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I hereby give notice that a hearing by commissioners will be held on:

**Date:** Tuesday 24 and Wednesday 25 October 2023  
**Time:** 9.30am  
**Meeting room:** Howick Local Board Meeting Room  
**Venue:** Level 1, Pakuranga Library Complex  
7 Aylesbury Street, Pakuranga, Auckland

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**PRIVATE PLAN CHANGE 90**  
**HEARING REPORT**  
**8 SPARKY ROAD, OTARA**  
**HIGHBROOK LIVING LIMITED**

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**COMMISSIONERS**

**Chairperson** Peter Reaburn  
**Commissioners** TBC  
James Whetu

**Sidra Khan**  
**KAITOHUTOHU WHAKAWĀTANGA**  
**HEARINGS ADVISOR**

Telephone: 09 890 8801 or 021 591 786  
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## **WHAT HAPPENS AT A HEARING**

### **Te Reo Māori and Sign Language Interpretation**

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

### **Hearing Schedule**

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

### **Cross Examination**

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

### **The Hearing Procedure**

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present their case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
  - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
  - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or their representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

### **Please note**

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing

**A NOTIFIED PRIVATE PLAN CHANGE TO THE AUCKLAND UNITARY PLAN BY  
HIGHBROOK LIVING LIMITED**

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**Reporting officer, Tania Richmond, Planner**

Reporting on proposed Private Plan Change 90 - 8 Sparky Road, Otara to rezone 4.4 hectares on the north-western side of Highbrook Drive at 8 Sparky Rd from Business - Light Industry to Residential - Terrace Housing and Apartment and to apply the Highbrook Precinct to the rezoned land.

**APPLICANT:** HIGHBROOK LIVING LIMITED

| <b>SUBMITTERS:</b> |                                       |
|--------------------|---------------------------------------|
| Page 299           | STET Limited ATTN: Shaun Lee          |
| Page 307           | Craig Brooks                          |
| Page 309           | Clarissa Jane Witehira                |
| Page 311           | Julie Chambers                        |
| Page 314           | Davina Mihaka                         |
| Page 316           | Ngāti Te Ata Waiohua C/o Karl Flavell |
| Page 318           | Jennifer Kay Tongotongo               |
| Page 320           | Wayne Ronald Oliver                   |

|          |   |
|----------|---|
| Page 324 | Tāmaki Estuary Protection Society (TEPS) ATTN: Dr Julie Chambers                          |
| Page 330 | Penny Nelson, Director-General of Conservation (the Director-General)<br>c/- Murray Brass |
| Page 333 | Business East Tamaki Incorporated   |
| Page 344 | Goodman c/- B&A Attn: Rebbace Payne   |
| Page 347 | Kathryn leGrove   |
| Page 351 | Auckland Transport ATTN: Matt Ford  |
| Page 377 | Heritage New Zealand Pouhere Taonga ATTN: Alice Morris                                    |
| Page 381 | The New Zealand Transport Agency ATTN: Rosalind Cowen                                     |
| Page 386 | Beth Evans  |
| Page 388 | Watercare Services Limited ATN: Mark Iszard   |
| Page 393 | Winston Su  |
| Page 395 | Nastassja Salt  |

**FURTHER SUBMITTERS:**

|          |   |
|----------|---|
| Page 397 | Otahuhu Historical Society ATTN: Anthony David Carson |
| Page 399 | Goodman Property Trust c/- B&A ATTN: Rebecca Payne    |





# Hearing Report for Proposed Private Plan Change 90: (8 Sparky Road, Ōtara) to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

**Report to:** Hearing Commissioners

**Hearing Dates:** 24 and 25 October 2023

**File No:** Hearing Report – Proposed Private Plan Change 90

**File Reference** U:\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC090

**Report Author** Tania Richmond, Consultant Planner

**Report Approvers** Marc Dendale – Team Leader, Planning Central South, Plans and Places

**Report produced** 20 September 2023

# Summary of Proposed Plan Change 90: (8 Sparky Road, Ōtara)

This private plan change seeks to rezone 4.4 hectares of land on the north-western side of Highbrook Drive at 8 Sparky Road, Ōtara, from Business – Light Industry to Residential – Terrace Housing and Apartment Building zone. The proposed private plan change also seeks to introduce the Highbrook Precinct applying to the rezoned land. The Precinct includes provisions that relate to transport and noise. The remainder of the site retains its existing Business – Light Industry zone and is not included in the plan change.

|  |   |
|--|---|
| <b>Plan subject to change</b>  | Auckland Unitary Plan (Operative in part), 2016   |
| <b>Number and name of change</b>   | Proposed Plan Change 90: 8 Sparky Road, Ōtara to the Auckland Unitary Plan  |
| <b>Status of Plan</b>  | Operative in part   |
| <b>Type of change</b>  | Private Plan Change   |
| <b>Clause 25 decision outcome</b>  | Accept  |
| <b>Parts of the Auckland Unitary Plan affected by the proposed plan change</b>                                   | Planning Maps<br>Chapter I Precincts  |
| <b>Clause 4A complete</b>  | The requestor has advised that they engaged 11 iwi groups in the preparation of the proposed plan change request.   |
| <b>Date of notification of the proposed plan change and whether it was publicly notified or limited notified</b> | Publicly notified on 23 February 2023   |
| <b>Submissions received (excluding withdrawals)</b>  | 20  |
| <b>Date summary of submissions notified</b>  | 27 April 2023   |
| <b>Number of further submissions received (numbers)</b>  | 2   |
| <b>Legal Effect at Notification</b>  | No  |
| <b>Main issues or topics emerging from all submissions</b>   | <ul style="list-style-type: none"> <li>• Adequacy of applicant’s specialist assessments provided to demonstrate inability of subject land being able to accommodate light industrial activities.</li> <li>• Retain and safeguard land for industrial purposes in South Auckland which has an undersupply of industrial land.</li> <li>• Appropriateness of Terrace and Apartment Building Zone in this location given the distance from town centre, school or community facilities.</li> </ul> |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• Impact on the surrounding road network (particularly Highbrook Drive) and resulting economic impacts upon the effective movement of freight and pedestrian safety.</li><li>• Adequacy of the proposed noise provisions to appropriately mitigate the level of road traffic noise which future residents on-site are exposed to if the proposal is approved.</li><li>• Lack of provisions in the Precinct to address stormwater, indigenous biodiversity, Tāmaki Estuary environment, coastal hazards and provision of esplanade reserve.</li><li>• Inadequacy of assessment undertaken regarding cultural impacts and historic heritage landscape.</li><li>• Inconsistency with the Resource Management Act, National Policy Statement on Urban Development, New Zealand Coastal Policy Statement, Auckland Unitary Plan Regional Policy Statement and zone provisions.</li></ul> |
|--|---|

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# Abbreviations

Abbreviations in this report include:

| <b>Abbreviation</b> | <b>Meaning</b>  |
|---------------------|---|
| ASCIE               | Area susceptible to coastal instability and erosion   |
| AUP or Unitary Plan | Auckland Unitary Plan   |
| Council             | Auckland Council  |
| IHP                 | Independent Hearing Panel   |
| Heritage NZ         | Heritage New Zealand Pouhere Taonga   |
| HGMPA               | Hauraki Gulf Marine Park Act  |
| ITA                 | Integrated Traffic Assessment   |
| MDRS                | Medium Density Residential Standards  |
| MfE                 | Ministry for the Environment  |
| NES                 | National Environmental Standards  |
| NPS-UD              | National Policy Statement on Urban Development  |
| NZCPS               | New Zealand Coastal Policy Statement  |
| PC78                | Plan Change 78 – Auckland Council Intensification Plan Change   |
| PC80                | Plan Change 80 - RPS Well-Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters |
| PPC90               | Proposed Private Plan Change 90   |
| RMA                 | Resource Management Act 1991  |
| RPS                 | Regional Policy Statement (within the Auckland Unitary Plan)  |
| SDR                 | Summary of Decisions Requested  |
| SMP                 | Stormwater Management Plan  |
| THAB                | Residential – Terrace Housing and Apartment Building Zone   |

# Attachments

|                     |  |
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# Executive Summary

1. Proposed Private Plan Change 90 (**PPC90**) to the Auckland Unitary Plan (Operative in Part) (**AUP**) seeks to rezone 4.4 hectares of land on the north-western side of Highbrook Drive at 8 Sparky Road, Ōtara, from Business – Light Industry to Residential – Terrace Housing and Apartment Building (**THAB**). PPC90 also seeks to introduce the Highbrook Precinct applying to the rezoned land. The Precinct includes provisions that relate to transport and noise. The remainder of the site retains the existing Business – Light Industry zone and is not included in the Highbrook Precinct.
2. The private plan change process set out in Part 2 of Schedule 1 of the Resource Management Act 1991 (**RMA**) was adhered to in developing PPC90. Highbrook Living (**the requestor or applicant**) lodged the private plan change on 19 August 2022. Further information was sought in accordance with Clause 23 of Schedule 1 to the RMA on 13 September 2022. The applicant responded on 12 December 2022. The response included updated technical reports, a Cultural Values Assessment that was in preparation at the time of lodgement and an updated Highbrook Precinct Plan. PPC90 was accepted for processing under Clause 25 of Schedule 1 on 1 February 2023.
3. PPC90 was publicly notified on 23 February 2023 and closed for submissions on 23 March 2023. The Summary of Decisions Requested (**SDR**) was notified on 27 April 2023 and closed for further submissions on 11 May 2023. Twenty submissions were received; including one late submission and two further submissions.
4. This hearing report has been prepared in accordance with section 42A of the RMA. This report considers the private plan change request and the issues raised by submissions and further submissions on PPC90. The discussion and recommendations in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions on PPC90. The recommendations contained within this report are not the decisions of the Hearing Commissioners. This report also forms part of council's ongoing obligations to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised by submissions on PPC90.
5. A report in accordance with section 32 of the RMA was prepared by the requestor as part of the private plan change request as required under clause 22(1) of Schedule 1 of the RMA. The information provided by the requestor in support of PPC90 is included in Attachment 1 (not reproduced in the agenda).
6. It is recommended that PPC90 be **declined** because it does not give effect to the AUP Regional Policy Statement to achieve a quality compact urban form and a well-functioning urban environment, including integration of land use and transport. The plan change also does not give effect to the New Zealand Coastal Policy Statement, including restoration of natural character, recognising the important role of esplanade reserves and avoiding a change in land use that would increase the risk of adverse effects from coastal hazards.
7. If PPC90 is approved, it is recommended that Highbrook Precinct is amended in response to submissions from Auckland Transport and the matters raised in this report including provision of an esplanade reserve; public pedestrian connections into and along the coast; and re-drafting of the standards and restricted discretionary activity criteria. As this requires

considerable reconstructing of the Highbrook Precinct, these amendments have not been drafted at this time.

## 1. Purpose of the proposed private plan change

8. The requestor seeks to rezone 4.4 hectares of land on the north-western side of Highbrook Drive at 8 Sparky Road, Ōtara, from Business – Light Industry to THAB and introduce the Highbrook Precinct applying to the rezoned land. Highbrook Living Limited is a company of NZ Storage Holdings Limited, the owner of 8 Sparky Road, Ōtara.
9. The stated purpose of the request is to enable the use and development of the plan change area for high density residential development using the THAB zone provisions in the AUP.<sup>1</sup> The stated purpose of the Highbrook Precinct is to address two resource management issues arising from rezoning the land residential:
  - Manage adverse transportation effects on the surrounding road network, in particular Highbrook Drive and the Highbrook Drive/SH1 roundabout.
  - Protect activities sensitive to noise from adverse health and amenity effects arising from road traffic noise associated with the operation of SH1 and Highbrook Drive.<sup>2</sup>
10. Provisions in the Highbrook Precinct are less enabling than the underlying proposed THAB zone as they:
  - Limit the number of dwellings to 200 to ensure that vehicle trip generation from development within the Precinct manages adverse effects on the efficient operation of the surrounding road network.
  - Require acoustic attenuation measures to achieve minimum indoor design noise levels for residential activities as a consequence of road traffic noise associated with the operation of State Highway 1 and Highbrook Drive.
11. The requestor's reasons for seeking the plan change are set out at paragraph 4.11 of the Planning Report.
  - *For the reasons set out in sections 4.1 to 4.5 of this Planning Report, the rezoning of the PC area is necessary as the PC area is not suitable for its intended use under the Light Industry Zone.*
  - *The rezoning of the PC area is necessary as a resource consent application to establish residential development is not likely to be approved, as it would be contradictory to the objectives and policies framework of the Light Industry Zone, which seeks to ensure that activities that do not support the primary function of the Light Industry Zone are avoided.*
  - *The PC area is located within the Rural Urban Boundary ("RUB"), and is infrastructure ready for residential development. The PC seeks to use the existing*

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<sup>1</sup> Highbrook Private Plan Change Request to the Auckland Unitary Plan (Operative in Part) Planning report, prepared by Babbage, dated 19 August 2022, version final (**Planning Report**), paragraph 4.12

<sup>2</sup> Planning Report, paragraph 4.13



*site features, topography and extensive Tāmaki River frontage and northern aspect to create a vibrant residential neighbourhood, set within an attractive landscape setting, while maximising the efficient use of this land for residential development.*

- *The appropriateness of the use of the PC area for residential purposes is confirmed by the multiple specialist assessments supporting the PC Request.*
- *The Auckland Plan 2050 states that Auckland requires another 320,000 dwellings by 2050, and the current levels of construction fall well below the demand. In this regard, the PC area is a large block of land (approximately 4ha), strategically located, is “infrastructure ready”, able to be developed in line with THAB Zone provisions, to deliver a range of housing sizes of a high quality, and is able to be delivered within reasonable timeframes.*

## 2. Plan change area description, surrounding context and background

### 2.1. Site description

12. The requestor has provided a description of the plan change area at paragraphs 5.10 – 5.22 of the Planning Report. I visited the site and surrounds on 30 August 2022 and on 27 August 2023. Other than preparatory works for the land on the southern side of Highbrook Drive for industrial development, the environment remains relatively unchanged since the lodgement of the plan change. I concur with the applicant’s description of plan change area. The following is a summary description of the site and matters clarified in the Clause 23 response.<sup>3</sup>
13. The plan change area comprises 43,849m<sup>2</sup>. This is measured from the shape file provided by the requestor. Application documentation refers to a rounded-up figure of 4.4 hectares. For the purpose of this report, the plan change area is referred to as 4.4 hectares of land at 8 Sparky Road, Ōtara and is outlined in red in Figure 1a below.
14. In response to a Clause 23 request, the requestor advised the extent of the area included in the plan change has been determined by the Survey Plan SO 403357 and approved by Land Information New Zealand in 2014. It was also advised that the mapping of the area included in the plan change correctly maps the surveyed boundary of the property when adjoining the MHWS boundary.<sup>4</sup> In the same Clause 23 response, it was confirmed that a portion of land adjoining the State Highway 1 does not form part of the plan change. This land is the stormwater management area for State Highway 1. When this land is vested with Waka Kotahi, it will become part of the Strategic Transport Corridor Zone.
15. 8 Sparky Road is currently held in one Record of Title, being Lot 2, DP209362, NA137B/367 and is 35.012 hectares in size. NZ Storage Holdings Limited also own 10 Sparky Road, which is a landlocked portion of land surrounded by 8 Sparky Road.
16. Various interests are recorded on the Title at Appendix 1 to the plan change request. The number of interests reflect the history of the site. Those applying to the plan change area relate

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<sup>3</sup> Clause 23 response from Babbage, dated 12 December (**Clause 23 response**)

<sup>4</sup> Clause 23 response, pages 45 and 46

to stormwater drainage easement and compensation relating to an Agreement of Sale of Land for Road.



Figure 1: 8 Sparky Road, Ōtara is outlined in blue



Figure 1a: Land included in the plan change marked in red



Figure 1b: Land included in the plan change (north-western side of Highbrock Drive)

17. The land included in the plan change is located on the north-western side of 8 Sparky Road between Highbrook Drive, State Highway 1 and Mean High-Water Springs (**MHWS**). Horizontal to MHWS the land is circa 490m at the longest point. Between MHWS and Highbrook Drive the majority of the land is between 55m and 90m, with the largest distance from MHWS being around 250m where the land adjoins State Highway 1 along the western boundary.
18. Topography across the plan change area is relatively flat with an average of between RL 7m and RL 8m, except for the slope to MHWS. Figure 2.2 of the coastal hazards assessment<sup>5</sup> includes RL levels over the entire plan change area. The land is mostly grassed, with a gravel track generally parallel to MHWS. Semi-mature native vegetation is located around the boundary with MHWS. This includes kanuka, flax, puriri, karo, cabbage trees interspersed with weeds, such as privet. Coastal mangroves blur the boundary above and below MHWS.
19. The land is currently vacant but contains various infrastructure. This includes:
  - Barge dock and ramps extending MHWS.
  - Stormwater pond from the construction of Highbrook Drive.
  - Box culvert under Highbrook Drive previously provided vehicle access between two parts of the site.
  - Overhead lines forming part of the Transpower traverse a part of the western edge of the plan area.
  - Signalised intersection linking the two parts of the site separated by Highbrook Drive installed in 2022 and operational (refer to Figure 2 below).<sup>6</sup>



**Figure 2: Access into the plan change area (figure from page 28 of the Planning Report)**

<sup>5</sup> Coastal hazards Assessment, eCoast, version 1, dated 25 August 2023 (refer to Attachment 2 of this s42A report)

<sup>6</sup> Engineering Approval ENG60364844, granted on 22 December 2021

## 2.2. Site context

20. Paragraphs 5.1 – 5.9 of the Planning Report describe the surrounding context and I generally agree with this description. In summary I note:

- No privately owned land adjoins or is adjacent to the plan change area not otherwise owned by the applicant. The plan change area is therefore physically isolated from other properties but has a very high number of persons within vehicles that travel past the area.<sup>7</sup> Many persons would do so with regular frequency.
- The balance of 8 and 10 Sparky Road on the south side of Highbrook Drive is currently used for auto storage or is vacant.
- Transpower New Zealand Limited Ōtāhuhu Power Station is located at 6 Sparky Road and Gridco Road.
- To the west beyond State Highway 1 and north on the opposite side of the Tāmaki River are established residential areas.
- To the north-east is the Highbrook Business Park. An esplanade reserve is along the full extent of the Highbrook Business Park and connects to Highbrook Park Reserve, containing the Pukewairiki (Waiouru) tuff ring zoned open space.
- The plan change area is approximately 2.3km from the Ōtara town centre and 3.3km to Ōtāhuhu town centre. Adjoining the town centre is the Mānukau Institute of Technology.

## 2.3. Background

21. Section 3 of the Planning Report provides a useful background of the use of land. This is not repeated here, but I highlight the following points:

- The land once formed part of the Ōtāhuhu Power Station.
- Contact Energy Limited closed operations in 2015, and subsequently sold the entire site in 2016.
- Construction of Highbrook Drive and the intersection with State Highway 1 in 2007, split the site into two portions. A concrete box culvert (underpass) provided vehicle access between the east and western portions of the land. This is no longer in use.
- The land forming Highbrook Drive has yet to vest in Auckland Transport (as required as part of the Agreement of Sale of Land for Road).
- While the Survey Plan to create Highbrook Drive and the two lots was approved by Land Information New Zealand (**LINZ**), the final step to vest Highbrook Drive in Auckland Transport and create separate titles has not yet been completed. The requestor advises that Waka Kotahi supports in principle uplifting of Designation 6701 subject to legalisation

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<sup>7</sup> ITA, prepared by Don McKenzie of Stantec, dated July 2022, Table 1 describes Highbrook Drive roundabout as having an average vehicles per day of 39,350



of Survey Plan SO 403357, and noting that some parts of Designation 6701 may remain over Highbrook Drive and State Highway 1 interchange.<sup>8</sup>

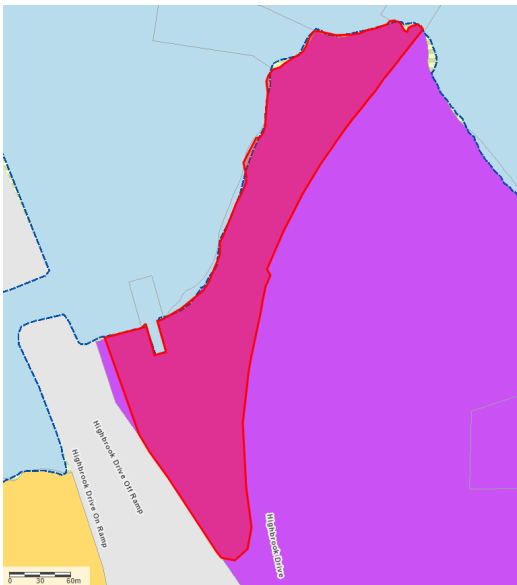
### 3. Existing Plan Provisions

#### 3.1. Background to existing AUP Zoning

22. The zoning of 8 Sparky Road, Ōtara, was the subject of a submission from the former owner, Contact Energy Limited, during the development of the AUP. The submission sought to amend the proposed Business – Light Industry zoning of the site to Business – Heavy Industry, or alternatively a new ‘Power Station Zone’.
23. By the time of the hearing Contact Energy Limited announced that it would be closing Otahuhu B station and selling the entire Ōtāhuhu Power Station site. Contact Energy Limited advised they did not wish to pursue its submission to change the zone and withdrew related evidence. The council’s rebuttal evidence supported retaining the proposed Business – Light Industry zone and this was subsequently included in the Panel’s recommendations.

#### 3.2. Existing plan provisions

24. The plan change plan area (and the balance of the site) is currently zoned Business – Light Industry. There is a very small portion of the northern tip of the land identified in the AUP as being Coastal – General Coastal Marine Zone. This is not part of the plan change.



**Figure 3 – Existing zoning (plan change area outlined in red)**

25. The AUP describes the Business – Light Industry zone as:

*The Business – Light Industry Zone anticipates industrial activities that do not generate objectionable odour, dust or noise. This includes manufacturing, production, logistics, storage, transport and distribution activities. The anticipated level of amenity is lower than the centres zones, Business – General Business Zone and Business – Mixed Use Zone.*

<sup>8</sup> Designations - 6701, State Highway 1: To undertake maintenance, operation, use and improvement to the State Highway network., Designations, New Zealand Transport Agency.

Due to the industrial nature of the zone, activities sensitive to air discharges are generally not provided for.<sup>9</sup>

26. Table H17.4.1 Activity table lists the activity status of land use and development. Industrial activities and a range of ancillary activities with a limited gross floor area are permitted. Dwellings are a non-complying activity. New buildings are a permitted activity.
27. Overlays, controls and designations mapped as applying to the plan change area are:

#### Overlays

- National Grid Corridor Overlay - National Grid Yard Uncompromised
- National Grid Corridor Overlay - National Grid Subdivision Corridor



**Figure 4: National Grid Corridor Overlay - National Grid Yard Uncompromised**



**Figure 5: National Grid Corridor Overlay - National Grid Subdivision Corridor**

#### Controls

- Arterial Roads (Highbrook Drive)
- Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise
- Macroinvertebrate Community Index - Exotic
- Controls: Macroinvertebrate Community Index - Native
- Controls: Macroinvertebrate Community Index – Urban

<sup>9</sup> H17.1 Zone description



**Figure 6: Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise (noting that a site specific coastal hazard assessment has been provided that refines Geomaps information)**

*Designations*

- Designations - 6714, State Highway 1: To undertake maintenance, operation, use and improvement to the State Highway network., Designations, New Zealand Transport Agency
- Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd



**Figure 7: Designations - 6714, State Highway 1: To undertake maintenance, operation, use and improvement to the State Highway network., Designations, New Zealand Transport Agency**



28. Council's Geomaps also records natural hazards of flood plains, overland flow path, coastal inundation and areas susceptible to coastal instability and erosion. Figure 5-6 on page 29 of the Planning Report provides a description of the overland flow paths, which is more detailed and accurate than the Geomaps data. The site specific coastal hazard assessment has been provided in supplementary information and this refines the Geomaps layer.



**Figure 8: Geomaps overland flow paths and floodplains**



**Figure 9: Geomaps coastal inundation and areas susceptible to coastal instability and erosion**

29. To the west is the Strategic Transport Corridor Zone overlaid with Designation - 6714, State Highway 1. Land further west and to the north is zoned Residential – Mixed Housing Suburban. To the east is Open Space – Conservation and Open Space – Sport and Active Recreation zoned land. Beyond this is Business – Light Industry zoned land. To the south, at 10 Sparky Road and 1 Gridco Road land is also zoned Business Light Industry. Beyond this is residential zoned land with a combination of Residential – Mixed Housing Suburban, Residential – Mixed Housing Urban and THABZ.

30. Figure 10 shows the zoning context, which generally aligns with the current land use pattern.



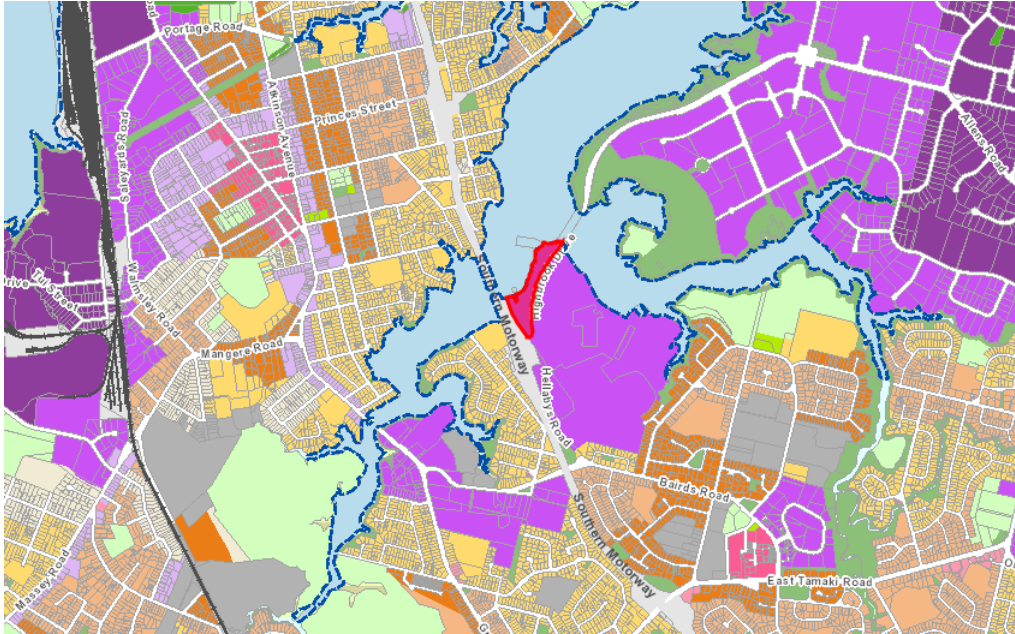


Figure 10 – Zoning of land in the wider area

## 4. Proposed Plan Change Provisions

### 4.1. The plan change request

31. PPC90 seeks to apply the existing THAB zone to the land on the northern side of Highbrook Drive and introduce the Highbrook Precinct applying to the rezoned land. The proposed THAB rezoning requires an amendment to the planning maps. The Highbrook Precinct requires an addition to Chapter I Precincts.
32. The THAB zone is described as:

#### *H6.1. Zone description*

*The Residential – Terrace Housing and Apartment Buildings Zone is a high-intensity zone enabling a greater intensity of development than previously provided for. This zone provides for urban residential living in the form of terrace housing and apartments. The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification.*

*The purpose of the zone is to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.*

*The zone provides for the greatest density, height and scale of development of all the residential zones. Buildings are enabled up to five, six or seven storeys in identified Height Variation Control areas, depending on the scale of the adjoining centre, to achieve a transition in height from the centre to lower scale residential zones. This form of*

*development will, over time, result in a change from a suburban to urban built character with a high degree of visual change.*

33. Highbrook Precinct has been used to manage potential adverse effects from two specific matters that arise from rezoning the land residential. Chapter A Introduction explains the use of precincts within the AUP structure.

**A1.6.5. Precincts**

*Precincts 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. In certain limited circumstances the rules in a precinct vary the controls of an overlay, either by being more restrictive or more enabling. However, the general approach is that overlays take precedence over a precinct. Precinct provisions are located in Chapter I and grouped according to their location as Auckland-wide, central, north, west and south. Precinct areas are identified on the planning maps.*

34. Highbrook Precinct does not propose to replace or modify any other overlay, Auckland-wide and zone objectives. Objectives and policies relate only to the two matters that the Precinct is intended to manage; road noise and transportation effects.
35. Proposed I4.4 Activity table states that all relevant overlay, Auckland-wide and zone activity tables apply to Highbrook Precinct unless otherwise specified in Table I4.4.1 Activity table.

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:<br>(i) Standard I4.6.1 Maximum number of dwellings<br>(ii) Standard I4.6.2 Highbrook Precinct Transportation Plan<br>(iii) Standard I4.6.3 Upgrading of shared cycle/pedestrian path<br>(iv) Standard I4.6.4 Construction of a bus stop | D               |

36. Activity (A1) refers to a road noise standard introduced in this Precinct. Chapter E25 Noise and Vibration containing Auckland-wide provisions does not contain a standard for road noise. Activity (A1) therefore does not replace or amend existing AUP rules or standards, including those in Chapter E25. Any non-compliance with the proposed noise standard is a listed restricted discretionary activity.
37. Similarly, Activity (A2) refers to standards managing transport related matters. Any non-compliance with the proposed transport standards is a discretionary activity. There is no equivalent activity or standard in other parts of the AUP replaced or amended by Activity (A2) and its associated standards.

38. The Precinct contains five standards:
- I4.6.1. Maximum number of dwellings
  - I4.6.2. Highbrook Precinct Transportation Plan
  - I4.6.3. Upgrading of shared cycle / pedestrian path and pedestrian barrier
  - I4.6.4. Construction of a bus stop
  - I4.6.5. Road noise attenuation

39. I4.8.1 Matters of discretion and I4.8.2 Assessment criteria set out the considerations applying to the one listed restricted discretionary activity. The introduction to the proposed provisions states:

*I4.8.1 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.*

*I4.8.2 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.*

40. The Precinct does not include special information requirements. I4.10.1. Highbrook Precinct Plan 1 identifies the location of the Precinct and identifies three matters:
- The location of the access
  - A pedestrian barrier to be installed (relates to Standard I4.6.3)
  - Shared pedestrian pathway/cycleway to be upgraded (relates to Standard I4.6.3)

41. The pedestrian barrier, pedestrian/cycleway upgrades and bus stop (not shown on the Precinct Plan) are outside the plan change area and within land managed by Waka Kotahi or Auckland Transport.

## **4.2. Proposed plan provisions amended**

42. The Chair of the Hearings Panel directed the requestor to outline what, if any, changes it recommends to the proposal and what changes are in response to what submissions, by 5pm on Thursday 24 August 2023. The response advised no changes to the extent of the plan change area or the proposed zoning are considered necessary. Some minor changes are proposed to the Precinct provisions to address some matters raised by Auckland Transport. The potential amendment is explained although the wording of all the provisions is not provided. It is expected this will form part of the applicant's evidence. The scope of the potential amendments are unlikely to alter the recommendations of this report.

### 4.3. Information to support the plan change

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

- Planning Report, prepared by Sukhi Singh of Babbage Consultants Limited.
- Appendix 4.1 Economic Overview Report, prepared by Phil Osborne of Property Economics.
- Appendix 4.2 Integrated Transport Assessment Report, prepared by Don McKenzie of Stantec.
- Appendix 4.3 Geotechnical Assessment Appraisal, prepared by Jordan Moll of Babbage Consultants Limited.
- Appendix 4.4 Assessment of Landscape and Visual Effects, prepared by Rob Pryor of LA4 Landscape Architects.
- Appendix 4.5 Preliminary Land Contamination Review, prepared by Hiram Garcia and Tiago Teixeira of Babbage Consultants Limited.
- Appendix 4.6 Ecological Assessment, prepared by Treffery Barnett of Babbage Consultants Limited.
- Appendix 4.7 Urban Design Statement, prepared by Jason Evans of ET Urban Design Ltd.
- Appendix 4.8 Infrastructure Report, prepared by Michael Martin of Babbage Consultants Limited.
- Appendix 4.9 Stormwater Management Plan, prepared by Suman Khareedi of Babbage Consultants Limited.
- Appendix 4.10 Ngāti Tamaoho Cultural Values Assessment, prepared by Ngāti Tamaoho.
- Appendix 5 Plan Change 51 Waka Kotahi Section 32A report.

### 4.4. Clause 23 request for information

44. On 13 September 2022, prior to accepting PPC90, the council requested the applicant provide further information in accordance with Clause 23 of Schedule 1 to the RMA. Key information sought through the Clause 23 request related to the following matters:

**Table 2: Clause 23 request**

| Topic    | Key matters  |
|----------|--|
| Economic | <ul style="list-style-type: none"><li>• Economic effects on Industrial zoned land</li><li>• Viability of proposed land use</li><li>• Demand for residential land</li></ul> |

|                      |   |
|----------------------|---|
|                      | <ul style="list-style-type: none"> <li>• Negative externalities of residential development</li> </ul>   |
| Geotechnical         | <ul style="list-style-type: none"> <li>• Liquefaction and lateral spread</li> </ul>   |
| Noise                | <ul style="list-style-type: none"> <li>• Request for an acoustic assessment</li> </ul>  |
| Landscape and design | <ul style="list-style-type: none"> <li>• How the outcomes expressed in the Urban Design Report can be achieved</li> <li>• How connectivity can be achieved</li> </ul>   |
| Stormwater           | <ul style="list-style-type: none"> <li>• Ownership of the existing stormwater pond</li> <li>• SMP relationship with the plan change Regionwide Stormwater Network Discharge Consent</li> <li>• Details on water quality and stormwater run-off</li> <li>• Stormwater ponds and management in areas identified as flood risk, hazard and coastal inundation</li> </ul>   |
| Transportation       | <ul style="list-style-type: none"> <li>• Pedestrian and cycling accessibility to key service activities</li> <li>• Viability of proposed shuttle bus service</li> <li>• Traffic Effects on the network</li> </ul>   |
| Planning             | <ul style="list-style-type: none"> <li>• Clarification on consultation with Mana Whenua</li> <li>• Clarification on the road vest and designation uplifting and extent of the boundaries of the land included in the plan change</li> <li>• Assessment of planning documents including recent plans changes and national standards</li> <li>• Section 32 analysis omissions</li> <li>• Efficiency and effectiveness of the Precinct provisions</li> </ul> |

45. The applicant's response to the further information requested was provided on 12 December 2022. The response consisted of:

- Covering/planning response
- Geotechnical Test Pit Data
- Walking and cycling Isochrone maps
- Te Ākitai Waiohua Cultural Values Assessment
- Highbrook Noise Contour Areas map
- Updated Stormwater Management Plan
- Updated Highbrook Precinct plan

## 5. Hearings and decision-making considerations

46. Clause 8B of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on private plan changes.

47. Auckland Council's Combined Chief Executives' Delegation Register delegates to hearing commissioners all powers, duties and functions under the Resource Management Act 1991.

This delegation includes the authority to determine decisions on submissions on a plan change, and the authority to approve, decline, or approve with modifications, a private plan change request. Hearing Commissioners will not be recommending a decision to the council, but will be issuing the decision.

48. In accordance with s42A(1), this report considers the information provided by the applicant and summarises and discusses submissions received on PPC90. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also identifies what amendments, if any, can be made to address matters raised in submissions. This report makes a recommendation on whether to approve, decline, or approve with modifications PPC90. Any conclusions or recommendations in this report are not binding to the Hearing Commissioners.
49. The Hearing Commissioners will consider all the information submitted in support of the proposed plan change, information in this report, and the information in submissions, together with evidence presented at the hearing.
50. This report relies on the reviews and advice from Auckland Council specialists and experts appointed on behalf of the council listed in Table 3. These assessments are in Attachment 3 to this report. The qualifications and experience of the technical specialists is set out in their memorandum.

**Table 3: Specialist input into s42A report**

| Area of expertise | Authors  |
|-------------------|--|
| Economics         | Derek Foy, Director, Formative Limited   |
| Transportation    | Andrew Temperley, Senior Transport Planner, Traffic Planning Consultants Ltd   |
| Landscape         | Gabrielle Howdle, Specialist Landscape Architect, Auckland Council   |
| Historic heritage | Rebecca Ramsay, Senior Specialist: Heritage, Auckland Council  |
| Contamination     | Fiona Rudsits, Senior Contamination Specialist – Contaminated Land, Auckland Council   |
| Geotechnical      | James Beaumont, Principle Geotechnical Engineer, Riley Consultants   |
| Noise             | Rhys Hegley, Acoustic Consultant, Hegley Acoustic Consultants  |
| Ecology           | Jason Smith, Senior Environmental Scientist, Morphem Environmental Limited   |
| Stormwater        | Amber Tsang – Consultant Planner, Jacobs (on behalf of Auckland Council Healthy Waters); and<br>Danny Curtis – Consultant Engineer, Harrison Grierson (on behalf of Auckland Council Healthy Waters) |
| Coastal           | Kala Sivaguru, Senior Coastal Specialist, Auckland Council   |

## 6. Statutory and policy framework

### 6.1. Introduction

51. Private plan change requests can be made to the council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA.
52. Clause 29(1) of Schedule 1 of the RMA provides “except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)”.
53. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter. This plan change relates only to district plan provisions.
54. The following sections summarises the statutory and policy framework, relevant to PPC90.

### 6.2. Resource Management Act 1991 – Regional and district plans

55. PPC90 does not seek to change any regional plan provisions.
56. In the development of a proposed plan change to a district plan, the RMA sets out mandatory requirements in the preparation and process of the proposed plan change. Table 4 below summarises matters for plan changes for district plan matters.

**Table 4: RMA Plan change matters relevant to district plans**

| Section    | Matters  |
|------------|--|
| Part 2     | Purpose and intent of the Act  |
| Section 31 | Outlines the functions of territorial authorities in giving effect to the RMA.   |
| Section 32 | Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal.   |
| Section 72 | Sets out that the purpose of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.   |
| Section 73 | Sets out Schedule 1 of the RMA as the process to prepare or change a district plan.  |
| Section 74 | Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matters. |
| Section 75 | Outlines the requirements in the contents of a district plan.  |
| Section 76 | Provides that a territorial authority may include rules in a district plan for the purpose of – (a) carrying out its functions under the RMA; and (b) achieving  |

|             |   |
|-------------|---|
|             | the objectives and policies set out in the district plan.   |
| Section 77G | Outlines the requirements to incorporate Medium Density Residential Standards and give effect to policy 3 or 5 in residential zones.                                    |
| Section 77I | Sets out qualifying matters to be applied to MDRS and policy 3.   |
| Schedule 1  | Sets out the process for preparation and change of policy statements and plans by local authorities. It also sets out the process for private plan change applications. |

57. The mandatory requirements for plan preparation are comprehensively summarised by the Environment Court in *Long Bay-Okura Great Park Society v North Shore City Council*, Environment Court Auckland A078/2008, 16 July 2018 at [34] and updated in subsequent cases including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55 at [17]. When considering changes to district plans, the RMA sets out a wide range of issues to be addressed. The relevant sections of the RMA include sections 31-32 and 72-76 of the RMA.
58. The tests are the extent to which the objective of PPC90 is the most appropriate way to achieve the purpose of the Act (s32(1)(a)) and whether the provisions:
- accord with and assist the council in carrying out its functions (under s 31) for the purpose of giving effect to the RMA;
  - accord with Part 2 of the RMA (s 74(1)(b));
  - give effect to the AUP regional policy statement (s 75(3)(c));
  - give effect to any national policy statement (s 75(3)(a));
  - have regard to the Auckland Plan 2050 (being a strategy prepared under another Act (s 74(2)(b)(i)));
  - have regard to the actual or potential effects on the environment, including, in particular, any adverse effect (s 76(3));
  - are the most appropriate method for achieving the objectives of the AUP, by identifying other reasonably practicable options for achieving the objectives (s 32(1)(b)(i)); and by assessing their efficiency and effectiveness (s 32(1)(b)(ii)); and:
  - identifying and assessing the benefits and costs of 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 (s 32(2)(a)(i)); and
    - ii. employment that are anticipated to be provided or reduced (s 32(2)(a)(ii));
  - if practicable, quantifying the benefits and costs (s 32(2)(b)); and



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

59. Under section 74(1)(e) the decision maker must also have particular regard to the section 32 evaluation report prepared in accordance with s 32 (s 74(1)(e)).

## 7. Resource Management (Enabling Housing Supply and Other Matters) Amendment Act

60. The Resource Management (Enabling Housing Supply and Other Matters) Act requires that council enable more building height and density in urban environments to give effect to Policies 3 and 5 of the National Policy Statement on Urban Development (**NPS-UD**). This Act also requires council to review the zoning and rules associated with all of its residential zones, except the Residential – Large Lot Zone, which is excluded from consideration by the Act; and prepare and notify plan changes by 20 August 2022.

61. Section 77F(1) of the Act requires relevant residential zone of a specified territorial authority must have the Medium Density Residential Standards (**MDRS**) incorporated into that zone. While Section 77G(6) states that a territorial authority may make the requirements less enabling of development than provided for by the Act if a qualifying matter applies under Section 77I. Qualifying matters include, amongst other matters:

- (b) a matter of national importance that decision makers are required to recognise and provide for under section 6.
- (c) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010.
- (d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000.
- (f) open space provided for public use, but only in relation to land that is open space.
- (i) any other matter that makes higher density, as provided for by the MDRS or policy 3 of the NPS-UD, inappropriate in an area, but only if section 77L is satisfied.

62. Auckland Council notified its Intensification Planning Instrument (**IPI**) Plan Change 78 (**PC78**) on 18 August 2022, one day after PPC90 was lodged with council on 19 August 2022. PC78 is one of three plan changes notified with the IPI.<sup>10</sup>

63. PPC90 does not introduce a new residential zone. It seeks to use an existing zone which incorporates MDRS with PC78. The Precinct does not amend the THAB zone provisions that are proposed to apply to the plan change area.

64. PC78 also identifies 8 Sparky Road, Ōtara as being subject to spatially identified qualifying matters. The presence of these qualifying matters mean MDRS standards could not be used if the land were zoned residential until PC78 is made operative.

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<sup>10</sup> Plan change 79: Amendments to the transport provisions, Plan change 80: RPS Well-Functioning Urban Environment, Resilience to the Effects of Climate Change and Qualifying Matters



**Figure 11: Spatially mapped qualifying matters**

65. The plan change area is not within the zones or areas directed for intensification under Policy 3 of the NPS-UD. The nearest 'Walkable Catchment' is the Middlemore Train Station, at approximately 4.8km or 60 minutes walk. The more enabling height (21m) and height in relation to boundary (19m + 60 degrees) provisions for buildings within Walkable Catchments for THAB zoned land would not therefore apply if the land were rezoned THAB. While PC78 proposes amendments to enable residential intensification across the THAB zone, the focus is on land within the Walkable Catchments, where council has been directed to amend its AUP to give effect to the NPS-UD. This is discussed later in the report.
66. PC78 will be heard by an Independent Hearing Panel. Some hearings have commenced. Further hearings, including on the extent of a Walkable Catchment, how and where qualifying matters can apply and the form of the THAB zone provisions are expected to commence in early-mid 2024. As PC78 has not been heard and decisions have not been made, limited weight has been afforded the proposed change.
67. NZ Storage Holdings Limited is a submitter and further submitter on PC78 (2042, FS381). The decision sought in the submission is to decline PC78 in its entirety. The reasons for opposing

PC78 is the council's approach to qualifying matters which contradicts the AUP structure. This is a general submission and not specific to 8 Sparky Road.

## 8. Natural and Built Environment Act and Spatial Planning Act

68. The Spatial Planning Act 2023 and the Natural and Built Environment Act 2023 gained Royal assent on 24 August 2023. Together these Acts replace the RMA. Transitional provisions provide for the existing National Policy and Standards framework to continue to apply. A Regionally Spatial Strategy must also be prepared and approved prior to plan making provisions relevant to this plan change coming into force. Accordingly, no further consideration of these Acts is necessary.

## 9. National Policy Statements

69. National policy statements are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. The AUP is required to give effect to any national policy statement.<sup>11</sup> Those national policy statements that are considered relevant to PPC90 are discussed below.

### 9.1. New Zealand Coastal Policy Statement 2010 (NZCPS)

70. The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand. Paragraphs 8.10 – 8.11 of the Planning Report assess Objectives 2, 3, 4 and Policies 2, 13, 14, 18, 19, and 23(4) of the NZCPS. I consider that Objective 5, Policies 3, 24 and 25 relating to coastal hazards are also relevant to PPC90.
71. I agree with the applicant's assessment of Policy 23(4) requiring that in managing discharges of stormwater, steps are taken to avoid adverse effects of stormwater discharge to water in the coastal environment on a catchment by catchment basis. Specialists engaged by Auckland Council Healthy Waters department confirm there are options for the management of stormwater and this can be reserved to future regulatory processes. Accordingly, steps can be taken to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis. Other discharges can also be appropriately managed by future resource consents required under Chapter E30 Contaminated Land and the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
72. I generally agree with the applicant's assessment of Objective 3 and Policy 2, which requires that the principles of Treaty of Waitangi be taken into account. The need for Mana Whenua participation was recognised and sought in the preparation of the plan change. In support of the assessment, I add that CVA's document the significance of the coastal environment to Mana Whenua. However, the extent of modification of the land means there is unlikely to be archaeological evidence of Māori origin within the plan change area. This is discussed further in section 13.12 of this report.
73. As part of the preparation of the section 42A report, council's coastal senior specialist Kala Sivaguru, considered that a site-specific Coastal Erosion Hazard Assessment (**CEHA**) for the

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<sup>11</sup> RMA s67(3) and s75(3)

plan change area is required. In the absence of this assessment, Dr Sivaguru advised that it could not be confirmed whether or how the policy direction of the NZCPS is to be achieved.

74. A CEHA prepared by eCoast has since been provided and Dr Sivaguru confirms this has been undertaken in accordance with Auckland Council guidelines. This report is included in Attachment 2. eCoast is of the opinion that their report is “considered overly conservative”. Given PPC90 is to rezone the land for high intensity residential use, Dr Sivaguru considers a conservative assessment is appropriate. The eCoast Report identifies that the plan change area is within the 100-year ASCIE zone. The report relies on vesting of an esplanade reserve of 20m wide, which is subject to erosion and loss over the assessment period. This loss is greatest in the central section where the calculations show the entire esplanade reserve would be lost and the future 100-year ASCIE extends landward 8.8m into the central section of the area.

75. Dr Sivaguru acknowledges that whilst one of the purposes of esplanade reserves is for hazard management (Policy 25), it also provides public amenity (through Policies 18 and 19). Dr Sivaguru is of the opinion that because some the plan change area (central area in particular) is within the 100-year planning horizon this raises uncertainty from a hazard perspective, and mitigation should be incorporated in the plan change order to meet the policy intent of Policy 25 of NZCPS and AUP.<sup>12</sup>

76. The applicant’s assessment of Objective 2 and Policies 13 and 14 of the NZCPS is:

- *...The PC accords with Objective 2 and Policy 13, as the PC area is not located within an area classified as an Outstanding Natural Landscape or High Natural Character in the AUP(OP). The Landscape Report explains that the PC area has been modified previously, and it does not contribute to the natural character values of the coastal environment. The natural characteristics and qualities that contribute to the natural character of the coastal environment would not be adversely affected by development enabled by the PC Request. The provision of the esplanade reserve areas in the future would enhance the natural character values of the Tāmaki River edge.*
- *Policy 14 promotes the restoration or rehabilitation of the natural character of the coastal environment. The Landscape Report states that the existing vegetation along the coastal edge is not managed for its natural values and noxious weed species are present, adversely affecting the natural character of the area. The future development of the PC area will provide opportunities for enhancement of the esplanade reserve areas.<sup>13</sup>*

77. Gabrielle Howdle, Specialist Landscape Architect has a different view. In her opinion, PPC90 as proposed is not consistent with Polices 13(1)(b) and Policy 14 of the NZCPS.

23. *While the site is not covered by a high or outstanding natural character overlay, the NZCPS (Policy 13(1)(b)) and Chapter B8 – Toitū te taiwhenua, still enable the consideration of adverse effects on natural character not identified as high or outstanding. As described above in paragraph 15, I consider that the location, form,*

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<sup>12</sup> Dr Sivaguru, page 8

<sup>13</sup> Planning Report, pages 73 and 74

*landcover and relationship with the estuary and mangroves and SEA means the site retains a level of natural character values.*

24. *In my opinion, one of the benefits of the existing zoning B-LIZ, is that development must be setback 25m from the coastal edge. The proposed PPC would reduce this setback to 10m. Noting the existing width of native planting on site (20-40m), the existing natural character and amenity values afforded by this planting would be lost. Therefore, the proposed PPC reduces the level of protection and potential for landscape enhancement within the coastal environment on this site.*

25. *The applicant has noted that under the Reserves Act 1977, future subdivision of the site would require the provision of a 20m esplanade reserve to be assessed and vested to Council. However, I note that the precinct and zoning does not preclude Integrated Residential Development which would not trigger a subdivision, and therefore would not trigger the requirement for a 20m esplanade reserve to be offered or vested. In my opinion, the PPC as proposed would not be consistent with the coastal provisions of the AUP (OP) or NZCPS including:*

*B8.2.1 (2) – Subdivision, use and development in the coastal environment are designed, located, and managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment.*

*B8.2.1 (3) - Where practicable, in the coastal environment areas with degraded natural character are restored or rehabilitated and areas of high and outstanding natural character are enhanced.*

*NZCPS – Policy 14 – Restoration of natural character*

*Promote restoration or rehabilitation of the natural character of the coastal environment including by; restoring indigenous habitats and ecosystems, using local genetic stock where practicable, encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management, restoring, and protecting riparian and inter-tidal margins<sup>14</sup>.*

78. I agree with Ms Howdle that in the absence esplanade reserve and provisions for restoration of natural character of the coastal edge within the plan change, PPC90 does not give effect to Objective 2 and Policies 13(1)(b)) and Policy 14. It would also does not give effect to Objective 4, Policy 18 and Policy 19 which seek to maintain and enhance public open space qualities and recreational opportunities of the coastal environment.

79. The Ōtara-Papatoetoe Greenways Plan 2017 identifies the importance of pedestrian connections into and along the coastal edge of the plan change area. This is discussed further in section 12.3 of this report. Had an esplanade reserve been included in the Highbrook Precinct, options for the management of coastal inundation and coastal erosion within vested land could have been considered. Including provisions in the Highbrook Precinct to recognise the coastal environment, particularly the vesting of esplanade reserve, is consistent with the AUP approach of providing detailed place-based provisions in precincts.

80. I acknowledge that PPC90 does not preclude future opportunities to vest an esplanade reserve and restore the natural character of the coastal edge. However, it does not secure this as an

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<sup>14</sup> Policy 14 – point c (i) (ii) (v)

outcome for this land. Overall, I consider that PPC90 does not give effect to Objective 2, policies 13(1), Policy 14, 18, 19 and 25 of the NZCPS.

## 9.2. Hauraki Gulf Marine Park Act

81. The purposes of the Hauraki Gulf Marine Park Act 2000 (**HGMPA**), as set out in Section 3, are to integrate the management of natural, historic and physical resources of the Hauraki Gulf, its islands and catchments; to establish the Hauraki Gulf Marine Park and Forum; establish objectives to manage the Hauraki Gulf, its islands, and catchments and to recognise the relationship tangata whenua.
82. The plan change area is identified in Schedule 3 to the HGMPA as being within the coastal boundary and drainage catchment of the Hauraki Gulf. Surface water drains from the land into the Tāmaki Estuary, meeting the definition of ‘catchment’ in section 4 of the HGMPA.
83. For the coastal environment of the Hauraki Gulf, sections 7 and 8 of the HGMPA must be treated as a New Zealand coastal policy statement issued under the RMA. Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf, its islands and catchments, and emphasises the life-supporting capacity of the Hauraki Gulf and the capacity to provide for the social, economic, recreation and cultural wellbeing of people and communities. Section 8 sets out the objectives of the management of the Hauraki Gulf, its islands and catchments, including the protection, maintenance and, where appropriate, the enhancement of the life-supporting capacity, natural historic and physical resources, cultural and historic associations; and the contribution of natural historic and physical resources to the social and economic wellbeing and to the recreation and enjoyment of the Hauraki Gulf.
84. As noted earlier, the management of stormwater and discharges from the land can be appropriately managed at the time of development. This meets the requirement to protect, enhance and sustain the life supporting capacity of the environment and the natural and physical resources (soil, air, water and ecosystems) of the Hauraki Gulf in 8(a) and (b)). The significance of the area to Mana Whenua is recorded in CVA and Treaty Settlements. While this endures regardless, the land has been highly modified by recent activities, destroying the likelihood of any archaeological evidence of Māori origin. The plan change does not alter the cultural and historic associations of Mana Whenua and local communities with the Tāmaki Estuary thereby giving effect sections 8(c) and (d).
85. As noted in section 9.1 above, the Precinct does not include pedestrian connections along the coastal edge and an esplanade reserve. In my opinion, it is appropriate the plan change recognise the national significance of the Hauraki Gulf by the enhancement of the natural and physical resource of the coastal edge, which can contribute to the recreation and enjoyment of the Hauraki Gulf for the Ōtara-Papatoetoe and Howick communities and sought in section 8(f). In this regard, I consider PPC90 is inconsistent with 8(f) of HGMPA.

## 9.3. National Policy Statement on Urban Development 2020 (updated May 2022)

86. The applicant provides an assessment against the National Policy Statement on Urban Development 2020 (updated May 2022) (**NPS-UD**) on pages 77-78 of the Planning Report, concluding that overall, the plan change is consistent with the NPS-UD and gives effect to Objectives 1, 3, 4 and Policies 1 and 8. I note the assessment is not limited to objectives 2, 5 and 7 and Policies 1 and 6. In this regard, it is consistent with recent case law directing a broader assessment of the NPS-UD for private plan changes.

87. The applicant identifies the NPS-UD recognises the national significance of:
- Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.<sup>15</sup>
  - Providing sufficient development capacity to meet the different needs of people and communities.<sup>16</sup>
88. The NPS-UD applies to all local authorities that have all or part of an urban environment within their district or region and applies to the planning decisions by any local authority that affect an urban environment. Specific policies in the NPS-UD direct council, as a Tier 1 local authority, to change the AUP to enable intensification (building heights and density) in locations that have good access to existing services, public transport networks and infrastructure (including the City Centre zone, Metropolitan Centre zones and near Rapid Transit Network stops). As noted earlier, PC78 responds to NPS-UD and requirement to implement MDRS.
89. The council's section 32 analysis to support giving effect to the NPS-UD is that housing capacity, provided by the AUP easily meets 10-year demand and 30-year horizon planning demands.

*PPC78 is very enabling. It would provide for housing capacity to meet Auckland's demand into the very long term, far beyond the 30-35 year 'long term' horizon of the NPS UD. The plan-enabled capacity with MDRS and Policy 3 provisions fully implemented in all locations would be approximately 3,289,000 dwellings (excluding allowance for capacity in the Future Urban zone). That indicates a large margin (around 2,376,000 dwellings capacity in the high demand future) between projected demand (815-913,000 households by 2051) and enabled capacity.*

*Implementation of the QMs would potentially reduce enabled capacity by approximately -463,000 dwellings. That would mean plan-enabled capacity of approximately 2,826,000 dwellings, and a potential margin between demand by 2051 and capacity of around 1,913,000 dwellings.<sup>17</sup>*

90. Evidence<sup>18</sup> presented to the IHP confirms housing capacity remains well ahead of demand, with capacity spread across the region. Within walkable catchments and in particular, the inner Isthmus, there are a concentration of overlays that have localised implications on housing capacity. More housing capacity could possibly be enabled in the City Centre and Newmarket centre walkable catchments, where subject to further technical analysis, height could potentially be increased in some areas. The outcome of further analysis will be presented in evidence on topics to be heard in 2024.
91. Residentially zoned land in the northern part of Ōtara and southern part of Ōtāhuhu has far fewer qualifying matters than the inner Isthmus as there are no Maunga viewshafts and a limited amount of Special Character Area Overlay. Derek Foy, who has assessed the economic impacts of the plan change for council, identifies there is very significant plan enabled capacity in the area, with theoretical capacity for 106,220 total dwellings. There are currently around 19,600 households living in the area, indicating plan enabled capacity to accommodate an

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<sup>15</sup> Objective 1 and Policy 1

<sup>16</sup> Policy 2

<sup>17</sup> PC78 Section 32 Economic Matters, Main Findings, pages 8 and 9

<sup>18</sup> David Mead, primary statement of evidence, Pre-Hearing Conference - Plan Changes 78, 79 and 80

additional 86,600 households in that area.<sup>19</sup> There is therefore no requirement to rezone the plan change area THAB to provide for housing capacity.

92. Objectives 2 and 5 identify the minimum requirements for planning decisions to contribute to well-functioning urban environments which are described in Policy 1:

**Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

(a) *have or enable a variety of homes that:*

*(i) meet the needs, in terms of type, price, and location, of different households; and*

*(ii) enable Māori to express their cultural traditions and norms; and*

(b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*

(c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*

(d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*

(e) *support reductions in greenhouse gas emissions; and*

(f) *are resilient to the likely current and future effects of climate change.*

93. Guidance from the Ministry for Environment on ‘well-functioning urban environments’ notes that the outcomes referenced in Policy 1 are interrelated and need to be considered together. Accessibility is a core element of Policy 1 and the guidance identifies that this relates to the ease and cost of accessing opportunities, to enable all people and communities to provide for their wellbeing. Importantly good accessibility includes by way of public or active transport.

94. The plan change area is located outside those locations directed by the NPS-UD for intensification in Policy 3. Concentrating intensification around identified locations supports the concept of a well-functioning urban environment with the outcome of a quality, compact form. This site is not in a location that has good access to existing services and public transport networks. The applicant’s use of private shuttles is unproven and unlikely to substitute for public transport options.

95. I do agree with the applicant that in the context of Policy 8, the site is effectively “infrastructure ready” to deliver a range of housing sizes and is able to be delivered within reasonable timeframes, thereby adding to the residential development capacity (albeit that this capacity is not needed to meet directives under the NPS-UD). I do not agree that housing in this location achieves the purpose of the THAB zone and in the absence of place-based provisions in the Precinct, can deliver high quality housing contributing to well-functioning urban environments. This is discussed further in section 11.2 when assessing the district plan provisions.

96. Overall, I do not consider PPC90 to give effect to the relevant objectives and policies of the NPS-UD because although contributing additional development capacity and potentially

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<sup>19</sup> Derek Foy, paragraph 4.5



providing a variety of homes it does not achieve the minimum requirements of a well-functioning urban environment. Additional development capacity is not required to provide for housing capacity to meet Auckland's demand in the northern Ōtara/southern Ōtāhuhu area. Future residents in this development will be reliant on private vehicles potentially adding to greenhouse gas emissions because the area is not well-served by existing or planned public transport. Auckland Transport has confirmed there are no plans or funding to support additional public transport in this location.

#### **9.4. National Policy Statement for Freshwater Management 2020 (NPS-FM)**

97. The National Policy Statement on Freshwater Management 2020 (**NPS-FM**) requires that natural and physical resources are managed in a way that prioritises first, the health and well-being of water bodies and freshwater ecosystems, second, the health needs of people, and third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. Council is proposing a comprehensive plan change to implement the additional requirements of the document in 2024. This comprehensive plan change could potentially amend the AUP provisions to achieve the prioritisation of the health and well-being of water bodies and freshwater ecosystems.
98. Paragraphs 8.12 – 8.14 of the Planning Report discuss why PPC90 is considered consistent with the relevant NPS objective and policies. I agree that there are no wetlands and streams present in the plan change area and immediate catchment. I also agree the SMP process will ensure that land use planning is integrated with the stormwater management strategy so that the effects on the receiving environment are considered holistically. This includes stormwater management ponds that may be used to control discharge of stormwater. These matters are appropriately addressed at the time of future development. I consider that PPC90 does not compromise the council's requirement to give effect to the NPS-FM.

#### **9.5. National Policy Statement on Electricity Transmission**

99. The National Policy Statement on Electricity Transmission 2008 (**NPSET**) recognises the need to operate, maintain, develop and upgrade the electricity transmission network as a matter of national importance. In achieving the purpose of the RMA, decision-makers must recognise and provide for electricity transmission.
100. The AUP recognises the National Grid is important to the social and economic well-being of Aucklanders and New Zealanders.<sup>20</sup> This is provided for in the AUP by Infrastructure: National Grid Corridor Overlay. As high voltage transmission lines can pose a risk of electrical hazard and development in close proximity to the National Grid can pose risks to the National Grid, some activities within the corridor are not encouraged. This includes establishing activities sensitive to the national grid in an existing building or a new building, which is a non-complying activity.<sup>21</sup> Dwellings are included in the list of activities sensitive to the national grid.<sup>22</sup>
101. The NPSET was not addressed in the Planning Report. The response to the Clause 23 request is that the mapped extent of the National Grid Subdivision Corridor extends minutely into the

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<sup>20</sup> AUP, D26.1 National Grid Corridor Overlay description

<sup>21</sup> AUP, D26.4.1 Activity table – within the National Grid

<sup>22</sup> AUP, Chapter J1 Definitions

Activities sensitive to the National Grid

Any dwellings, papakāinga, visitor accommodation, boarding houses, integrated residential development, retirement villages, supported residential care, education facilities, hospitals and healthcare facilities and care centres.

plan change area and the AUP gives effect to the National Policy Statement on Electricity Transmission through the implementation of the National Grid Corridor Overlay provisions. The plan change does not seek to amend the National Grid Corridor Overlay provisions. I agree with this response and consider that PPC90 does not compromise the Council's requirement to give effect to the NPSET.

## 10. National environmental standards or regulations

102. Under section 44A of the RMA, local authorities must observe national environmental standards in its district/region. No rule or provision may be duplicate or in conflict with a national environmental standard or regulation. There are currently six NES' in force.
103. The applicant has identified The Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 as having relevance to PPC90<sup>23</sup> as the land is known or is likely to contain contaminates from past activities.
104. A Land Contamination Report has been provided with the application and this has been reviewed by Council specialist Fiona Rudsits (refer to Attachment 3). Ms Rudsits is of the opinion that PPC90 is generally consistent with the purpose of the NES:CS regulations (paragraph 6.3). As far as it relates to my area of expertise, I agree.
105. For completeness I note that the National Environmental Standard on Electricity Transmission Activities 2009 apply to Transpower's transmission lines, only a very small portion of which are located over the land. This standard does not impact on the plan change.

## 11. Auckland Unitary Plan

### 11.1. Regional Policy Statement (RPS)

106. Section 75(3)(c) of the RMA requires that a district plan must give effect to any regional policy statement (**RPS**). In addition, under section 74(2)(a)(i) regard shall be had to any proposed RPS. The Council notified PC80 to the RPS on 18 August 2022. PC80 was approved and the decision notified on 14 September 2023. Appeals close on 27 October 2023. As it relates to PC90, the key changes in PC80 are improving resilience to the effects of climate change over at least 100 years. This is reflected in the majority of the changes to RPS chapters B8 and B10.
107. The applicant provided an assessment against Chapter B2 and B3 of the RPS provisions on pages 83-84 of the Planning Report. In response to a Clause 23 request, an assessment was provided of Chapter B8 and B10 (including amendments proposed in PC80).<sup>24</sup> The applicant's conclusion is that the plan change gives effect to the RPS. I disagree with aspects of this assessment. I have also included a consideration of B6 Mana Whenua in light of a submission from Ngāti Te Ata Waiohū.<sup>25</sup>
108. I consider that the following chapters of the RPS are the most relevant to PPC90:

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<sup>23</sup> Planning Report, paragraphs 8.18. and 8.19

<sup>24</sup> Clause 23 response, pages 38-39

<sup>25</sup> Throughout this report I have used the macron when referring to Ngāti Te Ata Waiohū as this is used in their submission, although I acknowledge the CVA adopts the use of the double letter where emphasis is required.

- B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form
- B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy
- B6 Mana Whenua
- B8 Toitū te taiwhenua - Coastal environment
- B10 Ngā tūpono ki te taiao - Environmental risk

*B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form*

109. Chapter B2 of the RPS establishes the growth management strategy to achieve a quality compact urban form for Auckland. Objective B2.2.1.(1) requires a quality compact urban form that enables a high-quality urban environment, greater productivity and economic growth, better use and provision of existing and new infrastructure, improved and effective public transport, greater social and cultural vitality, and reduced adverse environmental effects. This is the overarching objective for urban growth and establishes all of the outcomes to be achieved, which are then delivered by the policy framework within the rest of the chapter.
110. I agree with the applicant that the plan change gives effect to objectives and policies promoting growth within the Urban Area.<sup>26</sup> I also agree that it supports an increase in housing capacity and potentially a range of housing choice.<sup>27</sup> However, central to achieving compact urban form (and reinforced by the NPS-UD) is enabling higher residential intensification (a) in and around centres; (b) along identified corridors; and (c) close to public transport, social facilities (including open space) and employment opportunities.<sup>28</sup> This is supported by identifying a hierarchy of centres which function as commercial, cultural and social points as well as providing for range of activities to support and serve as focal points for their local communities.<sup>29</sup>
111. Rezoning this land residential does not give effect to this policy as:
- The land is isolated from the closest centre of Ōtara (2.3km) and Ōtāhuhu (3.3km).
  - It is not a corridor identified for residential activity, with priority being for freight and industrial uses.
  - It is not close to existing or planned public transport and the mitigation proposed to address this is unproven.
  - The land is physically separated from the nearest local shops and Primary School on Wymondley Road by an arterial route and motorway interchange.
112. I do agree that the plan change area is within 800m of Highbrook Business Area, which provides employment opportunities.

<sup>26</sup> RPS Objective B2.2.1.(2) and Policy B2.2.2.(4)

<sup>27</sup> RPS Objective B2.4.1.(4)

<sup>28</sup> RPS Policy B2.2.2.(5)

<sup>29</sup> RPS Policy B2.2.2.(6)

113. Objective B2.3.1(1) requires a quality built environment where subdivision, use and development do all of the following:

*(a) respond to the intrinsic qualities and physical characteristics of the site and area, including its setting;*

*(b) reinforce the hierarchy of centres and corridors;*

*(c) contribute to a diverse mix of choice and opportunity for people and communities;*

*(d) maximise resource and infrastructure efficiency;*

*(e) are capable of adapting to changing needs; and*

*(f) respond and adapt to the effects of climate change*

114. The coastal location of the land significantly contributes to the intrinsic qualities of the site and opportunities for residential use. The coastal location also provides for open space opportunities through the provision of an esplanade reserve and pedestrian connections. However, Highbrook Precinct has not directly responded to these qualities and the site's setting by incorporating specific provisions in the Precinct. Provisions within the Highbrook Precinct to address the isolation of the site and bordering State Highway 1 and an arterial road do not, in my opinion, overcome that the plan change does not reinforce the hierarchy of centres and corridors. Rezoning this land residential does not maximise an existing land resource identified by Council's economic specialist as being needed for industrial land supply and nor does it support transport infrastructure efficiency. Council's economic specialist disputes that the land is not suitable or practical for light industrial activities.<sup>30</sup> Council's coastal specialist has identified the plan change does not respond to the effects of climate change on land that is indicated as proposed esplanade reserve.<sup>31</sup>

115. Objectives B2.3.1(2) and (3) encourage innovative design to address environmental effects and require that the health and safety of people are promoted. Highbrook Precinct does not include provisions encouraging innovative design to address the known environmental effects of a high noise environment, particularly the outdoor amenity of future residents. The Precinct does include provisions aimed at pedestrian safety, but specialist advice is that these do not overcome the challenges of the arterial route and poor pedestrian connections where priority is given to movement of industrial vehicles. For similar reasons, PPC90 does not give effect to Policy B2.3.2.(d) which is to achieve a high level of amenity and safety for pedestrians and cyclists.

116. Objective B2.4.1.(3) reinforces that land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification. Rezoning this land residential is inconsistent with this objective. Objective B2.4.1.(6) directs that to achieve objectives B2.4.1.(1) – (4), sufficient, feasible development capacity for housing is provided, in accordance with targets specified in Table B2.4.1. As explained earlier in this report, the council is well ahead of planned growth targets. Rezoning the land residential is therefore not needed to give to effect this objective. Policy B2.4.2(2) reinforces this approach to the location of higher residential intensities.

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<sup>30</sup> Derek Foy, paragraph 4.24

<sup>31</sup> Kala Sivaguru, page 8

117. Policy B2.4.2.(5) sets out when residential intensification should be avoided. The plan change area does not contain scheduled features in the AUP where this is directed. It is however, in a location where there are significant natural coastal hazard risks. These risks are primarily, but not exclusively limited to what is indicated in the plan change as a future 20m esplanade reserve. The requestor's assessment relies on vesting of an esplanade reserve of 20m wide, but as noted earlier this does not form part of the Highbrook Precinct. In the absence of this, I therefore consider that the proposed THAB zoning does not avoid intensification where such intensification is inconsistent with the avoidance or mitigation of the natural coastal hazard risks.
118. As noted earlier, I agree that consistent with Policy B2.4.2(6) future development can be adequately provided with water, wastewater and stormwater infrastructure prior to or at the same time as residential intensification. Where it is lacking is good connections to public transport. Auckland Transport advise in their submission there are no plans or funding to increase the public transport services available along Highbrook Drive.
119. B2.5.1 Objectives for commercial and industrial growth are:
- (1) *Employment and commercial and industrial opportunities meet current and future demands.*
  - (2) *Commercial growth and activities are primarily focussed within a hierarchy of centres and identified growth corridors that supports a compact urban form.*
  - (3) *Industrial growth and activities are enabled in a manner that does all of the following:*
    - (a) *promotes economic development;*
    - (b) *promotes the efficient use of buildings, land and infrastructure in industrial zones;*
    - (c) *manages conflicts between incompatible activities;*
    - (d) *recognises the particular locational requirements of some industries; and*
    - (e) *enables the development and use of Mana Whenua's resources for their economic well-being.*
120. Council's economic specialist Mr Derek Foy has identified that while there is adequate supply of industrial land in the region for at least the next 30 years, there is little, and decreasing vacant industrial land available in central areas. Central industrial land will come to have increasing value to industry, and because of the role industry places within the regional economy, to the broader community as well.<sup>32</sup> Rezoning the land from Business – Light Industry when there is a decreasing amount of vacant industrial land in central areas does not give effect to the AUP objectives to meet current and future demand for industrial land. Rezoning the land also does not support Policies B2.5.2.(8) regarding a supply of industrial land which in this case, the land is relatively flat, has efficient access to freight routes and can be efficiently served by infrastructure.
121. The objectives and policies in B2.7 apply to open space. While the plan change does not include open space, it refers to a future esplanade reserve being vested on subdivision. For

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<sup>32</sup> Derek Foy, paragraph 5.11

the reasons set out earlier, if this land were shown to vest as part of this plan change, it could provide for an appropriate level of public access to the coastal environment or connected public open space and access through and around the proposed Precinct, consistent with Objective B2.7.1.(2) and Policy B2.7.2.(9).

*B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy*

122. Watercare has identified there is the ability to provide for water and wastewater capacity and Council's Healthy Water's Unit confirms there are options for the management of stormwater. The plan change does not in conflict with provisions in B3.2. Infrastructure.
123. Policy B3.3.2.(5) specifically seeks to improve the integration of development with transport. I do not consider this plan change gives effect to Policy B3.3.2.(5) as it does not encourage a land use pattern that reduces demand for private vehicle trips because of its isolated nature. There is a limited public transport service and trips beyond the site e.g. to work, accessing social services and education, will be heavily reliant on private vehicles as the proposed shuttle service is unproven and Auckland Transport has confirmed there is no planned increase in service along Highbrook Drive.

*B6 Mana Whenua*

124. This chapter contains issues of significance to Māori and iwi authorities in the Tāmaki Makaurau Auckland region, including the protection of Mana Whenua cultural heritage. The applicant has consulted with iwi and commissioned four CVA, two of which have been provided at the time of writing. Matters of concern relate principally to development of the land rather than the rezoning and Highbrook Precinct. The applicant has stated they are committed to ongoing consultation. PPC90 is consistent with this chapter.

*B8 Toitū te taiwhenua - Coastal environment*

125. B8.2, B8.3 and B8.4 contain objectives and policies relating to natural character in the coastal environment; subdivision use and development, public access and open space and managing the Hauraki Gulf. I agree with the Clause 23 response that the plan change area does not contain a coastal environment deemed to be of outstanding or high natural character.<sup>33</sup> In respect of B8.3 relating to subdivision, use and development, reliance is placed on the provisions in the THAB zone and the future resource consent application approval process. In my opinion, given the physical constraints of the land and it being affected by coastal hazards, provisions should have been included in the Precinct rather than relying on zone provisions (or Chapter E36 Natural Hazards). In doing so it would also take into account the likely impact of coastal processes and climate change on future open space, in accordance with Policy B8.4.2. (1)(d). I conclude that PPC90 is inconsistent with B8.3.1 (7) and Policy B8.4.2. (1)(d).

*B10 Ngā tūpono ki te taiao - Environmental risk*

126. B10.2 contains objectives and policies regarding natural hazards and climate change. Objectives B10.2.1. (3) and (4) and Policies B10.2.2. (1), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (13) are relevant to PPC90. These objectives and policies give effect to the NZCPS objectives and policies regarding coastal hazards, including climate change and risk identified earlier in this report. I reiterate the comments made in section 9.1 of this report when

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<sup>33</sup> Clause 23 response, page 38

addressing the NZCPS. For the same reasons, I conclude that PPC90 is inconsistent with the relevant objectives and policies contained in B10.2.

## 11.2. Auckland Unitary Plan – Regional and District Plan

127. Paragraphs 8.35 – 8.36 of the Planning Report provide an assessment of Chapter H6 Residential – Terrace and Apartment Building Zone and considers that the plan change (proposed THAB Zone and Highbrook Precinct) is consistent with the objectives and policies framework of the THAB Zone. I disagree and set out my own assessment, as follows.
128. Firstly, it is important to establish the AUP approach to residential zoning. The AUP provides for six residential zones to give effect to provisions B2.2, B2.3 and B2.4 of the RPS. In particular, objectives and policies direct that residential zones which provide for increased capacity and housing choice be focused around centres, the rapid and frequent transport network and large urban facilities. To enable this, the residential zones policy framework establishes an approach of generally decreasing building intensity away from centres, from the greatest degree of intensity in the THAB zone (5-7 storeys).
129. As noted earlier, the plan change area is not in a location identified for greater intensification through Policy of the NPS-UD. The operative provisions of the THAB zone therefore remain largely unchanged by PC78.
130. The THAB zone description at H6.1 states:

*The Residential – Terrace Housing and Apartment Buildings Zone is a high-intensity zone enabling a greater intensity of development than previously provided for. This zone provides for urban residential living in the form of terrace housing and apartments. The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification.*

*The purpose of the zone is to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.*

*The zone provides for the greatest density, height and scale of development of all the residential zones. Buildings are enabled up to five, six or seven storeys in identified Height Variation Control areas, depending on the scale of the adjoining centre, to achieve a transition in height from the centre to lower scale residential zones. This form of development will, over time, result in a change from a suburban to urban built character with a high degree of visual change.*

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131. The zone description also refers to standards, resource consent requirements and providing for non-residential use.

132. Objectives for the THAB zone are:

- (1) Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport.*
- (2) Development is in keeping with the areas planned urban built character of predominantly five, six or seven storey buildings in identified areas, in a variety of forms.*
- (3) Development provides quality on-site residential amenity for residents and the street.*
- (4) Non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.*

133. Policies are focused on the delivery of a variety of housing types; enabling greater building intensity; urban design; enable greater building height through the application of the Height Variation Control; and providing a level of non-residential activities. Table H6.4.1 Activity table requires that new dwellings and buildings are a restricted discretionary activity (noting that three dwellings complying with MDRS would be permitted).

134. For the reasons set out earlier, I consider the plan change does not achieve the purpose of the zone due to its isolated location. Future residents will not have convenient access to services, education facilities, retail and entertainment opportunities, public open spaces and public transport. The location does not promote walkable neighbourhoods and increase the vitality of centres. I consider these fundamental to the THAB zone. I therefore disagree with the requestor that intensification of the plan change area will result in creating a well-functioning urban environment that enables people and communities to provide for their social, economic, cultural well-being and health and safety.<sup>34</sup> I don't disagree with the requestor that the site is in proximity to an employment hub. In my opinion, this is not sufficient to overcome the other issues with this location.

135. I also share the opinion of Council's noise specialist Rhys Hegley<sup>35</sup> that in the absence of specific precinct provisions requiring the installation of suitably designed and located acoustic attenuation measures, future development cannot provide quality outdoor aural amenity for residents in this high noise environment.

136. Other regional or district plan chapters are not considered under this part of the Planning Report, but some are addressed elsewhere when assessing effects of the plan change. Other than including a Precinct to manage two specific matters, PPC90 does not amend provisions in the AUP. The plan change therefore relies on the THAB zone and other provisions in the AUP as they may apply to future development and subdivision. This is consistent with the AUP approach to precincts as described in A1.6.5 Precincts, except where detailed place-based provisions are required in response to the circumstances particular to the location.

137. For the reasons detailed earlier, I consider that the Highbrook Precinct does not give effect to provisions in coastal policy statements regarding public access to the coast. In this regard, Chapter E38 Subdivision – Urban relating to esplanade reserves is relevant to PPC90.

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<sup>34</sup> Planning Report, page 85

<sup>35</sup> Rhys Hegley, section 2.2



Objective 38.2(3) and Policy E38.3(24) provide clear direction on requiring esplanade reserves when subdividing land adjoining the coast. Policy E38.3(25) contains specific considerations relating to safe public access and long-term effects of climate change.

138. Council's specialists identified additional provisions in the Highbrook Precinct are necessary to respond to the coastal environment. I agree the recommendations would address effects arising from different standards being applied in a residential zone compared to the Business – Light Industry zone. They do not however address the fundamental issue that I consider the THAB zoning inappropriate for the land.

139. I also consider that Highbrook Precinct as drafted does not meet good practice<sup>36</sup> for the drafting of standards and its structure is inconsistent with other parts of the AUP.

- **Standards** I4.6.2. Highbrook Precinct Transportation Plan, I4.6.3. Upgrading of shared cycle / pedestrian path and pedestrian barrier and I4.6.4. Construction of a bus stop do not provide a measurable outcome and a means by which to know whether the standard is met. They also reserve discretion where there is none for permitted activities.
- **I4.8. Assessment – restricted discretionary activities** contains assessment criteria for transport matters, when transport is not listed as a matter over which the council has reserved its discretion for activity (A1). The content relates to (A2) in Table I4.4.1 Activity table, which is a discretionary activity. If these are relevant considerations, consistent with the AUP plan structure, they should be incorporated into objectives and policies or re-drafted as standards (if possible) rather than being attached to a restricted discretionary activity for another matter.

140. In response to Direction 1 from the Hearing Panel, I understand the applicant is proposing to redraft Precinct provisions in response to the submission by Auckland Transport. This may address some of my concerns regarding the drafting of the Precinct provisions.

## 12. Other Plans and Strategies

141. Section 74(2)(b)(i) of the RMA requires a territorial authority must have regard to plans and strategies prepared under other Acts. The other plans and strategies relevant to PPC90 are discussed below.

### 12.1. The Auckland Plan

142. The requestor provides an assessment against the Auckland Plan 2050 in paragraphs 8.28 – 8.31 of the Planning Report identifying that PPC90 is consistent with the vision and outcomes articulated in the “Homes and Places” outcomes of the Auckland Plan.

143. The Auckland Plan, prepared under section 79 of the Local Government (Auckland Council) Act 2009 is a relevant strategy document to be had regard to when considering PPC90. The Auckland Plan 2050 was adopted in June 2018. It is a long-term spatial plan which considers how Auckland will address key challenges over the next 30 years. These challenges include high population growth, shared prosperity, and environmental degradation.

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<sup>36</sup> Quality Planning

144. I consider the Development Strategy to be the most important consideration for PPC90 because it sets out how Auckland will grow over the next 30 years to achieve a quality compact urban form, it is the spatial plan that delivers on the outcomes of the Auckland Plan and meets the directives of the NPS-UD. The Development Strategy states that Auckland will take a quality compact approach to growth and development. Where compact development will be focused in existing and new urban areas within the urban footprint, limiting expansion into rural areas.
145. I agree with the applicant that the site is “infrastructure ready.” However, I disagree with other aspects of the assessment noting that:
- This site is not suitable for residential activity as it is not in an area of activity and close to good transport options. The Precinct provisions do not ensure good transport options are available to future residents and the shuttle is an unproven method.
  - Changes proposed under PC78 provide for plan enabled housing capacity well ahead of demand. Rezoning in this location is not required to support housing to accommodate population growth.
  - The plan change does not recognise the environmental qualities of the site and coastal edge, particularly with regard to natural character. The plan change will not provide a connected open space network and facilitate access, particularly to the coastal edge.
  - PPC90 does not include provisions that recognise and provide for coastal hazard management over the 100-year planning horizon.

## 12.2. Ōtara-Papatoetoe Local Board Plan

146. 8 Sparky Road is located within the Ōtara-Papatoetoe Local Board. The Ōtara-Papatoetoe Local Board Plan 2020 is a non-statutory plan that provides a flexible framework to support growth and development in the Local Board area over three years. The plan contains six outcomes:
1. Transforming Manukau
  2. A prosperous local economy
  3. A thriving, inclusive and safe community
  4. Parks and facilities that meet peoples needs
  5. Sustainable, healthy natural environment
  6. Connected area and easy to get around
147. For each outcome the plan includes objectives and key initiatives. Outcome 6 is considered most relevant to PPC90 and includes the following:

*Safety is important, especially for our children, and we’re investing in raised crossings and safety fences near our schools. We want our communities to have the infrastructure to be able to travel safely from place to place, whether cycling through our local parks or using shared pathways on our roadside. We will continue seeking opportunities with AT and the*

*NZ Transport Agency to deliver the Healthy and Safe Streets project and our Local Paths (Greenways) Plan. p29*

*We believe public transport will be the only viable option for many people in our area in the future. We live in an area of high deprivation and will strongly advocate for a fairer fare structure with a goal of free public transport for all. p30*

*Deliver priority Greenways walking and cycling connections to provide improved recreational amenity and alternative transport connections through the local parks network. p30*

148. For the reasons set out earlier, PPC90 does not deliver these outcomes.

### **12.3. Ōtara-Papatoetoe Greenways Plan 2017**

149. The Ōtara-Papatoetoe Greenways Plan is a visionary and guiding document intended for use by the Local Board, council departments, council-controlled organisations, community groups, private developers and other interested parties. The document outlines the long-term Greenways for the Ōtara and Papatoetoe areas, with a view to setting up priority projects for funding an implementation over the coming years.<sup>37</sup>

150. Figures 12 and 13 below are extracts from the Ōtara-Papatoetoe Greenways Plan maps 3.1 and 3.3. These maps show a proposed greenway along MHWS for part of the plan change area with a connection onto Highbrook Drive and an additional connection linking to the Auckland Cycle Network (**ACN**).<sup>38</sup> An accompanying note to Map 3.2 is that greenways do not often overlap with the ACN's 'metro' or 'connector' routes, as these are predominantly on busy roads, where opportunity for amenity, recreational or ecological improvements are difficult to achieve.

151. Standard I4.6.3 in the Highbrook Precinct requiring upgrading of shared cycle / pedestrian path and pedestrian barrier supports those parts of the Ōtara-Papatoetoe Greenways Plan located on the road. The Highbrook Precinct does not incorporate the opportunity to provide a connection into the plan change area. Had an esplanade reserve been identified in the Highbrook Precinct this would support the Ōtara-Papatoetoe Greenways Plan vision to provide a greenways connection from Highbrook Drive and along MHWS. It would also, as noted by Ms Howdle, council's landscape architect, ensure that future development is set up to achieve an appropriate response and interface with the Tāmaki River and retain the natural character values of the area.<sup>39</sup> It is acknowledged that the plan change does not preclude this being provided as part of any future development but it also does not direct or require it either.

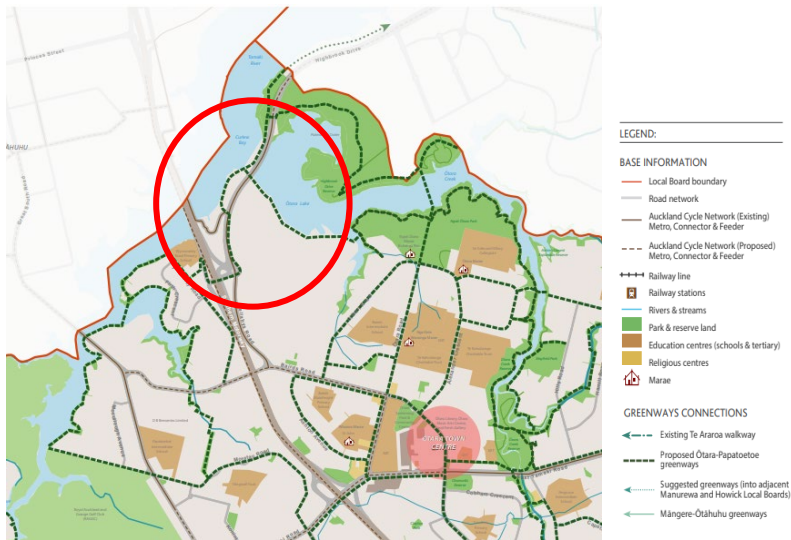
152. The Howick Walking & Cycling Network Plan 2018 applies to land on the northern side of the Highbrook Bridge. This plan reinforces the Ōtara-Papatoetoe Greenways Plan by identifying paths within esplanade reserves along Highbrook Business Park and Highbrook Reserve connecting to a potential pedestrian connection through the plan change land.

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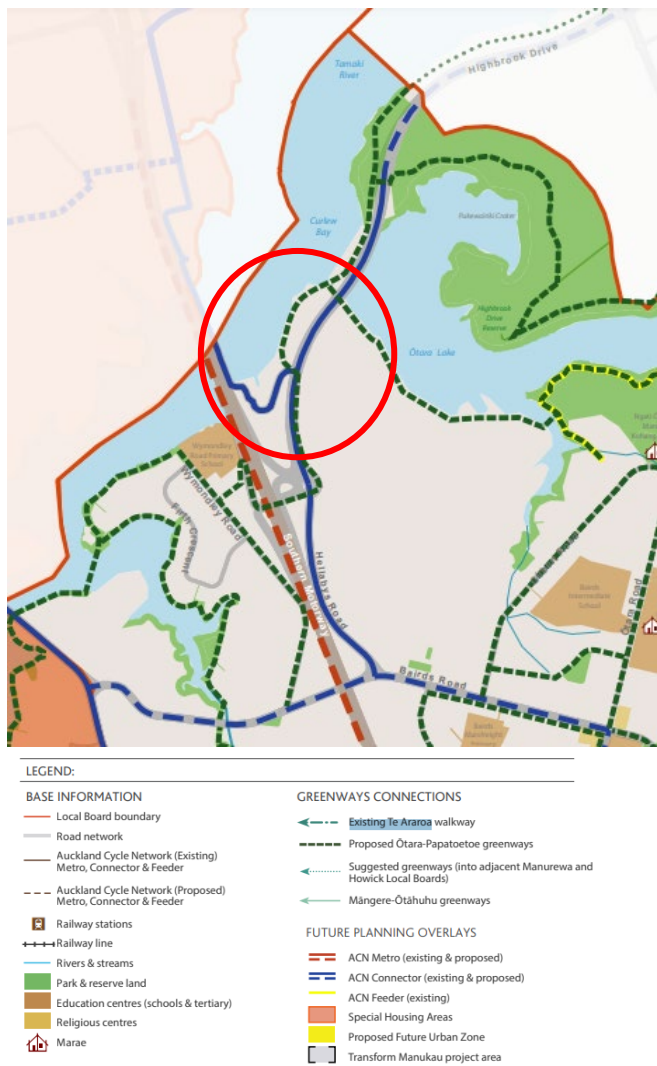
<sup>37</sup> Ōtara-Papatoetoe Greenways Plan 2017, Purpose, page 7

<sup>38</sup> The proposed greenway along MHWS reflects the aspiration for educational and restoration opportunities along the coastal edge in the Ōtara-Papatoetoe Local Board Plan, 2014

<sup>39</sup> Memorandum, dated 17 July, paragraph 27



**Figure 12: Extract – 3.1 Long-term Aspirational Greenways**



**Figure 13: Extract – 3.3 Long-term Aspirational Greenways with Additional Future Planning Overlays**

## 13. Assessment of effects on the environment

153. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account clause 6 and 7 of the Fourth Schedule of the RMA.

154. An assessment of actual and potential effects on the environment (**AEE**) is included in pages 41-70 of the Planning Report lodged with PPC90. This assessment is supported by various expert reports and documents listed in section 4.3 of this report. The Planning Report identifies and evaluates the following actual and potential effects:

- Economic matters
- Integrated transport assessment
- Landscape and visual effects Urban design
- Reverse sensitivity effects
- Road traffic noise effects
- Ecology
- Infrastructure servicing – water and wastewater
- Stormwater Management Plan
- Geotechnical matters
- Land contamination
- Effects on Mana Whenua

155. The AEE covers many of the positive and adverse effects. Where I agree with the AEE, I will state so and not repeat the assessment. There are also additional effects which, in my opinion, need consideration. In forming my opinion, I also adopt and rely on the technical advice of the council technical experts listed in Table 3 and whose memorandums are provided in Attachment 3 to this report.

### 13.1. Economic matters

156. Economic matters are addressed on pages 41 – 44 of the Planning Report and this is supported by Economic Overview Report prepared by Phil Osborne of Property Economics Limited (**PEL**). In summary, the applicant's assessment discusses the impact of the loss of industrial zoned land; the suitability of the plan change area for industrial activities including 'fit' with the surrounding industrial services and activities; economic viability of developing the land for industrial activities; and the suitability of the site for THAB zone. The conclusion is that the plan change will not undermine the industrial land sufficiency of the localised catchment and the wider region, while maximising land use efficiency. Furthermore, the THAB

Zone is considered more appropriate use of the land and leverages the unique locational and characteristics of the site.<sup>40</sup>

157. Council's economic specialist Derek Foy sets out those matters where he agrees with the PEL report.<sup>41</sup> This includes that across the region and in Auckland South there is an adequate supply of industrial land for at least the next 30 years, and that adequacy is confirmed by council's recent evidential assessment for the Future Development Strategy.
158. Mr Foy disagrees with the assessment regarding housing demand. As I note earlier, the council's economic analysis to support giving effect to the NPS-UD through PC78 is that for the next 30 years there is plan enabled capacity for residential intensification across the region and in all locations with the exception of those parts of the central Isthmus where there is a concentration of qualifying matters.
159. Figure 4.1 on page 4 of Mr Foy's memorandum shows the residential environs of the plan change area. Using council data prepared for PC78, Mr Foy notes there is a very significant plan enabled capacity in the area, with theoretical capacity for 106,220 total dwellings. There are currently around 19,600 households living in that area, indicating plan enabled capacity to accommodate an additional 86,600 households in that area.<sup>42</sup> Mr Foy acknowledges plan enabled capacity cannot necessarily be realised, but the application has not provided any assessment that the additional 200 dwellings are required to provide additional capacity within the area, especially in the context of the large capacity enabled by PC78.<sup>43</sup>
160. Mr Foy agrees that there is a need to provide more homes at price points affordable to the market. However, there is no information provided in the application, including the PEL report, about what price points the future development might accommodate, nor any conditions proposed to promote achievement of particular price points, and so there is no indication that PPC90 would have any positive effects on housing affordability in Auckland.<sup>44</sup>
161. Mr Foy notes the PEL position (and the basis for rezoning) is that the site's characteristics make accommodating industrial activities difficult, and residential activity would "ensure an efficient land use of the site that in all likelihood might otherwise remain unutilised." Mr Foy disagrees with the assessment that land cannot be used for industrial activities, and that high density residential activity is more appropriate than industrial activity.<sup>45</sup> The narrow shape of the land is acknowledged by Mr Foy as a constraint for large warehousing occupying the site but he disagrees this is only feasible option for industrial use of the land either in terms of permitted activity status in the Business – Light Industry zone or by example within the East Tāmaki area. Similarly, Mr Foy considers that geotechnical or access constraints can be accommodated with a range of industrial activities and that the area would be attractive to potential tenants. This is supported by comparable locations having very low or no vacancy rates in East Tāmaki's industrial tenancies.<sup>46</sup>
162. Currently vacant status of the proposed site is not in Mr Foy's opinion evidence that the land is not as attractive to industrial activities. With regards to land use efficiency and market efficiency, Mr Foy notes at paragraph 4.28 that:

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<sup>40</sup> Planning Report, paragraph 7.6, page 44

<sup>41</sup> Derek Foy, paragraph 3.3

<sup>42</sup> Derek Foy, paragraph 4.5

<sup>43</sup> Derek Foy, paragraph 4.6

<sup>44</sup> Derek Foy, paragraph 4.4

<sup>45</sup> Derek Foy, paragraphs 4.8 and 4.9

<sup>46</sup> Derek Foy, pages 6 - 9

*.. However, if industrial activity can feasibly be supported on the Site (noting the applicant's opinions that it cannot), then the ongoing employment supported by that activity would provide enduring economic benefits to the region, thus providing a different type of contribution than that available from residential activity, even though the built form of industrial uses would be lower density. If a "higher intensity is better" reasoning was applied everywhere, it would be difficult to maintain industrial activity in large parts of the industrial zone, because the (generally cheaper) industrial land would be a target for conversion to higher value and more intense uses. That is, there is a role within Auckland for lower intensity land uses, in order to contribute to an efficient regional economy and labour market.*

163. Pages 11 – 14 of Mr Foy's memorandum discuss the appropriateness of activities on the plan change land. In his opinion the land is well located for industrial activity, being highly accessible (near the motorway), near existing industrial activities (particularly in Highbrook) and relatively central within Auckland. In contrast the land is less well suited to residential activity, because, as the PEL report notes "In effect the site is a very narrow and isolated piece of land." Mr Foy expresses similar views to those I set out in section 11.2 of this report on PPC90 being inconsistent with the THAB objectives. Mr Foy also highlights that because it is envisaged only very limited non-residential activities are proposed the future residential development would not be part of a residential neighbourhood, but would exist as an isolated residential area surrounded by industrial zone, the motorway, and the Tāmaki Estuary.
164. Mr Foy concludes that PPC90 is inconsistent with the direction and framework of the AUP, RPS, Auckland Plan and Future Urban Land Supply Strategy, insofar as those documents relate to the need to safeguard the supply of industrial land, and in relation to the appropriate location for THAB zone. He does not support the plan change because first, the plan change area is not an appropriate location in which to enable THAB zone and second because the loss of industrial land would decrease the remaining supply of centrally located industrial land within Auckland, even though total industrial land supply is sufficient to meet regional needs when not considering the location of that land. I agree with Mr Foy's assessment as it relates to my area of expertise.

### **13.2. Integrated transport assessment**

165. The ITA prepared for the applicant assesses the traffic effects of the proposed rezoning and the ability of the surrounding existing and proposed transport network to support the development potential of the plan change request. This is summarised on pages 44 – 48 of the Planning Report.
166. The ITA modelled two scenarios to compare and assess the transportation effects of rezoning the land residential. The conclusions being that the traffic modelling shows there are no significant differences between the baseline and the proposed development scenario of 200 units. While the extensive delays at the site intersection are not acceptable, it shows that this largely reflects existing wider network issues rather than caused by the proposed development that would be enabled by the plan change.<sup>47</sup>
167. Recommendations in the ITA have been included in the Highbrook Precinct. This is to recognise that further transportation modelling is required beyond the 200 unit scenario

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<sup>47</sup> Planning Report, page 46

modelled; to support public transport/mode share; and improve pedestrian connectivity and safety.

168. Mr Andrew Temperley has reviewed the plan change from a transportation perspective, and his memorandum is included in Attachment 3. Mr Temperley does not support the plan change for two reasons. Firstly, the proposal is not capable of effectively fulfilling the characteristics and transport objectives associated with the THAB zone and secondly, that adverse transportation effects on the adjoining road network can be adequately mitigated.<sup>48</sup>
169. Consistent with opinions expressed by Mr Foy and myself, Mr Temperley notes “*due to future vehicular and pedestrian access to and from the site taking place via a single access intersection onto Highbrook Road, combined with the site’s general lack of proximity to local centres, public transport connections, retail facilities, education facilities and other key amenities, its geographical context is not considered to be conducive towards fulfilling the above mentioned characteristics and objectives for the THAB zone.*”<sup>49</sup>
170. Mr Temperley highlights that the Isochrone maps provided in the Clause 23 demonstrate the considerable distances to centres (2.3 km to Otara town centre and 3.3 km to Otahuhu town centre); the 20 minute walking distance to Wymondley Road Primary School involves pedestrians crossing busy roads forming the motorway interchange; and the 10 minute bicycle travel routes to Ōtara and Ōtāhuhu town centres are generally indirect and unattractive, involving use of heavily trafficked arterial routes.
171. At paragraphs 2.7 – 2.10 of his memorandum, Mr Temperley discusses the transportation context of the plan change site, reiterating the unsuitability of the land for THAB zoning noting “*..while the proposal will include upgrading pedestrian footways and crossing facilities along main roads adjoining the subject site, the level of connectivity that these provide is constrained by generally inconvenient travel distances to the nearest employment, education, retail opportunities and other services. As an example, the nearest town centres of Otara and Otahuhu are more than a 30-minute walking distance from the site. In addition, the heavily trafficked arterial road environment is considered to offer poor amenity value for travel by active modes.*”
172. Mr Temperley considers there is insufficient information provided to assess the degree to which the shuttle service would contribute towards transportation objectives and characteristics for the THAB Zone. These include convenient public transport access and in turn, convenient access to key services and amenities. I agree.
173. With regards to adverse transportation effects on the adjoining road network, I rely on the expertise of Mr Temperley who is of the opinion that PPC90 is expected to exacerbate existing congestion on Highbrook Drive, with no effective mitigation measures having been identified within the scope and context of the plan change.<sup>50</sup>

### **13.3. Landscape and visual effects and urban design matters**

174. Landscape and visual effects are addressed on pages 48 – 52 of the Planning Report and principally rely on the Visual Effects Report prepared by Rob Pryor of LA4. The effects are considered in the context of natural character, landscape and visual amenity.

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<sup>48</sup> Andrew Temperley, paragraph 1.6 and 4.3

<sup>49</sup> Andrew Temperley, paragraph 2.3

<sup>50</sup> Andrew Temperley, page 7



175. Urban design matters are considered at pages 52 – 53 of the Planning Report and principally rely on the Urban Design Statement prepared by Jason Evans of ET Urban Design. The applicant’s assessment is that the plan change represents an important opportunity to develop a site to a high standard of urban design. To support this a concept plan has been prepared, indicating a form of development that could occur within the plan change area. This is not part of the plan change.
176. Gabrielle Howdle, Council’s Specialist Landscape Architect agrees that development under either the current or proposed zone will have a significant change in the current character. The scale and form of development would be less under the THAB zone as a result of lower building height and coverage rules compared to the existing Business – Light Industry zone. Ms Howdle agrees that the eastern part of the site has low landscape values, but as noted earlier, she has concerns with the impact of a reduced coastal yard standard and the potential loss vegetation that may arise as a result (paragraph 29).
177. Ms Howdle agrees that the ‘Concept Master Plan’ illustrates positive outcomes in terms of providing for a vegetated coastal buffer, public access / recreational use, as well as ancillary local amenities (e.g. retail and café). This is not however set out in the plan change provisions as a requirement of future development on site. Ms Howdle acknowledges these outcomes could potentially be achieved through good design; however, it is recommended if the plan change is approved that specific provisions be adopted to guide these outcomes to occur (paragraph 30).
178. Paragraph 30 of Ms Howdle’s memo sums up the differences between the requestor and her view.

*The PPC is of the position that the provisions of the R-THAB zone provisions (objectives, policies, and standards) are sufficient to achieve the outcomes as illustrated and noted within the Urban Design Statement (ET Urban Design Limited, dated 25.07.2022). However, a number of outcomes expressed within the Urban Design Statement and ‘Development Concept Plan’ while enabled by the THAB zone, are not required to be provided for. The outcomes expressed within the Development Concept Plan and Urban Design Statement, from a landscape perspective, would be better expressed and provided for through specific provisions in the precinct plan, where they can act as design guidelines for future development. This is due to the location of the site within the coastal environment, the existing vegetation and the constrained location, shape, and width of the site (including potential for a 20m esplanade to further reduce this) which in my view leads to a more site-specific led outcome to be preferred from a landscape perspective.*

179. Ms Howdle concludes at paragraph 44 that:

*Overall, it is my opinion that the proposed plan change (as notified) would result in at least moderate adverse landscape effects and natural character effects. The adverse effects of the PPC could be reduced from a landscape perspective, and the outcomes mentioned within the Urban Design Statement and as illustrated on the ‘Development Concept Plan’ are considered to be best achieved, through the inclusion of a number of tailored provisions which would retain an esplanade reserve / coastal buffer, provide for enhancement of the coastal edge, manage built form across the site and minimise visual amenity effects to arterial roads (as outlined in paragraph 46 [sic] below).*

180. The recommended amendments are:

- a. *Require an esplanade reserve / open space conservation zone / coastal setback; of a minimum 25m depth, to be included within the PPC provisions and precinct maps.*
- b. *Provide for the retention of existing native vegetation along the western boundary, which should incorporate the drip zone of trees within the coastal edge. As well as the enhancement of the coastal edge through native planting, and a weed and pest management strategy.*
- c. *Introduce a provision which identifies the scale of development anticipated across the site (e.g., zones, lower density at the northern end to respond to the narrow form of the site and coastal edge).*
- d. *Introduce provisions which requires a physical planted buffer with a minimum depth of 3m, with trees and shrubs, along the boundaries to SH1 and Highbrook drive to provide for a softer interface between future development and the road system.*

181. I agree with Ms Howdle that tailored provisions to achieve the place-based outcomes is consistent with the purpose of applying a Precinct. Given the constraints of this location for residential use, high-quality environmental outcomes cannot be assured in their absence. Ms Howdle's recommendations are within the scope of the plan change and submissions seeking similar outcomes should the Panel wish to approve the plan change<sup>51</sup>. For reasons outlined earlier, I consider the plan change be declined on more fundamental grounds relating to the appropriateness of the rezoning of the land from Business – Light Industry to THAB zone.

#### **13.4.Reverse sensitivity effects**

182. The applicant's assessment of reverse sensitivity effects at paragraphs 7.20 – 7.24 of the Planning Report focuses on existing adjacent Business - Light Industry Zone on the eastern side of Highbrook Drive. Reverse sensitivity effects are identified as objectionable odour, dust or noise.

183. I agree with the assessment that the Light Industry Zone anticipates industrial activities that do not produce objectionable odour, dust or noise<sup>52</sup> and this is reflected in the objectives, policies and methods for the zone.<sup>53</sup> I also agree that this is supported by the policies and rules managing air quality and noise emissions in chapters E14 Air Quality and E25 Noise and Vibration of the AUP which place greater limits on activities in the Business - Light Industry Zone compared to the Heavy Industry Zone.

184. Council's acoustic specialist, Rhys Hegley has considered possible adverse noise-related reverse sensitivity effects in section 3 of his memorandum included in Attachment 3 to this report. Mr Hegley considers existing road traffic noise which exceeds these limits along the front road boundaries of sites adjoining Highbrook Drive and separates the proposed residentially zoned from Light Industry sites on the eastern side of Highbrook Drive limits potential for there to be adverse noise-related reverse sensitivity effects.

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<sup>51</sup> Including submission points 8.2, 10.2

<sup>52</sup> AUP, H17.1. Zone description

<sup>53</sup> AUP, including Objective H17.2(4) and Policies H17.3 (4), (5) and (7) and Standard H17.6.0

### 13.5. Road traffic noise effects

185. The applicant did not provide an acoustic assessment with the plan change request. Instead, the approach is to adopt the position taken by the Panel on Private Plan Change 51 Drury 2 Precinct (**PPC51**) which became operative in August 2022. Paragraphs 7.25 -7.28 of the Planning Report explain how road traffic noise was considered in PPC51, including Waka Kotahi's evidence on noise effects presented at the hearing.
186. I have read the Panel decision on PPC51 and agree with the summary and outcome set out in the Planning Report. In short, the Panel:
- Included acoustic attenuation controls on habitable spaces within the THAB zone adjacent to SH22 to address adverse health and amenity effects.
  - Were not persuaded that the noise and vibration created would lead to reverse sensitivity effects.
  - Did not include acoustic attenuation in relation to outdoor areas or for vibration.<sup>54</sup>
187. While including a noise attenuation standard to manage effects from road traffic noise in I448 Dury 2 Precinct, the Panel expressed the need for region-wide evaluation or plan change on this matter. I have been advised that council does not currently have a plan change to Chapter E25 in development. The Panel included a performance standard for noise sensitive activities within buildings located within 75m to the boundary of SH22 to achieve specified indoor design noise levels. The Panel favoured this standard over the one proposed by Waka Kotahi as the wording is similar to that used in E25 6.10(3)(b) in the AUP.
188. Paragraph 7.25 of the Planning Report states that as part of consultation, Waka Kotahi and Auckland Transport requested that the Highbrook Precinct include a noise attenuation requirement for buildings containing activities sensitive to noise. The requestor agreed and included Standard I4.6.5. Road noise attenuation in the Precinct.
189. Council's acoustic specialist, Mr Hegley is of the opinion that Standard I4.6.5. Road noise attenuation represents best practice for the control of internal levels of road traffic noise and this provision is supported. However, similar to the concerns expressed in the Auckland Transport submission, Mr Hegley considers that this should be supported by primary source data specific to this location e.g. modelling on traffic volumes and speeds, and information on road surface.<sup>55</sup>
190. Mr Hegley is of the opinion that in this location outdoor noise for future residential occupants should also be considered. Mr Hegley identifies that the noise levels indicated in the noise contours map could be mitigated by potential building location and acoustic design mitigation measures, although their effectiveness remains unknown in the absence of specific precinct provisions requiring the installation of such measures.<sup>56</sup>

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<sup>54</sup> PPC51 decision, paragraph 210

<sup>55</sup> Rhys Hegley, section 2.1 and 4

<sup>56</sup> Rhys Hegley, section 2.2

## 13.6. Ecology

191. Council's expert ecologist Jason Smith notes the applicant has not applied a robust and transparent assessment methodology, such as the Environmental Institute of Australia and New Zealand (**EIANZ**) Ecological Impact Assessment (2018) guidelines to describe the current ecological values, the magnitude of the effects and derive the level of effect, which would ordinarily be expected. Notwithstanding, Mr Smith considers this acceptable given the scope of the plan change and there are no streams or wetlands within the site.
192. Mr Smith concurs with the description of the current ecological values, the potential effects, and the magnitude of those effects as they relate to ecological matters in the Ecological Assessment (EclA) provided by the applicant.
193. As the plan change does not amend or introduce new provisions to manage ecological effects, the reduction in the width of the yard from 25m<sup>57</sup> to 10m<sup>58</sup> from MHWS is identified by Mr Smith as the only potential ecological effect arising from PPC90.
194. Mr Smith is of the opinion this does introduce the potential for increased levels of disturbance for any native fauna that utilise the area as habitat; along with the loss of habitat from the vegetation itself. Given the scale of the reduction in the yard and the degree of any disturbance relative to the urbanised catchment, Mr Smith considers that this potential impact does not require place specific measure to address any potential ecological effects. Mr Smith's opinion is that existing AUP provisions can appropriately manage ecological effects at the time of development. These provisions are in Chapter E11 Regional Land Disturbance, E12 District Land disturbance, Chapter E15 Vegetation and biodiversity and esplanade reserve requirements in Chapter E39 Urban Subdivision (as well as the RMA).

## 13.7. Infrastructure servicing – water and wastewater

195. The AEE provides an Infrastructure Report on water and wastewater servicing. The Infrastructure Report included with the plan change is based on approximately 500 units. The assessment identifies that there is no existing water supply and wastewater network on the site. New public networks designed and constructed in accordance with Watercare's Code of Practice will be required. In the development of the plan change, the applicant engaged with Watercare Services Limited (**WSL**). The Infrastructure Report states WSL has confirmed there is sufficient capacity in the public networks for the proposed development enabled by PPC90.<sup>59</sup>
196. On receipt of the plan change, council sought comments from WSL who confirmed the existing watermain has capacity for this development. Connections, including pressure reducing valves can be addressed prior to development. WSL advised an additional 24 hour storage capacity will be needed to off-set the increased flows from future development.
197. I consider these are matters best addressed at the time of development. This is confirmed in the submission by WSL (submission points 18.1 and 18.2).

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<sup>57</sup> AUP, Business – Light Industry zone, Table H17.6.4.1 Yards

<sup>58</sup> AUP, THAB zone, Table H6.6.9.1 Yards

<sup>59</sup> Infrastructure Report, page 1

### **13.8. Stormwater Management Plan**

198. The requestor provided a Stormwater Management Plan (**SMP**) to provide guidance on how stormwater will be managed based on a developed future land use scenario, and to support the plan change request.
199. As part of the Clause 23 request, council's Healthy Waters team sought clarification on whether the SMP was intended for adoption into the existing Network Discharge Consent (**NDC**). This being a process often adopted with private plan change requests. The response confirmed that it was not intended the SMP be used for adoption into the NDC. Revisions were made to the SMP to confirm this was the case and address a number of matters. The requestor's response to further information on design matters relating to stormwater management, including the location of stormwater ponds relative to flood risk hazards and coastal inundation deferred to land development stage.<sup>60</sup>
200. Council's Healthy Waters technical memorandum by Amber Tsang and Danny Curtis (refer to Attachment 3) confirms there are options for the management of stormwater, and this can be addressed as part of another process. Options include updating the SMP to meet the NDC requirements and Auckland Council's Stormwater Code of Practice, or alternatively, the applicant can seek a private discharge consent under Chapter E8 of the AUP.
201. The technical memorandum also notes that provisions in Chapter E36 Natural hazards require resource consent for stormwater devices on land subject to hazards.<sup>61</sup> Through the resource consent process, restrictions on developments and activities within the flood hazard areas, including the location of stormwater ponds, may be imposed. PPC90 is not seeking to amend these provisions. Since the site is an isolated coastal discharging catchment, Mr Curtis considers that flood risk on any downstream properties due to changes in landform from potential earthworks will be low.
202. Based on the specialist assessment, the plan change does not result in any additional adverse effects on stormwater that cannot be managed as part of the development stage. I agree with the requestor that there is the potential for positive effects on the stormwater network as the maximum permitted impervious area in the THAB zone is 70% of the site area which is less than the 100% permitted in the Business - Light Industry zone (subject to compliance with other yards and other applicable standards at H17.6).

### **13.9. Geotechnical matters**

203. The geotechnical assessment prepared by Babbage has been reviewed for council by James Beaumont of Riley Consultants (refer to Attachment 3). Mr Beaumont requested clarification on liquefaction and lateral spread as part of the Council's Clause 23 request.
204. Following review of the report and the response, Mr Beaumont considers that geotechnical investigation data used by Babbage and their associated reporting in support of PPC90 has demonstrated the site can accommodate the proposal from a geotechnical perspective. Further geotechnical input will be required to support future resource consent applications to council. This input will need to include specific geotechnical investigations, analysis, and

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<sup>60</sup> Clause 23 Response pages 21 - 26

<sup>61</sup> Chapter E36 Activity table (A10), (A32), (A33)

reporting to address the identified geotechnical risks, and to ensure that all relevant geotechnical issues are appropriately addressed in relation to future development proposals.

### **13.10. Land contamination**

205. The requestor's Preliminary Land Contamination Review prepared by Babbage has been reviewed by Fiona Rudsits, Council's Senior Contamination Specialist (refer to Attachment 3). As noted earlier, the land is identified as containing contaminants from past land use activities.
206. Ms Rudsits considers the documentation submitted in support of the proposed PPC90 request to be sufficient to identify the relevant potential effects of the implementation of PPC90 on human health and the environment. Noting that the documentation focused on identifying any major constraints associated with the contamination status of the project site, which would present an impediment to rezoning of the land into generally more-sensitive land use.
207. Ms Rudsits' conclusion is that there appear to be no significant contamination issues that would affect the rezoning. Prior to any future subdivision and land disturbance activities, Ms Rudsits identifies matters that need to be addressed. Given this is a plan change, the recommendations are for information only as they would be addressed in RMA resource consent processes.

### **13.11. Effects on Mana Whenua**

208. The requestor's assessment of effects on Mana Whenua sets out the process undertaken for engaging with Mana Whenua in the context of the principles of the Treaty of Waitangi and to achieve objectives B6.2.1(1) and B6.2.1(2) of the RPS.
209. The consultation outcome included an agreement to commission Cultural Values Assessments (**CVA**) of Ngāti Tamaoho, Te Ākitai Waiohua, Ngāi Tai Ki Tāmaki and Ngāti Te Ata Waiohua. The consultation record noted it was agreed that the CVA of Ngāti Te Ata Waiohua would be completed following the lodgement of the plan change request. The requestor advises that the CVA of Ngāi Tai Ki Tāmaki has not yet been provided.
210. CVA document Mana Whenua cultural values, interests, and associations with an area or natural resource. They may also assess how a proposal might impact on the identified cultural values and may contain measures to mitigate the effects of the proposal. In my opinion they are central to establishing effects on Mana Whenua as such effects may only be established and determined by Mana Whenua or those whom they engage for that purpose.
211. The council was provided with two CVA prior to notification, and in accordance with council practice, these have not been included on the plan change website.<sup>62</sup> The CVA of Ngāti Te Ata Waiohua was provided to council on 18 September 2023. I confirm I have been given access to read the CVA. I have not identified any matters in the CVA of Ngāti Tamaoho and Te Ākitai Waiohua that would prevent the rezoning of the land and the introduction of the Highbrook Precinct. The CVA do refer to land development matters and involvement at that stage. In response, the requestor has committed to ongoing consultation with Mana Whenua.
212. Ngāti Tamaoho propose that the sites discussed in their CVA be included in Schedule 12 – Sites and Places of Significance to Mana Whenua, using this process as the springboard to do so. The plan change area is adjacent to a number of wāhi tupuna (ancestral sites), including Puke Arikiniui and Pukewairiki to the east of the plan change land. I consider this outside the

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<sup>62</sup> The CVA of Te Ākitai Waiohua was provided after lodgement and prior to notification

scope of the plan change. I also understand that Auckland Council, in partnership with Mana Whenua of Tāmaki Makaurau, developed the Māori Cultural Heritage Programme to identify, map and protect sites of significance to Mana Whenua. This is the process through which Mana Whenua can nominate sites of significance for assessment for inclusion to Schedule 12 of the AUP.

213. A submission has been received from Ngāti Te Ata Waiohua in opposition to the plan change. One of the reasons Ngāti Te Ata Waiohua oppose PPC90 is that they seek a CVA is undertaken to ensure their values, history and preferred environmental/cultural recommendations are captured, and included in decision making moving forward.
214. In the CVA that has since been provided, Ngāti Te Ata Waiohua state they do not support the plan change in its current form. Four recommendations are listed in their CVA and one of these relates to esplanade reserve connections. In the limited time available between when it was provided and this report being due, specialists have not had the opportunity to assess whether the CVA of Ngāti Te Ata Waiohua changes their assessment. It is understood the requestor will respond to the Ngāti Te Ata Waiohua submission/CVA in their evidence. Council specialists may address this in rebuttal evidence.

### **13.12. Historic heritage**

215. The requestor's assessment addresses cultural heritage of significance to Mana Whenua. Historic heritage (archaeology) effects of PPC90 were not specifically addressed in the Planning Report. In response to the submission of Heritage New Zealand Pouhere Taonga (HNZPT), Clough and Associates prepared an archaeological assessment (refer to Attachment 2). This was provided to council on 30 August 2023. Rebecca Ramsay, council's Senior Specialist Heritage has assessed historic heritage (archaeology) effects of PPC90 and reviewed the Clough and Associates assessment. Ms Ramsay identifies:

*The subject property is located on a headland between two tributaries of the Tāmaki River, a significant portage route between the Waitematā and Manukau Harbours for Māori and Europeans. While there are a number of archaeological sites representing a wider landscape along the riverbanks, no previously recorded archaeological sites are located within the subject property.*

*The property was first systematically archaeologically surveyed in 1996 and again in 2000 for the Otahuhu power station and later expansion (Clough and Associates Ltd. 1996 and 2000). No archaeological sites were recorded during either survey or archaeological monitoring of earthworks. However, both assessments note the property has been extensively modified from European farming activity, reclamation and the 1968 construction of the power station and associated infrastructure. Examination of more recent aerials shows further modification of the subject site from industrial and roading development (Technical Report 5 – Contaminated Land Memo).*

216. Ms Ramsey concluded that no further archaeological assessment is required, and that any potential historic heritage / archaeological effects can be managed through the AUP Accidental Discovery Rule provisions and any requirements under the Heritage New Zealand Pouhere Taonga Act (2014). Ms Ramsey confirms that the supplementary archaeological assessment provided by Clough and Associates is consistent with her previous assessment, conclusions and recommendations.

217. As it relates to my area of expertise, I agree with this conclusion. Consideration of matters raised in the submission from Heritage New Zealand Pouhere Taonga (**HNZPT**) are addressed later in this report.

### 13.13. Coastal hazards

218. Part of the plan change area is subject to a coastal erosion hazard area (**CEHA**) and coastal inundation.

219. At the time of lodgement, the requestor's assessment of coastal hazards was contained in the SMP<sup>63</sup> and the Geotechnical Appraisal<sup>64</sup>. Section 1.1 of the SMP is a summary of sources used for the preparation of the document. As it relates to coastal hazards, this includes published data and information from Auckland Council and the Geotechnical Appraisal.

220. The assessment is that wave action is not expected in the Tāmaki River, and therefore the risk of erosion affecting the proposed development is considered highly unlikely. Nevertheless, the proposed esplanade reserve and any requirements for a [10m] Building Restriction Line will ensure building platforms are not detrimentally affected by coastal erosion processes.<sup>65</sup> Similar comments are expressed in the SMP.<sup>66</sup> To address coastal inundation, the SMP notes future habitable floor levels of buildings need to be above RL 2.34 or RL 3.34 to include the + 1m sea level rise prediction at that part of the land most susceptible to coastal inundation. The requestor considers details pertaining to the finished ground levels of buildings will be refined at the time of applying for resource consents.

221. The council's clause 23 request sought further information on coastal hazards in light of PC80 and PC78. The response on pages 34 - 36 noted that existing requirements in Chapter E36 will apply to future development. Reference is made to the indicative extent of the Coastal Erosion and Coastal Inundation mapped on Geomaps and that it is located generally within the 20m riparian margin areas. The response further noted that the matters pertaining to climate change and effects on the plan change area are explained in the SMP and considered that the site-specific assessment should be given priority over the generic modelling results shown in council's GIS viewer for PC78.

222. As part of the preparation of the section 42A report, council's coastal senior specialist Kala Sivaguru, considered that a site-specific Coastal Erosion hazard Assessment (**CEHA**) for the plan change area is required. In the absence of this assessment, Dr Sivaguru advised this remained unresolved and the extent of the coastal hazard effects cannot be assessed. The requestor agreed to provide CEHA and this is at Attachment 2. The CEHA concludes at section 10 (page 30):

*The Coastal Hazard Assessment of 8 Sparky Road, Ōtāhuhu, Auckland indicates that there is the potential for inundation of the northern tip and southwestern recreational area/carpark at the property during a 1 in 100 year storm surge event by the year 2130 (which is 4.34 m RL).*

*The maximum future erosion projections to the year 2130 at the property are 28.8 m, 17.62 m, and 2.47 m for the central, NW, and SW sections. While the NW and SW*

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<sup>63</sup> SMP, Babbage, including sections 1.9 and 5.1

<sup>64</sup> Geotechnical Appraisal, Babbage, section 4.3

<sup>65</sup> Geotechnical Appraisal, Babbage, section 4.3

<sup>66</sup> SMP, Babbage, section 1.5, page 13



*projections do not impact on the property or potential proposed dwellings due to the 20 m wide esplanade reserve, the erosion projection extends some 8.8 m into the property in the central area, and so locations of proposed dwellings should be considered. However, it is noted that these erosion projections are considered very conservative due to the very benign location and the presence of an expanding belt of mangroves along the coastal boundary of the property, which reduces potential erosion.*

*It is therefore concluded that the Policies as set out in E36 (Natural Hazards and Flooding), E38 (subdivision-urban), and 106 of the RMA (1991) (Subdivision Consents) have been satisfied and that the coastal inundation and erosion hazards at 8 Sparky Road, Ōtāhuhu, will likely have little impact to proposed dwellings over a planning horizon to the year 2130 (as per MfE, 2022).*

223. As noted earlier in this report when discussing the NZCPS, Dr Sivaguru considers that if the assessment relies on provision of an esplanade reserve to mitigate the area most susceptible to coastal erosion, the implications of this should be addressed at this time. Dr Sivaguru’s memorandum is in Attachment 3 to this report.

## 14. Consultation

224. A summary of the consultation undertaken by the requestor as part of the development of the plan change is set out in Table 9-1 of the Planning Report. This includes consultation with eleven iwi authorities, local interest groups, the Ōtara-Papatoetoe Local Board, Howick Local Board, Waka Kotahi, Auckland Transport and Transpower New Zealand. The details of the consultation and the outcomes are summarised on pages 86-89 of the Planning Report and are not repeated here. It is however, noted that effects on Mana Whenua values are discussed in section 13.11 of this report. It is also noted that no iwi resource management groups recommended needing a decision maker in accordance with clause 4A of Schedule 1 of the RMA.

## 15. Comments from Ōtara-Papatoetoe and Howick local boards

225. Following notification of the plan change, Auckland Council Plans and Places staff sought feedback from the Ōtara-Papatoetoe and Howick local boards. I attended the Ōtara-Papatoetoe workshop. The purpose of the workshop is to outline the nature of submissions and the main themes in contention. PPC90 was then considered at the Ōtara-Papatoetoe meeting on 18 April 2023 and the Howick Local Board meeting on 22 June 2023. Resolutions of both local boards is at Attachment 5. Both local boards oppose the plan change and raise concerns that generally align with some of the concerns raised and discussed in this report.

## 16. Notification and Submissions

### 16.1. Notification details

226. Details of the notification timeframes and number of submissions received is outlined below:

|   |                  |
|---|------------------|
| Date of public notification for submissions | 23 February 2023 |
| Closing date for submissions                | 23 March 2023    |
| Number of submissions received              | 20               |

|   |               |
|---|---------------|
| Date of public notification for further submissions | 27 April 2023 |
| Closing date for further submissions                | 11 May 2023   |
| Number of further submissions received              | 2             |

227. One submission, number 20 from WSL was received one day late. In accordance with Section 37A of the RMA, council has exercised its discretion to waive the requirement to comply with the specified time for the service of submissions in this case.

228. Copies of the submissions and further submissions are at Attachment 6 to this report.

## 17. Analysis of submission and further submissions

### 17.1. Introduction

229. The following sections address the submissions received on PPC90. It discusses the relief sought in the submissions and makes recommendations to the Panel.

230. Submission points 15.11 – 15.15 (HNZPT) support PPC90 subject to amendments. Auckland Transport (submitter 14) oppose the plan change but if the decision is to approve the plan change, there are specific provisions in the Highbrook Precinct they support/support in part or seek amendment to. Submission points 12.1 – 12.4 (Goodman), 16.1 – 16.4 (Waka Kotahi) and 18.1 – 18.2 (WSL) are neutral on the decision, subject to amendments or matters being addressed. As I am unable to support PPC90, I recommend that these submission points be rejected.

231. The remainder of submission points either oppose the plan change in its entirety or if approved, seek amendments. Some of the themes raised in these submissions raise similar issues to those set out in this report. I recommend those submissions seeking PPC90 be declined be accepted.

232. My recommendation on the submissions is provided in the tables below, where submissions that address the same issues and seek the same relief have been grouped together under the following topic headings:

- Water and wastewater
- Heritage matters
- Matters of significance to Ngāti Te Ata Waiohū
- Ecological, coastal interface, recreational and geotechnical and contamination
- Transportation and acoustic matters
- Protecting industrial land/suitability of residential zone

233. Some submissions raise multiple matters that have been coded to the one submission point. In these instances, the submission point appears in more than one topic.

234. The two further submissions have not been directly addressed as they do not raise new matters. Recommendations are made in accordance with the recommendation on the primary submission.

### 17.2. Scope of submissions

235. The submissions provide scope for a wide range of amendments to the Precinct provisions, should the Hearings Panel wish to approve PPC90, subject to amendment.

### 17.3. Water and wastewater

| Sub. No. | Name of Submitter          | Summary of the Relief Sought by the Submitter   | Further Submissions |
|----------|----------------------------|---|---------------------|
| 18.1     | Watercare Services Limited | In relation to the proposal's water supply solution, Watercare considers that there are no reasons to decline the plan change.  |                     |
| 18.2     | Watercare Services Limited | Wastewater can be serviced, provided that the developer mitigates the risk of potential overflows on the downstream network. Requests that the applicant works with Watercare in advance of lodging the resource consents for subdivision, to ensure a feasible solution is reached for wastewater. |                     |

#### Discussion

236. Watercare Services Limited are neutral in the decision sought. The submission confirms there is no reason to decline the plan change for supply of water or wastewater discharge, subject to suitable mitigation. The requests seeking advance notice of the future regulatory consents is outside the scope of this plan change.

#### Recommendations on submissions

237. That submission points 18.1 and 18.2 seeking future consultation on water and wastewater be rejected for the reason that the plan change is recommended to be declined.

238. Should the Panel determine to approve the plan change no amendments to the Precinct provisions are required to address water and wastewater matters.

### 17.4. Heritage matters

| Sub. No. | Name of Submitter                   | Summary of the Relief Sought by the Submitter   | Further Submissions |
|----------|-------------------------------------|---|---------------------|
| 15.1     | Heritage New Zealand Pouhere Taonga | Seeks an archaeological field survey to identify unrecorded archaeological sites and to address appropriate mitigation, including the avoidance and where appropriate the recognition and interpretation of sites in publicly accessible areas.   |                     |
| 15.2     | Heritage New Zealand Pouhere Taonga | Seeks a full heritage impact assessment, identifying the historic heritage landscape of the entire plan change area, is undertaken to determine the wider heritage significance and therefore ensure appropriate protection is incorporated into the plan change provisions before a decision on the plan change is made. |                     |

|      |                                     |  |  |
|------|-------------------------------------|--|--|
| 15.3 | Heritage New Zealand Pouhere Taonga | Would support the plan change with amendments as required to protect historic heritage landscape and archaeology following the completion by a qualified archaeologist of an archaeological assessment of the full extent of the plan change area. |  |
|------|-------------------------------------|--|--|

### Discussion

239. HNZPT support the plan change, subject to historic heritage matters being addressed. In response to this submission the requestor engaged Clough and Associates to prepare an archaeological assessment (refer to Attachment 2). Council's heritage specialist did not consider an archaeological field survey or full heritage impact assessment was necessary as previous studies identified there was unlikely to be archaeological evidence within the plan change area. This is confirmed with the recent assessment by Clough and Associates. I consider this addresses the submission.

### Recommendations on submissions

240. That submission points 15.1, 15.2 and 15.3 supporting the plan change subject to amendments to address historic heritage matters be rejected for the reason that the plan change is recommended to be declined.

241. Should the Panel determine to approve the plan change no amendments to the Precinct provisions are required to address historic heritage effects.

## **17.5. Matters of significance to Ngāti Te Ata Waiohua**

| Sub. No. | Name of Submitter    | Summary of the Relief Sought by the Submitter  | Further Submissions                      |
|----------|----------------------|--|--|
| 6.1      | Ngāti Te Ata Waiohua | Ngāti Te Ata Waiohua Cultural Impact Assessment (CIA) is required to ensure our values, history and preferred environmental/cultural recommendations are captured, and included in the decision making moving forward.<br><br>Plan change is inconsistent with the RMA, including sections 6(e), 6(f) 7(a) and 8 | FS01<br>Otahuhu<br>Historical<br>Society |
| 6.2      | Ngāti Te Ata Waiohua | Reject application unless matters raised in the submission can be adequately addressed.  |  |

### Discussion

242. Ngāti Te Ata Waiohua seek the plan change be declined, but if approved, seek amendments. The requestor engaged with Ngāti Te Ata Waiohua as part of the development of the plan change and commissioned a Cultural Values Assessment. The purpose of this being to ensure their values, history and preferred environmental/cultural recommendations are captured and reflected in the plan change or by an agreement outside of the plan change process. The CVA was provided to council on 18 September 2023, and it is understood the requestor will respond to this in their evidence.

### Recommendations on submissions

243. That submission points 6.1 and 6.2 and FS01 seeking the plan change be to address matters of significance to Ngāti Te Ata Waiohua be accepted for the reason that the plan change is recommended to be declined.
244. Should the Panel determine to approve the plan change amendments to the Precinct provisions maybe necessary to address matters raised in this submission.

### 17.6. Ecological, coastal interface, recreational and geotechnical and contamination

| Sub. No. | Name of Submitter                 | Summary of the Relief Sought by the Submitter   | Further Submissions |
|----------|-----------------------------------|---|---------------------|
| 1.1      | STET Limited                      | The decision to change the plan and develop the site should take into account the huge losses of native birds from the Tāmaki Estuary over the last 50 years. Local extinctions have happened and the trend is continuing due to loss of breeding, roosting and feeding habitat.  |                     |
| 1.2      | STET Limited                      | Opposed to plan change as development will impact on the coastal environment, including forest cover and corridor, reduce saltmarsh habitat and bird habitat.   |                     |
| 1.3      | STET Limited                      | Outcome of the plan change does not align with statutory documents.   |                     |
| 4.2      | Julie Chambers                    | Steps should be taken to identify and address ecological value and coastal location.  |                     |
| 4.4      | Julie Chambers                    | The application should be rejected because the shoreline is soft sandstone and subject to human generated wave action erosion, damaging property and depositing sediment pollution into the Tamaki Estuary.   |                     |
| 4.5      | Julie Chambers                    | No examination of public health risks due to heavy metal pollutants from the motorway being likely present in the riverbank sediment.   |                     |
| 8.2      | Wayne Ronald Oliver               | Native planting should be retained to avoid coastal erosion and stability. Geotechnical report makes light of coastal erosion.<br><br>Barge dock and proposed recreation area unsuitable in this location. Best use of this land is for it to be set aside as open space as a reserve contribution when the inevitable subdivision of the rest of the former Otahuhu power station site takes place.                  |                     |
| 9.1      | Tāmaki Estuary Protection Society | Seeks the current zoning to be retained, or the area be established as a natural reserve.   |                     |
| 9.2      | Tāmaki Estuary Protection Society | Area is of ecological importance due to the presence of wetlands and as geologically vulnerable due to its susceptibility to erosion from increasingly prevalent marine vessel wave action and until now, unanticipated, unprecedented severe rainfall events. The shoreline is soft sandstone and subject to erosion, from stormwater events and wave action, depositing sediment pollution into the Tāmaki Estuary. |                     |
| 9.7      | Tāmaki Estuary Protection Society | Seeks the plan change be rejected because there has been no examination of public health risks due to pollutants from heavy metals and toxic chemicals likely being present in the sediment, or health impacts from stormwater generated erosion.   |                     |

|      |  |  |  |
|------|--|--|--|
| 10.1 | Penny Nelson,<br>Director-General of<br>Conservation | Reject the plan change, as there is no certainty that adverse effects of development will be avoided, remedied or mitigated through esplanade reserves, and would be inconsistent with the New Zealand Coastal Policy Statement (Policies 11(a); 11(b), 14 and 15) and s6(c) of the RMA. |  |
| 10.2 | Penny Nelson,<br>Director-General of<br>Conservation | If the plan change is approved, it includes a coastal zone or overlay of at least 20m width, which ensures that coastal values are protected and the NZCPS 2010 is complied with, without relying on uncertain future esplanade provisions.  |  |
| 13.1 | Kathryn leGrove                                      | Tamaki River is an important shorebird habitat and will be affected by sedimentation. Sea level rise and erosion means the site is unsuitable for residential zoning.  |  |
| 17.1 | Beth Evans   | Impact on natural and coastal environment from maximising development.<br><br>Esplanade reserve is not part of this plan change.   |  |
| 19.1 | Winston Su   | Decline plan change as bad for birds, river and environment. Impact from storms on housing.  |  |
| 20.1 | Nastassja Salt                                       | Decline plan change because of impact on bird life.  |  |

### Discussion

245. These submissions seek PPC90 be declined or declined unless matters relating to effects on the natural and physical environment and human health are addressed. This includes coastal related matters such as lack of provision for an esplanade reserve and climate change.
246. Council's ecological and geotechnical specialists agree with the requestor's assessment of ecological, contamination and geological effects. The concerns raised in the submissions on these matters are not supported by specialist advice. Noting that some matters can be addressed as part of any future resource consent.
247. With regards to coastal hazards, since the close of submissions eCoast has provided a site-specific coastal hazard assessment on behalf of the requestor. This addresses some of the matters raised in the submissions on coastal erosion and coastal inundation. Council's coastal specialist confirms there are unresolved matters with regards to the future 100-year ASCIE as it relates to the entire esplanade reserve.
248. For the reasons set out earlier, I agree with those submissions seeking vesting of a 20m minimum esplanade reserve be included in the Precinct. This would require amendments to the text and Precinct Plan Map.

### Recommendations on submissions

249. That submission points 1.1, 1.2, 1.3, 4.2, 4.4, 4.5, 8.2, 9.1, 9.2, 9.7, 10.1, 10.2, 13.1, 19.1 and 20.1 seeking the plan change be declined are accepted.
250. Should the Panel determine to approve the plan change amendments to the Precinct provisions are recommended to address provision of a 20m esplanade reserve and associated pedestrian connections.

## 17.7. Transportation and acoustic matters

| Sub. No. | Name of Submitter                 | Summary of the Relief Sought by the Submitter  | Further Submissions |
|----------|-----------------------------------|--|---------------------|
| 2.1      | Craig Brooks                      | Traffic impact on Highbrook Drive and effects on infrastructure.   |                     |
| 3.1      | Clarissa Jane Witehira            | Traffic is heavy now and a housing subdivision will cause added congestion on an already congested road.   |                     |
| 4.3      | Julie Chambers                    | Traffic congestion and social costs of high-density housing in isolated location.  |                     |
| 5.1      | Davina Mihaka                     | Number of houses in this location (traffic and coastal environment suitability).   |                     |
| 7.1      | Jennifer Kay Tongotongo           | Extra vehicles associated with THAB zone unacceptable.   |                     |
| 7.2      | Jennifer Kay Tongotongo           | Retain Business/Light Industrial where the effects on the road will be far less.   |                     |
| 8.2      | Wayne Ronald Oliver               | Lack of public amenities and public transport to support residential use. Reasons for zoning this land business remain unchanged. ITA contains errors and inaccuracies.  |                     |
| 9.3      | Tāmaki Estuary Protection Society | Severe traffic congestion that will arise because of this development, be noted as an isolating factor for the proposed development and the negative societal consequences (and costs) of high-density low-cost housing being built in isolated locations, be taken into account   |                     |
| 9.4      | Tāmaki Estuary Protection Society | ITA be rejected. It contains inaccurate information.   |                     |
| 9.5      | Tāmaki Estuary Protection Society | Zoning remains light industrial, so the existing barge port can be retained as such, to keep the Tāmaki River as a viable water-based transport route.   |                     |
| 11.3     | Business East Tamaki Incorporated | Highbrook Drive is already heavily trafficked and it is concerned that the peak hour queue lengths on Highbrook Drive (which would extend northwards beyond the proposed site access intersection) will mean that the subject site access intersection will not be able to function safely and efficiently. It will also be adversely affected by traffic effects from the downstream motorway interchange roundabout. |                     |
| 12.1     | Goodman                           | Goodman is not opposed to the change to residential land use, at an appropriate density and scale, accepting that residential land use could be developed on the land if appropriately managed.  |                     |
| 12.2     | Goodman                           | Goodman do not want any change in use to create traffic effects over and above what would be created under the current zoning.   |                     |
| 12.3     | Goodman                           | Apply the THAB zone to the land for up to 200 dwellings conditional on all transport upgrades in the precinct plan being provided.   |                     |
| 12.4     | Goodman                           | Amend Activity Table I4.4.1(A2) to delete (A2)(i) and introduce new (A3) stating that "Activities that do not  |                     |



|      |                    |   |                 |
|------|--------------------|---|-----------------|
|      |                    | comply with Standard I4.6.1 Maximum Number of dwellings is a non-complying activity".   |                 |
| 12.5 | Goodman            | Any other relief to address matters raised in the submission.   |                 |
| 13.2 | Kathryn leGrove    | Barge dock should remain an option for transportation purposes.   |                 |
| 13.3 | Kathryn leGrove    | ITA does not reflect actual effects of the rezoning – including operation of SH1, maintenance of pylons. How will safety and maintenance of weir be managed.  |                 |
| 13.4 | Kathryn leGrove    | It is essential access from Waitemata remain in use in case Great South Road is unsuitable. Retain industrial use.  |                 |
| 14.1 | Auckland Transport | <p>Decline the plan change. Reasons include:</p> <ul style="list-style-type: none"> <li>• Site unsuitable for high density residential use. Adverse transport effects that arise when development occurs without required transport infrastructure and services being provided and cannot be addressed without an appropriate implementation plan and funding to support the planning, design, consenting and construction of the transport infrastructure and services necessary to support the development.</li> <li>• AT sceptical of proposed framework to address effects.</li> <li>• For this part of the transport network, it is of particular importance to maintain the safe, efficient, and effective operation with respect of the movement of freight and goods.</li> <li>• No evidence to support permitted baseline scenario for industrial activity to consider the potential need for additional transport network effects, mitigation and subsequent consequential amendments to precinct provisions.</li> <li>• Inconsistent with RPS, NPS-UD, THAB zone.</li> </ul> | FS02<br>Goodman |
| 14.2 | Auckland Transport | Auckland Transport also seeks any further, other, or consequential relief required to respond to the reasons for this submission and/or give effect to the decisions requested.   |                 |
| 14.3 | Auckland Transport | <p><i>Concerns with Modelling Approach and Baseline Scenario</i></p> <p>In the event that the Plan Change is to be approved the following options for relief are requested:</p> <ul style="list-style-type: none"> <li>- Updates to the modelling within the ITA to remove reference to 90,000sqm and 18,000sqm of industrial floorspace as a Baseline Scenario; or</li> <li>- Additional modelling for a 500 residential unit development;</li> <li>- Provision of a development feasibility appraisal to support the assumed 'permitted baseline' for the 90,000sqm and 18,000sqm of industrial floorspace within the 'Baseline Scenario'.</li> <li>- If 18,000sqm is not demonstrated as feasible, the reduced and feasible floorspace and reduced baseline should be rerun through the applicant's ITA modelling and a further review of potential additional transport network effects and mitigation carried out.</li> </ul>  | FS02<br>Goodman |

|      |                    |   |                 |
|------|--------------------|---|-----------------|
|      |                    | <p>- A reduction to the number of residential units concluded as a 'permitted activity' within the applicant's precinct provisions should also be made if this conclusion is reached.</p> <p>- Any subsequent adverse effects on the transport network from updated modelling scenarios to be provided with mitigation and for that mitigation to be identified with updated precinct provisions (and possible precinct plan) with suitable staging and triggers (or potential caps).</p>   |                 |
| 14.4 | Auckland Transport | <p><i>Concerns with safety and active modes</i></p> <p>In the event that the Plan Change is to be approved, request that a new standard I4.6.X requiring a new collector road (to Auckland Transport Design Standards, that provides a safe alternative for pedestrians and cyclists) to be constructed to connect the existing access (located opposite the Plan Change site but in the same ownership) to the Gridco Road / Hellabys Road intersection prior to occupation of the first dwelling.</p> <p>The Precinct Plan 1 is to then be updated accordingly to show the general location of this new collector road. It is noted that the provision of this collector road may reduce impacts on the wider network and if this is agreed by the applicant, further modelling would be accepted that includes the provision of this link prior to occupation of the first dwelling.</p>   | FS02<br>Goodman |
| 14.5 | Auckland Transport | <p><i>Bus stops</i></p> <p>In the event that the Plan Change is to be approved, the precinct provisions be amended to secure a pair of bus stops with shelters situated near the signalised crossing points in a tail-to-tail style setup.</p> <p>These two bus stop locations shall be confirmed in consultation with Auckland Transport and in place prior to first occupation of the first dwelling.</p>   | FS02<br>Goodman |
| 14.6 | Auckland Transport | <p><i>Shuttle service</i></p> <p>In the event that the Plan Change is to be approved, additional information is requested from the applicant to understand the shuttle service viability for the precinct for both future residents and future potential employees including (but not limited to):</p> <ul style="list-style-type: none"> <li>- key destinations for the shuttle service;</li> <li>- the frequency of such a service during morning and afternoon peaks, interpeak, weekdays and weekends;</li> <li>- its anticipated costs to deliver such a service;</li> <li>- a commitment for the shuttle service to be provided in perpetuity or until such time as a high frequency public transport service is operational in the immediate locality of the Plan Change.</li> </ul> <p>Advice note:</p> <p>The applicant will also need to ensure the legality of providing a private bus shuttle under the Land Transport Management Act 2003.</p> | FS02<br>Goodman |
| 14.7 | Auckland Transport | <p><i>Freight route</i></p> <p>In the event that the Plan Change is to be approved, Auckland Transport seeks that evidence to show trip</p>   | FS02<br>Goodman |

|       |                    |  |                 |
|-------|--------------------|--|-----------------|
|       |                    | generation rates are accurate as a baseline to ensure effects on the transport network are accurately identified and appropriate mitigation secured.   |                 |
| 14.8  | Auckland Transport | <p><i>New Road and Access Restrictions to Highbrook Drive arterial road</i></p> <p>In the event that the Plan Change is to be approved, request that additional precinct provisions and amendments to the precinct plan be made to confirm vehicle and road access restrictions apply on Highbrook Drive as required, as an arterial road within the AUP(OP) planning maps.</p>  | FS02<br>Goodman |
| 14.9  | Auckland Transport | <p><i>Gridco Road/Hellabys Road Intersection</i></p> <p>In the event that the Plan Change is to be approved, request that the Gridco Road/Hellabys Road intersection is upgraded/signalised by the applicant prior to first occupation of any residential unit. This should be captured as an infrastructure requirement in the precinct provisions.</p>   | FS02<br>Goodman |
| 14.10 | Auckland Transport | <p><i>Noise</i></p> <p>In the event that the Plan Change is to be approved, request the provision of a technical acoustic assessment prepared by a suitably qualified expert to support the Plan Change's position that the noise mitigation proposed will achieve 40dB internal noise environment.</p> <p>Any additional mitigation necessary to avoid adverse effects should be addressed through precinct plan provisions.</p>  |                 |
| 14.11 | Auckland Transport | <p><i>Lack of stormwater provisions</i></p> <p>In the event that the Plan Change is to be approved:</p> <ul style="list-style-type: none"> <li>• the applicant is to provide further information to demonstrate that the Plan Change area has sufficient space set aside to construct a replacement high-quality communal treatment device (ideally a constructed wetland) in accordance with GD01 which meets the same treatment outcomes as the existing device, particularly for the Highbrook Drive catchment as well as accommodate the stormwater treatment requirements of development enabled by the Plan Change</li> <li>• further information is provided on what stormwater management approach is being taken</li> <li>• that the precinct plan and provisions are amended to include objectives, policies, and rules relating to stormwater including to address whole of life costs and effectiveness of treatment over time associated with publicly vested stormwater assets (as a matter for discretion and policy).</li> </ul> |                 |
| 14.12 | Auckland Transport | <p><i>Number of dwellings</i></p> <p>In the event that the Plan Change is to be approved, delete policy 14.3(3).</p>   |                 |
| 14.13 | Auckland Transport | <p><i>Timing of Transport improvements</i></p> <p>In the event that the Plan Change is to be approved, seek for additional mitigation identified in this submission (and any further mitigation as a result of modelling requested) to be included in an updated Transportation Plan. Also, to ensure clearer trigger wording for delivery of the infrastructure required as mitigation including any</p>  | FS02<br>Goodman |

|       |                                  |   |                 |
|-------|----------------------------------|---|-----------------|
|       |                                  | consequential amendments to precinct provisions or mechanisms.  |                 |
| 14.14 | Auckland Transport               | <i>Noise objective and policy</i><br><br>In the event that the Plan Change is to be approved, retain the noise objective and policy provisions as drafted, subject to any amendments necessary as a result of the requested acoustic assessments to justify the precinct provisions drafting proposed.  |                 |
| 14.15 | Auckland Transport               | <i>Transport objective</i><br><br>In the event that the Plan Change is to be approved, amend 14.2 Objective 3 to read:<br><br>"Subdivision, use and development within the Highbrook Precinct ensures that adverse effects on the safety, capacity and efficiency of the operation of the <del>local</del> <u>surrounding</u> transport network is avoided, remedied or mitigated".   | FS02<br>Goodman |
| 14.16 | Auckland Transport               | <i>New safety objective and policy</i><br><br>In the event that the Plan Change is to be approved, Auckland Transport requests the addition of a new objective and policy addressing the safety issues for active mode users to and from the precinct with wording such as:<br><u>Objective (4) - Pedestrians and cyclists from the Highbrook Precinct who would otherwise be vulnerable along State Highway 1 and Highbrook Drive are provided with safe connections to key nodes such as education, employment, and shopping.</u><br><br><u>Policy (x) –</u><br><u>Require active transport mode connections that are sensitive to a heavy vehicle dominant transport environment to be provided with safe alternative routes to also support reduction in dependency on private motor vehicles as a means of transport. Alternative active mode connection routes are to be of the highest quality and design.</u> | FS02<br>Goodman |
| 14.17 | Auckland Transport               | <i>Internal roading layouts</i><br><br>In the event that the Plan Change is to be approved, Auckland Transport requests amendments to the precinct provision and plan (objectives, policies and rules) to make clear that any internal road network that is intended to be vested must be located outside of any hazard areas (E36.9) and separated from such areas by building platforms and the requirement for a hazard risk assessment (in accordance with E36.9 of the AUP-OP) be required for any subdivision, use or development at the Plan Change site to inform the location of any assets intended to be vested with Auckland Transport so as to be resilient to the effects of climate change.  |                 |
| 16.1  | The New Zealand Transport Agency | Seeks amendments and /or further information to provide greater certainty on effects of the proposed development. If the information requested is not provided and/or the effects generated by the proposal cannot be satisfactorily managed, then the plan change be declined.   | FS02<br>Goodman |

|      |                                  |  |                 |
|------|----------------------------------|--|-----------------|
| 16.2 | The New Zealand Transport Agency | Update the ITA based on a realistic baseline and provide evidence to substantiate the assumptions used in the ITA. The precinct provisions may need to be amended to include mitigation measures to be installed prior to development of the site as a result of this assessment.                            | FS02<br>Goodman |
| 16.3 | The New Zealand Transport Agency | Provide further information on safety effects generated by the proposed land use, particularly for pedestrians and potential wrong way drivers at the Highbrook Interchange. The precinct provisions may need to be amended to include mitigation measures to be installed prior to development of the site. | FS02<br>Goodman |
| 16.4 | The New Zealand Transport Agency | Provide further information as to the characteristics of the noise environment of the site and what controls will be required to ensure an adequate level of acoustic amenity for future residents of it. Depending on this information either retain or revise the relevant noise provisions.               |                 |
| 17.2 | Beth Evans                       | Traffic projections/'baseline' comparison is difficult for community to understand. Should be compared with a vacant site.   |                 |
| 19.1 | Winston Su                       | Residents will get annoyed and distracted by 24/7 traffic.   |                 |
| 20.1 | Nastassja Salt                   | Opposed to more houses creating more traffic on a busy road. Opposed to seeing blocks of houses.   |                 |

## Discussion

251. Council's economic specialist Derek Foy agrees with the Business East Tamaki Incorporated (submission 11) regarding the effects of the loss of business zoned land in East Tāmaki.
252. Goodman (submission 12) are not concerned with rezoning the land per se, but the potential for residential activity to impact on industrial land and activities. If the Panel were to approve the plan change, I would not support an activity status of non-complying for more than 200 units. I consider this contrary to the purpose of the THAB zone, which is to achieve the highest intensity of the residential zones in the AUP.
253. Auckland Transport (submission 14) seeks PPC90 be declined but in the event it is approved, supports or supports in part aspects of the Highbrook Precinct, subject to provision of further information or amendments. As it relates to his area of expertise, council's transportation specialist Mr Andrew Temperley supports the Auckland Transport request or amended provisions. With regards to submission point 14.10, Mr Rhys Hegley agrees that an acoustic assessment be provided to confirm future buildings can be designed to achieve 40dB internal noise environment; additional mitigation is necessary to avoid adverse noise effects; and this be addressed through precinct plan provisions. Should the requestor provide the information sought by council<sup>67</sup> and Auckland Transport through evidence, this will be reviewed, and Mr Hegley may provide an updated memorandum in rebuttal for consideration by the Hearing Commissioners, requestor and submitters. I understand the applicant is proposing to address some of these matters in evidence.

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<sup>67</sup> Clause 23 request

254. The remainder of the submissions are generally concerned that residential use will result in an increase in traffic on Highbrook Drive and the surrounding area. Local residents challenge some of the ITA, either being inaccurate, unclear or not reflecting their experience.
255. The plan change does not impact on the maintenance area, river bridge and barge port, which is a concern raised by Kathryn leGrove (submission 13).

#### Recommendations on submissions

256. That submissions 2.1, 3.1, 4.3, 5.1, 7.1, 7.2, 8.2, 9.3, 9.4, 9.5, 11.3, 12.1, 12.2, 12.3, 12.5, 12.6, 13.2, 13.3, 13.4, 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.14, 14.15, 14.16, 14.17, 16.1, 16.2, 16.3, 16.4, 17.1, 17.2, 19.1, 20.1 seeking that the plan change be declined because of transport effects be accepted or accepted in part for the reason that the plan change is recommended to be declined.
257. That submissions seeking that the plan change be amended to address transport effects be rejected for the reason that the plan change is recommended to be declined.
258. Should the Panel approve the plan change recommended the amendments requested by Auckland Transport be incorporated into the Highbrook Precinct.

### **17.8. Protecting industrial land/suitability of residential zone**

| <b>Sub. No.</b> | <b>Name of Submitter</b>          | <b>Summary of the Relief Sought by the Submitter</b>  | <b>Further Submissions</b> |
|-----------------|-----------------------------------|---|----------------------------|
| 4.1             | Julie Chambers                    | Decline the plan change, lack of evidence to support the land cannot be used for industrial purposes.   |                            |
| 4.3             | Julie Chambers                    | Social costs of high-density housing in isolated location.  |                            |
| 5.1             | Davina Mihaka                     | Number of houses in this location (traffic and coastal environment suitability).  |                            |
| 8.1             | Wayne Ronald Oliver               | Decline the plan change, retain existing business zone.   |                            |
| 9.6             | Tāmaki Estuary Protection Society | Confuses public and private benefits – including costs of housing in isolated location on public services including transport and social networks.  |                            |
| 11.1            | Business East Tamaki Incorporated | Existing Business zoned land should be safeguarded for industrial purposes. There is an undersupply of industrial land in in East Tamaki. Protecting business zoned land and providing for industrial growth is a directive of the Auckland Plan and AUP. NPSUD also emphasises the need for business zoned land. Changing the zoning would not meet these directives/objectives. |                            |
| 11.2            | Business East Tamaki Incorporated | Site is unsuitable for residential development as it is not close to commercial, educational or other services, and has constrained options for active modes of transportation.   |                            |
| 17.1            | Beth Evans                        | Decline as site is unsuitable for THAB zone. This includes distance to a public transport hub; distance to supermarkets; frequency and diversity of destinations of closest public transport; rarity of THAB zone along coastal edge.   |                            |

## Discussion

259. These submissions seek PPC90 be declined as the land should be retained for business use. They also consider the location is unsuitable for residential use and results in effects that cannot be addressed in the Highbrook Precinct. The impact of the loss of industrial land, and the unsuitability of THAB zoning and the lack of provisions in the Highbrook Precinct to address effects, have been discussed earlier in this report. I agree PPC90 should be declined for these reasons.

## Recommendations on submissions

260. That submission points 4.1, 4.3, 5.1, 8.1, 9.6, 11.1, 11.2, 17.1 seeking the plan change be declined are accepted.

261. Should the Panel determine to approve the plan change no amendments to the Precinct provisions are required to address these matters.

## 18. Analysis of the section 32 report and any other information provided by the applicant

262. The Planning Report included with the plan change request includes an AEE and section 32 evaluation. Considering the potential options for zoning the subject site, the requestor has considered:

- Option 1: Status quo / do nothing (i.e. retain the Business - Light Industry Zone)
- Option 2: Rezone to Mixed Housing Urban Zone
- Option 3: Rezone to THAB Zone and include a new Highbrook Precinct (preferred option)

263. For the reasons set out earlier in this report, I disagree that the land on the north-western side Highbrook Drive is suitable for rezoning from Business – Light Industry zone to THAB zone (option 3 of the section 32 evaluation). For similar reasons I also disagree with option 2, which is to rezone to Mixed Housing Urban Zone. It then follows that I disagree with the introduction of a Precinct to address the two resource management issues identified by the applicant as arising from rezoning the land residential.

264. Based on the assessment set out earlier and supported by the technical assessments on economic and transportation matters, I consider option 1 retaining the status quo / do nothing (i.e. retain the Business Light Industry Zone) is the most appropriate zoning for the plan change area.

## 19. Conclusions

265. Having considered all of the information provided by the applicant, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on submissions, I recommend that PPC90 should be **declined** as notified as:

- It would not assist the council to achieve the purpose of the RMA;

- It does not give effect to the NZCPS (Objective 2, Policies 13(1), Policy 14, 18, 19 and 25);
- Is inconsistent with section 8(f) of the HGMPA;
- It does not give effect to the NPS-UD (Objectives 2 and 5, Policy 1); and
- It does not give effect to B2.2, B2.3, B2.4, B2.5, B2.7, B8.3.1(7) and B8.4.2(1)(d) and B10 of the ARPS; or the corresponding district objectives and policies of the AUP.

## 20. Recommendations

1. That, the Hearing Commissioners accept or reject submissions (and associated further submissions) as outlined in section 17 of this report.
2. That, as a result of the assessment of the plan change request and recommendations on the submissions, I recommend that PPC90 be declined and the Auckland Unitary Plan not be amended.
3. Should the Panel determine to approve the plan change to amend the Auckland Unitary Plan, I recommend amendments to the Highbrook Precinct in response to submissions from Auckland Transport and the matters raised in this report including provision of an esplanade reserve, public pedestrian connections into and along the coast and re-drafting of the standards and restricted discretionary activity criteria.

## 21. Signatories

| Name and title of signatories   |   |
|---------------------------------|---|
| Author                          | <br>Tania Richmond, Consultant Planner                                   |
| Reviewer / Approved for release | <br>Marc Dendale – Team Leader, Planning Central South, Plans and Places |





## **ATTACHMENT 2**

### **SUPPLEMENTARY INFORMATION PROVIDED BY THE APPLICANT**



# 8 SPARKY ROAD, ŌTARA, Highbrook, PRIVATE PLAN CHANGE: ARCHAEOLOGICAL ASSESSMENT

Prepared for Highbrook Living Limited

May 2023



By

Kirstin Roth (MArchP)  
Glen Farley (MA Hons)

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## INTRODUCTION

### Project Background

Highbrook Living Limited is preparing a Plan Change (PC) to rezone the land that forms part of the property at 8 Sparky Road, Ōtara (legal description - Lot 2 DP 209362; Figure 1). The PC area consists of approximately 4.4ha of land, forming the western most portion of the full property, which is approximately 35ha (Figure 2). This plan would see the land rezoned from Business - Light Industry Zone to Residential - Terrace Housing and Apartment Buildings Zone. Development of the land under the zoning would see the formation of a residential subdivision of at most 200 dwellings, public roads, upgrades to pedestrian access, and a bus stop.

An archaeological assessment was commissioned by Babbage Consultants Limited on behalf of Highbrook Living Limited to establish whether the proposed PC is likely to impact on archaeological values. This report has been prepared as part of the required assessment of effects accompanying a PC application under the Resource Management Act 1991 (RMA) and to identify any requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). Recommendations are made in accordance with statutory requirements.

### Methodology

The New Zealand Archaeological Association's (NZAA) site record database (ArchSite), Auckland Council's Cultural Heritage Inventory (CHI), Auckland Unitary Plan Operative in Part (AUP OP) schedules and the Heritage New Zealand Pouhere Taonga (Heritage NZ) New Zealand Heritage List/Rārangi Kōrero were searched to determine whether any archaeological sites had been recorded on or in the immediate vicinity of the proposed PC Area. Literature and archaeological reports relevant to the area were consulted (see Bibliography). Early survey plans and aerial photographs were checked for information relating to past use of the property.

A visual inspection of the property was conducted on 5 May 2023 by Kirstin Roth. The ground surface was examined for evidence of former occupation (in the form of shell midden, depressions, terracing or other unusual formations within the landscape, or indications of 19th century European settlement remains). Exposed and disturbed soils were examined where encountered for evidence of earlier modification, and an understanding of the local stratigraphy. Photographs were taken to record the landscape and any features of interest, in conjunction with field notes.





Figure 1. General location of the Project Area, with the entire legal title of 8 Sparky Road, Otara indicated in blue (source: Auckland Council Geomaps)





Figure 2. Plan Change area extent within the context of the Ōtāhuhu Power Station facilities in 2017 (source: AC Geomaps)



## HISTORICAL BACKGROUND<sup>1</sup>

### Māori Settlement

Tamaki Makau-Rau was settled by Māori for centuries before the arrival of Europeans. Its harbours and many waterways provided easy access to marine resources and served as transport and communication routes. Its extensive volcanic landscape provided rich soils for cultivation, as well as volcanic cones that were occupied as defended settlements.

The Tamaki River was of particular importance, as it provided access from the Waitemata Harbour to the Otahuhu/Papatoetoe area, which provided the shortest canoe portage route to the Manukau Harbour. The main portage route was known as Te To-waka in Otahuhu, roughly following the route of today's Portage Road (Figure 3). An alternative portage route is located close to the project area from the Otaki Creek, a small branch of the Tamaki River, to the Waokauri Creek and Manukau Harbour.

Numerous archaeological sites attesting to former Māori occupation have been recorded along both sides of the Tamaki River, though fewer are known from the Papatoetoe area compared to the Otahuhu district, in the vicinity of the volcanic cones Otahuhu/Mt Richmond, Te Apunga o Tainui/McLennan Hills and Sturges Park/Robertson Hill. The Kelly and SurrIDGE map of Māori place names (Figure 3) records these, as well as Te Poutu-a-Raka, or 'the post erected by Raka', indicating the area where the Tainui canoe was moored (Simmons 1987).

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<sup>1</sup> The following history is derived from Baquié, B., Macready, S., and R. Clough. 2016.

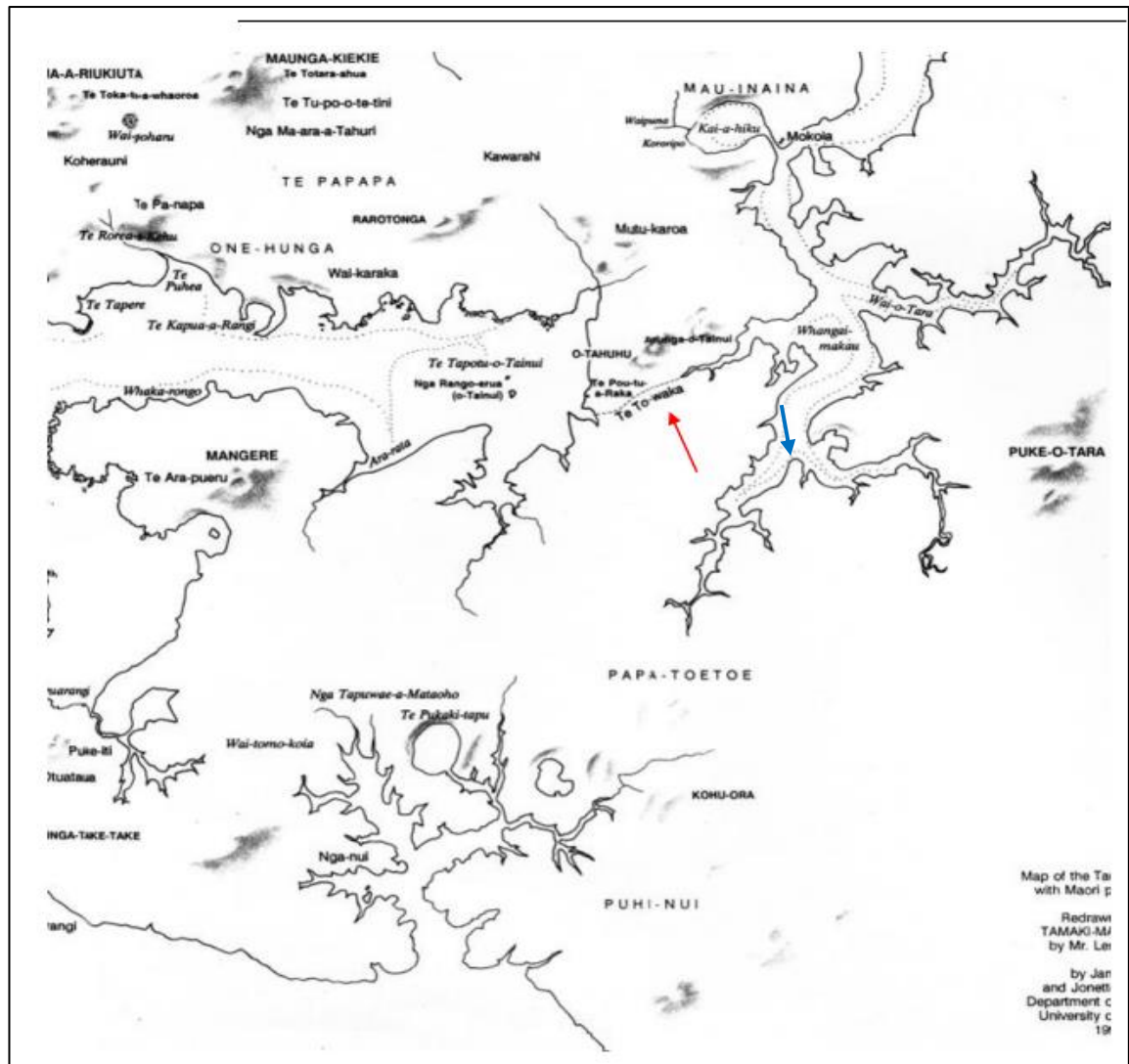


Figure 3. Recorded Māori place names (from Kelly & Surridge 1990). Te To-waka is marked with a red arrow. The blue arrow marks Highbrook PC area

## European Settlement

In 1836 the land south of Te To-waka, including the project area, was transferred to European ownership as part of the extensive Fairburn Purchase:

*‘Beginning at “the Dragging Place at Otahuhu”, the boundary line ran southeast to Papakura, then towards modern Clevedon, thence down the Wairoa River to Umupuia, up the western shore of the Hauraki Gulf to the Tamaki River and “thence to Otahuhu, where it ends”’ (Stone 2001: 167).*

Described as ‘...by far the largest pre-Treaty land “purchase” in Hauraki to be validated by the Land Claims Commission’ (L. Cotterall, cited in Monin 2001:84), the Fairburn Purchase, known as ‘Tamaki’ in Old Land Claim file – OLC 589-590 (Tonson 1966:50), came into being as the result of peacemaking attempts by missionaries (Figure 4). According to Stone (2001:165) the missionaries mistakenly believed that the underlying reason for the instability of the Tamaki region was the competition between Waikato and

Thames tribes for the large area of relatively unpopulated borderland later incorporated in the ‘purchase’.

Henry Williams argued that the territory should be ceded to missionaries and held in trust as a buffer between the contending parties, thereby removing any immediate obstacles to peace (Stone 2001: 165; Tonson 1966: 51). However, the main reason for sparse settlement of the area was regional instability resulting from almost two decades of musket wars (Stone 2001:165) and a fear, held by Hauraki Māori, of conflict with Waikato tribes from the Manukau Harbour (Monin 2001: 81).

On 22 January 1836, William Thomas Fairburn, a lay catechist with the Church Missionary Society (CMS), attended a peacemaking meeting at Puneke, on the Tamaki River, between the Ngāti Pāoa, Ngāti Tamaterā, Waikato and Ngāti Te Ata (La Roche 1991). As a result, the deed of sale for this huge block of land, originally calculated as being 40,000 acres was ‘...signed by thirty-two chiefs ...and witnessed by Henry Williams, two other Pakeha and one Māori’ (Stone 2001: 167).

The land was acquired by a series of payments, almost exclusively in trade goods such as blankets, pipes, adzes, tobacco, garden implements, clothing etc, valued at £907.17.6 (Stone 2001; Tonson 1966). Having purchased this vast acreage, Fairburn now found himself in conflict with the CMS for the scale of his acquisition (Monin 2001). So, on 12 July 1837, Fairburn signed an agreement promising to return one-third of the block back to its Māori owners once the boundaries had been surveyed (Stone 2001). In the 1840s Fairburn’s Purchase was examined by the Land Claims Commission and eventually he received a number of grants totalling 5,495 acres, slightly less than one seventh of his original purchase. However, the ‘disallowed’ parts of the Purchase did not automatically revert to the Māori owners but became ‘Surplus Land’ at the disposal of the Crown and was taken up by European settlers (Stone 2001; Te Warena Taua in La Roche 1991; Tonson 1966).

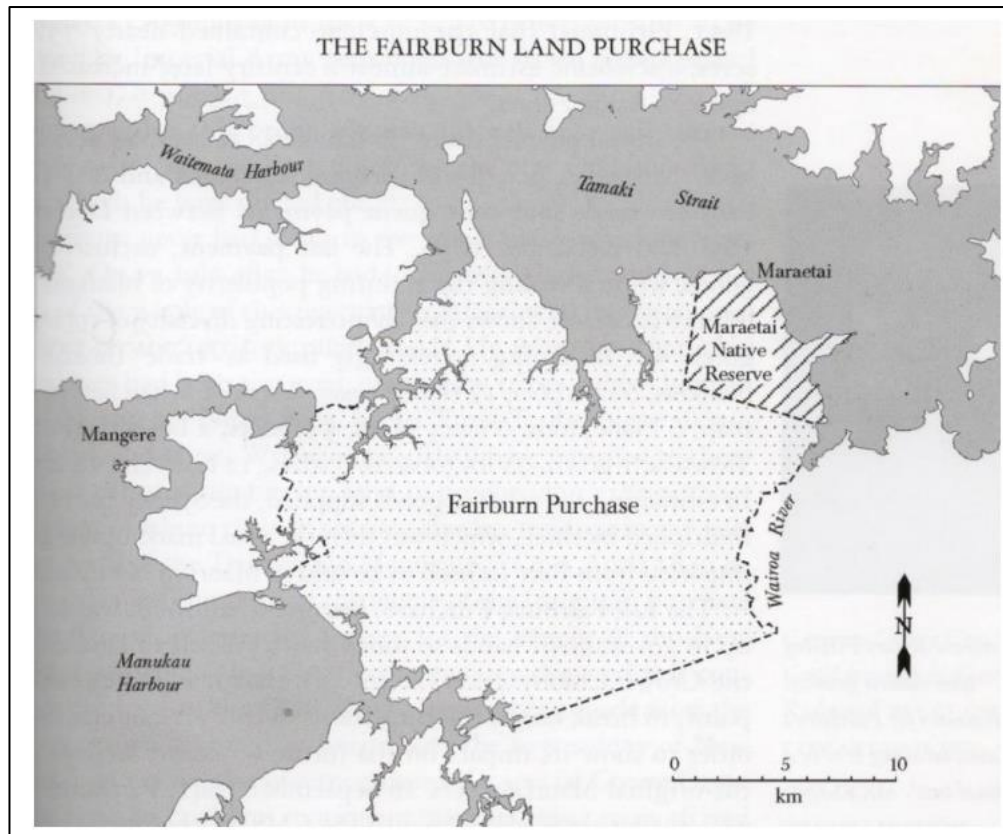


Figure 4. Map showing the extent of the Fairburn Purchase, with the Wairoa River indicated along its eastern boundary (source: Stone 2001: 167)

## ARCHAEOLOGICAL BACKGROUND

### Previous Works

Many archaeological sites have been recorded in the wider area of the proposed development, particularly along the banks of the Tamaki River. The first of these were recorded in the late 1970s and early 1980s. Site R11/816 was recorded on the tuff crater of Pukewairiki during a desktop analysis of aerial photographs by Sullivan in 1979. Other sites were recorded by Chris Grace as part of a walkover survey in 1981 (R11/927 and R11/928) (Appendix A) (Figure 5).

In 1994 Phillips undertook an assessment of the Waiouru Peninsula, which at that time was a 235ha horse stud (Phillips 1994a; Phillips 1994b). The survey recorded a total of 31 archaeological sites spread along the coastline adjacent to what is now Highbrook Drive, at least 700m to the northeast of the PC area. A preliminary survey by Clough and Prince (1996a) for a gas pipeline was also undertaken in the area, which noted those sites recorded by Phillips. The gas pipeline project sought to avoid archaeological impacts by adhering to modified ground which was disturbed by the construction of the East Tamaki Interceptor.

An archaeological survey by Clough and Prince (1996b) for proposed development of Ōtāhuhu B (gas fired power station) was undertaken, and appears to have focussed on the footprint of the powerstation. Another survey was completed by Clough and Prince in 2000 ahead of the proposed development of Ōtāhuhu C, a further gas fired power station. This survey extended further to the west, into the current PC area. At that time the area was covered primarily in metre high gorse. The result of these surveys indicated that the area had been extensively modified during the construction of the first substation in 1968 and if archaeological sites had been present, they would have likely been removed at that time (Clough and Prince 2000:3). Tests pits excavated at the time noted the presence of rock, a truncated soil profile, along with construction debris. The presence of small amounts of charcoal was noted, attributed to burn off of materials relating to the power substations. The banks of the estuary were also examined, and no archaeological sites were recorded. Therefore, it is suggested the lack of recorded sites within this area is likely to be a result of land modification during these industrial developments.

### Recorded Sites

There are no archaeological or other historic heritage sites recorded within the PC area. However, a number of sites relating to Māori settlement have been recorded in the coastal areas to the northeast. Five of these sites are located within 700m of the development area boundary (Figure 5- Figure 7; Table 1). The lack of sites within the project area likely the results of prior industrial development modifying the landscape (Figure 6).

As noted above, there are numerous archaeological sites recorded along the Tamaki River, the majority consisting of Māori occupation sites. Three archaeological sites are recorded within a proximity 700m. Two of these sites are recorded as midden deposits (R11/927 and R11/928), with one site recorded as possible pits (R11/816) (Figure 5 and Figure 6).

**R11/816** This site was originally recorded in 1979 as a group of three possible pits, on the inner edge of Pukewairiki tuff crater, based on a desktop survey of 1940 aerial photographs. The pits are not visible on the 1974 photographs, and do not appear to have ever been confirmed on the ground. The current coordinates place the site within Highbook Park,

northeast of the subject property on the eastern side of the Tamaki River. This site is outside of the proposed area of development works.

**R11/927** This site was originally recorded in 1981 as a lens of eroding midden, 1.25m in length and 25cm in depth, and does not appear to have been revisited since that time. The current coordinates place the site around 600m to the northeast of the subject property. This site is outside of the proposed area of development works.

**R11/928** This site was originally recorded in 1981 as a midden lens, located intermittently over a 4m by 2m area under maram grass and situated in a clay-mud soil at the base of the cliff. The midden was recorded as comprising of primarily cockle. The site does not appear to have been revisited since that time. The current coordinates place the site just to the northeast of the subject property. This site is outside of the proposed area of development works.

One additional site is recorded within the Auckland Council CHI.

**CHI 614** This site record marks the location of a reported boat wreck which was noted as being near the site of R11/929 in 1980 as a locational aide. The site does not appear to have been revisited since that time, and it is unclear what, if any, historical value the site has.



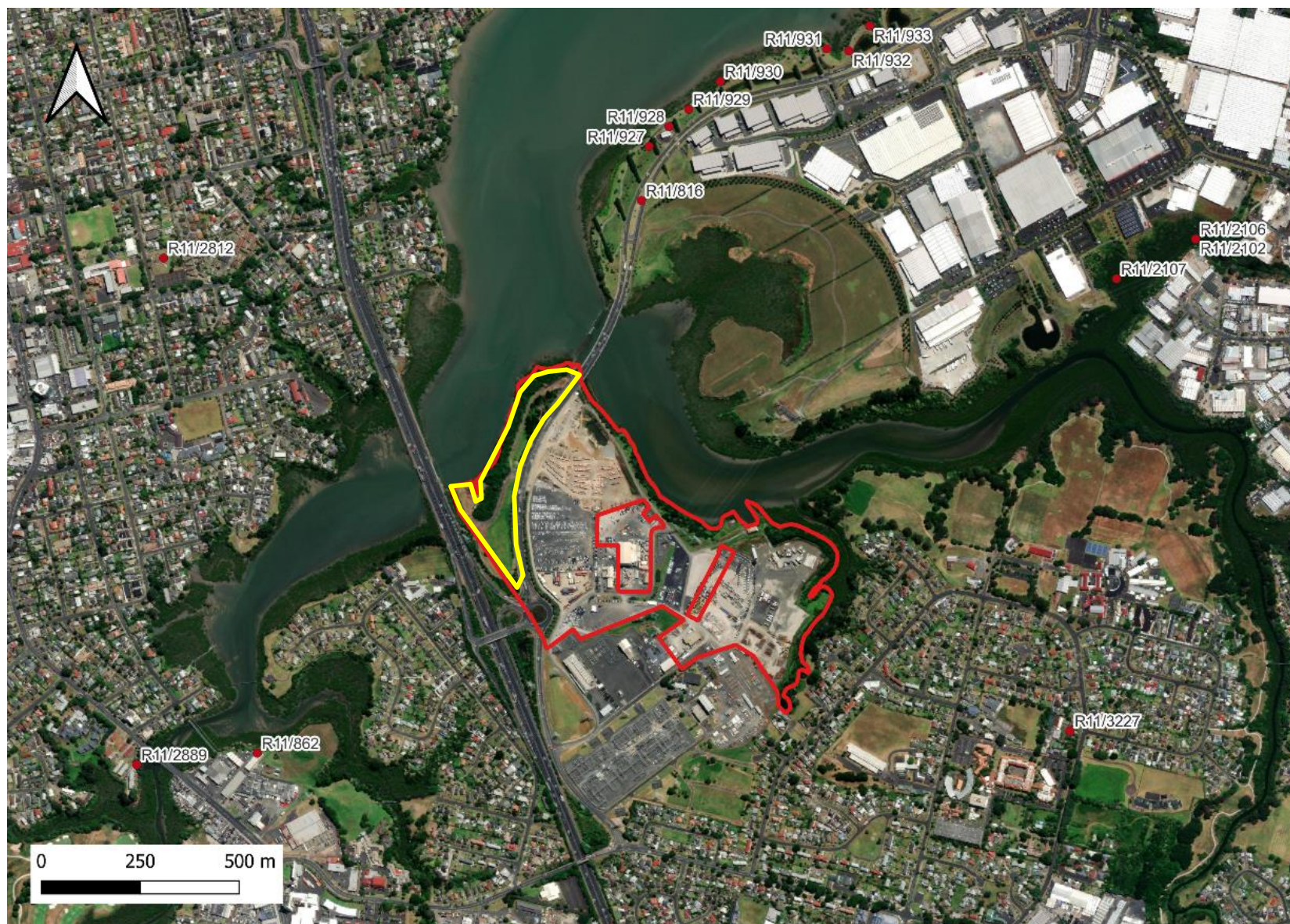


Figure 5. Recorded archaeological sites (red circles) in Ōtara and the surrounding area (Project area outlined in yellow) (source: Project GIS)



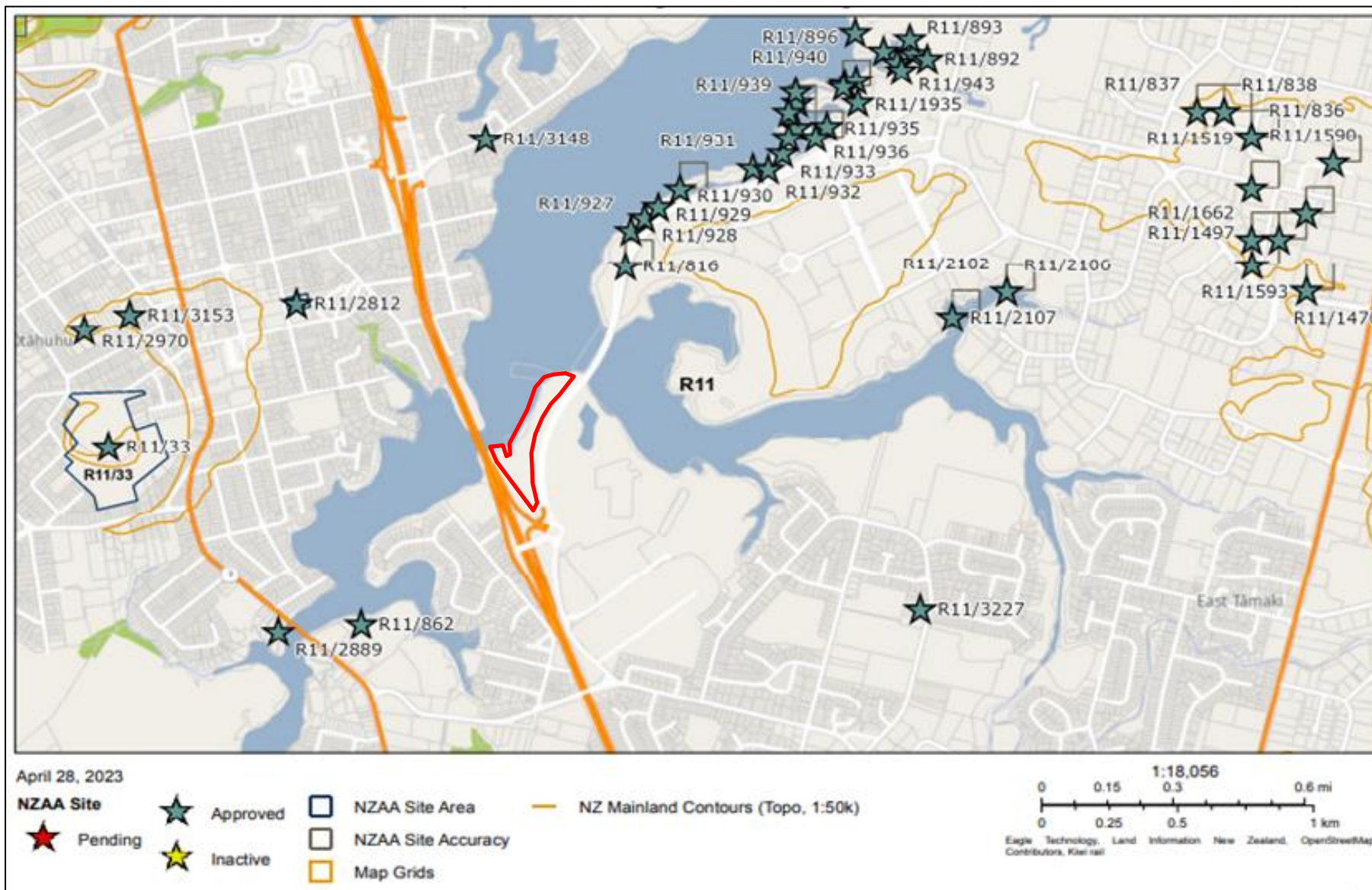


Figure 6. Archaeological sites recorded on NZAA ArchSite in relation to the PC area which is outlined in red (source: NZAA ArchSite)



**Table 1. Recorded archaeological sites within 700m of the proposed Plan Change area**

| <b>NZAA #</b> | <b>CHI #</b> | <b>Easting<br/>NZTM</b> | <b>Northing<br/>NZTM</b> | <b>Type</b> |
|---------------|--------------|-------------------------|--------------------------|-------------|
| R11/816       | 4204         | 1765885                 | 5909920                  | Pits        |
| R11/927       | 3939         | 1765905                 | 5910057                  | Midden      |
| R11/928       | 3940         | 1765955                 | 5910107                  | Midden      |



Figure 7. A map showing CHI sites with corresponding Archsite numbers for the wider Highbrook area (Note the CHI locational data for R11/679 is incorrect, it should be situated some 8km to the east. An update to correct this has been supplied to Auckland Council CHI)



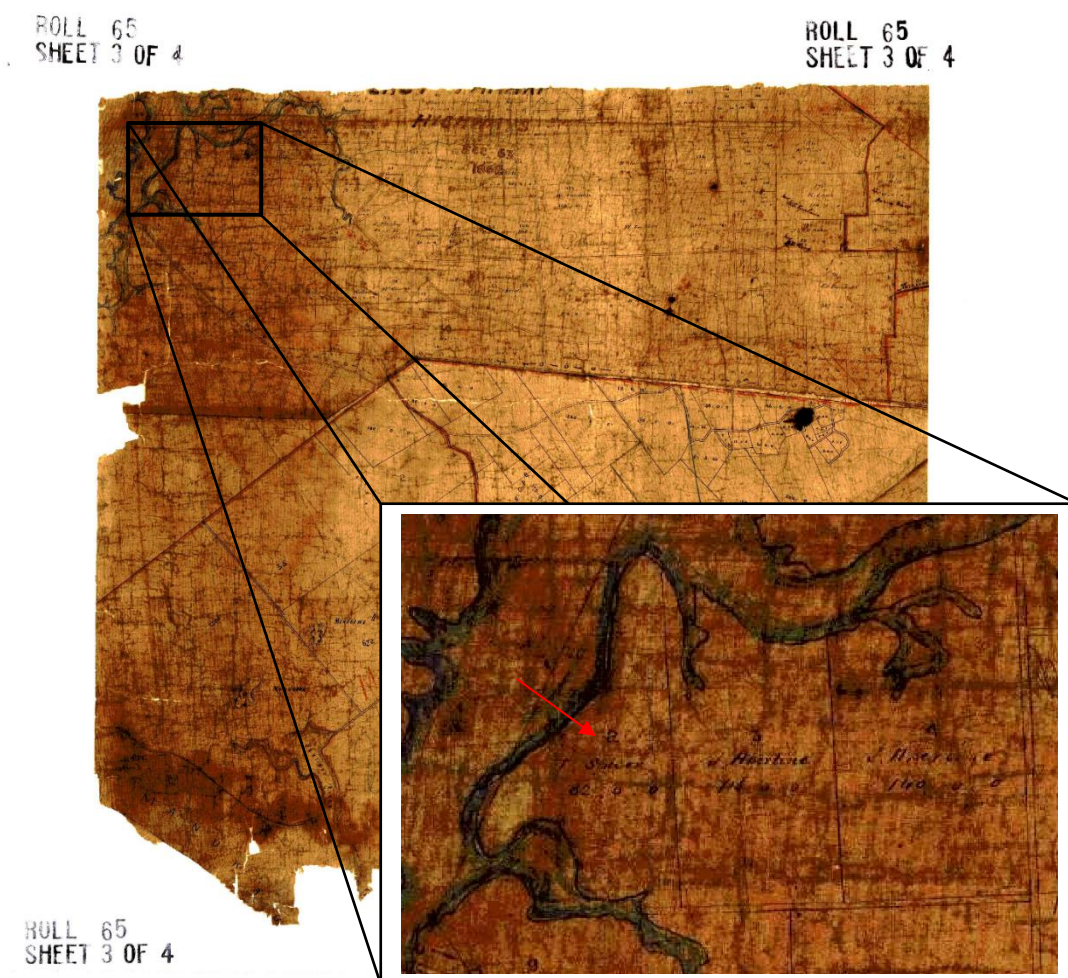
## HISTORICAL SURVEY AND LAND MODIFICATION

### Information from Early Maps and Plans

Early Deposited Plans and Survey Ordinances (DPs and SOs) were examined, but no detailed information was located.

Roll 65, undated but likely dating to the 1860s, is the earliest identified plan relating to the project area, which provides a sketch of lots in Ōtara to Papakura (Figure 8). No features of interest (such as names, structures, fences etc) are indicated.

Roll 45 shows the development of the Otahuhu area, however there is no date for this plan (Figure 9).<sup>2</sup> This plan additionally shows the project area, Lot 2 (arrowed), but does not depict any structures.



Land Information New Zealand, Custom Software Limited, Date Scanned 2002, Last modified November 2002, Plan is probably current as at 11/03/2022

**Figure 8. Roll 65 plan (undated, but likely 1860s) showing part of Lot 2 located in the far northwestern corner (Source: Quickmaps)**

<sup>2</sup> Roll 45 appears undated, however, Sheet 2 of the five original sheets is missing which may have held this information. Based on information presented on Sheet 4 the date is likely between 1866-1879 as Sheet 4 shows the subdivision of land of the Ihumātao Confiscation Block (1866), and also Allotment 89, Parish of Manurewa as a single title (subdivided in 1879).

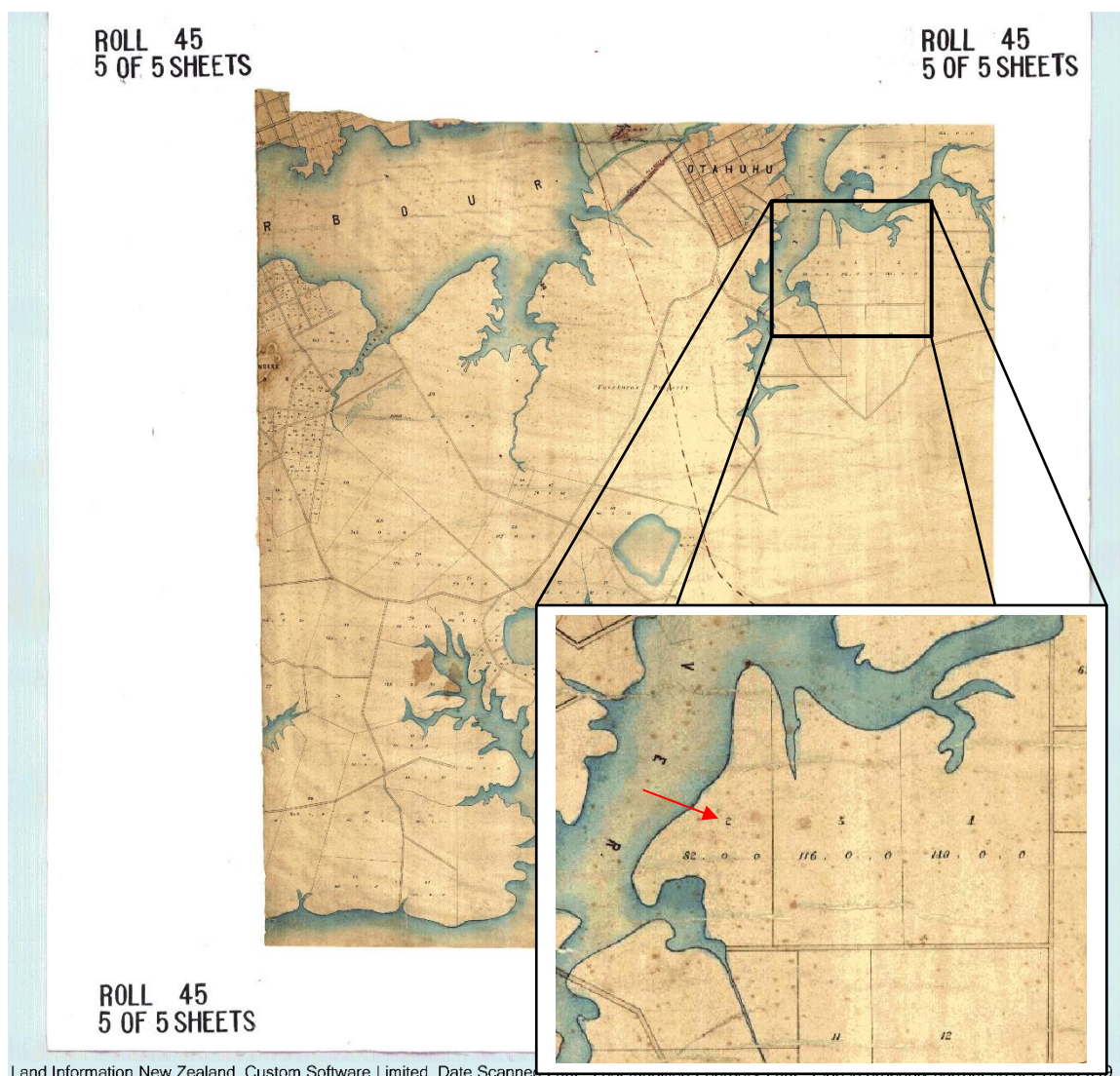


Figure 9. Roll 45 (undated) showing Lot 2 in the far (red arrow) (Source: Quickmaps)

## Information from Early Aerials - Ōtāhuhu Substation

A number of aerial images were reviewed dating from 1940 to 1980 (Figure 10-Figure 15) which illustrate varying levels of landscape modification. The 1940 aerial shows the subject property and the surrounding landscape almost entirely in pasture (Figure 10). By the 1958 the recently completed section of the Southern Motorway (SH1) can be seen crossing to the south of the subject property (Figure 11 and Figure 12) as well as the Ōtāhuhu Substation on the eastern side of this photograph.

By 1967 the construction of Ōtāhuhu Power Station (A Unit) and associated infrastructure and tank farm was well underway, with the station commissioned the following year (Figure 13).<sup>3</sup> These works comprehensively modified the northern half of the project area, apart from the land immediately along the western coastline. In 1969 a reclamation began to take place on the southwestern corner of the property, and appears to have been largely

<sup>3</sup> [https://en.wikipedia.org/wiki/Otahuhu\\_Power\\_Station](https://en.wikipedia.org/wiki/Otahuhu_Power_Station)

completed by the early 1970s. By 1980 the southern half of the subject property had been substantially earth-worked, and the western reclamation including the formation of a barge dock was complete (Figure 14). A large portion of the land was subsequently left to overgrow.

In January 2000 Ōtāhuhu B was commissioned and the vegetation was cleared. In 2003-4 the tanks were deconstructed, with Ōtāhuhu A decommissioned in 2006. By that year the earthworks for the construction of Highbrook Drive, motorway on/off ramps and the widening of SH1 were well underway (Figure 15). A construction yard was established at the northern end of the subject site, and material stockpiles (waste concrete, pipes, and other fill materials) were established at the southern end. Access roads both north and south through the property were also formed. The deconstruction of the former tank farm involved substantial earthworks, with some 3,000m<sup>2</sup> of cut and 19,000m<sup>2</sup> of imported clean fill (Babbage 2022:5). A Tonkin and Taylor contamination report from 2015 quoted in the Babbage report noted information was collected from power station staff relating to historic fill areas, of which Area B is situated within the subject property (Figure 16). This area was used as the burn-off location for the nearby village and the Ōtāhuhu site for general and industrial waste and hard fill.





**Figure 10 Aerial photograph SN139 31-12), dated 1940, with the location of the subject property highlighted (source: Retrolens)**



Figure 11. Aerial photograph (SN1052 Q-7), dated 1958, with the location of the subject property highlighted (source: Retrolens)



**Figure 12. Whites Aviation aerial photograph (WA-46900-G), dated May 1958, showing Otara area, with subject property arrowed (source: Whites Aviation Ltd: Photographs. Alexander Turnbull Library, Wellington, New Zealand)**

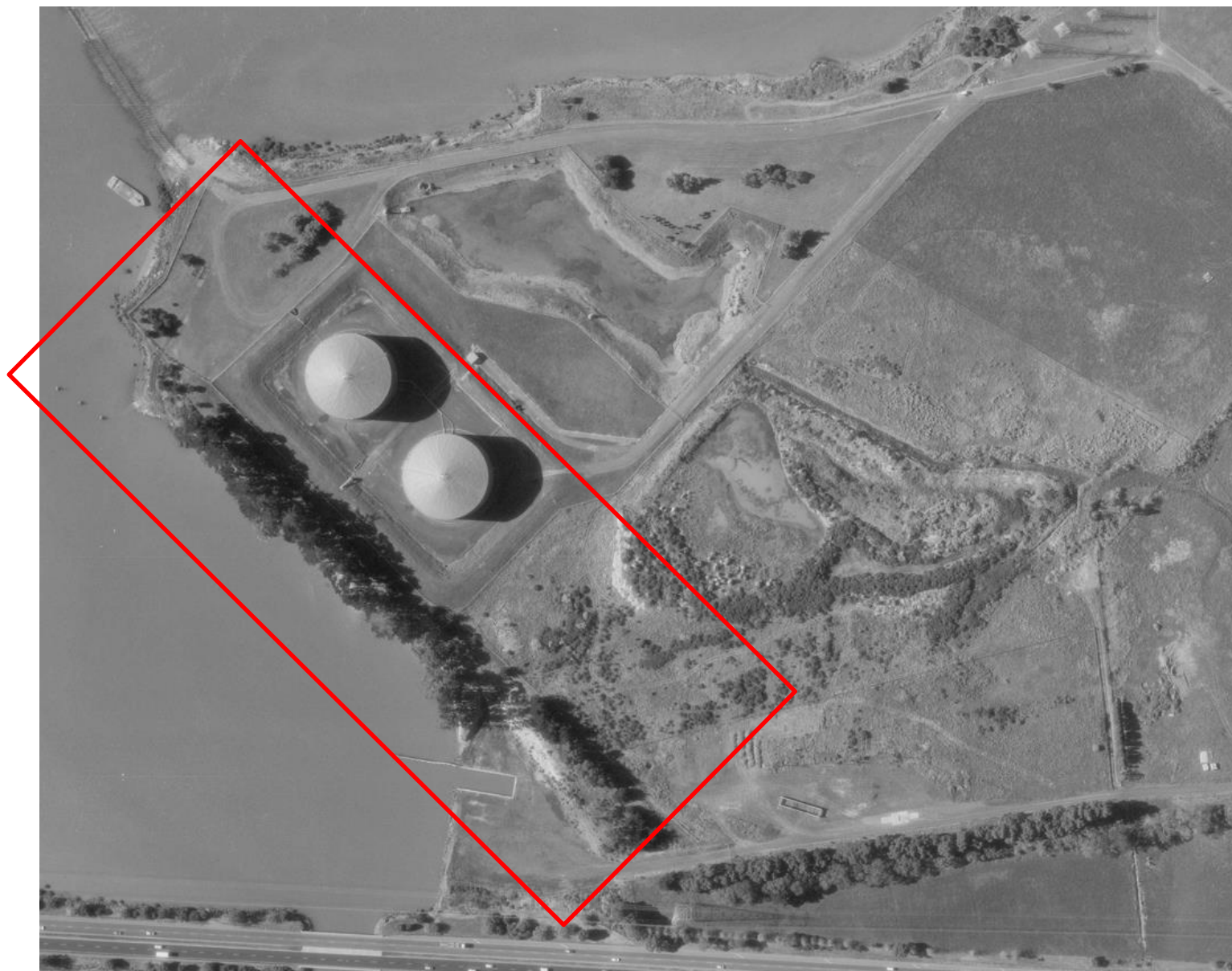




**Figure 13. Aerial photograph (SN3014 B-7), dated 1967, with the location of the subject property highlighted (source: Retrolens)**







**Figure 14. Aerial photograph (SN5306 X-10), dated 1980, with the location of the subject property highlighted (source: Retrolens)**



Figure 15. Aerial Photograph (2006) showing the change in land use to a construction yard at 8 Sparky Road, Highbrook (source: AC Geomaps)





Figure 16. Areas that have potentially contaminated soil from previous activities within the Plan Change area (source: Babbage)

## PHYSICAL ENVIRONMENT

### *Topography, Vegetation and Land use*

The project area is bounded on the south by State Highway 1, to the north and west by the Tamaki River, and to the east by Highbrook Road (see Figure 1 and Figure 16). At the time of inspection, the topography is artificially flat along the central portion and the southern portion is more variable with several areas having soil heaps on the western end (Figure 17). Finally, the northern portion of the property was fairly overgrown with vegetation, indicating a lack of recent use (Figure 18). There is a significant amount of vegetation on the property. The north half in particular contained a variety of bush, trees and mangroves (Figure 18 and Figure 19). Also, the grass is typically slightly overgrown across the majority of the field with the occasional overgrown weed. The riverbank visible on the far northwest of the property was primarily rock covered with the coastline sloping towards the Tamaki River; additionally, evidence of the barge dock could be seen (Figure 20).



Figure 17. Ground surface modifications within the Plan change area, facing east





**Figure 18. Vegetation on northern half of property, facing north**



**Figure 19. View of the far eastern coastal area, facing east**





**Figure 20. View of the far north-western coastal area, showing coastline and the boat dock (arrowed) facing east**



## FIELD ASSESSMENT

### Field Survey Results

The field inspection was conducted on 5 March 2023 (Figure 21 and



Figure 22). The skies were cloudy, with occasional rain. The area was not test pitted due to the presence of a buried gas line, and historic modifications of the ground surface. The main focus of the survey was to clarify and assess how modified the existing landscape as indicated by the historical modifications undertaken as a result of the tank farm and construction yard.

Overall, there was no visible surface evidence of archaeology in the PC area, with the landscape determined to be heavily modified. It appears likely that the only portion of the landscape not modified is in those areas under the vegetation along the coastal margins. Dense vegetation in these areas greatly restricted access and surface visibility.



**Figure 21. West facing view of overgrown vegetation and with sealed track extending through the central area**



**Figure 22. North facing view of the coastal access in the north-western extent of the PC area**



## DISCUSSION AND CONCLUSIONS

### Summary of Results

The Plan Change area at 8 Sparky Road consists of the most western portion of Lot 2 DP 209362. No archaeological sites have previously been recorded on the property, and no archaeological remains were identified during the field survey. It has been noted from an examination of aerial photographs that the PC area has been quite heavily modified over last 60 yrs, which would have adversely affected the survival of any in situ archaeology within the PC area.

### Māori Cultural Values

This is an assessment of archaeological values and does not include an assessment of Māori cultural values. Such assessments should only be made by the tangata whenua. Māori cultural concerns may encompass a wider range of values than those associated with archaeological sites.

The historical association of the general area with the tangata whenua is evident from the recorded sites, traditional histories and known Māori place names.

### Survey Limitations

It should be noted that archaeological survey techniques (based on visual inspection) cannot necessarily identify all sub-surface archaeological features, or detect wahi tapu and other sites of traditional significance to Māori, especially where these have no physical remains. In addition, the overgrown nature of much of the PC area meant the ground surface could not be fully assessed particularly in the coastal zone.

### Archaeological Value and Significance

The project area has no known archaeological value or significance as no sites have been confirmed on the property. There is considered to be limited potential for archaeological remains due to the modifications to the property over the last 25 years.

The archaeological value of sites relates mainly to their information potential, that is, the extent to which they can provide evidence relating to local, regional and national history using archaeological investigation techniques, and the research questions to which the site could contribute. The surviving extent, complexity and condition of sites are the main factors in their ability to provide information through archaeological investigation. For example, generally pa are more complex sites and have higher information potential than small midden (unless of early date). Archaeological value also includes contextual (heritage landscape) value. Archaeological sites may also have other historic heritage values including historical, architectural, technological, cultural, aesthetic, scientific, social, spiritual and traditional values.

### Effects of the Proposal

There will be no effects on any known archaeological values as no archaeological sites have been identified within the area proposed for development, and the potential for unrecorded sites is considered to be low.

In any area where archaeological sites have been recorded in the general vicinity it is possible that unrecorded subsurface remains may be exposed during development. In this case it is considered unlikely due to the high level of landscape modification that has occurred since the 1960s, the possibility is provided for under the AUP OP Accidental Discovery Rule (E12.6.1).

Archaeological features and remains can take the form of burnt and fire cracked stones, charcoal, rubbish heaps including shell, bone and/or 19th century glass and crockery, ditches, banks, pits, old building foundations, artefacts of Māori and early European origin or human burials.

## **Resource Management Act 1991 Requirements**

Section 6 of the RMA recognises as matters of national importance: ‘the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga’ (S6(e)); and ‘the protection of historic heritage from inappropriate subdivision, use, and development’ (S6(f)).

All persons exercising functions and powers under the RMA are required under Section 6 to recognise and provide for these matters of national importance when ‘managing the use, development and protection of natural and physical resources’. There is a duty to avoid, remedy, or mitigate any adverse effects on the environment arising from an activity (S17), including historic heritage.

Historic heritage is defined (S2) as ‘those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological’. Historic heritage includes: ‘(i) historic sites, structures, places, and areas; (ii) archaeological sites; (iii) sites of significance to Māori, including wahi tapu; (iv) surroundings associated with the natural and physical resources’.

Regional, district and local plans contain sections that help to identify, protect and manage archaeological and other heritage sites. The plans are prepared under the provisions of the RMA. The Auckland Unitary Plan Operative in Part 2016 (AUP OP) is relevant to the proposed activity.

There are no scheduled historic heritage places on the property. The proposed activity will have no effect on any known archaeological remains and has little potential to affect unrecorded subsurface remains. If resource consent is granted, consent conditions relating to archaeological monitoring or protection would therefore not be required.

If archaeological remains are exposed during subdivision development works, the Accidental Discovery Rule (E12.6.1) set out in the AUP OP must be complied with. Under the Accidental Discovery Rule works must cease within 20m of the discovery and the Council, Heritage NZ, Mana Whenua and (in the case of human remains) NZ Police must be informed.

## Heritage New Zealand Pouhere Taonga Act 2014 Requirements

In addition to any requirements under the RMA, the HNZPTA protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by Heritage NZ (Section 42).

An archaeological site is defined by the HNZPTA Section 6 as follows:

‘**archaeological site** means, subject to section 42(3), –

(a) any place in New Zealand, including any building or structure (or part of a building or structure) that –

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)<sup>4</sup>

Authorities to modify archaeological sites can be applied for either in respect to archaeological sites within a specified area of land (Section 44(a)), or to modify a specific archaeological site where the effects will be no more than minor (Section 44(b)), or for the purpose of conducting a scientific investigation (Section 44(c)). Applications that relate to sites of Māori interest require consultation with (and in the case of scientific investigations the consent of) the appropriate iwi or hapu and are subject to the recommendations of the Māori Heritage Council of Heritage NZ. In addition, an application may be made to carry out an exploratory investigation of any site or locality under Section 56, to confirm the presence, extent and nature of a site or suspected site.

An archaeological authority will not be required for the proposed development at 8 Sparky Road as no known sites will be affected, and it is unlikely that any subsurface sites are present. However, should any sites be exposed during development the provisions of the HNZPTA must be complied with.

## Conclusions

This archaeological assessment has established that the proposed development will have no known effects on archaeological values, as no archaeological sites have been identified within the Plan Change area and the potential for any unidentified subsurface remains to be exposed during development is very low due to the history of landscape modification.

However, if previously unidentified archaeological remains are exposed by earthworks resulting from the Plan Change in the future, they would have statutory protection under the HNZPTA and cannot be modified without authorisation from Heritage NZ.

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<sup>4</sup> Under Section 42(3) an Authority is not required to permit work on a pre-1900 building unless the building is to be demolished. Under Section 43(1) a place post-dating 1900 (including the site of a wreck that occurred after 1900) that could provide ‘significant evidence relating to the historical and cultural heritage of New Zealand’ can be declared by Heritage NZ to be an archaeological site.

## RECOMMENDATIONS

- There should be no major constraints on the proposed development on archaeological grounds, since no archaeological sites are known to be present and it is considered unlikely that any will be exposed during development.
- If subsurface archaeological evidence should be unearthed during construction (e.g. intact shell midden, hangi, storage pits relating to Māori occupation, or cobbled floors, brick or stone foundation, and rubbish pits relating to 19th century European occupation), or if human remains should be discovered, the Accidental Discovery Rule (section E.12.6.1 of the AUP OP) must be followed. This requires that work ceases within 20m of the discovery and that the Auckland Council, Heritage NZ, Mana Whenua and (in the case of human remains) the NZ Police are notified. The relevant authorities will then determine the actions required.
- If modification of an archaeological site does become necessary, an Authority must be applied for under Section 44(a) of the HNZPTA and granted prior to any further work being carried out that will affect the site. (*Note that this is a legal requirement*).
- That in the event of koiwi tangata (human remains) being uncovered, work should cease in the immediate vicinity and the tangata whenua, HNZ, NZ Police and Council should be contacted so that appropriate arrangements can be made.
- That since archaeological survey cannot always detect sites of traditional significance to Māori, such as wahi tapu, the tangata whenua should be consulted regarding the possible existence of such sites in the project area.



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## APPENDIX A: SITE RECORD FORMS

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

|  |   |
|--|---|
|  <p><b>Site Record Form</b></p> | <p><b>NZAA SITE NUMBER:</b> R11/816</p> <p><b>SITE TYPE:</b> Pit/Terrace</p> <p><b>SITE NAME(s):</b></p> <p><b>DATE RECORDED:</b></p> |
| <p><b>SITE COORDINATES (NZTM) Easting:</b> 1765885      <b>Northing:</b> 5909920      <b>Source:</b> CINZAS</p>  |   |
| <p><b>IMPERIAL SITE NUMBER:</b> N42/859      <b>METRIC SITE NUMBER:</b> R11/816</p>                              |   |
|                               |   |
| <p><b>Finding aids to the location of the site</b></p>   |   |
| <p><b>Brief description</b><br/>PITS</p>   |   |
| <p><b>Recorded features</b><br/>Pit</p>  |   |
| <p><b>Other sites associated with this site</b></p>  |   |

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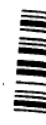
|  |                                  |
|--|----------------------------------|
| <b>SITE RECORD HISTORY</b>   | <b>NZAA SITE NUMBER:</b> R11/816 |
| <p><b>Site description</b></p> <p><b>Condition of the site</b></p> <p><b>Statement of condition</b></p> <p><b>Current land use:</b></p> <p><b>Threats:</b></p> |                                  |

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

|                              |                                  |
|------------------------------|----------------------------------|
| <b>SITE RECORD INVENTORY</b> | <b>NZAA SITE NUMBER: R11/816</b> |
|------------------------------|----------------------------------|

Supporting documentation held in ArchSite

AM BF -- CA AA FD

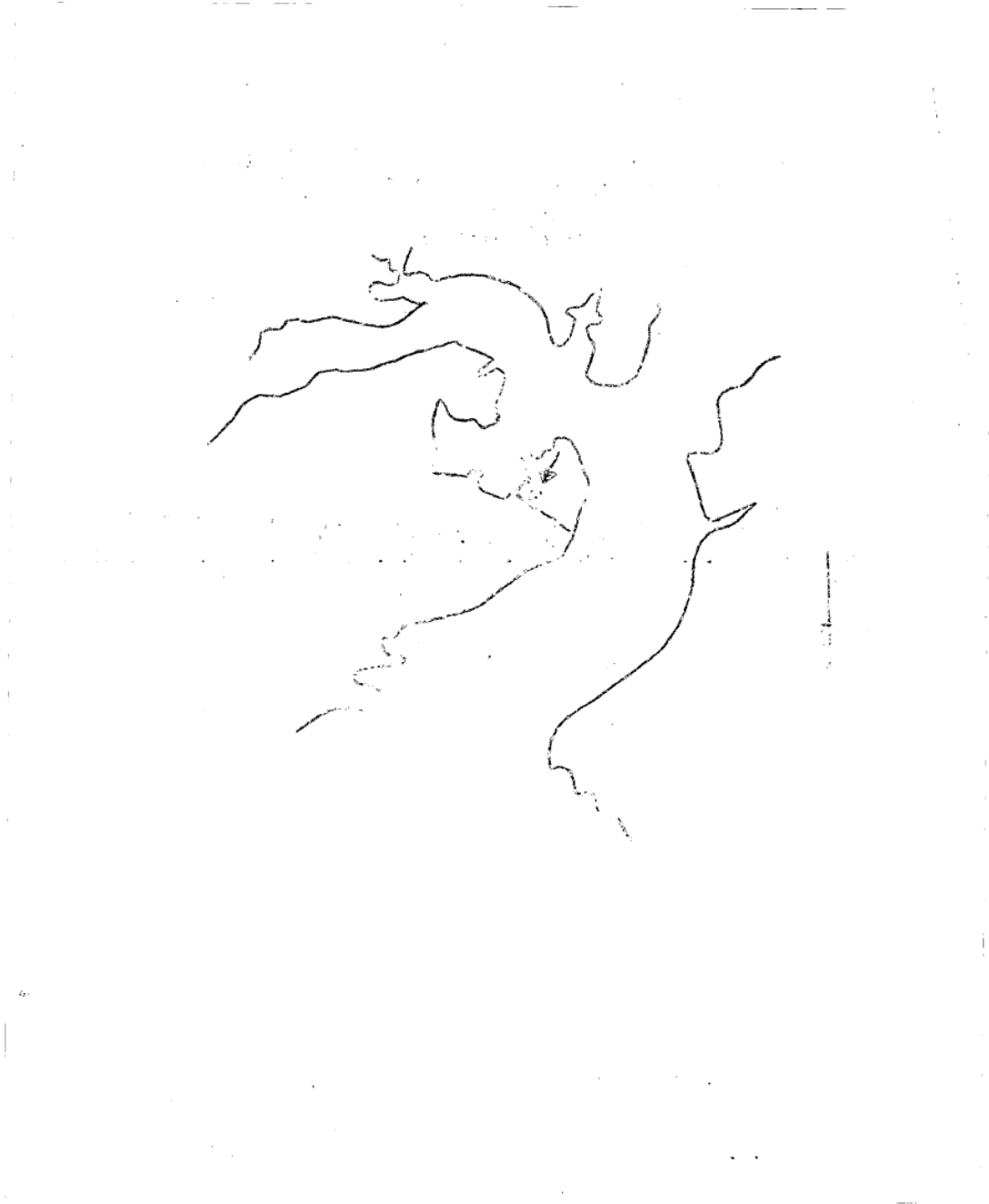
|  |                                  |   |
|--|----------------------------------|---|
| NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION<br><b>SITE RECORD FORM</b>  |                                  | SITE NUMBER<br><b>N42/ 859</b>  |
| Map number<br><b>N42</b>   | Map name<br><b>AUCKLAND</b>      | MAORI<br>SITE NAME: OTHER <b>Pukewairiki</b><br><b>(Otara)</b>                        |
| Map edition<br><b>3, 1966, rev. 1971</b>   | Grid Reference<br><b>380,494</b> | SITE TYPE<br><b>Pits</b>  |
| 1. Aids to relocation of site. <b>No longer visible</b>  |                                  | <b>E 238000 N 649400</b>  |
| 2. State of site; possibility of damage or destruction   |                                  |   |
| 3. Description of site <i>(NOTE: This section is to be completed ONLY if no separate Site Description Form is to be prepared.)</i><br><br><b>Group of pits , three probable and three possible, on inner edge of Pukewairiki tuff crater, Otara. Located from aerial photographs of 1940, (1414.40/69686,69687. Also 14.4.40/69663,69664. Not visible in 1974.</b> |                                  |   |
| 4. Owner Address   | Tenant/Manager Address           |   |
| Attitude   | Attitude                         |   |
| 5. Methods and equipment used<br><br>Photographs taken: Yes/No (Describe on Photograph Record Form)<br>Date recorded   |                                  |   |
| 6. Aerial photograph or mosaic No.   |                                  | Site shows:<br>Clearly/badly/not at all   |
| 7. Reported by<br>Address <b>A. Sullivan</b>   | Filekeeper <i>S Bulmer</i>       |   |
| Date <b>28.6.1978</b>  | Date <i>2 Mar 79</i>             |  |

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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION



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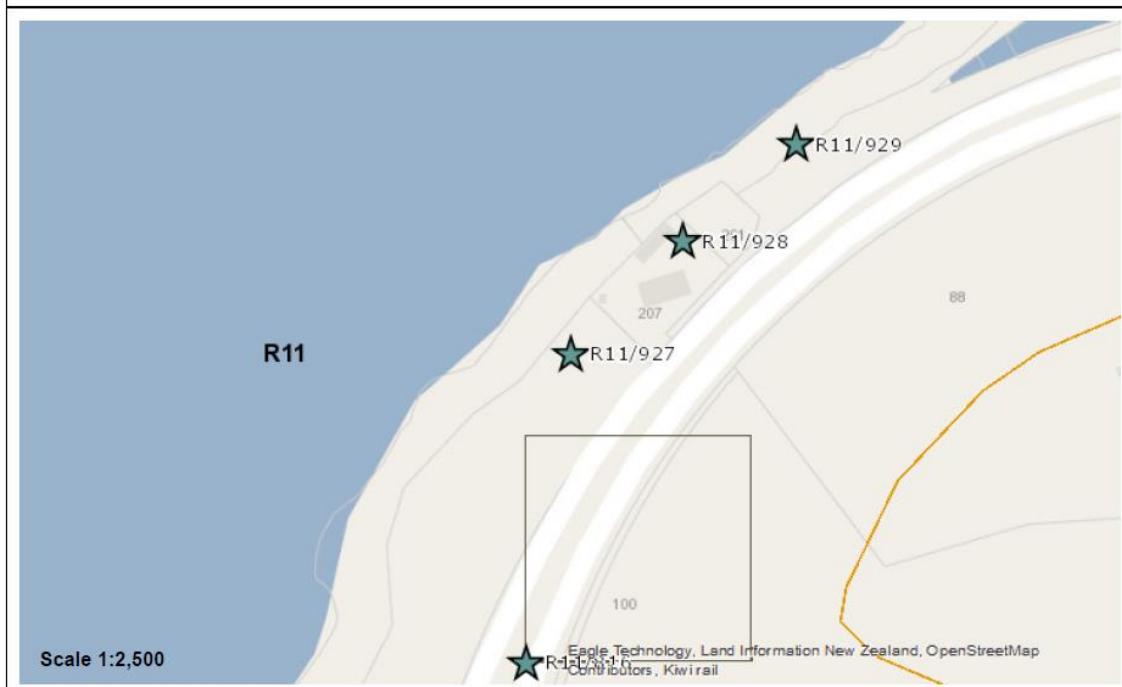
4 of 4

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

|  |   |
|--|---|
|  <p><b>Site Record Form</b></p> | <p><b>NZAA SITE NUMBER:</b> R11/927</p>   |
|  | <p><b>SITE TYPE:</b> Midden/Oven</p> <p><b>SITE NAME(s):</b></p> <p><b>DATE RECORDED:</b></p> |

**SITE COORDINATES (NZTM) Easting:** 1765905      **Northing:** 5910057      **Source:** Site Record Form

**IMPERIAL SITE NUMBER:** N42/994      **METRIC SITE NUMBER:** R11/927



**Finding aids to the location of the site**  
25-30 m from pumping station (west side). Beside triangle on poles, opposite boat ramp.

**Brief description**  
Lens of cockle shell midden with some possible oven stones eroding above high tide mark.

**Recorded features**  
Midden, Ovenstones

**Other sites associated with this site**

| SITE RECORD HISTORY  | NZAA SITE NUMBER: R11/927 |
|--|---------------------------|
| <p><b>Site description</b><br/> Updated 01/04/2016 (other), submitted by rachelford<br/> Grid reference (E1765905 / N5910057)</p> <p>Site location updated to reflect that shown on the site map from the original 1980 survey.</p> <p><b>Condition of the site</b><br/> Updated 03/05/2016 (other), submitted by emmabrooks</p> <p>"Poor" condition field selected on basis of description on 1980 SRF.</p> <p><b>Statement of condition</b></p> <p><b>Current land use:</b><br/> Updated: 03/05/2016 - Coastal margins</p> <p><b>Threats:</b><br/> Updated: 03/05/2016 - Erosion</p> |                           |



NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

|                              |                                  |
|------------------------------|----------------------------------|
| <b>SITE RECORD INVENTORY</b> | <b>NZAA SITE NUMBER: R11/927</b> |
|------------------------------|----------------------------------|

Supporting documentation held in ArchSite

|   |                         |  |  |
|---|-------------------------|--|--|
| NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION<br><b>SITE RECORD FORM (NZMS1)</b>   |                         | NZAA NZMS 1 SITE NUMBER 1142/994                               |  |
| NZMS 1 map number N42   |                         | DATE VISITED 16/12/80  |  |
| NZMS 1 map name Auckland  |                         | SITE TYPE Hidden   |  |
| NZMS 1 map edition 3rd edition 1966   |                         | SITE NAME: MAORI<br>OTHER                                      |  |
| Grid Reference Easting <u>237800</u>  |                         | Northing <u>649500</u>   |  |
| 1. Aids to relocation of site ( <i>attach a sketch map</i> )<br>25 to 30 m from pumping station (west side). Beside triangle on poles.<br>Opposite boat ramp.<br>Map attached.  |                         |  |  |
| 2. State of site and possible future damage<br>Lens of midden eroding above high tide mark.   |                         |  |  |
| 3. Description of site ( <i>Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here</i> )<br>Lens of midden eroding above high tide mark.<br>Length 1.25m, depth 25cm. Possible hangi stones. Shell mostly covered by layer of weeds<br>Shellfish small.<br>Mainly cockle. |                         |  |  |
| 4. Owner Neil Homes<br>Address  |                         | Tenant/Manager<br>Address<br>Roberts<br>Wairoa Rd.<br>Manukau. |  |
| 5. Nature of information ( <i>hearsay, brief or extended visit, etc.</i> )<br>Brief visit<br>Photographs ( <i>reference numbers, and where they are held</i> )<br>Aerial photographs ( <i>reference numbers, and clarity of site</i> )  |                         |  |  |
| 6. Reported by Chris Grace<br>Address: K. Cofman-Nicoresti<br>P.O. Box 37253<br>Paradise  |                         | Filekeeper<br>Date<br>SUSAN BULMER<br>JAN 1981                 |  |
| 7. Key words<br>Midden / possible hangi stones  |                         |  |  |
| 8. New Zealand Register of Archaeological Sites ( <i>for office use</i> )<br>NZHPT Site Field Code  |                         |  |  |
| AA  | Type of site            | BB   | Present condition and future danger of destruction |
| AK  | Local environment today | AA   | Security code                                      |
| AI  | Land classification     | DT   | Local body   |


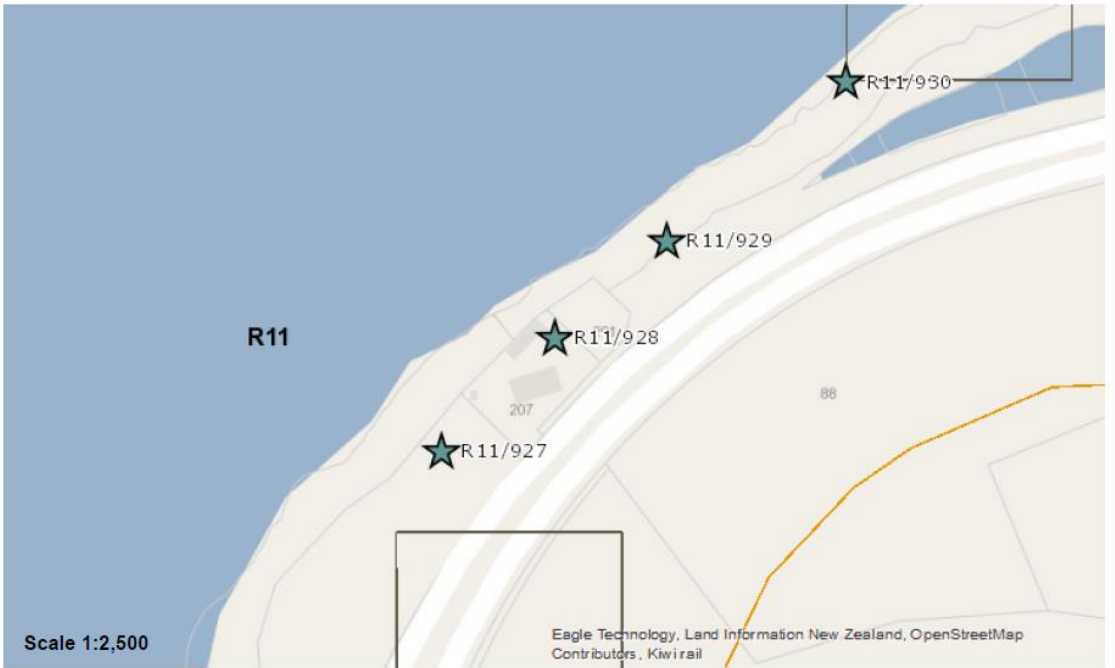
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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

|   |   |
|---|---|
|  <p><b>Site Record Form</b></p>  | <p><b>NZAA SITE NUMBER:</b> R11/928</p> <p><b>SITE TYPE:</b> Midden/Oven</p> <p><b>SITE NAME(s):</b></p> <p><b>DATE RECORDED:</b></p> |
| <p><b>SITE COORDINATES (NZTM) Easting:</b> 1765955      <b>Northing:</b> 5910107      <b>Source:</b> Site Record Form</p>   |   |
| <p><b>IMPERIAL SITE NUMBER:</b> N42/995      <b>METRIC SITE NUMBER:</b> R11/928</p>   |   |
|  <p>Scale 1:2,500</p> <p>Eagle Technology, Land Information New Zealand, OpenStreetMap Contributors, Kiwi rail</p> |   |
| <p><b>Finding aids to the location of the site</b><br/>Midden lens at base of cliff 3 m north east of pumping station outlet, west of old boat wreck.</p>   |   |
| <p><b>Brief description</b><br/>Midden lens of small cockle at base of cliff.</p>   |   |
| <p><b>Recorded features</b><br/>Midden</p>  |   |
| <p><b>Other sites associated with this site</b></p>   |   |

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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

| SITE RECORD HISTORY  | NZAA SITE NUMBER: R11/928 |
|--|---------------------------|
| <p><b>Site description</b><br/> Updated 01/04/2016 (other), submitted by rachelford<br/> Grid reference (E1765955 / N5910107)</p> <p>Site location updated to reflect that shown on the site map from the original 1980 survey.</p> <p><b>Condition of the site</b><br/> Updated 03/05/2016 (other), submitted by emmabrooks</p> <p>"Fair" condition field selected on basis of description on 1980 SRF.</p> <p><b>Statement of condition</b></p> <p><b>Current land use:</b><br/> Updated: 03/05/2016 - Coastal margins</p> <p><b>Threats:</b><br/> Updated: 03/05/2016 - Erosion</p> |                           |

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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

|                              |                                  |
|------------------------------|----------------------------------|
| <b>SITE RECORD INVENTORY</b> | <b>NZAA SITE NUMBER: R11/928</b> |
|------------------------------|----------------------------------|

Supporting documentation held in ArchSite

|  |  |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
|--|--|---|----|-------------------------|----|---------------------|--|----|--|----|---------------|----|------------|---|--|
| NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION<br><b>SITE RECORD FORM (NZMS1)</b><br>NZMS 1 map number N42<br>NZMS 1 map name Auckland<br>NZMS 1 map edition 3rd edition, 1966   |  | NZAA NZMS 1 SITE NUMBER N42/995<br>DATE VISITED 16/12/80<br>SITE TYPE Midden<br>SITE NAME: MAORI<br>OTHER |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| Grid Reference Easting <u>237900</u>   |  | Northing <u>649650</u>  |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| 1. Aids to relocation of site ( <i>attach a sketch map</i> )<br>Midden lens at base of cliff 3m north east of pumping station outlet, West of old boat wreck. Refer map site N42/994   |  |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| 2. State of site and possible future damage<br>Under maram grass at base of cliff above high tide mark.  |  |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| 3. Description of site ( <i>Supply full details, history, local environment, references, sketches, etc. If extra sheets are attached, include a summary here</i> )<br>Midden lens of small cockle 4m x 2m under maram grass in clay-mud soil at base of cliff 3m north east from pumping station outlet. |  |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| 4. Owner C.G. Sargent<br>Address Waiouru Road<br>Manukau City  |  | Tenant/Manager<br>Address   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| 5. Nature of information ( <i>hearsay, brief or extended visit, etc.</i> ) Brief visit.<br>Photographs ( <i>reference numbers, and where they are held</i> )<br>Aerial photographs ( <i>reference numbers, and clarity of site</i> )   |  |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| 6. Reported by C. Grace<br>Address K. Nicoresti<br>P.O. Box 37-253<br>Parnell  |  | Filekeeper Date<br>SUSAN BULMER<br>JAN 1981   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| 7. Key words<br>Midden   |  |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| 8. New Zealand Register of Archaeological Sites ( <i>for office use</i> )<br>NZHPT Site Field Code   |  |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| <table border="1"> <tr><td>AA</td><td>Type of site</td></tr> <tr><td>AR</td><td>Local environment today</td></tr> <tr><td>AE</td><td>Land classification</td></tr> </table>  | AA   | Type of site  | AR | Local environment today | AE | Land classification | <table border="1"> <tr><td>BB</td><td>Present condition and future danger of destruction</td></tr> <tr><td>AA</td><td>Security code</td></tr> <tr><td>DT</td><td>Local body</td></tr> </table> | BB | Present condition and future danger of destruction | AA | Security code | DT | Local body |  |  |
| AA   | Type of site                                       |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| AR   | Local environment today                            |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| AE   | Land classification                                |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| BB   | Present condition and future danger of destruction |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| AA   | Security code                                      |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |
| DT   | Local body   |   |    |                         |    |                     |  |    |  |    |               |    |            |   |  |

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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

| NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION<br>SITE DESCRIPTION FORM |                  | SITE NUMBER               |
|---|------------------|---------------------------|
| Map Number  | N42              | N42/994 - 1015            |
| Map Name  | AUCKLAND         | SITE NAME: MAORI<br>OTHER |
| Map Edition   | 3RD EDITION 1966 | SITE TYPE                 |
| Grid Reference  | 378 495          | MIDDEN                    |

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03/05/2016

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# Coastal Hazard Assessment: 8 Sparky Road, Ōtāhuhu, Auckland

Prepared for:

**Babbage** 



eCoast  
eTakutai

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# Coastal Hazard Assessment: 8 Sparky Road, Ōtāhuhu, Auckland

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## Report Status

| Version   | Date           | Status      | Approved by |
|-----------|----------------|-------------|-------------|
| Version 1 | 25 August 2023 | Final Draft | STM         |
|           |                |             |             |
|           |                |             |             |
|           |                |             |             |
|           |                |             |             |

It is the responsibility of the reader to verify the version number of this report.

## Authors

Shaw T. Mead *BSc, MSc (Hons), PhD*

Lee Munson *BSc (Hons)*

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# 1 Introduction

This assessment considers the inner harbour coastal hazards at 8 Sparky Road, Ōtāhuhu, Auckland (Figure 1.1). A Private Plan Change (PPC) Request to rezone the land which forms part of the property at 8 Sparky Road (the site) as high-density residential end use (Figure 1.2). Since the property is possibly subject to the coastal hazards, a report from a suitably qualified coastal engineer to assess the impacts is required.

The inner harbour coastal property is in Ōtāhuhu and is bound by Highbrook Drive to the south-east, Tamaki River (estuary) to the north and the Southern Motorway to the west (Figure 1.1). This Coastal Hazard Assessment follows the 2021 Guidelines set out in Carpenter (2021). ‘Coastal hazard assessment in the Auckland region.’

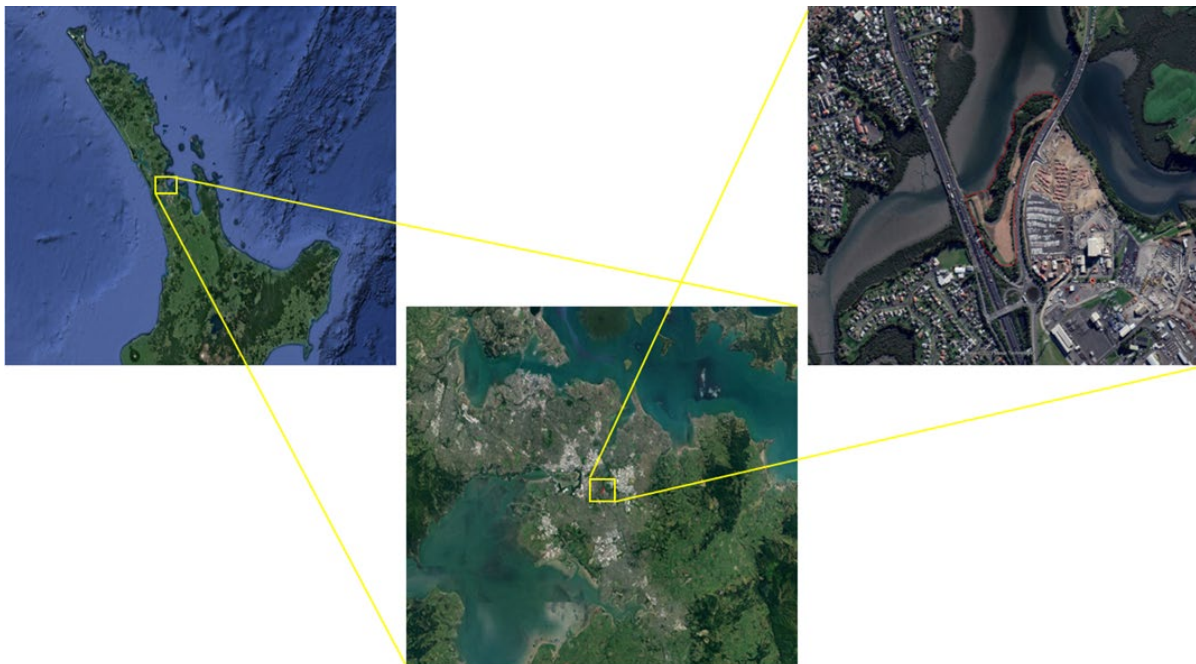


Figure 1.1 Location map 8 Sparky Road, Bayview, Auckland (Images sourced from Google Earth, 2023).



Figure 1.2 Proposed residential development concept plan at 08 Sparky Road, Auckland (Plans provided by Babbage consultants.).

## 2 Site Description

As above, the site is located in Ōtāhuhu and is bound by Highbrook Drive to the south-east, Tamaki River (estuary) to the north and the Southern Motorway to the west as shown in Figure 2.1. The site forms part of the former Ōtāhuhu power station site, located in the Light Industry Zone area in Ōtāhuhu. The residential area and town centre of Ōtara are to the south-east, and Highbrook Business Park is on the opposing side of Ōtara Creek to the north-east.



Figure 2.1 Outline of the site for proposed living development, Google Earth 2023

Most of the site is relatively flat at around 8 m RL AVD-46, except for the slope from ~6m RL down to the shoreline along Tamaki River Figure 2.2. There are some low points present on the site, including a pond in the southwest corner adjacent to State Highway 1 (SH1), which was used as an erosion and sediment pond during construction of Highbrook Drive and the widening of SH1.





Figure 2.2 Topography map of the project site.



For this assessment, the development site has been split in to three sections (Figure 2.3). The northwest section of the site is shallow sloping with a well-defined mangrove thicket developing seaward of the shoreline. Here the slope runs approximately 32 m from the 6 m contour line to the shore based on the LiDAR survey in AC's Geomaps (Figure 2.3). The central section presents a much steeper slope averaging 1:1 ratio (measured in 5 places). The southwest section slope was measured from the 6 m contour line to 2 m RL (AVD-46), being the most significant part of the slope (lower right image Figure 2.3). For 8 Sparky Road, the run, from the top-of-slope (taken as 6 m RL AVD-46) to toe-of-slope (taken as 0 m for NW and central, and 2 m RL AVD-46 in the SW section, are 32 m, 6 m, and 2.5 m respectively), are adopted for the ASCIE calculations (Section 9).



Figure 2.3 Slope estimates of 3 sections of 8 Sparky Road (AC Geomaps).

At the base of the slope, a small mangrove stand exists, with the largest thicket surrounding the northwest section, which buffers the coastline to the north.

This expansion of mangroves is a common occurrence throughout the Auckland Harbours and estuaries due to greatly increased silt loads associated with the development of the city and land-use changes from largely pastoral land to residential and industrial lands (e.g., Swales *et*

*al.*, 2003; Mead, 2020). As can be seen in Appendix A, mangroves expanded rapidly from the late 1940's coinciding with development of the catchment. There is a growing body of literature that indicates that mangroves can and will maintain pace with SLR in the coming 100 years, including 'local' investigations by Dr Andrew Swales for the Firth of Thames mangroves. Similarly, all over the South Pacific Islands there are hundreds of projects replanting mangroves for this specific reason, to create buffer zones for coastal erosion and inundation.

One of the main factors that suggest that mangroves will maintain, if not increase, in the next 100 years is that sedimentation rates of NZ's estuaries are in many locations >10 mm/yr, that is greater than the 1.0 m of SLR for the next 100 years applied to the Auckland Region. For example, the results for Swales *et al.* (2002), based on  $^{210}\text{Pb}$  dating, show that over the last 150 years estuaries with relatively large catchments and/or small sediment accommodation space (the unfilled volume of an estuary below high tide) have filled with sediment most rapidly, with sediment accumulation rates reaching 25 mm/year in tidal creeks. Similar high sedimentation rates have been estimated for estuaries in the Waikato Region following European settlement (Mead and Moores, 2004).

It is apparent that no significant wave energy from the mouth of the estuary would be able to reach the coastal boundary of the property of interest. The site is approximately 11 km from the Tamaki estuary inlet and can be considered a benign and sheltered environment. The largest wind fetch is 1 km from the north, running straight down the Tamaki River. As seen in Figure 2.4, the AC Geomap prediction on Coastal Transition Zone and the Coastal Inundation 1% AEP line barely intercept the shoreline, mostly around the dock entrance in the southwest section. With 1-2 m elevation in sea level rise we can see some inundation, notably in the northwest and southwest sections, respectively.

Future erosion predictions (AC Geomaps) are suggesting considerable land loss (between 25-30m) in the northwest and central sections, and twice that (70 m) in the southwest section Figure 2.5. These predictions are not locally focused, often lack historical trends, and may not consider variation in geology.. This is discussed further in Section 3.





Figure 2.4 AC Geomaps Plan illustrating the Coastal Transition Zone and Coastal Inundation 1% AEP plus 1 m, and 2m SLR

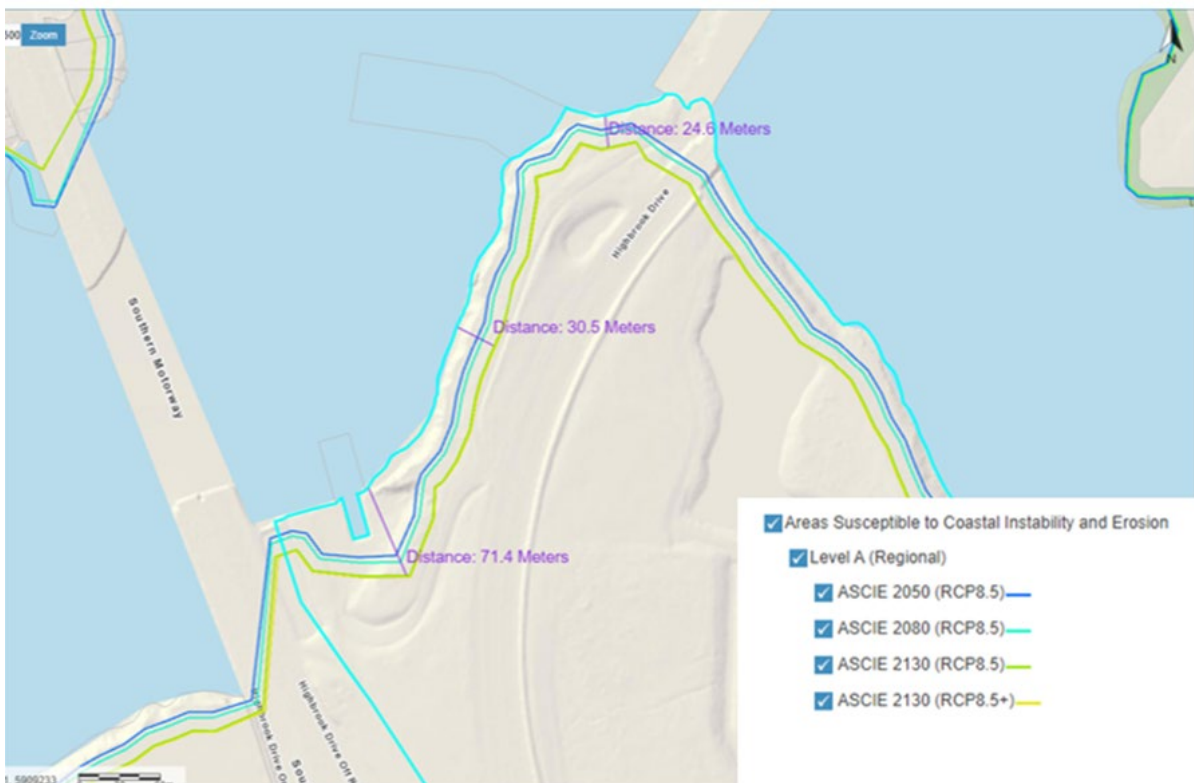


Figure 2.5 8 Sparky Road susceptibility to coastal erosion future predictions (AC Geomaps)

According to Geological Map of the Auckland Area, 1:250 000 geological Map 3 by Institute of Geological and Nuclear Sciences, the southwestern, and central section of the site is underlain by pumiceous deposits of the Puketoka Formation (PUP), described as light grey to orange-brown, pumiceous mud, sand, and gravel, with muddy peat and lignite characteristic of the Tauranga group. The northeastern extent of the site is indicated to be underlain by lithic tuff of the Auckland Volcanic Field (QVa), being thin graded beds of grey, mud- to sand-sized fragments of comminuted, country rock (mainly Ash, lapilli, and lithic tuff) together with basalt, scoria, and basanite fragments characteristic of the KeriKeri volcanic group (Figure 2.6).

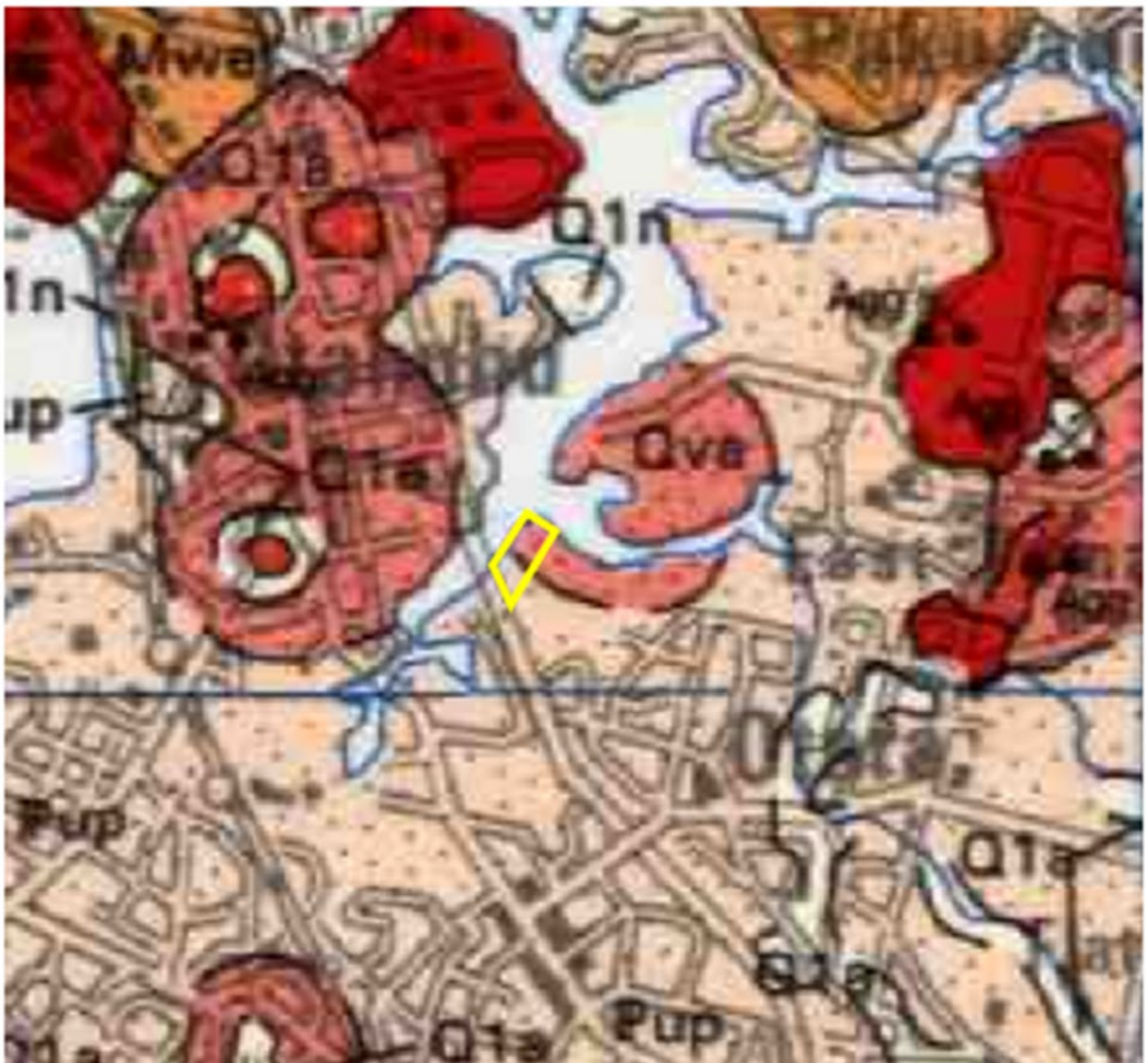


Figure 2.6 Local geology in the property of interest 8 Sparky Road, Ōtāhuhu, Auckland (GNS, 2022).

### 3 Historic Shoreline Change

A historical shoreline analysis was attempted on a suite of historical aerial imagery available from Retrolens and Google Earth extending back to 1940 (Appendix A). Georectifying the images was only possible as far back as 1949 due to the resolution quality preceding this time frame. 23 Images were georeferenced to a base map in QGIS using a minimum of four ground control points (GCP's) to minimize spatial error due to image obliqueness and/or horizontal offsets sometimes observed in Google Earth images.



Figure 3.1 The 1940 Retrolens image (left) and 2023 Google Earth image (right) showing vast human development. Note the difference in mangrove growth.

Figure 3.1 shows the transition from a largely agricultural land dominant area to over 60% converted to residential and commercial areas from 1940 to 2023 (Figure 3.1). Notable changes seen in Appendix A include the Southern Motorway, built across Curlew Bay to the west in 1958, and between 1967 and 1969 two large storage tanks were built on the NE of the site (likely in association with the old power station). A stop bank was built at the end of Curlew Bay, and reclaimed/filled between stop bank and shoreline. By 1979, the southwestern section has really filled in and a dock was constructed on the reclaimed land. In 2006, the construction of Highbrook Drive is well under way as is the widening of State Highway 1. By 2012, the mangroves start to establish as more sediment gets deposited. It is apparent that this is a low energy environment that has been subject to significant sedimentation and mangrove development (Figure 3.1). Thus, the properties are under little threat from coastal erosion via wave action.



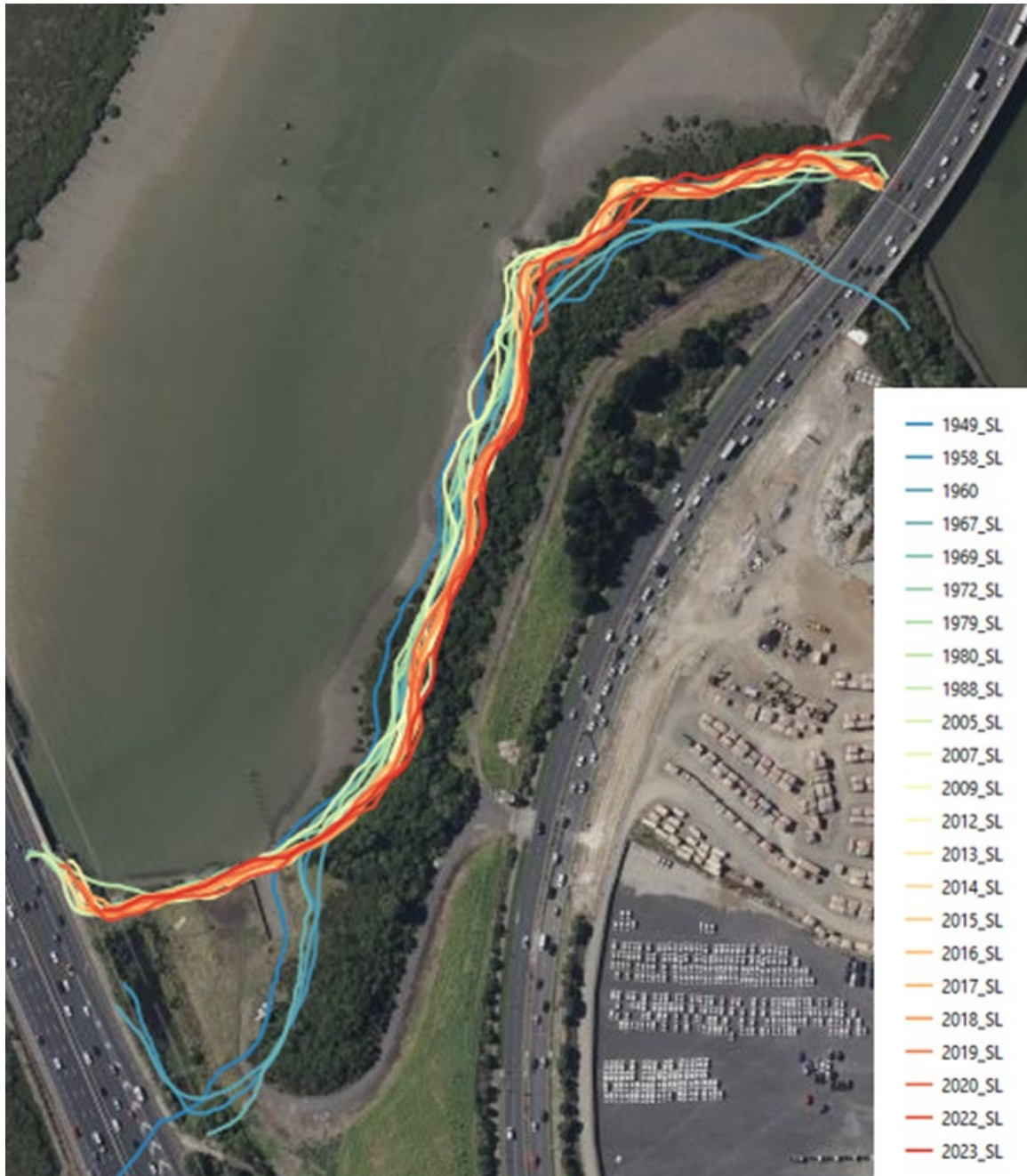


Figure 3.2 Shoreline movement from 1949 (blue line) to 2023 (red line)

Significant shoreline changes have occurred at 8 Sparky Road with georectified images traced between 1949 (blue line) through green/yellow/orange to 2023 marked in red (Figure 3.2). The most significant changes occurred on the NW and SW sections of the property. Between 1967 and 1972 significant accretion of the SW occurred through a mixture of natural and human influences resulting in a reclaimed land section pushing the shoreline out by up to 90m. On the NW corner increased sedimentation and the establishment of a mangrove system has taken place since 1988, with the shoreline accreting seaward.

A more reliable and thus suitable georeferenced data set for measuring shoreline migration is from 1972 to 2023 shown in Figure 3.3 below. The Southwest section has undergone no significant change over the last 50 years, the central region has undergone approximately 8m of shoreline erosion, with an average of 6m accretion in the Northwest section between 1972 and 2023, Figure 3.3. These historical change measurements will be included in our future ASCIE calculation in section 9.

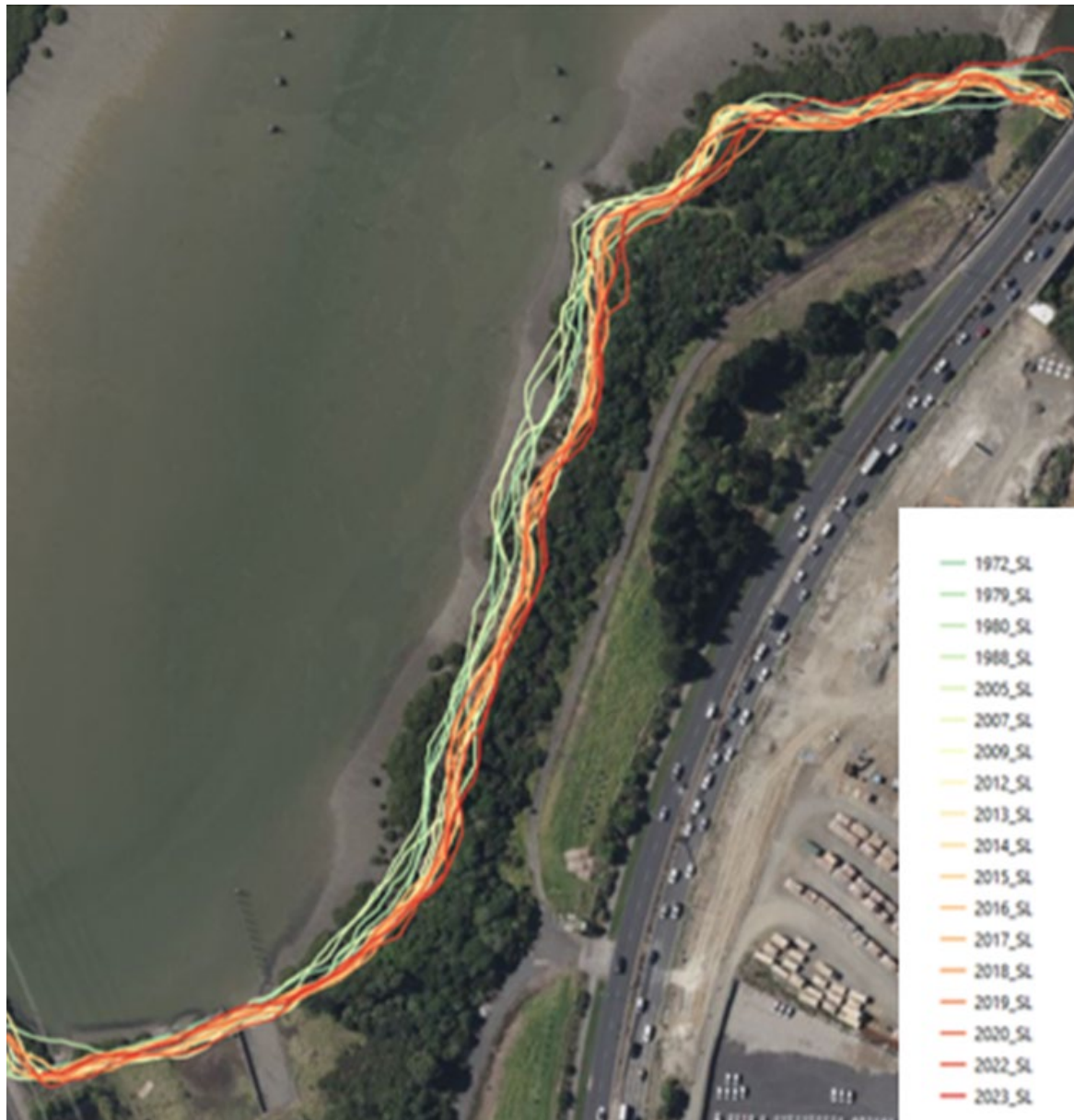


Figure 3.3 Shoreline migration from 1972 to 2023





Figure 3.4 Mangrove outline from 2007 (blue line) to 2023 (red line)

The mangrove system follows a similar trend, with the central section moving shoreward and outer sections seaward only with less significant natural migrations. This is largely due to there being no significant and traceable mangrove thicket established before 2005. This data set comprises only 15 years as opposed to 50+ years of aerial data for shoreline change. Figure 3.4 shows the movement of the mangrove system from 2007 (blue) to 2023 (red). A hint of mangrove can be seen in the Retrolens image 1988 (Figure 3.5); by 2005 (our next available image) the mangroves are well established.



Figure 3.5 The establishment of the mangrove system on the NW point between 1988 (left) and 2005 (right)  
Courtesy of Retrolens and Google Earth, respectively.

In the “Predicting Auckland’s Exposure to Coastal Instability and Erosion” (TR2020/021) (Roberts *et al.*, 2020) report for Auckland Council, Table 5.3 (here Table 3-1) presents the summary of adopted long-term erosion values for lithologies within the Auckland Region. As discussed in Section 2, the local geology is split in to two sections, the Northwest comprising volcanic – thin graded beds of grey, mud to sand-sized fragments of comminuted, country rock together with basalt and basanite fragments characteristic of the Auckland Volcanic Field (AVF group). The southwest and centre of the site is underlain by pumiceous deposits characteristic of the Puketoka Formation. As observed in Table 3-1, maximum retreat for the Puketoka Formation is 15 m/100 yrs or 0.15 m/yr and the AVF is 10m/100yrs, or 0.1m/yr. Therefore, a maximum rate of 0.1 m/yr and 0.15 m/yr has been adopted for the central and NW, and SW sections, respectively, for future ASCIE calculations (Section 9).

Table 3-1 Summary of adopted LT values (excluding uncertainty) per lithology of the Auckland Region (Roberts *et al.*, 2020)

| Lithology            | LT (m/century) excluding uncertainty |
|----------------------|--------------------------------------|
| Puketoka Formation   | 2 to 15                              |
| Awhitu Group         | 3                                    |
| AVF/CVZ              | 2 to 10                              |
| Waitakere Group      | 1 to 2                               |
| ECBF                 | 1 to 15 (typically 3-6)              |
| Pākiri Formation     | 1 to 10                              |
| Northland Allochthon | 4 to 10                              |
| Waipapa Group        | 3 to 5                               |

## 4 Tides

Stephens and Wadhwa (2012) used the NIWA EEZ tidal model to calculate tidal harmonic constituents at sites offshore from the open coast of the Auckland Region. The principal M2, S2 and N2 constituents were used to define high- and low-tide “nautical” spring and neap levels, along with Perigean spring and Apogean neap levels. From the constituents, a 100-year timeseries of tides was predicted, from which HAT was calculated plus the highest 25% of high-tide exceedance levels, in 1% increments, e.g., MHWS-1 (%) through to MHWS-25 (25%). Likewise, LAT and the lowest 25% of low-tide exceedance levels were predicted, in 1%-exceedance increments (Stephens & Wadhwa, 2012).

The EEZ tidal model predicts the astronomical tidal component of water level variation, relative to the mean level of the sea (effectively a MSL = 0). To predict the absolute level of MHWS relative to a known vertical datum, the mean sea level offset must be added to the predicted tide. The mean sea level offset was calculated from the Port of Auckland tide gauge record relative to AVD-46 (+0.15 m, Table 4-1); the AVD-46 datum being originally established from historical sea level measurements at this location, and the Port of Auckland being located close to the entrance of Waitemata Harbour and Auckland’s open east coast. Spatial changes in the mean level of the sea are gradual along the open coast, therefore the 0.15 m mean sea level offset will be a close approximation for locations on the east coast of the Auckland Region (Stephens & Wadhwa, 2012).

Table 4-1 Sea-level gauges with known offsets to local vertical datum. Shown in italics is a MSL derived from Hannah and Bell (2012)\* for a longer half nodal-tide period (10 years) which confirms the Auckland value. The local gauge-zero level for Pouto Point was obtained from Northland Regional Council (Dale Hansen, pers. com.) and the Anawhata gauge-zero survey was undertaken by NIWA (Pete Pattinson and Ron Ovenden, pers. com.) (cited in Stephens & Wadhwa, 2012).

| Sea-level gauge location | Local vertical datum | Chart datum (or gauge zero) | Mean sea level           | Averaging period |
|--------------------------|----------------------|-----------------------------|--------------------------|------------------|
| Auckland                 | AVD-46               | -1.743 (AVD-46)             | +0.15 m (AVD-46)         | 2006–2011        |
|                          |                      |                             | <i>+0.15 m* (AVD-46)</i> | <i>1999–2008</i> |
| Marsden Point            | OTP-64               | -1.676 (OTP-64)             | -0.09 m (OTP-64)         | 2001–2011        |
| Onehunga                 | AVD-46               | -2.201 (AVD-46)             | +0.22 m (AVD-46)         | 2001–2009        |
| Anawhata                 | AVD-46               | -2.298 (OTP-64)             | -0.20 m (OTP-64)         | 1999–2011        |
| Pouto Point              | OTP-64               | -1.687 (OTP-64)             | +0.16 m (OTP-64)         | 2001–2011        |

Stephens and Wadhwa (2012) noted that there are a number of estuaries on the east coast of the Auckland region for which there are no measured or modelled sea-level data. For these locations, the authors used a similar approach to that taken for the Waitemata, Manukau and Kaipara Harbours. The authors generated tide levels close to the entrance of these estuaries

using the EEZ tide model and applied an amplification factor that increased with distance from the entrance of each estuary. The applied tidal amplification rate was equivalent to the amplification between the Port of Auckland and Salthouse Jetty gauges in the Waitemata Harbour. They also calculated tidal harmonic constituents (and tidal amplification rates) using existing sea-level records at Pakuranga Bridge (Tamaki Estuary, Bell *et al.* (1996)) and Dawsons Landing (Mahurangi Estuary, Oldman and Black (1997)). The Tamaki estuary had a similar tidal amplification rate to the Waitemata Harbour, whereas the Mahurangi Harbour rate was approximately double.

Linear interpolation was used to interpolate tide levels to all vertices along the guiding coastline using the known levels for points that were nearest to tide output locations (Figure 4.1). Near the site of interest, the interior area of the Tamaki estuary MHWSC (LINZ cadastral MHS definition<sup>1</sup>) tidal elevation interpolated estimated between 1.71-1.75 m RL (AVD-46). Therefore, for the purpose of this assessment, a MHWSC of 1.73 m RL (AVD-46) is adopted as the MHS for the property of interest.

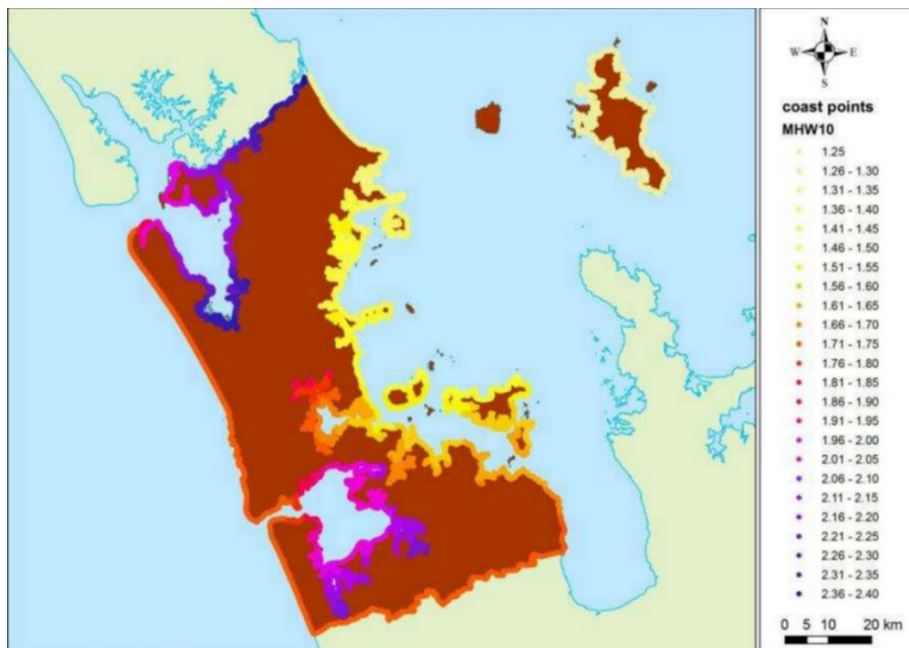


Figure 4.1 MHW-10 tide elevations interpolated onto vertices along the guiding coastline (Stephens & Wadhwa, 2012).

<sup>1</sup> LINZ mean high water springs levels for Cadastral and Engineering purposes – *MHWS-C* = the averages of the levels of all monthly higher “spring” tides predicted to occur under average meteorological conditions during the next 18.6-year tidal epoch (Stephens & Wadhwa, 2012).



## 5 Storm Tide

Storm tide is a combination of the components that represent a major portion of extreme water levels. Storm-tide is defined as the sea-level peak reached during a storm event, from a combination of monthly mean sea-level anomaly + tide level (usually MHWS) + storm surge. Storms lead to storm surges, a short-term water level rise at the coastline. Storm surge combines low barometric pressure (1 hPa fall in pressure results in a 1 cm rise in water level) and onshore wind.

As shown in Figure 5.1, the total water level at any time is a combination of several factors. The primary component is of course the astronomical tide level. To this can be added any 'storm surge' which may be affecting the site, as well as wave setup and wave runup. The storm surge component in this context is assumed to contain both the effect of wind (wind setup), as well as the inverse barometer effect (pressure setup).

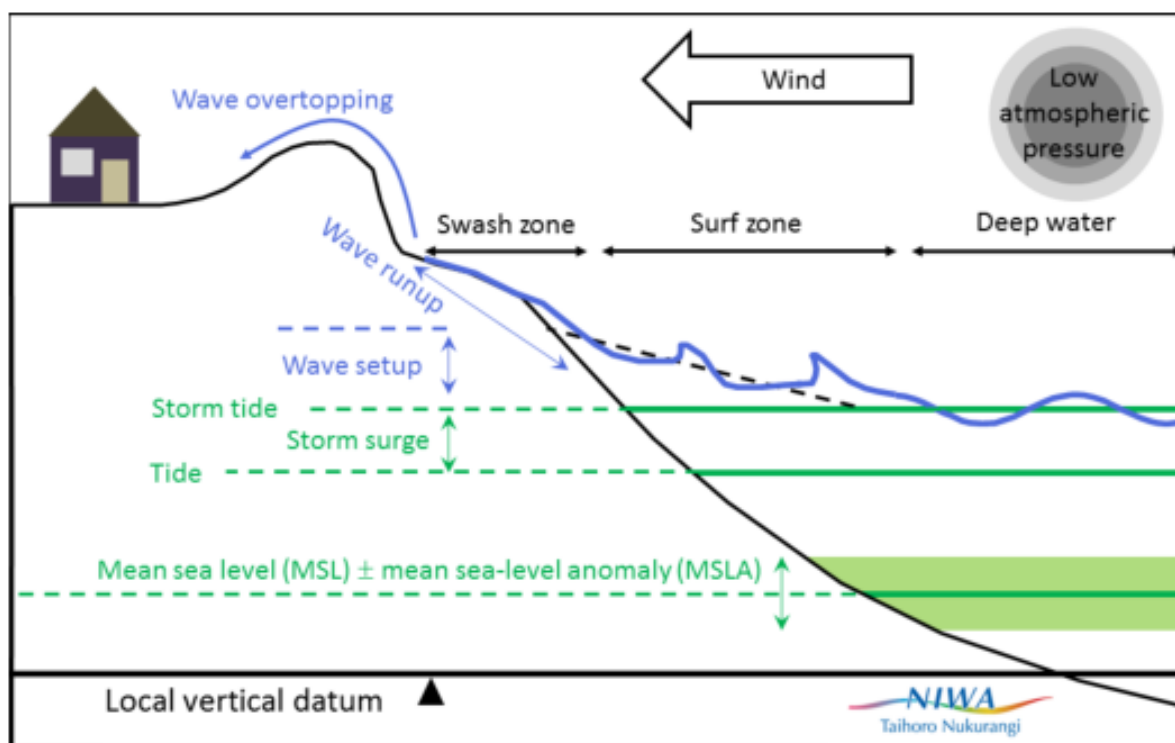


Figure 5.1 Components of the total water level.

In March 2015, NIWA revised the coastal-storm inundation elevations for small east-coast estuaries in the Auckland region (Stephens, 2015). As part of this project coastal-storm inundation zones for these areas were re-mapped based on the revised elevations. The revised maps have been supplied to Auckland Council in GIS format. This section reproduces



relevant content of NIWA's letter of revision dated 6 March 2015 (Stephens 2015). The letter addressed coastal-storm inundation resulting from storm-tide, and from storm-tide plus wave setup, as calculated by Stephens *et al.* (2013) for the small estuaries along the east coast of the Auckland region. When making these calculations, an assumption that storm-tide plus wave setup elevations at the estuary entrances would propagate throughout the estuary. This is a conservative assumption, since the wave setup component that is generated on the open coast is unlikely to propagate far inside the entrance of an estuary (Santoso *et al.* 1999; Tanaka *et al.* 2008).

NIWA has now revised the coastal-storm inundation elevations for small east-coast estuaries. This was done by first identifying the additional wave set up component relative to storm-tide alone computed by Stephens *et al.* (2013) at the entrance to several of the small east-coast estuaries. This inferred wave setup, which had been included in coastal-storm inundation elevations within each estuary (Stephens *et al.* 2013), was removed.

The calculations in the tables represent coastal-storm inundation events with a one percent annual exceedance probability (1% AEP), or equivalently, a one-hundred-year average recurrence interval (100-year ARI). The tabulated elevations include +0.15 m present-day mean sea level relative to AVD46.

NIWA recommended that the revised elevations, described in Table 3-2 here Appendix B as 1% AEP maximum storm tide plus wave setup elevations, with inferred wave setup component subtracted, be adopted within the Proposed Auckland Unitary Plan (Stephens 2015). The 1 in 100-year return period storm tide at the project site was found to be 2.36 m (relative to AVD-46, including a +0.15 m offset for baseline mean sea level (present-day estimate). (Stephens *et al.*, 2016). The highest storm tide prediction for the Tamaki estuary was assumed due to the very western position deeper into the estuary with greater propagation.

## 6 Sea Level Rise (SLR)

Sea level rise is an ongoing and documented process that is affecting the coastlines worldwide. While there is great uncertainty in the future rate of sea level rise, the New Zealand government acknowledges that sea level rise is occurring and requires that sea level rise be considered in the design and planning of structures and developments in the coastal zone.

The new sea-level rise projections at the national and regional level have been downscaled from global projections produced for the 2021 IPCC AR6 Working Group I report (Fox-Kemper *et al.*, 2021), using the same simulation process as AR6 (Naish *et al.*, submitted) (MfE, 2022). The updated sea-level rise projections for Aotearoa, averaged nationally (and excluding VLM), remain close to the national scenarios in the 2017 coastal hazards guidance until around 2070. By the end of the century, they show an increase of 3 to 14 cm (Figure 6.1).

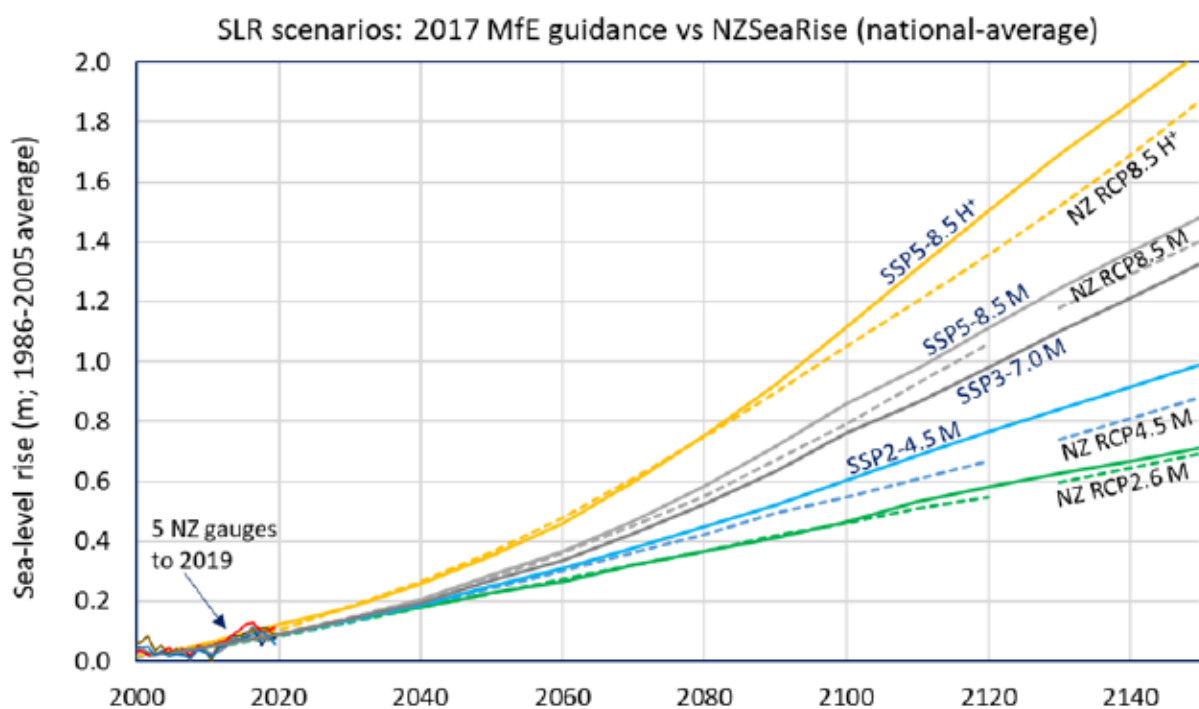


Figure 6.1 Comparison of the new nationally averaged NZSeaRise projections (excluding VLM) (solid lines) with the matching equivalent suite of four sea-level rise (SLR) projections in the 2017 coastal hazards guidance (dashed lines), all to a common zero baseline period used previously (1986–2005). (Source: MfE, 2017; NZSeaRise/Takiwā platform (averaging six locations north to south) and tide-gauge data from the Ministry for the Environment and StatsNZ (<https://www.stats.govt.nz/indicators/coastal-sea-level-rise>) (cited in MfE, 2022).

Through the recent analysis of satellite radar and GNSS/GPS data (Hamling *et al.*, 2022), high-spatial resolution estimates of VLM rates (in mm/yr) for 2003–11 are now available via

NZSeaRise on the Takiwā platform<sup>2</sup> at 2 km spacings along the entire coast of Aotearoa New Zealand. These averaged local VLM rates, extrapolated into the future, have been assimilated into a second set of RSLR projections that include the effect of landmass uplift or subsidence (or neutral if no significant VLM) (MfE, 2022).

If coastal land in areas of Aotearoa New Zealand continues to subside, this will exacerbate the height of sea-level rise relative to the sinking land, even if the rise in ocean elevation is unchanged (Figure 6.2). The converse occurs with land that is uplifting locally or regionally, which will cause a slower rise in the height of sea-level relative to the rising land (MfE, 2022).



Figure 6.2 Difference in mean sea level (MSL) shoreline between absolute and local (relative) sea-level rise where land subsidence occurs. The landward shift in the mean sea level (MSL) shoreline (2 to 3) as the land mass continues to subside, even though the rising ocean level is largely unaffected by the local subsidence. (Source: A Wadhwa, NIWA and figure 16, Ministry for the Environment, 2017; cited in MfE, 2022).

Scenario-based climate projections (including sea-level rise) for the IPCC AR5 assessment (2013) were based on four representative climate futures, known as representative concentration pathways (RCPs). These futures were represented by a radiative forcing of warming that could be reached in 2100, ranging from 2.6, 4.5, 6.0 to 8.5 Watts/m<sup>2</sup> of additional climate forcing<sup>3</sup> since the pre-industrial era (MfE, 2022).

IPCC's AR6 shifted to a new integrated set of future representative scenarios, based on Shared Socio-economic Pathways (SSPs), comprising socio-economic assumptions and changes that influence future emissions trajectories. These scenarios, which complement the

<sup>2</sup> <https://www.searise.nz/maps-2>

<sup>3</sup> Radiative or climate forcing is the increase in the difference between incoming (downward) and outgoing (upward) energy (in Watts per square metre) for the Earth's atmosphere, due to a change in an external driver of climate change, such as a change in the concentration of carbon dioxide, volcanic aerosols or albedo (land surface reflectance).

RCPs, span a wide range of plausible societal and climatic futures from a 1.5°C best-estimate warming to over 4°C warming by 2100 (Chen *et al.*, 2021).

The new SSPs offer five different narratives describing what the world could become<sup>4</sup>. Compared to previous scenarios, these offer a broader view than the “business as usual” socio-economic settings. The SSPs also show that it would be easier to both mitigate and adapt to climate change in some socio-economic futures (e.g., SSP1 or SSP2) than in others. In contrast, in a SSP5 future, it would be harder to both achieve mitigation and implement effective adaptation (MfE, 2022).

The change to SSP scenarios recognises that varying pathways could be used to reach global radiative forcing levels (as defined by the RCPs), such as different trajectories of CO<sub>2</sub> and non-CO<sub>2</sub> greenhouse-gas emissions, aerosols, population trends, income inequality, energy use and land use from different socio-economic stances and responses (Lee *et al.*, 2021). A core suite of five combinations of SSPs and RCPs were adopted by IPCC for AR6 and climate researchers, to develop global sea-level rise projections (Fox-Kemper *et al.*, 2021). These five SSPs are named: SSP1-1.9, SSP1-2.6, SSP2-4.5, SSP3-7.0 and SSP5-8.5, with the latter numbers relating to the RCPs.

A further change from the IPCC AR5 SLR projections is that AR6 includes two sets of projections labelled “medium confidence” (out to 2150) and “low confidence” (out to 2300; Fox-Kemper *et al.*, 2021). For the bulk of AR6’s SLR projections, only processes in which there is at least “medium confidence” (with some processes at “high confidence”) are incorporated (including polar ice sheet responses), with projections only extended to 2150 (previously 2100). A further, more limited set of “low confidence” projections out to 2300 uses a probabilistic ensemble based on a single Antarctic ice-sheet model. This model incorporates an additional process known with “low confidence” (i.e., marine ice cliff instability; DeConto *et al.*, 2021) and the results of a structured expert judgement (Bamber *et al.*, 2019), instead of a model ensemble (Seroussi *et al.*, 2020).

When considering the appropriate value to apply for SLR at a site, the longevity and function of the development needs to be considered. In this case, the proposed subdivision on the site is Category B (Table 6-1) (Table 12 - MfE, 2017): Changes in land use and redevelopment (intensification). The SLR scenario to apply “if a more immediate decision is needed: avoid new and increased hazard risk by using “medium confidence” sea-level rise out to 2130 and the SSP5-8.5 H+ (83rd percentile SSP5-8.5 or p83) scenario that includes the relevant VLM for the local/regional area; typically 1.7 m rise in regional MSL before including VLM).”

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<sup>4</sup> More details on SSPs can be viewed in the SENSES Toolkit hosted by Potsdam Institute for Climate Impact Research: <https://climatescenarios.org/primer/socioeconomic-development/>.

Table 6-1 Minimum transitional New Zealand-wide RSLR allowances and scenarios for use in planning instruments where a single value is required at local/district scale while in transition towards adaptive pathways planning using the New Zealand-wide SLR scenarios (reproduced from MfE 2020. Note: Recommended updates (last column) to the minimum transitional procedures or RSLR allowances, are for use in planning instruments while in transition towards a DAPP strategy. VLM = vertical land movement; p83= 83rd percentile (top of shaded likely range) (MfE, 2022).

| Category | Description   | Transitional allowances in the 2017 coastal hazards guidance (s. 5.7.3) or table 2 of the Summary (Ministry for the Environment, 2017a) | Transitional allowances to use now, until the refresh of the coastal guidance  |
|----------|---|---|--|
| A        | Coastal subdivision, greenfield developments, and major new infrastructure  | Avoid hazard risk by using sea-level rise over more than 100 years and the H+ scenario  | Avoid new hazard risk by using “medium confidence” sea-level rise out to 2130 for the SSP5-8.5 H+ (83rd percentile SSP5-8.5 or p83) scenario that includes the relevant VLM for the local/regional area; typically 1.7 m rise in regional MSL before including VLM). Also, check the lifetime and utility of new developments using the median RSLR projections for the “low confidence” SSP scenarios out to 2150 and beyond.   |
| B        | Changes in land use and redevelopment (intensification)   | Adapt to hazards by conducting a risk assessment using the range of scenarios and the pathways approach                                 | Adapt to hazards by conducting a risk assessment using the range of updated “medium confidence” RSLR scenarios (including VLM) out to 2130 with the dynamic adaptive pathways planning approach; or if a more immediate decision is needed: avoid new and increased hazard risk by using “medium confidence” sea-level rise out to 2130 and the SSP5-8.5 H+ (83rd percentile SSP5-8.5 or p83) scenario that includes the relevant VLM for the local/regional area; typically 1.7 m rise in regional MSL before including VLM). |
| C        | Land-use planning controls for existing coastal development and assets planning. Use of single values at local/district scale transitional until dynamic adaptive pathways planning is undertaken | 1.0 m sea-level rise  | Use the SSP5-8.5 M scenario out to 2130, which includes the relevant VLM for the local/regional area; typically 1.2 m rise in regional MSL before including VLM).  |



|          |  |                       |  |
|----------|--|-----------------------|--|
| <b>D</b> | Non-habitable, short-lived assets with a functional need to be at the coast, and either low-consequences or readily adaptable (including services) | 0.65 m sea-level rise | Use the SSP5-8.5 M scenario out to 2090 that includes the relevant VLM for the local/regional area typically 0.7 m rise in regional MSL before including VLM). |
|----------|--|-----------------------|--|

MfE (2022) recommends that at the local scale, using Relative SLR scenarios that include local VLM rates. The property of interest is located near site location 1268. This location has a VLM rate of -2.22 mm/yr (Figure 6.3), which is adopted as the VLM rate for the property of interest.

MfE (2022) states that where the local subsidence is more accurately known or is being monitored, the SSP scenarios in Takiwā without VLM shall be used with the addition of the additional contribution from the estimated VLM rate (negative value); calculated as follows:

$$-1.0 \times \text{VLM rate (mm.yr)} \times (\text{future year} - 2005) / 1000 \quad (\text{m})$$

Where the future year is to 2130 as stipulated, in Table 6-2.

For the proposed development, this gives an additional VLM contribution of -0.277 m or -0.28.

As presented in Table 6-2, the SSP5-8.5 (medium confidence) SLR (p83) projection to the 2130 planning horizon is 1.69 m.

Therefore, the combined SLR projection for the proposed development at the site is 1.98m (p83).

Table 6-2 SLR Projections to 2130 (<https://searise.takiwa.co/map/6233f47872b8190018373db9/embed>).

| Location | Scenario                           | Year | p17  | p50  | p83  |
|----------|------------------------------------|------|------|------|------|
| 1268     | SSP5-8.5 (medium confidence)       | 2130 | 0.9  | 1.22 | 1.69 |
| 1268     | SSP5-8.5 + VLM (medium confidence) | 2130 | 1.27 | 1.50 | 1.98 |

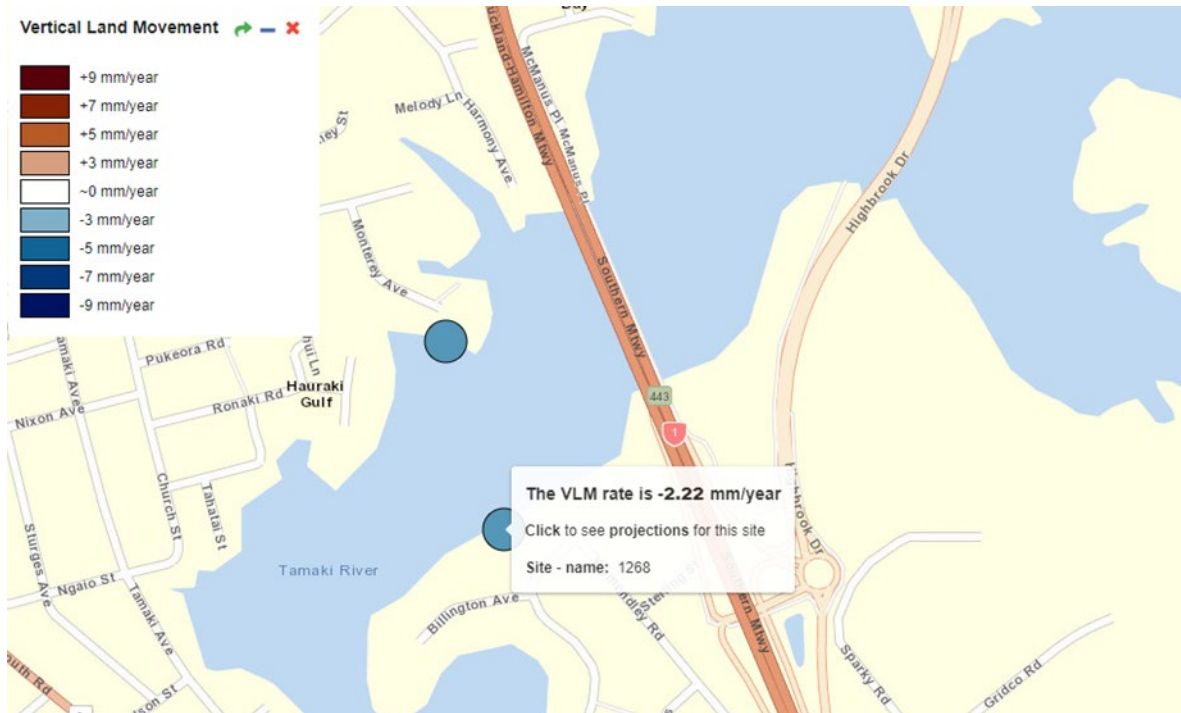


Figure 6.3 Vertical Land Movement rate at site 1268 near the property of interest (<https://searise.takiwa.co/map/6233f47872b8190018373db9/embed>).

## 7 Coastal Inundation

NIWA (2013) initially included wave set-up in its storm surge estimates for the Auckland Region. These, however, were updated in Stephens *et al.* (NIWA) (2016), and inner harbour sites had the wave set-up component removed, since wave periods are too low for locally generated wind-waves to initiate set-up. As a result, the 1 in 100-year return period storm tide at the project site of 2.36 m (relative to AVD-46 including a 0.15 m offset for baseline mean sea level (Stephens *et al.*, 2016)) presented in Section 5 also applies when wave set-up is considered.

The SSP5-8.5 (medium confidence) SLR + VLM (p83) projection to the 2130 planning horizon is 1.98 m. When we combine the SLR + VLM prediction to our 1 in 100/yr storm tide prediction of 2.36 we can assume an inundation potential of 4.34 m. Therefore, coastal inundation during a 1 in 100 year storm tide event in the year 2130 will inundate the carpark/recreation area on the southwest of the property and the northern tip of the property.

## 8 Future ASCIE Methodology

The AC has indicated that the applicant must provide an assessment of the coastal erosion hazard at the site (that is, the area susceptible to coastal erosion in the next 100 years with sea level rise).

Roberts *et al.* (2020) carried out an investigation looking into the future cliff retreat rates within the Auckland Region, which follows on from works by Reinen-Hamill *et al.* (2006). The AC support the application of the future Areas Susceptible to Coastal Instability and/or Erosion (ASCIE) presented in the “Predicting Auckland’s Exposure to Coastal Instability and Erosion” report for assessing long-term erosion (Roberts *et al.*, 2020).

Consolidated shorelines, which include soil and rock cliffs, are not able to rebuild following periods of erosion but rather are subject to a one-way process of degradation. Areas susceptible to coastal erosion and coastal land instability along cliff (consolidated) shorelines typically have two components:

- Toe Erosion

A gradual retreat of the cliff toe caused by weathering, marine and bio-erosion processes. This retreat will be affected by global process such as SLR and potentially increased soil moisture. Future cliff toe position based on historical erosion rates with a factor applied to allow for the effect of future SLR.

- Cliff Instability

Episodic instability events are predominately due to a change in loading or material properties of the cliff or yielding along a geological structure. In soft cliffs, instability causes the cliff slope to flatten to a slope under which it is ‘stable’. Soil cliff slope instabilities are influenced by processes that erode and destabilise the cliff toe, including marine processes, weathering and biological erosion or change the stress within the cliff slope. Most of the hard cliffs are stable at very steep angles. Instability events may range from small-scale instabilities (block or rock falls) or discontinuities, to cliff slope instability cause by large-scale and deep-seated mass movement. The latter mode of failure in hard cliffs is rare.

These types of instability events cannot be predicted with certainty. They can only be monitored once signs of movement are observed. To generate a rate from episodic events the time period needs to be long enough to enable the cliffs to undergo a full cycle of regression; toe erosion, over steepening, instability, removal of failed material, toe erosion.

If erosion of the cliff toe is halted through either natural (i.e., establishment of a beach) or artificial (i.e., through rock protection) processes, then the above cliff will continue to adjust until a stable profile is reached. After which time vegetation often becomes established as there is no further removal of material.

The conceptual models for the toe erosion component and cliff instability component are as follows:

$$\text{Cliff Instability} = (h_{cr}/\tan\alpha_r) + (h_{cs}/\tan\alpha_s)$$

$$\text{Cliff Toe Erosion} = LT_H \times T^5$$

Where:

$h_{cr}$  = Height (m) of the rock layer of the cliff

$h_{cs}$  = Height (m) of the soil layer of the cliff

$\alpha_R$  = The slope angle (degrees) of the rock layer

$\alpha_s$  = The slope angle (degrees) of the soil layer

$LT_H$  = Historical long-term retreat (regression rate), (m/year)

$LT_F$  = Factor for the potential increase in future long-term retreat due to SLR effects.

$T$  = Timeframe over which erosion occurs (years).

These can then be combined into the models for consolidated shoreline for the present day ASCIE and future ASCIE. The present day ASCIE is a function of the cliff instability component only as regression of the cliff toe is a long-term process. The future ASCIE is a function of both cliff instability and cliff toe regression, with the latter likely being affected by increased SLR rate effects (Roberts *et al.*, 2020).

The models for consolidated shorelines are expressed as “current ASCIE” and “future ASCIE”, where the ASCIE is established from the cumulative effect of the components (Figure 8.1).

$$\text{Current ASCIE} = (h_{cr}/\tan\alpha_r) + (h_{cs}/\tan\alpha_s)$$

$$\text{Future ASCIE} = (LT_H \times T) + (h_{cr}/\tan\alpha_r) + (h_{cs}/\tan\alpha_s)$$

Note that coastal cliffs may be comprised of more than one geological type with different characteristics. If the cliff slope is comprised of two geotechnical domains, soil and rock, they will have different observed field angles. If a cliff is composed of only one geotechnical domain, only the relevant component (i.e., either rock or soil) should be used in the equations. The

<sup>5</sup> Note, this formula has recently been updated to rectify an error carried through from Roberts *et al.*, 2020)



height and slope for each domain are assessed separately where applicable (Figure 8.1). For those cliffs where the cliff height ( $h_c$ ) and the slope angle ( $\alpha$ ) are subdivided in an upper “soil” ( $h_{c_s}$  and  $\alpha_s$ ) and lower “rock” ( $h_{c_r}$  and  $\alpha_r$ ) section, the composite slope profile is applied (Roberts *et al.*, 2020). In the case of the properties of interest, a single slope profile is used to derive the future ASCIE.

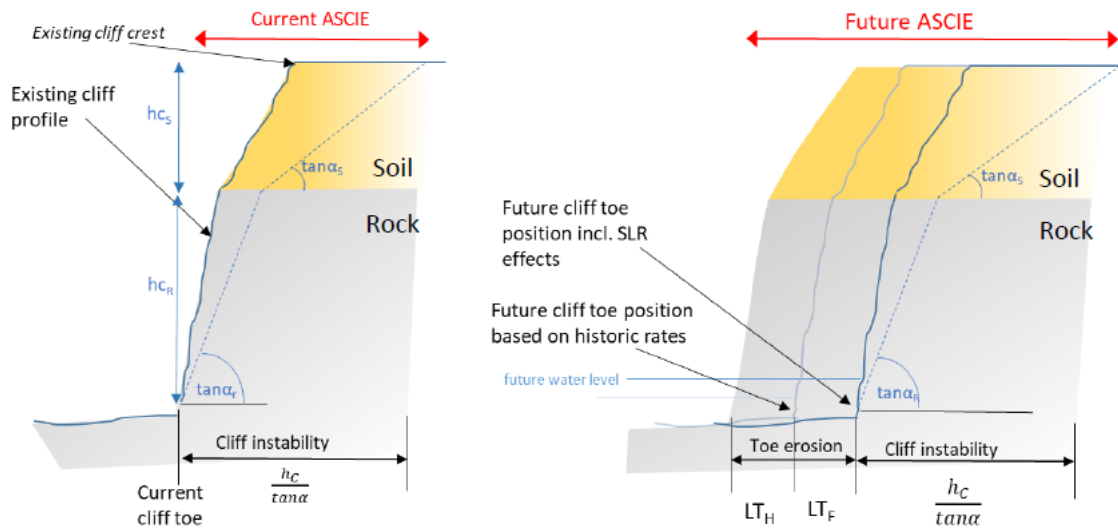


Figure 8.1 Definition sketch for Areas Susceptible to Coastal Instability and/or Erosion on consolidated (cliff) shoreline (Roberts *et al.*, 2020).

## 9 Future ASCIE Calculations

For the slope/cliff in the central section of the proposed development, an historical erosional trend of approximately 8 m over the last 50 years or 0.16 m/yr has been estimated by georeferencing historical images (Figure 3.3). The NW and SW sections have shown an accretion rate of +0.12 m/yr and 0 m, respectively, with a conservative rate of 0 m applied to both. The future ASCIE cliff retreat calculations for 8 Sparky Road are presented in Table 9-1.

Table 9-1 Future ASCIE calculations for 8 Sparky Road, Ōtāhuhu, Auckland

|                                 | Location              | 08 Sparky Road NW | 08 Sparky Road Central | 08 Sparky Road SW |
|---------------------------------|-----------------------|-------------------|------------------------|-------------------|
| Cliff Toe Erosion               | LTh (m/y)             | 0                 | 0.16                   | 0                 |
|                                 | Time (f) RCP8.5H+     | 110               | 110                    | 110               |
|                                 | RCP8.5H+              | 1.98              | 1.98                   | 1.98              |
|                                 | sf                    | 0.018             | 0.018                  | 0.018             |
|                                 | sh                    | 0.0017            | 0.0017                 | 0.0017            |
|                                 | m                     | 0.1               | 0.15                   | 0.15              |
|                                 | Time (y)              | 100               | 100                    | 100               |
|                                 | LTh - P1              | 1.27              | 1.42                   | 1.42              |
|                                 | LTh - P2              | 0.00              | 0.23                   | 0                 |
|                                 | Cliff Toe Erosion (m) | 0.00              | 22.80                  | 0                 |
| Cliff Instability               | Tan $\alpha$          | 0.34              | 1.00                   | 0.81              |
|                                 | Pi                    | 3.14              | 3.14                   | 3.14              |
|                                 | slope degrees         | 18.80             | 45.00                  | 39                |
|                                 | slope radians (a)     | 0.33              | 0.79                   | 0.68              |
|                                 | slope ratio           | 0.19              | 1.00                   | 0.80              |
|                                 | Rise/hc (m)           | 6                 | 6                      | 2                 |
| Current ASCIE (m)               | 17.62                 | 6.00              | 2.47                   |                   |
| Cliff Instability + Toe Erosion | Future ASCIE (m)      | 17.62             | 28.80                  | 2.47              |

A slope (surface soil) of 45°, 18.8°, and 39° was estimated for the Central, Northwest, and Southwest section of 8 Sparky Road, respectively, have been adopted based on slope angles estimated from topographical plans by AC Geomaps with cliff height taken to be 6 m for the central, and NW section and 2 m in the SW section.

The resulting future ASCIE for the property, is 28.8 m, 17.62 m, and 2.47 m for the Central, NW, and SW sections, respectively, from the toe of the slope, for the 100-year planning horizon, presented in Figure 9.1.



Figure 9.1 Future ASCIE contour line (red), Shoreline (yellow), and Mangrove edge (cyan). Google Earth 2023

As stipulated, this future ASCIE value is considered overly conservative, as the calculations do not account for cliff/slope vegetation nor the coastal setting (i.e. this 'cliff' is covered in stabilising vegetation and is fronted by an infilling estuary consisting of an expanding mangrove stand that would prevent any wave exposure).

In summary, the majority of the Highbrook living development concept property plan is likely to remain unaffected by coastal instability and/or erosion over the next 100 planning horizon.

## 10 Conclusions and Recommendations

The Coastal Hazard Assessment of 8 Sparky Road, Ōtāhuhu, Auckland indicates that there is the potential for inundation of the northern tip and southwestern recreational area/carpark at the property during a 1 on 100 year storm surge event by the year 2130 (which is 4.34 m RL).

The maximum future erosion projections to the year 2130 at the property are 28.8 m, 17.62 m, and 2.47 m for the central, NW, and SW sections. While the NW and SW projections do not impact on the property or potential proposed dwellings due to the 20 m wide esplanade reserve, the erosion projection extends some 8.8 m into the property in the central area, and so locations of proposed dwellings should be considered. However, it is noted that these erosion projections are considered very conservative due to the very benign location and the presence of an expanding belt of mangroves along the coastal boundary of the property, which reduces potential erosion.

It is therefore concluded that the Policies as set out in E36 (Natural Hazards and Flooding), E38 (subdivision-urban), and 106 of the RMA (1991) (Subdivision Consents) have been satisfied and that the coastal inundation and erosion hazards at 8 Sparky Road, Ōtāhuhu, will likely have little impact to proposed dwellings over a planning horizon to the year 2130 (as per MfE, 2022).

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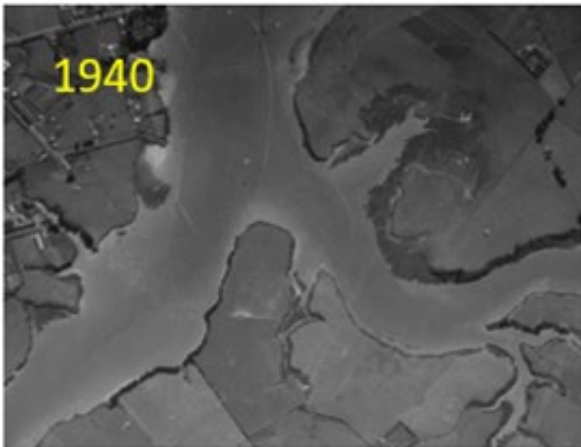
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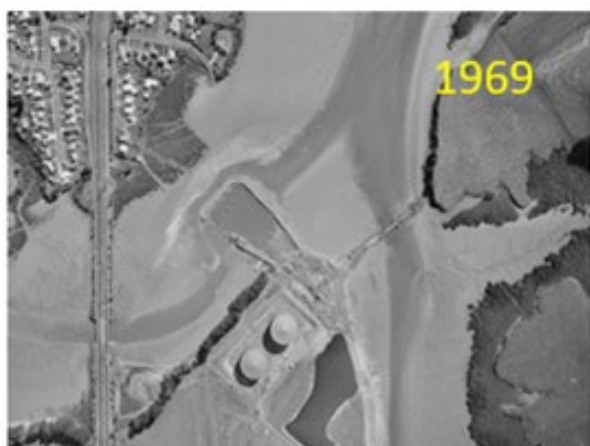


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## **Appendix A. Historic Aerial Imagery – Retrolens and Google Earth**

















## **Appendix B.    Stephens *et al.* (NIWA) (2016) Storm Tide Elevations with a 1% AEP**



**Table 3-2 : Maximum storm-tide plus wave setup elevations with 1% AEP at locations inside small east-coast estuaries (Table 1-4, Stephens et al. 2013), and with an inferred wave setup (from Table 3-1 above) subtracted.**

Elevations include +0.15 m present-day mean sea level relative to AVD-46.

| Estuary                  | Easting (NZTM) | Northing (NZTM) | 1% AEP maximum storm-tide plus wave setup elevations (Table 4-4, Stephens et al. 2013) | 1% AEP maximum storm-tide plus wave setup elevations, with inferred wave setup component subtracted |
|--------------------------|----------------|-----------------|--|---|
| Karepiro Bay             | 1754558        | 5942016         | 2.53   | 2.02  |
| Okura River              | 1752751        | 5939753         | 2.55   | 2.04  |
| Tamaki Estuary           | 1765514        | 5913666         | 2.35   | 2.25  |
| Tamaki Estuary           | 1766408        | 5911555         | 2.42   | 2.32  |
| Pakuranga Creek (Tamaki) | 1769431        | 5912063         | 2.43   | 2.33  |
| Tamaki Estuary           | 1764589        | 5907948         | 2.46   | 2.36  |
| Mangamangaroa Creek      | 1772868        | 5912475         | 2.46   | 2.2   |
| Turanga Creek            | 1775337        | 5910030         | 2.47   | 2.21  |
| Waikopua Creek           | 1777927        | 5912838         | 2.46   | 2.2   |



**ATTACHMENT 3**  
**SPECIALIST REVIEWS**



**Memo: Technical specialist report to contribute towards Council's section 42A hearing report**

19 July 2023

To: Tania Richmond, Consultant Planner, Plans and Places, Auckland Council

From: Derek Foy, Director, Formative Limited

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**Subject: Private Plan Change – PC90 8 Sparky Road, Ōtara – Economic Assessment****1.0 Introduction**

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to economic effects.
- 1.2 I am a Director of Formative, an independent consultancy specialising in social, economic, and urban form issues. Prior to this, I was an Associate Director of Market Economics Limited, a research consultancy for six years, and was employed by Market Economics for 18 years.
- 1.3 I have 23 years consulting and project experience, working for commercial and public sector clients. I specialise in retail analysis, assessment of demand and markets, the form and function of urban economies, the preparation of forecasts, and evaluation of outcomes and effects.
- 1.4 I have applied these specialties in studies throughout New Zealand, across most sectors of the economy, notably assessments of housing, retail, urban form, land demand, commercial and service demand, tourism, and local government. I have been involved in assessments for greenfields developments around Auckland, including in the north-west (Kumeu-Huapai, Redhills and Whenuapai), Warkworth, Silverdale, Waiuku, and Drury.
- 1.5 In writing this memo, I have reviewed the application materials as notified for the Private Plan Change request – PC90 8 Sparky Road, Ōtara (“PC90”, or the “PPCR”), and in particular the following documents:
- “Highbrook Proposed Plan Change Economic Overview”, November 2021, Property Economics Limited (the “PEL report”) (Technical Report 1).
  - “Highbrook Private Plan Change Request to the Auckland Unitary Plan (Operative in Part) Planning Report”, 19 August 2022, Babbage Consultants (the “planning report”).
  - “Highbrook Precinct Private Plan Change Request: Response to further information request under clause 23 of Schedule 1 of the RMA”, 12 December 2022, Babbage Consultants, (the “clause 23 response”).
  - “Proposed Plan Change 90 (Private): 8 Sparky Road, Ōtara Summary Of Decisions Requested”, Auckland Council.
  - “Urban Design Statement for Highbrook Private Plan Change Request”, (undated) ET Urban Design Ltd (Technical Report 7)



## 2.0 Key economics issues

2.1 In my opinion the key economic issues associated with the proposal are:

- Demand for and supply of residential dwellings in Auckland generally, and Highbrook in particular.
- The appropriateness of the PPCR area as a location for residential development, including compared to other alternative residential supply areas.
- The ability of the PPCR area to feasibly accommodate industrial activity.
- The loss of industrial land that would arise from the proposed change of zone from Business – Light Industry Zone (“BLIZ”) to Residential - Terrace Housing and Apartment Buildings Zone (“THABZ”).

## 3.0 Applicant’s assessment

3.1 I accept and adopt the site description provided in the s32 report, including the zoning and description of existing activities.

3.2 I generally accept the methodology applied in the applicant’s economic assessment (the PEL report) in relation to the demand for and supply of industrial land, although note a lack of assessment in the PEL report relating to the demand for and supply of housing.

3.3 I agree with the PEL report’s assessment of:

- The extent of the local catchment for light industrial land, being generally sub-regional in nature, and extending across Manukau and Franklin. I note however that being so close to the isthmus, that area could also be considered to be within the catchment.
- The importance of Auckland South as an industrial “hub” within Auckland region.<sup>1</sup>
- That across Auckland South there is likely to be sufficient industrial land supply to provide for future demand for the next 30 years, albeit noting that most of that supply is in peripheral urban locations, and is not centrally located.
- That only a very small commercial presence would be viable within the PPCR area, and that provision of convenience retail space would help to reduce vehicle trips to access convenience retail goods and services.<sup>2</sup>

3.4 There are some aspect of the PEL report’s assessment with which I disagree, including:

- That the PPCR would not give rise to adverse economic effects by enabling industrial zoned land to be used for residential activities.
- The PPCR area is not suited to industrial activities.
- The PPCR area is an appropriate location in which to accommodate residential activity.

3.5 In the rest of this statement I provide only limited expansion on the matters in the application with which I agree, but describe in the next section why I disagree with some aspects of the economic assessment.

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<sup>1</sup> PEL report, page 10

<sup>2</sup> Clause 23 response, item 6

#### 4.0 Assessment of economic effects and management methods

4.1 In this section I identify the parts of the economic assessment with which I disagree, and explain the reasons for my disagreement and the likely effects on the environment of the PPCR. The key matters discussed below are:

- a. The housing demand assessment
- b. The ability of the PPCR area to accommodate industrial activity
- c. The effects of losing business land
- d. Appropriate activities in the PPCR area.

#### Housing demand assessment

4.2 The PEL report does not provide any assessment of dwelling demand or supply in Auckland. The clause 23 request for further information requested “some assessment of the demand for additional residential supply on the plan change site, in light of Auckland Council’s Plan Change 78 Intensification”. The clause 23 response was that:

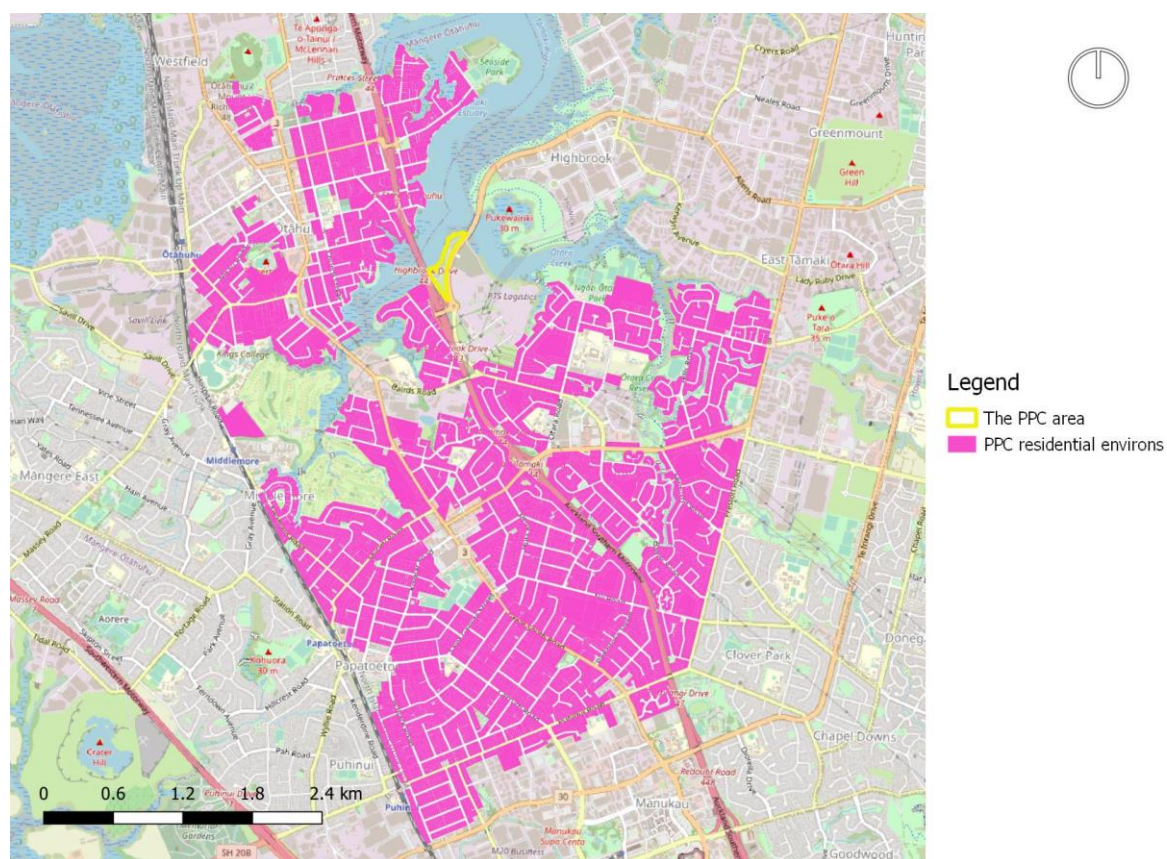
*The RMA does not require a ‘need’ assessment. It is based on effects not need. However, there has been plenty of commentary over recent years in Auckland around the need to provide more homes at price points more affordable to the market. This development would do this in an efficient location.*

4.3 I have not undertaken an assessment of residential dwelling demand, or supply, although note that PC78 will result in a significant increase in plan enabled capacity in Auckland’s existing residential areas, and there are large new greenfields development areas around the Auckland periphery as well. At a regional level, there is likely to be sufficient residential dwelling capacity over the long term. It is possible that there could be an undersupply of residential land in particular parts of the region, although again the PEL report does not assess that.

4.4 I accept the clause 23 response’s statement that there is a need to provide more homes at price points affordable to the market. However, there is no information provided in the application, including the PEL report, about what price points the PPCR area might accommodate, nor any conditions proposed to promote achievement of particular price points, and so there is no indication that the PPCR would have any positive effects on housing affordability in Auckland.

4.5 I have been provided with data from Auckland Council’s residential capacity modelling that was undertaken for PC78. That data shows a very significant plan enabled capacity in the vicinity of the PPCR area, with theoretical capacity for 106,220 total dwellings in the pink area shown in Figure 4.1. There are currently around 19,600 households living in that area, indicating plan enabled capacity to accommodate an additional 86,600 households in that area.

Figure 4.1: Residential areas used to summarise PC78 capacity



4.6 I note that the amount of development that might actually occur in the area will be far less than that plan enabled capacity, because not all plan enabled capacity will be feasible to develop, or be in the hands of owners who are motivated to and/or financially capable of developing their land. That means that very large proportions of that theoretical capacity are not reasonably expected to be realised. Nevertheless, the application has not provided any assessment that the additional 200 dwellings the PPCR seeks to enable are required to provide additional capacity within the area, especially in the context of the large capacity enabled by PC78.

4.7 This means that there has been no basis established for changing the industrial zone to residential zoning, in terms of a need for the change. That is, the only economics basis presented in the PEL report for establishing that the PPCR is an appropriate change of zone is because:

*With the site likely to remain vacant under the current LIZ provision, more appropriate zoning is required to leverage the site's locational characteristics for more suitable land uses. As an alternative, a zone enabling high-density residential development is considered a more appropriate to fit the locational characteristics of the site.<sup>3</sup>*

4.8 In my opinion that quote sums up the PEL report's position: that the site's characteristics make accommodating industrial activities difficult, and residential activity would "ensure an efficient land use of the site that in all likelihood might otherwise remain unutilised."<sup>4</sup>

<sup>3</sup> PEL report, page 19

<sup>4</sup> PEL report, page 17

4.9 I disagree that the PPCR area could not be used for industrial activities, and that high density residential activity is more appropriate on the Site than industrial activity, as I explain below.

#### **Ability of the PPCR area to accommodate industrial activity**

4.10 A focus of the PEL report is on establishing the unsuitability of the PPCR area for industrial activities, due to factors identified in the PEL report's section 6, including the Site's parcel shape (being "very narrow and isolated"),<sup>5</sup> and the current landform.

4.11 As the PEL report notes, the PPCR area is long and narrow, although I disagree with the PEL report's assessment of it being around "circa 400m long and only 35m wide (for the majority of its length)".<sup>6</sup> To show the site's dimensions I have georeferenced the "Highbrook Living Development Concept Plan" from the Urban Design Statement (Technical Report 7) and overlain a 25m grid (Figure 4.2). That shows two things:

- Most parts of the Site are closer to 50m wide at a minimum, with the northern end extending out well over 80m, and the southern end over 100m wide in places, although from those widths I understand there is a requirement for esplanade reserves of 20m. Even accounting for those reserves the remaining width of the PPCR area is at least 30m wide at the narrowest, and 60m wide in the northern part. The southern end is large enough to accommodate a square of at least 80m sides.
- The Concept Plan anticipates buildings could be accommodated along the entire length of the Site, including apartment blocks at the southern end, and terraced houses and duplexes at the northern end. While I accept that residential buildings have different requirements to industrial buildings, the Concept Plan at least indicates the parts of the Site on which development is anticipated (albeit only indicatively). I have not seen any indication that parts of the Site are unsuitable for building on, and therefore unable to accommodate industrial buildings, and the geotechnical report does not raise this as an issue.<sup>7</sup>

4.12 Further, from GIS measurements, the PPCR area's frontage to Highbrook Drive is over 600m, although I note that the northern and southern ends both taper to narrow points that would preclude most development near the extremes of that frontage. Nevertheless, the frontage is much more than 400m, and I disagree with the PEL report's statement that the PPCR area is circa 400m long.

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<sup>5</sup> PEL report, page 16

<sup>6</sup> PEL report, page 16

<sup>7</sup> Technical Report 3, Geotechnical Assessment Appraisal

Figure 4.2: PPCR area dimensions, and indicative site layout with 25m grid (from Concept Master Plan<sup>8</sup>)



- 4.13 I agree with the PEL report that the PPCR area is too narrow to be able to accommodate large industrial warehouses such as dominate large parts of Highbrook. Many of those buildings are over 60m wide, and some up to 150m wide, with additional area required (in most cases) at the sides for access.
- 4.14 However, those large warehouses are not the only type of industrial buildings that are located in Auckland’s industrial zones, and there are many much smaller buildings, accommodating a wide range of activities, including in the nearby East Tamaki Light and Heavy Industrial zones. I note that industrial activities are not the only type of activities permitted on the Site, and other activities permitted in the Light Industry Zone include industrial laboratories, light manufacturing and servicing, repair and maintenance services, storage and lock-up facilities, waste management facilities, warehousing and storage, wholesalers, emergency services, trade suppliers, service stations, small food and beverage tenancies, and drive-through restaurants..
- 4.15 I provide below (Figure 4.3) several examples of industrial buildings in East Tamaki that are long and relatively narrow, on long and narrow sites, and show also examples of a landscape supplies yard which has only very small buildings on site, and is dominated by the yard area. I note that there are many other examples of similarly dimensioned buildings throughout East Tamaki, and that these are relatively common in industrial zones throughout New Zealand.

<sup>8</sup> Technical Report 7 Urban Design Statement, page 10



Figure 4.3: Examples of narrow industrial buildings and sites



- 4.16 These examples also show, among other things, that contrary to the clause 23 response (item 2) truck access is not necessary for development of sites within Auckland’s industrial zones. The clause 23 response states that

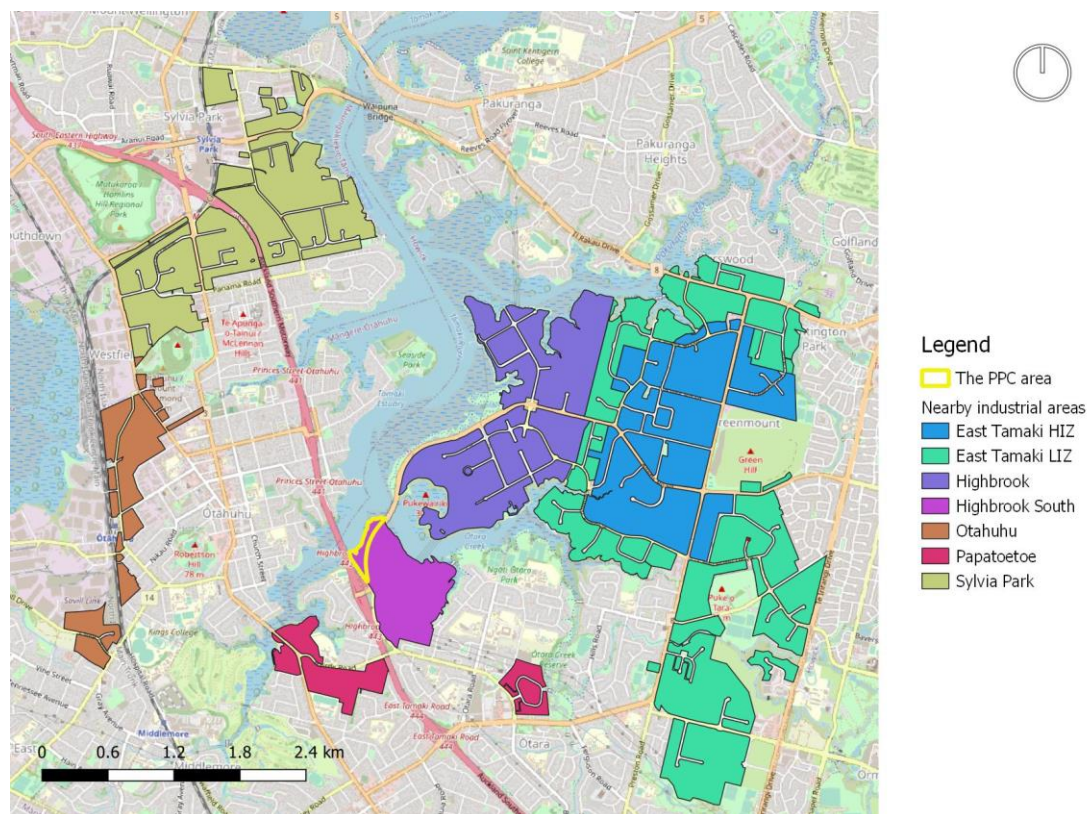
*For industrial development to occur there would need to be an industrial road capable of carrying a high number of truck movements accessed off Highbrook Drive and a turning circle at the end of the internal industrial grade road suitable for trucks.*

- 4.17 I disagree that truck access and industrial road is necessary to enable the development of activity that is permitted on the Site under the operative BLIZ zoning. The application’s reference to “industrial development” should be cognisant of the fact that there are many types of activity that are permitted on the PPCR area under the BLIZ zoning, any those activities are much broader than just those that require truck access.
- 4.18 The examples include both older and newer buildings, smaller and larger tenancies, and various degrees of site coverage. Notwithstanding any constraints on the Site, such as geotechnical or traffic issues including vehicle access, I would expect that any of those examples could be accommodated on the PPCR area under the operative zoning. Further, I would expect that such activity on the PPCR area would be attractive to potential tenants, because all of the examples are nearby (and so comparable as to location), are tenanted, and there are very low or no vacancy rates in East Tāmaki’s industrial tenancies.<sup>9</sup>
- 4.19 For those reasons, in my opinion the dimensions of the PPCR area should not preclude industrial use of the Site.

<sup>9</sup> Submission 11, paragraph 22

4.20 To look at this issue another way, I have analysed the average size of industrial zoned parcels in the industrial zones (shown in Figure 4.4) around the PPCR area.

Figure 4.4: Industrial zoned areas near the PPCR area



4.21 That assessment shows that 21% of industrial parcels (314 out of 1,517 parcels) in the study area are smaller than 2000m<sup>2</sup> (Figure 4.5). To place a 2,000m<sup>2</sup> parcel in context, it could have dimensions of 30x66m, 40x50m, or 50x40m (or some other similar combination), and therefore, in light of my comments above, would be able to be accommodated on the Site.

4.22 I also note that while the average size of industrial zoned parcels in Highbrook is larger than those in much of the rest of the study area, there is no reason that the Site would need to be developed for larger sites like the rest of Highbrook, and could easily be developed for smaller industrial activities such as are common throughout East Tāmaki (which is contiguous with Highbrook, and services the same industrial land market).

4.23 I accept that there may be some constraints to accommodating particular types of industrial activity (e.g. manoeuvrability for large vehicles, etc.) on the PPCR area, however there would be many other activities that would be permitted to establish on the Site under the operative industrial zoning, and that would not suffer from constraints.

4.24 For those reasons, I disagree with the PEL report's conclusion that the PPCR area is not "suitable or practical for light industrial activities".<sup>10</sup>

4.25 I also disagree that the "currently vacant status of the proposed site also indicates that land is not as attractive to industrial activities." It could be that rather than industrial development on the Site not being feasible, it has merely not been pursued. I have not seen any evidence

<sup>10</sup> PEL report, page 19

from the landowner about whether it has investigated industrial development, or sought to attract tenants, but I cannot conclude from the evidence available, including the PEL report, that the PPCR area's vacant land is unattractive to potential industrial activities.

- 4.26 I am aware that often vacant land (residential, commercial or industrial) can remain vacant due to lack of landowner motivation or capacity to pursue development, or for more active reasons such as land banking in an attempt to secure a more favourable development outcome at a later date, and vacancy does not always indicate unattractiveness to permitted activities.

Figure 4.5: Industrial parcel size distribution in nearby industrial zones

|                                | <1000m <sup>2</sup> | 1000-2000m <sup>2</sup> | 2000-3000m <sup>2</sup> | 3000-5000m <sup>2</sup> | 0.5-1.0ha    | 1-2ha        | 2-5ha        | 5ha+         | Total          |
|--------------------------------|---------------------|-------------------------|-------------------------|-------------------------|--------------|--------------|--------------|--------------|----------------|
| <b>Number of properties</b>    |                     |                         |                         |                         |              |              |              |              |                |
| East Tamaki HIZ                | 1                   | 23                      | 77                      | 110                     | 65           | 28           | 15           | 1            | 320            |
| East Tamaki LIZ                | 6                   | 70                      | 122                     | 144                     | 129          | 36           | 15           | 6            | 528            |
| Highbrook                      | 3                   | 3                       | 3                       | 3                       | 18           | 18           | 19           | 4            | 71             |
| Highbrook South                | -                   | -                       | -                       | -                       | 1            | -            | 2            | 2            | 5              |
| Otahuhu                        | 68                  | 50                      | 25                      | 30                      | 19           | 4            | 5            | 1            | 202            |
| Papatoetoe                     | 19                  | 13                      | 15                      | 10                      | 19           | 4            | 3            | 1            | 84             |
| Sylvia Park                    | 17                  | 41                      | 41                      | 69                      | 87           | 34           | 15           | 3            | 307            |
| <b>Total</b>                   | <b>114</b>          | <b>200</b>              | <b>283</b>              | <b>366</b>              | <b>338</b>   | <b>124</b>   | <b>74</b>    | <b>18</b>    | <b>1,517</b>   |
| <b>Share of properties</b>     |                     |                         |                         |                         |              |              |              |              |                |
| East Tamaki HIZ                | 0%                  | 7%                      | 24%                     | 34%                     | 20%          | 9%           | 5%           | 0%           | 100%           |
| East Tamaki LIZ                | 1%                  | 13%                     | 23%                     | 27%                     | 24%          | 7%           | 3%           | 1%           | 100%           |
| Highbrook                      | 4%                  | 4%                      | 4%                      | 4%                      | 25%          | 25%          | 27%          | 6%           | 100%           |
| Highbrook South                | 0%                  | 0%                      | 0%                      | 0%                      | 20%          | 0%           | 40%          | 40%          | 100%           |
| Otahuhu                        | 34%                 | 25%                     | 12%                     | 15%                     | 9%           | 2%           | 2%           | 0%           | 100%           |
| Papatoetoe                     | 23%                 | 15%                     | 18%                     | 12%                     | 23%          | 5%           | 4%           | 1%           | 100%           |
| Sylvia Park                    | 6%                  | 13%                     | 13%                     | 22%                     | 28%          | 11%          | 5%           | 1%           | 100%           |
| <b>Total</b>                   | <b>8%</b>           | <b>13%</b>              | <b>19%</b>              | <b>24%</b>              | <b>22%</b>   | <b>8%</b>    | <b>5%</b>    | <b>1%</b>    | <b>100%</b>    |
| <b>Area of properties (ha)</b> |                     |                         |                         |                         |              |              |              |              |                |
| East Tamaki HIZ                | 0.0                 | 3.1                     | 18.5                    | 44.0                    | 45.6         | 38.9         | 42.4         | 10.4         | 203.0          |
| East Tamaki LIZ                | 0.5                 | 11.3                    | 28.2                    | 55.8                    | 89.4         | 47.3         | 42.6         | 59.8         | 335.0          |
| Highbrook                      | 0.1                 | 0.5                     | 0.9                     | 1.2                     | 13.3         | 24.2         | 63.3         | 81.9         | 185.4          |
| Highbrook South                | -                   | -                       | -                       | -                       | 0.6          | -            | 4.5          | 55.8         | 60.9           |
| Otahuhu                        | 4.7                 | 6.6                     | 6.0                     | 11.6                    | 12.2         | 5.4          | 15.0         | 6.4          | 67.7           |
| Papatoetoe                     | 1.4                 | 2.1                     | 3.5                     | 4.2                     | 13.3         | 4.7          | 9.2          | 13.4         | 51.7           |
| Sylvia Park                    | 1.3                 | 6.5                     | 9.8                     | 27.2                    | 62.5         | 45.1         | 42.6         | 18.4         | 213.4          |
| <b>Total</b>                   | <b>8.0</b>          | <b>30.1</b>             | <b>66.9</b>             | <b>144.0</b>            | <b>236.9</b> | <b>165.6</b> | <b>219.6</b> | <b>246.1</b> | <b>1,117.1</b> |

- 4.27 In response to topic 3 of the clause 23 request, the clause 23 response states that the “use of the site for vertical residential development and higher density dwellings represents increased efficiency (both land use efficiency and market efficiency)” relative to the Site’s potential future with an industrial zoning. I agree that a greater mass of buildings might be feasible to construct in the PPCR area under a residential than an industrial zoning, and that in that sense the former would represent a more efficient use of space.

- 4.28 However, if industrial activity can feasibly be supported on the Site (noting the applicant’s opinions that it cannot), then the ongoing employment supported by that activity would provide enduring economic benefits to the region, thus providing a different type of contribution than that available from residential activity, even though the built form of industrial uses would be

lower density. If a “higher intensity is better” reasoning was applied everywhere, it would be difficult to maintain industrial activity in large parts of the industrial zone, because the (generally cheaper) industrial land would be a target for conversion to higher value and more intense uses. That is, there is a role within Auckland for lower intensity land uses, in order to contribute to an efficient regional economy and labour market.

- 4.29 For that reason, I do not accept the clause 23 request’s suggestion that residential activity represents a superior outcome with regards to economic efficiency (which was the subject of the topic that response related to) than industrial activity.

#### **Loss of industrial land**

- 4.30 The PEL report has assessed the demand for and supply of industrial land in Auckland, with a particular focus on South Auckland, concluding that:

*This assessment would suggest that the current and future market for light industrial activity within the Auckland South catchment is well catered for both in the short and long terms. In relation the proposed site it would further suggest that this small site is not required for the Auckland or Auckland South industrial markets to operate efficiently<sup>11</sup>*

- 4.31 I generally agree with that report’s observations and conclusion that at current rates of demand there is adequate industrial land supply in the South Auckland area identified.
- 4.32 I note that the clause 23 request requested updated industrial land demand and supply assessment, because the PEL report relied on Auckland Council’s now dated “Housing and Business Development Capacity Assessment 2017” (“HBCA”) to assess the sufficiency of industrial land supply. Some additional information was provided in the clause 23 response, and that is generally consistent with a new report by Auckland Council that has just been made available.
- 4.33 The “Future Development Strategy Overall evidence report – for consultation” (“FDS evidence report”) was prepared by Auckland Council, and released in June 2023.
- 4.34 That report does not specifically address industrial land demand, and instead focusses on supply. The PEL report draws on the HBCA to conclude that there will be demand for an additional 1,420ha of industrial land in Auckland by 2048, or around 47ha/year over 30 years (2018-2048). I have not seen any indication that that regional demand has changed much from the 40-50ha per year then assessed.
- 4.35 The FDS evidence report concluded that Auckland has 1,014ha of vacant industrial land, equivalent to 20-25 years of supply (at 40-50ha/year), and 1,729 of vacant potential (35-43 years of supply). At that regional level, the FDS evidence report ,agrees with the PEL report’s finding that there is sufficient industrial land supply in Auckland for the next 30 years.
- 4.36 Both reports also note that large new greenfields industrial areas are likely to be added to regional supply in the future, which will improve further the already sufficient supply, and I agree with that.

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<sup>11</sup> PEL report, page 15

- 4.37 However, the PEL report does not address one matter raised in the FDS evidence report, namely the location of industrial land supply within Auckland. As the FDS evidence report notes in relation to light industrial land:

*Location-wise, work undertaken for the latest HBA indicates that light industrial activities are moving from the central areas to Auckland's outer areas, and there has been consolidation around large areas of Light industrial zoning. There is potential for displacement of some light industrial activity by higher yield uses including housing and mixed-use developments.*<sup>12</sup>

- 4.38 There is a large amount of industrial land zoned around the PPCR area (e.g. 1,117ha in the areas shown in Figure 4.4), and the loss of some 4.38ha of industrial land on the Site from industrial supply in the area would be insignificant in the context of that 1,117ha nearby (less than 0.5%), however it is not insignificant in the context that very little of that 1,117ha is vacant.
- 4.39 Another factor to consider in relation to the potential loss of industrial zoned land on the PPCR area is that there is only 54.4ha of remaining vacant industrial land in the central isthmus,<sup>13</sup> which is mostly in several sites in Penrose (22ha) and Mount Wellington (10ha). There is value in retaining a BLIZ zoning on the PPCR area because as vacant industrial land in more central locations comes to be occupied, and less vacant land remains, location options for industrial activities become more limited, and pushed to the urban periphery. Providing industrial land in those peripheral locations enables supply of industrial land at large-scale, including supply of large sites, but those sites will be a significant distance from central Auckland, and many established urban areas, where a large proportion of the future workforce is likely to reside.
- 4.40 Many industrial activities benefit from being close to a population, because they provide services to households rather than businesses. Activities such as self-storage facilities, mechanics, and appliance repair services have a greater need to be close to a residential market than do large manufacturing facilities and freight handling warehouses, which can be located in more peripheral locations, if still accessible and close to a labour force. The PPCR area would be well-suited to that type of household-focussed industrial business, because of its relatively central location within Auckland.
- 4.41 However, notwithstanding the strategic value of retaining land in a relatively central location, I agree with the PEL report's conclusion that "the PPC site is not required to accommodate the projected industrial land demand to 2048".<sup>14</sup>
- 4.42 I respond more to this issue in response to submissions.

#### **Appropriate activities on the PPCR Site**

- 4.43 In my opinion the PPCR area represents land that is well located for industrial activity, being highly accessible (near the motorway), near existing industrial activities (particularly in Highbrook) and relatively central within Auckland. Also in my opinion, the PPCR area is less

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<sup>12</sup> FDS evidence report, page 77

<sup>13</sup> FDS evidence report, Appendix 6, p131

<sup>14</sup> PEL report, page 19



well suited to residential activity, because, as the PEL report notes “In effect the site is a very narrow and isolated piece of land”.<sup>15</sup>

- 4.44 In identifying the issue of isolation, the PEL report is referring to the suitability of the land for industrial activity, however the same observations should equally be applied to suitability for residential activity, and high density residential activity is even less suited to being located in an isolated pocket than industrial activity. The reasons for this are outlined in the PEL report:

*As defined in AUP H6 Residential-Terrace Housing and Apartment Buildings Zone (THABZ), high-density residential development is predominantly located around metropolitan, town and local centres. These residential zones need to ensure that residents access services, employment, education, retail and entertainment opportunities, and public open space.*<sup>16</sup>

- 4.45 I note that objectives in H6 relate to THABZ development include the following (emphasis added):

- H6.2(1) Land adjacent to centres and near the public transport network is efficiently used to provide high-density urban living that increases housing capacity and choice and access to centres and public transport
- H6.2(4) Non-residential activities provide for the community’s social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.

- 4.46 In my opinion the PPCR is inconsistent with those objectives. The PPCR area is:

- not adjacent to centres or near the public transport network
- envisaged to accommodate only very limited non-residential activities on the Site, due in part to its isolation and small size, and therefore limited ability to support any more than “a few tenancies”<sup>17</sup>
- is not part of a residential neighbourhood, but would exist as an isolated residential area surrounded by industrial zone, the motorway, and the Tāmaki Estuary.

- 4.47 I disagree with the PEL report’s conclusion that the location of the PPCR area in the triangle between Sylvia Park, Manukau and Botany, and near industrial employment opportunities, indicates the area is suitable for THABZ. That triangle is around 3,000ha of land area, a large area within which not all parts are suited to being THABZ, because they are not near public transport nodes or adjacent to centres.

- 4.48 The PPCR area is 5km from Sylvia Park, 7km from Botany, 7km from Manukau (road distance) and being within 7km of multiple Metropolitan centre zones is not uncommon in Auckland, with the vast majority of the urban area within 7km of at least one Metropolitan centre, and large parts of the urban area within 7km of multiple Metropolitan centres (Figure 4.6).

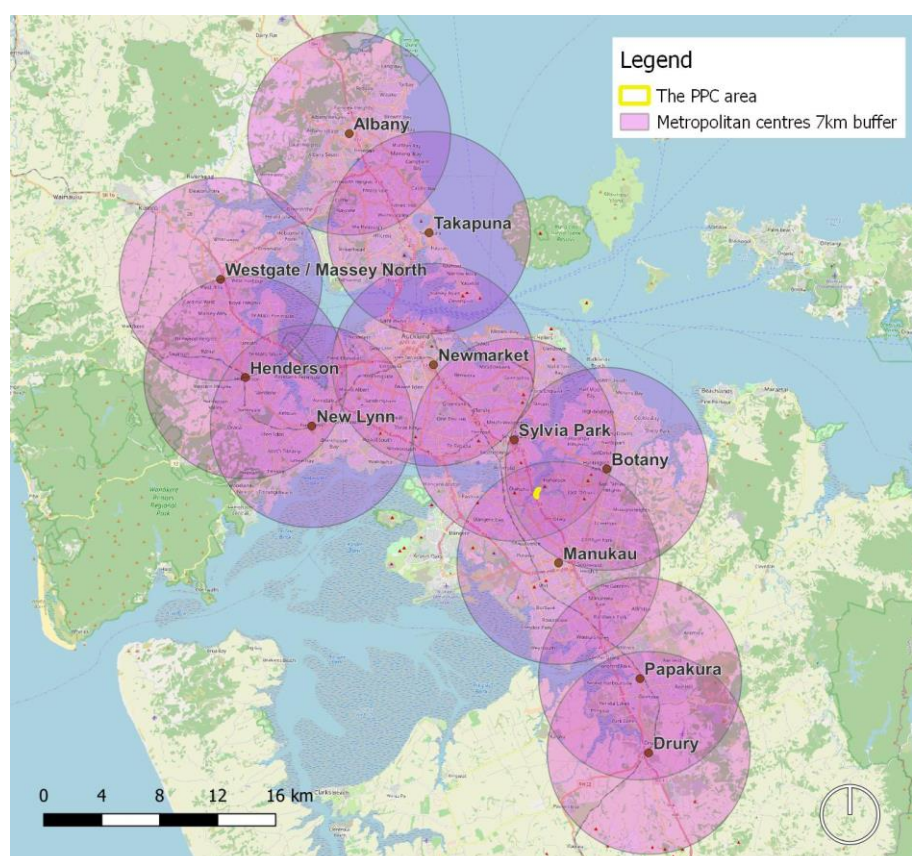
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<sup>15</sup> PEL report, page 16

<sup>16</sup> PEL report, page 16

<sup>17</sup> Clause 23 response, item 6, page 7

Figure 4.6: Auckland proximity to Metropolitan centre zones (7km buffer)



- 4.49 The PPCR area is 5-6km from the Ōtāhuhu and Middlemore train stations, and only one bus route (575) passes the PPCR area,<sup>18</sup> which means the area is not well served by public transport. The nearest town centre and the nearest supermarket (Ōtara) are both 2.5km away, and there is very limited presence of any retail or commercial services activity closer than that.
- 4.50 Those characteristics mean that the PPCR area is not well served by any of the types of amenity that the THABZ should be in close proximity to, and in my opinion means that the PPCR area is not well suited to a THABZ. Future residents of the THABZ will be heavily reliant on private vehicle trips to access all types of retail and services, commercial activities, and employment (with the exception of employment within Highbrook, the nearest businesses in which are still more than 2km away from the PPCR area, although noting the clause 23 response's point that a new 20ha business area is being developed on the other side of Highbrook Drive).
- 4.51 The clause 23 response notes that only a very small commercial presence would be viable within the PPCR area, and that provision of convenience retail space would help to reduce vehicle trips to access convenience retail goods and services. That is portrayed as a positive effect of the proposal, however does not consider that the THABZ is envisaged to be located in a place where such access is provided by virtue of being near to a centre or public transport links. The fact that the PPCR area needs its own small amount ("only a few tenancies")<sup>19</sup> of retail supply shows it is not well served by any proximate extant supply. Further, the small amount of space that would be available on the Site will do little to enable

<sup>18</sup> <https://at.govt.nz/media/1971255/south-new-network-implementation-map-august-2016.pdf>

<sup>19</sup> Clause 23 response, item 6

access to even lower order, convenience goods and services, let alone a broader range of commercial businesses and employment opportunities, such as the THABZ envisages should be available to people living in the THABZ.

4.52 For these reasons, I disagree with the PEL report's conclusion that the PPCR area:

*has several notable features as a residential location to maximise its land use efficiency. For instance, the site is located between three Metropolitan centres, Sylvia Park, Manukau and Botany. It is also located adjacent to significant industrial sector employment opportunities and in one of the development areas with the broader region. Direct access to State Highway network will allow people to access entertainment and services freely.<sup>20</sup>*

4.53 Instead, in my opinion the Site is a poor candidate to accommodate residential activity, particularly high density residential activity that will yield 200 dwellings. The proposed limit of 200 dwellings on the 4.38ha Site (46 dwellings/ha)<sup>21</sup> is much lower than I would expect would typically be achieved in new developments in Auckland's THABZ. The HBA (Auckland Capacity for Growth Study 2022/23) applies a range of assumed densities of over 100 dwellings/ha in the THABZ<sup>22</sup>, and the density indicated for the Site (less than half the HBA's assumption) is another indication to me that the Site is not suitable for THAB.

Figure 4.7: Northcote THABZ built form<sup>23</sup>



4.54 The PPCR area would be much better used for industrial activities, which are not as dependant as residential activities on proximity to retail and services, and being accessible by walking and public transport.

## 5.0 Submissions

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<sup>20</sup> PEL report, page 16

<sup>21</sup> I acknowledge that an esplanade reserve will be required on subdivision, reducing land area, so actual density may be greater than 40 dwellings/ha. However, depending on design and site layout, that reserve could effectively function as communal open space for the new dwellings.

<sup>22</sup> From 123 to 247 dwellings/ha (120-60m<sup>2</sup> per dwelling) in the THABZ generally, and higher (183-366 dwellings/ha) within walkable catchments. These modelled assumptions are generally consistent with achieved densities in recent THABZ developments, such as a recently completed part of Kāinga Ora's Northcote development (where 102 dwellings were developed at a density of 129 dwellings/ha), built to three levels.

<sup>23</sup> From Google Streetview, showing the block bounded by Tonar Street, Fraser Ave, Koeke Road and Whakamua Parade

- 5.1 In this section I identify matters raised in submissions that are relevant to this statement, and provide my opinion on the submission points, in light of the assessment of effects provided above in section 4.0.

### **Unsuitable for residential activity**

- 5.2 The Tāmaki Estuary Protection Society (submission 9) submits that the PPCR confuses public and private benefit. Submission point 9.2 is that the application does not recognise that there will be insufficient homes in the PPCR area to sustain local access to medical and other essential social services, and that there will be poor access to those.
- 5.3 That issue was the subject of a question in the clause 23 request, responded to as item 9, which identified a range of economic benefits (close to Highbrook employment area, increased housing choice and housing market efficiency, lower infrastructure costs, due to economies of scale and efficient use of land that would otherwise remain vacant). The sole economic cost identified was the loss of industrial land.
- 5.4 As discussed in section 4.0, in my opinion the PPCR area is too isolated to be appropriate as a THABZ/high density residential area, for similar reasons to those identified in submission 9. I agree with submission 9 that the application, and the PEL report in particular, has not considered the negative externalities and effects that would arise as a result of the PPCR.
- 5.5 I agree with the submission's point that there would be insufficient homes on the Site to sustain public transport servicing the Site, and public transport servicing would likely need to be subsidised, although I have not assessed the costs and benefits related to that.
- 5.6 Business East Tāmaki Incorporated (submission 11) raise similar issues, and submit that the site is unsuitable for residential development in that "it is not close to commercial, educational or other services, and has constrained options for active modes of transportation."<sup>24</sup>
- 5.7 Taking all these things into account, I agree with submission 9 that the PEL report's conclusion that the PPCR will "ensure an efficient land use of the site that in all likelihood might otherwise remain unutilised"<sup>25</sup> is one economic effect that needs to be considered, and I agree that the application has not adequately considered the negative aspects of residential activity on the Site.

### **Loss of industrial land**

- 5.8 Business East Tāmaki Incorporated (submission 11) oppose the PPCR because it does not safeguard industrial land supply, and states that there are "very few areas of undeveloped light industry zoned land within the Rural Urban Boundary ('RUB') of the Auckland Region and concern over the scarcity of industrial land to meet forecast demands".<sup>26</sup>
- 5.9 The submission identifies a number of objectives and policies in the Unitary Plan, the National Policy Statement on Urban Development (NPS-UD) and the Auckland Plan 2050 that relate to the importance of safeguarding industrial land. The submission notes that:

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<sup>24</sup> Submission point 11.2

<sup>25</sup> PEL report, page 17

<sup>26</sup> Submission 11, paragraph 12

- Once lost to other activities industrial land is difficult to replace, because industrial land has specific requirements (e.g. flat sites with good access to infrastructure)<sup>27</sup> and because industrial land is typically lower value than the activities it would be replaced by.
  - Industrial land is important in supporting regional economic functions and business growth.
- 5.10 I agree that there is significant economic value in safeguarding industrial land, and that the various planning documents recognise and aim to promote that. However, as I discuss above, I accept the PEL report's assessment that at a regional, and sub-regional level there will be an adequate supply of industrial land well into (and probably beyond) the NPS-UD long-term (30 years), and that adequacy is confirmed by Council's recent evidential assessment for the Future Development Strategy.
- 5.11 While I agree with that adequacy, I have identified the importance of local industrial land, and the fact that maintaining the PPCR area as industrial land will have benefits because of the very limited industrial land that is vacant in Auckland's central isthmus. There is little, and decreasing vacant industrial land available in central areas, and central industrial land will come to have increasing value to industry, and because of the role industry places within the regional economy, to the broader community as well.
- 5.12 I agree with submission 11 that "with a significant increase in residential capacity planned in central Auckland, areas closer to central Auckland will be required for employment opportunities that are easy to access", and that strong demand for industrial land in East Tāmaki is evidenced by nil vacancy rates and rapidly rising industrial rents.<sup>28</sup>
- In my opinion there is strong value in retaining BLIZ in the PPCR area because as vacant industrial land in more central locations comes to be occupied, and less vacant land remains, location options for industrial activities become more limited, and pushed to the urban periphery.
- 5.13 I agree with submission 11's points around the benefit of the PPCR area retaining an industrial zoning, and not changing to a residential zone.

#### **Ability of the PPCR area to accommodate industrial activity**

- 5.14 Submission 11 also submits that "the site could be used light industry activities and that there are many industrial zoned parcels and industrial buildings that are of a size that could be accommodated on the site, including across a wide range of activities that are permitted in the operative Light Industry zone."<sup>29</sup> The submission presents a number of examples of industrial activity that could establish on the Site, acknowledging the constraints of the Site's unusual shape.
- 5.15 That position is consistent with my assessment above in relation to the types of industrial activities that could locate on the PPCR area, and I agree with submission 11 that the site is not compromised for industrial activity.

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<sup>27</sup> From Unitary Plan Policies B2.5.2(7) to (10)

<sup>28</sup> Submission 11, paragraph 22

<sup>29</sup> Submission 11, paragraph 23



## **6.0 Conclusions and recommendations**

- 6.1 In my opinion the applicant has not adequately assessed the appropriateness of the PPCR area being changed to a residential zoning, and has limited its economic assessment to the negative effects of losing industrial land supply on the Site.
- 6.2 I do not believe the applicant's economics assessment has adequately considered the suitability of the PPCR area to accommodate residential activity, and THABZ in particular. In my opinion the Site is poorly suited to accommodating any residential activity, particularly higher density residential activity, due to its isolated location away from other residential activity and the retail, commercial and community services that the Site's occupants would use frequently.
- 6.3 The PPCR is inconsistent with the direction and framework of the AUP, RPS, Auckland Plan and FULSS, insofar as those documents relate to the need to safeguard the supply of industrial land, and in relation to the appropriate location for THABZ. While I agree with the applicant's economic assessment that there is sufficient industrial land supply at a regional and sub-regional level to meet demand for the next 30 years, the supply of industrial land in more central parts of the region, particularly in and around the central isthmus, is much more limited.
- 6.4 There are positive aspects of the PPCR, such as the additional housing capacity it would provide, although in the absence of the PPCR being approved, it is highly likely that an equivalent quantum of supply (200 dwellings) would instead be provided somewhere else, and potentially in a more appropriate location to provide good access to retail, commercial and community services,
- 6.5 Overall I do not support the PPCR for two reasons. First, because in my opinion the PPC area is not an appropriate location in which to enable THABZ, and second because the loss of industrial land would decrease the remaining supply of centrally located industrial land within Auckland, even though total industrial land supply is sufficient to meet regional needs when not considering the location of that land.

## Memo (technical specialist report to contribute towards Council's section 42A hearing report)

**To:** Tania Richmond, Consultant Planner, OBO Central / South, Plans and Places, Auckland Council

**From:** Andrew Temperley, Traffic Planning Consultants

**Date:** 31 August 2023

**Subject:** Proposed Plan Change, 8 Sparky Road, Ōtara – Transportation Assessment

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### 1.0 Introduction

1.1 I have undertaken a review of the proposed Private Plan Change (PPC) at the above location, on behalf of Auckland Council in relation to traffic and transportation effects.

My name is Andrew Temperley and I am a Senior Transportation Engineer and Planner at Traffic Planning Consultants Ltd (TPC) and have over 21 years of experience in transportation planning and engineering. I hold the qualifications of a Bachelor of Mechanical Engineering with German from the University of Nottingham, UK (1998) and I am a Chartered Transportation Engineer and member of the Chartered Institution of Highways and Transportation (CIHT) in the UK.

1.2 My work experience has included assessing and reporting on transportation effects of commercial and residential developments and strategic growth proposals in both New Zealand and the UK. Over recent years, I have been contracted to undertake such work on behalf of Auckland Council.

1.3 In writing this memo, I have reviewed submissions from the following parties, which included comments on transportation related matters:

- Auckland Transport (AT)
- NZ Transport Agency / Waka Kotahi (WK)
- Julie Chambers
- Karl Flavell
- Tāmaki Estuary Protection Society (TEPS)
- Business East Tamaki Incorporated
- Rebecca Payne, Goodman c/- B&A
- Kathryn leGrove
- Beth Evans

1.4 By way of summary of the detail contained within this report, 7 of the above 9 submissions opposed the PPC and recommended that it be declined, while one stated a

position of neutrality and the other supported the PPC, subject to addressing transport effects.

- 1.5 Of the two transport authorities, AT's overall position was to decline the PPC & seek amendments if approved, while WK's position was one of neutrality, however they did request the provision of further transportation related information.
- 1.6 Further to reviewing the submissions and further information supplied by the applicant following a Clause 23 request for Further Information, my overall view on the PPC is that I do not consider the proposal to be acceptable in transportation terms. Based on evidence provided by the applicant, I do not consider that the proposal is capable of effectively fulfilling the characteristics and transport objectives associated with the Unitary Plan THAB zone, nor that adverse transportation effects on the adjoining road network can be adequately mitigated.
- 1.7 I additionally support proposed conditions by AT that would be triggered in the event of the PPC gaining approval, with the aim of undertaking further assessment of transport effects and identifying appropriate mitigation.

## **2.0 Key Transportation Issues**

- 2.1 The applicant proposes the PPC to enable the rezoning of 4.4 ha of land from Business – Light Industry Zone to Residential – Terrace Housing and Apartment Building (THAB) Zone at the above location. A concept plan has been provided by the applicant indicating the development of 200 new residential units within 8 new apartment blocks, along with a dairy, café and a shared office facility.
- 2.2 In addition to the adverse operational effects of the consequent vehicular traffic generation on the adjoining road network, a number of identified physical and geographical constraints serve to exacerbate transportation issues associated with the PPC, as discussed below.

### *Geographical Context and Constraints*

- 2.3 The subject site has a number of constraints affecting its future development potential, its future transport connectivity and in turn, its ability to align with the above Unitary Plan characteristics and transport-related objectives for the THAB zone. Key physical constraints bordering the subject site include:
  - The alignments of the State Highway 1 Southern Motorway and Highbrook Drive, which border the site to the west, south and east
  - The Tamaki River estuary which borders the site to the north
  - The provision of only a single direct vehicle access point to connect the subject site to the wider transport network

The physical barrier created by Highbrook Drive limits potential for integrating the site with other industrial land to the east of Highbrook Drive, while the other aforementioned

constraints similarly limit potential for integration with neighbouring land-use activities in the general vicinity of the PPC site.

- 2.4 Due to the above constraints and arterial road status of Highbrook Drive, which serves to limit the number of permitted vehicular access points, future vehicular access to the subject site is limited to a single intersection point located around 350 metres to the northeast of the Highbrook Interchange on the Southern Motorway. At the time of writing, a new signalised crossroads intersection has become partially operational at this location, which will provide future access to industrial land to the south of Highbrook Drive, as well as to the subject site.

#### *Policy Context*

- 2.5 Auckland Unitary Plan zone description for the THAB zone outlines the following characteristics and purpose for a THAB zone, which do not apply to the current Business – Light Industry zoning and which bear relevance to the transport context for the subject PPC:

- *The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification*
- *[The Zone needs to] ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport, [and also that] This will promote walkable neighbourhoods and increase the vitality of centres.*

- 2.6 Due to future vehicular and pedestrian access to and from the site taking place via a single access intersection onto Highbrook Road, combined with the site's general lack of proximity to local centres, public transport connections, retail facilities, education facilities and other key amenities, its geographical context is not considered to be conducive towards fulfilling the above mentioned characteristics and objectives for the THAB zone.

#### *Transport Context*

- 2.7 To the southeast of the new intersection to the subject site, Highbrook Road has an interchange with the Southern Motorway, which includes a roundabout providing access to the southbound motorway ramps and overbridge. The roundabout intersection form at this location results in inconsistency with adjoining intersection forms along Highbrook Drive to the north (including the new intersection to the subject site) and Hellabys Road to the south, which are signal controlled. Such inconsistency is generally not considered to be good practice in transportation operational terms, due to difficulties in coordinating queueing and congestion effects at consecutive intersections of different forms, in heavy traffic conditions.
- 2.8 Compounded with the above, the existing roundabout of the Southern Motorway interchange regularly generates queues tailing back along the southbound approach from Highbrook Drive. Traffic modelling supplied by the applicant confirms that queueing

from the roundabout already extends beyond the new signalised intersection for the subject site, a problem which would be exacerbated by additional traffic generated by the PPC.

2.9 In terms of public transport provisions, Highbrook Drive is served by the bus route 351, which connects Ōtāhuhu to Botany. However, no bus stops are provided in the vicinity of the subject site and are proposed to be provided as part of the PPC proposal. The applicant additionally proposes a new shuttle bus service to connect the site to nearby public transport hubs, however at this stage, the applicant has provided little indication as to the likely destinations and scope of connectivity that the shuttle bus service would be expected to provide. Overall, based on information provided by the applicant to date, it has not been possible to determine the adequacy or otherwise of future public transport connectivity to the PPC area and hence, the degree to which the plan change proposal is able fulfil policy objectives for the THAB zone.

2.10 In terms of connectivity of the PPC site for walking and cycling, while the proposal will include upgrading pedestrian footways and crossing facilities along main roads adjoining the subject site, the level of connectivity that these provide is constrained by generally inconvenient travel distances to the nearest employment, education, retail opportunities and other services. As an example, the nearest town centres of Otara and Otāhuhu are more than a 30-minute walking distance from the site. In addition, the heavily trafficked arterial road environment is considered to offer poor amenity value for travel by active modes.

### **3.0 Applicant's Assessment**

3.1 The scope of transportation assessment to support the PPC is provided by an Integrated Transport Assessment (ITA), prepared by Stantec for Highbrook Living Limited and dated July 2022. The scope of the ITA covers existing transport environment and context, road safety, assessment of traffic effects, including traffic modelling and integration with transport policy.

3.2 The ITA confirms the following recommendations and conclusions:

- The development of residential dwellings at the site will have an acceptable impact on the surrounding network, acknowledging that this is already congested.
- To encourage future access to the site by public transport, the installation of a bus stop on Highbrook Road adjacent to the site is recommended.
- A shuttle bus service is proposed to enhance connectivity of the site with nearby public transport hubs such as the train stations at Middlemore Hospital and Ōtāhuhu, to be planned in consultation with AT and a future residential community on the site.
- To enhance uptake and safety for sustainable modes of travel, improvements will be made along Highbrook Drive and the Hellabys Road roundabout, including signalised pedestrian crossing facilities at the new site access intersection, safer crossing



amenities at the roundabout, crash barriers on the western path and better wayfinding measures.

3.3 While the scope of the applicant's methodology and analyses within the ITA is reasonable, following an initial review of the ITA, I requested further information in relation to a number of matters, which are discussed in the next section. These included elaboration on the potential future transport impacts of the PPC and deliverability and phasing of transport improvement and upgrade works which are dependent on other parties.

## 4.0 Assessment of Transportation effects and management methods

4.1 In reviewing the applicant's assessment of transportation effects of the proposed new land-use activity, I have considered the proposal both in terms of its ability to fulfil policy objectives associated with the THAB zone and its operational transport effects on the adjoining network.

4.2 Following review of the applicant's ITA, I requested further information in relation to a number of transportation related matters, in order to better understand the transportation effects of the proposal. These are summarised below along with the applicant's response:

- **Accessibility of new THAB Zone by Non-motorised modes of transport**

Further information was requested to confirm alignment of the proposal with characteristics and transportation objectives for the THAB zone, as noted in para 2.3 of this review.

In particular, the geographical context and location of the subject site are considered to present a disadvantage in its ability to fulfil unitary plan policy objectives for the THAB, insofar as it does not immediately adjoin any of the closest town centres or local centres, with main roads and other features creating barriers to transport connectivity. A comparison with other nearby areas zoned as THAB indicates that such zoning is more common within residential areas immediately adjoining local centres such as Otara and Otahuhu, to achieve convenient access to services, employment, retail provisions, education facilities, etc., including walkable connections.

### *Applicant's Response*

Accordingly, the applicant provided further assessment in the form of isochrone maps to show destinations within 15 minutes / 20 minutes / 30 minutes walking time and within 5 minutes / 10 minutes / 15 minutes cycling time. The following key observations from the isochrone maps are noted:

- The nearest town centres of Otara and Otahuhu are further away from the subject site than the 30-minute walking threshold, which is not considered to represent a convenient walking distance for access to key services available in these areas. The travel distances of 2.3 km to Otara town centre and 3.3 km

to Otahuhu town centre compare with typical walkable distances of 0.8 km to 1.2 km.

- Within a 20-minute walking distance, there are few services, amenities or employment, education and retail opportunities, other than Wymondley Road Primary School, the walking route to which is unattractive, involving pedestrians crossing busy roads forming the motorway interchange.
- While travel by bicycle to and from the subject site brings Otara and Otahuhu town centres to within a 10 minute travel distance, the travel routes remain generally indirect and unattractive, involving use of heavily trafficked arterial routes.
- Other nearby areas zoned as THAB notably have comparatively shorter travel distances to the nearest town centres, of Otara or Otahuhu, as well as to a greater number of education, employment, retail and leisure opportunities, compared to the subject site.

Based on the above observations, I would consider that the geographical context and associated constraints of the subject site adversely affect its ability to fulfil the Unitary Plan characteristics for the THAB zone, to '*... ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport, [and also that] This will promote walkable neighbourhoods and increase the vitality of centres.*

- **Scope and Viability of Proposed Shuttle Bus Service**

Further information was requested in relation to the proposed shuttle bus service, in order to better understand its scope and viability, and in turn, the potential contribution which public transport could make towards fulfilling travel demands generated by the new development.

*Applicant's Response*

In response, only limited further information was provided by the applicant, to confirm that the service will be fully funded by the applicant, with connections likely to focus on nearby public transport hubs (specifically the Otahuhu Transport Interchange). Detailed operation, timetable and routes for the shuttle were proposed be confirmed via the Transport Management Plan (as conditioned as part of the Highbrook Precinct).

Whilst I accept the lack of availability of detailed operational information prior to the consenting phase, I consider that insufficient information has been provided to date to assess the degree to which the proposed bus service would contribute towards transportation objectives and characteristics for the Unitary Plan THAB Zone. These include convenient public transport access and in turn, convenient access to key services and amenities.

- **Traffic Effects of SH1 Southbound / Highbrook Road / Hellaby's Road Roundabout upon Subject Site Intersection**

Further information was requested in relation to potential mitigation for queue lengths forecast by the traffic modelling on Highbrook Drive.

A meeting was held with the applicant's transportation consultants in October 2022 to discuss the traffic modelling in more detail and in turn, to understand options and alternatives previously considered to mitigate adverse traffic effects and facilitate access to the subject site and to adjoining commercial land.

Key observations in relation to traffic modelling and effects included the following:

- While the new signalised intersection for the subject site was considered to be in the optimum location relative to adjacent intersections on Highbrook Drive, it was noted to be impacted by traffic tailbacks from the motorway interchange roundabout to the south, both at present and under the proposed future plan change scenario.
- Queueing was also forecast to take place within the subject site during peak hour traffic conditions.
- While a roundabout had previously been considered as an alternative intersection form for the access point to the subject site, signals were considered to offer an overall better level of control.

Overall, concerns thus remain that the PPC is expected to exacerbate existing congestion on Highbrook Drive, with no effective mitigation measures having been identified within the scope and context of the PPC.

Furthermore, in a meeting on 09 August 2023, AT and WK reaffirmed their concerns in relation to adverse traffic effects and further confirmed that neither party has plans for significant future infrastructure investment on this part of the strategic road network over the foreseeable future.

- **Freight Improvement and Priority Projects**

Further information was requested in relation to future planned work by Waka Kotahi and AT to implement measures for freight priority and improving Freight Levels of Service on Highbrook Drive and at the roundabout intersection of SH1 Southbound / Highbrook Road / Hellaby's Road, which was not included in the ITA.

*Applicant's Response*

The following small-scale improvements at the interchange were noted, from a business case undertaken by Stantec, on behalf of Waka Kotahi:

- SH1 Highbrook Drive SB Interchange Improvements - southbound on ramp, likely to be a freight by-pass lane. Investigation is scheduled for 2024-27 and Implementation is tentatively scheduled for 2027/28.
- Highbrook Drive / Hellabys Road / SH1 - Investigating the modification to the Highbrook Drive / Hellabys Road/ SH1 interchange layout with an aim to improve freight LoS. Investigation is scheduled for 2024-27 and Implementation is tentatively scheduled for 2026/27 and 2027/28.

- There is AT project included in the programme, which is to look at a freight priority lane on Highbrook Drive. Timeframes for this are similar to the above.

4.3 As noted above, following review of further information I remain concerned in relation to the ability of the adjoining road network to accommodate the adverse traffic effects of the PPC, as well as the ability of the PPC to fulfil the transport objectives associated with the THAB zone.

## 5.0 Submissions

5.1 Key matters raised in AT's submission are outlined below along with my comments.

| Submitter               | Position   | Transportation related issues  | Comments   |
|-------------------------|--|--|--|
| Auckland Transport (AT) | Overall: decline PPC & seek amendments if approved | <p>In all cases where amendments to the plan change are proposed, AT would consider alternative wording or amendments which address the reason for AT 's submission. AT also seeks any further, other, or consequential relief required to respond to the reasons for this submission and/or give effect to the decisions requested.</p> <p>In the event that the Plan Change is to be approved the following options for relief are requested:</p> <ul style="list-style-type: none"> <li>- Updates to the modelling within the ITA to remove reference to 90,000sqm and 18,000sqm of industrial floorspace as a Baseline Scenario; or</li> <li>- Additional modelling for a 500 residential unit development;</li> <li>- Provision of a development feasibility appraisal to support the assumed 'permitted baseline' for the 90,000sqm and 18,000sqm of industrial floorspace within the 'Baseline Scenario'.</li> <li>- If 18,000sqm is not demonstrated as feasible, the reduced and feasible floorspace and reduced baseline should be rerun through the applicant's ITA modelling and a further review of potential additional</li> </ul> | <p>I share the overall position of not supporting the PPC and support undertaking the proposed additional traffic modelling scenarios and development feasibility appraisals, in the event that the PPC is approved, in order to better understand the extent of differences in traffic generation scenarios which could transpire under the PPC, relative to an appropriate baseline.</p> |

|   |  |  |   |
|---|--|--|---|
|   |  | <p>transport network effects and mitigation carried out.</p> <ul style="list-style-type: none"> <li>- A reduction to the number of residential units concluded as a 'permitted activity' within the applicant's precinct provisions should also be made if this conclusion is reached.</li> <li>- Any subsequent adverse effects on the transport network from updated modelling scenarios to be provided with mitigation and for that mitigation to be identified with updated precinct provisions (and possible precinct plan) with suitable staging and triggers (or potential caps).</li> </ul>  |   |
| <p>Auckland Transport (AT)<br/><i>Continued</i></p> | <p>Decline PPC &amp; seek amendments if approved</p> | <p>In the event that the Plan Change is to be approved, request that a new standard I4.6.X requiring a new collector road (to AT Design Standards, that provides a safe alternative for pedestrians and cyclists) to be constructed to connect the existing access (located opposite the Plan Change site but in the same ownership) to the Gridco Road / Hellabys Road intersection prior to occupation of the first dwelling.</p> <p>The Precinct Plan 1 is to then be updated accordingly to show the general location of this new collector road.</p> <p>It is noted that the provision of this collector road may reduce impacts on the wider network and if this is agreed by the applicant, further modelling would be accepted that includes the provision of this link prior to first occupation of the first dwelling.</p> | <p>I share the overall position of not supporting the PPC and support the proposed requirement for a new collector road to AT Standards opposite the existing access road, in the event that the PPC is approved. It is important that the new collector road should contribute towards the outcomes to facilitate safe and attractive access for walking and cycling. However, it is important that its context within the network and design serve to ensure that it does not become attractive as a rat-run for Highbrook Drive.</p> |



| Submitter                                   | Position                                  | Transportation related issues  | Comments  |
|---|---|--|---|
| Auckland Transport (AT)<br><i>Continued</i> | Decline PPC & seek amendments if approved | <p>In the event that the Plan Change is to be approved, the precinct provisions be amended to secure a pair of bus stops with shelters situated near the signalised crossing points in a tail-to-tail style setup.</p> <p>These two bus stop locations shall be confirmed in consultation with AT and in place prior to first occupation of the first dwelling.</p>  | I support the need for conveniently located bus stops, in the event that the plan change is approved.   |
|   | Decline PPC & seek amendments if approved | <p>In the event that the Plan Change is to be approved, additional information is requested from the applicant to understand the shuttle service viability for the precinct for both future residents and future potential employees including (but not limited to):</p> <ul style="list-style-type: none"> <li>- key destinations for the shuttle service;</li> <li>- the frequency of such a service during morning and afternoon peaks, interpeak, weekdays and weekends;</li> <li>- its anticipated costs to deliver such a service;</li> <li>- a commitment for the shuttle service to be provided in perpetuity or until such time as a high frequency public transport service is operational in the immediate locality of the Plan Change.</li> </ul> <p>Advice note: The applicant will also need to ensure the legality of providing a private bus shuttle under the Land Transport Management Act 2003.</p> | <p>Request supported, in line with my own request for further information in relation to the proposed shuttle service, as confirmed in para. 4.2 of this review.</p> <p>Details such as key destinations and service frequencies for a prospective future bus service should serve to confirm the contribution that it would make towards fulfilling transportation objectives for the THAB zone noted earlier, namely:</p> <p><i>... convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport ...</i></p> |

| Submitter                                   | Position   | Transportation related issues  | Comments  |
|---|--|--|---|
| Auckland Transport (AT)<br><i>Continued</i> | Decline PPC & seek amendments if approved          | <p>In the event that the Plan Change is to be approved, AT seeks that evidence to show trip generation rates are accurate as a baseline to ensure effects on the transport network are accurately identified and appropriate mitigation secured.</p> <p>In the event that the Plan Change is to be approved, request that additional precinct provisions and amendments to the precinct plan be made to confirm vehicle and road access restrictions apply on Highbrook Drive as required, as an arterial road within the AUP(OP) planning maps.</p> | I support these requests in the event of the PPC being approved.  |
| Auckland Transport (AT)<br><i>Continued</i> | Decline PPC & seek amendments if approved          | In the event that the Plan Change is to be approved, request that the Gridco Road/Hellabys Road intersection is upgraded/ signalised by the applicant prior to first occupation of any residential unit. This should be captured as an infrastructure requirement in the precinct provisions.  | I support the proposed intersection, in line with the above proposal to create a new collector road adjoining this intersection, subject to assessment of traffic effects and in particular, confirmation of no adverse effects of the new signalised intersection on adjacent intersections. |
| Auckland Transport (AT)<br><i>Continued</i> | Overall: decline PPC & seek amendments if approved | <p>In the event that the Plan Change is to be approved, delete policy I4.3(3).<br/> <i>[Require an Integrated Transport Assessment Report to support a resource consent application for development exceeding 200 dwellings (or dwelling unit equivalents) .... ]</i></p>  | I support this amendment in the event of the PPC gaining approval, noting that provisions would remain in place to undertake full assessment of any development proposal that would exceed the 200 dwelling threshold.  |

| Submitter                                   | Position        | Transportation related issues  | Comments  |
|---|-----------------|--|---|
| Auckland Transport (AT)<br><i>Continued</i> | Support in part | In the event that the Plan Change is to be approved, seek for additional mitigation identified in this submission (and any further mitigation as a result of modelling requested) to be included in an updated Transportation Plan. Also, to ensure clearer trigger wording for delivery of the infrastructure required as mitigation including any consequential amendments to precinct provisions or mechanisms.   | I support the AT request, in alignment with Proposed Highbrook Precinct Plan Rule 14.6.2, which requires the preparation of a Highbrook Precinct Transportation Plan.   |
|   | Support in part | <p>In the event that the Plan Change is to be approved, amend 14.2 Objective 3 to read:<br/>"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".</p> <p>In the event that the Plan Change is to be approved, Auckland Transport requests the addition of a new objective and policy addressing the safety issues for active mode users to and from the precinct with wording such as:</p> <p>Objective (4) - Pedestrians and cyclists from the Highbrook Precinct who would otherwise be vulnerable along State Highway 1 and Highbrook Drive are provided with safe connections to key nodes such as education, employment, and shopping.<br/>Policy (x) –<br/>Require active transport mode connections that are sensitive to a heavy vehicle dominant transport environment to be provided with safe alternative routes to also support reduction in dependency on private motor vehicles as a means of transport.</p> | <p>I support the proposed AT provisions, in the event that the PPC proceeds, to reinforce the need for measures already proposed by the applicant as well as any other appropriate provisions, noting that the surrounding environment is not attractive or safe for active mode users.</p> <p>Support towards active mode users also aligns with policy objectives of the THAB zone to ensure walkable neighbourhoods.</p> |

|  |  |  |  |
|--|--|--|--|
|  |  | Alternative active mode connection routes are to be of the highest quality and design. |  |
|--|--|--|--|

5.2 Key matters raised in NZ Transport Agency's submission are outlined below along with my comments.

| <b>Submitter</b>    | <b>Position</b> | <b>Transportation related issues</b>   | <b>Comments</b>   |
|---------------------|-----------------|--|---|
| NZ Transport Agency | Neutral         | <p>Seeks amendments and / or further information to provide greater certainty on effects of the proposed development. If the information requested is not provided and/or the effects generated by the proposal cannot be satisfactorily managed, then the plan change be declined.</p> <p>Update the ITA based on a realistic baseline and provide evidence to substantiate the assumptions used in the ITA. The precinct provisions may need to be amended to include mitigation measures to be installed prior to development of the site as a result of this assessment.</p> <p>Provide further information on safety effects generated by the proposed land use, particularly for pedestrians and potential wrong way drivers at the Highbrook Interchange. The precinct provisions may need to be amended to include mitigation measures to be installed prior to development of the site.</p> | I support the request for further such information, to contribute towards a case to demonstrate the acceptability of the PPC. |

5.3 Key matters raised in the submissions from other submitters are outlined below along with my comments.

| <b>Submitter</b>  | <b>Position</b>                             | <b>Transportation related issues</b>  | <b>Comments</b>   |
|---|---|---|---|
| #4 Julie Chambers   | Decline PPC & seek further work if approved | Take into account severe traffic congestion and negative social societal consequences (and costs) of high-density low-cost housing being built in isolated locations.   | I agree with concerns on traffic congestion as a basis to decline the PPC, based on information provided to date.                           |
| #7 Karl Flavell   | Decline PPC                                 | Seeks Business/ Light Industrial zoning be retained where effects on the road will be far less than extra vehicles associated with residential activities that would arise from THAB zoning.  | Suitability of zoning retention to be determined through feasibility appraisal and additional modelling work, as proposed in AT submission. |
| #9 Tāmaki Estuary Protection Society (TEPS) ATTN: Dr Julie Chambers | Decline PPC                                 | Requests that the traffic congestion that will arise be taken into account.   | See response above to Submitter #4  |
| #11 Business East Tamaki Incorporated                               | Decline PPC                                 | Decline the entire plan change as the site is unsuitable for residential development in that it is not close to commercial, educational or other services, and has constrained options for active modes of transportation.<br><br>Decline the entire plan change as Highbrook Drive is already heavily trafficked and peak hour queue lengths on Highbrook Drive (which would extend northwards beyond the proposed site access intersection) will mean that the subject site access intersection will not be able to function safely and efficiently, in addition to also being adversely affected by traffic effects from the downstream motorway interchange roundabout. | Submitter comments align with my position.  |

| Submitter  | Position   | Transportation related issues  | Comments  |
|--|--|--|---|
| <p>#12<br/>Goodman<br/>c/- B&amp;A<br/>Attn:<br/>Rebecca<br/>Payne</p> | <p>Support<br/>subject to<br/>addressing<br/>transport<br/>effects</p> | <p>Goodman do not want any change in use to create traffic effects over and above what would be created under the current zoning.</p> <p>Apply the THAB zone to the land for up to 200 dwellings conditional on all transport upgrades in the precinct plan being provided.</p>              | <p>Traffic generation under the THAB zone would exceed that associated with existing light industrial zoning. On this basis, I would consider that the condition for ensuring a position of support from this submitter cannot be met.</p>  |
| <p>#13 Kathryn<br/>leGrove</p>   | <p>Decline<br/>PPC</p>   | <p>That part of the site necessary for maintenance of SH1 and the Transpower pylons must not be impacted by residential zoning.</p> <p>Great South Road Tāmaki river bridge and barge port at 8 Sparky Road remains open, especially in the event of Great South Road becoming unusable.</p> | <p>I understand that the maintenance area, river bridge and barge port will not be impacted by the PPC proposal.</p>  |
| <p>#17 Beth<br/>Evans</p>  | <p>Decline<br/>PPC</p>   | <p>Requests that for the community members trying to understand this plan change and in particular the likely affects on traffic, it be made plain the difference between the status quo and likely PC90 outcomes.</p>   | <p>The applicant's ITA indicates that the proposed THAB zoning would generate higher levels of traffic than the current industrial zoning, with 130 forecast daily vehicle trips under the THAB zone, compared to 90 forecast trips under the current industrial zoning.</p> <p>As noted earlier, I cite traffic generation and associated effects as grounds to decline the PPC.</p> |



## 6.0 Conclusions and recommendations

6.1 Further to reviewing the submissions for the PPC at 8 Sparky Road in Otara, to enable the rezoning of 4.4 ha of land from Business – Light Industry Zone to Residential – Terrace Housing and Apartment Building (THAB) Zone, alongside evidence provided by the applicant, my position remains unchanged insofar as I do not support the PPC.

6.2 I consider that adequate evidence has not been provided by the applicant to demonstrate the acceptability of the PPC in transportation terms. Specifically, I remain concerned in relation to the lack of identified mitigation measures to address adverse transportation effects on the adjoining network and the inability of the PPC to effectively fulfil the transport objectives associated with the Unitary Plan THAB zone.

6.3 I support the following proposed conditions and provisions identified by AT, in the event that the PPC is approved:

- Undertaking of additional modelling for a 500 residential unit development.
- Provision of a development feasibility appraisal to support the assumed ‘permitted baseline’ for the 90,000sqm and 18,000sqm of industrial floorspace within the ‘Baseline Scenario’.

If 18,000sqm is not demonstrated as feasible, the reduced and feasible floorspace and reduced baseline should be rerun through the applicant’s ITA modelling and a further review of potential additional transport network effects and mitigation carried out.

A reduction to the number of residential units concluded as a ‘permitted activity’ within the applicant’s precinct provisions should also be made if this conclusion is reached.

- Any subsequent adverse effects on the transport network from updated modelling scenarios to be provided with mitigation and for that mitigation to be identified with updated precinct provisions (and possible precinct plan) with suitable staging and triggers (or potential caps).
- A new Precinct Plan standard I4.6.X requiring a new collector road to be designed to AT Design Standards, that provides a safe alternative for pedestrians and cyclists, to be constructed to connect the existing access (located opposite the Plan Change site but in the same ownership) to a newly signalised intersection of Gridco Road / Hellabys Road, prior to occupation of the first dwelling.
- Provision of twin bus stops on Highbrook Drive adjacent to the new signalised pedestrian crossing points at the site access intersection.
- A new objective and policy addressing the safety issues for active mode users to and from the precinct, noting the lack of specificity in relation to safety in Standards I4.6.2, I4.6.3 and I4.6.4.

# Landscape Effects Memorandum



Date: 17<sup>th</sup> of July 2023

To: Tania Richmond, Consultant Planner, for Auckland Council

From: Gabrielle Howdle, Specialist Landscape Architect, Auckland Council

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**Subject: Private Plan Change – PC90, 8 Sparky Road, Ōtara – Landscape Effects**

## Introduction

1. I have undertaken a review of proposed private plan change 90 (PPC) – 8 Sparky Road, on behalf of Auckland Council in relation to the specific topic of landscape effects.
2. I have worked as a Landscape Architect for 6.5 years and have worked at Auckland Council since 2017. I am currently a Specialist Landscape Architect in the Design Review Team, Tāmaki Makaurau Design Open of the Plans and Places Department, Auckland Council. Further details of my qualifications and experience are set out in Appendix A.
3. I am familiar with the site as I was involved with a resource consent for three static free-standing flood-lit billboards<sup>1</sup> and visited the site and surrounds in February 2021. For the purpose of reviewing the PPC I visited the site in September 2022, which included the surrounding area and viewpoint locations.
4. In particular my review will focus on the suitability of the PPC in this location with particular regard to the coastal environment (natural character), as well as the appropriateness of the PPC provisions in achieving future development that would respond to the intrinsic qualities and physical characteristics of the site and area, including its setting<sup>2</sup>.
5. Overall, I consider that the PPC has the potential to adversely impact on the landscape values of the site and degrade the natural character values of the site and local area to at least a moderate degree<sup>3</sup> (See Appendix B for rating scale). The body of my review addresses this.
6. In order to best achieve the landscape character and amenity outcomes outlined within the PPC (proposed precinct provisions and R-THAB zoning provisions); especially, as expressed within the Landscape and Visual Effects report, Urban Design Statement and 'Development Concept Plan' it recommended that these outcomes be secured through specific provisions in the precinct plan.

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<sup>1</sup> LUC60366195

<sup>2</sup> AUP (OP), B2 – Tāhuhu whakaruruhau-ā-taone – Urban growth and form, Objective B2.3 A quality built environment, B2.3.1 (1) (a) – a quality built environment where subdivision, use and development do all of the following; respond to the intrinsic qualities and physical characteristics of the site and area, including its setting.

<sup>3</sup> Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines', Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022.

## Relevant application material reviewed

7. I have reviewed the following relevant application material:

### Lodged with the original application

- *Assessment of Environmental Effects prepared by Babbage, dated 19<sup>th</sup> of August 2022.*
- *Assessment of Landscape and Visual Effects (LVE) prepared by Rob Pryor, dated 18<sup>th</sup> of February 2022.*
- *Urban Design Statement for Highbrook Private Plan Change Request prepared by JG Evans - ET Urban Design Limited, dated 25<sup>th</sup> of July 2022.*
- *Ecological Assessment prepared by Bioresarches, dated 19<sup>th</sup> of July 2022.*
- *Cultural Values Assessment prepared by Ngāti Tamaoho, dated Haratua 2022.*

### Submitted as further information in response to Clause 23 request

- *Highbrook Precinct Private Plan Change Request: Response to further information request under clause 23 of Schedule 1 prepared by Babbage, dated 12<sup>th</sup> of December 2022.*
- *Walking Isochrone and Cycling Isochrone plans.*
- *Cultural Values Assessment prepared by Te Ākitai Waiohua, no date.*
- *Updated Highbrook Precinct Plan prepared by Babbage, no date.*

### Submissions

8. I have read the summary of decisions requested, provided by Auckland Council and all twenty submissions received.

9. Key themes from a landscape perspective include:

- a. Adverse natural character effects, including whether sufficient provision and protection of future esplanade reserves has been provided for and inconsistencies with the New Zealand Coastal Policy Statement (NZCPS).
  - Include a coastal zone or overlay of at least 20m width.
  - Retain all the planting along the coast regardless of zoning.
- b. Tāmaki River is a taonga and the ecological and landscape values are undervalued.
- c. Terrace Housing and Apartments zoning is too intense along the river / coastal edge.
- d. Suitability of residential zoning in this location – too far away and difficult to access centres / services and amenities.
- e. Poor quality of amenity for future residents (e.g., vehicles / noise, distracted).
- f. The site should be set aside as open space or a natural reserve.
- g. Mana whenua comments:
  - Concerns with damage to the waterways and cumulative negative effects on the health of the Waitematā and for a 'mana o te wai plan' to be developed for the site.  
e.g., Use of low impact green stormwater infrastructure.

- Improve the coastal marine area / esplanade reserve environment.

E.g., enhancement planting with native species along waterways, weed and pest management strategy.

### Methodology

10. I can confirm that all my clause 23 requests for further information were responded to and that I have enough information to complete a review in terms of the proposals potential landscape effects and consistency with the relevant objectives and policies of the Auckland Unitary Plan (Operative in Part) (“AUP(OP”).
11. In July 2022, Tuia Pito Ora New Zealand Institute of Landscape Architects produced an updated set of landscape assessment guidelines: Te Tangi a te Manu<sup>4</sup>. I note the LVE assessment by LA4 refers to the draft version within their report “Tuia Pito Ora NZILA ‘Aotearoa Landscape Assessment Guidelines 2021’”; this is considered suitable.
12. When coming to a conclusion on the scale of effects I have utilised the same effects rating scale as included within the Assessment of Landscape and Visual Effects (LVE) prepared by Rob Pryor, LA4, included in Appendix B of this memo.

### Landscape Context

13. The site covers approximately 4.4 hectares and is predominately flat, dropping off towards Tāmaki River to the west more steeply. The Tāmaki River flows past the northern and western edges of the site, the southern and eastern sides of the site are bordered by NZ State Highway 1 and Highbrook Drive, respectively. To the north is Highbrook Park (zoned open space) which is identified under the AUP (OP) as an Outstanding Natural Feature (ID 236 - Pukewairiki tuff ring). The northern side of the Tāmaki River, and the length of the estuary to the south of SH1 is identified as having areas of Significant Ecological Areas – SEA-M2.
14. The site is mostly open grass area, with a gravel track which runs somewhat north south, before turning west to the river, accessed off Highbrook Drive. A free-standing static billboard is located within the south-western part of the site.
15. In contrast, the western edge of the site is covered in semi-mature native vegetation; including kanuka, flax, puriri, karo, cabbage trees; interspersed with some weeds, such as privet. The width of the vegetation varies from 20m - 40m and is enhanced on the coastal side by mangroves.
16. While the site is not identified as having outstanding or high natural character values, and has been modified in the past, the setting of the site, with access to the estuary, adjacent mangroves and nearby SEA and existing native vegetation onsite contribute to the natural character values.

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<sup>4</sup> Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines', Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022

## Key Landscape Effects Issues

17. In my opinion, the key landscape issues that arise from the PPC relate to natural character effects, including the provision of an esplanade reserve, relationship of the zoning to the coastal environment, retention of vegetation; and whether the proposal will be consistent with the coastal environment provisions within the AUP (OP)<sup>5</sup> and NZCPS<sup>6</sup>. Another key landscape issue is in relation to landscape character effects, including whether the precinct provisions will provide for development that responds to the qualities and characteristics of the site and area, including its setting<sup>7</sup>.
18. Other landscape and amenity issues include,
  - Achieving the outcomes of the masterplan as shown within the Urban Design Statement (e.g., graduation of density and height) as it relates to the coast. Including whether the precinct provisions will achieve those outlined within the applicants' assessments.
  - The proposed intensity of the residential zoning in a confined location with limited access to public transport, infrastructure, amenities, and services; and the need to provide for quality onsite amenity for future residents.

## Natural Character Effects

19. Natural character is recognised in Aotearoa New Zealand under the RMA s6(a) as a matter of national importance.

*“The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development<sup>8</sup>”*

20. While the site has been modified in the past, the site still has aspects and elements which contribute to natural character, this includes the existing native vegetation along the western boundary (20-40m wide), the intertidal nature of the site within this part of the estuary and the salt marsh habitats to the north and south of the site (provide for roosting areas), as well as the mangroves within the estuary. As such while natural character values are low, the proposal has the potential to further reduce these values.
21. It is recognised that the change from Business – Light Industrial (B-LIZ) to Residential – Terrace Housing and Apartment Building (R-THAB) will likely result in a reduced scale of development on this site; with THAB building height and building coverage less than B-LIZ. The zone change from B-LIZ to THAB will likely result in a finer grain response to the coastal edge, e.g., smaller building footprints, lower height, greater requirement for landscape coverage<sup>9</sup> are required.
22. The author of the LVE concludes that the overall adverse effects of development enabled by the PPC on the natural character values of the site and area would be low and that *“the proposed esplanade reserve with riparian plantings would enhance the natural character values of the Tāmaki River edge”*<sup>10</sup>. Whilst I agree with the latter, the provision for an esplanade reserve with riparian planting has not been included within the proposed PPC or precinct plan.

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<sup>5</sup> AUP (OP) B8 – Toitū te taiwhenua – Coastal Environment

<sup>6</sup> NZCPS Policies including 13, 14 and 25

<sup>7</sup> AUP (OP) – B2 – Tāhuhu whakaruruhua ā-taone – Urban Growth and form. Including B2.2.1 (1) & B2.3.1(1)(a)

<sup>8</sup> Resource Management Act 1991. Section 6a – Matters of national importance.

<sup>9</sup> See Appendix C.

<sup>10</sup> LVE, Paragraph 5.8

23. While the site is not covered by a high or outstanding natural character overlay, the NZCPS (Policy 13(1)(b)) and Chapter B8 – Toitū te taiwhenua, still enable the consideration of adverse effects on natural character not identified as high or outstanding. As described above in paragraph 15, I consider that the location, form, landcover and relationship with the estuary and mangroves and SEA means the site retains a level of natural character values.
24. In my opinion, one of the benefits of the existing zoning B-LIZ, is that development must be setback 25m from the coastal edge. The proposed PPC would reduce this setback to 10m. Noting the existing width of native planting on site (20-40m), the existing natural character and amenity values afforded by this planting would be lost. Therefore, the proposed PPC reduces the level of protection and potential for landscape enhancement within the coastal environment on this site.
25. The applicant has noted that under the Reserves Act 1977, future subdivision of the site would require the provision of a 20m esplanade reserve to be assessed and vested to Council. However, I note that the precinct and zoning does not preclude Integrated Residential Development which would not trigger a subdivision, and therefore would not trigger the requirement for a 20m esplanade reserve to be offered or vested. In my opinion, the PPC as proposed would not be consistent with the coastal provisions of the AUP (OP) or NZCPS including,

*B8.2.1 (2) – Subdivision, use and development in the coastal environment are designed, located, and managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment.*

*B8.2.1 (3) - Where practicable, in the coastal environment areas with degraded natural character are restored or rehabilitated and areas of high and outstanding natural character are enhanced.*

*NZCPS – Policy 14 – Restoration of natural character*

*Promote restoration or rehabilitation of the natural character of the coastal environment including by; restoring indigenous habitats and ecosystems, using local genetic stock where practicable, encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management, restoring, and protecting riparian and inter-tidal margins<sup>11</sup>.*

26. It is also noted that it is somewhat uncommon to have R-THAB zoning located along the coastal edge, with lower-density zones, such as Residential - Single House zone or Residential – Mixed Housing Suburban more common and often buffered by open space zones or esplanade reserves. For comparison there are other R-THAB zoning in the area, but they are limited in number and extent (Brady Road and Princes Street East – Otahuhu and Bentley Road, Gaye Crescent, Eccles Place and Kaitawa Street – Otara), and the zoning is often separated from the coast by esplanade and open space reserves (measuring 10m-20m wide)<sup>12</sup>. As such it is considered that where R-THAB is provided for that this should be suitably setback from the coastal edge to protect the natural character values of the site and be in keeping with surrounding areas.
27. It is my view that an esplanade reserve or coastal setback should be provided for within the precinct and precinct plans which is equal to or greater than the 25m of the B-LIZ, to ensure that future development is set up to achieve an appropriate response and interface with the

<sup>11</sup> Policy 14 – point c (i) (ii) (v)

<sup>12</sup> AUP (OP), B2 – Tāhuhu whakaruruhau ā-taone – Urban growth and form, B2.4 Residential Growth, Policy B2.4.2 (4) (b) – Provide for lower residential intensity in areas: that are subject to high environmental constraints.



Tāmaki River and retain the natural character values of the area. A defined esplanade reserve / coastal setback would also ensure the existing vegetation on the site which positively contributes to the values of the site and coastal environment would be partially or preferably entirely retained.

#### Landscape Character Effects and Visual Amenity Effects

28. I generally agree with the author of the LVE that while the PPC would inevitably change the local undeveloped nature of the site to one that is more urban, the existing B-LIZ under the AUP (OP) also anticipates a significant level of change to occur on site.
29. While I agree that the eastern part of the site has low landscape values, I do not consider that a reduction in setback from Tamaki River (coastal protection yard) (from 25m B-LIZ to 10m R-THAB) is appropriate, and that the degraded nature of part of the site should permit the loss of existing vegetation on site.
30. The LVE outlines that the PPC will result in a number of positive landscape outcomes as a result of the *“Development Concept Plan<sup>13</sup> which has been designed in accordance with established urban design principles and would ensure a high level of visual amenity, comprehensively planting with trees and riparian planting along the Tāmaki River corridor to entice its overall amenity and assist in its integration with the surrounding industrial and coastal area overtime.”*  
<sup>14</sup>. The masterplan work within the Urban Design Statement is not proposed as part of the PPC or precinct plans<sup>15</sup>. As such while I agree that the ‘Concept Master Plan’ illustrates positive outcomes in terms of providing for a vegetated coastal buffer, public access / recreational use, this is not a requirement of future development on site as per the PPC as currently lodged. These outcomes could potentially be achieved through good design; however, it is recommended that specific provisions be adopted to guide these outcomes to occur.
31. In my view the most significant visual impact would be for residential neighbours immediately north along McManus Place and Curlew Bay Road, along with recreational users of Tāmaki River. Visually the PPC would restrict the extent and scale of development on site (50% building coverage, 16m high) resulting in a lower level of development compared to the current B-LIZ. Future development could however be of a greater scale along this part of the river in comparison with the northern and southern edges which are zoned Mixed Housing Suburban and express a lower scale and density of development, often buffered by esplanade reserves and open spaces. The reduced yard setback would also be in contrast with the esplanade / open space provided for along the western side of Highbrook Drive to the north.
32. Visually the THAB zone could result in smaller footprint buildings, with more detailed and refined designs in comparison to large-box industrial buildings, which would reduce the potential bulk and visual dominance effects as experienced from outside the site.
33. As such while I agree that both the existing zoning and proposed PPC zoning would result in a significant change in character, and that THAB development controls under the AUP (OP) would result in a reduction of height and building coverage compared to the B-LIZ, the PPC also results in a reduction in the coastal setback and the ability to retain existing vegetation and enhance this to be in keeping with the characteristics of surrounding sites which adjoin Tāmaki River.

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<sup>13</sup> See appendix D.

<sup>14</sup> LVE Paragraph 5.15

<sup>15</sup> This is primarily limited to transport controls and vehicle movements.

## Masterplan and Precinct Provisions

34. The LVE and Urban Design Statement rely on and / or refer to the positive outcomes that the PPC will achieve. Specifically, reference is given to the 'Development Concept Plan' (vision and key design moves) which is an expression of a series of principals, precedents, and site mapping. The positives achieved by the 'Development Concept Plan' outlined in the LVE include:
- The provision of a 20m wide esplanade reserve, with a comprehensive riparian planting and trees planting strategy.
  - The provision of public facilities – including walking tracks, playgrounds, and seating.
  - Localising larger apartments to the southern portion of the site and smaller scale buildings to the northern portion.
  - Ensuring a high level of visual amenity.
35. Other design outcomes illustrated on the 'Development Concept Plan' include small-scale retail opportunities (e.g., cafes) and a public square to provide for local amenities. These are not required by the precinct, and while are provided for as a restricted discretionary activity<sup>16</sup> under the R-THAB zone, they are also not required within the zone, but could be considered as part of an assessment of a future proposal (Objective H6.2 (4) and Policy H6.3 (9)).
36. The 'Development Concept Plan' also shows planted boundaries (eastern, southern) these are not required, and may also be restricted; in terms of height, due to overhead powerlines<sup>17</sup>. This is, in my view, an important aspect to consider, in terms of the potential quality and amenity for future residents and how development will be appropriately designed to interface the two adjacent arterial roads. The Light Industrial zoning results in a less sensitive audience (e.g., workers) and therefore the interface to Highbrook Drive and the motorway are not considered to be as critical in terms of providing for appropriate level of amenity for those onsite. However, with the change to a residential zoning the interface will be more important for residents in terms of providing appropriate visual amenity. The planted buffer, or orientation of outlook etc. for future development, as mentioned within the vision and design principals of the Urban Design Statement are not carried through to the PPC precinct objectives, policies, or standards.
37. In general, the recommended principals, precedents and site mapping outlined within the Urban Design Statement would encourage more sensitive design to the coastal boundaries (e.g., stepped height), would retain the vegetation on site and provide space for coastal enhancement (20m setback) and would provide for coastal access (e.g., walking tracks).
38. However, I do not consider that these positive landscape and design outcomes should be relied upon when undertaking an assessment of landscape effects, unless they are carried through to the PPC precinct objectives, policies, and standards to ensure these outcomes are clear when the site is developed in the future.
39. The PPC is of the position that the provisions of the R-THAB zone provisions (objectives, policies, and standards) are sufficient to achieve the outcomes as illustrated and noted within the Urban Design Statement (ET Urban Design Limited, dated 25.07.2022). However, a number of outcomes expressed within the Urban Design Statement and 'Development Concept Plan' while enabled by the THAB zone, are not required to be provided for. The outcomes expressed within the Development Concept Plan and Urban Design Statement, from a landscape perspective, would be better expressed and provided for through specific provisions in the precinct plan, where they can act as design guidelines for future development. This is due to the location of

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<sup>16</sup> E.g., Table H6.4.1 (A14) – Dairies up to 100m<sup>2</sup> gross floor area per site. Or (A15) – Restaurants and cafes up to 100m<sup>2</sup> gross floor area per site.

<sup>17</sup> Western boundary borders and is subject to Infrastructure: National Grid Corridor Overlay – National Grid Yard Uncompromised and National Grid Subdivision Corridor.

the site within the coastal environment, the existing vegetation and the constrained location, shape, and width of the site (including potential for a 20m esplanade to further reduce this) which in my view leads to a more site-specific led outcome to be preferred from a landscape perspective.

### Submissions

40. I have reviewed all submissions made on the proposed private plan change, concentrating on those that raise landscape effects matters; the relevant issues are outlined above in paragraphs 7 - 8. I have responded to issues a - e and g already in this memo and will discuss the remaining issue below.
41. A number of submitters recommended that the site should be set aside for open space or a natural reserve.
42. The current undeveloped nature of the site means that any development, enabled under the current B-LIZ zoning or the proposed PPC R-THAB zoning, would result in a significant level of visual change for locals. However, the site is zoned B-LIZ and as such the AUP (OP) does not anticipate that the entire site would remain undeveloped or be set aside as open space or a natural reserve.
43. As noted above, I am of the view that the PPC should require the protection and retention of a minimum 25m esplanade / coastal setback. This would go some way in addressing the concerns and recommendations raised by submitters.

### Conclusions and Recommendations

44. Overall, it is my opinion that the proposed plan change (as notified) would result in at least moderate adverse landscape effects and natural character effects. The adverse effects of the PPC could be reduced from a landscape perspective, and the outcomes mentioned within the Urban Design Statement and as illustrated on the 'Development Concept Plan' are considered to be best achieved, through the inclusion of a number of tailored provisions which would retain an esplanade reserve / coastal buffer, provide for enhancement of the coastal edge, manage built form across the site and minimise visual amenity effects to arterial roads (as outlined in paragraph 44 below).
45. Overall, I consider the proposed plan change (as notified) to be inconsistent with NZCPS Policy 13 and 14 and the following RPS objectives and policies:
  - a. B2 Tāhuhu whakaruruhau-ā-taone, Urban growth and form – A quality-built environment where subdivision, use and development do all of the following: respond to the intrinsic qualities and physical characteristics of the site and area, including its setting.<sup>18</sup>
  - b. B8 Toitū te taiwhenua - Coastal environment. Subdivision, use and development in the coastal environment are designed and located and managed to preserve the characteristic and qualities that contribute to the natural character of the coastal environment<sup>19</sup>, and the adverse effects of subdivision, use and development on the values of the coastal environment are avoided, remedied, or mitigated<sup>20</sup>.

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<sup>18</sup> Objective B2.3.1(1)(a) and Policy B2.3.2(1)(a)

<sup>19</sup> Objective B8.2.1 (2)

<sup>20</sup> Objective B8.3.1 (2)

46. However, should the plan change be approved the following changes are recommended:
- a. Require an esplanade reserve / open space conservation zone / coastal setback; of a minimum 25m depth, to be included within the PPC provisions and precinct maps.
  - b. Provide for the retention of existing native vegetation along the western boundary, which should incorporate the drip zone of trees within the coastal edge. As well as the enhancement of the coastal edge through native planting, and a weed and pest management strategy.
  - c. Introduce a provision which identifies the scale of development anticipated across the site (e.g., zones, lower density at the northern end to respond to the narrow form of the site and coastal edge).
  - d. Introduce provisions which requires a physical planted buffer with a minimum depth of 3m, with trees and shrubs, along the boundaries to SH1 and Highbrook drive to provide for a softer interface between future development and the road system.

Kind Regards

**Gabrielle Howdle**  
Specialist Landscape Architect  
Tāmaki Makaurau Design Ope  
Auckland Council

## Appendix A: Qualifications and experience

Gabrielle Howdle

Specialist Landscape Architect

Design Review, Tāmaki Makaurau Design Ope, Plans and Places Department, Auckland Council.

Bachelor of Landscape Architecture (*Hons*) (2016), Unitec Institute of Technology, NZ

Graduate Member of New Zealand Institute of Landscape Architects Tuia Pito Ora

I have been with Auckland Council in the design review team since September 2017. I have 7 years industry experience in NZ, primarily within the public sector. In my current role as Specialist Landscape Architect, I specialise in design review and the assessment of landscape effects, including character, natural character, and visual amenity for projects of various scales. I have attended and provided evidence at council hearings as part of my role.

## Appendix B: LA4, Effects Rating Scale

### **Very Low | Low | Low-Moderate| Moderate | Moderate-High | High | Very High**

#### Very Low Effect

*No appreciable change to the visual character of the landscape, its landscape values and/or amenity values.*

#### Low Effect

*Limited change to the visual character of the landscape, with a low level of effect in relation to landscape values and/or amenity values.*

#### Low-Moderate Effect

*Evident visual change to the visual character of the landscape with a low to moderate level of effect in relation to landscape values and/or amenity values.*

#### Moderate Effect

*Appreciable change to the visual character of the landscape with a moderate level of effect in relation to landscape values and/or amenity values.*

#### Moderate-High Effect

*Marked change to the visual character of the landscape with a moderate to high level of effect in relation to landscape values and/or amenity values.*

#### High Effect

*Significant change to the visual character of the landscape with a high level of effect in relation to landscape values and/or amenity values.*

#### Very High Effect

*Fundamental change to the visual character of the landscape with a very high level of effect in relation to landscape values and/or amenity values. The proposal causes significant adverse effects that cannot be avoided, remedied or mitigated.*



## Appendix C: Comparison of some development standards between B-LIZ and R-THAB

| AUP (OP) Provisions             | Business – Light Industrial zone   | Residential – Terraced Houses and Apartment Buildings   |
|---------------------------------|--|---|
| Building Height                 | 20m*<br><br>*Unless otherwise specified in the Height Variation Control on the planning maps   | 16m   |
| Height in Relation to Boundary  | 6m + 35degree*<br><br>*Applies along a boundary of the residential zones, open space zones, special purpose māori purpose or school zone.  | 3m + 45degree*<br><br>*Does not apply to a boundary or part of a boundary adjoining Business - Industrial zones or open spaces<br><br>**ALHIRB 8m + 60 degrees within 20m of the site |
| Building Coverage               | n/a  | 50% of net site   |
| Impervious within riparian yard | 10% within riparian yard   | 70% general<br>10% within riparian yard   |
| Landscape                       | n/a  | 30%   |
| Yards                           | Front<br>2m (not required for internal roads or service lanes)<br><br>Side and Rear<br>5m (for residential, open space, special purpose school and māori)<br><br>Riparian Yard - 10m<br>Lake Side – 30m<br>Coastal 25m | Front – 1.5m<br><br>Side / Rear – 1m<br><br>Riparian – 10m<br>Lake – 30m<br>Coastal – 10m   |

Appendix D: Highbrook Living Development concept plan (Proposed concept masterplan within the Urban Design Statement, ET Urban Design, dated 25.07.2022)



## Memo (technical specialist report to contribute towards Council's section 42A hearing report)

13 July 2023

To: Tania Richmond - Planning Consultant, Richmond Planning Ltd. on behalf of Auckland Council

From: Rebecca Ramsay – Senior Specialist: Heritage, Heritage Unit, Plans and Places Department

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**Subject: Proposed Private Plan Change – PC 90, 8 Sparky Road, Otara – Historic Heritage Assessment**

### 1.0 Introduction

- 1.1 I have undertaken a review of the proposed private plan change (PC 90), on behalf of Auckland Council in relation to historic heritage (archaeology) effects.
- 1.2 My review has not addressed effects on mana whenua cultural values. The cultural and other values that mana whenua place on the area may differ from its historic heritage values and are to be determined by mana whenua. It is the applicants' responsibility to consult with mana whenua to determine mana whenua values.
- 1.3 I have a Master of Arts degree with first class honours in anthropology (archaeology) specialising in New Zealand archaeology. I have worked in the field of historic heritage management for nearly eight years. My experience spans archaeology (including landscape archaeology) and heritage policy.
- 1.4 In writing this memo, I have reviewed the following documents:

- Section 32 Planning Report – Highbrook Private Plan Change Request to the Auckland Unitary Plan (Operative in Part). Prepared by Babbage for Highbrook Living Limited (19 August 2022).
  - Appendix 1: Records of Titles and associated interests on Titles
  - Appendix 2: The Private Plan Change Request – proposed changes to AUP(OP)
  - Appendix 3: AUP(OP) Planning Maps – key provisions applying to the Plan Change area
  - Appendix 4.3: Geotechnical Appraisal Report
  - Appendix 4.4: Assessment of Landscape and Visual Effects Report
  - Appendix 4.10: Ngāti Tamaoho Highbrook Plan Change Cultural Values Assessment
- Clause 23 – Request for Further Information
  - Request for further information response December 2022
  - Attachment 1: Geotechnical test pit data
  - Attachment 4: Te Ākitai Cultural Values Assessment
  - Attachment 7: Updated Highbrook Precinct Plan
- Additional Information:
  - Clough, R. and Prince, D. 1996. *Otahuhu Powerstation: Archaeological Survey for Resource Consent Application*. Unpublished report prepared for Kingett Mitchell.
  - Clough, R. and Prince, D. 2000. *Otahuhu C Powerstation: Archaeological Survey for Resource Consent Application*. Unpublished report prepared for Contact Energy.

### 2 Key Historic Heritage Issues

- 2.1 The key issue in relation to historic heritage is whether the application has sufficiently assessed and addressed actual or potential effects on historic heritage.

### 3 Context

- 3.1 The subject property is located on a headland between two tributaries of the Tāmaki River, a significant portage route between the Waitemata and Manukau Harbours for Māori and Europeans. While there are a number of archaeological sites representing a wider landscape

along the riverbanks, no previously recorded archaeological sites are located within the subject property.

3.2 The property was first systematically archaeologically surveyed in 1996 and again in 2000 for the Otahuhu power station and later expansion (Clough and Associates Ltd. 1996 and 2000). No archaeological sites were recorded during either survey or archaeological monitoring of earthworks. However, both assessments note the property has been extensively modified from European farming activity, reclamation and the 1968 construction of the power station and associated infrastructure. Examination of more recent aerials shows further modification of the subject site from industrial and roading development (Technical Report 5 – Contaminated Land Memo).

#### **4 Applicant's assessment of historic heritage values, adverse effects and mitigation methods**

4.1 No historic heritage reporting or commentary is provided in the Plan Change Request documentation, Assessment of Environmental Effects or supporting documentation.

#### **5 Submissions**

5.1 One submission, from Heritage New Zealand Pouhere Taonga (HNZPT) (submission 15) was received in relation to historic heritage matters<sup>1</sup>. HNZPT seeks the following relief and/or amendments:

- Seeks an archaeological field survey to identify unrecorded archaeological sites and to address appropriate mitigation, including the avoidance and where appropriate the recognition and interpretation of sites in publicly accessible areas.
- Seeks a full heritage impact assessment, identifying the historic heritage landscape of the entire plan change area, is undertaken to determine the wider heritage significance and therefore ensure appropriate protection is incorporated into the plan change provisions before a decision on the plan change is made.
- Would support the plan change with amendments as required to protect the historic heritage landscape and archaeology following the completion by a qualified archaeologist of an archaeological assessment of the full extent of the plan change area.

#### Response to Submissions

5.2 It is the author's understanding that at the time of writing, HNZPT did not have access to the two previous archaeological assessments to inform their submission.

5.3 Based on the previous archaeological assessments and scale of modification there is a nil to low likelihood unrecorded archaeological sites are present within the subject property. An exception may be along the western coastal edge/property boundary, however dense vegetation has limited access and visibility and earthworks for the construction of Highbrook Drive may have extended to the coastal edge.

5.4 Potential for historic heritage sites would most likely be situated within 20m of mean high water mark, where it is understood an esplanade reserve would be required at the time of subdivision.

#### **6 Conclusions and recommendations**

6.1 Confirmation from HNZPT should be sought that these assessments and analysis of previous landscape modifications address their requested relief.

6.2 At this stage, it is considered that no further archaeological assessment is required, and that any potential historic heritage / archaeological effects can be managed through the AUP (OP) Accidental Discovery Rule provisions and any requirements under the Heritage New Zealand Pouhere Taonga Act (2014).

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<sup>1</sup> Summary of Decisions Requested

6.3 Overall, I can support the private plan change.

**7 Addendum to initial memo: Archaeological Assessment dated May 2023, provided by applicant in response to submissions.**

7.1 An archaeological assessment<sup>2</sup> was provided by the applicant on 30 August 2023, in response to submission #15 from Heritage New Zealand Pouhere Taonga.

7.2 The report concludes that “the proposed development will have no known effects on archaeological values, as no archaeological sites have been identified within the Plan Change area and the potential for any unidentified subsurface remains to be exposed during development is very low due to the history of landscape modification”<sup>3</sup>.

7.3 These conclusions are consistent with my previous assessment of the private plan in relation to historic heritage matters and supports my recommendation set out in section 6.2.

7.4 Overall, I can support the private plan change.

Rebecca Ramsay

4 September 2023

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<sup>2</sup> Roth, K. and Farley, G. May 2023. *8 Sparky Road, Ōtara, Highbrook, Private Plan Change: Archaeological Assessment*. Prepared by Clough and Associates Ltd. for Highbrook Living Limited.

<sup>3</sup> Roth, K and Farley, G. 2023. p:33.

# Contamination Specialist Memo

7 July 2023

To: Tania Richmond, Consultant Lead Planner, Richmond Planning Ltd, for Auckland Council

And To: Nicholas Lau, Senior Policy Planner | Central & South Planning | Plans and Places

From: Fiona Rudsits, Senior Contamination Specialist – Contaminated Land, Contamination, Air & Noise, Specialist Input, Resource Consents

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Subject: **Private Plan Change 90 – 8 Sparky Road, Ōtara: Contamination Assessment (D.002324.02)**

## 1.0 Introduction and scope

- 1.1 Proposed Private Plan Change 90 (PPC 90) is a proposal that seeks to rezone 4.4 hectares of land on the north-western side of Highbrook Drive at 8 Sparky Road, Ōtara, from Business – Light Industry to Residential – Terrace Housing and Apartment Building Zone. The proposed private plan change also seeks to introduce the Highbrook Precinct applying to the rezoned land. The precinct includes provisions that relate to transport and noise. The remainder of the site retains its existing Business – Light Industry zone and is not included in the Highbrook Precinct
- 1.2 My name is Fiona Clare Rudsits, and I am a Senior Specialist within the Contamination, Air & Noise Team at Auckland Council (Council).
- 1.3 I have undertaken a review of the relevant supporting documents for the proposed PPC 90 on behalf of Council in relation to potential adverse effects on human health and the receiving environment, associated with potential soil and groundwater contamination at this site.
- 1.4 As part of my role at Council I undertake technical reviews of contaminated land assessments (PSIs/DSIs), site management plans/remediation action plans (SMP/RAPs), and site validation reports (SVRs) for the purpose of evaluating Resource Consent Applications. As part of these technical reviews, I have prepared technical memorandums for Council Lead Planners and Independent Duty Commissioners, involved in statutory processing of resource consent applications, to enable them to prepare consent determination reports, including appropriate and workable consent conditions.
- 1.5 I have been employed in this role since June 2018. Prior to this I was employed as an Environmental Scientist and Project Manager with GHD Limited in Australia and New Zealand. I have over 15 years' experience in contaminated land assessments and remediation.
- 1.6 I am a member of the Australasian Land & Groundwater Association (ALGA) and currently an elected committee member for ALGA's Auckland Branch for 2022/23 and have been in this role since January 2020.
- 1.7 In writing this memo, I have reviewed the following documents lodged in support of the proposed PPC 90:
  - *Planning Report: Highbrook Private Plan Change Request to the Auckland Unitary Plan (Operative in Part)*, prepared by Babbage Consultants Ltd, dated 19 August 2022;



- Technical Report 3: *RE: Highbrook Living – Geotechnical Appraisal for Plan Change*, prepared by Babbage Consultants Ltd, dated 17 February 2022
- Technical Report 5: *Highbrook Private Plan Change Request - Preliminary Land Contamination Review*, prepared by Babbage, dated 15 July 2022.

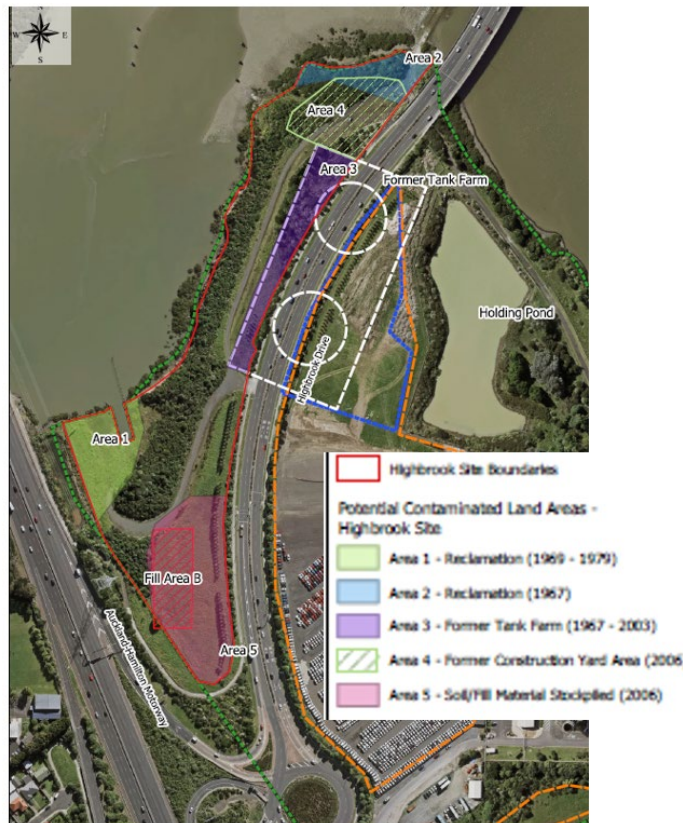
1.8 I consider that the application has provided sufficient information relating to contaminated land in terms of the matters to be considered under clause 23 of the First Schedule of the Resource Management Act.

## 2.0 Proposal

- 2.1 The area of the proposed PPC 90 (further referred to as ‘the project site’) covers approximately 4.4 hectares of land, located immediately north-west of the larger site at 8 Sparky Road. The project site is bound by Highbrook Drive to the south-east and the Tamaki River (estuary) to the north. The entire site (referred to as 8 Sparky Road) is approximately 35 ha in size and forms part of the larger former Ōtāhuhu power station property, the operation of which was closed down in 2015.
- 2.2 The project site is currently zoned Business – Light Industry Zone. The PPC 90 request seeks to re-zone the project site to a ‘Residential - Terraced Housing and Apartment Building Zone’.
- 2.3 Any future subdivision and the development of dwellings would continue to require resource consent under the proposed earmarked development and other AUP(OP) provisions.

## 3.0 Soil contamination assessment and analysis

- 3.1 The Planning Report states the site subject to the proposed PPC 90 is a north-western portion of the land cut off from the larger site by Highbrook Drive. Prior to the construction of Highbrook Drive, the site at 8 Sparky Road operated as a single large site, being the location of the former Ōtāhuhu Power Station. The Ōtāhuhu Power Station was a natural gas-fired power station commissioned in 1968. The facility consisted of two stations known as Ōtāhuhu A (located on the eastern portion of the main site) and Ōtāhuhu B (located on the western portion of the main site).
- 3.2 A *Preliminary Land Contamination Review* has been undertaken of the 4 ha area of land relevant to this PPC 90. The main objective of the *Preliminary Land Contamination Review* was to identify the main actual or potential contamination issues within the project site and confirm whether the PPC 90 area is suitable or can be made suitable for the proposed land use.
- 3.3 Based on the review of that *Preliminary Land Contamination Review*, the following sources of contaminants of concern have been identified as the potential constraints to the proposed PPC 90 and relevant future development: Highlighted as Areas 1-5 in Figure 1 and Table 2 of the *Preliminary Land Contamination Review*.



- 3.4 The five areas were identified as potentially containing impacted soil from previous site activities. Areas 1, 2 and 5 (estimated to cover approximately 33% of the site area) were considered to have a medium or high likelihood to contain soil contamination which may exceed the applicable human health and environmental guidelines, while Areas 3 and 4 were considered to have a low likelihood to contain soil contamination.
- 3.5 The medium or high-risk areas comprised of reclaimed land (Areas 1 and 2) near the Tamaki River bank and the Fill Area B (Area 5). It is anticipated that the other two areas, including a former tank farm (Area 3) and former construction yard (Area 4) will have a low likelihood of encountering soil impacts above the applicable proposed land use criteria, based on existing information held on these areas of the site (as documented in the previous reports by T+T , 2015 and Geosciences Ltd, 2019 referenced in the *Preliminary Land Contamination Review*).
- 3.6 The source and quality of the reclamation fill (estimated to range from depths of 0.5 to 5m below ground level) and the stockpiled material is unknown. The fill from unknown sources has the potential to be contaminated with heavy metals, polycyclic aromatic hydrocarbons (PAHs), total petroleum hydrocarbons (TPHs), polychlorinated biphenyls (PCBs), and/or asbestos.
- 3.7 The presence of unknown potential contamination sources, such as uncertified asbestos dumps, farm dumps, rubbish/waste dumps, demolition material dumps, as well as areas affected by historical pollution incidents and fires also could not be ruled out.
- 3.8 The *Preliminary Land Contamination Review* states the actual risk associated with the above activities will need to be assessed through the process of a detailed site investigation within the area of land subject to the proposed PPC 90, in order to confirm the actual, current contamination status. Depending on the outcome of such investigations, the soils within the area of land may require remediation to be completed prior to the residential development commencing.

#### 4.0 Statutory considerations (relevant to protection of human health and the environment)

- 4.1 I consider the following regulations, plan, and policy statements to be relevant to the assessment of the proposed PPC 90 request, in the context of contamination of the land and the associated effects on human health and the environment:
- *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations*, Ministry for the Environment, 2011 (NES:CS)
  - Chapter E30 of the Auckland Unitary Plan (Operative in Part) (AUP(OP)), Objective E30.2(1) and Policies E30.3.(1 and 2)
  - *The Auckland Council Regional Policy Statement*, particularly Section 17, Objectives 17.3.1-3, and Policies 17.4.1.1-4
  - *The National Policy Statement for Freshwater Management*, updated in 2020, particularly Part 2, Objectives 2.1(1)(a-c), and Policies 2.2(1-5 and 13).
- 4.2 The *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations* (NES:CS) sets up standards and management controls to prevent or mitigate any adverse effects of certain activities proposed on a piece of land which has been (potentially) impacted by previous and/or current activities identified on the Ministry for the Environment's *Hazardous Activities and Industries List* (HAIL).
- 4.3 The NES:CS provides a nationally consistent set of controls and soil contaminant standards to ensure a piece of land affected by contaminants in soil in such a way as to pose a risk to human health, is appropriately identified, assessed, and where required, remediated and/or managed.
- 4.4 While the NES:CS regulates a change of land use for the protection of human health, it is directly relevant to the consenting process and not to the consideration of a proposed plan change. It is however, taken into consideration in this assessment to identify any potential major constraints likely to impede the subsequent consenting stage.
- 4.5 The Contaminated Land Rules of the AUP(OP) regulates contaminant discharges from contaminated land and soils containing elevated levels of contaminants. These are defined as soils containing contamination exceeding the Permitted Activity soil acceptance criteria of Standard E30.6.1.4.
- 4.6 The NES:CS regulations, AUP(OP), and policy statements listed above will be applicable once again during the consenting process, and at that stage the remaining investigation and remediation of the land, where required, will be carried out. The regulations of the NES:CS and Contaminated Land Rules of the AUP(OP) will be relevant to those pieces of land within the subject site, which have formerly been affected by any contaminating activities, and they will be considered in the consenting process.
- 4.7 The current assessment of the PPC 90 request and supporting documentation is focused on identifying any major constraints, associated with the contamination status of the project site, which would present an impediment to the proposed re-zoning of the land into generally more-sensitive land use. Any other than major constraints, associated with potential contamination of the project site can be dealt with at a later stage, under the requirements of the relevant regulatory consenting process, associated with the future development.
- 4.8 Detailed assessment of the suitability of individual parcels of land within the area of land subject to the proposed PPC 90 will need to be undertaken prior to obtaining relevant resource consents required for carrying out land-disturbance works, the actual change of land use, and subdivisions.

## 5.0 Applicant's assessment

5.1 Based on the review of the historical and current records of the land use within the project site, provided in the *Preliminary Land Contamination Review*, the property at 8 Sparky Road has been utilised for activities, described on the Ministry for the Environment's HAIL. Those activities are listed as follows:

| Area of potential concern |   | Description  | Contaminants of potential concern   |
|---------------------------|---|--|---|
| Area 1                    | Southwestern portion of the site reclaimed land 1969-1979 | The source and quality of the reclamation fill (estimated to range from 0.5-5m) is unknown.  | heavy metals, PAHs, TPH, PCBs, and asbestos   |
| Area 2                    | Southwestern portion of the site reclaimed land 1967      | The source and quality of the reclamation fill (estimated to range from 0.5-5m) is unknown.  | heavy metals, PAHs, TPH, PCBs, and asbestos   |
| Area 3                    | Former Tank Farm (1967 - 2003)                            | Previous investigations (T&T, 2011 and Geoscience Ltd, 2019) showed concentrations in soils were below the applicable proposed land use criteria and no groundwater has been affected by soil contamination in this area of the project site. A further report (T&T, 2015) mentioned that extensive earthworks (19,000 m <sup>3</sup> of imported cleanfill and 3,000 m <sup>3</sup> of cut) were undertaken for proposed reshaping the northern border of the road which falls within the site. Low likelihood of contamination was considered to remain within the Tank Farm | heavy metals, PAHs, TPH, and asbestos   |
| Area 4                    | Former Construction Yard Area (2006)                      | Estimated period of this activity comprised 4 years (2004-2008). Low likelihood of contamination considering the short period of exposure  | heavy metals, PAHs, and TPH   |
| Area 5                    | Soil/Fill Material Stockpiled (2006)                      | Potential burn-off area for domestic waste and dump area from the former power station. The source and quality of fill material is unknown   | heavy metals, PAH, TPH, PCB, organochlorine pesticides (OCP), volatile organic compounds (VOC), semi-volatile organic compounds (SVOC), and asbestos. |

\*\* Areas highlighted grey were deemed lower risk

- 5.2 In accordance with the *Preliminary Land Contamination Review*, the project site is considered as being suitable for the proposed PPC 90, subject to a detailed site investigation being carried out prior to any future subdivision or land-disturbance works. Once the investigation has been completed, the contamination status of the site can be confirmed to inform the consenting requirements relevant to the NES:CS and Contaminated Land Rules of the AUP(OP).
- 5.3 The Geotech Report, provided in support of the request for the proposed PPC 90 indicated the south and central region of the site was underlain by pumiceous deposits of the Puketoka Formation while the north-eastern extent was underlain by lithic tuff of the Auckland Volcanic Field. The Geotech Report identified several historic investigations carried out close to the site. These included machine-drilled boreholes, Cone Penetrometer Tests (CPTs) test pits carried out in 2003-2004 for Highbrook Drive, and the Southern Motorway widening. Based on the findings from the desktop study, ground conditions are expected to comprise clay, silt, and sand of the Puketoka formation, overlain in part by tuff and other AVF deposits and/or surficial fill.
- 5.4 The Geotech Report concluded, in general, the site was considered geotechnically suitable for the new proposed land use. Further geotechnical assessment and site-specific geotechnical investigations will be required to support resource and/or building consent application.
- 5.5 The Preliminary Geotech Report did not reveal any other areas of concern, associated with the presence of hazardous materials in soil, in particular contamination hotspots or waste dumps. However, the potential presence of surficial fill was considered likely.
- 5.6 The *Preliminary Land Contamination Review* acknowledges that the NES:CS Regulations and Contaminated Land Rules of the AUP(OP) set out an appropriate framework to manage the potential adverse effects on human health and the environment, associated with any contamination within the project site and confirms they are anticipated to be implemented through the future resource-consent process, associated with the site subdivision and development. While no detailed site investigation has been completed, the presence of some contamination hotspots is anticipated, and therefore a further detailed site investigation will be required prior to the future subdivision and development of the project site. The *Preliminary Land Contamination Review* states that depending on the outcome of such additional investigation within the site, some parts of the property may require remediation or long-term management.
- 5.7 The *Preliminary Land Contamination Review* states that in the event that soil impacts are encountered above the applicable proposed land use criteria (ie recreational or a more sensitive residential land use), implementation of remediation/management practices would be adopted by removal of contaminated soils offsite or isolate via capping, or building over those impacts.
- 5.8 I consider those recommendations for further remediation or management of the selected areas within the project site (where necessary) as being satisfactory and relevant to the proposed PPC 90.
- 5.9 The above recommendation has been incorporated into the overall recommendations relevant to the proposed PPC 90, in Section 8.0 of this Memo.

## **6.0 Assessment of the effects on human health and the environment, and management methods**

- 6.1 The purpose of my review was to obtain an understanding of the potential constraints affecting the proposed PPC 90 and the relevant future subdivision and development, associated with the potential contamination of soil and groundwater within the project site.

- 6.2 I consider the information provided in support of the PPC 90 request as being adequate for obtaining general understanding of the scale and significance of the adverse effects and positive effects on human health and the environment, anticipated from the implementation of the proposed PPC 90. I consider it being sufficient for the purpose of this review. However, the actual extent of the areas affected by contamination, if any, will only be able to be assessed at a later stage, prior to the subdivision and development process.
- 6.3 I consider the proposed PPC 90 as being generally consistent with the purpose of the NES:CS regulations, and the objectives and relevant policies of the AUP(OP) and anticipate the land subject to the proposed PPC 90 as being generally suitable for the intended future high density residential development.

## 7.0 Submissions relevant to contaminated land.

- 7.1 The PPC 90 was publicly notified 23 February 23, and submissions closed on 11 May 2023.
- 7.2 No submissions on the proposal as relevant to Contaminated Land matters raised in the *Preliminary Land Contamination Review* have been received at the time of writing.
- 7.3 Out of the 20 submissions received in total, three submissions (#4, #9 and #10) have included reference to contamination land matters; although these appear to be more general statements and do not relate to any of the potential contaminating activities ('pieces of land') identified in the *Preliminary Land Contamination Review*.
- Submission #4 - requests that the PPC application be rejected, due to a potential for heavy metal pollutants from the motorway to have accumulated in riverbank sediment and there has been no investigation or examination of this issue, despite this area being proposed as shoreline recreational area.
  - Submission #9 - states that the application should be rejected, because there has been no examination of public health risks, due to pollutants from heavy metals and toxic chemicals likely being present in the sediment.
  - Submission #10 has included a general comment on the site's coastal value (including habitat forwarding birds) which could be affected through disturbance, discharges, earthworks, construction, and disturbance of contaminated land. Site development, including earthworks, management/remediation of contaminated soils, civil engineering works, and construction are likely to occur prior to any subdivision which would trigger the creation of esplanade reserves.
- 7.4 Although the above submissions/feedback have raised concerns in relation to the proposed development, I am still of the opinion contaminated land is not a major constraint to the proposed PPC. The PSI has identified there is a potential for 'pieces of land' within the subject site to have been affected by contaminating activities, however suitable management (including remediation, if appropriate) and monitoring strategies (to protect human health and the receiving environment) can be dealt with under the relevant regulatory consenting process, associated with the future development.

## 8.0 Conclusions and recommendations

- 8.1 I consider the documentation submitted in support of the proposed PPC 90 request to be sufficient to identify the relevant potential effects of the implementation of the proposed PPC on human health and the environment. The *Preliminary Land Contamination Review* and



Geotech Report provided an adequate description of the potential contamination issues and relevant risks.

- 8.2 There appear to be no significant issues of concern with regards to contamination within the project site, that would affect the proposed PPC 90.
- 8.3 The *Preliminary Land Contamination Review* identified a number of potentially contaminating activities, described on the Ministry for the Environment's HAIL list, formerly taking place within selected parts of the project site. Those areas are considered to require further environmental assessment in order to determine the contamination status of the subsurface soils and inform the relevant remediation or management requirements prior to the future subdivisions and land development.
- 8.4 From the perspective of contamination and the associated potential effects on human health and the environment, the proposed PPC 90 is considered to be consistent with the purpose of the NES:CS, and relevant objectives and policies of the Contaminated Land Rules of the AUP(OP).

**Overall, from the perspective of the inferred contamination status of the project site and the potential adverse effects on human health and the environment, I recommend that the proposed PPC be supported, subject to the following recommended actions to be taken prior to any future subdivisions and land-disturbance activities associated with the land development:**

- Undertaking a detailed site investigation within the areas of the site, which have been identified in the *Preliminary Land Contamination Review* to have likely been affected by HAIL activities, in order to identify the potential risks to human health and the environment and enable to determine the relevant mitigation options (remediation or long-term management).
- Undertaking targeted remediation or implementing the long-term management of those selected areas, where soil contamination in concentrations exceeding the relevant Soil Contaminant Standards for protection of human health and/or environmental guidelines for protection of the receiving environment has been confirmed to be present.

Auckland Council  
C/- Richmond Planning Ltd  
tania@richmondplanning.co.nz

28 June 2023

Our Ref: 220326-B

Attention: Ms Tania Richmond

Dear Ms Richmond

## Geotechnical Assessment Proposed Private Plan Change 90: 8 Sparky Road, Highbrook

### 1.0 Introduction

Riley Consultants Ltd (Riley) has been engaged by Auckland Council (Council) to review the geotechnical aspects of the proposed Private Plan Change 90 (PPC90) for the site at the above address and provide technical advice to assist Council to prepare their Section 42A Report.

### 2.0 Key Issues

The key geotechnical issues identified for the proposed PPC90 land are slope stability, ground settlement potential and liquefaction/lateral spread.

### 3.0 Review

In preparing this geotechnical assessment, we have reviewed the following report:

- Geotechnical Appraisal for Plan Change (GAPC), prepared by Babbage Ltd (Babbage), for Private Plan Change 90, 8 Sparky Road, Highbrook, reference 64872#GE, dated 17 February 2022.

Following review of the Babbage GAPC, we raised several queries for clarification and have subsequently reviewed the responses provided by Babbage. We consider that following review of the report and the responses that the relevant geotechnical issues have been suitably addressed for the site.

### 4.0 Assessment

Babbage have relied entirely on previous geotechnical investigations carried out within and adjacent to the site and sourced from the New Zealand Geotechnical Database (NZGD). From consideration of the GAPC and query responses provided, we consider that the NZGD quantity, type and spread of this geotechnical investigation data reviewed by Babbage is sufficient to support the application. Further, we consider that the recommendations presented by Babbage in relation to the PPC90 proposal are appropriate.

Babbage's assessment of slope stability identified that the majority of the site is unlikely to be subject to instability issues due to the flat topography. However they do consider that there is potential for instability adjacent to the Tamaki River and recommend a provisional 10m setback. They considered that this does not preclude development within the setback area but would likely need to be accompanied by suitable slope stabilisation measures to ensure adequate FoS against instability are maintained. For example, such measures could include in-ground palisade retaining walls. We agree with their approach and consider that slope stability is unlikely to be a significant geotechnical issue here. In any event further investigation and analysis was recommended in this regard. We concur with this.

Babbage has identified that the site is underlain by loose and stiff to hard, clays, sands and silts of the Puketoka Formation overlain by volcanic tuff and surficial fill. They also identified the presence of competent Kaawa Formation deposits at depths beyond 15-22m. They considered that these soils should provide suitable support for shallow type foundations associated with standalone/terraced housing with high rise structures supported on piles. They also recommended that further investigation and analysis be carried out to support future resource consent applications. We concur with this approach and consider that with the use of the conventional foundation types outlined, compressible soils should not pose a significant risk to the site.

The Babbage liquefaction assessment identifies that the surficial soils have a low susceptibility to liquefaction due to their composition. They conclude that for a ULS seismic event there should be none to minor deformation of the ground and that the site has a low liquefaction vulnerability. We agree with this assessment and note that they recommend further investigations and assessments to support future consent applications. They also indicated that if such further assessments indicated a higher liquefaction susceptibility, there were several potential mitigation options available, including geogrid reinforced rafts, rammed aggregate piers, excavation and replacement etc.

Lateral spread is dismissed by Babbage as a significant geotechnical hazard on account of the assessed low liquefaction vulnerability. We concur with their assessment in this regard.

We note that Babbage recommend further geotechnical investigation, analysis, and reporting to support future resource applications. We concur that further geotechnical input is required and would need to address all geotechnical hazards to future development.

## 5.0 Submissions

A total of 20 submissions have been received and considered. From our review of the submissions received, none of the submissions raised geotechnical issues or queries that have not already been considered or addressed by Babbage.

## 6.0 Recommendation

We consider that the NZGD geotechnical investigation data used by Babbage and their associated reporting in support of PPC90, has demonstrated that the site can accommodate the proposal from a geotechnical perspective.

Notwithstanding this, further geotechnical input will be required to support future resource consent applications to Council. This input will need to include specific geotechnical investigations, analysis, and reporting to address the identified geotechnical risks, and to ensure that all relevant geotechnical issues are appropriately addressed in relation to future development proposals.

## 7.0 Limitation

This report has been prepared solely for the benefit of Auckland Council as our client with respect to the brief. The reliance by other parties on the information or opinions contained in the report shall, without our prior review and agreement in writing, be at such parties' sole risk.

If you have any questions or require further information, please do not hesitate to contact us.

Yours faithfully

**Riley Consultants Ltd**

Prepared by:



James Beaumont  
Principal Geotechnical Engineer, CPEng

Reviewed and approved for issue by:



Brett Black  
Project Director, CPEng

# **PROPOSED PLAN CHANGE 90**

## **HIGHBROOK**

### **REVIEW OF NOISE EFFECTS**

**Report No 23052v2**

**Prepared for:**

*Auckland Council*

*September 2023*

**Prepared by:** .....

*Rhys Hegley*

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## **1. INTRODUCTION**

The area of land confined by Highbrook Drive, State Highway 1 (SH1) and the Tamaki River is currently zoned Business – Light Industry. Plan Change 90 (PC90) proposes this land be rezoned to Residential - Terrace Housing and Apartment Buildings Zone and apply a Precinct to address two resource management matters, one of which is road traffic noise.

The plan change includes no acoustic assessment but instead draws from Plan Change 51 (PC 51) where traffic noise was addressed in detail. In response to the Council's request for a specific acoustic assessment, the applicant reiterated that road traffic had been fully canvassed in PC 51 and the subsequent appeal. The response also emphasised that Waka Kotahi did not appeal the Hearing Panel's decision not to include standards pertaining to external noise environments. The applicant did provide a noise contour map prepared by Waka Kotahi and this confirms the plan change area is a high noise environment.

It is understood that the applicant has undertaken further noise modelling in response to submissions from Waka Kotahi and Auckland Transport seeking further information on the noise characteristics particular to this location. Should this further information become available through evidence, this memo may be updated or supplementary advice provided.

My full name is Rhys Leonard Hegley. I am a partner with Hegley Acoustic Consultants.

I hold a Bachelor of Engineering from the University of Auckland (1993) and have attended specialist courses in acoustics in Australia and America. I am a member of the Institution of Professional Engineers New Zealand.

For the past 23 years I have provided acoustic advice on a wide range of activities such as apartment developments, service stations and workshops through to

large scale industrial activities such as petrochemical plants, power stations, dairy factories and roading projects.

My recent technical skills and experience directly relevant to the current project include:

- Advise Kāinga Ora on the traffic noise provisions for the proposed Whangarei District Plan;
- Prepare a noise assessment for the Orewa West residential development adjacent to SH1;
- Act as Auckland Council's independent reviewer for the Notices of Requirement for the Dury Arterials;
- Advise Kāinga Ora on the traffic noise implications of Plan Changes 48 and 50 of the Auckland Unitary Plan – Operative in Part (AUP) in Drury;
- Advise private developer on the traffic noise implications of the Otaki to North of Levin roading project (O2NL) with respect to Plan Change 4 of the Horowhenua District Pan;
- Advise Kāinga Ora on the road traffic noise effects of the Airport to Botany (A2B) Notices of Requirement;
- Advise Kāinga Ora on the road traffic noise effects of the North West Notices of Requirement; and
- Act as Auckland Council's independent reviewer for the Notices of Requirement for the Pukekohe Transport Network;

I have read the Code of Conduct for Expert Witnesses contained within the Environment Court of New Zealand Practice Note 2023. I confirm this report is

prepared in accordance with the Code of Conduct, and is within my area of expertise, except where I explicitly state that I have relied upon information provided to me by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

In writing this assessment, I have reviewed the following:

- The assessment of reverse sensitivity and road traffic noise in the Planning Report prepared by Babbage Consultants Limited
- The applicant's response to the Clause 23 request on noise matters.
- Relevant evidence on road traffic noise for PC 51
- Submissions from Auckland Transport (14.10 and 14.14) and Waka Kotahi (16.4) which included comments on noise related matters.

## **2. ROAD TRAFFIC NOISE**

### **2.1. Indoor Amenity**

SH1 and Highbrook Drive are both significant sources of road traffic noise. The plan change's response is based on the findings of PC 51, which addressed the same issue. Essentially, the outcome of PC 51 was that the façades of dwellings were to be designed to control road traffic noise to internal levels that were considered appropriate for residential amenity. PC 90 proposes the same road traffic noise condition as PC 51, as follows:

#### ***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  $L_{Aeq}$  (24 hour) for all noise sensitive spaces.*

(2) *If windows must be closed to achieve the design noise levels in 14.6.5(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  $L_{Aeq}$  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 14.6.5(1) and*

*(2) can be achieved prior to the construction or alteration to any building containing an activity sensitive to noise.*

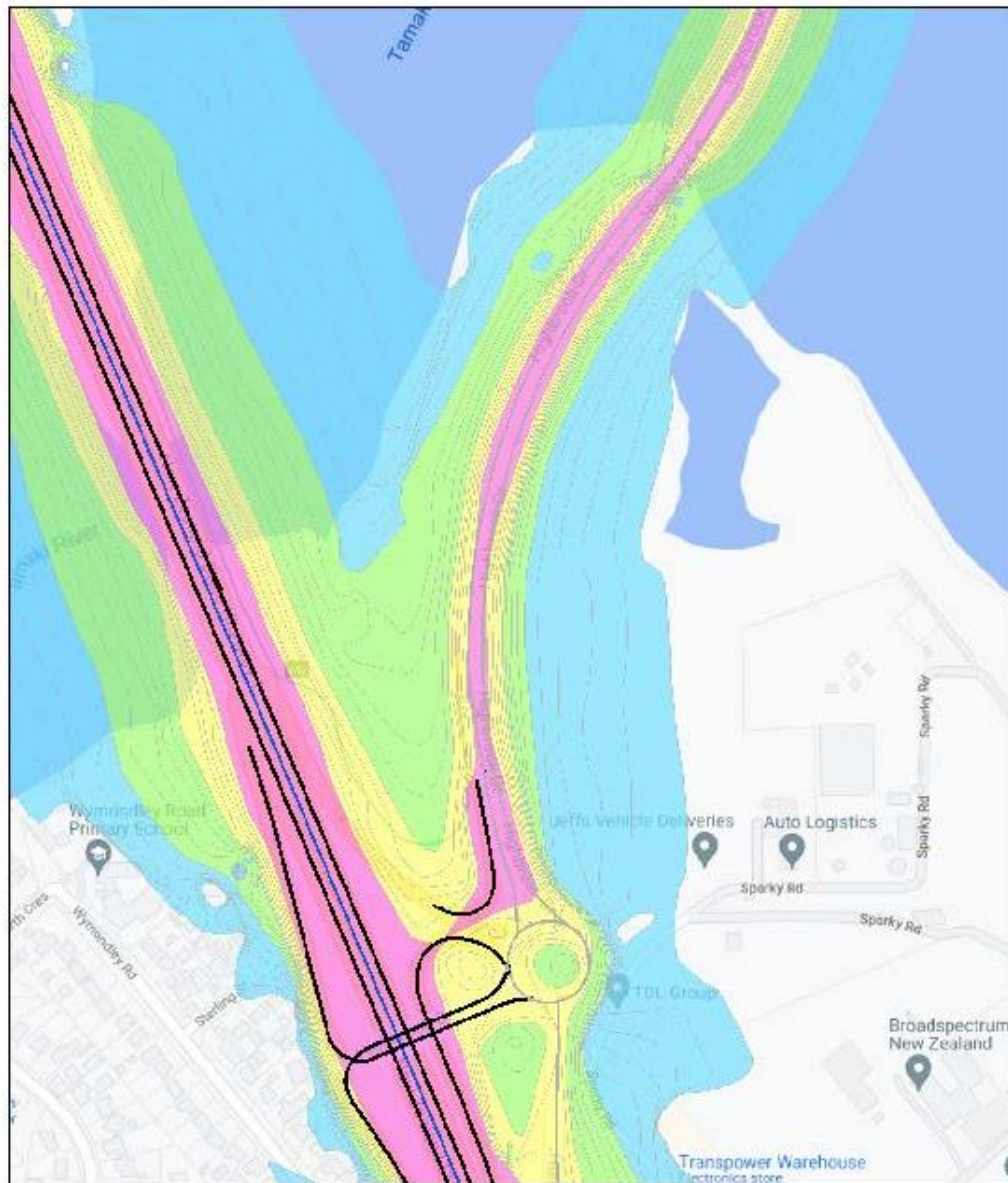
The above condition represents best practice for the control of internal levels of road traffic noise and is supported. The ventilation portion of the condition is outside the scope of this report.

The assessment relies on noise contours for the area provided by Waka Kotahi, as shown in Figure 1. There is no information on how these noise contours were prepared or whether they provide current information. Information on the modelling assumptions should be provided, as should any updates to the noise contours.

## **2.2. Outdoor Amenity**

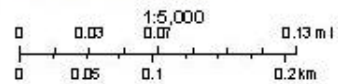
As part of the response to the Clause 23 request, the applicant provided contours prepared by Waka Kotahi. These are shown in Figure 1.

The map in Figure 1 does not show the PC 90 boundaries relative to the noise contours. However, it is clear that there is the potential for any future residences within PC 90 to receive high levels of road traffic noise. Outdoor amenity is not something that is typically addressed in New Zealand and there are no recognised criteria for an objective assessment. However, Figure 1 indicates outdoor levels in the high 60dB to low 70dB range, which are considered higher than desirable for outdoor activities. At such levels, speech communication would likely be adversely affected meaning the amenity of such an area would be diminished.



October 6, 2021

- Auckland noise barriers (2011)
- 60 - 64 dB LAeq (24hr)
- 65 - 69 dB LAeq (24hr)
- >70 dB LAeq (24hr)
- 55 - 59 dB LAeq (24hr)
- Roads
- Regional and arterial
- State highway
- Noise contour areas
- Noise contour lines



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**Figure 1. Waka Kotahi Road Traffic Noise Contours over PC 90**



There is the potential that any future development of the site could address the outdoor amenity issue through setbacks, the construction of noise barriers and the orientation of dwellings so that the outdoor amenity area was screened from the source by the mass of the building itself. However, the Plan Change does not include provisions requiring this to be considered or setting a performance standard. While the Hearings Panel for PC 51 did not include acoustic attenuation in relation to outdoor areas, in my opinion, doing so in this location would be consistent with delivering a high quality residential development within the PC 90 area.

### **2.3. Noise Barriers and the BPO**

Sections 16 and 17 of the RMA relate to the control of noise by the noise maker, rather than the receiver, and do not, therefore, apply to PC 90. However, given the high levels of road traffic noise across the Plan Change area and the adverse effects of that noise, it is not unreasonable that the Plan Change consider its control with the most obvious and, potentially, effective method being the use of noise barriers.

It is noted that the efficacy of noise barriers will depend upon numerous factors, such as topography and openings for accessway, and that barriers will be largely ineffective to upper floors. However, it would appear that barriers have the potential to offer meaningful mitigation to PC 90, particularly adjacent to Highbrook Drive and any outdoor areas in this proximity.

### **3. THE LIGHT INDUSTRY ZONE**

The Planning Report discusses reverse sensitivity effects of PC 90 on the Business – Light Industry Zone on the eastern side of Highbrook Drive at pages 53 and 54. Currently, these neighbours are surrounded by sites within the Light Industry. As such, noise from their activities to their neighbours (including the current PC 90) is limited to 65dB  $L_{Aeq}$  at all times by E25.6.5.

Should PC 90 go ahead, the noise that those eastern, Light Industry sites could generate to the residential zoning of PC 90 would reduce to 55dB  $L_{Aeq}$  during the day time and 45dB  $L_{Aeq}$  at night, in accordance with E25.6.19. These reductions in noise limits (10dB day time and 20dB night time) have the potential to place additional limitations on these eastern sites, which could be considered an adverse effect.

While the potential reverse sensitivity effects are clearly demonstrated through the difference in permitted noise limits, the actual effects may not be fully recognised by the neighbouring Light Industrial zone. The reason for this is that, independent of the land use activities, the noise environment of the surrounding area is relatively high as a result of the road network (Figure 1). Additional mitigation factors include distance (width of Highbrook Drive) between the Light Industrial neighbours and PC90, and the fact that it could reasonably be expected that dwellings facing Highbrook Drive would be acoustically designed and constructed to control noise, albeit from traffic rather than Light Industrial.

As a summary, the proposal has the potential to impose adverse effects on the eastern Light Industrial zone, but the reality is that that potential is limited.

#### **4. SUBMISSIONS**

I have read the submissions of Auckland Transport (AT) and Waka Kotahi (WK), as they relate to noise. AT are generally supportive of the adoption of noise rules based on PC51 but requires future information confirming the calculation of external noise, which seems reasonable given that the information supplied by the applicant (Figure 1) is from a secondary source and that the information it is based on (traffic volumes, speeds, road surface etc) is unknown.

The AT submission (at 14.4) notes that "Furthermore the high noise, high traffic environment has not been shown to be mitigated for the pedestrian or cyclist".

It is not clear what this comment relates to and it is, therefore, not specifically addressed in this report. If necessary, AT could pursue this issue at the hearing.

The WK submission on noise is quite general, simply asking for further information on the effects. This submission is a good summary of this report and the AT submission which, together, call for a specific assessment of road traffic noise on PC90.

## **5. CONCLUSION**

The current PC 90 application suggests a common noise rule for the control of internal noise levels, which is supported. However, to demonstrate that it is practicable to provide a satisfactory design, it is necessary to know the external levels of noise that PC90 will be exposed to. While the application includes traffic noise contours over PC90, there is no supporting information to show how these were calculated or that they are up to date, and such information is requested.

There is the potential for outdoor levels of amenity to be adversely affected. The degree of effects would be a function of the noise level, which in turn would depend not only on the source of the noise (which is addressed above) but also whether barriers are proposed, the offsets of the future dwellings from the roads and the orientation of the dwellings with respect to the roads. None of this information is currently available or proposed to be addressed in the Precinct Plan. As the purpose of the Plan Change is to achieve a high quality residential development in this location my opinion is that it is necessary to address this as part of the Plan Change. It is understood the applicant will address this in evidence in response to submissions.

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23/06/2023

To: Tania Richmond - Reporting Planner  
From: Jason Smith, Senior Environmental Scientist, Consultant to Auckland Council (As Regulator)

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**Subject: Private Plan Change 90 – Ecology Assessment**

## 1.0 Introduction

- 1.1 My name is Jason Graham Smith, and I am a Senior Environmental Scientist at Morphem Environmental Limited.
- 1.2 I have undertaken a review of the application material provided for Private Plan Change 90 (**PC90**) on behalf of Auckland Council (As Regulator) in relation to ecological effects (both freshwater and terrestrial).
- 1.3 I hold the qualification of Bachelor of Science (Hons.) – Geography (2011) from the University of Auckland.
- 1.4 I have 12 years' experience as a professional Environmental Scientist, including 8 specialising in ecology. My experience includes undertaking ecological assessments, preparing and peer reviewing ecological impact assessments, and providing technical advice to support district and regional plan changes.
- 1.5 In my current role I regularly provide advice to Auckland Council, as well as, several other district and regional councils, in relation to earthworks, streamworks, and ecology (both freshwater and terrestrial).
- 1.6 Prior to my employment with Morphem Environmental, I was employed by Auckland Council as an Earthworks and Streamworks Specialist in a similar role providing technical input primarily on resource consent applications.
- 1.7 I have completed the Ministry for the Environment 'Making Good Decisions Course'.
- 1.8 I am a member of the New Zealand Freshwater Science Society and International Erosion Control Association.

## 2. Expert witness code of conduct

- 2.1 I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. Other than where I state that I am relying on the advice of another person, this evidence is within my area(s) of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 2.2 I have qualified my evidence where I consider that any part of it may be incomplete or inaccurate, and identified any information or knowledge gaps, or uncertainties in any scientific information or mathematical models and analyses that I am aware of, and their potential implications. I have stated in my evidence where my opinion is not firm or concluded because of insufficient research or data or for any other reason, and have provided an assessment of my level of confidence, and the likelihood of any outcomes specified, in my conclusion.

## 3. Overview and scope of technical memorandum

- 3.1. The Applicant, lodged a private plan change request to rezone the plan change area, in summary:

- a. Rezone the plan change area from 'Business – Light Industry' to 'Residential – Terrace Housing and Apartment Building Zone.
  - b. Establish a new Precinct over the plan change area referred to as 'Highbrook Precinct'.
- 3.2. The plan change was publicly notified on 23 February 2023, and submissions closed on 23 March 2023, further submissions closed 11 May 2023.
- 3.3. I have reviewed the application with reference to the requirements and provisions in the Auckland Unitary Plan (Operative in Part) (**AUP:OP**) to assist the preparation of the Council's reporting planner's report.
- 3.4. More specifically, my technical memorandum assesses the effects on terrestrial and freshwater ecology associated with the Application and covers the following matters:
- a. The current ecological values of the site and receiving environment.
  - b. The actual and potential environmental effects of the proposal.
  - c. The adequacy of the effects management proposed.
  - d. Summary of the submissions received.
  - e. Conclusions and recommendations.
- 2.3 The assessment in this technical memorandum does not cover:
- a. Stormwater or flooding matters.
  - b. Arboriculture matters.
  - c. Coastal/Marine ecology matters.
- 2.9 In writing this memo, I have reviewed the following documents:
- a. *Highbrook Private Plan Change Request to the Auckland Unitary Plan (Operative in Part)*, report prepared by Babbage, dated 19 August 2022 (**Application Report**).
  - b. *Highbrook Private Plan Change Request: Ecological Assessment*, memorandum prepared by Babbage, dated 19 July 2022 (**EclA**).

The following has also been reviewed and is considered current as it formed part of the applicant's Clause 23 response:

- c. *Highbrook Private Plan Change Request to the Auckland Unitary Plan (Operative in Part)*, memorandum prepared by Babbage (undated, but received as part of the Clause 23 response May 2023).
- 2.4 I undertook a site visit on 5<sup>th</sup> September 2022.
- 2.5 At the date of preparing this memorandum, I have not taken part in formal expert witness conferencing.

### 3 Key Ecology Issues

- 3.1 The AUP:OP provides for vegetation removal and alteration within Chapter E15.
- 3.2 Chapter E15 includes both regional and district land use provisions.
- 3.3 The plan change does not seek to enable any specific activities that would impact on consideration of matters considered under E15.

- 3.4 Nor does that plan change seek to add or amend provisions that would take precedence over the provisions of E15.
- 3.5 Although the potential for the removal of the existing vegetation at the site to enable any further development is noted throughout the application material, consent would still be required under the AUP:OP for this activity due to the proximity to the coast.

3.6 Consents would still be required for vegetation removal/alteration under the AUP:OP.

#### **4 Applicant's Assessment**

- 4.1 An assessment of the effects is contained in sections 7.29 – 7.30 of the Application Report, which are extractions from the EclA.
- 4.2 The key change noted in the EclA that would arise from the rezoning is a reduction in the coastal yard, from 25 to 10 m. However, as the EclA correctly identifies later on this does not alter any potential reasons for consent for vegetation clearance or alteration.
- 4.3 The applicant has not applied a robust and transparent assessment methodology, such as the Environmental Institute of Australia and New Zealand (**EIANZ**) Ecological Impact Assessment (2018) guidelines to describe the current ecological values, the magnitude of the effects and derive the level of effect, which would ordinarily be expected.

#### **5 Assessment of ecology effects and management methods**

- 5.1 I consider that the EclA has identified the likely actual and the potential ecological effects that would result from the proposed activities.
- 5.2 Whilst the EclA has not applied a robust and transparent assessment methodology, such as the EIANZ guidelines, I consider that the:
- a. Effort expended in the site investigations is appropriate for the scale of proposed works and potential effects.
  - b. Reported results are a fair representation of the on-site values, including that there are no streams and / or wetlands (as defined in the Resource Management Act or in the National Policy Statement for Freshwater Management) within the site.
- 5.3 I concur with the Applicant's description of the current ecological values, the potential effects, and the magnitude of those effects as they relate ecological matters.
- 5.4 The plan change does not propose any specific measures to address potential effects.
- 5.5 In my opinion, sufficient evidence has been provided to demonstrate that the proposed effects would be appropriately managed through the existing AUP:OP provisions, and nothing specific is required in the plan change for ecological matters.
- 5.6 Whilst the coastal protection yard is not specifically defined in the AUP:OP, it's purpose is generally understood to buffer the coastal environment from development.
- 5.7 From an ecological perspective then, a greater width would infer a greater degree of buffering, which would be positive for the coastal environment and associated values (including biodiversity).
- 5.8 Under the change in zoning it would be more permissive for future development to be closer to the coast and this does introduce the potential for increased levels of disturbance for any native fauna that utilise the area as habitat; along with the loss of habitat from the vegetation itself.
- 5.9 However, given the scale of the reduction in the yard and the degree of any disturbance relative to the urbanised catchment, it is not considered that this potential impact requires a place specific measure to address any potential effects.



5.10 Any vegetation clearance would still require resource consents under Chapter E15 of the AUP:OP, regardless of the width of the coastal protection yard.

## **6 Submissions**

6.1 The plan change has been publicly notified, and a number of submissions has been received.

6.2 I have been provided with a summary of the submissions by Auckland Council and have assessed those that raise matters related to ecology.

6.3 The submissions that relate to ecology, have been assessed in Appendix 1.

6.4 The submissions do not raise any new matters for consideration from an ecological perspective, that haven't already been considered in this assessment.

## **7 Conclusions and recommendations**

7.1 I have reviewed the Application with reference to the requirements and provisions in the Auckland Unitary Plan (Operative in Part) to assist the preparation of the Council's reporting planner's reports from a terrestrial and freshwater ecology perspective.

7.2 I consider that the:

- a. Methodologies, standards and guidelines used to assess the terrestrial ecological values are appropriate.
- b. Effort expended in the site investigations is appropriate for the scale of proposed works and potential effects.
- c. Reported results are transparent, accurate and a fair representation of the on-site values.

7.3 I concur with the Applicant's description of the current ecological values, the potential effects, and the magnitude of those effects on terrestrial ecology.

7.4 Overall, I am able to support the plan change, without any modifications.

**Appendix 1: Submission Analysis**

| <b>Submitter No:</b> | <b>Name:</b>   | <b>Submission Point / Issue Raised :</b>  | <b>Relief sought</b>                            | <b>Technical Assessment:</b>   |
|----------------------|----------------|---|---|--|
| 1                    | STET Limited   | 1.1 Offsetting / mitigation of the impacts might be possible  | Decline plan change, or approve with amendments | <p>It is acknowledged that these are potential effects that could result from future development of the site. However, there is nothing in the plan change itself that would enable any of these activities to a greater degree than the current zone.</p> <p>As it relates to ecological matters both mitigation and offsetting are provided for as a means of address effects. Such a level of detail is normally proposed and addressed at the time of resource consenting, when any impacts are more fully understood and when a fuller assessment of the appropriateness of the measures to address those effects can also be made.</p> <p>It is not clear what amendments the submitter proposes (if any) in respect to this submission point.</p> <p>This submission point is also likely to be addressed by Council’s coastal ecologist.</p> |
|                      |                | 1.2 The plan change, should take into account for the loss of native birds from the Tāmaki Estuary over the last 50 years   | Decline plan change, or approve with amendments |  |
|                      |                | 1.3 As it relates to the ecological matters, submission point 1.3 raises concerns relating to the loss of forest cover, the pathway this forest proves, reduced saltmarsh habitat and ‘squeeze’ the remaining salt marsh habitat, destroy shore bird roosting habitat as well as increase human activity near feeding and roosting areas. | Decline plan change, or approve with amendments |  |
| 4                    | Julie Chambers | 4.2 seeks to identify the coastal area of this land as of ecological value due to the presence of wetlands.   | Decline the plan change                         | The coastal marine area on the opposite side of the Tamaki estuary, has already been scheduled in the AUP:OP as a SEA (SEA-M2-45c). The upper reaches, on the other side of the motorway have also been scheduled as SEA-M2-2908DD. The area of the Tamaki River immediately neighbouring the site has not.  |

**Appendix 1: Submission Analysis**

| Submitter No: | Name:               | Submission Point / Issue Raised :  | Relief sought   | Technical Assessment:   |
|---------------|---------------------|--|---|---|
|               |                     |  |   | <p>The area is outside of the applicant’s control and therefore extending provisions over this land would, generally, be considered outside of the scope of a private plan change application.</p> <p>The plan change would not alter any of the provisions of the AUP:OP that relate to the protection, maintenance and enhancement of wetlands.</p>   |
| 5             | Davina Mihaka       | - Submitter no. 5 on seeking Council decline the plan change lists ‘An estuary where wild life are’ as a reason for their submission.  | Decline the plan change                                       | <p>It is acknowledged that there are a range of native species utilising the Tamaki estuary as habitat. The Ecological Assessment submitted with the application material adequate considers the effects on wildlife.</p> <p>The plan change would not alter any of the provisions of the AUP:OP that relate to the protection, maintenance and enhancement of wildlife.</p> <p>The Wildlife Act (1953) would also still apply.</p>   |
| 8             | Wayne Ronald Oliver | <p>8.2 Submission point 8.2 seeks that the native planting be retained it’s entirety, the concern relates to stability</p> <p>- If mangroves are removed it would set a precedent.</p> | <p>Decline the plan change</p> <p>Decline the plan change</p> | <p>Submission point 8.2 seeks that the native planting be retained its entirety, the concern relates to the geotechnical stability rather than for ecological matters.</p> <p>The plan change would not alter any of the provisions of the AUP:OP (including chapter E15) that relate to the protection and maintenance of coastal vegetation.</p> <p>The plan change does not specifically propose or require the removal of mangroves.</p> <p>Regardless of the zone, the same provisions of the AUP:OP and NZCPS would apply to this activity to ensure that the effects are appropriately considered at the time of any removal was proposed through normal</p> |

**Appendix 1: Submission Analysis**

| Submitter No: | Name:                                    | Submission Point / Issue Raised :  | Relief sought           | Technical Assessment:   |
|---------------|--|--|-------------------------|---|
|               |  |  |                         | consenting pathways. Any vegetation clearance would still require consent under the provisions of E15.  |
| 9             | Tāmaki Estuary Protection Society (TEPS) | 9.2 Submission point 9.2 would read as though the primary concern is coastal stability; submission point 9.2 also seeks the ecological importance of this area acknowledged due to the presence of wetlands. | Decline the plan change | <p>The coastal marine area on the opposite side of the Tamaki estuary, has already been scheduled in the AUP:OP as a SEA (SEA-M2-45c). The upper reaches, on the other side of the motorway have also been scheduled as SEA-M2-2908DD. The area of the Tamaki River immediately neighbouring the site has not.</p> <p>The plan change would not alter any of the provisions of the AUP:OP, NPS:FM or NES:FW that relate to the protection, maintenance and enhancement of wetlands; or the protection, maintenance and enhancement of wildlife.</p>   |
|               |  | <p>- Paragraph 21 notes the likely disturbance to a wide range of birds and their feeding grounds from the proposed residential development.</p> <p>Increased sediment will impact on feeding grounds.</p>   | Decline the plan change | <p>The Wildlife Act (1953) would also still apply.</p> <p>The level of disturbance that would be enabled by the change in zoning, I would equate to that which could potential occur under the existing zoning provisions.</p> <p>Whilst sediment is a contaminant, and it can smother the benthic environment reducing foraging opportunities and prey abundance for coastal wading birds; the plan change would not alter any of the provisions of the AUP:OP, specifically relevant to this submission point is that the requirement for any land disturbance to be controlled by erosion and sediment controls in accordance with best practice would remain (see Chapter E11, stand E11.6.2(2)).</p> |
|               |  | - Paragraph 24 considers a public foreshore reserve would greatly impact on feeding birds (during construction and when in use).   | Decline the plan change | <p>Controls in accordance with industry best practice would be considered sufficient to address this potential effect.</p>  |

**Appendix 1: Submission Analysis**

| <b>Submitter No:</b> | <b>Name:</b>   | <b>Submission Point / Issue Raised :</b>  | <b>Relief sought</b>   | <b>Technical Assessment:</b>  |
|----------------------|--|---|--|---|
| 10                   | Penny Nelson,<br>Director-<br>General of<br>Conservation | 10.1 Seeks the plan change not be approved, presumably for the reasons given in section 4; primarily that the plan change does not adequately recognise coastal values or protect them from potential effects and the reliance on the coastal esplanade provisions. | Decline the plan change  | <p>I consider that the plan change has adequately considered coastal values that are within the scope of this assessment.</p> <p>I accept that there are potential effects that could arise from development, although consider these equivalent to what would be enabled under the existing zone.</p> <p>Whilst a greater degree of certainty on the delivery on the coastal esplanade would be preferential, this would normally be seen as a resource consenting matter.</p>   |
|                      |  | 10.2 If the plan change is to be approve that it includes a coastal zone or overlay of at least 20 m width, which the submitter considers would protect coastal values and ensure the NZCPS is complied with (without relying on uncertain esplanade provisions).   | Decline the plan change, but if approved make the amendments I request | <p>The change from Business – Light Industry to Residential – Terrace Housing and Apartment Building Zone, reduces the width of the coastal yard, from 25 m down to 10 m.</p> <p>Whilst the coastal protection yard is not specifically defined in the AUP:OP, it’s purpose is generally understood to buffer the coastal environment from development.</p> <p>From an ecological perspective then a greater width, would infer a greater degree of buffering, which would be a positive for the coastal environment and associated values (including biodiversity).</p> <p>However, note that in the sought zoning a coastal protection yard greater than 10 m would be unusual and require a precinct specific reasons to go above and beyond what is currently in the AUP:OP.</p> <p>Note that under the plan change there would be no changes to the regional rules regarding earthworks, vegetation alteration in proximity to the coast, or zoning in respect to esplanade requirements/provisions.</p> |

**Appendix 1: Submission Analysis**

| <b>Submitter No:</b> | <b>Name:</b>   | <b>Submission Point / Issue Raised :</b>  | <b>Relief sought</b>    | <b>Technical Assessment:</b>   |
|----------------------|----------------|---|-------------------------|--|
| 17                   | Beth Evans     | - Point 5 of Beth Evans submission lists shorebird habitat, biodiversity and the esplanade reserve, and questions if the esplanade reserve is part of the plan change and notes a precious species. | Decline the plan change | <p>The plan change would not alter any of the provisions of the AUP:OP that relate to the protection, maintenance and enhancement of wildlife. The Wildlife Act (1953) would also still apply.</p> <p>The level of disturbance that would be enabled by the change in zoning, I would equate to that which could potentially occur under the existing zoning provisions.</p> <p>It is my reading of the plan change that there is no changes proposed to the underlying provisions of the AUP:OP and RMA that would govern any future esplanade.</p>   |
| 19                   | Mr Winston Su  | opposes the plan change on the grounds ' <i>Because it is bad for the birds, river and the globe environment</i> '.<br>-  | Decline the plan change | I consider that the plan change has adequately considered coastal values.  |
| 20                   | Nastassja Salt | 20.1 seeks the decline the plan change. The reasons given include a view that birdlife will decrease; that their nesting, breeding and foraging, grounds will be ruined.                            | Decline the plan change | <p>I consider that the plan change has adequately considered coastal values.</p> <p>The plan change would not alter any of the provisions of the AUP:OP that relate to the protection, maintenance and enhancement of wildlife. The Wildlife Act (1953) would also still apply.</p> <p>Whilst sediment is a contaminant, and it can smother the benefit environment reducing foraging opportunities and prey abundance for coastal wading birds; the plan change would not alter any of the provisions of the AUP:OP, specifically relevant to this submission point is that the requirement for any land disturbance to be controlled by erosion and sediment controls in accordance with best practice would remain (see Chapter E11, stand E11.6.2(2)).</p> |



**Appendix 1: Submission Analysis**

| <b>Submitter No:</b> | <b>Name:</b> | <b>Submission Point / Issue Raised :</b> | <b>Relief sought</b> | <b>Technical Assessment:</b>  |
|----------------------|--------------|--|----------------------|---|
|                      |              |  |                      | Erosion and Sediment controls in accordance with industry best practice would be considered sufficient to address this potential effect, and would be required under the existing provisions of the AUP:OP. |

**Memo (technical specialist report to contribute towards Council’s section 42A hearing report)**

18 July 2023

To: Tania Richmond – Consultant Reporting Planner (on behalf of Auckland Council)  
From: Amber Tsang – Consultant Planner (on behalf of Auckland Council Healthy Waters)  
Danny Curtis – Consultant Engineer (on behalf of Auckland Council Healthy Waters)

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**Subject: Private Plan Change (PPC) 90 – 8 Sparky Road, Ōtara – Stormwater Assessment**

**1.0 Introduction**

This memo has been written between Amber Tsang, Senior Associate Planner at Jacobs and Danny Curtis, Technical Director – Stormwater at Harrison Grierson.

Amber Tsang has worked as a consultant planner for Healthy Waters since 2016. Ms Tsang holds a Bachelor of Planning (Hons) degree from the University of Auckland and has been a full member of the New Zealand Planning Institute since 2012.

Danny Curtis has recently joined Harrison Grierson, and prior to that was a Principal Specialist at Auckland Council Healthy Waters for four years and has over 25 years stormwater experience in New Zealand, United Kingdom, India and the Middle East. Mr Curtis graduated from Cardiff University (UK) in 1999 with an honours degree in Civil Engineering and is a certified Project Management Professional (PMP) through the Project Management Institute (Reg: 1828274).

We (Ms Tsang and Mr Curtis) have assessed the Stormwater Management Plan (SMP) submitted as part of PPC 90, on behalf of Auckland Council Healthy Waters, in relation to stormwater effects against the plan change requirements.

In writing this memo, we have reviewed the following documents:

- Updated Stormwater Management Plan (Version 1.2), Highbrook Private Plan Change Request, by Babbage Consultants Limited dated 29 November 2022.
- The Applicant’s Request for Information (RFI) response dated 12 December 2022.
- Updated Highbrook Precinct provisions submitted as part of the Applicant’s RFI response.
- Submissions received raising stormwater and flooding related issues.

The following sub-sections are provided to assist the reporting planner’s consideration of the plan change proposal in terms of stormwater effects.

While the Applicant has submitted a SMP as part of PPC 90, it is stated in their SMP that they do not wish to be considered under the Auckland Council Regional-wide Network Discharge Consent (NDC) nor have their SMP adopted as part of PPC 90. The Applicant stated that the SMP will be revised for adoption at the resource consent stage when specific design details are available.

**2.0 Assessment of Stormwater Effects**

PPC 90 seeks to rezone the north-western portion of 8 Sparky Road, Ōtara (Site) from Business – Light Industry Zone under the Auckland Unitary Plan – Operative in Part 2016 (AUP(OP)) to Residential – Terrace House and Apartment Buildings (THAB) Zone.

The PPC 90 site is located within the Otara Creek catchment, discharging direct to the Tamaki Estuary downstream of Otara Lake. It is bounded by the Tāmaki Estuary to the North, State

Highway 1 to the West and Highbrook Drive to the Southeast. The Tāmaki Estuary opposite the proposed discharge is identified as a Significant Ecological Area (ref: SEA-M2-45c) under the AUP(OP) and further downstream is the SEA-M2-45w2.

As described in Section 1.2 of the SMP, the site is approximately 4.4ha and is vacant of built development with predominantly bush and grass cover. The Applicant's Development Concept Plan envisaged approximately 500 houses on the site, based on an apartment typology. A new piped stormwater reticulation system with stormwater treatment devices is proposed for the future developments on the site. PPC 90 will result in new stormwater discharges and diversion of existing stormwater flows.

Ms Tsang notes that the maximum permitted impervious area in the THAB zone is 70% of the site area under the AUP(OP) which is less than that permitted in the Light Industry zone. Up to 100% of impervious area is permitted in the Light Industry zone subject to compliance with yards and height in relation to boundary requirements.

Section 5 of the SMP sets out the stormwater management proposed by the Applicant. The proposed management in relation to stormwater treatment and water quality, stormwater network and flooding, and the replacement of an existing stormwater pond onsite are summarised below.

a) Stormwater treatment and water quality

The Applicant proposed to treat stormwater runoff from all impervious areas using new treatment devices complying with GD01<sup>1</sup> or TP10<sup>2</sup>. The proposed treatment devices may include a wetland, stormwater treatment ponds or proprietary treatment devices. Design of the selected treatment devices is proposed to be undertaken at the resource consent stage of the project.

b) Proposed stormwater network and flooding

The SMP considered the conveyance of the 10% AEP event through a pipe network and flow paths within the proposed road reserves. Stormwater flows from the site will discharge directly into Tāmaki Estuary after treatment. A detailed design of the proposed stormwater network will be confirmed in the future at the land development stage.

Part of the site is within the 1% AEP floodplain, Coastal Inundation 1% AEP and plus 1m sea level rise area. The SMP stated that the future development of the site will be designed to ensure that habitable floors are not proposed in the section of the site that is prone to inundation. Locations for the stormwater treatment devices will be finalised as a part of the development to mitigate the risk of them being in the floodplains.

As discussed in Section 1.8 and shown on Figure 10 of the SMP, there are no overland paths entering the site from neighbouring properties and there is no flood prone or flood sensitive areas downstream of the site.

c) Replacement of an existing stormwater pond

Section 5.2.2 of the SMP discussed about the proposed decommissioning of an existing stormwater pond onsite that treats runoff from a section of Highbrook Drive. The treatment of runoff from this section of Highbrook Drive as well as the runoff from the proposed development area is proposed to be provided in the new device(s). The Applicant stated that this can be achieved by extending the inlet pipes to the new stormwater treatment device(s) and details will be provided at the resource consent stage.

In our opinion, the Applicant has demonstrated that stormwater effects can be mitigated appropriately through the stormwater management proposed in the SMP. More detailed

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<sup>1</sup> Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region

<sup>2</sup> Stormwater Treatment Devices Design Guideline Manual

information on the proposed infrastructure (including any proposed stormwater treatment devices) intended to be vested would assist Auckland Council to have oversight on whether these can be maintained efficiently. However, it is acknowledged that the Applicant does not wish to be considered under the NDC as part of PPC 90, and instead have proposed to address these issues at the resource consent stage.

The SMP as currently drafted does not meet the conditions of the NDC. The Applicant can submit a revised SMP for consideration and adoption at time of development. The design and standard of any stormwater treatment devices and network to be vested will need to meet the NDC's requirements and Auckland Council's Stormwater Code of Practice. If a SMP is adopted, then no other discharge consent is needed. Alternatively, the Applicant can seek a private discharge consent under Chapter E8 of the AUP(OP).

Parts of the existing site are indicated as being within the 100-year floodplain. It is likely that earthworks will remove these floodplain areas and discharge direct to the Tamaki Estuary. Due to the sensitive nature of the receiving environment, stormwater treatment devices will need to be located outside of the 100-year floodplain to minimise the risk of resuspension of contaminants. Chapter E36 of the AUP(OP) will apply and impose restrictions on developments and activities within the flood hazard areas, as PPC 90 is not proposing to override those provisions.

Since the site is an isolated coastal discharging catchment, Mr Curtis considers that flood risk on any downstream properties due to changes in landform from earthworks will be low.

The existing stormwater pond referenced in the SMP does not appear on Auckland Council's GeoMaps as being an Auckland Council asset. The SMP assumed that it is a treatment pond for a section of Highbrook Drive. It appears to be a private asset. Healthy Waters holds no information on it with regard to its design or operation and it is recommended that the function of this device be assessed in consultation with Auckland Transport to ascertain whether it is still required.

The Applicant has provided some high-level discussion about the proposed decommissioning and replacement of the existing stormwater pond. Consultation and agreement with the asset owner shall be achieved before the decommissioning of the pond.

### 3.0 Submissions

The submissions received on PPC 90 which raised stormwater related issues are summarised in the table below. Discussion on the matters (in *italic*) is also included in the table.

| Sub. No. | Name of Submitter                        | Relevant stormwater issues raised by the Submitter  |
|----------|--|---|
| 9.2      | Tamaki Estuary Protection Society (TEPS) | <p>TEPS requests steps taken to identify this area of land as of ecological importance due to the presence of wetlands and as geologically vulnerable due to its susceptibility to erosion from increasingly prevalent marine vessel wave action and until now, unanticipated, unprecedented severe rainfall events.</p> <p>The application should be rejected because the shoreline is soft sandstone and subject to erosion, from stormwater events and wave action, depositing sediment pollution into the Tāmaki Estuary.</p> <p><u>Comments</u><br/> <i>At this stage, there is no information provided by the Applicant around the discharge locations of the stormwater network. Ms Tsang notes that Chapter F2 of the AUP(OP) will continue to impose restrictions on new stormwater outlets and extension or alternation of existing lawful outlets within the Coast Marine Area (CMA), and PPC 90 is not proposing to override those provisions. It</i></p> |

| Sub. No. | Name of Submitter  | Relevant stormwater issues raised by the Submitter  |
|----------|--------------------|---|
|          |                    | <i>is therefore considered that through the design process the application of appropriate stormwater outlets, with erosion protection will be defined to reduce the risk of shore erosion.</i>  |
| 9.7      | TEPS               | <p>The application should be rejected because there has been no examination of public health risks due to pollutants from heavy metals and toxic chemicals likely being present in the sediment, or health impacts impact from stormwater generated erosion.</p> <p><u>Comments</u><br/> <i>From the SMP submitted the discharge points will be directed to the Tamaki Estuary and not to the Otara Lake area. Mr Curtis considers that potentially contaminated sediment would likely be located upstream of the Otara Lake Weir as opposed to being in the Tamaki Estuary. The Plan Change identifies a third of the land has a medium or high likelihood to present soil contamination which may exceed the applicable human health and environment guidelines. Developments and activities on the site will need to meet the requirements of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS). It is therefore expected that the Applicant will undertake a site contamination investigation to facilitate the design of adequate mediation works to facilitate a residential development.</i></p>   |
| 14.11    | Auckland Transport | <p>Auckland Transport notes that no stormwater provisions have been proposed in the precinct provisions.</p> <p>Auckland Transport raises concerns regarding stormwater effects associated with the Plan Change, including with respect of replacement of an existing stormwater treatment pond, which presently provides for treatment of runoff from a section of Highbrook Drive. The applicant proposes to provide for treatment of Highbrook Drive stormwater within new treatment devices as part of future development.</p> <p>Auckland Transport is more supportive of a ‘two-pond’ solution, however, it is not clear that sufficient space has been allowed for ‘two pond’ treatment devices to treat both the existing road catchment and the new development. The indicative sizing shown appears to be smaller than the existing treatment pond.</p> <p>Auckland Transport requests that provision is made in the Plan Change for sufficient space to be set aside within the site to construct a high-quality communal treatment device – ideally a constructed wetland in accordance with GD01, which meets the same treatment outcomes as the existing device, particularly for the Highbrook Drive catchment.</p> <p>It is unclear on what stormwater management approach is being considered. The schematic plan does not show any preliminary drainage or integrated stormwater management.</p> <p>Auckland Transport also requests precinct provisions relating to whole of life costs and effectiveness of treatment over time</p> |

| Sub. No. | Name of Submitter  | Relevant stormwater issues raised by the Submitter   |
|----------|--------------------|--|
|          |                    | <p>associated with publicly vested stormwater assets (as a matter for discretion and policy).</p> <p>Stormwater treatment areas should also be understood and illustrated when evidencing the 18,000sqm developable industrial floor area, to utilise it as a baseline for establishing trip generation rates as a 'permitted baseline'.</p> <p>Auckland Transport also notes that the existing wetland is currently going through a legalisation process to vest the area as road.</p> <p>Decline the Plan Change. In the event that the Plan Change is to be approved:</p> <ul style="list-style-type: none"> <li>• the applicant is to provide further information to demonstrate that the Plan Change area has sufficient space set aside to construct a replacement high-quality communal treatment device (ideally a constructed wetland) in accordance with GD01 which meets the same treatment outcomes as the existing device, particularly for the Highbrook Drive catchment as well as accommodate the stormwater treatment requirements of development enabled by the Plan Change</li> <li>• further information is provided on what stormwater management approach is being taken</li> <li>• that the precinct plan and provisions are amended to include objectives, policies, and rules relating to stormwater including to address whole of life costs and effectiveness of treatment over time associated with publicly vested stormwater assets (as a matter for discretion and policy).</li> </ul> <p><u>Comments</u></p> <p><i>It is understood that the Applicant is consulting with Auckland Transport. This consultation needs to confirm that adequate space will be provided for the stormwater management. Currently the Masterplan of the development area indicates locations for communal stormwater management devices, and these will be refined during the design process. At the time of writing this memo, the outcome of these discussions is unresolved.</i></p> |
| 14.17    | Auckland Transport | <p>For any assets (roads or stormwater) intended to be vested with Auckland Transport, a hazard risk assessment (AUPOP: E.36.9) should be undertaken due to the Plan Change area being on land which may be subject to potential hazards including: coastal erosion; coastal storm inundation 1 per cent annual exceedance probability (AEP); coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise; the 1 per cent annual exceedance probability (AEP) floodplain. Any assets that the applicant intends to vest must be clearly separated from any hazard areas.</p> <p>To ensure resilience to climate change, Auckland Transport requests that the applicant clarifies if it intends to operate private</p>   |



| Sub. No. | Name of Submitter | Relevant stormwater issues raised by the Submitter  |
|----------|-------------------|---|
|          |                   | <p>internal roads and if this is the case, that precinct provisions be updated to confirm this.</p> <p>Alternatively, if the intention is to vest these assets, Auckland Transport requests that any proposed new roads or other assets be separated from hazard areas by buildings platforms for example and that a hazard risk assessment be undertaken to support the Plan Change, or for the reference to 200 residential units being a permitted activity under the proposed precinct rules be removed to enable that assessment to occur at a later time and inform acceptability of infrastructure location.</p> <p>In the event that the Plan Change is to be approved, Auckland Transport requests amendments to the precinct provision and plan (objectives, policies and rules) to make clear that any internal road network that is intended to be vested must be located outside of any hazard areas (E36.9) and separated from such areas by building platforms and the requirement for a hazard risk assessment (in accordance with E36.9 of the AUPOP) be required for any subdivision, use or development at the Plan Change site to inform the location of any assets intended to be vested with Auckland Transport so as to be resilient to the effects of climate change.</p> <p><u>Comments</u></p> <p><i>Mr Curtis considers that local overland flow paths are likely to have relatively small catchments and as such flows are likely to be relatively small in magnitude. Nonetheless, Chapter E36 of the AUP(OP) will apply and impose restrictions on infrastructure (including new roads) within the flood hazard areas. The Applicant will be required to undertake an E36 assessment at the resource consent stage to demonstrate that the roads are outside of the floodplain and that flows in response to rain events greater than the primary network can be safely conveyed through the development.</i></p> |

#### 4.0 Conclusions and Recommendations

Overall, the Applicant has demonstrated that stormwater effects can be mitigated at the plan change level. While the Applicant's SMP as currently drafted does not meet the conditions of the NDC, it is acknowledged that they do not wish to be considered under the NDC as part of PPC 90, and instead have proposed to revise the SMP for consideration and adoption at the resource consent stage.

Since the site is an isolated coastal discharging catchment, flood risk on any downstream properties is low. Chapter E36 of the AUP(OP) will apply and impose restrictions on developments and activities within the flood hazard areas.

The existing stormwater pond referenced in the SMP does not appear on Auckland Council's GeoMaps as being an Auckland Council asset. It appears to be a private asset. Consultation and agreement with the asset owner shall be achieved before the decommissioning of the pond.

Based on the above, we consider that PPC 90 can be supported from a stormwater perspective.

# Technical Memo

Date: 11 September 2023  
To: Nicholas Lau, Senior Policy Planner, Central/South  
Tania Richmond, Consultant Planner  
cc: Alan Moore, Principal Specialist, Specialist Unit  
From: Kala Sivaguru, Senior Coastal Specialist

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Subject: Private Plan Change PC90: 8 Sparky Road, Otara

## 1.0 Introduction and scope

The Private Plan Change (PPC) by the Applicant, Highbrook Living Limited seeks to rezone the part of the property at 8 Sparky Road from Light Industry Zone to Residential – Terrace Housing and Apartment Buildings Zone (THAB). The PPC also seeks to add a Precinct over the area referred to the Highbrook Precinct. This Precinct addresses transportation and noise matters.

2.0 I have undertaken a review of the Private Plan Change 90, on behalf of Auckland Council in relation to coastal erosion hazards from the proposed plan change and potential effects in the CMA from the proposal.

2.1.1 I hold a Master of Science (MSc) degree (Hons) and a Doctor of Philosophy (PhD) degree in Marine Ecology from the University of Auckland.

2.1.2 I have been working in the Specialist Unit since March 2013. Prior to this, I worked for the Department of Conservation for 11 years. In my current role, I have been involved in assessing the potential effects of a number of projects on coastal erosion hazards from land use and subdivision resource consent applications, and potential effects on marine ecology, water quality and underwater noise effects on marine mammals from the works proposed in the coastal marine area.

3.0 In writing this memo, I have reviewed the following relevant supporting documents of the application:

- Highbrook Private Plan Change Request to the Auckland Unitary Plan (Operative in Part), Planning Report prepared by Babbage, dated 19/08/2022.
- Coastal Hazard Assessment: 8 Sparky Road, Otahuhu, Auckland, prepared by eCoast, dated 25 August 2023.
- Highbrook Living Development Concept Plan
- Highbrook Private Plan Change Request: Ecological assessment prepared by Bioresearches, dated 19 July 2022.

- Highbrook Private Plan Change Request: Infrastructure Report, prepared by Babbage, dated 19/07/2022.
- Stormwater Management Plan Highbrook Private Plan Change Request – Ver. 1.2, prepared by Babbage, dated 29/11/2022
- Clause 23 response, by Sukhi Singh, dated 12/12/2023
- Relevant submissions

#### 4.0 Technical Assessment

##### Effects from Coastal hazards on land within the Plan Change area

The Proposed Plan Change area, shown in the figures 1a and 1b below, is within the coastal erosion hazard area (CEHA) as per the AUP definition. The site triggers part (b)(i) of the CEHA definition (as below from Chapter J of the AUP).

**(b) at an elevation less than 7m above mean high water springs if the activity is within:**

- (i) Inner Harbours and Inner Hauraki Gulf: 40m of mean high water springs;  
or
- (ii) Open west, outer and Mid Hauraki Gulf: 50m of mean high water springs;  
or

MHWS sits at a contour level of about 2m in the Auckland Council GIS maps. Accordingly, the part (b)(i) of the definition applies to all of the site below the 9m contour, see Figure 1b below.

The site is within the Coastal Inundation 1 per cent AEP plus 1m Control in the AUP.



Figure 1a: shows the Proposed Plan Change area.



Figure 1b: That part of the Proposed Plan Change site within 40m of MHWS is with the CEHA as defined by part (b)(i) of the AUP definition.



Figure 1c: Highbrook Living Development Concept Plan



Policy 24 of the New Zealand Coastal statement requires that coastal hazard assessments for development are based on a 100 year projection. This 100 year projection needs to consider the effects of climate change on coastal erosion and instability over that time frame.

The RMA, and Policy 25 of the New Zealand Coastal Policy Statement (NZCPS) require avoiding increased risk of development in area affected by coastal hazard areas over at least the next 100 years.

AUP, Policy E36.3 requires identification of land that may be subject to natural hazards, taking into account the likely effects of climate change including coastal erosion, coastal inundation and land instability.

Auckland Council has undertaken a regional assessment of the area susceptible to coastal instability and erosion (ASCIE) in the Auckland Council Technical Report 2020/021 'Predicting Auckland's Exposure to Coastal Instability and Erosion'. The regional scale scenarios for the Proposed Plan Change site are given in Figure 1c below.

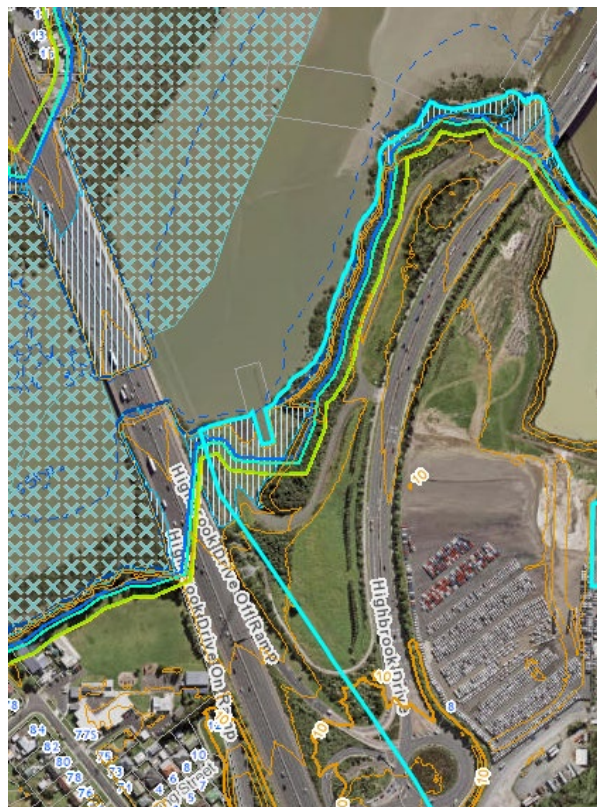


Figure 1c: Shows the indicative line of MHWS in the thick blue dashed line. The green line (immediate to yellow line) shows the extent of the area susceptible to coastal erosion and instability to 2130 under the RCP 8.5 scenario.

The Babbage Report that accompanies the Proposed Plan Change indicated that the proposed precinct is to provide for up to 200 residential units with additional units subject to transportation assessment (amongst other matters).

As the site is within CEHA, this would trigger consent for dwellings and structures under Chapter E36 and under Chapter E38 for subdivision in the AUP. Under s106 of the RMA

relevant matters to the proposal are the AUP provisions that establish the coastal erosion hazard area (CEHA) and the Council's Areas Susceptible to Coastal Instability and Erosion (ASCIE).

#### 4.1 Coastal Hazard Assessment

##### **Applicant's assessment:**

eCoast has provided a site-specific coastal hazard assessment for the applicant, dated August 2025 in accordance with Council's report entitled TR2020/021, *Regional Assessment of Areas Susceptible to Coastal Erosion and Instability*. Key findings of this report as below:

- For this assessment, the development site has been split in to three sections (Figure 2 below). The northwest section of the site is shallow sloping with a well-defined mangrove thicket developing seaward of the shoreline. Here the slope runs approximately 32 m from the 6 m contour line to the shore based on the LiDAR survey in AC's Geomaps. The central section presents a much steeper slope averaging 1:1 ratio (measured in 5 places). The southwest section slope was measured from the 6 m contour line to 2 m RL (AVD-46), being the most significant part of the slope. For 8 Sparky Road, the run, from the top-of-slope (taken as 6 m RL AVD-46) to toe-of-slope (taken as 0 m for NW and central, and 2 m RL AVD-46 in the SW section, are 32 m, 6 m, and 2.5 m respectively), are adopted for the ASCIE calculations.
- For the slope/cliff in the central section of the proposed development, an historical erosional trend of approximately 8 m over the last 50 years or 0.16 m/yr has been estimated by georeferencing historical images. The NW and SW sections have shown an accretion rate of +0.12 m/yr and 0 m, respectively, with a conservative rate of 0 m applied to both.



Figure 2: Slope estimates of northwest, central and southwest sections of 8 Sparky Road used in eCoast report, August 2023.



- Table below provides the future ASCIE cliff retreat calculations adopted for the site in the eCoast Report:

| Location                        | 08 Sparky Road NW | 08 Sparky Road Central | 08 Sparky Road SW |        |
|---------------------------------|-------------------|------------------------|-------------------|--------|
| Cliff Toe Erosion               | LTh (m/y)         | 0                      | 0.16              | 0      |
|                                 | Time (f) RCP8.5H+ | 110                    | 110               | 110    |
|                                 | RCP8.5H+          | 1.98                   | 1.98              | 1.98   |
|                                 | sf                | 0.018                  | 0.018             | 0.018  |
|                                 | sh                | 0.0017                 | 0.0017            | 0.0017 |
|                                 | m                 | 0.1                    | 0.15              | 0.15   |
|                                 | Time (y)          | 100                    | 100               | 100    |
|                                 | LTh - P1          | 1.27                   | 1.42              | 1.42   |
|                                 | LTh - P2          | 0.00                   | 0.23              | 0      |
| Cliff Toe Erosion (m)           | 0.00              | 22.80                  | 0                 |        |
| Cliff Instability               | Tan $\alpha$      | 0.34                   | 1.00              | 0.81   |
|                                 | Pi                | 3.14                   | 3.14              | 3.14   |
|                                 | slope degrees     | 18.80                  | 45.00             | 39     |
|                                 | slope radians (a) | 0.33                   | 0.79              | 0.68   |
|                                 | slope ratio       | 0.19                   | 1.00              | 0.80   |
|                                 | Rise/hc (m)       | 6                      | 6                 | 2      |
|                                 | Current ASCIE (m) | 17.62                  | 6.00              | 2.47   |
| Cliff Instability + Toe Erosion | Future ASCIE (m)  | 17.62                  | 28.80             | 2.47   |

- A slope (surface soil) of 45°, 18.8°, and 39° was estimated for the Central, Northwest, and Southwest section of 8 Sparky Road, respectively, have been adopted based on slope angles estimated from topographical plans by AC Geomaps with cliff height taken to be 6 m for the central, and NW section and 2 m in the SW section.
- The resulting future ASCIE for the property, is 28.8 m, 17.62 m, and 2.47 m for the Central, NW, and SW sections, respectively, from the toe of the slope, for the 100-year planning horizon, presented in Figure 3 below.



Figure 3: showing 100 year ASCIE line (red) calculated in eCoast Report. Yellow denotes shoreline and cyan denotes mangrove edge.

- eCoast Report states that as stipulated, this future ASCIE value is considered overly conservative, as the calculations do not account for cliff/slope vegetation nor the coastal setting (i.e. this 'cliff' is covered in stabilising vegetation and is fronted by an infilling estuary consisting of an expanding mangrove stand that would prevent any wave exposure).
- eCoast Report concludes that:
  - the majority of the Highbrook living development concept property plan is likely to remain unaffected by coastal instability and/or erosion over the next 100 planning horizon.
  - The maximum future erosion projections to the year 2130 at the property are 28.8 m, 17.62 m, and 2.47 m for the central, NW, and SW sections. While the NW and SW projections do not impact on the property or potential proposed dwellings due to the 20 m wide esplanade reserve, the erosion projection extends some 8.8 m into the property in the central area, and so locations of proposed dwellings should be considered. However, it is noted that these erosion projections are considered very conservative due to the very benign location and the presence of an expanding belt of mangroves along the coastal boundary of the property, which reduces potential erosion.

#### 4.2 Council's Review of the applicant's Coastal Hazard Assessment:

Auckland Council technical report, TR2020/021, *Regional Assessment of Areas Susceptible to Coastal Erosion and Instability*, assesses an approximate 30m for central, 21-34m for north west & 30m for southwest (from the line of MHWS) area susceptible to erosion and instability along this coast to 2130 under the RCP8.5M scenario (Figure 1c).

The Applicant has provided a site-specific coastal hazard assessment in accordance with Council's technical report, TR2020/021 for three sections through the sites (Figure 2). The Applicant's resulting future ASCIE for the site are 28.8 m for the central, 17.62 m for NW, and 2.47 m for SW sections inland from the existing toe position for the 100- year planning horizon. This calculation assumes no coastal protection.

The eCoast report uses aerial photography to assesses current erosion rates. It is noted that this is not overly accurate, however, it is the best and often the only option available. It is noted that the SW part of the site is reclaimed land, and there has been some reclamation in the NW section of the site.

The eCoast report has correctly used Line B of Table 3 of the 2022 MFE report 'Interim guidance on the use of new sea level rise projections'. In accordance with the definition of "greenfield" in the AUP, the approach taken in the eCoast report is correct.

The eCoast assessment notes that the assessment is "considered overly conservative". Given that nature of the proposal, a conservative assessment is appropriate.

eCoast Report calculations for all three sections within the Plan change area indicate that the plan change area is within the 100 year ASCIE zone. The report relies on vesting of an esplanade reserve of 20m wide. Based on this assumption of 20m wide esplanade reserve. In accordance with the eCoast report, the proposed esplanade reserve is at retreat to coastal erosion and loss over assessment period. This loss is greatest in the central section where

the calculations show the entire esplanade reserve would be lost and the future 100 year ASCIE extends landward 8.8m into the central section of the area, and other sections are outside the 100-year planning horizon. While there is a conceptual Plan for the proposed Plan Change, it is not clear what is proposed to be in the central area to identify the level of risk for this section. ECoast Report did not provide a plan to show the red ASCIE line overlying the Concept Plan.

Whilst one of the purposes of esplanade reserves is for hazard management, the reserve will form part of the public amenity provided from the proposal. Consideration should be given to the future management and protection of the esplanade reserve to mitigation the effects of future erosion to the reserve and protection of the land landward of the reserve especially in the central section. Any approval to the proposal should be contingent on ensuring that appropriate erosion management is in place.

Based on the current information provided by the applicant's assessment, the coastal hazard risk to the proposed Plan change is uncertain, and the proposal as it stands, does not avoid the hazard risk. The proposal will increase the risk of coastal hazards at the site, however mitigation options (in central section in particular) would be required to achieve the risk avoidance required by the relevant statutory documents. Currently there is no hazard mitigation proposed as part of the plan change.

### **Summary:**

The proposed Plan Change area is of a land within the CEHA. The Applicant has proposed subdivision/development within an area susceptible to coastal erosion and instability. The coastal hazard risk to the proposed Plan Change assessed by the Applicant indicates that some area of the Plan Change area (central area in particular) is within the 100-year planning horizon. This raises uncertainty from a hazard perspective, as such mitigation would be required to in order to meet the policy intent of Policy 25 of NZCPS and AUP.

#### 5. Effects on the adjacent Coastal Marine area

The Coastal marine area adjacent to the Plan Change area, Tamaki River is not identified as a Significant Ecological Area-Marine in the AUP. However, there would be limited potential direct and indirect effects in the CMA from the Plan Change on water quality, coastal ecology & coastal birds in particular. Depending on the future development activities, consents would be triggered under Chapter F2 in the AUP.

The proposed plan change will result in an increase in the recreational use and public access to and from the CMA regardless of whether an esplanade reserve is vested.

#### 6. Submissions

The Proposed Plan Change received 20 submissions, relating to concerns on different environmental aspects. I have considered only the relevant submissions of my assessment. They are:

1. A number of submissions raised concerns in relation to the existing ecological values of wetlands and habitat loss mainly for coastal birds.

2. Proposed development is likely to reduce vegetation and increase risk of coastal erosion, particularly affecting coastal forest and local biodiversity and natural habitat within the Tamaki estuary environment. Seawall to be built to protect the properties from the rising ocean (sea level rise), this would likely to reduce the coastal habits for birds.
3. Effects on Tamaki River's ecological values from the proposed change. This includes habitats for wading birds (including threatened and at-risk species), intertidal mudflats, mangroves, and coastal natural character. There is no certainty that adverse effects of development will be avoided, remedied or mitigated through esplanade reserves. Adverse effects are likely to occur prior to the creation of esplanade reserves, and the final reserve configuration(s) may not adequately address longer term effects.
4. Effects on water quality and bird life.

### Review of Submissions

Generally, I accept all the above concerns raised in the submissions, and add the following:

- I note that the proposed plan change relates principally to terrestrial land. As such direct effects on the Tamaki Estuary are likely to be limited. However, it is noted that a wetland has formed the SW section around the walled embayment within the reclamation. If this area is outside the CMA, it could be an inland wetland, with the possibility of it being a natural inland wetland.
- Any subdivision would trigger the esplanade reserve provisions of the RMA. This and any coastal yard provisions would separate development from the estuary.
- For comments on the coastal hazard elements of the submissions, the reader is referred to my comments in sections 4 above.
- I agree that there would be effects on coastal natural character, coastal ecology and water quality from the proposed Plan Change. However, the plan change site is within a highly modified environment.
- 

### 7. Conclusion and recommendations:

- The Proposed Plan Change, if approved would enable residential development and intensification within an area identified as being subject to coastal hazard (inundation and erosion) risk, including increased risk from climate change.
- The Proposed Plan Change is supported by a site-specific hazard assessment prepared by eCoast that considers coastal erosion and instability, and inundation over the minimum 100 year period required by the RMA and NZCPS. This review report considered coastal erosion and instability only. Inundation is addressed in a separate report.
- Based on the findings of this hazard assessment, some portions of the Plan Change Area are within a coastal hazard area within the 100 year planning horizon. The

majority of which would be vested as esplanade reserve if the land is subdivided. This raises uncertainty from a hazard perspective. Coastal hazard mitigation is required in order to meet the policy 25 of NZCPS and AUP.

- The extent and nature of the mitigation options e.g. sea walls, may impact on the function and purpose of the esplanade reserve and on future residential development. It is accepted that mitigation options could be employed at the development stage to manage this risk, however these are not part of the Plan Change.

**Memo prepared by:**

Dr. Kala Sivaguru



**Senior Coastal Specialist  
Specialist Unit, Resource Consents**

Date:

11 September 2023

**Memo reviewed by:**

Alan Moore



**Principal Specialist  
Specialist Unit, Resource Consents**

Date:

11 September 2023





## **ATTACHMENT 4**

### **REPORTING PLANNER QUALIFICATIONS AND EXPERIENCE**



#### **Attachment 4 – Reporting planner qualifications and experience**

1. My full name is Tania Evelyn Richmond. I am a planning consultant and director of Richmond Planning Limited. I hold the qualification of Bachelor of Planning from Auckland University and I am a full member of the New Zealand Planning Institute.
2. I have over 30 years' experience working for district councils, central government, and consultancy. My experience includes statutory planning, plan policy, and assessing resource consents for public and private projects. My work has been predominately focused within the Auckland Region.
3. My relevant experience to this hearing includes:
  - Lead planner for Auckland Council/Auckland City Council on the assessment of 15+ private plan change requests.
  - Evidence for Auckland Council on the PAUP, including on Precinct Plans and the Historic Heritage Schedule.
  - Lead planner on private plan changes to the Auckland Unitary Plan.
4. My involvement in PPC90 includes preliminary review of the plan change prior to lodgement, drafting the Clause 23 request and Clause 25 notification report for Council.
5. I am authorised by Council to provide planning evidence for PPC90 (within this section 42A report).



**ATTACHMENT 5**  
**LOCAL BOARD FEEDBACK**





|              |                      |  |                    |                    |
|--------------|----------------------|--|--------------------|--------------------|
| MB2223-268   | YMCA Fundraising     | Towards costs for sport camp events at 2487 Hunua Road from 1 June 2023 to 31 October 2023                             | \$10,000.00        | \$3,500.00         |
| MB2223-272   | PHAB Association Inc | Towards facilitators, wages, catering and admin fee at Allan Brewster Leisure Centre from 5 June 2023 to 29 March 2024 | \$5,000.00         | \$4,000.00         |
| <b>Total</b> |                      |  | <b>\$90,104.50</b> | <b>\$43,788.00</b> |

**CARRIED**

**15 Local Board views on Private Plan Change 90 for 8 Sparky Road, Ōtara**

Resolution number OP/2023/51

MOVED by Chairperson AR Autagavaia, seconded by Member V Hausia:

**That the Ōtara-Papatoetoe Local Board:**

- a) **tuhi ā-taipitopito/ note the following points of preliminary feedback on private plan change 90 by Highbrook Living Limited for 8 Sparky Road, Ōtara**
  - i) **acknowledge that there is a challenge for many people in local communities of Ōtara-Papatoetoe to find warm, affordable accommodation**
  - ii) **the board is however opposed to Private Plan Change 90 for 8 Sparky Road, Ōtara, also noting that it will not result in providing affordable accommodation to communities of greatest need of Ōtara-Papatoetoe Local Board area**
  - iii) **has serious concerns about the significant infrastructure challenges that will come about as a direct consequence if Private Plan Change 90 to re-zone rezone 4.4 hectares of land on the north-western side of Highbrook Drive from Business- Light Industry to Residential–Terrace Housing and Apartment Building (THAB) zone; and introduce the Highbrook Precinct to the rezoned land which includes provisions that relate to transport and noise is approved to go ahead**
  - iv) **has serious concerns about overall traffic, road safety and congestion if residential growth and development is allowed for 8 Sparky Road, Ōtara under Private Plan Change 90. Creating timely public transport infrastructure and planning for safe pedestrian movements will need to happen at the same time if not earlier. A private shuttle service cannot compensate for essential public transport services for moving people. Residential growth resulting in more cars on the road will not result in the public transport modal shift that the city aspires for**
  - v) **is keen to understand the assessment by subject matter experts about effects on the local environment, water quality and bird-life that are very likely to be impacted from changes to land zoned for industrial purposes proposed by Private Plan Change 90**

- vi) any residential development is likely to reduce vegetation and increase risks of coastal erosion, particularly affecting coastal forest and local biodiversity and natural habitat within the Tāmaki Estuary environment
  - vii) take note that the public concerns in submissions received on Private Plan Change 90 are of a critical nature and include concerns raised by infrastructure providers and environmental agencies. These range from matters of public transport and wastewater infrastructure, need for a heritage impact assessment and it's adverse impacts on the coastal environment
  - viii) note that the board received a public petition from Kathryn leGrove at its business meeting on 18 March 2023 expressing concerns about Private Plan Change 90 and tabled a petition with ten signatures, opposing the proposed plan change (Resolution number OP/2023/41). The board notes that she has also put in a direct submission to the plan change
  - ix) has serious concerns about stormwater infrastructure and management of flood risks arising from the residential zoning sought by Private Plan Change 90, especially in light of property damage and need for preparedness given the recent severe weather conditions
  - x) the board expects that consultation with mana whenua and a thorough cultural impact assessment on the land is considered prior to progressing with Private Plan Change 90
  - xi) thank officers for information to the board through an early memo and the report at this business meeting indicating the key themes from submissions
- b) kopou / appoint Chair Apulu Reece Autagavaia to speak to the local board views at a hearing on private plan change 90
  - c) tautapa / delegate authority to the chairperson of Ōtara-Papatoetoe Local Board to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the private plan change hearing
  - d) tono / request that these resolutions be circulated to the neighbouring local boards of Māngere-Ōtāhuhu and Howick, and the respective ward councilors .

**CARRIED**

**16 Auckland Transport Local Board Transport Capital Fund Report for Ōtara-Papatoetoe Local Board - March 2023**

Resolution number OP/2023/52

MOVED by Chairperson AR Autagavaia, seconded by Member V Hausia:

**That the Ōtara-Papatoetoe Local Board:**

- a) whakaae / approve the allocation of \$200,000 from its Local Board Transport Capital Fund for the construction of the Hill Street/Wylie Road project
- b) whakaae / approve the allocation of \$110,000 from its Local Board Transport Capital Fund for a Pedestrian crossing for Bairds Mainfreight Primary (old LBTCF project) on 12 Edward Avenue, Otara.

**CARRIED**

- land at 100 Highbrook Drive, East Tamaki as shown by the green line in Attachment A;
- b) approve the classification of land legally described as Lot 523 DP 416793 held in Record of Title 464675 at Highbrook Esplanade Reserve as Local Purpose (Esplanade) reserve, pursuant to section 16(2A) of the Reserves Act 1977.
  - c) grant a licence to occupy to the Highbrook Regional Watersports Centre Charitable Trust for the tenant-built car park and accessways (1360sqm), boat ramp(490sqm), hardstands(950sqm) and pontoons(460sqm) areas at the council-owned land at 100 Highbrook Drive, East Tamaki as shown by the map in Attachment A;
  - d) grant an agreement to lease for five years to the Highbrook Regional Watersports Centre Charitable Trust for land legally described as Lot 523 DP 416793, as indicated on the site plan (Attachment A), on the following terms:
    - i) that funding be secured for the complete development of the water sports facility on or before 1 July 2026 and any prior to any works commencing.
    - ii) the development of works commence within one year from the date of satisfaction of condition i) above
  - e) grant, subject to all terms and conditions of the agreement to lease being met, a new community ground lease to the Highbrook Regional Watersports Centre Charitable Trust on the following terms and conditions:
    - i) Term: 10 years plus one 10 year right of renewal
    - ii) Rent: \$1 per annum
    - iii) That leasing charges will be reviewed if there are changes to Auckland Council's Community Occupancy Guidelines 2012
    - iv) That a Community Outcomes Plan is developed by the Trust within two years of the satisfactory completion of the Highbrook Regional Watersports Centre; and
    - v) All other terms and conditions in accordance with conditions of the consents issued, the Auckland Council Occupancy Guidelines 2012 and the Reserves Act 1977.

**CARRIED**

Glenn Riddell – Senior Land Use Advisor was in attendance to speak to this item.

## 19 **Local Board views on Private Plan Change 90 for 8 Sparky Road, Ōtara**

Resolution number HW/2023/113

MOVED by Chairperson D Light, seconded by Deputy Chairperson B Burns:

**That the Howick Local Board:**

- a) tautoko / support the feedback provided by the Ōtara-Papatoetoe Local Board under resolution OP/2023/51.
- b) whakaae / acknowledge the need for more affordable housing.
- c) Oppose Plan Change 90 based on the following concerns:
  - i) land was zoned for Business-Light Industry as part of the long-term plan for the area and has remained in high demand.
  - ii) the area being unsuitable for residential development due to noise and other industry related issues.

- iii) decommissioning of the existing stormwater pond and details of the method of stormwater management.
- iv) this area is already challenging for congestion and road safety and introducing more traffic – due to the proposed number of homes - would only exacerbate the issues.
- v) lack of nearby amenities such as parks, schools, retail or other community facilities.
- vi) potential impact on the environment, including reduction of vegetation, potential impact on biodiversity. The Board is keen to understand the assessment by subject matter experts regarding the effects on the environment, bird life, and water quality, that are likely to be impacted.
- vii) residential development is likely to reduce vegetation and increase risks of coastal erosion, particularly affecting coastal forest and local biodiversity and natural habitat within the Tāmaki Estuary environment.
- viii) note that of the 20 submissions received, the majority (16) – including Business East Tamaki - were opposed. The public concerns are of a critical nature and include concerns raised by infrastructure providers and environmental agencies. These range from matters of public transport and wastewater infrastructure, need for a heritage impact assessment and its adverse impacts on the coastal environment.
- ix) the Board expects that consultation with mana whenua and a thorough Cultural Values Assessment on the land is considered prior to progressing with Private Plan Change 90.
- b) appoint Chairperson Damian Light to speak to the local board views at a hearing on private plan change 90.
- c) delegate authority to the Howick Local Board chairperson to make a replacement appointment in the event the local board member appointed in resolution b) is unable to attend the private plan change hearing.

**CARRIED**

## **20 Classification of Trugood Esplanade Reserve as local purpose (esplanade) reserve**

Resolution number HW/2023/114

MOVED by Chairperson D Light, seconded by Member J Spiller:

**That the Howick Local Board:**

- a) resolve to classify, pursuant to Section 16(2A) of the Reserves Act 1977, Trugood Esplanade Reserve legally described as Lot 1 DP 194184 comprised in Record of Title NA123A/630 as local purpose (esplanade) reserve.

**CARRIED**

Tamara Zunic – Specialist Technical Statutory Advisor was in attendance to speak to this item.

## **21 Auckland Council's Quarterly Performance Report: Howick Local Board for Quarter Three 2022/23**

Resolution number HW/2023/115

MOVED by Chairperson D Light, seconded by Deputy Chairperson B Burns:

## **ATTACHMENT 6**

### **SUMMARY OF SUBMISSIONS, SUBMISSIONS AND FURTHER SUBMISSIONS**





# **AUCKLAND UNITARY PLAN OPERATIVE IN PART**

## **PROPOSED PLAN CHANGE 90 (Private):**

**8 Sparky Road, Ōtara**

## **SUMMARY OF DECISIONS REQUESTED**

**Enclosed:**

- **Explanation**
- **Summary of Decisions Requested**
- **Submissions**

## **Explanation**

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by 11 May 2023
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

**Summary of Decisions Requested**

Plan Change 90 (Private): 8 Sparky Road, Ōtara  
Summary of Decisions Requested

| Sub # | Sub Point | Submitter Name   | Address for Service          | Theme   | Summary of Decisions Requested   |
|-------|-----------|--|------------------------------|---|--|
| 1     | 1.1       | STET Limited ATTN: Shaun Lee                                     | shaun@stet.co.nz             | Decline the plan change, but if approved, make the amendments I requested | Offsetting / mitigation of the impacts of the development might be possible.   |
| 1     | 1.2       | STET Limited ATTN: Shaun Lee                                     | shaun@stet.co.nz             | Decline the plan change, but if approved, make the amendments I requested | The decision to change the plan and develop the site should take into account the huge losses of native birds from the Tāmaki Estuary over the last 50 years.  |
| 1     | 1.3       | STET Limited ATTN: Shaun Lee                                     | shaun@stet.co.nz             | Decline the plan change, but if approved, make the amendments I requested | Opposes the plan change.   |
| 2     | 2.1       | Craig Brooks   | dablueninja@hotmail.com      | Decline the plan change   | Decline the plan change.   |
| 3     | 3.1       | Clarissa Jane Witehira   | clarissawitehira@xtra.co.nz  | Decline the plan change   | Decline the plan change.   |
| 4     | 4.1       | Julie Chambers   | Julie@Chambers.net.nz        | Decline the plan change   | Decline the plan change.   |
| 4     | 4.2       | Julie Chambers   | Julie@Chambers.net.nz        | Decline the plan change   | The current industrial zone be retained and steps be taken to identify the ecological value of the area and susceptibility to erosion from increasingly prevalent marine vessel wave action.   |
| 4     | 4.3       | Julie Chambers   | Julie@Chambers.net.nz        | Decline the plan change   | Take into account severe traffic congestion and negative social societal consequences (and costs) of high-density low-cost housing being built in isolated locations.  |
| 4     | 4.4       | Julie Chambers   | Julie@Chambers.net.nz        | Decline the plan change   | Reject the plan change due to the possibility of liquification and because the shoreline is soft sandstone and subject to human generated wave action erosion.   |
| 4     | 4.5       | Julie Chambers   | Julie@Chambers.net.nz        | Decline the plan change   | Reject the application because of lack of examination of public health risks.  |
| 5     | 5.1       | Davina Mihaka  | davinamihaka@yahoo.co.nz     | Decline the plan change   | Decline the plan change.   |
| 6     | 6.1       | ATTN: Karl Flavell   | karl_flavell@hotmail.com     | Decline the plan change, but if approved, make the amendments I requested | Seeks a Cultural Impact Assessment (CIA) is undertaken by Ngāti Te Ata Waiohū to ensure our values, history and preferred environmental/cultural recommendations are captured, and included in decision-making moving forward.   |
| 6     | 6.2       | ATTN: Karl Flavell   | karl_flavell@hotmail.com     | Decline the plan change, but if approved, make the amendments I requested | Reject the application unless issues addressed in the submission can be adequately addressed.  |
| 7     | 7.1       | Jennifer Kay Tongotongo  | jennifertongotongo@gmail.com | Decline the plan change   | Decline the plan change.   |
| 7     | 7.2       | Jennifer Kay Tongotongo  | jennifertongotongo@gmail.com | Decline the plan change   | Seeks Business/Light Industrial zoning be retained where effects on the road will be far less than extra vehicles associated with residential activities that would arise from THAB zoning.  |
| 8     | 8.1       | Wayne Ronald Oliver  | wayne.in.desert@gmail.com    | Decline the plan change   | Decline the plan change and retain the current Business Light Industry zoning.   |
|       | 8.2       |  |                              | Decline the plan change   | Seeks native planting along the coast be retained in its entirety regardless of the zoning.  |
| 9     | 9.1       | Tāmaki Estuary Protection Society (TEPS) ATTN: Dr Julie Chambers | Chair@TEPS.org.nz            | Decline the plan change   | Opposes the plan change and seeks the current zoning to be retained, or the area be established as a natural reserve.  |
| 9     | 9.2       | Tāmaki Estuary Protection Society (TEPS) ATTN: Dr Julie Chambers | Chair@TEPS.org.nz            | Decline the plan change   | Steps be taken to identify the plan change area as of ecological importance due to the presence of wetlands and as geologically vulnerable due to its susceptibility to erosion from increasingly prevalent marine vessel wave action and until now, unanticipated, unprecedented severe rainfall events. The - shoreline is soft sandstone and subject to erosion, from stormwater events and wave action, depositing sediment pollution into the Tāmaki Estuary. |
| 9     | 9.3       | Tāmaki Estuary Protection Society (TEPS) ATTN: Dr Julie Chambers | Chair@TEPS.org.nz            | Decline the plan change   | Requests that the traffic congestion that will arise be taken into account.  |
| 9     | 9.4       | Tāmaki Estuary Protection Society (TEPS) ATTN: Dr Julie Chambers | Chair@TEPS.org.nz            | Decline the plan change   | Seeks the Integrated Traffic Assessment be rejected.   |

Plan Change 90 (Private): 8 Sparky Road, Ōtara

Summary of Decisions Requested

| Sub # | Sub Point | Submitter Name   | Address for Service   | Theme   | Summary of Decisions Requested   |
|-------|-----------|--|-----------------------|---|--|
| 9     | 9.5       | Tāmaki Estuary Protection Society (TEPS) ATTN: Dr Julie Chambers                       | Chair@TEPS.org.nz     | Decline the plan change   | Requests the current zoning be retained so the existing barge port can be retained to keep the Tāmaki River as a viable water-based transport route.   |
| 9     | 9.6       | Tāmaki Estuary Protection Society (TEPS) ATTN: Dr Julie Chambers                       | Chair@TEPS.org.nz     | Decline the plan change   | The 'benefits' of the plan change are rejected as the applicant confuses public and private benefit.   |
| 9     | 9.7       | Tāmaki Estuary Protection Society (TEPS) ATTN: Dr Julie Chambers                       | Chair@TEPS.org.nz     | Decline the plan change   | Seeks the plan change be rejected because there has been no examination of public health risks due to pollutants from heavy metals and toxic chemicals likely being present in the sediment, or health impacts impact from stormwater generated erosion.   |
| 10    | 10.1      | Penny Nelson, Director-General of Conservation (the Director-General) c/- Murray Brass | mbrass@doc.govt.nz    | Decline the plan change   | Reject the plan change, as there is no certainty that adverse effects of development will be avoided, remedied or mitigated through esplanade reserves, and would be inconsistent with the New Zealand Coastal Policy Statement.   |
| 10    | 10.2      | Penny Nelson, Director-General of Conservation (the Director-General) c/- Murray Brass | mbrass@doc.govt.nz    | Decline the plan change, but if approved, make the amendments I requested | If the plan change is approved, it includes a coastal zone or overlay of at least 20m width, which ensures that coastal values are protected and the NZCPS 2010 is complied with, without relying on uncertain future esplanade provisions.  |
| 11    | 11.1      | Business East Tamaki Incorporated  | gm@businesset.org.nz  | Decline the plan change   | Decline the entire plan change as it does not meet the directives of the Auckland Plan or the industrial growth and activities objectives and policies of the Auckland Unitary Plan nor safeguard industrial land for industrial purposes in South Auckland which has a severe undersupply of industrial land, with the subject site not being highly compromised as a development opportunity for industrial activity [refer to Appendix 1 and Appendix 2 of submission for examples of industrial zoned parcels and industrial buildings that are of a size that could be accommodated on the site]. |
| 11    | 11.2      | Business East Tamaki Incorporated  | gm@businesset.org.nz  | Decline the plan change   | Decline the entire plan change as the site is unsuitable for residential development in that it is not close to commercial, educational or other services, and has constrained options for active modes of transportation  |
| 11    | 11.3      | Business East Tamaki Incorporated  | gm@businesset.org.nz  | Decline the plan change   | Decline the entire plan change as Highbrook Drive is already heavily trafficked and peak hour queue lengths on Highbrook Drive (which would extend northwards beyond the proposed site access intersection) will mean that the subject site access intersection will not be able to function safely and efficiently, in addition to also being adversely affected by traffic effects from the downstream motorway interchange roundabout.  |
| 12    | 12.1      | Goodman c/- B&A Attn: Rebbace Payne  | rebeccap@barker.co.nz | Neutral, but seek amendments  | Goodman is not opposed to the change to residential land use, at an appropriate density and scale, accepting that residential land use could be developed on the land if appropriately managed.  |
| 12    | 12.2      | Goodman c/- B&A Attn: Rebbace Payne  | rebeccap@barker.co.nz | Neutral, but seek amendments  | Goodman do not want any change in use to create traffic effects over and above what would be created under the current zoning.   |
| 12    | 12.3      | Goodman c/- B&A Attn: Rebbace Payne  | rebeccap@barker.co.nz | Neutral, but seek amendments  | Apply the THAB zone to the land for up to 200 dwellings conditional on all transport upgrades in the precinct plan being provided.   |
| 12    | 12.4      | Goodman c/- B&A Attn: Rebbace Payne  | rebeccap@barker.co.nz | Neutral, but seek amendments  | Amend Activity Table I4.4.1(A2) to delete (A2)(i) and introduce new (A3) stating that "Activities that do not comply with Standard I4.6.1 Maximum Number of dwellings is a non-complying activity".  |
| 12    | 12.5      | Goodman c/- B&A Attn: Rebbace Payne  | rebeccap@barker.co.nz | Neutral, but seek amendments  | Any other alternative or consequential relief to give effect to the matters raised in the submission.  |
| 13    | 13.1      | Kathryn leGrove  | legrovek@gmail.com    | Decline the plan change   | Decline the plan change.   |

Plan Change 90 (Private): 8 Sparky Road, Ōtara

Summary of Decisions Requested

| Sub # | Sub Point | Submitter Name                        | Address for Service  | Theme   | Summary of Decisions Requested  |
|-------|-----------|---------------------------------------|----------------------|---|---|
| 13    | 13.2      | Kathryn leGrove                       | legrovek@gmail.com   | Decline the plan change   | That part of the site necessary for maintenance of SH1 and the Transpower pylons must not be impacted by residential zoning.  |
| 13    | 13.3      | Kathryn leGrove                       | legrovek@gmail.com   | Decline the plan change   | Great South Road Tāmaki river bridge and barge port at 8 Sparky Road remains open especially in the event of Great South Road becoming unusable.  |
| 13    | 13.4      | Kathryn leGrove                       | legrovek@gmail.com   | Decline the plan change   | Land to land remain in industrial use.  |
| 14    | 14.1      | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change   | <u>Decline the plan change.</u>   |
| 14    | 14.2      | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In all cases where amendments to the plan change are proposed, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any further, other, or consequential relief required to respond to the reasons for this submission and/or give effect to the decisions requested.  |
| 14    | 14.3      | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved the following options for relief are requested:<br><ul style="list-style-type: none"> <li>- Updates to the modelling within the ITA to remove reference to 90,000sqm and 18,000sqm of industrial floorspace as a Baseline Scenario; or</li> <li>- Additional modelling for a 500 residential unit development;</li> <li>- Provision of a development feasibility appraisal to support the assumed 'permitted baseline' for the 90,000sqm and 18,000sqm of industrial floorspace within the 'Baseline Scenario'.</li> <li>- If 18,000sqm is not demonstrated as feasible, the reduced and feasible floorspace and reduced baseline should be rerun through the applicant's ITA modelling and a further review of potential additional transport network effects and mitigation carried out.</li> <li>- A reduction to the number of residential units concluded as a 'permitted activity' within the applicant's precinct provisions should also be made if this conclusion is reached.</li> <li>- Any subsequent adverse effects on the transport network from updated modelling scenarios to be provided with mitigation and for that mitigation to be identified with updated precinct provisions (and possible precinct plan) with suitable staging and triggers (or potential caps).</li> </ul> |
| 14    | 14.4      | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved, request that a new standard I4.6.X requiring a new collector road (to Auckland Transport Design Standards, that provides a safe alternative for pedestrians and cyclists) to be constructed to connect the existing access (located opposite the Plan Change site but in the same ownership) to the Gridco Road / Hellabys Road intersection prior to occupation of the first dwelling.<br>The Precinct Plan 1 is to then be updated accordingly to show the general location of this new collector road.<br>It is noted that the provision of this collector road may reduce impacts on the wider network and if this is agreed by the applicant, further modelling would be accepted that includes the provision of this link prior to first occupation of the first dwelling.   |
| 14    | 14.5      | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved, the precinct provisions be amended to secure a pair of bus stops with shelters situated near the signalised crossing points in a tail-to-tail style setup.<br>These two bus stop locations shall be confirmed in consultation with Auckland Transport and in place prior to first occupation of the first dwelling.  |

Plan Change 90 (Private): 8 Sparky Road, Ōtara

Summary of Decisions Requested

| Sub # | Sub Point | Submitter Name                        | Address for Service  | Theme   | Summary of Decisions Requested  |
|-------|-----------|---------------------------------------|----------------------|---|---|
| 14    | 14.6      | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved, additional information is requested from the applicant to understand the shuttle service viability for the precinct for both future residents and future potential employees including (but not limited to):<br>- key destinations for the shuttle service;<br>- the frequency of such a service during morning and afternoon peaks, interpeak, weekdays and weekends;<br>- its anticipated costs to deliver such a service;<br>- a commitment for the shuttle service to be provided in perpetuity or until such time as a high frequency public transport service is operational in the immediate locality of the Plan Change.<br>Advice note:<br>The applicant will also need to ensure the legality of providing a private bus shuttle under the Land Transport Management Act 2003. |
| 14    | 14.7      | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved, Auckland Transport seeks that evidence to show trip generation rates are accurate as a baseline to ensure effects on the transport network are accurately identified and appropriate mitigation secured.   |
| 14    | 14.8      | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved, request that additional precinct provisions and amendments to the precinct plan be made to confirm vehicle and road access restrictions apply on Highbrook Drive as required, as an arterial road within the AUP(OP) planning maps.  |
| 14    | 14.9      | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved, request that the Gridco Road/Hellabys Road intersection is upgraded/signalised by the applicant prior to first occupation of any residential unit.<br>This should be captured as an infrastructure requirement in the precinct provisions.   |
| 14    | 14.10     | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Support in part   | In the event that the Plan Change is to be approved, request the provision of a technical acoustic assessment prepared by a suitably qualified expert to support the Plan Change's position that the noise mitigation proposed will achieve 40dB internal noise environment.<br>Such a technical acoustic assessment should identify any potential amendments to the Plan Change 51 noise provisions given the traffic volumes and number of HCV movements along this part of the network and any challenges to achieving the stated 40dB internal noise levels.<br>Any additional mitigation necessary to avoid adverse effects should be addressed through precinct plan provisions.  |



Plan Change 90 (Private): 8 Sparky Road, Ōtara  
Summary of Decisions Requested

| Sub # | Sub Point | Submitter Name                        | Address for Service  | Theme   | Summary of Decisions Requested   |
|-------|-----------|---------------------------------------|----------------------|---|--|
| 14    | 14.11     | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved:<br><ul style="list-style-type: none"> <li>the applicant is to provide further information to demonstrate that the Plan Change area has sufficient space set aside to construct a replacement high-quality communal treatment device (ideally a constructed wetland) in accordance with GD01 which meets the same treatment outcomes as the existing device, particularly for the Highbrook Drive catchment as well as accommodate the stormwater treatment requirements of development enabled by the Plan Change</li> <li>further information is provided on what stormwater management approach is being taken</li> <li>that the precinct plan and provisions are amended to include objectives, policies, and rules relating to stormwater including to address whole of life costs and effectiveness of treatment over time associated with publicly vested stormwater assets (as a matter for discretion and policy).</li> </ul> |
| 14    | 14.12     | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved, delete policy I4.3(3).  |
| 14    | 14.13     | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Support in part   | In the event that the Plan Change is to be approved, seek for additional mitigation identified in this submission (and any further mitigation as a result of modelling requested) to be included in an updated Transportation Plan. Also, to ensure clearer trigger wording for delivery of the infrastructure required as mitigation including any consequential amendments to precinct provisions or mechanisms.   |
| 14    | 14.14     | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Support if the plan change is approved.                                   | In the event that the Plan Change is to be approved, retain the noise objective and policy provisions as drafted, subject to any amendments necessary as a result of the requested acoustic assessments to justify the precinct provisions drafting proposed.  |
| 14    | 14.15     | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Support in part   | In the event that the Plan Change is to be approved, amend I4.2 Objective 3 to read: "Subdivision, use and development within the Highbrook Precinct ensures that adverse effects on the safety, capacity and efficiency of the operation of the <del>local</del> surrounding transport network is avoided, remedied or mitigated".  |
| 14    | 14.16     | Auckland Transport ATTN:<br>Matt Ford | Matt.Ford@at.govt.nz | Support   | In the event that the Plan Change is to be approved, Auckland Transport requests the addition of a new objective and policy addressing the safety issues for active mode users to and from the precinct with wording such as:<br><u>Objective (4) - Pedestrians and cyclists from the Highbrook Precinct who would otherwise be vulnerable along State Highway 1 and Highbrook Drive are provided with safe connections to key nodes such as education, employment, and shopping.</u><br><br><u>Policy (x) –</u><br><u>Require active transport mode connections that are sensitive to a heavy vehicle dominant transport environment to be provided with safe alternative routes to also support reduction in dependency on private motor vehicles as a means of transport.</u><br><u>Alternative active mode connection routes are to be of the highest quality and design.</u>  |

Plan Change 90 (Private): 8 Sparky Road, Ōtara

Summary of Decisions Requested

| Sub # | Sub Point | Submitter Name   | Address for Service         | Theme   | Summary of Decisions Requested   |
|-------|-----------|--|-----------------------------|---|--|
| 14    | 14.17     | Auckland Transport ATTN: Matt Ford                     | Matt.Ford@at.govt.nz        | Decline the plan change, seeks amendments if the plan change is approved. | In the event that the Plan Change is to be approved, Auckland Transport requests amendments to the precinct provision and plan (objectives, policies and rules) to make clear that any internal road network that is intended to be vested must be located outside of any hazard areas (E36.9) and separated from such areas by building platforms and the requirement for a hazard risk assessment (in accordance with E36.9 of the AUPOP) be required for any subdivision, use or development at the Plan Change site to inform the location of any assets intended to be vested with Auckland Transport so as to be resilient to the effects of climate change. |
| 15    | 15.1      | Heritage New Zealand Pouhere Taonga ATTN: Alice Morris | amorris@heritage.org.nz     | Support, subject to amendments  | Seeks an archaeological field survey to identify unrecorded archaeological sites and to address appropriate mitigation, including the avoidance and where appropriate the recognition and interpretation of sites in publicly accessible areas.  |
| 15    | 15.2      | Heritage New Zealand Pouhere Taonga ATTN: Alice Morris | amorris@heritage.org.nz     | Support, subject to amendments  | Seeks a full heritage impact assessment, identifying the historic heritage landscape of the entire plan change area, is undertaken to determine the wider heritage significance and therefore ensure appropriate protection is incorporated into the plan change provisions before a decision on the plan change is made.  |
| 15    | 15.4      | Heritage New Zealand Pouhere Taonga ATTN: Alice Morris | amorris@heritage.org.nz     | Support, subject to amendments  | Would support the plan change with amendments as required to protect historic heritage landscape and archaeology following the completion by a qualified archaeologist of an archaeological assessment of the full extent of the plan change area.   |
| 16    | 16.1      | The New Zealand Transport Agency ATTN: Rosalind Cowen  | rosalind.cowen@nzta.govt.nz | Neutral, but seeks amendments   | Seeks amendments and /or further information to provide greater certainty on effects of the proposed development. If the information requested is not provided and/or the effects generated by the proposal cannot be satisfactorily managed, then the plan change be declined.  |
| 16    | 16.2      | The New Zealand Transport Agency ATTN: Rosalind Cowen  | rosalind.cowen@nzta.govt.nz | Neutral, but seeks amendments   | Update the ITA based on a realistic baseline and provide evidence to substantiate the assumptions used in the ITA. The precinct provisions may need to be amended to include mitigation measures to be installed prior to development of the site as a result of this assessment.  |
| 16    | 16.3      | The New Zealand Transport Agency ATTN: Rosalind Cowen  | rosalind.cowen@nzta.govt.nz | Neutral, but seeks amendments   | Provide further information on safety effects generated by the proposed land use, particularly for pedestrians and potential wrong way drivers at the Highbrook Interchange. The precinct provisions may need to be amended to include mitigation measures to be installed prior to development of the site.   |
| 16    | 16.4      | The New Zealand Transport Agency ATTN: Rosalind Cowen  | rosalind.cowen@nzta.govt.nz | Neutral, but seeks amendments   | Provide further information as to the characteristics of the noise environment of the site and what controls will be required to ensure an adequate level of acoustic amenity for future residents of it. Depending on this information either retain or revise the relevant noise provisions.   |
| 17    | 17.1      | Beth Evans   | bethevanswow@gmail.com      | Decline the plan change   | Decline the plan change.   |
| 17    | 17.2      | Beth Evans   | bethevanswow@gmail.com      | Decline the plan change   | Requests that for the community members trying to understand this plan change and in particular the likely affects on traffic, it be made plain the difference between the status quo and likely PC90 outcomes.  |
| 18    | 18.1      | Watercare Services Limited ATN: Mark Iszard            | mark.iszard@water.co.nz     | Neutral, subject to matters being addressed.                              | In relation to the proposal's water supply solution, Watercare considers that there are no reasons to decline the plan change.   |
| 18    | 18.2      | Watercare Services Limited ATN: Mark Iszard            | mark.iszard@water.co.nz     | Neutral, subject to matters being addressed.                              | Wastewater can be serviced, provided that the developer mitigates the risk of potential overflows on the downstream network. Requests that the applicant works with Watercare in advance of lodging the resource consents for subdivision, to ensure a feasible solution is reached for wastewater.  |
| 19    | 19.1      | Winston Su   | winstonsu785@outlook.com    | Decline the plan change   | Decline the plan change.   |
| 20    | 20.1      | Nastassja Salt   | salt.nastassja@gmail.com    | Decline the plan change   | Decline the plan change.   |

## **Submissions**

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 90 - Shaun Lee  
**Date:** Tuesday, 28 February 2023 8:15:34 am  
**Attachments:** [HLPPC-sl-01.pdf](#)

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Shaun Lee

Organisation name: STET Limited

Agent's full name: Shaun Lee

Email address: [shaun@stet.co.nz](mailto:shaun@stet.co.nz)

Contact phone number: 021555425

Postal address:  
[shaun@stet.co.nz](mailto:shaun@stet.co.nz)  
Wai O Taiki Bay  
Auckland 1072

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

##### **My submission relates to**

Rule or rules:  
See PDF attachment

Property address: 8 Sparky Road, Ōtara

Map or maps: See PDF attachment

Other provisions:  
See PDF attachment

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
See PDF attachment

I or we seek the following decision by council: Decline the plan change, but if approved, make the amendments I requested

Details of amendments: Offsetting / mitigation the impacts of the development might be possible but I have not considered it

Submission date: 28 February 2023

Supporting documents  
[HLPPC-sl-01.pdf](#)

1.1

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Highbrook Living Private Plan Change

### Recommendations from Stet Limited

March 2022

Stet Limited was formed in 2011 by Shaun Lee, the company is a social enterprise that supports restoration and conservation projects in New Zealand. Principle director Shaun Lee is a member of Forest & Bird, The Tāmaki Estuary Protection Society and Birds New Zealand. He has attended the Tāmaki Estuary Environmental Forum meetings since 2013, has co-ordinated the bird counts of the Tāmaki Estuary since 2017 and has documented the decline of shorebirds in the Estuary<sup>1</sup>, largely due to development.

### Site ecology



The site is blanketed with regenerating native forest comprised of Pūruri, Flax, Kānuka, Whau, Māhoe, Pittosporum, Caprosma, Karaka, Totara, Karo, Pusedopanax, Pōhutukawa and Cabbage trees. It supports a diverse range of endemic and native passerine species including kotare, riroriro, silvereye and tui. The forest is part of an important corridor for native species moving across the isthmus. The forest is impacted by weeds including woolly nightshade, moth plant, wilding pine, gorse and pampas. The forest is more than a decade old and the weeds are not threatening its growth.

---

<sup>1</sup> <https://blog.shaullee.co.nz/reversing-the-decline-of-the-shorebirds-of-the-tamaki-estuary/>





**Figure 1.** N = Northern saltmarsh. S = Southern saltmarsh and roosting area. SP = Stormwater pond.

Valuable lowland areas. The northern and southern ends of the site (see Figure 1) contain saltmarsh habitat, this habitat is rare and threatened by development and sea level rise. It provides important roosting habitat for shorebirds.





*“Unlike the Manukau and Waitematā Harbours, the Tāmaki Estuary has very few high tide roosts for shorebirds. The carrying capacity of intertidal areas for shorebirds is linked to the proximity of good high tide roosts. If roosts are degraded or lost, the numbers of shorebirds using the adjacent intertidal feeding areas may decline.”*

*– Dr Tim Lovegrove, Auckland Council (2016)*

The southern saltmarsh is a regular roost for herons, ducks and gulls, large flocks of Poaka / Pied Stilts (*Observed by Shaun Lee*) and Tōrea / South Island Pied Oystercatchers (Kathryn Legrove pers. coms.) have been recorded roosting at the location. Unlike more developed areas of the estuary the saltmarsh has space to retreat with sea level rise and is not threatened by coastal squeeze.

The northern and southern sites also have adjacent poles which are used by roosting gull, tern and shag species. Many of which are Declining / At Risk of extinction and one is Threatened with extinction.



The southern stormwater pond (See Figure 1) is part of a network of stormwater ponds along Highbrook Drive. The ponds are used by ducks, Pukekeo and endemic New Zealand Dabchick (*Noel Knight pers. coms*).

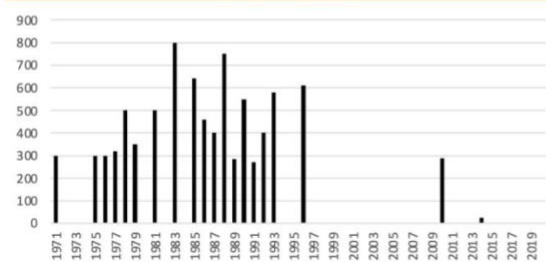
The decision to change the plan and develop the site should take into account the huge losses of native birds from the Tāmaki Estuary over the last 50 years. Local extinctions have happened and the trend is continuing due to loss of breeding, roosting and feeding habitat.

1.2

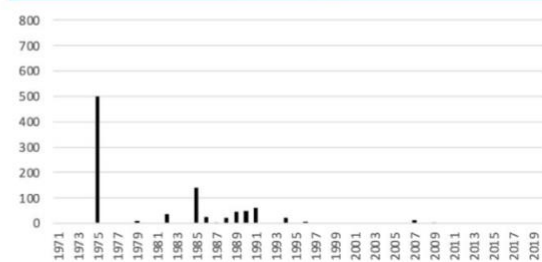


**Kuaka**  
Bar-tailed godwit

SUMMER



WINTER



Bird counts at the Tahuna Torea Nature Reserve<sup>2</sup>

<sup>2</sup> <https://blog.sh aunlee.co.nz/wader-population-trends-at-tahuna-torea/>

## My position on the plan change

I am opposed to the plan change. My understanding is that the plan change will double the value of the site making development more likely.

1.3

The development is most likely to:

- Reduce the forest cover
- Compromise the function of the forest as a corridor
- Reduce the saltmarsh habitat
- Create coastal squeeze for the remaining salt marsh (see diagram in appendix)
- Destroy shorebird roosting habitat
- Increase human activity near feeding areas and artificial shorebird roosts compromising their function (see diagram in appendix).

These outcomes do not align with:

- The vision of Auckland Council's Indigenous Biodiversity Strategy
- The Auckland Unitary Plan Operative in part, most specifically E15
- Section 8 of The Hauraki Gulf Marine Park Act
- The Aotearoa New Zealand Biodiversity Strategy / Te Mana o te Taiao

Sincerely

Shaun Lee  
*Director*  
Stet Limited

[shaun@stet.co.nz](mailto:shaun@stet.co.nz)

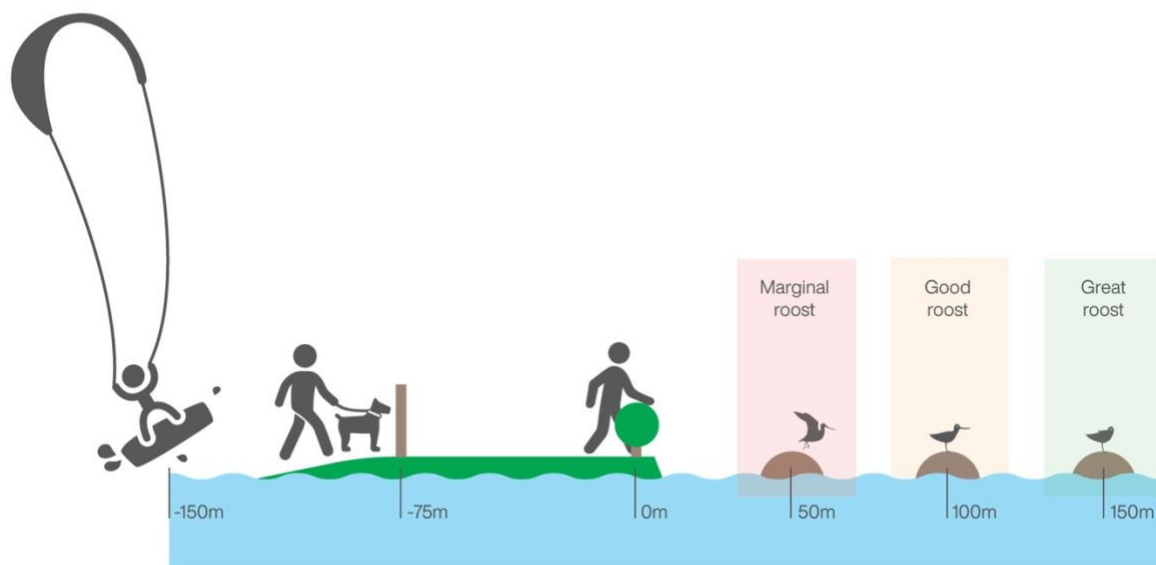
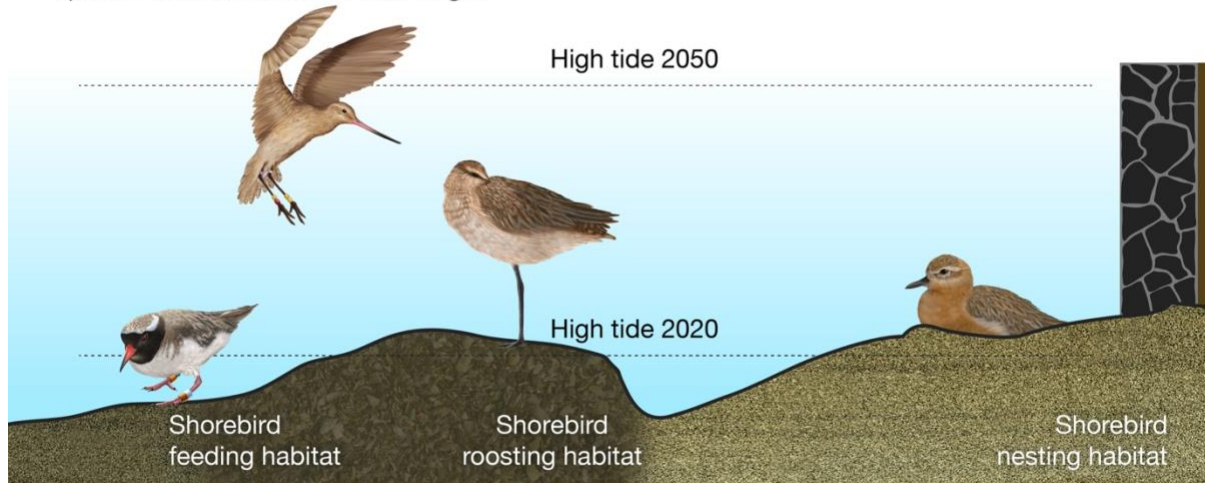
021 555 425



Appendix

### Sea level rise destroys coastal habitats

On land, we build structures like seawalls to protect ourselves from the rising ocean. Squeezed between the water and the walls, coastal habitats will be reduced and many species will have nowhere else to go.



● = Vegetation that could hide predators

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 90 - Craig Brooks  
**Date:** Sunday, 5 March 2023 7:30:28 pm

---

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Craig Brooks

Organisation name:

Agent's full name: Craig Brooks

Email address: [dablueinja@hotmail.com](mailto:dablueinja@hotmail.com)

Contact phone number: 0224041561

Postal address:  
[dablueinja@hotmail.com](mailto:dablueinja@hotmail.com)  
 Auckland  
 Auckland 1062

### Submission details

#### This is a submission to:

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

#### My submission relates to

Rule or rules:  
 The new development on highbrook drive

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
 The traffic now on highbrook drive is insane by adding 200 more homes to the area is going to create further traffic issues also the fustructure to the water ways will be affected further more.

I or we seek the following decision by council: Decline the plan change

Submission date: 5 March 2023

### Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
 Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 90 - Clarissa Jane Witehira  
**Date:** Monday, 6 March 2023 8:00:20 pm

---

The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Clarissa Jane Witehira

Organisation name: N/A

Agent's full name: N/A

Email address: clarissawitehira@xtra.co.nz

Contact phone number: 0272806715

Postal address:  
17 Hannah Road,  
Otara  
Auckland 2023

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

##### **My submission relates to**

Rule or rules:

Property address: 8 Sparky Road Otara

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
traffic is heavy now and a housing sub division will cause added congestion on an already congested road

I or we seek the following decision by council: Decline the plan change

Submission date: 6 March 2023

#### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

3.1



**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 90 - Julie Chambers  
**Date:** Friday, 10 March 2023 9:46:12 am

---

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Julie Chambers

Organisation name:

Agent's full name: Chris and Julie Chambers

Email address: Julie@Chambers.net.nz

Contact phone number:

Postal address:  
 199 St Heliers Bay Road  
 St Heliers,  
 Auckland 1071

### Submission details

#### This is a submission to:

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

#### My submission relates to

Rule or rules:  
 PC 90 (Private): 8 Sparky Road, Ōtara

Property address: 8 Sparky Road, Ōtara

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I oppose PC90 and seek to have the current industrial zone retained and steps taken to identify the coastal area of this land as of ecological value due to the presence of wetlands and geologically vulnerable due to its susceptibility to erosion from increasingly prevalent marine vessel wave action and until now, unanticipated, unprecedented severe rainfall events.

4.2

It is also requested that the severe traffic congestion and negative social societal consequences (and costs) of high-density low-cost housing being built in isolated locations, be taken into account.

4.3

1 Applicants claim there is an inability to accommodate light industrial activity. The application states the land cannot be used for industrial activity because heavy vehicles cannot access the site and turn adequately on site. This request is that this is rejected because:

The proposed residential area would need to be accessed by buses, rubbish trucks, construction

trucks, cranes (which are also needed post construction - sometimes years later), and any number of other heavy vehicles. If the site cannot be accessed by vehicles servicing a light industry complex, it is unlikely to also be suitable for adequate access for residential vehicles required to service the number of properties and density proposed.

The applicant assumes a large 'size and weight' of vehicle is required for all light industry options. This is contested. A great deal of modern 'light industry' does not require frequent access by large heavy vehicles.

The applicant states that if the land is not rezoned for high density residential use, it will be 'left vacant' and undeveloped', in a negative context. This is emotive terminology. The applicant repeatedly uses these terms, and the assertion is not supported by evidence. These terms should be disregarded as unsupported opinion and disregarded as feasible argument for need for the Plan Change.

Further there is no evidence the land has at any time been presented in any meaningful way as an opportunity for development for light industry.

The applicant's citation of 'territorial authority reports' on the economics of land use, while verbose, do not contain or include any conclusions relevant to this land or this application.

2. Applicants claim that land is vacant because it is only suitable for vertical, residential development and although it would not provide employment opportunities as a residential area this is not problematic because of nearby industry. This request is that this be rejected because:

The applicant is disregarding the identification of many more suitable residential areas under development nearby.

3. The applicant lists supposed 'benefits' of the proposed plan changes. These listed 'benefits' are rejected because:

- The applicant consistently and repeatedly confuses public and private benefit.
- Example - "The proposal would lower marginal infrastructure costs and has the potential to bring with it economies of scale" – "The proposal has the ability to supply the market with an additional 200 dwellings. This increases the overall competitiveness and efficiency due to the intensity of the proposed development" these are (repeated) references to private gain. These claims do not take into account huge social costs that have been generated by 'low-cost' high-density housing complexes located in areas isolated from social support services and wider social networks.

There will be insufficient numbers of individual homes to sustain local access to medical and other essential social services. There are many international examples of high and ongoing public costs, due to ongoing intergeneration social problems that arise within high density 'low cost' residential high rise apartment developments that are geographically and socially isolated due to roading configurations or traffic congestion.

Public cost is also possible because the land in question is (and will be even more so if this Plan Change is granted) 'road blocked' by traffic congestion. There will be insufficient homes to provide any long term, sustainable form of public transport that is not heavily subsidized by public funding. The applicant's suggestion a 'private shuttle service' would be sustained is not supported by evidence from any example elsewhere. The consequence of the service failing would result in demand for public funding to maintain it.

- Proximity to the employment area of High brook is only relevant if reliable, high frequency public transport services, or good road access is possible. This appears unlikely. The applicant assumes residents will work in a limited geographic area and this is accessible. The applicant provides no assurance or evidence residents will work 'nearby'-and even if they do, that they will choose to walk, because walking distances are appropriate and that use of 'walkable access' is supported by evidence. Thirty minutes is not 'walkable'.

4. The application should be rejected because the applicants do not rule out the possibility of

liquefaction.

5. The application should be rejected because the shoreline is soft sandstone and subject to human generated wave action erosion, damaging property and depositing sediment pollution into the Tamaki Estuary.

The applicant states there is 'no wave' action within the Tāmaki River. This is incorrect. There are examples elsewhere in the estuary where the coastline is rapidly eroding and depositing tons of sediment into the River, Estuary (and further out into the gulf) due to wave action from recreational vessels almost continuously entering and leaving the river and estuary.

Boating use of the area is rapidly increasing, and this is resulting in unprecedented and continuous wave action. Evidence is available to show this wave action eroding Bucklands Beach. More evidence exists, there is serious, ongoing erosion at Wai-o-Taiki Bay and at 259 Riddell Road, Glendowie, where Glendowie Road is in danger of falling into the sea.

Tamaki Marine Park's existing 260-boat dry stack facility is nearby and accommodates boats from 4m up 12m in length. Boats are routinely reported as exceeding the 5knot per hour speed restriction, and local communities have been advised little can be done to prevent this. This application will significantly increase the demand for recreational vessel use in this area (such as jet skis). No mitigation has been suggested.

The application should be rejected because there has been no examination of public health risks to residents due to heavy metal pollutants from the motorway being likely present in the riverbank sediment. There has been no investigation or examination of this issue, despite this area being proposed as a 'shoreline' recreational area. This should be investigated before any land is vested into public ownership.

I or we seek the following decision by council: Decline the plan change

Submission date: 10 March 2023

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 90 - Davina Mihaka  
**Date:** Friday, 10 March 2023 1:01:01 pm

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Davina Mihaka

Organisation name:

Agent's full name: Davina Mihaka

Email address: [davinamihaka@yahoo.co.nz](mailto:davinamihaka@yahoo.co.nz)

Contact phone number:

Postal address:  
[davinamihaka@yahoo.co.nz](mailto:davinamihaka@yahoo.co.nz)  
Auckland  
Auckland 1072

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

**My submission relates to**

Rule or rules:  
200 houses on Highbrook Drive, East Tamaki AKL, An estuary where wild life are, This is a very busy area where trucks and cars are built up all day long. Not to mention this will impact the environment

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
Impacts the environment

I or we seek the following decision by council: Decline the plan change

Submission date: 10 March 2023

5.1

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



# NGĀTI TE ATA WAIOHUA

*“Ka whiti te rā ki tua o rehua ka ara a Kaiwhare i te rua”*

13<sup>th</sup> March 2023

## SUBMISSION REGARDING:

**Auckland Unitary Plan  
Proposed Plan Change 90 (Private): Highbrook Living Limited 8 Sparky Road, Ōtara  
to the Auckland Unitary Plan**

**To:** John Duguid Manager – Plans & Places  
Auckland Council  
**Name of Submitter:** Ngāti Te Ata Waiohū (the **Submitter**)  
c/- Po Box 437  
Pukekohe 2120

## INTRODUCTION

1. This is a submission regarding proposed Private Plan Change 90 is a proposal that seeks to rezone 4.4 hectares of land on the north-western side of Highbrook Drive at 8 Sparky Road, Ōtara, from Business – Light Industry to Residential – Terrace Housing and Apartment Building zone. The proposed private plan change also seeks to introduce the Highbrook Precinct applying to the rezoned land. The precinct includes provisions that relate to transport and noise. The remainder of the site retains its existing Business – Light Industry zone and is not included in the Highbrook Precinct.

## SUBMISSION

2. Ngāti Te Ata have a long traditional and historic relationship to the proposed site and wider environs of the Ōtara district.
3. After careful consideration Ngāti Te Ata have determined that we **do not support** PPC90 in its current form – namely for the following reasons:
4. The submitter considers that the proposal is still inconsistent with the RMA, and in particular Part 2. Specifically, is inconsistent with:
  - a. Section 6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.
  - b. Section 6(f) which states that historic heritage is to be protected from inappropriate subdivision, use and development;
  - c. Section 7(a) which requires all persons exercising functions and powers under the RMA to have particular regard to kaitiakitanga; and
  - d. Section 8 which requires all persons exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).



e. Section 88 4th schedule (d) which states:

*Matters that must be addressed by assessment of environmental effects (1) An assessment of the activity's effects on the environment must address the following matters: (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:*

5. It is imperative for the people of Ngāti Te Ata that the mana of the land subject to the PPC90 development is upheld, acknowledged and respected and that their people have rangatiratanga (opportunity to participate and be involved in decision making) over their ancestral land and taonga. In addition, Ngāti Te Ata have responsibility as kaitiaki to fulfil their obligation and responsibilities to the environment in accordance with customs passed down, and to be accountable to the people (current and future generations) in these roles as custodians.

#### RELIEF

6. That a Cultural Impact Assessment (CIA) report is undertaken by Ngāti Te Ata Waiohua to ensure our values, history and preferred environmental/cultural recommendations are captured, and included in the decision making moving forward. | 6.1
7. The Submitter seeks the following decision from Auckland Council:
- (a) **Reject the Application** unless the issues addressed in this submission can be adequately addressed. | 6.2
8. The Submitter wishes to be heard in support of their submission.

13<sup>th</sup> March 2023



**Karl Flavell**  
Te Taiao (Manager)  
Ngāti Te Ata Waiohua  
c/- Po Box 437  
Pukekohe 2120

Ph: 027 9328998  
[karl\\_flavell@hotmail.com](mailto:karl_flavell@hotmail.com)

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 90 - Jennifer Kay Tongotongo  
**Date:** Tuesday, 14 March 2023 1:00:13 pm

---

The following customer has submitted a Unitary Plan online submission.

#### Contact details

Full name of submitter: Jennifer Kay Tongotongo

Organisation name:

Agent's full name:

Email address: jennifertongotongo@gmail.com

Contact phone number:

Postal address:

#### Submission details

##### This is a submission to:

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

##### My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:

Traffic

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I feel that Highbrook Drive is already at maximum capacity with long delays experienced at multiple times of the day. Add to this the number of extra vehicles that would be on the road to get people to work, children to school and to go about general daily activities that would arise from Terraced Housing and Apartment Buildings the drive times would become unacceptable.

I would like to see the zone remain Business/Light Industrial where the effects on the road will be far less.

| 7.2

I or we seek the following decision by council: Decline the plan change

| 7.1

Submission date: 14 March 2023

#### Attend a hearing

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 90 - Wayne Ronald Oliver  
**Date:** Tuesday, 14 March 2023 5:15:21 pm  
**Attachments:** [PC 90 Submission 23\\_03\\_14.pdf](#)

---

The following customer has submitted a Unitary Plan online submission.

**Contact details**

Full name of submitter: Wayne Ronald Oliver

Organisation name:

Agent's full name:

Email address: wayne.in.desert@gmail.com

Contact phone number: 027 302 2982

Postal address:  
11 Curlew Bay Road  
Otahuhu  
Auckland 1062

**Submission details**

**This is a submission to:**

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

**My submission relates to**

Rule or rules:  
PC 90 (Private): 8 Sparky Road, Ōtara

Property address: 8 Sparky Road, Ōtara

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
See attached.

I or we seek the following decision by council: Decline the plan change

Submission date: 14 March 2023

Supporting documents  
PC 90 Submission 23\_03\_14.pdf

**Attend a hearing**

Do you wish to be heard in support of your submission? Yes

8.1

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The distance from or lack of public amenities ie shops, schools, public transport etc makes the plan change area unsuitable for a high density residential development. Most of the reasons stipulated by Manukau City Council for zoning the Waiouru Peninsula industrial rather than residential when it was subdivided are also valid in this case and should be consulted before considering this plan change.

There is insufficient public transport available. Only a limited service actually goes past the plan change area and is unpredictable at peak hours due to traffic congestion on Highbrook Drive and Hellabys Road. The 'Integrated Transport Assessment' states that "Bus Route 325 runs along Highbrook Drive along the site frontage". It doesn't. This route runs along Bairds Road and crosses Hellabys Road, going nowhere near Highbrook Drive. The distance to the nearest stop to the plan change area on this route is presently about 1.5 km.

If the integrated transport assessment includes basic errors such as that, all other information presented must be given close scrutiny and verified for accuracy. Especially the traffic modelling. Observation and common sense suggests that approving the plan change will increase traffic volumes and congestion either locally on Highbrook Drive and/or on connecting roads. Also, the distance to walk to Wymondley School from the plan change area is closer to 1.2 km than the 400 m "as the crow flights" stated. It is further still by vehicle.

That a private shuttle service is required for a residential development to be viable suggests the location is totally unsuited for residential zoning and the plan change should be declined for this reason alone.

The geotechnical appraisal makes light of coastal erosion. The significant ongoing erosion of the cliff was of great concern to Contact Energy when it owned the site, ultimately resulting in the existing native planting in the vicinity of the cliff edge to stabilise it. This seems to have been largely successful. These trees also provided a degree of screening of the industrial area behind as viewed from Otahuhu.

This native planting should clearly be retained in its entirety regardless of the land zoning. The various reports commissioned and decisions made previously regarding the stability of the cliffs should be consulted before considering the plan change or consenting any type of development or vegetation removal near the cliff edge.

8.2

The 'Highbrook Living Development Coastal Plan' shows the existing barge dock repurposed as a public recreation area. What a horrible place that would be to go and recreate given the noise and exhaust emissions from the traffic on nearby State Highway 1. This facility would be more suitable retained for maritime purposes such as transporting freight. As was being previously promoted by Auckland Council for the unloading of cars. In fact, the Integrated Transport Assessment suggests "Given the site's waterfront location, there are also potential future opportunities for water transport that could be considered in the future".

Also shown on the Highbrook Living Development Coastal Plan is an "existing boat ramp for kayaks, dinghies etc". This ramp is currently in disrepair and is inaccessible from the water due to the proliferation of mangroves along the shoreline. If mangroves are to be removed from this location then the precedent set will encourage mangrove removal from other areas of the Tamaki River. Also, having a boat ramp available for public use would seem to contradict the current Auckland Council policy of preventing boat access to the upper reaches of the Tamaki River. Of the 4 existing public ramps/launching sites within 2 km of this ramp, all inexplicably have some form of barrier in place preventing their use.

The current light industrial zoning should be retained.

But the best use of this land is for it to be set aside as open space as a reserve contribution when the inevitable subdivision of the rest of the ex Otahuhu power station site takes place.



**Chairperson:** Dr Julie Chambers

**Email:** [Chair@TEPS.org.nz](mailto:Chair@TEPS.org.nz)

**Website:** [www.teps.org.nz](http://www.teps.org.nz)

**Facebook Page:** [Tamaki Estuary Protection Society | Facebook](#)

**Physical Address:** 199 St Heliers Bay Road, St Heliers Auckland 1071

**Phone:** 021 2044118

## Tāmaki Estuary Protection Society (TEPS) Submission

Thank you for this opportunity for TEPS to submit to Plan Change 90 (8 Sparky Road).

TEPS submission **opposes** Plan Change 90, seeks to have the current zoning retained and the ecological importance of this area acknowledged.

9.1

The Tāmaki Estuary Protection Society (TEPS) is an incorporated Society whose members are committed to improving the waterways, and shorelines of the Tāmaki Estuary, and protecting and enhancing the habitat for local native wildlife.

The Tāmaki Estuary has been an undervalued natural and community asset. For many years the Estuary has been detrimentally affected by under investment in pollution control, stormwater management and treatment, and ecological restoration.

TEPS focus includes:

- Improvement of water quality and the ecological health of the Tāmaki Estuary and its waterways.
- Community wellbeing through connection and engagement with the environment of the Tāmaki Estuary and its kaitiakitanga.
- Catchment-wide ecological restoration.

## Executive Summary

1. **TEPS submission opposes** Plan Change 90. TEPS seeks to have the current zoning retained and the ecological importance of this area acknowledged.
2. **Ecological importance of the site:** TEPS requests steps are taken to identify this area of land as of ecological importance due to the presence of wetlands. The Tamaki Estuary is a regionally important wildlife habitat, that is as an Area of Significant Conservation Value (ASCV) with the bank opposite the development site described as a special ecological area for wading bird habitat.
3. **The applicant's proposed 'benefits' of the proposed plan change** repeatedly confuse **public and private benefit**. The applicant's inference that providing 'economies of scale' results in a 'public good', does not take into account huge social costs that might be generated by high-density 'low cost' housing located in areas isolated from social support services and wider social networks. Government intention for greater density does not mean a specific developer (or residential development) should be permitted, simply because the company can achieve 'greater' economies. *Examples - "The proposal would lower marginal infrastructure costs and has the potential to bring with it economies of scale" and "The proposal has the ability to supply the market with an additional 200 dwellings. This increases the overall competitiveness and efficiency due to the intensity of the proposed development"*. These statements relate to **private, rather than public, gain**.
4. **Erosion from stormwater and boat-wake wave action have not been considered.** The Plan Change application should be rejected because the shoreline is soft sandstone and geologically vulnerable due to its susceptibility to erosion from increasingly prevalent marine vessel wave action and unprecedented severe rainfall events. Elsewhere in the Estuary where the coastline is rapidly eroding and depositing sediment into the River, Estuary (and gulf) due to wave action from recreational vessels almost continuously entering and leaving the river and estuary, at speed.
5. **TEPS** draws attention to the **huge transport and traffic challenges** presented by this proposal and contests the applicant's transport assessment report.

## Submission

1. **TEPS opposes** PC90 and seeks to have the current zone retained, or the area established as a natural reserve. Light industry structures are likely to be of lesser environmental impact than high density residential housing. 9.1
  
2. TEPS requests steps taken to identify this area of land as of ecological importance due to the presence of wetlands and as geologically vulnerable due to its susceptibility to erosion from increasingly prevalent marine vessel wave action and until now, unanticipated, unprecedented severe rainfall events. 9.2
  
3. TEPS also requests the severe traffic congestion that will arise because of this development, be noted as an isolating factor for the proposed development and the negative societal consequences (and costs) of high-density low-cost housing being built in isolated locations, be taken into account. 9.3
  
4. **Applicants claim there is an inability for this land to accommodate light industrial activity** because heavy vehicles cannot adequately access and turn on site. TEPS requests is this is **rejected** because:
  - a. The proposed residential area would need to be accessed by buses, rubbish trucks, construction trucks, cranes (which are also needed post construction), and any number of other heavy vehicles. If the site cannot be accessed by vehicles servicing a light industry complex, it is unlikely to also be suitable for adequate access for residential vehicles required to service the proposed number of properties and density.
  - b. The applicant assumes a large 'size and weight' of vehicle is required for all light industry options. This is contested. Not all modern 'light industry' requires frequent access by large heavy vehicles.
  - c. The applicant's citation of 'territorial authority reports' on the economics of land use, while verbose, do not include any conclusions relevant to this land or application.
  
5. **Integrated Transport assessment report rejected:** TEPS contests the applicant's Integrated Transport assessment and requests errors be noted. 9.4
  - a. Bus service No 325 does not service the plan change area, the nearest stop for the 325 is on Baird's Road.

- b. There are **not** shared paths on both sides of Highbrook Drive. The dedicated cycle/walking path on the western side ends at the pedestrian crossing 50 m north of Otara creek. The path then becomes a single lane gravel path that follows the contour of the river.
6. The applicant's assessment claims Wymondeley Road School, one of the schools closest to the site, is "approximately 400m as the crow flights" (sic). TEPS notes students heading for Wymondeley Road school will need to cross five roads to get to school, two of which (Hellabys Road) enter a roundabout, and are unlikely to be serviced by a pedestrian crossing.
7. The assessment incorrectly claims there is only one dedicated formal pedestrian crossing. There are **two** dedicated pedestrian crossings, one 50m from the roundabout and the other 200m from the roundabout (refer page 13).
8. There are newly installed pedestrian crossings and traffic lights at the entrance to the site. If this development proceeds the frequent use of these crossings by residents, while necessary because of the heavy traffic, will add to the congestion on Highbrook Drive.
9. TEPS requests the zoning remains light industrial, so the existing barge port can be retained as such, to keep the Tāmaki River as a viable water-based transport route. | 9.5
10. The Tāmaki River has been a transport route since the fifteenth century and the arrival of Māori, who used the various portages to gain access to the west coast and the southward. Early Europeans also used the river for transport until the building of the Great South Road and the bridge across the Tāmaki River at Otahuhu in 1853. Even today it is the only route capable of carrying very heavy equipment south.
11. TEPS members request Commissioners note the Barge Port was constructed to convey equipment destined for the building of the Huntly Power Station (not the Otahuhu power station as stated). The barge port may be needed again in the future and could even be considered a civil defence site.
12. **TEPS requests supposed 'benefits' of the proposed plan changes are rejected** because the applicant repeatedly confuses **public and private benefit**. *Example - "The* | 9.6

*proposal would lower marginal infrastructure costs and has the potential to bring with it economies of scale” – “The proposal has the ability to supply the market with an additional 200 dwellings. This increases the overall competitiveness and efficiency due to the intensity of the proposed development”* these are (repeated) references to private gain.

13. These claims do not take into account huge social costs generated by ‘low-cost’ high-density housing complexes located in areas isolated from social support services and wider social networks.
14. There will be insufficient numbers of individual homes to sustain local access to medical and other essential social services, and poor access to the same. There are many international examples of high and ongoing public costs, due to ongoing intergeneration social problems that arise within high density ‘low cost’ residential high rise apartment developments that are geographically and socially isolated due to roading configurations or traffic congestion.
15. Public cost is also possible because the land in question is (and will be even more so if this Plan Change is granted) ‘road blocked’ by traffic congestion. There will be insufficient homes to provide any long term, sustainable form of public transport that is not heavily subsidized by public funding. The consequence of the shuttle service failing would result in demand for public funding to maintain it.
- 16. The application should be rejected because the shoreline is soft sandstone and subject to erosion, from stormwater events and wave action, depositing sediment pollution into the Tāmaki Estuary.**
17. The applicant’s claim there is ‘no wave’ action within the Tāmaki River **is rejected**. There are examples elsewhere in the estuary where the coastline is rapidly eroding and depositing tons of sediment into the River, Estuary (and further out into the gulf). Strong easterly winds create local wave action, even to the point of people using the path reporting mangrove seeds being deposited onto the bike path following winds and high tide.
18. Boating use of the area is rapidly increasing and this is resulting in unprecedented and continuous wave action. Evidence is available to show this wave action eroding

Bucklands Beach. More evidence exists, there is serious, ongoing erosion at Wai-o-Taiki Bay and at 259 Riddell Road, Glendowie, where Glendowie Road is in danger of falling into the sea. The applicant has not included as a consideration.

19. Tāmaki Marine Park's existing 260-boat dry stack facility is nearby and accommodates boats from 4m up 12m in length. Boats are routinely reported as exceeding the 5knot per hour speed restriction, and local communities have been advised little can be done to prevent this.
20. The application should be rejected because there has been no examination of public health risks due to pollutants from heavy metals and toxic chemicals likely being present in the sediment, or health impacts impact from stormwater generated erosion.
21. TEPS notes **the likely disturbance to a wide range of birds and their feeding grounds by this proposed residential development.** The applicant's ecological assessment was based on one site visit and a desktop assessment of 'ebird'. This concluded the weir area was used only by roosting birds and as they were undisturbed by the traffic above, they would likely be undisturbed by the public. TEPS disputes this finding.
22. The whole of the Tamaki Estuary is a regionally important wildlife habitat. It is an Area of Significant Conservation Value (ASCV) with the bank opposite the development site described as a special ecological area for wading bird habitat.
23. At low tide the channel runs close to the foreshore of the development area. This is the area used by large numbers of feeding birds, the species varying according to the season. Increased sediment erosion will impact on feeding grounds.
24. A public foreshore esplanade reserve would greatly impact the feeding birds not only from the construction but also from the disturbance by the public when in use. Similarly, birds feeding on the Ōtara creek weir would be disturbed. There is ready evidence from previous large-scale developments that these adversely impact bird feeding grounds. One example is Shoal Bay Special Bird Area on the northern side of the Waitemata harbour. The same would happen here. TEPS requests this application be rejected. ENDS

9.7

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**Form 5: Submission on notified proposal for policy statement or plan, change or variation**

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*Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991*

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**To:** Auckland Council (**the Council**)

[unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**Name of submitter:** Penny Nelson, Director-General of Conservation (the **Director-General**)

1. This is a submission on proposed Private Plan Change PC 90, 8 Sparky Road, Ōtara.
2. I could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that my submission relates to are the whole plan change.
4. The **reasons** for my submission are:
  - a. The intended development site adjoins the Tamaki River, which has a range of coastal values – habitat for wading birds (including threatened and at risk species), intertidal mudflats, mangroves, coastal landscape and coastal natural character.
  - b. There are three Significant Ecological Areas within the Tamaki River mapped in the Auckland Unitary Plan within 100m of the site (SEA-M2-45w2, SEA 45 c and SEA 2908).
  - c. The development which would be enabled by the proposed plan change could affect these values through disturbance, discharges, earthworks, construction, and disturbance of contaminated land.
  - d. The applicant's s32 evaluation and the proposed plan change fail to adequately recognise coastal values or protect them from potential effects.
  - e. In particular, the s32 evaluation relies on future esplanade provisions to address effects on coastal values, but:



- i. It is unclear exactly what those esplanade provisions would be – the s32 evaluation does not specify what is proposed, and uses a range of different terms ('esplanade reserve' / 'esplanade' / 'esplanade area' etc).
  - ii. Site development, including earthworks, management / remediation of contaminated soils, civil engineering works, and construction are likely to occur prior to any subdivision which would trigger the creation of esplanade reserves.
  - iii. Although the application refers to various provisions of the AUP which promote the creation of esplanade reserves, it remains open to a future subdivider to seek a reduction or waiver of esplanade reserve requirements.
- f. There is therefore no certainty that adverse effects of development will be avoided, remedied or mitigated through esplanade reserves. Adverse effects are likely to occur prior to the creation of esplanade reserves, and the final reserve configuration(s) may not adequately address longer term effects.
- g. The development site and adjoining Tamiki River contain:
- i. Indigenous biodiversity values which trigger Policy 11(a) of the New Zealand Coastal Policy Statement 2010 (NZCPS), including threatened and at risk species. Policy 11(a) requires that adverse effects on these values be avoided.
  - ii. Indigenous biodiversity values which trigger Policy 11(b) of the NZCPS, including indigenous vegetation and intertidal zones. Policy 11(b) requires that significant adverse effects on these values be avoided, and other adverse effects be avoided, remedied or mitigated;
  - iii. Coastal natural character which triggers Policy 13 of the NZCPS; and
  - iv. Coastal natural features and landscape which trigger Policy 15 of the NZCPS.
- h. The applicant's reliance on uncertain future esplanade provisions means that the proposed plan change would not protect coastal values, and would be inconsistent with the NZCPS.

5. I **seek** the following decision from the Council:

- a. EITHER the plan change not be approved; or | 10.1
  - b. IF the plan change is approved, it includes a coastal zone or overlay of at least 20m width, which ensures that coastal values are protected and the NZCPS 2010 is complied with, without relying on uncertain future esplanade provisions. | 10.2
6. The decision sought in this submission is required to ensure that the proposed Private Plan Change:
- a. Recognises and provides for the matter of national importance in section 6(c) of the Act (the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna); and
  - b. Gives effect to the NZCPS 2010;
7. I do not wish to be heard in support of my submission.



Rebecca Rush

**Operations Manager / Pou Matarautaki,**

Tamaki Makaura / Auckland Mainland District

Department of Conservation

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 22/3/23.

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

**Address for service:**

Attn: Murray Brass

mbrass@doc.govt.nz

027 213 3592

Christchurch Shared Services

Private Bag 4715, Christchurch Mail Centre, Christchurch 8140, New Zealand

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 90 - Business East Tamaki Incorporated  
**Date:** Wednesday, 22 March 2023 12:00:43 pm  
**Attachments:** [Submission on PC 90 - FINAL.pdf](#)

---

The following customer has submitted a Unitary Plan online submission.

#### Contact details

Full name of submitter: Business East Tamaki Incorporated

Organisation name: Business East Tamaki Incorporated

Agent's full name:

Email address: gm@businesset.org.nz

Contact phone number: 027 234 0885

Postal address:

Level 1

1 Sir William Avenue

East Tamaki

Auckland 2013

#### Submission details

##### This is a submission to:

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

##### My submission relates to

Rule or rules:

Our submission relates to the entire proposed Plan Change

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

See attached

I or we seek the following decision by council: Decline the plan change

Submission date: 22 March 2023

Supporting documents

Submission on PC 90 - FINAL.pdf

#### Attend a hearing

11.1  
11.2  
11.3

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Submission on PC 90 (Private): 8 Sparky Road, Otara Business East Tamaki

### Introduction

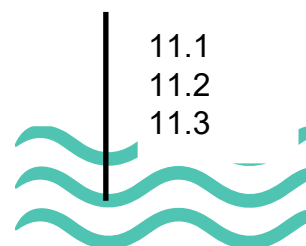
1. Business East Tamaki Inc is an incorporated society (639532) having its registered office at Wynyard Wood, Level 1,60 Highbrook Drive, East Tamaki, Auckland, 2013. Business East Tamaki is also a business improvement district within the Auckland Region. Its functions include: informing, researching and advocating for business and property owners in the economic development of East Tamaki; providing a conduit to business support, resources, education and networking; Enhancing the safety and security of East Tamaki; and promoting the area as a great place to do business and to work.
2. East Tamaki is a manufacturing and distribution hub of some 2,000 businesses strategically located close to the motorway, airport and port, generating: \$3 billion for the New Zealand economy each year; \$19 million in rates, and 30,000 jobs with projected jobs of 45,000 on completion of Highbrook Business Park. The precinct has developed from greenfield origins and the availability and relative cost of land has, in the past, made the precinct attractive to businesses. As such, the area has a number of nationally and internationally significant companies, some of which are involved in developing innovative technologies. It has concentrations of activity in manufacturing, wholesale, administrative and support services as well as professional, scientific and technical services.
3. Over the past two decades, the development potential of greenfield land at Highbrook has attracted businesses from throughout the region seeking large sites for purpose-built buildings. Highbrook and East Tamaki generally have offered development lots for significant sized warehouses, distribution centres and purpose built buildings. Significant sized lots are now in extremely limited supply in Auckland. However, as East Tamaki's greenfield land has been developed, businesses have been maximising their efficiency in terms of use of land (including the use of available greenfield sites and the redevelopment of brownfield sites).
4. Business East Tamaki welcomes the opportunity to make submissions on Plan Change 90 (Private) 8 Sparky Road, Otara.

### Submissions

5. Private Plan Change (90) aims to rezone 4.4 hectares of land on the north-western side of Highbrook Drive at 8 Sparky Road, Otara, from Business – Light Industry to Residential – Terrace Housing and Apartment Building zone. The proposed private plan change also seeks to introduce the Highbrook Precinct applying to the rezoned land. The precinct includes provisions that relate to transport and noise. The remainder of the site retains its existing Business – Light Industry zone and is not included in the Highbrook Precinct.
6. The submission relates to the entire Plan Change.
7. Business East Tamaki opposes the entire Plan Change.
8. Business East Tamaki will not gain an advantage in trade competition through the submission.
9. The decision Business East Tamaki seeks from the Council is to decline Plan Change (90).

### Reasons for opposing the entire Plan Change

10. Our reasons for opposing the entire Plan Change are set out below.



11. The Plan Change (90) area is approximately 4ha, forming part of the larger site located at 8 Sparky Road, Ōtara. The full site at 8 Sparky Road is approximately 35ha in area, and was the location of the former Ōtāhuhu Power Station, which is currently being dismantled. The full site is currently zoned Business – Light Industry Zone.

#### Safeguarding industrial land for industrial purposes

12. There are very few areas of undeveloped light industry zoned land within the Rural Urban Boundary ('RUB') of the Auckland Region and concern over the scarcity of industrial land to meet forecast demands.
13. The Auckland Plan directs that Auckland makes the best use of existing business land. "Existing business land, particularly important industrial areas, will be safeguarded. Once lost to other uses, such as housing, it is difficult to replace."<sup>1</sup> Therefore, the proposed plan change will not sustainably manage development, that is inconsistent with the RMA purpose.
14. Auckland Plan 2050 recognises in "Opportunity and prosperity – Focus Area 2: Ensure regulatory planning and other mechanisms support business, innovation and productivity growth."
15. Council also value "Measure 4: Zoned industrial land" as one of the key performance indicators for implementing Auckland Plan 2050.
16. During the development of the Auckland Unitary Plan, industrial business associations, including Business East Tamaki, emphasised that the use of the industrial land must be protected for use by industrial activities and not for residential purposes.
17. Business East Tamaki notes Objective B2.5.1(3) of the Auckland Unitary Plan, which provides that:
- (3) Industrial growth and activities are enabled in a manner that does all of the following:
    - (a) promotes economic development;
    - (b) promotes the efficient use of buildings, land and infrastructure in industrial zones;
    - (c) manages conflicts between incompatible activities;
    - (d) recognises the particular locational requirements of some industries; and
    - (e) enables the development and use of Mana Whenua's resources for their economic well-being.
18. Business East Tamaki also notes Policies B2.5.2(7) to (10) of the Auckland Unitary Plan, which provide that:
- (7) Enable the supply of land for industrial activities, in particular for land-extensive industrial activities and for heavy industry in areas where the character, scale and intensity of the effects from those activities can be appropriately managed.
  - (8) Enable the supply of industrial land which is relatively flat, has efficient access to freight routes, rail or freight hubs, ports and airports, and can be efficiently served by infrastructure.
  - (9) Enable the efficient use of industrial land for industrial activities and avoid incompatible activities by all of the following:
    - (a) limiting the scale and type of non-industrial activities on land zoned for light industry;
  
    - (b) preventing non-industrial activities (other than accessory activities) from establishing on land zoned for heavy industry; and

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<sup>1</sup> Auckland Plan 2050. See <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-by-laws/our-plans-strategies/auckland-plan/development-strategy/Pages/business-areas.aspx>

(c) promoting co-location of industrial activities to manage adverse effects and to benefit from agglomeration.

(10) Manage reverse sensitivity effects on the efficient operation, use and development of existing industrial activities, including by preventing inappropriate sensitive activities locating or intensifying in or adjacent to heavy industrial zones.

19. Turning to the National Policy Statement on Urban Development ('NPS-UD'), while the applicant has emphasised the residential aspects of the NPS-UD, Business East Tamaki notes that the National Policy Statement also emphasises the need for business land. Business East Tamaki also notes the National Policy Statement for Highly Productive Land 2022 and the likely restraints this will place on the redevelopment of highly productive land in the south of Auckland, such as such as Drury and Pukekohe.

20. With respect to the applicant, Business East Tamaki does not believe the Plan Change safeguards this industrial land for industrial purposes. Nor does it meet the directives of the Auckland Plan or the industrial growth and activities objectives and policies of the Auckland Unitary Plan.

11.1

*Eco1: Industrial land occupation 2017-2022*

21. Business East Tamaki submits, with regard to industrial land occupation, that many of the other places where industrial activities might locate if they were unable to establish on the site are located around the Auckland urban periphery (eg Whenuapai PC52, Drury, Pukekohe and Silverdale). With a significant increase in residential capacity planned in central Auckland, areas closer to central Auckland will be required for employment opportunities that are easy to access.

22. Business East Tamaki also submits that East Tamaki, and indeed all of South Auckland, has a severe under supply of industrial land. This has put significant pressure on industrial land prices which have increased roughly 5-fold in the last decade. Similarly, Goodman's Highbrook development is near completion and 100% occupied. East Tamaki industrial vacancy is also at 0% and industrial rents have increased by over 25% in the last 24 months. This is extremely prohibitive to business growth and will only add to the shortage of industrial property and increase in price pressure in East Tamaki and the surrounding areas.

11.1

*Eco 2: Ability to accommodate industrial activity*

23. With regard to the ability to accommodate industrial activity, Business East Tamaki submits that the subject site is not highly compromised as a development opportunity for industrial activity but agrees that it does have some unique features. Business East Tamaki submits that the site could be used light industry activities and that there are many industrial zoned parcels and industrial buildings that are of a size that could be accommodated on the site, including across a wide range of activities that are permitted in the operative Light Industry zone. For examples in East Tamaki, see Appendix 1. For other examples, see Appendix 2.

*Eco 3: Economic efficiency of industrial land within this location*

24. Business East Tamaki submits again with regard to the economic efficiency of industrial land within this location that again East Tamaki, and indeed all of South Auckland for that matter, has a severe under supply of industrial land. This has put significant pressure on industrial land prices which have increased roughly 5-fold in the last decade. Similarly, Goodman's Highbrook development is near completion and 100% occupied. East Tamaki industrial vacancy is also at 0% and industrial rents have increased by over 25% in the last 24 months. This is extremely prohibitive to business growth and will only add to the shortage of industrial property and increase in price pressure in East Tamaki and the surrounding areas.





*Eco 9: Negative externalities of residential development*

25. Business East Tamaki submits, concerning the negative externalities of residential development at the proposed site, that the site is unsuitable for residential development in that it is not close to commercial, educational or other services, and has constrained options for active modes of transportation. 11.2

*TP 3: Traffic Effects of SH1 Southbound / Highbrook Road / Hellaby's Road Roundabout upon Subject Site Intersection*

26. Business East Tamaki submits, with regard to traffic effects, that Highbrook Drive is already heavily trafficked and it is concerned that the peak hour queue lengths on Highbrook Drive (which would extend northwards beyond the proposed site access intersection) will mean that the subject site access intersection will not be able to function safely and efficiently. It will also be adversely affected by traffic effects from the downstream motorway interchange roundabout. 11.3



**Appendix 1**

Industrial units, across the intersection from the proposed site.



# BUSINESS EAST TĀMAKI

Multi use small industrial units on Business Parade South, Highbrook





Scaffolding storage yard at the end of business Parade north, Highbrook  
(Scaffolding company Safesmart)



These two photos show the intersection of the junction of the land that is being requested for re-zoning and it is used by Carters building products for logistics storage and staging of completed/semi-complete building frames.





**Appendix 2**

Storage King Onehunga (11 Gloucester Park Road, Onehunga)





23 March 2023

Auckland Council  
Attention: Planning Technician  
Via email: unitaryplan@aucklandcouncil.govt.nz

## Submission on Plan Change 90: 8 Sparky Road, Otara

### Introduction

- This is a submission on Plan Change 90 (PC90) – 8 Sparky Road, Otara on behalf of Goodman Property Trust (acting by and through its manager, Goodman (NZ) Limited) (“**Goodman**”). PC90 was notified by Auckland Council on 23 February 2023.
- This submission relates to the provisions in PC90 for residential development as they relate specifically to the western part of the site located at 8 Sparky Road, Otara.
- Goodman are particularly concerned with potential traffic effects of developing the land. East Tamaki is one of Auckland’s most important economic areas for industrial users and the current roading infrastructure is stressed and at capacity. For this reason, Goodman would not like to see any change of use of this land, have a material increase in traffic over and above what would be created with its current zoning.
- Goodman could not gain an advantage in trade competition through this submission.

### Background to Goodman

Goodman is an NZX listed managed investment scheme which invests in commercial property in NZ and is managed by Goodman (NZ) Limited, a member of the global Goodman Group, itself listed on the ASX property group.

Within New Zealand, Goodman owns, develops and manages high-quality urban logistic spaces. This includes logistics facilities, warehouses and business parks. Goodman is exclusively invested in the Auckland region with estates located in key strategic suburbs of Albany, East Tāmaki, Māngere, Manukau, Mt Roskill, Mt Wellington, Ōtāhuhu, Panmure, and Penrose.

### Submission

1. Goodman submit a **Neutral** view regarding the rezoning of the land identified in PC90 at 8 Sparky Road to Residential – Terrace Housing and Apartment zoning.
2. Goodman is not opposed to the change to residential land use, at an appropriate density and scale, accepting that residential land use could be developed on the land if appropriately managed.

12.1



3. However, Goodman’s main concern is the potential traffic effects of developing the land. Goodman do not want any change in use to create traffic effects over and above what would be created under the current zoning. In particular it is noted that:

12.2

- (a) East Tamaki is one of Auckland’s most important economic areas for industrial users and the current roading infrastructure is stressed and at capacity.
- (b) Waiouru Peninsula and to an extent the wider East Tamaki commercial area (which is a key area for commercial activity in Auckland) is constrained from a traffic perspective with the Waiouru Peninsula essentially having only one road in and one road out.
- (c) The roading infrastructure has been sized based on industrial uses located on the land which typically have relatively low trip generation rates; and
- (d) There is particular concern about high traffic generating activities (such as high density residential) establishing without appropriate transport infrastructure or mitigation measures being in place.

**Decision Sought and Hearing**

- Apply the Residential-Terrace Housing and Apartment Building zone to the land for up to 200 dwellings identified in PC90 at 8 Sparky Road conditional on all transport upgrades in the precinct plan being provided.

12.3

As outlined in the application and the supporting Integrated Transport Assessment (ITA), these upgrades are required to mitigate potential adverse traffic effects on the surrounding and wider transport network.

- At this stage, it is unknown whether the traffic effects of more than 200 dwellings can be mitigated. The plan change requires that further transportation modelling and a revised ITA assessment is necessary for any development greater than 200 dwellings at resource consent application stage. While the requirement of an ITA and additional assessment is supported, Goodman also request that the activity status is changed from Discretionary to Non complying in Activity Table I4.4.1 as below:

12.4

| 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:<br><br>(i) Standard I4.6.1 Maximum number of dwellings | D               |

12.4

|             |   |           |
|-------------|---|-----------|
|             | (ii) Standard I4.6.2 Highbrook precinct Transportation Plan<br><br>(iii) Standard I4.6.3 Upgrading of shared cycle/pedestrian path<br><br>(iv) Standard I4.6.4 Construction of a bus stop |           |
| <u>(A3)</u> | <u>Activities that do not comply with Standard I4.6.1</u><br><u>Maximum Number of dwellings</u>   | <u>NC</u> |

12.4

- In addition to that specific relief, Goodman seeks such other alternative or consequential relief to give effect to the matters raised in this submission.
- Goodman wishes to be heard with regards to its submission. If others wish to make a similar submission, Goodman will consider presenting a joint case with them at the hearing.

12.5

Yours sincerely | Nāku noa, nā

**Barker & Associates Limited**




**Gerard Thompson**  
Director  
0294746660 | gerardt@barker.co.nz

**Rebecca Payne**  
Associate  
0273092858 | rebeccap@barker.co.nz

# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

|                     |
|---------------------|
| For office use only |
| Submission No:      |
| Receipt Date:       |

## Submitter details

**Full Name or Name of Agent (if applicable)**

Mr/Mrs/Miss/Ms(Full Name) Kathryn leGrove

**Organisation Name (if submission is made on behalf of Organisation)**

**Address for service of Submitter**

92A Hutton St Otahuhu 1062

Telephone:  Fax/Email:

Contact Person: (Name and designation, if applicable)

## Scope of submission

**This is a submission on the following proposed plan change / variation to an existing plan:**

Plan Change/Variation Number

Plan Change/Variation Name

**The specific provisions that my submission relates to are:**

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or  
Property Address

Or  
Map

Or  
**Other (specify)**

the whole application rezoning 4.4 ha of 8 Sparky Road and applying Precinct designation to that area  
the whole application rezoning 4.4 ha of 8 Sparky Road and applying Precinct designation to that area

## Submission

**My submission is:** (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are:

- the Tamaki river is important shorebird habitat and will be negatively affected by increase in sedimentation
- sea level rise and erosion mean the area is unsuitable for residential zoning.
- the integrated transport assessment does not reflect the actual effects of the rezoning See page 2

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

13.1

I wish to be heard in support of my submission

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

KLC  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

23/3/23  
Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  / could not  gain an advantage in trade competition through this submission.

*If you could gain an advantage in trade competition through this submission please complete the following:*

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.



PC 90 submission continued  
Kathryn le Grove  
92 A Hutton St Otahuhu Auckland 1062

Oppose rezoning 8 Sparky Road.

The plan change area as described in appendix 3 and shown in the map above includes the area with designation 6714 State Highway 1 to undertake maintenance operation use and improvement to state highway network. It also shows that this area is subject to inundation.



This area was used as recently as 2016 when works were undertaken to strengthen the SH1 motorway bridge after the maximum heavy vehicle load limits were increased. The work site was used for a week to undertake the works. If this area is rezoned to residential and becomes full of houses, people, children, dogs and parked cars how is maintenance work going to be carried out.. What if pylon needs maintenance?

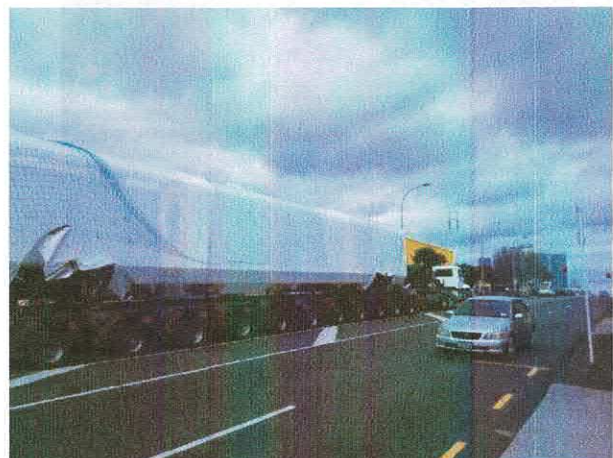
The barge port is also part of the maintenance operation area and is an essential part of the Tamaki river transportation route. The river has been in use as a transportation route since the arrival of Maori until the Great South Road was built. The Great South Road Tamaki river bridge is the only access to the south for heavy vehicles and is in constant use today. Otahuhu residents are accustomed to heavy vehicles thundering through their shopping area. The only alternative to this route is the Tamaki river and the barge port at 8 Sparky Road. This mode of transportation was used in the 1980's to transport heavy equipment for building the Huntly Power Station. It is essential that this access route from the Waitemata to the interior remains open

13.2

13.3

especially in the event of the Great South Road becoming unusable. The zone change application should be declined for this reason alone. The land should remain in industrial use.

13.4

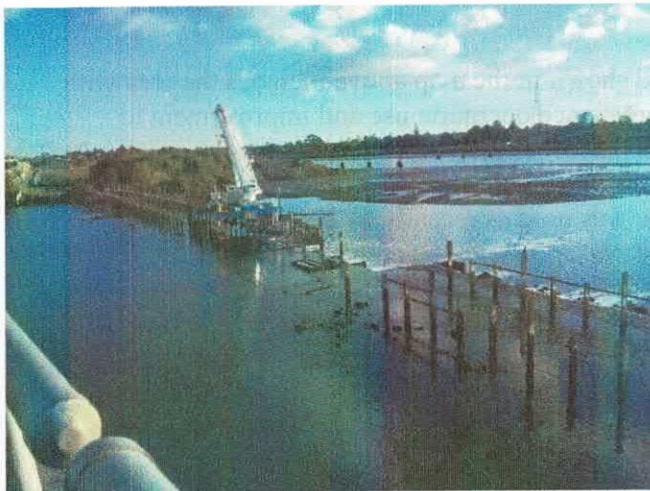


Heavy vehicle on the Great South Road Otahuhu

Similarly at the other end of the plan change area is the Otara creek weir. It is a hazardous area.

Who is going to be responsible for that? It doesn't even get mentioned in the application document. How is maintenance of the weir and Highbrook Bridge going to be able to happen if the area is full of buildings and parked cars No to the rezoning for 8 Sparky Road. Leave it for the birds.

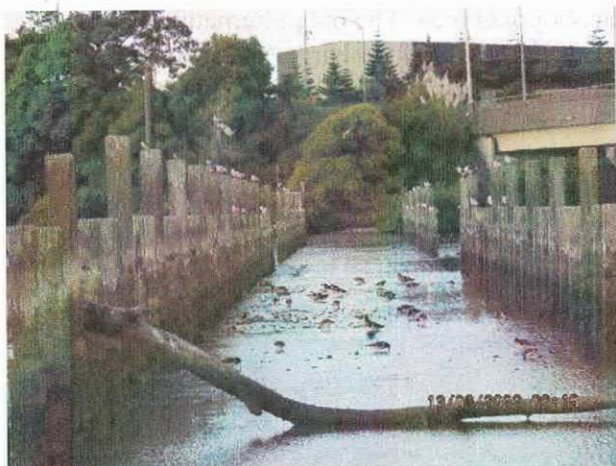
Left Crane in use on the weir in 2014



Below Hazard notice on Otara creek weir



Below. Shore birds feeding and roosting on Otara Creek weir





23 March 2023

Plans and Places  
Auckland Council  
Private Bag 92300  
Auckland 1142

Attn: Planning Technician

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**SUBMISSION ON PROPOSED PRIVATE PLAN CHANGE 90: 8 SPARKY ROAD, ŌTARA**

Please find attached Auckland Transport's submission on Proposed Private Plan Change 90 to the Auckland Unitary Plan (Operative in Part).

Should you have any queries in relation to this submission, please contact Matt Ford (Planner, Land Use Policy/Planning) on +64212400159 or [Matt.Ford@at.govt.nz](mailto:Matt.Ford@at.govt.nz).

Yours sincerely

Matt Ford  
**Planner, Land Use Policy and Planning Central**



cc.  
Sukhi Singh [sukhi.singh@babbage.co.nz](mailto:sukhi.singh@babbage.co.nz)

Encl: Auckland Transport's submission on Proposed Plan Change 90 8 Sparky Road, Ōtara



**FORM 5 - SUBMISSION ON NOTIFIED PROPOSAL FOR PRIVATE PLAN CHANGE 90: 8 SPARKY ROAD, ŌTARA UNDER CLAUSE 6 OF SCHEDULE 1, RESOURCE MANAGEMENT ACT 1991**

**To:** Auckland Council  
Private Bag 92300  
Auckland 1142

**Submission on:** This Private Plan Change aims to rezone 4.4 hectares of land on the north-western side of Highbrook Drive at 8 Sparky Road, Ōtara, from Business – Light Industry Zone to Residential – Terrace Housing and Apartment Building Zone.

The proposed Private Plan Change also seeks to introduce the Highbrook Precinct applying to the rezoned land. The precinct includes provisions that relate to transport and noise. The remainder of the site retains its existing Business – Light Industry Zone and is not included in the Highbrook Precinct.

**From:** Auckland Transport  
Private Bag 92250  
Auckland 1142

## **1. Introduction**

- 1.1 Private Plan Change 90 ('PPC 90' or 'the Plan Change') aims to rezone 4.4 hectares of land on the north-western side of Highbrook Drive at 8 Sparky Road, Ōtara, from Business – Light Industry to Residential – Terrace Housing and Apartment Building Zone. PPC 90 documentation refers to the provision of 200 residential units with additional reference to potential for up to 500 residential units. The proposed private plan change also seeks to introduce the Highbrook Precinct applying to the rezoned land. The precinct includes provisions that relate to transport and noise. The remainder of the site retains its existing Business – Light Industry Zone and is not included in the Highbrook Precinct.
- 1.2 Auckland Transport is a Council-Controlled Organisation (CCO) of Auckland Council and a Road Controlling Authority with the legislated purpose to contribute to an "effective, efficient and safe Auckland land transport system in the public interest". In fulfilling this role, Auckland Transport is responsible for:
- a. The planning and funding of public transport;
  - b. Promoting alternative modes of transport (i.e. alternatives to the private motor vehicle);
  - c. Operating the roading network; and
  - d. Developing and enhancing the local road, public transport, walking and cycling networks.
- 1.3 Auckland Transport could not gain an advantage in trade competition through this submission.

## **2. Strategic context**

- 2.1 The key overarching considerations and matters of interest for Auckland Transport are described below.

### **Auckland 2050 Plan**

- 2.2 The Auckland Plan 2050 (**Auckland Plan**) is a 30-year plan for the Auckland region outlining the long-term strategy for Auckland's growth and development, including social, economic, environmental, and cultural goals. The Auckland Plan is a statutory spatial plan required under section 79 of the Local Government (Auckland Council) Act 2009. The Auckland Plan aims to provide genuine travel choices. Auckland's entire street network must be safe and accessible for people of all ages and abilities. Increasing the quality and greater use of public transport, walking, and cycling will help achieve these goals. It is important that as Auckland's population grows better use is made of existing transport networks.
- 2.3 The transport outcomes identified in the Auckland Plan to enable this growth include providing better connections between people, places, goods, and services, increasing travel choices for a healthy, vibrant, and equitable Auckland, and maximising safety and environmental protection. To achieve these outcomes, focus areas outlined in the Auckland Plan include making better use of the existing transport system, targeting new transport investment to the most significant challenges, making walking, cycling, and public transport preferred travel choices, delivering better land-use and transport integration, making the transport network free from death and serious injury and to develop a sustainable and resilient transport system. It states that a sustainable, resilient, and efficient network to move people, goods, and services within and across Auckland is needed. The high-level direction contained in the Auckland Plan informs the strategic transport priorities to support growth and manage the effects associated with this plan change.

### **Managing Auckland-wide growth and rezoning**

- 2.4 Growth across the region, including incremental growth enabled through the Auckland Unitary Plan Operative in Part (AUPOP) as well as large-scale greenfield growth, places pressure on the available and limited transport resources that are required to support the movement of additional people, goods, and services. The funding and planning processes for the Regional Land Transport Plan (RLTP) and Regional Public Transport Plan (RPTP) take into consideration the Auckland Plan and the AUPOP to signal the timing and location of new or intensified urban areas. The location of Private Plan Change 90 (PPC 90) is not identified as a priority growth area and there is no identified funding within the RLTP to increase public transport services nor to implement any projects identified within the Auckland Transport Future Connect mapping tool.

### **Sequencing growth and aligning with the provision of transport infrastructure and services**

- 2.5 Auckland Transport seeks to ensure that any change in land use is aligned with a robust consideration of transport network requirements with an implementation plan that will ensure such network demands will be met.
- 2.6 The need to coordinate urban development with infrastructure planning and funding decisions is highlighted in the objectives of the National Policy Statement on Urban

Development 2020 ('NPS-UD'). Those objectives are quoted below (with emphasis in bold):

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

(a) the area is in or near a centre zone or other area with many employment opportunities

**(b) the area is well-serviced by existing or planned public transport**

(c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.'

'Objective 6: Local authority decisions on urban development that affect urban environments are:

(a) **integrated with infrastructure planning and funding decisions;** and

(b) strategic over the medium term and long term; and

(c) responsive, particularly in relation to proposals that would supply significant development capacity.'

The Regional Policy Statement ('RPS') objectives and policies in the AUP(OP) place similar clear emphasis on the efficient provision of infrastructure and on the integration of land use and development with infrastructure, including transport infrastructure. Refer, for instance, to Objectives B2.2.1(1)(c) and (5) and B3.3.1(1)(b), and Policies B2.2.2(7)(c) and B3.3.2(5)(a). For example, Policy B3.3.2(5)(a) is to: 'Improve the integration of land use and transport by... ensuring transport infrastructure is planned, funded and staged to integrate with urban growth').

### **National Policy Statement on Urban Development 2020 (Updated May 2022)**

2.7 The National Planning Policy Statement on Urban Development (NPS-UD) has a key focus in objective (1) which seeks to ensure that New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural well-being, and their health and safety, now and into the future.

2.8 Policies (1)(c), (1)(e), and (1)(f) of the NPS UD have relevance to the Plan Change area, given the need to ensure New Zealand has well-functioning urban environments. This policy provides direction that planning decisions contribute to well-functioning urban environments which are urban environments that, as a minimum:

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;

(e) support reductions in greenhouse gas emissions; and

(f) are resilient to the likely current and future effects of climate change.

Auckland Transport is of the view that the Plan Change does not demonstrate these aspects of policy 1 are achieved and that, therefore, the Plan Change does not represent a well-functioning urban environment.

## **Assessment and identification of potential adverse transport effects and mitigation**

- 2.9 Auckland Transport notes that the Plan Change location is not currently well served by public transport for residential activities, with an hourly weekday service and no weekend service. This questions whether a proposal to rezone an area of low-density employment zoned land (Light Industrial Zone) that is part of a previously comprehensively planned business area to a high-density Terrace Housing and Apartment Buildings (THAB) is appropriate. Auckland Transport can confirm that there are no plans or funding to increase the level of public transport services in this location.
- 2.10 Auckland Transport needs to consider whether the Plan Change includes provisions to require the applicant to mitigate the adverse transport effects associated with the development and to provide the transport infrastructure and services needed to service the development.
- 2.11 Adverse transport effects that arise when development occurs without required transport infrastructure and services being provided and cannot be addressed without an appropriate implementation plan and funding to support the planning, design, consenting and construction of the transport infrastructure and services necessary to support the development. There is a need to assess and clearly define the responsibilities relating to the required infrastructure to mitigate the transport effects generated. This includes considering the role of applicants/developers and taking into account the financially constrained environment that Auckland Council and Auckland Transport are operating within.
- 2.12 The applicant's framework to give effect to the provision of transport infrastructure mitigation requirements includes the provision of a transportation plan that is to provide details of a shuttle service at a future date. Auckland Transport is highly sceptical that a shuttle service for a 200 residential unit development is viable to the extent that it could close the gap in public transport servicing available to future residents of this site. Auckland Transport requests that sufficient detail be provided by the developer to confirm that such a shuttle service is viable, deliverable, and able to be legally secured by the applicant with an appropriate on-going provision mechanism to achieve the equivalent of a 'frequent' bus service that is consistent with the proposed zone intent and to mitigate the Plan Change's transport effects.
- 2.13 PPC 90 is located adjacent to a part of the transport network that is of strategic importance to the freight network. The introduction of a high-density residential use at this site will introduce a high number of people into a site 'wedged' between State Highway 1 and Highbrook Drive. These are both 'high use' motorway and roads (as defined in the AUPOP) carrying more than 5000 vehicles per day. State Highway 1 passing the PPC 90 site is noted to carry 120,255<sup>1</sup> annual average daily traffic movements and 7% are heavy commercial vehicles (HCVs).
- 2.14 Highbrook Drive carries 39,349 vehicles, average daily traffic (ADT) and 16.5% are HCVs<sup>2</sup>. For this part of the transport network, it is therefore of particular importance to maintain the safe, efficient, and effective operation with respect of the movement of freight and goods.

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<sup>1</sup> Waka Kotahi NZ Transport Agency State Highway traffic monitoring – annual average daily traffic (AADT) website based on 5 years of traffic counts.

<sup>2</sup> Auckland Transport Traffic Count Data (May 2021)

- 2.15 As further addressed within Attachment 1, Auckland Transport is concerned that changing the zoning from Light Industry to THAB will introduce vulnerable users on this section of Highbrook Drive than otherwise anticipated if it was to be retained as industrial (or another more appropriate low intensity land use). This is a relatively high speed (60km/h) high volume road with high HCV movements, given the area's location and business park/Light Industry land uses. Given the role of Highbrook Drive, any proposal needs to ensure there will be no impact on the efficiency and productivity of the Highbrook business park and associated freight network. Consideration should also be given to the street amenity required to align with the THAB Zone.
- 2.16 The applicant's ITA by Stantec models two scenarios including:
- i) A Permitted Baseline scenario (18,000sqm of industrial activity on the western side and 90,000sqm on the eastern side of Highbrook Drive); and
  - ii) Development Scenario (200 houses on the western side and 90,000 sqm of industrial activity on the eastern side).
- 2.17 Auckland Transport is concerned that there is no evidence provided in support of the Permitted Baseline scenario quantum of floorspace for either side of Highbrook Drive. Auckland Transport requests intersection performance details based on current day performance, to compare to the 200 residential unit (and 500 residential unit) development potential.
- 2.18 The applicant's Economic Overview report states:
- "... inappropriate parcel shape can deter many uses with residual sites often having access limitations or constraining building footprints... In effect the site is a very narrow and isolated piece of land. However, the proposed site's long and narrow feature (circa 400m long and 35m wide (for the majority of its length)) restricts its potential to accommodate largescale industrial activities<sup>3</sup>."*
- 2.19 Should the permitted baseline change in response to the request for further evidence, Auckland Transport would request an update to the modelling within the applicant's Integrated Transport Assessment to consider the potential need for additional transport network effects mitigation and subsequent consequential amendments to precinct provisions.

### 3. Specific parts of the Plan Change that this submission relates to:

- 3.1 The specific parts of the Plan Change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport, and include deficiencies in the precinct plan provisions relating to transport matters.
- 3.2 Auckland Transport **opposes** PPC 90, based on the matters/concerns raised in this submission (including the main body and **Attachment 1**), including that the adverse effects of the Plan Change on the transport network have not been adequately identified and avoided, remediated or mitigated.

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<sup>3</sup> Highbrook Proposed Plan Change Economic Overview, prepared by Property Economics, dated November 2021, Page 16, section 6

3.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

**4. The decisions sought by Auckland Transport are:**

4.1 Auckland Transport's primary position at this time is that the Council should decline PPC 90. **Attachment 1** provides further detail of the decisions sought from Auckland Council including alternative relief in the event that Auckland Transport's primary relief (that PPC 90 be declined) is not accepted.

14.1

4.2 In all cases where amendments to the Plan Change are proposed, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any further, other, or consequential relief required to respond to the reasons for this submission and/or give effect to the decisions requested.

14.2

4.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

**5. Appearance at the hearing:**

5.1 Auckland Transport wishes to be heard in support of this submission.

5.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

**Name:** Auckland Transport

**Signature:**



Sarah Wilson,  
Manager, Land Use Policy and Planning South

**Date:** 23 March 2023

**Contact person:** Matt Ford  
Planner, Land Use Policy and Planning Central

**Address for service:** Auckland Transport  
Private Bag 92250  
Auckland 1142

**Telephone:** +64212400159

**Email:** Matt.Ford@at.govt.nz



## Attachment 1

The following table provides the reasons supporting Auckland Transport's primary relief (that PPC 90 should be declined). It also identifies where, in the event this relief is not granted, amendments sought to PPC 90 Highbrook Precinct Provisions.

Bold text [**within square brackets**] identifies the text that is being considered for insertion under the Council-led plan change Proposed Plan Change 80 as part of the National Policy Statement - Urban Development work programme.

| Topic  | Relevant Precinct Provisions | Support / Oppose | Reason for submission   | Decision / relief sought |
|--|------------------------------|------------------|---|--------------------------|
| Inconsistency with AUPOP Regional Policy Statement (RPS) and National Policy Statement on Urban Development 2020 (Updated May 2022) (NPS-UD) | Entire Plan Change           | Oppose           | <p>There are several RPS objectives and policies and related NPS-UD provisions which the Plan Change is not considered as being consistent with.</p> <p>With relevance to Section B2:</p> <p>B2.2.1. Objective (1) seeks a quality compact urban form (and well-functioning urban environment<sup>4</sup>) that enables all of (a-g). This plan change is not considered consistent with (b), (c) or (d).</p> <p>Objective B2.3.1 (1) and B2.2.2. Policy (5) seek to enable higher residential intensification (a) in and around centres; (b) along identified corridors; and (c) close to public transport, social facilities (including open space) and employment opportunities. This plan change does not align with both (a) and (b) and with respect of (c) the available public transport is limited and infrequent, not being part of the Rapid Transit Network (RTN) or Frequent Transit Network (FTN) associated with THAB development located in and around centres, noting that there are no plans or funding to increase the public transport services available along Highbrook Drive.</p> <p>B2.3.2. Policy (1) Manage the form and design of subdivision, use and development so that it [<b>contributes to a well-functioning urban environment</b>] meets all of (a)-(f). The Plan Change is viewed as inconsistent with (b) as it is not considered to contribute to the safety of the site or street and neighbourhood, Consideration needs to be</p> | Decline the Plan Change. |

14.1

<sup>4</sup> Text added by PC 80 to give effect to the NPS-UD

|  |                  |                |  |                          |
|--|------------------|----------------|--|--------------------------|
|  |                  |                | <p>given to the amenity and safety for residents to choose active modes (walking and cycling) for their movement needs, in a very high traffic street environment, designed for a 60km speed, that is important in ensuring an effective and efficient transport network in particular for freight movement (16.5% of vehicle movements are HCVs).</p> <p>The Plan Change does not appropriately address B2.4.1. Objectives (1) and (3) and B2.4.2 Policy (2) and therefore PPC 90 should not be viewed as a primary focus area for residential intensification as the site does not support a quality compact form with very limited provision for public transport, not adjacent to a centre nor a higher density corridor which would support a RTN or FTN network. An infrequent hourly bus service exists with no service at weekends (with no plans nor funds to expand this service). Furthermore, the Plan Change site is located more than 2km away from large social facilities, education facilities, tertiary education facilities and healthcare facilities.</p> <p>Policy 1(c) of the National Policy Statement on Urban Development 2020 (Updated May 2022) ('NPS UD') directs planning decisions to contribute to a well-functioning urban environment. Auckland Transport considers that the Plan Change does not align with or that insufficient evidence has been provided to demonstrate alignment with Policy 1(c), (e) or (f).</p> |                          |
| Rezoning from Light Industrial Zone to Terrace Housing and Apartment Buildings (THAB) Zone | Entire<br>Change | Plan<br>Oppose | <p>The purpose of the THAB Zone is to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.<sup>5</sup></p> <p>The Plan Change is not aligned with the transport related Objectives and Policies of the THAB Zone including Objective H6.2 (1) and Policy H6.3 4(b) which seeks</p>  | Decline the Plan Change. |

14.1

<sup>5</sup> AUPOP, Chapter H6 Residential – Terrace Housing and Apartment Buildings Zone, H6.1. Zone Description

|  |  |  |  |
|--|--|--|--|
|  |  | <p>efficient use of land adjacent to centres and near the public transport network which this plan change does not achieve.</p> <p>Proposed Plan Change 78 (PC 78) (as notified) proposes an additional objective (8) which currently reads:<br/> “Enable safer pedestrian movement within the immediate locality of higher density developments to ensure ease of pedestrian movement to rapid transport stops.”</p> <p>The Plan Change would not align with that potential new (PC 78) objective. The Plan Change site is adjacent to part of the transport network that is strategically important for freight movement with very high vehicle movements and percentage of HCVs. The environment is extremely noisy and busy and is likely to become more so as the industrial area further develops. This is not a part of the network that will easily enable safer pedestrian movement. Furthermore, there are no rapid transport (nor FTN) stops within walking distance nor funding to increase the frequency of the limited existing public transport system in the area.</p> <p>The Plan Change is located over 2km away from its nearest centre (Otara Town Centre). With limited public transport options around the Plan Change site, alternative options for travel to centres should be enabled, however, the proposal to rezone the site to THAB does not promote walkable neighbourhoods nor increase the vitality of centres in the proposed location.</p> <p>The ITA itself states:</p> <p>“The Highbrook area and its supporting roading network is currently arranged to provide higher levels of service and access by private vehicles due to the historical development of industrial land-use activity and proximity of and accessibility by SH1 and the supporting arterial roads. There is currently limited active transportation within the Highbrook area due to the largely industrial land use, and the area is currently serviced by only two bus</p> |  |
|--|--|--|--|

|   |                              |        |   |  |
|---|------------------------------|--------|---|--|
|   |                              |        | <p>routes accessed via bus stops approximately 2 km away from the Plan Change site.<sup>6</sup></p> <p>The ITA also states that:</p> <p>“In general, the existing public transport services are relatively limited in the area, given the walking distance to the nearest bus stop and the frequency of the bus services. Whilst there are shared paths on both sides of Highbrook Drive, the site is located more than 2km from any complementary activities such as the Highbrook Business Park, the Manukau Institute of Technology (MIT), and the nearest supermarket and shopping centres in Otāhuhu or Otara Town Centres – requiring a walk-time of approximately 30 minutes.”</p> <p>In this regard, walking in the vicinity of the Plan Change area is likely to be primarily for recreation along the Tāmaki River rather than for commuting or business<sup>7</sup>.</p>         |  |
| Modelling Approach<br>Baseline Scenario | ITA section<br>7.1.2 and 7.2 | Oppose | <p>The applicant’s traffic assessment has been carried out without providing current day modelling of intersection performance and queue length analysis but provides a “Baseline scenario” comprising of 18,000sqm within the Plan Change site and 90,000sqm within the land opposite of the Plan Change site of Light Industrial floorspace use. It is then compared to a “Development Scenario” still utilising the 90,000sqm industrial floorspace and adding 200 residential units to prepare trip generation rates for each to apply to the network assessment.</p> <p>The Plan Change documentation provides no feasibility assessment for the quantum of Light Industrial floorspace being referenced as a ‘Baseline Scenario’. Whilst the ITA refers to a 2019 Transport Assessment, this has not been supplied and it is not clear what key decisions that document informed.</p> | <p>Decline the Plan Change.</p> <p>In the event that the Plan Change is to be approved the following options for relief are requested:</p> <ul style="list-style-type: none"> <li>- Updates to the modelling within the ITA to remove reference to 90,000sqm and 18,000sqm of industrial floorspace as a Baseline Scenario; or</li> <li>- Additional modelling for a 500 residential unit development;</li> <li>- Provision of a development feasibility appraisal to support the assumed ‘permitted baseline’ for the 90,000sqm and 18,000sqm of industrial floorspace within the ‘Baseline Scenario’.</li> </ul> |

14.3

<sup>6</sup> Page 8 of the ITA

<sup>7</sup> Page 7 of ITA

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|  |  | <p>Auckland Transport is of the view that unless these details are provided, the 90,000sqm floorspace referenced should be disregarded from the modelling and that given the Plan Change documentation concludes that the Plan Change site is unsuitable for Light Industrial, that the 18,000sqm also be disregarded with updated modelling and analysis provided.</p> <p>The applicant's Urban Design Assessment<sup>8</sup> states that "The site character in terms of coastal location, topographic and other constraints mean the site is not best suited to large footprint buildings and is better planned for with smaller footprint buildings that may respond more sympathetically to the natural constraints of the land, estuarine margin and access characteristics".</p> <p>Given the above noted constraints, alternatively, evidence that 18,000sqm of floorspace for Light Industrial use is physically achievable at the Plan Change site is requested. If the 90,000sqm is intended to remain, evidence of the feasibility of that quantum is also requested.</p> <p>A trip generation rate of 0.65 has been used for the residential proposal and noted within the ITA as based on the Transport for New South Wales (TfNSW) Guide that provides peak hour traffic generation rates for small medium density residential units. Auckland Transport is concerned that the location of the Plan Change is not a well-connected site by modes other than private motor vehicle. As such the use of the TfNSW medium density trip generation rate may not be appropriate in this circumstance.</p> <p>The ITA notes that the Highbrook Concept Plan envisages up to 500 dwellings. Auckland Transport requests scenario modelling of the potential 500 residential units to enable potential additional adverse effects from that quantum of development on the transport network to be understood. Furthermore, further mitigation identified as</p> | <p>If 18,000sqm is not demonstrated as feasible, the reduced and feasible floorspace and reduced baseline should be rerun through the applicant's ITA modelling and a further review of potential additional transport network effects and mitigation carried out.</p> <p>A reduction to the number of residential units concluded as a 'permitted activity' within the applicant's precinct provisions should also be made if this conclusion is reached.</p> <p>Any subsequent adverse effects on the transport network from updated modelling scenarios to be provided with mitigation and for that mitigation to be identified with updated precinct provisions (and possible precinct plan) with suitable staging and triggers (or potential caps).</p> |
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<sup>8</sup> Urban Design Assessment, paragraph 2.5

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|        |                  |                | necessary (or to give an upper cap to the level of development) to be secured by within precinct provisions and plans linked to the delivery of development capacity.   |  |
| Safety | Entire<br>Change | Plan<br>Oppose | <p>Auckland Transport, being a transport system designer, has a focus to ensure a level of safety in the transport system. Given to the high traffic volumes and percentage of HCV movements in the location of the Plan Change, it is unclear how the Plan Change is creating safer communities and contributing towards a safe street and transport network.</p> <p>The immediate surroundings of the Plan Change must be taken into account when determining whether a rezoning to residential is appropriate given it is located between two level 1A freight routes<sup>9</sup>, an arterial road, and a roundabout interchange. Future Connect identifies State Highway 1 (SH1) and Highbrook Drive as Strategic Network links<sup>10</sup>.</p> <p>The Plan Change is inconsistent with RPS Policies B2.3.2 (b) and (d) as the Plan Change is not viewed as contributing to the safety of the site, street and neighbourhood, and is not able to achieve a high level of amenity and safety for pedestrians and cyclists. Furthermore the high noise, high traffic environment has not been shown to be mitigated for the pedestrian or cyclist.</p> <p>Section 4 of the ITA identifies a high number of historic crashes along Highbrook Drive and at the roundabout at the SH1 Highbrook interchange. The ITA discounted these crashes by noting that whilst there are a high number of crashes at the Highbrook Drive interchange roundabout intersection, the crash patterns are broadly consistent with what could be expected from a busy arterial road that connects to a significant, highly trafficked motorway such as SH1<sup>11</sup>.</p> | <p>Decline the Plan Change.</p> <p>In the event that the Plan Change is to be approved, request that a new standard I4.6.X requiring a new collector road (to Auckland Transport Design Standards, that provides a safe alternative for pedestrians and cyclists) to be constructed to connect the existing access (located opposite the Plan Change site but in the same ownership) to the Gridco Road / Hellabys Road intersection prior to occupation of the first dwelling.</p> <p>The Precinct Plan 1 is to then be updated accordingly to show the general location of this new collector road.</p> <p>It is noted that the provision of this collector road may reduce impacts on the wider network and if this is agreed by the applicant, further modelling would be accepted that includes the provision of this link prior to first occupation of the first dwelling.</p> |

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<sup>9</sup> Future Connect

<sup>10</sup> Future Connect Summary

<sup>11</sup> Page 10 of the ITA

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|              |                 |        | <p>Auckland Transport disagrees and notes that roundabout interchanges have inherently increased safety risks for cyclists as interchanges can result in cyclists being required to cross high speed on and off ramps<sup>12</sup>. Additionally, it is likely that children and other users from the Plan Change area would have to navigate the roundabout interchange to access a nearby school to the west, primary schools located to the south and other amenities.</p> <p>Given the role of Highbrook Drive, any proposal needs to ensure there will be no impact on the efficiency and productivity of the Highbrook business park and associated freight network. Auckland Transport is concerned that introducing a high-density residential development in this location will raise expectations for alterations to the transport network, such as lowering the speed limit from its current 60km/hr (which has recently been lowered from 80km/h) or alter the road layout, in order to mitigate any potential adverse safety effects of large volumes of heavy commercial vehicles operating near such a proposed residential use. This would adversely affect the operation of the freight network.</p> |   |
| Active modes | ITA section 6.3 | Oppose | <p>The purpose of the THAB Zone is to make efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space, and public transport. This will promote walkable neighbourhoods and increase the vitality of centres.</p> <p>Auckland Transport has concerns with the introduction of a residential activity to this part of the transport network as it will not promote walkable neighbourhoods nor will it achieve intended active mode share without significant public transport investment to increase the frequency of public transport, to which Auckland Transport has no plans nor funding to do so.</p>   | <p>Decline the Plan Change.</p> <p>In the event that the Plan Change is to be approved, Auckland Transport requests that a new standard I4.6.X requiring a new collector road (to Auckland Transport Design Standards, that provides a safe alternative for pedestrians and cyclists) to be constructed to connect the existing access (located opposite the Plan Change site but in the same ownership) to the Gridco Road / Hellabys Road intersection prior to occupation of the first dwelling.</p> |

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<sup>12</sup> Waka Kotahi



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|  |  | <p>The applicant's ITA notes the Plan Change area is not currently well connected from an active mode perspective, and Section 6.3 acknowledges that active transport facilities in the surrounding area are not of the highest quality. The ITA also mentions that the applicant proposes a shuttle service that will in their opinion further encourage active transport uptake<sup>13</sup>.</p> <p>Auckland Transport considers that the need for a shuttle service to promote active modes highlights the inherent safety and amenity issues of the immediate environment for a residential zone. A THAB Zone site should be easily and safely connected by active modes to help promote walkable neighbourhoods, however, as the applicant's ITA identifies, it is not and is unlikely to be so, hence the shuttle bus proposal. In this particular location, changing the zoning from Light Industry to THAB has the potential to introduce vulnerable users on this section of Highbrook Drive than otherwise anticipated, particularly children and elderly who are unable to drive. The Plan Change does not provide for safe journeys for active modes.</p> <p>Auckland Transport considers that there may be an opportunity for the applicant to provide an alternative safer route to Bairds Mainfreight Primary School, Otara Town Centre and Manukau Institute of Technology and help to mitigate some of the safety concerns of the Plan Change through providing safe alternative connections away from the freight network. There is a four-arm signalised intersection that has been provided on Highbrook Drive (including dedicated, safe crossing location for pedestrians and cyclists across all approaches) however it does not go far into the Light Industrial Zoned land opposite the Plan Change site. In the event PPC 90 was supported, Auckland Transport would seek for the applicant to provide a collector road through its site from this intersection to partially mitigate the concerns held with respect of safe active mode connections.</p> | <p>The Precinct Plan 1 is to then be updated accordingly to show general location of this new collector road.</p> |
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<sup>13</sup> ITA page 13

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|                  |                 |        | <p>The above mitigation will not, however, address the lack of active mode connection to the west of the Plan Change area which is a concern for a residential development.</p> <p>In the event the Plan Change is supported, active mode connections to the existing active mode recreation link around the site should be secured as part of any mitigation.</p>  |                          |
| Public Transport | ITA section 6.2 | Oppose | <p>Access to public transport plays a key role in connecting communities with key amenities and needs. The ITA acknowledges that the existing transport network has poor public transport linkages to the Plan Change site.</p> <p>The purpose of the THAB Zone is for it to be predominantly located around centres and the public transport network to support the highest levels of intensification. The Plan Change is inconsistent with this.</p> <p>The existing public transport service that the Plan Change will rely on is not a high frequency public transport service and there are no plans nor available funding to deliver a high frequency public transport service in this location. In this regard, the location is not regarded as suitable for high-density development. The existing public transport demand in this area will not help the Plan Change achieve the public transport mode share outcomes it anticipates, nor will it provide an efficient service to the residents of this proposed precinct.</p> <p>The existing public transport service along Highbrook Drive only provides for an hourly bus service between the hours of 06:00 and 18:30. The service does not operate on weekends. Due to the industrial nature and low employment density of the area, any additional public transport service provision would not likely be viewed as an effective allocation of resources and there are no plans to extend this service provision (nor funding).</p> <p>The Plan Change does not present good land use integration with the existing transport network. For the reasons given above mode share for private vehicle use</p> | Decline the Plan Change. |

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|                 |                 |                 | <p>is expected to remain high and effectively promotes a development that will be vehicle dominated.</p> <p>This, therefore, creates adverse effects on the transport network as congestion and queuing in the immediate network is increased.</p>  |   |
| Bus stops       | 14.6.4          | Support in part | <p>Auckland Transport welcomes the applicant's proposed bus stop under 14.6.4 in order to improve accessibility to the limited nearby public transport network from the Plan Change site. There is a need, however, to provide a bus stop to serve travel in both directions along Highbrook Drive. Amendments are therefore sought to this provision to require the applicant to provide an additional bus stop on the opposite side of Highbrook Drive.</p>   | <p>In the event that the Plan Change is to be approved, the precinct provisions be amended to secure a pair of bus stops with shelters situated near the signalised crossing points in a tail-to-tail style setup.</p> <p>These two bus stop locations shall be confirmed in consultation with Auckland Transport and in place prior to first occupation of the first dwelling.</p>   |
| Shuttle Service | ITA section 6.2 | Oppose in part  | <p>Auckland Transport has concerns over the effectiveness of a private shuttle service at this location. There are concerns that the shuttle service will not be a cost-effective service to residents of a small development and will not be able to effectively fill the service gap between a high frequency public transport system (expected to service a THAB Zone effectively) to the extent that it could be considered to influence a mode shift away from the private motor vehicle.</p> <p>The proposed private shuttle service has been targeted towards only being used by residents of the precinct. However, the THAB Zone enables a range of activities other than residential that will require people outside of the precinct to access it as a place of employment. The ITA details that the expected on-site facilities are likely to include a café, dairy, and shared office workspace.</p> <p>The proposed private shuttle service is not an appropriate alternative to convenient access to a high frequency public transport service that is a requirement to support activities appropriate within a THAB Zone.</p> | <p>Decline the Plan Change.</p> <p>In the event that the Plan Change is to be approved, additional information is requested from the applicant to understand the shuttle service viability for the precinct for both future residents and future potential employees including (but not limited to):</p> <ul style="list-style-type: none"> <li>- key destinations for the shuttle service;</li> <li>- the frequency of such a service during morning and afternoon peaks, interpeak, weekdays and weekends;</li> <li>- its anticipated costs to deliver such a service;</li> <li>- a commitment for the shuttle service to be provided in perpetuity or until such time as a high frequency public transport service is operational in the immediate locality of the Plan Change.</li> </ul> |

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|  |  | <p>RPS Policy B3.3.2 (5) seeks to improve the integration of land use and transport by: (b) encouraging land use development and patterns that reduce the rate of growth in demand for private vehicle trips, especially during peak periods; (d) requiring proposals for high trip generating activities which are not located in centres or on corridors or at public transport nodes to avoid, remedy or mitigate adverse effects on the transport network;</p> <p>Section 6.2 of the applicant's ITA states that to support public transport mode share, a private shuttle service will be provided to directly connect the residents with public transport hubs. It is unclear how the shuttle service will contribute to the precinct's public transport mode share targets nor provide a sufficient alternative to the current minimal public transport service. Consideration needs to be given to ensuring the on-going operation of such a service by the residents, noting that there does not appear to be any commitment from the applicant to providing this service in perpetuity, noting that Auckland Transport has no plans to increase the frequency of public transport services in this area.</p> <p>A shuttle bus is no substitute for FTN or RTN networks generally associated with THAB development. Given the location of the site it is unclear what the destinations of the shuttle bus will be, at what frequency it will operate particularly during off peak periods and on weekends.</p> <p>Auckland Transport does not support the above information being secured via a I4.6.2 Highbrook Precinct Transportation Plan. This matter is a key consideration to the acceptability of this site for a high-density residential development and these details should be provided as part of the Clan Change process to enable an informed decision as to the adequacy of the shuttle service to mitigate the effects of locating a high-density residential zone without proper public transport service support.</p> <p>In this regard the currently proposed private shuttle service is not considered appropriate mitigation to</p> | <p>Advice note:</p> <p><i>The applicant will also need to ensure the legality of providing a private bus shuttle under the Land Transport Management Act 2003.</i></p> |
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|               |                 |                | address the public transport demands of such a zone in this location.   |  |
| Freight Route | ITA section 6.3 | Oppose in part | <p>The Plan Change area is located between two level 1A freight routes (SH1 and Highbrook Drive), which is the highest level of freight route importance within Auckland Transport's Future Connect network plan.</p> <p>The Government Policy Statement on Land Transport 2021 (GPS) outlines strategic priorities for land transport investment to best contribute to improving our communities' wellbeing and liveability, which includes: (iv) Improving freight connections – for economic development. The transport system needs to support the movement of freight by the most appropriate mode through improving interregional corridors and increasing resilience. It is vital for a thriving economy that freight routes are efficient, reliable, safe, mode-neutral, and resilient within cities, between regions, and to ports. Freight is critically important in facilitating economic growth within Auckland.</p> <p>Highbrook Drive has a key function for linking production points with key distribution points within Auckland. This freight route should operate in such a way so that the freight corridor will have reduced disruptions, as disruptions cause the highest economic and social costs in the freight industry<sup>14</sup>.</p> <p>Changing the zoning from Light Industry to THAB in this location can be seen as inconsistent with RPS Policy B3.3.2 (5) seeking to improve the integration of land use and transport by: (f) requiring activities adjacent to transport infrastructure to avoid, remedy or mitigate effects which may compromise the efficient and safe operation of such infrastructure.</p> <p>Auckland Transport seeks to ensure that any AUPOP amendment to the type and level of development enabled on such a site does not generate any more trips than would otherwise be permitted through the current Light</p> | <p>Decline the Plan Change.</p> <p>In the event that the Plan Change is to be approved, Auckland Transport seeks that evidence to show trip generation rates are accurate as a baseline to ensure effects on the transport network are accurately identified and appropriate mitigation secured.</p> |

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<sup>14</sup> Government Policy Statement on Land Transport 2021

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|   |                   |        | Industry Zone to ensure no inappropriate disruption to the efficient operation of this important part of the transport network for freight.   |  |
| New Road and Access Restrictions to Highbrook Drive arterial road |                   |        | Whilst Highbrook Drive is an arterial road and existing access restrictions are within the AUPOP, Auckland Transport requests that a new provision restricting both access and new road access to this arterial road be inserted into the applicant's precinct provisions and precinct plan. This is in particular to ensure that no additional adverse effects on the functioning of the Gridco Road / Hellabys Road intersection is caused by development at this site and to ensure the level of service of that intersection is not adversely affected by additional access points. No new access or roads would be supported along the frontage of the Plan Change site particularly in proximity to the interchange given the significant importance of the network for freight movement.   | In the event that the Plan Change is to be approved, request that additional precinct provisions and amendments to the precinct plan be made to confirm vehicle and road access restrictions apply on Highbrook Drive as required, as an arterial road within the AUP(OP) planning maps.   |
| Gridco Road/Hellabys Road Intersection                            | ITA Section 7.4.1 | Oppose | <p>The applicant's ITA indicates that the Gridco Road/Hellabys Road intersection is predicted to experience significant increases in delay<sup>15</sup>. The ITA assumes that this issue will be resolved by a separate consent process relating to any intensification of the adjacent industrial use.</p> <p>The ITA states that "in the peak hours, there is significant delay for vehicles exiting Gridco Road onto Hellabys Road, with minimal available gaps in Hellabys Road traffic, resulting in Gridco Road motorists likely having to wait for a courtesy gap to exit the intersection. This is affecting approximately 150 vehicles in a peak hour, of which, this site is also owned by Euroclass.</p> <p>Noting the concerns raised regarding the modelling undertaken in the ITA, the result of additional queue times at this unsignalised intersection will be attributable to this Plan Change. As such, it is a transport network effect directly related to the Plan Change and requires mitigation. There is no guarantee that the eastern side of</p> | <p>Decline the Plan Change.</p> <p>In the event that the Plan Change is to be approved, request that the Gridco Road/Hellabys Road intersection is upgraded/signalised by the applicant prior to first occupation of any residential unit.</p> <p>This should be captured as an infrastructure requirement in the precinct provisions.</p> |

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<sup>15</sup> ITA page 23

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|       |                   |                 | Highbrook Drive (also owned by the applicant) will be developed and therefore provides no certainty to Auckland Transport that this intersection will be delivered through a later planning process and that the identified adverse transport network effects will be mitigated.  |   |
| Noise | ITA Section 7.4.1 | Support in part | <p>Auckland Transport is generally supportive of noise provisions being incorporated into the applicant's proposed precinct provisions. Consideration needs to be given to ensuring the applicability of these provisions through supportive technical assessment especially given the site's location within a high noise area as mapped in the AUPOP.</p> <p>The RPS in relation to Urban growth and form, and in particular policy B2.4.2 (7) relating to residential intensification, seeks to manage adverse reverse sensitivity effects from urban intensification on land with existing incompatible activities. RPS policy B3.3.2 seeks to manage the effects related to transport infrastructure and (6) requires activities sensitive to adverse effects from the operation of transport infrastructure to be located or designed to avoid, remedy or mitigate those potential adverse effects.</p> <p>The applicant proposes to incorporate the Panel's version of the noise attenuation standards from the approved Plan Change 51 decision into the Highbrook Precinct<sup>16</sup>. It is unclear, however, how applicable these are to a brownfield plan change site located on an apex site between a State Highway (120,255 ADDT with 7% HCV) and a key freight route (39,349 with 16.5% HCVs).</p> <p>Clarification is needed through the provision of appropriate technical acoustic assessments to understand and identify that a) the effects have been properly assessed, and b) if the provisions are adequate to address the traffic noise effects.</p> | <p>In the event that the Plan Change is to be approved, request the provision of a technical acoustic assessment prepared by a suitably qualified expert to support the Plan Change's position that the noise mitigation proposed will achieve 40dB internal noise environment.</p> <p>Such a technical acoustic assessment should identify any potential amendments to the Plan Change 51 noise provisions given the traffic volumes and number of HCV movements along this part of the network and any challenges to achieving the stated 40dB internal noise levels.</p> <p>Any additional mitigation necessary to avoid adverse effects should be addressed through precinct plan provisions.</p> |

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<sup>16</sup> Planning Report page 55



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|                              |                        |        | <p>The precinct provisions as a response to the traffic noise effects should be based on an assessment of the level of traffic effects and related assumptions (e.g., road surface, traffic volumes (including % HCVs), topography, etc). As noted elsewhere in this submission, there are high levels of traffic and % of HCVs operating in this locality.</p> <p>There is a need to ensure that the noise effects have been properly assessed as they relate to the proposed THAB zoning in proximity to State Highway 1 and Highbrook Drive and if the 40dB internal noise levels are achievable within this particular noise environment. The results of a noise assessment may also identify other mitigation requirements that will need to be addressed with precinct provisions.</p> |  |
| Reference to water transport | Section 6.5 of the ITA | Oppose | <p>PPC 90 refers to the site's waterfront location hosting potential future opportunities for water transport such as a ferry service. Auckland Transport has no current or future plans to support this assumption.</p> <p>No detail has been provided to make it clear if this is a service to be publicly or privately serviced. While this is not detailed as part of the precinct provisions and seemingly not factored into mode share rates for clarity, this reference is opposed.</p>   | For information only.  |
|                              |                        |        | <p>Auckland Transport notes that no stormwater provisions have been proposed in the precinct provisions.</p> <p>Auckland Transport raises concerns regarding stormwater effects associated with the Plan Change, including with respect of replacement of an existing stormwater treatment pond, which presently provides for treatment of runoff from a section of Highbrook Drive. The applicant proposes to provide for treatment of Highbrook Drive stormwater within new treatment devices as part of future development.</p>   | <p>Decline the Plan Change.</p> <p>In the event that the Plan Change is to be approved:</p> <ul style="list-style-type: none"> <li>the applicant is to provide further information to demonstrate that the Plan Change area has sufficient space set aside to construct a replacement high-quality communal treatment device (ideally a constructed wetland) in accordance with GD01 which meets the same treatment outcomes as the existing device, particularly for the Highbrook</li> </ul> |

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| Lack of stormwater provisions | Entire Plan Change | Oppose in part | <p>Auckland Transport is more supportive of a 'two-pond' solution<sup>17</sup>, however, it is not clear that sufficient space has been allowed for 'two pond' treatment devices to treat both the existing road catchment and the new development. The indicative sizing shown appears to be smaller than the existing treatment pond.</p> <p>Auckland Transport requests that provision is made in the Plan Change for sufficient space to be set aside within the site to construct a high-quality communal treatment device – ideally a constructed wetland in accordance with GD01, which meets the same treatment outcomes as the existing device, particularly for the Highbrook Drive catchment.</p> <p>It is unclear on what stormwater management approach is being considered. The schematic plan does not show any preliminary drainage or integrated stormwater management.</p> <p>Auckland Transport also requests precinct provisions relating to whole of life costs and effectiveness of treatment over time associated with publicly vested stormwater assets (as a matter for discretion and policy).</p> <p>Stormwater treatment areas should also be understood and illustrated when evidencing the 18,000sqm developable industrial floor area, to utilise it as a baseline for establishing trip generation rates as a 'permitted baseline'.</p> <p>Auckland Transport also notes that the existing wetland is currently going through a legalisation process to vest the area as road.</p> | <p>Drive catchment as well as accommodate the stormwater treatment requirements of development enabled by the Plan Change</p> <ul style="list-style-type: none"> <li>• further information is provided on what stormwater management approach is being taken</li> <li>• that the precinct plan and provisions are amended to include objectives, policies, and rules relating to stormwater including to address whole of life costs and effectiveness of treatment over time associated with publicly vested stormwater assets (as a matter for discretion and policy).</li> </ul> |
| Number of dwellings           | I4.3 Policy (3)    | Oppose         | <p>The proposed precinct policies anticipate that resource consent would be required for more than 200 dwellings (or dwelling unit equivalents) and will be assessed via a revised ITA.</p>  | <p>In the event that the Plan Change is to be approved, delete policy I4.3(3)</p> <p><del>“Require an Integrated Transport Assessment Report to support a resource consent application for development</del></p>  |

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<sup>17</sup> Refer to Applicants Storm Water Management Plan

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|                                  |   |                 | Auckland Transport considers that if this quantum is anticipated, additional modelling should be provided at the Plan Change stage to ensure any mitigation of adverse effects on the transport network can be appropriately mitigated and secured within the precinct provisions with appropriate triggers and staging.  | <del>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”</del>   |
| Timing of Transport improvements | Standards I4.6.2<br>I4.6.3<br>I4.6.4      | Support in part | <p>It is unclear when the Transportation Plan, upgrading of shared path and bus stop will need to be implemented. It is recommended prior to occupation of the first dwelling.</p> <p>The transportation plan also fails to include the additional transport network mitigation that Auckland Transport views as attributable to the Plan Change.</p> <p>With updated modelling results, the Transportation Plan would need to be reviewed and updated and to ensure that it includes all necessary infrastructure upgrades and has appropriate staging and triggers. This may inform updated activity status for quantum of development.</p> | In the event that the Plan Change is to be approved, seek for additional mitigation identified in this submission (and any further mitigation as a result of modelling requested) to be included in an updated Transportation Plan. Also, to ensure clearer trigger wording for delivery of the infrastructure required as mitigation including any consequential amendments to precinct provisions or mechanisms. |
| Noise Objective and Policy       | I4.2 Objective (2)<br>And I4.3 Policy (1) | Support         | Support retaining this objective given the adverse health effects arising from road traffic noise associated with the operation of SH1 and Highbrook Drive.   | In the event that the Plan Change is to be approved, retain the objective and policy provisions as drafted, subject to any amendments necessary as a result of the requested acoustic assessments to justify the precinct provisions drafting proposed.  |
| Transport Objective              | I4.2 Objective (3)                        | Support in part | Support retaining this objective given the adverse effects arising from transport. However, the wording should be amended to support beyond the local network.  | <p>In the event that the Plan Change is to be approved, amend I4.2 Objective 3 to read:</p> <p>Subdivision, use and development within the Highbrook Precinct ensures that adverse effects on the safety, capacity and efficiency of the operation of the <del>local</del> <u>surrounding</u> transport network is avoided, remedied or mitigated.</p>   |

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| <p>New Safety Objective and Policy</p> | <p>14.2 Objectives</p> | <p>Support</p> | <p>Section 4 of the ITA identifies a high number of historic crashes along Highbrook Drive and at the roundabout at the SH1 Highbrook interchange. The location of the site near the Highbrook Road interchange needs to be addressed in line with the ITA commentary, particularly to assist in promoting mode shift away from private vehicles and enable safe active modes.</p>  | <p>In the event that the Plan Change is to be approved, Auckland Transport requests the addition of a new objective and policy addressing the safety issues for active mode users to and from the precinct with wording such as:</p> <p><u>Objective (4) - Pedestrians and cyclists from the Highbrook Precinct who would otherwise be vulnerable along State Highway 1 and Highbrook Drive are provided with safe connections to key nodes such as education, employment, and shopping.</u></p> <p><u>Policy (x) –</u></p> <p><u>Require active transport mode connections that are sensitive to a heavy vehicle dominant transport environment to be provided with safe alternative routes to also support reduction in dependency on private motor vehicles as a means of transport. Alternative active mode connection routes are to be of the highest quality and design.</u></p> |
| <p>Internal layouts roading</p>        | <p>New Provision</p>   |                | <p>For any assets (roads or stormwater) intended to be vested with Auckland Transport, a hazard risk assessment (AUPOP: E.36.9) should be undertaken due to the Plan Change area being on land which may be subject to potential hazards including: coastal erosion; coastal storm inundation 1 per cent annual exceedance probability (AEP); coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise; the 1 per cent annual exceedance probability (AEP) floodplain. Any assets that the applicant intends to vest must be clearly separated from any hazard areas.</p> <p>To ensure resilience to climate change, Auckland Transport requests that the applicant clarifies if it intends to operate private internal roads and if this is the case, that precinct provisions be updated to confirm this.</p> | <p>In the event that the Plan Change is to be approved, Auckland Transport requests amendments to the precinct provision and plan (objectives, policies and rules) to make clear that any internal road network that is intended to be vested must be located outside of any hazard areas (E36.9) and separated from such areas by building platforms and the requirement for a hazard risk assessment (in accordance with E36.9 of the AUPOP) be required for any subdivision, use or development at the Plan Change site to inform the location of any assets intended to be vested with Auckland Transport so as to be resilient to the effects of climate change.</p>  |

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|  |  |  | Alternatively, if the intention is to vest these assets, Auckland Transport requests that any proposed new roads or other assets be separated from hazard areas by buildings platforms for example and that a hazard risk assessment be undertaken to support the Plan Change, or for the reference to 200 residential units being a permitted activity under the proposed precinct rules be removed to enable that assessment to occur at a later time and inform acceptability of infrastructure location. |  |
|--|--|--|--|--|



23 March 2023

File ref: AUP PPC 90

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[unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

Dear Sir/Madam

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO PROPOSED PLAN CHANGE 90  
(PRIVATE): 8 SPARKY ROAD, OTARA**

**To:** Auckland Council

**Name of submitter:** Heritage New Zealand Pouhere Taonga

- This is a submission on the following proposed change to the Auckland Unitary Plan (Operative in Part) (the proposal):**
- Proposed Private Plan Change 90 (PC90), from Highbrook Living Limited, to rezone approximately 4.4 hectares of a 35-hectare site, north-western side of Highbrook Drive at 8 Sparky Road. Specifically, the request seeks to change the Auckland Unitary Plan (AUP) as follows:
  - rezone the land from Business – Light Industry zone to Residential – Terrace Housing and Apartment Building zone.
  - introduce a new precinct (Highbrook Precinct) to specifically manage transportation effects of residential development on the Highbrook Drive and SH1/Highbrook Drive roundabout, and noise.
- Heritage New Zealand could not gain an advantage in trade competition through this submission.**
- Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead agency for heritage protection.
- The specific provisions of the proposal that Heritage New Zealand's submission relates to are:**
- HNZPT's submission relates to there being no assessment of effects on historic heritage and relevant archaeological assessment for the proposed plan change area.
- Heritage New Zealand's submission is:**
- Historic heritage is a matter of national importance under Section 6(f) of the Resource Management Act 1991 (the RMA). The definition of historic heritage under Part 2 of the RMA includes archaeology. Therefore, effects on archaeology, in addition to effects on Mana Whenua must be



taken into account by Council when assessing PC90. There is no assessment of the effects of PC90 under 6(f) RMA.

9. The area within which the plan change area lies has a historic settlement pattern emanating outward from Otara and which is in close proximity to Te Wai o Taiki River and Pakuranga, suggesting a denser ancestral footprint. HNZPT notes that the applicant has engaged with all ten mana whenua groups who have an associated registered interest in this area; and is commitment to on-going consultation (s.32, Section 7 AEE, para 7.65, page 68).
10. Two cultural values assessments (CVA) that have been prepared by Te Akitai Waiohua Waka Taua Cultural Values Assessment and Ngāti Tamaoho Cultural Values Assessment. HNZPT notes Ngai Tai Ki Tamaki was also preparing a CVA, but that this has not been provided.
11. The CVA prepared by Ngāti Tamaoho identifies cultural impacts as a result of the PC90, specifically regarding the effects on cultural sites, areas, and resources (AEE, para 7.66, page 68) along with setting out a set of recommendations. HNZPT is supportive of those recommendations being applied however wishes to note that the implementation of such recommendations does not negate the obligations the applicant has under the Heritage New Zealand Pouhere Taonga Act (HNZPTA) and section 6(f) of the RMA.
12. While Section 7 Assessment of Effects on the Environment in the s.32 evaluation and planning report addresses effects on Mana Whenua, the AEE is however deficient in that it does not address effects on historic heritage values, particularly via an assessment of archaeological site potential archaeology. Especially when Ngāti Tamaoho specifically highlight the potential for the plan change outcomes to cause cultural impacts to the area's cultural (sites, areas, and resources); and advising that "the surrounding areas of fertile soil were cultivated as extensive marakai" (S.32, Section 7, para 7.66, page 68).
13. No archaeological assessment has been undertaken as part of the preparation of PC90. While there is no recorded archaeology or historic heritage places within either the plan change site or in the immediate vicinity of 8 Sparky Road, this is likely due more so to a lack of survey and review, than a paucity of sites. Despite development of parts of the subject land or the Otahuhu power plant between 1968-2019 and roading for the Highbrook Drive in 2006, the potential may still exist for archaeological sites and subsurface archaeological remains particularly around the coastal margins in areas proposed to be landscaped and revegetated. The southern Tāmaki River area has significant Māori and European historical footprints as suggested by early plans. Despite field and desk top surveys, ongoing archaeological work in and around the Highbrook business industrial park area has identified previously unrecorded archaeological sites during works.
14. There are multiple recorded Māori and European archaeological sites within the wider area surrounding Sparky Road.<sup>1</sup> More recorded sites continue in high frequency following the coastline:
  - approximately 1 km northeast of the plan change area is a Māori archaeological site (pits) (R11/816).
  - the small stretch of land west of Sparky Road was also an important portage for accessing the Manukau and Waitematā harbours (R11/2147).

<sup>1</sup> The types of Māori sites include, defensive pā, agriculture, storage pits, terraces, middens, and food processing areas. European archaeological sites include homesteads, wharves, and farming.





- the closest European recorded sites are approximately 1 to 1.7 km away from Sparky Road (the Baird homestead and wharf (R11/862) and the Goodfellows Homestead).
15. Therefore, it is probable that unrecorded archaeological sites exist in and around Sparky Road. Archaeological field survey is necessary in the first instance to determine this potential and address appropriate mitigation, including the avoidance and where appropriate the recognition and interpretation of sites in publicly accessible areas. | 15.2
16. Without an archaeological assessment the effects of the proposed development of the area have yet to be determined. Accordingly, an integrated heritage impact assessment of the entire plan change area, including archaeological extents is required to inform appropriate long-term management and protection of historic heritage values within the plan change area. | 15.1
17. **The reasons for Heritage New Zealand’s position are as follows:**
18. HNZPT does not object to the purpose of PC90 to rezone the area for residential development; acknowledging that the urbanisation of the Sparky Road area aligns with the Auckland Regional Policy Statement (RPS). HNZPT, in noting that the outcome of the rezoning, from Business – Light Industrial to Residential – Terrace Housing and Apartment Building zone, will continue to enable the urbanisation of the area, concurs with the statements in the AEE that the rezoning to residential has a higher potential for the realisation of the development of the area (s.32, Section 7 AEE, para 7.6, page 44).
19. HNZPT’s submission relates to there not being an assessment of historic heritage to determine the effects on the area’s heritage values:
- Without a full understanding of the historic heritage landscape of the plan change area there is a strong potential for damage or destruction of archaeology.
  - Reliance on the Accidental Discovery Protocol (ADP) in the AUP is neither sufficient nor appropriate when no qualified archaeological assessment of the potential for archaeology has been undertaken and low potential confirmed.
  - HNZPT notes, however, if, once the archaeological assessment is undertaken and it determines that there would be a low probability of surviving archaeological potential to be affected by these works and associated landscaping, reliance on the accidental discovery protocol rules would appropriately apply.
20. **Heritage New Zealand seeks the following decision from the local authority:**
21. That a full heritage impact assessment, identifying the historic heritage landscape of the entire plan change area, is undertaken to determine the wider heritage significance and therefore ensure appropriate protection is incorporated into the plan change provisions before a decision on the plan change area is made. | 15.1
22. With the caveats set out in paragraph 19, HNZPT would support a decision to accept the proposed plan change PP90 (Private) with amendments as required to protect historic heritage and archaeology following the completion by a qualified archaeologist of an archaeological assessment of the full extent of the plan change area. | 15.3



23. Heritage New Zealand wishes to be heard in support of our submission.

24. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Yours sincerely

*BHParslow*

pp for Sherry Reynolds  
Director Northern Region

Address for service: Alice Morris  
[amorris@heritage.org.nz](mailto:amorris@heritage.org.nz)  
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## FORM 5

### Submission on a notified proposal for Private Plan Change 90 – 8 Sparky Road, Otara under Clause 6 of Schedule 1 Resource Management Act 1991

23 March 2023

Auckland Council  
 Plans and Places  
 Private Bag 92300  
 Auckland 1142  
 Attn: John Duguid

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

#### **Name of submitter: The New Zealand Transport Agency**

This is a submission on Private Plan Change 90 – 8 Sparky Road, Otara (**Plan Change**) to the Auckland Unitary Plan (Operative in Part).

The New Zealand Transport Agency (**Waka Kotahi**) could not gain an advantage in trade competition through this submission.

#### **Waka Kotahi role and responsibilities**

Waka Kotahi is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (**LTMA**). Waka Kotahi's objective is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. Waka Kotahi's roles and responsibilities include:

- Managing the State Highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system;
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding;
- Managing regulatory requirements for transport on land and incidents involving transport on land; and
- Issuing guidelines for and monitoring the development of regional land transport plans.

The Plan Change relates to land that is close to and potentially affects State Highway 1. Waka Kotahi interest in this proposed Plan Change stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand;

- A planner of the land transport network to integrate one effective and resilient network for customers;
- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices; and
- The manager of the State Highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.

#### **Government Policy Statement on Land Transport.**

Waka Kotahi also has a role in giving effect to the Government Policy Statement on Land Transport (GPS). The GPS is required under the LTMA and outlines the Government's strategy to guide land transport investment over the next 10 years. The four strategic priorities of the GPS 2021 are safety, better travel options, climate change and improving freight connections. A key theme of the GPS is integrating land use, transport planning and delivery. Land use planning has a significant impact on transport policy, infrastructure and services provision, and vice versa. Once development has happened, it has a long-term impact on transport. Changes in land use can affect the demand for travel, creating both pressures and opportunities for investment in transport infrastructure and services, or for demand management. Likewise, changes in transport can affect land use.

Waka Kotahi gives effect to the GPS through a number of strategic plans including:

- Arataki – our ten-year view of the step changes and actions needed to deliver on the government's current priorities and long-term outcomes for the land transport system;
- Toitu Te Taiao – Our sustainability action plan. This notes two big challenges around reducing greenhouse gases and improving public health;
- Keeping Cities Moving – our national mode shift plan based around shaping urban form, making shared and active modes more attractive and influencing travel demand and transport choices.

#### **Decision sought**

Waka Kotahi is neutral with regard to the proposed land use but seeks amendments and / or further information to provide greater certainty around the effects of the proposed development. If the information requested is not provided and/or the effects generated by the proposal cannot be satisfactorily managed, Waka Kotahi requests that the plan change be declined.

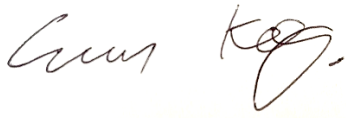
Waka Kotahi staff are available to discuss the content of this submission and look forward to working with the applicant and submitters to address the points raised.

Decisions that Waka Kotahi seeks on the Plan Change are set out in its submissions contained in **Table 1**. Waka Kotahi also seeks any consequential changes to the Plan Change required to give effect to the relief described in **Table 1**.

#### **Hearings**

Waka Kotahi wishes to be heard in support of its submission. If others make a similar submission, Waka Kotahi will consider presenting a joint case with them at a hearing.

Signature of person authorised to sign on behalf of Submitter:

A handwritten signature in black ink, appearing to read 'Evan Keating', is written over a light yellow rectangular background.

**Evan Keating**

Principal Planner, Waka Kotahi

Address for Service of person making submission:

NZ Transport Agency

Contact Person: Rosalind Cowen

Email: [Rosalind.cowen@nzta.govt.nz](mailto:Rosalind.cowen@nzta.govt.nz)

**Table 1: NZ Transport Agency Submission on Auckland Unitary Plan (OIP) Plan Change 90 (Private) 8 Sparky Road, Otara**

| Sub # | Provision Number     | Reason for Submission  | Relief Sought  |      |
|-------|----------------------|--|--|------|
| 1     | Whole of plan change | <p><b>ITA assumptions</b></p> <p>Further information is required to understand the effects of the proposed plan change, including on the assumptions used in the Integrated Transport Assessment (ITA). These include but are not limited to:</p> <ul style="list-style-type: none"> <li>• The assumption of 18,000m<sup>2</sup> of industrial uses under the “baseline” assumption. This assumption is important as the other documents submitted with the plan change confirm that the site is unsuited to industrial use which makes a permitted baseline scenario unrealistic;</li> <li>• In order to address the point above, the ITA should be based on either a realistic baseline for traffic effects that the site could realistically generate or a baseline of no feasible development;</li> <li>• Further information should also be supplied to demonstrate how the 90,000m<sup>2</sup> floorspace on the adjacent site was arrived at;</li> <li>• While the site has excellent connectivity by private vehicles, it has poor active mode and very poor public transport connectivity. These factors mean that a standard trip rate for medium density residential development may not be appropriate in this location; and</li> <li>• Waka Kotahi and Auckland Transport have recently approved a joint business case for improvements to the Highbrook Interchange. Work on this project is evolving and information from it may be relevant to the ITA.</li> </ul> | Update the ITA based on a realistic baseline and provide evidence to substantiate the assumptions used in the ITA. The precinct provisions may need to be amended to include mitigation measures to be installed prior to development of the site as a result of this assessment.                            | 16.2 |
| 2     | Whole of plan change | <p><b>Safety and accessibility of active modes</b></p> <p>While the updated ITA and the proposed Highbrook Precinct demonstrates to an extent the type of safety and infrastructure improvements required to enable development within the Plan Change area, due to the site’s unusual location in an industrial area, further assessment is required to address safety concerns.</p>  | Provide further information on safety effects generated by the proposed land use, particularly for pedestrians and potential wrong way drivers at the Highbrook Interchange. The precinct provisions may need to be amended to include mitigation measures to be installed prior to development of the site. | 16.3 |

|                 |  |   |   |
|-----------------|--|---|---|
|                 |  | <p>The proposed safety improvements are unlikely to achieve sufficient risk reduction to make alternative modes of transport an attractive option and will still pose significant risks to pedestrians (especially school children), navigating to the western side of State Highway 1. These safety concerns will also feed into the ITA assumptions around active mode take up. There is also a relationship between the trips assumed in the ITA and safety effects as existing crashes in the area are largely related to congestion and additional traffic generation could exacerbate this.</p> <p>There is mention that separated cycle paths would be required given the speed environment and high traffic volumes, but no further information is provided on how this could be achieved.</p> <p>It is noted that a fully signalised crossing at the Highbrook Drive roundabout is not likely to be viable due to the delay caused on the already congested network, however other options such as raised tables do not appear to have been considered. A paved coloured area alone will not reduce the risk enough given the speed and high-volume environment and further assessment on pedestrian safety to the primary school should be undertaken.</p> <p>The ITA has not assessed the risk of wrong way driving from new residents and their visitors on the nearby Highbrook Interchange with SH1 which has the potential for such issues due to the layout of the southbound on ramp. Such users would be at higher risk of such crashes compared to the regular users of the area, many of whom are professional drivers.</p> |   |
| <p><b>3</b></p> | <p>I4.2(2),<br/>I4.3(1),<br/>I4.4.1.1 (A1),<br/>I4.6.5</p> | <p><b>Noise</b><br/>Waka Kotahi seeks to ensure that new noise sensitive activities that choose to locate to established noise generating activities such as state highways are designed to ensure the health of the future residents and to avoid future reverse sensitivity issues. Waka Kotahi notes the proposed provisions for this issue and seeks further information to understand how the proposed controls were arrived at for this site.</p>   | <p>Provide further information as to the characteristics of the noise environment of the site and what controls will be required to ensure an adequate level of acoustic amenity for future residents of it. Depending on this information either retain or revise the relevant noise provisions.</p> |

16.4



Submission re **Private Plan Change 90 (PC90), 8 Sparky Rd, Otara**

Submitter:

Beth Evans  
47 Anderson Ave,  
Point England  
Auckland 1072  
[bethevanswow@gmail.com](mailto:bethevanswow@gmail.com)

09 527 1787

17.1

I seek the following decision by Council: **Decline the proposed plan change PC 90**

I wish to be heard in support of my submission.

I could not gain an advantage in trade competition through this submission.

I **OPPOSE** PC90 on the following grounds:

1) "The highest density of development is expected to occur in close proximity to the rapid and frequent service network and within and around centres."

- It would be a misuse (abuse?) of THAB zoning to allow this plan change because -
  - the site currently has no buildings on it therefore would not be further intensifying an already suburban area;
  - the location is poorly situated in a number of ways for the proposed THAB zoning - distance to a public transport hub; distance to supermarkets; frequency and diversity of destinations of closest public transport - to name a few.

2) Auckland Unitary Plan – The THAB zoning is very rare along the entire Tamaki Estuary coastal edge. My understanding is that this was a deliberate choice for intensity to be lowest at the water's edge and growing in intensity towards transport hubs and town/retail centres – and **not** having towering apartment blocks looming over the river/coastal edge.

**Thus, preserving open space and the natural character of the estuary for all to enjoy while the biggest intensification in New Zealand's history** via the Tamaki Regeneration Company (TRC) occurs.

This whole area is undergoing **massive** change, with tears. Don't ask too much.

3) The THAB zoning maximises everything a developer wants: 70% impervious surface area; 50% building coverage of net site area; max building height etc = GOLD

Of course they want THAB zoning, it is about **MONEY**.

And it should not be bestowed when it will not meet the needs of the existing, new and future residents and what's left of the natural environment. Let's remember, the developers will be long gone by the time a problem arises...

4) Traffic projections - to me a 'baseline' is just that - the base we are starting from. i.e. the vehicle movements at the time of the PC 90 application.

Hence, I think that the information provided in the PC90 as 'baseline' is inappropriate as it takes theoretical development of the site under light industrial zoning to produce a 'baseline' of vehicle movements to compare to a theoretical THAB zoning vehicle movements.

Is the actual 'baseline' (i.e. current traffic) close to zero?? And the anticipated traffic under current zoning - given the unsuitability of the site for light industrial activity - is maybe also close to zero?

For the community members trying to understand this plan change and in particular the likely affect on traffic, I request you make plain the difference between the status quo and likely PC90 outcomes.

17.2

5) Coastal stability/resilience/shorebird habitat/biodiversity/esplanade reserve – from what I can understand the esplanade reserve is not part of this plan change? Despite being talked about within it, and assumption it will happen via subdivision process etc. Nevertheless, given that a lot of the Tamaki Estuary shoreline has been wrapped in rock to prevent erosion (and hence unfortunately halting coastal retreat) – the ureure (Glasswort) on the shoreline in front of the site as well as the other coastal vegetation is precious.

Yours sincerely,

Beth Evans

Auckland Council

Level 24, 135 Albert Street

Private Bag 92300

Auckland 1142

Attn.: Planning Technician

**unitaryplan@aucklandcouncil.govt.nz**

**TO: Auckland Council**  
**SUBMISSION ON: Plan Change 90 (Private): 8 Sparky Road, Ōtara**  
**FROM: Watercare Services Limited**  
**ADDRESS FOR SERVICE: Mark.Iszard@water.co.nz**  
**DATE: 23 March 2023**

**Watercare could not gain an advantage in trade competition through this submission.**

## **1. INTRODUCTION**

### **1.1. Watercare's purpose and mission**

Watercare Services Limited ("**Watercare**") is New Zealand's largest provider of water and wastewater services. Watercare is a council-controlled organisation under the Local Government Act 2002 and is wholly owned by the Auckland Council ("**Council**").

Watercare provides integrated water and wastewater services to approximately 1.6 million people in Auckland. Watercare collects, treats, and distributes drinking water from 11 dams, 26 bores and springs, and four river sources. A total of 330 million litres of water is treated each day at 15 water treatment plants and distributed via 89 reservoirs and 90 pump stations to 450,000 households, hospitals, schools, commercial and industrial properties.

Watercare’s water distribution network includes more than 9,000 km of pipes. The wastewater network collects, treats and disposes of wastewater at 18 treatment plants and includes 7,900 km of sewers.

Watercare is required to manage its operations efficiently with a view to keeping overall costs of water supply and wastewater services to its customers (collectively) at minimum levels, consistent with the effective conduct of its undertakings and the maintenance of the long-term integrity of its assets. Watercare must also give effect to relevant aspects of the Council’s Long Term Plan, and act consistently with other plans and strategies of the Council, including the Auckland Unitary Plan (Operative in Part) and the Auckland Future Urban Land Supply Strategy.<sup>1</sup>

## 2. SUBMISSION

### 2.1. General

This is a submission on a change proposed by Highbrook Living Limited (“**Applicant**”) to the Auckland Unitary Plan (Operative in Part) that was publicly notified on 23 February 2023 (“**Plan Change**”).

The Applicant proposes to rezone 4.4 hectares of land at 8 Sparky Road, Otara from Business – Light Industry to Residential – Terrace Housing and Apartment Building zones.

The purpose of this submission is to address the technical feasibility of the proposed water and wastewater servicing arrangement to ensure that the effects on Watercare’s existing and planned water and wastewater network are appropriately considered and managed in accordance with the Resource Management Act 1991.

In making its submission, Watercare has considered the relevant provisions of the Auckland Plan 2050, Te Tahua Taungahuru Te Mahere Taungahuru 2018 – 2028/The 10-year Budget Long-term Plan 2018 – 2028, the Auckland Future Urban Land Supply Strategy 2015 and 2017, the Water Supply and Wastewater Network Bylaw 2015, the Water and Wastewater Code of Practice for Land Development and Subdivision and the Watercare Asset Management Plan 2022 - 2042. It has also considered the relevant RMA documents including the Auckland Unitary Plan (Operative in Part) and the National Policy Statement on Urban Development 2020 which (among other matters) requires local authorities to ensure that at any one time there is sufficient housing and business development capacity which:

- (a) in the short term, is feasible, zoned and has adequate existing development infrastructure (including water and wastewater);
- (b) in the medium term, is feasible, zoned and either:
  - (i) serviced with development infrastructure, or

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<sup>1</sup> Local Government (Auckland Council) Act 2009, s58.

- (ii) the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under s93 of the Local Government Act 2002; and
- (c) in the long term, is feasible, identified in relevant plans and strategies by the local authority for future urban use or urban intensification, and the development infrastructure required to service it is identified in the relevant authority's infrastructure strategy required under the Local Government Act 2002.<sup>2</sup>

## **2.2. Specific parts of the Plan Change**

The specific parts of the Plan Change that this submission relates to are:

- (a) the proposed water and wastewater servicing arrangement; and
- (b) the effects of the Plan Change on Watercare's existing and planned water and wastewater network.

**2.2.1** Watercare has reviewed the Plan Change and considers that:

- (a) the proposed water and wastewater capacity and servicing requirements have been assessed as part of the Proposal.
- (b) Water supply can be serviced to PC90 from the existing Watercare network and technically feasible solutions have been presented in the Application.
- (c) Wastewater can be serviced, provided that the developer mitigates the risk of potential overflows on the downstream network.
- (d) The matters raised by Watercare in this submission must be addressed to ensure any adverse effects of the Proposal on Watercare's existing wastewater infrastructure network will be appropriately managed.

## **2.3. Water and Wastewater Servicing for the Plan Change Area**

### **2.3.1. Water supply servicing for the Plan Change Area**

There is currently no private reticulated water network and no connection point from the public network to the plan change area.

The Applicant has proposed to service the Plan Change Area through a reticulated water supply throughout the site including watermains with a minimum size of 100mm and associated rider mains, valves, fittings and hydrants. They have also proposed two connection points to provide a loop connection to the public water network.

There is capacity to service the Plan Change Area via an existing 250mm watermain to the east of the site. This watermain has high pressure (>80m) as it supplies the industrial area to

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<sup>2</sup> National Policy Statement on Urban Development 2020, subpart 1, 3.2 to 3.4.

the north. Pressure management will need to be considered to bring pressure in line with Watercare Code of Practice and Fire Fighting standards. Watercare supports the proposed loop system, however the connection points will need to be considered and discussed with Watercare.

Funding of the local water supply infrastructure necessary to service the Plan Change area is at the cost of the Applicant. All water infrastructure will be required to comply with Watercare’s Code of Practice for Land Development and Subdivision. Watercare will continue to work with the Applicant to confirm the final design for the water supply network. The Applicant will need to work with Watercare in advance of lodging resource consents for subdivision. Final design of the proposed water supply network can be confirmed at resource consent stage.

**2.3.2. Wastewater**

The Plan Change Area is not currently serviced by a wastewater network.

The application states that the Plan Change Area will be serviced by a gravity system, discharging into a proposed local wastewater pump station within the Plan Change Area as part of the infrastructure for this development. This will then connect to a rising main and connect into the public Otara branch sewer, and ultimately discharge into the Otara Pump Station.

Watercare has identified constraints in the downstream network, limiting the capacity of the Otara Pump Station. Storage currently being built in the Otara Pump Station to mitigate the existing performance issues will not have sufficient capacity to offset the increase in flows from this development. To mitigate any increases in wet weather overflows downstream due to the increased flows from the development, wastewater flows will need to be managed within the Plan Change Area.

All local reticulation within the Plan Change area, is to be provided by the Applicant at their cost. All wastewater infrastructure, including local reticulation and pump station design, will be required to comply with Watercare’s Code of Practice for Land Development and Subdivision. Watercare will work with the developer on potential solutions to alleviate increased wastewater overflows to the Otara Pump Station.

**2.3 DECISION SOUGHT**

In relation to the proposal’s water supply solution, Watercare considers there are no reasons to decline the Plan Change.

18.1

On the basis that there are constraints on the wastewater network downstream of the development, Watercare have some concerns for wastewater servicing. The Applicant will need to work with Watercare in advance of lodging resource consents for subdivision, to ensure a feasible solution is reached for wastewater.

18.2

**HEARING**

Watercare does not wish to be heard in support of its submission

23 March 2023

Mark Iszard  
**Head of Major Developments**  
**Watercare Services Limited**

Address for Service:  
Mark Iszard  
Head of Major Developments  
Watercare Services Limited  
Private Bag 92 521  
Wellesley Street  
Auckland 1141  
Phone: +64 21 913 296  
Email: [mark.iszard@water.co.nz](mailto:mark.iszard@water.co.nz)



### Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

|                     |
|---------------------|
| For office use only |
| Submission No:      |
| Receipt Date:       |

#### Submitter details

**Full Name or Name of Agent (if applicable)**

Mr/Mrs/Miss/Ms(Full Name)

*Mr Winston Su*

**Organisation Name (if submission is made on behalf of Organisation)**

**Address for service of Submitter**

*82 Hattaway Ave, Bucklands Beach, Auckland 2012*

Telephone:

*027 365 1592*

Fax/Email:

*winstonsu785@outlook.com*

Contact Person: (Name and designation, if applicable)

#### Scope of submission

**This is a submission on the following proposed plan change / variation to an existing plan:**

Plan Change/Variation Number

PC 90

Plan Change/Variation Name

8 Sparky Road, Ōtara

**The specific provisions that my submission relates to are:**

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

*Rezoning 4.4 hectares of 8 Sparky Road and applying Precinct designation to that area*

Or

Property Address

Or

Map

Or

**Other (specify)**

*All of the submissions.*

#### Submission

**My submission is:** (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)



I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(continue on a separate sheet if necessary)

I seek the following decision by Council:

Accept the proposed plan change / variation

Accept the proposed plan change / variation with amendments as outlined below

Decline the proposed plan change / variation

If the proposed plan change / variation is not declined, then amend it as outlined below.

*Because it's bad for the birds, river and the globe environment. When there's a big storm coming up the houses will collapse, and so that's why the builders shouldn't build 200 houses near the Highbrook Dr Motorway. Residents will get annoyed and distracted by the vehicles running everyday*

I wish to be heard in support of my submission  24/7

I do not wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

*Wimbatson*

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

*15/3/2023*

Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  /could not  gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am  / am not  directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

**From:** [Unitary Plan](#)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan Publicly Notified Submission - Plan Change 90 - Nastassja Salt  
**Date:** Sunday, 5 March 2023 8:31:15 pm

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The following customer has submitted a Unitary Plan online submission.

#### **Contact details**

Full name of submitter: Nastassja Salt

Organisation name:

Agent's full name:

Email address: salt.nastassja@gmail.com

Contact phone number:

Postal address:  
 7 mcmanus place  
 OTAHUHU  
 AUCKLAND  
 OTAHUHU  
 AUCKLAND 1062

#### **Submission details**

##### **This is a submission to:**

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

##### **My submission relates to**

Rule or rules:

Property address: 8 sparky road

Map or maps:

Other provisions:

I do not wish for houses to be built here. You will cause more traffic , bird life will decrease , it will literally ruin the wild life that stays in the area. There are so many different species of birds that lives in the area , and this new build will ruin it . Ruin their nesting grounds , breeding grounds and place to eat .

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I care about our wild life , and the last thing I wanna see , is having no birds in the area. Traffic is already horrendous , why add more to it ? And I love the sea view from my house . I don't wanna see blocks of houses from my window.

I or we seek the following decision by council: Decline the plan change

Submission date: 5 March 2023

**Attend a hearing**

Do you wish to be heard in support of your submission? No

**Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**From:** [UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz](mailto:UnitaryPlanFurtherSubmissionForm@donotreply.aucklandcouncil.govt.nz)  
**To:** [Unitary Plan](#)  
**Subject:** Unitary Plan further submission - Plan Change 90 - Anthony David Carson  
**Date:** Thursday, 11 May 2023 11:15:55 am

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The following customer has submitted a Unitary Plan online further submission.

#### **Contact details**

Full name of person making a further submission: Anthony David Carson

Organisation name: Otahuhu Historical Society

Full name of your agent:

Email address: otahuhuhistorical@gmail.com

Contact phone number: 092762440

Postal address:  
otahuhuhistorical@gmail.com  
Otahuhu  
Auckland 1062

#### **Submission details**

##### **This is a further submission to:**

Plan change number: Plan Change 90

Plan change name: PC 90 (Private): 8 Sparky Road, Ōtara

#### **Original submission details**

Original submitters name and address:

Karl Flavell  
Te Taiao (Manager)  
Ngāti Te Ata Waiohū  
c/- Po Box 437  
Pukekohe 2120  
Ph: 027 9328998  
karl\_flavell@hotmail.com

Submission number: 06

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:  
Point number 1-7

The reasons for my or our support or opposition are:

The Tamaki river is a taonga, it has significant heritage, ecological and landscape values. This river has played a large role in both Maori and European history. The zone change application and proposed development is a blatant example of striving for short term financial gain with complete disregard for longterm impact on the natural environment and the visual amenity of the river. Early this century the Otahuhu Historical Society fought along with the Otahuhu community to ensure the development of the Highbrook Industrial Park on the eastern side of the river had minimal impact on the Tamaki Estuary ecological, cultural and amenity values. It would be a pity if the success of those past battles to retain the heritage and natural character of the river is lost to future inappropriate development.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 11 May 2023

**Attend a hearing**

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

**Declaration**

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:

The Otahuhu Historical Society is a community organisation whose aim is preserve and protect the heritage of the area.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



10 May 2023

Auckland Council  
Via email: unitaryplan@aucklandcouncil.govt.nz

## Further Submission on Plan Change 90: 8 Sparky Road, Otara

### Introduction

This is a further submission in support of submissions on the Council's Proposed Plan Change 90: 8 Sparky Road ('PC90') to the Auckland Unitary Plan (Operative in Part) ('AUP (OP)') on behalf of Goodman Property Trust (acting by and through its manager, Goodman (NZ) Limited) ('Goodman') ('the Submitter').

The Submitter has lodged an original submission to PC90 and this is summarised in Auckland Council Summary of Submission as Submission #12.

The Submitter has an interest in PC90 greater than the general public because they own Highbrook Business Park which is located along Highbrook Drive approximately 1.8km north east of the proposed PC area (see Figure 1 below). Highbrook Business Park has approximately 48 ha of commercial and industrial land.



**Figure 1: Highbrook Business Park location in proximity to Proposed PC 90 land area**



### Summary of Submission and Relief Sought

The Submitter **supports the following submission points**, which seeks to ensure transport effects are adequately assessed and mitigated should the plan change be approved:

- 14.1, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.13, 14.15 and 14.16 (Auckland Transport ('AT'))
- 16.1, 16.2 and 16.3 (Waka Kotahi NZ Transport Agency)

In addition to the above, while not summarised as a particular submission point, Goodman support paragraph 2.15 (Page 6) of AT's submission. AT specifically references Highbrook Business Park and submits that "any proposal needs to ensure that there will be no impact on the efficiency and productivity of the Highbrook business park and associated freight network."

### Decisions Sought

The Submitter seeks that the submission points detailed above, or alternative relief that achieves the same outcome, be allowed.

The Submitter wishes to be heard in support of both its submission and further submission.

If others wish to make a similar submission, the Submitter will consider presenting a joint case with them at the hearing.

### **Barker & Associates Limited**



### **Rebecca Payne**

Associate

0273092858 | RebeccaP@barker.co.nz