I hereby give notice that an ordinary meeting of the Planning Committee will be held on:

**Date:** Thursday, 1 October 2020  
**Time:** 10.00am  
**Meeting Room:** Reception Lounge  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

**Kōmiti Whakarite Mahere / Planning Committee**  
**OPEN AGENDA**

### MEMBERSHIP

**Chairperson**  
Cr Chris Darby  
Cr Josephine Bartley  
Cr Dr Cathy Casey  
Deputy Mayor Cr Bill Cashmore  
Cr Fa’anana Efeso Collins  
Cr Pippa Coom  
Cr Linda Cooper, JP  
Cr Angela Dalton  
Cr Alf Filipaina  
Cr Christine Fletcher, QSO  
Mayor Hon Phil Goff, CNZM, JP  
IMSB Member Hon Tau Henare  
Cr Shane Henderson

**Deputy Chairperson**  
Cr Richard Hills  
Cr Tracy Mulholland  
Cr Daniel Newman, JP  
Cr Greg Sayers  
Cr Desley Simpson, JP  
Cr Sharon Stewart, QSM  
Cr Wayne Walker  
Cr John Watson  
Cr Paul Young

**Members**

(Quorum 11 members)

---

**Duncan Glasgow**  
Kaitohutohu Mana Whakahaere / Governance Advisor  
28 September 2020

Contact Telephone: 09 890 2656  
Email: duncan.glasgow@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

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**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Terms of Reference

Responsibilities

This committee guides the physical development and growth of Auckland through a focus on land use, transport and infrastructure strategies and policies relating to planning, growth, housing and the appropriate provision of enabling infrastructure, as well as programmes and strategic projects associated with these activities. The committee will establish an annual work programme outlining key focus areas in line with its key responsibilities, which include:

- relevant regional strategy and policy
- transportation
- infrastructure strategy and policy
- Unitary Plan, including plan changes (but not any wholesale review of the Plan)
- Resource Management Act and relevant urban planning legislation framework
- oversight of Council’s involvement in central government strategies, plans or initiatives that impact on Auckland’s future land use and infrastructure
- Auckland Plan implementation reporting on priorities and performance measures
- structure plans and spatial plans
- housing policy and projects
- city centre and waterfront development
- regeneration and redevelopment programmes
- built and cultural heritage, including public art
- urban design
- acquisition of property relating to the committee’s responsibilities and in accordance with the LTP
- working with and receiving advice from the Heritage Advisory Panel, the Rural Advisory Panel and the Auckland City Centre Advisory Board to give visibility to the issues important to the communities they represent and to help effect change.

Powers

(i) All powers necessary to perform the committee’s responsibilities, including:
   (a) approval of a submission to an external body
   (b) establishment of working parties or steering groups.

(ii) The committee has the powers to perform the responsibilities of another committee, where it is necessary to make a decision prior to the next meeting of that other committee.

(iii) If a policy or project relates primarily to the responsibilities of the Planning Committee, but aspects require additional decisions by the Environment and Climate Change Committee and/or the Parks, Arts, Community and Events Committee, then the Planning Committee has the powers to make associated decisions on behalf of those other committee(s). For the avoidance of doubt, this means that matters do not need to be taken to more than one of those committees for decisions.

(iii) The committee does not have:
   (a) the power to establish subcommittees
   (b) powers that the Governing Body cannot delegate or has retained to itself (section 2).
Auckland Plan Values

The Auckland Plan 2050 outlines a future that all Aucklanders can aspire to. The values of the Auckland Plan 2050 help us to understand what is important in that future:

**Atawhai**
kindness. generosity

**Kotahi**
strength in diversity

**Auaha**
creativity. innovation

**Pono**
integrity

**Taonga tuku iho**
future generations
Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.
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1 Apologies

At the close of the agenda no apologies had been received.

2 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

3 Confirmation of Minutes

That the Planning Committee:

a) confirm the ordinary minutes of its meeting, held on Thursday, 3 September 2020, including the confidential section, as a true and correct record.

4 Petitions

At the close of the agenda no requests to present petitions had been received.

5 Public Input

Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than one (1) clear working day prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of thirty (30) minutes is allocated to the period for public input with five (5) minutes speaking time for each speaker.

At the close of the agenda no requests for public input had been received.

6 Local Board Input

Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to five (5) minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give one (1) day’s notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.
7 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-

(i) The reason why the item is not on the agenda; and

(ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

(i) That item is a minor matter relating to the general business of the local authority; and

(ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”
Auckland Unitary Plan – Submissions on four private plan changes at Drury

File No.: CP2020/13569

Te take mō te pūrongo
Purpose of the report

1. To inform the Planning Committee of the key issues staff have identified to date for inclusion in submissions on the private plan change requests by Fulton Hogan Limited, Kiwi Property Limited, Oyster Capital Limited and Karaka and Drury Limited to rezone land in the Drury future urban area.

2. To delegate to a sub-group of the Planning Committee the authority to approve the council’s submissions on these private plan changes.

Whakarāpopototanga matua
Executive summary

3. Four significant private plan changes were notified for public submissions on 27 August 2020. The private plan change applicants are:
   • Kiwi Property Limited (PC48 (Private): Drury Centre Precinct)
   • Fulton Hogan Limited (PC49 (Private): Drury East Precinct)
   • Oyster Capital Limited (PC50 (Private): Waihoehoe Precinct)
   • Karaka and Drury Limited (PC51 (Private): Drury 2 Precinct).

4. Submissions on all four private plan changes close on 22 October 2020. The private plan changes will be heard by a council-appointed panel in 2021. After considering submissions and expert evidence, the panel will make the council’s decision on the private plan changes.

5. Staff from various council departments have reviewed the private plan changes and identified issues that warrant inclusion in council submissions. This report highlights those issues and recommends that a sub-group of the Planning Committee is delegated the authority to approve the final submissions.

Ngā tūtohunga
Recommendation/s

That the Planning Committee:

a) delegate to the Deputy Chair of the Planning Committee, Councillor Desley Simpson and a Member of the Independent Māori Statutory Board the authority to approve council submissions on the following private plan changes:
   i) Fulton Hogan Limited (PC49 (Private): Drury East Precinct)
   ii) Kiwi Property Limited (PC48 (Private): Drury Centre Precinct)
   iii) Oyster Capital Limited (PC50 (Private): Waihoehoe Precinct)
   iv) Karaka and Drury (PC51 (Private): Drury 2 Precinct).
Horopaki

Context

6. The Planning Committee accepted PC48, PC49 and PC50 at its meeting on 2 July 2020 (resolutions PLA/2020/39, PLA/2020/40 and PLA/2020/41). Full documentation of these private plan changes was provided as attachments to the agenda item. Acceptance in this context means that the private plan changes were accepted for public notification for submissions.

7. At the same meeting, the Planning Committee noted that staff will report back to the Planning Committee on a potential Auckland Council submission (PLA/2020/38).

8. PC51 was accepted for notification under delegated authority on 12 August 2020.

9. Collectively, the four private plan changes propose urban zoning of about 365 hectares of the Drury future urban area. They are clustered around the existing State Highway 22, Great South Road and State Highway 1 Drury interchange. The full plan change proposals can be viewed online at: https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/unitary-plan/auckland-unitary-plan-modifications/proposed-plan-changes/Pages/default.aspx

10. All four private plan changes were notified for submissions on 27 August 2020 and submissions close on 22 October 2020. Anyone, including the council, may make a submission. The submissions will be heard by a council-appointed panel in 2021. The hearing panel will make the council decisions.

Tātaritanga me ngā tohutohu

Analysis and advice

11. The council is not required to make submissions on private plan changes. However, making a submission is the only way to guarantee the hearing panel has the legal scope to carefully consider issues that may be of concern to the council.

12. Staff from various council departments have reviewed the private plan changes and identified the following key issues that warrant inclusion in council submissions.

Infrastructure funding and financing, timing and location

13. The most significant issues raised by all four private plan changes relate to their timing relative to the timeframes set out in the Auckland Plan (and Future Urban Land Supply Strategy) and the funding, financing and delivery of key infrastructure - with transport infrastructure being a significant area of concern. The Karaka and Drury Limited private plan change to the west of State Highway 1 is on land identified to be “development ready” (i.e. rezoned and provided with the necessary bulk infrastructure) from 2022 (subject to funding). The three private plan changes to the east of State Highway 1 are on land identified as being “development ready” from 2028 (subject to funding).

14. While the government has made a significant commitment to resolving existing transport congestion issues and accelerating development in Drury (through $2.395 billion in the New Zealand Upgrade Programme), there is still a significant funding shortfall. There are also potential funding and financing issues with other infrastructure.

15. Council and Auckland Transport staff are involved in ongoing discussions with staff from Kiwi Rail, New Zealand Transport Agency (Waka Kotahi), the Ministry of Housing and Urban Development and the Ministry of Transport on the transport funding, financing and timing issue. Considerable engagement has also occurred with the four private plan change applicants and other landowners in the Drury area on the transport and other infrastructure funding and financing issues. This engagement will continue.

16. Infrastructure funding and financing issues will need to be resolved. If they are not resolved, the council (as a submitter) and Auckland Transport will need to oppose the private plan changes at the hearing.
17. It is therefore critical that infrastructure funding, financing and timing issues are raised in the council submissions on all four private plan changes so that a resolution may be sought. There are also issues relating to the location of infrastructure within and adjacent to the private plan changes that will need to be raised.

**Land use and transport integration including zoning, density and walkability near public transport**

18. All four private plan changes are largely consistent with the council’s Drury-Opāheke Structure Plan (adopted by the Planning Committee in August 2019). However, there are some detailed issues with the proposed zoning in the private plan changes, and the integration of the private plan changes with existing and proposed transport and other infrastructure. These issues will need to be raised in the council submissions.

**Stormwater, water quality, riparian protection and biodiversity**

19. All four private plan changes are supported by technical reports that explain how stormwater will be managed, water quality maintained, riparian areas protected and the biodiversity objectives in the Auckland Unitary Plan achieved. Specific provisions are also included within the private plan changes. However, on a preliminary review, the private plan changes do not adequately address these issues. These issues will need to be raised in the council submissions.

**Open space provision**

20. The open space identified in the Kiwi Property private plan change does not meet the council’s policy for the provision and acquisition of open space. This, and potentially other matters relating to open space will need to be raised in the council submissions.

**Issues of significance to Mana Whenua**

21. The council consulted Mana Whenua during preparation of the Drury–Opāheke Structure Plan. Mana Whenua consulted over the three-year process included Ngāi Tai Ki Tāmaki, Ngāti Tamaoho, Ngāti Te Ata and Te Ākitai Waiohua. Huakina Development Trust was also involved in that engagement.

22. Urbanisation of the Drury–Opāheke area has a significant potential impact on Mana Whenua. A key outcome identified by Mana Whenua was to ensure their cultural interests and resources are protected and managed appropriately so that future generations can continue to utilise and benefit from these. Maintaining and enhancing the life-supporting capacity and mauri of their taonga was identified as fundamental to this. This means that the future urbanisation and development of the area should be designed from the start to have positive environmental and cultural effects.

23. Three of the four private plan change proposals include cultural values assessments from the same Mana Whenua. The cultural values assessments and past information received from Mana Whenua will inform the council submissions.

**Provision for notable trees**

24. There are trees within the area of the private plan changes that may meet the criteria for inclusion in the schedule of notable trees in the Auckland Unitary Plan. As the private plan changes do not propose to add to the schedule of notable trees, this is a matter that will need to be addressed in the council submissions.

**Other matters relating to a safe, high-quality built environment**

25. As well as relying on the general and zone policies and rules in the Auckland Unitary Plan, the private plan changes include provisions that are intended to achieve a safe, high-quality built environment. However, as with several of the matters discussed above, there are further opportunities for improvements that will need to be raised in the council submissions.
**Tauākī whakaaweawe āhuarangi**

**Climate impact statement**

26. Except for the issue of timing, the private plan changes are largely consistent with the council’s 30-year development strategy in the Auckland Plan and the Drury-Opāheke Structure Plan. Issues associated with sea-level rise and increases in severe weather events are addressed through existing provisions in the Auckland Unitary Plan, and do not need to be addressed in the council submissions.

27. However, key matters that should be highlighted in the council submissions are the need for the transport solutions for Drury to be led by public transport and active modes, and the potential climate change impacts of enabling development before these solutions are in place.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

28. Specialists from all relevant council departments are involved in preparing the council submissions. Comments received to date have informed this report and indicate there are significant issues that should be raised in the council submissions.

29. Discussions with staff from Auckland Transport and Watercare are taking place to identify issues of mutual interest that may be addressed in those agencies’ submissions and the council’s submissions.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**

30. Local boards will be provided a summary of all submissions received and they will be able to give their feedback on the proposals. This is part of the section 42A process and will be included in the report prepared under that section of the Resource Management Act for the hearings.

**Tauākī whakaaweawe Māori**

**Māori impact statement**

31. Mana whenua have not been consulted in this part of the submission process. Iwi and mataawaka are encouraged to make a submission on the private plan changes so as to ensure they are a legal party to the private plan changes.

32. The consultation that has occurred with mana whenua over the three years of the structure plan process will inform council’s submission along with the cultural values assessments that have been lodged as part of the proposals.

**Ngā ritenga ā-pūtea**

**Financial implications**

33. Preparation of the submissions is able to be managed within existing budgets. Preparing legal submissions and evidence for the hearings may place pressure on existing budgets. If necessary, a report will be prepared for the Finance and Performance Committee on this matter.

34. The submissions can potentially address the significant infrastructure funding and financing implications of the private plan changes.
Risk and mitigations

35. If the council does not make submissions, there is a risk that the hearing panel will not have legal scope to address important issues or have the benefit of hearing council evidence on those matters. This could result in outcomes that are not consistent with the purpose of the Resource Management Act. These risks can be mitigated, although not necessarily eliminated, by making submissions, taking part in negotiations and mediations, and presenting evidence at the hearings.

36. Ongoing engagement with Kiwi Rail, New Zealand Transport Agency (Waka Kotahi), the Ministry of Housing and Urban Development, the Ministry of Transport, the private plan change applicants and other landowners (and the technical work that informs this) is a critical process for mitigating the risks to all parties.

Next steps

37. The next step is to complete the draft submissions for review and approval by the recommended sub-group of the Planning Committee. The submissions must be completed by 22 October 2020.

Attachments

There are no attachments for this report.

Signatories

<table>
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<tr>
<th>Author</th>
<th>Christopher Turbott - Principal Planner</th>
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<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>
Te take mō te pūrongo
Purpose of the report
1. To decide under Clause 25 to Schedule 1 of the Resource Management Act how to process a private plan change request to the Auckland Unitary Plan from Askew Consultants Limited in relation to 34.5ha of land at Patumahoe South.

Whakarāpopototanga matua
Executive summary
2. This report considers a private plan change request lodged in October 2019 from Askew Consultants Limited. The private plan change request seeks to rezone 34.5ha of land at Carter Road, Patumahoe Road and Mauku Road, Patumahoe from Rural Production and Single House zone to Single House, Light Industry, Open Space – Informal Recreation and Future Urban zones, and extend the Patumahoe precinct, with amendments, to the land.

3. The private plan change request is included as Attachment A to this report.

4. Auckland Council must decide how a private plan change request is processed. Under the Resource Management Act 1991 the council may either:
   a) adopt the request as if it were a proposed plan change made by the council, or
   b) accept the private plan change request in whole or in part, or
   c) reject the private plan change request in whole or in part, if one of the limited grounds for rejection is satisfied, or
   d) deal with the request as if it were an application for a resource consent, or
   e) a combination of options a) to c).

5. It is recommended that the private plan change request is accepted under clause 25(2)(b) Schedule 1 of the Resource Management Act 1991.

Ngā tūtohunga
Recommendation/s
That the Planning Committee:

a) accept the private plan change request by Askew Consultants Limited for Patumahoe South, included as Attachment A to the agenda report, pursuant to clause 25(2)(b) of Part 2 of Schedule 1 to the Resource Management Act 1991 for the following reasons:
   i) having regard to relevant case law the request does not meet the limited grounds for rejection under clause 25(4) because:
      A) it is not frivolous or vexatious
      B) the substance of the request has not been considered within the last two years
      C) a coarse-grain assessment of the request does not indicate that the private plan change is not in accordance with sound resource

management practice

D) a coarse-grain assessment does not indicate that the private plan change will make the Auckland Unitary Plan (Operative in Part) contrary to Part 5 of the Resource Management Act

E) the provisions of the Auckland Unitary Plan (Operative in Part) subject to the private plan change request have been operative for at least two years

ii) accepting the private plan change request will enable a range of matters including infrastructure provision and development on elite and prime soils to be considered on their merits, during a public participatory planning process

iii) it is more appropriate to accept the request than ‘adopt’ it or treat it as a resource consent application

b) delegate authority to the Manager Central and South Planning to undertake the required notification and other statutory processes associated with processing the private plan change request by Askew Consultants Limited for Patumahoe South pursuant to Schedule 1 to the Resource Management Act 1991

c) delegate authority to the Chair and Deputy Chair of the Planning Committee and a member of the Independent Māori Statutory Board to approve a council submission on the private plan change to address the matters raised in the agenda report and any other relevant matter.

Horopaki
Context
Site and surrounding area

6. The private plan change request relates to 34.5ha of land located immediately south of the Patumahoe township (refer to Figure 1). Patumahoe is an established rural township located some 9km west of Pukekohe, consisting of a small town centre surrounded by low density residential activity zoned Residential – Single House. Based on 2013 Census data, the township comprises 850 dwellings, although this will have likely increased significantly due to residential expansions to the north and west of the township.

7. The land subject to the private plan change request (‘plan change land’) is contained in 26 individual records of title, and comprises a range of rural and residential activities including grazing, cropping, horticulture, home occupations and ancillary farming activities as well as numerous dwellings. The land has a gentle contour that falls generally in a southerly direction.

8. Immediately south of the plan change land is the Paerata-Waiuku branch railway line, and beyond that are sites used for industry. The eastern and western extents of the plan change land are bounded by rural uses including horticulture and grazing. The eastern boundary is defined by a natural escarpment. To the north lies the Patumahoe town centre and residential suburbs, separated by Patumahoe Road. Immediately northwest of the plan change land is Patumahoe Domain, an open space accommodating rugby fields.

9. Within the Auckland Unitary Plan (Operative in Part) 2016 (‘AUP’), the plan change land is primarily zoned Rural – Rural Production, except for a small area of land zoned Single House (refer to Figure 2 below), and is subject to the following controls:

a) Natural Resources: High-Use Stream Management Areas Overlay
b) Natural Resources: High-Use Aquifer Management Areas Overlay - Glenbrook Kaawa Aquifer
c) Natural Resources: High-Use Aquifer Management Areas Overlay - Pukekohe North Volcanic

d) Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay - Franklin Volcanic Aquifer

e) Controls: Macroinvertebrate Community Index - Rural

f) Controls: Subdivision Variation Control - Urban, Patumahoe 800m2.

10. The plan change land is identified within the New Zealand Land Resource Inventory ('NZLRI') as containing Land Use Capability ('LUC') Class 1 soils. LUC Class 1 land is "the most versatile multiple-use land with minimal physical limitations for arable use". Class 1 soils fall within the definition of 'elite soils' in the AUP. As discussed later in this report, the applicant considers that, based on site-specific investigations, the actual classification of the land is a combination of LUC Class 2 and 3, which are considered to have greater limitations for productive uses, and are classified as 'prime soils' rather than elite soils in the AUP.

11. The land is bisected by an overland flow path and an associated 1% Annual Exceedance Probability ('AEP') flood plain, which follows an east-west alignment.

12. A resource consent application has been approved on land contained within the plan change area and zoned Residential – Single House, at Carter Road (Lot 1 DP169130) for 30 residential allotments.

Figure 1: Site context

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\(^2\) p.51 Land Use Capability Survey Handbook 3rd Edition
Policy context

13. The Auckland Plan 2050 seeks that most of Auckland's anticipated population and dwelling growth over the next 30 years be within the existing urban area. This is reflected within the AUP, which seeks to achieve growth within the framework of a quality compact urban form³.

14. However, both the Auckland Plan and AUP anticipate growth occurring in rural towns and villages. The AUP seeks that “growth and development of existing or new rural and coastal towns and villages is enabled”⁴ subject to particular criteria being met, whilst the Auckland Plan’s Development Strategy outlines that “residential growth in rural Auckland will be focused mainly in the towns which provide services for the wider rural area particularly the rural nodes of Pukekohe and Warkworth⁵.

15. The Future Urban Land Supply Strategy 2017 (‘FULSS’), sets out the sequencing of future urban land for development within Auckland. The FULSS identifies land to the west of the Patumahoe township known as Patumahoe Hill, zoned Single House in the AUP, as being development ready immediately. The land subject to the request is not identified within the FULSS for urban development.

16. The AUP identifies greenfield areas in Drury-Opāheke and Pukekohe-Paerata for future urban growth. These areas are identified within the FULSS as being development ready at various stages between now and 2032, with the exact sequence of urbanisation depending on contextual considerations and constraints. These areas are subject to structure plans prepared by Council in 2019⁶ to determine how future urban growth will be provided for at a strategic level. In addition, Council has received private plan change requests to enable the development of particular landholdings within the Drury-Opāheke Structure Plan area. The land subject to this plan change request is not located within the Future Urban Zone, and would represent growth additional to that anticipated in the Drury-Opāheke and Pukekohe-Paerata structure plan areas.

³ Objective B2.2.1(1), Chapter B2 Urban Growth and Form of the Regional Policy Statement
⁴ Objective B2.6.1(1), Chapter B2 Urban Growth and form of the Regional Policy Statement
⁶ Drury-Opāheke Structure Plan 2019 and Pukekohe-Paerata Structure Plan 2019
17. Through Te Tupu Ngātahi / Supporting Growth Alliance (‘SGA’), Auckland Transport and Waka Kotahi New Zealand Transport Agency have identified the preferred transport network and interventions required to support growth within future urban areas in the south.

18. Of particular relevance to this private plan change request are the following projects identified by SGA:
   a) two new train stations (Drury Central and Drury West) located on either side of SH1;
   b) electrification of the railway track between Papakura and Pupekohe;
   c) State Highway 1 Papakura to Drury improvements, including three-laning the state highway and upgrading the Drury interchange, to be completed by 2025.

19. In January 2020, central government announced the New Zealand Upgrade Programme (‘NZUP’), which allocated funding to transport infrastructure within Drury-Opāheke, including fully funding the above projects.

20. Central Government has proposed a National Policy Statement for Highly Productive Land (NPS-HPL). The discussion document informing the NPS-HPL proposes national direction on urban expansions on to productive land, and outlines specific considerations for private plan changes that relate to productive land. The NPS-HPL is expected to be gazetted and take effect in the first half of 2021.

Private plan change content

21. The plan change request is set out in Attachment A. The proposed plan change seeks to rezone 34.5ha of land at Carter Road, Patumahoe Road and Mauku Road from Rural Production and Single House to a combination of Residential – Single House, Business – Light Industry and Future Urban (refer to Figure 3) in the AUP. Specifically:
   a) The majority of the land is proposed to be zoned Single House to provide for residential activity;
   b) The Light Industry zone is proposed over land adjacent to the rail corridor, to provide for local employment and as a buffer between residential activity and the rail corridor;
   c) The Open Space – Informal Recreation Zone is proposed over part of the land to accommodate a neighbourhood park;
   d) The Future Urban zone is proposed to apply to land east of Patumahoe Road. This land accommodates an existing poultry farm (at 75 Patumahoe Road), and as such is not considered by the applicant to be suitable for immediate urban development.

22. In addition, the plan change seeks to apply the operative Patumahoe Precinct to the land, with the following amendments (refer to Figure 4):
   a) Rezoning of the subject land to Single House, Light Industry, Open Space and Future Urban zones;
   b) Adding a new sub-precinct, with associated provisions, into Precinct I430 – to be known as sub-precinct E with an associated precinct plan (Patumahoe Precinct Plan 3);
   c) Incorporating a new activity Table (Table I430.4.2) into Precinct I430 to establish the activity status of buildings and subdivision within sub-precinct E;
   d) Including sub-precinct E in the relevant existing Standards relating to building design, retaining walls, paving materials and on-site stormwater mitigation;
   e) Requiring a new roading structure to be delivered in the indicative location shown on Precinct Plan 3 prior to new titles being issued, and designed to specific standards proposed (by way of cross sections) within the precinct. This includes forming new access points to Patumahoe Road and Mauku Road, and requiring a pedestrian and walking cycling link along the current alignment of Carter Road where it meets Patumahoe Road;

7 https://www.mpi.govt.nz/dmsdocument/36624-Discussion-document-on-a-proposed-National-Policy-Statement-for-Highly-Productive-Land
f) Requiring the construction of a stormwater management pond to the southeast of the Patumahoe Domain prior to new titles being issued;

g) Amending Table I430.6.7.1 to introduce minimum net site area standards for sub-precinct E, providing for minimum lot sizes within the Single House Zone of 600m² within 400m of the existing village centre, 800m² generally and 1500m² adjacent to the Paerata-Waiuku railway;

h) Including a new Standard: specifying landscape buffer requirements for sub-precinct E to create effective landscape buffers between different zones/activity areas, including buffers between residential and light industry zoned land, rural land (outside of the precinct), the rail corridor, and the existing poultry farms at 75 Patumahoe Road;

i) Including a new public open space Standard, specifying that a neighbourhood park shall be established within the subject land prior to the occupation of any dwelling located more than 400m from the Patumahoe Domain (note: the views of the relevant parks staff on this area are outlined in paragraph 105).

Figure 3: Proposed zoning sought under plan change request
23. The objective of the plan change, as stated by the applicant is to:

*achieve a more sustainable and efficient use of the subject land, through the rezoning of rural land (that has limited productivity under its current zoning) to a mix of live and future urban zoning, that will support the growth and development of Patumahoe as a sustainable rural village.*

24. The applicant has provided the following information to support the plan change request:

- Private plan change request, including drafted changes to the Auckland Unitary Plan (Operative in Part) 2016
- Section 32 evaluation report
- Specialist reports:
  - Cultural Impact Assessments from Ngati Te Ata and Ngati Tamaoho
  - Urban design assessment
  - Landscape and visual assessment
  - Traffic impact assessment
  - Earthworks and sediment control
  - Engineering and infrastructure report
  - Geotech report
  - Land use capability assessment
  - Land use productivity assessment
  - Economic impact assessment
  - Stormwater management
  - Archaeological assessment.

8 p.38 Section 32 Assessment (Attachment A)
Tātaritanga me ngā tohutohu

Analysis and advice

25. Any person may request a change to a district plan, a regional plan or a regional coastal plan. The procedure for private plan change requests is set out in Part 2 of Schedule 1, RMA. The process council follows as a plan-maker is adapted, and procedural steps added including the opportunity to request information.

26. Council must decide under clause 25 which is the most appropriate processing option for each private plan change request. In making this decision council must have particular regard to the applicant’s section 32 evaluation report when deciding. The clause 25 decision is the subject of this report and clause 25 is set out in full in Attachment B.

27. It is considered that the applicant has provided sufficient information for the request to be determined.

28. The options available to the council under clause 25 are discussed in the next sections of this report. Particular regard has been had to the applicant’s section 32 evaluation report in undertaking the assessment of the clause 25 options.

Options available to the council

Option 1: Adopt the request, or part of the request, as if it were a proposed plan change made by the council itself

29. Council can decide to adopt the request, or part of the request. Council would then process it as though it were a council-initiated plan change.

30. If the plan change includes a rule that protects or relates to any natural or historical resource specified in section 86B RMA, or provides for or relates to aquaculture activities it may be appropriate for the plan change to have legal effect from notification. If there is a proposed rule of this kind, immediate legal effect could be desirable.

31. Only a council initiated, or an adopted private plan change, could have immediate legal effect.

32. The plan change does not include any proposed rule that would protect, or relate to, any natural or historical resource specified in section 86B. The private plan change is unrelated to aquaculture activities. It is therefore unnecessary to adopt the private plan change request to enable a rule to have immediate legal effect.

33. The request does not address a gap in the AUP, introduce a new policy direction, nor does the private plan change have broad application by seeking to change provisions that apply across the region.

34. Council meets all costs of processing the plan change if the request is adopted. Council should not carry these costs if the request is primarily of direct benefit to the applicant, rather than the wider public. The request is a site-specific proposal, and does not relate to the provision or development of public land. The most immediate or direct benefit, if any, is to the applicant.

35. The applicant did not request that council adopt the private plan change request.

36. It is therefore recommended that the private plan change request not be adopted.

Option 2 – Reject the request, in whole or in part

37. Council has the power to reject a private plan change request, in whole or in part, in reliance on one of the limited grounds set out in clause 25(4).
38. The grounds for rejection under clause 25(4) are as follows:
   a) the request or part of the request is frivolous or vexatious; or
      i) within the last two years, the substance of the request or part of the request;
      ii) has been considered, and given effect to, or rejected by, the local authority or the Environment Court; or
   b) has been given effect to by regulations made under section 360A; or
   c) the request or part of the request is not in accordance with sound resource management practice; or
   d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or
   e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.

Is the request frivolous or vexatious?

39. The private plan change request is not considered frivolous or vexatious. The private plan change is supported by technical assessments on relevant matters including land use capability and productivity, transport, urban design, geotech and stormwater management.

40. The applicant is not acting in bad faith by lodging a private plan change request. The applicant is not requiring council to consider matters in this process that have already been decided or the subject of extensive community engagement or investment.

41. The applicant advises that the objective of the plan change is to rezone the land to a mix of urban and future urban zonings that will support the growth and development of Patumahoe as a sustainable rural village. The request includes a section 32 evaluation report which is supported by specialist assessments on relevant matters, including land use capability and productivity, transport, urban design, geotech and stormwater management. The request is not frivolous as the private plan change:
   a) was considered thoroughly in the application materials
   b) is supported by expert opinion, and a section 32 analysis, and
   c) cannot be said to have no reasonable chance of succeeding.

42. The applicant is not acting in bad faith by lodging a private plan change request. The applicant is not requiring council to consider matters in this process that have already been decided or the subject of extensive community engagement or investment. Accordingly, the private plan change request is not vexatious.

43. It is therefore recommended that the private plan change request not be rejected on this ground.

Has the substance of the request been considered and been given effect, or rejected by the council within the last two years?

44. The request seeks to apply the urban zonings to land south of Patumahoe township, and apply the Patumahoe Precinct to the land, with amendments. These matters have not been considered by the council within the last two years.

45. Therefore, I recommend the private plan change request not be rejected on this ground.

Has the substance of the request been given effect to by regulations made under section 360A?

46. Section 360A relates to regulations amending regional coastal plans pertaining to aquaculture activities. The site is not within the coastal marine area and therefore section 360A regulations are not relevant.

47. I recommend the private plan change request not be rejected on this ground.
Is the request not in accordance with sound resource management practice?

48. The term ‘sound resource management practice’ is not defined in the RMA.

49. In the recent Environment Court decision Orakei Point Trustee v Auckland Council [2019] NZEnvC 117, the Court stated:

“[13] What not in accordance with sound resource management practice means has been discussed by both the Environment Court and High Court in cases such as Malory Corporation Limited v Rodney District Council (CIV-2009-404-005572, dated 17 May 2010), Malory Corporation Limited v Rodney District Council (Malory Corporation Ltd v Rodney District Council [2010] NZRMA 1 (ENC)) and Kerikeri Falls Investments Limited v Far North District Council (KeriKeri Falls Investments Limited v Far North District Council, Decision No. A068/2009).

[14] Priestley J said in Malory Corporation Limited v Rodney District Council (CIV-2009-404-005572, dated 17 May 2010, at 95) that the words sound resource management practice should, if they are to be given any coherent meaning, be tied to the Act's purpose and principles. He agreed with the Environment Court's observation that the words should be limited to only a coarse scale merits assessment, and that a private plan change which does not accord with the Act's purposes and principles will not cross the threshold for acceptance or adoption (CIV-2009-404-005572, dated 17 May 2010, at 95).

[15] Where there is doubt as to whether the threshold has been reached, the cautious approach would suggest that the matter go through to the public and participatory process envisaged by a notified plan change (Malory Corporation Ltd v Rodney District Council [2010] NZRMA 1 (ENC), at para 22).”

50. I understand the consideration of this ground should involve a coarse assessment of the merits of the private plan change request - “at a threshold level” - and take into account the RMA’s purpose and principles – noting that if the request is accepted or adopted the full merits assessment will be undertaken when the plan change is determined.

51. The RMA’s purpose is set out at section 5 and the principles are set out at sections 6 to 8. The following assessment has been made with regard to these sections of the RMA.

52. The primary consideration with respect to sound resource management practice relates to land use capability and productivity, with secondary considerations including transport, flooding and stormwater, water and wastewater infrastructure, landscape and visual effects, and geotechnical effects.

Land use capability and productivity

53. The plan change request seeks to enable urban expansion over land containing either elite or prime soils. In accordance with s7(g) RMA, particular regard must be had to the finite characteristics of natural and physical resources.

Land use capability

54. The plan change land is identified within the New Zealand Land Resource Inventory as LUC Class 1 land, which is considered by the Land Use Capability Survey Handbook 3rd edition as being “the most versatile multiple-use land with minimal physical limitations for arable use”. The Auckland Unitary Plan (Operative in Part) includes LUC Class 1 under the definition of ‘land containing elite’ soil’. The soil classifications identified within the NZLRI are high-level and indicative rather than being definitive. As such, further investigation at a site-specific level is expected by the Land Use Capability Survey Handbook 3rd.
55. The plan change request is supported by a Land Use Capability report\(^{12}\), which assesses the capability of the land at a site-specific level, and finds that the land contains no LUC Class 1 Soils. Instead, the assessment identifies 23.2ha (71%) of land as being LUC Class 2\(^{13}\), the majority of this being Patumahoe Clay Loam, and 8.5ha (26%) of land being LUC Class 3\(^{14}\).

56. The capability of the land has also been independently assessed on behalf of the Council by Dr Fiona Curran-Cournane and Dr Reece Hill. Dr Curran-Cournane and Dr Hill have identified similar soil types and extents on the plan change land, but consider that the Patumahoe Clay Loam soils should be classified as LUC Class 1 using the extended legend of the Land Use Capability Survey Handbook, and have thus produced findings different to that of the applicant. The difference between the applicant and Council’s LUC findings are summarised in the below table:

<table>
<thead>
<tr>
<th>LUC Classification</th>
<th>Plan change request findings</th>
<th>Council investigation findings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area (ha)</td>
<td>% of plan change land</td>
</tr>
<tr>
<td>LUC Class 1 ('elite soils')</td>
<td>0.0</td>
<td>0%</td>
</tr>
<tr>
<td>LUC Class 2 ('prime soils')</td>
<td>23.2</td>
<td>71%</td>
</tr>
<tr>
<td>LUC Class 3 ('prime soils')</td>
<td>8.5</td>
<td>26%</td>
</tr>
<tr>
<td>LUC Class 4 and above</td>
<td>1.0</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>32.7</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

\(^*\)Note: The discrepancy in area between the applicant and Council’s analysis is due to Council’s investigations including roads within the plan change land and the land at Carter Road zoned Single House and subject to a resource consent application, which were excluded from the applicant’s analysis.

Land use productivity

57. The plan change request is supported by a Land Use Productivity report\(^{15}\) which assesses the horticultural productivity of the land by determining the highest possible use of the plan change land on a lot by lot basis, taking into account a broad range of factors. This report finds that much of the land is constrained by fragmented landholdings (and therefore small lots sizes unable to feasibly support productive uses), the presence of existing dwellings, driveways and curtilage, lack of irrigation and proximity to existing residential areas sensitive to the effects of productive uses.

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\(^{12}\) Soil and Resource Report for Patumahoe Rezoning Proposal, prepared by AgFirst Ltd, dated April 2019
\(^{13}\) Class 2: Very good land with slight physical limitations to arable use, readily controlled by management and soil conservation practices. The land is suitable for many cultivated crops, vineyards and berry fields, pasture, tree crops or production forestry.
\(^{14}\) Class 3: Land with moderate physical limitations to arable use. These limitations restrict the choice of crops and the intensity of cultivation, and/or make special soil conservation practices necessary. The land is suitable for cultivated crops, vineyards and berry fields, pasture, tree crops or production forestry.
\(^{15}\) Horticultural Productivity Within Patumahoe Proposed Plan Change, prepared by Sandy Scarrow and Andrew Barber, dated 16 September 2019
58. Market Economics Ltd has assessed the productivity aspects of the plan change on behalf of Council for sufficiency and accuracy of information. Market Economics Ltd has identified some concerns regarding the applicant’s methodology, particularly that it considers only the current title structure of the land, rather than the potential productivity should titles be amalgamated. A level of assessment greater than a coarse level assessment is required to properly consider this matter.

**Overall assessment**

59. As discussed in the above paragraphs, sound resource management practice at this stage in the process involves a coarse merits assessment, and sets a high threshold for rejection.

60. The exact land use classification of the soils identified on the land is a matter of difference between Council’s and the applicant’s specialists. Whilst the applicant’s findings differ from the LUC classifications identified by NZLRI, Dr Hill on behalf of Council has advised that the methodology employed by the applicant’s specialists is fundamentally sound. The key point of difference between Council’s and the applicant’s specialists is whether the Patumahoe Clay Loam, identified over some 21ha – 23ha of the site\(^\text{16}\) should be classified as LUC Class 1 (and subsequently whether it should also be considered ‘land containing elite soils’ under the AUP) or LUC Class 2 (and therefore considered ‘land containing prime soils’ under the AUP).

61. In relation to land use capability, where the appropriateness of a plan change request depends on a technical matter contested by the relevant specialists, this is not considered to cross the threshold of being inconsistent with sound resource management practice. Rather, this is best considered through the submissions and hearings process, through which a detailed assessment can be made.

62. In addition to land use capability, the applicant’s reporting on productivity indicates a number of constraints over the plan change land. Whilst the actual effect of these constraints, and veracity of the information provided, can be queried during a finer merits assessment, for the purposes of a coarse merits assessment it appears there may be productivity constraints (as set out in paragraph 58) associated with the land that would prevent the expansion of a rural town or village over this land being automatically considered to be not sound resource management practice.

63. Taking into account the assessment undertaken by the applicant and Council with regard to the capability and potential productivity of the plan change land, it is considered that the plan change request should not be rejected on the grounds of not being in accordance with sound resource management practice in relation to land use capability and productivity.

**Other considerations**

64. **Transport:** The plan change request is supported by a Transport Assessment that finds that "the transport demands generated by the residential and supporting commercial activities allowed by the PC can be accommodated in a manner that ensures safe and efficient transport network operation". The plan change request has been reviewed by Wes Edwards on behalf of Council for sufficiency and accuracy of information. Mr Edwards is generally satisfied with the information provided to date. The effects of the plan change request (if approved) on the immediate road network, are unlikely to be of a scale that would render the proposal to represent unsound resource management practice.

65. The plan change may result in wider, more dispersed effects not specifically addressed by the applicant’s Transport Assessment, arising from vehicle trips occurring on the wider network (and particularly SH1 and SH22). However, this is likely to be small compared with the vehicle generation associated with the development of future urban areas of Drury-Opāheke and Pukekoe-Paerata, and can be addressed through the submissions and hearings process.

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\(^{16}\) Taking into account the difference in areas between the applicant and Council’s respective LUC investigations
66. Flooding and stormwater: In respect of flooding and stormwater management, the plan change is subject to overland flow paths and the 1% AEP Flood Plain. However, the plan change area can be developed to convey overland flows through the reticulated network with overflows accommodated within the roading network and directed to a communal stormwater device for treatment and detention. Flooding effects can be addressed through earthworks to reduce flooding risk over lower parts of the site, and by setting a minimum finished floor level for future dwellings.

67. Landscape and visual effects: are proposed to be addressed by precinct provisions requiring landscaped buffers at the boundary with surrounding rural land and the rail corridor. Whilst the particular buffer sizes and landscape planting types have been queried by Ainsley Verstraeten on behalf of Council through the Clause 23 further information request process, such matters can be addressed through submissions and at a hearing.

68. Infrastructure: The plan change land can likely be serviced by the existing reticulated water and wastewater networks within the Patumahoe township. There is existing public wastewater infrastructure located adjacent to the subject land, and the applicant advises that Watercare Services Ltd has confirmed that the wastewater network has capacity to accommodate post development flows resulting from the plan change. In respect of water supply, there are existing reservoir tanks located in the northern end of the subject land which the applicant notes will need to be upgraded with additional water storage capacity to provide a service to the plan change area. The applicant reports that “an upgrade of the existing reservoirs is provided for in Watercare’s Long Term Plan and will be implemented in conjunction with development of the subject land”17.

69. Geotechnical constraints are identified by the applicant, being slope stability in the eastern section (proposed as Future Urban) and soils within the watercourse area. The applicant notes that future development via resource consent would need to be supported by further geotechnical site investigations. The Auckland Unitary Plan contains provisions (within Chapters E11 and E12 relating to regional and district land disturbance) to require geotechnical effects to be considered and assessed.

70. Parks and open space: The plan change proposes an Open Space – Informal Recreation zoning over part of the plan change land at which a communal stormwater device is proposed. Comment has been sought from Council’s parks team, who have advised that they would seek one 3000m² neighbourhood park as it is Residential - Single House Zone, but would not want to acquire the amount of land shown on I430.10.2 Patumahoe: Precinct plan 3 – Sub-precinct E (as shown on Figure 3) due to the permanent stream and flood plain identified on the site. The exact extent of open space zonings and location can be assessed through submissions and a hearing on the plan change (including a Council submission if necessary to resolve the parks team’s concern).

71. Future Urban zone: The plan change request proposes to apply the Future Urban zone on land that is currently zoned rural. The applicant has proposed this zoning in recognition that whilst the land may be suitable for residential development in the future, currently the land is occupied by a commercial poultry shed and avocado orchard and therefore would not be suitable for urban development sensitive to the effects associated with rural industry.

72. The AUP currently applies the Future Urban Zone to a number of townships located outside of the Rural Urban Boundary, including rural coastal townships at Maraetai, Clark’s Beach, Glenbrook and Algies Bay/Mahurangi, and larger satellite towns of Helensville and Wellsford. The AUP does not explicitly confine this zone to being located within the RUB, with the clearest guidance provided in Chapter H18 Future Urban Zone:

\[
\text{The Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. The Future Urban Zone is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes.}
\]

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17 p. 18, Plan change request, prepared by Envivo Ltd and dated 26 June 2020
18 Either in Chapter B2 of the RPS or within Chapter H18 Future Urban Zone
Therefore, the prospect of land being zoned Future Urban outside of the RUB is not considered to be contrary to sound resource management practice.

73. **Precinct:** With regard to the proposed application of the existing Patumahoe Precinct to the land, this is considered to generally accord with sound resource management practice given that precincts are established tools to recognise contextual factors, as outlined in Chapter A of the AUP:

> enable local differences to be recognised by providing detailed place-based provisions which can vary the outcomes sought by the zone or Auckland-wide provisions and can be more restrictive or more enabling\(^{19}\).

### Sound resource management conclusions

74. Having reviewed the applicant's planning and specialist reports, undertaken a coarse scale merits assessment of the private plan change request, and taken the purpose and principles of RMA into account, the private plan change request is considered to be in accordance with sound resource management practice for the purposes of consideration under Clause 25(4)(c), Schedule 1.

75. It is therefore recommended that the private plan change request *not* be rejected on this ground.

**Would the request or part of the request make the policy statement or plan inconsistent with Part 5 of the RMA?**

76. The primary consideration in terms of Part 5 RMA is whether the request is consistent with the Regional Policy Statement component of the AUP, with a further consideration being the Auckland Plan. These are addressed in the following paragraphs.

*Elite and prime soils*

77. Both RPS Objective B2.6.1(1)(b) and Policy B2.6.2(1)(d) require that growth of rural and coastal towns and villages "avoids elite soils and avoids where practicable prime soils which are significant for their ability to sustain food production".

78. A key consideration in assessing the proposal against this policy, is whether the test of being significant to sustain food production applies to prime soils only (setting an absolute ‘avoid’ for expansions on to elite soils), or both elite and prime soils.

79. The construction of a similarly worded policy (B2.2.2(j) in relation to expansion of the Rural Urban Boundary) was considered by the Environment Court in *Self Family Trust v Auckland Council* [2018] NZEnvC 49 and by the High Court in *Gock v Auckland Council* [2019] NZHC 276. In the latter, the High Court considered that test of being significant to sustain food production applies to both elite and prime soils, and therefore there is not an absolute requirement to avoid RUB expansions on elite soils. Given the near identical wording between RPS policies for RUB expansions and expansions of rural and coastal towns, this interpretation is considered to be directly relevant to RPS Policy 2.6.2(1)(d).

80. Whether the land contains elite or prime soils is still a material consideration. The AUP definition of ‘land containing elite soils’ includes LUC Class 1 land, as well as Patumahoe Clay Loam (refer to Appendix C for complete definition). The applicant considers that the site-specific analysis of the soils (such characteristics as erosion, susceptibility to flooding, wetness, land aspect and topography) indicates that the soils are not LUC Class 1 and therefore the land does not contain elite soils. It is considered that the AUP definition of ‘land containing elite soils’ is deliberately worded to encompass Patumahoe Clay Loam, irrespective of the LUC classification. Therefore, despite the findings of site-specific analysis undertaken by the applicant, it is considered that the land must be defined as ‘land containing elite soils’ under the AUP.

\(^{19}\) A1.6.5. Precincts, Chapter A Introduction, AUP
81. Therefore, the remaining test is whether the soils are significant for their ability to sustain food production. To this end, the applicant has provided technical reports indicating that the soils in question may not be significant for their ability to sustain food production, due to contextual factors including land fragmentation, presence of existing dwellings, driveways and curtilage, proximity to sensitive residential activities, and limited groundwater access.

82. Given the presence of these contextual factors, it is difficult to conclude at this stage that the soils are significant for their ability to sustain food production. The Land Use Productivity report submitted by the applicant outlines that there are ‘considerable constraints on the use of the land in question for vegetable production’\(^{20}\), and finds that the land available for horticultural use (not already held in dwellings and curtilage) is constrained by other factors, including soil quality\(^{21}\) and those factors listed above.

**Other considerations**

83. With respect to the remaining matters relevant to rural and coastal towns and villages under Policy B2.6.2(1) (refer to Appendix C):

   a) The proposed zonings, primarily the Single House Zone, provides for low-density residential development of a similar character to the established Patumahoe township;

   b) The proposal will likely incorporate adequate provision for infrastructure in terms of the indicative roading network and stormwater devices provided for on the plan change land, and the availability of connections to the water and wastewater networks;

   c) The natural hazard risks associated with flooding and geotechnical issues can be resolved through resource consent processes. The primary area within the plan change land subject to flood risk is proposed as an open space in the plan change request;

   d) The proposal seeks to maintain separation between incompatible land uses, by providing for buffer areas between proposed residential areas and: light industry zoned areas; the rail corridor to the south, rural land to the west and the existing Poultry farm at 75 Patumahoe Road;

   e) The plan change land is located close to the township and seeks to provide for walking and cycling access to the town;

   f) The proposed expansion is not on land scheduled in the Auckland Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character.

84. For the purposes of a Clause 25 assessment the plan change request is also considered to not be contrary to:

   a) Other relevant RPS chapters of the AUP, particularly the remainder of B2 Urban growth and form, B3.3. Transport, B7 Natural resources and B10 Environmental risk;

   b) The Auckland Plan 2050, which seeks that residential growth in rural areas is contained within rural towns and villages. The request seeks to provide for residential growth on the periphery of an existing rural town.

85. On a coarse assessment it is not considered that the plan change request will make the plan inconsistent with Part 5 of the RMA.

86. It is therefore recommended that the private plan change request not be rejected on this ground.

   Has the plan to which the request relates been operative for less than two years?

87. The plan provisions of the AUP relevant to this request were made operative on 15 November 2016. The provisions have therefore been operative for more than two years.

\(^{20}\) p.2 *Horticultural Productivity Within Patumahoe Proposed Plan Change*, dated 16 September 2019

\(^{21}\) Using the AgFirst Land Use Capability report prepared for the applicant as a basis
88. It is therefore recommended that the private plan change request \textit{not} be rejected on this ground.

**Option 3 – Decide to deal with the request as if it were an application for a resource consent**

89. The council may decide to deal with the request as if it were an application for a resource consent.

90. The plan change request seeks to establish urban zonings over land that is currently zoned Rural Production in the AUP. It is more appropriate to consider changes of this nature through a private plan change than through an application for resource consent.

91. Therefore, it is recommended that the private plan change request not be dealt with as if it were an application for a resource consent.

**Option 4 - Accept the private plan change request, in whole or in part**

92. Council can decide to accept the request in whole, or in part. If accepted, the plan change cannot have legal effect until it is operative. It is considered that the private plan change request should be accepted in whole and that there is no reason to accept (or reject) only parts of the request.

93. There is not a demonstrable need for any rule proposed by the plan change to have immediate legal effect, and therefore adoption is not required.

94. The private plan change mechanism is an opportunity for an applicant to have their proposal considered between a council’s ten-yearly plan review cycle. The subject matter of this private plan change request is not a priority matter for a council-led planning investigation, and is not presently being considered. The private plan change process is a means by which this matter can be considered before the next plan review.

95. If the private plan change is accepted the matters raised is this report can be considered on their merits, during a public participatory planning process.

96. The applicant did not request that council adopt the private plan change request.

**Conclusion: options assessment**

97. The private plan change request has been assessed against the options available and the relevant matters. These include clause 25 Schedule 1 matters, having particular regard to the applicant’s section 32 evaluation, and case law\footnote{Malory Corporation Limited v Rodney District Council [2010] NZRMA 392 (HC)} that provides guidance on the statutory criteria for rejection of a private plan change request. It is recommended that the private plan change request is accepted.

**Tauākī whakaaweawe āhuarangi**

**Climate impact statement**

98. Council declared a climate emergency in Auckland, in June 2019. The decision included a commitment for all council decision-makers to consider the climate implications of their decisions. In particular, consideration needs to be given in two key ways:

a) how the proposed decision will impact on greenhouse gas emissions and the approach to reduce emissions;

b) what effect climate change could have over the lifetime of a proposed decision and how these effects are being taken into account.

99. The decision whether to adopt, accept, reject or deal with the private plan change request is a decision relative to those procedural options, rather than a substantive decision on the plan change request itself. The clause 25 decision is unrelated to any greenhouse gas emissions. The decision requested is a decision of short duration. Climate impacts can be considered in the future hearing report on the private plan change request, and any submissions received.
Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

100. Comment has been sought from Auckland Transport and Watercare Services Limited on the private plan change. Both Auckland Transport and Watercare Services Limited are considering making a submission on the plan change if notified.

101. Healthy Waters staff have provided input into the plan change request in respect of the sufficiency and accuracy of information, and have not raised any fundamental concerns regarding the request.

102. Council’s Parks Planning team have provided comments on the plan change, and have advised that they:
   a) would seek one 3000m² neighbourhood park as it is Residential - Single House Zone;
   b) would not be seeking to acquire the amount of land shown on I430.10.2 Patumahoe: Precinct plan 3 – Sub-precinct E. The location will also have to be carefully considered as the area shown on I430.10.2 Patumahoe: Precinct plan 3 – Sub-precinct E has a permanent stream running through it and is mostly covered in a floodplain;
   c) in relation to point (b), the merits of the Open Space – Informal Recreation Zone proposed can be considered as part of submissions and hearings on the plan change.

103. These issues can be addressed through a council submission on the private plan change.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

104. Local boards’ views are important in Auckland Council’s co-governance framework. The views of the Franklin Local Board will be sought on the content of the private plan change request after the submission period closes. All formal local board feedback will be included in the hearing report and the local board will be able to present its views to hearing commissioners, if it chooses to do so. These actions support the local board in its responsibility to identify and communicate the interests and preferences of people in its area, in relation to the content of Auckland Council plans.

105. Local board views have not been sought on the options to adopt, accept, reject or deal with the private plan change request as a resource consent application. Although council is required to consider local board views prior to making a regulatory decision, that requirement applies when the decision affects, or may affect, the responsibilities or operation of the local board or the well-being of communities within its local board area. The clause 25 decision does not affect the Franklin Local Board’s responsibilities or operation, nor the well-being of local communities.

Tauākī whakaaweawe Māori
Māori impact statement

Consequence of clause 25 options for future consultation

106. If council accepts a private plan change request, it is not required to complete pre-notification engagement with iwi authorities. If the council accepts the request and subsequently notifies it, iwi authorities have the opportunity to make submissions. No changes can be made to the private plan change prior to notification.

107. If council adopts a private plan change the same consultation requirements apply as though the plan change was initiated by council: consultation with iwi authorities is mandatory prior to notification. Changes can be made to the plan change prior to notification. Iwi authorities have the opportunity to make submissions after notification.

108. None of the clause 25 options trigger any signed mana whakahono a rohe (iwi participation arrangement).
Substance of private plan change request

109. The proposed plan change does not relate to Māori land or Treaty Settlement Land, nor does it relate to any identified Sites of Significance to Mana Whenua within the Auckland Unitary Plan.

Record of applicant’s consultation

110. The applicant has engaged with the following iwi groups who have expressed an interest in the proposal:

- Te Ākitai Waiohua
- Ngāti Tamaoho
- Ngāi Tai ki Tāmaki
- Te Ahiwaru – Waiohua
- Ngāti Te Ata
- Ngāti Maru
- Waikato – Tainui.

111. In response, both Ngāti Tamaoho and Ngāti Te Ata have prepared Cultural Impact Assessments, which recommend methods for treating stormwater discharges, appropriate planting within the precinct, and implementation of accidental discovery protocols.

112. Consultation with Te Ākitai is now progressing and may result in further cultural considerations being raised through the planning process, which will be reported on through the hearing process for the plan change.

113. The remaining iwi contacted did not respond to the application. However, if accepted all iwi authorities will be notified and will be able to make a submission.

Ngā ritenga ā-pūtea

Financial implications

114. Accepting private plan change requests has no direct financial implications for the Council as the costs associated with processing them under the RMA are able to be recovered from the applicants. If the request is accepted or, if the request is dealt with as a resource consent application, the applicant would pay all reasonable costs associated with processing it on a user-pays basis.

115. Costs associated with making a council submission on the private plan change can be managed within existing budgets.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

116. The key risk associated with accepting the private plan change request is that this decision could be perceived as supporting the expansion of rural and coastal towns and villages onto prime and elite soils. However, as noted in this report, accepting the private plan change does not mean that the council will ultimately support it. It simply means that it is the most appropriate decision to make in response to the matters set out in clause 25 of the RMA.

117. The risk can be mitigated by a council submission on the issue of elite and prime soils and other relevant aspects of the private plan change.

Ngā koringa ā-muri

Next steps

118. If accepted, the private plan change must be notified within four months of its acceptance. A separate evaluation and decision will be required regarding extent of notification.
119. A submission will be prepared and presented to the Chair and Deputy Chair of the Planning Committee and a member of the Independent Māori Statutory Board for approval.

120. The views and preferences of the Franklin Local Board will be sought after submissions close for inclusion in the section 42A hearing report.

121. Council will need to hold a hearing to consider submissions, and local board views, and a decision would then be made on the private plan change request.

### Ngā tāpirihanga

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**Signatories**

<table>
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<tr>
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<th>Sanjay Bangs - Planner</th>
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</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
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PRIVATE PLAN CHANGE REQUEST TO THE AUCKLAND UNITARY PLAN: OPERATIVE IN PART PATUMAHOE SOUTH

Plan Change Request
Assessment of Effects and
Section 32 Assessment

26 June 2020

Our ref: 27143
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Private Plan Change Request to the Auckland Unitary Plan: Operative in Part Patumahoe South

Envivo ref: 27143
1.0 PRIVATE PLAN CHANGE REQUEST

1.1 Introduction

A private plan change is requested to enable rezoning of land to provide for the future growth of Patumahoe, a rural village located 9km west of Pukekohe, pursuant to Section 73 and the First Schedule of the Resource Management Act 1991 (“RMA”).

Askew Consultants Limited requests a Private Plan Change (“PPC”) relating to a 34.98ha area of land listed in Attachment 1 (“the subject land”), comprising:

- **Western section:** 3.5ha of land immediately southwest of the Patumahoe Domain, bounded by Mauku Road to the west.
- **Central section:** 22.4ha of land southeast of the Patumahoe Domain, bounded by Patumahoe Road to the east and the Paerata-Waiuku railway line to the south.
- **Eastern section:** 9.0ha of land east of Patumahoe Road and bounded by a natural escarpment and Hunter Road.

The subject land is predominately zoned Rural Production, with small portions zoned as Residential Single House and Strategic Transport Corridor.

The plan change seeks rezoning of the subject land for urban purposes. In pursuing the plan change, it has been assessed that the subject land is not productive, and that the existing Rural Production zoning is not an appropriate fit.

The subject land is fragmented and constrained its current use, and potential in future, making the Rural Production zoning inappropriate and out of date. A more sustainable, zoning for urban purposes is now sought, to provide a logical extension to the existing settlement of Patumahoe within defined geographical limits to support, and enhance, Patumahoe as a rural settlement.

The plan change seeks to rezone the subject land under the Auckland Unitary Plan (Operative in Part) (“AUP”) as follows:

a) Rezone land within the Central section as Single House, Light Industrial and Open Space;

b) Rezone the Western section as Single House zone;

c) Apply a new sub-precinct, Sub-precinct E within the Patumahoe Precinct (section 1403 of the AUP) to all of the rezoned land containing a new Precinct Plan, activity rules, standards and assessment criteria.

d) Rezone the 9ha Eastern section as Future Urban.

The proposal will enable:

- the logical expansion of the Patumahoe settlement, onto land in close proximity to the existing town centre. This will enable the development of approximately 200 - 250 dwellings in a manner that complements the character of the existing township; and

- the zoning of approximately 2.5ha of Light Industrial land that will facilitate the establishment of approximately 100 local jobs, without competing with the existing town centre or generating adverse environmental effects; and
- the improvement of local transport connections, and the safety and efficiency of the local road network within Patumahoe.

The plan change request includes:

- Private Plan Change Request;
- Proposed Amendments to the AUP (refer to Attachment 5);
- Assessment of Environmental Effects ("AEE" contained herein);
- Appendix 1 Structure Plan Guideline Assessment (refer to Attachment 6);
- Evaluation under Section 32 of the RMA (refer to Attachment 7); and
- Specialist reports in support of the Private Plan Change Request (Appendices 2 to 12).

1.2 The Requestor
Askew Consultants Limited is requesting this plan change for those properties listed in Attachment 1. The address for service for is:

Askew Consultants Limited
C/- Tripp Andrews
PO Box 28750, Remuera
Auckland 1541

Attn: Ann-Maree Gladding
onnmaree@triptrandrews.co.nz
Ph: 09 589 1962

2.0 THE SUBJECT LAND AND SURROUNDING ENVIRONMENT

2.1 Patumahoe Settlement
Patumahoe is an established rural community within the former Franklin District located centrally between Pukekohe and Waiuku. The area has a strong historical background, with established coastal Maori settlements around the Manukau Harbour, who were followed by European settlers in the late 1800s.

![Figure 1: Extent of existing Patumahoe settlement](image-url)
Patumahoe and the surrounding farmland have been significant agricultural and horticultural areas for more than 100 years. The township has a distinct rural village character, with a relatively compact urban form around its central commercial area, school and reserves.

Patumahoe has a well-defined town centre. The township is currently serviced by local businesses, retail stores, café/restaurants, reserves and community facilities. Based on 2013 Census data, the township comprises 850 dwellings and is home to approximately 2,500 people.

2.2 The Subject Land

The subject land is located on the southern side of the Patumahoe township and is currently held in 26 individual records of title, with a combined area of approximately 35.68 hectares (refer to Figure 2 and Attachment 1).

The subject land has a gentle contour that falls generally in a southerly direction towards the railway corridor. Part of the north-eastern portion is utilised for kiwi fruit growing and has well established shelter belts along the road boundaries and internally.

The subject land is currently utilised for a range of activities. These include rural activities, such as grazing, cropping, horticulture, home occupations and ancillary farming activities. There are numerous dwellings throughout. There is a cluster of dwellings and commercial activities in the western section. Land within the eastern section is occupied by dwellings and an existing poultry farming activity, small avocado orchard and market garden.

Figure 2: Aerial photo of the proposed plan change subject area.
2.3 Geotechnical
Lander Geotechnical Consultants have prepared a preliminary Geotechnical appraisal of the subject land (refer to Appendix 7), that:

- assesses preliminary geomorphic conditions;
- highlights perceived geotechnical constraints; and
- provides an initial development feasibility assessment.

The report describes the geomorphology (site characteristics) and records that the site is underlain by the South Auckland Volcanic Field (Kerikeri Volcanic Group), where volcanic ash and tuff deposits are predominant.

The appraisal identifies three zones of geotechnical stability across the subject land, with the majority of the subject land (approximately 95%) categorised as land on gentle rolling topography with low to moderate geotechnical risk for future development.

The only area generally unsuitable for development is the land adjacent to the eastern escarpment, which comprises very steep slopes that represent high geotechnical risk for future development.

The only other geotechnical constraint identified by Lander Consultants is the presence of compressible organic and/or cohesive soils within or near valley / watercourse inverts, located in a small band in the central southern portion of the site.

2.4 Soil Classification and Productive Use

2.4.1 Soil Classification
AG First has prepared a Land Use Capability Assessment\(^1\) of the 26 titles comprising the subject land (refer to Appendix 8).

AG First has identified that the following LUC soil categories are present on the subject land (refer to Table 2 of the report for details):

- Class 1 Soils – No area / 0%
- Class 2 Soils – 23.2ha / 71%
- Class 3 Soils – 8.5ha / 26%
- Class 4 Soils – 0.5ha / 1.5%
- Class 6 Soils – 0.5ha / 1.5%

The terms “elite and prime soils” are referred to in the AUP and are defined in Chapter J1 as:

**Land containing elite soil**

(land classified as Land Use Capability Class 1 (LUC1). This land is the most highly versatile and productive land in Auckland. It is:

- well-drained, friable and has well-structure soils;
- flat or gently undulating; and
- Capable of continuous cultivation

includes:

- LUC1 land as mapped by the New Zealand Land Resource Inventory (NZLRI).

\(^1\) In accordance with the New Zealand Land Resource Inventory - Land Use Capability Survey Handbook (3rd edition)
Land containing prime soil

Land identified as land use capability classes two and three (LUC2, LUC3) with slight to moderate physical limitations for arable use.

Factors contributing to this classification are:
- readily available water;
- favourable climate;
- favourable topography;
- good drainage; and
- versatile soils easily adapted to a wide range of agricultural uses.

Whilst the AG First report finds the subject land is covered by Patumahoe clay loam and its variants, Land Use Capability Classification requires consideration of a range of characteristics in accordance with the methods described in the 3rd Edition of the Land Use Capability Survey Handbook to assess the suitability of the land for primary production. These include such characteristics as erosion, susceptibility to flooding, wetness, land aspect and topography. Having done so, the report determines that Class 2 and 3 soils are the predominant Land Use Capability Class, accounting for some 97%, of the subject land. Soils on the subject land do not display characteristics necessary to classify any of them as Class 1 soils.

The presence of Patumahoe clay loams is one aspect included in the definition of the “elite” soils in the AUP/OP (above). However, the definition of “elite” soils requires that the LUC Classification be determined so that “elite” soil is LUC1 and is “…the most highly versatile and productive land in Auckland.” Having done so, the soils of the subject land are not classified as LUC1 and do not possess the necessary productivity to be considered “elite” soils.

2.4.2 Recent High Court Decision

The matter of Elite/Prime soils was recently considered by the Environment Court and is addressed in its decision Self Family Trust v Auckland Council [2018] NZEnvC 49 and by the High Court in Gock v Auckland Council [2019] NZHC 276, which found an error of law in the manner the Environment Court had addressed the productivity of elite and prime soils. The High Court gave particular consideration to Regional Policy B2.2.2(2)[j] which says:

Ensure the location or any relocation of the Rural Urban Boundary identifies land suitable for urbanisation in locations that...(j) avoiding elite soils and avoiding where practicable prime soils which are significant for their ability to sustain food production

It is noted that policy B2.2.2(2)[j] and objectives B2.6.1 and policy B2.6.2 (that relate to rural and coastal towns and villages) the same wording in relation to elite and prime soils. Urban growth and expansion of rural and coastal settlements is to be undertaken in a manner that “avoids elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production”.
The High Court held that the notion of “incremental loss” of elite and prime soils is not the only consideration required. Effectively this means that there is no absolute protection, or that such premium soils are prevented from being used for other purposes, such as urban development, and that the “essential question” of the policy is whether the subject land is significant in terms of its ability to sustain food production\(^2\). The “significance” of soils for food production therefore require a much broader evaluation and requires that the productivity (or otherwise) of any premium soils are placed into context.

In the present instance there are no elite soils. Even so, a broad evaluation, including a horticultural assessment (discussed below), concludes that the subject land is not significant for its productive potential.

### 2.4.3 Soil Productivity

Fruition Horticulture has assessed the productive use of the subject land (refer to Appendix 9). It identifies a range of characteristics and constraints of the subject land, relevant to its productive potential, including:

- soil characteristics;
- poor drainage;
- reverse sensitivity constraints, due to the proximity of the existing houses, sensitive receivers and the settlement, and
- limitations on the economics of production from small, fragmented, land parcels.

Fruition note that 21 of the existing titles are currently used for residential, lifestyle and commercial purposes, and that the soils on those properties are not utilised in a productive manner beyond general stock grazing and raising domestic poultry.

The area of land available and potentially useable for horticulture totals 13.34ha. However, when constraints such as proximity of neighbouring residential properties, soil characteristics and lot size are also considered, only two landholdings of 2.95ha (Lot 18) and 3.11ha (Lot 19) are suitable and available for productive use.

Those two properties are within the eastern section, proposed as Future Urban, rather than a “live” urban zoning. It is noted that the 3.11ha property (Lot 19) is occupied by the existing poultry broiler sheds, an activity that does not utilise soil for food production.

An analysis of utilisation the subject land utilised food production shows that only one parcel of land of approx. 2.95ha (Lot 18)\(^3\) is currently used for vegetable production, and that the existing kiwifruit orchard is operating at very low yields due to soil limitations and constraints.

The Fruition analysis concludes that only 3ha of the 34.98ha (or 8%) of the subject land) is available for food production and is free from limitations and/or constraints on its productive use.

---

\(^2\) Gock v Auckland Council [2019] NZHC 275, at paragraph 91; HC

\(^3\) Refer to Table 1, Soil and Resource Report for Patumahoe Rezoning Proposal, Ag First, April 2019
Apart from that 3ha area (and the land underlying the chicken broiler sheds) included within the proposed Future Urban zone, the report concludes that plan change does not include prime soils which might be significant for their ability to sustain food production.

2.5 Planning Context

The AUP:OP is the primary statutory planning framework for managing Auckland’s natural and physical resources, growth and development. It establishes a zoning pattern for all land throughout the Auckland region, and applies restrictions and overlays over sites identified with special natural, cultural and historic values.

2.5.1 Existing Zoning of Subject Land

The subject land is currently zoned Rural Production under the AUP:OP, with the exception of:

- **Lot 1 DP 169130** – located on the northern boundary (adjacent to the Patumahoe Domain), which is subject to a split zoning with approximately 60% of that property (approx. 3ha) zoned Residential Single House and the balance zoned Rural Production; and

- **Lot 1 DP 451581** – 0.6954ha is located adjacent to the railway line and is zoned Strategic Transport Corridor.

![Figure 3: Existing Zoning of Subject Land (AUP)](image)

The purpose of the Rural Production Zone is to provide for the use and development of land for rural production and rural industries/services, while maintaining rural character and amenity values.

In the Franklin context, the Rural Production zone is generally characterised by horticultural production areas situated on the more highly productive soils with mixed primary production (including pastoral farming and forestry) elsewhere.

The following overlays and controls apply across the subject land:

- **Natural Resources: High-Use Stream Management Areas Overlay;**
2.5.2 Existing Patumahoe Settlement

To the north, the subject land adjoins the southern edge of the existing Patumahoe settlement, which is zoned Residential: Single House and the southeastern edge of the Patumahoe Domain, which is zoned Open Space – Sport and Active Recreation. Currently, there is no industrial zoned land within Patumahoe.

The AUP:OP describes the purpose of the Residential Single House Zone as being to maintain and enhance the amenity values of established residential neighbourhoods in certain areas. In Patumahoe, this zone is generally characterised by single level dwellings consistent with a rural village character.

The zone description notes that the amenity values of a neighbourhood may be based on special character informed by the past, the established neighbourhood character or other environmental factors. This zoning may also be applied in greenfield developments to enable future expansion in keeping with the neighbourhood’s existing amenity values and suburban built character.

The western portion of the existing Patumahoe settlement, bounded by Woodhouse Road and Maukau Road, is situated within the AUP’s Patumahoe Precinct (refer to Figure 4).

Under the AUP, a ‘precinct’ contains detailed place-based planning provisions in addition to relevant Auckland-wide/zone/overlay provisions. This approach enables ‘local differences’ to be recognised for particular areas throughout the Auckland region.

The objectives of the Patumahoe Precinct are to promote residential development meeting a high standard of rural character amenity which is provided with efficient service servicing and transport infrastructure, while minimising reverse sensitivity with adjoining rural activities.

The existing Patumahoe Precinct consists of four sub-precincts [A, B, C and D] as shown in Figure 4.

Sub-precinct A comprises approximately 25ha of land (zoned Single House and Open Space), most of which are existing residential sections generally ranging from 400m² to 1000m². Sub-precincts B, C and D comprise 9.939ha of land in two properties (24 and 36A Kingseat Road) zoned Single House.

The following minimum net site area requirements apply to the creation of new lots within the Patumahoe Precinct:

- Sub-precinct A: 800m² per lot;
- Sub-precinct B: 950m² per lot;
- Sub-precinct C: 600m² per lot; and
- Sub-precinct D: 700m² per lot.
Figure 4: Patumahoe Precinct Plan 1 – Chapter I430.10.1.

All remaining Single House zoned land (with the exception of 24a, 24b and 24c Mauku Road) outside of the Precinct extent, is subject to a “Subdivision Variation Control” as shown in Figure 5. That planning control specifies a minimum net site area of 800m² for vacant lots created by subdivision.
2.5.3 Existing Consented Subdivisions

At the time decisions on the AUP were released in August 2016, vacant allotments were available in the final stages of the subdivision to the Northwest of the village centre, accessed from Fletcher Lane and Pamela Christie Road. The subdivision of that land (in Patumahoe Sub-precinct A) has been completed and developed as residential housing.

The Single House zoned area of land on the northern side of Patumahoe Hill is currently being subdivided and developed to provide 76 new residential allotments (Sub-precincts B, C and D). The subdivision works are anticipated to be completed on that land by the end of 2020, with sections being marketed for $395,000 and house and land packages for $840,000.

The only other area of land zoned for residential purposes, located within the Single House zone at Cater Road (Lot 1 DP 169130), is subject to a recently granted consent for 30 residential allotments (refer to Figure 6).

It is understood that the Consent Holder intends to proceed with the subdivision of that land following the Patumahoe Hill subdivision. Implementation of that consent would utilise the remaining land area zoned Single House at Patumahoe.

There is a live resource consent for 30 residential allotments over Lot 1 DP169130. That property currently has a split zoning of Single House Residential (the northern portion where consent has been granted) and Rural Production over the southern balance area, which is shown as “Future Stage” in Figure 6. The entire property has been included in the Plan Change and is proposed as Single House zone. This will allow for an integrated outcome with the remaining subject land,

\footnote{Consent BU/60329721 (dated 12 Dec 2018).}
including establishment of roading, pedestrian and cycleway connections across the plan change area.

**Figure 6**: Subdivision Consent BUN60329721 (Lot 1 DP160130).

### 3.0 PURPOSE OF THE PLAN CHANGE REQUEST

#### 3.1 Background

Patumahoe is an existing rural community with well-established infrastructure. It is located centrally between Pukekohe and Waiuku and caters for a significant rural catchment area. Patumahoe has a well-defined town centre, at a scale appropriate to a rural settlement. Patumahoe has high amenity values arising from its rural setting, compact urban form and “village” scale.

As identified in the Franklin District Growth Strategy 2051\(^1\) (FDGS), Patumahoe has the potential to be more self-sufficient and sustainable with a moderate population increase. It is close enough to the main towns to access employment opportunities whilst being far enough away to have its own distinct character, community and identity.

The FDGS identified a 2007 population of 630 residents and predicted growth to 1045 people by 2021, and 1640 people by 2051 (occupying a total of 700 households). It also promoted an expansion

\(^1\) Published by the Franklin District Council in August 2007.
of employment opportunities from 125 persons in 2004 to 160 in 2021 and 200 in 2051 (an estimated increase of 75 jobs) and identified that would require provision of 3ha of business zoned land over that timeframe.

Patumahoe has experienced steady growth due to the settlement’s proximity to Pukekohe, Waiuku and State Highway 22, consequently demand for housing within Patumahoe is sustained and ongoing.

3.2 Intended Plan Change Outcomes

The rezoning of the subject land from its operative Rural Production zone, into live urban zoned land (i.e. a combination of Residential: Single House, Business: Light Industry and Open Space zones) across the western and central sections, and Future Urban across the 9.0ha eastern section, is proposed.

The proposed settlement extension is confined by the Paerata-Waiuku branch railway line, which creates clearly defined limits for the southern extension of the settlement. This will define the urban extent of the township within proximity to existing commercial, social, educational and recreational infrastructure.

The proposal will provide zoned land to meet future demand for new housing and business development in Patumahoe, noting that the majority of land zoned for expansion is currently (or is anticipated to shortly be) developed, and that there is limited additional “development capacity” within the existing settlement limits.

The Future Urban zone is proposed for the eastern section as it is recognised that portion of the subject land, may be suitable for residential development in the future. However, a commercial poultry (broiler) shed and avocado orchard currently occupy that land. Recognising those existing activities, a Future Urban Zone is sought over that portion of the subject land to enable future urbanisation to occur when those existing activities are discontinued.

Lot 1 DP169130 has been included in the Plan Change, in order to facilitate integrated development of that land in conjunction with the balance of the Plan Change area. Currently, it has a split zoning; Single House Residential on the northern portion and Rural Production over the southern area. The owner holds a live resource consent for 30 residential allotments over the norther part, which includes a possible “Future Stage” in the south. Including this land in the Plan Change would allow for the Single House Zoning over the entirety, which is consistent with the current resource consent and the intended Future Stage. It would also allow for an integrated development of the Central section because future roading, pedestrian and cycle connections could be accommodated linking with the remainder of the plan change area.

The Plan Change proposal has been developed to support the “quality compact urban form” principles of the AUP in particular Objective B.2.2.1 by inter alia:

- Making “better use” of existing infrastructure;
- Contributes to creating a high-quality urban environment within the township;
- Promotes the social and economic growth of Patumahoe;
- Having minimal impact on rural productivity;
- Avoiding potential adverse effects including environmental effects and “reverse sensitivity” effects.
Rezoning of the subject land is intended to support and further enhance the sustainability of Patumahoe as a rural settlement within the former Franklin district.

The plan change includes a new Precinct Plan (prepared in accordance with Appendix 1 of the AUP) to facilitate re-zoning of the land for urban uses, coordinate infrastructure delivery and contribute to appropriate subdivision in keeping with the existing suburban amenity and character.

The adoption of that plan (as Precinct Plan 3) will enable logical and sequential provision of well-connected urban form that promotes Patumahoe’s sustainable growth.

3.3 Purpose of the Plan Change

This section describes the “purpose of the proposal” as required by Section 32 of the RMA.

The purpose of the proposed rezoning of 34.98ha of land is to provide for the sustainable management of Patumahoe as a rural settlement by:

- Recognising that the exiting Rural Production Zoning is no longer appropriate; and
- Making provision for Light Industrial activities within the settlement, to provide local employment opportunities for approximately 80 people within the township;
- Providing for future housing needs of the community (approximately 200-250 new dwellings) to house 600-900 additional people;
- Facilitating the efficient use of existing fragmented land of low productivity that is not contributing noticeably to the social, economic or cultural well-being of the local community;
- Strengthening the viability and vitality of the town centre by increased economic activity;
- Improving transport connections, efficiency and safety for the existing (and future) community of Patumahoe;
- Utilising the capacity of existing wastewater network infrastructure to service the settlement extension;
- Establishing new areas of public open space, and enhancing interfaces with and linkages between existing areas of public open space including Patumahoe Domain;
- Maintaining and enhancing the character of Patumahoe as a rural township;
- Creating well-defined limits to the settlement utilising predominantly existing physical features, enhanced by selected landscaping treatment;
- Providing reverse sensitivity controls (at least for an interim period) for an existing poultry farming activity located within the Plan Change area;
- Maintaining (and where possible enhancing) stormwater quality run off from the subject land;
- Extending the landscape strategy and planting from existing sub-precincts across the southern area of the settlement (within the plan change area);
- Recognising that in time, the eastern section is likely appropriate for residential development;
- Enhancing cultural values associated with the subject land.

These outcomes for Patumahoe are consistent with the Sustainable Management purpose of the RMA and would give effect to the Strategic Regional Growth objectives for the Auckland Region (Section B2 of the AUP: Urban Growth and Form).
In particular, the plan change will:
- enable the Patumahoe community to provide for its social, economic and cultural well-being;
- utilise existing physical resources of the subject land to meet the needs of the existing community and of future generations;
- avoid adverse effects, including safeguarding the life-supporting capacity of air, water, soil and ecosystems with within and adjacent to the subject land;
- support the establishment of a quality compact urban form for Patumahoe;
- ensure integrated planning of land use, infrastructure and development (at a local level);
- utilise existing infrastructure capacity in an effective, efficient and timely manner, and can be efficiently serviced by provision of new local infrastructure;
- avoid natural and physical resources scheduled in the Unitary Plan;
- avoid elite soils (LUC Class 1), while utilising prime soils (LUC Classes 2 and 3) that are not significant for their ability to sustain food production;
- avoid areas with significant natural hazard risks;
- enable land use activities that are consistent with the local character of the settlement and the surrounding area;
- minimise impacts on existing land uses, both within and adjacent to the subject land, including by effectively managing reverse sensitivity effects.

4.0 DEVELOPMENT OF THE PLAN CHANGE

The plan change has been subject to comprehensive assessment of existing natural and physical resources, cultural and heritage values, infrastructure capacity, servicing options and detailed urban design and landscape assessments.

4.1 Urban Design

In response to the site’s unique opportunities and constraints, an Urban Design analysis of opportunities to extend the Patumahoe settlement onto the subject land was undertaken following the Structure Plan guidelines in Appendix 1 of the AUP. That included a detailed design process which explored alternative spatial scenarios and land use outcomes in conjunction with input from other technical specialists, including geotechnical and landscaping. The Urban Design analysis confirmed the extent of the plan change area, as detailed in Sections 4 and 5 of the Urban Design Assessment (Appendix 2).

The plan change has been designed to extend the existing ‘live’ urban zoning within the settlement, supports the existing neighbourhood centre zone within its walkable catchment, and is confined within clearly defined ‘edges’ to the settlement (i.e. notably the southern railway line and the eastern escarpment).

4.2 Consideration of Alternatives

Prior to formulating the plan change a range of options were assessed.

In particular, the following proposed alternatives are considered as part of the Section 32 Evaluation (refer to below for further assessment):
1) Retain the Status Quo / Do nothing (i.e. leave the subject land with its operative Rural Production zoning).

2) Apply for consent to subdivide residential lots under the operative zoning.

3) Rezone all of the subject land to Future Urban.

4) Rezone the subject land to a mix of live urban zoning (i.e. Single House, Light Industrial and Open Space) over the central and western sections, and Future Urban zoning over the eastern section, with no additional Precincts and/or overlay provisions.

5) Rezone the subject land to a mix of live urban zoning (i.e. Single House, Light Industrial and Open Space) and Future Urban zoning, in conjunction with an extension of the Patumahoe Precinct in accordance with specific provisions for a new ‘Sub-Precinct E’.

For the reasons provided in the Section 32 Assessment, Option 5:

(a) has been assessed as the most appropriate way to achieve the purpose of the RMA; and

(b) the methods within the plan change are the most appropriate way to achieve the purpose of the plan change.

5.0 URBAN DESIGN, ACCESS AND SERVICING

5.1 Urban Design

An Urban Design assessment of the subject land has been prepared by Ian Munro. In response to opportunities and constraints, the urban design strategy for the subject land incorporates the following design outcomes which are detailed in Sections 6 and 7 of the Urban Design Assessment (refer to Appendix 2):

1) The western and central sections are designed to achieve a Single House zone-based subdivision pattern (i.e. by extending the existing Patumahoe Precinct) with the eastern section proposed as Future Urban zone due to existing land constraints that require further design consideration.

2) The proposed road network within ‘Patumahoe South’ features a well-connected grid structure. This allows for the retention of existing dwellings, accommodates well-proportioned blocks with road frontage access, minimises rear lots, and enables multiple movement choices.

3) The commercial land use pattern of Patumahoe remains unchanged and the existing village centre zone continues to serve as the village’s focal point. A 2.5ha area of light industrial zoning is proposed adjacent to the railway line, to provide opportunities for light industrial land uses which are not provided for elsewhere in the settlement.

4) The proposal facilitates the creation of a connection between the Patumahoe Domain and Clive Howe Road Recreation Reserve via a ‘green corridor’ (for pedestrian and cycle access). A new neighbourhood reserve is proposed in the central portion of the plan change area, accessible from the green corridor.

5) A linear stormwater area (i.e. ponds) integrated with the ‘green corridor’ is proposed to provide stormwater management and to extend recreational opportunities. The connected open spaces will provide better recreational, ecological and environmental opportunities for ‘Patumahoe South’. This design approach enables continuous pedestrian / cycle movements with less interaction with vehicles.
5.2 **Landscape**

Careful consideration has been given to the landscape characteristics of Patumahoe. A landscape strategy has been prepared by Bridget Gilbert Landscape Architects (refer to Appendix 3).

Integration of location specific design into the master plan will ensure that the built development outcomes anticipated by the plan change reinforce the existing and distinctive rural village ‘sense of place’ in Patumahoe. This will be achieved by:

1) The inclusion of a 10m wide Landscape Buffer and rural fencing controls along the western boundary of the subject site, which adjoins land zoned Mixed Rural. This buffer will form an appropriate, robust, and defensible ‘green’ edge to the south western side of Patumahoe.

2) Requiring a comprehensive landscape planting strategy (i.e. implemented upon completion of future subdivision) that will assist the visual integration of built form, create an attractive leafy residential amenity within the development, encourage the perception of a distinctly ‘green’ and low-key rural village streetscape character, and enhance terrestrial habitat / biodiversity values. The reliance on a limited range of species for each planting type will promote the impression of a cohesive residential landscape setting.

3) Requiring a fencing strategy that encourages passive surveillance of public spaces (i.e. roads and open spaces) through the use of low fences or visually permeable 1.8m high fencing solutions.

4) Including hedge planting and shelterbelt buffers along the south side of the plan change area to filter views of new built development (residential and light industrial) from the south.

5) The extension of development adjacent to Patumahoe Domain. This reflects the perception of the domain as the primary green open space within the village, as opposed to the current impression of it being positioned on the village edge in a tucked-away location.

6) Locating Light Industry zoning close to the existing timber yard, thereby reinforcing the existing commercial gateway to Patumahoe at its southern entrance.

7) Implementing an open space, footpath and greenway strategy that integrates with existing open space features and forms a credible and attractive green centre for the plan change area.

8) Requiring stormwater management devices (i.e. wetland detention basin and roadside planted swales) that read and function as part of the open space network and contributes positively to the wider neighbourhood amenity.

9) Encouraging design outcomes in keeping with the existing rural village character.

5.3 **Transportation Infrastructure**

Stantec has prepared a Traffic Impact Assessment / TIA (refer to Appendix 4) detailing the proposed transportation design.

The subject land currently interacts with Patumahoe Road, Mauku Road, Carter Road, Clive Howe Road and Hunter Road. Details of the existing transport context and road network are described in Section 2.1 and 2.2 of the TIA.

New public roads and intersections within the Plan change area are proposed to provide access for future residential lots as detailed in Section 3 of the ITA.

In order to achieve a safe and integrated environment for vehicles, pedestrians and cyclists whilst respecting the existing village streetscape character, it is proposed to:
- Introduce an operating speed of 30km/h for the internal roading network;
- Apply appropriate road cross section design;
- Implement speed calming measures; and
- Implement narrow roads with berm planting, chicanes and raised tables at some key intersections.

As the intersection of Carter Road with Patumahoe Road has existing safety limitations (poor geometry and inadequate sight lines), the plan change proposes that new road connections are established to the subject land. Three new internal roads will intersect with Patumahoe Road and one with Mauku Road to integrate the development area into the existing roading network in the safest and most efficient manner. It is proposed to establish these intersections as ‘Give Way’ controlled T-intersections.

Minor and local roads are proposed as 5.5m to 6m wide carriageways. The road connecting the Light Industry zone to Patumahoe Road will have a 6.5m wide carriageway to accommodate larger vehicles. Footpaths on roads will be designed to retain design concepts similar to the existing Patumahoe Township. Indented parking bays will also be provided along some sections of local and minor roads.

It is proposed to close Carter Road to vehicles and to convert a section of Carter Road into a ‘green corridor’, with access for pedestrians and cyclists only. The proposed greenway will be 8.5m wide, consisting of a 3.5m shared path and 2.5m berms/raingardens on either side. New pedestrian crossings are also proposed across the PC area to establish better connectivity with Patumahoe School and existing reserves.

5.4 Site Servicing Infrastructure

The subject land is currently serviced by public stormwater, wastewater and water supply networks. It is proposed to extend existing public networks and to install new infrastructure to service the proposed plan change area.

Tripp Andrews has prepared an Engineering Infrastructure assessment (refer to Appendix 5) detailing the proposed site services and is summarised in the following sub-sections.

5.4.1 Stormwater

Stormwater within the subject land is currently serviced by a series of channel drains, open channels and piped networks, as detailed in Section 2.1 and 2.2 of the Infrastructure Report. These existing localised networks are not suitable to service the proposed plan change.

It is proposed to service the future development area via new public reticulation located within the new roading network. The system is designed to accommodate for a 10% AEP storm event. Stormwater runoff from all properties will drain through private connections linked into the public system and then discharged into the southwestern channel drain and overland flowpaths.

Stormwater runoff will be treated for volume and quality management prior to discharge into the downstream environment. Flow treatment will primarily be managed via a wetland and detention basin and discharged to the channel drain via two outlet pipes. The stormwater wetland is proposed in the southeastern corner of the PC area.
5.4.2 **Wastewater**

There is existing public wastewater infrastructure located adjacent to the subject land. This network traverses from east to west, from a primary line located within Patumahoe Road, through Lot 1 DP 169130 and the Patumahoe Domain, and then continues northwest until it is discharged into a public pump station.

Tripp Andrews have liaised with Watercare Services and have undertaken a capacity assessment of the existing infrastructure. Watercare has confirmed that the wastewater network has capacity to accommodate post development flows resulting from the plan change (and that no network capacity upgrades are required).

It is proposed to service the future development area via new public reticulation located within the new roading network. A new pump station will be located adjacent to the proposed stormwater management area (located near the low point of the site).

5.4.3 **Water Supply**

There are existing reservoir tanks located in the northern end of the subject land which will be upgraded with additional water storage capacity to provide service the plan change area. An upgrade of the existing reservoirs is provided for in Watercare’s Long Term Plan and will be implemented in conjunction with development of the subject land.

It is proposed to service the future development area via new public water reticulation located within the new roading network. The public network will provide connection points for future lots and achieve firefighting requirements across the plan change area.

5.5 **Land Disturbance**

As part of site preparation, earthworks involving approximately 150,000m³ over an area of 29ha will be required to achieve suitable grades and contours for future development within the subject land.

It is proposed to undertake the land disturbance in a staged manner (in conjunction with sequential subdivision of the subject land).

Tripp Andrews has prepared an Earthworks report (refer to Appendix 6) detailing the proposed works methodology and sediment control measures. The majority of earthworks will involve the removal of localised depressions and high points within the subject land.

During the period of earthworks sediment and erosion control measures will be adopted in accordance with Auckland Council’s guidelines (GD05).

6.0 **PROPOSED AMENDMENTS TO THE AUP**

The proposed changes to the AUP relate to the Planning Maps and to Chapter I Precincts, Precinct I430 – Patumahoe. The detailed provisions are provided in Attachment 5 and are summarised as follows.

a) Rezoning of the subject land to Single House, Light Industry, Open Space and Future Urban zones – as shown on Figure 7.

b) Adding a new sub-precinct, with associated provisions, into Precinct I430 – to be known as sub-precinct E with an associated precinct plan (Patumahoe Precinct Plan 3).

c) Incorporating a new activity Table (Table I430.4.2) into Precinct I430 to establish the activity status of buildings and subdivision within sub-precinct E.
d) Including sub-precinct E in the relevant existing Standards relating to “building design, retaining walls, paving materials and on-site stormwater mitigation”.

e) Amending Table I430.6.7.1 to introduce minimum net site area standards for sub-precinct E, providing for minimum lot sizes within the Single House Zone of 600m² within 400m of the existing village centre, 800m² generally and 1500m² adjacent to the Paerata-Waiuku railway.

f) Including a new Standard: specifying landscape buffer requirements for sub-precinct E to create effective landscape buffers between different zones/activity areas.

g) Including a new public open space Standard, specifying that a neighbourhood park shall be established within the subject land (as shown on Precinct Plan 3) prior to the occupation of any dwelling located more than 400m from the Patumahoe Domain.

![Figure 7: Patumahoe Precinct Plan 3](image)

h) Adding subdivision Standards requiring that, prior to any more than the existing 30 consented allotments being subdivided/developed:

- a new road access from Patumahoe Road shall be established to the subject land in at least one of the locations shown on Patumahoe Precinct plan 3, and
- a footpath, appropriate kerb and channel, berm and street trees and services corridor shall be established along the road frontage adjacent to the portion of land being developed;
- the northern section of Carter Road shall be closed to motor vehicles (to remove an unsafe intersection); and
- the public wastewater network and water supply networks are extended into the subject land with capacity to service the proposed allotments and any future subdivision stages.

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*Consented under BUN0329721 (dated 12 Dec 2018)*
i) Adding a new Standard specifying that a comprehensive stormwater management system, including a new stormwater pond, shall be established in accordance with the Sub-precinct plan and the applicable Stormwater Network Discharge Consent.

j) Including a new Standard to managed Reverse Sensitivity in Sub-precinct E, in particular the potential for reverse sensitivity effects relating to the existing poultry sheds located at 75 Patumahoe Road.

k) Amending the relevant assessment criteria, so that they apply appropriately to Sub-precinct E and reflect the specific standards applicable to the sub-precinct.

7.0 CONSULTATION

7.1 Consultation on Plan Change

Consultation on the Plan Change has been undertaken with the land within the plan change area, local iwi (refer below), Watercare Services, Auckland Transport, and Kiwi Rail.

Watercare

In November 2018 Jack McDonald of Tripp Andrews met with Watercare representatives Vinay Bhan, Ilze Gotelli and Kerryn Swanepol. Following the meeting Watercare completed a high-level assessment of water and wastewater capacity for the subject land (refer to Attachment 2).

That assessment, which considered 180 dwelling unit equivalents, resulted in Watercare confirming that the increased wastewater flows would have negligible effect on the existing network, and that it would not be necessary to undertake an upgrade of the wastewater network.

In relation to water supply, Watercare advise that additional water storage capacity would need to be added (to the facility located at 6 Carter Road, adjacent to the subject land).

Auckland Transport

Consultation was undertaken Auckland Transport (AT) in November 2018 via email, following which on 16 January 2019 a site-specific meeting with Katherine Dorofaeff, Matt Collins and Alastair Lovell. A draft copy of the traffic report was tabled at the meeting, which enabled Auckland Transport to provide written comments (refer to Attachment 3).

The receipt of comments from AT has enabled each of the matters to be addressed in the plan change design and the Traffic Assessment report prepared by Stantec (refer to Appendix 4).

KiwiRail (refer to Attachment 4).

Consultation was undertaken with Pam Butler [Senior RMA Advisor at Kiwirail], who provided an explanation of KiwiRail’s policies in relation to level crossing safety, which will require a specific assessment as part of the overall transport network analysis prior to subdivision occurring.

KiwiRail advised that building development should set back by at least 5m from the railway corridor boundary for amenity and safety reasons, and that the noise and vibration standards developed by KiwiRail should be applied to ensure that development adjoining the rail corridor (i.e. via a consent notice at the time of subdivision).

Finally, KiwiRail requested to be consulted in relation to earthworks and development adjacent to the rail corridor, to ensure that stormwater flow is not directed into the rail corridor.
7.2 Landowners within Plan Change Area

In the preparation of this plan change members of the applicant group have made contact a number of times with all relevant neighbouring landowners. A meeting was held in Patumahoe with all neighbours at the Patumahoe Rugby Club in August 2018 to establish neighbourhood support for the plan change. Each neighbour was either in support of the application or neutral to the application proceeding.

In September 2019 members of the applicant group have contacted each neighbour to update them on progress of the application. The only neighbours that they have not been able to contact are the owners of the property at 104 Patumahoe Road.

7.3 Iwi Consultation

In the preparation of this plan change application, consultation has been undertaken with Ngati Tamaoho and Ngati Te Ata.

Meetings were held with kaitiaki representatives of both iwi on site in November 2018, following which both iwi have prepared cultural impact assessments relating to the Plan Change request (refer to Appendices 1 and 1A).

In June 2020, Te Akitai Waiohua was identified as a mana whenua group for the plan change area. Consultation with Te Akitai is now progressing and may result in further cultural considerations being raised through the planning process.

On-going consultation and collaboration with relevant mana whenua groups is, and will continue to be, an integral component of the plan change request. The recommendations of Ngati Te Ata and Ngati Tamaoho are acknowledged and will be accommodated where possible during future development of the subject land.

7.3.1 Ngati Te Ata

Ngati Te Ata has prepared a Cultural Assessment that outlines the following key recommendations, to ensure cultural values are recognised and maintained during future urbanisation of the plan change area:

1) Land Disturbance — request to undertake cultural monitoring and establish protocols for archaeological discovery.

2) Erosion and Sediment Control measures — support implementation of the proposed sediment pools, organic flocculent and super silt fences, to minimise effects during construction.

3) Natural Watercourses — Ngati Te Ata do not support alterations of natural waterways.

4) Groundwater — Ngati Te Ata express concerns regarding the permanent lowering of existing groundwater levels and contaminant levels, therefore a groundwater assessment is recommended.

5) Stormwater — support use of the proposed stormwater detention and treatment systems, and promote a three-step ‘treatment train’ approach; i.e. at source, primary treatment and secondary/tertiary treatment.

7) Sustainable Design – Ngati Te Ata recommend the consideration of solar panels, green roofs and water re-use for development.

8) Native Trees – recommendation that trees over 200 years old, are protected from disturbance/removal and to undertake a comprehensive planting scheme for the plan change area.

9) Open Spaces and Greenways – Ngati Te Ata wish to be involved in the decision-making process of creating new open spaces and walkways/cycleways.

10) Infrastructure – Ngati Te Ata support the treatment of wastewater and stormwater, and the provision of supporting utilities.

11) Urban Design – Ngati Te Ata supports the current concept proposal and its design principles and wish to incorporate Te Aranga Design principles re: cultural values into the development.

7.3.2 Ngati Tamaoho

Ngati Tamaoho has prepared a Cultural Assessment that includes the following key recommendations, relating to the recognition of ensure cultural values during future urbanisation of the subject land:

1) Adoption of Kaitiakitanga principles including, restoration of damaged ecological systems, restoration of ecological harmony, ensuring that resources and their usefulness increases, reducing risks to and providing for the needs of present and future generations.

2) Restoration and enhancement of degraded waterways through the development process.

3) Incorporation of sustainability features, including technology such as solar panels and green roofs, ground water recharge, and the enhancement of streams, bush areas, flora and fauna.

4) Ensuring effective treatment of contaminants within stormwater.

5) Incorporating eco-sourced native trees and plants that promote the return of native bird and insect species.

6) Adoption of Te Aranga Design principles, including:
   - Re-establishing Mana by providing Iwi with the opportunity to fulfil their roles as Kaitiaki.
   - Utilising ancestral names that establish whakapapa.
   - Providing for Tohu (natural environments).
   - Enhancing Mauri tu (environmental health).
   - Incorporating creative features or Moari toi into urban and landscape design.
   - Providing visibility to Iwi to resume Ahi Ka (living presence) on the land.

Ngati Tamaoho express support for the development of the subject land and request opportunities for further engagement and involvement in the development process, including:

- Undertaking a site blessing prior to any work commencing;
- Preservation of landscape features and the provision of park edges;
- Roof water capture and reuse, and ground water recharge;
- Low impact stormwater design and stormwater treatment from roads;
- Naming rights for open spaces and roads.
- Use of native trees for landscaping.
• Riparian planting of waterways.
• Adoption of Te Aranga principles (as summarised above).

8.0 STRATEGIC FRAMEWORK

8.1 Introduction

The strategic framework for the plan change includes relevant statutory and non-statutory planning documents, including any relevant National Policy Statements, National Environmental Standards, the Auckland Plan 2050, the Regional Policy Statement (part of the Auckland Unitary Plan), the Auckland Council Long Term Plan (2018-2028), the Franklin Local Board Plan (2017), Auckland Council’s Parks and open Space Strategy Action Plan 2013, the Auckland Design Manual, Auckland Council’s Code of Practice for Land Development and Subdivision.

These strategic documents are relevant consideration under Appendix 1 of the AUP and are applied prior to a change of zoning for Greenfield land (such as from Future Urban zone to a “live” urban zone). In that respect they provide a helpful framework for the strategic consideration of this plan change request.

A detailed analysis of the Appendix 1 matters is included as Attachment 6, and it provides the basis for the following summary of the principal strategic considerations for the plan change.

8.2 Auckland Plan

The Auckland Plan 2050 (June 2018), contains four strategic directions, including the commitment to development of a quality compact urban form to accommodate Auckland’s growth. The Auckland Plan describes the quality compact approach to mean that:
• most development occurs in areas that are easily accessible by public transport, walking and cycling;
• most development is within reasonable walking distance of services and facilities including centres, community facilities, employment opportunities and open space;
• future development maximises efficient use of land;
• delivery of necessary infrastructure is coordinated to support growth in the right place at the right time.

The Auckland Plan records Auckland Council’s commitment to providing on-going development capacity for housing and business growth to provide sufficient feasible development, and to overcome the 35,000 dwelling shortfall recorded in 2016 and a year 11-30 shortfall of 82,000 dwelling (noted on page 207 of the Auckland Plan).

In respect of rural areas the – the Development Strategy (page 208 of the Auckland Plan) explains that growth is anticipated in smaller towns and villages in addition to the rural nodes of Pukekohe and Warkworth, which form part of the Plan’s multi-nodal growth strategy.

It is noted that this plan change:
• promotes the development of a quality compact urban form for the settlement that is easily accessible from the town centre, community and recreational facilities, school and sports facilities;
• will enhance linkages to existing reserve and open space areas and establishes a new open space network with multi-modal access (walk, cycle, motor vehicle);
• makes efficient use of land within the plan change area, while providing for a development outcome that is consistent with the established character and amenity of Patumahoe;
• utilises available capacity within existing network infrastructure (in particular wastewater) and proposes a new internal reticulated network, to be established as the subject land is subdivided, that does not necessitate any public expenditure.

For those reasons it is considered that the plan change is consistent with and promotes the strategic directions of the Auckland Plan 2050 in the context of Patumahoe.

8.3 National Policy Statement on Urban Development Capacity

The National Policy Statement on Urban Development Capacity ("NPS-UDC") is relevant to the provision of land (and associated infrastructure) to ensure that Auckland Council enables development capacity for housing and business to meet the needs of their communities.

The NPS-UDC requires recognition of the national significance of:

a) urban environments and the need to enable such environments to develop and change; and

b) providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

The NPS-UDC relates to urban areas, which contain, or are intended to contain, a settlement of 10,000 people or more and any associated business land. Therefore, while not directly applicable to Patumahoe, and this plan change, the principles are helpful. It is noted that it is feasible to develop the subject land and to enable it to be serviced without any public network infrastructure expenditure.

8.4 Auckland Regional Policy Statement

Chapter B of the AUP contains the Regional Policy Statement for the Auckland Region ("ARPS"). Of particular relevance to the proposal is Section B2 – Urban Growth and Form (Tahuhu whakaruruhau a-teone), which sets out the issues, objectives and policies for the management of growth in the Region.

The objectives relating to Urban growth and form are stated in subsection B2.2, as follows:

B2.2.1. Objectives
(1) A quality compact urban form that enables all of the following:
   (a) a higher-quality urban environment;
   (b) greater productivity and economic growth;
   (c) better use of existing infrastructure and efficient provision of new infrastructure;
   (d) improved and more effective public transport;
   (e) greater social and cultural vitality;
   (f) better maintenance of rural character and rural productivity; and
   (g) reduced adverse environmental effects.

(2) Urban growth is primarily accommodated within the urban area 2016 (as identified in Appendix 1A).

(3) Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.
(4) Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.

(5) The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.

The objectives (and related policies) in section B2.6. Rural and coastal towns and villages are the most relevant to the plan change.

B2.6.1. Objectives

(1) Growth and development of existing or new rural and coastal towns and villages is enabled in ways that:

(a) avoid natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character unless growth and development protects or enhances such values; and

(b) avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production; and

(c) avoid areas with significant natural hazard risks;

(d) are consistent with the local character of the town or village and the surrounding area; and

(e) enables the development and use of Mana Whenua’s resources for their economic well-being.

(2) Rural and coastal towns and villages have adequate infrastructure.

A detailed assessment of the relevant objectives and policies of the ARPS is provided in Attachment 6. In summary that assessment addresses how the plan change is consistent with and promotes the strategic growth objectives of the ARPS, including by:

1. Enabling growth and development of the existing Patumahoe settlement while achieving a quality compact urban form.

   The plan change promotes development of a quality compact urban form that is easily accessible from the town centre, community and recreational facilities, school and sports facilities. In particular, a compact urban form focused around the existing town centre is promoted by providing for 600m² lots within 400m of the Town Centre and 800m² lots generally. The inclusion of some 1500m² lots adjacent to the railway/rural zone interface provides sufficient land to enable a landscaped buffer to be established adjacent to the railway, and provide a lifestyle choice for residents.

   The plan change will facilitate enhanced pedestrian and cycle amenity for the village, and will provide for a more connected road network. The plan change provides the opportunity to provide enhanced public frontage and access to the Patumahoe Domain, improve the safety of the intersection of Patumahoe, Carter and Clive Howe Roads, and better connect the Domain and school with a pedestrian and cycle-prioritised connection all together contribute to a “higher quality” urban environment.

   The provision of 200-250 additional residential allotments will enable the settlement to grow over an 8-10 year period (at an average rate of 20-25 dwellings per annum). The provision of approx. 2.5ha of Light Industrial zoned land will provide employment opportunities, creating approximately 80 new jobs directly, with an additional 17 jobs created elsewhere in the settlement due to the increased population and local employment.

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Envivo ref: 27745
2. Providing sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.

Patumahoe, an existing rural settlement, is subject to the same community needs and aspirations as all other settlements and urban areas within the Auckland Region. As a settlement it is subject to demand for land to provide the housing, employment and business needs of the community.

As the existing areas of undeveloped land zoned for urban activities (within the Single House zone) are currently being utilised, there is limited provision for the future needs of the community and currently no provision of land for commercial or industrial growth within the settlement. As there are no brownfields development opportunities in Patumahoe, the opportunities for growth and development of the settlement can only be accommodated by the provision of suitably zoned land adjacent to the settlement.

3. Providing appropriate infrastructure to support an extension of the settlement.

The plan change utilises available capacity within existing network infrastructure (in particular capacity within the existing wastewater network) and proposes an internal network of reticulated services, to be installed as part of the staged subdivision of the subject land, that would not necessitate any unbudgeted public expenditure.

4. Avoiding natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character.

The subject land does not include any significant natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character.

5. Avoiding prime soils, where practicable, which significant for their ability to sustain food production (noting there are no elite soils on the subject land).

The subject land does not contain any elite soils.

Only prime soils that are significant for their ability to sustain food production should be avoided, where this is practicable.

Twenty-one of the twenty-seven titles that comprise the 34.98ha subject land are currently used for residential, lifestyle and commercial purposes and do not utilise their soils in a productive manner beyond general stock grazing and raising domestic poultry.

However, some areas of the subject land contain soils that are predominantly classified as LUC Class 2 or 3, which fall within the definition of “prime soils” in the AUP. It is estimated that 23.2ha of the subject land is classified as such, and could, conceivably, be used for horticulture. Of that, it is estimated that 13.34ha is actually available and potentially suited for horticultural use. However, when constraints such as reverse sensitivity issues of neighbouring residential properties, soil...
characteristics and lot size are also considered, only two landholdings of 2.95ha (Lot 18) and 3.11ha (Lot 19) are suitable and available for productive use.

Those two properties are within the eastern section, proposed as Future Urban, rather than a “live” urban zoning. It is noted that the 3.11ha property (Lot 19) is occupied by the existing poultry broiler sheds and that activity does not utilise soil for food production.

Fruition Horticulture’s assessment of the subject land (refer to Appendix 9) identifies a range of constraints on the productive use of the subject land for horticultural uses, including:

- soil characteristics;
- poor drainage;
- reverse sensitivity constraints, due to the proximity of the existing houses, sensitive receivers and the settlement, and
- limitations on the economics of production from small, fragmented, land parcels.

An analysis of utilisation the subject land utilised food production shows, that only one parcel of land of approx. 2.95ha (Lot 18) is currently used for vegetable production, and that the existing kiwifruit orchard is operating at very low yields due to soil limitations and constraints.

From that analysis it is concluded that only 3ha of the 34.98ha subject land (or 8% of the subject land) is available for food production and is free from limitations and/or constraints on its productive use.

Apart from that small area (and the chicken broiler sheds included within the proposed Future Urban zone), the plan change does not include prime soils which might be significant for their ability to sustain food production.

6. Avoiding areas with significant natural hazard risks.

Apart from the escarpment which forms the eastern edge of the subject land, and will require a development set back to ensure the associated risks of slope instability are avoided, there are no identified natural hazard risks applying to the subject land.

7. Providing for future land uses that are consistent with the local character of Patumahoe and the surrounding area.

The plan change has been prepared with due consideration of the natural and physical characteristics of the land, and the existing character of Patumahoe and its rural surrounds.

Specialist Urban Design and Landscape input has been provided to the plan change to ensure that the rezoning and associated sub-precinct provision provide a spatial and built outcome that will maintain local amenity and character values both within the settlement and on the proposed “edges” of the plan change area.

The Precinct provisions recognise existing neighbourhood character and proposed to create a rural village character within the new subdivision resulting from the plan change. The intended outcome

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7 Refer to Table 1, Soil and Resource Report for Patumahoe Rezoning Proposal, Ag First, April 2019
of the plan change is to reinforce Patumahoe’s role as a local service centre, and further enhance it as a settlement with its own distinct character located close to Pukenake.

8. **Enabling the development and use of Mana Whenua’s resources for their economic well-being.**

Consultation has been undertaken with local Mana Whenua – Ngati Te Ata and Ngati Tamaoho has established that both iwi groups support the plan change, subject to the Adoption of Te Aranga principles and achievement of high-quality environmental outcomes.

Where there are no direct economic benefits to Mana Whenua, they will share the benefits arising from the subdivision/development expenditure of approx. $59m, and the creation of approx. 80 light industrial jobs and 17 retail/commercial jobs along with the additional $1.7m of local economic impact per annum that will enhance the vitality of Patumahoe as a sustainable rural settlement.

9.0 **STATUTORY CONSIDERATIONS**

The RMA requires certain statutory requirements under Section 73 and Schedule 1 to be addressed as part of any Plan Change Request.

9.1 **Section 73 and Schedule 1 of the RMA**

Under Section 73(2) of the RMA, 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 of the RMA.

Pursuant to Clause 22 of Schedule 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 change and contain an evaluation report prepared in accordance with section 32 for the proposed plan change.

- Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 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 plan change.

The purpose of and reasons for the plan change request are outlined in Section 3 of this document. These are further supported by the following Assessment of Effects, the accompanying specialist reports (refer to **Appendices 2 to 12**), and the Section 32 Evaluation report (refer below and to Attachment 7).

Pursuant to Clause 25(1) to (4) of Schedule 1, the local authority has 30 working days to consider the request and how it should be dealt with after receiving all the necessary information, as follows:

- Adopt the request (or part of the request) as if it were made by the local authority;
- Accept the request (or part of the request) as a Private Plan Change and proceed to notify the request;
- Decide to deal with the request as a resource consent application; or
- Reject the request in whole or in part.

The local authority can only reject a plan change request for any one or more of the following reasons:

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Envivo ref: 27363
The request is frivolous or vexatious;
- The substance of the request has been considered by the local authority or the Environment Court;
- The request is not in accordance with sound resource management practice;
- The request would make the Auckland Unitary Plan: Operative in Part (AUP: OIP) inconsistent with Part 5 of the RMA; and
- The relevant part(s) of the AUP: OIP has been operative for less than 2 years.

9.2 **Section 74 and Section 75 of the RMA**

The request must give regard to the matters outlined in Sections 74 and 75 of the RMA for territorial authorities to consider when preparing and changing District Plans. The relevant provisions are as follows:

**Section 74 – Matters to be considered by territorial authority**

1. A territorial authority must 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 obligation under Section 32, and any relevant regulations.

2A. A territorial authority, when preparing or changing a District Plan, must 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 the resource management issues of the district.

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

In the context of this plan change request, the requirements of Clauses (2) and (2A) are addressed in the AEE below. The proposal does not present any potential for trade competition.

**Section 75 – Contents of district plans**

1. A district plan must give effect to –
   - any national policy statement; and
   - any New Zealand coastal policy statement; and
   - a national planning standard; and
   - any regional policy statement.

2. A district plan must not be inconsistent with –
   - a water conservation order; or
   - a regional plan for any matter specified in section 30(1).

In the context of this plan change request, the relevant statutory planning documents are the National Policy Statement on Urban Development Capacity 2016 and the Auckland Unitary Plan: Operative in Part.

An assessment of the effects of the plan change request in accordance with the relevant statutory documents is detailed in the AEE below.
9.3 Section 32 of the RMA
Clause 22(1) of Schedule 1 requires that an evaluation report be prepared in accordance with Section 32 of the RMA for the plan change request. The evaluation must take into account the benefits and costs of policies, rules or other methods and the consideration of any alternatives as follows:

Section 32 – Requirements for preparing and publishing evaluation reports
(1) An evaluation report required under this Act must –
(a) Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act.
(b) Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –
(i) identifying other reasonably practicable options for achieving the objectives; and
(ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
(iii) summarising the reasons for deciding on the provisions; and
(c) Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
(2) An assessment under subsection (1)(b)(ii) must –
(a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –
(i) economic growth that are anticipated to be provided or reduced; and
(ii) employment that are anticipated to be provided or reduced; and
(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
(c) assess the risk of occurring or not occurring if there is uncertain or insufficient information about the subject matter of the provisions.

The above matters are addressed in the Section 32 evaluation (refer below and to Attachment 7).

10.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS
This assessment of environmental effects has been prepared in accordance with Clause 22(2) of Schedule 1 of the RMA.

This requires an assessment of effects in such detail as it corresponds with the actual and potential effects anticipated from implementation of the Plan change, taking into account Clauses 6 and 7 of Schedule 4.

The assessment addresses the following matters (identified in Clause 7 of Schedule 4):

a) Any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or 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 value, 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 hazardous installations.

The assessment takes into account the planning framework of Chapter B2 (Urban growth and form) of the AUP Regional Policy Statement. It is noted that urban growth in rural villages is anticipated.
and that extensions to villages must be considered against factors including ensuring compatibility with existing local character, the protection of areas with identified values (including areas of land containing elite and prime soils) and the avoidance of areas with significant natural hazards.

Changes of zoning to accommodate such growth are subject to the structure planning guidelines in Appendix 1 of the AUP. The following section presents an overview of the findings of the various technical reports and environmental assessments (refer to Appendices 2 to 12) that have been prepared for the plan change. The respective technical reports attached should be referred to for greater detail and analysis.

10.1 Land Stability and Geotechnical Effects

A preliminary Geotechnical appraisal report (refer to Appendix 7) has been prepared by Lander Geotechnical Consultants for the subject land. This report assesses preliminary geomorphic conditions and highlights perceived geotechnical constraints to provide an initial development feasibility overview for the purpose of the Plan change request.

10.1.1 Site Characteristics

The eastern area (east of Patumahoe Road) of the subject land is defined by relatively flat ground sloping downwards to the east into a steeply incised gully system with flanking steep slopes. Geomorphic observations within the incised gully system note shallow circular slope instability features on the gully slopes, where some of these instability features have been inferred to be active (based on geomorphic evidence).

The western area (west of Patumahoe Road) of the subject land comprises gently rolling hillside, with a lower lying area (to the south) which is associated an ancient watercourse. Various watercourses and farm channels bisect the land but this area generally contains minimal geomorphic features.

The site is entirely underlain by the South Auckland Volcanic Field (Kerikeri Volcanic Group), where the basalt is at depth and overlain by volcanic ash and tuff deposits. The geotechnical investigation identified that the subject land comprises of topsoil, ash deposits, and alluvial materials (associated with the southwestern ancient watercourse). Groundwater (at 3.0m standing depth) was only encountered within the alluvial soils.

10.1.2 Geotechnical Constraints

The investigation categorises three zones of geotechnical stability across the subject land. The majority of the subject land (approximately 95% of the plan change area) is categorised as land on gentle rolling topography with low to moderate geotechnical risk for future development (i.e. Areas 1 and 2). The furthest eastern end of the subject land (approximately 5% of the PC area) comprises very steep slopes that represent high geotechnical risk for future development.

These findings conclude two primary geotechnical constraints within the subject land, being:

1) Slope stability along the escarpment in the eastern section; and

2) Compressible organic and/or cohesive soils within or near valley / watercourse inverts / ancient watercourse / lake bed deposits resulting in long term consolidation settlement.

To mitigate potential adverse effects with regards to the identified geotechnical constraints as part of future development, it is recommended that:
10.2 Land Disturbance Effects

Urbanisation of the subject land will involve approximately 150,000m³ of land disturbance over an area of approximately 29ha. The proposed earthworks are required to enable the residential development, road network and associated infrastructure and will be undertaken in accordance with the earthworks strategy for the plan change (refer to Appendix 6).

As the future site works will exceed the AUP: OIP thresholds for the area and volume of regional and general earthworks and will require resource consent at each subdivision stage.

The proposed site works will be undertaken in conjunction with staging of future subdivision, which will limit the area of exposed soil and thus reduce the opportunity for sediment run off to be generated, at any given time. The future earthworks will be subject to detailed sediment and erosion control design, prepared in accordance with Auckland Council’s guidance document GD05, as well as industry best practice. These measures are proposed to be constructed on the subject site prior to the earthworks activity at each stage commencing.

The subject land does not contain any significant landforms, vegetation or natural habitat that would be adversely affected by the proposed earthworks. Any potential effects generated from site enabling will be temporary in nature through the duration of development.

10.3 Soil Capability Assessment

AG First has undertaken a Land Use Capability Assessment of the subject land (refer to Appendix 8). The report assesses the classification and quality of soils across the 26 titles comprising the subject land.

In accordance with the definitions of soil types in the AUP, the report applies the New Zealand Land Resource Classification System and applies methodologies of the Land Use Capability Survey Handbook (3rd edition).

AG First has identified that there are no LUC Class 1 soils on the subject land, and as such, there are no elite soils within the subject land.

Within the 26 titles, it is noted that 21 of them are currently used for residential, lifestyle and commercial purposes and do not utilise their soils in a productive manner beyond general stock grazing and raising domestic poultry.
10.4 Land Productivity Assessment

The productive potential of the subject land has been assessed by Sandy Scarrow and Andrew Barber from Fruitition Horticulture (refer to Appendix 9).

The assessment considers the constraints on productive use of the subject land for horticultural uses, including:

- soil limitations (i.e. poor drainage);
- reverse sensitivity constraints, due to the proximity of the existing settlement, and
- limitation on the economics of production from small land parcels.

An analysis of utilisation of the subject land for food production shows, that despite high demand for land for growing vegetables in the locality and other land being cropped all around the subject land, only one approx. 3ha parcel of land at 95 Patumahoe Road (referred to as Lot 18\(^{a}\)) is currently used for vegetable production. That parcel is proposed as Future Urban.

The existing kiwifruit orchard (3.8ha) is operating at very low yields (referred to as Lot 13) and is not sustainable at well below the market average. There are no other high value horticultural land uses being undertaken on the subject land due its inherent constraints.

A site by site analysis of the 16.5ha of land that remains available for potential food production is provided and further details are provided in Table 2 of the report, which summarises the suitability of each “lot” for commercially viable rural production at a highest and best use. That analysis identifies that only two properties have any productive potential, including the 3.0ha area of vegetable production on Lot 18 and the existing poultry (broiler) sheds on Lot 19 (which do not rely on soils for production).

From that analysis it is concluded that only 3ha (Lot 18) of 34.98ha (or 8% of the subject land) is available for food production and is free from limitations and/or constraints on its productive use.

The report concludes that:

> The proposed private plan change concerns land between the Patumahoe township in the north and a railway line in the south. While there is concern about high quality soils being taken out of production to be zoned as residential, this land seems a logical parcel of land to be zoned as such. Most of the land involved is already subdivided into small lots and is therefore unlikely to be used for rural production, is occupied by houses or other buildings, is of poor quality soils or is currently producing unsuited crops. We estimate that there is only about 23.2 hectares (ha) of this land that could be used for horticultural production and this is already impacted by reverse sensitivity issues of neighbouring residential properties, contains area of poorly suited soils and already highly dissected. In total, we estimate that of the land contained within the proposed plan change there is only 13.34 ha that is actually available and suited to horticultural use and most of this area is constrained. It is logical, if any land is to be removed from rural production, it should be this piece of land.

The soil capability and productivity assessments have established that productive utilisation of the subject land is currently constrained by a number of factors, including:

- LUC classification;
- The fragmented landholding held in 26 titles;

\(^{a}\) Refer to Table 1, Soil and Resource Report for Patumahoe Rezoning Proposal, Ag First, April 2019
- Reverse sensitivity concerns from existing sensitive activities such as surrounding residential development, recreational use, and the Patumahoe School; and
- The marginal, subsistence nature of existing kiwifruit and cropping.

Overall, rezoning of the subject land for urban purposes would enable expansion of the settlement with minimal impact on a fragmented area of LUC Class 2 and 3 soils, which while classified as “prime soils” are not recognised locally as being significant for their ability to sustain food production.

The effects of the plan change rezoning the subject land to Single House, Light Industrial and Open Space zones are therefore negligible as the plan change would not remove prime soils that are significant for their ability to sustain food production. The outcome for the 3ha of land utilised productively within the proposed Future Urban zone will be determined by a future structure planning exercise for the eastern section of the subject land.

10.5 Economic Effects

An Economic Assessment (refer to Appendix 10) has been prepared by Property Economics to examine the economic impacts of the plan change and associated rezoning of land.

A change in zoning from rural production zone to Single House, Light Industrial and Open Space zoning, has potential negative economic impacts on the local economy, including the loss of direct local operational expenditure. However, the current level of rural productivity on the subject land is particularly low and provides minimal returns to the local economy.

In comparison to the existing land use activities, the plan change would enable more efficient utilisation of the of the 34.98ha land resource and would generate both transitional and long-term economic benefits.

The plan change will generate significantly positive economic effects, including the generation of almost 100 new jobs within the local economy. A significant portion of those jobs and associated economic benefits relate to the proposed zoning of approximately 2.5ha of land for light industrial activities.

The development of approximately 200-250 new dwellings which will add approximately 20% to Patumahoe’s existing household base, will positively contribute to the projected growth forecast and demand from increasing population/households over the next 10-15 years.

The key findings of the Economic assessment are that:

The proposed plan change has the potential to contribute to the local economy through two avenues. Firstly, the initial development and construction of the 200 residential units and light industrial area, this is likely to generate approximately $5.1m to the former District and SR to the local Patumahoe market in economic activity. For Patumahoe this is likely to generate an additional 16 jobs over the period of construction and development.

Secondly, the development of 200 residential units and 3.5ha of light industrial activity will generate an ongoing level of economic activity to the local economy. In addition to accommodating a further 80 industrial employees within the light industrial zone the additional residents and associated businesses will generate $3.7m of spend within the local market resulting in an additional $300,000 p.a. worth of local income and 17 new jobs.

Overall, the economic effects of the plan change, facilitating an extension of the Patumahoe settlement to the south, will provide substantially greater economic benefits that those derived from the limited existing production under the current land zoning.
10.6 Stormwater Management Effects

A Stormwater Management Plan (refer to Appendix 11) has been prepared by Tripp Andrews for the proposed Plan change. This assesses the potential effects with regards to stormwater management and the associated mitigation measures proposed.

The concept design proposes that stormwater runoff from the 50%, 10% and 1% AEP storm events are drained through the piped public reticulation (for primary flows) and the overland flowpath network (for secondary flows). The runoff will subsequently be treated by the wetland system / detention basin prior to release into the downstream environment.

Within the Plan change area, overland flowpaths are designed to convey stormwater runoff when the primary piped reticulation exceeds its capacity during large rainfall events. As such, overland flowpaths are designed into the road network to direct flows (from up to 1% AEP storm events) into the southeastern detention basin. The wetland system will be designed to meet regulatory requirements for stormwater quality management and ensures post-development flows return to pre-development flows for the entire catchment area.

To avoid potential flood effects, the predicted future flood level is designed at RL64.40, as determined by the overflow of the detention basin, and the minimum finished floor level (FFL) will be set at RL64.90.

In conclusion, the proposed Stormwater Management Plan demonstrates the ability to deliver a comprehensive solution to manage all stormwater generated from the plan change catchment extent. The management process ensures that all flows will be maintained to pre-development levels and potential effects are mitigated (and avoided where practical).

The stormwater design outcome is consistent with the planning outcomes envisaged by Sections B2.6.1 (1)(c), B2.6.1 (2), B2.6.2 (1)(b), B2.6.2 (1)(c) and B2.6.2 (1)(f) of the RPS as it enables growth of an existing rural village by providing appropriate stormwater mitigation / treatment measures for the receiving environment.

10.7 Transport Effects

An Integrated Transport Assessment (refer to Appendix 4) has been prepared by Stantec for the proposed Plan change. This assesses the proposal's potential traffic effects on the existing road network and within the PC area extent.

The analysis, assessments and findings of the report conclude the following:

- Pedestrian and cycle connections within the existing footpath network will be developed to provide active multi-modal transport options.
- It is proposed to close the access from Carter Road to the Patumahoe Road/Clive Howe Road/Carter Road intersection due to limited visibility from the main road at this location. This section of Carter Road will be converted into a shared pedestrian and cyclist path.
- Four potential locations on Mauku Road and Patumahoe Road are suitable to provide safe intersections (A, B, C and D) for the additional traffic movements generated by the plan change.
- Safe and efficient operation of the surrounding road network will not be compromised by increased trip generation provided that appropriate right turning facilities are implemented at each intersection.
10.8 Visual Amenity and Landscape Effects

A Landscape and Visual Impact Assessment has been prepared by Bridget Gilbert Landscape Architects (BGLA) for the proposed Plan change (refer to Appendix 2).

Landscape and visual effects result from changes in the components, character, or quality of landscape. These are usually the result of landform or vegetation modification or the introduction of new structures, activities, or facilities into the landscape.

10.8.1 Visual Effects

The BGLA assessment analyses the potential visual effects that may be generated by the Plan change proposal, including from:

- The background and context within which the development would be viewed;
- The proportion of the built form (including earthworks) that will be visible, determined by the observer's position relative to the objects being viewed;
- The number and type of viewers and their location in relation to the site; and
- The ability to integrate structures and activities with mitigation planting.

Due to the low-lying flat topography of the subject land the majority of the wider context, the visibility of the Plan change area will be limited to the following viewing audiences, with a summary of the assessment provided in Table 1 below:

<table>
<thead>
<tr>
<th>Viewing Audience</th>
<th>Visual Effect</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Residential properties and Patumahoe Domain users (West and northeast)</td>
<td>Low reducing to negligible</td>
<td>The screening effect of existing vegetation patterns and the anticipated amenity achieved from future street trees/open space network plantings and location-specific planning development controls for new urban development will mitigate potential adverse effects.</td>
</tr>
<tr>
<td>2. Road Users</td>
<td>Low reducing to negligible</td>
<td>The proposed location-specific planning development controls and rural village streetscape typologies will ensure new development reflects an attractive and leafy rural village character and mitigate potential adverse effects. Various landscape buffers will ensure that views of built development are filtered and framed by vegetation, serving to avoid the perception of an abrupt and unsympathetic village edge.</td>
</tr>
</tbody>
</table>
### 3. Rail Users

| Negligible (Rail freight trains) | The rail line running between Paerata and Waiuku/Glenbrook is currently used for rail freight only, therefore sensitivity to this viewing audience is considered to be extremely low. With regards to potential future passenger trains on this line, the proposed development controls, streetscape, open space plantings, hedge/shelterbelt planting buffer will enable new urban development to be consistent with the existing rural village character. |
| Low reducing to negligible (Future passenger trains) | |

### 4. Timber Yard

| Negligible | Sensitivity to this viewing audience by the PC is considered to be extremely low and will be mitigated by proposed development controls and landscaping. |

### 5. Residential and rural residential properties (South and East)

| Low reducing to negligible | Intervening lenceline vegetation around dwellings filter views of the site from many locations. Where the site is visible, it reads as part of the typical patterning of rural land around the edge of Patumahoe. The proposed location-specific development controls (i.e. building colours, paving controls, fencing, yard setbacks), rural village streetscape typologies (including a comprehensive street tree planting strategy), open space plantings, and vegetation buffers will ensure that the PC area will read as an attractive, relatively low-key, rural village typology that sits comfortably alongside the existing rural village patterning. |

#### 10.8.2 Landscape Effects

Landscape effects include effects on topographic, vegetative, and hydrological features and also refers to impact on settlement patterns, historic and cultural features, and the general landscape character or ‘sense of place’ of an area.

The plan change will result in the removal of existing orchard plantings, exotic shelterbelts, hedgerows and amenity planting associated with rural residential properties. However, none of the existing vegetation has significant landscape or horticultural value.

The proposed landscaping strategy for the plan change will adequately mitigate the loss of vegetation and enhance the existing landscape amenity.

The landform of the site will not be significantly changed due to its relatively flat topography. The landscaping strategy, is designed to reinforce the distinctive rural ‘sense of place’ associated with the Patumahoe village and does not detract its existing rural-residential landscape character. The proposed extension boundaries support the fragmented development pattern south of the existing village and effectively ‘fill in the gap’ between the rail corridor and the existing village edge.

#### 10.8.3 Summary

The proposed landscape strategy, location – specific measures and planning development controls will assist the visual integration of built form and introduce an attractive cohesive ‘leafy streetscape character’ for newly urbanised areas that is consistent with the distinctive rural amenity experienced in Patumahoe. The urban design elements of the plan change seeks to avoid adverse impacts on the landscape character of rural landholders to the south.

Development enabled through the Plan change will and enhance the terrestrial habitat and biodiversity values of the wider environment and generate low adverse visual and landscape effects,
which will reduce and become negligible, once the landscaping required upon subdivision is completed.

10.9 Urban Design Effects

From an Urban Design perspective, the subject land is a logical extension of the current settlement and is well suited for that purpose. It will complement the existing live zoned areas of Patumahoe and sit within the physical ‘boundary edges’ (i.e. the southern railway line and eastern escarpment) of the settlement in terms of growth management confinement. A limited area of Light Industry zoned land of approximately 2.5ha is proposed adjacent to an existing timber processing yard and the railway line in order to provide opportunity for local non-retail commercial activities that would complement the existing town centre.

The proposal represents a form of development that is consistent with the plan-making and land use outcomes anticipated by the AUP framework, particularly against the relevant provisions of Appendix 1 – Structure Plan guidelines, Chapter B2 – Regional Policy Statement Urban Growth and Form, Chapter I430 – Patumahoe Precinct, Chapter E38 – Urban Subdivision, Chapter H3 – Single House Zone, Chapter H1 – Large Lot Zone and Chapter H17 – Light Industry Zone.

The Urban Design Assessment (refer to Appendix 2) takes into account the relevant AUP provisions above and reaches the following conclusions.

1) The proposed development contributes to a quality compact urban form that supports and enhances the Patumahoe rural village because:
   - The urban design outcome results in a well-connected pattern of streets and blocks that are pedestrian friendly and integrates well with the existing settlement (including its defendable boundary edges).
   - The proposed density maintains the open and spacious character and amenity values of the rural village.
   - The proposal is consistent with the built-form and growth management outcomes anticipated for the expansion of a rural village outside the Rural Urban Boundary (RUB).

2) The proposed development achieves an integrated built form that is well-connected, attractive and enhances residential amenity because:
   - The proposed concept master plan, precinct plan and associated precinct provisions were developed in direct consideration of applicable AUP chapters (E38, I430, H3 and H17) that influence subdivision and development design appropriate for the locality. This enables future development and subdivision to occur in line with planning outcomes envisaged by the AUP;
   - It reflects a well-designed framework that integrates together alternative transport modes, different land uses and attractive landscaping / open spaces.

3) The proposed development provides economic opportunities and employment to support the needs of the local rural community because:
   - Economic opportunities for uses (i.e. vehicle mechanic or storage activities) not suitable for the village centre can be provided through the proposed light industry zoning and a suitable location for these activities to occur within;
• The placement of the Light Industrial zone adjacent to a railway line and an existing timber processing activity will allow it to operate without creating reverse sensitivity or other compatibility problems with residential and recreational areas with higher amenity standards.

4) The proposal will maintain and enhance Patumahoe’s character values and provides for adequate infrastructure to support the growth because:

• The plan change incorporates zoning rationale based on the Patumahoe Precinct in order to complement the development pattern and the existing character of the village;

• The proposed roading network and pedestrian/cyclist infrastructure is designed to convey a rural village character to the extent possible within Auckland Transport’s preferred outcomes;

• The proposal will provide stormwater and recreational infrastructure in a manner that will enhance connections between existing open spaces.

5) The proposal integrates and connects open spaces together because:

• The proposal physically integrates the existing Patumahoe Domain with a new neighbourhood reserve, a stormwater wetland, and attractive pedestrian / cycle friendly networks;

• The concept demonstrates that the western sector can achieve a workable land use frontage with the Patumahoe Domain, giving it further integration that it currently lacks;

6) The proposal manages reverse sensitivity effects with adjacent land use and activities because:

• New residential land adjoining the Patumahoe Domain (separated for the most part by road frontage) and existing residential activities are a very compatible like-for-like outcome that will not give rise to reverse sensitivity effects;

• It incorporates deeper lots and a landscape strip to mitigate potential effects along the interface between the Residential and Rural Production zones;

• It incorporates larger-lot residential uses (i.e. at a density lower than Single House zone) and a landscape buffer to create visual and physical separation from the railway line.

• The location of the proposed light industry zone is compatible with the existing railway line and nearby timber processing yard. This location is separated from residential activities on the northern and eastern sides by a road-width and street landscaping. To the west, a double-landscape buffer is proposed, one on the side of the Light Industry zone and one on the side of the larger-lot residential area;

• Controls are proposed on sensitive (i.e. residential) activities to manage reverse sensitivity effects within 400m of the poultry sheds located the eastern section of the subject land;

• A Future Urban zone is applied over the eastern section of the plan change area, to reserve the area for future urban use (and integration with the remaining plan change extent), while enabling the chicken farm to continue operating in the interim.

The Urban Design assessment is that the proposed plan change is generally consistent with the relevant AUP provisions and the anticipated built environment will result in positive urban design outcomes.
In terms of strategic growth objectives, the report states\(^8\) that:

\[\text{The proposal gives rise to no wider strategic planning issues and has urban design effects confined to the immediate local environment. In terms of the AUP: OP's guidance for structure planning, the scale and significance of the site and its obvious opportunity to sit within the existing settlement's walkable catchment means that there is no need to consider an area wider than the settlement itself.}\]

and concludes that:

\[\text{The proposed Plan provisions would enable the most appropriate urban design outcome for land.}\]

From an Urban Design perspective, the plan change would facilitate a range of positive urban design outcomes for Patumahoe, would enable the outcomes sought by envisaged by Sections B2.6.1 (1)(d), B2.6.2 (1)(a) and B2.6.2 (3) of the Auckland Unitary Plan (Regional Policy Statement) for the growth of rural settlements to be achieved, while ensuring that adverse environmental effects of subdivision and development of the land are minimised.

### 10.10 Heritage Effects

An Archaeological Assessment (refer to Appendix 12) has been prepared by CFG Heritage for the proposed Plan change.

There are eight recorded archaeological sites within 5km outside of the PC area. Seven of these are related to pre-European Maori occupation and land use, with the remaining eighth being a cemetery/urupa dating from the 1850s.

The assessment concludes that no evidence of pre-1900 archaeology and heritage, or significant 20th century heritage, was discovered within the proposed Plan change area. Although no evidence was identified, it is noted that land disturbance works will be undertaken in accordance with accidental discovery protocols and obtain authority from Heritage New Zealand in any case of accidental discovery.

Further to the Archaeological investigations undertaken by CFG Heritage, local iwi groups have been extensively consulted with in preparation of this Plan change proposal. Refer to Section 3.6 for details.

Given that the plan change area is devoid of any significant heritage / cultural features, the proposal will have negligible adverse effects on the heritage and cultural values of the subject land. The plan change is consistent with the planning outcomes envisaged by Section B2.6.1 (1)(a) of the ARPS, as it enables growth of an existing rural village by avoiding disturbance to natural and physical resources with heritage and cultural values to Mana Whenua.

### 10.11 Positive Effects

The proposed rezoning will, as development of the subject land is undertaken, achieve a range of social, economic and cultural benefits for Patumahoe as a rural township, including:

- Providing for future housing needs of the community (approximately 200-250 new dwellings);
- Making provision for Light Industrial activities within the settlement, to provide local employment opportunities for approximately 100 people within the township;

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\(^8\) Section B.1 e. and Section B.2 of Urban Design Assessment, Carter Road Patumahoe; Ian Munro, June 2019
• Facilitate more efficient use of existing fragmented land that is not contributing significantly to the social, economic or cultural well-being of the local community.
• Strengthening the viability and vitality of the town centre through increased economic activity;
• Improving transport connections, efficiency and safety;
• Establishing new areas of public open space, and enhancing interfaces with and linkages between existing areas of public open space including Patumahoe Domain;
• Maintaining and enhancing the character of Patumahoe as a rural township;
• Maintaining (and where possible enhancing) stormwater quality run off from the subject land;
• Extending the landscape strategy and planting from existing sub-precincts across the southern area of the settlement (within the plan change area)

Enhancing cultural values associated with the subject land.

11.0 SECTION 32 ANALYSIS

The purpose of the Section 32 evaluation is to demonstrate that the objectives of the proposal (in this case the “the purpose” of the plan change\(^{10}\)) are most appropriate way to achieve the purpose of the RMA (under s32(1)).

In summary, the ‘purpose of the plan change’ to achieve a more sustainable and efficient use of the subject land, through the rezoning of rural land (that has limited productivity under its current zoning) to a mix of live and future urban zoning, that will support the growth and development of Patumahoe as a sustainable rural village.

This assessment has been prepared with reference to the Ministry for the Environment (MFE) guidance document\(^{11}\) and relies upon the findings from the various specialist assessments appended to the plan change request.

N.B. As the plan change does not contain any new objectives, s32(6) specifies that the “purpose of the proposal” (stated in Section 3.1 of Document 1) is to be read in place of “objectives” throughout all relevant clauses of s32.

11.1 Section 32(1)(a)

Section 32(1)(a) requires an examination of the ‘objectives of the proposal’ in terms of whether they are the most appropriate way to achieve the purpose of the RMA. In this instance that requires assessment of whether the “purpose of the proposal” (stated above) is the most appropriate way to achieve the “sustainable management” purpose of the Act which promotes the use, development and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural well-being; while avoiding, remediating or mitigate adverse effects of activities on the environment.

The horticultural and productivity assessment of the subject land concludes that because of existing fragmentation and constraints, only a very small portion of the land proposed for a live zoning (9%) exhibits any productivity reliant on the soil characteristics. That use is not considered economic.

\(^{10}\) S32(6)(b)

Assessment of the highest and best use alternatives demonstrates that even in that context, the subject land is not productive, nor does it have the potential to be so. Existing constraints, and fragmentation continue to govern any future potential in the same way. Even so, the subject land does not exhibit a strong rural character, with fragmentation into smaller landholdings and scattering of houses throughout. For these reasons, the existing “live” zoning as not considered appropriate.

The plan change proposes rezoning of the subject land into a mix of live urban zoning that is supported by the Patumahoe Precinct (Chapter 1430 of the AUP), and other relevant zone based and Auckland wide provisions – as follows:

- Rezoning and/or including within the Patumahoe Precinct 26.5ha of land to be zoned to Single House, Open Space and Light Industrial.
- Amending the existing Patumahoe Precinct Provisions in Section 1430 of the Auckland Unitary Plan to include a new sub-precinct E, precinct plan, activity rules, standards and assessment criteria.

In addition, the proposal seeks to make provision for 7.05ha of Future Urban zoned land located to the east of Patumahoe Road that is defined along its eastern edge by a steep escarpment and considered to form the long-term limits of the settlement.

No new objectives or policies are introduced to the Plan or Patumahoe Precinct. The amendments proposed are limited to the provisions of the Patumahoe Precinct (Section 1430 of the Auckland Unitary Plan).

It is noted that the plan change does not seek to alter the objectives and policies of other relevant AUP chapters below, all of which are considered appropriate and require no amendment:

11.2 Section 32(1)(b)

Section 32 (1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by:

i) identifying other reasonably practicable options for achieving the objectives,

ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives, and

iii) summarising the reasons for deciding on the provisions.

11.2.1 Assessment of Options

In order to determine the most appropriate way to achieve the objectives of the plan change it is necessary to evaluate other reasonably practical options for achieving the objectives, which include:

Option 1: Adopt the Status Quo / Do nothing (i.e. leave the subject land with its operative Rural Production zoning);

Option 2: Apply for resource consent to subdivide residential lots under the operative zoning;

Option 3: Rezone the subject land entirely into future urban zoning;

Option 4: Rezone the subject land to a mix of live urban zoning (i.e. Residential, Light Industrial and Open Space) and future urban zoning, with no additional Precinct and/or overlay provisions;
Option 5: Rezone the subject land to a mix of live urban zoning (i.e. Residential, Light Industrial and Open Space) and an area of Future Urban zoning, in conjunction with an extension of the Patumahoe Precinct as a new ‘Sub-Precinct E’

<table>
<thead>
<tr>
<th>Options</th>
<th>Efficiency and effectiveness</th>
<th>Benefits</th>
<th>Costs</th>
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</thead>
<tbody>
<tr>
<td><strong>Option 1: Status Quo</strong></td>
<td>The rural production zoned subject land comprises a mix of residential, lifestyle and light commercial activities, which supports low productive use of the land. This option is not effective or efficient, as it does not enable Patumahoe and its community to meet future growth requirements and opportunities to maximise scarce land resource.</td>
<td>Saves cost and time, as there is no need to go through a plan change process. No need to extend infrastructure to service the subject land or to undertake road improvement. No environmental and visual impact as there is no change to the existing rural land uses.</td>
<td>No contribution to additional housing supply. No additional provision of zoned land capable of accommodating the future growth of Patumahoe. No contribution to economic and employment opportunities.</td>
</tr>
</tbody>
</table>

Conclusion - Option 1:
Option 1 maintains the status quo (only) and would not achieve the objectives of the plan change.

| **Option 2: Apply for subdivision under the operative zoning** | It is highly unlikely that subdivision and urban activities would be consented under the operative zoning. | Could be more cost and time efficient, as there is no need to go through a plan change process. | Consenting uncertainty and risk of consent being declined for any subdivision applications applied under the operative rural Production zone. |

Conclusion - Option 2:
Option 2 is unlikely to achieve the objectives of the plan change as the consenting process under the operative zoning is unlikely to result in consent(s) being granted for subdivision of the subject land.

| **Option 3: Rezone entire site into Future Urban zone** | This option would enable rural land to be rezoned into urban land that has potential to be developed in the future which is an effective option for the time-being. However, it is not an efficient approach for the medium and long-term future, given that a subsequent plan change process will be required to achieve live urban zoning of the land. | Saves cost and time, as there is no need to consider structure planning and associated design elements. Would allow for comprehensive and integrated planning of the overall site, prior to its rezoning at a future. | No immediate contribution to housing or light industrial land supply. Unnecessary duplication of costs and inefficient use of time, to rezone the subject land into future urban and to then rezone it at a later date. Uncertainty for landowners in terms of what could be developed on future urban zoned land and when it could be developed. |

Conclusion - Option 3:
This option could potentially achieve the objectives of the plan change over a medium to long timeframe (i.e. 10-20 years). The deferral of the benefits from the plan change would not enable the associated social and economic benefits to be realised by the existing community.

| **Option 4: Rezone into live** | This is an effective and efficient option as it enables contributors to additional housing supply and future growth opportunities for | The default Auckland wide/zone specific AUP development controls are | |

Private Plan Change Request to the Auckland Unitary Plan: Operative in Part Patumahoe South

Envivo ref: 27748
### Consideration of private plan change request – Patumahoe South

**Options**

<table>
<thead>
<tr>
<th>Options</th>
<th>Efficiency and effectiveness</th>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>urban and future urban zoning without precinct provisions</td>
<td>live urban zoning (i.e. ready to be developed). As no Precinct provisions would be introduced, guidance for new development would rely entirely upon the default Auckland wide/zone specific land use and subdivision standards of the UUP. This approach would unlikely be able to ensure new built form is consistent with the form of subdivision and development envisaged by the Patumahoe Precinct that would best maintain and enhance the settlement’s rural village character.</td>
<td>Patumahoe in the short-medium term. Incorporates zoning that is considered appropriate for the locality in terms of density and land uses that integrates well with the existing settlement. Enables development to be consistent with other locations (i.e. those with the same zoning applied in the PC area) throughout Auckland – in particular for already established areas, where Precinct provisions do not apply.</td>
<td>generic and do not recognise the existing character or amenity values of an existing settlement. Difficult to achieve a quality of new development that is consistent with the built form and village character that is unique to Patumahoe, without applying additional locality-specific controls. There is potential for inappropriate development patterns and adverse environmental effects to occur without a clear planning framework.</td>
</tr>
<tr>
<td>Option 5: Rezone into live urban and future urban zoning as an extension to the Patumahoe Precinct</td>
<td>This option would be effective and efficient as it rezones the land into appropriate live urban zoning that is consistent with an established planning framework for the Patumahoe locality. Appropriate amendments will be incorporated into the existing Patumahoe Precinct provisions to reflect specific requirements for the PPC area as a new Sub-Precinct E. The revised provisions will incorporate design elements and mitigation measures specific to this PPC.</td>
<td>Contributes to additional housing supply and future growth opportunities for Patumahoe in the short term. Incorporates zoning that is considered appropriate for the locality in terms of density and land uses that integrates with the Planning outcomes sought by the Patumahoe Precinct provisions. The Patumahoe Precinct provisions are existing and have been assessed through the Unitary Plan process. By adopting an already ‘tested’ statutory framework, this will simplify the Plan Change process and the subsequent consenting requirements for future developments. The Patumahoe Precinct adopts location specific development standards ‘tailored’ for the locality, that will direct new greenfield developments to achieve residential amenity and built form outcomes consistent with the existing village character. The Patumahoe Precinct provides standards that direct the proposed change to residential land use replaces existing rural land that will no longer be used for rural activities. It is noted that the current level of rural productivity on the subject land is low and is not financially viable or sustainable for medium to long term operations. Residential and Light Industrial development will result in a gradual change to the existing rural landscape character. The plan change area comprises some prime (LUC Class 2 and 3) soils. The conversion of the land from rural production to urban activity is a cost of the plan change. However, the area available for productive use is limited and subject to constraints, and its productive potential is very low. There are on-going maintenance costs for the new infrastructure which will be managed by Auckland Council.</td>
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</table>
A comparative assessment of Option 1 and Option 5 (Status Quo and Plan Change) is provided in the attached document: Section 32 Analysis: Summary Table (Status Quo v Plan Change) – refer to Attachment 7.

That assessment includes consideration of:

a) Section 32(2)(a) – the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the plan change, including opportunities for economic growth and employment.

b) Section 32(2)(b) – where practicable, the benefits and costs to be quantified.

c) Section 32(2)(c) – the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

11.3 Benefits and Costs of Environmental, Economic, Social and Cultural Effects

In order to establish whether the objectives of the proposed plan change are the most appropriate way to achieve the purpose of the Act, it is necessary to consider the benefits and costs of the preferred option – Option 5 in accordance with Sections 32(2)(a) and (b).

For the purpose of the s32 benefits and costs analysis, the key findings of the environmental, economic, social and cultural effects assessed in detail in the AEE (above) are summarised in the table below:

<table>
<thead>
<tr>
<th>Options</th>
<th>Efficiency and effectiveness</th>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>urban design-based outcomes specific to the locality which would otherwise not be achievable by Auckland-wide and zone-based provisions.</td>
<td>Watercare Services as public assets (funded by used charges and/or rates). There is potential for reverse sensitivity effects on the eastern end of the plan change area that can be managed via provisions within the plan change to ensure that such effects do not arise.</td>
<td></td>
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</table>

Conclusion - Option 5:

Option 5 would achieve the objectives of the plan change, and would provide the location specific development standards and subdivision framework necessary to ensure appropriate social, community, landscape and urban design outcomes. Therefore, this option is considered to be the most effective method of achieving the objectives of the plan change.
<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
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</thead>
<tbody>
<tr>
<td>Environmental</td>
<td></td>
</tr>
<tr>
<td>• The existing land contains no olive soils and is not highly productive due to the mixed land use activities, fragmented ownership and constraints. There are greater socio-economic benefits to utilise the land resource for residential and light industrial land uses than to retain it for rural production.</td>
<td>• The proposed change to residential land use replaces existing rural land that will no longer be used for a range of rural activities. It is noted that the current level of rural productivity on the subject land is low and is not financially viable or sustainable for medium to long term operations.</td>
</tr>
<tr>
<td>• The purpose of the plan change represents a sustainable and efficient use of limited physical resource (i.e. land) within a evolving environment that demonstrates a need for change and growth.</td>
<td>• Residential development will result in a gradual change to the existing rural landscape character. It is noted that the distinctive rural village character of Patumahoe will be maintained and enhanced through the plan change.</td>
</tr>
<tr>
<td>• The proposed sub-precinct E provisions will ensure that the subject land is developed in accordance with the rural village character, streetscape amenity and overall planning outcomes envisaged by the Patumahoe Precinct. This will deliver a high-quality built form outcome that is integrated with Patumahoe’s distinctive rural village character.</td>
<td>• Urban development will result in the creation of new impervious surfaces that will generate increased stormwater runoff; this has the potential to reduce stormwater quality if not appropriately managed by effective stormwater management. It is noted that the plan change proposes robust stormwater mitigation and treatment solutions appropriate for the subject land.</td>
</tr>
<tr>
<td>• The plan change is designed to enable efficient utilisation of the subject land, whilst achieving a density that is consistent with the character of Patumahoe. This will achieve a quality built environment that retains Patumahoe’s unique village character and amenity values.</td>
<td>• Future land disturbance has the potential to temporarily reduce stormwater quality if sediment and erosion control measures are not properly implemented and managed during site works. It is noted that adverse effects from land disturbance is temporary rather than permanent.</td>
</tr>
<tr>
<td>• Future urbanisation will occur within close proximity to the existing settlement and town centre that would enable a logical extension of the rural village and maximise the opportunity to ‘build off’ existing infrastructure (i.e. site servicing, road network, associated public assets/utilities and open spaces/reserves).</td>
<td>• Site works will introduce potential adverse impact resulting from construction noise, traffic, dust and vibration; however, these are considered to be temporary rather than permanent.</td>
</tr>
<tr>
<td>• The proposed road layout will establish an efficient transport/pedestrian network to support residential growth.</td>
<td>• The increase in residential density will result in increased traffic generation to the existing settlement over time. It is noted that the plan change is supported by the necessary provision of a new road network that makes efficient use of land and integrates/connects with existing roads.</td>
</tr>
<tr>
<td>• The proposal incorporates a comprehensive open space, footpath and greenway design strategy that integrates with existing open space features and presents a legible and attractive green centre for the plan change area.</td>
<td>• The subject land is subject to constraints that limit its productivity.</td>
</tr>
<tr>
<td>• The proposed Stormwater Management Plan will deliver a comprehensive solution to manage all stormwater generated from the plan change catchment.</td>
<td>• The plan change would make land available for residential development and would enhance the socio-economic wellbeing of the community by providing up to 235 new houses, light industrial</td>
</tr>
<tr>
<td>Economic, Social and Cultural</td>
<td></td>
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</table>

**Private Plan Change Request to the Auckland Unitary Plan: Operative in Part Patumahoe South**

*Envivo ref: 27363*
<table>
<thead>
<tr>
<th>Land for the establishment of local business, and approximately 100 new employment opportunities.</th>
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<tbody>
<tr>
<td>By releasing land for development, the future demand for housing in Patumahoe is accommodated and pressure on surrounding rural land for further subdivision is reduced.</td>
</tr>
<tr>
<td>The plan change will increase employment opportunities for the local and wider rural community. The proposed light industrial zoning will complement existing commercial activities present in the Patumahoe town centre by catering manufacturing, servicing and other light industrial activities.</td>
</tr>
<tr>
<td>Economic benefits of the plan change have been assessed at $51m of economic activity in the former (Franklin District), $8m of local economic activity, and the creation of approximately 100 jobs (80 associated with Light Industrial Activity and a further 17 in retail/commercial businesses within the settlement).</td>
</tr>
<tr>
<td>The plan change area is within close proximity to the Patumahoe settlement therefore less investment costs are required to develop new infrastructure as it will connect to existing network reticulation and road networks and will utilise existing wastewater capacity (it is therefore preferable to alternative locations for greenfield development in rural areas that offer less connectivity with established infrastructure of which there is insufficient network capacity).</td>
</tr>
<tr>
<td>The plan change is consistent with the growth directions and aspirations envisaged for Patumahoe, by the Franklin District Growth Strategy 2051, the Franklin Local Board Plan 2017 and Auckland Plan 2050.</td>
</tr>
<tr>
<td>The plan change incorporates the cultural feedback and recommendations provided by Ngati Te Aha and Ngati Tamaha to recognise the intrinsic cultural and environmental values of local mana whenua.</td>
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</table>

Not considered to be sustainable in the medium to long term.

- Urbanisation of the subject land will result in significant investments costs for civil engineering works and construction. However, this will likely be undertaken by the local work force and be contributed back to the local economy via investment and employment.
- There are long term maintenance costs for the new infrastructure which will be managed by Auckland Council/Waitemata Services as public assets. However, costs will be compensated via development contributions and property rates in accordance with Council’s requirements.
- There is potential for reverse sensitivity effects on the eastern end of the plan change area, between agricultural activities, including poultry sheds, located on the future urban zone and existing light industrial activities occurring immediately to the south of the plan change area. However, reverse sensitivity effects are managed via provisions within the plan change to ensure that such effects do not arise.
11.4 Section 32 Evaluation of Plan Change Provisions

The plan change proposes to:

1) Change the zoning of the subject land from Rural Production to Residential: Single House, Business: Light Industry, Open Space: Informal Recreation and Future Urban; and
2) Include the live urban zoned land within the Patumahoe Precinct; and
3) Create a sub-precinct that incorporates additional provisions, to reflect site-specific design requirements and mitigation measures for the rezoned land.

As noted in above, the plan change seeks to adopt existing provisions of the AUP (i.e. under the Auckland-wide, zoning and Patumahoe Precinct sections of the Plan). Therefore, there are no new objectives and policies being introduced that would be subject to a s32 evaluation.

As there are no proposed alterations to the objectives or policies of the AUP, this s32 assessment examines whether:

- the plan change is the most appropriate way to achieve the “sustainable management” purpose of the Act; and
- the proposed amendments to existing provisions (i.e. rules, standards and assessment matters) within the Patumahoe Precinct are the most appropriate, efficient and effective way to apply to achieve the objective of the plan change request.

a) Purpose of the Act

The purpose of the Act set out in Section 5, is to achieve sustainable management by promoting:

...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 well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
(c) avoiding, remediating, or mitigating any adverse effects of activities on the environment.

Inherent within Section 5 is the need for society to assess and give consideration to, based on a careful evaluation, what resources to utilise in which way and at what rate to enable the people and communities of an area to provide for their social, economic and cultural wellbeing, while simultaneously achieving the matters listed in sub-clauses a), b) and c). The following section summarises the effects of the plan change in respect of those matters.

b) Evaluation of Plan Change Outcome and Effects

Social, Economic and Cultural

The plan change is directed at promoting the sustainability and vitality of Patumahoe as a rural settlement with a unique location and its own particular character within the wider Auckland Region. The plan change will have negligible effects on a region-wide basis, as its scale is comparatively minor when considered alongside other recent rezoning (such as Paerata) and structure planning occurring elsewhere in the City (including Pukenaho-Paera and Drury-Opakeke).
Locally the positive economic, social and cultural effects of the plan change will be significant to the Patumahoe community, and include:
- Providing for approximately 200-250 new dwellings (housing 600-900 additional people);
- Making provision for approx. 2.5ha of Light Industrial activities;
- Provide local employment opportunities for approximately 100 people;
- Strengthening the vitality of the town centre by increased economic activity;
- Improving transport connections, efficiency and safety;
- Establishing new areas of public open space and enhancing open space and linkages.

Those positive effects can be achieved in a manner that promotes the sustainable management of Patumahoe without any significant adverse environmental effects, and with few if any adverse effects.

**Urban Design**

A detailed urban design assessment of the site, and input into the plan change has been completed. The plan change adopts a design concept that expands upon the existing settlement pattern, supports the existing neighbourhood centre zone within its walkable catchment, and is confined within obvious ‘edges’ to the settlement in growth management terms (i.e. notably the southern railway line and the eastern escarpment).

The concept incorporates are number of design outcomes which are detailed in the Urban Design Assessment, including:

- Achieving a Single House zone-based subdivision pattern (i.e. by extending the existing Patumahoe Precinct) through the central portion of the site, with the eastern section proposed as Future Urban zone due to existing land constraints that require further design consideration.
- Establishing a road network with a well-connected grid structure that accommodates well-proportioned blocks with road frontage access, minimises rear lots, and enables multiple movement choices.
- Maintaining and reinforces the existing village centre as the focal point for the settlement.
- Providing approx. 2.5ha area of light industrial zoning adjacent to the railway line, enabling light industrial land uses which are not provided for elsewhere in the settlement.
- Facilitating the creation of a connection between the Patumahoe Domain and Clive Howe Road Recreation Reserve via a ‘green corridor’ (for pedestrian and cycle access).
- Establishing a new neighbourhood reserve is proposed in the central portion of the plan change area, accessible from the green corridor.
- Creating a linear stormwater area (i.e. ponds) integrated with the ‘green corridor’ to provide stormwater management and to extend recreational opportunities, including facilitating continuous pedestrian / cycle movements with less interaction with vehicles.

The plan change therefore promotes the planning outcomes envisaged by Sections B2.6.1 (1)(d), B2.6.2 (1)(a) and B2.6.2 (3) of the ARPS, as it enables growth of an existing rural village through design outcomes that reinforce and maintain the existing rural character of Patumahoe.

**Landscape**

Careful consideration has been given to the landscape characteristics of the existing settlement and locality leading to the preparation of a landscape strategy that has been incorporated within the
plan change. The outcome of the strategy is to ensure that the built development outcomes anticipated by the plan change reinforce the existing and distinctive rural village ‘sense of place’ in Patumahoe. This will be achieved by:

- The inclusion of a 10m wide Landscape Buffer and rural fencing controls along the western boundary of the subject site, which adjoins land zoned Mixed Rural. This buffer will form an appropriate, robust, and defensible ‘green’ edge to the south western side of Patumahoe.

- Requiring a comprehensive landscape planting strategy (i.e. implemented upon completion of future subdivision) that will assist the visual integration of built form, create an attractive leafy residential amenity within the development, encourage the perception of a distinctly ‘green’ and low-key rural village streetscape character, and enhance terrestrial habitat / biodiversity values.

- Including hedge planting and shelterbelt buffers along the south side of the plan change area to filter views of new built development (residential and light industrial) from the south.

- The extension of development adjacent to Patumahoe Domain to enhance connections, improve passive surveillance and reinforce the role of the Domain as the primary green open space within the village.

- Locating Light Industry zoning close to the existing timber yard, thereby reinforcing the existing commercial gateway to Patumahoe at its southern entrance.

- Implementing an open space, footpath and greenway strategy that integrates with existing open space features and forms a legible and attractive green centre for the plan change area.

- Requiring stormwater management devices (i.e. wetland detention basin and roadside planted swales) that read and function as part of the open space network and contributes positively to the wider neighbourhood amenity.

- Encouraging design outcomes in keeping with the existing rural village character.

The overall landscape strategy, that has been incorporated into the plan change reinforces the urban design outcomes noted above and supports the planning outcomes envisaged by Sections B2.6.1 (1)(d), B2.6.2 (1)(a) and B2.6.2 (3) of the ARPS

Soils

Soils are a natural resource with a finite limit. The plan change involves the rezoning of a dispersed area of LUC Class 2 and 3 soils of which approx. 13.3ha is potentially available – albeit with constraints that limit its productive use.

When constraints such as reverse sensitivity issues of neighbouring residential properties, soil characteristics and lot size are also considered, only two landholdings of 2.95ha (Lot 18) and 3.11ha (Lot 19) are suitable and available for productive use, of which only Lot 18 (located within the proposed future Urban Area due to its location), provides 3ha of land suitable (but not considered as significant) for food production.

There are substantive benefits of the plan change in terms of promoting the sustainable management of Patumahoe and enabling more efficient utilisation of the subject land, which consequential social, economic and cultural benefits to the local community without generating significant adverse environmental effects.
The physical characteristics of the subject land, including geotechnical qualities, soils types and limitations, and its proximity to the existing settlement limit its productive potential. Consequently, the current level of rural productivity on the subject land is particularly low and provides no local employment and minimal returns to the local economy.

The plan change is considered to reflect an efficient use of the 34.98ha land resource, as the site’s soils are not utilised or highly valued for productive purposes, utilising the subject land to extend the Patumahoe settlement will provide substantially greater economic benefits. The use of the physical resources of the subject land for urban development purposes (housing, light industrial and reserves) therefore enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while avoiding adverse effects on the rural production potential of the area.

The plan change is therefore consistent with Objective 2.6.1(1) and Policies B2.6.2 of the ARPS as it does not encompass an area of prime soils that is significant for its ability to sustain food production.

Geotechnical

The geotechnical conditions of the subject site are generally suited to urban land use, and the area is not at risk to significant geotechnical hazards. The plan change is consistent with the planning outcomes envisaged by Sections B2.6.1 (1)(c) and B2.6.2 (1)(c) of the ARPS as it enables growth of an existing rural village by avoiding disturbance to areas with significant natural hazard risks.

Earthworks

The proposed site works will be undertaken in conjunction with staging of future subdivision, which will limit the area of exposed soil and thus reduce the opportunity for sediment run off to be generated, at any given time. The future earthworks will be subject to detailed sediment and erosion control design, which will incorporate a number of protection measures via conditions of consent.

The sediment and erosion control design will be founded on Council guidance material (Auckland Council Guidance Document GD05) as well as industry best practice. These measures are proposed to be constructed on the subject site prior to earthworks commencing in each stage of subdivision.

Stormwater

Stormwater management across the area of proposed live zoning will provide a comprehensive solution to manage all stormwater generated from the plan change catchment that ensures all flows will be maintained to pre-development levels and potential effects are mitigated (and avoided where practical).

The stormwater design outcome is consistent with the planning outcomes envisaged by Sections B2.6.1 (1)(c), B2.6.1 (2), B2.6.2 (1)(b), B2.6.2 (1)(c) and B2.6.2 (1)(f) of the ARPS as it enables growth of an existing rural village by providing appropriate stormwater management.

Network Infrastructure

The subject land has adequate wastewater capacity and can be serviced by an extension of water supply (with enhanced water storage) and electricity and telecommunications networks. Those services, combined with a new on-site stormwater management system, will ensure that the plan change area has adequate infrastructure and therefore satisfies Objective 2.6.1(2).

Maori Cultural Values

Comprehensive consultation has been undertaken with local iwi groups Ngati Tamaoho and Ngati Te Ata and their feedback has been integrated into the plan change and sub-precinct E provisions.
Iwi support the plan change outcomes and wish to undertake cultural monitoring during periods of site works to ensure that appropriate cultural outcomes are achieved.

The PPC is consistent with the relevant Chapter B6 objectives and policies as it embraces the principles of the Treaty of Waitangi via cultural input into the sustainable management of natural and physical resources.

Heritage

An Archaeological Assessment of the subject land concludes that there is no evidence of pre-1900 archaeology and heritage, or significant 20th century heritage, was discovered within the proposed Plan Change area. Consultation with local Iwi groups has not resulted in any cultural sites being identified on the subject land.

Although no evidence was identified, it is noted that land disturbance works will be undertaken with cultural monitoring and in accordance with accidental discovery protocols of the AUP. It would also be appropriate to obtain an archaeological authority from Heritage New Zealand prior to any works commencing in any case of accidental discovery.

The plan change is consistent with the planning outcomes envisaged by Section B2.6.1 (1)(a) of the ARPS, as it enables growth of an existing rural village by avoiding disturbance to natural and physical resources with heritage values and/or cultural values to Mana Whenua.

Reverse Sensitivity

Measures to prevent reverse sensitivity between the proposed residential zones and the existing poultry (broiler) farming operation on the eastern section of the plan change area are included. A Future Urban zone is applied over the eastern section of the plan change area, to reserve the area for future urban use (and integration with the remaining plan change extent), while enabling the chicken farm to continue operating in the interim. In addition, controls are proposed to manage residential activities within 200m and to control reverse sensitivity effects within 400m of the poultry sheds.

The placement of the Light Industrial zone adjacent to a railway line and an existing timber processing activity (immediately to the south of the railway line) will allow that activity to continue operation under its existing consents without creating reverse sensitivity or other compatibility problems with residential and recreational areas with higher amenity standards.

Summary

It is therefore considered that rezoning of the subject land for urban (residential/industrial) and recreational purposes:

- Achieves the efficient use of natural and physical resources at a rate that enables people and communities to provide for the social, cultural and economic wellbeing;
- Avoids adverse effects on the subject land, Patumahoe village and the wider rural locality.

It is therefore considered that the private plan change process promotes outcomes consistent with Section 5 of the Act and represents the most appropriate way to achieve the purpose of the Act for the people and communities of Patumahoe.

11.5 Risk of Acting or Not Acting if there is Uncertain or Insufficient Information

Section 32(2)(c) requires consideration of the risk of acting or not acting if there is uncertain or insufficient information.
The plan change request is supported by a number of detailed technical reports (in Appendices 2 to 12) that have been prepared to understand the values and limitations of the existing natural and physical resources of the subject land and assess the full spectrum of effects, benefits and costs resulting from the plan change.

These reports address matters relating to soil classification, productive potential of soils, land stability, stormwater management, transportation, visual landscape, urban design, cultural values, heritage and economic costs/benefits.

It is considered that sufficient information has been prepared to justify proceeding with the plan change and that the risk of acting on this information is negligible. Accordingly, there is sufficient information about the subject land and supporting the plan change to progress with the plan change.

12.0 SUMMARY AND CONCLUSION

The objectives of the proposal are consistent with the Sustainable Management purpose of the Resource Management Act 1991 and would give effect to the Strategic Regional Growth objectives for the Auckland Region at a local level.

The plan change will facilitate the sustainable management of the subject land to meet the social, economic or cultural needs of the community, in a manner that is consistent with the established planning framework for Patumahoe under the AUP and would:

- Contribute additional land for employment and housing to support the sustainable management of Patumahoe with associated social, cultural and economic benefits to the local community.
- Generate economic benefits in the order of $59m of economic activity and the creation of approximately 100 jobs within the settlement.

Land use on the subject land will transition from a range of rural, residential and commercial activities to residential and light industrial. While the subject land contains some prime (LUC Class 2 and 3) soils, the area available for productive use is limited and subject to constraints, and its productive potential is low.

There is potential for reverse sensitivity effects on the eastern side of the plan change area, between agricultural activities, including poultry sheds, located on the future urban zone and existing light industrial activities occurring immediately to the south of the plan change area can be effectively managed via provisions within the plan change to ensure that such effects do not arise.

There is sufficient information about the subject land and supporting the plan change to progress with the plan change, and no identified risks from taking that action.

For those reasons it is concluded that the plan change request relating to 34.98ha of land at Patumahoe South, having been evaluated in accordance with Section 32 of the Resource Management Act 1991, is:

a) the most appropriate method to achieve the “sustainable management” purpose of the Act in relation to the subject land at Patumahoe; and

b) the methods within the plan change are the most appropriate way to achieve the purpose of the plan change.

Private Plan Change Request to the Auckland Unitary Plan: Operative in Part Patumahoe South

Envivo ref: 27345
Item 9

Report prepared by:

James Hook
Planning Consultant
B Surv M RRP MNZPI

and by:

John Yan
Planning Consultant
B Plan (Hons) Int. NZPI

Envivo Limited
Level 1, 18 Normanby Road, Mt Eden, Auckland
PO Box 109 207, Newmarket, Auckland 1149
Phone (09) 630 9512

Private Plan Change Request to the Auckland Unitary Plan: Operative in Part Patumahoe South

Envivo ref: 27363
ATTACHMENTS

1. Subject Land Property Details
2. Watercare Correspondence
3. Auckland Transport Comments
4. Kiwirail Correspondence
5. Proposed Amendments to the AUP
6. Appendix 1 AUP Assessment
7. S32 Evaluation Table
B Clause 25 Schedule 1, Resource Management Act 1991

25 Local authority to consider request

(1) A local authority shall, within 30 working days of—
   (a) receiving a request under clause 21, or
   (b) reviewing all requested information or any report which was commissioned under clause 23; or
   (c) modifying the request under clause 24—
      whichever is the latest, decide under which of subclauses (2), (3), and (4), or a combination of subclauses (2) and (4), the request shall be dealt with.

(1A) The local authority must have particular regard to the evaluation report prepared for the proposed plan or change in accordance with clause 22:
   (a) when making a decision under subclause (1); and
   (b) when dealing with the request under subclause (2), (3), or (4).

(2) The local authority 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 or 5A within 4 months of the local authority accepting the request; and
      (ii) the provisions of Part 1 or 4 must apply; and
      (iii) the request has legal 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.

(2AA) However, if a direction is applied for under section 80C, the period between the date of that application and the date when the application is declined under clause 77(1) must be included in the calculation of the 1-month period specified by subclause (2)(a)(i).

(2A) Subclause (2)(A)(ii) is subject to section 86B.

(3) The local authority may decide to deal with the request as if it were an application for a resource consent and the provisions of Part 5 shall apply accordingly.

(4) The local authority may reject the request in whole or in part, but only on the grounds that—
   (a) the request or part of the request is frivolous or vexatious; or
   (b) within the last 2 years, the substance of the request or part of the request—
      (i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
      (ii) has been given effect to by regulations made under section 360A; or
   (c) the request or part of the request is not in accordance with sound resource management practice; or
   (d) the request or part of the request would make the policy statement or plan inconsistent with Part 2, or
   (e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.

(5) The local authority shall notify the person who made the request, within 10 working days, of its decision under this clause, and the reasons for that decision, including the decision on notification.
**Auckland Unitary Plan – Making operative Private Plan Change 28 – Florence Carter Avenue, Flat Bush**

File No.: CP2020/13199

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**Te take mō te pūrongo**

**Purpose of the report**

1. To make operative Private Plan Change 28, to rezone 1, 3, 5, 7, 10, 12 Florence Carter Avenue, Flat Bush to the Auckland Unitary Plan (Operative in Part).

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**Whakarāpopototanga matua**

**Executive summary**

2. Private Plan Change 28 is a privately initiated plan change by James Kirkpatrick Group Limited to rezone 1, 3, 5, 7, 10, 12 Florence Carter Avenue, Flat Bush from Light Industry zoned land to a Business – Mixed Use zone with height variation and maximum gross floor area controls for retail, office and commercial services. The plan change also introduces a new Florence Carter Avenue Precinct. The subject area comprises 9.3444 hectares of land and is owned by James Kirkpatrick Group Limited (refer Attachment A).

3. The plan change was fully notified on 25 July 2019. A total of four submissions were received with no further submissions.

4. Private Plan Change 28 was considered by two independent hearing commissioners who were satisfied that no remaining issues required a hearing (per Clause 8C Schedule 1 of the Resource Management Act). The commissioners approved the private plan change with modifications. The decision was publicly notified on 10 July 2020.

5. No appeals were received, and therefore the relevant parts of the Auckland Unitary Plan (Operative in Part) can now be amended and made operative as set out in the decision (and included in Attachment A of the agenda report).

---

**Ngā tūtohunga**

**Recommendation/s**

That the Planning Committee:

a) approve Private Plan Change 28 to the Auckland Unitary Plan (Operative in Part), under clause 17(2) of Schedule 1 of the Resource Management Act 1991, as it relates to the decision dated 19 June 2020 as identified in Attachment A of the agenda report

b) request staff to complete the necessary statutory processes to publicly notify the date on which the plan change becomes operative as soon as possible, in accordance with the requirements in clause 20(2) of Schedule 1 of the Resource Management Act 1991.

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**Horopaki**

**Context**

6. Private Plan Change 28 sought to rezone 1, 3, 5, 7, 10, 12 Florence Carter Avenue, Flat Bush from Light Industry zoned land to a Business – Mixed Use zone with height variation and maximum gross floor area controls for retail, office and commercial services in the Auckland Unitary Plan (Operative in Part). The plan change also introduces a new Florence Carter Avenue Precinct.
7. The plan change was fully notified on 25 July 2019. A total of four submissions were received with no further submissions.

8. Private Plan Change 28 was considered by two independent hearing commissioners. The commissioners decided not to hold a hearing as they were satisfied that no remaining issues required a hearing (per Clause 8C Schedule 1 of the Resource Management Act). A decision was issued on 19 June 2020 to approve the plan change with modifications.

9. No appeals were received, and the plan change can now be made operative.

Tātaritanga me ngā tohutohu
Analysis and advice


11. Clause 17(2) states that ‘a local authority may approve part of a policy statement or plan, if all submissions or appeals relating to that part have been disposed of’. There were no appeals received and council can now approve the plan change.

12. Clause 20 of Schedule 1 sets out the process that is required to be undertaken for the notification of the operative date. Plans and Places staff will notify the operative date as soon as possible following the Planning Committee’s resolution.

Tauākī whakaaweawe āhuarangi
Climate impact statement

13. As a procedural request, impacts on climate change are not relevant to this recommendation.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

14. Specialist advice was received from staff in Auckland Transport, Healthy Waters and Watercare Services on the private plan change and the supporting section 32 report.

15. Submissions were received from Auckland Transport and Watercare Services.

16. Following discussions, Auckland Transport’s concerns were resolved through agreed wording to the provisions and they later indicated that a hearing was not required. Initial concerns raised by Watercare Services were also resolved and they later advised that such matters could be addressed through the required resource consent at the future development stage. Watercare Services indicated that a hearing was not required.

17. No issues of concern were raised by Healthy Waters.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

18. The views of both the Ōtara-Papatoetoe and Howick Local Boards (due to close proximity to the subject site) were sought on the private plan change following lodgement of the request. Both local boards advised that they were not opposed to the plan change however did provide some comments for consideration by the reporting planner, all of which were adequately addressed through the range of specialist assessments accompanying this plan change.

19. Local board views were not sought for this report as making the plan change operative is a procedural matter.
**Tauākī whakaaweawe Māori**

**Māori impact statement**

20. The requestor consulted with 11 iwi groups with interests in the site, prior to lodging the private plan change with council. They received three responses, two of which deferred their interests to local iwi – Ngāti Whātua Ōrākei and/or to other mana whenua groups. Ngāi Tai ki Tāmaki indicated they had no objections to the private plan change.

21. All relevant iwi authorities were formally notified of the plan change as part of the public notification procedure under the Resource Management Act. No submissions were received from any mana whenua groups during the submission period.

22. In response to feedback from iwi the hearing panel included a commissioner with an understanding of tikanga Māori.

**Ngā ritenga ā-pūtea**

**Financial implications**

23. There are no financial implications arising from this procedural decision. Approving plan changes and amending the Auckland Unitary Plan (Operative in Part) is an administrative and statutory requirement and is budgeted expenditure for the Plans and Places Department.

**Ngā raru tūpono me ngā whakamaurutanga**

**Risks and mitigations**

24. There are no risks associated with making the plan change operative.

**Ngā koringa ā-muri**

**Next steps**

25. The final step in making the plan change operative is to publicly notify the date on which it will become operative, and to update the Auckland Unitary Plan (Operative in Part).

**Ngā tāpirihanga**

**Attachments**

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
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<tbody>
<tr>
<td>A1</td>
<td>Private Plan Change 28 - Decision</td>
<td>103</td>
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**Ngā kaihaina**

**Signatories**

<table>
<thead>
<tr>
<th>Author</th>
<th>Michael Luong - Principal Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>
Decision following the hearing of a Plan Modification (PPC28 – Florence Carter Avenue, Flat Bush) to the Auckland Unitary Plan under the Resource Management Act 1991

Proposal: To rezone approximately 9.3444 hectares of Light Industry zoned land to a Business – Mixed Use zone with height variation and maximum GFA controls for retail, office and commercial services. PPC28 introduces a new Florence Carter Avenue Precinct.

Plan Modification PPC28 is APPROVED as amended by us. The reasons are set out below.

<table>
<thead>
<tr>
<th>Plan modification number:</th>
<th>Private Plan Change 28</th>
</tr>
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<tbody>
<tr>
<td>Site address:</td>
<td>1,3,5,7,10,12 Florence Carter Avenue, Flat Bush</td>
</tr>
<tr>
<td>Applicant:</td>
<td>James Kirkpatrick Group Limited (JKGL)</td>
</tr>
<tr>
<td>PPC Lodged:</td>
<td>12 November 2018</td>
</tr>
<tr>
<td>CI23 Further information:</td>
<td>8 February 2019</td>
</tr>
<tr>
<td>Further information:</td>
<td>15 March and 20 June 2019</td>
</tr>
<tr>
<td>PPC28 Accepted:</td>
<td>2 July 2019</td>
</tr>
<tr>
<td>PPC28 Notified:</td>
<td>25 July 2019</td>
</tr>
<tr>
<td>Submissions closed:</td>
<td>27 August 2019</td>
</tr>
<tr>
<td>Submissions summary:</td>
<td>12 September 2019</td>
</tr>
<tr>
<td>Further submissions:</td>
<td>26 September 2019</td>
</tr>
<tr>
<td>Hearing commenced:</td>
<td>A hearing was not required.</td>
</tr>
<tr>
<td>Decision panel:</td>
<td>David Hill (Chairperson)</td>
</tr>
<tr>
<td></td>
<td>Sheena Tepania</td>
</tr>
<tr>
<td>Hearing not required decision:</td>
<td>25 May 2020</td>
</tr>
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INTRODUCTION

1. This decision is made on behalf of the Auckland Council (“the Council”) by Independent Hearing Commissioners David Hill (Chair) and Sheena Tepania appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“the RMA”).

2. The Commissioners have been given delegated authority by the Council to make a decision on Private Plan Change 28 (“PPC 28”) to the Auckland Council Unitary Plan (Operative in Part) (the AUP) after considering all the submissions, the section 32 evaluation, and the s42A report prepared by the reporting officer, Mr Michael Luong.
3. PPC 28 is a private plan change by James Kirkpatrick Group Limited (JKGL) that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as now enabled under the RMA).

4. The plan change was publicly notified on 25 July 2019 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1 RMA. Notification involved a public notice as well as letters to directly affected landowners and occupiers alerting them to the plan change. The latter step was aimed at ensuring that landowners and occupiers of properties affected by potentially significant changes were made aware of the changes.

5. The submission period closed on 27 August 2019. A summary of decisions requested was notified for further submissions on 12 September 2019. A total of 4 submissions were received with no further submissions. One submission (Erica Luo) was in support, two (Auckland Transport and Takai Tamata) sought a decline, and one (Watercare) was neutral.

6. A comprehensive s42A report was prepared by Mr Michael Luong (principal planner, Auckland Council). The report was prepared with the assistance of technical reviews as follows:

<table>
<thead>
<tr>
<th>Specialty Area</th>
<th>Reviewing Specialist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economics</td>
<td>Susan Fairgray, M.E Consulting Ltd</td>
</tr>
<tr>
<td>Transport</td>
<td>Terry Church, Flow Transportation Specialists</td>
</tr>
<tr>
<td>Urban Design</td>
<td>Nick Pollard, Boffa Miskell Limited</td>
</tr>
<tr>
<td>Landscape</td>
<td>Tom Lines, Boffa Miskell Limited</td>
</tr>
</tbody>
</table>

7. In his s42A report, Mr Luong concluded that sufficient information had been provided such that PPC28 should be approved subject to agreed provisions. He recommended accordingly.

**SUMMARY OF PLAN CHANGE**

8. Through PPC28, JKGL proposes to rezone approximately 9,3444 hectares of Light Industry zoned (LIZ) land to a Business – Mixed Use zone (MUZ) with height variation and maximum GFA controls for retail, office and commercial services. PPC28 also introduces a new Florence Carter Avenue Precinct.

9. The proposed plan change now sought is described in the application¹ as requiring the following amendments:

1. Amend the zone of the subject site from Light Industry to Mixed Use; and
2. Provide for a height variation control.
3. Provide for a maximum total retail GFA control of 15,000m².
4. Provide for a maximum total office GFA control of 15,000m².
5. Provide for a maximum total commercial services control of 2,500m².

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¹ Proposed Plan Change, Mt Hobson Group, section 4.

Private Plan Change 28 – Florence Carter Avenue Precinct
6. Provide for a ‘Florence Carter Avenue’ precinct, which will contain the additional rules proposed for the plan change area.

10. The application\(^2\) states that:

   Amending the zone will provide consistency with the zoning of surrounding land uses, will better enable the type of development that Council has signalled for this area (based on the AUP zoning pattern) and will also remove a fragmented piece of Light Industrial land that has no connection to the existing consented uses on the sites and on the other Lots created by the recent subdivision of 79 Ormiston Rd.

11. As summarised by Mr Luong\(^3\), the proposed precinct provisions specifically aimed to:

   (a) limit the cumulative total amount of retail, office and commercial services floorspace that can occur on the site to avoid adverse economic effects to nearby centres;

   (b) provide for an additional height variation control within the precinct that will change the existing LIZ 20m height limit to between 20m and 28m;

   (c) provide a restriction to manage dwellings to avoid these locating on the ground floor where they have a frontage to public roads;

   (d) appropriately manage transport demands generated by the enabled activities that may be developed on the PPC28 land and to appropriately mitigate the effects of transport demands in this location.

12. Further detailed amendments to the proposed provisions were subsequently made by agreement with the various submitters that indicated a wish to be heard and Council such that we accepted that there were no outstanding matters in dispute that required a hearing – and we formally indicated this by Minute #3 issued on 25 May 2020.

13. For the record we note that submitter Takai Tamata, tenant of 1 Tonu’u Court, Chapel Park, who sought that PPC28 be declined, indicated no wish to be heard.

14. On 12 December 2018 the Otara-Papatoetoe Local Board advised of their support for the private plan change subject to a number of considerations\(^4\).

15. We also note that on 8 August 2019 the Howick Local Board (which is the adjacent local board) provided advice to Council indicating that the issue of reverse sensitivity from residential activity on adjacent light industry users should be considered, but did not wish to be heard.

PRE-Hearing PROCESS

16. On 9 April 2020, and prior to any scheduled hearing due to the Covid-19 National State of Emergency, Commissioners issued Minute #1 identifying two matters on which we considered further information was required – being the wider residential implications of changing from LIZ to MUZ, and more detail about the iwi / mana whenua consultation - although noting that its ability to require that was not explicitly provided under s41 RMA. We therefore invited JKGL and Council to consider options for satisfying that requirement.

\(^2\) Proposed Plan Change, Mt Hobson Group, section 4.1.
\(^3\) S42A report, para 17.
\(^4\) S42A Report, para 166.
17. In the event, both JKGL and Council agreed to provide the information sought by way of addenda – by Mt Hobson Group (Mr Firth) by Memorandum dated 29 April 2020 and by Mr Luong in responses dated 14 April and 11 May 2020.

18. While a hearing was then scheduled for 11 June 2020, following receipt of formal correspondence from those submitter parties that had initially indicated a wish to be heard that they no longer required a hearing, their issues having been resolved through agreed provision wording, Commissioners were satisfied that no remaining issues required a hearing (per Cl 8C Schedule 1 RMA) and, as noted above, indicated such on 25 May 2020.

19. The relevant submitter correspondence is as follows:

(a) Watercare Services – Letter from Ilze Gotelli, Head of Major Developments, dated 27 November 2019;

(b) Auckland Transport – Email from Kevin Wong-Toi, dated 18 March 2020.

PROCEDURAL MATTERS

20. No other procedural matters were engaged.

RELEVANT STATUTORY PROVISIONS CONSIDERED

21. The RMA (and settled caselaw) sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are competently set out and assessed in the application documentation and its s32 assessment, and more particularly in section 6 of the s42A Report. As those provisions were not in dispute, and we agree those are the relevant provisions as settled in caselaw, we see no need to repeat them again. We confirm that we have taken careful consideration of those requirements and the companion caselaw in making our determinations.

22. Clause 10 of Schedule 1 RMA requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA.

23. We note that Mr Luong makes no explicit reference to the s32 RMA evaluation provided by JKGL – but assume that he endorsed that as his recommendation was to approve the plan change - and no s32AA RMA further evaluation was undertaken on the recommended provision changes either by JKGL or Mr Luong. We address that below.

24. For the record we note that the provisions of PPC28 generally adopt the standard provisions of the AUP except where a modification is required to achieve the stated purpose of PPC28. That approach is consistent with the manner in which precinct provisions are generally developed under and in the AUP.

PLANNING CONTEXT HISTORY

25. JKGL notes that it holds a number of live resource consents over the subject site for non-core light industrial activities including travellers’ accommodation, hotel use, and retail. 

---

5 Proposed Plan Change, Mt Hobson Group, section 7.
6 Proposed Plan Change, Mt Hobson Group, section 2.2.
Thompson\(^7\), in his economic analysis supporting the application, notes that those consented activities across the 9.3ha PPC28 site include some 65,000m\(^2\) GFA; being 22,755m\(^2\) retail and office; 7,336 m\(^2\) motel; and 34,555m\(^2\) hotel.

26. No detail is provided as to when those consents were granted – other than that they pre-date the AUP 2016 – but even if they are approaching their s125 RMA default 5-year lapse date, as the site is presently vacant, they nevertheless are part of the existing environment for present purposes.

PRINCIPAL ISSUES IN CONTENTION

27. As all matters are agreed between JKGL, Mr Luong, Watercare and Auckland Transport, in the interest of brevity and efficiency we see little merit in rehearsing the detail of those matters – instead we summarise them below.

28. The only potential issue in contention remaining is that with submitter Takai Tamata (who did not request a hearing and therefore we were unable to take the submission any further than on its face).

29. The s42A report summarised submitter Tamata’s opposition as follows:

Decline the plan change due to amenity reasons unless a house (not a unit) around the area can be found for the submitter.

30. That misses the essential point we think. The submitter (‘a pensioner with some health problems’) lives on the opposite side of Te Irirangi Drive, a 4-lane arterial road, and expresses concern about the prospect of having to move from the area, seemingly in the belief that this is a necessary consequence of the plan change. Clearly that is not the case and either the submission has been incorrectly filed on PPC28 or is misguided.

31. In any event, this submission does not raise a relevant issue for our consideration and the recommendation to reject the submission is endorsed.

32. For completeness we record that the matters in contention at the time of submission were, as summarised in the s42A report\(^8\) (and with which we agree), as follows:

(a) Watercare Services:

- JKPQG was asked to address the technical feasibility of the proposed water servicing arrangement to ensure that the effects on Watercare’s existing and planned water network are appropriately considered and managed in accordance with the RMA.
- JKPQG has noted that it is committed to fund any water and wastewater infrastructure upgrades that may be required should the worst-case scenario eventuate as the development progresses.

(b) Auckland Transport:

- Supports the mix of activities enabled and strategic location, but seeks to:

\(^7\) Thompson, Economic Cost-Benefit Analysis, section 3 (Application Appendix 4)
\(^8\) s42A Report, section B.2.

Private Plan Change 28 – Florence Carter Avenue Precinct 5
• amend the proposed precinct provisions for transport;
• confirm traffic generation/mode share assumptions for extent of development permitted by the revised zoning, such that transport infrastructure can be confirmed as being fit for purpose;
• ensure sufficient land is vested to allow for the intersection upgrade proposed at the Ormiston Road / Florence Carter Avenue intersection;
• walking movement plan;
• require a travel plan strategy and travel demand management; and
• parking provisions.

33. Those matters have either been resolved through the provision of further information or by proposed provision drafting – which we discuss further below. No person made a further submission on those proposed amendments.

34. In addition, we raised two matters for further response as noted above by Minute #1, as follows:

(a) The broader spatial implications of applying the MUZ to this land in view of the fact that residential accommodation activity (dwellings, integrated residential development, supported residential care and visitor accommodation and boarding houses) is a permitted activity in the zone, the Unitary Plan provisions for such are broadly permissive, and no additional residential controls are proposed;

(b) Specific details of the consultation / notification undertaken with iwi Mana Whenua groups. There is some disparity in the identified iwi / Mana Whenua groups consulted and/or notified by the JKL and Council. It would be helpful therefore:

(i) To understand why those “lists” differ,
(ii) Who received what from whom; and
(iii) Copies of formal correspondence received from any of those identified iwi / Mana Whenua groups (we understand particularly from Ngāti Paoa & Ngāi Tai ki Tāmaki).

35. A subsidiary point on the first issue is that considerable attention was focused during the AUP on the provisions across the region for LIZ, being a zone generally considered undersupplied - and one of the more difficult business zones to introduce retrospectively into an urban area. The present proposal effectively removes another piece of LIZ. Furthermore, evidence given at other plan hearings of which the Commissioners are aware has suggested that the more enabling provisions for residential activities in the proposed MUZ have, apparently, seen a disproportionate uptake for residential as opposed to other business activities. Those questions therefore needed to be answered for the present proposal.

36. In his 29 April 2020 planning response, Mr Firth provided what might be termed a social impact overview as to whether the residential component of the MUZ could create issues for existing locally available services. He concluded that this would not be the case noting that the site is unlikely to be developed in one stage, taking at least 10 years to complete, such
that services had ample time to respond or develop as necessary; and that there are no other large residentially-zoned sites in the immediate locality with which it might be said to compete. As such he did not consider PPC28 either “contrary to policy” or creating any formal precedent.

37. In his 11 May 2020 response Mr Luong undertook a more detailed review of the MUZ provisions and PPC28 noting, among other things, that residential activity was therein required above ground floor level in order to provide for commercial activities at street level; that mixed use activities have been consented over the sites and therefore the existing environment has changed; that any new buildings would require consent as a restricted discretionary activity so that urban design and amenity issues (at least) can be addressed; and that sufficient buffer separation is provided from the adjacent LIZ activities. He also noted that the urban design and landscape technical reviewers supported those observations, and concluded that the MUZ was now the appropriate zone and that no additional residential controls (such as spatial or capacity caps for example) were required. Mr Luong also noted that no submissions in opposition were received from potentially affected LIZ businesses.

38. While the “loss” of LIZ was not explicitly addressed we accept that the existing environment, established by the apparently live consents held is not LIZ and, again, no objections were received from adjacent LIZ businesses.

39. In view of that, we are satisfied that applying the MUZ is the most appropriate alternative business zone – albeit not all of its purpose parameters are met.

40. The second issue reflected the fact that only summary information was provided to the Commissioners. To be able to accept those summaries we needed to sight original correspondence and replies (as was also the case with Watercare Services and Auckland Transport). In his email response of 14 April 2020, Mr Luong advised that he had corrected an error in his list, deleting the incorrect reference to Ngāti Whātua o Kaipara, Ngāti Whātua Ōrākei and Te Rūnanga o Ngāti Whātua, replaced with Ngāti Whanaunga and Te Ahiwaru Waiohua - such that the two lists were now consistent - and we were provided with the relevant response correspondence.

41. We are therefore satisfied that the consultation undertaken was sufficient and as reported.

STATUTORY PROVISIONS

42. As we noted earlier in this decision, the RMA sets out a range of matters that must be addressed when considering a plan change. We confirm that we have addressed those matters.

43. We also note that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. Having reviewed the s32 evaluation undertaken by Mr Firth we accept that as sufficient for the notified PPC28.

44. Section 32AA RMA requires the undertaking of a further evaluation on any changes proposed subsequent to the original s32 evaluation, in such detail as corresponds to the
scale and significance of those proposed changes, and sufficient to demonstrate that such has been undertaken as required. The further changes proposed are shown in Appendix 2 to this decision.

45. While the “new” amended provisions are extensive, we agree that they are within scope of the submissions made by Auckland Transport, do not pose substantively new matters; are essentially mechanical or administrative; support the purpose, objectives and policies of the MUZ and the precinct; and being acceptable to JKG require no further evaluation.

46. As no material new and relevant higher order policy statements or standards have been issued since the AUP came into partial operation in 2016, we see no need (or benefit to be gained) to make explicit reference to Part 2 RMA. We are satisfied that PPC28, as amended by us, satisfies the sustainable management of natural and physical resources purpose and its principles.

47. Having considered the relevant background documents, we are satisfied, overall, that PPC28 has been developed in accordance with the relevant statutory and planning policy requirements, and will assist the Council in its effective administration of the AUP.

SUBMISSIONS

48. For the record we note that we have accepted the s42A report recommendations on submissions made in the s42A report – these are summarised in Appendix 4.

Appendices

49. Attached and integral to this decision are 4 Appendices as follows:

- Appendix 1 = PPC28 Florence Carter Avenue Precinct Provisions;
- Appendix 2 = PPC28 Florence Carter Avenue Precinct Provisions (Track changes);
- Appendix 3 = Notified PPC28; and
- Appendix 4 = Summary Table of Decisions on Submissions.

DECISION

50. Pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Private Plan Change 28 to the Auckland Unitary Plan (Operative in Part) is approved, subject to the modifications as set out in this decision and the provisions attached as Appendix 1.

51. Submissions on the plan change are accepted and rejected in accordance with this decision as indicated in the Summary Table attached as Appendix 4. These decisions follow the recommendations set out in the s42A report.

52. The reasons for the decision are that Private Plan Change 28 Florence Carter Avenue Precinct:

a. will assist the Council in achieving the purpose of the RMA;

b. gives effect to the Auckland Regional Policy Statement and is consistent with the general provisions of the Auckland Unitary Plan;
c. accords with the purpose and principles of Part 2 of the RMA;

d. is supported by necessary evaluations in accordance with sections 32 and 32AA RMA;

and

e. will assist Council with its effective implementation of the Auckland Unitary Plan.

David Hill
Chairperson
& for Commissioner Sheena Tepania

Date: 19 June 2020
Appendix 1 – Florence Carter Avenue Precinct Provisions

I4xx. Florence Carter Avenue Precinct

I4XX.X. PRECINCT DESCRIPTION
The Florence Carter Avenue Precint is located to the south-west of the Ormiston Road and Te Irirangi Drive intersection, within the recently created Florence Carter Avenue subdivision. The purpose of this precinct is to provide for a high-quality, high-density mixed use development.

Office, retail and commercial services are managed within this precinct to ensure that these activities do not compromise surrounding centres, particularly the Ormiston Town Centre to the east. Potential effects to the transport network are managed through required traffic assessments at specific triggers and mitigation of these effects.

The zoning of land within this precinct is Business – Mixed Use zone.

All relevant Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

I4XX.X. OBJECTIVES

1. The Florence Carter Avenue Precinct is developed as a high-quality, high-density mixed-use centre, with a range of supporting activities that do not detract from the function of the Ormiston town centre, and is well designed and integrated with the surrounding area.

2. The development of the precinct provides for a variety of residential and commercial opportunities by encouraging residential development above ground level in a way that does not constrain ground floor business and commercial opportunities.

3. Additional height is provided for in a way that avoids dominance and shading effects to Rongomai Reserve.

Pedestrian access and safety

4. A safe and convenient environment which optimises pedestrian and cycling use and provides connectivity within the precinct and to the adjacent public road network.

Transport

5. The safety and capacity of the transport network is maintained and, where appropriate, enhanced.

6. Ensure integration with transport and land use patterns along the Ormiston Road and Te Irirangi Drive corridors, particularly around access to the precinct by all modes in order to manage effects on the transport network, to achieve a sustainable, liveable community.

7. Ensure transport infrastructure upgrades required to mitigate transport effects (including works at the intersection of Ormiston Road and Florence Carter Avenue) are provided for.
Car Parking

(8) Ensure that the provision of car parking within the Precinct is commensurate with the availability of passenger transport in this location, particularly once the Airport to Botany Rapid Transit route is operational.

All relevant Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

14XX.X. POLICIES

(1) Optimise the transport and land use opportunities provided by the site’s proximity to key transport corridors through the provision of a mixture of residential and commercial opportunities and measures that support and enable transport choices including public transport, walking and cycling.

(2) Avoid any retail, office or commercial service land use that exceeds the gross floor area limits, unless it can be demonstrated that the function, amenity and vitality of surrounding centres will not be adversely affected.

(3) Provide for additional building height in identified locations within the precinct, while avoiding dominance and shading effects to Rongomai Reserve.

(4) Avoid dwellings on the ground floor of public road frontages of Florence Carter Avenue, Ormiston Road and Te Irirangi Drive.

Pedestrian access and safety

(5) Provide for pedestrian connectivity through sites and to the external transport network via the provision of footpaths and facilities consistent with a Pedestrian Movement Plan, shown in Precinct Plan 2, that:

   (a) integrate with land use activities within the precinct and allow for safe and efficient movements within and around the precinct, and

   (b) are designed to support and enable the maximum use and safety of transport modes other than private motor vehicles and in particular, to support direct walking connections to public transport stops / stations.

Transport

(6) Manage private vehicle travel in and out of the Florence Carter Avenue Precinct, particularly during peak travel periods, including the application of travel demand management measures.

(7) Manage development so that it does not adversely affect the safe and efficient operation of the transport network (for all modes) particularly at:

   (a) Te Irirangi Drive and Ormiston Road as key arterial routes through the Flat Bush area.

   (b) Ormiston Road and Florence Carter Avenue intersection as the primary vehicle access to the precinct.
(c) Locations within the precinct that enable direct walking connectivity between the Precinct and the Te Irirangi Drive public transport stop / station.

(8) Provide and co-ordinate the upgrade of transport infrastructure within the precinct so that such upgrades occur either before or concurrent with staged development of the precinct, including any required upgrades to the Ormiston Road and Florence Carter Avenue intersection.

Car Parking

(9) Actively reduce car parking provision as measured by total car parking versus Gross Floor Area within the Precinct once the Airport to Botany Rapid Transit route is operational by allowing additional development to occur without the need to provide further car parking.

All relevant Auckland-wide and zone policies apply in this precinct in addition to those specified above.

**I4XX.X ACTIVITY TABLE**

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is specifically provided for by a rule in Activity Table I450.4.1 below.

Activity Table I450.4.1 specifies the activity status of land use activities in the Florence Carter Avenue Precinct pursuant to section 9(3) of the Resource Management Act 1991.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Activity status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td>(A1) A cumulative maximum of up to 15,000m² within the Florence Carter Avenue precinct of any office activities in the Precinct as outlined in Precinct Plan 1</td>
<td>P</td>
</tr>
<tr>
<td>(A2) A cumulative maximum of more than 15,000m² within the Florence Carter Avenue precinct of any office activities as outlined in Precinct Plan 1</td>
<td>NC</td>
</tr>
<tr>
<td>(A3) A cumulative maximum of up to 15,000m² within the Florence Carter Avenue precinct of any retail activities in the Precinct as outlined in Precinct Plan 1</td>
<td>P</td>
</tr>
<tr>
<td>(A4) A cumulative maximum of more than 15,000m² within the Florence Carter Avenue precinct of any retail activities as outlined in Precinct Plan 1</td>
<td>NC</td>
</tr>
<tr>
<td>(A5) A cumulative maximum of up to 2,500m² within the Florence Carter Avenue Precinct of any commercial service activities in the Precinct as outlined in Precinct Plan 1</td>
<td>P</td>
</tr>
<tr>
<td>(A6) A cumulative maximum of more than 2,500m² within the Florence Carter Avenue Precinct of any commercial service activities as outlined in Precinct</td>
<td>NC</td>
</tr>
</tbody>
</table>
Plan 1

<table>
<thead>
<tr>
<th>Development</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(A7) Building heights that comply with building heights specified in Precinct Plan 1</td>
<td>P</td>
</tr>
<tr>
<td>(A8) Building heights that do not comply with building heights specified in Precinct Plan 1</td>
<td>D</td>
</tr>
<tr>
<td>(A9) Development that meets vehicle trip generation standard I4xx.x.x(1)</td>
<td>P</td>
</tr>
<tr>
<td>(A10) Development that exceeds vehicle trip generation standard I4xx.x.x(2)</td>
<td>RD</td>
</tr>
</tbody>
</table>

**I4xx.x. Notification**

1. Any application for resource consent for an activity listed in Activity Table I450.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

2. When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**I4XX.X. STANDARDS**

1. Unless specified in Standard I4xx.x.(2) below, all relevant Auckland-wide and zone standards apply to all activities listed in Activity Table I4xx.x.x above.

2. The following standard does not apply to activities listed in Activity Table I4xx.x.x above:
   - (a) Standard H13.6.1 Building Height.

All permitted activities in Activity Table I4xx.x.x must comply with the following standards:

**I4XX.X.X BUILDING HEIGHT**

**Purpose:**

- Manage the effects of building height;
- Allow reasonable sunlight and daylight access to Rongomai Park;
- Manage visual dominance; and
- Enable greater height near the centre of the precinct.

1. Buildings must not exceed the heights specified in Precinct Plan 1.
14XX.X.X DWELLINGS ON THE GROUND FLOOR

Purpose:

- protect the ground floor of buildings within the precinct for commercial use; and
- avoid locating activities that require privacy on the ground floor of buildings.

(1) Dwellings must not locate on the ground floor where the dwelling has frontage to public roads.

(2) Development that does not comply with 14xx.x.(1) is a discretionary activity.

14XX.X.X PEDESTRIAN MOVEMENT PLAN

Purpose:

Provide for pedestrian safety and amenity within the Florence Carter Avenue Precinct.

(1) All pedestrian routes through the sites must, as a minimum, be provided in a manner consistent with Precinct Plan 2.

(2) Development that does not comply with 14xx.x.(1) is a discretionary activity.

14XX.X.X TRIP GENERATION

Purpose:

Require further traffic assessment and determining whether the implementation of mitigation (including the upgrade of the intersection of Ormiston Road and Florence Carter Avenue) is required in relation to development that exceeds the vehicle trip generation standard ("the permitted baseline"), set out below.

(1) Traffic generated from any land use development located within Blocks B, C and D, as shown in Precinct Plan 3, shall be determined using the Vehicle Trip Generation Threshold provisions contained in 114xx.x.(1).

(2) Any activities within Blocks B, C and/or D in the Florence Carter Avenue Precinct that results in a cumulative weekday commuter PM Peak Hour traffic generation per block of up to 620 traffic movements per hour (Block B), 120 traffic movements per hour (Block C), 300 traffic movements per hour (Block D) are permitted.

(3) Any activities that exceed 14xx.x.(2) require resource consent for a restricted discretionary activity and no further development shall occur beyond the consented baseline unless a Transport Assessment has been prepared that specifically identifies whether required mitigation (including the upgrade to the Ormiston Road and Florence Carter Avenue intersection generally consistent with that set out in Precinct Plan 4) needs to be implemented to address effects on the transport network.

(4) Development that does not comply with 14xx.x.(1) and (3) is a discretionary activity.
I4XX.X.X TRAVEL DEMAND MANAGEMENT PLAN

Purpose:
To assess the travel demand of any activity requiring consent for trip generation.

(1) A Travel Demand Management Plan, consistent with I4xx.x(2), is to be prepared for any offices, commercial services, retail, food and beverage, entertainment facilities or education facilities greater than 100m² GFA per site.

(2) Development that does not comply with I4xx.x.x(1) is a discretionary activity.

I4XX.X.X CAR PARKING

Purpose:
To reduce car parking provision over time as a function of GFA on the basis of future improvements to passenger transport in this location.

(1) The car parking standards applicable to the Precinct shall be the Auckland-wide standards unless the Airport to Botany Rapid Transit route or services is operational or will be operational within 2 years at the time that a development application is submitted to Auckland Council for approval in which case the following parking maximums will apply:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Parking Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offices</td>
<td>1 per 45m² GFA</td>
</tr>
<tr>
<td>Commercial Services</td>
<td>1 per 45m² GFA</td>
</tr>
<tr>
<td>Retail</td>
<td>1 per 30m² GFA</td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>- Studio and 1 bedroom</td>
<td>1 per dwelling</td>
</tr>
<tr>
<td>- 2 bedrooms</td>
<td>1 per dwelling</td>
</tr>
<tr>
<td>- 3 bedrooms and above</td>
<td>1.7 per dwelling</td>
</tr>
<tr>
<td>Entertainment facilities</td>
<td>0.2 per person the facility is designed to accommodate</td>
</tr>
<tr>
<td>All other activities</td>
<td>1 per 45m² GFA</td>
</tr>
</tbody>
</table>

(2) Development that does not comply with I4xx.x.x(1) is a discretionary activity.

I4XX.X. ASSESSMENT – CONTROLLED ACTIVITIES

There are no controlled activities in this precinct.

I4XX.X. ASSESSMENT – RESTRICTED DISCRETIONARY ACTIVITIES

I14xx.x.x Matters of Discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the Auckland-wide or zone provisions:

(1) Any activity or activities within Blocks B, C and D in the Florence Carter Avenue Precinct that results in a cumulative weekday commuter PM Peak Hour traffic generation per block.
exceeding 600 traffic movements per hour (Block B), 120 traffic movements per hour (Block C), 300 traffic movements per hour (Block D):

(a) A transportation assessment consistent with 14.xx.x(1) has been prepared;

(b) The extent of mitigation measures required before any development occurs beyond the permitted baseline, including whether an upgrade to the intersection of Ormiston Road and Florence Carter Avenue is required;

(c) Pedestrian safety and amenity; and

(d) Transport network operation of the adjacent roading network, including predicted vehicle delay, degree of saturation and queuing performance.

14.xx.x.x. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

(1) Any activity or activities within Blocks B, C and D in the Florence Carter Avenue Precinct that results in a cumulative weekday commuter PM Peak Hour traffic generation per block exceeding 760 traffic movements per hour (Block B), 130 traffic movements per hour (Block C), 300 traffic movements per hour (Block D):

(a) Preparation of a Transport Assessment (undertaken by a suitably qualified and experienced traffic engineer) considering the effects on the function and the safe and efficient operation of the intersection of Ormiston Road and Florence Carter Avenue during the weekday commuter PM Peak Hour.

The Transport Assessment shall take into account the cumulative traffic generation of the properties inside the Florence Carter Avenue Precinct and those outside of the Precinct that have access to Florence Carter Avenue. If the cumulative traffic generation exceeds 2,300 traffic movements per hour, the intersection of Florence Carter Avenue and Ormiston Road shall be upgraded.

The Transport Assessment shall include traffic generation for activities already operating (including traffic surveys) and predictions associated with consented (but not operational) land use activities located within the Florence Carter Avenue Precinct and other sites that have access to Florence Carter Avenue, consistent with approved resource consents for those properties.

The Transport Assessment shall specifically consider:

I. 95th percentile queues for each movement at the intersection shall not extend beyond dedicated storage lanes or not extend to be within 10 metres of adjacent intersections;

II. no individual traffic movement shall have a level of service (LOS) worse than LOS E, or have a degree of saturation higher than 95%;

III. The overall intersection LOS shall be no worse than LOS D.
(b) The implementation of mitigation measures required to address potential adverse traffic effects on the intersection of Omnistone Road and Florence Carter Avenue including the requirement for a double right turn lane on Florence Carter Avenue at its intersection with Omnistone Road (generally consistent with Precinct Plan 4) to be implemented before any development occurs beyond the cumulative 2,300 traffic movements per hour of the properties inside the Florence Carter Avenue Precinct and those outside of the Precinct that have access to Florence Carter Avenue.

(c) The implementation of measures, such as travel planning, that reduce traffic generation demands of the proposed activity/activities.

**I4XX.X. SPECIAL INFORMATION REQUIREMENTS**

In addition to the general information that must be submitted with a resource consent application, applications for the activities listed below must be accompanied by the additional information specified.

(1) Vehicle Trip Generation:

(a) The process to be followed to calculate vehicle trip generation will be:

(i) Calculate the vehicle trip generation figures for the proposed activity/activities within the Block using the table below or other information if the activity is not listed;

(ii) If the total vehicle trip generation figure is less than 600 traffic movements per hour (Block B), 120 traffic movements per hour (Block C), 300 traffic movements per hour (Block D) during the weekday PM commuter Peak Hour, then the vehicle trip generation threshold control is deemed to have been met and the activity is permitted;

(iii) If the total vehicle trip generation figure exceeds 600 traffic movements per hour (Block B), 120 traffic movements per hour (Block C), 300 traffic movements per hour (Block D) during the weekday PM commuter Peak Hour, the activity is a Restricted Discretionary Activity (RD) and consideration of the RD assessment criteria will be required.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Traffic Generation Factor (Vehicles per hr per unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care centres or rest homes</td>
<td>x 0.007 m² GFA</td>
</tr>
<tr>
<td>Commercial Services</td>
<td>x 0.02 m² GFA</td>
</tr>
<tr>
<td>Community welfare facilities</td>
<td>x 0.01 m² GFA</td>
</tr>
<tr>
<td>Healthcare services</td>
<td>x 0.04 m² GFA</td>
</tr>
<tr>
<td>Restaurants, cafes and other eating places</td>
<td>x 0.05 m² GFA</td>
</tr>
<tr>
<td>Drive-through restaurants</td>
<td>X 0.5 m² GFA</td>
</tr>
<tr>
<td>Slow trade retail</td>
<td>x 0.015 m² GFA</td>
</tr>
<tr>
<td>Supermarket</td>
<td>x 0.116 m² GFA</td>
</tr>
</tbody>
</table>
(2) Offices, retail, food and beverage, entertainment facilities, commercial services or education facilities greater than 100m² per site:

(a) a site travel management plan must be provided corresponding to the scale and significance of the activity and containing the following information as a minimum to demonstrate how the development will achieve the objectives of the Integrated Transport Assessment prepared for the Florence Carter Avenue Precinct including:

i. the physical infrastructure to be established or currently established onsite to support the use of alternative forms of transport, such as adequate covered facilities for cyclists, showering, locker and changing facilities; carpool parking areas, travel reduction information; internet service to enhance awareness of alternative transportation services;

ii. the physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and existing public transport resources – including integration with the Airport to Botany Rapid Transit route or services;

iii. operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Florence Carter Avenue Precinct, including car sharing schemes, public transport use incentives, flexitime, staggered working hours;

iv. details of the management structure within the building or site in which the activity is to be located which has overall responsibility to oversee the implementation and monitoring of travel management measures;

v. the methods by which the effectiveness of the proposed measures outlined in the site travel management plan can be independently...
measured/monitored and reviewed, including a commitment to undertake travel surveys at the time of building occupation or as otherwise required to provide on-going information regarding travel behaviour.
I4XX.XX. PRECINCT PLANS
I4xx.xx.x Florence Carter Avenue: Precinct Plan 1 – Maximum Building Height

Private Plan Change 28 – Florence Carter Avenue Precinct
Attachment A

Item 10

I4xx.xxx Florence Carter Avenue: Precinct Plan 3 – Underlying Consented Blocks

PPC28 – Florence Carter Avenue, Flat Bush
I4xx.xx.x Florence Carter Avenue: Precinct Plan 4 – Intersection Upgrade

PPC28 – Florence Carter Avenue, Flat Bush
Appendix 2 – Florence Carter Avenue Precinct Provisions (Track Changes)

In the following, deletions from the notified version text are shown as strikethrough and amendments made through this decision are shown in **bold underlined**.

**I4xx. Florence Carter Avenue Precinct**

**I4XX.X. PRECINCT DESCRIPTION**

The Florence Carter Avenue Precinct is located to the south-west of the Ormiston Road and Te Irirangi Drive intersection, within the recently created Florence Carter Avenue subdivision. The purpose of this precinct is to provide for a high-quality, high-density mixed use development.

Office, retail and commercial services are managed within this precinct to ensure that these activities do not compromise surrounding centres, particularly the Ormiston Town Centre to the east. Potential effects to the transport network are managed through required traffic assessments at specific triggers and mitigation of these effects.

The zoning of land within this precinct is Business – Mixed Use zone.

All relevant Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

**I4XX.X. OBJECTIVES**

1. The Florence Carter Avenue Precinct is developed as a high-quality, high-density mixed-use centre, with a range of supporting activities that do not detract from the function of the Ormiston town centre, and is well designed and integrated with the surrounding area.

2. The development of the precinct provides for a variety of residential and commercial opportunities by encouraging residential development above ground level in a way that does not constrain ground floor business and commercial opportunities.

3. Additional height is provided for in a way that avoids dominance and shading effects to Rongomai Reserve.

**Pedestrian access and safety**

4. A safe and convenient environment which optimises pedestrian and cycling use and provides connectivity within the precinct and to the adjacent public road network.

**Transport**

5. The safety and capacity of the transport network is maintained and, where appropriate, enhanced.

6. **Ensure integration with** Transport and land use patterns **along the Ormiston Road and Te Irirangi Drive corridors** are integrated, particularly around access to the precinct by all modes **in order to manage effects on the transport network**, to achieve a sustainable, liveable community.

7. **Ensure transport infrastructure upgrades required to mitigate transport effects (including works at the intersection of Ormiston Road and Florence Carter Avenue) are provided for.**
Car Parking

(8) Ensure that the provision of car parking within the Precinct is commensurate with the availability of passenger transport in this location, particularly once the Airport to Botany Rapid Transit route is operational.

All relevant Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

44XX.X. POLICIES

(1) Optimize the transport and land use opportunities provided by the site's proximity to key transport corridors through the provision of a mixture of residential and commercial opportunities and measures that promote sustainable travel behaviour support and enable transport choices including public transport, walking and cycling.

(2) Avoid any retail, office or commercial service land use that exceeds the gross floor area limits, unless it can be demonstrated that the function, amenity and vitality of surrounding centres will not be adversely affected.

(3) Provide for additional building height in identified locations within the precinct, while avoiding dominance and shading effects to Rongomai Reserve.

(4) Avoid dwellings on the ground floor of public road frontages of Florence Carter Avenue, Ormiston Road and Te Irirangi Drive.

Pedestrian access and safety

(5) Provide for pedestrian connectivity through sites and to the external transport network via the provision of footpaths and facilities consistent with a Pedestrian Movement Plan, shown in Precinct Plan 2, that:

(a) Integrate with land use activities within the precinct and allow for safe and efficient movements within and around the precinct, and

(b) Are designed to promote support and enable the maximum use and safety of transport modes other than private motor vehicles and in particular, to support direct walking connections to public transport stops / stations.

Transport

(6) Manage private vehicle travel in and out of the Florence Carter Avenue Precinct, particularly during peak travel periods, including the application of travel demand management measures.

(7) Manage development so that it does not adversely affect the safe and efficient operation of the transport network (for all modes) particularly at:

(a) Te Irirangi Drive and Ormiston Road as key arterial routes through the Flat Bush area.

(b) Ormiston Road and Florence Carter Avenue intersection as the primary vehicle access to the precinct.

(c) Locations within the precinct that enable direct walking connectivity between the Precinct and the Te Irirangi Drive public transport stop / station.

(8) Provide and co-ordinate the upgrade of transport infrastructure within the

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precinct so that such upgrades occur either before or concurrent with staged development of the precinct, including any required upgrades to the Ormiston Road and Florence Carter Avenue intersection.

**Car Parking**

(9) Actively reduce car parking provision as measured by total car parking versus Gross Floor Area within the Precinct once the Airport to Botany Rapid Transit route is operational by allowing additional development to occur without the need to provide further car parking.

All relevant Auckland-wide and zone policies apply in this precinct in addition to those specified above.

### I4XX.X ACTIVITY TABLE

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is specifically provided for by a rule in Activity Table I450.4.1 below.

Activity Table I450.4.1 specifies the activity status of land use activities in the Florence Carter Avenue Precinct pursuant to section 9(3) of the Resource Management Act 1991.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Activity status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>(A1) A cumulative maximum of up to 15,000m² within the Florence Carter Avenue precinct of any office activities in the Precinct as outlined in Precinct Plan 1</td>
<td>P</td>
</tr>
<tr>
<td>(A2) A cumulative maximum of more than 15,000m² within the Florence Carter Avenue precinct of any office activities as outlined in Precinct Plan 1</td>
<td>NC</td>
</tr>
<tr>
<td>(A3) A cumulative maximum of up to 15,000m² within the Florence Carter Avenue precinct of any retail activities in the Precinct as outlined in Precinct Plan 1</td>
<td>P</td>
</tr>
<tr>
<td>(A4) A cumulative maximum of more than 15,000m² within the Florence Carter Avenue precinct of any retail activities as outlined in Precinct Plan 1</td>
<td>NC</td>
</tr>
<tr>
<td>(A5) A cumulative maximum of up to 2,500m² within the Florence Carter Avenue Precinct of any commercial service activities in the Precinct as outlined in Precinct Plan 1</td>
<td>P</td>
</tr>
<tr>
<td>(A6) A cumulative maximum of more than 2,500m² within the Florence Carter Avenue Precinct of any commercial service activities as outlined in Precinct Plan 1</td>
<td>NC</td>
</tr>
<tr>
<td><strong>Development</strong></td>
<td></td>
</tr>
<tr>
<td>(A7) Building heights that comply with building heights specified in Precinct Plan 1</td>
<td>P</td>
</tr>
<tr>
<td>(A8) Building heights that do not comply with building heights specified in Precinct Plan 1</td>
<td>D</td>
</tr>
<tr>
<td>(A9) Development that meets vehicle trip generation standard 4\text{xx}.x.x(1)</td>
<td>P</td>
</tr>
</tbody>
</table>

PPC 28 – Florence Carter Avenue, Flat Bush
I4xx.x. Notification

1. Any application for resource consent for an activity listed in Activity Table I450.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

2. When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I4XX.X STANDARDS

1. Unless specified in Standard I4xx.x(2) below, all relevant Auckland-wide and zone standards apply to all activities listed in Activity Table I4xx.x.x above.

2. The following standard does not apply to activities listed in Activity Table I4xx.x.x above:

   a) Standard H13.6.1 Building Height.

All permitted activities in Activity Table I4xx.x.x.x must comply with the following standards:

I4XX.X X BUILDING HEIGHT

Purpose:

- manage the effects of building height;
- allow reasonable sunlight and daylight access to rongomai park;
- manage visual dominance; and
- enable greater height near the centre of the precinct.

1. Buildings must not exceed the heights specified in Precinct Plan 1.

I4XX.X.X DWELLINGS ON THE GROUND FLOOR

Purpose:

- protect the ground floor of buildings within the precinct for commercial use; and
- avoid locating activities that require privacy on the ground floor of buildings.

1. Dwellings must not locate on the ground floor where the dwelling has frontage to public roads.

2. Development that does not comply with I4xx.x.x(1) is a discretionary activity.

I4XX.X.X PEDESTRIAN MOVEMENT PLAN

Purpose:

- provide for pedestrian safety and amenity within the florence carter avenue precinct.

1. All pedestrian routes through the sites must, as a minimum, be provided in a manner consistent with Precinct Plan 2.
(2) Development that does not comply with 14xx.x.x(1) is a discretionary activity.

**I4XX.X.X TRIP GENERATION**

**Purpose:**

Require further traffic assessment and determining whether the implementation of mitigation (including the upgrade of the intersection of Ormiston Road and Florence Carter Avenue) is required in relation to any development that exceeds the vehicle trip generation standard (“the permitted baseline”), set out below beyond the consented baseline.

(1) Traffic generated from any land use development located within Blocks B, C and D, as shown in Precinct Plan 3, shall be determined using the Vehicle Trip Generation Threshold provisions contained in I4xx.x.x(1).

(2) Any activities within Blocks B, C and/or D in the Florence Carter Avenue Precinct that results in a cumulative weekday commuter PM Peak Hour traffic generation per block of up to 620 760 traffic movements per hour (Block B), 120 130 traffic movements per hour (Block C), 300 170 traffic movements per hour (Block D) are permitted.

(3) Any activities that exceed I4xx.x.x(2) require resource consent for a restricted discretionary activity and no further development shall occur beyond the consented baseline unless a Transport Assessment has been prepared that specifically identifies whether required mitigation (including the upgrade to the Ormiston Road and Florence Carter Avenue intersection generally consistent with that set out in Precinct Plan 4) needs to be implemented to address effects on the transport network.

(4) Development that does not comply with 14xx.x.x(1) and (3) is a discretionary activity.

**I4XX.X.X TRAVEL DEMAND MANAGEMENT PLAN**

**Purpose:**

To assess the travel demand of any activity requiring consent for trip generation

(1) A Travel Demand Management Plan, consistent with I4xx.x(2), is to be prepared for any offices, commercial services, retail, food and beverage, entertainment facilities or education facilities greater than 100m² GFA per site.

(2) Development that does not comply with I4xx.x.x(1) is a discretionary activity.

**I4XX.X.X CAR PARKING**

**Purpose:**

To reduce car parking provision over time as a function of gfa on the basis of future improvements to passenger transport in this location

(1) The car parking standards applicable to the Precinct shall be the Auckland-wide standards unless the Airport to Botany Rapid Transit route or services is operational or will be operational within 2 years at the time that a development application is submitted to Auckland Council for approval in which case the following parking maximums will apply:
(2) Development that does not comply with 14xx.x.x(1) is a discretionary activity.

### 14XX.X. ASSESSMENT – CONTROLLED ACTIVITIES

There are no controlled activities in this precinct.

### 14XX.X. ASSESSMENT – RESTRICTED DISCRETIONARY ACTIVITIES

#### 14xx.x.x Matters of Discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the Auckland-wide or zone provisions:

1. Any activity or activities within Blocks B, C and D in the Florence Carter Avenue Precinct that results in a cumulative weekday commuter PM Peak Hour traffic generation per block exceeding 600, 760 traffic movements per hour (Block B), 120, 430 traffic movements per hour (Block C), 300, 470 traffic movements per hour (Block D):
   - Whether a transportation assessment consistent with 14xx.x(1) has been prepared;
   - The extent of mitigation measures required before any development occurs beyond the permitted baseline proposed, including whether an upgrade is required to the intersection of Ormiston Road and Florence Carter Avenue is required;
   - Pedestrian safety and amenity; and
   - Transport network operation of the adjacent road network, including predicted vehicle delay, degree of saturation and queuing performance.

#### 14xx.x.x. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions:

1. Any activity or activities within Blocks B, C and D in the Florence Carter Avenue Precinct that results in a cumulative weekday commuter PM Peak Hour traffic generation per block exceeding 760, 600 traffic movements per hour (Block B), 130, 120 traffic movements per hour (Block C), 300, 470 traffic movements per hour (Block D):
   - Preparation of a Transport Assessment (undertaken by a suitably qualified and experienced traffic engineer) considering the effects on the function and the...
safe and efficient operation of the intersection of Ormiston Road and Florence Carter Avenue during the weekday commuter PM Peak Hour.

The Transport Assessment shall take into account the cumulative traffic generation of the properties inside the Florence Carter Avenue Precinct and those outside of the Precinct that have access to Florence Carter Avenue. If the cumulative traffic generation exceeds 2,300 traffic movements per hour, the intersection of Florence Carter Avenue and Ormiston Road shall be upgraded.

The Transport Assessment shall include traffic generation for activities already operating (including traffic surveys) and predictions associated with consented (but not operational) land use activities located within the Florence Carter Avenue Precinct and other sites that have access to Florence Carter Avenue, consistent with approved resource consents for those properties.

The Transport Assessment shall specifically consider:

I. 95th percentile queues for each movement at the intersection shall not extend beyond dedicated storage lanes or not extend to be within 10 metres of adjacent intersections;

II. no individual traffic movement shall have a level of service (LOS) worse than LOS E, or have a degree of saturation higher than 95%;

III. The overall intersection LOS shall be no worse than LOS D.

(b) The implementation of mitigation measures proposed required to address potential adverse traffic effects on the intersection of Ormiston Road and Florence Carter Avenue including the provision of requirement for a double right turn lane on Florence Carter Avenue at its intersection with Ormiston Road (generally consistent with Precinct Plan 4) to be implemented before any development occurs beyond the cumulative 2,300 traffic movements per hour of the properties inside the Florence Carter Avenue Precinct and those outside of the Precinct that have access to Florence Carter Avenue.

(c) The implementation of measures, such as travel planning, that reduce traffic generation demands of the proposed activity/activities.

4XX.X SPECIAL INFORMATION REQUIREMENTS

In addition to the general information that must be submitted with a resource consent application, applications for the activities listed below must be accompanied by the additional information specified.

(1) Vehicle Trip Generation:

(a) The process to be followed to calculate vehicle trip generation will be:

(i) Calculate the vehicle trip generation figures for the proposed activity/activities within the Block using the table below or other information if the activity is not listed;

(ii) If the total vehicle trip generation figure is less than 600, 760-traffic movements per hour (Block B), 120, 140 traffic movements per hour (Block C), 300, 170 traffic movements per hour (Block D) during the weekday PM commuter Peak Hour, then the vehicle trip generation threshold control is deemed to have been met and the activity is permitted;
(iii) If the total vehicle trip generation figure exceeds 600,760 traffic movements per hour (Block B), 120,130 traffic movements per hour (Block C), 360,130 traffic movements per hour (Block D) during the weekday PM commuter Peak Hour, the activity is a Restricted Discretionary Activity (RD) and consideration of the RD assessment criteria will be required:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Size (GFA or units)</th>
<th>Traffic Generation Factor (Vehicles per hr per unit)</th>
<th>Estimated Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care centres or rest homes</td>
<td>x 0.007 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Services</strong></td>
<td>x 0.02 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Community welfare facilities</td>
<td>x 0.01 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Healthcare services</td>
<td>x 0.04 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Restaurants, cafes and other eating places</td>
<td>x 0.05 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Drive-through restaurants</td>
<td>X 0.5 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Slow trade retail</td>
<td>x 0.015 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Supermarket</td>
<td>x 0.116 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Specialty retail</td>
<td>x 0.034 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>x 0.02 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Large format hardware</td>
<td>x 0.048 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Integrated Housing Development</td>
<td>0.5 vehicles per unit</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Visitor accommodation</td>
<td>0.4 vehicles per unit</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Residential units</td>
<td>0.65 vehicles per unit</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Retirement village</td>
<td>0.25 vehicles per unit</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Travellers’ accommodation</td>
<td>0.4 vehicles per unit</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>0.6 vehicles per unit</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Light manufacturing</td>
<td>x 0.01 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Warehousing</td>
<td>x 0.005 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Tertiary education facility</td>
<td>0.31 vehicles per Equivalent Full Time Students</td>
<td>=</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL**

(2) Offices, retail, food and beverage, entertainment facilities, **commercial services** or education facilities greater than 100m² per site:

(a) A site travel management plan must be provided corresponding to the scale and significance of the activity and containing the following...
information as a minimum to demonstrate how the development will achieve the objectives of the Integrated Transport Assessment prepared for the Florence Carter Avenue Precinct including:

i. the physical infrastructure to be established or currently established onsite to support the use of alternative forms of transport, such as adequate covered facilities for cyclists, showering, locker and changing facilities; carpool parking areas, travel reduction information; internet service to enhance awareness of alternative transportation services;

ii. the physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and existing public transport resources – including integration with the Airport to Botany Rapid Transit route or services;

iii. operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Florence Carter Avenue Precinct, including car sharing schemes, public transport use incentives, flexitime, staggered working hours;

iv. details of the management structure within the building or site in which the activity is to be located which has overall responsibility to oversee the implementation and monitoring of travel management measures;

v. the methods by which the effectiveness of the proposed measures outlined in the site travel management plan can be independently measured/monitored and reviewed, including a commitment to undertake travel surveys at the time of building occupation or as otherwise required to provide on-going information regarding travel behaviour.
I4XX.XX. PRECINCT PLANS

I4xx.xx.x Florence Carter Avenue: Precinct Plan 1 – Maximum Building Height

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I4xx.xx.x Florence Carter Avenue: Precinct Plan 2 – Pedestrian Movement Plan

PEDESTRIAN MOVEMENT PLAN
FLORENCE CARTER AVENUE PRECINCT

LEGEND

--- PRIMARY PEDESTRIAN ROUTE
--- ASSETS ROUTE
--- PEDESTRIAN ROUTE

--- SPACE TO BE USED ON PEDESTRIAN ROUTE
--- BUS STOP

--- S/C UTILITY
I4xxx.x Florence Carter Avenue: Precinct Plan 3 – Underlying Consented Blocks

Florence Carter Avenue

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Item 10

Florence Carter Avenue: Precinct Plan 4 – Intersection Upgrade

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Appendix 3 – Notified Private Plan Change 28

I4xx. Florence Carter Avenue Precinct

I4XX.X. PRECINCT DESCRIPTION

The Florence Carter Avenue Precinct is located to the south-west of the Ormiston Road and Te Irirangi Drive intersection, within the recently created Florence Carter Avenue subdivision. The purpose of this precinct is to provide for a high-quality, high-density mixed use development.

Office, retail and commercial services are managed within this precinct to ensure that these activities do not compromise surrounding centres, particularly the Ormiston Town Centre to the east. Potential effects to the transport network are managed through required traffic assessments at specific triggers.

The zoning of land within this precinct is Business – Mixed Use zone.

All relevant Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

I4XX.X. OBJECTIVES

1. The Florence Carter Avenue Precinct is developed as a high-quality, high-density mixed-use centre, with a range of supporting activities that do not detract from the function of the Ormiston town centre, and is well designed and integrated with the surrounding area.

2. The development of the precinct provides for a variety of residential and commercial opportunities by encouraging residential development above ground level in a way that does not constrain ground floor business and commercial opportunities.

3. Additional height is provided for in a way that avoids dominance and shading effects to Rongomai Reserve.

Pedestrian access and safety

4. A safe and convenient environment which optimises pedestrian and cycling use and provides connectivity within the precinct and to the adjacent public road network.

Transport

5. The safety and capacity of the transport network is maintained and, where appropriate, enhanced.

6. Transport and land use patterns are integrated, particularly around access to the precinct by all modes, to achieve a sustainable, liveable community.

All relevant Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I4XX.X. POLICIES

1. Optimise the opportunities provided by the site’s proximity to key transport corridors through the provision of a mixture of residential and commercial opportunities and measures that promote sustainable travel behaviour.

2. Avoid any retail, office or commercial service land use that exceeds the gross floor...
area limits, unless it can be demonstrated that the function, amenity and vitality of surrounding centres will not be adversely affected.

(3) Provide for additional building height in identified locations within the precinct, while avoiding dominance and shading effects to Rongomai Reserve.

(4) Avoid dwellings on the ground floor of public road frontages.

**Pedestrian access and safety**

(5) Provide for pedestrian connectivity through sites via the provision of footpaths and facilities consistent with a Pedestrian Movement Plan, shown in Precinct Plan 2, that:

(a) integrate with land use activities within the precinct and allow for safe and efficient movements within and around the precinct, and

(b) are designed to promote the maximum use and safety of transport modes other than private motor vehicles

**Transport**

(6) Manage private vehicle travel in and out of the Florence Carter Avenue Precinct, particularly during peak travel periods.

(7) Manage development so that it does not adversely affect the safe and efficient operation of the transport network (for all modes) particularly at:

(a) Te Irirangi Drive and Ormiston Road as key arterial routes through the Flat Bush area.

(b) Ormiston Road and Florence Carter Avenue intersection as the primary access to the precinct.

All relevant Auckland-wide and zone policies apply in this precinct in addition to those specified above.

**T4XX.X ACTIVITY TABLE**

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is specifically provided for by a rule in Activity Table T4XX.xx below.

Activity Table T4XX.X.X specifies the activity status of land use activities in the Florence Carter Avenue Precinct pursuant to section 9(3) of the Resource Management Act 1991.

**TABLE T4XX.X.X ACTIVITY TABLE**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Activity status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>(A1) A cumulative maximum of up to 15,000m² within the Florence Carter Avenue precinct of any office activities in the Precinct as outlined in Precinct Plan 1</td>
<td>P</td>
</tr>
<tr>
<td>(A2) A cumulative maximum of more than 15,000m² within the Florence Carter Avenue precinct of any office activities as outlined in Precinct Plan 1</td>
<td>NC</td>
</tr>
</tbody>
</table>
(A3) A cumulative maximum of up to 15,000m² within the Florence Carter Avenue precinct of any retail activities in the Precinct as outlined in Precinct Plan 1  
P

(A4) A cumulative maximum of more than 15,000m² within the Florence Carter Avenue precinct of any retail activities as outlined in Precinct Plan 1  
NC

(A5) A cumulative maximum of up to 2,500m² within the Florence Carter Avenue Precinct of any commercial service activities in the Precinct as outlined in Precinct Plan 1  
P

(A6) A cumulative maximum of more than 2,500m² within the Florence Carter Avenue Precinct of any commercial service activities as outlined in Precinct Plan 1  
NC

Development

(A7) Building heights that comply with building heights specified in Precinct Plan 1  
P

(A8) Building heights that do not comply with building heights specified in Precinct Plan 1  
D

(A9) Development that meets vehicle trip generation standard I4xx.x.x(2)  
P

(A10) Development that exceeds vehicle trip generation standard I4xx.x.x(2)  
RD

I4xx.x. Notification

(1) Any application for resource consent for an activity listed in Activity Table I4xx.x.x above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991. When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I4XX.X. STANDARDS

(1) Unless specified in Standard I4xx.x(x) below, all relevant Auckland-wide and zone standards apply to all activities listed in Activity Table I4xx.x.x above.

(2) The following standard does not apply to activities listed in Activity Table I4xx.x.x above:

(a) Standard H13.6.1 Building Height.

All permitted activities in Activity Table I4xx.x.x must comply with the following standards:
**14XX.X.X BUILDING HEIGHT**

**Purpose:**
- Manage the effects of building height;
- Allow reasonable sunlight and daylight access to Rongomai Park;
- Manage visual dominance; and
- Enable greater height near the centre of the precinct.

1. Buildings must not exceed the heights specified in Precinct Plan 1.

**14XX.X.X DWELLINGS ON THE GROUND FLOOR**

**Purpose:**
- protect the ground floor of buildings within the precinct for commercial use; and
- avoid locating activities that require privacy on the ground floor of buildings.

1. Dwelling must not locate on the ground floor where the dwelling has frontage to public roads.
2. Development that does not comply with 14XX.X.X(x) is a discretionary activity.

**14XX.X.X PEDESTRIAN MOVEMENT PLAN**

**Purpose:**
Provide for pedestrian safety and amenity within the Florence Carter Avenue Precinct.

1. All pedestrian routes through the sites must, as a minimum, be provided in a manner consistent with Precinct Plan 2.
2. Development that does not comply with 14XX.X.X(x) is a discretionary activity.

**14XX.X.X TRIP GENERATION**

**Purpose:**
Require further traffic assessment for development beyond the consented baseline.

Traffic generated from any land use development located within Blocks B, C and D, as shown in Precinct Plan 3, shall be determined using the Vehicle Trip Generation Threshold provisions contained in 14XX.X.X(x).

1. Any activities within Blocks B, C and/or D in the Florence Carter Avenue Precinct that results in a cumulative weekday commuter PM Peak Hour traffic generation per block of up to 760 traffic movements per hour (Block B), 130 traffic movements per hour (Block C), 170 traffic movements per hour (Block D) are permitted.
2. Any activities that exceed 14XX.X.X(x) require resource consent for a restricted discretionary activity.
3. Development that does not comply with 14XX.X.X(x) is a discretionary activity.
I4XX.X.X TRAVEL DEMAND MANAGEMENT PLAN

Purpose:
To assess the travel demand of any activity requiring consent for trip generation

(1) A Travel Demand Management Plan, consistent with I4xx.x(x), is to be prepared for any offices, retail, food and beverage, entertainment facilities or education facilities greater than 100m² GFA per site.

(2) Development that does not comply with I4xx.x.x(x) is a discretionary activity.

I4XX.X. ASSESSMENT – CONTROLLED ACTIVITIES

There are no controlled activities in this precinct.

I4XX.X. ASSESSMENT – RESTRICTED DISCRETIONARY ACTIVITIES

I4xx.x.x Matters of Discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the Auckland-wide or zone provisions:

(1) Any activity or activities within Blocks B, C and D in the Florence Carter Avenue Precinct that results in a cumulative weekday commuter PM Peak Hour traffic generation per block exceeding 760 traffic movements per hour (Block B), 130 traffic movements per hour (Block C), 170 traffic movements per hour (Block D):

(a) Whether a transportation assessment consistent with I4xx.x(1) has been prepared;

(b) The extent of mitigation measures proposed, including whether an upgrade is required to the intersection of Ormiston Road and Florence Carter Avenue;

(c) Pedestrian safety and amenity; and

(d) Transport network operation of the adjacent roading network, including predicted vehicle delay, degree of saturation and queuing performance.

I4xx.x.x. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

(1) Any activity or activities within Blocks B, C and D in the Florence Carter Avenue Precinct that results in a cumulative weekday commuter PM Peak Hour traffic generation per block exceeding 760 traffic movements per hour (Block B), 130 traffic movements per hour (Block C), 170 traffic movements per hour (Block D):

(a) Preparation of a Transport Assessment (undertaken by a suitably qualified and experienced traffic engineer) considering the effects on the function and the safe and efficient operation of the intersection of Ormiston Road and Florence Carter Avenue during the weekday commuter PM Peak Hour.

The Transport Assessment shall take into account the cumulative traffic generation of the properties inside the Florence Carter Avenue Precinct and those outside of the Precinct that have access to Florence Carter Avenue.

The Transport Assessment shall include traffic generation for activities already operating (including traffic surveys) and predictions associated with consented
(but not operational) land use activities located within the Florence Carter Avenue Precinct and other sites that have access to Florence Carter Avenue, consistent with approved resource consents for those properties.

The Transport Assessment shall specifically consider;

I. 95th percentile queues for each movement at the intersection shall not extend beyond dedicated storage lanes or not extend to be within 10 metres of adjacent intersections;

II. no individual traffic movement shall have a level of service (LOS) worse than LOS E, or have a degree of saturation higher than 95%;

III. The overall intersection LOS shall be no worse than LOS D.

(b) the implementation of mitigation measures proposed to address potential adverse traffic effects on the intersection of Ormiston Road and Florence Carter Avenue including the provision of a double right turn lane on Florence Carter Avenue at its intersection with Ormiston Road (generally consistent with Precinct Plan 4)

(c) The implementation of measures, such as travel planning, that reduce traffic generation demands of the proposed activity/activities.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Size (GFA or units)</th>
<th>Traffic Generation Factor (Vehicles per hr per unit)</th>
<th>Estimated Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care centres or rest homes</td>
<td>x 0.007 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Community welfare facilities</td>
<td>x 0.01 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Healthcare services</td>
<td>x 0.04 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Restaurants, cafes and other eating places</td>
<td>x 0.05 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Drive-through restaurants</td>
<td>X 0.5 m² GFA</td>
<td></td>
<td></td>
</tr>
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<td>Slow trade retail</td>
<td>x 0.015 m² GFA</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Supermarket</td>
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<td>Speciality retail</td>
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<td></td>
</tr>
<tr>
<td>Office</td>
<td>x 0.02 m² GFA</td>
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<td></td>
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<tr>
<td>Large format hardware</td>
<td>x 0.048 m² GFA</td>
<td>=</td>
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</tr>
<tr>
<td>Integrated Housing Development</td>
<td>0.5 vehicles per unit</td>
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<td></td>
</tr>
<tr>
<td>Visitor accommodation</td>
<td>0.4 vehicles per unit</td>
<td>=</td>
<td></td>
</tr>
<tr>
<td>Residential units</td>
<td>0.65 vehicles per unit</td>
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<td>Retirement village</td>
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<tr>
<td>Travellers’ accommodation</td>
<td>0.4 vehicles per unit</td>
<td>=</td>
<td></td>
</tr>
</tbody>
</table>
### X. SPECIAL INFORMATION REQUIREMENTS

In addition to the general information that must be submitted with a resource consent application, applications for the activities listed below must be accompanied by the additional information specified.

1. **Vehicle Trip Generation:**
   a. **The process to be followed to calculate vehicle trip generation will be:**
      i. Calculate the vehicle trip generation figures for the proposed activity/activities within the Block using the table below or other information if the activity is not listed;
      ii. If the total vehicle trip generation figure is less than 750 traffic movements per hour (Block B), 130 traffic movements per hour (Block C), 170 traffic movements per hour (Block D) during the weekday PM commuter Peak Hour, then the vehicle trip generation threshold control is deemed to have been met and the activity is permitted;
      iii. If the total vehicle trip generation figure exceeds 750 traffic movements per hour (Block B), 130 traffic movements per hour (Block C), 170 traffic movements per hour (Block D) during the weekday PM commuter Peak Hour, the activity is a Restricted Discretionary Activity and consideration of the assessment criteria will be required;

2. **Offices, retail, food and beverage, entertainment facilities or education facilities greater than 100m² per site:**
   a. A site travel management plan must be provided corresponding to the scale and significance of the activity and containing the following information as a minimum to demonstrate how the development will achieve the objectives of the Integrated Transport Assessment prepared for the Florence Carter Avenue Precinct including:
      i. the physical infrastructure to be established or currently established onsite to support the use of alternative forms of transport, such as adequate covered facilities for cyclists, showering, locker and changing facilities; carpool parking areas, travel reduction information; internet service to enhance awareness of alternative transportation services;
      ii. the physical linkages to be provided on the site to link with surrounding pedestrian and cycle networks and existing public transport resources;
      iii. operational measures to be established or currently implemented on-site to encourage reduced vehicle trips to Florence Carter

---

**Table:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>GFA</th>
<th>Vehicles per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel</td>
<td></td>
<td>0.6</td>
</tr>
<tr>
<td>Light manufacturing</td>
<td></td>
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<tr>
<td>Warehouse</td>
<td></td>
<td>0.005 m²</td>
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<tr>
<td>Tertiary education facility</td>
<td></td>
<td>0.31 EFTS</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Avenue Precinct, including car sharing schemes, public transport use incentives, flexitime, staggered working hours;

iv. details of the management structure within the building or site in which the activity is to be located which has overall responsibility to oversee the implementation and monitoring of travel management measures;

v. the methods by which the effectiveness of the proposed measures outlined in the site travel management plan can be independently measured/monitored and reviewed, including a commitment to undertake travel surveys at the time of building occupation or as otherwise required to provide on-going information regarding travel behaviour.
I4XX.XX, PRECINCT PLANS

I4xx.xx.x Florence Carter Avenue: Precinct Plan 1 – Maximum Building Height

PPC 28 – Florence Carter Avenue, Flat Bush
I4xx.xx.x Florence Carter Avenue: Precinct Plan 2 – Pedestrian Movement Plan
I4xxx.xx Florence Carter Avenue: Precinct Plan 3 – Underlying Consented Blocks
## Appendix 4 – Summary of Decisions on Submission Points

<table>
<thead>
<tr>
<th>Sub No.</th>
<th>Submitter</th>
<th>Accept or Reject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Erica Luo (Natural Line International Ltd)</td>
<td>Accept</td>
</tr>
<tr>
<td>2</td>
<td>Auckland Transport</td>
<td>Accept</td>
</tr>
<tr>
<td>3</td>
<td>Watercare Services</td>
<td>Accept</td>
</tr>
<tr>
<td>4</td>
<td>Takai Tamata</td>
<td>Reject</td>
</tr>
</tbody>
</table>
Auckland Unitary Plan – Making operative Private Plan Change 23 – Smales Farm

File No.: CP2020/13574

Te take mō te pūrongo
Purpose of the report
1. To make operative Private Plan Change 23, Smales Farm, a private plan change requested by Northcote RD1 Holdings Ltd concerning the Smales 1 Precinct and its Business Park zoning in Takapuna.

Whakarāpopototanga matua
Executive summary
2. Northcote RD1 Holdings Ltd applied for a private plan change (PC23) to the Auckland Unitary Plan (Operative in Part) (AUP) in 2018 to amend the Smales 1 Precinct applying to the Smales Farm business park in Takapuna. The site has an underlying zoning of Business-Business Park Zone.

3. PC23 proposed a significant increase in building floor area, including residential apartment buildings up to 100m in height (30 storeys). Further office and commercial and community activities would also be enabled, primarily centred on a pedestrian plaza with direct links to the adjoining Smales Farm bus station. Retail and commercial uses would be governed in floor area on a scale akin to that of a Business-Local Centre Zone.

4. PC23 was publicly notified on 12 April 2019, the further submission period closed on 28 June 2019, and 24 submissions were received (18 original and six further). The hearing of submissions was in December 2019 and the hearing panel’s deliberations concluded in mid-January 2020.

5. The hearing panel (council) decision dated 29 April 2020 was notified on 30 April 2020 and it attracted one appeal from the private plan change requestor (the applicant) seeking a number of minor text changes and a correction to a precinct plan.

6. The appeal has been resolved by mutual agreement and a consent order dated 8 September 2020 has been issued by the Environment Court (refer Attachment B).

7. PC23 can now be approved under the First Schedule of the Resource Management Act 1991 (the Act). This will enable it to become operative and incorporated into the AUP – refer Attachment A.

Ngā tūtohunga
Recommendation/s
That the Planning Committee:

a) approve Plan Change 23 Smales Farm to the Auckland Unitary Plan (Operative in Part) 2016 under clause 17(2) of Schedule 1 of the Resource Management Act 1991 in its final form in the council decision dated 29 April 2020, as amended by the consent order of the Environment Court dated 8 September 2020 (Attachment A)

b) request staff to complete the necessary statutory processes to publicly notify the date on which the plan change becomes operative, in accordance with the requirements in clause 20(2) of Schedule 1 of the Resource Management Act 1991, and incorporate the change into the Auckland Unitary Plan (operative in part) 2016.
Horopaki

Context

8. Northcote RD1 Holdings Ltd applied for a private plan change (PC23) in 2018 to amend the Smales 1 Precinct of the AUP applying to the Smales Farm business park in Takapuna.

9. PC23 would transition Smales Farm over a long period from a one-dimensional ‘business park’ to a high intensity, transit oriented mixed-use precinct. It would enable in the order of 1,350 residential units and further office, retail, commercial, educational and community uses to at least 162,000 m² of floor area (three times its current floor area). Apartment buildings would be up to 100m high (30 storeys). A central pedestrian plaza of at least 1,000 m² in area would be formed once a specified quantum of development had been reached – just over twice that which exists today. Development would be located and designed to strengthen links with the Smales Farm bus station. The quantum of retail and commercial uses would be governed over time to a scale akin to that of a Business - Local Centre Zone, with an incentive to locate by the central plaza.

10. PC23 was notified on 12 April 2019 and attracted 18 submissions and six further submissions. The hearing of submissions was in December 2019, and this followed an extensive amount of pre-hearing negotiation and agreement with the applicant and key submitters on the revised form of PC23 recommended to the panel. This included discussions and important recommendations arising from Auckland Council and Auckland Transport submissions on the plan change. The Devonport-Takapuna Local Board was briefed on the plan change but decided not to provide any comment.

11. The council’s decision dated 29 April 2020 was notified on 30 April 2020. The hearing panel considered that the decision was generally in the realms of ‘fine tuning’ of what had been agreed prior to the hearing. The panel found that the ‘residential accommodation’ and ‘mixed-use’ objectives of the plan change were appropriate, given the site’s proximity to major transport and social infrastructure and to other services and facilities in the wider Takapuna area. It found the site was well suited for intensive use and tall structures, due to non-residential zones and uses occupying most of the adjoining lands. All building development would be subject to resource consents, as restricted discretionary activities, and comprehensive assessments addressing shadowing, privacy, urban design considerations and wider cityscape impacts. Consent applications could be declined in certain circumstances.

12. Following the decision’s release, one appeal was lodged, by the private plan change applicant Northcote RD1 Holdings Ltd (appellant). The appellant sought various relatively minor changes to the council’s decision, many of which were technical in nature. Auckland Transport and Waka Kotahi (New Zealand Transport Agency) gave notice of their interest in the appeal pursuant to section 274 of the Act. They had a concern regarding the wording of one objective and discussions were held concerning this; no changes were required. These parties subsequently withdrew their section 274 notices and took no further part in proceedings.

13. The changes to the PC23 text sought by the appellant were evaluated by planning staff and inhouse experts and found to be relatively minor and worthy of support. Many were solely of a technical nature; some were to achieve an internal consistency of wording and administrative efficiency; and the remaining changes tightened up and clarified assessment criteria for tall structures. The changes were then agreed with and approved under delegated authority, in line with a recent policy decision from the Planning Committee (13 August 2020, PLA/2020/51). Consent documentation was agreed between the appellant and the council and lodged with the Environment Court. A consent order was subsequently issued by the Environment Court dated 8 September 2020 (Attachment B).

14. The consent order concludes the plan change process and enables PC23 to be approved by council and notified as operative, to then become part of the AUP. The final form of PC23 is at Attachment A.
Tātaritanga me ngā tohutohu  
Analysis and advice

15. Schedule 1 of the Act sets out the statutory process for plan changes. Clause 17 provides for the approval by a local authority of a proposed plan change where all submissions or appeals relating to it have been disposed of.

16. The approval of the plan change does not involve any further analysis as it is a procedural decision which a council must make once all prior processes have been completed. The appeal on the council’s decision on PC23, by the plan change applicant, has been resolved by way of consent order of the Environment Court, thereby enabling clause 17 approval.

17. Clause 20 of Schedule 1 requires that following approval an operative date for the plan change is to be publicly notified. Staff acting under delegated authority will notify an operative date as soon as possible following the Planning Committee’s resolution and then incorporate the plan change into the AUP.

18. A private plan change has no legal status during its processing stages and only achieves any regulatory status at the point the council makes its decision.

Tauākī whakaaweawe āhuarangi  
Climate impact statement

19. There are not considered to be any issues pertaining directly to climate change. It is noted however that PC23 will enable developments that over time will encourage a greater proportion of trips to and from Smales Farm to be made by more sustainable modes of travel.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera  
Council group impacts and views

20. It is not necessary to obtain the views of the wider council group in respect of this procedural decision. Auckland Transport and Watercare Services did submit on the plan change and in due course all their concerns were satisfactorily resolved.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe  
Local impacts and local board views

21. Local Board views are not required in respect of this procedural decision. The Devonport-Takapuna Local Board was briefed on PC23 at the time of its notification but did not submit. The Local Board has been advised of the council's decision.

Tauākī whakaaweawe Māori  
Māori impact statement

22. The 11 iwi authorities listed below were written to in March 2019, prior to notification, and no submissions were received when the plan change was notified in April 2019:

- Ngāi Tai ki Tāmaki Te Patukirikiri
- Ngāti Paoa
- Te Ākitai Waiohua
- Te Rūnanga o Ngāti Whātua
- Ngāti Whanaunga Te Kawerau Ā Maki
- Ngāti Whātua o Kaipara
- Ngāti Whātua Ōrākei
- Ngāti Tamaterā
Item 11

23. Further engagement with iwi is not required in respect of this procedural decision.

Ngā ritenga ā-pūtea

Financial implications

24. There are no financial implications arising from this procedural decision. Approving plan changes and amending the AUP is an administrative and statutory requirement and is budgeted expenditure for the Plans and Places Department.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

25. There are no risk issues arising from the approval and subsequent operative status of the plan change.

Ngā koringa ā-muri

Next steps

26. Following approval, staff acting under delegated authority will do those things required by Schedule 1 of the Act to make PC23 Smales Farm operative and incorporate it into the AUP – refer Attachment A.

Ngā tāpirihanga

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>PC 23 Smales Farm, Environment Court consent order</td>
<td>157</td>
</tr>
<tr>
<td>B</td>
<td>PC 23 Smales Farm - for approval</td>
<td>169</td>
</tr>
</tbody>
</table>

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Ewen Patience - Principal Planner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>
BEFORE THE ENVIRONMENT COURT
AT AUCKLAND
I MUA I TE KÖTI TAIAO O AO TEO ROA
KI TÄMAKI MAKARAU

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

AND of an appeal under clause 29(6) of Schedule 1 of the Act

BETWEEN NORTHCOTE RD1 HOLDINGS LIMITED (ENV-2020-AKL-000068) Appellant

AND AUCKLAND COUNCIL Respondent

Environment Judge J A Smith sitting alone under s 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

A: Under s 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:

(1) the appeal is allowed subject to the amendments set out in Attachment 1 to this order;

(2) the appeal is otherwise dismissed.

B: Under s 285 of the Act, there is no order as to costs.
Introduction

[1] This appeal is against parts of a decision of the Auckland Council on Private Plan Change 23 (PC23) to the Auckland Unitary Plan (Operative in Part) (Unitary Plan).

[2] PC23 changes the Unitary Plan provisions governing development on a 10.8 hectare block of land at 68-94 Taharoto Road, Takapuna, known as Smales Farm. Amongst other changes, PC23 modifies the provisions of the existing Smales Precinct to allow for greater building height and scale and to enable residential activities. PC23 will enable the transformation of Smales Farm from an office part of a transport orientated mixed use development.

The appeal

[3] The Council’s decision upheld PC23 subject to amendments. The appellant supported the decision, but filed an appeal seeking to amend or rectify some of the details of PC23.

[4] Auckland Transport and Waka Kotahi (New Zealand Transport Agency (NZTA)) joined the appeal proceedings pursuant to s 274 of the Act. Both NZTA and Auckland Transport have withdrawn their s 274 party notices. There are now no s 274 parties to this appeal.

The agreement reached

[5] On 19 August 2020 the parties filed a consent memorandum and draft consent order setting out the various amendments to PC23 that they had agreed to in order to resolve this appeal. Following directions from the Court the parties also filed a further memorandum dated 24 August 2020 that contained an assessment of the amended plan provisions under s 32AA of the Act.

[6] The s 32AA assessment sets out each proposed amendment and addresses the appropriateness of these amendments. The majority of the amendments made are identified in the s 32AA assessment as being necessary to achieve consistency and to correct references. The more substantial amendments agreed to by the parties are summarised as follows:
(a) Amendments to Policy 1(C) have been made to recognise that Smales Farm will be intensively developed for both office and residential activities and the requirement to manage uses that would affect the viability of the precinct has been replaced with the requirement to manage any adverse amenity effects from the potential conversion of buildings used for office activities to other uses. The parties consider that the amendments made are appropriate because they recognise the proposed move away from a traditional business park towards an intensively developed mixed use precinct immediately adjacent to a rapid transit station. They also consider it appropriate that the focus of the policy has been moved from assessing the viability of the precinct to the need for amenity effects to be managed.

(b) Amendments have been made to Policy (2A)(c) to remove the reference to a ‘clustered, singular visual focal point’. The parties consider that this amendment is appropriate because this reference is impractical and unnecessary and any development of multiple tall buildings will appear as a cluster from most viewpoints.

(c) Amendments have been made to Policy (7B) to encourage (rather than require) the provision of retail, commercial services and entertainment activities to locate at or very close to the central pedestrian plaza and the deletion of Policy (7C). The parties consider this amendment to be appropriate because it enables accessory uses to be located where they best support the precinct’s workers, residents and visitors. The deletion of Policy is (7C) is appropriate because it follows the amendments made to Policy (7B).

(d) Amendments to Standard IS38.6.1 Gross floor area (GFA) have been made so that activities are located to have their primary pedestrian entrances within 75m of the central pedestrian plaza. The parties consider this amendment to be appropriate because the increased distance of 75m reflects the reality of the existing development on the site.

(e) IS38.8.2 Assessment criteria (5)(f)(iv) has been deleted to reflect the amendments made to Policy (2A)(c). Amendments made to IS38.8.2 Assessment criteria (5)(f)(v) remove the reference to the summit of
Rangitoto. The parties consider that this amendment is appropriate because the Council decision enables tall building heights, akin to the Business Metropolitan Zone, and it is inevitable that some long-range views will be affected. The parties also consider that it may be more appropriate in some cases to consider the whole form of Rangitoto and not just its summit in terms of an assessment of significant cumulative effects.

(f) Amendments have been made to I538.9 Special Information requirements to include an additional special information requirement to enable the implementation of rule I538.6.1(3). The parties consider that this amendment is appropriate because the information specified is required to enable the assessment of a proposal in terms of the amended Rule I538.6.1(3). The provisions provide for a more efficient assessment by the Council.

[7] Under s 32AA of the Act the Court is required to undertake an evaluation to the extent that is necessary having regard to the changes made.

[8] The evaluation must be undertaken at a level that is appropriate to the level of change. In practical terms, it is difficult where the parties have agreed on the outcomes and filed a consent order to achieve this in a forensic way by examination of evidence.

[9] For this reason, I have considered the amendments sought and explanations provided by the parties as to how each of the amendments sought are the most appropriate way to achieve the purpose of the Act.

[10] I am satisfied that the provisions of s 32AA are generally met in the settlement reached by the parties, and that the amendments agreed to are an appropriate outcome available in terms of the appeal and the plan provisions.

Consideration

[11] In making this order the Court has read and considered the notice of appeal, the memorandum of the parties dated 19 August 2020 and the s 32AA assessment dated 24 August 2020.

[12] All parties to the proceeding have signed the memorandum setting out the relief sought to resolve this appeal.
(a) The Court is making this order under s 278(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

(b) All the parties to the proceedings have executed the memorandum requesting this order; and

(c) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction and conform to the relevant requirements and purpose of the Act, including in particular Part 2.

Order

[13] Therefore, the Court orders, by consent that:

(a) the Smales 1 Precinct provisions are to be amended as set out in Attachment 1;

(b) the appeal is otherwise dismissed;

(c) there is no order as to costs.

DATED at Auckland this 8th day of September 2020

J A Smith
Environment Judge
Attachment 1

Amend the provisions of the IS38 Smales 1 Precinct of the Auckland Unitary Plan (operative in part) with new text shown underlined and deleted text shown as strikethrough, and replace Precinct Plan 2, as set out below:

(1) Amend Objective 4 as follows:

The Smales 1 Precinct manages significant adverse effects on the:
(a) safe and efficient operation of the transport network of the locality;
(b) amenity of neighbouring zones and sites;
(c) function and amenity of Business – Metropolitan or Town Centre zones.

(2) Relocate the following text under IS38.3 Policies to the end of the policies section (after deleted policy (7C)):

The overlay, Auckland-wide and underlying zone policies apply in this precinct in addition to those specified above, except that:

(a) clauses (b) and (c) of policy H15.3(16) do not apply; and

(b) Policy E27.3(2) Integrated transport assessment does not apply to non-residential development up to 162,000 m² gross floor area, and residential development up to 1,380 dwellings.

(3) Amend Policy (1C) as follows:

Recognise that the precinct has an on-going role as a location for business park office activities, the need to integrate the range of uses enabled by the precinct with this function, and to manage any adverse amenity effects from the potential for conversion of buildings used for business park office activities to other uses to affect the viability of the precinct as a business park.

(4) Amend Policy (2A)(c) as follows:

(2A) Enable the establishment of tall buildings within the precinct to maximise the opportunity for intensification and the efficient use of the land that:

(c) contributes positively to a visually interesting skyline, including through the management of building locations and heights, so as to achieve a clustered, singular visual focal point-in for the wider built and landscape setting of the city.

(5) Amend Policy (7B) as follows:

Require Encourage the provision of retail, commercial service and entertainment activities to locate at or very close to the central pedestrian plaza so as to contribute to it being a vibrant, well-activated and lively heart within the precinct.
(6) Delete Policy (7C) as follows:

Require any retail, commercial service or entertainment activities that do not meet policy (7B) to demonstrate that not locating at or very close to the central pedestrian plaza:
(a) is not physically or spatially possible; and
(b) will not compromise the ability of a sufficient quantity of other or future retail, commercial service or entertainment activities provided for in the precinct rules to achieve policy (7B).

(7) Amend activity (A23) in Table I538.4.1 Activity table Smales 1 Precinct as follows:

(A23) Infringing any of clauses (1) to (4) (2) or (3) of Standard I538.6.1

(8) Amend the first paragraph under I538.6 Standards as follows:

The standards applicable to the underlying zone, overlays and Auckland-wide provisions apply in this precinct, except the following:

…..

(9) Amend Standard I538.6.1 Gross floor area (GFA) as follows:

I538.6.1 Gross floor area (GFA)

(1) The maximum gross floor area in the precinct for non-residential activities regardless of activity status is 162,000m² subject to (2) below:

(2) The total gross floor area within the precinct that is occupied by the activities listed below, regardless of activity status, must not exceed 2,000m² plus a cumulative gross floor area of 500m² for every 10,000m² of gross floor area of development up to 162,000m² and 250m² for every 10,000m² over 162,000m² gross floor area:

(a) Retail

(b) Commercial services

(c) Entertainment.

(3) The activities identified in (2) above shall be located to have their primary pedestrian entrances at or within 50m of the central pedestrian plaza.

(3)(4) The activities identified in (2) may occur ahead of the identified thresholds up to a maximum of 10,000m² retail, commercial services or entertainment GFA, if they are located to have their primary pedestrian entrances at or within 75m of the central pedestrian plaza in accordance with (3) above.

(10) Amend the following heading in Table I538.6.4.1 as follows:

Height Area as identified on I538.10.1
Precinct Plan 1
Maximum height

(11) Amend I538.6.6 Outlook space, clause (1) as follows:

(1) Refer to H9 Business – Metropolitan Centre Zone, Standard H9.6.10 applies; and

(12) Amend I538.6.7 Minimum dwelling size, clause (1) as follows:

(1) Refer to H9 Business – Metropolitan Centre Zone, Standard H9.6.11 applies.

(13) Amend I538.6.8 Central pedestrian plaza, clause (1) as follows:

(1) No later than the completion of 125,000 m² GFA of development in the precinct, a pedestrian plaza shall be provided approximately at the intersection of the primary pedestrian linkages shown on I538.10.2 Precinct Plan 2 Structuring elements.

(14) Amend I538.6.9 Primary pedestrian linkages, clause (1) as follows:

(1) No later than the completion of 125,000 m² GFA of development in the precinct, the primary pedestrian linkages shown on I538.10.2 Precinct Plan 2 Structuring elements shall be provided.

(15) Amend I538.7.2 Assessment criteria (2)(a) as follows:

(a) are consistent with I538.10.2 Precinct Plan 2 Structuring elements.

(16) Amend I538.8.1 Matters of discretion (1)(a) as follows:

(b) Refer to E27 Transport, Rule E27.8.1(5)(a), (b) and (c) applies.

(17) Amend I538.8.1 Matters of discretion (4)(a) and (4)(b) as follows:

(a) refer to H9 Business – Metropolitan Centre Zone, Rule H9.6.1(5) applies; and.

(b) effects on the business function of the integration of office activities with other activities within the precinct.

(18) Amend I538.8.1 Matters of discretion (5)(a) as follows:

(a) consistency with I538.10.2 Precinct Plan 2 Structuring elements.

(19) Amend I538.8.1 Matters of discretion (8)(d) as follows:

(d) in granting resource consent for the first development which results in the cumulative development in the precinct exceeding 125,000 m² GFA of non-residential development or 855 dwellings, if either the peak hour traffic generation rates or the mode share for single occupancy car travel is greater than the values set out in I538.8.2(6)(a), the council may impose a condition requiring a travel demand management plan that encourages the use of travel modes other than single occupancy vehicles for accessing the precinct to be prepared in consultation with Auckland Transport and major tenants within the precinct.
(20) Amend I538.8.2 Assessment criteria (1)(a) as follows:

(a) Refer to E27 Transport, Rule E27.8.2(4)(b) to (h) applies.

(21) Amend I538.8.2 Assessment criteria (2)(c) as follows:

(c) the extent to which the height of a new building is appropriate in the context of the height of buildings on adjacent land and within the wider landscape setting of the city.

(22) Amend I538.8.2 Assessment criteria (4)(a) and (b) as follows:

(a) refer to H9 Business – Metropolitan Centre zone, Rule H9.8.2(5) applies; and

(b) effects on the business park function of the integration of office activities with other activities within the precinct:

the extent to which:

(i) the conversion ensures that existing and proposed activities are well integrated and that adverse effects on the business park function of the precinct amenity are avoided or mitigated; and

(23) Amend I538.8.2 Assessment criteria (5)(a) as follows:

(a) consistency with I538.10.2 Precinct Plan 2 Structuring elements

the extent to which the development is generally consistent with the structuring elements identified on I538.10.2 Precinct Plan 2 Structuring elements. Note: Primary pedestrian linkages need not be linear.

(24) Amend I538.8.2 Assessment criteria (5)(f)(iv) and (v) as follows:

(f) buildings within Height Area 2 extending above RL50.4:

(iv) the building, particularly where above RL98.4, positively contributes to achieving a clustered concentration of built form with a singular visual focal point in the precinct, as seen within the broader urban area around the precinct, through building location and height; and

(v) adverse off-site and off-precinct effects of tall buildings, in particular:

• wind, shadowing, dominance and privacy effects; and

• significant visual effects, including cumulative effects, on the wider landscape setting of the city environment, including views to the summit of Rangitoto

are avoided or suitably mitigated;

(25) Amend (delete) I538.9 Special information requirements clause (4) as follows:

(4) A building extending above RL50.4.
(26) Amend I538.9 Special information requirements clause (5) as follows:

(5) Where Standard I538.6.11 10 (2A) applies, a design report prepared by........

(27) Amend I538.9 Special information requirements by adding new clause (6) as follows:

(6) Each application for resource consent under rule I538.6.1(3) for the gross floor area (GFA) of premises occupied by retail, commercial services or entertainment activities ahead of the thresholds in rule I538.6.1(2) shall include a diagram to scale showing:

a) An indicative concept of the proposed central pedestrian plaza as depicted on I538.10.2 Precinct Plan 2 Structuring Elements, including the identification of any portions of the plaza that may have been formed to date, and

b) The location, floor areas and primary pedestrian entrances of all existing activities that are enabled by and are subject to standard I538.6.1(2) – total GFA of retail, commercial services and entertainment activities; and

c) The location, floor areas and primary pedestrian entrances of all proposed new activities that are proposed under standard I538.6.1(3) – GFA of retail, commercial services and entertainment activities ahead of the thresholds of I538.6.1(2); and

(d) A table of floor areas specifying all existing and proposed developments (residential and non-residential) that give rise to the allowances for retail, commercial services and entertainment under standard I538.6.1 Gross floor area (GFA) and specifying also the commensurate retail, commercial services and entertainment floor areas the developments enable (existing and proposed) and identifying also those activities and their floor areas that have primary pedestrian entrances 'at or within 75m of the central pedestrian plaza'.
Amend I538.10.2 Smales 1 Precinct: Precinct Plan 2 – Structuring elements by replacing the precinct plan (which has unwanted linework indicating the location of roading) with the following corrected plan:

Legend
- Smales 1 Precinct
- Vehicle access (ingress/egress)
- Minor vehicle access (ingress only)
- Primary pedestrian linkages
- Central pedestrian plaza

Smales 1 Precinct: Precinct Plan 2 – Structuring elements
Plan Change 23, Smales Farm (private)

Planning Committee approval 1 October 2020
(incorporating consent order changes)

Note: No changes to Business – Business Park Zone

I538. Smales 1 Precinct

I538.1. Precinct description

The zoning of land within the Smales 1 Precinct is the Business - Business Park Zone.

The precinct is located on a 10.8 hectare site at the corner of Taharoto and Northcote roads, and is adjacent to State Highway 1, the Northern Busway, and Smales Farm Station.

Initial development within the precinct was in the nature of a business park, as provided for in the North Shore District Plan and the Auckland Unitary Plan. Most forms of residential development were not explicitly provided for and were non-complying activities. However, the characteristics of the site and its context make it a very suitable location for a high-density, public transport focused, mixed-used node, with an emphasis on both office and residential uses. These characteristics include:

- the large size and remaining development capacity of the precinct;
- the precinct’s position beside a high capacity, high frequency public transport corridor in the form of the Northern Busway, and high capacity bus services that link to it by way of Smales Farm Station; and
- that adjacent uses are primarily institutional and otherwise less-sensitive to the adverse effects of the form and scale of development enabled by the precinct provisions.

Accordingly, the precinct provisions provide for a diversity of uses, including residential and employment activities, in addition to supporting non-residential activities, including retail, at a level to address demand from workers, residents, and visitors to the precinct. The provisions also encourage intensive development and the efficient use of land by providing for tall buildings to be developed. A high standard of building design and pedestrian amenity is ensured by the application of appropriate policies, standards and assessment criteria.

An overarching goal of the precinct is to support a reduction in dependence on vehicles in favour of public transport, walking, cycling and other active modes. The use of public transport is specifically encouraged by ensuring high quality primary pedestrian linkages are provided through the precinct to access the bus station, and by imposing limits on the number of car parking spaces for non-residential activities.

Integrated traffic modelling has been carried out to determine the ability of the surrounding
road network to accommodate the levels of traffic expected to be generated by both
development enabled by the precinct and that which is forecast to be generated by the North
Shore Hospital site. This is because extensive development of the North Shore Hospital site
(including new access arrangements) is planned to be implemented during the same
timeframe as development at the precinct. The modelling has taken account of anticipated
traffic generated from the combined future development. This modelling confirms that the
road network can accommodate the levels of traffic expected to be generated, without
necessitating an assessment of the transportation effects on the surrounding road network
for new development that is otherwise permitted.

The site offers a unique opportunity to promote a quality compact urban form based on
characteristics that do not usually occur together in one location. The use of a Business-
Business Park zone and the Smales 1 Precinct overlay together recognize that the site has:

- an existing and (foreseeably) future employment role anchored around high-density,
  office-based employment of the sort enabled in the Business - Business Park zone;

- characteristics that lend it to a variety of compatible uses and activities that are similar
to that normally enabled in the Business - Mixed Use zone;

- a capability to accommodate residential development at a scale and of a form that is
  similar to that normally enabled in the Business - Metropolitan Centre zone; and

- the likely future catchment size and relationship with Milford and Northcote Town
  Centres, and Takapuna Metropolitan Centre, that justifies the function of a Business -
  Local Centre zone.

The underlying Business - Business Park zone remains in recognition of the substantial
existing Business Park activities occurring on the site, and that these should continue to be
maintained. The precinct sits on top of the zone in recognition that the two methods together
seek to manage a transition over time away from a Business Park mono-culture to a mixed
use environment that provides for both high-density residential and employment activities.

1538.2. Objectives

(1) The Smales 1 Precinct is a vibrant, intensively and efficiently developed mixed-use precinct
which:

   (a) is an attractive place to live, work and visit;

   (b) takes advantage of its close proximity to the adjoining frequent and reliable transit bus
       station;

   (c) responds positively to its immediate surrounds and its wider built and landscape setting;
       and

   (d) has a strong sense of place.

(2) The Smales 1 Precinct is a mixed use and passenger-transport based node successfully
integrating intensive, high amenity residential developments with business park activities and an
appropriate range and scale of accessory uses and developments to support its workers, residents
and visitors.

(3) The Smales 1 Precinct develops and functions in a way which promotes:

(a) travel mode shifts to rapid and frequent public transport services, and connecting stations and services, and active modes;

(b) reduced car trip generation rates and car parking ratios over time particularly compared to the surrounding area;

(c) a high quality public realm containing a central plaza gathering place; and

(d) a well-connected and legible network of primary and secondary pedestrian linkages connecting the precinct with its immediate surrounds and providing a good standard of amenity and accessibility throughout the precinct.

(4) The Smales 1 Precinct manages significant adverse effects on the:

(a) safe and efficient operation of the transport network of the locality;

(b) amenity of neighbouring zones and sites;

(c) function and amenity of Business – Metropolitan or Town Centre zones.

The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

I538.3. Policies

(1) Require any development in the precinct which causes the cumulative total gross floor area of business activity to exceed 162,000m² or the cumulative total number of dwellings to exceed 1,380 to demonstrate that significant adverse effects on the amenity of neighbouring zones will be avoided and that the function and amenity of the Business – Metropolitan Centre Zone and Business – Town Centre Zone will not be significantly adversely affected.

(1A) Enable the development of intensive residential activities within the precinct and require these to be designed to provide privacy and outlook, with good access to daylight and sunlight.

(1B) Require the development of intensive residential activities within the precinct to be designed, constructed and maintained to provide the occupants of noise sensitive spaces with a reasonable level of internal acoustic amenity, thereby managing any potential reverse sensitivity effects.

(1C) Recognise that the precinct has an on-going role as a location for business park office activities, the need to integrate the range of uses enabled by the precinct with this function, and to manage any adverse amenity effects from the potential conversion of buildings used for office activities to other uses.

(2) Provide for accessory activities to meet the immediate needs of office workers, residents and visitors to the precinct while limiting the extent of those uses and activities to manage potential adverse effects on the function and amenity of the Business – Metropolitan Centre Zone and Business – Town Centre Zone.
(2A) Enable the establishment of tall buildings within the precinct to maximise the opportunity for intensification and the efficient use of the land that:

a) takes maximum advantage of the frequent, high capacity and reliable public transport services available within close proximity to the precinct; and

b) avoids significant adverse effects on adjoining land and on properties outside the precinct, and on the wider built and landscape setting of the city; and

c) contributes positively to a visually interesting skyline including through the management of building locations and heights for the wider built and landscape setting of the city.

(2B) Require the establishment of a central pedestrian plaza at the heart of the precinct that provides a vibrant people-focused space which supports the evolving mixed-use community.

(2C) Require high-amenity, safe and convenient primary pedestrian linkages to be provided that connect the central pedestrian plaza with the bus station and the precinct’s Northcote Road, Taharoto Road, and Shakespeare Road frontages.

(2D) Recognise the role of secondary linkages to provide quality walkable connections to integrate all buildings and spaces within the precinct with the primary pedestrian linkages.

(2E) At each stage of development, require consideration of how primary pedestrian linkages and landscaped open spaces, provided or maintained with each new building, are integrated with adjacent linkages, open space and the bus station to ensure an appropriate level of amenity for residents, workers and visitors to the precinct whilst preserving flexibility of options for future stages.

(2F) Require buildings and uses on or near primary pedestrian linkages to contribute positively to the vitality and amenity afforded to users of those linkages, particularly in the vicinity of the rapid transit bus station and the central plaza.

(2H) Discourage high car trip generating uses - such as service stations, large supermarkets or drive through restaurants – and only allow the activity where it:

a) is necessary to support a near capacity level of office and residential development that already exists in the precinct;

b) can be well integrated with other retail and commercial uses;

c) will not detract from a high quality transit-oriented urban environment;

d) will not generate significant adverse traffic effects within or adjacent to the precinct.

(3) Require development over 162,000m² gross floor area of business activity or 1380 dwellings in the precinct to demonstrate that the activity will not significantly adversely
affect the safe and efficient operation of the transport network, or that such effects will be mitigated.

(4) Require any development over 125,000 m² gross floor area of business activity or 855 dwellings in the precinct to assess the effectiveness of the travel demand management measures and the specific transport management changes required to achieve the precinct mode share targets.

(5) For any development over 105,000 m² gross floor area of business activity or 285 dwellings in the precinct, require progress towards the achievement of reduced private car trips and a shift to other travel modes to be monitored and reported at key stages in the development of the precinct.

(6) Limit the supply of on-site parking serving non-residential activities over time to recognise the accessibility of the precinct to frequent and reliable public transport services and active modes, while supporting the planned growth of non-residential activities with an appropriate supply of parking on the site in the short term to encourage that growth.

(7A) Enable sufficient retail, commercial service and entertainment activities within the precinct to meet the needs of residents, workers and visitors.

(7B) Encourage the provision of retail, commercial service and entertainment activities to locate at or very close to the central pedestrian plaza so as to contribute to it being a vibrant, well-activated and lively heart within the precinct.

The overlay, Auckland-wide and underlying zone policies apply in this precinct in addition to those specified above, except that:

(a) clauses (b) and (c) of policy H15.3(18) do not apply; and

(b) Policy E27.3(2) Integrated transport assessment does not apply to non-residential development up to 162,000 m² gross floor area, and residential development up to 1,380 dwellings.

IS38.4. Activity table

The provisions in any relevant overlays, zone and the Auckland-wide provisions apply in this precinct unless otherwise specified below.

Table IS38.4.1 specifies the activity status of land use activities in the Smales 1 Precinct pursuant to section 9(3) of the Resource Management Act 1991.
Table I538.4.1 Activity table Smales 1 Precinct

<table>
<thead>
<tr>
<th>Activity</th>
<th>Activity status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Accommodation</strong></td>
<td></td>
</tr>
<tr>
<td>(A4) Dwellings</td>
<td>P</td>
</tr>
<tr>
<td>(A5) Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding houses</td>
<td>RD</td>
</tr>
<tr>
<td>(A6) Integrated residential development</td>
<td>P</td>
</tr>
<tr>
<td>(A7) Supported residential care</td>
<td>P</td>
</tr>
<tr>
<td>(A8) Visitor accommodation and boarding houses</td>
<td>P</td>
</tr>
<tr>
<td>(A9) Each residential development where the cumulative number of dwellings in the precinct will be greater than 285.</td>
<td>C</td>
</tr>
<tr>
<td>(A10) Each residential development where the cumulative number of dwellings in the precinct will be greater than 855.</td>
<td>RD</td>
</tr>
<tr>
<td><strong>Commerce</strong></td>
<td></td>
</tr>
<tr>
<td>(A11) Conference facilities</td>
<td>P</td>
</tr>
<tr>
<td>(A12) Entertainment facilities</td>
<td>D</td>
</tr>
<tr>
<td>(A13) Retail</td>
<td>P</td>
</tr>
<tr>
<td>(A14) Department store, trade supplier, motor vehicle sales</td>
<td>D</td>
</tr>
<tr>
<td>(A15) Service stations</td>
<td>NC</td>
</tr>
<tr>
<td>(A16) A single supermarket up to 2,000m² gross floor area</td>
<td>P</td>
</tr>
<tr>
<td>(A17) A single supermarket greater than 2,000m² gross floor area</td>
<td>D</td>
</tr>
<tr>
<td>(A18) Drive-through restaurants</td>
<td>D</td>
</tr>
<tr>
<td><strong>Community</strong></td>
<td></td>
</tr>
<tr>
<td>(A20) Community facilities</td>
<td>P</td>
</tr>
<tr>
<td>(A21) Education facilities</td>
<td>P</td>
</tr>
<tr>
<td>(A22) Tertiary education facilities</td>
<td>P</td>
</tr>
<tr>
<td><strong>Non-residential activities</strong></td>
<td></td>
</tr>
<tr>
<td>(A23) Infringing any of clauses (1), (2) or (3) of Standard I538.6.1</td>
<td>D</td>
</tr>
<tr>
<td>(A24) Exceeding the limits in Standard I538.6.2(1)</td>
<td>RD</td>
</tr>
<tr>
<td>(A25) Each non-residential development where the cumulative floor area in the precinct will be greater than 105,000 m² gross floor area.</td>
<td>C</td>
</tr>
</tbody>
</table>
(A26) Each non-residential development where the cumulative floor area in the precinct will be greater than 125,000 m² gross floor area.  RD

Development

(A27) New buildings  RD

(A28) Temporary structures that are in place for less than 21 days.  P

(A29) Central pedestrian plaza  C

(A30) New and redeveloped primary pedestrian linkages (as depicted in Precinct Plan 2 Structuring Elements).  C

(A31) Any new vehicle access or change in the direction of vehicle movements at an existing vehicle access off Shakespeare Road relative to the accesses shown on Precinct Plan 2 Structuring Elements.  D

(A32) Activities exceeding the standards at I538.6 except where otherwise specified in this table.  RD

I538.5. Notification

(A1) An application for resource consent for a controlled activity listed in Table I538.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.

(1) Any application for resource consent for a restricted discretionary, discretionary or non-complying activity listed in Table I538.4.1 Activity table above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I538.6. Standards

The standards applicable to the underlying zone, overlays and Auckland-wide provisions apply in this precinct, except the following:

- Standard E27.6.1 Trip generation does not apply to non-residential development up to 162,000 m² gross floor area and does not apply to residential development up to 1,300 dwellings;
- Standard E27.6.2(5) (Parking);
- Standard H15.6.1 Building height;
- Standard H15.6.3 Yards; and
• Standard H15.6.7 Outlook space.

All activities in the Smales 1 Precinct must comply with the following standards.

**I538.6.1. Gross floor area (GFA)**

Purpose: to create thresholds beyond which new evaluations of the scale, uses and effects of development must occur addressing potential negative impacts on the transport network and or on the function and amenity of centres.

1. The maximum gross floor area in the precinct for non-residential activities regardless of activity status is 162,000m² subject to (2) below:

2. The total gross floor area within the precinct that is occupied by the activities listed below, regardless of activity status, must not exceed 2,000m² plus a cumulative gross floor area of 500m² for every 10,000m² of gross floor area of development up to 162,000m² and 250m² for every 10,000m² over 162,000m² gross floor area:

   a. Retail
   b. Commercial services
   c. Entertainment.

3. The activities identified in (2) may occur ahead of the identified thresholds up to a maximum of 10,000m² retail, commercial services or entertainment GFA, if they are located to have their primary pedestrian entrances at or within 75m of the central pedestrian plaza.

**I538.6.2. Parking**

Purpose: to

- manage the effects of parking for non-residential development on trip generation as the precinct develops
- encourage a reduction in the ratio of parking spaces to floor area as the precinct develops
- ensure that land and resources are used efficiently within the precinct.

1. The number of parking spaces accessory to non-residential activities must not exceed:

   a. 1936 car parking spaces for the first 44,770m² gross floor area;

   b. for any development up to 105,000m² gross floor area up to a maximum of 3,639 spaces; and

   c. for any development in excess of 105,000m² gross floor area up to a maximum of 4,585 spaces.

2. No minimum or maximum parking requirements apply to residential activity.

**I538.6.3. Trip generation**

Purpose: the trip generation effects of development within the precinct are subject to the following thresholds:
• up to 105,000m² gross floor area of non-residential activities or 285 dwellings the effects are considered acceptable.

• up to 125,000m² gross floor area of non-residential activities or 855 dwellings the effects are considered manageable.

• up to 162,000m² gross floor area of non-residential activities or 1,380 dwellings an assessment of the effects is required against the matters of discretion in I538.8.1(6) and the assessment criteria in I538.8.2(6).

(1) For development over 162,000m² gross floor area of non-residential activities or 1,380 dwellings, an integrated transportation assessment (ITA) will be required as set out in Chapter E27.

(2) Non-residential development up to 162,000 m² gross floor area, and residential development up to 1,380 dwellings, will not be subject to the following:

(a) Policy E27.3(2) Integrated transport assessment; and

(b) Standard E27.6.1 Trip generation.

I538.6.4. Building height

Purpose: to

• manage the effects of building height;

• allow reasonable sunlight and daylight access to publicly accessible open space excluding streets and nearby sites;

• enable efficient use of land by enabling tall buildings in appropriate locations within the precinct; and

• contribute to a visually interesting and varied skyline appearance when viewed from distant viewpoints, including by limiting the number of buildings with heights above RL98.4.

(1) Buildings must not exceed the heights in the following table (expressed as an RL - Reduced Level above Mean Sea Level):

<table>
<thead>
<tr>
<th>Height Area as Identified on I538.10.1 Precinct Plan 1 - Maximum height</th>
<th>RL</th>
<th>Equivalent height above average ground level at Taharoto Road frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>50.4</td>
<td>27m</td>
</tr>
<tr>
<td>2</td>
<td>123.4</td>
<td>100m</td>
</tr>
</tbody>
</table>

(2) Notwithstanding I538.6.4(1) the cumulative floor area of the largest floor plate in each building in Height Area 2 above a height of RL98.4 (75m above average ground level at the Taharoto Road frontage) must not exceed 3,000m². For clarity, this standard does not constrain the total gross floor area of buildings above RL98.4. Refer to Figure I538.6.4.1
Calculation of the cumulative area of floorplates for an example of the calculation of the cumulative area of floorplates.

Figure I538.6.4.1 Calculation of the cumulative area of floorplates

A = 123.4 m²
B = 14.4 m²
C = 8.3 m²
A + B + C = 146.1 m²
Cumulative floor plate area above RL 10.4 m (FL4)

I538.6.5. Maximum tower dimension and building separation

Purpose: to ensure that tall buildings

- are not overly bulky in appearance and manage significant visual dominance effects;
- allow adequate sunlight and daylight access to adjoining buildings and land;
- provide adequate sunlight and outlook around and between buildings; and
- mitigate adverse wind effects; and
- contribute to a visually interesting and varied skyline appearance when viewed from distant viewpoints, including by limiting the dimension and cumulative floor area of buildings above RL 98.4.

1. The maximum plan view dimension of that part of a building above RL 50.4 must not exceed 55m.
2. The maximum plan view dimension of that part of a building above RL 98.4 must not exceed 35m.
3. The maximum plan view dimension is the horizontal dimension between the exterior faces of the two most separate points of the building, depicted as A to B in Figure I538.6.5.1 Maximum tower dimension plan view below.
4. Above a height of RL 50.4, a minimum distance of 20m must be provided between buildings.
Figure I538.6.5.1 Maximum tower dimension plan view

I538.6.6. Outlook space

Purpose: to

- ensure a reasonable standard of visual and acoustic privacy between different dwellings, including their outdoor living space, on the same or adjacent building sites;
- encourage the placement of habitable room windows to maximise both passive surveillance of any open space designed to accommodate public use, and privacy, and to manage overlooking of neighbouring building sites.

(1) H9 Business – Metropolitan Centre Zone, Standard H9.6.10 applies; and

(2) The outlook space must be clear and unobstructed by buildings.

I538.6.7. Minimum dwelling size

Purpose: to ensure dwellings are functional and of a sufficient size to provide for the day to day needs of residents, based on the number of occupants the dwelling is designed to accommodate.

(1) H9 Business – Metropolitan Centre Zone, Standard H9.6.11 applies.

I538.6.7A Residential at ground floor

Purpose: to discourage the location of activities that require privacy and which do not contribute to activation on the ground floor of buildings on primary pedestrian linkages.

(1) Dwellings, including units within an integrated residential development, must not locate on the ground floor of a building where the dwelling or unit has frontage to the edge of a primary pedestrian linkage.

I538.6.8. Central Pedestrian Plaza

Purpose: to ensure that a high amenity central gathering place is developed at a timely stage to function as the heart of the precinct.
(1) No later than the completion of 125,000 m² GFA of development in the precinct, a pedestrian plaza shall be provided approximately at the intersection of the primary pedestrian linkages shown on I538.10.2 Precinct Plan 2 Structuring elements.

(2) The central pedestrian plaza shall have a minimum area of 1,000 m².

(3) Notwithstanding the definition of landscaped area in Chapter J Definitions, any part of the central pedestrian plaza that is not part of the internal vehicular network shall be included in the calculation of landscaped area for the precinct.

I538.6.9 Primary pedestrian linkages

Purpose: to ensure that legible, high quality linkages are in place at a timely stage in development of the precinct.

(1) No later than the completion of 125,000 m² GFA of development in the precinct, the primary pedestrian linkages shown on I538.10.2 Precinct Plan 2 Structuring elements shall be provided.

I538.6.10 Noise levels between residential units and for noise sensitive spaces

Purpose: to ensure within the precinct an acceptable level of acoustic amenity for activities sensitive to noise.

(1) Noise levels between units in the precinct shall comply with E25.6.9 (adopting the limits prescribed for the Business Mixed Use Zone).

(2) Noise sensitive spaces within the precinct shall be designed and/or insulated to comply with E25.6.10, adopting the internal noise levels for the Business Mixed Use Zone. For the purpose of applying E25.6.10(2), the external noise level shall be the maximum noise levels permitted in the Business Park Zone.

(2A) New buildings or alterations to existing buildings containing noise sensitive activities within 100 metres of the nearest carriageway edge line of State Highway 1 ("State Highway Buffer Area") must be designed, constructed and maintained to achieve an indoor design noise level from road-traffic of 40 dBA (24h).

(3) The relevant assessment criteria in E25.8 shall apply to any activity that does not comply with I538.6.11. The assessment criteria shall be applied as if the precinct was located in the Business - Mixed Use Zone.

Note: The relevant provisions of E25 for the Business - Business Park zone apply in the precinct unless otherwise specified above.

I538.7. Assessment – controlled activities

I538.7.1. Matters of control

For activities and development that are controlled activities in the precinct, the council will reserve its control to the following matters in addition to the matters specified for the relevant controlled activities in the Business – Business Park zone and the Auckland-wide provisions:

(1) The central pedestrian plaza:
(2) New and redeveloped primary pedestrian linkages:

(a) design.

(3) Each development where either the cumulative floor area of non-residential development will be greater than 105,000 m² gross floor area (A25) or the cumulative number of dwellings will be greater than 285 (A9):

(a) the management of parking;

(b) active modes facilities - the nature and location of facilities throughout the precinct that support active modes of travel;

(c) precinct-wide travel demand management initiatives and

(d) in granting resource consent for any development which results in the cumulative development exceeding 105,000m² GFA of non-residential development or 285 dwellings, if the mode share for single occupancy cars is greater than the values set out in 1538.8.2(6), the council may impose a condition requiring a travel demand management plan that encourages the use of travel modes other than single occupancy vehicles for accessing the precinct to be prepared in consultation with Auckland Transport and major tenants within the precinct and includes Auckland Transport responses.

1538.7.2. Assessment criteria

For activities and development that are controlled activities in the precinct, the council will consider the relevant assessment criteria below in addition to the criteria specified for the relevant controlled activities in the Business – Business Park zone and the Auckland-wide rules:

(1) The central pedestrian plaza:

The extent to which the central pedestrian plaza:

(a) provides a central gathering place and public space heart to the precinct;

(b) achieves a strong sense of edge definition to the public space through building and other elements (e.g. walls, screens, changes in level, vegetation) acknowledging that temporary design solutions may be used as interim measures where adjacent development has not occurred;

(c) creates a positive interface and closely integrates with the adjoining primary pedestrian linkages;

(d) receives adequate sun during the winter between the hours of 11am and 2pm;

(e) is appropriately sheltered from the prevailing south-westerly wind;
(f) provides comfortable places to sit and spend time in;

(g) is primarily hard-surfaced to provide for pedestrian movement, people gathering and events; and

(h) provides lighting to support a safe night-time environment.

(2) New and redeveloped primary pedestrian linkages:

The extent to which primary pedestrian linkages:

(a) are consistent with 1538.10.2 Precinct Plan 2 Structuring elements;

(b) achieve legible, accessible, safe and high quality walking routes between the street entrances, bus station and central pedestrian plaza that are also supportive of people using other active travel modes - bicycles, scooters and other micro-mobility choices;

(c) achieve edge definition through building and other elements (e.g. walls, screens, changes in level, vegetation) acknowledging that temporary design solutions may be used as interim measures where adjacent development has not occurred;

(d) achieve a high-quality interface with adjoining activity, including through weather protection at building entrances, recognising the importance of this interface to the overall quality of the pedestrian environment;

(e) provide lighting to support a safe night-time environment; and

(f) create a positive interface and closely integrated with the central pedestrian plaza.

(3) Each development where either the cumulative floor area of non-residential development in the precinct will be greater than 105,000 m² gross floor area (A26) or the cumulative number of dwellings will be greater 285 (A10):

(a) the management of parking – the extent to which all parking within the precinct is being effectively managed to reduce the demand for single occupancy car trips;

(b) active modes facilities - the nature and location of facilities throughout the precinct that support active modes of travel – the extent of provision in all existing and proposed buildings for active modes of travel and end of trip facilities; and

(c) precinct-wide travel demand management initiatives – including biennial travel mode questionnaire surveys of all precinct workers and residents for comparison with the values set out in 1538.8.2(6), as well as travel demand management initiatives that have been established and administered to determine if they are consistent with the objectives and policies of the precinct, connectivity with any new or upgraded public transport and pedestrian/active mode facilities on the adjacent transport networks, and new facilities for active mode travelers that are
being established.

I538.8. Assessment – restricted discretionary activities

I538.8.1. Matters of discretion

For activities and development that are restricted discretionary activities in the precinct, the council will restrict its discretion to the following matters in addition to the matters specified for the relevant restricted discretionary activities in the Business – Business Park zone and the Auckland-wide provisions:

1. Activities exceeding the limits in Standard I538.6.2 (Parking):
   (a) E27 Transport, Rule E27.8.1(5) (a), (b) and (c) applies.

2. Activities exceeding the limits in Standard I538.6.4 (Height):
   (a) the effects of the infringement on the amenity of neighbouring sites;
   (b) the effects of the infringement on amenity within the precinct;
   (c) the location of the building site in relation to its suitability for high buildings; and
   (d) the contextual relationship of the building with adjacent buildings and the wider landscape.

3. Activities exceeding the limit in clause (2) of Standard I538.6.5 (Maximum tower dimension and building separation):
   (a) The effects of the infringement on the amenity of neighbouring sites; and
   (b) The effects of the infringement on the wider landscape.

4. Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding houses:
   (a) H9 Business – Metropolitan Centre zone, Rule H9.8.1(5) applies; and
   (b) effects of the integration of office activities with other activities within the precinct.

5. New buildings, and additions and alterations not otherwise provided for:
   (a) consistency with I538.10.2 Precinct Plan 2 Structuring elements;
   (b) building design and appearance;
   (c) the design of ground floor residential activity;
   (d) the provision and design of landscaped open space;
(e) pedestrian amenity, safety and access; and

(f) the design and appearance of tall buildings.

(6) Each development where either the cumulative floor area of non-residential development in the precinct will be greater than 125,000m² gross floor area (A26) or the cumulative number of dwellings will be greater than 855 (A10):

(a) mode share;

(b) travel management;

(c) transport infrastructure and parking provisions; and

(d) in granting resource consent for the first development which results in the cumulative development in the precinct exceeding 125,000m² GFA of non-residential development or 855 dwellings, if the mode share for single occupancy car travel is greater than the values set out in I538.8.2(6)(a), the council may impose a condition requiring a travel demand management plan that encourages the use of travel modes other than single occupancy vehicles for accessing the precinct to be prepared in consultation with Auckland Transport and major tenants within the precinct.

I538.8.2. Assessment criteria

For activities and development that are restricted discretionary activities in the precinct, the council will consider the relevant assessment criteria below in addition to the criteria specified for the relevant restricted discretionary activities in the Business – Business Park zone and the Auckland-wide rules:

(1) Activities exceeding the limits in Standard I538.6.2 (Parking):

(a) E27 Transport, Rule E27.8.2(4)(b) to (h) applies.

(2) Activities exceeding the limits in Standard I538.6.4 (Height):

(a) the extent to which the amenity of neighbouring sites including those outside the precinct is adversely affected;

(b) the extent to which the precinct can accommodate higher buildings without generating significant adverse effects on the wider environment;

(c) the extent to which the height of a new building is appropriate in the context of the height of buildings on adjacent land and within the wider landscape setting of the city;

(d) for buildings in Height Area 1, in addition to (a), (b) and (c) above, those criteria listed in I583.8.2(5)(f).

(3) Activities exceeding the limit in clause (2) of Standard I538.6.5 (Maximum tower dimension and building separation):
(a) the extent to which the amenity of neighbouring sites including those outside the precinct is adversely affected; and

(b) the extent to which building footprint, mass and visual scale is managed above RL98.4, including through appearing obviously smaller than below RL98.4, in order to avoid significant adverse effects on the wider environment, in particular, the skyline of the precinct, as seen within the broader urban area.

(4) Conversion of a building or part of a building to dwellings, integrated residential development, visitor accommodation or boarding houses:

(a) H9 Business – Metropolitan Centre zone, Rule H9.8.2(5) applies; and

(b) effects of the integration of office activities with other activities within the precinct:

the extent to which:

(i) the conversion ensures that existing and proposed activities are well integrated and that adverse effects on amenity are avoided or mitigated.

(5) New buildings, and additions and alterations not otherwise provided for:

(a) consistency with IS38.10.2 Precinct Plan 2 Structuring elements:

the extent to which development is generally consistent with the structuring elements identified on IS38.10.2 Precinct Plan 2 Structuring elements. Note: Primary pedestrian linkages need not be linear.

(b) building design and appearance:

the extent to which:

(i) building design is of high quality, expressing a clear and coherent design concept that responds to its surrounding context and utilises a palette of durable materials to express the building form;

(ii) features such as façade modulation and articulation, and/or the use of materials and finishes, are used to manage visual amenity effects of building bulk and scale, and to create visual interest;

(iii) the roof profile is part of the overall building form and rooftop plant and equipment is integrated into the building design; and

(iv) the ground floor areas of buildings on primary pedestrian linkages are adaptable to a range of uses.

(c) ground floor residential activity:

where ground floor residential activity adjoins a publicly accessible area, the extent to which the design of the public/private interface:
(i) addresses the privacy of occupiers of dwellings;

(ii) provides appropriate levels of passive surveillance of the adjoining area of public access; and

(iii) maintains the visual and pedestrian amenity of the adjoining area of public access.

(d) landscaped open space:

the extent to which:

(i) landscaped open space is provided or maintained with each stage of development; and

(ii) the design of hard and soft landscaping integrates with and appropriately enhances the design and configuration of buildings and the amenity of publicly accessible areas for the various users of the precinct.

(e) pedestrian amenity, safety and access:

the extent to which:

(i) the design of a building contributes to pedestrian vitality and interest where it fronts an area of significant pedestrian activity, in particular adjoining primary pedestrian linkages and the central pedestrian plaza;

(ii) building entrances are easily identifiable and accessible, and provide pedestrian shelter;

(iii) separate pedestrian entrances are provided for residential activity that are clearly located and legible for public access and provide a sense of address for residents and visitors;

(iv) the design of development has regard to pedestrian amenity and personal safety; and

(v) parking, loading and service areas are located and screened (as necessary) to maintain pedestrian amenity.

(f) buildings within Height Area 2 extending above RL50.4:

the extent to which:

(i) the building maintains the visual amenity of the overall development on the site as viewed from residential zones and public places outside the precinct;

(ii) the building makes a positive contribution to the collective skyline of the precinct, including architectural expression to the rooftops and upper levels
of tall buildings;

(iii) the building responds and relates appropriately to the scale and form of neighbouring buildings within the precinct;

(v) adverse off-site and off-precinct effects of tall buildings, in particular:

- wind, shadowing, dominance and privacy effects; and
- significant visual effects, including cumulative effects, on the wider landscape setting of the city

are avoided or suitably mitigated;

(6) Each development where either the cumulative floor area of non-residential development in the precinct will be greater than 125,000m² gross floor area (A26) or the cumulative number of dwellings will be greater than 855 (A10):

(a) mode share – assessment of the actual mode share of travel associated with non-residential and residential activities at the precinct in the morning and afternoon peak hour, against the following mode shares:

(i) non-residential: single occupancy car travel 60%; all other travel 40%; and

(ii) residential: single occupancy car travel 45%; all other travel 55%.

(b) demonstrate the success or otherwise of Travel Demand Management measures implemented within the precinct, including demonstrating these are consistent with the objectives and policies of the precinct, including:

(i) site travel demand management plans corresponding to the scale and significance of the activity;

(ii) physical infrastructure to be established or currently established on the site to support alternatives to single occupancy car use, such as covered facilities for cyclists, scooters, showering, lockers and changing facilities, plus carpool, shared vehicles and shared parking areas; and

(iii) operational and management measures to be established or currently implemented on the site to encourage reduced vehicle trips including car share schemes, management to incentivise lower vehicle use, public transport incentives, flexi-time, remote working, and staggered working hours;

(c) reporting on any new or upgraded public transport and pedestrian / active modes connections on the transport network adjacent to the precinct; and

(d) where criterion 538.8.2.(6)(a) is not met, the council shall have regard to whether the overall non-residential activity could meet that criterion where,
either:

(i) the parking proposed in the application for non-residential activity gross floor area results in a reduction in the overall parking ratio for non-residential activity consistent with achieving the requirements in standard IS38.6.2(1); or

(ii) information is provided in the application to demonstrate how the parking provision for later intended buildings will be delivered to achieve the requirements in standard IS38.6.2(1).

I538.9. Special information requirements

Special information is required in respect of the following applications, as set out below:

(1) Each development where either the cumulative floor area of non-residential development in the precinct will be greater than 105,000 m² gross floor area (A25) or the cumulative number of dwellings will be greater than 285 (A9):

(a) All the information necessary for council to be able to gain a comprehensive understanding of the matters which are listed for assessment.

(b) An ‘integration’ plan indicating the positioning of all existing and intended buildings relative to ‘structuring elements’ and how the balance of the precinct is to be developed to achieve or promote the objectives and policies of the precinct and thereby how the proposal fits with the developed and consented urban structure and form. To avoid doubt, this plan is not to be the subject of any approval from the council but is to inform any other travel-related conditions that might be appropriate and to understand such things as the developing movement pattern throughout the precinct and the location of noise-emitting and noise-sensitive activities.

(c) An assessment including a biennial travel mode questionnaire survey of travel patterns of workers and residents prepared by a suitably qualified and experienced person addressing the following:

(i) Mode share

Details of the actual mode share of travel associated with non-residential and residential activity in the precinct in the morning and afternoon peak hour.

(2) The application for resource consent under rules IS38.4.1 (A25), (A9), (A26) and (A10) shall provide evidence of consultation on the mode share assessment with Auckland Transport and the New Zealand Transport Agency and their responses to that consultation.

(3) The formation of a new primary pedestrian linkage and/or the central pedestrian plaza at any time or stage in the development of the precinct.

(a) As for I538.9(1)(a) and (b).
(4) Where Standard I538.6.10 (2A) applies, a design report prepared by a suitably qualified and experienced acoustics specialist must be submitted to the council demonstrating noise compliance prior to the construction or alteration of any building containing a noise sensitive activity in or partly in the State Highway Buffer Area.

(5) Each application for resource consent under rule I538.6.1(3) for the gross floor area (GFA) of premises occupied by retail, commercial services or entertainment activities ahead of the thresholds in rule I538.6.1(2) shall include a diagram to scale showing:

(a) An indicative concept of the proposed central pedestrian plaza as depicted on I538.10.2 Precinct Plan 2 Structuring Elements, including the identification of any portions of the plaza that may have been formed to date; and

(b) The location, floor areas and primary pedestrian entrances of all existing activities that are enabled by and are subject to standard I538.6.1(2) – total GFA of retail, commercial services and entertainment activities; and

(c) The location, floor areas and primary pedestrian entrances of all proposed new activities that are proposed under standard I538.6.1(3) – GFA of retail, commercial services and entertainment activities ahead of the thresholds of I538.6.1(2); and

(d) A table of floor areas specifying all existing and proposed developments (residential and non-residential) that give rise to the allowances for retail, commercial services and entertainment under standard I538.6.1 Gross floor area (GFA) and specifying also the commensurate retail, commercial services and entertainment floor areas the developments enable (existing and proposed) and identifying also those activities and their floor areas that have primary pedestrian entrances ‘at or within 75m of the central pedestrian plaza’.

I538.10. Precinct plans

I538.10.1 Smales 1 Precinct: Precinct Plan 1 – Maximum Height

I538.10.2 Smales 1 Precinct: Precinct Plan 2 – Structuring Elements.
Attachment B

Item 11

I538.10.1 Smales 1 Precinct: Precinct Plan 1 – Maximum Height

Legend
- Smales 1 Precinct
- Height Area 1 RL 50.40 m
- Height Area 2 RL 123.4 m
Te take mō te pūrongo

Purpose of the report

1. To update the Planning Committee on the commencement of the Urban Development Act 2020 and to delegate authority to the Chair and Deputy of the Planning Committee the power to establish a political working group to provide staff with political direction on exercising the council’s powers and functions under the Act in certain cases.

Whakarāpopototanga matua

Executive summary

2. The Urban Development Act 2020 (the Act) commenced on 7 August 2020. The Act provides for functions, powers, rights and duties of the Crown entity Kāinga Ora – Homes and Communities, to enable it to undertake its urban development functions.

3. The Act gives Kāinga Ora access to a series of development powers and the ability to establish specified development projects. Most of these powers can only be used within a specified development project but some are also available for use in business as usual developments that Kāinga Ora undertakes. Each of the powers has been designed to address a specific barrier to development. Not all powers will be needed by every project. A summary of the powers available to Kāinga Ora is provided at Attachment A.

4. The Act confers a number of powers and functions on Auckland Council such as indicating support for the establishment of a specified development area and nominating a representative to sit on an independent hearings panel for a specified development project. Staff can largely utilize existing delegations to undertake work under the Act.

5. The timeframes for carrying out these powers and functions are tight, only 20 working days in some instances. As such, actions may need to be taken outside of Planning Committee timeframes. This report sets out where these actions will be required and recommends the Planning Committee delegate authority to the Chair of the Planning Committee the power to establish a political working party to provide staff with political direction for the exercise (under existing delegations) of the council’s powers and functions under the Act, when certain criteria are met.

Ngā tūtohunga

Recommendation/s

That the Planning Committee:

a) delegate to the Chair and Deputy Chair of the Planning Committee the power to establish a political working group comprising the Chair of Planning Committee, a member of the Independent Māori Statutory Board, relevant ward councillor(s) and a representative of relevant local board(s), in consultation with the Mayor’s Office, to provide political direction on the execution of powers and functions under the Act where staff advise that one or more of the following criteria are met:

i) the development plan is inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050

ii) the specified development area is out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy
iii) there is insufficient infrastructure to support the development plan and/or significant public infrastructure spend is required to support the project

iv) there are significant implications for the Parks Network Plans for the same location

v) there is a significant impact on Auckland Council/Council-Controlled Organisation (CCO) and/or third-party infrastructure

vi) there is the potential for significant adverse environmental effects to occur.

Horopaki Context

6. The Act commenced on 7 August 2020. The Act sets out the functions, powers, rights and duties of the Kāinga Ora Homes and Communities (Kāinga Ora) to enable it to undertake its urban development functions.

7. The Act gives Kāinga Ora access to a series of development powers. Most of these powers can only be used within a specified development project but some are also available for use in business as usual developments that Kāinga Ora undertakes. Each of the powers has been designed to address a specific barrier to development. Not all powers will be needed by every project. A summary of the powers available to Kāinga Ora is provided at Attachment A.

8. The Act enables a new process to establish an urban development project – called a specified development project. These areas are designed to cover a large area and deliver improved urban development outcomes, including a mix of housing types, good transport connections, employment and business opportunities, key infrastructure, community facilities, and green spaces. A summary of the Specified Development Project process is provided at Attachment B.

9. On the date of which a development plan (for a specified development project) becomes operative Kāinga Ora becomes the consent authority for all consent applications on the project area where a territorial authority would otherwise be the consent authority but it will not have regional consenting powers. Kāinga Ora must also monitor, enforce and promote compliance in a project area. Kāinga Ora becomes a requiring authority within the project area and outside of the project area where connections are required.

10. Auckland Council made a submission on the Act on 14 February 2020. Thirteen local boards provided feedback to the Act which were appended to the main submission. The Auckland Council submission focused on adopting a partnership approach between central government, local government and mana whenua to avoid unnecessary duplication. Some changes were made as a result of our submission which were set out in a memo to elected members dated 12 August 2020.

11. Councillor Darby and Councillor Bartley spoke to the Auckland Council submission at Select Committee on 6 April 2020. Auckland Transport and Watercare Services Limited also spoke at Select Committee on the same day.

12. At this stage it is unclear what area, if any, that Kāinga Ora will chose to use its powers under the Act. There is a substantial process for Kāinga Ora to follow as set out in the Act to establish a specified development project. Staff will utilise existing programmes such as the Auckland Housing Programme and Auckland Council and Crown Joint Work Programme on Auckland Growth and Housing to be kept up to date of any developments from Kāinga Ora.
Tātaritanga me ngā tohutohu
Analysis and advice

13. Key steps in the process of establishing a specified development area include – project selection, assessment, joint Minister’s decision, project establishment, hearings, and amendments, transfers and disestablishment. The process utilises an Independent Hearings Panel similar to the Auckland Unitary Plan. There is opportunity for public consultation. The transition period as the specified development area is being established is also important for potential crossover with our functions. For Auckland Council there are a number of points in the process where there will be opportunity for input with the first, and arguably most important, step being an invitation to indicate support for a specified development project.

Power of delegation

14. Timeframes within the Act are tight. This creates the potential for some actions to be taken outside of Planning Committee timeframes. Most of the powers and functions under the Act can be exercised by staff under existing delegations.

15. However, existing staff delegations do not cover the powers and functions of the council under subpart 2 of Part 4 of the Act (relating to targeted rates), and that any delegations of these powers and functions will need to be made directly to staff by the Governing Body (in the same way that powers under the Local Government (Rating) Act 2002 have been made).

Political working group

16. There are a number of key steps in the process as set out above where elected members will want to provide political direction on the decision made.

17. To enable this to happen, this report recommends the Planning Committee delegate authority to the Chair and Deputy of the Planning Committee the power to establish a political working party to provide political oversight to staff in exercising the council’s powers and functions in relation to a proposed specified development area. It is recommended that a political working party be established where staff advise that one or more of the following criteria are met:

- the development plan is inconsistent with the Auckland Unitary Plan and/or not aligned with the outcomes in the Auckland Plan 2050
- the specified development area is out of sequence with the Auckland Plan Development Strategy and Future Urban Land Supply Strategy
- there is insufficient infrastructure to support the development plan and/or significant public infrastructure spend is required to support the project
- there are significant implications for the Parks Network Plans for the same location
- there is a significant impact on Auckland Council/Council-Controlled Organisation (CCO) and/or third-party infrastructure
- there is the potential for significant adverse environmental effects to occur.

18. It is recommended that each political working party established would comprise of the Chair of the Planning Committee, a member of the Independent Māori Statutory Board, relevant ward councillor(s) and a representative of the relevant local board(s) where the proposed specified development area falls. There will also be consultation with the Mayor’s Office. There will be one group established for each specified development area that sits within a different region in Auckland.

19. Any political working party established would not have a decision-making role but would be providing political oversight to staff in exercising the council’s functions and powers under existing delegations. The political working group could, however, direct staff to report a particular matter to Planning Committee for a decision if that was considered appropriate.
Tauākī whakaaweawe āhuarangi
Climate impact statement
20. The matters raised in this report do not have any impact on climate change as they address procedural matters.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
21. Auckland Transport (AT), Watercare Services Limited (WSL) and Panuku Development Auckland (Panuku) were involved in the preparation of the council’s submission on the Act. AT and WSL made separate submissions and were heard at Select Committee.
22. Staff within AT and WSL have been advised of this delegation report and the draft report has been shared with representatives from AT and WSL.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
23. Local Boards were invited to provide their feedback to the Urban Development Act and were involved in a workshop on 31 January 2020 to discuss the Act. Thirteen local boards provided their feedback, and this was appended to the Auckland Council submission that was made on 14 February 2020.
24. As discussed with Local Board Services, it is proposed that a representative of the relevant local board(s), affected by a proposed specified development area, sit on each political working group. If this recommendation is approved, Local Board Services staff will explore the best way to support local boards to do this.

Tauākī whakaaweawe Māori
Māori impact statement
25. Staff involved in preparing the council’s submission included the council’s Māori Outcomes Leads. Staff from the Independent Māori Statutory Board contributed to the preparation of the submission. In addition, an Independent Māori Statutory Board member, Tau Henare formed part of the group delegated to approve the submission and participated in the political working group on 20 January 2020.
26. It is recommended that a member of the IMSB sit on the Political Working Group to provide oversight of staff in exercising the council’s functions under existing delegations.

Ngā ritenga ā-pūtea
Financial implications
27. No additional budget is requested at this stage, as this recommendation simply covers the establishment of a recommended process step.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations
28. The establishment of a political working group as recommended in this report will ensure that when the criteria are triggered there will be political direction given to staff when exercising the council’s functions and powers under existing delegations.
29. Staff will utilise existing programmes such as the Auckland Housing Programme and Auckland Council and Crown Joint Work Programme on Auckland Growth and Housing to be kept up to date of any updates from Kāinga Ora.
Ngā koringa ā-muri

Next steps

30. Staff will keep Planning Committee updated when a specified development area is identified and progressed by Kāinga Ora. As per the recommendation in this report, the Political Working Group will form when a specified development area is identified and one or more of the criteria are triggered.

Ngā tāpirihanga

Attachments

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Ngā kaihaina

Signatories

<table>
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<tr>
<th>Author</th>
<th>Anna Jennings - Principal Advisor</th>
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<tbody>
<tr>
<td>Authorisers</td>
<td>John Duguid - General Manager - Plans and Places</td>
</tr>
<tr>
<td></td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>
# Summary of Powers available to Kāinga Ora

The Urban Development Act gives Kāinga Ora access to a set of development powers that it can use when undertaking specified development projects. Each power is designed to address a specific barrier to development. Not all powers will be needed for every project, and the development plan will set out which ones are needed to progress each specified development project.

<table>
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<tr>
<th>Development category</th>
<th>Description of power</th>
<th>Act currently enabling this power</th>
<th>Agency currently responsible for this power</th>
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| **Infrastructure**                | - Scope potential works and design.  
- Having access to private property for the purposes of surveying.  
- Require the Local Authority to provide information or charge a fee to the Local Authority to retain the information for themselves.  
- Construct, remove, amend and replace “g-waters” and drainage infrastructure.  
- Construct, stop, amend and re-aligning roads.  
- Create, amend, remove car parking areas, public transport facilities and ancillary infrastructure.  
- Transfer ownership and operation of new infrastructure to a local authority (but not debt).  
- Ability to request a Local Authority to make, amend or suspend a bylaw for a defined area and time period, to support development activities. Approval of the request may not be unreasonably withheld. | Local Government Act 2002  
Government Roading Powers Act 1989  
Public Works Act 1954  
Land Transport Management Act 2013 | Department of Internal Affairs  
Ministry of Transport  
New Zealand Land Transport Agency  
Land Information New Zealand |
| **Planning and consenting**       | - Override, add to, or suspend provisions in the district plan, regional plan, or regional policy statement.  
- Issue resource consents (City/District level – land use and subdivision consents).  
- Shortened resource consent process.  
- Act as a requiring authority under the RMA to create designation inside and outside of the project area.  
- Remove, change or replace designations for infrastructure within a project area.  
- Victor amend the applications of resource consents or plan changes in the project area. | Resource Management Act 1991 | Ministry for the Environment |
| **Funding**                       | - Set and assess targeted rates within a specified development project area.  
- Require development contributions.  
- Require betterment payments.  
- Require infrastructure and administrative charges. | Local Government (Rating Act) 2002  
Local Government Act 2002  
Local Government Act 1974  
Resource Management Act 1991 | Department of Internal Affairs  
Ministry for the Environment |
| **Land acquisition and transfer** | - Exchanging, reselling or reconfiguring some types of reserves.  
- Creating, classifying and vesting of reserves.  
- Transferring and settling apart of Crown owned land.  
- Compulsory acquisition of private land.  
- Ability to transfer ownership of land to a developer to deliver urban development works. This may be necessary when a developer needs to own the land to be able to access development finance.  
- Ability to buy, sell or hold land in own name.  
- Transfer of former Maori land. | Reserves Act 1977  
Public Works Act 1954  
Crown Entities Act 2005  
Housing Act 1995 | Department of Conservation  
Land Information New Zealand |
The Specified Development Project process

Specified Development Projects (SDP) will support Kāinga Ora to transform our towns and cities by providing a new way to do complex urban development. The SDP process is designed so that planning, infrastructure, land use and funding arrangements are sorted upfront, so delivery can get underway quicker. This is balanced with protections for Māori interests, and environmental, cultural, and heritage needs.

**Establishing the SDP and setting the strategic direction**
- Through due diligence and by seeking input from key stakeholders and the public.

**Preparing the draft development plan**
- So it is clear how the project will be delivered.

**Refining and approving the development plan**
- Through consultation, review by an Independent Hearing Panel, and Ministerial approval.

---

**Starting Point**
Kāinga Ora determines whether to initiate the SDP process or to direct it to by Ministers. Any party to the development can propose a development project.

1. **Kāinga Ora carries out initial assessment**
   - Kāinga Ora assesses the development proposal to determine whether it meets the project and funding criteria, and provide advice to Ministers on whether the project should proceed.

2. **Ministers decide to establish an SDP**
   - Ministers decide whether or not to establish an SDP based on the advice of Kāinga Ora.

3. **SDP is established through Order in Council**
   - An Order-in-Council is used to establish an SDP and set out the broad strategic directions and the nature of the government’s role. This is a key decision point.

4. **Kāinga Ora prepares draft development plan**
   - Kāinga Ora develops the development plan, including project development, funding advice, and any other matters.

5. **Minister approves the release of the draft development plan**
   - The Minister responsible for the Act approves the release of the draft development plan for public consultation.

6. **Submissions open to the public**
   - The public has the opportunity to provide comments on the draft development plan.

7. **Independent Hearing Panel considers submissions**
   - An Independent Hearing Panel (IHP) made up of current or former Environment Court judges considers submissions as detailed below.

8. **Minister decision to approve the development plan**
   - The Minister responsible for the Act approves the development plan recommended by the IHP and approves the plan. This is a key decision point.

---

**Development begins**
Kāinga Ora and its partners can activate the development powers and development can begin, as set out in the development plan.
Te take mō te pūrongo
Purpose of the report
1. To note the progress on the forward work programme appended as Attachment A.
2. To receive a summary and provide a public record of memos or briefing papers that have been held or been distributed to committee members.

Whakarāpopototanga matua
Executive summary
3. This is a regular information-only report which aims to provide greater visibility of information circulated to committee members via memo/briefing or other means, where no decisions are required.
4. The following information items are attached:

<table>
<thead>
<tr>
<th>Information Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auckland Monthly Housing Update – September 2020</td>
</tr>
</tbody>
</table>

5. The following workshops have taken place:

<table>
<thead>
<tr>
<th>Workshops</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/9/2020 Auckland Unitary Plan - Universal Design</td>
</tr>
<tr>
<td>9/9/2020 Confidential: Unlock Uptown - City Rail Link (CRL) Development Programme</td>
</tr>
</tbody>
</table>

6. The following memoranda have been sent:

<table>
<thead>
<tr>
<th>Date</th>
<th>Memorandum</th>
</tr>
</thead>
<tbody>
<tr>
<td>24/9/2020</td>
<td>City Centre Programme Update</td>
</tr>
<tr>
<td>25/9/2020</td>
<td>Strategic implications of recent Urban Growth Agenda reforms</td>
</tr>
</tbody>
</table>

7. These documents can be found on the Auckland Council website, at the following link:

http://infocouncil.aucklandcouncil.govt.nz/

- at the top left of the page, select meeting/Te hui “Planning Committee” from the drop-down tab and click “View”;
- under ‘Attachments’, select either the HTML or PDF version of the document entitled ‘Extra Attachments’.

8. Note that, unlike an agenda report, staff will not be present to answer questions about the items referred to in this summary. Planning Committee members should direct any questions to the authors.
Ngā tūtohunga
Recommendation/s
That the Planning Committee:

a) note the progress on the forward work programme appended as Attachment A of the agenda report

b) receive the Summary of Planning Committee information items and briefings – 1 October 2020.

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Forward Work Programme</td>
<td>205</td>
</tr>
<tr>
<td>B</td>
<td>Auckland Monthly Housing Update - September 2020 (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Workshop: 2 September 2020, Auckland Unitary Plan - Universal Design (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Memorandum - City Centre Programme Update (Under Separate Cover)</td>
<td></td>
</tr>
<tr>
<td>E</td>
<td>Memorandum - Strategic implications of recent Urban Growth Agenda reforms (Under Separate Cover)</td>
<td></td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Duncan Glasgow - Kaitohutohu Mana Whakahaere / Governance Advisor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Megan Tyler - Chief of Strategy</td>
</tr>
</tbody>
</table>

Summary of Planning Committee information items and briefings (including the Forward Work Programme) - 1 October 2020
# Kōmiti Whakarite Mahere / Planning Committee
## Forward Work Programme 2020
This committee guides the physical development and growth of Auckland through a focus on land use, transport and infrastructure strategies and policies relating to planning, growth, housing and the appropriate provision of enabling infrastructure, as well as programmes and strategic projects associated with these activities. The full terms of reference can be found [here](#).

<table>
<thead>
<tr>
<th>Area of work and Lead Department</th>
<th>Reason for work</th>
<th>Committee role (decision and/or direction)</th>
<th>Expected timeframes: Highlight the month(s) this is expected to come to committee in 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unitary Plan Monitoring including Climate response (led by Plans and Places)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auckland Unitary Plan Monitoring Report Plans and Places</td>
<td>Statutory requirement under section 35 of the Resource Management Act to provide a comprehensive monitoring report five years from date the Auckland Unitary Plan became ‘operative in part’ (i.e. by November 2021). This work will consist of interim monitoring reports ahead of November 2021. Examples of monitoring topics include urban growth and form, quality built environment, historic heritage, indigenous biodiversity, Maori economic, social and cultural development, natural hazards (including flooding) and climate change. This work may result in plan changes being recommended ahead of the review of the Auckland Unitary Plan in 2026.</td>
<td>Decisions required: Interim reports seeking committee feedback and decisions on possible plan changes ahead of the review of the Auckland Unitary Plan in 2026.</td>
<td></td>
</tr>
<tr>
<td>Enabling Rainwater Tanks Plan Change</td>
<td>Decisions required: committee delegated authority to approve notification of the plan change PLA/2020/47</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Mandating the installation of rainwater tanks in certain situations – staff to report back to Planning Committee with options (April 2021)</td>
<td>Decisions required: committee to consider options and recommendations</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Strategic approach to post-Covid Auckland</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Strategic response to Covid-19 Chief Planning Office</td>
<td>Progress the COVID-19 strategic response discussion – workstreams and workshop date tbc</td>
<td>Decision required: to be confirmed</td>
<td></td>
</tr>
<tr>
<td><strong>Auckland Plan 2050</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auckland Plan 2050 Implementation and Monitoring Auckland Plan Strategy and Research</td>
<td>Six monthly implementation update</td>
<td>Decision required Approving minor updates to the Plan to keep it up to date</td>
<td>C</td>
</tr>
<tr>
<td></td>
<td>Annual scorecard</td>
<td>Decision required: depends on outcomes of scorecard</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Further work arising from the deep-dive</td>
<td>Decision required: depends on outcomes of deep-dive</td>
<td></td>
</tr>
<tr>
<td>Area of work and Lead Department</td>
<td>Reason for work</td>
<td>Committee role (decision and/or direction)</td>
<td>Expected timeframes</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Urban Growth and Housing</strong></td>
<td>The NPS UD was gazetted by the government on 20 July 2020 and comes into force on 20 August 2020 with ongoing timeframes for implementation. The purpose of the NPS UD is to require councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations</td>
<td>Decision required: consider the significant policy and implementation issues that are presented by the NPS UD</td>
<td>Jan, Feb, Mar, Apr, May, Jun, Jul, Aug</td>
</tr>
<tr>
<td><strong>National Policy Statement on Urban Development</strong></td>
<td>Ongoing Kainga Ora implementation issues and relationship management</td>
<td>Decision required: to be confirmed</td>
<td>Sep, Oct, Nov, Dec</td>
</tr>
<tr>
<td><strong>Affordable Housing</strong></td>
<td>To progress the resolution (PLA/2019/17) on Auckland Council’s role and position on affordable housing in phases: Progress report and approach to advice</td>
<td>Decision required: receive Affordable Housing progress update and insights Forward work programmed approved PLA/2020/65</td>
<td></td>
</tr>
<tr>
<td><strong>Crown Auckland Council Joint Work Programme</strong></td>
<td>Quarterly update on the Crown and Auckland Council Joint Work Programme on Urban Growth and Housing.</td>
<td>Decision required: Receive update on JWP and any proposed changes to the workstreams following the Political Governance meeting in February 2020.</td>
<td></td>
</tr>
<tr>
<td><strong>Transport Strategy Programme (led by Auckland Plan Strategy &amp; Research, CPO in conjunction with others)</strong></td>
<td>Including climate lens and monitoring. Terms of reference to be decided. Indicative timing only</td>
<td>Decision required: tbc Terms of Reference endorsed at Emergency Committee 14 May 2020 EME/2020/62</td>
<td></td>
</tr>
</tbody>
</table>
| **ATAP Refresh** | **Summary of Planning Committee information items and briefings (including the Forward Work Programme) - 1 October 2020**

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<table>
<thead>
<tr>
<th>Area of work and Lead Department</th>
<th>Reason for work</th>
<th>Committee role (decision and/or direction)</th>
<th>Expected timeframes Highlight the month(s) this is expected to come to committee in 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congestion Question</td>
<td>Congestion question project final report. Next steps known post-election 2020.</td>
<td>Decision required: project updates and reporting</td>
<td>C (tbc)</td>
</tr>
<tr>
<td>City Centre to Mangere light rail</td>
<td>Subject to Cabinet consideration. Next steps known post-election 2020.</td>
<td>Decision required: subject to Cabinet consideration</td>
<td>W</td>
</tr>
<tr>
<td>Additional Harbour Crossing</td>
<td>The business case is being finalised. The team is planning to provide a progress update to committee when complete. The business case is a joint piece of work between Waka Kotahi NZ Transport Agency, Auckland Transport (AT) and Auckland Council.</td>
<td>Decision required: consideration of business case</td>
<td></td>
</tr>
<tr>
<td>Increasing mobility options &amp; networks (walking, cycling &amp; micro-mobility, &amp; connecting networks)</td>
<td>Status update to be confirmed</td>
<td>Decision required: to be confirmed</td>
<td></td>
</tr>
<tr>
<td>Regional parking strategy review</td>
<td>AT has started work on updating some parts of its 2015 parking strategy. Timing is uncertain but the indicative completion date is mid-2020. Concurrently, Transport Strategy has initiated a research project looking beyond operational issues, analysing statutory (and potential) mechanisms pertaining to supply and management of parking. The purpose is to support our climate action planning, inform the AT parking strategy refresh and to inform any Unitary Plan review.</td>
<td>Decision required: to be confirmed</td>
<td></td>
</tr>
<tr>
<td>Public Transport Operating Mechanism review</td>
<td>Following direction from the Mayor and Chair, Transport Strategy will be working with MoT and AT as part of the PTOM review process. Next steps to be confirmed September 2020.</td>
<td>Decision required: to be confirmed</td>
<td></td>
</tr>
</tbody>
</table>
| Item 13 | Area of work and Lead Department | Reason for work | Committee role (decision and/or direction) | Expected timeframes
|  |  |  |  | Highlight the month(s) this is expected to come to committee in 2020
|  |  |  |  | Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
|  | Hamilton to Auckland High Speed Rail business case | Status update to be confirmed. | Decision required: to be confirmed |  |
|  | Upper North Island Supply Chain Strategy work programme | Engagement with Ministers and engagement with the work underway ahead of report back to Cabinet (previously scheduled for May 2020). Next steps known post-election 2020. | Decision required: to be confirmed |  |
|  | Infrastructure Strategy Auckland Plan Strategy & Research | 30 Year Infrastructure Strategy – strategic insights and direction (for subsequent referral to Finance Committee – forms part of LTP) | Decision required: timeframe and decisions to be confirmed in line with LTP |  |
|  | Review of Schedule 10 Notable Trees Schedule Plans and Places | Environment and Climate Change Committee noted (resolution ECC/2020/00) that staff will consider the timing of a full review of Schedule 10 – Notable Trees in the context of resourcing constraints and priorities and report back to Planning Committee. | Decision required: consider a full review of Schedule 10 Notable Trees Schedule |  |
|  | Making Plan Changes Operative Plans and Places | Statutory requirement under the Resource Management Act to make plan council and private changes operative once the decision on the plan change is made and any appeals are resolved. | Decision required: Make plan changes operative. |  |
|  | Private Plan Changes Plans and Places | Private plan change requests not dealt with under staff delegation. These will be brought to committee as and when required. | Decision required: Accept/adopt/reject/deal with the request as a resource consent application. |  |
|  | Plan Change – Residential Plans and Places | Monitoring of the Auckland Unitary Plan has indicated that some improvements can be made to the provisions for residential development. | Decision required: Provide direction on the scope and timing of a potential plan change. | W (W (tbc))
|  | Plan Change – Onehunga Wharf Panuku and Plans and Places | Present draft plan change to committee prior to seeking public feedback. Will seek committee accept plan change as a public plan change in early 2021. | Decision required: Presentation of draft plan change prior to public consultation. |  |
## Completed

<table>
<thead>
<tr>
<th>Lead Department</th>
<th>Area of work</th>
<th>Committee role (decision and/or direction)</th>
<th>Expected timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPO</td>
<td>Kāinga Ora - Homes and Communities second Bill</td>
<td>Approval process for council’s submission</td>
<td>Council’s submission approved by Planning Committee 5 December 2019 PLA/2019/92</td>
</tr>
<tr>
<td>Auckland Plan Strategy &amp; Research, CPO</td>
<td>Submission on the Land Transport (Rail) Legislation Bill</td>
<td>Review and approve council’s submission</td>
<td>Council’s submission approved by Planning Committee 4 February 2020 PLA/2020/9</td>
</tr>
<tr>
<td>Urban Growth and Housing</td>
<td>Submission on the Urban Development Bill</td>
<td>Review and approve council’s submission</td>
<td>Council’s submission approved by Planning Committee 4 February 2020 PLA/2020/10</td>
</tr>
<tr>
<td>CPO</td>
<td>Submission on the draft National Policy Statement Indigenous Biodiversity</td>
<td>Review and approve council’s submission</td>
<td>Council’s submission approved by Planning Committee 5 March 2020 PLA/2020/15</td>
</tr>
<tr>
<td>Auckland Plan Strategy and Research</td>
<td>Auckland Plan 2050 Implementation and Monitoring</td>
<td>Receive an update on the Auckland Plan 2050 and the first Auckland Plan 2050 Three Yearly Progress report</td>
<td>Updates received by Planning Committee 5 March 2020 PLA/2020/16</td>
</tr>
<tr>
<td>Auckland Design Office</td>
<td>City Centre Masterplan Refresh adoption</td>
<td>Consider and adopt refreshed City Centre Masterplan</td>
<td>City Centre Masterplan Refresh adopted by Planning Committee 5 March 2020 PLA/2020/17, PLA/2020/18, PLA/2020/19</td>
</tr>
<tr>
<td>Financial Strategy and Planning</td>
<td>Submission on the Infrastructure Funding and Financing Bill</td>
<td>Review and approve council’s submission</td>
<td>Council’s submission approved by Planning Committee 5 March 2020 PLA/2020/20</td>
</tr>
<tr>
<td>DPO</td>
<td>Shovel-ready projects for Central Government</td>
<td>Agreement on list for submission to central government</td>
<td>Process agreed at Emergency Committee 9 April 2020 EME/2020/13</td>
</tr>
<tr>
<td>CPO</td>
<td>Submission on the Accessible Streets Regulatory Package</td>
<td>Review and approve council’s submission</td>
<td>Council’s submission approved by Emergency Committee 16 April 2020 EME/2020/23</td>
</tr>
<tr>
<td>Silverdale West Dairy Flat Structure Plan</td>
<td>Consider and approve the final structure plan</td>
<td>Final structure plan approved by Governing Body 30 April 2020 GB/2020/38</td>
<td></td>
</tr>
<tr>
<td>Item 13</td>
<td>Lead Department</td>
<td>Area of work</td>
<td>Committee role (decision and/or direction)</td>
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<tr>
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</tr>
<tr>
<td></td>
<td>Auckland Plan Strategy &amp; Research, CPO</td>
<td>NZTA Innovating Streets Fund</td>
<td>Approval of council approach and submission</td>
</tr>
<tr>
<td></td>
<td>CPO</td>
<td>Government Policy Statement on Land Transport 2021-2031, and draft National Rail Plan</td>
<td>Approval of second round funding bids to NZTA</td>
</tr>
<tr>
<td></td>
<td>Plans and Places</td>
<td>National Environmental Standards on Air Quality – council submission</td>
<td>Approve council submission on GPS and Draft national rail plan</td>
</tr>
<tr>
<td></td>
<td>Chief Planning Office</td>
<td>Resource Management Act Framework Fast-track consenting legislative change</td>
<td>Approve council’s submission</td>
</tr>
<tr>
<td></td>
<td>Plans and Places</td>
<td>Strategic Land Use Frameworks for Dairy Flat and Kumeu Huapai Future Urban Areas</td>
<td>Approval to prepare strategic land use frameworks for Wainui Silverdale Dairy Flat and Kumeu-Huapai.</td>
</tr>
<tr>
<td></td>
<td>Plans and Places</td>
<td>Plan Change - Whenuapai</td>
<td>Approve next steps.</td>
</tr>
<tr>
<td></td>
<td>Plans and Places</td>
<td>Plans Change – Events on Public Space Enable events on public space that have obtained an event permit to be undertaken more easily.</td>
<td>Endorsement of proposed plan change for notification.</td>
</tr>
</tbody>
</table>
Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Planning Committee

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

| C1 Unlock Uptown - CRL Mt Eden and Karangahape Stations Development Programme |
|---|---|---|
| Reason for passing this resolution in relation to each matter | Particular interest(s) protected (where applicable) | Ground(s) under section 48(1) for the passing of this resolution |
| The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7. | s7(2)(b)(ii) - The withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. In particular, the report contains decisions that project partner Kāinga Ora is required to seek formal approval from the responsible Minister(s) post government elections. | s48(1)(a) |

The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.