



Request for Private Plan Change Proposed Plan Change (Private): Ara Hills (Orewa 4 Precinct)

Explanation, Assessment of Environmental
Effects and Section 32 Analysis

Issued July 2025

AVJennings

 **Campbell Brown**
Planning & Resource Management Specialists

Table of Contents

1.0	Private Plan Change Applicant and Property Details.....	4
2.0	Summary of Plan Change Request.....	5
3.0	Description of the Site and Surrounding Environment	9
3.1	The Site	9
3.2	Surrounding Environment	13
3.3	Zoning and Overlays	14
3.4	Proposed Plan Change 78.....	17
4.0	Background	19
4.1	Original Consent BUN2041333.....	19
4.2	S127 Variations.....	20
4.3	Notice of Requirement.....	23
5.0	Private Plan Change Request	25
5.1	Introduction.....	25
5.2	Master Planning	25
5.3	Requirements of the Act	28
5.4	Nature and Purpose of the PPC.....	31
5.5	PPC Conclusion	32
6.0	Section 32 Evaluation.....	33
6.1	Scope and Purpose	33
6.2	Development of Options	34
6.3	Evaluation of Options	34
6.4	Risk of Acting or Not Acting.....	39
6.5	Reasons for the Preferred Option	39
6.6	Section 32 Conclusions.....	43
7.0	Resource Management Framework	44
7.1	Introduction.....	44
7.2	Part 2 of the RMA.....	44
7.3	Other Relevant Sections of the RMA.....	47

7.4	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021	48
7.5	National Policy Statements	50
7.5.1	The National Policy Statement on Urban Development	50
7.5.2	The National Policy Statement for Freshwater Management	55
7.5.3	The National Policy Statement for Highly Productive Land	56
7.5.4	The New Zealand Coastal Policy Statement	57
7.6	National Environmental Standards	57
7.7	National Planning Standards	58
7.8	Other Legislation	59
7.9	The Auckland Plan	59
7.10	Future Development Strategy 2023	61
7.11	The Auckland Unitary Plan – Regional Policy Statement	63
7.12	The Auckland Unitary Plan – Objectives and Policies	69
7.12.1	Zones	69
7.12.2	H5 Residential – Mixed Housing Urban (MHU)	69
7.12.3	H6 Residential – Terrace Housing and Apartment Building Zone (THAB)	70
7.12.4	H7.4 Open Space – Conservation Zone (OSC)	70
7.12.5	H7.5 Open Space- Informal Recreation Zone (OSIR)	71
7.12.6	H12 Business Neighbourhood Centre Zone (BNC)	72
7.12.7	Chapter E - Auckland- Wide Provisions	74
7.13	The Auckland Unitary Plan – Plan Changes	82
7.14	Conclusions regarding the Statutory Framework	87
8.0	Environmental Effects	88
8.1	Retail Economic Effects	89
8.2	Transport Effects	90
8.3	Ecological Effects	91
8.4	Character and Landscape Effects	93
8.5	Geotechnical Effects	94

8.6	Infrastructure -Stormwater, Flooding, Water Supply and Wastewater Effects	96
8.7	Effects on Mana Whenua	100
8.8	Effects on Freshwater.....	102
8.9	Overall Environmental Effects Conclusion	102
9.0	Consultation	102
10.0	Conclusion.....	103

List of Appendices

Appendix A:	Certificates of Title
Appendix B:	Proposed Plan Change Precinct and Zone Map
Appendix C:	Proposed Orewa 4 Precinct Provisions
Appendix D:	Original Resource Consent Decision and Plans (BUN20441333)
Appendix E:	s127 Decisions and Approved Plans
Appendix F:	Section 32 Option Evaluation Table
Appendix G:	Ecological Assessment (Biosearches)
Appendix H:	AUP RPS B2.5.2(4) Assessment Table
Appendix I:	Neighbourhood Design Statement (Boffa Miskell)
Appendix J:	Retail Impact Assessment (Property Economics)
Appendix K:	Engineering Report (Crang Civil)
Appendix L:	Arborist Assessment (Craig Webb)
Appendix M:	Integrated Transport Assessment (FLOW)
Appendix N:	Landscape and Visual Assessment (Boffa Miskell)
Appendix O:	Geotechnical Report (Tetra Tech)
Appendix P:	AUP Appendix 1 Assessment Table
Appendix Q:	Cultural Impact Assessment
Appendix R:	Consultation Table
Appendix S:	Clause 23 responses
Appendix T:	Watercare Consultation Response
Appendix U:	Stream Yards Illustration

1.0 Private Plan Change Applicant and Property Details

Applicant:	AV Jennings Hobsonville Pty Limited
Address for Service:	C/- Campbell Brown Planning Limited P O Box 147001 Ponsonby AUCKLAND 1144 Attention: Ila Daniels Email: ila@campbellbrown.co.nz <i>(all written correspondence via email please)</i>
Site Location:	Hall Farm, State Highway 1, Upper Orewa
Legal Description:	Lot 1002 DP76136, 1003 DP 576136, Lot 1001 DP 576669, Lot 1 DP 310813 and various other lots ¹
Site Area:	Total Site Area: 84 ha
Current Unitary Plan Zoning:	Future Urban Zone
Unitary Plan Overlays:	Natural Resources: Significant Ecological Areas Overlay – SEA_T_6652, Terrestrial
Controls:	Macroinvertebrate Community Index – Exotic, Native and Rural
Designations:	Designation – ID 6761, State Highway 1 – Silverdale to Puhoi, Designations, New Zealand Transport Agency
Unitary Plan Modifications:	None

¹ See **Appendix A**

2.0 Summary of Plan Change Request

This application proposes that the Auckland Unitary Plan Operative in Part ('AUP') be amended to:

- Rezone the site from Future Urban Zone (**FUZ**) to a range of Residential Zones being Terraced Housing and Apartment Zone ('**THAB**') and Mixed Housing Urban Zone ('**MHU**'). Along with Open Space Zones, (Informal Recreation and Conservation) and a small portion of Business Zone - Neighbourhood Centre (refer **Figure 1** below);
- To extend the Controls: Stormwater Management Area Controls - Orewa River West, Flow 1 across the site (refer **Appendix B**);
- To amend the extent of the Natural Resources: Significant Ecological Areas Overlay - SEA_T_6652 – Terrestrial on the site to match the vegetation removals that are consented under the underlying resource consent² (refer **Appendix B**); and
- Add a new precinct referenced as Orewa 4 to be placed within Chapter I of the AUP(OP) is also sought. This precinct would overall rely on the existing provisions of the AUP(OP) but would also introduce a number of site- specific objectives, policies, activities, and standards that reflect the particular desired outcomes for the site (see **Appendix C**).

² BUN20441333

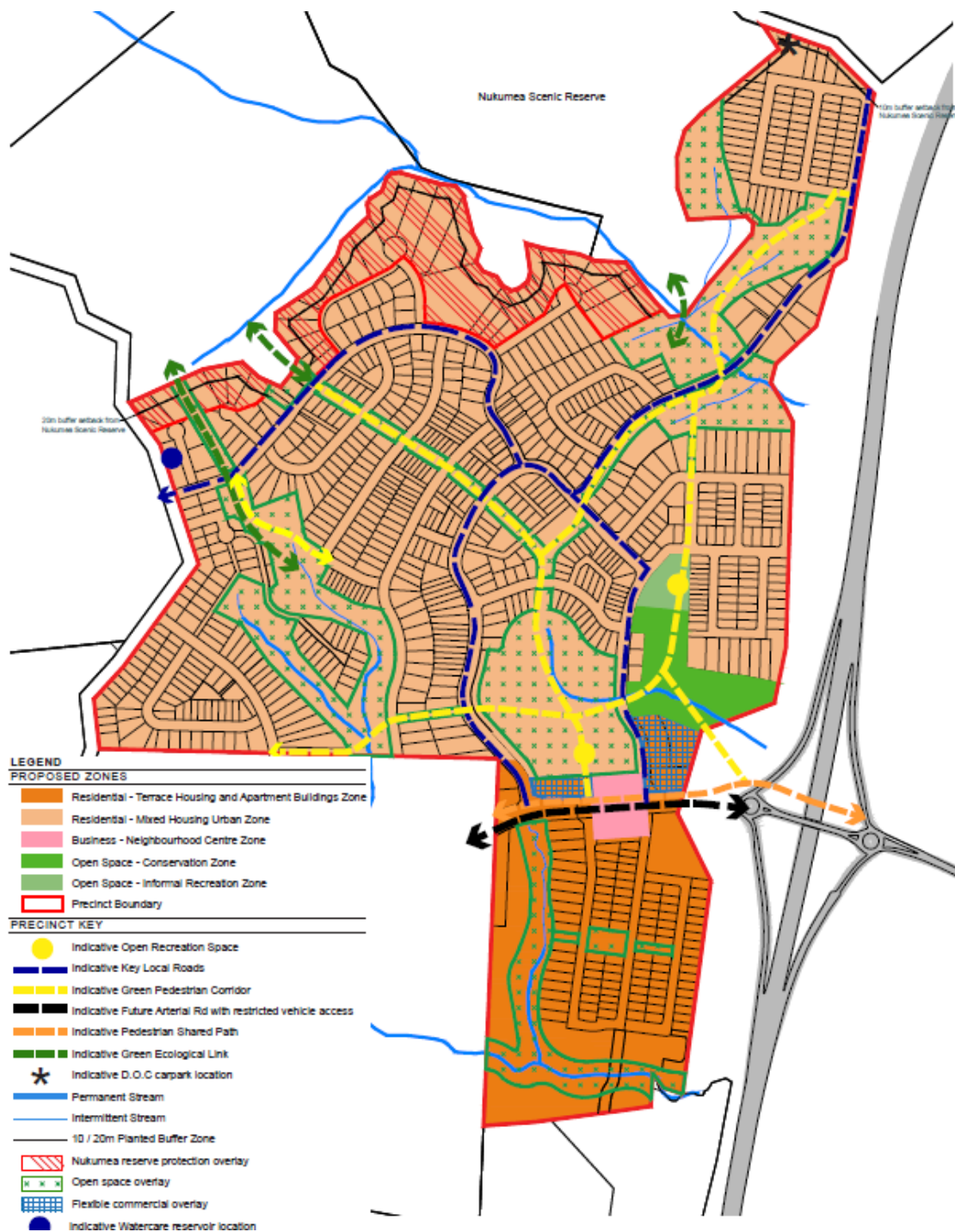


Figure 1: Proposed Zoning with Precinct Sub-Precincts and Masterplan Layout

The plan change request has been revised since 2021 because of the Resource Management (Enabling Housing supply & Other Matters) Amendment Act) that came into force on the 21st December 2021 and the direction of the National Policy Statement on Urban Development. This required the applicant to amend the zoning approach to

ensure the Plan Change reflects the requirements of this new national direction. Consequently, the zoning approach has been amended with the Single House and Mixed Housing Suburban zoning removed (see **Figure 2** below). New master planning has been undertaken to respond to changes to the RMA.

The previous plan change request had a number of Clause 23 requests in terms of ecology, stormwater, traffic. These requests have been addressed and changes have been incorporated into the new plan change request where relevant.



Figure 2: Previous 2021 Plan Change Request Zoning, Precinct and Master Planning Layout

The key changes between the previous plan change request and the new request can be summarised as follows:

- Removal of the Single House and Mixed Housing Suburban zones in accordance with approach by Council under Plan Change 78;

- Replacement of the Open Space zoning to ‘indicative open space areas’ to give greater flexibility;
- Amendments to some of the internal road layouts and the utilising of the existing paper road along the northwestern boundary; and
- Refinement of Nukumea Reserve Protection Sub-Precinct to areas directly adjacent the reserve.

Following the lodgement of the revised plan change request in July 2023 additional clause 23 matters have been raised by Auckland Council, Watercare Services Limited (‘WSL’) and Council’s Healthy Waters (‘HW’) refer **Appendix S**. These matters are summarised below:

- The precinct wording has been amended to incorporate the Auckland Council preferred wording for incorporating the MDRS;
- The precinct provisions sought by WSL have been incorporated into the precinct, on this basis WSL have confirmed that in respect of the rezoning that they would not oppose the rezoning request (refer **Appendix T**);
- The Engineering Report has been reissued to capture the comments received from WSL in February 2025; and
- The Stormwater Management Plan (‘SMP’) has been reissued to address the matters raised by Healthy Waters (refer **Appendix K**).

3.0 Description of the Site and Surrounding Environment

3.1 The Site

The site originally comprised of two separate lots totalling an area of approximately 84ha in size and located to the west of the Northern Motorway immediately adjacent to the Grand Drive interchange and Orewa off- ramp (see **Figure 3** above). Subsequent subdivisions approved under BUN20441333 have created a number of different titles including approximately two balance Lots (Lot 1001 DP 576136 and Lot 1 DP 310813) and a variety of residential lots, open space, roading and infrastructure lots (see **Figure 4** above and schedule within **Appendix A**).

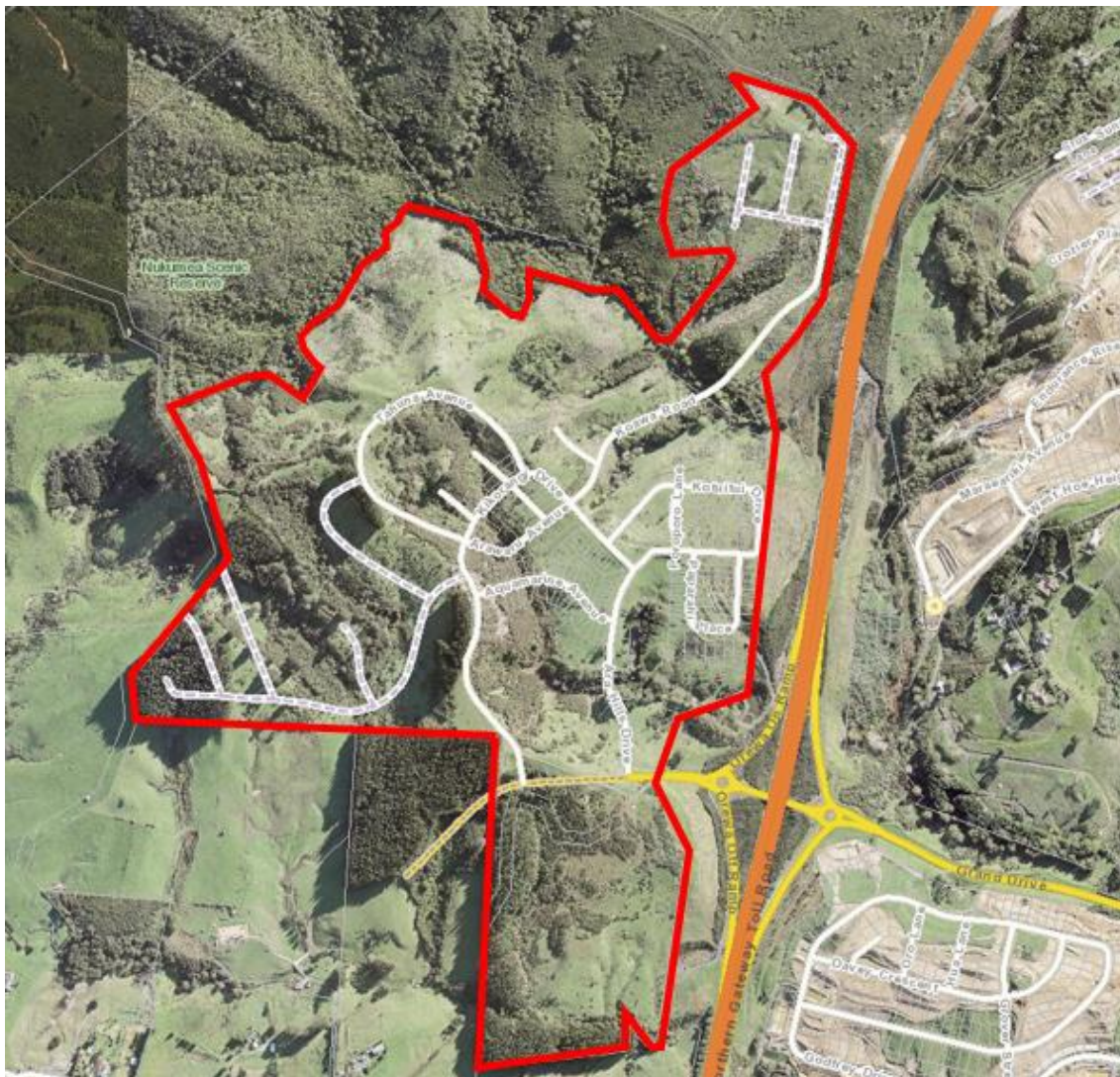


Figure 3: Aerial photo of subject site (Source: Council GIS)

Works have now commenced on parts of the site in terms of site clearance, bulk earthworks, a shear key wall, stream works, road construction and infrastructure installation with a portion of these works completed. However, some parts of the site still remain in vegetated state. Stages 1A-1C, 3A-1 and 3A-2 have all achieved s224c with the main entrance road and the stage 1 and 3A road network all completed and vested with Council (see **Figures 4, 5, 6 and 7** below). This provided for in the order of 204 residential lots and approximately 184 dwellings have either been completed or are under construction. Stage 2A-2D is currently under construction, with stages 2A and 2B recently achieved s224c with the balance to achieve titled during 2026. This will provide a further 125 lots including the super lots for the neighbourhood centre.

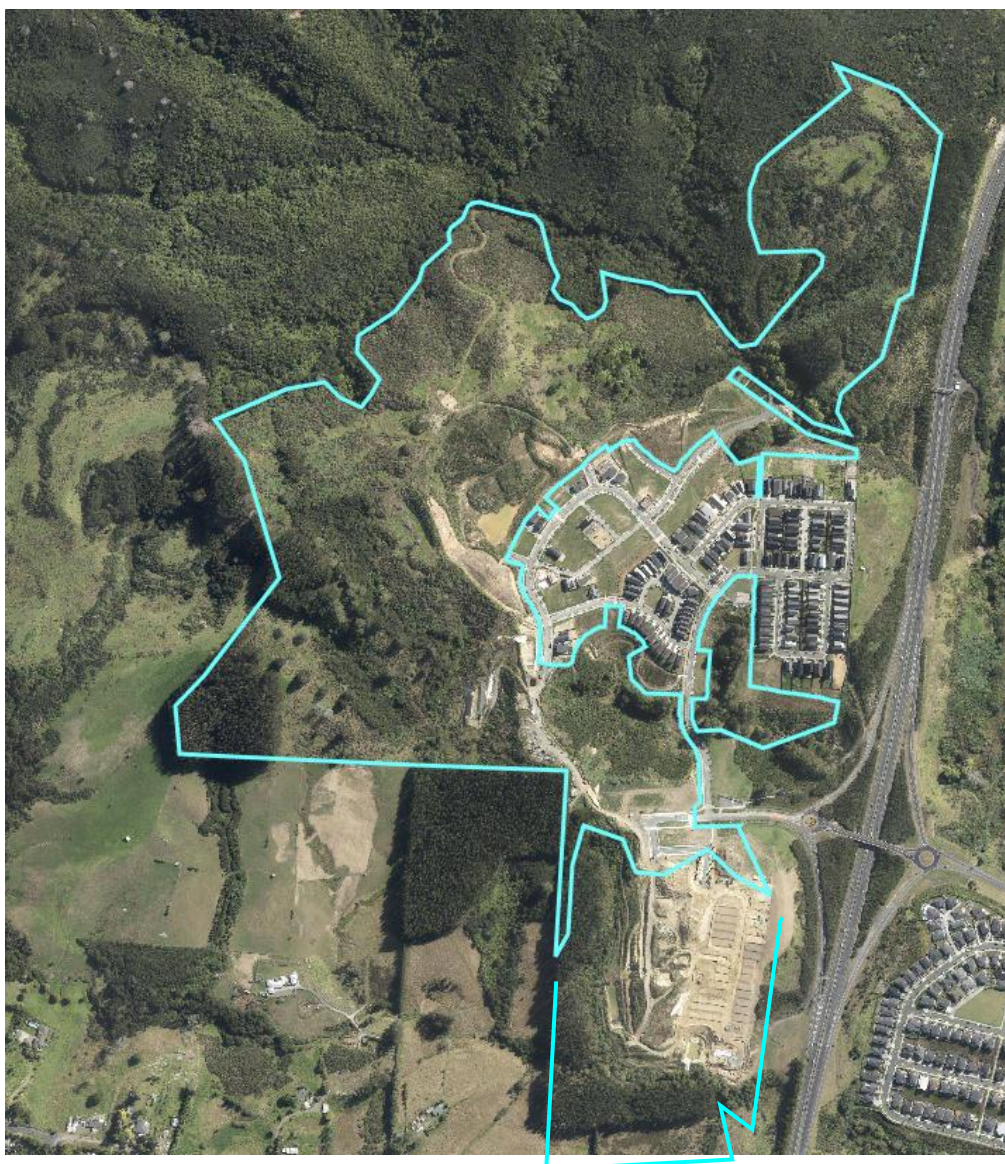


Figure 4: Current extent of development works on site 2024/2025 Aerial Note: Blue Line is the current balance lot (Source: Auckland Council GIS)

A portion of the landscaped common areas has been established through the central gully with landscaping along the stream (Lot 1003 DP 576669) and a new Neighbourhood Park which is owned and maintained by the residents see **Figure 7** below.

The extent of the undeveloped site has since reduced as a result of the above works, with the balance lots now known as 226 Grand Drive (Lot 1001 DP 606208 and 1003 DP 576136, and Section Office Plan 488358), Upper Orewa.

The paper roads that are shown to dissect the stage 2 portion of the site have been through a road stopping process and are in the process of gazetting. An infrastructure funding agreement for works to form parts of Grand Drive with the balance delivered as 'paper road' alongside the road stopping and additional arterial width have been agreed with Auckland Transport ('AT').



Figure 5: View north from stage 2 towards Stages 1 and 3A. Ara Hills Road and Grand Drive are visible alongside the motorway interchange. The Nukumea Scenic Reserve is visible in the background

The balance of the land beyond the stages outlined above are still covered in pasture/gorse, with a mix of native vegetation species and some exotic plants at the bottom of some of the gullies and several stands of mature pine trees on the property. The site is undulating in topography and is steep in parts containing several ridges and gullies which

drain into the Orewa River catchment. There are three mainstream systems (with associated tributaries) on the site, all of which pass under the northern motorway via long culverts.



Figure 6: View west across completed Stages 1 and 3A with the balance lot located to the north and west of these stages

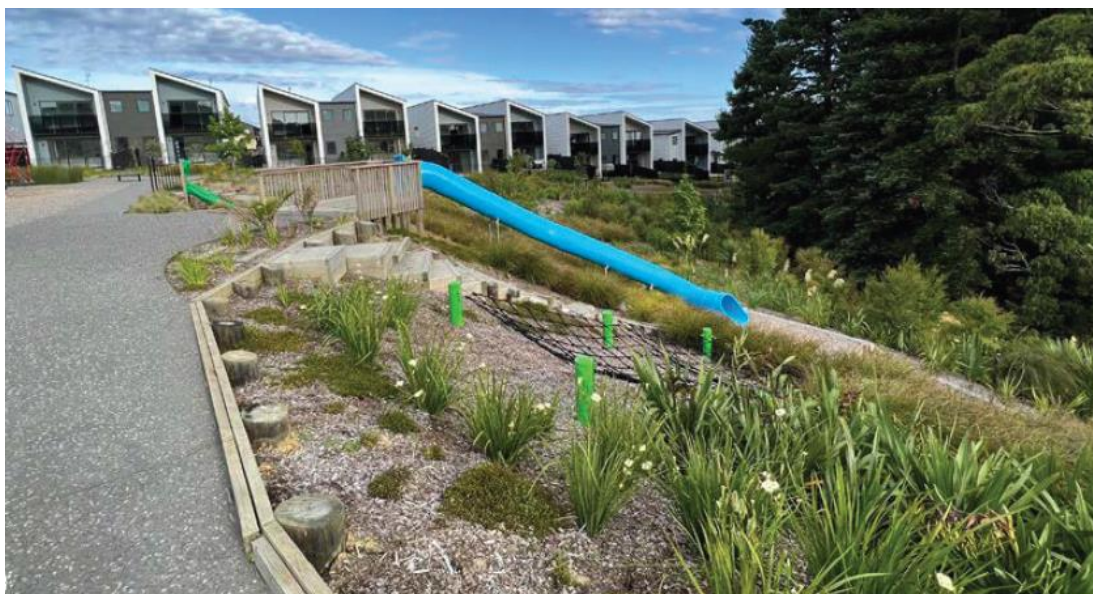


Figure 7: Existing Neighbourhood Park and Stage 1 Terraces

The property adjoins the Nukumea Scenic Reserve (owned by the Department of Conservation), to the north and north-west. There is a high ridge to the west, and on the southern boundary some of the land drains south and into a sub-catchment of the Orewa River.

3.2 Surrounding Environment

The site is located on the edge of the Rural Urban Boundary for Auckland and is in an area that in the wider context is significant undergoing transformational urbanisation across both Upper Orewa and the southern Milldale and Silverdale areas (see **Figure 7** below). The surrounding environment comprises currently undeveloped farmland that is within the Future Urban Zone to the west and south, the Nukumea Scenic Reserve to the north and SH1 to the east with land that is currently being urbanised across the motorway across West Hoe Heights.



Figure 8: Existing Local Greenfield Urban Growth (blue), Fast Track Consent Yellow and the site (red)
(Source: Nearmaps)

It is noted that the adjacent site³ at Russell and Upper Orewa Roads has recently applied for a consent to redevelop the 109 ha site under the Fast Track Consenting Act for 1,250 dwellings, parks and including the delivery of SH1 Grand Drive interchange and Wainui Area connection (refer **Figure 8** below). The consent was confirmed as complete on the 12 March 2025⁴. A panel has been appointed, and the application is currently progressing through the various Fast Track Consenting steps.



Figure 9: Delmore Masterplan (Source: MfE Website)

3.3 Zoning and Overlays

The site is located within the Rural Urban boundary (RUB) and is currently zoned Future Urban Zone, as are the adjacent sites to the west and south. The RUB runs along the northern boundary of the site where it adjoins the Nukumea Scenic Reserve. This reserve is owned and managed by the Department of Conservation and is zoned Open Space – Conservation and the motorway corridor is zoned Strategic Transport Corridor in the AUP as well as designated by NZTA for motorway (designation 6761). Some small fingers of the northern portion of site have a Significant Ecological Area Overlay ('SEA Overlay') which extends along the stream margins from the Nukumea Scenic Reserve. This is

³ 88, 130, and 132 Upper Orewa Road, and 53A, 53B, and 55 Russell Road, Orewa.

⁴ <https://www.fasttrack.govt.nz/projects/delmore>

illustrated in **Figures 9 and 10** below. The SEA Overlay - SEA_T_6652 – Terrestrial is sought to be amended to capture the vegetation removals granted and given effect to as part of the underlying consent (refer **Figures 11-12** below and **Appendix E⁵**).

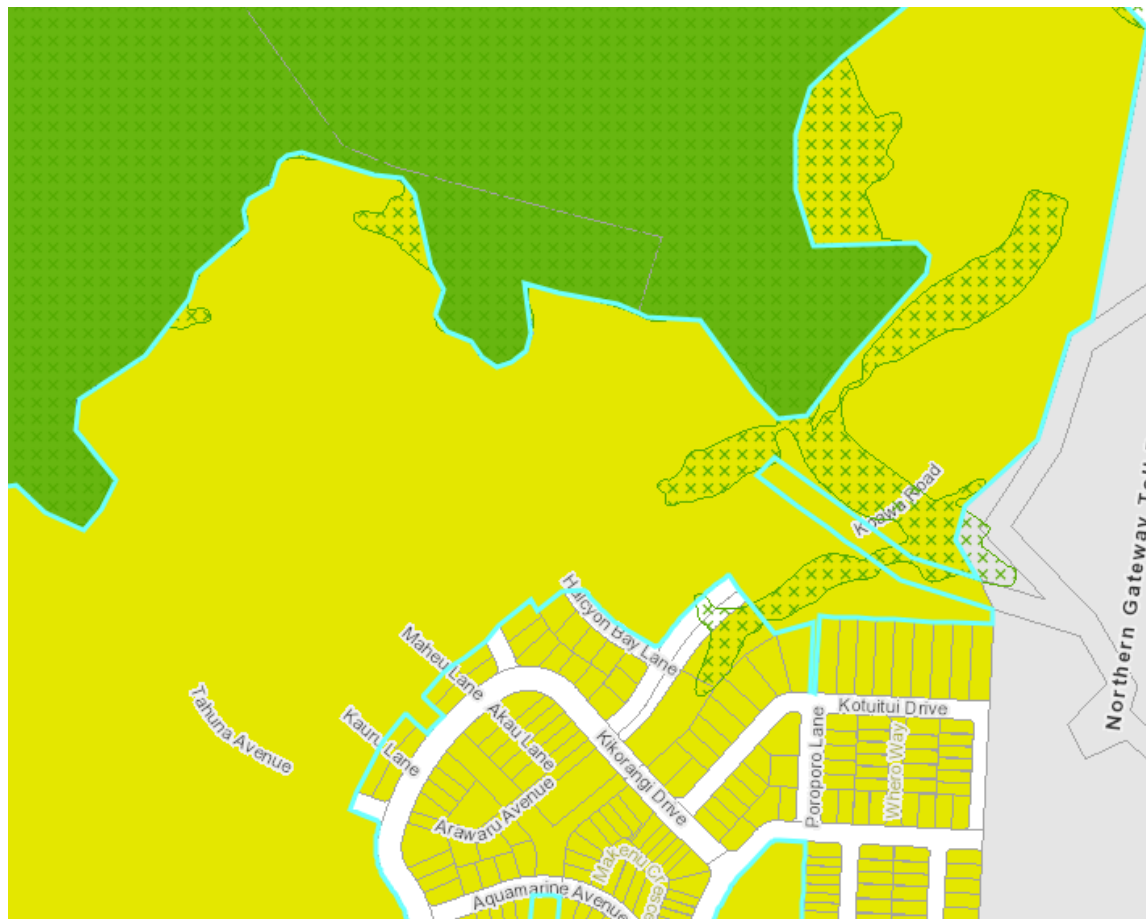


Figure 10: Existing AUP zoning, overlays and controls of the site (Source AUP Plan GIS)

⁵ LUC60010513-J & SUB60035991-J



Figure 11: Proposed deletion of SEA of the Stage 1 area of the site (refer Appendix B)

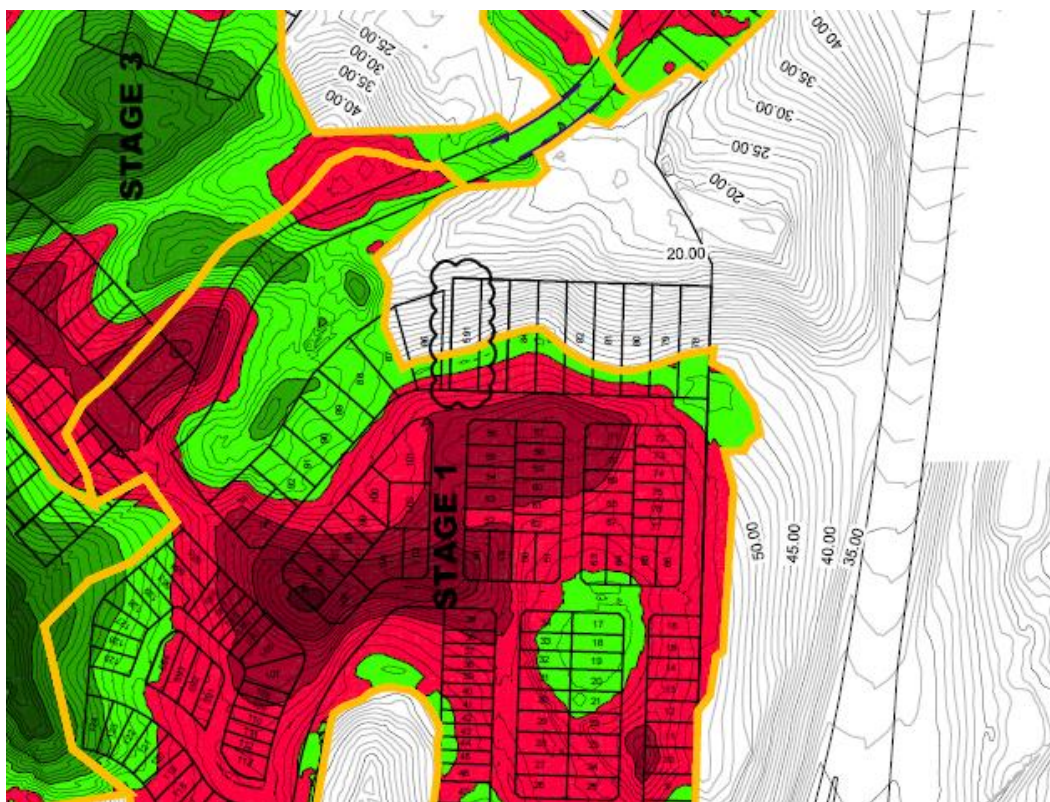


Figure 12: Approved Earthworks Plan - LUC60010513-J & SUB60035991-J

In respect of the current operative wider zoning beyond the site, this is best illustrated in **Figure 13** below.

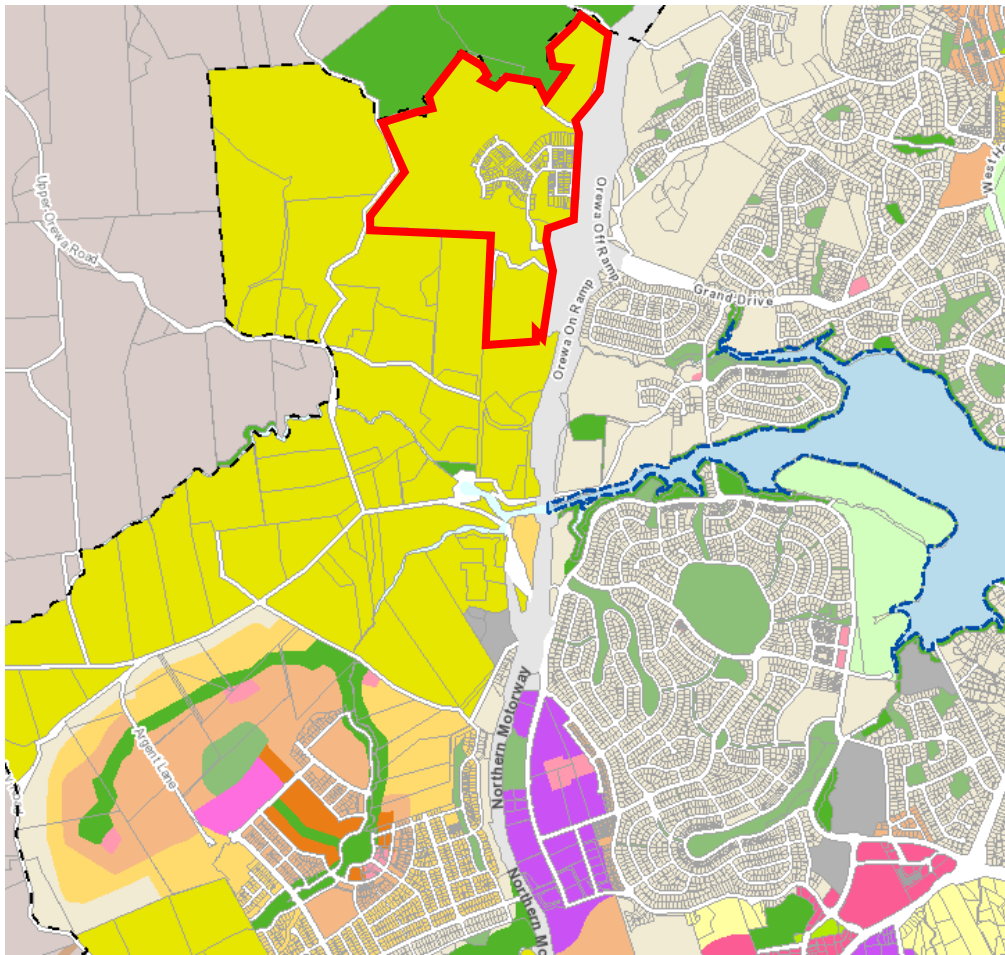


Figure 13: Existing AUP Zoning (Site shown in red)

3.4 Proposed Plan Change 78

Auckland Council has proposed Plan Change 78 ('**PC78**') to the Auckland Unitary Plan to respond to the requirements of the government's National Policy Statement on Urban Development 2020 (amended in 2022) ('**NPS- UD**') and amendments to the Resource Management Act. These mean the Council must incorporate the Medium Density Residential Standards ('**MDRS**'). This is in addition to enabling greater intensification in and around Business zone centres and around rapid transit stops.

Across Orewa PC78 proposes to rezone much of the existing Single House zoning ('**SHZ**') around the town centre, including along SH1 to MHU zoning. This aligns with a proposed general 'up-zoning' across Auckland and the rezoning will enable more intensive residential development on some sites. Though the areas across West Hoe Heights,

Millwater and Milldale have only recently been developed so they are unlikely to experience further intensification by the upzoning rather in a number of instances the zoning is now reflective of the housing typologies actually achieved.

The Ara Hills site is within the Future Urban Zone, consequently PC78 does not apply (see **Figure 14** below). However, the zoning proposed by the Ara Hills Plan Change is consistent with the zoning approach adopted across Auckland by PC78 with MHU becoming the predominant residential zone across the city. The current status of PC78 was outlined in the recent direction from the Panel dated 6 May 2025. It stated that the remaining topics will remain on hold as outlined below :

The Panel understands that the Select Committee report on the RMA Amendment Bill is anticipated by the end of June 2025. The Panel also understands that the Bill on its reporting back may provide the ability for Auckland Council to withdraw PC78, and if so the Council is likely to either withdraw or substantially modify much of PC78.

The Panel has therefore decided not to schedule any PC78 hearings until the Select Committee has reported back on the Bill. Delaying the scheduling of hearings until there is greater clarity about the content of the Bill may avoid Council and Submitters using their resources unnecessarily.

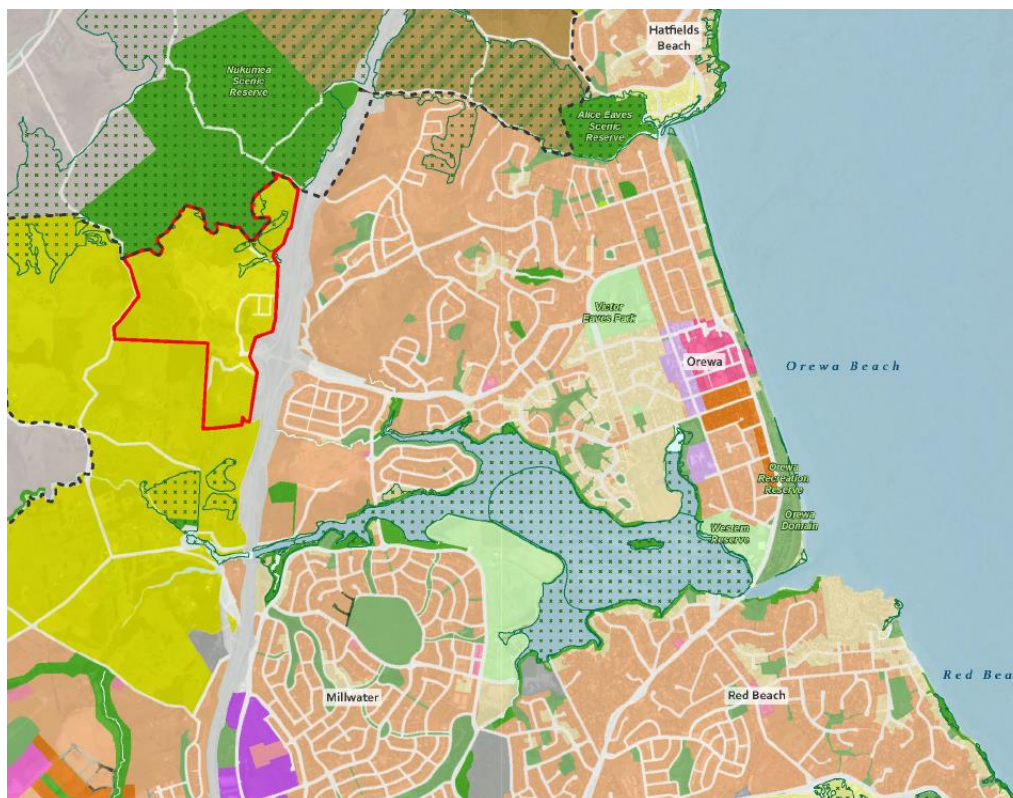


Figure 14: Zoning of Plan Change 78 (Site identified in red above)

4.0 Background

4.1 Original Consent BUN2041333

The Auckland Council granted an integrated resource consent (Council Reference BUN20441333) on the 7 August 2017 to subdivide the two existing rural lots, into 575 lots, including 17 mixed use lots, ranging in size from 230m² to 2,000m², roads and utilities/recreational reserves to vest, the taking of water for domestic consumption, the diverting, bridging and reclamation of streams, associated earthworks and vegetation removal and re-planting, and the discharge of stormwater and occasional wastewater overflows (approval was given for a private wastewater treatment and disposal system). The decision for the original application is attached at **Appendix D** for reference.



Figure 15: Current Approved Structure Plan

There have been a range of variations (A-J) to this scheme that include changes to the subdivision layout, staging, inclusion of super lots and relocation of the neighbourhood centre. The current approved structure plan for the site is included in **Figure 15** above with the revegetation plan included in **Figure 16** below.



Figure 16: Current Approved Revegetation Plan

4.2 S127 Variations

A number of s127 variations have been granted and these are outlined in brief below and included within Appendix E.

4.2.1.1 s127 for Original Consents – Conditions 40 and 41

A s127 variation was lodged on the 2 August 2018 with Council (Reference LUC60010513-A) in respect of amending the pre-commencement conditions 40 (Common Areas Maintenance) and 41 (Design Guidelines) to enable these conditions to be discharged prior to s223 instead. This application was granted on the 14 September 2019 (Refer **Appendix E**).

4.2.1.2 s127 for Original Consents – Staging, Amended Road Layout and Conditions changes

A s127 variation was lodged on the 4th September 2018 to vary the staging of the proposed development and undertake some design alterations to the design of the new stage 1 area including amended lot arrangement and sizes, road layout, street cross sections, infrastructure network, earthworks and amendments to wetland 4. These changes necessitated changes to conditions 2 and appendix 1 (drawings), 3 (Application Plans and Materials), 13(f) (Engineering Plan Approval – Road 1), 13(m) (Engineering Plan Approval – Infrastructure Projects), 23 (Planting Management Plan), 66 (Geotechnical Report), 104 (s223), 116 (e)-(g) (consent notices - earthworks) and 116(m and o) (Consent Notices – Design Noise Levels). This consent was granted by Council on the 4 March 2019 (refer **Appendix E**).

4.2.1.3 s127 for Original Consent – Amended Stage 1 Layout

A s127 variation was lodged on the 20th May 2019 to make some design alterations to a discrete portion of the design of the new stage 1 area including a consequential amendment to the road layout and at the request of Healthy Waters the removal of the wetland devices from the scheme. These changes would necessitate changes to conditions 2 and appendix 1 (drawings), 3 (Application Plans and Materials), 8 (staging), 13(f) (Engineering Plan Approval – Road 1), 80 (Stormwater works), 103 (s223), 112 (s224c) and 116(p) (Consent Notices). This consent was granted by Council on the 24 September 2019 (refer **Appendix E**).

4.2.1.4 s127 for Original Consent – Amended Super Lots and Individual lots

A s127 variation was lodged on the 16th April 2020 to amend some of the previously consented super lots to vacant individual lots, construct some additional retaining walls

with associated earthworks and introduce staging across Stage 1 to comprise Stage 1A, 1B and 1C. These changes would necessitate changes to conditions 2 and appendix 1 (drawings), 3 (Application Plans and Materials), 8 (staging) and 103 (s223) and 116 (Consent Notices). This consent was granted by Council on the 20 August 2020 (refer **Appendix E**).

4.2.1.5 S127 for Original Consent – Varied Stage 3 and 8

A s127 Variation was lodged on the 16 July 2021 to revise the subdivision layout and staging adjacent to stage 1 in an area known in the consented scheme as Stage 8 being revised to Stage 3. These changes would necessitate changes to conditions 1 (Definition of Terms), 2 (Appendix 1 - drawings), 3 (Application Plans and Materials), 8 (staging), 23(c) and (d) (planting management plan), 79 (Stormwater Works) and 103 (s223), 110A (Streetscape Planting), 112 (Stormwater Ponds) and 116 (Consent Notices). This consent was granted on the 27 October 2021 (refer **Appendix E**).

4.2.1.6 S127 for Original Consent – Varied Stage 2 Layout and Stage 3 Sub Staging

A s127 variation was lodged on the 14th September 2021 to revise the subdivision layout of Stage 2. These changes would necessitate changes to conditions 1 (Definition of Terms), 2 (Appendix 1 - drawings), 3 (Application Plans and Materials), 8 (staging) and 116 (Consent Notices). This consent was granted on the 6 May 2022 (refer **Appendix E**).

4.2.1.7 S127 for Original Consent – Further sub staging within Stage 3

A s127 variation was lodged on the 2 March 2023 to allow for further sub staging of Stage 3A. These changes necessitated changes to conditions 1 (Definition of Terms), 2 (Appendix 1 - drawings), 8 (staging) and 9 (Conditions to be complied with). This consent was granted on the 24 March 2023 (refer **Appendix E**).

4.2.1.8 S127 for Original Consent – Further sub-staging and lot layout amendments within Stage 2

A s127 variation was lodged on the 18th April 2023 to allow for extension of the stage 2 area, sub staging within the stage, amendments to the lot design adjacent to the pocket parks and further subdivision of two super lots. These changes necessitated changes to conditions 1 (Definition of Terms), 2 (Appendix 1 - drawings), 3 (Application Plans and

Materials), 9 (engineering plans) and Condition 116 (p), (q) and (r). This consent was granted on the 23rd June 2023 (refer **Appendix E**).

4.2.1.1 S127 for Original Consent – Revised Sub-Staging Boundaries of Stage 2

A s127 was lodged on the 24 May 2024 to allow for revised sub-staging of Stage 2 with amendments to sub stages 2B and 2C to align with construction works across the site. These changes necessitated changes to Conditions 1 (Definition of Terms), 2 (Appendix 1 - drawings) and 9 (engineering plans). This consent was granted on the 6 June 2024 (refer **Appendix E**).

4.2.1.2 S127 for Original Consent – Revised Road Vesting for Stage 2

A s127 was lodged on the 11 July 2024 to allow for road vesting rather than gazetting of Grand Drive extension within Stage 2. Alongside some small boundary change between Lots 601 and 602. These changes necessitated changes to Conditions 1 (Definition of Terms), 2 (Appendix 1 - drawings) and 9 (engineering plans). This consent was granted on the 26 July 2024 (refer **Appendix E**).

4.2.1.3 S127 for Original Consent – Revised Scheme plans for Stage 2 (LUC60010513-J & SUB60035991-J)

A s127 was lodged on the 6 October 2024 consent to allow for subdivision design amendments within Stage 2C and 2D to provide for eight additional lots. This will see the reorientation of lots and reductions in lot widths, alongside the removal of the private pocket park (consented Lot 605) and amendments to the walkway lot between consented Lots 140 and 141. These changes would necessitate changes to Conditions 1 (Definition of Terms), 2 (Appendix 1 - drawings), 9 (engineering plans) and condition 116(p) Table 1. This consent was granted on the 3 December 2024 (refer **Appendix E**).

4.3 Notice of Requirement

A series of Notices of Requirement ('**NOR**') were lodged by the Te Tupu Ngātahi – Supporting Growth Programme North (Strategic and Local) Project on behalf of Auckland Transport ('**AT**'). One of the NOR impacts the site being NOR 6 – New connection between Milldale and Grand Drive as it provides an arterial connection between Grand Drive and Wainui Road (refer **Figure 17** below). Note that the arterial width required within the subject site is already actually secured as part of the

underlying consent partially in the form of a paper road and the balance has been constructed as a local road (refer current consented plans for LUC60010513-J & SUB60035991-J within **Appendix E**). Consequently, parts of the NOR extent sought by AT falls within the paper road formed as part of the underlying resource consent, however a larger land take would still be required to create the necessary batters to create the road (see **Figure 18** below).

These NOR were notified in November 2023, hearings commenced in June 2024 and closed in October 2024, with recommendations made to confirm the NOR in 24 October 2024. On the 9 December 2024 AT confirmed under s172 that AT accepted the Commissioners' recommendation that the NOR should be confirmed and accepts in part and rejects in part the recommendations on conditions of the NOR. The decision has been subject to appeal however the relief sought by the appeal does not impact on the extent of the NOR on the site.

Of relevance to this project is that the NOR lapse date sought by requiring authority to give effect to the project is 30 years or 2054.



Figure 17: NOR6 Arterial Link between Wainui Road and Grand Drive (Note: the site is identified in yellow) (Source: Auckland Transport)



Figure 18: Specific extent of NOR6 location on the site (Indicative extent of paper road shown in yellow the areas shown in red and green are on AVJ owned land and will need to be acquired by the requiring authority prior to construction of the Grand Drive Arterial Extension) (Source: SGA Enabling Plans NOR6)

5.0 Private Plan Change Request

5.1 Introduction

A.V Jennings Hobsonville Pty Limited (the ‘**applicant**’) makes this request, seeking a private plan change to the Auckland Unitary Plan Operative in Part.

The private plan change is referred to as ‘Proposed Plan Change [number to be assigned by Council] (Private): Orewa 4 Precinct (**PPC**)’.

5.2 Master Planning

AV Jennings has reconsidered the zoning approach following the Resource Management (Enabling Housing supply & Other Matters) Amendment Act and the direction of the National Policy Statement on Urban Development. This necessitated the applicant amending the zoning approach to ensure the Plan Change reflected the requirements of this new national direction. Consequently, the zoning approach has been amended with the Residential - Single House and Residential - Mixed Housing Suburban zoning

removed see **Figure 19** below and new master planning has been undertaken to respond to changes to the RMA.

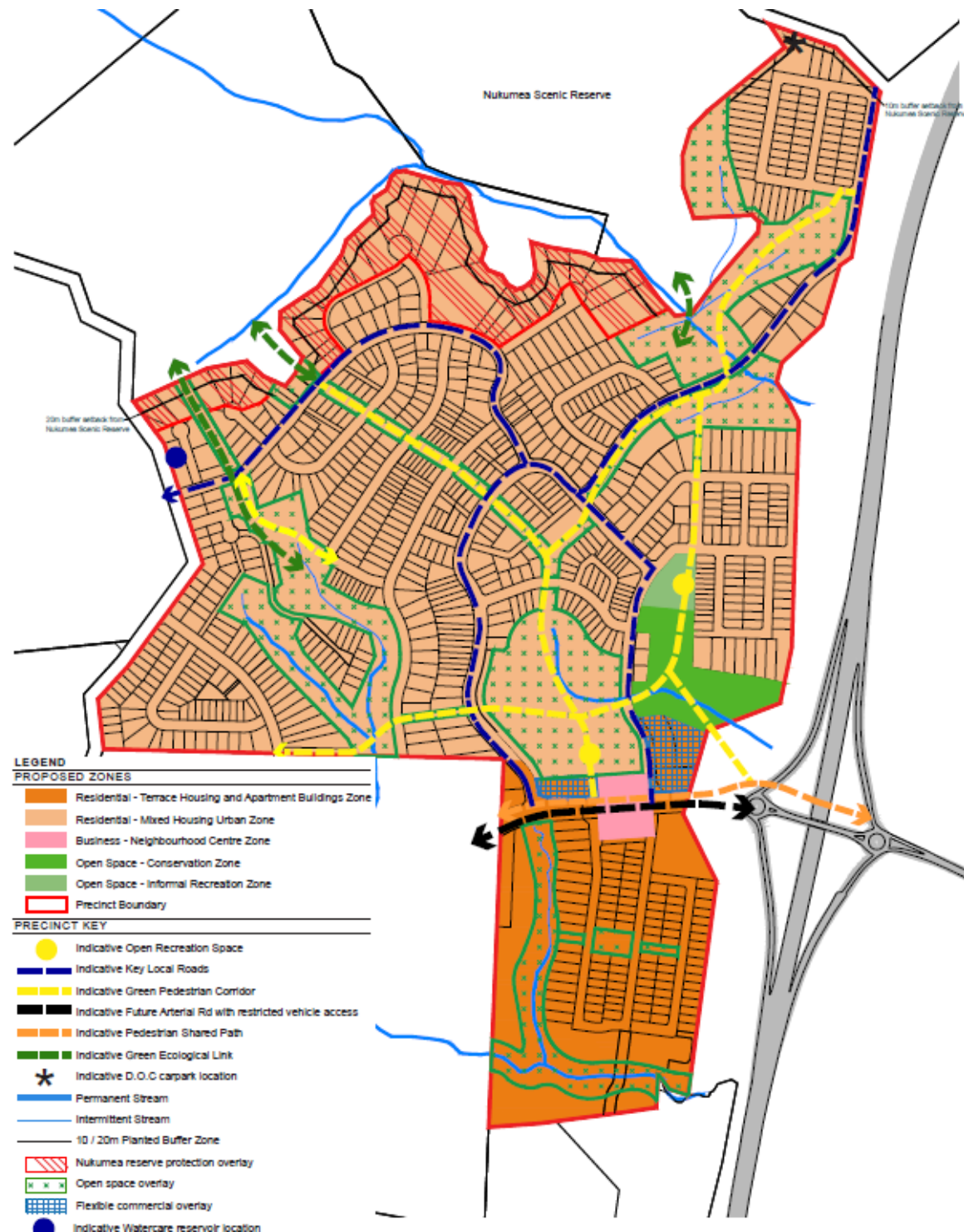


Figure 19: Proposed Zoning with Precinct Features and Masterplan Layout

Boffa Miskell Ltd has led this master plan exercise has progressed the earlier concepts for Ara Hills and utilised this previous work. It was a collaborative design process with a wider consultant group, covering the disciplines of urban design, planning, architecture, landscape, engineering, geotech and ecology. This exercise and the master plan is outlined in the Neighbourhood Design Statement in **Appendix I** and **Figure 20** below. It identifies that the Ara Hills site has the potential for to accommodate approximately 900 residential lots. This work has been used to inform the proposed zoning and precinct plan sought as part of the Private Plan Change.



Figure 20: Illustrative Masterplan (Source: Boffa Miskell Ltd)

To enable the vision to be implemented, while ensuring that potential adverse effects are managed, a number of amendments will be required to the provisions currently applying to the Site under the AUP(OP). In order to give effect to the Masterplan, the following key changes are required to be made to the AUP(OP):

- Rezone the Site from FUZ to THAB, MHU, Open Space and Neighbourhood Centre Zones.
- Develop a new Precinct for the Site to enable the following:
 - Comprehensive and integrated development of residential housing on the Site.
 - Ensuring housing supply and choice (when compared to the existing FUZ zone) by enabling terraces and standalone dwellings in a range of scales and form.
 - Site-specific stormwater management techniques set out in a SMP, to manage stormwater discharges from the Site and ensure no adverse effects downstream that may exacerbate flood risk.
 - Integrated transport solutions to manage the traffic and infrastructure effects of the proposal.
 - Management of reverse sensitivity effects associated with proximity to the significant ecological area of Nukumea Reserve alongside stability constraints.
 - Identification of streams, wetland margins and riparian areas.
 - Enhancement of the ecological function and water quality of existing streams.

The principles of the masterplan, and its benefits and effects have been considered in supporting reports and assessments below.

5.3 Requirements of the Act

Part 2 of Schedule 1 to the RMA sets out the procedure to be followed when making a request to change a Plan. Key elements of the process, in the context of this proposal, are noted below:

- Any person may request a change to the AUP⁶;
- The request shall be in writing to the Council⁷;
- The request shall explain the purpose of the proposed plan change and the reasons for the change⁸;
- The request shall include an evaluation report prepared in accordance with s32 RMA⁹;

⁶ Clause 21(1), Schedule 1, RMA

⁷ Clause 22(1), Schedule 1, RMA

⁸ Clause 22(1), Schedule 1, RMA

⁹ Clause 22(1), Schedule 1, RMA

- The request shall include a description of the environmental effects anticipated from implementation of the plan change¹⁰;
- The Council can require the applicant to provide further information¹¹;
- The Council shall either adopt the request, accept the request, deal with the request as if it were an application for resource consent, or reject the request¹²;
- Notification of the Plan Change will occur if the Council decides to adopt or accept the request, and any submissions will be considered by the Council at a hearing;
- The Council may decline the plan change, approve it, or approve it with modifications¹³.

An important part of the plan change process is the s32 RMA requirement to undertake an evaluation of the costs and benefits of alternatives. The most relevant parts of s32 in terms of process are set out in clauses (1) - (3), which state as follows:

32 Requirements for preparing and publishing evaluation reports

- (1) *An evaluation report required under this Act must—*
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the*

¹⁰ Clause 22(2), Schedule 1, RMA

¹¹ Clause 23, Schedule 1, RMA

¹² Clause 25, Schedule 1, RMA

¹³ Clause 29(4), Schedule 1, RMA

- implementation of the provisions, including the opportunities for—*
- (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
 - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
- (a) the provisions and objectives of the amending proposal; and*
 - (b) the objectives of the existing proposal to the extent that those objectives—*
 - (i) are relevant to the objectives of the amending proposal; and*
 - (ii) would remain if the amending proposal were to take effect.*

The PPC seeks to establish a new residential precinct, involving a change from the current FUZ zoning of the land to other established AUP zones along with a number of site- specific objectives, policies, activities, and standards.

To a large extent, the proposed Plan Change seeks to reflect the outcomes of the resource consent previously granted for the site, albeit that the introduction of the NPS-UD and MDRS under the RMA Amended Act means that there is a requirement to use the land more efficiently while at the same time managing the effects on surrounding sensitive land uses, such as the Nukumea Scenic Reserve.

The changes relate to Chapter I of the AUP with the addition of a new precinct into this Chapter to be known as “Orewa 4 Precinct” and to the GIS map layer of the AUP to incorporate the new precinct plan and zonings.

In this context the ‘*proposal*’ means the nature of the change, being to re-identify the land in question from Future Urban Zone to the Orewa 4 precinct which envisages a

range of zonings and site- specific provisions. The ‘*objectives*’ of the proposal refers to its purpose, which is to enable the comprehensive and integrated development of a new residential community of up to 900 homes, including a small neighbourhood centre, within a unique landscape setting while protecting and enhancing the ecological, landscape and amenity values of the area.

The ‘*provisions*’ is the introduction of the proposed Orewa 4 precinct provisions i.e. a new precinct plan, zonings and site- specific provisions including new objectives, policies rules and standards.

Based on this explanation of the PPC proposal and its objectives, s32 requires the following assessment:

- Whether the proposed zonings and the Orewa 4 precinct are the most appropriate way to achieve the purpose of the RMA;
- Whether the PPC is the most appropriate means to provide for residential development in this location, considering other possible options and questions of efficiency and effectiveness;
- Evaluation of the costs and benefits of the effects anticipated from the implementation of the PPC, including opportunities for economic growth and employment;
- Quantification of benefits and costs if practicable; and
- Assessment of the risks associated with proceeding or not proceeding with the PPC.

The s32 evaluation relating to the PPC is contained in section 7.0 of this report.

5.4 Nature and Purpose of the PPC

The PPC seeks to establish a new residential precinct involving a change from the current FUZ zoning of the land to other established AUP zones along with a number of site-specific objectives, policies, activities, standards and assessment criteria.

The changes relate to Chapter I of the AUP with the addition of a new precinct into this Chapter to be known as “Orewa 4 Precinct” and to the GIS map layer of the AUP to incorporate the new precinct plan and zonings.

The proposed precinct provisions are attached in **Appendix C** and changes to the planning maps are outlined in the proposed precinct plan attached as **Appendix B**.

In summary the following would be enabled by the Precinct and MHU Zone provisions:

- Residential development of approximately 900 dwellings¹⁴ in a range of typologies including standalone units and terrace housing through the MHU (with MDRS incorporated) and THAB provisions;
- Management of stormwater in accordance with a Stormwater Management Plan;
- Incorporation of standards for bulk water and wastewater infrastructure, alongside identification of the water reservoir;
- Use of a Flexible Commercial Sub-Precinct adjacent to the Neighbourhood Centre Zoning to provide opportunities for smaller scale non-residential uses at ground floor;
- Roading standards, access restriction and transport trigger for the shared cycle/ footpath across Grand/ Arran Drive;
- Provision for access to the Nukumea Reserve;
- Native riparian planting for all identified stream margins, interface with Nukumea Reserve and gullies. Alongside the introduction of two 'Special Information Requirement' for a native revegetation planting plan and open space development plan as development occurs across the site;
- Incorporating existing streams and ecological connections into the Precinct Plan; and
- Managing reverse sensitivity with the Nukumea Reserve via a buffer zone and limiting intensity to safeguard the significant ecological area and to manage existing stability limitations.

5.5 PPC Conclusion

Based on the evaluation contained in section 7.0 of this report, it is considered that the PPC is the most appropriate means to achieve the purpose of the RMA. It would be the best available option to enable and facilitate the use of the land for the comprehensive and integrated development of a new residential community of up to 900 homes, including a small neighbourhood centre, within a unique landscape setting while protecting and enhancing the ecological, landscape and amenity values of the area.

¹⁴ Including 575 consented lots.

6.0 Section 32 Evaluation

6.1 Scope and Purpose

This s32 evaluation report is prepared to fulfil the statutory requirements of s32 RMA in respect of the PPC.

Section 32 RMA requires that before adopting any objective, policy, rule or other method, regard shall be had to the extent to which each objective is the most appropriate way to achieve the purpose of the RMA, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation.

In accordance with s32(6) RMA and for the purposes of this report:

- the ‘proposal’ means the PPC;
- the ‘objectives’ means the purpose of the proposal/PPC; and
- the ‘provisions’ means the new precinct provisions and changes to the zoning of the land that implements, or gives effect to the objectives of the proposal.

The AUP uses the technique of zoning for achieving the purpose of the RMA, and contains a number of established zones to apply to land. The PPC seeks to largely rely on the existing policy framework of the AUP and use these existing zones and provisions as well the other relevant Auckland Wide and overlay provisions of the Plan but in the context of a precinct which allows for the provision of additional specific place-based provisions that recognise the unique characteristics of the land and its surrounding environs.

Precincts are an appropriate tool provided in the AUP(OP) Chapter I to allow integrated planning and development of a discrete parcel of land within the context of the standard AUP methods and provisions but with the addition of specific place-based provisions where necessary to achieve the purpose of the RMA.

This s32 evaluation will continue to be refined in relation to any ongoing consultation that occurs, and in relation to any new information or changes that may arise, including through submissions and during the hearing. This approach of further evaluation is anticipated under the requirements of s32AA RMA.

6.2 Development of Options

In addition to the consideration of the extent to which the objectives of the PPC are the most appropriate way to achieve the purpose of the RMA, s32 requires an examination of whether the provisions in the PPC are the most appropriate way to achieve the objectives of the proposed plan change by identifying other reasonably practical options for achieving the objective. In the preparation of the PPC, the following options have been identified:¹⁵

- **Option 1** – do nothing/retain the status quo (which in this case provides for the development of the site into 575 lots in accordance with the approved resource consent
- **Option 2** – re- zone the land to one or a maximum of two residential zones only
- **Option 3** – re-zone the land to a mix of zonings that reflect the approved resource consent.
- **Option 4** – re-identify the land as a precinct that largely uses the existing AUP provisions and zonings but also introduces a range of zonings and a number of site- specific provisions, as necessary, to achieve the purpose of the RMA.

6.3 Evaluation of Options

In accordance with s32(1)(b) and 32(2) of the RMA, the options have been assessed on their appropriateness, efficiency, effectiveness, costs, benefits and risks. Within this evaluation, the following meanings have been assigned to the evaluative criteria:

- The concept of **efficiency** considers whether the provisions achieve the objectives at the lowest total cost or with the highest net benefit. It is assessed in the context of costs and benefits that arise for the whole of society.
- **Effectiveness** can be measured by the contribution that the provisions make towards achieving the objectives of the proposal.
- A **cost** is a negative effect that is imposed on society to achieve some level of benefit.
- **Benefits** are positive effects that arise.

¹⁵ Rezoning the Site to Residential MHS Zone has not been considered as a reasonably practicable option. That option would not be consistent with the RMA Amendment Act (Enabling Housing Supply) which requires the Council to apply MDRS across all relevant residential zones. This policy shift to intensification is set out in Plan Change 78 which proposes what is effectively a mandatory change to the zoning of all residential land to MHU. While the Government has made announcements that application of the MDRS will become 'optional', this is not in Law at the time of this PPC request.

- Risk is considered in the context of costs and benefits and is the prospect of unanticipated costs arising or potential benefits failing to materialise.

The results of this evaluation are discussed in this section and summarised in table form in **Appendix F**. There are no realistic non-regulatory methods that could deliver the outcome sought by the PPC.

In considering the efficiency and effectiveness of the provisions, reliance has also been placed on existing AUP rules and standards where they play a role in achieving the objectives. New Precinct provisions are not proposed where they would simply duplicate existing operative provisions of the AUP. Existing rules, standards, or other regulations that have been relied upon to support the conclusions in this s 32 evaluation include:

- Stormwater management (Chapter E1)
- Stream works (Chapter E3)
- Earthworks (Chapter E11/12)
- Vegetation management (Chapter E15)
- Transport (Chapter E27)
- Natural hazards (Chapter E36)
- Subdivision (Chapter E38)
- Development standards (Chapter H5)

The existing AUP provisions are effective and efficient in achieving the objectives of the proposal, and consequently do not need to be replaced or amended. As they are existing, there are no significant costs incurred through retaining them and they give rise to benefits relating to stream health and traffic safety effects. It is a more efficient resource management outcomes to rely on those provisions as far as practicable, rather than to introduce additional standards within the precinct that introduce risks associated with complexity, conflict and administrative ambiguity.

Option 1 – Adopt a ‘do nothing’ approach/retain the status quo

The ‘do nothing’ option would retain the Future Urban Zoning on the land and all or any development would have to take place in accordance with the granted resource consent.

The Future Urban zone (FUZ) is applied to land that has been identified as suitable for urbanisation and is a transitional zone. Land can be used for a range of general rural activities and objectives and policies seek to ensure that it cannot be used for urban activities until the site is rezoned for urban purposes, or in this case has an approved resource consent.

In accordance with the approved resource consent the site could be subdivided into a total of 575 lots at a range of sizes, including associated earthworks and stream reclamation. The consent was subject to a number of conditions including the provision of a private water supply and wastewater treatment (which have now fallen away via subsequent consent variations) and a piped stormwater network that would discharge into the existing stream network. The local road network would connect into Grand Drive and consist of a series of interconnected loops.

The approved consent requires that all development be approved by a design panel (in the absence of defined zones to control future development) and in accordance with an approved design guideline. Approval in principle was given for a small neighbourhood centre but the exact details of this would be subject to a further consent process.

The keeping of cats and dogs is restricted as a condition of consent. There are conditions in relating to weed clearance and management and replanting within the site.

This consent is being given effect to onsite at present and approximately 184 dwellings are either under construction or occupied.

Option 2 – re-zone into one or a maximum of two residential zonings

This option involves the rezoning of all the residential land on the site to one residential zone such as Mixed Housing Urban or to a maximum of two different but homogenous zones such as Mixed Housing Urban and Terraced Housing Zones. Though no precinct is included to allow for site specific responses.

This zoning aligns with the requirements of the (as amended by the Housing Supply Amendments Act) to apply the MDRS requirements to all relevant residential zones.

Option 3 – Apply a mix of zonings to the land that reflects the approved resource consent

This option involves rezoning the land to the appropriate residential zone, based on the lot size and density outlined in the approved resource consent along with business and open space zonings. The existing provisions of the relevant zones as outlined in the AUP(OP) would apply to the site.

Option 4 –Rezone the land with simplified zonings and introduce a new Precinct with a number of site- specific provisions

This option involves rezoning the land to MHU, THAB, Open Space and Neighbourhood Centre Zones and providing a new site-specific precinct to manage the particular characteristics of the site and the outcomes sought by this proposal.

This option involves including the land in a new precinct, based on the approved resource consent whilst taking account of the NPS-UD (as amended) requirements and subsequent master planning to inform the zoning.

A precinct provides an additional resource management tool to reflect a more nuanced outcome for a particular site and to reduce the sometimes blunt outcomes that can be created by the total reliance on a blanket zoning technique. A precinct provides the ability to apply specific controls to reflect the characteristics of the Site and surrounds and deliver environmental outcomes which are not otherwise appropriately addressed in the AUP(OP) zones.

Resource consent for development was approved subject to a number of conditions that recognised and addressed the unique characteristics of the land and environs. The conditions would generally be able to be provided for as specific place-based provisions in the precinct provisions.

Furthermore, this option allows for the consideration of any qualifying matters in terms of the application of MDRS, those of relevance to the site include the ecological status of Nukumea Reserve and associated stability limitations along this interface.

As identified above, the proposed Orewa 4 Precinct would seek to deliver the following outcomes:

- Residential development of approximately 900 dwellings¹⁶ in a range of typologies including standalone units and terrace housing through the MHU and THAB (with MDRS incorporated) provisions;
- Management of stormwater in accordance with a Stormwater Management Plan;
- Incorporation of standards for bulk water and wastewater infrastructure, alongside identification of the water reservoir;
- Use of a Flexible Commercial Sub-Precinct adjacent to the Neighbourhood Centre Zoning to provide opportunities for smaller scale non-residential uses at ground floor;
- Roading standards, access restriction and transport trigger for the shared cycle/ footpath across Grand/ Arran Drive;
- Provision for access to the Nukumea Reserve;
- Incorporation of the fencing standards from the Urban Design Guidelines to manage the interfaces along the open space interfaces;
- Native riparian planting for all identified stream margins, interface with Nukumea Reserve and gullies. Alongside the introduction of two 'Special Information Requirement' for a native revegetation planting plan and open space development plan as development occurs across the site;
- Identifying indicative open space and using standards to allow for the final extent of these areas.
- Incorporating existing streams and ecological connections into the Precinct Plan; and
- Managing reverse sensitivity with the Nukumea Reserve via a buffer zone and limiting intensity to safeguard the significant ecological area and to manage existing stability limitations.

None of the existing Unitary Plan zones provide for residential activities with the restrictions identified, and it is not considered appropriate to create a new zone for one 84 ha site. In order to enable the master plan to be implemented, a precinct is considered necessary to supplement the provisions of the underlying zone.

It is estimated that development of the Site under Option 4 could potentially deliver approximately 900 dwellings when applying the MHU and THAB zone development metrics.

¹⁶ Including 575 consented lots.

6.4 Risk of Acting or Not Acting

Section 32(2)(c) RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is considered that there is sufficient information about the proposed precinct plan and provisions to proceed with the PPC. The change from Future Urban zone to a range of zonings based upon an approved resource consent and additional master planning work is neither unclear or uncertain. This s32 evaluation will continue to be refined in relation to any new information that may arise following notification, including during hearings.

6.5 Reasons for the Preferred Option

The objective of the proposal is to enable the comprehensive and integrated development of a new residential community of up to 900 homes including a small neighbourhood centre within a unique landscape setting while protecting and enhancing the ecological, landscape and amenity values of the area.

Retention of the existing Future Urban zone with any development opportunities limited to the approved resource consent would not achieve this outcome.

Development of the site under Option 1 i.e. in accordance with the approved resource consent would provide additional housing which is an appropriate outcome in the constrained Auckland Housing market but it does not allow for the efficient use of the site as sought by the NPSUD. This option would not achieve the objectives of the proposal nor the purpose of the RMA. It would not allow the site to be developed to its fullest potential in a location with good access to amenities and social infrastructure. In addition, there are efficiency costs associated with undertaking changes to the development to respond to market demands for the proposed housing.

The approved resource consent will likely add considerable costs in the future, and potentially result in sub-optimal ad-hoc development outcomes. Without appropriate zonings any redevelopment of the sites and dwellings would need to meet the rural standards imposed under the FUZ or require a resource consent.

Activity and development standards in the FUZ are consistent with those allowed in the rural zone e.g. a 15m height limit and 10m front yards. These standards would not be suitable for any further development within the site that is consequent to the development under the approved resource consent and there would be considerable cost involved for land owners who might seek to undertake additions and alterations to

developments and dwellings that were approved under the resource consent but are on land that is zoned FUZ.

It is noted that there are consent notices on all lots that requires all dwellings to be designed, based on appropriate residential zoning standards. However, Council has confirmed that if any breach of the zone standards referenced in the consent then this would require the submission of a non-complying consent with the development standards of the Rural zone as imposed by the FUZ needing to be technically applied. This is not only onerous for future home owners, particularly in relation to future additions/alterations but also confusing in relation to their ongoing obligations under the Unitary Plan. Overall, this approach would not be conducive to achieving good planning outcomes on the site.

This option would not be the most appropriate way to achieve the objectives of the proposal and the purpose of the RMA.

Option 2 would enable residential development of the site that would overall be relatively homogenous and would provide additional housing which is an appropriate outcome in the constrained Auckland Housing market. Though this option would also preclude a planning approach that takes into account the unique characteristics of the site such as its location adjacent to a scenic reserve, undulating to steep topography, vegetation and the stream network and applies a “one size fits all” approach which would not necessarily provide the best overall outcome for the site or achieve the objective of a comprehensive and well planned development that protects and enhances the ecological, landscape and amenity values of the areas whilst realising the fullest development potential of the site.

Option 3 would apply appropriate residential zonings to the site enabling residential development of the site that would provide additional housing which is an appropriate outcome in the constrained Auckland Housing market.

However, whilst existing AUP(OP) zonings can be applied to the site that would generally reflect the intensity and type of development approved under the resource consent, the zones referenced in the approved structure plan have now been altered by PPC78 and the direction of NPS-UD (as amended). These zones and provisions would not necessarily reflect the specific characteristics and qualities of the site that were recognised and provided for in the conditions of consent. These conditions were developed specifically to avoid, remedy or mitigate the adverse effects of development in relation to the specific environmental conditions of the site.

Development under the zoning provisions without recognition of the specific characteristics of the site would not adequately avoid, remedy or mitigate the adverse effects of development or enable the best outcomes for the site.

Furthermore, the applicant has undertaken a thorough review of the approved resource consent and conditions, including undertaking new master planning and structure planning and has consulted further with the infrastructure providers. Overall, it is concluded that there is opportunity for an increase in dwellings numbers on the site without compromising the natural environmental qualities of the site, subject to specific provisions for the site that work in partnership with the existing provisions of the AUP(OP).

Option 4 provides for a precinct over the land which is an appropriate tool provided in the AUP(OP) that enables the recognition of the unique characteristics of the land and seeks to establish, as necessary specific place- based provisions for the land.

Precincts are provided in the AUP(OP) to allow integrated planning and development of a discrete parcel of land within the context of the standard AUP methods and provisions but with the addition of specific place- based provisions where necessary to achieve the purpose of the RMA.

New objectives and policies are proposed to enable residential activities on the Site, comprising a range of typologies, in a way that integrates stormwater management, transport infrastructure and secures ecological outcomes.

With the specific outcomes sought for development of the site, minor additions to the MHU and THAB Zone activity table, and new standards and assessment criteria applying to the Orewa 4 Precinct, are required to implement the policies and thereby give effect to the proposed objectives. These are outlined in **Appendix C** and discussed below. The precinct also incorporates the MDRS provisions as sought to be included by PC78 and currently required by the RMA.

Specific provisions under Option 4 to address particular characteristics within the proposed precinct include:

- Inclusion of standards to ensure appropriately bulk infrastructure is in place;

- Recognition of the ecological and amenity attributes of the precinct and the adjacent Nukumea Scenic Reserve through;
 - a prohibition on the keeping of cats, mustelids or rodents in the precinct and
 - the establishment of a Sub-Precinct area along a portion of the land that borders the reserve which;
 - requires larger site sizes,
 - places development restrictions on sites including the identification of a suitable building platform away from the boundary with the reserve and restrictions on the placement of minor household units, and
 - requires a 20 -metre planted buffer from the boundary with a reserve and weed management and planting (a revegetation and weed management plan for 60% of the land is required) for the sites within the Sub-Precinct.
 - The establishment of a 10m wide planted buffer on sites that adjoin the reserve but are not in the Sub-Precinct;
 - The establishment of a parking area and limited public access points into the reserve along with appropriate fencing on the boundary of the reserve;
 - The provision of planted 20m wide ecological connections or corridors between the reserve and the precinct in a number of locations;
- Allowing small commercial activities on the ground floor in certain areas of the THAB zone (Flexible Commercial Sub-Precinct) that adjoin the neighbourhood centre zone to provide flexibility without compromising the integrity of the neighbourhood centre;
- Restricting the height of fencing to enable passive surveillance, minimise visual dominance effects and integration into the landscape;
- Requiring all open space land to be accessible to the public in recognition of it being owned and managed by the residents of the community rather than vested in Council (unless an esplanade is triggered and a waiver is not obtained) as well as requiring development and maintenance plans for any indicative open space land.

- Utilisation of water sensitive design stormwater management techniques that utilise the stream network and include the requirement that all building materials meet effluent quality requirements and that hydrological mitigation to SMAF1 standards is provided;
- Avoiding development prior to establishment of connections to public infrastructure and the upgrading of Army Bay WWTP; and
- Requiring the provision of 10m wide riparian planting on open space and residential land to ensure the stream network and identified ecological connections in the precinct are protected and enhanced.

Overall, it is considered that Option 4 is the most appropriate way to achieve the objectives of the proposal and the purpose of the RMA. It is the preferred option.

The evaluation of options undertaken in this report demonstrates that the preferred option for meeting the objectives of the PPC is a plan change to the AUP to provide for a new precinct over the land. In accordance with section 32(1)(a), the objectives of the proposal are considered to be the most appropriate way to achieve the purpose of the RMA.

The Orewa 4 Precinct plan and provision is the most efficient and effective means of achieving the objectives of the proposal.

6.6 Section 32 Conclusions

The potential effects associated with the provisions proposed to be introduced to the Unitary Plan through the PPC application for the site have been carefully assessed throughout this document and in the supporting technical reports.

An evaluation of the proposed objectives, policies, activity table, standards and assessment criteria has been undertaken. Having regard to that analysis, and the conclusions of assessment in other sections of this report, it is considered that:

- (a) The proposed MHU, THAB, Open Space and Neighbourhood Centre zones are the most appropriate zoning approach for the site.
- (b) Enabling these zones alongside a site-specific Precinct is more appropriate than limiting development on the Site to a simple rezoning.

- (c) The proposed new objectives for the Orewa 4 Precinct are the most appropriate way to achieve the purpose of the Act and to contribute to the achievement of the objectives in the RPS section of the AUP(OP) (refer section 8.8).
- (d) The policies applying to the MHU Zone and the proposed new Randwick Rise Precinct will efficiently and effectively achieve the objectives of the zone and the Precinct.
- (e) The proposed activity table, standards and assessment criteria applying to the Randwick Rise Precinct will efficiently and effectively address the zone and Precinct policies.

Overall, it is considered that Option 2 is the most appropriate way to achieve the objectives of the proposal and the purpose of the RMA.

The evaluation of options undertaken in this report demonstrates that the preferred option for meeting the objectives of the PPC is a plan change to the AUP(OP) to provide for a MHU Zone and a new precinct for the Site. In accordance with section 32(1)(a), the objectives of the proposal are considered to be the most appropriate way to achieve the purpose of the RMA.

The proposed MHU Zone together with the Randwick Rise Precinct plan and provisions is the most efficient and effective means of achieving the objectives of the proposal.

7.0 Resource Management Framework

7.1 Introduction

The strategic framework for the assessment of a proposed plan change comprises both RMA and non-RMA documents. While the primary document to be considered is the AUP(OP), The Auckland Plan 2050 (given effect to by the AUP(OP)) and the National Policy Statement on Urban Development (which is also to be given effect to by the AUP(OP)) are also relevant documents.

The other relevant matter is the underlying approved resource consent that has been given effect to onsite.

7.2 Part 2 of the RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the Act.

The purpose of the Resource Management Act 1991 is set out in section 5 as follows:

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
 - (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Part 2 matters relevant to the PPC include:

- enabling people and communities to provide for their social, economic, and cultural well-being (s5(2));
- avoiding, remedying, or mitigating any adverse effects of activities on the environment (s5(2)(c));
- the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (s6(e));
- the management of significant risks from natural hazard (s6(h));
- the efficient use and development of natural and physical resources (s7(b)); and
- the maintenance and enhancement of amenity values (s7(c)); and
- maintenance and enhancement of the quality of the environment (s7(f)).

The PPC is considered to be aligned with Part 2 of the RMA as it seeks to provide for the social and economic well-being of the community in a way that mitigates adverse environmental effects, maintains and enhances ecological and amenity values, and uses this significant area of land efficiently.

It is considered that the PPC will promote sustainable management as it encourages the integration of land use and transport infrastructure. Furthermore, it enables residential activity to contribute to the supply of housing needed to meet demand from Auckland's growing population and the current housing crisis and avoids or mitigates adverse effects on the environment.

Section 6 lists a number of "Matters of National Importance". In respect of these matters, the proposal will recognise the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (s6(e)). The precinct provisions incorporate protection of existing streams and the interface with the significant Nukumea Scenic Reserve. Objectives, Policies and associated assessment criteria require the use natives in all planting areas is included as a standard and information requirement within the precinct. All development and subdivision in the precinct must be in accordance with an approved SMP, a draft of which is supplied in support of the PPC. This includes water attenuation and quality treatment requirements in a tool box approach to integrated stormwater management a matter of importance to mana whenua.

Other matters raised by mana whenua in relation to accidental discovery protocols, are either already embedded within the permitted earthworks standards of the AUP(OP) or are conditions of consent on the underlying consents that are being given effect to on site. Consequently, it is not considered that they need to be duplicated in the precinct. In addition, Ngati Manuhiri have not identified any known sites of cultural significance to mana whenua within the precinct, and therefore further detailed archaeological assessment (in addition to that undertaken within the underlying resource consent) is not considered to be required.

In respect of the management of significant risks from natural hazard (s6(h)), the proposal will manage stormwater internally within the precinct to ensure there are no increased downstream flood hazard risks within the Orewa West Stream catchment. This will be ensured by requiring that all development is undertaken in accordance with an approved Stormwater Management Plan. In respect to site stability within the Nukumea Reserve Protection Sub-Precinct the existing activities, standards, assessment criteria and information requirement provisions under Chapters E12 and E40 of the AUP(OP) will manage these effects at the subsequent consenting stage. There are no other identified natural hazards relevant to the land.

In terms of the "Other Matters" listed in section 7, it is considered that items (b), (c) and (f) are of particular relevance to this proposal. The PPC enables more intensive use of

the site, substantially increasing the potential for the land resource to be efficiently used for development beyond the underlying resource consent. The provisions applying to the Orewa 4 Precinct will promote alternative modes through the use of the cycle way across the motorway and the road network to the neighbourhood centre. This will have benefits in relation to the achieving a well functioning urban environment. The new provisions introduced with the PPC, combined with the amenities delivered by the underlying consent and the unique characteristics of the site, will ensure that amenity values of the site and the surrounding area will be maintained.

In relation to section 8, there are no known Treaty issues associated with the Site, although the role of Mana Whenua is acknowledged as outlined previously.

Overall, the application will assist in achieving the purpose of the RMA. The PPC will promote sustainable development, will positively impact on the social and economic wellbeing of the people and communities of Auckland and effects on the environment will be appropriate. Accordingly, the PPC as a whole will achieve the purpose of the RMA.

7.3 Other Relevant Sections of the RMA

Section 31(1)(a) of the RMA states that a function of the Council is *“the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district”*. It is considered that the PPC assists the Council to carry out its functions as set out in section 31.

Section 31(1)(aa) is of particular relevance to the PPC in that it states that a function of territorial authorities is also *“the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district”*. The PPC assists in fulfilling this function as it provides for additional residential and business land to meet the demands of the surrounding community, the closest parts of which are growing rapidly as a result of the AUP’s rezoning for residential development.

Section 75(3) of the RMA sets out the matters to be given effect to by a district plan:

- any national policy statement;
- any New Zealand coastal policy statement;

- a national planning standard; and
- any regional policy statement

It is also noted that a territorial authority must not have regard to trade competition or the effects of trade competition in preparing or changing its district plan (s74(3)).

It is proposed that the PPC would have legal effect only once a decision on submissions is made, as is the default position under section 86B(1).

7.4 Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

The RMA Amendment Act to enable housing supply was introduced into law in late 2021 in response to New Zealand's shortage of affordable housing. The Amendment Act is designed to improve housing supply in New Zealand's five largest cities by speeding up implementation of the intensification policies of the National Policy Statement on Urban Development ('NPS-UD') and enabling more medium density homes. It was recognised that most residential zones allow only a single dwelling per site and have two-storey height restrictions.

The Amendment Act is focused on delivering housing intensification through medium density residential standards ('MDRS'). These standards enable the development of up to three dwellings on each site, each being up to three storeys, without the need for resource consent. The Act requires Tier 1 councils, such as Auckland, to apply MDRS to most of their existing residential areas from August 2022.

Auckland Council notified Plan Change 78 (Intensification) in August 2022 to reflect the requirements of the Amendment Act and the NPS-UD. MDRS aspects of PC78 have legal effect from the time of notification, unless:

- a "qualifying matter" applies;
- the Council has proposed more permissive height standards; or
- greenfield land is being rezoned to residential land.

Although the plan change process is not yet complete and there is uncertainty around the progression of it following Government announcements. It is reasonable to conclude that there will be a substantial increase in the enabled residential development environment either through the combined Housing Enabling Act and NPSUD or via other

Government directions, and this has the potential to significantly alter Auckland's future housing and population growth patterns.

One of the significant changes proposed under PC78 is the rezoning of extensive areas of Single House Zone/ Mixed Housing Suburban Zone to Mixed Housing Urban Zone, including the West Hoe and Orewa neighbourhoods adjacent to the Site. Although a number of these areas have only just been developed as greenfield subdivisions so there is limited ability to further intensify these areas rather any opportunities would be in the older parts of Orewa closer to the town centre.

Under the Amendment Act a private plan change for rezoning of land for residential development must either adopt the existing AUP(OP) residential zone provisions or be in accordance with MDRS. This PPC adopts the AUP(OP) Mixed Urban Residential Zone provisions and proposes amendments in the form of a Precinct Plan that incorporates MDRS for the relevant residential zones.

Adopting the AUP(OP) provisions into the PPC (as is proposed here) addresses

(4A) A specified territorial authority must not accept or adopt a request if it does not incorporate the MDRS as required by section 77G(1).

In relation to this PPC, it adopts the AUP(OP) operative MHU and THAB Zone provisions and proposes amendments to that zone to incorporate MDRS as set out in **Appendix B**. As a result, the proposed incorporation of the MDRS within this PPC will mean the MDRS provisions will apply as appropriate to this Precinct. The Precinct provisions make it clear that the MDRS provisions will apply until PC78 is operative at which time the MDRS Precinct provisions will cease to apply.

Those MDRS provisions incorporated into the PPC reflect the PC78 amendments to align with Auckland Council's process (and which reflect those requirements under Clause 3A of the RMA). It may be the case the Council releases a decision on PC78 during consideration of this PPC request, at which time (depending on progress) the provisions may need to be amended to reflect the outcome of those decisions. It is possible that Council adopts a position that applying the MDRS is optional which may give the applicant the ability to edit or remove the MDRS provisions from the precinct.

The qualifying matters set out in PC78 will also apply as relevant to this plan change. The PPC provisions make this clear. A qualifying matter is any matter that reduces the intensification provisions of the MDRS. The qualifying matters proposed within this PPC

relate to protection of the significant ecological areas within the Nukumea Scenic Reserve and site subject to instability (both as a matter of national importance) and the application of riparian yard setbacks.

7.5 National Policy Statements

National policy statements (**'NPS'**) are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. There are currently seven national policy statements in place:

- National Policy Statement on Urban Development.
- National Policy Statement for Freshwater Management.
- National Policy Statement for Renewable Electricity Generation.
- National Policy Statement on Electricity Transmission.
- National Policy Statement for Indigenous Biodiversity.
- National Policy Statement for Highly Productive Land.
- New Zealand Coastal Policy Statement

Of these, only the, NPS on Urban Development Capacity, Freshwater Management, Indigenous Biodiversity and the NZ Coastal Policy Statement are considered relevant to the PPC.

7.5.1 The National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 (**'NPS-UD'**) is designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities (of which Auckland is recognised as a 'Tier 1' authority) to provide sufficient development capacity, so more homes can be built in response to demand. The NPS-UD provides direction to ensure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.

The NPS-UD replaces the National Policy Statement on Urban Development Capacity 2016 (**'NPS-UDC'**), but maintains and builds on some of its policies. Several policies are more directive than those in the NPS-UDC, particularly in New Zealand's largest and fastest growing urban environments such as Auckland. Some of the key changes in the

NPS-UD that are directly relevant to the PPC (in addition to the assessment of the NPS-UDC undertaken previously) are:

- a requirement for local authorities to enable greater intensification in areas of high demand and where there is the greatest evidence of benefit – city centres, metropolitan centres, town centres and near rapid transit stops;
- removal of minimum car parking rates from district plans; and
- a requirement for local authorities to be responsive to unexpected plan change requests where these would contribute to desirable outcomes.

The PPC accords with many of the objectives and policies of the NPS-UD, as it seeks to provide for residential growth in a location that is identified as suitable for additional intensification based on the analysis undertaken as part of this plan change.

The NPS_UD was updated in May 2022 to include amendments made by:

- a) Section 77S(1) of the Resource Management Act 1991 (as inserted by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021); and
- b) Amendments made by the Minister for the Environment under section 53(2) of the Resource Management Act 1991 and notified in the New Zealand Gazette on 11 May 2022 as the National Policy Statement on Urban Development 2020 Amendment No 1.

Particular objectives and policies that support, or are relevant to, the PPC are noted below:

Objective 1: *New Zealand has 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.*

Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets.*

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 4: *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

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;*
- (c) and responsive, particularly in relation to proposals that would supply significant development capacity.*

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;*
- (e) and support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

Policy 2: *Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.*

Policy 3: *In relation to tier 1 urban environments, regional policy statements and district plans enable:*

- (a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and*

- (b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys;*
- (c) and building heights of least 6 storeys within at least a walkable catchment of the following:*
 - (i) existing and planned rapid transit stops*
 - (ii) the edge of city centre zones*
 - (iii) the edge of metropolitan centre zones;*
- (d) and in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:*
 - (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or*
 - (ii) (ii) relative demand for housing and business use in that location.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect*
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

Policy 7: *Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.*

Policy 8: *Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:*

- (a) unanticipated by RMA planning documents; or*

(b) *out-of-sequence with planned land release.*

Overall, the PPC is consistent with the NPS-UD and gives effect to the aspirations and directive policies as follows:

- The PPC will enable the development of a significant number of dwellings in the market attractive location of Orewa in a way that will contribute to increasing the capacity of developable land to meet the demand for housing generated by a growing population in the medium to longer term.
- The NPS-UD encourages building heights and density of urban form commensurate with the greater of the level of accessibility to existing and planned public transport or relative demand for housing in that location. The site has good accessibility to the public road including direct access on to the motorway, services and wider transport network and there is demand for housing in this location with stages 1-3 of the site either completed or under construction.
- It is noted that NPS-UD will likely result in greater height and density than that anticipated in the AUP(OP) being enabled across Auckland in future to give effect to the outcomes of the NPS-UD.
- The planned urban built form enabled by the PPC will result in a change to the established (existing) character and amenity values of the surrounding environment however, this change is anticipated *by the underlying resource consent which is starting to be given effect to on site.*
- The PPC is consistent with the policy direction to enable local authorities to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments.

It is considered that the proposal would be consistent with the NPC – UD, through the use of structure planning and the precinct planning tool that proposes site specific provision in recognition of the unique characteristics of the site. This methodology would provide an efficient and effective urban environment that enables people and communities to provide for their social, economic, cultural and environmental well-being. A range of housing typologies, size and design would provide choice for the community including a small neighbourhood business centre that would meet the

convenience and local business needs of the community as well as being a community focal point.

The proposal has been assessed by a number of experts who have provided evidence that the development can be achieved without adversely affecting the environment, as well as providing for a more efficient development of the land resource. Further evidence that the land is suitable for urban development is provided by the approved resource consent and the fact that development is currently underway. The proposal would provide a more efficient development of the site than approved in the resource consent through the increase in dwelling numbers, the ability to connect into bulk infrastructure and the provision of a statutory planning context for the land that allows for on-going future development in an integrated manner that is consistent with the outcomes envisaged by the AUP and the reality of development on the land.

7.5.2 The National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 (NPS-FM) provides direction as to how local authorities should carry out their responsibilities under the RMA for managing freshwater quality.

Freshwater resources are to be managed in a way that gives effect to the fundamental concept of Te Mana o te Wai.¹⁷ This is achieved through a hierarchy of obligations that firstly prioritises the health and wellbeing of water bodies, then the essential health needs of people, and followed by the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. Further loss or degradation of wetlands and streams is to be avoided.

The PPC proposes a response to zoning and provisions that aligns with the underlying approved resource consent. This consent provides the framework for the management of stormwater on site and response to the freshwater water bodies across the site. The PPC largely aligns with this consented approach with the only divergence occurring in respect of reduced wetland works with the removal of one of the road crossings to stage 7 in the northwestern corner of the site.

¹⁷ This concept refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It is more fully explained in clause 1.3 of the NPS-FM

Bioresearches has undertaken an Ecological Assessment within **Appendix G** of the freshwater resources within the PPC land in the framework of the existing consents and finds that:

“The main objective of the NPS-FM is to ensure the health and well-being of water bodies and freshwater ecosystems are prioritised. The PPC is in accordance with the objective of the NPS-FM as all freshwater ecosystems have been identified within the site; no wetland/stream reclamation or works are proposed and any potential significant adverse effects identified during future development will be able to be appropriately avoided, minimised, remedied or offset under the effects management hierarchy.”¹⁸

For this reason, it is considered that freshwater within the PPC area can be managed in a way that gives effect to Te Mana o te Wai. The PPC therefore enables the Upper Orewa community to provide for its social, economic and cultural wellbeing in a manner that is consistent with the outcomes sought by the NPS-FM.’

It is considered that the proposed precinct provisions in relation to water quality, quantity and integrated catchment management would be generally consistent with the NPSFM. The PPC utilises the streams or natural hydrological features on the site as part of stormwater management, ensuring that only clean roof runoff or stormwater treated through the proposed raingardens, is discharged into the streams and that stream base flow levels and quantity are maintained and enhanced where appropriate. Water quality in the streams would be further enhanced through the change in land use from rural to residential whereby stock will no longer access the streams, and through proposed vegetation retention, and extensive replanting with indigenous vegetation for a minimum depth of 10m along the riparian margins.

7.5.3 The National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land (**‘NPS-HPL’**) aims to protect highly productive land for use in land-based primary production and requires the Council to map this land and restrict built development on highly productive land.

The proposed Orewa 4 Precinct is zoned FUZ, with rural productive activities enabled within it. However, the Site is not identified as highly productive land protected by the

¹⁸ Section 4.4.1, Ecological Impact Assessment, prepared by Bioresearches June 2023 within **Appendix G**

NPS-HPL. The site is identified as LUC 'Class 4 and 6' land use capability¹⁹. Consequently, the NPS-HPL is not considered to be relevant for this PPC.

7.5.4 The New Zealand Coastal Policy Statement

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. Objective 1 and Policy 23(4), Discharge of Contaminants of the NZCPS are particularly relevant to this application as in terms of stormwater management, all stormwater networks on the site would discharge via raingardens that provide treatment, into one of the three streams on the site. The property is located across three stream catchments, each of which discharge through culverts beneath the northern motorway and into the Orewa Estuary, with the ultimate receiving environment being the Hauraki Gulf.

Policy 23(4) requires that discharges of stormwater should be managed to reduce contaminant and sediment loading of stormwater at source through contaminant treatments and by controls on land use activities, and promoting design options that reduce flows to stormwater reticulation systems at source.

It is considered that the proposal would be consistent with the NZCPS. The water sensitive design approach for stormwater management of the site would ensure that stormwater is adequately treated and managed in terms of flow rates, before discharge to the Hauraki Gulf (via the streams) ensuring that water quality in the CMA is maintained and not degraded.

7.6 National Environmental Standards

National environmental standards ('NES') are regulations that prescribe standards for environmental matters. There are currently eight NES in force as regulations, covering the following issues:

- Soil contamination;
- Air quality;
- Electricity transmission;
- Freshwater;
- Marine aquaculture;

¹⁹https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/Iri_luc_hpl?contextLayers=water_transport_text

- Plantation forestry;
- Sources of human drinking water; and
- Telecommunication facilities.

Of these, only the NES relating to freshwater are relevant to the proposal to change the zoning of the land.

The National Environmental Standards for Freshwater 2020 (NES-F) became operative in part on 3 September 2020. The precinct aligns with these regulations with all freshwater features protected through the new areas of open space zoning. No additional reclamations are sought by the precinct provisions.

In respect of contamination, it is noted that no evidence of contamination was found during the consent process nor through any engineering investigative process. On this basis, no further regard needs to be given to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health or matters of soil contamination in respect of the site.

7.7 National Planning Standards

The purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare and comply with. The Standards will also support implementation of national policy statements and help people observe the procedural principles of the RMA. National Planning Standards must be given effect to by district plans, in accordance with s75(3) RMA.

The Standards are a form of national direction that was introduced as part of the 2017 amendments to the Act. The first set of Standards was released in November 2019, and comprised 17 separate Standards.

There is a significant period of time after confirmation (10 years) before Auckland Council is required to modify their planning documents. Furthermore, there will clearly be many other zoning situations in the AUP that are substantially similar to that enabled by the PPC and those would also be subject to any amendments that may arise as a result of implementing the Standards.

For these reasons, it is considered that the Standards will have no effect on the development of the PPC at the current time.

7.8 Other Legislation

8.6.1 Hauraki Gulf Marine Park Act 2000

It is noted that the Hauraki Gulf Marine Park Act 2000 (HGMPA) applies to the site as it falls within the catchment for the Hauraki Gulf (as identified in Schedule 3 of that Act) and the ultimate receiving environment for all stormwater on the site would be the Hauraki Gulf. Sections 7 and 8 of HGMPA must be treated as a NZ Coastal Policy Statement.

Section 7 recognises the national significance of the Gulf, while section 8 outlines the objectives of the management of the Hauraki Gulf, its islands and catchments.

The objectives seek to protect, maintain and where appropriate enhance the life supporting capacity of the environment of the Hauraki Gulf and its islands.

In terms of stormwater management, all stormwater networks on the site would discharge via raingardens that provide treatment, into one of the three streams on the site. The property is located across three stream catchments, each of which discharge through culverts beneath the northern motorway and into the Orewa Estuary, with the ultimate receiving environment being the Hauraki Gulf.

It is considered that the proposal would be consistent with the purpose of the Hauraki Gulf Marine Park Act. The water sensitive design approach for stormwater management of the site would ensure that stormwater is adequately treated before discharge to the streams (and ultimately the Hauraki Gulf) and the use of retention and detention devices would ensure that the stream are recharged so that hydrological flows and habitat is maintained. This would meet 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.

7.9 The Auckland Plan

The Auckland Plan 2050 (**'AP 2050'**) is a long-term spatial plan for Auckland for the next 30 years. The AP 2050 responds to the key challenges we face today: high population growth, sharing prosperity among all Aucklanders, and reducing environmental damage.

The development strategy contained in AP2050 addresses the supply of residential and business land and supporting infrastructure. Growth is to be managed to build strong urban centres and neighbourhoods. The development strategy is outlined through six outcomes: Belonging and Participation, Māori Identity and Wellbeing, Homes and Places, Transport and Access, Environmental and Cultural Heritage, and Opportunity and Prosperity.

The AP2050 identifies future urban areas which include the PPC Site. Because of the scale of growth envisaged in Auckland's future urban areas, and the housing and employment choices they can provide, the development strategy states that it is crucial they are developed in an efficient, cost-effective and sustainable way. The application responds to this direction set in the AP2050 through the provision of additional housing in an area of identified future need.

The Auckland Plan notes that centres are at the heart of neighbourhoods and are focal points for the surrounding community. Centres are supported by a surrounding (typically residential) area that is within easy walking distance, usually thought of as 10 minutes. The majority of the proposed precinct area will reside within a 10-minute walk of the proposed neighbourhood centre that will provide a range of convenience commercial services as well as act as a focal and entry point for the community, particularly when combined with the adjoining open space to the north of the centre. An extensive and connected open space network that is accessible and visible from residential development on the site is also a defining and unique feature of the precinct.

The open space network is also complemented by the proposed roading network in terms of providing walking and cycling opportunities (in separated cycle-paths) that connect to the neighbourhood centre and beyond across the motorway to Orewa. The proposed precinct provisions also recognise the environmental qualities of the site and environs including Nukumea Scenic Reserve and seek to ensure that the ecological, landscape and natural amenity values of the land are protected and enhanced through the use of a development buffer on sites adjoining the reserve along with replanting requirements as well as extensive replanting of the riparian margins and a prohibition on the keeping of cats, rodents and mustelids.

Overall, the proposed precinct provisions support the 'Homes and Places Outcome' Directions 1, 2 and 4 which seek to develop a quality compact urban form to accommodate Auckland's growth, accelerate the construction of homes to meet

Aucklander's changing needs and preferences and provide sufficient public places and spaces that are inclusive, accessible and contribute to urban living.

It also supports the 'Transport and Access Outcome' Direction 1 to better connect people, places, goods and services, Direction 2 to increase genuine travel choices for a healthy, vibrant and equitable Auckland and Direction 3 to maximise safety and environmental protection. Direction 3 of the 'Environmental and Cultural Heritage Outcome' is also supported as that seeks to use Auckland's growth and development to protect and enhance the natural environment.

Overall, the PPC is considered to align with the long-term vision of the AP2050.

7.10 Future Development Strategy 2023

Auckland Council released its Future Development Strategy ('FDS') in 2023 and is a non-statutory document. The FDS focuses on the long-term future of Auckland and how growth should be managed for the next 30 years to ensure sufficient residential land is provided. The Auckland Plan and the FDS work in tandem to set the high-level direction for Auckland over the long-term. It is highlighted that the FDS *precedes* recent government announcements around the need for Council's to provide sufficient land to enable housing delivery over a 30 year period.

The FDS notes that while most growth is anticipated to be through intensification in existing urban areas, future urban areas will also provide for urban expansion. The FDS sets out the timing of development in future urban areas based on when the required bulk infrastructure can be provided.

The site falls within Upper Orewa area and is identified as the 'Resource Consent Area' (refer **Figure 21** below). The site is not subject to a timing limitation for bulk infrastructure delivery. Although the adjacent FUZ sites are identified as 2050+. The site is specifically excluded from the FDS as the area has an underlying resource consent that has been given effect to on site that effectively urbanised the site. The relevant transport infrastructure and amenities necessary to support the urbanisation of the site have already been determined by the underlying consent and incorporated into the precinct.

In respect of wastewater capacity consultation has been undertaken with WSL (refer **Appendix T**). They have confirmed that any additional dwellings beyond the consented 575 lots would be reliant on the future Army Bay WWTP Stage 1 upgrade being completed (currently anticipated in 2031).

WSL confirm that “Given the FDS is silent on the timing of the development of this future urban area, we would not oppose a plan change to rezone the land subject to precinct provisions that require consideration of the capacity of the bulk network at the time of RC application, and upon the clear expectation that new development proposals from the plan change area would be required to wait for the WWTP upgrade due 2031”. The precinct provisions sought by WSL have been incorporated into the precinct refer **Appendix C**.

On this basis, it is considered that the FDS anticipates and provides for the urbanisation of the site. Any additional dwellings beyond the underlying consent will be dependent on the Army BAY WWTP upgrade being in place unless an alternative agreement has been agreed and consented by WSL and Council.

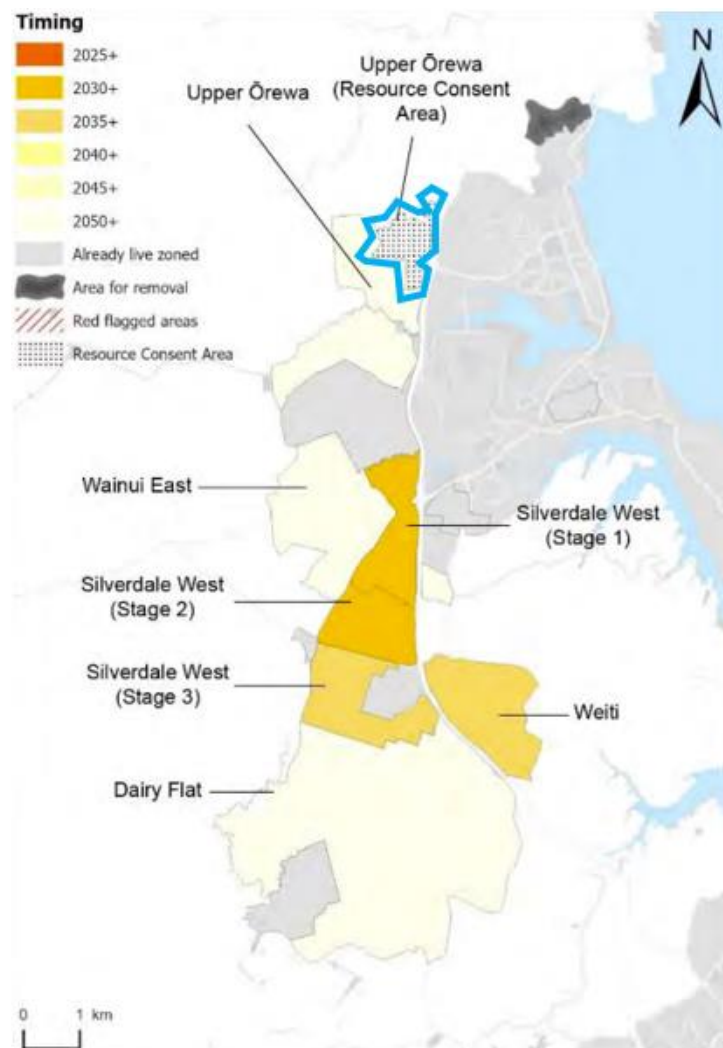


Figure 21: Future Development Strategy Site Identification (Note: site shown in blue)

7.11 The Auckland Unitary Plan – Regional Policy Statement

When preparing or changing a district plan, Council must give effect to any Regional Policy Statement ('RPS'). The RPS seeks to achieve the purpose of the RMA by providing an overview of the resource management issues for the region, and establishing policies and methods to achieve integrated management of the region's natural and physical resources.

In terms of issues pertaining to B2 (Urban form and growth), the AUP(OP) states that such growth needs to be provided in a way that:

- (1) enhances the quality of life for individuals and communities;*
- (2) supports integrated planning of land use, infrastructure and development;*
- (3) optimises the efficient use of the existing urban area;*
- (4) encourages the efficient use of existing social facilities and provides for new social facilities;*
- (5) enables provision and use of infrastructure in a way that is efficient, effective and timely;*
- (6) maintains and enhances the quality of the environment, both natural and built;*
- (7) maintains opportunities for rural production; and*
- (8) enables Mana Whenua to participate and their culture and values to be recognised and provided for.*

With respect to B3 (Infrastructure, transport and energy), the following matters are also pertinent:

- (1) integrating the provision of infrastructure with urban growth; and*
- (4) traffic management*

The RPS contains a number of higher order objectives and policies that are relevant to the assignment of zoning to land, particularly in relation to Urban Growth and form which are set out below. These along with other relevant objectives and policies in relation to Commercial and Industrial Growth, Open Space and Recreation, Transport, Infrastructure and Freshwater management are discussed in detail in **Appendix H** to this request.

B2.2. Urban growth and form

B2.2.1. Objectives

- (1) *A quality compact urban form that enables all of the following:*
 - (a) *a higher-quality urban environment;*
 - (b) *greater productivity and economic growth;*
 - (c) *better use of existing infrastructure and efficient provision of new infrastructure;*
 - (d) *improved and more effective public transport;*
 - (e) *greater social and cultural vitality;*
 - (f) *better maintenance of rural character and rural productivity; and*
 - (g) *reduced adverse environmental effects.*
- (2) *Urban growth is primarily accommodated within the urban area 2016 (as identified in Appendix 1A).*
- (3) *Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.*

B2.2.2. Policies

Quality compact urban form

- (4) *Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.*
- (5) *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.*
- (6) *Identify a hierarchy of centres that supports a quality compact urban form:*
 - (a) *at a regional level through the city centre, metropolitan centres and town centres which function as commercial, cultural and social focal points for the region or sub-regions; and*
 - (b) *at a local level through local and neighbourhood centres that provide for a range of activities to support and serve as focal points for their local communities.*

- (7) *Enable rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:*
 - (a) *support a quality compact urban form;*
 - (b) *provide for a range of housing types and employment choices for the area;*
 - (c) *integrate with the provision of infrastructure; and*
 - (d) *follow the structure plan guidelines as set out in Appendix 1.*

B2.4. Residential growth

B2.4.1. Objectives

- (1) *Residential intensification supports a quality compact urban form.*
- (2) *Residential areas are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area.*
- (3) *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.*
- (4) *An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland's diverse and growing population.*
- (5) *Non-residential activities are provided in residential areas to support the needs of people and communities.*

B3.2. Infrastructure

B3.2.1. Objectives

- (1) *Infrastructure is resilient, efficient and effective.*
- (2) *The benefits of infrastructure are recognised, including:*
 - (a) *providing essential services for the functioning of communities, businesses and industries within and beyond Auckland;*
 - (b) *enabling economic growth;*
 - (c) *contributing to the economy of Auckland and New Zealand;*
 - (d) *providing for public health, safety and the well-being of people and communities;*
 - (e) *protecting the quality of the natural environment; and*

- (f) enabling interaction and communication, including national and international links for trade and tourism.*
- (3) Development, operation, maintenance, and upgrading of infrastructure is enabled, while managing adverse effects on:*
 - (a) the quality of the environment and, in particular, natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character;*
 - (b) the health and safety of communities and amenity values.*
- (1) The functional and operational needs of infrastructure are recognised.*
- (2) Infrastructure planning and land use planning are integrated to service growth efficiently.*
- (3) Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development.*
- (4) The national significance of the National Grid is recognised and provided for and its effective development, operation, maintenance and upgrading are enabled.*
- (8) The adverse effects of infrastructure are avoided, remedied or mitigated.*

B3.3. Transport

B3.3.1. Objectives

- (1) Effective, efficient and safe transport that:*
 - (a) supports the movement of people, goods and services;*
 - (b) integrates with and supports a quality compact urban form;*
 - (c) enables growth;*
 - (d) avoids, remedies or mitigates adverse effects on the quality of the environment and amenity values and the health and safety of people and communities; and*
 - (e) facilitates transport choices, recognises different trip characteristics and enables accessibility and mobility for all sectors of the community.*

B7.3. Freshwater systems**B7.3.1. Objectives**

- (1) *Degraded freshwater systems are enhanced.*
- (2) *Loss of freshwater systems is minimised.*
- (3) *The adverse effects of changes in land use on freshwater are avoided, remedied or mitigated.*

B10.2 Natural hazards and climate change**B10.2.1. Objectives**

- (2) *New subdivision, use and development avoid the creation of new risks to people, property and infrastructure.*
- (3) *The functions of natural systems, including floodplains, are protected from inappropriate subdivision, use and development.*
- (6) *The conveyance function of overland flow paths is maintained.*

In summary, it is considered that the PPC would give effect to the RPS in that it:

- The RPS procedure for rezoning FUZ land through structure planning and a plan change process has been followed that builds on the work undertaken as part of the underlying consent (B2.2.2(1)).
- Rezoning from FUZ to a number of urban zones enables the underlying consent to be reflected in the AUP zoning. Furthermore, it enables significantly increased efficiency in the utilisation of the land resource, promoting urban growth and intensification in a location contiguous with the existing urban area and the underlying consent. The zoning also enables a range of development outcomes whilst responding to the sites opportunities and constraints (B2.2.2(4) and B2.2.2(5)).
- It assists in addressing the current shortfall in the supply of housing in Auckland (B2.2.1(3)), increasing both residential capacity and housing choice (B2.4.1(4)).
- Provides for rezoning of land within the Rural Urban Boundary that supports a quality compact urban form, through the provision of a range of transport

modes, a small business centre, a well- connected open space network and local roading network and is integrated with the provision of infrastructure (B2.2.2(7) and B3.2.1);

- Provides for non-residential activities to support the needs of the surrounding residential community (B2.4.1(5));
- Enables a new local centre in close proximity to a high intensity residential development (B2.5.2(4)(a));
- It includes sizable areas of open space to support a well-functioning urban environment and to support residential land uses (B2.4.1(2) and B2.4.1(3)).
- Will not undermine the sustainable distribution of existing local centres in the wider surrounding area because the proposed rezoning responds to a new area of intensive residential growth that was not enabled prior to the AUP (B2.5.2(4)(b));
- Enables the effective, efficient and safe development of multiples modes of transport that enables the movement of people, goods and services and accessibility of the site (B3.3.2 (2) and B3.352 (1));
- Integrates the management of development and freshwater by ensuring the availability of infrastructure and managing the discharge of stormwater to ensure that adverse effects on the stream network are minimised through a water sensitive design approach that provides for treatment and appropriate hydrological recharge of the streams (B7.4.2(9) and B7.4.2 (1));
- Mitigation measures are adopted in the form of a Stormwater Management Plan into the precinct (B10.2.1(2) and B10.2.1(3)).
- It not only maintains but enhances indigenous biodiversity through restoration and enhancement of existing streams and provision of ecological connections within the Site through the identification and integration of these into the overall precinct and development layout, and the requirement for riparian planting (B7.3.1(1), B7.3.1(2) and B7.3.1(3)).
- Avoids adverse effects on the retained areas of SEA on the site by making these areas part of the open space network and subject to ongoing use and

maintenance as open space covenants and not subject to potential future development (B7.2.2(5)); and

- Provides a well - connected open space network, utilising riparian margins and stream banks, along with areas for informal recreation and community events (B2.7.2 (1), B2.7.2 (2) and B7.2.2 (9)).

7.12 The Auckland Unitary Plan – Objectives and Policies

7.12.1 Zones

The PPC proposes a new precinct that incorporates a number of zones-residential, open space and business. How the PPC will give effect to the relevant AUP objectives and policies in relation to each zone is discussed below.

7.12.2 H5 Residential – Mixed Housing Urban (MHU)

Zone Description H5.1

Objectives H5.2 (1) – (4) and Policies H5.3 (1) – (10)

The MHU zone is a reasonably high intensity zone intended to support increased capacity and choice in a neighbourhood as well as promoting walkable neighbourhoods, fostering a sense of community and increasing the vitality of centres. The character of the zone is intended to be urban in nature, with three storey development enabled, surrounded by open space with high-quality on-site living environments.

Objectives and policies of the MHU seek to ensure that land close to public transport networks and centres is efficiently used, that development is urban in form, with a variety of housing types at higher densities, surrounded by open space and that quality on site amenity is provided for residents.

It is considered that the use of MHU in the precinct would be consistent with these objectives and policies. The MHU zoned land is the predominant zoning across the site with the use of Sub-Precincts along the interface with Nukumea Reserve and in areas of the site anticipated to be retained as open space. The site has a number of walking and cycling connections running through it that connect into the new neighbourhood centre.

Furthermore, a Neighbourhood Design Statement and concept master plan prepared by Boffa Miskell within **Appendix I** considers the application of density, movement and open space across the site.

7.12.3 H6 Residential – Terrace Housing and Apartment Building Zone (THAB)

Zone Description H6.1

Objectives H6.2 (1) – (4) and Policies H6.3 (1) – (10)

The THAB zone is the highest intensity residential zone that provides for urban living in the form of apartments and terrace housing. The zone is predominantly located around centres and the public transport network to support the highest levels of intensification. Objectives and policies of the THAB zone seek to make efficient use of the land resource, increase housing choice and ensure that residents have access to services, open space and public transport in order to promote walkable neighbourhoods and increase the vitality of centres.

It is considered that the proposed areas of THAB in the precinct would be consistent with these objectives and policies. The THAB zoned land is on relatively flat land, located immediately adjacent to the south, east and west of the centre, adjoining the SH1, the main entry road into the precinct. The THAB zoned land is surrounded by open space and in parts is directly adjacent to the new neighbourhood centre or within an easy- walking distance to the centre.

7.12.4 H7.4 Open Space – Conservation Zone (OSC)

Zone Description H7.4.1

Objectives H7.2-All Zones (1) – (2) and Policies H7.3 (1) – (4)

Objectives H7.4.2 (1) – (2) and Policies H7.4.3 (1) – (7)

The majority of the open space in the precinct, including the stream margins and areas that adjoin the Nukumea Scenic Reserve will be managed by proposed precinct provisions. This is to provide for flexibility for the final alignment and depth of these areas. They can be formally zoned open space in the future if desired by Council once the cadastral boundaries are known.

However, there is a small extent of OSC sought that aligns with the re-vegetated areas of Stage 1 these have already been planted and covenanted for protection and these areas are owned already by the Ara Hills Residents Association as part of the conditions

of the underlying consents. Given, there is certainty on the cadastral boundaries of this area the OSC zoning has been applied to recognise the natural, ecological and landscape values of this area of the site.

Objectives and policies seek to ensure that any use or development conserves, protects and enhances and complements the natural landscape and ecological values, including habitats and SEAs through restrictions on the location of buildings and parking areas and protecting and enhancing Mana Whenua values.

It is considered that the proposed area of OCS in the precinct would be consistent with these objectives and policies. The OSC land in the precinct is intended to provide natural/wilderness bush walking and cycling recreational opportunities that utilise and enhance the existing stream network and vegetation (including existing exotic vegetation), rather than modify it for more formal recreational opportunities.

The extent of OSC zone and its relationship to the wider open space network across the precinct is identified in the Neighbourhood Design Statement and concept master plan prepared by Boffa Miskell within **Appendix I**.

7.12.5 H7.5 Open Space- Informal Recreation Zone (OSIR)

Zone Description H7.5.1

Objectives H7.2-All Zones (1) – (2) and Policies H7.3 (1) – (4)

Objectives H7.5.2 (1) – (4) and Policies H7.5.3 (1) – (9)

The OSIR is applied to land that is used for a variety of outdoor informal recreation activities and community uses such as walking, running, cycling, picnics and enjoying the environment. It applies to open space that ranges in size from small local parks to regional parks. The objectives and policies seek to ensure that the open and spacious character of the zone is maintained, Informal recreation, including small scale community uses is the predominant activity, and buildings and structures are limited to those necessary to enhance the use and enjoyment of the open space. Public accessibility is to be maintained and areas for exclusive use minimised. The natural character is to be enhanced through the retention of significant vegetation (including mature exotic tree species), weed removal, new planting and landscaping.

It is considered that the one proposed area of OSIR in the precinct would be consistent with these objectives and policies. It features a small neighbourhood park in stage 1 which has already been developed with a playground, community and seating facilities.

This park is privately owned by the Residents Association. These activities are consistent with those anticipated under the objectives and policies of the OSIR.

The open space network and respond is explored and responded in the Neighbourhood Design Statement and concept master plan prepared by Boffa Miskell within **Appendix I**.

7.12.6 H12 Business Neighbourhood Centre Zone (BNC)

Zone Description H12.1

Objectives H12.2 (1) – (7) and Policies H12.3 (1) -18)

The BNC applies to small shopping areas located in residential neighbourhoods with the intention of providing residents with frequent and convenience retail and commercial service needs. Provisions enable buildings up to three storeys high with residential uses above ground level permitted. Development is expected to be in keeping with the surrounding residential environment. Objectives and policies seek to ensure that centres are attractive environments that provide commercial activity at a variety of scales that provide for the community's social and economic needs. Development should be of a form, scale and quality that reinforces the role of centres as a focal point for the community. Neighbourhood centres are limited to a range and scale that meets the local convenience needs of residents including local retail, business services and food and beverage activities. Large-scale commercial activities are discouraged given the residential zoning on the balance of the site and the smaller extent of neighbour centre zoning sought to ensure that the establishment and retention of a mix of activities in the neighbourhood centre is not adversely affected, the function role and amenity of larger centres are not significantly affected and adverse effects on the safe and efficient operation of the transport network including pedestrian safety and amenity are appropriately managed.

A retail economic assessment of the proposed centre was undertaken by Property Economics (attached as **Appendix J**). This assessment encompasses an analysis of the development, types of centres provided in the AUP (i.e. local centre versus neighbourhood centre), the catchment, projected retail expenditure and sustainable GFA, trade competition effects versus distribution effects, and potential tenancy types and concluded that the proposed precinct would be “*best served in terms of efficiency and sustainability if it had its own neighbourhood centre (as defined in the Unitary Plan) that did not conflict with and was complementary to surrounding comparatively larger commercial developments in Orewa and Silverdale.*”

The development is relatively isolated on the west of SH1 and as a matter of convenience a small commercial development is likely to be beneficial to satisfy the demand that is likely to arise from the Hall Farm suburb itself rather than draw meaningful custom from farther abroad.” (Section 8 Summary, Page 18).

It is considered that the proposed BNC would be consistent with the relevant policies and objectives. The objectives and policies follow the direction of the RPS and reinforce the use of a hierarchy approach to centres. The role of the neighbourhood centre is identified as providing “*commercial activities within residential areas that are limited to range and scale that meets the local convenience needs of residents as well as passers-by*” (Objective H12.2.(6)). Any development within the zone needs to be at a scale and intensity that is commensurate with the planning outcomes identified by the AUP for the surrounding environment which includes the fact that Grand Drive will eventually as part of NOR be upgraded to an Arterial Road and extended by AT (or others) to have a connection to Wainui Road. Property Economics concluded that a neighbourhood centre was the most appropriate type of centre and that it would not impact on the role, function or amenity of other centres in the area.

A potential layout for the neighbourhood centre is included within the Neighbourhood Design Statement and concept master plan prepared by Boffa Miskell within **Appendix I**.

Overall, it is concluded that the PPC will give effect to the relevant AUP objectives and policies as:

- It will beneficially enable small scale commercial activity which primarily services the local convenience needs of the surrounding residential area, which will be developed intensively in accordance with its proposed range of zonings;
- It will not undermine the function, role or amenity of any town centre, metropolitan centre or the city centre; and
- It will not give rise to any adverse effects on the safe and efficient operation of the transport network.

7.12.7 Chapter E - Auckland- Wide Provisions

7.12.7.1 E1- Water quality and Integrated Management, E8. Stormwater- Diversion and Discharge

Objectives E1.2 (1) – (3) and Policies E1.3 (2) -(8), (10) – (14)

Chapter E1 contains objectives and policies that seek to ensure that freshwater quality is maintained and enhanced, the mauri of freshwater is progressively improved and stormwater networks are managed to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality. Adverse effects are to be managed through reference to the National Policy Statement for Freshwater Management bottom lines and interim guidelines which include the Macroinvertebrate Community Index (MCI) Guidelines outlined in Table E1.3.1. The objectives and policies of Chapter E1 are also relevant in relation to Chapter E8 Stormwater- Diversion and Discharge.

The site contains 3 different MCI land uses as shown on the AUP(OP) planning maps, Native Forest, Exotic Forest and Rural. Boffa Miskell undertook an assessment of the stream habitats on site in 2016 and provided MCI scores for the main streams and some of their tributaries (refer **Appendix G**). Most of the site is shown as MCI Rural with some MCI Native and Exotic areas around the streams. The MCI scores for the streams on site ranged from 121.5, indicating “excellent” water quality for the West Hoe Stream to 94 for the upper reaches of the Middle Stream indicating “fair” water quality and 103.8 for the Orewa North Stream indicating “good” water quality. Where streams score below the MCI guideline outlined in Table E1.3.1, Policy E1.3(2) requires that subdivision, use and development that affects freshwater systems should be managed to **enhance water quality, flows, stream channels and their margins**.

Other policies require that contamination that would have an adverse effect on the life supporting capacity of freshwater and its ecosystems should be avoided (Policy 4). Stormwater management for development in greenfields areas is specifically addressed in Policy E1.3 (8) and requires that adverse effects should be mitigated by taking an integrated stormwater management approach, minimising the generation and discharge of contaminants, minimising or mitigating changes in hydrology, minimising erosion, maintaining stream baseflows, minimising the effects of temperature change on freshwater systems as a result of stormwater discharges and providing for the management of gross pollutants. Policy E1.3(10) describes what must be taken regard

of in an integrated stormwater management approach and includes the use and enhancement of natural hydrological features and green infrastructure for stormwater management where practicable.

It is considered that the proposed precinct provisions in relation to water quality, quantity and integrated catchment management would be consistent with the policies and objectives of Chapter E1. The PPC utilises the streams or natural hydrological features on the site as part of stormwater management, ensuring that only clean roof runoff or stormwater treated through the proposed raingardens, is discharged into the streams and that stream base flow levels and quantity are maintained and enhanced where appropriate. Water quality in the streams would be further enhanced through the change in land use from rural to residential whereby stock will no longer access the streams, and through proposed vegetation retention (including mature exotic vegetation), and extensive replanting with indigenous vegetation for a minimum depth of 10m along the riparian margins.

7.12.7.2 E3- Lakes, Rivers, Streams and Wetlands

Objectives E3.2 (1)-(6) and Policies E3.3(1) -(16)

Objectives and Policies of Chapter E3 seek to ensure that Auckland's lakes, rivers and streams are protected from permanent loss and restored, maintained and enhanced. Reclamation is to be avoided where practicable and adverse effects of activities in relation to the bed of a stream are to be minimised. It is recognised that streams in urban areas provide an important component for the assimilation and conveyance of stormwater and form part of the overall stormwater network. It is also recognised that urban streams continue to provide ecological and biodiversity values. Riparian margins are to be protected from inappropriate use and development and to enable public access and for water quality, ecological and landscape protection purposes.

It is considered that the PPC would be consistent with these policies and objectives. No further reclamation beyond the consented stream works is proposed as part of this plan change and the streams would be utilised as part of the stormwater network. Rather the extent of reclamations is actually reduced with the removal of one of the road crossings to the stage 7 area in the northwest corner of the site.

The proposed ecological corridors/connections, and green walking network in the precinct utilises the riparian margins of the stream which are either zoned open space

or fall within the Open Space Sub-Precinct so are protected from inappropriate use and development. Extensive replanting is also proposed in the riparian margins for a minimum depth of 10m, to ensure water quality and landscape and amenity values associated with the streams are enhanced. Stormwater management will ensure that the base flows of the streams are maintained thus protecting instream and stream bank habitat.

7.12.7.3 E10- Stormwater Management Area- Flow 1 and 2

Although the existing site is not within a SMAF area the PPC does seek to extent it across the site. This aligns with the land immediately downstream of the site (across SH1) which is covered by the SMAF1.

Objectives and policies of Chapter E10 seek minimise adverse effects of stormwater runoff on streams to retain and where possible enhance stream naturalness, biodiversity, bank stability and other values. Stormwater hydrology mitigation, including retention and detention is required where there are new impervious areas. Crang Civil have provided a report within **Appendix K** that covers the proposed stormwater management of the site recognising the level of new impervious area proposed and the fact that the land down- stream of the site is in a sensitive SMAF1 area. They have assessed and investigated the three main solutions to provide mitigation for new impervious areas including:

- Retention for stream protection and groundwater recharge
- Detention for stream protection
- Detention for flood management

A Stormwater Management Plan ('**SMP**') is included, and this has been updated following feedback from Healthy Waters. The SMP identifies and provides a framework for the design and approval of new stormwater reticulation and treatment associated with the redevelopment of the site based on the best practicable option ('**BPO**') and a treatment chain approach. This SMP will fall under the Regionwide Network Discharge Consent ('**NDC**') and this will be used to guide the subsequent development process on site. A number of matters from the SMP have been incorporated into the precinct provisions.

The SMP concludes that retention for stream protection and groundwater recharge would be achieved through allowing flows to be collected and discharged back in to the

heads of the streams with hydraulic modelling to determine the appropriate flows (and utilising roof tanks for extended detention where necessary). Detention for stream protection through the use of raingardens to SMAF1 standards would be provided and detention for flood management was not considered necessary.

On this basis, it is considered that the PPC and SMP would be consistent with the intended outcomes of the Objectives and Policies of Chapter E10 with the SMAF overlay recommended to be extended across the site.

7.12.7.4 E11 and E12- Land Disturbance- Regional and District

It is considered that the PPC would be consistent with the intended outcomes of the Objectives and Policies of Chapters E11 and E12. Earthworks and Land disturbance is recognised as an essential prerequisite of the development of urban land and that the major contaminant of the CMA is sediment generated during land development. The objectives and policies of Chapters E11 and E12 outline the need to manage land disturbance so that the safety of people is protected, adverse effects on the environment are mitigated, sediment generation is minimised and soil conservation achieved. Development of the site in accordance with the proposed precinct plan and provisions would be in accordance with the provisions of Chapters E11 and E12 and would thus be consistent with these policies and objectives. It is further noted the proposed precinct plan does not anticipate development or land disturbance in proximity to streams on the site and that it generally utilises existing contours rather than seeking to realign them on a large scale. Please note that the works undertaken as part of the approved resource consent are excluded from this consideration.

7.12.7.5 D9- Significant Ecological Areas Overlay, E15. Vegetation Management and Diversity and E16. Trees in Open Space Zones

Objectives D9.2 (1)-(3) and Policies D9.3 (1) – (8), Objectives E15.2 (1) – (2), Policies E15.3 (1) – (8) and Objectives E16.2 (1) - (2) and Policies E16.3 (1) – (3)

It is considered that the PPC would be consistent with the intended outcomes of the Objectives and Policies of Chapters D9, E15 and E16. Objectives and policies seek to ensure that areas of significant indigenous diversity values are protected from the adverse effects of subdivision and development, indigenous vegetative cover is maintained and enhanced while providing for appropriate subdivision, use and

development and that indigenous biodiversity is restored and enhanced in areas where development is occurring. Trees in open space zones that contribute to cultural, amenity, landscape and ecological values should be protected and the planting of indigenous species in open space zones is encouraged.

The PPC would be consistent with these objectives and policies as it avoids development in the areas of SEA on the site with them included in the Open Space Sub-Precinct that will be subject to private covenants in terms of their protection and management, ensuring that that they would be protected from development. Existing native vegetation on site would, where practicable, be retained and enhanced including in the SEA areas and around the stream networks, which are to be zoned open space and have a 10m minimum riparian planting requirement. The small extent of SEA overlay to be removed as identified in **Figures 10-12** above simply seeks to reflect the SEA removals that are consented as part of the underlying consent development.

It also proposes revegetation and enhancement planting, using indigenous species in a number of other areas of the precinct that are not directly around the streams but will ensure ecological connectivity throughout the precinct see the Revegetation and Open Space Concept Plan prepared by Boffa Miskell and attached in **Appendix C**. As well as the required revegetation in the open space areas and riparian margins, additional indigenous buffer and site restoration planting is required in the Nukumea Reserve Protection Sub-Precinct and on sites adjoining the reserve.

It should be noted that whilst the emphasis in the PPC is on restoration planting using native eco – sourced species, the PPC also proposes (consistent with Objective E16.2(1)) to retain existing mature exotic trees for their contribution to landscape, amenity and stability where appropriate. At subdivision stage those determined to be worthy of will be retained if appropriate from a health and safety perspective. An Arborist Report covering arboricultural recommendations is included in **Appendix L**.

Overall, the PPC would ensure an increase in the quality and extent of tree cover in the proposed area of open space, consistent with Objective E16.2 (2).

7.12.7.6 E27. Transport

The relevant transport objectives and policies are Objectives E27.2 (1) – (5) and Policies E27.3 (1).

Objectives and policies in E27 seek to support and manage the effects on the operation and development of an integrated transport network. The Unitary Plan seeks to ensure that:

- (1) *Land use and all modes of transport are integrated in a manner that enables:*
 - (a) *the benefits of an integrated transport network to be realised; and*
 - (b) *the adverse effects of traffic generation on the transport network to be managed.*
- (2) *An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.*
- (3) *Parking and loading supports urban growth and the quality compact urban form.*
- (4) *The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.*
- (5) *Pedestrian safety and amenity along public footpaths is prioritised.*

The transport measures to support the precinct have been developed as part of the underlying consent. These were deemed appropriate to ensure the safe and efficient operation of the local transport network as part of this consent. Additional assessment to consider the additional yield have been considered in the ITA prepared by FLOW. This assessment has found that the relevant transport outcomes from the underlying consent requirements are the only measures that need to be incorporated into the proposed precinct provisions. These outcomes are:

- Pedestrian and cycling linkages over the motorway interchange is triggered on 300 dwellings;
- Provision of an arterial wide corridor for the Future Grand Drive Arterial (this additional width has been delivered and secured as part of the underlying consent. Note that parts of the Grand Drive extension are formed and others are vested as 'paper road' to be delivered by AT or others in the future (refer section 4.3 on the NOR 6 above); and
- Inclusion of a vehicle access restriction (VAR) for the sites located along Grand Drive.

These measures will enable journeys that are safe, accessible and reliable and accordingly, the PPC is consistent with the policies and objectives of E27.

7.12.7.7 E36- Natural Hazards and Flooding

Objectives E36.2 (1)-(6) and Policies E36.3 (17)- (30)

Objectives and policies in E36 are concerned with ensuring that subdivision and development outside urban areas does not occur unless the risk of adverse effects to people, property, infrastructure and the environment has been assessed and significant adverse effects avoided, taking into account the likely long-term effects of climate change. Subdivision must be managed so that the conveyance functions of overland flow paths and floodplains are maintained and locating buildings in the 1 percent Annual Exceedance Probability (AEP) floodplain is avoided.

The PPC would be consistent with the policies and objectives of E36. Crang Civil have provided a report in relation to the flood prone areas on site which are limited to three areas of topographical depression and have assessed likely flood levels and consequently have provided recommended Finished Floor Levels (FFLs) for the three distinct areas that would ensure that any adverse effects as a result of inundation are avoided. Two of these areas subject to flooding (northern and central) are generally within proposed open space and the other area does encompass a small portion of residential zoning and would be subject to a flooding assessment at the time of subdivision based on the standards of E36.

Overall, it is considered that the PPC would be consistent with the objectives and policies of E36 as an assessment of the flood risk has been undertaken that demonstrates that the flood risk can be managed and minimised, subject to the normal assessment required by the standards of E36 at the time of subdivision. It is considered that no specific precinct provisions in relation to flooding are required.

7.12.7.8 E38. Subdivision Urban

Objectives E38.2 (1) – (10) and Policies E38.3 (1)

Objectives and policies in E38 seek to ensure that subdivision is undertaken in a manner that achieves the objectives of the underlying zones and the Auckland wide provisions. Subdivision should provide for the long-term needs of the community and minimise

adverse effects of development on the environment. Infrastructure should be provided in an integrated manner and be in place at the time of subdivision or development. Subdivision must have a layout that is safe, efficient, convenient and accessible and that supports the concepts of a liveable, walkable and connected neighbourhood. Natural features and landscapes, including indigenous vegetation that contribute to the character and amenity values of the area should be maintained and enhanced. The provision of adequate and accessible open space and pedestrian/cycle linkages is important to provide for the recreation and amenity needs of residents. An integrated stormwater approach should be used, including the integration with open space networks where possible. Where appropriate land should be vested to provide for esplanade reserves, roads, stormwater infrastructure and other purposes.

It is considered that the PPC and underlying subdivision concept plan would be consistent with the relevant objectives and policies found in Chapter E38. Development cannot proceed unless infrastructure is in place and the precinct incorporates a safe and efficient and well-connected local road network that complements the pedestrian and cycling network that utilises the riparian margins of the streams. Extensive areas of open space that are highly visible, accessible and connected are a feature of the precinct and the natural landscape and ecological qualities provided by the streams and vegetation (including retention of existing mature trees and the proposed native restoration planting and revegetation) and the proximity to Nukumea Scenic Reserve are protected and enhanced. Stormwater management is integrated with the open space features on the site and the stream network.

During the assessment of the earlier plan change request queries had been raised by Council Parks officers around whether an esplanade would be triggered at subdivision stage. At this stage no stream surveys have been undertaken, however the extent of a potential 20m esplanade has been shown on the revegetation plan titled Figure 11: Revegetation and Open Space Concept rev 10 (included within **Appendix U**). This illustrated that in the event that an esplanade was triggered that it would easily fall within the open space network that is either zoned Open Space Conservation or falls within the proposed precinct Open Space Sub-Precinct that requires public access. These provisions and zoning extents nullify any concerns about whether land will vest or not as the provisions already require this level of protection of the riparian margin and for public access. It is accepted that a waiver of the esplanade requirement may be required at subdivision stage once accurate surveying is completed and the precinct provisions have taken account of this.

7.13 The Auckland Unitary Plan – Plan Changes

Plan Change 78

As noted earlier, Auckland Council has notified Plan Change 78 ('**PC78**') with the purpose of giving effect to the NPS-UD and the Amendment Act (Enabling Housing Act). PC78 makes use of the new Intensification Streamlined Planning Process (ISPP) which enables a swifter plan change process than the standard Schedule 1 RMA process.

At a broad level, PPC78 aims to:

- enable more development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transit Stops;
- enable development in and around neighbourhood, local and town centres;
- incorporate Medium Density Residential Standards (MDRS) that enable three storey housing in relevant residential zones in urban Auckland; and
- implement qualifying matters to reduce the height and density of development required by the RMA to the extent necessary to accommodate a feature or value that means full intensification is not appropriate.

PC78 incorporates the MDRS into the AUP(OP) through amendments to the Residential MHU and THAB zones.

The modifications to the planning maps proposed as part of PC78 show that the residential neighbourhoods of West Hoe Heights, Arran Point and Orewa will be rezoned from Single House Zone (SHZ) and Mixed Housing Suburban (MHS) to generally the higher density Mixed Housing Urban (MHU) Zone with some pockets of a new Low Density Residential Zone (LDRZ). The PC78 “before” and “after” planning maps of the neighbourhoods west of the Site are shown below (Refer **Figures 22 and 23** below).

It appears that the rationale for the LDRZ is the existence of a flooding constraint on the site either overland flow path or flood plain. Although there is a lack of consistency in its application.

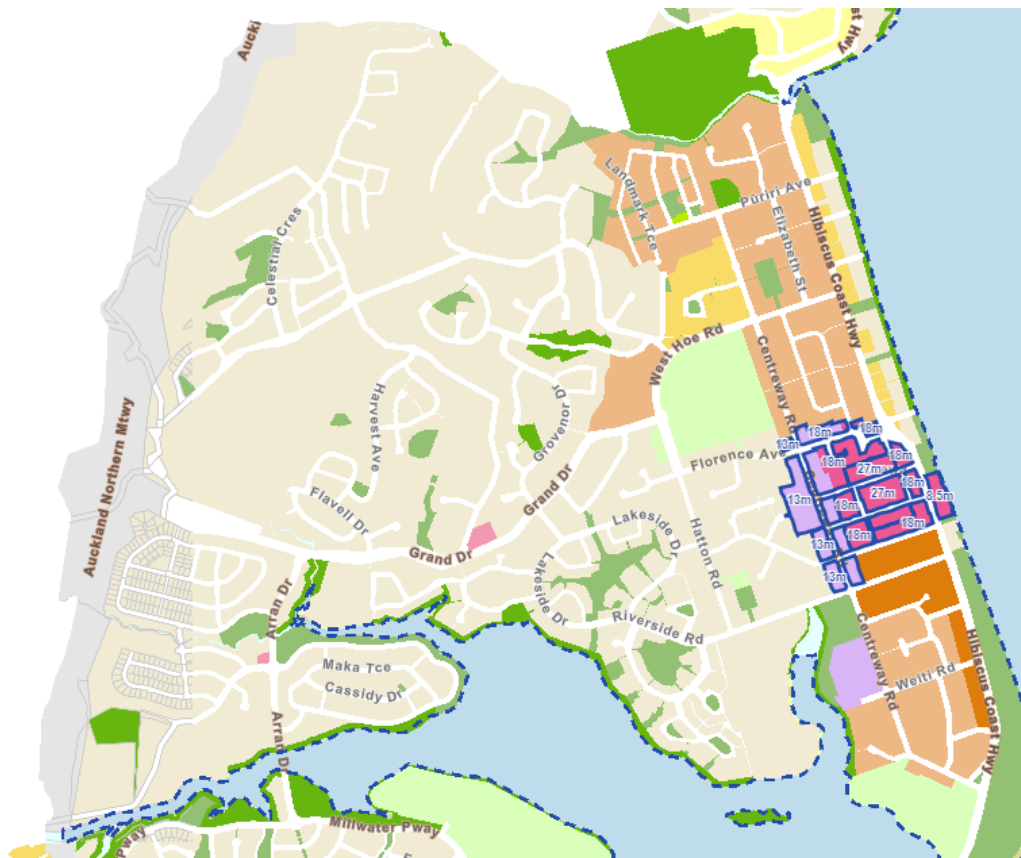


Figure 22: Auckland Unitary Plan Zonings (Auckland Council)

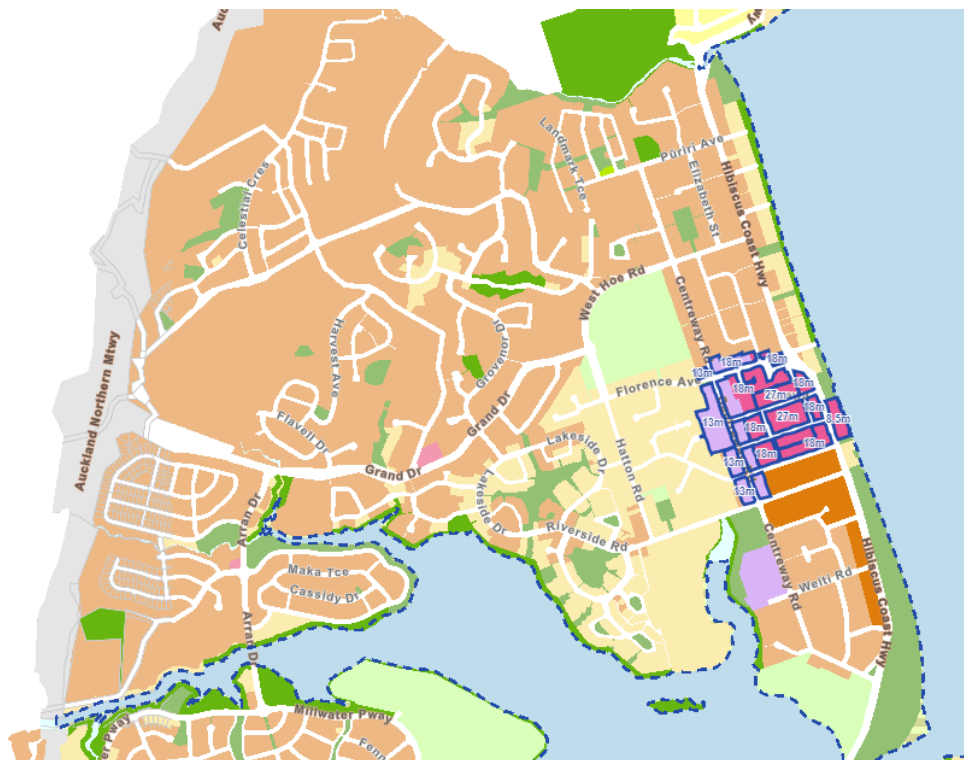


Figure 23: Plan Change 78 Proposed Zoning Changes (Auckland Council)

The PC78 also introduces a new water/wastewater constraints control this covers large parts of Orewa (refer **Figure 24** below).

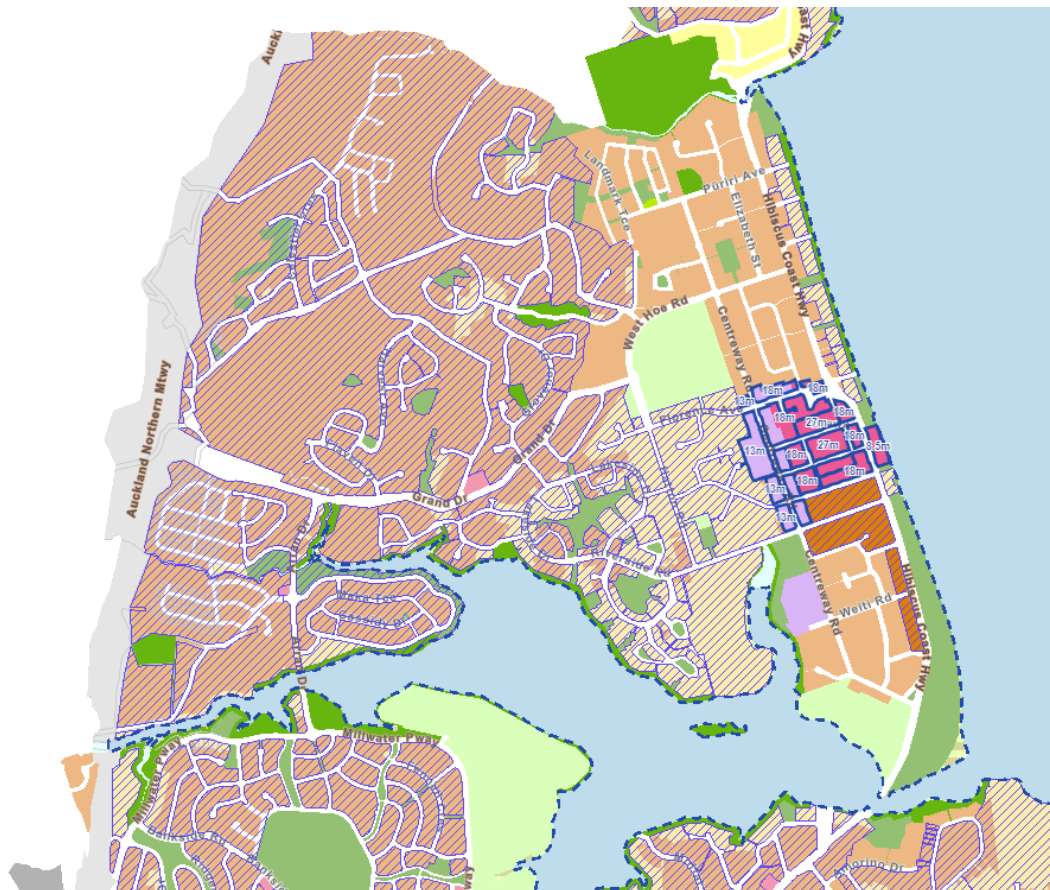


Figure 24: Proposed Wastewater/ Water Constraint Control under PC78 (Refer blue hatched area)

The rezoning the site for residential development with a MHU zoning will ensure that the development is visually congruous with the scale of development envisaged within the immediate locality.

As well as enabling three-storeyed dwellings, the MDRS enable three dwellings on a site (subject to any qualifying matters). Where four or more dwellings are proposed on a site, PC78 proposes new standards that will apply in addition to the existing AUP(OP) standards, including new requirements for landscaped areas:

- 20% of the net site area, and 50% of the front yard, must be landscaped;
- sites greater than 200m² must include a deep soil area that is 10% of the site area (and unless the site is larger than 1200m² must be a contiguous area);
- windows to street: 20% of the relevant facades facing a street, or private vehicle/pedestrian access way, must be glazed; and

- a 1m buffer must be provided between a dwelling and pedestrian/vehicle access ways.

The Orewa 4 PPC is considered to be complementary to PC78 as it largely proposes a MHU Zone to provide for intensification that is congruous with its location.

Any matters that reduce the intensification provisions of the MDRS must be justified as a Qualifying Matter. The qualifying matters proposed within this plan change relate to site stability and ecology interface alongside parts of the Nukumea Reserve.

It is therefore considered appropriate to impose a qualifying matter to control the location and intensity of dwellings, as it is more appropriate to manage effects on this significant ecology feature of Nukumea Reserve and to respond to the site stability constraints rather than maximising intensity in this location.

As part of the Plan Change 78 Auckland Council has considered that matters of national importance are identified as existing qualifying matter in terms of sections 77I and 77O of the RMA as:

“77I (a) a matter of national importance that decision makers are required to recognise and provide for under section 6:

Under Plan Change 78 Table A1.4.8.1 ‘Qualifying matters in zones, overlays, and Auckland-wide provisions’ identifies that the following are of national importance as qualifying matters:

- The feature of ‘land instability’
- D9 Significant Ecological Areas; and
- Areas within Precincts that protect matters of national importance.

The precinct identifies part of the site as falling within the Nukumea Reserve Protection Sub-Precinct area. This sub-precinct requires lower density housing, larger lot sizes and revegetation requirements. This is required given proximity to the significant ecological area of Nukumea Reserve and underlying land stability constraints along parts of the sub-precinct. For these reasons MDRS will not apply to these parts of the precinct.

As at the date of lodging this PPC, some hearings for PC78 have been paused and it is unclear the direction Council will take in respect to restarting this process. There are no

conflicts between that process and this PPC request. This is because the PPC proposes to adopt existing AUP(OP) residential zones. The implementation of the MDRS within the Precinct's MHU Zone will occur when PC78 is made operative.

Plan Change 79

Plan Change 79 (PC79) makes amendments to AUP(OP) unrelated to the NPS-UD, including new requirements regarding pedestrian access ways, accessible parking, secure cycle parking, electric car charge sockets, heavy vehicle access and changes to trip generation standards. PC79 also introduces the standard requiring a lighting plan for multi-unit developments and the requirement for a waste management methodology. A number of changes are premised on reducing the effects of climate change and contributing to a well-functioning urban environment. The Orewa 4 Precinct does not propose any bespoke provisions that relate to PC79 matters. The PPC is therefore considered to be complementary to PC79.

Plan Change 80

On 18 August 2022, Auckland Council publicly notified changes to the RPS to address the requirements of the NPS UD. The RPS plan change addresses well-functioning urban environments, resilience to the effects of climate change and qualifying matters. The Council decisions to PC80 have been released on 14 September 2023 and the appeal period closed on 27 October 2023. There has been an appeal lodged to PC80 and therefore the plan change is not yet operative.

Plan Change 80 (PC80) makes amendments to the Regional Policy Statement (RPS) of the AUP(OP) to give effect to the NPS-UD. Those amendments include:

- adding references to “well-functioning urban environments” and “resilient to the effects of climate change” to the existing AUP(OP) objectives and policies; and
- amending the policies that direct where greatest intensity should be provided (areas closest to centres, the public transport network etc) to make clear that such intensity should not be provided where qualifying matters reduce building height and/or density of urban form.

The Orewa 4 PPC includes specific elements that will ensure the PPC gives effect to these RPS changes. In particular, the PPC provisions include residential zones which are connected through proposed roads, open space connections and riparian/stream areas. The PPC can be serviced by infrastructure and is supported by access to existing urban

areas containing various service, employment and education activities. These elements combine to create a well-functioning urban environment which will benefit from additional housing supply in a location contiguous with the existing urban environment.

Therefore overall, it is considered that the PPC gives effect to the RPS including the amendments proposed through PC80.

7.14 Conclusions regarding the Statutory Framework

The PPC is consistent with the AP 2050 that anticipates the urbanisation of the site given the underlying resource consent that has been given effect to on site. The plan places a strong focus on housing supply and choice and the integration of land use and transport infrastructure. The enablement of additional residential activities in the Orewa 4 Precinct beyond the underlying consent is consistent with the NPS-UD because it will contribute, over the medium to longer term, to the supply of housing required to meet demand from a growing population.

Regarding the AUP(OP), the PPC directly and positively addresses major themes of the RPS, particularly in relation to achieving the integration of land use and transport infrastructure as the increased development at Orewa 4 will provide support to public transport services and benefit from its proximity to the planned FTN network at Millwater.

The PPC is consistent with the objectives and policies applying to the MHU and THAB zones because the site is strategically located adjacent to that same residential zone (as sought to be applied through PC78 and the RMA), provision for a neighbourhood centre and extensive open space is secured by the underlying consent and the site is near a wide range of urban amenities, including commercial activities, community facilities, employment areas, education and open space of Orewa, Silverdale and Millwater.

The PPC is also consistent with the relevant objectives and policies of the Natural Resources, Natural hazards and flooding, Transport and Subdivision sections of the AUP(OP).

8.0 Environmental Effects

A number of specialist reports and plans have been obtained to understand the likely effects of the proposed zone change and, where relevant, to satisfy the requirements of AUP Appendix 1 – Structure Plan Guidelines. Those reports are as follows:

- A plan change zoning map prepared by Boffa Miskell (**Appendix B**)
- A Orewa 4 Precinct Plan prepared by Boffa Miskell (**Appendix B**)
- A combined zone, precinct and development plan prepared by Boffa Miskell (**Appendix B**)
- A SEA Overlay Plan prepared by Boffa Miskell (**Appendix B**)
- A SMAF Overlay Plan prepared by Boffa Miskell (**Appendix B**)
- A Neighbourhood Design Statement, prepared by Boffa Miskell (**Appendix I**)
- A Ecological Assessment, prepared by Bioresarches (**Appendix G**)
- A Retail Impact Assessment, prepared by Property Economics (**Appendix J**)
- An Engineering Report and Stormwater Management Plan prepared by Crang Civil (**Appendix K**)
- An Arborist Assessment, prepared by Craig Webb (**Appendix L**)
- An Integrated Transport Assessment, prepared by Flow Transportation Specialists (**Appendix M**)
- A Landscape and Visual Assessment prepared by Boffa Miskell (**Appendix N**)
- A Geotechnical Report, prepared by Tetra Tech (**Appendix O**)

The plans prepared by Boffa Miskell alongside the masterplan and Neighbourhood Design Statement (**Appendix I**) illustrate the physical nature of likely site development under the precinct provisions and are the ‘structure plan’ in respect of the PPC.

The AUP structure plan guidelines note that the level of analysis required needs to be appropriate to the type and scale of development, and these reports and structure plan are considered to appropriately relate to the proposed precinct and associated zoning changes for the site. A detailed assessment of the PPC in respect of each of the relevant matters set out in Appendix 1 of the AUP is attached at **Appendix P**.

The reports have comprehensively considered the potential environmental effects of the PPC, (where relevant in the context of the approved resource consent), and demonstrate that the proposed new precinct and associated zoning changes would not give rise to any significant adverse environmental effects above and beyond those

approved as part of the resource consent and variations. The environmental effects are addressed further below:

8.1 Retail Economic Effects

Economic matters are addressed in detail in the Retail Impact Assessment prepared by Market Economics, attached at **Appendix J**.

That report has considered the potential economic effects of the proposed plan change which provides for a small neighbourhood centre. The report concludes that the proposed Ara Hills neighbourhood centre would result in no more than minor effects on other centres in the area and would be complementary to surrounding comparatively larger commercial developments in Orewa and Silverdale. Any adverse effects would not go beyond trade competition effects, and there would be no grounds for seeking to prevent the proposed neighbourhood centre due to indirect impacts on centres in the study area.

The proposed neighbourhood centre development would also result in some benefits, including the ability to satisfy the frequent and convenience retail and services demand in a relatively isolated area that is not close to other centres in the area. The centre is appropriately sized to play that local role for the precinct as well as being a focal point for the proposed surrounding residential community. The proposed precinct provisions would allow a limited amount of commercial activity on the ground floor on sites in the adjoining THAB zone (identified in the precinct as the Flexible Commercial Sub-Precinct) that would not compromise the viability of the neighbourhood centre but provide pragmatic flexibility if the commercial services demand is larger than expected. It is not anticipated that there would be any adverse effects given the flexibility is limited in extent and would not undermine the nature of the neighbourhood centre. The intention is to concentrate all commercial services in the BNC or on THAB sites that directly adjoin the BNC, making a coherent, focal and viable commercial centre located on the main entry road in the middle of the precinct.

There would also be benefits in terms of construction activity and employment in the local area. While these are relatively small within the context of the Auckland economy, they would still be positive and tangible at a local level.

8.2 Transport Effects

Traffic and transportation effects have been considered in the Integrated Transport Assessment (ITA) prepared by Flow Transportation Specialists, attached at **Appendix M**.

Key transportation considerations assessed include the accessibility of the site and within the site using various modes of transport and the ability of the internal and surrounding transport network to safely and efficiently accommodate trips generated by potential development. Overall, it was concluded that the PPC *“is acceptable from a transport planning perspective.”* (Page 31 of Flow report).

The outcomes from traffic modelling are summarised in the report. The modelling demonstrates that the surrounding road network is readily able to accommodate the additional traffic generated by the proposed precinct, such that the traffic effects of the PPC can be accommodated by the road network with only minor upgrades of the existing road network such as amendments to the northbound off ramp²⁰ on SH1 and a new pedestrian/cycle bridge/path²¹ across SH1 to connect with Grand Drive both of which are secured and delivered as part of the underlying consents.

Specific provisions relating to the local road network within the precinct are designed to ensure that any adverse effects on the environment as a result of the new local road network are avoided, remedied or mitigated. These provisions establish a roading hierarchy and construction standards based on the use and access requirements of the road and /or accessway and based on the cross sections agreed as part of the approved resource consent being given effect to on site. Proposed provisions also include the requirement to locate the roads in accordance with the precinct plan which has specifically located the roading network taking in to account topography, user and access requirements, connectivity with other roads in the precinct, future road connectivity to land outside the precinct and connectivity with the green open space pedestrian and cycling network.

On-site parking, manoeuvring and ingress and egress to the site will depend on the design of future development, and would be addressed at the resource consent stage as appropriate.

²⁰ Already constructed as part of Stage 1 of the underlying consent refer **Appendix E**.

²¹ See condition 110B of LUC60010513-J within **Appendix E**

The timing and delivery of the shared path is consistent with the conditions on the underlying consent (see condition 110B of LUC60010513-J within **Appendix E**) and in event it is likely that these works would have been delivered by the time the PPC is determined.

The ability to secure the future extension of Grand Drive within the site has been secured by the vesting of formed and paper road extents as part of the underlying resource consent. Additional land will be required to be acquired by the requiring authority to achieve the extension shown in NOR6 this will be managed via the Public Works Act in the future.

The anticipated traffic and parking demands that are possible through development of the site under the proposed precinct provisions can be compatibly integrated into the local and wider traffic environment. Possible future development will result in no more than minor effects to the function, capacity and safety of the wider transport network, including SH1.

8.3 Ecological Effects

An ecological assessment of the site and proposal has been undertaken by Bioresearches and is attached in **Appendix G**. The location of the site adjacent to the Nukumea Scenic Reserve is seen as a positive opportunity for ecological enhancement.

The assessment finds that the proposed new precinct and zoning layout would be:

*“Unlikely to have an adverse effect on the site’s freshwater features, with the low-moderate value wetlands expected to see an increase in ecological value, and moderate-high stream values expected to be preserved. The additional planting and management of these features will likely result in an overall ecological gain regarding freshwater ecology”.*²²

In respect of terrestrial ecology, the assessment found that:

*“The proposal will preserve the baseline ecological values associated with the moderate-high value vegetation and terrestrial habitat on site. The potential adverse impact of the PPC was assessed to be low, with a significant increase in the terrestrial ecological values expected.”*²³

²² Section 4.3, Ecological Impact Assessment, prepared by Bioresearches, June 2023 within **Appendix G**

²³ Section 4.2, Ecological Impact Assessment, prepared by Bioresearches, June 2023 within **Appendix G**

The report assessed that subject to the recommended mitigation adverse effects on the ecology of the site would be avoided, remedied or mitigated and the following ecological outcomes would be achieved;

- Creation of a development- free and vegetation buffer to the Nukumea Scenic Reserve
- Enhancement of the connectivity between the Nukumea Scenic Reserve and the site for people and flora and fauna
- Creation and enhancement of terrestrial habitat for native fauna
- Enhancement and restoration of aquatic habitat
- Enhancement of the existing indigenous vegetative cover on the site through restoration planting using native species in riparian margins, on private sites and within areas of open space

Recommended mitigation that has been included into the precinct provisions includes

- Prohibited activity status for the keeping of cats, rodents and mustelids in the precinct;
- The boundary of the Nukumea Scenic Reserve is to be fenced and access into the reserve limited to a single point;
- Sites adjoining the Nukumea Scenic Reserve would be subject to a development-free buffer, significant native restoration planting and weed removal and maintenance (identified as the Nukumea Reserve Protection Sub-Precinct);
- The aquatic habitat would be enhanced through the water sensitive design approach proposed in the precinct;
- Protection of all remaining land within the SEA overlays (except for the corrections to align the overlay with the consented removals);
- Riparian margins of streams, enhanced and newly created vegetated areas in land zoned open space would be used to establish a network of paths, open space, supporting and enhancing the landscape and ecological values of the site; and

- Planted strips of land that are protected from development and act as ecological connections between the Nukumea Scenic Reserve and the precinct and planted in accordance with Appendix 16 of the AUP and eco sourced.

It is highlighted that the extent of consented reclamations is actually reduced by the PPC with the removal of one of the road crossings to Stage 7 in the northwest corner of the site.

On the basis of the above, the assessment finds that the outcomes of the PPC are consistent with the objectives and policies of the AUP and that the PPC will promote the enhancement of low value features, whilst maintaining the high-quality ecological features of the site. I agree.

8.4 Character and Landscape Effects

The character of the Ara Hills site is changing as the site is developed in accordance with the approved structure plan. The surrounding land to the west and south features undeveloped rural properties utilised for grazing and plantation forestry. The northern boundary is defined by the 128 ha Nukumea Scenic Reserve which provides visual amenity to the Ara Hills site.

The Neighbourhood Design Statement prepared by Boffa Miskell within **Appendix I** outlines the process that has been followed to develop the masterplan for the site. It states that:

“The concept for the future development of Ara Hills responds to the location and natural assets of the site and its potential for a unique public realm character. It aims to create a well-connected green network that is formed out of the existing vegetation and gullies which branch out from the Nukumea Scenic Reserve to the northern edge of the site.

Residential neighbourhoods are formed around this green network, varying in density depending on their location. A higher density cluster is positioned around the neighbourhood centre and along the main vehicle access to the development from SH1, creating a gateway opportunity. As well as surrounding the neighbourhood centre, higher density residential clusters are located along open space corridors, leveraging on potential physical and visual connections. All residential clusters are connected by the primary road network and the proposed pedestrian network.”²⁴

²⁴ Page 19, Ara Hills: Neighbourhood Design Statement, prepared by Boffa Miskell, April 2023 within **Appendix I**

Landscape and visual effects of the proposed precinct layout and provisions have been considered in the report prepared by Boffa Miskell within **Appendix N**. The report concludes that any adverse effects on the landscape character and visual amenity of the area resulting from the proposed Orewa 4 precinct would be *“low to very low adverse additional landscape and visual effects”*.²⁵

The low landscape and visual amenity effects are essentially due to the proposed future surrounding development context which includes the approved consent and is now largely urban in nature and which changes the expectations in relation to visual amenity and the proposed and existing mitigation which includes;

- Retention of the existing watercourses and their immediate riparian context including existing mature trees and vegetation as well as boundary vegetation.
- Recognition of the proximity of the site to the Nukumea Scenic Reserve as being the key sensitivity from a landscape and amenity perspective and providing specific provisions to ensure that this value is enhanced, such as connections into the reserve and the requirement for a development-free buffer and extensive replanting on land located closest to the Nukumea Scenic Reserve;
- Recognition and utilisation of the topography of the site with its enclosing ridgelines and elevated hill country landscape in determining the design and layout of the precinct and the proposed zoning pattern and allowing the development to integrate into the existing surrounding landscape context, particularly in relation to Nukumea Scenic Reserve and the FUZ land to the south;
- Locating the highest intensity of development in the BNC and the THAB zones away from the sensitive Nukumea Scenic Reserve boundary.

While it is clear that the landscape of the Plan Change area will change from a rural character to an urban one, these changes are anticipated under the approved resource consent, and foreshadowed by the Future Urban Zoning. Overall, it is considered that any adverse effects in terms of landscape and visual amenity would be able to be avoided, remedied or mitigated. The Boffa Miskell report concludes that the proposed development would *“provide for sustainable urban growth and will result in a high-quality urban form with a range of positive landscape and visual amenity outcomes.”*²⁶

8.5 Geotechnical Effects

²⁵ Page 21, Landscape Effects Assessment, prepared by Boffa Miskell, 8 May 2023 within **Appendix N**

²⁶ Page 21, Landscape Effects Assessment, prepared by Boffa Miskell 8 May 2023 within **Appendix N**

A Geotechnical Memo was prepared by Tetra Tech Coffey in relation to the site and is attached at **Appendix O**. The report assesses the feasibility of the proposed PPC in respect to the zoning and precinct plan sought. The memo outlines that its purpose is to:

1. *Identify potential geotechnical hazards which may affect the proposed Plan Change;*
2. *Identify measures required to manage geotechnical hazards and facilitate development in accordance with the proposed Plan Change; and*
3. *Assess the geotechnical suitability of the site to support the Mixed Urban Zoning*

The memo has assessed the previous Geotechnical Investigation Report (GIR) undertaken by KGA Geotechnical Limited (KGA), undertaken a desktop study and a walkover.

The assessment finds that the primary geotechnical hazards on the site are:

1. *Landslide susceptible ground/slope instability associated with overburden soils;*
2. *Consolidated settlement/ subsidence of alluvial soils and uncontrolled fill*
3. *Potential liquefaction of alluvial soils*

The assessment outlines that development setbacks or specific engineering design (sub soil drainage, shear keys or palisade walls) can be used to manage slope instability on site. A concept Geotechnical Treatment Plan illustrating the approach to site stability is included in Figures 101A-106A of **Appendix O**.

Furthermore, to ensure stability at the northern end of the site the Nukumea Reserve Protection Sub-Precinct provides for lower lot density along this interface to provide space to ensure suitable set back to building platforms. This stability constraint is considered to be a qualifying matter under 77I so the MDRS will not apply to this part of the precinct,

In respect of consolidated settlement or subsidence the memo outlines that the existing requirements of the AUP(OiP) will ensure that settlement from any earthworks are suitably managed.

On liquefaction there are no concerns regarding the potential impacts on the site due to the fact the soils prone to this potential are typically limited to the base of gullies and

for those in proximity to developable areas that the undercutting process during the bulk earthworks stage will remove them in any event.

For the above reasons Tetra Tech Coffey confirms that the subsequent stage specific geotechnical investigations will ensure any geotechnically hazards are appropriately managed and the subject site is geotechnically suitable for the zoning sought in the zoning plan.

Overall, it was considered that any adverse geotechnical effects as a result of development of the site via the PPC could be avoided, remedied or mitigated through the application of appropriate engineering design, techniques and construction methods.

8.6 Infrastructure -Stormwater, Flooding, Water Supply and Wastewater Effects

Information and assessments relating to stormwater, flooding, water supply and wastewater capacity has been provided by Crang Civil in the Engineering Report and Stormwater Management Plan included as **Appendix K**.

Stormwater

The site is located across three stream catchments all of which discharge via a separate culvert under SH1 into the Orewa Estuary and then into the Hauraki Gulf. Development of the proposed precinct would result in an increase in impervious area on the site, the effects of which include a reduction in groundwater recharge, reduced stream flows during periods of dry weather, and increased velocity and volume of run-off during rain events. Crang Civil have recommended a water sensitive design approach for stormwater management in order to address those effects including;

- Retention and discharge to the heads of identified ephemeral and intermittent watercourses to ensure a stream base flow that is similar to pre development is maintained. Hydraulic modelling at the consent stage would be required and the flows would need to be either clean sourced, such as roof run- off or treated;
- Stream protection detention and storage of stormwater runoff of the 95th percentile storm event over 24hours (i.e. to the SMAF1 standard); and
- Raingardens for stormwater quality treatment- provided as part of the streetscape of the roads within each catchment.

It is noted that detention of the 2, 10, and 100- year return events is not considered necessary and would provide no significant benefits.

It is noted that Healthy Waters had directed the applicant to remove the wetlands originally consented as part of the stormwater network by the underlying resource consent and instead focus on raingardens for quality treatment. However, this position changed during the course of the giving effect to the underlying consents and two wetlands have now been constructed for stage 1 and 3.

In addition, during the processing of the earlier PPC Healthy Waters requested a number of updates and the SMP was updated, with Healthy Waters confirming that no further information was required, and a provisional approval was given²⁷. The SMP will fall under the Regionwide Network Discharge Consent once the plan change becomes operative after the identified process in the NDC is followed. Following, lodgement of this revised plan change request Healthy Waters have sought further amendments to the SMP these have been undertaken with the revised SMP included in **Appendix K**.

Overall, provided stormwater management is undertaken in line with the recommendations of the report and SMP, any adverse effect on the environment as a result of stormwater runoff from new impervious surfaces in the proposed precinct would be able to be avoided, remedied or mitigated.

Flooding

The Engineering Report identifies three main floodplains and flood prone areas on the site (refer drawing C452 Rev A appended to the report). Crang Civil have provided calculations in the report to determine potential flood levels for a number of scenarios, based on flows through each of the motorway culverts. As a result of these calculations, recommended minimum floor levels for each catchment have been produced that will ensure a suitable level of protection for buildings in each catchment. It is noted that the areas of flooding in the northern and central catchments would likely only affect areas identified as open space, hence the need for FFL's would not be necessary. In terms of the southern catchment there may some residential sites that would be affected by flooding. The lots adjacent to the southern stream have actually already been consented under the underlying consent and s224c is imminent. Consequently, this consenting process is already suitably managing any potential flooding effects along the

²⁷ Emails from Iresh Jayawardena, Healthy Waters dated May 2020

stage 2 interface with the stream given the ground levels created for these lots prevent the flood plain entering the lot (refer **Appendix E²⁸**).

For the reasons outlined above, any adverse effects on the environment arising from potential flooding on the site would be able to be avoided, remedied or mitigated.

Wastewater

The underlying resource consent provided for 575 lots on the site with stages 1, 2 and 3A of the either already been constructed or are in the process of being completed. These stages have delivered a new wastewater network included a connection under the existing motorway and three pump stations. These have all been built to WSL specifications.

The PPC seeks to provide for additional dwellings to align with the work undertaken as part of the recent master planning work with an estimate population of approximately 900 dwellings. This new yield has been discussed with WSL as part of preparing the PPC request. The advice given by WSL is included in **Appendix T**. They have confirmed that any additional dwellings beyond the consented 575 lots would be reliant on the future Army Bay WWTP Stage 1 upgrade being completed (currently anticipated in 2031). However, it is understood that more recent modelling by WSL has identified that the capacity of the Army Bay WWTP may now be reached by 2027 rather than 2028. Consequently, this means that WSL will be operating on a first come first served basis in terms of honouring existing resource consents.

Separate to the capacity of the Army Bay WWTP is the physical pipe network/ pump stations required to service the physical PPC area. Crang Civil identify that there are two options for the pipe network. These are identified as Option 1 and Option 2. Option 1 comprises the upgrading of the existing wastewater line beneath the motorway and Option 2 would only result if the additional FUZ areas to the west and south are developed with a new connection to the Wainui Wastewater Tunnel to the south within the Milldale development. WSL has confirmed that they have reviewed the capacity for option 1 and consider that there is capacity for 900 HUE sought by the precinct.

WSL identified in our consultation that *“Given the FDS is silent on the timing of the development of this future urban area, we would not oppose a plan change to rezone*

²⁸ Drawing 400 Rev L within LUC60010513-J and SUB60035991-J

the land subject to precinct provisions that require consideration of the capacity of the bulk network at the time of RC application, and upon the clear expectation that new development proposals from the plan change area would be required to wait for the WWTP upgrade due 2031". This advice is acknowledged and the precinct provisions sought by WSL have been incorporated into the precinct refer **Appendix C**.²⁹ These will ensure that the further development yields sought by the plan change will only be realised once the Army Bay upgrades have occurred, unless of course an alternative arrangement has been reached with WSL.

It is highlighted that PC78 has introduced a wastewater constraint to parts of Orewa due to the permitted MDRS (refer **Figure 24** above). I do not consider it is necessary to introduce such a control to the precinct as additional precinct provisions have already been adopted following advice from WSL these incorporate a Standard 'IXXX.6.2.6 Bulk Water Supply and Wastewater Infrastructure'. Furthermore, Chapters H5, H6 and E38 already require the consideration of infrastructure capacity in any event. For these reasons there is no need to include a further control layer across the site.

On this basis, it is considered that the FDS anticipates and provides for the urbanisation of the site with no limitation on timing. Any additional dwellings beyond the underlying consent will be dependent on the Army Bay WWTP upgrade being in place unless an alternative agreement has been agreed and consented by WSL and Council. Consequently, any adverse effects resulting from the disposal of wastewater in the precinct would be able to be avoided, remedied or mitigated.

Water Supply

The site can be serviced by extending the public water supply network from Grand Drive by drilling under SH1. WSL previously confirmed that there was capacity for a further development of the site although modelling indicates that a reservoir and booster pump may be required to provide sufficient flow to the entire site and ensure fire-fighting capacity.

Preliminary discussions with WSL have reached the same conclusion and a reservoir would be required within the PPC site. An indicative location at the highest elevation within the PCA is shown on Precinct Plan 1. The applicant will continue to work with WSL

²⁹ Objectives IXXX.2(3) and (4), Policies IXXX.3(18) and (19) and IXXX.6.2.6 Bulk Water Supply and Wastewater Infrastructure

regarding the size, location and timing of the reservoir as the underlying consent will also rely on this infrastructure in the latter consented stages of development.

Overall, any adverse effects resulting from the supply of potable water in the precinct would be able to be avoided, remedied or mitigated.

Overall, the Engineering Report concludes that the level of development sought by the PPC can be serviced by appropriate existing or proposed infrastructure that is in accordance with the requirements of WSL and Council.

As such, any adverse effects arising from the development of the precinct in terms of infrastructure can be avoided, remedied or mitigated.

8.7 Effects on Mana Whenua

A Cultural Values Assessment ('CVA') has been provided by Ngāti Manuhiri being the lead iwi from the underlying resource consents. A copy of each CVA is provided as **Appendix Q**.

The CVA describes and documents the spiritual, cultural, traditional, and customary significance of Ngāti Manuhiri and their relationship to the site. An assessment of potential impacts onto Ngāti Manuhiri in the areas of wāhi tapu, taonga, spiritual values, and wellbeing is undertaken in the CVA and is summarised below:

- *Wāhi tapu* – The CVA identifies that no specific archaeological sites were identified by the underlying archaeology report nor were there any land formations that were identified in the site walk over by the Ngāti Manuhiri representative. Though this part of Orewa has heavily occupied in the past and there still remains potential for cultural sites.
- *Taonga* – The CVA outline that whilst no artifacts or features have been encountered there is the possibility for finds during earthworks. The design of the new culvert on the central stream is the best outcome in terms of instream fauna and the removal of stock from the site will protect the water courses on site.

- *Spiritual Values* – The CVA outlines that the retaining of the cut to fall within the same site is preferred to retain the mauri of the land on site and there needs to appropriate sediment controls in place. The treatment of stormwater discharge off the site needs to be undertaken to ensure the site is hydrologically neutral. For wastewater discharges the Ngāti Manuhiri preference is for discharges to be to land rather than to water. The revegetation sought under the precinct will mitigate the loss of any native scrub vegetation and the preference is that all new planting is native.
- *Wellbeing* – There are opportunities to recognise the historic association of Ngāti Manuhiri to the site via road naming processes and the opportunity to establish and jointly manage a Pā Harakeke (flax plantation).

A number of recommendations/ comments for the plan change are identified in the CVA and are summarised below.

- In principle Ngāti Manuhiri support the Proposed Plan Change;
- Given the proximity of Nukumea Reserve Ngāti Manuhiri support the prohibiting the keeping of mustelids, rodents, and cats, the use of Nukumea Reserve Protection sub-precinct and recommend the development of pest management strategy;
- The use of native, eco-sourced vegetation wherever possible, and planting for varying habitats to provide for a variety of species is recommended;
- Provision of riparian and other revegetation works are proposed for the precinct. Opportunities to allow Ngāti Manuhiri to provide ecological and cultural input into the whenua restoration process is recommended;
- Ability for Ngāti Manuhiri to be involved in street naming processes and to be consulted regarding development of walkways adjacent to the Nukumea Reserve and development of interpretative signage;
- If tracks are developed in the future within the Nukumea Scenic Reserve that restricted access for dogs be applied; and
- A number of measures in relation to site works are identified and these have been adopted as part of the underlying consent.

The recommendations above have been incorporated into the design of the precinct provisions where relevant. Although it is highlighted that some matters will need to be specifically addressed at the development stage i.e. sediment controls or are controlled by others i.e. access to the Nukumea Scenic Reserve.

Overall, we do not consider there to be any significant concerns that cannot be satisfactorily addressed, acknowledging that some of the technical matters, such as soil, earthworks and infrastructure, will be addressed at the development stage. The applicant is committed to an ongoing and productive relationship with Ngati Manuhiri, respecting and reflecting their cultural and traditional relationship to the area, and the recommendations have been incorporated where relevant into the precinct provisions. It is therefore concluded that any adverse effects on Mana whenua values as a result of the PPC are avoided, remedied or mitigated.

8.8 Effects on Freshwater

The PPC utilises the streams or natural hydrological features on the site as part of stormwater management, ensuring that only clean stormwater from roof runoff or stormwater treated through the proposed raingardens, is discharged into the streams and that stream base flow levels are maintained and enhanced where appropriate. Water quality in the streams would be further enhanced through the proposed vegetation retention, and extensive restoration replanting for a minimum depth of 10m along the riparian margins. Furthermore, the location of indicative open space extents are well in excess of 20m will ensure the along protection and restoration of these freshwater features on the site. Overall, it is considered that any adverse effects on freshwater quality would be avoided, remedied or mitigated.

8.9 Overall Environmental Effects Conclusion

On the basis of the technical information that has been provided, it is concluded that the PPC will not generate any significant adverse environmental effects that cannot be avoided, remedied or mitigated through the proposed precinct provisions.

9.0 Consultation

In preparing the original PPC, the applicant consulted and engaged with a number of parties, including iwi, Watercare Services Limited, Waka Kotahi, Auckland Transport, Department of Conservation, Forest and Bird, Local Boards, and adjacent property

owners. This has recommenced as part of the revised PPC and will continue during the process. A summary of consultation undertaken to date is included within **Appendix R**.

10.0 Conclusion

The rezoning of the site from FUZ to a range of AUP zonings is considered to be the most appropriate means to achieve the purpose of the RMA. It will allow for the underlying consented development that exists on site to have urban zonings in place whilst the establishment of the proposed Orewa 4 Precinct on the site would be the best available option to enable and facilitate the comprehensive and integrated development of the site. It will provide for a residential community of up to 900 homes, including a small neighbourhood centre, within a unique landscape setting while protecting and enhancing the ecological, landscape and amenity values of the area.

The proposed Plan Change is considered to be consistent with the higher order statutory plans and documents of the AP2050 and the RPA, and the section 32 analysis has confirmed that the proposed precinct plan approach is appropriate for the site.

The proposal is consistent with the objective and policies of the MHU, THAB, Open Space and BNC Zones, and the Urban Growth and Form, Infrastructure, Transportation, Freshwater Systems, and Natural Hazards sections of the AUP(OP).

Given the extent of open space and amenity provision on site alongside the proximity to existing infrastructure and efficient access to wider services and amenities in the surrounding Orewa and Silverdale areas, the precinct is strategically situated to play an important role in accommodating future residential growth within the area and promote a well-functioning urban environment.

A comprehensive assessment of environmental effects potentially generated by development enabled by the PPC has been carried out. Any adverse effects generated by the proposed development will be minor and satisfactorily mitigated, and that there will be significant positive social, cultural and environmental effects from the form of development that would be enabled, whilst also providing for the rezoning of the development already realised by the underlying consents.

The assessments demonstrate that the proposed new objectives of the Orewa 4 Precinct are the most appropriate way to achieve the purpose of the Act and to contribute to the achievement of the objectives in the RPS section of the Unitary Plan, and that the proposed new policies and rules of the Orewa 4 Precinct will efficiently and effectively achieve the objectives of the Zone and the Precinct.

Overall, it is considered that the PPC is the most appropriate way of achieving the purpose of the RMA and it is therefore recommended for favourable consideration pursuant to the procedures set out in the Act. The PPC will enable the efficient use of the site, while at the same, it will provide appropriate controls to ensure that the particular characteristics and outcomes sought for the site are recognised and provided for.

PPC assessment undertaken by:



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