

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



PROPOSAL

To rezone 12,800m² (1.28ha) of land at 20 Noel Williams Place, Windsor Park from Open Space – Sport and Active Recreation (“**OS-SAR**”) Zone to Residential – Mixed Housing Urban (“**MHU**”) Zone; and introduce a new precinct, ‘Windsor Park’, that will apply to the rezoned land. The precinct enables residential development consistent with the underlying MHU zoning, incorporates the Medium Density Residential Standards (“**MDRS**”), and includes site specific provisions to manage stormwater and maintain the interface along the site’s boundaries.

This plan modification is **GRANTED**, subject to the modifications as set out in this decision and in the attached Plan Change 115 document. Submissions and further submissions are accepted and rejected in accordance with the decision.

Plan modification number:	115
Site address:	20 Noel Williams Place, Windsor Park
Applicant:	Windsor Park Community and Multisport Hub Incorporated
Hearing commenced:	Wednesday 11 December 2025, 9.30 a.m.
Hearing panel:	Janine Bell (Chair) Nigel Mark Brown Vaughan Smith
Appearances:	<p><u>For the Applicant:</u> Windsor Park Community and Multisport Hub Incorporated represented by:</p> <ul style="list-style-type: none"> - Vicki Toan, Legal - Andrew Diver, Applicant - Peter Lowe, Civil Engineering - Leo Hills, Transport Engineering - Wayne Bredemeijer, Urban Design - Daniel Shaw, Planning <p><u>Submitters</u> Hui Yang (Danielle Yang) East Coast Bays Rugby Football Club represented by Gary Howarth East Coast Bays Cricket Inc. represented by Claire Kristiffor</p>

	<p>Andrew Wills Danielle Zheng represented by Albert Quan</p> <p><u>Local Board</u> Upper Harbour Local Board represented by Anna Atkinson (Chairperson) via MS Teams</p> <p><u>For Council:</u> Peter Vari, Team Leader Sarah Wong, Reporting Planner Lisa Mein, Consultant Urban Designer Martin Peake, Consultant Traffic Engineer Emeline Fonua, Auckland Transport Douglas Sadlier, Senior Parks Planner Lee Te, Healthy Waters and Flood Resilience Annika Swanberg, Watercare Services Limited</p> <p>Chayla Walker, Senior Hearings Advisor</p>
Hearing adjourned	Thursday, 11 December, 2025
Commissioners' site visit	Tuesday, 2 December 2025
Hearing Closed:	20 February 2026

INTRODUCTION

1. This decision is made on behalf of the Auckland Council (**"the Council"**) pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 (**"RMA"**) by Independent Hearing Commissioners Janine Bell (Chair), Nigel Mark Brown and Vaughan Smith (**"the Panel"**), appointed and acting under delegated authority under sections 34 and 34A of the RMA.
2. The Commissioners have been given delegated authority by the Council to make a decision on Private Plan Change 115 - 20 Noel Williams Place, Windsor Park (**"PPC 115"**) to the Auckland Council Unitary Plan Operative in Part (**"AUP(OP)"**) after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during, after the hearing of submissions and having visited the land subject to the plan change.
3. PPC 115 is a privately initiated 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).
4. On 8 April 2025, following receipt of all further information, PPC 115 was accepted for processing under Clause 25 of Schedule 1. The Plan Change was publicly notified on 22 May 2025, with the submission period closing on 23 June 2025. A total of 241 submissions were received by the Council. The summary of submissions was notified by the Council on 24 July 2025 and closed on 7 August 2025. There were two further submissions received.

BACKGROUND AND SITE DESCRIPTION

5. The site at 20 Noel Williams Place, Windsor Park has a total area of 6.38 hectares. It comprises of the Windsor Park sports grounds, which include a main clubhouse, a secondary building with changing facilities, three rugby fields, and an additional training field. The site is jointly owned by and serves as the home ground for the East Coast Bays Rugby and Cricket Clubs.
6. PPC 115 relates to 12,800m² (1.28ha) of land located in the northern portion of Windsor Park. This area has a flat topography and contains the East Coast Bays Rugby Club's clubhouse and a training field. No formal competition sports are played on this part of the site, as this field is not considered suitable for rugby or cricket training due to its unimproved soil conditions, limited irrigation, and lack of drainage.
7. The site is currently zoned Open Space - Sport and Active Recreation Zone. This zone is applied to open spaces used for indoor and outdoor organised sports, active recreation and community activities. It includes facilities such as sports fields, hard-court areas and greens, recreational and multi-sport facilities, and marine-related activities. These spaces often include buildings and structures such as grandstands, sport and community clubrooms and toilets and changing facilities associated with these uses.
8. The plan change area also contains a row of 15 Pohutukawa trees, approximately 4–5m in height, along the eastern boundary, and around 15 *Tristanopsis laurina* (water gums) along the northern boundary.
9. In terms of natural hazards, a small portion of the plan change area, located on the western edge near Zara Court, contains a small existing floodplain. All other overland flow paths within Windsor Park have been diverted around the existing playing fields.
10. Vehicle access to the site is currently provided via an easement over the carpark at 542 East Coast Road, the adjoining site owned by the Windsor Park Baptist Church. The area of land proposed to be rezoned under PPC 115 is shown in the Figure 1 below:

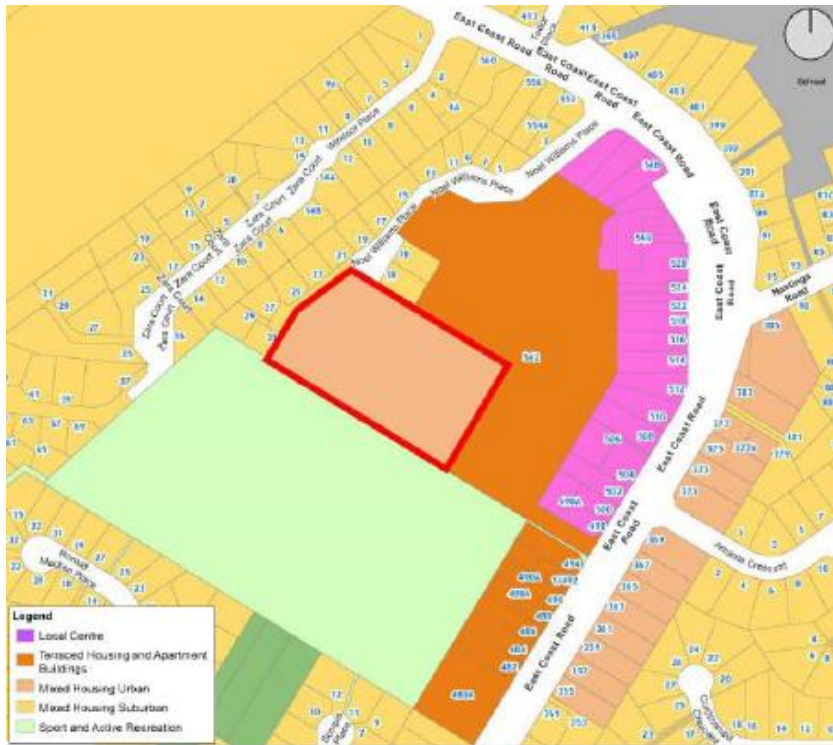


Figure 1: Map showing the plan change area and proposed zoning.

11. As outlined in the Council’s s42A report, the surrounding environment is highly developed and comprises a mix of residential dwellings, commercial areas, open spaces, and community facilities, including Rangitoto College and the AUT Millennium Institute of Sport. The Mairangi Bay town centre and beach are also located to the east of the site. Centorian Reserve is located immediately south of the site. This reserve is generally lower lying and contains substantial vegetation that separates the playing fields from a small playground. It is also noted that stormwater from the playing fields drains into this reserve.

PROCEDURAL MATTERS

12. On 29 September 2025, the Hearing Panel issued Direction No. 1 requesting that the applicant file a memorandum outlining what, if any, changes they were recommending to the proposed plan change, and which changes were in response to which submissions.
13. On 8 October 2025, legal counsel for the Applicant responded proposing amendments to PPC 115’s precinct provisions. These amendments were made in response to the submission lodged by the Windsor Park Baptist Church (Submission 226) which raised reverse sensitivity matters.
14. On 9 October 2025, having considered the Applicant’s memorandum, the Panel issued Direction No. 2 setting out the timetable for the release of the Council’s s42A hearing report and the provision of expert evidence to be presented on behalf of the applicant and the submitters.

15. On 17 October 2025, the Applicant filed a memorandum requesting that the Panel strike out the Submission No. 29 on the basis that it contained offensive language. In response the Panel invited the submitter to amend, withdraw, or justify the submission, prior to making its decision.
16. On 29 October 2025, having considered the submitter's response, the Panel issued Hearing Minute No.1 dated 29 October 2025 confirming its decision to strike out the submission.
17. The hearing commenced on Thursday, 11 December 2025 and was adjourned later that day to enable the applicant to file its written reply and for the Panel to determine whether it had received sufficient information to be able to determine the PPC 115 application.
18. On 18 December 2025, the Government announced that ten new or amended national direction instruments under the RMA would come into effect on 15 January 2026. These include the new National Policy Statement for Infrastructure 2025 and the new National Policy Statement for Natural Hazards 2025.
19. As the decision for PPC 115 would not be released before 15 January 2026, the Hearing Panel was required to consider the updated National Policy Statements (“**NPSs**”) in its decision. To enable all parties involved in PPC 115 to have an opportunity to address the amended NPSs, the Hearing Panel issued Direction No. 3 on 14 January 2025 requesting the Council's reporting planner provide a memorandum to the Panel to inform it whether any of the updated NPSs have any effect on PPC 115, and if so, what the effects are. The Council's memorandum was received on Monday 19 January 2026 and circulated to the Applicant and submitters to enable them to respond.
20. The Council's memorandum prepared by Ms Wong reviewed PPC 115 in relation to the amended national direction instruments and the following new national direction instruments:
 - Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025
 - National Policy Statement for Natural Hazards 2025, and
 - National Policy Statement for Infrastructure 2025.
21. She concluded that from a planning perspective none of the amended or new national direction instruments introduced any new considerations or effects that would materially affect the assessment or outcomes of the plan change.
22. On 29 January 2026 we also received a brief memorandum from the Applicant's legal counsel advising the applicant agreed with the Council's assessment and conclusions in respect of the new or amended national direction instruments.

SUMMARY OF PLAN CHANGE

23. The proposed plan change request is described in detail in Section 4.0 Proposal of the Assessment of Effects prepared on behalf of Windsor Park Community and

Multisport Hub Incorporated (“**WPCMH**”) (“**the Requestor**” or “**the Applicant**”) and in the hearing report. A summary of key components of the plan change is set out below.

24. The request seeks to rezone 12,800m² (1.28ha) of land at 20 Noel Williams Place, Windsor Park from OS-SAR to MHU Zone. It also seeks to introduce a new precinct, ‘Windsor Park’, that will apply to the rezoned land. The precinct enables residential development consistent with the underlying MHU zoning, incorporates the MDRS, and includes site specific provisions to manage stormwater and maintain the interface with existing trees along the site’s boundaries.
25. The MHU Zone is one of the principal residential zones in the AUP(OP) which provides for a reasonably high intensity with development typically up to three storeys in a variety of sizes and forms. This supports increasing the capacity and choice of housing within neighbourhoods as well as promoting walkable neighbourhoods, fostering a sense of community and increasing the vitality of centres. The zone permits up to three dwellings on a site subject to compliance with standards. Resource consent is required for the development of 4 or more dwellings and other specified buildings in order to:
 - achieve the planned urban built character of the zone;
 - achieve attractive and safe streets and public open spaces;
 - manage the effects of development on adjoining neighbouring sites, including visual amenity, privacy and access to daylight and sunlight; and
 - achieve high quality on-site living environments.

The resource consent requirements enable the design and layout of the development to be assessed; recognising that the need to achieve quality design is important as the scale of development increases.

STATUTORY MATTERS

Resource Management Act 1991

26. The RMA sets out an extensive set of 'tests' for the formulation of plans and changes to plans. In this case, the plan change request involves a change in zoning and the introduction of precinct provisions including incorporating the MDRS contained in Schedule 3A of the Resource Management Act 1991. The main statutory test is therefore whether the amended zoning and provisions better implement the relevant, higher order objectives of the Unitary Plan.
27. PPC 115 was required to incorporate the MDRS by s77G(1) of the RMA. This is important as at the time the Council considered the PPC request under Clause 25 of Schedule 1 of the RMA, the Council was unable to accept (or adopt) a private plan change request if the MDRS was not incorporated (see clause 25(4A), Schedule 1, RMA).
28. Following the acceptance of PPC 115, the RMA was amended, and new provisions came into effect on 21 August 2025. These amendments introduced Schedule 3C to the RMA, which enabled Auckland Council to withdraw its

Intensification Planning Instrument and introduce new intensification provisions. The amendments also provided that section 77G and clause 25(4A) would cease to apply, except in relation to private plan change requests accepted by the Council before 21 August 2025. PPC 115 was accepted on 8 April 2025 and therefore remains subject to the requirement to incorporate the MDRS.

29. Section 32 of the RMA requires an assessment of reasonable alternatives when considering how to implement the objectives of the proposed plan change. As stated, a section 32 RMA assessment is included with the request for the proposed plan change.
30. Clause 10 of Schedule 1 refers to decisions on provisions and matters raised in submissions and particularly the need to include the reasons for accepting or rejecting submissions and to provide a further evaluation of any proposed changes to the plan change arising from submissions, with that evaluation to be undertaken in accordance with section 32AA of the RMA.

National Policy Statements

31. Pursuant to Sections 74(1)(ea) and 75 of the RMA the relevant national policy statements (“**NPS**”) must be given effect to in the preparation of the proposed plan change and in considering submissions. There are three NPSs of relevance to PPC 115:
 - a. the ‘National Policy Statement on Urban Development’ 2020 (“**NPS-UD**”)
 - b. the ‘National Policy Statement on Freshwater Management’ 2020 (“**NPS-FM**”), and
 - c. the New Zealand Coastal Policy Statement 2010 (“**NZCPS**”).

National Environmental Standards or Regulations

32. Under section 44A of the RMA, local authorities must observe national environmental standards in its district/ region. No rule or provision may duplicate or be in conflict with a national environmental standard or regulation.
33. The s42A report¹ outlined there are no relevant national environmental standards or regulations relevant to PPC 115.

Auckland Unitary Plan – Operative in Part

34. There are a number of provisions of the Unitary Plan that are relevant to PPC 115 and these are listed as:

¹ Paragraph 88 of the s42A report

Regional Policy Statement

35. The aspects of the Regional Policy Statement (“**RPS**”) relevant to PPC 115 include:
- a. Chapter B2 – Tāhuhu whakaruru hau ā-taone - Urban Growth and Form
 - b. Chapter B3 – Ngā pūnaha hangahanga, kawekawe me ngā pūngao – Infrastructure, transport and energy, and
 - c. Chapter B10 – Ngā tūpono ki te taiao – Environmental risk.

Auckland Unitary Plan – District and Regional Plan

36. The regional and district plan aspects that are particularly relevant to this plan change request are:
- a. E1 Water quality and integrated management
 - b. E8 Stormwater – Discharge and diversion
 - c. E10 Stormwater management area – Flow 1 and Flow 2
 - d. E11 and E12 Land disturbance – Regional and District
 - e. E16 Trees in open space zones
 - f. E24 Lighting
 - g. E25 Noise and vibration
 - h. E27 Transport
 - i. E38 Subdivision – Urban, and
 - j. H5 Residential – Mixed Housing Urban Zone.

Other Plans and Strategies

37. There are a number of other plans and strategies that are relevant to the consideration of private plan change requests, and these have been identified as:
- a. The Auckland Plan 2050
 - b. Future Urban Land Supply Strategy 2023 – 2053
 - c. Auckland’s Urban Ngāhere (Forest) Strategy
 - d. Te Taruka-a-Tawhiri: Auckland’s Climate Plan
 - e. Manaaki Tāmaki Makaurau – Auckland Open Space, Sport and Recreation Strategy 2025

- f. Upper Harbour Local Board Plan 2020, and
- g. Upper-Harbour Open Space Network Plan (revised 2019).

UPPER HARBOUR LOCAL BOARD COMMENTS

- 38. **Ms Anna Atkinson**, the Chairperson of the Upper Harbour Local Board (“**the Local Board**”), spoke (via Teams) to the Board’s resolution dated 25 September 2025 that PPC 115 be approved, noting that the Applicant considers the rezoning and subsequent sale [of the land] as necessary to supply the funds for upgrades [to facilities at Windsor Park].
- 39. Ms Atkinson reiterated the Local Board’s support for the rezoning of the site. She outlined the joint governance arrangement that the Local Board has with Auckland Council for local parks and reserves that the Council own. While this site was outside this governance arrangement, the Local Board were acutely aware of the demand for open space, sports areas and facilities in their community, particularly as the area continues to grow.
- 40. Therefore, the Local Board supported the WPCMH’s application to rezone the site and to enable the funds to be reinvested to upgrade their facilities. Ms Atkinson advised that the Local Board cannot afford to fund these upgrades; they have a limited capex funding which is oversubscribed. Currently, other projects such as the Albany Library have a greater priority. There were also significant growth nodes in the western part of the Board’s area such as Whenuapai and Hobsonville - Scott’s Point, which have been the focus for the investment of the growth funds.
- 41. Ms Atkinson advised that the Local Board currently maintains the Windsor Park fields and has \$800k allocated over the next three years to renew the sand carpets and investigate drainage and irrigation recognising the area is well utilised by the local community. She noted that the Board has no money to invest in upgrading the main asset, and hence the Board’s support for the plan change application and the WPCMH’s intentions to sell a portion of their land in the best interests of the Club.
- 42. In response to Commissioner Smith’s questions on whether the Local Board were happy losing this land or had considered purchasing the area in the past, Ms Atkinson advised that it was regrettable that the land would be lost but the Local Board does not have the funding to purchase the site.

SUBMISSIONS

- 43. PPC 115 is subject to a total of 240² submissions and 2 further submissions. Of the 240 submissions received, 57 generally opposed the rezoning because of additional density and pressure on local services (notably transport and schools) and infrastructure constraints, with the submitters considering that PPC 115 will

² Noting that submission 29 was struck out.

result in an overdevelopment of the Windsor Park area. The two further submissions received supported the concerns raised by these submitters.

44. Fourteen submissions supported the proposed rezoning to MHU, with the majority of the remaining supporting submissions lodged on the basis that this would generate capital to fund future upgrades to Windsor Park's sports facilities.

SUMMARY OF EVIDENCE

45. The hearing evidence in this case includes the requested plan change, the accompanying s32 report, the supporting documentation, the Council officer's s42A report, the submissions and further submissions received, and the statements of evidence prepared by expert witnesses appearing on behalf of the Applicant and the submitters. This information is all part of the public record and is not repeated here. The pre-circulated reports and statements of evidence were taken as read with the witnesses provided with the opportunity to highlight the main points raised in their expert evidence and to respond to questions from the Commissioners. The following is a summary of the evidence presented at the hearing.

Requestor/Applicant

46. **Ms Vicki Toan**, legal counsel for the Applicant/Requestor, outlined the intention of the plan change request was to rezone the site from OS – SAR to MHU and to apply a new precinct, 'Windsor Park', to the rezoned land. The precinct enables residential development consistent with the underlying MHU zoning, incorporates the MDRS, and includes site specific provisions to address reverse sensitivity, access, tree protection and urban design. The other existing planning constraints applicable to the plan change area will continue to apply, together with the relevant Auckland-wide provisions in the AUP(OP). PPC 115 relies on these existing provisions in the Unitary Plan to control land use and subdivision of the plan change area.
47. Ms Toan advised that the WPCMH was the owner of Windsor Park, a 6.3805 hectare privately owned sports ground. The WPCMH is a registered charity and an incorporated society i.e. a not-for-profit entity. Under the WPCMH constitution, the Applicant is responsible for overseeing the sports playing fields, asset and facilities. She advised that "*PC 115 is the Applicant's answer to raise funds to carry out necessary improvements to the facilities at Windsor Park*"³. If the land is rezoned, it will be subdivided and sold to a developer with the proceeds used to undertake desired improvements on the remainder of Windsor Park. PPC 115 will also provide additional medium density housing opportunities within the region and accords with the Council's RPS and its obligations under the NPS-UD.
48. Ms Toan advised there were no significant outstanding issues between the Council and the Applicant, noting that the Council's s42A report recommends

³ Opening legal submissions, page 3, paragraph 13.

granting the plan change request. Rather there were some minor differences in the proposed wording of specific provisions.

49. She noted the Council's report had sought further information in relation to stormwater management, carparking, along with additions and amendments to the precinct provisions and advised these issues had been addressed in the respective evidence. In relation to the proposed pedestrian access between the plan change area and East Coast Road, she clarified the ownership in respect of the existing footpath and the reciprocal right of way easements between the Applicant and the Windsor Park Baptist Church and confirmed that these easements will continue and endure if the plan change area is rezoned and the area subdivided off, sold and developed.
50. In relation to the use of the proposed reverse sensitivity covenants, Ms Toan advised that the applicant maintains that the inclusion of these in the precinct provisions were appropriate and effective. It "*puts prospective purchasers on notice that a property is in an environment that may be exposed to noise and other effects generated by existing activities*"⁴.
51. Ms Toan also responded to the issues raised by submitters in relation to:
- loss of public open space
 - traffic and carparking
 - stormwater management and flooding
 - the level of detail in respect of the future development of the site
 - effects on schools in the area, and
 - intensification and residential character of the site.
52. Ms Toan concluded by submitting that PPC 115 represents an appropriate use of land that is in keeping with the national direction in NPS-UD, and the Council's own RPS and intensification strategies (including Plan Change 120 ("**PC 120**")) and should be approved.
53. **Mr Andrew Diver**, Chairman of the WPCMH and President of the East Coast Bays Cricket Incorporated, provided a written brief of evidence outlining the role and purpose of the Multisport Hub, the purpose of PPC 115, the consultation undertaken and responded to the submissions received and the Council's s42A report. He also advised that he had lodged a personal submission to the plan change (submission no. 2).
54. He confirmed that the WPCMH owns Windsor Park (6.38 ha) and administers the property on behalf of East Coast Bays Cricket and Rugby Clubs. He outlined the WPCMH is responsible for promoting, fostering and developing sports (especially

⁴ Ibid, page 5, paragraph 22

cricket and rugby) together with other sport and associated social activities at Windsor Park. It also maintains and upgrades playing fields, facilities, and buildings in line with best practice and long-term asset management and provides the necessary infrastructure and personnel to support sporting activities at the park. He advised that the WPCMH powers also include managing, developing, leasing, or disposing of property to achieve its objectives.

55. Mr Diver outlined the history of the establishment of Windsor Park which was established in 1970-71 by Dominion Breweries as a condition of the liquor license for the Windsor Park Hotel. He advised that PPC 115 related to 1.28ha or 20% of Windsor Park and comprised the non-sand auxiliary field between Noel Williams Place and 542 East Coast Road. If approved, the rezoned land would be subdivided and sold to a developer. He noted that WPCMH is committed to providing the best possible facilities for the Cricket and Rugby Clubs and making Windsor Park freely available to the local community for leisure and exercise activities.
56. Mr Diver advised that funds received from the rezoning of the identified land would be reinvested and would enable critical upgrades to be undertaken of facilities at Windsor Park including floodlighting all fields, renewal of the playing surfaces and development of new facilities.
57. In response to submissions in opposition to the proposed rezoning, he reiterated that Windsor Park was privately owned not a public open space area which the WPCMH makes available to the public with few limitations. He also reminded the Panel that the rezoning request related to only 20 percent of the park, with the remaining 80 percent available for public use. He also advised that Auckland Council had no interest in purchasing Windsor Park.
58. Mr Diver also responded to the Council officers' request to confirm whether the remaining sports fields can accommodate the improvements proposed without compromising field functionality. He advised the WPCMH is confident it can accommodate new clubrooms and changing facilities and an indoor cricket practice facility without compromising the three primary playing fields directing the Panel to the plans attached to his statement. The addition of flood lighting to all fields would increase the practical playing area, allowing evening training and games on all three fields year-round.
59. He concluded that *"PC 115 needs to occur to enable the Multisport Hub to meet the current and future demand for cricket and rugby, and other active recreation facilities in the East Coast Bays"*⁵.
60. **Mr Peter Lowe**, a qualified civil engineer, provided a brief statement of evidence. He had prepared the civil infrastructure drawings and reports addressing earthworks, stormwater, wastewater, water supply and flooding in support of the plan change application. He also prepared the Infrastructure Capacity Assessments (dated 26 March and 16 October 2024) and the Stormwater

⁵ Andrew Diver, Statement of Evidence, page 10, paragraph 42.

Management Plan (dated 19 November 2024) (“**SMP**”) for the plan change application.

61. He advised that the site was not located within a Watercare Water Supply Capacity Constraint Area or Wastewater Capacity Constrained Area and water supply and wastewater can be serviced from existing assets.
62. The SMP demonstrates that stormwater quality can be achieved in accordance with the Council’s requirements. The SMP also sets out the methods to be implemented for retention and detention of the smaller more frequent rainfalls to protect the ecological health of the receiving streams. That retention and detention devices would mitigate the effects of new impervious areas such that after development the site will be no worse than the predevelopment scenario. Likewise, the method of detention would ensure the same post development performance in the case of the 10 year and 100-year rainfall events. The SMP also addressed how buildings can be designed so they are not affected by the overland flow paths. The SMP had been reviewed by Auckland Council’s Healthy Waters and all queries raised had been satisfied.
63. Mr Lowe advised that the development could be serviced by power and telecommunication services and that the application plans lodged with the plan change application demonstrated earthworks can be completed in accordance with the Council’s G05 earthworks guideline.
64. He concluded that “*all civil engineering and infrastructure related matters associated with the proposed plan change can be readily addressed via conventional and well-proven means and methodologies*”⁶. In his opinion there are no civil engineering impediments to proceed with the plan change.
65. **Mr Leo Hills**, a specialist transportation engineer, advised that he was the reviewer of the updated Integrated Transportation Assessment (January 2025) (“**ITA 2025**”), co-author of the clause 23 responses and has been involved in discussions with Auckland Council and Auckland Transport regarding PPC 115.
66. Mr Hills’ evidence described the location and surrounding traffic environment. He referred the Panel to the ITA 2025 which provided a more detailed explanation of the existing environment and accessibility of the site for private vehicles, public transport and active transport modes. He advised that Noel Williams Place is a cul-de-sac that connects to East Coast Road. East Coast Road is classified as an arterial road in the AUP(OP) with traffic volumes of around 2,300-2,400 vehicles per hour (“**vph**”), while Noel Williams Place primarily provides vehicle access to residential properties and local recreation activities carrying approximately 50-90vph. He updated the traffic surveys at the East Coast Road/Noel Williams Place intersection in October 2025. These surveys had shown a slight decrease in both the AM and PM peaks from the 2024 survey. He had also analysed for the crash history records for the East Coast Road/Noel Williams Place intersection, and

⁶ Peter Lowe, Statement of Evidence, page 6, paragraph 40.

didn't consider that there were any particular traffic safety concerns in the area surrounding the site.

67. Mr Hills' transport analysis of the proposed rezoning was based a total of 100 3-bedroom dwellings (15 more than Mr Bredemeijer's potential development of 85 dwellings). All vehicle access would be via a new road connection to Noel Williams Place, which would connect to East Coast Road to the north. Using the RTA Guide, he estimated a development of this size would generate 65 trips in the peak hour and 650 trips per day.
68. The key intersection for the assessment is the East Coast Road/Noel Williams Place Intersection, which he considered "*is able to accommodate the additional development traffic without compromising safety or operational efficiency*".⁷ He noted that Mr Peake (who reviewed his assessment on behalf of Auckland Council) agreed with this position.
69. In relation to parking, Mr Hills reminded the Panel that the AUP(OP) no longer required residential activity in residential zones to provide parking noting the government policy change in the NPS-(UD) which recognises that transport choice is essential to well-functioning urban environments. The exact level of parking and potential overspill would be dependent on future resource consent applications. Likewise, the access details for the site would be developed in future resource consent applications for the site.
70. Mr Hills noted the variation in width of the existing Noel Williams Place carriageway of between 5.3m and 5.5m. While typically a two-way carriageway should be a minimum of 5.5m for its full length, he acknowledged that widening works in this area would be difficult. To mitigate the width shortfall, he recommended that No Stopping At All Times ("**NSAAT**") markings be installed on the eastern side of the carriageway in the narrower locations on Noel Williams Place near east Coast Road along with increasing the width of the existing footpaths to 1.8m.
71. In response to the Council's s42A report, Mr Hills agreed with Mr Peake's recommendation that the PPC 115 Precinct Provisions include the requirement to provide transport infrastructure or a Special Information Requirement to:
 - a. Widen the existing Noel Williams Place footpath to 1.8m between PPC 115 and East Coast Road
 - b. Provide NSAAT restrictions on the eastern side of Noel Williams Place, and
 - c. Provide a pedestrian connection between the between the south-eastern corner of the PPC 115 site and the accessway between 494 and 498 East Coast Road, providing safe access to the wider footpath network and bus stops.
72. Based on his assessment, Mr Hills concluded that the full extent of development enabled by PPC 115 can be appropriately supported by the existing road network

⁷ Leo Hills, Statement of Evidence, page 13, paragraph 46.

with the upgrades recommended, to maintain appropriate levels of safety and efficiency on the surrounding transport network. He advised that he agreed with the Council's reporting traffic engineer and Auckland Transport. In his opinion from a traffic engineering / transportation planning perspective, PPC 115 is acceptable and an appropriate use of the site.

73. **Mr Wayne Bredemeijer**, an experienced urban designer, provided specialist evidence in support of PPC 115. In his written statement of evidence, he outlined the urban design information lodged with the application. From his analysis, he concludes that the site is suitable for rezoning which would capitalise on the site's inherent advantages being rectangular in shape, relatively flat, with an attractive outlook to the south looking over the sports fields. Access would be via Noel Williams Place with no vehicular connection to East Coast Road. The site was also well supported by local facilities and services.
74. He advised the application had been informed by an analysis of alternatives, including which part of the applicant's land was most suitable for rezoning and which zone was most appropriate for the selected site. He had also produced an illustrative plan for the site showing a potential development outcome under the proposed MHU zone.
75. The assessment concluded that from an urban design perspective, the application to rezone the site could be supported. While PPC115 would enable increases in housing densities, it will allow for the future development of dwellings that respond appropriately to the surrounding public realm and neighbouring developments. It would also be well-integrated into the urban fabric through vehicular and non-vehicular connections. He also considered that the application needed to be viewed in the context of anticipated redevelopment of the adjacent Church owned THAB zoned site, noting that that would fundamentally alter the character of Noel Williams Place.
76. Mr Bredemeijer advised he had reviewed and contributed to the proposed Windsor Park precinct provisions which incorporated the MDRS provisions. He considered the precinct provisions sufficiently and appropriately address matters related to urban design including:
 - protecting the trees on the eastern side of the site which would provide a landscape buffer between future development on the site and the existing carpark, and
 - Indicating the vehicle access point to Noel Williams Drive and pedestrian connections to East Coast Road.
77. A key contribution he had made to the precinct provisions related to the sports field interface provisions, to ensure the precinct's interface with the sports fields to the southwest is visually attractive and promotes security through opportunities for passive surveillance.
78. Mr Bredemeijer advised that he generally agreed with the comments of the Council's Urban Design consultant, but disagreed with the inclusion of an indicative loop road on the Precinct Plan. He considered the development of the

site needs to be integrated with the adjacent THAB zoned land, and therefore including the loop road on the precinct plan would unnecessarily restrict development outcomes for both the site and the adjacent THAB zoned land.

79. Having reviewed the proposed changes to the application, the Council's hearing report and the submissions received to the application, he continued to support PPC 115, which in his opinion *"will have appropriate urban design effects in terms of the contribution to the wider context, the response to the public realm and neighbouring private properties, and the future residential amenity of the development it enables"*⁸.
80. **Mr Daniel Shaw**, a qualified planner, addressed planning aspects of the PPC 115 in his tabled summary statement of evidence. He restated the primary goal of the plan change was to ensure the financial stability of the WPCMH that operates Windsor Park and enable the release of capital funds to upgrade the facilities. A secondary purpose was to provide additional housing capacity in a high demand residential area.
81. Mr Shaw advised that PPC 115 would rezone approximately 1.2ha of land from Open Space zone to MHU and impose the Windsor Park Precinct. While the primary purpose of the Precinct was to provide for the MDRS requirement it also enables the introduction of site-specific responses including additional objectives and policies related to urban design matters including tree protection, transport infrastructure upgrades and reverse sensitivity. The Precinct provisions do not include any new activities in the activity table, new matters of control or discretion or assessment criteria. Any infringements to standards would be dealt with by the general provisions of the AUP(OP) in clause C1.9 and any future subdivision, use and development enabled by PPC 115 will be controlled by the AUP(OP).
82. In Mr Shaw's opinion, *"the combination of the objectives, policies and standards contained in the Precinct, coupled with those already existing in the AUP, will ensure the full range of actual and potential effects of future subdivision, use and development of the site can be managed appropriately"*⁹.
83. In addition, Mr Shaw directed the Panel to his evidence in chief in which he outlined why PPC 115 was the most appropriate response for the site. It would give effect to the National Policy Statements and RPS, result in positive effects, generate no unreasonable adverse effects, and was compatible with the surrounding area. The application met the tests required in s32A.
84. In relation to the submissions received to the application he noted that there were submissions in support and opposition. Those submissions opposing the application raised concerns about the change in character and amenity and traffic matters. In his opinion, *"the effects are minor and not objectively unreasonable or unacceptable. These amenity changes are directed by the NPS: UD 2020, the RPS, and are to be expected in an urban area such as this."*¹⁰

⁸ Wayne Bredemeijer, Statement of Evidence, Page 18-19, Paragraph 55

⁹ Daniel Shaw, Summary Statement of Evidence, page 2, paragraph 4.

¹⁰ Ibid, page 4, paragraph 7

85. Mr Shaw concluded that overall, PPC 115 is necessary to ensure the sustainability of Windsor Park as a community facility, the activities undertaken by the WPCMH and the continued public access to this privately owned open space. He considered the plan change request as modified by the Applicant, is the most appropriate planning outcome for the site.

Submitters

Hui Yang (Submission 15)

86. **Ms Danielle Yang**, a resident of Noel Williams Place for over 12 years, spoke with the assistance of a PowerPoint presentation on the importance of Windsor Park to the local community. She had undertaken a thorough analysis of the submissions received to the plan change request. While she acknowledged the efforts by the Windsor Park club members and facility users to support the rezoning and what that might mean in terms of improving the facilities at the park, she reminded the panel that the local community also included local residents, the surrounding schools and the Windsor Park Baptist Church.
87. Ms Yang noted the submission in opposition lodged by the principal at Rangitoto College (submission 155). Rangitoto College is the largest school in the country, with 4,086 students and a workforce of 340 people. The main entrance to the college is in close proximity to the plan change land, being some 400m from Noel Williams Place. The submission outlined the significant health and safety concerns arising from the concentration of people in a location bounded by extremely busy roads. The submission also indicates that there have been a number of near misses in this location, and therefore the school is concerned about any additional parking and people movement. Increased housing densities will likely exacerbate this issue. The submission highlighted the parking issues in the local area.
88. She provided a series of photographs that outlined the traffic issues experienced at school pick up times at the northern end of Noel Williams Place. Parents collect their children in the carpark belonging to the shops fronting East Coast Road, which accesses onto Noel Williams Place. If the carpark is full then Noel Williams Place is used as an overflow pick up area, increasing congestion in the street and resulting in cars being parked on the footpath. There were also issues with students from Rangitoto College parking their vehicles in Noel Williams Place.
89. Ms Yang was also concerned about what the proposed new development might look like and the level of amenity it might provide. She drew the Panel's attention to a number of recent higher developments in the wider area, which in her opinion lacked proper amenity for residents in particular sufficient off-street parking. She concluded by requesting the Panel listen to the community.

East Coast Bays Rugby Football Club (Submission 100)

90. **Mr Gary Howarth** spoke on behalf of the **East Coast Bays Rugby Football Club** ("ECBRFC"). He advised that he was the current Chair of ECBRFC and has been a member of the club for 40 years. Through this time, he has held a number of

positions, including coaching and managing teams as well as being on the Windsor Park Board. He advised that the club has around 700 playing members (both juniors and seniors), with a wider group coming along to the venue to support their players. During winter, the Club is catering for a 1,000 people each week. In addition, they run a summer touch rugby programme that runs alongside the activities of the cricket club.

91. He advised that ECBRFC supports the plan change. The buildings, grounds, lighting and other facilities at Windsor Park are aging, not up to standard and in need of urgent attention. The rezoning and sale of the land will provide much needed funds that will assist in “kick starting” the works needed to future proof the facility. He also emphasised that while Windsor Park is privately owned, the intention was it will remain available for use by the wider community.
92. Mr Howarth advised that from ECBRC’s perspective, the land to be rezoned is largely obsolete. The shape and position of the existing rugby club buildings on the site is not efficient. There is no organised sport occurring on the land, although some training activities are undertaken. The shape, drainage and lack of lighting means that the area is no longer fit for purpose. The rezoning and sale of the land will provide for the continued sustainability and feasibility of the facilities on the balance of the land. He noted that North Harbour Rugby had supported the rezoning of the land who considered that the wider rugby community would benefit from the upgrading of these facilities.

East Coast Bays Cricket Inc. (Submission 24)

93. **Ms Claire Kristiffor** advised she was a board member of the East Coast Bays Cricket Inc. (“**ECBC Inc**”). Her appearance at the hearing was to expand on their submission, and to explain the importance of this plan change to ECBC Inc and the wider community who rely on Windsor Park. She advised that ECBC Inc was established in 1962 and has been based at Windsor Park for over 50 years. It has around 500 members, and is the only cricket club in Auckland with its own dedicated ground. The grounds are held for the benefit of both rugby and cricket and functions as a genuine community hub.
94. Ms Kristiffor agreed with Mr Howarth that the existing facilities at Windsor Park are no longer fit for purpose. They do not meet the modern-day requirements of amenity, safety, accessibility and flexibility, and significant investment is required. She advised that the plan change was the only viable option to fund these improvements and secure the club’s future.
95. She outlined the proposed improvements including a four-lane indoor net facility, providing a year-round training facility for the Club, new clubrooms and function spaces along with safe, modern changing rooms that would also provide women-friendly facilities which are currently lacking, and additional floodlighting. It would also facilitate a wider range of other sports and activities undertaken at Windsor Park and provide a genuine multipurpose indoor asset. These facilities would also assist both the rugby and cricket clubs to be more self-sustainable. Ms Kristiffor

concluded that the plan change would enable ECBC to be able to modernise and provide for the next generation of players.

Andrew Wills (Submission 192)

96. **Mr Andrew Wills** spoke in support of his submission which sought changes to PPC 115 to ensure safe access and provision for overflow parking for the extra residents and vehicles in Noel Williams Place. Mr Wills resides at 31 Noel Williams Place and while not opposed to the development of the site, he is concerned about the impact on the community arising from the additional traffic.
97. From his observation, the new developments occurring in the wider neighbour all lacked sufficient onsite parking to meet the needs of the new residents. He drew the Panel's attention to the more recent developments in Windsor Place and Zara Court and advised that Zara Court has needed the introduction of parking measures including time restrictions and no parking markings to manage the traffic effects particularly at school times.
98. He advised that Noel Williams Place is narrow and while some widening of the road may occur as a result of the new development, in his opinion, this would have minimal impacts if the road is used for on street parking. He tabled the aerial photograph attached to his submission and highlighted what he considered to be the main congestion points in the street being at the bend in the road outside 13 Noel Williams Place, i.e. at the exit point from the takeaways/shops at the northern entrance to Noel Williams Place and at the East Coast Road intersection.
99. Mr Wills expressed his concerns that the plan change was proposing that all traffic accessing from the development would use Noel Williams Place. In his view, Noel Williams Place did not have the capacity to take all the traffic from the development on the site. As a possible solution to this problem, he considered there should be more than one access to the site. He suggested there could be a second access that would go across the Baptist Church carpark and purchase additional land to enable access out onto East Coast Road. Alternatively, a reduction in the development potential of the site should be considered, to free up land for onsite parking or perhaps a combination of both options.
100. He concluded by advising that he did not oppose the development, and felt it would be good but considered the biggest impacts would be traffic and parking effects and that the plan change should take this into account.

Danielle Zheng (Submission 33)

101. **Mr Albert Quan** spoke to the submission lodged by Ms Zheng. He outlined he was a resident of Noel Williams Place. He commended the Council on the balance that had been achieved in Auckland between urban development and protection of the natural environment. He also acknowledged the positive contribution that the East Coast Bay's Rugby Club had made to the local community by providing the opportunity for young people to participate in sport, and that they were part of the fabric of the local neighbourhood.

102. Mr Quan's objection was not to the Club and its right to upgrade its club facilities. Rather, he was concerned about the permanent loss of land zoned open space, the precedent this may set, and the risk such a decision posed for future plan change requests of this nature.
103. He was also concerned that the costs of upgrading the public infrastructure required to support the development of the plan change site had not been adequately addressed, such as the ability of the stormwater system to accommodate new development of the nature proposed for the site. As a local resident, he spoke of the flooding that had occurred in the area in February 2023 (Cyclone Gabrielle), which had seen the Windsor Park Church building flood and properties further down the catchment in Centurion Drive affected as well. He questioned whether the other social costs related to rezoning the land had been factored in, such as the need for more school classrooms.
104. Like earlier submitters, he was concerned about the traffic impacts including the ability of the 5.5m carriageway to accommodate the additional traffic movement generated by the occupation of an additional 80-100 houses. He shared his own experiences and photographs regarding the traffic chaos experienced in Noel Williams Place, particularly during student pick up times, with cars parked on the footpath, parents queuing to get into the retail carpark to collect their children and the impacts on driver visibility in the local area.
105. He concluded by reiterating his concern about the loss of public open space land, which he considered a scarce resource that needed to be retained.

Council

106. Having heard from the Applicant and the submitters, the Panel sought comments from the Council's team of experts on the evidence presented and whether there were any changes to their recommendations.

Ms Annika Swanberg, (Watercare Services Limited)

107. **Ms Annika Swanberg**, Senior Development Planner at Watercare Services Limited ("**Watercare**"), confirmed her earlier advice in her specialist memorandum that there was sufficient bulk water supply and wastewater capacity to accommodate the proposed rezoning without compromising the service to the existing zoned areas. She confirmed that the developer would be required to pay the cost of any upgrading/upsizing of the local network required to accommodate new demands arising from any future subdivision and/or development of the land. These matters were not required to be addressed as part of the plan change process, and would be assessed at the time of the subdivision application. She reminded the Panel of the need to amend the precinct provisions to correct the reference to policies in E38.3 rather than the current wording which refers to policies in E38.8.

Douglas Sadlier (Parks Planning)

108. **Mr Douglas Sadlier**, Senior Parks Planner at the Council, advised that as privately owned open space Windsor Park [sports fields] is not included in the Council's strategic provision of open space in the East Coast Bays area. However, for over 40 years, the Council has had a relationship with the park. This has seen the Council assist with maintenance of the fields and provision of booking services for activities on the park.
109. He responded to discussion about protection of the 15 Pohutukawa trees at the eastern end of the site. He noted that these trees were currently protected under the AUP(OP) Open Space zone provisions, however, the rezoning to MHU would mean this protection is removed. It was also likely that any future subdivision of the site would result in the creation of private roads with no guarantee of any planting of street trees. He also noted that where roads are vested with the Council, there would be a requirement for trees throughout the whole road, along with potential stormwater areas and planting.
110. In discussions with the Applicant about the plan change, an agreement was reached to protect the trees. Mr Sadlier advised that the trees had been planted and maintained by the former North Shore City Council and in his opinion, they will make quite a contribution to the area as it is more intensively developed. He supported the inclusion of the proposed tree protection provisions proposed in the precinct provisions.
111. Mr Sadlier was supportive of the rezoning of site and considered that while it would mean a loss of open space to the community, it would enable the retention and upgrade of the balance of the park.

Lisa Mein, (Urban Design)

112. **Ms Lisa Mein**, the Council's Consultant Urban Designer, agreed with Mr Sadlier that the retention of the Pohutukawa trees were particularly important to the overall amenity of the site and make quite a contribution to the area, including screening the site from the adjoining carpark. She drew the Panel's attention to the Council's Urban Ngahere (Forest) Strategy, which includes as one of its outcomes the Council's intention to increase the region's tree canopy cover to a minimum of 30%. She advised that this should be considered in the context of whether the trees should be protected.
113. She also responded to a couple of matters raised in Mr Bredemeijer's evidence, namely the inclusion of the formal pedestrian/cycleway link and the suggestion to include the indicative loop road within the precinct provisions. In relation to pedestrian/cycleway link, she advised that she now supported the inclusion of a formal connection in the precinct plan and that an optimal outcome from an urban design perspective would be to have both a pedestrian and vehicle connection through to East Coast Road.
114. In relation to her earlier suggestion that an indicative loop road should be included in the precinct plan, Ms Mein advised that following the inclusion of the proposed

additional edge and interface provisions in the precinct, she was now satisfied that the loop road did not need to be included and it would probably be a natural outcome.

Martin Peake (Transport)

115. **Mr Martin Peake**, the Council's Consultant Traffic Engineer, noted that many of the traffic, safety and parking concerns raised in relation to Noel Williams Place are existing issues and are not created by this plan change.
116. He confirmed that many of the concerns raised about pedestrian safety at the intersection of Noel Williams Place and East Coast Road, where the shops are located, arise largely from the pick-up and drop-off activities associated with Rangitoto College. Therefore, the proposed development of the rezoned land would not necessarily add to the issue. Students attending Rangitoto College would most like walk along the northern side of the road, and the school peak time would differ from the commuter peak. He also advised that Auckland Transport is working with Rangitoto College on traffic safety issues, and he had been advised by Auckland Transport that nothing is proposed for this intersection (i.e., no safety upgrade required).
117. He acknowledged that Noel Williams Place does narrow down in width from 5.5m to 5.2m, moving from East Coast Road towards the plan change site. With traffic parked on both sides of the street, emergency vehicles could be impeded. In his opinion, some traffic restriction on either side of the street now would be useful. With the volume of traffic proposed by the plan change, he considered the road would be able to accommodate this additional traffic.
118. In terms of parking, while he understands the submitters concerns, he advised that changes to the policy framework meant that plans are no longer allowed to include provisions requiring parking (except accessible parking). From a public transport perspective, the area had good connections to Constellation Dive and the Northern Busway. Likewise, the area was well served by schools and local convenience shops within walking distance.
119. He advised that a second access to East Coast Road would be beneficial. He has subsequently been advised that the land is owned by the Baptist Church, who are not keen to have the connection.
120. In relation to the proposed precinct provisions, Mr Peake agreed with Mr Hills that it was important that the transport infrastructure provisions and special information requirements are included in the provisions. Responding to Commissioner Smith's question about the transport triggers in Chapter E27, he advised that the triggers cannot be relied on as they apply to more than 100 dwellings.
121. Overall, Mr Peake remained supportive of the plan change.

Emeline Fonua (Auckland Transport)

122. **Ms Emeline Fonua**, a planner at Auckland Transport, advised that she had nothing further to add to her memorandum (8 October 2025) or the comments provided by Mr Peake. In response to questions from the Panel, she advised that a check with Auckland Transport's Customer Relationship Management system showed there had been no recent complaints about parking issues in Noel William Place.

Lee Te, (Stormwater)

123. **Ms Lee Te**, is a Senior Healthy Waters Specialist (Planner) in Council's Healthy Waters and Flood Resilience Group ("**Healthy Waters**"). She addressed some of the questions raised during the hearing related to Auckland Council's Network Discharge Consent ("**NDC**"), the SMP and flood events.
124. Ms Te advised that the NDC was a region wide consent that authorises the diversion and discharge of stormwater from the public network and is administered by Healthy Waters. In the NDC, Condition 13 and Schedule 8 set out the adoption process and outlines the specific requirements for SMPs. The adoption process differs between brownfield redevelopments and greenfield developments.
125. In the case of brownfield development, the SMP is not reliant on the plan change decision. In the case of PPC 115, she advised that Healthy Waters have no fundamental concerns with the SMP. The SMP has addressed all the necessary stormwater effects, but there are NDC details that need to be addressed before it can be adopted into the NDC. These matters were set out in Healthy Waters' technical memorandum. Once addressed, the SMP can be approved for adoption in the NDC.
126. Ms Te advised that the SMP will also assist with flood hazard management in the area. Given the size of the site and its location in relation to flood hazards, she did not consider it a complex site.
127. The management of a big storm event needs to be addressed. The use of the fields as a dry detention pond is the preferred and best approach to manage big events. Ms Te advised that Healthy Waters needs more certainty regarding the use of the fields in these situations, but no written approval from Council is in place. There is also no legal mechanism to use the fields in this manner in perpetuity.
128. Ms Te acknowledged that the area has large overland flow paths and these are activated in large [rainfall] events in that catchment. She advised that as long as the overland flow paths are protected and new development manages the peak flow to predevelopment levels, there should be no downstream events. These details need to be addressed in the updated SMP.

Sarah Wong (Planning)

129. **Ms Sarah Wong**, Senior Policy Planner - Regional, North, West and Islands, prepared the Council's s42A report. The comprehensive and detailed report was

circulated prior to the hearing and was taken as read. The report set out Ms Wong's assessment of the technical reviews and her analysis of submissions on PPC 115 and included her recommendation on the application.

130. Ms Wong, having heard the evidence from the applicant and submitters, provided the Council's overall conclusion on the application. This verbal summary was followed by a more detailed written memorandum addressed to the Panel (dated 15 December 2025) that set out recommended changes to the provisions and required further clarification. It also included a complete set of updated recommended precinct provisions and a memorandum from Ms Te regarding the NDC, flood management, and the adequacy of the SMP. She advised the Panel that, relying on the evidence from the other Council specialists, she continued to support the plan change request and her recommendations remained that the plan change request be approved with amendments to the precinct provisions.
131. With respect to the reverse sensitivity issue, she noted that while no complaints covenants have been included in the AUP(OP), these are usually related to regional or nationally significant infrastructure and facilities such as the port, airports, stadia, in conjunction with specific noise provisions. In response to the Panel's questions about the Council role in relation to the enforcement of no complaints covenants, she advised that the covenant would be between the two parties and that if the requirements was included in the provisions, then the Council's role would be limited to ensuring any future subdivision or development of the land included the no complaints covenant. However, it would have no role in enforcing the covenant.
132. In response to matters raised by the various Council specialists, Ms Wong recommended certain changes/amendments to the proposed precinct provisions. These amendments included:
 - a) Removal of the Pohutukawa trees in the tree protection area should be a non-complying activity.
 - b) The no complaints and fencing covenant provisions should be deleted but the reverse sensitivity policy should be retained. The reverse sensitivity policy would be supported by the remaining precinct provisions.
 - c) Transport standards and the inclusion of matters of discretion and assessment criteria.
133. The details of the recommended changes to the Windsor Park Precinct Provisions were provided in a memorandum to the Panel dated 15 December 2025.

Right of Reply

134. **Ms Toan** provided a written reply for the Applicant (dated 18 December 2025) in which she summarised the main purpose of the plan change request as: to provide a "pathway" for the WPCMH to fund improvements to the balance of Windsor Park and assist in delivering residential intensification in urban Auckland. She noted the appropriateness of PPC 115 is agreed between the Applicant and the Council, and

supported by the Upper Harbour Local Board. Lastly, concerns raised in submissions opposing PPC 115 have been addressed through the expert evidence and the Applicant's ongoing commitment to maintain free public access to Windsor Park.

135. In response to questions about improvements to the balance of Windsor Park, she directed the Panel to the plans appended to Mr Driver's evidence. Mr Driver had indicated that new clubrooms and other building could be located between Fields 1 and 2. She considered it unlikely that new buildings would be located immediately adjacent the land to be rezoned, pointing out that additional yard rules applied to development in the OS-SAR Zone where the land adjoins residentially zoned land. Also, the ground slopes away from the plan change site making it unsuitable for buildings without earthworks, retaining walls and more detailed foundations.
136. Responding to the Panel's questions regarding the pedestrian access to East Coast Road and in particular the land ownership and easements affecting the plan change area, Ms Toan provided a series of annotated plans and easement certificates that set out the arrangements of the rights of way and parking rights. Through the precinct provisions, the applicant proposed a pedestrian accessway is provided from the plan change site to East Coast Road utilising the existing right-of-way. PPC 115 deliberately provides for pedestrian access only to East Coast Road, to ensure the parking easement and vehicular access off East Coast Road remain available to the current users - the Applicant, Windsor Park Baptist Church and their invitees only.
137. Regarding the other transport infrastructure upgrades recommended by Mr Hills which included widening of the northern footpath on Noel Williams Place and the installation of NSAAT lines on the southern side of Noel Williams Place, Ms Toan advised that Mr Hills considered these are warranted now, not triggered by PPC 115. She advised that alternative wording has been suggested for inclusion in the proposed precinct provisions.
138. In relation to the reverse sensitivity and boundary issues raised by the neighbouring Windsor Park Baptist Church, the Applicant had proposed the addition of a policy and standard in the Precinct provisions to address these issues. Having heard the reporting planner's response to these proposed provisions, the Applicant acknowledges that these matters may be addressed outside the plan change process by entering into a no complaints and fencing covenant directly with the Church. Ms Toan advised that the Applicant agrees with the Council's reporting planner that a policy requiring consideration of reverse sensitivity effects on both the Windsor Park Baptist Church and the balance of Windsor Park is necessary and appropriate, but the standard may be omitted from the provisions.
139. In response to the discussion surrounding the protection of the 15 existing Pohutukawa trees on the southeastern boundary of the plan change land, Ms Toan was clear these trees do not meet the threshold for scheduling in the AUP(OP) but did acknowledge they were an amenity feature that contributed in "a limited way" to the character of the plan change land. While the Applicant was open to some form

of tree protection, the trees should not be afforded greater protection than trees in the Open Space Zones or treated as scheduled trees. Therefore, the Applicant has proposed amendments to the suggested wording provided by the reporting planner.

140. Ms Toan also outlined the Applicant's suggested changes to the wording of the proposed precinct provisions, to avoid duplication with existing provisions in the AUP(OP). In particular she noted that the activities in IXXX.4.1 Activity Table described in (A10), (A11), (A14), (A15), and (A16) are already adequately covered in the Unitary Plan by General Rules C1.9(1), C1.9(2) and C1.9(3). She also drew the Panel's attention to Rule C1.8(1), which requires consideration of all overlay, Auckland-wide and precinct objectives and policies that apply to an activity or a site for restricted discretionary, discretionary, and non-complying activities. She considered the "*range of assessment matters for restricted discretionary activities is, therefore, wide-ranging and likely to capture all relevant matters without requiring additional activity-specific additions to the Precinct Provisions*"¹¹. She submitted the applicant's preferred precinct provisions achieve the relevant statutory purposes and represent the most efficient response to rezoning the plan change area.
141. Responding to the matters raised by submitters related to character and amenity effects and traffic and parking effects, Ms Toan noted that changes in residential character and amenity in and around Windsor Park was inevitable. The application of the MHU Zone to the plan change area is consistent with the NPS-UD direction for residential intensification in Auckland and the proposed character of the area anticipated in PC 120. In terms of the traffic generation, the expert evidence has confirmed that traffic from PPC 115 can be accommodated by the local road network. Regarding parking, neither the AUP(OP) nor the precinct provisions can require onsite parking as a consequence of policy 11 of the NPS-UD and management of on street parking is the responsibility of Auckland Transport not just in response to PPC 115.
142. Ms Toan concluded that "*overall, PPC 115 represents an appropriate use of land that is in keeping with the NPS-UD, the RPS and intensification strategies including the Plan Change 120*".¹² Appended to the reply submissions were a copy of the Applicant's precinct provisions showing both the Council's recommended amendments and the applicant's further changes as per the reply submissions.

Further Information Request

143. The Applicant's Reply Submissions addressed the Panel's questions related to the pedestrian access to East Coast Road regarding land ownership and easements affecting the plan change site. In response to the submissions, the Panel requested additional information from the Applicant including a section 32 analysis to consider utilising the existing rights of way and parking easements over the church property.

¹¹ Reply Submissions, paragraph 25.

¹² Ibid, paragraph 32

144. The Applicant was requested to confirm that:
- a) the blue-coloured rights of way permit both vehicular and pedestrian movement from 20 Noel Williams Place to East Coast Road, both through to the north (through the church land) and the direct to the east
 - b) the orange-marked parking areas are available for use by occupiers and visitors of both the church and 20 Noel Williams Place
 - c) if the plan change site were subdivided, the existing easement rights would transfer to the new residential lots unless the easement certificate were amended, and
 - d) if these rights were to apply to the new sites, vehicles could access East Coast Road without using Noel Williams Place and whether residents and their visitors would have the right to park in the church car park.
145. The Panel wanted to understand if it would be possible to utilise these rights and alleviate, to some extent, the adverse effects identified by some submitters relating to Noel Williams Place. The Applicant was requested to review the section 32 analysis for PPC 115 to take into account the option of utilising the existing rights of way and parking easements over the church property.
146. On Thursday 12 February 2026, we received an additional section 32 analysis from Mr Shaw for the PPC 115 application to take into account the option of utilising the existing rights of way and parking easements over the church property. In this analysis, he advised that WPCMH has right of way and parking easements to access and use the parking area to the southeast of the plan change area. He confirmed the parking area is owned by the Windsor Park Baptist Church and shared with church users. While he acknowledged some of the residents/submitters had requested vehicle access through the shared parking area and access to these spaces, he also advised that the Church strongly opposed such an outcome.

PRINCIPAL ISSUES IN CONTENTION

147. PPC 115 seeks to rezone 12,800m² of land at 20 Noel Williams Place, Windsor Park from OS-SAR to MHU Zone; and introduce a new precinct, 'Windsor Park', that will apply to the rezoned land. The precinct enables residential development consistent with the underlying MHU zoning, incorporates the MDRS, and includes site specific provisions to manage stormwater and maintain the interface along the site's boundaries.
148. PPC 115 attracted 240 submissions with almost half (45%) in support of the rezoning of the land from OS-SAR to MHU Zone, to enable the club to sell the land and invest the proceeds into upgrading and provision of new facilities on the balance of the land. The submissions in opposition to the plan change raised many concerns as set out in Section 8.0 of the Council's s42A report.
149. The principal issues in contention were:
- a) Transport effects

- b) Stormwater and flooding
- c) Water and wastewater
- d) Loss of open space
- e) Effects of intensification, and
- f) Reverse sensitivity covenants.

FINDINGS ON PRINCIPAL ISSUES IN CONTENTION

Transport effects

150. The principal traffic concerns raised by submitters focussed on the ability of Noel Williams Place to accommodate the additional traffic and parking arising from the future development of the PPC 115 land for residential purposes. There was also concern raised that the only vehicular access for the site would be onto Noel Williams Place. Submitters who lived in Noel Williams Place outlined the current difficulties experienced with parking and access in their street which were heightened during the morning peak and in the mid afternoon by parents dropping off and picking up their children who attended the nearby Rangitoto College. Their concerns had been heightened by observing the form of new developments in the wider local area. From their observations, these developments lacked sufficient onsite parking which resulted in residents parking on the street. The narrow carriageways in some developments also meant cars were parking partially on the footpaths. The submitters were concerned this form of development in Noel Williams Place would exacerbate the current situation, increasing their traffic safety concerns.
151. The only specialist traffic engineering evidence provided was from Mr Hills for the Applicant and Mr Peake for the Council. Both traffic experts acknowledge the current traffic and parking concerns raised by the submitters in Noel Williams Place but advised that, in their opinion, the full extent of development enabled by PPC 115 could be appropriately supported by the existing road network without compromising the safety and efficiency of the surrounding transport network. This position was supported by Auckland Transport.
152. Initially, Mr Hills proposed the inclusion of precinct provisions to require the footpath between 20 Noel Williams Place and East Coast Road to be widened to 1.8m and for NSAAT restrictions to be imposed on the eastern side of Noel Williams Place. In response to questions from the Panel, he acknowledged that these upgrades were warranted now.
153. Mr Hills did however recommend the inclusion in the precinct provisions, a requirement for a pedestrian footpath connection to be constructed between the southeastern corner of the PPC 115 site and the accessway between 494 and 498 East Coast Road. This would provide a safe access to the wider footpath network and bus stops.
154. Several of the submissions raised the possibility of an additional vehicular as well as pedestrian access from the site to East Coast Road. We sought further information from the Applicant examining whether it would be possible to utilise the

existing rights of way and parking easements over the church property. While vehicular access may be possible from the site to the parking area, we have received no evidence to assist us to assess the effects an additional vehicular access would have on East Coast Road and the surrounding network.

155. In terms of onsite car parking, while we understand the concerns raised by the submitters about the likely effects on Noel Williams Place arising from overflow car parking from any new development of the rezoned land, we are bound by the Government's NPS-UD which prevents the Council, with the exception of accessible car parks, from setting minimum car parking requirements in the precinct provisions.

Findings

156. In the absence of specialist evidence to the contrary, we find that the transport effects arising from the rezoning of the PPC 115 land can be appropriately supported by the existing road network. Noting that there will be requirements for further assessment of traffic and access issues at the time that the rezoned land is subdivided and/or developed.
157. We agree with Mr Hills (and Mr Bredemeijer) that a requirement for an active mode connection to be constructed between the southeastern corner of the PPC 115 site and the accessway between 494 and 498 East Coast Road should be included in the Precinct provisions. While we agree it would seem advantageous to have a second vehicular connection from the site to East Coast Road, we received no evidence enabling us to assess the effects of such a connection. Therefore, we are unable, through these proceedings, to require the provision of such an access.
158. With respect to the widening of the northern footpath and the installation of NSAAT lines on Noel Williams Place we agree with Mr Hill's advice and the views presented by local submitters that there is an immediate need for these measures regardless of the PPC 115. Therefore, we do not consider these provisions should be included in the Precinct provisions. Rather we have recommended that the Council officers bring these matters to the attention of Auckland Transport for further investigation and appropriate action.

Stormwater and flooding effects

159. Several of the submissions raised concerns with stormwater and flooding effects. Concerns raised included that the development of the PPC 115 land would increase the amount of impervious surface which would reduce stormwater absorption, exacerbate flooding and place strain on the existing stormwater infrastructure.
160. The plan change application including its SMP¹³ has been assessed by the Council's Healthy Waters Team. The SMP proposes a combination of public and

¹³ SMP prepared by Landworks Consulting (19 November 2024)

private stormwater management devices designed in accordance with Auckland Council's GD01 and GD04 guidelines.

161. We heard from Ms Te who advised Healthy Waters had no fundamental concerns with the PPC 115 SMP which addressed all the necessary stormwater effects. There are NDC details that need to be addressed before it can be approved for adoption into the Council region-wide NDC. However, she advised that as PPC 115 is a brownfield plan change¹⁴, the adoption process for the SMP is not reliant on the plan change decision.
162. Ms Te also advised that the SMP will also assist with flood hazard management in the area. Given the size of the site and its relative location to flood hazards she did not consider it a complex site. She supported referencing the SMP in the Windsor Park Precinct, which will address the stormwater effects.
163. The proposed SMP specifically recommends that the sports fields are used for flood management. She advised that the use of the fields as a dry detention pond is the preferred and best approach to manage big events.
164. Ms Te agreed with Mr Quan that the area has large overland flow paths and these are activated in large [rainfall] events in that catchment. She advised that as long as the overland flow paths are protected and new development manages the peak flow to predevelopment levels, there should be no downstream events. These details would need to be addressed in the updated SMP.
165. Ms Te also recommended additional changes to the Windsor Park to add subdivision to the activity table and provisions related to stormwater. This would ensure stormwater management is coordinated and implemented during subdivision (where appropriate) and provide consistency with the proposed objective (4) and policies (7) and (8) that refer to subdivision and stormwater.

Findings

166. In the absence of specialist evidence to the contrary, we are satisfied that PPC 115 will adequately address stormwater and flood management requirements for the area, that the proposed stormwater and flood effects will be managed to protect the receiving environment and that flood hazard risks to people, property, and infrastructure are not increased.
167. We note the recommended amendments proposed to the Windsor Park Precinct provisions to include reference to 'subdivision' in the activity table and provisions related to stormwater. We agree with these additions to ensure that stormwater management is coordinated and implemented during subdivision and to be consistent with the proposed objective (4) and policies (7) and (8) that refer to subdivision and stormwater.

¹⁴ Located within an existing urban area within the boundary of the NDC in 2019

Water and Wastewater servicing effects

168. Several of the submissions raised concerns with whether there was sufficient water supply and wastewater capacity to service the rezoned land. The Council's s42A report includes a specialist memorandum from Ms Swanberg prepared on behalf of Watercare. She advised that Watercare had undertaken an assessment of the application and the relevant submissions.
169. The memorandum confirmed there was sufficient bulk water supply and wastewater capacity to accommodate the proposed rezoning without compromising the service to the existing zoned areas. As part of the Council's presentation, she confirmed that the developer would be required to pay the cost of any upgrading/upsizing of the local network required to accommodate new demands arising from any future subdivision and/or development of the land. These matters were not required to be addressed as part of the plan change process rather, these would be assessed at the time of the subdivision application.

Findings

170. In the absence of specialist evidence to the contrary, we find there is sufficient bulk water supply and wastewater capacity to service the rezoning of the PPC 115 land without compromising Watercare's ability to service the existing live-zoned areas in the surrounding area.
171. In terms of the local water supply and wastewater networks, the developer of the land will be required to fund the cost of any upgrades/upsizing required to the existing local networks to accommodate the new demand. These matters will be addressed as the time of subdivision.
172. We also note the advice of Ms Swanberg to amend the precinct provisions to refer to the correct policies in E38.3.

Loss of Open Space

173. The Panel is satisfied, based on the evidence of both the applicant and submitters (whether in support or opposition), that Windsor Park is an important community asset. We acknowledge the concerns raised by submitters opposed to the rezoning regarding the loss of part of the sports fields and the sale of that land for residential development. However, Windsor Park is a privately owned open space area. It is owned by the WPCMH who are responsible for administering the property on behalf of East Coast Bays Cricket and Rugby Clubs. As outlined by Mr Diver, the WPCMH is responsible for promoting, fostering and developing sports (especially cricket and rugby) together with other sport and associated social activities at Windsor Park. The WPCMH powers include managing, developing, leasing, or disposing of property to achieve its objectives.
174. The Council has had a long association with Windsor Park including assisting with field maintenance, tree planting and provision of booking services for the facilities. Although Mr Sadlier did confirm that the Council did not include Windsor Park, as

privately owned open space, as part of its strategic calculations of available open space within the East Coast Bays area.

175. From the evidence of Mr Sadlier and the comments from Ms Atkinson, the Council, while appreciative of the community access provided to Windsor Park and its facilities, had no plans or funding available for the acquisition of the land. As outlined by Ms Atkinson, the Local Board had more pressing community priorities. Both the Council's Parks Planning Department and the Upper Harbour Local Board are supportive of the WPCMH proposal to rezone the land and reinvest the funds received from the sale of land into improving the facilities on the balance of the park.
176. In supporting the rezoning, Mr Sadlier advised that the Council was keen to retain the stand of 15 Pohutukawa trees planted at the eastern end of the site. With the agreement of Windsor Park, the former North Shore City Council had originally planted these trees which provided screening between the fields and the adjoining carpark. The Council has continued to maintain the trees. He advised that Parks had reached an agreement with the Applicant for the continued protection of this mature vegetation in the Precinct provisions which reinforces its contribution to Auckland Council's Urban Ngahere Strategy.
177. While these Pohutukawa trees do not meet the threshold for scheduling under the AUP(OP), both the Applicant's and Council's urban design and planning specialists agreed the trees are an amenity feature that contributes to the character of the plan change area. Ms Toan confirmed the Applicant was open to some form of tree protection for the Pohutukawa trees.

Findings

178. We find that the proposed rezoning of 1.28ha of the land at Windsor Park from open space to residential purposes will not result in any significant loss of open space in the East Coast Bays area. The balance of the park will continue to be available for sports activities in accordance with the operative zone, and to be well connected with the surrounding area. We were told that funds raised from the sale of the land will enable the Multisport Hub to upgrade the facilities provided on the balance of Windsor Park to meet the current and future demand for cricket and rugby, and other active recreation facilities in the East Coast Bays area. While we consider this aim to be commendable, we have been unable to rely on that as a positive effect of the proposed rezoning because the precinct provisions do not constrain or direct the expenditure of the funds raised by the sale.
179. In relation to the stand of Pohutukawa trees at the eastern end of the site, we have taken on board the advice of the Applicant's and Council's specialists and have included appropriate tree protection provisions to ensure these trees are retained in the Precinct.

Effects of intensification

180. PC 115 proposes to rezone the land from OS-SAR to Residential MHU Zone. As set out in Ms Wong's report, the MHU Zone is a reasonably high-intensity

suburban zone that anticipates neighbourhood change over time, typically up to three storeys in a variety of typologies. Up to three dwellings per site are permitted subject to standards, with four or more dwellings being classed a restricted discretionary activity and requiring a resource consent application approval to proceed.

181. Both the Applicant and Council's planners and urban designers agreed that that the MHU represents an appropriate and balanced outcome for this site, enabling moderate residential intensification consistent with the AUP(OP)'s planned urban built character, while remaining compatible with the established suburban context, and well supported by local facilities and services including the balance of Windsor Park.
182. The submitters in opposition to the rezoning to MHU were concerned about the introduction of more intensive housing into Noel Williams Place, and the effects this would have on the character of the local area including the ability of the local infrastructure to cope with more intensive development. We have addressed the transport and three waters infrastructure issues above.
183. Submitters also raised concerns regarding the impact of intensification could place on demand for local schools. While we agree this is a matter that needs to be addressed by the Ministry of Education, it is not something we can address through these proceedings.
184. In response to a request in the Council's s42A report, the Applicant put forward new provisions for inclusion in the precinct to create a quality-built interface with the park which included a new standard relating to the sports field interface. The new provisions seek to ensure that the interface with the sports fields to the southwest of the Precinct is visually attractive and promotes security through opportunities for passive surveillance. The Council agreed with this approach and included the provisions within their recommended Precinct provisions.

Findings

185. We find that based on the specialist advice provided by the Applicant's and the Council's planners and urban designers, the MHU zone is an appropriate zone for the site. As outlined above, the specialist transport and water infrastructure evidence all concluded that the existing transport, water, wastewater and stormwater networks are able to service the rezoning of the PPC 115 land to Residential MHU.
186. The land is suitable for medium density residential development being located within an existing urban area well served by retail and commercial services, public transport, and community facilities including open space.
187. The rezoning to Residential MHU is consistent with the AUP(OP) including the RPS B2 Urban Growth and Form and B3 Infrastructure, Transport and Energy and the NPS-UD directive to enable additional housing capacity in well serviced urban areas.

Reverse Sensitivity Covenants

188. Windsor Park Baptist Church's submission raised reverse sensitivity issues with the proposed rezoning of the land to MHU. The submission indicated their concern that new residents on the site may seek to constrain, existing lawful community worship and activities undertaken at the Church. In response, the Applicant proposed the inclusion of a policy and standards in the precinct provisions to address these issues.
189. Ms Wong, while acknowledging the Church's concerns, did not consider the inclusion of a no-complaints covenant to be an appropriate or effective RMA mechanism for managing reverse sensitivity. She advised¹⁵ that:
- a. *Covenants are private legal instruments outside the RMA framework; they cannot be enforced by Council and do not prevent future residents from exercising statutory rights under the RMA.*
 - b. *Such covenants do not avoid or mitigate effects; they simply restrict the ability to complain. Noise effects are better managed through acoustic design and the resource consent process.*
 - c. *Covenants bind only landowners, not tenants, and are frequently overlooked in practice.*
190. Ms Wong advised that within the AUP(OP), no complaints covenants are used only in limited circumstances where noise-sensitive activities could otherwise constrain regionally significant and lawfully established operations, such as ports, airports, quarries, and major stadiums. In those cases, covenants are typically applied alongside acoustic standards and are supported by specialist noise evidence. In her opinion, this context does not apply to PPC 115.
191. In response to the Panel's questions about the Council role in relation to the enforcement of the no complaint covenants, she advised that the covenant would be between the two parties and that if the requirement was included in the provisions, then the Council's role would be limited to ensuring any future subdivision or development of the land included the no complaints covenants. The Council would have no role in enforcing the covenant.
192. Ms Toan advised in her submissions in reply that having heard the reporting planner's response to the proposed provisions, the Applicant acknowledges that these matters may be addressed outside the plan change process by entering into a no complaints and fencing covenant directly with the Church. The Applicant did however, agree with the Council's reporting planner that a policy requiring consideration of reverse sensitivity effects on both the Windsor Park Baptist Church and the balance of Windsor Park is necessary and appropriate, but that the standard may be omitted from the provisions.

¹⁵ Council Agenda, Page 49, paragraph 179.

Findings

193. The Panel shared Ms Wong's concerns about the inclusion of the no complaints and fencing covenants in the Precinct provisions and agree that these are private legal instruments outside the RMA framework and cannot be enforced by the Council. We agree with Ms Wong that the proposed precinct provisions already provide an appropriate framework to manage potential reverse sensitivity effects which enable assessment of amenity effects within the wider environment and on adjoining sites. Further, in relation to noise, the operations of the Church are governed by the rules of the AUP(OP) and any relevant conditions of resource consent applying to the activity. As Ms Wong points out, the design of any new sensitive activities will have to respond to the existing noise environment.
194. In that context, and with no associated standard, we consider that the proposed policy addressing reverse sensitivity is unnecessary.
195. Therefore, we consider that it is not necessary to include any precinct provisions requiring consideration of reverse sensitivity effects on the Windsor Park Baptist Church or the balance of Windsor Park.

RELEVANT STATUTORY PROVISIONS

196. The RMA sets out the mandatory requirements for the preparation and processing of a proposed plan change. We are satisfied that PPC 115 has been developed in accordance with the relevant statutory and policy matters, including consideration of the submissions received. This assessment is set out in detail in the plan change application and accompanying s32A report and the Council's s42A report. We have also considered the updated NPSs which came into effect on 15 January 2026, including the new National Policy Statement for Infrastructure 2025 and the new National Policy Statement for Natural Hazards 2025. These updated and new NPSs were addressed in the memoranda received from the Council's reporting officer on 19 January 2026 and the Applicant's legal counsel on 29 January 2026. The following section summarises this statutory and policy framework.
197. The relevant statutory and regulatory framework for PPC 115 include the:
- Resource Management Act 1991 (RMA)
 - National Policy Statement Urban Development 2020 (Updated May 2022)
 - National Policy for Freshwater Management 2020
 - National Policy Statement for Natural Hazards 2025
 - National Policy Statement for Infrastructure 2025
 - New Zealand Coastal Policy Statement 2010
 - Resource Management (Enabling Housing Supply and Other Matters) Amendments Act 2021
 - Auckland Unitary Plan (Operative in Part) including Chapter B Regional Policy Statement
 - Auckland Plan 2050
 - Auckland Future Development Strategy 2023-2053
 - Funding for Infrastructure

- Auckland’s Urban Ngāhere (Forest) Strategy
 - Te Tāruke- ā -Tāwhiri: Auckland’s Climate Plan
 - Manaaki Tāmaki Makaurau – Auckland Open Space, Sport and Recreation Strategy 2025
 - Upper Harbour Local Board Plan 2023, and
 - Upper-Harbour Open Space Network Plan (revised 2019).
198. Mr Shaw¹⁶ in his statement of evidence in chief and Ms Wong in her s42A report provided comprehensive assessments of the principal statutory and strategic documents that were considered in the development and assessment of the plan change. They concluded that PPC 115 gives effect to the NPS and is consistent with the AUP(OP) RPS, the Auckland Plan 2050 and the Future Development Strategy. In terms of the updated and new NPSs, we agree with Ms Wong that these do not raise any new considerations or effects that would materially affect the assessment or outcomes of the plan change.
199. As we noted earlier in this decision, the RMA sets out a range of matters that must be addressed when considering a plan change. We confirm that we have addressed those matters.
200. We also note that Section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. Having reviewed the s32 evaluation undertaken by the Applicant, we accept that as sufficient for the notified PPC 115.
201. Section 32AA of the RMA requires the undertaking of a further evaluation on any changes proposed subsequent to the original s32 evaluation, in such detail as corresponds to the scale and significance of those proposed changes, and sufficient to demonstrate that such has been undertaken as required.
202. Since the development of the underpinning Section 32 Evaluation Report and the lodgement of the application, a series of amendments have been suggested to the proposed plan change provisions to address the matters raised by submitters. These changes have been assessed in the s42A report, the Council’s closing comments and by Mr Shaw in his EIC. We consider these assessments meet the requirements of s32AA.
203. Having considered the relevant background documents, we are satisfied, overall, that PPC 115 has been developed in accordance with the relevant statutory and planning policy requirements and will assist the Council in its effective administration of the AUP(OP).

CONCLUSIONS

204. The Commissioners have considered the WPCMH’s private plan change request, the accompanying s32 evaluation report, the submissions received, the Council’s

¹⁶ Daniel Shaw’s Statement of Evidence, page 14-21

s42A hearing report, the evidence presented at the hearing, and the responses to questions.

205. The principal issue in contention at the commencement of the hearing related to the loss of land zoned open space, the impacts of intensification including loss of amenity and the effects on the transport, water, wastewater and stormwater networks servicing the area. We are satisfied that based on the evidence before us that these issues are adequately addressed by the AUP(OP)'s MHU zone and Auckland-wide provisions and the specific Windsor Park Precinct provisions.
206. There was also concern about the potential reverse sensitivity effects arising from new residents on the existing activities in the vicinity of the land namely the church on the adjoining site and balance of the Windsor Park. The Applicant sought the inclusion of specific precinct provisions to address these concerns. The issue was examined at the hearing with the Applicant subsequently advising that the proposed standard was not required and that the matter would be addressed outside of the plan change process. Without a standard, we consider that a policy dealing with the issue would be superfluous.
207. Therefore, we find that proposed PPC 115 to rezone 12,800m² (1.28ha) of land at 20 Noel Williams Place, Windsor Park from Open Space – Sport and Active Recreation to Residential – Mixed Housing Urban Zone and introduce a new, 'Windsor Park' precinct to the rezoned land should be adopted. The precinct enables residential development consistent with the underlying MHU zoning, incorporates the MDRS, and includes site specific provisions to manage stormwater and maintain the interface along the site's boundaries including protecting the 15 existing Pohutakawa trees on eastern boundary and provision of an active mode connection at the south-eastern corner of the precinct.
208. We are satisfied that PPC 115 is consistent with the statutory framework including the National Policy Statement for Urban Development, the National Policy Statement Freshwater Management, the New Zealand Coastal Policy Statement 2010, the Auckland Regional Policy Statement and will assist the Council in achieving the purpose of the Act.




DECISION

1. That pursuant to Schedule 1, Clauses 10 and 29(4) of the Resource Management Act 1991, Proposed Plan Change 115 to the Auckland Unitary Plan (Operative in Part) to rezone 12,800m² (1.28ha) of land at 20 Noel Williams Place, Windsor Park from Open Space – Sport and Active Recreation to Residential – Mixed Housing Urban Zone; and introduce a new precinct, 'Windsor Park', that will apply to the rezoned land be **APPROVED**, subject to the modifications as set out in this decision.
2. The reasons for the decision are that PPC 115, as notified and amended in response to the matters raised in submissions received:
 - a. will assist the council in achieving the purpose of the RMA
 - b. will give effect to the National Policy Statement on Urban Development 2020, in particular objectives 1, 3 and 6 and policies 1(c), 6(a), 6 (b) and 8 (a)
 - c. is not contrary and will give effect to the intent of the National Policy Statement on Freshwater Management, in particular Objective 1 in ensuring that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies; the health needs of people; and the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future
 - d. Is consistent with the objectives and policies of the New Zealand Coastal Policy Statement 2010
 - e. is consistent with Auckland Unitary Plan Regional Policy Statement, regional, and district plan level objectives and policies including Plan Change 79 amendments to the transport provisions and Plan Change 120 Housing Intensification and Resilience
 - f. is consistent with the provisions of Part 2 of the RMA
 - g. is consistent with the Auckland Plan 2050
 - h. is supported by necessary evaluation in accordance with Section 32 and Section 32AA, and
 - i. will assist with the effective implementation of the plan.
3. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, the decision follows the recommendations set out in the Council's hearing report, response to commissioners' questions and expert evidence, except as identified above in our findings in relation to the matters in contention.

4. That Council advise Auckland Transport of the existing transport issues raised in respect of Noel Williams Place and the recommendations from Mr Hills and Mr Peake for the need for the following upgrades to:
- (i) widen the northern footpath on Noel Williams Place to 1.8m (as per the current Auckland Transport Code of Practice), and
 - (ii) install No Stopping At All Times (NSAAT) lines on the southern side of Noel Williams Place.

AMENDMENTS TO THE DISTRICT PLAN

5. That the Auckland Unitary Plan (Operative in Part) be amended in accordance with Attachments 1 and 2 appended to this decision, Plan Change 115 – 20 Noel Williams Place, Windsor Park.

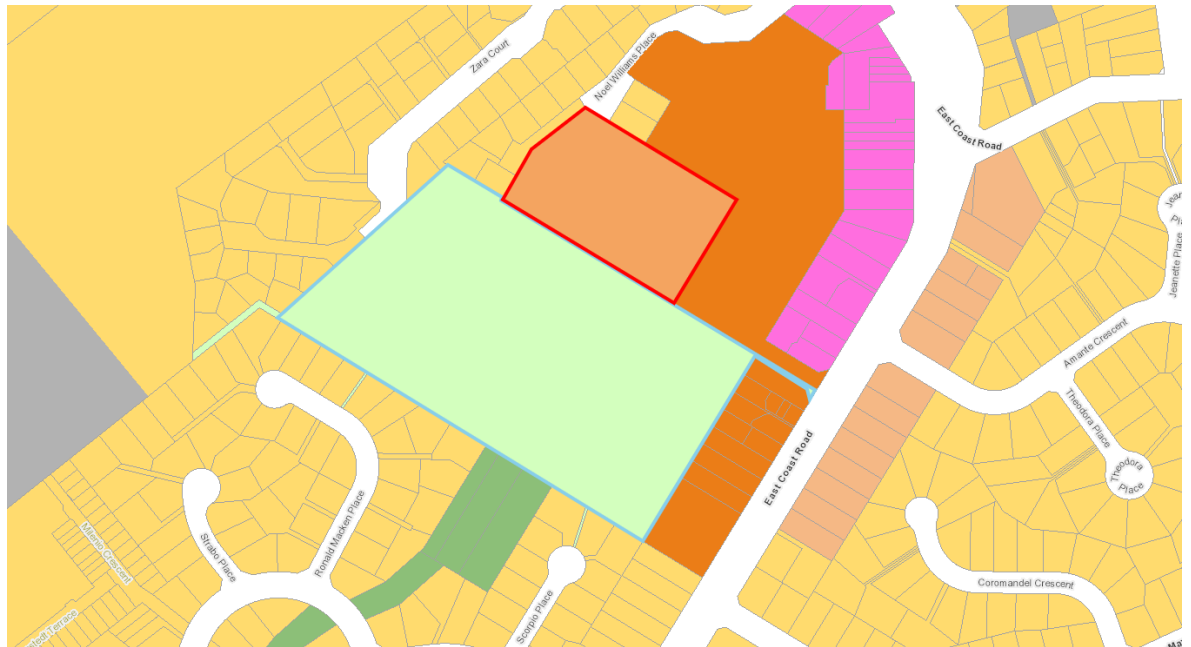
		
Janine A. Bell Independent Commissioner (Chair)	Nigel Mark-Brown Independent Commissioner	Vaughan Smith Independent Commissioner

11 March 2026

ATTACHMENT 1 - AMENDMENTS TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART) - Amendments to the Planning Maps

1. Amendments to the Zoning Map

Rezone 20 Noel Williams Place, Windsor Park (comprising 1.28 hectares of land) from Open Space – Sport and Active Recreation to Residential – Mixed Housing Urban Zone (MHU).



2. Amendments to the Precinct Overlay Map

To identify 20 Noel Williams Place, Windsor Park as “Windsor Park Precinct”.

ATTACHMENT 2 - AMENDMENTS TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART) - Amendments to the Text

Amend Chapter I Precincts, by inserting in the North section IXXX.X Windsor Park Precinct.

IXXX. Windsor Park Precinct

IXXX.1 Precinct Description

The Windsor Park precinct applies to a 1.28 ha site located immediately to the north of Windsor Park. The zoning of the land within this precinct is Residential – Mixed Housing Urban Zone. The outcomes anticipated in the precinct correspond to the Residential Mixed Housing Urban Zone with the Medium Density Residential Standards (contained in Schedule 3A of the Resource Management Act 1991) incorporated, and the provisions apply except to the extent the density standards are incorporated.

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

IXXX.2 Objectives

- (1) A well-functioning urban environment that enables all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future.
- (2) A relevant residential zone provides for a variety of housing types and sizes that respond to –
 - (a) housing needs and demand; and
 - (b) the neighbourhood's planned urban built character, including three-storey buildings.
- (3) Subdivision and development will manage stormwater effects to:
 - (a) avoid increase in flood risk to people, property, infrastructure and environment;
and
 - (b) protect the receiving environment.
- (4) Subdivision and development of the Windsor Park Precinct reflect the key features and outcomes of the Precinct Plan.

In addition to the objectives specified above, all relevant overlay, Auckland-wide and zone objectives apply in this precinct with the exception of the following:

- H5.2(2) Objectives.

IXXX.3 Policies

- (1) Enable a variety of housing types with a mix of densities within the zone, including three-storey attached and detached dwellings, and low-rise apartments.
- (2) Apply the MDRS across all relevant residential zones in the District Plan except in circumstances where a qualifying matter is relevant (including matters of significance such as historic heritage and the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga).
- (3) Encourage development to achieve attractive and safe streets and public open spaces, including by providing for passive surveillance.
- (4) Enable housing to be designed to meet the day-to-day needs of residents.
- (5) Provide for developments not meeting permitted activity status, while encouraging high-quality developments.
- (6) Require development to achieve a built form that contributes to high-quality built environment outcomes by:
 - (a) Maintaining privacy, outlook, daylight and sunlight access to provide for the health and safety of residents on-site;
 - (b) providing for residents' safety and privacy while enabling passive surveillance on the street;
 - (c) minimising visual dominance effects to adjoining sites;
 - (d) maintaining an appropriate level of privacy, and sunlight and daylight access for adjoining sites;
 - (e) minimising visual dominance effects of carparking and garage doors to streets and private accessways;
 - (f) minimising adverse effects on the natural environment, including restricting maximum impervious area on a site to reduce the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated;
 - (g) requiring development to reduce the urban heat island effects of development and respond to climate change, by providing deep soil areas that enable the growth of canopy trees;
 - (h) designing practical, sufficient space for residential waste management; and
 - (i) designing practical, sufficient space for internal storage and living areas.
- (7) Require subdivision and development to be coordinated with the provision of stormwater infrastructure.

- (8) Require subdivision and development to be in accordance with the approved Stormwater Management Plan.
- (9) Require subdivision and development of the Precinct to provide:
- (a) a visually attractive interface with the sports fields; and
 - (b) opportunities for passive surveillance over the sports fields.
- (10) Require subdivision and development of the Windsor Park Precinct to incorporate:
- (a) the protection of the Protected Tree Area identified on the Precinct Plan; and
 - (b) the external pedestrian and cycling access identified on the Precinct Plan.

In addition to the policies specified above, all relevant overlay, Auckland-wide and zone policies apply in this precinct with the exception of the following:

- Policies H5.3(1) – (5) Policies.

IXXX.4 Activity table

All relevant overlay, Auckland-wide and zone activities apply in this precinct unless specified below at IXXX.4(1).

- (1) H5.4.1(A5) The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings.

Table IXXX.4.1 specifies the activity status of activities in the IXXX Windsor Park Precinct pursuant to section 9(3) and section 11 of the Resource Management Act 1991.

A blank table cell with no activity status specified means that the zone, Auckland-wide and overlay provisions apply.

Note 1

All applications for subdivision consent are subject to section 106 of the RMA.

Table IXXX.4.1 Activity Table

Activity		Activity Status
Use		
(A1)	Up to three dwellings per site each of which complies with Standards IXXX.6.1.1 to IXXX.6.1.12 inclusive	P
(A2)	Four or more dwellings per site	
(A3)	The conversion of a principal dwelling as at 30 September 2013 into a maximum of three dwellings each of which complies with Standards IXXX.6.1.1 to IXXX.6.1.12 inclusive	P

Activity		Activity Status
Development		
(A4)	Accessory buildings associated with a development of dwellings each of which complies with Standards IXXX.6.1.1 to IXXX.6.1.12 inclusive	P
(A5)	Internal and external alterations to buildings for a development of dwellings all of which complies with Standards IXXX.6.1.1 to IXXX.6.1.12 inclusive	P
(A6)	Additions to an existing dwelling which complies with Standards IXXX.6.1.1 to IXXX.6.1.12 inclusive	P
(A7)	Development that does not comply with Standard IXXX.6.3 Stormwater Management	RD
(A8)	Vegetation alteration or removal for routine maintenance within the 'Protected Tree Area'	P
(A9)	Tree trimming or alteration within the 'Protected Tree Area' complying with Standard IXXX.6.1.11 Protected Tree Area	P
(A10)	Development that does not comply with Standard IXXX.6.1.11 Protected Tree Area	
(A11)	Development that does not comply with Standard IXXX.6.1.12 Pedestrian and Cycle Access to East Coast Road	RD
Subdivision for the purpose of the construction or use of dwellings		
(A12)	Subdivision in accordance with an approved land use consent for the purpose of the construction, or use of dwellings as permitted or restricted discretionary activities in the precinct, and meeting IXXX.6.2 Standards for controlled subdivision activities	C
(A13)	Subdivision for up to three sites accompanied by: <ul style="list-style-type: none"> (a) A land use consent application for up to three dwellings one or more of which does not comply with any of Standards IXXX.6.1.2 to IXXX.6.1.912 inclusive but does comply with all applicable zonal, Auckland-wide, precinct and overlay standards; or (b) A certificate of compliance for up to three dwellings each of which complies with Standards IXXX.6.1.2 to IXXX.6.1.912 inclusive and applicable zonal, Auckland-wide, precinct and overlay standards 	C
(A14)	Any subdivision listed above that does not comply with Standard IXXX.6.3 Stormwater Management	RD

Activity		Activity Status
(A15)	Any subdivision listed above that does not comply with Standard IXXX.6.1.11 Protected Tree Area	
(A16)	Any subdivision listed above that does not comply with Standard IXXX.6.1.12 Pedestrian and Cycle Access to East Coast Road	RD
(A17)	Any subdivision listed above not meeting IXXX.6.2 Standards for controlled subdivision activities	RD
(A18)	Any subdivision listed above not meeting General Standards E38.6.2 to E38.6.6 inclusive	D
(A19)	Any subdivision listed above not meeting Standards for subdivision in residential zones E38.8.1.1(1) and E38.8.1.2	D

IXXX.5 Notification

(1) Any application for resource consent for the construction and use of one, two or three dwellings listed in Activity Table IXXX.4.1(A1) above that does not comply with one or more of the following standards listed in IXXX.5(1)(a)-(h) will be considered without public notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991:

- (a) Standard IXXX.6.1.2 Building height;
- (b) Standard IXXX.6.1.3 Height in relation to boundary;
- (c) Standard IXXX.6.1.4 Yards;
- (d) Standard IXXX.6.1.5 Building coverage;
- (e) Standard IXXX.6.1.6 Landscaped area;
- (f) Standard IXXX.6.1.7 Outlook space (per unit);
- (g) Standard IXXX.6.1.8 Outdoor living space (per unit); and
- (h) Standard IXXX.6.1.9 Windows to street.

(2) Unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991, public and limited notification of an application for a controlled subdivision resource consent is precluded if the subdivision is associated with an application for the construction and use of:

- (a) one, two or three dwellings that do not comply with one or more of the Standards listed in IXXX.6.1.2 to IXXX. 6.1.12; or

(b) four or more dwellings for which a land use consent has been approved for the purpose of the construction, or use of dwellings as a restricted discretionary activity in the precinct.

(3) Any application for a resource consent which is listed in IXXX.5(1)₇ or IXXX.5(2)₇ above which also requires resource consent under other rules in the Plan will be subject to the normal tests for notification under the relevant sections of the RMA.

IXXX.6 Standards

(1) Unless specified in Standard IXXX.6(2) below, all relevant overlay, Auckland-wide and zone standards apply to all activities in the IXXX Windsor Park precinct.

(2) The following zone standards do not apply to activities (A1) and (A3) to (A6) listed in Activity Table IXXX.4.1 above:

(a) H5.6.3 The conversion of a principal dwelling existing as at 30 September 2013 into a maximum of two dwellings;

(b) H5.6.4 Building height;

(c) H5.6.5 Height in relation to boundary;

(d) H5.6.6 Alternative height in relation to boundary;

(e) H5.6.8 Yards;

(f) H5.6.10 Building coverage;

(g) H5.6.11 Landscaped area;

(h) H5.6.12 Outlook space; and

(i) H5.6.14 Outdoor living space.

(4) The activities listed as a permitted activity in Activity Table IX.4.1 must comply with permitted activity standards IXXX.6.1.1 to IXXX. 6.1.12.

(5) Restricted discretionary activity (A2) in Activity Table IX.4.1 must comply with permitted activity standards IXXX.6.1.2 to IXXX. 6.1.12.

(6) The activities listed as a controlled activity in Activity Table IXXX.4.1 must comply with control activity standards IXXX.6.2 and the E38 subdivision standards listed in Activity Table IXXX.4.1.

IXXX.6.1 Standards for land use activities

IXXX.6.1.1 Number of dwellings per site

There must be no more than three dwellings per site.

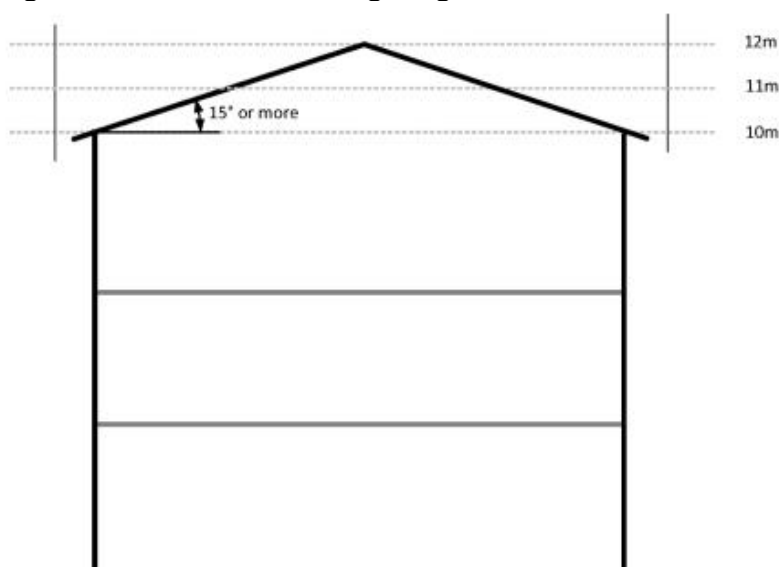
IXXX.6.1.2 Building height

Purpose: To manage the height of buildings to:

- achieve the planned urban built character of predominantly three storeys;
- minimise visual dominance effects;
- maintain a reasonable standard of residential amenity for adjoining sites; and
- provide some flexibility to enable variety in roof forms.

- (1) Buildings must not exceed 11m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15° or more, as shown in Figure IXXX.6.1.2.1 below.

Figure IXXX.6.1.2.1 Building height



IXXX.6.1.3 Height in relation to boundary

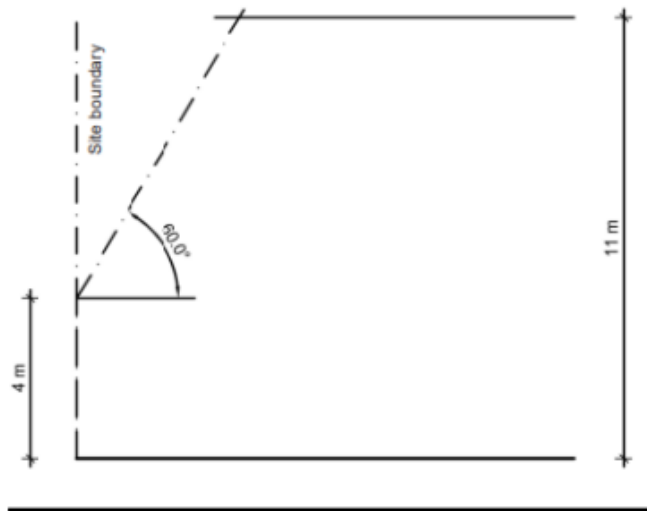
Purpose: To manage the height and bulk of buildings at boundaries to maintain a reasonable level of sunlight access, privacy and minimise adverse visual dominance effects to immediate neighbours.

- (1) Buildings must not project beyond a 60-degree recession plane measured from a point 4m vertically above ground level along side and rear boundaries as shown in Figure IXXX.6.1.3.1 Height in relation to boundary below.
- (2) Standard IXXX.6.1.3(1) above does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
- (3) Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the control in Standard H5.6.5(1) applies from the farthest

boundary of that legal right of way, entrance strip, access site or pedestrian access way.

- (4) The height in relation to boundary standard does not apply to existing or proposed internal boundaries within a site.

Figure IXXX.6.1.3.1 Height in relation to boundary



IXXX.6.1.4 Yards

Purpose:

- to create an urban streetscape character and provide sufficient space for landscaping within the front yard;
- to maintain a reasonable standard of residential amenity for adjoining sites;
- to ensure buildings are adequately set back from lakes, streams and the coastal edge to maintain water quality and provide protection from natural hazards; and
- to enable buildings and services on the site or adjoining sites to be adequately maintained.

(1) A building or parts of a building must be set back from the relevant boundary by the minimum depth listed below:

(a) Front yard: 1.5m.

(b) Side and rear yard: 1m

(2) This standard does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

IXXX.6.1.5 Building coverage

Purpose: To manage the extent of buildings on a site to achieve the planned character of buildings surrounded by open space.

- (1) The maximum building coverage must not exceed 50 per cent of the net site area.

IXXX.6.1.6 Landscaped area

Purpose:

- to provide for quality living environments consistent with the planned urban built character of buildings surrounded by vegetation; and
- to create a vegetated urban streetscape character.

- (1) A dwelling at ground floor level must have a landscaped area of a minimum of 20 per cent of a developed site with grass or plants and can include the canopy of trees regardless of the ground treatment below them.

- (2) The landscaped area may be located on any part of the development site and does not need to be associated with each dwelling.

IXXX.6.1.7 Outlook space

Purpose:

- to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites; and
- in combination with H5.6.13 Daylight Standard, manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.

- (1) An outlook space must be provided for each development containing up to three dwellings as specified in this standard.

- (2) An outlook space must be provided from habitable room windows as shown in Figure IXXX.6.1.7.1 Outlook space requirements for development containing up to three dwellings below.

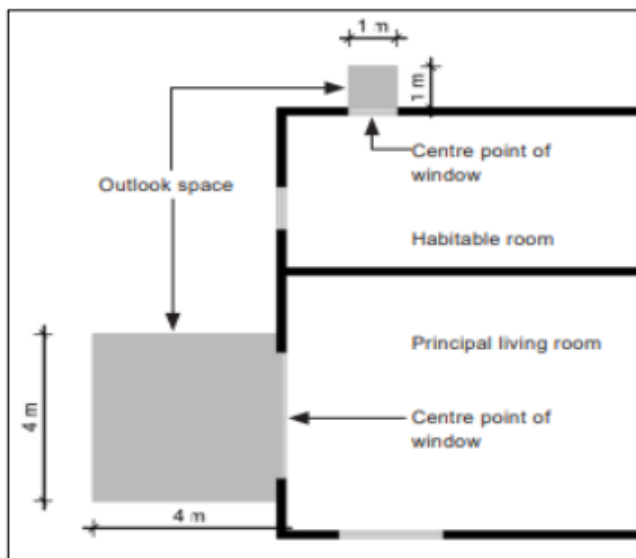
- (3) The minimum dimensions for a required outlook space are as follows and as shown in Figure IXXX.6.1.7.1 Outlook space requirements for development containing up to three dwellings below:

- (a) a principal living room must have an outlook space with a minimum dimension of 4 metres in depth and 4 metres in width; and

- (b) all other habitable rooms must have an outlook space with a minimum dimension of 1 metre in depth and 1 metre in width.

- (4) The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies.
- (5) Outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space.
- (6) Outlook spaces may overlap where they are on the same wall plane in the case of a multi-storey building.
- (7) Outlook spaces may be under or over a balcony.
- (8) Outlook spaces required from different rooms within the same building may overlap.
- (9) Outlook spaces must—
 - (a) be clear and unobstructed by buildings; and
 - (b) not extend over an outlook space or outdoor living space required by another dwelling.

Figure IXXX.6.1.7.1 Outlook space requirements



IXXX.6.1.8 Outdoor living space

Purpose: To provide dwellings with outdoor living space that is of a functional size and dimension, has access to sunlight, is separated from vehicle access and manoeuvring areas, and ensure:

- private outdoor living spaces are directly accessible from the principal living room, dining room or kitchen;
- communal outdoor living spaces are conveniently accessible for all occupants.

- (1) A dwelling at ground floor level must have an outdoor living space that is at least 20m² and that comprises ground floor, balcony, patio, or roof terrace space that, —
 - (a) where located at ground level, has no dimension less than 3 metres; and
 - (b) where provided in the form of a balcony, patio, or roof terrace, is at least 8m² and has a minimum dimension of 1.8 metres; and
 - (c) is accessible from the dwelling; and
 - (d) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location; or
 - (ii) located directly adjacent to the dwelling; and
 - (iii) is free of buildings, parking spaces, and servicing and manoeuvring areas.

- (2) A dwelling located above ground floor level must have an outdoor living space in the form of a balcony, patio, or roof terrace that—
 - (a) is at least 8m² and has a minimum dimension of 1.8 metres; and
 - (b) is accessible from the dwelling; and
 - (c) may be—
 - (i) grouped cumulatively by area in 1 communally accessible location, in which case it may be located at ground level; or
 - (ii) located directly adjacent to the dwelling.

IXXX.6.1.9 Windows facing the street

Purpose: To provide for passive surveillance while maintaining privacy for residents and users.

- (1) Any dwelling facing the street must have a minimum of 20 per cent of the street-facing façade in glazing. This can be in the form of windows or doors.

IXXX.6.1.10 Sports field interface

Purpose: To ensure that the interface with the sports fields to the southwest of the Precinct is visually attractive and promotes security through opportunities for passive surveillance.

- (1) Development of the Precinct must include dwelling frontages that face the southwestern boundary between the Precinct and the sports fields. This can be

achieved by locating a roadway, accessway, or footpath along at least 80% of the length of this boundary.

- (2) Development of the Precinct must not include fences over a height of 1m along at least 80% of the length of the south-western boundary between the Precinct and the sports fields.

IXXX.6.1.11 Protected Tree Area

Purpose: To ensure the Pohutukawa in the protected tree area on the Precinct Plan are retained and protected.

- (1) The 15 existing Pohutukawa trees located in the identified 'Tree Protection Area' on IXXX.10.1 Precinct Plan 1 must be retained and maintained. No ~~land disturbance~~, buildings, structures or parts of a building may be constructed within this area.
- (2) Any tree trimming or alteration of the Pohutukawa trees within the 'Protected Tree Area' must comply with the ~~following~~ standards in E16.6.1 and E16.6.2.

IXXX.6.1.12 Pedestrian and Cycle Access to East Coast Road

Purpose: To improve the integration of land use and transport between the Precinct and the surrounding transport network by requiring a pedestrian and cycling connection between the Precinct to East Coast Road.

- (1) Any subdivision and/or development within the precinct, must ensure that a pedestrian and cycling connection with a minimum width of 3m is constructed and maintained between the southern corner of the Precinct and the existing footpath providing pedestrian access to East Coast Road adjacent to 494 East Coast Road.

IXXX.6.2 Standards for controlled subdivision activities

Purpose:

- To provide for subdivision of land for the purpose of construction and use of dwellings in accordance with MDRS permitted and restricted discretionary land use activities.

IXXX.6.2.1 Subdivision in accordance with an approved land use consent for the purpose of the construction or use of dwellings as permitted or restricted discretionary activities in the precinct

- (1) Any subdivision relating to an approved land use consent must comply with that land use consent.

- (2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.1.1 to IXXX.6.1.9 except that Standard IXXX.6.1.3(1) does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

IXXX.6.2.2 Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet the following:
 - (a) Comply with the relevant overlay, Auckland-wide, zone and precinct rules; or
 - (b) Be in accordance with an approved land use consent.
- (2) Subdivision does not increase the degree of any non-compliance with standards IXXX.6.1.1 to IXXX.6.1.9 except that Standard IXXX.6.1.3(1) does not apply along the length of any proposed boundary where dwellings share a common wall.
- (3) No vacant sites are created.

IXXX.6.2.3 Subdivision for up to three sites accompanied by a land use consent application or certificate of compliance for up to three dwellings

- (1) The subdivision application and land use consent application or certificate of compliance relate to a site on which there are no dwellings;
- (2) The subdivision application and land use consent application or certificate of compliance must be determined concurrently;
- (3) Each dwelling, relative to its proposed boundaries, complies with Standards IXXX.6.1.2 to IXXX.6.1.9;
- (4) A maximum of three sites and three dwellings are created; and
- (5) No vacant sites are created.

IXXX.6.3 Stormwater management

Purpose: To ensure stormwater quality and quantity is managed.

- (1) All subdivision and development shall be managed in accordance with an approved Stormwater Management Plan certified by the Stormwater network utility operator.

IXXX.7 Assessment – controlled activities

IXXX.7.1 Matters of control

The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application:

- (1) All controlled subdivision activities in Table IXXX.4.1:
 - (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance;
 - (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
 - (c) the effects of infrastructure provision.

IXXX.7.2 Assessment criteria

(1) The Council will consider the relevant assessment criteria for controlled subdivision from the list below:

- (a) compliance with an approved resource consent or consistency with a concurrent land use consent application or certificate of compliance:
 - (i) refer to Policy E38.3(6);
- (b) compliance with the relevant overlay, Auckland-wide, precinct and zone rules;
 - (i) refer to Policy E38.3(1) and (6);
- (c) whether there is appropriate provision made for infrastructure including:
 - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
 - (ii) whether appropriate management of effects of stormwater has been provided;
 - (iii) refer to Policies E38.3(1), (6), (19) to (23).

IXXX.8 Assessment – restricted discretionary activities

IXXX.8.1 Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) For buildings that do not comply with one or more Standards IXXX.6.1.2 to IXXX.6.1.12:
 - (a) any precinct and zone policies relevant to the standard;

- (b) the purpose of the standard;
 - (c) the effects of the infringement of the standard;
 - (d) the effects on the urban built character of the precinct;
 - (e) the effects on the amenity of neighbouring sites;
 - (f) the effects of any special or unusual characteristic of the site which is relevant to the standard;
 - (g) the characteristics of the development;
 - (h) any other matters specifically listed for the standard; and
 - (i) where more than one standard will be infringed, the effects of all infringements considered together.
- (2) For subdivision and development that does not comply with Standard IXXX.6.3 Stormwater management:
- (a) The requirements of the approved Stormwater Management Plan.
- (3) For subdivision and development that does not comply with Standard IXXX.6.1.12 Pedestrian and Cycle Access to East Coast Road:
- (a) design constraints;
 - (b) Safe and effective pedestrian and cycle connections to the surrounding transport network;
 - (c) interface design treatment at property boundaries, particularly for pedestrians and cyclists.

IXXX.8.2 Assessment criteria

The Council will consider the assessment criteria below for restricted discretionary activities to the extent relevant to the proposal:

- (1) For buildings that do not comply with one or more of Standards IXXX.6.1.2 to IXXX.6.1.12:
 - (a) for all infringements to standards:
 - (i) refer to Policy IXXX.3(5);
 - (ii) refer to Policy IXXX.3(6);
 - (b) for building height:
 - (i) refer to Policy IXXX.3(1);

- (ii) refer to Policy IXXX.3(5);

Visual dominance

- (iii) the extent to which buildings as viewed from the street or public places are designed to minimise visual dominance effects of any additional height, taking into account:

- the planned urban built character of the precinct; and
- the location, orientation and design of development,
- the effect of the proposed height on the surrounding and neighbouring development.

Character and Visual Amenity

- (iv) the extent to which the form and design of the building and any additional height responds to the planned form and existing character of the surrounding area, including natural landforms and features, and the coast; and

- (v) how buildings as viewed from the street or public places are designed to appear against the skyline, taking into account:

- whether roof plan, services and equipment are hidden from views; and
- whether the expression of the top of the building provides visual interest and variation.

- (c) for height in relation to boundary:

- (i) refer to Policy IXXX.3(1);

- (ii) refer to Policy IXXX.3(5);

Sunlight access

- (iii) whether sunlight access to the outdoor living space of an existing dwelling on a neighbouring site satisfies the following criterion:

Four hours of sunlight is retained between the hours of 9am – 4pm during the Equinox (22 September):

- over 75% of the existing outdoor living space where the area of the space is greater than the minimum required by Standard IXXX.6.1.8:
or

- over 100% of existing outdoor living space where the area of this space is equal to or less than the minimum required by Standard IXXX.6.1.8.

(iv) in circumstances where sunlight access to the outdoor living space of an existing dwelling on a neighbouring site is less than the outcome referenced in IXXX.8.2(1)(c)(iii):

- the extent to which there is any reduction in sunlight access as a consequence of the proposed development, beyond that enabled through compliance with Standard IXXX.6.1.3 Height in relation to boundary control; and
- the extent to which the building affects the area and duration of sunlight access to the outdoor living space of an existing dwelling on a neighbouring site, taking into account site orientation, topography, vegetation and existing or consented development.

Visual dominance

(v) the extent to which buildings as viewed from the side or rear boundaries of adjoining residential sites or developments are designed to reduce visual dominance effects, taking into account:

- the planned urban built character of the zone;
- the location, orientation and design of development;
- the physical characteristics of the site and the neighbouring site;
- the design of side and rear walls, including appearance and dominance; and
- providing adequate visual and/or physical break up of long continuous building forms.

Overlooking and privacy

(vi) the extent to which direct overlooking of a neighbour's habitable room windows and outdoor living space is minimised to maintain a reasonable standard of privacy, including through the design and location of habitable room windows, balconies or terraces, setbacks, or screening.

(d) for yards:

- (i) refer to Policy IXXX.3(1);
- (ii) refer to Policy IXXX.3(2);
- (iii) refer to Policy IXXX.3(3);

(e) for building coverage:

- (i) refer to Policy IXXX.3(1);
- (ii) refer to Policy IXXX.3(3);
- (iii) whether the non-compliance is appropriate to the context, taking into account:
 - whether the balance of private open space and buildings is consistent with the planned urban built character anticipated for the precinct;
 - the degree to which the balance of private open space and buildings reduces onsite amenity for residents, including the useability of outdoor living areas and functionality of landscape areas;
 - the proportion of the building scale in relation to the proportion of the site.

(f) for landscaped area:

- (i) refer to Policy IXXX.3(1);
- (ii) refer to Policy IXXX.3(3); and
- (iii) refer to Policy H5.3(10).

(g) for outlook space:

- (i) refer to Policy IXXX.3(1);
- (ii) refer to Policy IXXX.3(3);
- (iii) refer to Policy IXXX.3(4); and
- (iv) The extent to which overlooking of a neighbour's habitable room windows and private and/or communal outdoor living space can be minimised through the location and design of habitable room windows, balconies or terraces and the appropriate use of building and glazing setbacks and/or screening which is integrated part of the overall building design.

(h) for outdoor living space:

- (i) refer to Policy IXXX.3(1);
- (ii) refer to Policy IXXX.3(4); and
- (iii) the extent to which dwellings provide private open space and communal open space that is useable, accessible from each dwelling and attractive for occupants.

(i) for windows facing the street:

(i) refer to Policy IXXX.3(3);

(ii) the extent to which the glazing:

- allows views to the street and/or accessways to ensure passive surveillance; and
- provides a good standard of privacy for occupants.

(2) For subdivision and development that does not comply with Standard IXXX.6.3 Stormwater management:

(a) The extent of which the development meets the requirements of the approved Stormwater Management Plan.

(3) For subdivision and development that does not comply with Standard 6.1.12 Pedestrian and Cycle Access to East Coast Road:

(a) The extent to which there are design constraints or other factors present which make it impractical to provide the Pedestrian and Cycle Access to East Coast Road.

(b) Whether there is an appropriate interface design treatment at property boundaries, particularly for pedestrians and cyclists.

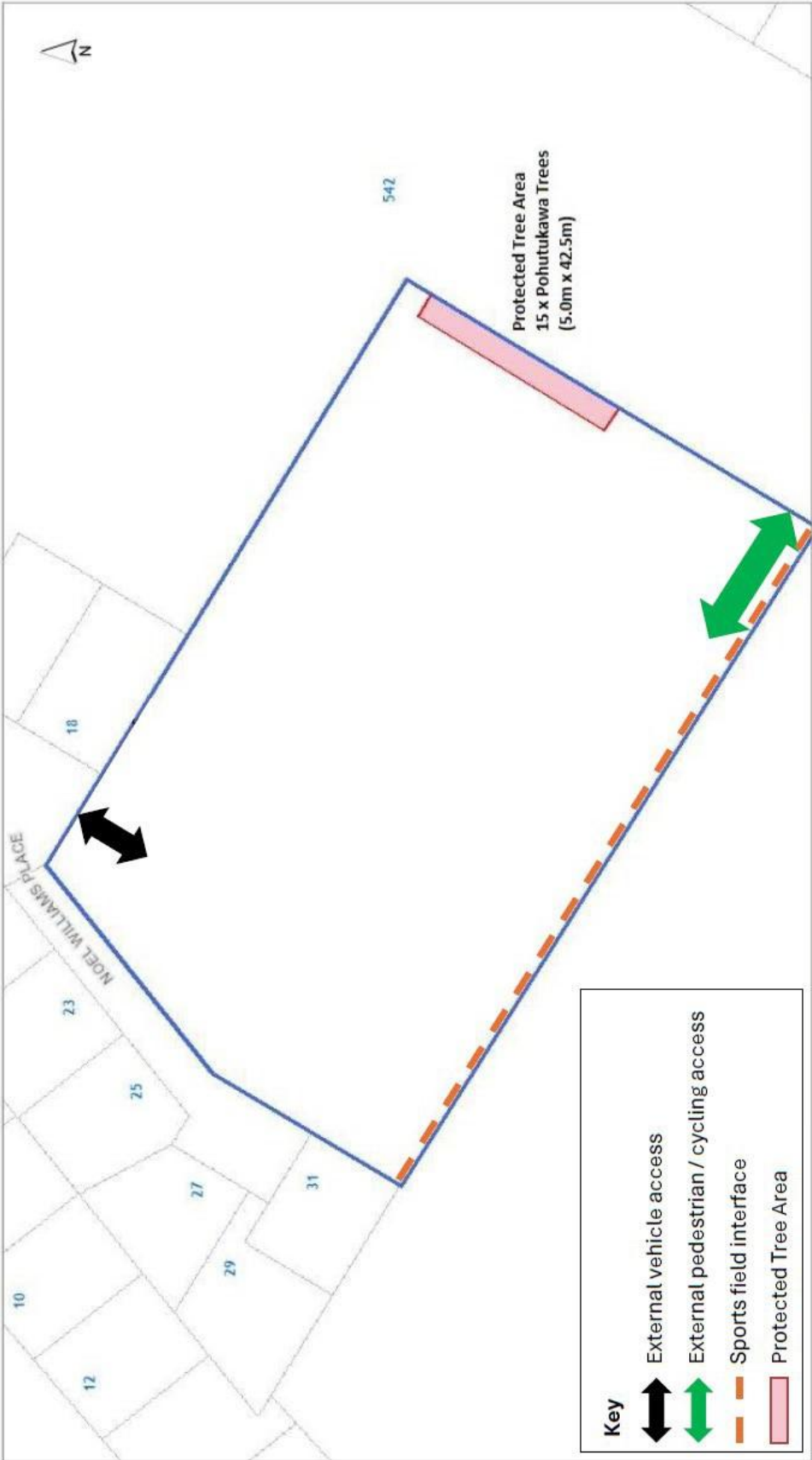
(c) The extent to which safe and efficient connections to the surrounding transport network are provided, particularly for pedestrians and cyclists.

IXXX.9 Special information requirements

Comprehensive site landscape plan

(1) The first subdivision or development resource consent application within the precinct must be accompanied by a comprehensive site landscape plan, to demonstrate compliance with Standard IXXX.6.1.6 Landscaped area and IXXX.6.1.11 Protected Tree Area.

IXXX.10 Precinct plans



IXXX.10.1 Precinct Plan 1