

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

AND

IN THE MATTER of **Private Plan Change 90** – 8 Sparky Road, Otara to the Auckland Unitary Plan

HEARING DIRECTION #5 FROM THE HEARING PANEL

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel (the Panel) consisting of three independent hearing commissioners – Peter Reaburn (Chairperson), Lee Beattie and James Whetu. The Panel’s function is to hear the application and submissions and make a decision on the Plan Change proposal, including any changes to it that are within scope of the notified Plan Change. It is also to deal with any procedural matters.
2. On Friday 13 October 2023 the Panel directed the following:
 - a. The hearing date of 24 and 25 October 2023 be vacated and that the hearing be vacated pending advice from the Applicant as to:
 - Evidence incorporating any changes to the proposed plan change request
 - Further information as a result of discussions with Submitters
 - Possible hearing dates

This information is to be provided no later than **Wednesday 15 November 2023**.
 - b. Upon receipt of the Applicants memorandum and further evidence, further Directions will be issued to set hearing dates, due dates for submitter evidence and the s42A Addendum report.
 - c. The panel will schedule its site visit after receipt of the Applicants memorandum due on 15 November 2023.
3. After allowing some extra time the Panel received a response from the applicant on 24 November 2023 and an additional memorandum from Goodman Property Trust on 27 November 2023. Both documents are attached to this direction.
4. The Panel has considered the Applicants memorandum and the memorandum of Goodman Property Trust. The Panel acknowledges that the council’s S42A report, the applicant’s evidence and the submitters expert evidence were all pre-circulated earlier this year. In light of that, the Panel accordingly directs the following:

- a. An addendum section 42A report is to be provided to the Hearings Advisor no later than **9am, Wednesday 28 February 2024** and published on Council's website by **5pm on Friday 1 March 2024**.
 - b. The Applicant is to provide supplementary / rebuttal evidence to the Hearings Advisor by **midday, Friday 8 March 2024** for circulation to the Panel, the submitters and the Council's officers. The evidence is to be placed on Council's website by 5pm that same day. This evidence will address:
 - (i) The rationale for the refinements made to the precinct provisions as a result of discussions with Goodman, including a section 32AA assessment; and
 - (ii) The Applicant's response to the other expert evidence filed on 10 October 2023 (from Auckland Transport, Ngati Te Ata, Waka Kotahi and Shaun Lee).³
 - c. Submitters are to provide any lay or non-expert evidence to the Hearings Advisor by **midday, Friday 15 March 2024** for circulation to the Panel, the Requiring Authority and the Council officers. The evidence is to be placed on Council's website by 5pm that same day.
5. The Panel encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Wednesday 20 March 2024**. The Panel and other parties will be assisted if the legal submissions can be pre-read.
 6. The purpose of these Directions is to provide the opportunity for the Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary may be read out or the key points highlighted.
 7. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor, Chayla Walker, by email at: Chayla.walker@aucklandcouncil.govt.nz.



Peter Reaburn, Chairperson
1 December 2023

UNDER

the Resource Management Act
1991 ("RMA" or "the Act")

AND

IN THE MATTER

of Plan Change 90 to **AUCKLAND
COUNCIL** by **HIGHBROOK
LIVING LIMITED** pursuant to
Clause 21 of Schedule 1 of the
Act to change the Auckland
Unitary Plan to rezone land at 8
Sparky Road, Ōtara

MEMORANDUM OF COUNSEL FOR Highbrook Living Limited

Introduction

1. This memorandum is filed on behalf of Highbrook Living Limited ("HLL"), the proponent of Plan Change 90 ("PC 90").
2. On 11 October 2023, following the filing of submitter evidence (but before the filing of the section 42AA addendum and HLL's rebuttal evidence¹), HLL filed a memorandum of counsel seeking that the hearing scheduled for 24 and 25 October be vacated and adjourned.
3. The purpose of seeking the adjournment was to allow further time for HLL to undertake discussions with Goodman (NZ) Limited ("Goodman") to address matters raised in its expert evidence.
4. The adjournment was confirmed by way of Hearing Panel Direction 3 dated 13 October 2023.² The Panel directed that HLL should provide advice as to the results of discussions and proposed changes to PC 90 by 15 November 2023. This date was subsequently extended to 24 November 2023 to allow the discussions to be completed.

Purpose of memorandum

5. Following the conclusion of discussions with Goodman, the purpose of this memorandum is to:

1 Which in accordance with Direction 2, were to be filed on 16 October 2023 and 19 October 2023, respectively.

2 Referred to as Direction 4 on the Auckland Council's hearings page for Plan Change 90.

- (a) Advise the Panel of the results of those discussions and proposed refinements to the precinct provisions; and
- (b) Request further directions in relation to the scheduling of evidence exchange and hearing dates.

Result of discussions with Goodman

- 6. HLL is pleased to report that discussions between HLL and Goodman have been very constructive. Refinements to the proposed precinct provisions have been agreed, and Goodman has advised that it is satisfied that these amendments appropriately address the matters raised in its evidence, such that it no longer opposes PC 90. We understand that Goodman will advise the Panel of its new position, including withdrawing its expert evidence, shortly.
- 7. By way of summary, the key issue raised by Goodman in its evidence concerned traffic effects on the neighbouring Highbrook Business Park. Specifically, Goodman was concerned that the zoning and precinct provisions provided insufficient certainty that the forms of development enabled would generate no more than 130 vehicle movements per hour, as contemplated by the plan change request.
- 8. The purpose of the refinements to the proposed precinct provisions is to provide further certainty that the PC 90 area will not be used in a way that would generate more than 130 vehicle movements per hour. Specifically, the changes:
 - (a) Amend Policy 2 to clarify that traffic movements exceeding 130 vehicle movements per hour should be "avoided".
 - (b) Make non-compliance with Standard I4.6.1 (total traffic generated) a Prohibited activity.
 - (c) Include as a matter of discretion and assessment criterion for restricted discretionary activities the monitoring of trip generation to demonstrate compliance with Standard I4.6.1.
- 9. The proposed refinements to the precinct provisions are attached as **Attachment A**.
- 10. HLL intends to provide a full explanation of the rationale for the amendments, including a section 32AA assessment, in supplementary evidence to be filed in accordance with further directions from the Panel.

Directions sought

11. HLL respectfully requests that the Panel issue further directions for evidence exchange as contemplated in HLL's memorandum of 11 October 2023. This process essentially picks up the schedule where it left off at the time of adjournment, so that the next step is the filing of the 42A Addendum Report, as follows:
 - (a) Circulation of an addendum to the section 42A report at least 15 working days before the hearing.
 - (b) Circulation of supplementary / rebuttal evidence for the Applicant at least 10 working days before the hearing. This evidence will address:
 - (i) The rationale for the refinements made to the precinct provisions as a result of discussions with Goodman, including a section 32AA assessment; and
 - (ii) HLL's response to the other expert evidence filed on 10 October 2023 (from Auckland Transport, Ngati Te Ata, Waka Kotahi and Shaun Lee).³
 - (c) Circulation of any lay submitter evidence at least 5 working days before the hearing.
12. HLL recognises that, following the steps in this timetable, it is unlikely to be possible for a hearing to occur prior to the Christmas / New Year shut-down period. On that basis, HLL suggests that it liaise directly with Ms Khan to determine availability for a new hearing date in the new year.
13. Counsel is grateful to the Hearing Panel for its consideration of this memorandum.

DATED at Auckland this 24th day of November 2023



K A Storer / O C Gunn

Counsel for Highbrook Living Limited

³ Noting that the hearing was adjourned prior to the date for filing of the 42AA addendum and HLL's rebuttal evidence.

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- 9. The proposed refinements to the precinct provisions are attached as **Attachment A**.
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K A Storer / O C Gunn

Counsel for Highbrook Living Limited

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ATTACHMENT A

REVISED PRECINCT PROVISIONS

PRIVATE PLAN CHANGE REQUEST – PROPOSED CHANGES TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

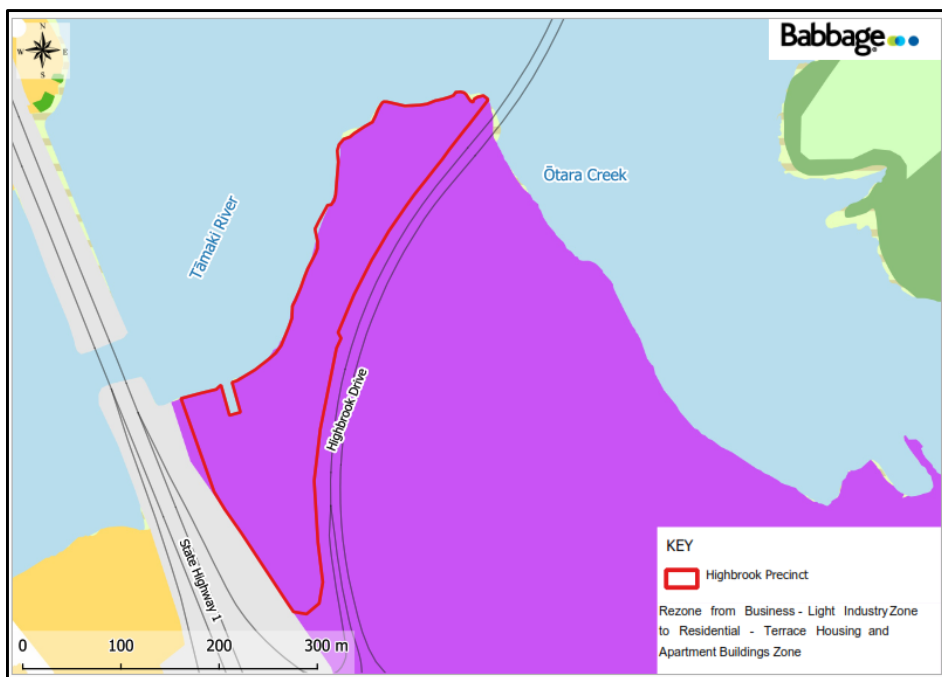
APPENDIX A - AMENDMENTS PROPOSED BY THE APPLICANT IN RESPONSE TO THE SUBMISSIONS

Dated 24 Nov 2023

<i>Note:</i>	
<u>Underlined, strike through</u> and highlighted text	Amendments proposed by the applicant as set out in Ms Singh's Statement of Evidence in Chief (dated 2 October 2023).
<u>Underlined, strike through</u> and highlighted text	Amendments agreed between the applicant and Goodman, as set out in Memorandum of Counsel for HLL (dated 24 November 2023).
<ul style="list-style-type: none">• Numbering to be updated later	

Amend the Auckland Unitary Plan (Operative in Part) as follows:

1) **Rezone the Plan Change area as shown below:**



2) Insert a new Highbrook Precinct into Chapter I Precincts (South) as set as out below:

14. Highbrook Precinct

14.1. Precinct Description

Highbrook Precinct is located beside the Highbrook industrial area. The Precinct is bounded by Tāmaki River, Ōtara Creek, Highbrook Drive and State Highway 1.

The Highbrook Precinct is part of the site which contained the former Ōtāhuhu Power Station. The Tāmaki River and Ōtara Creek environments adjoining the Precinct, contain remnant infrastructure which previously supported the operation of the Ōtāhuhu Power Station.

The Highbrook Precinct is zoned Residential - Terrace Housing and Apartment Buildings Zone. It adjoins the Business – Light Industry Zone located east of Highbrook Drive and applied to the wider Highbrook industrial area.

The purpose of the Precinct is to enable the establishment of high-density residential development in proximity to an important employment hub in Highbrook. The Precinct benefits from visual amenity, landscape and unique urban setting provided by the Tāmaki River environments. Development within the Precinct will integrate with the existing urban environment.

The Precinct seeks to manage adverse effects on the efficient operation of the surrounding road network, in particular on Highbrook Drive and the Highbrook Drive / State Highway 1 roundabout. An Integrated Transport Assessment has confirmed that the development of 200 dwellings (or dwelling unit equivalents) total traffic movements of 130 vehicles per hour, generated by any land use within the Highbrook Precinct, is acceptable within the Precinct, with supporting non-residential land uses (such as a diary, café or shared office spaces).

Commented [SS1]: Amendment proposed in response to sub 14.3 from AT and sub 12 from Goodman.

A revised Integrated Transport Assessment Report (including appropriate forecast transport modelling, and latest Precinct land use assumptions with sensitivity tests of those) is to be prepared to support any resource consent application for development exceeding 200 dwellings (or dwelling unit equivalents).

Commented [SS2]: Amendment proposed in response to sub 12 from Goodman.

14.2. Objectives

- (1) Land within the Highbrook Precinct is used efficiently to provide high-density urban living adjacent to the Highbrook industrial area and the Tāmaki River environments.
- (2) Activities sensitive to noise are protected from adverse health and amenity effects arising from road traffic noise associated with the operation of State Highway 1 and Highbrook Drive.

- (3) Subdivision, use and development within the Highbrook Precinct ensures that adverse effects on the safety, capacity and efficiency of the operation of the local surrounding transport network is avoided, remedied or mitigated.
- (4) Pedestrians and cyclists moving to and from the Highbrook Precinct are provided with safe and convenient pedestrian and cycling connections along Highbrook Drive and the surrounding pedestrian and cycling network.

Commented [SS3]: Amendment proposed by AT (sub 14.15)

Commented [SS4]: New objective proposed in response to sub 14.16 from AT.

All relevant overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

14.3. Policies

- (1) Require buildings that contain activities sensitive to noise to be designed and constructed with acoustic attenuation measures to provide for people's health and residential amenity to achieve specified minimum indoor design noise levels.
- (2) Limit the Avoid total traffic movements from the Highbrook Precinct exceeding 130 vehicles per hour number of dwellings within the Highbrook Precinct to 200 dwellings (or dwelling unit equivalents) to ensure that vehicle trip generation from development within the precinct remains within anticipated levels.
- (3) Require an Integrated Transport Assessment Report to support a resource consent application for development exceeding 200 dwellings (or dwelling unit equivalents) to ensure that the quantum of development generates appropriate travel demand, and implements the required infrastructure upgrading to ensure that any adverse effects on the safety, capacity and efficiency of the operation of the local transport network is avoided, remedied or mitigated.
- (4) Require subdivision and development within the Highbrook Precinct to facilitate a transport network that supports safe pedestrian, and cycle facilities, public transport use and promotes alternative transport choice by requiring:
 - (a) the preparation of a Highbrook Precinct Transportation Plan.
 - (b) the upgrading of the shared pedestrian / cycle facilities along the areas shown in Precinct Plan 1.
 - (b1) the construction of a shared pedestrian / cycle facility providing a connection between the Access shown in Precinct Plan 1 and the intersection of Gridco Road and Hellabys Road.

Commented [SS5]: Amendment proposed in response to sub 12 from Goodman.

Commented [SS6]: Amendment proposed in response to sub 14.3 from AT.

Commented [SS7]: Amendment proposed in response to sub 12 from Goodman.

Commented [SS8]: Amendments proposed in response to sub 14.16 from AT.

Commented [SS9]: Amendment proposed in response to sub 14.4 from AT.

- (c) construction of a bus stop along the Precinct frontage with Highbrook Drive.
- (d) installation of a pedestrian barrier along the area shown in Precinct Plan 1 to improve pedestrian safety.
- (e) the implementation of a shuttle bus service within the Precinct to provide connections to nearby public transport hubs and town centres.

All relevant overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.

I4.4. Activity table

All relevant overlay, Auckland-wide and zone activity tables apply in this precinct unless otherwise specified below.

Activity Table I4.4.1 specifies the activity status of land use and development activities pursuant to section 9(3) and section 11 of the Resource Management Act 1991.

Table I4.4.1 Activity table

Land use and development		Activity status
(A1)	Activities that do not comply with Standard I4.6.5 Road noise attenuation	RD
(A2)	Activities that do not comply with the following Standards: (i) Standard I4.6.1 Maximum number of dwellings (ii) Standard I4.6.2 Highbrook Precinct Transportation Plan (iii) Standard I4.6.3 Upgrading of shared cycle/pedestrian path (iv) Standard I4.6.4 Construction of a bus stop	D
(A3)	Activities that do not comply with the following Standard: (i) Standard I4.6.1 Total traffic generated	Pr

Commented [SS10]: Amendment proposed in response to sub 14.3 from AT

Commented [SS11]: Amendment proposed in response to sub 12 from Goodman.

Commented [SS12]: Amendment proposed in response to sub 12 from Goodman.

14.5. Notification

- (1) Any application for resource consent for an activity listed in Activity Table I4.4.1 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).

14.6. Standards

The overlay, Auckland-wide and zone standards apply in this precinct in addition to the following standards.

All permitted, controlled and restricted discretionary activities must comply with the following standards.

14.6.1. ~~Maximum number of dwellings~~ ~~Total traffic generated~~

~~(1) The maximum number of dwellings (or dwelling unit equivalents) in the Highbrook Precinct must not exceed 200.~~

~~(2) In Standard 14.6.1(1), dwelling unit equivalents must be calculated as follows:~~

Type	Equivalent dwellings unit value
Retirement village unit	0.64
Supported residential care	0.46
Visitor accommodation room	1.3

~~(1) Total traffic generated by any land use entering or exiting the Highbrook Precinct shall not cumulatively exceed 130 vehicles per hour (vph) (in any hour).~~

Commented [SS13]: Amendment proposed in response to sub 12 from Goodman.

Note: each entry or exit movement is equivalent to 1 vph.

14.6.2. Highbrook Precinct Transportation Plan

- (1) ~~As part of the first stage of development (excluding bulk earthworks), a Transportation Plan must be prepared by a suitably qualified transportation professional to outline:~~
- ~~(a) how the future residents will access the wider area, including pedestrian linkages, cycle linkages, and public transport modes.~~
 - ~~(b) how the provision of a private shuttle bus within the Precinct will be implemented to enable connections to key public transport nodes, town centres or key destinations.~~

14.6.3. Upgrading of shared cycle / pedestrian path and pedestrian barrier

- (1) As part of the first stage of development (excluding bulk earthworks), the following transport infrastructure upgrades must be completed to Auckland Transport Design Standards:
- (a) the area identified as shared pathway to be upgraded on Precinct Plan 1.
 - (b) the installation of a pedestrian barrier within the area shown on Precinct Plan 1

14.6.4. Construction of a bus stop

- (1) As part of the first stage of development (excluding bulk earthworks), a bus stop must be constructed along the Precinct frontage with Highbrook Drive. The location and design of the bus stop is to be confirmed in consultation with Auckland Transport.

Commented [SS14]: Amendment proposed in response to sub 14.5 from AT.

14.6.5. Road noise attenuation

- (1) Any new building or alterations to existing buildings containing an activity sensitive to noise must be designed, constructed and maintained to not exceed 40 dB LAeq (24 hour) for all noise sensitive spaces.

(2) If windows must be closed to achieve the design noise levels in I4.6.5(1), the building must be designed, constructed and maintained with a mechanical ventilation system for noise sensitive spaces, to achieve the following requirements:

- (a) an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees Celsius; or

Note:

Mechanical cooling must be provided for all habitable rooms (excluding bedrooms) provided that at least one mechanical cooling system must service every level of a dwelling that contains a habitable room (including bedrooms)

- (b) a high volume of outdoor air supply to all habitable rooms with an indoor air supply rate of no less than:
- six air changes per hour (ACH) for rooms with less than 30 percent of the façade area glazed; or
 - 15 air changes per hour (ACH) for rooms with greater than 30 percent of the façade area glazed; or
 - three air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.
- (c) For all other noise sensitive spaces provide mechanical cooling to achieve an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees celsius; and
- (d) provide relief for equivalent volumes of spill air; and
- (e) be individually controlled across the range of airflows and temperatures by the building occupants in the case of each system; and
- (f) Have a mechanical ventilation and/or cooling system that generates a noise level no greater than LAeq 35 dB when measured 1m from the diffuser at the minimum air flows required to achieve the design temperatures and air flows in Standard 2(a) and (b) above.
- (3) A report must be submitted by a suitably qualified and experienced person to the council demonstrating that compliance with I4.6.5(1) and (2) can be achieved prior to the construction or alteration to any building containing an activity sensitive to noise.

14.6.6. Coastal Protection Yard

Purpose:

- To ensure that buildings are adequately set back from the Tāmaki River.
- To provide protection from natural hazards.
- To provide space for public access to the Tāmaki River environments.

- (1) Any new building or parts of a building must not be located within the 20m of the coastal protection yard.

14.7. Assessment – controlled activities

There are no controlled activities in this precinct.

14.8. Assessment – restricted discretionary activities

14.8.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide and zone provisions.

- (1) Non-compliance with Standard 14.6.5 – Road noise attenuation
- (a) The effects on people's health and residential amenity
 - (b) The location of the building
 - (c) Topographical or building design features that will mitigate noise effects.

(2) Transport infrastructure requirements

- (a) The effects on the transport network.
- (b) the provision of separated active transport connections between the Precinct and the intersection of Gridco Road and Hellabys Road.
- (c) **Resource consent condition requiring the monitoring of trip generation.**

(3) New buildings

Commented [SS15]: Amendment proposed in response to sub 10.2 from DOC.

Commented [SS16]: Consequential amendment – sub14.4 and 14.6 from AT.

Commented [SS17]: Amendment proposed in response to sub 12 from Goodman.

Commented [SS18]: Amendment proposed in response to sub 10.2 from DOC.

(a) Site layout and configuration

14.8.2. Assessment criteria

The council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the restricted discretionary activities in the overlay, Auckland-wide and zone provisions.

(1) Non-compliance with Standard 14.6.5 – Road noise attenuation:

- (a) Whether the building accommodating activities sensitive to noise is located or designed to achieve protection from adverse health and amenity effects.
- (b) The extent to which alternative mitigation measures to manage the effects of non-compliance on the health and amenity of the occupants.

(2) Transport ~~matters~~ infrastructure requirements

- (a) Prior to the occupation of the first dwelling, the extent to which the provision of a private shuttle bus between the Highbrook Precinct and the nearby public transport hubs, town centres or key destinations is implemented, including consideration of the following matters:
 - Is privately funded, operated, managed and, where not provided directly by the developer, is secured through an appropriate legal mechanism such as (but not limited to) a Body Corporate or Residents' association to ensure an effective level of service.
 - Achieves the intended purpose of encouraging behaviour change from private vehicles and towards public transport.
 - Takes into consideration of other public transport options and alternative transport modes made available in the surrounding area.
 - ~~Takes into consideration the Highbrook Precinct Transportation Plan.~~

(b) The extent to which the private shuttle bus service is informed by the preparation of a Highbrook Precinct Transportation Plan by a suitably qualified transportation professional, outlining

- (i) the key destinations for the shuttle bus service based on the needs of the residents of and visitors to the Highbrook Precinct.

Commented [SS19]: Amendment proposed in response to sub 14.6 from AT.

- (ii) the frequency of the shuttle bus service during morning and afternoon peaks, interpeak, weekdays and weekends.
- (c) The extent to which a shared pedestrian / cycle facility is available between the Access shown in Precinct Plan 1 and the intersection of Gridco Road and Hellabys Road.
- (d) The extent to which monitoring is required to demonstrate compliance with Standard I4.6.1(1).
- (3) New buildings
 - (a) The extent to which the site layout, configuration and design integrates the development within the context of the open space environment adjoining Tāmaki River (shown as Indicative Open Space / Esplanade Reserve Area in Highbrook Precinct Plan 1).
 - (b) The extent to which the site layout, configuration and design enables safe public access to and along the Indicative Open Space / Esplanade Reserve Area shown in Precinct Plan 1.

Commented [SS20]: Amendment proposed in response to sub 14.4 from AT.

Commented [SS21]: Amendment proposed in response to sub 12 from Goodman.

Commented [SS22]: Amendment proposed in response to sub 10.2 from DOC.

14.9. Special information requirements

There are no special information requirements in this precinct.

14.10. Precinct plans

14.10.1. Highbrook Precinct Plan 1



Delete Precinct Plan 1 below.



BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Private Plan Change 90 by Highbrook Living Limited to rezone 4.4ha of land at 8 Sparky Road from Business - Light Industrial Zone to Residential – Terrace Housing and Apartment Buildings Zone ("**PC90**")

MEMORANDUM OF COUNSEL FOR GOODMAN PROPERTY TRUST

27 NOVEMBER 2023

MAY IT PLEASE THE HEARING COMMISSIONERS

1. Goodman Property Trust (acting by and through its manager Goodman (NZ) Limited) ("**Goodman**") made a submission, and further submission on PC90. Goodman has also filed expert planning and traffic evidence with the Panel. The submissions and evidence filed by Goodman raised concerns regarding the traffic effects of PC90.
2. On 13 October 2023, in response to a request from the applicant (Highbrook Living Limited), the Panel issued a direction vacating the hearing from the dates set down for 24-25 October 2023, to enable the applicant to carry out further discussions with submitters.
3. Following this, Goodman and the applicant have engaged in constructive discussions about PC90, and how to manage any potential traffic related effects. As a result of that continued engagement, Goodman and the applicant have agreed on measures to address the matters raised in the submissions and evidence of Goodman.
4. Based on this agreement, Goodman can now confirm that it no longer opposes PC90.
5. Against this context, Goodman also withdraws the expert evidence it has previously filed with the Panel, being the statements of Mr Parlane (Traffic) and Mr Thompson (Planning), both dated 9 October 2023.
6. To avoid doubt, Goodman's submission and further submission remain in place.

DATED 27 November 2023



D J Minhinnick / S A Kilgour
Counsel for Goodman Property Trust