammed at its interface with the harbour edge. The site contains a variety of vegetation with a mixture of larger specimen trees, established bush area (in particular along the coastal section) and a variety of scrub and weed in some locations. A significant bush clad escarpment dominates the south-western foreshore. The nature of vegetation and natural environment is described in section 32 material and subsequent Landscape Review and in Attachment 2 of this report.

3.5 The plan change site area is accessed by only one road. This is a double-laned and formed road linking the site with Colonial Road across Duck Creek and through the Chelsea Estate. The plan change site is also accessed by two well-formed walkways, one crossing the mid point of the Duck creek pond and the other over the Duck Creek dam. Both these walkways link the site boundary across the Chelsea Estate to access points on Huka Road and Rawene Road. The Refinery is also served by a deepwater wharf, one of the principal reasons for the establishment of the Refinery in this location.

3.6 The Refinery buildings and their particular form are a significant landmark and distinctive feature of the area. The buildings and the elevated Horse Paddock area, with its well-vegetated slopes and surrounds are readily viewed from the surrounding harbour foreshore areas and various adjacent coastal promontories of the Birkenhead and Chelsea areas, as well as from the harbour bridge and southern shores of the Waitemata Harbour. They are also visible to varying degrees from a variety of points in the surrounding residential and Highbury hinterland.

3.7 The site is adjacent to the greater Chelsea Estate area, and this also serves as a backdrop to the Refinery buildings and site area, particularly when viewed from the harbour surrounds and parts of Northcote Point and the Birkenhead Wharf. The Estate separates the plan change area from the adjacent residential areas south of the Highbury centre. These residential areas are well established and the developed urban form follows the various bisected ridgeline and valley systems which dominate the southern slopes of the Highbury-Birkenhead and Chelsea areas.

3.8 The plan change area is approximately 1km from the Highbury centre. Highbury is a suburban commercial centre that serves the wider Birkenhead, Northcote, Birkdale and Beachhaven areas.

3.9 The plan change area is zoned Business 9 in the North Shore District Plan. This is a general business zone which permits light industrial activities and limits other activities, in particular retail.

3.10 The Business 9 zone is also overlaid by the provisions relating to the protection of the historic Refinery buildings (Section 11 of the district plan) and those relating to coastal conservation and tree protection (Section 8).

3.11 A number of the Refinery buildings are of considerable historic and heritage importance, and are scheduled in the District Plan and the Historic Places Register. A number of buildings, some constructed as early as 1884, are listed either category A or B in Appendix 11A and 11C of the District Plan. The various buildings of the Refinery are classified as Category II in the Historic Places Register.

3.12 A significant part of the site (approximately 11.5 hectares) is identified within the Coastal Conservations Area (Note: Exemptions to this provision apply to this site). A site of Significant

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2 Chelsea Mixed Use Overlay Plan – Analysis Pursuant to S32 Resource Management Act and including (Appendix 4 - Assessment of Environmental Effects on Ecology – Boffa Miskell -11 May 2005)

KP Associates Ltd: Keith Phyn
Wildlife Interest (SSWI 13) is identified along the northern coastal area of the Waitemata Harbour from Kauri Point (including the western area of the Chelsea estate) to the western boundary of the plan change site. This includes a narrow section of the coastal escarpment forming the southern boundary with the Horse Paddock area. The Duck Creek stream and riparian system is also identified as a Site of Significant Wildlife Interest (SSWI 16). This includes a 15m buffer which is outside the plan change on its north western boundary and in part encroaches into the Horse Paddock area.

3.13 The greater Chelsea Estate north and west of the plan change area is zoned Residential 2A: Chelsea Special zone (a bush protection zone) and Special Purpose 13 (land and water areas). The surrounding residential areas south of Highbury and Chelsea are zoned Residential 2B, 3C and 5. The details and nature of these zones and special identification areas on the site are discussed later in this report in the District Plan provisions and discussion on submissions (Refer sections 8, 11G and 11J and 15).

3.14 Highbury Centre serves as a significant local commercial and community centre to the surrounding greater Birkenhead and Highbury hinterland and is identified in the Regional Growth Strategy as a centre for growth.

4.0 BACKGROUND REASONS FOR PLAN CHANGE

4.1 The background to Plan Change 16 is outlined in Plan Change - Analysis Pursuant to Section 32 Resource Management Act (Section 32 evaluation)

4.2 The section 32 evaluation states the plan change is sought to provide alternative uses of land should the sugar refining cease. It states that the current activities provided for on site (noting the site is Zoned Business 9 and various Heritage and Conservation provisions apply) are inappropriate given the qualities of the land, and it would be good planning practice to provide for alternative uses on a comprehensively planned basis.

4.3 It is noted that the request does not predicate closure of the Refinery, rather it seeks that such alternative uses provide an option for future use.

4.4 The view expressed in the section 32 evaluation is that a single industrial or processing enterprise is unlikely to establish on the site and it is inappropriate in the long term future for the land to be identified as suitable for light industrial or that the land be developed in a piecemeal manner.

4.5 It is stated in the section 32 evaluation that, should refining cease the present Business 9 zoning does not provide for the best use of the land nor adequately provide for re-using historic Refinery buildings. The evaluation outlines examples of readaptation of Refinery buildings by the owner. It is considered in this evaluation, that the application of the Overlay Plan is considered to provide a degree of certainty to the owner for future uses.

4.6 The present provisions, including the modified heritage provisions relating to the Refinery heritage site have been established through the 1994 notified review of the North Shore City district plan and subsequent appeal processes.

5.0 PLAN CHANGE STATUTORY PROCESS AND COMPLIANCE WITH THE FIRST SCHEDULE

Introduction

5.1 This is a private plan change requested in accordance with section 73 (2) of the Act. Council resolved to accept the plan change in accordance with Clause 25 of the First Schedule of the Act. This is not a Council adopted plan change. The plan change was notified accordingly.

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KP Associates Ltd: Keith Phyn
5.2 The first schedule of the Act sets out the statutory process for plan changes. The requirements of the first schedule have been met.

- The plan change was publicly notified on 30 March 2006, and the period for receiving submissions closed on 5 May 2006. A total of 489 submitters made submissions which were received within the submission period, including 44 late submissions.
- Public notification for further submissions occurred on 31 August 2006, and the period for receiving further submissions closed on 29 September 2006. A total of 64 people lodged further submissions including nine submitters outside the time limit.
- A hearing will be held commencing 20 February 2007 before which submitters will be given ten days’ notice, and at which submitters may speak to their submissions should they wish.

6.0 LATE SUBMISSIONS

6.1 The Council has received a number of submissions and further submissions outside the specified statutory time limits. In accordance with Section 37 of the Act Council can give consideration to waiving the time limit of receipt of such submissions to the extent of doubling the time limit. These late submissions and further submissions are addressed in the following paragraphs.

Late submissions

6.2 There are 44 submissions that have been received outside the specified statutory time frame of 5 May 2006. Of these, 41 submissions were received on 8 May 2006 (one working day late), 2 submissions were received on 9 May 2006 (two working days late) and 1 submission was received on 10 May 2006 (three working days late). The full list is as follows:

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<thead>
<tr>
<th>Submission Received</th>
<th>Submitter</th>
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<tr>
<td>08/05/2006</td>
<td>Ryan Bradley and Jonathan Mulholland 34a Colonial Road, Birkenhead, North Shore City</td>
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<tr>
<td>08/05/2006</td>
<td>Marylyn Browne 8d Roseberry Avenue, Birkenhead, North Shore City</td>
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<td>08/05/2006</td>
<td>Patrick Browne 8d Roseberry Avenue, Birkenhead, North Shore City</td>
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<td>08/05/2006</td>
<td>Chris Lucas 2/72 Sylvan Avenue, Northcote, North Shore City</td>
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<td>08/05/2006</td>
<td>Julie Fincham and Merv Prince 26a Colonial Road, Birkenhead, Whangarei City</td>
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<td>08/05/2006</td>
<td>Michael and Gillian Bos 15 Blundell Place, Chatswood, North Shore City</td>
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<td>09/05/2006</td>
<td>Aneta Dezoete and Adam Jones 71 Verran Rd, Birkenhead, North Shore City</td>
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<td>Harvey White 20 Inkster Street, Birkenhead, North Shore City</td>
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<td>Soo-Won Yu 79 Onetangi Road, Birkenhead, North Shore City</td>
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<td>09/05/2006</td>
<td>Tracey Begovic 38B Palmerston Road, Birkenhead, North Shore City</td>
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<td>09/05/2006</td>
<td>Lorraine Adams 17B Telephone Road, Birkenhead Point, North Shore City</td>
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<td>09/05/2006</td>
<td>C E Cameron 28 Queen Street, Northcote, North Shore City</td>
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<tr>
<td>09/05/2006</td>
<td>Joanne Cowie PO Box 340 321, Birkenhead, North Shore City</td>
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<tr>
<td>09/05/2006</td>
<td>Civic Trust Auckland PO Box 74 049, Market Road, Auckland</td>
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<td>09/05/2006</td>
<td>Rona Wark 55A Woodlands Crescent, Browns Bay, North Shore City</td>
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<td>09/05/2006</td>
<td>Robert Waters 24 Holyoake Place, Birkenhead, Whangarei</td>
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<td>09/05/2006</td>
<td>Zoe Hughes 220 Apotu Road, RD 1, Kamo, Whangarei</td>
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<td>Edmund R Jackson 188 Apotu Road, RD 1, Kamo, Whangarei</td>
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<td>09/05/2006</td>
<td>Nancy Elizabeth Jackson 188 Apotu Road, RD 1, Kamo, Whangarei</td>
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<td>09/05/2006</td>
<td>Charlotte Knott 2/47 Rawene Road, Birkenhead, North Shore City</td>
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<td>09/05/2006</td>
<td>Dougall L Love 24 Inkster Street, Birkenhead, Whangarei</td>
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<tr>
<td>09/05/2006</td>
<td>E T McMillan PO Box 34862, Birkenhead, North Shore City</td>
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<tr>
<td>09/05/2006</td>
<td>Susan Brookes 71A Palmerston Road, Birkenhead, North Shore City</td>
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<td>Richard Brookes 71A Palmerston Road, Birkenhead, North Shore City</td>
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<td>Stephen Cook 26 Mahana Avenue, Birkenhead, North Shore City</td>
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<td>D M Hookway and P M Dennis PO Box 340 163, Birkenhead, North Shore City</td>
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<td>09/05/2006</td>
<td>Reynold Disse 16 Rawene Road, Birkenhead, North Shore City</td>
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<td>09/05/2006</td>
<td>Peter Ehrlich 6 Tizard Road, Birkenhead, North Shore City</td>
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<td>09/05/2006</td>
<td>Paul Francis PO Box 33 368, Takapuna, North Shore City</td>
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<td>09/05/2006</td>
<td>Fabio Ghisleni 1/37 Sea Vista Avenue, Beach Haven, North Shore City</td>
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<td>Greg and Jill Magness 60 Holyoake Place, Birkenhead, North Shore City</td>
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<td>Roger Marbeck 52 Hinemoa Street, Birkenhead, North Shore City</td>
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<td>09/05/2006</td>
<td>Sharon McGaffin 2 Caram Place, Birkenhead, North Shore City</td>
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<tr>
<td>10/05/2006</td>
<td>NZ Historic Places Trust Private Box 105 291, Auckland</td>
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</tbody>
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6.3 Section 37 of the Act gives a consent authority the discretion to extend a time period or waive any failure to comply with any requirement under the Act in relation to the time or method of service of documents. In considering such a waiver, a consent authority shall take into account:
(a) The interests of any person who, in its opinion, may be directly affected by the extension; and
(b) The interests of the community in achieving adequate assessment of the effects of any proposal; and
(c) Its duty to avoid unreasonable delay.

6.4 In my opinion a waiver should be granted to receive the submissions from the submitters set out above in paragraph 6.2. There has been no unreasonable delay to the hearing process as all submissions were received within three working days of the date for the close of submissions. The issues raised in these late submissions are similar to many of the matters raised in other submissions received within the time frame and their acceptance can be considered to be in the interest of the local community. There are no persons likely to be affected by the extension and no persons will be prejudiced by the receipt of these late submissions.

Late Further Submissions

6.5 There are 28 further submissions that have been received outside the specified statutory time frame of 29 September 2006. Of these 23 submissions were received on 2 October 2006 (one working day late) and 5 submissions were received on 3 October 2006 (two working days late). Of these there is some question that submissions from Kylie Aitken, The Birkenhead Residents Association, Shellie Highsted, Royal Forest and Bird Society (in support of the North Shore City Council Submission), K W Salmon, Lynn Salmon and Phil Whiteside were received on Friday 29 September and not formally date stamped until Monday 2 October. Council is unable to confirm that the date of receipt differs from 2 October 2006.

6.6 The full list of late further submitters is as follows:

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6.7 As discussed above at paragraph 6.3, section 37 allows territorial authorities to waive time frames. The relevant factors are set out at section 37A:

(a) The interests of any person who, in its opinion, may be directly affected by the extension; and
(b) The interests of the community in achieving adequate assessment of the effects of any proposal; and
(c) Its duty to avoid unreasonable delay.

6.8 In my opinion a waiver should be granted to receive the further submissions from the submitters set out above in paragraph 6.6. There has been no unreasonable delay to the
hearing process as all further submissions were received within two working days of the date for the close of further submissions. No persons would be affected by granting the extension in relation to the further submissions, and the inclusion of these late further submissions does not lead to any delay in the consideration of the plan change. The granting of the waiver can be considered to be in the interest of the local community, and no persons will be prejudiced by the acceptance of these late submissions.

7.0 STATUTORY CONTEXT

7.1 The following section outlines the statutory provisions relevant to the plan change. These provide the statutory context in which plan changes are prepared and determined.

Functions

7.2 Every territorial authority has the following function:

31 Functions of territorial authorities under this Act (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(i) the avoidance or mitigation of natural hazards; and

(ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and

(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:

(iii) the maintenance of indigenous biological diversity:..."

7.3 North Shore City Council is responsible for setting a framework for the integrated management of resources within its district, as well as addressing the effects arising from the use of those resources. The Act clearly requires this framework to be in the format of a district plan. Section 73(1) stipulates:

There shall at all times be one district plan for each district prepared by the territorial authority in the manner set out in the First Schedule.

7.4 Section 72 states:

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

7.5 A council may make changes to its district plan, and individuals may request the council to change its district plan, as in this case. When a council prepares or changes its district plan, section 74 requires that it is done in accordance with section 31 (the council's functions – discussed above); Part II of the Act (purpose and principles of the legislation - discussed below) and its duty under section 32 (considerations of alternatives and their respective benefits and costs – discussed below).

7.6 Section 75 (2) requires that district plans shall have regard to:

- Proposed regional policy statement
- Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4 of the Act
- Management plans and strategies prepared under other Acts
- Relevant entry in the Historic Places Register
- Relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district.
7.7 Section 75 obliges councils to specify the objectives and policies for their districts in their plans, and any rules that exist to implement the policies. District plans must give effect to any national policy statement (including the New Zealand Coastal Policy Statement) and any regional policy statements.

7.8 The plan change is a privately initiated plan change and has been notified as such. This public participatory system as described above, elicits submissions and further submissions to provide decision makers with additional information to make more robust means for determining the plan change. In light of the matters raised in submissions, including any additional explanation at the hearing, the commissioners will decide on the appropriateness of the plan change and its provisions.

7.9 Clause 29 of the First Schedule sets out the decision-making procedure for Councils in respect to private plan changes. Council, after considering a plan change, may decline, approve or approve with modifications and shall give reasons for its decision (Clause 29 (4)). In addition there is nothing to prevent the Council from introducing a variation to the plan change in accordance with clause 16A of the First Schedule.

7.10 The panel of independent hearing commissioners is deemed to be ‘the Council’ in terms of the decisions to be made on plan change 16 and all the submissions thereon.

**Part II – Statutory Context**

7.11 An appraisal of Part II matters is undertaken in Section 12 of this report. The following outlines the key matters of Part II relevant to the consideration of this plan change. A full analysis of Part II in respect to the plan change is undertaken in section 12 of this report.

7.12 The purpose of the Act (section 5) and its principles (sections 6-8) are set out in Part II. The purpose and principles will be relevant to the commissioners’ decision making on the plan change.

7.13 The purpose of the Act (section 5 (1)) is the sustainable management of natural and physical resources:

Section 5(2) In this Act, **sustainable management** means managing the use, development, and protection 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 while—
(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
(c) Avoiding, remediating, or mitigating any adverse effects of activities on the environment.

7.14 Section 6 sets out the matters of national importance to be recognised and provided for, section 7 is concerned with having regard to other matters (of importance, but not of national importance) and section 8 requires those carrying out functions under the Act to take into account the principles of the Treaty of Waitangi.

7.15 In my opinion the most relevant factors to the plan change are the following:

**6. Matters of National Importance**

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.

7. Other matters

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 (those considered relevant to this plan change - author’s insert):

Section 7 Other matters

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—

... (b) The efficient use and development of natural and physical resources:
... (c) The maintenance and enhancement of amenity values:
... (f) Maintenance and enhancement of the quality of the environment:
(g) Any finite characteristics of natural and physical resources.

Section 32 – Statutory Context

7.16 Prior to notification of a plan change (including a private plan change) an evaluation of alternatives, benefits, and costs is required to be undertaken in accordance with section 32 of the Act.

Section 32 states:

32 Consideration of alternatives, benefits, and costs

(1) In achieving the purpose of this Act, before a proposed plan, ..., change, ... is publicly notified, ..., an evaluation must be carried out by—

... (c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or

... (2) A further evaluation must also be made by—

(a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and

... (3) An evaluation must examine—

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

... (4) For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—

(a) 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.

(5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.

(6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.

7.17 A section 32 evaluation was undertaken prior to the preparation of the plan change by the requester of the plan change, and the details of the analysis are contained in the Chelsea Mixed Use Overlay Plan – Analysis Pursuant to S32 Resource Management Act 1991.4

7.18 The following paragraphs briefly comment on the contents of the Section 32 evaluation rather than the merits or otherwise of its findings. Those aspects are canvassed in the Analysis of Issues Raised In Submissions (section 11 of this report).

7.19 Section 8 of the Section 32 evaluation states the extent to which each objective is the most appropriate way to achieve the purpose of this Act and whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives (see also section 6 of the evaluation).

7.20 The section 32 evaluation includes commentary on the principal objective of the plan change specified in Paragraph 4.2 of the plan change. The evaluation considers that, as the plan change adds new material to an existing District Plan, which has been subject to the full process of the RMA, it is appropriate that the objective should be tested against the established objectives of the district plan. Further the degree to which it fits with such objectives is a major determinant of the appropriateness of the objective. I concur with this viewpoint.

7.21 The Section 32 evaluation (Section 8.10 to 8.22 of the evaluation) comments on the relative District Plan objectives and policies and also discusses the application of the rules (Section 8.23 to 8.26). An evaluation of the objectives and polices is undertaken in section 8.0 of this report.

7.22 The Section 32 evaluation also undertakes a comparison of options. These include: Alternative Landuses Considered (Section 8.6 to 8.9) which examines the following options:

- Do Nothing
- Alternative Heavy Industry
- Recreation/Reserves and Open Space
- Standard Residential Zone
- Commercial (including Retail)
- Combined Residential/Community/Commercial

7.23 The latter was considered to be the preferred option.

7.24 Section 9 of the section 32 evaluation also examines options from the findings of the urban design appraisal and other technical reports accompanying the Section 32 evaluation. The following options are considered:

- Do Nothing
- Zone Change
- Activity Status

7.25 The Zone Change option considers two options:

- The rezoning of the land to Residential and relying on the Intensive Residential Development rules of the Plan, or

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KP Associates Ltd: Keith Phyn
7.26 The Section 32 evaluation concludes that owing to the need to maintain the existing Refinery operations neither of these zone change options are suitable.

7.27 Considerations was given to the use of Activity Status. This option included the introduction of an overlay method using differing activity status as a trigger for varying levels of analysis, control and discretion. Section 9.7 of the section 32 evaluation outlines the method considered. It included examining the use of permitted activities within a defined overlay and other activities as controlled restricted discretionary, or discretionary. It concluded that a number of matters were undetermined and that discretion was necessary, and therefore it was not appropriate to provide for activities as permitted activities.

7.28 A central issue considered (as outlined in Section 9.11) is how to accommodate the ongoing use of the site for Refinery purposes while providing for integrated management that is sensitive to the particular heritage nature of the site. The Section 32 evaluation comments on alternative zoning or providing for permitted activities, neither of which it concluded were appropriate. The use of the overlay method was considered as the preferred option, from which the plan change overlay method was derived.

7.29 Section 14 of the section 32 evaluation examines the cost and risk of the proposal.

7.30 The Section 32 evaluation also includes comments on the following:
- Assessment of Effects (Section 7)
- Regional Issues (Section 10)
- Evaluation in terms of Parts II (Matters of National Importance (Section 11) and Other Matters)
- Statutory Considerations : Other Matters (Section 12)
- Policy Context (Section 13: National Coastal Protection Issues)
- National Standards (Section 15)
- Consultation (Section 16)
- Review and Audit (Section 17).

7.31 The Section 32 evaluation is also accompanied by a number of background reports. These include:
- Architectus Urban Design Assessment and Report
- Visual Impact Assessment
- Precedent Study
- Assessment of Environmental Effects on Ecology
- Economic Impacts
- Traffic Effects

7.32 Overall, setting aside the merits or otherwise of the various issues and matters discussed (discussed later in this report) the Section 32 evaluation is considered to fulfil the requirements of the Act. It should also be noted that fulfilling the requirements of Section 32 is an on-going process, which includes the submission process, this report and other information presented to the hearing.

8.0 ASSESSMENT OF DISTRICT PLAN AND REGIONAL OBJECTIVES AND POLICIES AND NATIONAL POLICY DOCUMENTS

Introduction

8.1 The plan change seeks to modify the existing provisions of the district plan, in particular those of the Business 9 zone, in order to provide for the future use and readaptation of the heritage Sugar Refinery buildings and to provide residential development not available under the current provisions. Section 32 (3) of the Act requires that such an evaluation must examine:
Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

8.2 It is relevant to appraise the plan change against the provisions of the district plan as well as the broader issues in the regional and national environmental policy context. It is appropriate to determine how the proposed new objectives and policies fit within the overall objectives and policy frameworks implicit direction, in particular in relation to growth management and its desired business and residential outcomes.

8.3 Although it is recognised that a plan change may be in conflict with some elements of objectives, or policy, noting that private plan changes by their very nature may question some matters relating to current objectives and policy, the plan change does not challenge the current objectives and policies of the district plan. Rather it seeks to introduce new provisions within the district plan framework. The central issue is whether the plan change achieves the statutory purpose which is inherent within the framework of the district plan. A matter to also consider is that the plan change will not alter the district plan so as it is unable to give effect to the Auckland Regional Policy Statement (ARPS).

8.4 The plan change, although directed at altering specific and established business zoning provisions also raises issues in relation to growth management for North Shore City, business land development, transport implications, as well as heritage matters and the management of the natural environment. The broader objectives and policies are therefore examined. Submissions also seek the introduction of differing forms of residential development from that proposed in the plan change, and those objectives and policies are also examined where relevant.

8.5 The following paragraphs identify the key relevant planning objectives and policies (and other matters) to be considered and their relevance to the plan change. The district plan objectives and policies are examined first followed by an examination of Regional and National Policy Statements.

District Plan

8.6 The major resource management issues for the City are outlined in Section 5.4 of the district plan.

8.7 The issues in Section 5.4 include:

1. Protecting our high quality natural environment –

   This includes the impacts of growth, urban expansion on the natural environment, including effects on the natural coastline, water quality, air quality and existing vegetation, bush and natural habitats and ecology. The natural character of the coastline is a key feature of the city and potential impacts from inappropriate use, subdivision and development are a key resource management issue to be addressed. The plan change area is located on the coastal edge and is also adjacent to recognised areas of natural significance. The manner in which the plan change addresses these factors is of considerable importance.

2. Securing a high quality built environment –

   Concerns are expressed in regard to adverse effects of infill development and the location of more intensive housing forms adjacent to existing town centres and villages and how this relates to growth management. In such management it is considered necessary to preserve the character amenity of suburban environments and heritage areas. Amenity values are defined in the RMA as those natural and physical qualities and characteristics of an area which contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.
The district plan states that generally, North Shore City is perceived as having a high level of amenity and being an attractive place to live. The scale, appearance and density of buildings, vegetation, landform, views, privacy, noise levels and proximity to neighbourhood facilities, are all elements which can affect the amenity of areas. Issues include the need for appropriate growth management to protect such amenity and the close relationships between this amenity and the natural environment.

Plan Change 12 notes that there are positive effects from intensive residential development in selected locations on transport systems as intensive development provides an alternative to sprawl. The plan change proposes a more intense form of residential development, and how this form is managed and how it relates and impacts to overall amenity and urban design is an issue to be addressed. This is examined in the Analysis of Issues Raised In Submissions (refer section 11 of this report).

3. Enhancing our ease of movement –

The direct relationship between land use and ease of movement is highlighted, and in particular the integration between all modes of transport to reduce effects emphasises the need to widen choice of modes of movement. Plan Change 12 develops this aspect further emphasising the need to closely integrate land use and transportation initiatives. The plan change area is not located on an existing major transport route however it is within close proximity to a potential ferry service point.

Matters such as how public transport facilities and roading networks are encouraged, that facilitate public transport (bus and ferry) as well as the interconnectivity (including pedestrian and cycle) to residential areas (noting the levels of intensity proposed) is of considerable importance in addressing this issue in respect to the plan change. The plan change requires modification to adequately address a number of these issues. (Refer Assessment of Submissions).

4. Fostering and strengthening our community well-being –

This discussion focuses on the community's use of facilities, as well as iwi matters including protection of taonga and heritage features. The site is occupied by the heritage Sugar Refinery buildings which are recognised at the district, regional and nation level as being of significance. A central component of any plan change on the Sugar Refinery site is the recognition of the protection of these buildings and how they are readapted to provide for alternative future uses. In addition how development occurs around and interconnects to the buildings in a sensitive and appropriate manner, needs to be addressed.

The district plan notes that the issue of protection in particular cases frequently involves a financial burden being placed upon a landowner and this needs to be weighed against the benefits to the public at large. There is therefore an element of public benefit ensuing from the protection of the Refinery buildings however, they are clearly identified and recognised at both the district and national levels and their protection warranted in terms of Part II of the Act. The plan change while aiming to conserve and protect these buildings requires some refinement in order to ensure it is achieved in an appropriate manner. This issue is further examined and suggested alterations proposed in the later sections of the report (Analysis of Submissions).

The plan change proposes a considerable area of open space as a means of providing for recreation activities, ensuring the natural, heritage and cultural aspects of the site are protected and enhanced and as a means of providing access to the coastal frontage and providing interconnectivity between activities. An area is defined for community facilities within the re-adapted heritage buildings. Again some revision of the provisions is recommended to give greater direction to addressing these issues. Protocol in respect to iwi and archaeological features is to be provided for.

5. Optimising employment growth and economic growth within the city –
The need to optimise opportunities for economic development and employment is recognised. There is a limited amount of Business zone land in the city. Intensification of existing centres needs to be encouraged and the location of people closer to work. The plan change provides for a mixture of business and community activities with a resultant employment level similar to that existing for the Chelsea Sugar Refinery operation. A concern is that the mechanism provided will limit opportunities for future business and employment growth in particular, once residential is established.

Although the overall impacts on employment are minor, some greater flexibility in the provisions is required to encourage an increased level of business activity. This aspect is again further discussed under the Analysis of Issues Raised In Submissions (refer section 11 of this report).

Overall, while there is a reduction in the area of land zoned Business as a result of the plan change, there are other overriding and unique circumstances that prevail in this case. Namely, the need to provide for the retention and reuse of the historic buildings and the development of a land use and urban pattern that (subject to number of suggested amendments) promotes the enhancement and protection of the natural features of the site and adjoining areas. It is not considered that land should be retained as Business 9 in its current form. Such an approach will do little to give direction to the sustainable management of this environment by future activities and may result in considerable adverse effects upon the environment.

6. Effectively managing change within the city –

This issue focuses on Council’s broader role in managing growth and change. The plan change does not impede this function, however further refinement is considered necessary to provide for an efficient and effective resource management regime tool that can be readily understood and administered.

8.8 Some modifications to these issues are proposed in Plan Change 12. Plan Change 12 has been introduced by the North Shore City Council (The Council) as a result of changes required under the Local Government (Auckland) Amendment Act 2004 (hereafter referred to as LGAAA 2004), which seek to better integrate land use and transportation planning. Plan Change 12 reflects those changes proposed under Plan Change 6 of the ARPS. It should be noted that these changes are proposed and the hearing of submissions on both changes is yet to be completed at this stage. Little weight can be given to these plan changes although they are discussed in order to address matters raised in submissions and provide a complete policy base.

Growth Management

8.9 Section 6 of the district plan outlines the issues, goals and urban growth strategy for managing growth and development in the city. The potential impact of growth and urban form on the environment both natural and physical and the need to manage growth and development so that the future form of the city retains the City's environmental features and qualities of life is recognised.

8.10 Section 6.2 discusses urban growth and development issues noting that, without careful management, urban growth could cause major adverse effects including the following:
- Harm to the amenity values of residential neighbourhoods
- Damage to valued natural environments and habitats
- Increased traffic congestion, vehicle emissions, and use of non-renewable fuel resources
- A loss of features of heritage value
- Harm to significant landscapes and associated features.

8.11 Section 6.2 comments on the effect of continued growth and change on:
- the city's unique and valued natural environment;
- the quality of the built environment including and the use of main transportation corridors for mixed use development;
- on the ease of movement noting the
• limited choice in modes of public transport available, the potential to expand the ferry network and the need for ease of access through our living environments for all modes of movement;
• the community’s wellbeing, noting that residential intensification affects amenity values of existing areas, and the need to give consideration to traditional Maori relationships with parks and reserves;
• economic and employment growth within the city noting the ability to optimise employment and economic growth, that there is a finite supply of business zoned land and pressure to rezone land from business to residential.

8.12 Plan Change 12 amends Section 6.2, re-emphasising issues of sprawl and the potential effects of infill housing, the need for appropriately located growth within defined centres and the need to integrate such growth with transportation management.

8.13 Section 6.3 contains the goals for:
• Natural Environment
• Built Environment
• Ease of Movement
• Community Well being
• Employment and Economic growth
• Managing Change

8.14 The Urban Growth Strategy is contained in Section 6.4 with the following objective:

Objectives
1. To effectively manage growth and change by:
   • Ensuring the protection and enhancement of a high quality natural environment
   • Achieving the maintenance and enhancement of a high quality built environment
   • Enabling an ease of movement and accessibility that minimises the impact on the environment
   • Fostering community well-being
   • Achieving a buoyant local economy and employment growth
   • Integrated planning.
2. To secure a prosperous city by the year 2020 that protects and enhances its natural environment while providing easy access to a range and abundance of opportunities to live, work, play and visit.

8.15 It is therefore multi-faceted with direction in terms of the natural and built environment, accessibility and economic well being. Policies implementing this growth strategy place an emphasis on development opportunities in and around selected sub-regional, town and village centres to support the growth of employment and economic activity. They also emphasise the need for a wide choice of lifestyles, a range of types and affordability of housing and choice of employment opportunities and the protection of areas characterised by historic housing, ecological values, natural landscapes, coastal landforms, rural character or cultural heritage values from incompatible development.

8.16 The overall urban form is for growth around sub-regional, town and village centres to support growth of employment and economic activity. The plan itself does not specifically list such centres but rather provides the opportunity for growth in various centres by providing for a range of business activities and accompanying more intensive residential development zoning dependent upon the nature of the centre.

8.17 Other policies include promoting enhanced accessibility by: facilitating an effective and efficient transport system and public transport; improving the walkability of our neighbourhoods; and the overall need to integrate transport and land use planning in order to maintain and enhance accessibility. In addition growth is related to the capacity of infrastructure and the integration of land use with community and infrastructure planning. Employment and economic growth, outside the main commercial centres, are focused within the main business employment areas.
of the Wairau Valley and the North Harbour Industrial Estate. Overall the Council is trying to avoid the adverse effects associated with ad-hoc development.

8.18 Plan Change 12 modifies the Urban Growth Strategy by re-emphasising the concept a compact city around town and village centres. It identifies those centres where more intensive forms of business and residential development will be provided (see Table 6.1 in plan change 12). Highbury is included as such a centre. It also modifies the existing Urban Strategy policies to give greater emphasis to the integration of land use and transport planning.

8.19 The plan change area is presently zoned as Business 9 in the district plan and is not a centre identified as a growth area in the proposed Plan Change 12 noting that the latter plan change (as is Plan Change 6 of the ARPS) is considerably more selective as to where and how urban growth is accommodated.

8.20 As previously stated the plan change involves the restructuring of this existing business zone for a unique purpose (that of heritage readaptation and protection), and the establishment of intensive residential development in association with that purpose. In that sense it is not typical of growth nodes and can be considered as having a rather different purpose. At this stage it is accepted that the plan change does not clearly state its role in the overall scheme of the growth strategy.

8.21 In a general sense, I consider the plan change, with its identification of a business and community centre within the readapted Refinery buildings can be viewed as providing an option as a local neighbourhood centre with a specialised destination in terms of business associated with the re-adapted Refinery buildings, as well as its waterfront location. It is also an established Business zone and while it has the sole purpose of processing sugar, it is not a new area of redevelopment but rather one that has been recognised for business activities. However in the longer term it is not desirable that the area simply remains Business 9. The plan change provides a basis for providing for future activities that promote and support the readaptation of the heritage buildings.

8.22 Given the unique circumstances of this refinery site and the purpose of providing for future uses that include the readaptation of the refinery buildings, the plan change is not seen as undermining the overall urban growth strategy of the district plan, including those strategies for business land. It can be considered in the context of providing for a mixture of business opportunities (focussed around the readaptation of the Refinery) and residential development. The site is also relatively small in area as a centre and has a relatively minor role in the broader business development of the city, in the employment and community sense. It is however considered appropriate to ensure that greater emphasis is placed on providing more opportunities for business,

8.23 As noted above growth management also resolves around supporting accessibility and efficient transport systems. The site is not located on a major transport route with only one major road access to the main highway network. This passes through the Highbury roading network system. An important element is therefore whether the development options as promulgated through the plan change will enhance or promote such efficiency and greater public transport options. This is matter needs to be fully addressed, in particular that the traffic effects generated by the expected level of development can be addressed. This matter is examined in section 11M of this report.

8.24 There is however scope for improvement to be made to enhance the opportunity for public transport, in particular the potential to advance a ferry service option associated with the present harbour facilities. Considerable revision is required prior to recommending adoption of the plan change, including confirmation that traffic impacts and the relationship to the overall site capacity can be addressed.

8.25 The plan change provisions also provide an opportunity for protecting and enhancing the natural environment and built environment, however a number of changes are required to achieve this end. These matters are elaborated upon in section 11 of this report. Subject to such
revision I do not consider the plan change is inconsistent with the growth strategies and policies of the district plan.

8.26 The district plan also contains a raft of objectives and policies on matters for:

- Tangata Whenua (Section 7)
- Natural Environment (Section 8)
- Subdivision and Development (Section 9)
- Pollution, Hazardous Substances and Waste Management (Section 10)
- Cultural Heritage (Section 11)
- Transportation (Section 12).

Where relevant these are discussed in the following paragraphs and in the Analysis of Issues Raised In Submissions (Refer Section 11 of this report).

8.27 The plan change area is zoned Business 9 in the district plan (including a notation identifying the Chelsea Sugar Refinery).

8.28 Special provisions also apply to various parts of the area and to the historic Refinery buildings located on the site. These are as follows:

- Coastal Conservation Area (Section 8 of the district plan) with a notation referring to exemptions specifically related to this Refinery site contained in Rule 8.4.1.1.
- Site of Special Wildlife Interest (SSWI) (Refer Appendix 8A – SSWI 13). This SSWI forms the boundary of the site with the coastal escarpment and the remaining western boundary of the plan change area, and a small area encroaches onto the site adjacent to the coastal escarpment area.
- Historic Building (Refer Appendix 11A: notation 47 - Appendix 11A Schedule of Buildings, Objects and Places of Historical Significance) and more particularly Appendices 11 C and 11D which identify various buildings of the Refinery as Category A and B Buildings. Reference is also made to Sections 11.3.4 and 11.4.3 and 15.4.7 (Policy 9) and 15.5.1.1.
- Foreshore Yard: A 30m foreshore yard applies to part of the north eastern foreshore area adjacent to the Refinery site and along the coastal escarpment along the south eastern foreshore and adjacent to SSWI 13.

8.29 The Duck Creek stream system and associated pond areas are located on the northern boundary of the plan change area, and its adjacent vegetated riparian area is identified as a Site of Special Wildlife Interest (SSWI 16) and this encroaches onto a small area of the western section of the site (Horse Paddock Area).

8.30 Those objectives and policies particularly relevant to this plan change are examined in the following paragraphs. The relevant business objectives and policies are examined first followed by those relevant to the special provisions and natural characteristics of the area.

**General Business Objectives and Policies**

8.31 The general business objectives are contained in Section 15.3.1 of the district plan and include:

15.3.1 Business Development

**Objective**

*To manage the effects of activities within the city in a manner which maximises opportunities for business development and employment, consistent with the requirement to ensure that the adverse effects of activities are avoided, remedied or mitigated.*

8.32 Policies implementing this objective seek to address techniques to manage effects, provide the effective management of the supply of Business zoned land both now and in the future, define the suitability of various forms of business centres (retail and other) and range of activities,
encourage a wide range of business and a non-restrictive approach to business, and to manage residential development.

8.33 Policies of particular interest to this plan change include:

2. By ensuring that there is an appropriate supply of suitably zoned land for business activities in the short-term, and sufficient reserved for the longer term, and by reviewing the availability from time to time.
5. By managing residential development so it does not significantly reduce the availability of land for business activities in the City’s general business areas and in those higher amenity business areas outside of commercial centres.
6. By ensuring that residential development in business areas is designed to avoid, remedy or mitigate adverse effects on residential amenity from business activities.

8.34 Other objectives are contained in Section 15.3 of the district plan in respect of:
- Transportation network (15.3.2 - which aims at managing the effectiveness of the transportation network serving the business activities).
- Retail activities (15.3.3)
- Control of adverse effects (15.3.4)
- Business Amenity (15.3.5)

8.35 The plan change seeks to introduce an overlay (the Chelsea Mixed Use Overlay) which sits parallel to the business provisions and provides for the establishment of new activities including residential. As noted in the section 32 report accompanying the plan change the continuance of the sugar Refinery is the primary land use activity on the site and the business activity priority. Specific provisions are included in the Business 9 zone to promote this continuance and to address matters in respect of heritage values (Section 11). There is therefore a duality in the retention of the Business 9 zoning and the interplay of the proposed plan change provisions to allow the present activities of the Refinery operation to be maintained while providing direction for future uses and the readaptation of the heritage buildings on-site.

8.36 In the latter aspect there is some degree of conflict with the overriding objectives of the business zoning in particular as it relates to the provision of a substantial area of residential activities and consequential reduction of business zoned land (noting the proposal does however seek to maintain a similar level of employment to that existing), and there may be advantages in creating a special zone. Recognising however that such a move may jeopardise the ongoing function of the Refinery, then the two planning methods (the Overlay and the Business 9 zoning) can coexist provided the introduction of the overlay technique (or something similar) is clear and its objectives are well defined, and effects are appropriately addressed (noting a number of alterations are considered necessary including improved options for promoting additional business activities (refer Section 11 and 15 of this report).

8.37 The district plan provides for a range of business zones across the city, dependant upon the prime function and location of the particular business area. The zones vary, from the small local and suburban retail centres, business park zones, and general business zones to the substantial sub-regional centres.

Business 9 Objectives and Policies

8.38 The district plan describes the Business 9 zone as follows:
*These zones have been applied to established industrial areas and large areas of vacant land at Albany which are well suited to industrial type activity. The zones acknowledge the possibility of activities which generate high levels of vehicular traffic seeking to establish, such as some forms of retailing, but are concerned to maintain the safe and efficient development and operation of the road network and to protect amenity in nearby residential areas. The policies also recognise that large scale retail development could potentially have an adverse social and economic effect on the existing or proposed centres, and that significant adverse effects will need to be avoided, remedied or mitigated.*
Specifically in relation to the Chelsea Sugar Refinery site it is noted that the Chelsea Sugar Refinery site is occupied by New Zealand's only sugar processing operation, which has operated at this location since 1884. The operation is unique in New Zealand's industrial history. It is 'heavy' industry in the context of North Shore and has seen constant change over a long period in order to remain successful at this location. The long-standing nature and growth of the operation at this location (which has and will continue to involve structures across the coastal fringe) has led to there being very significant built heritage values but also greater challenges in terms of accommodating operational requirements. … It is necessary to balance the needs of the Refinery to operate efficiently with the Act's imperative of protecting historic heritage from inappropriate use and development (section 6f). Special exemptions and other provisions are appropriate and necessary to enable the operation to remain viable ....

Residential development is restricted within these zones in acknowledgment of the potential for adverse effects from activities on neighbouring properties, and the need to protect the zoned land for business purposes generally.

The overriding objective for the Business 9 zone is:

15.4.7 General 9 and 10 zones
Objective
To manage the effects of activities in the city’s general business areas in a manner which:

- Provides opportunities for a wide range of employment-generating business activities to establish in the city
- Maintains a moderate level of visual and environmental amenity
- Makes efficient use of natural and physical resources
- Reduces dependency on the private motor vehicle for travel
- Avoids, remedies or mitigates the adverse effects of activities on the amenity of nearby residential properties
- Achieves a moderate level of air quality generally, and a higher level in locations close to residential areas
- Minimises the unintentional exposure of people to risk from hazardous activities.

This is implemented through a range of policies including (in brief):

1. By enabling a wide range of moderate to low intensity business activities to locate in the general business areas.
2. By discouraging activities which have a high traffic generating characteristic from locating in the city’s general business areas, unless an assessment of traffic effects can demonstrate that adverse effects on residential amenity, on pedestrian amenity in the vicinity of the proposed activity, and on the road network can be avoided, remedied or mitigated to ensure that they will not be significant.
4. By ensuring that development maintains the standard of visual and environmental amenity in the general business area, and does not adversely affect the amenity of adjacent residential areas.
6. By preventing residential development significantly reducing the scale of land available for business activities in the city’s general business areas.
7. By ensuring that residential development in business areas is designed to avoid, remedy or mitigate adverse effects on residential amenity from business activities.
9. By recognising and providing for the unique circumstances and resource values that pertain to the Chelsea Sugar Refinery arising from its uninterrupted processing operation at this significant coastal location since 1884.

As noted the policies give special recognition to the presence and the special needs of the sugar Refinery and its heritage values.

The objectives and policies of the plan change contained in new section 15.3.8. reflect, to varying degrees, the above objectives and policies of the district plan. They seek to provide for employment-generating business activities while aiming to address visual, environmental
amenity, residential amenity and other adverse effects, and more specifically give special recognition to the protection of the heritage values of the area and the Refinery buildings, in addition to providing a comprehensive and integrated approach to mixed development. To that extent the aims of the objectives and policies of both the district plan and plan change are similar.

8.44 The plan change however differs from the objectives and policies in that it actively seeks to provide for residential development and to limit availability for business uses (at least in terms of a specified amount and area). Modifications to the plan change are considered desirable in order to provide opportunities for greater business use more in keeping with the zoning and overall strategies of the business area. In addition the plan change needs to be modified to encourage and provide for better public transport options and reduce the dependency on the private motor vehicle for travel.

8.45 As previously noted however the plan change, and indeed the existing district plan objectives and policies that apply to this site, recognise the unusual nature of the site and the significance of protecting and promoting continuance of the heritage Refinery buildings. This element requires an element of acceptability as to potential transport policy anomalies that may arise through the promotion of this area as some form of centre, including the promotion of a suitable mixture of business and supporting residential activities.

8.46 It is noted that residential uses can establish before the Refinery ceases (as a Discretionary activity). Greater and clearer policies and rules in managing potential conflicts from such activities is considered appropriate. This is discussed further in the Analysis of Issues Raised In Submissions (refer Section 11 of this report).

8.47 The changes and associated future uses will, once the Refinery operations have ceased, create a different type of environment than expected for typically business zoned land and may need to be reviewed at that time.

Subdivision and Development

8.48 Section 9 of the district plan addresses matters of subdivision and development. These are not altered by the plan change.

Natural and Coastal Environment

8.49 The plan change area is located on the coastal edge in part within the Coastal Conservation Area. In addition a site of significant wildlife interest (SSWI 13) adjoins the western boundary and coastal boundary of the Horse Paddock area. The significant wildlife area of Duck Creek (SSWI 16) adjoins the northern boundary of the site and encroaches into the western area of the site. The plan change site also has high landscape and ecological value, in particular as it relates to the coastal environment and surrounding bush, riparian and catchment area of Duck Creek and the greater Chelsea Estate.

8.50 Section 8 of the district plan specifies a number of objectives and policies that recognise and seek to provide for the protection of the coastal, ecological and landscape values and environment. Those particularly relevant to the plan change are as follows:

Coastal Conservation 8.3.1
Objective
To protect the natural character, public access, cultural heritage values, ecology and landforms of the coastal environment.

Policies include:
1. By defining the Coastal Conservation Area.
2. By applying a building set back or foreshore yard as a buffer between the coastline and development to the extent necessary …
5. By protecting native coastal vegetation, in particular pohutukawa trees, for amenity, ecological
and land stability purposes.
13. By providing for shoreline walkways and reserves, to and around the foreshore
where these do not significantly conflict with environmental or cultural heritage
values or public safety and security or lead to the erosion of sensitive landforms

**Ecosystems 8.3.2**
**Objective**
To protect and enhance significant habitats of native fauna and flora to maintain
biodiversity, and for their intrinsic, educational and recreational values.

**Policies**
**Policies - General**
1. By scheduling significant ecosystems and habitat areas in the District Plan and
indicating these areas on the District Plan Maps as Sites of Special Wildlife Interest
(SSWI).

**Objective 8.3.3: Landscape, Landforms and Geological Features**
To recognise and protect those areas which make a significant contribution to the
Landscape character, sense of identity, or geological history of the city. (noting the greater part
of the site is not identified as a significant landscape value area).

8.51 The plan change includes broader policies in section 15.3.8 including:
5. By ensuring that the bulk, massing and heights of buildings are appropriate to a
prominent coastal location.
6. By requiring land to be set aside for public access to the harbour and for
recreation.
8. By requiring development proposals to provide for the avoidance or mitigation
of any adverse effects on habitat and ecological values.

8.52 The plan change also requires (15.6.2.12 Comprehensive Development Plan Requirements)
that in considering resource consents regard is had to the objectives and policies of section 8. It
is considered that the plan change is consistent with and achieves the intent of Section 8 of the
district plan.

**Cultural Heritage**

8.53 Section 11 of the district plan sets out the objectives, policies and rules applying to cultural
heritage.
Cultural Heritage Objectives and Policies include:

11.3.1
**Objective:**
That Buildings, Objects and places of heritage significance be recognised and
provided for.

Accompanying policies seek to manage work on or alterations to such buildings to protect the
heritage values as well as provide for their use.

8.54 Other Objectives and policies include:

11.3.2 Archaeological Sites
**Objective**
To identify and protect archaeological sites within the city.

11.3.3 Maori Traditional Sites
**Objective**
To protect sites of heritage value to Maori.

8.55 Accompanying policies seek to provide for the protection and scheduling of these sites, and
appropriate consultation and protocols and a suite of rules apply to implement these objectives
and policies. The plan change activities are bound by such objectives, policies and rules, noting 
the exception in terms of the heritage buildings of the Chelsea Sugar Refinery Site.

8.56 Specific Objectives and Policies (11.3.4) apply to the Chelsea Sugar Refinery Site. 
Objective 11.3.4
To recognise and protect the unique cultural heritage values of the buildings and 
structures of the Chelsea Sugar Refinery industrial site while recognising that the 
continued existence of a working Refinery at the site contributes significantly to its 
heritage value.

8.57 This objective is implemented through a suite of policies that seek to protect the heritage 
buildings and site, including both their collective and individual values as well as their landmark 
importance, visual integrity and the impact of new buildings in their vicinity. These policies are 
implemented through Rule 11.4.3.1 and accompanying appendices 11C, 11D and 11E.

8.58 The plan change can be described as having the principal intent to protect and retain the 
scheduled buildings and re-adapt them for other future uses, as well as to promote an integrated 
approach to other development on site. It is therefore consistent with the intent of the above 
objectives and policies.

8.59 Plan change policies include:

1. By providing for the effective and efficient adaptive re-use of heritage buildings.
2. By ensuring development protects the heritage values of the area, including the 
arquitectura del Refinerío y las características del paisaje del terreno.
3. By providing for comprehensively planned and integrated residential, 
commercial and community development to proceed on the land once refining 
ceases.

8.60 Rules in the plan change include, in the Comprehensive Development Plan(15.6.2.12): 2. 
Requirements for Chelsea Mixed Use Overlay Area in the Business 9 zone, which applies to all 
consents. In considering any such plan and whether or under what conditions consent 
should be granted, the Council shall have regard to:
• The layout of buildings, open space and streets set out in the Chelsea 
Mixed Use Overlay Plan.
• Elements of urban form which contribute to maintaining and enhancing 
amenity values and the creation of a strong local identity – including 
whether:
  a) building forms create a human scale and visual interest, safety and 
activity along street frontages for pedestrians;
  b) design features of buildings and open spaces reflect and reinforce 
the heritage values of the area;
In considering any such plan and whether or under what conditions consent 
should be granted, the Council shall have regard to:
• The layout of buildings, open space and streets set out in the Chelsea 
Mixed Use Overlay Plan.

• The objectives and policies of Section 11 (Cultural Heritage) including 
whether there are any archaeological features present within the Chelsea 
Mixed Use Overlay Area and whether those features can be protected as 
part of the development of the area.

8.61 At the general level it is considered the plan change is relatively consistent with the Heritage 
objectives and policies of the district plan, and the central intent of protecting the heritage 
buildings. However shortcomings are evident in the implementation of these objectives and 
policies and refinement is required, including additional objectives and/or policy to reinforce the 
intent of the provisions. These are further examined and detailed in Section 11 of this report.

Transportation
Section 12 of the district plan contains the objectives and policies on transportation matters. These include:

- **12.3.1 Transport Safety, Effectiveness and Safety** – This objective and accompanying policies aim to promote a safe and efficient transport system and networks, avoid adverse effects and protect amenity values, reduce use of private motor car and promote alternative methods of transport.

  Objective
  To enable a transport system that avoids, remedies or mitigates the adverse effects of transport activity on the natural and physical environment and protects the amenity value of open spaces and streets, while maintaining the health and safety and the economic, social and cultural well-being of the people and community of North Shore City. These adverse effects include noise, stormwater contamination of receiving waters and air quality degradation.

- **12.3.2 – Public Transport**

  Objective
  To mitigate the adverse effects of transport activity (including noise, emission of atmospheric pollutants, contamination of receiving waters from roadway stormwater run-off) and promote more efficient use of transport fuels by supporting a satisfactory alternative to the use of the private motorcar through fostering an effective passenger transport system

- **12.3.3 – Cycle ways and Walkways**

  Objective
  To provide for cyclists and pedestrians within the city in a safe and convenient manner which, by establishing these as viable alternatives to the car, avoids, remedies or mitigates the adverse effects of motor vehicle use, including exhaust emissions, noise, and contamination of receiving waters by stormwater.

The plan change does not include any specific objectives or policies in respect to transport however matters to be had regard to in considering resource consents as specified in the Comprehensive Development Plan include (15.6.2.12):

- Whether adequate provision is made for services and utilities including wastewater disposal, stormwater management, water supply, public transport facilities, roads and traffic management, electricity supply and telecommunication services.

The traffic effects and transportation issues are fully examined in section 11M of this report. The conclusions are that additional work or evidence is required to confirm that the capacity proposed in the development will not adversely impact upon the roading network, or measures can be undertaken to remedy any such effects. There also need to be clearer directives for the provision of facilities or access to public transport (both bus and ferry) than presently contained in the plan change, in order to achieve consistency with those transport objectives and policies described above.

Regional Objectives and Policies

At the regional level there are a number of resource management documents that contain objectives and policies relevant for consideration of the plan change. These include the Auckland Regional Policy Statement (ARPS), and the Proposed Plan Change 6 to the RPS (referred to as Plan Change 6), the Auckland Growth Strategy (RGS), and the Auckland Regional Plan (Coastal) (ARP-C).

Auckland Regional Policy Statement and Plan Change 6.
The Auckland Regional Policy Statement (RPS) is the key resource strategy document that defines resource management objectives and policies for the region. District plans are required to give effect to such objectives and policies.

The RPS has recently undergone considerable changes in objectives and policy concerning the manner in which growth is managed and the need for integration between land use and transportation. Plan Change 6 introduces these changes and it should be noted that this plan change has yet to complete the hearing process and therefore may be subject to change. As such, while objectives and policies are referred to they do not have the weighting of the Operative RPS and indeed at this stage little weight should be given to them.

Proposed Plan Change 8 also introduces various changes to Chapter 6 (Heritage) and Chapter 7 (Coastal) of the RPS.

The RPS overriding strategies are contained in Part 2.5.1 and specify a number of Strategic Objectives including:

1. To ensure that provision is made to accommodate the Region’s growth in a manner which gives effect to the purposes and principles of the Resource Management Act, and is consistent with these Strategic objectives and with the provisions of this RPS.
2. To maintain and enhance the overall quality of the environment of metropolitan Auckland, including its unique maritime setting, volcanic features, cultural heritage values, and public open space.
3. To protect the soil resources, amenity values, rural character, landscape values, and mineral resources of rural areas, from the regionally significant effects of inappropriate subdivision, use or development.
4. To preserve the natural character of the coastal environment, whilst ensuring that the use of the coastal environment by those industries and activities which serve the needs of the Region and which depend on a coastal location is appropriate and efficient.
5. To protect the intrinsic values of the Region’s natural resource base, and to make appropriate provision for the avoidance, remediation or mitigation of adverse effects on the Region’s environment, including the identification of significant natural features and landscapes, and areas of significant indigenous vegetation and habitat, and protection of these from inappropriate subdivision use and development.
6. To promote transport efficiency, and to encourage the efficient use of natural and physical resources, including urban land, infrastructure, and energy resources.
7. To preserve and protect a representative range of the Region’s heritage resources.

These strategic objectives are implemented through Strategic Policies (2.5.2) which, in addition to achieving the strategic objectives, focus on containing urban development within the Metropolitan Urban Limits or in defined locations outside this limit and to a lesser extent for intensification within the limits.

Urban Growth Management Policy is specified in Part 2.6.1 and includes in 2.6.1.2

2. Urban development shall be contained within the defined limits (including the metropolitan urban limits and the limits of rural and coastal settlements – …and its form shall be planned and undertaken through an integrated process on a regional basis and in ways that are consistent with the Strategic Direction and:
   (i) provide for urban intensification around selected nodes and along selected transport corridors;
   (ii) provide for higher intensities of urban activities at selected locations within areas of new development;
   (iii) bring about patterns of activities that will mitigate the effects of increased travel and improve the energy efficiency and convenience of urban areas …
   
   (vi) maintain and enhance amenity values within the existing urban area, …
   (vii) do not give rise to conflicts between incompatible land uses;
   (viii) avoids, remedies, or mitigates adverse effects on the environment.
8.72 As noted in the section 32 material, paragraph 10.7 of the RPS while somewhat cautious as to intensification, promotes more selected and planned intensification with improved urban design, open space, upgrade of infrastructure, improved environmental standards and improved transportation. Such planned and integrated intensification is considered a better alternative to infill housing.

8.73 The RPS further comments that the Strategic Direction supports intensification, including infill development, within the urban area, so that better utilisation is encouraged of the substantial reservoir of under-utilised land within the urban area. Intensification can enable more efficient use of physical resources including infrastructure and also shift the emphasis of development of metropolitan Auckland toward an urban form which is more efficient in transport and energy terms. Such development has the potential to play a greater part in meeting Auckland’s future needs for housing, jobs and services, and also to bring about a more varied supply of housing types and densities, thus achieving a better match between housing supply and need. Infill and intensification needs to be carefully planned however, to avoid, remedy or mitigate adverse effects which can stem from loss of trees and bush, overloading of utility systems (especially drainage and stormwater), traffic congestion, and reduction of space around buildings. Planning for intensification should also encourage activity patterns which enhance the amenity values and convenience, thus contributing to community wellbeing through clustering of social and community facilities at accessible locations often in association with commercial centres.

Planning for intensification must also take account of features or places of cultural significance to Maori, or of historical significance to the Region or nation.

8.74 In this context the plan change, subject to specific revision, is generally consistent with the above objectives and policies and strategic intent, being a planned and integrated approach to addressing intensification that supports the use and protection of the existing heritage Refinery resource, providing greater opportunities for housing around a small node of commercial activities and potential public transport option (ferry). This latter aspect is however subject to necessary alterations to provide and promote this option, while at the same time, protecting the natural, and in particular the coastal environment. It is accepted there is a degree of conflict with the transport objectives and direction contained in the RPS. Modifications are therefore necessary to achieve a closer consistency.

8.75 Proposed Plan Change 6 takes the approach to selected intensification further by identifying desired locations for growth, either in existing centres or on major transport corridors and by promoting considerable intensification (residential in particular as well as more intensive and mixed commercial activities) of such centres. Plan Change 6 places a considerable emphasis on the integration of land use with transport as well as urban design and wider urban structure around a transport network that provides alternatives to private car use.

8.76 Plan Change 6 is a response to the Local Government (Auckland) Amendment Act 2004, which sought to promote land use and transport integration.

8.77 It is accepted that Plan Change 6 is considerably more definitive than the Operative RPS in terms of its direction for intensification and includes, not only the identified centres of preferred growth nodes but also a raft of objectives and policies on:

- Urban Containment - 2.6.2
- Urban Structure - 2.6.5
- Urban Design - 2.6.8
- Land Use and Transport Integration - 2.6.11
- Infrastructure - 2.6.14

8.78 Urban Containment policies focus on the containment of the Metropolitan Urban Limit (MUL).

8.79 Urban Structure includes policies on High Density Centres, Future Urban Areas and Existing Urban Areas. Policies (2.6.5 Strategic Policies Urban Structure) include:

High Density Centres and Corridors
1. Urban intensification is to occur in specified locations (including areas
identified in Schedule 1A) to provide the focus for the Region’s residential, commercial and retail growth.

2. A network of high density centres and corridors is developed which are linked by high quality public transport ranging from frequent local bus services supplemented by express buses to rapid transit (rail or bus) on separate rights-of-way.

3. Development within high density centres and corridors should be in a form that supports compact mixed use environments.

4. The structure and sequencing of urban development in the high density centres and corridors should support and be coordinated with the development, implementation and operation of the transport network serving the area.

5. High density centres and corridors identified in Schedule 1A should be developed for a range of uses including those listed below in Policy 2.6.5.6 residential, and open space.

Existing Urban Areas
12. Urban intensification may only occur in locations other than those listed in Schedule 1 if it can demonstrate that this will not compromise the achievement of Policies 2.6.5.1-2.6.5.6.

8.80 Transport Policies in the RPS include:

Policy 4.4.1
1. Land use and transport planning will be integrated in a way which reduces the need for vehicle travel.

8.81 This has been modified by Plan Change 6 as follows:

4.3 Objectives
1. To develop a transport network which supports a compact sustainable urban form. The policies which give effect to this Objective are found in Chapter 2 (2.6.11).

8.82 Land Use and Transport Integration in Plan Change 6 (2.6.11) include a raft of policies that promote greater levels of integration between land use and transportation as well as efficiency and safety, and the need for urban areas to be served by public transport and the promotion of pedestrian and cycle opportunities. Specific policies are specified for high-density centres and transport corridors, which emphasise public transport and rapid transit systems and multi-model transport.

8.83 Policies include:

a. within urban areas land use patterns provide communities with improved access to a range of services and activities;

b. within urban areas new urban development and subdivision provides for improved connectivity for all transport modes including walking and cycling;

c. within urban areas new development and redevelopment provides for safe and attractive walking and cycling environments;

d. the transport network is not compromised by inappropriate land use and subdivision;

e. where unable to locate within high density centres and corridors, high traffic generating activities locate on transport corridors with a good public transport service (see Policy 2.6.5.6);

8.84 The plan change area is not identified as a centre for growth in Plan Change 6 (or in NSCC Proposed Plan Change 12) nor is it located on a major transport route. It is however located on the harbour edge with an existing deep water wharf facility that could be developed as a terminal for a ferry service to and from Auckland Central and other harbour destinations.

8.85 The nature of the plan change however, both in terms of the unique heritage circumstances that apply to the location and in what is perceived as intensive redevelopment of the existing centres in terms of plan change 6 is a relevant consideration. The plan change Chelsea Sugar Refinery site is unusual in that it is business zoned land that, for the large part, has the single purpose of providing for the continuance of the existing sugar Refinery operation and the protection of its heritage buildings, a situation that is not repeated elsewhere in the city. Even without the plan change, as a business zoned site, (and noting various constraints in regard to its part-identification as Coastal Conservation Area and the Heritage provisions), it currently has a
considerable ability to be developed for a range of business activities of varied intensity, including offices and small scale retail operations. It is accepted this would not generally include residential development at the type of intensities envisaged by the plan change. Higher traffic generating activities are also limited and treated as Discretionary Activities (Business 9).

8.86 That matter aside, the plan change proposes a relatively modest level of commercial activity (3200m²) (noting submissions seek additional opportunities for business) and a level of residential over the total site (13.9 hectares gross) or 260m² per unit gross. This is more in keeping with the higher forms of medium density housing or more moderate forms of intensive development expected by Plan Change 6. The district plan Residential 6 zone has density levels of 1 unit per 250m² and Residential 7 at 200m² per unit net. Residential 6 intensive housing is at a density of 150m² net. Over the whole Chelsea Estate and the Refinery site the overall intensity of development would be expected to be considerably lower.

8.87 In a physical sense it is accepted the proposed development creates opportunities for relatively intense forms of buildings, however by specifying a maximum limit on the numbers and with an Overlay Plan defining considerable levels of open space the effects of such intensity are reduced and can be considered, to a considerable degree to be in line with the urban design expected in Plan Change 6.

8.88 In the broader context of centres envisaged or identified as centres for growth in the RPS, the proposed scale and extent of development is small compared to the identified smaller centres such as Highbury itself. The centre will only have in the order of 3200m² commercial-business floor space (noting option and submission seeking an extension of this) and a total of 528 residential units. This is not a major centre by any sense of the definition and is not at a scale expected to be listed in the regional policy document. Its function is more akin to a small local centre with a specialised destination role (the Refinery) surrounded by a cluster of intensive residential development. It is recognised in the district setting however that the creation of some 528 units at the scale and intensity proposed differs considerably from the surrounding suburban environment, in particular the adjoining residential 2A zoning. It will also generate and promote a level of traffic off the main corridors and the effects of this need to be addressed appropriately, and it is appropriate that the principles of urban design apply.

8.89 The site is also in close proximity to the potential ferry service access wharf and there are advantages in providing for a node of more intensive residential (and commercial development) in close proximity to that service. It is considered however that additional provision needs to be made to improve options for public transport (both bus and ferry) as well as recognising that there are other effects of traffic on the local road network that need to be addressed appropriately, and it is appropriate that the principles of urban design apply.

8.90 Overall there are areas of conflict with aspects of Plan Change 6 however there are unusual circumstances that prevail in relation to the site, in particular the advantages of protecting and retaining the heritage buildings on the site for ongoing viable activities and providing for an appropriate level of supporting residential activities. Provided that it can be demonstrated that the traffic effects can be addressed and modifications made to promote greater public transport use and achieve greater levels of transport integration, then given the unusual circumstances as described above, it is not considered that the proposal will undermine the directions and policies inherent in Plan Change 6. It should also be recognised that Plan Change 6 is still under debate and requires considerable deliberation before its final form is known.

8.91 Urban Design Strategic Policies (2.6.8) in Plan Change 6 seeks that an urban design approach be taken in the promotion of change in existing urban areas so that there is (in brief):
- A diversity of urban environments (building types and densities) and living choices;
- Buildings, public spaces and road corridors contribute to a vibrant, liveable and attractive environment with a sense of place;
- Buildings and places with heritage and cultural value are protected;
- Connected routes for all modes of transport, including walking and cycling;
- Public transport, roading, cycling and walking networks are integrated with each other and the land uses;
- There is long term protection of public open space;
• Iconic and outstanding Auckland urban landscapes are protected and other urban landscapes are managed to ensure critical values remain;
• Natural features and their relationship with built elements are recognised and protected, and enhanced;
• A positive contribution is made to the environmental health of urban streams, the harbours, beaches and their catchments, including through improved storm water and waste water management;
• Public access to and along stream, coastal and foreshore environments.

As well as addressing conflicts between incompatible land uses, effects in high next to industrial process and the importance of energy, water and materials efficiency and conservation.

8.92 Matters of urban design are examined in Section 11C of this report. Overall, at the broader level it is considered that the Overlay approach proposed in the plan change is consistent, or can be adapted to be consistent with an urban design approach as sought in the urban design policies expressed in Plan Change 6.

8.93 There are however a number of shortcomings in the Chelsea Mixed Use Overlay Area & Plan, and methods that need to be revised to achieve appropriate levels of urban design. In particular the need for a greater level of: objectives, policies and methods in respect to the protection of the heritage buildings on the site and their readaptation; the provision for public transport access, routes and facilities and associated connectivity to the surrounding development; and details on the management of the open space system defined in the Mixed Use Overlay that better integrate with, and provide protection for the natural environment within the open space network, including the coastal and other significant vegetated and ecological areas in the vicinity of the site.

8.94 Other relevant policies on other aspects of regional direction in the RPS are also included in:
Chapter 3 – Matters of Significance to Iwi
Chapter 6 - Heritage
Chapter 7 – Coastal Environment
Chapter 8 – Water Quality.
These policies are reflected in the objectives and policies of the district plan and the discussion in respect to each of the above aspects, including matters of significance to iwi, is contained in Section 11 of this report.

8.95 Changes are also made to Chapters 6 and 7 in proposed Plan Change 8 to the RPS.

8.96 As previously noted the Chelsea Sugar Refinery site contains a number of features and aspects, or is adjacent to such features, that are recognised regionally and identified in the RPS and other documents. These include:
1. Chelsea Bush – Significant Natural Heritage Area – Appendix B RPS and identified as Site of Special Wildlife Significance ‘Moderate’. This area is also identified in the joint ARC and NSCC ‘North Shore City Ecological Survey’ as a significant coastal forest ecological system. The Chelsea Bush and associated SSWI covers an extensive area along the coastal escarpment and land west of the site and along part of the coastal escarpment adjacent to the western area of the plan change site (refer SSWI 13 in Map 29 - district plan),
2. Duck Creek is identified in the Air, Land, Water Regional Plan as a wetland – Category 1. The creek and bush associated with Duck Creek which extends into a section of the plan change site is identified as SSWI 16 in Map 29 - district plan.
3. The Waitemata Harbour coastline and foreshore area (including that coastline of the plan change area) is identified as a Regionally Significant Landscape (Rating 5) RPC.
4. The Auckland Regional Plan Coastal notates the site identified by Ngati Paoa as Tauranga Waka, and a Mooring Management Area is identified in Chelsea Bay.

8.97 Chapter 6 of the RPS contains objectives and policies pertaining to both natural and physical Heritage preservation and protection. The Sugar Refinery buildings as well as being scheduled in the district plan are also identified in the Historic Places Register as category 2 items. Objectives (6.3) include:
1. To preserve or protect a diverse and representative range of the Auckland Region’s heritage resources.
2. To maintain, enhance or provide public access to the Region’s heritage resources consistent with their ownership and maintenance of their heritage value.
3. To protect and restore ecosystems and other heritage resources, whose heritage value and/or viability is threatened.
4. To maintain the overall quality and diversity of character of the landscapes of the Auckland Region.

8.98 Proposed Plan Change 8 adds and amends the following objectives:
4. To protect outstanding natural landscapes from inappropriate subdivision, use and development.
5.4. To maintain the overall quality and diversity of character and sense of place of the landscapes of the Auckland Region.
8. To manage heritage resources in an integrated way to ensure their contribution to the variety of heritage values is protected and enhanced.

8.99 These objectives are implemented through a number of policies. The objectives and policies of the RPS have also been implemented through the provisions of the district plan which include specific heritage policies in terms of both the natural and physical heritage. These are outlined and implications fully discussed in section 11 of this report. The provisions of the district plan (as previously discussed) including those relating to Cultural Heritage (Part 11 - noting the specific provisions applying to the Chelsea Sugar Refinery Site) and the Natural Environment (Section 8) give effect to the RPS and apply to the plan change.

8.100 Overall it is considered the thrust of the plan change is to protect and preserve the natural, cultural and physical heritage features of the site, in particular the significant heritage buildings of the Refinery, and allow for their readaptation. Although generally it is considered the plan change is consistent with these objectives and policies, protecting in particular both the heritage buildings and the natural heritage elements of the site and giving access to such features, there are a number of refinements that are required, including more definitive policies and criteria to ensure the protection and preservation of the heritage buildings. These are detailed further in this report (Refer section 11) as well as relevant comments on landscape values, ecology and natural values of the site (refer section 11B and 11D).

8.101 As commented upon in the section 32 report (Page 37) proposed Plan Change 8 makes a number of amendments to Chapter 6 of the RPS, including the definition of ‘Highly Valued Landscapes’ which states:

**Highly Valued Landscapes**
include places or areas that have important amenity values, or that have distinctive cultural or historical qualities and characteristics, or that are important for their sense of place at the regional, district or local level.

Plan Change 8 includes a number of policies in respect to ‘Highly Valued Landscapes’.

8.102 The section 32 report concludes that although the Chelsea Sugar Refinery site could be included as such, it is noted that the Chelsea Estate is not identified as ‘Outstanding Natural Landscape’.

8.103 The section 32 report also discusses the identification of the site as an ‘Ecological Linkage area’ in the North Shore City/ARC Ecological Survey (April 2005)\(^5\); the Chelsea site is identified as item SES 048 (Page 146) but is not identified in any statutory sense. It is considered however that the plan change generally (subject to some revision as discussed further in this report SECTION 11 and 15) incorporates the principles of the ecological linkage by incorporating the ‘fingers’ of existing and natural vegetation cover into the public space areas.

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\(^5\) North Shore City/ARC Ecological Survey(April 2005) can be located at /www.northshorecity.govt.nz - Ecological Study - North Shore City Ecological Survey
8.104 Chapter 7 of the RPS contains a number of objectives and policies relating to the coastal environment. These include (7.3):

1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.
2. To protect outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and significant historic and cultural places and areas in the coastal environment.
3. To enable appropriate subdivision, use and development to be undertaken in the coastal environment.
4. To reduce the risk of environmental damage from subdivision, use and development within the coastal environment arising from uncertainty or lack of knowledge about coastal processes.
5. To maintain and enhance public access to and along the CMA and to publicly-owned land in the coastal environment.

8.105 The objectives and policies of the RPS have also been implemented through the provisions of the district plan which includes specific objectives and policies on Coastal Conservation (Section 8.3.1) and through the Natural Environmental Rules contained in Protection of Natural Coastal Character (8.4.1). The district plan also identifies the coastal and harbour frontage land as Coastal Conservation area, and the rules (noting the exemption relating to the site) that apply to the area, are designed to implement and give effect to the RPS. These are outlined and implications in terms of coastal matters fully discussed in section 11 of this report.

8.106 The Overlay seeks to protect and give public access to the coastal environment by defining the foreshore areas and coastal interface as public open space. Although some refinement is considered necessary to better define how these areas are managed, generally the plan change provisions are consistent with the RPS objectives and policies relating to the coastal environment.

The Auckland Regional Plan (Coastal)

8.107 The Auckland Regional Plan (Coastal) (ARP-C) provides the framework to promote the integrated and sustainable management of the Auckland region’s coastal environment and applies to the coastal marine area and environment. The Auckland Regional Policy Statement notes that the coastal environment varies from place to place, depending on natural and physical characteristics. For the purposes of the RPS (and this plan change) it is defined as including three distinct, but interrelated parts:

• coastal marine area;
• active coastal zone;
• landward component.

8.108 The ARP-C includes a raft of objectives and policies on the protection and sustainable management of the coastal environment. General policies are discussed in the section 32 report (page 39), and the ARP-C includes the following objectives:

3.3.1 To preserve the natural character of the coastal environment by protecting the coastal marine area from inappropriate subdivision, use and development.
3.3.2 To preserve the natural character of the coastal environment by encouraging appropriate subdivision, use and development above Mean High Water Springs to locate in appropriate areas of the coastal environment.
4.3.1 To protect Outstanding Landscapes, and the key elements, features and patterns of Regionally Significant Landscapes (as identified in the Plan Maps) from inappropriate subdivision, use and development in the coastal environment.
4.3.2 To maintain and enhance the diversity, integrity and landscape quality of the coastal environment.
5.3.1 To protect the dynamic functioning of physical coastal processes.
7.3.1 To maintain and enhance public access to, along and within the coastal marine area.
5.3.2 To protect the integrity, functioning and resilience of ecosystems within the coastal environment.

8.109 Again these objectives and policies are reflected in the objectives and policies of the RPS and the provisions of the district plan as described above.
8.110 As noted the Mixed Use Overlay seeks to protect and give public access to the coastal environment by defining the foreshore areas and coastal interface as public open space. Although some refinement is considered necessary to better define how these areas are treated, generally the plan change provisions are consistent with the Auckland Regional Plan (Coastal) objectives and policies relating to the coastal environment.

Auckland Regional Growth Strategy

8.111 The Auckland Regional Growth Strategy (RGS) is the broad strategic document that provides guidance and a vision for managing growth in the Auckland region. In addition to defining a number of growth management directions it identifies centres within the existing urban area that are suitable as centres for intensive growth. These centres serve by their more intensive form of growth to reinforce transport (public efficiency) and an urban form to reduce reliance on motor vehicles. A number of such centres are identified in North Shore City, including the Highbury Centre.

8.112 The comments relating to the urban strategy, as discussed under the district plan above are relevant to this issue given the particular nature of the site, the proposed method and approach taken in the plan change and the circumstances that prevail. It is considered that although the site is not in a location that typically reflects an ideal growth node as seen in the RGS framework there overriding factors (including the importance of promoting the protection of the significant heritage building) that should be given considerable weight.

National Policy Statement

8.113 The New Zealand National Coastal Policy Statement (1994) includes various matters to be considered in respect to significant parts of the coastal environment. It includes particular directions concerning subdivision and development within the coastal environment.

8.114 Chapter 1 - National Priorities for the Preservation of the Coastal Environment Including Protection from Inappropriate Subdivision Use and Development includes:

Policy 1.1.1
It is national policy to preserve the natural character of the coastal environment by:

a) encouraging appropriate subdivision, use and development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;

b) taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and

c) avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.

8.115 The Policy Statement specifies a number of national objectives and policies, and priorities to be included in district and regional plans.

8.116 The Policy Statement includes a number of polices directing district and regional plans, including those seeking protection of the natural character of the coastal environment and significant indigenous vegetation (Policy 1.1.2). It also sets national priorities to address potential effects of subdivision, development and use including:

3.1 Maintenance and Enhancement of Amenity Values
Policy 3.1.1
Use of the coast by the public should not be allowed to have significant adverse

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effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.

Policy 3.2.2
Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remediing those effects, to the extent practicable.

Policy 3.4.5
New subdivision, use and development should be so located and designed that the need for hazard protection works is avoided.

8.117 The Policy Statement also prioritises the need for public access to the foreshore areas as a matter of national importance (Policy 3.5.1, Policy 3.5.2 and Policy 3.5.3).

8.118 The plan change site is located on the harbour edge, and although modified is prominent in terms of its land form, visual sense and natural characteristics which have a clear relationship to its coastal setting. The section 32 evaluation accepts the importance of the coastal role of the site, including its frontage to the harbour edge and its amenity and access values.

8.119 The plan change seeks to recognise such priorities by the application of the Overlay that prevents development within the coastal areas, by defining the harbour edge as a public space. The significance of this coastal environment is recognised to a degree within the explanation accompanying the provisions, and includes policies in section 15.3.8 requiring land to be set aside for public access to the harbour, reference to section 8 of the district plan (Natural Environment), criteria within the Comprehensive Development Plan requirements (15.6.2.12) and in the Assessment Criteria for Limited Discretionary Activities (15.7.5) e) Landform, Vegetation and Landscaping which includes:

- Areas of significance (in terms of its visual and ecological value) coastal vegetation should, where practical be incorporated in coastal reserves and should be protected and enhanced
- Public access along the coast should be protected by means of coastal reserve.

8.120 Although the plan change provisions as described above, provide a basis for achieving the direction of the National Policy Statement, it is considered given the significance of the coastal location and site, that the provisions should be reinforced by the inclusion of specific policies in 15.3.8 which will give direction to all resource consents. It is noted that the coastal conservation provision contained in section 8 of the district plan also aims to give effect to the National Coastal Policy Statement.

9.0 OVERVIEW OF SUBMISSIONS

9.1 A range of submissions has been received in relation to the plan change. Broadly the following relief is sought:

1. **Decline the Plan Change**
   - Decline the plan change in its entirety (Note: a number of these submissions detail a variety of reasons and changes sought with an overall request to decline the plan change).
   - Decline plan change at least until a review of Residential 3 -Built Heritage Zone and the proposed plans for Highbury are complete.
   - Delay the plan change until further information and studies are available.
   - Delay the plan change and commence a study to determine the most desirable future use so that options remain open until study is concluded.

2. **Reduce Intensity and Level of Development in the Western/Horse Paddock Area**
• Reduce intensity level in Western Area- Horse Paddock Area  
• Rezone for low density housing – reduce yield to 288 units

3. **Apply Low Density Residential Zoning**
• Apply Residential 2A zoning to whole area  
• Apply Residential 2A to ‘Horse Paddock’ and western area  
• That, should the plan change be allowed, the Horse Paddock remain as public open space and the land rezoned Residential 2A in keeping with the remainder of the Estate  
• Approval for any mixed use/residential units should be consistent with Residential 2B zoning as appropriate for land abutting reserves.

4. **Retain Horse Paddock Area as Open space**
• Retain Horse Paddock as open space  
• Retain Horse Paddock and tennis court area as open space  
• Rezone to enable purchase as regional park or council purchase for open space.  
• Recognise Horse Paddock as part of a linkage of publicly owned spaces along the northern edge of the Waitemata Harbour; be recognised in the District Plan.  
• The whole Chelsea Estate area should be developed as a great park.

5. **Reduce the Density and Number of Housing Units**
• Reduce maximum number of houses to 288 units.  
• Zones to enable purchase as regional park or council purchase for open space.  
• Retain equivalent of existing number of residential buildings.  
• Reduce overall intensity to 2a zoning.  
• A considerably lower density to be applied to the whole Business 9 zone.

6. **Maintain a High Quality of Structures**
• Allow a number of suitable units or properties which will blend in with the surrounds

6. **That Maximum Allowable Building Height be Reduced**
• Height restriction of 5m.  
• Height be reduced to two storeys.  
• Mixture of building heights below 2 -3 storeys.

8. **Horse Paddock Retained to Assist Public Purchase**
• Retain Horse Paddock as is to offer greater protection of Chelsea Park Trust’s right of refusal to purchase the land undeveloped.

9. **Protection of Heritage Buildings/Values**
• Greater protection of heritage buildings and suitable methods to protect heritage elements of buildings and the greater Chelsea site.  
• Impose covenants to protect feature.  
• Develop appropriate heritage objectives, policies and rules.

10. **Ecological, Historic, Landscape and Amenity Values and Protection of Bush/Trees**
• Council to consider a more appropriate use of the land - enhancing its existing use as a community resource, its heritage buildings, walkways, its use as a bird and wildlife reserve
• Relate intensity to coastal and Waitemata harbour location and heritage values
• Retain native and exotic vegetation.

11. Traffic/Roading Infrastructure

• That proper consideration of the effect of the traffic on the local streets is made, including upon all access streets
• A traffic plan be provided
• No increase in traffic movement through Highbury Shopping Centre.
• Refusal of the plan change under present roading conditions
• Change and in particular more information on traffic effects because of the unsatisfactory entrance to Rawene Road.

12. Replace with Park/Community Infrastructure

• Protect existing wildlife, all walkways, bush and ponds. All funding/other assistance should be given to protecting it as open space.
• Open space along the sea side should be kept public.

13. Protection of Public Access

• Retain Public access to waterways.

14. Further Consultation Required

• That the proposal be refused until further consultation with local iwi and Birkenhead and Auckland residents, road and sewerage planners.

15. Other Issues

• Liability Issues.
• Full consideration given to development on any potential contaminated site and that any resulting future liability on NSCC is mitigated.
• Study on commercial options.
• That the Council consider carefully the implications of the development for child safety.
• Seeks assurance that the Partnership's property in Rawene Road won't be affected or compromised by the Plan.

16. Approve

• Approve the plan change
• Support subject to conditions

10.0 SUBMISSIONS - ISSUES

10.1 A number of issues are identified from the submissions (and further submissions), which give rise to the relief sought in the submissions.

10.2 There are three broad groups of submissions. First, those that focus on the effects arising from the possible level and form of development and in particular, effects on the undeveloped western 'Horse Paddock' area. These include matters relating to natural values, landscape, character, amenity, open space, archaeological values and ecology of this area and also its relationship to the surrounding greater Chelsea Estate and residential communities. Secondly, those submissions that focus on the impact of development upon the historic heritage Refinery...
buildings and associated area. Thirdly, those submissions relating to district and regional plan objectives and policies, the broader matter of managing growth and business activities, and the suitability of the planning mechanism proposed.

10.3 These elements overlap and impact to varying degrees on one another. For instance the level of intensity of residential development will have a bearing on perception and levels of open space and amenity. The following assessment examines each key issue, however the application of the Mixed Use Overlay as proposed in the plan change should be considered as a whole rather than by its component parts. The relationships are discussed where relevant.

10.4 The identified issues are listed as follows:

11B Visual and Landscape Effects and Effects on Amenity Values
11C Urban Structure and Urban Design
11E Effects On Historic Heritage Buildings And Values
11F Impacts on General Heritage, Cultural and Archaeological Matters
11G Zoning, Use and Development of Horse Paddock (Low Intensity Residential Zoning (Residential 2a, 2b Or 3) and Open Space).
11H Identify the Horse Paddock as Open Space, Park or Reserve.
11I Intensity and Scale of Residential Development
11J Growth and Intensity and its Relationship to District Plan and Regional Framework and other Planning Documents, Objectives and Policies and Key Strategic Directions
11K Community Infrastructure, Walkways and Public and Coastal Access
11L Stormwater, Infrastructure and Hazards, Air Quality and Contamination
11M Traffic Effects and Land Use – Traffic Integration (Including Public Transport)
11N Suitability of Business Zone - Loss of Business Land and Lack of Provision for Employment Related Activities
11O Planning Methods Applied, Structure Planning, Additional Information and Timing
11P Consultation

10.5 These are discussed in the following paragraphs and the specific requests as related to submissions are examined and discussed in section 15 of this report, including recommendations in regard to those submissions.

11.0 ANALYSIS OF ISSUES RAISED IN SUBMISSIONS

11A INTRODUCTION

11.1 The submissions have raised a number of effects that arise from or can be attributed to the physical form, extent and level of development possible under the provisions proposed. It should be recognised that the proposal is not in itself an application to construct or place any buildings on a site, rather it sets a level of control from which the extent of development can be assumed, as defined in the Overlay. It should be noted that the proposed development however, requires a Limited Discretionary activity in the first instance and a Discretionary activity where defined parameters are not met. There are no permitted activities as such in the plan change.

11.2 It can be expected that development (and therefore the nature of effects) will be in accordance with the variety of activities specified, the maximum levels defined, and the scale and location in accordance with the building footprints, height limits, and public open space and private open space as specified in the Overlay.

11.3 The plan change only affects the area around the current Refinery, bulk storage building and car park, together with an area to the west, currently known as the ‘Horse Paddock’. The greater Chelsea Estate as presently zoned is subject to negotiation with the owners (the Chelsea Sugar Refinery Company (CSR) in regard to potential purchase by Council (Chelsea Trust) as Reserve. This has yet to be finalised. This is a separate matter from the plan change irrespective of any conditions of sale and purchase.
11.4 The anticipated level of development includes:

- the current historic Refinery buildings readapted to accommodate a mixture of commercial and business uses, community and residential development;
- car parking within the current Refinery ‘core’ area;
- apartments and terrace housing, with a maximum height of between 3 and 5 storeys, are located on the present industrial and storage area between the historic buildings of the Refinery and the access road. Generally it is anticipated that there will be a gradation of residential buildings from 3 storeys rising to 5 storeys closer to the Refinery core, with one 8 storey building to the rear of the retained existing Refinery buildings.
- apartments and terrace housing 2 - 3 storeys high on the western paddock, west of the current bulk sugar store buildings generally occupying the open space area of the Horse Paddock. This includes some encroachment into the existing vegetation canopy areas.
- related roading, access ways and open space around this residential development.

11.5 The Overlay defines areas of public open space which includes open space around the periphery of the site and adjacent to the coastal interface and coastal escarpment vegetation, as well as the central site area which separates the Horse Paddock area from the Refinery site proper. The open space component includes the majority of vegetation over the site, including that adjacent to Duck Creek and the northern access way linking to the former Manager’s house. The building footprint does however encroach into some areas of canopy at the eastern end of the Horse Paddock in particular.

11.6 In order to examine the appropriateness or otherwise of the proposed Overlay, the relevant provisions (including accompanying criteria) and objectives and policies are commented upon.

**11B VISUAL AND LANDSCAPE EFFECTS AND EFFECTS ON AMENITY VALUES**

11.7 The site is distinctive both for the presence of the well-established heritage buildings of the Chelsea Refinery occupying the lower flatter area of the site adjacent to the Harbour foreshore, and the prominence of the undeveloped and more elevated slopes of the western Horse Paddock area. The distinctive coastal escarpment is largely located outside the site.

11.8 The Refinery buildings form a distinct cluster of a mixture of substantial historic buildings which are partially modified by additions for (industrial) Refinery use and more contemporary (varying in age) industrial warehouse, packing and processing buildings and areas and offices. This includes the substantial bulk sugar store, which is on a more elevated position between the Horse Paddock and the lower area of the main Refinery buildings.

11.9 Despite some modifications, the historic Refinery buildings (note: these are classified in both the District Plan and Historic Places Register) are very much intact as initially constructed and are substantial buildings typically 18 to 20m in height with the highest being a tower in excess of 35m (Refer Appendix 11E Diagram 11E). The Refinery buildings form a substantial cluster of building styles with the historic elements clearly visible from many vantage points within and beyond the site, in particular as viewed from the harbour area. A full and comprehensive description of the Chelsea Sugar Refinery heritage buildings and values, its setting and its history is contained in the Chelsea Sugar Refinery Heritage Plan7 (the Heritage Plan).

11.10 It can be readily envisaged that once the Refinery operation ceases the non-historic buildings would be removed.

11.11 The western Horse Paddock area is dominated by the presence of varying forms of vegetation (including some large and well established exotic species) which are readily visible beyond the site, and by a mixture of less substantial vegetated areas, both of which enclose the open pasture area of the Horse Paddock.

This western area is also adjacent to the bush clad coastal escarpment along the south west foreshore, and adjoins the landscaped and vegetated areas of the greater Chelsea Estate including the Duck Creek pond area and its associated vegetated areas.

These elements give a visual and landscape uniqueness of visual significance to the surrounding area, harbour area and adjacent headlands, and various vantage points around the surrounding residential area. The natural character is accentuated by its coastal location, high presence of the more elevated parts of the site being partially bush-clad and its location adjacent to the bush-clad Chelsea Estate and the further coastal escarpment of the Kauri Park - Uruamo headland area.

The varied nature of the topography can be seen in the diagrams of Architectus (refer Attachment 3.0). These diagrams also give a representation of the scale and height of buildings possible as a restricted discretionary activity.

A Visual Assessment has been provided with the plan change material, undertaken by qualified Landscape Architects Boffa Miskell® (hereafter referred to as s32 Visual Assessment). In addition the section 32 material also includes an Urban Design Assessment® which examined the total Chelsea Estate site including that of the plan change area, and this describes the landscape elements of the site.

The visual assessment has been reviewed by Mr Stephen Brown, Landscape Architect and his report is in Attachment 2 to this report.

It is noted that the assessment by Boffa Miskell reviewed an earlier version of the plan change, and considerable modifications have been made to the extent and nature of housing within the western Horse Paddock area as now proposed in the plan change. This is described in the review by Mr Brown. This modification has removed concern in regard to the potential adverse effects of both future buildings and earthworks and in particular upon the coastal escarpment area at the south western coastal edge of the western area.

Mr Brown considers the Overlay addresses such previous concerns. Accordingly, it is now considered that the concerns identified in the original review in relation to this area have been adequately addressed. He considers that the bulk of anticipated effects have been sufficiently ‘internalised’ to the point where effects on the natural character and broader coastal landscape values have been reduced to an acceptable level.

Overall Mr Brown notes that despite its now somewhat dated subject, Boffa Miskell’s report remains thorough in its description of the historical evolution of the Chelsea site, the pattern of current activities, the physical characteristics and elements found on the site, and its general character. The Boffa Miskell assessment concludes on the basis of these findings that “whilst introducing a change to the existing character of the subject areas of the Chelsea Estate the proposed development is located and scaled to avoid significant adverse visual effects, or effects on the landscape values of the locality, including the natural character of the coastal environment”.

Mr Brown considers there are however shortcomings in the s32 Visual Assessment, insofar as the identification of areas potentially visually exposed to the Estate appear have not been included, in particular some of the more immediate visual catchment around Birkenhead’s Tizard Rd and properties such as those on Rugby Ave.

Mr Brown considers those living near the lower ends of Onetaunga, Colonial and Rawene Roads would also be exposed to views of some of the possible residential development around the Refinery and Horse Paddock. He notes that such views are however limited as are other views from many vantage points in the surrounding Birkenhead Chelsea area. He states that the broader, more complete, matrix of development proposed around both the Refinery

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8 Assessment of Landscape and Visual Effects : Boffa Miskell – 10 May accompanying the Section 32 evaluation (appendix 2).

9 Architectus Urban Design Assessment and Report – February 2004 - accompanying the Section 32 evaluation (appendix 2).
and western paddock, will not be readily visually exposed to those viewing points due to local topography, vegetation and intervening residential development.

11.22 In terms of the key vantage points from around the Waitemata harbour including the Harbour Bridge, Herne Bay, Westhaven, the central city and even the closer confines of the Waitemata Harbour, Mr Brown concludes the actual Refinery would remain the pre-eminent point of focus in such views. Its iconic profile and colours would remain a dominant feature of Kauri Point that would still be strongly framed by coastal vegetation and cliffs.

11.23 Overall Mr Brown concludes there are also a number of positive effects in brief:

- The concentrated mixed residential, commercial and recreational use around the current Refinery responds appropriately to the focal nature of the current industrial complex. This includes effectively ‘burying’ single storey car parking within the Refinery structure.
- The massing of development around that core is considered to be entirely appropriate and would reinforce the attractive counterpoint that already exists between the Refinery and its more natural coastal surrounds. The general configuration of development, including the ‘pyramidal’ elevation of residential development around the actual Refinery building, would appear optimal in terms of balancing utility with amenity.
- The related, hierarchical nature of the proposed residential complexes (both physically and in terms of layout), allied to a permeable road / walkway network would create an environment that makes the most of its exposure to both the nearby harbour and ponds. It would also contribute to the creation of an attractive degree of intensity in key parts of the site around the Refinery complex. This approach is consistent with the desire to establish a functioning, attractive, residential environment, while - at the same time - maintaining a heritage theme that devolves from the historic structures to remain on site.
- Significant benefit would therefore be derived from the transformation of the current car park into park / reserve with links to the current walkway network.
- The protection of Category A heritage structures within the site, albeit increasingly flanked and integrated with more modern architectural elements and themes, is appropriate.
- Residential development in the ‘western paddock’ reflects and extends current patterns of development within the coastal Birkenhead area, including beneficial interaction of residential development with adjacent reserve land, stream corridors and areas of remnant native forest, as well as the coastline. The more modern character of the proposed development might initially appear distinctive, even contradictory, in comparison with existing housing development off those roads and the more historic elements preserved on site (including the historic cottages on the eastern side of Colonial Rd). But this development would tend to be compartmentalised and softened by the surrounding vegetation and landforms.
- The main harbour margins, ponds and bush areas that frame the Plan Change area would remain substantially intact. In addition to framing the proposed residential development, they would continue to provide an important contextual frame for, and recreational adjunct to, the open space, ponds and walkway network within the plan change area. They would continue to merge with Chatswood Reserve and other fingers of bush between the site and both the Highbury and surrounding residential areas.
- The development would remain visually separate from nearby residential areas and would not be excessively exposed to them - or even to more remote vantage points such as the Harbour Bridge and Herne Bay. Instead, most of the mixed use development would remain - as at present - reasonably secluded and discreet.

11.24 Mr Brown concludes that the over-riding effect is the concentration of residential and commercial development in three main intensive ‘clusters’ separated from one another by the ponds, slopes, native vegetation and park-quality planting of the rest of the Estate.

11.25 He comments further that given the likelihood of strong synergies between the proposed residential and commercial development, potential future ferry linkage of the existing wharf, and the obvious public benefit to be derived from consolidation of most of the Estate within a future reserve, it is therefore considered that the proposed concentration of development is both more appropriate and appealing (in terms of landscape and amenity values) than adoption of a more traditional, suburban approach to development. Such an approach would...
spread lower level, lower density, development more homogeneously across the Chelsea Estate, but in so doing would destroy the strong natural / cultural counterpoint inherent in the current contrast between the existing Refinery and its park-land setting.

11.26 Consequently, while it is accepted that the plan change proposal would inevitably result in appreciable change to the landscape character and overall appearance of the Chelsea Estate, it is considered that the configuration of development proposed is acceptable in terms of both its strategic and more specific / localised landscape, amenity and natural character implications.

11.27 Mr Brown recommends adoption of a number of alterations to the plan change to clarify and address the matters raised above. The recommendations are attached in Mr Brown’s review report (Attachment 2 of this report). His proposed alterations include: additions to the new policies contained in 15.3.8 with a more explicit requirement that, in consideration to building mass, bulk and height and for the development of access and roading, regard is had to the protection of natural character and landscape values of the coast, in particular the coastal escarpment, Kauri Point and the relationship to the Duck Creek pond and vegetated area. These matters are incorporated into the Comprehensive Plan Requirement where they are considered as Discretionary activities for proposals that go beyond the levels set in the Overlay.

11.28 The policies are within the requirement for discretionary activity considerations. In addition it is recommended that these matters are further extended to be considered as part of the Limited Discretionary Activity criteria relating to building form, outlook and outdoor space (in particular the relationship of outdoor space linkages to reserves and public walkways).

11.29 Submissions raise concerns that the method in the Overlay defining the layout and bulk of buildings does not adequately address visual and other impacts on the coastal environment, and integration of buildings into the landscape generally as well as impacts upon the heritage significance and buildings on the site. In particular submissions raise concerns about the potential impact upon the significant aspect of the coastline which is set against a bush setting and upon the iconic Refinery building complex.

11.30 Concerns are expressed by submitters that the proposed development will significantly detract from this coastal environment generally. Concerns are also identified in regard to the adequacy of the visual assessment undertaken as contained in the section 32 documentation. These matters have been examined in the review by Mr Brown as described above and modifications to the provisions recommended. I concur with his suggested modifications.

11.31 It should be noted that the Overlay defines building footprints, and the use and location of various activities. By so doing it defines areas where the natural environment will be retained and those areas where development will occur. To reinforce this separation the plan change also contains specific criteria requiring consideration of various elements that will have a bearing on visual impacts and the natural character of the site. The Limited Discretionary Activity criteria, for instance, require consideration of matters relating to effects of development on landform, vegetation and landscaping. These include: no modification to the coastal escarpment area; retention of existing mature trees and native bush; and the concept of protecting the visual framing. Mr Brown has proposed modifications to these elements to address concerns raised by submitters as well as matters identified in his review. I concur with his suggested modifications.

11.32 The Overlay, by defining the footprints for and location of building structures and the extent of open space, aims to provide a level of certainty. There is also an expectation that if such buildings are so placed they will satisfy the Limited Discretionary Activity criteria.

11.33 It should be noted that a number of assumptions in regard to minimising visual impacts are reliant on both an understanding that the open space areas as proposed would largely remain, including some substantial form of vegetation cover to screen the developed residential areas in particular, and that buildings would continue to be set back to critical areas such as the coastal escarpment.

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11.34 In terms of the Overlay the assumption is that the modelling by Architectus, in its development of the footprint method addresses a number of concerns and effects in terms of both the natural characteristics of the site as well as the impact on the historic Refinery buildings and their overall value and visual framework which contributes to their distinction, especially in regard to their visual comprehension from beyond the site. Modification to this is possible as a discretionary activity however such applications would be considered in light of the whole of the District Plan’s policies.

11.35 The Overlay Plan modifications suggested by Mr Brown go some way towards addressing the effects by requiring specific matters to be included in the plan change. Matters include an assessment of the impacts of development upon natural character and landscape values of the harbour, coastal escarpment and Kauri Point as well as the native vegetation of the SSWI 13 area and SSWI 16 around Duck Creek, and their relation to the plan change area.

11.36 The elevations provided (Refer Attachment 3.0) indicate the importance of the established vegetation in respect to its role in screening the developed areas of the site. However a greater level of certainty is required in regard to retention and treatment of the open space areas to retain their importance as visual screen. Additional measures are suggested in terms of criteria for both Limited Discretionary Activities and Discretionary Activities.

11.37 The issue of heritage buildings is also addressed in section 11E and 11F of this report. It is assumed that the area would be considerably redeveloped following the closure of the Refinery. The Overlay method as described by Mr Brown will promote a pyramidal concentration of residential development around the core of the historic heritage buildings. Mr Brown considers this is an appropriate form (noting this was also the subject of a design appraisal by Architectus (Urban Design Assessment), which is seen to be similar to the existing building form. Indeed one might conclude the resulting new building form provides, albeit in a different building form, a more open relationship of open space and hence improve overall visibility of such buildings than would be likely under a business zoning (noting the constraints imposed by the historic provision contained in Section 11 of the District Plan).

**11C URBAN STRUCTURE AND URBAN DESIGN**

11.38 Submitters have raised concerns over the visual impact of such an approach on the buildings of the historic Refinery in particular and on the overall building form and urban fabric and design. Concerns include those relating to the actual resultant form around the historic Refinery core and how the proposed development will link into the existing and readapted buildings. Furthermore concerns are expressed as to the appropriateness of the method adopted and whether there should be greater guidance on the layout, design and appearance of new buildings in order to safeguard the heritage aspects. The heritage matters are addressed in section 11E and 11F of this report.

11.39 As discussed in Mr Brown’s review, it is considered the proposed building form will generally be similar to the existing relationship of activity and buildings on-site, will reinforce the visual prominence of the Refinery per se and is aimed at reinforcing the concept of the collective significance of the heritage buildings.

11.40 Alternatives, such as open space or low intensity redevelopment may well result in lesser prominence of these buildings when viewed from beyond the site. I accept that there will be a change in character from industrial to residential. I however concur with Mr Brown that the built form that could result from the plan change is more in keeping with the present built form of the Refinery buildings.

11.41 It is however considered necessary that additional criteria be included as to how the integration of new development occurs, without unduly compromising the heritage values.

11.42 The requirements for the Comprehensive Development Plan in the modified 15.6.1.1 include a reference to the objectives in Section 8 (Natural Environment-bullet point 7) and to the
objectives and policies of Section 11. In addition the Overlay Plan also includes criteria for building form and streetscape, and character and amenity.

11.43 The submissions suggest the approach taken is inadequate. Submissions raise a number of concerns in regard to the adequacy of the urban design and whether they satisfy recognised urban design principles, including matters such as access to the coastline and harbour edge, public space and integration with existing buildings and open spaces. It is noted that the plan change relies upon urban design criteria for Limited Discretionary Activities. A concern is that these criteria are not specific enough, particularly in respect to the heritage and visual importance of the Refinery.

11.44 As discussed above, as outlined in the section 32 material urban design principles are achieved in two ways. Firstly, by defining the building footprint, location and varied height around the Refinery buildings and an inter-relationship of layout of built form and open space and specific urban form. This includes defined open space areas, avenues and access as well as the defining areas of public plaza. Secondly, through the provisions contained in the plan change including, policy 5, 6 and 7 in section 15.3.8 and, in particular in the requirements for the Comprehensive Development Plan 15.6.2.12 (Bullet point 2). In addition the assessment criteria for Limited Discretionary Activities contain requirements in regard to Streetscape and Neighbourhood Character and Amenity and Building Form.

11.45 The plan change therefore relies on the previous urban design assessment and resultant model (adopted as the Overlay) to address a number of urban design objectives. It also provides a level of detail in its limited discretionary activity criteria. I agree however that the criteria adopted (noting this is an adaptation of criteria for intensive residential development) has shortcomings in respect to the finalisation of buildings around and linking into and part of the readaptation of the historic Refinery buildings. It is noted that any alteration to the historic building schedules in the Plan will be subject to the heritage provisions in the district plan (Section 11) as well as the provisions of the Historic Places Act.

11.46 The Overlay includes a cross reference in regard to the preparation of a ‘Comprehensive Development Plan’ required for all resource consents to the objectives and policies of Section 8 (Conservation) and Section 11 (Heritage) of the Plan. Section 11 also includes specific rules in respect to modification and builds within the defined historic precincts of the Refinery. The Plan Change does not seek to delete these provisions, however the interpretation is that once the Refinery ceases, the Overlay would prevail, with the exception of the reference to objectives and policies in the Comprehensive Development Plan. These aspects are also considered under the historic buildings section 11E and 11F of this report.

11.47 It is also considered necessary to provide some clearer guidance as to how buildings within the present Limited Discretionary Activities are addressed in particular in relation to the Refinery buildings and Section 11. At this stage there is insufficient information to prepare a comprehensive set of objectives and criteria to address the matters raised. It is however considered that the limited discretionary criteria and discretionary activity can be adopted to provide a basis for consideration, linked into the application of the Overlay method.

11.48 Submissions also raise concerns on the use of storeys and are opposed to any specified height. Although the use of ‘storey’ is an acceptable term it is not defined in the District Plan. It is not considered appropriate to include a new definition simply for this one application. It is therefore considered appropriate that building heights be specified in the Overlay plan as oppose to number of storeys. Suggested heights are as follows:

- 8 m = 2 storey (noting this is standard height in residential zones of the District Plan)
- 10m = 3 storey
- 12m = 4 storey
- 15m = 5 storey
- 25m = 8 storey
11.49 The current extent and nature of vegetation is described in section 3 of this report. This includes reference to the section 32 materials, landscape review and the Ecological Survey undertaken by NSCC and the ARC, as well as regional documents. In particular it is noted there are two Sites of Significant Wildlife interest (SSWI 13 and 16), which adjoin and encroach into small areas of the western section of the site and that the site is in an area where ecological linkage between these areas and the coast is important.

11.50 As this report has previously described the ecological and vegetated nature of the area and its relation to SSWI 13 and 16 and to the adjoining Chelsea Estate and Duck Creek riparian environment, and its importance as a coastal location bounded by the Waitemata Harbour on its eastern and southern boundaries. Although the type of vegetation cover is varied on the site it is accepted that this clearly forms an important function both visually and in its linkage to adjacent sites as a natural environment. This includes its relationship to the significant coastal escarpment along the western foreshore (SSWI 13), coastal Pohutukawa located around the foreshore of the Refinery site area, as well as more substantive vegetation along the entry track leading to the adjacent Manager’s House within the Chelsea Estate.

11.51 The coastline is also identified in the District Plan as a Coastal Conservation area and the coastline for the length of the site is defined as a Regionally Significant landscape (rating 5) under the Auckland Regional Plan: Coastal. The North Shore Ecological Survey10 (the Ecological Survey) identifies the south facing coastal cliff as ecologically significant, Site of Ecological Significance-SES 048, noting that regeneration of native forest is a dominant feature of this coast. Pohutukawa on cliffs form a tall canopy with a low (1.5m) understorey primarily of flax, coastal astelia, Gahnia spp., Carex spp., and hardy shrubs. The pohutukawa supports kohekohe, kanuka, mamaku and rangiora in the canopy. Kanuka-manuka scrubland adjoins SES 049 and (where the cover of emergent pines is not dense) is comprised of many typical gumland species, plus hakea, wattle and elaeagnus. Wetland vegetation with Eleocharis sphacelata fringes the sugar works ponds. Emergent pines are a common feature of the vegetation. Pittosporum umbellatum are found here.

11.52 The Ecological Survey describes the site as:

   Ecological Significance:
   Forms essential link from SES 044 to SES 049.
   Contains one of the best examples of coastal pohutukawa forest in the District.
   Contains significant examples of regenerating forest communities.
   Part of a continuous area of indigenous vegetation along the coast and escarpments of the Birkenhead Coast from Birkenhead Wharf to Chelsea to Kauri Point to Kauri Domain and Defence Force area, to Kauri Park-Island Bay. Together forms a large area of vegetation of 200 ha.

11.53 SES 049 - Kauri Point west of the plan change area is described as the most prominent tree clad headland in the Waitemata. This SES is on a moderately steep south-facing hill slope that runs from the northern boundary of Onetaunga Road (100m asl) to sea level at Kendal Bay. Lower ridges that run down the east and western boundaries create a small enclosed catchment that feeds the wetland behind the beach at the back of Kendal Bay.

11.54 An Assessment of Ecological Effects (Boffa Miskell – 11 May 2005) is included in the Section 32 material. This assessment describes the various habitats on and around the site including the varying coastal environments and terrestrial habitats, noting that Area C - Coastal escarpment is identified as an SSWI. It also examines the conservation values in the site.

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The assessment identifies the ecological significance of the coastal margins above the sandstone cliff and of the areas of native regeneration below the more substantive exotic forest toward the north western area of the site.

The assessment recognises the importance of the SSWI in the area and that they encroach, to a small degree, onto the plan change site. The SSWI of Duck Creek on the north western boundary of the area is described in the Boffa assessment as an area comprising a mixture of mature exotic forest with regenerating understorey, and that ecological connections exist between the vegetation on the site, the adjoining SSWI and the reserves on the greater Chelsea Estate.

The effects of future development are examined, which include aspects relating to some vegetation removal and the resulting effect upon adjacent vegetation areas and existing retained vegetation. In particular there is the need to avoid construction in close proximity to the coastal vegetation and riparian (Duck Creek) environments.

As commented upon in the section 32 Visual Assessment report and specific recommendations are made in respect to: addressing effects from construction activities, sedimentation and contamination and stormwater treatment, directing pedestrian access from ecologically sensitive area, conservation and protection of coastal area, management of remaining lowland forest/shrub land, and weed and pest management. The plan change provisions include general requirements in terms of servicing (sections 15.6.2.12 and 15.7.5(g)) however they lack any specific detail in regard to matters relating to sedimentation and contamination and stormwater treatment. The district plan includes various provisions to address contamination and stormwater discharges (noting these are also matters addressed through regional plan requirements) however it is appropriate to include additional wording in both sections 15.6.2.12 and 15.7.5 to highlight the avoidance of sedimentation and contamination upon the coastal and natural environment.

Submissions raise concerns about the potential effect on the wider Chelsea Bush forest and coastal cliff forest as well as on the remaining mixed native regenerating vegetation within the Chelsea Estate. They note the relationship and linkages between the site and the adjacent bush and coastal vegetation areas, in particular the narrow escarpment coastal vegetation, and seek greater levels of restoration in this area and the need to set back development from the more significant vegetation and coastal vegetation areas.

The Overlay proposes to address the retention of the majority of vegetation cover and promote linkages to adjoining vegetated areas, by the inclusion of the vegetated areas within the defined open space network. The Overlay sets the footprints for development (both residential and other development). These footprints are set back from the coastal margins and are separated in particular from the significant coastal escarpment (SSWI13) along the southern foreshore adjacent to the 'Horse Paddock’ Area.

The Overlay is complemented by the inclusion of Criteria contained in section 15.7.5 Assessment Criteria for Limited Discretionary Activities, including criteria specifically relating to:

e) Landform, vegetation and landscaping

The extent to which existing vegetation and landforms are retained and additional landscaping contributes to the ecology, character and amenity of the area and assists in stormwater management:

- The existing shape of the landform should generally be retained, rather than be changed by significant earthworks.
- Existing mature trees and significant native bush should be incorporated into the site and landscape design.
- Areas of significant native bush within or adjoining the site should be retained and/or not compromised by the development in terms of their long term protection.
- Areas of significant ecological interest or habitat value shall be protected….
- Areas of significant (in terms of its visual and ecological value) coastal vegetation should, where practicable, be incorporated in coastal reserves and should be protected and enhanced.
11.62 There are however some areas of building footprint that encroach into the existing vegetation cover around the Horse Paddock area. The landscape review undertaken by Mr Stephen Brown does not consider this is significant and although I concur with that viewpoint the provisions should be clear as to the intent to create some level of buffer to the important natural bush areas and coastal areas.

11.63 The plan change does however rely on incorporating the majority of bush cover and natural environment (including the coastal interface and Pohutukawa) within the public space areas. Although I consider this is a valid means of protecting such areas there are some shortcomings as to how such vegetation will be maintained and protected within this area, and in relation to discretionary activity, to what extent it can be altered. It is noted that discretionary activity criteria contained in 15.6.2.12 Comprehensive Development Plan Requirements – includes:

**Requirements for Chelsea Mixed Use Overlay Area in the Business 9 zone**

*Any application for resource consent for development in the Chelsea Mixed Use Overlay Area shall be accompanied by a Comprehensive Development Plan.*

- In considering any such plan and whether or under what conditions consent should be granted, the Council shall have regard to:

  ...j) the design and layout of the development avoids or mitigates any adverse effects on established wildlife habitats or sites of demonstrable ecological significance.

Reference is also made to the objectives and policies of Section 8 (Natural Environment).

11.64 It is considered that there should be a more specific references to: the creation of sufficient buffer between buildings the adjoining coastal escarpment vegetation, retention of specific areas of bush, exotic and native, in key areas, such as that associated with the access way (north western area leading to the Manager’s residence), and to address construction and discharge effects on these areas.

11.65 It is also desirable that such reference is contained in the limited discretionary activity criteria contained in 17.7.5. Notation should also be included on the Overlay to define key elements of protection for areas where such protection should be paramount. For instance, by identifying a clear buffer distance from the coastal escarpment to any development.

**11E EFFECTS ON HISTORIC HERITAGE BUILDINGS AND VALUES**

11.66 The Chelsea Refinery Buildings and site, as previously discussed, are of considerable national, regional and district historic heritage value. The buildings and site are listed as category II in the Historic Places register and identified in Schedule 11A (Schedule of Buildings, Objects and Places of Heritage Significance-Reference 47) of the District Plan.

11.67 As previously noted a comprehensive description of the Chelsea Sugar Refinery heritage buildings and values, its setting and history is contained in the Heritage Plan. This includes an architectural and historical description (Section 3.2), archaeological assessment and a discussion on its cultural heritage significance. It also includes a schedule of buildings, including age of buildings, Schedule category and conservation constraints, and conservation policy (Section 7).

11.68 The Chelsea Sugar Refinery is considered unique, having operated on the site since 1884. It still retains a number of significant heritage buildings and structures which although altered, remain largely intact and still form part of the working Refinery.

11.69 The group of buildings in the Refinery complex, including the historic buildings, wharf and other structures, is considered an iconic landmark feature on the harbour edge which is readily visible to a wide viewing catchment, in particular from across the Waitemata Harbour and various points around the harbour edge. It is also viewed to varying degrees and manner from
11.70 The District Plan recognises the heritage value and importance of the Refinery, and the issues in respect to its function as a working Refinery activity. Specific provisions are contained in Section 11 of the District Plan, which are aimed at addressing the complexities of heritage protection while enabling the Refinery to continue functioning.

11.71 Section 11.4.3 contains the key objective of

11.3.4 Chelsea Sugar Refinery Site

Objective
To recognise and protect the unique cultural heritage values of the buildings and structures of the Chelsea Sugar Refinery industrial site while recognising that the continued existence of a working Refinery at the site contributes significantly to its heritage value.

11.72 This objective is implemented by a number of policies that in brief seek to:

- Protect and maintain cultural heritage values of the Chelsea Sugar Refinery industrial site while recognising that the ongoing operations of the Refinery contribute to those values and the need for adaptation of scheduled buildings.
- Recognise the collective significance of the scheduled buildings and structures.
- Prevent demolition of scheduled buildings or structures - should not occur unless all reasonable options for adaptation or reuse have been considered and there would be no significant loss of heritage value.
- Maintain the landmark importance and visual integrity of the scheduled buildings, in particular as viewed from public vantage points across the water.
- Retain the original fabric, appearance and character of scheduled buildings and structures.
- Acknowledge the building materials and forms that make up the heritage character of the collection of scheduled buildings.
- New buildings are preferred as opposed to additions to scheduled buildings and structures.
- New buildings or structures should be sympathetic to the character of scheduled buildings and structures, and should not dominate or obscure them, or seriously detract from their collective significance.
- New buildings should not visually detract, individually or cumulatively, from the distinctive profile of the scheduled buildings centred on the Cistern House turret (or cupola), either by seriously diminishing the ‘green’ (vegetated) backdrop, or by occupying the foreground with inappropriate building forms or tall and/or bulky structures that dominate or obscure scheduled buildings and structures, principally as viewed from public vantage points across the water.
- Other policies relating to structures linking buildings, maintenance, replacement and repair of materials, and photographic record prior to alterations or demolition.

11.73 The following explanation is offered in Section 11.3.4 for the above objectives and rules.

The Council recognises that heritage buildings should continue to be used, not merely retained as monuments, and that the ability of a building to be adapted for alternative uses can be a major determinant in its length of life. These provisions aim to preserve and maintain the fabric and character of the original industrial buildings and structures within the industrial site, while recognising that these will most likely require continuing adaptation to accommodate changes in sugar processing operations. It is also recognised that new buildings and structures, alterations and additions, and in certain circumstances, demolition, may also be required for ongoing or modified Refinery operations, such as processing, transfer of product, transportation, storage and energy requirements. Some known future Refinery buildings, identified by the New Zealand Sugar Company as being needed within the

KP Associates Ltd: Keith Phyn
life of this Plan, have been specifically provided for within these provisions. Should the sugar Refinery operation cease in the future, scheduled heritage buildings and structures may have to be adapted, and new buildings erected, to accommodate new activities.

The Chelsea Sugar Refinery site is made up of a number of elements of heritage significance including: industrial, historical, cultural, aesthetic, archaeological, architectural, scientific, social, technological, public esteem and landmark significance.

11.74 Reference is also made to Chelsea Sugar Refinery: Heritage Assessment

The objectives and policies contained in these provisions seek to manage the heritage resources of the site’s scheduled buildings and structures, both individually and as a group, so that they are protected from inappropriate change and development. The document "Chelsea Sugar Refinery: Heritage Assessment" has been prepared to assist with the identification and management of individual buildings, places and objects of significance on the site, and their heritage elements. Based primarily on the information in this document, individual buildings and structures having heritage significance have been scheduled in Appendix 11C, and policies, rules and assessment criteria have been developed for their effective management.

11.75 The Rules for the Chelsea Sugar Refinery Site are specified in Section 11.4.3. These rules apply to scheduled buildings and specified activities within the site. Permitted activities are generally limited to minor alterations with little adverse effects and new building not otherwise restricted by other specified activity status. Controlled activity status is applied to a number of new but specified buildings and structures considered integral to the Refinery operations. Alterations to Category B buildings are Limited Discretionary Activities, and alterations to Category A buildings and demolition of a Category B building or structure as well as new buildings within 5m of an existing building or 10m of Mean High Water springs are Discretionary Activities.

11.76 Criteria and limitations are specified for Controlled and Restricted Discretionary Activities (Rule 11.4.3.7) including matters such as: heritage values (including the collective value), height, bulk and building fabric style and scale of buildings, the relationship of scheduled buildings and structures to one another and this relationship to any new buildings. In addition these include matters relating to design, height and form and compatibility of new additions and buildings with the heritage value and nature of the scheduled buildings.

11.77 Rule 11.4.3.8 specifies criteria for Discretionary Activities including:

a) New buildings should be located so that they complement the coastal setting and landmark significance of the scheduled buildings on the Refinery site.

b) New buildings should not block or obscure important elevations or vistas principally as viewed from public vantage points across the water.

c) New buildings or structures should respect the robust industrial form, bulk, character and scale of the scheduled buildings and structures.

11.78 Appendices 11D and 11E specify various height limitations applying to two different areas of the site. Area H applies to the bulk of the site away from the foreshore area and including the majority of the scheduled buildings. Area G is confined to the foreshore area.

11.79 The applied height limits are as follows:

<table>
<thead>
<tr>
<th>Area H</th>
<th>Permitted</th>
<th>Controlled</th>
<th>16 - 20 metres</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Restricted</td>
<td>20 - 25 metres</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Discretionary</td>
<td>Over 25 metres</td>
</tr>
</tbody>
</table>
11.80 The reasons for such height limits are stated as being to recognise the nature and location of the existing sugar processing industry, and the existence of many tall buildings that have significant heritage value. The height limits are intended to give the industry appropriate flexibility to meet operational needs for the foreseeable future but also ensure that new buildings and structures will not significantly detract from scheduled heritage buildings or be obtrusive in the landscape. Non-Refinery structures, and buildings outside the defined exemption areas, are to comply with the normal Business 9 standards. It is anticipated that few structures will exceed the limits provided above, such as tall, slender structures required for special operational needs (for example air discharge flues or chimneys), and that it will be readily demonstrated that there are no practicable alternatives to what is proposed.

11.81 The heights of the existing scheduled structures are shown in diagram 11E of section 11 of the district plan.

11.82 The Overlay defines the extent, location and height of buildings, including those within the Refinery site area, as a threshold for a Limited Discretionary Activity. It also defines criteria to be referred to in consideration of such applications. These include a requirement for a Comprehensive Development Plan (15.6.2.12) and, in the case of Limited Discretionary Activities, additional assessment criteria (15.7.5).

11.83 Section 15.6.2.12 includes that in considering any application for a resource consent Council shall have regard to:

- Elements of Urban form which contribute to maintaining and enhancing amenity values and the creation of a strong local identity – including whether:
  - b) design features of buildings and open space reflect and reinforce the heritage values of the area;
  - g) effects on views of the site and historic buildings from the Auckland Harbour Bridge and public vantage points near water level around the harbour are minimized;
- The objectives and policies of Section 11 (Cultural Heritage) including whether there are any archaeological features present within the Chelsea Mixed Overlay Area and whether these features can be protected as part of the development of the area.

11.84 The Chelsea Mixed Overlay Area Plan, Figures A and B, identifies the retention (and readaptation) of the existing scheduled Category A and B buildings as well as defined residential apartment building foot prints. It also defines the degree of open space, access and roadways and public plaza area, all of which are subject to a limited discretionary activity resource consent as specified in new rule and subject to criteria as described above. It is noted that the defined area of Building appears to delete a section of the 'Melthouse' (western side). The requester of the plan change should indicate if this is intentional.

11.85 The above plan change provisions co-exist with the provisions contained in Sections 8, 9, 11 and 15 of the district plan. The following table outlines the different provisions applying in respect to the Heritage provisions in the District Plan and the Mixed Use Overlay.
within the Business 9 zone that may affect the heritage values of those buildings and structures (see Appendix 11C). Reference is made to the Chelsea Sugar Refinery: Heritage Assessment in the Explanation and Reasons section 11.3.4 of the District Plan.

 precedes the Refinery’s closure or that is not consistent with that Overlay Plan must demonstrate through the Discretionary Activity resource consent application process, and submission of a Comprehensive Development Plan, that similar or better environmental outcomes can be achieved by the alternative development.

<table>
<thead>
<tr>
<th>11.4.3.2 Permitted Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>The following are Permitted Activities. No resource consent is required where all relevant standards, terms and conditions are complied with (including those of the General Sections of the district plan where applicable)-These relate to minor repairs that have no effect on heritage values and the demolition of non scheduled buildings subject to not affecting the fabric or structural integrity of scheduled buildings.</td>
</tr>
<tr>
<td>Minor alterations in accordance with 11.4.3.2 continue as permitted activities for the Refinery activities. NOTE: Non-schedule buildings not affecting scheduled buildings can be demolished. One can therefore assume that other than the historic buildings the removal of adjacent industrial CSR buildings is not a historic or heritage value matter.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11.4.3.3 Controlled Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>New buildings and structures integral to the sugar processing industry, as specified as follows, sited in accordance with Appendix 11D, and wholly within the defined 'footprint' area (where applicable) (Noting there are various height and area limits imposed):</td>
</tr>
<tr>
<td>i) Cogeneration gas boiler, ii) Drive through bulk loading facility, iii) Carbon plant (decolourisation) columns extension, iv) No 2 (MAF) warehouse expansion, v) Administration (office) building extension/s.</td>
</tr>
<tr>
<td>See above re demolition.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11.4.3.4 Restricted Discretionary Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Includes-</td>
</tr>
<tr>
<td>a) Alterations and additions to any Category B scheduled item where not provided for as permitted activities.</td>
</tr>
<tr>
<td>15.5.1.4 Limited Discretionary Activities</td>
</tr>
<tr>
<td>d) Any activity or development not otherwise listed as a Permitted, Controlled or Limited Discretionary activity in the Business 9 zone but which complies with Figures A and B in Appendix 15M (the Chelsea Mixed Use Overlay Plan).</td>
</tr>
<tr>
<td>Alterations to Category B buildings remain a Restricted or Limited discretionary building. (Note these terms are synonymous). It is not totally clear if Rule 11.4.3.4 prevails in respect to activities consistent with the Overlay Plan while both are the same status, however under Rule 11.4.3.4 of the district plan they are subject to the provisions of 11.4.3.7 assessment criteria. Noting these provisions focus on the nature of the operating Refinery activity. It is understood that where new activities are established in accordance with the Mixed Business Overlay section then section 15.5.1.4 applies, including activities in those category B Buildings identified as existing.</td>
</tr>
</tbody>
</table>
11.4.3.5 Discretionary Activities

The following are Discretionary Activities. These activities require resource consent and their assessment is not restricted:

a) New freestanding buildings and structures within Areas H or D, defined in Appendix 11D, where any part is within 5 metres of a scheduled item or within 10 metres of mean high water springs.

b) Alterations and additions to any Category A scheduled item where not provided for as Permitted activities.

c) Demolition of any Category B scheduled item.

d) Any 'Controlled' building or structure, of rule 11.4.3.3 a), that does not comply with the siting, height or 'footprint'

e) New buildings and structures integral to the sugar processing industry, as specified as follows and sited in accordance with Appendix 11D:

These include:

i) A continuous vacuum pan (VKT) structure - visible outside the scheduled building (Pan and Powerhouse);

ii) A new bulk sugar silo structure - above 25 metres in height;

iii) Coal boiler and associated buildings or structures (not including any part that is clearly distinguishable as a Permitted, Controlled or Restricted Discretionary activity).

11.5.1.5 Discretionary Activities as follows (additions underlined):

- Activities with a residential component in the Sub-regional 6, Business Park 7 (but not Business Park 7G) and the General 9 (except in the Chelsea Mixed Use Overlay Area) and 10 zones.

And, add new bullet point under clause c) as follows:

- Any activity or development not otherwise provided for in the Business 9 zone and which does not comply with the Figures A and B in Appendix 15M (the Chelsea Mixed Use Overlay Plan) or which implements a portion of the Overlay Plan while the Refinery is still operating.

As above it is not entirely clear if, for new activities not established within Figures A and B which might include not only demolition of a Category B Item or for that matter Category A are no longer subject to the rules of Section 11.

More specific provisions apply noting some ambiguity. The Plan Change silent on whether the Rules 11.4 applies. However given application of policies in 15.5... then it is taken that in case of the Overlay they are a discretionary activity and subject to the new overlay rules and not Rules contained in 11. In any event for discretionary activities all the objectives and policies of the plan apply.

11.4.3.6 Non-Complying Activities

a) Demolition of any Category A scheduled item.

11.86 In terms of the differing provisions, the interpretation taken is that when establishing activities under the Mixed Use Overlay within or nearby the identified existing historic buildings (Scheduled) then the provisions in the new Mixed Use Overlay apply and not those provisions of 11.4. As previously noted the requirement for a Comprehensive Development Plan includes consideration of objectives and policies of 11.3.4 however it does not include any reference to the rules contained in 11.4 of the district plan.

11.87 There is however some confusion as to the application of the rules and this needs to be clarified.

11.88 Submissions raise a number of issues in respect to the protection and conservation of existing heritage values of the existing buildings and structure, and overall heritage values of the Refinery complex. Concerns are expressed in regard to the adequacy of assessment, the
need for a revised Heritage Plan, and that proposed work could compromise heritage values and impact upon this significant landmark feature and its coastal setting.

11.89 In addition submissions consider that the plan change will impact on the landmark and heritage significance and detract from its coastal and heritage setting, that the presence of a possible eight storey building will detract significantly from the historic value of the complex, and that the plan change lacks a comprehensive assessment of the integration of new uses with heritage buildings and structure, and associated heritage values. They also consider the application of the Overlay does not address the effects on the interior of the buildings nor does it examine the wider heritage context and the impacts of the change of uses.

11.90 Overall submissions consider there will be adverse effects to the heritage buildings and landmark heritage values, and that there is no certainty of protection and conservation. Submissions consider that change of use will require significant change to buildings and their surrounds and that there will be changes in character and visual appearance to a number of existing buildings that will be removed as part of the Overlay, with a major change to heritage significance, visual appearance and landmark quality of the Refinery heritage complex.

11.91 The Section 32 Evaluation Technical report includes the Urban Design Assessment and Report. This assessment undertakes a design analysis from which the Overlay derives, including the desired form of the building mass (in a footprint, location, open space and height scenario) around the historic Refinery buildings. It is noted that it is proposed in Section 3.3 Built Form that all Category A and B buildings are retained and reused for residential, business/retail/community purposes and related to the scale of existing buildings. It further notes a concentration of taller buildings (7 - 8 storeys) in and around the Refinery complex, stating the reason for such an approach as: *this concentration of height also serves to maintain the existing visual perception of the Refinery area as a consolidated whole*.

11.92 Cross sections are provided in Figures 4.11 Section EE and 4.12 Section FF of that report. It is noted that this Master Plan has been modified in the Overlay, with a reduction of building footprint immediately north of the retained Refinery buildings.

11.93 Section 4.5.1 of the Urban Design Assessment discusses the envisaged built form and nature of development on the Refinery area noting again in relation to new buildings around the Refinery buildings the key principle regarding the height has been to maintain a strong coordination of built form such that height and density of development are concentrated around the existing Kiln House building.

11.94 The report comments that such concentration is important in maintaining the existing massing of the buildings when viewed from a distance, as well as the relationship to the existing buildings. It notes that the Category A and B buildings are retained and reused as residential, as the lower building levels are not suited to residential use and are given over to business, retail and community. A large plaza is envisaged with surrounding public space and unobstructed pedestrian access to the entire waterfront and ferry wharf area. Other recommendations are made in regard to the interrelationship of movement and spaces and car parking.

11.95 The Overlay has translated this into an arch of residential buildings to the north of the Refinery, rising from 3 storeys at the outer limit to 5 storeys toward the heritage Refinery buildings and one 8 storey footprint north west of the remaining Refinery buildings. In the Overlay the plaza area building footprint layout and open space area are generally as proposed in the Master Plan.

11.96 The Visual Assessment includes commentary on the Refinery area (Section 2.7 of that report) commenting on the consolidated whole of the collective nature of the Refinery complex and its visibility beyond the site. It also includes comments on the effects of the Master Plan (Urban Design Assessment - Sections 3 - 3.1 and 3.23.4 - 3.8).

11.97 This commentary highlights issues concerning the readaptation of existing buildings and reuse of the Refinery complex and new buildings, and their form and inter-relationship to the
heritage buildings. In terms of the ‘core area’ around the Refinery the Visual Assessment promotes the view that the massing of buildings around the Kiln Hose and other heritage buildings, and the idea of taller buildings around these buildings with a scaling down from the core existing heritage buildings is a desirable outcome. This a view also shared by Mr S Brown (Landscape Architect) who has reviewed these documents on behalf of Council. The Visual Assessment also further notes that all new buildings are set back from the harbour edge.

11.98 The viewing audience is described in Section 4 of that report and in particular the importance of the views of the Refinery from the harbour environment. Visual effects are discussed in Section 5.4 - 5.10 in particular visual effects upon the historic and heritage values of the site. In summary the Assessment concludes (Section 6.1) that the proposed Master Plan for the core Refinery and western slopes has worked from the basis of retaining the predominance of the existing historic core of the Refinery with the height of new buildings set predominantly below the established height. A significant core of existing buildings is retained maintaining the critical mass of the historic core and providing a context for new development.

11.99 It is recognised that the plan change seeks to provide some form of appropriate option to reuse the existing Refinery buildings and reconvert the remaining Refinery site area to other uses (primarily residential) once the Refinery is no longer operating. I consider it appropriate that options are available to provide an ongoing appropriate use of these important and significant heritage buildings. The District Plan generally recognises the need to use heritage buildings and that they should not remain as monuments.

11.100 Mr Stephen Brown has reviewed the Visual Assessment and section 32 documentation, and the plan change in regard to visual impacts, including those in relation to the heritage buildings.

11.101 The plan change includes objectives, policies and rules, including criteria, that have the intent that changes to the buildings as they relate to the Refinery use will be appropriate and will not diminish their particular historic and heritage value and importance. A central question is whether these provisions achieve such an outcome.

11.102 The introduction of the proposed Overlay will undoubtedly result in considerable change to the present Refinery site as a result of the removal of the existing non-heritage Refinery buildings, construction of residential buildings and the conversion of the existing scheduled buildings to residential, commercial and business uses. There is some confusion as to how and what parameters will apply, to protect and conserve their heritage values, in particular in respect to the integration of the new development and readaptation of the heritage buildings themselves. As previously noted, there is in the plan change a cross reference to the objectives and policies in section 11 of the district plan and in section 15.6.1.1 Comprehensive Development Plan and 15.7.5 b) Building Form to heritage buildings. However the plan change lacks the detail as contained in Rule 11.4 of the district plan.

11.103 In a contextual framework the location of the particular building footprint (and height provisions) around the Refinery buildings provides a particular pyramid urban form around the heritage building. Mr Brown concludes that this reinforces the existing form of the present Refinery building in a physical context. It can also be accepted that after the Refinery operations cease, change will occur. It is not considered realistic or advantageous from a planning perspective to retain the existing industrial form of the non-scheduled buildings and it is felt that these at present certainly restrict the visual access to the heritage buildings. The important aspect is the protection of the heritage value of those scheduled buildings which are largely architectural in nature, while recognising that setting and context have a role in maintaining their heritage value.

11.104 The plan change is proposing a model which firstly defines a bulk-mass form that sets thresholds for Limited Discretionary Activities as described in the Overlay (which is understood to have been developed through the Master Plan design process) and then applies a level of heritage assessment. The defined built form places the residential buildings away from the retained heritage buildings and, separates these activities by open space and access streets.
The physical detail of the built form is achieved through the various assessment criteria which are relatively general in nature, and there is little detail to direct what design elements, or components such as materials, shape and style, will interrelate such buildings with the heritage buildings.

11.105 Although there is some advantage in defining a level of building form for new buildings in the manner proposed (where they will be located and at what height) there is little detail or direction as to how this will integrate into the retained heritage buildings. The limited discretionary activity criteria and Comprehensive Development Plan are relied upon for both the final development of the new buildings as well as the readaptation of the heritage buildings. There is no direction as to the means of readaptation other than a reference to the objectives and policies of Section 11 of the district plan. Overall the plan change does not provide a comprehensive basis as to the appropriate form of development in relation to these historic buildings.

11.106 In terms of the heritage buildings themselves and their readaptation there is a strong reliance upon the fact that the building form as proposed in the Overlay has been addressed by the definition of the building envelopes and form, and that the detail will be taken care of by the developer. However there is little guidance as to how the readaptation will occur.

11.107 There is no reference to the importance of the heritage buildings or site in the key objective (15.3.8) however the accompanying policies include a specific policy in respect to ensuring the heritage values of the area, including the architecture. It is considered that given the significance of this heritage building complex the overriding objective should contain some reference to this matter and the policy should perhaps be better developed to indicate some degree of outcome in respect to readaptation and impacts.

11.108 There are two levels of methods proposed for assessing effects on the historic buildings (assuming these replace the provisions in Section 11). Firstly, the requirement for a Comprehensive Development Plan (CDP) (Rule 15.6.2.12) and secondly the additional assessment criteria for Limited Discretionary Activities (15.7.5). Although reference to heritage protection is contained in the CDP there is little guidance in either the limited discretionary activity assessment criteria or the discretionary activity criteria for consideration of the objectives and policies contained in the Cultural Heritage Section (Section 11) of the District Plan.

11.109 At the very least it is desirable that the limited discretionary activity and discretionary activity criteria include specific criteria for new buildings in the vicinity of (or connecting to) the historic scheduled buildings, and the readaptation and reuse of these scheduled buildings. Such criteria should be along the lines of those criteria contained in 11.4.3 but adapted to better relate to the establishment of new activities and buildings.

11.110 Alternately Rule 11.4.3 and Appendix 11E could be readapted and applied. Presently these are focused on the adaptation of such buildings for a Refinery purpose. Ideally the Chelsea Sugar Refinery Heritage Plan should be redeveloped to provide both a policy basis and criteria guide for the new development and reuse, as well as for the current Refinery operation. It will therefore have two roles, given the potential for new discretionary activities including residential to be established. It will also be necessary to provide for the ongoing use of the schedule buildings in respect to minor matters such as repairs etc as permitted in 11.4.3.7.

11.111 It is noted that the Refinery site is a site registered under the Historic Places Act 1993, Classified category 2. The extended site is by definition an archaeological site. Any proposal to undertake excavations will normally require an application under section 11,12 or 18 of that Act.

11.112 As it stands, although the Overlay does give a clear understanding of the possible form for buildings on site it does not provide sufficient assessment detail to ensure that the significant heritage buildings and their heritage values will be maintained and possibly enhanced through
the readaptation process and rebuilding on site. At this stage there is insufficient information to
develop an appropriate set of standards or to adjust those in Section 11.

11F IMPACTS ON GENERAL HERITAGE, CULTURAL AND ARCHAEOLOGICAL MATTERS

11.113 Submissions have raised concerns that there is sufficient understanding of the site
archaeology to warrant its scheduling and this should be advanced prior to the plan change
becoming operative. Submissions also note that various small features are evidenced on site.
There should also be an appraisal of trees, vegetation and landscaping in terms of heritage
significance.

11.114 Submissions raise the lack of archaeological assessment, and given its location by Duck
Creek, the possibility that pre-European Maori occupation was present. In addition the historic
period archaeological sites associated with the Refinery will be present. A revised
Conservation Plan to address effects on historic heritage and physical cultural landscape, and
an archaeological assessment of the whole site are sought.

11.115 In addition it is requested that any issues of value or significance to Maori are addressed.

11.116 While recognising the particular heritage nature of this site the District Plan does not identify
any archaeological features or Waahi Tapu within the plan change area. The Category II
classification of the Refinery in the Historic Place Register does however cite the whole site,
although this is taken as the site in terms of the area identified in Appendix 11E of the District
Plan. The section 32 material also includes a reference to the site being identified as a
Tauranga Waka by Ngati Paoa.

11.117 It can be generally accepted that given the nature of the historic occupation, in particular that
associated with the Refinery, (noting the description in the CSR Heritage Assessment) there
may well be various archaeological elements beyond the buildings themselves. As discussed
above, it is desirable that the Heritage Assessment be reviewed and this could be a matter
that could be expanded as part of such a review.

11.118 Given the nature of the site it is likely that it may have been the subject of pre-European
occupation (noting the comments in the Heritage Plan, Section 3.3.3). It is noted that the
consultation with Tangata Whenua has not highlighted any specific matters nor has the
previous review of the District Plan, although this is not to suggest such matters are absent
and noting the comments in regard to the Tauranga Waka as described above (8.109).

11.119 The plan change does include the requirement for a Comprehensive Development Plan to
accompany all resource consent applications, and it is noted in rule 15.6.2.12, that the Council
shall have regard to:

The objectives and policies of section 11 (Cultural Heritage) including whether there are any
archaeological features present within the Chelsea Mixed Overlay area and whether those
features can be protected as part of the development of the area.

11.120 This however is not carried over into the Limited Discretionary Activity criteria contained in
15.7.5. It is noted that e) Landform, Vegetation and Landscaping, requires that areas of
significant ecological interest or habitat value should be protected. A similar requirement
could be included to clarify the need to protect, conserve or record heritage features,
depending upon what is appropriate for any discovered feature. This should also apply to the
discovery of any such feature of interest to Maori with the requirement for appropriate
protocols to be followed. This should be incorporated into the revision of the Heritage
provisions as described above in Section 11E and 11F of this report.

11.121 It is also noted that the district plan contains general provisions for archaeological sites
(Section 11.3.2 - Objectives and Policies) and in 11.4.2 Rules and Assessment criteria apply
to activities in regard to identified archaeological sites. This includes consultation with
Tangata Whenua.
11.122 In terms of protecting significant trees the general tree provisions of the district plan apply. In addition the assessment criteria include reference to the extent to which vegetation and landscaping are retained (15.7.5). It is desirable that where more significant areas of vegetation are identified within the public space area, these should be identified on the Overlay.

11G ZONING, USE AND DEVELOPMENT OF HORSE PADDock (LOW INTENSITY RESIDENTIAL ZONING - Residential 2A, 2B or 3 - AND OPEN SPACE)

11.123 A large number of submissions, in particular those from surrounding residents, seek that a Residential 2A zone be applied to the site, and in some cases a Residential 2B zone. The Council's submission seeks that if a residential zone is to occur on the site then this should be zoned 2A.

11.124 The matter of zoning is also addressed in Section 8 of this report which examines the issue of business zoning and the expected role the Chelsea Refinery site and indeed the Refinery itself plays a role in the business strategy for North Shore City. This matter is also relevant in considering the suitable form of development for the area referred to as the Horse Paddock.

11.125 An important question, if it is considered that residential (and not industrial – business) activity is to be provided is to decide whether the level and manner of zoning proposed in the Overlay is appropriate or whether an alternative should prevail such as Residential 2A or 2B.

11.126 The area of the Horse Paddock, although not explicitly defined in all submissions is considered for the following discussion as being generally the extent of the western area of residential development shown on the Mixed Use Overlay Plan and including the area of vegetation and vehicle access in the north western area of the site extending to the Duck Creek riparian area (approximately 4.6 hectares in area -refer also submission 190).

11.127 The submissions give a number of reasons for seeking a Residential 2A (or 2B) zoning over the Horse Paddock area. These include: the need to take account of the heritage values of the land and its relationship to the harbour area and coastal environment; the need to provide open space and vegetated linkages to the surrounding vegetated and open space areas, in particular the adjoining Chelsea Estate; the impact of traffic generated; the general protection of the environmental values of this area and its landmark qualities, ecology, links to harbour edge, and adjacent reserve land; the need to avoid significant adverse effects on this environment, including upon landscape values, wildlife and natural aspects, amenity and coastal values, and impacts upon the Chelsea Estate.

11.128 A number of submissions consider the proposed level of development and zoning is not in harmony with the environment or the character and historic nature of the site. They consider that the level of 240 units on the Horse Paddock area is overly intensive with a more appropriate yield being 40 units. It is noted a number of submissions also seek that the area be set aside as open space, including purchase by Council as a Reserve. (This latter aspect is dealt with below in section 11H of this report). Some submissions also seek that if the area is zoned Residential 2B that in addition a substantial area of open space and vegetation be retained, especially along the coast.

11.129 The District Plan describes the Residential 2A and 2A1 zones as applying to urban areas with important natural values. They apply to land, which is predominantly covered with regenerating native bush, contains native forest remnants or where streams exist in a natural state with riparian vegetation still largely intact. These areas of native bush are a significant landscape feature which provide an important visual amenity for the city as a whole as well as an attractive living environment for residents of these areas.

11.130 The objective of the Residential 2A zone is:
To protect the special character of large areas of native bush, including associated landforms and natural watercourses, in recognition of their contribution to the amenity and environmental quality of the city.

This objective is implemented through the policies that include:

2. By applying a Residential 2A zone to other areas of native bush, and to areas adjacent to the Chelsea Sugar Refinery that have special natural and built heritage values including important values arising from the coastal location.

3. By including subdivision as a Limited Discretionary activity in order to:
   a) Ensure that the size and arrangements of lots in each development reflects the environmental capacity of the land.
   b) Ensure that each proposed lot is capable of containing a building platform and access which are sited to ensure minimal environmental impact.
   c) Better protect the integrity of bush areas by wherever practical ensuring that these are retained in sizeable blocks or as continuous corridors.

5. By providing for more intense forms of development, e.g. apartments, on existing areas which are clear of native vegetation where provision is made for the protection of the natural and amenity values of the balance of the site.

6. By controlling the siting of buildings in order to protect natural values and the character of the area.

7. By encouraging revegetation or rehabilitation of depleted areas to ensure regeneration occurs.

11.131 A special Residential 2A zone is applied to the Chelsea Estate area (excluding the plan change area) and has the objective of:

6.4.2.1.1 Residential 2A: Chelsea Special Zone
 Objective
 To enable the use, development and protection of areas adjacent to the Chelsea Sugar Refinery in a way, or at a rate, that -
 • protects or enhances their special natural and physical resource values and historic heritage; and
 • integrates well with the residential character of the locality; and
 • recognises the district and regional significance of this land while avoiding, remedying or mitigating any adverse effects.

11.132 This objective is implemented through policies which include:

1. That the Residential 2A zone provisions apply to these areas but with modifications to recognise and protect the particular resources and values that characterise or are important to these areas and the locality.

2. That any adverse effects of the use and development of areas and sites are avoided, remedied or mitigated through the general policies and rules applicable to Residential 2A zones, and through processes that provide for alternative or more intense forms of development that safeguard the character and amenities of this part of Birkenhead while achieving district and regional land use objectives.

3. That the pattern, intensities and forms of residential development have appropriate regard to:
   a) adjoining business activities and buildings, particularly those of sugar processing (while they exist), and the need to avoid significant reverse sensitivity effects, including from heavy traffic; and
   b) the integration of the Chelsea residential developments with the wider residential locality for the long term while ensuring the protection of the natural environment; and
   c) the protection and appropriate enhancement of significant historic heritage values; and
   d) achieving a high standard of urban design that complements and enhances this part of Birkenhead, and the city as a whole, while safeguarding the important landscape, ecological and recreational values of the zone.

4. That the potential to achieve positive and sustainable development outcomes from
the use, development or protection of residential areas and sites within the Chelsea Estate is optimised wherever practicable, including by taking account of the desirability (and probability) of ferry services operating out of the adjoining business (Refinery) land in the longer term and the potential use of this adjoining land.

11.133 The reasons for such a zone are explained as follows:

The Chelsea Estate land that is not used for sugar Refinery purposes is a special area of land of over 30 hectares that has significant natural and physical characteristics and important elements of historic heritage. It has been closely associated with sugar refining since the 1880’s and still contains the original ‘manager’s house and ‘workers cottages’ (which are separately scheduled in Section 11). While it has served for decades as a ‘buffer’ between the Refinery and the adjoining residential areas of Birkenhead, it clearly has development potential and this has been reflected in the ‘residential’ (and other) zonings that it has had for many years under both the Birkenhead District Scheme and the current district plan since its original notification in 1994.

The area is characterised by mature and regenerating native vegetation, conspicuous exotic vegetation, sections of quite steep terrain, some cleared areas, and gullies and ephemeral streams that run down to the ponds. Many parts of the zone are clearly not suited to urban development or would experience or generate significant adverse effects if so developed. Much of the zone is classified as Site of Special Wildlife Interest, and being close to the coastline, some is classified as Coastal Conservation Area (see Maps and Section 8).

The ponds are also recognised as of ‘wildlife interest’ and their margins have particular significance in this regard. Major parts of the zone have local and district landscape significance, and the coastline is classified as a Regionally Significant Landscape in the Regional Plan: Coastal. These classifications and values are likely to have a major bearing on the final structure and form of the use, development or protection of the various parts of the zone.

While the land is suited generally to a Residential 2A zoning it has some unique characteristics that justify it having a special version of the zone: Namely, its large size; its proximity to the coast and steep coastal land (some of which is esplanade reserve); the adjacent sugar Refinery and older parts of Birkenhead (and numerous buildings having heritage value); its historical associations; its three main road frontages; its potential to provide quality open space resources closely associated with any residential development (including access to esplanade reserves and/or the coast); and its conspicuousness from other residential parts of the city and from the Waitemata Harbour. These characteristics mean that the development of the land should be approached in a comprehensive, integrated manner. The development of a comprehensive scheme for the whole area would ensure that residential uses were positioned on the smallest possible (development) footprints and that all development was designed to integrate well with, and complement visually, the locality while safeguarding all the most significant natural and physical (including historic heritage) values of the area. At the same time the highest (appropriate) residential unit yields are considered possible where appropriately sized public and private open space areas are created taking account of the characteristics of the area and the achievement of the objective and policies above.

11.134 Residential 2B zone has the objective of:

16.4.2.2 Residential 2B Zone: Amenity Areas

Objective
To ensure that those areas which enjoy a particular natural character and amenity due to factors such as larger site sizes, significant numbers of mature trees, small pockets of bush or a coastal setting, retain these values.

Policies include:
1. By requiring larger lot sizes than in the conventional residential area in order to accommodate trees and to maintain a more spacious environment in keeping with the existing character of such areas.

11.135 The district plan describes the Residential 2 B zones as:
The Residential 2B zone applies to small areas which enjoy a high standard of natural amenity. The zone seeks to ensure that these values are recognised and protected. Included within the zone are areas having a wide variety of distinguishing character and amenity features.

11.136 The Residential 2A controls reflect the above objectives by, amongst other provisions, providing for densities at minimum gross site areas of 1000m² or 800m² net site area and in Residential 2B at 600m² net site area. Height is limited to 8 metres with some flexibility to increase to 9 metres. Various other bulk and location provisions apply.

11.137 In the Residential 2A zone encouragement is given to more intense forms of development such as apartments where development is clear of vegetation and such natural resources are protected. Apartments are Discretionary Activities with specific criteria (16.7.3.7) where buildings are located on land clear of vegetation, minimal earthworks, one unit for 550m², and assessment criteria (16.7.3.6) for intensive housing are applied.

11.138 The Residential 2A (Chelsea Special Zone), in addition to the provisions of the 2A zone also provides for development through an ‘Integrated Development Scheme’ (IDS) as a Discretionary activity. Residential development where such a scheme has been approved is a Controlled activity.

11.139 The assessment criteria for an IDS is contained in 16.7.3.8 and includes matters to be considered as follows:

i) The objectives and policies of the Chelsea Special Zone (16.4.2.1.1).

ii) The relevant aims, objectives or policies of other sections of the district plan (including those applying to Residential 2A areas generally), the Auckland Regional Policy Statement, the Auckland Regional Growth Strategy, and other documents linked to these (and any relevant changes or modifications of these documents).

iii) Achieving a relatively high yield of residential units on the smallest 'footprint' area while maintaining the highest possible standards of urban design, protection of the natural environment and historic heritage, and integrating with the character and amenities of the locality.

iv) The visual impacts of the development, or any part thereof, as seen from across the water of the Waitemata Harbour, and from the Harbour Bridge.

v) Providing for, or integrating with, future passenger transport services, including ferry.

vi) Any relevant matters of rule 9.7.3.9 - Consideration of Discretionary Subdivision applications - and any matters pertaining to the subsequent subdivision of residential units following their construction (as 'unit titles' or similar).

11.140 Subdivision in the Residential 2 zones is a Discretionary activity. In the 2A Chelsea Special Zone subdivision is discretionary where it involves earthworks and vegetation clearance in a Site of Special Wildlife Interest or in a coastal conservation area or within 20m of a water body, however where it is part of an approved IDS it is a Limited Discretionary activity. In the Residential 2A zone the minimum site area is 800m² net or 1000m² gross (9.4.5.2). In the Residential 2B zone the minimum lot size is 600m². Special assessment criteria apply to the Chelsea Special Zone (9.7.3.12) which include amongst others, the desire to minimise building footprints, maximize the bush and open space and public reserve areas, provide public pedestrian linkages, especially in relation to the harbour and heritage features, and protect native vegetation, habitats and coastal areas.

11.141 In determining what type of zoning or controls are appropriate for the ‘Horse Paddock’ it is relevant to understand the key environmental outcomes that any such zoning would promote as well as its relationship to the broader directions of the district plan. Environmental outcomes include matters such as the protection and recognition of the natural environmental and heritage values, proximity to the coastal environment and the well-vegetated and ecologically significant bush/natural areas of SSWI 13 and 16, the visual effects of development, as well as the broader relationship with any environmental values of the surrounding area, including the Chelsea Estate and Highbury area.
It is necessary to realise that the level of development (including that in the horse paddock) should be viewed in terms of both the context of the surrounding area, and also and importantly, how it relates to the visual relationship and ongoing function of the heritage Refinery buildings and site.

The district plan clearly makes a distinction between the area of land associated with the Refinery (including the Horse Paddock) and that of the greater Chelsea Estate, by zoning the Horse Paddock area Business 9 in association with the Refinery itself. This could be interpreted as signalling the intent that the area be considered as part of the Refinery site rather than an extension of the Chelsea Estate proper. However it is accepted that the district plan provisions focus on the ongoing Refinery operations rather than on future uses of the Refinery buildings and site.

At present the area (subject in part to the provisions of the Coastal Conservation Area and SSWI) could be developed for light industrial and other business functions. This zone includes minimal coverage and height limits of 12 metres (noting the current exception for the Chelsea Refinery site in Appendix 11E of the district plan).

The Residential 2A zone (including the Chelsea Special 2A Zone) applies to well established bush clad and wooded areas, as opposed to open space areas such as the Horse Paddock proper and the generally poorer quality bush areas of the remaining plan change area. For the purpose of this discussion the Horse Paddock includes the open space paddock area and the adjacent bush area, being primarily the total area of the upper elevated section of the western area of the Refinery site. It is noted that the majority of submissions that seek a residential 2A zone do not clearly define the extent of what is considered as the Horse Paddock although a number include matters relating to the protection of the vegetation rather than merely use of the confined area of open space pasture of the Horse Paddock proper. Submission 190 includes a map defining the extent of the area and includes the vegetated areas.

It is also noted that generally the area of bush surrounding the Horse Paddock is not well-established native cover but rather a wide variety of exotic cover (some of it substantial) with a mixture of native, shrub and other cover. Only a very small area of the site is included as a Site of Special Wildlife Interest and the site is not identified as a significant landscape feature in either the district or regional planning documents.

In examining the objectives, policies and rules of both the Residential 2A zone and the Overlay, although there are some clear differences in relation to intensity of development, there are however a number of similarities. In particular both methods have the broader purpose of protecting and setting aside areas of bush and natural environment, and encouraging residential development of such areas.

The Overlay method achieves this by delineating areas of public open space, which primarily include the existing vegetated areas, and by identifying the key footprints for buildings qualifying as limited discretionary activities. These footprints are largely outside the vegetated areas (noting some encroachment). The building footprints provide for lower heights toward the west (1 - 2 storeys) rising to 3 storeys across the area toward the east, and 4 storeys on the lower elevation between the Horse Paddock upper level and the Refinery lower level area of the site. A line of smaller 3 storey building footprints is located along the southern area of the Horse Paddock.

The Residential 2A zone does not guarantee the creation of open space, but rather promotes large lots allowing subdivision at 1000m2 per lot and individual houses on lots of greater than 450m2, a lower level of building coverage, and various subdivision criteria to protect existing bush areas. Residential 2A and 2B have height limits of 8m with provision to 9m through discretion.

These Residential 2A provisions also encourage higher levels of development as Limited Discretionary activities or Discretionary activities where vegetated bush areas are set aside and delineated areas for residential sites are defined outside the protected areas. In the case
of the Chelsea Special Zone subdivision is encouraged (9.7.3.12) that (amongst other provisions) minimises development footprints and maximizes bush, open space and reserves. It does however encourage the location of dwellings to be associated with the covenanted bush areas.

11.151 It also encourages pedestrian walkways and sets back development away from coastal areas. The zone also provides for apartments (16.7.3.7) at generally no greater than 550m² (net) per unit of the total site area and subject to the intensive housing criteria contained in 16.7.3.6. Furthermore, greater levels of intensity are provided for at the Chelsea Estate through the IDS (Discretionary Activity) under 16.7.3.8, aiming at a relatively high yield of residential units on the smallest footprint while maintaining the highest standards of urban design, protection of natural environment and historic heritage, and integrating with the character and amenities of the locality. In other words it is envisaged the more intensive forms of urban development that protect the natural vegetation cover in large areas are seen as a desired outcome.

11.152 The Overlay applies a similar approach by grouping the building footprints off the vegetated areas and defining various criteria in terms of design and building form in clustered development. It also defines a limit of 240 units within this upper level.

11.153 The significant difference between the Residential 2A zone and the Overlay is the level of resultant development. The Horse Paddock area is approximately 4.5 hectares to 6 hectares dependent upon whether the area includes only the very upper level surrounding the paddock or that area encompassing all residential development west of the present bulk sugar store. Yields are estimated at 40 to 60 units (1000m² sites) and possibly 80 to 110 units (550m² sites) for more intensive developments and no greater than 2 storeys in height. The Overlay provides for 240 units. The Residential 2A zone is seen as a low intensity large lot level residential area, and the Mixed Use Overlay is seen as promoting an intensive form of development placed between large areas of public space vegetated areas.

11.154 However as noted in the commentary above, Residential 2A zoning does not exclusively envisage development as being a typical one unit development on a large section, but also actively promotes forms of development more akin (albeit lesser numbers) to that envisaged by the Overlay. In other words the residential character is not necessarily typical large lot residential development but may also be as a form that provides for clusters of development surrounded by bush areas. As commented upon in the Landscape Review by Mr Stephen Brown¹¹ a suburban style of development is not necessarily viewed as a desirable outcome in this location although it is accepted that 1000m² lots are at the larger end of the suburban lot scale and therefore have a greater level of open (or undeveloped) space. This is reinforced with limitation on coverage to 15 percent (20% through a resource consent).

11.155 Mr Brown accepts that implementation of the plan change would also, from some local Birkenhead vantage points, result in the visible loss of existing open space (primarily grassed areas) within the Chelsea Estate, and there would be a wider spread of development across the site as whole. It is clear that the development of the site would see a change in character of this site, in particular a reduction in open space, whether it be in respect to Residential 2A zoning or the Mixed Use Overlay.

11.156 The visual impacts and character of the Overlay method are commented upon in the Landscape Review. Mr Brown considers that the proposed development of the western Horse Paddock reflects and extends current patterns of development within the coastal Birkenhead area, including such development’s beneficial interaction with adjacent reserve land, stream corridors and areas of remnant native forest, as well as the coastline. On this latter point it is relevant to note that if Council were to acquire the Chelsea Estate as reserve (yet to be concluded) that would provide a considerable separation buffer to adjoining residential areas.

Mr Brown comments further that the more modern character of the proposed development might initially appear distinctive, even contradictory, in comparison with existing housing development off those roads and the more historic elements preserved on site (including the historic cottages on the eastern side of Colonial Rd). But this development would tend to be compartmentalised and softened by the surrounding vegetation and landforms.

He also considers the main harbour margins, ponds and bush areas that frame the plan change area would remain substantially intact: as well as framing the proposed residential development: they would continue to provide an important contextual frame for, and recreational adjunct to, the open space, ponds and walkway network within the Proposed Plan Change 16 area. They would continue to merge with Chatswood Reserve and other fingers of bush between the site and both Highbury and surrounding residential areas.

Overall he considers the development would remain visually separate from nearby residential areas and most of the mixed use development would remain - as at present - reasonably secluded and discreet.

Importantly Mr Brown considers the area should be viewed as a whole, with the need to integrate all development with the Refinery area itself.

He concludes that given the likelihood of strong synergies between the proposed residential and commercial development, potential future ferry linkage to the existing wharf, and the obvious public benefit to be derived from consolidation of most of the Estate within a future reserve, it is therefore considered that the proposed concentration of development is both more appropriate and appealing (in terms of landscape and amenity values) than adoption of a more traditional, suburban, approach to development. Such an approach would spread lower level, lower density, development more homogeneously across the Chelsea Estate, but in so doing would destroy the strong natural / cultural counterpoint inherent in the current contrast between the existing Refinery and its park-land setting.

I consider it is this latter element that has a particular bearing on whether the site should be Residential 2A or some form of planning mechanism that provides for a more integrated approach with the use and zoning of the Refinery itself. A concern in simply zoning the western area of the site as Residential 2a (or 2B) is the potential for the site to develop in a fragmented manner (albeit larger single sites) with little cognisance of the Refinery area, or at a level of development that provides some support to this mixed use commercial activity centre, or at a level that does little to promote the use of the ferry or other public transport options. (This matter and other traffic effects are however discussed in section 11M of this report).

I consider that the Horse Paddock area is not simply an extension of the surrounding suburban residential area or indeed of the Chelsea Estate itself, rather it should be considered as an integral part of the Refinery readaptation and redevelopment. This is not to conclude that the nature of the surrounding area should be ignored.

The readapted Refinery site and heritage buildings create at least a neighbourhood centre (including retail and café and community function and opportunities). Despite any argument that the centre may have a limited, and as yet undefined role in respect to where intensive residential development should occur, it is not merely an area simply for intensive residential development but rather it should be considered in the context of the total Refinery site and the need to develop residential at a level that would support the ongoing readapted Refinery function.

I concur with Mr Brown’s conclusion that it is considered that the configuration of development proposed (in the Overlay) is acceptable in terms of both its strategic and more specific/localised landscape, amenity and natural character implications. It is not considered that the application of a 2A zone will necessarily achieve appropriate planning and resource management outcomes. This is a unique site and it is important that residential development, including that of the western area, is treated in conjunction with the readaptation and reuse of the Refinery buildings as a whole.
11.166 This is not to ignore the need to retain more significant areas of vegetation and site features that contribute to its inherent character, and to protect the particular environmental values and address the potential effects of development upon the adjacent vegetation and coastal environment. Rather that all these factors are brought in to the plan change methods including that of integration described in 11.164 above.

11.167 It is however considered that a greater level of cognisance should be taken of its relationship and the impact development can have on adjoining natural areas. To that end the concept of reducing the scale of buildings toward the western boundary is desirable. It is also desirable that greater intensities of development are encouraged to locate on the lower slopes rather than on the upper slopes of the Horse Paddock. This approach also gives greater recognition to the protection of the environmental elements of the adjacent Residential 2A zoning.

11.168 Overall it is considered that application of the 2A zone is not necessarily the most desirable, and that the application of the methods proposed in the plan change, subject to those modifications described above, is appropriate.

11.169 However it is also necessary to devise appropriate methods that secure this well-vegetated environment into the public space. This includes identifying key elements of vegetation, such as the more substantive areas of bush along the northern access and along the coastal escarpment, and the manner in which such features will be retained and maintained. Such vegetation should not be removed or altered by subsequent Discretionary activity applications.

11.170 Although accepting the suitability of the site for a level of greater intensity than that of the residential zone, it is also necessary to confidently address any potential traffic effects. These matters are discussed in section 11M of this report.

11.171 At the broader strategic level there is some relevance in continuing a business zoning for the time being, over the whole site, given its relationship to business function of the Refinery proper, accepting that the area known as the Horse Paddock is not suited to the current business zoning.

11.172 A question that can reasonably be asked concerns the new role of this business zone and Refinery and the role of residential development.

11.173 The district plan provides for a variety of residential zones with differing levels of residential development across the city. These vary from the less intensive residential zones such as Residential 2, to the more typical Residential 4 and 5 suburban zones across the city to the more intensive Residential 6 and 7 zones associated with the major centres or industrial areas such as Takapuna and Albany. Highbury includes areas of Residential 6c some alongside Mokoia Road and Onewa Road. These greater levels of intensity recognise the role these areas have in respect to providing for growth and their relationship to major transport networks and public transport.

11.174 If it is accepted that the Refinery role includes an element of more intensive development, firstly (as noted previously) any local roading impacts should be addressed, and there should be clear provision for promoting greater use of public transport including the use of ferry services. This includes improved linkages (pedestrian and cycle) between the proposed intensive residential development and public transport facilities.

11.175 Overall, if the modifications suggested above are implemented then I consider that a mixed residential zoning (either as a modified Business 9 zoning with the application of a modified Mixed Use Overlay or similar technique) is more suitable than the adoption of a Residential 2A zone across this area.

11H IDENTIFY THE HORSE PADDOCK AS OPEN SPACE, PARK OR RESERVE

KP Associates Ltd: Keith Phyn
11.176 A number of submissions seek that the area of the Horse Paddock be identified as open space, either in the form of an extension of the Chelsea Estate Reserve (yet to be finalised with Council) or some form of recreation zoning which would prevent development of the area and allow purchase as a reserve.

11.177 Although understanding the reasons for seeking such an approach (and clearly such an approach would reduce (or remove) potential visual effects and changes in character that are likely to arise from development) it is not considered fair or reasonable to zone land in such a way that it cannot be used for any reasonable purpose. It is not appropriate to simply say that no development can occur on this privately owned property or that the land is zoned for reserve, effectively preventing any private use or development. Section 85 of the Act requires that the provision should not render any interest in (private) land incapable of reasonable use. That is not to imply that the matter is about individual property rights per se but rather the test to be applied is whether there is a clear statutory purpose.

11.178 The issue is not simply that all development must stop, but rather the statutory purpose is to provide for development that achieves appropriate environmental outcomes such as creating the natural character, heritage values etc (as discussed previously) and that these matters are addressed through an appropriate planning mechanism and not through the imposition of zoning that effectively prevents development.

11.179 The Council has the ability to purchase the Horse Paddock as Reserve and to use the various Annual Plan and Long Term Community Plan Process methods under the Local Government Act to do so. Although it is understood that consideration is being given to this approach, it is considered this matter is outside the scope and nature of the plan change.

11I INTENSITY AND SCALE OF RESIDENTIAL DEVELOPMENT

11.180 A number of submissions consider that the level of development is excessive, in particular the amount of residential development at 528 units on this site, and the grouping and scale of buildings as promoted by the Overlay.

11.181 Reasons for opposing this level of development are varied, and in brief include:
- Significant impact on landscape values and amenity values in particular on the Chelsea Estate;
- Adverse effects on bush areas (adjacent to Kauri Park, sites of wildlife significance and coastal vegetation), tree cover and nearby lakes, degradation of lakes;
- Area should remain as bush and open space;
- Significant impact on historic nature, integrity and character of Chelsea Estate. Historic trees and plantings will be destroyed;
- Intensive housing not aesthetically compatible with either historic character of Chelsea Estate or native bush surrounding the area;
- Adverse impact on natural character of coastal environment, and effect on natural beauty of the area;
- Adverse traffic effects including Mokoia/Colonial Road intersection;
- Traffic effects upon historic and natural values of site;
- Existing infrastructure cannot cope;
- Residential blocks of up to 8 storeys will detract from historic heritage values of historic Refinery buildings;
- As promoted in Plan Change 1 this is not a suitable location of more intensive residential developments. It is not located near any commercial centre or relevant infrastructure. Higher levels of development should be placed around existing centres and transport hubs;
- The resultant Urban Structure of adopting intensive residential development in this location is contrary to regional and district growth strategies where urban centres for intensive development are not to be provided on an ad hoc basis but are to be centred around identified growth nodes and transport corridors.

11.182 As previously discussed the Overlay provides for a total of 528 residential units on site located in three separate topographical areas.
11.183 The first area is the development around and in association with the Refinery buildings located on the lower flat area of the site presently occupied by the Refinery buildings. A total of 288 units are proposed to be located around and in close proximity and within the retained and re-adapted heritage Refinery buildings. The scheduled buildings are to be retained and re-adapted and used for a mixture of retail, business and residential (upper floors) activities.

11.184 In this area the Overlay indicates a preference for a radial pattern of residential buildings north of the re-adapted Refinery buildings. These vary in height from 3 storeys for the outermost buildings, to 5 storeys for the buildings located in the centre and closer to the heritage Refinery buildings. An 8 storey residential block is proposed closer to the Refinery buildings on the western side of this area (refer Overlay Plan).

11.185 The second area is a block of residential buildings on an elevated terrace to the west of the Refinery area, approximately on the location of the bulk sugar store. This group of buildings comprises three larger 4 storey blocks and one 3 storey block.

11.186 The third area is the Horse Paddock area located on the upper elevated area of the western section of the site. Here buildings are grouped, primarily on the open pasture area of the Horse Paddock, with some encroachment into the vegetation canopy areas in the south-eastern sector of this area. Buildings range from 2 to 3 storeys, with the lower 2 storey buildings and smaller-scale block being located to the west of this area, the smaller 3 storey buildings along the south-western area and the larger 3 storey blocks to the centre and eastern portion of this area.

11.187 The Overlay Plan Figure 1 identifies 240 units within the second and third areas. Floor areas and elevations of the buildings have been provided (Urban Design Assessment -Plan P001 Sections D–D, E–E and F–F) showing various cross-sections through buildings in these two areas.

11.188 It can be considered that in planning terms there will be different, and potentially greater, levels of adverse effects that emanate from more intensive development, over less intensive and lower scale development. For instance, more intensive development is likely to result in greater visual impacts both within proximity of the buildings and of views into such development, and create a different residential character and built form than less intensive developments. Clearly groups of 2 to 4 storey structures create a different character from typical 1 to 2 storey suburban residential developments.

11.189 Other potentially significant effects include traffic generation and how this is addressed and the potential effects of more substantive buildings and associated populations upon the natural (and heritage) characteristics of the area and adjacent areas, including in this case the coastal environment and adjacent bush areas. Greater levels of development also have differing effects upon matters such as service infrastructure.

11.190 Conversely however the greater grouping of buildings, with smaller areas of overall footprints and less fragmented single subdivision sites, has advantages by increasing opportunities for the creation of a greater level of public space. Such provision of public space (appropriately managed) provides a greater opportunity to incorporate and protect natural areas (in this case existing vegetated areas) and integration of these features with adjacent natural areas, in particular the adjoining SSWI, as well as with the re-adapted and redeveloped Refinery area.

11.191 A lower form of intensity may not necessarily offer advantages of a greater level of environmental protection and sensitivity. For instance a lower level of development over a greater area of coverage which removed existing vegetation and provided little public space around single freehold sites, may have more adverse environmental effects than the alternative of grouping a more intensive form of buildings between defined areas of public space, with appropriate measures to protect and ensure such public space incorporates sensitive natural features and provides buffers to adjacent sensitive coastal or natural features as well as pedestrian and cycle links.
11.192 This approach is reflected in the Overlay method proposed in the district plan and also in the provision of the 2A zone, which allow greater levels of residential development where such an approach is taken. In other words it is not simply about the level of intensity but how the way in which this is managed to gain positive environmental outcomes.

11.193 In regard to the creation of improved level of protection of natural values (noting the potential for adverse effects also) in this case it is important to note the difference between intensity and overall density, intensity being primarily the nature of the built form and agglomeration of building mass and coverage, and density being the relative number of buildings (individual household or business units) within any particular area. It is relevant to note that the Overlay provides for 528 units on site (288 within the Refinery site and 240 in the two western areas).

11.194 Within the total site area of 13.9 hectares this equates to approximately 260m² area of site per unit, or splitting the site between the lower Refinery area of approximately 7 hectares and that of the two western residential areas of approximately 6.9 hectares, the densities are in the order of 240m²/unit and 290m²/unit respectively.

11.195 Building coverage in the two western residential areas of the site is estimated at 13% of 6.9 hectares (9233m² – refer Urban Design Assessment, Cross-sections Attachment 3.0). In the residential 2A zone although intensity is at gross site areas of 1000m² (noting also that this may be reduced to at least to 550m² per unit through a Discretionary activity consent) the building coverage estimated for 40 residential units at 225m² per unit (noting 16.6.1.9 allows a building coverage of 15% or 225m² per site) would cover 9000m². Obviously the level of buildings in that case would only be a single unit to a maximum of 8 metres in height (2 storeys).

11.196 The issue is that the level of intensity taken in isolation from other control factors is not necessarily the component that creates adverse effects, and if managed properly can be used to avoid or reduce adverse effects.

11.197 There are four different areas of potential effects raised in submissions: first, the impacts of buildings, their scale and built form on the heritage Refinery buildings and area, including visual effects; secondly, the residential built form and intensity and its potential impact upon the natural features, amenity, visual impacts and character of the western area of the site; and thirdly the impacts of density on traffic, and fourthly, the overall urban structure and how the proposed type of development fits into the urban strategies and urban form of North Shore City and the region.

11.198 The matter of impacts upon the heritage Refinery buildings is canvassed in section XXX of this report. It is concluded that if the Overlay method as proposed is retained it needs to be better developed to address the manner in which the readaptation of the building occurs in relation to protecting the heritage elements, as well as the relationship of the adjacent residential buildings to these scheduled buildings. It is recommended that criteria be developed to provide a greater basis of assessment, including the adoption of a modified version Section 11 of the District Plan (11.3.4 and 11.4). This would include additional and more comprehensive assessment criteria. In terms of the building mass it is considered this form may well be appropriate however the detail and nature of the buildings are matters to be considered.

11.199 The potential impacts of the residential components as viewed from vantage points away from the site are addressed in section 11 (including 11B, 11C, 11D, 11G and 11I) and section 15 of this report. It is considered that overall the adoption of a form of development that avoids buildings over the greater part of the vegetated area, that creates sufficient buffers to the coastal escarpment, and extends the vegetation cover to merge into the adjoining SSWI area and coastal escarpment is acceptable despite the higher level of building intensity.

11.200 The creation of defined public space areas as proposed in the Overlay however has to be such that the areas of open space and their inclusion of existing vegetation is managed, access ways are clearly defined and overall there is an integrated approach to development.
that recognises the potential impact of removing vegetation and the need to off-set the effects of the proposed intensity and scale of the building form.

11.201 As previously noted there is high reliance on the continuance of the vegetated areas and their present scale of vegetation to reduce the visual impact of the larger scale and intensity of the proposed buildings. In particular there needs to be a clear directive requiring a set back from the coastal escarpment and the retention of key areas of vegetation and bush, in particular the vegetation forming part of the SSWI within the northern area of the western Horse Paddock area and its link to the adjoining Duck Creek and Kauri Park SSWI areas. This needs to be better reflected in the objectives and policies and criteria for both Limited Discretionary and Discretionary activities.

11.202 The site clearly has a number of unique and sensitive qualities. These include the heritage buildings themselves, the heritage nature of the site and surrounding Chelsea Estate, and the coastal escarpment and SSWI areas to the west and north. Criteria need to reflect the potential effects of development upon these factors including allowing for modifications that can occur as Discretionary activities. It is considered the wording of the criteria can be modified to provide such a basis.

11.203 Traffic and infrastructure are matters addressed later in this report. The level of intensity, and more particularly density (the potential number of residential units) will determine the level of traffic generated from the site. The section 32 material indicates that the level set has been so that traffic generated can be accommodated within the local roading network to an acceptable level. This has been reviewed and it is concluded that additional information is required to confirm that the local roading network can provide for the expected generation without unacceptable impacts (Refer section 11M of this report). Matters relating to public transport also need to be addressed.

11.204 A greater level of development will also have potential impacts upon the ability to adequately service the development. The ability to service the site is canvassed in the section 32 material and is a requirement of Section 9 of the district plan. Although there will be a higher level of development than typical residential zones there is nothing to suggest this warrants a special additional set of provisions beyond what is required in the district plan, and defined in the assessment criteria contained in the Comprehensive Development Plan and as proposed in the Overlay. It is noted that the site is already zoned Business 9, which allows a wide range of industrial and business activity.

11.205 The extent of development and overall building coverage, access ways, roading etc is unlikely to be excessive or different from that presently possible on the site. Business 9 for instance has no coverage limitations. However it is considered appropriate that such matters are identified within the criteria and text for assessing resource consents as proposed including directing infrastructure to address potential impacts upon the coast. Discharges however also require resource consent from the Regional Council and can be addressed accordingly.

11.206 As previously discussed in this report the higher form of intensity, subject to modification as recommended, provides greater opportunity for the protection of natural features by their inclusion within public space areas. Matters relating to its integration to the heritage buildings on site are discussed in section 11E of this report.

11.207 Overall, while noting the limited strategic role of the area as a growth centre, given its unique role and function, it is unlikely to undermine the function of the Highbury centre. Furthermore this is not an isolated residential zone but one that has a clear relationship to a commercial and community centre with the particular function of retaining and using significant heritage buildings. A more intensive development has clear advantages in supporting this unique function as a heritage centre, and the proposed urban form (subject to modification as to its integration with the heritage buildings) is appropriate.

11J GROWTH AND INTENSITY AND ITS RELATIONSHIP TO DISTRICT PLAN AND REGIONAL FRAMEWORK AND OTHER PLANNING DOCUMENTS, OBJECTIVES AND POLICIES AND KEY STRATEGIC DIRECTIONS
11.208 The matter of relative intensity has been raised in the submission of the ARC as it relates to the objectives and directions of growth management as promulgated in the ARPS, the proposed Plan Change 6 to the ARPS, and Plan Change 12 of the North Shore District Plan. The latter amendments both result from the Local Government (Auckland) Amendment Act (2004), which seeks to bring landuse and transport planning together and identify specific centres for growth.

11.209 The ARPS and the RGS seek to consolidate growth of the Auckland region by encouraging intensification of existing urban areas and avoiding encroachment of urban development beyond the defined Metropolitan Urban Limits (MUL). Within urban areas the RGS identifies centres for more intensive and consolidated growth. Highbury, amongst others, is identified as such a centre. This approach has been given greater emphasis in the recent Plan Change 6 amendment to the ARPS and again is reflected in Plan Change 12 to the District Plan with clear direction to create high intensity of development in existing and defined centres. These are generally on principal transport corridors. As previously noted in this report, given these plan changes are still at the hearing stage, they are given little weight. However as they are referred to in submissions their key elements relative to this plan change are commented upon.

11.210 The purpose of promoting nodes of intensive development around defined centres, principally on major transport routes, is to encourage clear destination points between high levels of catchment populations located within close proximity to each node, rather than more scattered forms of development which are more difficult to service from a public transport perspective. Less emphasis is placed on infill housing with growth being directed to preferred centres (refer Plan Change 6 (ARPS) – Part 2.3).

11.211 Plan Change 6 (ARPS) Part 2.3 refers to the key features of the ‘Growth Concept’ of the RGS and subsequent sector agreements which in brief include:

- Growth managed to promote quality compact urban environments;
- Contain growth within MUL;
- Focus urban growth around town centres and major transport routes and create higher density communities with a variety of housing, jobs, services, recreational and other activities (mixed use);
- Less emphasis on infill.

11.212 The aim is to ensure there is an emphasis on a shift in landuse patterns around transport corridors as well as near major arterial roads with an increase in opportunities for walking and cycling and the use of public transport.

11.213 Uncoordinated and adhoc intensification is to be avoided. This aspect is considered particularly important in regard to urban amenity (refer Issues 2.4.3 Plan Change 6) noting that comprehensive and well planned urban redevelopment has the potential to remedy past adverse effects on the natural environment and to improve urban form as well as reducing transport demand.

11.214 This growth approach has been developed into the objectives and policies of Plan Change 6, and is reflected in Plan Change 12 of the District Plan). Part 2.5 Plan Change 6 Strategic Direction, strategic objectives 2.6 seeks to modify the present ARPS to further emphasise growth around existing centres with compact urban forms emphasising multiple transport options and integration to transport routes and forms.

11.215 Specific town centres suited to growth are included in Appendix 1 of plan change 12. This includes Highbury but does not include the Chelsea Refinery Site. Other objectives and policies refer to Urban Design, Landuse, Transport Integration and Infrastructure and the need to avoid sensitive landscapes.

11.216 Discussions on objectives and policies are also examined in section 8 of this report and are relevant to this discussion.
11.217 The plan change area is within the established urban limits (within the MUL). It involves the redevelopment of an established activity (the Refinery and the rezoning of land already identified for business purposes in the district plan (Business 9) and the creation of a more intensive form of residential activity. The area is not identified as a centre for growth either in the district plan or in the modifications to either the district plan (Plan Change 12) or the ARPS (Plan Change 6).

11.218 The Plan Change 16 area has, however, a recognised function as a business area. This is tempered by the special provisions relating to the heritage buildings on the site, its location on the coastal environment (within the identified Coastal Conservation area) and its proximity to Sites of Significant Wildlife Interest, which are recognised at the regional level.

11.219 The plan change area is not located on a major transport corridor route or current public transport link. The site is accessed to the main road network by one access road only, Colonial Road. The existing wharf facilities however offer a clear option to extend the ferry service from the site to and from the Auckland Central business district and other locations (refer also discussion on transport section 11M of this report) however it is accepted that the plan change site is not on a major transport link.

11.220 The plan change area is an existing business zoned area with, at present, a single purpose operation as a sugar Refinery. The plan change proposes considerable modifications to the existing zoning and its purpose altering it from a specific industrial function to that of a mixed use and unique multiple function of business, retail and community activities and higher intensity residential development. I do not, however consider this approach as an ad hoc creation of intensive housing given the clear relationship of the residential activities to the heritage Refinery complex, the inclusion of business activities and the Refinery’s readaptation and retention.

11.221 It is evident that should the Refinery operation cease it is desirable, as a matter of strategic regional and district heritage perspective, that the heritage Refinery buildings are protected and retained and re-adapted for ongoing use. In that regard, although the plan change area can be viewed as having a unique function (and being a unique destination) which requires a different approach from a standard residential or business zone with low intensities of development. The site also has considerable potential as a ferry destination giving options for return trip to a destination such as Auckland City as well as commuting link.

11.222 Its role therefore is likely to be as a specialist centre and a unique destination, as well as serving the local population and supporting the use of ferry services. While recognising concerns in regard to transport and potential traffic effects (noting those comments on the need to better define the effects of transport effects upon Highbury in particular) (refer Section 11M of this report) it is considered appropriate that some form of higher density residential development is desirable to both support the readapted heritage centre and encourage use of this ferry destination.

11.223 The alternative of a low density suburban residential form of development, including that as proposed in Residential 2A is unlikely to support the readaptation of the Refinery buildings nor place a reasonable level of population within close proximity to the ferry wharf destination. A greater level of population within a more confined area such as proposed, while noting the traffic generation effect, can improve options as a public transport destination if appropriate provision is made for public transport facilities and access.

11.224 Although it is accepted that intensity and scale of the proposed development, in particular the residential development as proposed in the Overlay, is clearly different in character from that in the surrounding suburban residential areas, it will be separated from these areas by either a lower form of residential development or parkland if the Chelsea Estate is purchased as reserve (not yet finalised). The densities proposed are not significantly different from the typical Residential 6 zone located adjacent to many centres across the North Shore City.
11.225 As previously discussed in this report, the higher form of intensity, subject to modification as recommended, provides greater opportunity for the creation and protection of natural features within public open space, than more traditional forms of residential development, and the approach taken is similar, in terms of environmental objectives, to a Residential 2A zoning.

11.226 Overall, while noting the limited strategic role of the area as a growth centre, given its unique role and function, it is unlikely to undermine the function of the Highbury centre. Furthermore, the more intensive development proposed has clear advantages in supporting this unique function as a heritage centre, and the proposed urban form (subject to modification as to its integration with the heritage buildings) is appropriate.

11K COMMUNITY INFRASTRUCTURE, WALKWAYS AND PUBLIC AND COASTAL ACCESS

11.227 A number of submissions raise concerns as to the lack of clear provisions or direction for walkways, cycleways and access to public and coastal areas. Additional concerns include the linking of private and public spaces, transport and movement requirements, public access, recreational use, and the need for esplanade reserves to be shown.

11.228 The Overlay proposes that all activities are either Limited Discretionary activities or Discretionary activities. New objectives relating to pedestrian access are added in Section 15.3.8 which includes policies as follows:

6. By requiring land be set aside for public access to the harbour and for recreation.

7. By ensuring that the Mixed Use Overlay area develops as an area with a high amenity, pedestrian character, where development is well integrated with public spaces and creates a distinctive sense of place.

11.229 These policies are implemented through the defined Overlay, and through the requirement for a Comprehensive Development Plan which is required for any resource consent. There are also specific criteria applying to Limited Discretionary activities.

11.230 Although the Overlay identifies open space, it does not provide any indication of desired pedestrian or cycle access or routes or their integration with existing walkway systems that provide linkages across the Chelsea Estate and to coastal walks, the surrounding suburbs and Highbury or to the coastal frontage and wharf area. There are no references in the Comprehensive Development Plan to such links or to a requirement to provide such links.

11.231 The special criteria contained in 15.7.5 f) Traffic, Parking, Access and Pedestrian Amenity, have only a general reference to the separation of pedestrian movement from vehicular movement.

11.232 It is desirable that there are clear sets of policies and criteria that require the identification of pedestrian and cycle routes which link the residential development as well as the general public to the open space areas and to the existing walkways, and which promote clear walkways to public transport services, the wharf and coastal frontage areas associated with the readaptation of the Refinery buildings.

11.233 It is considered to be a reasonably simple matter to include indicative pedestrian/cycleway links in the Overlay. It is also considered necessary to include specific criteria within the Comprehensive Development Plan requirements and the Additional Assessment Criteria contained in Section 15.7.5 for pedestrian and cycle linkages, within the development and between the residential areas, public spaces and redeveloped Refinery area. In addition there is a need for additional criteria (and policy) in respect of managing and providing managed access to the coastal frontage areas to ensure public access as well as protection of natural coastal features. The Overlay should be amended accordingly.
11L STORMWATER AND OTHER INFRASTRUCTURE, HAZARDS, AIR QUALITY AND CONTAMINATION

11.234 Submissions, in particular that of the ARC (submission 280) and the North Shore District Council (submission 364), identify concerns on the need for the integration of stormwater effects, the issue of potential contaminants from buildings and roads, the effect of stormwater discharges and the general ability to service the development.

11.235 The ARC submission also highlights the potential pressure on coastal access and the need to provide facilities such as boating ramps.

11.236 The ARC submission also raises concerns on erosion and coastal hazards, noting that studies undertaken by the ARC indicate a 40m-width Coastal Erosion Risk Zone is needed. The submission suggests that building should either be kept at a distance of 40m from the coastline or a coastal hazard erosion risk assessment of the site should be undertaken before the Comprehensive Development Plan identifies building platforms.

11.237 The ARC submission also considers potential effects of air discharges on intensive residential development in close proximity to the Refinery buildings before the Refinery operation ceases.

11.238 The area is presently zoned Business 9 and is subject to the provisions of that zone as well as to the requirements for subdivision and development specified in Section 9 of the district plan. Section 9 includes requirements for servicing and stormwater discharges, in particular: Section 9.3.3 Objectives and Policies Servicing Development. Rules include requirements for all Site Works and Subdivision Activities (Rules 9.4.3 and 9.4.4); Subdivision Standards and Information Requirements (Rule 9.6) which includes requirements for reports on Geotechnical, Hydrological and Stormwater Control.

11.239 Rule 9.7 specifies General Assessment Criteria for Controlled Activities. Criteria include reference to matters on design and implementation of site works, bulk and location, foundations and floor levels, matters relating to natural hazards, stormwater inundation, avoidance of natural hazards, and the provision of services, drainage and wastewater. In addition it contains requirements for services and infrastructure.

11.240 Rules for Limited Discretionary activities are specified in Rule 9.7 and for Discretionary activities in Rule 9.7.3.

11.241 Section 10 of the district plan contains specific provisions for the management of Pollution, Hazardous Substances and Waste Management, including Air Emissions (10.3.1), Hazardous Facilities and Contaminated Sites (10.3.5 and 10.8), Air Quality Rules (10.4.1) and Noise (10.5).

11.242 The plan change does not alter these provisions.

11.243 The plan change includes requirements for a Comprehensive Development Plan, which requires consideration of whether adequate provision has been made for services and utilities including wastewater disposal, stormwater management, water supply, electricity supply and telecommunications services.

11.244 Additional Criteria for Limited Discretionary activities contained in Section 15.7.5 includes reference to:

   g) Provision of Services, which require the following:
      • Water, stormwater and sewerage systems shall have a design life of at least 50 years and utilise gravity wherever possible….
      • Their design, materials and constructions safeguard against harm to people or property, and compromise health standards…
      • All stormwater systems shall be designed using low impact design where possible to avoid, remedy or mitigate adverse effects on the environment in terms of both the quantity and quality of stormwater discharge.
11.245 Matters relating to discharges to water bodies and air are also the responsibility of the Regional Council and subject to the provisions of the Regional Plan. This also includes provisions relating to contaminated sites.

11.246 In addition to the general provisions for development contained in the district plan a substantial part of the area, including all that land along the coastal interface, is identified as a Coastal Conservation Area (refer Map 29) and is subject to the provisions of Section 8 of the district plan. All activities are at least controlled activities and although there are exemptions in regard to the present buildings associated with the sugar Refinery, Section 8 contains a regime of objectives and policies on the natural environment, including Coastal Conservation (8.3.1), and Hazard Mitigation and Stormwater Catchment Management (8.3.5). Section 8.4 Natural Environment Rules include the following Controlled activities assessment criteria (8.4.1.2):

e) Wherever possible stormwater shall be disposed of in locations other than the coastal edge.

f) Development pipes should ensure that any stormwater pipes or run-off of stormwater resulting from development activity does not lead to a reduction in water quality in the coastal marine area, contribute to erosion, or detract from the natural character of the coastal environment.

g) The location and design of buildings and structures should have regard to their relationship to coastal hazards.

11.247 Generally the current provisions of the district plan and regional plan can be considered adequate to provide sufficient means for addressing issues relating to servicing, stormwater discharge and contamination on what is a relatively small area of the city. While noting the site is located within close proximity to the coast, all discharges to that environment are controlled through the consent process of the regional plan.

11.248 It is difficult to conclude that the provisions of the district plan and regional plan are inadequate, given that they apply to all development across the city and all developments. However given the proximity of the plan change area to the coastal environment and Duck Creek there are some advantages to including reference to the criteria contained in Section 15.7.5 to avoid impacts upon the coastal environment.

11.249 Although sugar Refinery activities have operated on the site for over 100 years, it is not identified by the district or regional council as a contaminated site. Matters in this regard should be able to be adequately addressed through current provisions.

11M TRAFFIC EFFECTS AND LAND USE – TRAFFIC INTEGRATION (INCLUDING PUBLIC TRANSPORT)

11.250 A large number of submissions raise concerns over potential traffic effects arising from the development potential introduced in the Overlay and activities, in particular the potential impact of traffic generated by the proposed level of residential development and its impact upon the functioning of the Mokoia/Colonial Road and Highbury Bypass.

11.251 At the broader level submissions raise traffic issues concerning the need for the integrated management of traffic and transport effects, including the long term effects on the wider transport network. They also identify the lack of integration with strategic policies and regional transport strategies, the potential impact upon the Highbury Centre, and the lack of public transport services, including the failure to secure ferry services. Submissions also raise the need to adequately identify facilities, roading layout and factors that promote public transport, including the potential ferry access.

11.252 The ARC submission also questions how development resulting from the plan change and its potential levels of intensity and proposed design can be serviced by and promote public transport, ferry services, pedestrian and cycle accessibility. It raises concerns on whether the plan change will promote better public transport investment and considers that there has been insufficient regard to transport implications.
11.253 The submission considers that without the provision of public transport the introduction of higher residential densities is inappropriate. Such intensity of development will not reduce vehicle traffic. Concerns are also raised on matters in the traffic analysis provided in the section 32 evaluation. The ARC submission seeks a transport audit that includes comprehensive planning for ferry services, public transport links, and provision for pedestrian and cycleways both within and beyond the site, including to the Highbury commercial centre.

11.254 The Explanation and Reasons section of Section 15.3.8 of the plan change documentation states that:

The residential density and non-residential floor space limits proposed are based on the current capacity of the local roading network.

11.255 Section 15.7.5 Additional Assessment Criteria for Limited Discretionary Activities within the Chelsea Mixed Use Overlay Area includes in f) Matters for consideration on Traffic, Parking Access and Pedestrian Amenity. The criteria focus on the on-site provision of parking, pedestrian facilities and separation from vehicular traffic, refuse collection and lighting.

11.256 The section 32 material has included a Traffic Assessment\(^\text{12}\) (referred to hereafter as the plan change s32 Traffic Assessment). This assessed the proposed traffic and transportation effects of the plan change on which the capacity limitations were based. This assessment is therefore critical in determining what level of traffic generation can appropriately be accommodated.

11.257 While it should be borne in mind that the development of the plan change area is not the only contributing factor to traffic generation into the surrounding street network (including around and through the Highbury Centre) nevertheless there needs to be clear confirmation that the capacity generated from the proposed level and type of development can be accommodated to an acceptable level.

11.258 The principal aim of the plan change s32 Traffic Assessment (as noted in section 1 page 1 of that report) was to establish the extent of development that may be accommodated on the site in the context of the Refinery ceasing operations. The plan change section 32 Traffic Assessment examined the effects of the broader development scenarios of the wider Chelsea Estate, and identified elements of the change in associated traffic generation.

11.259 The plan change s32 Traffic Assessment concluded that there are no significant effects on travel times by the addition of traffic associated with the proposed mixed residential/retail/business/restaurant development, that the road network is able to accommodate those additional demands and that the local road network is able to absorb the traffic generated.

11.260 To assist the analysis of traffic effects in this report a review of the plan change s32 Traffic Assessment has been undertaken by MWH, qualified Traffic Planners. Their findings are contained in their Report\(^\text{13}\) referred to hereafter as Traffic Review-MWH.

11.261 In brief, Traffic Review-MWH highlights a number of issues in regard to the detailed method of analysis, the criteria and methods proposed in the plan change and the broader relationship to policies and objectives in the district plan. Comments are also made on the matters raised in submissions.

11.262 The Traffic Review-MWH conclusion highlights three areas of concern: The impact upon the Mokoia Road/Colonial Road intersection and other key intersections around the Highbury


centre affected by the proposal; consistency with the district plan transport objectives and policies; and the manner in which Traffic Effects are addressed in the plan change methods.

11.263 Traffic Review-MWH highlights a number of concerns at both the detailed level, such as the potential impacts upon the Mokoia Road/ Colonial Road intersection and other key intersections around the Highbury centre, and with policy connotations at the broader transportation policy level. The review outlines a number of specific matters that need to be addressed including:

- That the impact of the development traffic on the Mokoia Road/ Colonial Road intersection does not exceed 90% of the operational capacity.
- Re-assess the operation of the Mokoia Road/ Colonial Road intersection with induced ferry traffic effects.
- Assess other intersections where the development proposals create an increase of 10% in traffic flows on any approach of a junction.
- A micro-analysis of the key intersections should be undertaken using the future base traffic flows from the Track Transportation model. This should include the additional traffic effects associated with the Highbury Centre Plan. Allowance for the potential existing trips that the site could generate under the current Business 9 Zoning should be included. A peer review process should confirm the efficacy of the models.
- As a mechanism to address the submissions of NSCC the applicant should present supporting information as part of the plan change application to demonstrate that the proposals are consistent with the current transport policies and objectives as set out in chapter 12 (Transport) of the North Shore District Plan.
- As a mechanism to address the submissions made by ARC, the applicant should provide further supporting information to enhance pedestrian and cycle access between the site and the Highbury centre, and develop further the opportunity to provide a direct ferry service by discussing with the ferry operator what on-site infrastructure would be required to support this service.
- To address any amenity or road safety issues resulting from over-spill parking, parking controls on surrounding residential streets should be considered as part of the plan change proposals.

11.264 In addition a number of alteration to the provision are recommended. These include:

To ensure that the plan change proposals address the above issues the following policy should be added to Section 15.3.8:

9. By requiring development proposals to incorporate on-site provision for parking, vehicle circulation, buses and ferry infrastructure, provision for cyclists and associated pedestrian movements.

The applicant should ensure that the traffic and transportation effects of the plan change proposals are addressed through the Proposed Comprehensive Management Plan by amending rule 15.6.2.12 under the clause 2 ‘Requirements for Chelsea Mixed Use Overlay Area in the Business 9 zone’ bullet point 4 as follows:

- Whether adequate provision is made for services and utilities including wastewater disposal, stormwater management, water supply, electricity supply and telecommunication services.

And inserting the following additional point within this clause:

- The objectives and policies of section 12 (Transportation) including whether the pattern and design of on-site roading serves the demands for parking and the need for vehicle circulation, buses and ferry infrastructure and pedestrian and cyclist movements.

To address the specific transportation issues resulting from the plan change proposals the following addition should be added to the Proposed Comprehensive Management Plan under part f) Traffic, Parking, Access, and Pedestrian Amenity in the proposed section 15.7.5:
• The proposals should demonstrate that the quantum of on-site parking being sought is consistent with District Plan requirements.
• The proposals should demonstrate how these parking spaces would be physically provided for on site.
• The proposals should indicate how these parking spaces are to be managed to reflect the different user groups (e.g. Businesses, residents and commuter parking that promote the proposed ferry service).
• On-site bus stopping and turnaround facilities should be incorporated within the design.
• The proposals should include a continuous dedicated pedestrian footpath between the site and Colonial Drive and an assessment of the pedestrian crossing requirements through and between the site and local centres.
• Micro-analysis of the key intersections should be undertaken using the future base traffic flows from the Track Transportation model. The additional traffic effects associated with the Highbury Centre Plan should also be considered in the junction assessments in addition to the needs to assist pedestrian movements at these intersections. A peer review process should confirm the efficacy of the models.
• The proposals should incorporate on-site infrastructure to support a ferry service.

11.265 The Traffic Review-MWH notes that Highbury centre is planned to be intensively developed particularly with regards to the re-zoning of Mokoia Road to allow an increase in building height in addition to accommodating new mixed use residential/office and new medium density housing at the junction of Colonial Road/Highbury Bypass. The traffic and transportation impacts of the plan change proposals should be assessed in the context of the Highbury centre proposals.

11.266 As previously noted the threshold for the level of development proposed in the plan change is based upon the critical assumption that the density levels and expected traffic demand generated can be accommodated by the local road network and in particular the key Mokoia Rd/Colonial Road intersection. Therefore it is considered necessary that there should be a high level of confidence that this is the case. There is however a level of contention in the Traffic Review-MWH as to the question of such confidence. It is therefore considered appropriate that those matters highlighted in the review are addressed prior to any decision on the plan change. Any such additional appraisal should include traffic impacts in the context of the Highbury Centre.

11.267 It is clear that matters relating to the issue of public transport, including the promotion of a ferry service, should be further examined. In particular there is a need to clearly identify both on the Overlay and within the assessment requirements for limited discretionary activity, a roading layout and access provisions that promote a more sustainable use of bus transport and access to the existing wharf and potential ferry facilities. This should also include key integration, with parking facility options and pedestrian linkages to the greater development proposed on the whole site as well as pedestrian and linkage to existing facilities that traverse the Chelsea Estate.

11.268 While noting that the owner of the site is not a public transport provider, given the proposed level of intensity, in particular the level of residential development, there is a need to provide clear direction in the plan change documents and Overlay that encourages and facilitates greater use of public transport (both bus and ferry services). In order to achieve this there needs to be greater promotion within both policies and rules, of access to such facilities and the promotion of a design that encourages their use.

11.269 It is therefore appropriate that the modifications proposed in Traffic Review-MWH (as outlined in paragraph 8.251 (8) be included.

11.270 At the broader objectives and policies level it is desirable that any proposed development (including at the limited discretionary activity level) is assessed in relation to the transportation policies contained in Part 12 of the district plan and that this element be made clear through the cross reference proposed in the Traffic Review-MWH.
11.271 The broader matter of how the plan change, including the type and level of development, sits in relation to regional and national transport strategies has in part been canvassed in this report examining urban form and structure. The need for improved integration of landuse and transport (amongst other matters affected by the growth pressures of Auckland) has seen the development of the RGS and the introduction of the Local Government (Auckland) Amendment Act 2004 (LGAAA 2004). As a result a suite of changes have been introduced amending the ARPS (Plan Change 6) and the district plan (Plan Change 12) (noting these plan changes are still at the hearing stage).

11.272 Current ARPS objectives and policies are contained in Part 4 of the ARPS. Objective 4.3 in the ARPS provides for policies that aim to address adverse effects such as reduction in use of non-renewable fuels, as well as promote high levels of community accessibility, and safety. Policies in 4.4 include the desire to reduce the need for vehicle travel (4.4.1.1) and these objectives are implemented through district plan policies that address the integration between landuse and the transport system and encourage modes of transport that have fewer overall environmental effects.

11.273 The ARPS also includes a number of objectives and policies pertaining to the promotion of public transport.

11.274 ARPS Plan Change 6 in response to the LGAAA 2004 proposes objectives and policies that promote the integration of landuse and transportation planning. Strategic Policies – Land Use and Transport Integration (2.6.11 - 1 and 2 ) highlight this need including 2.6.11.1 e) Where unable to locate within high density centres (noting the Plan Change area is outside such a centre) and corridors, high traffic generating activities locate on transport corridors with good public transport service (see Policy 2.6.5.6).

11.275 Other policies highlight the need for a reduction in private vehicle use and the promotion of forms of public transport as well as walking and cycling (ARPS 4.4.1 and ARPS Plan Change 6 – 2.6.11.1 b),c), and d).

11.276 The plan change site is within an established urban area presently zoned Business (Business 9) and used for the industrial activities of the Refinery. Although subject to various constraints including provision in regard to high traffic generation (generally Discretionary activities), it could be readily developed (noting the present limitations concerning heritage aspects) into some form of business centre such as an office park, mixed industrial uses and small scale retail functions.

11.277 Nevertheless it is clear that the future use of this unique heritage site is not suited to the retention of such zoning (Business 9) as it now stands, given the potential environmental effects. It is my opinion that the modification of this zone to allow the readaptation of the Refinery buildings with a supporting commercial/mixed residential use in some form is the most desirable option in planning and environmental terms.

11.278 Although the site is not located in a centre identified in the regional and district planning documents as being a growth centre, nor is it on a major transport corridor and to that extent is not consistent with the regional planning and district planning growth strategies as a growth centre, it is apparent that in terms of future uses it is desirable to promote the readaptation of the buildings with sufficient levels of supporting commercial/residential development to ensure its ongoing viability. The presence of the wharf provides a clear opportunity to promote extension and use of the ferry service.

11.279 A reasonable level of both commercial and residential development within close proximity to the wharf area will also assist to advance this ferry service option although it will also generate additional vehicular traffic upon the local roading network.

11.280 In addition, although noting the need to clearly address effects upon the roading system a more intensive core of residential development may also provide greater encouragement for a viable public transport route from this core to the Highbury Centre providing sufficient population to and from a defined destination and origin point for both bus and ferry transport.
options. The option of allowing only a very limited density of development in a less intensive urban form, while potentially decreasing demand on the local roading network, may also well limit options for promoting public transport linkages to the ferry service and bus transport to Highbury and beyond. It would be useful if these aspects were further explored by a greater level of assessment than provided in the plan change section 32 Traffic Assessment.

11.281 Public transport options however are likely to be advanced only if there are clear on-site bus route options and clear public access and parking options to the potential ferry service. In addition it is necessary to provide clear interconnectivity between any proposed residential development and these service points. The facilities and design elements need to be incorporated into the planning mechanism in terms of both the Comprehensive Development Plan and limited discretionary activity criteria.

11N SUITABILITY OF BUSINESS ZONE - LOSS OF BUSINESS LAND AND LACK OF PROVISION FOR EMPLOYMENT RELATED ACTIVITIES

11.282 Submissions, in particular the submission of the NSCC, raise concerns that the plan change does not adequately provide for the best possible mix of business, community and residential land use. The submission seeks greater levels of evaluation of and provision for a business-focused land use scenario. Concerns are expressed that the Overlay is not consistent with the aims and purpose of the Business zoning (Business 9) nor other business zoning in respect to residential activities.

11.283 The NSCC submission comments that the land is a significant area of Business zoning and that there is a shortage of business zones in the city. It is also not clear how the Business 9 zone will operate after the introduction of the Overlay Plan and it is suggested that maybe a Special Mixed Use or Business zoning be introduced rather than the Overlay. Alternatively the Overlay Plan status could be reduced to act only as a guide for Discretionary activities.

11.284 The submission considers that the section 32 material and accompanying economic analysis does not provide the rationale for a predominantly residential development. It suggests that the land may be suited to a wide range of business activities rather than heavy industry, and the controls should not be inflexible or locked in by the proposed method to set a 3200m² maximum threshold for Limited Discretionary activity above which it becomes a Discretionary activity. It also considers the high level of residential will compromise the potential to accommodate employment generating activities and provide for future options. It also considers it is inappropriate to provide for residential development ahead of the cessation of Refinery operations, compromising existing policies and creating issues of reverse sensitivity. It suggests a Non-Complying status for such residential is more appropriate. It also suggests that Residential 2A is the most appropriate and that any business opportunities should be provided at the level of the North Shore City average employment densities.

11.285 Other submissions suggest that alternative land uses such as heritage village, conference centres, museum and restaurants or continuance of Sugar Refinery with byproducts production are suitable. Submissions suggest further consultation on this issue.

11.286 A Market Analysis is provided in the section 32 material (Assessing Potential Alternative Uses for the Chelsea Sugar Refinery Site – Market Economics – May 2005 (referred to hereafter as Market Analysis ME). The report describes the significance of the extent of the Business 9 zoned land at Chelsea Estate in the context of business land in the city, and its economic role. It is noted that the 13 hectares of Chelsea land is some 1% of all commercial land in North Shore City. Presently the workforce of the City is 76,480 with approx 160 Full Time Equivalent (FTE) positions at present at the Refinery (0.24% of the total).

11.287 The Market Analysis ME also evaluates the distribution of the various business and retail zones across the city and categorises the Chelsea Business area as being within the smaller range of such business zones (refer section 3.3 and table 3.1 - Market Analysis ME). The Market Analysis ME also examines the future capacity of the Refinery site noting that the current average employment density in North Shore City is 36 FTEs per business zoned...
hectare (excludes retail) however noting the average varies considerably across the city. The
analysis examines the employment growth scenarios on the basis of pro rata increase and the
mean density.

11.288 At the level of 3,200m² of office or commercial space as proposed in the plan change the
predicted employment capacity is in the order of 160 FTEs to 200 FTEs similar to the current
contribution of the CSR site.

11.289 The NSCC submission seeks that provision be made for closer to the average city wide FTEs
of 36 FTEs/ha. This equates to some 500 FTEs for the 13.9 hectare site or in the order of
10,000m² (at 20m² per FTE) of office space. The Market Analysis ME concludes that … a
future where the CSR site’s role in the economy was expanded would require a very
significant shift in the nature of activity on the site, and associated major property
development. In particular, a workforce of 600-650 FTEs would require a built area of
12,000sqm to 25,000sqm (allowing 20 sqm per FTE in office and 40 sqm per FTE in a
warehouse/industry environment).

11.290 The Market Analysis ME report considers there would need to be compelling reasons for the
economy to be expanded thus. It then examines potential uses, business location
preferences, including a range of alternative uses, and a business location model.

11.291 The report concludes that if the Refinery operation were to cease, even with the strongest
growth scenario the potential contribution to the North Shore future business growth is minor
and changes are unlikely to have any major impact on future business development on the
North Shore and that alternative uses should be guided by the unique location of the site.

11.292 A review of the Market Analysis ME has been undertaken by Kingett Mitchell (referred to
hereafter as the Economic Review). While commenting on various matters and areas of
improvement that could be undertaken the Economic Review concludes that it is possible that
the employment density of the site could be increased through a mix of activities that are
provided for, although it is considered that the Chelsea contribution to the overall North Shore
business sector and employment is limited.

11.293 It also notes that only the limiting characteristics of the site had been considered in deterring
the increase in density, and that there are wider benefits from increasing the supply of
business zoned land. It concludes that although impact on the city’s economy may be minor
there may be benefits in increasing the density of business opportunities to reflect the North
Shore average.

11.294 As previously stated, the site although zoned Business has a very unique role, presently for
the Sugar Refinery activity and in the future having the need to provide for options to ensure
the heritage of the Refinery buildings and that they are retained and indeed used, as well as
protecting the various natural characteristics of this prominent site. In that sense it is not
viewed as a typical business site and therefore the expectation on the site’s role as an
employment or Business zone generator differs from that typically expected or consistent with
the various business objectives and policies of the district plan. For instance it is not realistic
nor is it environmentally desirable that the site be simply retained as a Business 9 zone or that
the total site be developed for business purposes.

11.295 The plan change provides a mechanism for recognising this unique nature and role of the site
and its activities, with a mixed-use approach including residential. However the mechanism
proposed with defined building footprints, which set activities and uses in various locations,
has some distinct limitations. For instance it could be expected that that once activities are
established in compliance with the limited discretionary thresholds, in particular in the Refinery
buildings themselves or adjacent to them, they will not be converted to other activities.
Therefore despite any market change the growth for business will generally only be available
as proposed in the Overlay.

14 Review of Economic Assessment for Alternative Uses of Chelsea Sugar Refinery Site – Kingett Mitchell – August 2006
(section 32 material, refer Attachment 2.3).
11.296 Although additional business opportunities will be available through Discretionary activities it is likely the early establishment of residential will set the likely options for future business use, and a greater degree of flexibility in establishing and encouraging business activities is desirable. Although there are some advantages in considering a Special Mixed Use Activity zone (see also comments in Section 11[O] of this report), given the dual role of providing for existing Refinery activities and the future alternative of new uses the Mixed Use Overlay, subject to various changes as proposed in other sections of this report, provides a workable basis for meeting these two roles.

11.297 Greater flexibility could be given by providing for a more flexible Overlay approach, such as through a more comprehensive suite of criteria, with less reliance on defined building footprints and activity areas, whereby business activities are provided for as a Limited Discretionary activity.

11.298 This aspect will need to be evaluated further. By removing a set limit of 3200m² for Business and instead defining key areas for Business (as opposed to Residential) this could provide greater scope towards satisfying some of the concerns in the submissions and achieving greater consistency with business objectives and policies. In order to provide such flexibility there would need to be development of appropriate criteria to address potential effects of business activities on residential activities and vice versa.

11[O] PLANNING METHODS APPLIED, STRUCTURE PLANNING, ADDITIONAL INFORMATION AND TIMING

11.299 The NSCC submission seeks consideration of a number of modified or alternative mechanisms to that proposed in the plan change. These include amendments to the Overlay (or its abandonment) in favour of design principles and criteria, and/or concept plan, and/or the creation of new plan change provisions, or alternatively that the plan change be modified.

11.300 ARC contends that the plan change does not fulfil a similar role to a structure plan, as required by the ARPS (Method 2.6.6-14) and proposed Plan Change 6 (Method 2.6.6-14 and Appendix A4 Structure Planning). Such a process would include an assessment of the growth needs for North Shore City and sub-regional area, and relationships to the surrounding area. In addition it would require a full integrated management approach to development of the site. The ARC expects that the key issue of whether or not urban intensification is appropriate would be addressed through a strategic structure planning process including whether intensification may compromise defined growth centres.

11.301 These submissions also question the timing and need for the plan change at this stage.

11.302 The preceding discussions have highlighted various shortcomings and have proposed necessary modifications to the proposed Overlay of the plan change as well as seeking additional information, in particular that related to confirming that the level of intensity proposed will not result in adverse traffic consequences at the Mokoia Rd/Colonial Road and surrounding intersections.

11.303 The Overlay method proposed has been well described in the plan change documentation and in preceding sections of this report. There are both advantages and disadvantages to the mechanism proposed. The means of defining fixed building footprints, activity areas and the actual number of units as a threshold for limited discretionary activity has some advantage in that it provides a clear indication of the location, height and scale of buildings as well as extent and location of public open space areas. Effects are addressed through the accompanying Comprehensive Development Plan and Assessment Criteria, and a number of modifications have been suggested to these elements to address areas of concern.

11.304 The disadvantage of the approach proposed is that it provides little flexibility for change, relying on variations to this layout through a discretionary activity process. This is particularly limiting in regard to providing for options and encouragement for greater levels of business
activity. For instance, once residential is established in the defined locations this may pre-determine options for any alteration to the proposed levels of business activity and its location.

11.305 Various modifications to the Comprehensive Development Plan Criteria and other Assessment Criteria have been suggested in this report to deal with matters of concern, including elements such as: the lack of detail on how public space management is achieved; the integration of public open space and walkway/cycle way systems; the need for adequate protection of vegetation and bush within the open space systems and relationship to adjacent areas of vegetation, the identification of walkways and cycleways and means of providing for turn around and route systems that encourage public transport; the need for clear defining access to foreshore areas and the potential use of the wharf facilities for a ferry service, to name a few.

11.306 The NSCC submission suggests abandoning or modifying the Overlay and identifying the overlay as a concept plan that guides development through the limited discretionary criteria. If that approach is adopted it will be necessary to more clearly articulate measures for addressing effects and achieving desired outcomes through more refined objectives and policies and detailed assessment criteria at both a limited discretionary activity level and discretionary activity level.

11.307 The Concept Plan could replace the Overlay and should include key elements that give clear direction to the assessment process, such as:

- Preferred locations for business activities;
- Critical height limits;
- Buffer to sensitive coastal, escarpment and the merging of vegetation into adjoining site setbacks from water and adjacent SSWI areas;
- Bus and public transport routes and turn around areas and links from key pedestrian and cycle ways;
- Cycle and walkway location preferences and links to existing walkways on the adjacent Chelsea Estate;
- Key areas of open space areas;
- Specific areas of vegetation to be retained;
- Areas sensitive to heritage assessment such as in close proximity to the existing heritage Refinery buildings;
- Overall density or number of dwelling units on site.

11.308 The adoption of the above will need to be accompanied by a revision of the various objectives and policies, and assessment criteria (both in the Comprehensive Development Plan and limited discretionary assessment criteria) as suggested in the preceding sections of the report.

11.309 At this stage of assessment there is insufficient information to provide for such a revision. Failing a satisfactory revision being presented to the hearing it may be considered desirable to either adjourn the hearing to enable consultation to occur, circulation of a draft to all parties, submitters and further submitters, and reconvene the hearing accordingly. Alternatively Council could consider a variation to the plan change adopting the outline as described above.

11.310 While noting the structure plan process as described in the ARPS and Plan Change 6, the subject plan change area is located within an established urban area, presently zoned Business and has a particular set of unique circumstances applying to potential development that warrant a unique approach. The unique characteristics include the need to protect (but encourage the readaptation of) existing significant heritage Refinery buildings (in a sensitive manner) and the need to integrate this with supporting activities over the site that are also sensitive to the particular natural aspects of the site and its setting. It is accepted that there needs to be an integrated approach in providing for a mixture of activities on the site.

11.311 It is considered the methods described above can be developed including elements contained in a structure plan process that addresses the particular aspects of this location and site circumstance. Concerns about intensity as highlighted in the ARC submission are different.
from matters of overall density of the site, especially if also seen in the context of minimal
development on the adjacent Chelsea Estate.

11.312 It is considered however, that some aspects of structure plan techniques as suggest in the
preceding paragraphs, could be incorporated in the Concept Plan process. Overall it is
considered the suggested modifications provide a sound alternative for addressing
shortcomings in the Mixed Use Overlay method.

11P CONSULTATION

11.313 A number of submissions raise concerns on the adequacy and nature of consultation
undertaken as part of the plan change. The section 32 material (section 16) outlines the
consultation undertaken. This included the establishment of a Consultation committee and
meetings with various Regional and North Shore City and community committee
representatives, Chelsea Regional Park Association and others.

11.314 The section 32 report comments that consultation with the general public was limited, and
details a display in the public library and comments sought from the public. The report also
indicates that iwi were contacted and no responses were received.

11.315 A public meeting was held (2 May 2006) prior to the closing of submissions and the
notification process included the distribution of the circular outlining the nature of the plan
change.

11.316 The second schedule of the RMA provides for the level of information that can be requested
including the level of consultation undertaken. The RMA is silent as to the degree of
consultation to be undertaken however it is generally expected that consultation includes
adequate notice, appropriate information, and time for due consideration by all parties.

11.317 Although the level of consultation undertaken as part of the plan change as described above,
is at the low end of what could be expected for a plan change of this nature and importance
considering the site issues involved, it is nevertheless considered adequate and does not
represent a fatal flaw in the plan change process. The plan change itself and the submission
and hearing process is also part of the consultation process with due weight given to
submissions and further submissions received.

12 PART II ASSESSMENT

12.1 Part II of the Act requires sustainable management.

Sustainable management means managing the use, development, and protection 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 while—

12.2 In this case the sustainable management of the existing and significant heritage building
resource of the site is proposed in such a way as to enable people to provide for their
economic wellbeing while at the same time sustaining the natural attributes of the land to meet
the reasonably foreseeable needs of future generations, and avoiding, remedying or mitigating
any adverse effects. The particular natural attributes include the site’s coastal environment as
well as its vegetation and ecological relationship to the surrounding natural environment.

12.3 The purpose of the plan change is to provide for the future sustainable use of the significant
heritage buildings that are recognised at the national and district levels, through their
readaptation, and to support use of the land area in a sensitive and appropriate manner.

12.4 Generally the plan change objectives and policies including those that direct the effective and
adaptive reuse of the heritage buildings and the protection of their heritage values are
consistent with the purpose of the Act. Refinement of the provisions is necessary however, in
particular those mechanisms and methods that give effect to protection of the heritage
buildings and natural features, in order to fully confirm such conformity with the purpose of the Act.

**Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations.**

12.5 The plan change objectives, policies and the mechanism proposed are aimed at sustaining the natural and physical resources. In particular they give direction and methods to address and sustainably manage both the heritage buildings and the natural values of the site including its coastal environment and vegetated areas. Modifications are however considered necessary to fully confirm such conformity with this principle.

**Safeguarding the life-supporting capacity of air, water, soil, and ecosystems.**

12.6 Various methods proposed, combined with the existing provisions of the district plan and regional plan are appropriate to ensure discharges, contamination and other potential effects on the life supporting capacity of the resources, in particular the adjoining Duck Creek and coastal environment, are safeguarded.

**Avoiding, remedying, or mitigating any adverse effects of activities on the environment.**

12.7 Although the plan change provides a means of addressing many of the potential effects of activities and development, additional information and modifications are required to demonstrate that all adverse effects, in particular those related to heritage protection and potential traffic effects, are addressed.

12.8 Section 6 sets out the matters of national importance to be recognised and provided for. Those relevant to the plan change are commented upon below.

(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.

12.9 The plan change proposes an Overlay that identifies open space areas adjacent to the harbour margins, and set back buildings and activities from the coastal edge. The approach taken, subject to modifications required to clarify the use of the open space areas, provides for the protection of this environment.

(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:

12.10 For the reasons outlined in this report the provisions generally provide for a means of protection of the outstanding significant landscape areas and habitat.

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

12.11 Public access to the coastal area is provided by defining the public open space areas along the coastal marine area. Some modifications are suggested to give clearer direction for the management of such access.

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

12.12 The relationship of Maori to this area is recognised and achieved through the various provisions of the district plan and appropriate cross referencing in the provisions of the plan change.
The protection of historic heritage from inappropriate subdivision, use, and development.

12.13 As noted in paragraph 12.3 the principal thrust of the plan change is to provide for the appropriate protection and use of the heritage values of the buildings and site. However considerable modification is required to ensure this principle is achieved.

12.14 Section 7 sets out a number of matters to be had regard to and the following matters are of relevance to this plan change:

(a) Kaitiakitanga: the ethic of stewardship;
(b) The efficient use and development of natural and physical resources:
(c) The maintenance and enhancement of amenity values:
(f) Maintenance and enhancement of the quality of the environment:
(g) Any finite characteristics of natural and physical resources

12.15 For the reasons outlined in this report these matters are generally provided for within the plan change or provisions of the district plan. However modifications are necessary to ensure that the quality of the environment and amenity values, including that of the surroundings are maintained and enhanced.

13.0 CONCLUSION

13.1 The plan change seeks to introduce a specific set of measures into the framework of the Business 9 zoning provisions of the district plan in order to provide for future use of the heritage buildings and Chelsea Sugar Refinery Site. It also seeks that this be accompanied by a relatively intensive form of residential development over the remaining site area.

13.2 A major area of contention raised by submissions opposing the proposal, is that the provisions do not adequately address potential adverse effects resulting from the proposed intensity of the residential development or those arising from the traffic generated. Such adverse effects include: the potential impacts upon the heritage buildings and elements; the adverse impacts of traffic on the surrounding area and in particular the key intersections at Highbury; the overall impacts that will result on the site’s natural environment and character, including its coastal environment. This includes, in particular, the changes that will occur to the open space area known as the Horse Paddock.

13.3 Submissions also contend that such a plan change is not consistent with the objectives and policies of the district and regional policy planning documents and that there is a lack of information in various key areas (Traffic effects, residential character, natural character and heritage values in particular) to enable its introduction.

13.4 I consider that the site is suited to a mixture of activities, including business, community and residential that encourage and support appropriate redevelopment of the heritage buildings. However it is essential that such activities and levels of development should be accompanied by a sensitive regime of provisions that recognise and enhance the heritage values and buildings of the site and its natural environmental qualities and setting.

13.5 To this end the Mixed Use Overlay Area and Plan provisions provide a degree of balance to meet such conflicting elements and address potential adverse effects. The Overlay defines building footprints, and the use and location of various activities. By so doing it defines areas where the natural environment will be retained and those areas where development will occur. The public space areas also retain the vegetation and natural links to adjoining natural areas as well as providing options for inter-connectivity between differing areas of the site. The separation of activities is reinforced by a requirement that all activities will require a resource consent (at least Limited Discretionary Activity).
13.6 The future use of this unique heritage site is not suited to the retention of the Business 9 Zone provisions as it now stands, given the potential environmental effects. The modification of this plan change to allow the readaptation of the Refinery buildings with a supporting commercial/mixed residential use in some form is the most desirable option in planning and environmental terms.

13.7 There are however a number of critical shortcomings in the provisions that still need to be addressed. In particular matters relating to traffic and transportation and heritage buildings and values.

13.8 Matters to be considered in respect to a private plan change and the application of Policies and Rules have been enunciated in K Gunbie v Rodney District Council15 – July 2006 which cites Eldamos Investments v Gisborne District Council. It reads as follows: 

A policy, rule, or other method in the district plan is to be evaluated by whether:
1. It is the most desirable way to achieve the objectives of the plan (s32(3) (b) : and
2. it assists the territorial authority to carry out its functions in order to achieve the purposes of the Act (s72); and
3. it is in accordance with the provisions of Part 2 (s 74(1); and
4. (if a rule) it achieves the objectives and policies of the plan s76 (1) (b).

13.9 These matters have been canvassed in the preceding sections of this report and are further commented upon in the consideration of the specific matters raised in submissions.

13.10 Section 8 of this report examines the objectives and policies of the district plan. It is concluded that although the site is not a major centre for growth nor on a major transport corridor it nevertheless has a particular role in providing for the future use and protection of the significant heritage building on the site. It is my view that the proposed mixed use zoning in the plan change and the use of an Overlay (albeit with considerable necessary modifications) or similar technique is appropriate for the site. It provides a basis for the integration of activities in a manner that recognises the natural and physical environment and its particular heritage and natural attributes, consistent with Council’s functions under s 31 of the Act.

13.11 Although the site is not located in a centre identified in the regional and district planning documents as being a growth centre, nor is it on a major transport corridor and to that extent is not consistent with the regional planning and district planning growth strategies as a growth centre, it is apparent that in terms of future uses it is desirable to promote the readaptation of the buildings with sufficient levels of supporting commercial/residential development to ensure its ongoing viability.

13.12 It does not assist the Council in carrying out its functions if the land remains as presently zoned with no planned options for future activities. However it is also necessary that any such provisions should demonstrate, given the site’s position off major transport routes and away from any established centre, that any traffic’s effect will be acceptable. This includes the provision of facilities, access and road layout that promote public transport, including opportunities that enhance the early establishment of ferry services, and pedestrian access.

13.13 In addition considerable revision is required, as outlined in the preceding sections of the report (and also in section 15) before it can be concluded that the proposed provisions are fully in accordance with Part II of the Act and achieve the objectives and policies of the plan. In particular there is a gap between what is expounded in the explanation, and what is defined within the objectives, policies and rules.

13.14 It is not considered appropriate to adopt the plan change in its present form. It is therefore recommended that the decisions should be deferred pending further information, and until revised documents and background information, is provided, Alternatively the Council may consider the introduction of a variation incorporating the areas of suggested changes.

15 The Environment Court decisioin K Gunbie v Rodney District Council page 15 cites Eldamos Investments v Gisborne Distcri Council as to matter to consider applicable to rules in that zones are created by rules.
14.0 PRELIMINARY RECOMMENDATIONS

14.1 The following recommendations are for the Commissioners’ consideration.

14.2 It is recommended that a waiver should be granted to receive the submissions from the following submitters:

- Ryan Bradley and Jonathan Mulholland (Submission 4)
- Marylyn Browne (7)
- Patrick Browne 8
- Chris Lucas (42)
- Julie Fincham and Merv Prince (23)
- Michael and Gillian Bos (73)
- Aneta Dezoete and Adam Jones (80)
- Harvey White (121)
- Soo-Won Yu (124)
- Tracey Begovic (134)
- Lorraine Adams (149)
- C E Cameron (159)
- Joanne Cowie (174)
- Civic Trust Auckland (222)
- Rona Wark (240)
- Robert Waters (243)
- Zoe Hughes (245)
- Edmund R Jackson (246)
- Nancy Elizabeth Jackson (247)
- Charlotte Knott (262)
- Dougall L Love (266)
- E T McMillan (271)
- Susan Brookes (284)
- Richard Brookes (285)
- Stephen Cook (294)
- D M Hookway and P M Dennis (298)
- Reynold Disse (299)
- Peter Ehrlich (301)
- Paul Francis (307)
- Fabio Ghisleni (308)
- Greg and Jill Magness (337)
- Roger Marbeck (339)
- Sharon McGaffin (343)
- NZ Historic Places Trust (366)
- Bill Plunkett (379)
- Geoffrey Wilkinson Sawyer (405)
- Dawn Thomas (435)
- Julia and Adrian Thomas (436)
- Gordon Walker (447)
- Wilton Willis (458)
- Sylvia Zlami (464)
- Murray and Jacque Lewis and Family (475)
- Philip and Michiko McNay (476)
- Shore Youth Council (484)

No persons would be affected by granting the extension in relation to the further submissions, and the inclusion of these late further submissions do not lead to any delay in the consideration of the plan change. The granting of the waiver can be considered to be in the interest of the local community, and no persons will be prejudiced by the acceptance of these late submissions.

Late further submissions

14.3 It is recommended that a waiver should be granted to receive the submissions from the following submitters:
Birkenhead Residents Association (H White) (121-1x2228, 121-2x2366, 121-3x2367, 121-4x236, 121-5x2369, 121-6x2370, 121-7x2371, 121-8x2372, 124-1x2229, 124-2x2367, 124-3x2374, 179-1x2231, 179-2x2275, 253-1X2232, 253-2X2376, 253-3X2377, 253-4X2378, 253-5X2379, 253-2X2380, 280-1x2233, 298-1x2234, 302-1x2235, 302-2x2381, 302-3x2382, 316-1x2236, 316-2x2383, 316-3x2384, 316-4x2385, 316-5x2386, 316-6x2387, 361-1x2237, 361-2x2388, 361-3x2389, 361-4x2390, 361-5x2391, 361-6x2392, 361-7x2393, 361-8x2394, 361-9x2395, 361-10x2396, 361-11x2397, 361-12x2398, 361-13x2399, 364-1x2239, 366-1x2241, 373-1x2242, 397-1x2243, 397-2x2400, 443-2x2244, 443-4x2402, 470-1x2245, 475-1x2246;
Shellie Higgest 373-1x2319;
Royal Forest and Bird Protection Society 179-1x2315, 280-1x2255, 316-1X2256, 316-2X2363, 316-3X2364, 316-5X2365, 316-1X2257, 361-4X2358, 361-7X2359, 361-8X2360, 361-9X2361, 361-11X2362, 364-1X2258, 364-2X2259;
K W Slamon 280-1X2274;
Lynn Salmon 280-1X2280;
Western Bays Community Board 280-1X2225;
Mrs Phil Whiteside 280-1X2309;
Kylie Aitken 280-1X2276.

No persons would be affected by granting the extension in relation to the further submissions, and the inclusion of these late further submissions do not lead to any delay in the consideration of the plan change. The granting of the waiver can be considered to be in the interest of the local community, and no persons will be prejudiced by the acceptance of these late submissions.

Relief sought and Recommendations – Late submissions

14.4 The relief sought and recommendations on the above late submissions and further submissions is included in the 15.00 ANALYSIS AND RECOMMENDATIONS OF SPECIFIC SUBMISSIONS of this report.

15.00 ANALYSIS AND RECOMMENDATIONS OF SPECIFIC SUBMISSIONS

TOPIC 1A THAT THE PLAN CHANGE BE REFUSED/DECLINE THE PLAN CHANGE

15.1 The following submissions seek that the Plan Change be refused or declined in its entirety. The further submissions are identified (i.e 1-1x2 – is Further Submission reference number 2 to submission 1-1) in opposition to or in support of the relief sought on the submissions.

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KP Associates Ltd: Keith Phyn
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266-1 Dougall L Love
270-1 Alan Bain Macfarlane
273-1 Nigel Mooney
274-1 Peter Arthur Trevor Thomas
278-1 Jenni Anstiss
281-1 Andrew Bidwell
284-1 Felicity Chaafe
286-1 Ross Cailliau
288-1 Tui Bendall
290-1 Christine Carpenter
292-1 Stephen Cook
294-1 Mrs F Cooper
296-1 Jane Daniels
298-1 D M Hookway and P M Dennis
299-1 Reynold Disse
301-1 Peter Ehrlich
302-1 John G Elliott

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419-1 Bruce Stainton 419-1x917 Chelsea Estate New Zealand Pty  Oppose
420-1 Virginia Stainton 420-1x919 Chelsea Estate New Zealand Pty  Oppose
421-1 Warwick Stainton 421-1x920 Chelsea Estate New Zealand Pty  Oppose

KP Associates Ltd: Keith Phyn
Comment

15.2 The submissions seeking to decline the plan change in its entirety identify a number of key reasons as to why a decline is sought. These include the levels of intensity of development proposed in the plan change, and in particular the level of residential development and the intensity possible on the horse paddock area, the potential impacts upon the natural and ecological (including coastal) values of the site (and adjacent areas), the effects of traffic, transportation related issues, and the potential impacts upon the heritage buildings and values of the site.

15.3 Submissions also raise a number of matters relating to broader growth issues, business and transportation strategies, objectives and policies. These aspects are also commented upon separately in this section.

15.4 Section 11 of this report examines all these issues including:
- Visual and Landscape Effects and Effects on Amenity Values (11B)
- Urban Structure and Urban Design (11C)
- Effects On Historic Heritage Buildings And Values (11E).
- Impacts on General Heritage, Cultural and Archaeological Matters (11F)
• Zoning Use And Development Of Horse Paddock (Low Intensity Residential Zoning (Residential 2a, 2b or 3) and Open Space) (11G).
• Identify the Horse Paddock as Open Space, Park or Reserve (11H).
• Intensity and Scale of Residential Development (11I).
• Growth and Intensity and its Relationship to District Plan and Regional Framework and other Planning Documents, Objectives and Policies and Key Strategic Directions (11J).
• Community Infrastructure, Walkways and Public and Coastal Access (11K).
• Stormwater, Infrastructure and Hazards, Air Quality and Contamination (11L).
• Consultation (11P).

15.5 Section 11 of this report should be read in conjunction with the conclusions in this section.

15.6 The general findings of the analysis undertaken in section 11 of this report are that although the plan change has a number of attributes and could form the basis of a planning instrument for managing future activities, there are some shortfalls in key direction, in particular traffic management and heritage protection, at both policy and detailed criteria levels which limit its present suitability.

15.7 It is, however, difficult to conclude that in its present form the plan change will appropriately address potential adverse effects and sustainably manage this unique natural and heritage environment.

15.8 In particular, revision of the provisions is necessary in respect to managing effects upon historic buildings, traffic and the natural environment. These include, firstly, providing appropriate policy and criteria for the re-adaptation of the existing buildings and their integration with other potential buildings onsite; secondly, addressing potential traffic effects, in particular upon the local roading network; and thirdly, to a lesser degree, managing development and its impact upon the natural attributes of the site. This latter aspect includes the manner in which the public space areas are provided for and managed to provide for a high level of natural quality and amenity as highlighted in the policies.

15.9 In the key area of traffic analysis there is insufficient information to determine or to confirm that adverse effects have been adequately dealt with. In particular that the intensity of residential development proposed will not result in adverse effects on the local roading network, including the key intersection of Mokoia and Colonial Roads and the associated intersections within Highbury and the Highbury Bypass.

15.10 It is therefore considered that a revision of the provisions is necessary to address potential adverse effects and those matters identified in section 11 of this report, and it is not within the scope of this report to provide such a revision. It is therefore recommended that either the decision be deferred until such information is provided and circulated to all parties, or that a variation be introduced incorporating the changes indicated.

Recommendation

15.11 That submissions

1-1S Abramowitz
2-1Mark Bailey
3-1William George Baker
4-1Ryan Bradley and Jonathan Mulholland
5-1Judith Brown
6-1Deborah Brooks
7-1Marilyn Browne
8-1Patrick Browne
9-1Michelle Bulpin
10-1Robert Bulpin
11-1Glen William Bulpin
12-1Clive Bulpin
13-1Conrad Cheong
14-1Hon Ken Cheong
15-1Fiona Childs
16-1Carolyn Cordes
17-1Scott Cordes
18-1Linda Cotton
19-1Angela Cunniffe
20-1Anthony Davey
21-1Greg Davis
22-1Vernon Dawson
23-1Julie Fincham and Merv Prince
24-1Serena Fountain
25-1Graham Green
26-1Karen Hall
27-1Cliff and Fiona Harrison
28-1Anneke Hayman
29-1Phil Henderson
30-1Elizabeth Jowsey
31-1Carol Krebs
32-1Edwin Krebs
33-1Amir Lahav
be accepted to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.12 That submissions

78-1x2421Rebecca Gray 94-1x2159Alisdair Keucke, 94-1x2220Elizabeth Alexandra Keucke
94-1x2223Glenis Cooper 94-1x2220Helen Keucke 94-1x2262Jennifer Cook
94-1x2264Jennifer Paxton 94-1x2269John Taylor 94-1x2277Lorraine Marson
94-1x2312Robert Gibbs 94-1x2321Silia van De Graaf 115-1x219Dr Heather M Halcrow
Nicholson

115-1x229Penny Hext 121-1x222Residents Association 124-1x222Residents Association
127-1x216Cliff Mason 179-1x223Residents Association 179-1x227Karen Weallens
191-1x221Dr Shirley Julich 191-1x230Penny Hext 194-1x222Dr Shirley Julich
194-1x230Penny Hext 253-1x219Dr Heather M Halcrow 253-1x223 Residents
Nicholson Association

263-1x221Dr Shirley Julich, 263-1x230 Penny Hext 298-1x223 Residents Association
Support

298-1x227Lorraine Steele 298-1x229Paul Summers 302-1x223 Residents Association
303-1x219Clyde Hugh Scott 303-1x228M Carol Scott 310-1x217Cliff Mason
311-1x217Cliff Mason 316-1x223Residents Association 316-1x225 Royal Forest and Bird
Protection Society

316-1x229 Paul Summers 316-1x232 Craig Smith 361-1x218 Cliff Mason
361-1x223 Residents 361-1x225 Royal Forest and Bird 363-1x219 Clyde Hugh Scott
361-1x223

KP Associates Ltd: Keith Phyn
be accepted to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such revision.

15.13 That submissions

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KP Associates Ltd: Keith Phyn
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KP Associates Ltd: Keith Phyn
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be declined to the extent that the decision be deferred either until further information be provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

**TOPIC 1B THAT THE PLAN CHANGE BE REFUSED/DECLINE THE PLAN CHANGE**

15.14 The following submissions seek that the Plan Change be Refused or Decline the Plan Change and that the present zoning be retained. Reasons are varied and include the effects of the potential loss of employment and socio-economic aspects, traffic impacts upon Highbury and the need to retain pockets of green space and parks, and that no development should occur in order to retain open space and bush. Submission 198-2 seeks that the zoning remain the same until definite plans for development exist and the decision can be based on how the full information best meets the needs of the community.

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Comment

15.15 The issues are similar to the discussion on the preceding issues. Matters relating to potential loss of employment and socio-economic aspects, traffic impacts upon Highbury and the need to create green space and parks are also canvassed in Section 11 of this report and that section should be read in conjunction with this conclusion.

15.16 The general findings of that analysis are that the proposed Plan Change has a number of attributes and could form the basis of a planning instrument for managing future activities, however, it is difficult to conclude that in its present form, the proposed Plan Change will appropriately address all key potential adverse effects and sustainably manage this unique natural and heritage environment.

15.17 There are some shortfalls in key areas, in particular traffic management and heritage protection, at both policy and detailed criteria levels which limit the plan change provisions acceptability in its present form. In addition modifications are also required to give greater encouragement to the establishment of employment and business activities and to better address potential adverse effects of development upon the natural environment.

15.18 Additional traffic information is required to confirm that the proposed levels of intensity will not adversely impact upon the traffic network to an unacceptable level.

15.19 If the plan change is modified in accordance with the suggested areas of revision, the Plan Change and Overlay or similar provision is considered appropriate to provide a clear direction and means for future activities.

15.20 I consider that it is not appropriate that the present Business zone (Business 9) remain as current, and the district plan should provide both the option of maintaining the Refinery activities as well as providing a basis for future uses, either within the Business zone as proposed in the Plan Change or by means of a special business zone.

15.21 I consider that it is appropriate that the plan change provide options for the mixed use of activities as proposed (residential, business and community), including more intensive levels of residential activities, as well as greater opportunities for employment-related activities. The Overlay in the Plan Change proposes a considerable area of public space, largely focused around existing vegetation. This area provides both a means of ‘green’ public space and a mechanism to maintain environmental quality of the site as well as amenity values and integration into the surrounding vegetation. However some clearer direction is desirable especially at both the limited discretionary activity level and discretionary activity level in regard to this aspect. Traffic effects also need to be clearly considered including potential effects of the growth of Highbury.

15.22 I consider that the Plan Change can provide the bulk of the framework however it needs to be refined as discussed above and in Section 11 of this report. At this stage it is not considered appropriate to adopt the Plan Change in its present form, and the decision should be deferred pending further information, including provision of revised document and background information or by the introduction of a variation incorporating the changes.

Recommendation

15.23 That submissions
be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the Plan Change incorporating such areas of revision.

15.24 That submissions

128-1x942 Chelsea Estate New Zealand Pty 128-1x202 New Zealand Sugar
198-2x360 Chelsea Estate New Zealand Pty 198-2x143 New Zealand Sugar
304-2x310 Chelsea Estate New Zealand Pty 304-2x138 New Zealand Sugar
352-1x683 Chelsea Estate New Zealand Pty 352-1x176 New Zealand Sugar
390-1x813 Chelsea Estate New Zealand Pty 390-1x189 New Zealand Sugar
431-1x953 Chelsea Estate New Zealand Pty 431-1x203 New Zealand Sugar

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the Plan Change incorporating such areas of revision.

15.25 The following submissions seek that there be no change made to the Operative Plan and submission 335-1 considers this land should be preserved for lifetimes to come. Submission 347-1 seeks not to allow the Overlay as proposed.

300-1 K M Dunsmore 300-1x288 Chelsea Estate New Zealand Pty Oppose
300-1x136 New Zealand Sugar Oppose
335-1 Rewa Lewis 335-1x579 Chelsea Estate New Zealand Pty Oppose
335-1x165 New Zealand Sugar Oppose
410-1x197 New Zealand Sugar Oppose
347-1 Margaret Merton 347-1x651 Chelsea Estate New Zealand Pty Oppose
347-1x173 New Zealand Sugar Oppose
355-1 John Andrew Murray 355-1x693 Chelsea Estate New Zealand Pty Oppose
355-1x177 New Zealand Sugar Oppose
386-1 Penny Reed 386-1x804 Chelsea Estate New Zealand Pty Oppose
386-1x188 New Zealand Sugar Oppose
410-1 Mrs J Shields 410-1x895 Chelsea Estate New Zealand Pty Oppose

15.26 The submissions suggest no change be made until historical issues are assessed or to retain the district plan zoning in its present form to protect the historical site and reduce adverse effects upon the qualities of the surrounding area. As discussed in the preceding paragraphs and as canvassed in Section 11 of this report, it is desirable that some clear direction be given for future uses, in particular given the present business zoning which if development under the current Business 9 provisions was fully realised, would be likely to have an undesirable effect upon this sensitive environment and in particular on the Horse Paddock area.

15.27 The general finding of the analysis in Section 11 is that although the proposed Plan Change has a number of attributes and could form the basis of a planning instrument for managing future activities, it is difficult to conclude that in its present form, the proposed Plan Change will appropriately address potential adverse effects and sustainably manage this unique natural and heritage environment.

15.28 There are some shortfalls in key direction, in particular traffic management and heritage protection, at both policy and detailed criteria levels which limit the Plan Change provisions present suitability.

15.29 I consider however that it is not appropriate that the present Business zone (Business 9) remain as current and the district plan should provide both the option of maintaining the Refinery activities as well as providing a basis for future uses, either within the Business zone as
proposed in the Plan Change or by means of another special zone.

15.30 I consider that it is appropriate that the plan change provide options for the mixed use of activities as proposed (residential, business and community), including more intensive levels of residential activities, as well as greater opportunities for employment-related activities.

15.31 I consider that the Plan Change can provide the bulk of the framework however it needs to be refined as discussed above and in Section 11 of this report. At this stage it is not considered appropriate to adopt the Plan Change in its present form, and the decision should be deferred pending further information, including provision of revised document and background information, or by the introduction of a variation incorporating the changes.

**Recommendation**

15.32 That submissions

300-1 K M Dunsmore 335-1 Rewa Lewis 347-1 Margaret Merton
355-1 John Andrew Murray 386-1 Penny Reed 410-1 Mrs J Shields

be **declined in part** to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the Plan Change incorporating such areas of revision.

15.33 That submissions

300-1x136 New Zealand Sugar 300-1x288 Chelsea Estate New Zealand Pty
335-1x579 Chelsea Estate New Zealand Pty 335-1x165 New Zealand Sugar
410-1x197 New Zealand Sugar 347-1x651 Chelsea Estate New Zealand Pty
355-1x693 Chelsea Estate New Zealand Pty 347-1x173 New Zealand Sugar
386-1x804 Chelsea Estate New Zealand Pty 355-1x177 New Zealand Sugar
386-1x188 New Zealand Sugar 410-1x895 Chelsea Estate New Zealand Pty

be **accepted in part** to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.34 The following submission seeks that the Plan Change be refused under present roading conditions.

336-1 Jurgen Lieskounig and Anne Mackay 336-1x583 Chelsea Estate New Zealand Pty Oppose
336-1x166 New Zealand Sugar Oppose

**Comment**

15.35 As discussed in Section 11 of this report there are some outstanding roading issues that need to be fully explained and examined. These include, in particular, an appropriate level of analysis to demonstrate that the effect of traffic generation upon the local roading network, arising from the level of proposed residential intensity and commercial development, is acceptable. This matter has been reviewed by qualified traffic planners and their recommendations are outlined in section 11M of this report and in Attachment 3.0. Prior to any acceptance of the plan change it is necessary to establish and confirm the nature of traffic effects, and additional information is required beyond that provided in the section 32 material.

**Recommendation**

15.36 That submission

336-1 Jurgen Lieskounig and Anne Mackay
be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.37 That submissions
336-1x583 Chelsea Estate New Zealand Pty    336-1x166 New Zealand Sugar

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 1C THAT THE PLAN CHANGE BE REFUSED/DECLINE THE PLAN CHANGE – COMPREHENSIVE REASONS

15.38 The following submissions seek that the Plan Change be rejected in its present form and/or defer the effective operation of the Plan Change until further work is completed to: (i) Evaluate and provide for a more "business-focused" land use scenario (or facilitate this other than by way of Discretionary activity resource consent applications); (ii) Evaluate and appropriately protect all the significant heritage values of the land (including by way of a comprehensive Conservation Plan); (iii) Ensure an integrated urban design approach to the development of new uses, buildings, public spaces and facilities in, adjacent to and adjoining the significant historic heritage features and values of the site; (iv) Ensure that the unique values of this part of the coastal environment, which is now also a significant cultural landscape, are safeguarded; (v) Ensure that any issues or values of significance to Maori are addressed in terms of the protection of land or the pattern and rate of development; (vi) Provide for the integrated management of all traffic/transport and stormwater effects, including the treatment of potential contaminants; and (vii) Address all the other concerns expressed in the submissions above, including the revision of the Plan Change provisions, the staging of the rate or sequencing of development, amendment of the Overlay Plan (or its abandonment in favour of design principles and criteria and/or a concept plan), and/or the creation of new district plan provisions, and that the Plan Change be modified and finalised accordingly.

15.39 The submission from the ARC seeks that the Plan Change be declined in its entirety. The submission canvases a comprehensive range of issues including: that the objectives and policies of the RPS and Plan Change 6 in regard to intensification are not addressed, the site is not identified as a centre for growth, and the proposal needs to have regard to policies for growth in the RPS and Plan Change 6, in particular those on intensification. The submission considers that the Plan Change has not demonstrated how the proposed development could be serviced by public transport and that land use transport integration generally has not been addressed. Transport matters include - pedestrian and cycle ways – how vehicle traffic reduced – insufficient regard to transport implications –residential development intensity is inappropriate unless public transport pursued. Other matters include: urban design elements are unresolved including impacts on historic buildings; the key means of determining whether intensification should be undertaken by structure planning; ecological effects and ARPS policies and impact on coastal escarpment, which suggest coastal margin will be affected; the effects on historic and cultural heritage including the absence of adequate assessment on heritage; and the failure to provide a conservation plan. Other issues include the impact on archaeological sites, trees and other heritage elements, impacts on building fabric of heritage buildings, impacts on Maori cultural values, effects on coastal environment and open space, the need for access to the public foreshore. In addition issues also include erosion and coastal hazards, landscape and visual effects, and in particular the landmark significance of the site and the effects of stormwater discharge, air quality and contamination. The submission seeks that a transport audit and assessment be undertaken, including viable ferry service and public transport promotion, assessment of how the site relates to adjoining Highbury centre, an assessment of future open space and whether proposed business/retail space of the Highbury centre will be compromised, the need for comprehensive assessment of alternative landuses including business activities, the need for a comprehensive conservation plan revision to address effects on heritage buildings, an archaeological assessment for the entire site and assessment in
regard to stormwater, coastal hazards and contamination.

364-1 North Shore City Council (Attn-Trevor Mackie)
364-1x729 Chelsea Estate New Zealand Pty Oppose
364-1x180 New Zealand Sugar Oppose
364-1x223 Residents Association Support
364-1x225 Royal Forest and Bird Protection Society Support
364-1x228 Chelsea Regional Park Association Support
364-1x220 Dr Heather M Halcrow Nicholson Support in Part
364-1x221 Dr Shirley Julich Support in Part
364-1x229 Paul Summers Support in Part
364-1x230 Penny Hext Support in Part
364-1x232 Arian Vitali 2 Support in Part

280-1 Auckland Regional Council (Attn-H D Jarvis)
280-1x33 Chelsea Estate New Zealand Pty Oppose
280-1x111 New Zealand Sugar Oppose
280-1x216 Ann Barton, Support
280-1x216 Brendon De Silva Support
280-1x216 Carolyn Cordes Support
280-1x216 Christopher Simpson Support
280-1x219 Clyde Hugh Scott Support
280-1x219 Colyeen Broadley, Support
280-1x219 Dr Heather M Halcrow Nicholson Support
280-1x221 Dr Shirley Julich Support
280-1x222 Geoff Sutherland Support
280-1x222 Western Bays Community Board Support
280-1x222 Graeme Rutherford Support
280-1x222 Greg Norden Support
280-1x223 Residents Association Support
280-1x224 Harvey White Support
280-1x225 Royal Forest and Bird Protection Society Support
280-1x226 Jane Daniels Support
280-1x226 Jeanette Harvey Support
280-1x226 Jenny Mercer Support
280-1x226 Joanne Kendall Support
280-1x226 John Radford Support
280-1x227 John Williamson Support
280-1x227 Judith Cornwell Support
280-1x227 K P House Support
280-1x227 K W Salmon Support
280-1x227 Kyle Aitken Support
280-1x228 Lynn Salmon Support
280-1x228 M Carol Scott Support
280-1x228 Margaret Williamson Support
280-1x228 Chelsea Regional Park Association Support
280-1x228 Rachael Emma Scott Support
280-1x228 Nancy Simpson Support
280-1x228 NZ Historic Places Trust Support
280-1x229 Patricia J Kostanich Support
280-1x229 Paul Summers Support
280-1x230 Penny Hext Support
280-1x230 Phil Walker Support
280-1x230 Mrs Phil Whiteside Support
280-1x231 Rebecca Denmark Support
280-1x231 Rex Green Support
280-1x231 Robert Waters Support
280-1x231 Saula Sucu Support
280-1x231 Scott Cordes Support
280-1x232 Shirley Rutherford Support
280-1x232 Vivienne Sucu Support

441-1 Michael Tucker
441-1x979 Chelsea Estate New Zealand Pty Oppose
441-1x205 New Zealand Sugar Oppose

Comment

15.40 The submissions seeking that the plan change be declined in its entirety identify a number of
key reasons as to why a decline is necessary. Submissions also raise a number of matters relating to broader growth, business and transportation strategies, objectives and policies. Section 11 of this report examines all these issues including:

- Visual and Landscape Effects and Effects on Amenity Values (11B)
- Urban Structure and Urban Design (11C)
- Effects On Historic Heritage Buildings And Values (11E).
- Impacts on General Heritage, Cultural and Archaeological Matters (11F)
- Zoning Use And Development Of Horse Paddock (Low Intensity Residential Zoning (Residential 2a, 2b or 3) and Open Space) (11G).
- Identify the Horse Paddock as Open Space, Park or Reserve (11H).
- Intensity and Scale of Residential Development (11I).
- Growth and Intensity and its Relationship to District Plan and Regional Framework and other Planning Documents, Objectives and Policies and Key Strategic Directions (11J).
- Community Infrastructure, Walkways and Public and Coastal Access (11K).
- Stormwater, Infrastructure and Hazards, Air Quality and Contamination (11L).
- Planning Methods Applied, Structure Planning, Additional Information and Timing (11O)
- Consultation (11P).

15.41 Section 11 of this report should be read in conjunction with this conclusion.

15.42 The general findings of the section 11 evaluation are that although the site is not located within an existing growth centre, the site is unique and warrants a specific approach as proposed in the Plan Change. Although understanding how the proposed development of the site, including the level of intensification, relates to the broader growth strategies, there are resource management reasons, including the objective of retaining and providing for the future use the heritage buildings that require a clear and sustainable new direction to manage future uses which are not afforded by its present zoning. It is also currently zoned for business purposes, and the proposed plan change seeks to clarify its role as a special business and community area focused on the heritage Refinery buildings with supporting intensive residential development. It is not an isolated residential area.

15.43 Although the plan change as proposed has a number of attributes that are ideal for managing future activities, there is presently a lack of clear direction at both policy level and in detailed criteria in some key areas to ensure that potential adverse effects on this unique natural and heritage environment will be fully addressed.

15.44 Revision of the provisions is necessary to better manage: potential effects of new buildings and uses upon historic buildings, (including the re-adaptation of the existing buildings and the integration with other potential buildings onsite); traffic effects; and to a lesser degree, potential adverse effects upon the natural attributes of the site. This includes provision that clarify the management and use of the open space areas in order to provide for a high level of natural quality and amenity, as suggested in the policies.

15.45 It is also concluded that in some key areas of traffic analysis there is insufficient information to determine or to confirm that adverse effects have been adequately dealt with. In particular that the intensity of residential proposed will not result in adverse effects on the local roading network (including the key intersections at Highbury). It is also necessary that provision be made to encourage public transport, in particular to provide good access to ferry service options, bus transport including road access and turnaround facilities as well as interconnectivity through the development of pedestrian and cycleways, both within and beyond the site.

15.46 It is therefore considered that a revision of the provisions is necessary to address potential adverse effects and those matters identified in Section 11 of this report. It is not within the scope of this analysis to provide such a revision, and therefore it is recommended that either the decision be deferred until such information is provided and circulated to all parties, or that a variation is introduced incorporating the changes indicated.
Recommendation

15.47 That submissions

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441-1Michael Tucker

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

That submissions

| 280-1x33 Chelsea Estate New Zealand Pty | 280-1x111 New Zealand Sugar |
| 364-1x729 Chelsea Estate New Zealand Pty | 364-1x180 New Zealand Sugar |
**be declined in part** to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

**TOPIC 2** THAT, SHOULD THE PLAN CHANGE BE ALLOWED, THE HORSE PADDOCK REMAIN AS PUBLIC OPEN SPACE AND THE LAND REZONED RESIDENTIAL 2A IN KEEPING WITH THE REMAINDER OF THE ESTATE

15.48 The following submissions seek that should the plan change be allowed, the horse paddock remain as public open space and the land rezoned Residential 2A in keeping with the remainder of the Estate.

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KP Associates Ltd: Keith Phyn

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60-2x1957 New Zealand Sugar Oppose

61-2 Darren Stott
61-2x935 Chelsea Estate New Zealand Pty Oppose
61-2x2014 New Zealand Sugar Oppose

62-2 Alex Tokmakov
62-2x971 Chelsea Estate New Zealand Pty Oppose
62-2x2050 New Zealand Sugar Oppose

63-2 Neil Wainston
63-2x993 Chelsea Estate New Zealand Pty Oppose
63-2x2072 New Zealand Sugar Oppose

64-2 Melda Walsh
64-2x998 Chelsea Estate New Zealand Pty Oppose
64-2x2077 New Zealand Sugar Oppose

65-2 Steven John Willis
65-2x1057 Chelsea Estate New Zealand Pty Oppose
65-2x2136 New Zealand Sugar Oppose

66-2 Suzanne Winterflood
66-2x1064 Chelsea Estate New Zealand Pty Oppose
66-2x2143 New Zealand Sugar Oppose

67-2 John Groom
67-2x402 Chelsea Estate New Zealand Pty Oppose
67-2x1481 New Zealand Sugar Oppose

68-2 Lorraine Chan
68-2x192 Chelsea Estate New Zealand Pty Oppose
68-2x1271 New Zealand Sugar Oppose

69-2 Ruth Andrew
69-2x21 Chelsea Estate New Zealand Pty Oppose
69-2x1100 New Zealand Sugar Oppose

70-2 Robyn Bennett
70-2x84 Chelsea Estate New Zealand Pty Oppose
70-2x1163 New Zealand Sugar Oppose

71-2 Christina Bettany
71-2x86 Chelsea Estate New Zealand Pty Oppose
71-2x1165 New Zealand Sugar Oppose

72-2 Sue Bird
72-2x90 Chelsea Estate New Zealand Pty Oppose
72-2x1169 New Zealand Sugar Oppose

73-1 Michael and Gillian Bos
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73-1x1189 New Zealand Sugar Oppose

74-2 C M Chambers
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74-2x1267 New Zealand Sugar Oppose

75-2 Mrs H J Chambers
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75-2x1269 New Zealand Sugar Oppose

76-2 F and J A Dezoete
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76-2x1356 New Zealand Sugar Oppose

77-2 Kiri-Anne Dezoete
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77-2x1358 New Zealand Sugar Oppose

78-2 Nick and Rebecca Gray
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78-2x1469 New Zealand Sugar Oppose
78-2x2422 Rebecca Gray Support

79-2 Peter Hoar
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80-2 Aneta Dezoete and Adam Jones
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80-2x1354 New Zealand Sugar Oppose

81-2 Karen Leyden
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81-2x1661 New Zealand Sugar Oppose

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83-2 Melvin Man
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92-2 Lynn Salmon
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93-2 Clyde Hugh Scott
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93-2x1961 New Zealand Sugar Oppose

94-2 M Carol Scott
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94-2x2224 Glenis Cooper Support
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94-2x2263 Jennifer Cook Support
94-2x2265 Jennifer Paxton Support
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94-2x2278 Lorraine Marson Support
94-2x2313 Robert Gibbs Support
94-2x2322 Silia van De Graaf, Support
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103-2 Ken Wilson
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104-2 Barbara Winstone
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106-2 Roslyn Hiini
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107-2 Lara Brown
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107-2x122 New Zealand Sugar Oppose

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111-2 Mrs E Barclay
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114-2 Harry Julich
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115-2 Dr Shirley Julich
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116-2 Tony Lai
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115-2x240 Dr Heather M Halcrow Nicholson Support
116-2x163 New Zealand Sugar Oppose

117-2 Zhan Peng Su
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118-2 Carola and Cameron Miller
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119-2 Kathryn Scott
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KP Associates Ltd: Keith Phyn
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121-2 Harvey White 121-2x103 Chelsea Estate New Zealand Pty Oppose
121-2x211 New Zealand Sugar Oppose
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123-2 Margaret Williamson 123-2x104 Chelsea Estate New Zealand Pty Oppose
123-2x212 New Zealand Sugar Oppose
124-2 Soo-Won Yu 124-2x107 Chelsea Estate New Zealand Pty Oppose
124-2x215 New Zealand Sugar Oppose
124-2x237 Residents Association Support
125-2 Vanessa Ashley-Caris 125-2x32 Chelsea Estate New Zealand Pty Oppose
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126-2 Alison Benison 126-2x81 Chelsea Estate New Zealand Pty Oppose
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128-3 Geoff Sutherland 128-3x944 Chelsea Estate New Zealand Pty Oppose
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144-2 Yvonne Bean 144-2x83 Chelsea Estate New Zealand Pty Oppose
144-2x114 New Zealand Sugar Oppose
156-2 Jacky Busbridge 156-2x166 Chelsea Estate New Zealand Pty Oppose
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170-2x128 New Zealand Sugar Oppose
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216-2 Keith S Humphreys 216-2x473 Chelsea Estate New Zealand Pty Oppose
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217-2 L A Hutchison-Booth 217-2x483 Chelsea Estate New Zealand Pty Oppose
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218-2 Max G Jamieson 218-2x506 Chelsea Estate New Zealand Pty Oppose
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219-2 Brendan Peter Lamain 219-2x557 Chelsea Estate New Zealand Pty Oppose
219-2x163 New Zealand Sugar Oppose
220-2 Michael Sheridan 220-2x889 Chelsea Estate New Zealand Pty Oppose
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15.49 The following submissions seek that the adjoining horse paddock and bush preferably be kept as open space. If any of the land must be given a residential zoning at all it should be Residential 2A.
15.50 Other submissions as outlined also seek Residential 2A zoning with some differences in their reasons as follows:

**Limit to 2a zoning**

- **Oliver Knight**  
  261-1x535 Chelsea Estate New Zealand Pty  
  261-1x161 New Zealand Sugar  
  Oppose

- **Mrs D A Wernham**  
  452-3x102 Chelsea Estate New Zealand Pty  
  452-3x210 New Zealand Sugar  
  Oppose

- **Janet and Douglas Williamson**  
  455-3x104 Chelsea Estate New Zealand Pty  
  455-3x212 New Zealand Sugar  
  Oppose

Residential 2A zoning of the land but the horse paddock to remain clear of residences.

- **Dr Juliet Batten**  
  133-1x56 Chelsea Estate New Zealand Pty  
  133-1x113 New Zealand Sugar  
  Oppose

- **Michelle Mayn**  
  269-1x625 Chelsea Estate New Zealand Pty  
  269-1x170 New Zealand Sugar  
  Oppose

- **Donald J Chapman**  
  163-1x193 Chelsea Estate New Zealand Pty  
  163-1x127 New Zealand Sugar  
  Oppose

- **Jeanne Hutchinson**  
  258-3x480 Chelsea Estate New Zealand Pty  
  258-3x155 New Zealand Sugar  
  Oppose

Residential 2A zoning of the land but the horse paddock to remain clear of residences.

- **Patricia Hall**  
  315-2x413 Chelsea Estate New Zealand Pty  
  315-2x149 New Zealand Sugar  
  Oppose

Allow Residential 2A zoning to apply. Minimal residential development (Res 2A) might be acceptable provided large areas remained available to the public as open space.

- **Michael Davison**  
  177-2x263 Chelsea Estate New Zealand Pty  
  177-2x134 New Zealand Sugar  
  Oppose

In keeping with the fundamental historic heritage as public open land and left zoned Residential 2A.

- **William Gairdner**  
  202-2x354 Chelsea Estate New Zealand Pty  
  202-2x143 New Zealand Sugar  
  Oppose

Possibly a limited area of Residential 2A zoning could be applied to land as long as it does not detrimentally impact view from the water.

- **Roger Herrick**  
  252-2x426 Chelsea Estate New Zealand Pty  
  252-2x150 New Zealand Sugar  
  Oppose

Rezone to Residential 2A allowing for one dwelling per 829m² and protect the bushland.

- **Leanne Menzies**  
  345-1x643 Chelsea Estate New Zealand Pty  
  345-1x172 New Zealand Sugar  
  Oppose

15ha be zoned residential 2A bush areas.

- **Marilyn Waring**  
  449-1x100 Chelsea Estate New Zealand Pty  
  449-1x207 New Zealand Sugar  
  Oppose

If the best part of the horse paddock and bush area is to be re-zoned residential at all it should be Residential 2A.

- **David Yetton**  
  461-1x107 Chelsea Estate New Zealand Pty  
  461-1x215 New Zealand Sugar  
  Oppose

Allow Residential 2A zoning to apply. Allow for Res 2A zoning but with additional restrictions to ensure that new buildings are constructed completely in character with the historic nature of the site and surrounding area.

- **Stephen Collett**  
  169-2x224 Chelsea Estate New Zealand Pty  
  169-2x130 New Zealand Sugar  
  Oppose

Allow Residential 2A zoning to apply. In the alternative zone Res 2A but with the proviso that large

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open spaces be reserved along the coastal headland areas (factory, bush and horse paddock area).

174-1 Joanne Cowie
Residential 2A zoning to be applied to the entire site.

376-1 Roger Parsons 376-1x765 Chelsea Estate New Zealand Pty Oppose
376-1x184 New Zealand Sugar Oppose

Alternatively reduce density to Res 2A or Res 3.

419-2 Bruce Stainton 419-2x918 Chelsea Estate New Zealand Pty Oppose
419-2x199 New Zealand Sugar Oppose

If housing is to be considered for part of this area zone it Res 2A to restrict the number of houses built.

425-2 Rob and Joyce Stilwell 425-2x931 Chelsea Estate New Zealand Pty Oppose
425-2x199 New Zealand Sugar Oppose

The horse paddock be subject to similar controls to those imposed on adjoining residential 2A land but with a limit on intensity and the size of residential buildings so that the adverse effects from the development are avoided or a ceiling on the number of units be imposed.

164-5 Michael Elliot 164-5x297 Chelsea Estate New Zealand Pty Oppose
164-5x137 New Zealand Sugar Oppose

316-5 Chelsea Regional Park Association
Michael B Elliott 316-5x199 Chelsea Estate New Zealand Pty Oppose
316-5x127 New Zealand Sugar Oppose
316-5x233 Craig Smith Support
316-5x235 Paul Summers Support
316-5x236 Royal Forest and Bird Protection Society Support
316-5x238 Residents Association Support

Deletion of the horse paddock from the development plan and rezoning of it to Res 2A.

398-4 J A Lewis  Royal Forest and Bird Protection Society 398-4x836 Chelsea Estate New Zealand Pty Oppose
398-4x191 New Zealand Sugar Oppose
398-4x241 Dr Heather M Halcrow Nicholson Support in Part

11.1 The following submission seeks Residential 2B zoning:

Approval for any mixed use/residential units should be consistent with Residential 2B zoning as appropriate for land abutting reserves.

162-1 Leanne Catchpole 162-1x185 Chelsea Estate New Zealand Pty Oppose
162-1x126 New Zealand Sugar Oppose

Comment

15.51 The question of the appropriateness or otherwise of applying a Residential 2A zoning (or Residential 2B or Residential 3 zoning) to the western Horse Paddock area has been examined in section 11 of this report. It is also noted that the section 32 material accompanying the plan change included an examination of the alternative of zoning this area as a low intensity residential zone and concluded that such an approach would result in a potential ad hoc approach to the overall planning of this site.

15.52 Section 11 of this report should be read in conjunction with the following comments.
15.53 Comparisons are made in section 11 between the application of the Residential 2A zone and the Overlay. The Residential 2A applies to small areas of well clad bush and wooded sloped areas of the City (including the Chelsea Estate). This zoning has the overriding intent of promoting the retention and protection of bush areas of this zone.

15.54 The proposed plan change Overlay and the Residential 2A zone encourages the use of the uncovered areas of sites for the siting of buildings for more intensive development thereby retaining greater areas of bush and confining development to areas away from such bush. Residential 2A zone does not specifically seek to provide for areas of open space such as the Horse Paddock proper, although it encourages the formation of appropriate reserves. The Overlay provides an identified area of public open space around the foreshore areas as sought by submissions and provides an interlinked vegetated open space system across the site. Changes are considered necessary to these provisions to ensure such a network is secured or at least cannot be eroded by subsequent applications.

15.55 The significant difference between the Overlay of the plan change and the Residential 2A zone is the level of intensity and scale of development. The Residential 2A zone typically allows lots and densities of 1 unit per 1000m² (and down to 1 unit per 550m² as a Discretionary activity for more intensive developments) whereas the plan change seeks to place 528 units over the total 13.9 hectares (1 unit per 260m² of area). This difference is discussed in section 11 of this report.

15.56 While recognising this significant difference, the general aims of both the Overlay and the Residential 2A zone are similar in that both seek to protect existing bush areas. The difference is that the Overlay achieves this through the identification of public space, rather than as part of a private but protected space as in the Residential 2A zone. When examining the elements which each type of method is seeking to achieve, with the exception of intensity, the aims are similar. The adoption of Residential 2A will not guarantee that the Horse Paddock remains undeveloped, rather it is likely that this would be developed for residential purposes, but with single or two storey homes on larger sites (up to 9m in height as a Discretionary activity). Such an approach reduces potential visual effects of views across and into the site and is of a similar character to development in the surrounding residential areas. The built form likely from the Overlay will be that of an intense cluster of buildings confined to a small area (namely the Horse Paddock) with large areas of public bush clad space that provide a visual buffer to surrounding areas.

15.57 The matter of the difference between the methods has also been examined by Landscape Architect, Mr S Brown in his review of landscape issues. He concludes that there will be elements of visual loss of open space areas irrespective of whether the Residential 2A or Overlay is applied. He also considers that the Overlay in its application extends bush areas across the site and interrelates these areas to adjacent natural areas as well as to the coastline. It is accepted that the proposed level of development in the plan change may appear contradictory to adjacent character buildings in the area, however this is softened by the extensive areas of retained vegetation within the public space network. Overall he considers the development would remain visually separate from nearby residential areas and most of the mixed use development would remain - as at present - reasonably secluded and discreet.

15.58 He also importantly highlights the linkage between the residential area and the development of the Refinery site noting given the likelihood of strong synergies between the proposed residential and commercial development, potential future ferry linkage to the existing wharf, and the obvious public benefit to be derived from consolidation of most of the Estate within a future reserve, it is therefore considered that the proposed concentration of development is both more appropriate and appealing (in terms of landscape and amenity values) than adoption of a more traditional, suburban, approach to development. Such an approach would spread lower level, lower density, development more homogeneously across the Chelsea Estate, but in so doing would destroy the strong naturalcultural counterpoint inherent in the current contrast between the existing Refinery and its park-land setting.

15.59 I concur with these viewpoints and note that it is this interrelationship that is important as well as the relationship to the surrounding area and its character. The application of 2A zoning does not necessarily achieve such an interrelationship although it is accepted the resulting built form will be less strident. A Residential 2A zone will not provide a level of development that may

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complement the Refinery use and readaptation by means of a core of integrated residential development within close proximity to this centre as well as a potential ferry service. A similar argument applies to the application of Residential 2B zoning and Residential 3 zoning. It is accepted that the Residential 2A zone can be modified to include areas of public open space and this would have the effect of reducing visual impacts, however the integration with the Refinery buildings and their use is still a very relevant consideration, and is unlikely to be appropriately addressed with the application of this zone.

15.60 The application of Residential 2A (or 2B) over the total site will not, as noted in the review of Mr S Brown, result in a complementary configuration of buildings with the heritage Refinery buildings.

15.61 I concur with Mr Brown’s conclusion that it is considered that the configuration of development proposed (in the Overlay) is acceptable in terms of both its strategic and more localised landscape, amenity and natural character implications. It is not considered that the application of a Residential 2A zone will necessarily achieve appropriate planning and resource management outcomes relevant to this site. I consider it appropriate however, that the Overlay be modified to give an element of recognition to the scale of buildings as perceived from adjoining land and to reduce potential visual effects. This can be achieved by the application of height limits reducing in height westward across the site, so that the majority of development on the western area of the Horse Paddock is no greater than two storeys, and greater levels of intensity occur on the lower slopes of the site east of the Horse Paddock.

15.62 This is a unique site and it is important that residential development, including that of the western area, is treated in conjunction with the readaptation and reuse of the Refinery buildings as a whole. This is not to say that the principal element of relating the more significant areas of vegetation and site features that contribute to its inherent character and particular environmental values is ignored. Rather that the potential effects of development upon the adjacent vegetation and coastal environment or of views to the site, can be addressed through the application of an Overlay or similar method which allows for a level of residential development that provides support for the ongoing use of the readapted heritage buildings.

15.63 Overall it is considered that the application of an Overlay with a planned integration with the natural site characteristics as well as with the readapted Refinery buildings and modifications to the method proposed, is appropriate and has some advantages over the application of a Residential 2A zone.

15.64 I concur with Mr Brown’s conclusion that while it is accepted that the Plan Change proposal would inevitably result in appreciable change to the landscape character and overall appearance of the Chelsea Estate, it is considered that the configuration of development proposed is acceptable in terms of both its strategic and more specific / localised landscape, amenity and natural character implications.

15.65 For these reasons I do not support the application of Residential 2A or 2B zoning or similar over either the Horse Paddock area or the total site.

Recommendation

15.66 That submissions

1-2 S Abramowitz 2-2 Mark Bailey 3-2 WilliamGeorge Baker
4-2 Ryan Bradley and Jonathan Mulholland 5-2 Judith Brown 6-2 Deborah Brooks
7-2 Marylyn Browne 8-2 Patrick Browne 9-2 Michelle Bulpin
10-2 Robert Bulpin 11-2 Glen William Bulpin 12-2 Clive Bulpin
13-2 Conrad Cheong 14-2 Hon Ken Cheong 15-2 Fiona Childs
16-2 Carolyn Cordes 17-2 Scott Cordes 18-2 Linda Cotton
19-2 Angela Cunniffe 20-2 Anthony Davey 21-2 Greg Davis
22-2 Vernon Dawson 23-2 Julie Fincham and Merv Prince 24-2 Serena Fountain
28-2 Anneke Hayman 29-2 Phil Henderson 30-2 Elizabeth Jowsey
31-2 Carol Krebs 32-2 Edwin Krebs 33-2 Amir Lahav

KP Associates Ltd: Keith Phyn
be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.
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be accepted in part to the extent that the decision be deferred either until further information
is provided addressing the areas of revision recommended in this report or that the Council
introduce a variation to the plan change incorporating such areas of revision.

15.68 That submissions

be accepted in part to the extent that the decision be deferred either until further information
is provided addressing the areas of revision recommended in this report or that the Council
introduce a variation to the plan change incorporating such areas of revision.
15.69 That submissions

129-1 Lane and Betty Abel 130-2 Beverley Bain 132-1 Paul Barton
161-1 Virginia Carpenter 178-2 Richard and Trish Davison 195-2 Edward William Frankham
261-1 Oliver Knight 452-3 Mrs D A Wernham 455-3 Janet and Douglas Williamson

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.70 That submissions

133-1x56 Chelsea Estate New Zealand Pty 133-1x113 New Zealand Sugar
269-1x625 Chelsea Estate New Zealand Pty 269-1x170 New Zealand Sugar
163-1x193 Chelsea Estate New Zealand Pty 163-1x127 New Zealand Sugar
258-3x480 Chelsea Estate New Zealand Pty 258-3x155 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.71 That submissions

133-1 Dr Juliet Batten 269-1 Michelle Mayn 163-1 Donald J Chapman
258-3 Jeanne Hutchinson

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.72 That submissions

315-2x413 Chelsea Estate New Zealand Pty 315-2x149 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.73 That submissions

315-2 Patricia Hall

be declined in part to the extent that the decision be deferred either until either further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.74 That submissions

177-2x263 Chelsea Estate New Zealand Pty 177-2x134 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.
15.75 That submissions
177-2 Michael Davison

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.76 That submissions
202-2x354 Chelsea Estate New Zealand Pty 202-2x143 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.77 That submission
202-2 William Gairdner

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.78 That submissions
252-2x426 Chelsea Estate New Zealand Pty 252-2x150 New Zealand Sugar Oppose

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.79 That submission
252-2 Roger Herrick

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.80 That submissions
345-1x643 Chelsea Estate New Zealand Pty 345-1x172 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.81 That submission
345-1 Leanne Menzies

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.
15.82 That submissions

449-1x100 Chelsea Estate New Zealand Pty   449-1x207 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.83 That submission

449-1 Marilyn Waring

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.84 That submissions

461-1x107 Chelsea Estate New Zealand Pty   461-1x215 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.85 That submission

461-1 David Yetton

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.86 That submissions

169-2x224 Chelsea Estate New Zealand Pty   169-2x130 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.87 That submission

169-2 Stephen Collett

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.88 That submission

174-1 Joanne Cowie

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.
15.89 That submissions
376-1x765 Chelsea Estate New Zealand Pty 376-1x184 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.90 That submission
376-1 Roger Parsons

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.91 That submissions
419-2x918 Chelsea Estate New Zealand Pty 419-2x199 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.92 That submission
419-2 Bruce Stainton

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.93 That submissions
425-2x931 Chelsea Estate New Zealand Pty 425-2x201 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.94 That submission
425-2 Rob and Joyce Stilwell

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.95 That submissions
162-1x185 Chelsea Estate New Zealand Pty 162-1x126 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.
provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.96 That submission

162-1 Leanne Catchpole

**be declined in part** to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.97 That submissions

164-5x297 Chelsea Estate New Zealand Pty 164-5x137 New Zealand Sugar
316-5x199 Chelsea Estate New Zealand Pty 316-5x127 New Zealand Sugar

**be accepted in part** to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.98 That submissions

164-5 Michael Elliot
316-5 Chelsea Regional Park Association- Michael B Elliott 316-5x233 Craig Smith
316-5x235 Paul Summers 316-5x236 Royal Forest and Bird Protection Society
316-5x238 Residents Association

**be accepted in part** to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

**TOPIC 3**  
**WESTERN PORTION OF HORSE PADDock BE OPEN SPACE**

15.99 The following submissions seek that the key importance of the western portion of the Horse Paddock as part of a linkage of publicly owned spaces along the northern edge of the Waitemata Harbour be recognised in the District Plan.

19-4 Angela Cunniffe 19-4x245 Chelsea Estate New Zealand Pty Oppose
19-4x1324 New Zealand Sugar Oppose

120-4 Diane Louise Spriggs 120-4x913 Chelsea Estate New Zealand Pty Oppose
120-4x199 New Zealand Sugar Oppose

154-2 Gwen Butler 154-2x170 Chelsea Estate New Zealand Pty Oppose
154-2x124 New Zealand Sugar Oppose

203-4 Kevin John Andrew 204-4x46 Chelsea Estate New Zealand Pty Oppose
204-4x112 New Zealand Sugar Oppose

205-4 Kevin Beesley 205-4x68 Chelsea Estate New Zealand Pty Oppose
205-4x114 New Zealand Sugar Oppose

206-4 V Beesley 206-4x74 Chelsea Estate New Zealand Pty Oppose
206-4x115 New Zealand Sugar Oppose

207-4 A J Booth 207-4x99 Chelsea Estate New Zealand Pty Oppose
207-4x117 New Zealand Sugar Oppose

208-4 H E Booth 208-4x105 Chelsea Estate New Zealand Pty Oppose
208-4x118 New Zealand Sugar Oppose

209-4 Graeme T Brayshaw 209-4x126 Chelsea Estate New Zealand Pty Oppose
209-4x120 New Zealand Sugar Oppose

210-4 Keith Walter Cutten 210-4x252 Chelsea Estate New Zealand Pty Oppose
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15.100 The following submissions seek that the horse paddock (and surrounding bush) be retained as open space or reserve. Various submissions include a variety of similar reasons and relief including, in brief:

- Retained as open space or reserve
- Opposing any development on the historic horse paddock, greater protection of Chelsea Park Trusts right of refusal to purchase the land undeveloped
- The horse paddock and tennis court areas should be retained as open space
- In the alternative, provide for a much lower density of residential development with protection for the horse paddock and surrounding bush as open space
- That the horse paddock and surrounding bush be kept as they are - assist the Trust to purchase the land; is against development of the horse paddock
- Reduce the development to the existing commercial/industrial complex only
- Amend the plan change to designate the horse paddock as open space
- Retain the horse paddock and surrounding bush as open space
- Paddock and surrounding bush area with all mature trees and continuous native bush protected and a guaranteed access through the area for walkers
- Deletion of the horse paddock from the development plan
- Horse paddock, cliff tops and surrounding bush to be retained as open space
- That the plan change be refused as far as the Horse Paddock is concerned and that this area be linked to the Chelsea Park Estate Trust and remain an open area
- Replace with Regional Park
- NSCC to purchase the entire estate for a Heritage Park and redevelop the historical buildings as part of a civic/cultural development/museum/theatre/cafes/zoo
- Designate site as an area of outstanding natural beauty and retain the site as a park
- Provide for the site to be preserved as a recreational area
- Purchase the land as a heritage park
- That Council acquire the land to retain as Open Space to retain the integrity of the historic heritage of the Chelsea
- Land to be purchased by Council and Trust so it can remain as is and be enjoyed by future generations
• Existing open land to be retained with one or two additional buildings allowed for public use eg hall hire, art
• Preserve the area as a wildlife sanctuary
• The horse paddock and surrounding bush should be retained as open space and form a contiguous part of the Chelsea Park Estate through to Soldiers Bay
• Rezone site as a ‘park reserve’; Chelsea to have existing use rights while they own it to carry out their business; enable the land to be available for acquisition as a public space
• The sugar works buildings to be either removed should it close, or become for example a museum or art centre
• Council to work towards establishing reserve status retaining existing buildings albeit with different future activities
• NSCC must protect its few remaining areas of coastal land and restore them as coastal bush sanctuaries
• Potential negative effects on a special piece of coastal bushland need to be weighed against the wider community requirements
• Provide for integrated ecological management to the Soldiers Bay catchment
• Use the grounds and coastal area for hospitality facilities, cafes and restaurants and perhaps a ‘community service’ area including arts and crafts.
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<td>Rob and Joyce Stilwell</td>
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15.101 The following submissions seek a variety of measures to provide for the protection of the horse paddock as open space, including retaining as open space and public park; reduce the development to the existing commercial/industrial complex only; protect existing wildlife, all walkways, bush and ponds; all funding/other assistance should be given to protecting it as open space; open space along the sea side should be kept public; the whole Chelsea Estate area should be developed as a great park; NSCC must protect its few remaining areas of coastal land and restore them as coastal bush sanctuaries, and potential negative effects on a special piece of coastal bushland need to be weighed against the wider community requirements.
15.102 The following submissions seek that if allowed, the Horse Paddock should remain as a public park and the remainder of the development should be of a lower density and height, not 4-8 storeys.

489-2 John Mee 489-2x642 Chelsea Estate New Zealand Pty Oppose
489-2x172 New Zealand Sugar Oppose

Comment

15.103 The concerns of the submitters are noted, and clearly the creation of a park or reserve over the Horse Paddock area will significantly reduce (or remove) potential visual effects and changes in character to the area likely to arise from its development as proposed by the plan change, or indeed any other development options, and provide a secure means of protecting bush and the various natural attributes of this land.

15.104 It is however not considered a fair or reasonable process to zone private land for such purposes, or in such a way that it cannot be used for any reasonable purpose (section 85 of the Act). Nor is it normally reasonable (or legally defensible) to simply say that no development can occur on any privately owned property.

15.105 The Council has options to purchase the property as reserve and to use the various annual plan and Long Term Community Plan processes under the Local Government Act 2002 to do so. Council may wish to give consideration to this approach, however it is considered this is outside the scope of this hearing and plan change process.

15.106 That matter aside, the Proposed Plan Change, noting the contentious matter of the levels and intensity of development as raised by a number of submitters, does provide an extensive array of public open space throughout the site, which serves to protect and retain existing vegetation. This includes identifying areas around the coastal margins as public open space. It also has the potential to provide for areas for recreation, and for pedestrian and cycle routes. It also serves as a visual vegetated buffer between activities within and from outside the site.

15.107 The Overlay also defines the extent and location of public space incorporating existing vegetation in a form that promotes linkages to both the coastal vegetated area and the adjacent significant wildlife areas. This includes the linkages to the coastal escarpment, and to those significant ecological and vegetated areas west and north of the site including that of the stream vegetation of Duck Creek, the extension of Kauri Park Site of Significant Wildlife Interest area on the Chelsea Estate.

15.108 The issues and effects on the natural vegetated bush areas and coastal areas are canvassed in section 11 of this report and also in topic 4 of these recommendations. Intensity of development and heights of buildings is also canvassed in section 11 of this report and in topics 5 of these recommendations and should be read in conjunction with this recommendation. It is concluded that subject to a revision of both policy and criteria giving clearer direction as to function and means of retaining existing key vegetation areas, retaining open space along the coastal areas, as well as providing key links to adjoining areas and buffer areas, the plan change can provide an appropriate means for creating linkages between the coastal environment and the vegetated area within and adjoining the plan change area.

Recommendation

15.109 That submissions
be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.110 That submissions

121-5 Harvey White 121-5x236 Birkenhead Residents Assn 123-4 Margaret Williamson
124-3 Soo-Won Yu 124-3x237 Birkenhead Residents Assn 126-1 Alison Benison
127-2 Elizabeth Caffin 127-2x216 Cliff Mason 135-2 Pam Mullins Kindergarten
136-1 Lester Blomfield 140-1 Kylie Atiken 145-2 Kay Macfarlane
140-1x216 Cliff Mason 146-1 Philip Barrowcliffe 146-1x217 Cliff Mason
147-2 Alistair C Boroughs 148-2 Susan Brotherston 149-2 Lorraine Adams
153-2 N A and G W A Bush 155-2 Karl Burnett 159-2 C E Cameron
160-2 Rose Carlyle 169-3 Stephen Collett 172-1 Helen Coutts
172-1x221 Dr Shirley Julich 172-1x230 Penny Hext 174-1 Joanne Cowie
175-1 Mr and Mrs Cripps 173-1 Patricia Love 182-2 Reuben Van Dorsten
183-2 Edward Dowding 184-2 Gregory Drummond and Lallit Chandra
186-1 Peter Edmonds CHERPA
188-2 Colin Ellis 189-1 Clare Elton 190-1 Peter Featherstone
Commodore, Chelsea Bay Yacht Club
191-2 Ben Field 191-2x233 Penny Hext 192-1x233 Dr Shirley Julich
194-2 Fiona and Rik Flowerday 194-2x217 Cliff Mason 194-2x233 Penny Hext
194-2x234 Dr Shirley Julich 195-1 Edward William Frankham 196-2 Gabrielle Fraser
197-1 M P and S P Galbraith 198-3 Sandra Gardner 199-2 Martin Gairdner
248-1 Matthew Glasgow 256-3 Carol Hosking 259-1 Amanda James
259-1x221 Dr Shirley Julich 259-1x230 Penny Hext 262-1 Charlotte Knott
263-2 Arie and Carmen i'Ami 263-3 Arie and Carmen i'Ami 263-3x233 Penny Hext
263-3x323 Dr Shirley Julich 266-2 Dougall L Love 268-1 Bruce and Evelyn Marsh
270-2 Alan Bain Macfarlane 277-1 Erica Ansley 277-1x217 Cliff Mason
302-2x238 Birkenhead Residents Assn 313-2 Rhys Grant
329-2 Tania Klommens 335-2 Rewa Lewis 337-3 Rhys Grant
329-2x642 Chelsea Estate New Zealand Pty 489-2x172 New Zealand Sugar

KP Associates Ltd: Keith Phyn
15.111 The following submissions seek that a range of measures be applied to protect all existing bush and native vegetation and ecosystems. These include: that no native vegetation or exotic trees with botanical/historical significance should be sacrificed for the development; concentrate on preserving existing parkland and bush; retain all existing open space and vegetated areas; retain the horse paddock and surrounding bush as open space; in the alternative, apply Residential 2A zoning to the horse paddock and surrounding bush area, with all mature trees and continuous native bush protected and a guaranteed access through the area for walkers; predator fenced sanctuary suggested as an alternative; the sugar works bush is a rare native green belt that should be preserved; avoid fragmentation of hinterland ecosystems from coastal ecosystems at all costs.

be declined.

**TOPIC 4  PROTECTION OF BUSH AND TREES**

133-2 Dr Juliet Batten 133-2x57 Chelsea Estate New Zealand Pty Oppose 133-2x113 New Zealand Sugar Oppose

190-5 Peter Featherstone Commodore, Chelsea Bay Yacht Club 190-5x316 Chelsea Estate New Zealand Pty Oppose 190-5x139 New Zealand Sugar Oppose

140-3 Kyle Aitken 140-3x11 Chelsea Estate New Zealand Pty Oppose 140-3x109 New Zealand Sugar Oppose 140-3x225 Tree Council Support 140-3x235 Cliff Mason Support

165-2 Marjorie and Trevor Clarke 165-2x215 Chelsea Estate New Zealand Pty Oppose 165-2x129 New Zealand Sugar Oppose

294-1 Stephen Cook 294-1x228 Chelsea Estate New Zealand Pty Oppose 294-1x130 New Zealand Sugar Oppose

264-2 Robyn Laurenson 264-2x564 Chelsea Estate New Zealand Pty Oppose 264-2x164 New Zealand Sugar Oppose

302-3 John G Elliott 302-3x301 Chelsea Estate New Zealand Pty Oppose 302-3x138 New Zealand Sugar Oppose 302-3x238 Birkenhead Residents Assn Support

304-1 Annie Featherstone 304-1x309 Chelsea Estate New Zealand Pty Oppose 304-1x138 New Zealand Sugar Oppose
The following submission seeks that if Refinery is to be closed that the area to revert to native bush.

Comment

The issues and matters identified in the submissions are noted and have been examined in section 11 of this report. The issues and areas of concern are similar to those matters concerning the creation of a reserve over the area of the Horse Paddock as discussed in Topics 2 and 3 above.

Although vegetation cover is varied in terms of its ecological significance it is clearly important both visually and as a natural environment within the plan change area itself, as well as in its linkage to adjacent sites and surrounding natural environment. Sites of Significant Wildlife Interest adjoin and partially overlap into the site.

This natural vegetated environment also includes the significant coastal escarpment along the western foreshore, the extensive area of Kauri Park to the west, as well as the vegetated areas adjacent to Duck Creek. The coastline is also identified in the District Plan as a Coastal Conservation area, and the coastline for the length of the site is defined as a Regionally Significant landscape. The North Shore Ecological Survey identifies the south facing coastal cliff as ecologically significant. Overall the combined nature of the bush and vegetated site create a significant visual and natural character that should be largely protected and retained.

The plan change seeks to retain the majority of vegetation cover by its inclusion within the defined open space network as identified in the Overlay (including coastal areas) and by confining residential and other development to existing open space areas (noting some encroachment of defined building footprints into bush canopy areas) and to the industrial developed area of the Refinery site proper.

This is complemented by the inclusion of various policies and criteria applying to development including requirements relating to landform, vegetation and landscaping, and their protection. These aspects are fully examined in section 11 of this report. It is concluded that areas of significant native bush within or adjoining the site should be retained and/or not compromised by the development in terms of their long term protection and that areas of significant ecological interest or habitat value shall be protected. This includes those areas of significant (in terms of visual and ecological value) coastal vegetation which should, where practicable, be incorporated in coastal reserves and should be protected and enhanced.

Although the plan change includes the identification of separate areas of public space to incorporate such vegetated areas there are some key limitations in its application.

It is considered that there should be more specific reference in the plan change provisions and the Overlay, to creating a sufficient buffer to the adjoining coastal escarpment vegetation, the identification of specific areas of bush, exotic and native, in key areas such as that cited with the access way (north western leading to the Manager’s residence) for retention and protection, and measures to address construction and discharge effects on these areas.

There are also some shortcomings as to how such vegetation will be maintained and protected within this area. In addition, in relation to discretionary activity it is not clear as to the extent that the public space and vegetation therein can be altered. The central matter is the status that such areas of public space are given, for instance will they be a public reserve area or privately owned such as a jointly owned area of communal space where vegetation
and the natural environment are protected. While the section 32 material implies that a number of approaches can be applied, this aspect needs to be clarified in order to secure the retention and protection of the remaining vegetated and natural areas.

15.122 It is also desirable that additional reference to the protection and ongoing protection of the vegetated areas be contained in the limited discretionary activity criteria in 15.7.5 of the plan change. Notations should also be included on the Overlay to define key elements of vegetation where such protection is paramount.

15.123 Provided that these measures are undertaken it is considered that the majority of concerns raised by submissions can be addressed.

Recommendation

15.124 That submissions be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.125 That submissions be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 5  INTENSITY OF THE DEVELOPMENT

15.126 The following submissions seek that the layout of the western portion of the land in the proposed Overlay Plan be amended to reduce the intensity of development in ways that take account of the heritage values pertaining to the land and to the relationship of the land to the Waitemata Harbour.

19-3  Angela Cunniffe  19-3x244 Chelsea Estate New Zealand Pty Oppose
19-3x1323 New Zealand Sugar Oppose
19-3x1323 New Zealand Sugar Oppose
120-3  Diane Louise Spriggs  120-3x912 Chelsea Estate New Zealand Pty Oppose
120-3x199 New Zealand Sugar Oppose
154-1  Gwen Butler  154-1x169 Chelsea Estate New Zealand Pty Oppose
154-1x124 New Zealand Sugar Oppose
154-1x124 New Zealand Sugar Oppose
203-3  Kevin John Andrew
204-3 Graeme Francis Banks  204-3x45 Chelsea Estate New Zealand Pty Oppose
204-3x112 New Zealand Sugar Oppose
205-3 Kevin Beesley  205-3x67 Chelsea Estate New Zealand Pty Oppose
205-3x114 New Zealand Sugar Oppose
206-3 V Beesley  206-3x73 Chelsea Estate New Zealand Pty Oppose
206-3x115 New Zealand Sugar Oppose
207-3 A J Booth  207-3x98 Chelsea Estate New Zealand Pty Oppose
208-3 H E Booth  208-3x117 New Zealand Sugar Oppose
208-3x104 Chelsea Estate New Zealand Pty Oppose
208-3x118 New Zealand Sugar Oppose
209-3 Graeme T Brayshaw  209-3x125 Chelsea Estate New Zealand Pty Oppose
209-3x120 New Zealand Sugar Oppose
210-3 Keith Walter Cutten  210-3x251 Chelsea Estate New Zealand Pty Oppose
210-3x133 New Zealand Sugar Oppose
211-3 Ian Goldingham  211-3x371 Chelsea Estate New Zealand Pty Oppose
211-3x145 New Zealand Sugar Oppose
212-3 J Goldingham  212-3x377 Chelsea Estate New Zealand Pty Oppose
212-3x145 New Zealand Sugar Oppose
213-3 Michael John Greig  213-3x397 Chelsea Estate New Zealand Pty Oppose
213-3x147 New Zealand Sugar Oppose
214-3 Kelvin Hill  214-3x436 Chelsea Estate New Zealand Pty Oppose
214-3x151 New Zealand Sugar Oppose
215-3 Diane Humphreys  215-3x468 Chelsea Estate New Zealand Pty Oppose
216-3 Keith S Humphreys  216-3x474 Chelsea Estate New Zealand Pty Oppose
216-3x154 New Zealand Sugar Oppose
217-3 L A Hutchison-Booth  217-3x484 Chelsea Estate New Zealand Pty Oppose
217-3x156 New Zealand Sugar Oppose
218-3 Max G Jamieson  218-3x507 Chelsea Estate New Zealand Pty Oppose
218-3x158 New Zealand Sugar Oppose
219-3 Brendan Peter Lamain  219-3x558 Chelsea Estate New Zealand Pty Oppose
219-3x163 New Zealand Sugar Oppose
220-3 Michael Sheridan  220-3x890 Chelsea Estate New Zealand Pty Oppose
221-3 Gerald W Watson  221-3x101 Chelsea Estate New Zealand Pty Oppose
221-3x209 New Zealand Sugar Oppose
222-2 Carol Sanders  Civic Trust  222-2x210 Chelsea Estate New Zealand Pty Oppose
222-2x128 New Zealand Sugar Oppose
223-1 Eric Bowater  223-1x113 Chelsea Estate New Zealand Pty Oppose
223-1x119 New Zealand Sugar Oppose
224-1 Margaret Bowater  224-1x115 Chelsea Estate New Zealand Pty Oppose
224-1x119 New Zealand Sugar Oppose
225-1 Kate Drennon  225-1x284 Chelsea Estate New Zealand Pty Oppose
225-1x136 New Zealand Sugar Oppose
226-1 Michael Foot  226-1x330 Chelsea Estate New Zealand Pty Oppose
226-1x140 New Zealand Sugar Oppose
227-1 Mrs Stella I Forbes  227-1x332 Chelsea Estate New Zealand Pty Oppose
227-1x141 New Zealand Sugar Oppose
228-1 Keith Locke MP  228-1x584 Chelsea Estate New Zealand Pty Oppose
228-1x166 New Zealand Sugar Oppose
229-1 Daphne and Alan Kent  229-1x520 Chelsea Estate New Zealand Pty Oppose
229-1x159 New Zealand Sugar Oppose
230-1 Shelley Kirton  230-1x527 Chelsea Estate New Zealand Pty Oppose
230-1x160 New Zealand Sugar Oppose
231-1 David McIntosh  231-1x631 Chelsea Estate New Zealand Pty Oppose
231-1x171 New Zealand Sugar Oppose
232-1 Mark and Jenny Mercer  232-1x644 Chelsea Estate New Zealand Pty Oppose
232-1x172 New Zealand Sugar Oppose
233-1 John J Merton  233-1x647 Chelsea Estate New Zealand Pty Oppose
233-1x172 New Zealand Sugar Oppose
234-1 Jacqueline Eleanor Ottaway  234-1x761 Chelsea Estate New Zealand Pty Oppose
234-1x184 New Zealand Sugar Oppose
235-1 Jean Parley  235-1x763 Chelsea Estate New Zealand Pty Oppose
235-1x184 New Zealand Sugar Oppose
236-1 J Patman  236-1x766 Chelsea Estate New Zealand Pty Oppose
236-1x184 New Zealand Sugar Oppose

KP Associates Ltd: Keith Phyn
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15.127 The following submission seeks that the western area layout must be amended to reduce the intensity of development - better have none as this is part of the public owned open space in the North Shore.

15.128 The following submissions seek that the layout for the western and eastern portion of the land in the proposed Overlay Plan be amended to reduce the intensity of development in ways that take account of the heritage values pertaining to the land and to the relationship of the land to the Waitemata Harbour.

15.129 The following submission seeks that only small low key development occur in the Horse Paddock.

KP Associates Ltd: Keith Phyn
15.130 The following submissions seek that the intensity and/or density of development and/or number of residential units be considerably reduced.

4-3 Ryan Bradley and Jonathan Mulholland 4-3x122 Chelsea Estate New Zealand Pty Oppose
4-3x1201 New Zealand Sugar Oppose

19-6 Angela Cunniffe 19-6x247 Chelsea Estate New Zealand Pty Oppose
19-6x1326 New Zealand Sugar Oppose

120-6 Diane Louise Spriggs 120-6x915 Chelsea Estate New Zealand Pty Oppose
120-6x199 New Zealand Sugar Oppose

126-3 Alison Benison 126-3x82 Chelsea Estate New Zealand Pty Oppose
126-3x116 New Zealand Sugar Oppose

134-2 Tracey Begovic 134-2x78 Chelsea Estate New Zealand Pty Oppose
134-2x115 New Zealand Sugar Oppose

150-2 Pearl Buchanan 150-2x151 Chelsea Estate New Zealand Pty Oppose
150-2x123 New Zealand Sugar Oppose

197-3 M P and S P Galbraith 197-3x357 Chelsea Estate New Zealand Pty Oppose
197-3x143 New Zealand Sugar Oppose

200-4 Marjorie Gairdner 200-4x346 Chelsea Estate New Zealand Pty Oppose
200-4x142 New Zealand Sugar Oppose

200-5 Marjorie Gairdner 200-5x347 Chelsea Estate New Zealand Pty Oppose
200-5x142 New Zealand Sugar Oppose

203-6 Kevin John Andrew 203-6x19 Chelsea Estate New Zealand Pty Oppose
203-6x109 New Zealand Sugar Oppose

204-6 Graeme Francis Banks 204-6x48 Chelsea Estate New Zealand Pty Oppose
204-6x112 New Zealand Sugar Oppose

205-6 Kevin Beesley 205-6x70 Chelsea Estate New Zealand Pty Oppose
205-6x114 New Zealand Sugar Oppose

206-6 V Beesley 206-6x76 Chelsea Estate New Zealand Pty Oppose
206-6x115 New Zealand Sugar Oppose

207-6 A J Booth 207-6x101 Chelsea Estate New Zealand Pty Oppose
207-6x118 New Zealand Sugar Oppose

208-6 H E Booth 208-6x107 Chelsea Estate New Zealand Pty Oppose
208-6x118 New Zealand Sugar Oppose

209-6 Graeme T Brayshaw 209-6x128 Chelsea Estate New Zealand Pty Oppose
209-6x120 New Zealand Sugar Oppose

210-6 Keith Walter Cutten 210-6x254 Chelsea Estate New Zealand Pty Oppose
210-6x133 New Zealand Sugar Oppose

211-6 Ian Goldingham 211-6x374 Chelsea Estate New Zealand Pty Oppose
211-6x145 New Zealand Sugar Oppose

212-6 J Goldingham 212-6x380 Chelsea Estate New Zealand Pty Oppose
212-6x145 New Zealand Sugar Oppose

213-6 Michael John Greig 213-6x400 Chelsea Estate New Zealand Pty Oppose
213-6x147 New Zealand Sugar Oppose

214-6 Kelvin Hill 214-6x439 Chelsea Estate New Zealand Pty Oppose
214-6x151 New Zealand Sugar Oppose

215-6 Diane Humphreys 215-6x471 Chelsea Estate New Zealand Pty Oppose
215-6x155 New Zealand Sugar Oppose

216-6 Keith S Humphreys 216-6x477 Chelsea Estate New Zealand Pty Oppose
216-6x155 New Zealand Sugar Oppose

217-6 L A Hutchison-Booth 217-6x487 Chelsea Estate New Zealand Pty Oppose
217-6x156 New Zealand Sugar Oppose

218-6 Max G Jamieson 218-6x510 Chelsea Estate New Zealand Pty Oppose
218-6x158 New Zealand Sugar Oppose

219-6 Brendan Peter Lamain 219-6x561 Chelsea Estate New Zealand Pty Oppose
219-6x164 New Zealand Sugar Oppose

220-6 Michael Sheridan 220-6x893 Chelsea Estate New Zealand Pty Oppose
220-6x197 New Zealand Sugar Oppose

221-6 Gerald W Watson 221-6x101 Chelsea Estate New Zealand Pty Oppose
221-6x209 New Zealand Sugar Oppose

243-6 Robert Waters 243-6x101 Chelsea Estate New Zealand Pty Oppose
243-6x208 New Zealand Sugar Oppose
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The following submissions seek that the intensity and/or density of development and/or number of residential units be considerably reduced in varying ways as highlighted in italics.

**That minimal m2 specs be applied to residential dwellings on the site to prevent propensity for single bedroom apartments**

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Support

**If residential building does go ahead, suggest that it be low density and high class**

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**Requests that density be limited to that allowable in adjacent neighbourhood**

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**A considerably lower density to be applied to the whole Business 9 zone**

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**In the alternative, low density or low impact design residential housing in existing areas of open space**

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<td>Cliff Mason</td>
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**The number of residential dwellings be reduced to a maximum of 288 if residential development is to go ahead**

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**Limit the intensity recognising the unique character of the site and its situation**

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**Reduce density of the development or develop other access ways**

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**In the alternative, allow low to medium density housing with minimum lot size of 900m2**

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**Allow no further development of this site but allow minimum development of residentially zoned areas in the Chelsea Estate complying with the current district plan**

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</table>
Allow only one residential unit per 820m2 on the Chelsea Sugar Refinery land

187-1 Mrs Susan Elias 187-1x292 Chelsea Estate New Zealand Pty Oppose
187-1x137 New Zealand Sugar Oppose

Maximum of 100 units

190-3 Peter Featherstone Commodore, Chelsea Bay Yacht Club 190-3x314 Chelsea Estate New Zealand Pty Oppose
190-3x139 New Zealand Sugar Oppose

Possibly allow some residential use of the 15 hectares but at a lesser scale than proposed

250-1 Julie Fay Hart 250-1x417 Chelsea Estate New Zealand Pty Oppose
250-1x149 New Zealand Sugar Oppose

Reduction of the number and bulk of residential units. Least desirable buildings are apartment buildings and terrace houses. Most acceptable are discreetly placed town houses similar in design to the historic workers cottages on lower Road.

253-6 Penny Hext 253-6x432 Chelsea Estate New Zealand Pty Oppose
253-6x151 New Zealand Sugar Oppose
253-6x238 Birkenhead Residents Assn Support

Support

253-6x240 Dr Heather M Halcrow Nicholson Support

Higher ratio of undeveloped park land compared to developed land. Build higher to provide more park land if

254-2 Peter Hollenstein 254-2x448 Chelsea Estate New Zealand Pty Oppose
254-2x152 New Zealand Sugar Oppose

Reduce the residential and commercial unit densities to a quarter of that proposed

276-3 Craig Ansley 276-3x24 Chelsea Estate New Zealand Pty Oppose
276-3x110 New Zealand Sugar Oppose

Replace high density buildings with fewer but larger homes

279-1 Kerry Armstrong 279-1x30 Chelsea Estate New Zealand Pty Oppose
279-1x110 New Zealand Sugar Oppose

Do not allow any further residential units

319-2 Karen Hines 319-2x443 Chelsea Estate New Zealand Pty Oppose
319-2x152 New Zealand Sugar Oppose

If not possible to preserve as a park, restrict the zoning to Residential 2A Bush Areas, and allow about 40 units with restricted heights

347-5 Margaret Merton 347-5x655 Chelsea Estate New Zealand Pty Oppose
347-5x173 New Zealand Sugar Oppose

Lower density and height for buildings

351-2 Phil Morris 351-2x680 Chelsea Estate New Zealand Pty Oppose
351-2x175 New Zealand Sugar Oppose

Decline the plan change or development amended to provide for only 20-30 properties.
Retain existing zoning or apply more suitable zoning that enhances the property’s coastal location and does not allow such intensive development

Lower the total units in the plan change to 288

Reduce residential units to less than 100

The ratio of units proposed should be decreased by 60%.

Approve the eastern end of the development (288 units)

Reduce the density of the horse paddock development to that of (850m2 per unit)

Comment

15.132 The issues and matters identified in the submissions are noted and have been examined in section 11 of this report. The areas of concern are similar to those matters concerning the seeking of a Residential 2A zoning over the western area as discussed above in topics 2 and 3.

15.133 Although generally the majority of submissions are silent as to the actual level of intensity sought (noting those submissions which seek specific numbers of units on site) the concerns expressed in the submissions focus on the physical effects of the more intensive form of proposed development, such as the manner in which it impacts upon the character and views of this landmark site.

15.134 The intensity of residential development possible under the plan change is defined in the Overlay through a regime of building footprints varying in height from 2 to 4 storeys in the horse paddock area and a total of 29 footprint areas containing 240 units. There are some 288 units located adjacent to the Refinery building, rising from 3 to 8 storeys on the lower flat area of the site. A total of 528 units over the total area is specified in the Overlay (figure 1). Variations on this number are possible however through a Discretionary activity.

15.135 Intensity and density are to a large extent different elements. Intensity relates to the building...
form, scale, height and the number of units in any one building or group of buildings and in any one locality, whereas density is the overall number of units in relation to an area of land, such as the number of units per hectare. Both however impact upon the particular character of any area and potentially impact upon levels of amenity.

15.136 The issue of intensity has been examined in section 11 of this report. As noted in that analysis there will be different effects arising from the different building forms available and the level of parallel methods such as the creation of public space area. For instance a clustered intensive building form, while creating a more intense urban form in one location and the likelihood of greater visual impacts, can also provide the opportunity for greater areas of public space (such as in this case) to offset effects and retain sensitive vegetation and natural areas, and provide areas for connectivity and recreation. On the other hand, with a lower form of building intensity such as suggested in the submissions, spread over a wider area (even at a lower density) and having the advantage of a lesser built form, it is more difficult to provide for the open space. Of course a lower density can be used in conjunction with open space provisions.

15.137 The level of intensity has a considerable bearing on the impacts of traffic, in particular upon the local network. The level of development has been set to achieve an acceptable level of traffic volumes upon the key intersection at the Colonial Rd/Mokoia Road intersection. The review of the traffic analysis as contained in the section 32 material has highlighted a number of shortcomings in this analysis, and confirmation is required as to the suitable level of intensity in order to determine the acceptability of this level of intensity and its impact upon the roading network.

15.138 The conclusions as outlined in section 11 of this report, including those of the landscape review, are that the effects of the intensity and building form created by the plan change are offset to an acceptable level by the accompanying requirements for an extensive level of public space containing and retaining onsite vegetation and providing key open space areas. These include public space around the coastal margins and escarpment. These also provide a buffer to the sensitive vegetation and ecological areas of the site as well as a means of connectivity (pedestrian and cycle as well as recreational) between different activity areas on the site.

15.139 The potential visual effects within and beyond the site are also examined in section 11 and it is concluded that such visual effects are acceptable. However it is considered desirable to re-emphasise the reducing scale of development from an east to west direction over the Horse Paddock area. It is suggested the western area of the Horse Paddock be limited to 8m (two storeys) as a Limited Discretionary activity rising to three and four storeys on the less elevated eastern slopes of this area.

15.140 The impacts of more intensive forms of building are also examined in section 11 of this report. It is concluded that the provisions governing the potential effects upon the heritage buildings, including the manner in which the proposed level of intensity and building form interrelate, require some additional revision of both the policy and criterion proposed in the plan change as well as in the provision of Section 11 (Cultural Heritage) of the district plan. These aspects need to be better interrelated.

15.141 There also needs to be a greater level of direction concerning the requirements for open space, including the retention of key vegetation areas, noting the reliance on this aspect to reduce and address the potential adverse effects of a more intensive housing form. Plan change criteria and the provisions need to give greater emphasis to the protection of the more specific natural elements, including the relationship to the surrounding bush, escarpment vegetation within the public open space areas as well as the nature design and form of buildings to reduce visual impacts.

**Recommendation**

15.142 That submissions

4-3x122 Chelsea Estate New Zealand Pty

4-3x1201 New Zealand Sugar
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be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.143 That submissions

4-3 Ryan Bradley and Jonathan Mulholand

120-3 Diane Louise Spriggs

121-4x236 Birkenhead Residents Assn

131-1 Don Baldivinson

136-2 Lester Blomfield

141-1 Steve and Judith Alexander

142-2 Tracey Begovic

154-1 Maureen Burke

180-2 Brendon De Silva

190-3 Peter Featherstone

197-3 M P and S P Galbraith

200-5 Marjorie Gairdner

204-3 Graeme Francis Banks

206-5 Kevin Beesley

207-3 A J Booth

208-6 H E Booth

213-3 Michael John Greig

214-6 Kelvin Hill

215-3 Diane Humphreys

216-6 Keith S Humphreys

218-3 Max G Jameson

219-3 Brendan Peter Lamain

221-3 Gerald W Watson

223-1 Eric Bowater

226-1 Michael Foot

229-1 Daphne and Alan Kent

230-1 Mark and Jenny Mercer

231-1 Jean Parley

233-1 Alison Savill

235-1 Mark and Jenny Mercer

236-1 Jean Parley

239-1 Alison Savill

242-1 Barbara Wrightson

244-1 Robert Waters

246-5 Zoe Hughes

247-2 Nancy Elizabeth Jackson

247-5 Nancy Elizabeth Jackson

250-1 Mrs P Habgood

253-3 Penny Hext

253-4 Penny Hext

254-2 Peter Hollenstein

258-2 Jeanne Hutchinson

273-2 Nigel Mooney
be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

**TOPIC 6  TRAFFIC AND ROADING INFRASTRUCTURE**

15.144 The following submissions seek that proper consideration is made of the effect of traffic on the local streets and surrounding street networks, including all possible access streets, intersections and main roads.

| Name                        | 19-5x246          | 19-5x1235        | 20-5x814       | 20-5x199       | 134-1x77      | 134-1x115      | 200-6x348     | 200-6x142     | 203-5x18       | 203-5x109     | 204-5x112     | 204-5x89       | 205-5x114     | 205-5x115     | 207-5x100     | 207-5x117     | 208-5x106     | 208-5x118     | 209-5x127     | 209-5x120     | 210-5x253     | 210-5x133     | 211-5x373     | 211-5x145     | 212-5x379     | 212-5x145     | 213-5x399     | 213-5x147     | 214-5x438     | 214-5x151     | 215-5x470     | 215-5x154     | 274-3         | 276-3         | 277-2         | 277-9         | 279-1         | 347-5         | 357-2         | 361-8         | 361-8x239    | 363-1         | 363-1         | 365-1         | 379-2         | 381-1         | 391-2         | 394-2         | 394-5         | 396-2         | 403-3         | 404-1         | 416-1         | 423-1         | 430-3         | 430-7         | 435-1         | 443-1         | 447-1         | 453-2         | 455-4         | 457-3         | 461-2         |
|-----------------------------|------------------|------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Angela Cunniffe             | Chelsea Estate New Zealand Pty | Oppose          | 19-5x246      | New Zealand Sugar | 19-5x1235     | New Zealand Sugar | Oppose        | 120-5x814    | Chelsea Estate New Zealand Pty | Oppose        | 120-5x199     | New Zealand Sugar | Oppose        | 134-1x77      | Chelsea Estate New Zealand Pty | Oppose        | 134-1x115     | New Zealand Sugar | Oppose        | 200-6x348     | Chelsea Estate New Zealand Pty | Oppose        | 200-6x142     | New Zealand Sugar | Oppose        | 203-5x18      | Chelsea Estate New Zealand Pty | Oppose        | 203-5x109     | New Zealand Sugar | Oppose        | 204-5x112     | New Zealand Sugar | Oppose        | 204-5x89      | Chelsea Estate New Zealand Pty | Oppose        | 205-5x114     | New Zealand Sugar | Oppose        | 205-5x115     | New Zealand Sugar | Oppose        | 207-5x100     | Chelsea Estate New Zealand Pty | Oppose        | 207-5x117     | New Zealand Sugar | Oppose        | 208-5x106     | Chelsea Estate New Zealand Pty | Oppose        | 208-5x118     | New Zealand Sugar | Oppose        | 209-5x127     | Chelsea Estate New Zealand Pty | Oppose        | 209-5x120     | New Zealand Sugar | Oppose        | 210-5x253     | Chelsea Estate New Zealand Pty | Oppose        | 210-5x133     | New Zealand Sugar | Oppose        | 211-5x373     | Chelsea Estate New Zealand Pty | Oppose        | 211-5x145     | New Zealand Sugar | Oppose        | 212-5x379     | Chelsea Estate New Zealand Pty | Oppose        | 212-5x145     | New Zealand Sugar | Oppose        | 213-5x399     | Chelsea Estate New Zealand Pty | Oppose        | 213-5x147     | New Zealand Sugar | Oppose        | 214-5x438     | Chelsea Estate New Zealand Pty | Oppose        | 214-5x151     | New Zealand Sugar | Oppose        | 215-5x470     | Chelsea Estate New Zealand Pty | Oppose        | 215-5x154     | New Zealand Sugar | Oppose        | KP Associates Ltd: Keith Phyn |
The following submissions seek that if any development is allowed a traffic plan should be provided that shows no increase in traffic movement through Highbury Shopping Centre, and submit that there is a need to recognise and accommodate the traffic constraints imposed by the capacity of roading.

The following submissions seek that development needs to be carefully examined not only of the traffic impact on Mokoia Road and the Highbury Bypass, but also the significant impact of congestion on Onewa Road, and that any associated traffic problems be promptly dealt with including, for example, allocation of costs for expensive roundabouts.

The following submissions seek that the constraints on traffic imposed by the capacity of the single ingress/egress be recognised and accommodated, and other traffic problems avoided.
or mitigated and that a New Traffic Study be undertaken by an independent organisation and that Colonial Road should not be the sole road traffic route into and out of the development.

164-6  Michael Elliot  164-6x298  Chelsea Estate New Zealand Pty  Oppose
        164-6x137  New Zealand Sugar  Oppose
169-4  Stephen Collett  169-4x226  Chelsea Estate New Zealand Pty  Oppose
        169-4x130  New Zealand Sugar  Oppose
243-7  Robert Waters  243-7x101  Chelsea Estate New Zealand Pty  Oppose
        243-7x209  New Zealand Sugar  Oppose
316-6  Chelsea Regional Park Association
        Michael B Elliott  316-6x200  Chelsea Estate New Zealand Pty  Oppose
        316-6x127  New Zealand Sugar  Oppose
        316-6x233  Craig Smith  Support
        316-6x235  Paul Summers  Support
        316-6x238  Birkenhead Residents Assn  Support

Support

The following submissions seek a variety of relief measures including: decline the plan change until the existing road network and public transport system between the site and the motorway is able to cope with the additional stress of 500-1000 vehicles; upgrade the lower end of Onewa Road before allowing development; commission a 2006 traffic study and simulation model; that a comprehensive transport plan be part of the plan change; limit residential development to peak hour traffic capacity of road intersections, Highbury bypass and Onewa Road corridors, and see that current infrastructure/roading are significantly improved before any such plans are agreed upon; road should not be the only access to the development if the plan change is approved.

244-1  Rod Emmerson  244-1x305  Chelsea Estate New Zealand Pty  Oppose
        244-1x138  New Zealand Sugar  Oppose
265-3  Elva Leaming  265-3x569  Chelsea Estate New Zealand Pty  Oppose
        265-3x164  New Zealand Sugar  Oppose
351-1  Phil Morris  351-1x679  Chelsea Estate New Zealand Pty  Oppose
        351-1x175  New Zealand Sugar  Oppose
360-4  Marilyn Nicholls  360-4x711  Chelsea Estate New Zealand Pty  Oppose
        360-4x179  New Zealand Sugar  Oppose
380-1  Brian and Julia Potter  380-1x779  Chelsea Estate New Zealand Pty  Oppose
        380-1x185  New Zealand Sugar  Oppose
404-3  Daniela Bianca Sava  404-3x868  Chelsea Estate New Zealand Pty  Oppose
        404-3x194  New Zealand Sugar  Oppose
416-3  Sandie Souter  416-3x307  Chelsea Estate New Zealand Pty  Oppose
        416-3x198  New Zealand Sugar  Oppose
448-1  Paulene and Patrick Walsh  448-1x999  Chelsea Estate New Zealand Pty  Oppose
        448-1x207  New Zealand Sugar  Oppose
454-2  Stella Whatman  454-2x102  Chelsea Estate New Zealand Pty  Oppose
        454-2x210  New Zealand Sugar  Oppose

The following submissions seek assurance that the Partnership’s property in Rawene Road won’t be affected or compromised by the Plan Change and in particular more information on traffic effects because of the unsatisfactory entrance to Rawene Road.

469-1  Dennis Gottschalk  469-1x385  Chelsea Estate New Zealand Pty  Support in Part
        469-1x146  New Zealand Sugar  Support in Part

15.150 The following submission seeks assurance that the Partnership’s property in Rawene Road won’t be affected or compromised by the Plan Change and in particular more information on traffic effects because of the unsatisfactory entrance to Rawene Road.

466-1  Peter White  Brook and White Partnership
        466-1x133  Chelsea Estate New Zealand Pty  Oppose
        466-1x121  New Zealand Sugar  Oppose
Comment

15.151 The traffic and transport implications include effects upon the local roading network, impact upon the wider network including Highbury, and the broader strategic transportation implications of the development. These are examined in section 11 of this report. That analysis includes the findings of a review undertaken by independent qualified traffic planner (MWH) of the Traffic Assessment contained in the section 32 material.

8.1 The Traffic Review-MWH conclusion highlights a number of concerns at both the detailed level, such as the potential impacts upon the Colonial Road/Mokoia Road intersection and other key intersections around the Highbury centre, and with policy connotations at the broader transportation policy level. Specific matters that need to be addressed include matters relating to:

- The operational capacity of Colonial Road/Mokoia Road and the need to re-assess the operation of the Colonial Road/Mokoia Road intersection with induced ferry traffic effects.
- The need to reassess other intersections where the development proposals create an increase of 10% in traffic flows on any approach of a junction.
- Undertake a micro-analysis of the key intersections using the Track Transportation model and include the additional traffic effects associated with the Highbury Centre Plan.
- Allowance for the potential existing trips that the site could generate under the current Business 9 Zoning.
- Demonstrate that the proposals are consistent with the current transport policies and objectives as set out in chapter 12 (Transport) of the North Shore District Plan.
- Provide further supporting information to enhance pedestrian and cycle access between the site and the Highbury centre.
- To address any amenity or road safety issues and carparking issues.

15.152 In addition a number of alterations to the provisions are recommended including alterations to 15.3.8 on-site provision for parking, vehicle circulation, buses and ferry infrastructure, provision for cyclists and associated pedestrian movements, alterations to the Comprehensive Management Plan by amending rule 15.6.2.12 requiring consideration as to: the objectives and policies of section 12 (Transportation), including whether the pattern and design of on-site roading serves the demands for parking and the need for vehicle circulation, buses and ferry infrastructure and pedestrian and cyclist movements, and in the proposed section 15.7.5 add matters relating to the following:

- the quantum of on-site parking required by the provisions being consistent with District Plan requirements and how these parking spaces would be physically provided for on site.
- how these parking spaces are to be managed to reflect the different user groups
- on-site bus stopping and turnaround facilities should be incorporated within the design.
- a continuous dedicated pedestrian footpath between the site and Colonial Drive and an assessment of the pedestrian crossing requirements through and between the site and local centres.
- micro-analysis of the key intersections should be undertaken using the future base traffic flows from the Track Transportation model. Including additional traffic effects associated with the Highbury Centre Plan.
- the proposals should incorporate on-site infrastructure to support a ferry service.

15.153 The Traffic Review-MWH notes that Highbury centre is planned to be intensively developed particularly with regards to the re-zoning of Mokoia Road to allow an increase in building height in addition to accommodating new mixed use residential/office and new medium
density housing at the junction of Colonial Road/Highbury Bypass. The traffic and transportation impacts of the plan change proposals should be assessed in the context of the Highbury centre proposals.

15.154 The Traffic Review findings therefore have a number of implications for the manner in which intensity and capacity of the site is addressed. I consider that in particular the intensity threshold (528 residential units) for the level of development proposed in the plan change is based upon the critical assumption that the density levels and expected traffic demand generated can be accommodated by the local road network and in particular the key Mokoia Road/Colonial Road intersection.

15.155 Therefore it is considered necessary that there should be a high level of confidence that this is the case. There is however a level of contention in the Traffic Review-MWH, which questions such confidence. It is therefore considered appropriate that those matters highlighted in the Traffic Review are addressed prior to any decision on the plan change. Such additional appraisal should include traffic impacts in the context of the Highbury Centre.

15.156 Matters relating to the issue of public transport, including the promotion of a ferry service, should be further examined. In particular there is a need to clearly identify, both on the Overlay and within the assessment requirements for limited discretionary activities, the roading layout and access provisions that promote a more sustainable use of bus transport and access to the existing wharf and potential ferry facilities. This should also include key integration with parking facility options and pedestrian linkages to greater development proposed on the whole site as well as pedestrian linkage to existing facilities that traverse the Chelsea estate.

15.157 I consider that unless evidence is presented at the hearing to address such matters the plan change decision should be deferred pending the completion of such information. Alternatively the Council upon completion of such traffic studies could introduce a variation to the plan change to address any changes required.

15.158 Development contributions are applied to development within the site including those related to roading.

Recommendation

15.159 That submissions be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.
be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

### TOPIC 7 QUALITY OF STRUCTURES
The following submissions seek that if housing is to be built a high quality of structure should be maintained and that if the factory must make way for residential housing then fewer more high quality units would be desirable.

245-6 Zoe Hughes 245-6x465 Chelsea Estate New Zealand Pty Oppose
245-6x154 New Zealand Sugar Oppose
246-6 Edmund R Jackson 246-6x496 Chelsea Estate New Zealand Pty Oppose
246-6x157 New Zealand Sugar Oppose
247-6 Nancy Elizabeth Jackson 247-6x502 Chelsea Estate New Zealand Pty Oppose
247-6x158 New Zealand Sugar Oppose
273-6 Nigel Mooney 273-6x676 Chelsea Estate New Zealand Pty Oppose
273-6x175 New Zealand Sugar Oppose
394-6 Lin Rose 394-6x830 Chelsea Estate New Zealand Pty Oppose
394-6x190 New Zealand Sugar Oppose
256-2 Carol Hosking 256-2x456 Chelsea Estate New Zealand Pty Oppose
256-2x153 New Zealand Sugar Oppose

Comment

The matter of the quality of residential development, although somewhat outside the scope of any planning provisions, is inherent in the promotion of good urban design and other planning criteria used to ensure that high levels of amenity prevail.

The plan change requires a resource consent for all buildings. The plan change proposes a regime of urban design policies and criteria. These include various landscaping, building form, streetscape and character and amenity criteria, included in the Limited Discretionary criteria and the Comprehensive Development Plan criteria.

It is considered the provisions of the plan change encourage both a high quality of built form and natural environment, noting the previous comments on required changes.

Recommendation

That submissions be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 8 THAT MAXIMUM ALLOWABLE BUILDING HEIGHT BE REDUCED
15.167 The following submissions seek a reduction, to varying degrees, of the height limits proposed in the plan change. The heights sought vary from no more than 2 storeys in the residential area and 5 storeys in the area surrounding the heritage buildings; restrict all building heights to 2 or at most 3 storeys; limit height to 4 storeys; restrict/reduce height of any possible buildings to 5 storeys or less and prevent apartment buildings of 6-8 storeys. The submissions also include: that any future housing be limited to quality, low-rise apartments; do not agree with 8 storey apartments anywhere and should be 4 storeys max; and prohibit any high buildings such as skyscrapers.

141-5 Steve and Judith Alexander 141-5x16 Chelsea Estate New Zealand Pty Oppose
141-5x109 New Zealand Sugar Oppose
150-3 Pearl Buchanan 150-3x152 Chelsea Estate New Zealand Pty Oppose
150-3x123 New Zealand Sugar Oppose
190-2 Peter Featherstone Commodore, Chelsea Bay Yacht Club 190-2x313 Chelsea Estate New Zealand Pty Oppose
190-2x139 New Zealand Sugar Oppose
200-5 Marjorie Gairdner
265-2 Elva Leaming 265-2x568 Chelsea Estate New Zealand Pty Oppose
265-2x164 New Zealand Sugar Oppose
360-2 Marilyn Nicholls 360-2x709 Chelsea Estate New Zealand Pty Oppose
360-2x178 New Zealand Sugar Oppose
275-3 Rachel Boyle 275-3x119 Chelsea Estate New Zealand Pty Oppose
275-3x119 New Zealand Sugar Oppose
276-4 Craig Ansley 276-4x25 Chelsea Estate New Zealand Pty Oppose
276-4x110 New Zealand Sugar Oppose
277-3 Erica Ansley 277-3x28 Chelsea Estate New Zealand Pty Oppose
277-3x110 New Zealand Sugar Oppose
277-3x217 Cliff Mason Support
347-6 Margaret Merton 347-6x656 Chelsea Estate New Zealand Pty Oppose
347-6x173 New Zealand Sugar Oppose
411-3 K Slykerman 411-3x900 Chelsea Estate New Zealand Pty Oppose
411-3x197 New Zealand Sugar Oppose
416-2 Sandie Souter 416-2x906 Chelsea Estate New Zealand Pty Oppose
416-2x198 New Zealand Sugar Oppose
432-2 Dell and Brent Swift 432-2x956 Chelsea Estate New Zealand Pty Oppose
432-2x203 New Zealand Sugar Oppose
439-3 Eileen Tomsen 439-3x977 Chelsea Estate New Zealand Pty Oppose
439-3x205 New Zealand Sugar Oppose
447-2 Gordon Walker 447-2x995 Chelsea Estate New Zealand Pty Oppose
447-2x207 New Zealand Sugar Oppose

15.168 The following submission seeks limitations as to building height; and size and numbers of apartments should be set in order to control future attempts to erect even larger buildings.

361-6 Dr Heather M Halcrow Nicholson 361-6x717 Chelsea Estate New Zealand Pty Oppose
361-6x179 New Zealand Sugar Oppose
361-6x218 Cliff Mason Support
361-6x239 Birkenhead Residents Assn Support

15.169 The following submission seeks to limit any residential development to Horse Paddock area only (2 storey height limit).

411-2 K Slykerman 411-2x899 Chelsea Estate New Zealand Pty Oppose
411-2x197 New Zealand Sugar Oppose

Comment

15.170 Section 11 of this report has examined various matters concerning potential effects including visual effects, urban design, scale and intensity and impacts upon the heritage buildings of the site.

15.171 All these aspects are impacted to varying degrees by the height of buildings and structures.

15.172 The plan change does not specify an overall height but rather defines various building
footprints in different locations on the site with defined storey heights. Three groups of buildings are defined: firstly, those buildings around and adjacent to the Refinery buildings. These vary from an outer core of 3 storeys to an inner core of 5 storeys with one block at 8 storeys in height. Secondly, a 5 storey residential block, located on the mid-slope immediately west of the Refinery building site and east of the upper elevated horse paddock area. Thirdly, the residential buildings located on the western and elevated sections of the site, including the horse paddock area, where building heights range from 1 to 2 storeys on the westernmost section of the site, increasing to 3 storeys toward the eastern section of this area.

15.173 It is noted the district plan does not specify any definition of storey. It is suggested that in order to give greater understanding and certainty it is suggested consideration be given to specifying actual height limits such as 8m for 2 storeys (given this is the height limit for the standard 1 to 2 storey equivalent in standard residential zones), 10 metres for 3 storeys, 12m for 4 storeys, 15m for 5 storeys and 25m for 8 storeys. The 25m height limit reflects the level of height limits in the district plan Section 11 for the Chelsea Refinery site (Discretionary Activity).

15.174 A visual assessment is included in the section 32 material (REFERENCE) and a review of this assessment has been undertaken by Mr S Brown, Landscape Architect on behalf of the Council. Mr Brown concludes that given the proposed Overlay and method employed, that the potential visual effects generated by the proposed heights are acceptable and will not adversely impact upon views to and from the site.

15.175 It is accepted that lower building heights as such would be less visually intrusive. Mr Brown considers that given the confinement and location of the preferred building footprints with the accompanying requirement for public space as proposed in the plan change, combined with the site particular characteristics including its topography, vegetation cover and separation to adjacent residential development, the height levels proposed will not have unacceptable visual impacts of the site from a variety of viewing locations nor within the site itself.

15.176 The views of the site are considerably restricted by present vegetation, including that of the coastal escarpment vegetation and other vegetated areas across the site and they provide a substantial visual buffer to surrounding areas. These are to be contained within the proposed public space areas defined in the Overlay. I concur with Mr Brown’s viewpoint, however there needs to a greater level of certainty as to the retention of such vegetation within the public space areas. A revision of the criteria and Comprehensive Development Plan requirements is necessary to ensure these public space areas retain sufficient screening, or can be alternatively planted to ensure a screening element is retained and will not be used for future activities through the Discretionary Activity procedure.

15.177 It may also be appropriate to consider some form of specified height limit over the area, in particular near the outer edges of the site where it abuts the adjoining SSWI’s, to ensure there is some form of scaling away from the more sensitive natural edges around the horse paddock area. The plan change provides an element of scaling from west to east across the site, however it is more appropriate to define lower heights over the western areas of the site scaling up to more substantial heights toward the Refinery proper.

15.178 The reference to storey height should be altered to specified height limits two storeys over the eastern section of the horse paddock area, scaling to three and four storeys to the eastern, and lower elevated parts of the site.

15.179 It is considered that some revision to the plan change provisions for the public space area is necessary to ensure that the intensive residential development is screened. Building height limits as suggested should be included.

**Recommendation**

15.180 That submissions

141-5 Steve and Judith Alexander 150-3 Pearl Buchanan 190-2 Peter Featherstone Commodore, Chelsea Bay Yacht Club
be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.181 That submissions

141-5x16 Chelsea Estate New Zealand Pty 141-5x109 New Zealand Sugar
150-3x123 New Zealand Sugar 150-3x152 Chelsea Estate New Zealand Pty
190-2x313 Chelsea Estate New Zealand Pty 190-2x139 New Zealand Sugar
265-2x568 Chelsea Estate New Zealand Pty 265-2x164 New Zealand Sugar
360-2x709 Chelsea Estate New Zealand Pty 360-2x178 New Zealand Sugar
276-2x25 Chelsea Estate New Zealand Pty 276-3x119 New Zealand Sugar
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277-3x28 Chelsea Estate New Zealand Pty 277-3x110 New Zealand Sugar
347-6x656 Chelsea Estate New Zealand Pty 347-6x173 New Zealand Sugar
361-6x17 Chelsea Estate New Zealand Pty 361-6x179 New Zealand Sugar
411-3x900 Chelsea Estate New Zealand Pty 411-3x197 New Zealand Sugar
411-2x197 New Zealand Sugar 411-2x899 Chelsea Estate New Zealand Pty
416-2x906 Chelsea Estate New Zealand Pty 416-2x198 New Zealand Sugar
432-2x956 Chelsea Estate New Zealand Pty 432-2x203 New Zealand Sugar
439-3x977 Chelsea Estate New Zealand Pty 439-3x205 New Zealand Sugar
447-2x995 Chelsea Estate New Zealand Pty 447-2x207 New Zealand Sugar

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 9 PROTECTION OF PUBLIC ACCESS

15.182 The following submissions seek that public access to the waterways and coastal areas be provided and better access ensured. This includes a variety of forms of access and facilities associated with the wharf and coastal access. In addition to providing public access to the waterfront area generally, relief includes: that the potential public uses of the wharf be protected to retain public access to the waterways including access to the port with sufficient surrounding land to allow for marine type activities; include provision of a public car park and ferry terminal; the potential redevelopment and re-use of the Refinery site be provided for in ways that facilitate utilisation of the deep-water access and berthage offered by the land, while avoiding or mitigating adverse effects on the environment; adequate public access along the whole sea frontage of all Sugar Works land.

15.183 In addition submissions also seek that the plan change be amended to provide for a future "park and ride" ferry terminal; otherwise decline and retain present zoning or, in the alternative, change section 15.6.2.12 to provide for improved public access to both the ponds and the waterfront including provision for public parking; that the wharf be available for fishing, and allow for water sports clubs to have facilities and access to the sea; retain public access to Chelsea Bay and duckponds as currently used for recreation and dinghy launching.

121-8 Harvey White 121-8x103 Chelsea Estate New Zealand Pty Oppose
121-8x211 New Zealand Sugar Oppose
121-8x237 Birkenhead Residents Assn

Support
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<td>Robert and Clare Barnes</td>
<td>142-3x53 Chelsea Estate New Zealand Pty</td>
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<td>142-3x113 New Zealand Sugar</td>
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<td>Mavis Mary Carncross</td>
<td>157-2x182 Chelsea Estate New Zealand Pty</td>
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<td>157-2x126 New Zealand Sugar</td>
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<td>Michael Elliot</td>
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<td>183-3x136 New Zealand Sugar</td>
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<td>W J Huggard</td>
<td>257-1x459 Chelsea Estate New Zealand Pty</td>
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<td>257-1x153 New Zealand Sugar</td>
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<td>Craig Ansley</td>
<td>276-2x23 Chelsea Estate New Zealand Pty</td>
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<td>276-2x110 New Zealand Sugar</td>
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<td></td>
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<td>Mrs Jan Meyer</td>
<td>348-3x660 Chelsea Estate New Zealand Pty</td>
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<td></td>
<td>348-3x173 New Zealand Sugar</td>
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<td>Phil Morris</td>
<td>351-4x682 Chelsea Estate New Zealand Pty</td>
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<td>351-4x176 New Zealand Sugar</td>
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<tr>
<td>Brian and Julia Potter</td>
<td>380-2x780 Chelsea Estate New Zealand Pty</td>
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<td></td>
<td>380-2x185 New Zealand Sugar</td>
<td>Oppose</td>
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</table>

**Comment**

15.184 The Plan Change and Overlay provide the option for public access to the coastal and waterfront areas, including potential access to the wharf, by the identification of a public open space area along the entire frontage, as well as adjacent to Duck Creek along the northern boundary of the site.

15.185 In addition section 15.3.8 of the Overlay includes:

**policy**

6. **By requiring land to be set aside for public access to the harbour and for recreation.**

and the Rule 15.6.2.12 Comprehensive Development Plan Requirements, applying to all resource consents, requires that Council shall have regard to whether provision is made for public open space and access along the coast.

15.186 In this sense it is considered that the Overlay provides direction at both the policy and rule level for the provision of such access. As identified in the section 11 assessment there is however a lack of guidance as to how such open space areas are to be managed, and how activities therein and public access such as water access and access to the Wharf area are to be assessed. The section 32 material indicates these areas could become reserves.

15.187 This matter can be addressed by additional provisions including, additional policy and criteria in section 15.6.2.12 and 15.7.5 defining more clearly the aims and purpose of the open space areas, including their key functions of protecting the natural environment and vegetation as well as providing access to the foreshore, car parking to service the wharf, and other areas.

15.188 Matters relating to facilitating marine-related activities are examined under those submissions that seek additional opportunities for Industrial and Commercial activities later in this section of this report.
Recommendation

15.189 That submissions

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.190 That submissions

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 10 PROTECTION OF HERITAGE BUILDINGS AND VALUES

15.191 The following submissions seek modifications or the inclusion of additional provisions in respect to protecting the heritage buildings and values of the site. These include the need to: impose a covenant to ensure the development is complementary to the heritage building and that views of the development from all of the surrounding areas (Chelsea, and Waitemata Harbour) are sympathetic to and do not overpower the heritage buildings; limit residential development to renovation of existing structures while maintaining the heritage aspects; condos must be of heritage design; design to be sympathetic to historic context; retain as a heritage unspoiled site; convert existing buildings to retain heritage features. In addition submissions seek that environmental and historical issues be assessed before any future Business zone development is made and that any development be required to minimize its detraction from the historic heritage and visual presence of the Chelsea Estate, leaving intact views of the Sugar Works from land behind and around the works; to protect historical site for future generations and amend plan to reduce impacts on heritage values of the whole area and the impacts on Waitemata Harbour.
15.192 The following submission seeks that if another development is planned for the site: that Council protects for the benefit of all, this outstanding historic and natural area, a 19th century industrial and village estate unique to New Zealand. The following are key elements sought for any potential redevelopment of the site: public access, public park, public coastal access, boat ramp, ferry terminal, public amenities, maintenance and protection of heritage buildings, maintenance of heritage gardens and landscape, maintenance and protection of the 4 dams, protection of the horse paddock, protection of the remaining bush and establishment of appropriate roading access.

15.193 The potential impacts upon the heritage buildings and values of the site have been examined in section 11 of this report and in Topic 10 and 11 of this analysis of submissions.

15.194 Section 11 of this report examines a number of issues that include elements of heritage matters including:

- Visual and Landscape Effects and Effects on Amenity Values (11B)
- Effects On Historic Heritage Buildings And Values (11E).
- Impacts on General Heritage, Cultural and Archaeological Matters (11F)

15.195 Section 11 of this report should be read in conjunction with this conclusion.

15.196 The plan change Overlay technique provides for the re-adaptation of the heritage and schedule buildings on site. It also provides for redevelopment of the industrial area within close vicinity to these buildings. The Overlay identifies the buildings to be retained (noting an apparent deletion of part of one of the schedule buildings - the western section of the Melt house).

15.197 A heritage policy is included within section 15.3.8 as follows:

*By ensuring development protects the heritage values of the area, including the architecture of the Refinery buildings and the landscape attributes of the land.*

15.198 The matters to be had regard to for all consents include a cross reference to the objectives and policies of Section 11 Cultural Heritage provisions of the plan. However the policies contained in Section 11.3.4 and in the rules in Section 11.4.3 and accompanying appendices
relate to the protection of those buildings which form part of the Refinery and its ongoing operation. The provisions in Section 11 do not address matters concerning the comprehensive re-adaptation of these heritage buildings, including their relationship to new building forms on the site.

15.199 The limited discretionary activity criteria in the new section 15.7.3 of the plan change include only one reference to historic buildings. I consider there should be both specific provisions in 15.7.3 and an additional reference to the protection of these heritage buildings in the principal objective in 15.3.8. It is also necessary that the provision of Section 11 be modified to include relevant objectives, policies and rules for the re-adaptation of these buildings.

15.200 The general findings of that analysis in section 11 of this report are that although the Plan Change as proposed has a number of attributes that are ideal for managing future activities, there is presently a lack of clear direction within both policy and detailed criteria in respect to managing effects of development upon the heritage buildings and values of the site. In its present form the plan change will not appropriately address potential adverse effects and sustainably manage this unique natural and heritage environment.

15.201 Revision of the provisions is necessary in respect to managing effects upon historic buildings, including the re-adaptation of the existing buildings and the integration with other potential buildings on site.

15.202 The matters of public access, public park, public coastal access, boat ramp, ferry terminal, public amenities, protection of the horse paddock, protection of the remaining bush and establishment of appropriate roading access are addressed in section 11 of this report and in other topics reported on in these recommendations.

15.203 It is considered that a revision of the provisions is necessary in order to address potential adverse effects upon the heritage buildings and their reuse. It is not within the scope of this analysis to provide a comprehensive revision. It is therefore recommended that either the decision be deferred until such information is provided, or that a variation be introduced incorporating the changes indicated.

Recommendation

15.204 That submissions

141-4 Steve and Judith Alexander  166-1 John Clarkson  167-1 Helen Clarkson
179-2 Matheson Day  179-2x233 Karen Weallens  179-2x237 Birkenhead Residents Assn
190-4 Peter Featherstone Commodore, Chelsea Bay Yacht Club  200-3 Marjorie Gairdner  250-2 Julie Fay Hart
292-2 Lorraine Clark  358-3 Stephen Newman  386-2 Penny Reed
403-5 Kerry Sanders  430-5 Ian Swabey  410-2 Mrs J Shields

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.205 That submissions

141-4x15 Chelsea Estate New Zealand Pty  141-4x109 New Zealand Sugar
166-1x219 Chelsea Estate New Zealand Pty  166-1x129 New Zealand Sugar
167-1x218 Chelsea Estate New Zealand Pty  167-1x129 New Zealand Sugar
190-4x315 Chelsea Estate New Zealand Pty  190-4x139 New Zealand Sugar
200-3x345 Chelsea Estate New Zealand Pty  200-3x142 New Zealand Sugar
250-2x418 Chelsea Estate New Zealand Pty  250-2x149 New Zealand Sugar
292-2x213 Chelsea Estate New Zealand Pty  292-2x129 New Zealand Sugar
358-3x704 Chelsea Estate New Zealand Pty  358-3x178 New Zealand Sugar
386-2x805 Chelsea Estate New Zealand Pty  386-2x188 New Zealand Sugar
403-5x863 Chelsea Estate New Zealand Pty  403-5x194 New Zealand Sugar
410-2x896 Chelsea Estate New Zealand Pty  410-2x197 New Zealand Sugar

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be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 11 USE OF HERITAGE BUILDINGS

15.206 The following submission seeks that all existing heritage buildings be retained and developed into a business and arts centre.

411-1 K Slykerman
411-1x898 Chelsea Estate New Zealand Pty Oppose
411-1x197 New Zealand Sugar Oppose

Comment

15.207 The plan change (while noting the above comments on heritage provisions and the need for revision) provides for community and business opportunities, including a business and arts centre within a defined area of the Heritage buildings as defined in the Overlay. The proposed plan change provisions provide for both business and community use.

15.208 It is not appropriate however that the plan change directs that the building must be used for such activities.

Recommendation

15.209 That submission
411-1 K Slykerman

be rejected.

15.210 That submissions
411-1x898 Chelsea Estate New Zealand Pty Ltd
411-1x197 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 12 ECOLOGICAL, HISTORIC, CULTURAL AND LANDSCAPE AND AMENITY VALUES

15.211 The following submissions seek a variety of relief related to ecological, historic, cultural and landscape and amenity values as specified in italics.

The heritage, landscape, amenity, ecological and coastal values of the land and of the balance land are respected and protected

164-3 Michael Elliot
164-3x295 Chelsea Estate New Zealand Pty Oppose
164-3x137 New Zealand Sugar Oppose

316-3 Chelsea Regional Park Association
Michael B Elliott
316-3x197 Chelsea Estate New Zealand Pty Oppose
316-3x127 New Zealand Sugar Oppose
316-3x232 Craig Smith Support
316-3x234 Paul Summers Support
316-3x236 Royal Forest and Bird Protection Society Support
316-3x238 Birkenhead Residents Assn Support

Council to consider a more appropriate use of the land - enhancing its existing use as a community

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resource, its heritage buildings, walkways, its use as a bird and wildlife reserve

<table>
<thead>
<tr>
<th>Name</th>
<th>138-2x149</th>
<th>138-2x122</th>
<th>138-2x216</th>
<th>138-2x149</th>
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<tbody>
<tr>
<td>Kathryn Buchanan</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
<td>New Zealand Sugar</td>
<td>Oppose</td>
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<td></td>
<td>Cliff Mason</td>
<td>Support</td>
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</table>

**Seeks amendments to reduce the impact of the plan and make it more congruent with the location and context**

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<tr>
<th>Name</th>
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<th>398-1x191</th>
<th>398-1x220</th>
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<tr>
<td>J A Lewis Royal Forest and Bird Protection Society</td>
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<td>New Zealand Sugar</td>
<td>Oppose</td>
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<tr>
<td></td>
<td>Dr Heather M Halcrow Nicholson</td>
<td>Support</td>
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**All waahi tapu be identified, defined waahi tapu and protected for all time starting from the foreshore, its bays and**

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<thead>
<tr>
<th>Name</th>
<th>434-1x960</th>
<th>434-1x203</th>
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<tr>
<td>Pamera Te Ruihi Warner Te Tinana O Ngati Whatua</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
<td>New Zealand Sugar</td>
<td>Oppose</td>
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**The form and intensity of the development provided for by the Change are brought into harmony with the environmental and historic context of the estate.**

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<tr>
<th>Name</th>
<th>443-3x985</th>
<th>443-3x206</th>
<th>443-3x229</th>
<th>443-3x241</th>
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<tr>
<td>Uruamo Ecological Society Inc</td>
<td>- Mel Galbraith</td>
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<td></td>
<td>Dr Heather M Halcrow Nicholson</td>
<td>Support</td>
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**Provide for integrated ecological management to the Soldiers Bay catchment**

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<tr>
<td>Annette Sachtleben</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
<td>New Zealand Sugar</td>
<td>Oppose</td>
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**That Council consider the visual intrusion any development would make on the coastline’s green belt**

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<tr>
<td>Sandra Gardner</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
<td>New Zealand Sugar</td>
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</table>

**In addition to, or in substitute to 267-1, rewrite the objective statement and policies 3 & 5 to limit visual impacts, particularly with development proximate to the coast**

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<tr>
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<th>267-2x167</th>
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<tbody>
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<td>Stephen Lowe</td>
<td>Chelsea Estate New Zealand Pty</td>
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<td>Oppose</td>
</tr>
<tr>
<td></td>
<td>Dr Heather M Halcrow Nicholson</td>
<td>Support</td>
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**That development be kept to the absolute minimum with regards visual impact, environmental disturbance, loss of iconic heritage**

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<th>359-1x178</th>
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<tr>
<td>Sue Newman</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
<td>New Zealand Sugar</td>
<td>Oppose</td>
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**Because of the special nature of the site any developments should aim to minimise landscape impacts within the terms of the current zoning**

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<th>397-2x234</th>
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<tbody>
<tr>
<td>R M Davison Royal New Zealand Institute of Horticulture (Inc.)</td>
<td>Chelsea Estate New Zealand</td>
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<td></td>
<td></td>
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<td>Harvey White</td>
<td>Support</td>
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<td>Paul Summers</td>
<td>Support</td>
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</table>

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Comment

15.212 Submissions raise a number of matters relating to ecological, historic, cultural and landscape and amenity values.

15.213 Section 11 of this report examines the following which are relevant to the above issues:

- Visual and Landscape Effects and Effects on Amenity Values (11B)
- Effects On Historic Heritage Buildings And Values (11E).
- Impacts on General Heritage, Cultural and Archaeological Matters (11F)
- Zoning Use And Development Of Horse Paddock (Low Intensity Residential Zoning (Residential 2a, 2b or 3) and Open Space) (11G).
- Intensity and Scale of Residential Development (11I).
- Community Infrastructure, Walkways and Public and Coastal Access (11K).

15.214 Section 11 of this report should be read in conjunction with this conclusion.

15.215 It is considered that the plan change and the application of the Overlay and accompanying policies and criteria offer a regime that forms a basis for protecting and sustainably managing the heritage, landscape, amenity, ecological and coastal values of the land and its context. This includes addressing potential visual impacts as well as the means of recognising Tangata Whenua values through appropriate criteria and requirements. However there is a lack of clear direction at both policy level and in the detailed criteria in some of these key areas.

15.216 In particular, as previously discussed, revision of the provisions is necessary to manage effects upon historic buildings. This includes: managing the re-adaptation of the existing buildings and the integration with other potential buildings onsite; traffic effects and to a lesser degree, the natural attributes of the site (including the open space areas). The intent of such revision is to provide for a high level of natural quality and amenity as consistent with the stated policies in 15.3.8. The existing plan provisions provide a means of protecting Waahi Tapu and archaeological sites identified during development, although some greater level of detail and cross-referencing to these provisions will clarify these requirements.

15.217 Although a substantial area of public space is envisaged, a clearer understanding of the use and management of the public space areas is necessary in order to secure vegetation screening and buffers, as well as maintaining the ecological and visual values of the site and its contextual setting. The provision of this public space also provides a community resource for recreation, walkways, specific reserve to protect ecologically sensitive areas and vegetation and wildlife.

15.218 It is therefore considered that a revision of the provisions is necessary to address potential adverse effects and those matters identified in section 11 of this report. It is not within the scope of this analysis to provide such a revision. It is therefore recommended that either the decision be deferred until such information is provided, or that a variation be introduced incorporating the changes indicated.

Recommendation

15.219 That submissions
be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.220 That submissions

164-3x295 Chelsea Estate New Zealand Pty 164-3x137 New Zealand Sugar
316-3x197 Chelsea Estate New Zealand Pty 316-3x127 New Zealand Sugar
138-2x149 Chelsea Estate New Zealand Pty 138-2x122 New Zealand Sugar
198-4x362 Chelsea Estate New Zealand Pty 198-4x144 New Zealand Sugar
267-2x594 Chelsea Estate New Zealand Pty 267-2x167 New Zealand Sugar
359-1x706 Chelsea Estate New Zealand Pty 359-1x178 New Zealand Sugar
397-2x301 Chelsea Estate New Zealand Pty 397-2x192 New Zealand Sugar
398-1x240 Chelsea Estate New Zealand Pty 398-1x191 New Zealand Sugar
399-2 Annette Sachtleben
434-1x960 Chelsea Estate New Zealand Pty 434-1x203 New Zealand Sugar
443-3x985 Chelsea Estate New Zealand Pty 443-3x206 New Zealand Sugar

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 13  NO CHANGE OR ALTERNATIVE DEVELOPMENT

15.221 The following submissions seek various changes to the present Business zone and proposed plan change provisions in terms of the relevance of the present zoning, limitations on business activities and retention of the zoning as existing, preventing any residential use or other uses on the site.

Review appropriateness of the existing business zoning for the undeveloped portion of the land subject to the plan change

267-1 Stephen Lowe 267-1x593 Chelsea Estate New Zealand Pty Oppose
267-1x167 New Zealand Sugar Oppose

No cafes restaurants or other commercial enterprise be allowed on the site

123-5 Margaret Williamson 123-5x105 Chelsea Estate New Zealand Pty Oppose
123-5x213 New Zealand Sugar Oppose

Should the plan change proceed, Council should prevent retail on site to protect the strategic importance of Highbury as a retail centre for the area

158-2 Carole Canler 158-2x178 Chelsea Estate New Zealand Pty Oppose
158-2x125 New Zealand Sugar Oppose

No further development including business development

KP Associates Ltd: Keith Phyn
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Company</th>
<th>Relief Sought</th>
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<tbody>
<tr>
<td>Bill Clince</td>
<td>168-2</td>
<td>Chelsea Estate New Zealand Pty</td>
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<td>168-2x221</td>
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<td>168-2x130</td>
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No alternative relief sought but reasoning states that she wishes Council to retain the area as it works now - a parkland and a successful sugar company

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<th>Name</th>
<th>Address</th>
<th>Company</th>
<th>Relief Sought</th>
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<td>Jane Daniels</td>
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No residential development

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<tr>
<td>Linda Joyce Hollick</td>
<td>321-2</td>
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<td>321-2x451</td>
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<tr>
<td>Malcolm Hall and Diane Musgrave</td>
<td>356-2</td>
<td>Chelsea Estate New Zealand Pty</td>
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<td>356-2x411</td>
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No change of zoning that would allow 528 residential units as of right

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<th>Name</th>
<th>Address</th>
<th>Company</th>
<th>Relief Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>R J Fairley North Shore Residents and Ratepayers Association</td>
<td>373-1</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
</tr>
<tr>
<td></td>
<td>373-1x731</td>
<td>New Zealand Sugar</td>
<td></td>
</tr>
<tr>
<td></td>
<td>373-1x181</td>
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</tr>
<tr>
<td></td>
<td>373-1x220</td>
<td>Dr Heather M Halcrow Nicholson</td>
<td>Support</td>
</tr>
<tr>
<td></td>
<td>373-1x244</td>
<td>Birkenhead Residents Assn</td>
<td>Support</td>
</tr>
<tr>
<td></td>
<td>373-1x229</td>
<td>Paul Summers</td>
<td>Support</td>
</tr>
<tr>
<td></td>
<td>373-1x231</td>
<td>Shellie Highsted</td>
<td>Support</td>
</tr>
</tbody>
</table>

No residential units built on factory land

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Company</th>
<th>Relief Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michelle Tolley</td>
<td>438-3</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
</tr>
<tr>
<td></td>
<td>438-3x974</td>
<td>New Zealand Sugar</td>
<td></td>
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<tr>
<td></td>
<td>438-3x205</td>
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</tbody>
</table>

Preserve the area with only limited redevelopment of Refinery building area

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Company</th>
<th>Relief Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul Turner</td>
<td>442-2</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
</tr>
<tr>
<td></td>
<td>442-2x982</td>
<td>New Zealand Sugar</td>
<td></td>
</tr>
<tr>
<td></td>
<td>442-2x206</td>
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<td></td>
</tr>
</tbody>
</table>

No residential and business uses

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Company</th>
<th>Relief Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feng Yang</td>
<td>460-1</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
</tr>
<tr>
<td></td>
<td>460-1x107</td>
<td>New Zealand Sugar</td>
<td></td>
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<tr>
<td></td>
<td>460-1x215</td>
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</tbody>
</table>

That no approvals within the present zoning be given to allow for residential buildings to occur other than the equivalent of what is already existing

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Company</th>
<th>Relief Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Geoff Sutherland</td>
<td>128-4</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
</tr>
<tr>
<td></td>
<td>128-4x945</td>
<td>New Zealand Sugar</td>
<td></td>
</tr>
<tr>
<td></td>
<td>128-4x202</td>
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</tbody>
</table>

No extension or further residential development of Onetaunga Road.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Company</th>
<th>Relief Sought</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr Juliet Batten</td>
<td>133-3</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
</tr>
<tr>
<td></td>
<td>133-3x58</td>
<td>New Zealand Sugar</td>
<td></td>
</tr>
<tr>
<td></td>
<td>133-3x113</td>
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</tr>
</tbody>
</table>
Allow a number of suitable units or properties which will blend in with the surrounds
165-3 Marjorie and Trevor Clarke 165-3x216 Chelsea Estate New Zealand Pty Oppose 165-3x129 New Zealand Sugar Oppose

Allow development that minimises detrimental effects on traffic and amenities such as continued Business 9 zoning or residential zoning of lesser intensity
185-1 Greg Edwards 185-1x290 Chelsea Estate New Zealand Pty Oppose 185-1x136 New Zealand Sugar Oppose

Amend the plan change to respect and protect the historic landscape
197-2 M P and S P Galbraith 197-2x356 Chelsea Estate New Zealand Pty Oppose 197-2x143 New Zealand Sugar Oppose

No development of the area which includes provision for residential/commercial development
272-1 Mrs Susan McNaughton 272-1x638 Chelsea Estate New Zealand Pty Oppose 272-1x171 New Zealand Sugar Oppose

Comment
15.222 The majority of these submissions seek to prevent any substantial use or residential development on this site, primarily in order to retain the existing level of development. It should be noted that the land is zoned Business 9 and development can occur for both business and, subject to various consents, residential. It is not appropriate in terms of the Act, that all development be prevented. Rather, appropriate activities should be provided for with appropriate measures in place to address effects of development.

15.223 The plan change section 32 evaluation includes an examination of various options, including ‘do nothing’. I consider this is not a realistic approach given that the present Business zone does not adequately cater for future activities if the Refinery ceases. There is potential under the present zoning for the establishment of a range of activities and buildings that do not complement or support the future retention of the Refinery buildings and may also prevent environmentally suitable activities from establishing.

15.224 The effects of the plan change are examined in section 11 of this report. Although revision of various provisions is recommended, the plan change subject to modifications, provides a suitable basis for sustainably managing the environment and protecting the natural values of the site.

15.225 The level of retail proposed is very small compared to the Highbury centre and is unlikely to significantly impact on that centre. It is not appropriate that retail or other business use be prevented from establishing within the readapted buildings, and indeed it is desirable (as reported in section 11 of this report) that employment opportunities be increased.

15.226 The issues and effects of residential development have been canvassed in other sections of this report.

Recommendation
15.227 That submissions
267-1 Stephen Lowe 267-1x593 Chelsea Estate New Zealand Pty
267-1x167 New Zealand Sugar 123-5x105 Chelsea Estate New Zealand Pty
123-5x213 New Zealand Sugar 158-2x178 Chelsea Estate New Zealand Pty
158-2x125 New Zealand Sugar 168-2x221 Chelsea Estate New Zealand Pty
168-2x130 New Zealand Sugar 296-2x256 Chelsea Estate New Zealand Pty
296-2x133 New Zealand Sugar 321-2x451 Chelsea Estate New Zealand Pty
321-2x153 New Zealand Sugar 356-2x411 Chelsea Estate New Zealand Pty
356-2x149 New Zealand Sugar 377-2x769 Chelsea Estate New Zealand Pty
377-2x184 New Zealand Sugar 386-3x806 Chelsea Estate New Zealand Pty
386-3x188 New Zealand Sugar 424-1x928 Chelsea Estate New Zealand Pty

KP Associates Ltd: Keith Phyn
be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.228 That submissions

123-5 Margaret Williamson 158-2 Carole Canler 168-2 Bill Clince
296-2 Jane Daniels 321-2 Linda Joyce Hollick 356-2 Malcolm Hall and Diane Musgrave
377-2 Diana Mary Patterson 386-3 Penny Reed 424-1 Mark Stevenson
373-1 R J Fairley North Shore Residents and Ratepayers Association 373-1x220 Dr Heather M Halcrow Nicholson
373-1x224 Birkenhead Residents Assn 373-1x229 Paul Summers 373-1x231 Shellie Highsted
438-3 Michelle Tolley 442-2 Paul Turner 460-1 Feng Yang
128-4 Geoff Sutherland 133-3 Dr Juliet Batten 165-3 Marjorie and Trevor Clarke
185-1 Greg Edwards 197-2 M P and S P Galbraith 272-1 Mrs Susan McNaughton

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 14 ALTERNATIVE USES AND OTHER MATTERS

15.229 The following submissions seek other alternatives to intensive development.

Approve a low density development plan that does not further overload services nor provide for commercial structures and that preserves all possible areas for public access and use

201-2 Robert John Gairdner 201-2x352 Chelsea Estate New Zealand Pty Oppose
201-2x143 New Zealand Sugar Oppose

Council considers alternatives to intensive development that will enhance the historic, landscape and natural features of the site and allow for public access

232-3 Mark and Jenny Mercer 232-3x646 Chelsea Estate New Zealand Pty Oppose
232-3x172 New Zealand Sugar Oppose

Minimal residential development may be acceptable or possibly other uses eg. Artspace, theatre, cafes etc while keeping the horse paddock as public open space recognising the importance of linking it up to other public space

255-2 Joanna Hopkins 255-2x454 Chelsea Estate New Zealand Pty Oppose
255-2x153 New Zealand Sugar Oppose

The number and bulk of residential units should be considerably reduced. Least desirable buildings are apartment buildings and terrace houses. Most acceptable are discreetly placed town houses similar in design to the historic workers’ cottages on lower Road.

361-11 Dr Heather M Halcrow Nicholson 361-11x72 Chelsea Estate New Zealand Pty Oppose
Use the grounds and coastal area for hospitality facilities cafes and restaurants and perhaps a "community service" area including arts and crafts

425-3 Rob and Joyce Stilwell 425-3x932 Chelsea Estate New Zealand Pty Oppose
425-3x201 New Zealand Sugar Oppose

The sugar works buildings to be either removed should it close, or become for example a museum or art centre

348-2 Mrs Jan Meyer 348-2x659 Chelsea Estate New Zealand Pty Oppose
348-2x173 New Zealand Sugar Oppose

Comment

15.230 The issues of intensity and the options of providing for a lower intensity of development have been examined in section 11 of this report and in comments addressing submissions on intensity and Residential 2A.

15.231 Section 11 of this report examines all these issues including:
- Visual and Landscape Effects and Effects on Amenity Values (11B)
- Urban Structure and Urban Design (11C)
- Effects On Historic Heritage Buildings And Values (11E).
- Impacts on General Heritage, Cultural and Archaeological Matters (11F)
- Zoning Use And Development Of Horse Paddock (Low Intensity Residential Zoning (Residential 2a, 2b or 3) and Open Space) (11G).
- Identify the Horse Paddock as Open Space, Park or Reserve (11H).
- Intensity and Scale of Residential Development (11I).
- Growth and Intensity and its Relationship to District Plan and Regional Framework and other Planning Documents, Objectives and Policies and Key Strategic Directions (11J).
- Community Infrastructure, Walkways and Public and Coastal Access (11K).
- Stormwater, Infrastructure and Hazards, Air Quality and Contamination (11L).
- Planning Methods Applied, Structure Planning, Additional Information and Timing (11O)
- Consultation (11P).

15.232 Section 11 of this report should be read in conjunction with this conclusion.

15.233 While understanding how the proposed intensification of the site can be perceived in terms of broader strategies, the site is unique not only because it contains heritage buildings of considerable visual and architectural heritage significance and overall visual amenity and natural and landscape values, but also because of the need to give a clear and sustainable direction to manage future uses which is not afforded by its present zoning.

15.234 As noted above, the general findings of the previous analysis in this report, are that although the Plan Change as proposed has a number of attributes that are ideal for managing future activities, there is presently a lack of clear direction at policy level and and a lack of detailed criteria in some key areas. Such direction and detail is necessary to ensure that potential adverse effects on this unique natural and heritage environment will be fully addressed. However it is considered that the plan change provides an appropriate base for such an approach.

15.235 Although less intensive forms of development as suggested in the submissions may have some advantages in addressing effects, the plan change provides (subject to some revision) an acceptable means of addressing the effects of more intensive development while at the
same time creating a level and type of development that integrates with and which supports
the re-adaptation of the Refinery buildings.

15.236 I do not consider a low intensity form of development will necessarily achieve this important
element.

15.237 The plan change also includes a regime of design provisions that are applied to buildings.

15.238 The plan change Overlay includes areas defined for retail and community use, and does not
prevent the establishment of activities such as hospitality facilities, cafes and restaurants and
"community service" areas including arts and crafts. Business activities could readily
accommodate an art centre or a museum, however the purchase or otherwise of the Refinery
buildings for such facilities is outside the scope of the plan change.

15.239 As previously commented upon, the use and management of the public space areas needs to
be more clearly defined including its function as a means of retaining important areas of
vegetation, providing interconnectivity between activities as well as some recreational use.
The use of public space for activities such as cafes etc would need to be considered within the
context of the particular functions of the public space.

**Recommendation**

15.240 That submissions

be declined in part to the extent that the decision be deferred either until further information
is provided addressing the areas of revision recommended in this report or that the Council
introduce a variation to the plan change incorporating such areas of revision.

15.241 That submissions

be accepted in part to the extent that the decision be deferred either until further information
is provided addressing the areas of revision recommended in this report or that the Council
introduce a variation to the plan change incorporating such areas of revision.

**TOPIC 15  COMPREHENSIVE SUBMISSIONS SEEKING ALTERNATIVE DEVELOPMENT**

15.242 The following submissions seek that suitable alternative uses for the Refinery site be
adequately explored, guided primarily by its unique characteristics and location.

15.243 The following submission seeks that the plan change provides more emphasis on commercial
activities and less on residential.
15.244 The following submission seeks to modify the plan to ensure that its provisions address all the concerns expressed below, including, by means of revision of the plan change provisions, the staging of the rate or sequencing of development, the status and assessment of activities, the alteration of the role or detail of the Overlay plan (or its abandonment in favour of design principles and criteria), and/or the creation of new district plan provisions. The concerns to be addressed are stated as: (i) Evaluate and provide for a more ‘business-focused’ land use scenario (or facilitate this other than by way of Discretionary activity resource consent applications); and (ii) Evaluate and appropriately protect all the significant heritage values of the land (including by way of a comprehensive Conservation Plan); and (iii) Ensure an integrated urban design approach to the development of new uses, buildings, public spaces and facilities in, adjacent to the significant historic heritage features and values of the site; and (iv) Ensure that the unique values of this part of the coastal environment, which is now also a significant cultural landscape, are safeguarded; and (v) Ensure that any issues or values of significance to Maori are addressed in terms of the protection of land or the pattern and rate of development; and (vi) Provide for the integrated management of all traffic/transport and stormwater effects, including the treatment of potential contaminants; and (vii) Address all the other concerns, including those in a) to w), expressed in Council’s submission.

364-2 North Shore City Council 364-2x730 Chelsea Estate New Zealand Pty Oppose
364-2x180 New Zealand Sugar Oppose
364-2x225 Royal Forest and Bird Protection Society Support
364-2x234 Chelsea Regional Park Association Support
364-2x232 Arian Vitali Support In Part
364-2x233 Penny Hext Support In Part
364-2x234 Dr Shirley Julich Support In Part

15.245 The following submission seeks the plan change be reconsidered with appropriate amendments: ie. set the maximum m2 of commercial area and the maximum number of units and number of rooms in total; clearly defined building restrictions imposed to maintain open space; agreed additional provision of open space; traffic design and public throughsite links maintained; agreed provision and methodology of enhancing existing landscaping and responsibility for it defined; agreed team to audit the work; detailed drawings; restriction on any commercial activities and hours; restrictions on types of use; acoustic impacts defined; additional amenities provided such as play areas and landscaping features.

307-2 Paul Francis Francis GP Architects 307-2x338 Chelsea Estate New Zealand Pty Oppose
307-2x141 New Zealand Sugar Oppose
307-2x220 Dr Heather M Halcrow Nicholson Support

Comment

15.246 The section 32 material outlines the various alternatives examined as part of the plan change process. I consider that the plan change process has explored a suitable range of options, and the proposed plan change provides a reasoned basis for consideration to provide for future activities on the Chelsea Refinery site.

15.247 Section 11 of this report examines a variety of issues including:
- Visual and Landscape Effects and Effects on Amenity Values (11B)
- Urban Structure and Urban Design (11C)
- Effects On Historic Heritage Buildings And Values (11E).
- Impacts on General Heritage, Cultural and Archaeological Matters (11F)
- Zoning Use And Development Of Horse Paddock (Low Intensity Residential Zoning (Residential 2a, 2b or 3) and Open Space) (11G).
- Identify the Horse Paddock as Open Space , Park or Reserve (11H).
- Intensity and Scale of Residential Development (11I).
- Growth and Intensity and its Relationship to District Plan and Regional Framework and other Planning Documents, Objectives and Policies and Key Strategic Directions (11J).
- Community Infrastructure, Walkways and Public and Coastal Access (11K).
- Stormwater, Infrastructure and Hazards, Air Quality and Contamination (11L).
15.248 Section 11 of this report should be read in conjunction with the following comments.

15.249 The general finding of the section 11 evaluation is that generally the proposed mixture of retail, community and business activities, accompanied by a range of types of residential development is suitable. Although at the broader strategic and regional policy level there are some anomalies in terms of intensification, the site is unique and warrants a specific approach such as that proposed in the plan change.

15.250 In terms of business activities it is considered appropriate that a greater level of opportunity be provided for business activities. The provisions could be modified to increase flexibility for business to establish by removing a maximum limit on the level of business and community activities (3200m$^2$) and providing for these activities as a Limited Discretionary activity. A range of assessment criteria will be necessary to address potential effects upon residential activities as well as reverse sensitivity issues which may arise from a more flexible approach. It is appropriate however that some form of preference is given to where such business activities should establish. This is necessary to reduce potential conflicts and give greater support to the re-adaptation of the heritage Refinery buildings.

15.251 As outlined in section 11, the application of the Overlay has advantages in giving definition to where and at what scale activities occur, as well as defining public space areas. It is however considered that the application of the present provisions is relatively inflexible and relies upon a discretionary activity procedure to alter the Overlay. Greater flexibility could be achieved by the combination of a ‘concept plan’ which defines key elements to be incorporated into any development (such as defined public space areas, key walkways, and vegetation to be retained) and detailed objectives, policies and assessment criteria to address potential adverse effects.

15.252 Such an approach provides an improved basis for managing future activities and for the inclusion of clear policy and criteria in key areas to ensure that potential adverse effects on this unique natural and heritage environment will be fully addressed.

15.253 Revision of the provisions is necessary in respect to managing effects upon historic buildings, traffic effects, and upon the natural attributes of the site, as well as the manner in which the open space areas are provided for. This could be achieved by a more flexible approach as suggested in the preceding paragraphs. It is not considered reasonable to impose limitations on the sequencing of development, rather it is more appropriate to provide for clearer direction and outcomes.

15.254 It is therefore considered that a revision of the provisions is necessary to address potential adverse effects and those matters identified in section 11 of this report. It is not within the scope of this analysis to provide such a revision, and therefore it is recommended that either the decision be deferred until such information is provided and circulated to all parties, or that a variation is introduced incorporating the changes indicated.

**Recommendation**

15.255 That submissions be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council
introduce a variation to the plan change incorporating such areas of revision.

15.256 That submissions

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

TOPIC 16 DELAY UNTIL FURTHER INFORMATION/STUDIES COMPLETED.

15.257 The following submissions seek, for varied reasons and with differing aspects and concerns, that additional information is necessary before the plan change proceeds.

Zoning that narrowly restricts the use of the site before all potential uses can be considered should not be imposed. Commence a study to determine the most desirable future use so that options remain open until study is concluded.

Council to consider purchasing all or part of the site as a method of achieving the most desirable outcome with a view to potentially divesting to private interests at a later date once the outcome is secured.

Submitter seeks a comprehensive review of this property and adjoining Crown land and a long term strategic plan.

Decline plan change at least until Review of Residential 3 Built Heritage Zone and the proposed plans for Highbury are completed.

Any final decisions being adjourned until undertaking a) a full traffic study and any identified traffic problems resolved, b) consideration of the issues identified in the Highbury Centre Plan, and c) suitable exploration of alternative uses for the Refinery site guided by its unique characteristics and location.

Do not proceed with the plan change until a second harbour crossing is approved.
Full consideration given to development on any potential contaminated site and that any resulting future liability on NSCC is mitigated.

<table>
<thead>
<tr>
<th>121-7</th>
<th>Harvey White</th>
<th>121-7x103 Chelsea Estate New Zealand Pty</th>
<th>Oppose</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>121-7x211 New Zealand Sugar</td>
<td>Oppose</td>
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<tr>
<td></td>
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<td>121-7x237 Birkenhead Residents Assn</td>
<td>Support</td>
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</tbody>
</table>

The consequences of permitting high-density development in such a confined and geographically isolated location should be thoroughly investigated.

<table>
<thead>
<tr>
<th>361-2</th>
<th>Dr Heather M Halcrow Nicholson</th>
<th>361-2x713 Chelsea Estate New Zealand Pty</th>
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<tbody>
<tr>
<td></td>
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<td>361-2x179 New Zealand Sugar</td>
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<tr>
<td></td>
<td></td>
<td>361-2x218 Cliff Mason</td>
<td>Support</td>
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<tr>
<td></td>
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<td>361-2x238 Birkenhead Residents Assn</td>
<td>Support</td>
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Further research into traffic design and effects of high-density housing at Chelsea and elsewhere on the North Shore be undertaken.

<table>
<thead>
<tr>
<th>361-3</th>
<th>Dr Heather M Halcrow Nicholson</th>
<th>361-3x714 Chelsea Estate New Zealand Pty</th>
<th>Oppose</th>
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<tr>
<td></td>
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<td>361-3x238 Birkenhead Residents Assn</td>
<td>Support</td>
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An examination of geological hazards including possible liquefaction of reclaimed land should be undertaken.

<table>
<thead>
<tr>
<th>361-4</th>
<th>Dr Heather M Halcrow Nicholson</th>
<th>361-4x715 Chelsea Estate New Zealand Pty</th>
<th>Oppose</th>
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<td></td>
<td></td>
<td>361-4x179 New Zealand Sugar</td>
<td>Oppose</td>
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<tr>
<td></td>
<td></td>
<td>361-4x235 Royal Forest and Bird Protection Society</td>
<td>Support</td>
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<td></td>
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<td>361-4x239 Birkenhead Residents Assn</td>
<td>Support</td>
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</table>

Requests a review of the proportions of business and residential areas in the plan and the effects on amenity value of the residential units.

<table>
<thead>
<tr>
<th>398-2</th>
<th>Royal Forest and Bird Protection Society</th>
<th>J A Lewi</th>
<th>Oppose</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Chelsea Estate New Zealand Pty</td>
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<td>New Zealand Sugar</td>
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<td></td>
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<tr>
<td></td>
<td>Dr Heather M Halcrow Nicholson</td>
<td>Support in part</td>
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Before any Plan Change is allowed, the following concerns are to be addressed: i) in the event of approval submitter seeks that any necessary studies are able to be undertaken prior to building, ii) physical models of the proposal available for public viewing, iii) independent traffic study with input from NSCC, ARC and national transport bodies, and over a longer time-frame, iv) independent ecological study, preferably with local input, v) investigation of potential contamination of the site, vi) noise study, vii) economic impact study, viii) lighting impact study, viii) further study and community consultation as to the potential alternative uses of the Refinery.

<table>
<thead>
<tr>
<th>428-1</th>
<th>Paul Summers</th>
<th>428-1x939 Chelsea Estate New Zealand Pty</th>
<th>Oppose</th>
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<tr>
<td></td>
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<td>428-1x220 Dr Heather M Halcrow Nicholson</td>
<td>Support</td>
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<td></td>
<td></td>
<td>428-1x201 New Zealand Sugar</td>
<td>Oppose</td>
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Plan for and designate a proposed road that would support a further harbour crossing.

<table>
<thead>
<tr>
<th>477-1</th>
<th>Hugh Nettleton</th>
<th>477-1x701 Chelsea Estate New Zealand Pty</th>
<th>Oppose</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>477-1x178 New Zealand Sugar</td>
<td>Oppose</td>
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If Chelsea Sugar moves out that consideration be given to low density, high class residential only, in the Historic Buildings.

<table>
<thead>
<tr>
<th>456-2</th>
<th>John Williamson</th>
<th>456-2x104 Chelsea Estate New Zealand Pty</th>
<th>Oppose</th>
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<tr>
<td></td>
<td></td>
<td>456-2x212 New Zealand Sugar</td>
<td>Oppose</td>
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KP Associates Ltd: Keith Phyn
The submissions seek that a wide range of analyses are undertaken prior to the plan change proceeding. It is noted the plan change includes a section 32 report which highlights various issues identified above and includes various studies including: traffic assessment, landscape and visual effects, design assessment, economic assessment and an ecological assessment. In addition the section 32 material has undertaken analysis of a range of alternative options for use of the site. I concur with the findings that generally the site is suited to a mixed use of business and residential activity subject to appropriate measures to address potential adverse effects and to have regard to the natural and heritage attributes of the area.

Comments are also made in the section 32 report on a number of aspects raised in the above submissions, including aspects relating to natural hazards, and contamination. These latter issues fall under the responsibility of the Regional Council. Although there appear to be no obvious concerns on contamination it is noted the site has been the subject of industrial activities for over 100 years and is required to meet Regional Council requirements in terms of discharge. Geological stability and hazards and site contamination are matters addressed as part of development procedures in the district and/or regional plans (North Shore City District Plan - Rule 9.6.4 Site Management Plans and 9.6.5 Geotechnical and Hydrological Reports), as well as requirements in terms of the Building Act, however such matters could be also referenced in development criteria.

Section 11 of this report examines various issues including the findings of additional reviews on traffic, landscape and visual effects, and economic effects, undertaken as part of this reporting procedure:

- Visual and Landscape Effects and Effects on Amenity Values (11B)
- Urban Structure and Urban Design (11C)
- Effects On Historic Heritage Buildings And Values (11E).
- Impacts on General Heritage, Cultural and Archaeological Matters (11F)
- Zoning Use And Development Of Horse Paddock (Low Intensity Residential Zoning (Residential 2a, 2b or 3) and Open Space) (11G).
- Identify the Horse Paddock as Open Space , Park or Reserve (11H)
- Intensity and Scale of Residential Development (11I).
- Growth and Intensity and its Relationship to District Plan and Regional Framework and other Planning Documents, Objectives and Policies and Key Strategic Directions (11J).
- Community Infrastructure, Walkways and Public and Coastal Access (11K).
- Stormwater, Infrastructure and Hazards, Air Quality and Contamination (11L).
- Planning Methods Applied, Structure Planning, Additional Information and Timing([11O])
- Consultation (11P).

Section 11 of this report should be read in conjunction with these comments.

The general findings of that analysis are that although the Plan Change as proposed has a number of attributes that are ideal for managing future activities, there is a lack of sufficient direction at both the policy and criteria levels in some key areas to ensure that potential adverse effects on this unique natural and heritage environment will be fully addressed.

In particular, a revision of the provisions is necessary to give clearer direction and outcomes for managing effects upon historic buildings, including the re-adaptation of the existing buildings and the integration with other potential buildings onsite, traffic effects and the promotion and enhancement of the natural attributes of the site. This includes the manner in which the public open space areas are provided for and managed in order to achieve the appropriate levels of natural quality and amenity, and to reduce the potential adverse impacts of a more intensive form of development as suggested in the objectives and policies.

Additional information is required in respect to addressing traffic effects, as detailed in preceding sections of this report (section 11 and Topic 6), in particular that the intensity of residential proposed will not result in adverse effects on the local road network (including
the key intersections at Highbury) and cognisance of potential impacts upon the Highbury centre.

15.265 The potential effects of higher density housing is canvassed in section 11 and in topic 5 of this report and the findings are relevant to considering the above submissions.

15.266 In addition it is considered appropriate to provide both a greater level of flexibility for the establishment of business activities and to give greater direction as to environmental outcomes.

15.267 The purchase of the property as a public resource is not within the scope of the plan change. This is a separate matter to be considered by Council through its appropriate procedures under the Local Government Act 2002. It is not considered necessary to investigate the need for a second Harbour crossing, given the extent and nature of the plan change proposed.

15.268 It is therefore considered that a revision of the provisions is necessary to address potential adverse effects and those matters identified in section 11 of this report. It is not within the scope of this analysis to provide such a revision, and therefore it is recommended that either the decision be deferred until such information is provided and circulated to all parties, or that a variation is introduced incorporating the changes indicated.

**Recommendations**

15.269 That submissions

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be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.270 That submissions

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<td>428-1 Paul Summers</td>
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KP Associates Ltd: Keith Phyn
be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

**TOPIC 17 FURTHER CONSULTATION REQUIRED**

15.271 The following submissions seek that the proposal be refused until there is further consultation with local iwi and residents and with road and sewerage planners, and given the Refinery's unique historical, visual and environmental character and its special waterfront location, wider consultation should take place. Submissions also seek that the proposed plan change be stopped in the interim until further and fuller consultation has occurred, particularly with the Asian community in adjacent areas as well as other groups such as Pacific Islanders who need to be contacted in suitable cultural ways to participate in the planning process. Before any plan change is approved greater consultation is required with all local communities affected, iwi affected, communities across the harbour, and also at national level.

143-3 William Bean 143-3x61 Chelsea Estate New Zealand Pty 143-3x114 New Zealand Sugar 143-3x62 Oppose
144-3 Yvonne Bean 144-3x64 Chelsea Estate New Zealand Pty 144-3x114 New Zealand Sugar 144-3x62 Oppose
361-5 Dr Heather M Halcrow Nicholson 361-5x716 Chelsea Estate New Zealand Pty 361-5x179 New Zealand Sugar 361-5x218 Cliff Mason 361-5x239 Birkenhead Residents Assn 361-5x64 Oppose 361-5x114 Oppose Support
181-2 Robert Delaveau 181-2x273Chelsea Estate New Zealand Pty 181-2x135 New Zealand Sugar 181-2x62 Oppose
309-1 Owen Leslie Gill 309-1x364Chelsea Estate New Zealand Pty 309-1x144 New Zealand Sugar 309-1x62 Oppose
347-7 Margaret Merton 347-7x657Chelsea Estate New Zealand Pty 347-7x173 New Zealand Sugar 347-7x62 Oppose
362-4 Greg Norden 362-4x728Chelsea Estate New Zealand Pty 62-4x180New Zealand Sugar 362-4x62 Oppose
428-2 Paul Summers 428-2x241Dr Heather M Halcrow Nicholson 428-2x100Chelsea Estate New Zealand Pty 428-2x208 New Zealand Sugar 428-2x62 Oppose
450-2 Michael Warmington 450-2x100Chelsea Estate New Zealand Pty 450-2x208 New Zealand Sugar 450-2x62 Oppose

**Comment**

15.272 The issue of consultation has been examined in section 11 of this report.

15.273 The level of consultation undertaken as part of the plan change is reported in the section 32 report, and included an additional public meeting prior to the close of submissions. The extent and nature of the consultation is at the low end of what could be expected for a plan change of this nature and importance.

15.274 It should be noted that the plan change process itself, including the submission and hearing process, is also part of the consultation process with due weight given to submissions and further submissions received.

15.275 Overall it is considered that the level of consultation does not represent a fatal flaw in this plan change process and the plan change should proceed.

**Recommendation**

15.276 That submissions 143-3x61 Chelsea Estate New Zealand Pty 143-3x114 New Zealand Sugar
be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.277 That submissions

143-3 William Bean 143-3 Yvonne Bean 361-5 Dr Heather M Halcrow Nicholson
181-2 Robert Delaveau 309-1 Owen Leslie Gill 347-7 Margaret Merton
361-5x239Birkenhead Residents Assn 361-5x218Cliff Mason 362-4 Greg Norden
428-2 Paul Summers 450-2 Michael Warmington 428-2x241Dr Heather M Halcrow Nicholson

be declined.

TOPIC 18 SUPPORT OR SUPPORT WITH CONDITIONS AND OTHER MATTERS

15.278 The following submissions support or partially support the plan change subject to limitations, or raise other matters as highlighted in italics.

Approve the plan change

470-1 Ray Clarke 470-1x224 Birkenhead Residents Assn Oppose
   470-1x217 Chelsea Estate New Zealand Pty Support
   470-1x129 New Zealand Sugar Support

474-1 Errol Kent 474-1x522 Chelsea Estate New Zealand Pty Support
   474-1x160 New Zealand Sugar Support

No objection

487-1 S Lemmon 487-1x577 Chelsea Estate New Zealand Pty Support
   487-1x165 New Zealand Sugar Support

Supports the plan change provided that the public have access to the foreshore and any future ferry service from Chelsea

472-1 Margaret Hutchinson 472-1x481 Chelsea Estate New Zealand Pty Oppose
   472-1x156 New Zealand Sugar Oppose

The committee would support the plan change if the existing track & public walkway networks were to remain as they are presently for public use, and concerns regarding the establishment of a "gated community" were alleviated

479-1 K Prickett Point Centennial Park and Reserve Management Committee
479-1x221Dr Heather M Halcrow Nicholson Support
479-1x519 Chelsea Estate New Zealand Pty Support in Part
479-1x159 New Zealand Sugar Support in Part

That the Council consider carefully the implications of the development for child safety

465-1 Nigel Bieletti Primary 465-1x88 Chelsea Estate New Zealand Pty Oppose
   465-1x116 New Zealand Sugar Oppose

No particular relief sought - the submitter outlines the Chelsea Park Trust present purchase agreement terms
Support the plan change however seek a number of alterations including: Amendment to Policy 9 to include that any statement or provision introduced by the Plan Change that refers to future upgrade of the road network and/or the use of the remaining area of the Chelsea estate that is not subject to the area of the Plan Change be deleted; and any residential or commercial land use, whether in accordance with the Chelsea Overlay Area or not, that occurs prior to Refinery operations ceasing be classified as a Non-Complying activity; Alternatively any other consequential relief that will give effect to the matters raised in the submission.

Qualified support to secure park but seeks assurance Council will consider the environment and change the district plan only as necessary

Support plan change provided that the horse paddock is maintained in its current form and not developed, that residential development of the factory area is minimised and that the architecture reflect the cultural and heritage values of the existing buildings - perhaps in keeping with the existing 5 cottages. Speed limit in road must be maintained and enforced. Establish a ferry service. No panel beaters, repair services, $2 shops and cheap sandwich bars or Asian signage in this NZ heritage site. Stringent cleaning programme.

Would support the overlay plan if the horse paddock and surrounding vegetation buffer remained unmodified and the residential units be less in number and of a design and layout that suits the special heritage attributes of the Refinery and estate.

Supports the plan change however seeks a guarantee to Chelsea Park Trust first right of refusal on purchase of the horse paddock prior to development

Supports the plan change however seeks the change secures a ferry service

Supports the plan change however require that dogs be on a leash at all times throughout the properties.
Support for the plan change implied provided that it is amended to provide for better coastal access around and to the coast

483-1 Christina Robertson 483-1x818 Chelsea Estate New Zealand Pty Oppose 483-1x819 New Zealand Sugar Oppose

Support for the plan change however seeks that no building heights be above 4 storeys (make it a non-complying activity requiring full notification)

483-2 Christina Robertson 483-2x819 Chelsea Estate New Zealand Pty Oppose 483-2x818 New Zealand Sugar Oppose

Support for the plan change Vehicle access to and from the site other than from Colonial Rd

483-3 Christina Robertson 483-3x820 Chelsea Estate New Zealand Pty Oppose 483-3x819 New Zealand Sugar Oppose

Support for the plan change however require traffic assessment and appropriate improvements to the roading network

483-4 Christina Robertson 483-4x821 Chelsea Estate New Zealand Pty Oppose 483-4x819 New Zealand Sugar Oppose

Support for the plan change however seeks that the plan change provides a clearer visual amenity assessment criteria that take into account the prominent coastal location of this site. Give more consideration to green visual character of this area in the assessment criteria.

483-5 Christina Robertson 483-5x822 Chelsea Estate New Zealand Pty Oppose 483-5x819 New Zealand Sugar Oppose

Support for the plan change provided the plan change is amended to reduce density and residential component and allowance is made for commercial use

484-1 Pam Baillie Shore Youth Council C/- NSCC Community Services Dept 484-1x897 Chelsea Estate New Zealand Pty Support in Part 484-1x197 New Zealand Sugar Support in Part

Approve with amendments: less intensity

485-1 J M Yorke 485-1x107 Chelsea Estate New Zealand Pty 485-1x215 New Zealand Sugar

Support for the plan change however the Horse paddock to have underlying recreation zone

485-2 J M Yorke 485-2x107 Chelsea Estate New Zealand Pty Support in Part 485-2x215 New Zealand Sugar Support in Part

That more consideration be given to the site statement especially the links to Site 049 and the Level 2 for Unit 373 (reference to NSCC/ARC Ecological Study). The latter recognising the current effects of fragmentation and weed invasion. Past effects that should be remedied rather than increased.

398-3 J A Lewis Royal Forest and Bird Protection Society 398-3x835 Chelsea Estate New Zealand Pty Oppose 398-3x191 New Zealand Sugar Oppose

Support for the plan change however seeks that there be stringent controls over demolition and construction methods to minimise adverse effects on marine and water quality as well as reducing
adverse effects of stormwater run-off

398-5 J A Lewis Royal Forest and Bird Protection Society 398-5x837 Chelsea Estate New Zealand Pty Oppose
398-5x191 New Zealand Sugar Oppose
398-5x241 Dr Heather M Halcrow Nicholson Support In Part

Comprehensive
Support for aspects of the plan change however seeks that Method 2, 15.3 be deleted. And replaced with a provision that any development not consistent with the terms of the Overlay Plan be classified as non-complying rather than discretionary. Request includes consequential changes to 15.7.3.8 and 15.5.1.5 and associated explanations and reasons clauses.

398-6 Royal Forest and Bird Protection Society - J A Lewis 398-6x838 Chelsea Estate New Zealand Pty Oppose
398-6x191 New Zealand Sugar Oppose
398-6x218 Cliff Mason Support 398-6x241 Dr Heather M Halcrow Nicholson Support in Part

Comprehensive
Decline the plan change. Not opposed to mixed use proposal in principle. However, any modified proposal to take into account concerns raised such as reduction of number of units, appearance of buildings to blend with the existing heritage ones, access and traffic and transportation issues.

405-2 Geoffrey Wilkinson Sawyer 405-2x872 Chelsea Estate New Zealand Pty Oppose
405-2x195 New Zealand Sugar Oppose

Comprehensive
Opposes -Should any residential development be allowed it should be low density, visually unobtrusive, kept well back off the seaward ridges and dam edges, and spaced out amongst as much retained bush as possible.

433-3 W Syme 433-3x959 Chelsea Estate New Zealand Pty Oppose
433-3x203 New Zealand Sugar Oppose

Alternative use
More community focus, e.g. cafes, bars, galleries etc.

439-2 Eileen Tomsen 439-2x976 Chelsea Estate New Zealand Pty Oppose
439-2x205 New Zealand Sugar Oppose

Comment

15.279 The majority of the matters raised above have been examined in section 11 including:
- Visual and Landscape Effects and Effects on Amenity Values (11B)
- Urban Structure and Urban Design (11C)
- Effects On Historic Heritage Buildings And Values (11E).
- Impacts on General Heritage, Cultural and Archaeological Matters (11F)
- Zoning Use And Development Of Horse Paddock (Low Intensity Residential Zoning (Residential 2a, 2b or 3) and Open Space) (11G).
- Identify the Horse Paddock as Open Space, Park or Reserve (11H).
- Intensity and Scale of Residential Development (11I).
- Growth and Intensity and its Relationship to District Plan and Regional Framework and other Planning Documents, Objectives and Policies and Key Strategic Directions (11J).
- Community Infrastructure, Walkways and Public and Coastal Access (11K).
- Stormwater, Infrastructure and Hazards, Air Quality and Contamination (11L).
• Consultation (11P).

15.280 In addition the following topic comments have examined and commented upon:
• Public access to foreshore
• Traffic and Roading
• Activity status of Proposal outside the Overlay
• Open Spaces and Reserves – Horse Paddock
• Intensity
• Heritage
• Building Height
• Ecological Environment

15.281 The general findings of that analysis are that although the proposed Plan Change has a number of attributes and could form the basis of a planning instrument for managing future activities, there are some shortfalls in key directions in particular in traffic management and heritage protection, at both policy and detailed criteria levels which limit its present suitability. In particular, revision of the provisions are necessary in respect to managing effects upon historic buildings, addressing potential traffic effects, in particular upon the local roading network, and to a lesser degree, managing development and its impact upon the natural attributes of the site. In the key area of traffic analysis there is insufficient information to determine that the intensity of residential development proposed will not result in adverse effects on the local roading network, including the key intersection of Mokoia Rd/Colonial Road. Matters relating to the scale and level of development and intensity are also fully examined.

15.282 The comments and conclusion on these issues are relevant to similar matters raised in the above submissions.

15.283 It is noted that the Overlay provides for a comprehensive access to the foreshore areas by identifying the coastal area as public space. Additional clarification is however required to clarify the function and ongoing management of such areas.

15.284 Although existing walkways are outside the site and their continuance and maintenance are not within the gambit of this plan change, they are important elements in providing for interconnectivity from the site to adjacent areas. The plan change should include provision to ensure site linkages are established to such existing walkways.

15.285 The matter of residential activities proceeding prior to the Refinery ceasing operations and whether they should be non-complying is canvassed in the following topic 18. It is considered that in order for such activities to remain as Discretionary, discretionary activity assessment criteria will need to include a comprehensive range of criteria to address potential conflicts with the present Refinery activities.

15.286 Matters such as partnership property issues and right of refusal of purchase, dogs on leashes and child safety (the two latter matters are addressed through Council bylaws) are matters outside the scope of the plan change.

15.287 The securing of a ferry service is commented upon in section 11 Traffic Considerations. It is accepted that the site owners are not ferry service providers, however it is considered appropriate that further investigation is undertaken to identify appropriate options for facilities, car parking and access, and roading layout that encourages the establishment of such ferry services.

15.288 It is therefore considered that a revision of the provisions is necessary to address potential adverse effects and those matters identified in section 11 of this report, and it is not within the scope of this report to provide such a revision. It is therefore it is recommended that either the decision be deferred until such information is provided and circulated to all parties, or that a
variation be introduced incorporating the changes indicated.

**Recommendation**

15.289 That submissions

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be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council...
introduce a variation to the plan change incorporating such areas of revision.

**TOPIC 11  CESSATION OF REFINERY OPERATION**

15.291 The following submissions seek that no new development occurs in terms of the plan change before the cessation of the Refinery operations and seek to amend the plan change so it is clear that implementation of the plan change provisions are contingent on Refinery works ceasing.

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<tr>
<th>Submitter</th>
<th>Party/Association</th>
<th>Support/Oppose</th>
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<tbody>
<tr>
<td>121-6 Harvey White</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
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<tr>
<td>121-6x103</td>
<td>New Zealand Sugar</td>
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</tr>
<tr>
<td>121-6x211</td>
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<tr>
<td>164-2 Michael Elliot</td>
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<tr>
<td>164-2x294</td>
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<td>316-2x196</td>
<td>New Zealand Sugar</td>
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<td>316-2x127</td>
<td>Craig Smith</td>
<td>Support</td>
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<td>316-2x232</td>
<td>Paul Summers</td>
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<tr>
<td>443-4 Mel Galbraith</td>
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<tr>
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<td>443-4x206</td>
<td>Paul Summers</td>
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<td>168-3 Bill Clince</td>
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<td>168-3x222</td>
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<tr>
<td>353-1 Grant Rex Mossman</td>
<td>Chelsea Estate New Zealand Pty</td>
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<td>353-1x684</td>
<td>New Zealand Sugar</td>
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<tr>
<td>377-1 Diana Mary Patterson</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
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<tr>
<td>377-1x768</td>
<td>New Zealand Sugar</td>
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<td>384-2 N Rankin</td>
<td>Chelsea Estate New Zealand Pty</td>
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<td>384-2x791</td>
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<td>401-2x852</td>
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<tr>
<td>424-2 Mark Stevenson</td>
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<tr>
<td>424-2x929</td>
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If refining ceases, provide for use of land to be public park or coastal reserve

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<tr>
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<tr>
<td>168-3 Bill Clince</td>
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<td>168-3x130</td>
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<td>353-1x684</td>
<td>New Zealand Sugar</td>
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<tr>
<td>377-1 Diana Mary Patterson</td>
<td>Chelsea Estate New Zealand Pty</td>
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<td>384-2 N Rankin</td>
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<tr>
<td>424-2 Mark Stevenson</td>
<td>Chelsea Estate New Zealand Pty</td>
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<tr>
<td>424-2x200</td>
<td>New Zealand Sugar</td>
<td>Oppose</td>
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No changes to district plan and no proposals approved while Refinery is still operating

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<tr>
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<tbody>
<tr>
<td>260-1 Noel Barry Jones</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
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<tr>
<td>260-1x512</td>
<td>New Zealand Sugar</td>
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Reject the plan change until refining ceases and specific redevelopment plans are provided.

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<thead>
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<tbody>
<tr>
<td>276-1 Craig Ansley</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
</tr>
<tr>
<td>276-1x222</td>
<td>New Zealand Sugar</td>
<td>Oppose</td>
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</table>

Rezone the area to Recreation in the event that refining ceases

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<tr>
<th>Submitter</th>
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<th>Support/Oppose</th>
</tr>
</thead>
<tbody>
<tr>
<td>356-1 Malcolm Hall and Diane Musgrave</td>
<td>Chelsea Estate New Zealand Pty</td>
<td>Oppose</td>
</tr>
<tr>
<td>356-1x410</td>
<td>New Zealand Sugar</td>
<td>Oppose</td>
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</table>

Area to remain as is until CSR ceases operations
In the event of closure of the sugar Refinery, any rezoning and any alterations to the buildings should be appropriate to the incorporation of those into a historic park to complement the surrounding Chelsea Estate Park.

Area to remain as is until CSR ceases operations. Convert existing buildings to include minimal number of apartments, restaurant and a Chelsea Sugar Museum etc.

Housing should not be built within 500m while the mill is working

Deletion of the phrase "development proceeding before Refinery ceases" from Method 3, 15.3.8 and consequential changes to clauses 15.7.3.8 and 15.5.1.5

That should Refinery cease the land could not be sold or subdivided for other commercial or residential use

Comment

15.292 The plan change provides for any activity, which does not comply with the Overlay or which implements a portion of the Overlay while the Refinery is still operating, as a Discretionary activity. The submitters seek that this be altered to a Non-Complying activity.

15.293 There is some confusion, or at least some contradiction, with the main Objective 15.3.8, which implies the trigger point is the cessation of the Refinery, whereas the rules in the plan change are quite clear that this can occur at any time. This should be clarified.

15.294 The plan change requires that such activities must comply with the provisions of the district plan in terms of noise and other discharges. I consider that there are concerns with this approach given that there is a lack of key guidelines on how such an activity would relate to the existing Refinery operation. It is desirable this matter be clarified, either by making such activities a Non-Complying activity or by some additional criteria in respect to such applications.

Recommendation
15.295 That submissions

121-6x103 Chelsea Estate New Zealand Pty 121-6x211 New Zealand Sugar
164-2x294 Chelsea Estate New Zealand Pty 164-2x137 New Zealand Sugar
168-3x222 Chelsea Estate New Zealand Pt 168-3x130 New Zealand Sugar
260-1x512 Chelsea Estate New Zealand Pty 260-1x159 New Zealand Sugar
276-1x22 Chelsea Estate New Zealand Pty 276-1x110 New Zealand Sugar
316-2x196 Chelsea Estate New Zealand Pty 316-2x127 New Zealand Sugar
353-1x684 Chelsea Estate New Zealand Pty 353-1x176 New Zealand Sugar
356-1x410 Chelsea Estate New Zealand Pty 356-1x148 New Zealand Sugar
358-2x703 Chelsea Estate New Zealand Pty 358-2x178 New Zealand Sugar
377-1x768 Chelsea Estate New Zealand Pt 377-1x184 New Zealand Sugar
384-2x791 Chelsea Estate New Zealand Pty 384-2x187 New Zealand Sugar
398-7x839 Chelsea Estate New Zealand Pty 398-7x191 New Zealand Sugar
401-2x852 Chelsea Estate New Zealand Pty 401-2x193 New Zealand Sugar
402-2x858 Chelsea Estate New Zealand Pty 402-2x193 New Zealand Sugar
414-1x903 Chelsea Estate New Zealand Pty 414-1x198 New Zealand Sugar
424-2x929 Chelsea Estate New Zealand Pty 424-2x200 New Zealand Sugar
433-2x958 Chelsea Estate New Zealand Pty 433-2x203 New Zealand Sugar
443-4x986 Chelsea Estate New Zealand Pty 443-4x206 New Zealand Sugar
468-1x980 Chelsea Estate New Zealand Pty 468-1x205 New Zealand Sugar
473-1x489 Chelsea Estate New Zealand Pty 473-1x156 New Zealand Sugar

be accepted in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

15.296 That submissions

121-6 Harvey White 164-2 Michael Elliot
121-6x237 Birkenhead Residents Assn 168-3 Bill Clince
260-1 Noel Barry Jones 276-1 Craig Ansley
316-2 Chelsea Regional Park Association - Michael B Elliott 316-2x232 Craig Smith
316-2x234 Paul Summers 316-2x236 Royal Forest and Bird Protection Society
316-2x238 Birkenhead Residents Assn 353-1 Grant Rex Mossman
356-1 Malcolm Hall and Diane Musgrave 358-2 Stephen Newman
377-1 Diana Mary Patterson 384-2 N Rankin
398-7x242 J A Lewis Royal Forest and Bird Protection Society 398-7x219 Cliff Mason
401-2 Dr Heather M Halcrow Nicholson 401-2 Davey Salmon
402-2 Dr Joshua Salter 414-1 Lorraine Fay Smith
424-2 Mark Stevenson 433-2 W Syme
443-4 Meil Galbraith Uruamo Ecological Society Inc 443-4x235 Paul Summers
443-4x240 Birkenhead Residents Assn 468-1 Jo Turner
473-1 Poul and Michelle Israelson 473-1x220 Dr Heather M Halcrow Nicholson

be declined in part to the extent that the decision be deferred either until further information is provided addressing the areas of revision recommended in this report or that the Council introduce a variation to the plan change incorporating such areas of revision.

Attachment 1.0 Location Plan
Attachment 2.0 Landscape Review, Traffic Review, Economic Review
Attachment 3.0 Site and Potential Development Cross-sections
Attachment 4.0 Summary of Recommended Changes
Appendix A

Attachment 2.0
2.1 Landscape Review,
2.2 Traffic Review,
2.3 Economic Review
Proposed Plan Change 16
Chelsea Mixed Use Overlay Area & Plan

Review of Landscape, Amenity & Urban Character Effects

Introduction

This review addresses Proposed Plan Change 16, which is designed to ‘overlay’ the North Shore City District Plan’s current Business 9 zone for the Chelsea Estate at Birkenhead. In particular, the private Plan Change proposes a ‘Chelsea Mixed Use Overlay Area’ that would accommodate a variety of activities, as set out - in terms of building footprints, public open space and private open space - in a Master Plan originally prepared by Architectus. The overall Master Plan addresses the wider Chelsea Estate, including a series of ponds and forested slopes that separate the current Chelsea Refinery from nearby Highbury and established residential development stretching down from (and southwards of) the Hinemoa St ridgeline. However, the proposed Plan Change only addresses the area around the current refinery, bulk storage building and car park, together with an area to the west, currently known as the “western paddock”.

Proposed development accommodated by the Plan Change would include:

- apartment style residential development and associated ‘business’ and community activities within the current refinery buildings
- car parking within the current refinery ‘core’ area
- apartments and terrace housing with a maximum height of between 3 and 5 storeys massed on the current car park area and vehicle manoeuvring spaces between the refinery and main pond;
- apartments buildings, mostly 4 storeys high, on the current bulk sugar store’s building platform;
- terrace housing and apartments, 2 - 3 storeys high, on the western paddock west of the current bulk sugar store buildings, close to the coastal escarpment; and
- related roading, accessways and open space around this residential development.

The existing ponds and most of the current vegetation framing stream corridors that run down from Chatswood Reserve and Holyoake Ave towards the refinery would be conserved within a future reserve, the final extent of which is subject to determination of the Plan Change application. Closer to both the coastal edge and current refinery, the bulk of proposed housing would be located so as to occupy the current refinery car park and open space / paddocks above, and west of, the refinery. The actual apartment and terrace house development immediately west of the current refinery would be set back from the coastal escarpments and main stand of bush that interface with the Waitemata Harbour and Kauri Point Centennial Park (to the west), although the proposed amalgam of apartments and terrace housing would still be located in close proximity to the pines, manuka and other vegetation that denote both the coastal edge and a smaller escarpment between the refinery and bulk sugar store.

Boffa Miskell Ltd have prepared an Assessment of Landscape and Visual Effects (10 May 2005), which addressed the original Plan Change’s visual effects and, where applicable, included additional comment about the wider landscape, amenity and urban character effects of the proposal. That assessment in fact addressed an earlier version of the Master Plan and Plan Change proposal: since that time, the location of apartments and terrace housing on the western paddock has been reconfigured, incorporating:

- the proposed location of three four storey apartment blocks and a smaller three storey block on the platform of the current sugar storage building and its immediate curtelage;
greater physical separation of the bulk of residential development in the western paddock from the main coastal cliff-line and avoidance of a gully descending towards the Waitemata Harbour at the western end of the paddock area;

alignment of that development so that it more directly follows the contours of the main paddock area; and

exclusion of the coastal cliffs and associated vegetation in closer proximity to the residential apartments and terrace housing from the Plan Change 16 envelope and effective retention of the escarpment as future reserve.

Whereas a mixture of two and three storey residential development originally came to within 5m of the coastal cliff-line and was aligned more perpendicular (or ‘square on’) to the coast and Waitemata Harbour, they would now be viewed either end-on or in a more oblique fashion. At the same time, even though the new buildings replacing the bulk store would still come close to the coastal cliff-line, there would be more substantial open space and breaks between buildings.

Just as important, whereas the original Plan Change foreshadowed one to two storey housing at the end of Colonial Rd, Onetaunga Rd, Rawene Rd and next to Blundell Place - on spurs descending down towards the refinery, ponds and Chelsea Bay - those proposals have been dropped from the current Plan Change proposal.

Review: Boffa Miskell’s Report

Despite its now somewhat dated subject, Boffa Miskell’s report remains thorough in its description of the historical evolution of the Chelsea site, the pattern of current activities, the physical characteristics and elements found on the site, and its general character. That description leads into an outline of the proposed Plan Change and, in particular of, Architectus’s proposed Master Plan. Key design principles embodied in that plan are explained, together with a description of the main physical components of the proposal for different locations, including the area immediately around the refinery, the ‘western slopes’ and more remote parts of the site connected with Birkenhead’s established street and reserve network.
Responding to these components of the Plan Change proposal, subsequent sections address the site’s visual catchment and audiences that might be exposed to development within the Chelsea Plan Change site. In this context, mention is made of impediments to such exposure posed by the natural landform, vegetation and existing development, including a line of coastal pohutukawa around the site periphery. It is concluded that those most likely to be affected by new development include:

- local Birkenhead residents,
- those visiting its grounds,
- users of the harbour bridge,
- those fishing or otherwise using the Waitemata Harbour, and
- residents of some parts of Herne Bay.

The natural focal-point afforded by the existing refinery buildings and jetty are also discussed, in the context of the platform that they provide for future re-development.

Moving on to their assessment of landscape and visual effects, in a more qualitative sense, Boffa Miskell concludes that:

- The low to medium rise components of the Master Plan would, if constructed, not impede views to the heritage structures distributed across the Chelsea Refinery site: those elements (such as the Kiln House, Melthouse, Sugar Elevator Tower, Boiler House and wharf structures) would retain their integrity and significance as local features of the Chelsea Estate.
- New development would integrate with, and respond to, the form, scale and massing of these central elements concentrated around the current refinery.
- Areas of retained open space and pedestrian linkages would continue to provide ‘fine grained’ connection and integration with Birkenhead / Highbury’s street network and reserves.
- A ‘new and desirable urban neighbourhood’ would arise from the replacement of the current staff car park by expanded pond-side parkland, foreshore access and new public urban spaces integrated with low rise buildings.
- The overall pattern of redevelopment would enable the ‘transition from industrial activities to an after life of residential and mixed commercial uses without significant
change to the built form of the core area’, and this change would ultimately enhance public access to the refinery area and coastal margins. The architectural qualities of the new development would not be the same as those found in, or associated with, the heritage features on site, but would complement them.

- Extensive parklands, ponds, open space, both native and exotic vegetation, and walkways - partly within the physical compass of the plan Change but mainly within residual parts of the Chelsea Estate outside it - will complement the more hard edged components of the Master Plan and help to buffer them in relation to views from beyond the site.

In order to further explore the potential effects of the Master Plan on surrounding areas, photos and montages were prepared which show key elements from:

1. Curran St dropping into Westhaven Marina
2. Sentinel Bay within Herne Bay
3. Birkenhead Wharf

The analysis employing these viewpoints confirms that the new residential and commercial components of the Chelsea Mixed Use Overlay Area would substantially meld into the parkland and wide-spread vegetation found within the wider Chelsea site. The refinery’s mixed residential / commercial / car parking development, together with new residential development in the western paddock (as originally conceived), would be effectively separated from existing residential development around Onetaunga, Colonial and Rawene Roads by the site topography, vegetation and ponds. Exposure to the Master Plan's new built forms would be ‘consistent with the established character of the wider locality with existing urban / suburban development behind the western slopes area’.

In addition, within the subject site, a network of public roads would prevent the perception of natural areas and the coastline being ‘privatised’. It is further stated that the set-back of new development around the refinery and western paddock area would limit any additional effects - significantly beyond those already associated with the current refinery and wharf - in relation to the natural character of the coastal environment.

On the basis of these findings it is concluded that “whilst introducing a change to the existing character of the subject areas of the Chelsea Estate the proposed development is located
and scaled to avoid significant adverse visual effects, or effects on the landscape values of the locality, including the natural character of the coastal environment”.

Re-assessment

Having visited the site and its surrounds on several occasions, it is apparent that the current Chelsea Estate remains much as described in Boffa Miskell’s assessment.

On the other hand, the Assessment of Landscape and Visual Effects is not strictly complete, insofar as the identification of areas potentially exposed to the estate appears to miss out some of the more immediate visual catchment around Birkenhead’s Tizard Rd and properties off the likes of Rugby Ave. Clearly, those living near the lower ends of Onetaunga, Colonial and Rawene Roads would also be exposed to some of the residential development proposed around the refinery and western paddock, though in more fragmented fashion due to intervening terrain, vegetation (including large stands of pines and other trees near Colonial and Rawene Roads) and residential structures in the more immediate foreground.

Typically, however, very few - if any - such vantagepoints would reveal the broader, more complete, matrix of development proposed around both the refinery and western paddock. Again, the local topography, vegetation and intervening residential development would preclude such a high level of exposure from most - if not all - quarters. Even so, the likes of Tizard Rd, Rugby Ave and Wanganella Ave are, in fact, more directly exposed to the subject site than any of the three viewpoints employed by Boffa Miskell due to their closer proximity to the subject site and their relative elevation. On the other hand, such viewpoints represent relatively small audience groups, rather than the general public.

At the same time, it might be argued that Boffa Miskell should have recognised and analysed effects in relation to those who use the walkway network into the Chelsea Estate to a greater degree. Yet, the myriad of views and perspective encompassed by that network would be all but impossible to address comprehensively or in a truly representative fashion and, given the broad scope of changes anticipated, it is probably the ‘big picture’ that is of utmost concern, as opposed to a wide variety of more idiosyncratic views.
Turning to other vantage points, it is considered that views from the direction of the harbour bridge, Herne Bay, Westhaven, the central city and even the closer confines of the Waitemata Harbour, would reveal the upper rooflines of some of the development around the refinery, occupying the sugar store site and atop the western paddock. Yet, this development would still be strongly flanked and visually contained by pines, manuka, pohutukawa and other planting along the coastal escarpment, on the steep slopes between the refinery and bulk store locality and next to Chelsea Bay flanking the current car park.

As a result, the actual refinery would remain the pre-eminent point of focus in such views, its iconic profile and colours a dominant feature of Kauri Point that would still be strongly framed by coastal vegetation and cliffs. Development on and around the current car park would remain very much secondary and visually subservient to the refinery, while apartment / terrace housing development on the higher ground to the west would be visually fragmented by the intervening coastal vegetation and pines.

The lower viewing angles obtained from the southern side of the Waitemata Harbour and from the Harbour itself, would tend to amplify this ‘buffering’, with the refinery, wharf and coastal escarpment retaining their visual primacy, while those fragments of residential walling and roofs visible above and beyond these key features would tend to merge with the wider matrix of residential and urban development around Highbury and the Mokoia Rd ridgeline.

At this juncture, it also has to be acknowledged that the original proposal raised significant concern: re-assessment of the western paddock area, in conjunction with the cross -sections prepared by Mike Elliot, suggested that both roading and buildings near the southern extremity of the “western paddock” would sit on relatively steep slopes perched directly above the coastal edge. As well as requiring the clearance of a large swathe of vegetation (admittedly including a large number of pines) directly above the coastal escarpment, construction of the proposed roading would have resulted in extensive earthworks and retaining structures along the top of that escarpment - within the immediate backdrop to the Chelsea refinery when viewed from the harbour bridge. This would have a direct effect on the landform and (both native and exotic) vegetation cover of the coastal landscape. Additionally, it would unnecessarily elevate the residential building platforms and structures above the proposed road corridor and coastal edge.
These concerns were critical as the profile of the coastline immediately west of the current refinery has a strong native/endemic character precisely because of its undulating, often steep to precipitous, landform and solid band of trees, including significant native regeneration. These elements provide strong counterpoint to the refinery and a visual frame for it, especially when viewed from the direction of the harbour bridge and Herne Bay. They also contribute to the visual coherence and continuity of the coast in conjunction with the rest of the coastline extending through and beyond Kauri Point centennial Park.

Any proposed roading, apartments and terrace housing impacting physically on that edge would therefore have a very significant impact on the character of the land directly framing the present-day refinery, its intrinsic natural character values and the wider contextual landscape values of a key part of the Waitemata Harbour shoreline. In addition, it was felt that development down the face of the escarpment would potentially reduce the sense of contrast and attractive interplay between the refinery and the natural landforms and remnant bush of the coastal edge.

As a result, this matter was considered to be of fundamental importance in terms of the overall acceptability of the original proposal. Ultimately, it was felt that application of the 2005 Plan Change provisions and Master Plan to the western paddocks area (in particular) would have generated very significant and adverse effects in relation to both the natural character and landscape values of Kauri Point and the upper Waitemata Harbour.

Consequently, a site meeting and inspection was held on Tuesday, the 29th of November that included representatives of the Chelsea Sugar Refining Company, Rachel De Lambert of Boffa Miskell Ltd and Jim Bentley of Bentley Associates. In the course of that meeting it was agreed that the plan change concept would be likely to have a limited impact on manuka and kanuka dominated coastal regrowth at the edge of the coastal escarpment, but might - more importantly - still encroach onto part of that key landscape landform in one key location. As a result, it was agreed that certain measures should be adopted as part of the plan change to limit such encroachment in particular. These measures were incorporated in Drawing 05009-015 prepared by Boffa Miskell Ltd and dated 30/11/2005.

Since that time all of the residential development west of the refinery has been reconfigured as already described. Accordingly, it is now considered that the concerns identified in the original review in relation to this area have been adequately addressed and the bulk of anticipated effects have been sufficiently ‘internalised’ - to the point where effects in respect
of natural character and broader coastal landscape values have been reduced to an acceptable level by the revisions contained in Proposed Plan Change 16.

Turning to other specific effects, it is also accepted that implementation of the Proposed Plan Change would also - for some local Birkenhead vantagepoints - result in the visible loss of existing open space (primarily grassed areas) within the Chelsea Estate, and there would be a wider spread of development across the site as whole.

More positively, however, it is considered that:

- the sort of concentrated mixed residential, commercial and recreational use around the current refinery responds appropriately to the focal nature of the current industrial complex. This includes effectively ‘burying’ single storey car parking within the refinery structure.

- The massing of development around that core is considered to be entirely appropriate and would reinforce the attractive counterpoint that already exists between the refinery and its more natural coastal surrounds. The general configuration of development, including the ‘pyramidal’ elevation of residential development around the actual refinery building, would appear optimal in terms of balancing utility with amenity.

- The related, hierarchical, nature of the proposed residential complexes (both physically and in terms of layout), allied to a permeable road / walkway network would create an environment that makes the most of its exposure to both the nearby harbour and ponds. It would also contribute to the creation of an attractive degree of intensity in key parts of the site around the refinery complex. This approach is consistent with the desire to establish a functioning, attractive, residential environment, while - at the same time - maintaining a heritage theme that devolves from the historic structures to remain on site.

- Significant benefit would therefore be derived from the transformation of the current car park into park / reserve - linked to both the current walkway network.

- The protection of Category A heritage structures within the site, albeit increasingly flanked and integrated with more modern architectural elements and themes, is appropriate given the changed range of activities and functions that would accompany
implementation of the Master Plan. It is neither practical nor appropriate to fossilise the existing industrial elements on site and the current configuration if such wide spread change should prove necessary.

- Residential development in the ‘western paddock’ reflects and extends current patterns of development within the coastal Birkenhead area, including such development’s beneficial interaction with adjacent reserve land, stream corridors and areas of remnant native forest, as well as the coastline. The more modern character of the proposed development might initially appear distinctive, even contradictory, in comparison with existing housing development off those roads and the more historic elements preserved on site (including the historic cottages on the eastern side of Colonial Rd). But this development would tend to be compartmentalised and softened by the surrounding vegetation and landforms.

- In a directly related vein, the main harbour margins, ponds and bush areas that frame the Plan Change area would remain substantially intact: as well as framing the proposed residential development, they would continue to provide an important contextual frame for, and recreational adjunct to, the open space, ponds and walkway network within the Proposed Plan Change 16 area. They would continue to merge with Chatswood Reserve and other fingers of bush between the site and both Highbury and surrounding residential areas.

- The development would remain visually separate from nearby residential areas and would not be excessively exposed to them - or even to more remote vantage points like the harbour bridge and Herne Bay. Instead, most of the mixed use development would remain - as at present - reasonably secluded and discrete.

The over-riding effect of enactment of Proposed Plan Change 16 would therefore be to concentrate residential and commercial development in three main intensive ‘clusters’ that would be separated from one another by the ponds, slopes, native vegetation and park-quality planting of the rest of the Estate. Given the likelihood of strong synergies between the proposed residential and commercial development, potential future ferry linkage to the existing wharf, and the obvious public benefit to be derived from consolidation of most of the Estate within a future reserve, it is therefore considered that the proposed concentration of development is both more appropriate and appealing (in terms of landscape and amenity values) than adoption of a more traditional, suburban, approach to development. Such an
approach would spread lower level, lower density, development more homogeneously across the Chelsea Estate, but in so doing would destroy the strong natural / cultural counterpoint inherent in the current contrast between the existing refinery and its park-land setting.

Consequently, while it is accepted that the Plan Change proposal would inevitably result in appreciable change to the landscape character and overall appearance of the Chelsea Estate, it is considered that the configuration of development proposed is acceptable in terms of both its strategic and more specific / localised landscape, amenity and natural character implications.

**Proposed Plan Change Provisions**

New Section 15 objectives, policies and rules are also proposed as part of Proposed Plan Change 16. For the most part, these simply ratify and support the master planning exercise for the Mixed Use Overlay Area. However, having regard to the issues identified above in relation to the proposed configuration of development on the Chelsea Estate, it is considered that the following additions and amendments might be appropriately incorporated in the proposed provisions:

**C. SECTION 15 OF DISTRICT PLAN - BUSINESS**

15.3.8 Chelsea Mixed Use Overlay Area

5. By ensuring that the bulk, massing and heights of buildings are appropriate to a prominent coastal location **having particular regard to**
   - the protection of the natural character and landscape values of the inner Waitemata Harbour and Kauri Point, especially the coastal escarpment and associated native vegetation; and
   - minimising effects in relation to the Chelsea Estate ponds and their immediate surrounds (except in relation to the existing refinery car park area).

9. By ensuring that development associated with roading, accessways, services reticulation and earthworks have particular regard to:
   - the protection of the natural character and landscape values of the inner Waitemata Harbour and Kauri Point, especially the coastal escarpment and associated native vegetation; and
minimising effects in relation to the Chelsea Estate ponds and their immediate surrounds (except in relation to the existing refinery car park area).

D. SECTION 15, BUSINESS - RULES

2. Requirements for Chelsea Mixed Use Overlay Area in the Business 9 zone

Any application for resource consent for development in the Mixed Use Overlay Area shall be accompanied by a Comprehensive Development Plan.

In considering any such plan and whether or under what conditions consent should be granted, the Council shall have regard to:

k) the effects of building location scale and massing, together with servicing roading and earthworks, have on the natural character and landscape values of the inner Waitemata Harbour and Kauri Point, especially the coastal escarpment and associated native vegetation west of the refinery and Chelsea Bay;

l) the effects of building location scale and massing, together with servicing roading and earthworks, have in relation to the Chelsea Estate ponds and their immediate surrounds (except for the area of the existing refinery car park).

6. 15.7.5 Additional Assessment Criteria for Limited Discretionary Activities within the Chelsea Mixed Use Overlay Area

b) Building Form

- The location, scale and massing of buildings should not excessively intrude into, or disrupt, the continuity and natural character values of the coastal escarpment (including associated native vegetation cover) west of the refinery.
- The location, scale and massing of buildings should not dominate the Chelsea Estate ponds and their immediate surrounds (except to the extent indicated in the Mixed Use Overlay around the existing refinery car park).

c) Outlook & Outdoor Spaces

- Communal outdoor spaces should link directly and as seamlessly as possible with the proposed roading network and public spaces, reserve land and public walkways.

e) Landform, Vegetation & Landscaping

- The existing shape of the landform should generally be retained, rather than changed by significant earthworks, and there should be no modification of the coastal escarpment from its point of ‘roll-over’ seawards.
- Existing mature tress and significant native bush should be incorporated into the site and landscape design and retained as a
physically cohesive ‘whole’ that links with the coastal escarpment and planting around the Estate ponds.

- Vegetation framing / flanking the existing ponds should be protected as far as is practicable (allowing for development around the refinery car park).

**Stephen Brown**  BTP, Dip LA, FNZILA, Affiliate NZPI
Proposed Plan Change 16
Chelsea Mixed Use Overlay

Review of Traffic and Transport Implications and Assessment of the Proposed Private Plan Change 16 – Chelsea Sugar Factory

November 2006
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Proposed (Private) Plan Change 16
Chelsea Mixed Use Overlay Area and Plan

Review of Traffic and Transport Implications

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1. **Introduction**

MWH have been commissioned by the North Shore City Council to prepare a report to the Planning Commissioner on the traffic and transport aspects of the section 32 submissions in relation to the Plan Change 16 application to develop the Chelsea Sugar Factory site for predominantly residential activities. This report also considers the transport submissions including North Shore City Council, Auckland Regional Council and others and suggests methods to ensure that the applicant can address the concerns raised in the submissions.

2. **Additional comments on the proposed Plan Change 16**

The scale and nature of the development that the plan change seeks to secure is reported to be limited to that which the Colonial intersection can accommodate. This is a practical approach from a transport perspective, however the applicant should demonstrate that the operational threshold of the junction does not exceed 90% of its design capacity to ensure that the intersection operates satisfactorily.

MWH suggest that the applicant should demonstrate that the impact of the development traffic on the Colonial Road/Mokoia Road does not exceed 90% of the operational capacity.

3. **MWH Review of Traffic Effects Assessment in Section 32 Report.**

**Proposed Traffic Generation**

The estimated trip generation of the proposals, based on the use of the RTA guideline, NSW, Australia “Guide to Traffic Development” appears to be generally correct however local empirical trip generation data may provide a more accurate basis for estimating the traffic generation associated with the plan change proposals. For the intersection capacity modelling, it would be reasonable to ‘net-out’ trip generations to make allowance for the potential existing trips that the site could generate under the current Business 9 Zoning (see section 8 of this report). The proposals refer to the provision of a ferry service at the site however no allowance for the effects of this in terms of induced traffic has been made.

MWH suggest that the applicant should re-assess the operation of the Colonial Road/Mokoia Road intersection based on the net traffic generation and including the effects of induced ferry traffic.

**Traffic Distribution**

The development traffic has been distributed onto the network on the basis of the observed directional split of existing network traffic. Whilst use of the origin-destination data within the North Shore City
Council Tracks Transportation model may provide a more accurate method of distributing traffic onto the network, the method adopted by the applicant's consultant is not unreasonable.

**Scope of Traffic Effects**

Intersections are generally considered to be materially affected if flows on any approach increase by more than 10%. The traffic effects assessment should therefore show the likely increases in traffic flows on the wider road network to ensure that the traffic effects are fully considered at a more strategic level.

**MWH suggest that intersections that experience an increase in 10% of traffic flows on any approach as a result of the plan change proposals should be included in the traffic impact assessment.**

**Junction Modelling**

The assessment of the traffic effects on the road network is limited to the extent of the Paramics model, which included the four key intersections of:

- Colonial Road/Mokoia Rd/Highbury Bypass
- Rawene Rd/ Hunemoa Street/ Birkenhead Avenue/Mokoia Road
- Highbury Bypass/Mahara Avenue
- Highbury Bypass/ Birkenhead Avenue

The Paramics assessment of the traffic effects was presented in terms of travel time changes as traffic travels through the model area following adjustments to the existing signal timings. There are several concerns with this approach.

This is a very coarse assessment technique and does not present the impact of the additional traffic on these key intersections in sufficient detail.

The junction modelling has been based on 2003 base flows due to the absence of a fixed date of plan change implementation. In assessing the traffic effects it would be preferable to take a conservative approach and assess the traffic effects on a future basis. For the purposes of the traffic assessment it would be preferable for the applicant to model the effects of the proposals on a 2021 base scenario. This can be obtained from the NSCC Tracks Transportation model. This is a land use traffic model covering the whole of Auckland which takes into account future land use changes and assigns future traffic flows over the road network.

Local residents have expressed concerns with regards to the operation of the Colonial Road intersection during peak times. In addition to this, the key intersections listed above have been identified in the Highbury Centre Plan for improvements.

The adjusted signal timings have been modelled to minimise the effects of the additional development traffic. This additional ‘green-time’ used to accommodate the development traffic is likely to be gained at the expense of other existing users on the different approaches to these intersections as well as increasing the time for pedestrians to receive a ‘green man’.
The Paramics model does not appear to have been through a peer review process. Given the strong conclusions drawn from the model outputs, this is a key omission in the application.

MWH suggest that micro-analysis of the key intersections are modelled using the future base traffic flows from the Track Transportation model. This will ensure that the additional traffic effects associated with the Highbury Centre Plan and other planned development are considered in the junction assessments in addition to the needs to assist pedestrian movements at these intersections. A peer review process should confirm the efficacy of the models.

4. North Shore City Council Submissions

In summary NSCC require the applicant to give greater consideration to the following transport aspects:

- On-site Parking provision
- On-site vehicle circulation
- Bus and Ferry infrastructure
- Ferry and Bus interchange
- Design of Public Roading within the development
- Modelling is too coarse and requires more detailed analysis of key intersections
- Need to account for cumulative impact of consented / planned schemes in the Highbury Area.
- Traffic effects need to be modelled on the basis of current and future base flows to correspond with development phasing and scheme completion.
- Assessment of provisions for pedestrians, cyclists or people with mobility impairments.

MWH is in broad agreement with the concerns raised by NSCC.

MWH suggests that these concerns can be addressed by requesting of the applicant to present supporting information as part of the plan change application to demonstrate that the proposals are consistent with the current transport policies and objectives as set out in chapter 12 (Transport) of the North Shore District Plan.

Of particular importance is the need to demonstrate that the plan change proposals provide a realistic opportunity to travel to and from the site by means other than the private car. Further supporting information, indicating the design of a bus and ferry interchange and infrastructure should be provided.

5. Auckland Regional Council (ARC) Submissions
In summary ARC require the applicant to include a Transport Audit, which includes:

- How the development could be served by Public Transport
- How design can better support Public Transport Investment
- How design provides pedestrian/cycle accessibility within and to site
- How to enhance walking connections to Highbury town centre
- Demonstrate how the plan change proposals reduce the need for vehicle travel
- Demonstrate how a viable ferry service can serve the site and how this can be funded
- Analysis of integration of ferry service with bus service
- Details of PT infrastructure provision to accommodate the interface between the ferry and bus services
- How parking provision and travel Planning will promote Public Transport Use.

Other areas of concern related to:

- Lack of detail on how plan change will mitigate against increased travel
- How Land Use and Transportation is integrated.
- No regard for Urban Growth Strategy re the need to ensure that intensive development is provided around selected town centres and transport corridors.

MWH is in broad agreement with the concerns raised by ARC and believe that the above items should be developed further to shift the proposals from their conceptual nature to a more tangible plan change proposal. The outcome of any Transport Audit should be to demonstrate that the Plan Change proposals reflect the objectives of relevant land use and transport policy.

To this end, the plan change proposals should be supported by further information illustrating what schemes are proposed to enhance pedestrian and cycle access between the site and the Highbury centre. In addition to this MWH suggest that the applicant, develops further, the opportunity to provide a direct ferry service by discussing with the ferry operator what on-site infrastructure would be required to support this service.

To address the concerns raised by ARC the following policy should be added to section 15.3.8:

9. By requiring development proposals to incorporate on-site provision for parking, vehicle circulation, buses and ferry infrastructure, provision for cyclists and associated pedestrian movements.

6. Proposed Comprehensive Management Plan

A tool for achieving the transport objectives of the proposed plan change is through the Proposed Comprehensive Development Plan. It appears that the transport objectives have been omitted from this mechanism.
MWH suggest that this should be addressed by amending rule 15.6.2.12 under the clause 2 ‘Requirements for Chelsea Mixed Use Overlay Area in the Business 9 zone’ bullet point 4:

- Whether adequate provision is made for services and utilities including wastewater disposal, stormwater management, water supply, electricity supply and telecommunication services.

And inserting the following additional point within this clause:

- The objectives and policies of section 12 (Transportation) including whether the pattern and design of on-site roading serves the demands for parking and the need for vehicle circulation, buses and ferry infrastructure and pedestrian and cyclist movements.

The proposed new clause 15.7.5 relates to the additional assessment criteria for limited Discretionary Activities within the Chelsea Mixed Use Overlay Area. Consideration of the specific site related traffic and parking issues is in our view not comprehensive enough.

MWH suggest that under part f) traffic, parking, access, and pedestrian amenity' in the proposed section 15.7.5, the following additions should be made:

- The proposals should demonstrate that the quantum of on-site parking being sought is consistent with District Plan requirements.
- The proposals should demonstrate how these parking spaces would be physically provided for on site.
- The proposals should indicate how these parking spaces are to be managed to reflect the different user groups (eg. Businesses, residents and commuter parking that promote the proposed ferry service).
- On-site bus stopping and turnaround facilities should be incorporated within the design.
- The proposals should include a continuous dedicated pedestrian footpath between the site and Colonial Drive and an assessment of the pedestrian crossing requirements through and between the site and local centres.
- micro-analysis of the key intersections should be undertaken using the future base traffic flows from the Track Transportation model. The additional traffic effects associated with the Highbury Centre Plan should also be considered in the junction assessments in addition to the needs to assist pedestrian movements at these intersections. A peer review process should confirm the efficacy of the models.
- The proposals should incorporate on-site infrastructure to support a ferry service.

There are opportunities for commuters to park along sections of Colonial Road and other adjoining residential streets.

MWH suggest that this issue should be explored in more detail to assess whether this is desirable from an amenity and road safety perspective and whether any on-street parking controls will be required to manage this as part of the plan change proposals.
7. Planned works within the Highbury Area

As set out in the Highbury Centre Plan, Highbury is intended to accommodate growth in the number of people living in and within easy walking distance of its centre. This is to be supported by numerous streetscape and transport improvements. Highbury centre is planned to be intensively developed particularly with regards to the re-zoning of Mokoia Road to allow an increase in building height in addition to accommodating new mixed use residential/office and new medium density housing at the junction of Colonial Road/Highbury Bypass. To support this growth the key intersections as listed in section 3 of this report are identified in the Highbury Centre Plan as intersection improvement locations.

There are significant transportation implications resulting from the Highbury Centre Plan. MWH therefore suggests that the traffic and transportation impacts of the plan change proposals be considered in the context of Highbury area as a whole.

8. Assessment of Baseline Traffic Generation permitted under the current Business 9 Zoning

MWH is aware that the current zoning of the site allows for alternative development activities to take place without the need to secure additional planning permission. There are various development scenarios that can be implemented and the traffic generation of these activities needs to be considered in the context of the current plan change proposals. Table 1 below, is based on the typical trip generation rates as set out in Transfund New Zealand Research Report 209 and provides a reference guide of potential trip generations associated with various land use activities.

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<th>Land Use</th>
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<td>Daily</td>
<td>Peak</td>
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<tr>
<td>Commercial/Office</td>
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<td>Residential Flats</td>
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<tr>
<td>Residential Houses</td>
<td>Trips per unit</td>
<td>10</td>
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An example of a likely alternative activity could include 10,000m² of commercial/office. This would generate some 200-vehicle trips during the peak hour, which represents around a third of the peak hour traffic generation anticipated from the development proposals. The scale (and subsequent traffic generations) of potential permitted activities would effectively lower the traffic impact and as such should be considered in the junction capacity assessments of the plan change proposals.
9. Summary

In order to ensure that the traffic and transportation implications of the proposed plan change are fully considered and mitigated the following actions are recommended:

The applicant should demonstrate that the impact of the development traffic on the Colonial Road/Mokoia Road does not exceed 90% of the operational capacity.

The applicant should re-assess the operation of the Colonial Road/Mokoia Road intersection with induced ferry traffic effects.

The applicant should assess other intersections where the development proposals create an increase in 10% in traffic flows on any approach of a junction.

A micro-analysis of the key intersections should be undertaken using the future base traffic flows from the Track Transportation model. This should include the additional traffic effects associated with the Highbury Centre Plan. Allowance for the potential existing trips that the site could generate under the current Business 9 Zoning should be included. A peer review process should confirm the efficacy of the models.

As a mechanism to address the submissions of NSCC the applicant should present supporting information as part of the plan change application to demonstrate that the proposals are consistent with the current transport policies and objectives as set out in chapter 12 (Transport) of the North Shore District Plan.

As a mechanism to address the submissions made by ARC, the applicant should provide further supporting information to enhance pedestrian and cycle access between the site and the Highbury centre and develop further, the opportunity to provide a direct ferry service by discussing with the ferry operator what on-site infrastructure would be required to support this service.

To ensure that the plan change proposals address the above issues the following policy should be added to section 15.3.8:

9. By requiring development proposals to incorporate on-site provision for parking, vehicle circulation, buses and ferry infrastructure, provision for cyclists and associated pedestrian movements.

The applicant should ensure that the traffic and transportation effects of the plan change proposals are addressed through the Proposed Comprehensive Management Plan by amending rule 15.6.2.12 under the clause 2 ‘Requirements for Chelsea Mixed Use Overlay Area in the Business 9 zone’ bullet point 4 as follows:

- Whether adequate provision is made for services and utilities including wastewater disposal, stormwater management, water supply, electricity supply and telecommunication services.
And inserting the following additional point within this clause:

- The objectives and policies of section 12 (Transportation) including whether the pattern and design of on-site roading serves the demands for parking and the need for vehicle circulation, buses and ferry infrastructure and pedestrian and cyclist movements.

To address the specific transportation issues resulting from the plan change proposals the following addition should be added to the Proposed Comprehensive Management Plan under part f) traffic, parking, access, and pedestrian amenity’ in the proposed section 15.7.5:

- The proposals should demonstrate that the quantum of on-site parking being sought is consistent with District Plan requirements.
- The proposals should demonstrate how these parking spaces would be physically provided for on site.
- The proposals should indicate how these parking spaces are to be managed to reflect the different user groups (e.g. Businesses, residents and commuter parking that promote the proposed ferry service).
- On-site bus stopping and turnaround facilities should be incorporated within the design.
- The proposals should include a continuous dedicated pedestrian footpath between the site and Colonial Drive and an assessment of the pedestrian crossing requirements through and between the site and local centres.
- micro-analysis of the key intersections should be undertaken using the future base traffic flows from the Track Transportation model. The additional traffic effects associated with the Highbury Centre Plan should also be considered in the junction assessments in addition to the needs to assist pedestrian movements at these intersections. A peer review process should confirm the efficacy of the models.
- The proposals should incorporate on-site infrastructure to support a ferry service.

To address any amenity or road safety issues resulting from over-spill parking, parking controls on surrounding residential streets should be considered as part of the plan change proposals.

Highbury centre is planned to be intensively developed particularly with regards to the re-zoning of Mokoia Road to allow an increase in building height in addition to accommodating new mixed use residential/office and new medium density housing at the junction of Colonial Road/Highbury Bypass. The traffic and transportation impacts of the plan change proposals should be assessed in the context of the Highbury centre proposals.
REVIEW OF ECONOMIC ASSESSMENT FOR ALTERNATE USES OF THE CHELSEA SUGAR SITE

AUGUST 2006
REVIEW OF ECONOMIC ASSESSMENT FOR
ALTERNATE USES OF THE CHELSEA SUGAR SITE

August 2006

on behalf of
North Shore City Council

prepared by
Kingett Mitchell Limited
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<td>Employment Density.</td>
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Document Quality Assurance

This report has been prepared in accordance with Kingett Mitchell quality assurance procedures. All relevant quality control information in relation to biological and/or environmental data is identified within the document. The report has been reviewed and is approved for release as set out below.

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<td>Dave Serjeant</td>
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</table>
1. Introduction

1.1 Purpose

The purpose of this report is to present a review of the following report, prepared for the Chelsea Sugar Refinery (CSR) on behalf of North Shore City Council.


1.2 Summary

The following key points summarise the review of the above document by Kingett Mitchell:

- The approaches used to predict the future employment capacity of the CSR site do not take into consideration:
  - The impact on North Shore City of effectively losing potential business zoned land.
  - The potential increase in employment density of the site and subsequent job creation, if manufacturing land use activities were maintained or mixed use employment introduced.
  - The impact on the economy of North Shore of losing employment.

- The assessment of alternatives does not draw substantive conclusions and some additional factors could have been considered. Specifically the assessment does not take into account:
  - The effect of competition from other centres on the viability of alternatives.
  - Demand for jobs in the land uses which are considered for the site.
  - The effect of possible land contamination on the site and the impact this may have on land use alternatives.
  - Consideration of mixed land use.

- While a conclusion is drawn that the development concept plan proposed is the most suited to the site, (predominantly residential with business land at slightly less capacity than exists currently) it is possible that the employment density of the site could be increased through the mix of activities provided for.

- Notwithstanding the above, it is accepted that the area of business zoned land currently at Chelsea and its existing and future potential contribution to the overall business sector and employment within North Shore City is limited.
1.3 Background

New Zealand Sugar Company Ltd is assessing alternative uses for the Chelsea Sugar site. The assessment is required to facilitate a plan change to the North Shore City District Plan that will allow the CSR site to be developed if refining activity should cease in the future.

Market Economics Ltd was commissioned to undertake an economic assessment of the site. The report states that it focuses on the role of the CSR site within the North Shore economy, and the implications for its use for other than business activities.

Kingett Mitchell has been employed by North Shore City Council to review the report in preparation for the plan change process.

2. Contribution of the CSR Site to the Economy of North Shore City

To assess the current role of the CSR site in the North Shore economy, the Market Economics report compares the employment rate and employment density at Chelsea to rates for North Shore City. This allows a judgement to be made of the extent to which Chelsea contributes to the economy. A conclusion is drawn that due to employment density at Chelsea being significantly lower than the average (11 FTEs/ha compared to an average of 36 FTEs/ha) and representative of only 0.4% of total employment in North Shore City, it does not make a significant contribution to the economy.

The report assesses the contribution of the CSR site against employment in all business areas of North Shore City. While this indicates the contribution CSR makes to the city economy, it does not reflect the role that Chelsea has in the manufacturing sector of the city as a specific sector. In employment terms this is only 1.6% (See Appendix 1), however, the downstream benefits of having the Chelsea operation on the North Shore such as the use of CSR product in other industries or expenditure on other goods and services are not evaluated.

3. Approaches taken to Assess Future Capacity to the Site

3.1 Methods Used in Market Economics Report

The Market Economics report has taken two approaches to predict the future capacity of the CSR site. The first is the “employment capacity approach.” This approach predicts future capacity of the site by
calculating the increase in employment on the site, if employment densities increase:

- Pro rata with the North Shore average increase in employment density. (e.g. If the average shift is X FTEs/ha then the capacity of the CSR site is the current capacity + X).
- To the average North Shore employment density (stated at 36 FTEs/ha).

The second approach assesses the number of people that would be employed in the CSR site by using employment growth rates.

The conclusion of both approaches is that the capacity of the CSR site to contribute to the economy of North Shore City is limited. This forms the basis of an argument that changing the predominant land use of the site from business use will not have a significant impact on the economy.

However, neither approach takes into consideration the limited supply of business land in North Shore City and the impact that further reducing the capacity to create jobs within the city will have.

### 3.2 Capacity of the Manufacturing Sector of North Shore City

When exploring the possibility of the employment density increasing from 11 FTEs/ha to 36 FTEs/ha, the average for North Shore business areas, the Market Economics report states that this is unlikely as it would represent a 200% increase. However, this is only true if the site was to remain as a sugar refinery. If the sugar refinery was decommissioned and other manufacturing or business activities established an increase of the employment density of the site would be more likely. The employment density at Chelsea is a lot lower than other manufacturing and business areas (as indicated by the average density figure of 36FTEs/ha).

While the characteristics of the site may prevent this density being achieved, consideration needs to be given to the viability of maintaining business uses on the site to achieve an intensity of 36FTEs/ha. For example, this alternative would require the provision of 10 800 m² of office space. Currently 3 200 m² is provided for within the development, thus the capacity for employment is lower than what is currently provided by the site (refer to Appendix 2 for calculations).

After applying the approaches, the report states that substantial change or expansion of the sites role [to 36 FTEs/ha] would need to be justified on the grounds that the site and its location offers special characteristics for business activity and considerable unrealised potential.

However, only the limiting characteristics of the site alone have been considered when determining whether an increase in density is likely. Wider benefits to the city such as those derived from increasing the supply of business zoned land and preventing the loss of jobs within the city have not been considered.
3.3 Business Land Shortage

Within North Shore City, there are currently 178.8 ha of vacant business zoned land. Applying the take up rate experienced in 2003, this represents less than seven years supply of business zoned land that can be used for job creation.

If employment density of the CSR site was to increase to 36 FTE/ha, 375 additional jobs could be provided on the CSR site, extending the ‘expiry’ date for the remaining business zoned land with the city.

Although the loss of land is not significant, it is a factor that should be considered when assessing whether there is sufficient grounds to increase the capacity of business land at CSR to the North Shore average of 36 FTE/ha.

3.4 Loss of Jobs in the Manufacturing Sector

The jobs provided by CSR account for 165 jobs in the manufacturing sector of North Shore City. If the land use is converted to another use, the capacity of the manufacturing sector of North Shore City will be reduced. However, the effect of losing jobs in the manufacturing sector is relatively small given that jobs at Chelsea account for only 1.6% of such jobs within North Shore City.

It is also noted that the North Shore is primarily a provider of white collar jobs. From a social perspective the retention of manufacturing jobs therefore has some importance.

4. Alternatives Considered

4.1 Approach taken by the Market Economics Report

After discussing the outcomes of approaches used to predict the capacity of the CSR site, the report uses two models to determine the suitability of the site for other uses. The first model that is used considers geography and business location factors discussing push and pull factors and limitations to the establishment of discussed land uses.

The second model, the business location model, matches the location characteristics of an area with the location requirements of different business types. Each land use/ business activity is scored depending on the match between the two factors.
4.2 Outputs of Models Used

Analysis of push and pull factors and limitations concludes that the site is not suited to retail, outdoor dining, household and personal services, construction activities, council, government or manufacturing. The site could be utilised for marine related industry, has some potential for accommodation or conference facilities, high end education and boutique health practices.

The business types gaining the top five scores on the business location model are; creative arts, sound recording studios, services to the arts, personal services and religious organisations.

The above model provides guidance as to the type of land uses that could be established, but they do not take into account the following factors:

- Viability of identified land uses given that they will be subject to competition with other sites.
- Demand for land use activities.
- Contaminated land.
- Consideration of a mix of uses.

4.3 Demand v Job Creation

The models used to assess alternative land uses for the site do not take into account demand for the jobs being created or whether there are people available with the skills in the area of the land use activity proposed. For example, creative industries and recording studios are ranked first and second on the business location model, however no evidence is given of whether there is demand for job creation in the recording/music/media industry or evidence of a skill base.

4.4 Contaminated Land

The CSR site may be contaminated. The Market Economics report does not take into account costs of remediation, impact of contamination on demand for land or suitability of alternate uses for the site. The cost of remediation may mean that some uses are more efficient than others in regards to cost, market demand, and health issues.

4.5 Consideration of Mixed Use

The Market Economics report does not consider alternatives that may be viable and have been successful in other locations with similar characteristics such as business incubators or the incorporation of community facilities. The models used by the report do not consider the potential of mixed land use. While reverse sensitivity complaints should
be considered, small scale manufacturing together with other business compatible with residential activity does take place in other North Shore areas successfully. The possibility of combining uses and the impact this may have in terms of economic development of the area is an important consideration.

4.6 Competition and Influence of Viability

When evaluating the feasibility of alternative uses, the Market Economics report takes into account competition with neighbouring centres such as Birkenhead. A conclusion can be drawn from the report that the site is suited to activities such as art galleries and tourist attractions. The suitability for these uses is enhanced by the presence of a potential ferry connection.

The Market Economics report does not take into account that the CSR site if developed for the arts and creative industries would need to compete with creative arts centres such as Devonport and Northcote. Both Devonport and Northcote have a regular ferry service and road access. A ferry connection to the CSR site does not exist, and until market demand was established, it is unlikely that a ferry service would operate regularly. This would put the CSR site at a disadvantage when competing with other arts centres on the North Shore. The effect of competition on the viability of alternative uses has not been considered.

5. Conclusion

The report assesses alternative land uses and reaches a conclusion that the loss of the Business 9 zoned land and the development plan as proposed (Chelsea Overlay) will not adversely impact on the economy of the city.

While the impact of the proposed development on the economy of the city will be minor due to its size, there may be some benefit to the city if the employment density provisions in any future development were increased to reflect the North Shore average. The report does not provide any reasons why this would not be viable. Increasing the capacity of business land at Chelsea as part of the mixed use development would benefit the city by reducing the demand on business zoned land and assisting in job creation.
Appendix 1

Jobs in Manufacturing Sector
### Appendix 1: Size of manufacturing sector (using 2001 census data)

<table>
<thead>
<tr>
<th>Proportional Size of Manufacturing Sector on the North Shore</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Employment in Manufacturing Sector</td>
</tr>
<tr>
<td>Total Employment in North Shore</td>
</tr>
<tr>
<td>Percentage of North Shore employment in the manufacturing sector</td>
</tr>
<tr>
<td>Jobs provided at Chelsea</td>
</tr>
<tr>
<td>Percentage of manufacturing sector</td>
</tr>
</tbody>
</table>
Appendix 2

Employment Density
Appendix 2: Land Consumption and additional capacity provided by development of CSR site to average employment densities.

<table>
<thead>
<tr>
<th>Assumptions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Land take up rate</td>
<td>25.8ha/ pa</td>
</tr>
<tr>
<td>Employment density</td>
<td>36FTEs/pa</td>
</tr>
<tr>
<td>Consumption of land by FTEs</td>
<td>928.8FTEs</td>
</tr>
<tr>
<td>Office area/ FTE</td>
<td>20m²</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Calculations</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Current capacity of the site</td>
<td>11 * 15</td>
</tr>
<tr>
<td>Capacity of the site if developed to average</td>
<td>36 * 15</td>
</tr>
<tr>
<td>Additional capacity that could be accommodated at CSR</td>
<td>540 – 165</td>
</tr>
<tr>
<td>Equivalent land to accommodate 375 additional employees</td>
<td>375/ 36</td>
</tr>
<tr>
<td>Current amount of vacant land</td>
<td></td>
</tr>
<tr>
<td>Effective Additional capacity from Chelsea</td>
<td></td>
</tr>
<tr>
<td>Total land to be consumed by business</td>
<td></td>
</tr>
<tr>
<td>Current land take up</td>
<td></td>
</tr>
<tr>
<td>Consumption in years</td>
<td></td>
</tr>
<tr>
<td>Current supply</td>
<td></td>
</tr>
</tbody>
</table>

Additional Consumption time if CSR Site is Developed at a density of 36FTE/ pa 0.4 years

Office space required to achieve 36 FTE/pa to provide additional supply 10,800m²
Office space currently provided by the development 3,200m²

Additional supply of office Space that could be achieved if the site was developed to a density of 36 FTE/pa. 7,600m²
AREAS
A1 = 210 m sq
A2 = 420 m sq
A3 = 280 m sq
B1 = 630 m sq
B2 = 630 m sq
C1 = 146 m sq
C2 = 146 m sq
C3 = 146 m sq
C4 = 146 m sq
C5 = 146 m sq
D1 = 800 m sq
D2 = 643 m sq
D3 = 956 m sq
D4 = 508 m sq
D5 = 677 m sq
E1 = 660 m sq
E2 = 905 m sq
E3 = 280 m sq
E4 = 1094 m sq
A TOTAL 920 m sq (2 storey)
B TOTAL 1260 m sq (2 storey)
C TOTAL 730 m sq (3 storey)
D TOTAL 3484 m sq (3 storey)
E TOTAL 2839 m sq (as below)
  Building E1, E2 & E4 (5 storey)
  Building E3 (4 storey)
Appendix A

Attachment 4.0
Summary of Recommended Changes

Areas of Suggested Changes to Plan Change 16 provisions.

1. Transportation and Traffic.
   a) Include specific criteria within the Comprehensive Development Plan Requirements (15.6.12.2.12) and the Additional Assessment Criteria in provision 15.7.5 in respect to pedestrian and cycle linkages, within the development and between the residential areas, public spaces and redeveloped Refinery area and to the existing walkways, to public transport services, the wharf and coastal frontage areas. Identify such indicative links on the Overlay.

   b) Undertake a traffic assessment to address the following:
      - That the impact of the development traffic on the Colonial Road/Mokoia Road does not exceed 90% of the operational capacity.
      - Re-assess the operation of the Colonial Road/Mokoia Road intersection with induced ferry traffic effects.
      - Assess other intersections where the development proposals create an increase in 10% in traffic flows on any approach of a junction.
      - A micro-analysis of the key intersections should be undertaken using the future base traffic flows from the Track Transportation model. This should include the additional traffic effects associated with the Highbury Centre Plan. Allowance for the potential existing trips that the site could generate under the current Business 9 Zoning should be included. A peer review process should confirm the efficacy of the models.
      - The traffic and transportation impacts of the plan change proposals should be assessed in the context of the Highbury centre proposals.
      - Provide supporting information to demonstrate that the proposals are consistent with the current transport policies and objectives as set out in chapter 12 (Transport) of the North Shore District Plan.
      - Provide further supporting information, measures and facilities to enhance pedestrian and cycle access between the site and the Highbury centre and develop further, the opportunity to provide a direct ferry service and on-site infrastructure to support this service.
      - Address any amenity or road safety issues resulting from over-spill parking, parking controls on surrounding residential streets.

   c) Add a new policy to section 15.3.8:
      9. By requiring development proposals to incorporate on-site provision for parking, vehicle circulation, buses and ferry infrastructure, provision for cyclists and associated pedestrian movements.

   d) Amend rule 15.6.2.12 - Proposed Comprehensive Management Plan- clause 2 ‘Requirements for Chelsea Mixed Use Overlay Area in the Business 9 zone’ bullet point 4 as follows:
      • Whether adequate provision is made for services and utilities including wastewater disposal, stormwater management, water supply, electricity supply and telecommunication services.
      And inserting the following additional point within this clause:
      • The objectives and policies of section 12 (Transportation) including whether the pattern and design of on-site roading serves the demands for parking and the need for vehicle circulation, buses and ferry infrastructure and pedestrian and cyclist movements.

   e) Add to the Proposed Comprehensive Management Plan,
      f) traffic, parking, access, and pedestrian amenity’ in the proposed section 15.7.5:
The proposals should demonstrate that the quantum of on-site parking being sought is consistent with District Plan requirements.

The proposals should demonstrate how these parking spaces would be physically provided for on site.

The proposals should indicate how these parking spaces are to be managed to reflect the different user groups (e.g., Businesses, residents and commuter parking that promote the proposed ferry service).

On-site bus stopping and turnaround facilities should be incorporated within the design.

The proposals should include a continuous dedicated pedestrian footpath between the site and Colonial Drive and an assessment of the pedestrian crossing requirements through and between the site and local centres.

Micro-analysis of the key intersections should be undertaken using the future base traffic flows from the Track Transportation model. The additional traffic effects associated with the Highbury Centre Plan should also be considered in the junction assessments in addition to the needs to assist pedestrian movements at these intersections. A peer review process should confirm the efficacy of the models.

The proposals should incorporate on-site infrastructure to support a ferry service.

f) Identify both on the Mixed Use Overlay, road layout and access provisions that promote a more sustainable use of bus transport and access to the existing wharf and potential ferry facilities. This should also include key integration, with parking facility options and pedestrian linkages to greater development proposed on the whole site as well as pedestrian and linkage to existing facilities that traverse the Chelsea Estate and provide clear interconnectivity between any proposed residential development and service points.

2. Protection of Historic and Heritage Buildings and Values

a. That the overriding objective 15.3.8 be revised to include reference to the need to recognise and protect the heritage values of the historic Refinery buildings. For example amend Objectives 15.3.8 as follows (adding underlined sections):

To enable the redevelopment of the land, and use of the scheduled heritage buildings, occupied by the Chelsea sugar refinery and adjoining land in a manner which, in the event of refining ceasing, will provide for increased residential capacity and commercial potential and a wider choice of residential lifestyles, including access to community and commercial services, transport infrastructure as well as employment options, all carefully planed to avoid, remedy or mitigate significant adverse effects on the environment and heritage values of the historic refinery buildings.

b. Amend Policy 2 (15.3.8) as follows:

By ensuring development protects the heritage values of the area including the architecture and heritage characteristics of the historic refinery buildings and landscape attributes of the site and to conserve and protect the scheduled buildings and their heritage elements in an appropriate manner.

c. Add a new Policy 9 as follows;

9. New development and buildings on site occurs shall unduly compromising the heritage values of the scheduled buildings.

d. Amend rule 15.6.2.12 Comprehensive Plan requirements to include a cross-reference Rule 11.4.3 of the District Plan. Review and amend Rule 11.4.3 to address the adverse effects of new Buildings within the vicinity of the scheduled Heritage refinery buildings. These should include criteria for new intensive residential development in close proximity (Generally within areas G or H of Appendix 11E) to the schedule buildings as well as for the readaptation of the historic Refinery buildings. Include design criteria for relating the construction of new buildings in close proximity the R both the refinery buildings and the conversion of the existing scheduled
buildings to residential, commercial and business uses. Which direct new development to recognises and protect heritage values (including identified internal elements) of these buildings as well as giving recognition to visual impacts within and beyond the site. Such criteria shall include and how design elements and building mass, the detail and nature of the buildings are considered. Alternatively develop the Comprehensive Development Plan (CDP) (Rule 15.6.2.12) and the additional assessment criteria for Limited Discretionary Activities (15.7.5) to address such matters.

3. Public Space, Natural Environment, Coastal Environment and Bush and Vegetation.

a) Provide additional criteria (and policy) in respect of the management of the open space system defined in the Mixed Use Overlay that better integrate with, and provide protection for the natural environment within the open space network, including how vegetation will be maintained and protected within this area. This should include the means of protecting the coastal and other significant vegetated and ecological areas of the site from future development.

b) Provide additional criteria (and policy) in respect of managing and providing public access to the coastal frontage areas as well as ensuring protection of natural coastal features.

c) Amend the Mixed Use Overlay to identify key access areas, significant vegetation to be retained and key pedestrian and cycleways. Identify key areas for reserve purposes.

d) Identify on Mixed Use Overlay areas where specific areas of bush, exotic and native in key areas such as that adjacent to the access way leading to the Manager's residence, are to be retained and protected. Include measures in both the Comprehensive Development Plan Criteria (15.6.2.12) and Limited Discretionary activity criteria (15.7.5) e) Criteria to address construction and discharge effects on these areas.

e) Identify on Mixed Use Overlay areas where there is need to provide a buffer to the adjoining coastal escarpment and other vegetation. Include measures in both the Comprehensive Development Plan Criteria (15.6.2.12) and Limited Discretionary activity criteria (15.7.5) e) Criteria to address construction and discharge effects on these areas. Include a clear direction requiring a set back from the coastal escarpment and the retention of key areas of vegetation and bush, in particular the vegetation forming part of the SSWI within the northern area of the western Horse Paddock area and its link to the adjoining Duck Creek and Kauri Park SSWI areas. This needs to be better reflected in the objectives and policies and criteria for both Limited Discretionary and Discretionary Activities.

f) Include additional provisions including, additional policy and criteria in section 15.6.2.12 and 15.7.5 defining more clearly, the aims and purpose of the open space areas, including their key functions of protecting the natural environment and vegetated areas as well as providing access to the foreshore, car parking to service the wharf, and other areas.

4. Landscape, Character and Amenity

a) Include the following amendments:

Amend

C. SECTION 15 OF DISTRICT PLAN - BUSINESS

15.3.8 Chelsea Mixed Use Overlay Area

5. By ensuring that the bulk, massing and heights of buildings are appropriate to a prominent coastal location having particular regard to
the protection of the natural character and landscape values of the inner Waitemata Harbour and Kauri Point, especially the coastal escarpment and associated native vegetation; and

minimising effects in relation to the Chelsea Estate ponds and their immediate surrounds (except in relation to the existing refinery car park area).

9. By ensuring that development associated with roading, accessways, services reticulation and earthworks have particular regard to:

- the protection of the natural character and landscape values of the inner Waitemata Harbour and Kauri Point, especially the coastal escarpment and associated native vegetation; and

- minimising effects in relation to the Chelsea Estate ponds and their immediate surrounds (except in relation to the existing refinery car park area).

Amend:

D. SECTION 15, BUSINESS - RULES

2. Requirements for Chelsea Mixed Use Overlay Area in the Business 9 zone

Any application for resource consent for development in the Mixed Use Overlay Area shall be accompanied by a Comprehensive Development Plan.

In considering any such plan and whether or under what conditions consent should be granted, the Council shall have regard to:

k) the effects of building location scale and massing, together with servicing roading and earthworks, have on the natural character and landscape values of the inner Waitemata Harbour and Kauri Point, especially the coastal escarpment and associated native vegetation west of the refinery and Chelsea Bay;

l) the effects of building location scale and massing, together with servicing roading and earthworks, have in relation to the Chelsea Estate ponds and their immediate surrounds (except for the area of the existing refinery car park).

6. 15.7.5 Additional Assessment Criteria for Limited Discretionary Activities within the Chelsea Mixed Use Overlay Area

b) Building Form

- The location, scale and massing of buildings should not excessively intrude into, or disrupt, the continuity and natural character values of the coastal escarpment (including associated native vegetation cover) west of the refinery.

- The location, scale and massing of buildings should not dominate the Chelsea Estate ponds and their immediate surrounds (except to the extent indicated in the Mixed Use Overlay around the existing refinery car park).

c) Outlook & Outdoor Spaces

- Communal outdoor spaces should link directly and as seamlessly as possible with the proposed roading network and public spaces, reserve land and public walkways.

e) Landform, Vegetation & Landscaping

- The existing shape of the landform should generally be retained, rather than changed by significant earthworks, and there should be no modification of the coastal escarpment from its point of ‘roll-over’ seawards.
Existing mature trees and significant native bush should be incorporated into the site and landscape design and retained as a physically cohesive ‘whole’ that links with the coastal escarpment and planting around the Estate ponds.

Vegetation framing / flanking the existing ponds should be protected as far as is practicable (allowing for development around the refinery car park).

5. Maori - Iwi
   a) Include in Rule 15.7.5- Limited Discretionary Activity criteria contained in a requirement to clarify the need to protect, conserve or record heritage features, depending upon what is appropriate for any discovered feature. This should also apply to the discovery of any such feature of interest to Maori with the requirement for appropriate protocols to be followed. This should be incorporated into the revision of the Heritage provisions.
   b) Add to Rule 15.6.2.12 Comprehensive Development Plan (last bullet point) a cross-reference to the Cultural Heritage provisions relating to the Rule 11.4.2) for addressing archaeological sites and Waahi Tapu and required protocols.

6. Business activity
   a) Modify the plan change provisions to increase flexibility for business to establish by removing a maximum limit on the level of business and community activities (3200m²) and providing for these activities as a limited discretionary activity.
   b) Provide a range of assessment criteria which will be necessary to address potential effects upon residential activities as well as reverse sensitivity issues, which may arise from a more flexible approach.
   c) Include some form of preference as to where such business activities should establish. This is necessary to reduce potential conflicts and give greater support to the re-adaptation of the heritage refinery buildings.

7. Height
   a) Replace reference to building heights (storeys) identified on overlay, as follows:
      
      8 m = 2 storey (noting this is standard height in residential zones of the District Plan)
      9 m = 3 storey
      12 m = 4 storey
      15 m = 5 storey
      25 m = 8 storey

   b) Identify where height levels apply, with a reduction in height from east to west. To that end it is suggested that, building be reduced in height toward the western boundary across the site by defining height limits (as a discretionary activity threshold) from 8 meters in the western sector of the Horse Paddock, increasing to 9 meters towards its eastern extent and increasing to 12 metres on the lower elevated slopes between the Horse Paddock and the Refinery site proper.

8. Infrastructure and Contamination
   d) Include in Rule 15.6.2.12 Comprehensive Development Plan additional criteria directing infrastructure to avoid potential discharge and contamination impacts upon the coast and adjacent stream systems.

9. Methods
Consider modification to the Mixed Use Overlay Area and plan by providing for a more flexible overlay approach. This will require a more defined suite of criteria, with less reliance on defined building footprints and activity areas. Greater flexibility could be achieved by the combination of a ‘concept plan’, which defines key elements to be incorporated into any development (such as defined public space areas, key walkways, and vegetation to be retained) and detailed objectives, policies and assessment criteria to address potential adverse effects.

Various modifications to the Comprehensive Development Plan Criteria and other assessment criteria have been suggested in this report to deal with matters of concern, including elements such as: the lack of detail on how public space management is achieved; the integration of public open space and walkway/cycle way systems; the adequate protection of vegetation and bush within the open space systems and relationship to adjacent areas of vegetation, the identification of walkways and cycleway and means of providing for turn around and route systems that encourage public transport; clear defining access to foreshore areas and the potential use of the wharf facilities for a ferry service.

The Concept Plan could replace the Overlay and should include key elements that give clear direction to the assessment process, such as:
- Preferred locations for business activities;
- Critical height limits;
- Buffer to sensitive coastal, escarpment and the merging of vegetation into adjoining site set backs from water and adjacent SSWI areas;
- Bus and public transport routes and turn around areas and links from key pedestrian and cycle ways;
- Cycle and walkway location preferences and links to existing walkways on the adjacent Chelsea Estate;
- Key areas of open space areas;
- Specific areas of vegetation to be retained;
- Areas sensitive to heritage assessment such as in close proximity to the existing heritage Refinery buildings;
- Overall density or number of dwelling units on site.
NORTH SHORE CITY DISTRICT PLAN

Proposed (private) Plan Change 16: Chelsea Mixed Use Overlay Area (Chelsea Estate, Birkenhead)

SUBMISSION AND FURTHER SUBMISSION SUMMARY

Alphabetical bySubmitter Name