

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of **Private Plan Change 87** – 301 and 303 Buckland Road, Pukekohe to the Auckland Unitary Plan

HEARING DIRECTION #2 FROM THE HEARING PANEL

1. Pursuant to section 34A of the RMA, Auckland Council (the Council) has appointed a Hearing Panel consisting of three independent hearing commissioners – Dave Serjeant (Chairperson), Michael Parsonson and Nigel Mark-Brown. The Hearing Panel’s function is to hear the application and submissions and make a decision on the Plan Change proposal, including any changes to it that are within scope of the notified Plan Change. It is also to deal with any procedural matters.
2. On Tuesday 11 July 2023 the hearing panel directed the applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions. The applicant filed the memorandum on Thursday 13 July 2023. Both documents are **attached** to this Direction.
3. The panel recognises that the changes introduce new information on the plan change that needs to be considered by all parties. The panel has therefore included in this direction an extended reporting and evidence exchange process to account for assessment of this new information by parties, including the Council’s view of the changes, while acknowledging the constraints on the initial section 42A report referenced below.
4. The hearing panel have considered the applicants memorandum and accordingly directs the following:
 - (a) Pursuant to section 42A of the RMA, the S42A hearing report is to be with the Council’s Hearings Advisor, Sidra Khan by 9am on Monday 31st July 2023 and shall be released to all parties no later than 5pm **Wednesday 2nd August 2023**.

The hearing panel is not able to direct the section 42A hearing report to include an assessment of the revised provisions as that would be contrary to Part 2 of Schedule 1 of the RMA.

- (b) Pursuant to sections 41B(1) and (2) of the RMA, the Applicant’s expert evidence (evidence given by a professional with specialist qualifications and experience) is to be provided to the Council’s Hearings Advisor no later than midday,

Wednesday 9 August 2023 and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.

- (c) The changes to the Plan Change introduced by the memorandum on Thursday 13 July 2023 must be addressed by the evidence in (b) by a S32AA report and reasons why the proposed changes are in scope shall also be addressed.
 - (d) Pursuant to sections 41B(3) and (4) of the RMA, any submitter who intends to call expert evidence at the hearing (evidence given by a professional with specialist qualifications and experience) is to provide that evidence to the Council's Hearings Advisor no later than midday, **Wednesday 16 August 2023** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
 - (e) Pursuant to section 42A of the RMA, the reporting planner shall provide an addendum S42A hearing report, including input from economic and transport specialists as required, to the Council's Hearings Advisor no later than midday, **Wednesday 23 August 2023** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day.
 - (f) Pursuant to sections 41B(1) and (2) of the RMA, any rebuttal evidence to be provided by the Applicant is to be provided to the Council's Hearings Advisor no later than midday, **Tuesday 29 August 2023** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
 - (g) The hearing shall commence on **Thursday 31st August 2023** and has been set down for 1 day.
5. While these Directions do not apply to lay or non-expert statements/evidence, the Hearing Panel would appreciate any written statements to be presented at the hearing by submitters to be provided to the Council's Hearings Advisor no later than midday, **Tuesday 29 August 2023** and will be made available to the parties and on the Council's website no later than 5.00 pm the same day
6. The Hearing Panel also encourages parties to pre-circulate any opening legal submissions in advance of the hearing, preferably no later than midday, **Tuesday 29 August 2023**. The Hearing Panel and other parties will be assisted if the legal submissions can be pre-read.
7. The purpose of these Directions is to provide the opportunity for the Hearing Panel and the other parties to have read and considered any legal submissions, evidence or statements in advance of the hearing to assist in understanding the case being presented. As the Hearing Panel will have read all the pre-circulated material before the hearing, there will be no need for it to be read out. An executive summary maybe read out or the key points highlighted.

8. Any enquiries regarding these Directions or related matters should be directed to the Council's Hearings Advisor, Sidra Khan, by email at sidra.khan@aucklandcouncil.govt.nz

A handwritten signature in black ink, appearing to read 'D Serjeant', with a stylized, cursive script.

Dave Serjeant, Chairperson
Thursday 20 July 2023

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12 July 2023

Project Number: 4314.01

Auckland Council
Democracy and Engagement Department
Te Wharau o Tāmaki - Auckland House
135 Albert Street
Auckland

By Email: sidra.khan@aucklandcouncil.govt.nz

Attention: Sidra Khan | Hearings Advisor - Kaitohutohu Whakawātanga

Dear Ms Khan

PROPOSED PRIVATE PLAN CHANGE 87 – DIRECTION 1 OF THE HEARING CHAIR

I refer to your letter and direction from the Chair dated 11 July 2023.

The Chair has directed the applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes are in response to which submissions.

Please find attached a draft precinct for Proposed Private Plan Change 87 which has been added to the plan change provisions sought.

The Precinct has the proposed name of “Buckland Road Precinct”.

This precinct has been developed in collaboration with Auckland Transport (Chris Freke and Matt Ford) and is intended to resolve the matters in the Auckland Transport submission. This version of the draft precinct has been approved by Mr Freke and Mr Ford on behalf of Auckland Transport.

Yours faithfully

SCOTT WILKINSON PLANNING


Robert Scott
Planning Consultant

Let PC87 - Direction 1 - 12 July 2023

I4XX. Buckland Road Precinct

I4XX.1. Precinct Description

The Buckland Road Precinct covers approximately 7.8 hectares of land at 301 and 303 Buckland Road and is located to the south of the Pukekohe Town Centre.

The Buckland Road Precinct is zoned Business – General Business Zone and enables a wide range of business and employment related activity to complement existing Business zoned land to the northeast and opposite at Pukekohe Park. It also complements planned Business - Light Industrial zoning identified in the Pukekohe-Paerata Structure Plan. Other than the precinct provisions set out below, the activity and development standards for the Business-General Business Zone has not been changed.

The purpose of the precinct is to ensure that subdivision and development of land:

- is coordinated with upgrades necessary to avoid, remedy or mitigate adverse effects on the local and wider transport network; and
- recognises the need for safe, efficient, and effective access to the Precinct; and
- provides for the comprehensive and integrated development of the sites within the Precinct, to ensure the efficient use of land resources and infrastructure.

The transport network in the wider area will be progressively upgraded over time to support planned urban growth in this part of Pukekohe as identified in the Pukekohe-Paerata Structure Plan.

The zoning of land within this Precinct is the Business – General Business Zone.

I4XX.2. Objectives [rp/dp]

- (1) Provide a well-connected and safe urban transport network that supports a range of travel modes.
- (2) Transport infrastructure is integrated and coordinated with subdivision and development and provides safe and efficient connections to the wider transport network and upgrades to the transport network adjoining and/or immediately beyond the Precinct.

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 Buckland Road precinct plan.

Transport and Infrastructure

- (2) Require subdivision and development to provide for a transport network that:
 - (a) Integrates with, and avoids, remedies or mitigates adverse effects on the safety and efficiency of the transport network of the surrounding area by:
 - (i) Providing for a road between Webb Street and Buckland Road as fixed by the Buckland Road Precinct Plan.

- (ii) Providing for a controlled access intersection on Buckland Road in the location as fixed by the Buckland Road Precinct Plan.
 - (iii) Providing a safe internal transport network within the site and providing for safe intersections onto collector and arterial roads.
 - (iv) Delivering an urban standard of frontage to Buckland Road including at a minimum, footpaths and cycling connectivity.
 - (v) Providing for active mode connections beyond the precinct and where identified in the Precinct Plan.
 - (vi) Restricts or manages vehicle access directly off Buckland Road.
- (b) Facilitates transport choices by providing for pedestrians, cyclists, public transport facilities, and vehicles, including (as far as practicable given the local area's constraints and characteristics) to the Pukekohe Town Centre
 - (c) Is designed and constructed in a manner that is appropriate having regard to the requirements of Auckland Transport's relevant code of practice or engineering standards.

I4XX.4. Activity table

The activity tables in any relevant overlays, Auckland-wide and zones apply unless the activity is listed in Table I4XX.4.1 below.

Table I4XX 4.1 specifies the activity status of land use and subdivision activities in the precinct pursuant to sections 9(2), 9(3) and section 11 of the Resource Management Act 1991.

Note 1

A blank cell in the activity status means the activity status of the activity in the relevant overlays, Auckland-wide or zones applies for that activity unless that activity is specifically listed in Table I4XXX.4.1.

Table I4XX.4.1 Activity table

Activity		Activity status
Use and Development		
(A1)	Activities listed as permitted, restricted discretionary, discretionary, or non-complying activities in Table H14.4.1 in the Business – General Business Zone	
Subdivision		
(A2)	Subdivision not complying with the standards under I4XX.6.1	RD

(A3)	Subdivision not in accordance with the Precinct Plan or not complying with the standards I4XX.6.1	D
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I4XX.5. Notification

- (1) Any application for resource consent for an activity listed in Table I4XX.4.1 Activity table 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 I4XX.4.1.

All activities listed in Table I4XX.4.1 Activity Table must comply with the following standards.

I4XX.6.1 Precinct Plan and infrastructure requirements

All development and subdivision must comply with the following standards:

I4XX.6.1.1 Precinct Plan requirements

- (1) All roads, lanes and active mode connections must be as fixed in the Buckland Road: Precinct Plan 1 such as to achieve the same level of connectivity to adjacent sites and roads as shown on the Precinct Plan.

I4XX.6.1.2 Transport

Purpose:

- Mitigate the adverse effects of traffic generation on the surrounding local and wider transport network.
- Achieve the integration of land use and transport.

- (1) Subdivision and development (including construction of any new road) must comply with the standards in Table I4XX.6.1.2.1

Table I4XX.6.1.2.1 Transport Infrastructure Requirements

Transport Infrastructure Upgrade		Trigger
(T1)	New Collector Road between Buckland Road and Webb Street along the full length of the shared boundary of 301 and 303 Buckland Road and as fixed in Precinct Plan 1.	Any subdivision or development with frontage to 301 or 303 Buckland Road.
(T2)	Establish a key intersection with Buckland Road as fixed in Precinct Plan 1	Any subdivision or development with frontage to 301 or 303 Buckland Road.

(T3)	Upgrading of Buckland Road to an urban standard (west side/site frontage) including the footpath and cycling facilities.	Any subdivision or development with frontage to 301 or 303 Buckland Road.
(T4)	Development of cycle facilities and extension of the pedestrian footpath on Buckland Road are to continue north, beyond the plan change boundary to Kitchener Road as shown on the Precinct Plan 1.	Any subdivision or development with frontage to 301 or 303 Buckland Road.

I4XX.7. Assessment – restricted discretionary activities

I4XX.7.1 Matters of discretion

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary activity resource consent application for activities listed in Table I4XX.4.1 Activity Table, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) Non-compliance with the standards I4XX6.1
 - (a) Consistency with the Buckland Road Precinct Plan I4XX.9
 - (b) Safe and efficient operation of the current and future transport network.
 - (c) Consistency with the objectives and policies of the Precinct.

I4XX.7.2. Assessment criteria

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

- (1) Subdivision and development:
 - (a) The extent to which frontage along Buckland Road is designed and constructed to an urban standard, including at a minimum footpath, and connectivity to the footpath network, including on the necessary connection required north of the precinct boundary to connect to Kitchener Road
 - (i) The extent to which the collector road connection known as PU-NS-2 (Buckland Road to Webb Street) is provided along the full length of the shared boundary with 301 and 303 Buckland Road in the location fixed on Precinct Plan 1 to achieve a well-connected street layout that integrates with the transport network and is to Auckland Transport standards.

- (b) The extent to which the intersection of Buckland Road / PU-NS-2 operates in a safe and efficient manner.
- (c) The extent to which the active mode connections are provided for as shown in the Precinct Plan:
 - (i) Along the frontage of the Precinct boundary.
 - (ii) North, beyond the Precinct to connect to the Kitchener Road / Manukau Road / Buckland Road intersection.

I4XX.8. Special information requirements

I4XX.8.1 Traffic Assessment

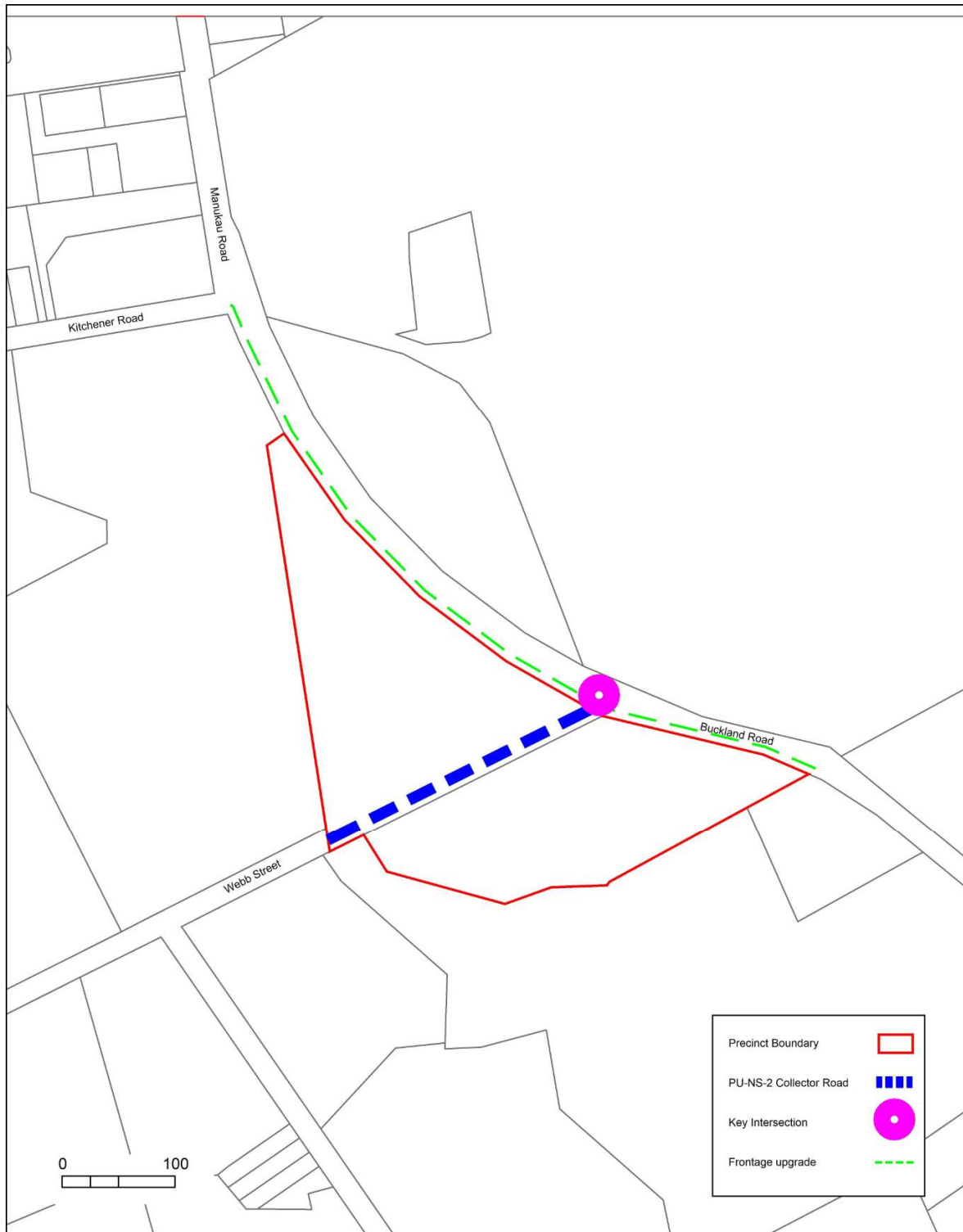
- (1) At the first stage of subdivision or development of any site existing at (date of plan change approval); and

I4XX.8.2 Transport Design Report

- (1) Any proposed new key intersection or upgrading of existing key intersections, and, any proposed new key roads or upgrading of existing key roads are illustrated on the Precinct Plan must be supported by a Transport Design Report and Concept Plans (including forecast transport modelling and land use assumptions), prepared by a suitably qualified transport engineer confirming that the location and design of any road and its intersection(s) supports the safe and efficient function of the existing and future (ultimate) transport network and can be accommodated within the proposed or available road reserves. This may be included within a transport assessment supporting land use or subdivision consents.

In addition, where an interim upgrade is proposed, information must be provided, detailing how the design allows for the ultimate upgrade to be efficiently delivered.

I4XX.9 Buckland Road Precinct Plan 1



Appendix 1 – Minimum Road Width, Function and Required Design Elements

Name	Role and function of road	Minimum Road Reserve	Total no. of lanes	Design Speed	Median	Cycle provision	Pedestrian provision	Freight or heavy vehicle route	Access Restrictions	Bus Provision
Buckland Road	Arterial Road	30m	2	50km/h	No	yes	yes	yes	yes	yes
PU-NS-2 (Proposed Collector)	Collector, unless Auckland Transport issues a notice of requirement for an arterial.	22m	2	50km/h	No	No	Yes	Yes	No	No

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