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HUGH GREEN LIMITED

Request for Change to the Auckland
Unitary Plan Operative in Part
Hingaia 1 Precinct

DOCUMENT CONTROL RECORD

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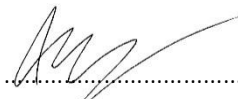
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1. Introduction

1.1 Applicant and Property Details

Applicant Details:	Hugh Green Limited
Address for Service	Hugh Green Limited C/- CivilPlan Consultants Limited PO Box 97796, Manukau 2241

Site Address:	All sites subject to the Hingaia 1 Precinct, but specifically 144 to 252 Park Estate Road, Hingaia
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Relevant Plan:	Auckland Unitary Plan Operative in Part ('AUP')
Zoning:	Residential – Mixed Housing Suburban and Business – Neighbourhood Centre
Precinct:	Hingaia 1 Precinct

1.2 Purpose of the Report

This report has been prepared to request a change to the Auckland Unitary Plan Operative in Part in relation to the properties subject to the Hingaia 1 Precinct.

This request is made pursuant to clause 22 of Schedule 1 to the Resource Management Act 1991 ('RMA'), which requires that the request must:

- Explain the purpose of, and reasons for, the proposed change (refer to section 3);
- Contain an evaluation report prepared in accordance with section 32 of the RMA for the proposed change (refer to section 5); and
- Describe the environmental effects anticipated by the plan change, taking into account clauses 6 and 7 of Schedule 4 of the RMA, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the plan change (refer to section 7).

1.3 Limitations

This report has been prepared for Hugh Green Limited, for the specific purpose of satisfying the statutory information requirements under the Resource Management Act 1991 for a private plan change request to Auckland Council.

2. Background

2.1 Site Description

This plan change request relates to all properties that are subject to the Hingaia 1 Precinct. However, it applies most specifically to the following properties, which are proposed to be subject to rezoning:

- 144 Park Estate Road, Hingaia, owned by Park Green Residential Limited (managed by Hugh Green Limited);
- 152 Park Estate Road, Hingaia, owned by Park Green Residential Limited (managed by Hugh Green Limited);
- 158 Park Estate Road, Hingaia, owned by Watercare Services Limited;
- 180 Park Estate Road, Hingaia, owned by Derryveagh Developments Limited (managed by Hugh Green Limited);
- 200 Park Estate Road, Hingaia, owned by Derryveagh Developments Limited (managed by Hugh Green Limited);
- 202 Park Estate Road, Hingaia, owned by Her Majesty the Queen (managed by the Ministry of Education); and
- 252 Park Estate Road, Hingaia, owned by Gateway Auckland Limited (managed by Hugh Green Limited).

The properties subject to this plan change request are listed in Appendix 1. A locality diagram showing all properties subject to the plan change request (in blue) and highlighting the properties subject to rezoning (in yellow) is provided as Appendix 2.

The Hingaia 1 Precinct totals a land area of approximately 185 ha, located to the southwest of the Papakura Metropolitan Centre. The area is bordered to the east by the Southern Motorway (between the Papakura and Drury interchanges), to the north by the established Karaka Lakes development and Karaka Bloodstock centre and to the southwest by the meanders of the Drury Creek, which forms part of the coastal marine area and drains to the Manukau Harbour (to the north). Across the Drury Creek to the south of the site is the emerging residential neighbourhood of Auranga.

The precinct area is bisected by Park Estate Road, running east to west from a bridge over State Highway 1. This road has recently been upgraded to an urban collector road standard, including construction of a separated cycle way, although no upgrades have yet to be undertaken to the bridge over the Southern Motorway (to be completed by NZTA alongside works to widen the motorway).

Park Estate Road currently is the sole access point for the majority of the sites within the Hingaia 1 Precinct. However, the northernmost sites within Hingaia 1 Precinct have no access to Park Estate Road, instead having access from roads in the Karaka Lakes development to the north.

With the exception of an 8,000 m² area of Business – Neighbourhood Centre zone half way along Park Estate Road, all of the precinct is subject to an urban residential zone, the majority of which is Residential – Mixed Housing Suburban, with a smaller area of Residential – Mixed Housing Urban surrounding the neighbourhood centre.

However, only 5 ha (about 3% of the total precinct area) contains established urban residential development, being the Karaka Brookview development that is accessed from Ngakoro Road, via Bayvista Road in Karaka Lakes. Other features on the northern side of Park Estate Road includes an area of approximately 17 ha that has been subject to subdivisional works (roading and infrastructure) for an urban residential development where subdivision has not yet been completed, access from Hinau Road in Karaka Lakes, and two churches (in combination, 3 ha of land) fronting Park Estate Road. All other sites on the northern side of Park Estate Road consist of rural residential development.

Land to the south of Park Estate Road consists of the specific sites listed above and a Council-owned site (158A Park Estate Road), which has recently been given an open space zoning under a Council-initiated plan change. These sites have been subject to recent bulk earthworks activities and road construction. All previous dwellings on this land have been removed. Earthworks continue to be undertaken on this land. The topography of the sites is undulating, with the sites bisected by an escarpment that results in the northern section being up to 10 m greater in elevation than the southern section. The sites contain a variety of streams and wetlands within the lower-lying portions of the sites, primarily within the site at 144 Park Estate Road, adjacent to the Southern Motorway. Streams generally drain these wetlands to the Drury Creek (part of the coastal marine area). Further to the south, adjacent to the Drury Creek, is a Watercare wastewater pump station, at 158 Park Estate Road.

2.2 Plan Variation 1 to the Proposed Auckland Unitary Plan

All properties within the Hingaia 1 Precinct were identified under the Housing Accords and Special Housing Areas Act 2013 ('HASHAA') as part of the Hingaia Special Housing Area in December 2013 (under the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013).

At the time, all properties were identified within the Proposed Auckland Unitary Plan as being within the Future Urban zone. The special housing area status enabled a plan variation to the Proposed Auckland Unitary Plan to be made in accordance with the special process outlined in the HASHAA, which operated independently to the process outlined in Part 4 of the Local Government (Auckland Transitional Provisions) Act 2010 for the Proposed Auckland Unitary Plan.

Plan Variation 1 was originally applied for by Karaka Brookview Limited to support to an application for a 'qualifying development' resource consent application for its land at 241 Park Estate Road. The area subject to this plan variation was subsequently increased to cover all of the (now) Hingaia 1 precinct as a result of submissions by Hugh Green Limited and other landowners.

A decision to rezone the area to a mixture of Residential – Mixed Housing Suburban, Residential – Mixed Housing Urban and Business – Neighbourhood Centre zones and introduce the Hingaia 1 precinct provisions was made on 8 March 2016. No changes to these provisions or zonings have since occurred (other than removal of zones where roads have been vested due to subsequent development).

As per section 73(b) of the HASHAA, this decision was operative immediately upon approval, even though decisions on the Proposed Auckland Unitary Plan as a whole had not yet been made.

As the decision on Plan Variation 1 preceded recommendations on the Proposed Auckland Unitary Plan by four months (on 22 July 2016), the Hingaia 1 provisions follow the formatting and layout for precincts that were proposed by Auckland Council in 2013 rather than the amended formatting and layout undertaken by the Independent Hearings Panel in 2016 that was subsequently adopted and made operative by Council, forming the current Auckland Unitary Plan Operative in Part ('AUP'). In addition, the Hingaia 1 precinct provisions refer to provisions of the Proposed Auckland Unitary Plan Notified Version ('PAUP NV') that have been either removed or relocated within subsequent versions of the AUP – because of this, Council has had to incorporate a non-statutory information page into the AUP that specifies that any references to provisions of the PAUP NV result in those provisions of the PAUP NV applying in the precinct (and replacing equivalent provisions in the Auckland Unitary Plan Operative in Part).

2.3 Development of Hugh Green Limited Properties

Since 2017, Hugh Green Limited has progressed with a series of resource consent applications to enable residential development at the properties under their managed ownership at 144, 152, 180, 200 and 252 Park Estate Road, Hingaia. This initially involved a series of pre-application meetings with the Auckland Council Premium Resource Consents team, where a master plan for all landholdings has been socialised. Although that master plan holds no statutory weight, it is understood that there is general 'buy in' by Council to the vision and general layout of development, with various discreet items to be resolved through future resource consent application once additional detail is determined.

Approved resource consents to date include:

- Resource consents BUN60325204 and BUN60339982 (approved on 16 November 2018 and 14 October 2019, respectively), which authorised earthworks across all of the site, including partial reclamation of streams and wetlands (with the remaining streams and wetlands to be subject to enhancement planting and on-going ecological protection).
- Subdivision consent SUB60337643 (approved on 23 May 2019 and varied on 30 August 2019), which authorises widening of Park Estate Road and the vesting of new roads to the east and south of 202 Park Estate Road (to provide access to this future school site).
- Resource consent BUN60343386 (approved 20 December 2019), which authorises creation of up to twelve superlots at 152, 180, 200 and 252 Park Estate Road, including related roads and reserves.
- Resource consent BUN60353348 (approved 5 August 2020), which authorises creation of up to 44 vacant residential allotments at 252 Park Estate Road, including related roads and reserves ('Stage 1A').

Implementation of these resource consents has occurred since November 2018, with significant areas of earthworks now completed and roading for the school site and three of the superlots currently being completed.

Hugh Green Limited intends to continue to apply for subdivision consents for the balance of their land, with implementation to create approximately 60 residential allotments per year. Completion of the Stage 1A subdivision (BUN60353348) is anticipated in the first half of 2021.

2.3.1 Difficulties with the Hingaia 1 Precinct Provisions

During the pre-application meetings mentioned above, the complexity of interpreting the Hingaia 1 Precinct provisions (particularly due to the references to the PAUP NV) was raised with Council. At that time, it was understood that Council's policy team intended to amend these provisions to be in line with the AUP decisions, but that this was not a high priority. Since then, there has been no known effort made by Council to amend the precinct provisions, although this could be addressed as part of the 10-year review of the AUP (due in 2026).

In the absence of a plan change to clarify and simplify the provisions, agreement was made with Council officers prior to the processing of the first resource consent application in this precinct by Hugh Green Limited as to which provisions of the PAUP NV are adopted by the Hingaia 1 precinct and subsequently which provisions of the AUP-OP have been replaced. In summary, it was agreed that:

- No objectives and policies in the PAUP NV apply;
- No activity statuses or development controls for land use consents in the PAUP NV apply;
- The Hingaia 1 Precinct references the matters of discretion in sections I:11 and G:2.3 of the PAUP NV where a development control listed in the Hingaia 1 precinct is breached – these criteria are therefore adopted by the precinct in place of the criteria in section C1.9(3) of the AUP-OP;
- Land use consent for Integrated Residential Development in the Hingaia 1 precinct (which is subject to a definition different to that in Chapter J of the AUP) shall apply the matters of discretion listed in section I:1.10.3 of the PAUP NV;
- Unless a subdivision activity is first provided for by the Hingaia 1 Precinct subdivision activity table (section 5.1), the activity statuses for subdivision consent in the PAUP NV (section H:5.1) apply and shall replace equivalent activity statuses listed in section E38.4 of the AUP-OP,
- Where an application is made for a subdivision activity listed in the PAUP NV or the Hingaia 1 Precinct, the development controls listed in section H:5.2 of the PAUP NV and matters of discretion listed in section H:5.4 of the PAUP NV shall apply, replacing the standards and matters of discretion listed in sections E38.6 to E38.9 and E38.12 of the AUP-OP (for that activity); and
- Where an application is made for a subdivision activity listed in section E38.4 of the AUP-OP (which is not listed as an activity under the PAUP NV or the Hingaia 1 Precinct), the standards and matters of discretion listed in sections E38.6 to E38.9 and E38.12 of the AUP-OP shall apply and the standards or matters of discretion listed in the PAUP NV do not apply (for that activity).

A summary of the applicable subdivision activity statuses within the Hingaia 1 Precinct (between the Hingaia 1 Precinct, the AUP-OP and the PAUP NV) was also provided as part of every resource consent application for subdivision as guidance to the processing planner as to how the reasons for resource consent had been determined. A copy of this table is attached as Appendix 3 to demonstrate the complexity of the current provisions when applying for subdivision consents.

In addition, the development controls applicable in the Hingaia 1 Precinct are subject to the following disclaimer:

The development controls in the Mixed Housing Urban zone, Mixed Housing Suburban and Neighbourhood Centre zone apply to the Hingaia 1 precinct subject to any additional or more permissive rules provided below. For the avoidance of any doubt, where the same development control is provided in the underlying zoning and in this section, the more permissive control will apply.

This approach (whereby precinct provisions are not applicable if the underlying zone standard is more permissive) is understood to be unique within the AUP and is reflective that the decisions of Plan Variation 1 occurred before the decisions on the remainder of the AUP (including the underlying zone standards). Hugh Green Limited have not yet applied for land use activities within the Hingaia 1 Precinct and so there is no agreed approach with Council reached as to which precinct development controls are less permissive than equivalent zone standards and therefore are not applicable. Issues also arise where the Hingaia 1 precinct development control is based on a control in the PAUP NV that is no longer a standard in the AUP – the above preamble suggests that if the development control was recommended by the AUP IHP and determined by Council to not be needed in the underlying zone, then it should also not apply to activities in the precinct.

Hugh Green Limited (and CivilPlan Consultants) considers that the Hingaia 1 Precinct provisions are not user-friendly due to this complexity. As subdivision occurs in the Hingaia 1 precinct area and the resultant allotments are sold off to various parties (usually vacant), the number of users of the Hingaia 1 Precinct provisions (who will each need to be able to interpret them correctly) will substantially increase, resulting in significant inefficiencies for both resource consent applicants and Council processing planners.

In the assumed absence of any Council action prior to the 10-year review of the AUP (and noting that by that time the numbers of sites subject the Hingaia 1 Precinct provisions will substantially increased due to development activities), Hugh Green Limited has proposed the necessary changes to resolve these issues as part of the plan change requested by this application.

2.3.2 Deviations from the Hingaia 1 Precinct Provisions Agreed to by Council

During the processing of various resource consents applied for by Hugh Green Limited, Council's resource consent department has agreed to various deviations to the Hingaia 1 Precinct provisions for which they have subsequently granted resource consent enabling these deviations (and have indicated they would continue to grant resource consents of this nature).

1. Stormwater Management

During the pre-application meetings with Council, the need for stormwater retention for run-off impervious area within catchments draining to the coast (as required by the current Hingaia 1 Precinct development controls) was questioned on the basis that retention was not necessary in these catchments since they did not contain any river or streams. Healthy Waters subsequently agreed that this was not necessary.

A Stormwater Management Plan ('SMP') was prepared by CivilPlan Consultants Limited (on behalf of Hugh Green Limited) on this basis, which was subsequently authorised by Healthy Waters under condition 7 of the Hingaia Network Discharge Consent (referenced R/REG/2014/4245).

The authorisation of this SMP means enables the diversion and discharge of stormwater arising from impervious areas within coastal catchments (for sites in south of Park Estate Road) does not require retention in order to be provided for by sections 14 and 15 of the RMA. However, this authorisation did not override the Hingaia 1 Precinct rule and section 9 of the RMA has required either retention to be provided (which is inconsistent with the SMP) or for land use consent to be obtained.

Therefore, each subsequent application for subdivision consent on behalf of Hugh Green Limited has concurrently sought land use consent that applies to all proposed allotments within coastal stormwater catchments that specifies that stormwater management devices for retention are not required, contrary to the Hingaia 1 Precinct provisions. This land use consent component has been approved by Council each time it has been applied for.

2. Roading Layout

Master planning for the site has demonstrated that it is not practicable to construct some of the road positions shown on the Hingaia 1 Precinct plan. Such roads include:

- The collector road running between 200 and 252 Park Estate Road as shown on the precinct plan would run through the middle of an existing wetland, which would require its reclamation; and
- The indicative local road running along the edge of the motorway does not take into consideration the topography of this land, the proximity to existing wetlands (with partial reclamation likely to be needed) and the proposal by NZTA to widening the Southern Motorway on this land – the road also is economically inefficient to build as would not be able to support development on either side (the eastern side being the motorway and the western side being wetlands).

The master plan developed for Hugh Green Limited's properties has proposed an alternative roading layout that appropriately responds to all of site's relevant constraints, while providing a network that is generally consistent with the expectations shown on the Hingaia 1 Precinct plan.

This roading layout was used as a basis for the earthworks across all of Hugh Green Limited's properties granted under resource consents BUN60325204 and BUN60339982. Resource consent BUN60339982 also included approval for various culverts and wetland crossings based on this roading layout.

In addition, the revised collector road positions were approved under resource consent BUN60343386.

3. Bus Routes

The current precinct plan shows the ultimate bus route serving the Hingaia 1 Precinct as running along Park Estate Drive and then running north along the completed Ngakoro Drive (connecting through to Karaka Lakes). All other collector roads are then shown as potential interim bus routes.

As part of the processing of resource consent BUN60343386, Auckland Transport agreed that the ultimate bus route serving the Hingaia 1 Precinct would be along the collector road that enters into Sub-precinct D (recently confirmed as Parkmore Drive by the Papakura Local Board) rather than Park Estate Road. Engineering approvals for the Park Estate Road upgrade and Stage 1B development (adjacent to the school) have been granted on this basis, with appropriate bus stops to serve this route included. The interim solution would be to propose a bus loop also along Park Estate Road until such time that a connection through to Karaka Lakes is constructed.

4. Road Cross-sections

During the master planning exercise undertaken by Hugh Green Limited, it became clear that the road cross-sections provided in the Hingaia 1 Precinct provisions were not supported by Auckland Transport and were not consistent with their current codes of practices. This would cause issues at resource consent and engineering approval stages, as Auckland Transport would not approve vesting of these roads in Council, becoming their assets.

In addition, some flexibility to these road cross-sections was sought by Hugh Green Limited in order to provide for a higher-level amenity through wider streetscapes.

This scenario has resulted in the Hingaia 1 Precinct road cross-sections generally being disregarded in proposed subdivision designs, instead with a solution proposed that was expected to be approved by Auckland Transport. This has generally required each application for subdivision consent to apply for and assess multiple infringements of the Hingaia 1 roading standards, which is considered to result in an inefficient process.

5. Parks

During the master planning exercise undertaken by Hugh Green Limited, consultation with Council's Parks department was undertaken to agree to the positions of Parks indicated on the Hingaia 1 precinct plan. Agreement was made to relocate two of these Parks.

For the park within 152 Park Estate Road, the precinct plan shows this located within a wetland. Reclamation of this wetland would be necessary to enable a recreational park to be established in this location, which has not been proposed. Instead, this park will be shifted further east (onto 144 Park Estate Road) on the eastern side of the National Grid Corridor overlay. This would enable the park to connect with the open space provided for under the National Grid transmission lines (since any buildings in this location is a non-complying activity).

For the park within 144 Park Estate Road, Council preferred for this to be located further east, between the two streams shown on the precinct plan. However, Auckland Council purchased the property at 158A Park Estate Road from Watercare Services Limited on 24 January 2018, with the intention for this to become a suburb park. This land has subsequently been zoned Open Space – Informal Recreation by the Council-initiated Plan Change 36 to the AUP. The park within 144 Park Estate Road is subsequently not considered necessary, although discussions with Council Parks to no longer provide this park have not yet occurred.

Resource consents have not yet been applied for that include creation of these parks.

2.4 Designation by the Minister of Education

In March 2018, the Minister of Education lodged a Notice of Requirement with Auckland Council to designate land at 200 and 252 Park Estate Road for “Educational Purposes – School (year 0 to 8) and an Early Childhood Education Centre”. This followed a collaborative process between the Ministry for Education and Hugh Green Limited to identify a suitable site size and location for a future school to cater for the anticipated growth within the Hingaia 1 Precinct and surrounding areas.

The Notice of Requirement was notified on 30 August 2018 and the hearing commenced on 15 February 2019. The recommendation was made on 7 March 2019, followed by the decision on 30 April 2019. The designation was incorporated into the AUP on 11 October 2019.

202 Park Estate Road was acquired under the Public Works Act 1981 for education purposes on 2 July 2019.

The Hingaia 1 Precinct provisions and the related zoning were all determined prior to any decisions by the Ministry of Education to provide for an additional school in this area. Therefore, amendments to these provisions and zoning may be necessary to reflect this.

3. Proposed Changes

This plan change requests proposed changes listed below. Changes to the Auckland Unitary Plan Operative in Part planning maps (specifically, zoning) are attached as Appendix 4. The specific changes proposed to the Hingaia 1 Precinct text are attached as Appendix 5, with the replacement Hingaia 1 Precinct Plan attached as Appendix 6. A ‘clean’ version of the updated Hingaia 1 Precinct text is attached as Appendix 7.

The subsequent list will be referred to throughout this report (and its attachment) as the various ‘Themes’ of the plan change request.

Residential Zoning and Activities

1. Rezoning those parts of the properties at 144, 152, 158, 180, 200 and 252 Park Estate Road, Hingaia currently zoned Residential – Mixed Housing Suburban to Residential – Mixed Housing Urban.

2. Refining the Hingaia 1 Precinct provisions that promote higher densities by enabling increased development opportunities, including removal of the precinct-specific definition for 'Integrated Residential Development'.
3. Inserting Hingaia 1 Precinct provisions that would enable limited use of the Residential – Mixed Housing Urban zone Alternative height in relation to boundary standard within Hugh Green Limited's landholdings as a permitted activity.
4. Removal of the Hingaia 1 development control for fencing (with the zone standard still being applicable).

Commercial Zoning and Activities

5. Rezoning parts of the properties at 180, 200 and 202 Park Estate Road, Hingaia to relocate the Business – Neighbourhood Centre zone to be wholly within 180 Park Estate Road (with the remainder of the sites zoned Residential – Mixed Housing Urban).
6. Removing Hingaia 1 Precinct provisions that limit the area of the Business – Neighbourhood Centre zone and limit the gross floor area of commercial uses within this zone.
7. *[deleted]*
8. Inserting Hingaia 1 Precinct provisions that provide for show homes within Hugh Green Limited's landholdings (as a permitted activity).

Coastal and Reserve Interface Provisions

9. Removing Hingaia 1 Precinct provisions that require larger site sizes to be provided along the coast.
10. Removing the Hingaia 1 Precinct development control for landscaping for coastal retaining walls and instead inserting Hingaia 1 precinct provisions that restricts buildings, fences and retaining walls within a site's interface with the coast and reserves.
11. Providing in the Hingaia 1 Precinct provisions an exemption to height in relation to boundary for boundaries with reserves or sites subject to protective covenants (for streams and wetlands).

Other Provisions

12. Removal of rules for limited notification to NZTA, Transpower and Counties Power in certain circumstances
13. Inserting Hingaia 1 Precinct provisions that provide for structures not defined as buildings.
14. Inserting Hingaia 1 Precinct provisions that do not require compliance with the precinct provisions for proposed balance allotments.

Consistency with the Auckland Unitary Plan Operative in Part (as Successor to the Proposed Auckland Unitary Plan Notified Version)

15. Replacing all references to the Proposed Auckland Unitary Plan Notified Version in the Hingaia 1 Precinct provisions with references to equivalent provisions in the Auckland Unitary Plan Operative in Part (and deleting any references to provisions of the PAUP NV when decisions on the PAUP deleted those provisions).
16. Reformatting and reorganising the Hingaia 1 Precinct provisions to be consistent with the layout applied in the Auckland Unitary Plan Operative in Part, including the consolidation of the activity tables.
17. Ensuring that all Hingaia 1 Precinct objectives specify the outcome sought and all Hingaia 1 Precinct policies specify the approach to be taken (and relevant weighting) to achieve the precinct outcomes.
18. Removal of Hingaia 1 Precinct provisions that duplicate AUP Overlay provisions or designation responsibilities.
19. Removal of Hingaia 1 Precinct provisions that require affordable dwellings to be provided for and specifically identified.
20. Removal of the Hingaia 1 Precinct development controls for dwellings fronting the street, maximum building length and garages as these were equivalent to or less strict than zone development controls in the PAUP NV and decisions on the Proposed Auckland Unitary Plan were to delete the zone controls (with these not included as zone standards in the AUP).
21. *[deleted]*
22. Replacing subdivision provisions restricting vehicle access over cycle facilities with land use provisions consistent with those in section E27 of the AUP.
23. Removing the Hingaia 1 Precinct subdivision control for roading standards and instead relying on the Auckland-wide subdivision provisions.
24. Removing elements from the Hingaia 1 Precinct plan that are not referenced in the Hingaia 1 Precinct provisions (including those elements already mapped in the AUP as overlays or controls).

Consistency with Hugh Green Limited's Resource Consent Master Planning Exercise

25. Replacing Hingaia 1 Precinct stormwater management provisions with an alternative requirement for stormwater management to be consistent with an approved discharge consent (including any Stormwater Management Plan authorised by Council under an approved discharge consent).
26. Amending the Hingaia 1 Precinct plan to relocate the Indicative Parks to the positions most recently agreed to with Council.

27. Amending the Hingaia 1 Precinct plan to relocate the bus route to the position most recently agreed to with Auckland Transport.
28. Amending the Hingaia 1 Precinct plan to relocate the collector roads to the positions granted by resource consent BUN60343386.
29. Amending the Hingaia 1 Precinct plan to relocate the indicative local roads to the align with the key road location shown on Hugh Green Limited's master plan.
30. Amending the Hingaia 1 Precinct plan to ensure that the positions of streams and wetlands do not contradict the ecological features confirmed at Hugh Green Limited's sites during the processing of resource consents BUN60325204 and BUN60339982.

3.1 Scope of Plan Change Request

The scope of the plan change request by Hugh Green Limited is confined to:

- Changes to the text of the Hingaia 1 Precinct; and
- The zoning of the properties at 144, 152, 158, 180, 200, 202 and 252 Park Estate Road (or any future sites resulting from subdivision of these properties).

The scope purposely excludes any changes to:

- The boundaries of the Hingaia 1 Precinct
- The zoning of other properties within Hingaia 1 Precinct not listed above;
- Any changes to overlays or controls as shown on the AUP planning maps; and
- Any changes to the text of the Overlay, Auckland-wide and Zone provisions of the AUP.

3.1.1 Region-wide Issues

In some cases, particularly Themes 3, 8, 11, 13 and 14, the issues being addressed by the requested changes to the AUP are considered to be region-wide issues not limited to the Hingaia 1 Precinct area. However, the sought changes only seek to provide a solution to these issues as they apply within the Hingaia 1 Precinct area, given the scope of the plan change request listed above. It is considered more appropriate for Auckland Council to lead a plan change that resolves these issues on a region-wide basis, rather than as part of a precinct-specific plan change request.

Most of these issues relate to the Auckland-wide and Zone provisions being better suited to brownfield developments and not reflecting the differences that apply to development of greenfield areas – precincts offer opportunities for these differences to be recognised, but are not always comprehensive in doing so and can result in a variety of approaches (sometimes with only very minor differences). As part of the formulation of this plan change request, the option of introducing a “Greenfields” overlay was considered, as a way to provide for an appropriate rule framework for greenfield developments (where changes from the brownfield focused Auckland-wide and zone provisions are considered necessary), that could be applied across multiple greenfield areas in Auckland and provide consistency – precincts would then only deal with site-specific matters such as roading layouts (through precinct plans) and infrastructure requirements. However, for similar reasons as above, it was considered more appropriate for such a change to the AUP to be Council-led; the requested changes therefore focus on changes to the Hingaia 1 Precinct text only.

3.2 Purpose and Reasons for the Plan Change

The purpose and reasons for requesting each of the proposed changes are discussed as follows.

3.2.1 Theme 1: Residential Zoning

At the time that Plan Variation that introduced, the Hingaia 1 Precinct was considered, a potential yield of 1,500 dwellings was anticipated within the 105 ha of land within Sub-precinct D (including 158 and 158A Park Estate Road). Land where development would be restricted at that time was considered to solely be approximately 6 ha of wetlands, as shown on the Hingaia 1 precinct plan (although reclamation of wetlands could have been applied for as a non-complying activity).

Since that time, the developable area of Hingaia 1 Precinct has reduced significantly due to the following:

- In January 2018, 7 ha of developable land was lost when Council bought 158A Park Estate Road, to be used as a park and now subject to an open space zoning;
- In July 2019, 3 ha of developable land was lost when the Crown acquired land for education purposes at 202 Park Estate Road;
- In November 2018 and October 2019, resource consents were obtained (BUN60325204 and BUN60339982, respectively), which require the restoration of 9.7 ha of on-site wetlands as compensation for the loss of 3.5 ha of wetland (together much greater than the 6 ha extent of wetland assumed by the Plan Variation decision) – following the gazettal of the National Environmental Standard for Freshwater, which includes a prohibited activity status for activities that result in the drainage of wetlands, no further reclamation can occur;
- Within the next year, approximately 4 ha of developable land will be lost when the New Zealand Transport Agency applies for notices of requirements for the widening of the Southern Motorway.

Therefore, this results in the total developable land further reducing from approximately 99 ha to 82 ha (a reduction of 18 ha, or 18%), which, on a pro-rata basis, reduces potential yield by the same amount to instead be 1,230 dwellings. This aligns with the findings of the latest master planning undertaken for Hugh Green Limited, which identifies a total yield within Sub-precinct D of approximately 1,250 dwellings (based on vacant sites within the Residential – Mixed Housing Suburban zone – a yield of approximately 1,300 has been assumed with allowances for pockets of two storey comprehensive development occurring).

In addition, it is considered that the existing zoning may no longer be the most suitable outcome as:

- The existing zoning was not determined in the context of decisions on the Proposed Auckland Unitary Plan (now the AUP), including decisions on the Regional Policy Statement (as these decisions were made after Plan Variation 1 was operative);
- The repositioning of the Business – Neighbourhood Centre zone and the removal of caps on commercial use of this land (refer Themes 5 and 6) enhances the ability for this centre to support and serve as a focal point for development with an urban character and provide for additional local employment opportunities;
- A future bus route has been confirmed by AT to now be planned along proposed roading within land managed by Hugh Green Limited (specifically, along the collector roads running through 152, 180, 200 and 252 Park Estate Road), rather than along Park Estate Road, providing for the majority of the land to be within walking distance of public transport (refer also Theme 27);
- The confirmation of a primary school at 202 Park Estate Road provides for additional social facilities not previously anticipated as part of the Plan Variation (which confirmed the existing zoning); and
- The master planning exercise undertaken by Hugh Green Limited has identified that significant areas of open spaces are necessary at their sites due to the remaining extent of streams and wetlands (confirmed by Council through the granting of resource consents BUN60325204 and BUN60339982, which requires on-going protection of these waterbodies) and Auckland Council has purchased 158A Park Estate Road for a suburban park, both significantly increasing the extent of open space provided within walking distance of the remaining developable areas of these sites (and also offsetting any reduction in private open space enabled through the rezoning).

The sought changes to zoning (specifically the change of land from Residential – Mixed Housing Suburban Zone to Residential – Mixed Housing Urban Zone has been estimated to result in a development yield of 1,660 dwellings, based on the findings of economics report attached as Appendix 11. This equates to an increase of 160 dwellings (approximately 10%) above that previously considered by Plan Variation 1.

3.2.2 Theme 2: Development Opportunities for Higher Residential Densities

The Hingaia 1 precinct provisions enable increased development potential for “integrated residential development”, which it defines as multi-unit development where land use and subdivision consents are required on lots greater than 800 m² in area. This definition is inconsistent with the definition stated in Chapter J of the AUP (and relates back to the original definition under the PAUP NV). Such an approach is also not provided for in the underlying zones, nor is it commonly used in precincts.

The purpose of these provisions is supported, as they promote residential intensification through incentivising increased development potential. However, the current provisions are considered to unduly favour land use led development and not provide similar incentives and opportunities for vacant lot subdivision resulting in equivalent densities.

Alternative provisions are requested in order to remove the need for a precinct-specific definition and provide the same development opportunities for vacant lot subdivisions of the same density (therefore incentivising higher density at subdivision design stage).

3.2.3 Theme 3: Alternative Height in Relation to Boundary

The Residential – Mixed Housing Urban zone subdivision provisions anticipate the creation of single vacant sites with minimum widths of 10 m and an average allotment size of 300 m². Allotments of this average size with depths longer than their width would therefore be no wider than 17 m. The zone objectives and policies also anticipate the construction of three storey buildings with an urban built character. However, in order to achieve the built form outcome on allotments of the size anticipated by the zone provisions, development is required to use the zone’s Alternative height in relation to boundary standard as a restricted discretionary activity, as the zone’s permitted Height in relation to boundary standard (3 m and 45 degrees) would only enable the construction of two storeys in most cases.

An outcome that achieves the objectives and policies of the Residential – Mixed Housing Urban zone would require each individual property to apply to Council for land use consent, even if there are no adverse effects occurring (for example, due to there being no existing development on the adjacent site). The requirement for resource consent, and the associated transactional costs, is also likely to dissuade home builders from utilising the additional development opportunity (and therefore not achieve the zone objective and policies).

In a greenfield environment, where adverse effects on existing residential amenity or character from the use of the alternative height in relation to standard would not arise, an alternative more permissive approach to the use of the alternative height in relation to boundary standard is sought.

It is noted that blanket land use consent for use of alternative height in relation to boundary on vacant sites created in Hingaia 1 precinct was been previously applied for by Hugh Green Limited in 2017 (for a subdivision proposal that was ultimately not implemented), but Council was unable to support approval under the existing rule framework and so that element of the application was withdrawn.

3.2.4 Theme 4: Fencing

The Hingaia 1 Precinct includes a fencing development control that is inconsistent with the current underlying zone standard. As per the disclaimer discussed in section 2.3.1, above, that states that if any zone standard is more lenient than any precinct development control, then the more permissive control will apply, the precinct fencing rule can be considered to not be applicable in any circumstances, since the underlying zone standard is more permissive. In addition, the underlying zone rule was subject to Environment Court hearings (ENV-2016-AKL-000230), with a consent order made on 11 December 2017 confirming the final underlying zone provisions, which are now operative.

The Hingaia 1 fencing development control also only relates to specific circumstances (fences within 0.6 m of the front boundary where there is no separation between the lot and the adjacent footpath), where the reasons for the control (being beyond the zone requirements) are not specified and it appears to contradict roading standards (where an unsealed strip adjacent to the footpath is required to be clear of all fencing). Deletion of the Hingaia 1 fencing control is considered necessary, with reliance instead on the relevant zone fencing standard, in order to provide clarity and consistency.

3.2.5 Themes 5 and 6: Business Zoning and Commercial Activities

The current Business – Neighbourhood Centre zone is an area of 8,000 m² adjacent to the southern boundary of Park Estate Road centred on the boundary between 180 and 200 Park Estate Road. It is wholly within sites managed by Hugh Green Limited.

Since approval of this zoning, the Minister of Education has designated approximately 3,400 m² of this land for educational purposes. In addition, approximately 2,700 m² of this land is required for the widening of Park Estate Road and the vesting of a new collector road (Park Green Avenue), as has been confirmed through the approval of resource consent BUN60343386. This has resulted in the remaining area of developable Business – Neighbourhood Centre land as being approximately 1,900 m², less than a quarter of that provided for by the Plan Variation.

In addition, Hingaia 1 Precinct Policy 18 specifies that the total land area for the neighbourhood centre is to be limited to a maximum of 4,000 m² (even though the actual zoned area is double this) and the Hingaia 1 Precinct activity table for the Business – Neighbourhood Centre zone specifies a non-complying activity status for exceeding a commercial gross floor area of 1,000 m² in this zone. Given that the local catchment has been determined to support commercial floor areas of at least 3,000 m² (refer to the attached economics report - Appendix 11), both of these provisions prevent establishment of a suitably sized neighbourhood centre to cater for the day to day needs of the local catchment which would promote an increased number of vehicle trips to neighbourhood centres in adjacent communities. It is therefore sought that these provisions be deleted.

It is therefore considered necessary for the area zoned Business – Neighbourhood Centre and available for commercial development to be similar to the area currently within this zone (8,000 m²) and for provisions unduly restricting commercial development within this zone to be removed.

3.2.6 [Deleted]

3.2.7 Theme 8: Show Homes

As the Hingaia 1 Precinct covers a greenfield development, it is anticipated that show homes would be established as urban development and subdivision occurs.

Show homes are not currently provided for by the Hingaia 1 Precinct provisions, nor are they specified in the underlying zone activity tables – therefore, their establishment would be a non-complying activity. This activity status is considered to be unsuitable for a greenfield development area. An enabling activity status and related standards for show homes are therefore considered necessary.

The insertion of an activity status for ‘show homes’ would be consistent with that already provided for in the Drury 1 and Hingaia 3 precincts, both of which are nearby.

It is considered that the issue sought to be resolved by this theme would apply to all greenfield developments within Auckland (with very few having precinct rules for show homes). However, the scope of this plan change is limited to the Hingaia 1 Precinct area. Refer to section 3.1.1, above.

3.2.8 Theme 9: Coastal Density

The Hingaia 1 precinct provisions manages coastal effects through imposition of a density limit of 1 dwelling per 600 m². For sites adjacent to the coast or an esplanade reserve, it is a restricted discretionary activity to propose a higher density as part of a land use proposal and a non-complying activity to propose a vacant allotment with a net site area of less than 600 m².

Such an approach is not enforced on a wide-spread basis in the Auckland region and is not a method identified in the Auckland-wide natural hazard or coastal environment provisions.

It is understood that other precincts in the Hingaia peninsula include the same rules, but that these provisions are generally ‘legacy’ methods originating from the Papakura District Plan (prepared under a very different planning framework to that currently existing).

The provisions also unduly prevent residential intensification from being provided in coastal locations, with associated adverse effects on social equity and housing affordability arising.

It is considered that reliance on the existing Auckland-wide provisions (which includes requirements for coastal hazard assessments to be undertaken for development adjacent to the coast) would be more suitable for managing adverse effects along the coastal environment.

It is also noted that the current restricted discretionary activity provisions are not provided with matters of discretion, which potentially makes the current rules ineffective.

3.2.9 Themes 10 and 11: Coastal and Reserve Interface

Hingaia 1 Precinct Development Control 4.7 Landscaping for Coastal Retaining Walls is not considered to be fit for purpose to appropriately manage potential adverse effects arising from a site's interface with the coastal environment. It also confusingly provides a standard for an activity that infringes another standard (Yards, as any retaining wall within 1.5 m of a public place is a building, regardless of its height, and so retaining walls would need to be setback at least 1.0 m from the esplanade reserve boundary to comply with the side and rear yards requirement).

Due to its ineffectiveness, Council has imposed additional consent notice requirements through subdivision consent decisions in the Hingaia 1 Precinct area to control the interface of land use activities with the adjacent esplanade reserve and coast. It is considered more suitable for such restrictions to be included as a land use standard within the AUP, negating the need for consent notices and ensuring a consistent outcome across the Hingaia 1 Precinct coast line (including if changes are made in the future).

Similarly, as there are no provisions for development interface with proposed Council reserves (including drainage reserves, recreational reserves and parks), Council routinely imposes additional consent notice requirements through subdivision consent decisions. The consent notices applied can be inconsistent and the imposition of such provisions have not been agreed to by Commissioners or the Court. A single consistent land use standard should be introduced in order to negate the need for consent notices and ensure a consistent outcome for reserves in the Hingaia 1 Precinct.

Furthermore, in order for provisions related to reserve interfaces to be effective, they should also apply in relation to sites vested in Council, proposed to be vested in Council or subject to purchase by Council prior to the land being rezoned Open Space. Otherwise, there is a high possibility that adjacent sites would be developed prior to this land being rezoned as Open Space and provisions only applying to land zoned Open Space would be ignored, not achieving the anticipated outcomes.

While provisions related to the interface with reserves (including the coast) is considered to be a widespread issue with the AUP, insertions to resolve this issue are only made to the Hingaia 1 Precinct due to the limited scope of this plan change request. Refer to section 3.1, above.

3.2.10 Theme 12: Limited Notification Rules

The Hingaia 1 Precinct notification rules require the following:

- Subdivision and resource consent applications for urban development within 37 m of the centreline of a National Grid transmission line to be notified on a limited basis to Transpower New Zealand Limited;
- Subdivision and resource consent applications adjoining the southern motorway to be notified on a limited basis to the New Zealand Transport Agency;
- Subdivision and resource consent applications for urban development over underground Counties Power electricity lines to be notified on a limited basis to Counties Power Limited; and

- Subdivision and resource consent applications that do not meet the minimum berm width adjacent to the road boundary and/or where planting is proposed on berms accommodating services to the notified on a limited basis to Counties Power Limited.

The Resource Management Act 1991 does not require any consideration to be made to plan rules when determining whether the resource consent application is required to be notified on a limited basis (no such provision exists in section 95B of the RMA), with plan rules only be considered for precluding limitation notification (section 95B(6)(a)) or for public notification determinations (section 95A(8)(a) for requirements and section 95A(5)(a) for preclusions). Therefore, these provisions are ultra vires and should be deleted from the plan for this reason.

Consideration of whether Transpower New Zealand Limited, the New Zealand Transport Agency or Counties Power Limited are affected persons as a result of a resource consent application can still occur in accordance with the tests under section 95E of the RMA on a case-by-case basis.

In addition, the rule related to Transpower New Zealand Limited is contradictory to the provisions of National Grid Corridor Overlay, which no longer applies to all areas within 37 m of the centreline of the National Grid transmission lines following decisions by the High Court and the Environment Court. It is noted that the National Grid Corridor Overlay provisions still take precedent over the Hingaia 1 Precinct provisions in accordance with clause C1.6 of the AUP.

3.2.11 Theme 13: Structures not Defined as Buildings

The AUP currently does not specify in its zone provisions the activity status for structures that are not defined under Chapter J of the AUP as being a building. Therefore, there is no certainty of the activity status of such activities as laying new pavement, installing a new fence or installing a new washing line. In the absence of a rule in the zone standards, a strict interpretation would apply an activity status of non-complying in the residential zones (as an activity not provided for), which is considered inappropriate when accessory buildings that comply with relevant zone standards are a permitted activity.

While this is considered to be a wide-spread issue with the AUP, insertions to resolve this issue are only made to the Hingaia 1 Precinct due to the limited scope of this plan change request. Refer to section 3.1, above.

3.2.12 Theme 14: Balance Allotments

As the Hingaia 1 Precinct or Auckland-wide provisions do not specify any exceptions for balance allotments, there can be debate during the resource consenting process as to whether certain standards need to be complied with or an infringement needs to be granted when in relation to a balance allotment (which would be subject to the same standard when it is subdivided for urban purposes at a later date).

In the case of Hugh Green Limited, they will be proposing subdivisions on existing allotments over 10 ha in area, which necessitate large balance allotments. Such subdivision should not be penalised during the resource consent application purely due to the large size of existing allotments and the need to provide balance allotments for efficient development to take place.

The requested change will clarify in the Hingaia 1 Precinct that proposed balance allotments can be created with only limited consideration to standards, excluding all that solely relate to the urban development of that land.

It is considered that the issue sought to be resolved by this theme would apply to all greenfield developments within Auckland (none of which are understood to explicitly specify the extent to which precinct rules apply to balance allotments). However, the scope of this plan change is limited to the Hingaia 1 Precinct area. Refer to section 3.1.1, above.

3.2.13 Themes 15, 16, 18 and 24: Consistency with AUP

As discussed in section 2.3.1 of this report, the Hingaia 1 Precinct's reliance on the Proposed Auckland Unitary Plan Notified Version, both through general layout and direct references to provisions, can make for a frustrating resource consent process when the precinct provisions must be considered in the context of the current Auckland Unitary Plan Operative in Part.

The requested changes ensure that the Hingaia 1 Precinct:

- Is set out in accordance with the layout of precinct chapters in the AUP;
- Replaces references to provisions of the PAUP NV with equivalent provisions from the AUP;
- Removes references to provisions of the PAUP NV where decisions on the PAUP removed those provisions; and
- Removes provisions (including items shown on the precinct plan) that are not necessary to be included as part of the Hingaia 1 Precinct as the subject matter is dealt with in other sections of the AUP (or decisions on the PAUP removed equivalent overlay or Auckland-wide provisions).

Each of these changes would provide for a more legible and user-friendly precinct that avoids contradictions and unnecessary duplication and sits appropriately within the wider AUP framework.

3.2.14 Theme 17: Improving Quality of Precinct Provisions

Some of the Hingaia 1 Precinct provisions are considered to be poorly drafted. This includes objectives and policies that go beyond the scope of the purpose of those provisions (including by specifying methods) and do not specify the necessary weight to be given to those provisions. This also includes restricted discretionary activities (including listed activities that are not infringement of standards) that do not have any specific matters of discretion or assessment criteria listed.

Poor wording of plan provisions can make for a frustrating resource consent process for certain types of applications and result in planning outcomes that are not consistent with those intended in the precinct.

The requested changes as a whole seek to rectify these issues.

3.2.15 Theme 19: Affordable Dwellings

The Hingaia 1 Precinct includes land use controls requiring all residential developments containing 15 or more dwellings or vacant sites to provide for a proportion of either retained or relative affordable dwellings in accordance with the specified criteria.

These provisions only apply in precincts inserted by Plan Variations to the Proposed Auckland Unitary Plan that were processed under the Housing Accords and Special Housing Areas Act 2013. Similar rules that applied to all urban areas under the Proposed Auckland Unitary Plan Notified Version were removed in the Decisions Version (at the recommendation of the Independent Hearings Panel). The IHP's reasons for removing affordable housing provisions were outlined in their 'Overview of recommendations' report to Auckland Council dated 22 July 2016, which were as follows:

- *"The Unitary Plan is best able to promote affordable housing by ensuring there is adequate feasible enabled residential capacity relative to demand, there is a range of housing types enabled in many locations, the Plan supports the centres and corridors strategy, and that the Plan does not impose undue implementation costs."*
- For retained affordable dwellings, the RMA *"and plans promulgated pursuant to it are not intended to include general price-control mechanisms"* and, given that the rules are *"effectively being a tax on the supply of dwellings and [are] redistributive in their effect"*, the RMA *"is not an appropriate method for such redistributive assessments and policies"*.
- *"the threshold for the scheme (developments of 15 or more dwellings) would create opportunities to circumvent it and was not persuaded the retention mechanisms proposed by the Council would be effective."*
- *"the most appropriate way for the Plan to address housing affordability in the region is by enabling a significant increase in residential development capacity and a greater range of housing sizes and types. While these measures are unlikely to resolve the issue of housing affordability in isolation, they are the primary way the Plan can contribute to address this issue."*
- *"it is open to property owners to provide dwellings for rent or sale at below market values, as housing providers with social objectives routinely do. The Panel considers these choices should be left with property owners and it is not the appropriate jurisdiction of the Unitary Plan to impose these choices on property owners."*
- *"these provisions would effectively be a tax on the supply of housing and therefore would tend to impede rather than assist an increase in that supply."*

It is considered that these same reasons would apply to support the removal of the affordable housing provisions from the Hingaia 1 Precinct.

The requested changes will also remove specific affordable housing requirements from the Hingaia 1 Precinct provisions and instead ensure that the provisions enable and promote a range of housing types at various price points, in line with the approach specified in the objectives and policies contained within the AUP (including the RPS).

3.2.16 Theme 20: Removal of Residential Development Controls

The Hingaia 1 Precinct includes provisions equivalent to those that were included in the Proposed Auckland Unitary Plan Notified Version that, after Plan Variation 1 was made operative, Council decided to remove and so these are not included in the Auckland Unitary Plan Operative in Part. The specific provisions are the development controls for dwellings fronting the street, maximum building length and garages.

The IHP's reasons for deleting these provisions in the PAUP (as specified in their 'Residential zones' report to Auckland Council dated July 2016) were that the standards were *"either unnecessary and/or inappropriate in terms of achieving quality urban design outcomes, providing for a more outcome led approach as opposed to a more prescriptive rule-based approach and imposing costs which have little benefit"*.

It is also noted that Council's closing statement for the residential chapters at the AUP hearings:

- Supported a significant amendment to the 'Dwellings fronting the street' standard to only require a minimum of 10% glazing along the front façade of buildings within 10 m of the road;
- Supported deletion of the maximum building length standard; and
- Supported partial deletion of the garages standard.

For the same reasons specified by the IHP, partially supported by Council, removal of these same rules in the Hingaia 1 Precinct is considered necessary.

In addition, section 4 of the Hingaia 1 Precinct provisions provides a disclaimer that states that if any zone standard is more lenient than any precinct development control, then the more permissive control will apply (refer to section 2.3.1, above). This was drafted at the time where the Proposed Auckland Unitary Plan also included development controls for dwellings fronting the street, maximum building length and garages. The preamble infers that if the AUP IHP were to recommend and the Council to decide to make any of these controls more permissive (including removing the controls all together, as they did), that development in the Hingaia 1 Precinct would not be required to adhere to a more strict requirement than the underlying zone. This inference therefore supports full removal of the Hingaia 1 Precinct development controls for dwellings fronting the street, maximum building length and garages (on the basis that these have been removed from the underlying zone standards).

There is considered to be no specific reasons for development in the Hingaia 1 Precinct to be subject to stricter residential development standards than provided for in the zone standards applying across the Auckland region.

3.2.17 Theme 22: Vehicle Access Over Cycle Facilities

The Hingaia 1 Precinct includes provisions that restrict vehicle access over cycle path. Specifically, this is provided through a subdivision control (standard) as well as matters of discretion and assessment criteria applicable to “subdivision in accordance with the Hingaia 1 precinct”.

The issue with these existing provisions is that they are limited only to subdivision activities, whereas the activity of providing access is a land use activity. This does not allow any prevention of access across cycle path for lots that are not being subdivided and requires the enforcement of consent notices at subdivision consent stage to provide for on-going compliance with the expectation that access over cycle paths are avoided. If in any case access over a cycle path is considered necessary and suitable in the future, an application to vary the consent notice would be necessary, with associated additional legal fees (if the variation is granted). This already has been necessary in the Hingaia 1 precinct.

In contrast, vehicle access restriction provisions in the AUP Auckland-wide standards are specified as land use standards, for which restricted discretionary activity land use consent can be applied for to infringe. The land use standard would still need to be taken into account as part of any subdivision proposal. This is considered a much more practical and efficient approach to achieving the outcome of restricting access over cycle paths.

3.2.18 Theme 23: Roading Standards

Roading standards are purposely excluded from the Auckland-wide and zone provisions in the AUP, with the concept design of roading instead controlled through documents prepared by Auckland Transport (the latest being the Transport Design Manual). The Hingaia 1 Precinct is one of the few sections of the AUP that includes road cross-section requirements as standards/controls, partly due to its approval prior to recommendations and decisions on the PAUP (as discussed earlier).

As has been confirmed through the resource consent process for subdivision of Hugh Green Limited’s land holdings, Auckland Transport does not support the road cross-sections included in the Hingaia 1 Precinct provision. Therefore, in order for Auckland Transport to accept vesting of proposed roads (in compliance with the Transport Design Manual or similar guidance), resource consent is required to infringe a significant proportion of the Hingaia 1 Precinct roading standards, which is considered to be very inefficient.

However, since the Hingaia 1 Precinct roading standards were determined through the plan variation process (including submissions and public hearing) and include specific roading types enabled in different parts of the Hingaia 1 Precinct area (including land not managed by Hugh Green Limited), the complete deletion of these provisions may not be appropriate.

3.2.19 Theme 25: Stormwater Management

As discussed in section 2.3.21, above, the stormwater management development controls included in the Hingaia 1 Precinct are now inconsistent with the stormwater management regime agreed to with Council within the Stormwater Management Plan authorised in accordance with the Hingaia Stormwater Network Discharge Consent.

Given that stormwater management is primarily controlled through water permits and discharge consents (such as Council’s Network Discharge Consent), it is considered inappropriate to retain land use consent rules that have the potential to be contradictory.

To ensure that stormwater management requirements remain considered by subdivision and land use proposals, alternative provisions can be specified within the Hingaia 1 Precinct that requires development to be consistent with an approved resource consent for the diversion and discharge of stormwater (such as NDCs held by Auckland Council), including any SMP authorised under that consent.

3.2.20 Themes 26, 27, 28, 29 and 30: Agreed Changes to the Hingaia 1 Precinct Plan

Changes to the Hingaia 1 Precinct plan are proposed in confirm on this plan minor deviations agreements already agreed with Council (refer to section 2.3.2, above) in order to avoid potential issues in future resource consent processes (especially if those consents are processed by different Council staff not involved in those previous agreements).

4. Specialist Reports

A series of reports have been prepared in support of the plan change request, alongside relevant historic reporting previously shared with Auckland Council through Plan Variation 1 and resource consent applications. These are described as follows.

4.1 Engineering

CivilPlan Consultants have prepared the following report to support the proposed plan change request, which is attached as Appendix 8:

- “Engineering Report to Support the Request for Change to the Auckland Unitary Plan Operative in Part – Hingaia 1 Precinct”, dated November 2020.

The report outlines the various infrastructure works for the Hingaia 1 Precinct area currently underway or funded and demonstrates that the area is able to be provided with sufficient infrastructure capacity to service the anticipated increase in yield resulting from the requested changes.

4.1.1 Stormwater Management Plan

The Stormwater Management Plan for HGL’s landholdings that has authorised by Auckland Council on 30 August 2019 is attached as Appendix 9. This SMP is currently authorised under resource consent R/REG/2014/4245 (Hingaia Network Discharge Consent) and is also considered to be authorised under resource consent DIS60069613 (Auckland region-wide Stormwater Network Discharge Consent) in accordance with condition 19b of that consent (requiring any SMP approved by Healthy Waters after 1 January 2013 to be included in the schedule of adopted SMP under that consent).

Hugh Green Limited does not have access to any other Stormwater Management Plans that Auckland Council has authorised for other sites within the Hingaia 1 Precinct area.

4.2 Urban Design

TransUrban have prepared the following reports to support the proposed plan change request, which are attached as Appendix 10:

- “Proposed Private Plan Change – Area Covered by Hingaia 1 Precinct – Urban Design Assessment”, dated 10 November 2020.

This report assesses the urban design implications of the requested changes to the AUP provisions, with the following key findings:

- The requested changes are supported from an urban design perspective;
- The rezoning of land from MHS to MHU would create the potential for a much greater building bulk to be experienced, but this does not necessarily result in a negative outcome – it is just different – given that there are no existing residents in this area;
- The removal of the precinct Integrated Residential Development definition and the inclusion of rules that more efficiently enable the outcomes provided for by that definition and its related rules is sensible;
- The removal of specific requirements for lots adjacent to the coast to be at least 600 m² in area is a positive outcome, increasing flexibility and enabling a greater number of people to enjoy coastal amenity;
- Enabling the use of the alternative height in relation to boundary standard as a permitted activity in the MHU zone would require the future community to accept the potential greater bulk, sunlight reduction and potential privacy issues but would promote narrower and therefore deeper lots at subdivision stage and assist with development of at least two levels on narrow sites and three levels on wider sites;
- The removal of the garage standard would be consistent with the underlying MHU zone standards and would promote narrower allotments at subdivision stage, while risks of dominant garages would primarily only be a concern for single level dwellings (which are less likely to be constructed);
- The removal of other standards in the precinct, such as building length and front fences, would be consistent with the underlying MHU zone standards; and
- The introduction of standards related to the interface of private lots with reserves is suitable, and addresses a current failure of the AUP.

4.3 Economics

Urban Economics have prepared the following reports to support the proposed plan change request, which are attached as Appendix 11:

- “Economic Cost Benefit Analysis of: Proposed Residential Zone at Park Estate, Karaka”, dated 4 November 2020; and
- “Economic Cost Benefit Analysis of: Proposed Neighbourhood Centre Zone at Park Estate, Karaka”, dated 28 August 2020.

These reports consider the economic effects of the changes proposed by the plan change request, with the following key findings:

- The proposed MHU zone would enable approximately 360 more dwellings than the existing MHS zoning;
- The proposed MHU zone would enable more efficient utilisation of planned infrastructure expenditure, resulting in an estimated bulk infrastructure saving of approximately \$25 million;
- A significant proportion of dwellings, in the order of 12-16%, would meet the provisions for a relative affordable dwelling under a normal market scenario and therefore the precinct provisions are not required to achieve the outcomes sought in this location;
- The estimated sustainable floorspace within the neighbourhood centre without the 1,000 m² GFA cap is 3,000 m², demonstrating that this cap prevents the neighbourhood centre from meeting market demands; and
- Enabling cafés to be constructed in high amenity locations will improve amenity for residents and the overall success of the development.

4.4 Transport

Commute Transportation Consultants has prepared the following report to support the proposed plan change request, which is attached as Appendix 12:

- “Proposed Plan Change, Hingaia 1 Precinct, Park Estate Road, Hingaia – Transportation Assessment Report”, dated 6 November 2020.

This report considered the effects on the transport network arising from the plan change request, with the following key findings:

- The increased yield enabled by the proposed zoning is below the yield incorporated by Flow Transportation Specialists (refer below), and so the outcomes fits within that assumed for the site as part of the wider network transport modelling undertaken for the Hingaia area;

- Previous reporting for resource consent BUN60343386 determined that no trips related to the neighbourhood centre are expected external to the Hingaia 1 Precinct and that the road network provided as part of that consent was suitable for the anticipated land use activities arising from the new zone location;
- Changes to provisions related to vehicle access over cycleways and shared paths align with the current approaches by Council and AT and provided for an improved outcome;
- Changes to provisions related to roading standards are acceptable to allow for assessment to consider a wider range of matters, including AT's latest code of practice; and
- Changes to the precinct plan are considered acceptable as this aligned with the outcomes consented and being implemented within the precinct.

4.4.1 Flow Modelling Report

The report by Commute Transportation Consultants described above has relied upon the following report prepared by Flow Transportation Specialists during the master planning exercise for Hugh Green Limited, which is attached as Appendix 13:

- "Hingaia Transport Assessment – Transport Modelling Update", dated 21 August 2018.

This traffic modelling increased the assumption made during Plan Variation 1 that 1,500 dwellings were proposed within Sub-precinct D and replaced it with an aspirational yield of 2,300 dwellings (which was unlikely to be achieved under the current zoning without significant comprehensive development being undertaken or a plan change request).

This modelling identified various intersection performances that would be affected by an increase in traffic volumes arising from the increased yield. These were:

- The Beach Road/Hingaia Road/Harbourside Road/Hinau Road intersection – however, any effects on this intersection is reliant on a connection being made between Park Estate Road and Hingaia Road and so this would only be a consideration after that has occurred;
- The Great South Road/Park Estate Road intersection – however, signalisation of this intersection is already funded, partly through development contributions, and scheduled in AT's RLTP;
- An intersection of Park Estate Road with a proposed collector road (adjacent to #145) – however, this intersection has been addressed through resource consent BUN60343386, which has future proofed the intersection for a roundabout to be constructed in that location when required by future development; and
- The Beach Road/Chichester Drive/Elliot Street intersection – however, the performance of this intersection was already poor and was generally unaffected by the proposed development in Hingaia 1 Precinct.

It is noted that all future resource consent applications for subdivision within the Hingaia 1 Precinct will be required to assess the effects on the transport network, including on the intersections identified above. Provisions of the AUP requiring this remain in place (particularly, Standard E27.6.1(1)(c) and matter of discretion E38.12.1((7)(g)) and so no additional precinct provisions are considered necessary to ensure this occurs.

4.5 Cultural Values Assessments

Cultural Values Assessment Reports were prepared by the following three iwi in 2015 for Plan Variation 1 to the Proposed Auckland Unitary Plan, which zoned the Hingaia 1 area for urban purposes:

- Ngāti Tamaoho;
- Ngāti Te Ata; and
- Te Ākitai Waiohū.

These three reports are attached as Appendix 14 and have been given regard to in part of the assessment of effects on cultural values, alongside feedback from more recent consultation with iwi (see section 8.4, below).

4.6 Other Reports

Geotechnical and contamination reports have previously been prepared for the Hingaia 1 Precinct area to support Plan Variation 1 and various resource consent applications. Given that the decisions on Plan Variation 1 determined that the Hingaia 1 Precinct area is suitable for residential development and no changes to the provisions of the AUP related to geotechnical suitability and contamination risks are requested, it is not considered necessary for these reports to be provided.

A series of archaeological reports have also been prepared. Given that the decisions on Plan Variation 1 determined that the Hingaia 1 Precinct area is suitable for residential development and that no changes are requested to provisions related to historic heritage, it is not considered necessary for these reports to be provided.

A series of ecological reports have been prepared for Hugh Green Limited's landholdings south of Park Estate Road, primarily in relation to applications for resource consents BUN60325204 and BUN60339982. Those consents authorised partial reclamation of wetlands and streams at the site. Given that the requested changes are not considered to affect any ecological matters further to the effects approved under those resource consents and no changes to the provisions of the AUP related to ecological matters are requested, ecological reports are not provided as part of this plan change request.

5. Section 32 Analysis

5.1 Objectives of the Proposal

Section 32(1)(a) of the RMA requires the examination of the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act. The purpose of the Act is listed in section 5 of the RMA.

Section 32(6) of the RMA then specifies that “objectives” means:

- (a) *for a proposal that contains or states objectives, those objectives:*
- (b) *for all other proposals, the purpose of the proposal.*

While the plan change request does include changes to the Hingaia 1 Precinct, a number of the other changes requested do not directly relate to these objectives. Therefore, assessment is required of both changes to the Hingaia 1 Precinct objectives and the purpose(s) of the remaining requested changes.

5.1.1A Overall Purpose of the Proposal

The overall purpose of the proposal is considered to be the following:

Providing for increases in residential building intensity on sites south of Park Estate Road (in recognition of the substantial areas of undevelopable wetlands that are being retained), while amending the Hingaia 1 Precinct text to match the current formatting of the Auckland Unitary Plan and reduce inconsistencies with the Auckland-wide and underlying zone provisions.

Compared to the status quo, the proposal enables a higher residential density being achieved south of Park Estate Road, which allows for potential housing supply to be increased, therefore enabling people and communities to provide for their social, economic, and cultural well-being.

Given that the land south of Park Estate Road has not yet been subject to urban-scale development (only earthworks and road construction has occurred), the increased residential building intensity would not result in any adverse effects on any established suburban character. A shift from rural character is already anticipated by the existing AUP provisions.

Adverse effects on the natural environment, including impacts on streams and wetlands and in relation to natural hazards, remain controlled by the existing Auckland-wide provisions of the AUP, which are not changing as a result of this plan change.

Amendments to the Hingaia 1 Precinct text are for the most part consequential to the above changes.

5.1.1 Proposed Changes to the Hingaia 1 Precinct Objectives

The requested changes to the objectives of the Hingaia 1 Precinct are as follows:

- (1) ~~1. Subdivision and development occurs in a co-ordinated way that implements the Hingaia 1 precinct plan, provides a logical extension to the existing urban environment, and provides for connections to future development on adjoining land.~~
- (2) ~~2. Development achieves a high standard of amenity while ensuring there is a choice of living environments and affordability options.~~
- (3) ~~3. Retain and enhance the existing stream network and provide stream corridors as illustrated on the Hingaia 1 precinct plan~~ is retained and enhanced.
- (4) ~~4. Subdivision and development occurs in a manner that achieves the co-ordinated delivery of infrastructure, including transport, wastewater, and water services. Stormwater management approaches should promote the use of water sensitive design options.~~
- (5) ~~5. Control the location of vehicle crossings to individual properties which adjoin shared paths. The safety of users of shared paths and dedicated cycleways is prioritised over vehicle access.~~
- (6) ~~6. Significant adverse effects of stormwater run-off on communities, the marine receiving environment and freshwater systems are avoided to the extent practical, or otherwise mitigated using water sensitive design principles.~~

~~7. Major overland flowpaths are retained or provided for in the site layout to manage risks from flood events up to the 1 percent AEP, taking account of maximum probable development in the upstream catchment.~~

~~8. To ensure that affordable housing provided in any residential development is distributed throughout the development.~~

- (7) ~~9. Subdivision and development adjoining the coast has larger site sizes to provides for enhanced amenity and to avoids risks of adverse effects arising from coastal erosion.~~

~~10. Subdivision and development in the precinct will not adversely impact on the safe and efficient operation of the adjoining State Highway network and/or the National Grid.~~

- (8) ~~11. Develop a~~ *A neighbourhood centre is developed that provides for small scale convenience retail, service and commercial activities that meet the day-to-day needs of the area, and which does not undermine the viability and role of either the Hingaia Mixed Use Town Centre or the Papakura Metropolitan Centre.*

Existing objectives 1, 2 and 6 are to remain unchanged, other than minor formatting changes.

Existing objectives 7, 8 and 10 are to be deleted in their entirety.

Existing objectives 3, 4, 5, 9 (now 7) and 11 (now 8) are to be amended to various extents.

Each deletion or amendment is considered as followed.

1. Amendments to Objective 3

The changes requested to Objective 3 relate primarily to the tense used in the provision and are considered to have no relevant impact on the appropriateness in achieving the purpose of the Act.

The specific reference to “stream corridors” is considered to be superfluous given that the policy concerns “the existing stream network”.

The amendments to this objective relate to Theme 17.

2. Amendments to Objective 4

Partial deletion of Objective 4 is requested as this second sentence generally is not a firm objective and duplicates the purpose of Hingaia 1 Objective 6. The removal of duplication is considered to have no notable impact upon achieving the purpose of the RMA but is considered to be more appropriate than the status quo.

The amendments to this objective relate to Theme 17.

3. Amendments to Objective 5

Objective 5 currently as written does not specify the reason that the location of vehicle crossings to individual properties which adjoin shared paths need to be controlled and so does not identify its purpose.

The requested replacement Objective 5 identifies that the objective’s purpose is to enable people and communities to provide for their safety at conflict points between cycleways and vehicle access, more appropriately achieving the purpose of the RMA.

The amendments to this objective relate to Themes 16 and 17.

4. Deletion of Objective 7

Objective 7 is not necessary as this generally replicates Objective E36.2(5) of the AUP (“Subdivision, use and development including redevelopment, is managed to safely maintain the conveyance function of floodplains and overland flow paths”), which remains relevant to any activity affecting overland flow paths. The removal of duplication is considered to have no notable impact upon achieving the purpose of the RMA but is considered to be more appropriate than the status quo as it provides for alignment with the Auckland-wide approach.

5. Deletion of Objective 8

With reference to the commentary in section 3.2.15, above, objectives directly requiring affordable housing to be provided has been determined by the Independent Hearings Panel (with this adopted by Council) to not be the most appropriate way to achieve the purpose of the Act. Instead, plan provisions should enable a variety of housing types and avoid preventing affordable housing typologies from being constructed. This approach is already specified in Hingaia 1 Precinct Objective 2. Therefore, Objective 8 should be deleted.

The deletion of this objective relates to Theme 19.

6. Amendments to Objective 9 (now 7)

The intent of Objective 9 is to enable urban residential development along the coastline within the Hingaia 1 Precinct area (therefore enabling people and communities to provide for their social, economic, and cultural well-being) whilst avoiding adverse effects related to coastal erosion and coastal amenity.

The deletion of “has larger site sizes” is considered the most appropriate way to achieve the purpose of the Act as residential density is only one possible element of development that has potential to result in adverse effects on coastal amenity, while the form and scale of buildings and structures (which requirements for larger site sizes does not necessarily control, given that this can simply lead to larger building sizes) are considered to be the main contributor to such potential adverse effects. The requirement for larger site sizes is also considered to be a method or policy response to an objective rather than an objective itself.

The replacement of “avoid coastal erosion” with “avoids risks of adverse effects arising from coastal erosion” is considered to be most appropriate to achieve the purpose of the Act as the objective would then focus specifically on avoiding adverse effects (in line with section 5(2)(c) of the RMA).

The amendment of this objective relates to Themes 9 and 10.

7. Deletion of Objective 10

Objective 10 relates to the National Grid Corridor and the State Highway network.

For the National Grid Corridor, Objective 10 is not necessary as this generally replicates Objective D26.2(1) of the AUP (“The efficient development, operation, maintenance and upgrading of the National Grid is not compromised by subdivision, use and development”), which remains relevant to any subdivision or development occurring within the National Grid Corridor Overlay. The removal of duplication is considered to have no notable impact upon achieving the purpose of the RMA but is considered to be more appropriate than the status quo.

For the State Highway network, similar objectives do not apply in the AUP Auckland-wide or zone provisions for sites that also adjoin the State Highway network, nor in any known Precinct provisions. There are not considered to be any specific differences between the sites at Hingaia 1 Precinct and any other undeveloped (or underdeveloped) urban land adjacent to the State Highway network in Auckland that would necessitate such an objective. It is noted that the Independent Hearings Panel deleted the High Land Transport Noise Overlay from the PAUP due to the absence of “*of a rigorous cost benefit assessment, including ... [consideration] of who should appropriately bear the costs involved*”. Similarly, it is considered inappropriate for Objective 10 to continue to apply.

The deletion of this objective relates to Themes 18 and 12.

8. Amendments to Objective 11 (now 8)

The changes requested to Objective 11 relate only to the tense used in the provision and are considered to have no relevant impact on the appropriateness in achieving the purpose of the Act.

This objective relates to Themes 5 and 6.

5.1.2 Other Purposes of the Proposal

In addition to the overall purpose of the plan change outlined in section 5.1.1A, above, the other purposes of the plan change request are considered to be the following:

1. Enabling further residential development opportunities where adverse effects on the wider environment are unlikely to arise (Themes 1, 2, 3 and 11);
2. *[Deleted]*
3. Providing an enabling activity status for structures (Theme 13);
4. Providing consistency with the Auckland Unitary Plan Operative in Part where precinct-specific deviation is not considered appropriate (Themes 4, 9, 12, 15, 16, 18, 19, 20 and 23);
5. Improving the quality of provisions in the Hingaia 1 precinct (Themes 10, 14, 17, 21, 22 and 24); and

6. Recognising decisions made by Council during resource consent processes (Themes 25, 26, 27, 28, 29 and 30).

Each listed purpose is considered as followed.

1. Enabling Further Residential Development

The primary request change is to rezone all land within Hingaia Sub-precinct D (which is predominantly under the management of Hugh Green Limited) Residential – Mixed Housing Urban, replacing the Residential – Mixed Housing Suburban zone over parts of those sites. As discussed further in section 5.2.1, below, the differences between the two zones are not significant and primarily relate to only a handful of built-form standards. The zone change is estimated to only increase the number of dwellings by 10% above that considered by Plan Variation 1, while the enabled number of dwellings would not change given that both zones do not specify a density limit. In addition, new and amended provisions are to be introduced that enable a higher intensity of urban residential development than currently provided for by the Hingaia 1 Precinct provisions.

The current Hingaia 1 Precinct provisions have the ability to prevent people and communities from providing for their social, economic and cultural well-being (i.e. establish residential development at the present or future land owners' preferred scale) when adverse effects on the environment are not to an extent that necessitate avoidance, remediation or mitigation. Given that the land managed by Hugh Green Limited is a greenfield development where no residential buildings have yet to be constructed, there is no set residential amenity that new buildings have the ability to adversely affect. Therefore, it is considered that enabling additional development that is unlikely to arise in any adverse effects that cannot be appropriately managed is the most appropriate way to achieve the purpose of the Act.

It is noted that adherence with existing AUP Regional Policy Statement and zone objectives and policies will be necessary in order to limit the extend of "additional development" that should be enabled.

2. *[Deleted]*

3. Providing and Enabling Activity Status for Structures

Currently, the activity status for structures not defined as buildings is unclear, with one interpretation being that these are non-complying activities as they are not provided for in the underlying zone (although Council practices assume that these are permitted activities).

A non-complying activity status for structures not defined as buildings does not enable people to provide for their well-being as it has the potential to prevent minor works on enabled land use activities, including fencing, paving, terracing, gardening (e.g. construction of garden beds for vegetable growing), even when infringement to built-form standards (such as maximum fence heights and maximum impervious area) does not occur.

Accessory buildings complying with built-form standards are either permitted activities (in residential zones) or restricted discretionary activities (in business zones), which are both enabling activities statuses, indicating that there are few (if any) adverse effects on the environment that are required to be avoided, remedied or mitigated as result of these structures. Structures not defined as buildings are generally of a less prominent built form than accessory buildings as so also would have few (if any) adverse effects on the environment that are required to be avoided, remedied or mitigated. A clear enabling activity status would recognise this.

4. Consistency with the Auckland Unitary Plan Operative in Part

As discussed earlier in this report, the Hingaia 1 Precinct provisions rely heavily on the provisions of the Proposed Auckland Unitary Plan Notified Version. Decisions on this plan (including whether its objectives were the most appropriate way to achieve the purpose of the Act) had not been made by the time that Plan Variation 1 (including the Hingaia 1 Precinct) was made operative. Changes to the Hingaia 1 Precinct provisions to align with the provisions of the Auckland Unitary Plan Operative in Part (which has been subject to decisions on whether its objectives were the most appropriate way to achieve the purpose of the Act) are considered to be the most appropriate way to achieve the purpose of the Act.

Precinct-specific provisions that were not directly related to provisions of the Proposed Auckland Unitary Plan Notified Version and/or are site-specific are to remain.

5. Improving the Quality of Provisions in the Hingaia 1 Precinct

Given the circumstances under which the Hingaia 1 Precinct provisions were formulated (including its timing in relation to the Auckland Unitary Plan process), the quality of these provisions is in some cases poor. Amendments to objectives and policies will ensure that these are written in a manner that reflects good plan making practice. Exclusions for balance allotments will enable efficient development to occur.

These changes are considered to be the most appropriate way to achieve the purpose of the Act as they enhance the ability for people and communities to provide for their social, economic, and cultural well-being while more suitably avoiding, remedying, or mitigating any adverse effects of activities on the environment.

6. Recognising Council RC Decisions

Where Council has made a decision related to the effects of an activity through the resource consent process that differs from the management approach in the Hingaia 1 Precinct and has identified that this position would continue to be held (effectively confirming that some of the Hingaia 1 Precinct provisions are not the most appropriate way to achieve the purpose of the Act), retention of the relevant Hingaia 1 Precinct provisions creates an inefficient method for people and communities to provide for their social, economic, and cultural well-being.

Changes to the Hingaia 1 Precinct will ensure that the necessary adverse effects of activities on the environment are avoided, remedied and mitigated, whilst not avoiding, remedying or mitigating effects of activities that Council does not consider are adverse. The ability for people and communities to provide for their social, economic, and cultural well-being remains enabled. Therefore, this is considered to be the most appropriate way to achieve the purpose of the Act.

5.2 Provisions of the Proposal

Section 32(1)(b) of the RMA requires the examination of whether the provisions in the proposal are the most appropriate way to achieve the objectives. Section 32(3) specifies that for an amending proposal (such as a plan change) this examination must relate to the provisions and objectives of the amending proposal and the objectives of the existing proposal to the extent that those objectives are relevant to the objectives of the amending proposal and would remain if the amending proposal were to take effect.

This examination is to be achieved by:

- (i) *identifying other reasonably practicable options for achieving the objectives;*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

As specified earlier, Section 32(6) of the RMA then specifies that “objectives” means:

- (a) *for a proposal that contains or states objectives, those objectives;*
- (b) *for all other proposals, the purpose of the proposal.*

Section 32(2) of the RMA specifies that the assessment of the efficiency and effectiveness of the provisions achieving the objectives must:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Unless specified below, there is not considered to be “uncertain or insufficient information about the subject matter of the provisions” and therefore the risk of acting or not acting is not addressed further.

Section 32(1)(c) specifies that the above evaluation 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. In some cases (especially where changes are predominantly related to the formatting and layout of the AUP rather than provisions that manage adverse effects on the environment), in depth analysis of the options is not considered necessary in order for the most appropriate way to achieve the objectives (including the purpose of the plan change request) to be identified.

The following assessment of the proposed provisions is made in accordance with each of the “Themes” outlined in section 3, above.

Where tables of benefits and costs are provided, these are tagged as to whether they related to environmental [En], economic [Ec], social [S] or cultural [C] effects, or a combination of these.

5.2.1 Theme 1: Residential Zoning

The relevant objectives for provisions related to Theme 1 to achieve are:

- Objective 2 of the Hingaia 1 Precinct;
- Objective H5.2(1) of the AUP; and
- Plan Change Purpose 1 (refer section 5.1.2, above).

The following options related to residential zoning are considered:

- Option 1: Status quo – the residential zoning within Hingaia 1 Precinct remains the same;
- Option 2: Rezoning more of 144, 152, 180, 200 and 252 Park Estate Road Residential – Mixed Housing Urban; and
- Option 3: Rezoning all of 144, 152, 158, 180, 200 and 252 Park Estate Road Residential – Mixed Housing Urban.

Options that introduce the Residential – Terrace Housing and Apartment Buildings (‘THAB’) zone have not been considered since that zone’s description in section H6.1 of the AUP states that *“The zone is predominantly located around metropolitan, town and local centres and the public transport network to support the highest levels of intensification.”* The Hingaia 1 Precinct does not include any Local Centre, Town Centre or Metropolitan Centre zone, with only the Neighbourhood Centre zone applying to part of 180, 200 and 202 Park Estate Road. Therefore, the application of the THAB zone would be inappropriate with changes to the text in section H6.1, affecting all of the Auckland region, which is outside the scope of this plan change request.

It is noted that the differences between the Residential – Mixed Housing Suburban and Residential – Mixed Housing Urban zones are not significant and generally only consist of:

- Differences in maximum height (two storeys versus three storeys), including in relation to boundary;
- A small difference in minimum front yard setbacks (3.0 m versus 2.5 m);
- A small difference in minimum landscaped area coverage (40% versus 35%); and
- A small difference in maximum building coverage (40% versus 45%).

There is no change in enabled/theoretical density as there are no density limited in the land use provisions (although an increased height allowance could result in an increased in density where attached dwellings are proposed) and the average vacant allotment size is the same – noting that the Hingaia 1 Precinct provisions specify an average of 300 m² (rather than 400 m²) for the Mixed Housing Suburban zone.

The above options only consider rezoning of land managed by Hugh Green Limited (as well as an adjacent network utility allotment owned by Watercare Services Limited) as per the scope of the plan change specified in section 3.1, above. This is also anticipated to avoid and minimise potential adverse effects related to existing urban residential communities, including Karaka Brookview and the interface with the well-established Karaka Lakes development.

Table 1, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 1: Benefits and Costs of Options for Theme 1

	Option 1	Option 2	Option 3
Benefits	The zoning outcome for Sub-precinct D that was determined through Plan Variation 1 is maintained. [En + S]	An increase in the population accommodated within the greenfield development is enabled, relieving pressure on development of other greenfield land and reducing infrastructure costs to the Council – refer to the economics report attached as Appendix 11 (<i>more so under Option 3.</i>) [En + Ec + S]	
		An increased scale of urban development supports the various commercial and social facilities provided for in Sub-precinct D, including the neighbourhood centre, primary school, bus route and significant areas of open space (<i>more so under Option 3.</i>) [En + Ec + S]	

	Option 1	Option 2	Option 3
		An increased scale of urban development can be provided for while minimising adverse effects on established urban environments due to existing natural (Drury Creek) and physical (Southern Motorway) barriers at the periphery of the area subject to rezoning and through future owners of sites within the currently undeveloped land to 'buy in' to the levels of amenity enabled by the zone provisions. [En + S]	
		The number of dwellings within Sub-precinct D that was anticipated by the decisions on Plan Variation 1 is more likely to be achieved (<i>more so under Option 3.</i>) [Ec + S]	
		Future vacant lot owners are provided with increased flexibility for land use development on proposed sites, minimising the need for resource consent to be applied for where the Residential – Mixed Housing Suburban standards would have been infringed. (<i>more so under Option 3.</i>) [Ec + S]	
Costs	The existing zoning has the potential to result in an underutilisation of urban land. [En + Ec + S]	Limiting rezoning has the potential to result in an underutilisation of urban land. [En + Ec + S]	
	The number of residents within walkable catchments for coastal public open space, including the significant area of land at 158A Park Estate Road, are unlikely to result in those parks being efficiently located within the community. [S]		There is a higher likelihood of adverse effects from increased development upon natural and physical features present within Sub-precinct D. [En + S]

No cultural effects have been identified in relation to residential zoning.

Where the potential for adverse effects upon natural and physical features may arise, Overlay and Auckland-wide rules of the AUP remain relevant, regardless of the residential zoning applied, which will appropriately manage those effects.

Option 3 is considered to be the most effective and efficient way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with fewest costs. In particular, Option 3 provides for increased residential opportunities (including dwelling yield and typology variety that supports and is supported by various commercial and social facilities and open spaces, while not resulting in adverse amenity effects upon established neighbourhoods.

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP are proposed:

- Those parts 144, 152, 158, 180, 200 and 252 that are zoned Residential – Mixed Housing Suburban will be subject to the Residential – Mixed Housing Urban zone (approximately 79.7 ha of land in total).

No changes to precinct text is proposed in relation to Theme 1.

5.2.2 Theme 2: Development Opportunities for Higher Residential Densities

The relevant objectives for provisions related to Theme 2 to achieve are:

- Objective 2 of the Hingaia 1 Precinct;
- Objectives H4.2(1), H4.2(2), H4.2(3), H5.2(1), H5.2(2) and H5.2(3) of the AUP; and
- Plan Change Purpose 1 (refer section 5.1.2, above).

The following options related to the development opportunities for higher residential densities are considered:

- Option 1: The existing 'integrated residential development' provisions in the Hingaia 1 Precinct are removed, relying on underlying zone provisions;
- Option 2: The existing Hingaia 1 Precinct provisions are refined to apply to the land use activities of four or more dwellings or integrated residential development;
- Option 3: *Status quo* (with new text removing the need for the precinct-specific the 'integrated residential development definition') – additional development opportunities are provided for development of two or more dwellings on sites greater than 800 m² in site area; and
- Option 4: The existing Hingaia 1 Precinct provisions are refined to apply to any land use activity resulting in a residential density greater than 1 dwelling per 400 m² (including the construction of one dwelling on a site less than 400 m² in area).

Given that the existing integrated residential development provisions would be applicable when two dwellings are proposed on a site 800 m² in area, the density of 1 dwelling per 400 m² or higher is considered to be a suitable alternative trigger. This also correlates with similar provisions provided for in the Flat Bush and Drury 1 precincts.

Table 2, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 2: Benefits and Costs of Options for Theme 2

	Option 1	Option 2	Option 3	Option 4
Benefits		Greenfield development provides for an increased variety of residential typologies through use of the development incentives provided for at higher residential densities. [Ec + S]		
		The greenfield context of the precinct minimises potential adverse effects from increased development opportunities on established urban residential communities (since few have yet to be established). [En + S]		
	Consistency with the Auckland-wide approach is provided. [En + Ec + S]	General alignment with the Auckland-wide approach is provided. [En + Ec + S]		General alignment with the precinct provisions of other South Auckland greenfield developments is provided. [Ec + S]
				A wider applicability to include single dwelling allotments less than 400 m ² ensures that subdivision-led development is equitably subject to the same incentives for higher densities [En + Ec + S]
				Resource consent would not be required for small infringements of the underlying zone coverage standards for single dwellings on sites less than 400 m ² in area. [Ec]
Costs	Key provisions of the Hingaia 1 Precinct promoting higher residential densities will be lost. [En + Ec + S]	Incentives for increasing residential yield do not apply to vacant sites subdivision, preventing an opportunity to promote higher densities through that method of development. [En + Ec + S]		

	Option 1	Option 2	Option 3	Option 4
	Resource consent would be required for all small infringements of the underlying zone coverage standards. [Ec]		High uptake of the provisions could result in greater building bulk than otherwise anticipated for the environment. [En + S]	

No cultural effects have been identified in relation to development opportunities for higher densities.

Option 4 is considered to be the most effective and efficient way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with fewest costs. In particular, Option 4 retains the existing development incentives provided within the Hingaia 1 Precinct, widens their applicability to all forms of residential development (including vacant sites subdivision) of a similar density (which aligns with other South Auckland greenfield precincts) and allows for the variety of residential typologies to be increased.

There is insufficient information regarding the likely uptake of provisions that promote higher densities. The level of uptake will instead be determined by future resource consents for subdivision and residential development, as dictated by market forces at the time of those applications. In accordance with section 32(2)(c), it is considered that, as a result of implementing Option 4, the risk of adverse environmental and social effects related to a high uptake of these provisions, resulting in increased building bulk, is considered to be low, given that:

- The Hingaia 1 Precinct is generally undeveloped without an established urban residential character (and therefore effects would not be upon an established neighbourhood character); and
- The difference in building, impervious and landscape coverages are unlikely to be discernible to the public (especially in the Residential – Mixed Housing Urban zone, where the difference from the underlying zone is only 5%), and there would be no difference in building height, height or relation to boundary or yard requirements (infringements of which are more likely to result in adverse effects on adjacent properties and residential amenity in general).

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 2” in Appendix 5:

- Amendments to Hingaia 1 Precinct Policy 3 that promotes greater development potential for higher density residential developments; and
- The deletion of the Hingaia 1 Precinct “integrated residential development” definition; and

- Inserting various Hingaia 1 Precinct activity statuses, standards, matters of discretion and assessment criteria, replacing existing Hingaia 1 Precinct provisions, enabling higher development opportunities (alternative building coverage, impervious area and landscaped area standards) for development with a residential density of greater than one dwelling per 400 m² net site area, all based on similar provisions in the zone standards and using metrics from the existing Hingaia 1 provisions for integrated residential development.

The use of provisions enabling higher development opportunities will, for the most part, require resource consent for a restricted discretionary activity in line with the current provisions for Integrated Residential Development. The one exception will be when used for a single dwelling on a front site in the Residential – Mixed Housing Urban zone, as this will avoid transactional costs related to resource consent applications with minimal environment costs (given that the design and layout of single dwellings on a front site are much less likely to result in adverse effects).

The new activities provided for in the precinct activity table to implement the above listed changes are numerous and arguably complicated. However, each activity is considered necessary for the following reasons:

- (A2) is necessary so that one to three dwellings that comply with the zone coverage standards and four or more dwellings with a density of less one dwelling per 400 m² continue to be considered under the relevant zone provisions (including the zone coverages, either as standards or matters of discretion). Standard I444.6.1.4 is also added as a standard to be complied with.
- (A3) is necessary so that two or three dwellings in the MHS zone with a density of more than one dwelling per 400 m² that do not comply with the zone coverage provisions but do comply with the precinct coverage provisions for higher density development is specified to be a restricted discretionary activity, subject to the same matters of discretion that apply to four or more dwellings (providing for consideration of urban design matters). One dwelling in the MHS zone would not be able to utilise the precinct coverage provisions for higher density development. Without this activity, H4.4.1(A3) would instead apply and any infringement of the coverage standards would require assessment under matters of discretion H4.8.1(4) (which are restrictive) rather than matters of discretion I444.8.2(2) (which, given the reference to the precinct coverage standards, are more enabling), aligning with the expectations under the operative precinct provisions for 'integrated residential development'. Standard I444.6.1.4 is also added as a standard to be complied with.
- (A4) is necessary so that four or more dwellings in the MHS zone with a density of more than one dwelling per 400 m² are subject to the matters of discretion in section I444.8.2(2), which differ from those in H4.8.1(2), which would otherwise apply via H4.4.1(A4) by replacing references to the zone coverage provisions to the precinct coverage provisions. Standard I444.6.1.4 is also listed as a standard to be complied with.

- (A5) is necessary so that one dwelling in the MHU zone with a density of more than one dwelling per 400 m² that does not comply with the zone coverage provisions but does comply with the precinct coverage provisions for higher density development is specified to be a permitted activity, achieving one of the purposes of the requested changes to promote higher densities at the time of vacant sites subdivision. Without this activity, H5.4.1(A3) would instead apply and any infringement of the coverage standards would require resource consent for a restricted discretionary activity, with assessment under matters of discretion H5.8.1(4) (which are restrictive). This permitted activity also has the effect of promoting the creation of sites less than 400 m² as part of vacant sites subdivision. Standard I444.6.1.4 is added listed as a standard to be complied with.
- (A6) is necessary so that two or three dwellings in the MHU zone with a density of more than one dwelling per 400 m² that does not comply with the zone coverage provisions but does comply with the precinct coverage provisions for higher density development is specified to be a restricted discretionary activity, subject to the same matters of discretion that apply to four or more dwellings (providing for consideration of urban design matters). Without this activity, H5.4.1(A3) would instead apply and any infringement of the coverage standards would require assessment under matters of discretion H5.8.1(4) (which are restrictive) rather than matters of discretion I444.8.2(2) (which, given the reference to the precinct coverage standards, are more enabling), aligning with the expectations under the operative precinct provisions for 'integrated residential development'. Standard I444.6.1.4 is also added as a standard to be complied with.
- (A7) is necessary so that so that four or more dwellings in the MHU zone with a density of over one dwelling per 400 m² are subject to the matters of discretion in section I444.8.2(2), which differ from those in H5.8.1(2), which would otherwise apply via H5.4.1(A4) by replacing references to the zone coverage provisions to the precinct coverage provisions. Standard I444.6.1.4 is also added as a standard to be complied with.
- (A8) is necessary so that so that integrated residential development (as per the AUP definition, therefore including retirement villages) in the MHS zone are subject to the matters of discretion in section I444.8.2(2), which differ from those in H4.8.1(3), which would otherwise apply via H4.4.1(A8) by replacing references to the zone coverage provisions to the precinct coverage provisions and inserting Standard I444.6.1.4.
- (A9) is necessary so that so that integrated residential development (as per the AUP definition, therefore including retirement villages) in the MHU zone are subject to the matters of discretion in section I444.8.2(2), which differ from those in H5.8.1(3), which would otherwise apply via H5.4.1(A8) by replacing references to the zone coverage provisions to the precinct coverage provisions and inserting Standard I444.6.1.4.

Appendix 19 to the clause 23 response provides a flowchart that further clarifies the applicability and need for each of the activities related to dwellings listed in Table I444.4.1 ((A2) to (A7)).

Alternative options to apply the same standards and matters of discretion in other sections of the precinct were disregarded due to their inefficiency. This was concluded primarily due to the approach in underlying zones for standards to only be complied with for some activities and only be matters of discretion for other activities. It was therefore considered necessary for this same approach used in the zone to be used for in the precinct, which necessitated the addition of the column “Standards to be complied with” and listing of the various activities for which different standards and matters of discretion would apply.

5.2.3 Theme 3: Alternative Height in Relation to Boundary

The relevant objectives for provisions related to Theme 3 to achieve are:

- Objective 2 of the Hingaia 1 Precinct;
- Objectives H4.2(1), H4.2(2), H4.2(3), H5.2(1), H5.2(2) and H5.2(3) of the AUP; and
- Plan Change Purpose 1 (refer section 5.1.2, above).

The following options related to the alternative height in relation to boundary standard are considered:

- Option 1: *Status quo* – resource consent required for use of the alternative height in relation to boundary standard as a restricted discretionary activity;
- Option 2a: Use of the alternative height in relation to boundary standard is a permitted activity in the Residential – Mixed Housing Urban zone, subject to additional urban design standards related to building frontage appearance and window restrictions;
- Option 2b: Use of the alternative height in relation to boundary standard is a permitted activity in the Residential – Mixed Housing Urban zone, subject to additional standards related to shading of neighbouring outdoor living spaces, building frontage appearance and window and balcony restrictions for side boundaries;
- Option 3: Use of the alternative height in relation to boundary standard is a permitted activity in the Residential – Mixed Housing Urban zone and a new subdivision standard is introduced that requires vacant sites to have a minimum depth of at least 25 m;
- Option 4a: Use of the alternative height in relation to boundary standard is a permitted activity in the Residential – Mixed Housing Urban zone, but its use is limited only to side boundaries (use along rear boundaries remains a restricted discretionary activity);
- Option 4b: Use of the alternative height in relation to boundary standard is a permitted activity in the Residential – Mixed Housing Urban zone, but its use is limited only to side boundaries further than 8 m from the rear boundary, similar to the restriction in the Flat Bush and Drury 1 Precinct standards (use along rear boundaries and the remainder of the side boundaries remains a restricted discretionary activity); and
- Option 5: Use of the alternative height in relation to boundary standard is a permitted activity in the Residential – Mixed Housing Urban zone without any further requirements.

These options include those considered in the urban design report attached as Appendix 9.

Table 3, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 3: Benefits and Costs of Options for Theme 3

	Option 1	Options 2a/2b	Option 3	Options 4a/4b	Option 5
Benefits		As land within the Residential – Mixed Housing Urban zone has not yet been developed, development can be designed with the understanding that reciprocal rights to use the height in relation to boundary standard exists. [En + Ec + S]			
	Reduced use of the alternative height in relation to boundary that does not result in positive urban design outcomes can be avoided or minimised. [En + S]				
		Reduced regulatory costs through removal of requirement for resource consent to use the alternative height in relation to boundary standard [E]			
	The approach is consistent with the approach elsewhere in Auckland (brownfield and most greenfield) [En + Ec + S]		The approach is generally consistent with the approach taken in other greenfield developments (e.g., Flat Bush and Drury 1 Precincts) (<i>more so for Options 3, 4a and 4b</i>). [En + Ec + S]		

	Option 1	Options 2a/2b	Option 3	Options 4a/4b	Option 5
Costs	Use of the alternative height in relation to boundary standard will be reduced (due to regulatory costs related to obtaining resource consent), which would not achieve the planned urban built character of three storey buildings. [En + Ec + S]	Compliance with additional standards increases regulatory costs. [Ec]	There is the potential for some poor urban design outcomes to arise at the site frontage. [En + S]		
			Minimum lot depths are not appropriate where strict grid development cannot occur due to existing natural features [En]		There is the potential on shallow sites for private rear yards to have insufficient access to sunlight. [En + S]
		Additional building bulk enabled has the potential to result in adverse shading and privacy effects with neighbouring properties. [En + S] <i>(Option 2a only)</i>	Additional building bulk enabled has the potential to result in adverse shading and privacy effects with neighbouring properties. [En + S]		Additional building bulk enabled has the potential to result in adverse shading and privacy effects with neighbouring properties. [En + S]

No cultural effects have been identified in relation to the use of the alternative height in relation to boundary standard.

Options 3, 4a and 4b are similar to approaches that have been determined in other greenfield precincts to be the most effective and efficient way to achieve Auckland-wide and zone objectives. However, these options, alongside Options 2a and 5 have been identified as resulting in potential environmental and social costs related to adverse shading, privacy and overlooking effects across site boundaries, especially when development form does not provide a traditional back yard (such as when multiple dwellings are proposed).

Option 2b is considered to be the most effective and efficient way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with the fewest costs. In particular, Option 2b would provide greater control over the design and appearance of buildings using the height in relation to boundary standard, including its relationship with development on adjacent sites, providing for better urban design outcomes than other options with marginally greater benefits.

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 3” and “Revised Theme 3” in Appendix 5:

- Inserting a new height in relation to boundary standard for buildings in the Residential – Mixed Housing Urban zone that incorporates the various zone standards, whilst adding additional requirements for buildings to use the alternative height in relation to boundary recession plan as a permitted activity that control shading, privacy and visual dominance;
- Consequential additions to the Hingaia 1 Precinct activity table that insert references to the new precinct standard where necessary; and
- Consequential additions to the Hingaia 1 Precinct matters of discretion and assessment criteria, cross-referencing underlying zone provisions.

5.2.4 Theme 4: Fencing

The relevant objectives for provisions related to Theme 4 to achieve are:

- Objective 2 of the Hingaia 1 Precinct;
- Objectives H4.2(3) and H5.2(3) of the AUP; and
- Plan Change Purpose 4 (refer section 5.1.2, above).

The following options related to the Hingaia 1 Precinct fencing development standard are considered:

- Option 1: *Status quo* – Retain the Hingaia 1 Precinct Fencing development control as is; and
- Option 2: Delete the Hingaia 1 Precinct Fencing development control, with the zone fencing standard instead applying.

Differences in costs and benefits between the options are generally neutral. However Option 2 is considered to be the most efficient and effective option in achieving the relevant objective (purpose of the plan change request) as it deletes a development control that the Hingaia 1 precinct states to not be applicable (since the underlying zone fencing standards are more permissive) and allows for the balance between on-site privacy and streetscape amenity to be consistent with that been determined by the Environment Court to be suitable for the underlying residential zones.

The changes proposed by Option 2 are considered to be of a scale that would be equivalent to a minor error corrected under clauses 16(2) or 20A of Schedule 1 to the RMA.

No consideration has been made to any potential private covenants that may restricted front yard fencing further to the applicable AUP standard, as these are outside the scope of the AUP.

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP are proposed, annotated as “Theme 4” in Appendix 5:

- Deleting Hingaia 1 Precinct Development Control 4.4.

5.2.5 Themes 5 and 6: Business Zoning and Commercial Activities

The relevant objectives for provisions related to Themes 5 and 6 to achieve are:

- Objective 11 (now 8) of the Hingaia 1 Precinct (as amended); and
- The objectives in section H12.2 of the AUP.

The following options related to business zoning are considered:

- Option 1: Status quo – the business zoning within Hingaia 1 Precinct remains the same, Policy 18 (now 14) is retained and the non-complying activity status for a cumulative gross floor area greater than 1,000 m² remains;
- Option 2: Reduce the extent of the Business – Neighbourhood Centre zone to a maximum of 4,000 m² (within Lot 4 BUN60343386) to be consistent with the retained Policy 18 (now 14) and retain the 1,000 m² gross floor area limitation from the activity table;
- Option 3: Reduce the extent of the Business – Neighbourhood Centre zone to a maximum of 4,000 m² (within Lot 4 BUN60343386), retain Policy 18 (now 14) and delete the 1,000 m² gross floor area limitation from the activity table;
- Option 4: Amend the Business – Neighbourhood Centre zone extent to match Lot 4 BUN60343386 (7,495 m²), delete the maximum zoned area of 4,000 m² from Policy 18 (now 14) and delete the 1,000 m² gross floor area limitation from the activity table; and

- Option 5: Amend the Business – Neighbourhood Centre zone extent to match Lot 4 BUN60343386 (7,495 m²), delete Policy 18 (now 14) in its entirety and delete the 1,000 m² gross floor area limitation from the activity table.

Table 4, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 4: Benefits and Costs of Options for Themes 5 and 6

	Option 1	Option 2	Option 3	Option 4	Option 5
Benefits	Some convenience retail and other commercial activities are provided locally to serve the community, reducing vehicle trips. [En + Ec + S]		Increased convenience retail and other commercial activities are provided locally to serve the community, further reducing vehicle trips and promoting active transport. [En + Ec + S]		
	The neighbourhood centre is provided adjacent to the proposed primary school and intersection of collector roads, providing a central focal point. [Ec + S]				
			Demand for local commercial activities serving the primary catchment (approximately 3,000 m ² GFA) can be theoretically provided – refer to the attached economics report (Appendix 11). This would provide for increased economic growth and local employment. [Ec]		
	The Hingaia Local Centre and Mixed Use zone remains the focal point in the hierarchy of centres in the Hingaia peninsula. [En + Ec + S]				
Costs	Demand for local commercial activities serving the primary catchment is not met by a shortfall of approximately 2,000 m ² GFA – refer to the attached economics report (Appendix 11). This would result in increased vehicle trips and reduced economic growth and local employment. [En + Ec + S]		Limited land area increases construction costs for and reduces likelihood of all demand being met. [Ec]		
	Establishment of the centre is constrained by the education designation on half of the zone. [Ec + S]			The neighbourhood centre would extend to two additional local roads serving residential activities, resulting in potential interface issues and incompatible activities. [En + S]	
					Less weight is given to the Mixed Use zone on Hingaia Road in the hierarchy of centres. [En + Ec + S]

No cultural effects have been identified in relation to business zones and commercial activities.

Option 4 is considered to be the most efficient and effective way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with fewest costs. In particular, Option 4 enables a neighbourhood centre to be developed over an area similar to that currently zoned Business – Neighbourhood Centre and removes inconsistent provisions that unduly prevent development of a suitably sized neighbourhood centre to serve the adjacent residential catchment.

The only identified cost is the environmental and social effects that could arise from the neighbourhood centre extent resulting in two new interfaces with local roads identified for residential uses. However, it is considered that this is appropriately managed through provisions of the Business – Neighbourhood zone, including Policy H12.3(17), and that any issues can be resolved at resource consent stage (noting that all new buildings in this zone require resource consent).

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP are proposed, with text changes (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) annotated as “Theme 6” in Appendix 5:

- Zone the area referred to as Lot 4 BUN60343386 (within 180 Park Estate Road) Business – Neighbourhood Centre and rezone all other parts of 180, 200 and 202 Park Estate Road that are currently Business – Neighbourhood Centre to Residential – Mixed Housing Urban;
- Amendments to Hingaia 1 Precinct Policy 18 (now 14) to remove zone limitation of 4,000 m² and minimise duplication or inconsistency with underlying zone policies;
- Deleting the Hingaia 1 Precinct Neighbourhood Centre Activity Table in its entirety (relying instead on the underlying zone activity table); and
- Inserting into the Hingaia 1 Precinct standards an exclusion from complying with the underlying zone dwellings standard for dwellings not fronting Park Estate Road or Park Green Avenue, providing for dwellings at ground level where they front the other local roads forming the boundary of the new Business – Neighbourhood Centre zone extent.

5.2.6 *[Deleted]*

5.2.7 Theme 8: Show Homes

The relevant objectives for provisions related to Theme 8 to achieve are:

- Objectives H5.2(2) and H5.2(4) of the AUP; and
- Plan Change Purpose 2 (refer section 5.1.2, above).

The following options related to show homes are considered:

- Option 1: Status quo – Non-complying activity status for show homes;
- Option 2: Inserting a precinct rule providing for show homes in the MHU zone as a restricted discretionary activity;
- Option 3: Inserting a precinct rule providing for show homes in the MHU zone as a permitted activity; and
- Option 4: Inserting a precinct rule providing for show homes in the MHU zone as a permitted activity with a new standard managing potential adverse effects on residential amenity.

Any new provisions enabling show homes would apply only to the land proposed to be zoned Residential – Mixed Housing Urban (most of which is under management of Hugh Green Limited) in order to avoid potential adverse effects related to existing urban residential communities, including the interface with the well-established Karaka Lakes development.

Table 6, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 6: Benefits and Costs of Options for Theme 8

	Option 1	Option 2	Option 3	Option 4
Benefits		Show homes are enabled within an emerging residential area, meeting the needs of developers and potential dwelling purchasers. [Ec + S]		
			Resource consent is not required (unless standards are infringed), resulting in no additional compliance costs. [Ec]	
	Residential amenity is maintained through conditions of consent on a case-by-case basis. [En + S]			Residential amenity is maintained through permitted activity standards that limit hours of operation and duration of the activity. [En + S]
Costs	All show homes require resource consent for non-complying activities, indicating that the activity is not anticipated and resulting in high compliance costs. [Ec]	Show homes still require resource consent, with compliance costs remaining. [Ec]	Adverse cumulative effects from a larger number of show homes being established may arise [En + Ec]	

	Option 1	Option 2	Option 3	Option 4
	The resource consent process allows for limitations on show homes to be flexible, which may result in inconsistent outcomes across similar activities. [En + Ec + S]		No limitations on show homes allows for adverse effects on residential amenity to arise. [En + S]	Limitations on show homes are standardised. [En + Ec + S]

No cultural effects have been identified in relation to show homes.

Option 4 is considered to be the most efficient and effective way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with fewest costs. In particular, Option 4 enables show homes in a greenfield environment with the fewest regulatory costs, while managing adverse effects on future residential amenity.

In relation to the identified costs:

- The relatively-small number of building companies that would require show homes are considered to be an inherent limitation on the number of show homes that would be established, avoiding the need for Council to retain discretion in relation to cumulative effects; and
- It is noted that resource consent can be applied for (as a restricted discretionary activity) where the standardised limitations on show homes are sought to be infringed. This results in the same outcomes as Option 2, which is considered to be the second-most appropriate way to achieve the relevant objectives – Option 4 would therefore be more efficient.

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 8” in Appendix 5:

- Inserting into the Hingaia 1 Precinct activity table a restricted discretionary activity status for show homes in the Residential – Mixed Housing Urban zone; and
- Inserting a new Show Homes standard for the Hingaia 1 Precinct that:
 - Requires compliance with the standards applying to dwellings on the basis that the show home is deemed to be a dwelling;
 - Limits hours of operative to the day time; and
 - Limits the duration of show homes to a maximum of five years from approval of the building consent; and

- Inserting consequential Hingaia 1 Precinct matters of discretion and assessment criteria for infringement of the show homes standard, based on underlying zone standard infringement provisions.

5.2.8 Theme 9: Coastal Density

The relevant objectives for provisions related to Theme 9 to achieve are:

- Objectives 2 and 9 (now 7) of the Hingaia 1 Precinct (as amended);
- Objectives E18.2(1), E38.2(1), E38.2(2), E38.2(8), H4.2(1), H4.2(2), H4.2(3), H5.2(1), H5.2(2) and H5.2(3) of the AUP; and
- Plan Change Purpose 4 (refer section 5.1.2, above).

The following options related to coastal density are considered:

- Option 1: *Status quo* – Additional resource consent required for more than one dwelling/lot per 600 m² against the coast or esplanade reserve;
- Option 2: Amendment of provisions restricting residential density against the coast or esplanade reserve to increase the maximum density allowed; and
- Option 3: Deletion of all provisions restricting residential density against the coast or esplanade reserve.

Table 7, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 7: Benefits and Costs of Options for Theme 9

	Option 1	Option 2	Option 3
Benefits	Discourages the establishment of allotments directly adjacent to esplanade reserves, promoting the use of park edge road and enhancing public accessibility to the coast. [En + S]		Recognises that park edge road against the coast is not always practicable. [En + Ec]
			More flexibility is provided to the developer for subdivision design. [Ec]
			Recognises that coastal amenity outcomes are not a direct result of dwelling density. [En + Ec + S]

	Option 1	Option 2	Option 3
			The removal of the provisions are in line with the approach used for the majority of Auckland's urban coast line, including more recent plan changes for greenfield development such as Drury 1. [En + Ec + S]
Costs	The provisions arbitrarily specify a suitable residential density for the coastal environment, which inconsistent with the intentions of the underlying zone and Auckland-wide provisions of the AUP (which control the bulking bulk, rather than the density, in controlled in order to mitigate adverse effects on the environment related to amenity). [En + Ec + S + C]		
	Minimises flexibility in subdivision design and promotes allotment sizes of a specific size, especially if market forces dictate smaller allotments sizes. [Ec + S]		
	Larger allotments result in coastal properties being an 'exclusive' offering (even more so than usual), locking out an increase portion of the market from enjoying the coastal amenity. [Ec + S + C]		
	Promotes establishment of large residential dwellings (e.g. building footprints of 240 m ² over two storeys) in order to maximise the value of the larger allotments, which do not result in the amenity outcomes sought for the coastal interface from being achieved (refer to the Urban Design report - Appendix 10). [En + S]		

It is considered that the status quo is not effective at achieving the outcomes sought (high coastal amenity) and instead results in a series of unintended consequences with social, economic and cultural costs. As has been determined through the hearings for the AUP, provisions targeted at density are inefficient at managing adverse effects related to amenity.

Therefore, Option 3 is considered to be the most efficient and effective way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with fewest costs.

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 9” in Appendix 5:

- Amendments to Hingaia 1 Precinct Policy 12 (now 11 and 12) that remove the requirement for larger site sizes adjoining the coast; and
- Deleting from the Hingaia 1 activity tables limitations on coastal density.

5.2.9 Theme 10: Coastal and Reserve Interface

The relevant objectives for provisions related to Theme 10 to achieve are:

- Objectives 2 and 9 (now 7) of the Hingaia 1 Precinct (as amended);
- Objectives H4.2(3) and H5.2(3) of the AUP; and
- Plan Change Purpose 5 (refer section 5.1.2, above).

1. Esplanade Reserves

The following options related to the interface with esplanade reserves are considered:

- Option 1: *Status quo* – The Landscaping for Coastal Retaining Walls development control is retained;
- Option 2: Deletion of Landscaping for Coastal Retaining Walls development control; and
- Option 3: Replacement of the Landscaping for Coastal Retaining Walls development control with a standard applying the restrictions specified in the consent notice applying to lots adjoining the esplanade reserve under resource consent BUN60353348.

Table 8, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 8: Benefits and Costs of Options for Theme 10 in Relation to Esplanade Reserves

	Option 1	Option 2	Option 3
Benefits	Adverse effects on coastal amenity of retaining walls adjacent to an esplanade reserve are mitigated through landscaping. [En + S + C]	Adverse effects on coastal amenity of retaining walls within 1 m of an esplanade reserve are avoided. [En + S + C]	Adverse effects on coastal amenity of retaining walls within 1.5 m of an esplanade reserve and fences within 1.0 m of an esplanade reserve are avoided and adverse effects on coastal amenity of fences within 1.5 m of an esplanade reserve are mitigated through landscaping. [En + S + C]
			Certainty is provided for development of sites adjacent to the esplanade reserve, including prior to initial subdivision. [Ec + S]
			Consent notices are not required to be imposed on sites adjacent to esplanade reserves (in order to enforce alternative provisions that mitigate adverse effects on coastal amenity), reducing legal and compliance costs. [Ec]
			Consistency with the approach agreed to for the Park Green Stage 1A resource consent is achieved. [En + Ec + S]

	Option 1	Option 2	Option 3
			Restrictions on fencing and retaining walls adjacent to esplanade reserves that are further to those applying to other reserves and parks provides for a more naturalised coastal edge, managing effects of residential development on the coastal environment. [En + C]
Costs	The lack of a specific standard results in Council imposing alternative provisions as consent notices, which results in additional legal costs for the developer, Council and future sites owners and can also result in an inconsistent approach to the coastal interface within the precinct. [En + Ec + S]		
	Unless a consent notice applies, 2 m high fences are provided for adjacent to an esplanade reserve without any mitigation required. [En + S + C]		
	The existing provision is vague as it refers to retaining walls “adjacent” to the esplanade reserve without stating a minimum setback to which the provision would not apply – this confusion could potentially result in unnecessary regulatory costs. [Ec + S]		
	The existing provision appears to promote the construction of retaining walls adjacent to esplanade reserves even though these are not provided for within 1.0 m of the boundary by the yard standard and the definition of ‘building’ under the AUP. [S]		

Option 3 is considered to be the most effective and efficient way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with fewest costs. In particular, Option 3 extends the coastal interface requirements determined through the Stage 1A resource consent decision (BUN60353348) and extends this along all of the Hingaia 1 Precinct coast, while avoiding the need for consent notices to be imposed for future development.

2. Other Reserves and Parks

The following options related to the interface with other reserves and parks are considered:

- Option 1: *Status quo* – No specific provisions, with consent notices applying under resource consents as considered necessary;
- Option 2: Insertion of a fence and wall standard applying the restrictions that apply to front yards in the AUP residential zone provisions; and
- Option 3: Insertion of a fence and wall standard limiting the maximum height to 1.2 m.

Table 9, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 9: Benefits and Costs of Options for Theme 10 in Relation to Other Reserves

	Option 1	Option 2	Option 3
Benefits	The approach is consistent with that used across Auckland. [En + Ec + S]	The approach is consistent with that used for road boundaries (also open space) across Auckland, which have been determined to be an appropriate balance of passive surveillance and privacy requirements by the Environment Court. [En + Ec + S]	
		Open space amenity is enhanced, with increased opportunities for passive surveillance. [En + S]	
		Residential privacy in yards adjacent to reserves is able to be provided for (for 50% of the boundary length). [En + S]	
		Certainty is provided for development of sites adjacent to the reserves, including prior to initial subdivision. [Ec + S]	

	Option 1	Option 2	Option 3
		Consent notices are not required to be imposed on sites adjacent to reserves in order to enforce alternative provisions that mitigate adverse effects on open space amenity. [Ec]	
Costs	The lack of a specific standard results in Council imposing alternative provisions as consent notices, which results in additional legal costs for the developer and future sites owners and can also result in an inconsistent approach to reserve interfaces. [Ec + S]	Maximised use of 1.8 m high fencing could adversely affect open space amenity. [En + S]	Residential privacy is reduced along reserve boundaries, particularly affecting sites fronting reserves on their northern boundary (where private outdoor living space would be preferred) or along multiple boundaries. [En + S]
	Unless a consent notice applies, 2 m high fences are provided for adjacent to an esplanade reserve without any mitigation required. [En + S]		Potential compliance costs resulting from applications for resource consent to provide for fencing above 1.2 m in height. [Ec]

No cultural effects have been identified in relation to reserve interface requirements.

Option 2 is considered to be the most efficient and effective way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with fewest costs. In particular, Option 2 allows for the balance between on-site privacy and streetscape amenity in line with what has been determined by the Environment Court for front boundaries in the underlying residential zones.

3. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 10” in Appendix 5:

- Amendments to Hingaia 1 Precinct Policy 12 (now 11 and 12) to insert consideration of the interface between esplanade reserves and private allotments;
- Deleting Hingaia 1 Development Control 4.7;
- Inserting a new Fences and walls adjoining reserves standard for the Hingaia 1 Precinct, to be complied with for all residential activities, based off the conditions of resource consent BUN60353348 and the underlying zone fences and walls standard for front yards;

- Inserting consequential Hingaia 1 Precinct matters of discretion and assessment criteria for infringement of the Fences and walls adjoining reserves standard, based on underlying zone standard infringement provisions.

5.2.10 Theme 11: Height in Relation to Boundary Against Reserves

The relevant objectives for provisions related to Theme 11 to achieve are:

- Objective 2 of the Hingaia 1 Precinct;
- Objectives H4.2(1), H4.2(2), H4.2(3), H5.2(1), H5.2(2) and H5.2(3) of the AUP; and
- Plan Change Purpose 1 (refer section 5.1.2, above).

The following options related to height in relation to boundary adjoining reserves are considered:

- Option 1: Status quo – Exemptions only apply to sites zoned Open Space;
- Option 2: Insertion of an exemption to height in relation to boundary standards for lots adjoining sites vested in Council as reserve but not yet zoned Open Space;
- Option 3: Insertion of an exemption to height in relation to boundary standards for lots adjoining sites vested or to be vested in Council as reserve but not yet zoned Open Space; and
- Option 4: Insertion of an exemption to height in relation to boundary standards for lots adjoining:
 - Sites vested or to be vested in Council as reserve but not yet zoned Open Space; and
 - Part of a site subject to a covenant protecting a stream or wetland in perpetuity.

For Options 1 to 3, the difference only appears to be in relation to timing. Once a site zoned Open Space, the exemption will apply. Given that Council regularly undertakes plan changes to zone sites vested in Council as reserve as Open Space, the application of that exempt is near-inevitable. However, it can take around two years from land being vested in Council to have Open Space zoning be applied through a plan change decision.

In a greenfield environment, such as the Hingaia 1 Precinct, it is highly likely that development of allotments adjacent to land vested as reserve will occur within the first two years, at which time the reserve may not be zoned Open Space. Given that the existing underlying zone provisions do not apply a height in relation to boundary standard to boundary adjoining the Open Space zone, the adverse effects of buildings that intrude a recession plane from that boundary should be deemed to be acceptable and any resource consent to intrude such a recession plane (required prior to the reserve being zoned Open Space) should be approved. The process of requiring resource consent for an acceptable outcome is inefficient (made more inefficient by the consent not being for a 'boundary activity', as the reserve is publicly owned). The lack of exemption prior to Open Space zoning may also result in development avoiding intrusion of the reserve boundary recession plane (and potentially reducing passive surveillance outcomes), resulting in the existing provisions not being effective.

On this basis, options that delay this exemption from applying (i.e. Option 1 and to a lesser extent Option 2) result in the following costs:

- Environmental costs from passive surveillance outcomes not being achieved for development occurring before rezoning of vested reserves;
- Social costs from land owners developing before rezoning of vested reserves being penalised by a reduced permitted building envelope; and
- Economic costs associated with requirements to obtain resource consent should development intrude a recession plane taken from a vested reserve not yet rezoned.

It is therefore considered that the most effective and efficient method in relation to the interface with reserves vested in Council is for the existing exemptions to apply as soon as possible and prior to development of the adjacent sites occurring. Out of Options 1 to 3, this would be Option 3.

The difference between Options 3 and 4 would be whether these exemptions should apply to both vested reserves and any land subject to a protective covenant resulting in perpetual open space. This is a relevant matter since the conditions of resource consents BUN60325204 and BUN60339982 require the application of protective covenants to approximately 9.7 ha of wetlands (where not vested in Council as reserve) and there are no final agreements as yet as to whether all of those wetlands will be contained within reserves vested in Council. Given that the same physical outcomes would result within the wetland areas regardless of the legal ownership of the land, that vesting of the land in Council as reserve remains a viable option and that the protective covenant ensures open space in perpetuity, there are considered to be no reasons that the interface with land subject to a protective covenant should be treated differently to land to be vested in Council. Therefore, effects resulting from development intruding through a recession plane along that boundary should be treated the same.

Option 4 (when compared to Option 3) will also result in environmental, social and economic benefits associated with a consistent approach between public and private open space, alongside environment benefits associated with additional passive surveillance of the private open spaces containing wetlands. Environmental, social and economic costs are not anticipated.

Differences in costs and benefits between the options are otherwise neutral.

Therefore, Option 4 is considered to be the most efficient and effective way to achieve the relevant objectives (including the purpose of the plan change). In particular, Option 4 ensures that the outcomes anticipated by the AUP at open space boundaries occur at the time of development, which is highly likely to be before reserves are zoned Open Space by Council.

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 11” in Appendix 5:

- Inserting into the Hingaia 1 Precinct standards an exclusion from complying with underlying zone height in relation to boundary standards for boundaries against and existing or proposed reserve or part of a site subject to a land covenant that protects streams and/or wetlands, based off the exceptions in the underlying zone standards for sites zoned Open Space.

5.2.11 Theme 12: Limited Notification Rules

The relevant objectives for provisions related to Theme 12 to achieve is:

- Plan Change Purpose 4 (refer section 5.1.2, above).

The following options related to the notification are considered:

- Option 1: *Status quo* – the Hingaia 1 Precinct notification rules are retained;
- Option 2: The Hingaia 1 Precinct notification rules are amended to require public notification (rather than limited notification) in certain circumstances; and
- Option 3: The Hingaia 1 Precinct notification rules are deleted.

Table 10, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 10: Benefits and Costs of Options for Theme 12

	Option 1	Option 2	Option 3
Benefits		Removes notification rules that are ultra-vires (rules requiring limited notification are not a relevant consideration in the RMA's steps for determining notification of an application). [Ec + S]	
			Adverse effects on persons or the environment are still considered on a case-by-case basis to determine notification requirements under the standard RMA steps. [En + S]
Costs	High regulatory costs associated with notification if written approvals are not obtained. [Ec]		

	Option 1	Option 2	Option 3
	Notification requirements can be disproportional to the effects that the proposal has on the specified persons or the environment in general. [En + Ec + S]		
	The ultra-vires rules can set an unjustified expectation for the identified persons that may be difficult to manage by Council or the applicant. [S]		

No cultural effects have been identified in relation to notification rules.

Therefore, Option 3 is considered to be the most efficient and effective way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with fewest costs. In particular, Option 3 deletes an ultra-vires provision and provides for consistency with Auckland-wide and Overlay provisions of the AUP.

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP are proposed, annotated as “Theme 12” in Appendix 5:

- Deleting the Hingaia 1 Precinct notification rules.

5.2.12 Theme 13: Structures not Defined as Buildings

The relevant objectives for provisions related to Theme 13 to achieve are:

- Objectives H4.2(3), H5.2(3) and H12.2(2)
- Plan Change Purpose 3 (refer section 5.1.2, above).

The following options related to structures not defined as buildings are considered:

- Option 1: *Status quo* – No specific provisions for structures not defined as buildings;
- Option 2: Insertion of Hingaia 1 Precinct provisions providing for structures not defined as buildings as a permitted activity; and
- Option 3: Insertion of Hingaia 1 Precinct provisions applying the same activity status for structures not defined as buildings that would apply to accessory buildings.

The status quo (Option 1) is neither efficient nor effective as there is no certainty as to the applicable activity status for structures not defined as buildings and the default non-complying activity for “activities not provided for” is not considered appropriate for such development, which is likely to have few adverse effects.

Options 2 and 3 therefore result in social and economic benefits by confirming that structures not defined as buildings can be undertaken as a permitted activity (as per current practice). Between options 2 and 3:

- Option 2 is the more efficient, as structures not defined as buildings would not require resource consent (subject to compliance with the relevant built-form standards), regardless of the activity status for other land uses on the site. Resource consent for structures not defined as buildings is considered to be an unnecessary regulatory cost.
- Option 3 is the more effective, as it enables structures to be considered in the context of the land uses that the structures are accessory to (which may include more permissive or more restrictive built-form outcomes and result in economic costs associated with obtaining resource consent for structures with very few adverse effects). However, Option 2 is able to be similarly efficient if the permitted activity standards for structures not defined as buildings match those applying to the land use activity that the structures are accessory to.

Differences in costs and benefits between the options are otherwise neutral.

Therefore, Option 2 (subject to applying the correct built-form standards for the different activities that the structures are accessory to) is considered to be the most efficient and effective way to achieve the relevant objectives (including the purpose of the plan change). In particular, Option 2 removes the current uncertainty that arises from there being no rules for structures not defined as buildings while ensuring that such structures can remain permitted activities (and not require resource consent) regardless of the land use activity the structure is accessory to when all of the standards applying to that land use activity are complied with.

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 10” in Appendix 5:

- Inserting to the Hingaia 1 Precinct various permitted activity statuses for structures not defined as buildings, with the applicable standards relating to the land use activity that the structures are accessory to (and excluding standards that apply only to buildings).

5.2.13 Theme 14: Balance Allotments

The relevant objectives for provisions related to Theme 14 to achieve are:

- Objectives E38.2(2) and E38.2(4) of the AUP; and
- Plan Change Purpose 5 (refer section 5.1.2, above).

The following options related to balance allotments are considered:

- Option 1: Status quo – No specific exclusions for balance allotments;

- Option 2a: Amend the Hingaia 1 Precinct subdivision activity table to exempt compliance with the Hingaia 1 Precinct provisions for sites 4 ha or larger in area; and
- Option 2b: Amend the Hingaia 1 Precinct subdivision standards and matters of discretion to exempt compliance with the Hingaia 1 Precinct provisions for sites 4 ha or larger in area.

Option 1 has the potential to result in economic costs associated with the resource consent process for applications that include balance allotments, due to the lack of specificity to which provisions apply to them, without any notable benefits.

For Options 2a and 2b, the figure of 4 ha has been chosen in order to align with section 230 of the RMA, which considers this allotment size to be the threshold at which esplanade reserves must be provided. Consistency with this threshold already used in the RMA and the AUP are considered to result in economic benefits associated with streamlining the resource consent process.

Either of Options 2a or 2b are considered to be a more efficient and effective option in achieving the relevant objective (purpose of the plan change request) as they provide flexibility for the developer in terms of staging and does not preclude development in accordance with the precinct in future (given that it is highly unlikely that allotments over 4 ha in an urban environment would not be further developed).

Differences in costs and benefits between the options are otherwise neutral.

Between these, Option 2b requires less complicated amendments to the Hingaia 1 Precinct text than Option 2a (with social and economic benefits related to plan interpretation) and therefore Option 2b is considered to be the most efficient and effective option.

1. Changes Proposed

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 14” in Appendix 5:

- Inserting into the Hingaia 1 Precinct activity table a permitted activity status for the creation of allotments 4 ha or greater in area by subdivision; and
- Consequential amendments to Hingaia 1 subdivision standards to restrict consideration of standards to areas where allotments less than 4 ha in area are proposed.

5.2.14 Theme 15: PAUP NV References

The relevant objectives for provisions related to Theme 15 to achieve is:

- Plan Change Purpose 4 (refer section 5.1.2, above).

The following options related to references to the Proposed Auckland Unitary Plan Notified Version ('PAUP NV') are considered:

- Option 1: *Status quo* – the Hingaia 1 Precinct provisions continue to reference provisions of the PAUP NV;
- Option 2: Replace references to provisions of the PAUP NV with references to equivalent provisions of the Auckland Unitary Plan Operative in Part and delete references where there are no equivalent provisions; and
- Option 3: Insert provisions of the PAUP NV referenced by the Hingaia 1 Precinct provisions into the Hingaia 1 Precinct.

The differences in benefits and costs between these options relate only to plan useability and related resource consent processes. On this basis, Options 2 and 3 have the benefit of ensuring consistency with the provisions in the remainder of the AUP, while Options 1 and 3 have the costs of retaining provisions of the notified version of the PAUP that have not been subject to decisions by a Hearings Panel.

While there are unlikely to be any other environmental, social or cultural benefits or costs as result of either option, the resultant internal alignment of the AUP provisions are likely to have economic benefits related to reduction in costs for the preparation and processing of resource consent applications by persons currently unfamiliar with the provisions of the PAUP NV that are cross-referenced and the requirement for those provisions to supersede the operative AUP provisions.

Therefore, Option 2 is considered to be the most efficient and effective option in achieving the relevant objective (purpose of the plan change request) as the provisions of the PAUP NV have not been subject to a hearings process and Council decision on submissions, whereas the equivalent provisions in the AUP have been subject to this scrutiny.

In addition, the changes proposed by Option 2 are considered to be of a scale that would be equivalent to a minor error corrected under clauses 16(2) or 20A of Schedule 1 to the RMA.

1. Changes Proposed

As a result of the above assessment, it is proposed to replace all references to the PAUP NV in the Hingaia 1 Precinct with equivalent references to the AUP. Refer to the changes annotated as "Theme 15" in Appendix 5:

5.2.15 Theme 16: Formatting and Layout

The relevant objectives for provisions related to Theme 16 to achieve is:

- Plan Change Purpose 5 (refer section 5.1.2, above).

The following options related to references to the Proposed Auckland Unitary Plan Notified Version are considered:

- Option 1: *Status quo* – the layout of the Hingaia 1 Precinct provisions remains the same; and
- Option 2: The layout of the Hingaia 1 Precinct provisions is amended to match the layout of precincts in the Auckland Unitary Plan Operative in Part.

The differences in benefits and costs between these options relate only to plan useability and related resource consent processes. On this basis, Option 2 has the benefit of ensuring consistency with the formatting in the remainder of the AUP, while Option 1 has the costs of retaining formatting of the notified version of the PAUP that has not been subject to decisions by a Hearings Panel.

Differences in costs and benefits between the options are otherwise neutral.

Therefore, Option 2 is considered to be the most efficient and effective option in achieving the relevant objective (purpose of the plan change request) as it provides for the Hingaia 1 precinct to become consistent with the remainder of the AUP provisions.

While there are unlikely to be any environmental, social or cultural benefits or costs as result of either option, the resultant internal alignment of the AUP provisions are likely to have economic benefits related to reduction in costs for the preparation and processing of resource consent applications by persons currently unfamiliar with the alternative formatting and layout of the Hingaia 1 Precinct (but who are familiar with the formatting and layout of the remainder of the AUP provisions).

In addition, the changes proposed by Option 2 are considered to be of a scale that would be equivalent to a minor error corrected under clauses 16(2) or 20A of Schedule 1 to the RMA.

1. Changes Proposed

As a result of the above assessment, it is proposed to amend all of the Hingaia 1 Precinct to align with the formatting and layout arising from the decisions on the AUP. This covers all of the changes annotated as “Theme 16” in Appendix 5 as well as other consequential changes not annotating.

5.2.16 Theme 17: Policies

Part of Theme 17 relates to amendments to objectives – assessment in relation to objectives is provided in section 5.1.1, above.

Assessment of changes to Policy 18 (now 14) was made in section 5.2.5, above.

It is considered that there are a number of policies in the Hingaia 1 Precinct that do not appropriately identify the weighting to be given to the policy. These are policies 7, 9, 10 and 19 (now 15). Assessment of these policies is provided as follows.

1. Policy 7

The relevant objectives Policy 7 to achieve are:

- Objective 6 of the Hingaia 1 Precinct;
- Objectives in sections E1 and E2 of the AUP; and
- Plan Change Purpose 5 (refer section 5.1.2, above).

The following options were considered for Policy 7:

- Option 1: *Status quo* – “Subdivision and development should use water sensitive design principles...”;
- Option 2: Amendment to “Require subdivision and development to use water sensitive design principles...”; and
- Option 3: Amendment to “Encourage subdivision and development to use water sensitive design principles...”.

The status quo was not considered appropriate as the language used (“should”) is not clear as to the weight to be given to the policy. It therefore has costs associated with uncertain plan interpretation.

In the context of the supporting objective in the Hingaia 1 Precinct and the relevant objectives in E1 and E2 of the AUP, it is considered that a more directive “require” is more appropriate than “encourage”. This has benefits of ensuring that the desired outcomes are achieved.

Differences in costs and benefits between the options are otherwise neutral.

Therefore, Option 2 is considered to be the most appropriate way to achieve the relevant objectives (including the purpose of the plan change).

A fourth option of deleting Policy 7 was not considered further, even though the policies in section E1 and E2 of the AUP and provisions that implement these policies sufficiently achieve the objectives specified above, resulting in a precinct-specific policy for stormwater management not considered to be necessary.

2. Policy 9

The relevant objectives Policy 9 to achieve are:

- Objectives 2 and 3 of the Hingaia 1 Precinct
- Objectives E3.2(1) and E27.2(2) of the AUP; and
- Plan Change Purpose 5 (refer section 5.1.2, above).

The following options were considered for Policy 9:

- Option 1: *Status quo* – “Create walkways along stream corridors...”;
- Option 2: Amendment to “Require walkways along stream corridors...”;
- Option 3: Amendment to “Require walkways along stream corridors and around wetland areas ...”; and
- Option 4: Amendment to “Encourage walkways along stream corridors and around wetland areas ...”.

The status quo was not considered appropriate as the language used (“create”) is not clear as to the weight to be given to the policy. It therefore has costs associated with uncertain plan interpretation.

In the context of the existing rules of the Hingaia 1 Precinct, which do not require walkways to be constructed along streams (or wetlands), and in the absence of any other direct requirement elsewhere in the AUP, it is considered that the more lenient “encourage” is more appropriate than “require”. This has benefits associated with ensuring consistency between different ‘levels’ of plan provisions. There may also be instances where walkways along streams are not appropriate, such as due to topographical constraints or CPTED issues, allowing the more flexible Option 4 to have environmental benefits where necessary.

Given that “encourage” is preferred, there is considered to be no reason to not also include the encouragement of walkways around wetland areas. This results in environmental and social benefits associated with consistency of approaches for each waterbody.

Differences in costs and benefits between the options are otherwise neutral.

Therefore, Option 4 is considered to be the most appropriate way to achieve the relevant objectives (including the purpose of the plan change).

3. Policy 10

The relevant objectives Policy 10 to achieve are:

- Objectives 2 and 4 of the Hingaia 1 Precinct;
- Objectives E26.2(9), E38.2(4) and E38.2(8) of the AUP;
- Plan Change Purpose 5 (refer section 5.1.2, above).

The following options were considered for Policy 10:

- Option 1: *Status quo* – “Stormwater retention devices in public places are designed to be...”;
- Option 2: Amendment to “Require the design of stormwater management devices in public places to be...”; and

- Option 3: Amendment to “Encourage the design of stormwater management devices in public places to be...”.

The status quo was not considered appropriate as the language used (“are”) is not clear as to the weight to be given to the policy. It therefore has costs associated with uncertain plan interpretation. However, on the balance of probabilities, it is considered to be directive rather than promotive language and thus, out of Options 2 and 3, it is considered that the directive “require” is more appropriate than “encourage”. This has benefits of ensuring that the desired outcomes are achieved.

Differences in costs and benefits between the options are otherwise neutral.

Therefore, Option 2 is considered to be the most appropriate way to achieve the relevant objectives (including the purpose of the plan change).

4. Policy 19 (now 15)

The relevant objectives Policy 19 (now 15) to achieve are:

- Objectives 2 and 3 of the Hingaia 1 Precinct
- Objectives E18.2(1), E19.2(1), E27.2(2) of the AUP; and
- Plan Change Purpose 5 (refer section 5.1.2, above).

The following options were considered for Policy 12:

- Option 1: *Status quo* – “Subdivision and development contribute to a positive sense of place and identity...”;
- Option 2: Amendment to “Require subdivision and development to contribute to a positive sense of place and identity...”; and
- Option 3: Amendment to “Encourage subdivision and development to contribute to a positive sense of place and identity...”.

The status quo was not considered appropriate as no language is used to determine the weight that should be given to the policy. In fact, the policy reads more like an objective. It therefore has costs associated with uncertain plan interpretation.

Due to the absence of direct requirements in the AUP for these matters to be specifically addressed (such as standards) and potential for in-street landscape elements to be inconsistent with Council and Auckland Transport’s Codes of Practice (which would result in economic costs associated with approval processes), it is considered that the more lenient “encourage” is more appropriate than “require”.

Differences in costs and benefits between the options are otherwise neutral.

Therefore, Option 3 is considered to be the most appropriate way to achieve the relevant objectives (including the purpose of the plan change).

5.2.17 Theme 18: Overlay Provisions

The relevant objectives for provisions related to Theme 18 to achieve is:

- Plan Change Purpose 4 (refer section 5.1.2, above).

The following options related to Overlay provisions in the Hingaia 1 Precinct are considered:

- Option 1: *Status quo* – No changes to Hingaia 1 provisions; and
- Option 2: Removal of any Hingaia 1 provisions duplicating the function of Overlay provisions.

Option 2 is considered to be the most efficient and effective option in achieving the relevant objective (purpose of the plan change request) as it has the benefit of avoiding the potential for contradiction with provisions in other parts of the AUP (including potentially not appropriately achieving the relevant overlay objectives). Differences in costs and benefits between the options are otherwise neutral.

While there are unlikely to be any environmental, social or cultural benefits or costs as result of either option (given that the necessary overlay provisions would still apply), avoiding potential contradiction with overlay provisions has the potential for economic benefits related to reduction in costs for the preparation and processing of resource consent applications.

1. Proposed Changes

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 18” in Appendix 5:

- Deleting Hingaia 1 Precinct policy 17; and
- Deleting the Hingaia 1 Precinct notification rules.

5.2.18 Theme 19: Affordable Dwellings

The relevant objectives for provisions related to Theme 19 to achieve are:

- Objectives H4.2(1) and H5.2(1) of the AUP; and
- Plan Change Purpose 4 (refer section 5.1.2, above).

The following options related to affordable housing are considered:

- Option 1: *Status quo* – No changes to Hingaia 1 affordable housing requirements;
- Option 2: Amendments to the Hingaia 1 affordable housing requirements to:
 - Option 2a: Allow greater flexibility on affordable dwelling locations;
 - Option 2b: Amend the number of affordable dwellings required; and/or

- Option 2c: Amend the maximum price;
- Option 3: Removal of all Hingaia 1 affordable housing requirements; and
- Option 4: Replacement of Hingaia 1 affordable housing requirements with alternative requirements for minimum density targets.

The existing provisions are not considered to be an effective and efficient method at achieving a housing affordability as the following issues arise:

- For relative affordable dwellings, as the price point is set on a region-wide basis, the price point (approximately \$706K based on current statistics) is similar to (including above) price points already available within the Papakura area – specified affordable dwellings required by the Hingaia 1 Precinct provisions are not as attractive to buyers at this price point due to the on-going affordable requirements enforced by consent notices and dwelling and land area generally being much smaller (due to the properties being new builds).
- The provisions do not provide sufficient flexibility for developers to provide for affordable housing on a holistic basis due to requirements for affordable dwellings to be provided on a pro rata basis and a restriction of no more than six affordable dwellings on “any one cluster”.
- Developers can identify specific allotments (or superlots) for affordable housing as part of vacant lot subdivision, but these can remain vacant for significant periods of times (for various reasons) and not provide any immediate effects on housing supply or housing affordability.
- Council is required to monitor and oversee every transaction of property related to an affordable dwelling, which has a high regulatory cost.

Further to this, Table 11, below, considers the benefits and costs of these options, which are often the same for multiple options.

Table 11: Benefits and Costs of Options for Theme 19

	Option 1	Option 2	Option 3	Option 4
Benefits	Approximately 12-16% of the housing stock within the precinct is anticipated to meet the price for a relative affordable dwelling, regardless of any provisions requiring affordable housing to be provided – refer to the attached economics report (Appendix 11). [Ec + S]			
	Affordable housing product is distributed around the precinct, regardless of the land values attributed with the environment in each subdivision stage (<i>this may not apply to Option 2a</i>). [En + S]		A variety of housing typologies are provided in appropriate locations in accordance with master planning for greenfield areas (<i>this may not apply to Option 4</i>). [S]	
Costs	High regulatory costs (including by Council) related to legal processes for each affordable dwellings, including compliance with consent notice requirements. [Ec]		The price point of affordable dwellings is not guaranteed. [Ec]	

	Option 1	Option 2	Option 3	Option 4
	Affordable housing in locations with high land values due to the environment (e.g. coastal edge) that forces small-scale and lower-quality housing to be provided in order to meet the affordability price point (<i>this may not apply to Option 2a or 2c</i>). This issue is exacerbated by market processes for greenfield areas whereby prime residential development is brought to the market first and higher density (and lower cost) residential development is provided once the residential community is established. [En + Ec + S]			Minimum density targets have the potential to be unduly restrictive to developers of large-scale landholdings and compliance issues may arise where natural features restrict those densities being achieved. [En + Ec]

No cultural effects have been identified in relation to affordable housing.

Given that approximately 12-16% of the housing stock within the precinct is anticipated to meet the price for a relative affordable dwelling (refer to the attached economics report - Appendix 11), any rule requiring a significantly lesser percentage (Options 1, 2a, 2c and potentially 2c) is considered to be inefficient.

A rule setting minimum density targets (Option 4) when densities that enable affordable dwellings are likely to be provided in order to meet market demands (refer to the attached economics report - Appendix 11) is similarly considered to be inefficient.

Therefore, Option 3 is considered to be the most efficient and effective way to achieve the relevant objectives (including the purpose of the plan change) on the basis that this provides for the greatest benefits with fewest costs. As considered elsewhere in this report, the relevant objectives are those only related to enabling a variety of housing choice and do not include the existing Hingaia 1 precinct objective related to affordable housing (as this is being deleted).

As Option 2 has been discarded, no further assessment of Options 2a, 2b and 2c is undertaken.

1. Proposed Changes

As a result of the above assessment, the following recommended changes to the AUP are proposed, annotated as “Theme 19” in Appendix 5:

- Deleting Hingaia 1 Precinct policies 14 and 15; and
- Deleting the Hingaia 1 Precinct land use controls (related to affordable dwelling provision) in their entirety.

5.2.19 Theme 20: Residential Development Standards from the PAUP NV

The relevant objectives for provisions related to Theme 20 to achieve are:

- Objective 2 of the Hingaia 1 Precinct;
- Objectives H4.2(2), H4.2(3), H5.2(2) and H5.2(3) of the AUP;
- Plan Change Purpose 4 (refer section 5.1.2, above).

Assessment for each Hingaia 1 Precinct development standard that is equivalent to a zone development control in the PAUP NV that is not included in the AUP zone standards.

The following options were considered for each of these development standards:

- Option 1: *Status quo* – Retain the development controls (with adjustments to remove the precinct-specific definition of ‘integrated residential development’);
- Option 2: Delete the development controls; and
- Option 3: For the Dwellings Fronting the Street Maximum Building Length development controls, amend these to apply to all dwellings rather than just ‘integrated residential development’ (the Garages development control already applies to dwellings); and

The disclaimer in section 4 of the Hingaia 1 Precinct provisions (as discussed in section 2.3.1, above) states that the development controls should not apply where decisions on the underlying zone (which occurred after Plan Variation 1) determined a more permissive approach to those standards – in this case, the Dwellings Fronting the Street, Maximum Building Length and Garages standards were deleted and so the precinct development controls should also be deleted.

The following commentary from the Independent Hearings Panel for the Proposed Auckland Unitary Plan is relevant to the consideration of these options (from the IHP report to AC Topic 059 Residential zones 2016-07-22):

It is the Panel’s finding, largely agreeing with the Council on those it sought to delete and a range of submitters seeking a more enabling regime, that the proposed Auckland Unitary Plan’s approach is too prescriptive in urban design terms, will not assist in providing a supply of residential dwellings and the costs (both money and in terms of quality outcomes) outweigh the benefits.

...

The Panel also recommends the deletion of a number of the development standards which have largely been predicated on urban design grounds. While the Panel supports good urban design and quality outcomes, it was the Panel's view that these had been overprescribed and the costs and benefits had not been sufficiently evaluated. The Panel agrees with those submitters, such as Todd Property Group Limited, Fletcher Construction Developments Limited, Fletcher Residential and Ockham Holdings Limited, that the provisions would not necessarily achieve better quality outcomes, would add to cost, with little benefit, stifle innovation and would generate significant costs and delays as a result of needing to obtain consent to breach any of the standards.

Auckland's typography, site orientation, existing street and subdivision patterns (especially for smaller-scale brownfields redevelopment or infilling) will mean these many potential developments would not be able to comply (and that many of the standards were not appropriate). This will trigger a number of consent applications to justify why particular development standards cannot be met. In this regard the Panel notes the comments of Ms Mackereth of the Howick Ratepayers and Residents Association Incorporated who stated that people need to be able to build houses to orient to the sun and views, and that as sites can be steep (either above or below the road) it is not always possible or desirable to orientate houses to the street.

The Panel accepts that for large-scale developments (five or more dwellings and all development in the Residential - Terrace Housing and Apartment Buildings Zone and integrated residential developments) will require a restricted discretionary consent where an overall design assessment will be undertaken and evaluated. Many of the matters set out above will be relevant in that evaluation, however they do not need to be prescribed for the reasons already set out. It is the Panel's view, based on evidence, that the provisions are not the most appropriate or efficient to achieving a good quality residential outcome. Accordingly the Panel recommends the provisions be deleted.

There are not considered to be any site-specific reasons that the same approach should not be taken within the Hingaia 1 Precinct area.

As noted in the final paragraph quoted, Resource consent as a restricted discretionary activity remains required for "large-scale developments", noting that the threshold for consent has been reduced from five dwellings to four dwellings following decisions and appeals on the AUP. This paragraph is considered to be of significant importance for the Dwellings Fronting the Street and Maximum Building Length development controls in the Hingaia 1 Precinct as these only apply to 'integrated residential development', which already requires resource consent for a restricted discretionary activity.

For the Garages development control, which currently applies to all dwellings (and not just ‘integrated residential development’) there is the potential for social and environmental costs resulting from an increased proportion of garages fronting the road. This has been raised in the Urban Design Report attached as Appendix 10, which considers that the rule should have applied on an Auckland-wide basis. However, these costs have been reflected in the IHP’s comments above. The Urban Design Report attached as Appendix 10 does however go on to note that a variety of garage sizes (and dominance) is likely to be provided by the market, which reduces the likelihood of widespread visual dominance effects. The Garages development control is also resulting in unintended outcomes whereby density targets are not met as vacant sites are provided at a width (approximately 15 m) that enables double garages to be constructed without resource consent – even if the future owner does not intend to construct a double garage facing the road. On that basis, retention of the provision is not particularly efficient even if retention of the standard would be effective.

Differences in costs and benefits between the options are otherwise neutral.

Based on this, Option 2 is considered to be the most appropriate way to achieve the relevant objectives (including the purpose of the plan change) for each of the Dwellings Fronting the Street, Maximum Building Length and Garages development controls. In particular, the deletion of these development controls allows for the Hingaia 1 Precinct standards to not be further restrictive than those applying in the underlying zone.

Given the disclaimer in section 4 of the Hingaia 1 Precinct provisions mentioned above, the changes proposed by Option 2 are considered to be of a scale that would be equivalent to a minor error corrected under clauses 16(2) or 20A of Schedule 1 to the RMA

.1. Proposed Changes

As a result of the above assessment, the following recommended changes to the AUP are proposed, annotated as “Theme 20” in Appendix 5:

- Deleting Hingaia 1 Precinct Development Control 4.2;
- Deleting Hingaia 1 Precinct Development Control 4.3; and
- Deleting Hingaia 1 Precinct Development Control 4.6.

5.2.20 *[Deleted]*

5.2.21 Theme 22: Vehicle Access Over Cycle Facilities

The relevant objectives for provisions related to Theme 22 to achieve are:

- Objective 5 of the Hingaia 1 Precinct (as amended);
- Objectives E27.2(4) and E27.2(5) of the AUP; and
- Plan Change Purpose 5 (refer section 5.1.2, above).

The following options related to vehicle access over cycle facilities are considered:

- Option 1: *Status quo* – Vehicle access assessed as part of subdivision proposals;
- Option 2: Vehicle access restrictions over cycle facilities are deleted; and
- Option 3: Vehicle access restrictions are applied as land use rules.

Option 2 is discarded as the absence of rules (whether they be subdivision or land use provisions) that restrict vehicle access would not allow for Hingaia 1 Objective 5 to be achieved effectively, resulting in associated social and environmental costs.

While Options 1 and 3 are anticipated to result in similar outcomes (restrictions on vehicle access over cycleways), with the main difference being in the options' efficiency in achieving that outcome.

The following is noted in regard to Option 1:

- Prior to subdivision of an existing sites, there are no provisions that would prevent the establishment of a vehicle crossing from an existing site over an existing or proposed vehicle crossing;
- There is the potential for an inconsistent approach to be undertaken when assessing subdivision consent applications with lots adjacent to cycle facilities (including whether consent notices are applied or not and the specific wording of consent notices); and
- Any future proposal for a vehicle crossing over a cycleway are likely to require an application for a change of conditions to a consent notice, with the associated legal fees and additional process related to updating the consent notice – this may be in addition to the requirement for resource consent for other aspects of the proposal.

Comparatively, the following is noted in regard to Option 3:

- Land use rules will apply from the operative date of the plan change, including in relation to existing sites that adjoin roads with proposed cycleways;
- Subdivision activities would require compliance with (or land use consent to infringe) the same land use rules;
- The land use rule is consistent with the approach taken for Vehicle Access Restrictions in section E27 of the AUP, achieving one of the purposes of this plan change request to enhance consistency of the Hingaia 1 provisions with the remainder of the AUP; and
- Any future proposal for a vehicle crossing over a cycleway can apply for infringement of the land use standard as part of a single resource consent process (on the assumption that other aspects of the proposal require resource consent), without any legal process related to a consent notice on the site's Record of Title.

The status quo's ability to achieve Hingaia 1 Objective 8 effectively and efficiency is restricted, but Option 3 provides for this more comprehensively.

Differences in costs and benefits between the options are otherwise neutral.

Therefore, Option 3 is considered to be the most appropriate way to achieve the relevant objectives (including the purpose of the plan change). In particular, vehicle access over cycle facilities is controlled at all times (not only when subdivision is proposed) and there will be no need for consent notices to be imposed to do so.

1. Proposed Changes

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as "Theme 22" in Appendix 5:

- Replacing the Hingaia 1 Precinct Policy 17 with a new policy (13) that aligns with the wording of Policy E27.3(21) (but applies instead to access over shared paths and dedicated cycleways);
- Inserting a new Vehicle access restriction – Cycle Facilities standard for the Hingaia 1 Precinct, which aligns with the wording of Standard E27.6.4.1 (but applies instead to access over shared paths and dedicated cycleways); and
- Consequentially inserting of Hingaia 1 Precinct activity statuses, matters of discretion and assessment criteria that cross-references provisions in section E27 of the AUP.

5.2.22 Theme 23: Roading Standards

The relevant objectives for provisions related to Theme 23 to achieve are:

- Objective 4 of the Hingaia 1 Precinct (as amended);
- Objective E38.2(3) of the AUP; and
- Plan Change Purpose 4 (refer section 5.1.2, above).

The following options related to roading standards are considered:

- Option 1: Status quo – Retain the existing roading standards as a development control;
- Option 2: Delete the roading standards;
- Option 3: Make the creation of roads a restricted discretionary activity, with the roading standards relocated to be the sole assessment criteria; and
- Option 4: Make the creation of roads a restricted discretionary activity, with the roading standards relocated to be assessment criteria alongside consideration of Auckland Transport's current Code of Practice and any superior alternatives.

In regard to this matter, it is acknowledged that Auckland Transport, as the road controlling authority within the Auckland region, has final acceptance on the design and form of roading proposed to be vested in Council. Because of this, the provisions in the AUP (an Auckland Council document) regarding roading (including road cross-sections) are limited in their ability to determine road design outcomes as part of a resource consent application.

With this in mind, the environmental, social and cultural benefits and costs of each of these options are anticipated to be same. Differences would only arise in relation to economic benefits and costs resulting from efficiencies to the resource consent process.

The Hingaia 1 Precinct is one of the few sections of the AUP where road cross-section details are specified in subdivision standards. As discussed in section 2.3.2-4, above, Auckland Transport's lack of acceptance of these road cross-sections results in inefficiencies during the resource consent process. For this reason, the status quo (Option 1) is not considered to be appropriate.

Option 2 (deleting the roading standards) is in line with the approach taken with the AUP. In this option, Auckland Transport would be given discretion to consider any road design under matters of discretion E38.12.1(7)(e), (g) and (k) and/or Policies E38.3(10)(a) and (17). However, doing so removes any weight in considerations of the road cross-sections provided for in the Hingaia 1 Precinct provisions, which were determined through the Plan Variation 1 process and have already been applied in some existing developments.

Options 3 and 4 would introduce an activity status for subdivision that creates road (as a restricted discretionary activity). In a greenfields setting, this is considered an appropriate manner to control the design of new roads. The efficiency and effectiveness of this activity status would however rely on the matters of discretion being applied.

Under Option 3, the consistency with the existing roading standards would be the sole matter of discretion. This is considered to be equivalent to Option 1 (where compliance with the roading standards is excepted) and is likely to result in the same inefficient resource consent process.

Under Option 4, the matters of discretion will also include consideration of Auckland Transport's current Code of Practice and any superior alternatives. Therefore, applicants would not be beholden to the Hingaia 1 precinct road cross-sections and adherence with AT's current Code of Practice would be identified as a key matter for consideration, allowing for a more efficient resource consent process. Reference to AT's the "current" Code of Practice, being at the time that the resource consent application was lodged, will also provide certainty to the applicant in case AT changes their Code of Practice during the processing of the resource consent application and does not allow AT to force compliance with those new provisions without the applicant's agreement. However, Option 4 would result in additional economic transactional costs related to the need to obtain resource consent for an activity which, in any other location, does not require its own specific reason for resource consent and associated matters of discretion. The difference in approach also the potential for environmental costs (albeit small) associated with inconsistency of physical results for roading.

Therefore, Option 2 is considered to be the most appropriate way to achieve the relevant objectives (including the purpose of the plan change). In particular, Option 4 is consistent with the Auckland-wide approach and no longer requires the out-dated roading cross-sections to be complied with (or infringes with justified).

1. Proposed Changes

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 23” in Appendix 5:

- Deleting the Hingaia 1 Precinct Subdivision Control 5.3;
- Deleting “Amenity Connector Road”, “(16 m width)” and “18m width” from the key of the Hingaia 1 Precinct plan (refer to the updated precinct plan attached as Appendix 6); and
- Deleting the Hingaia Sub-precincts from the planning maps (as Subdivision Control 5.3 contains the only references in the precinct to these).

5.2.23 Theme 24: Hingaia 1 Precinct Plan Elements

The relevant objectives for provisions related to Theme 24 to achieve are:

- Objective 1 of the Hingaia 1 Precinct; and
- Plan Change Purpose 5 (refer section 5.1.2, above).

The following options related to the elements shown on the Hingaia 1 Precinct Plan are considered:

- Option 1: *Status quo* – no irrelevant elements are removed from the Hingaia 1 Precinct Plan; and
- Option 2: Elements from the Hingaia 1 Precinct Plan that are not referenced by the Hingaia 1 Precinct provisions are removed.

The differences in benefits and costs between these options relate only to plan useability and related resource consent processes. On this basis, Option 2 has the benefit of ensuring consistency between the Hingaia 1 Precinct plan and matters that the provision of the precinct control, while Option 1 has the costs of giving the illusion of weight to irrelevant matters.

Differences in costs and benefits between the options are otherwise neutral.

Option 2 is considered to be the most efficient and effective option in achieving the relevant objective (purpose of the plan change request) as it avoids the potential for confusion when interpreting the Hingaia 1 Precinct plan. Retention of these elements on the Hingaia 1 precinct plan is unnecessary as they serve no purpose in achieving the objectives of the AUP.

1. Proposed Changes

As a result of the above assessment, the following recommended changes to the AUP's Hingaia 1 Precinct Plan are proposed, with the updated precinct plan attached as Appendix 6:

- Deleting the Electricity Transmission Corridor layer, which is already shown on the AUP planning maps as the National Grid Corridor Overlay and as the relevant provisions are in section D26 of the AUP;
- Deleting all zone layers, which are already shown on the AUP planning maps;
- Deleting the Esplanade layer, as the relevant provisions are in section E38 of the AUP and sections of the RMA;
- Deleting the Coastal Density Restriction (50m buffer from Coastline) layer, as the 50 m buffer is not referenced in either the existing or proposed Hingaia 1 Precinct provisions;
- Deleting the Wetlands (indicative) layer, as the relevant provisions are in section E3 of the AUP;
- Deleting the Natural Hazards – Coastal Inundation layer, as the relevant provisions are in section E36 of the AUP and Plan Change 14 to the AUP removed reference to a mapped layer from the definitions for coastal inundation areas;
- Deleting the Indicative walking bugger to park (400m) layer, as this is not referenced by any Hingaia 1 Precinct provisions;
- Deleting the Controlled intersection / upgrade layer, as this is not referenced by any Hingaia 1 Precinct provisions and all intersections are either constructed or are funded by Council's Long Term Plan;
- Deleting the Walking and cycling access across motorway layer, as this is not referenced by any Hingaia 1 Precinct provisions and this is more suitably shown by the Shared path layer;
- Deleting the Church layer, as this is not referenced by any Hingaia 1 Precinct provisions; and
- Deleting the Notable Trees layer, which is already shown on the AUP planning maps, as the relevant provisions are in section D13 of the AUP and as this is not referenced by any Hingaia 1 Precinct provisions.

5.2.24 Theme 25: Stormwater Management

The relevant objectives for provisions related to Theme 25 to achieve are:

- Objective 6 of the Hingaia 1 Precinct;
- Objectives in section E1.2 and E2.2 of the AUP;

- Plan Change Purpose 6 (refer section 5.1.2, above).

The following options related to stormwater management are considered:

- Option 1: Status quo – Retention requirements continue to apply in coastal catchments;
- Option 2: Amend the Hingaia 1 Precinct provisions to exclude the requirement for retention in coastal catchments; and
- Option 3: Replace the Hingaia 1 Precinct stormwater management development control with provisions that require compliance with the applicable resource consent for the diversion and discharge of stormwater (Network Discharge Consent) and any relevant Stormwater Management Plan authorised under that consent.

Given that Council has agreed (through the approval of Stormwater Management Plans and land use consents) that retention is not required within coastal catchments, it can be assumed that approvals to infringe this rule will continue to be granted. Therefore, any rule that requires stormwater retention through a precinct standard (i.e. Option 1) results in economic costs associated with consenting processes and is ineffective.

In all options, and regardless of any land use rules that apply, compliance with the applicable discharge permit for stormwater (and any related SMP) will be required and consent notices specifying any on-site stormwater management devices are expected to be applied at the time of subdivision. Those requirements ensure that the relevant objectives are achieved effectively. Differences in environment costs and benefits between the options are therefore considered to be neutral.

The difference between Options 2 and 3 then are that Option 2 continues to enforce land use consent rules, when Option 3 does not (relying only on a subdivision provisions requiring consistency with the requirements of E8, including the relevant network discharge consent and/or Stormwater Management Plan). Given that stormwater management approaches may change over time, there is the potential that differences between the land use rules and conditions of discharge permits may arise in the future, resulting in various costs and inefficiencies.

Therefore, Option 2 is considered to be the most efficient way to achieve the relevant objectives (including the purpose of the plan change). In particular, Option 2 more appropriately places onus for the on-site stormwater requirements on the resource consent authorising stormwater diversion and discharge.

1. Proposed Changes

As a result of the above assessment, the following recommended changes to the AUP (further to the overall reformatting and reorganisation of the Hingaia 1 Precinct text) are proposed, annotated as “Theme 23” in Appendix 5:

- Deleting Hingaia 1 Precinct policy 11;
- Deleting the Hingaia 1 Precinct Development Control 4.5;

- Inserting a new Stormwater management standard in the Hingaia 1 Precinct, requiring future development on the proposed allotments to be authorised by E8 of the AUP (including via an NDC and/or SMP); and
- Inserting matters of discretion and assessment criteria related to stormwater management requirements for roads and proposed lots.

5.2.25 Themes 26, 27, 28, 29 and 30: Agreed Changes to the Hingaia 1 Precinct Plan

The relevant objectives for provisions related to Themes 26, 27, 28, 29 and 30 to achieve are:

- Objective 1 of the Hingaia 1 Precinct; and
- Plan Change Purpose 6 (refer section 5.1.2, above).

The following options related to the Hingaia 1 Precinct Plan are considered:

- Option 1: *Status quo* – no changes to the Hingaia 1 Precinct Plan; and
- Option 2: Changes are made to the location of parks, streams, roads and bus routes as shown on the Hingaia 1 Precinct Plan in accordance with decisions made by Council, including through the processing of various resource consent applications.

The differences in benefits and costs between these options relate only to plan useability and related resource consent processes. On this basis, Option 2 has the benefit of ensuring that decisions made by Council are reflected on the precinct plan, while Option 1 has the costs related to uncertainty.

Differences in costs and benefits between the options are otherwise neutral.

Option 2 is considered to be the most efficient and effective option in achieving the relevant objective (purpose of the plan change request) as it has the benefit of avoiding re-litigation of matters resolved through resource consent processes, including outcomes already consented (which would be an economic cost to applicants under Option 1).

In terms of the relocation of the coastal park within 144 Park Estate Road to 158A Park Estate Road, which Council has not yet provided agreement to:

- There are considered to only be limited social costs from not providing for a park within 144 Park Estate Road, since this park would serve only a small catchment (approximately 200 dwellings, given the coast and wetlands restrict development within the catchment and the proximity of the park at 158A Park Estate Road); and
- Council will no longer be required to purchase an additional park (they have already purchased 158A Park Estate Road) and that money can be redistributed to other needs, including the development of the park at 158A Park Estate Road (which is currently not funded), resulting in economic benefits.

1. Proposed Changes

As a result of the above assessment, the following recommended changes to the AUP's Hingaia 1 Precinct Plan are proposed, with the updated precinct plan attached as Appendix 6:

- Realigning the collector roads shown in Sub-precinct D to match the alignments confirmed by resource consent BUN60343386;
- Adjusting the critical local roads (flexible location) in Sub-precinct D to align with the road positions determined through Hugh Green Limited's master planning exercise and the culvert positions confirmed by resource consent BUN60339982;
- Realigning the potential interim bus routes and ultimate bus route to match the alignments agreed to with Auckland Transport as part of resource consent BUN60343386;
- Aligning the shared paths with the positions confirmed by resource consents BUN60343386 and BUN60353348 and inserting the shared path along the Southern Motorway proposed by NZTA;
- Relocating the park in 152 Park Estate Road to the east, to then be within 144 Park Estate Road;
- Relocating the park in 144 Park Estate Road to the west, to then be within 158A Park Estate Road; and
- Deleting the stream at the coast in 180 Park Estate Road, which does not exist (confirmed by resource consent BUN60339982).

5.3 Alternative Methods Other than a Plan Change

Section 32(1)(b) requires "*other reasonably practicable options for achieving the objectives*" to be identified. Section 5.2 above has only considered options that require a plan change to the Auckland Unitary Plan Operative in Part.

A potential alternative method is for one or more resource consent applications (and the ability of Council to treat the requested changes as if they were an application for a resource consent under clause 25(3) of Schedule 1 to the RMA is noted). However, this is not considered to be reasonably practicable given that:

- A number of the objectives of the plan change relate to the formatting, layout and useability of the precinct provisions, since these have never been updated to match the remainder of the operative AUP following approval of Plan Variation 1;
- Council's regulatory department do not support the approval of 'blanket' resource consents that alter the applicability of rules over a large area (a previous attempt to approve blanket land use consent to use the alternative height in relation to boundary for proposed lots was withdrawn due to Council opposition);

- Some of the issues sought to be resolved (including in relation to the neighbourhood centre zone and lot sizes against the esplanade reserve) would require applications for non-complying activities that may not be approved by Council without changes to the applicable objectives and policies; and
- A plan change is the only method by which changes to the Hingaia 1 precinct plan agreed to by Council as a result of the master planning exercise that are outside the scope of early stages' subdivision consents can be legally binding.

It is noted that resource consent applications were considered a practicable option for Theme 7, which sought to introduce a new activity status for cafés adjacent to the esplanade reserve, which formed part of the reason as to why the requestor has decided to not proceed with those changes.

6. Higher Order RMA Documents

Although not specified as a requirement in clause 22 of Schedule 1 of the RMA as part of a plan change request, it is considered relevant to assess the requested changes against the relevant 'higher order' RMA documents that must be considered (for district plans) by a territorial authority under section 74 of the RMA.

6.1 National Direction

6.1.1 National Policy Statements

The following National Policy Statements are in effect as of 3 September 2020:

- National Policy Statement on Electricity Transmission 2008;
- New Zealand Coastal Policy Statement 2010;
- National Policy Statement for Renewable Electricity Generation 2011;
- National Policy Statement on Urban Development 2020; and
- National Policy Statement for Freshwater Management 2020.

With the exception of the National Policy Statement for Renewable Electricity Generation, each are considered to be of relevance to the plan change request and are discussed as follows.

1. National Policy Statement on Electricity Transmission 2008

The National Policy Statement on Electricity Transmission 2008 was thoroughly considered as part of the decisions on the Auckland Unitary Plan and the related appeals to the Environment Court and High Court. The final provisions to give effect to this NPS are contained in section D26. No changes to these provisions are requested, and they would continue to apply in full to any development in the Hingaia 1 Precinct area adjacent to the National Grid transmission lines.

Notification to Transpower New Zealand Limited of resource consent applications within 37 m of a National Grid transmission line is not a requirement in section D26 and therefore is not considered necessary to give effect to the National Policy Statement on Electricity Transmission 2008. However, the requested removal of the precinct rule requiring this would not prevent notification of resource consent applications to Transpower New Zealand Limited if required by Step 3 or 4 of section 95B of the RMA.

2. New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement 2010 was thoroughly considered as part of the decisions on the Auckland Unitary Plan and the related appeals to the Environment Court and High Court. Consideration to this policy statement would also have been made during the determination of the Plan Variation that introduced the Hingaia 1 Precinct.

The proposed plan change relates to a precinct area within the coastal environment (at least in part) and provisions related to the coastal edge and interface are proposed to be changed. No changes, however, are being made to the requirements for esplanade reserves in accordance with the RMA and AUP Auckland-wide provisions.

The sites subject to the plan change are already within an urban residential zone (without any open space buffers other than those resulting from the provision of esplanade reserves through subdivision) and so urban residential development is already accepted in these coastal locations to be suitable. Therefore, on this basis, it is not considered necessary to relitigate the majority of the objectives and policies under this policy statement.

In relation to Policy 9 (Activities in the coastal environment), the following is noted:

- The proposed Mixed Housing Urban zoning and removal of the minimum allotment size of 600 m² is considered to be necessary to provide for the reasonably foreseeable needs of population growth whilst not compromising other values of the coastal environment;
- There are not considered to be any headlands or prominent ridgelines where an alternative built-form would be considered necessary (noting that the site at 158A Park Estate Road is now zoned Open Space – Informal Recreation outcomes at that site are therefore not affected by this plan change); and
- The esplanade reserve requirements are considered to provide a practicable and reasonable setback for development from the coastal marine area.

In relation to Policy 25, all provisions in section E36 of the AUP will continue to apply, appropriately managing coastal hazard risks.

3. National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 ('NPS-UD') came into effect on 20 August 2020, replacing the National Policy Statement on Urban Development Capacity 2016.

It is noted that due to its relative infancy, Auckland Council has not yet given effect to the NPS-UD (including proposing the necessary amendments to the AUP). In this regard, it is noted that Part 4 of the NPS-UD specifies timeframes for implementation, with all deadlines being in the future (the earliest is 31 July 2021).

The following provisions are considered relevant to the requested changes and are addressed as specified:

Objective 1, Objective 2 and Policy 1:

The requested changes are considered to contribute to well-functioning urban environments.

The changes enable greater residential development opportunities, promoting a variety of homes, through:

- Expansion of the Residential – Mixed Housing Urban zone;
- Minimising the need for resource consent to utilise the Alternative height in relation to boundary standard;
- Increasing the ability to use higher development coverage provisions where higher densities are proposed (and in a manner that promotes higher densities for vacant lot subdivisions); and
- Removing density restrictions on coastal properties.

An increased variety of sites suitable for business sectors is enabled through:

- Avoiding the existing extent of the Business – Neighbourhood Centre zone from being compromised by designations and roading requirements;
- Removing the cumulative gross floor area limit for business activities within the Business – Neighbourhood Centre zone (individual tenancy restrictions would still apply under the zone rules); and
- Providing for food and beverage activities along the coastal edge of the site.

The provision of housing, jobs (Business – Neighbourhood Centre zone), community services (proposed school), natural spaces (coast, streams and wetlands) and open spaces (proposed parks) within the Hingaia 1 area provides for a high level of internal accessibility to these places, supported by an active transport network shown on the precinct plan. External accessibility is provided for by the proposed bus route through the precinct, of which a significant proportion of developable land within Sub-precinct D will be within 400 m walking distance of.

Competitive operation of land and development markets is supported by minimising existing constraints on development opportunities (see above) and aligning rules and standards with those that apply to other sites within the Auckland region with the same zoning.

Reductions in greenhouse gas emissions are supported through enabling a greater population density within the Hingaia 1 precinct area (minimising the need for further greenfield development elsewhere) and minimising restrictions on the availability of jobs within the Hingaia 1 precinct area (minimising trip lengths and promoting the use of active transport).

Existing provisions related to coastal inundation will ensure that the urban environment is resilient to potential sea level rises as a result of climate change.

Objective 3, Policy 3 and Policy 4:

As the requested changes seek to enable more people to live in the Hingaia 1 precinct area, Objective 3 and Policy 3 are relevant to determine the suitable building heights and densities enabled by the plan.

As the Hingaia 1 Precinct area is not within walking distance of a city centre, metropolitan centre or rapid transit stop (either existing or planned), the direction to provide for building heights of at least six storeys does not apply. In recognition, the building heights enabled in the Hingaia 1 Precinct area (two or three storeys) is lower than this.

However, the Hingaia 1 Precinct area will be a short bus ride (approximately 10 minutes) from Papakura, which is zoned as a metropolitan centre and connects to the region's rapid transit network. Commercial land and social infrastructure (primary school) is also centrally located within the Hingaia 1 Precinct area, accessible by active transport.

It is also expected that demand for housing within the Hingaia 1 Precinct area would be high, given the above accessibility and the high-quality open spaces provided by natural features (coast, streams and wetlands).

The requested changes, which enable higher buildings and densities than currently provided for, are therefore considered to be supported by the above-mentioned provisions of the NPS-UD.

Any 'qualifying matter' that allows for building height and density to be restricted is already provided for by Overlay or Auckland-wide provisions in the AUP, which remain relevant to development of the Hingaia 1 precinct.

Objective 4 and Policy 6:

Given that the Hingaia 1 Precinct area remains relatively undeveloped – and those areas that are subject to urban development are subject to fewer of the requested changes – the change from rural to urban amenity values have, for the most part, not yet occurred. Undertaking a plan change at this point of the development process enables the amenity values of the urban environment to be changed before they have been established.

Objective 5 and Policy 9:

The Treaty of Waitangi has been taken into account as cooperation with iwi has occurred at multiple stages during the urban development process for the Hingaia 1 precinct, including their involvement as part of Plan Variation 1, consultation prior to resource consent decisions and requests for feedback during the development of this plan change request. The plan change request has been developed in acknowledgement of the views of iwi.

Objective 6 and Policy 2:

Although Council has assumed that residential development within the Hingaia 1 precinct area is ‘short-term’ supply in documentation prepared in accordance with the National Policy Statement on Urban Development Capacity 2016, it cannot be considered as this under the National Policy Statement on Urban Development 2020 due to the existing development infrastructure (excluding that planned or currently under construction) not being adequate.

In terms of transport infrastructure, necessary upgrades to the transport network are not yet constructed but are instead funded in the long-term plan (meeting the ‘medium term’ requirement) or, in the case of the Hinau Road extension, is reliant on urban development by landowners who have no interest in undertaking development at this time (at best, potentially meeting the ‘long term’ requirement).

In terms of water infrastructure, Hugh Green Limited has been required to enter a development agreement with Watercare Services Limited to enable water servicing of the Hingaia 1 precinct area. This project was not specified in a long-term plan so at best can be considered as potentially meeting the ‘long term’ requirement.

Notwithstanding, the requested changes would enable an increased supply of housing in the Hingaia 1 precinct area to meet demand, with construction of infrastructure to support development of this land underway. The changes would also increase the commercial viability of undertaking urban development of the land, especially on sites where development opportunity has been constrained by natural and physical features and infrastructure requirements that were not previously considered during Plan Variation 1.

Objective 7 and Policy 10:

The requested changes recognise that the information base used for the consideration of Plan Variation 1 has changed significantly, with development opportunities and constraints now more thoroughly explored through resource consent processes.

In particular, plans for development infrastructure have now been developed, which indicate increased development opportunity than what was previously provided for (e.g. Watercare enabling 3,000 DUEs within HGL’s landholdings).

Policy 8:

It is recognised that the requested changes are unanticipated by existing RMA documents (while noting that none of these have yet been updated to reflect the National Policy Statement on Urban Development 2020). While the requested changes alone do not “add significantly to development capacity” (given that the land is already zoned for urban purposes), the Hingaia 1 Precinct area as a whole, noting that this land has been relatively undeveloped since it was zoned for urban purposes in 2016, can add significantly to development capacity if the requested changes promote higher uptake of development within this area. As considered elsewhere, existing provisions of the Hingaia 1 Precinct – including those that are inconsistent with the approach taken elsewhere in the AUP – do not enable efficient development of the land for urban purposes.

Policy 11:

The requested changes do not change any rules setting minimum car parking rate requirements, as these are specified in section E27 of the AUP. Rather than inserting a precinct rule stating that the minimum car parking rate requirements in section E27 do not apply, it is considered more appropriate for Council to remove the provisions in section E27 on their own accord, recognising that they must do so as soon as possible and without a Schedule 1 process and that this should therefore already be completed by the time a decision on the requested changes is made.

4. National Policy Statement for Freshwater Management 2020

The National Policy Statement for Freshwater Management 2020 came into effect on 3 September 2020, replacing the National Policy Statement for Freshwater Management 2014 (amended 2017).

It is considered that the Auckland-wide provisions of the AUP, particularly those in sections E1 to E3 and E7 to E10, are the most relevant to implementation of the National Policy Statement for Freshwater Management 2020. The requested changes to the Hingaia 1 precinct provisions do not alter any of these provisions, which continue to apply in full.

Any loss of streams or wetlands assumed by the requested changes has already obtained resource consent and the extent of assumed stream and wetland loss is less than that already assumed by the existing Hingaia 1 precinct plan.

Although specific stormwater management provisions within the Hingaia 1 Precinct are requested to be removed, requirements for stormwater management procedures to be consistent with a resource consent for the diversion and discharge of stormwater ensures that the provisions of the National Policy Statement for Freshwater Management 2020 are taken into account.

6.1.2 National Environmental Standards

The following National Environmental Standards are in effect as of 3 September 2020:

- National Environmental Standards for Air Quality;
- National Environmental Standard for Sources of Drinking Water;
- National Environmental Standards for Telecommunication Facilities;
- National Environmental Standards for Electricity Transmission Activities;
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;
- National Environmental Standards for Plantation Forestry; and
- National Environmental Standards for Freshwater.

It is considered that none of these standards are relevant to the changes to the plan requested, with the possible exception of the National Environmental Standards for Freshwater. In this regard, the following is noted:

- The provisions in section E3 of the AUP continue to apply to activities in, on, under, or over the bed of lakes, rivers, streams and wetlands, alongside the regulations in this National Environment Standard – no changes are requested to these provisions;
- The provisions in sections E11, E12 and E15 of the AUP continue to apply to earthworks and vegetation removal or alteration adjacent to lakes, rivers, streams and wetlands, alongside the regulations in this National Environment Standard – no changes are requested to these provisions;
- Resource consents have already been obtained (expiring in 2023 and 2026) for all wetland and stream reclamation that is inferred to be necessary by the requested changes to the Hingaia 1 Precinct plan and it is noted that the existing precinct plan infers further wetland and stream reclamation that resource consent may not or could not be obtainable to authorise (noting additional wetland reclamation is a prohibited activity under this NES); and
- Auckland Council holds resource consents for the diversion and discharge of water adjacent to the streams and wetlands at the site, with Stormwater Management Plans recognising the hydrology of wetlands and streams in the precinct area already authorised under those resource consents.

In relation to section 32(4) of the RMA, the proposed plan change does not impose any greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard.

6.1.3 Regulations

None of the regulations made under section 360 of the RMA are considered to be relevant to this plan change request.

6.1.4 National Planning Standards

The first set of National Planning Standards came into force on 3 May 2019.

17. Implementation Standard direction 7 specifies that Auckland Council must update the Auckland Unitary Plan Operative in Part by 3 May 2029 or when a new proposed combined plan is notified. Acknowledging this extended timeframe, Auckland Council has not yet made any changes to the AUP that give effect to the National Planning Standards, other than ensuring compliance with *16.A Electronic accessibility and functionality* (as required by *17. Implementation Standard* direction 11). Plan changes notified by Auckland Council since 3 May 2019 have also not given regard to all of the directions in the National Planning Standards.

Given this, and noting that the requested changes relates primarily to a precinct chapter, it is considered most appropriate for the requested changes to also given little to no regard to the requirements of the National Planning Standards, and instead ensure that the requested changes provide for consistency with the remainder of the AUP provisions. This includes relying on the definitions in Chapter J of the AUP rather than those in *14. Definitions Standard*.

It is anticipated that any changes made to the AUP as a result of this request would be adjusted by Council when they undertake wider changes to the AUP to provide consistency with the National Planning Standards.

6.2 The Auckland Unitary Plan Operative in Part

The Auckland Unitary Plan Operative in Part is a combined planning document for the Auckland regional, including regional policy statement, regional plan (including coastal) and district plan provisions. It is considered to be the only regional or district planning document relevant to the area subject to this plan change request.

6.2.1 Regional Policy Statement

The Auckland region's Regional Policy Statement is contained in Chapter B of the Auckland Unitary Plan Operative in Part. Consideration of each of the issues of regional significance is provided as follows.

1. Urban Growth and Form

The objectives and policies in section B2 of the AUP RPS is considered under each of its sub-headings as follows.

B2.2 Urban growth and form

The proposed plan change accommodates further urban growth within the Urban Area 2016 (which includes the Hingaia 1 Precinct area), enabling a quality compact urban form, providing for a range of housing types, and integrating with the provision of infrastructure.

In accordance with Policy B2.2.2(5), the higher residential intensification enabled within Sub-precinct D is located in and around centres (adjacent to the neighbourhood centre), close to public transport (the proposed bus route now running through the Sub-precinct), close to social facilities (the proposed primary school at 202 Park Estate Road) and close to open spaces (including the esplanade reserves, large wetlands areas and the Council reserve at 158A Park Estate Road).

In accordance with Policy B2.2.2(7)(d), the various matters specified in Appendix 1 of the AUP (structure plan guidelines) have been considered for the proposed rezoning within Hingaia 1 Sub-precinct D through the subsequent master planning process undertaken in consultation with Council, through the approval of resource consents (particularly for earthworks but also for some stages of subdivision) or are covered by the attached specialist reporting, details as follows:

- Urban growth matters have been covered by the master planning exercise, the attached economics reports (Appendix 11) and the attached urban design report (Appendix 10);
- Natural resources matters have been covered by the approved Stormwater Management Plan (Appendix 9), coastal hazard reporting (provided with resource consent applications), the master planning exercise (including discussions with Council's Parks department for open space networks), iwi consultation and contamination reporting (undertaken for Plan Variation 1 and provided with resource consent applications);
- Natural and built heritage matters have been covered through iwi consultation (including their Cultural Values Assessments) and archaeological reporting (undertaken for Plan Variation 1);
- Use and activity matters have been covered by the master planning exercise, the attached economics reports (Appendix 11), the attached urban design report (Appendix 10), the attached transport report (Appendix 12) and the attached engineering report (Appendix 8), with the plan change promoting the removal of precinct provisions that differ from the Auckland-wide or zone provisions to ensure a consistent approach in the AUP;
- Urban development matters have been covered by the master planning exercise, the attached urban design report (Appendix 10) and the approved Stormwater Management Plan (Appendix 9);
- Transport networks matters have been covered by the master planning exercise and the attached transport report (Appendix 12);
- Infrastructure matters have been covered by the master planning exercise and the attached engineering report (Appendix 8); and
- Feedback from stakeholders has been covered in section 8, below.

B2.3 A Quality Built Environment

The requested changes ensure that the quality built environment remains provided. In particular, development will continue to respond to the intrinsic qualities and physical characteristics of the area (including the significant open spaces being provided), the hierarchy of centres remains reinforced (with the neighbourhood centre continuing to only provide for local convenience needs) and opportunities for higher residential densities provided by the requested changes (including rezoning) further increased the diverse mix of choice and opportunity for people and communities while being capable of adapting to changing needs.

In terms of Policy B2.3.2(1), the following comments are made:

- The requested changes to the AUP provisions provide for adjustments to the planned future environment that retains a similar (or, in the case of the coastal edge, superior) relationship its surroundings;
- The requested changes are not considered to result in any impacts on the safety of the future neighbourhoods;
- The roads shown on the updated precinct plan and the Auckland-wide assessment criteria for subdivision consent applications (cross referenced by the precinct) supports the development of a street network and block patterns that provide good access and enable a range of travel options;
- The provision of walking and cycling networks, including along the coastal esplanade, around wetlands and adjacent to key roads ensures that a high level of amenity and safety for pedestrians and cyclists; and
- Flexible built-form controls for development (for example, enabling between one and three storey buildings in the MHU zone, providing for higher coverages where higher residential densities are achieved and not capping the commercial floor area in the neighbourhood centre) ensure that the precinct provisions allow for change (which the current provisions do not – hence the plan change request being made) while also allowing for the function and operational needs of the intended uses to be met.

In terms of Policy B2.3.2(2), the anticipated higher residential densities, the increased opportunities for commercial activities (particularly within the revised Business – Neighbourhood Centre zone), the relocated bus route and the cycle network all enable walking, cycling and public transport while minimising private vehicle movements.

In terms of Policy B2.3.2(3), the requested changes, including the proposed rezoning and amendments of the provisions incentivising higher densities, increases the range of built forms enabled within the Hingaia 1 Precinct (particularly by making higher density typologies and smaller allotments more attractive to developers), which supports choice and meets the needs of Auckland's diverse population.

In terms of Policy B2.3.2(4), amendments to the roading standards will allow for the balance of the main functions of streets as places for people and as routes for the movement of vehicles to be more flexible and to respond to the current practices of Auckland Transport without requiring strict adherence to road designs already five years old.

In terms of Policy B2.3.2(5), the Auckland-wide provisions focusing on mitigating adverse environmental effects of subdivision, use and development through appropriate design will continue to apply in the Hingaia 1 Precinct, including assessment criteria focused on maximising sunlight access to allotments and buildings to increase energy efficiency (e.g. E38.12.2(7)(f)). If further provisions are considered necessary in order for this policy to be achieved (such as the request from iwi for water tanks for on-site outdoor reuse), then it is considered more suitable for such provisions to be introduced through an Auckland-wide plan change, rather than the current plan change request that is focused only on the Hingaia 1 Precinct.

B2.4 Residential Growth

As mentioned earlier, the proposed rezoning and other changes to precinct provisions enables higher residential intensity in an area close to a neighbourhood centre, a bus route, an education facility and/or significant open space, in accordance with Policy B2.4.2(2), while still allowing medium residential intensities in areas within moderate walking distances of these features, in accordance with Policy B2.4.2(3).

In relation to Policy B2.4.2(5)(a), any parts of Hingaia 1 Precinct that are subject to significant natural hazard risks (although such areas are considered to be limited) will be prevented from intensification (where appropriate) by requirements under section E36 of the AUP.

In relation to Policy B2.4.2(8), sufficient infrastructure capacity will be provided for the proposed intensification prior to that development occurring, to be confirmed through resource consents for subdivision or comprehensive development.

In relation to Policy B2.4.2(9), reliance on the existing zone provisions and standards, with fewer deviations within the Hingaia 1 precinct, will ensure that built form, design and development is managed to achieve an attractive, healthy and safe environment in keeping with the descriptions set out in the place-based plan provisions.

In relation to Policy B2.4.2(10), non-residential activities being enabled within residential neighbourhoods, including esplanade cafés and show homes, will be required to be of a scale and form in keeping with the planned built character of the area.

In relation to Policy B2.4.2(11), affordable housing is enabled by increasing the potential supply and range of housing types enabled in the precinct, with market forces promoting dwellings at affordable price points (refer to the attached economics report – Appendix 11). The removal of the specific requirements for affordable housing in the Hingaia 1 Precinct will be in accordance with this policy, allowing for the method to achieve affordable housing to align with the method specified in the RPS.

In terms of Objective B2.4.1(6), the increased number of dwellings provided for by the requested changes increases the likelihood that the dwelling targets specified in Table B2.4.1 can be met. As considered earlier, the yield anticipated within the Hingaia 1 Precinct by Plan Variation 1 has been eroded by various matters and so there is a risk that, without the requested changes, the portion of the dwelling target that was attributed to the Hingaia 1 precinct area cannot be achieved.

B2.5 Commercial and Industrial Growth

The relocation of the Neighbourhood Centre zone, to avoid this zone being compromised by required roading and the education designation, and the removal of the 1,000 m² GFA cap for commercial activities allows commercial opportunities to meet the future demands within the Hingaia area. Refer to the attached economics report (Appendix 11), which anticipates demand for 3,000 m² of commercial floorspace to serve the immediate neighbourhood.

In particular, the removal of the 1,000 m² GFA cap is supported by Policy B2.5.2(1)(h), which seeks that development does not compromise the ability for mixed use developments, or commercial activities to locate and expand within centres.

B2.6 Rural and Coastal Towns and Villages

These objectives and policies are not relevant as the Hingaia 1 Precinct is located within the Rural Urban Boundary.

B2.7 Open Space and Recreation Facilities

The requested changes retain the same open space and recreation outcomes currently anticipated by the current AUP provisions (including resource consent requirements for wetland areas to be protected in perpetuity). The relocation of one of the proposed parks to 158A Park Estate Road reflects the decision by Council to purchase that land for open space purposes and will increase the range of open space opportunities provided in the area.

B2.8 Social Facilities

The requested changes do not affect any existing or planned social facilities, consisting of the two churches and the school in close proximity of each other on opposite sides of Park Estate Road, being centrally located within the precinct area.

The current zone provisions will continue to apply to any new proposed social facilities.

2. Infrastructure, Transport and Energy

Relevant provisions in section B3 of the AUP RPS are considered to be those related to the issues of “integrating the provision of infrastructure with urban growth” and “potential effects of incompatible land uses close to infrastructure”, such as Objectives B3.2.1(5), B3.3.1(1)(b) and B3.2.1(6) and Policies B3.3.2(4)(a) and B3.3.2(5).

As demonstrated in the engineering report attached as Appendix 8, sufficient infrastructure capacity (including within the transport network) is provided through existing or planned infrastructure works to service the precinct, including the additional capacity enabled by the proposed rezoning. It is noted that detailed plans to service the land with infrastructure did not exist at the time that a determination on Plan Variation 1 was made. The delivery of all required infrastructure remains subject to the Auckland-wide provisions of the AUP to manage any adverse effects on the environment.

As no precinct-specific provisions are considered necessary to manage adverse effects related to significant infrastructure, a departure from the Auckland-wide approach is not considered necessary and this should not have been included as part of Plan Variation 1 (although the timing issues in relation to decisions on the PAUP necessitated provisions at that time). The removal of such provisions within the Hingaia 1 Precinct is therefore not considered to be inconsistent with the requirement for reverse sensitivity to be managed in section B3 of the AUP RPS, as these effects are managed by other provisions in the AUP.

In addition, adjustments to provisions related to transport in the Hingaia 1 Precinct will ensure that transport infrastructure continues to be designed and located in a manner that integrates with land uses and provides effective pedestrian and cycle connections.

3. Built Character and Heritage

The existing provisions of the AUP related to historic heritage (including section D17) will continue to apply in the Hingaia 1 Precinct area, with no exceptions provided for by the Hingaia 1 Precinct provisions. Protection of scheduled heritage places will not be affected. Therefore, these provisions will continue to give effect to the relevant objectives and policies in section B5 of the AUP RPS.

4. Natural Heritage and Resources

The existing provisions of the AUP related to indigenous biodiversity and freshwater (including sections E3, E8, E9, E11 and E15 of the AUP) will continue to apply to all of the Hingaia 1 Precinct area, with no exceptions provided for by the Hingaia 1 Precinct provisions. This includes provisions related to vegetation, earthworks and stormwater. Therefore, these provisions will continue to give effect to the relevant objectives and policies in sections B4 and B7 of the AUP RPS.

5. Issues of Significance to Mana Whenua

The principles of the Treaty of Waitangi/Te Tiriti o Waitangi have been recognised through Mana Whenua participation in resource management processes, including the during Plan Variation 1, previous resource consents and development of this private plan change. Therefore, Objective B6.2.1(2) is being achieved. In addition, it is noted that no changes are being made to provisions of the AUP that require consideration of mana whenua values (with mana whenua values not mentioned in the current Hingaia 1 Precinct provisions).

No changes are proposed to the scheduling of sites and places of significant to Mana Whenua as determined through the AUP process, with no exceptions to the relevant provisions provided for by the Hingaia 1 Precinct.

6. The Coastal Environment

Section B8 of the AUP RPS is relevant to the proposed plan change as the Hingaia 1 Precinct is partly or wholly within the coastal environment.

Plan Variation 1 to the PAUP previously determined that urban residential development within the coastal environment was suitable, subject to:

- The provision of esplanade reserves (20 m minimum from MHWS) along the coastal edge;
- A minimum net site area of 600 m² and equivalent dwelling density restrictions for sites directly adjoining the coast or an esplanade reserve (although this does not apply to allotments on the opposite side of a park edge road and also this provisions does not apply for a 50 m setback from the MHWS as alluded to by the current precinct plan;
- The application of the Residential – Mixed Housing Suburban zone adjacent to the proposed esplanade reserve (the Residential – Mixed Housing Urban zone is currently located a minimum of 143 m from the MHWS); and
- Compliance with the relevant Auckland-wide rules of the AUP managing coastal hazards.

The requested changes to the plan will remove the 600 m² restrictions and apply the Residential – Mixed Housing Urban zone (rather than the current Residential – Mixed Housing Suburban zone) up to MHWS in Sub-precinct D, although esplanade reserve requirements would still apply.

The requested changes also introduce a new standard that sets interface requirements for site boundaries adjoining an esplanade reserve.

It is noted that the coastal environment within Hingaia 1 precinct has not been identified by the AUP as being an area of outstanding natural character or high natural character. Therefore, the related objectives and policies in section B8 (for example, Objectives B8.2.1(1) and Policy B8.2.2(3)) are not relevant.

With respect to Policies B8.2.2(4) and B8.2.3(4), the proposed changes are not considered to result in any significant additional adverse effects on natural character of the coastal environment as the amendments to the zoning and density restrictions are an appropriate form for this environment and would not result in inappropriate subdivision, use or development. In this regard:

- As allotments against esplanade reserves are not subject to any reduced building coverage requirements, the building bulk enabled on 600 m² allotments adjacent to the reserves would not be any less than building bulk enabled on smaller allotments adjacent to the reserves (resulting in the removal of this density infringement) – in fact, a reduced building bulk should be expected, as additional property boundaries arising from small allotments (where created through vacant sites subdivision) introduces additional side and rear yard setback and height in relation to boundary standards, breaking up the bulky appearance of buildings (i.e. larger sites will result in larger buildings);

- The Residential – Mixed Housing Urban zone has been demonstrated elsewhere in the AUP to be an appropriate built form adjacent to the coast, with this applying to various other locations, including parts of Hobsonville Point, Belmont, Te Atatu Peninsula (where the Residential – Terrace Housing and Apartment Buildings zone also applies), Avondale, Waterview, Point Chevalier, Mission Bay, Kohimarama, St Heliers, Panmure, Pakuranga, Conifer Grove and (most relevantly, since they are also greenfield lands) Waiata Shores and Hingaia (adjacent to Hingaia Road) – in almost all of these cases, including for Waiata Shores, there are no precinct provisions restricting development along the coastal boundary;
- The proposed standards for the coastal interface of allotments along boundaries with esplanade reserves promotes the softening of building form as viewed from the coast by planting.; and
- For allotments separated by the coast by a park edge road, the front yard standards between the Residential – Mixed Housing Suburban and Residential – Mixed Housing Urban are considered to be relatively similar (3.0 m and 2.5 m building setbacks, respectively) and the difference is unlikely to be discernible when viewing the coastal environment as a whole.

Policy B8.3.2(5) is not considered to be relevant to the requested changes as the change in built outcome from the status quo (which already allows for urban development) is not anticipated to result in “significantly adverse” effects on the coastal environment. Furthermore, in respect to Policy B8.3.2(7), the rules for coastal protection yard setbacks are the same between the MHS and MHU zones (10 m).

The esplanade reserve requirements, which will still apply, and the new coastal interface standards will continue to ensure that development is appropriately set back from the coastal marine area (as sought by Policy B8.3.2(7) and that public access and open space along the coastal edge is provided (refer section B8.4).

Retaining the Hingaia 1 Precinct policies that encourage restoration planting within esplanade reserves also aligns with Objective B8.2.1(3), with this supporting restoration and rehabilitation of the natural character of coastal environments.

7. The Rural Environment

Section B9 of the AUP RPS is not considered relevant as although the area subject to the requested changes has historically been rural, it is already within the Rural Urban Boundary and is subject to zoning that enables urban development. The area also does not adjoin any property within the rural environment.

8. Environmental Risk

The existing provisions of the AUP related to natural hazards, climate change and contaminated land will continue to apply to all of the Hingaia 1 Precinct area, with no exceptions provided for by the Hingaia 1 Precinct provisions. This includes provisions related to flooding, coastal erosion and coastal inundation. Refer also to the commentary in section 7.5, above. Therefore, these provisions will continue to give effect to the relevant objectives and policies in section B10 of the AUP RPS.

6.2.2 Regional and District Plan Provisions

1. Auckland Unitary Plan Operative in Part

The Auckland Unitary Plan Operative in Part ('AUP') is considered to be the only relevant regional and/or district plan for the area subject to the proposed plan change. The plan change area is not subject to any area-specific appeals on the legacy regional or district plans.

Relevant objectives of the AUP are considered in the assessment of provisions in section 5.2, above.

Consistency with existing provisions of the AUP is considered throughout this report and annotated on the tracked changed version of the Hingaia 1 precinct provisions where appropriate.

2. Plan Change 36 to the Auckland Unitary Plan

Plan Change 36 proposes to rezone the property at 158A Park Estate Road, Hingaia, from Residential – Mixed Housing Suburban to Open Space – Informal Recreation.

This plan change was notified on 28 November 2019 and submissions closed on 30 January 2020. No submissions were made in relation to the proposed rezoning at 158A Park Estate Road and no submissions were made to decline the plan change as a whole.

In accordance with section 86F(1)(a) of the RMA, the Open Space – Informal Recreation zone rules are now deemed operative in relation to the property at 158A Park Estate Road and the Residential – Mixed Housing Suburban rules are now deemed inoperative in relation to the property at 158A Park Estate Road. Effectively, the rezoning proposed by Plan Change 36 has been confirmed and is in effect (even if the AUP planning maps have not yet been updated to reflect this).

The proposed plan change request is made on the basis that the property at 158A Park Estate Road is zoned Open Space – Informal Recreation.

6.3 Auckland Plan 2050

While the Auckland Plan 2050, which is the region's long-term spatial plan, is not an RMA document, it is a management plan that Auckland Council is required to give regard to under section 74(2)(b)(i) when preparing or changing its district plan.

There is no requirement under clause 22 of Schedule 1 to the RMA for a request for a private plan change to be assessed against the Auckland Plan 2050 prior to the consideration of the request by Auckland Council under clause 25.

Of the various outcomes anticipated by the Auckland Plan 2050, those most relevant to the requested changes to the AUP are considered to be "Homes and Places". In relation to this, it is noted that the requested changes:

- provide for the increased intensity of the anticipated living environment within the Hingaia 1 Precinct;

- leverage off infrastructure investments in order to improve their efficiency (for example, the extensions and upgrades to the water supply network);
- limit further urban sprawl;
- promote a wider variety of housing types; and
- are in response to the significant open spaces anticipated south of Park Estate Road.

The Auckland Plan 2050 also includes “The Development Strategy”, which has been prepared in part to implement the National Policy Statement on Urban Development Capacity 2016 (which has now been superseded by the National Policy Statement on Urban Development 2020).

Hingaia is identified in this document as an “Actual, contracted or planned 2012-2017” development area for approximately 3,070 dwellings. It is unclear what proportion of this was attributed to the Hingaia 1 Precinct area. As the area is excluded from “short-term”, “medium-term” and “long-term” development capacity, the development strategy therefore anticipates that development of the Hingaia 1 Precinct area has already occurred, although in reality the area remains relatively undeveloped (only the Karaka Brookview Stage 1 development has occurred).

The requested changes to the Hingaia 1 Precinct are intended to further incentivise urban development in this area in order for residential supply to “catch up” with that anticipated to have already occurred by the development strategy, whilst also enabling further supply of residential dwellings when this occurs.

7. Assessment of Environmental Effects

Clause 22(2) of Schedule 1 to the RMA requires a plan change request to describe the anticipated environmental effects, taking into account clauses 6 and 7 of Schedule 4 to the RMA, in such detail as corresponds with the significance of the actual or potential environmental effects anticipated from the implementation of the change.

Where effects of the proposed changes have been considered throughout the assessment provided in the preceding sections of this report, the following will summarise these effects with reference to those matters listed in clause 7 of Schedule 4 to the RMA.

7.1 Neighbourhood and Community Effects

7.1.1 Social Effects

An increase in density within the Hingaia 1 Precinct provided by the proposed rezoning and other methods is supported by a network of social infrastructure, including community facilities (existing churches and the proposed public primary school), public transport and significant areas of open space (wetlands, streams, esplanade and Council parks). That social infrastructure will in turn benefit from an increased number of residents within their walkable catchment areas.

The increase in density enabled by the plan change compared to the status quo, if realised, is not considered to be significant and is unlikely to be observable to the general public (especially since only limited residential development has occurred within the precinct, and none within Sub-precinct D).

The amended neighbourhood centre zone also supports residential and community development. The removal of undue restrictions on the development of commercial activities allows for additional small-scale retail and commercial tenancies to be established, supporting the local community.

The removal of the affordable housing requirements is not considered to have any notable social effects, given that the market is expected to deliver a significantly proportion of houses at prices at or below the price point specified by the currently precinct rules, therefore inherently delivering affordable housing without specific provisions requiring this (and the related legal procedures).

7.1.2 Economic Effects

Economic effects arising from the requested changes are considered in the economics reports attached as Appendix 11. In summary, the findings of these reports are:

- The change in residential zoning would provide for a wider variety of housing types, size and price and more effectively enable house prices currently sought by the market;
- The removal of the affordable housing requirements will have no material effect on the price of dwellings provided to the market, with housing at or below the 'affordable' price point specified by the current rules consisting of approximately 12-16% of housing stock under a normal market scenario (much higher than the 5-10% minimum required by the current rules);
- Changes enabling an increased residential yield results in potential infrastructure efficiency savings of approximately \$25 million;
- The changes to the Business – Neighbourhood Centre zone, including removal of the 1,000 m² gross floor area limit will enable the centre to achieve (without triggering the requirement for resource consent and relates costs) the anticipated minimum floor area demand of approximately 3,000 m², which is a scale commensurate with a neighbourhood centre and is not anticipated to have any measurable economic effect on adjacent centres; and
- Enabling esplanade cafés would support the overall quality and commercial success of the adjacent residential development while being of a size that would have no observable or measurable effect on other centres.

In addition, the following economic benefits are identified:

- The change in residential zoning would avoid the need for future landowners (noting that single vacant lots are to be the predominant allotment types provided by Hugh Green Limited) to seek resource consent for any small infringements (to the MHS zone standards) of height, height in relation to boundary, front yards, building coverage or landscaped area that are considered to be supportable;

- Streamlining the Hingaia 1 Precinct provisions and providing consistency with the remainder of the AUP would provide for efficiencies for all users of the provisions, resulting in reduced consultant and Council compliance costs to developers and future landowners;
- The removal of the affordable housing requirements will also remove requirements to undertake legal procedures and the related enduring transactional obligations on each affordable dwelling created (which would be between 5% and 10% of all dwellings provided), benefiting both Council, developers and future owners; and
- The insertion of a permitted activity and standards for show homes will result in show home providers being able to establish and operate on a short to medium term basis without having to obtain resource consent, which will reduce costs and timeframes associated with marketing residential development within the Hingaia 1 Precinct to future residents.

7.1.3 Cultural Effects

As was considered in section 8.4.1, below, the requested changes are not considered to prevent or upset continued achievement of the recommendations of the Cultural Values Assessment provided by Ngāti Tamaoho, Ngāti Te Ata and Te Ākitai Waiohū as part of Plan Variation 1.

In terms of the cultural preference for new dwellings to be provided with tanks for on-site reuse of stormwater raised during the consultation on the proposed plan change, it is considered that this is an Auckland-wide matter more suitably considered through a Council-led plan change (which Council is currently considering whether to proceed with) rather than being addressed through a precinct provision and only applying to a specific location.

7.2 Physical Effects

7.2.1 Development Scale

A number of the requested changes result in adjustments to the scale of development anticipated within the Hingaia 1 Precinct, particularly within Sub-precinct D. The most significant of these being the rezoning of Sub-precinct D to Residential – Mixed Housing Urban and allowing for the use of the Alternative height in relation to boundary standard as a permitted activity.

1. Internal Effects

A key point made throughout this report is that the Hingaia 1 Precinct is predominantly undeveloped and Sub-precinct D contains no established buildings or land uses (other than earthworks, construction and infrastructure). Adjustments to land use provisions for the anticipated urban development within this precinct will shift the expectations of the proposed urban residential character while not resulting in any adverse effects upon any established urban (or suburban) residential character. Undertaking such changes after urban residential character is established would result in potentially significant adverse effects. Therefore, there is currently a prime opportunity to ensure that the urban residential character enabled in the Hingaia 1 Precinct is suitable to provide for future needs. All urban residential development can be established with the knowledge of the more lenient built form outcomes enabled and address effects from neighbouring development of the same scale in their design.

The urban design report attached as Appendix 10 makes similar comments as follows:

This difference and outcome do not necessarily result in a negative outcome or effect. It is just different. The effects of such a change typically are more likely to occur when there are existing residents in an area that have an expectation of how the area could develop and they might have designed their property in response to the standards at the time. In this case there are no buildings constructed or under construction

While wider application of the Residential – Mixed Housing Urban zone would enable three storey dwellings to be constructed, this is not a requirement and it is considered fair to assume (especially if the majority of development is single dwellings on individual allotments) that the majority of development will be two storeys, similar to that enabled by existing zoning. The zone change would enable three storey buildings to be a choice for future owners to take up without triggering resource consent.

Adjustments that streamline the Hingaia 1 Precinct provisions could see a higher uptake of provisions that enable increased development potential, such as the increased coverages for higher residential densities and not requiring resource consent or a deemed permitted boundary activity notice for using the alternative height in relation to boundary standard. This could result in some perceived adverse effects related to development scale, but these are considered to be outweighed by the positive effects resulting from the variety of urban residential outcomes being delivered. Furthermore, since those provisions are already provided for by the existing provisions and there are no limitations on their use throughout the precinct, the requested changes do not result in any different effects than that already enabled.

2. External Effects

Adverse effects from changes to development scale have the potential to occur at the boundaries of the precinct and Sub-precinct areas.

The eastern boundary of the precinct and sub-precinct is the Southern Motorway. This physical feature provides a significant buffer from adjacent urban development, ensuring that any adverse effects from changes to development scale within the precinct are minimal. Physical effects upon the motorway network itself are not anticipated to be adverse, given the transient nature of activity along this corridor.

The south-western boundary of the precinct and sub-precinct is the Drury Creek, which forms part of the coastal marine area. This natural feature provides a significant buffer from adjacent urban development (Auranga) and rural landholdings (Karaka). Proposed standards for the interface for private properties adjoining the coast will ensure that adverse effects resulting from dominant built form (as view from the coastal marine area or from the opposite side of Drury Creek) are mitigated, and ensure that a consistent approach to the coastal interface is provided (avoiding the need for this to be addressed in individual subdivision consent applications and a potentially ad-hoc approach resulting).

The northern boundary of the Hingaia 1 Precinct is the established Karaka Lakes neighbourhood and the Karaka Bloodstock centre. The requested changes purposely minimise potential changes to development scale outside of Sub-precinct D (i.e. this northern area) in order to avoid potential adverse effects on this established neighbourhood. This northern area will remain within the same zone and changes to the precinct provisions predominantly relate to reformatting and reorganisation rather than changes to outcomes enabled.

The northern boundary of Sub-precinct D is Park Estate Road. There are currently no urban residential activities along this road. Existing uses are rural residences (likely to be redeveloped in future but expected to remain in the short to medium term) and two churches. The majority of development along this boundary will remain the same as currently provided for by the existing Hingaia 1 Precinct provisions, given that the majority of this area is already zoned Residential – Mixed Housing Urban. The following proposed rezoning results in an increased development potential:

- Opposite 115, 141, 253, 257 and 277 Park Estate Road, part of 145, 241 and 279 Park Estate Road and the entrance strip to 273 Park Estate Road (all within the Residential – Mixed Housing Suburban zone), land is being rezoned from Residential – Mixed Housing Suburban to Residential – Mixed Housing Urban. Dwellings on future sites south of Park Estate Road at this location have the potential to be increased in scale from two storeys (8 m) to three storeys (11 m). In all of these cases, building bulk will be separated by a road corridor of at least 21 m, providing a suitable setback and transition between the different zones.
- Opposite 169, 185 and 189 Park Estate Road and the entrance strip to 179 and 181 Park Estate Road (all within the Residential – Mixed Housing Suburban zone), land is being rezoned from Residential – Mixed Housing Urban to Business – Neighbourhood Centre. Buildings south of Park Estate Road at this location would remain a maximum of three storeys, but a wider variety of activities would be enabled and this could result in a different built form than currently provided for.

In all cases, building bulk will be separated by a road corridor of at least 21 m, providing a suitable setback and transition between the different zones. In addition, future urban residential development of the sites to the north of Park Estate Road (all of which are historic land uses, dating prior to the decisions on Plan Variation 1, or churches) can appropriately respond to the type of development enabled on the southern side of Park Estate Road.

7.2.2 Infrastructure

As outlined in the engineering report attached as Appendix 8 and (for roading) the transport report attached as Appendix 12, there is sufficient existing or planned infrastructure to provide capacity to support the anticipated increase in yield as a result of the requested changes. No infrastructure additional to those required for development under the current zoning and plan provisions is necessary.

7.3 Effects on Ecosystems, Natural Resources and Physical Resources

All streams, wetlands and associated vegetation remain subject to the rules in sections E3 and E15 of the AUP and the National Environmental Standards for Freshwater, ensuring that adverse effects on these natural resources and their ecosystems are appropriately managed. These provisions continue to apply regardless of the proposed rezoning and adjusted precinct provisions.

The proposed reserve interface provisions are anticipated to enhance the amenity of these natural resources and potentially avoid adverse effects that may arise as a result of development ‘turning its back’ on streams and wetlands.

Physical resources of a special value continue to be subject to overlay rules in section D17 of the AUP (where historic heritage is scheduled) and other Auckland-wide provisions of the AUP (such as the accidental discovery protocol for earthworks). For the sites subject to rezoning, sites of value to mana whenua are located within the proposed esplanade reserves and so would not be affected by increases in building scale for private sites.

7.4 Effects of any Discharge of Contaminants

7.4.1 Noise

An increase in commercial activities, including show homes and esplanade cafés, has the potential for an increase in noise. However, the provisions in section E25 of the AUP continue to be applicable, ensuring that noise levels from commercial activities as observed on residential sites ensure that a suitable level of residential amenity is achieved. In addition, the standards for show homes and matters of discretion for esplanade cafés provide for reduced hours of operation to manage such effects.

7.4.2 Stormwater Discharge

Any new stormwater discharges resulting from development within Hingaia 1 Precinct will be required to be in accordance with an authorised Stormwater Management Plan (as per Council’s Hingaia NDC or Auckland-wide NDC) or otherwise in accordance with the provisions in section E8 of the AUP. The provisions in section E9 of the AUP (related to stormwater treatment) also apply.

The removal of land use standards requiring the retention of stormwater in coastal catchments is not considered to have any notable effect on contaminants, given that Council has already approved (through an SMP and land use consents) the removal of retention requirements on the basis that the best practicable option for stormwater management is achieved.

7.4.3 Wastewater Discharge

There is the expectation that all wastewater arising from urban activities will be discharged via the public reticulated network, including treatment at Watercare’s Mangere facility. Watercare and Veolia have not advised of any capacity issues arising from a potential increase in yield – refer to the engineering report attached as Appendix 8. Any interim on-site wastewater disposal will be subject to the provisions of section E5 of the AUP.

7.4.4 Contaminated Soils

In terms of soil contamination, all development (including land disturbance, subdivision and changes of land use) will remain subject to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, ensuring potential adverse effects on human health are appropriately managed.

7.5 Risks of Hazards

The Hingaia 1 Precinct area is subject to the following natural hazards:

- The 1% AEP floodplain, particularly along stream corridors and wetland areas;
- Overland flow paths;
- Coastal erosion hazard areas and coastal inundation areas, specifically at the coast line;
- Coastal inundation areas accounting for sea level rise, specifically at low lying land; and
- Land which may be subject to land instability, identified through geotechnical assessments.

The Hingaia 1 Precinct provisions do not sit in a vacuum. All Auckland-wide provisions continue to apply to activities within the Hingaia 1 Precinct (unless a specific exemption is identified). This includes section E36 of the AUP, which manages risks of natural hazards. The Hingaia 1 Precinct does not specify any exemption to the provisions in section E36 of the AUP. Therefore, all natural hazard risks will be appropriately assessed through the necessary assessment required under section E36 of the AUP.

Although the provisions of the AUP enable an increase the number of dwellings or persons accommodated in the land south of Park Estate Road, there is not necessarily any increase to activities within the natural hazard areas enabled by the change. The provisions in section E36 of the AUP specify that development within any of these natural hazard areas is a restricted discretionary activity where risks are anticipated. Matters of discretion enable Council to limit the intensity of activities within the natural hazard areas regardless of the site's zoning. Therefore, all rezoned land will still need to demonstrate that risks of natural hazards are not significant at the time of development.

For subdivision, Standard E38.8.8.1 does not permit the creation of vacant sites unless a building platform can be established clear of all natural hazard areas. In addition, subdivision activity E38.4.1(A11) specifies that any subdivision of land subject to natural hazard risks is a restricted discretionary activity, with matters of discretion and assessment criteria requiring consideration of those risks and requiring those risk to be appropriately managed in order for subdivision consent to be granted. These existing provisions of the AUP therefore ensure that it is not possible to increase the number of people susceptible to natural hazards at subdivision stage unless Council is satisfied that the risk is manageable.

However, the Hingaia 1 Precinct does not apply these Auckland-wide considerations within proposed allotments 4 ha or greater in area. It is considered that allotments of this size are highly likely to be re-subdivided to an urban scale, at which time full consideration of natural hazards can be undertaken – in the interim, the size of the sites is unlikely to result in any significant adverse effects arising as a result of natural hazard risks, also noting that the provisions of E36 of the AUP remain relevant.

Comments are made in the section below regarding coastal hazards, given their site-specific relevance.

7.5.1 Coastal Erosion Hazard Area

The removal of precinct-specific coastal density requirements does not affect the need for land use activities at the coastal edge to demonstrate that development will not result in adverse effects from coastal hazard risks. As well as Standard E38.8.8.1 requiring vacant lots to provide a building platform outside of the coastal erosion hazard area, buildings and structures within the coastal erosion hazard area are a restricted discretionary activity under E36.4.1(A4) of the AUP, with Policy E36.4.1(6) directing avoidance of development that results in an increased risk of adverse effects from coastal hazards. These provisions send a clear direction that, regardless of zoning, development within the coastal erosion hazard area is not provided for. As the relevant Auckland-wide provisions are retained and continue to apply in the Hingaia 1 Precinct area, the requested changes to the AUP do not enable this to occur.

It should also be noted that site-specific coastal hazard reporting to support resource consent applications at the sites south of Park Estate Road have demonstrated that the coastal erosion area is generally equivalent to the area required by the RMA and the AUP to be set aside as esplanade reserve (20 m). This report has been attached as part of the Clause 23 response. Therefore, it is unlikely that residential allotments created by subdivision would contain any land subject to the coastal erosion hazard area.

The outcomes anticipated as a result of the requested changes include that buildings (including dwellings) continue to be located outside of the coastal erosion hazard areas as is currently required. The change would enable an increase in residential density for land adjacent to the esplanade reserve and not subject to coastal erosion risks. There would be no increased risk of coastal erosion hazards.

7.5.2 Coastal Inundation Areas

Significant areas of 144 and 153 Park Estate Road, Hingaia are subject to the Coastal Inundation 1 per cent AEP Plus 1m Control under the AUP. The relevant provisions in section E36 of the AUP (E36.4.1(A11) to (A13) and Standard E36.6.1.1) require floor levels of habitable buildings to be above the anticipated inundation level, which has previously been determined by Council's coastal specialist Natasha Carpenter to be 4.51 m RL.

However, resource consent BUN60339982 has approved earthworks to raise ground levels above 4.51 m RL for all developable areas (i.e. excluding stream and wetland corridors). While the requested changes to the AUP cannot directly be assessed on the basis that these earthworks occur, this consent demonstrates that the existing provisions sufficiently direct developers to ensure that risks associated with coastal inundation are avoided.

8. Consultation

Consultation with various potentially affected parties has been undertaken during the formulation of this plan change request. This is summarised as follows, pre-empting any further information request pursuant to clause 23(1)(d) of Schedule 1 of the RMA.

8.1 Auckland Council Departments

8.1.1 Plans and Places

On 29 April 2020, a summary document regarding a potential plan change request was sent to Auckland Council Plans and Places. This outlined the history relevant to Hugh Green Limited's landholdings at Park Estate Road including the resource consents sought for and obtained, the issues that the requested changes would seek to resolve, the potential changes that could be made to do so, and the anticipated effects arising from those changes.

A meeting was subsequently undertaken between the applicant, Celia Davidson (Manager Central South, Plans and Places), Craig Cairncross (Team Leader Central South, Plans and Places) and Colin Hopkins (Principal Project Lead, Premium Resource Consents) on 19 May 2020. That meeting gave the applicant the confidence to proceed with the plan change request.

A copy of Council's Precinct Template was provided by Plans and Places on 11 August 2020. The requested changes to the Hingaia 1 Precinct attached as Appendix 5 have been prepared with regard to this document. Where differences exist, it is considered that the requested changes provide for a superior solution given specific circumstances related to the precinct whilst not resulting in any unintended outcomes.

On 7 and 13 October 2020, draft documents for the plan change request were sent to Plans and Places for their initial review and any comments. However, no feedback was obtained prior to formal lodgement of the plan change request.

8.1.2 Parks

A meeting was held between representatives of Hugh Green Limited, CivilPlan Consultants Limited and Auckland Council's Parks department on 19 June 2020, which discussed various matters related to the development of HGL's landholdings at Park Estate Road. At the end of the meeting, potential changes to the AUP were discussed.

Parks specified that their primary interest in relation to the coastal esplanade reserves was the interface between development and the reserve. This does not relate directly to density and so they had no issues with the removal of the 600 m² density limitation. They did support removal of the misleading coastal retaining wall standard and supported insertion of a standard restricting walls and fences against the esplanade reserve in line with that proposed as for the Park Green Stage 1A subdivision consent application (BUN60353348).

The final decision for resource consent BUN60353348 enforced the following consent notice requirements for lots adjoining proposed esplanade reserve:

“Further to the rules that apply to the site under the Auckland Unitary Plan (or a succeeding district plan):

- a. No fences or walls shall be constructed within 1.0 m of the boundary with Lot 500 (esplanade reserve); and*
- b. Within 1.5 m of the boundary with Lot 500 (esplanade reserve):*
 - i) No retaining walls shall be constructed;*
 - ii) Any fences must not exceed a height of either:*
 - (1) 1.2 m; or*
 - (2) 1.6 m, if the fence is at least 50 per cent visually open as viewed perpendicular to the boundary; and*
 - iii) Fences shall be a dark, recessive colour (e.g. black, charcoal to achieve a visually recessive outcome for amenity);*
 - iv) If a fence is constructed, the area between the fence and the boundary of Lot 500 (esplanade reserve) shall be fully planted with shrubs that are maintained at a height of at least 1.0 m, except that:*
 - (1) Where a fence contains a gate, no planting is required between that gate and the boundary of Lot 500 (esplanade reserve), for a maximum width of 2 m.”*

The requested changes to the Hingaia 1 Precinct include a new standard which has been based on this consent notice wording.

No further consultation with Auckland Council Parks has been undertaken.

8.2 Infrastructure Providers

8.2.1 Watercare Services Limited

A letter advising of the potential plan change request was sent to Ilze Gotelli of Watercare Services Limited on 17 August 2020. Ms Gotelli has been the main point of contact at Watercare for development on HGL’s landholdings at Park Estate Road. Ms Gotelli passed on this letter to Morar Sanjeev, also of Watercare. No feedback has been received. A copy of this correspondence is attached as part of Appendix 15.

8.2.2 Transpower New Zealand Limited

A letter advising of the potential plan change request was sent to Jenna McFarlane of Transpower New Zealand Limited on 17 August 2020. Ms McFarlane has been the main point of contact at Transpower for development on HGL’s landholdings at Park Estate Road. Ms McFarlane passed on this letter to Rebecca Eng, also of Transpower.

Ms Eng responded on 26 August 2020 specifying that as there are no changes to the National Grid Corridor Overlay section of the AUP (section D26), Transpower does not have any concerns. They also requested a copy of the finalised plan change document prior to lodgement. A copy of the updated Hingaia 1 Precinct text was sent to the Transpower New Zealand Limited on 29 August 2020. No further feedback has been received.

A copy of this correspondence is attached as part of Appendix 15.

8.2.3 Counties Power

A letter advising of the potential plan change request was sent to Tyrone Cowley of Counties Power Limited on 17 August 2020. Mr Cowley has been the main point of contact at Counties Power for development on HGL's landholdings at Park Estate Road. No feedback has been received. A copy of this correspondence is attached as part of Appendix 15.

8.2.4 Waka Kotahi New Zealand Transport Agency

A letter advising of the potential plan change request was sent to Prasad Tala of the New Zealand Transport Agency on 17 August 2020. Mr Tala has been the main point of contact for Hugh Green Limited in relation to plans to widen the Southern Motorway, which directly adjoins HGL's landholdings. No feedback has been received. A copy of this correspondence is attached as part of Appendix 15.

8.3 Property Owners

8.3.1 Ministry of Education

A letter advising of the potential plan change request was sent to Clive Huggins, National Manager for the Ministry of Education on 17 August 2020. The Minister of Education has designated the property at 202 Park Estate Road for education purposes. No feedback has been received. A copy of this correspondence is attached as part of Appendix 15.

8.3.2 Grande Meadow Developments Limited

A letter advising of the potential plan change request was sent to Grande Meadow Developments Limited, the owners of the property at 279 Park Estate Road, on 17 August 2020. A response was received from Mark Tollemache, as the planner acting on behalf of Grande Meadow, requesting draft tracked changes to the Hingaia 1 Precinct provisions.

The requested material was provided to Mr Tollemache on 25 September 2020. No further feedback has been received.

A copy of this correspondence is attached as part of Appendix 15.

8.3.3 Parkland Properties Limited

A letter advising of the potential plan change request was sent to Joe Noma of Parkland Properties Limited, the owners of the property at 72 Hinau Road, on 17 August 2020. Mr Noma advised in response that he would discuss this with his consultant team at Wood & Partners Consultants Limited.

On 23 September, Euan Williams of Woods met with Pat Gavaghan of Hugh Green Limited and requested a copy of the draft tracked changes to the Hingaia 1 Precinct provisions. The requested material was provided to Mr Williams on 24 September 2020. No further feedback has been received.

A copy of this correspondence is attached as part of Appendix 15.

8.3.4 Karaka Brookview Limited

A letter advising of the potential plan change request was sent to Mark O'Brien of Karaka Brookview Limited, the owners of properties at 241 Park Estate Road (which has been subject to urban subdivision), on 17 August 2020. Mr O'Brien provided a simple response on 18 August 2020 of "Sounds good". A copy of this correspondence is attached as part of Appendix 15.

8.3.5 Richard and Kirsten Reynolds

A letter advising of the potential plan change request was sent to Richard and Kirsten Reynolds, the owners of the properties at 46 and 47 Ngakoro Road, on 17 August 2020. Mr Reynolds provided a response on 20 August concurring with Mark O'Brien's sentiment of "Sounds good". A copy of this correspondence is attached as part of Appendix 15.

8.3.6 Frank and Juliet Reynolds

A letter advising of the potential plan change request was sent to Frank and Juliet Reynolds, the owners of the property at 65 Hinau Road, on 17 August 2020. No feedback has been received. A copy of this correspondence is attached as part of Appendix 15.

8.4 Iwi

8.4.1 Consultation During Plan Variation 1

As mentioned in section 4.5, above, Cultural Values Assessments ('CVAs') were obtained from representatives of Ngāti Tamaoho, Ngāti Te Ata and Te Ākitai Waiohū as part of the plan variation process. These are attached as Appendix 14.

The recommendations of these CVAs have been referred to during the master planning exercise for Hugh Green Limited and by the applications for resource consent applied for and obtained to date. Recommendations followed to date include retaining a large proportion of the existing wetland areas, providing for a treatment train approach to stormwater (through the authorised SMP), cultural monitoring during first strip of earthworks, protection of coastal midden within esplanade reserves and replacement of weeds from the esplanade reserves with replacement native plantings (not yet implemented).

The requested changes to the AUP are not considered to prevent or upset continued achievement of the recommendations specified above. The recommendations of the CVAs provide very little comment on the typologies of building and population density enabled within the Hingaia area. The majority of the matters raised in the CVAs have already been addressed through approved resource consents for earthworks (including on-going protection of the remaining streams and wetlands) and the Stormwater Management Plan.

8.4.2 Ngāti Tamaoho

A letter advising of the potential plan change request was sent to Lucille Rutherford of Ngāti Tamaoho on 17 August 2020. An online meeting was subsequently held between representatives of Hugh Green Limited, CivilPlan Consultants Limited and Ngāti Tamaoho on 24 August 2020. Minutes of this meeting are attached as part of Appendix 15.

Feedback relevant to the proposed plan change consisted of:

- A request for stormwater management standards to require all new dwellings to include an on-site tank for the outdoor reuse of roof water; and
- A preference for dwellings along the coastal edge to be limited to a single storey in order to maximise coastal views for residents.

A copy of the draft tracked changes to the Hingaia 1 Precinct provisions was subsequently provided to Ms Rutherford on 25 August 2020. In this correspondence, the following responses to matters raised in earlier consultation was made:

Hugh Green Limited have considered the request for a rule requiring rainwater tanks for all new buildings, but considers it more appropriate for specific methods for reuse/retention to instead be required by private covenants. In this regard, I also note that the Plans and Places forward workload (in the latest Planning Committee agenda) includes reporting back to the Planning Committee with options for “mandating the installation of rainwater tanks in certain situations” by April 2021 and it is considered that any Council-mandated requirements should instead be resolved through that process on an Auckland-wide basis to ensure consistency.

No further feedback has been received.

Restricting height limits to a single storey for sites nearest the coast is not considered necessary in order to avoid or mitigate adverse effects on the coastal environment. Specifically, this method has not been required for other coastal environments in the AUP. If developers saw the advantage of setting height limits in order to maximise coastal views for residents, it is considered most appropriate for that to be provided for through private covenants, outside the scope of the AUP.

A copy of this correspondence and meeting minutes is attached as part of Appendix 15.

8.4.3 Ngāti Te Ata

A letter advising of the potential plan change request was sent to Karl Flavell of Ngāti Te Ata on 17 August 2020. Mr Flavell subsequently requested financial compensation from Hugh Green Limited in order for feedback from Ngāti Te Ata to be provided. However, the quoted amount was considered to be unreasonable given the perceived small scale and significance of the changes on the understood values held by Ngāti Te Ata based on the Cultural Values Assessment prepared for Plan Variation 1 to the Proposed Auckland Unitary Plan in 2015.

Hugh Green Limited has subsequently attempted to contact Mr Flavell to discuss the plan change and other resource consent applications at Park Estate Road.

On 24 February 2021, Mr Flavell provided the following statement, which clarifies that there are no further issues to be addressed prior to notification of the plan change:

There are no 'major' concerns from Ngati Te Ata regarding the proposed changes to the AUP provisions as a result of this plan change request, however we will want to provide further comment (CVA Addendum) at the notification process which Ngaati Te Ata intends to be part of.

A copy of this correspondence is attached as part of Appendix 15, with further correspondence provided as part of the Clause 23 response.

8.4.4 Te Ākitai Waiohū

A letter advising of the potential plan change request was sent to Nigel Denny of Te Ākitai Waiohū on 17 August 2020. However, no response has been received. A copy of this correspondence is attached as part of Appendix 15.

8.4.5 Other Iwi

Auckland Council identifies a further four iwi as having interest in land within the Hingaia 1 Precinct area, listed as follows:

- Ngāi Tai ki Tāmaki;
- Ngāti Maru;
- Te Ahiwaru – Waiohū; and
- Waikato – Tainui.

These iwi have not previously declaring interest in planning decisions related to this land, or otherwise deferring their interest to another iwi (such as Ngāti Tamaoho). In particular, none of these four additional iwi prepared a Cultural Values Assessment for Plan Variation 1 or accepted the offer of a site meeting and/or further information on the resource consent applications prepared on behalf of Hugh Green Limited for earthworks and/or subdivision of their land.

A request for comment on the requested changes was sent out to these iwi on 21 February 2021. To date (over one month later), no responses have been received.

8.5 Further Consultation

Consultation has not been undertaken with Auckland Transport or any Council departments not listed above. Given previous liaison as part of resource consent applications and that the requested changes are not considered to significantly impact upon the interests of these entities, it is considered most appropriate for consultation on the plan change to be undertaken once the plan change request is lodged and then reviewed by these entities as part of the Schedule 1 process.

Consultation also has not been undertaken with any owners or occupiers of properties within the Hingaia 1 Precinct that are not listed above. These other owners are generally either:

- Owners or occupiers of residential properties within the Karaka Brookview Stage 1 development where dwellings have already been established and no zone changes are proposed;
- Owners and occupiers of rural residential allotments along the northern side of Park Estate Road (where no zone changes are proposed) that, based on previous discussions with these parties by Hugh Green Limited, are unlikely to develop these sites themselves; and
- The two churches on Park Estate Road that are fully developed.

Given the likely limited relevance of the requested changes to the plan to these persons, it is considered most appropriate for consultation with these persons be undertaken during the notification process.

9. Notification

If the plan change request is adopted or accepted by Council under clause 25(2) of Schedule 1 to the RMA must notify the plan change request in accordance with clause 26. However, clause 5A of Schedule 1 to the RMA gives Council the option to give limited notification, but only if it is able to identify all the persons directly affected by the proposed change.

Although the requested changes appear to be very broad in scope (section 3, above, identifies a total of 30 'themes' for the requested changes and the tracked changes attached as Appendix 5 affect almost every line of text of the existing Hingaia 1 Precinct), the effects of the plan change request are considered to be limited. The majority of the changes are refinements to the Hingaia 1 Precinct text and precinct, resulting in the same or similar outcome to that currently enabled. The main changes occurring as a result of the plan change request are the zoning changes on the land in Hingaia Sub-precinct D, which is land bordered by physical (Southern Motorway) and natural (Drury) buffers where it does not adjoin other Sub-precincts.

Therefore, it is considered that all of the persons directly affected by the proposed change can be identified. With reference to the material elsewhere in this report, the persons directly affected by the proposed change are considered to be limited to the following:

- All owners of properties within Hingaia 1 Precinct area (affected by the proposed changes to Hingaia 1 provisions) – refer to the list of properties attached as Appendix 1, including the Ministry of Education (on behalf of the Crown), Auckland Council and Watercare Services Limited;
- All occupiers of properties along Park Estate Road (affected by the proposed rezoning) – being 115, 141, 145, 161, 169, 179, 181, 185, 189, 209, 221, 241, 253, 257, 273, 277 and 279 Park Estate Road;
- Transpower New Zealand Limited (affected by rezoning of land subject to National Grid transmission lines);
- Waka Kotahi NZ Transport Agency (affected by rezoning of land adjacent to State Highway 1);
- Auckland Transport (as the transport authority for the Hingaia 1 Precinct area);
- Veolia Water (as the water and wastewater service provider for the Hingaia 1 Precinct area);
- Chorus Limited and Counties Power Limited (as network utility providers for the Hingaia 1 Precinct area); and
- All iwi with interest in the Hingaia 1 Precinct area, but more specifically:
 - Ngāti Tamaoho;
 - Ngāti Te Ata; and
 - Te Ākitai Waiohū.

10. Conclusion

Overall, it is considered that the requested changes to the Auckland Unitary Plan Operative in Part:

- Rectifies a wide variety of issues that arose from the decisions on Plan Variation 1 (which confirmed the Hingaia 1 Precinct provisions) being made operative prior to decisions on the Proposed Auckland Unitary Plan, including providing for a more user-friendly experience for new users of the precinct provisions once large scale subdivision starts occurring;
- Recognises a number of decisions confirmed with Council during resource consenting processes for Hugh Green Limited that deviated from the Hingaia 1 Precinct plan and text;
- Ensures that the Hingaia 1 Precinct neighbourhood centre is able to provide for the local convenience needs of the surrounding residential catchment without unnecessary or unintended limitations that prevent it from doing so;

- Enables increased development capacity within Hugh Green Limited’s landholdings within the Hingaia 1 Precinct, capitalising on the increased commercial, community and open space development occurring in the area, consistent with the Regional Policy Statement and the National Policy Statement for Urban Development 2020;
- Aligns the precinct’s approach to affordable housing provision to be in line with the AUP’s Auckland-wide approach and higher order planning documents;
- Corrects unintended outcomes from existing precinct provisions or equivalent AUP provisions being adopted into the precinct;
- Increases consistency with underlying zone provisions and minimises the need for precinct-specific deviations;
- Does not result in any inconsistencies with higher order planning documents;
- Minimises adverse effects on adjacent established urban land uses;
- Minimises effects on cultural values;
- Results in no net difference to ecological outcomes already provided for by the existing AUP provisions and approved resource consents; and
- Proposes provisions that are the most effective and efficient way to achieve the Hingaia 1 Precinct objectives and the purpose for the plan change.

It is therefore considered that the requested change can be accepted and approved by Auckland Council.

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APPENDIX 1

List of Properties Subject to Plan Change Request



APPENDIX 2

Locality Diagram



APPENDIX 3

Subdivision Activity Statuses Currently Applicable under the Hingaia 1 Precinct Provisions



APPENDIX 4

Existing and Proposed Zoning Plans



APPENDIX 5

Proposed Changes to Hingaia 1 Precinct Text



APPENDIX 6

Replacement Precinct Plan



APPENDIX 7

'Clean' Copy of Updated Hingaia 1 Precinct Text



APPENDIX 8

Engineering Report



APPENDIX 9

Approved Stormwater Management Plan



APPENDIX 10

Urban Design Report



APPENDIX 11

Economics Reports



APPENDIX 12

Transportation Assessment Report



APPENDIX 13

Transport Modelling Report



APPENDIX 14

Cultural Values Assessments



APPENDIX 15

Consultation Correspondence

