
I hereby give notice that a hearing by commissioners will be held on:

Date: Tuesday 22 November 2022
Time: 9.30am
Meeting room: Howick Local Board Meeting Room
Venue: Ground Floor, Pakuranga Library Complex
7 Aylesbury Street, Pakuranga, Auckland

PRIVATE PLAN CHANGE 77
HEARING REPORT
199 BOTANY ROAD, HOWICK
PAKURANGA GOLF CLUB

COMMISSIONERS

Chairperson Richard Blakey
Commissioner Trevor Mackie

Sidra Khan
KAITOHUTOHU WHAKAWĀTANGA
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Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual hearing procedure is:

- **The chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- **The applicant** will be called upon to present their case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented their case, members of the hearing panel may ask questions to clarify the information presented.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The applicant or their representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chair** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.

Please note

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

**A NOTIFIED PRIVATE PLAN CHANGE TO THE AUCKLAND UNITARY PLAN BY
PAKURANGA GOLF CLUB.**

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Reporting officer, Joe McDougall

Reporting on proposed Private Plan Change 77 - 199 Botany Road, Howick to rezone the land from Residential – Mixed Housing Suburban (MHS) to Open Space – Sport and Active Recreation (OS-SAR) zones in the Auckland Unitary Plan (Operative in Part) 2016.

APPLICANT: PAKURANGA GOLF CLUB

SUBMITTERS:	
Page 144	Matthew Caron
Page 146	Kevin Joseph Hill
Page 148	Robert Grimmer
Page 150	Ru Wang
Page 152	Aaron Jensen
Page 154	Randel Case
Page 156	Angela Schneiderman
Page 158	Auckland Golf c/- Jacob Cameron

FURTHER SUBMITTERS:	
Page 161	Pakuranga Golf Club c/- Tania Richmond



Hearing Report for Proposed (Private) Plan Change 77 (Pakuranga Golf Club) to the Auckland Unitary Plan (Operative in part)

Section 42A Hearing Report under the Resource Management Act 1991

Report to: Hearing Commissioners

Hearing Date/s: 22 November 2022

File No: Hearings Report Proposed Plan Change 77

File Reference \\aklc.govt.nz\Shared\CPO\RLP\FC\LUP\UP MODIFICATIONS\PC077-Pakuranga Golf Club (Private)

Report Author Joe McDougall, Planner, Central and South Planning, Plans and Places

Report Approver Marc Dendale, Team Leader, Central and South Planning, Plans and Places, Chief Planning Office

Report produced 4 November 2022

Summary of Proposed Plan Change 77: (PPC77)

Plan subject to change	Auckland Unitary Plan (Operative in part), 2016 (AUP (OP))
Number and name of change	Proposed Plan Change 77 – Pakuranga Golf Club to the Auckland Unitary Plan
Status of Plan	Operative in part
Type of change	Private Plan Change
Clause 25 decision outcome	Approve
Parts of the Auckland Unitary Plan affected by the proposed plan change	Planning maps only Rezone the land at 199 Botany Road, Howick from Residential – Mixed Housing Suburban (MHS) zone to Open Space – Sport and Active Recreation (OS-SAR) zone.
Was clause 4A complete	Yes
Date of notification of the proposed plan change and whether it was publicly notified or limited notified	The private plan change was publicly notified on the 8 July 2022.
Submissions received (excluding withdrawals)	Eight submissions
Date summary of submissions notified	9 September 2022 (Summary of Decisions Requested).
Number of further submissions received (numbers)	One submission
Legal Effect at Notification	No
Main issues or topics emerging from all submissions	<ul style="list-style-type: none"> • Rezone to ensure that the zoning reflects the existing land use. • Retaining the residential zoning would support future development. • Seeking preservation of open recreation spaces with increasing intensification in the area.

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Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PPC77	Proposed Private Plan Change 77
MHS	Residential – Mixed Housing Suburban zone
OS-SAR	Open Space - Sport and Active Recreation zone
RMA	Resource Management Act 1991
AUP(OP)	Auckland Unitary Plan (Operative in Part)

Attachments

Attachments	
Appendix 1	Private Plan Change 77 Request
Appendix 2	Information provided by the applicant to support PPC77
Appendix 3	Submissions and Further Submissions
Appendix 4	Technical Expert Advice

EXECUTIVE SUMMARY

1. The purpose of the proposed plan change by the Pakuranga Country Club Incorporated (known as Pakuranga Golf Club) is to rezone its land from Residential – Mixed Housing Suburban to Open Space – Sport and Active Recreation. This plan change applies to the AUP (OP) Planning Maps. The land to be rezoned is Lot 2 DP 541234, NA909/033, at 199 Botany Road, Howick. There are no changes to any other spatial layers or text in the AUP(OP).
2. The normal private plan change process set out in Part 2 of Schedule 1 of the Resource Management Act 1991 ('RMA') has been adhered to in developing Private Plan Change 77 (PPC77).
3. The private plan change request was made under Clause 21 of Schedule 1 to the Resource Management Act 1991 ('RMA') and was accepted by Auckland Council ('Council'), under clause 25(2)(b) of Schedule 1 to the RMA on 19 June 2022.
4. PPC77 was publicly notified on the 08 July 2022 with submissions closing on the 05 August 2022. The summary of decisions requested was notified on 09 September 2022 with the period for further submissions closing on 23 September 2022.
5. Eight submissions were received. One further submission was received.
6. In preparing for hearing on PPC77, this hearing report has been prepared in accordance with section 42A of the RMA.

7. This report considers the private plan change request and the issues raised by submissions and further submissions on PPC77. The discussion and recommendation in this report are intended to assist the Hearing Commissioners, the requestor and those persons or organisations that lodged submissions in relation to PPC77. The recommendation contained within this report are not the decisions of the Hearing Commissioners.
8. This report also forms part of council's ongoing obligations, which is, to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised in submissions on PPC77.
9. A report in accordance with section 32 of the RMA was prepared by the applicant as part of the private plan change request as required under clause 22(1) of Schedule 1 of the RMA. The information provided by the applicant in support of PPC77 (including the s32 report and an Assessment of Environmental Effects) is attached in **Appendices 1 and 2.**
10. In accordance with the evaluation in this report, I consider that the provisions proposed by PPC77 are the most appropriate way of achieving the objectives of the AUP(OP) and the purpose of the RMA.
11. It is recommended that PPC77 be approved with no amendments.

1. BACKGROUND, PLAN PROVISIONS AND REQUEST

12. PPC77 was lodged with the Council on 6 May 2022 by the Pakuranga Golf Club (**‘the applicant’**). The Auckland Unitary Plan (Operative in Part) AUP(OP) has established the Open Space – Sport and Active Recreation (OS-SAR) zone for active sport and recreation, including golfing courses and associated facilities. The applicant considers that the rezoning of the subject site is the most appropriate way of achieving the objectives of the Regional Policy Statement (RPS) and the Auckland Unitary Plan.
13. The proposed plan change (PPC77) seeks to rezone Pakuranga Golf Club land from Residential – Mixed Housing Suburban to Open Space – Sport and Active Recreation. No other changes to the AUP(OP) are proposed.

2. SITE DESCRIPTION

14. The plan change site is a single parcel of 38.899 hectares, comprised mainly of a grassed fairway with landscaped trees and vegetation. Less than ten per cent of the land is comprised of buildings, paths, parking areas and driveways, which are related to the operation of the golf course. The carpark at the site entry accommodates 135 spaces. Overland flow paths traverse the land and floodplains are in low lying parts of the property, which is bordered to the north along Cascades Road and to the east along Botany Road and the Metlife Retirement Village. The western boundary of the land is defined by the Pakuranga tidal inlet. Adjoining the southern boundary of the site is a residential area of single- or two-story dwellings, typically with one dwelling per site. The land is accessed via a controlled intersection with Botany Road and Millhouse Drive.
15. Figure 1 below is an aerial photograph that illustrates the area of land subject to the requested plan change outlined in teal.

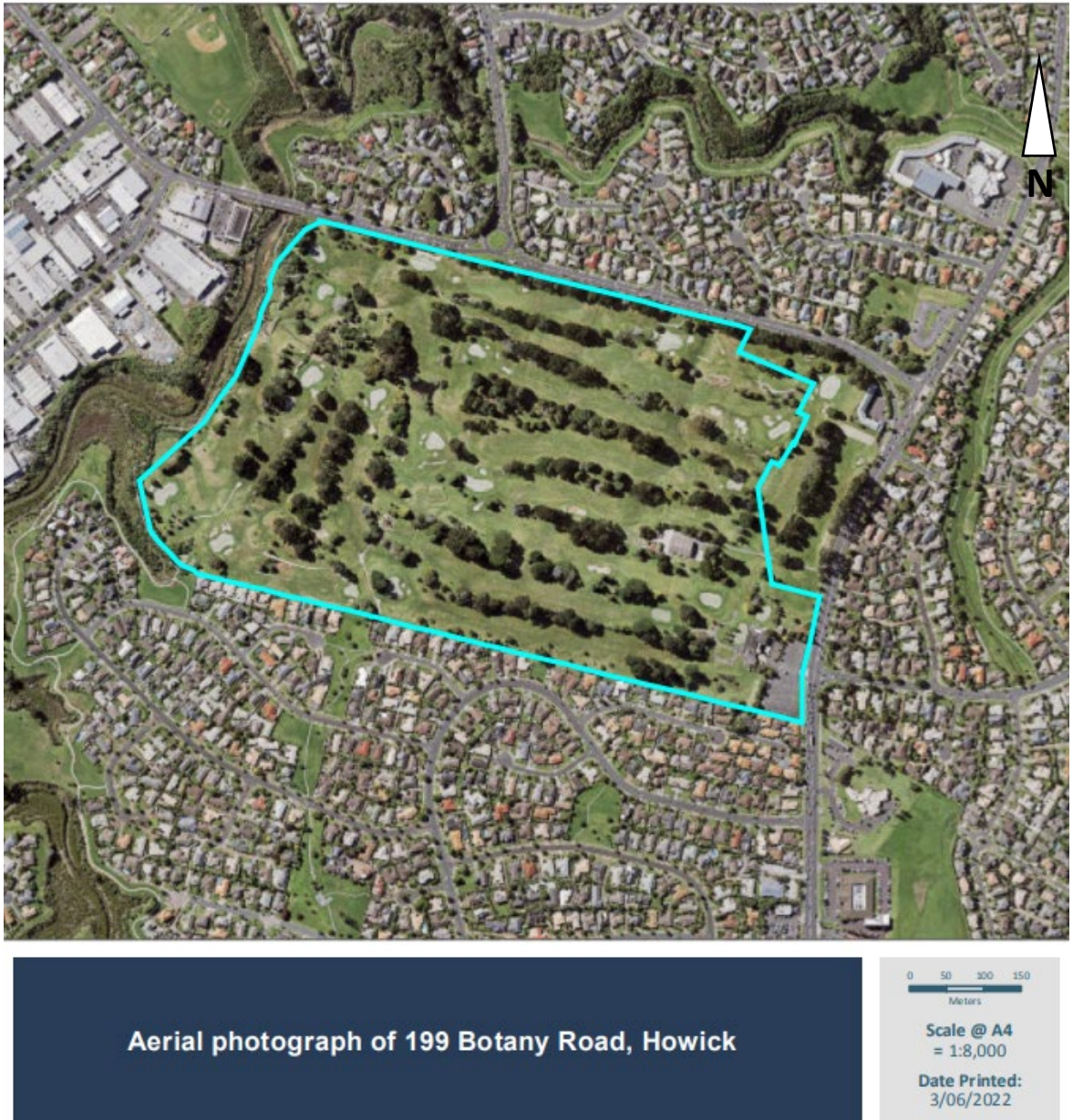


Figure 1: Aerial photograph of the plan change area

16. The majority of the land surrounding the site, as well as the site itself is zoned Residential – Mixed Housing Suburban zone (MHS). Land on the western side of Pakuranga tidal inlet is zoned Business – Light Industry zone. Directly to the west of the site between the site and the tidal inlet is a small portion of Open Space – Conservation zoning. Further south of the site along Botany Road, there is a more intensive residential pattern of development (Residential - Mixed Housing Suburban Zone) and non-residential uses. Non-residential uses include Botany Medical Complex (zoned Healthcare Facility and Hospital); Kings Plant Barn (zoned Business – Mixed Use); retail and office activities (zoned Business – Mixed Use); and Botany Metropolitan Centre, which is over 950m from the edge of the site (zoned Business – Metropolitan Centre).

17. Figure 2 below sets out the current zoning of the site and the surrounding environment.

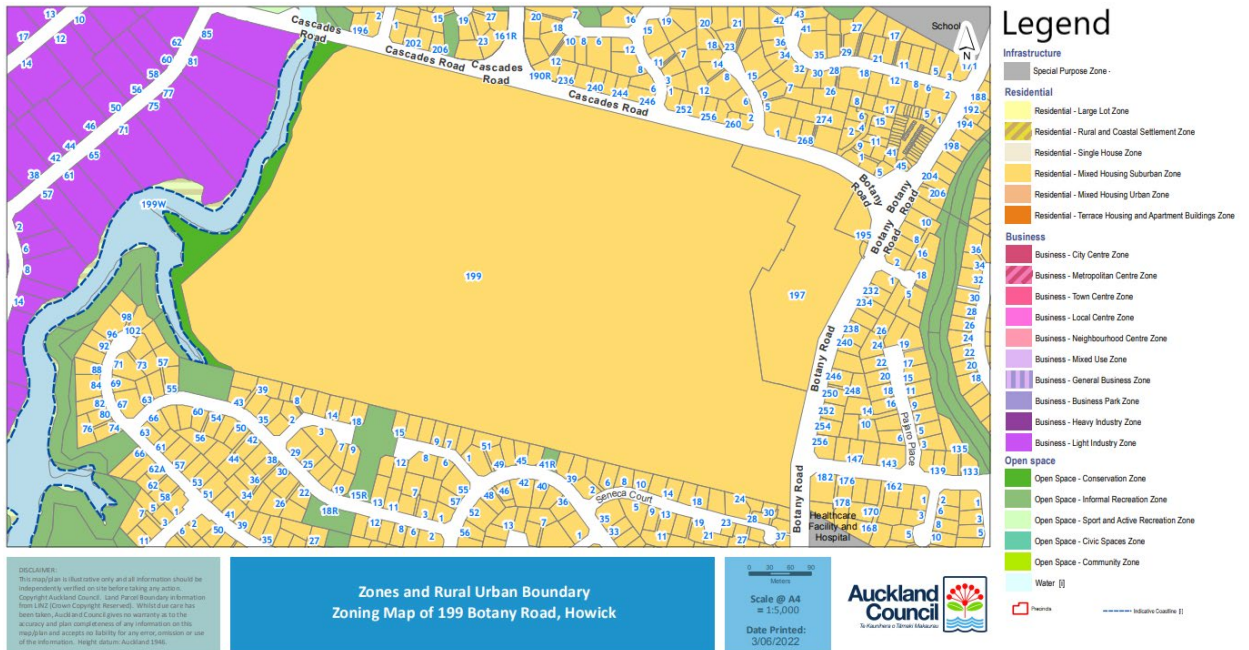


Figure 2: Current Auckland Unitary Plan zoning

18. Figure 3 below sets out the zoning of the wider surrounding environment. The subject site has been marked with a pink star. The Botany Metropolitan Centre is located to the south of the subject site.

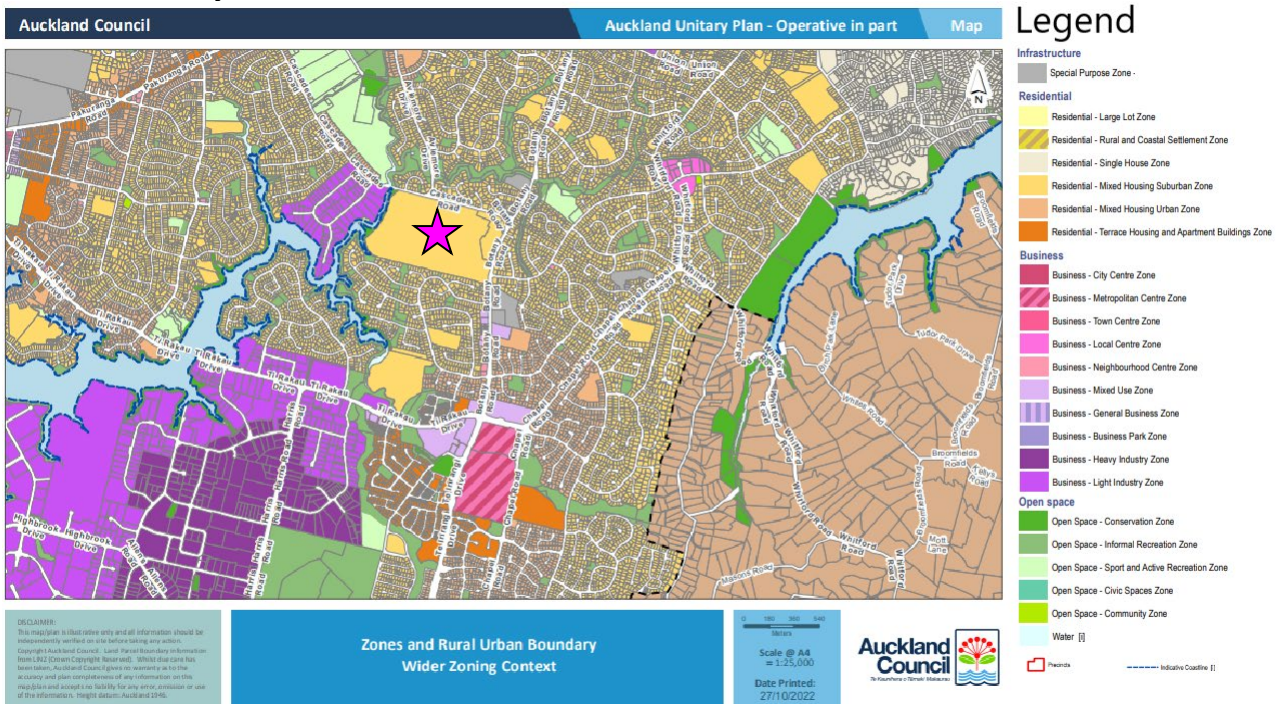


Figure 3: Current Auckland Unitary Plan wider area zoning.

3. EXISTING PLAN PROVISIONS

19. The AUP(OP) became operative in 2016 and established the current residential zonings of the subject site. As part of the AUP(OP) submissions process these zonings were reviewed by the Auckland Unitary Plan Independent Hearings Panel.
20. In considering whether to change the existing zoning it is necessary to review these zonings within the strategic policy and legal framework of the AUP (OP) Regional Policy Statement, the National Policy Statement on Urban Development, the Auckland Plan and other policy documents. These documents provide a basis to assess the merits of the proposed plan change.
21. The private plan change request from the applicant is to change the Auckland Unitary Plan (Operative in Part) (AUP OP) zoning. The existing zoning, Overlays, Controls and Designations for the subject site are as follows:

Zoning:

Residential - Mixed Housing Suburban Zone

Control(s):

Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise

Macroinvertebrate Community Index - Native

Macroinvertebrate Community Index – Urban

Designation(s):

Airspace Restriction Designations - ID 1102, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport Ltd

22. The proposed Private Plan Change will impact solely on the zoning of the subject site by changing the AUP (OP) zoning from its current residential zone to the OP-SAR zone. The existing zoning, Overlays, Controls and Designations for the subject site are as follows:

The site is currently subject to proposed Plan Change 78, This proposed plan change responds to the government's National Policy Statement on Urban Development 2020 (amended in 2022) and requirements of the Resource Management Act. This was notified on 18 August 2022 with submissions closing on 29 September 2022. As part of this proposed Plan Change the site zoning would be changed from Residential - Mixed Housing Suburban Zone to Residential - Mixed Housing Urban Zone.

Proposed Zoning

Residential - Mixed Housing Urban Zone

Spatially Identified Qualifying Matter(s)

Coastal Inundation

Flood Plains

Coastal Erosion

4. PROPOSED PLAN CHANGE REQUEST

23. PPC77 was lodged with the Council on 6 May 2022 by the **applicant**. The Auckland Unitary Plan (Operative in Part) AUP(OP) has established the Open Space – Sport and Active Recreation (OS-SAR) zone for active sport and recreation, including golfing courses and associated facilities. The applicant considers that the rezoning of the subject site is the most appropriate way of achieving the objectives of the Regional Policy Statement (RPS) and the Auckland Unitary Plan. No other changes to the AUP(OP) are proposed.

24. The purpose of the plan change is to apply a zone that reflects current and foreseeable use of the land as a golfing facility.
25. No further information was requested by Council under Part two section 23 of the RMA. The information provided was considered appropriate to the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change to the AUP (OP).

5. HEARINGS AND DECISION-MAKING CONSIDERATIONS

26. Clause 8B of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on its proposed plan.
27. Auckland Council's Combined Chief Executives' Delegation Register delegates to hearing commissioners all powers, duties and functions under the Resource Management Act 1991. This delegation includes the authority to determine decisions on submissions on a plan change, and the authority to approve, decline, or approve with modifications, a private plan change request. Hearing Commissioners will not be recommending a decision to the council, but will be issuing the decision directly
28. In accordance with s42A (1), this report considers the information provided by the applicant and summarises and discusses submissions received on PPC77. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also identifies what amendments, if any, can be made to address matters raised in submissions. This report makes a recommendation on whether to approve, decline, or approve with modifications PPC77. Any conclusions or recommendations in this report are not binding to the Hearing Commissioners.
29. The Hearing Commissioners will consider all the information submitted in support of the proposed plan change, information in this report, and the information in submissions, together with evidence presented at the hearing.
30. This report has been prepared by the following author and draws on technical advice provided by the following technical experts:

Table 1: Specialist input to s42A report

Area of expertise	Author's and technical experts' names titles and companies
Author and planning expert	Joe McDougall, Planner, Central South, Plans and Places
Technical expert – Acoustics	Andrew Gordon, Specialist, Resource Consents, Auckland Council

31. The technical advice provided by the above expert are attached in **Appendix 4** of this report.

STATUTORY AND POLICY FRAMEWORK

32. Private plan change requests can be made to the Council under clause 21 of Schedule 1 of the RMA. The provisions of a private plan change request must comply with the same mandatory requirements as Council initiated plan changes, and the private plan change request must contain an evaluation report in accordance with section 32 and clause 22(1) in Schedule 1 of the RMA.
33. Clause 29(1) of Schedule 1 of the RMA provides “except as provided in subclauses (1A) to (9), Part 1, with all necessary modifications, shall apply to any plan or change requested under this Part and accepted under clause 25(2)(b)”.
34. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.
35. The matters raised in PPC77 are district plan related.
36. The following sections summarise the statutory and policy framework, relevant to PPC77.

5.1. Resource Management Act 1991

6.1.1 Plan change matters – regional and district plans

37. There are mandatory considerations to be taken into account in the development of a proposed plan change relating to regional matters. Table 1 below summarises regional matters under the RMA, relevant to PPC77.

Table 2: Sections of the RMA relevant to private plan change decision making

RMA Section	Matters
Part 2	Purpose and principles of the RMA.
Section 10	Land may be used in a manner that contravenes a rule in a district plan or proposed district plan
Section 31	Outlines the functions of territorial authorities in giving effect to the Resource Management Act 1991
Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Section 67	Contents of regional plans – sets out the requirements for regional plan provisions, including what the regional plan must give effect to, and what it must not be inconsistent with
Section 72	Sets out that the purpose of district plans is to assist territorial authorities

RMA Section	Matters
	to carry out their functions in order to achieve the purpose of this Act.
Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matters
Section 75	Contents of district plans – sets out the requirements for district plan provisions, including what the district plan must give effect to, and what it must not be inconsistent with
Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect of activities in the proposal, on the environment
Section 80	Enables a ‘combined’ regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a regional council and as a territorial authority
Section 85	Reasonable use -any person having an interest in land to which any provision or proposed provision of a plan or proposed plan applies, and who considers that the provision or proposed provision would render that interest in land incapable of reasonable use, may challenge that provision or proposed provision
Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities. It also sets out the process for private plan change applications

5.2. Part 2 of the Resource Management Act 1991

38. Part 2 of the RMA sets out the overarching purpose of the Act. The applicant has addressed how it considers that the proposed private plan change achieves the purpose of the RMA in Sections 10.6 to 10.9 of their Section 32 Evaluation Report and Planning Assessment report (“the applicants report”). In summary, the applicant considers the private plan change request is consistent with Part 2 of the RMA as it achieves the purpose of the Act being the sustainable management of natural and physical resources.

39. I generally concur with the analysis contained in the applicant’s report for PPC77.

5.3. National Policy Statements

40. Pursuant to Sections 74(1)(e) and 75(3)a of the RMA the relevant national policy statements (NPS) must be given effect to in the preparation, and in considering submissions on PPC77. There are three NPS of relevance to PPC77.

6.2.1 National Policy Statement on Urban Development 2020 ('NPS-UD') and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

41. The National Policy Statement on Urban Development July 2020 (NPS-UD) sets out the objectives and policies for planning for well-functioning urban environments under the RMA. The NPS-UD came into effect on 20 August 2020 replacing the National Policy Statement on Urban Development Capacity 2016 ('NPS-UDC').

42. The NPS-UD removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.

43. For the purpose of the NPS-UD, Auckland Council is a Tier 1 urban environment. Not all land falling within the Auckland Council is urban environment. Urban environment, as defined in the NPS-UD, is any area of land that is, or is intended to be, predominantly urban in character, and is, or is intended to be, part of a housing and labour market of at least 10,000 people. The site subject to PPC77 falls within the urban environment.

44. Additionally Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Amendment Act) requires Tier 1 councils to implement Medium Density Residential Standards (MDRS) across relevant residential zones

45. The private plan change request was lodged prior to the notification of the Plan Changes to the AUP(OP) by Auckland Council which give effect to the NPS-UD. The applicant's report assessed PPC77 against the NPS-UD and the Amendment Act in paragraphs 10.14 to 10.15. This states that:

- In a decision on private plan change 57 dated 17 August 2021, the Independent Hearing Commissioners stated they had not allowed the NPS-UD to influence their decision on the appropriate zoning for the site, as the Council has yet to implement the NPS-UD through plan.
- This ruling recognised the Environment Court decision in *Eden-Epsom Residential Protection Society Inc v Auckland Council*.

46. However noted that since this assessment Plan Change 78 was notified on 18 August 2022 and submissions closed on 29 September 2022. This Plan Change responds to the government's National Policy Statement on Urban Development 2020 (amended in 2022) and requirements of the Resource Management Act.

47. In my view the rezoning proposed by PPC77 is consistent with the NPS-UD and the amendment act, since this small rezoning would not compromise overall sufficient development capacity needed to meet expected residential demand of the Auckland region. If developed residentially, an approximate estimate yield of 18 to 25 dwellings per hectare would result in potentially 700 to 973 dwellings on the site. This should be considered in the context of the s32 report for PC78 on economy matters, which estimates the notified plan change would result in plan-enabled capacity of approximately 2,826,000 dwellings for Auckland. The report considers that there will be a potential margin between

demand by 2051 and capacity of around 1,913,000 dwellings. An approximate 0.03 per cent impact on plan-enabled capacity will have little impact, noting that the site is not in walkable distance to a Rapid Transit Station nor a metropolitan, town or local centre. In addition, it is consistent with creating a well-functioning urban environment that enables people and communities to provide for their social, economic, and cultural wellbeing, which necessarily includes recreational space as well as residential and commercial development.

6.2.2 National Coastal Policy Statement

48. The National Coastal Policy Statement (NCPS)¹ provides objectives and policies in relation to coastline management. This includes preserving the natural character of the coastline, maintaining coastal water quality and protecting the natural features and landscapes.
49. This plan change does not include the coastal marine environment and while the site does not adjoin the Pakuranga tidal inlet, it is a nearby feature. The applicant has assessed the Plan Change against the NCPS and notes the sale of land adjoining Mean High Water Spring Tide (MHWST) in 2009 resulted in Council administering the intertidal area and land between MHWST as part of its open space network. This has enabled restoration through indigenous planting and forming the shared walking and cycling access. This has enhanced the public open space qualities and recreational opportunities of the coastal environment
50. For the reasons above I consider PPC77 is consistent with the NCPS.

6.2.3 National Policy Statement on Freshwater Management 2020

51. The National Policy Statement on Freshwater Management 2020 (NPS-FM) was approved in August 2020 and National Environmental Standards for Freshwater came into force on 3 September 2020. The NPS-FM seeks that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems, the health needs of people, and the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
52. In my view, rezoning of the land to OS-SAR would not result in any changes to the Botany Creek at the north-western area of the site. Any standards relating to earthworks in proximity to natural wetlands apply regardless of the zoning of the land. Notably OS-SAR zoning emphasises vegetation maintenance and lower levels of permitted area for building and impervious areas, which have greater potential for positive effects on freshwater systems than the current residential zoning.
53. For the reasons above I consider PPC77 is consistent with the NPS-FM.

5.4. National environmental standards and regulations

54. Under section 44A of the RMA, local authorities must observe national environmental standards in their district/ region. No rule or provision may duplicate or be in conflict with a national environmental standard or regulation.

¹ National Coastal Policy Statement, Ministry for the Environment 2010

55. As the proposed Plan Change is not creating or duplicating any new rules, as it relies on existing zoning chapters, the proposed plan is considered not to be in conflict with a national environmental standard or regulation.

5.5. Auckland Unitary Plan – Regional Policy Statement

56. Section 75(3)(c) of the RMA requires that a district plan must give effect to any regional policy statement.

57. Regional Policy Statements of relevance to PPC78 include:

B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form

B6 Mana Whenua

B10 Ngā tūpono ki te taiao - Environmental risk

58. The applicant has provided an assessment against the objectives and policies of the AUP(OP) Regional Policy Statement ('RPS') in Sections 10.22 of their report. I have read the applicant's assessment against the relevant RPS objectives and policies and agree with the findings for the reasons set out below.

59. In summary, the key findings of the applicant's assessment are that the proposed zoning changes to the site:

B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form

- recognises that growth needs to be provided in a way that achieves a number of matters and that quality compact urban form requires recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities
- will maintain and enhance the existing open space amenity values of an area. The OS-SAR reflects an appropriate and well-established recreational activity
- does not constrain urban growth or impact on land capacity as the land is not available for residential intensity. while the land has a plan enabled capacity for residential development, the long-term owners of the site have no intention of using the land for any other purpose

B6 Mana Whenua

- the consultation undertaken with iwi is consistent with recognising the principles of the Treaty of Waitangi, the relationship of Mana Whenua with Treaty Settlement Land, and the values of Mana Whenua during the resource management decision making process

B10 Ngā tūpono ki te taiao - Environmental risk

- that the risks associated with natural hazards, flooding, and the effects of climate change on natural hazards will not be affected. This is relevant only to the extent that the activities associated with OS-SAR, including golfing, are more able to accommodate the overland flow paths and floodplains within the site (these have been incorporated into the course design) than residential development.

5.6. Auckland Unitary Plan – District Plan

60. The applicant has not provided a full assessment against the objectives and policies of the AUP(OP) district plan in terms of the proposed H7 Open Space provisions. However,

Sections 10.37-10.42 of the applicant's report discusses the suitability of the site for under the OS-SAR. In summary the applicant's report states that:

- PPC77 will enable the golfing facility and supporting uses to be permitted activities. This is more efficient than requiring a non-complying activity application for changes to these uses, as required under the current zone.
- Within the zone, anticipated effects of plan-enabled permitted recreation activities that are more intensive than the current golf course are managed by various amenity controls to ensure effects such as high levels of traffic, noise, lighting glare and scale of buildings are managed.
- The zone recognises the importance of recreational needs are met through the provision of a range of quality open space areas, if adverse effects of use and development of open space on residents, communities and the environment are avoided, remedied or mitigated

61. I am satisfied that PPC77 is consistent with the objectives of the AUP(OP) for OS-SAR zone in that the zone provides for:

- development and maintenance of the site consistent with the existing site's current use;
- activities accessory to active sport and recreation activities can be provided for in appropriate locations and used for the enhanced use and enjoyment of the areas
- recreation opportunities that can be provided for efficiently, while avoiding or mitigating any significant adverse effects on nearby residents, communities and the surrounding areas.

62. Any future resource consent for development will also need to be assessed against any other relevant district plan objectives, policies and standards of the AUP(OP).

5.7. The Auckland Plan 2050 (2018)

63. The Auckland Plan is a strategy document prepared under section 79 of the Local Government (Auckland Council) Act 2009. Section 74(2)(b)(i) of the RMA requires that a territorial authority must have regard to plans and strategies prepared under other Acts when considering a plan change.

64. The Auckland Plan 2050 is the Council's long-term spatial plan that aims to ensure Auckland grows in a way that will best meet the opportunities and challenges of the future city. The Auckland Plan 2050 is required by legislation to contribute to Auckland's social, economic, environmental and cultural well-being. It seeks to make Auckland a place where people want to live and to work and have an opportunity to succeed.

65. The Auckland Plan 2050 at its core provides a strategic framework for the development of a 'quality compact urban form' to accommodate the city's growth. For this expected urban intensification to function properly it needs to be supported by transport corridors and the existence of well-functioning and well-established urban infrastructure.

66. The Auckland Plan contains directions and focus areas that are particularly of relevance to the proposed plan change, including Direction 2 - *Improve health and wellbeing for all Aucklanders by reducing harm and disparities in opportunities* and specifically Focus Area 2 - *Provide accessible services and social and cultural infrastructure that are responsive in meeting people's evolving needs.*

67. The city's population growth and demographic change will increasingly put pressure on existing services and facilities. The Auckland Plan promotes varied and accessible

services and facilities which includes open spaces that are essential for people to participate in society and create a sense of belonging. While it is expected the provision of open space will largely be public, privately owned open space supports the needs of the golfing community for recreation.

68. PPC77 is consistent with the relevant directive of the Auckland Plan 2050. It supports a quality social and cultural infrastructure form through the provision of recreational urban space (although recognisably private) which is necessary for quality urban form.

5.8. Relevant management plans and strategies prepared under any other Act

69. Plans and strategies considered under PPC77 are summarised below.

5.8.1. Howick Local Board Plan 2020

70. The Howick Local Board Plan includes six outcomes to guide council and the communities work to make Howick a better community.

71. The applicant has noted in sections 10.44 - 10.45 of their report that Outcome 2 – ‘Well-planned public spaces that support active, healthy, and sustainable lifestyles’ recognises that formal sport and recreation play a key part in many people’s lives and the Local Board will work with local sports clubs and organisations to address capacity concerns and support them to build their resilience and capability.

72. I note the other outcomes as follows:

- Outcome 1: People in our communities feel safe, engaged and connected
- Outcome 3: Heritage, local arts and cultural diversity are valued
- Outcome 4: Our natural environment is protected, restored and enhanced
- Outcome 5: A prosperous local economy supporting business growth and opportunity
- Outcome 6: Effective and accessible transport choices

73. These other outcomes do not have direct relevance to the plan change. While acknowledging the relevance of Outcome 2, - I note that overall the Howick Local Board plan concerns mainly publicly-owned recreational areas and facilities in contrast to the privately-owned Pakuranga Golf Course. Therefore it is my view that the Howick Local Board Plan 2020 is not directly relevant to this plan change.

5.8.2. Auckland Council – The Māori Plan

74. The Māori Plan for Tāmaki Makaurau is a record of what Māori in the region said was important to them. The Māori Plan provides a framework for understanding Māori development aspirations and sets measures for monitoring progress towards desired cultural, economic, environmental and social outcomes for Māori.. In term of Regional planning and development, Māori are recognised as playing an important role in the development of the Auckland region. The Māori plan encourages development processes (such as plan changes) that recognise the values, interests and aspirations of Māori. The

Māori Plan does not raise issues that relate specifically to PPC77. Mana whenua have been directly engaged as part of the consultation and notification process on PPC77.

6. ANALYSIS OF THE SECTION 32 REPORT AND ANY OTHER INFORMATION PROVIDED BY THE APPLICANT

75. Section 74 of the RMA requires that a plan change must have particular regard to an evaluation report prepared in accordance with Section 32 of the RMA.

76. Section 32 of the RMA requires an evaluation report examining the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA. Section 32 requires the report to examine whether the provisions are the most appropriate way of achieving the objectives.

77. The applicant has prepared an assessment against Section 32 to demonstrate that the provisions are the most appropriate way to achieve the objectives of PPC77, the objectives and policies of the district plan and the purpose of the RMA. This is contained in the applicant's report (Section 9). Some of the key observations are:

- Changing the zoning to OS-SAR gives effect to the Regional Policy Statement with the Open Space zones giving effect to the RPS in B2.7.2(1) as it enables the development and use of a wide range of open spaces and recreational activities, experiences and functions that are provided for in the AUP.
- An analysis of three options including a base line option of retaining the status quo. The analysis determines that the preferred option is to rezone the land to OS-SAR.
- It would allow for the recreational needs of the golfing community to be supported by an appropriate zoning and mean that the applicant would no longer need to rely on existing use rights of the golfing activity and be required to obtain non-complying activity resource consents for ancillary and supporting activities.
- . Including the Pakuranga golf course, only 4 out of the 18 golf courses in the Auckland region have a Residential zoning. The majority of the golf courses in Auckland are privately owned. The proposed rezoning would be consistent with the approach applied to these other golf courses.

78. In addition I consider:

- retaining the existing zoning does not provide for its existing use as a golf course
- to rezone the site to OS-SAR would allow for the golfing facility to operate as a permitted activity and in this regard the plan change should assist the council to carry out what is the most appropriate way to achieve the purpose of the RMA namely to promote the sustainable management of natural and physical resources.
- the OS-SAR zone would provide for a range of land use activities in accordance with its current use which are not provided for under the current residential zones. Also the OS-SAR zone seeks high quality amenity on-site as well as consideration of the amenity of neighbouring properties. Recreational activities of a higher intensity are managed through the use of zone standards and by activity status

79. I consider that the Section 32 evaluation report provided by the applicant, the further and the ongoing Section 32 evaluation provided in this report, sufficiently demonstrates that the

proposed zoning is the most appropriate way of achieving the objectives of the AUP(OP) and the purpose of the RMA.

7. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

80. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by PPC77, taking into account Clauses 6 and 7 of Schedule 4 of the RMA.

81. An assessment of actual and potential effects on the environment (“AEE”) is included in Section 11 of the applicant’s report. The applicant identifies and evaluates the following types of effects:

- Character and amenity values
- Infrastructure
- Transport
- Noise
- Loss of residential zoned land

82. A review of the AEE, including its supporting documents is provided below.

7.1. Character and amenity values

Applicant’s assessment

83. The applicant’s report, in paragraphs 11.1 to 11.6 addresses the character and amenity effects of the proposed plan change. The applicant’s report states, in summary:

- *There is no effect on the amenity of non-residential zoned properties in the vicinity i.e. Business – Light Industry Zone, Special Purpose School Zone, and Special Purpose Healthcare Facility and Hospital Zone as:*
 - *These zones and the current activities occurring on these properties anticipate a greater level of intensity than provided by the OS-SAR zone*
 - *•The OS-SAR zone has less reverse sensitivity risk than residential zones; and*
 - *The site is physically separated from these zones by distance and intervening properties.*
- *Potential effects on amenity values from the plan change are limited to the residential properties that adjoin and are opposite the golf course. These properties are currently afforded a high level of amenity from the open spaciousness of the golf course and low intensity activity.*
- *The plan change applies rules that maintains the amenity afforded by this open space. This includes standards in the OS-SAR limiting the size of buildings (and therefore intensity of activity) to 150m². Any building exceeding 150m² is a discretionary activity. The existing clubrooms are over this threshold. A discretionary activity requires a full assessment of effects and analysis of objectives and policies.*

This includes consideration of effects on residential properties as well as traffic generation and parking demand.

- *The OS-SAR zoning does provide the opportunity for more intensive recreation facilities as a permitted activity, for example swimming pools and playing fields. These activities could generate more intensive effects than currently occurring or are anticipated in a residential zone. This is a very unlikely scenario as the club has secured the ability to continue to operate a golfing facility for the foreseeable future.*

Comments

84. I agree with the applicant's assessment, noting in particular from the assessment that:

- The proposed zoning is better suited to preserving the existing high level of amenity experienced by neighbouring residential sites than a residential zoning.
- More intensive recreational activities are likely to require application for resource consent.

7.2. Infrastructure

Applicant's assessment

85. The applicant's report, in paragraph 11.7 addresses the infrastructure effects of proposed plan change. The applicant's report states:

- *There are no adverse effects on infrastructure, e.g. stormwater, wastewater, water, as the demand generated by open space activities is far less than residential activity.*

Comments

86. I agree with the applicant's assessment, noting additionally that further buildings on site, such as clubrooms, are almost certainly to require a resource consent with a discretionary resource consent and therefore a full assessment of effects, including those on infrastructure would be required at the time of an application for consent.

7.3. Transport

Applicant's assessment

87. The applicant's report, in paragraphs 11.10 to 11.6 addresses the transport effects of proposed plan change. The applicant's report states, in summary:

- *Vehicle access is limited to a controlled intersection off Botany Road to a 135 space carpark. Traffic generation by private vehicles entering the site peaks mid-morning i.e. after the morning commuter demand during the week.*
- *The plan change does not change or alter the access, trip generation or parking demand.*
- *More intensive activities will likely require resource consent where there is the opportunity to assess effects issues relating to numbers of parking, on-site parking and manoeuvring. If the land is used for another recreational activity, it would very likely require resource consent and be subject to these provisions, which are intended to manage transport related effects.*

Comments

88. I agree with the applicant's assessment, noting the plan change will not affect the current operation of the site. I consider that the standards within the AUP(OP) provisions are appropriate to deal with any potential traffic effects that occur at the time of further development.

7.4. Noise

Applicant's assessment

89. The applicant's report, in paragraphs 11.10 to 11.13 addresses the noise effects of the proposed plan change. The applicant's report states:

- *Private plan change 57 (now operative) is directly relevant to this plan change as it also rezoned land from residential to OS-SAR specially to provide for a well-established golfing facility. In support of PC57, acoustic consultant Mr Jon Styles provided evidence from noise readings demonstrating golfing activity is around 40dB LAeq, or less. In his evidence for the hearing, Mr Styles concluded that:*
 - *The Request proposes to include the Site in the OS-SAR zone to recognise and provide for the ongoing use of the Site as a golfing facility. Essentially, if the re-zoning is confirmed, there is unlikely to be any change to the noise levels which currently comprise the existing noise environment.*
 - *The noise monitoring I have undertaken also confirms the golfing activities on the Site generate significantly lower noise levels than the maximum permitted noise levels authorised by the OS-SAR noise standard, E25.6.17. The maximum permitted noise levels of E25.6.17 are therefore unlikely to be realised while the Site is used for golfing activities.*
 - *The noise level generated by the use of the golf course is also considerably less than what I would expect to be generated if the Site were developed for intensive residential use.*
 - *The noise monitoring I have undertaken demonstrates that the adjacent residential receivers enjoy a relatively high level of noise amenity arising from the low intensity of recreational activity on the Site. This level of noise amenity will be maintained under the Request.*
- *There is no reason a similar noise level would not occur with the golfing activity played at PGC.*
- *As noted earlier, more intensive activities would be subject to an application for resource consent. A change in use to more intensive non-golfing recreational activity is a hypothetical scenario as golfing related activities will occur on the land for the foreseeable future*

Peer review

90. This information was reviewed by Auckland Council's noise specialist Andrew Gordon, who stated:

- Mr Gordon stated that in his view there were no issues with the fundamental facts with respect to noise issues. These facts were adequately presented in the application and sufficient detail had been provided.
- He agreed that the Pakuranga Golf Club PPC is fundamentally no different in regard to noise effects when compared to PPC57.
- However he noted that if part of the site in proximity to residential land was to change to provide for an activity like team sports the noise level from that activity during the daytime period could be up to 5 dBA higher (i.e. 55dB LAeq) than the current noise standard of 50 dB LAeq and, 10 dBA higher (i.e. 60 dB LAeq).

Comments

91. I rely on the expertise of Mr Styles to be able to fully assess the potential effects of noise. I consider the effects of noise, especially when compared to a site redeveloped for residential use to be acceptable and agree with the applicant's assessment. The conversion for a more intensive recreational activity, with high noise levels seems fanciful and would require major changes to the current golf course layout and operation. Such a proposal is unlikely to happen in the foreseeable future, considering the applicant's intention to retain the property as a golf course and noting that any changes to the scale of such changes would likely trigger a resource consent.

7.5. Loss of residential zoned land

Applicant's assessment

The applicant's report, in paragraphs 11.14 to 11.15 addresses the potential effects of loss of residential zoned land from the proposed plan change. The applicant's report states:

- *Based on the planning maps, the rezoning reduces potential available land for housing supply to meet current and future needs of the people of Auckland. As noted, this land has not been available for residential use for over 50 years and there is no intention of making it available in the foreseeable future. Accordingly, there is no loss of land for housing as it is not available for this purpose.*
- *If at some future time the club decides to reduce the area of its site used for golfing purposes or dispose of the site in its entirety, then the appropriateness of the zoning for residential development (or some other land use) can be revisited at that time.*

Comments

92. I agree with the applicant's assessment, noting the site owner has demonstrated a clear commitment to the site being retained as a golf course for the foreseeable future both in the plan change request application and as evidenced by its substantial investment in both the development of the course and its ancillary facilities and activities. There is no impact on residential intensification, as any capacity exists only as hypothetical potential, as the site intends to remain as a golf course. Reintroduction of the any residential zoning can be revisited at that time the site is no longer used for recreational purposes.

8. CONSULTATION

93. PPC was publicly notified on the 08 July 2022. The plan change received eight submissions and one further submission.

94. Section 12 of the applicant's section 32 report provides detail on the consultation process and a record of consultation undertaken is attached as **Appendix 2** to this report.

9 Mana Whenua

95. The applicant's consultation record states that the plan change application was provided to Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Pāoa, Ngāti Tamaterā, Ngāti Te Ata, Ngāti Whanaunga, Te Ahiwaru – Waiohua, Te Ākitai Waiohua and Te Patukirikiri. Ngāi Tai ki Tāmaki advised on 8 March 2022 that Ngāti Tai have no issue with this plan change. There were no other responses to the applicant.

96. As part of the public notification process (08 July 2022) the iwi groups listed below were notified of the PPC77 proposal:

- Ngāti Whātua Ōrākei
- Ngāti Tamaoho
- Ngāti Whātua o Kaipara
- Waikato - Tainui
- Ngāi Tai ki Tāmaki
- Ngāti Maru
- Ngāti Pāoa (Ngāti Paoa Iwi Trust)
- Ngāti Pāoa (Ngāti Paoa Trust Board)
- Ngāti Tamaterā
- Ngāti Te Ata
- Ngāti Whanaunga
- Te Ahiwaru – Waiohua
- Te Ākitai Waiohua
- Te Kawerau a Maki
- Te Patukirikiri
- Te Rūnanga o Ngāti Whātua

97. No submission was received from any mana whenua on full notification of the plan change.

9.2 Howick Local Boards

98. A report to the Howick Local Board meeting on 19 September 2022 provided the opportunity for the local board to provide its formal view. This allows the local board to present its view at a hearing (if one is required).

99. The Howick Local Board passed the resolution (number HW/2022/149) on 16 February 2021. The resolution is included in italics below.

That the Howick Local Board:

a) provide local board views on Private Plan Change 77 by Pakuranga Golf Club.

b) delegate authority to the chairperson of Howick Local Board to make an appointment to attend the private plan change hearing.

100. In summary the Howick Local Board have not expressed a view towards the plan change but may present a view at the hearing (if required).

9. NOTIFICATION AND SUBMISSIONS

9.1. Notification details

101. Details of the notification timeframes and number of submissions received are outlined below:

Table 3: Dates and numbers of submissions received

Date of public notification for submissions	08 July 2022
Closing date for submissions	05 August 2022
Number of submissions received	8
Date of public notification for further submissions	09 September 2022
Closing date for further submissions	23 September 2022
Number of further submissions received	1

102. All submissions were received on time. Copies of the submissions are attached as **Appendix 3** to this report.

10. ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

103. The following sections address the submissions received on PPC77. It discusses the relief sought in the submissions and makes recommendations to the Hearing Commissioners.

104. Submissions that address the same issues and seek the same relief have been grouped together in this report under the following topic headings:

- Submissions supporting PPC77 in its entirety
- Submission opposing PPC77 in its entirety

10.1.1. Submissions supporting PPC77 in its entirety

Table 4: Submissions supporting PPC77 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
1	Matthew Caron	Rezzone the land to recognise the longstanding use of the land as a golf course		Accept
2	Kevin Joseph Hill	Amend land title and designation to recognise the facility for what it is, a golf course.		Accept
3	Robert Grimmer	Seeks preservation of open spaces with increasing		Accept

		intensification in the area.. Sees the Golf Course as valuable for local bird wildlife. Concerned increased development affects available animal habitat.		
4	Ru Wang	Retain the good views for surrounding residents		Accept
6	Randel Case	Raises concern that with intensification, green space is lost.		Accept
7	Angela Schneiderman	Rejects housing; wishes to keep as Pakuranga Golf Course.		Accept
8	Auckland Golf c/- Jacob Cameron	Rezoned the land to recognise the longstanding use of the land as a golf course. This is a suburban golf course that caters to a diverse range of participants and is one of the busiest courses in NZ. Currently only one of three that still have the incorrect zoning for our land use. Changing the land use will make it easier for the golf course to carry out activities without resource consent. Auckland Golf supports the application.		Accept

Discussion

105. Seven submissions were received in support of PPC77 without amendment

106. Submitters sought to approve the plan change without any amendments as the submitters considered the change of zone to OS-SAR zoning to be appropriate for primarily two reasons:

- to protect the open space amenity of the property and the benefits it provides for the surrounding area.
- recognise the long-standing use of the site as a golf course.

Recommendations on submissions

107. That submissions be accepted for the following reasons:

- The submissions are not out of scope.
- The submissions highlight concerns raised in the s32 analysis regarding the benefits of alignment of the underlying use with the site's underlying zoning.
- The submissions highlight the positive character and amenity effects associated with land used as open space for persons in the surrounding residential area.

108. There are no amendments associated with this recommendation.

10.1.2. Submission Opposing PPC77 in its entirety

Table 5: Submissions opposing PPC77 in its entirety

Sub No	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
2	Aaron Jensen	Seeks residential land to remain for future development, this golf course is underutilised for its location	None	Reject

Discussion

109. One submitter who sought to have PPC77 declined, commented on issues of reduced residential development capacity which would be caused by the re-zoning.

Recommendations on submission

110. The submission should be rejected for the reasons discussed above in Section 7.5 on Loss of residential zoned land, namely that there is no impact on residential intensification, as any capacity exists only as hypothetical potential, as the site intends to remain as a golf course. Reintroduction of any residential zoning can be revisited at that time the site is no longer used for recreational purposes.

111. There are no amendments associated with this recommendation.

10.1.3. Further Submissions

112. The further submission opposes the relief sought by Aaron Jensen (Submission 2). The reasons for Pakuranga Golf Club's submission are:

- Pakuranga Golf Club has demonstrated a commitment to this land being retained as a golf course for the foreseeable future;
- The zoning of the site recognises Pakuranga Golf Club intentions and commitment to ongoing maintenance and development of the land for golfing purposes, as demonstrated by course improvements and construction of the golf driving range;
- The golf course should not have to rely on the existing use right provisions of the Resource Management Act 1991 or require ongoing resource consent approvals to enable the course to operate and undertake its maintenance functions;
- There is no impact on residential intensification through Auckland Unitary Plan enabled capacity (including through Plan Change 78: Intensification) as Pakuranga Golf Club has no intention of using the land for any purpose other than what it has been used for in the last 50+ years;
- If at some future time Pakuranga Golf Club decides to reduce the area of its site used for golfing purposes or dispose of the site in its entirety, then the appropriateness of the zoning of these areas can be revisited at that time.

113. The reasons for the relief sought by Pakuranga Golf Club are similar to those discussed above in Section 7.5 on Loss of residential zoned land. I consider no further discussion of the further submission is required.

11. CONCLUSIONS

114. Having considered all the information provided by the requestor, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on [themed] submissions, I recommend that PPC77 should be approved as notified.



115. The approval of PPC77:

- a) will assist the council in achieving the overall purpose of the Resource Management Act 1991
- b) will give effect to the relevant National Policy Statements and the AUP(OP) Regional Policy Statement; and
- c) is consistent with the Auckland Plan 2050.

12. RECOMMENDATIONS

1. I recommend that the Hearing Commissioner reject the opposing submission from Aaron Jensen as I have outlined.
2. I recommend that PPC77 to the Auckland Unitary Plan be approved without modifications.

3. SIGNATORIES

	Name and title of signatories
Authors	 Joe McDougall, Planner, Central and South Planning, Plans and Places
Reviewer / Approver	 Marc Dendale, Team Leader, Central and South Planning, Plans and Places, Chief Planning Office

APPENDIX 1

PRIVATE PLAN CHANGE REQUEST

Resource Management Act 1991

Private plan change request by Pakuranga Golf Club

Private plan change request

This is a private plan change request by Pakuranga Golf Club to re-zone land from Residential – Mixed Housing Suburban to Open Space – Sport and Active Recreation.

The proposed change is to the Auckland Unitary Plan maps. No changes are proposed to text or overlays.

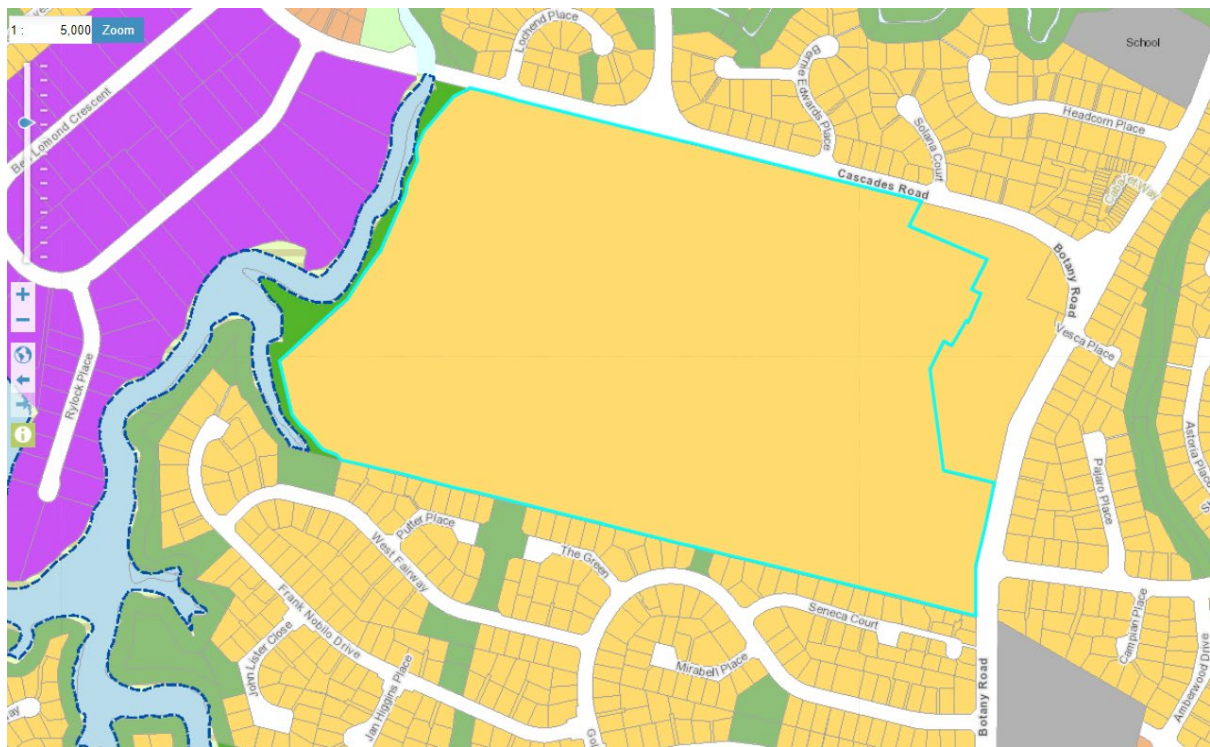
Land proposed to be re-zoned is located at 199 Botany Road, Howick, 2013. The legal description of the land is Lot 2 DP 541234, NA909/033.



The purpose of the re-zoning is to reflect existing and future use of the land as a golf club and golfing facility.

Diagram 1: Location of land to be re-zoned



Figure 1: Land subject to plan change



-  Land subject to the plan change
-  Current Zone - Residential - Mixed Housing Suburban



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier 909033
Land Registration District North Auckland
Date Issued 23 April 2020

Prior References

658806 658807

Estate Fee Simple
Area 38.8999 hectares more or less
Legal Description Lot 2 Deposited Plan 541234

Registered Owners

Pakuranga Country Club Incorporated

Interests

Subject to a right (in gross) to convey electricity over part marked B on DP 541234 in favour of Mercury Energy Limited created by Transfer D298341.1 - 3.8.1998 at 11:25 am

6946480.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Manukau City Council - 13.7.2006 at 9:00 am

Land Covenant in Easement Instrument 9807478.3 - 2.4.2015 at 3:41 pm

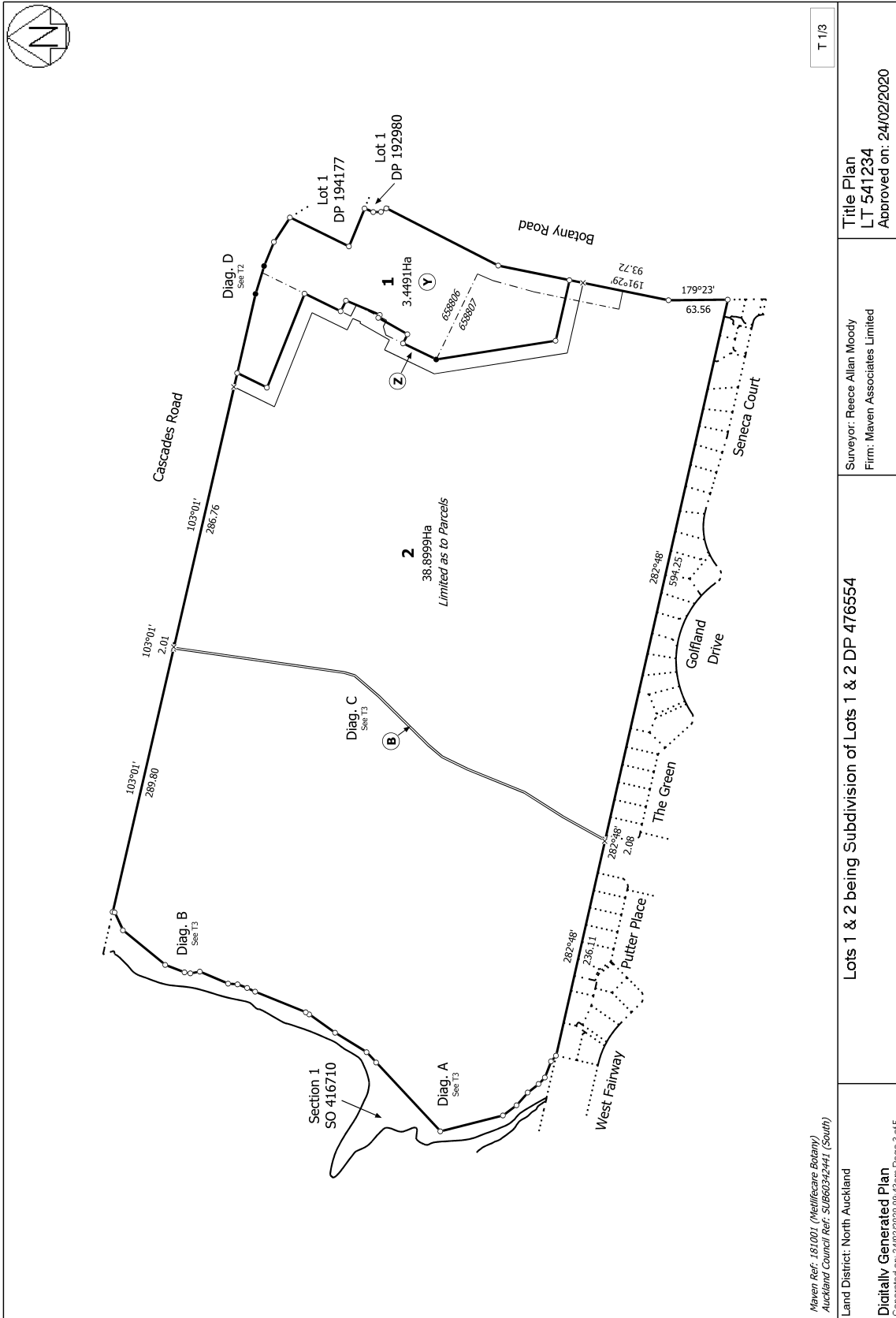
11632983.5 Variation of Land Covenant 9807478.3 - 23.4.2020 at 7:54 am

11632983.9 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 23.4.2020 at 7:54 am

Land Covenant in Covenant Instrument 11632983.10 - 23.4.2020 at 7:54 am

Land Covenant in Covenant Instrument 11632983.11 - 23.4.2020 at 7:54 am

12192462.2 STATUTORY LAND CHARGE PURSUANT TO SECTION 87 LOCAL GOVERNMENT (RATING) ACT 2002 - 22.7.2021 at 12:07 pm



Maven Ref: 181001 (Melliesane Botany)
Auckland Council Ref: SUB6034241 (South)

Land District: North Auckland

Digitally Generated Plan

Generated on: 24/02/2020 09:43am Page 3 of 5

Lots 1 & 2 being Subdivision of Lots 1 & 2 DP 476554

Surveyor: Reece Allan Moody
Firm: Maven Associates Limited

Title Plan
LT 541234
Approved on: 24/02/2020

T 1/3

CC 6946480.1 Compen

Cpy - 01/04, Pgs - 004, 12/07/06, 16:08



DocID: 312657697

Compensation Certificate

Correct for the purposes of the Land Transfer Act 1952

Solicitor for Manukau City Council

Pursuant to Section 19 of the Public Works Act 1981 pertaining to part Certificate of Title NA 121C/747 (North Auckland Registry) Part - Cancelled

199 Botany Road, Howick

Pakuranga Country Club Incorporated

Owner

Manukau City Council
Local Authority

**phillips
fox**

PO Box 160
AUCKLAND

Telephone: (09) 303 2019
Facsimile: (09) 303 2311

115508345 \ 0407114 \ NJW02

Compensation Certificate

To: The District Land Registrar
North Auckland Registry

Pursuant to section 19 of the Public Works Act 1981 this Compensation Certificate is forwarded to you to be deposited in your Registry and a memorial registered against the certificate of title to all the land affected thereby.

1 **Land** to be acquired by Manukau City Council

- 1.1 That part of the Land as shown shaded blue on the plan attached to the agreement being approximately 1.25 ha (subject to survey).
- 1.2 **Land** means the land contained in certificate of title NA 121C/747 comprising 41.6753 ha more or less being Lot 1 DP 194903 (North Auckland Registry) Part - Cancelled.

2 **Brief particulars of the Agreement**

- 2.1 **Date:** 30 June 2006
- 2.2 Manukau City Council to acquire the abovementioned land for a public walkway.
- 2.3 **Compensation:** As provided for in the Agreement under section 17 Public Works Act 1981 between Pakuranga Country Club Incorporated as Owner and the Manukau City Council.

3 **Names of parties other than the Manukau City Council**

Owner: Pakuranga Country Club Incorporated

4 **Further particulars**

- 4.1 Place where a copy of the Agreement may be inspected:
At the offices of Council's Administration Building, Level 9, Manukau City Centre
- 4.2 Hours during which the Agreement may be inspected: Between the hours of 8.30 a.m. and 4.30 p.m. on all days when the said Council's offices are open.
- 4.3 Reference by which the Agreement may be identified:

Pakuranga Country Club, 199 Botany Road

Date: 7 July 2006

Signed for and on behalf of the
Manukau City Council

A handwritten signature in black ink, appearing to read 'L Auton', written over a horizontal line.

Leigh Auton

Chief Executive Officer

Landonline User ID: LAWFACTORLAW

LODGING FIRM: LAWFACTOR LIMITED

Address:

12 / 07 / 06 (3)

Uplifting Box Number:

83

ASSOCIATED FIRM: PHILLIPS FOX (MWILSON)

Client Code / Ref: 0407114 ; BOTANY RD

HEREWITH

Survey Plan (#)

Title Plan (#)

Traverse Sheets (#)

Field Notes (#)

Calc Sheets (#)

Survey Report

Dealing / S UD Number:
(LINZ Use only)

Priority Barcode/Date Stamp
(LINZ use only)

Plan Number Pre-Allocated or
to be Deposited:

Rejected Dealing Number:

CC 6946480.1 Compen

CPY - 02/04, Pgs - 004, 12/07/06, 16-08

Copies
(inc. original)

DocID: 312857697

Priority Order	CT Ref	Type of Instrument	Names of Parties	DOCUMENT OR SURVEY FEES	MULTI-TITLE FEES	NOTICES	ADVERTISING	NEW TITLES	OTHER	RE-SUBMISSION & PRIORITY FEE	FEES \$ GST INCLUSIVE
1	NA 121C / 747	CC	THE MANUKAU CITY COUNCIL	0.00							
2											
3											
4											
5											
6											

Land Information New Zealand Lodgement Form

Annotations (LINZ use only)

Original Signatures?

Less Fees paid on Dealing #

Cash/Cheque enclosed for

Subtotal (for this page)
Total for this dealing

\$0.00

\$0.00

Fees Receipt and Tax Invoices

GST Registered Number 17-022-895

LINZ Form P005

LINZ Form P005 - PDF

Version 1.7: 28 May 2004



View Instrument Details

Instrument No 9807478.3
Status Registered
Date & Time Lodged 02 April 2015 15:41
Lodged By Gibson, Elizabeth Norma
Instrument Type Easement Instrument



Affected Computer Registers	Land District
658806	North Auckland
658807	North Auckland

Annexure Schedule: Contains 9 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Charge Holder under Statutory Land Charge 8514207.1 has consented to this transaction and I hold that consent, or the Statutory Land Charge does not prevent registration
- I certify that the Mortgagee under Mortgage B299106.3 has consented to this transaction and I hold that consent

Signature

Signed by Kay Thelma Keam as Grantor Representative on 02/04/2015 03:37 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Kay Thelma Keam as Grantee Representative on 02/04/2015 03:37 PM

*** End of Report ***

Form B

Easement instrument to grant easement or *profit à prendre*, or create land covenant

(Sections 90A and 90F Land Transfer Act 1952)

Grantor

Pakuranga Country Club Incorporated

Grantee

Pakuranga Country Club Incorporated

Grant of Easement or *Profit à prendre* or Creation of Covenant

The Grantor being the registered proprietor of the servient tenement(s) set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, **or creates** the covenant(s) **set out** in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A
required

Continue in additional Annexure Schedule, if

Purpose (Nature and extent) of easement; <i>profit</i> or covenant	Shown (plan reference)	Servient Tenement (Computer Register)	Dominant Tenement (Computer Register) or in gross
Land covenant (as attached)	As attached.	Lot 1 DP 476554, Identifier 658806 and Lot 2 DP 476554, Identifier 658807	Lot 2 DP 476554, Identifier 658807 and Lot 1 DP 476554, Identifier 658806

Form B - continued

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or Schedule Five of the Property Law Act 2007.

The implied rights and powers are hereby ~~[varied]~~ ~~[negatived]~~ ~~[added to]~~ or ~~[substituted]~~ by:

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

~~[the provisions set out in Annexure Schedule]~~

Covenant provisions

Delete phrases in [] and insert Memorandum number as require; continue in additional Annexure Schedule, if required

The provisions applying to the specified covenants are those set out in as attached.

[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952]

~~[Annexure Schedule]~~

Annexure Schedule B

INTRODUCTION

- A. The Grantor and the Grantee are registered as proprietor as set out in Schedule A.
- B. The Grantor has agreed to enter into the Lot 1 Covenants (for the purposes of binding the Grantor and its successors in title) for the perpetual benefit of the Grantee and the Grantee's successors in title of the Lot 2 , and the Grantor hereby covenants to perform, observe and comply with the Lot 1 Covenants, with the intention that the Lot 1 Covenants be annexed to all of Lot 1 and the benefit of the Lot 1 Covenants shall be forever appurtenant to Lot 2 and the Lot 1 Covenants become notified interests pursuant to sections 303 and 307 of the Property Law Act 2007 for the purposes of section 62 of the Land Transfer Act 1952.
- C. The Grantor has agreed to enter into the Lot 2 Covenants (for the purposes of binding the Grantor and its successors in title) for the perpetual benefit of the Grantee and the Grantee's successors in title of the Lot 1 , and the Grantor hereby covenants to perform, observe and comply with the Lot 2 Covenants, with the intention that the Lot 2 Covenants be annexed to all of the Lot 2 and the benefit of the Lot 2 Covenants shall be forever appurtenant to Lot 1 and the Lot 2 Covenants become notified interests pursuant to sections 303 and 307 of the Property Law Act 2007 for the purposes of section 62 of the Land Transfer Act 1952.
- D. The Covenants are intended to bind the Grantor, the Grantee and all of the registered proprietors of the Servient Tenement from time to time in accordance with the provisions of Subpart 4 of the Property Law Act 2007.

OPERATIVE PART

To give effect to the objectives and intentions specified in this Instrument, the Grantor and the Grantee covenant undertake and agree with each other as follows:

1. INTERPRETATION

1.1 Definitions

In this Instrument, unless the context otherwise requires:

- (a) **"Covenants"** means the Lot 1 Covenants or the Lot 2 Covenants (whichever is applicable to the relevant Dominant or Servient Tenement as the case maybe).
- (b) **"Lot 1 Covenants"** means the covenants, stipulations and restrictions set out in Annexure Schedules B and C.
- (c) **"Lot 2 Covenants"** are that the Grantor will not object to the Grantee's activities on Lot 1.
- (d) **"Proprietor"** means the registered proprietor of the Dominant Tenement or the Servient Tenement from time to time.

1.2 Interpretation

Words (including defined words) importing the singular number shall include the plural and vice versa.

- (a) The word "person" includes a company, firm or other legal entity and vice versa and, where the context permits, includes that person's employees, contractors, agents and invitees.
- (b) The heading notes in this Instrument have been inserted for guidance only and shall be deemed not to be part of the content of this Instrument nor shall such heading notes be referred to as a guide in interpretation of the provisions of this Instrument.
- (c) This Instrument is divided into parts, clauses, subclauses and paragraphs and, unless otherwise specified references in this Instrument to parts, clauses, subclauses and paragraphs are to the parts, clauses, subclauses and paragraphs of this Instrument.
- (d) The mutual undertakings set out herein shall be interpreted by reference to the other provisions of this Instrument.

2. COVENANTS

- 2.1 The Grantor undertakes that in relation to Lot 1 for the perpetual benefit of Lot 2 and the Grantee to perform, observe and comply with the Lot 1 Covenants, with the intention that the Lot 1 Covenants be annexed to all of Lot 1 and the benefit of the covenants shall be forever appurtenant to Lot 2 and the Lot 1 Covenants become notified interests pursuant to sections 303 and 307 of the Property Law Act 2007 for the purposes of section 62 of the Land Transfer Act 1952.
- 2.2 The Grantor undertakes that in relation to Lot 2 for the perpetual benefit of Lot 1 and the Grantee to perform, observe and comply with the Lot 2 Covenants, with the intention that the Lot 2 Covenants be annexed to all of Lot 2 and the benefit of the covenants shall be forever appurtenant to Lot 1 and the Lot 2 Covenants become notified interests pursuant to sections 303 and 307 of the Property Law Act 2007 for the purposes of section 62 of the Land Transfer Act 1952.
- 2.3 The Grantor shall if called upon to do so by the Grantee execute and register such further documents as may be necessary to ensure that the Proprietors continue to be bound by the Covenants.
- 2.4 The Covenants shall:
 - (a) Be binding on:
 - (i) The Grantor;
 - (ii) Every person who acquires an estate or interest in the Servient Tenement (whether from the Grantor or any of the Grantor's successors in title, and whether for valuable consideration or not, and whether by operation of law or otherwise and including a sale by a mortgagee in exercising a power of sale); and
 - (iii) Every person who is a mortgagee in possession of the Servient Tenement;

But in each case with the obligations arising or accruing pursuant to the Covenants being determined by reference to the Servient Tenement owned or so

occupied (as the case may be) at the time or times that such obligations arise or accrue;

- (b) Without prejudice to liability for obligations arising or accruing during the period the Servient Tenement is owned or is so occupied (as the case may be) cease to be binding on:
 - (i) The Grantor in respect of the Servient Tenement to the extent that the Grantor cease to own the Servient Tenement. For the avoidance of doubt, the Lot 1 Covenants shall cease to be binding on Pakuranga Country Club Limited as Grantor as soon as the sale of Lot 1 has been completed but the benefit of the Lot 1 Covenants shall continue to be enforceable by Pakuranga Country Club Limited as Grantee so long as it holds all or part of Lot 2.
 - (ii) Every person who is a mortgagee in possession of the Servient Tenement when such person transfers ownership of the Servient Tenement to any other person.
- (c) Should the Grantor further subdivide Lot 2, the Grantor may make the Covenants appurtenant only to any one or other of the lots or dispose of any lots free of such of the Covenants as the Grantor may decide. This clause shall be sufficient authority for a certifying practitioner to certify that the Grantee has authorised the surrender of the Covenants in all or part and that the practitioner holds that authority. For the avoidance of doubt, the Grantor may not exercise such rights in relation to the Lot 1 Covenants.

**Annexure Schedule C
Lot 1 Covenants**

For the avoidance of doubt, in this Schedule (Annexure Schedule C) the Grantor is the Proprietor of Lot 1 and the Grantee is the Proprietor of Lot 2

1. The Grantor will not object to the Grantee's activities on Lot 2.
2. The Grantor acknowledges that the proximity of the golf course and its facilities on Lot 2 to Lot 1 results in certain foreseeable risks, including the risk of property damage or injury to persons from errant golf balls and other activities inherent to the activities of a golf course (including, but not limited to, windows, stucco, roofing, decking and patio furnishings), which risks are assumed by the Grantor, and that the Grantee shall have no obligation to take steps to remove or alleviate such risks, nor shall they have any liability to the Grantor or their guests or invitees for damage or injury resulting from errant golf balls being hit upon Lot 1.
3. The Grantor acknowledges that the Grantee may add to, remove, or otherwise modify the landscaping, trees, and other features of the golf course on Lot 2 and its facilities, including changing the location, configuration, size and elevation of the driving range, bunkers, fairways and greens, and that the Grantee shall have no liability to the Grantor as a result of such modification.
4. The Grantee shall not be liable nor called upon to erect or contribute to the cost of erecting any dividing or boundary fence between Lot 1 and Lot 2 and the carriageway easement.
5. Once Lot 1 is ready for use by the Grantor, the Grantor shall construct a suitable boundary fence and trees between Lot 1 and Lot 2 and the carriageway easement at the Grantor's cost, the height and material of such to be agreed between the Grantor and the Grantee prior to the time of construction of the fence with both parties acting in good faith towards one another. The Grantee shall be entitled to access through Lot 1 to the green keeper's shed on Lot 2 and the Grantor shall ensure that the fence contains a suitable gate to allow such access. The Grantor shall also install a locked gateway in the vicinity of the current fenced tree line bordering the carpark northern boundary and the practice fairway on Lot 2.
6. The Grantee may continue to use Lot 1 rent free until such time as the Grantor gives the Grantee no less than 12 months' notice of the Grantor's requirement for the Grantee to vacate Lot 1. Whilst the Grantee is using Lot 1, it shall be responsible for the maintenance of Lot 1 and shall ensure that Lot 1 retains at least the same or similar condition as at the date of the agreement for the sale and purchase of Lot 1 (being 24 May 2012).
7. During the construction works on Lot 1, the Grantor shall control access to the site and be responsible for routine cleaning and maintenance costs and repairing any damage caused to Lot 2 as a result of those works. During this time, the Grantor shall be entitled to use land near the 11th tee to put in a holding pond for run-off water provided that the land will be restored to its former condition following completion of the project.

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
 Land Transfer Act 1952 section 238(2)



Insert type of instrument
 "Caveat", "Mortgage" etc

[Empty box for instrument type]

Page [] of [] pages

Consentor
 Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor
 (eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

<u>Westpac New Zealand Limited</u>	Mortgagee under Mortgage B299106.3
------------------------------------	------------------------------------

Consent
 Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
 Delete words in [] if inconsistent with the consent.
 State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:
 the deposit of a subdivision plan, creation of new titles as allocated, and registration of various easement instruments including restrictive covenants

Dated this 2 day of Apr. 2014 2015

Attestation

<p>AARON AFFLECK</p> <p></p> <p>Signature of Consentor</p>	<p>Signed in my presence by the Consentor</p> <p>Signature of Witness </p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name Sandra Rae</p> <p>Occupation Bank Officer</p> <p>Address Westpac Christchurch</p>
---	--

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, Aaron Affleck of Christchurch in New Zealand, Bank Officer

HEREBY CERTIFY

1. **THAT** by Deed dated 6 September 2006 a copy of which is deposited with Land Information New Zealand and numbered 7032934.1, **WESTPAC NEW ZEALAND LIMITED**, incorporated in New Zealand and having its principal place of business at 16 Takutai Square, Auckland appointed me its attorney on the terms and subject to the conditions set out in that Deed.
2. **THAT** as at the date hereof I am a Tier Three Attorney for Westpac New Zealand Limited.
3. **THAT** as at the date of this certificate I have not received any notice or information of the revocation of that appointment by the winding up or dissolution of **Westpac New Zealand Limited** or otherwise.

Signed at Christchurch this 2 April 2015



Aaron Affleck

199 Botany

Approved by Registrar-General of Land under No. 2003/6150
Annexure Schedule - Consent Form
 Land Transfer Act 1952 section 238(2)



Insert type of instrument
 "Caveat", "Mortgage" etc

[Empty box for instrument type]

Page [] of [] pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

<u>Auckland Council</u>	Chargeholder under Statutory Land Charge 8514207.1
-------------------------	--

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.
 Delete words in [] if inconsistent with the consent.
 State full details of the matter for which consent is required.

Pursuant to [section 238(2) of the Land Transfer Act 1952]



[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:
 the deposit of a subdivision plan, creation of new titles as allocated, and registration of various easement instruments including restrictive covenants

Dated this 26th day of March 2015

Attestation

Signed for and on behalf of Auckland Council by the Manager (Acting) Property & Commercial under delegated authority  Signature of Consentor	Signed in my presence by the Consentor  Signature of Witness Witness to complete in BLOCK letters (unless legibly printed) Witness name Carol Dias Occupation Legal Executive Address Auckland
---	--

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

View Instrument Details



Instrument No 11632983.5
Status Registered
Date & Time Lodged 23 April 2020 07:54
Lodged By Divers, Leslie Wilfred
Instrument Type Variation of Land Covenant under s116(3) Land Transfer Act 2017



Affected Records of Title	Land District
658806	North Auckland
658807	North Auckland

Affected Instrument Easement Instrument 9807478.3

Annexure Schedule Contains 2 Pages.

Covenantor Certifications

- I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Charge Holder under Statutory Land Charge 8514207.1 has consented to this transaction and I hold that consent

Signature

Signed by Seyoung Koh as Covenantor Representative on 20/04/2020 03:42 PM

Covenantee Certifications

- I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Leslie Wilfred Divers as Covenantee Representative on 20/04/2020 03:58 PM

*** End of Report ***

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

Form 28

Covenant Variation Instrument to vary land covenant

(Section 116(3) Land Transfer Act 2017)

Covenantor

Metlifecare Limited

Covantee

Pakuranga Country Club Incorporated

Variation of Covenant

The terms, covenants, or conditions contained in the covenant(s) set out in schedule A are hereby affected or modified as set out in Schedule B.
--

Schedule A

Continue in additional Annexure Schedule, if required

Purpose of Covenant	Creating Instrument number	Burdened Land (Record of title)	Benefited Land (Record of Title) or in gross
Land covenant	9807478.3	Lot 1 DP 476554 (658806)	Lot 2 DP 476554 (658807)

Schedule B

Continue in Annexure Schedule, if required

<p>As from the date of this Covenant Variation Instrument, the Grantor and Grantee hereby agree that Clauses 1, 3. 6 and 7 of Annexure Schedule C contained in Easement instrument 9807478.3 are deleted and replaced with the following clauses:</p> <p>“3. The Grantor acknowledges that the Grantee may add to, remove , or otherwise modify the landscaping, trees, and other features of the golf course on Lot 2 and its facilities, including changing the location, configuration, size and elevation of the driving range, bunkers, fairways and greens, and that the Grantee shall have no liability to the Grantor as a result of such modification provided that no tree, hedge or boundary planting shall be planted or erected within 15.0 metres of the boundary to the Grantor’s land exceeding 6.0 metres in height above ground level without first obtaining the Grantor’s written consent. Where the Grantee requires resource consent for any work or development on Lot 2 the Grantor shall not unreasonably withhold its consent to such an application.</p>
--

This approved format may be used for lodgement as an electronic instrument under the Land Transfer Act 2017

- 6.** The Grantee may continue to use Lot 1 rent free until such time as the Grantor obtains resource consent to develop its land and thereafter gives to the Grantee not less than 3 months' notice of the Grantor's requirement for the Grantee to vacate Lot 1. While the Grantee is using Lot 1 it shall be responsible for the maintenance of the green, fairway and practice area and the Grantor shall be responsible for the maintenance of all trees on the property.
- 7.** The Grantor acknowledges that in order to keep the golf course in optimum condition the Grantee may from time to time generate activity and noise which may constitute a nuisance and the Grantor may not take any steps designed to prevent the golf club from carrying out any work and maintenance which results in any such nuisance.
- 8.** The Grantor shall not construct, place, extend or alter or arrange for or permit to be constructed, placed, extended or altered (whether permanently or temporarily) any building or structure of any kind on the Servient Land that will either be more than three stories high or will cast shade on the greens on the dates that fall between autumn equinox and spring (in New Zealand) between the hours of 10am and 3pm."

View Instrument Details



Instrument No 11632983.9
Status Registered
Date & Time Lodged 23 April 2020 07:54
Lodged By Divers, Leslie Wilfred
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
909033	North Auckland

Annexure Schedule Contains 1 Pages.

Signature

Signed by Leslie Wilfred Divers as Territorial Authority Representative on 20/04/2020 07:39 PM

***** End of Report *****

In the matter of the Resource Management Act
1991 (The Act)
and
in the matter of a subdivision of land in the
North Auckland Land Registration
District shown on DP 541234

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

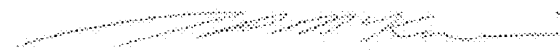
I hereby certify that THE AUCKLAND COUNCIL granted its consent under consent number BUN60342419 (SUB60342441) to the subdivision of Lots 1 and 2 shown on DP 476554 subject to conditions, including the requirement that the owners of Lot 2 DP 541234 comply with the following condition on a continuing basis at no cost to the Council.

Condition 5 – Prohibition on Erecting Buildings or Structures within Outlook Space

No buildings or structures shall be erected within the area marked “Z” on Lot 2 DP 541234.

Dated at Manukau this 27th day of March 2020.

Authenticated by the Council pursuant to
Section 221(2) of the Resource Management Act 1991



Authorised officer under delegated authority

View Instrument Details



Instrument No 11632983.10
Status Registered
Date & Time Lodged 23 April 2020 07:54
Lodged By Divers, Leslie Wilfred
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
909032	North Auckland
909033	North Auckland

Annexure Schedule Contains 4 Pages.

Covenantor Certifications

- I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Charge Holder under Statutory Land Charge 8514207.1 has consented to this transaction and I hold that consent

Signature

Signed by Seyoung Koh as Covenantor Representative on 20/04/2020 03:43 PM

Covenantee Certifications

- I certify that I have the authority to act for the Covenantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Leslie Wilfred Divers as Covenantee Representative on 15/04/2020 03:12 PM

*** End of Report ***

Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

Metlifecare Limited

Covantee

Pakuranga Country Club Incorporated

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A
Annexure Schedule, if required

Continue in additional

Purpose covenant	of	Shown reference	(plan)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant		DP 541234		909032	909033

Covenant rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017].

Annexure Schedule 1.

Form L

Annexure Schedule 1

Page of Pages

Insert instrument type

Land Covenant

It is agreed

1. Defined terms

1.1 Definitions

In this document:

Benefited Land means the land shown on the front page of this Instrument as the Benefited Tenement.

Burdened Land means the land described on the front page of this Instrument as the Burdened Tenement.

Covenants means the covenants set out in this Instrument.

Covenantee means the owner of all or any part or parts of the Benefited Land and their executors, administrators, assignees and successors in title from time to time.

Covenantor means the owner of all or any part or parts of the Burdened Land and their occupiers, invitees, executors, administrators, assignees and successors in title from time to time.

Greens means those areas of the Benefited Land that, as at 1 July 2018, are used as golf putting greens and for clarity do not include any fairways, rough, bunkers, practice greens or any other part of the Benefited Land.

Instrument means this easement instrument creating a land covenant to be registered on the Burdened Land's record of title and all its schedules and amendments.

Initial Covenantee means Pakuranga Country Club Incorporated.

Initial Covenantor means Metlifecare Limited.

2. General Covenants

2.1 The Covenantor covenants and agrees:

- (a) to observe and perform all Covenants at all times;
- (b) to ensure that all occupiers, employees, contractors, invitees and anyone or thing that is present on the Burdened Land under the control of, or at the direction or invitation of the Covenantor, observes and performs all relevant and applicable Covenants at all times; and

- (c) that the Covenants shall run with and bind the Burdened Land for the benefit of the Benefited Land.

3. Use Covenants

- 3.1 The Covenantor covenants in respect of the Burdened Land not to construct, place, extend or alter or arrange for or permit to be constructed, placed, extended or altered (whether permanently or temporarily) any building or structure of any kind on the Burdened Land that is either more than three stories high or that will cast shade on the Greens on the dates that fall between autumn equinox and spring equinox (in New Zealand) between the hours of 10am and 3pm.

4. Discharge

- 4.1 Should the Covenantee move, relocate or otherwise remove the Greens the Covenantor shall be entitled to a discharge of this Instrument at the request of the Covenantor and the parties shall enter into and execute promptly and without delay any documents required to permit the Covenantor's solicitors to discharge this Instrument from the title to the Burdened Land.

5. Liability

- 5.1 Without prejudice to the Covenantor's and Covenantee's other rights, this Instrument binds the Covenantor's and Covenantee's successors in title so that contemporaneously with the acquisition of any interest in the Burdened Land all such successors in title become bound to comply with this Instrument. However, the liability of any Covenantor under this Instrument is limited to obligations and liabilities that accrue during that Covenantor's time as registered proprietor of the Burdened Land and only in respect of that part of the Burdened Land owned by that Covenantor. A Covenantor will not be liable for any breach of this Instrument which occurs during any period prior to or after its term as registered proprietor of the Burdened Land (however, for the avoidance of doubt, any Covenantor shall remain liable for any such antecedent breach following the transfer of its interest in the Burdened Land).

6. Costs

- 6.1 The Covenantor will pay all costs directly or indirectly attributable to the enforcement and discharge of this Instrument.

7. Implied terms

- 7.1 No covenants by the Covenantor or by the Covenantor's successors in title are implied in this Instrument other than the covenants for further assurance implied by section 208 of the Land Transfer Act 2017.

View Instrument Details



Instrument No 11632983.11
Status Registered
Date & Time Lodged 23 April 2020 07:54
Lodged By Divers, Leslie Wilfred
Instrument Type Land Covenant under s116(1)(a) or (b) Land Transfer Act 2017



Affected Records of Title	Land District
909032	North Auckland
909033	North Auckland

Annexure Schedule Contains 10 Pages.

Covenantor Certifications

I certify that I have the authority to act for the Covenantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Statutory Land Charge 8514207.1 does not prevent registration of this transaction

Signature

Signed by Leslie Wilfred Divers as Covenantor Representative on 20/04/2020 04:11 PM

Covantee Certifications

I certify that I have the authority to act for the Covantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Seyoung Koh as Covantee Representative on 16/04/2020 03:23 PM

*** End of Report ***

Form 26

Covenant Instrument to note land covenant

(Section 116(1)(a) & (b) Land Transfer Act 2017)

Covenantor

Pakuranga Country Club Incorporated

Covantee

Metlifecare Limited

Grant of Covenant

The Covenantor, being the registered owner of the burdened land(s) set out in Schedule A, **grants to the Covantee** (and, if so stated, in gross) the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

Schedule A
Annexure Schedule, if required

Continue in additional

Purpose covenant	of	Shown reference (plan)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Land Covenant		DP 541234	909033	909032

Covenant rights and powers (including terms, covenants and conditions)

*Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.*

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 209 of
the Land Transfer Act 2017].~~

Annexure Schedule 1.

Form L**Annexure Schedule 1**

Page of Pages

Insert instrument type

Land Covenant

1. Introduction

- A. The Initial Covenantee is subdividing the Burdened Land to create the Botany Development.
- B. The Initial Covenantee intends that the Botany Development be subject to a general scheme applicable to and for the benefit of the Benefitted Land to ensure that the Botany Development is and remains a modern high quality and well-designed retirement village (**Scheme**).
- C. Metlifecare may elect to administer the Scheme for the benefit of the Benefitted Land and the burden of the Burdened Land.
- D. The Initial Covenantee intends that this land covenant (**Instrument** and as further defined in clause 2 below) shall be and shall remain registered against the titles to the Burdened Land and the Benefitted Land to give effect to the Scheme so that:
- (a) owners or occupiers for the time being of the Burdened Land shall be bound by the provisions of this Instrument;
 - (b) owners and occupiers for the time being of the Benefitted Land can enforce the observance of the provisions of this Instrument by the owners or occupiers of the Burdened Land in equity or otherwise; and
 - (c) the obligations and covenants of the Covenantor under this Instrument enure for the benefit of Metlifecare (in accordance with the Contracts (Privity) Act 1982).

It is agreed**2. Defined terms****2.1 Definitions**

In this document:

Adjoining Land means all of the Head Title except the Botany Development and, for the avoidance of doubt, the Adjoining Land includes any land that is or may be used for non-residential purposes.

Approved Building Plans means the approved building plans issued for the retirement village to be constructed in the Botany Development in accordance with the applicable Design Guidelines from time to time.

Benefitted Land means the land shown on the front page of this Instrument as the Benefitted Land.

Botany Development means the retirement village development on the Benefitted Land including but not limited to Dwellings, Improvements and all other associated infrastructure.

Building means any structure (excluding fences and landscaping) on the Burdened Land.

Burdened Land means the land described on the front page of this Instrument as the Burdened Land.

Constitution means the constitution of the Pakuranga Country Club Incorporated, if any, as it may be amended from time to time;

Council means Auckland Council or its successor.

Covenantee means the owner of all or any part or parts of the Benefitted Land and their executors, administrators, assignees and successors in title from time to time.

Covenantor means the owner of all or any part or parts of the Burdened Land and their occupiers, invitees, executors, administrators, assignees and successors in title from time to time.

Covenants means the covenants set out in this Instrument.

Design Guidelines means the design control guidelines issued by Metlifecare from time to time.

District Plan means the Auckland Unitary Plan.

Dwelling means a single self-contained household or retirement unit, and includes accessory buildings.

Golf Club Committee means the committee from time to time, of the Pakuranga Country Club Incorporated, appointed under the Constitution;

Greens means those areas of the Burdened Land that, as at 1 July 2018, are used as golf putting greens or for tee blocks and for clarity do not include any fairways, rough, bunkers, practice greens or any other part of the Burdened Land.

Ground Level means the natural ground level of the relevant land as at the date of registration of the Instrument.

Head Title means all of the land that was formerly described as Lot 1 Deposited Plan 476554 and Lot 2 Deposited Plan 476554 contained in records of title 658806 and 658807.

Instrument means this easement instrument creating a land covenant to be registered on the Burdened Land's record of title and all its Schedules and amendments.

Initial Covenantee means Metlifecare Limited.

Initial Covenantor means Pakuranga Country Club Incorporated.

Improvements means existing improvements constructed by Metlifecare Limited on the Burdened Land and adjoining road or reserves, including (but not limited to)

roading, footpaths, kerbs, gutters, swale crossings, landscaping, planting, open spaces and walkways.

Lodge any Submission means (without limitation) personally or through any agent or servant, directly or indirectly, lodge or support in any way any objection or submission to any Planning Proposal and includes (without limitation) taking part in any planning hearing or, appeal or reference arising in respect of a Planning Proposal whether as a party or otherwise.

Lots mean each and all of the lots created by a Subdivision of Lot 1 Deposited Plan 476554 and Lot 2 Deposited Plan 476554 (and Lot shall have a corresponding meaning).

Metlifecare means Metlifecare Limited and, where the context requires, means any other entity nominated by Metlifecare Limited to succeed its rights and obligations under this Instrument.

Planning Proposal includes (without limitation) any resource consent application and / or plan change and / or variation of any nature under the relevant District Plan or proposed District Plan (including, but not limited to, building to a height of three stories).

Retirement Village Operator means a person or entity that is in the business of developing and/or operating retirement villages.

Scheme has the meaning given to it in Introduction Clause B above.

Subdivide and **Subdivision** has the meaning ascribed to subdivision of land in Section 218(1) of the Resource Management Act 1991.

3. General Covenants

- 3.1 The Covenantor covenants and agrees:
- (a) to observe and perform all Covenants at all times;
 - (b) to ensure that all occupiers, employees, contractors, invitees and anyone or thing that is present on the Burdened Land under the control of, or at the direction or invitation of the Covenantor, observes and performs all relevant and applicable Covenants at all times; and
 - (c) that the Covenants shall run with and bind the Burdened Land for the benefit of the Benefitted Land.

4. Scheme Covenants

- 4.1 The Covenantor covenants with the Covenantee:
- (a) to comply with the relevant Design Guidelines applicable to the relevant Lots;
 - (b) not to occupy any Building without a current code compliance certificate issued under the Building Act 2004 (or any subsequent replacement legislation);
 - (c) that no tree, hedge or boundary planting shall be planted or erected within 15.0 metres of the boundary to the Benefitted Land exceeding 6.0 metres in height

above Ground Level without first obtaining the Covenantee's written consent. This provision specifically excludes existing trees as at the date of this covenant; and

- (d) that no fence shall be erected within 15.0 metres of the boundary to the Benefitted Land exceeding 1.0 metres in height above Ground Level without first obtaining the Covenantee's written consent.

5. Use Covenants

- 5.1 The Covenantor covenants in respect of the Burdened Land not to establish or operate, or allow the use any of the Burdened Land or permit the same to be used for the establishment or operation of any business which primarily constitutes a Retirement Village Operator without having first obtained the written consent of the Covenantee.

6. No-Objection Covenants

- 6.1 The Covenantor further covenants that:

- (a) it will not, and will not encourage or support any other person to:

- i object to or Lodge any Submission against any Planning Proposal;
- ii obtain an order, injunction or any other remedy;
- iii make any complaint against any contractor or any consultant,

which relates to the Benefitted Land, except where a Planning Proposal would result in a building or structure of any kind casting shade on the Greens at equinox (in New Zealand) between the hours of 10am and 3pm.

- (b) if requested by the Covenantee, the Covenantor shall promptly give its unqualified and irrevocable:

- i written approval (including any affected party approval under section 95E of the Resource Management Act 1991) to any Planning Proposal relating to the Adjoining Land (including but not limited to building to a height of three stories); and / or
- ii submission in support of any Planning Proposal, relating to the Adjoining Land (including but not limited to building to a height of three stories),

provided that such Planning Proposal will not result in a building or structure of any kind casting shade on the Greens on the dates that fall between the autumn equinox and spring equinox (in New Zealand) between the hours of 10am and 3pm. For the avoidance of doubt no approval shall be required to be given to any planning proposal involving a building of more than three stories.

- (c) the Covenantor shall sign all documents and do all things required by the Covenantee to meet the Covenantor's obligation under this clause 6, except in relation to a Planning Proposal that would result in a building or structure of any kind casting shade on the Greens on the dates that fall between the autumn and spring equinox (in New Zealand) between the hours of 10am and 3pm.

7. Right of first refusal

- 7.1 In consideration of the purchase price paid by the Initial Covenantee to the Initial Covenantor to purchase the Benefitted Land, the Covenantor grants to the Initial Covenantee a right of first refusal to purchase the Adjoining Land.
- 7.2 If the Covenantor intends to sell all or part of the Adjoining Land at any time, the Covenantor must first offer to sell the Adjoining Land to the Initial Covenantee by delivering to the Initial Covenantee a duly completed written notice in the form specified in Annexure A (**Notice of Offer**).
- 7.3 If the Initial Covenantee wishes to accept the offer on the terms specified in the Notice of Offer, the Initial Covenantee must deliver to the Covenantor a written notice in the form specified in Annexure B (**Notice of Acceptance**) by no later than 4.00p.m. 10 working days from (but exclusive of) the date of receipt of the Notice of Offer (**Acceptance Period**) (time to be of the essence).
- 7.4 If the Covenantor offers to all or part of the Adjoining Land to the Initial Covenantee and the Initial Covenantee accepts such offer in accordance with the provisions of this clause, the parties will be lawfully bound by the:
- (a) provisions of this clause;
 - (b) Notice of Offer;
 - (c) Notice of Acceptance; and
 - (d) General terms of sale contained in the Auckland District Law Society/Real Estate Institute of New Zealand Agreement for Sale and Purchase form (Ninth Edition 2012 (7)) or any form amending or replacing it,

which documents shall collectively comprise the agreement (**New Agreement**) and the Covenantor will sell all or part of the Adjoining Land and the Initial Covenantee will purchase all or part of the Adjoining Land on the provisions contained in the New Agreement.

- 7.5 Any New Agreement entered into by the parties will be conditional upon the approval of the members of the Pakuranga Country Club Incorporated to the New Agreement in all respects, provided that Pakuranga Country Club Incorporated is the Covenantor under this instrument.
- 7.6 If there is a conflict between the Notice of Offer and the general terms of sale, the Notice of Offer will prevail over the general terms of sale.
- 7.7 If the Initial Covenantee does not accept the offer contained in the Notice of Offer within the Acceptance Period, the Covenantor may sell all or part of the Adjoining Land to any other party (**Third Party**) without further reference to the Initial Covenantee, provided the price offered to the Third Party is not less than the purchase price of the relevant Adjoining Land offered to the Initial Covenantee, or the terms offered to the Third Party are not more favourable to a Third Party than the terms offered to the Initial Covenantee.
- 7.8 If the Covenantor intends to sell all or part of the Adjoining Land to a Third Party at a price lower than the purchase price of the relevant Adjoining Land offered to the Initial Covenantee, or on terms more favourable to a Third Party than the terms offered to the Initial Covenantee, the Covenantor must first re-offer to sell the

relevant Adjoining Land to the Initial Covenantee at such lower price, or on the more favourable terms intended to be offered to a Third Party.

- 7.9 Any re-offer will be effected by the Covenantor giving to the Initial Covenantee a further Notice of Offer specifying the lower price or the more favourable terms. The Initial Covenantee will have 10 working days from (but exclusive of) the date of receipt of the Notice of Offer (time to be of the essence) within which to accept the re-offer. Subject to the provisions of this clause the provisions of clauses 7.6 and 7.7 will apply to a re-offer as if it were the first offer.
- 7.10 If the Initial Covenantee does not accept an offer to purchase the Property made pursuant to this clause, the Covenantor may sell the Property subject to the terms of this clause. If the Covenantor has not entered into an agreement for the sale of the Property within six months after the date of receipt of a Notice of Offer by the Initial Covenantee, the Covenantor may not thereafter sell the Property to a Third Party without first re-offering the relevant Adjoining Land to the Initial Covenantee in accordance with the provisions of this clause.
- 7.11 The right of first refusal granted by the Covenantor to the Initial Covenantee under this clause is personal to the Initial Covenantee and not assignable.

8. Liability

- 8.1 Without prejudice to the Covenantor's and Covenantee's other rights, this Instrument binds the Covenantor's and Covenantee's successors in title so that contemporaneously with the acquisition of any interest in the Burdened Land all such successors in title become bound to comply with this Instrument. However, the liability of any Covenantor under this Instrument is limited to obligations and liabilities that accrue during that Covenantor's time as registered proprietor of the Burdened Land and only in respect of that part of the Burdened Land owned by that Covenantor. A Covenantor will not be liable for any breach of this Instrument which occurs during any period prior to or after its term as registered proprietor of the Burdened Land (however, for the avoidance of doubt, any Covenantor shall remain liable for any such antecedent breach following the transfer of its interest in the Burdened Land).

9. Costs

- 9.1 The Covenantor will pay all costs directly or indirectly attributable to the enforcement and discharge of this Instrument.

10. Implied terms

- 10.1 No covenants by the Covenantor or by the Covenantor's successors in title are implied in this Instrument other than the covenants for further assurance implied by section 154 of the Land Transfer Act 1952.

Annexure A – Form of Notice of Offer

NOTICE OF OFFER

Date:

To:

RIGHT OF FIRST REFUSAL CONTAINED IN AGREEMENT DATED [INSERT]

(“Agreement”)

MADE BETWEEN [] (“Vendor”)

AND [] (“Purchaser”)

IN RESPECT OF [ALL OR PART OF THE ADJOINING LAND] AS DEFINED IN THE AGREEMENT

(“Property”)

The Vendor, pursuant to clause [] of the Agreement, gives you notice that the following are the terms upon which the Vendor offers to sell the Property to you.

Price and payment:

Purchase price: \$[] [plus] [inclusive of] GST

Deposit: \$[]

Balance of purchase price to be paid or satisfied as follows: []

Interest rate for late settlement: []% pa

Dates

GST date:

[OIA date]:

Members of the Pakuranga Country Club Incorporated approval condition date:

Possession date:

Settlement date:

Plant, fixtures and fittings and chattels included in the sale:

Special conditions:

(Vendor): _____

Annexure B – Form of Notice of Acceptance

NOTICE OF ACCEPTANCE

Date:

To:

RIGHT OF FIRST REFUSAL CONTAIN IN AGREEMENT DATED

(“Agreement”)

MADE BETWEEN [] (“Vendor”)

AND [] (“Purchaser”)

IN RESPECT OF [ALL OR PART OF THE ADJOINING LAND] AS DEFINED IN THE LEASE

(“Property”)

The Purchaser accepts the offer contained in the Notice of Offer dated [] to purchase the Property.

(Purchaser): _____

View Instrument Details



Instrument No 12192462.2
Status Registered
Date & Time Lodged 22 July 2021 12:07
Lodged By OConnell, Glenda Louise
Instrument Type Statutory Land Charge



Affected Records of Title	Land District
909033	North Auckland

Annexure Schedule Contains 1 Pages.

Charge Holder Certifications

I certify that the notice is lodged under the provision of the enactment specified in the notice



Signature

Signed by Leslie Wilfred Divers as Charge Holder Representative on 21/07/2021 02:40 PM

*** End of Report ***



**NOTICE OF STATUTORY LAND CHARGE FOR POSTPONED RATES
Section 87 (1) Local Government (Rating) Act 2002**

To: The Registrar General of Land
North Auckland Land Registration District

TAKE NOTICE that the land hereinafter described is subject to a charge hereinafter described on account of the total amount of rates from time to time payable to the Auckland Council the payment of which has been postponed by the Local Authority under Section 87 (1) of The Local Government (Rating) Act 2002 and that you are directed and required to register the charge pursuant to Section 90 of that Act. The final amount of the charge will be the total rates amount postponed on the property plus the administration fee which will become payable either on the rating unit ceasing to be used for sporting purposes; where the ratepayer parts with possession of the rating unit or assigns or attempts to assign the rating unit in any way or for any purpose other than the giving of security for funds intended to be used for the further development of the rating unit for sporting purposes; or where the rating unit or part of the rating unit is developed for any purpose other than sports.

DESCRIPTION OF LAND AFFECTED BY CHARGE	
Owner:	Pakuranga Country Club Incorporated
General Address of Land:	199 Botany Road, Howick, Auckland
Legal Description:	Lot 2 Deposited Plan 541234
Record of title:	909033
Rates amount postponed as at the date of notice (amount to be finalised on payment)	\$896,695.45

DATED this 12 day of November 2020

Signed for and on behalf of the
AUCKLAND COUNCIL under
delegated Authority:

Rhonwen Heath
Head of Rates, Valuations & Data Management
Auckland Council

D298341.1

TE

TRANSFER

Land Transfer Act 1952

This page does not form part of the Transfer.

TRANSFER
Land Transfer Act 1952

If there is not enough space in any of the panels below, cross-reference to and use the approved Annexure Schedule: no other format will be received.

Land Registration District

North Auckland

Certificate of Title No. All or Part? Area and legal description — *Insert only when part or Stratum, CT*

16C	1491	all	
-----	------	-----	--

Transferor Surnames must be underlined

PAKURANGA COUNTRY CLUB INCORPORATED a duly incorporated society having its registered office at Pakuranga

Transferee Surnames must be underlined

MERCURY ENERGY LIMITED
a duly incorporated company having its registered office at Auckland

Estate or Interest or Easement to be created: *Insert e.g. Fee simple; Leasehold in Lease No.; Right of way etc.*

Easement in gross with the full free right liberty and licence TO TRANSMIT ELECTRIC CURRENT (continued on page 2 annexure schedule)

Consideration


TWO HUNDRED AND FIFTY DOLLARS (\$250.00) if demanded

Operative Clause

For the above consideration (receipt of which is acknowledged) the TRANSFEROR TRANSFERS to the TRANSFEE all the transferor's estate and interest in the land in the above Certificate(s) of Title and if an easement is described above such is granted or created.

Dated this 15th day of May 1998

Attestation

	Signed in my presence by the Transferor	<i>[Signature]</i>
	Signature of Witness	<u>President</u>
	Witness to complete in BLOCK letters <i>(unless typewritten or legibly stamped)</i>	<i>[Signature]</i>
	Witness name	<u>Club Captain</u>
	Occupation	
Address		<i>[Signature]</i>
Signature, or common seal of Transferor		<u>General Manager</u>

Certified correct for the purposes of the Land Transfer Act 1952
Certified that Part IIA of the Land Settlement, Promotion and Land Acquisition Act 1952 does not apply.
 Certified that no conveyance duty is payable by virtue of Section 24(1) of the Stamp and Conveyance Duties Act 1977
 (DELETE IN APPLICABLE CERTIFICATE)

[Signature]
Solicitor for the Transferee

Annexure Schedule

Insert below
 "Mortgage", "Transfer", "Lease" etc

Transfer

Dated

18.5.1998

Page

2

of

4

Pages

continuation of "ESTATE OR INTEREST OR EASEMENT TO BE CREATED":

through and under those portions of the said land marked "A" ("the land") on Computed Plan 189595 subject to the covenants, conditions and restrictions set out in this Transfer:

For that purpose, the Transferee its servants workmen and agents with or without vehicles laden or unladen and with tools machinery and equipment may from time to time and at all times as occasion shall require enter upon those portions of the land and such other areas surrounding as may be necessary or convenient AND lay, maintain, inspect, repair, alter, renew and replace under those portions of the land underground cables or conducting media as the Transferee may from time to time require PROVIDED HOWEVER that the Transferee shall not enter upon the land without first having given notice to the Transferor of its intention and arrange with the Transferee a time and date suitable for an entry to take place.

In exercising its rights, interests and licences under this transfer, the Transferee shall:

- (a) do as little damage as possible to the surface of the land and any vegetation, fences or erections on the land.
- (b) fill in any opening in the surface of the land as soon as possible after the necessary work for which such opening was made, has been completed and have the surface levelled off in a proper manner and resurfaced if necessary to restore it to the condition it was in prior to the work being done.
- (c) make good and restore to their prior condition in a proper and workmanlike manner all damage (if any) to fences or other erections on the land.

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

Annexure Schedule

Insert below "Mortgage", "Transfer", "Lease" etc

Transfer

Dated

13.5.1998

Page

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of

4

Pages

continuation of "ESTATE OR INTEREST OR EASEMENT TO BE CREATED":

The Transferor covenants with the Transferee that the Transferor will not place any buildings or erections or plant or allow or suffer any tree or shrub on those portions of the land and will not at any time after this transfer has been signed by the Transferor, do, permit or suffer to be done any act whereby the rights powers licences and liberties hereby granted to the Transferee may be interfered with or affected in any way.

The Transferee acknowledges that in the event of any redevelopment or subdivision of the land it will uplift and relay the cables along an alternative route as near as practicable to the existing route having regard to the requirements of the development or subdivision and will surrender the grant of easement and take a further grant on terms and conditions to be agreed between the Transferee and the Transferor or its successors in title PROVIDED that the Transferor will give to the Transferee reasonable notice in writing of its intention to redevelop or subdivide the land so as to enable the Transferee to remove its machinery and equipment from the land prior to the Transferor commencing any redevelopment or subdivision.

continuation of "ATTESTATION"

SIGNED by MERCURY ENERGY LIMITED

J.B. Macaulay (DIRECTOR)
J.B. MACAULLAY

J.G. Collinge (DIRECTOR)
J.G. COLLINGE

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

J.C.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

NOTICE OF PRODUCTION OF INSTRUMENTS

L. & A.D 107

P. 24

For office use only
Date _____
Number _____

The District Land Registrar

Messrs _____

Private Bar _____

(firm intending to register)

Auckland

The following are produced

List of Instruments Produced by Number or C.I. Reference

CT 166/1491

5 28. JUL 98

936290

To enable registration of:

1. A Transfer from Pakuranga Country to Mercury Energy Limited
CTUD Inc.

2. A _____ from _____ to _____

3. A _____ from _____ to _____

4. A _____ from _____ to _____

After Registration Instruments Listed Above To Be Returned To:

David Galbraith

Solicitor

P-O-Box 38 345

Howick

Received Above Instruments

For D.L.R.

This copy to be given to firm intending to register. Registration authorised above will not be accepted without production of this notice

CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

WE Kip Leslie and Janine May Taylor
both of Auckland in New Zealand, Bank Officers

HEREBY CERTIFY -

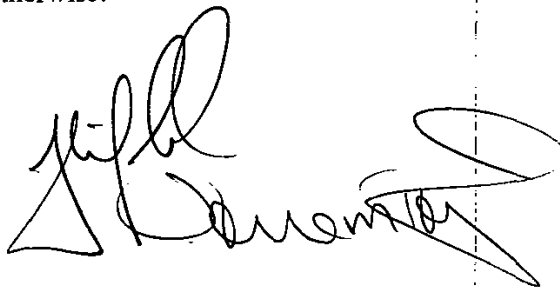
1. **THAT** by Deed dated the 10th July 1996 copies of which are deposited in the Land Registry Offices at -

AUCKLAND (North Auckland Registry) and there numbered D.043055.1
BLENHEIM (Marlborough Registry) and there numbered 187102
CHRISTCHURCH (Canterbury Registry) and there numbered A.257595/1
DUNEDIN (Otago Registry) and there numbered 915888
GISBORNE (Poverty Bay Registry) and there numbered G.212187.1
HAMILTON (South Auckland Registry) and there numbered B.367046
HOKITIKA (Westland Registry) and there numbered 105721
INVERCARGILL (Southland Registry) and there numbered 244294.1
NAPIER (Hawke's Bay Registry) and there numbered 646199.1
NELSON (Nelson Registry) and there numbered 361557.1
NEW PLYMOUTH (Taranaki Registry) and there numbered 435551
WELLINGTON (Wellington Registry) and there numbered 533510.1

WESTPAC BANKING CORPORATION ARBN 007 457 141 incorporated in New South Wales, Australia ("Westpac") appointed us its Attorneys on the terms and subject to the conditions set out in that Deed and the attached document is executed by us under the powers conferred by that Deed.

2. **THAT** at the date of this certificate, we are both Team Leaders of a legal unit of Westpac.
3. **THAT** at the date of this certificate we have not received any notice or information of the revocation of that appointment by the winding up or dissolution of Westpac or otherwise.

SIGNED at Auckland)
this 2nd day of
April 1998)



1/98

Annexure Schedule

TRANSFER

Dated

18.5.1998

Page

4

of

4

Pages

CONSENT OF MORTGAGEE

WESTPAC BANKING CORPORATION the Mortgagee of the above land under and by virtue of Memorandum of Mortgage

No.B.299106.3 HEREBY CONSENTS to the within described easement.

DATED at Auckland this 2nd day of APRIL 1998

SIGNED by)
WESTPAC BANKING)
CORPORATION)
as Mortgagee)
by its attorneys)

KIP LESLIE)
Full Name:)



in the presence of:)
MARK RICHARD JONES)

JANINE MAY TAYLOR)
Full Name:)



Witness: 

Full Name: BANK OFFICER
Occupation: WESTPAC BANKING CORPORATION
Address: 120 ALBERT STREET
AUCKLAND

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or their solicitors must put their signatures or initials here.

TRANSFER

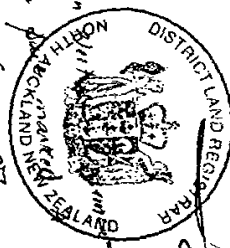
Land Transfer Act 1952

REGISTERED IN TRIPPLICATE

LINZ COPY

11.25 03.AUG98 D 2983411

PARTICULARS ENTERED IN REGISTER
LAND REGISTRY NORTH AUCKLAND
ASST LAND REGISTRAR



*7 creating an
in 5000 acre
DP 189595 in favour of
Murray Barry Limited*

Law Firm Acting
Phillips Fox Solicitors Auckland

Auckland District Law Society
REF: 4135

This page is for Land Registry Office use only.
(except for "Law Firm Acting")



Auckland Unitary Plan Standards Equivalent Comparison (changes that are more liberal than the current zone are highlighted)		
Standard	Open Space - Sport and Active Recreation Zone	Residential - Mixed Housing Suburban Zone
H7.11.1 Building height	10m	H4.6.4 8m + 1m roof bonus
H7.11.2 Height in relation to boundary	Rule that applies in the adjoining zone	H4.6.5 2.5m + 45 degrees on side and rear boundaries Does not apply to open space where open space sites: (i) that are greater than 2000m ² ; (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and (iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards H5.6.6 Alternative Height in relation to boundary Any buildings or parts of buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings must be set back 1m and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then 1m for every additional metre in height (45 degrees) Does not apply to open space where open space sites: (i) that are greater than 2000m ² ; (ii) where that part of the site in (i) is greater than 20 metres in width, when measured perpendicular to the shared boundary; and (iii) where an open space comprises multiple sites but has a common open space zoning, the entire zone will be treated as a single site for the purpose of applying the standards
H7.11.3 Yards	5m front yard and 6m side and rear yards adjoining residential zone 10m from the edge of permanent and intermittent streams; and Mean High Water Springs	H4.6.7 3m front yard 1m side and rear yard 10m from the edge of permanent and intermittent streams; and Mean High Water Springs
H7.11.5 Gross floor area threshold	Maximum GFA of individual buildings 150m ²	-
H7.11.6 Maximum site coverage	30%	H4.6.9 40% net site area + H4.6.10 40% landscaping of net site area
H7.11.7 Maximum impervious area	40%	H4.6.8 60% of site area
H7.11.8 Non-security floodlighting, fittings and supports and towers up to 18m high	Lighting must meet the permitted activity standards for lighting in Chapter E24 Lighting	N/A
H7.11.9. Maimai	(1) A maimai must be no more than 10m ² in area. (2) A maimai must not exceed 3m in height above mean high water springs or ground level.	N/A
E16 Trees in open space zones	Table E16.4.1 Activity table Tree trimming, works in protected rootzone and removal over thresholds are a restricted discretionary activity.	N/A
E24 Lighting Table E24.6.1.1 Lighting category classifications	Lighting category 3	Lighting category 3
E25 Noise and vibration E25.6 Standards	E25.6.17 Open Space – Sport and Active Recreation Zone interface (1) The noise (rating) level and maximum noise level arising from any recreational activity in the Open Space – Sport and Active Recreation Zone measured within the boundary of a site in a residential zone or notional boundary of a site in a rural zone must not exceed the levels in Table E25.6.17.1 Noise levels at the Open Space – Sport and Active Recreation Zone interface below:	E25.6.2 Maximum noise levels in residential zones (1) The noise (rating) levels and maximum noise level arising from any activity in the Residential – Large Lot Zone, Residential – Rural and Coastal Settlement Zone, Residential – Single House Zone, Residential – Mixed Housing Suburban Zone, Residential – Mixed Housing Urban Zone and the Residential – Terrace Housing and Apartment Buildings Zone measured within the boundary of an adjacent site in these residential zones must not exceed the levels in Table E25.6.2.1 Noise levels in residential zones below:

Auckland Unitary Plan Standards Equivalent Comparison (changes that are more liberal than the current zone are highlighted)																										
Standard	Open Space - Sport and Active Recreation Zone	Residential - Mixed Housing Suburban Zone																								
	<p>Table E25.6.17.1 Noise levels at the Open Space – Sport and Active Recreation Zone interface</p> <table border="1"> <thead> <tr> <th>Time</th> <th>Noise level</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7am-10pm</td> <td>55dB LAeq Except that for a cumulative period of: (i) 3 hours per day between 7am and 9.30pm Monday to Friday; and (ii) 6 hours between 7am and 10pm on Saturdays. the noise level must not exceed 60dB LAeq</td> </tr> <tr> <td>Sundays and Public Holidays 9am to 6pm outside the daylight saving period</td> <td>55dB LAeq Except that for a cumulative period of 3 hours between 10am and 3pm on Sundays the noise level must not exceed 60dB LAeq</td> </tr> <tr> <td>Sundays and Public Holidays 8am to 7pm during the daylight saving period</td> <td>55dB LAeq Except that for a cumulative period of 3 hours between 10am and 3pm Sundays the noise level must not exceed 60dB LAeq</td> </tr> <tr> <td>All other times</td> <td>40dB LAeq 55dB Leq at 63 Hz 50dB Leq at 125 Hz 75dB LAFmax</td> </tr> </tbody> </table> <p>Note 1 Compliance with the lower noise limit of 40dB LAeq applying at all other times in Table E25.6.17.1 Noise levels at the Open Space – Sport and Active Recreation Zone interface may preclude intense, noisy activities or activities involving teams or groups from being undertaken where the receivers of noise are close to boundaries.</p> <p>(2) The noise (rating) level and maximum noise level from the use of any voice or music amplification system associated with recreational activity in the Open Space – Sport and Active Recreation Zone measured within the boundary of a site in a residential zone or notional boundary of a site in a rural zone must not exceed the levels in Table E25.6.17.2 Noise levels from any voice or music amplification system associated with recreational activity on land zoned Open Space – Sport and Active Recreation Zone below:</p> <p>Table E25.6.17.2 Noise levels from any voice or music amplification system associated with recreational activity on land zoned Open Space – Sport and Active Recreation Zone</p> <table border="1"> <thead> <tr> <th>Time</th> <th>Noise level</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7am-10pm</td> <td rowspan="2">50dB LAeq(5min)</td> </tr> <tr> <td>Sunday and Public Holidays 9am-6pm</td> </tr> <tr> <td>All other times</td> <td>40dB LAeq(5min) 55dB Leq(5min) at 63 Hz 50dB Leq(5min) at 125 Hz 75dB LAFmax</td> </tr> </tbody> </table> <p>(a) No five minute measurement may exceed the stated limit.</p>	Time	Noise level	Monday to Saturday 7am-10pm	55dB LAeq Except that for a cumulative period of: (i) 3 hours per day between 7am and 9.30pm Monday to Friday; and (ii) 6 hours between 7am and 10pm on Saturdays. the noise level must not exceed 60dB LAeq	Sundays and Public Holidays 9am to 6pm outside the daylight saving period	55dB LAeq Except that for a cumulative period of 3 hours between 10am and 3pm on Sundays the noise level must not exceed 60dB LAeq	Sundays and Public Holidays 8am to 7pm during the daylight saving period	55dB LAeq Except that for a cumulative period of 3 hours between 10am and 3pm Sundays the noise level must not exceed 60dB LAeq	All other times	40dB LAeq 55dB Leq at 63 Hz 50dB Leq at 125 Hz 75dB LAFmax	Time	Noise level	Monday to Saturday 7am-10pm	50dB LAeq(5min)	Sunday and Public Holidays 9am-6pm	All other times	40dB LAeq(5min) 55dB Leq(5min) at 63 Hz 50dB Leq(5min) at 125 Hz 75dB LAFmax	<p>Table E25.6.2.1 Noise levels in residential zones</p> <table border="1"> <thead> <tr> <th>Time</th> <th>Noise level</th> </tr> </thead> <tbody> <tr> <td>Monday to Saturday 7am-10pm</td> <td>50dB LAeq</td> </tr> <tr> <td>Sunday 9am-6pm</td> <td rowspan="2">40dB LAeq 75dB LAFmax</td> </tr> <tr> <td>All other times</td> </tr> </tbody> </table> <p>(2) The levels for the daytime hours in Table E25.6.2.1 Noise levels in residential zones may be exceeded by intermittent noise for reasonable periods where that noise is associated with normal household activities, such as lawn mowing or home handyman work.</p>	Time	Noise level	Monday to Saturday 7am-10pm	50dB LAeq	Sunday 9am-6pm	40dB LAeq 75dB LAFmax	All other times
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Consultation record

Pakuranga Golf Club - Private plan change

Name / who	Date of initial consultation	Response received	Action in relation to response
Mana Whenua (As identified from Auckland Council list)	1 March 2022 (Refer to letter at Attachment A)	Ngāi Tai ki Tāmaki Advised on 8 March 2022 that Ngāti Tai have no issue with this plan change.	No action required.
Adele White Howick Local Board Chairperson	25 February 2022 (Refer to letter at Attachment B)	No response received.	No action required. the Local Board will be provided with a copy of the plan change as part of the Auckland Council process.
Adjoining and adjacent properties	25 February 2022 (Refer to letter and location map at Attachment C)	Support from Mike Fulcher and whanau at 16 Putter Place. Considers this a positive change and perhaps overdue.	No action required
		Sanjay Shah who resides at 10 Putter Place wanted to understand how they could be affected in the future.	Response from Sam Abela, PGC General Manager explaining the purpose of the plan change. In response, no concerns expressed by Mr Shah.
		Barry and Lesley Watts who live at 11 The Green expressed complete support of the plan change.	No action required.
		Allan and Raewyn McLachlan at 5 The Green expressed full support for the plan change.	No action required.
		Barbara McGrath, Golflands expressed total support.	No action required
		In person conversations between Sam Abela, General Manager PGC with 30 people about the plan change. No concerns raised during the discussions.	Mr Abela asked if anyone would like a meeting. No one spoken to expressed interest in a meeting.
Metlifecare	13 April 2022 (Refer to Attachment D)	Letter of full support outlining: <ul style="list-style-type: none"> the key consideration to the decision to acquire and invest in the Fairway Gardens Retirement Village was the opportunity to locate the development adjacent to the golf course; the development masterplan emphasises 	No action required.

Appendix 3 – Consultation record

		<p>importance of providing strong physical and visual links for residents through to the Pakuranga Golf Course and around the village;</p> <ul style="list-style-type: none">• the architecture has been designed to make the most of the golf course setting;• One of the reasons future residents have chosen Fairway Gardens as their new home is the proximity to the Golf Course and access to high-quality views across the golf course; and• Pakuranga Golf Club forms an essential part of the fabric of Fairway Gardens Retirement Village, Metlifecare fully supports the rezoning and the continued use of the land as a golf course.	
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Record completed by Tania Richmond

5 May 2022

28 February 2022

<Email address>

Private plan change – Pakuranga Golf Club

Tēnā koe

1. I write on behalf of Pakuranga Golf Club (**the club**).
2. To recognise and provide for existing and future use, the club is seeking to re-zone their land from Residential Mixed Housing Suburban to Open Space Sport and Active Recreation through a private plan change process to the Auckland Unitary Plan.
3. The club is located at 199 Botany Road, Howick (corner of Botany and Cascades Road). Attachment 1 is a location plan and Attachment 2 shows the current zoning of the land and the surrounding area.
4. The purpose of this letter is to advise of the proposed plan change and invite mana whenua feedback in advance of the club making the plan change request to the Auckland Council.
5. Almost all golf courses in the Auckland region are zoned Open Space-Sport and Active Recreation as it caters specifically for golfing facilities. The re-zoning will apply the correct zone to land that has been a golf course since 1969.
6. The plan change is to re-zone the land only. The private plan change does not include physical works. Any future works will be subject to Auckland Unitary Plan requirements.
7. Should you wish to know more or provide feedback on the re-zoning, please contact me on 027 681 7799 or tania@richmondplanning.co.nz. It would be of great assistance if you could respond by 22 March 2022.

Nāku noa

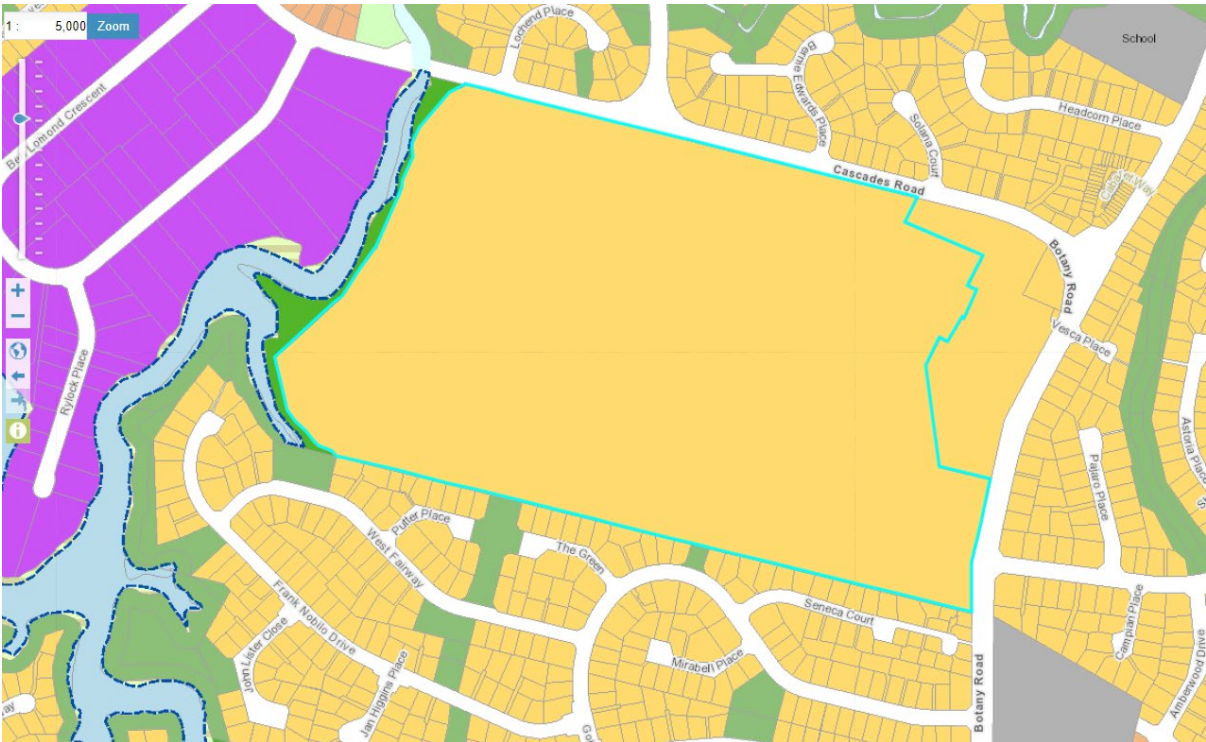




Tania Richmond
Director / Planning Consultant

Attachment 1: Location of land to be re-zoned



Attachment 2: Land subject to plan change



-  Land subject to the plan change
-  Residential - Mixed Housing Suburban

25th February 2022

Adele White
Chairperson
Howick Local Board
howicklocalboard@aucklandcouncil.govt.nz

Dear Adele

Private plan change – Pakuranga Golf Club

Pakuranga Golf Club will soon make a request to Auckland Council to re-zone its land from Residential Mixed Housing Suburban to Open Space Sport and Active Recreation.

The club is located at 199 Botany Road, Howick (corner of Botany and Cascades Road). Attachment 1 is a location plan and Attachment 2 shows the current zoning of the land and the surrounding area.

Almost all golf courses in the Auckland region are zoned Open Space-Sport and Active Recreation as it caters specifically for golfing facilities. The re-zoning will apply the correct zone to land that has been a golf course since 1969.

Following the sale of land now being developed for a retirement village by Metlifecare, the club is in a financially secure position. We have been part of the community for over 50 years and see this continuing for the next 50 years and beyond. The course has one of the highest number of rounds played annually at golf courses in NZ, and a strong and active membership. Most of our members live in the area and value the convenience of a local golf course and the facilities it provides.

The plan change only relates to the zoning of the land and does not include any physical works. The re-zoning simply matches the correct land zoning to the use of the land for playing golf.

Attached is a map showing the land proposed to be re-zoned.

Once the private plan change is lodged, the Chief Planning Office, Plans and Places team will contact the Howick Local Board for your views. In advance of this, the club is happy to answer any questions about the change request. Please do not hesitate to contact me.

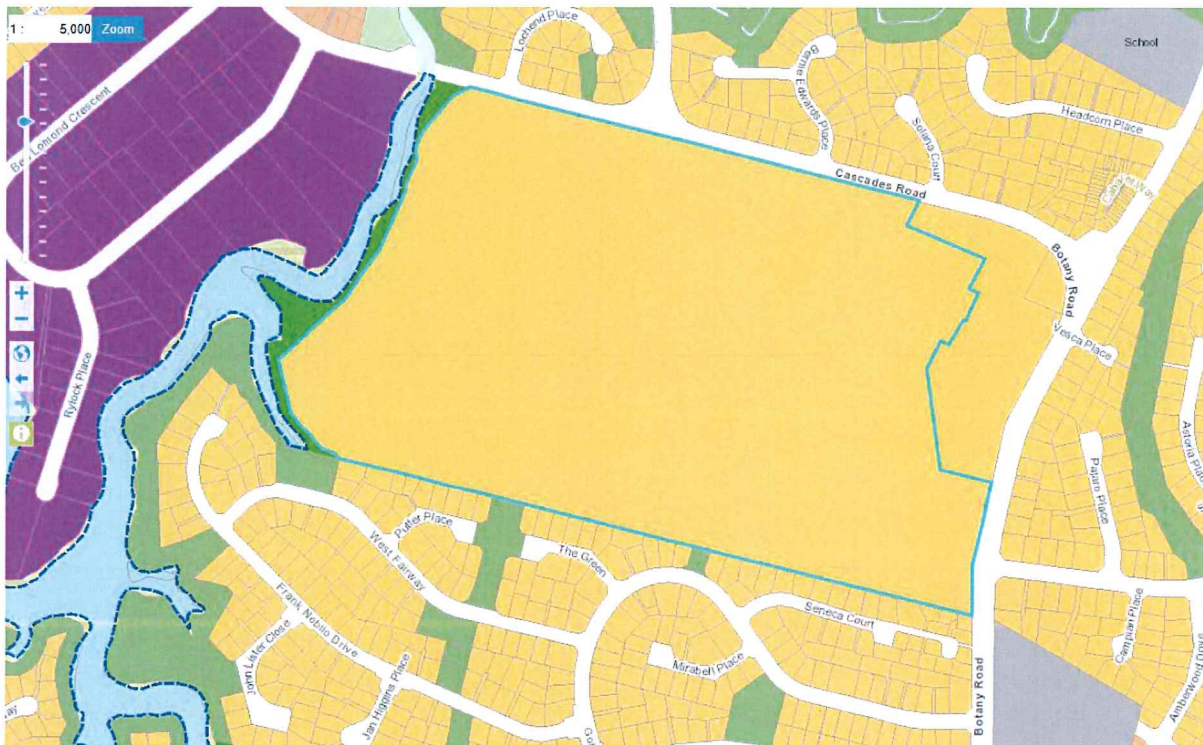




Sam Abela
General Manager / PGC Professional
E: gm@pakurangagolf.co.nz
T: 09 870 2155

Attachment 1: Location of land to be re-zoned



Attachment 2: Land subject to plan change



-  Land subject to the plan change
-  Residential - Mixed Housing Suburban



25th February 2022

Dear Resident

Private plan change – Pakuranga Golf Club

Pakuranga Golf Club will soon make a request to Auckland Council to re-zone its land from Residential Mixed Housing Suburban to Open Space Sport and Active Recreation.

Almost all golf courses in the Auckland region are zoned Open Space- Sport and Active Recreation as it caters specifically for golfing facilities. The re-zoning will apply the correct zone to land that has been a golf course since 1969.

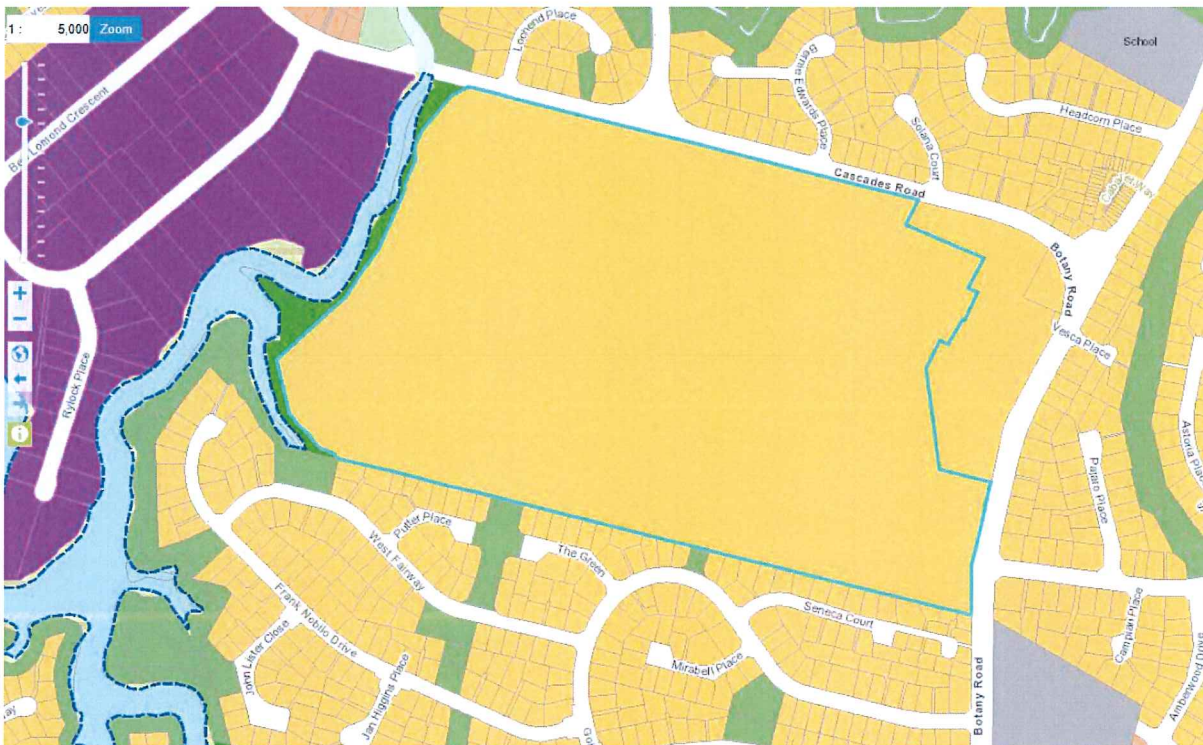
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The plan change only relates to the zoning of the land and does not include any physical works. The re-zoning simply matches the correct land zoning to the use of the land for playing golf. Attached is a map showing the land proposed to be re-zoned.

If you wish to know more or provide feedback on the re-zoning, please do not hesitate to contact me.

Sam Abela
General Manager / PGC Professional
E: gm@pakurangagolf.co.nz
T: 09 870 2155

Land subject to plan change



-  Land subject to the plan change
-  Residential - Mixed Housing Suburban Zone

Location of properties contacted



13 April 2022

Megan Tyler
Chief of Strategy
Auckland Council

Dear Megan,

**RE: Metlifecare Letter of Support
Private Plan Change Application: Pakuranga Country (Golf) Club, 199
Botany Road, Howick, Auckland**

Level 4, 20 Kent Street,
Newmarket, Auckland 1023

PO Box 37463,
Parnell, Auckland 1151

0800 909 303

metlifecare.co.nz

I am writing on behalf of Metlifecare Retirement Villages in support of a private plan change request made by the Pakuranga Country Club Incorporated. The private plan change seeks to zone the Pakuranga Country Club located at 199 Botany Road in Howick from Residential - Mixed Housing Suburban Zone to Open Space – Sport and Active Recreation Zone. We are aware of the open space provisions and understand this plan change would enable the golf club to continue to operate in accordance with those provisions. Furthermore, we think these zone provisions are better suited to the surrounding residential activities, including our retirement village.

Metlifecare owns and operates 32 retirement villages nationwide. Metlifecare is currently developing 'Fairway Gardens', a new retirement village on land the business owns directly adjacent the Golf Club at 197 Botany Road. The new village will be configured into 14 apartment buildings and a care home which provides hospital and dementia level care. The "Clubhouse" provides community spaces for the residents within an "amenities building". Those amenities include a bar, dining facility, wellness centre with swimming pool and activities room. A total of 16 buildings and 236 units will support approximately 307 residents once completed.



The original generic parcel of land adjoining the Pakuranga Golf Course was purchased by Metlifecare from Elim College. Metlifecare subsequently agreed an additional ~12,000m² purchase of land from the Pakuranga Golf Course, which was acquired around the design of a varied Golf Course that worked with the retirement village development proposal.

A key consideration to the decision to acquire both parcels of land and invest c.\$200 million in developing the Fairway Gardens Retirement Village was the opportunity to locate the development adjacent to the golf course. The investment decision was made on the basis that the Pakuranga Golf Course remains as a golf course for the foreseeable future. Metlifecare’s development design strategy and our successful sales and marketing strategy surrounding “Fairway Gardens” is directly linked to its relationship to the Pakuranga Golf Club and establishing itself as a village sitting within a golf course.

The development masterplan emphasises importance of connectivity through the site and providing strong physical and visual links for residents through to the Pakuranga Golf Course and around the village.



This is achieved through a variety of open spaces, connected by a network of dedicated paths and shared spaces, where residents can engage with their surroundings and partake in social and passive or active recreation activities. Designated pathways from the village to the Golf Course have been established for ease of access for our residents. The golf course landscape has been designed to blend seamlessly with the village. A soft edge (no fencing) approach will be delivered where the rolling landforms of the golf course permeate into the village, the planting will drift in and out of the village and onto the golf course.

The architecture has been designed to make the most of the golf course setting. The rear façade of the Clubhouse (Amenities Building) is heavily glazed to maximise its outlook and adds visual amenity to the community and food/beverage activities at ground floor. The west-facing apartments feature generous private balconies and outdoor living spaces, maximising the views to this green space and allow residents and visitors to overlook the golf course.

Several of our residents coming into the village are existing members of Pakuranga Golf Club. Feedback from our future residents as to why they have chosen Fairway Gardens as their new home cites the proximity to the Golf Course and access to high-quality views across the golf course.

As the Pakuranga Golf Club forms an essential part of the fabric of Fairway Gardens Retirement Village, Metlifecare fully supports the rezoning and the continued use of the land as a golf course.

Yours Sincerely,



Earl Gasparich
Chief Executive Officer
Metlifecare

APPENDIX 2

INFORMATION PROVIDED BY THE APPLICANT IN SUPPORT OF PC77

Request for private plan change Pakuranga Golf Club

**Rezoning of land from Residential – Mixed Housing Suburban
to Open Space – Sport and Active Recreation**

Section 32 Evaluation Report and Planning Assessment



**Prepared by
Richmond Planning Limited
May 2022**

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1. EXECUTIVE SUMMARY

- 1.1 This section 32 evaluation report and planning assessment has been prepared and is submitted in support of the private plan change request to the Auckland Unitary Plan – Operative in Part (**AUP**) by Pakuranga Golf Club (**PGC** or **the club**).
- 1.2 The plan change is to rezone the golf course land from Residential – Mixed Housing Suburban (**MHS**) to Open Space – Sport and Active Recreation (**OS-SAR**). No other changes to the AUP are proposed. The purpose of the plan change is to apply a zone that reflects current and foreseeable use of the land as a golfing facility. The land has been used for golf for over 50 years. A recent sale of land now being developed as a retirement village and an upgrade of the club’s facilities has secured the club’s future and the use of the land for golfing purposes.
- 1.3 An evaluation of the plan change has been undertaken in accordance with section 32 of the Resource Management Act 1991 (**RMA**) and concludes that rezoning the land OS-SAR is the most appropriate way to achieve the purpose of the RMA. The AUP has established the OS-SAR zone for active sport and recreation, including golf courses and associated facilities. The rezoning is the most appropriate way of achieving the objectives of the Auckland Regional Policy Statement (**ARPS**) and the AUP.
- 1.4 There are no adverse effects on the environment from rezoning the land as the use of the land for golfing activity remains unchanged. Adjoining residents and nearby property owners are not expected to experience any difference in effects as no change in use or intensity of activity is anticipated. Standards in the OS-SAR zone and Auckland-Wide provisions suitably manage anticipated effects from permitted activities. Larger scale activities require discretionary activity resource consent where all effects and the suitability of the proposal can be considered.
- 1.5 This section 32 evaluation will continue to be refined in relation to any further consultation that occurs, and in relation to any new information that may arise during the course of the Council process.

2. INTRODUCTION

2.1 Clause 21 of Schedule 1 to the RMA provides for any person to request a change to a district or regional plan. This request shall:

- Explain the purpose of and reasons for the plan change;
- Contain an evaluation report assessing the extent to which the proposal is the most appropriate way to achieve the purpose of the RMA and the most appropriate way of achieving the AUP objectives; and
- Include an assessment of environmental effects.

2.2 In accordance with section 32(6) of the RMA and for the purposes of this evaluation:

- The 'proposal' means this private plan change request;
- The 'objectives' means the purpose of the plan change; and
- The 'provisions' means the policies, rules or other methods that implement, or give effect to the objectives of the plan change.

3. THE APPLICANT AND PROPERTY DETAILS

Applicant details

Table 1: Applicant and address for service

Applicant	Pakuranga Golf Club
Address for service	Tania Richmond Richmond Planning Limited PO Box 25734 St Heliers Auckland 1740 tania@richmondplanning.co.nz

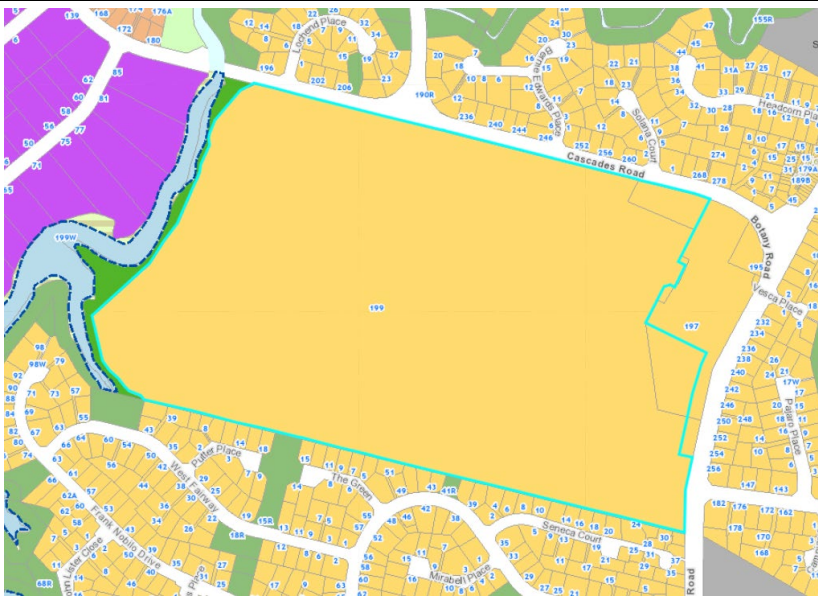
Property details

Table 2: Property summary

Address	199 Botany Road, Howick, 2013
Legal description	Lot 2 DP 541234, NA909/033
Site area	38.899 hectares
Owner	Pakuranga Country Club Incorporated (known as Pakuranga Golf Club)

Auckland Unitary Plan property summary

Table 3: AUP property summary

Current zone	Residential – Mixed Housing Suburban
	

Overlays	<ul style="list-style-type: none"> • None
Controls	<ul style="list-style-type: none"> • Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise • Macroinvertebrate Community Index – urban
Designations	<ul style="list-style-type: none"> • Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd

4. PAKURANGA GOLF CLUB

History of the club

- 4.1 In 1969, the Cascades Golf Company obtained a five-year lease of 41.6 hectares of land on the corner of Cascades and Botany Roads. The Pakuranga Golf Club was formed the same year and play commenced soon after. By 1971, the golf course consisted of 18 holes, and the club had approximately 960 members. The Cascades Golf Company exercised its option to purchase the land and subsequently sold it to the club on 1 May 1974.
- 4.2 The upkeep of the course was initially financed by membership fees and enthusiastic volunteers. Between 1989 and 1990, a significant upgrade of the course was undertaken. This included constructing sand-based greens, contouring of the fairways, planting and irrigation. Further work on upgrading the course occurred in the 2000's and the present greenkeepers complex was built in 2006.
- 4.3 The former farm house that had been used for many years as the clubroom was replaced with a purpose-built clubhouse in 1979. An extension and renovation of this building was completed in 1999.
- 4.4 By 2001, membership was over 1,200 with a waiting list. In 2019, the club celebrated its 50th anniversary of continuous golfing activity on the land.

Sale of land

- 4.5 In 2009, the club sold 1.24 hectares of land adjoining the Pakuranga tidal inlet to Manukau City Council. The sale of this land enabled the Manukau City Council to complete a continuous coastal and stream walkway from Burswood to Pakuranga Road. It secured the maintenance and enhancement of public open space qualities and recreational opportunities of this coastal environment.
- 4.6 In 2015, 2.4 hectares of land was sold to Elim College. The stated intention at that time was to establish new sports fields associated with the school. This use of the land did not eventuate, and Elim College sold the land to Metlifecare. To enable the 'urban village' design vision for its proposed retirement village, Metlifecare acquired a further 1 hectare of land from the club and this sale was completed in 2020.

The club – present day

- 4.7 The club is an incorporated society that owns, maintains, and uses the land for its members and other golfers who play the course on payment of a green fee. The Club's rules restrict the use of the land to golfing purposes. Over the last 10 years, over \$2.1m of club funds have been spent on course development and improvements.
- 4.8 Minor fluctuations in membership have occurred over the years, but has remained at around 1,200. Current membership is 1,079, of which 19% are women and 6% are juniors. Almost 70% of members are local, being residents of the Howick, Pakuranga, Half Moon Bay, Dannemora and Burswood areas.

5. SITE AND LOCALITY DESCRIPTION

Land included in the plan change

- 5.1 Land included in the plan change is 38.899 hectares. The certificate of title is attached as Appendix 1. Interests on the land are covenants between PGC and Metlifecare, consent notices, encumbrances and a statutory land charge for postponement of rating. None of these interests prevent rezoning the land OS-SAR.
- 5.2 Unless otherwise stated, references to the 'property' or 'site' include all the land forming part of the plan change outlined in blue Figure 1 below and having frontage to Botany and Cascades Roads.

Figure 1: Location plan

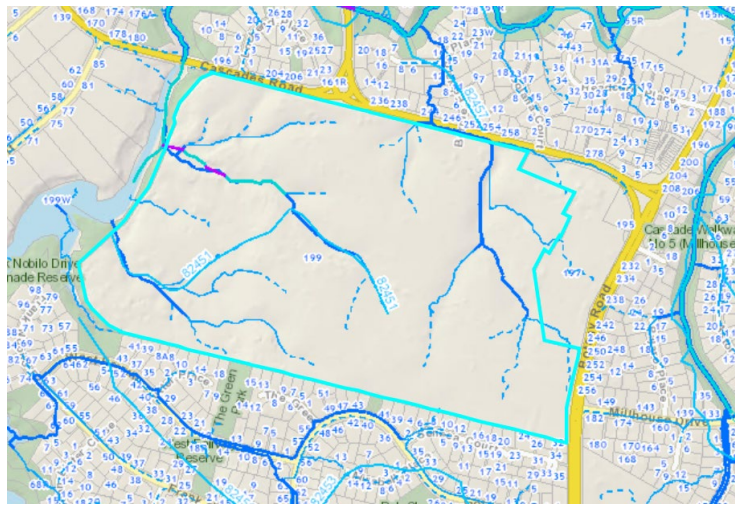


Source: Geomaps

- 5.3 Over the years, some modification of the natural landform has been undertaken to accommodate the golf course design. However, generally the natural terrain including gullies and watercourses has been retained. Apart from the construction of greens, bunkers, tees and fairways, past construction activity has created two ponds (used for storage of irrigation water) and some stormwater infrastructure. Mature trees and vegetation are planted (or were retained from the days when the property was a farm) between fairways and in selected locations around the boundary. Most of the trees are exotic species, although recent planting has included native species.
- 5.4 Overland flow paths and flood plains follow the gullies. A permanent stream at the western end of the site discharges to the Pakuranga tidal inlet (reference 82451). This is partly piped and the channel of the stream artificially formed. A bore permit enables the club to extract

up to 200m³ of water per day (reference 12993). This water take has not been utilised to date, due to the high concentration of borate in the water.

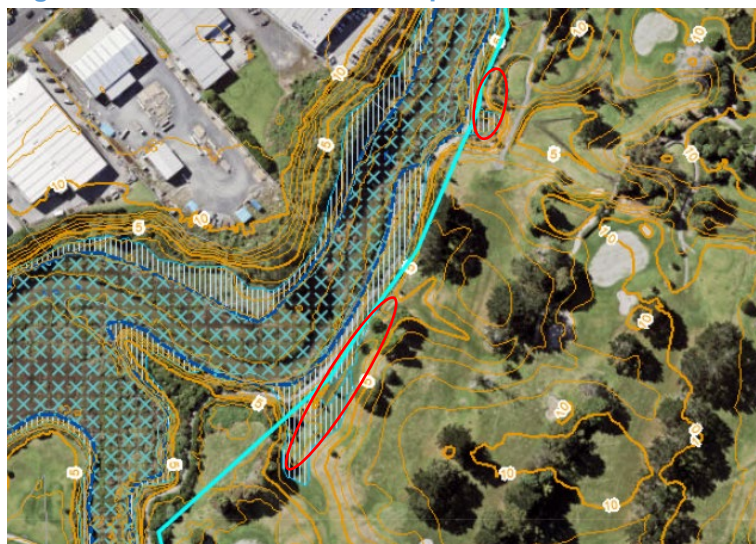
Figure 2: Overland flow paths and streams



Source: Geomaps

- 5.5 The Pakuranga tidal inlet to the west contains mangrove forest and other vegetation commonly found in tidal estuaries. This is a non-threatened ecosystem (SA.1 and SA.2), although regarded as the best example of mangrove habitat in the Tamaki Estuary.¹ The Botany Stream, located north of Cascades Road, discharges to the tidal inlet.
- 5.6 Situated at least 7m above the Pakuranga tidal inlet, two small areas of the site are within the Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise. These areas are outlined in red in figure 3 below.

Figure 3: Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise



Source: Geomaps

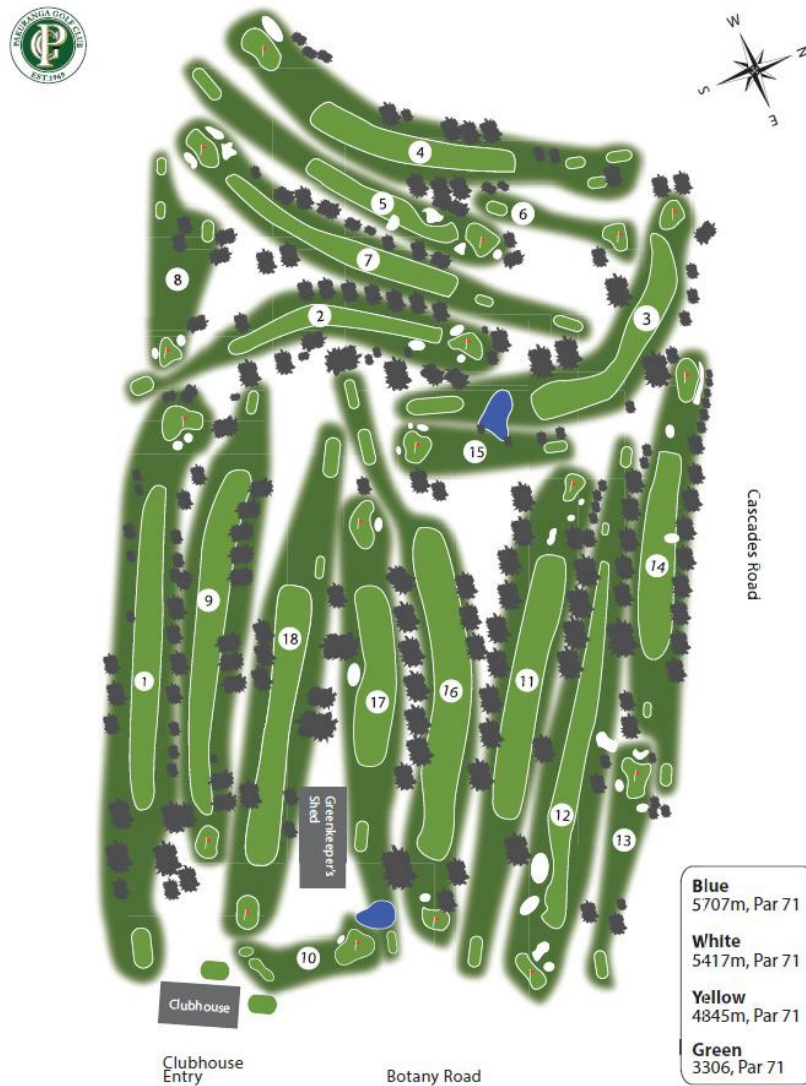
¹ AUP, Schedule 4: Significant Ecological Areas Overlay - SEA-M2-45b, Marine 2

- 5.7 Auckland Council's Cultural Heritage Inventory (**CHI**) does not include any records of places of heritage interest or value on this site. Outside the site on the road reserve along Cascades Road is CHI record 4439 and NZAA file R11_1666. This record is for a dry-stone wall, which was considered to be part of an 1860s farm, and subsequently removed.
- 5.8 Less than 10% of the land is impervious surface comprising buildings, paths, parking areas and driveways. Buildings and structures on the property are generally limited to:
- Clubhouse (containing the members lounge, meeting rooms, administration offices, changing facilities and pro shop);
 - Maintenance buildings;
 - Bridges over streams and overland flow paths;
 - Covered shelters and rest areas; and
 - Golf driving range.
- 5.9 The clubhouse is accessed from Botany Road via a controlled intersection with Botany Road and Millhouse Drive. The carpark at the front of the site accommodates 135 spaces.
- 5.10 Botany Road provides two lanes in each direction. Botany and Cascades Roads are both arterial roads. Bus stops are located near 232 Botany Road and 254 Cascades Road. Four bus routes are available towards the southern end of the site, including a ten minute high frequency service operating during weekday peak hours.

Current and foreseeable use

- 5.11 The use of the land for golfing purposes has remained unchanged for over 50 years.
- 5.12 The number of players on the course at any one time is controlled by a tee booking system and the low intensity nature of golf as a recreational activity. For example, even if four people are playing in a group and all fairways on the course are in use, this is 72 players at any one time. Golf is played during daylight hours with the only evening activity within the clubhouse and the driving range building. Pro shop hours generally align with the hours golf is played.
- 5.13 There are 18 staff, spread across course maintenance and improvement work, administration, the pro shop, the clubrooms and driving range.
- 5.14 Some members who live in nearby streets walk to the club. Once the retirement village is completed and occupied, a significant number of golfers are expected to live in that facility and will be able to walk straight onto the course. Private vehicles are the main form of transport for members due to the equipment needed for play. Shared transport where golfers are playing together is common, and some group bookings will utilise private van transport.
- 5.15 No change in use will occur as a result of the plan change. The Pakuranga Golf Club has demonstrated a commitment to the property being retained as a golf course for the foreseeable future, including by substantial investment in development of the course and its ancillary facilities and activities.

Figure 4: Course plan



Source: PGC

Adjoining properties

Fairway Gardens - Metlifecare Retirement Village

5.16 Metlifecare is currently constructing the Fairway Gardens Retirement Village.² Once complete, Fairway Gardens will comprise:

- Up to 256 independent living units located across 16 buildings;
- An amenities building; and
- A care building including full care facilities and a dedicated dementia wing.

² Resource consent references BUN60342419 and LUC60360176

Figure 4: Fairway Gardens



Source: Ignite Architects drawings for building consent BCO10310160-1

- 5.17 The layout of the village makes the most of the golf course with many of the units having an outlook over golf course and the ground floor amenities building opening towards the 10th fairway.

Esplanade reserve

- 5.18 Adjoining land to the west is zoned Open Space – Conservation. This forms part of a coastal walkway adjoining the Pakuranga tidal inlet. From the shared pedestrian and cycle path within the reserve the site is barely visible due to dense vegetation and being elevated above the path.

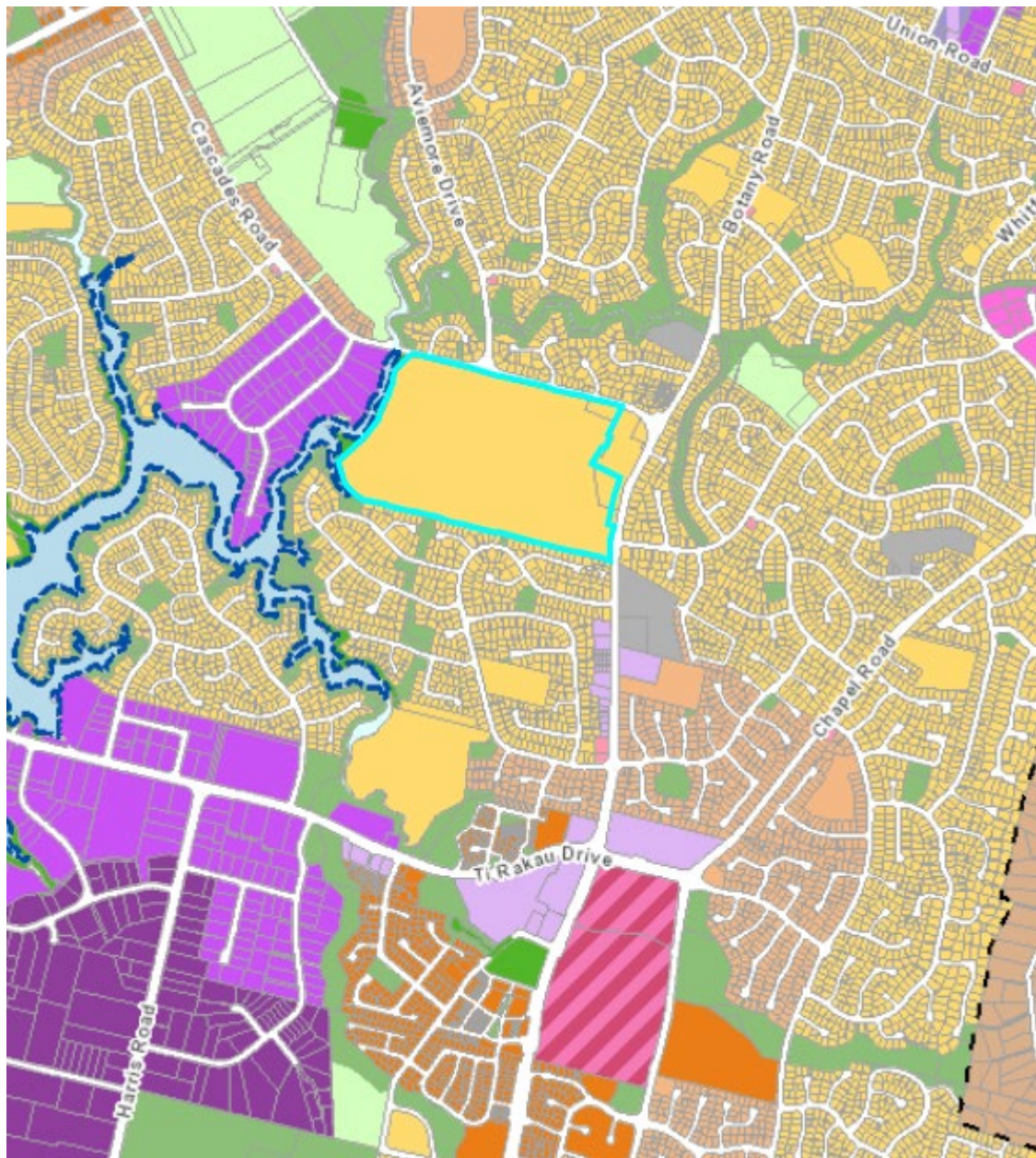
Residential land

- 5.19 Many residential properties adjoining the southern boundary of the site make use of the open space amenity afforded by the golf course with an absence of high fencing and their outlook over the 1st and 8th fairway. These properties form part of the Golflands subdivision where many of the street names relate to golf or notable golf players. This reflects the strong relationship of the club to its locality.

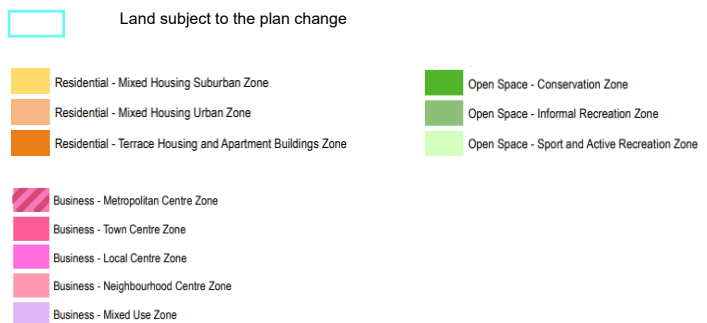
Surrounding locality

- 5.20 Surrounding land is predominately medium density residential that was subdivided and developed from former farmland during the 1980's. Houses are mostly single or two stories and with one dwelling per site.

Figure 5: Zoning pattern



Source: AUP Planning maps



- 5.21 Further south of the site along Botany Road, there is a more intensive residential pattern of development and non-residential uses. Non-residential uses include:
- Botany Medical Complex (zoned Healthcare Facility and Hospital);
 - Kings Plant Barn (zoned Business – Mixed Use);
 - Retail and office activities (zoned Business – Mixed Use); and
 - Botany Town Centre, which is over 950m from the edge of the site (zoned Business – Metropolitan Centre).
- 5.22 Golflands Motel is located on the corner of Botany and Cascades Road. This is now separated from the site by land owned by Metlifecare and what will be stages 3 and 4 of the Fairway Gardens Retirement Village.
- 5.23 Land on the western side of Pakuranga tidal inlet is zoned Business – Light Industry zone. Apart from the childcare on the corner of Cascades Road and Ben Lomond Crescent, buildings on these properties are orientated away from the golf course.

6. ZONING HISTORY

Table 4: Recent zoning history

Planning document	Zone
Proposed Auckland Unitary Plan 2013 (PAUP)	Residential - Mixed Housing suburban
Manukau Operative District Plan 2002	Main Residential
City of Manukau District Scheme second operative 1993	Identified Use 22/1 "Pakuranga Country Club" (Buildings and facilities associated with country club)
City of Manukau District Scheme first review operative 1984	Identified Use 22/1 "Pakuranga Country Club" (Buildings and facilities associated with country club)

- 6.1 Prior to the RMA, the land was an Identified Use for "Pakuranga Country Club" with an underlying residential zone. An Identified Use had a status under the Town and Country Planning Act equivalent to a designation.
- 6.2 With the removal of Identified Uses under the RMA, subsequent district plans zoned the land residential. It is understood the residential zoning of the land was 'rolled over' from the Manukau District Plan as it was not the practice of the Council to rezone land open space without the support of the landowner.

7. THE PLAN CHANGE REQUEST

Scope of the plan change

- 7.1 The plan change request by PGC is to rezone its land from Residential – Mixed Housing Suburban to Open Space – Sport and Active Recreation. This plan change applies to the AUP Planning Maps. The land to be rezoned is that within Lot 2 DP 541234, NA909/033, at 199 Botany Road, Howick.
- 7.2 No changes are proposed to other AUP provisions including overlays and controls applying to the land.

Purpose of and reasons for the plan change

- 7.3 The purpose of the plan change is to apply a zone to PGC property that reflects the current and foreseeable use of the land as a golfing facility.

8. PROCEDURES FOR PRIVATE PLAN CHANGES

8.1 Schedule 1 of the RMA sets out the procedures for making a private plan change request. This provides for any person to make a request to change a district or regional plan.³ The request shall:

- Explain the purpose of, and reasons for, the proposed change.⁴ This is in sections 4, 6 and 7 of this report.
- Contain an evaluation report prepared in accordance with section 32 of the RMA.⁵ This is in section 9 of this report.
- Where environmental effects are anticipated, include an assessment of the actual or potential environmental effects anticipated from the implementation of the plan change.⁶ This in section 10 of this report.

8.2 On receipt of the plan change request and having particular regard to the evaluation report prepared⁷ the Council must make decisions about whether to:

- Request further information;⁸
- As a result of the further information modify the request with the agreement of the person making the request⁹; and
- Consider the request¹⁰ and:
 - i. adopt the private plan change as a public plan change; or
 - ii. accept the request in whole or part and proceed to notify the request; or
 - iii. reject the plan change request (on limited grounds only)¹¹.

8.3 Notification (full or limited service) of the plan change will occur if the Council decides to adopt or accept the request¹². Any submissions will be considered by the Council at a hearing (if required)¹³.

³ RMA, Schedule 1 Clause 21(1)

⁴ RMA, Schedule 1 Clause 22(1)

⁵ RMA, Schedule 1 Clause 22(1)

⁶ RMA, Schedule 1 Clause 22(2)

⁷ RMA, Schedule 1 Clause 25(1A)

⁸ RMA, Schedule 1 Clause 23

⁹ RMA, Schedule 1 Clause 24

¹⁰ RMA, Schedule 1 Clause 25

¹¹ RMA, Schedule 1 Clause 25(4)

The local authority may reject the request in whole or in part, but only on the grounds that—

(a) the request or part of the request is frivolous or vexatious; or

(b) within the last 2 years, the substance of the request or part of the request—

(i) has been considered and given effect to, or rejected by, the local authority or the Environment Court; or

(ii) has been given effect to by regulations made under section 360A; or

(c) the request or part of the request is not in accordance with sound resource management practice; or

(d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or

(e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than 2 years.

¹² RMA, Schedule Clauses 5, 5A, 25(2)

¹³ RMA, Schedule 1 Clauses 8B and 8C

9. SECTION 32 EVALUATION

The most appropriate way to achieve the purpose of the RMA

- 9.1 A section 32 evaluation must examine the extent to which the purpose of the plan change is the most appropriate way to achieve the purpose of the RMA.¹⁴
- 9.2 The AUP was prepared in accordance with Part 2 of the RMA. As this plan change is limited to rezoning, the focus of this examination is on the suitability of the zoning of the land in the context of the AUP framework.
- 9.3 Zoning is a key method to give effect to the objectives and policies of the ARPS as zones manage the way in which areas of land and the coastal marine area are to be used, developed, or protected.¹⁵
- 9.4 The AUP provides for a regionally consistent zoning approach through:
- Six Residential zones;
 - Five Open Space zones;
 - Ten Business zones;
 - Seven Rural zones;
 - Eight Special Purpose zones;
 - Seven Coastal zones;
 - The Strategic Transport Corridor Zone;
 - The Future Urban Zone.
- 9.5 The five public open space zones are Conservation, Informal Recreation, Sports and Active Recreation, Civic Spaces and Community. These five zones give effect to ARPS B2.7.2(1) as they enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences, and functions.
- 9.6 The AUP acknowledges that while most open space zoned land is vested in the Council or is owned by the Crown, some areas are privately owned and may restrict public use and access.¹⁶
- 9.7 Clause H7.6.1 describes the Open Space – Sport and Active Recreation Zone as applying to open spaces used for indoor and outdoor organised sports, active recreation and community activities. It includes facilities such as sports fields, hard-court areas and greens, recreational and multi-sport facilities, and marine-related activities such as ramps, jetties, slipways, hardstand areas.

¹⁴ RMA, s32(1)(a)

¹⁵ AUP, A.6.4 Zones

¹⁶ AUP H7.1 Open Space zones

9.8 Including the Pakuranga golf course, only 4 out of the 18 golf courses in the Auckland region have a Residential zoning, otherwise these golf courses with two exceptions are zoned to reflect that existing use.¹⁷ This zoning arrangement reflects the fact that this zone is intended for organised sport and recreation¹⁸. The majority of golf courses within Auckland are privately owned.

Table 5: Zoning of Council golf courses in the Auckland Urban Area¹⁹

Name	Address	Zone
Chamberlain Park	46A Linwood Avenue, Mount Albert	Open Space - Sport and Active Recreation
Takapuna Golf Club	27 Northcote Road, Hillcrest	Open Space - Sport and Active Recreation
Pupuke Golf Club	231 East Coast Road, Campbells Bay	Open Space - Sport and Active Recreation
Remuera Golf Club	Winstone Drive, Remuera	Open Space - Sport and Active Recreation
Waitemata Golf Club	15 Derby Street, Devonport	Open Space – Sport and Active Recreation
Waitakere Golf Club	35 Falls Road, Bethells Beach	Open Space – Conservation

Table 6: Zoning of privately owned golf courses in the Auckland Urban Area

Name	Address	Zone
Titirangi Golf Club	11 Links Road, New Lynn	Open Space - Sport and Active Recreation
North Shore Golf Club	52 Appleby Road, Albany	Open Space - Sport and Active Recreation
Howick Golf Club	32 Musick Point Road, Beachlands	Open Space - Sport and Active Recreation
Akarana Golf Club	1388 Dominion Road, Mount Roskill	Open Space - Sport and Active Recreation
Maungakiekie Golf Club	5 Anita Avenue, Mt Roskill	Open Space - Sport and Active Recreation
Royal Auckland and Grange Golf Club	2 Grange Road, Papatoetoe	Open Space - Sport and Active Recreation
Gulf Harbour Country Club	180 Gulf Harbour Drive, Gulf Harbour	Open Space - Sport and Active Recreation
Pakuranga Golf Club	199 Botany Road, Golflands	Residential – Mixed Housing Suburban

¹⁷ The Waitakere Golf Club course zoning reflects its location in the Waitakere Ranges, and the RNZAF golf course is located within a Defence Force facility.

¹⁸ AUP J1 Definitions, Organised sport and recreation "Activities that require physical effort and skills, are competitive, occur on a regular basis, have formal rules, referees and officials, and are organised within formal structures".

¹⁹ The AUP Urban Area, 2016

Name	Address	Zone
Redwood Park Golf Club	13 Knox Road, Swanson	Residential – Large Lot
RNZAF Golf Club, Huapai	Kauri Road, Whenuapai	Special Purpose – Airport and Airfields and Residential – Large Lot ²⁰
Wattle Downs Golf Course	130 Wattle Farm Road, Wattle Downs	Mixed Housing Suburban
Whangaparaoa Golf Club	1337 Whangaparaoa Road, Army Bay	Residential - Single House Zone
		Proposed by Auckland Council to be rezoned Open Space - Sport and Active Recreation (PC 60, hearing held 10 February, decision pending at the time of completing the s32)

- 9.9 The proposed change of zoning will recognise the landowner’s intentions and commitment to the ongoing maintenance and development of the site as a golf course and its ancillary activities. Otherwise, the use and development of the site would have to rely on the existing use rights provisions of the RMA or require ongoing resource consent approvals to enable the course to operate and undertake its maintenance and upgrading functions. In this regard, the plan change should assist the Council to carry out what it has already established is the most appropriate way to achieve the purpose of the RMA, being to promote the sustainable management of natural and physical resources.

Development of options

- 9.10 Section 32 requires an examination of whether the plan change is the most appropriate way to achieve the purpose of the proposed plan change by identifying other reasonably practical options. In the preparation of this plan change, the following options have been identified:

Option 1 – do nothing/retain the status quo

Option 2 – plan change to apply a precinct plan

Option 3 – plan to rezone the land Open Space – Sport and Active Recreation

Evaluation of options

- 9.11 In accordance with sections 32(1)(b) and 32(2) of the RMA, the options have been assessed on their appropriateness, efficiency, effectiveness, costs, benefits, and risks. The results of this evaluation are included in Table 7.

²⁰ The zoning of this land is a reflection that it is located on the Whenuapai Air Base. This is the RNZAF Auckland Golf Club.

Table 7: Summary of analysis under section 32 of the RMA

Options	Appropriateness	Efficiency and effectiveness	Benefits	Costs
<p>Option 1 do nothing/retain the status quo</p>	<p>The current zone is not the most appropriate way to achieve the objectives and policies of the ARPS as it fails to recognise and provide for the long-standing use and foreseeable future use of the land for golf.</p>	<p>The ‘do nothing’ option is not an effective or efficient option to achieve the objectives of the plan change as this option retains the land with a residential zoning.</p>	<p>There would be no costs to PGC in making this plan change.</p>	<p>The zoning of the land incorrectly identifies the land as being available for residential activity.</p> <p>Recreational needs of people are not supported by an appropriate zoning. PGC currently rely on existing use rights for the golfing activity and/or non-complying activity resource consents.</p> <p>Existing use rights do not apply to new buildings or additions to a building, requiring non-complying activity consent applications.²¹ This is costly and time consuming for a property that has been in continuous use as a golf course for over 50 years.</p>
<p>Option 2 plan change to apply a precinct plan</p>	<p>The recreation activity and supporting uses are anticipated and provided for as permitted activities in the OS-SAR zone.</p> <p>A precinct is not appropriate as the purpose of a precinct is to enable local differences to be recognised by providing detailed</p>	<p>Applying a precinct when provisions of a zone achieve the purpose of the plan change is not efficient or effective.</p>	<p>Site specific provisions can be applied to address potential effects that could occur if the land is used for a recreation activity other than golf.</p>	<p>This adds an unnecessary administrative layer to the AUP when existing provisions provide for the activity.</p> <p>Costs in preparing, assessing and the Council determining the</p>

²¹ Activity Tables H3.4.1, H5.4.1 and H6.4.1 all state the same activity status and standards applies to the land use activity that the new building or addition to a building is designed to accommodate. ‘Building’ is defined in Chapter J1 of the AUP as ‘Any permanent or temporary structure’

Options	Appropriateness	Efficiency and effectiveness	Benefits	Costs
	place-based provisions which can vary the outcomes sought by the zone or Auckland-wide provisions and can be more restrictive or more enabling. ²²			plan change would be met by PGC.
Option 3 plan change to rezone the land Open Space – Sport and Active Recreation	<p>It is appropriate and consistent with the ARPS and AUP structure to apply a zone that reflects the function carried out and intended to be carried out for the foreseeable future on this privately owned land.</p>	<p>It is efficient and effective to apply an existing zone to achieve the purpose of the plan change.</p>	<p>Recreational needs of the community are supported by an appropriate zoning.</p> <p>The long-standing and foreseeable future activity is afforded permitted activity status.</p> <p>The OS-SAR is consistent with the zone applied to most golf courses in the Auckland region.</p> <p>There is greater visibility and certainty for adjoining residents that the land is for open space purposes (i.e. as indicated on the planning maps).</p> <p>Council's modelling for residential intensification to support the ARPS objectives of providing for growth within the urban area correctly excludes this land from its calculations.</p> <p>High levels of amenity for the local community are assured as the OS-SAR has a lower ratio of</p>	<p>Costs in preparing, assessing and the Council determining the plan change would be met by PGC.</p> <p>Land value is reduced to reflect reduction in residential development potential.</p> <p>Chapter E16 Trees in Open Space would apply. This would incur additional time and cost for PGC obtaining resource consent for works relating to trees.</p>

²² AUP, A1.6.5

Options	Appropriateness	Efficiency and effectiveness	Benefits	Costs
			building to open space ratio and intensity of activity than the residential zones.	

Risk of acting or not acting

9.12 There is sufficient information to analyse the appropriateness of acting or not acting as:

- This plan change does not introduce new objectives, policies or methods;
- It uses an existing zoning that applies to the majority of golf courses in the Auckland region;
- The expected outcomes are well understood and anticipated by the zone; and
- No changes to the environment are anticipated as the existing use will continue as it has for over 50 years.

Reasons for the preferred option

9.13 The AUP uses zones to manage activities and development. Privately owned land would generally only be zoned open space if supported by the landowner otherwise the zoning could be considered an unreasonable restriction on the use of the land.²³

9.14 PGC own the land and seek to apply a zone that reflects the long-standing and foreseeable future use of the land for outdoor recreation. Golf is an activity within the definition of 'organised sport and recreation', which is a permitted activity in the zone. Under the current residential zone applying to the land, golf is a non-complying activity.

²³ RMA, s85(2)

10. STATUTORY ASSESSMENT

Relevant sections of the RMA

Section 31 Functions of territorial authorities

- 10.1 Section 31(a) of the RMA states that a function of territorial authorities is the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.
- 10.2 This plan change assists the Council to carry out its functions as set out in section 31 of the RMA. It uses an appropriate method to manage the effects of an outdoor sporting activity, i.e. an existing zone and its objectives, policies and rules.

Section 74 Matters to be considered by territorial authority

- 10.3 Section 74 of the RMA sets out the matters to be considered by a territorial authority when preparing or changing its district plan and this includes its functions under section 31. A district plan must give effect to national planning documents and the regional policy statement. A plan change must also be prepared and changed in accordance with Part 2 and its obligation to have particular regard to the section 32 evaluation report. Other matters it shall have regard to include management plans or strategies prepared under other legislation relevant to the resource management issues of the district.
- 10.4 Other matters set out in section 74 are not considered relevant to this plan change. For completeness it is noted that:
- There is no proposed regional policy statement and proposed regional plan;
 - There is no entry on the New Zealand Heritage List/Rārangī Kōrero applying to the land;
 - Regulations relating to fisheries resources do not apply to the land;
 - There are planning documents recognised by an iwi authority applying to the area, but these are not considered to have a direct bearing on the rezoning; and
 - Trade competition is not a factor relevant to this plan change.

Section 75 Content of district plans

- 10.5 Section 75 of the RMA outlines the content of district plans. Section 75(3) requires that a district plan must give effect to any national policy statement, any New Zealand Coastal Policy Statement any regional policy statement and must not be inconsistent with a regional plan.

Part 2 of the Resource Management Act 1991

- 10.6 The overarching purpose of the RMA is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the RMA. The plan change is the most appropriate method to manage the protection, use and development of an open space

resource. Open space provides for people and communities by providing for social wellbeing and health.

- 10.7 There are no matters of national importance in section 6 directly relevant to this plan change. The natural character of the coastal environment and significant ecological area overlays (marine and terrestrial), which are sections 6(a) and 6(c) matters, remain unaffected by this plan change.
- 10.8 Section 7 sets out other matters that all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to. Rezoning the land open space confirms what is an efficient use and development of natural and physical resources (in this case outdoor recreation).²⁴ It also maintains and enhances amenity values of open space and amenity values of the local area.²⁵
- 10.9 Section 8 requires that all persons exercising functions and powers under it shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). In preparing this plan change, mana whenua were advised of the proposed plan change and invited to comment. The one iwi who responded expressed support for this plan change.

National Policy Statements

- 10.10 The AUP is required to give effect to any national policy statements.²⁶ Three national policy statements are relevant to this plan change.

New Zealand Coastal Policy Statement 2010

- 10.11 This plan change does not include the coastal marine environment and while the site does not adjoin the Pakuranga tidal inlet, it is proximal to the tidal inlet. Changing the zoning of the land to open space is consistent with the New Zealand Coastal Policy Statement 2010 (**NZCPS**) as:
- The SEA Marine and Terrestrial overlays remain unchanged and will therefore continue to protect indigenous biodiversity values from adverse effects of subdivision, use and development²⁷;
 - The sale of land adjoining Mean High Water Spring Tide (**MHWST**) in 2009 enhanced the public open space qualities and recreational opportunities of the coastal environment through the Council administering the intertidal area and land between MHWST as part of its open space network. This has enabled restoration through indigenous planting and forming the shared walking and cycling access²⁸;
 - While the land remains in private ownership, it allows for club members and surrounding land owners who enjoy an outlook over the golf course an appreciation of the tidal inlet²⁹;

²⁴ RMA, s7(b)

²⁵ RMA, s7(c)

²⁶ RMA s67(3) and s75(3)

²⁷ AUP, objective D9.2(1)

²⁸ NZCPS, objective 4, policies 11 and 14

²⁹ NZCPS, policy 18

- An open space zoning is compatible with:
 - (i) preserving the natural character of the coastal environment and protecting it from inappropriate subdivision, use, and development³⁰;
 - (ii) reversing the damage in coastal environments created by deteriorated water quality, including sedimentation. The golf course acts as a large area for stormwater retention during peak flows. PGC has undertaken swale planting along overland flow paths to filter sediment and contaminants before discharging to the tidal estuary; and
 - (iii) managing coastal hazard risks taking into account climate change,³¹ as golf is a flood tolerant activity³².

National Policy Statement on Freshwater Management 2020

- 10.12 The National Policy Statement on Freshwater Management 2020 was approved in August 2020 and National Environmental Standards for Freshwater came into force on 3 September 2020.
- 10.13 Rezoning of the land to OS-SAR would not result in any changes to the Botany Creek at the north-western area of the site. Any standards relating to earthworks in proximity to natural wetlands apply regardless of the zoning of the land. OS-SAR zoning has a greater potential for positive effects on freshwater systems than residential zones. This is due to the policy and rule framework of the OS-SAR placing greater emphasis on maintaining trees, and lower ratios of building and impervious areas. These controls reduce overland flow and manage peak flows discharging to streams and intertidal ecosystems.

National Policy Statement on Urban Development and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

- 10.14 The National Policy Statement on Urban Development 2020 (**NPS-UD**) directs regional policy statements and district plans to enable development capacity in the form of building height and density of urban form in specified locations³³. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**Amendment Act**) also requires Tier 1 councils to implement medium density residential standards across the entire residential zones³⁴. Auckland Council must notify plan changes to give effect to this direction by August 2022.
- 10.15 In a decision on private plan change 57 dated 17 August 2021, the Independent Hearing Commissioners stated they had not allowed the NPS-UD to influence their decision on the appropriate zoning for the site, as the Council has yet to implement the NPS-UD through plan

³⁰ NZCPS, policy 13

³¹ NZCPS, objective 5, policies 18 and 19

³² AUP, Chapter J1

Flood tolerant activities for the purpose of the Plan are:

- informal recreation and leisure;
- organised sports and recreation including park fields structures;
- public amenities;

³³ It is noted that the plan change area is outside the 'walkable catchment' for the Botany Metropolitan Centre

³⁴ With the exception of large lot residential and land outside the RUB

changes. This ruling recognised the Environment Court decision in *Eden-Epsom Residential Protection Society Inc v Auckland Council*³⁵.

National Environmental Standards

- 10.15 There are currently six National Environmental Standards in force as regulations. Only one is considered relevant to this site. The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health is a nationally consistent set of planning controls and soil contaminant values. Activities on the Hazardous Activities and Industries List (HAIL) are subject to this NES. On this list are sport turfs where it involves persistent pesticide bulk storage or use. This plan change does not affect the implementation of this NES.

National Planning Standards

- 10.16 The purpose of the National Planning Standards (**NPS**) is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare and comply with.
- 10.17 Section 8 of the NPS sets out a discretionary direction on zone names and descriptions of zones. The AUP OS-SAR zone is consistent with the Sport and Active Recreation zone in the NPS.

Auckland Plan

- 10.18 The Auckland Plan 2050 is the Council's long-term spatial plan to ensure Auckland grows in a way that will meet the opportunities and challenges of the future. It is required by legislation to contribute to Auckland's social, economic, environmental and cultural well-being.³⁶
- 10.19 Six important areas are identified so that Auckland can continue to be a place where people want to live, work and visit. One of the outcomes is Aucklanders live in secure, healthy, and affordable homes, and have access to a range of inclusive public places.³⁷
- 10.20 The Auckland Plan sets out development areas where housing and business development capacity is supported by the AUP zoning and Council or Government led initiatives. The site is located outside the targeted business growth area of Botany Metropolitan Centre, and the residential intensification areas along the Pakuranga Road Corridor and adjoining Highland Park catchment.
- 10.21 Population growth and demographic change will put pressure on existing services and facilities. Varied and accessible services and facilities which support the needs of communities are essential in helping people to participate in society and create a sense of belonging. This includes provision of open spaces.³⁸ While it is expected the provision of open space will largely be public, privately owned open space supports the needs of the golfing community, locals who make up nearly 70% of members, and nearby residents (shortly to include a substantial number of residents within the new Fairway Gardens retirement

³⁵ [2021] NZEnvC 082

³⁶ Auckland Plan 2050 June 2018, page 5

³⁷ Auckland Plan 2050 June 2018, page 6

³⁸ Auckland Plan 2050 June 2018, page 54

village) who benefit and would continue to benefit from the open space amenity provided by the golf course, and the recreational benefit of playing golf.

Auckland Unitary Plan

Auckland Regional Policy Statement

10.22 When preparing or changing a district plan, the Council must give effect to any regional policy statement and have regard to any proposed regional policy statement. The ARPS identifies nine issues of regional significance, and the following are relevant to this plan change.

B2: Tāhuhu whakaruruhau ā-taone - Urban growth and form

10.23 Chapter B2 sets out the objectives and policies for growth and form in the region. Relevant objectives and policies provide direction on urban growth and form, a quality built environment, residential growth, and commercial and industrial growth. The chapter recognises that growth needs to be provided in a way that achieves a number of matters.³⁹ Objective B2.2.1(1) requires that a quality compact urban form is one that enables all of the following:

- (a) a higher-quality urban environment;*
- (b) greater productivity and economic growth;*
- (c) better use of existing infrastructure and efficient provision of new infrastructure;*
- (d) improved and more effective public transport;*
- (e) greater social and cultural vitality;*
- (f) better maintenance of rural character and rural productivity; and*
- (g) reduced adverse environmental effects*

10.24 This objective recognises that growth cannot occur without those aspects that contribute to a quality environment.

10.25 B2.7 contains objectives and policies specifically for open space and recreation facilities. Directly relevant to this plan change are objectives that:

- Recreational needs of people and communities are met through the provision of a range of quality open spaces and recreation facilities;⁴⁰ and
- Reverse sensitivity effects between open spaces and recreation facilities and neighbouring land uses are avoided, remedied or mitigated.⁴¹

³⁹ ARPS, issue B2.1

⁴⁰ ARPS objective B2.7.1(3)

⁴¹ ARPS objective B2.7.1(3)

10.26 Supporting policies are:

- Enable the development and use of a wide range of open spaces and recreation facilities to provide a variety of activities, experiences and functions;⁴²
- Provide a range of open spaces and recreation facilities in locations that are accessible to people and communities;⁴³
- Avoid, remedy or mitigate significant adverse effects of land use or development on open spaces and recreation facilities;⁴⁴ and
- Avoid, remedy or mitigate significant adverse effects from the use of open spaces and recreational facilities on nearby residents and communities.⁴⁵

10.27 The plan change does not constrain urban growth or impact on land capacity as the land is not available for residential intensity. It is important to emphasise that while the land has a plan enabled capacity for residential development, PGC has no intention of using the land for any other purpose than what it has been used for in the last 50+ years. This plan change would not be progressed if this were the case.

10.28 The proposed zoning will maintain and enhance the existing open space amenity values of an area. The OS-SAR reflects an appropriate and well-established recreational activity. An assessment of effects of the plan change on nearby residents and communities is discussed in section 11 of this report.

B3 Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy

10.29 Chapter B3 is relevant only to the extent that realising Auckland's full economic potential while maintaining the quality of life for its inhabitants needs to integrate the provision of infrastructure with urban growth.⁴⁶

B6 Mana Whenua

10.30 Mana whenua were consulted early in the development of this plan change. Feedback received was positive.

B10 Ngā tūpono ki te taiao - Environmental risk

10.31 Objective B10.2 is concerned with risks associated with natural hazards, flooding, and the effects of climate change on natural hazards. This is relevant only to the extent that the OS-SAR, and in particular the activity of golfing is more able to accommodate the overland flow paths and floodplains within the site (these have been incorporated into the course design) than residential development. The floodplain catchment would significantly reduce and the overland flow paths, many of which meet the AUP definition of 'stream', would need diversion or piping with residential development.

⁴² ARPS policies B2.7.2(1)

⁴³ ARPS policies B2.7.2(3)

⁴⁴ ARPS policies B2.7.2(7)

⁴⁵ ARPS policies B2.7.2(8)

⁴⁶ ARPS, issue B3.1(2)

ARPS summary

- 10.32 Zoning is a key method to give effect to the objectives and policies of the ARPS as zones manage the way in which areas of land and the coastal marine area are to be used, developed, or protected.⁴⁷ The use of the land will not change in the foreseeable future. There is no reason to retain the residential zoning as it will not be implemented for the purpose of the zone. It is more appropriate to apply a zone that reflects the existing and future use of the land rather than an established land use having to rely on existing use rights.
- 10.33 As noted earlier, 3.4 hectares of land identified as suitable for higher intensity residential use (retirement village) is being developed in a manner consistent with achieving compact urban form.
- 10.34 The plan change does not constrain urban growth and impact on land capacity as the land is not available for housing and should not form part of the Council's development capacity modelling. The retention of the existing residential zoning would give the appearance that Auckland has a substantial available capacity for residential development on this land when there is a very low, if any, likelihood that this would be achieved in the next 30 years. For these reasons, greater emphasis is placed on the appropriateness of the plan change by reference to the ARPS B2.7 Open space and recreation facilities objectives and policies.

District plan chapter H4 Mixed Housing Suburban Zone

- 10.35 The purpose of the zone currently applying to the land is to provide for residential intensification, while retaining a suburban built character.⁴⁸ Council cannot compel an owner to build greater intensity residential development where the land is not used for that purpose as is the case with the land owned by PGC.
- 10.36 Recreational activities, such as golf, are a non-complying activity in all residential zones. This reinforces the inappropriateness of the zone in relation to the established land use. The consequence of retaining the residential zoning is that golfing activity, the establishment of golfing-related facilities, and the ongoing maintenance of the facility must rely on existing use rights under Section 10 of the RMA. It is inappropriate for a long-standing activity to have to rely on existing use rights due to the uncertainty and constraints this places on the use and on-going development and upgrading of the golf course, and on future golfing activities.

District plan chapter H7 Open Space

- 10.37 Objectives for all open space zones recognise the importance recreational needs are met through the provision of a range of quality open space areas⁴⁹ and adverse effects of use and development of open space on residents, communities and the environment are avoided, remedied or mitigated.⁵⁰
- 10.38 Policies supporting these general objectives focus on the design, development, and management of the spaces as well as reflecting mana whenua values where appropriate and enabling infrastructure located on open spaces.

⁴⁷ AUP, A.6.4 Zones

⁴⁸ AUP, H4.1 zone description

⁴⁹ AUP, H7.2(1)

⁵⁰ AUP, H7.2(2)

10.39 Chapter H7 also includes specific objectives and policies for each of the five open space zones. Those applying to OS-SAR are at H7.6.2.

(1) Indoor and outdoor sport and active recreation opportunities are provided for efficiently, while avoiding or mitigating any significant adverse effects on nearby residents, communities and the surrounding areas.

(2) Activities accessory to active sport and recreation activities are provided for in appropriate locations and enhance the use and enjoyment of areas for active sport and recreation.

(3) Larger scale, or clusters of land-based marine-related recreation facilities, are recognised and provided for while maintaining and enhancing public access to and along the coast.

10.40 The golfing facility and supporting uses will be permitted activities in H7.9.1. Activity Table – Open Space Zones. This is more efficient than requiring a non-complying activity application for these uses, as required under the current zone. The magnitude of any adverse effects on the nearby residents, communities and the surrounding areas remains unchanged. Anticipated effects of plan enabled permitted recreation activities that are more intensive than golf are managed by various standards to ensure effects such as high levels of traffic, noise, lighting glare and scale of buildings are managed. Rezoning the land OS-SAR is the most appropriate way to achieve the objectives of Chapter H7, particularly those of the OS-SAR zone.

10.41 The following existing uses on the land would be permitted activities in H7.9.1 Activity Table – Open Space, which is further support for this plan change:

- (A10) Clubrooms;
- (A15) Organised sport and recreation;
- (A23) Retail accessory to a permitted activity;
- (A25) Parks depot, storage and maintenance;
- (A31) Accessory buildings;
- (A37) Buildings for public amenities;
- (A46) Parks infrastructure;
- (A47) Sport and recreation structures;
- (A48) Parks maintenance; and
- (A49) Recreational trails.

10.42 Appendix 2 is a comparison of development standards under the current and proposed zone. This shows less building envelope can be obtained through the rezoning, with one exception. The exception relates to a 1.5m maximum building height difference between zones. Given the physical separation and other standards that would apply,⁵¹ the difference in height is not considered of any consequence.

⁵¹ AUP, H7.11.2 Height in Relation to boundary and H7.11.3 Yards.

Chapter E Auckland-wide

10.43 Appendix 2 also includes a comparison of Auckland-wide standards where the rules vary by zone,⁵² and in summary:

- In all open space zones, tree trimming, works in protected rootzone and removal over thresholds are a restricted discretionary activity. There is no equivalent rule in the residential zones;
- There is no difference in Auckland-wide lighting standards (illuminance and lux) between the zones. The OS-SAR permits structures up to 18m high to support artificial lighting.⁵³ The effects of this are discussed in section 11 of this report;
- The OS-SAR provides a higher noise standard than the residential zone. This is to accommodate the higher noise levels often generated by active sport and recreation. The effects of this are discussed in section 11 of the report.

Local Board plans

10.44 PGC is located within the Howick Local Board. The Howick Local Board Plan 2020 is a non-statutory plan that provides a flexible framework to support growth and development in the Local Board area over the next three years.

10.45 The Howick Local Board Plan 2020 recognises that formal sport and recreation play a key part in many people's lives and the Local Board will work with local sports clubs and organisations to address capacity concerns and support them to build their resilience and capability. This approach responds to the four priority areas of the Auckland Sport and Recreation Strategic Action Plan - participation, infrastructure, excellence in recreation and sport, and sector development.⁵⁴ The Howick Local Board Plan 2023 is not directly relevant to this plan change.

Parks policy plans

10.46 Auckland Council has plans and strategies for parks, sport, open space and reserves. Most apply to land and facilities owned or administered by the council so are not directly relevant to this plan change. Three documents are referenced as they apply to sport and recreation regardless of land ownership.

10.47 The Parks and Open Spaces Strategic Action Plan is an overarching document. It recognises open space not owned by the Council makes up a big part of the open space network in Auckland. Auckland Council's role in relation to this part of the network is as an advocate, enabler and partner.⁵⁵

10.48 Auckland Sport and Recreation Strategic Action Plan 2014-2024 (refreshed 2017) recognises that sport and recreation can make a major contribution to our quality of life, health and wellbeing. It provides opportunities for fun and entertainment and contributes to making

⁵² The table does not include Chapter E12 Land disturbance and this is not considered of any consequence given the area of land included in the plan change.

⁵³ AUP, H7.11.8 Non-security floodlighting, fittings and supports and towers up to 18m high.

⁵⁴ Howick Local Board Plan 2020, page 16

⁵⁵ 10.20 The Parks and Open Spaces Strategic Action Plan, page 14

Auckland a place that Aucklanders are proud of, they want to stay or return to, and that other people want to visit, move to, or invest in.⁵⁶

- 10.49 Auckland Sport Sector: Facilities Priorities Plan 2017 sets out a co-ordinated and integrated approach for future sport facility provision in Auckland. The plan considers the challenges, current gaps in provision and future demand for investment in sport facilities in Auckland. Included in the plan is golf, which is within the category of 'bespoke outdoor sporting facilities'. It does not set priorities specifically for golf, but it does list an outcome of this plan is to support the development of a hierarchy and network of facilities.⁵⁷
- 10.50 PGC is predominately a local facility. On the limited occasions they occur, tournaments draw people from around the Auckland region. One of the means to help the sporting sector deal with future growth is to utilise existing assets. In this regard, PGC is an existing facility providing for an established local demand.

⁵⁶ Auckland Sport and Recreation Strategic Action Plan 2014-2024, page 18

⁵⁷ Auckland Sport Sector: Facilities Priorities Plan 2017, page 17

11. ENVIRONMENTAL EFFECTS OF THE PLAN CHANGE

Character and amenity values

- 11.1 The RMA defines amenity values as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.⁵⁸
- 11.2 There is no effect on the amenity of non-residential zoned properties in the vicinity i.e. Business – Light Industry Zone, Special Purpose School Zone, and Special Purpose Healthcare Facility and Hospital Zone as:
- These zones and the current activities occurring on these properties have a greater level of intensity than the OS-SAR zone;
 - The OS-SAR zone is compatible with these zones and has less reverse sensitivity risk than residential zones; and
 - The site is separated from these zones by road, open space zoned land or intervening properties.
- 11.3 Potential effects on amenity values from the plan change are limited to the residential properties that adjoin and are opposite the golf course. These properties are currently afforded a high level of amenity from the open spaciousness of the golf course and low intensity activity. This is acknowledged in the feedback from (refer to Appendix 3).
- 11.4 The plan change applies rules that maintains the amenity afforded by this open space. This includes standards in the OS-SAR limiting the size of buildings (and therefore intensity of activity) to 150m². Any building exceeding 150m² is a discretionary activity. The existing clubrooms are over this threshold.
- 11.5 A discretionary activity requires a full assessment of effects and analysis of objectives and policies. This includes consideration of effects on residential properties as well as traffic generation and parking demand. Other parts of the AUP would also likely trigger resource consent, e.g., Chapter E12 land disturbance and E27 transport (standard E27.6.1 trip generation).
- 11.6 The OS-SAR zoning does provide the opportunity for more intensive recreation facilities as a permitted activity, for example swimming pools and playing fields. These activities could generate more intensive effects than currently occurring or are anticipated in a residential zone. For the reasons identified earlier, this is a very unlikely scenario as the club has secured the ability to continue to operate a golfing facility for the foreseeable future. Compared to what could occur with residential development, the amenity provided for local residents by the rezoning is positive. On this basis, there are no adverse amenity effects arising for the plan change as:
- The OS-SAR provides a reduced scale of buildings when compared to the current zoning e.g., 30% compared to 40%;

⁵⁸ RMA, section 2 Interpretation

- The primary activity occurring on the land is low intensity when compared to what could occur with the residential zoning;
- Buildings and other uses on the land are ancillary to the primary activity and could never be more than that without compromising the primary activity; and
- Mature trees are protected and their removal requires resource consent under the OS-SAR zone.

Infrastructure

- 11.7 There are no adverse effects on infrastructure, e.g. stormwater, wastewater, water, as the demand generated by open space activities is far less than residential activity.

Transport

- 11.8 Vehicle access is limited to a controlled intersection off Botany Road to a 135 space carpark. Traffic generation by private vehicles entering the site peaks mid-morning i.e. after the commuter demand during the week.

- 11.9 The plan change does not change or alter the access, trip generation or parking demand. As noted earlier, more intensive activities will likely require resource consent where there is the opportunity to assess effects issues relating to numbers of parking, on-site parking and manoeuvring. If the land is used for another recreational activity, it would very likely require resource consent and be subject to these provisions, which are intended to manage transport related effects.

Noise

- 11.10 The OS-SAR provides a higher noise standard than the residential zone. The main difference in the standard is:

- up to 5dB higher during the day (55dB LAeq);
- up to 10dB higher (60dB LAeq) for up to 21 hours per week during the day.

- 11.11 Private plan change 57 (now operative) is directly relevant to this plan change as it also rezoned land from residential to OS-SAR specially to provide for a well-established golfing facility. In support of PC57, acoustic consultant Mr Jon Styles provided evidence from noise readings demonstrating golfing activity is around 40dB LAeq, or less. In his evidence for the hearing, Mr Styles concluded that:

34. The Request proposes to include the Site in the OS-SAR zone to recognise and provide for the ongoing use of the Site as a golfing facility. Essentially, if the re-zoning is confirmed, there is unlikely to be any change to the noise levels which currently comprise the existing noise environment.

35. The noise monitoring I have undertaken also confirms the golfing activities on the Site generate significantly lower noise levels than the maximum permitted noise levels authorised by the OS-SAR noise standard, E25.6.17. The maximum permitted noise levels of E25.6.17 are therefore unlikely to be realised while the Site is used for golfing activities.

36. *The noise level generated by the use of the golf course is also considerably less than what I would expect to be generated if the Site were developed for intensive residential use.*

37. *The noise monitoring I have undertaken demonstrates that the adjacent residential receivers enjoy a relatively high level of noise amenity arising from the low intensity of recreational activity on the Site. This level of noise amenity will be maintained under the Request.⁵⁹*

11.12 There is no reason a similar noise level would not occur with the golfing activity played at PGC.

11.13 As noted earlier, more intensive activities would be subject to an application for resource consent. A change in use to more intensive non-golfing recreational activity is a hypothetical scenario as golfing related activities will occur on the land for the foreseeable future.

Loss of residential zoned land

11.14 Based on the planning maps, the rezoning reduces potential available land for housing supply to meet current and future needs of the people of Auckland. As noted, this land has not been available for residential use for over 50 years and there is no intention of making it available in the foreseeable future. Accordingly, there is no loss of land for housing as it not available for this purpose.

11.15 If at some future time the club decides to reduce the area of its site used for golfing purposes or dispose of the site in its entirety, then the appropriateness of the zoning for residential development (or some other land use) can be revisited at that time.

⁵⁹<https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=463>

12. CONSULTATION ON THE PLAN CHANGE

- 12.1 As part of the preparation of this plan change consultation was undertaken. Appendix 3 is a list of those consulted, responses received and the actions in relation to the responses. This includes consultation with adjoining and adjacent landowners, mana whenua and the Howick Local Board. No concerns were raised about the rezoning during the consultation. Many expressed full or total support for the plan change request.

13. CONCLUSION

13.1 The private plan change by PGC is to rezone land OS-SAR. The purpose of the proposed plan change is to reflect and provide for the long-standing use of the land as a golfing facility. The analysis provided in this section 32 evaluation and planning report is that the rezoning:

- Is the most appropriate way to achieve the purpose of the RMA and is consistent with the principles in Part 2 of the RMA;
- Assists the Council in carrying out its functions of the RMA;
- Is consistent with the objectives and policies of the ARPS and Chapter H7 Open Space; and
- Is the most appropriate means of achieving the objective of the plan change.

APPENDIX 3

SUBMISSIONS AND FURTHER SUBMISSIONS

Submissions

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Matthew Caron

Organisation name:

Agent's full name:

Email address: matthew.caron0@gmail.com

Contact phone number: 0212897779

Postal address:
2/66 Alicia Road
Somerville
Auckland 2014

Submission details

This is a submission to:

Plan change number: Plan Change 77

Plan change name: PC 77 (Private): Pakuranga Golf Club

My submission relates to

Rule or rules:

Property address: 199 Botany Road, Howick

Map or maps:

Other provisions:

private plan change request to the Auckland Unitary Plan (Operative in Part) from Pakuranga Country Club Incorporated under Schedule 1 to the Resource Management Act 1991 (RMA).

Proposed Private Plan Change 77 is a proposal that seeks to rezone the land at 199 Botany Road, Howick

from Residential – Mixed Housing Suburban (MHS) to Open Space – Sport and Active Recreation (OSSAR) zones in the Auckland Unitary Plan (Operative in Part) 2016.

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

A move to rezone the land recognizes the longstanding use of the land as a golf course - before that it was a farm.

1.1

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 12 July 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Kevin Joseph Hill

Organisation name:

Agent's full name:

Email address: kandjhill@xtra.co.nz

Contact phone number: 0272619166

Postal address:
28A Riverlea Avenue
Pakuranga
Auckland 2010

Submission details

This is a submission to:

Plan change number: Plan Change 77

Plan change name: PC 77 (Private): Pakuranga Golf Club

My submission relates to

Rule or rules:

Property address: Pakuranga Golf Club

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The land currently occupied by the golf club was farmland prior to the establishment of the golf course. It's been a golf course for the past 50 years at least and has developed into a quality amenity within the east and south of the city. The club has a strong membership and the course is fully utilised 7 days a week throughout the year. The land title and designation needs to recognise the facility for what it is, a golf course and a quality one at that.

2.1

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 14 July 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Robert Grimmer

Organisation name:

Agent's full name: Robert Grimmer

Email address: robertgrimmer@xtra.co.nz

Contact phone number:

Postal address:
8 Seneca Crt
Golflands
Auckland 2013

Submission details

This is a submission to:

Plan change number: Plan Change 77

Plan change name: PC 77 (Private): Pakuranga Golf Club

My submission relates to

Rule or rules:
Rezoning of Pakuranga Golf to Open Space

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I have been a Howick resident for more than 30 years and a member of the Pakuranga Golf Club most of this time.

I have watched the ever increasing housing developments in the area with the new intensification rules already being seen by way of in fill and multiple level housing.

The sale of previous golf club land to MetlifeCare has further reduced open space and the recent rezoning of many Auckland Council owned reserves in the area will further exacerbate this situation. The most notable change I have seen over the years is the bird life on the golf course. When I first joined there was only ducks. Now there is an extensive range including fantails, herons and kingfishers.

This is undoubtedly due to the increasing loss of habitat due to housing development. We need to preserve our open spaces so the rezoning of the golf course will assist and at no cost to the Auckland ratepayers. The last thing we want is the golf course to be sold off as another housing development.

3.1

As a long term resident

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 17 July 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Ru Wang

Organisation name:

Agent's full name:

Email address: angelawangru14@gmail.com

Contact phone number: 0273666993

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 77

Plan change name: PC 77 (Private): Pakuranga Golf Club

My submission relates to

Rule or rules:

Close to the golf course

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

My house is closed the golf course,I wants keep the good view for all the family on this street

4.1

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 1 August 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Aaron Jensen

Organisation name:

Agent's full name:

Email address: adjack69@gmail.com

Contact phone number:

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 77

Plan change name: PC 77 (Private): Pakuranga Golf Club

My submission relates to

Rule or rules:

Rezone the land at 199 Botany Road, Howick from Residential – Mixed Housing Suburban (MHS) to Open Space – Sport and Active Recreation (OS-SAR) zones

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Auckland requires residential land for future development, this golf course is under utilised for its location.

5.1

I or we seek the following decision by council: Decline the plan change

Submission date: 5 August 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Randel Case

Organisation name:

Agent's full name:

Email address: randy3@outlook.co.nz

Contact phone number:

Postal address:

Buckland Beach
Auckland 2014

Submission details

This is a submission to:

Plan change number: Plan Change 77

Plan change name: PC 77 (Private): Pakuranga Golf Club

My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:

With intensification, we are losing so much green space. I'm not a golfer but love to see grass and trees. Let intensification take part on unproductive hills and one day when I get older, I will be looking at golf for exercise and mental health

6.1

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:
100% with the golf course

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 5 August 2022

Attend a hearing

Do you wish to be heard in support of your submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Angela Schneiderman

Organisation name:

Agent's full name:

Email address: blenkin@xtra.co.nz

Contact phone number: 021187611

Postal address:
110 golfland drive
BOTANY
Auckland 2013

Submission details

This is a submission to:

Plan change number: Plan Change 77

Plan change name: PC 77 (Private): Pakuranga Golf Club

My submission relates to

Rule or rules:
PC 77

Property address: Pakuranga Golf Club

Map or maps: PC 77

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:
Do Not Want Housing - keep as Pakuranga Golf Course

| 7.1

I or we seek the following decision by council: Decline the plan change

Submission date: 5 August 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?
Yes

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

Contact details

Full name of submitter: Jacob Cameron

Organisation name: Auckland Golf

Agent's full name:

Email address: info@aucklandgolf.nz

Contact phone number: 0274372173

Postal address:

Submission details

This is a submission to:

Plan change number: Plan Change 77

Plan change name: PC 77 (Private): Pakuranga Golf Club

My submission relates to

Rule or rules:

Land Zoning Update for Pakuranga Golf Club

Property address: 199 Botany Road, Golflands, Auckland 2013

Map or maps:

Other provisions:

Golf Course

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Pakuranga is one of 21 golf clubs in the Auckland Golf (AGI) District region. It is an integral part of the golf community and is supportive of the strategic objectives and outcomes of AGI.

It is a suburban golf course that caters to a diverse range of participant and golfer and is one of the busiest course in NZ.

In Auckland, Pakuranga golf course is currently only one of three that still have the incorrect zoning for our land use. A move to rezone the land recognizes the longstanding use of the land as a golf course - before that it was a farm. Residential zoning is to enable construction of dwellings and residential activity like we have on the boundaries of our course. That's not what our golf course is used for.

Auckland Golf supports the application for the club to rezone (open space sport and recreation) that permits golf course activity, maintenance and development of buildings without needing resource consent.

regards

8.1

Jacob Cameron
CEO
Auckland Golf Inc

I or we seek the following decision by council: Approve the plan change without any amendments

Details of amendments:

Submission date: 5 August 2022

Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Further Submissions

Form 6**Further submission on Proposed Plan Change 77 (Private) to the Auckland Unitary Plan (Operative Part)****Clause 8 of Schedule 1, Resource Management Act 1991****To:**

Planning Technician
Auckland Council
Private Bag 92300
Auckland 1142

By email: unitaryplan@aucklandcouncil.govt.nz

Name of submitter:

Pakuranga Golf Club

1. Pakuranga Golf Club makes this further submission to Proposed Plan Change 77 (Private): Pakuranga Golf Club (**plan change**) to the Auckland Unitary Plan (Operative Part) (**AUP**).
2. Pakuranga Golf Club has an interest in the proposal that is greater than the interest by the general public as the applicant of this plan change.
3. The submission by Aaron Jensen (number 5) is opposed. This submission seeks the plan change be declined for the reason that 'Auckland requires residential land for future development, this golf course is under utilised for its location'. Pakuranga Golf Club opposes this submission for the reasons that:
 - a. Pakuranga Golf Club has demonstrated a commitment to this land being retained as a golf course for the foreseeable future;
 - b. The zoning of the site recognises Pakuranga Golf Club intentions and commitment to ongoing maintenance and development of the land for golfing purposes, as demonstrated by course improvements and construction of the golf driving range;
 - c. The golf course should not have to rely on the existing use right provisions of the Resource Management Act 1991 or require ongoing resource consent approvals to enable the course to operate and undertake its maintenance functions;
 - d. There is no impact on residential intensification through Auckland Unitary Plan enabled capacity (including through Plan Change 78: Intensification) as Pakuranga Golf Club has no intention of using the land for any purpose other than what it has been used for in the last 50+ years;
 - e. If at some future time Pakuranga Golf Club decides to reduce the area of its site used for golfing purposes or dispose of the site in its entirety, then the appropriateness of the zoning of these areas can be revisited at that time.

4. Pakuranga Golf Club seeks that the sole submission seeking the plan change be declined (submission number 5) be disallowed.
5. Pakuranga Golf Club as the applicant wishes to be heard in support of this further submission.
6. If others make a similar further submission, Pakuranga Golf Club will consider presenting a joint case with them at the hearing.

Signed by Authorised agent for Pakuranga Golf Club



Tania Richmond
Richmond Planning Limited
PO Box 25734, St Heliers, Auckland 1740
09 521 4639, 027 6817799
tania@richmondplanning.co.nz

Dated 12 September 2022

APPENDIX 4
TECHNICAL EXPERT ADVICE

From: [Andrew Gordon](#)
To: [Joe McDougall](#)
Subject: RE: Pakuranga Golfcourse PPC
Date: Wednesday, 25 May 2022 8:52:35 am

Hi Joe,

As requested, I have reviewed the document titled *Request for private plan change Pakuranga Golf Club Rezoning of land from Residential – Mixed Housing Suburban to Open Space – Sport and Active Recreation Section 32 Evaluation Report and Planning Assessment* dated May 2022 prepared by Richmond Planning Limited.

Land proposed to be re-zoned is located at 199 Botany Road, Howick and comprises 38.899 hectares. The purpose of the re-zoning is to reflect existing and future use of the land as a golf club and golfing facility.

GAP analysis

- The effects of changing the zoning from Residential to Open Space – Sport and Active Recreation have been adequately covered in an application of this scale and significance
- In my view there are no issues as the fundamental facts are adequately presented and the information provided by the applicant contains sufficient detail
- Overall, the level of information provided for the proposed change in applicable numerical noise standards from the existing Residential zone (E25.6.2) to the proposed Open Space – Sport and Active Recreation zone (E25.6.17) is satisfactory
- The acoustic effects of changing the zoning from Residential to Open Space – Sport and Active Recreation have been adequately covered in the s32 report
- I confirm no additional information is requested.

Comments

In regard to noise effects it is important to give context by highlighting the following statement (paragraph 1.2): -

1.2 *The plan change is to rezone the golf course land from Residential – Mixed Housing Suburban (MHS) to Open Space – Sport and Active Recreation (OS-SAR). No other changes to the AUP are proposed. The purpose of the plan change is to apply a zone that reflects current and foreseeable use of the land as a golfing facility. The land has been used for golf for over 50 years. A recent sale of land now being developed as a retirement village and an upgrade of the club's facilities has secured the club's future and the use of the land for golfing purposes.*

Based on my experience there will be no change to noise levels and associated effects received at any adjacent site zoned residential given the current and expected future use of the land as a golfing facility.

In the unlikely event the site or portions of the site in proximity to residentially zoned land was to change to provide for, say, team sports (e.g. football, rugby) the noise level from that activity (peoples voices) during the daytime period could be up to 5 dBA higher (i.e. 55dB LAeq) than the current noise standard of 50 dB LAeq and, 10 dBA higher (i.e. 60 dB LAeq) as highlighted below in Table E25.6.17.1:

Table E25.6.17.1 Noise levels at the Open Space – Sport and Active Recreation Zone interface

Time	Noise level
Monday to Saturday 7am-10pm	55dB L _{Aeq} Except that for a cumulative period of: (i) 3 hours per day between 7am and 9.30pm Monday to Friday; and (ii) 6 hours between 7am and 10pm on Saturdays. the noise level must not exceed 60dB L _{Aeq}
Sundays and Public Holidays 9am to 6pm outside the daylight saving period	55dB L _{Aeq} Except that for a cumulative period of 3 hours between 10am and 3pm on Sundays the noise level must not exceed 60dB L _{Aeq}
Sundays and Public Holidays 8am to 7pm during the daylight saving period	55dB L _{Aeq} Except that for a cumulative period of 3 hours between 10am and 3pm Sundays the noise level must not exceed 60dB L _{Aeq}
All other times	40dB L _{Aeq} 55dB L _{eq} at 63 Hz 50dB L _{eq} at 125 Hz

itary Plan Operative in part

15

E25 Noise and vibration

75dB L_{AFmax}

If golf course areas immediately adjacent to residents were developed for sports fields, neighbours would experience higher noise levels when team training, practices and competitions were held. The most noticeable effects would be experienced on Saturday when noise up to the permitted standard of 60 dB LAeq is provided for a maximum duration of 6 hours (between 7am and 10pm) or 40% of the specified time period.

Otherwise, for the majority of time when the 55 dB LAeq applies, compliance with this standard will ensure noise is reasonable and hence a good level of residential amenity will be maintained. It is noted the 5 dBA higher limit (from 50 dB to 55 dB) does permit a noticeable increase in noise, but within the guideline limits for residential zones recommended in NZS 6802:2008 *Acoustics – Environmental noise*.

The night-time A-weighted noise standards (40dB LAeq and 75dB LAFmax) do not change. It is noted the proposed OS-SAR zone introduces low frequency noise standards applicable at night – these standards provide an additional control for residents specifically to control amplified music with a noticeable low frequency/bass component to ensure sleep is not disturbed (e.g. from functions held in clubrooms).

Private Plan Change 57 (Operative)

I was requested to review PPC 57 for noise effects. I agree the Pakuranga Golf Club PPC is fundamentally no different in regard to noise effects. I also agree the conclusions made by the applicants acoustic consultant (Mr Styles) are applicable to the Pakuranga Golf Club PPC. These are reproduced below: -

34. *The Request proposes to include the Site in the OS-SAR zone to recognise and provide for the ongoing use of the Site as a golfing facility. Essentially, if the re-zoning is confirmed, there is unlikely to be any change to the noise levels which currently comprise the existing noise environment.*

35. *The noise monitoring I have undertaken also confirms the golfing activities on the Site generate significantly lower noise levels than the maximum permitted noise levels authorised by the OS-SAR noise standard, E25.6.17. The maximum permitted noise levels of E25.6.17 are therefore unlikely to be realised while the Site is used for golfing activities.*
36. *The noise level generated by the use of the golf course is also considerably less than what I would expect to be generated if the Site were developed for intensive residential use.*
37. *The noise monitoring I have undertaken demonstrates that the adjacent residential receivers enjoy a relatively high level of noise amenity arising from the low intensity of recreational activity on the Site. This level of noise amenity will be maintained under the Request.⁵⁹*

Please advise if you have any queries.

Regards

Andrew Gordon | Senior Specialist
Contamination, Air & Noise Team | Specialist Unit
Ph 09 301 01 01 | Mobile 027 482 3527
Auckland Council, Level 6, 135 Albert Street, Auckland 1010
Visit our website: www.aucklandcouncil.govt.nz

From: Andrew Gordon
Sent: Monday, 23 May 2022 8:20 am
To: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>
Subject: RE: Pakuranga Golfcourse PPC

Hi Joe,

Yes I can review. I agree should be straightforward in regard to noise effects.

I will provide comments later this week.

Regards

Andrew Gordon | Senior Specialist
Contamination, Air & Noise Team | Specialist Unit
Ph 09 301 01 01 | Mobile 027 482 3527
Auckland Council, Level 6, 135 Albert Street, Auckland 1010
Visit our website: www.aucklandcouncil.govt.nz

From: Joe McDougall <joe.mcdougall@aucklandcouncil.govt.nz>

Sent: Friday, 20 May 2022 11:44 am
To: Andrew Gordon <Andrew.Gordon@aucklandcouncil.govt.nz>
Subject: Pakuranga Golfcourse PPC

Hi Andrew

Hope you have been doing well! I have been told that you could review private plan change from an noise perspective?

It's a relatively simple plan change for an existing golf course, where the request is that the zoning change from Mixed Housing Suburban to Open Space – Sport and Active Recreation.

The main comments on noise can be found on page 36 of the Section 32 and Planning assessment report (attached above). It is noted that there are slightly more lax standards applied to Open Space zone compared to residential zoning.

We are at the CI23 stage right now, so basically we are doing a 'gap analysis' to see if there is anything additional we need to ask for, so we are not asking for any assessment based on merits.

The charge number is D.002326.01.

Thank you for your time and please contact me if I've made an error on this or if you need any further information.

Kind regards

Joe McDougall | Policy Planner
Central & South Planning | Plans and Places

Auckland Council, Level 24, 135 Albert St, City Centre, Auckland

Mobile 021 198 3182

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