

Decision following the hearing of a Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991



Proposal

The proposal is a plan change to the Auckland Unitary Plan (Operative in Part) to re-zone approximately 5.35 hectares of land at 9, 33 and 49 Heights Road, Pukekohe, from Future Urban Zone to Business – Light Industry Zone and to apply the Stormwater Management Area - Flow 1 control to the plan change land.

This plan change is **APPROVED**. The reasons are set out below.

Private Plan Change:	Private Plan Change 110
Applicant:	GBar Properties Limited
Hearing commenced:	9:30am, 6 October 2025
Hearing Panel:	Richard Blakey (Chairperson) Bridget Gilbert Vaughan Smith
Appearances:	<p><u>For the Applicant:</u> GBar Properties Limited, represented by: Joanna Beresford, Legal Counsel Geoff Shuker, Corporate Fraser Colgrave, Economics Sakti Gounder, Stormwater Ben Pain, Civil Engineering Rob Pryor, Landscape Leo Hills, Transport Jo Sunde, Planning</p> <p><u>For the Submitters:</u> Auckland Transport, represented by: Emeline Fonua Watercare Services Limited, represented by: Sian Kilgour, Legal Counsel Andrew Deutschle, Corporate Lauren Nicholson, Corporate Jennifer Vince, Planning Gerald Baptist</p> <p><u>For the Council:</u> Joy LaNauze, Senior Planner Craig Cairncross, Team Leader Derek Foy, Economics (consultant) Abhi Pandith, Civil Engineering</p>

	Sameer Vinnakota, Stormwater (consultant) Jack Thompson, Stormwater (Healthy Waters) Rebecca Skidmore, Landscape (consultant) Wes Edwards, Traffic Engineer (consultant) Fakakoloa Kutu, Hearings Advisor
Commissioners' site visit:	29 September 2025
Hearing adjourned:	6 October 2025
Hearing closed:	15 December 2025
Hearing re-opened:	14 January 2026
Hearing re-closed:	30 January 2026

INTRODUCTION

1. This decision is made on behalf of the Auckland Council (**the Council**) by Independent Hearing Commissioners Richard Blakey, Bridget Gilbert and Vaughan Smith (**the Panel**), appointed and acting under delegated authority under s.34A of the Resource Management Act 1991 (**RMA**).
2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 110 (**PC110**) to the Auckland Unitary Plan (Operative in Part) (**AUP**) after considering all the submissions, the s.32 evaluation, the reports prepared by the Council and evidence presented by the Applicant and submitters.
3. PC110 is a private plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).

THE SITE AND EXISTING PLAN PROVISIONS

4. The land that is subject to the plan change request is comprised of three lots located on the southern side of Heights Road in Pukekohe. These are known as 9 Heights Road, 33 Heights Road and 49 Heights Road with a total area of 5.35 ha (**site**). The site also has frontage on its eastern boundary to the Paerata Road section of State Highway 22 (**SH22**). The Heights Park Cemetery (**Cemetery**) adjoins the southern and western boundaries of the site.
5. The site is described in the Council's Hearing report (prepared in accordance with s.42A of the RMA) as being roughly rectangular in shape and generally having a downhill slope from Heights Road, with an overall drop of 15m, rising again in its southern section to its boundary with the Cemetery. The site has a history of industrial use, with approximately 90% of the area of 9 and 33 Heights Road having been developed with buildings and storage and parking. These areas include buildings and ancillary activities associated with 'The Tractor Centre', 'Totalspan' and 'BMC Engineering' businesses, which we understand provide for the supply of equipment, materials and services used by local and regional growers and rural enterprises across Franklin and surrounding areas. The property at 49 Heights Road contains

a residential dwelling and cleared grass, with horticultural activities having occurred in the past. The site frontage to SH22 is utilised for the storage of farm vehicles (tractors) and trailers and some signage.

6. Heights Road connects to Paerata Road at an uncontrolled intersection to the east of 9 Heights Road. A concrete accessway to the site is located approximately 50m from this intersection. A narrow accessway and associated gate provides access to the residential dwelling at 49 Heights Road.
7. The land is currently zoned Future Urban Zone (**FUZ**), as is the surrounding land to the west, east and south (beyond the Cemetery which has a Special Purpose zoning). The site's northern boundary with Heights Road also forms part of Auckland's Rural Urban Boundary. The AUP describes the FUZ at H18.1 as follows:

The [FUZ] is applied to greenfield land that has been identified as suitable for urbanisation. The [FUZ] is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until the site is rezoned for urban purposes.

8. The site is presently also subject to a number of overlays and controls, as listed on pages 25 and 26 of the Council's Hearing Agenda. These include a 1% Annual Exceedance Probability Flood Plain and Overland Flowpath, as well as a New Zealand Transport Agency (**NZTA**) roading designation (reference 6705), for road widening along the SH22 frontage of the site (approximately 5m wide).
9. To the south of the railway line are recently confirmed arterial and strategic route designations (referenced as 1846 and 1848 in the AUP).

SUMMARY OF PLAN CHANGE

10. The proposed plan change, as sought by GBar Properties Limited (**the Applicant**) is described in detail in the application materials and the Council's s.42A report prepared by Joy LaNauze (Council's Senior Policy Planner). In summary, PC110 seeks to rezone 5.35 hectares of land at Heights Road, Pukekohe, from FUZ to the Business – Light Industry Zone (**B-LIZ**), and to apply the Stormwater Management Area Flow 1 (**SMAF-1**) control to the plan change area.
11. The purpose and objective of PC110 as described in the Applicant's Assessment of Environmental Effects (**AEE**) is to enable the ongoing operation, intensification and expansion of light industrial activities on the plan change land to meet current and future demand for industrial growth.
12. The plan change request was lodged on 3 July 2023. Requests under cl.23 of Schedule 1 of the RMA for further information were issued by the Council in 2023 and 2024, and further information was progressively provided by the Applicant, with an updated version of the plan change received in October 2024. Subsequent further information related to the updated application in the form of an updated Stormwater Management Plan (**SMP**), which was received by the Council in November 2024.

13. The proposed plan change incorporated a masterplan as an indication of one possible development scenario. This incorporates existing development as well as the potential build-out of the land applying the B-LIZ provisions (including isometric perspectives of the masterplan). The AEE notes that these were intended to assist with visualising such a development within the site.

NOTIFICATION PROCESS AND SUBMISSIONS

Notification

14. The proposed plan change was accepted by the Council's Planning and Policy Committee pursuant to cl.25(2)(b) of Schedule 1 of the RMA on 20 February 2025. The proposed plan change was subsequently notified on 27 March 2025 with original submissions closing on 29 April 2025. A total of six submissions were received.
15. The summary of submissions was notified for further submissions on 22 May 2025. No further submissions were received.
16. The main topics raised by submissions are summarised and addressed in the s.42A report at sections 2.7-2.9. We address those that remained in contention later in this decision.

Local Board comment

17. Comments were also received from the Franklin Local Board (**Local Board**) from its business meeting of 24 June 2025. The Local Board noted its support for the rezoning on the basis that light industry is needed to support local jobs and economic development opportunity in the wider Pukekohe area. It made recommendations in respect of the following:¹
- *noting that Watercare seeks that the plan change be declined, but if approved, seeks amendments...*
 - *noting the opposition from Ngāti Te Ata and recommending that the applicants work with Iwi to address any cultural impact concerns.*
 - *not sharing the concerns expressed by an adjacent property owner and consider the land appropriate for light industrial use. noting it was zoned in the Pukekohe Structure Plan [sic].*
 - *Suggestion that in considering the plan change, that pedestrian, cycling and public transport infrastructure considerations are addressed by the developer, noting that in the future, for those working at this site, accessing the Heights Road Cemetery or moving through the area should be enabled to walk, cycle and access public transport.*
18. The Local Board also advised of its decision to decline the opportunity to speak at the hearing.

¹ Hearing Agenda, at p.228

Pre-hearing directions

19. Direction 1 was issued by the Panel on 19 August 2025 which directed the Applicant to file a memorandum outlining what, if any, changes it recommends to the proposed plan change and outline which changes were in response to which submissions. The Applicant filed a memorandum on 26 August 2025 advising that they did not seek any amendments to the plan change and that:

Given the straightforward nature of the rezoning and overlay application, the Applicant considers that the existing provisions of the [AUP] provide the appropriate planning framework for managing future development of the site. Further, none of the submissions received have raised matters that warrant changes to the notified proposal.

20. The memorandum went on to note that Ngāti Te Ata had advised that their submission concerns have now been resolved, and that the Applicant was continuing to engage with Auckland Transport (**AT**) and Watercare Services Limited (**Watercare**).
21. Direction 2 was issued on 28 August 2025 and set out the evidence exchange timetable for the hearing.

RELEVANT STATUTORY PROVISIONS CONSIDERED

22. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were described at section 3 of the s.42A report (and in Attachment 5 to that report). The required evaluation of the plan change pursuant to s.32 of the RMA was provided within section 11 of the AEE and was addressed at section 10 of the s.42A report.
23. By way of summary, it is noted that s.32(1)(a) requires an assessment of whether the objectives of a plan change are the most appropriate way to achieve the purpose of Part 2 of the RMA. Section 72 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, s.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 that is approving the private plan change, which will in turn change the AUP.
24. The Panel also notes that s.32 clarifies that 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 proposed re-zoning. Having considered the evidence and relevant background documents, the Panel is satisfied that PC110 has been developed in accordance with the relevant statutory requirements.
25. Clause 10 of Schedule 1 also requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with s.32AA. This further evaluation must be undertaken at a level

of detail that corresponds to the scale and significance of the changes. Because Ms LaNauze considered that PC110 should be subject to precinct provisions, she incorporated a s.32AA assessment as part of her s.42A report (at section 11 and Attachment 9). We were advised during the hearing by counsel for the Applicant that the rebuttal planning evidence for the Applicant was considered to address s.32AA requirements in respect of its 'in-part' acceptance of the proposed precinct provisions.

SUMMARY OF EVIDENCE

Section 42A Report

26. Ms LaNauze's Hearing report, prepared in accordance with s.42A of the RMA, was based on the plan change as notified, and addressed the relevant statutory requirements, the relevant environmental effects and the issues raised by submissions. It was Ms LaNauze's overall recommendation that the plan change could be approved. However, this was subject to the imposition of precinct provisions as set out in Attachment 8 to her report, incorporating provisions relating to infrastructure, transportation and the interface with the adjacent Cemetery.
27. Ms LaNauze's assessment incorporated the specialist advice and memoranda that had been received from Nikki Nelson (cemetery services), Ruben Naidoo (contamination), Sanaz Safavian (ecology), Derek Foy (economics), Abhi Pandith (development engineering), Nicole Li (geotechnical), Rebecca Skidmore (landscape), Daniel Kinnoch (parks planning), Sameer Vinnakota (environmental planning) and Wes Edwards (transportation).²

Applicant evidence

28. The evidence presented on behalf of the Applicant followed the requirements set out in Direction 2. We set out below the witnesses who provided evidence on behalf of the Applicant and a brief summary of their conclusions.
29. **Geoffrey Shuker** is a Director of the Applicant company, and The Tractor Centre Ltd. Mr Shuker noted that his company has been involved in investigations around plan change options for the site and in response to the Pukekohe - Paerata Structure Plan 2019 (**Structure Plan**) consultation process. He explained the history of the site, its current activities and involvement with the Council on strategic planning options for the property. With respect to the latter, he noted that the Applicant has proceeded with a plan change request to create flexibility for appropriate light industrial and service businesses to establish on the site in a way that supports the local economy as the surrounding area develops over time.
30. Mr Shuker highlighted the extent of consultation undertaken and the engagement with Council, and the expertise that the Applicant has sought through this process. He expressed a concern that the process has been more complex and drawn out than anticipated due to changing positions and strategic direction in the Council and Council-controlled organisations. However, he noted that the fundamentals applying to the site and his view that this is a relatively straightforward proposal has not changed. He was concerned about

² Hearing Agenda, at Attachment 1

Watercare’s recent signaling of issues regarding wastewater servicing, and the recommendations set out in the Council’s s.42A report relating to a requirement for the upgrading of the adjacent SH22 intersection.

31. Mr Shuker compared the modest scale of the proposal to “*the type of large-scale residential plan changes that urbanise hundreds of hectares at a time and provide for whole new communities*”.³ In this regard, he emphasised that the site is already partially developed and operating with the very types of activities anticipated in the B-LIZ, and that the Applicant “*has a long-standing record of consents, including those that support existing wastewater servicing solutions*”.⁴ Overall, he sought a planning response from the Council that reflects the site’s history, its context, and the practical needs of Franklin’s rural economy.
32. **Fraser Colegrave** provided evidence in respect of economic considerations related to the plan change, and in particular he responded to the specialist review prepared for the Council by Derek Foy. Mr Colegrave noted that Mr Foy’s assessment was largely in agreement with his economic assessment report, with the only concern related to potential impacts on infrastructure servicing and capacity from allowing the proposal to proceed ahead of its now planned timing (from 2040 onwards) in the Future Development Strategy (**FDS**).
33. Mr Colegrave acknowledged that out-of-sequence growth may be a concern to Watercare and Mr Edwards, who both adopted the FDS-based growth projections in their respective roles. However, he did not consider that this concern was warranted, because the AGS v1.1 growth projections relied upon by Watercare and Mr Edwards “*are overtly strategic, and not intended for fine-grained, local planning decisions like this*”.⁵ Further, he considered that local growth rates which are currently tracking well below the AGS v1.1 projections provides “*ample headroom to accommodate PC110 now*”.⁶ Overall, he was of the view that:⁷

PC110 delivers enduring economic benefits at modest economic cost. Importantly, it unlocks new industrial floorspace in a location already identified for such activities, while only creating relatively minor additional infrastructure demands (equal to approximately 35 to 40 households for transport and water/wastewater).
34. Mr Colegrave further reaffirmed that, given the mandate for councils under the National Policy Statement for Urban Development 2020 (**NPS-UD**) to enable a well-functioning urban environment through responsive planning, and noting PC110’s likely economic benefits, he continued to support the proposal on economic grounds.
35. **Sakti Gounder** provided evidence in respect of stormwater management. Mr Gounder explained that the proposed stormwater approach is set out in the Applicant’s SMP (dated 9 September 2024). He noted that this had been developed in accordance with the Council’s policies and best practice stormwater management techniques to meet the requirements of the AUP as well as to align with the requirements of the Auckland Regionwide Stormwater

³ Shuker (EV01), at [39]

⁴ Ibid, at [41]

⁵ Colegrave (EV02), at [44]

⁶ Ibid, at [45]

⁷ Ibid, at [43]

Network Discharge Consent (**NDC**). This was to allow for the option for new public infrastructure to be vested with the Council.

36. Mr Gounder advised that the purpose of the SMP is to provide guidance on how stormwater will be managed within the site. He also recommended that:
- (a) stormwater treatment for the site be based on AUP Chapter E9, which provides water quality treatment in a device designed and sized in accordance with the Council's Guideline Document 01; and
 - (b) water quantity management for the site should be based on AUP Chapter E10 and that it provides SMAF-1 hydrology mitigation for all new impervious areas within the site.
37. Mr Gounder noted that the stormwater management device can also function to provide the retention component of SMAF-1 through infiltration to the underlying aquifer or reuse. He further stated that flooding assessment contained in the SMP confirms that the flood management approach for the plan change area does not result in effects upstream or downstream of the site.
38. Mr Gounder concluded that the site is suitable for light industrial development from a stormwater management perspective (including flooding). He also agreed with the conclusions set out in the s.42A report that there are no further specific provisions required in PC110 in order to address potential stormwater and flooding effects.
39. **Rob Pryor** provided evidence in respect of landscape and visual effects considerations. Mr Pryor highlighted that the site and its surrounds exhibit relatively low landscape values and sensitivity due to its highly modified character, and the fact that a number of well-established and consented rural business activities already operate from the site.
40. Mr Pryor stated that development enabled by the B-LIZ would not introduce new elements or features that would adversely influence the landscape values and character of the surrounding area, with provision for light industrial business land in an area that has been identified for such development, and which is already being used for such activities. He noted that given the nature of surrounding activities and transport infrastructure, the site is well suited to the type of development that would arise from a light industry zoning. In his view, such future development would have low adverse landscape effects. This was due to the land sitting within a natural basin, such that development "*will not be prominent when viewed within the landscaped context of the wider area*".⁸
41. In respect of the Council's recommendation that precinct provisions be applied, to require amenity controls (i.e., height to boundary and yard setbacks from the boundary with the Cemetery), Mr Pryor commented that:⁹

In my opinion, within this context, I do not consider that the visual changes from the rezoning to [B-LIZ] will be so adverse as to apply special controls in relation to height

⁸ Pryor (EV04), at [5]

⁹ Ibid, at [91]

in relation to boundary and yard controls including landscape requirements for side and rear yards. The physical characteristics of the PC 110 Site, being at a much lower elevation than the cemetery, would render these controls ineffective (e.g. it would not be possible for a 1.8m fence to screen a storage yard given the natural basin elevations involved).

42. Overall, it was Mr Pryor's conclusion that the site and surrounding environment has good capacity to accommodate the level of development enabled by PC110, and while this would result in a visual change from the site's currently partially developed state, "*such visual change is anticipated and is in accordance with the key planning initiatives for the area both within the [AUP] and the Structure Plan*".¹⁰
43. **Leo Hills** provided evidence regarding the transportation aspects of the plan change. He summarised the key conclusions of the Integrated Transport Assessment (ITA) provided in support of the plan change. Mr Hills advised that the full extent of development enabled by PC110 can be appropriately supported by the existing road network, while maintaining appropriate levels of safety and efficiency within that network.
44. Mr Hills noted that since receipt of the Hearing report, and Mr Edwards' assessment of traffic effects, he had commissioned additional traffic surveys of the Heights Road / Paerata Road intersection which has shown:¹¹
- (a) *The current 2025 traffic volumes are very similar, if not actually less, than the previous 2020 survey volumes outlined in the 2024 ITA.*
 - (b) *The resulting analysis (calibrated to the 2025 volumes and with sensitivity analysis to take into account potential use with higher trip rate than typical industrial) shows the Heights Road / SH22 intersection is not required to be upgraded in as a result of traffic generated by development enabled by PC 110 traffic.*
45. Mr Hills highlighted that neither AT nor the NZTA (being the road controlling authorities of all roads in the area) had raised any specific issues regarding safety or capacity at the intersection. He also advised that there are potential access locations and minor road widening upgrades available on Heights Road within the site or existing road reserve, and that:¹²
- Any road frontage upgrades and access proposals need to be approved by AT both in their role as Road Controlling Authority and in a legal agreement between the applicant and AT. Within this legal agreement there is an obligation on the Applicant to design the frontage (including access location) to Code of Practice current at the time of design, consenting and construction.*
46. Mr Hills also advised that he did not consider that an upgrade to the Heights Road / SH22 intersection and safety upgrades to Heights Road were necessary in respect of the plan change.

¹⁰ Ibid, at [96]

¹¹ Hills – EIC (EV05), at [2]

¹² Ibid, at [4]

47. Mr Hills concluded that, in his view, PC110 is an acceptable and appropriate use of the site from a traffic engineering and transportation planning perspective.
48. **Benjamin Pain** provided evidence in respect of civil engineering matters and advised that in his opinion the site can be serviced for civil infrastructure services (stormwater, wastewater, water supply and other utilities). Mr Pain referred to the fact while the site's water supply and wastewater system was installed in the 1970's, it has sufficient capacity for development of the site. These existing services include an onsite bore and water take of 50m³ per day for water supply, and a private pump station that discharges at a pump duty flow rate of 19L/s. This flows into the public wastewater system upstream of the Franklin Road Wastewater Pump Station (**WWPS**) in Pukekohe.
49. Mr Pain stated that full development of the site is estimated to use a similar level of water to the current capacity of the bore and would discharge at 33% of the capacity of the private pump station. He noted that if more development of the site was proposed than allowable under the new zoning, *"then a higher water take consent would be required or a connection to the public water supply network, however, I would still expect such a use to be within the wastewater pump duty range"*.¹³
50. Mr Pain described the other options considered with respect to wastewater servicing, noting his preference to relying on the existing system and discharging to the existing discharge location in the Franklin Road WWPS catchment. He acknowledged the Watercare submission and recommendations within the Council's s.42A report which disagreed with the Applicant's proposed servicing approach. However, he considered that, *"they do so on the basis of their preferences for connections to the public system and not recognising the existing long-established servicing of the site"*.¹⁴
51. **Joanne Sunde** provided evidence in respect of planning matters associated with the plan change. Ms Sunde highlighted the changes to the broader planning context that had occurred since PC110 was first prepared. In particular, *"the introduction of the [NPS-UD], adoption of the FDS, and ongoing challenges with administrative consistency have complicated what should have been a straightforward process"*. She further noted that the FDS *"has pushed back the sequencing of infrastructure in Pukekohe by 10–15 years, reducing the certainty previously provided by the FULSS"*.¹⁵
52. Ms Sunde considered that these changes have led to Watercare, along with the Council's development engineer and transport consultant, taking an unnecessarily conservative approach. In her view, the significant weight given to public infrastructure timing and sequencings did not acknowledge the actual effects of PC110 and its existing infrastructure.
53. Notwithstanding those issues, it remained Ms Sunde's view that the plan change remains entirely appropriate and referred to the Council's acceptance of PC110 in Ms LaNauze's

¹³ Pain – EIC (EV07), at [3]

¹⁴ Ibid, at [5]

¹⁵ Sunde -EIC (EV06), at [3]

overall recommendation. She emphasised that the only point of difference between the Applicant and the Council is whether a precinct is required to address site-specific effects. In this regard, it was her view that no such precinct is necessary.

54. Overall, Ms Sunde concluded that, in her opinion:¹⁶

...PC110 aligns with long-term strategic growth planning, makes efficient use of existing land and infrastructure, and provides much-needed light industrial land supply in the Franklin area. I do not consider that this is a speculative or opportunistic proposal. In my view, PC110 accords with good planning practice, is consistent with the statutory framework, and warrants approval from a planning perspective (without the addition of a precinct).

Submitter evidence

Auckland Transport

55. **Emeline Fonua** provided a statement of evidence (corporate) on behalf of AT. Ms Fonua's statement was focused on the issue of the need for the upgrade of the site's frontage to an urban standard as part of PC110. She noted that AT had sought to resolve this matter with the Applicant prior to the hearing by way of a private agreement and land covenant, but at the time of her statement (22 September 2025) this agreement had not yet eventuated.
56. Ms Fonua confirmed that AT supports PC110, subject to the matters regarding the Heights Road frontage upgrades being addressed, and does not object to this matter being secured through either a private agreement with the Applicant or via a precinct provision.

Watercare Services Limited

57. **Andrew Deutsche** provided corporate evidence (as the Head of Wastewater Planning for Watercare), outlining Watercare's opposition to PC110, as it is out-of-sequence with the timing provided in the FDS which does not provide for the live-zoning of the plan change area until at least 2040, and because of the time of associated upgrades to bulk infrastructure in this area. Mr Deutsche advised that the infrastructure prerequisite for the development of the site is the delivery of the Isabella Drive WWPS, which is currently anticipated to be delivered by 2028.
58. Mr Deutsche noted that while a new water reservoir in Adams Road South is planned, this project is required only to provide additional resilience for the bulk water supply network and is not a prerequisite for the development of the site.
59. Mr Deutsche agreed with Mr Pain that there will be no change to peak flows from development of the site but noted that no consideration had been given to the overall impact on the public network associated with total flows, whereby the private WWPS may need to pump more often and for longer. He also highlighted differences between the estimated flows of 19L/s, compared to the 20,000L/day authorised by the 1979 trade waste discharge.

¹⁶ Ibid, at [6]

60. Mr Deutsche considered that the development of the site will need to be coordinated with the delivery of the Isabella Drive WWPS. Because PC110, as proposed by the Applicant, does not include any safeguards to ensure this, he advised that the plan change should be declined, or subject to a precinct which contains provisions to ensure development does not occur in advance of the delivery of the required bulk wastewater infrastructure. Through questions from the Panel, Mr Deutsche confirmed that the constraint currently relates to the capacity of the Isabella Drive WWPS, but also acknowledged that notwithstanding those constraints, some residential connections were being enabled.¹⁷
61. **Lauren Nicholson** also provided corporate evidence (as Infrastructure Growth Charge Lead). Ms Nicholson's evidence described the way in which Watercare recovers Infrastructure Growth Charges, the Watercare 'customer contract', and the status of the customer accounts and trade waste agreements associated with the plan change area.
62. Ms Nicholson noted that Watercare does not have any record that the three properties within the plan change area are supplied by an alternate water source, and that the onsite bore is unmetered (to the best of Watercare's knowledge), so that there is no oversight from Watercare as to the volume of wastewater currently being discharged from the plan change area. She advised that Watercare will engage with the Applicant separately from the plan change process to provide clarity on this.
63. Ms Nicholson further advised that Watercare does not have any trade waste agreements in place with any of the customer accounts within the Plan Change Area. She was of the view that in-principle agreements from 1979 (with the former Borough of Pukekohe) for a meat packing house have likely expired. In particular, she noted that trade waste agreements are specific to the business activity for which they are secured and are not transferable. New business activities must apply for a new trade waste agreement, where required by the Trade Waste Bylaw, and will be subject to available network capacity at that point in time. Accordingly, "[a]ny prior trade waste agreement is therefore not relevant to determining any existing entitlement to network capacity".¹⁸
64. **Jennifer Vince** provided planning evidence on behalf of Watercare (as a Technical Director of Beca Limited), and with respect to the submission made by Watercare (and not as a full assessment as to the merits of the plan change). She referred to the evidence of Mr Deutsche, and his view that the bulk wastewater network is particularly constrained in the area until the Isabella Drive WWPS is constructed, which is not programmed for delivery until 2028. On that basis, she advised that "*Watercare is seeking that PPC110 as notified be declined as there are not sufficient safeguards proposed by the Applicant to protect against potential effects on the bulk wastewater network*".¹⁹
65. Ms Vince acknowledged that the NPS-UD requires decision-making to be responsive to out-of-sequence plan changes that would add significantly to development capacity, and that the plan change aligns with the Structure Plan and was guided by the timing of infrastructure set out in the FULSS. Nevertheless, it was her view that "*there is clear policy direction that any*

¹⁷ Transcript, Session 4 at 0:47 and 0:51

¹⁸ Nicholson – EIC (EV10), at [5.4]

¹⁹ Vince – EIC (EV11), at [1.6]

out-of-sequence plan changes must also have appropriate infrastructure (including bulk water supply and wastewater) to service the proposed development for a plan change to be approved".²⁰ She also highlighted that while the Structure Plan had indicated the area would be development-ready by 2023-2027, it also stated that this could change due to infrastructure funding, timing and delivery considerations.

66. Ms Vince noted the Applicant's approach to rely on an on-site existing private WWPS but referred to Mr Deutsche's evidence that bulk wastewater network upgrades are required, with no feasible interim solutions available in the short term. She was therefore of the view that a precinct would be the best way to ensure that development does not occur in advance of bulk wastewater infrastructure being constructed and commissioned and supported Ms LaNauze's recommendation in this regard. She also agreed with the precinct provisions attached to the s.42A report but provided a revised version incorporating some amendments to focus on the bulk wastewater constraints.
67. Overall, it was Ms Vince's opinion that, "*the proposed Precinct is the best mechanism for ensuring that any development within the Plan Change Area can be appropriately integrated with the provision of bulk wastewater infrastructure*".²¹
68. **Gerald Baptist** provided a tabled statement of evidence. Mr Baptist resides at 1143 Paerata Road, located on the opposite side of Paerata Road. He referred to noise issues associated with activities undertaken at the site, including those arising from the use of generators and noisy industrial activities, and his efforts to resolve these directly with Mr Shuker. He also highlighted other activities such as fitness classes and dog training, which he asserted have been conducted without any consents.

Council Addendum

69. A s.42A Addendum report was prepared by Ms LaNauze, with associated memoranda from the Council's specialists. Ms LaNauze's Addendum report provided a summary of those matters arising from pre-circulated expert evidence for the Applicant, AT and Watercare that were or were not agreed with and were provided in marked-up format in a revised set of precinct provisions. Ms LaNauze advised that in respect of the pre-circulated evidence her conclusions:²²
- *remain as those in my s42A hearing report in that I still consider that PC110 should be approved subject to the imposition of precinct provisions...*
 - *remain as those in the s.42A report in relation to the interface of the plan change land with Heights Park Cemetery*
 - *have changed in relation to transport infrastructure provision and timing*

²⁰ Ibid, at [1.9]

²¹ Ibid, at [1.13]

²² Section 42A Addendum report, at [6]

- *are still subject to confirmation in relation to water supply and wastewater infrastructure provision and timing, given that more information relating to these matters is being requested to be provided at the hearing.*

70. Ms LaNauze provided a summary of those issues identified by the Council's specialists in terms of stormwater and flooding effects, landscape and visual amenity effects, water and wastewater infrastructure effects, transportation-related effects and economic effects. We address the respective views of the specialists as part of our discussion on those matters remaining in contention later in this decision.

Applicant Legal Submissions and Rebuttal Evidence

71. Three statements of rebuttal evidence were provided on behalf of the Applicant (received by the Panel on 2 October 2025), from Mr Hills, Mr Pain and Ms Sunde. These are summarised below.

72. Mr Hills' rebuttal evidence responded to the Council's Addendum report and the addendum memorandum from Mr Edwards. Following his review of Mr Edwards' memorandum he concluded that:²³

- (a) *Mr Edwards now agrees with me that a substantive upgrade to SH22 / Heights Road is not required due to PC110;*
- (b) *I considered that Mr Edward's own modelling shows the SH22 right turn bay into Heights Road is not required to be extended due to PC110;*
- (c) *I maintain my position outlined in my EIC regarding access points and road widening; and*
- (d) *I do not consider PC110 warrants any specific minor improvements to Heights Road.*

73. Mr Hills concluded that, overall, he had not changed his opinion that, "*PC 110 is acceptable without the need for a precinct, and is an appropriate use of the site from a traffic engineering / transportation planning perspective*".²⁴

74. Mr Pain's statement also responded to the Council's s.42A Addendum report, and the evidence for Watercare. He advised that, in summary:²⁵

- (a) *I disagree with assertion that public infrastructure is a prerequisite for this private plan change as there are existing and private solutions which can be used.*
- (b) *While I disagree that a precinct plan is necessary for such a short duration where there is minor risk on the public network, if a precinct plan is adopted then its provisions should be limited for:*
 - (i) *Wastewater discharge to the public network up to the existing permitted water take of 50,000 L/day until the Isabella Drive WWPS is operational.*

²³ Hills - Rebuttal (EV15), at [22]

²⁴ Ibid

²⁵ Pain - Rebuttal (EV13), at [5]

- (c) *I disagree that there needs to be precinct plan rules for water supply as there are sufficient processes within the Building Consent and WSL connections applications already in place to restrict demand until the planned resilience upgrades are commissioned.*

75. Ms Sunde's statement also responded to the Council's Addendum report and drew upon the rebuttal statements of Messrs Hills and Pain to respond to the evidence of Watercare. Overall, she acknowledged the need for a precinct, but that this should be limited to wastewater matters. She stated that:²⁶

5. *... Mr Pain in his rebuttal evidence has recognised [Watercare's] concern regarding a temporary capacity constraint in bulk wastewater infrastructure until the Isabella Drive Pump Station is operational in ~2028 and that controlling additional wastewater discharges (i.e. beyond the PC Land's existing wastewater discharges) until that time would address this matter.*

6. *On this basis, I consider that a precinct is a planning tool that could be used to achieve this outcome. I remain of the views set out in my EIC that the underlying zone provisions should be the primary tool and that a precinct should only address site specific issues that are not addressed by underlying zone provisions. Importantly, it is my view that any precinct provisions must expressly acknowledge and provide for the PC Land's existing wastewater discharges....*

76. A revised version of the precinct provisions, to be known as the Heights Road Precinct, as proposed by Ms LaNauze, was attached to Ms Sunde's evidence.

77. **Joanna Beresford** provided opening legal submissions for the Applicant, which incorporated an overview of the Applicant's evidence. Ms Beresford emphasised the history of use of the site for industrial activities and that the proposed plan change is to align these consented uses with the AUP through a light industry zoning. She noted the high level of consensus between the Applicant and the Council's experts on the desirability of the plan change and associated zoning.

78. Ms Beresford went on to submit that any timing issues arising from the FDS, related to development in advance of public infrastructure upgrades, can be addressed in the interim by long-established and consented private infrastructure within the site. She referred to the evidence of Mr Hills and Mr Pryor as providing the basis as to why the Applicant does not consider that additional constraints beyond the B-LIZ and Auckland-wide provisions of the AUP are required. In terms of civil engineering, she noted Mr Pain's view that the potential effects on bulk wastewater capacity, prior to the upgrading of the Isabella Drive WWPS in approximately three years, is of low risk. However, she confirmed that the Applicant would accept a precinct to address this specific temporary issue, on the basis of the provisions included in Ms Sunde's rebuttal evidence.

²⁶ Sunde - Rebuttal (EV14)

79. In summary, Ms Beresford submitted that:²⁷

PC110 gives effect to the NPS UD [and the] RPS and provides appropriate planning tools to manage the effects of development. As a brownfield site with existing onsite infrastructure, the PC Land is well poised to make a positive contribution to the need for industrial, business, land and employment opportunities in the Pukekohe – Paerata area and warrants the Panel's approval.

80. Ms Beresford also advised that an agreement with AT in terms of frontage upgrades to Heights Road was imminent but remained subject to AT's internal reporting processes. She anticipated that this would be finalised within four weeks, and proposed that the hearing not be closed until that was provided with the Applicant's reply submissions.

81. The Panel notes that further summary statements of evidence were provided at the hearing by Mr Pain, Mr Pryor, Mr Gounder and Ms Sunde. These did not alter the positions expressed in their evidence in chief and/or rebuttal statements. Nevertheless, we refer to Mr Pain's summary conclusions below, as these provided a concise re-statement of his opinion with respect to a primary matter being that related to the proposed precinct provisions related to wastewater, and what they should allow for, being:²⁸

(a) *Daily discharge to the public network up to the existing permitted water take of 50,000 L/day until the Isabella Drive WWPS is commissioned. This allows for Dry Industrial Light Water Users in accordance with WSL's "Code of Practice for Wastewater Only" type development within the PC 110 Land. and [sic] would address WSL and Council's concerns regarding high water use activities. After the Isabella Drive WWPS is commissioned, then there should be no restrictions on potential activities under the zoning.*

82. Mr Pain did not consider that any corresponding conditions should apply in respect of water supply, as the only issue in this regard was the resilience of the public network for direct use for firefighting. In his opinion, this can be managed by the design of fire cells and systems for the buildings as part of the building consent process (i.e., for on-site tanks) and connections to the public network can be protected by Watercare as part of the connections process.

Submitter Legal Submissions and Summary Statements

83. **Sian Kilgour** presented legal submissions on behalf of Watercare. Ms Kilgour advised that Watercare has taken a neutral approach to PC110, subject to the inclusion of provisions to ensure that further development is not undertaken in advance of the required bulk infrastructure being available to service the development. Noting the acceptance in Ms Sunde's rebuttal evidence regarding her revised position and support for the inclusion of a precinct, Ms Kilgour advised that Watercare:

(a) Agreed with the non-complying activity status applying to subdivision and development that does not comply with the proposed wastewater standard;

²⁷ Opening submissions (EV18), at [86]

²⁸ Pain - Summary (EV22), at [7]

- (b) Agreed with limiting the application of the precinct to the period prior to the commissioning of the Isabella Drive WWPS; and
- (c) Did not agree that there is an existing baseline of wastewater discharge of up to 50,000L/day, and therefore does not consider this is an appropriate baseline to use in the precinct provisions.
84. The experts for Watercare provided summary statements incorporating responses to the Council's Addendum report and the Applicant's rebuttal evidence.
85. Mr Deutsche's summary statement confirmed that the primary constraint at issue for PC110 is in respect of the conveyance infrastructure, rather than the Pukekohe Wastewater Treatment Plant (**WWTP**), such that the Isabella Drive WWPS is the key bulk infrastructure upgrade that is required to provide capacity to service the plan change area. He further noted that the Isabella Drive WWPS and trunk upgrades will alleviate the constraints by enabling the conveyance of more wastewater through to the Pukekohe WWTP.
86. In terms of Mr Pain's evidence, Mr Deutsche noted that he had not seen any evidence that the Applicant has been discharging 50,000L/day to the public wastewater network and therefore did not agree that this is an appropriate baseline. With regard to Ms Sunde's proposed precinct provisions, he agreed that the bulk network constraint will be resolved following the commissioning of the Isabella Drive WWPS and that it would be appropriate for the precinct provisions to only apply until then. He highlighted that the construction of the Isabella Drive WWPS will not alleviate the local network constraint, "*which the developer will need to address at the resource consent stage*".²⁹
87. Ms Nicholson noted that the 1979 correspondence, which related to a trade waste discharge, did not include the actual trade waste agreement, and that any prior agreement is not relevant to determining any existing entitlement to network capacity. In terms of the proposed precinct provisions, she advised that:³⁰
- As set out in my EIC, Watercare does not have any oversight of current wastewater discharges from the Plan Change Area and cannot verify whether 50,000 L a day is currently being discharged. The site that has a public wastewater connection (9 Heights Road) receives a monthly invoice that states how much wastewater volume is being billed. We have never received a challenge to this.*
88. Ms Vince referred to Ms Sunde's rebuttal evidence and proposed precinct provisions and confirmed her agreement with a non-complying activity status for non-compliance with the precinct requirements. She advised of her planning view that, in terms of wastewater, "*I agree that once the Isabella Drive WWPS is in place there is no further bulk wastewater constraint and the precinct provisions as they relate to wastewater could be removed*".³¹
89. Ms Fonua's summary statement confirmed Ms Beresford's expectations regarding timing of a private agreement that would address the upgrading of the site's Heights Road frontage to an urban standard at the appropriate time. In response to the Council's s.42A Addendum

²⁹ Deutsche - Summary (EV25), at [21]

³⁰ Nicholson - Summary (EV26), at [10]

³¹ Vince - Summary (EV27), at [19]

report she explained the reasoning behind linking the timing of such an upgrade to the anticipated urbanisation of the adjacent land at 62 Heights Road:³²

- *The [Structure Plan] indicates the adjacent land (62 Heights Road) for residential use in the future. This provides strategic context for when the Applicant's urban frontage upgrade should be in place.*
- *Since the Applicant's site is the first property on Heights Road to be urbanised, aligning the timing of the frontage upgrade with the adjacent land will ensue that the frontage upgrade occurs when the adjacent area has developed sufficiently to require safe active mode connections.*
- *It reflects, in principle, the intent of the timing triggers being sought in the private agreement with the applicant. AT aimed to accommodate the applicant's preference to ensure the frontage upgrades are delivered at a stage when they will be most effective in supporting safe active mode connections, without requiring the works prematurely.*

90. Ms Fonua also clarified for the Panel the process undertaken by AT for the agreement with the Applicant.

Council Responses

91. The Council's specialists provided responses to the evidence presented during the hearing and the matters raised by the Panel.

92. Mr Vinnakota (and on behalf of Mr Thompson) had no additional points to raise in respect of stormwater management. Equally, there were no additional matters raised by Mr Foy in terms of economic matters as he was in general agreement with Mr Colegrave and considered that the infrastructure costs were able to be appropriately assigned to the Applicant and/or Council.

93. Ms Skidmore remained of the view as set out in her memorandum, re-affirming that in her view the proposed re-zoning of the land is suitable, but that the management of potential effects for users of the Cemetery is key and requires targeted interface controls on this sensitive boundary. She noted examples of other sites subject to the B-LIZ that incorporated precinct provisions with design or visual effects-related controls (Highbrook, Drury South, Mangere Gateway and Puhinui). She did not consider that a maximum height control was necessary.

94. Mr Pandith advised that his opinion on the plan change remained unchanged, and that:³³

...the precinct provision to limit development until the Isabella Drive pump station and trunk main are constructed and commissioned is the most appropriate and safest approach. I support the applicant and [Watercare] entering dialogue to refine conditions, and I am happy to review any updated provisions. I also believe that prior to any BLIZ activity on site, the development should be connected to the public Watercare network.

³² Fonua - Summary (EV19), at p.2

³³ Pandith - Response (EV28), at p.2

95. Mr Edwards addressed in his response the three key matters that he considered should be subject to precinct provisions:
- (a) He remained of the view that there could be significant safety effects in the future unless the length of the right-turn (into Heights Road from Paerata Road) storage area is extended. He highlighted uncertainties in forecast traffic flows and intersection counts, and the range of activities that could be developed within the B-LIZ (such as drive-through facilities or service stations which can have little floor area yet generate significant volumes of traffic). The intent of a precinct control was to require evaluation of the need for more storage on a case-by-case basis, unless it has already been provided for, or the Pukekohe North-West Upgrade has already occurred.
 - (b) He considered that there was only location along the Heights Road frontage where safe access can be provided, although there were other suitable locations if the speed limit was reduced. The intention of a control is to allow access in the identified location to be established without requiring resource consent, with other locations able to be considered as part of a consent application.
 - (c) He remained of the view that development of the site would have adverse effects on road safety, and that mitigation of those effects is warranted.
96. Ms LaNauze advised that she remained in support of the plan change, subject to precinct provisions that addressed the Cemetery interface and transport controls proposed by Ms Skidmore and Mr Edwards, and those related to wastewater and water supply. She noted in respect of the latter that some changes to the provisions can be considered and would follow Watercare's lead in this regard, as the primary regulatory authority in respect of those requirements.

Hearing Adjournment

97. Following initial reply comments by Ms Beresford for the Applicant, and prior to adjourning the hearing, a timetable was agreed with the Applicant and the Council to enable further discussion in respect of the Applicant's proposed precinct provisions related to wastewater. Ms Beresford undertook to liaise with Ms Kilgour as to the proposed dates, and the outcome in this regard was reported back to the Panel via the Hearings Adviser on 8 October 2025. The Panel issued Direction 3 on 9 October to confirm the date by which the Applicant's amendments would be circulated to the Council and Watercare, and for their comments to then be provided to the Applicant. These would then be addressed in the Applicant's reply submissions, which were to be provided by 7 November 2025, subject to receipt of the aforementioned agreement with AT regarding frontage upgrades.
98. The agreement with AT was subject to some further delay, so that an extension to the Applicant's reply was agreed by the Panel, to 2 December 2025. Confirmation that the agreement had been reached was received from Ms Fonua on that day.³⁴

³⁴ Fonua - Letter (EV42)

Applicants' Reply

99. The Applicant's reply submissions were received on 2 December 2025 (**Reply**).
100. The Applicants' Reply addressed the key matters in contention from the hearing, being:
- (a) The interface with the Cemetery and associated landscape and visual effects;
 - (b) Wastewater servicing in the interim period before Watercare's Isabella Drive WWPS becomes operational in 2028; and
 - (c) Transportation upgrades.
101. The Reply advised of the Applicant's change in approach to item (a) above regarding the Cemetery, and that it would accept bespoke provisions within the Precinct to include specific standards to address interface issues between the subject site and the Cemetery land.
102. In terms of (b), the Reply proposed amended precinct provisions based upon a reduced baseline standard for wastewater flows from the site of 21,000 litres per day, and that the revised provisions "*appropriately recognise the existing land uses on the PC Land and provide a means of assessing any proposals that would generate additional flows beyond 21,000 litres per day in the short interim period before bulk capacity becomes available*".³⁵
103. In terms of (c), the Reply noted that the frontage upgrade issue has been resolved through AT's agreement, as referred to above. With respect to other transport-related matters, the Reply opposed a requirement for an extension of the right-turn bay from SH22; that there are feasible access points to the site from Heights Road; and that any safety improvements along Heights Road are typically undertaken by AT and this is not something that AT (as the road controlling authority) had raised through its submission on PC110.
104. The Panel notes that the Reply also went on to refer to an issue regarding water supply for firefighting purposes, being an area of disagreement between Mr Pandith for the Council and Mr Pain for the Applicant. This represents a matter of contention that we also need to make findings on.
105. We address the particular matters and responses provided in the Reply in more detail later in this decision, in the same order as addressed in the Reply (with the inclusion of the water supply issue).
106. Following receipt of the Reply and prior to the Panel's deliberations and the close of the hearing, we requested clarification from the Applicant and the Council as to any implications arising from the updated flood risk provisions which have immediate legal effect under the Council's Plan Change 120 (**PC120**) that was notified on 3 November 2025.³⁶
107. This was responded to on 11 December by way of a Memorandum of Counsel from the Applicant, and an email from the Council (as referred to in the Applicant's Memorandum). In

³⁵ Reply Submissions (EV43), at [28]

³⁶ Direction 4, issued 4 December 2025

summary, as advised in the Memorandum, “both Council and Gbar’s experts are in agreement that the notification of PC 120 does not alter their opinions on the acceptability of PC 110 and that the assessments provided to date provide a sufficient basis on which to address PC 120 as part of the rezoning proposal under PC 110”.³⁷ Accordingly, and while the PC120 map viewer includes a notation that “[a]ll properties may be subject to the significant risk from natural hazards purpose of [PC120] and this may include a rezoning proposal”, the Panel is satisfied that flood risk considerations were not a matter of contention between the parties, and there were no outstanding issues arising in respect of PC120 that we need to make findings on.

108. For completeness, we record our understanding, based on the advice from the Applicant and the Council, that Chapter E36 of the AUP, including the provisions proposed under PC120, will apply to the issue of flood risk, and that there will be an opportunity at a resource consent stage to assess this matter as part of detailed design.
109. Following the Panel’s consideration of the Applicant’s Reply and supplementary information, as well as the evidence presented at the hearing, the Panel determined that it had sufficient information on which to make a decision on the plan change. Accordingly, the hearing was closed on 15 December 2025.
110. Subsequently, Direction 5 was issued by the Panel on 14 January 2026 to re-open the hearing to allow for an assessment to be provided by the Council in respect of amended and new national policy statements that came into effect on 15 January 2026. In particular, the Panel sought advice and comment in respect of whether PC110 would raise any issues in respect of the National Policy Statement on Natural Hazards 2025 (NPS-NH) and the National Policy Statement on Infrastructure 2025 (NPS-I).
111. A memorandum was received from the Applicant on 16 January addressing the NPS-NH and NPS-I (and noting the other NPSs which were not of relevance).³⁸ The Council also provided an email on 16 January advising of its agreement with the Applicant’s analysis, and provided a summary of position as follows:
- *In terms of the National Policy Statement for Natural Hazards 2025, I agree with Ms Sunde’s assessment and conclusion that, “Overall, the proposal accords with the NPS-NH with site-specific flood modelling, the SMP, and AUP-OP provisions ensuring national hazard risks are understood and appropriately managed for future development of the BLIZ site.”*
 - *In terms of the National Policy Statement for Infrastructure 2025, I agree with Ms Sunde that Policy 10 “Planning for and managing the interface and compatibility of infrastructure with other activities” is relevant for decision makers on planning instruments...*
112. A response was received from Watercare on 29 January. This incorporated a letter prepared by Ms Vince, noting that the NPS-I was of the most relevance to Watercare’s infrastructure

³⁷ Memorandum of Counsel (EV45), at [11]

³⁸ EV46, dated 15 January 2026

concerns. Ms Vince set out the objectives of the NPS-I and advised of her opinion that Watercare's version of the Precinct provisions, rather than the Applicant's, would better align with the NPS-I.

113. Having regard to Watercare's response, the Panel resolved that no further information was required and advised the parties that the hearing was re-closed on 30 January 2026.

MATTERS IN CONTENTION

114. The Panel agrees with and adopts the Applicant's summation of the matters in contention arising from the hearing and being the key issues that we need to make findings on. To confirm, these relate to:

- (a) The interface with the Cemetery and associated landscape and visual effects;
- (b) Wastewater servicing in the interim period before Watercare's Isabella Drive WWPS becomes operational in 2028;
- (c) Water supply for firefighting purposes; and
- (d) Transportation upgrades.

115. These are addressed in the following section of our decision.

FINDINGS ON THE MATTERS IN CONTENTION

Introduction

116. As a preliminary comment, some discussion arose during the hearing (primarily as questions from the Panel) as to certain issues related to the current configuration and development of the site. In summary, these were:

- (a) That the arrangement of vehicle storage along the SH22 boundary appeared, by reference to the Council's Geomaps,³⁹ to have overlapped into the road reserve by up to 8m and into the Cemetery land (by up to 11m). We understood from Mr Shuker's response that the use of Cemetery land may be the subject of a separate agreement with the relevant Council department (although no associated resource consent approvals were provided in respect of this). However, in terms of SH22, we note that previous consent plans (2001) depicted the use of the frontage to be in accordance with the (irregular) boundary alignment, and to incorporate pockets of landscaping.⁴⁰ We also draw attention to the submission of the NZTA which stated:⁴¹

'9-49 Heights Road Proposed Plan Change Indicative Masterplan', dwg no. P18-188-UD101 (attachment 1), indicates the design of the internal layout follows this existing boundary which encroaches into NZTA designation and road corridor. NZTA does not have any record of agreement to use this land and therefore requests the indicative layout and manoeuvring of the Plan Change area be contained within the site boundaries. Section 176 (1b) of the [RMA] states that "no person may, without the prior written consent of that requiring authority", in

³⁹ See also Sunde - EIC (EV06), at Attachments 1 and 2

⁴⁰ Application, Appendix 15

⁴¹ Hearing Agenda, at p.252

this instance NZTA, “do anything in relation to the land that is subject to the designation that would prevent or hinder a public work or project or work to which the designation relates”. If the applicant wishes to proceed with use of NZTA road parcel and Designations 6704 and 6705, NZTA notes the applicant shall be required to apply for section 176 written approval with the agency and gain a License to Occupy.

This was not pursued by the NZTA during the hearing, and it is not within the jurisdiction of this Panel to direct any actions in this regard. However, we note that this irregular situation was further reinforced through the Applicant’s masterplan illustrations. To that extent, we caution any reliance upon those illustrations as part of any future development of the site, particularly in respect of internal access and stormwater (including wetland) infrastructure.

- (b) The masterplan also does not incorporate any provision for the road widening associated with designation 6705 in its depiction of the proposed future site arrangements along SH22.
- (c) The previous consent plans (2001) also required the planting of seven specimen trees and mass planting behind The Tractor Centre, adjacent to the boundary with the Cemetery. This area is currently used as hardstand and vehicle storage (with one tree and some remnant lawn). The masterplan suggests that this area could revert to a grass/permeable surface. The Panel considers that this outcome would more appropriately reflect what was required as part of that previous resource consent.
- (d) The configuration of the southern boundary to the Cemetery was somewhat unclear ‘on the ground’, with three rows of fencing along an approximate 80m length of that boundary, with security fencing being inset (northwards) from the actual boundary (as defined by reference to Geomaps). The masterplan indicates possible retaining works along this boundary, and so we would suggest that accurate delineation of this boundary should be confirmed prior to such works. Recent planting along this boundary was also observed, and we were advised during the hearing that this was likely undertaken by the Council.

117. As noted above, we do not need to make findings on any inconsistencies or potential compliance issues arising with respect to the current configuration and use of the site, nor the allowance for future road widening, as part of our consideration of the plan change. However, we would encourage the Applicant to undertake further consultation with the NZTA to regularise the situation with regard to the frontage of the property, and to ensure that any future access and stormwater arrangements take into account any spatial constraints associated with the need to accommodate the road widening designation in this area.

Interface with the Heights Road Cemetery

118. The issue with respect to need or otherwise for specific controls for future development in respect of the Cemetery arose from Ms Skidmore’s recommendation for the imposition of those standards that apply to development in the B-LIZ where adjacent to sites zoned for

residential zones, open space zones, Special Purpose – Māori Purpose Zone or the Special Purpose – School Zone.

119. A key consideration in this regard was that that these standards do not apply to the Special Purpose – Cemetery Zone, and by reference to Chapter H24 of the AUP, we understand that the provisions for that zone “*seek to mitigate impacts on the surrounding environment and recognise that the open spacious appearance, landscaping and quiet environment of cemeteries can contribute to local amenity values*”.
120. Ms Sunde did not agree that standard should be included in the Precinct and drew attention to the form of permitted development within the FUZ, such as glasshouses of 15m height, albeit that such development is also subject to a 12m yard requirement. As noted previously, Mr Pryor also did not consider that special controls would be required. He highlighted that the lower elevation of the site relative to the Cemetery would mean that such controls would be ineffective.
121. We noted that Ms Skidmore remained of the view as part of her response to the evidence that the management of potential effects for users of the Cemetery is important and continued to support targeted interface controls on this boundary.
122. As referred to above, the Reply advised that the Applicant “*acknowledges that the change enabled by PC110 could have potential landscape and visual effects on the Cemetery that are not addressed by the proposed BLIZ zoning and now accepts that these be addressed by precinct provisions*”.⁴² However, it advised that the provisions as proposed by the Council would have implications for the area of the site able to be developed, due to the length of the boundary and so would be overly restrictive when compared to the existing zone framework in respect of cemeteries.
123. The Reply described the Applicant’s proposed provisions as having been designed to address the concerns expressed at the hearing about the potential dominance of large buildings at the Cemetery interface, which it considered were able to be readily addressed by a height in relation to boundary (and yard) standard. Accordingly, the Applicant’s approach was to adopt the Council’s version of the Precinct, but to narrow the relevant provisions to focus on potential dominance effects. The proposed changes involved the inclusion of:
- (a) wording describing the Cemetery land use in the ‘Precinct Description’;
 - (b) improvements to the wording of the objectives and policies;
 - (c) a yard setback of 3m, to provide sufficient space for screening trees and hedging (such that storage yard screening would not be necessary because a fully vegetated landscape strip is required along the entirety of the boundary with the Cemetery);
 - (d) the addition of a restricted discretionary activity status in the activity table, so that non-compliance with the standard(s) directs a reader to applicable assessment criteria;
 - (e) inclusion of assessment criteria that address the on-site configuration of buildings (including layout, yards, orientation), creation of a vegetated buffer between the

⁴² Reply Submissions (EV43), at [13]

Cemetery and development areas, and the extent to which design mitigates visual dominance effects;

- (f) a new 'Figure XXX.6.1.32.1 - Height to Boundary plan' to show cemetery 'graveyard' land use rather than housing; and
 - (g) an amended Precinct Plan so the notation identifying the Cemetery site is not obscured.
124. The Reply went on to submit that these proposed provisions “*will give Council the tools it requires to properly assess and avoid, remedy or mitigate any landscape and visual effects of future development proposals under PC 110 on the Cemetery*”.⁴³
125. The Panel considers that the proposed provisions largely address the matters that the Council raised as areas of concern, and we agree that these provisions provide for an appropriate level of mitigation of potential dominance effects towards users of the Cemetery.
126. However, we have made some minor additional changes to the policies at IXXX.3 to specifically refer to the 'Heights Road Precinct' rather than 'area' when considering amenity effects on the adjacent Cemetery; and at Policy IXXX.3(4) to refer to the 'Heights Road Precinct'.
127. The Precinct provisions at **Attachment 1** to this decision reflect the changes provided in the Applicant's Reply, and the Panel's further changes as summarised above (as well as those discussed in the following section of this decision).

Water and wastewater infrastructure

Summary of proposed provisions and Reply amendments

128. As will be discerned from the previous summary of evidence and the summary of the Reply, a primary matter of contention during the hearing related to how any further development of the site would affect public wastewater infrastructure, and in particular the capacity of the Franklin Road WWPS, ahead of the upgrade of the Isabella Drive WWPS.
129. This issue did narrow somewhat through the hearing process, insofar as the request by Watercare for wastewater-related provisions to be included as part of a precinct was agreed to by the Applicant (and detailed in Ms Sunde's rebuttal evidence), which would then apply until the construction and commissioning of the Isabella Drive WWPS. This incorporated a non-complying activity status for non-compliance with a rule relating to wastewater infrastructure requirements. Counsel for Watercare noted agreement with these aspects of the plan change, but:⁴⁴

Does not agree (and has not seen any supporting documentation showing) that there is an existing baseline of wastewater discharge from the Plan Change Area to the public wastewater network of up to 50,000 L per day and therefore does not consider this is an appropriate baseline to use in the precinct provisions.

⁴³ Ibid, at [17]

⁴⁴ Watercare Submissions (EV24), at [5.9(c)]

130. In essence, as the Panel understood matters it was Watercare’s case that no development that could result in additional wastewater flows should be permitted, until such time as bulk wastewater infrastructure is “*completed, commissioned and functioning*”.⁴⁵
131. Following the hearing the Applicant entered into further discussions on the issue with Watercare, and circulated proposed provisions to address the interim wastewater servicing requirements (10 October 2025), and these were then commented on by Watercare (17 October).⁴⁶ The basis of the Applicant’s revised position as set out in its 10 October proposal is explained in the Reply as follows:
- (a) In defining the relevant existing environment in the present case, as relevant to the issue of existing (and lawfully established) wastewater discharges, the Reply highlights that while the level of such discharges have varied over time, the site has been connected to the network since the 1970s and its discharge consent enables up to 50,000 litres per day with a yearly limit of 11.5M litres (i.e., a daily average of 35,000 litres per day).
 - (b) It also advised that the Applicant intends to apply for a replacement water take when the existing consent expires in 2027. In this regard, the Applicant acknowledged that any new consent could be for a lesser volume, but it is the currently consented environment that is relevant to the Panel’s consideration of environmental effects.
 - (c) Notwithstanding the above, and “*to acknowledge these uncertainties*” the Applicant proposed (10 October) and again through its Reply to rely on a lesser baseline standard of 21,000 litres per day. This is based on Watercare’s Code of Practice for light industrial water users of 4.5 L/m²/day, applying this to the existing GFA associated with consented development currently on site. Its amended precinct provisions relating to wastewater, which:⁴⁷
 - (a) *Provides for use and development that does not comply with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure where routine peak daily wastewater discharges do not exceed 21,000 litres per day as a controlled activity.*
 - (b) *Provides for use and development that does not comply with Standard IXXX.6.1.1 Bulk Water Supply and Wastewater Infrastructure where routine peak daily wastewater discharges exceed 21,000 litres per day as a non-complying activity.*
 - (c) *Specifies the bulk infrastructure required in Standard IXXX.6.1.1.(2) as being the “Isabella Drive Wastewater Pump Station Bulk water supply and wastewater infrastructure with sufficient capacity for servicing the proposed development or subdivision must be completed, commissioned and functioning”.*

⁴⁵ Watercare Precinct version (EV41), at IXXX.6.1.1

⁴⁶ In accordance with Direction 3, issued on 9 October 2025

⁴⁷ Reply Submissions (EV43), at [27]

(d) *Includes special information requirements that require, prior to the commissioning of the bulk infrastructure, a wastewater servicing plan that identifies proposed connections, confirmation that the existing on-site infrastructure is in adequate condition to be able to service the site, calculations evidencing that the volume of discharge does not exceed 21,000 litres per day, means of monitoring compliance and a decommissioning plan for once bulk wastewater capacity is available.*

132. The Reply submitted that, in summary, the provisions “*appropriately recognise the existing land uses on the PC Land and provide a means of assessing any proposals that would generate additional flows beyond 21,000 litres per day in the short interim period before bulk capacity becomes available*”.⁴⁸

133. Watercare responded to the amended provisions in its 17 October version⁴⁹ (essentially providing a summary of their overall position as presented during the hearing):

The Applicant had previously suggested that a 50,000 L/day discharge into the public network is authorised based on their private water take consent. However, resource consents do not strictly reserve capacity in the public system, nor do they establish discharge connections. Discharge baselines and capacity allocations are determined solely through Watercare’s Customer Contract and Infrastructure Growth Charge (IGC) process under our Bylaw,⁵⁰ and as the current contract has not been updated to reflect the bore use, we do not consider the Applicant’s proposed baseline volume to be authorised or appropriate.

We must also clarify that:

- *The CoP is a design tool for public infrastructure, reflecting anticipated peak flows. It is not intended for determining allowable or authorised discharges, nor for calculating IGCs or establishing baseline network demand.*
- *The 21,000 L/day figure appears to represent a proposed allowance rather than an actual baseline for current discharges from the site.*
- *Watercare does not have sufficient evidence to confirm or support this figure as reflective of actual current discharges to the public network.*

Given the lack of accurate data and the absence of an updated Customer Contract, we cannot agree that the 21,000 L/day figure is an appropriate permitted threshold, nor is there sufficient evidence to agree an alternative figure.

⁴⁸ Ibid, at [28]

⁴⁹ Watercare letter 17 October 2025 (EV39) – noted to be from Amber Taylor (Development Planning Team Lead) rather than Watercare’s hearing witness(es)

⁵⁰ Water Supply and Wastewater Network Bylaw 2015

In summary, Watercare does not support the inclusion of a daily wastewater discharge limit into the public network within the precinct provisions. The public network is currently at capacity, and no additional flows from the Plan Change Area can be accommodated. If the Applicant wishes to progress development of the Plan Change Area prior to the delivery of the necessary bulk public infrastructure upgrades, any private interim solution must be entirely independent of the public wastewater network.

134. As referred to above, the Reply version of the Precinct adopts a non-complying activity status for “[u]se and development that does not comply with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure where routine peak daily wastewater discharges exceed 21,000 litres per day” (proposed Rule IXXX.4.1(A2)), as was proposed by Ms Sunde in her rebuttal evidence. This activity status was supported by Ms Vince (notwithstanding the broader issue as to the appropriate quantum of discharges).⁵¹
135. The Reply addressed the key differences between the Applicant and Watercare in some detail, as well as explaining the amendments regarding wastewater contained within its proposed precinct provisions. It confirmed the Applicant’s acceptance that there exists a short-term bulk infrastructure capacity constraint prior to downstream infrastructure being in place and the Isabella Drive WWPS coming online in 2028. The Reply also noted a difference between the Applicant and Watercare as to whether that constraint can be addressed by the existing infrastructure within the site. It set out the Applicant’s view that the existing volume of water take and wastewater discharges should be the basis for determining the acceptable level for those discharges in the interim period, whereas Watercare considers that the actual discharges should be metered, and discharges confined to that level over that period.
136. Overall, the Reply stated that it had not been possible to reconcile the fundamentally different approaches between the Applicant and Watercare. It went on to say that:⁵²

...GBar’s position remains that its 10 October 2025 version of the wastewater servicing provisions (offering a significant reduction from 50,000 litres per day to 21,000 litres per day based on existing Gross Floor area (GFA)) remains the most appropriate approach and GBar has not proposed any further amendments in the Reply Version. In that regard:

(a) WSL’s starting point appears to be that there should be no development even when bulk infrastructure to address network constraints will be delivered in the short term. (Although it was discussed at the hearing that notwithstanding this bulk capacity constraint, WSL is still accepting new residential connections due to community expectations).

...

137. The Reply also acknowledged that Watercare is under pressure to provide for out-of-sequence development across the region, which may be contributing to it adopting a stringent policy approach to out-of-sequence plan changes. However, it went on to submit that PC110 should not be considered to be out-of-sequence, given that it was planned for early

⁵¹ Vince – Summary (EV27), at [15]

⁵² Reply Submissions (EV43), at [21]

urbanisation under the FULSS. While that has been overtaken by the FDS (and the associated delay in development timing set out in that document), the effect of that was that the bulk infrastructure to address capacity constraints is now close to being in place. It stated that, in the meantime, there is existing on-site infrastructure that is capable of servicing the site. Further:⁵³

GBar says that this requires the precinct provisions to acknowledge the baseline existing environment and appropriately give credit for the fact that there existing wastewater flows authorised from the PC Land but to provide sufficient tools in the planning tool box to ensure that any additional flows that could have an adverse effect on bulk infrastructure capacity are able to be properly considered and assessed at the consenting stage.

138. The Reply went on to submit that Watercare’s approach of limiting this baseline to actual flows, or assuming zero flows because Watercare does not have good visibility through its billing process, would not properly recognise the ‘existing environment’. In this regard the Reply referred to court decisions that address the concept of the existing environment in the context of resource consent applications, and in particular the decision of *Smith v Marlborough District Council*⁵⁴ - i.e., that the effects of an application on an environment already include the effects caused by full implementation of an existing consent, and the existing consented environment. The Reply stated therefore that this approach should also apply to private plan changes where effects on the environment are also relevant to a decision-maker’s evaluation.

National Policy Statement for Infrastructure (Responses to Direction 5)

139. As noted previously, the NPS-I came into effect and after the hearing had closed, and so has been the subject of additional evidence or comment from the parties. In particular, the relevant provisions of the NPS-I were addressed in response to Direction 5 by Ms Sunde in the first instance (and by Ms LaNauze in respect of identification of the relevant provisions) and Ms Vince. As we understand the respective positions, there was agreement about the inclusion of Precinct provisions to address wastewater matters, but disagreement about which version of those provisions would best give effect to the NPS-I. That disagreement generally reflected the different positions adopted through the evidence and Reply stages.
140. For completeness, we note the objectives of the NPS-I as follows:
- a. ensure the national, regional and local benefits of infrastructure are provided for;*
 - b. enable infrastructure to support the social, economic and cultural wellbeing of people and communities and their health and safety;*
 - c. enable infrastructure to support the development and change of urban and rural environments to meet the diverse and changing needs of present and future generations;*
 - d. ensure infrastructure is well-functioning, resilient and compatible, as far as practicable, with other activities; and*

⁵³ Ibid, at [22]

⁵⁴ *Smith v Marlborough District Council* (EnvC W098/06)

- e. *ensure infrastructure is delivered in a timely and efficient manner while managing adverse effects from or on infrastructure*

141. The key focus of the NPS-I is on enabling infrastructure. In this regard Ms Sunde's response to Direction 5 highlighted that Policy 10 (Planning for and managing the interface and compatibility of infrastructure with other activities) is relevant to decisions on planning instruments. She noted that most of Policy 10 is concerned with reverse sensitivity effects but Policy 10.2.a.iii requires decision makers to engage with infrastructure providers to support the strategic integration of infrastructure with land use activities. She highlighted that such engagement has already occurred through the PC110 submission and hearing process.

142. Ms Sunde provided an assessment against the NPS-I as follows (where applicable to the wastewater issue):⁵⁵

- *PC110 proposes infrastructure related precinct provisions supported by technical advice that ensures development timing is linked to available wastewater capacity whilst allowing for the existing wastewater use and connections already occurring on the site. This approach is consistent with the NPS-I requirement that land use proceeds only where infrastructure can support it.*
- *The key Watercare concern being out-of-sequence wastewater infrastructure has been addressed through the hearing evidence and subsequent proposed precinct provisions. As discussed at the hearing, PC 110 should not properly be considered out of sequence. The effect of urbanisation of the Pukekohe / Paerata area having been planned for early urbanisation under the Future Urban Land Supply Strategy (but then deferred under the Future Development Strategy (FDS)) is that the necessary bulk infrastructure to address capacity constraints are very close to being in place. Further, there is existing on-site infrastructure capable of servicing the site in the interim. This satisfies the NPS-I direction to avoid enabling development that would exceed planned or committed infrastructure.*
- *The NPS-I emphasises integrated land use and infrastructure planning. The proposal makes use of existing wastewater servicing already operating on site, with precinct provisions ensuring any future demand aligns with Watercare's confirmed capacity as supported by technical reporting, proposed site specific precinct provisions and the existing AUP:OP resource consent pathways.*
- *As expected under the NPS-I, detailed design and capacity confirmation will be addressed at resource consent stage through the established triggers in the AUP:OP and proposed precinct provisions, building consent and CCO approval processes.*

143. Ms Sunde concluded that the proposal would accord with the NPS-I, and that it provides for a coordinated and resilient infrastructure planning framework for the site (including by reference to its proposed transport and stormwater related provisions). Ms LaNauze agreed

⁵⁵ Sunde - Direction 5 Response (EV46), pp.4-5

with Ms Sunde that Policy 10 of the NPS-I is the most relevant for our consideration. She did not express a view as to which Precinct provisions she favoured in this regard, suggesting that the Panel determine whether it agrees with the Applicant and “*may also wish to ask relevant submitters who are infrastructure providers for their comments about any effects of this NPS on PC110*”.⁵⁶

144. As previously noted, Watercare’s response was essentially that its amendments to the Precinct provisions better align with the NPS-I. This was because, as stated by Ms Vince, “*it provides a framework that will enable development of the plan change area to be integrated with infrastructure (including the required upgrades to Watercare’s network), whilst minimising effects on the environment and Watercare’s network*”.⁵⁷
145. We have taken into account the witnesses’ respective positions and opinions in our evaluation and findings below as to which version of the Precinct will best give effect to the NPS-I.

Evaluation and Findings

146. In referring to the evidence of Mr Pain (evidence in chief and rebuttal), the Panel notes that the amended Precinct provisions set out in the Reply represent a substantial lessening of the total potential wastewater flows from the site. Mr Pain’s evidence was that the site:⁵⁸

...is already serviced for wastewater and water supply with a private WWPS connected to the public network near Possum Bourne Reserve at a pump duty rate of 19 L/s and an existing water take consent and bore that can take up to 50,000 L/day. The allowable bore water take should reflect the allowable routine peak daily discharge for wastewater into the downstream network, with peak flows on top of that for water ingress from ground and infiltration from stormwater flows.

147. His evidence further explained that there is a 20,000 litres per day trade waste discharge through an agreement with the Pukekohe Borough Council (for washing down water), and a ‘373/310’ consent for the discharge of liquid sanitary and liquid trade wastes to the Pukekohe Borough Sewer main (of which the 20,000 litres per day discharge forms a part).
148. The Panel considers that the Applicant’s reference to the existing environment, as defined by the court decisions referred to in the Reply, are of significance to our conclusions on this matter. We are satisfied, by reference to the application material and the evidence, that the site operates in accordance with an authorised water take and a somewhat historic but nonetheless extant discharge consent. In this regard we did not understand Watercare to challenge the lawfulness of those consents. Further, the Applicant’s proposed discharge figure reflects CoP allowances that are reflective of the authorised extent of existing site development.

⁵⁶ Council Direction 5 Response (EV47)

⁵⁷ Vince - Direction 5 Response (EV48)

⁵⁸ Pain – Rebuttal (EV13), at [9(c)]

149. Watercare stated in its response of 17 October that “*resource consents do not strictly reserve capacity in the public system, nor do they establish discharge connections*”.⁵⁹ However, the Panel considers that this is not of relevance to previously consented and established activities that are not subject to any Watercare-related consent conditions (or precedent conditions), nor actions to prohibit discharges from the site. Further, the Panel is of the view that the lack of an updated customer contract is a separate administrative matter and one that would need to be resolved through procedures outside of a plan change process. In this regard, we consider that Watercare is relying upon an apparent lack of information and records (which we do not understand to have been at issue prior to the plan change process commencing) to limit the Applicant’s intentions for the land.
150. Our concerns in respect of Watercare’s approach in this regard is its own acknowledgment that it is still accepting new residential connections to its local infrastructure “*due to community expectations*”.⁶⁰ We understood that to potentially relate to live-zoned residential land as opposed to out-of-sequence development, although we did not receive further evidence or clarification on that point. The Panel appreciates that such connections would appropriately respond to community expectations, although we also note (as advised by Mr Deutschle) that Watercare has the ability through bylaw provisions to decline new applications, presumably in instances as here where capacity constraints exist.
151. In summary, the matter to be determined is between the position of the Applicant’s reduced discharge threshold to apply until the infrastructure under proposed standard IXXX.6.1.1 is operational, and that of Watercare which seeks to prevent any additional development that would require wastewater servicing. Both approaches would be time-limited, and effective only until sometime in 2028 when the capacity upgrades are programmed to be completed.
152. In taking account of the foregoing evidence and submissions from the parties on this matter, the Panel has also considered the range of permitted activities that are enabled under a B-LIZ zoning. It is recognised that a number of these would appear likely have a nominal impact on wastewater flows from the site (e.g., storage and lock-up facilities, show homes) while others would likely be limited to the effects of a small number of staff on-site (e.g., motor vehicle sales, accessory offices, accessory retail, trade suppliers etc).
153. The Panel also recognises that the Applicant’s version of the proposed precinct provisions incorporate matters of control and assessment criteria related to applications involving discharges up to the proposed 21,000 litres per day threshold, as well as Special Information Requirements (**SIRs**) to provide further details of wastewater servicing arrangements (comprised of a Wastewater Servicing Plan and a Wastewater Infrastructure Capacity Assessment). Because of the rather more ‘black and white’ approach sought by Watercare, its version includes (as a special information requirement for a non-complying activity) the need for an Interim Wastewater Servicing Plan.
154. Overall, the Panel finds that the Applicant’s approach, subject to the amendments we describe below, better allows for detailed assessments and analysis of the wastewater

⁵⁹ Watercare letter, 17 October 2025 (EV39)

⁶⁰ Transcript, Session 0:47 and 0:51.

demand for any particular proposal (within the proffered 21,000 litres per day threshold), and are satisfactorily aligned with a reference in the Precinct description that acknowledges that:

... the delivery of these activities within the Heights Road Precinct where they would generate additional wastewater flows needs to be closely aligned with the delivery of bulk wastewater infrastructure upgrades or an appropriate interim solution.

155. The Panel recognises that an approach that generally adopts the Applicant's provisions potentially presages a contested resource consent application process where the issues currently before us will need to be revisited, at a minimum through a controlled activity assessment. However, it is anticipated that such a process would be informed by an applicant addressing the SIRs relating to the actual wastewater demand (if any) of any development proposal to be made at that time.

156. While generally adopting the Applicant's revised version of the Precinct provisions, there are some aspects that require amendment to ensure their workability. These are described below:

(a) The Applicant's version of the Precinct incorporates a notification requirement at IXXX.5(2) as follows:

In addition, and notwithstanding the requirements of IXXX.5(1), any application for resource consent that infringes the following standards shall be notified to Watercare Services Limited:

(a) Standard IXXX.6.1.1 Bulk Wastewater Infrastructure.

The Panel notes that this does not differentiate between the two infringements set out in Table IXXX4.1. We did not understand the Applicant to propose that a controlled activity would require notification to Watercare, although the Council may nevertheless seek comment from Watercare through its usual resource consent processes, including to address IXXX8.1(e).⁶¹ We have therefore amended this clause to make reference to the specific wording of the non-complying rule at IXXX.4.1(A2) to define the circumstance where notification to Watercare would be mandatory.

(b) The Panel also considers that because only one standard is referred to in IXXX.5(2), the word 'standard' is changed from plural to singular. Similarly, Standard IXXX.6.1.1(1) requires amendment to delete "all of", given that only one requirement is specified.

(c) The Panel has also considered the approach adopted with respect to the reliance on the SIRs towards the end of the Precinct provisions. In particular, we are not satisfied that a simple reference to the SIRs is sufficient to properly function as 'assessment criteria'. We have determined that this clause (now numbered as IXXX.7.2(1)(a)) requires wording that directs a qualitative consideration of how the requirements of the SIRs have been addressed (i.e., 'the extent to which the SIRs are met').

(d) Related to the above change, the Panel is also not certain as to how an applicant would be able to provide the information required for the Wastewater Servicing Plan at

⁶¹ As renumbered (from (f)) as part of this decision.

IXXX.8.1(b). This clause requires an applicant to “[i]dentify the timing, location, size and capacity of the key wastewater infrastructure dependencies located outside of the Precinct but which are necessary to service the Precinct”. We consider that the wastewater ‘dependencies’ are known (i.e., the Isabella Drive WWTP), but the timing, size and capacity of that infrastructure would not be known to an applicant. The key issues prior to delivery of the Isabella Drive WWTP that are within an applicant’s control are those set out at clauses (a) and (c) – (f).⁶²

- (e) Finally, and in a similar manner to (d) above, the Panel is also not certain as to how an applicant could provide the information required for a Wastewater Infrastructure Capacity Assessment under IXXX.8.2. This clause requires an applicant “to produce a wastewater infrastructure capacity assessment for the Precinct to demonstrate there is sufficient capacity in the wider wastewater reticulated network, to service the proposed development or lots”. It was stated by Watercare that there is no remaining capacity at this time (notwithstanding its allowance for new residential connections), and the Panel understands that this is a situation that will not change until the Isabella Drive WWTP becomes operational. We consider that the focus is more logically directed to the matters within an applicant’s control, and in particular those that require a description of the interim wastewater servicing arrangements for the site.

157. The Panel therefore finds that the Applicant’s proposed precinct provisions are appropriate, subject to the following changes:

- IXXX.5 - Change as follows:
 - (2) *In addition, and notwithstanding the requirements of IXXX.5(1), any application for resource consent that infringes the following standards shall be notified to Watercare Services Limited:*
 - (a) *Standard IXXX.6.1.1 Bulk Wastewater Infrastructure where routine peak daily wastewater discharges exceed 21,000 litres per day.*
- IXXX.6.1.1 - Change as follows:
 - (1) *Bulk wastewater infrastructure required in Standard IXXX.6.1.1(2) includes ~~a~~ of the following:*
 - ...
- IXXX.7.2(1) - Change as follows:
 - (a) *Use and development that does not comply with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure where routine peak daily wastewater discharges do not exceed 21,000 litres per day:*

⁶² Prior to renumbering

(i) *The extent to which the special information requirements at IXXX.9.1 (Wastewater Servicing Plan) is-are met-Special Information Requirements at IXXX.9.1.*

- IXXX.9.1 - Delete clause (b), and consequential renumbering of subsequent clauses.
- IXXX.9.2 – Delete.

158. The Precinct provisions at Attachment 1 to this decision reflect the Panel's changes as summarised above (as well as those referred to in terms of the Cemetery interface as discussed earlier).

159. On the basis of these changes, the Panel finds that the potential adverse effects on wastewater infrastructure associated with any future development of the Precinct preceding the completion of the Isabella Drive WWTP will be able to be appropriately addressed at the time of a resource consent application. The Panel also finds in accordance with the Applicant's supplementary evidence that the proposed provisions will give effect to the NPS-I, and in particular Policy 10.

Water supply (firefighting)

160. The Reply drew our attention to the disagreement between Mr Pandith for the Council and Mr Pain for the Applicant about the appropriate means by which water supply should be provided for firefighting purposes.

161. Mr Pain, in his rebuttal evidence (addressing the matters arising in the s.42A Addendum report), disagreed with the Council's position that firefighting capacity is an issue for a plan change, as fire safety is part of a building consent application. He advised that:⁶³

...there is water storage of 180,000 L currently on site, which meets NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 up to FW3⁶⁴ level, which is suitable for FCH 1 (fire hazard category level 1)⁶⁵ fire cells up to 599 m², FCH 2 fire cells up to 399 m² and FCH 3 fire cells up to 199 m². The fire engineer will determine whether the buildings can accommodate fire cells less than 600 m² to work within the [Code of Practice].

162. Mr Pain went on to say:⁶⁶

Decommissioning the existing bore or continued use needs to be agreed between WSL and the applicant, and that it must be demonstrated that the public reticulation can supply firefighting water supply to FW4 requirements. I disagree that agreement needs to be reached between WSL and the applicant, as the water take consent is valid until 2027 and can be applied for again. The level of protection for firefighting on the site is

⁶³ Pain – Rebuttal (EV13), at [26(d)]

⁶⁴ Fire Water Classification

⁶⁵ Mr Pain's footnote (2) advises "Fire hazard categories are outlined NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 Table 1 which provides water supply classifications for each type. FHC1-3 are suitable for different BLIZ activities discussed".

⁶⁶ Ibid, at [26(e)]

subject to a Fire Engineer's report which is based on the size of fire cells and the type of use each building has. Adequate public supply is not a prerequisite for fire protection as on-site storage is allowable under the SNZ PAS 4509:2008 code. This is something that will be a requirement for Building Consent and should not have an impact on the PPC110 rezoning. Protections on connections made to the public network for servicing fire flows already existing within the Building Consent and WSL connections processes, so specific precinct rules aren't required to protect this.

163. Mr Pandith's view in this regard arose from a concern that the site is not connected to a public water supply. He noted Mr Pain's reliance on the private bore and 180,000 litre tanks, which Mr Pandith advised was sufficient only for FW3, whereas the B-LIZ can enable buildings that need FW4 supply. He also highlighted that the renewal of the bore consent in 2027 is uncertain, and that leaving this matter to a future consent stage would have risks in his view because:⁶⁷

- *Zoning allows large FW4 buildings to be planned before the BC stage.*
- *BC only assesses individual sites and cannot force public network upgrades or manage network-wide risk.*
- *If the bore lapses, FW4 users could be unsafe or non-compliant.*
- *Firefighting is a critical life-safety issue.*

164. In addition, Mr Pandith noted:⁶⁸

If there is no subdivision application and Mr Shuker retains all properties with only building consents applied for, I believe there is still significant risk when the site is not connected to the public network. Ms Beresford's legal submission also notes changing storage from 180 m3 to 160 m3 on site. According to SNZ PAS 4509:2008, if a single 180 m3 supply can be reached (hydrant/suction point) within 90 m of each commercial activity and can deliver 25 L/s to each risk (not simultaneously), one supply ...

165. The Reply highlighted that an existing bore is authorised to take 50,000 litres per day and provides 180,000 litres of onsite storage capacity. It referred to Mr Pain's evidence that on-site storage is allowable under the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008, and that compliance with the code is assessed at the building consent stage. Accordingly, the Reply stated that there are options for designing and sizing fire cells that are compliant with the code, and further, the method by which compliance with firefighting requirements will be a matter of design for a specific proposal at the resource consent stage. The Applicant has not therefore proposed precinct provisions in respect of water supply to address firefighting requirements.

166. There are two aspects of the Reply comments that require comment. The first, as referred to by Mr Pandith, is that Ms Beresford had corrected the Applicant's position, and her opening

⁶⁷ Pandith – Hearing Statement (EV28), at p.2

⁶⁸ Ibid

submissions with respect to on-site water capacity, to 160,000 litres.⁶⁹ Secondly, while reference was made to assessing fire-fighting aspects at the resource consent stage, it is possible that a resource consent would not be required (particularly once the WWTP comes on-line) and we understand this to be primarily related to the building consent stage.

167. It is also relevant to note that notwithstanding the Council's concerns in respect of this matter, no amendments were proposed to the precinct provisions to incorporate a fire-fighting component, and we did not understand the Council position to suggest that PC110 should be declined in the absence of any rule in this regard. We consider that such an addition would introduce an unusual consideration to planning standards, although neither party commented on whether they are used within other precincts under the AUP.
168. Having considered this issue carefully, the Panel finds that the matter of water supply for firefighting purposes is a matter that is appropriately addressed at the building consent stage for any specific development proposal. We note that the level of water supply is less than that referred to by Mr Pain (as referred to by Ms Beresford), and we anticipate that this would have implications in respect of such development meeting the required standards and is a factor that may well constrain the extent of any future development relative to the B-LIZ standards, pending a public water supply to the site. Again, however, that is a consideration that in the Panel's view is more appropriately addressed at the building consent stage.

Transportation

169. As referred to earlier, the matters of contention in respect of transportation are in respect of the following three sub-topics:
- (a) Whether the right turn bay from SH22 into Heights Road should be lengthened to provide at least 90m of storage.
 - (b) Whether sight distances at potential access locations mean that controls on the location of access points are required at this stage.
 - (c) Whether additional transport safety improvements are required along Heights Road.
170. The matters related to transportation above were those contended for by Mr Edwards, as follows:
- A clause to require consideration of the need for an extension of the storage capacity for the right turn 'median' at the intersection of Paerata Road with Heights Road;
 - The identification of a second access location deemed to be the only safe position along the Heights Road frontage; and
 - The inclusion of requirements for safety measures along Heights Road.
171. The Reply expressed the Applicant's overall position that no precinct provisions are required to address these transportation-related matters. This is on the basis that there "*are sufficient*

⁶⁹ Refer Transcript at 40:00 (Day 1 Session 1), correcting the Opening Submissions (EV18) at [26]

existing mechanisms in place elsewhere within the resource management and environmental system to address any traffic effects that may arise from development enabled by PC 110".⁷⁰

172. Two preliminary points were made in the Reply in terms of the way in which these matters should be determined:

- (a) The subject site is relatively small, and some caution should be applied in respect to adopting provisions used on larger plan change areas in greenfield locations that have a greater potential for adverse traffic effects, and would not be proportionate to the traffic effects expected to be generated by development enabled by PC110.
- (b) The AUP should not duplicate the role of AT and the NZTA as road controlling approvals, and the Council retains control over engineering plan approval for vehicle crossings.

173. To that, the Panel would add that neither of the road controlling authorities sought changes through the hearing to address the matters raised by the Council (other than the road frontage provisions sought, and subsequently approved, by AT).

174. The Reply also included the following overall conclusion on transportation issues:⁷¹

The trip generation rules that already exist in the district wide transport chapter of the AUP provide a comprehensive suite of trip generation and traffic management controls. Ms Sunde's planning analysis is that those provisions properly cover the range of activities that are enabled by the BLIZ zoning, with the only lacuna being service stations, which are an unlikely land use given proposed warehousing and light industrial uses to be developed around the existing configuration of development on the site. GBar does not consider additional precinct provisions are necessary to address this unlikely eventuality.

175. The Panel generally accepts that submission, and we address the relevant points in turn.

176. In respect of the right turn bay, the Reply drew attention to Mr Hill's rebuttal evidence that referred to Mr Edwards' own modelling which demonstrates that the SH22 right turn bay into Heights Road is not required to be extended due to PC110. Further, "*the 95%ile queue does not exceed the storage length in 2034 (using Mr Edwards modelling)*".⁷² Mr Hills also stated that he:⁷³

...cannot see why Mr Edwards has suggested the right turn bay be increased following "any subdivision or development" when his own modelling only shows the queue "close to exceeding" the length in 2034 with all the predicted traffic generation from the site occurring and with an additional 50% increase in traffic generation as a sensitivity test.

177. Mr Edwards' response memorandum acknowledged that due to the modelling of forecast changes a full intersection upgrade is now less likely to be required. Nevertheless, he

⁷⁰ Reply Submissions, at [36]

⁷¹ Ibid, at [37]

⁷² Hills – Rebuttal (EV15), at [9]

⁷³ Ibid, at [10]

remained of the view “*that there could be significant safety effects in the future unless the right turn storage is extended*”.⁷⁴ In this regard, he noted the uncertainty in:

- forecast traffic flows;
- the representativeness of the 2025 intersection count (given road works and other factors in the area); and
- the activities that could be developed in the B-LIZ, including for example, drive-through or service stations which can have little floor area yet generate significant volumes of traffic.

178. Accordingly, Mr Edwards remained of the view that a precinct control was necessary, with the objective of such a control being “*to make subdivision or development on the site require consent so that the need for more storage can be evaluated on a case-by-case basis*”.⁷⁵ He noted that if the right turn bay had already been extended, or the Pukekohe North West Upgrade has already occurred, then consent would no longer required for that matter.

179. As noted above, NZTA did not attend the hearing and did not seek such a provision within their submission. We observed during the hearing that a lengthening of the storage lane would necessarily involve a widening of the carriageway, which Mr Hills suggested would most likely occur on the western side (noting the position of the crash barrier along the eastern side in this area), and require an ‘engineering approval’ from the NZTA. He also acknowledged that there was potential to create a significant issue if a proposal was subject to a third-party approval and where that could be withheld.⁷⁶

180. Overall, the Panel was not convinced that there was evident uncertainty in traffic flow counts or forecasts nor alternative land use activities that would justify the inclusion of the type of precinct control proposed by Mr Edwards. We are satisfied that the any new vehicle crossing on Heights Road would require certain approvals from AT (as referred to in the following section), and we therefore rely on Mr Hills’ conclusion that “*a requirement to increase the right turn bay storage length is not required to support PC110*”.

181. With respect to the need for access location controls, Mr Hills noted that he and Mr Edwards agreed that there are potential access points available along Heights Road. He also considered that the difference of opinion relates to the details of which standard is appropriate, and more critically, if any controls on the location of access from the zone are warranted as part of the plan change process. In his view, detailed issues such as access point locations / requirements should be subject to future applications when the effects of a specific proposal can be assessed and locations and intersections can be designed in accordance with the prevailing standards at that time.

182. Mr Hills also referred to AT’s recent practice note for vehicle crossings, and that permitted activities (under the AUP) will still require “*Engineering Approval (EA) to ensure that the*

⁷⁴ Edwards – Response (EV29), at p.1

⁷⁵ Ibid

⁷⁶ Transcript – Day 1 Session 3 at 1hr11min

vehicle crossing portion of the driveway complies with AT's Transport Design Manual (TDM)".⁷⁷

183. Mr Edwards' response memorandum advised of his view that there was only one location along the site frontage where safe access can be provided, although other suitable locations may be possible if the speed limit is reduced. He noted that the intention of his proposed precinct control was to allow an access at the identified location to be established without needing consent, with other locations to be assessed as part of a resource consent application. He was unsure how much AT could control the location of an access if a resource consent (in the absence of precinct controls) approved an access in a particular location.
184. Mr Hills also drew attention to a new provision in AT's practice note that references Safe Stopping Distance requirements in relation to sight distance at driveways. While he agreed with Mr Edwards' observation that AT's requirements are subject to change over time, he considered that this supported the view that *"detailed issues such as access point locations/requirements are left to future applications and not Plan Changes"*.⁷⁸
185. The Panel finds in accordance with the evidence of Mr Hills on this matter. In particular, we are satisfied that AT's own practice note addresses the scenario of concern to Mr Edwards (i.e., that permitted activities will still be subject to an EA process, including minimum sightline requirements under the TDM).
186. Accordingly, the Panel does not consider that it is necessary to prescribe a specific access point location nor provisions for accesses that are not so specified.
187. In terms of Mr Edwards' recommendation for safety improvement provisions, Mr Hills did not consider that the small increase in traffic volumes attributable to PC110 warrants any specific provisions related to safety improvements. Those traffic volume increases were characterised as being in the order of 5-8% by Mr Edwards, and 4% by Mr Hills, where the extent of crashes would rise by a proportionate amount. Mr Hills responded to the various safety improvement options raised by Mr Edwards as follows:⁷⁹
- (a) *As I have noted in my EIC, any additional traffic will always increase the exposure in relation to crashes in the local network. This is true for all plan changes or indeed resource consents.*
 - (b) *It appears that Mr Edwards is suggesting that (in paragraph 4.113), the installation of raised reflective pavement markers (cat's eyes) or a vehicle-activated speed warning sign would achieve the reduction in crashes he is seeking.*
 - (c) *While the proposal (and indeed any proposal in the wider area) will add traffic to Heights Road, a small increase does not in my opinion warrant any specific provision. Any such required improvements (such as cats eyes or signage) are due to a number of developments in the wider area and typically undertaken by [AT] (noting development of the subject land results in payment of Development*

⁷⁷ Hills – Rebuttal (EV15), at [15], with reference to 'Practice Note 07 – Vehicle Crossing Design Standards, Auckland Transport, 1 July 2025'

⁷⁸ Ibid, at [19]

⁷⁹ Hills – Rebuttal (EV15), at [21]

Contributions to Auckland Council which among other things can be used for minor roading upgrades such as cat's eyes or signage).

(d) *Finally, AT has not requested this in its submission or commented on it in their evidence.*

188. Mr Hills' evidence was that improvements are usually installed in response to the cumulative effects of developments in the wider area. These are typically undertaken by AT and this is not something that AT (as road controlling authority) has raised as being required by PC110.
189. Mr Edwards' response memorandum advised that he remained of the view that "*development of the site would have adverse effects on road safety, and that mitigation of that effect is warranted*".⁸⁰
190. The Panel again prefers the evidence of Mr Hills in respect of these measures and finds that additional provisions within the proposed precinct provisions in respect of transport safety measures to be implemented by the Applicant (such as cats eyes and signage) are not warranted. We are satisfied that in the event that such measures are determined by AT to be appropriate and necessary at a future time, then they are able to be implemented accordingly.

OVERALL FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE

191. The changes referred to in the preceding part of this decision are incorporated into the revised version of the Heights Road Precinct at **Attachment 1**, which includes the Precinct plan.
192. Overall, and based on those amendments, we accept Ms LaNauze's overall recommendation set out in the Agenda report that PC110 should be approved, subject to incorporation of precinct provisions, and that the plan change and associated change in the zoning of the land will:
- assist the Council in achieving the purpose of the RMA;
 - give effect to the NPS-UD, the NPS-NH and NPS-I;
 - be consistent with the RPS; and
 - be consistent with the Auckland Plan.

DECISIONS ON SUBMISSIONS

193. It is also necessary for the Panel to set out our decisions with respect to the submissions received on the plan change. We have set out our decision on the submissions, and the relief sought in those submissions, at **Attachment 2** and these are based on the recommendations provided in the assessment by Ms LaNauze in her Hearing and Addendum reports, and our overall decision to approve the plan change, subject to the amendments that we have determined to be necessary.

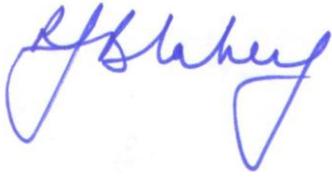
⁸⁰ Edwards – Response (EV29), at p.1

FINDINGS WITH RESPECT TO PART 2

194. In terms of s.5 of the RMA, it is our finding that the provisions of PC110 are consistent with, and are the most appropriate way, to achieve the purpose of the RMA. PC110 will enable the efficient development of the site for residential activities while also avoiding, remedying, or mitigating any adverse effects on the environment.
195. For all of the reasons set out in this decision, the Panel is also satisfied the matters set out in ss.6, 7 and 8 of the RMA have been addressed. PC110 and its provisions, as amended, have had particular regard to and taken into account those relevant ss.6, 7 and 8 matters.
196. Overall, and having considered all the evidence and relevant background documents, the Panel is satisfied that PC110 has been developed in accordance with the relevant statutory and policy matters with regard to ss.32, 32AA and Part 2 of the RMA. The plan change will clearly assist the Council in its effective administration of the AUP.

DECISION

- A. That pursuant to Schedule 1, clause 10 of the Resource Management Act 1991, that Proposed Plan Change 110 to the Auckland Unitary Plan (Operative in Part) be **approved**, on the basis of the Plan Change 110 provisions (via the proposed Heights Road Precinct) as provided with the Applicant's Reply dated 2 December 2025, subject to the amendments that we have described in this decision and as set out in **Attachment 1**.
- B. Submissions on the plan change are accepted and rejected in accordance with **Attachment 2** to this decision. In general, these decisions follow the recommendations set out in the Council's Hearing report.
- C. In addition to the reasons set out above, the overall reasons for the decision are that Plan Change 110:
 - (a) will assist the Council in achieving the purpose of the RMA;
 - (b) give effect to the relevant national policy statements and the Auckland Regional Policy Statement;
 - (c) is supported by necessary evaluation in accordance with sections 32 and 32AA of the RMA; and
 - (d) will assist with the effective implementation of the Auckland Unitary Plan.



Richard Blakely

Chairperson



Bridget Gilbert



Vaughan Smith

17 February 2026

ATTACHMENTS

Attachment 1 IXXX Heights Road Precinct – Decision Version

Attachment 2 Decisions on Submissions

IXXX Heights Road Precinct

IXXX.1. Precinct Description

The Heights Road Precinct applies to 5.35ha of land at 9, 33 and 49 Heights Road, Pukekohe, on the northern edge of Pukekohe. The zoning of land within the Heights Road Precinct is Business – Light Industry Zone. To the north, the land is bordered by Heights Road, which forms the Rural Urban Boundary (RUB). Land zoned Rural - General Rural is on the northern side of Heights Road. To the east, the land is bordered by the Paerata Road section of State Highway 22. The Council's Heights Park Cemetery borders the land to its west and south. The Cemetery is zoned Special Purpose - Cemetery Zone.

The primary purpose of the Heights Road Precinct is to enable ongoing operation, intensification and expansion of light industrial activity in a way that is integrated with wastewater servicing. Light industrial land use and subdivision activities are largely enabled through the underlying zoning. However, the delivery of these activities within the Heights Road Precinct where they would generate additional wastewater flows needs to be closely aligned with the delivery of bulk wastewater infrastructure upgrades or an appropriate interim solution.

There are known wastewater constraints in the bulk infrastructure network serving the Heights Road Precinct, with planned upgrades (Isabella Drive Pump Station) to address these constraints. Until those upgrades are completed, subdivision and development that would generate additional wastewater flows must be restricted. Alternatively, an interim wastewater solution may be provided, recognising the Heights Road Precinct's existing discharges and private wastewater system (refer Heights Road Precinct Plan), until such time as the bulk wastewater network has sufficient capacity to accommodate development of the site.

The Heights Road Precinct also adjoins the Heights Park Cemetery to the west and south. The Cemetery is a landscaped burial and memorial space used for services, commemoration, and reflection, with views across the Heights Road Precinct area. The Heights Road Precinct provisions include interface treatments to maintain an appropriate buffer and visual amenity for Cemetery visitors.

All relevant overlay, Auckland-wide and zone provisions apply in this precinct unless otherwise specified below.

IXXX.2. Objectives [rp/dp]

- (1) Subdivision and development are coordinated with the supply of sufficient wastewater infrastructure to service the Heights Road Precinct.
- (2) Subdivision and development does not occur in advance of the availability and capacity of bulk wastewater infrastructure, except where an appropriate interim solution for wastewater servicing is proposed.
- (3) Adverse effects on the amenity values of the adjacent Heights Park Cemetery are managed.

All relevant overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.

IXXX.3. Policies [rp/dp]

Subdivision and development

- (1) Require that any subdivision and/or development within the Heights Road Precinct that generates additional wastewater flows is coordinated with the provision of sufficient functioning bulk wastewater infrastructure or an appropriate interim solution.

Infrastructure

- (2) Ensure that subdivision and development in the Heights Road Precinct that generates additional wastewater flows is coordinated with the provision of sufficient wastewater infrastructure.
- (3) Avoid subdivision and development that generates additional wastewater flows that is in advance of the provision of functioning bulk wastewater infrastructure with sufficient capacity to service subdivision and development within the Heights Road Precinct, except where an interim solution for wastewater is proposed.

Amenity

- (4) Require development within the Heights Road Precinct adjacent to the Special Purpose – Cemetery Zone to manage adverse amenity effects on the Heights Park Cemetery.

All relevant overlay, Auckland-wide and zone policies apply in this Precinct in addition to those specified above.

IXXX.4. Activity table [rp/dp]

All relevant overlay, Auckland-wide and zone activity tables apply in the Heights Road Precinct unless the activity is listed in Activity Table IXXX.4.1 below.

Activity Table IXXX.4.1 specifies the activity status of land use and subdivision activities in the Heights Road Precinct pursuant to sections 9(2), 9(3), and 11 of the Resource Management Act 1991.

A blank in the activity status column means that the activity status in the relevant overlay, Auckland-wide or zone provision applies.

Table IXXX.4.1 Activity table

Activity		Activity status
Use and Development		
(A1)	Activities listed as permitted, restricted discretionary, discretionary, or non-complying activities in Table H14.4.1 in the Business – Light Industrial Zone	

(A2)	Use and development that does not comply with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure where routine peak daily wastewater discharges exceed 21,000 litres per day.	NC
(A3)	Use and development that does not comply with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure where routine peak daily wastewater discharges do not exceed 21,000 litres per day.	C
(A4)	Use and development that complies with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure	P
(A5)	Use and development that does not comply with standards IXXX.6.1.2 and IXXX.6.1.3.	RD
(A6)	Use and development that does comply with standards IXXX.6.1.2 and IXXX.6.1.3.	P
Subdivision		
(A7)	Subdivision that does not comply with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure	NC
(A8)	Subdivision that complies with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure	

IXXX.5. Notification

- (1) Any application for resource consent for an activity listed in Activity Table IXXX.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) In addition, and notwithstanding the requirements of IXXX.5(1), any application for resource consent that infringes the following standard shall be notified to Watercare Services Limited:
 - (a) Standard IXXX.6.1.1 Bulk Wastewater Infrastructure where routine peak daily wastewater discharges exceed 21,000 litres per day.

IXXX.6. Standards

- (1) All relevant overlay, Auckland-wide and zone standards apply to the activities listed in Activity Table IXXX.4.1.
- (2) All activities listed in Activity Table IXXX.4.1 must also comply with Standards IXXX.6.1.1 – IXXX.6.1.3.

Where there is any conflict or difference between standards in this Precinct and the Auckland-wide and zone standards, the standards in this Precinct will apply.

IXXX.6.1. Precinct Plan and Infrastructure Requirements

All development and subdivision must comply with the following standards:

IXXX.6.1.1. Bulk Wastewater Infrastructure

Purpose:

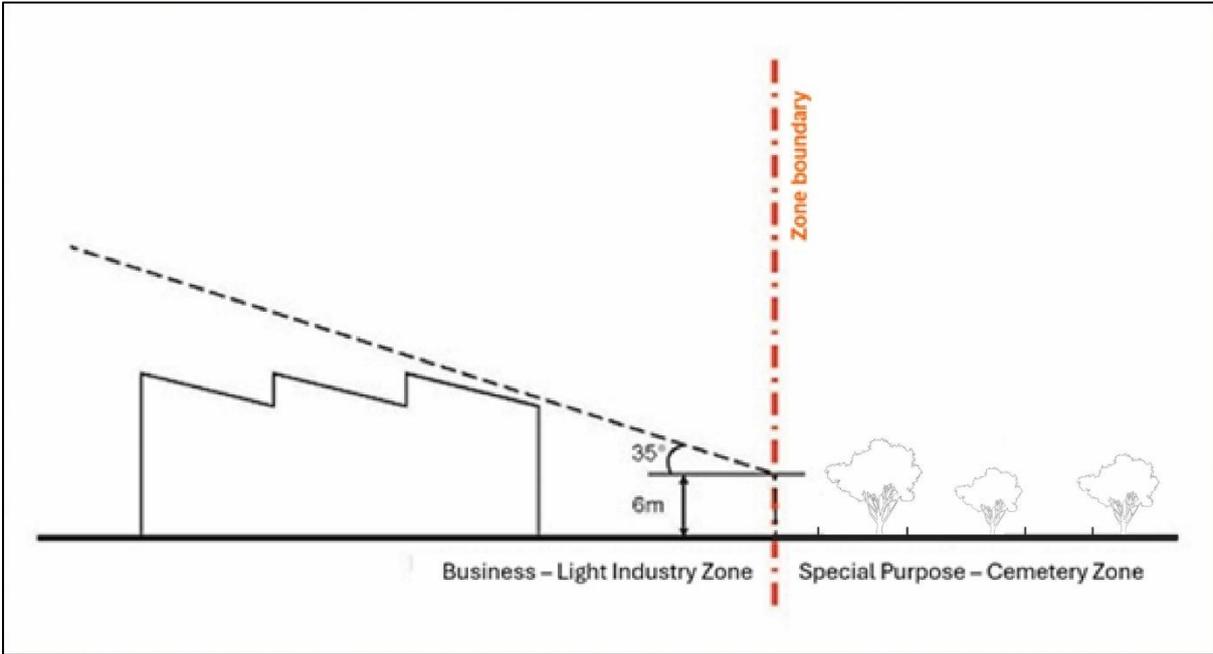
- To ensure subdivision and development within the Precinct is adequately serviced with bulk wastewater infrastructure.
- (1) Bulk wastewater infrastructure required in Standard IXXX.6.1.1(2) includes the following:
 - (a) Isabella Drive Wastewater Pump Station.
 - (2) Bulk wastewater infrastructure with sufficient capacity for servicing the proposed development or subdivision must be completed, commissioned and functioning:
 - (a) in the case of subdivision, prior to issuing of a certificate pursuant to section 224(c) of the Resource Management Act 1991; and
 - (b) in the case of land use only, prior to construction of any buildings for activities that would require wastewater servicing.

IXXX.6.1.2. Height in Relation to Boundary to Heights Park Cemetery

Purpose:

- manage the effects of building height;
 - allow reasonable sunlight and daylight access to Heights Park Cemetery; and
 - manage visual dominance effects on Heights Park Cemetery.
- (1) Buildings must not project beyond a 35 degree recession plane measured from a point 6m vertically above ground level along the boundary of the Special Purpose – Cemetery Zone:

Figure IXXX.6.1.2.1 Height in relation to boundary



IXXX.6.1.3. Yards to Heights Park Cemetery

Purpose:

- provide a buffer and screening between business activities and the neighbouring Special Purpose - Cemetery Zone, to mitigate adverse visual amenity effects.
- (1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table IXXX.6.1.3.1.

Table IXXX.6.1.3.1 Yards

Yard	Minimum depth
Rear	3m where the rear boundary adjoins the Special Purpose – Cemetery Zone
Side	3m where the side boundary adjoins the Special Purpose – Cemetery Zone

Note:

- (1) A side or rear yard, and/or landscaping within that yard, is required along that part of the side or rear boundary adjoining the Special Purpose – Cemetery Zone.
- (2) Side and rear yards must be planted with a mixture of trees, shrubs or ground cover plants (including grass) within and along the full extent of the yard to provide a densely planted visual buffer and must be appropriately maintained thereafter.

IXXX.7. Assessment – Controlled activities

IXXX.7.1. Matters of control

- (1) The Council will reserve its control to the matters below for the activities listed as controlled in Activity Table IXXX.4.1:
 - (a) Use and development that does not comply with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure where routine peak daily wastewater discharges do not exceed 21,000 litres per day:
 - (i) Special Information Requirements at IXXX.9.1.

IXXX.7.2. Assessment criteria

- (1) The Council will consider the relevant assessment criteria below for activities listed as controlled in Activity Table IXXX.4.1:
 - (a) Use and development that does not comply with Standard IXXX.6.1.1 Bulk Wastewater Infrastructure where routine peak daily wastewater discharges do not exceed 21,000 litres per day:
 - (i) The extent to which the special information requirements at IXXX.9.1 (Wastewater Servicing Plan) are met.

IXXX.8. Assessment – Restricted discretionary activities

IXXX.8.1. Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application for activities listed in Table IXXX.4.1 Activity Table, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) Non-compliance with the standards in IXXX.6.1.2:
 - (a) Consistency with the Objective IXXX.2(3) and Policy IXXX.3(4) of the Precinct;
 - (b) The effects on the amenity of Heights Park Cemetery;
 - (c) The effects of any special or unusual characteristic of the Heights Road Precinct or Heights Park Cemetery which is relevant to the standard;
 - (d) Site layout and configuration;
 - (e) Landscaping; and
 - (f) The effects of the infringement of the standard(s).

IXXX.8.2. Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities, in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlays, Auckland-wide or zones provisions:

- (1) Subdivision and development:
 - (a) Site layout and configuration:
 - (i) The extent to which the layout of buildings, outdoor storage yards, landscaping, parking and access areas maintains an appropriate interface with the adjoining Heights Park Cemetery, including the use of yard setbacks, landscaping, orientation of buildings, and placement of service areas to manage adverse amenity effects on Cemetery visitors.
 - (b) Landscaping:
 - (i) The extent to which landscaping, including trees and shrubs, is planted to create a vegetated buffer and screening between buildings, parking and access areas, and outdoor storage yards and the boundaries with Heights Park Cemetery.
 - (c) Visual dominance:
 - (i) the extent to which buildings as viewed from the side or rear boundaries of the adjoining Heights Park Cemetery are designed to mitigate visual dominance effects, taking into account physical characteristics of both sites, proposed setbacks, building height and design, landscaping, site configuration, and planned built character of the zone.

IXXX.9. Special information requirements

Prior to the commissioning of bulk wastewater infrastructure required by IXXX.6.1.1, an application for subdivision or development must be accompanied by:

IXXX.9.1. Wastewater Servicing Plan

- (1) All applications for subdivision or development in this Precinct must be accompanied by an interim Wastewater Servicing Plan. The Wastewater Servicing Plan must:
 - (a) Identify the location, size and capacity of the proposed wastewater network, including the proposed connections to the local network, within the Precinct.
 - (b) Confirmation from a suitably qualified person that the private wastewater pump station and associated infrastructure are of adequate condition and have capacity to service the site for the interim period, including any necessary upgrades, repairs, or maintenance to ensure it remains fit for purpose.
 - (c) Calculations demonstrating that routine peak daily wastewater discharges from the Precinct Area do not exceed 21,000 litres per day, and includes a proposed monitoring and reporting methodology to demonstrate compliance.
 - (d) A decommissioning plan setting out how the interim system will be decommissioned once bulk wastewater infrastructure capacity is available.
 - (e) A servicing transition plan identifying how the Precinct will be connected to the bulk wastewater infrastructure system following decommissioning of the interim

solution, including the outcome of any consultation and agreements with Watercare Services Limited.

IXXX.10. Precinct Definitions

The following definitions are applicable:

Additional wastewater flows

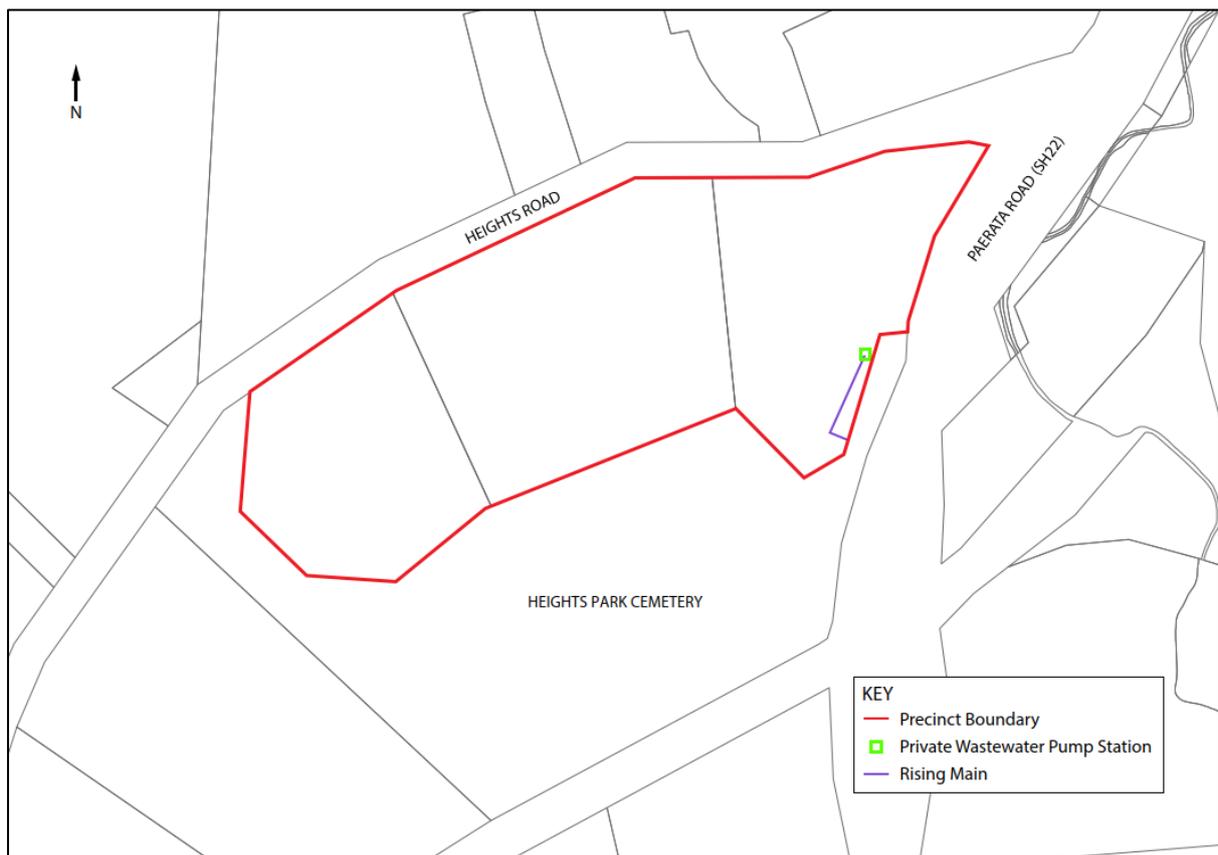
Means any routine peak daily wastewater discharges from the Heights Road Precinct exceeding 21,000 litres per day prior to the bulk wastewater infrastructure being completed, commissioned and functioning.

Bulk wastewater infrastructure

Means the Isabella Drive Wastewater Pump Station.

IXXX.11. Precinct Plan

IXXX.11.1. Heights Road Precinct Plan



Attachment 2 – Decisions on PC110 Submissions

Submission Number	Submitter	Subject	Summary of Decisions Requested	S42A Report Section	Decision
1.1	Peter Fa'afiu	Light industrial use Stormwater	Approve the plan change without any amendments. Light Industrial use confirms site history and location, and stormwater concerns have been resolved.	9.1 Light Industrial Zoning and Use 9.9 Stormwater and Flooding Effects 9.10 Water and Wastewater Infrastructure, Development Engineering Effects	Accept in part
1.2	Peter Fa'afiu	Cemetery buffer	Provide sufficient buffer to cemetery	9.7 Landscape and Visual Amenity Effects 9.6 Parks and Open Space Effects	Accept in part
1.3	Peter Fa'afiu	Traffic - Heights Road capacity	Confirm Heights Road traffic capacity	9.11 Transport Infrastructure and Traffic Effects	Accept
2.1	Ngāti Te Ata	Manawhenua iwi consultation RMA	Opposes the plan change. Ngāti Te Ata have not been consulted regarding the application, and little engagement attempt made by applicant. Cultural values and environmental preferences of Ngāti Te Ata are unknown. Plan Change does not meet Resource Management Act Section 6(e), Section 7(1), Section 8 or Fourth Schedule Section 33(d).	9.2 Mana Whenua values	Accept in part
2.2	Ngāti Te Ata	Manawhenua iwi consultation	Ngāti Te Ata seek to be better informed during the course of the hearing	9.2 Mana Whenua values	Accept in part
2.3	Ngāti Te Ata	Manawhenua iwi consultation	Comprehensive cultural impact assessment report (CIA) to be undertaken by Ngāti Te Ata	9.2 Mana Whenua values	Accept in part
2.4	Ngāti Te Ata	Manawhenua iwi consultation	Ngāti Te Ata want further discussions so matters raised in their submission and cultural impact assessment report (CIA) are fully	9.2 Mana Whenua values	Accept in part

Submission Number	Submitter	Subject	Summary of Decisions Requested	S42A Report Section	Decision
			understood		
3.1	Auckland Transport	Traffic - Heights Road frontage	Amendments requested. In absence of completion of private agreement and covenant with applicant and Auckland Transport, Heights Road frontage upgrades are sought as part of initial development of site to support safe and efficient connections for active modes	9.11 Transport Infrastructure and Traffic Effects 9.12 Infrastructure Timing and Funding	Accept in part
3.2	Auckland Transport	Traffic - Heights Road frontage	Amendments requested. Inclusion sought in plan change of appropriate mechanisms such as a precinct plan and precinct specific provisions to ensure Heights Road frontage upgrades are delivered at an appropriate time	9.11 Transport Infrastructure and Traffic Effects 9.12 Infrastructure Timing and Funding	Accept in part
3.3	Auckland Transport	Traffic - Heights Road frontage	Where amendments are proposed, would consider alternative wording or amendments to like effect, which addresses the reasons for the submission. Also seeks any consequential amendments required to give effect to the amendments and decision requested.	9.11 Transport Infrastructure and Traffic Effects 9.12 Infrastructure Timing and Funding	Accept in part
4.1	NZ Transport Agency Waka Kotahi	Traffic - Paerata Road (State Highway 22) frontage	Locate all development where it does not encroach into the NZTA designation, or obtain consent from NZTA under s176 of the Resource Management Act 1991, and a License to Occupy.	9.11 Transport Infrastructure and Traffic Effects	Accept
4.2	NZ Transport	Stormwater - culverts beneath	No stormwater discharge to the state highway culverts,	9.9 Stormwater and Flooding Effects 9.10	Reject in part

Submission Number	Submitter	Subject	Summary of Decisions Requested	S42A Report Section	Decision
	Agency Waka Kotahi	State Highway 22	although it is noted that runoff cannot be avoided in some instances and that the applicant has done sufficient due diligence in mitigating stormwater runoff impacts.	Water and Wastewater Infrastructure, Development Engineering Effects	
4.3	NZ Transport Agency Waka Kotahi	Traffic - safety	Any other relief that would provide for the adequate consideration of potential effects on the operation of the state highway environment and the safety of its users.	9.11 Transport Infrastructure and Traffic Effects	Accept in part
4.4	NZ Transport Agency Waka Kotahi	Traffic - Height Roads/Paerata Road intersection	Applicant should investigate further road signage options Heights Road / Paerata Road intersection	9.11 Transport Infrastructure and Traffic Effects	Accept in part
5.1	Watercare Services Limited	Wastewater servicing	Plan change should be declined unless a new precinct is required [wording supplied] to manage development sequencing in the plan change area. Plan change is out of sequence with the timing for development set out in council's Future Development Strategy, and therefore out of sequence with Watercare's planned bulk wastewater infrastructure for the Pukekohe Northwest Future Urban Area.	9.10 Water and Wastewater Infrastructure, Development Engineering Effects 9.12 Infrastructure Timing and Funding	Accept in part
5.2	Watercare Services Limited	Wastewater servicing	Decline the plan change, but if approved, make amendments requested. Subdivision and development should not occur in advance of bulk wastewater infrastructure with	9.10 Water and Wastewater Infrastructure, Development Engineering Effects 9.12 Infrastructure Timing and Funding	Accept in part

Submission Number	Submitter	Subject	Summary of Decisions Requested	S42A Report Section	Decision
			sufficient capacity to service the development. Any discharges into the public wastewater network over and above the current discharges that occur from the Plan Change Area cannot be accepted prior to the completion of the Pukekohe North Wastewater Project		
5.3	Watercare Services Limited	Wastewater servicing	Decline the plan change, but if approved, make amendments requested. Generally not opposed to interim private onsite treatment and discharge for this area, provided the plan change area connects to Watercare's wastewater network once capacity is available following the completion and commissioning of the Pukekohe North Wastewater Project.	9.10 Water and Wastewater Infrastructure, Development Engineering Effects 9.12 Infrastructure Timing and Funding	Accept in part
5.4	Watercare Services Limited	Water supply servicing	Decline the plan change, but if approved, connect the current private water supply and servicing for this area to Watercare's water supply network.	9.10 Water and Wastewater Infrastructure, Development Engineering Effects	Accept in part
6.1	Gerald Baptist	Environmental noise	Decline the plan change, and resolve noise problems with existing development and activities on site, including dog training and gym events	9.13 Other Matters	Reject
6.2	Gerald Baptist	Environmental pollution	Decline the plan change, and resolve environmental pollution caused by open fires on site.	9.13 Other Matters	Reject

Submission Number	Submitter	Subject	Summary of Decisions Requested	S42A Report Section	Decision
6.3	Gerald Baptist	Safety	Decline the plan change, and resolve safety concerns about security of existing activities. Includes safety concerns about potential chemical spills. Is sufficient water available for fire fighting?	9.13 Other Matters	Reject
6.4	Gerald Baptist	Zoning	Decline the plan change, but if approved, make amendments requested. Rezoning from Future Urban to Light Industry is questioned. Wants urban environmental standards to apply to 1173 Paerata Road and other properties on eastern side of State Highway 22. Wants buffer between plan change site and housing.	9.1 Light Industrial Zoning and Use 9.7 Landscape and Visual Amenity Effects 9.13 Other Matters	Reject in part