

North Shore City District Plan Application for Private Plan Change

Milford High Density Residential Overlay Area

Explanation, Assessment of Environmental Effects and Section 32 Analysis

Annexure 1



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1. Introduction

The application seeks changes to provisions in the North Shore City District Plan affecting or relating to a site at the Milford town centre. This site is currently occupied by Milford Shopping Centre ('MSC').

The proposed plan change seeks to enable intensive residential development on the site that will exceed the current maximum permitted height by a significant amount, whilst ensuring that good urban design and aesthetic outcomes are achieved and that significant adverse effects on the environment are avoided. The locations on the site where the additional height may occur are restricted so as to limit the potential adverse effects and to maximise the quality of the urban design solutions. The residential development opportunities will be in addition to, rather than in replacement of, the development opportunities under the zoning that currently applies to the site.

This development will contribute to achieving the intensification aims for centres such as Milford as articulated in the Auckland Regional Growth Strategy, the Auckland Regional Policy Statement and North Shore City strategies, as set out in the Northern and Western Sectors Agreement and in the City Blueprint, as well as within proposed plan change 12 to the North Shore City Council Operative District Plan.

The MSC site is a strategic one within Milford town centre. It is large (at approximately 2.9 ha) and it is in single ownership. Furthermore, the site is currently used for retail purposes only and it is considered that it would be better utilised if residential activity is added to provide a mixed use development. Co-location of residential and commercial development is likely to increase Milford's employment self sufficiency and reinforce its commercial viability and social vitality.

The plan change envisages several new residential buildings located at different positions on the site such as the development depicted on the indicative concept figure at Appendix A. This figure has been prepared to demonstrate the scale and quality of development anticipated. The indicative figure also incorporates a proposed retail and residential expansion to the MSC at the corner of Milford and Ihumata Roads, which the subject of a current resource consent application.

This report comprises Annexure 1 of the plan change application and provides an explanation, assessment of environmental effects and section 32 analysis. As described in the overall table of contents to *Volume 1*, other information is also provided – as follows:

1) Plan Change Application, 2) Schedule 1 - Certificates of Title, 3) Schedule 2 - Location Plan, 4) Schedule 3 - Proposed Provisions, 5) Schedule 4 - List of Annexures, 6) Annexure 1 - Explanation, Assessment of Environmental Effects and Section 32 Analysis, 7) Annexure 2 - Urban Design Report, 8) Annexure 3 - Assessment of Visual and Landscape Effects, 9) Annexure 4 - Shading Impact Assessment, 10) Annexure 5 - Integrated Transportation Assessment, 11) Annexure 6 - Social and economic impacts report, 12) Annexure 7 - Acoustic effects report, 13) Annexure 8 - Services infrastructure report, 14) Annexure 9 - Geotechnical issues report.

Volume 2 contains figures, drawings and photomontages intended to provide an indication of the nature of the development envisaged for the site. The content of *Volume 2* is described in some detail at Section 5 of this report.

2. The Proposed Plan Change

New objectives and policies are proposed that confirm the status of Milford town centre as a growth node, enable high density residential development on appropriate parts of the site and require high quality urban design and building design.

Instead of seeking amendments to the rules in the District Plan that apply to other parts of Milford and to similar centres across the city, a site-specific overlay zone is proposed. Relevant rules applying generally to the Business 2 zone are tailored specifically for the site and the type of development proposed.

The proposed amendments cover matters identified within the initial assessments of potential environmental effects of the development. The amendments proposed include the introduction of a concept plan to control the location and heights of high density residential development proposed for the site. Additional rules proposed will constrain development to ensure that development does not generate off site adverse effects in excess of, or significantly different to, those considered in the assessment of the plan change. Appropriate assessment criteria have been proposed to ensure good urban design and aesthetic outcomes.

In addition to modifications to the Business 2 rules as they pertain to the site, amendments are proposed for other sections of the District Plan. Such amendments include those pertaining to parking requirements on the site in recognition of the parking already provided for the retail activity on the site and the good public transport network serving the Milford town centre.

Following the plan change becoming operative, resource consent applications will be required in order to secure the necessary Resource Management Act approval for high density residential development in line with the plan change.

3. The Site and Context

3.1 Location

The MSC site is located at 143 Kitchener Road, Milford. The site has an area of approximately 2.9 hectares, with its legal description being Lot 1 DP180874 (NA111D/990) and Lot 11 DP 180874 (NA111D/994). The site is located within a block defined by Milford Road to the east, Ihumata Road to the north, Omana Road to the west and the shops fronting Kitchener Road to the south - as described on the following street map and aerial photograph.



3.2 History

Milford began to be developed through the 19th century as European settlers and investors developed land, local businesses and industries. As with several other coastal settlements on the North Shore, Milford came to be viewed as a beachside playground for Aucklanders particularly as the city's population grew significantly through last decades of the 19th century. The attractive coast line, safe swimming beach and the Wairau Estuary were popular places of recreation. A ferry service between Auckland and the North Shore operated to transport holidaymakers to and from the area. Photographs from the early decades of the 20th century show that Milford was a stop on the steam tram loop network that operated from Bayswater during these years. Whilst a permanent local population was certainly present and local businesses and community facilities (such as the Milford School (opened 1926)) were developed to cater for increases in the local population, Milford maintained its beachside holiday spot ambience well into the 20th century. A dance hall ('Ye Olde Pirate Shippe') and public swimming pool operated from the 1920s for several decades on the beach reserve at Milford whilst a movie theatre (the 'Picturedrome') was built at the town centre end of Milford Road.

The opening of the Auckland Harbour Bridge in 1959 and this provision of a direct road link to the North Shore resulted in the commencement of the suburbanisation of much of the North Shore. As with other North Shore beachside settlements, Milford's character changed somewhat through the 1960s – 1980s to become less holiday focussed and more of a residential suburb. Concurrently, the town centre expanded as more businesses were opened to serve the needs of the growing local population. The land area within which the MSC now sits was partially developed to accommodate the Milford marina hotel, the then well known Surfside Ballroom (opened 1964) as well as residential dwellings along the Milford Road frontage. In July 1993 a resource consent application to construct the MSC and associated car parks and facilities, a proposed new link road (being that fronting the Wairau Creek - now known as Omana Road) and the service lanes at the rear of the Kitchener Road shops, was approved by the North Shore City Council. The MSC opened for business in December 1994.

Milford's population has continued to grow, albeit relatively slowly. Statistics NZ data reveals that the area containing the town centre and the residential area immediately surrounding it had a 1996 population of 3,363. By 2001, the population had grown to 3,540 and by 2006 the population was 3,549. Recent strategic planning documents at the regional and local levels have identified Milford as a key area on the North Shore able to accommodate future population growth. These strategic planning documents are discussed further within this report.

3.3 Local Environment

The MSC site is part of the Milford town centre. Topographically the town centre sits atop relatively gently sloping land to the south east of the Wairau Creek estuary and beneath the edge of an area of hillside land to the northwest. The nearest points of the town centre are located approximately 0.6 km from the coastal edge of the Hauraki Gulf and approximately 0.4 km from Lake Pupuke. Milford Road provides direct access from the town centre to Milford beach which extends to the north for approximately 400 metres to the Wairau Creek.

The town centre is located along the key transport corridors of Kitchener Road, the southern end of East Coast Road and the eastern end of Shakespeare Road.

Kitchener Road connects via Hurstmere Road to Takapauna which is approximately 2.5 km to the south. East Coast Road connects to Crown Hill / Castor Bay and beyond, to the north. Shakespeare

Road connects to Taharoto Road and via Northcote Road to the northern motorway – approximately 2.5 km away.

The local ‘main street’ part of Kitchener Road extends for approximately 600 metres between Omana Road and Frieston Road and forms a distinct linear corridor of mixed retail and commercial activities on both sides of the street. The main street activities also extend around into the southern side of the first 140 metres of Milford Road.

The Kitchener Road main street area features a built landscape typical of a suburban town centre - being low rise in nature with predominantly 1 level retail buildings interspersed with 2 level retail / commercial buildings. Many of the buildings are somewhat utilitarian in nature and there is no strong architectural character or design cohesiveness to the main street.

The mix of retail and commercial activities present includes typical suburban retail shops and cafes as well as banks, a New World supermarket and a variety of offices / professional services – the latter often being located on the upper levels of 2 level commercial buildings.

Another feature of the Kitchener Road main street is a NSCC owned car park. This car park site is 0.34 hectares in area, features 91 car parking spaces and is legally described as being Lot 1 DP 900. The car park is accessible by drivers directly off Kitchener Road, via a vehicle crossing. A pedestrian amenity area featuring paving, planting, seating and a drinking fountain is located on the Kitchener Road side of the carpark. The Milford Senior Citizens Club Hall is located to north west of the carpark. The carpark is utilised by those seeking to visit the MSC (with direct pedestrian access provided into the Woolworths supermarket and thence into the balance of the mall) and the wider Milford / Kitchener Road shops and services – inclusive of the New World supermarket which abuts the carpark to the north west.

A service lane also provides vehicular access directly from the north western side of Kitchener Road to a second NSCC owned carpark located to the rear of the shops / to the east of Omana Road.

The Wairau creek estuary is located to the north west of the MSC site - on the opposite side of Omana Road from the MSC. The creek itself comprises a relatively narrow channel surrounded by a mangrove clad estuarine environment. The margins of the Wairau Creek feature relatively narrow areas of reserve type planting and grassed areas.

The environment surrounding the subject part of the town centre is generally characterised by residential land use. Locally this comprises relatively low density suburban housing with lot sizes generally in the range of 700-1400m². It is noted however that there has been a reasonable degree of local intensification achieved via residential infill development. This has delivered densities of up to 1 unit per 300m².

Several schools are located within relatively close proximity to the town centre. These include: Milford School and Carmel College on Shakespeare Road whilst Westlake Boys and Girls High Schools are located adjacent to the northern motorway approximately 2km away. Local medical facilities include: North Shore Hospital, the North Shore Hospice and a variety of medical specialists located on Shakespeare Road.

The Milford town centre is on 11 different bus routes and is within approximately 2 km of the Westlake Northern Busway station located adjacent to the northern motorway to the west of the Smales Farm Technology Office Park.

Smales Farm is itself a noteworthy part of the wider local environment – featuring both the existing office buildings and several new large buildings which are intended to house technology / knowledge economy based businesses. An economic impact report by Massey University in 2004 has estimated that the fully functioning Smales Farm Technology Office Park will have a working population of 6,000 – 7,000 people.

3.4 Zoning Context

Please refer to the NSCC zoning map provided at Appendix A. As with much of the Milford town centre, the MSC site is zoned *Business 2* under the provisions of the NSCC operative District plan 2002. In keeping with the urban nature of the areas zoned Business 2, the rules of this zone reflect the reality of town centre locations. Accordingly, there is no yard requirement and no restriction on floor area ratio or site coverage. The standard North Shore City height in relation to boundary rule applies. Special Controls affecting the site are limited to the identification, via notation 312, of 4 x notable Pohutukawa trees and 1 x Norfolk Island Hibiscus tree. Parts of the site are also identified as being affected by overland flowpath, ‘flood sensitive’ and ‘coastal inundation risk’ notations.

An area to the west of East Coast Road is zoned Business 9 which provides for ‘light industrial’ activities. The residential area surrounding the town centre features a variety of zones, inclusive of the *Main Residential* zones Residential 4A and 4B (described within the District Plan as being of conventional urban character) and the *Intensive Housing* focussed Residential 6A zone. The margins of the Wairau Creek are zoned *Recreation 1*. The landward extent of the *Coastal Marine Area* (ARC – Auckland Regional Coastal Plan) is located to the immediate north west of the town centre, near where the Wairau creek estuary narrows significantly.

3.5 Owner, Existing Site Nature and Use

Milford Centre Limited (a subsidiary of New Zealand Retail Property Group Limited) purchased the MSC site in 2005 and took possession in December of that year. The company’s vision for the MSC is for further development to create an integrated, mixed use centre with residential apartments and greater public amenity. The improvements will better integrate the shopping centre with the wider town centre and promote pedestrian movement throughout. A programme of extensive refurbishment is already underway and a resource consent has been sought for a further stage of development representing a substantial step towards the vision outlined above.

The subject site is utilised exclusively by the existing MSC. The shopping centre comprises a mixed occupancy, primarily retail mall. Well known retailers operating from the MSC include The Warehouse, Woolworths and Whitcoulls.

At its widest point (Milford Road to Omana Road) the site is approximately 205m across. Topographically, the site generally falls in a northwest direction towards the Wairau creek and features levels ranging from approximately RL 13m nearest the Milford Road / Kitchener Road intersection to approximately RL 2.5m in the lower area of the site fronting Omana Road / the Wairau Creek. Please refer to the aerial photo overlaid with contours provided at Appendix A.

The MSC site currently features a total gross floor area of 18,164m², 12,237 m² of net lettable retail floor space and 797 car parks – the majority of which are provided underneath the shopping centre.

The north eastern part of the site is the subject of a current resource consent application to develop further commercial / retail floorspace and 15 residential units, currently features 175 car parking spaces. Pending approval of this application, these spaces and the vehicular access to these car

parking spaces from Milford Road will be removed to be replaced with an altered carparking arrangement.

On site landscaping includes street interface planting strips around the periphery of the site – in particular along the Milford Road, Ihumata and Omana Road frontages, whilst a variety of palms, trees and ground cover are planted internally to the site, often against the edges of the buildings.

Vehicular entry to the MSC is provided in 7 places, being 2 x Milford Road entries, 1 x Ihumata Road entry, 2 x Omana Road entries and 2 x Kitchener Road entries. There are two service lanes (which have been included in the above) used in relation to the MSC, - these being located to the west off the southern section of Omana Road and to the east off the southern section of Milford Road. Pedestrians can currently enter the MSC from all of the above mentioned roads and from the Kitchener Road shops. Main pedestrian entry points into the MSC are located mid way along the Milford Road frontage, at the north eastern (Whitcoulls) corner and from the public carpark off Kitchener Road.

3.6 NSCC GIS Records

NSCC GIS information denotes that:

- the north eastern part of the site is within a 'Spray zone';
- Approximately 1500m² of the site near the Wairau Creek is identified as being 'flood sensitive' and approximately 1700m² of additional area is identified as being subject to a 'coastal inundation risk';
- the site is within a 'medium' wind zone;
- public stormwater and sewer lines cross parts of the site; and
- Proposed Plan Change 24 has introduced an onsite overland flow path in the north eastern part of the site.

Please refer to the drawing provided at Appendix A which shows the location of the above overland flow, flood and coastal inundation natural hazards.

3.7 Certificates of Title

The relevant interests identified on the certificate of title for Lot 1 DP180874 (NA 111D/990) are as follows:

- *A stormwater drainage right created by Transfer 805420.1*
This allows for a drainage easement for the Milford Shopping Centre (Lot 1 DP 180874) over Pt. Lot 1 DP 195514 that connects into the main public stormwater system.
- *An electricity right (in gross) in favour of Power New Zealand Limited (created by Transfer D242851.7).*
This document provides easements within the subject site in favour of Power New Zealand
A right of way easement created by Transfer D242851.9
This easement is appurtenant to Lot 11 DP 180874 for formal access.
- *A right of way created by Transfers 13765 and 13766 (affects former CT NA38D/36)*
It is understood that this provides for a right of way over North Shore City Council land (known as Lot 1 DP 125879) in favour the Milford Shopping Centre site (known as Lot 1 DP 180874).
- *K52520 Building Line Restriction (BLR)*

The relevant interests identified on the certificate of title for Lot 11 DP180874 (NA 111D/994) are as follows:

- *D242851 Lease to BNZ Properties for 999 years*
This allows for Lot 11 to be used for carparking by the BNZ
- *A right of way easement created by Transfer D242851.9*
- *Mortgage to BWA Custodians Ltd created by Transfer 7097978*

Copies of the certificates of title are provided separately to this report at Schedule 1.

Otherwise, it should be noted that the concept plan for the proposed plan change denotes the positioning of building envelopes over a small area of the Omana Road roundabout road reserve which sits 'inside' the subject site. The title documentation for this area of the road reserve has not been provided.

3.8 Site Geology

SKM geotechnical engineers report that the geology at the Milford site is variable in nature. In general terms, the western part of the site features alluvial deposits with East Coast Bays Formation (ECBF) residual and rock strata atop this. The eastern part of the site is incised by basalt lava from the Kerikeri Volcanic Group atop the older alluvial and ECBF materials. Historical drawings of the current MSC indicate that the structure is founded on pad footings over the basalt rock and piled foundations within the alluvial and ECBF materials.

In terms of the groundwater levels under the site, the site contours suggest that groundwater is flowing in a northwest to northerly direction towards Wairau Estuary. Previous drilling operations have indicated variable depths of the water table beneath the site – with depths of between 1.5m to 5.9m below ground level being recorded.

3.9 Site Infrastructure

SKM infrastructure engineers report that the site features a variety of existing service lines inclusive of wastewater, stormwater and water. Council GIS records show that these lines include the following:

Public Lines

- Stormwater – 1x 225 mm diameter pipe network (in the western area of the site)
- Sanitary Sewer – 1x 150mm diameter line (in the north eastern area of the site) currently – this line is to be moved and 1 x 600mm line (through the middle of the site)
- Along the roads bounding the site - Water Supply – 1 x 225mm diameter line along Kitchener Rd, 1 x 150mm diameter line along Milford Rd & 150mm diameter line along Omana Rd

Private Lines

- Stormwater – 150 to 450 mm diameter pipe network (in the western area of the site)
- Sanitary Sewer – 1x 100mm diameter connections to public line (in the southern area of the site)
- Water Supply – connected to public water supply system.

3.10 Site Constraints and Opportunities

The site is affected by a range of constraints and opportunities which affect the potential for future development. These are discussed as follows:

3.10.1 Constraints

- The sub surface geological conditions of the site are varied - featuring harder basalt areas as well as areas of softer clays, silt, gravel and volcanic ash areas as well as fill utilised during its development history. Groundwater is reasonably close to the surface in parts of the site in particular in the lower lying areas nearest the Wairau Creek estuary.
- The NSCC GIS records indicate the presence of an overland flow path. This reflects the flow of stormwater across the site's hard paved surfaces following the natural north west fall of the site to the estuary.
- Approximately 1500m² of the site near the Wairau Creek is identified as being 'flood sensitive' and approximately 1700m² of additional area is identified as being subject to a 'coastal inundation risk', this notation also covering the flood sensitive area.
- The site is zoned Business 2 under the provisions of the NSCC operative District Plan. The objective and policies for the Business 2 zone, whilst providing for business / retail activity in close proximity to residential areas as a means of servicing local needs and reducing the need for unnecessary vehicle trips, also focus strongly on minimising potential adverse effects on nearby residential amenity from development within Business 2 zoned sites. Otherwise, whilst a reasonably wide range of land use activities – inclusive of retail, offices, residential and community activities are provided for within the zone, development controls including the 9 metre height limit (albeit with design flexibility up to 11 metres) and the height in relation to boundary controls do prevent higher built forms of development more in line with intensification expectations advocated for town centres within the ARC and NSCC strategic planning documents cited in this report.
- The site is within the Milford town centre and along its southern boundary 'fronts' the businesses and services of the Kitchener Road main street but is also partly located within a landscape which is predominantly residential – most particularly to the east and north and also across the estuary, to the northwest. There are likely to be concerns with regard to the effects on visual, privacy, shading, acoustic, traffic and other aspects of residential amenity resultant from potential future development on the site. Whilst concern in this regard may be common to all of the nearby residential area, concern is likely to be greatest from residents in the closest proximity to the site (inclusive of those on Milford Road, Ihumata Road, Frater Ave and Omana Road) as well as those effectively overlooking the site from the elevated hillside to the northwest (inclusive of those living in Prospect Terrace and Rangitoto Terrace and the eastern side of East Coast Road).
- Approximately 60% of the site is occupied by the existing MSC mall buildings. Milford Shopping Centre Ltd intend to continue trading for retail purposes utilising the existing buildings and have recently commenced an internal upgrade towards a long term improvement in the internal space planning and layout and the variety of retail and other services' offer, as well as seeking resource consent approval for new retail and commercial floorspace and residential units fronting Milford and Ihumata Roads. The site is thus physically constrained in terms of the potential locations for new high density residential development.
- Other constraints include issues such as the existing local traffic environment, provision of adequate carparking (inclusive of the need to provide car parking by way of above or below ground structures and the associated financial penalty) and access, structural engineering, the ability to develop high density residential buildings whilst minimising off site effects such as shading and visual impact as well as the need to upgrade local public services infrastructure in order to accommodate greater local land use intensification. These matters are discussed further within the assessment of effects section of this report.

3.10.2 Opportunities

Opportunities are considered firstly at the strategic contextual level and then at a local and site level, as follows.

- The Milford town centre is well located in terms of its strategic context, being close to:
 - significant road networks inclusive of the Northern Motorway (State Highway 1), Regional Arterials (Taharoto Road, Lake Road, Forest Hill Road and District Arterials (Shakespeare Road, Kitchener Road, Hurstmere Road and Beach Road).
 - Takapuna being one of the 3 sub regional centres identified in the Auckland Regional Growth Strategy– with its employment, retail, services, recreational, entertainment and other opportunities;
 - other major regional facilities and employment areas inclusive of the evolving Smales Farm ‘high tech’ employment area, the Wairau Valley employment area, North Shore hospital and other medical facilities along Shakespeare Road as well as the various schools located along Shakespeare Road and closer to the motorway
 - 11 different bus routes inclusive of those providing services to Takapuna, Long Bay, Sunnynook and Auckland Central, as well as being on an express route running along Shakespeare Road to Westlake Northern Busway Station
 - The recreational opportunities offered by Milford Beach and other local beaches, the Wairau estuary and the wider Hauraki Gulf as well as a variety of other local sports and community facilities.
- Milford is cited in several ARC and NSCC strategic planning documents as being appropriate for increased land use intensification – with a particular focus on residential intensification, in order to accommodate population growth projections. Such strategic planning documents include, the Auckland Regional Growth Strategy 1999, the Auckland Regional Policy Statement 1999 (as amended by Change 6), the Northern and Western Sectors Agreement 2001 and the City Blueprint Action Plan 2001. A focus on intensification in and around NSCC town centres such as Milford is communicated in the City Plan 2006 and Proposed Plan Change 12 to the NSCC District Plan.
- Contextual analysis reveals that there are few appropriate opportunities within the Milford town centre area for land use intensification of the scale required to significantly assist in achieving fulfilment of the ‘growth mandate’ for Milford. In this regard, analysis was undertaken of land in and around the town centre, inclusive of the following:
 - *The surrounding residential area*
This area is considered to offer very limited opportunity to deliver significant residential intensification. There is some potential for infill housing but generally a lack of vacant sites and multiple land ownerships significantly affects the potential.
 - *Kitchener Road area*
This area offers retail / commercial, community and transportation benefits and would assist to strengthen the town centre but is affected by small site sizes and multiple land ownerships.
 - *Shakespeare Road corridor*
This area offers community and transportation benefits but features recent medium density intensification and is constrained by zoning limitations and multiple ownerships.
- *The MSC site:*
 - is relatively large and has a single land owner willing to develop intensive residential
 - is well connected to the local street network with 7 vehicular entrances and is well located in terms of proximity to bus routes

- is of a size such that high density residential can be developed by way of new buildings in several locations on site
- is such that buildings can be positioned and designed to largely internalise shading effects
- features existing peak traffic and parking demand which is complementary to that for residential activity
- offers good pedestrian connectivity to Kitchener Road as well as the nearby beach and Wairau estuary and environs
- features the existing retail mall with its employment, retail and recreational opportunities
- offers a town centre location that ensures that amenities are available for residents
- provides one of the few appropriate opportunities within the area for land use intensification of the scale required to assist in achieving fulfilment of the growth mandate for Milford
- provides an excellent opportunity to be developed to accommodate high density residential with a focus on high quality urban design, good street interface and high standard of architecture.

4. Statutory Context

4.1 Introduction

This chapter identifies the statutory provisions considered to be of relevance to the subject proposal. It commences with Resource Management Act ('RMA') provisions, followed sequentially by regional and district council provisions as well as discussing other relevant planning documents.

4.2 RMA Provisions

4.2.1 Private Plan Change Process

4.2.1.1 Section 73

Section 73(2) of the Resource Management Act 1991 states:

(2) Any person may request a territorial authority to change a District Plan, and the plan may be changed in the manner set out in Schedule 1.

4.2.1.2 Schedule 1

The Plan Change process is provided for in Parts 1 and 2 of Schedule 1 of the Resource Management Act 1991. Clause 21 of Schedule 1 enables any person to request changes to District Plans. Clause 22 states that:

(1) A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of, and reasons for, the proposed plan or change to a policy statement or plan and contain an evaluation under section 32 for any objectives, policies, rules, or other methods proposed.

The purpose and reasons are discussed at section 4.2.3 and 4.2.4 of this report.

(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.

An assessment of the environmental effects of the proposal is set out in section 6 of this report.

Clause 25 provides that the local authority (provided that it is satisfied with the information provided) may either:

- (a) Adopt the request, or part of the request, as if it were a proposed policy statement or plan made by the local authority itself and, if it does so, –*
 - (i) The request must be notified in accordance with clause 5 of this Schedule within four months of the local authority adopting the request; and*
 - (ii) The provisions of Part 1 of this Schedule must apply; and*
 - (iii) The request has effect once publicly notified; or*
- (b) Accept the request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26.*

The local authority may also decide to deal with the request as if it were an application for resource consent (Clause 25(3)) or reject the request in whole or in part (Clause 25(4)) but very limited grounds apply to the latter.

The applicant does not wish to use a resource consent application to promote its proposal to carry out the development of high density residential activity on the Milford Shopping Centre site. In that regard the following is noted:

As is indicated in Sections 4.2.3 and 4.2.4, the scale and form of the proposal are not currently anticipated by the Business 2 zone provisions in the District Plan. This raises a concern on the applicant's part that any application for resource consent may be declined because of a perceived incompatibility between the proposal and the existing objectives and policies that apply to the site.

The scale and nature of the proposed activity represent a significant evolution in terms of the building stock and urban form that currently exists in Milford. Accordingly, it is considered that the proposal is better evaluated in terms of the tests in Section 32 of the RMA than by the tests in Part 6 of the RMA regarding resource consent applications. The scale and nature of the proposed activity is also such that it is appropriate and desirable for it to be signalled to members of the public through the District Plan provisions.

It is considered desirable that the provisions of the District Plan be amended so that they explicitly encourage intensification at Milford town centre and specifically on the MSC site so as to assist with the achievement of the residential density targets set out in the Auckland Regional Policy Statement.

Accordingly, Milford Centre Limited has requested that North Shore City Council accept the requested plan change and proceed to notification.

4.2.1.3 Section 32

Section 32(1) of the Act provides that in achieving the purpose of the Act, an evaluation must be completed pursuant to Section 32(3) and (4) before a proposed plan change can be publicly notified. Section 32(3) and (4) state as follows:

(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

(b) 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.

Additionally, sub section (5) states:

(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.

It is noted that Judge Shephard identified in *Eldamos v Gisborne District Council W047/2005* the tests that are to be applied to a plan change or on a District Plan review. They include but go beyond the provisions of section 32. In particular, the Court recorded the following:

"A. An objective in the District Plan is to be evaluated by the extent to which:

(a) It is the most appropriate way to achieve the purpose of the Act (section 32 (3)(a)); and

(b) It assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (section 72); and

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(c) *It is in accordance with the provisions of Part 2 (section 74(1)).*

B. A policy, rule or other method in the District Plan is to be evaluated by whether:

- (a) *It is the most appropriate way to achieve the objectives of the plan (section 32(3)(b)); and*
- (b) *It assists the territorial authority to carry out its functions in order to achieve the purpose of the Act (section 72);*
- (c) *It is in accordance with the provisions of Part 2 (section 74(1)); and*
- (d) (Of a rule) it achieves the objectives and policies of the plan (section 76(1) (b)).”

This report summarises the circumstances and the background studies which led to the request, assesses the environmental impacts which may arise from the form of development proposed, assesses the objectives set out in the application having given consideration to planning documents inclusive of the Auckland Regional Policy Statement (and associated documents) and the North Shore City Council District Plan and assesses the efficiency and effectiveness of the proposals in achieving the purposes of the Act.

Section 32 analysis is provided at section 10 of this report.

4.2.2 Other Key RMA Sections

4.2.2.1 Part 2

Part 2 of the Act underpins the exercise of functions, duties and powers. Section 5 states that the purpose of the Act is to promote the sustainable management of natural and physical resources. "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 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, remedying or mitigating any adverse effects of activities on the environment.*

Section 6 sets out matters of national importance, while section 7 sets out certain other matters to which persons exercising functions and powers under the Act are required to have particular regard. Section 8 requires the taking into account the principles of the Treaty of Waitangi in relation to managing the use, development and protection of natural and physical resources.

4.2.2.2 Section 31

Section 31 sets out the Council's functions for the purpose of giving effect to the Act. The Council's functions include:

- (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 and*
- (b) *The control of any actual or potential effects of the use, development, or protection of land*

4.2.2.3 Section 72

The provisions of Section 72 are relevant:

72. Purpose of District Plans

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.

This is addressed at section 11 of this report.

4.2.2.4 Section 74

In addition to specifying its functions with regard to District Plans at Section 74(1), Section 74 of the RMA also specifies matters that a Council “shall have regard to” in preparing or changing its District Plan – as follows:

74. Matters to be considered by territorial authority

(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, a direction given under section 25A(2), its duty under section 32, and any regulations.

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to –

(a) Any –

(i) Proposed regional policy statement; or

(ii) 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; and

(b) Any –

(i) Management plans and strategies prepared under other Acts; and

(ii) Repealed.

(iia) Relevant entry in the Historic Places Register; and

(iii) n/a; and

(c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(2A) A territorial authority, when preparing or changing a district plan, must –

(a) take into account any 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; and

(b) n/a

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition.

The relevant matters listed in Section 74 are addressed within this report at section 11 of this report.

4.2.2.5 Section 75

The following provisions of Section 75 are relevant.

75. Contents of District Plans

(3) A district plan must give effect to –

(a) any national policy statement; and

(b) any New Zealand coastal policy statement; and

(c) any regional policy statement.

4.2.2.6 Section 76

The following provisions of Section 76 are relevant.

76. District rules

(1) A territorial authority may, for the purpose of –

(a) Carrying out its functions under this Act; and

(b) Achieving the objectives and policies of the plan, –
include rules in a district plan.

(3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.

4.2.3 Purpose of the Plan Change

The purpose of the Plan Change is to enable intensive residential development on the MSC site that will exceed the current maximum permitted height by a significant amount, whilst ensuring that good urban design and aesthetic outcomes are achieved and that significant adverse effects on the environment are avoided. The locations on the site where the additional height may occur are restricted so as to limit the potential adverse effects and to maximise the quality of the urban design solutions. The residential development opportunities will be in addition to, rather than in replacement of, the development opportunities under the zoning that currently applies to the site.

This development will contribute to the achievement of the intensification aims for centres such as Milford as articulated in the Auckland Regional Growth Strategy, the Auckland Regional Policy Statement (particularly as updated by Change 6) and North Shore City strategies such as those set out in the Northern and Western Sectors Agreement and in the City Blueprint as well as the North Shore City District Plan (particularly as updated by plan change 12).

4.2.4 Reasons for the Plan Change

The reasons for the Plan Change are as follows:

- Milford is cited in several ARC and NSCC strategic planning documents as being appropriate for increased land use intensification – with a particular focus on residential intensification, in order to accommodate projected population growth. The MSC site provides one of the few appropriate opportunities within the area for land use intensification of the scale required to significantly assist in achieving fulfilment of this growth mandate for Milford. The MSC site also provides an excellent opportunity to accommodate high density residential with a focus on high quality urban design, good street interface and high standard of architecture. Changes to the District Plan are required in order to achieve the above;
- The objective and policies for the Business 2 zone, whilst providing for business / retail and other land uses in close proximity to residential areas also focus strongly on minimising potential adverse effects on nearby residential amenity from development within Business 2 zoned sites. Whilst such provisions are clearly important, it is considered that the ‘weighting’ within these provisions has the effect of preventing higher built form (inclusive of accommodating land uses such as high density residential) on key town centre sites such as the MSC site, as assessment would likely be deemed contrary to the existing objective and policies. Changes to the District Plan are accordingly required;
- The 9 metre permitted activity height limit, albeit with design flexibility up to 11 metres, renders higher built form options as a non complying activity which would require assessment against the existing objectives and policies – as described above. The existing height limit development control thus prevents higher built forms of development to accommodate high density residential, on key town centre sites such the MSC site. This limitation is considered to be contrary to the intensification expectations advocated for town centres within key ARC and NSCC strategic planning documents - particularly as recently amended. Similarly, the existing

heights in relation to boundary controls as apply to the site constrain development. Changes to the District Plan are accordingly required;

- The 9 metre permitted activity height limit does not promote innovative methods of dealing with the location of carparking. If additional height is available, there is the potential to make the location of structured or underground carparking financially viable. This has excellent urban design benefits.
- The existing car parking requirements for residential activities are onerous when applied to higher density residential options. This means that the principles of good urban design can be sacrificed to fit required car parking onto a higher density residential site. The existing provisions state that residential development greater than 50m² requires 2 carparks. To avoid this developers often develop with all or a high percentage of the units being 49m², which enables them to maximise the site potential by limiting the number of carparks to be provided. This is clearly less than ideal in terms of serving the different residential needs of the community. Furthermore, at the MSC, cross utilisation of the retail carparking by visitors to the residential apartments can occur such that dedicated visitor parking need not be provided. Changes to the District Plan are accordingly required;
- The rules in the Business 2 zone allow developments with good urban design and a good quality of architecture to take place but they do not promote this. Likewise, the assessment criteria in the Business 2 zone also includes good urban design principles but the zone does not focus on these principles, which can make their implementation difficult. Accordingly, in order to achieve higher density residential on the MSC site which incorporates these principles, site specific provisions need to be introduced into the District Plan. Changes to the District Plan are accordingly required.

New objectives and policies are proposed that confirm the status of Milford town centre as a growth node, enable high density residential development on the appropriate parts of the site and require high quality urban design and building design. Instead of seeking amendments to the rules in the District Plan that apply to other parts of Milford and to similar centres across the city, a site-specific overlay zone is proposed. With this, relevant rules applying generally to the Business 2 zone are tailored specifically for the site and the type of development proposed. These amendments address matters identified within the assessments of potential effects of the development. The amendments include increased height limits over limited parts of the site.

Additional rules will constrain development to ensure that it does not generate off site adverse effects in excess of, or significantly different to, those considered with the assessment of the plan change. Appropriate assessment criteria have also been proposed to ensure good urban design and aesthetic outcomes with any resource consent application made. Similarly amendments are proposed for other chapters of the District Plan including reducing the car parking requirements in recognition of the car parking already provided for the retail site use and the good public transport network serving Milford town centre.

4.3 Regional Planning Instruments

4.3.1 The Auckland Regional Policy Statement

The Resource Management Act requires at section 75(3)(c) that District Plans and changes to District Plans are to give effect to the Auckland Regional Policy Statement (ARPS). The ARPS discusses managing the use, development and protection of the natural and physical resources of the region. It sets in place the policy for promoting the sustainable management of these resources. Its aim is also to provide greater certainty over the ways that natural and physical resources are to

be managed and hence create an awareness of the constraints and opportunities in the region. The ARPS encourages the creation of a quality built environment which promotes transport efficiency. It also encourages higher intensity at certain urban locations and around selected nodes and corridors. The ARPS includes policies on urban development. Strategic Policy 2.5.2.3 (iii) requires that intensification at selected locations is provided for and encouraged. Policies on urban growth management include Policy 2.6.1.2 (i) requiring the provision for “urban intensification around selected nodes and along selected transport corridors” and Policy 2.6.1.2 (iii) “bringing about patterns of activities that will mitigate the effects of increased travel and improve the energy efficiency and convenience of urban areas”.

The method section following those policies anticipates that a structure planning process (or similar) will be undertaken for significant redevelopment associated with intensification.¹ Such a process would identify the constraints and opportunities of particular localities and problems to be addressed.² Aspects to be considered would include whether the proposed form and intensity is appropriate to the character of the land, looking at the natural character and natural features of the land and the adequacy of infrastructure.³

The Local Government (Auckland) Amendment Act 2004 (LGAAA) resulted in amendments to the ARPS being proposed by way of Proposed Change 6.

The LGAAA requires also that the Auckland Regional Growth Strategy (ARGS) be incorporated into the ARPS and the District Plans of the region.

The following extracts (in italics) are considered to constitute the most relevant provisions from within the ARPS (as amended by the July 2007 decision copy of Change 6).

2.6.1 Strategic Objectives

3. To achieve a compact well designed more sustainable urban form served by an integrated multimodal (private vehicles, public transport, walking and cycling) transport system.

2.6.5 Strategic Policies - Urban Structure

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.

Milford is specifically identified within Schedule 1A of the ARPS as a high density centre. It is noted that development of these areas, in addition to future urban areas, is necessary to provide for growth until 2020.⁴

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

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

¹ Auckland Regional Policy Statement, Page 2-20.

² ARPS, Page Appendix A - 1

³ ARPS, Page Appendix A - 5

⁴ ARPS, Proposed Change 6, Schedule 1-3, Note 1

2.6.6 Methods - Urban Structure

1. Strategic Policies – Urban Structure shall be given effect through the provisions of any relevant regional plan, changes to the RPS, District Plans, and the RLTS, and should be reflected in the LTCCP process and any relevant strategic planning process.

5. TAs shall include appropriate provisions in District Plans for tools such as minimum and maximum lot sizes, minimum required densities, and minimum heights to ensure that:

i. efficient use of land and the desired densities are achieved, both in the selected high density centres and corridors, and in future urban areas, and to;

ii. increase support and use of public transport investments.

6. Desired densities and development controls to achieve appropriate levels of urban intensification shall be determined by the ARC and TAs having regard by reference to Appendix H.

8. ARC and TAs shall promote appropriate redevelopment and Greenfield development, through reference to Appendix A and Appendix H, and :

a. “Structure Planning: Regional Practice and Resource Guide 2005”(for the avoidance of doubt structure planning in an urban context should be used for areas of 5,000m² or greater)

Appendix A to Change 6 outlines a number of planning processes which are used in the Auckland Region to support the effective management of development in the region’s rural and urban areas. Structure Planning is one such process described. The description is not replicated here, however it is noted that the process and reporting completed in order to advance this plan change utilises many of the key relevant aspects described for Structure Planning within Appendix A.

Appendix H to Change 6 *Household and Employment Densities Required in High Density Centres and Corridors to Support the Public Transport System* establishes target densities in this regard and provides a range of notes* to describe the means of achieving the target densities identified in spatial planning terms.

The ‘Town Centre’ (applicable to Milford) row of Appendix H table is provided below. Milford is within a local connector network as described on Map 7.3 *Indicative Quality Transport Network* within Chapter 7 of the Auckland Regional Land Transport Strategy.

Proposed Level of Public Transport Provision			
Centre Type	Rapid Transit	Quality Transit Network	Local Connector Network
Town Centre	Residential Density (Gross) 40 Dwellings per Ha.	Residential Density (Gross) 30 Dwellings per Ha.	Residential Density (Gross) 20 Dwellings per Ha.
	Employment Density (Gross) 200 Employees per Ha.	Employment Density (Gross) 150 Employees per Ha.	Employment Density (Gross) 50-100 Employees per Ha.

* The above referenced notes discuss that increased densities should occur within 400-800 metres of a town centre focus and, within that radius catchment, residential densities should be highest adjacent to a transit stop. It is suggested, as an example, that within 200 metres of the focus of a Sub Regional Centre the density could be twice the average density. No example is provided for town centres. However it is assumed that similar principles apply.

2.6.8 Strategic Policies - Urban Design

1. The design of new Future Urban Areas and the management and promotion of change in existing urban areas is to occur so that:

(a) There is a diversity of urban environments (including building types and densities) and living choices for individuals and communities;

- (b) Buildings, public spaces and road corridors contribute to a vibrant, liveable and attractive environment with a sense of place;*
- (d) Urban environments have a logical permeable and safe structure of connected routes for all modes of transport, including walking and cycling;*

2.6.9 Methods - Urban Design

- 1. Strategic Policy: Urban Design shall be given effect through the provisions of any relevant regional plan, changes to the RPS, district plans, and the RLTS, and should be reflected in the LTCCP process and any relevant strategic planning process.*
- 2. TAs shall identify in District Plans explicit urban design outcomes to be achieved. This could be achieved through rules and /or guidelines on urban design.*

2.6.11 Strategic Policies - Land Use and Transport Integration

- 1. Land Use and Transport shall be integrated throughout the region to ensure that;*
 - a. within urban areas land use patterns provide communities with improved access to a range of services and activities and opportunities to work locally;*
 - b. within urban areas new urban development and subdivision provides for improved connectivity for all transport modes including walking and cycling;*
 - d. the transport network is not compromised by inappropriate land use and subdivision and is planned and developed to support land uses*
- 2. Land use and Transport shall be integrated within high density centres and corridors to ensure that:*
 - a. high density centres and corridors are able to be served by an efficient and effective public transport network;*
 - c. high density centres and corridors are planned to develop to a density which supports planned transport infrastructure and service improvements(refer Appendix H);*
 - d. provision is made for transport improvements which deliver a multimodal transport system (including walking and cycling) in a manner which supports quality, compact and contained high density centres and corridors;*
 - g. high density centres and corridors, and major public transport interchanges and stops should, where possible, develop as multipurpose destinations.*

2.6.12 Methods - Land Use and Transport Integration

- 1. The Strategic Policies: Land Use and Transport integration shall be given effect, through the provisions of any relevant regional plan, changes to the RPS, district plans, and the RLTS, and should be reflected in the LTCCP process and any strategic planning process undertaken by the regions councils.*
- 5. TAs shall provide for significant new areas proposed for urban development, existing urban areas proposed for significant re development, or significant new areas proposed for Countryside Living purposes through the structure planning process (or other similar mechanisms.)*

At the time of writing, proposed Change 6 was subject to a number of appeals.

4.4 North Shore City Planning Instruments

4.4.1 NSCC District Plan

4.4.1.1 Discussion

This section of the report highlights the key provisions from selected sections of the North Shore City Council District Plan considered to be of greatest relevance to the proposed plan change. Discussion within this section also incorporates updates of Sections 5 and 6 resulting from relevant NSCC plan changes which have been promulgated.

4.4.1.2 Section 5 Issues and Section 6 Managing the Growth and Development of the City

Section 5 discusses the major resource management issues faced by North Shore City. Section 6 sets out the policy framework for managing the effects of future growth and development of the City in terms of the principles of sustainable management.

In February 2003, NSCC notified Proposed Plan Change 2 to update various chapters of the District Plan in reflectance of the vision for the city as expressed within the ARGS, the Northern and Western Sectors Agreement, City Blueprint and Strategic Plan. Plan Change 2 proposed relatively significant amendments to chapter 4 (Resources of the City) as well as chapters 5 and 6. In 2005, additional amendments were proposed to the NSCC District Plan (inclusive of a variation to Proposed Plan Change 2) by way of Plan Change 12 in response to the requirements of the Local Government (Auckland) Amendment Act 2004. There are several appeals outstanding on Proposed Plan Change 2 with these appeals being placed on hold, pending the outcomes of decisions on Plan Change 12. Also, at the time of writing several appeals had been lodged on proposed plan change 12. The following extracts (in italics) address the key provisions of chapters 5 and 6 updated, where relevant, by Plan Change 2 (as amended by the decision notice version dating from 30 July 2003) and Plan Change 12 (as amended by the July 2007 decision copy of Plan Change 12).

5.4 Major issues

2. *Securing a high quality built environment*

Ongoing growth and change has in recent years led to a demand for a greater range of housing choice. Population increase and declining household size as well as an ageing of the population have been the main contributors to this change in housing needs. The location of infill housing and the location of more intensive forms of housing, particularly adjacent to existing and proposed town and village centres is also an issue which relates directly to the management of growth and change. In managing this change, there is a recognised need to preserve the character and amenity of many parts of the city's existing suburban neighbourhoods and heritage areas. With an increasing population will also come an increasing pressure on the reticulated services of the city. These must adequately service the growing and changing urban form while also protecting the city's unique and valued natural environment.

3. *Enhancing our ease of movement*

The pattern of land use has a direct relationship to the ease of movement. The degree to which land use is integrated with all modes of transport impacts upon peak hour congestion, business productivity and the length of time for journeys. The increasing reliance upon the use of the private car for movement, and the resulting cumulative effects of this trend, have led to the identification of the need to widen the choice of modes of movement.

6.3 Goals for North Shore

- **Built Environment:** A city which provides a wide variety of housing forms which reflect the demands of its ageing population and increases the accessibility to employment and community facilities, while offering a range of affordable options. A city which encourages and celebrates quality design that enhances and reflects local character and the cultural and social needs of the community. A city which adequately services its built form in a way that ensures the protection of its highly valued natural environment.
- **Ease of Movement:** A city which effectively integrates its land use pattern with transport, and encourages the development of an urban form which is less reliant on the private motor vehicle. A city which utilises the full range of modes of movement, particularly public transport while reducing the overall effects of transport on the environment.

6.4 Urban Growth Strategy

Objectives

To effectively manage growth and change by ensuring that a compact sustainable urban form is contained within the defined metropolitan urban limits, with more intensive business and residential activity based on selected sub-regional and town centres, passenger transport nodes and transport corridors on a progressive basis and in accordance with Table 6.1, well integrated with a multimodal transport system and infrastructure network, which:

- ensures the protection and enhancement of a high quality natural environment;
- secures a high quality built environment;
- enables an ease of movement and accessibility that minimises the impact on the environment;
- fosters community wellbeing;
- achieves a buoyant local economy and employment growth;
- achieves integrated planning;
- avoids conflicts or incompatibilities between existing and future infrastructure (including regionally or nationally significant infrastructure) and land use.”

Policies

1. Development opportunities and requirements for more intensive forms of residential and business development will be provided for in and around selected sub-regional and town centres, passenger transport nodes and on transport corridors on a progressive basis in accordance with Table 6.1 to give effect to the Auckland Regional Growth Strategy, in accordance with Schedule 1 of Chapter 2 of the Auckland Regional Policy Statement (ARPS) and Schedule 5 of the Local Government Auckland Amendment Act 2004 (LGAAA). This is to support the growth of employment, and economic and passenger transport activity within these centres provided it demonstrates a high standard of design and compatibility with surrounding activities. This range of activities will facilitate ease of access between housing, employment, shopping and community facilities. In providing for more intensive forms of development, regard shall be had to densities set out in Appendix H of the ARPS, accepting that the densities are non-mandatory guidelines and may not always be achievable due to constraints identified during centre planning.

Table 6.1 is inserted after the policies in Section 6.4. This lists the centres in North Shore City within which intensive mixed use residential and business development will take place. Plan changes to facilitate such development at Milford town centre are set down for the period 2005 to 2010.

4.4.1.3 Chapter 8 Natural Environment

This section is concerned with protecting the natural environment and character of North Shore City. The following extracts in italics are considered to be of the greatest relevance to the proposed plan change.

8.3.1 Coastal Conservation

Objective

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

8.3.4 Tree Management

Objectives

To promote amenity values in both the urban and rural areas by maintaining and enhancing the tree cover present in the city.

To retain trees that contribute to the amenity, landscape and ecological values in the urban area.

4.4.1.4 Section 9 Subdivision and Development

This section of the plan is concerned with managing the effects which arise from subdivision and development including site works. The following extracts in italics are considered to be of the greatest relevance to the proposed plan change.

9.3.1 Protection of the Environment

Objective

To avoid, remedy or mitigate the adverse effects of subdivision and development on the environment, including the physical environment, biota, amenity values and landscape.

9.3.3 Servicing Development

Objective

To ensure that the servicing of new development is planned and implemented in an efficient manner and such as to avoid or mitigate any adverse environmental effects.

4.4.1.5 Section 10 Pollution, Hazardous Substances and Waste Management

This section deals with sustainable management issues relating to pollution, hazardous substances and waste generation. The following extracts in italics are considered to be of the greatest relevance to the proposed plan change.

10.3.2 Noise

Objective

To protect from excessive and unreasonable noise levels, the health and well-being of the community and the enjoyment of residential, recreation and other locations of high amenity value.

10.3.4 Vibration

Objective

To ensure that any adverse effects from the vibration of equipment is avoided, or reduced to an acceptable level.

4.4.1.6 Section 12 Transportation

This section is concerned with the management of transportation facilities in a manner that avoids, remedies or mitigates the adverse effects of transportation activity and infrastructure on the environment and contributes to the sustainable use of natural and physical resources. The following extracts in italics are considered to be of the greatest relevance to the proposed plan change.

12.3.1 Transport System Effectiveness and Safety

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 Passenger Transport

Objective

To mitigate the adverse effects of transport activity (including noise, emission of atmospheric pollutants, contamination of receiving waters from roadway stormwater runoff) 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 Cycleways 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.

12.3.4 Car parking

Objective

To ensure that adequate and efficient provision is made for on-site car parking for all activities.

4.4.1.7 Section 15 Business

This section of the District Plan is concerned with the integrated management of resources, in so far as they relate to commercial and industrial activities. Residential activities are discussed to some degree also in particular sub sections. The following extracts in italics are considered to be of the greatest relevance to the proposed plan change.

15.3 Business Objectives and Policies

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.

Policies

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.

15.3.5 Business Amenity

Objective

To maintain or enhance levels of amenity within the different business zones and for residential and recreation zones that are in close proximity to business zones, and achieve high levels of amenity, consistent with the nature of activities permitted within the zone, in green field developments.

Policies

1. By preventing development out of scale with or insensitive in character to the business area in which it is to be located, in order to avoid adverse effects on the amenity of business and surrounding areas.
4. By preventing developments in business areas that visually dominate roads, recreation spaces, or residential properties in residential areas to such an extent that the amenity of any road, recreation space, or residential property in a residential area is adversely affected.
5. By ensuring that the separation distances between buildings, roads, and boundaries with recreation spaces and residential areas, reflect the character of the particular business area and the need to provide an adequate separation from other buildings, residential activities and public spaces.
7. By requiring that activities in business areas maintain or enhance the landscape or streetscape character of the business area in which the activity is sited.
10. By requiring that new developments on sites over 2000m² in area achieve integration with existing development and the surrounding area.
11. By ensuring that those potential adverse effects of activities in business areas on adjoining residential areas are avoided, remedied or mitigated.
12. By requiring that all development in all business areas, except for general business areas, address design and external appearance, site layout, landscaping and access in order to achieve, maintain and enhance high levels of amenity.

15.3.7 Intensive Residential Development

The provisions of Section 16.3.8 Intensive residential development apply. These provisions are discussed below at section 4.4.1.8.

15.4 Zoning Framework: Objectives and Policies

15.4.2 Suburban 2 Zone

Objective

To manage the effects of activities in suburban centres in a manner which:

- Helps to minimise average vehicle trip lengths, by recognising the shopping role that suburban centres serve or could potentially serve for existing suburbs or proposed suburbs
- Makes efficient use of natural and physical resources
- Avoids, remedies or mitigates the adverse effects of activities on the amenity of residential properties
- Avoids development which would fail to integrate with other development in the particular centre.

Policies

1. By enabling the retention of a substantial shopping role in suburban centres, including significant food retailing, and by enabling new suburban centres to serve new suburbs.

2. *By enabling a wide range of business activities to establish in suburban centres in order to ensure that efficient use is made of the resource that they represent.*
3. *By ensuring that those potential adverse effects of activities in suburban centres on the amenity of adjoining residential areas are avoided, remedied or mitigated.*
4. *By requiring that significant new development achieves integration with existing development and the surrounding area.*

4.4.1.8 Section 16 Residential

This section sets out the issues and provisions as pertain to the residential areas of North Shore City. Whilst the subject site is not residentially zoned, the proposal is residential in nature and thus consideration Chapter 16 is of relevance. The following extracts in italics are considered to be of the greatest relevance to the proposed plan change.

16.3.2 Residential Activities

Objective

To provide opportunities for the establishment of activities required by people and communities in a manner which is compatible with the maintenance and enhancement of amenity values.

16.3.5 Housing Choice

Objective

To provide a diverse range of living environments and housing opportunities in order to meet the varied needs of the community, in a manner which is compatible with the maintenance and protection of residential amenity and environmental values.

16.3.8 Intensive Residential Development

Objective

To ensure that intensive residential developments are designed to a high standard, integrate well with their neighbourhood, are located where the physical and social infrastructure support them, and any adverse environmental effects will be avoided, remedied or mitigated.

Policies

The first two policies refer to locational aspects of intensive residential developments. The town centre location of this proposal in effect addresses all of the points of these policies. The third policy is effectively a design brief for good intensive residential development and it is therefore particularly important that the subject proposal is consistent. This policy is set out in full below.

3. Intensive residential developments should be designed to achieve all of the following:

- *Integrate well with the immediate locality*
- *Contribute positively to the street scene*
- *Be of a high standard of architectural quality*
- *Provide for occupants to enjoy a reasonable outlook and useful outdoor space*
- *Provide for the aural and visual privacy of occupants and neighbours*
- *Effectively incorporate existing significant vegetation and landforms, and landscaping*
- *Effectively and efficiently cater for traffic, parking and servicing*
- *Avoid or mitigate any reverse sensitivity effects arising from the proximity of non-residential activities in the vicinity*
- *Incorporate suitable crime prevention through environmental design techniques in their layout and methods of access*

- *Incorporate low impact stormwater design methods including source control in the site design, layout and landscaping.*

The fourth and final policy refers to site characteristics.

4.5 Other Relevant Planning Documents

4.5.1 Discussion

The documents discussed in this section have relevance for two reasons:

- they are the result of considerable analysis by national organisations, the ARC and the NSCC, and incorporate the input of a wide range of technical experts and, in some cases, the community; and
- they provide an indication of the potential policy direction for future changes to regional and local planning instruments.

4.5.2 People, Places and Spaces

People+Places+Spaces – a Design Guide for Urban New Zealand (2002) is a guideline document issued by the Ministry for the Environment to achieve quality urban design for urban environments. Five key principles are articulated by this document: Consolidation & Dispersal, Integration & Connectivity, Diversity & Adaptability, Legibility & Adaptability and Environmental Responsiveness. The extent to which the plan change addresses the principles within this guide is analysed in Urbanism Plus' urban design assessment at Annexure 2.

4.5.3 Urban Design Protocol

The New Zealand Urban Design Protocol (2005) is a high level framework issued by the Ministry for the Environment to achieve quality urban design based on seven basic urban design elements. North Shore City Council has committed to specific urban design initiatives by becoming a signatory of the Protocol. The seven basic urban design qualities identified by the Protocol are: Context, Character, Choice, Connections, Creativity, Custodianship and Collaboration. The extent to which the plan change addresses the principles within this guide is analysed in Urbanism Plus' urban design assessment at Annexure 2.

4.5.4 The Auckland Regional Growth Strategy

The ARGS sets a broad direction for planning to accommodate projected regional growth in the Auckland region in terms of both intensification of existing urban areas and growth in new greenfield locations. The purpose of the ARGS is: *"to ensure growth is accommodated in a way that meets the best interests of the inhabitants of the Auckland Region"*. The ARGS provides a vision for what Auckland could look like in the future with a population of 2 million.

Relevant ARGS objectives for centres such as Milford include:

- Provision of employment/business/retail/community facilities in proximity to residential uses to encourage walking and cycling rather than travel by car;
- Provision of a range of dwelling types and densities including mixed-use as appropriate;
- Access to an effective and efficient passenger transport system;
- Access to adequate open space;
- Access to appropriate and affordable education, health, community, recreation, social services and facilities;

- Location of intensification areas in a manner that maintains the identified residential character; and
- Provision of people focused communities that foster existing and future community values and integrity.

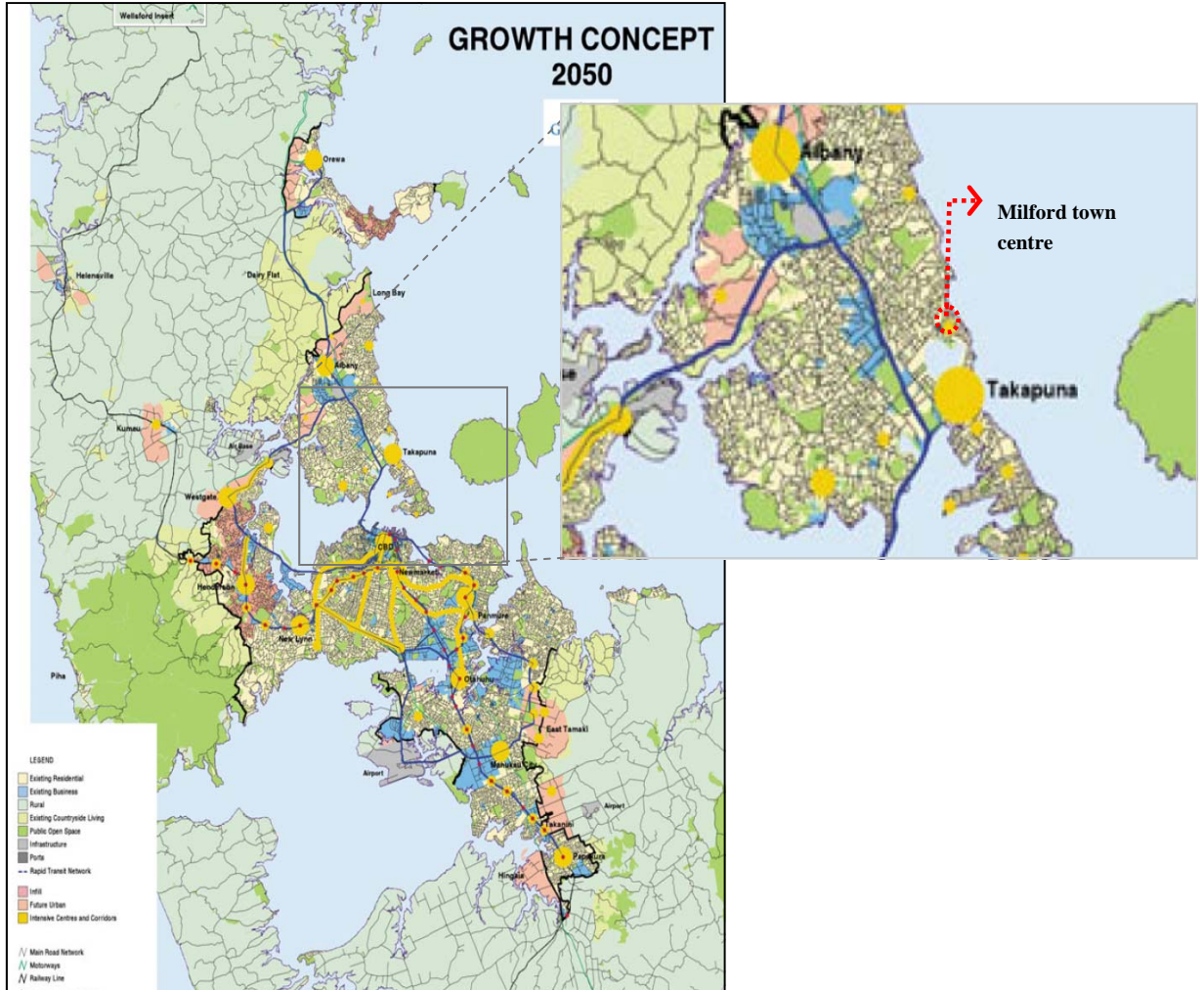
The Local Government (Auckland) Amendment Act 2004 required all Councils in the Auckland region to make changes to their respective planning documents for the purposes of giving effect in an integrated manner to the growth concept contained in the ARGs. Discussion in italics, as follows, comprises key extracts from within the Auckland Regional Policy Statement (as amended by the July 2007 decision copy of Change 6) on the topic of the Growth Concept within the ARGs. The Growth Concept was developed after the assessment of the likely future growth in the region's population and infrastructure and of a range of alternative methods of accommodating that growth and following extensive public consultation by the Growth Forum and by each of the Council members of the forum.

The "Growth Concept" is a snapshot of how the region could look at 2050 if growth is managed according to the vision, outcomes and principles of the ARGs. For the purposes of giving effect to the "Growth Concept" the 'Sector Agreements' developed by all Councils have been used as a guide to identify future growth areas. Councils may also develop other appropriate strategies or approaches to give effect to the "Growth Concept". Key features of the "Growth Concept" are that:

- *growth will be managed by promoting quality, compact urban environments (intensification).*
- *most growth is contained within the existing metropolitan area with development outside current urban areas only where environmental, accessibility and community principles can be met.*
- *most urban growth is focused around high density centres and corridors (refer Schedule 1) to create higher density mixed use communities, with a variety of housing, jobs, services, recreational and other activities.*

The "Growth Concept" anticipates a shift in land use patterns towards a more compact urban form which focuses growth in high density centres and corridors, such as along the northern, western and southern passenger transit corridors, as well as and near main arterial roads. More intensive development can support a greater range of local services and facilities, increase the opportunity for safe walking and cycling and help support public transport, by bringing people closer to the main routes. Careful design will be needed to ensure good urban amenity.

Milford is specifically identified on the ARGs Growth Concept – (see figure overleaf) and within Schedule 1A of the ARPS as an intensive centre to accommodate future population growth.



4.5.5 Auckland Regional Land Transport Strategy

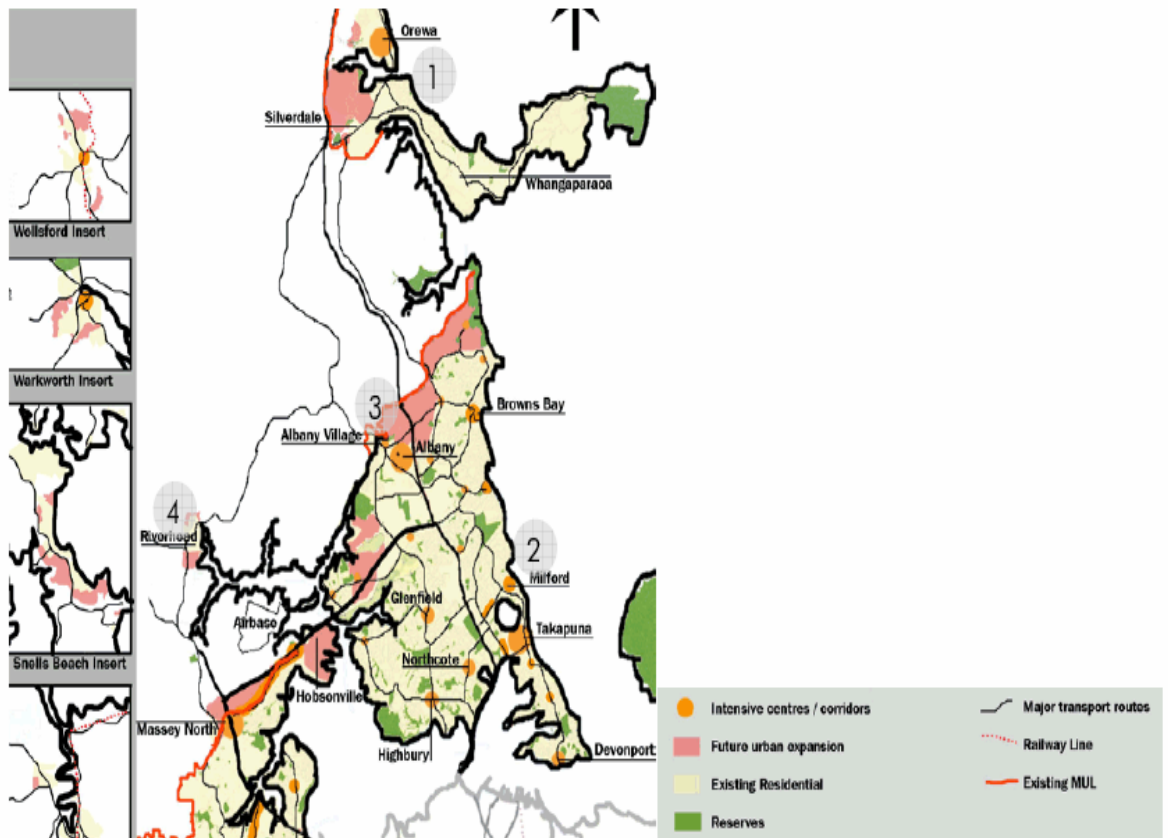
The Auckland Regional Land Transport Strategy (ARLTS), in conjunction with the ARGs, has direct implications to managing the future growth of the Auckland region. The ARLTS notes that in 2001 (p28) 334,000 cars were used to take employees to work every day. Of the total work trips undertaken, 78% were by car - 73% being drivers, and 5% being passengers. By 2021 there are anticipated to be around 600,000 regional work trips per day, resulting in 4,996,000 vehicle kilometres travelled (87.7% of projected total work related trip km). The projected uptake of public transport from 6.6% to 8.7% of work trip kms will ultimately still be low and comparatively high environmental emissions and degradation will occur. This places further emphasis on the value of intensifying around centres and public transport hubs where the potential to improve passenger transport patronage exists.

Chapter 7 of the ARLTS discusses achieving the (ARLTS) objectives. The policy of managing travel demand is noted and discussion is provided in this regard which cross references back to the LGAAA amendments to the ARPS. Comment is provided at 3.1.3 of Chapter 7 with regard to managing the travel demand of the need to: *Support the Regional Growth Strategy and Regional Policy Statement emphasis on focusing intensification in locations with existing or potential transport characteristics that support higher intensity and mixed land use activities.* Comment is provided at 3.1.9 of the need to: *Encourage, through district plans and long term plans, 'transit orientated developments' (TOD), which include a mixture of land uses which decreases the need for vehicle travel and increases community benefits..*

In addition to those matters, the ARLTS introduces an emphasis on reducing vehicle trips (km and time travelled) and CO2 emissions, and on public transport initiatives including redressing the very low patronage experienced within the Auckland Region (8% of all trips in 2001 - from ARLTS). These are considered critical indicators of a more sustainable urban form. Milford, in addition to being a strategic intensification node is also to become a future de facto transportation node with an express through connection via Shakespeare Road to the Westlake Northern Busway Station which connects to regional and North Shore rapid transport corridors.

4.5.6 The Northern and Western Sectors Agreement

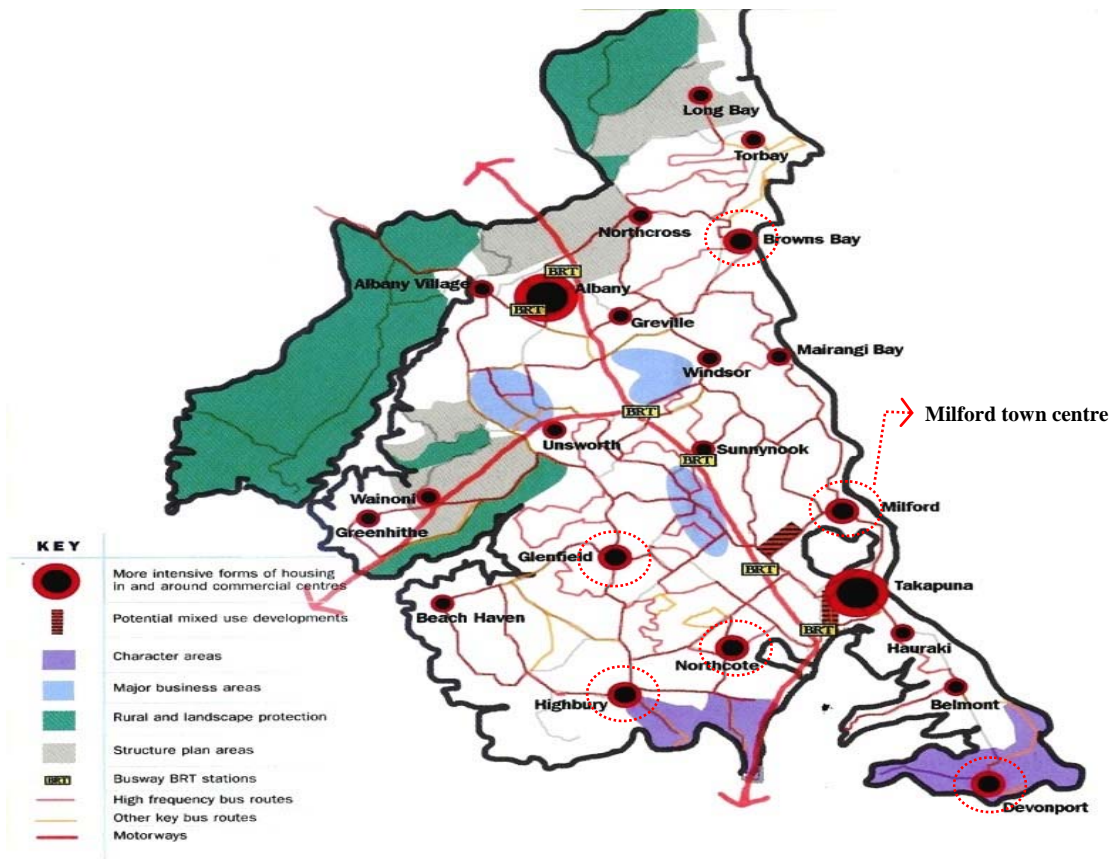
The Northern and Western Sectors Agreement is the relevant implementation document prepared under the ARGS that provides for growth management for North Shore, Waitakere and Rodney Districts. This document identifies that North Shore City needs to provide for an increase in population of 76,000 by 2021 with all urban growth taking place within the current metropolitan limits broadly focused on the area (1) in and around Orewa / Silverdale; (2) in some North Shore urban centres including Milford; (3) greenfield development at Albany, Greenhithe, Long Bay; and (4) in some rural towns. The proportion of growth expected to be accommodated by intensification around town and village centres is 28%. Please refer to the following figure - being 'Figure 5 Growth Areas' within the Northern and Western Sectors Agreement.



4.5.7 City Blueprint and City Blueprint Action Plan

North Shore City Council's *City Blueprint and City Blueprint Action Plan* set out a 20 year growth plan for the North Shore in response to the ARGS and Northern and Western Sectors Agreement. The *City Blueprint Action Plan* was also the mechanism to undertake community consultation regarding how the implications of the ARGS could be best integrated and absorbed into the City.

The City Blueprint establishes that the major focus of future development activity will be through intensification in and around North Shore City's town and village centres. It is estimated that an additional 8,500 dwellings over the next 20 years could be accommodated within these centres and key corridors. Milford is identified as one of the main town centres of North Shore City. Please refer to the following figure which is drawn from the City Blueprint Action Plan with a note added to highlight Milford.



Key priorities identified for the Milford centre identified within the *City Blueprint Action Plan* include the following:

KEY AIMS		GROWTH PRIORITIES FOR MILFORD
	CITY ENVIRONMENT	Extend or enhance open space to support the Milford town/village centre
	LIVING CITY	More intensive forms of housing in and around the Milford commercial centre
	WORKING CITY	Significant centre based employment Significant shopping, entertainment and cultural centre and in conjunction with Takapuna to be part of the area to be promoted as a regionally significant tourist destination
	PLAYING CITY	Close proximity to water and active recreation e.g. Lake Pupuke, Milford Beach Local shops and cultural / social facilities
	CITY TRAVEL	PT proposed bus station in town centre and cycle lane Proposed works to improve bus flows

4.5.8 Long Term Council Community Plan

NSCC's Long Term Council Community Plan 2006–2016 (known as the 'City Plan') has been produced by Council to create a forward plan for the city for the next 10 years. It replaces the Strategic Plan (2001). As discussed within the summary report (module 1) the City Plan is regarded as being "the council's key strategic document". Module 2 (Strategic Module) is said to "represent the community's voice. It looks at those things that the community has said are important to it now and into the future". Key issues identified from Module 2 include the following:

Growth and Development

The projected growth in the city's population and its changing nature (e.g. more single parent households and couples without children) will require a larger and more diverse housing stock.

In managing growth, we need an urban environment that communities can be proud of. More effort is required to improve the design and quality of new developments as the design of our city will have a major impact on how people feel about their city.

We need to ensure that our city has high quality, well-designed town centres that have improved access or are within walking distance to community, health and leisure facilities, educational institutions, public transport, and public open spaces.

Managing Transport

We need to use a range of initiatives such as changing land use patterns, improving public transport services and promoting alternatives to reduce demand for car travel. At the same time we need to continue improving the capacity and efficiency of the existing road network.

Development of town centres within the North Shore is an important part of the growth strategy for the city. These centres are also an important location for further job and economic growth. Transport needs to support connections to and from town centres, and provide for access within the centres for vehicles and for pedestrians and cyclists. It also needs to support the desired form of development and enhance town centre amenity.

Community Outcomes - Built Environment - Some of the Community's ideas as a way forward

Ensure activities within town centres and villages are compatible, e.g. residential/ commercial interface

Housing - What the Community has indicated it would like from this Outcome (Our housing meets the needs of the Community)

We enjoy living in North Shore City and want to be able to continue to live here. We want our homes to be close to community facilities such as libraries, shops and parks so that we feel a part of our local community. We want houses that are built to last and that can meet a variety of needs including emergency housing and housing for the elderly.

4.5.9 Good Solutions Guides

North Shore City has developed a set of Good Solutions Guides to encourage and facilitate quality development in the city and region. The Mixed Use Developments in Town Centres and Apartment guides are the most pertinent to the proposed plan change. These are discussed as follows:

4.5.9.1 Good Solutions Guide for Mixed Use Development in Town Centres

This non-statutory document, published in 2005 by North Shore City Council, provides guidance for developers and designers considering undertaking a mixed use development. A mixed use development is defined as one that combines “different uses in close, compatible relationships”⁵ and for this guide a combination of residential and non-residential components is assumed. Its production was prompted by the trends towards the more compact development of cities and the incorporation of residential development in town and city centres. Good design is identified as the most important factor in securing community acceptance, constructability and commercial viability, and ease of ongoing management of the building⁶.

4.5.9.2 Good Solutions Guide for Apartments

This document was also prepared by North Shore City Council and was published in 2007. It is a non-statutory guide that has as its aim the promotion of good design of apartment developments. Apartments are defined as “a group of dwellings with vertical attachment”⁷ which distinguishes them from horizontally attached multi-unit housing such as terraced housing and townhouses.

⁵ Good Solutions Guide for Mixed Use Development in Town Centres, Page 4

⁶ Good Solutions Guide for Mixed Use Development in Town Centres, Page 3

⁷ Good Solutions Guide for Apartments, Page 3

5. Indicative Figures and Drawings

Volume 2 contains drawings and figures developed by Jensen Young Cooper architects as well as photomontages produced by U6 Photomontages. The content of Volume 2 is intended to provide an indication for the purposes of the plan change of nature of the high density residential envisaged for the site. The following describes the documents within Volume 2.

1. Perspective images numbered 1A-1D. These images provide indications of the potential built form from several viewpoints at ground/street level
2. Bulk & Massing Options numbered 2A to 2G. These drawings describe the high density residential options investigated through the applicant team's enquiry by design process towards selecting the preferred option (Option G). The drawings show site plans of the locations and building footprints investigated as well as 2 axiometric views of each option investigated. Information is also provided on the nature of each of the options - inclusive of the configuration, number of storeys, number of units and heights (maximum RL).
3. 'White Card' model views numbered 3A to 3G. These show various views of the preferred option G - at street level and axiometrically.
4. Building typology comparisons – this figure provides comparisons of the 2 higher buildings envisaged for the MSC site against a range of other Auckland apartment buildings.
5. Pedestrian and Vehicular Circulation Plan – this figure provides a floor plan of option G and the existing MSC mall and describes the pedestrian and vehicular entry points and circulation envisaged.
6. Floor Plans numbered 6A to 6M. These plans show the main features of the 3 buildings envisaged within option G and show the pedestrian access & circulation areas, the commercial/communal spaces, the carparking areas, the residential areas and the roofs of the 3 buildings.
7. Cross sections numbered 7A to 7E. These drawings show various cross sections through the site.
8. Typical Floor Plans numbered 8A to 8K. These plans provide indications of the range of apartment types envisaged within the 3 buildings comprising option G.
9. Omana Road elevation – this drawing shows an elevation view along Omana Road showing the varying heights and an indication of the modulated façades and street level interface of the buildings envisaged along this frontage.
10. Shadow Diagrams numbered 10A to 10L. These images show the anticipated shadow effects of the buildings envisaged within option G – at 9am, 12pm and 3pm on 21 March, 21 June and 22 December.
11. Shadow movement diagrams for Milford Road, numbered 11A and 11B. These figures show the shadow effects anticipated from option G upon properties primarily to the east of the site - inclusive of Milford Road. The anticipated effects are shown for various times of the day for 21 June. Figure 11A describes the effects of the building outlines shown constructed to 9 metre ('baseline') heights, whilst 11B shows the effects of Option G's buildings constructed to maximum heights provided for within the plan change's proposed provisions.
12. Indicative Artist Impressions - These are provided for Buildings 1, 2 and 3.



13. Photomontages - Eleven viewpoints from various locations have been produced by U6 Photomontages. A viewpoint location map is provided to describe these locations.

The figures, drawings and photomontages discussed above were utilised by the range of specialists in preparing their specific assessments of effects reports, which are attached within folder 1 and are summarised in the next chapter of this report.

6. Assessment of Effects on the Environment

6.1 Introduction

Clause 22(2) of Schedule 1 of the Resource Management Act states:

(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account the provisions of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.

Clause 2 of Schedule 4 of the Act sets out the matters which should be considered when preparing an assessment of effects on the environment as follows:

2. Matters that should be considered when preparing an assessment of effects on the environment

Subject to the provisions of any policy statement or plan, any person preparing an assessment of the effects on the environment should consider the following matters:

- (a) Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects:*
- (b) Any physical effect on the locality, including any landscape and visual effects:*
- (c) Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:*
- (d) Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural, or other special value for present or future generations:*
- (e) Any discharge of contaminants into the environment, including any unreasonable emission of noise and options for the treatment and disposal of contaminants:*
- (f) Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.*

- 2(a) matters are addressed by specific Social, Integrated Transportation Assessment, Visual / Landscape, Shading, Urban Design, Services infrastructure and Acoustic reporting as well as by discussion within this report.
- 2(b) matters are addressed by the Integrated Transportation Assessment, Visual/Landscape, Shading, Urban Design and Acoustic reporting as well as by discussion within this report.
- 2(c) matters - There will be no ecological effects that warrant specific reporting as part of this plan change request.
- 2(d) matters - There will be no such effects that warrant specific reporting as part of this plan change request.
- 2(e) matters - There will be no discharge of contaminants as part of this plan change request. Acoustic reporting is provided whilst discussion is provided within this report on the areas of the site noted on NSCC GIS records as being subject to flood / inundation risk natural hazards.
- 2(f) matters - Geotechnical reporting is provided. Otherwise, discussion within this report discusses the natural hazard matters to level warranted as part of this request.

6.2 Context

The analysis of environmental effects summarised in this section of the report considers generally the effects of a development in accordance with the proposed plan change. In order to provide adequate limits to development to enable a realistic assessment to be carried out, the location and maximum heights of future development on the site are prescribed with the proposed overlay zone. Similarly, the proposed provisions for the overlay zone are intended to provide a firm context for

assessment. For some of the assessments, it has been important to ascertain the number of apartments able to be built with a complying scheme. This number has been set at 250, to (conservatively) reflect the size and configuration of apartments in the indicative concept provided with the application.

6.3 Assessment of Effects

The location of the site (being within a town centre close to residential land uses) is such that it is considered that high quality of design is necessary to limit adverse effects and maximise positive effects in terms of urban design, visual amenity and shading. Comprehensive assessments have been carried out for these aspects by Urbanism Plus (urban design) and LA4 (visual amenity and shading assessment).

The transportation assessment prepared by Sinclair Knight Merz broadly follows the guidelines for Integrated Transport Assessments published by ARTA. Comprehensive traffic modeling has been carried out as part of the transportation assessment using current data and projections provided by North Shore City Council. It has been conservatively assumed that all residents of new high density residential built on the site will commute to work each day, despite the fact that Milford town centre is well served by public transport.

In terms of intensification of Milford, a development enabled by this plan change will make a significant contribution to intensification of the town centre. Although, such intensification is regional and NSCC policy, a comprehensive assessment of the social impact of the project has been carried out. Included within this is a qualitative assessment of potential economic effects.

Residential activity is relatively benign in terms of acoustic effects, however, consideration of such effects and of design standards is provided by Marshall Day Limited to confirm that the District Plan rules related to acoustic effects are appropriate.

Lastly, separate assessments have been provided by Sinclair Knight Merz on geotechnical issues, services infrastructure and overland flow / flooding / inundation risk hazard matters pertaining to the nature of the development that will be enabled by the plan change. The natural hazards assessment is included within the text of the report at 6.4.8.

6.4 Effects

6.4.1 Urban Design

Reporting on urban design issues was provided by Urbanism Plus (Annexure 2). The report adopts a custom designed approach to understanding the context and assessing the proposed development, specifically targeted towards analysis of strategic planning issues and urban character considerations. Part one of the report asks the following key questions:

- *Why focus on town centres?*

Milford fits within regional and local authority planning mandates as a town centre planned for residential intensification. Despite this, analysis of both existing and desired characteristics of town centres suggests many centres are not and are unlikely to meet growth aspirations due to physical, contextual, regulatory and other constraints.

- *Why have intensification in Milford?*

Understanding Milford's strategic and local context relative to major sub regional movement networks, facilities, employment and social nodes reveals it to be a centre ideal to support a significant increase in density.

- *What would growth in Milford need to respond to?*

Ensuring that any development is able to maintain or enhance the core elements of Milford that define its character.

- *Where could growth in Milford go?*

A 'desktop' capacity study of the town centre and residential environs finds very little short-term opportunity to intensify in or around Milford. Areas with most potential exist along Kitchener Road, Shakespeare Road and on the Milford Shopping Centre site.

- *What are the relative pros/cons of each growth area?*

Each potential growth area and likely development form is placed under character, constraints and deliverability filters to assess the relative impact of future development on Milford town centre.

Part 1 concludes that the Milford town centre is a highly suitable centre to provide for the community's strategic growth plans. Specifically, future residential intensification on the Milford Shopping Centre would be advantageous for a number of reasons. These are namely:

- *Capacity*

Milford is almost fully developed with the Milford Shopping Centre the only area where substantial growth could be located within short - medium timeframes.

- *Character*

Development on the shopping centre offers the most sympathetic location for growth to maintain the main street's urban character (this is separate from the wider landscape assessment of the site).

- *Deliverability*

The very large site in the heart of Milford town centre exists under a single ownership offering comprehensive development opportunities.

Part 2 of the report outlines the urban design assessment framework applied to the Milford Shopping Centre site and the proposed Plan Change provisions. The assessment identifies key urban design indicators which if appropriately addressed within Plan Change provisions will ensure future development of the site delivers a high quality outcome for Milford. This includes specific regard to a number of issues including:

- The critical need to maintain a strong, direct connection between the shopping centre, future residential development entrances and Milford's main street along Kitchener Road;
- Managing horizontal and vertical building bulk and mass;
- Enabling pedestrian, private vehicle, private servicing and public shopper entrances and circulation routes are legible, well defined and operationally distinct from each other;
- The need to encourage outward facing building frontages towards public open space and highly articulated façades;
- Providing adequate architectural and landscape mitigation of parking areas through screening and sleeving with activity on lower levels;
- Providing for building adaptability in terms of a mix of activities and flexible building design; and
- Management of stormwater quality and quantity.

Finally, the proposed District Plan provisions are analysed against the degree to which they cover the above issues. The provisions are further evaluated using a conceptual development design as a ‘ground test’.

Part 2 concludes that the proposed Plan Change provisions give confidence an appropriate development response will occur on the Milford Shopping Centre site.

6.4.2 Visual/Landscape

Reporting on visual and landscape issues was provided by LA4 landscape Architects (Annexure 3). A summary is provided as follows.

The LA4 report analyses the existing visual environment in order to determine the qualities and elements of the surrounding area that may be affected by development in accordance with the proposed plan change. The specific effects that would be generated by such development in terms of the visual catchment and the viewing audience are identified and conclusions about the visual acceptability of the proposal are set out within the LA4 report.

The existing Milford Shopping Centre has a relatively contained visual catchment due to the presence of the Kitchener Road retail and commercial developments screening the bulk of the site from Kitchener Road. Close-up views are obtained from Omana Road, Ihumata Road and Milford Road in the immediate vicinity of the site and the residential and commercial properties off these roads. While current views are restricted from a number of locations the height proposed within the Plan Change would result in development extending to heights of between RL 34.4 and RL 63.0. This would increase the visual catchment and subsequent visual exposure of the site and any proposed buildings within it.

Elevated views across the site are gained from the residential slopes to the west and the properties accessed off parts of Rangitoto Terrace and Prospect Terrace. The outlook from these residential properties is generally focussed towards the panoramic sea views. More distant views are gained from East Coast Road and some of the streets on the eastern facing slopes accessed off it – Wolsley Avenue, Arglye Terrace and Tobruck Crescent. Views towards the site from lower elevations from the surrounding streets and adjacent properties are more restricted, views being blocked or filtered by the existing landform, vegetation and structures within the properties. Views will be gained travelling along the main roads heading towards the site including Shakespeare Road, Kitchener Road, Beach Road, Inga Road and East Coast Road. Distant views towards the site will be gained from the beach, coastal edge and Hauraki Gulf. The most sensitive of these are local residents due to their awareness of the effects of change in their neighbourhood.

For the assessment of visual effects, eleven viewpoints were selected as locations that capture and fairly represent the range of public and private views towards the Milford site from different viewing distances and angles. A 3D model of the scale of building that could be developed on the site under the proposed plan change was supplied to North Shore City Council’s GIS department to insert into their geographic model. Screen shots of the view from each of the selected viewpoints were taken and these were used to prepare the photomontages that are the basis of LA4’s detailed visual assessment. The assessment of the proposal from each viewpoint against a series of criteria has identified that the overall impact ranges from high to low.

The plan change application includes a package of objectives, policies, development controls and assessment criteria that will enable the Council to maintain control over the quality, including visual quality, of development on the site. It is concluded that development in accordance with the proposed plan change will be “visually acceptable in the context of the existing landscape and

visual environment” and that the “visual amenity and quality of the environment will not be adversely affected”.

6.4.3 Shading

Reporting on potential shading effects was provided by LA4 Landscape Architects (Annexure 4). A summary is provided as follows.

The greatest impact from shading of the proposed development will be on the residential area to the east of Milford Road extending through to Frieston Road. The impact of the shading is (as expected) greatest during the winter solstice (21 June) due to the lower elevation of the sun. Shading of parts of the residential area to the east of Milford Road is restricted to a short period between 3pm and sunset (5.11pm). The shading impacts of Buildings 1 and 2 are largely internalised within the existing commercial area. Shading of the council owned car park accessed off Kitchener Road (identified as a potential area for public open space in the future) is avoided during high use times with only partial daylight shadow resulting. Building 3 has the greatest impact on the residential area impacting on a number of the residential properties in Milford Road and Frieston Road in the late afternoon.

There will be a minor shading effect on several of the properties in Shakespeare Road for a short duration in the early morning during the winter solstice and a minor effect on the residential property at 1 East Coast Road in the morning during the autumnal equinox (21 March).

The shading impact on the surrounding commercial properties is largely restricted to those on the eastern side of Milford Road. These premises would be affected to a similar degree by development within the 9 metre permitted height. The impact of shading on the commercial properties along Kitchener Road is very limited and again restricted to early morning during the winter solstice.

In terms of shading on the Milford Road carriageway and footpaths, a similar effect would result from a permitted baseline building. Development within the permitted baseline would also have an impact on the Milford Road residential properties. Ihumata Road will be subjected to shading to varying degrees for short time periods in the early morning throughout the year.

Development within the proposed Plan Change has been designed to minimise the shading impact as far as practicable through the location of the proposed buildings within the site. The location of development within the building envelopes addresses the surrounding streets well and minimises potential adverse effects on surrounding properties. Building 1, extending to RL 63.0, is appropriately located – being physically separated from the residential development on the western slopes by the open space and extent of the Wairau Creek reserve which reduces its dominance. Building 2, extending to RL 37.4, again has the benefit of the spatial characteristics of the reserve.

Overall, the proposal will have a shading impact on parts of the surrounding residential area to the east. The impact however will be of relatively short duration (3pm until sunset) and during the winter solstice period.

6.4.4 Transportation

Integrated Transportation Assessment (‘ITA’) reporting was provided by Sinclair Knight Merz Limited (‘SKM’) (Annexure 5). A summary is provided as follows.

In addition to examining the potential traffic impacts of the proposal, SKM has described the relationship to the surrounding road network and the integration of the proposal with public transport and with access for pedestrians, cyclists and the mobility impaired.

SINCLAIR KNIGHT MERZ

A key component of the ITA is the determination of the impact of additional traffic associated with the proposed development on the surrounding road network.

A peak hour trip generation rate of 0.6 trips per dwelling unit has been assumed for this proposal. This compares with the rate stipulated in the District Plan of 0.6 trips per unit.

Although the proposed development is of a higher density than most residential development in North Shore City and is located within a town centre, it is not as well served by existing and proposed public transport services as some town centres within North Shore City. As such, the full complement of traffic generation, which is estimated in the District Plan, has been used to ensure a robust assessment of the likely traffic generated by the proposed development.

A Paramics micro-simulation model was developed to analyse traffic impacts. It was found that “although traffic generated by the proposed development is likely to result in an increase in travel time and queue length on the measured approaches during both the morning and evening peak periods, this increase over base conditions is small and unlikely to cause a more than minor effect on the operation of the adjacent road network. Traffic generated by the residential / commercial sensitivity test option generally results in greater travel times and queue lengths than those generated by the proposed development. However, even these values do not represent significant increases over base conditions and as such this option is also considered unlikely to cause more than minor effects on the operation of the adjacent road network”.

ARTA intends to provide significant improvements to bus links across the North Shore to meet the future demand for cross-town travel. ARTA also proposes to develop an integrated ticketing system and simplified fare structure across bus, ferry and rail services which will make passenger transport much easier to use and therefore more accessible to users.

The ARTA Auckland Transport Plan 2007 indicates that the main transport challenges facing this area are peak period congestion and the lack of travel choices, resulting in heavy reliance on private vehicles. There is to be a major strategic focus on increasing the person carrying capacity of SH1 by increasing the accessibility of the Northern Busway.

The Westlake Northern Busway Station is the most conveniently located for this development, at the southern end of Shakespeare Road. This station is not intended to be park and ride, rather bus feeder service frequency is scheduled to increase to encourage usage of the busway, rather than private car usage.

Six bus stops are located in the vicinity of the site. SKM considers that the existing service and facilities, combined with ARTA’s planned improvements to the public transport network serving Milford will encourage higher levels of public transport usage by residents of the area.

It is proposed that a parking requirement of 1.5 car parking spaces for each two bedroom residential unit and no parking for visitors, be applied. This requirement is less than the number of spaces required at present by the District Plan but is in accordance with North Shore City’s guidance documents⁸. The reduced rate recognises the town centre location of the site, the public transport services available at Milford and the potential for cross-utilisation of parking spaces between the shopping centre and the residential use.

⁸ Good Solutions Guide for Mixed Use Development in Town Centres, June 2005

Proposed access to and through the site for pedestrians, cyclists and the mobility impaired will be satisfactory and the existing vehicle access points are considered suitable for the proposed future development.

It is concluded by SKM that the anticipated level of traffic generation from the development is small and will have a negligible impact on the surrounding road network. The proposed parking provision, which is lower than the present District Plan requirement, is appropriate given the complementary nature of parking demands of the residential and retail activities on the site. Satisfactory provision has been made for integrated access to the development site for pedestrians, cyclists and the mobility impaired and ready access is available to the public transport stops in the vicinity of the site.

The proposed plan change provides opportunities for reduced car travel because of the site's location within a town centre, the public transport services available (and planned enhancements), the proposed reduced parking provision and the opportunities for travel demand management schemes.

In summary, the proposed plan change is appropriate from a transport planning perspective and it is consistent with the regional strategies and policies that promote residential intensification in centres and the integration of land use and transport planning.

6.4.5 Social and Economic

Reporting on the potential social effects of the proposed plan change was provided by SGS Economics and Planning (Annexure 6). A summary is provided as follows.

The purpose of the Social Impact Assessment was to independently assess the likely positive and negative social consequences associated with intensification of the Milford Centre area such that an objective assessment of the extent of the risks associated with potential impacts was known. Where necessary, mitigation strategies to remove or lessen negative impacts on affected individuals and populations were identified.

A robust, five stage methodology was used for the Social Impact Assessment by SGS. This included a mix of data analysis, consultation, literature reviews and assessment based on previous experience. Many potential positive impacts were identified in relation to the proposed development, including:

- *Providing a good opportunity for increased residential intensification at Milford Town Centre.* A large lot in single ownership, the proposed redevelopment of the Milford Shopping Centre site would contribute substantially to intensification in the area, and will occur in a centrally accessible area, close to public transport, retail and commercial amenities.
- *Presenting a key opportunity to widen the diversity of housing types available to local and other residents.* Residential intensification in centres diversifies housing products, catering for a wide demographic spectrum. The proposed development at the Milford town centre will add to the supply of housing and to greater diversity in the type of dwellings available in the Milford area.
- *Providing a stimulus for employment and business opportunities and revitalise the town centre.* Residential intensification at centres strengthens local economies and improves centre viability and vitality by providing a larger and more diverse customer base, particularly for local retail businesses and a focal point for business and economic activity. The movement of new people into the area could further contribute to the vibrancy of the centre.

- *Contributing to the sustainability of future public transport networks.* The proposed development provides an opportunity for contribution to the sustainability of future transport networks by contributing to increased patronage, optimising the use of services and infrastructure and reducing car dependency.
- *Contributing to the preservation of the character and amenity of the surrounding environment.* The proposed development will contribute to concentrated residential development in the town centre area, thus reducing the need to increase residential density in nearby suburban localities and preserving the existing character and amenity of the surrounding environment.
- *Providing a stimulus for overall benefits to community wellbeing.* The development is likely to create a stimulus of overall benefits to the community to the extent that an increase in population will create an increase in employment and business opportunities, and help to stimulate and diversify the local economy. A strong and vibrant centre also provides a focus to an area providing a sense of identity to residents
- *Providing positive benefits associated with walking and cycling.* The Milford centre is currently well serviced by public transport making the site proposed for redevelopment easily accessible. Urban intensification can account for substantial health benefits in well serviced centres by providing more opportunities for increased walking (and cycling), less motor vehicle use and a healthier population overall.
- *Providing positive benefits for crime and safety.* More residents living in the town centre may equate with more people on the surrounding streets, thus improving passive surveillance.

However, if not appropriately mitigated against, SGS report that the proposed development has potential to result in a number of risks including:

- New residents of the development do not patronise the local centre;
- Potential for residential development to downgrade the retail / commercial role of Milford town centre;
- The potential that take-up of public transport does not occur;
- Community stability and cohesion may be affected with a new population moving into the area;
- Short-term impacts on pedestrian access and safety during the period of construction;
- Improved passive surveillance does not occur due to poor design and/or inadequate lighting in public areas surrounding the development; and
- Marginal impact on the availability and capacity of community services, programs and facilities.

SGS state that it is important to note that all these risks have been assessed as low to medium. Nonetheless, mitigation strategies for the identified risks have been suggested to ensure that, if approved, the positive benefits associated with the development are maximised. The following points are considered to contribute to the reduced likelihood of the identified risks occurring:

- Information provided by Milford Centre Limited indicates that the architect for the project has given due thought to the quality of design and that the site context has been taken into account in developing the plan change;
- Community consultation through public submission will occur as part of the plan change approvals process; and

- Potential impacts of the proposed development (including impacts relating to design, noise, traffic and visual impacts and infrastructure capacity) will be assessed by North Shore City Council through the development approval process.

SGS conclude by noting that:

It is SGS's professional judgement that the negative impacts assessed in this report could be mitigated against. It is therefore considered that the potential benefits associated with the proposed development outweigh possible negative impacts.

6.4.6 Acoustic

Reporting on the potential acoustic effects of the proposed plan change was provided by Marshall Day Acoustics Limited ('MDA') (Annexure 7). A summary is provided as follows.

The report discusses the existing ambient noise environment, considers the activities to be undertaken in the proposed new zone and reviews the existing noise rules to ensure that the proposed Overlay Area would be acceptable for residential development with respect to the acoustic environment.

Ambient Noise Environment

The existing ambient noise environment around the Milford Shopping Centre is relatively suburban, with road traffic on the surrounding streets the dominant noise source. The most significant flow of traffic is along Kitchener Road. MDA is not aware of any noise complaints from neighbouring properties with regards to the operation of the current Milford Shopping Centre.

North Shore District Plan Noise Rules

The relevant North Shore District Plan noise rules with respect to the Business 2 zone states:

The noise limits at the residential zone boundaries are as follows:

Monday – Saturday 7:00 am – 8:00 pm 50 dBA L10

Monday – Saturday 8:00 pm – 11:00 pm 45 dBA L10

Sunday & Public Holidays 7:00 am – 12:00 pm 45 dBA L10

All Other Times 40 dBA L10, 75 dBA Lmax

The noise limits at the business zone boundaries is 65 dBA L10 at all times

Noise received in habitable rooms of the proposed residential units in the business zone shall not exceed 35 dBA L10 between 2300 hrs and 0700 hrs with ventilating windows open.

Noise Emission from the Proposed Zone

Potential sources of noise emission from the proposed Milford Shopping Centre High Density Residential Overlay Area include vehicle movements, mechanical services plant, commercial noise, and construction activities.

- Vehicle Movements

The existing road traffic volume has been provided by SKM who predict that the volume on these roads would increase at approximately 3% per year. This is equivalent to a 0.2 decibel increase in the ambient noise per year. A 100 % increase in traffic volume would be equivalent to a 3 decibel increase.

The traffic volume estimate for daily vehicle movements associated with the proposed zone is predicted to increase traffic flows on the Milford Road by 9%, Ihumata Road by 3%, Omana Road

by 16% and Kitchener Road by 3%. Based on the maximum increase of 16 %, it is predicted that the additional vehicle movements from the proposed plan change would increase the ambient noise level by less than one decibel. This is not a perceptible change and it is not considered that any neighbouring properties would be appreciably affected by this minor increase.

Truck deliveries would be received at the loading docks accessed from the Omana Road roundabout. It is understood that the majority of the truck deliveries would occur during the day time hours between 07:00 and 20:00 hours. Any deliveries during the night-time period would need to comply with the more stringent night noise rule applicable in this zone.

- Mechanical Services Plant

Mechanical services plant can be a source of noise nuisance if it is not properly sited and controlled. With standard noise control treatment methods, MDA considers that compliance with the noise limits specified in the District Plan can be achieved.

- Commercial Noise

MDA considers that noise from typical retail stores would be sufficiently contained within any building structure. However noise generated in any open courtyard area with the playing of music and public conversation must be considered. Noise emission from these areas must comply with the District Plan noise limits. The resource consent process will ensure these noise limits are achieved.

- Construction Noise

It is considered that of the District Plan specification of New Zealand Standard NZS 6803P:1984 would be applicable to this proposed zone. It is noted that this Standard has been updated to NZS 6803:1999 “Acoustics – Construction Noise” and this version should be adopted for the Noise Rule.

Affected Zones

It is considered that the proposed Milford Shopping Centre High Density Residential Overlay Area could have a potential noise impact on the following parties/areas:

- Dwellings in the Residential 4A zone to the north and northeast;
- Commercial premises in the Business Zone 2 on Kitchener Road;
- Dwellings in the proposed Milford Shopping Centre High Density Residential Overlay Area; and
- Recreation zone to the west alongside Wairau River.

The conclusions for each of these parties/areas are:

Residential 4A zone – Given that the predicted increase in noise levels from increased traffic flows amounts to 2 decibels, an imperceptible change, and that there would be no changes to the existing noise rules, the acoustic impact of the redevelopment would therefore be no more than minor.

Commercial premises in the Business Zone 2 on Kitchener Road - The proposed overlay zone noise rule would not change the existing noise limits, and therefore there would be no change in noise impact for the Business 2 zoned properties.

Dwellings in the proposed Milford Shopping Centre High Density Residential Overlay Area - The District Plan noise rules will ensure that any dwelling within the overlay area would be designed and constructed to achieve reasonable internal noise levels during the night time period. Substantial façade construction would be required to achieve this internal noise criteria, which would ensure that the overall internal acoustic amenity would be of a high standard.

Recreation zone to the west alongside Wairau River – Given that the dominant noise source for the park is currently road traffic noise, and that the predicted increase in noise levels from increased traffic flows amounts to 2 decibels, an imperceptible change, and that the noise limits at this zone are not proposed to change, the acoustic impact of the overlay area on the Recreation zone, would, therefore, be no more than minor.

Conclusion

Marshall Day Acoustics' conclusion states that their assessment demonstrates that the existing Business 2 noise rules would be appropriate for any future apartment development within the overlay area. Compliance with these noise rules would ensure that the acoustic impact of the proposed overlay area would be generally no more than minor. Furthermore, it is anticipated that apartments built in the proposed overlay area would be constructed to a high acoustic standard.

6.4.7 Services Infrastructure

Reporting on services infrastructure issues was provided by SKM (Annexure 8). A summary is provided as follows.

Stormwater

There will be a small increase in impervious area and therefore a small increase in stormwater runoff. The existing outfall pipe to the Wairau estuary will require upgrading. Consent to divert and discharge stormwater will be required from the Auckland Regional Council. Treatment will be provided to runoff from any external car park areas.

Wastewater

Wastewater from the apartments will discharge to the existing sewers within the MSC. It is understood that Council intends to update the catchment management plan for the Takapuna/Milford area in 2009/10. At that time the extent of upgrade to the local reticulation system to address future density increases in the area will be known. It is expected that the MSC will be a relatively small contribution to the increase in additional in wastewater flow from the area.

Water Supply

An existing water supply pipe will be extended to service the apartments. Sprinkler systems will be used within the buildings to assist in fire fighting. Recent hydraulic modelling undertaken by NSCC shows that the existing water supply system has sufficient capacity for the proposed fire fighting requirements. However, to provide the additional domestic demand it is expected that augmentation of the local network will be required. The extent of works required will be known when the Zone Management Plan for Takapuna has been completed.

Other Utilities

There are no capacity issues for telephone and electricity supply to the proposed development.

Conclusion

There are no infrastructure or utility constraints to the proposed plan change that cannot be addressed through the resource consent process.

6.4.8 Flood / Inundation Risk

The NSCC GIS records parts of the MSC site, adjacent to Omana Road, as being flood sensitive and at risk of coastal inundation. Overland flow path information affecting the site is also recorded on the NSCC GIS database. The location of the affected area is shown on the plan provided at

Appendix A. It is necessary therefore to consider the potential effects of these natural hazards when undertaking additional development in these areas.

Management of Flood hazards

Council has undertaken city wide mapping of the 1% AEP flood plain. The areas adjoining and up to 500mm above the 1% AEP flood level have been identified as 'flood sensitive'. This is to provide an additional buffer to ensure the finished floor level of habitable buildings is above the 1% AEP flood level. Natural flooding hazards are addressed in NSCC proposed District Plan change 24 and variations 7 and 8. The proposed changes seek to manage development within areas subject to natural flooding hazards that has the potential to contribute to and exacerbate flooding with consequential loss of or damage to property and/or risks to safety.

Under the proposed new section 8.4.8 'Natural Hazards' the following will become Controlled Activities:

- All buildings within flood sensitive areas; and
- Development of buildings or structures in coastal inundation areas

Implications for MSC

It is likely that consent will need to be sought under proposed rule 8.4.8.

Standards for permitted and controlled activities are provided in proposed section 8.4.8.4. Standards relevant to the MSC site are:

- Finished floor levels within flood sensitive areas or coastal inundation areas shall be:
 - Habitable buildings at least 500mm above the 1% AEP flood level; and
 - Non-habitable buildings above the 1% AEP flood level.
- Any site works shall comply with the requirements of Rules 9.4.3.2 and 9.6.4 (existing Plan rules for sediment and erosion control)

In accordance with Council's Infrastructure Design Standards, all habitable floors will be above the recommended level of RL5.3m for the Milford area to protect from the risk of sea level inundation. The inundation level is shown on the Omana Road elevation drawing 9, by JCY Architects.

The new underground car park will be designed to minimise the risk of storm water entry and to protect any building services. A contingency plan will be developed to address the risk of sea level inundation of the underground car park. It should be noted that there is already an underground car park on the site at a similar level to the proposed.

An onsite overland flow path is shown on the NSCC GIS map and on the plan provided at Appendix A. The flow path is shown across existing buildings and the currently paved carpark.

The catchment is already highly developed and the proposal will not cause significant additional flow. The stormwater system for the site will be designed with capacity to pass stormwater flows from a 1% AEP rainfall event safely without causing damage to any property. There will therefore be no effects upstream or downstream of the site being developed.

Conclusion

The assessment of overland flow path and natural flooding / inundation hazards, are matters to be addressed at a future resource consent stage and during detailed design. For the proposed plan

change application, it is relevant to note the sensitivity of part of the site and plan to undertake the assessment that will inform the design process and support a resource consent application.

6.4.9 Geotechnical Issues

Reporting on geotechnical issues was provided by SKM (Annexure 9). A summary is provided as follows.

The geology beneath the site is not uniformly consistent. Previous investigations indicated the following profile: heterogeneous fill deposits, underlain by alluvial/colluvial deposits which are in turn, in places, underlain by solid strata belonging to the East Coast Bays Formation. This is incised by basaltic lava belonging to the Kerikeri Volcanic Group to the east of the site.

From the information known about the site it is anticipated that groundwater flow will be in a northwest/northerly direction toward the Wairau Estuary. Groundwater is likely to be encountered in excavations and can be adequately controlled during construction.

Based on current geotechnical information, the underlying ground conditions are considered suitable for the development planned.

In SKM's opinion, there are no geotechnical nor hydrogeological reasons for refusing the proposed plan change. Further site investigations are recommended to be carried out at resource consent phase to provide design parameters for foundations and retaining walls, and the safe management of excavations and groundwater during construction.

6.5 Conclusions

As discussed within this section of the report and within the range of attached specialists' reports, development in accordance with the proposed plan change will generate some adverse effects on the environment but none that are considered to be significant in RMA terms. Additionally, it is considered that such effects are of a kind that will inevitably accompany the accommodation, in the manner sought by the planning documents referenced, of population growth in the Auckland region in the future.

The proposed provisions are such that potential adverse effects on the environment generated by development in accordance with the proposed plan change will be minimised and should be weighed up against the benefits of the proposed plan change and its importance in contributing to the achievement of regional and city objectives for the town centre.

Positive effects include:

- assisting the achievement of town centre growth targets set out in the ARPS;
- reducing the need to intensify less suitable areas of the town centre and preserving the suburban character of the surrounding neighbourhoods;
- enhancing the economic and social vitality of the town centre;
- improving transportation efficiency and supporting public transport services;
- increasing the range of housing types available in this part of North Shore City; and
- responding to local market demand for accommodation, of the type enabled by the proposed plan change.