

25 May 2021

Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Attention: Todd Elder

Dear Todd,

Subject: Response to Additional Clause 23 Request – Park Green / Hingaia 1 Precinct Plan Change
CivilPlan Project No: 2197

We write in response to the additional request for further information under clause 23 of Schedule 1 to the Resource Management Act 1991, dated 13 May 2021.

Subject to the points below, a response to each item specified in the request is provided in the table attached as Appendix 1, with supporting information provided in the subsequent appendices.

On review of the request, it has been noted that Council (in full or part) has been misinterpreting the scale of the plan change request in terms of the additional yield enabled. This has led to, in our view, requests by Council that are not appropriate to the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change (and therefore not within the scope of further information that can be requested under clause 23). The following sections discuss this further.

1. Changes to Dwelling Yield

1.1. Estimated Existing Yield

The additional clause 23 request references that the number of dwellings would increase from approximately 1,500 within the land south of Park Estate Road. As mentioned in section 3.2.1 of the evaluation report, this was the yield anticipated for this plan through the consideration of Plan Variation 1. However, section 3.2.1 also outlines the various reasons as to why this yield no longer reflects the likely development outcome of this land, including significantly larger areas of wetlands than has previously determined and the application of existing and future designations. A yield of approximately 1,230 dwellings was instead determined on a pro-rata basis, which was rounded up to 1,300 dwellings (as a contingency).

Therefore, the effects of the operative zoning and Hingaia 1 provisions have been considered through the approval of Plan Variation 1 suitable for a development yield of 1,500 dwellings within the land south of Park Estate Road, while the operative AUP provisions are currently anticipated to instead result in only 1,300 dwellings within the same area.

1.2. Estimated Proposed Yield

The additional clause 23 request then references that the number of dwellings would (as a result of the requested changes) increase to 2,300 within the land south of Park Estate Road. This figure appears to have been obtained from the traffic modelling that was undertaken in August 2018 (prior to preparation of a plan change being considered).

The transport report attached as Appendix 12 to the original request stated the following:

The latest wider network modelling undertaken by Flow included for some 2,300 households south of Park Estate Road. It is understood that based on the existing Zoning (primarily Mixed Housing Suburban) this was an ambitious yield with master planning having identified a more realistic yield for this land under the current zoning to be in the region of 1,300 dwellings.

Under the proposed new zoning (as shown in Figure 2), master planning identifies an expected yield in the region of 1,660 households.

Furthermore, the economics report attached as Appendix 11 to the original request stated the following:

The MHU zone would enable approximately 1,660 dwellings, 360 (28%) more than the MHS zone, which enables 1,300 dwellings.

Therefore, the estimated proposed yield presented was 1,660 dwellings, not 2,300 dwellings. The evaluation report has been updated to clearly state this, including in section 3.2.1.

Compared to the yield considered by Plan Variation 1 (1,500), this equates to an increase of 160 dwellings (approximately 10%).

The effects of a yield increase to 1,660 dwellings when compared to the outcome considered by Plan Variation are considered to be small in scale and significance – particularly when compared to a yield increase to 2,300 dwellings that Council appears to have been considering.

1.3. Changes to Enabled Yield

The enabled yield can be determined by comparing the number of dwellings provided for between the operative AUP provisions and the AUP provisions as amended by the requested changes.

In this case, the requested changes are not considered to result in any change in enabled yield. This is because both the Residential – Mixed Housing Suburban and Residential – Mixed Housing Urban zones do not include provisions that directly limit density (on a number of dwellings per area basis), with both zones providing for up to three dwellings per site as a permitted activity and four or more dwellings per site as a restricted discretionary activity. Furthermore, the average allotment size for both zones in the Hingaia 1 Precinct is identical, being 300 m² (as per the Hingaia 1 Precinct subdivision control for the MHS zone and as per the Auckland-wide provision for the MHU zone). This was discussed in section 5.2.1 of the evaluation report.

The Residential – Mixed Housing Urban zone allows for greater building bulk through an increased height limit and higher building coverage (amongst others), which may increase the yield of actual development. However, that same yield could still be achieved in the Residential – Mixed Housing Suburban zone by proposing smaller dwellings instead.

Therefore, while it is estimated that the yield as a result of the requested changes is 1,660 dwellings, it is within the scope of the existing operative AUP provisions for 1,660 dwellings to be established within the same area of land.

2. Scope of the Plan Change

As a further point, we are of the view that the scope of the plan change (and therefore its scale and significance) is limited to the difference between:

- The reasonably anticipated environmental outcomes provided for by the provisions of the operative AUP (including the current zoning pattern and the Hingaia 1 Precinct provisions) and relevant other planning documents (including the National Environmental Standards for Freshwater); and
- The reasonably anticipated environmental outcomes provided for by the provisions of the AUP, as amended by the requested changes, and relevant other planning documents (including the National Environmental Standards for Freshwater).

Referring to the discussion on yield above, the key actual difference between the reasonably anticipated environmental outcomes of each scenario is actually the built-form (due to changes to height and building coverage, etc.), not necessarily any effects on infrastructure (as there is no change in enabled yield) or natural resources (as the Auckland-wide provisions and other planning documents continue to apply with the same results).

Some of the requests from Council appear to be considering the total effects of the reasonably anticipated environmental outcomes provided for by the requested changes, either in a void or in comparison to the existing (relatively) undeveloped state of the plan change area. However, a significant proportion of these effects are considered to be the same or similar to those reasonably anticipated to arise from the environmental outcomes provided for by the provisions of the operative AUP, therefore not resulting from the requested changes themselves. In those cases, our responses to the requests from Council have been limited to the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change proposed. Where the effects are the same as those reasonably anticipated environmental outcomes provided for by the provisions of the operative AUP, it is considered inappropriate for the requested information to be provided.

We trust that the above and attached information (alongside the previously provided information) is sufficient to enable a decision on the plan change request under clause 25 of Schedule 1 of the RMA.

Yours sincerely,
CivilPlan Consultants Ltd



Aaron Grey
Senior Planner

- Encl. Appendix 1: Response to Additional Clause 23 Further Information Request Table
- Appendix 2: Updated Tracked Changes to the Plan Change Request Evaluation Report
- Appendix 3: Updated 'Clean Copy' of the Plan Change Request Evaluation Report
- Appendix 4: 2015 Council Draft Hingaia South Catchment Stream Classifications
- Appendix 5: Updated Wastewater Calculations
- Appendix 6: HiRB and AHiRB Comparison with Garage Doors

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