

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning, Central South Unit

FROM Jimmy Zhang, Planner, Central South Unit





DATE 26 January 2021

SUBJECT **Plan Modification to the Auckland Unitary Plan (AUP)
Operative in part (15 November 2016)**



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Plan Change 30 – Pukekohe Park Raceway to be made operative	
Chapter	Chapter I Precincts AUP GIS Viewer
Section	South - I434 Pukekohe Park Precinct
Changes to text (shown in underline and strikethrough)	N/A
Changes to diagrams	I434.10.1. Pukekohe Park: Precinct plan 1 – new altered map to replace existing
Changes to spatial data	Rezone 5.8ha of land on the north-western corner of Pukekohe Park from Special Purpose – Major Recreation Facility to Business – General Business zone. Removing the rezoned land from the Pukekohe Park Precinct and re-align the boundary of the precinct around the rezoned land. Apply the Stormwater Management Area - Flow 1 (SMAF 1) Control over the rezoned land.
Attachments	Attachment 1: PC 30 Decision Attachment 2: Updated precinct plan Attachment 3: Updated GIS Viewer

Prepared by: Jimmy Zhang Planner, Central South Unit	Text Entered by: Harry Barnes Planning Technician
Signature: 	Signature: 
Maps prepared by: Aching Konyak Geospatial Specialist	Reviewed by: Jimmy Zhang Planner, Central South Unit
Signature: 	Signature: 

Signed off by:

Celia Davison

Manager Planning, Central South Unit

Signature:

A handwritten signature in black ink that reads "C. E. Janson". The signature is written in a cursive style with a large initial "C" and "E".

Attachment 1: PC 30 Decision

Decision on Plan Modification under the Resource Management Act 1991



Proposal

To rezone 5.8 hectares of land at 222-250 Manukau Road, Pukekohe (Pukekohe Park) from Special Purpose – Major Recreation Facility to Business – General Business and remove the rezoned land from the Pukekohe Precinct.

This plan modification is GRANTED subject to additional modifications. The reasons are set out below.

Plan subject to change	Auckland Unitary Plan (2016) (Operative in Part)
Number and name of change	Proposed (Private) Plan Change 30 – Pukekohe Park Raceway
Type of change	Private Plan Change
Applicant	Counties Racing Club
Status of Plan	Operative in part
Date publicly notified	29 August 2019
Date submissions closed	26 September 2019
Date Further Submissions closed	8 November 2019
Submissions Received	Three
Further Submissions received	None
Hearing commenced:	Wednesday 22 July 2020, 9.30am
Commissioners:	Janine Bell (Chair) Sheena Tepania
Appearances:	<p><u>For the Applicant</u> Ms Vicki Toan (Legal Counsel) Mr Mark Chitty (Chairman, Counties Racing Club) Sir William Birch (Surveyor) Mr Leo Hills (Transportation Engineer) Mr Daniel Shaw (Planning)</p> <p><u>For the Submitters:</u> Tabled evidence on behalf of Auckland Transport</p> <ul style="list-style-type: none"> • Ms Erin Whooley (Consultant Planner) • Mr Joseph Phillips (Consultant Transportation Engineer) <p><u>Franklin Local Board:</u> Mr Andrew Baker (Chairperson)</p> <p><u>For Council:</u> Craig Cairncross (Team Leader, Central-South Planning)</p>

	Jimmy Zhang (Reporting Planner) Gemma Chuah (Healthy Waters) Sidra Khan (Hearings Advisor)
Hearing adjourned	22 July 2020
Commissioners' site visits	17 July 2020
Hearing closed:	18 August 2020

INTRODUCTION

1. The Commissioners have been given delegated authority by the Auckland Council (the **Council**) under section 34A of the Resource Management Act 1991 (the **RMA**) to make a decision on Private Plan Change 30 (**PC 30**) to the AUP(OP) after considering the application and the accompanying technical reports, the section 32 evaluation, submissions, the s42A report prepared by the officers for the hearing and the statements of evidence prepared by expert witnesses, appearing on behalf of the various parties circulated prior to the hearing, the further information requested during the hearing and the applicant's right of reply.
2. The Counties Racing Club (**CRC** or the **applicant**) has lodged a private plan change application to:
 - (i) rezone 5.8 hectares of its land at 222-250 Manukau Road, Pukekohe (**Pukekohe Park**) from Special Purpose – Major Recreation Facility to Business – General Business (**GBZ**); and
 - (ii) remove the Pukekohe Precinct overlay from the rezoned area.
3. The Council publicly notified PC 30 on 29 August 2019.

BACKGROUND

4. Pukekohe Park is located at 222-250 Manukau Road, Pukekohe. Established in the 1920s, the site comprises some 73 hectares of land and provides facilities for motor sports and horse racing. The site is zoned Special Purpose – Major Recreation Facility (**SP-MRFZ**) and is subject to the Pukekohe Park Precinct. The specific area of land that is proposed to be rezoned is an area of 5.8ha located in the north-western corner of Pukekohe Park (**PC 30 area**).
5. The PC 30 area currently consists of a large area of open grass, with a vehicle access way from Manukau Road, which provides access to Pukekohe Park. The area is occasionally used for overflow carparking in association with major events at Pukekohe Park, largely associated with the V8 car racing events. Along the Manukau Road frontage there are some relatively small single storey commercial buildings. The topography of the site is generally flat, with some localised rises (to the south-east), and low-lying areas (to the north-east) where the site adjoins the Tutaenui Stream.

6. The existing Pukekohe Park Precinct seeks to enable activities compatible with the site's history as a nationally important venue for motorsports activities and horse racing and protect such activities from reverse sensitivity effects associated with adjacent development. It includes specific provisions relating to compatible activities including organised sports and recreation, concerts, events and festivals, markets, professional fireworks, helicopter flights and filming. It also provides for certain types of development including buildings and light towers that are deemed to be compatible with the primary activities undertaken on the site. Pukekohe Park is a nationally and regionally important venue.
7. The following AUP(OP) overlays, controls and designations also apply to the PC 30 area:
 - High-Use Aquifer Management Areas Overlay;
 - Quality-Sensitive Aquifer Management Area Overlay;
 - Notable Trees Overlay;
 - Designation 6302: North Island Main Trunk Railway Line, KiwiRail; and
 - Macroinvertebrate Community Rural and Urban Indices.
8. We were advised that PC 30 was initiated by CRC in response to declining revenue from events associated with the horse racing industry. Following a review of resource efficiencies, CRC has identified the PC 30 area of land as surplus to its requirements and seeks to rezone the area to GBZ. The supplementary income arising from the commercial and industrial development of this part of the site will support the Club's long-term viability and the primary activities at Pukekohe Park.

SUBMISSIONS

9. Three submissions were received to PC 30, one in support and two opposed. The submission by Jason Woodyard supports the plan change request highlighting the desirability of more business zoned land in Pukekohe and ensuring the ongoing viability of the CRC.
10. The submissions from Auckland Transport (**AT**) and Keith Houston oppose the Plan Change request. AT's submission relates to potential adverse transport effects arising from the rezoning. Mr Houston's submission is concerned about flooding and the overland flows on the site and the need for controls on the placement and design of new buildings.
11. No further submissions were received.

SUMMARY OF EVIDENCE HEARD

12. The hearing evidence in this case includes the plan change, the accompanying s32 report and supporting documentation, the Council officer's s42A report, the submissions received, and the statements of evidence prepared by expert witnesses appearing on behalf of the applicant and the tabled evidence of AT. During the hearing the Commissioners also requested further information to enable assessment of the proposed plan change, pursuant to s74(2A) of the RMA, to any relevant planning document recognised by an iwi authority and lodged with the Council to the extent that its content has a bearing on the resource management issues of this part of the district. This information is all part of the public record and is not repeated. 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.

Applicant (Counties Racing Club)

13. **Ms Vicki Toan**, outlined the background to the application, the long history of the Club within the Pukekohe area, described the key elements of the proposal and outlined the concerns raised in the three submissions received to the proposal.
14. She advised that the applicant had sought to address the matters raised in Mr Houston's submission by including Stormwater Management Area Control – Flow 1 (**SMAF 1**) controls for the PC 30 area. Ms Toan acknowledged that the inclusion of additional stormwater controls did not directly address the relief sought by Mr Houston in respect of minimum freeboard levels. In her opinion, the substantive outcome is that matters relating to overland flows and flooding will be addressed at the resource consent stage, and conditions could be imposed to stipulate minimum freeboard levels if that was considered appropriate.
15. Ms Toan advised that the matters of concern raised in AT's submission have been resolved as a result of extensive discussions between CRC and AT. She confirmed a confidential 'terms of agreement' and associated documentation had been prepared by Dentons Kensington Swan, dated 15 and 17 July 2020. She advised the agreement identified the future mitigation measures that will be required as the PC 30 area is developed and triggers for implementation and these would be registered on the title of the property.
16. In her legal submissions, Ms Toan advised that she considered the proposed rezoning of the site to be appropriate and consistent with the purpose of the RMA. In particular, she considered the rezoning: is a natural extension of the existing business-zoned land located to the south of the Pukekohe Town Centre; will complement the existing pattern of zoning and land use in the area; and is consistent with the anticipated pattern of future zoning and development of land zoned Future Urban, adjacent to Pukekohe Park.

17. Ms Toan summarised the conclusions of the specialist assessments commissioned by CRC and submitted in support of the application. She advised that she considers the assessments show that the proposed planning controls will be sufficient to avoid, remedy or mitigate any adverse effects from the future use and development of the site.
18. She submitted that the benefits of rezoning include addressing the limited supply of business zoned land in Pukekohe, while also providing for the continued existence of the CRC for the benefit of its members.
19. In conclusion, she submitted that the proposal would have a positive impact on the CRC and community; that the applicable provisions of the AUP(OP) are appropriate and adequate for managing any potential adverse effects on the environment resulting from the future use and development of the PC 30 area; that CRC request the plan change be approved.
20. **Mr Mark Chitty**, CRC's Chairman, outlined the history of Pukekohe Park, the purpose of the CRC and the activities and facilities that were undertaken on site. He also outlined the current changes occurring in the racing industry and the implications of these on racing venues in Auckland. He described the Club position as being "asset rich but cash poor."
21. Mr Chitty outlined that the CRC was proactively managing the day to day operations and long-term aspirations of the club which has some 400 members. He advised that it had become more difficult in recent years to financially sustain Pukekohe Park and its activities and in recent years options for alternative revenue streams have been explored. The CRC had been approached by various local companies, currently located on Manukau Road seeking to expand.
22. In his written statement, he advised that the CRC had submitted on the Proposed AUP, but while the Hearings Panel had been sympathetic to the request to rezone land to commercial, they had advised the request was out of scope and recommended progressing the matter by way of plan change.
23. The overall objective of the plan change was to create an alternative revenue stream to enable Pukekohe Park to continue to function as an important part of the local community. He indicated that the best outcome for the Club was to retain ownership of some or all of the rezoned land and derive a rental income from the commercial or industrial properties. He noted that a Committee had been formed to oversee the development of the land to be rezoned but that the exact form had yet to be determined and was likely to be some form of subdivision with the sites sold or leased to developers or businesses. He thought it likely the CRC would retain some interest in the land as they would be close neighbours to whatever is developed.
24. **Sir William Birch**, a Registered Professional Surveyor, spoke to his written statement of evidence. He advised that he had been asked to provide surveying and engineering

advice in support of the application, following discussions with the Council Planner, Council Development Engineer, and representatives from Healthy Waters.

25. Sir William described the wastewater and water supply infrastructure serving the site and outlined his methodology for calculating capacity. In his opinion, the existing infrastructure has capacity to adequately service the PC 30 area.
26. Sir William went on to describe the natural features of the site underpinning his stormwater and flood hazard assessment. He summarised the history of stream works undertaken in the vicinity of the site and advised that:
 - a permanent stream (the Tutaenui stream) flows through the site; and
 - the site is located at the lower reach of the Pukekohe South Catchment, with receiving waters located adjacent to the site.
27. In his opinion, the detention of runoff from large storm events presents a risk of greater storm surge because of coinciding peak flows from sub-catchments. In relation to stormwater management options for large storm events, Sir William advised that a “*pass flows forward*” approach can be a better option.
28. Sir William considers that the proposed stream widening, and overland flow path works will not affect downstream properties, while the ‘pass flows forward’ approach will have an effect. In his opinion:¹
 - the peak flows will not visibly change;
 - flow rates will increase sooner during a storm event;
 - the increase in flow rate will be minimal and is considered to be no more than minor; and
 - a benefit of the proposed stream widening is the offset in the loss of flood plain storage it will provide.
29. Sir William advised that Healthy Waters have agreed to the inclusion of SMAF 1 stormwater controls to apply to the PC 30 area. He advised that the SMAF 1 controls will require the inclusion of appropriately sized stormwater retention and detention tanks, soak holes and raingardens as part of any development of the land. Sir William’s evidence outlined the requirements to be met and advised that results from soakage testing undertaken on 12 June 2019 show the site is suitable for retention disposal and raingardens.

¹ Statement of Evidence of Sir William Birch dated 3 July 2020, section 4.1, [6].

30. **Mr Leo Hills**, a transportation engineer, spoke briefly to his written statement of evidence. His evidence outlined the key elements of the proposal and described the existing traffic environment of the site.
31. The key features of the existing traffic environment are:
- the existing Pukekohe Park site has four main entrances; three provide vehicle access from Buckland Road (Gates 2-4 inclusive) and one provides vehicle access from Manukau Road (Gate 1);
 - Buckland and Manukau Roads run in a north-south orientation and connect to Pukekohe Centre Road to the north and Tuakau to the south;
 - Buckland Road comprises a single lane in either direction, a road reserve width of approximately 25-30m and a sealed carriageway of 16m width adjacent to the PC 30 area;
 - on-street parking is permitted on either side of Buckland Road and near the vicinity of the site, there are no pedestrian footpaths provided on either side of Buckland Road;
 - the posted speed limit varies from 50km/h to 80km/h; and
 - the intersection of Manukau / Kitchener / Buckland roads (**MKB intersection**) is priority controlled, with Manukau Road and Buckland Road having priority.
32. Mr Hills considers the key transport impact relates to the operation of Buckland Road / Manukau Road and the MKB intersection. He summarised the salient points from his Integrated Transport Assessment (**ITA**) and advised:
- The key vehicle movements to consider in assessing whether a roundabout controlled intersection is required are right-turn movements out of the site and onto Buckland Road / Manukau Road.
 - Results obtained using the traffic modelling tool SIDRA indicated that unacceptable levels of delay / service would be reached at a rate of 75 vehicles turning right out of the site per hour.
 - Under the low traffic generating scenario for industrial / car sales a requirement for a roundabout is not triggered.
33. Mr Hills outlined the key elements of an implementation plan he devised as part of the ITA, which recommends various upgrades to the transportation network including:
- road upgrades on establishment of any new site access;
 - footpath upgrades on the commencement of development;

- revised posted speed limits of 50km/h at the initial development stage (to be instigated by AT);
 - establishment of a single lane roundabout if the proposal generates right-turning traffic at a rate of 75 vehicles per hour or more; and
 - the provision of bus stops to encourage the use of public transport as required (to be funded by AT).
34. He advised that following discussions with AT the proposed requirement for a roundabout was refined. The initial version required the establishment of a roundabout if the volume of traffic generated from the site exceeded 150 vehicles per hour. This requirement has been refined to focus on the equivalent volume of right-turning vehicles from the site (i.e. 75 vehicles per hour).
35. In considering the potential impact of the proposal on temporary event parking associated with existing operations at Pukekohe Park, Mr Hills' evidence outlined the anticipated relocation of existing motor racing and aviation activities to accommodate the V8 Supercars event and advised that a Traffic Management Plan is required to be reviewed and approved prior to the annual V8 Supercars event; and that no other existing events rely on the PC 30 area for temporary parking.
36. Mr Hills confirmed that the applicant's advisory team (including himself) had held discussions with AT, including discussing the extent of upgrade works and mitigation measures. These discussions had resulted in an agreement between AT and CRC on:
- the extent of upgrade works required; and
 - the threshold for requiring the establishment of a roundabout, being where the volume of right-turn movements out of a driveway exceeds 75 vehicles per hour.
37. Mr Hills, while acknowledging the agreement reached between the applicant and AT, considered that the existing provisions of the AUP(OP) adequately protect the transport network and would to achieve the required traffic improvements and upgrades to occur at the resource consent stage. He also considered the existing traffic management standard of the Pukekohe Park Precinct would ensure sufficient replacement parking would be provided for events at Pukekohe Park.
38. In conclusion, Mr Hills considers the proposal could be appropriately supported by the existing road network and upgrades to the existing road network to maintain appropriate levels of safety and efficiency on the surrounding road network and there are no reasons to preclude approval of the proposed plan change.
39. **Mr Daniel Shaw**, consultant planner, spoke to his written statement of evidence which described the site, the existing environment, the proposal, why it was required, the relevant AUP(OP) provisions, consultation undertaken, and assessment of the

proposal against the requirements of section 32 of the RMA. He also responded to matters raised in the Council's s42A report.

40. Attached to Mr Shaw's evidence was an amended precinct plan that set out the consequential amendments to the Pukekohe Park precinct and Interface Control Area sought as part of PC 30. He also advised that the proposal included the application of stormwater controls (SMAF 1 of the AUP(OP)) to the site to manage potential or actual stormwater effects associated with future development.
41. Mr Shaw advised that the **GBZ** provides for various business activities such as light industrial and limited office, large format retail and trade suppliers, while discouraging residential activities. In his evidence he outlined the relevant objectives, policies, activity status, notification requirements, standards and assessment criteria for the zone contained within Chapter H14 of the AUP(OP) identifying Objectives H14.2(6), H14.2(7), H14.2(8) and Policies H14.3(15) to (23).
42. Mr Shaw considered the GBZ was the appropriate zone to apply to this surplus area of the site because it would:
 - achieve the applicable Regional Objectives and Policies of the AUP(OP);
 - enable development on the site that is consistent with the Objectives and Policies of the GBZ;
 - enable significant social, health and economic benefits; and
 - not result in significant environmental effects.

Regional Objectives and Policies

43. Mr Shaw considered that the rezoning of the site to GBZ would provide suitably zoned land to address demand in the location that is contiguous with similarly zoned land. Moreover, the rezoning of this land would not compromise the uses undertaken at Pukekohe Park.
44. The evidence of Sir William and Mr Hills confirmed that the site can be appropriately serviced by three waters and transport infrastructure; and the flood risk can be managed to avoid adverse effects. With the Freshwater Solutions report demonstrating that the proposal would enable positive benefits for freshwater quality and biodiversity without raising any contaminated land or human health issues.
45. He considered the development enabled by the implementation of PC 30 would be consistent with the Objectives and Policies for the GBZ as:
 - the site is appropriately located with respect to the transport network;
 - permitted activities would not adversely affect the function, role or amenity of the Pukekohe Town Centre;

- the potential or actual environmental effects can be appropriately managed; and
 - there will be no reverse sensitivity concerns.
46. The rezoning of the site provided an opportunity to realise significant social and economic benefits for the community and positive effects for CRC, including economic benefits derived from optimising the use of available land and utilising existing infrastructure and servicing.
47. Mr Shaw referred Commissioners to the specialist reports commissioned to support the plan change request that addressed actual or potential environmental effects arising from the Plan Change request. In his opinion these reports confirmed that the proposal will not have significant effects.

Character and Amenity Effects

- The Urban Design Report prepared by Motu Design “*confirms the PPC request will not result in adverse urban design effects and future use and development will be compatible with the adjoining GBZ, LIZ and MRFZ*”.² Mr Shaw considered that “*...rezoning will enable development that results in appropriate urban design outcomes that are compatible with the zoning and development within the surrounding area.*”³

Economic Effects

- The Urban Economics report confirms the proposed rezoning would not have significant impacts on surrounding centres, including the nearby Pukekohe Town Centre, or on the supply of land zoned for major recreational activities.
- Moreover, there would be positive economic benefits including addressing a shortage of supply of GBZ land in Pukekohe. The subsequent development of the land would increase employment in the local area
- The rezoning would also enable the continued operation of Pukekohe Park which provides employment for a range of people directly associated with the operation of the Park and those employed in supporting businesses in the surrounding community.

Noise

- SLR Consulting Limited’s acoustic report concludes that the “actual and potential acoustic effects will not be significant and reverse sensitivity issues are not an issue.”⁴

² Ibid, page 20 at [74].

³ Ibid, page 23 at [75].

⁴ Ibid, page 24 at [81].

Transport

- The Integrated Transport Assessment and Mr Hills' evidence confirms that "there is a sufficient range of objectives and policies, rules, standards, matters of discretion and assessment criteria [within the AUP(OP)] to enable Auckland Council and Auckland Transport to require future applicants to mitigate these effects."⁵
- The site is subject to a vehicle access restriction. Any change in use, a new vehicle crossing, the establishment of a new activity, or the proposed construction of a new building is constructed would trigger the requirement for a restricted discretionary activity resource consent under E27.6.4.1(2) and E27.6.4.1(3) of the AUP(OP). In his opinion, E27.8.1(5) to E27.8.2(11) and C1.8 of the AUP(OP) provides for mitigation of effects on the safety and efficiency of the transport network.
- Overall, he considered "the full range of transport effects can be addressed through specific mitigation (as outlined within Mr Hills' evidence) at the time the plan change area is subdivided and/or developed and the PPC will not result in significant adverse effects on the safety or efficiency of the transport network"⁶.

Stormwater

- While acknowledging the anticipated increase in impervious areas on the PC 30 area has the potential to result in adverse effects from increased flow rates and stormwater run-off, the existing provisions within the AUP(OP) enable a suitable assessment of water quality and quantity effects at the resource consent stage..."⁷ along with the mitigation options contained within the Stormwater Report prepared by Birch Surveyors.
- In relation to the three waters infrastructure, there was sufficient capacity to accommodate further development on the site. The proposed rezoning and anticipated development of the site would not result in significant effects on available services or utilities infrastructure.

Natural Hazards and Contaminated Land

- The proposal will not result in significant natural hazard effects and any potential or actual effects can be appropriately managed at the resource consent stage.

⁵ Ibid, page 25 at [83].

⁶ Ibid, page 26 at [86].

⁷ Ibid, page 27 at [92].

- The Preliminary Site Investigation report undertaken by Environmental Management Solutions confirmed there are no significant adverse effects relating to contaminated land and human health.
- In terms of any actual or potential geotechnical effects, the geotechnical report prepared by Ground Consulting Limited (**GCL**) outlines that commercial development notwithstanding the identified constraints of weak ground conditions and shallow groundwater levels. In his opinion, specific mitigation measures should be defined at the resource consent stage.

Construction effects

- The Auckland-wide provisions of the AUP(OP) would ensure appropriate mitigation was provided to deal with any potential or actual construction effects resulting from the future development of the site.

Cultural Effects

- Mr Shaw considered that there were no significant cultural effects resulting from the proposal, based on the pre-lodgement feedback and recommendations received from Ngāti Te Ata and Ngāti Tamaoho Trust.

48. Mr Shaw considered rezoning the area to GBZ with the inclusion of SMAF 1 controls to the site was the most efficient and effective way of achieving the objectives of the proposal because:

“...it provides for a sustainable income for CRC into the future, providing increased certainty for the operation of Pukekohe Park, while providing additional business land supply to address the identified demand, generating a range of significant positive effects, while managing the potential adverse effects on adjacent land, including the stream.”⁸

49. The proposal is consistent with the relevant matters listed under sections 6 and 7 of the RMA. Further, the proposal would not “bring into question”⁹ the principles of the Treaty of Waitangi.
50. In conclusion, Mr Shaw advised that in his opinion the proposal is the most appropriate planning outcome for the site as it has been demonstrated to effectively and efficiently achieve the objective of PC 30 in a way that achieves the purpose of the RMA, and the higher level RPS objectives and policies. PC 30 will result in significant positive benefits for the club and the community, while adverse effects are mitigated to an appropriate extent in line with the anticipated outcomes of the AUP(OP).

⁸ Ibid, page 41 at [144].

⁹ Ibid, page 39 at [135].

Local Board

51. **Mr Andy Baker**, Chair of the Franklin Local Board reinforced the importance of the CRC as part of the local community and the Board's support of the CRC application which they considered aligned with the local board plan outcome for a "thriving local economy".
52. The Local Board considered the change in zoning would enable the CRC to be more sustainable while providing much needed commercial zoned land in Pukekohe. The proposed GBZ did not permit activities that could directly conflict with the imposition of noise contours around Pukekohe Park e.g. retirement villages or apartment. Such activities were considered contrary to the long-held desire to avoid residential living within the immediate surrounds of the park.

Submitters

53. No submitters appeared at the hearing, although AT did pre-circulate two written statements of evidence from Mr Joseph Phillips a consultant transport engineer and Ms Erin Whooley a consultant planner in support of its submission.

Auckland Transport (Tabled evidence)

54. We were also advised by Ms Batistich, counsel for AT in a letter dated and received on 15 July 2020, that as a result of discussions between the applicant and AT the concern as set out in its submission had been resolved by private agreement. She also confirmed that AT did not intend to appear at the hearing but would be happy to respond to any questions as a result of this letter.
55. In response to the letter, Commissioners sought clarification on whether AT was withdrawing its submission. Ms Batistich confirmed by email that AT's submission would still stand but the matters raised in it had been resolved to AT's satisfaction. She went on to advise that the applicant had agreed to a covenant being registered on the land, subject to the plan change, to provide for the necessary off site mitigation to occur and be specifically provided for, as and when required, when the necessary resource consents are sought.
56. As the submission was not withdrawn, we have considered the pre-circulated statements of evidence received from Mr Phillips and Ms Whooley in reaching our decision on PC 30.
57. **Mr Joseph Phillips**, having reviewed the ITA lodged by CRC in support of the proposal, provided AT with advice on appropriate transport mitigation measures. This work involved discussions with the applicant in relation to the development of a potential side agreement, email correspondence, meetings with the applicant's advisory team, and the preparation of a submission to support AT's position.

58. Mr Phillips' evidence outlined the key aspects of the proposal and transport context. His description of the transport environment accorded generally with the evidence of Mr Hills but made the following additional points:
- the two northern-most vehicle access ways (Gates 1 and 2) located on the western site frontage are not anticipated to be used to access the PC 30 area.
 - Manukau and Buckland Roads are identified as arterial roads within the AUP(OP), comprise two lanes, and experience traffic volumes of 11,400 and 7,700 vehicles per day respectively.
 - On-street parking is enabled along the western side of the road, northern part of the site frontage near existing retail activities and is "less practical"¹⁰ to the south of the site on the eastern side of the road due to the narrow width of the road shoulder.
 - While there is no footpath along the eastern side of Manukau / Buckland Roads, there is a footpath along the western side, to the north of Kitchener Road.
 - The recent crash record identified six (minor or non-injury) crashes along the Buckland Road / Manukau Road section between Gate 1 and Kitchener Road, with the predominant crash type being right turn crashes, and rear end collisions identified as typical in the context.
59. Mr Phillips' evidence advised there was agreement between himself, Mr Hills and the applicant in respect of the form and timing of the proposed transport mitigation measures. What had not been resolved was the implementation of the proposed mitigation measures; that he supported AT's submission in respect of the following points:¹¹
- *"Uncertainty surrounding the methods to ensure provision of changes / upgrades to public transport and active modes facilities; and*
 - *The lack of an appropriate mechanism to ensure that the matters raised in the ITA can be appropriately addressed."*
60. Mr Phillips' agreed with the methodology and conclusions of the ITA submitted in support of the proposal and the identified mitigation measures; but did not agree with the mechanisms for implementation of the proposed mitigation. On this matter, he concurred with the planning evidence of Miss Whooley; that a sub-precinct with additional planning controls was necessary to provide for the required transport measures.

¹⁰ Statement of Evidence of Mr Joseph Phillips, dated 14 July 2020, Page 4 at [5.6].

¹¹ Ibid, Page 5, at [6.4].

61. Mr Phillips' evidence commented on the transport effects of the proposal in relation to the identified triggers and implementation of mitigation measures proposed. He noted the:

- provisions of Chapter E27 of the AUP(OP) provide the primary mechanism for managing transport effects relating to future subdivision / resource consents on the site.
- safe and efficient operation of the transport network is not included in the assessment criteria for restricted discretionary activities, including supermarkets >450m² and service stations.
- most relevant provisions of the AUP(OP) were those relating to vehicle access restrictions and trip generation. The vehicle access restriction provisions of the AUP(OP) provide an opportunity for AT to manage access off Manukau / Buckland Roads at the resource consent stage.
- Mr Phillips considered a potential future development scenario where the site is developed in parts rather than as a whole, and advised that he disagreed with the applicant's evidence; that permitted activities in the GBZ will have adverse transport effects; because multiple individual consent applications for permitted activities could generate up to 100 vehicle movements per hour, and rely on the use of a single access way.
- He advised that if applications for resource consent are pursued independently, there is potential for an applicant to seek to rely on the access restriction exception in E27.8(11)(iii). In his opinion this avenue has the potential to create unacceptable adverse effects. Mr Phillips considered such an outcome could preclude the delivery of a roundabout as necessary mitigation as this relies on the vesting of land along the site road frontage. He advised that the ITA did not specifically consider this scenario, and the AUP(OP) does not provide appropriately for the required outcome. Mr Phillips' evidence advised that he considered the development of a sub-precinct necessary to provide for the implementation of the mitigation measures identified, particularly in relation to the roundabout.
- He advised that any potential trigger for the roundabout should reflect the potential traffic movements associated with individual driveways and cumulative effects of all driveways along the Manukau / Buckland Road frontage. He recommended the following triggers:¹²
 - a. *the use or development of any part of the PC 30 Land cumulatively results in more than 75 vehicle movements per hour turning right out of a single*

¹² Ibid, page 10 at [8.10].

existing or proposed vehicle crossing onto Manukau Road or Buckland Road; or

- b. any individual site or allotment within the PC 30 Land proposes a vehicle crossing opposite Kitchener Road or within 30 metres of Kitchener Road not existing as at the date of this Agreement; or*
- c. a traffic or transport assessment included in any application for resource consent for the use and development of the PC30 Land prepared by a suitably qualified and experienced traffic engineer or transportation planner identifies that the cumulative effects of the existing and proposed vehicle crossings along the frontage of the PC30 Land will result in unacceptable operational performance or safety risks for the adjacent transport network.*

62. Mr Phillips detailed the refinement of the trigger process; advising that the trigger of 75 right-turning vehicle movements was developed after discussions with Mr Hills.

63. Mr Phillips advised that he agreed with the other triggers identified in the ITA, being:¹³

- a. Implementing a new 1.8m footpath along the eastern side of Manukau / Buckland Roads along the PC30 frontage;*
- b. Provision of new bus stop platforms on both sides of Manukau / Buckland Roads on the PC30 frontage, which would include concrete platforms for passengers. With the location of the bus stop platforms to be determined AT and other bus stop infrastructure to be implemented by AT; and*
- c. Provision of a pedestrian crossing on Manukau Road on the PC30 frontage, including a central median with hatched line markings to provide for access to any property driveways.*

64. In considering the Council's specialist transport report prepared by Flow Ltd, Mr Phillips addressed the points raised and advised that he agreed with the recommendations and conclusions of the report; that a Precinct / sub-precinct with associated provisions is necessary to provide certainty that the recommended mitigation in the ITA is delivered. Mr Phillips advised that Flow considered a side agreement would be an appropriate alternative outcome.

65. Mr Phillips commented on the Council's s42A report, advising that he agreed with the findings of the report in relation to traffic generation, parking and wider network effects. He reiterated that in his opinion, from a transport perspective Chapter E27 of the AUP(OP) will not adequately address the potential for development to occur on a piecemeal basis, and therefore not provide sufficient certainty that the necessary mitigation will be delivered. Mr Phillips advised that he disagreed with the summary of transport matters in the s42A Report, as well as the subsequent discussion of AT's

¹³ Ibid, page 11 at [8.13].

submission with regard to the adequacy of the provisions of the AUP(OP) for addressing the identified transport effects and mitigation required.

66. In conclusion Mr Phillips advised that:

- He generally agreed with Mr Hills in relation to the scope of transport mitigation measures that should be provided for in the proposal;
- The key matter of disagreement related to the mechanism for ensuring the necessary mitigation was implemented at the appropriate time;
- AT were in discussions with the applicant in relation to an appropriate side agreement, but at the date of submitting his evidence, this had not been agreed on; and
- the AUP(OP) does not provide certainty that the mitigation measures identified in the ITA could be delivered and therefore a sub-precinct with associated provisions was necessary in the absence of a side agreement addressing implementation of the mitigation required.

67. **Ms Whooley's** statement of evidence outlined:

- why there was a need for the Pukekohe Park sub-precinct to be retained on the site;
- directed our attention to the framework within the AUP which results in the implementation of the required transport upgrades; and
- the need for the vesting of land to ensure the required transport upgrades can be implemented.

68. She advised that the proposal did not adequately address the required transportation mitigation and needed to be included in a new sub-precinct to enable implementation of the required transport upgrades. She outlined various possibilities for how such a framework might be established.

69. In her opinion, it is not appropriate to rely on the resource consent process to deliver the required transport network upgrades; a sub-precinct would be an appropriate way to provide for the required upgrades and address outstanding issues; and an alternative would be to decline the plan change application.

70. Ms Whooley concluded by advising that no party was of the view that the transport network upgrades would not be necessary in the future.

Council

71. Council officers were provided with an opportunity to respond to the material presented to the hearing and clarify any points raised in the s42A report. In response, **Mr**

Cairncross noted in relation to concerns about the ongoing engagement with iwi that there would be a requirement for ongoing consultation and relationship with iwi as the area was developed. This would occur in relation to any subsequent discharge or earthworks applications.

72. In response to our questions about the assessment of the plan change in relation to any relevant iwi planning documents, **Mr Zhang** advised he had not undertaken such an assessment.
73. **Ms Chuah** from Healthy Waters helpfully confirmed that while the increase in impervious area resulting from the proposed rezoning to GBZ would have potential implications on the downstream receiving area due to hydrological changes, the application of the SMAF 1 control to this site would enable the consideration of hydrological mitigation as part of any development at the site.

Request for Further information

74. It became apparent, from the responses to Commissioners' questions throughout the hearing, that neither the applicant nor the Council, in their respective assessments of the plan change, had given any particular consideration of s74(2A) of the Act.
75. In response we decided to adjourn the hearing to enable the applicant to provide further information on the assessment of the proposed plan change, to any relevant planning document recognised by an iwi authority and lodged with the Council to the extent that its content has a bearing on the resource management issues of this part of the district. In particular, we requested an appropriate consideration of the proposed plan change to the Waikato-Tainui Environmental Plan – Tai Tumu Tai Pari Tai Ao.
76. On 31 July 2020 we received a further assessment from the applicant, prepared by Mr Shaw, giving particular consideration to the Waikato-Tainui Environmental Plan, being an iwi management plan of the sort contemplated by s74(2A), and the Vision and Strategy for the Waikato River. Ms Toan also provided, for completeness, a record of the chronology of consultation with mana whenua (**Consultation Record**), which was intended to supplement information provided in the Hearing Agenda.
77. Mr Shaw advised in his supplementary assessment that a review of publicly available information held by the Council found limited information in respect of iwi management plans applicable to the plan change area. Accordingly, Mr Shaw noted that he had focused his assessment on the iwi management plans or other available information relating to Waikato-Tainui, Ngāti Te Ata, and Ngāti Tamaoho.
78. He concluded that, "The AUP(OP) was prepared using a comprehensive and rigorous process, which included consideration of the matters in section 74(2A) of the RMA. As such, the existing AUP(OP) objectives, policies and provisions were prepared taking into account the relevant iwi management plan(s). It follows that the Plan Change,

which seeks to utilise existing AUP(OP) objectives, policies, and provisions with no bespoke provisions therefore takes into account the relevant Iwi documents.”¹⁴

79. He added that notwithstanding that conclusion, the matters contained within relevant iwi management plan(s) and other documents have been considered in the plan change process, that those iwi who have participated within the plan change process are supportive of PC 30 and as such, the plan change takes into account the relevant matters raised in iwi documents including water quality and quantity, land development, riparian margins and future input, with no inconsistency found.
80. After receiving Mr Shaw’s further information, Mr Zhang confirmed that coupled with the site-specific CIA prepared by Ngāti Tamaoho and the correspondence received from Ngāti Te Ata, the applicant had taken into account the relevant planning documents as directed by s74(2A) of the RMA. He further noted that the SMAF 1 overlay proposed as part of PC 30, along with the existing AUP(OP) provisions as they relate to natural resources will enable appropriate regulatory control in managing future development on the subject site. Importantly, he highlighted the fact that consultation with mana whenua, whom have been consulted through this plan change, can continue at the subsequent resource consenting stage, inclusive of that with Waikato-Taniui. We agree.
81. We confirm that we have taken careful consideration of Mr Shaw’s comprehensive assessment and conclusions in reaching our determination and therefore accept Ms Toan’s submission that the relevant themes identified in the iwi management plans have been taken into account in the preparation and assessment of the plan change by the CRC and its expert advisors through consideration of the objectives, policies, and methods in the AUP(OP), which was itself determined in accordance with section 74 of the RMA (as required by section 121 of the Local Government (Auckland Transitional Provisions) Act 2010).
82. We discuss further aspects of Mr Shaw’s assessment below in relation to our consideration of Consultation.

Right of Reply

83. Ms Toan provided a written right of reply in which she reinforced that PC 30 created a raft of opportunities - for the CRC to utilise surplus land to generate revenue; for businesses seeking vacant business-zoned land in Pukekohe; and for the protection and enhancement of the environment.
84. That the extensive expert advice provided on behalf of the CRC, including an assessment in terms of s32 of the RMA had concluded that the GBZ was the most appropriate zone. It would achieve good urban design outcomes; the range of activities would not conflict with the continuation of the Club’s existing activities; nor the economic performance of Pukekohe Town Centre and lastly it would address the short supply of vacant general

¹⁴ Memorandum from Daniel Shaw, dated Friday 31 July 2020, page 7

business land in Pukekohe. In addition, the application of the SMAF 1 control to the plan change area has the potential achieve a significant positive effect on the Tutaenui Stream where it intersects the plan change area.

85. Ms Toan summarised the strong support for PC 30 by the Franklin Local Board and the positive engagement that the CRC had had with mana whenua, Ngāti Tamaoho and Ngāti Te Ata. The recommendations of both iwi had been taken into account by the CRC in assessing the appropriateness of the plan change, noting that many of the recommendations relate to matters that will not arise until the plan change area is developed.
86. In terms of the statutory requirements she submitted that PC 30 is consistent with the Council's functions under section 31 and Part 2 of the RMA and that it gives effect to the objectives and policies of the regional policy statement in Chapter B of the AUP.
87. The s32 evaluation report concludes that the rezoning of the plan change area to General Business and removing the Pukekohe Park Precinct is the most appropriate way to achieve the purpose of the RMA.
88. In terms of the relevant iwi management plans, addressed in the further information provided to the hearing, has taken into account the potential effect of the plan change on the Tutaenui Stream, which flows into the Whakapipi Stream before it joins the Waikato River.
89. Ms Toan concluded by submitting that overall the plan change should be approved. That the CRC were confident that the plan change would have a positive effect on the economy and local environment in Pukekohe as well as enhancing the Club's ability to continue serving its community.

PROCEDURAL MATTERS

90. No other procedural matters were engaged.

PRINCIPAL ISSUES IN CONTENTION

91. The main issues of contention related to:
 - Appropriateness of the GBZ;
 - Transport;
 - Stormwater and Flooding;
 - Consultation with relevant iwi and assessment of iwi management plans.

Introduction

92. Pukekohe Park is a regionally and nationally important venue for motorsports activities and horse racing. Located at 222-250 Manukau Road the approximately 73-hectare site is zoned SP- MRFZ and included in the Pukekohe Park Precinct provisions. The SP- MRFZ is applied to sites capable of hosting large-scale sports, leisure,

entertainment, art, recreation, or event and cultural activities, with each site having a bespoke set of precinct provisions to recognise the primary activities manage the adverse effects of the operation of facilities.

93. The CRC have identified an area of 5.8 hectares of land within the Pukekohe Park as surplus to the requirements of the club and are seeking this area be rezoned from SP-MRFZ to GBZ.

Appropriateness of the GBZ

94. Pukekohe Park is located at the southern end of Pukekohe Town Centre. The surrounding land to the south is largely zoned Future Urban Zone, with the exception of the Franklin Trotting Club grounds on the opposite side of Station Road which is also zoned SP – MRFZ and has its own specific precinct provisions. The land immediately to the north of Pukekohe Park, adjoining Pukekohe Park is zoned Business LIZ fronting Manukau Road with the balance being in the GBZ. The land on the opposite side of Manukau Road, immediately fronting the area to be rezoned by PC 30 is also zoned GBZ and LIZ. The zoning of the surrounding land appears to largely reflect the nature of the activities established on these sites - a mixture of light industry, trade retail and large format retail.
95. We accept that the area of the site subject to the plan change is clearly surplus to the requirements of the CRC and agree that its inclusion in the SP - MRFZ and the Pukekohe Park Precinct places unreasonable restrictions on its future use. A range of alternative zones were assessed for the site including rezoning the area MUZ, GBZ or LIZ.
96. We note the advice in the Urban Economics¹⁵ economic cost benefit analysis which identifies that there is shortage of Mixed Use or General Business in Pukekohe, with no vacant land for sale and practically no unutilised GBZ or MUZ suitable for redevelopment in Pukekohe. The report, however, notes that rezoning the site MUZ would enable a range of retail and commercial activities, that would potentially have an adverse effect on the town centre and is therefore not suitable for the site.
97. The report identifies that the existing pattern of activities would support either the GBZ or LIZ for the site. While there is a degree of commonality between the uses provided for in these two zones, we note the advice that the GBZ provides greater flexibility to respond to market demand, most notably large format retail uses. The greater flexibility of the GBZ would support the optimal development of the site “and elevates General Business over Light Industry as the optimal zone for the site.”¹⁶.. The report also notes that the Pukekohe -Paerata Structure Plan raises the potential for a substantial addition to the business zones, particularly the Industrial zones although there is uncertainty over the timing.

¹⁵ Adam Thompson, Urban Economics Economic Cost Benefit Analysis of Proposed Plan Change for Counties Racing, Pukekohe, 25 June 2019.

¹⁶ Ibid, page25

98. In contrast to the LIZ, the GBZ provisions provide the mechanisms to achieve better urban design outcomes through its management of design and appearance of buildings and pedestrian amenity. We also note the GBZ also takes a more restrictive approach to dwellings and accommodation activities, than the LIZ, classing them as non-complying activities thereby providing greater protection to the Club's existing activities from the potential adverse reverse sensitivity effects arising from residential activities.
99. The Commissioners agree with the applicant and the Council's planners that the site should be rezoned GBZ. The GBZ will complement the adjoining business activities and will not compete with the Pukekohe Town Centre. The GBZ will provide some flexibility in the future form and mix of activities, while taking a more restrictive approach to dwellings and accommodation. The GBZ provisions enabling better urban design outcomes.
100. We therefore find that the rezoning of the area to GBZ is appropriate for the location in the context of the current zoning pattern and the Council's approved Pukekohe Paerata Structure Plan (2019). We also agree that the land should be excluded from the boundaries of the Pukekohe Park Precinct provisions and that the Pukekohe Park Interface Control Area provision be realigned to reflect the new precinct boundary.

Transport

101. The main issue of contention between the applicant and AT prior to the commencement of the hearing related to the transport effects arising from the rezoning of the land to GBZ. While there was general agreement between the applicant's and AT's transportation experts about the form and timing of the proposed transport mitigation measures, there was disagreement about the implementation of the proposed mitigation measures. We were advised that these matters were the subject of discussions between the CRC and AT which resulted in a private agreement being reached to resolve the issue.
102. While we note that AT did not withdraw its submission thereby leaving its concerns on the record, the agreement reached between the applicant and AT provide for the necessary off site mitigation to occur and be specifically provided for, as and when required, when the necessary resource consents are sought. Therefore, by the commencement of the hearing, the transport issues of contention related to PC 30 were resolved.

Stormwater and Flooding

103. CRC provided a Stormwater Report¹⁷ prepared by Birch Surveyors and following the initial review and assessment by Healthy Waters provided a further response titled Stormwater Report Further Information¹⁸.

¹⁷ Section 42A Report, Appendix A-4

¹⁸ Section 42A Report, Appendix C-1

104. The Stormwater Report proposes a suite of stormwater management tools including on-site retention and detention tanks, soak holes, swales and raingardens as well as at-source treatment to mitigate hydrological flows and contaminants to receiving environments. Detailed design and sizing of devices will occur at the resource consent stage and following retention and if necessary, overflow detention, flows will be conveyed to Tutaenui stream via a new stormwater network. It concludes that the combination of swales and controlled release underground storage will ensure runoff from the development will be adequately treated and the flow rates will be maintained at pre-development conditions.
105. In addition, recommendations made by Council's specialist advisors, Gemma Chuah (Healthy Waters), Trevor Mackie (Hill Young Cooper) and James Mogridge (Tonkin + Taylor)¹⁹ following their assessment of the stormwater, water quality and hydrological mitigation provisions proposed for PC 30 were accepted by CRC.
106. As agreed by CRC, the SMAF 1 control is to be applied to the site as part of this plan change. The associated policies, objectives and rules in E10 of the AUP(OP) will then apply to any future development on the site.
107. On that basis Mr Zhang recommended that the SMAF 1 control is overlaid over the entire PC 30 site.
108. In terms of stormwater, flooding remained a key matter in contention at the time of submission. A submission by Mr Houston asking that PC 30 be declined unless it was amended to include a provision which states that any building should be 500mm above the 100-year flood level, was not accepted by Mr Zhang who agreed with Mr Mogridge's assessment and comments on flooding, flood mitigation and overland flow paths.
109. Mr Zhang was of the opinion, an opinion with which we find agreement, that flood risks have been sufficiently assessed, and that more detailed investigations can be made at the resource consent stage in accordance with the AUP(OP) provisions, particularly Chapter E36 Natural hazards.
110. In her legal submissions Ms Toan noted that since the close of the submission period, the matters raised in Mr Houston's submission have been addressed by the application of the SMAF 1 control to the plan change area. While the application of the SMAF 1 control is not the relief sought by Mr Houston, Ms Toan submitted that the substantive outcome is that matters relating to overland flows and flooding will be addressed at the resource consent stage and that conditions imposed on those resource consents may include minimum freeboard levels if that is appropriate.
111. In terms of stormwater effects we accept the evidence of Mr Birch & Ms Chuah and Mr Zhang's conclusion that with the application of the SMAF 1 control, PC 30 can be implemented with suitable stormwater design solutions to ensure that there are no

¹⁹ Section 42A Report, Appendix D

adverse effects, leaving other matters regarding the discharge of stormwater to be addressed through the consents process at the time development occurs with the AUP(OP) provisions being appropriate for addressing effects.

Consultation with relevant iwi and assessment of iwi management plans

112. The s42A report recorded CRC's advice that they had "engaged in consultation with iwi whom have an interest in the local area". Those iwi were identified in Table 7²⁰ as: Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Tamaoho, Ngāti Te Ata, Te Ākitai Waiohua and Waikato-Tainui. The plan change was sent to those iwi groups on 6 January 2019, providing opportunity for comments before the plan change was lodged with Council.
113. In response to questions at the hearing Mr Shaw confirmed that in terms of correspondence of this nature, it would be usual to send a follow up email a couple of weeks after an initial email, however, he was not able to provide details at the hearing as to whether or not this had occurred. We assume that there was no follow up email in this case on the basis that Ms Toan's Consultation Record, outlined in her letter dated 31 July 2020, does not include any reference to a follow-up email.
114. Responses were received from Ngāti Tamaoho and Ngāti Te Ata who both had representatives attend a site visit with CRC and its consultants. Ngāti Tamaoho then provided a Cultural Impact Assessment (CIA) while Ngāti Te Ata provided a formal letter, both setting out their assessment and recommendations primarily around water quality and the management of stormwater effects. Copies of those documents were provided in Appendix A-10 to the s42A Report and Appendix I to the AEE.
115. The s42A Report then records that on 29 August 2019, Council sent out letters to all the iwi groups listed in Table 7 "to inform them of the date of public notification and the closing date for submissions." The Council had not received any formal feedback or submission from any iwi by the close of submissions and further submissions.
116. There is some disparity in the identified iwi / mana whenua groups notified by the Council. Table 7 of the s42A Report differs to the list of iwi identified by Ms Toan in the Consultation Record with mana whenua. The Consultation Record states that Council "served notice of the application on the following groups by email, advising that the proposed plan change was publicly notified...". While 19 different iwi authorities are listed, Waikato-Tainui is not identified.
117. Accordingly, it is unclear whether or not Waikato-Tainui were in fact notified by the Council on 29 August as reported and therefore potentially, the only notice Waikato-Tainui received regarding this application was the letter emailed by the applicant on 6 January 2020 and public notification.
118. The provisions of a private plan change request must comply with the same mandatory requirements as council-initiated plan changes and that includes the requirement to

²⁰ Section 42A Report, p.53

consult with potentially affected tangata whenua through iwi authorities, under clause 3 of Schedule 1 of the RMA.

119. We acknowledge that PC 30 was publicly notified, however the Act provides a clear and deliberate process in relation to plan changes to ensure that the relevant iwi authorities are consulted. In that respect, we are particularly mindful of the requirements under the First Schedule concerning pre-notification (clause 4A) and the circumstances under which a local authority is to be treated as having consulted with iwi authorities (clause 3B).
120. It then falls to be considered whether a letter sent by email to Waikato-Tainui on 6 January 2020 and public notification is sufficient to discharge that obligation. Ms Toan in her response to questions at the hearing confirmed that the definition of “working day” under s2 of the RMA was not applicable in this circumstance, that it was only relevant to those provisions under the RMA where time limits are specified such that days during those periods would not be counted. In her view there was no prohibition on sending information or working during that period, in fact it was commonly accepted that that was usual business practice.
121. While we accept the legal position confirmed by Ms Toan and acknowledge that in the normal course of events this might be considered business as usual, we nevertheless remain concerned that in circumstances such as this, where an email sent during that period, without any follow up, is in and of itself now relied on to satisfy a statutory obligation to consult with a particular iwi authority, whether it could justifiably be considered “good business practice” is another matter.
122. Reservations as to good business practice aside, this being a private plan change, CRC provided those iwi identified in Table 7, including Waikato-Tainui, with a copy of PC 30 on 6 January 2019, some 7 months prior to notification. As previously noted, while CRC did not receive a response from Waikato-Tainui, it did receive responses from Ngāti Tamaoho and Ngāti Te Ata. The AEE and supporting expert reports clearly set out CRC’s response to those matters of concern raised by both Ngāti Tamaoho and Ngāti Te Ata in their respective cultural assessments. Certainly, in relation to both Ngāti Tamaoho and Ngāti Te Ata the requirements under clause 4A have been met. However, it cannot clearly be said that in relation to Waikato-Tainui in particular, if relying on one email alone, there has been adequate opportunity to consider the draft and provide advice on it.
123. Accordingly, if there is some deficiency as to whether the requirements of clause 3B in particular have been met, the issue is then what might be the implications and who should bear the burden of that deficiency.
124. We think that this matter very much turns on its own particular facts in considering whether in all the given circumstances, having regard to the scale and significance of potential effects, the applicant should bear the burden of that deficiency having gone some way to discharge their obligations in terms of clause 4A.

125. In this context, the Waikato-Tainui Iwi Environmental Plan and the further assessment prepared by Mr Shaw are particularly important. We also refer to our discussion above regarding the Request for Further Information.
126. As Mr Shaw observes, “Planning documents recognised by an iwi authority and lodged with the territorial authority (**iwi management plans**) provide a mechanism by which iwi interests can be recognised by the territorial authority in the plan change processes.”
127. We note Mr Shaw’s conclusion that there are overlapping themes addressed in the Waikato-Tainui Environmental Plan and the Cultural Impact Assessments provided by Ngāti Tamaoho and Ngāti Te Ata namely, water quality and quantity, freshwater ecology and biodiversity, land development, riparian margins and potential for input into future development.
128. We reiterate Mr Shaw’s confirmation in his supplementary assessment of PC 30, that as the plan change area contains part of the Tutaenui Stream, a tributary of the Waikato River, the Vision and Strategy for the Waikato River is relevant to PC 30. We accept his advice that PC 30 relies on the existing provisions in the AUP(OP), which have been conceived and approved with reference to the Vision and Strategy and does not seek to introduce any new or altered rules into the AUP(OP), or significantly alter the potential for discharge into the Tutaenui Stream.
129. We accept that future development on the plan change area in accordance with the existing AUP(OP) provisions will require resource consent for land use, subdivision, and discharge and will need to identify how it is consistent with the requirements of the AUP(OP).
130. We acknowledge, as outlined in the AEE²¹ in relation to Cultural Effects, that in supporting the recommendations made by Ngāti Te Ata and Ngāti Tamaoho, who are both supportive of PC 30, the applicant proposed a GBZ which has a higher land use threshold test than the alternative LIZ controlling the design and location of buildings to a greater extent.
131. Furthermore, the AEE concludes, and we accept, that any cultural effects as a result of the plan change can be addressed in a manner requested by Ngāti Te Ata and Ngāti Tamaoho in particular. Their concerns regarding stormwater are also addressed with the application of SMAF 1 to the plan change area which will require any new or re-development of impervious surfaces exceeding 50m² to be mitigated onsite and in this case, the controls contained within chapter E10 of the AUP(OP) would be triggered. As Ms Toan submitted in her reply, “many of the recommendations made by those iwi relate to matters that will not arise until the plan change area is developed such as having the site blessed prior to the commencement of work, tree retention and removal,

²¹ AEE, 5.4.5

street naming, and the treatment of stormwater. These matters will be addressed at resource consent stage or in the course of implementing any resource consent.”

132. We reiterate Ms Toan’s submission that the further information takes into account the potential effect of the plan change on the Tutaenui Stream, which flows into the Whakapipi Stream before it joins the Waikato River. In that respect, we also accept and are reassured by Mr Shaw’s conclusion that this process ensures the future subdivision, use and development of the plan change area will give effect to the Vision and Strategy for the Waikato River through the restoration, enhancement and protection of the relevant section of the Tutaenui Stream within the plan change area.
133. Accordingly, and bearing in mind our conclusions above, in relation to stormwater and the further information provided to satisfy s74(2A) in particular, we are satisfied that we have adequate information before us to determine that the resource management issues of concern to the relevant mana whenua groups have been identified and addressed and can be addressed further through the consents process at the time development occurs with the AUP(OP) provisions being appropriate for addressing effects.
134. We wish to highlight one further comment made by Mr Shaw, that CRC “will utilise the existing relationships developed with both Ngāti Tamaoho and Ngāti Te Ata when preparing resource consent applications for the development of the plan change area. Moreover, Auckland Council will require further consultation with the full range of identified mana whenua to occur as part of future applications.” We wish to emphasise that we would expect the comments we have made insofar as Waikato-Tainui are concerned, to have some bearing on that future notification process.

RELEVANT STATUTORY PROVISIONS

135. The RMA sets out the mandatory requirements for the preparation and processing of a proposed plan change. We are satisfied that PC 30 has been developed in accordance with the relevant statutory and policy matters, including consideration of the submissions received to PC 30. This assessment is set out in detail in the plan change application and in sections 6 and 7 of the Council’s s42A report. The following section summarises this statutory and policy framework. The Assessment of Effects accompanying the Plan Change Request (AEE) contains an evaluation of how PC 30 aligns with each matter. The development of PC 30 and the analysis of submissions were undertaken in line with this framework.
136. The relevant statutory and regulatory framework for PC 30 includes:
- The Resource Management Act 1991 (RMA)
 - National Policy Statement Urban Development Capacity
 - National Policy for Freshwater Management
 - Auckland Unitary Plan (Operative in Part)
 - Auckland Plan 2050

- Pukekohe-Paerata Structure Plan
 - Supporting Growth Programme - Indicative Strategic Transport Network South
 - Future Urban Land Supply Strategy 2017
137. The AEE (Pages 16-19) identifies the relevant “Issues of Regional Significance” and reviews the proposal against the relevant RPS objectives and policies. We consider that PC 30 is consistent with the relevant RPS Objectives and Policies dealing with:
- B2.2. Urban growth and form
 - B2.3. A quality-built environment;
 - B2.5. Commercial and industrial growth;
 - B3.3. Transport
 - B6.2 Mana whenua
 - B7.3. Freshwater systems.
138. With respect to the RPS B2.7 Open Space and recreation facilities objectives and policies we agree with the reporting planner that PC 30 would not be contrary to objectives B2.7.1(1) and B2.7.1(3), and policy B2.7.2(7).
139. We agree with the Council’s s42A report assessment that PC 30 is generally consistent with the relevant directives and focus area of the Auckland Plan 2050 and contributes to a quality compact urban form approach to future development and more specifically will contribute to the following outcomes, directions and focus areas:
- Outcome: Māori identity and well being
Direction:
Recognise and provide for Te Tiriti o Waitangi outcomes
Focus Area:
 - Outcomes: Homes and Places
Direction:
Develop a quality compact urban form to accommodate Auckland’s growth
 - Outcomes: Transport and Access
Direction:
Better connect people, places, goods and services
Focus Area:

Make better use of existing transport networks

Better integrate land-use and transport decisions

- Outcome: Environment and Cultural Heritage

Directions:

Ensure Auckland's natural environment and cultural heritage is valued and cared for.

Use Auckland's growth and development to protect and enhance the natural environment

Focus Area:

Focus on restoring environments as Auckland grows

Account fully for the past and future impacts of growth

- Outcome: Opportunity and Prosperity

Directions:

Create the conditions for a resilient economy through innovation, employment growth and raised productivity

Focus Area:

Ensure regulatory planning and other mechanisms support business, innovation and productivity growth

140. We have also considered a number of other relevant plans and strategies including the Pukekohe-Paerata Structure Plan, the Supporting Growth Programme - Indicative Strategic Transport Network South and the Council's Future Urban Land Supply Strategy 2017. We consider PC 30 to be consistent with these plans and strategies.

141. 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.

142. 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 SFH Consultants Ltd., we accept that as sufficient for the notified PC 30.



143. Section 32AA 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.
144. There is only one change proposed, in terms of application of the SMAF 1 overlay to the plan change area, which has been accepted by CRC, is within scope of the submission of Mr Houston and concerns raised by mana whenua and otherwise does not pose a substantively new matter; supports the purpose, objectives and policies of the GBZ; and being acceptable to the applicant requires no further evaluation.
145. As no material new and relevant higher order policy statements or standards have been issued since the AUP(OP) came into partial operation in 2016, we see no need (or benefit to be gained) to make explicit reference to Part 2 RMA. We are satisfied that PC 30, as amended by us, satisfies the sustainable management of natural and physical resources purpose and its principles.
146. Having considered the relevant background documents, we are satisfied, overall, that PC 30 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

147. The Commissioners have considered the CRC's proposed private plan change application including the supporting section 32 analysis report, the Council's section 42A report, the submissions and evidence received. We find that Proposed Private Plan Change 30 – Pukekohe Park should be adopted with amendments.
148. We consider that proposed (private) Plan Change 30 to:
- rezone 5.8 hectares of its land at 222-250 Manukau Road, Pukekohe (Pukekohe Park) from Special Purpose – Major Recreation Facility to Business – General Business; and
 - remove the Pukekohe Precinct overlay from the rezoned area.
 - a) Is appropriate as the land is surplus to the requirements of the Counties Racing Club;
 - b) Will protect the ongoing operation of Pukekohe Park as a nationally and regionally important venue for horse racing and motor sport;
149. We are satisfied that PC 30 will assist the Council in achieving the purpose of the RMA and is consistent with the relevant National Policy Statements and gives effect to the Auckland Regional Policy Statement and the Auckland Plan 2050.

DECISION

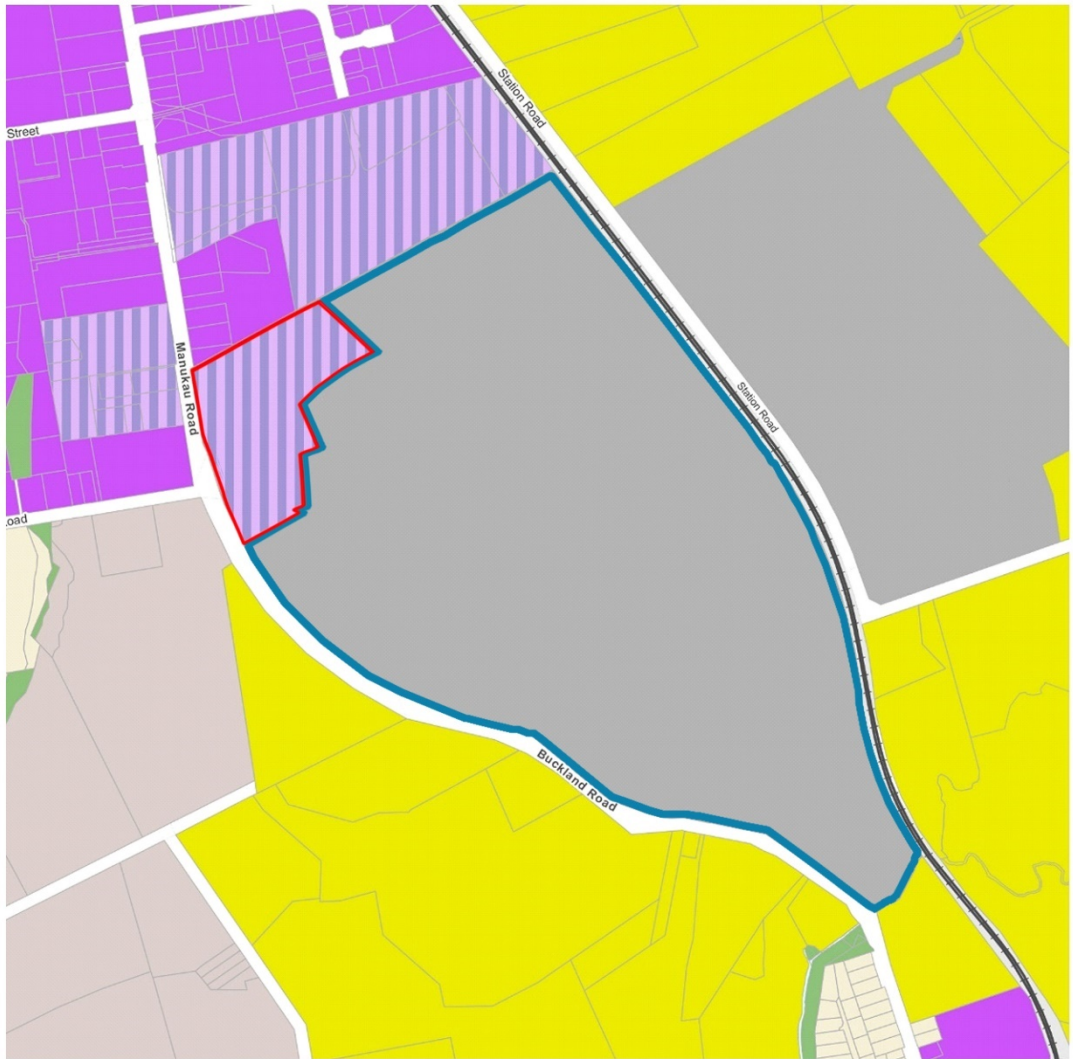
1. The Commissioners have determined, pursuant to Schedule 1 Clause 10 of the Resource Management Act 1991, Proposed Plan Change 30 - Pukekohe Park to the Auckland Unitary Plan (Operative in Part) be **APPROVED**, subject to the modifications as set out in this decision and the provisions in Attachment A and B.
2. The reasons for the decision are that the approval of Proposed Plan Change 30, as modified:
 - a. will assist the council in achieving the purpose of the RMA;
 - b. is consistent with the relevant National Policy Statements;
 - c. gives effect to the Auckland Regional Policy Statement and is consistent with the general provisions of the Auckland Unitary Plan;
 - d. is consistent with the provisions of Part 2 of the RMA;
 - e. is consistent with the Auckland Plan 2050 and the Pukekohe Paerata Structure Plan (2019);
 - f. is supported by necessary evaluations in accordance with sections 32 and 32AA RMA; and
 - g. will help with the effective implementation of the Auckland Unitary Plan.
3. 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.
4. That the Auckland Unitary Plan (Operative in Part) be amended in accordance with Attachment A, Plan Change Plan Change 30 - Pukekohe Park.
5. The following documents are appended to this decision:
 - a. Attachment A: Amendments to Unitary Plan arising from the decision on submissions to PC 30.
 - b. Attachment B: Consequential amendments to Unitary Plan provisions, I434 Pukekohe Park Precinct Plan 1.

	
Janine A. Bell (Chair) Independent Hearing Commissioner	Sheena Tepania Independent Hearing Commissioner

03 September 2020

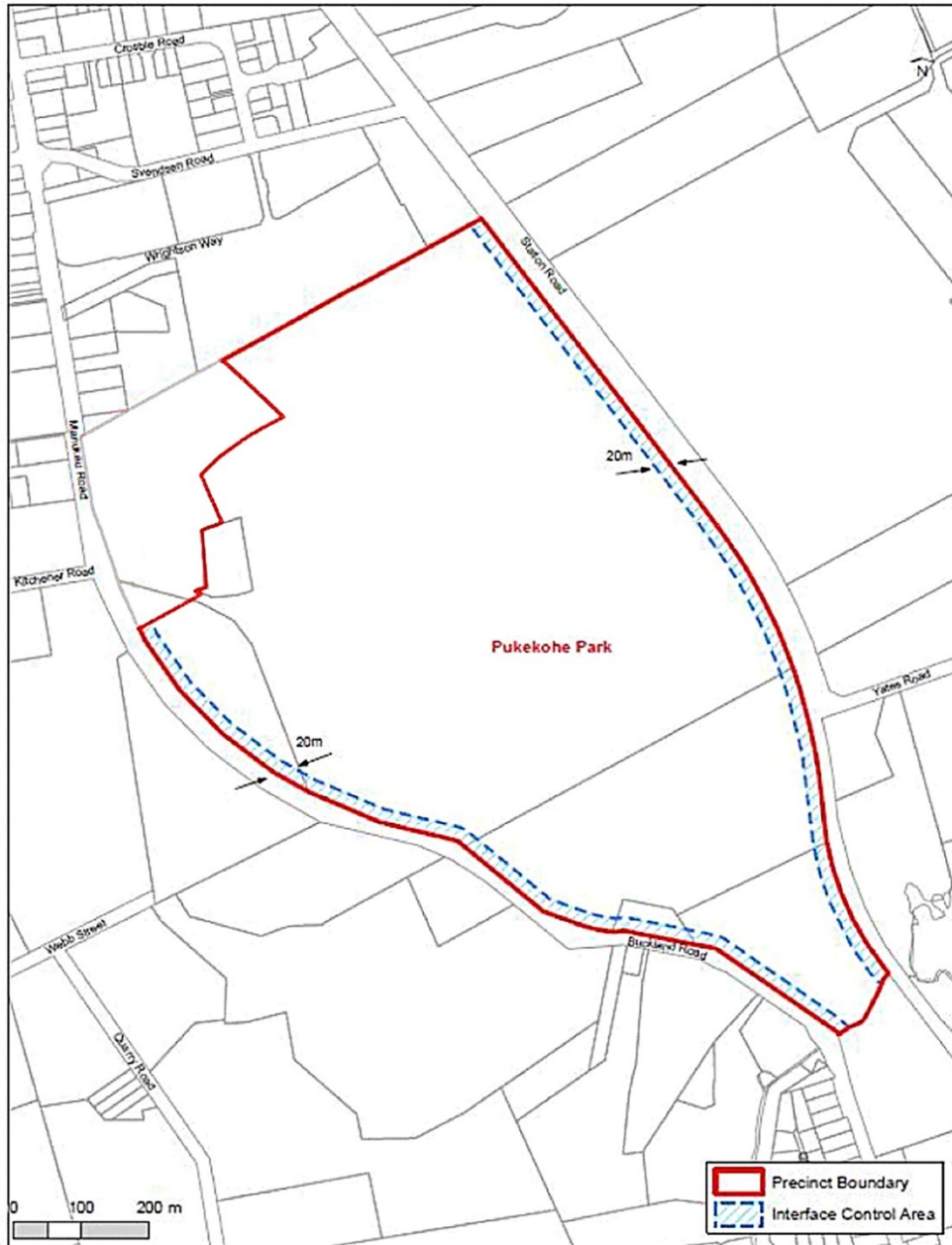
**ATTACHMENT A: AMENDMENTS TO THE AUCKLAND UNITARY PLAN – MAPS
ZONES**

Rezone the site from Special Purpose – Major Recreation Facility to Business – General Business.



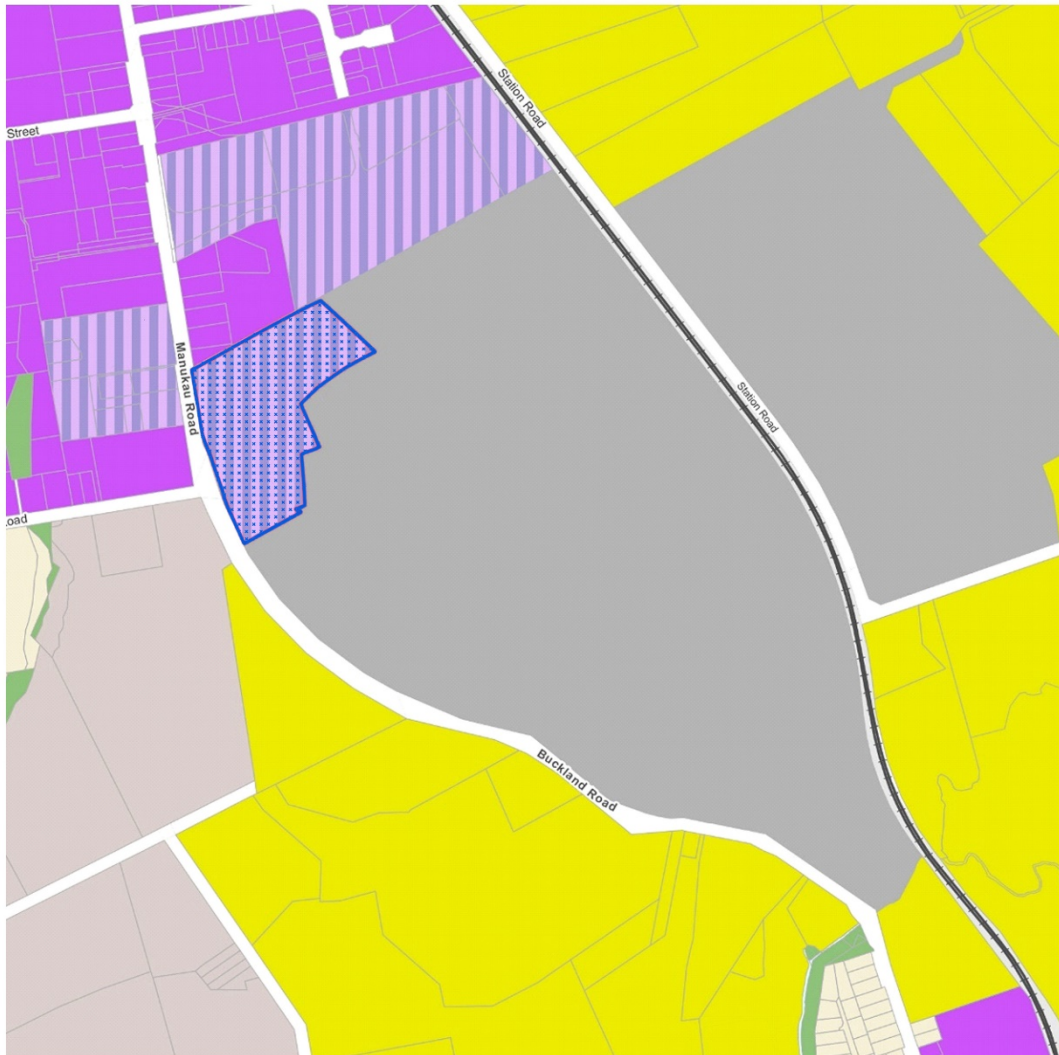
PRECINCTS

Remove the rezoned land from the Pukekohe Precinct



CONTROLS

Apply the Stormwater Management Area Control - Pukekohe - Tutaenui Stream, Flow 1 to the rezoned land.



Key

	Special Purpose - Major Recreation Facility Zone		Single House
	Future Urban Zone		Open Space - Informal Recreation Zone
	Rural Production Zone		Stormwater Control Area - Flow 1
	Light Industry Zone		
	General Business Zone		

**ATTACHMENT B: AMENDMENTS TO THE AUCKLAND UNITARY PLAN – I434
PUKEKOHE PARK PRECINCT PLANS I434.10.1. Pukekohe Park: Precinct plan 1.**



Attachment 2: Updated precinct plan

I434. Pukekohe Park Precinct

I434.1. Precinct description

The Pukekohe Park Precinct provides specific planning controls for the use and development of Pukekohe Park. Pukekohe Park is located adjacent to Manukau Road in Pukekohe and was established in the 1920's. The site comprises approximately 73 hectares and provides facilities for motor sports and horse racing.

The zoning of the land within the Pukekohe Park Precinct is Special Purpose - Major Recreation Facility Zone. The overlay, Auckland-wide and zone objectives and policies apply in this precinct in addition to those listed below.

Refer to the planning maps for the location and extent of the precinct.

I434.2. Objectives

- (1) Pukekohe Park is protected as a regionally and nationally important venue for motorsports activities and horse racing.
- (2) A range of activities compatible with, or accessory to, the primary activities are enabled.
- (3) The adverse effects of the operation of Pukekohe Park are avoided, remedied or mitigated as far as is practicable recognising that the primary activities will by virtue of their nature, character, scale and intensity, generate adverse effects on surrounding land uses which are not able to be fully internalised.

I434.3. Policies

- (4) Enable the safe and efficient operation of Pukekohe Park for its primary activities.
- (5) Protect the primary activities of Pukekohe Park from the reverse sensitivity effects of adjacent development.
- (6) Enable a range of accessory and compatible activities which:
 - (a) avoid, remedy or mitigate adverse effects; and
 - (b) are of a character and scale which will not displace the primary activities.
- (7) Manage the adverse effects of the operation of Pukekohe Park, having regard to the amenity of surrounding properties.
- (8) Recognise that Pukekohe Park's primary activities may generate adverse effects that are not able to be fully internalised and may need to be further mitigated by limiting or controlling their scheduling, duration and frequency.

I434.4. Activity table

The provisions in any relevant overlays and Auckland-wide apply in this precinct except those specified below.

- (1) [E24 Lighting](#);

- (2) [E25 Noise and vibration](#) (noise provisions only);
- (3) [E27 Transport – Rule E27.6.1](#);
- (4) [E27 Transport – Rule E27.6.2](#); and
- (5) [E40 Temporary activities](#).

Table I434.4.1 specifies the activity status of land use and development activities in the Pukekohe Park Precinct pursuant to section 9(3) of the Resource Management Act 1991.

Table I434.4.1: Activity table

	Activity	Activity status
Use		
Primary activities		
(A1)	Horse racing	P
(A2)	Motorsport activities	P
(A3)	Any primary activity not meeting Standard I434.6.5 but meeting all other standards	C
Accessory activities		
(A4)	Accessory activities	P
(A5)	Any accessory activity not meeting Standard I434.6.5 but meeting all other standards	C
Compatible activities		
(A6)	Organised sports and recreation	P
(A7)	Informal recreation	P
(A8)	Concerts, events and festivals	P
(A9)	Displays and exhibitions	P
(A10)	Functions, gatherings, conferences and meetings	P
(A11)	Markets, fairs and trade fairs	P
(A12)	Sports, recreation and community activities	P
(A13)	Professional fireworks displays meeting Standard I434.6.10	P
(A14)	Professional fireworks displays not meeting Standard I434.6.10	RD
(A15)	Helicopter flights meeting Standard I434.6.11	P
(A16)	Helicopter flights not meeting Standard I434.6.11	RD
(A17)	Filming activities	P
(A18)	Any compatible activity not meeting Standard I434.6.5 but meeting all other standards	C

Development		
(A19)	New buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity up to 16.5m in height	P
(A20)	New buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity greater than 16.5m and up to 20m in height	RD
(A21)	New buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity greater than 20m in height	D
(A22)	Light towers and associated fittings up to and greater than 20m in height	P
(A23)	New buildings, building alterations or additions to a building for a primary, compatible, or accessory activity not meeting Standard I434.6.8	RD
(A24)	Demolition of buildings	P
(A25)	Temporary buildings	P
(A26)	Workers' accommodation	P

I434.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table I434.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table I434.4.1 Activity table and which is not listed in I434.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in [Rule C1.13\(4\)](#).

I434.6. Standards

All permitted, controlled or restricted discretionary activities listed in Table I434.4.1 must comply with the following activity standards unless otherwise stated.

I434.6.1. Motorsport activities noise

- (1) There must not be any use of the track by motor vehicles, except for vehicles undertaking track or facility maintenance or repairs, in all of the following circumstances:
 - (a) from 24 December to January 2 inclusive;

(b) on Good Friday, Easter Sunday and Anzac Day;

[insert text]

(c) on Mondays, Tuesdays or more than two Wednesdays of any month except for category E events;

(d) Five days before and after a Category A event except that the track can be used for one Category E event within each five day period; and

(e) Three days before and after a Category B event except that the track can be used for one Category E event within each three day period.

(2) The use of the track for any motorsport activity, except for vehicles undertaking track or facility maintenance or repairs, may only take place between:

(a) Category A & B days between 7am to 7pm;

(b) *[deleted]*

(c) Category C, D and E days between 10am to 5pm.

(3) The use of the track for any motorsport activity, except for vehicles undertaking track or facility maintenance or repairs, must not exceed all of the following:

(a) 4 consecutive Category A days;

(b) 3 consecutive Category B days; and

(c) 3 consecutive days of Category C or D days.

(4) The noise (rating) level from any motorsport activity or from motor vehicles using the track must not exceed the noise limits in Table I434.6.1.1.

(5) Vehicles associated with the repair and maintenance of the track and/or facilities are excluded from Standard I434.6.1.

Table I434.6.1.1: Motorsport noise standards

Motorsport category	Number of days in any 12 month period	Noise limit (LAeq)	Timeframe
Category A	Not more than 6	90dB	12 hours
Category B	Not more than 24	85dB	12 hours
Category C	Not more than 50	80dB	7 hours
Category D	Not more than 40	70dB	7 hours
Category E	Any other day	60dB	7 hours

- (6) The measurement point for the noise limits in Table I434.6.1.1 is 2m above ground level at the existing 'Bravo' location, 22.5m from the edge of track at coordinates 37°12'54.95"S and 174°54'55.29"E.
- (7) Any motor vehicle using the track must not exceed a noise limit of 95dB_{L_AF_{max}} when measured 30 meters at a right angle from the track at points where the vehicle is under maximum power.
- (8) Vehicles using the track on Category E days must have an exhaust system meeting the requirements of Rule 2.7(8) of the Land Transport Rule – Vehicle Equipment Amendment 2007 (Rule 32017/2).
- (9) In the last week of February, May, August and November, the operator of Pukekohe Park Raceway must do both of the following:
 - (a) Publish a calendar identifying all Category A, B, C and D days booked or available at the track for the following 3 months. This must be published in a locally available paper (which is published at least weekly) and must be available on the operator's website; and
 - (b) Provide written notice to the Council of the use of the motor racing track identifying all Category A, B, C and D events held at the track for the previous 3 months.

I434.6.2. Public address system noise

- (1) The noise (rating) level from any public address system or any outdoor amplified sound system used for broadcasting voice or music within the site must comply with a noise limit of 50dB L_{Aeq} when measured at any notional boundary. This excludes Category A, B and C event days when the noise limit must be 65dB $L_{Aeq(5min)}$ at any notional boundary;
- (2) Any public address system or outdoor amplified sound system must not be used at any of the following times:
 - (a) before 7am or more than one hour before a motorsport activity is programmed to start, whichever is later; and
 - (b) after 7pm or more than one hour after programmed motorsport activity has finished, whichever is the earlier.
- (3) There must be no adjustment for special audible characteristics in relation to noise from the public address system.
- (4) Where $L_{Aeq(5min)}$ is specified, no 5 minute measurement sample can exceed the stated limit.

I434.6.3. General noise

- (1) The noise (rating) level from any activity (other than activities provided for in rules I434.6.1 and I434.6.2) as measured at any notional boundary must not exceed the noise limits in Table I434.6.3.1.

Table I434.6.3.1 General noise standards

Timeframes	Noise limit
Monday to Saturday 7am to 10pm Sunday 9am to 6pm	55dB L _{Aeq}
At all other times	45dB L _{Aeq} 75dB L _{AFmax}

- (2) On up to 2 days in any 12 month period, any activity can take place provided that the following standards are met. Standard I434.6.3(2) does not apply to motorsport and horse racing activities:
- (a) the noise (rating) level does not exceed a limit of 65dB L_{Aeq} when measured at any notional boundary; and
 - (b) the activity does not exceed 6 hours in duration and does not start before 9am and finishes no later than 10pm.
- (3) Professional fireworks displays and helicopter flights are excluded from this standard.

I434.6.4. Lighting

- (1) Lighting limits must be measured and assessed in accordance with Standard AS 4282-1997 (Control of the Obtrusive Effects of Outdoor Lighting). In the event of any conflict between these documents and the lighting standards set out below, the below standards will prevail.
- (2) Any calculation must be based on a maintenance factor of 1.0 (i.e. no depreciation).
- (3) Where measurements of any illuminance above background levels from the use of artificial lighting cannot be made because the owner will not turn off artificial lighting, measurements may be made in areas of a similar nature that are not affected by the artificial light. The result of these measures may be used for determining the effect of the artificial light.
- (4) For the purposes of Standard I434.6.4, the curfew and pre-curfew times are as stated in Table I434.6.4.1.

Table I434.6.4.1: Pre-curfew and curfew times

	Times
Pre-curfew	7am – 10pm
Curfew	10pm – 7am

- (5) The added illuminance from the use of any artificial lighting on any site must not exceed either one of the following:

- (a) The limits in Table I434.6.4.2 when measured at the boundary of any adjacent site containing a lawfully established dwelling. The illuminance limit will apply horizontally and vertically at any point on the boundary and at any height; or

Table I434.6.4.2: Horizontal and vertical illuminance at a boundary

	Illuminance limit
Pre-curfew	100 lux (above the background level)
Curfew	10 lux (above the background level)

- (b) The vertical illuminance limits in Table I434.6.4.3 when measured at the windows of habitable rooms of a lawfully established dwelling within a residential zone.

Table I434.6.4.3: Vertical illuminance at a window

	Vertical illuminance limit
Pre-curfew	10 lux
Curfew	2 lux

- (6) Outdoor artificial lighting operating on any site between sunset and sunrise must not exceed a threshold increment limit of 15% (based on an adaption luminance of 2 cd/m²) on any public road, calculated within each traffic lane in the direction of travel.
- (7) Any exterior lighting must be selected, located, aimed, adjusted and/or screened to ensure that glare resulting from the lighting does not exceed 10,000 cd for pre-curfew times and 1,000 cd for curfew times at the windows of habitable rooms of a lawfully established dwelling.
- (8) The average surface luminance for an intentionally artificially lit building façade must not exceed 10 cd/m². The values may be determined by calculation or measurement in accordance with CIE 150:2003 (Guide on the limitation of the effects of obtrusive light from outdoor lighting installations) – International Commission on Illumination ISBN 3 901 906 19 3.
- (9) Professional fireworks displays are excluded from this standard.

I434.6.5. Traffic management

All activities must meet at least one of the following traffic management standards:

- (1) The activity and management of associated transport and traffic effects is undertaken in accordance with a Transport and Traffic Management Plan authorised by Auckland Transport; or

- (2) The activity generates a crowd of less than 5,000 people and does not require the closure of a public road.

I434.6.6. Parking

- (1) Any loss of existing formed and marked parking spaces from 30 September 2013 must be accommodated elsewhere within the precinct unless the number of parking spaces provided exceeds the requirements set out in [E27 Transport – district rule E27.6.2](#).

I434.6.7. Screening

- (1) Any outdoor storage or rubbish collection areas that are visible from a residential zone or an open space zone must be screened from those areas.

I434.6.8. Interface control areas

- (1) New buildings, external building alterations or additions to a building must be located outside the Interface Control Area (ICA) as illustrated on the precinct plan. Temporary buildings are excluded from this standard.

I434.6.9. Height in relation to boundary

- (1) Where the Pukekohe Park Precinct directly adjoins another zone, the height in relation to boundary standard that applies in the adjoining zone also applies to the adjoining Pukekohe Park Precinct boundary.
- (2) Where the Pukekohe Park Precinct directly adjoins a road or a zone with no height in relation to boundary standard, buildings must not project beyond a 45 degree recession plane measured from a point 8.5m vertically above ground level on the precinct boundary.
- (3) Temporary buildings, light towers and associated fittings are excluded from this height in relation to boundary standard.

I434.6.10. Professional fireworks displays

- (1) Displays are limited to 3 in any 12 month period.
- (2) Displays must not exceed 15 minutes in duration.
- (3) Displays must be finished by 10:30pm.
- (4) Fireworks must be discharged at least 120 meters from any residential zone.
- (5) Displays must comply with 140dB L_{Zpeak} at any point in the audience area and within the boundary of any activity sensitive to noise.

I434.6.11. Helicopter flights

- (1) Landing and departures must take place at least 150m from any neighbouring site.
- (2) The helicopter movements must not exceed the numbers in Table I434.6.11.1 where an arriving flight and a departing flight are counted as two movements.

Table I434.6.11.1 Helicopter Movements

Motorsport category	Number of movements
Category A day	Limited to 30 movements per Category A day
Category B day	Limited to 30 movements (in any 12 month period)
Category C day	
Category D day	
Category E day	

I434.6.12. Temporary buildings

- (1) Temporary buildings must be erected for a continuous period of no greater than 90 days, excluding set up and dismantling time.

I434.7. Assessment – controlled activities**I434.7.1. Matters of control**

The Council will consider the relevant assessment criteria below for controlled activities, in addition to the assessment criteria specified for the relevant controlled activities in the overlay or Auckland-wide provisions:

- (1) The effects of the proposed activity on the safety and efficiency of the transport network.

I434.7.2. Assessment criteria

The Council will consider the relevant assessment criteria below for controlled activities, in addition to the assessment criteria specified for the relevant activities in the overlay and Auckland-wide provisions:

- (1) Effects on the safety and efficiency of the transport network:
- (a) the extent to which there are likely to be adverse effects on the safe and efficient operation of the transport network and pedestrian movements;
 - (b) the extent to which entry and exit points to the precinct will be managed to accommodate traffic and pedestrian movements; and
 - (c) the extent to which any proposed mitigation measures will address adverse traffic and parking effects. Such measures may include travel planning, providing alternatives to private vehicle trips and the preparation and implementation of a Transport and Traffic Management Plan (prepared by a suitably qualified and experienced person).

I434.8. Assessment – restricted discretionary activities

I434.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant activities in the overlay and Auckland-wide provisions:

- (1) Any activity that does not comply with noise and/or lighting standards:
 - (a) The effects of non-compliance with a noise and/or lighting standard on the amenity values of surrounding properties and safety of transport networks.
- (2) Any activity that does not comply with permitted helicopter flight standards:
 - (a) The effects of non-compliance with the permitted helicopter flight standards on the amenity of surrounding properties.
- (3) Any activity that does not comply with permitted professional fireworks display standards:
 - (a) The effects of non-compliance with the permitted fireworks display standard on the amenity of surrounding properties.
- (4) Any new buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity greater than 16.5m and up to 20m in height and/or which does not comply with height in relation to boundary standards:
 - (a) The visual effects of the additional bulk and scale of buildings on the amenity of private properties, streets and public open spaces.
- (5) Any new buildings, external building alterations or additions to a building for a primary, compatible, or accessory activity not meeting Standard I434.6.8:
 - (a) The visual effects of the building design and external appearance on the amenity of private properties, streets and public open spaces.
- (6) Any activity that does not comply with screening standards:
 - (a) The visual effects of rubbish and storage areas on residential and open space sites.

I434.8.2. Assessment criteria

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

- (1) The effects of non-compliance with a noise and/or lighting standard on the amenity values of surrounding properties and safety of transport networks:
 - (a) Whether the effects of the activity will give rise to noise effects that are unreasonable, having regard to all of the following:

- (i) the cumulative noise effects of other activities which are permitted on the site;
 - (ii) the cumulative effect of numerous infringements of noise standards; and
 - (iii) the degree of non-compliance;
- (b) Whether people likely to be affected by the exceedance of noise standards will be given reasonable notice of the likely effects of the infringement including start time and end time;
- (c) The extent to which duration and hours of operation are managed to minimise the effects of the infringement having regard to the operational requirements and reason for the infringement;
- (d) The extent to which any artificial lighting will create a traffic safety issue;
- (e) Whether the number, placement, design, height, colour, orientation and screening of light fittings and light support structures minimise light spill, glare, and loss of night time viewing;
- (f) The extent to which the amount of light falling into habitable rooms of during the hours of darkness is minimised to control effects on indoor amenity and sleep disturbance; and
- (g) Whether the artificial lighting is necessary, suitable and adequately protects the amenity of the surrounding environment.
- (2) The effects of non-compliance with the permitted helicopter flight and/or fireworks display standard on the amenity of surrounding properties:
- (a) The extent to which the additional activities adversely affect the amenity of surrounding properties, having regard to all of the following:
 - (i) the sensitivity of the surrounding environment;
 - (ii) the cumulative effect of numerous infringements of this standard;
 - (iii) the additional number of activities; and
 - (iv) whether there is an operational need for the exceedance.
- (3) The visual effects of the additional bulk and scale of buildings on the amenity of private properties, streets and public open spaces.
- (a) The extent to which the height, location and design of the building allow reasonable sunlight and daylight access to:
 - (i) streets and public open spaces; and
 - (ii) adjoining sites, particularly those in residential zones;

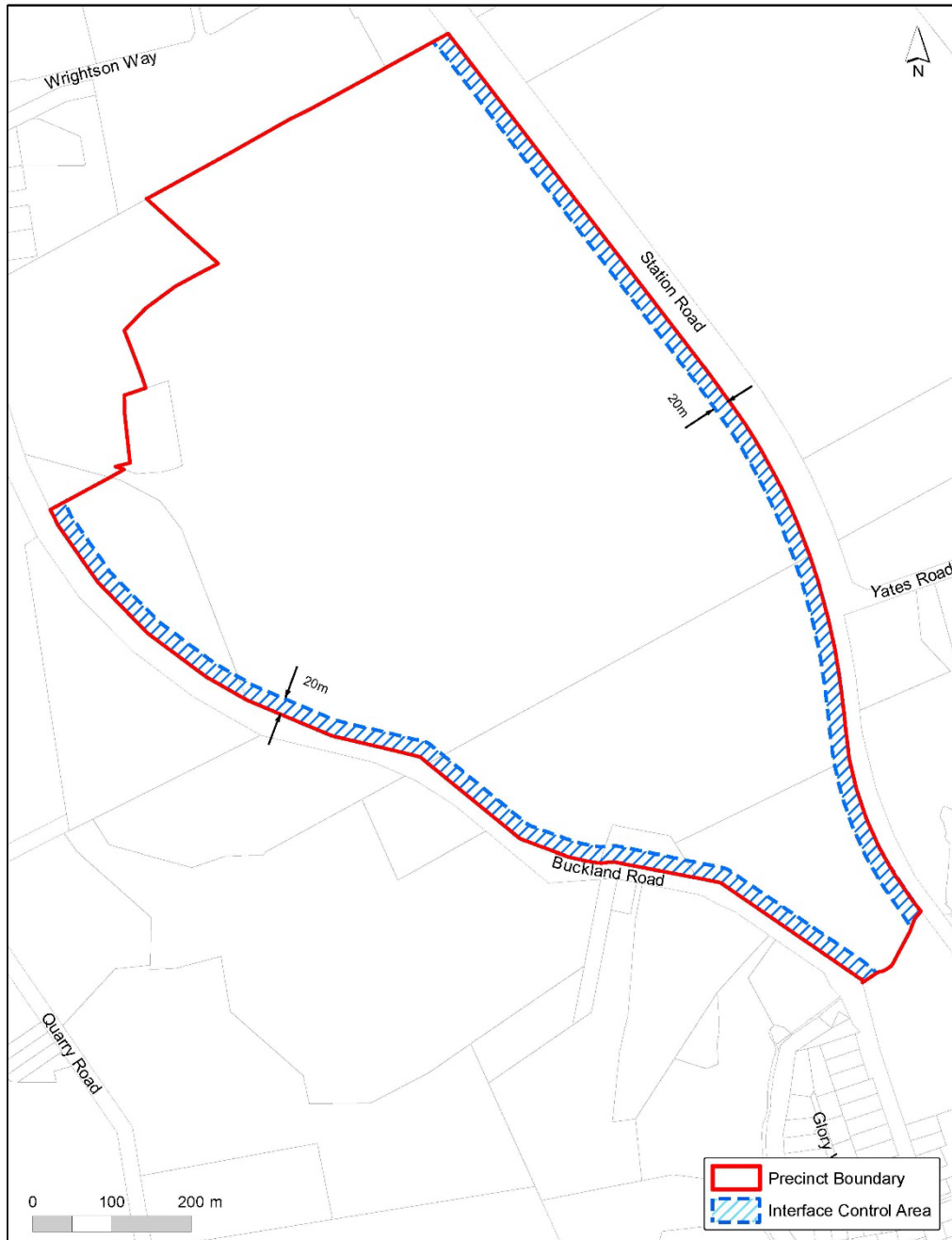
- (b) The extent to which the building avoids, remedies or mitigates any potential loss of privacy for surrounding properties (particularly those in residential zones);
 - (c) Whether there is an operational, technical or locational need to exceed height and/or height in relation to boundary standard/s; and
 - (d) The extent to which adverse effects of the visual dominance of the building on the surrounding area (including roads) are avoided, remedied or mitigated having regard to the amenity and character of the surrounding area and the functional and operational needs of the facility.
- (4) The visual effects of the building design and external appearance on the amenity of private properties, streets and public open spaces:
- (a) The extent to which the building design and external appearance avoids, remedies or mitigates adverse effects on the surrounding area having regard to all of the following:
 - (i) the amenity values and character of the surrounding area;
 - (ii) the functional and operational requirements of the precinct;
 - (iii) whether crime prevention through environmental design (CPTED) principles have been integrated into external building and layout design;
 - (iv) whether long unrelieved frontages and excessive bulk and scale when viewed from the public realm and residential zones have been avoided;
 - (v) whether mechanical and electrical equipment has been integrated into the building design as far as is practicable;
 - (vi) whether quality, durable, fit for purpose and easily maintained materials have been used for building design and construction; and,
 - (vii) whether landscape design is utilised to enhance the visual appearance of the development, including around parking areas and service areas.
- (5) The visual effects of rubbish and storage areas on residential and open space zoned sites:
- (a) The extent to which screening is practicable; and
 - (b) The extent to which distance and topographical matters mitigate likely adverse visual effects.

I434.9. Special information requirements

There are no special information requirements for this precinct.

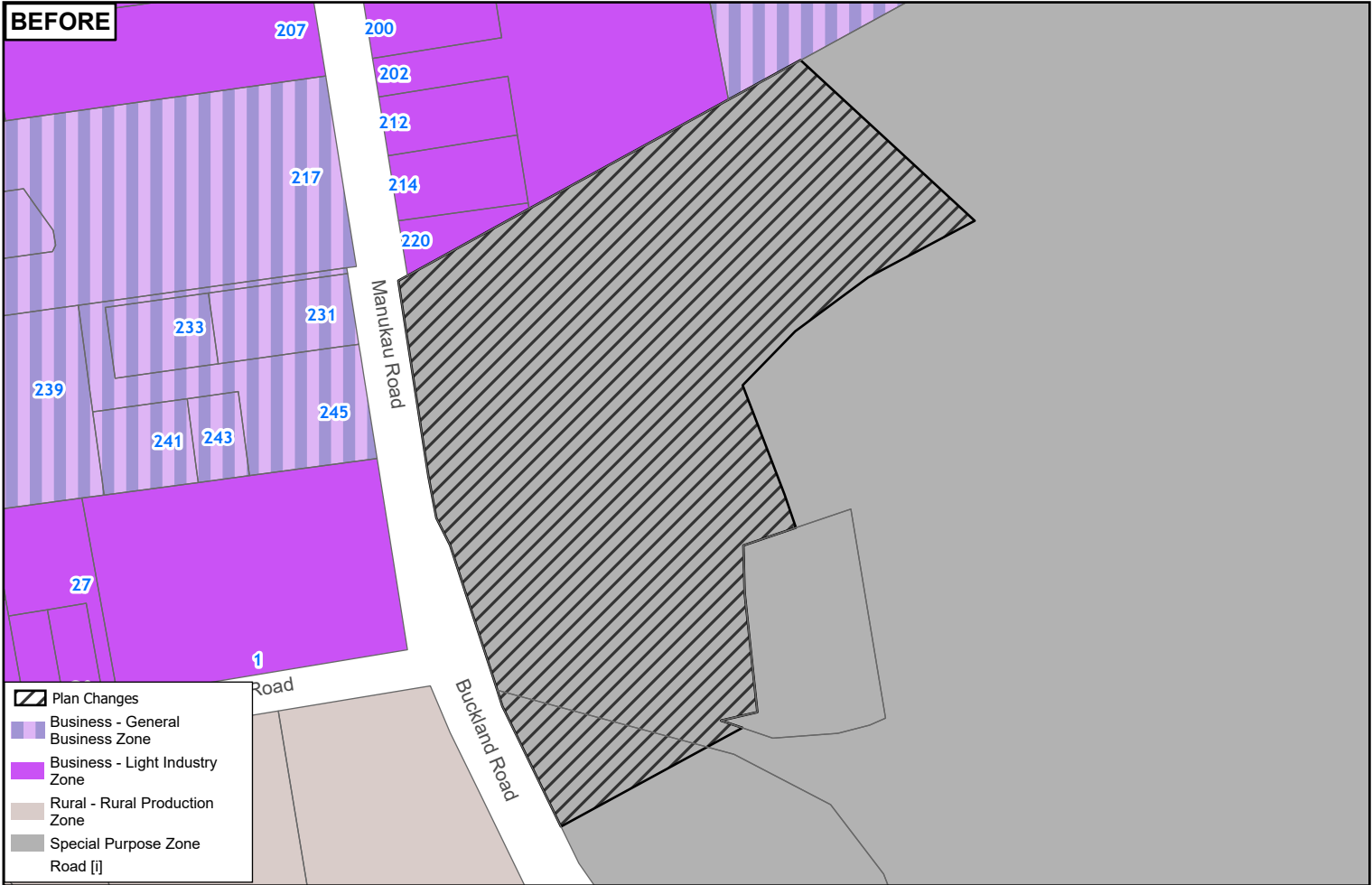
I434.10. Precinct plans






I434.10.1. Pukekohe Park: Precinct plan 1



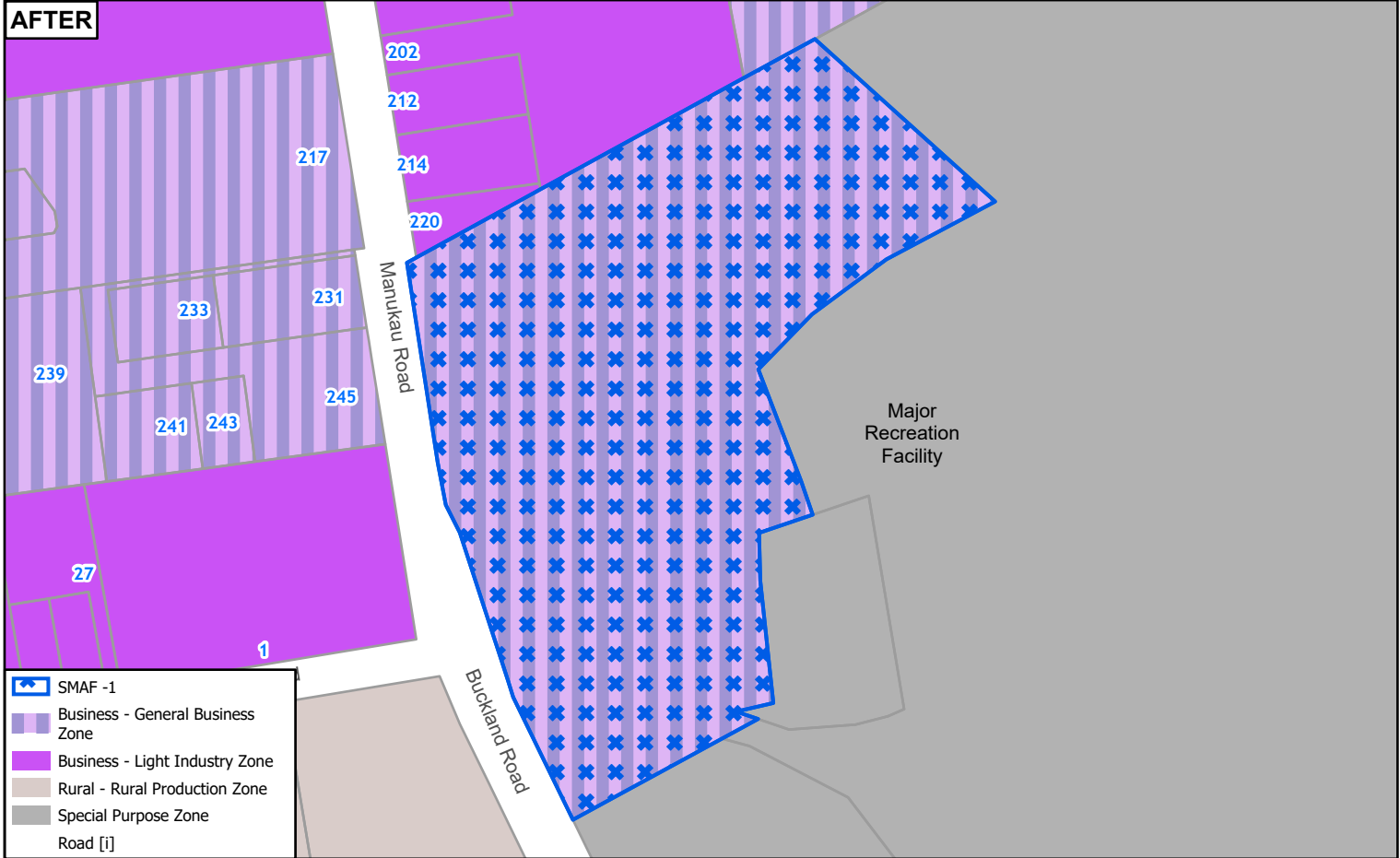
Attachment 3: Updated GIS Viewer

BEFORE



-  Plan Changes
-  Business - General Business Zone
-  Business - Light Industry Zone
-  Rural - Rural Production Zone
-  Special Purpose Zone
- Road [i]

AFTER



-  SMAF -1
-  Business - General Business Zone
-  Business - Light Industry Zone
-  Rural - Rural Production Zone
-  Special Purpose Zone
- Road [i]



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 9/02/2021

**Private Plan Change 30
 Rezone from Special Purpose – Major Recreation Facility
 to Business – General Business zone.
 Add new SMAF -Flow 1 Control**



Plans and Places