

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager, Central South Unit

FROM Lee-Ann Lucas, Senior Policy Planner, Central South Unit





DATE 8 February 2022

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



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

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| Reason for update – Plan Change 58 (Private): 470 and 476 Great South Road and 2 and 8 Gatland Road, Papakura to become operative | |
| Chapter | Chapter I – Precincts AUP GIS Viewer |
| Section | I446 Gatland Road Precinct AUP GIS Viewer |
| Designation only | |
| Designation # | N/A |
| Locations: | N/A |
| Lapse Date | N/A |
| Purpose | N/A |
| Changes to text (shown in underline and strikethrough) | Introduce a new precinct – I446 Gatland Road Precinct Refer to attachment A |
| Changes to diagrams | N/A |
| Changes to spatial data | Rezone the land at 2 Gatland Road to 'Business – Neighbourhood Centre Zone' and to rezone the land at 470 & 476 Gatland Road and 8 Gatland Road to 'Residential – Mixed Housing Urban Zone'. There is to be a precinct applied to all the locations listed above. |
| Attachments | Attachment A: PC 58 Decision Attachment B: Updated text Attachment C: Updated GIS Viewer |

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| Prepared by: Lee-Ann Lucas Senior Policy Planner – Central South | Text Entered by: Harry Barnes Planning Technician |
| Signature:  | Signature:  |
| Maps prepared by: Aching Konyak Geospatial Specialist | Reviewed by: Craig Cairncross Team Leader – Central South |
| Signature:  | Signature:  |

Signed off by:

Celia Davison

Manager Planning – Central South

Signature:

C. A. Davison

Attachment A: PC 58
Decision

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



Proposed Private Plan Change 58 (PC 58) 470 & 476 Great South Road and 2 & 8 Gatland Road, Papakura – to the Auckland Unitary Plan

Proposal (in summary).

To rezone 6.1 hectares (**ha**) of land at 470 & 476 Great South Road and 2 & 8 Gatland Road from Future Urban Zone (**FUZ**) to approximately 6ha of Residential – Mixed Housing Urban Zone (**MHUZ**) and 1,700m² of Business – Neighbourhood Centre zone (**BNC**).

This private plan change is **APPROVED** with modifications to that notified. The reasons are set out below.

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| Private Plan Change number: | 58 (PC 58) |
| Site addresses | 470 & 476 Great South Road and 2 & 6 Gatland Road |
| Applicant: | Greg & Nicky Hayhow |
| Hearing | 20 September 2021 – by Audio Visual Link (Teams) |
| Hearing panel: | Greg Hill (Chairperson) Karyn Kurzeja Mark Farnsworth MNZM |
| Appearances at the on-line hearing: | <u>Applicant:</u> Greg and Nicki Hayhow, the Applicant <ul style="list-style-type: none"> • Daniel Sadlier, Legal Counsel • Evan Peters, Engineer (Stormwater) • Michelle Seymour, Engineer (Traffic) • Mark Benjamin, Planner <u>Papakura Local Board</u> Brent Catchpole, chair |

| | |
|-----------------------------------|---|
| | <p><u>Submitters:</u> Peter Bolam,</p> <ul style="list-style-type: none"> • Kaaren Rosser, Planner • Ajay Desai, Engineering <p>Auckland Transport</p> <ul style="list-style-type: none"> • Rowan Ashton, Legal Counsel • Chris Freke, Transport Planner • Teresa George, Corporate <p>The Council:</p> <ul style="list-style-type: none"> • Craig Cairncross, Team Leader • Lee-Ann Lucas, Senior Policy Planner, section 42A report author • Andrew Temperley, Traffic Engineer • Chloe Trenouth, (Healthy Waters - Stormwater and Flooding) <p>Hearing Administrator</p> <ul style="list-style-type: none"> • Sam Otter, Senior Hearings Advisor |
| Tabled Statements from Submitters | Kāinga Ora (10 September 2021) |

INTRODUCTION

1. The private plan change request by **Greg & Nicky Hayhow** (“**the applicant**”) was made under Clause 21 of Schedule 1 to the RMA and was accepted by the Council, under clause 25(2)(b) of Schedule 1 to the RMA on 24 November 2020.
2. A report in accordance with section 32 and 32AA (in relation to the changes sought) of the RMA was prepared in support of the proposed plan change for the purpose of considering the appropriateness of the proposed provisions.
3. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioners Greg Hill (Chair), Karyn Kurzeja and Mark Farnsworth (“**the Hearing Panel**”) appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**RMA**).
4. The Hearing Panel has been delegated the authority by the Council to make a decision on Plan Change 58 (**PC 58**) to the Auckland Council Unitary Plan Operative in Part (**AUP OP**). In making our decision we have considered the Application, the Assessment of Environmental Effects (and all associated material provided with the application), all of the submissions, the section 32 and 32AA evaluations, the Section

42A report prepared by Ms Lee-Ann Lucas, the Joint Witness Statements arising from expert conferencing¹, legal submissions and the evidence presented during the hearing.

SUMMARY OF PLAN CHANGE AS NOTIFIED

5. The proposed Plan Change was described in detail in the applicant's AEE and in the Council's section 42A hearing report. The site, which comprises 6.1ha, is currently zoned Future Urban Development (**FUZ**) under the AUP (OP). The Applicant proposes to rezone the land for urban activities specifically:

- Approximately 6 ha to be rezoned as Mixed Housing Urban zone (**MHU**); and
- 1,700m² to be rezoned as Business – Neighbourhood Centre zone (**BNC**).

6. The Applicant's request² for the private plan change sets out why the change was necessary. The report states:

Clause 22(1) of the RMA requires that a plan change request explains the purpose of, and reasons for, the proposed plan change. The purpose of the Plan Change, or the objective of the Plan Change, is to apply an urban (residential and business) zoning to 6.1 hectares of Future Urban zoned land in line with the Drury-Opāheke Structure Plan.

7. The Plan Change area comprises four properties, being 470 and 476 Great South Road and 2 and 8 Gatland Road. The Applicant is the majority owner of the PC 58 land (approximately 5.99ha) which is proposed to be zoned MHU, while 2 Gatland Road in the southwest corner of the 'site' (to be zoned BNC), is owned by another party.

THE SITE AND SURROUNDING ENVIRONMENT

8. Both the Applicant's Assessment of Environmental Effects (**AEE**) and the Section 42A Report provide detailed descriptions of the PC 58 area and the surrounding environment. In summary, the land contains three dwellings (one each at 470 Great South Road, 2 Gatland Road and 8 Gatland Road) with 476 Great South Road vacant and in pasture. The 470 Great South Road and 2 Gatland Road properties are smaller residential land holdings with 476 Great South Road and 8 Gatland comprising the larger rural portion of land. The land contains a number of accessory buildings (garages, barns etc).

¹ Transport and Planning (13 September 2021) and Open Space, Stormwater and Planning (14 September 2021)

² Paragraph 5.7 of the Assessment of Effects & Statutory Assessment

9. The topography of the site is of a gently rolling contour, with the land dropping from the northern and southern ends towards the middle of the land where an overland flow path runs east north east to an existing stormwater pond on the eastern side of the land.
10. In terms of reticulated services, stormwater is provided on site, with a public line and stormwater pond located within the plan change area while 2 Gatland Road is served by a connection to the public wastewater systems. The dwellings at 470 Great South Road and 8 Gatland have onsite wastewater treatment and disposal systems.
11. The site is bound to the north, west and south by existing suburban residential development with detached one and two-level dwellings with densities generally in the range of 1 dwelling per 500-800m². This land is all zoned Mixed Housing Suburban. The land to the east is zoned FUZ and is similar in terms of the existing use to the PC 58 land.
12. The PC 58 land is situated approximately 2.5km south of the Papakura town centre and 1.5km north of the Drury town centre. The land is also located within 2km of the motorway interchanges at Papakura and Drury, and within 2.5km of the existing Papakura Train Station (with a 230-space park and ride facility). The 376 bus route operates along Great South Road between Drury and Papakura Station, at a frequency of every 30 minutes at peak times.
13. The wider Opāheke area east of the plan change land is subject to flooding constraints, identified by Council's flood plain maps and the Coastal Inundation (1 per cent AEP plus 1m sea level rise) control in the AUP (OP).

EXISTING PLAN PROVISIONS

14. The subject site is zoned FUZ in the AUP (OP). FUZ is a transitional zone applying to greenfield land that has been identified as suitable for urbanisation. In the interim, land in the FUZ may be used for a range of general rural activities.
15. The Regional Policy Statement³ (**RPS**) requires the rezoning of FUZ land to follow the structure planning process and to occur through a plan change process. The Drury Opāheke Structure Plan (**DOSP**) has been completed by the Council. We address the DOSP below, and record that PC 58 is largely in accordance with it.

STRATEGIC CONTEXT

16. The Application and the Section 42A Report provided a detailed strategic context of this plan change and the wider planning context. In summary - the Auckland Plan

³ Regional Policy Statement section of the AUP-OP

2050 seeks that most of Auckland's anticipated population and dwelling growth over the next 30 years is within the existing urban area. In terms of development form, the Auckland Plan takes a quality compact approach to growth and development. The Auckland Plan's Development Strategy shows a number of urban expansion areas in the southern sector, including Drury West, the location of the plan change request.

17. The Council's Future Urban Land Supply Strategy 2017 (**FULSS**) sequences the release of future urban land with the supply of infrastructure over 30 years for the entire Auckland region. The FULSS has a regional focus and attempts to provide a sustainable path for greenfields expansion to the north, west and south of the Auckland urban area.
18. The intended staging for growth in Drury-Opāheke is set out in the FULSS as:
 - Drury west of SH1 and north of SH22 is to be development ready from 2022 (including the PC51 area); and
 - The remainder of the Drury-Opāheke Structure Plan area is to be development ready by between 2028 and 2032.
19. The Section 42A Report records:
 - in this context 'development ready' means that urban zoning and bulk infrastructure is provided; and
 - The FULSS seeks that structure planning that occurs in accordance with the timing of the FULSS will be accompanied by a funding plan that is coordinated with the timing of rezonings; and
 - The funding plan will see funding commitments made in the Council's *Long-Term Plan*, the *Regional Land Transport Plan* and where relevant, *Development Contributions Policy*.
20. The DOSP outlines how growth anticipated within this area can be achieved by indicating the location of future land use zonings, infrastructure and constraints within the Drury and Opāheke area covered by the DOSP. This includes the location of residential areas, town centres, business areas and critical infrastructure amongst other elements. We find that PC 58 is largely in accordance with the DOSP.
21. The Section 42A Report also provided an overview of the transportation issues; noting through Te Tupu Ngātahi Supporting Growth Alliance (**SGA**), Auckland Transport ('**AT**') and Waka Kotahi New Zealand Transport Agency (**WK**) have identified the preferred transport network and interventions required to support future urban growth in the southern sector. In January 2021, SGA lodged Notices of

Requirement ('**NoRs**') to route protect five strategic transport corridors identified in the preferred transport network for the south.

22. In January 2020, Central Government committed funding to transport infrastructure projects through the New Zealand Upgrade Programme (**NZUP**). Since January 2021 a number of significant changes have occurred, including increases in construction costs, fiscal constraints following COVID-19 and the Climate Change Commission's draft report recommending transport emissions need to be halved by 2035. On 4 June 2021 Government announced a reset of the NZUP programme which will allocate funding to the following projects within Drury-Opāheke⁴:
- Fully funding the two new railway stations in Drury Central and Drury West, along with 'park and ride' facilities, with construction of the stations commencing in 2023;
 - Fully funding the electrification of the railway track from Papakura to Pukekohe, with construction commencing late 2020; and
 - State Highway 1 Papakura to Drury improvements, including three-laning the state highway and upgrading the Drury interchange, to be completed by 2026.
23. The reset will also deliver: a two-lane northern section of Mill Road (Flat Bush to Alfriston), SH1 improvements, including a shared path between Papakura and Drury and investment in Drury transport upgrades that support releasing additional housing. The existing proposals for Mill Road and Papakura to Drury South Stage 2, including the Drury South interchange, are deferred.

NOTIFICATION PROCESS AND SUBMISSIONS

24. PC 58 was publicly notified on 11 December 2020; with submissions closing on the 2 March 2021. Ten primary submissions were received⁵. A summary of the submissions was publicly notified on 25 March 2021; with further submissions closing on the 12 April 2021. Six further submissions were received; one of these submissions was late. We accepted the late further submission (Mr Bolam) in terms of the provisions of section 37 of the RMA; noting that the Applicant did not oppose accepting the late submission.
25. The Section 42A Report provided a tabulation of the issues raised by the submitters, in their submissions and further submissions. They are:

| Sub | Submitter | Matters raised |
|-----|-----------|----------------|
|-----|-----------|----------------|

⁴ New Zealand Upgrade Programme Transport update June 2021 – South Auckland

⁵ Section 42A Report - Section 6

| no. | | |
|-----|-------------------------------------|--|
| 1 | Stuart Hope | Concerns regarding 'pass it forward' approach to stormwater infrastructure as his property to the east. Loop road should be designed to link with SHA development to the north east – Bellfield SHA. |
| 2 | Dominique Lowry | Proposal ahead of infrastructure provisions. Concerns regarding effects on users of and residents along Great South Road. |
| 3 | Ngati Te Ata Waiohua | Seek inclusion of CVA into the overall design of the plan change. |
| 4 | Veolia Water Services | Water and wastewater capacity and network design. |
| 5 | Counties Power | Support but seeks that any activities/development within the road reserve consider the impact on existing infrastructure in this space. Amend provisions to require consultation with these other parties. |
| 6 | Farzana Sakkai | Concerns regarding the construction phase for future development and potential impact on the foundation of boundary structures and houses. |
| 7 | Heritage New Zealand Pouhere Taonga | Need for archaeological assessment prior to plan change approval or development. |
| 8 | Auckland Transport | Alignment with transport infrastructure planning/funding for wider area, delivery of frontage upgrades, pedestrian improvements and road widening, internal transport network and future connectivity. |
| 9 | Kāinga Ora | Support rezoning of the plan. Oppose proposed precinct plan as a duplication of objectives, policies and provisions of AUP (OP). Oppose requirement to use inert building materials. |
| 10 | Peter Bolam | Concerns regarding 'pass it forward' approach to stormwater onto their adjoining property, downstream infrastructure needs to be upgraded to accommodate future development. |

Local Board Comments

26. The Papakura Local Board provided its input to PC 58, and Mr Catchpole presented these at the hearing. The Board expressed the view that:

“The land should be released for development in line with Auckland Council’s Future Urban Land Supply Strategy to ensure council can manage the costs associated with

the development of infrastructure to support growth. The local board has an advocacy point in the Local Board Plan 2020 regarding infrastructure to be in place before development happens.”

27. The Board’s comments addressed:
- A wider view of the development in the immediate area;
 - Greenspace & play space;
 - Paths and connectivity;
 - Parking and road widths;
 - The presumption that people will use public transport;
 - Public transport; and
 - Mana whenua input.

STATUTORY REQUIREMENTS

28. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the Section 42a Report⁶.
29. The Applicant in their *Plan Change Request*⁷ dated November 2020, provided an evaluation pursuant to section 32, and the additional information (*Clause 23*) requested by Auckland Council.
30. We do not need to repeat contents of the Applicant’s Plan Change Request and Section 32 Assessment Report in any detail, as we accept the appropriate requirements for the formulation of a plan change have been comprehensively addressed in the material before us. However, in its evidence and at the hearing, we note that the Applicant proposed some changes to the plan change in response to concerns raised by the Council and Submitters. We also note here that almost all of the issues raised in relation to PC 58 were resolved through expert conferencing (as set out in the JWS’s), or were not actively pursued by submitters (e.g. the letter received from Kāinga Ora).
31. We also note that the Section 32 Assessment Report clarifies that the analysis of efficiency and effectiveness of the plan change is to be at a level of detail that

⁶ Section 42A Report at Section 3

⁷ Plan Change Request – Assessment of Effects & Statutory Assessment. Mt Hobson Group November 2020 at Section 9

corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal. Having considered the application and the evidence, we are satisfied that PC 58 has been developed in accordance with the relevant statutory requirements.

32. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions, while clause 29 (4) requires us to consider the plan change and to give reasons for (in this case) approving it. This decision gives effect to those clauses of the RMA. The decision must also include a further evaluation, in accordance with section 32AA of the RMA, of any proposed changes to the Plan Change. We address these matters below, as well as setting out our reasons for accepting, accepting in part, or rejecting submissions.

FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE.

33. The following section addresses our overall findings on PC 58, having heard and considered all of the material and evidence before us. We then more specifically address the submissions received to PC 58 and the relief sought in those submissions. In accordance with Clause 10(2) of the RMA, we have grouped together those submissions under the headings that were used in the section 42A report for consistency and clarity.
34. With respect to further submissions, they can only support or oppose an initial submission. Our decisions on the further submissions reflects our decision on those initial submissions having regard, of course, to any relevant new material provided in that further submission. As an example, if a Further Submission supports a submission(s) that opposes the Plan Change and we have recommended that the initial submission(s) be rejected, then it follows that the Further Submission is also rejected.
35. We also note that we must include a further evaluation of any proposed changes to the Plan Change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA of the RMA. With regard to that section, the evidence presented by the Applicant, Submitters and Council Officers and this report, including the changes we have made, effectively represents that assessment. All the material needs to be read in conjunction with this decision report where we have determined that changes to PC 58 should be made.
36. For context, we set out and accept the Applicant's rationale for seeking to change the AUP (OP) and rezoning of the site from FUZ to MHU. This was detailed in the Application, evidence and the legal submissions. For the reasons that follow, it is our view that the provisions of PC 58 (as we have determined them) are more efficient and appropriate in terms of the section 32 and section 32AA of the RMA

than those of the AUP (OP).

37. For the reasons that follow, we are satisfied that PC 58 (in the form we have approved), better meets the Act's section 32 requirements and Part 2 than those currently in the AUP (OP). We address these matters below.

THE STATUTORY PLANNING FRAMEWORK

38. We set out the planning framework under which we have assessed and determined this Plan change.

National Policy Statement on Urban Development 2020

39. The National Policy Statement on Urban Development 2020 ("**NPS-UD**") requires local authorities to provide for adequate development capacity in urban areas for housing and business land. It contains a broad suite of objectives and policies that encompass high-level goals and explicit instructions to councils as to how to accomplish those goals based on a three-tiered approach. Auckland is identified as a Tier 1 Urban Environment and Auckland Council as a Tier 1 Local Authority pursuant to Appendix 1 to the NPS-UD.
40. There are a number of consistent themes within the NPS-UD, and which are relevant to PC 58. These include:
- That RPS and district plan provisions must enable more intensive residential use of land near employment opportunities, well served by existing or planned public transport, or where there is high demand for housing relative to other areas in the urban environment.⁸
 - The importance of providing housing capacity and choice within urban environments;⁹
 - Urban environments (and amenity values) are expected to change over time, sometimes significantly, and those changes are not of themselves adverse effects;¹⁰
 - The importance of integrating land use and infrastructure development;¹¹
 - The intensification of development in proximity to centres of employment, public transport, or in areas of high demand;¹² and
 - Decision making should be strategic¹³, future focused and evidence based.¹⁴

⁸ Objective 3, Policy 3, Policy 4.

⁹ Objective 2, Policy 1, Policy 2, Policy 6. See also Clauses 3.2, 3.23(2), 3.24 and 3.25.

¹⁰ Objective 4, Policy 6.

¹¹ Objective 6.

¹² Objective 3.

41. The applicability of the NPS-UD was considered recently in relation to a private plan change proposal in *Eden-Epsom Residential Protection Society Incorporated v Auckland Council* [2021] NZEnvC 082. The Court briefly analysed provisions of the NPS-UD including definitions and clauses, before determining that:
- Its decision on the private plan change application would be a “planning decision” for the purposes of the NPS-UD; and
 - That the Court was not required to and would not be giving effect in its decision to Objectives and Policies in the NPS-UD that are not requiring “planning decisions”.
42. The Court’s decision is the only direct consideration of the applicability of the NPS-UD to date by the Environment Court, and we accept on its face would apply to our decision on PC58. While we accept there is some disagreement about the direct applicability of that decision, we are required only to apply the following provisions of the NPS-UD when making our decision:
- Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.
 - Objective 5: Planning decisions relating to urban environments, and Future Development Strategies, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
 - Objective 7: Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.

¹³ Objective 6.

¹⁴ Subpart 3, in particular Clause 3.11.

- Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments, that, as a minimum:
 - (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
 - (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
 - (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
 - (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
 - (e) support reductions in greenhouse gas emissions; and
 - (f) are resilient to the likely current and future effects of climate change.
- Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:
 - (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement;
 - (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and
 - (ii) are not, of themselves, an adverse effect
 - (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)
 - (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity
 - (e) the likely current and future effects of climate change.

43. As set out in the Applicant's submissions¹⁵ "*Resort to the NPS-UD is not required in order for PC 58 to be supported. The analysis of the operative RPS provisions of the Unitary Plan demonstrates that rezoning sought by PC 58 is the most appropriate outcome in terms of section 32 of the RMA*". For the reasons that follow we agree with the Applicant.
44. We find that PC 58 is, in particular, consistent with Policies 1 and 6 set out above, which relate to planning decisions under the NPS-UD. It will:
- Enable a variety of dwelling typologies that are atypical of historical development in the Papakura area, but are in high demand;
 - Enable alternative, more affordable dwelling options relative to the typologies traditionally available in the area;
 - Be accessible to the various identified elements of the urban environment, including by public transport along Great South Road;
 - Support competitive land and development markets by providing additional capacity for growth in this part of the city;
 - Will enable additional development capacity to be realised under the AUP (OP), consistent with requirements of the NPS-UD; and
 - Contribute to and enable the realisation of benefits associated with well-functioning urban form.
45. While we acknowledge the Applicant has not relied on the NPS-UD provisions in order for PC 58 to be confirmed, we find that the Plan Change will nonetheless be consistent with the relevant objectives and policies of the NPS-UD. We note this conclusion is also generally supported by the Council's reporting planner in the Section 42A report.

National Policy Statement for Freshwater Management 2020

46. The National Policy Statement for Freshwater Management 2020 ("**NPSFM**") has come into effect since PC 58 was notified. As discussed in the evidence of Mr Benjamin, we find that PC 58 will give effect to the objectives and policies of NPSFM.
47. There are no natural wetlands located within the PC 58 area, and the Auckland-wide provisions of the AUP (OP) will ensure subsequent subdivision and development of the PC58 area enables integrated management of freshwater values. Moreover, the

¹⁵ Paragraph 3.8 of the opening legal submissions.

resource consent process will enable freshwater values of relevance (to mana whenua) to be identified and evaluated in terms of any loss of river extent and values.

Regional Policy Statement

48. Part B2 of the AUP (OP) addresses urban growth and form. It focuses on the accommodation of growth; anticipates significant change to the form of the city; and provides guidance as to the Council's priorities both in terms of the Unitary Plan provisions and the form of growth that it anticipates occurring as a consequence.
49. Part B2.2 – Urban Growth and Form sets out a range of generally applicable provisions. Part B2.2.1 – Urban Growth and Form Objectives includes:
- Objective 1, being “a quality compact urban form” that enables specified outcomes.
 - Objective 2, being the accommodation of urban growth primarily within the 2016 urban area.
 - Objective 4, being the containment of urbanisation within the Rural Urban Boundary.
 - Objective 5 being the integration of land development with provision of appropriate infrastructure.
50. We find, based on the evidence before us, that PC 58 will promote a quality compact urban form by providing for higher density development within the Rural Urban Boundary and is contiguous with the existing urban area and located on an arterial transport corridor that is intended to become FTN.
51. Policy 3 of Part B2.2.2 – Urban Growth and Form Policies states: *“Enable rezoning of future urban zoned land for urbanisation following structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines”*. As alluded to already, the structure planning process has been completed by the Council, and PC58 is largely consistent with it.
52. Policy 5 and 7 of Part B2.2.2 – Urban Growth and Form Policies, which fall under the heading, “Quality compact urban form” are respectively
- “enable higher residential intensification*
- a) in and around centres;*
 - b) along identified corridor; and*
 - c) close to public transport, social facilities including open space and employment opportunities.”* And

“enable the rezoning of land within the Rural Urban Boundary or other land zoned future urban to accommodate urban growth in ways that do all of the following:

- a) support a quality compact urban form;*
- b) provide for a range of housing types and employment choices for the area;*
- c) integrate with the provision of infrastructures; and*
- d) follow the structure plan guidelines as set out in Appendix 1.”*

53. We find that PC 58 is consistent with these policies. With reference to Policy 5, the PC 58 area is close to public transport (intended to increase in frequencies), social facilities and employment opportunities. Enabling development would give effect to the growth strategy adopted in the AUP (OP) and in particular the “quality compact form” sought.
54. With reference to Policy 7, the Council has completed the structure plan process and has identified the zoning that will enable the development of the land to support a quality compact urban form. The MHU will enable a range of housing typologies to be developed, and the development will either be serviced by existing infrastructure networks or in the case of transport infrastructure will provide for integration with the surrounding network.
55. Part B2.3 – A Quality Built Environment includes the following objectives and policies which we find ‘support’ PC 58:
- Objective 1 - *“A quality built environment where subdivision, use and development do all of the following: a) respond to the intrinsic qualities and physical characteristics of the site and area, including its setting; b) reinforce the hierarchy of centres and corridors; c) contribute to a diverse mix of choice and opportunity for people and communities; d) maximise resource and infrastructure efficiency; e) are capable of adapting to changing needs; and f) respond and adapt to the effects of climate change”.*
 - Objective 3 - *“The health and safety of people and communities are promoted.”*
And
 - Policy 3 - *“Enable a range of built forms to support choice and meet the needs of Auckland’s diverse population.”*
56. Furthermore, Part B2.4 – Residential Growth includes a series of objectives and policies that promote residential intensification, mixed-use development, a variety of housing options. Key objectives include:
- Objective 1, *“Residential intensification supports a quality compact urban form.”*
 - Objective 3, *“Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or*

employment opportunities is the primary focus for residential intensification.”

- Objective 4, “An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland’s diverse and growing population.”
- Objective 6, regarding the provision of sufficient, feasible development capacity.

57. We find that PC 58 is consistent with, and gives effect to, all of these objectives, along with the corresponding policies.
58. In summary, with the precinct provisions set out in Appendix 1 to this decision, we find that PC 58 is consistent with and gives effect to the statutory planning documents set out above. It is also largely consistent with those strategic planning documents (such as the DOSP and the Auckland Plan). To the extent that there are inconsistencies (e.g. the sequencing set out in the FULSS) based on the evidence before us, we do not find they are such that it should preclude the timing or outcome of the proposed rezonings sought by PC 58.

THE PRECINCT PROVISIONS – (and the outcome from Expert Conferencing)

59. As set out earlier, almost all of the matters in contention regarding the appropriate precinct provisions were resolved or agreed at the expert conferencing sessions. We address the precinct provisions below, as well the related matters that were not addressed in the conferencing sessions.
60. At the request of the Applicant we directed expert conferencing¹⁶ on the following topics:
- Stormwater;
 - Traffic and transportation; and
 - Planning.
61. Two Joint Witness Statement’s¹⁷ (**JWS**) were completed from the conferencing sessions, and these were provided to the Hearing Panel. As we have noted earlier, the issues in contention between the parties were significantly narrowed since the Application was lodged, submissions received and the Section 42A Report was prepared.

¹⁶ Hearing Panel’s direction 6 September 2021.

¹⁷ JWS of Experts in Relation to Transport & Planning” dated 13 September 2021 (“JWS 1”) and (JWS of Experts in Relation to Open Space, Stormwater & Planning” dated 14 September 2021 (“JWS 2”).

62. The expert conferencing was held as follows:

- Traffic and planning – 13 September 2021.
- Open space, stormwater and planning – 14 September 2021:

Stormwater and Open space

63. As a result of the conferencing process, all issues relating to stormwater and open space issues were resolved by the parties. The changes proposed to the Precinct Provisions and minor change to the proposed Stormwater Management Plan agreed between the relevant experts were set out in Attachment 1 to JWS 2.

Open Space

64. The key open space issues that arose in the Section 42A report, and which have now been resolved were as follows:

- The “greenway” concept recommended to be incorporated into the Precinct Provisions and illustrated in the precinct plan is to be deleted.
- The proposed indicative neighbourhood park is to be shown on the precinct plan within the Precinct Provisions, but there is no need for specific provisions in relation to the indicative park within the Precinct Provisions themselves.

65. We agree with the recommended changes agreed as set out in the JWS. The agreements and the amendments to the precinct provisions have been made.

66. With respect to the “greenway” concept The Papakura Greenways Local Paths Plan 2016, is a Local Board long-term strategic plan to “greatly improve walking, cycling and ecological connections” within the local board area, connecting with greenways identified by other local boards in Auckland. Mr Catchpole expressed some concern as to their loss from being shown on the precinct plan.

67. The Greenway Path proposed in the section 42A report recommended a minimum width of 3 metres within the frontages of Great South Road and Gatland Road. Mr Freke, planner for AT noted¹⁸ the *(a) Greenway paths are primarily to serve a recreational function and not of themselves to address the transport effects, (b) Shared paths for cyclists and pedestrians are no longer favoured for safety reasons, except where there are very low volumes of both and the recommended Greenway Path should therefore not be considered a substitute for a separated cycle path which will ultimately be required along Great South Road. (c) There is no need for a 3 metre wide path in instances where a footpath and separated cycle path is in place or being*

¹⁸ Paragraph 7.22 of Mr Freke’s evidence.

provided (as it will be for Great South Road). We agree with Mr Freke, and the outcome of the expert conferencing on this matter.

68. In discussion with Mr Catchpole, his main concern was 'connectivity' to adjoining areas (such as Bellfield to the north east and land zoned FUZ to the east) and access to areas of open space. We are satisfied that the precinct provisions (and precinct plan) as agreed by the parties now shows appropriate connections from Great South Road to the east (west /east link to adjoining land) by the indicative walking and cycling link, the local road (amenity link) and the indicative neighbourhood park.
69. We support the agreement reached which shows the indicative neighbourhood park. It is consistent with the DOSP. We accept this is an indicative location, and there may be other locations within the precinct area where it is more appropriate to locate the park (as shown in Mr Munro's evidence). The details of the park's location and size will be assessed and determined at the subdivision/development resource consent stage.

Stormwater

70. As set out all issues relating to stormwater (that were addressed at expert conferencing) were resolved by the parties. We accept those changes are appropriate and note there is a fulsome suite of policies and precinct provisions to address stormwater (as well as the Stormwater Management Plan).
71. At the hearing we questioned the experts on the desirability of 'consistency' between the proposed stormwater provisions in PC 58 and those of the decisions version of PC 52. It was the Hearing Panel's view that while some of the precinct provisions for PC 52 and 58 appeared to be saying similar things, they are written somewhat differently, but noting the greater specificity/detail in the PC 58 provisions.
72. We were 'cautioned' by all of the experts (and legal counsel) not to 'inadvertently' undo the agreements they had reached in an attempt to achieve 'consistency' with PC 52. Legal Counsel (Applicant and AT) both said no there is no legal requirement to be consistent given the purpose of precincts was to have provisions specific to that precinct. We agree.
73. We accept we have no contrary evidence recommending changes to the provisions as agreed by the experts. However, the experts agreed, to the extent that consistency could be achieved and was desirable and did not change the policy intent (ie was merely a drafting exercise), then re-drafting could occur. We have now reviewed both sets of provisions and in light of the above, we have made very few amendments to the PC 58 objectives and policies, accepting the context and the Applicant's position (on stormwater management) is different to that addressed at PC 52.

74. The one change we have made is to Policy 4. Policy 4 was not written as a policy (more of a statement). Policies 5, 6 and 7 commence with “Ensure” and we agree this is appropriate. Accordingly, we have reworded Policy 4 to:

Ensure subdivision and development achieves stormwater quality treatment of stormwater runoff from all impervious areas within the precinct through inert building materials and GD01 approved devices for other impervious surfaces.

Transport

75. Almost all of the issues relating to transport were also resolved between the parties. Due to this we have briefly set out the matters agreed but have then focussed on those matters still outstanding.
76. The following has been agreed between the experts, and we agree with the experts that the provisions agreed are the most appropriate in terms of section 32 and 32AA. They are, in summary:
- To ensure that both subdivision and development are required to address transportation effects and the provision of a safe and interconnected transport network, including future widening of Great South Road;
 - That the previously proposed road construction standards be changed to “guidelines”, and included as an appendix to the precinct provisions; and
 - That the precinct plan within the precinct provisions be amended to clearly show the Road Widening Setback and the indicative walking/cycle link in the northern part of the PC 58 area.
77. Auckland Transport (**AT**) has concerns in terms (of what it perceives) is a lack of integration of PC 58 with other plan changes in the DOSP area. This is largely in terms of planning and funding of infrastructure. This is a consistent ‘theme’ in its submissions and evidence to those private plan changes in the DOSP area. AT’s submission and evidence seeks that PC 58 not be confirmed until the wider strategic transport network connections, upgrades and facilities are confirmed, and there is certainty around the financing and funding of that transport infrastructure.
78. The Applicant disagrees. As set on in the Applicant’s legal submissions¹⁹: “*The evidence of Ms Seymour demonstrates that:*
- a) *There are no further mitigations beyond the site and its frontages necessary to support rezoning of the Site;*
 - b) *The trip generation effects will be localised and will not have adverse cumulative effects on the wider transport network, including when taken in combination with development of the nearby PC52 area; and*

¹⁹ Paragraph 4.9 of the opening legal submissions.

c) *Apart from the upgrade of Great South Road, none of the future network upgrades identified by the Supporting Growth Alliance for the broader Drury Opāheke Structure Plan area have any bearing on the rezoning of the Site sought by the Applicant.*

79. We agree with the Applicant. We do not find that there is interdependency between PC 58 and the other larger scale Drury plan changes located further south of PC 58 to the extent that it would preclude the timing or outcome of the proposed rezonings sought by PC 58.

80. Notwithstanding the above, Mr Ashton, legal counsel for AT addressed AT's concerns, and they are summarised as follows. However, he clearly suggests that if changes are made to the precinct provisions, as set out in Mr Freke's evidence, AT's concerns (with respect to PC 58) would be satisfied²⁰:

(a) *AT's evidence assesses the precinct provisions proposed in the section 42A report, and the Applicant's evidence, as inadequate to ensure:*

i mitigation of PC 58's transport effects; and

ii. integration with the planned future infrastructure upgrade of Great South Road to an urban arterial and Frequent Transport Network (FTN) route, or with the adjoining FUZ area.

(b) *PC 58 should be declined unless robust precinct provisions such as those proposed in Chris Freke's planning and transport evidence on behalf of AT are applied to the plan change area.*

(c) *Mr Freke's evidence is that, unless such precinct provisions are applied, PC 58 will not "give effect to" key provisions in the National Policy Statement on Urban Development 2020 (NPS-UD) and Regional Policy Statement (RPS) provisions in the AUP.*

81. The other areas of disagreement between AT and the other parties were set out in JWS 1, including the tracked changes version of the Precinct Provisions set out in Appendix 1 to JWS 1. We address these matters, and our decision on them, below.

82. Mr Freke, AT's planner sought that the last sentence of Road-widening setback Standard I4xx.6.1.2 (2) be replaced with the following:

...No subdivision, buildings, structures or parts of a building or works that would prevent or hinder the future widening of Great South Road shall be constructed within this 5m wide setback. (Underling is our emphasis)

²⁰ Paragraph 1.5 (a – c) of AT's legal submissions.

83. Mr Freke also sought, for clarity, that Great South Road should be identified in the road construction guidelines table in Appendix 1 to the Precinct Provisions.
84. With respect to the Road Widening Setback standard I4xx.6.1.2(2), the effect of the wording sought by Auckland Transport would capture “subdivision” and “works” within the setback, rather than only buildings, structures or parts of buildings (noting the latter is the ‘standard’ approach to yards/setbacks in the AUP (OP)). Mr Freke also sought to introduce works that might “prevent or hinder” future road widening by Auckland Transport.
85. The Hearing Panel (and all the parties) accepts that Great South Road will need to be upgraded to an urban standard. However, currently any future widening project for Great South Road is yet to be designed, funded or designated. Notwithstanding this, PC 58 and the precinct provisions expressly provide for/facilitate any future widening project through provision of the Road Widening Setback standard and requiring that such land will be vested at subdivision stage.
86. Mr Sadler was concerned that the approach taken by AT appears to seek protection akin to a designation over private land but without needing to comply with its obligations as a requiring authority under Part 8 of the RMA. He stated that²¹: *The words “prevent or hinder” sought by Auckland Transport are those used in section 176 of the RMA in relation to notices of requirement, which we submit supports that conclusion*”.
87. Mr Ashton submitted, with respect to the matter of “prevent or hinder” the following²²: *This addition provides appropriate certainty that works other than buildings and structures (such as earthworks or private utilities) do not prevent or hinder the future widening of Great South Road. As the legal submissions for the Applicant note, the words “not prevent or hinder” are reflective of the language in section 176 of the RMA in relation to the effect of designations. In AT’s submission it is appropriate and sound planning to afford a level of protection to the Great South Road widening corridor akin to a designation through precinct provisions*”. Mr Aston provided detailed reasons for this in paragraph 4.3 (a – d) of this legal submissions.
88. While the Hearing Panel acknowledges the concerns and views of both parties, we have, for other reasons, not included the wording sought by Mr Freke. These are set out below.
89. Mr Freke acknowledged that standard I4xx.6.1.2(2) applied to permitted activities. On this basis he accepted that “*subdivision*” did not need to be in the standard. He also accepted that the term “works” was unclear and said he was concerned to avoid

²¹ Paragraph 4.13 of the Opening Legal Submissions.

²² Paragraph 4.3 of AT’s Legal Submissions.

private utilities such as stormwater detention devices, as well as turning and manoeuvring spaces; and he was not concerned about landscaping or earthworks. It is our view that there are very few permitted activities of concern. Dwellings (buildings) are permitted, but it is highly likely that a subdivision and/or development resource consent application will be sought for a comprehensive development (given only three dwellings are a permitted activity). Moreover, as pointed out by Mr Sadler, it is likely a subdivision consent application will be sought soon after the plan change is confirmed, and the road widening set back shown on the precinct plan vested in the Council.

90. Given the above, we do find that other than buildings and structures, no other activities need to be included in the standard; and we find that Mr Freke's concerns are adequately addressed.
91. With respect to the words "prevent or hinder" we do not make a finding on whether or not those are appropriate or not vis-à-vis 'designation language'. We find that those words ("prevent or hinder") are inappropriate in a Standard as in that context they are somewhat subjective/open to interpretation. We find that the standard we have imposed is appropriate to address the concerns raised by AT.
92. With respect to the Road construction guidelines, and the deletion of Great South Road, we have agreed with AT to include it in the Appendix, but with the Note suggested by AT that it is included 'for context'. We have also made Gatland Road subject to that Note. Our reasons for this are set out below.
93. We acknowledge the other parties to expert conferencing (not AT) agreed that deletion of Great South Road from the road construction guidelines table was appropriate, and consistent with our approach in PC 52. This was on the basis of Great South Road being an arterial road located outside the precinct, and would be the subject of future processes to determine its precise cross-section and associated traffic, cycle and pedestrian facilities.
94. It was AT's position that the inclusion of Great South Road within the table would provide useful context information to inform both the obligation to provide for its future widening and the frontage upgrade, as well as interface and design issues relating to access to the plan change area. We note this is consistent with AT's position on other Drury Plan changes that arterial roads be included within road construction guideline tables where they interface with plan change areas.

95. As set out in Mr Ashton's legal submissions²³:

The inclusion of Great South Road within Table 1 is not intended to infer that the adjoining property owners are responsible for its full ultimate upgrade. AT would support a further note below Table 1 for the avoidance of doubt:

Note 5: The inclusion of the minimum road width, function and required design elements for Great South Road in Table 1 is provided for context.

96. While we understand the Applicant's position (and the position we adopted in PC 52); that including Great South Road within Table 1 should not imply the full cost of any upgrade falls to the developer of the PC 52 land, we accept this is clearly not AT's position. In questioning at the hearing Ms Lucas said she could understand AT's position, and that including Great South Road within Table 1, with the Note, would be appropriate.

97. While the Applicant maintained its position that it was not clear what "clarity" was to be gained from including Great South Road, Mr Sadlier submitted that if the Hearing Panel decided to include Great South Road, it would not oppose it provided the Note suggested by AT was included. Mr Sadlier did say if Great South Road (which is outside the precinct area) was to be included then Gatland Road should similarly be subject to the Note.

98. As addressed earlier, for the reasons set out above, we have included Great South Road in Table 1, and included the Note which applies to both Great South Road and Gatland Road.

99. The final transport matter related to the precinct provision –

Subdivision must not incorporate any cul-de-sac roads but may provide for an incomplete road as part of a staged subdivision to facilitate access to the adjoining land to the east.

100. We noted in Mr Munro's masterplan/concept design that there were no cul-de-sacs proposed. Mr Benjamin, in reply to the Hearing Panel's questions, said the 'no cul-de-sac' provision was related to "connectivity" through the precinct area, particularly to the east (and adjoining properties). Mr Benjamin opined that with the connectivity now shown in the precinct plan (as set out earlier in this decision report) the no cul-de-sac provision was no longer required. Ms Lucas agreed. We also agree and have deleted it.

²³ Paragraph 4.8 of AT's Legal Submissions

Servicing - Waste Water and Water Supply

101. Veolia, Mr Bolam and others raised the matter of the ability of the site, but more particularly the wider area (zoned FUZ) and Veolia's strategy to ensure the entire area could be serviced once developed, and in an integrated manner.
102. With respect to wastewater Mr Desai set out that the plan change area is not connected to a public wastewater system and the applicant had subsequently worked with Veolia and Watercare Services Ltd to confirm an acceptable solution. He stated²⁴:

The short-term solution (Option 3) proposes to construct a new local pump station in the site along with a rising main and gravity network along Great South Road, connecting to the existing gravity network at 520 Great South Road. This is considered to provide a level of futureproofing with an option for flows to be diverted to the new pumpstation at Sutton Road.

103. It was his view that the agreed solution between Veolia, PC 58 applicant and other landowners within Future Urban Zone, along with the appropriate approach for construction and funding, needs to be confirmed at Resource Consent stage.
104. With respect to water supply, it is currently available at 470 and 476 Great South Road, Papakura with a 150mm public water main along western boundaries and 2 and 8 Gatland Road, Papakura with a 40mm public water main managed by Veolia. Mr Desai stated²⁵:

A future proof solution that can service PC 58 and neighbouring developments within Future Urban Zone has not been confirmed, this needs to be confirmed at Resource Consent stage including the approach for construction and funding to avoid a piecemeal approach.

105. Ms Rosser, in terms of wastewater and water infrastructure capacity set out that:²⁶

The evidence of Mr Desai details that the Requestor's wastewater capacity assessment done to date does not take into account any neighbouring developments within the Future Urban Zone or along Great South Road. He advises that the agreed solution should consider all ongoing or future developments that the proposed wastewater network would service. I support Mr Desai's advice to the Panel. And

Ultimately, I would expect the infrastructure provider, Veolia, to work with landowners in the surrounding Future Urban zone area to work out an agreement to provide the wastewater and water infrastructure upgrades

²⁴ Paragraph 3.1 of Mr Desai's evidence.

²⁵ Paragraph 4.3 of Mr Desai's evidence

²⁶ Paragraphs 23 and 26 of Ms Rosser's evidence.

required..... I accept that the timing of the infrastructure provision may make this difficult, however I consider that Veolia as the provider of water services needs to assure adjoining landowners that the overall catchment has been designed for.

106. Ms Lucas addressed Mr Bolam's concerns in the section 42A Report. She stated:²⁷

FS6 (Peter Bolam) accepts the wastewater option 3 provided it discharges to the Slippery Creek Wastewater Pump Station, however, does not support submission point 4.3 in requiring the requestor (and subsequent developers) to have to upgrade the infrastructure in turn as they develop in the area. Mr Bolam considers this to be a piecemeal approach to infrastructure planning and not efficient. Mr Bolam requests that Veolia work with all landowners in the Future Urban Zone area to determine the ultimate wastewater infrastructure for this catchment. And to work out an agreement to provide the infrastructure.

107. Ms Lucas, relying on the advice of Mr Niravath, considered that a wastewater solution was available for the site and that the design of the wastewater network and connections to the existing public network can be determined through future resource consenting and engineering plan approval processes. She did not agree with Mr Bolam that this created a piecemeal approach as "*ultimately Veolia have the overall consideration of the catchment and beyond. They are able to work with developers to ensure the services are appropriately upgraded at the time of need*"²⁸.

108. Mr Evans and Mr Benjamin also addressed this issue in their evidence. Mr Benjamin stated:²⁹

Several submitters including Auckland Transport, Counties Power, Ms Lowry and Mr Hope have made submissions noting concerns around the provision and delivery of infrastructure as a general issue for urban development in Drury. The submission from Veolia seeks specific relief in terms of modelling to ensure that there is sufficient capacity in the water supply network and modelling in terms of various wastewater servicing options.

As noted above and covered within Mr Peters' evidence, the plan change area is or can be fully serviced with only local upgrading required. The assessments undertaken have indicated that no bulk infrastructure upgrades are required to be planned or funded to enable the rezoning and subsequent development of the plan change area.

109. Based on the expert evidence, we are satisfied the site can be serviced and that the details on this will come at resource consent stage. Veolia did not appear or table evidence raising any concerns about the site's servicing or the wider strategic approach to an integrated approach to servicing of the wider area (zoned FUZ). We also note that the Applicant has been working with Veolia on this matter.

²⁷ Paragraph 269 of the section 42A report.

²⁸ Paragraph 271 of the section 42A report.

²⁹ Paragraph 8.34 and 8.35 of Mr Benjamin's evidence-in-chief.

110. The issue Mr Bolam is raising is a wider strategic one (which we understand and accept) but it's not something we can deal with in this Plan Change. It is not the role of the Applicant to do strategic planning on funding agreements for the wider catchment regarding servicing. We do however accept that the number of private change initiatives does raise the issue of the lack of a wider integrated planning approach, but as we have stated, this should not affect the rezoning of land within PC 58 where it has servicing options. We accept this is a valid concern and recommend the relevant landowners seek to discuss this matter with Veolia.
111. Finally on this issue we acknowledge that Ms Rosser appears to accept the position we have set out below. In her email to the Hearing Panel following the hearing (and addressed in our Memorandum responding to her email³⁰) she stated:

While the point raised in the submission and evidence should not ultimately have significant influence on the outcome of the Plan Change, we wanted to highlight that Veolia has not confirmed how the upgrades for water and wastewater infrastructure will occur on a catchment-wide basis (please refer to the evidence of Ajay Desai). Therefore, there is uncertainty in how Plan Change 58 will achieve the integration and efficient provision of water and wastewater upgrades for the Plan Change area. We consider further information from Veolia should be sought to ensure that mechanisms will be put in place to provide for funding agreements that provide for one set of water or wastewater upgrades when common to a number of FUZ landholders. (underlining is our emphasis)

OTHER EDITORIAL/CORRECTIONS WE HAVE MADE TO THE PRECINCT PROVISIONS

112. In terms of Clause 29 (4) of the RMA we have made a number of modifications to the precinct provisions. These modifications are for editorial and clarity purposes, and to correct some errors in the drafting of the precinct provisions.
113. In the Activity table (14xx.4) and in relation to "(A4) New buildings and additions to buildings", we have 'filled in the blank' with a "P" (permitted activity). We acknowledge that in many of the precinct provisions of the AUP-OP, but not all, it is the convention to have a "blank" in the activity status column, noting that a blank table cell with no activity status specified means that the underlying zone provisions apply.
114. For clarity, we think it better to 'fill in the blank' with the activity status. We have done this and as a consequence have deleted the words "A blank table cell with no activity status specified means that the underlying zone provisions apply".

³⁰ Dated - 21 September 2021

115. In the activity table (A2) - Subdivision not in accordance with the standards is a Discretionary Activity (as agreed by the parties). Matters of discretion - 14XX 8.1 (2) sets out those matters of discretion in relation "Subdivision not in accordance with the standards". Given this activity is a Discretionary Activity, no 'matters of discretion' apply. Accordingly, we have deleted those matters. We note however, the matters of discretion that were listed are specifically addressed by the precinct (stormwater) policies and by the other relevant provisions in the AUP-OP.
116. We have also deleted the heading - 14xx.8.2.1 Consistency with the Gatland Road Precinct Plan. This heading is unnecessary and misleading as the assessment criteria are not only about the consistency with the Gatland Road Precinct provisions.

SUBMISSIONS AND FURTHER SUBMISSIONS

117. The following section specifically addresses the submissions received and sets out our decision on those submissions. For efficiency reasons we have adopted the submission tables set out in the Council Officer's section 42A report.
118. Submissions that address the same issues and seek the same relief have generally been grouped together under the following headings:
- Decline the plan change;
 - Decline the precinct;
 - Transport matters;
 - Residential amenity and land use zoning;
 - Heritage New Zealand Pouhere Taonga – Archaeology;
 - Water and wastewater servicing;
 - Effects on Mana Whenua; and
 - Stormwater.

Decisions on Submissions and Further Submissions

Decline the plan change

| Sub. No | Submitter Name | Summary | Further subs |
|---------|-----------------|---|-----------------------------------|
| 2.1 | Dominique Lowry | Oppose the plan change as it needs a fuller scoping of the impact of the development on the local infrastructure and local residents | FS03 – support; FS06 - support |
| 2.2 | Dominique Lowry | Oppose plan change due to concerns for residents turning right onto Great South Road during peak traffic queues – traffic more condensed | |
| 2.3 | Dominique Lowry | Oppose due to safety concerns of residents entering and exiting their properties along Great South Road during peak traffic | |
| 6.1 | Farzana Sakkai | Seek decline of PC 58 as they have not been informed of the timing and duration of the proposed works associated with the plan change. | FS05 - support |
| 6.2 | Farzana Sakkai | Decline until assurance provided that any potential damage to adjoining property (boundary fence, services, foundations of house, encroachment, etc) caused by development works on plan change land will be remedied by developer | FS05 - support |

Decision

1. We have set out the reasons why we have approved this plan change with modifications (as set out in the precinct provisions) earlier in this report. For those reasons we **reject** those submissions seeking that the PC 58 be declined.

Decline the precinct plan

| Sub. No | Submitter Name | Summary | Further subs |
|---------|----------------|---|---------------|
| 9.2 | Kāinga Ora | Opposes proposed precinct designed to manage land-use matters for stormwater quality and roading layouts. The proposed precinct duplicates objectives, policies and provisions of the AUP (OP), does not follow the precinct format of the AUP (OP) and does not add any value to the plan change area. | FS01 - oppose |

Decision

1. Kāinga Ora³¹ tabled a letter in relation to its submission. Kāinga Ora set out that on the whole it supported the intent of PC58, being to rezone the FUZ to MHU and BNC. It was noted that the proposed rezoning would have positive impacts in terms of creating additional housing supply both in Papakura and the wider Auckland area, consistent with the Drury – Opāheke Structure Plan 2019. Kāinga Ora also agreed that the proposed rezoning supports quality compact urban form, and is generally consistent with the relevant objectives of the National Policy Statement on Urban Development 2020.
2. The original Kāinga Ora submission sought to decline the inclusion of a precinct in the plan change and also opposed specific precinct provisions. This was on the basis that the precinct itself was unnecessary as the AUP (OP) already contained provisions that would effectively manage the effects and outcomes sought through the proposed precinct.
3. Kāinga Ora also opposed the inclusion of Precinct Standard 14xx.6.1 – Building Materials, which would require new buildings and additions to buildings to be constructed from inert materials. Having reviewed the s42A report as well as the Applicant's expert evidence, set out in its letter, it was Kāinga Ora's understanding that the Applicant sought to include this provision specifically within the proposed precinct to assist with implementation of the Global Stormwater Network Discharge consent held by Healthy Waters.
4. Kāinga Ora also opposed proposed Precinct Standard 14xx.7.1(1), which required all roads within the precinct to be located in accordance with the Precinct Plan (with non-compliance with the Plan assessed as a discretionary activity). Again, from Kāinga Ora's review of the s42A report and the Applicant's expert evidence, it is their understanding that these provisions have resulted from ongoing engagement between

³¹ Via a letter from Mr Liggett - Manager Development Planning Kāinga Ora – Homes and Communities – 10 September 2021.

the Applicant and Auckland Transport, and that the Applicant is supportive of incorporating these provisions within the precinct, in particular to assist with aligning the future development of the subject land with the surrounding FUZ zoned land to the east.

5. As Kāinga Ora has made clear in their letter, it continues to hold the view that a precinct and associated provisions are not ultimately necessary to enable the rezoning sought through the Plan Change. However, having reviewed the s42A report and the Applicant's expert evidence, Kāinga Ora understands the Applicant's reasons for using a precinct to introduce additional measures to manage transport elements and building materials, noting in particular that a number of the specific precinct provisions proposed have resulted from ongoing engagement between the Applicant and Council asset owning entities.
6. Notwithstanding Kāinga Ora's position set out above, it has concluded that should the Applicant continue to seek those rules, and should we find them to be appropriate and necessary, Kāinga Ora would not pursue its submission further in respect of this plan change.
7. Given Kāinga Ora's position above and that we have found the precinct and the precinct provisions are appropriate, we **reject** the submission.

Transport matters

| Sub. No | Submitter Name | Summary | Further subs |
|---------|----------------|---|---|
| 1.3 | Stuart Hope | Redesign loop road to provide a link to the proposed link road in 46 Gatland Road for Opāheke Park access - refer attached maps/diagrams | FS01 – support; FS02 – oppose in part; |
| 5.1 | Counties Power | Supports Objective I4xx.2(1) that Gatland Road precinct is subdivided and developed in a comprehensive and integrated way | FS02 - oppose |
| 5.2 | Counties Power | Seek further detail to understand the potential impact of the road widening on Counties Power assets | FS01 - oppose |
| 5.3 | Counties Power | Amend policy I4xx.3(20 to include consideration of existing or proposed infrastructure in the road reserve including electrical | |
| 5.4 | Counties Power | Include new policy (8) - To ensure that Gatland Road precinct is subdivided and developed in a comprehensive and integrated way, the timing of development should be coordinated with all infrastructure providers in order to be able to | FS(2) - oppose |

| | | | |
|-----|--------------------|---|--|
| | | provide the Gatland Road Precinct with appropriate supporting infrastructure and avoid disruption caused by delayed installation of utilities. | |
| 5.5 | Counties Power | Supports provision of standard I4xx.5(2) that network utility operators are considered affected persons in terms of the proposed activities listed in activity table I4xx.4.1 | FS02 - oppose |
| 5.6 | Counties Power | Supports Standard I4xx.7.1.1 All roads within the precinct must be located in general accordance with the Gatland Road Precinct Plan. | FS02 - oppose |
| 5.7 | Counties Power | Supports the Precinct standards for road construction and additionally seeks a typical road cross sections to ensure berm is acceptable width for installation of underground electrical reticulation | FS01 – oppose; FS02 - oppose |
| 5.8 | Counties Power | Amend matters of discretion (standard I4xx.9.2.1) to include consideration of road design and vehicular access, in particular considerations of whether suitable space for installation of electrical infrastructure. Alternatively, specific provision for these factors may be made within the Precinct Plan. | FS02 - oppose |
| 5.9 | Counties Power | Round up point to seeking amendments as outlined in other sections of submission | FS02 - oppose |
| 8.1 | Auckland Transport | Decline unless the reasons for this submission, as outlined in the main body of this submission and in this table, including Auckland Transport's concerns about transport infrastructure and services funding deficit, are appropriately addressed and resolved. If PC 58 is not declined, then given that there is no certainty around funding and delivery for required infrastructure improvements, there is a need to consider a range of mitigation methods including the potential deferral of development or a review and implementation of land development staging to ensure co-ordination and alignment with the required transport network mitigation. | FS02 – oppose in part |
| 8.2 | Auckland Transport | Decline unless provisions are incorporated and / or appropriate mechanisms identified to provide for the upgrades required on Great South Road to an urban standard and to ensure that development does not adversely affect the ability to undertake any necessary upgrades to enable a future Frequent Transport Network. PC 58 should include appropriate rules and | FS02 – oppose in part; FS04 – oppose with amendments |

| | | | |
|-----|--------------------|---|----------------------------------|
| | | <p>provisions that address the following in relation to the upgrade of Great South Road:</p> <ul style="list-style-type: none"> • formation of frontage upgrades to the extent at least equivalent to that required for a collector road. • timing of upgrade requirements including the ability to consider the staging of works and connections, as well as any transition to existing road formation as matters for discretion. • funding and delivery of the above work. <ul style="list-style-type: none"> - addition of Great South Road to table 14.x.x.6.1.1 road construction standards with the required detail. | |
| 8.3 | Auckland Transport | <p>Amend PC 58 to include appropriate activity rules, standards, matters of discretion and assessment criteria in relation to staging requirements.</p> <p>Amend PC 58 to incorporate provisions that address cross boundary transport network mitigation requirements, determining the responsibility for the delivery to ensure interim adverse effects on the transport network are mitigated.</p> | FS02 - oppose |
| 8.4 | Auckland Transport | <p>Amend PC 58 to incorporate policies, standards and assessment criteria which provide for efficient and effective active mode routes from the Precinct Plan area and beyond to future FTN routes on Great South Road.</p> <p>Amend the precinct plan to include an additional northern direct East/West pedestrian and cycle route between Great South Road and the eastern boundary of the plan change area as indicatively depicted within attached Figure 1.</p> | FS02 – oppose; FS04 - support |
| 8.5 | Auckland Transport | <p>Amend PC 58 to include appropriate rules and provisions to ensure that improvements can be required to the Gatland Road frontage to bring it to an appropriate urban form.</p> <p>Gatland Road should be added to table 14.x.x.6.1.1 road construction standards with the required detail.</p> | FS02 – oppose; FS04 - support |
| 8.6 | Auckland Transport | <p>Amend PC 58 to incorporate provisions and mechanisms to provide certainty around the delivery of the local network improvements required to mitigate the effects from development enabled under the plan change, including the mitigation measures identified in this submission.</p> | FS02 - oppose |
| 8.7 | Auckland Transport | <p>Auckland Transport seeks the following:</p> <ol style="list-style-type: none"> a. That a feasible and optimal future network link alignment to the eastern boundary be confirmed and integrated with PC 58 and wider transport | FS02 - oppose |

| | | | |
|------|--------------------|--|---|
| | | <p>requirements.</p> <p>b. That this link be clearly identified in the Precinct Plan (refer to attached Figure 1), so as to enable connection with a future north south extension of Park Way through to Gatland Road.</p> <p>c. Confirmation that the proposed wetland can be located so as to permit the extension of this road past it.</p> | |
| 8.8 | Auckland Transport | <p>Amend PC 58 to include provisions relating to the minimum road reserve widths and key design elements and functional requirements of new roads and existing roads which need to be upgraded to applicable urban standards including but not limited to:</p> <ul style="list-style-type: none"> • Carriageway • Role and Function of Road • Pedestrian provision • Cycleways • Public Transport (dedicated lanes, geometry etc) <p>- Ancillary Zone (Parking, Public Transport stops, street trees)</p> <ul style="list-style-type: none"> • Berm • Frontage • Building Setback • Design Speed with 30km/h provided for on all new local roads. <p>Amend table 14xx.6.1. with required detail as per Table 1 below (or to the same or similar effect). Please refer to enlarged version of table in discussion below.</p> | <p>FS02 – oppose;</p> <p>FS04 – support with amendments</p> |
| 8.10 | Auckland Transport | <p>Amend PC58 as required to achieve an integrated development framework with adjoining/adjacent plan changes/development areas to ensure a consistency in approach, including in relation to objectives, policies, rules, methods, precinct plan and maps across the private plan changes within the Drury growth area.</p> <p>Consideration could be given to an integrated precinct plan(s) and associated provisions covering adjoining plan changes in the event both are approved. Refer Table 1 for consistency in road treatments.</p> | <p>FS02 – oppose in part</p> |
| 9.4 | Kāinga Ora | <p>Specifically opposes subdivision standard 14xx.7.1(1) – which requires all roads within the precinct to be located in general accordance with the Gatland Road Precinct Plan, where non compliance is a discretionary activity. Proposed road layout is indicative at this stage and should</p> | <p>FS01 – support in part</p> |

| | | | |
|--|--|---|--|
| | | not be enforced through a prescriptive precinct provision and non-compliance will subject development to a stringent activity status classification. These matters are generally provided for under Chapter E38 -Subdivision – Urban. | |
|--|--|---|--|

Decision

1. We have addressed the submissions of Mr Hope (in relation to connectivity), AT and Kāinga Ora earlier in this decision report, and given our reasons in relation to those submissions. In light of those submissions, we have made the necessary and appropriate changes to the precinct provisions and the precinct plan. On this basis we have **accepted** or **accepted in part** those submissions to the extent that we have provided appropriate changes to the precinct provisions to address submitters concerns.
2. With respect to the submissions from Counties Power:
 - Submission 5.1 supports Objective I4xx.2(1) that Gatland Road precinct is subdivided and developed in a comprehensive and integrated way;
 - Submissions 5.2, 5.3, 5.4, 5.7 - 5.9 supported the intended layout of the precinct plan, particularly the layout of the roads, and that network utility operators are recognised as affected persons with regards to any activity.
3. Submissions 5.2, 5.3, 5.4, 5.7 - 5.9 from Counties Power generally supported the precinct plan provisions regarding the construction and layout of the proposed roads but sought additional information to ensure that the existing and future installation of infrastructure in the road can be accommodated and that it be co-ordinated to avoid delay of providing this later. However, Further Submission 1 (AT) opposes these submission points and points out that AUP(OP) provisions under Chapter E 38 Subdivision – Urban address these concerns. Specifically, E38.3(17) requires road reserves to be sufficient to accommodate network utilities and the EPA process supported by a standard requiring adequate minimum road reserve widths, will enable the issues raised.
4. Counties Power did not file any evidence or attend the hearing. On this basis we have relied on the Council’s expert evidence, which was set out in the section 42A report.
5. With respect to the Counties Power we **accept** submissions 5.1, 5.5, 5.6 and **accept in part** submissions 5.2, 5.3, 5.4, 5.7, 5.8, 5.9.

Residential amenity and land use zoning

| Sub. No | Submitter Name | Summary | Further subs |
|---------|----------------|--------------------------------|--------------|
| 9.1 | Kāinga Ora | Support the rezone as notified | |

Decision

1. We have addressed the submission of Kāinga Ora earlier in this decision report, and as we have retained and approved the zoning as notified, we **accept** this submission.

Heritage New Zealand Pouhere Taonga - Archaeology

| Sub. No | Submitter Name | Summary | Further submissions |
|---------|-------------------------------------|---|------------------------|
| 7.1 | Heritage New Zealand Pouhere Taonga | Seeks that the plan change not be approved until such time as an archaeological assessment/field survey has been completed by an appropriately qualified archaeologist, and the plan change is amended as appropriate in response to the assessment to avoid effects on any identified archaeological sites in the first instance | FS02 – support in part |

Decision

1. The HNZPT submission was discussed in section 7.8 of the Section 42A report. HNPT did not file any evidence or attend the hearing. On this basis we have relied on the Council's expert evidence, which was that an archaeological assessment was not required prior to the approval of PC 58, and that the accidental discovery rules in the AUP (OP) can be relied upon should subsurface material be discovered.
2. On this basis we **reject** HNPT's submission.

Water and wastewater servicing

| Sub. No | Submitter Name | Summary | Further subs |
|---------|-----------------------|---|--|
| 4.1 | Veolia Water Services | Seeks water infrastructure to be modelled to determine sufficient capacity exists. Should there be insufficient capacity, it is the responsibility of the Applicant to, at its cost, design and construct required network infrastructure upgrades | |
| 4.2 | Veolia Water Services | Seeks that the wastewater disposal from the Plan Change Area is required to be connected to the public wastewater network, discharging to the Slippery Creek Wastewater Pump Station, Motorway Wastewater Pump Station and across State Highway 1 to the Hingaia Wastewater Pump Station. | FS06 - neutral |
| 4.3 | Veolia Water Services | Seeks that the Applicant will, at its cost, design and construct: i. any wastewater infrastructure required to enable the connection of the Plan Change Area to the public wastewater disposal and collection system ii. any water infrastructure required to enable the connection of the Plan Change Area to the public retail water network. | FS02 – oppose; FS06 – oppose 4.3(i) |
| 4.4 | Veolia Water Services | Seeks that the Applicant obtains approval from Veolia for the connection points to the local network to service the Plan Change Area. | FS02 - Oppose |

Decisions

1. We have addressed water and wastewater servicing earlier in this report (in relation to the issues raised by Veolia in its submission and in relation to related matters raised by Mr Bolam. Given our reasons set out earlier, and that in the further evidence which has been provided by the Applicant to demonstrate that sufficient water capacity is available in the public network to service development enabled by PC 58, we **accepted in part** the submissions of Veolia.

Effects on Mana Whenua

| Sub. No | Submitter Name | Summary | Further subs |
|---------|----------------------|---|------------------------|
| 3.1 | Ngāti Te Ata Waiohua | Supports PC58 provided the recommendations in the Ngati Te Ata CVA Report be integrated into the overall design | FS02 – support in part |

Decision

- The cultural concerns relating to PC 58 have been informed by the iwi engagement and consultation undertaken by the Applicant. To aid the Applicant's understanding of the cultural environment Ngāti Te Ata prepared a full *Cultural Values Assessment*. The Applicant acknowledges these cultural values and will make provision for the integration of the recommendations of the CVA in the design of the future development of the plan change land.
- We **accept** Ngāti Te Ata's submission

Stormwater management

| Sub. No | Submitter Name | Summary | Further subs |
|---------|--------------------|--|---------------------------------------|
| 1.1 | Stuart Hope | PC58 must incorporate the requirement to continue to retain stormwater from the subdivision on the western side of Great South Road as well as stormwater from within the proposed subdivision | FS02 – oppose in part; FS06 - support |
| 1.2 | Stuart Hope | The open stormwater drain in 46 and 52 Gatland Road needs to be upgraded to 750mm storwater pipes to connect to the existing pipe in 64 Gatland Road. The 52 Gatland Road drain is poorly maintained and fails to function effectively. | FS02 - oppose |
| 8.9 | Auckland Transport | Amend the following precinct rules: a. Matters of discretion 14xx.9.1: Include whole of life costs associated with publicly vested assets as a matter for discretion. b. Amend following subclause under 14xx.9.1 as indicated: iv Efficiency Efficacy and effectiveness of infrastructure. c. Add reference to assessment against stormwater related policies in 14xx.3 d. Amend 14xx.9.2.1 (5) e) as follows: The design and efficacy efficiency of infrastructure and devices (including | FS02 – oppose in part |

| | | | |
|------|-------------|--|-----------------------|
| | | communal devices) with consideration given to the likely effectiveness, lifecycle costs, ease of access and operation and integration with the built and natural environment. | |
| 9.3 | Kāinga Ora | Remove standard I4xx.6.1 as it requires the use of inert building materials to protect water quality. The use of inert building materials does not meet purpose of RMA. Increases costs to developers and limits products able to be used in building. Also it is unclear in the activity table what the activity status of an infringement of this standard would be. | |
| 10.1 | Peter Bolam | Decline the plan change until downstream flooding events are modelled and quantified for the maximum possible development enabled by the plan change area | FS02 – oppose in part |
| 10.2 | Peter Bolam | Such further amendments, or consequential amendments to the precinct provisions, once the flooding effects are quantified, to ensure that the proposed precinct provisions for stormwater management provide for a nil increase in downstream flood water levels. This may require, for example, provisions for 100% attenuation of the 1% AEP flood event. | FS02 - support |

Decision

1. We have addressed the stormwater related provisions earlier in this decision. As addressed above, all of the stormwater matters that were the subject of expert conferencing have been agreed between the experts, and we have agreed with them. We have also already addressed the concerns raised by Kāinga Ora (where we have **rejected** those submissions).
2. On the basis of the reasons we have set out, other than the submission related to Kāinga Ora, we **accept** or **accept in part** those submissions to the extent that we have provided appropriate changes to the precinct provisions to address submitters concerns.

SECTION 32AA EVALUATION

119. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out.³² This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.³³
120. In our view this decision report, which among other things addresses the modifications we have made to the provisions of PC 58, satisfies our section 32AA obligations.

PART 2 OF THE RMA

121. Section 32(1)(a) of the RMA requires assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA in Part 2. Section 72 of the Act also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, section 74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. While this is a private plan change, these provisions apply as it is the Council who is approving the private plan change, which will change the AUP (OP).
122. For all of the reasons set out in this decision, we are satisfied the matters set out in sections 6, 7 and 8 of the RMA have been addressed. PC 58 and its provisions, as we have modified them, have respectively recognised and provided for, have had particular regard to and have taken into account those relevant section 6, 7 and 8 matters.
123. Finally, in terms of section 5 of the RMA, it is our finding that the provisions of PC 58 in section 32 and 32AA terms, are consistent with, and the most appropriate way, to achieve the purpose of the Act. PC 58 will enable the efficient development of the site for residential, commercial and open space activities which will enable people and communities to provide for their social, economic, and cultural well-being while avoiding, remedying, or mitigating any adverse effects on the environment (such as the effects from stormwater).

³² RMA, section 32AA(1)(a)

³³ RMA, section 32AA(1)(c)

DECISION

124. That pursuant to Schedule 1, Clause 10 and 29 (4) of the Resource Management Act 1991, that PC 58 to the AUP (OP) be approved, subject to the modifications as set out in this decision and the precinct provisions.
125. For the reasons set out above, PC 58 together with the application of the precinct provisions is the most appropriate means of achieving the objectives of the AUP (OP) and the purpose of the RMA. The precinct provisions (attached as Appendix 1 to this decision) are the most effective and efficient when regard is had to the costs and benefits associated with those provisions relative to the alternatives.
126. Submissions on the plan change are accepted, accepted in part or rejected in accordance with this decision.
127. In addition to the reasons set out above, the overall reasons for the decision are that PC 58:
- is supported by necessary evaluation in accordance with section 32 and s32AA;
 - gives effect to the National Policy Statement on Urban Development;
 - gives effect to the National Policy Statement for Freshwater Management
 - gives effect to the Auckland Regional Policy Statement; and
 - satisfies Part 2 of the RMA.



Greg Hill - Chairperson

- for Commissioners Karyn Kurzeja and Mark Farnsworth

5 October 2021

Precinct Provisions

The precinct provisions are attached as Appendix 1.

APPENDIX 1 TO THE PC 58 DECISION.

PC 58 PRECINCT PROVISIONS –

I4xx Gatland Road Precinct

I4XX.1 PRECINCT DESCRIPTION

The Gatland Road precinct comprises some 6.1 hectares of land on the eastern side of Great South Road, north of Gatland Road, approximately 2km south of the Papakura Metropolitan Centre.

The purpose of the precinct is to provide for comprehensive and integrated development of the site, making efficient use of land resources and infrastructure, and increasing the supply of housing in the Papakura area. Development within the precinct is envisaged to provide approximately 200 new dwellings comprising a mixture of attached and detached typologies.

The development of the precinct will be integrated with the surrounding road network and future urban development to the east through the alignment of proposed roads. The precinct also recognises the planned future frequent and active transport network along Great South Road.

The precinct is within the Slippery Creek Catchment and stormwater discharges to the Drury Creek Significant Ecological Area so quality stormwater management is a key outcome of the precinct provisions.

The zoning of land within the precinct is Residential Mixed Housing Urban and Business Neighbourhood Centre.

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

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

I4XX.2 OBJECTIVES [\[RP/DP\]](#)

- (1) Gatland Road precinct is subdivided and developed in a comprehensive and integrated way.
- (2) A high-quality built form and landscaped streetscape is developed, reflecting an urban character and amenity.
- (3) A safe, efficient and integrated transport network provides strategic connections and improvements, encourages walking and cycling and the use of public transport, and provides strong legible connections through the precinct.

- (4) Stormwater management is designed to achieve a treatment train approach for hydrology mitigation and quality treatment to avoid adverse effects of stormwater on the sensitive receiving environment.

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

I4XX.3 POLICIES [RP/DP]

SUBDIVISION AND DEVELOPMENT

- (1) Require that the design of any subdivision and development within the precinct is undertaken in general accordance with the Gatland Road precinct plan.

TRANSPORT INFRASTRUCTURE

- (2) Require subdivision and development to achieve a safe and interconnected transport network which provides for:
 - a. improvements to the Great South Road and Gatland Road frontages to the precinct;
 - b. new road connections to Great South Road and Gatland Road;
 - c. future road connections to land to the east; and
 - d. Great South Road to be widened in the future for the planned frequent and active transport network
- (3) Require the internal road network, to be consistent with the precinct specific road layouts to achieve an appropriate balance between movement and sense of place functions and to maintain a high quality, safe, environment.

STORMWATER

- (4) Ensure subdivision and development achieves stormwater quality treatment of stormwater runoff from all impervious areas within the precinct through inert building materials and GD01 approved devices for other impervious surfaces.
- (5) Ensure stormwater from subdivision and development is managed in accordance with the following drainage hierarchy:
 - a) Retention for reuse.
 - b) Retention via soakage on-site or at-source.
 - c) Detention.
 - d) Conveyance.
- (6) Ensure communal stormwater devices are appropriately located, designed and constructed to: minimise the number of devices in roads; contribute to a quality built environment and integrate with open space where practicable.

- (7) Ensure that subdivision provides adequate space to convey the overland flow path entering the precinct from Great South Road and that it is appropriately protected.

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

I4xx.4 Activity table

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is otherwise listed in Activity Table I4xx.4.1 below.

Table I4xx.4.1 Activity table specifies the activity status of subdivision and development activities in the Gatland Road Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

TABLE I4XX.4.1 ACTIVITY TABLE

| Activity | Activity status |
|--|------------------------|
| Subdivision | |
| (A1) Subdivision in accordance with the standards | RD |
| (A2) Subdivision not in accordance with the standards | D |
| (A3) Subdivision which does not vest as road the 5m road widening strip shown on the precinct plan | D |
| Development | |
| (A4) New buildings and additions to buildings | P |
| (A5) Development involving land adjoining Great South Road that is within the 5 metre wide road widening strip identified within the precinct plan and does not meet standard I4xx.6.1.2 Road Widening Setback along Great South Road. | D |

I4xx.5 Notification

- (1) Any application for resource consent for an activity listed in activity tables I4xx.4.1 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) 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\(4\)](#).

I4xx.6 Standards

All relevant overlay, Auckland-wide and zone standards apply to the activities listed in Activity Table Ixx.4.1 unless otherwise specified below.

All activities listed in Activity Table I4xx.4.1 must also comply with the following standards:

I4xx.6.1 Development standards

I4xx.6.1.1 Building materials

Purpose: To protect water quality in streams, and the Slippery Creek Catchment, by avoiding the release of contaminants from building materials.

- (1) New buildings and additions to buildings must be constructed using inert cladding, roofing and spouting building materials that do not have an exposed surface made from contaminants of concern to water quality (i.e. zinc, copper, and lead).

I4xx.6.1.2 – Road Widening Setback along Great South Road

Purpose: To provide for the future required widening of Great South Road.

- (1) A 5m-wide road widening setback must be provided along that part of the frontage of the land adjoining Great South Road shown as subject to the 5m Road Widening Strip' notation on the precinct plan.
- (2) The setback must be measured from the legal road boundary that existed at the year of 2021. No buildings, structures or parts of a building shall be constructed within this 5m wide setback.
- (3) Any minimum front yard setback of the underlying zone for the land adjoining Great South Road shall be measured from this 5m-wide road widening setback.

I4xx.6.2 Subdivision Standards

I4xx.6.2.1 Roothing Construction Standards

Purpose: to provide a safe and legible street network.

- (1) All roads within the precinct must be located in general accordance with the Gatland Road Precinct Plan.
- (2) All roads provided within the precinct must be constructed to the standards contained within Appendix 1 Road Construction Standards within the Gatland Road Precinct or, where not contained in Appendix 1 below, the relevant Auckland-wide rules apply.

I4xx.7 Assessment – Controlled Activities

There are no controlled activities in this precinct.

I4xx.8 Assessment – Restricted discretionary activities

I4XX.8.1 MATTERS OF DISCRETION

The council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the zones or Auckland-wide provisions:

- (1) Subdivision and development:
 - a) Consistency with the Gatland Road Precinct Plan I4xx.9;
 - b) Stormwater; and
 - c) Safe and efficient operation of the current and future transport network.

I4XX.8.2 ASSESSMENT CRITERIA

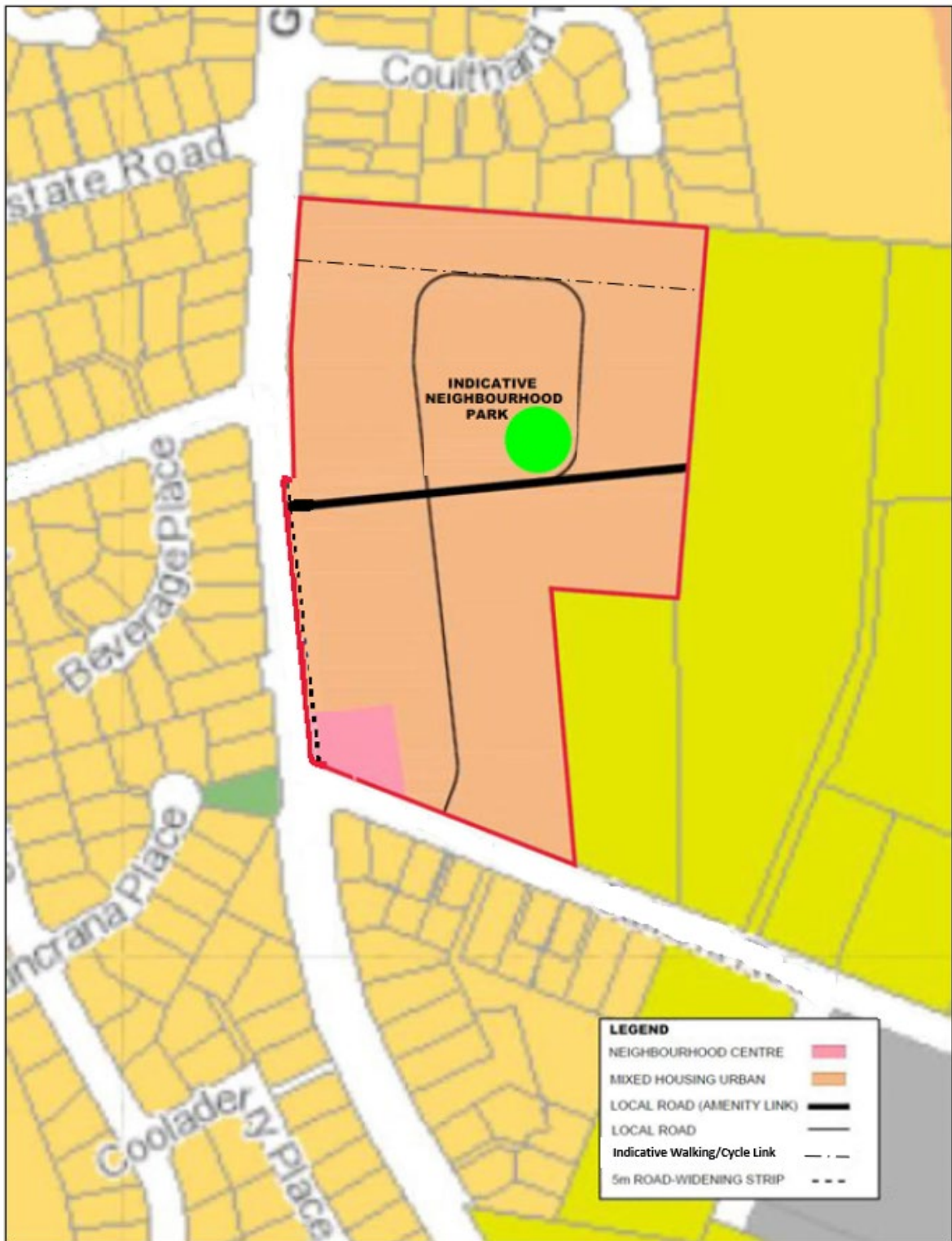
The Council will consider the relevant assessment criteria below for restricted discretionary activities in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlays, zones or Auckland-wide provisions.

- (1) The extent to which the subdivision or development implements and is in general accordance with the Gatland Road Precinct Plan.
- (2) Refer to Policies within I4xx.3 Gatland Road Precinct.
- (3) Stormwater management:
 - a) Subdivision and development is in accordance with the approved Stormwater Management Plan and policies E1.3(1) – (14) and (20b).
 - b) Changes in hydrology are mitigated with reuse and detention as the primary mitigation methods with infiltration being applied where ground

conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on site or on neighbouring properties.

- c) A treatment train approach is used to treat runoff from all impervious surfaces so that all contaminant generating surfaces are treated including cumulative effects of lower contaminant generating surfaces.
 - d) Where downstream assets, structures or habitable floors affected by flooding are identified at the time of subdivision or development, flood effects are mitigated by attenuating the up to the 1% AEP flood event within the precinct.
 - e) The design and efficiency of infrastructure and devices (including communal devices) with consideration given to the likely effectiveness, lifecycle costs, ease of access and operation and integration with the built and natural environment.
 - f) Adverse effects on Mana Whenua values are avoided, remedied or mitigated.
- (4) Whether subdivision or development provides for the safe and efficient operation of the current and future transport network including the extent to which:
- a) new roads are designed in accordance with the typical road construction guidelines in Appendix 1;
 - b) the frontage along Great South Road is designed and constructed to an urban standard, including at a minimum footpath, and connectivity to the footpath network, including on the western side of Great South Road;
 - c) a road connection between Great South Road and Gatland Road is enabled through the design and layout of the subdivision;
 - d) the frontage along Gatland Road is designed and constructed to an urban standard including at a minimum footpath, and connectivity to the footpath network; and
 - e) the intersection of Gatland Road and Great South Road operates in a safe and efficient manner.

I4xx.9 Precinct plan



Appendix 1

Purpose of Appendix 1

Within the Gatland Road Precinct, applications for any subdivision or any development of land within the precinct requires resource consent in accordance with the Auckland-wide Urban Subdivision standards and the underlying Mixed Housing Urban and Neighbourhood Centre zone standards, as a restricted discretionary or discretionary activity.

The activity will be assessed in terms of a series of matters to which the Council will restrict the exercise of its discretion. One of the matters which the Council will have regard to is set out in 14xx.8.2(1)(4)(a) *The extent to which new roads are designed in accordance with the typical road construction guidelines in Appendix 1.*

This Appendix sets out the guideline for the construction of roads in the precinct but is not intended to represent the only design solution.

Table 1: Minimum road width, function and required design elements

| <u>Road name (1)</u> | <u>Proposed role and function of road in precinct area</u> | <u>Minimum road reserve (2)</u> | <u>Total number of lanes</u> | <u>Design speed</u> | <u>median</u> | <u>Cycle provisions (3)</u> | <u>Pedestrian provision</u> | <u>Freight restrictions</u> | <u>Access restrictions</u> | <u>Bus Provision</u> |
|-----------------------------|--|---------------------------------|------------------------------|---------------------|---------------|-----------------------------|-----------------------------|-----------------------------|----------------------------|----------------------|
| <u>Great South Rd</u> | <u>Arterial</u> | <u>30m</u> | <u>4</u> | <u>60km/h</u> | <u>Flush</u> | <u>Y</u> | <u>Both sides</u> | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| <u>Gatland Rd</u> | <u>Local</u> | <u>16m (5)</u> | <u>2</u> | <u>30km/h</u> | <u>N</u> | <u>N</u> | <u>Both sides</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| <u>Amenity Link Rd</u> | <u>Local</u> | <u>22.2m</u> | <u>2</u> | <u>30km/h</u> | <u>N (4)</u> | <u>N</u> | <u>Both sides</u> | <u>N</u> | <u>N</u> | <u>N</u> |
| <u>Local internal roads</u> | <u>Local</u> | <u>16m</u> | <u>2</u> | <u>30km/h</u> | <u>N</u> | <u>N</u> | <u>Both sides</u> | <u>N</u> | <u>N</u> | <u>N</u> |

Note 1: The inclusion of the minimum road width, function and required design elements for Great South Road and Gatland Road in Table 1 are provided for context only.

Note 2: Typical minimum cross section which may need to be varied in specific locations where required to accommodate batters, structures, intersection design, significant constraints or other localised design requirements.

Note 3: Cycle provision generally not required where design speeds are 30 km/h or less traffic volumes less than 3000 vehicles per day.

Note 4: Median not functionally required but could be provided to accommodate swale/dedicated overland flow path.

Note 5: Current legal width is 20 metres which is greater than that functionally required.

Attachment B: Updated text

I446. Gatland Road Precinct

I446.1. Precinct Description

The Gatland Road precinct comprises some 6.1 hectares of land on the eastern side of Great South Road, north of Gatland Road, approximately 2km south of the Papakura Metropolitan Centre.

The purpose of the precinct is to provide for comprehensive and integrated development of the site, making efficient use of land resources and infrastructure, and increasing the supply of housing in the Papakura area. Development within the precinct is envisaged to provide approximately 200 new dwellings comprising a mixture of attached and detached typologies.

The development of the precinct will be integrated with the surrounding road network and future urban development to the east through the alignment of proposed roads. The precinct also recognises the planned future frequent and active transport network along Great South Road.

The precinct is within the Slippery Creek Catchment and stormwater discharges to the Drury Creek Significant Ecological Area so quality stormwater management is a key outcome of the precinct provisions.

The zoning of land within the precinct is Residential Mixed Housing Urban and Business Neighbourhood Centre.

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

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

I446.2. Objectives [rp/dp]

- (1) Gatland Road precinct is subdivided and developed in a comprehensive and integrated way.
- (2) A high-quality built form and landscaped streetscape is developed, reflecting an urban character and amenity.
- (3) A safe, efficient and integrated transport network provides strategic connections and improvements, encourages walking and cycling and the use of public transport, and provides strong legible connections through the precinct.
- (4) Stormwater management is designed to achieve a treatment train approach for hydrology mitigation and quality treatment to avoid adverse effects of stormwater on the sensitive receiving environment.

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

I446.3. Policies [rp/dp]

Subdivision and development

(1) Require that the design of any subdivision and development within the precinct is undertaken in general accordance with the Gatland Road precinct plan.

Transport Infrastructure

(2) Require subdivision and development to achieve a safe and interconnected transport network which provides for:

- a. improvements to the Great South Road and Gatland Road frontages to the precinct;
- b. new road connections to Great South Road and Gatland Road;
- c. future road connections to land to the east; and
- d. Great South Road to be widened in the future for the planned frequent and active transport network

(3) Require the internal road network, to be consistent with the precinct specific road layouts to achieve an appropriate balance between movement and sense of place functions and to maintain a high quality, safe, environment.

Stormwater

(4) Ensure subdivision and development achieves stormwater quality treatment of stormwater runoff from all impervious areas within the precinct through inert building materials and GD01 approved devices for other impervious surfaces.

(5) Ensure stormwater from subdivision and development is managed in accordance with the following drainage hierarchy:

- a. Retention for reuse.
- b. Retention via soakage on-site or at-source.
- c. Detention.
- d. Conveyance.

(6) Ensure communal stormwater devices are appropriately located, designed and constructed to: minimise the number of devices in roads; contribute to a quality built environment and integrate with open space where practicable.

(7) Ensure that subdivision provides adequate space to convey the overland flow path entering the precinct from Great South Road and that it is appropriately protected.

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

I446.4. Activity table

I446 Gatland Road Precinct

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is otherwise listed in Activity Table I446.4.1 below.

Table I446.4.1 Activity table specifies the activity status of subdivision and development activities in the Gatland Road Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

Table I446.4.1 Activity table

| Activity | Activity status |
|--|------------------------|
| Subdivision | |
| (A1) Subdivision in accordance with the standards | RD |
| (A2) Subdivision not in accordance with the standards | D |
| (A3) Subdivision which does not vest as road the 5m road widening strip shown on the precinct plan | D |
| Development | |
| (A4) New buildings and additions to buildings | P |
| (A5) Development involving land adjoining Great South Road that is within the 5 metre wide road widening strip identified within the precinct plan and does not meet standard I446.6.1.2 Road Widening Setback along Great South Road. | D |

I446.5. Notification

- (1) Any application for resource consent for an activity listed in activity tables I446.4.1 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) 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\(4\)](#).

I446.6. Standards

All relevant overlay, Auckland-wide and zone standards apply to the activities listed in Activity Table I446.4.1 unless otherwise specified below.

All activities listed in Activity Table I446.4.1 must also comply with the following standards:

I446.6.1. Development Standards

I446.6.1.1. Building materials

I446 Gatland Road Precinct

Purpose: To protect water quality in streams, and the Slippery Creek Catchment, by avoiding the release of contaminants from building materials.

- (1) New buildings and additions to buildings must be constructed using inert cladding, roofing and spouting building materials that do not have an exposed surface made from contaminants of concern to water quality (i.e. zinc, copper, and lead).

I446.6.1.2. - Road Widening Setback along Great South Road

Purpose: To provide for the future required widening of Great South Road.

- (1) A 5m-wide road widening setback must be provided along that part of the frontage of the land adjoining Great South Road shown as subject to the 5m Road Widening Strip' notation on the precinct plan.
- (2) The setback must be measured from the legal road boundary that existed at the year of 2021. No buildings, structures or parts of a building shall be constructed within this 5m wide setback.
- (3) Any minimum front yard setback of the underlying zone for the land adjoining Great South Road shall be measured from this 5m-wide road widening setback.

I446.6.2. Subdivision Standards

I446.6.2.1. Roading Construction Standards

Purpose: to provide a safe and legible street network.

- (1) All roads within the precinct must be located in general accordance with the Gatland Road Precinct Plan.
- (2) All roads provided within the precinct must be constructed to the standards contained within Appendix 1 Road Construction Standards within the Gatland Road Precinct or, where not contained in Appendix 1 below, the relevant Auckland-wide rules apply.

I446.7. Assessment – Controlled Activities

There are no controlled activities in this precinct.

I446.8. Assessment – Restricted discretionary activities

I446.8.1. Matters of discretion

The council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the zones or Auckland-wide provisions:

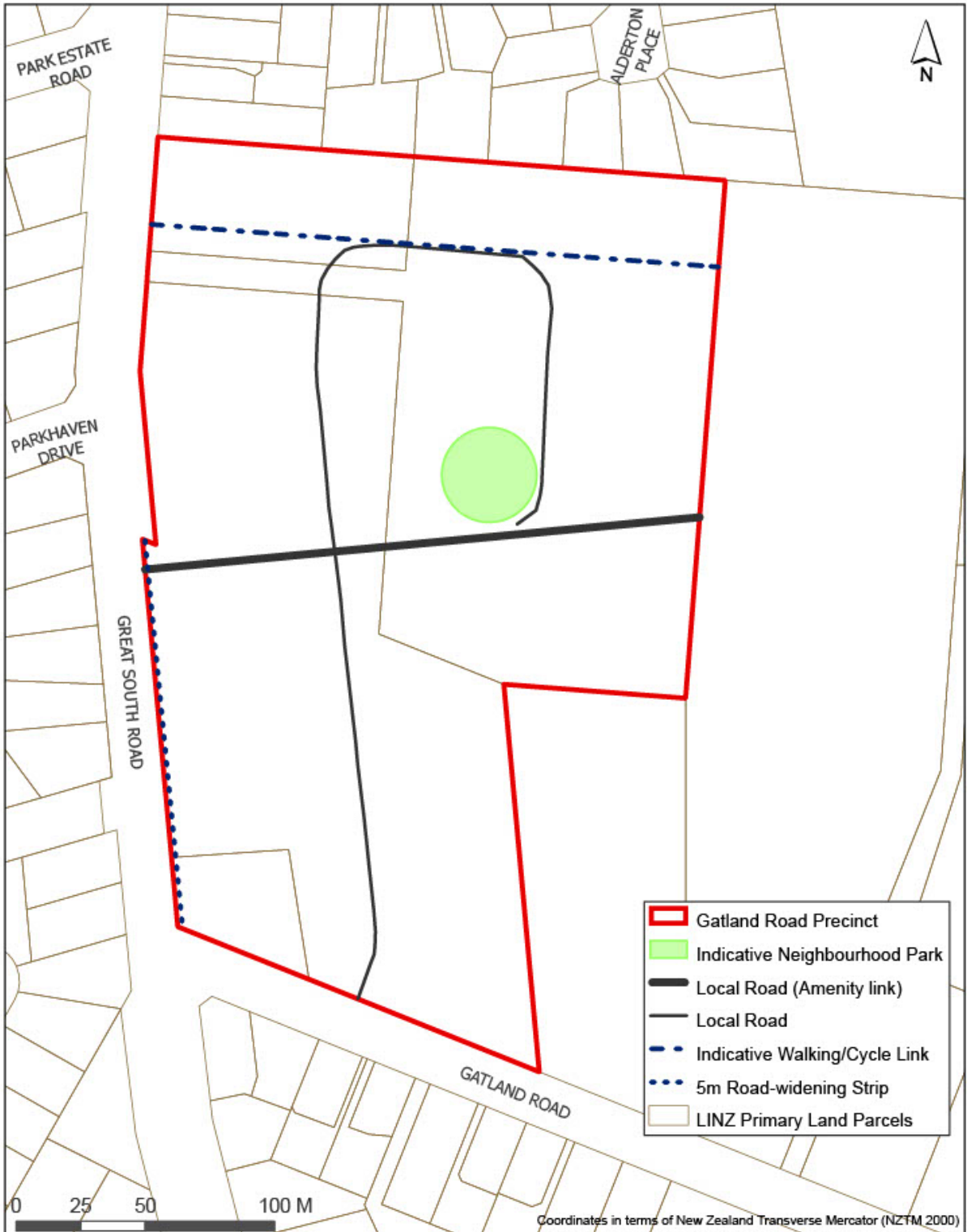
- (1) Subdivision and development:
 - a. Consistency with the Gatland Road Precinct Plan I446.9;
 - b. Stormwater; and
 - c. Safe and efficient operation of the current and future transport network.

I446.8.2. Assessment criteria

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

- (1) The extent to which the subdivision or development implements and is in general accordance with the Gatland Road Precinct Plan.
- (2) Refer to Policies within I446.3 Gatland Road Precinct.
- (3) Stormwater management:
 - a. Subdivision and development is in accordance with the approved Stormwater Management Plan and policies E1.3(1) – (14) and (20b).
 - b. Changes in hydrology are mitigated with reuse and detention as the primary mitigation methods with infiltration being applied where ground conditions have been identified as being suitable to absorb such discharges without causing, accelerating or contributing to land instability and downstream effects either on site or on neighbouring properties.
 - c. A treatment train approach is used to treat runoff from all impervious surfaces so that all contaminant generating surfaces are treated including cumulative effects of lower contaminant generating surfaces.
 - d. Where downstream assets, structures or habitable floors affected by flooding are identified at the time of subdivision or development, flood effects are mitigated by attenuating the up to the 1% AEP flood event within the precinct.
 - e. The design and efficiency of infrastructure and devices (including communal devices) with consideration given to the likely effectiveness, lifecycle costs, ease of access and operation and integration with the built and natural environment.
 - f. Adverse effects on Mana Whenua values are avoided, remedied or mitigated.
- (4) Whether subdivision or development provides for the safe and efficient operation of the current and future transport network including the extent to which:
 - a. new roads are designed in accordance with the typical road construction guidelines in Appendix 1;
 - b. the frontage along Great South Road is designed and constructed to an urban standard, including at a minimum footpath, and connectivity to the footpath network, including on the western side of Great South Road;
 - c. a road connection between Great South Road and Gatland Road is enabled through the design and layout of the subdivision;
 - d. the frontage along Gatland Road is designed and constructed to an urban standard including at a minimum footpath, and connectivity to the footpath network; and
 - e. the intersection of Gatland Road and Great South Road operates in a safe and efficient manner.

I446.9. Precinct Plan



I446 Gatland Road Precinct

Appendix 1

Purpose of Appendix 1

Within the Gatland Road Precinct, applications for any subdivision or any development of land within the precinct requires resource consent in accordance with the Auckland-wide Urban Subdivision standards and the underlying Mixed Housing Urban and Neighbourhood Centre zone standards, as a restricted discretionary or discretionary activity.

The activity will be assessed in terms of a series of matters to which the Council will restrict the exercise of its discretion. One of the matters which the Council will have regard to is set out in I4xx.8.2(1)(4)(a) *The extent to which new roads are designed in accordance with the typical road construction guidelines in Appendix 1.*

This Appendix sets out the guideline for the construction of roads in the precinct but is not intended to represent the only design solution.

Table 1: Minimum road width, function and required design elements

| Road name (1) | Proposed role and function of road in precinct area | Minimum road reserve (2) | Total number of lanes | Design speed | median | Cycle provisions (3) | Pedestrian provision | Freight restrictions | Access restrictions | Bus Provision |
|----------------------|---|--------------------------|-----------------------|--------------|--------|----------------------|----------------------|----------------------|---------------------|---------------|
| Great South Rd | Arterial | 30m | 4 | 60km/h | Flush | Y | Both sides | Y | Y | Y |
| Gatland Rd | Local | 16m (5) | 2 | 30km/h | N | N | Both sides | N | N | N |
| Amenity Link Rd | Local | 22.2m | 2 | 30km/h | N (4) | N | Both sides | N | N | N |
| Local internal roads | Local | 16m | 2 | 30km/h | N | N | Both sides | N | N | N |

Note 1: The inclusion of the minimum road width, function and required design elements for Great South Road and Gatland Road in Table 1 are provided for context only.

Note 2: Typical minimum cross section which may need to be varied in specific locations where required to accommodate batters, structures, intersection design, significant constraints or other localised design requirements.

Note 3: Cycle provision generally not required where design speeds are 30 km/h or less traffic volumes less than 3000 vehicles per day.

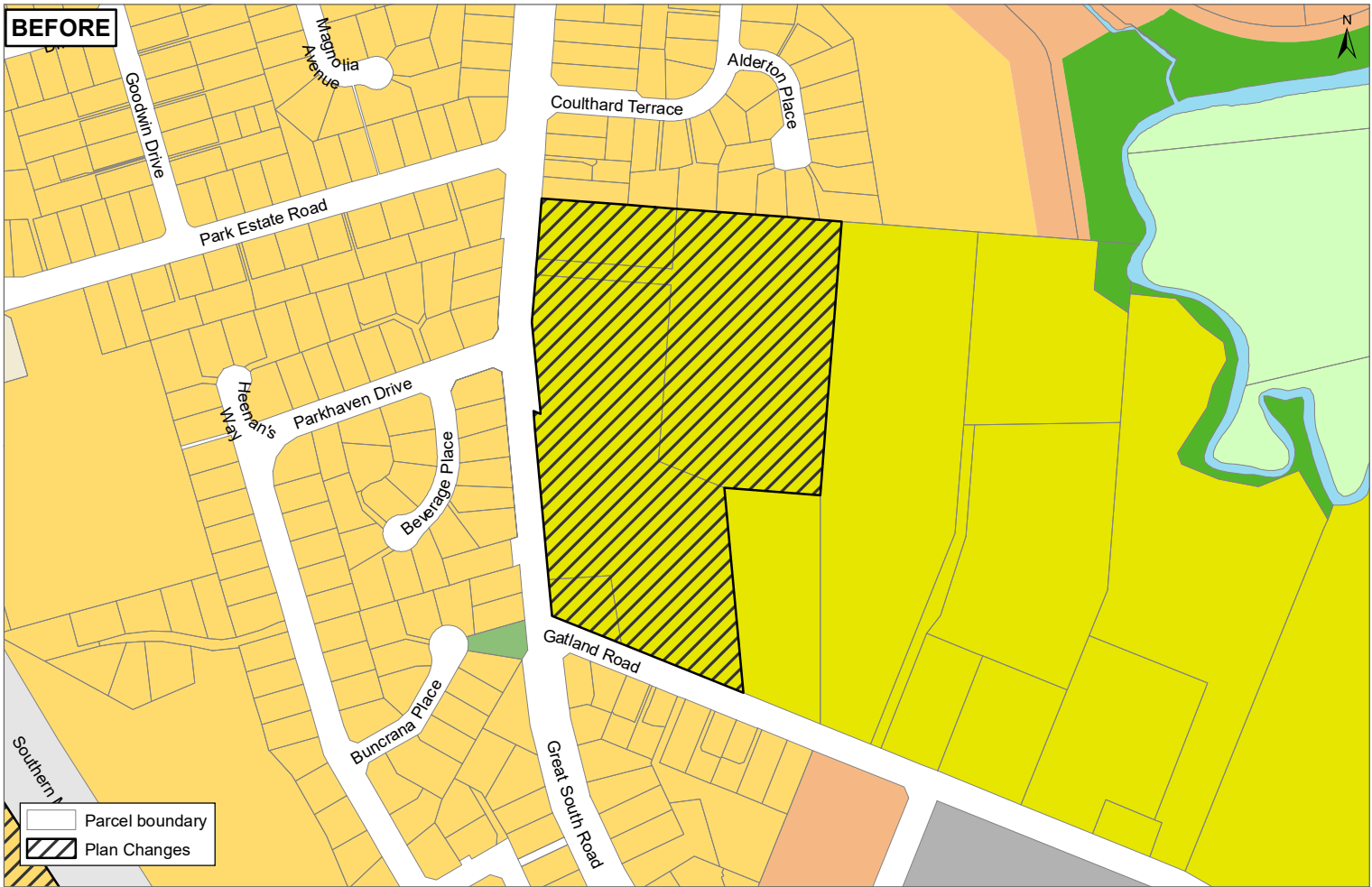
I446 Gatland Road Precinct

Note 4: Median not functionally required but could be provided to accommodate swale/dedicated overland flow path.

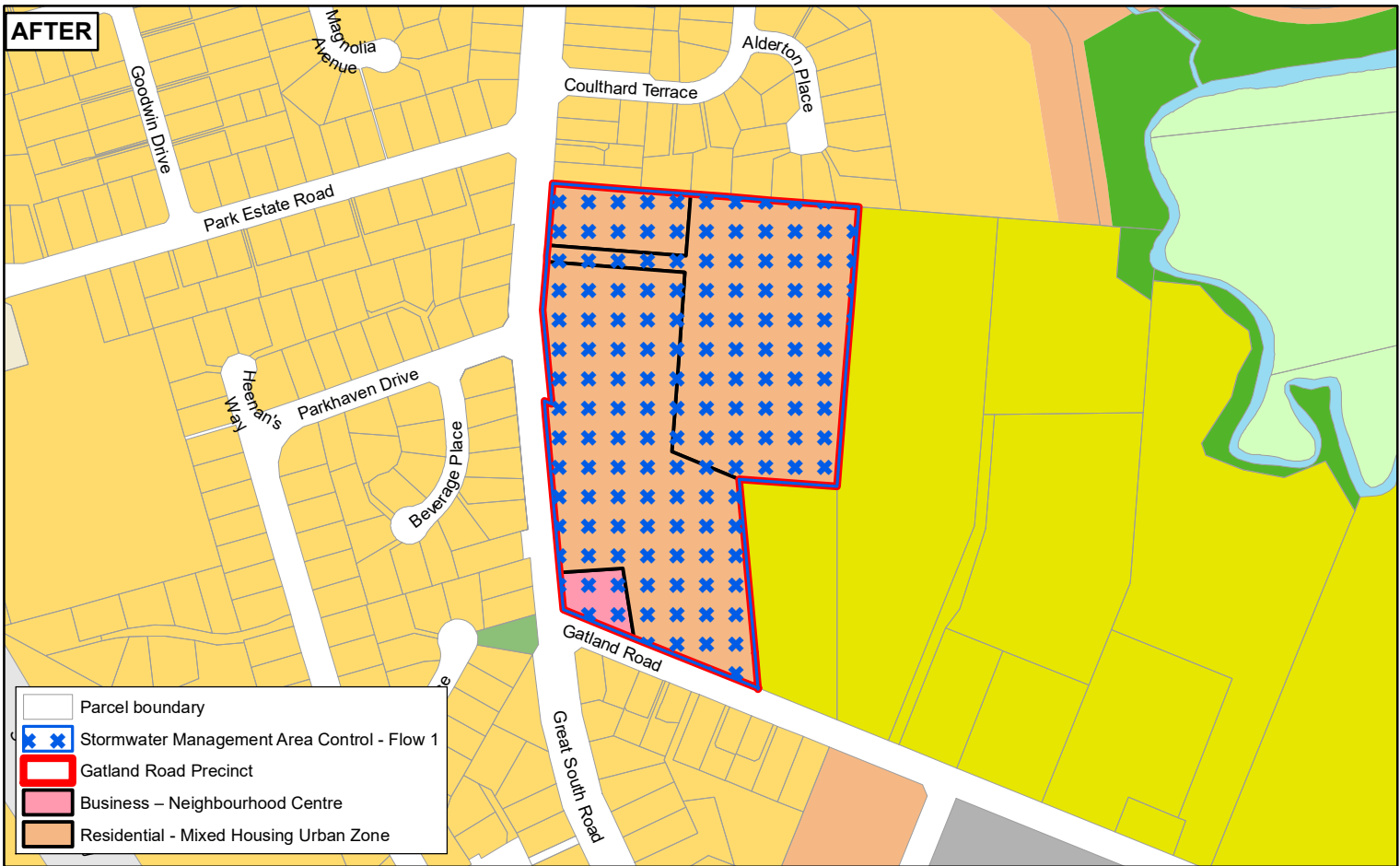
Note 5: Current legal width is 20 metres which is greater than that functionally required.

Attachment C: Updated GIS Viewer

BEFORE



AFTER



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: 8/03/2022

Plan Change 58 - Operative