

10 August 2022
TPG job no. 717123

The Property Group Limited
PO Box 104, Shortland Street
Auckland 1010

Auckland Council
Henderson Service Centre
Auckland 0612

Dear Sir/Madam

Private Plan Change – 41-43 Brigham Creek Road, Whenuapai (Updated)

The Applicant, 41-43 Brigham Creek JV, hereby submits a Private Plan Change (PPC) to Auckland Council (AC) to rezone the site at 41-43 Brigham Creek Road, Whenuapai (Lot 2 DP 538562). The Private Plan Change is supported by technical expert assessments that are appended to this Assessment of Environmental Effects.

It is specifically noted that this PPC to rezone the Application site to a MHU zone achieves the outcomes of the Resource Management (Housing Supply and Other Matters) Amendment Act as it enables the medium density residential standards (MDRS) to be applied on a site that is signalled for urban development in Whenuapai.

The Property Group Limited (TPG) is the agent for this application and should be the contact for any correspondence or telephone discussions.

Should you have any questions with respect to this Private Plan Change please do not hesitate to contact me.

Yours sincerely,



Natasha Rivai

Planning Manager – Auckland and Northland



Application Information

To: Auckland Council

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Site address: 41-43 Brigham Creek Road, Whenuapai

Legal description: Lot 2 DP 538562

Owner of site: Taste Business Investment Trust Limited

Signed:



Natasha Rivai

Planning Manager

Date: 10 August 2022

Application for Private Plan Change

41-43 Brigham Creek Road

Whenuapai

41-43 Brigham Creek JV

November 2021 (Updated August 2022)



the
propertygroup

Quality control

Title:	Private Plan Change Application – 41-43 Brigham Creek Road, Whenuapai
Client:	41-43 Brigham Creek JV
TPG Job number:	717123
Prepared by:	Natasha Rivai – Planning Manager, Auckland and Northland
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** As updated via Clause 23 RFI Response dated 20 April 2022, 25 May 2022 and 6 July 2022*

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Appendix 3	Section 32 Evaluation	The Property Group
Appendix 4	Urban Design Assessment	Richard Knott Limited
Appendix 5	Integrated Transport Assessment	Traffic Planning Consultants Ltd
Appendix 6	Geotechnical Assessment	ENGEO Limited
Appendix 7	Combined Preliminary and Detailed Site Investigation	ENGEO Limited
Appendix 8	Infrastructure Report	Maven Associates Ltd
Appendix 9	Stormwater Management Plan	Maven Associates Ltd
Appendix 10	Ecological Effects Assessment	RMA Ecology
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1. INTRODUCTION

The Applicant, 41-43 Brigham Creek JV (“the Applicant”) hereby applies to Auckland Council for a private plan change to enable a medium density residential development on the site at 41-43 Brigham Creek, Whenuapai.

The site is currently located within the Future Urban Zone (FUZ) of the Auckland Unitary Plan: Operative in Part (AUP OP). This zoning indicates that the site has been identified as suitable for urbanisation subject to a Plan Change process to ensure that development of the site is undertaken in an integrated manner. It is also proposed to apply the Stormwater Management Area Flow 1 (SMAF1) overlay to ensure appropriate stormwater management to support the urban development of the site.

In conjunction with this private plan change process, the Applicant has lodged a resource consent application for a 230-unit residential development and subdivision of the site (Council reference: BUN60386985). This has been accepted for processing and is awaiting further information requests.

2. SITE DESCRIPTION AND SURROUNDING AREA

2.1 Record of Title Review

The Record of Title for the site has been included as **Appendix 1**. There is a covenant registered on the title, but this relates to the site not being used as a supermarket for 10 years following the registration of the instrument in 2019. The purpose of this covenant is to allow for a supermarket on the neighbouring site, 45 Brigham Creek Road. This covenant will not impede the proposed future residential development of the site.

There are no other items of interest listed on the site’s Record of Title.

2.2 Location and description

The site is located approximately 750m south-west of the Royal New Zealand Air Force (RNZAF) Whenuapai Base and comprises of 5.19ha held in a fee simple title. The site has an irregular crescent shaped configuration and has frontage and existing access arrangements to Brigham Creek Road to the north. Mamari Road is located east of the site, and a vehicle access is located on the eastern portion of the site to allow access to this road.



Figure 1: Locality plan of the subject site (Auckland Unitary Plan GIS Viewer, 2021).

The site slopes from the north-western portion of the site down toward the south-east. There is an existing dwelling located on the western portion of the site that is connected to Brigham Creek Road via a 150-metre-long driveway (refer to Figure 1).

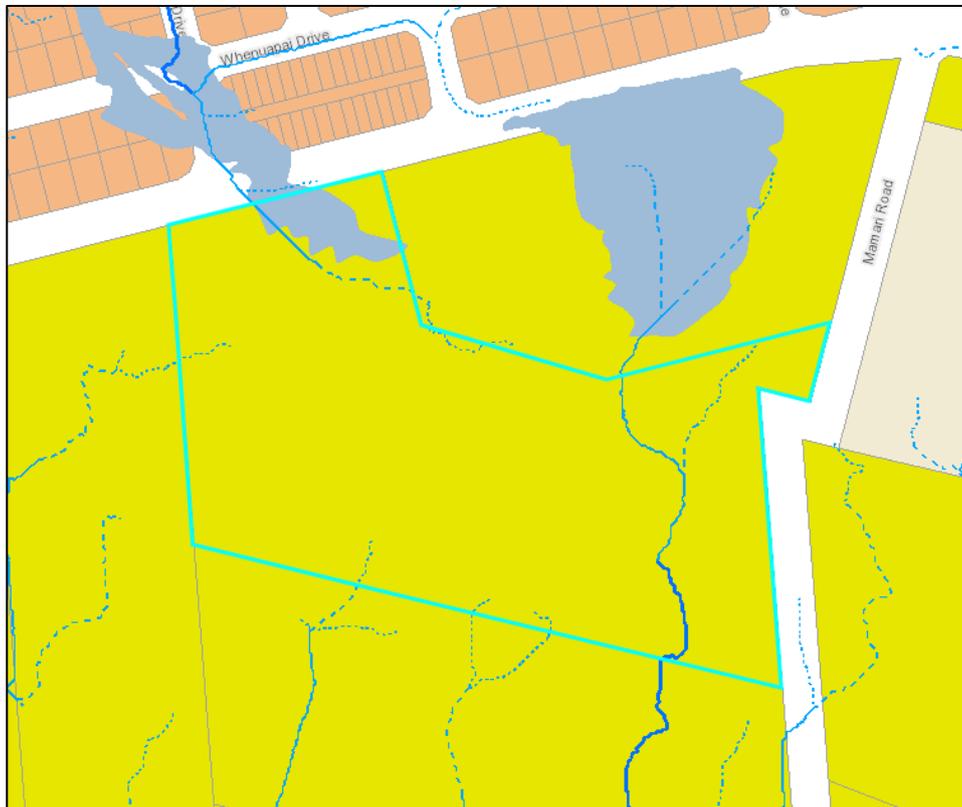


Figure 2: Overland flow paths and flood plains present on and around the subject site (Auckland Council GIS Viewer, 2021).

Auckland Council’s GIS system identifies several overland flow paths traversing the subject site, and a flood plain on the north-western portion of the site (refer to *Figure 2*).

The site is located in the Future Urban Zone. The FUZ applies to greenfield land that has been identified as suitable for urbanisation. The following site notations are listed on the AUP: OIP:

Overlays:

- Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer
- Infrastructure: Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA) (refer to *Figure 3*).

Controls:

- Macroinvertebrate Community Index – Rural

Designations:

- Airspace Restriction Designations - ID 4311, Defence purposes - protection of approach and departure paths (Whenuapai Air Base), Minister of Defence (entire site).

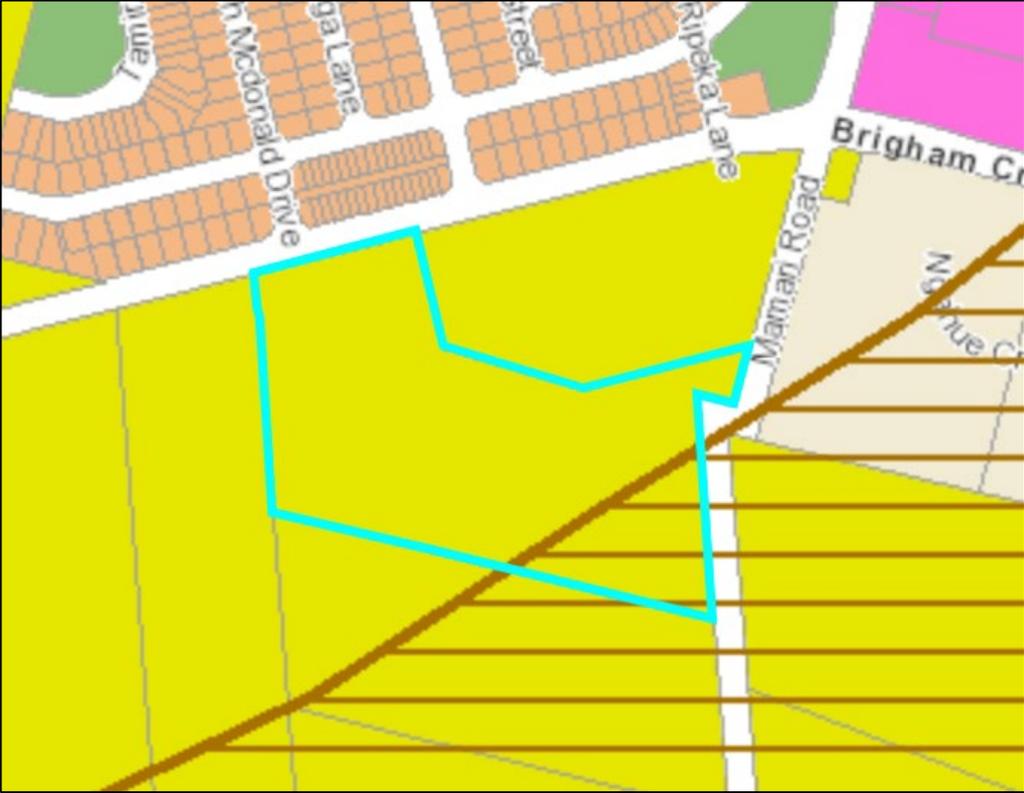


Figure 3: Image showing the subject site and the Aircraft Noise Overlay (Auckland Council GIS Viewer, 2021).

Matters relating to the Aircraft Noise Overlay and Airspace Restriction Designation area assessed further in the AEE. The High-Use Aquifer Management Overlay requires management of aquifers to continue to meet the existing and future water take demands and provide a base flow for surface streams. Any proposal to take or use groundwater from aquifers will be assessed through a resource consent process. The overlay currently applies to the entire site and no change is proposed

to this. The applicable provisions would be taken into consideration in a future consent for water take, if required.

The AUP: OIP classifies Brigham Creek Road as an arterial road and Mamari Road as a local road.

A Geotechnical Assessment and Preliminary and Detailed Site Investigation of the site has been undertaken by ENGEO (refer to **Appendices 6** and **7** respectively). Soil testing has confirmed that the extent of contamination is likely to exceed the permitted threshold under the NESCS. A Remedial Action Plan has been completed by ENGEO and forms part of the resource consent application lodged with Auckland Council.

2.3 Surrounding Locality

The properties located immediately to the south and west of the site are contained within the FUZ. These properties ranging between 3ha and 5ha are rural in nature and comprise of residential dwellings surrounded by large open space. While these sites are contained within the FUZ and have not been redeveloped into residential uses, these sites contain little to no livestock (with the exception of the property to the west of the site containing small amounts of livestock for home kill). The FUZ anticipates rural production land areas of 40ha and 100ha, and therefore these surrounding properties are unlikely to support productive rural activities.

The property directly north-east of the site, 45 Brigham Creek Road, is also identified as FUZ and contains a liquid waste removal business.

The properties to the north of the site are contained within the Residential – Mixed Housing Urban (MHU) zone. As such they contain recently constructed, medium density residential development, in the form of attached and detached dwellings of 2-3 storeys (refer to *Figure 4*).



Figure 4: Image taken from the northern end of the site’s driveway, looking out toward Brigham Creek Road where there are recently constructed two storey attached dwellings.

The properties to the east of the subject site are located within the Residential – Single House Zone (SHZ) and comprise of standalone single storey dwellings. The Whenuapai Structure Plan 2016 (WSP) identifies these properties as being part of the RNZAF Whenuapai Airbase.

The RNZAF Whenuapai Base is located approximately 750m to the east of the site. The on-ramp onto State Highway 18 is approximately two kilometres to the east of the site and the on-ramp to State Highway 16 is approximately 900m to the west of the site.

The Whenuapai Town Centre is approximately 300m east of the site and Hobsonville is located approximately four kilometres north-east of the site. Westgate is located approximately three kilometres south of the site.

3. HIGHER ORDER DOCUMENTS

3.1 Auckland Plan 2050

The Auckland Plan is an aspirational document for Auckland’s direction over the next 30 years. The Auckland Plan was the starting point for the AUP OP providing a high-level development strategy for the Auckland Region. The rezoning is consistent with the Auckland Plan in that it will:

- Enable a quality compact urban form to accommodate population growth by rezoning the 5.2ha site to accommodate residential activity.
- Enable housing choice and provide housing capacity providing secure and affordable homes by proposing a high-medium density zone that enables a variety of housing typology.
- Enable active modes transport by enabling urban development close to Centres and along public transport routes now and in the future.
- Ensure Auckland’s growth and development will protect and enhance the natural environment by requiring stormwater management to protect downstream water quality.

3.2 Auckland Unitary Plan (Operative in Part)

The AUP OP is the primary statutory planning document for Auckland. It is comprised of the regional policy statement, regional coastal plan, regional plan and district plan. The AUP OP provides the regulatory framework for managing Auckland’s natural and physical resources while enabling growth and development and protecting matters of national importance.

The ARPS, contained within the AUP OP, provides a policy framework for development in the Auckland region. The FUZ zoning of the site is subject to a structure plan and therefore appropriate for rezoning as proposed.

Specific provisions of the AUP (OP) are discussed in other parts of this report.

3.3 Future Urban Land Supply Strategy 2017

The Council's Future Urban Land Supply Strategy (July 2017) is a non-statutory document that seeks to implement the Auckland Plan and gives effect to the NPS on Urban Development Capacity by identifying a programme to sequence future urban land over 30 years. The Future Urban Land Supply Strategy informs the council's infrastructure funding priorities and feeds directly into the council's long-term plans, annual plans and other strategic documents.

The strategy relates to greenfield land only and ensures there is 20 years of supply of development capacity at all times and a seven-year average of unconstrained and ready to go land supply. 'Ready to go' land is land with operative zoning and bulk services in place such as the required transport and water infrastructure.

The Future Urban Land Supply Strategy takes into consideration the AUP (OP) and the WPS and amended the sequencing of some future urban areas. Whenuapai Stage 1 is identified as being development-ready between 2018 and 2022, while the timing for Whenuapai Stage 2 (which includes the subject site) is to be development-ready by 2028

3.4 Whenuapai Structure Plan

The Whenuapai Structure Plan is a high-level plan for the area that guides future development of Whenuapai. According to the document, approximately 400,000 new dwellings will be required to accommodate Auckland's growing population. The Council's Future Urban Land Supply Strategy set out a plan for sequencing future urban land over 30 years across Auckland and it identified Whenuapai as able to supply 1,800 dwellings between 2017 and 2021.

The subject site is identified as 'medium density' on the Structure Plan Map (refer to Figure 5) and it is within 'Stage 2' which refers to 'the remainder of the land (within the Whenuapai Structure Plan) that requires further investment in new infrastructure beyond the next decade (2017 – 2027) (refer to Figure 6). A potential Brigham Creek Bypass is shown on the south-west portion of the subject site (refer to Figure 5), however no other information is available regarding this.

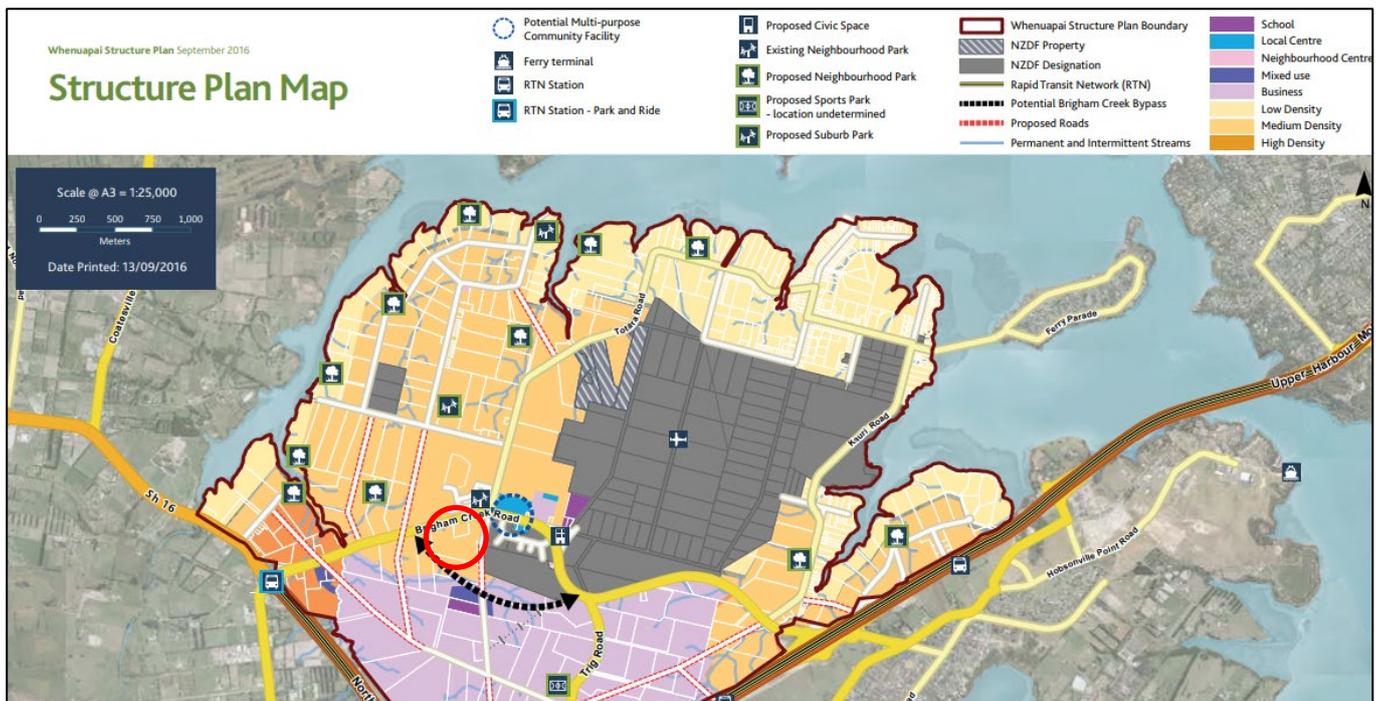


Figure 5: Excerpt of the Whenuapai Structure Plan, showing the subject site (outlined in red) (Whenuapai Structure Plan, 2016).

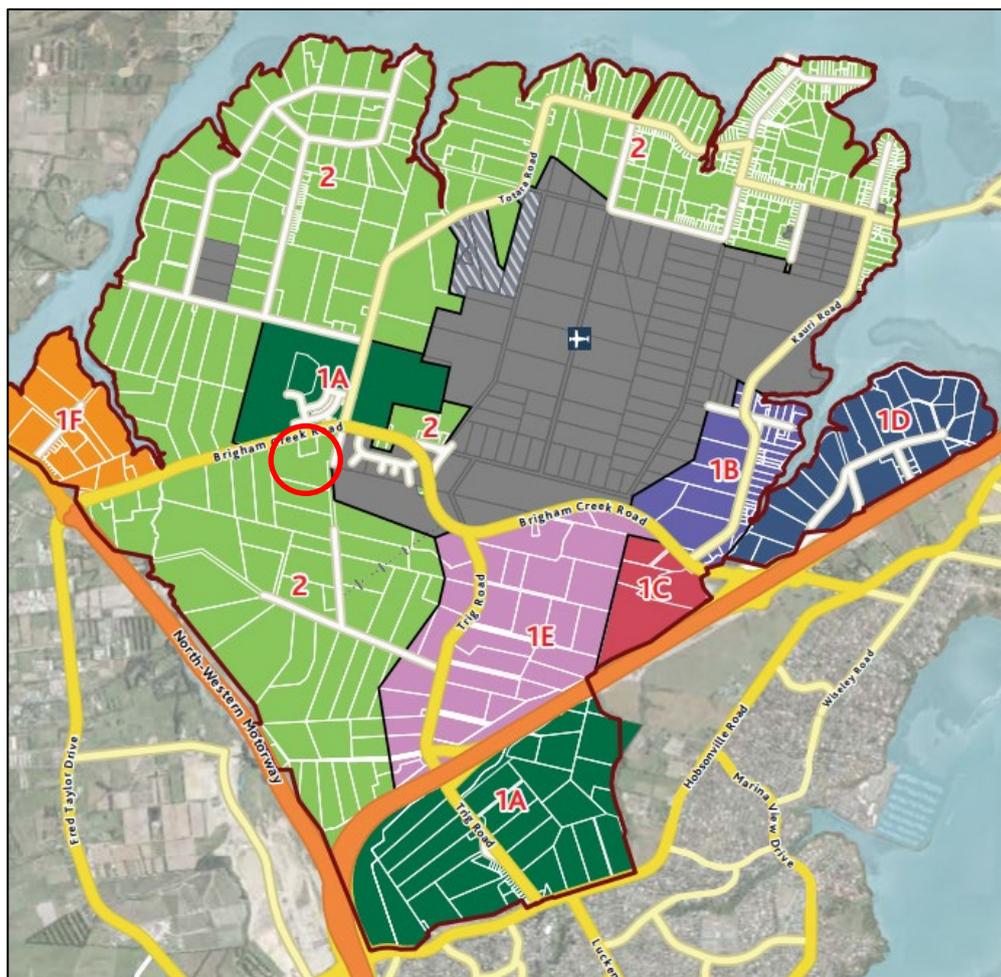


Figure 6: Excerpt of the Whenuapai Structure Plan, showing the subject site (outlined in red) within the Stage 2 area (Whenuapai Structure Plan, 2016).



Figure 7: A 2019 aerial image showing the actual growth of the Whenuapai area.

The population of Auckland was 1,571,718 people at the time of the 2018 Census and was estimated to be over 1.6 million in 2021. By 2043, the population is projected to grow to 2.3 million. To accommodate this population growth, an adequate supply of housing and jobs will be required alongside significant further investment in infrastructure.

Of the 400,000 new dwellings that are required throughout Auckland, it is anticipated that up to 240,000 dwellings are expected to be developed within the existing urban area. Up to 160,000 dwellings will be required outside the existing urban area, in the land zoned Future Urban in the AUP: OIP.

The Future Urban Land Supply strategy (2017) anticipated an additional 6,000 dwellings in Whenuapai by 2022 (Stage 1 areas) and 11,600 new dwellings between 2028-2032 (Stage 2 areas – The wider Whenuapai area including the subject site). Most recent household forecasts for the 2021-2031 Long Term Plan anticipate that there will be a total of 6,069 households in Whenuapai by 2031 and 16,594 by 2051. This shows that the land development in the area is slower than what is anticipated within the Whenuapai Structure Plan.

In MSM Zone 165 (identified in the Long Term Plan and the Housing and Business Development Capacity Assessment), where the subject site is located (refer to Figure 18), the following amounts of dwellings are anticipated per year:

- 132 new dwellings by 2031;
- 250 new dwellings by 2036;
- 540 new dwellings by 2041

- 842 by 2046; and
- 1153 new dwellings by 2051.

According to the Long Term Plan forecast there are 66 households located in MSM Zone 165 in 2021 hence a growth of an additional 66 households is anticipated by 2031.

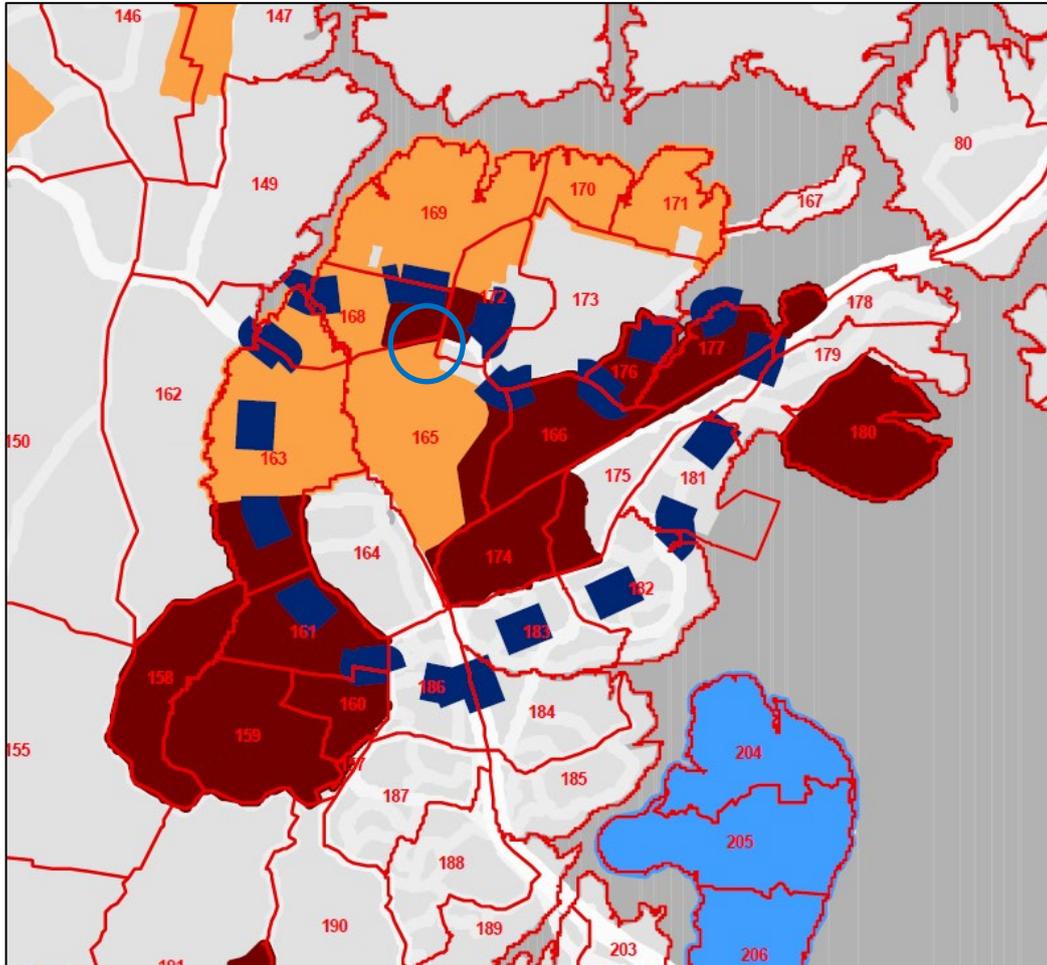


Figure 8: Excerpt of the Long Term Plan, showing the MSM Zones in Whenuapai. The subject site is circled in blue.

In Stage 1 areas (MSM Zones 166, 167, 168, 176 and 177), the Long Term Plan forecasts indicate that there will be 1037 households by 2022. This is approximately 5,000 households less than anticipated in the Whenuapai Structure Plan forecasts at this stage, despite the substantial number of houses developed to the north of the subject site.

The above analysis would suggest that there is currently an under supply of housing in Stage 1 areas compared to what was anticipated in the Whenuapai Structure Plan. This is also apparent when comparing Figures 6 and 7 above, that show the Stage 1 areas and the actual development on the ground in 2019. The 2019 aerial shows that many of the Stage 1 areas are yet to be developed and are therefore behind the anticipated schedule of the Whenuapai Structure Plan. The withdrawal of Plan Change 5, that implements stage 1 of the WSP, will further jeopardise the achievement of the WSP goals. The addition of approximately 200 dwellings adjacent to the Stage 1 area would help to address this shortfall in a housing market that is desperate for additional housing.

The Whenuapai Structure Plan also identifies those Stage 1 areas will be developed and Stage 2 areas should be development ready by 2028. This proposal will ensure the site is development ready by 2028 as the applicant will provide the required infrastructure.

Many of the properties contained within the Stage 1 areas of the Whenuapai Structure Plan (refer to *Figure 6*) have constraints noted on them. Examples of this are properties contained within areas 1B and 1F having significant ecological areas, coastal inundation controls and overland flow paths, flood plains, and wetlands. Properties contained in area 1D have coastal inundation controls, overland flow paths and flood plains.

Due to the particular characteristics of the site (adjoining urban development and being mainly free of environmental constraints), and the nature of the proposed development (medium density housing serviced with adequate infrastructure), it is considered that the proposal is consistent with the Whenuapai Structure Plan and is more appropriate for development than some of the yet to be developed sites in Stage 1.

It is also noted that a significant amount of infrastructure is required to service the wider Whenuapai area before the development of Plan Change 5, and the areas within Stage 2 of the Whenuapai Structure Plan, can occur. The proposed infrastructure as part of this application will allow for some of this wider development to occur.

3.5 Plan Changes

Proposed Whenuapai Plan Change 5 (PC5) sought to rezone a 351ha area of FUZ land in Whenuapai to a mixture of business and residential zones. In addition to the rezoning, the PC also introduces a Precinct to ensure development within the area is integrated with infrastructure provisions. This plan change has now been withdrawn.

Plan Change 69 Spedding Block notified on 8 October 2021 seeks the rezoning of 52ha of FUZ land to Business – Light Industry zone, as well as the application of the SMAF1 overlay. This plan change would provide a substantial increase in business land and employment for Whenuapai which will need to be supported by more local residential development.

A plan change is to be notified in August to Implement the Resource Management (enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA – EHS). The RMA-EHS seeks to enable a wider variety of housing across Auckland’s urban areas through the Medium Density Residential Standards (MDRS) and the National Policy Statement on Urban Development (NPS-UD) intensification policies.

The RMA-EHS introduces the Intensification Streamlined Planning Process (ISPP) which enables intensification outcomes under the NPS-UD to be achieved earlier than using the Schedule 1 process. While it is anticipated that this plan change will increase Auckland’s theoretical housing supply it is still anticipated that the rezoning of the subject site will help address an immediate local demand, particularly given the withdrawal of PC5 and ongoing infrastructure issues in the wider area.

4. PRIVATE PLAN CHANGE REQUEST

The current FUZ zoning of the subject site provides for urban development subject to a plan change process. The proposed rezoning to accommodate future development is anticipated for the site and wider Whenuapai area (as discussed in the S.32 Report). The FUZ zone does not anticipate nor provide for urban development. Whilst the Applicant had lodged and intends to pursue a non-complying resource consent, it is considered appropriate that (a) the resource consent is assessed against the more appropriate urban zoning framework proposed by the PPC; and (b) irrespective of the resource consent, it is appropriate to confirm an urban zoning over the land given its particular attributes. It is acknowledged that wherever possible an existing zone is ideal to use as opposed to a bespoke zone. An evaluation under Section 32 of the RMA has also been undertaken that identifies the possible existing zones to be considered for further evaluation and comparison with the best practice principles for rezoning. The Section 32 Evaluation is provided in **Appendix 3**.

To meet the anticipated outcomes of the WSP, it is proposed to rezone the site to a medium density zoning – Residential – Mixed Housing Urban (MHU). The proposed rezoning of the site is shown in **Appendix 2** where the entire site adopts a new MHU zone under the AUP OP. The MHU provides for a reasonably high-intensity zone for developments up to three storeys in a variety of sizes and forms. Primarily, this increases housing capacity and choice, but also promotes walkable neighbourhoods that create interactive communities and will support the Whenuapai centre, particularly with the withdrawal of PC5. Additionally, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act imposes new medium density residential standards (MDRS) to "relevant residential zones" in the AUP OP with the exception of those sites where qualifying matters apply. The incorporation of the MDRS into relevant residential zones will be actioned through the Council's Intensification Planning Instrument plan change, which it is understood will be notified on 18 August 2022. The MHU zone is understood to be the "relevant residential zone" which will incorporate the MDRS, and therefore the MDRS is likely to apply to the proposed rezoning of the site as a MHU zone.

Given the proximity of the site to the local shops, public transport routes, and similar scale residential development, the scale of MHU activities applied is considered to be an appropriate and reasonable scale of development for the 5.2ha site. Primarily, the medium density zoning proposed is consistent with the outcomes sought by the WSP which puts the site in a strategic location between the residential and business zone interface. An Urban Design Assessment has also been submitted to assess the wider design and connectivity effects of a residential development (refer to **Appendix 4**).

The following issues and outcomes are identified to inform the private plan change.

4.1 Integrated subdivision, use and development

The site is currently zoned Future Urban under the AUP (OP). The FUZ generally provides for rural activities and is applied to land within the Rural Urban Boundary which is identified as being suitable for development within the next 30 years. Activities permitted in the FUZ include farming, greenhouses, forestry, animal breeding/boarding and onsite primary produce manufacturing. Only one dwelling is permitted per site, regardless of the size of the site. Additionally, subdivision in the FUZ is not supported by the AUP (OP) policies and is a non-complying activity under Chapter E39 Subdivision – Rural. This zoning does not achieve the scale of urban development on the site that is anticipated under the WSP.

This plan change seeks to rezone 5.2ha of land at 41-43 Brigham Creek Road identified in Stage 2 of WSP from FUZ to MHU. Applying a MHU zone to the site will ensure that the site is able to be developed in line with the expectation under the WSP. Rezoning the site will ensure that it is development ready by 2028 and will increase the supply of Auckland's housing and align with the requirements of the NPS-UD. Effects on the transport, stormwater, infrastructure network along with reverse sensitivity effects associated with the Whenuapai Airbase can be appropriately managed within the generally applicable AUP OP provisions. Residential development whether it is permitted or requiring resource consent would need to demonstrate access and servicing requirements at resource or building consent stage. The addition of the SMAF 1 overlay will ensure that water quality effects associated with urban development under the MHU zone can also be appropriately managed.

Subdivision in accordance with Chapter E38 Subdivision – Urban standards is a restricted discretionary activity (in accordance with a land use consent) or discretionary activity (vacant lot subdivision). Standards include matters such as access and servicing and minimum net site areas. The minimum net site area for the Residential – MHU Zone is 300m². Vacant site subdivision involving parent sites greater than 1ha are a discretionary activity. The minimum net site area for subdivisions involving parent sites in the MHU Zone is 240m². Matters of discretion (E38.12.1.7) for standard subdivision are limited to a range of matters including meeting zone purpose, effects on infrastructure provision (whether it is public or onsite reticulation) including transport infrastructure and traffic volumes, and the provision of overland flow paths.

The MHU zone, Transportation, and Subdivision requirements in the AUP OP require any proposed accesses and infrastructure connections to be provided prior to new titles being raised or building consents being issued. There are multiple approvals processes that must be followed before development can proceed on the site, and as such the proposed rezoning of the site does not enable unmanaged, unlimited redevelopment of the site.

Overall, the purpose of the rezoning is to enable the transition from semi-rural land uses to the redevelopment of a residential area in an integrated and comprehensive manner. Under the MHU zoning and SMAF1 control, the site will be developed in a comprehensive way that is integrated with the provision of infrastructure and provides a mix of high-quality residential development. The economic, social and cultural wellbeing of existing and future communities will be enhanced through the provision of additional housing and growth of the Whenuapai community. Accordingly, there is sufficient scope to enable urban development on the site by relying on the standard AUP OP provisions.

4.2 Transport

The transport network, both within the site and the wider network, supports additional people living and working in the area, and services the business land to make it an attractive business location. Whilst the local roading network is a combination of rural and urban roading environments, there has been recent development to accommodate active modes such as the widening and formation of Brigham Creek Road, provision of bus lanes, footpaths and bike lanes. These transport improvements are expected to continue over time as future development occurs in the area.

The Integrated Transport Assessment prepared by Traffic Planning Consultants (refer to **Appendix 5**), considers the effect of the proposed rezoning on the future road environment anticipated by the WSP, including the upgrades to Brigham Creek Road and Mamari Road. The North-West Indicative Strategic Transport Network Plan outlines how the existing roads in the Whenuapai

area will be upgraded. This strategy notes that both Brigham Creek Road and Mamari Road are to be upgraded to four lanes with walking and cycling facilities (30m wide).

Chapter E Auckland-wide provides a high-level policy direction on accessible street networks, amenity for pedestrians and cyclists, land uses integrating with all modes of transport, improved and more effective public transport. Future redevelopment of the site under the MHU zone relies on the standard provisions of the AUP OP and under Chapter E27 to manage effects of traffic generation, parking, access, and manoeuvring. These standard provisions along with the matters for discretion in H5.6.1(2)(b)(ii) and (iii), E27.8.1(12) and E38.12.1(7)(a) and (k) have reasonable scope to ensure transport effects from urban development will be adequately assessed and managed.

As required under the MHU zone, a relatively low yield (i.e. 4 or more dwellings per site) will require resource consent and as outlined above will require an accompanying traffic impact assessment of effects of traffic on the neighbourhood character, residential amenity, safety and the surrounding residential area¹. However, this does not sufficiently cover the local transport upgrades sought by Auckland Transport. Given the area of the site of 5.2ha, its accessibility fronting Brigham Creek Road and Mamari Road, future residential development of the site would not result in effects beyond the local network. Provisions contained within H5, E27 and E38 above in relation to managing effects on the local roading network are appropriate, to ensure these intersection locations, land requirements and safety and connectivity is provided. These provisions have been evaluated under the S.32 Report and are the most effective and efficient way to achieve the objectives of the PPC.

4.3 Water supply and wastewater servicing

There is potential for adverse environmental effects on land if water supply and wastewater infrastructure cannot be provided for the site to support urban development. As the site is zoned FUZ, there is limited public reticulation available and, as such, development of the site would need to rely on onsite water supply and wastewater systems. Given the size of the site, this level of onsite servicing would be appropriate for up to 3 dwellings (permitted activity in the MHU).

Maven Associates have undertaken an investigation of the current site and infrastructure available in the public network and this is summarised as follows (refer to Infrastructure Report - **Appendix 7**).

- Stormwater: there is currently no public stormwater reticulation and this is discussed further in Section 4.4 below.

¹ H5.8.1 Matter of discretion

- Wastewater: there is currently no available connection to the public wastewater reticulation for the subject site. Watercare have confirmed the future installation of a network pump station at Brigham Creek Road in 2024. As such, an internal public wastewater reticulation network will need to be designed for a future development. The future public network will consist of gravity discharge into a new wastewater pump station on the site. The pump station will be public and will discharge directly into the future Brigham Creek Road pump station that is to be commissioned in 2024. Future dwellings will not be able to achieve practical completion/CCC until this public wastewater connection has been confirmed.
- Water supply: A new public water supply network will be installed under the future public roads on the site and under the upgraded Mamari Road reserve as part of the development. Future development will be serviced by individual lateral connections off the new water supply mains.

The objectives and policies under E38 Subdivision – Urban, requires infrastructure supporting subdivision and development to be planned and provided for in an integrated and comprehensive manner, and to be in place at the time of subdivision or development. Specifically, Policies E38.3(19), (20 and (21), require servicing to be integrated and compatible with the existing infrastructure and provide for connection to existing public reticulation or provision for onsite servicing. General standards for subdivision (E38.6) include requirements for site size and shape, access and entrance, and services, amongst other standards. Additionally, the matters for discretion for all other restricted discretionary activities (E38.12.1(7) requires safe legible and convenient access to a legal road and infrastructure provision and management of effects of stormwater, amongst other matters. The AUP OP specifically provides for the flexibility and opportunity, which supports the rezoning of the site.

Under Chapter H5 development of more than 4 dwellings on the site requires resource consent under H5.4.1(A4) and a matter for discretion under H5.8.1(2) is infrastructure and servicing. The assessment criteria specifies whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the development, and where there isn't, whether adequate mitigation is proposed. This provides Council with reasonable discretion to require servicing of the development to be provided and or conditioned as part of the resource consent.

Development of the site to accommodate up to 230 dwellings (as assessed and supported by technical experts) on the site relies on the matters of discretion and assessment criteria under Chapter E38 and H5, which provides sufficient coverage for assessing effects of residential development on the site. Whilst Chapters E38 and H5 enable the future development of the site for residential activities under the MHU zoning, the delivery of infrastructure is a unique circumstance for the site that might benefit from being dealt with through site specific precinct provisions. This option has been evaluated under a Section 32 Report, however, and amongst the range of options considered it was concluded that the application of an MHU zone without site specific precinct provisions better achieved the purpose of the Act and the objectives of the Unitary Plan.

Accordingly, the existing AUP OP provisions provide appropriate coverage to ensure the infrastructure requirements in the plan change area are met.

4.4 Stormwater Management

The site is located within a catchment that is predominantly rural at present. New urban development has the potential to increase stormwater flows, which may lead to increased pressure on streams and flood risk affecting water quality.

The site is not currently subject to any stormwater provisions. Piped stormwater infrastructure to existing residential development is limited, and drainage of the remaining catchment is provided through a network of streams including natural and modified wetland remnants. The Whenuapai catchment area is classified as a SMAF1 area where hydrological mitigation (retention and detention) is required. It is proposed the SMAF1 control is applied to the entire site, which is consistent with adjacent sites accommodating urban development (i.e. north across Brigham Creek Road).

The SMAF1 control requires stormwater hydrology mitigation for all new impervious areas, redevelopment impervious areas or entire sites where the area of development comprises more than 50 percent of the site area². In particular, consent is required for development of new or redevelopment of existing impervious areas greater than 50m² within a SMAF1³. Details of the retention and detention requirements are covered in detail in the Stormwater Management Plan (refer to **Appendix 9**). An effects assessment must take into consideration cumulative effects of increased stormwater flow on freshwater systems, practicable options for reducing existing adverse effects, and the management of stormwater flow onsite.

Additionally, Policies E38.8 (Subdivision) require that any sites containing buildings must connect to a public reticulated stormwater network or where reticulation is not provided, that *the treatment and disposal of stormwater does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation of exacerbation of* ⁴~~OBJ~~. Additionally, subdivision must be designed to manage ⁵~~OBJ~~.

Additionally, Policy H5.3(7) seeks to restrict the maximum impervious area on the site to manage stormwater runoff generated by development to ensure adverse effects on water quality, quantity and amenity values are avoided or mitigated. This is consistent with the intent sought under E36 and E38 above.

² Policy E10.3(2)

³ Table E10.4.1(A3)

⁴ Policy E38.3(A21)

⁵ Policy E38.3(A22)

Overall, with the imposition of the SMAF1 control to the site, as proposed, the AUP OP provides robust coverage to appropriately manage environmental effects of subdivision, use and development of the site for residential activity.

4.5 Natural Hazards

Auckland Council’s GIS system identifies several overland flow paths traversing the subject site, and a flood plain on the north-western portion of the site (refer to Figure 12).

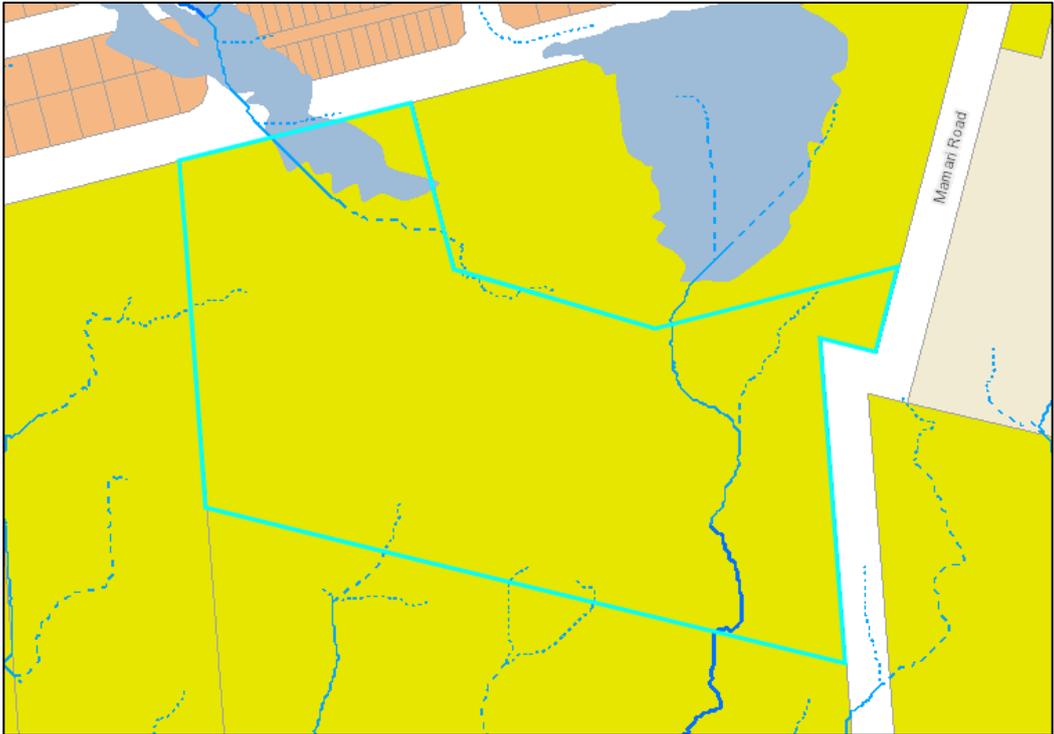


Figure 12: Image showing the overland flow paths and flood plains present on and around the subject site (Auckland Council GIS Viewer, 2021).

Maven Associates has prepared a Stormwater Management Plan that notes the following:

- The overland flow path on the eastern portion of the site will be conveyed via an open channel between buildings on this part of the site. The flow path will then be discharged onto the proposed road network. An easement has been proposed over the affected lots to ensure that the flow is not obstructed.
- The overland flow and flood plain on the north-western portion of the site has been assessed to be sheet flow, and this will be conveyed throughout the site. The smaller flow paths throughout the site will be safely conveyed within the proposed road reserves.

Chapter E36 provides sufficient coverage of assessing effects of natural hazards on the site. In particular, standards E36.4.1(A30)⁶, (A37)⁷ and (A38)⁸ are all applicable in assessing effects of development within a floodplain. In particular, any onsite wastewater systems within a floodplain that may be required for permitted residential activity must be appropriately assessed. New buildings and uses accommodating vulnerable activities (i.e. residential activity) also require consent. In relation to overland flow path, standards E36.4.1(A41)⁹ and (A42)¹⁰ are consent requirements where the overland flow path and capacity can not be maintained as a result of development and obstructions are located within its path. Further a hazard risk assessment must be provided when subdivision, use or development requiring resource consent is proposed addressing the matters outlined in E36.9(2)(a)-(l).

Assessment of effects of natural hazards is also a consideration in E38.4.1(A11)¹¹ where resource consent is required for subdivision of land within a flood plain.

Given the coverage provided in the AUP OP, the site and its hazards are not unique and do not require any further site-specific provisions to assess and manage effects.

4.6 Reverse Sensitivity

The site is also subject to Designation 4311 which protects the approach and departure paths from the Whenuapai Airbase. Development that is undertaken in accordance with the underlying zoning, being the proposed MHU zone, will not affect these approach and departure paths. There is no change required to this requirement as it applies to the site.

The extent of the Aircraft Noise Overlay in Whenuapai is shown in *Figure 12 below*. Noise from aircraft operations is managed under Designation 4311 and the Aircraft Noise Overlay in the AUP (OP). The purpose of the Noise Overlay:

⁶ (A30) On-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) floodplain – RDA
⁷ (A37) All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain – RDA
⁸ (A38) Use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain – RDA
⁹ (A41) Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path – RDA
¹⁰ (A42) Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path – RDA
¹¹(A11) Subdivision of land within any of the following natural hazard areas: • 1 per cent annual exceedance probability floodplain – RDA



The purpose of the Aircraft Noise Overlay is to manage the subdivision of land and location of activities sensitive to aircraft noise in areas of high cumulative noise around the region's airports and airfields, so that the continued operation of the airports and airfields is not compromised and reverse sensitivity issues are addressed.



Figure 12: Whenuapai Airbase noise contour

The inner contour in *Figure 12* represents the 65 dB Ldn noise boundary while the outer contour represents the 55 dB Ldn noise boundary – the latter crossing the south eastern corner of the Application site. The south eastern corner of the site is therefore located within the 55dB Ldn noise boundary but remains some distance from the 65dB Ldn noise boundary.

Between the 55 dB Ldn and 65 dB Ldn boundaries, new residential and other activities sensitive to aircraft noise should be avoided unless the effects can be *adequately remedied or mitigated through*, for example, *the acoustic treatment (including mechanical ventilation) of buildings containing activities sensitive to aircraft noise excluding land designated for defence purposes* (Policy D24.3.3(a)). The Aircraft Noise Overlay rules require under D24.4.1(A1)¹² and (A28)¹³ that restricted discretionary activity consent be applied for any new activities or and subdivision located between the 55dB Ldn and 65dB

¹² (A1) New activities sensitive to aircraft noise – RDA

¹³ Subdivision (except subdivision associated with a network utility) between the 60dB Ldn and the 65dB Ldn noise boundaries and between the 55dB Ldn and 60dB Ldn noise boundaries – RDA

Ldn noise boundaries, which affects the south-eastern corner of the site. Applicable standards include providing sound attenuation and related ventilation measure to ensure internal noise environments of habitable rooms do not exceed a maximum noise level of 40dBA Ldn. These measures are to be certified by a suitably qualified person and meet the requirements of the NZ Building Code Rule G4. These provisions apply currently to the site, and any rezoning of the site would continue to be subject to these provisions. Based on the current noise contours in the AUP OP, the standard provisions are considered appropriate to manage effects of urban development of the site- and site-specific provisions are not warranted.

The Applicant has engaged with NZDF on a number of occasions as the private plan change and resource consent application have progressed towards lodgement. Their comments are documented in **Appendix 12**. For the part of the site located within the Noise Overlay, the Applicant has accepted a no-complaints noise covenant in favour of the Whenuapai Airbase. Relying on the provisions of the AUP OP, future residents on the site will be adequately protected from the adverse effects of noise from the ongoing operations at the Whenuapai Airbase.

To provide Council with a greater level of certainty, the Applicant has submitted a resource consent for a medium density residential development, including bulk earthworks, the formation of roads, infrastructure services, and all other associated enabling works within the subject site. This application has been accepted for processing (Council ref: BU60386985).

To future proof the urban development of the site and consistency with the anticipated growth of Whenuapai, rezoning of the site to a Residential – Mixed Housing Urban (MHU) is proposed.

5. ENGAGEMENT

Prior to the pre-application meeting discussions for the private plan change at the subject site, engagement has been undertaken with a number of parties and interest groups. The following section outlines the parties that have been engaged with.

While the engagement was predominantly regarding the lodgement of a private plan change, it allowed for parties to understand the anticipated development plan of the site through both the plan change and resource consent process. Follow up engagement with the same parties was also undertaken on 26 August 2021 to introduce the land use and subdivision development proposed.

5.1 Auckland Council, Auckland Transport and Healthy Waters

A pre-application meeting was held with Auckland Council on 26 February 2021. Feedback was received from Auckland Transport, Watercare and Healthy Waters at this meeting and it was noted that upgrades and connections to the site were to occur in the future, but there was currently a lack of infrastructure in the area to support the proposed plan change. Draft technical assessments were submitted to Council on 11 May 2021, and subsequent responses had been provided on 18 August 2021 (refer to **Appendix 13**). The Applicant's experts have reviewed the comments and taken them into consideration in the redrafting and updating of their technical reports.

5.2 Te Tupu Ngātahi

As part of pre-application meeting discussions on the private plan change and preparing the transport assessment, Te Tupu Ngātahi have been engaged with.

5.3 Watercare

Maven Consultants have had ongoing engagement with Watercare throughout the plan change concept development process and this has been document within the Infrastructure Report. Discussions have been held with Ilze Gotelli in relation to the potential future connections and any alternatives that could be considered.

5.4 New Zealand Defence Force (Whenuapai Airbase)

A meeting was held via Microsoft Teams with the New Zealand Defence Force's (NZDF) Environmental Officers on 22 February 2021. The NZDF have recommended conditions that they would like imposed on the residential lots as part of the resource consent and a no-complaints covenant has been accepted on development on the portion of the site subject to the Aircraft Noise Overlay. They are attached as **Appendix 12**. Subsequent engagement was undertaken with NZDF on 26 August 2021 in relation to this proposed integrated development.

5.5 Mana Whenua

An email was sent to 10 Iwi groups on 1 March 2021 (refer to **Appendix 12**). These groups were identified as having in interest for the site and area by Auckland Council:

- Ngāti Paoa Iwi Trust
- Ngāti Paoa Trust Board
- Ngāti Te Ata
- Ngāti Whātua Ōrākei Trust
- Te Ara Rangatu o Te Iwi o Ngati Te Ata Waiohua
- Te Ākitai Waiohua Iwi Authority
- Te Kawerau Iwi Settlement Trust
- Ngāti Manuhiri Settlement Trust
- Ngāti Maru Rūnanga Trust
- Te Rūnanga o Ngāti Whātua

No responses have been received to date. It is noted that Te Kawerau a Maki, who were consulted via email, submitted a Cultural Values Assessment as part of the WSP. Figure 7.2 in that Report records the approved and pending archaeological sites through Whenuapai. Whilst the application site does not record any archaeological sites it is appreciated that Te Kawerau a Maki maintain spiritual and cultural connection to the Whenuapai area. Subsequent engagement was undertaken with the Iwi groups on 26 August 2021 in relation to this proposed integrated development and no responses have been received at the time of lodgement of this application.

In drafting of the SMP, engagement and feedback has been received from Mana Whenua, and the SMP has been amended to respond to those comments received.

Mana whenua will be further notified as part of the PPC public notification process and will have an opportunity to make a submission.

5.6 General Distributers Limited

General Distributers Limited own the neighbouring property at 45 Brigham Creek Road. Meetings have been held with Andrea Steffensen from General Distributers Limited and they noted that they are generally supportive of the plan change. Subsequent engagement was undertaken with the General Distributers on 26 August 2021 in relation to this proposed integrated development.

5.7 Upper Harbour Local Board

The Upper Harbour Local Board was informed of the proposed plan change via email on 6 May 2021. They indicated that they did not need to be involved with the private plan change process. Subsequent engagement was undertaken with the Local Board on 26 August 2021 in relation to the proposed integrated development and no response had been received at the time of lodgement of this application.

Subsequent engagement has been undertaken by the Applicant in June 2022, to introduce the PPC Request with Councillors J Watson, W Wayne, C Darby, S Henderson, L Cooper.

5.8 Neighbouring Properties

5 Mamari Road adjoins the southern boundary of the application site. The Applicant has discussed the proposal with the property owner at 5 Mamari Road, and they stated that they were appreciative of being informed and raised no immediate concerns regarding the proposal.

39 Brigham Creek Road, to the west of the site, have been supplied with a letter outlining the proposed plan change. They have not responded to this letter.

6. RESOURCE MANAGEMENT ACT 1991

6.1 Part 2

The Resource Management Act (RMA) provides a legislative framework for the sustainable management of natural and physical resources in New Zealand. The purpose of the RMA is to promote the sustainable management 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.

5(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.*

The Applicant's objective is to undertake an urban redevelopment of the site that is anticipated and continues to protect the community's physical, social, economic and cultural resources. The assessment of effects demonstrates that the effects of the anticipated development by the rezoning will be adequately mitigated so that they do not result in adverse effects on the environment.

Sections 6, 7 and 8 of the RMA outline the matters of national importance, other matters and the principles of the Treaty of Waitangi, which are integral to achieving the purpose of the Act and must be accorded specified levels of consideration by those exercising powers under the Act. The parts of these sections that are particularly relevant to this application include:

Section 6 of the RMA contains the matters of national importance that are required to be recognised and provided for:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development;*
- (g) *the protection of protected customary rights;*
- (h) *the management of significant risks from natural hazards.*

In particular, Section 6(h) is relevant in so far as there are natural hazards that traverse the site that will require detailed investigation at the time of redevelopment. No other subsections are relevant considerations for this plan change as the site is not subject to any outstanding natural features or

landscapes, significant vegetation or features of cultural significance. The matters of national importance are discussed further in section 6.1 of the AEE.

Section 7 of the RMA contains other matters to which particular regard must be given:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
 - (aa) *the ethic of stewardship:*
 - (b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (d) *intrinsic values of ecosystems:*
 - (e) *[Repealed]*
 - (f) *maintenance and enhancement of the quality of the environment:*
 - (g) *any finite characteristics of natural and physical resources:*
 - (h) *the protection of the habitat of trout and salmon:*
 - (i) *the effects of climate change:*
 - (j) *the benefits to be derived from the use and development of renewable energy.*

Of these matters, section 7(a), (b), (c), and (f) are considered to have particular relevance to this plan change. The proposed plan change seeks to ensure the development that will be enabled is an efficient use of the site where amenity values and the quality of the environment is maintained. These matters are discussed in section 6.1 of the AEE.

The principles of the Treaty of Waitangi must also be taken into account under section 8 of the RMA. Section 5 of the AEE describes the engagement undertaken with mana whenua. The PPC seeks to implement the WSP which was developed with input from local iwi, with a CVA provided by Te Kawerau a Maki. It is therefore considered that the principles of the Treaty have been appropriately taken into account in developing the PPC. Further discussion is included at section 6.4 below.

Overall, the proposed rezoning is consistent to the purposes and principles of the RMA as defined by Part 2.

6.2 Section 31

Section 31 sets out the functions of territorial authorities under the RMA. In particular, Council functions include the integrated management of natural and physical resources,

housing land capacity, the maintenance and enhancement of water quality and quantity, the strategic integration of infrastructure and land use, and the mitigation of natural hazards.

The Council is therefore required to consider the plan change application in accordance with its function of achieving integrated management of land use. The use and development of the land for the purposes outlined in this request is clearly within the scope of the Council's functions under s31 and integration of effects of the activities with infrastructure and other nearby activities is a key issue addressed by the plan change.

The proposed rezoning assists the Council to fulfil its Section 31 functions by providing the ability to achieve integrated management of the effects of the use and development of the natural and physical resource while helping achieve Council housing land capacity targets. It ensures any potential effects of the use and development are avoided or mitigated. Specifically, with respect to stormwater management, natural hazards, transport, and subdivision those Auckland-wide standards continue to apply.

6.3 Section 32

This Report is prepared in accordance with Section 32 *Requirements for preparing and publishing evaluation reports*, in accordance with the following:

(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.

A Section 32 Evaluation Report is appended to **Appendix 3** of this AEE. The evaluation confirms that the MHU objectives and SMAF1 objectives are the most appropriate way to achieve the purpose of the RMA and that the applicable AUP OP provisions are efficient and effective in achieving the MHU objectives.

The Evaluation Report concludes that:

- The AUP OP MHU zone provisions enable an intensity of residential development that is appropriate for the site in its location and provides for housing capacity and choice.

- The application of the AUP OP SMAF1 overlay ensure appropriate stormwater management as a result of future development on the site to protect water quality.
- The reliance on the AUP OP natural hazards provisions is appropriate to assess effects of development within the flood plain and overland flow path hazards on the site.
- The provisions of the MHU zone and E27 Transport provides appropriate provisions to assess effects of development on the local roading network, particularly with regards to access, safety and capacity.
- The AUP OP subdivision provisions are appropriate to ensure that subdivision meets the zone requirements, future development lots have buildable areas that are clear of natural hazards, and are provided with accesses and servicing.
- The reliance on the AUP OP Aircraft Noise Overlay is appropriate to manage reverse sensitivity effects from operational noise from the Whenuapai Airbase. Further, the Applicant accepts a reverse sensitivity covenant over future development within the Overlay.

6.4 Council considerations for Plan Changes

Sections 66 and 67

Sections 66 and 67 outline the matters that must be considered when changing a regional plan. The key regional plan change in the PPC relates to extending the SMAF1 area. It is not proposed to change any specific provisions in the regional plan relating to stormwater management it is considered that the PPC is in accordance with regional council functions, RMA Part 2, the Regional Policy Statement and national direction. This approach is also consistent with the relevant Iwi Management Plan as outlined below

Sections 74 and 75

Sections 74 and 75 set out matters to be considered by Council when changing its district plan and set out the prescribed contents and purposes of district plans. As this is a site-specific plan change it has minimal impact on the AUP OP as a whole and does not undermine it or affect its content. The reliance on the MHU and other objectives will seamlessly integrate into the AUP OP.

Section 74 directs Council to prepare and change its district plan in accordance with:

- (a) its functions under section 31; and*
- (b) the provisions of part 2; and*
- (c) a direction given under section 25A(2); and*
- (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
- (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
- (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*

(f) any regulations.

The proposed rezoning assists the Council in fulfilling its Section 31 functions by providing the ability to achieve integrated management of the effects of the use and development of the natural and physical resource while helping to achieve Council's housing capacity targets. It ensures any potential effects of the use and development (on the surrounding residential environment for example) are avoided or mitigated. As demonstrated in the following assessment and in the AEE, the rezoning achieves the sustainable management purpose and principles of the RMA as defined by Part 2.

Section 8 of the AEE assesses the relevant plans, strategies and other matters have been assessed including the NZ Coastal Policy Statement, NPS on Urban Development, NES for Contaminants, Auckland Regional Policy Statement, AUP OP and the Auckland Plan. The proposed PPC is consistent with these higher order documents.

Sections 66 (2A) and 74 (2A) require account be taken of iwi planning documents. Section 5 of the AEE describes the engagement undertaken with mana whenua. The PPC seeks to implement the WSP which was developed with input from local iwi, with a CVA provided by Te Kawerau a Maki. While there are no Iwi Management Plans (IMP) publicly available for most of the iwi having identified as having interest over the Application site, engagement has been sought and iwi will be notified as part of the PPC notification process.

Ngāti Whātua Ōrākei's IMP includes Whenuapai within its wider Rohe. The IMP also indicates that:

"The northern extent of the Ngāti Whātua Ōrākei rohe meets that of the closely related but distinct Ngāti Whātua o Kaipara, who have shared interests in the area through Riverhead, Coatesville, Whenuapai, Hobsonville, Greenhithe and Albany. Moving to the north-east, the rohe extends to the coast just south of Long Bay. The seas extending out from Ngāti Whātua Ōrākei lands are also part of the hapū territory.

Ngāti Whātua Ōrākei acknowledges the rohe of Te Kawerau a Maki, running along the west coast from Te Henga (Bethells Beach) to Karekare and up from those beaches into the Waitākere Ranges. We also acknowledge that Ngāti Paoa has mana whenua in the east of Tāmaki Makaurau and parts of the North Shore."

The IMP identifies 45 desired outcomes, with the following outcomes being some of those that relate to the proposed rezoning sought by the PPC:

- There should be a significant shift in investment away from car based transport towards mass transit and low carbon modes including rail, bus, cycling and walking.
- City-level urban design should fully integrate land use with mass transit and low carbon transport networks.
- Water should be managed, and where necessary restored, to maintain or enhance mauri and to protect ecosystem, amenity, and mana whenua values.
- New development should incorporate the use of sustainable (low impact) design practice for the management of surface water runoff.

- There should be no discharge of untreated surface water from urban areas.
- There should be a significant increase in investment at a city-wide scale to drive improvements to Auckland’s wastewater and stormwater treatment and reticulation systems and ensure full separation of the two. Wastewater management systems should be well maintained and function effectively.

The proposed rezoning and application of the SMAF1 control has given effect to these outcomes by providing for development that integrates land-use and transport planning with sustainable water management.

Section 75 of the Act directs that a district plan must give effect to any national policy statement, and any regional policy statement. The National Policy Statement for Urban Development (NPS-UD) which came into effect on 20 August 2020 intends to provide well-functioning urban environments for people and their communities as well as provide sufficient development capacity to meet their needs.

The objective and policies applying to planning decisions under the NPS-UD are Objectives 2, 5 and 7 and Policies 2 and 6 (see below discussion, including of Environment Court’s decision in *Epsom Residential Protection Society Incorporated v Auckland Council* [2021] NZEnvC 082). Of particular relevance to this decision are Policies 2 and 6:

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 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 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.*

It is considered that the PPC is consistent in particular with the above policies in that:

- The proposed rezoning of the site will provide a well-functioning urban environment for its community and surrounding environment and is necessary to support the existing and future growth of the Whenuapai community and meet mandatory capacity targets.
- Policy 6 of the NPS-UD requires Councils to have particular regard to the planned urban built form anticipated by the AUP OP. Given the intent provided by the WSP and the changes of the FUZ zoning in Whenuapai, the site and surrounding area are likely to involve significant changes to the established 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, ... ; and ii) are not, of themselves, an adverse effect.* Rezoning to urban land may therefore detract from the (rural) amenity values appreciated, however this is identified as an area of growth and rezoning and those amenity values will change and be appreciated by future residents in the area.
- The proposed rezoning will enable a well-functioning urban environment. In addition, while the site is within the 'Stage 2' development area of the Whenuapai Structure Plan, the level of development of the 'Stage 1' development areas are behind schedule. And as such, the proposal represents the efficient use of FUZ land that will assist in the redevelopment of land within the WSP. This is assessed further in section 8.2 of the AEE.
- The relevant provisions of the Regional Policy Statement are assessed in section 8.6 below, and overall align with the objectives of the NPS-UD in that the site (where residential intensification is proposed) is located in close proximity to centres (with employment opportunities) and transport links. Its proximity and enabled density will lead to a well-functioning urban environment.
- The proposed plan change to rezone the 5.19ha site that can be adequately serviced will add significantly to development capacity and contribute to well-functioning urban environments.

6.5 Clause 5A of Schedule 1

Clause 5A provides the option for a local authority to give limited notification on all identified persons directly affected by the proposed change.

The Applicant has undertaken robust engagement with adjacent properties as identified in Section 5.0 above. From that engagement, limited feedback was received (as documented) with no feedback suggesting any opposition to the redevelopment of the site intended under the MHU zone.

Given the engagement undertaken, and the limited extent of effects from the anticipated redevelopment of the site (assessed further in Section 8.0 below), Council could consider the limited notification of the PPC request.

6.6 Clause 25 of Schedule 1

Clause 25 of Schedule 1 of the RMA has 30 working days from receiving the necessary information to consider the PPC request and how it should be dealt with. Council can decide to:

- (a) Adopt the request as a council plan change, either in whole or in part;
- (b) Accept the request as a PPC, either in whole or in part;
- (c) Convert the request to a resource consent application; or
- (d) Reject the request.

Council's ability to reject a PPC request is limited to the following matters in Clause 25(4) discussed below.

Clause 25(4)(a) – Frivolous or Vexatious Requests

In terms of clause 25(4)(a), the Request is not considered to be frivolous or vexatious as it addresses a valid resource management issue. This PPC is a comprehensive document that is fully supported by technical reports prepared by independent experts. As such, there are no grounds for rejecting the request under clause 25(4)(a).

Clause 25(4)(b) – Requests Considered in Last Two Years

The request has not been considered and given effect to or rejected by the local authority or Environment Court within the last 2 years.

Clause 25(4)(c) – The extent to which the Request is in Accordance with Sound Resource Management Practice

Clause 25(4)(c) provides that a Private Plan Change request may be rejected on the grounds that the request is not in accordance with sound resource management practice. It is noted that "sound resource management practice", while a frequently used term, is not defined in the Resource Management Act. However, it is considered the term relates to the scale of effects and alignment of the plan change request to Part 2 of the RMA.

The redevelopment of the site for residential activity is supported by technical experts as appended to this AEE. The rezoning does not exempt future resource consent applications for the redevelopment requiring effects assessment to be undertaken.

Clause 25(4)(d) – Consistency with Part 5 of the Act

Part 5 of the Act sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the Act.

The PPC request will not make the AUP OP inconsistent with Part 5 of the RMA. The PPC request will rather assist to achieve the purpose of regional and district plans under sections 63 and 72, and thereby the functions of the Council under sections 30 and 31.

Clause 25(4)(e) – Operative Plan for less than 2 years

Clause 25(4)(e) of Part 2 of Schedule 1 may apply where a District Plan has been operative for less than two years. The AUP OP has been operative in part for longer than two years. Those parts of the AUP OP that are not yet operative are not relevant to the PPC request.

In addition, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act inserted a new clause 25(4A) into Schedule 1 of the RMA which states that “*A specified territorial authority must not accept or adopt a request if it does not incorporate the MDRS as required by section 77G(1).*” The Plan Change does not incorporate the MDRS, and therefore does not comply with clause 25(4A). However, clause 35 of Schedule 12 of the RMA, inserted by the same Amendment Act, provides that some private plan change requests may rely on the IPI to incorporate the MDRS, and the Council can accept or adopt those private plan change requests despite clause 25(4A) of Schedule 1. The clause applies to any plan change request to change a district plan:

- (a) That is made to a specified territorial authority under clause 21 of Schedule 1 before the specified territorial authority has notified its IPI in accordance with section 80F; and
- (b) To which clause 34 does not apply; and
- (c) That requests the creation of a new residential zone that proposed to adopt all the zone provisions of a relevant residential zone but does not amend the provisions in the relevant zone.

The Plan Change has been lodged prior to notification of Auckland Council's IPI plan changes being notified, is not subject to clause 34 and proposes application of the MHU Zone without amendment. Accordingly, the Council is able to accept or adopt the request in accordance with the usual considerations under clause 25.

The consideration undertaken above has concluded there are no grounds to reject the Plan Change Request, and therefore the Council should not reject the Request. Pursuant to Clause 25(3) the issues raised within the PPC request are more appropriately addressed through the plan change process than a resource consent, and that the Council could accept the Request.

Therefore, based on the above the recommendation is that the request be accepted by the Council under clause 25(2)(b) of Part 2 of the First Schedule for public notification.

7. ASSESSMENT OF ENVIRONMENTAL EFFECTS

This Assessment of Effects (AEE) is prepared in accordance with Clause 22(2) of Schedule 1 of the RMA.

Clause 22(2) requires information under Schedules 6 and 7 in such detail as corresponds with the actual and potential effects anticipated from the implementation of the PPC. The following assessment must also take into account the following matters:

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

7.1 Positive effects

The proposal will result in the following positive effects:

- It will result in land being developed that has less constraints (in terms of the NZDF Aircraft Overlay, natural hazards, natural environment and heritage) than other surrounding properties. It is also noted that the site is located near the Whenuapai Local Centre, multiple transport links, other medium density development, and 45 Brigham Creek Road, where it is intended for a supermarket to be developed in the future. As the site has a unique set of circumstances, the proposal will not set a precedent for 'out of sequence' development.
- The proposal will result in excess of \$6,000,000 of development contributions for Auckland Council. This will allow Auckland Council to cover the cost of future infrastructure throughout Auckland.
- As the infrastructure of the site can be upgraded efficiently, at the cost of the Applicant, and the level of development of the 'Stage 1' development areas are behind schedule, it is considered that the proposal represents the efficient use of Future Urban zoned land that will assist in the wider redevelopment of land within the Whenuapai Structure Plan. It is also noted that a significant amount of infrastructure is required to service the wider Whenuapai area before the development of Plan Change 5 can recommence, and the areas within Stage 2 of the Whenuapai Structure Plan, can occur. The proposed infrastructure as part of this application will allow for some of this wider development to occur.
- The proposal results in 230 new residential dwellings on a site where there is currently one dwelling. This residential development will contribute toward Auckland's desperately needed residential growth and will help in achieving Auckland's residential capacity and land supply targets.

7.2 Urban Design effects

The Urban Design Assessment (refer to **Appendix 4**) identifies a potential multi-purpose community facility, and existing neighbourhood centre and local centre zone land all located to the east of the site along Brigham Creek Road. There are a number of small-scale retail,

service station, trade retail premises and a park. The site is a short distance from the main intersection of Brigham Creek, Mamari and Totara Roads and provides easy walking and cycling access to these public amenities. The proximity means the site is suited to the higher density development intended under the MHU zone and proposed MDRS provisions. The zoning enables well designed sustainable quality compact form and provides choice of residential densities and future dwelling types.

7.3 Subdivision effects

Future subdivision of the site whether it is considered with an approved land use consent or vacant lot subdivision will require resource consent under E38.4.2(A14) or (A18). Whilst an assessment under (A18) will have unlimited matters to consider, the matters for discretion under E38.12.1(7) are used as a guide. In here, subdivision effects must achieve the purpose of the zone, infrastructure provision and stormwater effects are managed, functions of overland flow paths maintained, and effects of traffic volumes and transport infrastructure are assessed. In assessing these matters, subdivisions must enable a liveable, walkable and connected neighbourhood.

Accordingly, effects of future subdivision can rely on the standard AUP OP provisions.

7.4 Transport effects

Traffic Planning Consultants (TPC) have prepared a comprehensive Integrated Transport Assessment for the proposed rezoning which analyses the overall transport effects of an urban redevelopment of the site (refer to **Appendix 5**). Below is a summary of findings on the proposed development when assessed against those relevant provisions of the AUP OP:

- From an intersection safety perspective, the future development of the site the proposed intersections with Mamari Road and Brigham Creek Road are not considered to result in any material queuing or delay effects and it is anticipated that these roads will continue to function as they currently do.
- Dedicated footpaths and sufficient bicycle parking spaces can be accommodated throughout the site to promote walking and cycling and to reduce car travel. These are all attributes which will reduce or mitigate the impact of this development on the surrounding road network from what they otherwise might be. The redevelopment of the site will result in a safe pedestrian environment through the inclusion of footpaths, pedestrian crossing facilities and the provision of a low-speed local street network.
- Traffic calming strategies throughout the site such as speed humps, intersection controls, signage and ramps will encourage a slow speed environment. Sight lines and visibility within the site is considered suitable and the proposed gradient of 1 in 20 (5%) is low. These aspects of the proposal will ensure the site is safe in terms of transport movements throughout the site and can be considered as part of a future application.

Overall, taking into account that future redevelopment of the site can readily rely on the provisions of the AUP OP and in accordance with Auckland Transport requirements and best practice guidance, it is considered that the proposed transportation effects will be safe and efficient and any effects on the local transport environment can be adequately managed within the AUP OP provisions.

7.5 Infrastructure effects

In anticipation of urban residential development of the site, the Infrastructure Report details future three water servicing of residential development on the site. Below is summary of the effects in relation to infrastructure:

- A new public stormwater network will be built within the site and the Mamari Road reserve. Stormwater for the entire development will consist of gravity discharge toward the south-eastern corner of the site before being conveyed via the public network under Mamari Road before being discharged into the Sinton Stream. In addition, detention tanks will be proposed throughout the site to ensure that stormwater can slowly be discharged into the network. The proposed stormwater design will incorporate a water sensitive design approach, which focuses on reducing and eliminating stormwater contaminants potentially discharging into the ultimate downstream receiving environment (the Sinton Stream). The proposed stormwater network, along with the installation of tanks on individual lots, will ensure that adverse effects on the downstream environment from the discharge of stormwater will be less than minor.
- An internal public wastewater reticulation network will be designed for the development. Individual lot connections will be installed on the proposed public mains. The public network will consist of gravity discharge into a new wastewater pump station south-eastern corner of the development. This pump station will be public and will discharge directly into the future Brigham Creek Road pump station that is to be commissioned in 2024. The proposed wastewater network will be designed to have capacity for peak wet weather discharge. This will ensure that wastewater discharge into the public system will be kept at pre-development levels and as such, the proposed wastewater design will ensure that effects on downstream networks will be less than minor.
- A new public water supply network will be installed under the future public roads on the site and under the upgraded Mamari Road reserve as part of the development. The water design has allowed for a peak water demand of 8.78 litres a second. The proposed water supply design will allow for each lot to be serviced by individual connections off the new water supply mains, and as such will have less than minor effects on the environment.

Whilst there are provisions within Chapters E38 and H5 to assess the infrastructure and servicing of future development on the site, the timing and delivery of the infrastructure is site-specific and unique to the site. Therefore, the connection to reticulated infrastructure and in this instance the reliance on the completion of the wastewater Northern Interceptor wastewater pump station is required prior to subdivision or development of the site under the AUP OP provisions. It is further noted that there are sufficient consenting/approvals processes, outside of the RMA consenting process, that would enable infrastructure matters to be resolved. It is not a requirement of the RMA that all infrastructure funding/timing issues must be resolved in advance of rezoning and these matters can be resolved contemporaneously with development

Overall, it is considered that a future redevelopment of the site can be delivered under the rezoning to ensure the development can be appropriately serviced.

7.6 Stormwater Management

The site will adopt the SMAF1 control to manage effects of stormwater runoff from urban development of the site and improve water quality in the downstream catchment. Under E10.8.2(1), development of the site requires an assessment against policies E10.3 (addressed in section 4.4 above) and E1.3(1), (2), (3), (4), (5), (8) and (9) in E1 Water quality and integrated management.

In relation to effects on water quality, an assessment also requires consideration of the NESFM (assessed in section 8.1 below). Development must as far as practicable minimise or mitigate adverse effects of stormwater runoff from greenfield development using a variety of mechanisms to ensure stormwater networks are managed to protect public health and safety and minimise adverse effects of contaminants on freshwater. Overall, it is considered that the provisions contained within E1, E11, and E38 provide robust coverage of the management of stormwater runoff from the site to ensure effects on the environment will be avoided or minimised.

7.7 Natural Hazards

Auckland Council's GIS system identifies several overland flow paths traversing the subject site, and a flood plain on the north-western portion of the site. The AUP OP provisions contained in E36.8.1 provisions for managing effects of development within floodplains and within overland flow paths.

Overall, it is considered that any adverse effects in relation to natural hazards on the site can be appropriately managed through reliance on the standard AUP OP provisions, and no site-specific provisions are considered necessary in this regard.

7.8 Ecological effects

The National Environmental Standard for Freshwater Management 2020 (NESFM) regulates activities that may affect the health of freshwater and freshwater ecosystems. Whilst the requirements relate mostly to farming and agricultural activities, it also restricts activities that may affect natural water ways.

An Ecological Effects Assessment has been prepared by RMA Ecology and is contained as **Appendix 10** of this report. The site is located within a typical Auckland rural environment. The site supports one dwelling with substantial amenity gardens, and surrounding paddocks and fields that are used for stock grazing. The site has been heavily modified by past farming activities.



Figure 11: Aerial image showing the subject site and the potential wetland toward the south of the site

There are no streams on the site. There are also no wetlands, no indigenous vegetation, no listed Significant Ecological Areas, and no plant or animal species of conservation significance. There is a potential wetland to the south of the site (off site), and approaches to erosion and sediment control, as well as stormwater and overland flow management take this into account.

One native animal that could be present is the native copper skink, within the rough pasture and wetland areas of the eastern gully. This species is listed as Not Threatened, and this location (if it is present) would not constitute important or core habitat.

There is no remnant or secondary regenerating native forest on the site and no listed SEAs, nor does any of the vegetation present meet any of the qualifying criteria for ecological significance. Mature exotic trees and dense exotic scrub provide limited and low-quality nesting and food resources for birds, and at most benefit a few native birds that are neither threatened nor rare.

The Ecologist has confirmed that the existing suite of objectives and policies in the Auckland Unitary Plan that address matters of aquatic and terrestrial ecology are adequate to manage potential adverse effects on ecology values present on the site. There is no reason to include specific provisions as part of this Plan Change in relation to ecology.

7.9 Acoustic effects

The Noise Assessment Report prepared by Marshall Day (refer to **Appendix 11**) determines that:

- There is unlikely to be reverse sensitivity effects from the proposal as the adjacent residential and business activities, and any future residential and businesses activities, will have to comply with the relevant noise rules of the AUP: OP.

- Buildings constructed within the Aircraft Noise Overlay will be subject to internal noise level requirements.
- The first row of houses adjacent to Brigham Creek Road will be designed to meet internal noise level requirements of 40 dB LAeq(24h).

As only the south-eastern portion of the site is subject to the Aircraft Noise Overlay, an assessment of development in that part of the site is subject to the requirements under D24.8.3(1)(a)-(e). Internal noise environment must provide satisfactorily levels of health and amenity values to the occupants. Sites created will be subject to a no-complaints covenant as a mechanism to ensure acoustic attenuation measures are not removed. A no-complaints covenant for future development within this Overlay is accepted by the Applicant to satisfy the concerns raised by the NZDF.

Overall, the assessment provided by Marshall Day considers that the provisions of the AUP OP are sufficient to ensure appropriate mitigation at resource consent stage, from both the Aircraft Noise Overlay and the proximity of Brigham Creek Road.

7.10 Contamination effects

Soil testing has confirmed that the extent of contamination is likely to exceed the permitted threshold under the NESCS. The proposed ground disturbance is essential in enabling and facilitating the redevelopment of the subject site and a Remedial Action Plan has been completed by ENGEO (refer to **Appendix 12**) and this outlines the health and safety contingency procedures to be implemented should unexpected contamination be encountered. As such, the purpose of the NESCS, protecting human health, will be achieved and the effects on the environment will be mitigated.

8. NATIONAL AND REGIONAL PLANNING CONTEXT

8.1 National Environmental Standard for Freshwater Management 2020 (NESFM)

The NESFM 2020 regulates activities that may affect the health of freshwater and freshwater ecosystems. Whilst the requirements relate mostly to farming and agricultural activities, it also restricts activities that may affect natural water ways and wetlands. An Ecological Effects Assessment has been undertaken by RMA Ecology and this assessment determines that a feature on the neighbouring site and within 100 metres of proposed works may be classified as a natural wetland as defined in the NESFM. However, future works are unlikely to result in complete or partial drainage of the wetland. And any non-compliances will form part of a resource consent application.

8.2 National Policy Statement on Freshwater Management 2020 (NPS-FM)

The NPS-FM 2020 sets objectives and policies for freshwater management under the RMA. The objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Whilst the Application site does not contain any natural wetlands or ecosystems, stormwater runoff from future development can impact on natural waterways within the catchment. Accordingly, the proposed application of the SMAF1 control to the site ensures that retention and detention of stormwater is provided for all new impervious areas created. Not only does this ensure sustainable management of water resource, but provides for the treatment and disposal of stormwater that ensure effects on the health and wellbeing of water bodies and freshwater ecosystems within the catchment are avoided.

8.3 National Policy Statement on Urban Development 2022 (NPS-UD)

The objectives and policies contained within the National Policy Statement on Urban Development 2022 (NPS-UD) aim to ensure that New Zealand has well-functioning urban environments, that development occurs in areas where there is high demand for housing, that New Zealand's urban environments change over time in response to the changing needs of communities and that 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 unanticipated by RMA planning documents or out of sequence with planned land release.

The main principles of the NPS-UD are:

- Ensuring that plans make room for growth both 'up' and 'out', and that rules are not unnecessarily constraining growth;
- Developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions; and
- Aligning and coordinating planning across urban areas.

Of note are Objectives 1-8 and Policies 1-11:

- Promote well-functioning urban environments that enable people to provide for their wellbeing;
- Ensure planning decisions improve housing affordability by supporting competitive land and development markets;
- Require the provision of sufficient development capacity to meet expected demand for housing and business land over the short, medium, and long term.
- Require building heights and density of urban form commensurate with relative demand for housing
- Require Plans to enable more people to live proximate to a centre zone and areas well serviced by existing or planned public transport and where there is a high demand for housing and business land;

- Recognise that areas, including amenity values, develop and change over time in response to changing community needs; and
- Require planning decisions on urban development are integrated with infrastructure and funding decisions, are strategic, and responsive.
- Ensure planning decisions recognise that changes to amenity are not of themselves adverse effects and that identified development capacity is realised
- Decisions are responsive to plan changes that would add significantly to development capacity even if this is out of sequence with planned land release.
- Require local authorities to engage with providers of infrastructure and developers to integrate infrastructure and identify significant opportunities urban development

The Environment Court's recent decision in *Epsom Residential Protection Society Incorporated v Auckland Council* [2021] NZEnvC 082 concluded that the Court was *not required* to give effect to objectives and policies of the NPS-UD which do not require "planning decisions" when determining private plan changes. The Court had concluded that its decision on an application for private plan change was a planning decision for the purposes of the NPS-UD.

The objective and policies applying to planning decisions under the NPS-UD are Objectives 2, 5 and 7 and Policies 2, 6 and 8. Of particular relevance to this decision are Policies 2, 6 and 8.

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

- (f) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (g) 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*
- (h) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (i) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (j) the likely current and future effects of climate change.*

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:*

(c) unanticipated by RMA planning documents; or

(d) out-of-sequence with planned land release.

It is considered that the PPC is consistent in particular with the above Policies as it will:

- Contribute to well-functioning urban environments;
- Enable a variety of dwelling typologies;
- Contribute to affordability;
- Be accessible;
- Support competitive land and development markets; and
- Enable additional development capacity to be realised.

More broadly, the proposed plan change is consistent with the objectives and policies contained within the NPS-UD for the following reasons:

- The proposed rezoning achieves the purpose of the NPS-UD as it allows for the efficient development of the subject site in an 'up' and 'out' matter and this will provide more housing supply to the Auckland Region.
- The proposed development will not be out of sequence with the planned land release of the Whenuapai Structure Plan as the proposed infrastructure can be achieved on the site, therefore it is ready for development. Acceptance of the plan change will not set a precedent of 'out of sequence development' in the area as this is a unique situation where the infrastructure will be available to support a medium density residential development.
- The proposal seeks to increase the supply of housing by rezoning the 5.19ha site that will enable a well-functioning urban environment. In addition, while the site is within the 'Stage 2' development area of the Whenuapai Structure Plan, it is noted that the level of development of the 'Stage 1' development areas are behind schedule. As such, the proposal represents the efficient use of Future Urban zoned land that will assist in the redevelopment of land within the WSP.
- In making a resource consent application under the FUZ, the MHU principles have been applied which gives Council certainty of future development of the site and will help make up for the shortfall in housing provision to achieve WSP outcomes.
- NPS-UD objectives and policies will also be met as the proposal provides for housing in an area that is within close proximity to the Whenuapai Town Centre, various transport networks, and an area that has a high demand for housing and business land. The proposed rezoning is consistent with the Whenuapai Structure Plan and the changing needs of the community.

8.4 New Zealand Coastal Policy Statement

The proposal will not concern matters governed by the NZCPS. The site does not contain any recorded notable natural features. However the application of the SMAF1 control will ensure that stormwater runoff from future development will be appropriately managed onsite protecting water quality, habitats and biodiversity in the downstream catchment.

8.5 National Environmental Standard for Assessing and Managing Contaminants in Soil to Project Human Health Regulations 2011 (NESCS)

The NESCS 2011 applies to land that currently has, or historically had, an activity or industry undertaken on it that is included in the Hazardous Activities and Industries List (HAIL). The relevant consent matters related to the proposal under the NESCS have been identified under Section 4.8 of this report.

Soil testing has confirmed that the extent of contamination is likely to exceed the permitted threshold under the NESCS. The proposed ground disturbance is essential in enabling and facilitating the redevelopment of the subject site and a Remedial Action Plan has been completed by ENGEO (refer to **Appendix 12**) and this outlines the health and safety contingency procedures to be implemented should unexpected contamination be encountered. As such, the purpose of the NESCS, protecting human health, will be achieved.

8.6 Auckland Regional Policy Statement

The ARPS is contained within the AUP OP and provides a policy framework for development in the Auckland region. The key objectives and policies identified in the ARPS and that are relevant to this PPC request are:

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.*

...

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

B2.2. Urban growth and form – B2.2.2. Policies

Quality compact urban form

(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.

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.

B2.4. Residential growth - B2.4.2. Policies

Residential intensification

(1) Provide a range of residential zones that enable different housing types and intensity that are appropriate to the residential character of the area.

(2) Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space.

...

(6) Ensure development is adequately serviced by existing infrastructure or is provided with infrastructure prior to or at the same time as residential intensification.

The Whenuapai Town Centre is approximately 300m east of the site and Hobsonville is located approximately four kilometres north-east of the site. Westgate is located approximately three kilometres south of the site. The on-ramp onto State Highway 18 is approximately two kilometres to the east of the site and the on-ramp to State Highway 16 is approximately 900m to the west of the site. As such, the site (where residential intensification is proposed) is located in close proximity to centres (with employment opportunities) and transport links. The increased development will also enable improved transport network of the wider area. The social and cultural vitality and productivity of the area will be significantly improved with the creation of new residential dwellings that is proximate to the Whenuapai Town Centre.

The rezoning anticipates a high quality, compact urban environment that supports the growth of the activities on the site. Medium density residential development is anticipated by the WSP, and the rezoning of the site within Whenuapai is anticipated in the second stage of FULS Strategy. The proposed rezoning and development of the site will help support achieving projected residential growth targets particularly given development of land identified in Stage 1 of the Whenuapai Structure Plan is behind schedule.

The proposal will not compromise the rural character of the area or the productive use of the land given the level of existing and planned urban development in the vicinity (intensive housing to the north, semi industrial land use to the immediate north with planned supermarket, Airbase housing to the west, and rural lifestyle development to the south (4ha with one dwelling) and east (39 Bringham is 4ha with two dwellings) and the fact that the subject site and surrounding sites have not been used for productive use for some time. The site has been identified as an area where urbanisation can occur, so the effects of changing it from rural to residential are anticipated.

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.

(4) The functional and operational needs of infrastructure are recognised.

(5) Infrastructure planning and land use planning are integrated to service growth efficiently.

(6) Infrastructure is protected from reverse sensitivity effects caused by incompatible subdivision, use and development.

...

(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.

The proposed rezoning will result in the existing infrastructure being upgraded that will provide for high quality compact urban development of the site. The proposal, which is within the Rural Urban Boundary, includes the provision of infrastructure on the site as required by the provisions of the AUP OP. This will ensure that integrated land use and infrastructure outcomes are achieved.

The proposed transport layout will allow for residential growth on the site in the form of a compact urban environment. It will connect the site with the surrounding transport links in a logical manner that is consistent with the Whenuapai Structure Plan and the North-West Indicative Strategic Transport Network Plan. Traffic calming measures and pedestrian enhancements can be provided throughout the site for development triggering consent and these will ensure that the site is a high-quality environment that values the health and safety of people and communities. Due to the reasons above, the proposal will result in an effective, efficient and safe transport layout.

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

(3) New subdivision, use and development avoid the creation of new risks to people, property and infrastructure.

...

(5) 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.

B10.2. Natural hazards and climate change – B10.2.2. Policies

(5) Manage subdivision, use and development of land subject to natural hazards based on all of the following:

(a) the type and severity of potential events, including the occurrence natural hazard events in combination;

(b) the vulnerability of the activity to adverse effects, including the health and safety of people and communities, the resilience of property to damage and the effects on the environment; and

(c) the cumulative effects of locating activities on land subject to natural hazards and the effects on other activities and resources.

...

(10) Encourage redevelopment on land subject to natural hazards to reduce existing risks and ensure no new risks are created by using a range of measures such as any of the following:

(a) the design and placement of buildings and structures;

(b) managing activities to increase their resilience to hazard events; or

(c) change of use to a less vulnerable activity.

B10.4. Land – contaminated – B10.4.1. Objectives

(1) Human health and the quality of air, land and water resources are protected by the identification, management and remediation of land that is contaminated.

B10.4. Land – contaminated – B10.4.2. Policies

(3) Manage or remediate land that is contaminated where:

(a) the level of contamination renders the land unsuitable for its existing or proposed use; or

(b) the discharge of contaminants from the land is generating or is likely to generate significant adverse effects on the environment; or

(c) development or subdivision of land is proposed.

The site is subject to natural hazards and land contamination and the supporting technical assessments from Maven Associates (Natural hazards) and ENGEO (Land contamination) have assessed the environmental risks in light of the future redevelopment. Overall effects of urban development on these risk can be adequately managed through reliance on the standard AUP OP provisions under E36 and the NES for managing land contamination.

Overall, the proposed rezoning and application of the SMAF1 control gives effect to the ARPS as required by the RMA and the outcomes sought under the IMP.

9. CONCLUSION

This application is being made by 41-43 Brigham Creek JV for a private plan change from Auckland Council to rezone the site from FUZ to MHU to enable a medium density residential development along with appropriate stormwater management (SMAF1 control) that adopts the provisions of the AUP OP. The AUP OP provisions will effectively and efficiently address the delivery of infrastructure required to enable the redevelopment under the AUP OP provisions.

An assessment of the PPC against the provisions of section 32 of the RMA is provided in **Appendix 3**. It assesses the objectives of the proposed rezoning of the site as the most appropriate way to achieve the purpose of the RMA. The proposed provisions (application of the MHU Zone and SMAF1 overlay) are the most appropriate way to achieve the objectives. The rezoning of the site to MHU and SMAF1 control are the most efficient and effective way to enable urban redevelopment of the site that is anticipated by the WSP. The Section 32 Evaluation is the primary test the decision maker needs to apply in terms of confirming the PPC.

Robust technical assessments included ensure that effects of scale, character and intensity of the enabled future redevelopment do not compromise the existing residential environment.

Overall and considered as a whole, the effects of the rezoning will have less than minor adverse effects on the environment and can be supported.