

Decision following the hearing of a Private Plan Change under the Resource Management Act 1991



Proposed Private Plan Change 109 (PPC 109) at 98 - 100 & 102 Totara Road, Whenuapai – to the Auckland Unitary Plan

Proposal (In summary¹)

To rezone 16.36 hectares (**ha**) of land at 98 from Future Urban Zone (**FUZ**) to Residential – Mixed Housing Urban Zone (**MHUZ**) and to apply a new Precinct (the 'Whenuapai Green' Precinct) and the Stormwater Management Area Flow control to the land. The removal of an Historic Heritage Overlay – Extent of Place is also proposed from a small portion of the eastern side of the land.

This private plan change is DECLINED . The reasons are set out below.	
Private Plan Change Number:	Private Plan Change 109 (PPC 109)
Site Addresses:	98-100 & 102 Totara Road, Whenuapai
Requestor:	Neil Construction Limited
Hearing:	29 and 30 July 2025
Hearing Panel:	Mark Farnsworth, MNZM (Chairperson) Dr Lee Beattie Alan Pattle, CPEng
Appearances:	<u>For the Requestor:</u> Neil Construction Limited, the Requestor <ul style="list-style-type: none">• Patrick Senior & Vicki Toan, Legal Counsel• Patrick Ainsworth (Corporate)• Robert White (Water Supply and Wastewater)• Alex Jacob (Acoustics)• Fraser Colegrave (Economic)• Philip Brown (Planning) <u>For the Upper Harbour Local Board</u> <ul style="list-style-type: none">• Anna Atkinson <u>Submitters:</u> <i>For the New Zealand Defence Force</i>

¹ Section 42A Report at page 6

	<ul style="list-style-type: none"> • Rebecca Davis (Corporate) • Karen Baverstock, (Planning) • Darren Humpheson (Acoustics) <p><i>For Watercare Services Limited</i></p> <ul style="list-style-type: none"> • Simon Pilkinton & Sian Kilgour, Legal Counsel • Christopher Allen (Corporate) • Andrew Deutschle (Corporate) • Tim Scheirlinck (Corporate) • Jennifer Vince (Planning) <p><i>For Auckland Council as a Submitter:</i></p> <ul style="list-style-type: none"> • Michele Perwick (Planning) • Jon Styles (Acoustics) <p><i>For Auckland Council as the Regulator:</i></p> <ul style="list-style-type: none"> • Eryn Shields, Team Leader • Vanessa Wilkinson, Consultant Planner, (section 42A report author) • Peter Runcie (Acoustics) • Louise Thomas (Open Space – Parks) • Tim Heath (Economics) • Harry Shepherd (Traffic) • Katherine Dorofaeff (Auckland Transport) • Ian Kloppers (Infrastructure Funding) <p>Hearings Advisor:</p> <ul style="list-style-type: none"> • Bevan Donovan, Hearings Advisor
Hearing Adjourned:	30 July 2025
Hearing Closed:	Tuesday 4 November 2025
Hearing Re-opened & Further Information Sought:	15 December 2025
Hearing Closed:	18 February 2026

INTRODUCTION

1. The private plan change request by **Neil Construction Limited** (“**the Requestor**”) was made under Clause 21 of Schedule 1 to the RMA on 9 April 2025, and the request was accepted by the Council, under clause 25(2)(b) of Schedule 1 to the RMA on 10 December 2024.
2. A report in accordance with section 32 and 32AA (in relation to the changes sought) of the RMA was prepared in support of the proposed plan change for the purpose of considering the appropriateness of the proposed provisions.

3. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioners Mark Farnsworth (Chair), Dr Lee Beattie and Alan Pattle (“**the Hearing Panel**”) appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**RMA**).
4. The Hearing Panel has been delegated the authority by the Council to make a decision on Private Plan Change 109 (**PPC 109**) to the Auckland Council Unitary Plan Operative in Part (**AUP (OP)**). In making our decision we have considered the plan change request, including the section 32 and 32AA evaluations and all associated material provided by the Requestor, all of the submissions, the Section 42A reports prepared by Ms Vanessa Wilkinson, the Joint Witness Statements arising from expert conferencing², legal submissions and the evidence presented during the hearing.

SUMMARY OF PLAN CHANGE AS NOTIFIED

5. The proposed Plan Change was described in detail in the Request for a Private Plan Change and in the Council’s section 42A report. The site, which comprises 16.36 ha, is currently zoned Future Urban Zone (**FUZ**) under the AUP (OP). The Requestor proposes to rezone the land for urban activities specifically as **MHUZ**.
6. The Requestor’s request³ for the private plan change sets out why the change was necessary. The report states:

“The PPC land has been anticipated to be developed for residential purposes for a considerable period of time and has culminated in this PPC request to achieve the envisaged residential use of the PPC land. The overarching objective of the PPC is to deliver a comprehensive and integrated residential development in an optimal location to everyday needs, amenities, and transport connections.”

7. Mr Philip Brown also noted⁴

*A proposed Precinct (Whenuapai Green Precinct) would be applied to the PC109 land, together with a Stormwater Management Area Flow (**SMAF**) control applied to part of the land.*

The purpose of the Precinct is to enable the development of the land for residential purposes in a manner that is integrated with the provision of infrastructure, achieves ecological outcomes, and acknowledges the presence of RNZAF Base Auckland located to the east of the PC109 land.

Specific rules and development standards are included within the Precinct, relating to matters such as:

² 9 September 2025

³ Request for Private Plan Change, Campbell Brown Planning Ltd, 8 January 2025 (**Application**) at [8.2]

⁴ Brown EIC at [30 -32]

- (a) *The timing and nature of transport infrastructure upgrades.*
- (b) *Timing of development in relation to availability of wastewater and water supply infrastructure.*
- (c) *The management of impacts on the function and operation of RNZAF Base Auckland; and*
- (d) *Ecological enhancement of streams and wetlands. Development proceeding in advance of required transport upgrades.*

Development proceeding in advance of required transport upgrades and wastewater and water supply infrastructure would be assessed as a noncomplying activity under the Precinct rules”.

THE SITE AND SURROUNDING ENVIRONMENT

8. Both the Requestor’s Request for Private Plan Change (**Application**)⁵ and the Section 42A Report provide detailed descriptions of the PPC 109 area and the surrounding environment (see Figure 5 below). In summary,

“The PPC landforms a total area of 16.36 ha and has frontage on to both McCaw Avenue and Totara Road. The site is generally rectangular in shape, excluding the northern boundary which follows the angle of Totara Road and a rectangular arm to the east. The PPC land has a slight slope, with a gradient falling from RL 25.5 to RL 15 across the land.

The PPC land is predominantly open pasture, with buildings located in the northern and southwestern corners of the PPC land. The buildings to the north are comprised of a single dwelling and a detached garage, and the buildings to the south-west include two dwellings and a barn. Two vehicle crossings are provided off Totara Road for the existing buildings.”

⁵ Application at section 4



Figure 1: Aerial View of PPC109 land at 98-100 and 102 Totara Road, Whenuapai
Source: Section 42A Report page 24

9. Section 8 of the Section 42A Report provides a useful description of the surrounding area. In summary:
- The immediately surrounding environment is characterised by a range of rural, residential and commercial activities, as well as the Whenuapai Airforce Base.
 - The land to the north and west of the plan change area is generally comprised of rural land uses, with predominantly rural lifestyle properties that contain dwellings and a range of other ancillary buildings. Pockets of vegetation are located across the land, as well as open pasture and streams.
 - Whenuapai Airforce Base Auckland is located to the east of the PPC109 land. The Base is the largest and northern most operational air base in New Zealand. It is a prominent feature of the Whenuapai landscape and community. The Whenuapai Airforce Base has a number of designations in place to protect and enable its operations, in particular aircraft flights and operations, including over the PPC109 area.
 - To the south of the PPC109 area is a more recent two and three storey, medium density residential development established under Special Housing Area provisions (Whenuapai 1 and 2 Precincts or Whenuapai Village) and the Whenuapai township area comprising a mix of local and neighbourhood zoned land which includes some just completed buildings to be used as a medical centre and local shops, and existing commercial activities, including two petrol stations. This area also includes a Business - Light Industrial zoned area used as an ITM building products supplier and Pinepac, a timber sawmill and manufacturer.

- Whenuapai School, which accommodates primary and intermediate aged children (years 1 to 8), is located further to the east of the Whenuapai township area.
- The PPC109 area is also accessible to the Westgate Centre via SH16, approximately 2.5kms to the south; and Hobsonville via SH18, approximately 3kms to the east.

EXISTING PLAN PROVISIONS

10. The plan change land is zoned FUZ in the AUP (OP). FUZ is a transitional zone applying to greenfield land that has been identified as suitable for urbanisation. In the interim, land in the FUZ may be used for a range of general rural activities but generally cannot be used for urban activities until rezoning occurs⁶.
11. The Regional Policy Statement⁷ (**RPS**) requires the rezoning of FUZ land to follow the structure planning process.
12. There are a number of overlays and controls that apply to the PPC land, which are:
 - Natural Resources: High-Use Aquifer Management Areas Overlay (D1)⁸ – Kumeu Waitematā Aquifer;
 - Historic Heritage Overlay (D17)⁹;
 - Aircraft Noise Overlay (D24)¹⁰– Whenuapai Airbase – noise control area (55dBA): and
 - Macroinvertebrate Community Index Control – Exotic and Rural;
13. The entirety of the PPC land is located within the Airspace Restriction Designation – ID 4311, (Defence purposes – protection of approach and departures paths Whenuapai Air Base, Minister of Defence) and immediately adjacent to Designation 4310.

NOTIFICATION PROCESS AND SUBMISSIONS

14. PPC 109 was publicly notified on 23 January 2025. Ten primary submissions were received¹¹, including one late submission. The Section 42A report records¹² the late

⁶ Application at Section 5

⁷ Regional Policy Statement section of the AUP-OP

⁸ Section 42A Report at [10.3

⁹ Ibid at [10.5]

¹⁰ Ibid at [10.4]

¹¹ Section 42A Report - Section 6

¹² Ibid at [1.7]

submission was accepted under delegated authority. A summary of the submissions was publicly notified on 14 March 2025; four further submissions were received.

15. Attachment Nine of the Section 42A Report provided a tabulation of the issues raised by the submitters, in their submissions and further submissions. Submissions¹³ were received from:

Primary Submissions

Sub no.	Submitter	Matters raised (key matter of concern)
1	David Allen ¹⁴	Accept PPC 109 with amendments
2	Charlotte Meyer ¹⁵	Accept PPC 109
3	Joseph Donis ¹⁶	Decline PPC 109 / reduce intensity of development
4	Akhil Argal ¹⁷	Decline PPC 109 / infrastructure impacts
5	Auckland Council as Submitter ¹⁸	Decline PPC 109 / infrastructure impacts / contrary to NPS-UD / does not give effect to RPS / not the most appropriate zone / infrastructural requirements / amend precinct provisions.
6	Cabra Development Limited ¹⁹	Approve PC
7	New Zealand Defence Force ²⁰	Need to protect from adverse effect of development / amendments required to precinct provisions
8	Watercare Services Limited ²¹	Decline PPC 109 out of sequence / amend precinct provisions
9	Chun-Kai Tseng ²²	Approve PPC 109
10	Ministry of Education ²³	Neutral stance on PC / amend precinct provisions

¹³Section 42A Report Attachment Nine provides a full summary of the issues raised in each submission and the relief sought.

¹⁴ Section 42A Report at page 425

¹⁵ Ibid at page 428

¹⁶ Ibid at page 430

¹⁷ Ibid at page 433

¹⁸ Ibid at page 436

¹⁹ Ibid at page 458

²⁰ Ibid at page 460

²¹ Ibid at page 477

²² Ibid at page 525

²³ Ibid at page 528

Further Submissions

Sub no.	Submitter	Matters raised (brief summary)
1	David Allen ²⁴	Accept PPC 109 with amendments
2	Charlotte Meyer ²⁵	Accept PPC 109
3	Joseph Donis ²⁶	Decline PPC 109 / reduce intensity of development
4	Akhil Argal ²⁷	Decline PPC 109 / infrastructure impacts

Upper Harbour Board Comments

16. The Upper Harbour Local Board provided its input to PPC 109, and the Chair of the Local Board, Ms Anna Atkinson, spoke to their written feedback at the hearing noting in particular:

- The plan change is out of sequence with the Auckland Future Development Strategy 2023-2053 and is in advance of the necessary infrastructure to support development.
- Concerns from residents in new areas such as Whenuapai regarding the lack of infrastructure, specifically open space, roads, water and transport. PPC109 does not provide sufficient useable outdoor space that is required in dense developments.

17. The Local Board supported the Auckland Council's²⁸, submission as a submitter.

STATUTORY REQUIREMENTS

18. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the Section 42A Report²⁹.

19. The Requestor in their *Plan Change Request*³⁰ dated 8 January 2025 provided an evaluation pursuant to section 32 of the RMA, and the additional RMA Clause 23³¹ information requested by Auckland Council.

20. We do not need to repeat contents of the Requestor's Plan Change Request or the Section 32 Evaluation in any detail, as we accept the appropriate requirements for the formulation of a plan change has been comprehensively addressed in the material

²⁴ Section 42A Report at page 425

²⁵ Ibid at page 428

²⁶ Ibid at page 430

²⁷ Ibid at page 433

²⁸ Auckland Council had clearly differentiated dual roles at the hearing acting as the regulator and as submitter.

²⁹ Ibid at Section 2

³⁰ Request for Private Plan Change, Campbell Brown Planning Ltd, 8 January 2025

³¹ Council made two Clause 23 requests: 9 April 2024 & 4 October 2024

before us. We do note, however, in its evidence and at the hearing, the Requestor proposed some changes to the plan change in response to concerns raised by the Council and Submitters.

21. We also note that Section 32 Evaluation³² clarifies that the analysis of *efficiency and effectiveness of the plan change is to be at 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. Having considered the application and the evidence, we are satisfied that PPC 109 has been developed in accordance with the relevant statutory requirements.
22. Clause 10 of Schedule 1 of the RMA requires that this decision must include the reasons for accepting or rejecting submissions, while clause 29 (4) requires us to consider the plan change and to give reasons for (in this case) rejecting it. This decision gives effect to those clauses of the RMA. The decision must also include a further evaluation, in accordance with section 32AA of the RMA, of any proposed changes to the Plan Change. A section 32AA analysis was not required. We have set out below our reasons for accepting, accepting in part, or rejecting submissions.

THE STATUTORY PLANNING FRAMEWORK

23. Both the Application³³ and the Section 42A Report³⁴ provided detailed commentary on the statutory planning and policy framework. We have set out below the planning documents under which we have assessed and determined this plan change.
 - Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
 - National Policy Statement on Urban Development 2020³⁵
 - National Policy Statement on Infrastructure 2025
 - National Policy Statement on Natural Hazards 2025
 - National Policy Statement for Freshwater Management 2020
 - Regional Policy Statement (Chapter B of the (AUP (OP))
 - Auckland Unitary Plan – Operative in Part (Regional and District provisions)

³² Section 9.0 of Request for Private Plan Change, Campbell Brown Planning Ltd, 8 January 2025

³³ Application pages 49 -77

³⁴ Section 42A Report pages 44-80

³⁵ Updated in May 2022

STRATEGIC CONTEXT

24. Both the Application and the Section 42A Report provided a strategic context to the plan change. Commentary was provided on the following documents (amongst others):
- The Auckland Plan 2050³⁶ seeks that most of Auckland's anticipated population and dwelling growth over the next 30 years is within the existing urban area. In terms of development form, the Auckland Plan takes a quality compact approach to growth and development.
 - The Whenuapai Structure Plan 2016 (**WSP**)³⁷ is a plan that provides developers, landowners and current communities with Auckland Council's intention for the development of the Future Urban zoned areas in Whenuapai. The WSP is a strategic document that considers the constraints and opportunities in the Whenuapai area such as land use and activities, natural environment, heritage, infrastructure requirements and transport.
 - The WSP anticipates that the structure plan area will provide somewhere between 8,100 to 10,700 dwellings, 8,600 jobs and over 300 hectares of new business land over the next 10 to 20 years. The WSP identifies the PPC109 land as being suitable for medium density development.
25. The National Policy Statement on Urban Development (**NPS-UD**) requires that a Tier 1 local authority, such as Auckland Council, must prepare a Future Development Strategy (**FDS**) for the urban environment. The purpose and requirements for an FDS are established in clauses 3.13 - 3.18 of the NPS-UD. The Auckland Future Development Strategy 2023 - 2053 is Auckland Council's response to the mandatory requirements established by the NPS-UD. The PPC109 land is identified in the FDS as being located within the Whenuapai North (Stage 1) area, with the timing for live zoning and infrastructure delivery expected to be 2035 plus.³⁸
26. Council's Future Urban Land Supply Strategy 2017 (**FULSS**) was the predecessor to the FDS. The FULSS sequenced the release of future urban land with the supply of infrastructure over 30 years for the entire Auckland region. The FULSS had a regional focus and attempted to provide a sustainable path for green-fields expansion to the north, west and south of the Auckland urban area.

³⁶ Ibid at [18.1]

³⁷ Ibid at [18.2]

³⁸ Section 42A Report at [18.3.10]

27. The FULSS proposed that the PPC109 land, and adjacent land to the north and west, would be development-ready at some time between 2028 and 2032³⁹. Mr Brown observed⁴⁰:

“Infrastructure providers have relied on the FULSS and the WSP to prioritise investment in Whenuapai to support urban development”.

HEARING PROCESS

28. The hearing was convened on Tuesday, 29 July 2025. In opening the hearing, we noted⁴¹ that after reading the evidence placed before us, we had identified a higher order key issue in contention that needed to be resolved; namely, the water / wastewater infrastructure pre-requisites, that needed to be in place that would allow development to take place.
29. We also noted early in the hearing process that the following matters were not in dispute:
- Archaeology;
 - Cultural aspects;
 - Geotechnical;
 - Heritage;
 - Landscape;
 - Site contamination; and
 - Urban design.
30. The Hearing Panel provided guidance on the subject matters which needed to be heard. The Requestor presented their case, followed by the submitters. The hearing was adjourned on 30 July 2025 to allow the experts to conference.
31. Three Joint Witnesses Statements on water, wastewater and related planning matters were filed as a result of expert conferencing.
32. The Requestor provided Closing Legal Submissions and the panel determined that it had enough information to reach a decision on PPC 109.
33. The Hearing was closed on Tuesday, 4 November 2025. However, on 18 December 2025 the Government released ten new or amended National Policy Statements (**NPS**)

³⁹Brown EIC at [19]

⁴⁰Ibid at [20]

⁴¹Recorded in Direction #5, 31 July 2025

or National Environmental Standards (**NES**) and these came into effect on 15 January 2026.

34. We are required to consider these new and amended NPS's and NES's as part of our decision making.
35. We therefore re-opened the hearing and issued a direction seeking the Council's, Applicant's and Submitter's advice on the implications and potential effects of the new and amended NPS's and NES's to PPC109.
36. Memos from the Council, the Applicant and NZDF were received and reviewed by the Hearings Panel. We note that the Council and Applicant's Memo's also made comment on Plan Change 120 which is Auckland Council's Housing and Intensification Plan Change and which was notified on 3 November 2025.
37. We were satisfied with the Memos received, and we closed the hearing on 10 February 2026.

FINDINGS AND REASONS FOR DECLINING THE PLAN CHANGE

Water and Wastewater

38. The Hearing Panel determined, based on all of the material placed before it, that a key matter in contention was the essential infrastructure requirements that needed to be in place to service the plan change area, specifically water and wastewater.
39. It was the Requestor's case that in terms of both water and wastewater there is sufficient network capacity to accommodate PPC 109⁴².
40. The Requestor's experts Mr Fraser Colegrave (Economics) and Mr Robert White (Civil Engineering) provided detailed evidence to substantiate that view. Key points made in their evidence included:
 - *The Northwest is projected to experience extremely strong growth over the coming decades, particularly in the next 10 years. Under current planning settings, there is insufficient live-zoned residential land available to meet this demand. The reliance on Redhills alone to deliver the entirety of this growth is unrealistic and contrary to both observed development patterns and basic market principles.*⁴³
 - *Rigid adherence to the FDS's staging risks suppressing housing supply, exacerbating affordability challenges, and undermining infrastructure efficiency.*

⁴² EV31 APP at [2.1]

⁴³ EV4 APP at [73 – 74]

*It also conflicts with NPS-UD requirements to councils to respond to significant development opportunities as they arise.*⁴⁴

- *Rezoning the land now - rather than waiting until 2035 - will boost supply while increasing choice and fostering competition in the land market, not to mention speeding the recovery of growth-related infrastructure costs.*⁴⁵
- *There is capacity in Slaughterhouse wastewater pump station (and rising mains) to service the plan change area.*⁴⁶
- *From a water perspective, Watercare has been overly conservative in modelling the future scenarios and combined with the ability to construct the first half of NH2 before 2033, would allow the plan change area to be serviced without compromising supply to connected customers.*
- *In expert conferencing Mr Scheirlinck (for Watercare) confirmed there would be sufficient headroom in the North Harbour 1 Watermain (NH1) to accommodate PC109 from 2031 if growth in NH1 catchment follows the Auckland Growth Scenario⁴⁷ 2023 (AGS).*

41. The Requestor's Closing Legal Submissions provided a useful overview justification for the Requestor's stance⁴⁸, as set out above in brief summary.

42. Mr Brown in his Supplementary Planning Evidence⁴⁹ for the Requestor records:

- *Watercare advises that there is insufficient capacity in the bulk water supply and wastewater networks until the completion of the North Harbour 2 Watermain and the Brigham Creek WWPS. It says that PC109 cannot be serviced until 2035 or beyond. However, the Requestor's economic and engineering evidence casts considerable doubt on the validity of Watercare's revised position, that evidence demonstrates that the growth projections that Watercare's wastewater capacity position is based on are unreliable and inaccurate, and the demand assumptions for water supply are overly conservative.*

43. Based on the information that he had available, including the evidence of Mr Colegrave and Mr White, Mr Brown was not convinced by Watercare's assertions of insufficient capacity in its infrastructure networks to service PC 109 land.

44. Watercare, in presenting their case, acknowledged that they had altered an initial view that there was capacity in their water and wastewater networks and that they were now opposed to PPC109. It was their position that PPC109 should be declined as it is out

⁴⁴ Ibid at [76]

⁴⁵ EV4B APP at [18]

⁴⁶ EV5B APP at [37]

⁴⁷ Auckland Growth Scenario 2023 Version 1.1

⁴⁸ Closing Legal Submissions at [2.1- 2.37]

⁴⁹ EV6B

of sequence with the timing provided in the Auckland Future Development Strategy 2023-2053 ("**FDS**"), which does not provide for the live zoning of the Plan Change Area until at least 2035+.

45. Watercare noted that the plan change area cannot be serviced for wastewater until the completion and commissioning of Whenuapai and Redhills Wastewater Scheme Packages 1 & 2 and the Brigham Creek WWPS. Given the scale, complexity and cost of the bulk wastewater network upgrades required to support development of the plan change area, an infrastructure funding agreement to support PPC109 is unlikely to be feasible.⁵⁰
46. Watercare's Legal Submissions record⁵¹:
- *The existing bulk wastewater and water supply networks in the catchment are constrained. There is no ability to service the 430 development unit equivalents ("**DUE**") proposed by PPC109 without major upgrades.*
 - *The Applicant acknowledges there is currently no capacity in the wastewater network. The Applicant notes there is some existing capacity in the water supply network. But it essentially seeks that this is reserved for its proposed development (without regard to anyone else).*
 - *As outlined in the evidence of Mr Scheirlinck, connecting the Plan Change Area out-of-sequence with the timing planned under the FDS and the Auckland Growth Scenario ("**AGS**") may jeopardise Watercare's ability to service planned growth in the wider areas supported by the North Harbour 1 Watermain ("**NH1**"). Reserving this available capacity for the Plan Change Area would come at the expense of all others in the wider catchment, and in doing so would take away the ability to connect developments to water and wastewater infrastructure that are already enabled in existing live zoned land.*
 - *The infrastructure required to service the Plan Change Area will not be constructed and commissioned for another 10 years at least (and it may be longer). Although the Applicant explains the first houses will not be ready for connection until 2031, this is still 4 years prior to there being bulk infrastructure available to service the development.*
 - *The FDS has been developed with consideration of bulk infrastructure timelines, including Watercare's. As a prudent community infrastructure service provider, Watercare plans for infrastructure funding and delivery in accordance with the timing provided in the FDS. This is not "conservatism on conservatism" as the Requestor alleges. Nor is Watercare's position on this plan change simply a "political" one. Serious issues can arise when individual developers develop land well in advance of the bulk infrastructure required to service it. Watercare would*

⁵⁰ EV13B SUB at [1.4 & 1.9 -1.10]

⁵¹ EV12 SUB at section 1; based on the expert evidence of Tim Scheirlinck, Chris Allen & Philip Ainsworth

be rightly criticised by the community at large if it was not prudent in its water and wastewater planning and associated expenditure of public money.

- *Watercare cannot just change its detailed asset planning (developed and refined over many years to service all of Auckland equitably), to quickly respond – on essentially a bespoke basis – to service a particular developer's new and unplanned demands.*
- *The unavoidable fact is that Watercare simply cannot service the development of the Plan Change Area prior to 2035+ without significantly adversely affecting its ability to service growth in already live-zoned areas.*

47. Ms Vince, Watercare's planning witness, noted⁵²:

- *Development of the Plan Change Area is out of sequence with the Future Development Strategy ("FDS"). The FDS identified that the Plan Change Area would not be ready for development before 2035+ and several infrastructure pre-requisites are required to be in place, so development is well-coordinated and able to provide a safe, sustainable environment area for communities in addition to the infrastructure pre-requisitions set out in the FDS.*
- *Watercare has also identified additional infrastructure pre-requisites required to support PPC109. The Brigham Creek Wastewater Pumpstation is required to support the development of the Plan Change Area, and this is not programmed for completion until 2035+. In addition, the North Harbour Watermain 2 ("NH2") is required to be in service in relation to water supply. This is not expected to be completed and commissioned until 2034 (and potentially not until 2035+).*

48. Ms Michelle Perwick, for Auckland Council as a submitter, noted the NPS-UD requires the integration of decisions on urban development with infrastructure planning and funding decisions. In light of the significant financial constraints facing key infrastructure providers the updated FDS readjusted timeframes for the delivery of bulk infrastructure. Infrastructure providers such as Watercare and Auckland Transport plan their infrastructure development and funding to align with the timing outlined in the FDS.⁵³

49. Ms Wilkinson, for Auckland Council as the regulator, acknowledged that Watercare had changed⁵⁴ their view on capacity. Ms Wilkinson deferred to the advice of Watercare regarding their ability to service the plan change area with the necessary bulk water and wastewater infrastructure, noting that bulk wastewater provision cannot

⁵² EV14 SUB

⁵³ EV16 SUB at [49 – 50]

⁵⁴ A change of position by Watercare regarding water supply was confirmed in the Memorandum received from Watercare dated 27 June 2025

be provided to the PPC109 area until the completion of the Brigham Creek wastewater treatment plant post 2035.

50. We accept the Requestors contention that rezoning the land now - rather than waiting until 2035 - will boost residential land and housing supply, increasing choice and fostering competition in the land market but we are of the view, and find that, it would be inappropriate to enable a rezoning via this Plan Change if the area cannot be serviced adequately by wastewater and question if this would be in accordance with the relevant provisions of the NUP-UD and AUP OP, a point we consider below. The Requestor acknowledges at the present point in time there is no capacity in the wastewater network, this position will not change (in the short to medium term) as Watercare has pointed out (considered above) *“the infrastructure required to service the Plan Change Area will not be constructed and commissioned for another 10 years at least (and it may be longer)”*.
51. While we accept that in expert conferencing, Mr Scheirlinck (for Watercare) confirmed there would be sufficient headroom in the North Harbour 1 Watermain (NH1) to accommodate water supply to PPC109 from 2031 if growth in NH1 catchment follows the Auckland Growth Scenario 2023 version 1.1. Expert conferencing did not result in any consensus on the bulk water provisions that needed to be in place that would facilitate the approval of PPC 109.
52. We were not persuaded by the Requestor’s case for the following reasons:
- We are of the view that a prudent network provider would ensure there was capacity in the wider network to meet situations that could potentially arise on day-to day basis.
 - It is still not sufficiently clear whether there is any water capacity available in advance of the construction and commissioning of the NH2 water pipeline, which is not expected to be available until at least 2034.
 - The Requestor questioned the AGS’s growth projections in the Redhills part of the NH1 catchment, coming to a view that they are so high that they are “virtually impossible” to achieve. We question reliance being placed on a slow Redhills home build thereby creating a capacity that could be utilised. Redhills is live zoned and Watercare has responsibilities to ensure there is capacity to serve that live zoned area. While the Requestor has created a ‘now quotient’ for the rate of home build, the reality is that a change of conditions could potentially change that quotient and result in a rate change in home build.
 - Given the timing uncertainty we do not consider the use of a pre-completion trigger is an efficient mechanism to address sufficient network capacity.
53. We accept Watercare’s view as noted above, that:

- *“Watercare simply cannot service the development of the Plan Change Area prior to 2035+ without significantly adversely affecting its ability to service growth in already live-zoned areas.”*

54. We find that granting PPC109 would have the potential to undermine Watercare’s ability to address water and wastewater needs in a strategic and planned manner.

55. The Principles of the FDS also provide guidance, in particular:

Principle 3: make efficient and equitable Infrastructure investments. The FDS records⁵⁵:

“Rezoning and development in future urban areas earlier than when council can fund bulk and network infrastructure and services (out-of-sequence development) creates significant challenges to this regional approach. It often requires the reallocation of council infrastructure funding which impacts on the delivery of other planned infrastructure. This is why out of-sequence development is generally discouraged.”

Principle 5: Enable sufficient capacity for growth in the right place and at the right time. The FDS records⁵⁶:

“It is harder for the council, infrastructure providers and communities to plan for growth proactively, particularly planning for the longer term. Unanticipated or out-of-sequence development creates major funding challenges for the council. It can also mean that planned projects in existing communities are deferred or cancelled.”

56. We find that the out of sequence development proposed by PPC109, which, in this case, cannot be supported by critical infrastructure prior to 2035+, would not give effect to the objectives of both the NPS-UD and the RPS. We agree with and have adopted the analysis of Ms Wilkinson in her Section 42A Report. Ms Wilkinson notes⁵⁷:

“The ability to serve the PPC109 area with the necessary bulk wastewater infrastructure in the near future appears to be limited. The timing of the provision of bulk infrastructure does not appear to be well integrated with the proposed development in the short to medium term.”

57. We find that without the necessary bulk water and wastewater availability or capacity that PPC 109 could result in significant adverse effects. For example, we do not want to create a situation where dwellings are built and cannot be occupied; or treated or untreated wastewater has to be removed from the area by tankers.

⁵⁵ Tāmaki - Whenua Taurikura Auckland Future Development Strategy 2023 – 2053 at [2.5]

⁵⁶ *ibid*

⁵⁷ Section 42A Report at [13.1.5]

58. We are very aware that there are other private plan changes that are being considered or will be considered in due course. We are of the view that if we moved to approve PPC109 we could potentially create an adverse precedent that would effectively undermine the network ability to deliver water and wastewater infrastructure in a planned strategic manner.
59. We are of the view that that the provision of adequate water and wastewater are a fundamental criterion that need to put in place before PPC 109 could be approved and should be in place should the plan change be revisited. We are of the view that the without the agreement in place the plan change should not be approved at this point in time

Noise

60. Noise was a matter that was discussed at some length at the hearing. We heard detailed acoustic evidence from a number of experts.
61. Mr Alex Jacob, the acoustics expert for the Requestor noted that as the subject's site is in close proximity to the Royal New Zealand Air Force Base Auckland (Whenuapai Airbase) it is exposed to varying degrees noise across the site from aircraft flight operations (taxiing, in-flight, landing) and engine testing noise, in addition to ancillary, less prominent noise sources from the Airbase. The noise from Whenuapai Airbase is environmental and can only be predicted and mitigated but not controlled. This is not unique, as the same applies in proximity to other airports and also roads and railways.
62. Mr Darren Humpheson⁵⁸, an acoustics expert for the New Zealand Defence Force (NZDF) told us the RNZAF Base Auckland (Whenuapai Airforce Base) is a military airfield with variable aircraft operations, including engine testing, which is a significant noise source. There are no noise standards for engine testing noise at RNZAF Base Auckland, either in the AUP (OP) or the applying Designation 4310. Engine testing is sporadic, may be prolonged, and can occur at night. The nearest engine testing location is approximately 600 metres from the PPC109 Precinct. By way of example, Mr Humpheson noted instantaneous noise levels from Boeing 757 engine testing can exceed 80 dB(A) at the boundary of the Precinct during a max power test, with LAeq (15 min) levels ranging from 68 to 74 dB across the Precinct. In comparison, Ldn values range from 53 to 58 dB.
63. Mr Peter Runice a consultant expert for Auckland Council provided a Technical Memorandum⁵⁹ in which he noted noise from aircraft operations on the RNZAF Base are controlled by Designation 4310, except for aircraft landing in an emergency; aircraft landing at the Airbase as an alternative in adverse weather conditions; or aircraft using the airfield as part of a search and rescue operation or civil emergency.

⁵⁸ EV10A APP

⁵⁹ Section 42A Report at pages 288 -301

64. Ms Wilkinson pointed out⁶⁰:

“In October 2019 the Minister of Defence issued a s4(2) Certificate under the RMA advising that, for reasons of national security and as aircraft engine testing is a necessary component of aircraft maintenance, the activity of aircraft engine testing at the Whenuapai Airforce Base is exempt from the RMA.

This means that there is no restriction on the level of noise that could occur from aircraft engine testing at the Whenuapai Airforce Base.”

65. All of the acoustics experts (Alex Jacobs for the Requestor, Darren Humpheson for NZDF, Peter Runcie for Council as the regulator and John Styles for Council as the Submitter) all agree that noise is matter that must be addressed.

66. Acoustics experts from the Requestor, NZDF, and Council as the submitters produced a Joint Witness Statement (**JWS**), while this JWS does list areas of agreement it had been prepared prior to Mr Styles, Mr Humpheson and Ms Yung preparing any report, evidence or other formal advice on their positions.

67. One of complicating considerations is, as Mr Styles, an acoustics consultant for Auckland Council, notes⁶¹:

“The noise from engine testing was very uncertain in terms of timing, frequency and level. That uncertainty arose because engine testing noise is not controlled by plan provisions, designation conditions or a resource consent. That meant that the timing, level and frequency could change as the fleet and operations at Base Auckland change over time.”

68. At the completion of the hearing disagreements remained between the noise experts and planners regarding the most appropriate zoning for the plan change land, the noise descriptor to be used, the building design requirements required to meet necessary indoor noise levels, how outdoor noise effects on private and public open space should be mitigated and what provisions would achieve a suitable noise environment.

69. We find that we have concerns whether the measures proposed, both for indoors and outdoors adequately address the adverse effects of aircraft engine testing noise on activities that would be sensitive to such noise. We consider the potential remains to create unacceptable health and significant amenity effects, for the future residents and users of land in the PPC 109 area, in particular outdoor users. This raises unanswered questions in our minds whether the proposed residential zone is the most appropriate zoning of the land and whether some other zone, such a Business Zone, may be more appropriate⁶².

⁶⁰ Section 42A Report at [19.1.5 -19.1.7]

⁶¹ EV15A SUB at [3]

⁶² Given the noise issues Ms Wilkinson questioned whether residential zoning was appropriate.

Reverse Sensitivity

70. Ms Wilkinson told us in her Section 42A Report that reverse sensitivity effects are a significant consideration for the NZDF given the extent of their operations, and noise from their operations, at the Whenuapai Airforce Base⁶³. She expressed⁶⁴ the concern that enabling more people to establish themselves in close proximity to the Whenuapai Airforce Base, as would occur with the proposed rezoning and the requestors proposed Precinct provisions; the provisions do not sufficiently avoid the adverse effects on the operation of the Whenuapai Airforce Base.

71. Ms Rebecca Davies, in her corporate evidence brief for the NZDF, when addressing the need for no compliant covenant to deal with reverse sensitivity matters noted⁶⁵:

“NZDF considers such covenants to be critical to protect RNZAF Base Auckland against reverse sensitivity effects and to ensure its ongoing operation. This approach is efficient, straightforward and consistent with the approach already taken through the Whenuapai Precincts 1, 2 and 3 provisions. It is also consistent with the recent Environment Court decision⁶⁶ in which the Environment Court determined that a requirement for reverse sensitivity covenants should be included in the proposed Selwyn District Plan.”

72. Mr Brown opined⁶⁷:

“I support the use of no complaints (reverse sensitivity) covenants for each lot that can accommodate an activity sensitive to noise. This is a well-tested planning mechanism and will ensure that prospective owners fully understand the noise environment that they are selecting via their home purchase.”

73. It was Ms Wilkinson’s view the proposed precinct provisions and a reverse sensitivity covenant do not sufficiently remedy or mitigate the adverse effects of future subdivision, use or development on the operation of the Whenuapai Airforce Base and this aspect remains inconsistent with and likely contrary to the objectives and policies of the Auckland Regional Policy Statement. She was of the opinion that the reverse sensitivity effects would be better managed by the application of the D24 Aircraft Noise Overlay⁶⁸.

⁶³ Section 42a Report at [19.2.3]

⁶⁴ EV18 CNCL at [4]

⁶⁵ EV9 SUB at [4.3]

⁶⁶ New Zealand Defence Force v Selwyn District Council [2025] NZEnvC 210

⁶⁷ EV6B APP at [16]

⁶⁸ Section 42A Report at [19.2.13]

74. All noise specialists and Ms Baverstock for NZDF agreed that a no-complaints or reverse sensitivity covenant could assist to inform people of the noise issues. Effectively the need for the application of a reverse sensitivity covenant was not in contention for the noise experts.
75. Ms Baverstock noted⁶⁹ covenants are not intended to be a panacea for reverse sensitivity but rather are proposed as part of a suite of measures to give effect to the relevant policy direction regarding avoiding reverse sensitivity effects as far as practicable.
76. Notwithstanding our comments regarding noise above, and had we approved PPC 109 we would have put in place a no-complaints reverse sensitivity covenant.

Ecology and Riparian Margins

77. By the end of the hearing a number of ecological matters remained unresolved. These included the width of the riparian margins along the watercourses, type of planting within the riparian margins and the need for a bat survey to be undertaken prior to any vegetation removal in the PPC109 area.
78. Auckland Council as the Regulator asked for a 20m riparian margin. Mr Brown, for the Requestor, questioned the need for 20m margin telling us⁷⁰:

“The AUP is a document that was extensively consulted on, underwent a comprehensive cost-benefit evaluation in respect of each provision, was subject to submissions and further submissions, and was scrutinised and tested through independent decision making by experienced commissioners. The process arrived at a 10m riparian yard standard for urban areas, and that dimension has been used consistently since that time across the region.

I note also that the 20 m riparian yard is inconsistent with the 10 m riparian yard that was accepted by both the Council’s reporting planner and the same personnel at Healthy Waters at the PC107 hearing held earlier in July 2025. I cannot identify any material differences between the two areas of land that support a difference of approach”

79. Ms Wilkinson noted⁷¹:

“Healthy Water’s specialists consider that the appropriate riparian margin is unknown because no site-specific geomorphic assessment has been conducted to evaluate risks, benefits and the effects of the development. Without such an assessment, they consider it is not possible to determine the appropriate riparian margin or setback.”

⁶⁹ EV11A at [3.4]

⁷⁰ EV6A APP at [52 & 53]

⁷¹ EV30 CNCL at page 9

80. Ms Wilkinson opined⁷²:

“If a minimum 10m margin is retained for this plan change, this should not be treated as a default. Instead, it should be viewed as a ‘minimum’ standard, with the understanding that the fluvial geomorphological assessment and the Stormwater Management Plan (SMP) together must guide where larger riparian margins are necessary to provide space for channel adjustment and hazard mitigation.”

81. The standard in AUP (OP) is a 10m riparian strip and we noted at the hearing that we had a preference for a 10m margin. We do not have enough information to justify imposing a 20m margin rather we agree with Ms Wilkinson that a 10m margin should be viewed as minimum standard, which are applied throughout the AUP (OP). The special information requirements in the precinct provisions include a fluvial geomorphological assessment for use, development, and subdivision adjoining or discharging into a stream at the resource consent stage. At resource consent stage, in conjunction with an adjusted Stormwater Management Plan, this would provide guidance on the need to provide a larger riparian margin, should that be required at the subdivision stage.
82. Turning to the matter of the type planting within these riparian strips and the need for these to meet the AUP (OP)'s Appendix 16 (Guidelines for native revegetation plantings) suggested by Council's ecology specialist Ms Budd. Mr Delaney (the Applicant's ecologist) was of the view that these matters would be addressed through the proposed precinct provisions (at IX.9(4)) which would require a detailed restoration plan to be approved by the Council at time of subdivision. The plan would need to be developed in accordance with best practice methodologies of TP148 and/or the Auckland Unitary Plan Appendix 16, or other subsequent Council restoration guides relevant at that time⁷³.
83. While we understand Ms Budd's concerns, we do wonder if these could be addressed through the restoration plan required at the subdivision stage. However, we do not see this as a major issue and, as Mr Delaney points out, the restoration plan would require the Council's approval and the Council is most likely to ensure that any plan was developed in accordance with AUP (OP)'s Appendix 16 (Guidelines for native revegetation plantings) in any event. As a result, and to avoid any doubt we do not see any harm including this requirement into the precinct provisions for riparian planting to resolve this matter. In saying this, given where we have landed with our overall decision on PPC109, we do not see any benefit in amending the precinct provisions to give effect to this outcome.

⁷² Ibid

⁷³ Paragraph 26 of Mr Delancy Rebuttal evidence dated 24 Date 2025.

84. In addressing the need for a bat survey to be undertaken prior to any vegetation removal in the PPC109 area as suggested by Ms Budd, Mr Delaney was on the view that:

*“The likelihood of adverse effects on bats from future development of the site is very low. There are relatively few large trees or shelterbelts present that could provide suitable bat roosting habitat. Additionally, recent bat surveys undertaken by Viridis in 2024 across the wider area, including along Sinton Road, Clarks Lane, and Trig Road in Whenuapai, detected no bat activity”.*⁷⁴

85. While we understand Ms Budd’s concerns we agree with Mr Delaney’s view on this matter and do not see the need for survey of this type to be undertaken prior to vegetation removal required to give effect to the outcomes sought by PPC109, especially in this location.

Transport

86. At the end of the hearing a few minor transportation issues remained unresolved. In saying this, most of these matters were addressed prior to the Applicant’s right of reply in October 2025⁷⁵, save the potential wording of proposed policy 3.. Ms Wilkinson was of the view this should include the word “avoid” as opposed to “require” suggested by the Applicant. It was Ms Wilkinson’s view that the word avoid aligns more appropriately the proposed Non-Complying Activity set out in the provisions
87. In considering this matter, we agree and accept Ms Wilkinson’s view on this matter and agree that the word “avoid” would better align with the non-complying activity status proposal. In reaching this view we are conscious that good plan making seeks to ensure that the chosen methods give effect to the policy response. Again, given where we have landed with our overall decision on PPC109, we do not see any benefit in amending the precinct provisions to give effect to this outcome.

Economic Impacts

Turning to the issues of economics and the likely costs and benefits from the proposal from an economic point of view. We found Mr Cosgrove’s evidence of only minor assistance in this regard as it appeared to us it was predominantly limited to a discussion about the need of this proposal to support his client’s position and why out of sequence growth should be provided for in this location. There was limited evaluation of the counter factual position in any meaningful way, or an undertaking of a cost and benefit evaluation of the proposal, which would have helped us consider the socioeconomic impacts of the proposal, especially given our obligations under s.32 of the RMA to consider the costs and benefits of any provisions.

⁷⁴ Paragraph 30 of Mr Delaney Rebuttal evidence dated 24 Date 2025

⁷⁵ Paragraph 3.25 of Mr Senior’s Right of Reply dated 17 October 2025

88. We were not convinced with his view on the potential limited residential uptake in the Red Hills area and why we should be enabling un-sequenced growth in this location at the expense of infrastructure ready and zoned land.

Stormwater & Flooding

89. At the conclusion of the hearing there were matters associated with stormwater that were outstanding from the Council's viewpoint. Ms Wilkinson observed⁷⁶ that in regard to stormwater and flooding Council's Healthy Waters Specialists, advised that concerns and matters relating to water quality, flooding, stream erosion, riparian margins and baseflows remain outstanding and insufficient or conflicting information is provided by the requestor in their stormwater evidence. These matters are required to be addressed by the Requestor; and responses will require further revision to the Stormwater Management Plan in order for it to be adopted under the provisions of the Healthy Waters Network Discharge Consent.

90. Ms Wilkinson also opined⁷⁷:

"If the necessary clarifications and information are provided and the recommended amendments are made, then I would likely be of the opinion that the stormwater and flooding effects of PPC109 can be sufficiently managed, avoided, remedied or mitigated".

91. The Requestors Closing Legal submissions noted all stormwater effects are addressed by the Stormwater Management Plan (**SMP**) and this has been updated taking into account Healthy Water's concerns⁷⁸.

92. We are satisfied that stormwater issues and flooding have been considered and addressed by the Requestor. We also concur with the view of the Requestor that any residual concerns in relation to stormwater could have been addressed via a resource consent application.

The need for new information

93. Prior to the panel finalising its decision the Panel was informed by Council that on 18 December 2025 the Government, announced that ten new or amended national direction instruments under the RMA would come into effect on 15 January 2026⁷⁹. These included the new National Policy Statement for Infrastructure 2025 and the new National Policy Statement for Natural Hazards 2025.

⁷⁶ Section 42a Addendum at page 8

⁷⁷ Ibid at page 8

⁷⁸ EV31 at [3.18]

⁷⁹ Ministry for the Environment Press Release – RMA National Direction updated, 18 December 2025

94. The panel, by way of Direction 7 informed hearing participants that the hearing would need to be reopened to allow the Panel to receive advice on any implications and potential effects of the NPSs and NESs on the matters to be determined with respect to PPC109.

95. In summary the Panel was in receipt of the following feedback:

Auckland Council

96. Ms Vanessa Wilkinson, Consultant Planner, submitted (key points):

NES Detached Minor Residential Units 2025 (NES-DMRU)

97. PPC109 proposed Precinct standard's include requirements related to health and safety and reverse sensitivity effects, being Standard IX6.4 Noise and Reverse Sensitivity. It was Ms Wilkinson's view that a detached minor unit sought to be established using the NES-DMRU in the PPC109 proposed Precinct would be required to comply with Standard IX6.4 Noise and Reverse Sensitivity in order to be a permitted activity under the NES-DMRU.

98. She noted that if the Panel considered Standard IX6.4 Noise and Reverse Sensitivity not applicable to detached minor units, she was concerned that such an interpretation may leave detached minor units without necessary acoustic insulation to mitigate Whenuapai Airforce Base aircraft engine testing noise, and subject to significant adverse effects.

NPS for Natural Hazards 2025 (NPS-NH)

99. Ms Wilkinson provided a review which concluded that PPC109 is and will be in accordance with the objectives and policies new NPS-NH as they relate to geotechnical related hazards such as Earthquake, Erosion, Volcanic Activity, Geothermal Activity, Landslip and Subsidence.

100. Ms Wilkinson also proffered the view that PPC109 is consistent with the objectives and policies of the NPS NH as it relates to flood hazard risks.

101. Ms Wilkinson suggested that the requestor's assessments did not appear to address tsunami hazard or risk. The Auckland Council Emergency Management layer available on the Auckland Council GIS Viewer suggests the PPC109 area is located within a 'yellow land threat zone', and that this area would need to be evacuated in the event of a dangerous tsunami

NPS for Infrastructure 2025

102. Ms Wilkinson advised that decision-makers must give effect to the NPS-Infrastructure on and from the commencement date, being 15 January 2026. She considered that the Whenuapai Airforce Base is included in the definition of 'infrastructure' and/or 'additional infrastructure' contained in the NPS.

103. Ms Wilkinson reiterated her Section 42a concern:

“The significant adverse effects from aircraft testing noise associated with the Whenuapai Airforce Base are not sufficiently avoided, remedied or mitigated by the proposed zoning or the proposed Precinct provisions. Furthermore, the adverse reverse sensitivity effects that would occur on the Whenuapai Airforce Base as a result of the establishment of residential activities more sensitive to aircraft noise, especially engine testing noise, are also not sufficiently avoided, remedied or mitigated. Given my opinion on these matters, I am also of the view that PPC109 will not be consistent with policies 10 and 11 of the new NPS-Infrastructure.”

Plan Change 120 Housing Intensification and Resilience

104. Ms Wilkinson considered that PC120 is now a relevant consideration for the Panel in accordance with section 32(3) of the RMA. In this regard, Ms Wilkinson noted PPC 109 is generally considered to be consistent with the flood hazard related provisions of PC120.

105. The PC120 amended Chapter E36 Natural Hazards and Flooding will, if made operative, provide a more comprehensive approach to the management of natural hazards and flooding throughout the region. It does not appear to have implications for plan changes per se, but does have implications for how land is developed

Te Ope Kātua O Aotearoa Defence Force (NZDF)

106. NZDF submitted⁸⁰:

NPS for Infrastructure 2025

107. NZDF agrees with the Council’s planner that policies 10 and 11 of the NPS - Infrastructure are directly relevant. The NPS–Infrastructure reinforces the policy direction already before the Panel regarding the need for provisions that protect the functional and operational needs of nationally significant defence infrastructure and avoid reverse sensitivity effects as far as practicable.

NES Detached Minor Residential Units 2025 (NES-DMRU)

108. To remove ambiguity and avoid future challenges with interpretation/application of PPC109 provisions, NZDF respectfully requests that the Panel addresses this matter now through clarification of the precinct provisions to ensure that any detached minor unit under the NES-DMRU within the Whenuapai Green Precinct must comply with precinct standards.

⁸⁰ Rebecca Davies Principal Statutory Planner NZDF Response 19 January 2026

109. With regard to engine testing and external (outdoor) noise effects, Section 7 of the NES-DMRU requires DMRUs to comply with Plan rules that manage effects relating to health and safety or reverse sensitivity, while excluding the application of rules that manage amenity values.
110. The PPC109 provisions currently contain no specific requirements for the mitigation of outdoor noise effects on residential lots or within public spaces, whether through precinct provisions or other planning controls. Given the potentially significant and prolonged nature of engine testing noise, and the evidence that mitigation at the receiver would be necessary to make outdoor environments usable, greater regulatory certainty is required.

Watercare Services Limited (WSL)

111. WSL submitted⁸¹:

“Ms Vince (Planner) has reviewed the matters raised in the memorandum from the Reporting Planner, specifically in relation to the National Policy Statement for Infrastructure (“NPS-I”), on behalf of Watercare Services Limited (“Watercare”). Ms Vince confirms the introduction of the NPS-I, and the subsequent assessment by the Reporting Planner in their memorandum, does not materially change the position of Watercare on PPC109 as set out in evidence and expressed at the hearing.”

Neil Construction Limited (NCL) the Requestor

112. The requestor⁸² noted that NCL agrees with the Council that:

- *The Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025 (NES-DMRU) are not relevant. Minor or accessory dwellings must comply with the rules in the Precinct Provisions, including IX.4.1(A3) and IX.6.4 in relation to acoustic matters.*
- *National Policy Statement for Natural Hazards 2025 (NPS-NH), the National Policy Statement for Infrastructure 2025 (NPS--Infrastructure) and Proposed Plan Change 120 (PC120) to the Auckland Unitary Plan (AUP) are relevant, but do not change the Commissioners’ assessment of the plan change.*
- *None of the other instruments of national direction are relevant or in any event are not material to the Commissioners’ assessment of the plan change.*

⁸¹ Counsel for WSL - S Pilkinton & S Kilgour

⁸² Counsel for NCL - Patrick Senior & Vicki Toan

113. In a further memorandum (dated 3 February 2026) the Requestor addressed two matters raised by the NZDF:
- *It is unnecessary for wording to be included in the Precinct Provisions to ensure that Standards IX.6.1(3) (Stormwater infrastructure – birdstrike), IX.6.3 (Lighting, glare and reflection), IX.6.4 (Noise) and IX.6.22 (Temporary activities and construction) apply to detached minor residential units (DMRUs).*
 - *NZDF’s proposed changes to IX.6.4 (Noise) are also unnecessary. If a DMRU contains a ‘noise sensitive space’, then it must meet IX.6.2(2). ‘Noise sensitive space’ is defined in Chapter J1 of the Auckland Unitary Plan.... That definition applies to the qualifying areas within DMRUs, just as it does to principal/primary dwellings.⁸³*
114. To help the mitigation of outdoor noise NCL included an outdoor fencing standard (IX.6.4(2)(iii)) in the Precinct Provisions.
115. We have noted, and considered, the extra information provided by all parties. The information provided is relevant, but it did not fundamentally change our decision.
116. We do need to note Policies 10 and 11 of the *NPS for Infrastructure 2025* provide clear direction that in formulating plan change provisions there is a need for the provisions to protect the functional and operational needs of nationally significant defence infrastructure and avoid reverse sensitivity effects as far as practicable.

PART 2 OF THE RMA

117. Section 32(1)(a) of the RMA requires assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose in Part 2 of the RMA. Section 72 of the Act also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, section 74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. While this is a private plan change, these provisions apply as it is the Council who is approving the private plan change.
118. In terms of section 5 of the RMA, it is our finding that the provisions of PPC 109 in section 32 and 32AA terms, are inconsistent with, and not the most appropriate way, achieve the purpose of the Act. The Requestor has not adequately considered the impacts of granting PPC 109 on:
- Watercare’s ability to service growth in the already live zoned areas;
 - Watercare’s ability to strategically plan for provision of water and wastewater infrastructure; and

⁸³ Counsel for NCL - Patrick Senior & Vicki Toan

- The potential impact of noise, especially for persons using open areas adjacent to the base.

DECISION

119. That pursuant to Schedule 1, Clause 10 and 29 (4) of the Resource Management Act 1991, that PPC 109 to the AUP (OP) be **declined**.
120. For the reasons set out above, we considered that the provision of water and wastewater infrastructure was a key matter in contention, and the Requestor did not demonstrate, nor could the experts agree, that the necessary water and wastewater infrastructure could be put in place to serve the PPC 109 area.
121. Noise issues remained unresolved, in particular the measures to be taken to protect the health and well-being of persons, including using adjacent open areas, during aircraft engine testing.
122. A proposed residential development adjacent to a nationally significant defence infrastructure has the potential to conflict with policies 10 and 11 of the NPS– Infrastructure – being the need for proposed plan provisions to protect the functional and operational needs of nationally significant defence infrastructure and avoid reverse sensitivity effects as far as practicable.
123. The submissions to reject on the plan change are accepted, all the other submissions are rejected.
124. In addition to the reasons set out above, the overall reasons for the decision are that PPC 109:
 - Does not give effect to the National Policy Statement on Urban Development;
 - Does not give effect to the Auckland Regional Policy Statement;
 - Is contrary to the Auckland Future Development Strategy; and
 - Does not satisfy Part 2 of the RMA.



Mark C Farnsworth MNZM
Chairperson

17 February 2026