

Decision following the hearing of a Plan Change to the Auckland Unitary Plan under the Resource Management Act 1991 – Private Plan Change 117



Mihi

Hoinei te mihi ki te Kahui Ariki ara ki a Kuini Nga Wai Hono i te po, e noho ana ia hei runga I te ahurewa tapu o ona matua tupuna,

Pai Marire!

E koutou, nga mana whenua, ka tukuna nga mihi ki a koutou, kia haere ngatahi ai tatou katoa hei raro i to koutou korowai.

Tihei Mauri Ora!

Proposal

To rezone 50 Westney Road, Māngere from Residential – Mixed Housing Suburban to Business – Light Industry and modify the existing Māngere 1 Precinct provisions which apply to 50 Westney Road, Māngere in the Auckland Unitary Plan (Operative in Part) to enable and support proposed Business – Light Industry activities.

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

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| Private Plan Change: | 117 - 50 Westney Road, Māngere |
| Applicant: | Rotokohu Investments Limited |
| Hearing commenced: | Wednesday 19 November 2025, 9.30 a.m. |
| Hearing panel: | David Mead, Chair Peter Kensington Glenn Wilcox |
| Appearances: | <u>For the Requestor:</u> Jeremy Brabant, Legal Graeme Boddy (Director, Rotokohu Investments Limited) David Wilkinson (Advisor to Rotokohu Investments Limited) Mark Benjamin, Planning Alan Blyde, Engineering Russell Brandon, Transport engineering |

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| | <p>Rob Pryor, Landscape</p> <p><u>Māngere-Ōtahuhu Local Board</u> Represented by Kaea Walter Inoke-Togiamua (chair)</p> <p><u>For the Council:</u> Marc Dendale, Team Leader (MSTeams) Peter Reaburn, Planner Rebecca Skidmore, Urban Design and Landscape Emeline Fonua, Auckland Transport Andrew Temperley, Traffic Specialist Sameer Vinnakota, Stormwater Planning Specialist Zheng Qian, Stormwater Planning Specialist</p> <p>Chayla Walker, Senior Hearings Advisor</p> |
| Hearing adjourned | 19 November 2025 |
| Commissioners' site visit | 13 November 2025 |
| Hearing closed: | 27 January 2026 |

Introduction

1. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioners David Mead (chair), Peter Kensington and Glenn Wilcox, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 117 (“PC 117”) to the Auckland Unitary Plan Operative in Part (“the AUP”) after considering the plan change request, all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions.
3. PC 117 is a private plan change request 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. PC 117 was publicly notified on 26 June 2025 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1. Notification involved a public notice as well as letters to directly affected landowners and occupiers alerting them to the plan change.
5. The submission period closed on 22 August 2024. A total of 13 submissions were made on the plan change. A summary of submissions was notified for further submissions on 8 August 2025. Three further submissions were received.

SUMMARY OF PLAN CHANGE

6. The proposed plan change is described in detail in the request documents and the Council's hearing report.
7. In summary, the purpose of the plan change is to rezone the approximately 4ha sized site at 50 Westney Road Māngere from Residential - Mixed Housing Suburban (R-MHS) to Business - Light Industrial (B-LIZ) and to replace the existing Māngere 1 Precinct with new precinct provisions in the AUP.
8. The site is currently partly occupied by Auckland SPCA who intend to vacate the site in 2026 and shift to a new facility in Puhinui Road. The existing Māngere 1 Precinct is specifically tailored for the SPCA use of the site and would no longer be appropriate once the SPCA has moved from the subject land.
9. The plan change requestor considers the appropriate zoning for the site is B-LIZ on the basis that the land is no longer required for the activities enabled in the precinct and that the site is best developed for light industrial purposes, given its location close to the airport. Bespoke precinct provisions are proposed (as amended after the Clause 23 stage of processing and following the hearing) which recognise potential adverse effects on the amenity values of neighbouring residential and school activities, through extra provisions relating to noise (generally, 55dB Laeq), yards (10m from residential / school boundaries), landscape treatment (planting of yards) and air quality (consent required for what otherwise would be permitted activities in the B-LIZ).
10. A specific feature of the surrounding area is an existing Auckland Council by-law that bans heavy vehicle movements along Westney Road from the southern boundary of the plan change site north up to Kirkbride Road.

RELEVANT STATUTORY PROVISIONS CONSIDERED

11. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements are set out in the requestor's section 32 assessment, the council's hearing report and the plan change requestor's legal submissions and evidence. We do not need to repeat these matters in detail as there was no dispute between the parties as to the relevant statutory tests.
12. Clause 10 of Schedule 1 of the RMA requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by submitters and the Council effectively represents this assessment, and that that material should be read in conjunction with this decision, where we have agreed that a change to the notified version of PC 117 should be made.

PLANNING CONTEXT

13. The subject land is in a R-MHS zone, which is also the zoning of land opposite on Westney Road. A Residential - Single House zoning applies to land immediately to the east. The Zayed College for Girls is located to the north of the site and has a Special Purpose – School zoning. A B-LIZ zoning applies to the land immediately to the south.
14. With regard to controls that affect the site, an AUP Chapter D24 Aircraft Noise Overlay - Moderate Aircraft Noise Area (MANA) - applies to part of the site. This overlay limits the density of residential development. The purpose of the Aircraft Noise Overlay is to manage the subdivision of land and location of activities sensitive to aircraft noise so that the continued operation of airports and airfields is not compromised, and reverse sensitivity issues are addressed.
15. A high-pressure petroleum pipeline which runs from Marsden Refinery to Wiri is located along the northern boundary of the adjacent site to the south. Designation 6051 protects the route of this pipeline. The designation runs parallel to and 7m inside the adjacent site. AUP Chapter E29 Emergency Management Area Control applies a 34m buffer from the pipeline, and that buffer extends into the subject land.
16. The plan change land contains overland flowpaths and there is a small area of flood prone land at one corner of the site. There are no Significant Ecology Areas or other overlays and no protected trees. It is noted that the plan change requestor has recently obtained a certificate of compliance (CoC) to remove existing trees from the site and also demolish existing buildings.
17. The Māngere 1 Precinct provides for a limited range of non-residential uses (including the SPCA operation). A 10m front yard applies to the Westney Road frontage, with a 30m deep rear yard. A 5m yard applies to the boundary with the school.
18. Where any boundary adjoins a residential zone, at least 50 per cent of the yard must be landscaped by plantings of specimen trees and shrubs.
19. Building height, building height in relation to boundary and building coverage are as per the underlying R-MHS zoning, namely:
 - Maximum building height = 8m
 - Building height in relation to boundary = 2m plus 45 degrees
 - Building coverage = 40%.
20. The site is subject to Plan Change 120 (PC 120). PC 120 was publicly notified on 3 November 2025. Its purpose is to enable greater residential density throughout Auckland and to introduce a new framework for managing natural hazard risks. Residential intensification is focused on walkable catchments around centres and rapid transit stops, as well as main road corridors.
21. Westney Road is not within a walkable catchment, nor is it identified as a growth corridor. The notified PC 120 maps show the site as retaining its R - MHS zoning. The PC 120 maps do not show the site as being subject to any matters which have

immediate legal effect (i.e. natural hazards). Therefore PC 120 is not relevant to our consideration of PC 117.

HEARING PROCESS

22. The Council planning officer's report (including an addendum report) was circulated prior to the hearing and taken as read. This reporting recommended that the plan change request be approved, subject to minor modifications. The addendum, which was circulated post the requestor's evidence being provided, included an updated set of recommended precinct provisions.
23. Expert evidence for the requestor was pre-circulated and taken as read. The Local Board attended the hearing with their representative speaking to their feedback. Three written statements from submitters were tabled.
24. The Hearing was adjourned on the 19 November 2025 so that the requestor could provide their written reply, including providing additional information associated with PC 120 and additional wording for the front yard landscaping control.
25. The requestors closing submissions were filed on the 25 November 2025. The Hearing was closed on 1 December 2025.
26. The Panel provided its decision to the Council on 17 December 2025. The Council was intending to release the decision on or around 22 January 2026. On the 18 December 2025, the Government announced that ten new or amended national direction instruments under the RMA will 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).
27. These policy statements may have had implications as to the evaluation of Plan Change 117 and associated submissions. As a result, it was necessary to re-open the hearing to allow the Panel to receive advice on any implications of the NPSs on the matters to be determined with respect to PC117.
28. Direction 3, dated 15 January 2026, requested that the Council provide a response regarding how, if at all, the new and amended NPS's affect PC117. This advice was received on 22 January 2026. Contemporaneously, the requestor provided their own response directly to the Council which is attached as Appendix A to the Council memo. Both the Council and the requestor conclude that PC117 is consistent with the new and amended national planning instruments.
29. As a result of the advice received, the Panel did not require any further input from the applicant or submitters and re-closed the hearing on the 27 January 2026.

SUMMARY OF EVIDENCE

30. The requestor's evidence provide an overview of the plan change and generally noted the alignment between the requestor's expert evidence and that of the Council reviewers and the Council as submitter. By the time of the hearing, there were no substantive matters in dispute between the Council and the requestor.

31. The Local Board chair spoke to the written comments provided by the Board and referred particularly to residents' concerns about traffic, the interface with residential activities with the switch to an industrial zoning and what types of business activities could be enabled in the future.
32. No submitter attended the hearing. The written submissions highlighted concerns over heavy traffic generation, the amenity effects of the interface of industrial activities with Westney Road and the potential wider adverse effects of business activities.
33. With regard to cultural issues, Ngāti Tamaoho and Ngaati Te Ata Waiohua initially expressed an interest in the plan change. After an on-site meeting with the requestor, Ngāti Tamaoho provided a memo outlining recommendations with regards to stormwater management, earthworks and landscape treatment.
34. Ngaati Te Ata Waiohua provided a written submission. This submission sought provision of a cultural impact assessment and further / ongoing consultation between the requestor and the submitter.
35. Mr Benjamin stated in his evidence that Ngaati Te Ata prepared a Cultural Values Assessment (CVA) which was received on the 23rd of October 2025. The CVA indicated no particular concern with the rezoning for light industrial use and general support for the proposed Precinct provisions.
36. Mr Benjamin did not identify any specific Precinct provisions that should be included or amended in response to the CVA, or the memo provided by Ngāti Tamaoho, beyond the matters already contained in the proposed precinct (such as stormwater management and yard landscaping).
37. We understand the requestor is engaging further with the submitter in respect of how mana whenua, cultural values and cultural monitoring can be addressed. We encourage the requestor to continue to engage further with Ngāti Tamaoho and Ngaati Te Ata as they progress their detailed plans for the site once rezoning has occurred.

Precinct Provisions

38. The evidence presented and the hearing itself concentrated on three areas where there was some debate as to the appropriate precinct provisions. These related to front yard requirements, heavy vehicle access and stormwater management.

Front yard

39. A notable feature of the Westney Road frontage of the site is a row of mature trees (predominantly pōhutukawa), the combined canopy spread of which extend back into the site about 20m from the frontage with Westney Road. The current Māngere 1 Precinct provides for a 10m wide front yard but does not otherwise provide any specific protection of these trees (as confirmed in a certificate of compliance obtained by the requestor. The requestor has suggested a 3m front yard with planting that includes trees of 3m height at time of planting, capable of reaching 8m; and a graduated height control requiring that parts of any building within 20m of the frontage be limited to 11m in height to provide a stepped approach to building bulk and massing when viewed from Westney Road. The requestor's experts considered this approach will provide a

visually soft, vegetated interface, while also maintaining development flexibility in keeping with the expectations of the B-LIZ.

40. The Council's urban design and landscape specialist Ms Rebecca Skidmore agreed that the proposed front yard provisions, including the requirements for planting and the height limitation for buildings, will ensure a suitable transition is provided, while also enabling an efficient use of the site. In response to hearing the evidence Ms Skidmore noted the benefits of front yard landscaping being integrated with any fencing of the frontage. She noted the amenity benefits of an open railing type security fence for example, rather than a close boarded fence or a fence comprising a 'chain link' type material of a similar specification to the existing front yard fence on the neighbouring industrial property south of the site.
41. We accept the expert evidence of the requestor and the Council that a 3m deep front yard, coupled with a clear landscape treatment requirement and a graduated maximum building height is appropriate and will lead to a better outcome than if the standard B-LIZ controls were applied. We agree that it would be beneficial from the perspective of the amenity of the residential sites on the western side of Westney Road, that fencing design be integrated with landscape design.
42. In their reply statement, the requestor proposed to include the following standard into the Precinct:

1420.6.XX Frontage Fencing

Purpose: To provide security for activities within the precinct while maintaining streetscape amenity on Westney Road.

1. Fencing within the front yard along the Westney Road frontage must:

- a) Be set back a minimum of 0.5m from the road boundary to allow planting in front of the fence.*
- b) Not exceed 2.0m in height.*
- c) Be constructed from high-quality materials such as powder-coated aluminium or equivalent.*
- d) Be at least 50% visually open as viewed perpendicular to the boundary (e.g., vertical or horizontal slats, mesh panels)*

2. Fencing must integrate with the front yard landscaping required by Standard 1420.6.3(2), ensuring planting is located between the fence and the road boundary.

43. The requestor and the Council's s 42A team agree that this additional proposed standard addresses the frontage matters raised by the submitters and the Panel. We agree.

44. It is noted that infringement of this new standard is a restricted discretionary activity by virtue of AUP Rule C1.9(2). Accordingly, we have added relevant matters of discretion and assessment criteria.

Heavy vehicle access

45. Heavy vehicle access was raised by a number of submitters. The shift in zoning from residential to business is likely to result in an increase in heavy vehicle movements. The request documents and hearing evidence noted that there is an existing by-law that bans heavy vehicles from the northern section of Westney Road, from the intersection of Kirkbride intersection to the northern property boundary of 60 Westney Road (the property immediately adjoining the subject site to the south). The ban was originally introduced by Manukau City Council (MCC) in 2009 under the MCC Traffic Bylaw and currently applies under the Auckland Transport and Auckland Council Vehicle Use and Parking Bylaw under Clause 9.
46. We understand that this ban seeks to manage the amenity and safety effects of heavy vehicle traffic. The requestor has proposed that heavy vehicle access to the site be restricted to within 25m of the southern boundary of the Precinct. If this is appropriate, then the by-law would likely need to be amended accordingly. The by-law would still ban heavy vehicles from using the northern portion of Westney Road.
47. We are in agreement with the requestor and the Council that confining heavy vehicle access to the southern boundary of the precinct is appropriate in RMA terms. Relevant expert evidence was that heavy vehicle access in this location will not give rise to any significant adverse safety or amenity effects. Any other proposal for heavy vehicle access should be subject to consent as a discretionary activity, thus potentially (depending on the scale of any proposal) be more likely to be subject to notification to affected residents.

Stormwater management

48. The s42A report identified concerns about the need for third party written consents in order to provide for the preferred option for stormwater works. Stormwater works are required on 1, 3 and 5 Verissimo Drive. These works will upgrade existing stormwater infrastructure to address increased flows. The works will occur within the designation held by First Gas and Channel Terminal Services.
49. Approval from First Gas and Channel Terminal Services has been provided and a copy of this written approval was contained within Appendix 2 of Mr Benjamin's evidence for the requestor.
50. 5 Verissimo Drive is owned by the requestor. Mr Benjamin's evidence refers to 'in principle' agreements from the owners of 1 and 3 Verissimo Drive to the proposed stormwater works. The Council's Healthy Waters section raised concerns about whether any off-site works on 1 and 3 Verissimo Drive could actually occur - particularly in relation to 1 Verissimo Drive.
51. Proposed Precinct Standard I420.6.4 requires that development and subdivision must be managed in accordance with the requirements of an approved Stormwater

Management Plan (SMP). To address the lack of formal agreement to off-site works, the Council's Healthy Waters section recommends that the SMP be based on the preferred option put forward by the requestor. Any departure from that standard should be a discretionary activity. This will mean that, in the event that final written consents are not received, an applicant at resource consent stage will need to provide full information via an application for another option to manage stormwater.

52. We also questioned the requestor's engineering expert Mr Blyde as to whether the proposed stormwater management requirements would conflict with the proposed Precinct provisions requiring planting around the sensitive eastern and southern boundaries of the site in the yard setbacks. Mr Blyde and Mr Pryor confirmed to us that it would be possible to achieve both effective stormwater management and also adequate planting establishment, with this a matter for detailed design.

STATUTORY PROVISIONS

53. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change. We 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.
54. The relatively minor amendments to the proposed Precinct provisions as a result of the Council's review of the request, consideration of submissions and the hearing process itself will result in provisions that achieve the more effective and efficient management of the future development of the site. The precinct provisions provide for a range of additional controls to those of the B-LIZ zone, addressing the particular characteristics of the site, including interfaces with residential areas to the west and east and the school to the north.
55. Having considered the evidence, submissions and relevant background documents, we are satisfied, overall, that PC 117 has been developed in accordance with the relevant statutory and policy matters:
 - a. The plan change will give effect to the National Policy Statement on Urban Development in that it will support a well-functioning urban environment where employment opportunities are increased in an area of the region that is likely to see considerable housing growth.
 - b. The change also gives effect to the quality, compact urban area outcome articulated by the Auckland Regional Policy Statement. For example, Policy B2.5.2. (8) seeks to enable the supply of industrial land which is relatively flat, has efficient access to freight routes, rail or freight hubs, ports and airports, and can be efficiently served by infrastructure. The subject site displays these characteristics and as a result the land is better suited to a light industrial zoning than retention of the existing residential zoning.
 - c. The Precinct provisions contain a number of additional amenity-related controls compared to the standard controls of the B-LIZ. These additional controls will

ensure that development meets the objectives and policies of the light industry zone, including that light industry development adjacent to residential zones and special purpose zones manage adverse amenity effects on those zones (policy H17.3.4).

56. The plan change will clearly assist the Council in its effective administration of the Auckland Unitary Plan.

DECISION

57. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Plan Change 117 to the Auckland Unitary Plan (Operative in Part) is **approved**, subject to the modifications as set out in this decision.
58. The precinct provisions are those as appended to the S42A addendum report and as amended by the inclusion of a front fencing standard as proposed by the requestor, with our addition of matters of discretion and assessment criteria (as attached as Attachment A).
59. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, these decisions follow the recommendations set out in the Council's section 42A report. Our decisions on submissions with reference to specific points are set out in Attachment B. Attachment B should be read in conjunction with this decision.
60. In conclusion, the reasons for the decision are that Plan Change 117:
- a. will assist the Council in achieving the purpose of the RMA;
 - b. is consistent with and gives effect to National Policy Statements and the Auckland Regional Policy Statement;
 - c. is supported by necessary evaluation in accordance with section 32; and
 - e. will help with the effective implementation of the plan.



Chairperson

Date: 27/01/2026