

Request for Private Plan Change

Proposed Plan Change: O'Hara, Waiuku

Gardon Trust, Matoaka Holdings, and Pokorua Limited

For land at 43, 45A, 92 and 130 Constable Road, Waiuku

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1.0 Executive Summary

Waiuku is a self-contained rural town that falls within the regional catchments of both Auckland and Waikato. The urban extent of Waiuku and the residential rezoning of the sites referred to as the O’Hara Farm have been contemplated for over 20 years. However, the extent of urban residential zoning within the Auckland Unitary Plan Operative in Part (‘AUP’) remains unchanged from that contained in the Franklin District Plan 2000. While there has been much discussion about the Stage 4 Rural Urban Boundary (‘RUB’) work through the AUP independent hearing process, there has been no public planning progress on this matter in respect of Waiuku.

There are significant areas of vacant Light Industry zone land through the ‘Fernleigh Structure Plan Area’ and around Glenbrook, although that is not correspondingly reflected in the residential zoning and housing supply necessary to support this industrial growth with the provision of locally-based workers.

At current population trajectories, Waiuku is not adequately providing for the housing growth required to support these employment areas nor the well-functioning future of the town. This is particular pronounced in the lack of retirement villages or similar accommodation available to support the ageing population of Waiuku, with many elderly residents currently being required to relocate to Pukekohe or further afield.

The current lack of sufficient development capacity impacts on housing prices within Waiuku and contributes towards increasing housing affordability issues for residents.

To address these issues, the proposed plan change (‘PPC’) seeks to amend the GIS mapping layer of the AUP to rezone the PPC land from Rural – Mixed Rural Zone to Residential - Mixed Housing Urban Zone. The extent of the area to be rezoned is illustrated in **Figure 1** and **Figure 2** below. In addition, a new precinct referenced as Waiuku 2 is proposed to be introduced and placed within Chapter I of the AUP. This precinct would introduce a number of site specific objectives, policies, rules, and standards that reflect the particular desired outcomes for the PPC land. No other changes to the AUP provisions are proposed. Potential would exist for significant accessibility, safety, and other benefits for Waiuku College if the land is urbanised.

The soil characteristics of the PPC land are fragmented and poorly drained. It contains no elite soils, and the majority of the PPC area is not classified as prime soil. From a food

production perspective, the land is optimised only for pastoral farming and grazing rather than more intensive cropping or horticulture. The PPC area directly adjoins existing urban land, meaning that potential reverse sensitivity issues would likely limit any intensive horticultural use of the land in any event.

A number of Clause 23 further information requests have been responded to in terms of ecology, stormwater, traffic, urban design, landscape, soil, productivity, and planning. These have been responded to within two tables dated November 2021 and December 2021 (refer **Appendix A**). The PPC request (as set out in this report) has been amended to incorporate this additional work where relevant, and the specialist reports and assessments have been reissued as needed.

2.0 Private Plan Change Applicant and Property Details

Applicant:	Gardon Trust, Matoaka Holdings, and Pokorua Limited
Address for Service:	C/- Campbell Brown Planning Limited P O Box 147001 Ponsonby AUCKLAND 1144 Attention: Philip Brown / Ila Daniels Email: philip@campbellbrown.co.nz or ila@campbellbrown.co.nz <i>(all written correspondence via email please)</i>
Site Location:	43, 45A, 92 and 130 Constable Road, Waiuku
Legal Description:	43 and 45A Constable Road – SEC 1 SO 65397 and Pt Lot 9 DP 24487, Pt Lot 3 Deeds Reg WHAU 29 District, Pt lot 9 DP 24487 45 Constable Road - SEC 1 SO 65397 92 Constable Road – Pt Lot 4 Deeds Reg WHAU 29 District 130 Constable Road – Lot 3 DP 64198
Site Area:	Part 43 Constable Road – 0.3715 ha Part 45A Constable Road – 3.3660 ha 92 Constable Road – 24.9033 ha 130 Constable Road – 4.0448 ha Total Site Area: 32.6856 hectares
Current Unitary Plan Zoning:	Rural – Mixed Rural Zone

Unitary Plan Overlays:	Natural Resources: Quality – Sensitive Aquifer Management Areas Overlay – Awhitu Sand Aquifer
Controls:	Macroinvertebrate Community Index – Rural
Designations:	None

3.0 Site Location



Figure 1: Site location

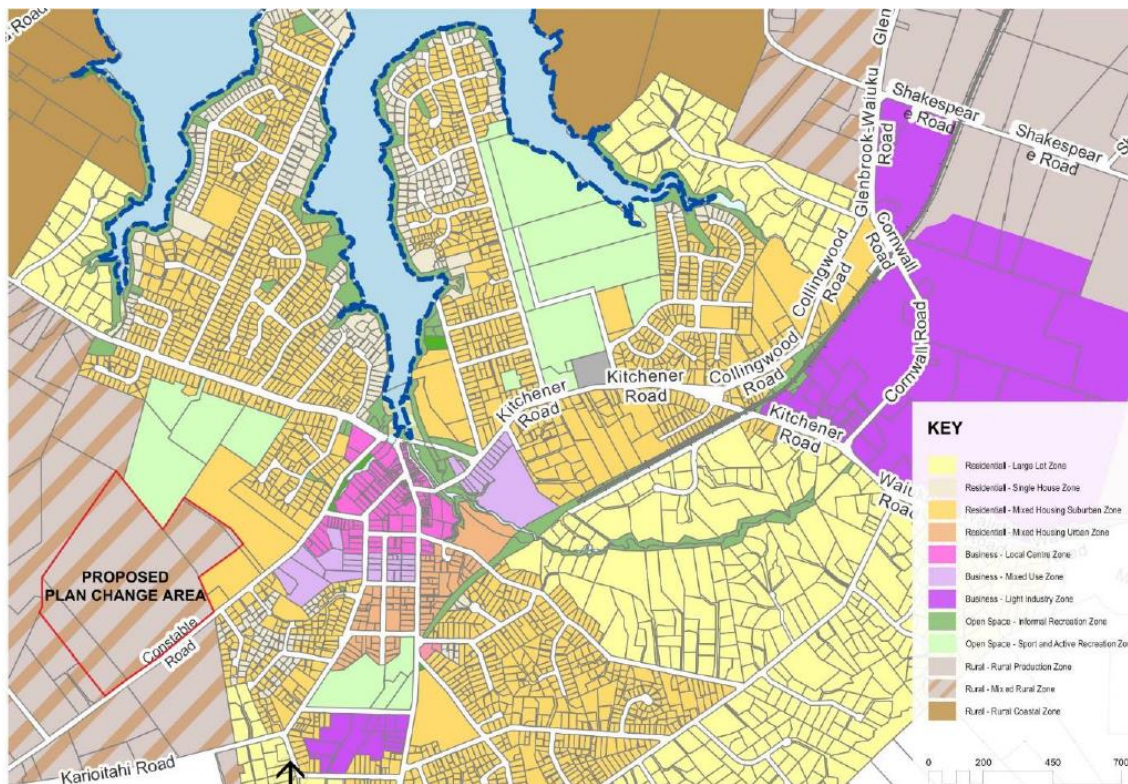


Figure 2: Site location within wider Waiuku context

4.0 Description of the PPC Land and Surrounding Environment

4.1 The PPC Site

The PPC site comprises four separate parcels of land that are owned by four different parties. All of this land is combined to form the site in respect of the plan change request. However, for clarity each of these four parcels is described below.

4.1.1 92 and 130 Constable Road

These two sites have a combined area of 28.95 hectares and are located on the northern side of Constable Road, just to the west of 45 Constable Road and south of the Waiuku rugby grounds (refer **Figure 3**). The sites are in a pastoral state being used for dry stock grazing, with one dwelling located on each of 92 and 130 Constable Road alongside some ancillary agricultural buildings. The sites are largely devoid of any vegetation and the topography is relatively flat with some undulations and some steeper portions adjacent to the Constable Road frontage.

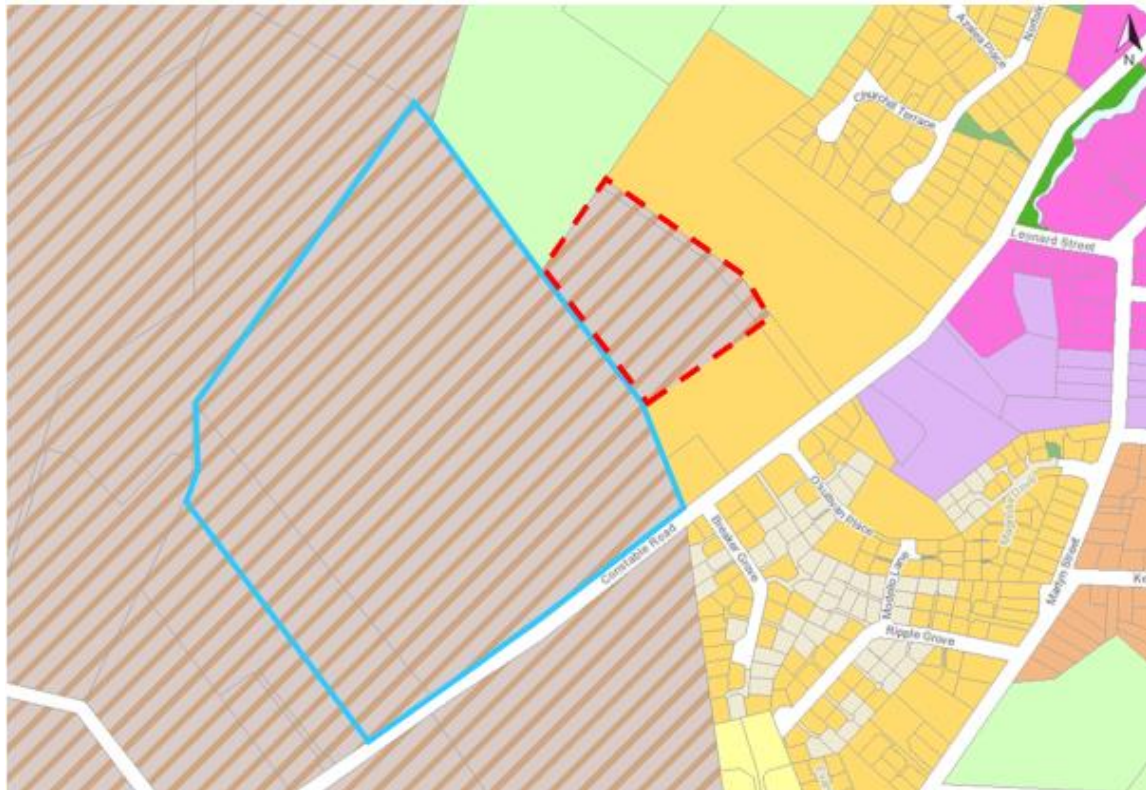


Figure 3: 92 and 130 Constable Road, Waiuku (site identified in blue with adjacent plan change sites identified by red dashed line)

4.1.2 Part of 45 Constable Road

The rezoning request relates to part of 45 Constable Road (refer **Figure 4** below), which is located to the north-east of 92 Constable Road. This site has a split zoning, being part Mixed Housing Suburban Zone and part Mixed Rural Zone. The site is currently used for grazing, although the front residentially zoned portion of the land is currently being re-developed for residential subdivision.

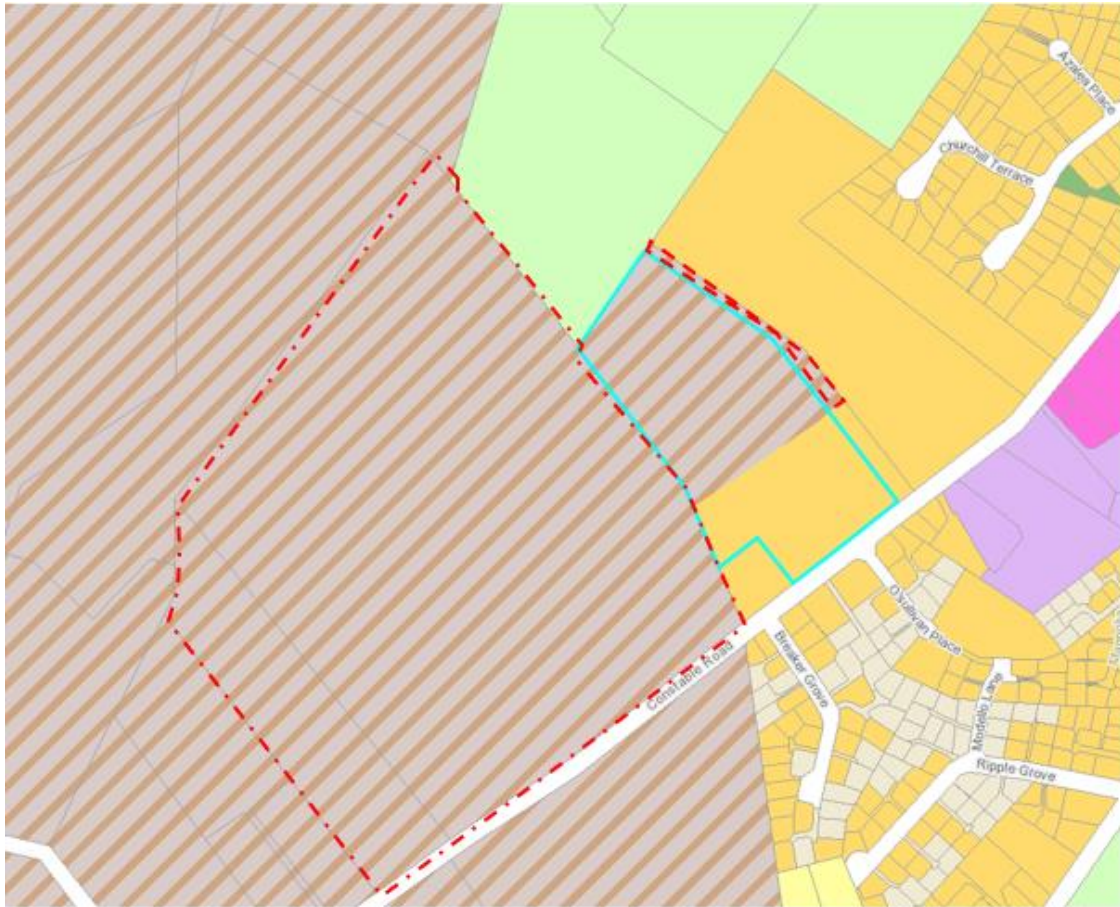


Figure 4: Location and extent of Mixed Rural zoning on 45 Constable Road (site boundary in blue with adjacent plan change sites identified in dotted red lines)

The front part of this site has been granted consent (Council reference SUB60237908-A and LUC60271724-A) for bulk earthworks and for a vacant lot subdivision across two stages. The subdivision will provide for 48 new dwellings, with the approved scheme plan included in **Figure 5** below and attached at **Appendix B**.

The subdivision creates two lots that are separated along the split zoning boundary. The lots are identified as Lot 101 and Lot 102. The site that relates to the proposed plan change is limited to Lot 101, with Lot 102 consented to be subdivided into 48 residential lots with road and infrastructure to vest across two stages.

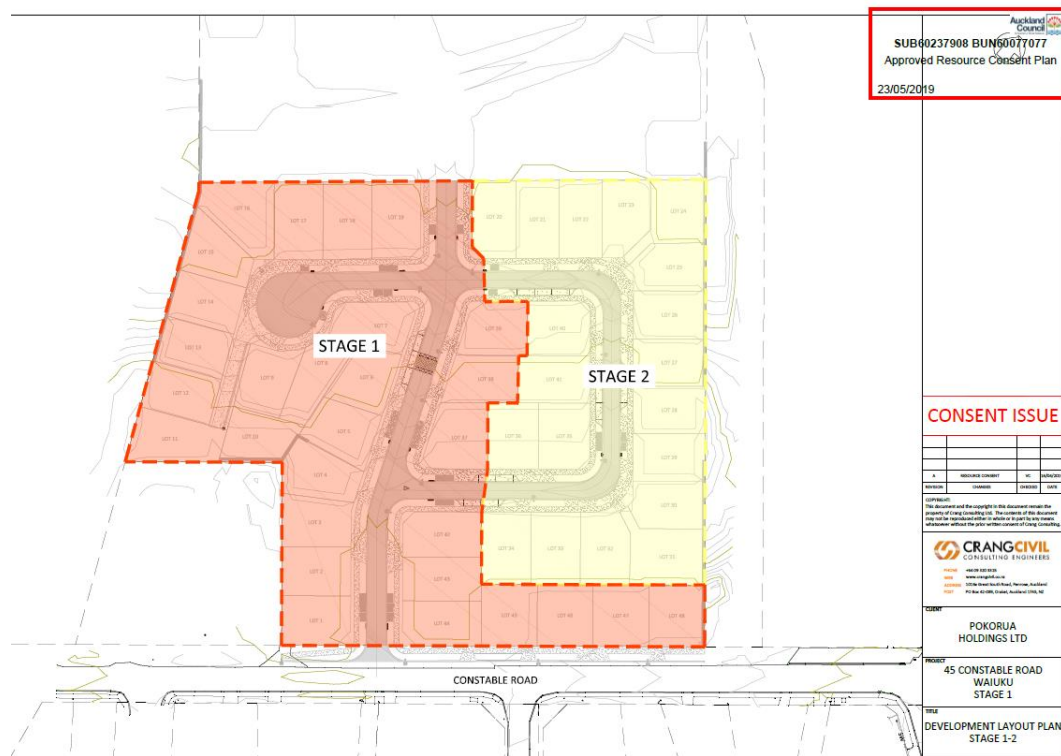


Figure 5: Approved subdivision at 45 Constable Road, Waiuku (refer Appendix B)

These consents are currently being given effect to on site with all bulk earthworks completed and the civil works underway. The consent provided for bulk earthworks to be undertaken on the Mixed Rural zoned portion of the site to allow for a cut to fill earthworks balance to be achieved across the full site (refer Figure 6 below). These earthworks have prepared Lot 101 for future development if the land is rezoned as proposed under the PPC, with service connections also provided to the lot boundary.

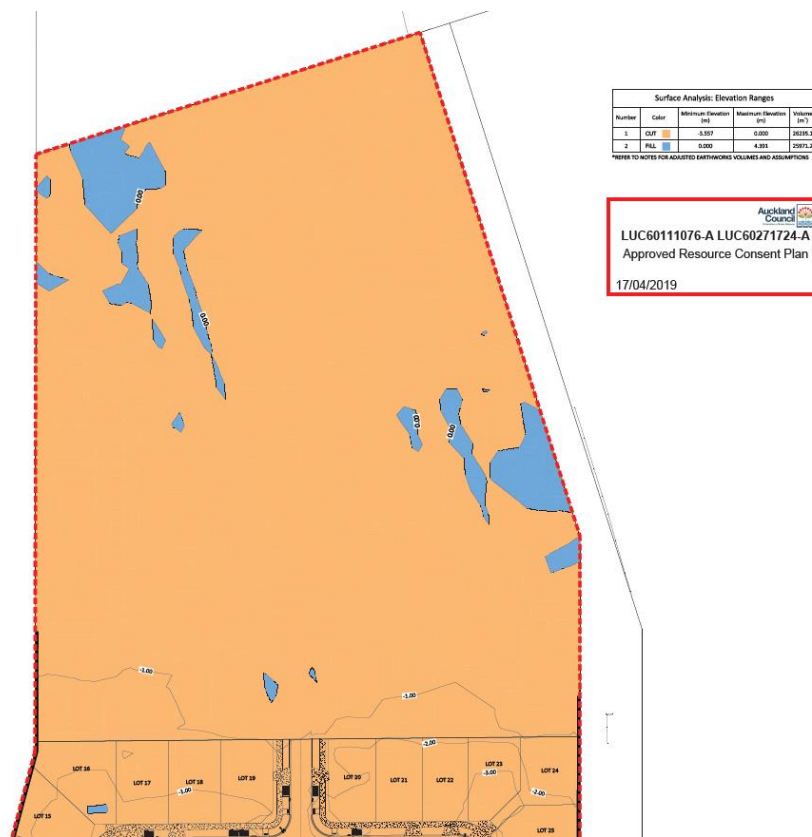


Figure 6: Cut and fill plan for Mixed Rural zoned portion of 45A Constable Road (orange is cut and blue is fill) (refer Appendix B)

4.1.3 Part of 43 Constable Road

This relates to a small slither of the Waiuku College School site along its south-western boundary that has been erroneously split-zoned with a portion of Mixed Rural zoning retained (refer **Figure 7** below). This strip of land is developed as part of the school but is not designated for education purposes. The PPC includes the northern end of this strip and proposes to rezone it from Mixed Rural zone to Mixed Housing Urban zone. The inclusion of this land is purely for reasons of consistency with the proposed zoning to the south-west – otherwise there would be an anomalous strip of Mixed Rural zone surrounded by residential zoning. The designation extent remains unchanged, this being a matter for the Minister of Education to attend to as the relevant Requiring Authority.

Waiuku College has provided a letter in support of the proposed zoning, and this is included in **Appendix C**.

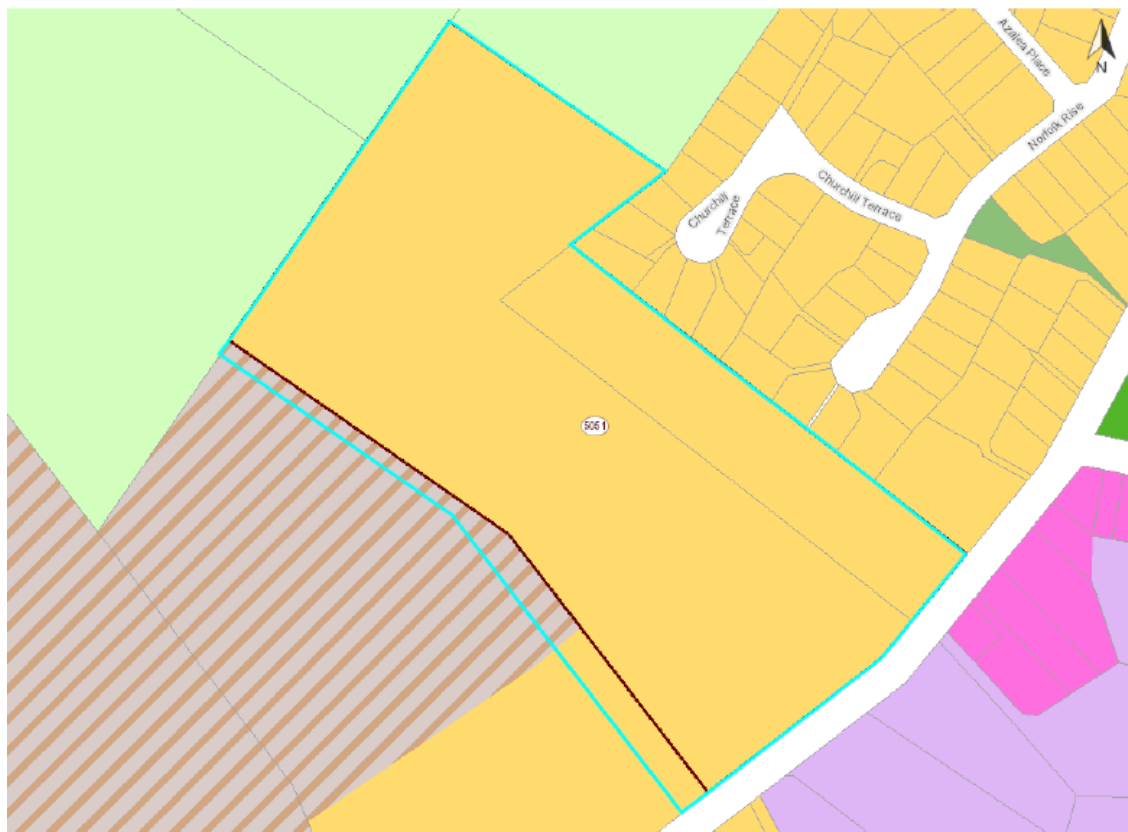


Figure 7: 43 Constable Road (Waiuku College) with site boundary in blue and designation boundary in brown

Records of Title for all the sites comprised in the PPC land are attached at **Appendix D**. There are no relevant interests on the titles that are of relevance to consideration of the PPC.

4.2 Surrounding Environment

The PPC land is located on the western edge of Waiuku, a medium sized rural township located at the southern edge of the Manukau Harbour and at the base of the Awhitu Peninsula. The township has a residential population of 8,319¹ people with a catchment size of approximately 20,000 people.² The urban edge of the town is defined by either the harbour edge, large lot residential or rural zoning.

Waiuku is effectively self-contained with a range of services and assets located within the town. The location of the site in respect to this existing social infrastructure is

¹ Page 84 of the Waiuku Planning Scoping Study, prepared by Auckland Council, May 2020

² Page 6, Urban Design Report, prepared by Common Ground

included in **Figure 8** below. The PPC land is located 800m from the existing town centre and is well located in respect of the existing social infrastructure of the town. The extent of local services and facilities highlights the self-contained nature of Waiuku with the majority of essential services already included within the existing town boundaries.

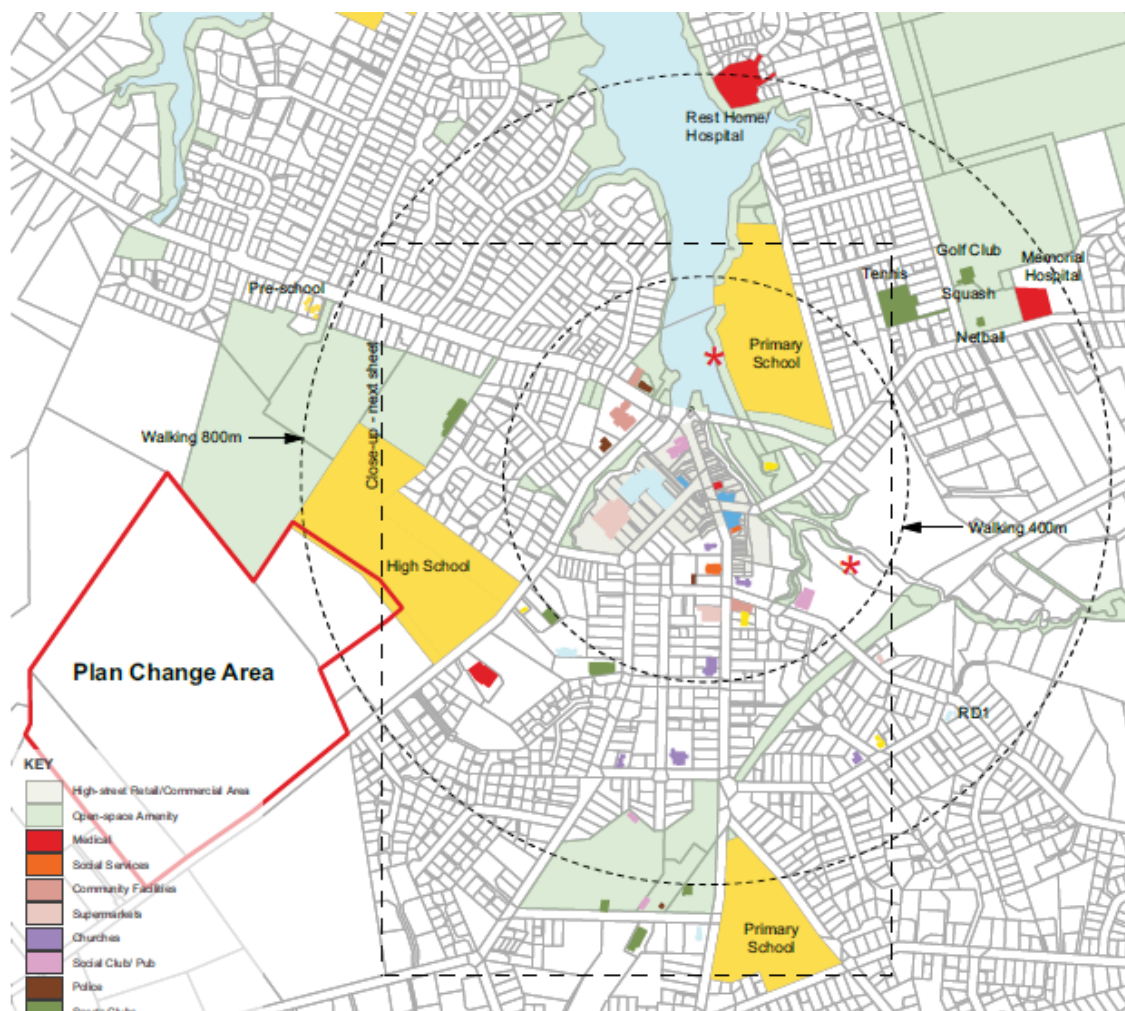


Figure 8: Location of PPC land relative to existing Waiuku social infrastructure

4.3 Zoning and Overlays

The PPC land is currently zoned Rural – Mixed Rural Zone and adjoins the western urban edge of Waiuku. Existing AUP zoning of the land and surrounding area is illustrated in **Figure 9**.

There are a couple of zoning patterns around Waiuku that are noteworthy. The periphery of the town is dominated by the Large Lot zone, with the exception being to the south-western side of the town where the PPC land is situated. The Large Lot zone

is residential in nature, but features fragmented land ownership not well-suited to further intensification with lifestyle blocks and lot sizes ranging upwards of around 4,000m².

There are four main employment or commercial areas in Waiuku, being the town centre (Local Centre zone) with adjacent Mixed Use zoned land, the Belgium Street light industrial area, the Mixed Use zoned area at Waiuku Business Park, and the Fernleigh light industrial area. In the wider catchment there is the Glenbrook Heavy Industry zone to the north.

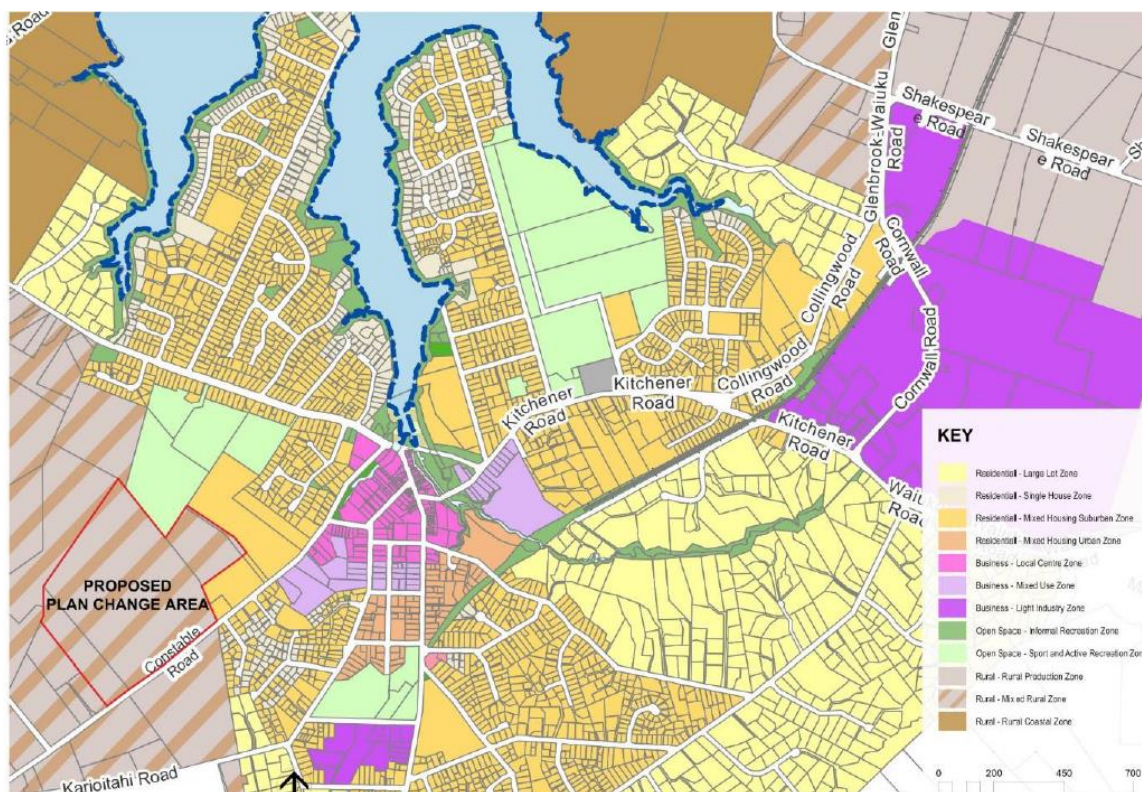


Figure 9: Existing AUP zoning of the PPC land and surrounding area

The PPC land is largely free of any AUP overlays or controls, with the sites being subject only to a Sensitive Aquifer Management Areas Overlay that does not impose any material restrictions on the use or zoning of the land.

4.4 Flooding

There are areas of flood plain and a network of overland flow paths across the existing Waiuku urban area. These are shown on Council’s GIS and reproduced in **Figure 10** below. The extent of flooding across the existing residentially zoned area impacts on

potential infill opportunities, as either land acquisition is needed to allow sufficient land to manage the flooding effects or Council-led improvements are required. The latter is unlikely in the context of Council’s post-Covid capital works budget. The flooding and overland flow path constraints impact on any housing growth anticipated within the affected parts of the town.

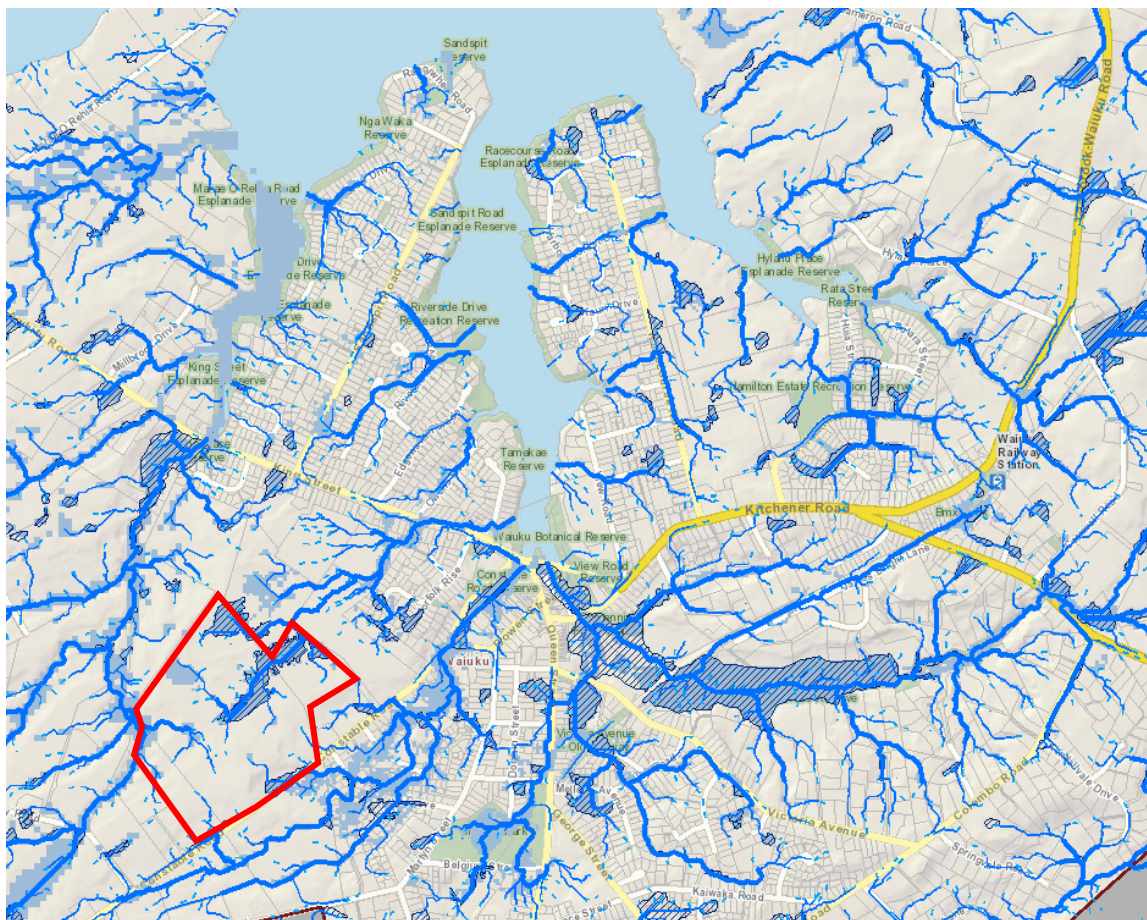


Figure 10: Flood plain and OLFP extent in Waiuku (PPC land identified in red)

5.0 Background

5.1 Site History

Pre-European Maori History

NgātiTe Ata Waiohua have a strong taha wairua³ with the Waiuku area since at least the 15th Century, with occupation and numerous pa and other sites along both the Awhitu Peninsula, Manukau Harbour and the surrounding area.⁴

The presence of the Te Pai o Kaiwaka portage was a defining characteristic that influenced both Maori and European settlement in the Waiuku area. The portage route connected the Waikato River with the Manukau Harbour via the Waiuku River and Awaroa Stream, with waka being dragged the 2km between these two waterways. The portage was a strategic transportation, trading and communication route providing a safer alternative to navigating via the Tasman Sea and Manukau Bar. The portage was only replaced once the Great South Road and North Island Main Trunk routes were constructed.⁵ This impacted on the role Waiuku played in trade and travel to and from Tamaki Makaurau.

The archaeological assessment⁶ prepared in support of the PPC documents that, during the period of the Musket Wars over 1818-1840, those iwi affiliated to Tainui (including Ngāti Te Ata) did temporarily abandon land as a result of the raids by northern iwi during this time. This coincided with European settlers arriving and occupying parts of the area. Ngāti Te Ata returned from 1835 and some land was strategically sold by the iwi to the Church Missionary Society to the north of Waiuku to give protection from future raids.

From 1851 the Crown used land retained following investigations of ‘old land claims’ to sell allotments around Waiuku rather than return the land to Ngāti Te Ata. One of the first settlers to purchase land was Edward Constable, who then built the Kentish Hotel and became the local identity after which the present-day Constable Road is named.

³ Meaning ‘sense of meaning, connection and purpose’ and ‘spiritual dimension’, page 16, Cultural Values Assessment, prepared by Ngāti Te Ata Waiohua and dated October 2021 (**Appendix E**)

⁴ Page 5, archaeological assessment, prepared by CFG Heritage and dated 14 January 2021 (refer **Appendix F**)

⁵ Page 5, CFG Heritage archaeological assessment

⁶ Page 5, CFG Heritage archaeological assessment

Historic European Settlement

The PPC land originally formed part of a large 514 acre lot that encompassed the northern area of present day Waiuku, with its southern edge defined by Constable Road. The CFG Heritage archaeology assessment identifies that this *“allotment appeared to first be designed as a native settlement named Queenstown and was granted to Chief Ahipene Kaihau and Hora Tauroa in 1871. Prior to this it is likely that it was part of an 8000 acre lease that Edward Constable had around Waiuku, as a conveyance over the lots appears prior to the land grant”*.⁷

Over the next 20-30 years, Edward Constable sold and leased off portions of the land. A portion of the site was sold to George O’Hara in 1920 after he was awarded a government loan as part of the Discharged Soldiers Settlement Act. This included the farm at 92 Constable Road where a villa was built. The land was passed down to Bill O’Hara in 1944 who farmed it with his wife Joyce O’Hara (nee Hudson) until 2002. It continued to be leased until Joyce O’Hara passed away in 2011. The O’Hara Family were heavily involved in the community and gave generously to community organisations, including gifting the land for the rugby and sports grounds (at 34 King Street) to the former Franklin District Council.

5.2 Earlier Franklin District Council Work

There has been extensive strategic planning work looking at the growth of Waiuku over the past 20 years, undertaken by the former Franklin District Council. This was undertaken through a number of planning initiatives that include the Franklin District Plan (2000), Project Waiuku – Concept Plan (2003), and the Franklin District Growth Strategy (2007). The Auckland Council reviewed these documents as part of the recent Waiuku – Planning Scoping Study (refer **Appendix G**). These are considered in turn below.

5.2.1 Franklin District Plan 2000

The extent of existing urban zoning in Waiuku is identical to that identified in the Franklin District Plan in 2000 (see **Figure 11** below), with residential zoning shown in grey, large lot zoning in pink, and industrial/ commercial zones shown in purple or red. The only difference in the urban area since 2000 is the additional industrial zoning in the Fernleigh area, which was achieved via a later plan change process. This means that

⁷ Page 7, CFG Heritage archaeological assessment

there has been no change in the extent of residential zoning, with just some additional residential density/bulk enabled through the application of new AUP zones across the town.

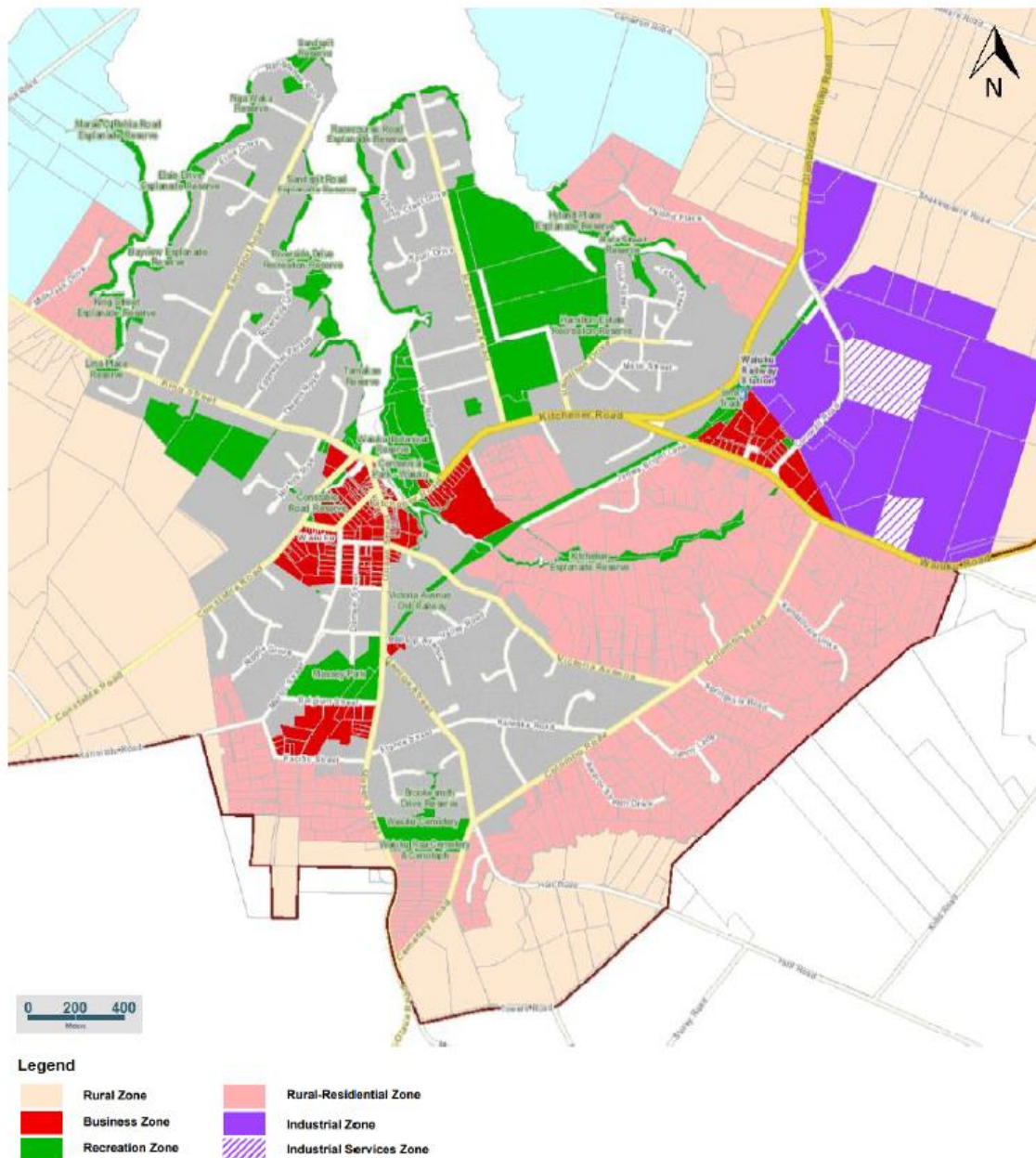


Figure 11: Franklin District Plan Zoning in Waiuku

5.2.2 Project Waiuku Concept Plan 2003

The Franklin District Council released a concept plan for Waiuku in 2003. This was known as ‘Project Waiuku’. It included a development framework and attempted to

address growth in the town over the following 30 years. A concept plan was produced which is included in **Figure 12** below. The recent Auckland Council Scoping Report for Waiuku discussed this concept and identified that:

*“Project Waiuku noted that a substantial amount of growth could occur within the existing zoning of the town. It also supported potential rezoning of some greenfields land to the west and south of the town “to provide greater choice and opportunity”. This area is centred on Constable Road with approximately 9ha which could become residential zoned, 27ha ‘deferred residential’ and 143ha of rural residential. The study also supported potential rezoning of around 12ha of greenfields land by the Franklin District Council or the land owners to become business/industrial and ‘deferred business’ zoned land, to the north east of the town in the Fernleigh area”.*⁸

The PPC land includes areas identified in the Project Waiuku concept plan as additional residential, deferred residential and rural residential zone land. These areas are identified in Figure 12.

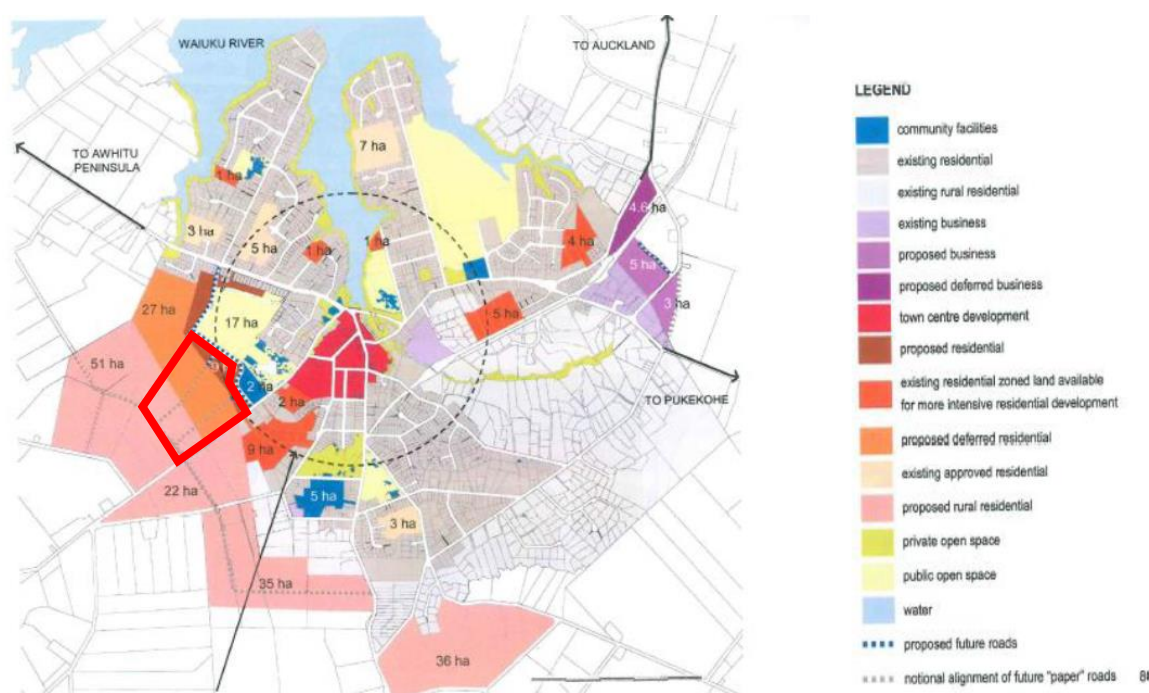


Figure 12: Project Waiuku Concept Plan 2003 (note: PPC area identified by red outline)

5.2.3 Franklin District Growth Strategy 2007

The Franklin District Council produced the Franklin District Growth Strategy 2007 (‘FDGS’) as a response to the Auckland Regional Council’s Proposed Change 6 to the

⁸ Page 132, Waiuku – Planning Scoping Study, Auckland Council, 5 May 2020

Auckland Regional Policy Statement. It was seen as a strategic preceding document that would inform a plan change to the FDP, and included a land use strategy for Waiuku (refer **Figure 13**).

The FDGS undertook population growth projections for the town, which calculated that by 2051 Waiuku would have reached 13,100 people. Currently the population of the town is 9,640 people.⁹

It found that, even with the low population density of 5.1 dwellings per hectare and with infill intensification, there would still not be sufficient land to meet the projected population growth within the existing current urban zoning of the town.

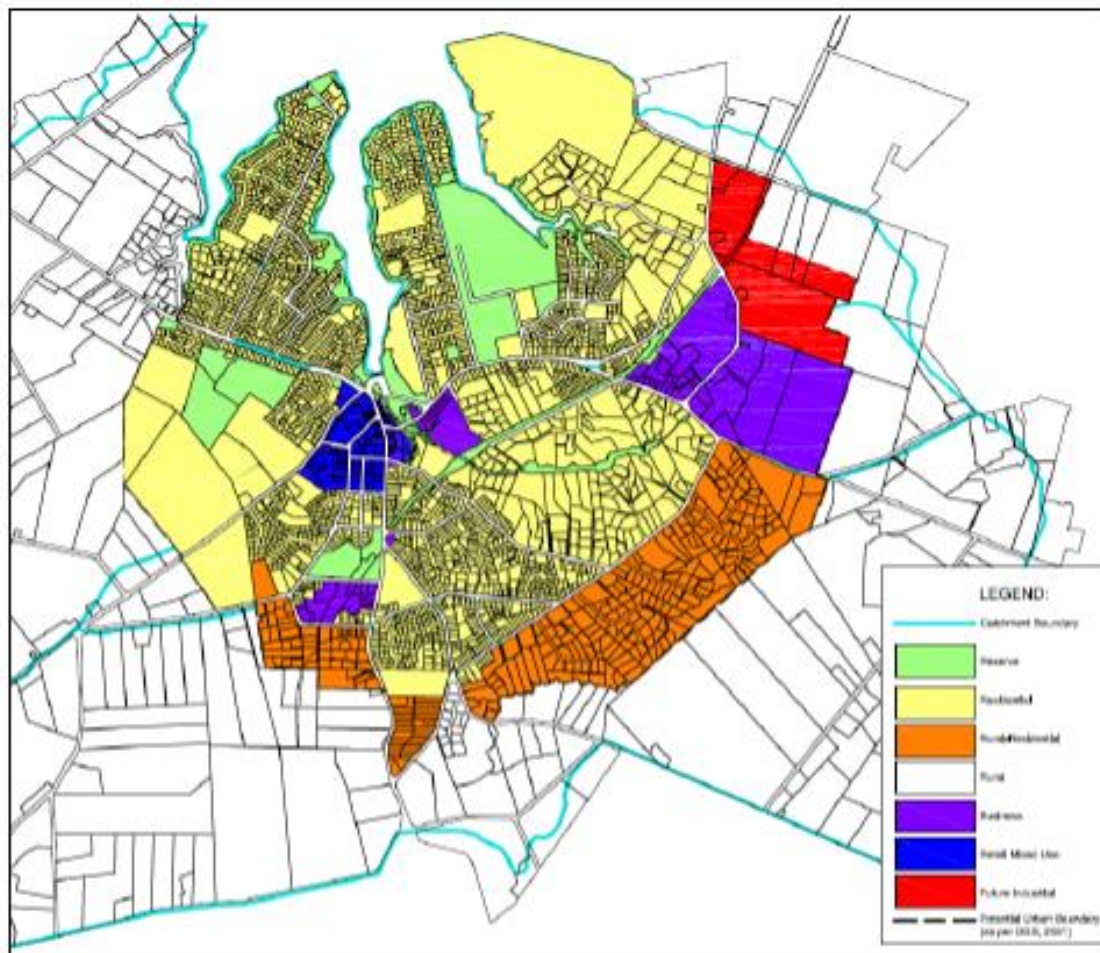


Figure 13: Franklin District Growth Strategy – Waiuku map

⁹ Economic Cost-Benefit Analysis report, Urban Economics, March 2022 (refer Appendix P)

A memorandum of understanding was entered into between Franklin District Council and Matoaka Holdings to develop a draft structure plan for a new residential and recreational area beside Waiuku College. This was to allow for 57ha of new residentially zoned land. The intention was that this structure plan partnership would then lead to a formal plan change to the FDP.

5.3 Integrated Catchment Management Plan 2010

An Integrated Catchment Management Plan (**‘ICMP’**) was prepared for FDC in 2010 by Fraser Thomas Limited, covering the area of the Waiuku Catchment. This ICMP was prepared to support a Network Discharge Consent application for the Waiuku catchment to the then Auckland Regional Council. The ICMP identifies that:

*“Future growth for Waiuku was based on existing and future land use data supplied by FDC, covering the period 2006 to 2051 inclusive. This data incorporates District Plan, PC23 and DGS projections, which provide for Waiuku growing from its 2004 population of 7,433 to 9,761 people by 2021, increasing to 13,131 people by 2050 within a specified “growth area” of 907ha (DGS, 2007) centred on and around the Waiuku township. This growth area is significantly less than the extent of the entire WICMP catchment. Areas outside the growth area are currently zoned rural and are assumed to remain so from now until 2051”.*¹⁰

5.4 IHP AUP Process

The background to the Independent Hearing Panel (**‘IHP’**) and AUP approach to the Rural Urban Boundary around serviced rural towns is important, in terms of Council evidence on the matter and the recommendations of the IHP to Council.

5.4.1 IHP Process for Urban Growth and Topic 13

The IHP topic 13 (Urban Growth) dealt with sections B2.1, B2.3, B2.5 and Appendix 1.1 of the RPS. The IHP recommendation report to Council in July 2016 on this topic explains that:

“The growth of rural towns and villages posed a challenge to the quality compact urban strategy by enabling growth outside the Rural Urban Boundary. At the outset of the hearings the Council was proposing that further work would need to be done to identify

¹⁰ Page 22, section 2.6.2, Franklin District Council, Integrated Catchment Plan Waiuku, 2010

*locations where such a boundary should be placed beyond its primary location around the main urban areas of Auckland, Warkworth and Pukekohe”.*¹¹

Consequently, the IHP recommendation report on the urban growth topic identifies that a future structure plan process under Appendix 1 would be a better approach for managing the growth of rural towns (including Waiuku), rather than identifying a RUB around these towns. Effectively, this approach deferred the consideration of growth around rural settlements to a future separate process.

The closing legal submissions from Council on the topic identified that the strategic approach for rural towns and villages is for:

*“growth in towns and villages to be sustainable and efficient, capturing and enhancing the local character and sense of place of the town or village and the surrounding area (objective 1)”.*¹²

In terms of the approach to the RUB, the Council legal submissions made it clear that:

*“The proposed amendments to policy 4 also reflect the fact that there is no proposed RUB around serviced villages in the PAUP at present. This is known as the 4th stage RUB works and as explained in the evidence of Mr Tucker, this work is yet to be completed by the Council”.*¹³

This legal submission identifies the intention for there to be RUB extensions around serviced villages, a proposition that has been investigated for Waiuku for over 20 years. However, to our knowledge there has yet to be any publicly available 4th stage RUB planning work undertaken by Council.

The evidence of Council represented by Mr Tucker identified that:

*“it is proposed to undertake work to define a RUB in the various rural and coastal towns and serviced villages as identified in the methods to Section B2.1. This is referred to as the 4th Stage of the RUB work.”*¹⁴

¹¹ Page 14, AUP IHP Report to Auckland Council, Hearing Topic 013 Urban Growth, July 2016

¹² Section 4.16, Legal Submissions on Behalf of Auckland Council, Topic 13, 15 Dec 2015

¹³ Section 4.18, Legal Submissions on Behalf of Auckland Council, Topic 13, 15 Dec 2015

¹⁴ Section 10.7, Council Evidence of Mr Michael Tucker on behalf of Auckland Council, Topic 13, 24 Nov 2014

More detail on this stage 4 RUB approach was outlined in the evidence presented on behalf of Council by Ms Trenouth, who stated that the Stage 4 RUB work included:

*“Determining a RUB for towns and rural and coastal serviced villages outside the ‘greenfield areas of investigation”. It does not include un-serviced villages where there are no plans to establish a RUB”.*¹⁵

and:

*“Defining a RUB around towns and serviced villages ensures that growth is undertaken in a complementary manner to the existing character and physical environment of each settlement. By examining these settlements as a collective, the interrelationships between the settlements and the wider Auckland area can be taken into account”.*¹⁶

The evidence of Council represented by Ian Bayliss identified, in terms of the stage 4 RUB work, that:

*“The different approaches to the RUB and the strategic approach to growth for serviced and unserved villages is set out in the Auckland Plan, where it describes how the practicality of dealing with infrastructure (and waste water in particular) in an acceptable way is a big determinant in identifying rural and coastal villages that have potential for growth and those that are envisaged to have little or no growth”.*¹⁷

In the case of Waiuku, there is forward planning for wastewater and water infrastructure. The Council’s recent Planning Scoping Study identified that Watercare has obtained a discharge consent for the South West scheme that allows for a 16,000 increase in population allocated to Waiuku, with that scheme being operational in approximately 2026.¹⁸ This future capacity indicates that there is potential for growth within Waiuku, with these figures well beyond the new dwelling capacity within the existing AUP zonings.

5.4.2 IHP Zoning Approach

The IHP identified a number of best practice approaches for rezoning of land, and provided interim guidance on this to inform evidence during the hearing process for the AUP. Among other things, the IHP guidance identified that zone boundaries should

¹⁵ Section 6.5, Council Evidence of Chloe Trenouth on behalf of Auckland Council, Topic 13, 26 Nov 2014

¹⁶ Section 9.26, Council Evidence of Chloe Trenouth on behalf of Auckland Council, Topic 13, 26 Nov 2014

¹⁷ Section 6.11, Council Evidence of Mr Ian Bayliss on behalf of Auckland Council, Topic 13, 25 Nov 2014

¹⁸ Section 14.1, Waiuku - Planning Scoping Study, Auckland Council

follow property boundaries.¹⁹ The zoning for neither 43 or 45 Constable Road follow their respective site boundaries - rather these sites are split zoned. The PPC seeks to rectify this anomaly as part of the wider rezoning of 92-130 Constable Road.

5.4.3 Waiuku Collective PAUP Submission

Representatives of the PPC applicant formed part of the Waiuku Collective that lodged submissions on the PAUP. These submissions sought the rezoning of the sites to an urban zoning, to align with the previous work undertaken by the former Franklin District Council. These submissions were ultimately unsuccessful given that the Council had not undertaken the technical work required to confirm suitability of the land for urban purposes.

5.5 Population Growth in Waiuku

5.5.1 Auckland Plan 2012

The 2012 Auckland Plan identified and classified all rural settlements in the Auckland Region, with Waiuku classified as one of eight rural towns.²⁰ These urban settlements were identified by the Auckland Plan as being:

*“urban settlements of varying sizes with suburban zones in rural areas, widely varying local character and services that reflect lifestyle choices such as rural town life, and dormitory residential and retirement living. These eight towns are also expected to grow substantially, but as they are less independent from the main metropolitan area they are less of a focus for developing substantial employment or intensification. They will be a lower priority relative to more accessible locations, where good transport and water infrastructure and services are more affordable, and where growth will complement existing infrastructure networks and services. Subject to investigation, they are envisaged to grow to between 2,000 and 10,000 people, and will become stronger and more attractive centres”.*²¹

¹⁹ Interim Guidance, AUP IHP 31 July 2015

²⁰ Table 9.1 Rural Settlements Classifications, page 237, Auckland Plan 2012

²¹ Schedule 2, page 235, Auckland Plan 2012

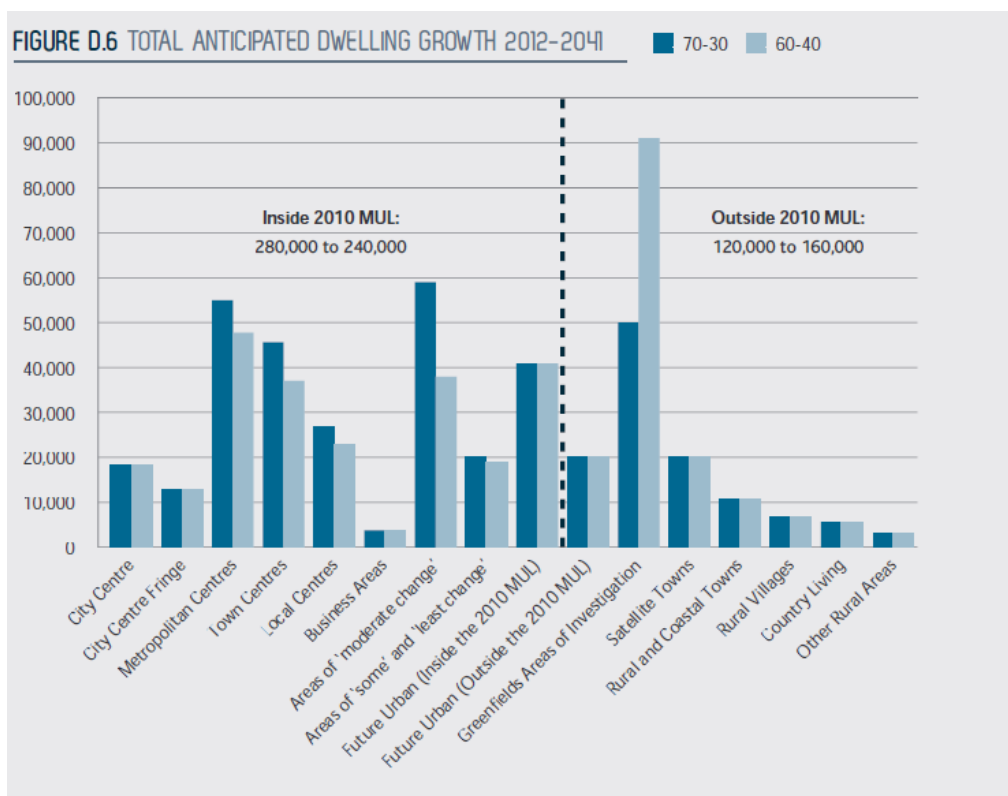


Figure 14: Total Anticipated Dwelling Growth 2012-2041 (Source: Auckland Plan 2012)

The Auckland Plan identified anticipated dwelling growth in each decade for Rural Towns, refer **Figure 14** above. This illustrates 11,000 new dwellings in rural and coastal towns over the period 2012-2041. This would equate to 450 dwellings per annum for these eight rural towns, or averaged at 1,375 dwellings for each town over the period.

The 2012 Auckland Plan stated that future planning for rural towns identified for growth needed to be undertaken (Directive 9.4). There has been limited further planning work completed that has been made publicly available.

It is important to note that housing was a key issue identified in the 2012 Auckland Plan, and that this guided the development of the PAUP. A whole chapter was included to address this “crisis”, a word not used lightly in a public document. The first Auckland Plan captured the essence of the issue in the following quote and explanation:

“604 Secure, healthy and affordable housing is fundamental to individual, family/whanau, community and economic well-being. A secure, stable home is the hub of family life and provides a foundation for building strong communities and financial security for families. An adequate supply of quality, affordable housing located near jobs or transport links, is a core requirement for society and

the economy to function, and provides a good quality of life for everyone. Poorly designed, inefficient and unaffordable housing not only affects individuals and household well-being and expenses, but is a cost to us all in its impacts on health, social spending and the environment.

605 Auckland faces a housing crisis because of:

- *A persistent under-supply of housing to meet demand*
- *A lack of housing choice*
- *Poor-quality, unhealthy and overcrowded housing*
- *Declining affordability and home ownership.”²²*

The 2012 Auckland Plan has of course been superseded by the 2018 version, but it is important to note that:

- What was a “crisis” in 2012 has regrettably become worse considering matters such as homelessness, rough sleeping, the social housing wait list, low home ownership rates, and house prices rising on average over 20% in the last year.
- The quote above properly recognises housing as a fundamental human need.
- The description of the issue rightly draws the connection between housing and social, financial, and economic welfare.

5.5.2 Extent of Large Lot Zoning

The existing urban area of Waiuku is unusual in that it is nearly surrounded by a ring of Large Lot zoned land, with the only exception being towards the PPC area (refer Figure 3 above). This zoning distribution limits the potential areas for housing growth to occur. Any proposal to rezone one of these large lot areas would require cooperation and alignment of vision, and joint financing across fragmented land ownership. Consequently, the ability for any significant up-zoning to occur is constrained and unlikely. For these reasons, a large landholding is needed in order to achieve a consistent housing supply capable of supporting the necessary housing growth required by the township.

5.6 Waiuku Planning Scoping Study – Auckland Council 2020

At the request of the Franklin Local Board, Auckland Council’s Plans and Places team prepared a Planning Scoping Study of background and current thinking around growth

²² Auckland Plan 2012, page 269

in Waiuku. This Study was presented to the Local Board in May 2020 and is included in Appendix G. This study is considered in the assessment that follows.

6.0 Private Plan Change Request

6.1 Introduction

The applicant makes this request, seeking a plan change to the Auckland Unitary Plan Operative in Part.

The plan change is referred to as ‘Proposed Plan Change [*number to be assigned by Council*] (Private): O’Hara Block, Waiuku’ (‘PPC’).

6.2 Requirements of the Act

Part 2 of Schedule 1 to the RMA sets out the procedure to be followed when making a request to change a Plan. Key elements of the process, in the context of this proposal, are noted below:

- Any person may request a change to the AUP;²³
- The request shall be in writing to the Council;²⁴
- The request shall explain the purpose of the proposed plan change and the reasons for the change;²⁵
- The request shall include an evaluation report prepared in accordance with s32 RMA;²⁶
- The request shall include a description of the environmental effects anticipated from implementation of the plan change;²⁷
- The Council can require the applicant to provide further information;²⁸
- The Council shall either adopt the request, accept the request, deal with the request as if it were an application for resource consent, or reject the request;²⁹

²³ Clause 21(1), Schedule 1, RMA

²⁴ Clause 22(1), Schedule 1, RMA

²⁵ Clause 22(1), Schedule 1, RMA

²⁶ Clause 22(1), Schedule 1, RMA

²⁷ Clause 22(2), Schedule 1, RMA

²⁸ Clause 23, Schedule 1, RMA

²⁹ Clause 25, Schedule 1, RMA

- Notification of the Plan Change will occur if the Council decides to adopt or accept the request, and any submissions will be considered by the Council at a hearing;
- The Council may decline the plan change, approve it, or approve it with modifications.³⁰

An important part of the plan change process is the s32 RMA requirement to undertake an evaluation of the costs and benefits of alternatives. The most relevant parts of s32 in terms of process are set out in clauses (1)-(3), which state as follows:

32 Requirements for preparing and publishing evaluation reports

- (1) *An evaluation report required under this Act must—*
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) *identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) *summarising the reasons for deciding on the provisions; and*
 - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) *economic growth that are anticipated to be provided or reduced; and*
 - (ii) *employment that are anticipated to be provided or reduced; and*

³⁰ Clause 29(4), Schedule 1, RMA

- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
 - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—*
 - (a) the provisions and objectives of the amending proposal; and*
 - (b) the objectives of the existing proposal to the extent that those objectives—*
 - (i) are relevant to the objectives of the amending proposal; and*
 - (ii) would remain if the amending proposal were to take effect.*

The recent Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (Enabling Housing Act) amends the RMA to require Tier 1 councils to change their plans to incorporate the Medium Density Residential Standards³¹ (**‘MDRS’**), and introduces a streamlined process for implementing these standards and the intensification policies of the NPS-UD. Auckland Council is required to notify a plan change to the AUP by 20 August 2022.³²

The RMA identifies, under clause 35 of Schedule 12, that some private plan change requests may rely on the intensification planning instrument (**‘IPI’**) being progressed by Council notwithstanding the wording under clause 25(4A) of Schedule 1. The Planning Committee determined on 3 February 2022 that it would exercise that discretion and accept the private plan change request for processing (refer minutes of the Planning Committee meeting at **Appendix H**).

Section 35 - Some private plan change requests may rely on IPI to incorporate MDRS

- (1) This clause applies to any plan change request to change a district plan—*

³¹ Part 2, Schedule 3A, RMA

³² Section 80F(1), RMA

- (a) that is made to a specified territorial authority under clause 21 of Schedule 1 before the specified territorial authority has notified its IPI in accordance with section 80F; and*
 - (b) to which clause 34 does not apply; and*
 - (c) that requests the creation of a new residential zone that proposes to adopt all the zone provisions of a relevant residential zone but does not amend the provisions in the relevant residential zone.*
- (2) *Despite clause 25(4A) of Schedule 1, a specified territorial authority may accept or adopt the request and incorporate the MDRS for the new residential zone through the IPI.*
- (3) *A specified territorial authority may decline the request under clause 25(4) of Schedule 1 or apply the rest of clause 25 of that schedule, as the case requires.*

The PPC is simple in its form, as it seeks only to change the zone of the land from one established AUP zone to another and to introduce a new site specific Waiuku 2 precinct. The change relates only to the GIS map layer of the AUP and the precinct and no changes are proposed to the existing objectives, policies, rules or other written provisions of the underlying chapters of the AUP.

While it is likely that Council will incorporate MDRS into the residential zoning of Waiuku there is still the potential that this may not occur if the Council determines that a qualifying matter applies. The ultimate decision on such a matter will be addressed through the IPI process.

In this context the ‘*proposal*’ means the nature of the change, being to re-identify the land in question from the Mixed Rural zone to Mixed Housing Urban zone. The ‘*objectives*’ of the proposal refers to its purpose, which is to enable and facilitate the use of the land for residential purposes to support the growth of Waiuku. The ‘*provisions*’ is the re-identification of the land from the Mixed Rural zone to Mixed Housing Urban zone.

Based on this explanation of the PPC proposal and its objectives, s32 requires the following assessment:

- Whether the use of the land for residential growth is the most appropriate way to achieve the purpose of the RMA;
- Whether the PPC is the most appropriate means to provide for residential growth in Waiuku, considering other possible options and questions of efficiency and effectiveness;
- Evaluation of the costs and benefits of the effects anticipated from the implementation of the PPC, including loss of rural land and opportunities for economic benefits and employment, improved housing affordability, and a broader range of housing typologies;
- Quantification of benefits and costs if practicable; and
- Assessment of the risks associated with proceeding or not proceeding with the PPC.

The s32 evaluation relating to the PPC is contained in section 7.0 of this report.

6.3 Nature and Purpose of the PPC

The PPC relates to the planning maps contained in the Auckland Council’s GIS viewer and the introduction of a new site specific Waiuku 2 Precinct within Chapter I. There are no other changes proposed to the text of the AUP.

The proposed changes to the planning maps are as follows:

- Change the zoning of part of 43 and 45A Constable Road, and all of 92 and 130 Constable Road from Rural – Mixed Rural zone to Residential – Mixed Urban zone, as indicated in **Figure 15** and **Appendix I**;
- Create a new site specific Waiuku 2 Precinct within Chapter I (the precinct plan is illustrated in **Figure 16**), as set out in **Appendix J**. This precinct draws through recommendations from the variety of supporting assessments and the CVA to introduce a number of site specific objectives, policies, activities, and standards that reflect the particular desired outcomes for the site; and
- Any consequential amendments to the planning maps to appropriately reconcile the zoning with the boundaries of the PPC land.

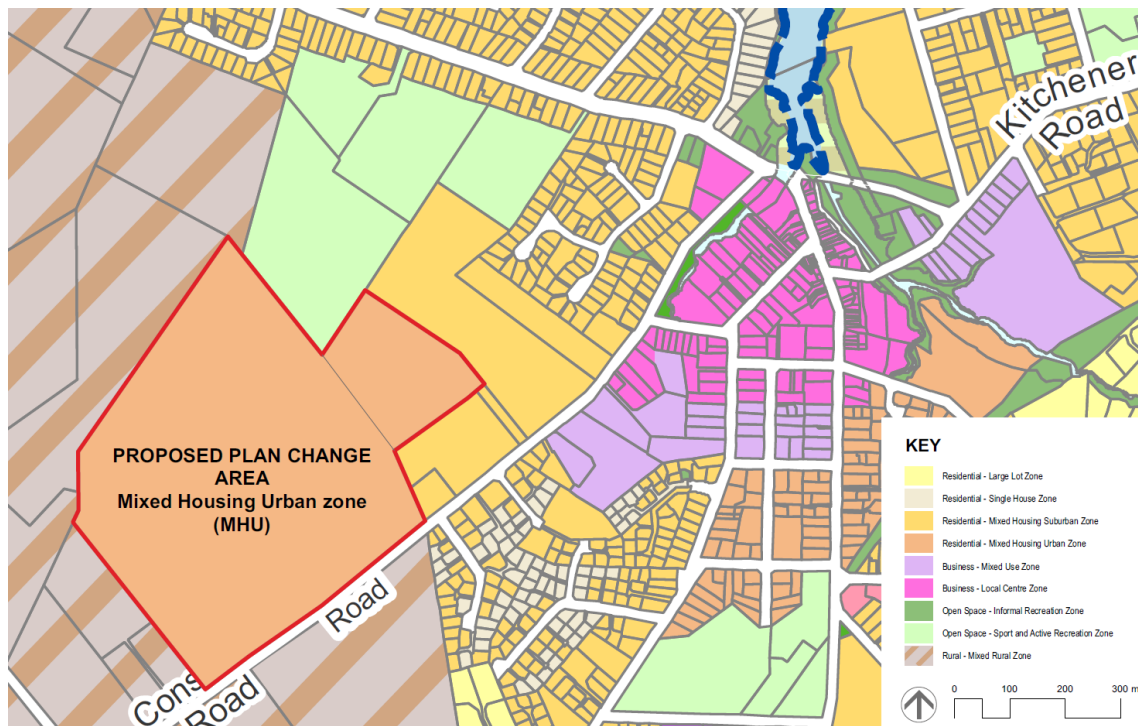


Figure 15: Proposed AUP zoning of the PPC land - Residential – Mixed Housing Urban Zone with the affected land identified in red (refer Appendix I)



Figure 16: Proposed Waiuku 2 - Preinct Plan 1 (refer Appendix I)

6.4 Staging

Some staging of development within the PPC area is likely in order to align with local infrastructure upgrading. A summary of the required upgrading and the likely related staging is included in the Engineering Report prepared by Fraser Thomas (attached at **Appendix K**). The applicant accepts that local infrastructure upgrading would be undertaken at its own cost if the work is required solely to service the PPC land and is outside the scope of the standard infrastructure growth charges (IGCs).

Some staging of development across a land parcel of this size is inevitable at the time of subdivision, to align with provision of roads and infrastructure, but also simply to arrange the project in manageable phases and control release of houses and sites to the market. Final determination of staging will be undertaken when subdivision occurs.

6.5 PPC Conclusion

Based on the evaluation contained in section 7.0 of this report, it is considered that the PPC is the most appropriate means to achieve the purpose of the RMA. It would be the best available option to enable and facilitate the use of the land to allow for residential growth in the Waiuku area.

7.0 Section 32 Evaluation

7.1 Scope and Purpose

This s32 evaluation report is prepared to fulfil the statutory requirements of s32 RMA in respect of the PPC.

The PPC seeks to amend the AUP planning maps contained within the Council’s GIS mapping layer, so that the site is re-identified from Rural – Mixed Rural zone to Residential – Mixed Urban zone. It also proposes to introduce a precinct (referred to as the ‘Waiuku 2 Precinct’) to manage the effects of future development on the PPC land. The PPC seeks to enable and facilitate residential growth in the rural town of Waiuku.

Section 32 RMA requires that before adopting any objective, policy, rule or other method, regard shall be had to the extent to which each objective is the most appropriate way to achieve the purpose of the RMA, and whether the policies and rules

or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation.

In accordance with s32(6) RMA and for the purposes of this report:

- the ‘proposal’ means the PPC;
- the ‘objectives’ means the purpose of the proposal/PPC; and
- the ‘provisions’ means the change to the zone of the land and the content of the proposed precinct that implement, or give effect to the objectives of the proposal.

The AUP uses the technique of zoning for achieving the purpose of the RMA, and contains a number of established zones to apply to land. The PPC seeks to apply one of these existing zones (Mixed Housing Urban zone). It also proposes to use bespoke precinct provisions to manage the effects of future development on the PPC land. Precincts are an established method in the AUP and are often applied to land that is being rezoned for urban purposes. This evaluation report on the PPC relates to the change of zone proposed for the land and the content of the proposed Waiuku 2 Precinct. The zoning sits within the existing policy framework of the AUP which will remain unchanged, while the precinct proposes to introduce some new objectives and policies that will apply only to the PPC land.

This s32 evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information or changes that may arise, including through submissions and during the hearing. This approach of further evaluation is anticipated under the requirements of s32AA RMA.

7.2 Development of Options

In addition to consideration of the extent to which the objectives of the PPC are the most appropriate way to achieve the purpose of the RMA, s32 requires an examination of whether the provisions in the PPC are the most appropriate way to achieve the objectives of the proposed plan change by identifying other reasonably practical options for achieving the objective. In the preparation of the PPC, the following options have been identified:

- **Option 1** – do nothing/retain the status quo
- **Option 2** – re-identify as Residential - Mixed Housing Suburban zone

- **Option 3** – re-identify as Residential - Large Lot zone
- **Option 4** – re-identify as Mixed Housing Suburban zone with a precinct
- **Option 5** – re-identify as Mixed Housing Urban zone with a precinct

7.3 Evaluation of Options

In accordance with s32(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 discussed in this section and summarised in table form in **Appendix L**. There are no realistic non-regulatory methods that could deliver the outcome sought by the PPC.

Option 1 – Adopt a ‘do nothing’ approach/retain the status quo

The ‘do nothing’ option would mean that the zoning of the land would remain unchanged, such that the parcels of land would be retained as Mixed Rural zone.

This will provide for the land that is in the applicant’s ownership to be used primarily for rural purposes, but will not enable the establishment of any significant residential redevelopment. The retention of the zoning would retain the existing two dwellings and the economic assessment identifies that the continued use of the PPC land for farming would provide for 1 FTE in terms of employment.

Option 2 – re-identify as Residential - Mixed Housing Suburban zone

This option would change the zoning of the land from Mixed Rural zone to Residential – Mixed Housing Suburban zone. This would provide for approximately 600 to 700 dwellings on the site over an anticipated period of 10 years, depending on the dwelling typologies utilised. This zoning would allow for integrated residential developments or retirement village typologies on the site.

The additional development capacity realised by this option would enable Waiuku to provide for its population growth over the short and medium term. It will assist in addressing current housing affordability issues in the town. However, there are other options that provide for a more efficient use of the land, make a more significant contribution to housing capacity in Waiuku, and align better with changes required to incorporate the MDRS. In addition, Option 2 does not include any means of managing the effects associated with future development of the PPC land, and will therefore need

to rely on existing provisions of the AUP for that purpose. Option 2 is not the preferred option for these reasons.

Option 3 – re-identify as Residential – Large Lot zone

This option would change the zoning of the land from Mixed Rural zone to Residential – Large Lot zone. This would apply the same zone to the land as has been applied to the majority of the existing Waiuku urban edge. This would provide for approximately 70 dwellings on the PPC land, but would not facilitate a retirement village or integrated residential development. This option would limit the extent of housing growth in Waiuku, meaning further up-zoning within the existing urban area will be the only option for additional dwellings if minimum RPS and NPS-UD growth capacity requirements are to be achieved.

Option 4 – re-identify as Residential – Mixed Housing Suburban zone with a Precinct

This option would change the zoning of the land from Mixed Rural zone to Residential – Mixed Housing Suburban zone, and introduce a Precinct to manage the effects of future development. As with Option 2, this option would provide for approximately 600 to 700 dwellings on the site over an anticipated period of 10 years, depending on the dwelling typologies utilised. The Precinct would provide targeted provisions for addressing effects relating to matters such as transportation, infrastructure and servicing, landscape, reverse sensitivity, ecology, housing affordability, and Mana Whenua issues.

The additional development capacity realised by this option would enable Waiuku to provide for its population growth over the short and medium term. It will assist in addressing current housing affordability issues in the town. The Precinct would provide more effective and focused provisions for managing adverse environmental effects, and address the potential for certain desirable outcomes to be unachievable under the existing AUP provisions.

However, Option 4 would not provide for the most efficient use of the land and is poorly aligned with the MDRS that are likely to be applied to Waiuku (Including the PPC land) in the relatively near future. For these reasons, Option 4 is not the preferred option.

Option 5 – re-identify as Residential – Mixed Housing Urban zone with a Precinct

This option would change the zoning of the land from Mixed Rural zone to Residential – Mixed Housing Urban zone, and introduce a Precinct to manage the effects of future

development. Option 5 is similar to Option 4 in that it includes the advantages of a precinct. However, Option 5 provides for additional development capacity due to the more intensive residential zoning. It is estimated that the PPC land could yield around 910 dwellings, planned capacity, under the Option 5 scenario, an increase of approximately 30% above Option 2 or Option 4.

Moreover, Option 5 is the option that most closely aligns with the form of development that is anticipated under the MDRS. This would enable a smooth transition to the new development standards in the likely event that they are applied to Waiuku, and avoid any issues relating to scope if the PPC is modified to include the MDRS as it navigates through the statutory Schedule 1 RMA process.

Option 5 is the preferred option for these reasons and forms the basis of the PPC.

7.4 Risk of Acting or Not Acting

Section 32(2)(c) RMA requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is considered that there is sufficient information about the proposed rezoning to MHU zone with a precinct to proceed with the PPC. The change from Mixed Rural zone to MHU zone, and the introduction of a new precinct, is neither unclear or uncertain. This s32 evaluation will continue to be refined in relation to any new information that may arise following notification, including during hearings.

7.5 Evaluation of the Alternatives and Reasons for the Preferred Option

If it is accepted that Waiuku should be able to grow at a rate consistent with natural population increase, the question arises as to how that should be managed.

Significant intensification through ‘up-zoning’ to the highest density residential zone (the Terrace Housing and Apartment Buildings zone) is not considered to be appropriate for a rural town with an established low-density character.

If high density intensification and going *up* is not favoured, then going *out* in a compact manner (medium density) is the only option remaining. Logical peripheral growth options for the town are limited by the Manukau Harbour to the north and the band of Large Lot zoned development to the south and east. Provision for residential infill of the Large Lot zoned land will not accommodate anticipated growth in an effective manner due to the high capital investment in those properties, the multiple ownership, and the

extent of land fragmentation that has occurred. That land is also subject to significant natural hazards in the form of overland flow paths and areas of 1% AEP flood plain (refer **Figure 17** below).

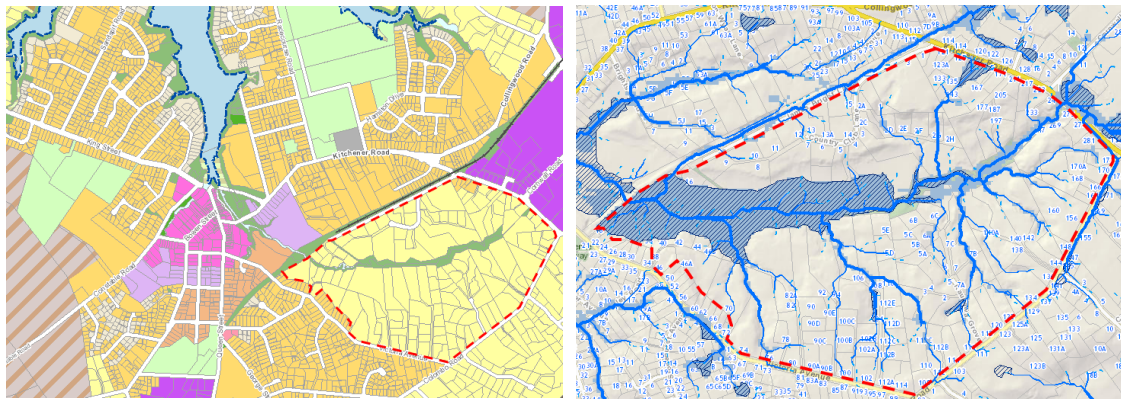


Figure 17: Large Lot zoned land east of the town (left) and flood plains and overland flow paths (right)

Further to the east, beyond the Large Lot zone, are rural areas. While growth into these areas would be possible, its location is some distance from the town centre and would mean that this land would be in the incongruous situation of being separated from the centre by less intensive residential development (the Large Lot zone). It is also apparent, from a review of the available aerial photography, that the land in this specific location is valuable for cropping and horticulture given the prevalence of ploughed fields. That contrasts from the land to the west of the town, which is predominantly grazed (refer **Figure 18**).



Figure 18: Aerial photograph of Waiuku showing relative prevalence of cropping and horticulture to the east of the town (source: Auckland Council GIS – image capture 2017)

Land to the south of Waiuku falls within the Waikato District. Although the physical characteristics of the land may be suitable for urbanisation, there are some clear administrative and governance obstacles that would work against this option. For example, services and infrastructure for the Waikato part of an expanded Waiuku would need to be provided from the Auckland side and would realistically necessitate utilising the Auckland wastewater plant. That would require a level of cooperation and recompense between the two adjacent territorial authorities that may be particularly challenging from an administrative and governance perspective. For these reasons, it is considered that expansion to the south of Waiuku is not a realistic option.

The extent of growth close to the territorial boundary is similar to the previous Franklin Growth Strategy work, which proposed that growth would occur on the south-west flank of Waiuku, and has been discussed for nearly 20 years. The urbanisation of the site does not rely on any supporting infrastructure from the Waikato District with all servicing occurring from the Auckland side.

The above factors mean that urban expansion to the west of the town is the only feasible option. The Constable Road land is ideal for residential use given its proximity to the town centre, schools and services, and due to its relatively flat contour. The proximity of the site to the town centre is evident from **Figure 19** below, which superimposes the 400m and 800m walkable catchments.

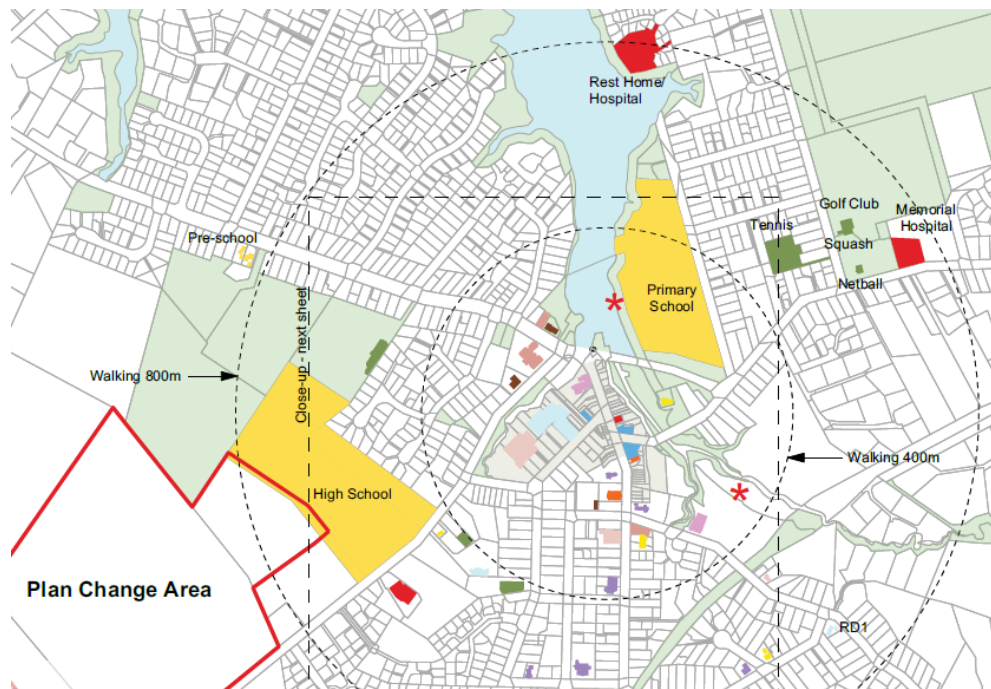


Figure 19: Proximity of PPC area to town centre, illustrating dashed 400m and 800m walkable catchments

The only obvious factor that militates against urban use of the land is its identification generally within an area of soils that have value for rural production. However, there are no elite soils within the PPC land and the majority (53.7%) of the PPC land is comprised of soils that are not prime. In addition, the productive potential of the land is likely to be limited to grazing and some seasonal cropping. There is no “elite” soil on the property, which is LUC Class 1 under the AUP definition. The PPC land is not very extensive in area, and it is not sufficiently important (based on the technical evidence) for primary production in South Auckland that its use, for urban development, would have more than minor consequences for sustaining primary production.

Moreover, when the possible growth options for Waiuku are considered in the round, the proximity and other advantages of the site comfortably outweigh any loss of productive soils, and there are no other locations for growth that are comparable in terms of overall merit.

7.6 Overall Conclusions of s32 Evaluation

The evaluation of options undertaken in this report demonstrates that the preferred option for meeting the objectives of the PPC is a plan change to the AUP to rezone the

site to Mixed Housing Urban zone with a precinct. This zone is appropriate given the implications of the Government’s recently enacted Enabling Housing Act and its MDRS. In accordance with section 32(1)(a), the objectives of the proposal are considered to be the most appropriate way to achieve the purpose of the RMA.

The Mixed Housing Urban zone with a precinct is the most efficient and effective means of achieving the objectives of the proposal.

8.0 Resource Management Framework

8.1 Part 2 of the RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources, as defined in section 5(2) of the Act. Part 2 matters relevant to the PPC include:

- enabling people and communities to provide for their social, economic, and cultural well-being (s5(2));
- safeguarding the life-supporting capacity of air, water, soil, and ecosystems (s5(2)(b));
- avoiding, remedying, or mitigating any adverse effects of activities on the environment (s5(2)(c));
- the efficient use and development of natural and physical resources (s7(b)); and
- the maintenance and enhancement of amenity values (s7(c)).

The PPC is considered to be aligned with Part 2 of the RMA as it seeks to provide for the social and economic well-being of the community in a way that mitigates adverse effects, maintains amenity values, and uses land efficiently.

8.2 Other Relevant Sections of the RMA

Section 31(1)(a) of the RMA states that a function of the Council 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*”. It is considered that the PPC assists the Council to carry out its functions as set out in section 31.

Section 31(1)(aa) is of particular relevance to the PPC in that it states that a function of territorial authorities is also:

*“the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district”.*³³

This amendment to the functions of territorial authorities was introduced primarily to improve housing affordability.³⁴

The PPC assists in fulfilling this function as it provides for significant additional residential land to meet the needs of Waiuku, which currently does not have sufficient residential development capacity by any recognised measure.³⁵ It is not sufficient to provide that development capacity elsewhere across the region. A more nuanced approach is required for the rural towns, as it is self-evident that land required to provide for the growth of Waiuku must be located in Waiuku.

Section 75(3) of the RMA sets out the matters to be given effect to by a district plan:

- any national policy statement;
- any New Zealand coastal policy statement;
- a national planning standard; and
- any regional policy statement.

It is proposed that the PPC would have legal effect only once a decision on submissions is made, as is the default position under section 86B(1).

8.3 National Policy Statements

National policy statements (**‘NPS’**) are instruments issued under section 52(2) of the RMA and state objectives and policies for matters of national significance. There are currently five national policy statements in place. The policy statements relevant to the PPC are identified and discussed below:

³³ Section 31(1)(aa) was inserted into the RMA in 2017

³⁴ Ministry for the Environment, Resource Legislation Amendments 2017 – Fact Sheet 2 Revised functions for Resource Management Act 1991 decision-makers

³⁵ Such as the RPS and the NPS-UD

- National Policy Statement on Urban Development 2020
- National Policy Statement for Freshwater Management 2020

It is also understood that the Government is proposing a National Policy Statement for Highly Productive Land to improve the way highly productive land is managed under the RMA. That proposed NPS is in the consultation and development phase, and has advanced to the point of submissions being received on a draft document. Work on the proposed NPS has been delayed as Government resources were diverted to respond to the COVID-19 pandemic and the ongoing recovery.

At this stage, it is thought that the proposed NPS may come into effect in the first half of 2022. However, the content of the proposed NPS has not been finalised and it does not have any legal effect. As such, no regard has been given to the proposed NPS in developing the PPC although it is noted that the issue of productive soils is comprehensively addressed in the objectives and policies of the AUP and RPS (and is discussed in detail elsewhere in this assessment of the PPC).

8.3.1 National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 (**‘NPS-UD’**) seeks to ensure that New Zealand’s towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It 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. The NPS-UD is also intended to improve the responsiveness and competitiveness of land and development markets.

In particular, it requires Tier 1, 2 and 3 local authorities (Auckland is recognised as a ‘Tier 1’ authority) to provide sufficient development capacity within urban environments, so more homes can be built in response to demand. The NPS-UD provides direction to ensure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.

The NPS-UD replaces the National Policy Statement on Urban Development Capacity 2016 (**‘NPS-UDC’**), but maintains and builds on some of its policies. Several policies are more directive than those in the NPS-UDC, particularly in New Zealand’s largest and fastest growing urban environments such as Auckland.

It is noted that the implementation of the NPS-UD in relation to private plan changes has been the subject of a recent decision of the Environment Court.³⁶ The Court held in that instance that *“it is not required to and will not be giving effect in this case to Objectives and Policies in the NPS-UD that are not requiring “planning decisions” at this time.”*³⁷

The nature of the Court’s finding is such that it represents the current law on this issue and would reasonably be extended to apply to all private plan changes. Its effect is that only those NPS-UD objectives and policies that refer to ‘*planning decisions*’ are applicable at this time to the Council’s consideration of the PPC. That means that regard can only be had in respect of objectives 2, 5 and 7, and policies 1 and 6.

It is understood that the Government was concerned that private plan changes would be excluded from the scope of “planning decisions” in the manner interpreted by the Court in the Eden Epsom case. Therefore the Enabling Housing Act has granted power to the Minister for the Environment to amend the NPS-UD to amend or replace its definition of planning decisions.

77S Amendment of NPS-UD

“(2) The Minister for the Environment, after consulting the Minister of Housing, may amend the NPS-UD to make any changes that the Minister for the Environment is satisfied are required as a result of the enactment of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 to—

“(a) remove an inconsistency or a potential inconsistency between the NPS-UD and that Act; or

“(b) amend or replace the definition of planning decision in the NPS-UD; or

“(c) otherwise clarify the interrelationship between the NPS-UD and that Act.

It is understood that amendments, which have a faster process than usual, have not yet been actioned, so the current assessment has been undertaken according to the legal position based on the Eden Epsom case. However, a broader assessment of the PPC against the objectives and policies of the NPS-UD may be undertaken at a future time.

The PPC accords with many of the objectives and policies of the NPS-UD, as it seeks to provide for residential growth in a location that is identified as suitable for additional intensification based on the analysis undertaken as part of this plan change. Applicable

³⁶ *Eden-Epsom Residential Protection Society Incorporated v Auckland Council*, 2021 NZEnvC 082

³⁷ *Ibid*, at paragraph 29

objectives and policies that support, or are particularly relevant to, the PPC are noted below:

Objective 2: *Planning decisions improve housing affordability by supporting competitive land and development markets.*

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect**
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

Overall, the PPC is consistent with the NPS-UD and gives effect to its aspirations and directive policies as follows:

- The PPC will enable the development of a significant number of new dwellings in Waiuku, in a way that will contribute to increasing the capacity of developable land to meet the demand for housing generated by a growing population in the medium to longer term.
- The increased provision of developable residential land enables the community to provide for its social wellbeing into the future, by creating opportunities for the next generation of Waiuku families to obtain housing within the town.
- Greater provision of land for new housing in Waiuku will support a competitive local land and development market, with a resulting benefit being improved housing affordability.
- The PPC will rezone land for housing within a walkable distance to the Waiuku town centre. The town centre provides significant employment opportunities and a full range of services (as identified in the urban design assessment).
- The NPS-UD acknowledges that urban environments should change over time in response to the needs of communities, including the needs of future generations. Without the provision of additional residential land, a significant proportion of future generations will be effectively locked out of the town and will need to leave Waiuku in search of affordable housing.
- In respect of Policy 1, the PPC would enable a variety of homes that can serve different households. A particular intention of the PPC applicant is that part of the land be set aside for the establishment of a retirement village, which is currently not present in Waiuku or is overly subscribed. Many of the residents seeking this type of housing are currently required to leave Waiuku in order to obtain suitable accommodation in Pukekohe or beyond, where family support may not be available.
- Policy 1 also places emphasis on the provision of a variety of housing in terms of type, price, and location, and identifies the importance of housing being located close to jobs, community services, and open spaces. The PPC will provide a significant area of ‘greenfields’ development land for Waiuku, which will enable the establishment of new types of housing products that are not currently widely available in the town. Aside from retirement units as previously discussed, there is also the potential for smaller houses for active older adults or first home owners,

and houses in a terraced or duplex format that will provide choice and affordability. All of these houses will be located a short distance from daily services and potential employment opportunities.

- The location of the land that is subject to the PPC has benefits derived from close proximity to the services and employment available in the town centre, and its development will improve access and frontage to the substantial area of recreation reserve located to the north of the PPC land. The new roading that will be required to serve the future residential development has potential to facilitate additional options for access to Waiuku College. The existing sole access on Constable Road is subject to significant congestion during times when the school day is starting or finishing. The proposed Precinct includes a requirement to provide a road connection to the Council reserve at the north of the PPC land, which is as close as possible to the rear boundary of Waiuku College.
- The PPC will assist the Council in its obligation to provide at least sufficient development capacity to meet the expected demand for housing in Waiuku over the short, medium and long term (up to the next 30 years).

Based on the above assessment, it is considered that the PPC is consistent with the NPS-UD and will give effect to the outcomes that it seeks.

8.3.2 The National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 (NPS-FM) provides direction as to how local authorities should carry out their responsibilities under the RMA for managing freshwater quality.

Freshwater resources are to be managed in a way that gives effect to the fundamental concept of Te Mana o te Wai.³⁸ This is achieved through a hierarchy of obligations that firstly prioritises the health and wellbeing of water bodies, then the essential health needs of people, and followed by the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. Further loss or degradation of wetlands and streams is to be avoided.

³⁸ This concept refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It is more fully explained in clause 1.3 of the NPS-FM

In addition to the proposal to rezone the land, the PPC also seeks to introduce a Precinct. The Waiuku 2 Precinct includes specific objectives that seeks to manage stormwater in a way that minimises adverse effects on freshwater, and enhances riparian planting. These objectives are supported by integrated policies, rules and standards that would give effect to the outcomes sought by the NPS-FM.

The PPC applicant has engaged Boffa Miskell to undertake an ecological survey of the freshwater resources within the PPC land. That work is necessary in the context of the NPS-FM, as it imposes an obligation to prioritise the health and wellbeing of any waterbodies on the land above the objectives that the PPC applicant has to rezone it for residential development.

It follows that the PPC would only be appropriate in terms of the NPS-FM if it would enable development that would not compromise the health and wellbeing of any streams and wetlands on the site. An understanding of the nature, extent and condition of freshwater resources within the PPC land is therefore required in order to properly assess whether the PPC is consistent or otherwise with the NPS-FM.

The Boffa Miskell ecological survey has confirmed that there are no “natural wetlands” on the land. Watercourses are present in the north-western corner of the PPC land, but these are confined to drainage channels with few evident natural values and minimal flow in most instances.

There is nothing to suggest that development of the land would require any loss or degradation of freshwater resources. To the contrary, the indicative design concept prepared for the PPC area shows a commitment to maintaining natural flow paths and green corridors, which are likely to provide for the enhancement of the health and wellbeing of freshwater and the wider environment.

For this reason, it is considered that freshwater within the PPC area can be managed in a way that gives effect to Te Mana o te Wai. The PPC therefore enables the Waiuku community to provide for its social, economic and cultural wellbeing in a manner that is consistent with the outcomes sought by the NPS-FM.

8.4 National Environmental Standards

National environmental standards (**‘NES’**) are regulations that prescribe standards for environmental matters. There are currently eight NES in force as regulations, covering the following issues:

- Soil contamination;
- Air quality;
- Electricity transmission;
- Freshwater;
- Marine aquaculture;
- Plantation forestry;
- Sources of human drinking water; and
- Telecommunication facilities.

Of these, only the NES relating to freshwater and soil contamination are relevant to the proposal to change the zoning of the land.

The freshwater issues have been addressed in the preceding discussion relating to the NPS-FM. While there may be requirements arising under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, they would be addressed at the time of subsequent development and subdivision of the land once the PPC is operative. The relatively limited aquatic freshwater environments on the land mean that there are unlikely to be any barriers to development as a result of the freshwater NES.

Soil contamination is a matter that has been addressed through the provision of a Preliminary Site Investigation report prepared by Fraser Thomas. That report concludes that there is likely to be some localised soil contamination present but that the land in the PPC area is suitable for development. More detailed investigation will be required at the time of subdivision or development of the land.

Overall, the PPC does not raise any concerns in respect of any of the national environmental standards that are currently in force.

8.5 National Planning Standards

The purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare and comply with. The Standards will also support implementation of national policy statements and help people observe the procedural principles of the RMA. National Planning Standards must be given effect to by district plans, in accordance with s75(3) RMA.

The Standards are a form of national direction that was introduced as part of the 2017 amendments to the Act. The first set of Standards was released in November 2019, and comprised 17 separate Standards.

There are specified timeframes for implementation of the Standards. In the case of Auckland, a period of 10 years is in place before the Standards need to be adopted in recognition that the AUP is a relatively newly minted statutory plan. As a consequence, none of the National Planning Standards are directly relevant to the PPC at this time and the form and content of the PPC is not influenced by the existence of the Standards.

In any event, the PPC is seeking only a change to the AUP mapping to reidentify the land from Mixed Rural Zone to Mixed Housing Urban Zone and apply a geographically-specific precinct. No amendments are proposed to existing parts of the text or other provisions of the AUP. National Planning Standard 8 (Zone Framework Standard) establishes nationally consistent zone names and descriptions for zones, such as ‘General residential zone’ and ‘Medium density residential zone’. When the 10-year transitional period expires and amendments are required to the AUP, it would be a simple task to rename the Mixed Housing Urban Zone to the appropriate zone name under the National Planning Standards.

For these reasons, it is considered that the Standards will have no effect on the development of the PPC at the current time.

8.6 The Auckland Plan (2018 version)

The Auckland Plan 2050 is a long-term spatial plan for Auckland for the next 30 years.

The development strategy contained in the Auckland Plan sets out the approach to residential growth in rural Auckland,³⁹ noting that such growth will be focused mainly in the towns which provide services for the wider rural area, particularly the rural nodes of Pukekohe and Warkworth. While less growth is anticipated in the smaller towns and villages, Waiuku is a sizable rural town that provides a significant array of services to the surrounding rural area. As a result, the PPC’s proposal to enable it to receive a level of residential growth is consistent with the Auckland Plan’s approach to accommodating such growth in the rural areas of the region.

³⁹ Auckland Plan 2050, Development Strategy, Rural Auckland, Approach to rural growth

The Auckland Plan also includes a direction⁴⁰ that identifies Auckland’s housing affordability crisis and seeks to shift to a housing system that ensures affordable homes for all. New housing in Waiuku will be relatively affordable in the context of the region, as noted in the Urban Economics report) and the provision of more housing will slow the rapid growth of house prices in the town so that the next generation of Waiuku families have local housing options.

Housing is identified in the Auckland Plan as a key challenge and under a heading “Sharing prosperity with all Aucklanders” and it states: “Significant increases in housing costs are also resulting in fewer Aucklanders being able to fully prosper”. This recognises that economic prosperity has a housing dimension, and goes beyond simply providing jobs/employment. The Homes and Places section on housing includes the following outcome:

“Aucklanders live in secure, healthy, and affordable homes, and have access to a range of inclusive public places.”

This Section contains statistics on housing issues including the adverse health effects of poor housing and the ethnic disparities of overcrowding, with 25% of Maori experiencing overcrowding compared with 5% of Europeans.⁴¹

The most relevant ‘Directions’ and ‘Focus Areas’ to the PPC (which would provide housing and new public open space networks) are:

Direction 1 Develop a quality compact urban form to accommodate Auckland’s growth

Direction 2 Accelerate the construction of homes that meet Aucklanders’ changing needs and preferences

Direction 3 Shift to a housing system that ensures secure and affordable homes for all

Direction 4 Provide sufficient public places and spaces that are inclusive, accessible and contribute to urban living

⁴⁰ Auckland Plan 2050, Outcome: Homes and Places, Direction 3

⁴¹ Auckland Plan (2018), page 107

Focus Area 1 Accelerate quality development at scale that improves housing choices

.....

Focus Area 5 Create urban places for the future⁴²

The plan change application meets these *directions* and *focus areas* by increasing the supply of housing, including affordable homes on smaller lots, at a scale appropriate for Waiuku. The indicative concept has used leading design principles, and development will most likely be comprehensively master planned.

The current tightening of the housing market in Waiuku is likely to have social and community consequences over time unless it is addressed. Without sufficient housing capacity, the town will be constrained in its ability to meet the needs of its growing community and some residents may be forced to leave Waiuku in search of housing. The most likely residents that would be excluded in the future would be low-income ethnic minorities, the aged on fixed incomes, and those on benefits. The Auckland Plan recognises that Auckland should be inclusive, diverse, and people should have a sense of belonging, which is the foundation of wellbeing, identity, and attachment to place.⁴³ That sense of belonging in the Waiuku community will be compromised for some, including existing residents, if there is no realistic future of obtaining housing in the town.

8.7 The Auckland Unitary Plan – Regional Policy Statement

When preparing or changing a district plan, Council must give effect to any Regional Policy Statement (**'RPS'**).⁴⁴ The RPS seeks to achieve the purpose of the RMA by providing an overview of the resource management issues for the region, and establishing policies and methods to achieve integrated management of the region's natural and physical resources.

The RPS contains a number of higher order objectives and policies that are relevant to the assignment of zoning to land. Those of most relevance in this respect are set out below:

⁴² Ibid, page 89

⁴³ Auckland Plan 2050, Outcome: Belonging and Participation, Direction 1

⁴⁴ s75(3)(c) RMA

8.7.1 Chapter B2 Urban Growth and Form

B2.2. Urban growth and form

B2.2.1. Objectives

- (1) *A quality compact urban form 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.*
- (2) *Urban growth is primarily accommodated within the urban area 2016 (as identified in Appendix 1A).*
- (3) *Sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth.*
- (4) *Urbanisation is contained within the Rural Urban Boundary, towns, and rural and coastal towns and villages.*
- (5) *The development of land within the Rural Urban Boundary, towns, and rural and coastal towns and villages is integrated with the provision of appropriate infrastructure.*

B2.2.2. Policies

Development capacity and supply of land for urban development

- (1) *Include sufficient land within the Rural Urban Boundary that is appropriately zoned to accommodate at any one time a minimum of seven years’ projected growth in terms of residential, commercial and industrial demand and corresponding requirements for social facilities, after allowing for any constraints on subdivision, use and development of land.*

...

B2.2.2. Policies

Quality compact urban form

- (4) *Promote urban growth and intensification within the urban area 2016 (as identified in Appendix 1A), enable urban growth and intensification within*

the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.

- (5) *Enable higher residential intensification:*
 - (a) *in and around centres;*
 - (b) *along identified corridors; and*
 - (c) *close to public transport, social facilities (including open space) and employment opportunities.*
- (6) *Identify a hierarchy of centres that supports a quality compact urban form:*
 - (a) *at a regional level through the city centre, metropolitan centres and town centres which function as commercial, cultural and social focal points for the region or sub-regions; and*
 - (b) *at a local level through local and neighbourhood centres that provide for a range of activities to support and serve as focal points for their local communities.*

...

B2.4. Residential growth

B2.4.1. Objectives

- (1) *Residential intensification supports a quality compact urban form.*
- (2) *Residential areas are attractive, healthy and safe with quality development that is in keeping with the planned built character of the area.*
- (3) *Land within and adjacent to centres and corridors or in close proximity to public transport and social facilities (including open space) or employment opportunities is the primary focus for residential intensification.*
- (4) *An increase in housing capacity and the range of housing choice which meets the varied needs and lifestyles of Auckland’s diverse and growing population.*
- (5) *Non-residential activities are provided in residential areas to support the needs of people and communities.*

...

B2.4.2. Policies

Residential intensification

- (1) *Provide a range of residential zones that enable different housing types and intensity that are appropriate to the residential character of the area.*

- (2) *Enable higher residential intensities in areas closest to centres, the public transport network, large social facilities, education facilities, tertiary education facilities, healthcare facilities and existing or proposed open space.*
- (3) *Provide for medium residential intensities in area that are within moderate walking distance to centres, public transport, social facilities and open space.*

...

Affordable housing

- (11) *Enable a sufficient supply and diverse range of dwelling types and sizes that meet the housing needs of people and communities, including:*
 - (a) *households on low to moderate incomes; and*
 - (b) *people with special housing requirements.*

B2.6. Rural and coastal towns and villages

B2.6.1. Objectives

- (1) *Growth and development of existing or new rural and coastal towns and villages is enabled in ways that:*
 - (a) *avoid natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character unless growth and development protects or enhances such values; and*
 - (b) *avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production; and*
 - (c) *avoid areas with significant natural hazard risks;*
 - (d) *are consistent with the local character of the town or village and the surrounding area; and*
 - (e) *enables the development and use of Mana Whenua’s resources for their economic well-being.*
- (2) *Rural and coastal towns and villages have adequate infrastructure.*

B2.6.2. Policies

- (1) *Require the establishment of new or expansion of existing rural and coastal towns and villages to be undertaken in a manner that does all of the following:*
 - (a) *maintains or enhances the character of any existing town or village;*
 - (b) *incorporates adequate provision for infrastructure;*

- (c) *avoids locations with significant natural hazard risks where those risks cannot be adequately remedied or mitigated;*
 - (d) *avoids elite soils and avoids where practicable prime soils which are significant for their ability to sustain food production;*
 - (e) *maintains adequate separation between incompatible land uses;*
 - (f) *is compatible with natural and physical characteristics, including those of the coastal environment; and*
 - (g) *provides access to the town or village through a range of transport options including walking and cycling.*
- (2) *Avoid locating new or expanding existing rural and coastal towns and villages in or adjacent to areas that contain significant natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character, unless the growth and development protects or enhances such resources including by any of the following measures:*
 - (a) *the creation of reserves;*
 - (b) *increased public access;*
 - (c) *restoration of degraded environments;*
 - (d) *creation of significant new areas of biodiversity;*
 - (e) *enablement of papakāinga, customary use, cultural activities and appropriate commercial activities.*
- (3) *Enable the establishment of new or significant expansions of existing rural and coastal towns and villages through the structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.*
- (4) *Enable small-scale growth of and development in rural and coastal towns and villages without the need for structure planning, in a manner consistent with policies B2.6.2(1) and (2).*
- (5) *Enable papakāinga, marae, customary use, cultural activities and appropriate commercial activities on Māori land and on other land where Mana Whenua have collective ownership.*

It is considered that the PPC would give effect to the RPS in that it:

- Seeks to achieve sufficient development capacity to accommodate projected growth in Waiuku (B2.2.2(1)). At present, it is considered that the town does not

provide for seven years’ residential development capacity taking into account physical constraints on subdivision and development economics;

- Enables growth within an existing rural town (B2.2.2(4));
- Provides for intensification of Waiuku in a location that is within easy walking distance of the town centre, bus routes, social facilities, open space, and employment opportunities (B2.2.2(5));
- Utilises a residential zoning (MHU zone) that is appropriate in the context of the existing residential character of Waiuku and the current zoning distribution, and likely outcomes under the MDRS (B2.4.2(1));
- Enables residential growth in a location that is in close proximity to the existing Waiuku town centre, which contains bus routes, social and healthcare facilities. Education facilities (Waiuku College) and open space immediately adjoin the PPC area (B2.4.2(2) and B2.4.2(3));
- Provides for housing in a part of the region that is more affordable, and comprises sufficient land to facilitate the establishment of a retirement village – which is currently absent from Waiuku (B2.4.2(11));
- Expands the town in a manner that is generally consistent and compatible with existing development (through use of the Mixed Housing Urban zone), avoids significant natural hazards, provides appropriately for infrastructure, and is conveniently located within walking distance of the town centre (B2.6.2(1));
- Seeks to develop land that does not include elite soils and is predominantly comprised of soils that are not prime, and is held in landholdings that are not significant in their ability to sustain food production. The PPC land is not very extensive in area, and is not sufficiently important for primary production in the southern part of the region that its use, for urban development, would have more than minor consequences for sustaining primary production (B2.6.2(1)(d));
- Does not remove any elite soils from rural production (elite soils are avoided altogether as they are absent from the PPC land). It is not “*practicable*” to avoid prime soils in this instance as Waiuku is effectively encircled by soils of this nature and necessary growth of the town is not enabled without removing some

prime soil from productive purposes. In any event, the prime soils that would be retired in this case are not “*significant for their ability to sustain food production*” because they are not extensive, are fragmented, and are constrained by the proximity of the urban edge (B2.6.2(1)(d));

- Enables growth of an existing rural town in a way that avoids land containing significant natural or physical resources that are scheduled in the AUP (B2.6.2(2));
- Provides for small scale expansion to Waiuku in a manner that is consistent with the policies noted above (such that no structure plan is required), although a Precinct Plan has been prepared in a way that is consistent with the AUP structure planning approach (B2.6.2(4)).

8.7.2 Chapter B3 Infrastructure, Transport and Energy

Chapter B3 addresses the management and investment of infrastructure in Auckland and the need to realise the full economic potential of Auckland. There are a number of issues that are pertinent to this in terms of resilience of infrastructure, ability to service and upgrade infrastructure and deal with reverse sensitivity and, in respect of this plan change request, the integration of infrastructure with urban growth. It is considered that the proposal would give effect to Chapter B3 of the RPS given:

- The infrastructure assessment that has been undertaken has demonstrated that there is both wastewater and water availability for the additional dwellings enabled by the PPC request. The staging and necessary local upgrades that would be developer-led have been clearly identified in the PPC request. The LTP identifies funding for the Southwest Wastewater Scheme and an Environment Court Consent Order requires the delivery of the scheme by 2026. Furthermore, Watercare growth projections for Waiuku are well in excess of the extent of growth enabled under the existing zoning and would cater for the plan change request area (B3.2.1 (5) and B3.2.2(5)).
- The site is located within easy walking distance of Waiuku Town centre, open space, and social and community facilities. This reinforces the compact urban form sought by the RPS. There is over 100ha of vacant employment land within Waiuku that needs to be supported by sufficient residential growth to ensure

employees are able to easily access jobs with reduced demand for private vehicle trips (B3.3.2.(1) and B3.3.2.(5)).

8.7.3 Chapter B6 Mana Whenua

Chapter B6 outlines the negative impact that development of Auckland has had on the Mana Whenua taonga and the importance of Mana Whenua participation in the resource management process. It is considered that the proposal would give effect to the Chapter B6 of the RPS given:

- The applicant has been consulting closely with iwi and is committed to achieving the recommendations from the CVA prepared by Ngati Te Ata Waiohua and ensuring Maori values are incorporated into the precinct provisions (B6.2.1.(2)).

8.7.4 Chapter B7 Natural Resources

Chapter B7 identifies that urban growth and past practice have placed pressure on the land and water resources of the Auckland region. These pressures need to be managed for long term economic, social, cultural and environmental well-being. It is considered that the proposal would give effect to Chapter B7 of the RPS given:

- The PPC request identifies native riparian planting along the Rangiwhea Stream and in the wetland identified in the Stormwater Management Plan (SMP), which would include weed control. These initiatives will improve the biodiversity of the existing stream by providing habitat (B7.3.1.(1) and B7.3.2.(5)).
- The Stormwater Management Plan proposed for the catchments on the PPC land has carefully considered the existing and future freshwater systems across both the PPL land and the wider environment (B7.3.2.(1)).

8.7.5 Chapter B9 Rural Environment

Chapter B9 focuses on the rural environment and the impacts of growth on these parts of the region in terms of amenity values, environment and the protecting of elite quality soils, fragmentation of sites and reverse sensitivity on rural production activities. It is considered that the proposal would generally accord with Chapter B9 of the RPS given:

- It seeks to develop land that does not contain elite soils and is predominantly comprised of soils that are not prime, and is held in landholdings that are not significant in their ability to sustain food production (B9.2.1(2));
- The use of the PPC land for more intensive vegetable or horticultural production uses would require significant capital investment and would be unlikely to occur given the small area suitable for such uses in terms of soil type and contour, and the fragmented land ownership. The location of the site along the existing urban edge hinders the ability of commercial horticulture to operate efficiently due to issues such as reverse sensitivity (particularly spray drift). The site is well separated from any sensitive rural uses (B9.2.1.(1) and B9.2.2.(2)).
- The need for growth in Waiuku has been well documented over the past 20 years and was identified during the AUP process. The extent of industrial employment growth does not correspond with the housing growth projections and the ability to retire in place is not currently provided for in Waiuku given the unavailability of live-zoned land and the nature of housing typologies currently being delivered. These market abnormalities demonstrate that, while the importance of food production is accepted, there needs to be a balanced wider acknowledgment of the decreasing ability of Auckland to affordably house its residents and, in this case, support the self-sustaining nature of Waiuku. The technical reports provided with the PPC request demonstrate that the release of land in this particular set of circumstances is appropriate in this instance (B9.2.1.(5)).

8.7.6 Chapter B10 Environmental Risk

Chapter B10 addresses environmental risk. Of particular relevance to the PPC land are the risks from natural hazards, climate change and land contamination. It is considered that the proposal would respond to the risks outlined within Chapter B10 of the RPS given:

- The SMP for the catchments across the PPC land has been designed to ensure there is no adverse effects on the pipe network downstream by maintaining pre-development flows at all three discharge points on site. Future development would be located outside of any flood plains or overland flow paths. Furthermore, the proposal seeks to improve existing flooding issues in the Breaker Grove/O’Sullivan Place area by the design of the stormwater approach onsite (B10.2.1.(2) and B10.2.1.(5)).

- Appropriate preliminary site investigations have been undertaken which confirm that the site is suitable for rezoning, subject to the next layer of more detailed analysis being undertaken at development stage. On this basis, it is considered that potential soil contamination does not provide an obstacle to use of the PPC land for residential purposes, with the AUP and NESCS providing a suitable framework to manage any potential contamination effects (B10.4.1.(1) and B10.4.2.(1)).

8.8 The Auckland Unitary Plan – Objectives and Policies

Mixed Housing Urban Zone

The PPC seeks to identify the land as Mixed Housing Urban zone (MHU Zone). Relevant AUP objectives and policies for this zone are:

H5.2. Objectives

- (1) *Land near the Business – Metropolitan Centre Zone and the Business – Town Centre Zone, high-density residential areas and close to the public transport network is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice and access to public transport.*
- (2) *Development is in keeping with the neighbourhood's planned urban built character of predominantly three-storey buildings, in a variety of forms and surrounded by open space.*
- (3) *Development provides quality on-site residential amenity for residents and adjoining sites and the street.*
- (4) *Non-residential activities provide for the community’s social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.*

H4.3. Policies

- (1) *Enable a variety of housing types at higher densities, including low-rise apartments and integrated residential development such as retirement villages.*

- (2) *Require the height, bulk, form and appearance of development and the provision of sufficient setbacks and landscaped areas to achieve an urban built character of predominantly three storeys, in a variety of forms.*
- (3) *Encourage development to achieve attractive and safe streets and public open spaces including by:*
 - (a) *providing for passive surveillance*
 - (b) *optimising front yard landscaping*
 - (c) *minimising visual dominance of garage doors.*
- (4) *Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.*
- (5) *Require accommodation to be designed to meet day to day needs of residents by:*
 - (a) *providing privacy and outlook; and*
 - (b) *providing access to daylight and sunlight and providing the amenities necessary for those residents.*
- (6) *Encourage accommodation to have useable and accessible outdoor living space.*
- (7) *Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.*
- (8) *Enable more efficient use of larger sites by providing for integrated residential development.*

The Mixed Housing Urban zone is a reasonably high-intensity zone enabling a greater intensity of development than previously provided for. Over time, the appearance of neighbourhoods within this zone will change, with development typically up to three storeys in a variety of sizes and forms, including detached dwellings, terrace housing and low-rise apartments. This supports increasing the capacity and choice of housing within neighbourhoods as well as promoting walkable neighbourhoods, fostering a sense of community and increasing the vitality of centres.⁴⁵ The AUP seeks that land in the MHU

⁴⁵ AUP H5.1 Zone Description

zone is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice.⁴⁶

The PPC will give effect to the relevant AUP objectives and policies as:

- It will enable additional housing supply and housing choice, and the efficient use of land;
- It will provide for housing that is generally consistent and compatible with the established character of Waiuku. A number of residential properties in Waiuku are identified as falling within the MHU zone; and
- It will facilitate the establishment of a retirement village in Waiuku, which is currently a residential living choice that is not catered for by existing development (and there are few, if any, vacant sites of sufficient size to accommodate this land use).

8.9 The Future Urban Land Supply Strategy

Auckland Council’s response to its urban development capacity obligations under the 2016 NPS-UDC is largely set out in the Future Urban Land Supply Strategy 2017 (**‘FULSS’**). This strategy identifies a programme to sequence future urban land over the next 30 years and is a long term and proactive approach to delivering land that is ‘development ready’ in the future urban areas.

However, its relevance to growth in Waiuku is limited as the FULSS deals exclusively with land that is either within the Future Urban zone or that has a live urban zone in the AUP. The future urban areas identified within the FULSS do not include any expansion of Waiuku as the AUP did not identify new areas of live zoning or areas of Future Urban zoned land within or adjacent to the town. As is noted elsewhere in this report, the AUP development process deferred those considerations until a later date.

8.10 Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan

Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan was published in December 2020 and it identifies eight areas for action to respond to the climate emergency. The core goals of the plan are to seek to reduce greenhouse gas emissions by 50 percent by 2030 and

⁴⁶ AUP Objective H5.1

achieve net zero emissions by 2050, and to adapt to the impacts of climate change by planning for changes we will face under our current emissions pathway.⁴⁷

An assessment of the PPC request against the relevant action areas is outlined below.

Natural environment

- The PPC request identifies native riparian planting along the Rangiwhea Stream and in the proposed wetland identified in the SMP, which would include weed control. These initiatives will improve the biodiversity of the existing stream by providing habitat. The stream/wetland is shown on the proposed precinct plan and would contribute towards Action Area N1 and B5.
- The PPC request seeks to encourage the ability for a walkway along the Rangiwhea Stream that could eventually provide a connection to the Manukau Harbour.
- The applicant intends to work closely with Ngāti Te Ata Waiohua to achieve the recommendations from the CVA.
- The urbanisation of the site would increase the number of trees on the site (compared to the current pastoral state) within the areas identified as open space, riparian planting, and within the new street network.

Built Environment

- Waiuku is a self-contained rural township, meaning it provides the necessary day to day needs for residents. There is currently 100ha of vacant light industrial land in the town that will create additional employment demand of between 1,400-3,000 jobs, but without the corresponding housing supply. If housing growth is not provided for to meet this employment demand, people would need to be commuting from elsewhere to service these employment needs.
- The PPC land is not subject to extensive flood plains, although it does have OLFPs related to the three catchments on site. The proposed SMP for the site seeks to distribute stormwater flows via the use of a number of different catchments on

⁴⁷ Page 7, Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan

site. In particular, the proposal includes future works to improve downstream flooding at Breaker Grove/O’Sullivan Place by recontouring the site to redirect runoff through a constructed wetland (treatment, retention and detention).

- Portions of existing urban zoning within Waiuku have extensive flood plains which limits the ability for residential growth to occur and be achieved through these areas. The PPC land does not have the same limitations and will provide for growth to support the industrial employment area.
- The site is well located to allow for cycle and pedestrian connections to local schools, open space, the town centre and other social infrastructure.

Transport

- The self-contained nature of the Waiuku township and surrounds results in a different travel profile to other parts of Auckland. This is demonstrated by the recent census journey to work data, which showed 77% of people travelled within the Franklin/Papakura area for employment. The extensive industrial employment planned for Waiuku will further reinforce this pattern, and housing growth needs to be provided for in order to cater for this employment growth. It is not considered that private vehicle use will be as high as other urban growth areas because of these local characteristics.
- Walkways and green connections are sought and enabled in the precinct plan, and improved walking connections would be established along Constable Road at the time of subdivision. The PPC land is within easy walking distance of the town centre, schools, open space and other facilities. This supports reduced vehicle use and encourages alternative modes such as walking and cycling.
- Improved bus connections to the Waiuku College School site are enabled by a potential connection which is shown on the proposed precinct plan. This will improve public transport to the College if the school or the Council wishes to pursue this option.

Economy

- The ability to support the future employment needs of Waiuku is important. Providing affordable housing supply for employees will reduce emissions by

reducing travel time to work whilst allowing for alternative travel modes given proximity to work (2.3km).

Food

- The soil characteristics of the site are such that there are no elite soils and most of the land is comprised of soils that are not prime. The soils are not considered significant in their ability to sustain food production. The loss of the land from food production in order to provide for housing growth in Waiuku is considered to be appropriate.
- The precinct provisions include the provision of a community garden within the site for use of the future community.

8.11 Franklin Local Board Plan

The Franklin Local Board encompasses the southern portion of the Auckland Council territorial area. The Board’s area includes Waiuku and shares boundaries with both the Waikato District and Hauraki District Councils. Waiuku is identified as one of three townships in the local area, with the other two being Pukekohe and Beachlands.

The Board issued the Franklin Local Board Plan in 2020 and it focuses on six outcomes to make Franklin a better community for all. Commentary against the relevant outcomes is included below.

Outcome 1: Our strengths generate local opportunity and prosperity

- The rezoning of the land will support the future growth of Waiuku, allowing for improved housing affordability and supporting the industrial employment land. This will allow the self-sufficient nature of the town to continue.

Outcome 2: Improved transport options and fit for purpose roads

- The development of the PPC land will facilitate improved pedestrian and cycling connections on Constable Road and enable the potential relocation of the bus drop off area for Waiuku College, thereby improving safety for students.

Outcome 3: Fit for purpose places and facilities

- The development will allow for greenway connections and an improved interface with King Street reserve land, which has yet to be developed by the Local Board.

Outcome 4: Kaitiakitanga and protection of our environment

- Native planting through the riparian areas and new stormwater wetlands would improve biodiversity on the site.

Outcome 5: Cultural heritage and Maori identity is expressed in our communities

- The applicant is committed to achieving the recommendations from the CVA prepared by Ngāti Te Ata Waiohua and ensuring Maori values are incorporated into the precinct. Specific objectives and policies are proposed in this regard, within the precinct.

Outcome 6: A sense of belonging and strong community participation

The precinct provisions include a number of measures for community betterment, with improved access and interface with the yet to be developed King Street Reserve, the enablement of improved public transport access to Waiuku College, and enabling greenway connections along Rangiwheea Stream.

8.12 Auckland Council Long Term Plan

The Auckland Council Long Term Plan (LTP) is the 10-year budget for Auckland and has recently been amended for the COVID-19 Recovery budget. That seeks to manage the financial impacts of the global Covid-19 pandemic on Auckland.

The plan identifies that Council is having to operate under significant financial constraints and that the funding and financing of infrastructure is a particular constraint given falling revenue. This is a constraint experienced by a number of local councils, though Auckland is experiencing significant growth. It is noted that Central Government has outlined a programme for assistance in this regard with the Housing Acceleration Fund announced in March 2021, and through the tools enabled under the Infrastructure Funding and Financing Act 2020.

Notwithstanding the above, the projects that are identified for the Waiuku area that are of relevance to the PPC continue to be funded under the LTP - principally the south west

regional wastewater treatment plant project with \$218 million allocated. The PPC will generate significant contributions towards this project as outlined in section 9.10 below.

All other infrastructure works in terms of upgrades to local pump stations, new pump stations, extended reticulation of services, and pedestrian improvements to Constable Road will be developer funded and are enabled under the precinct provisions.

On this basis it is considered that the PPC request aligns with the LTP, with the wider infrastructure upgrade that the zoning relies on being delivered by Watercare with funding directly allocated under the LTP.

In respect of the Auckland Council Development Contributions Policy, this identifies a programme of works within Waiuku to increase capacity for community facilities, complete stormwater projects from the FDC CMP Stormwater A zone, and enable recreation reserve development.

8.13 Auckland Design Manual

The Auckland Design Manual (ADM) includes guidance on new neighbourhoods and greenfield subdivision. It identifies six elements to guide design of subdivision, being natural environment, movement networks, use and activity, urban structure, built form, and community.

The PPC addresses the guidance outlined in the ADM by the following:

- There is no significant vegetation or habitat on the site. The proposed precinct does incorporate revegetation of riparian areas along Rangiwhea Stream, new wetland areas and street planting. These outcomes will all increase habitat relative to the existing pastoral state;
- The proposed Stormwater Management Plan carefully manages stormwater across the site by a new wetland and alleviates existing downstream flooding on Breaker Grove;
- The movement network allows for a legible network around the site including internal connections between 45A, 92 and 130 Constable Road. Pedestrian connections are enabled by provisions for future connections to both King Street Reserve and along the Rangiwhea Stream;

- The rezoning of the land will improve access to, and the interface with, King Street Reserve. Specific frontage requirements are included in the precinct to ensure surveillance and activation from the future dwellings is secured;
- The site is within easy walking distance of the town centre, social and community facilities and open space and employment uses, thereby allowing for a transport mode shift;
- The precinct includes a community garden, the potential for connections to Waiuku College, and a commitment to provide affordable housing for a community housing provider. These measures will build a sense of community and demonstrate a commitment to Waiuku.

A Neighbourhood Design Statement has been prepared for the PPC request and testing of layout options to inform development of the land has been undertaken.

The key elements in terms of connections, frontages, movement network, gateway and open space are identified on the proposed precinct plan and captured in the precinct provisions.

8.14 Auckland Council Open Space Acquisition Policy 2016

This document suggests that residents of Mixed Housing Suburban and Mixed Housing Urban zones should be provided with neighbourhood parks of around 0.5ha within a 400m walk, and suburb parks of 5-10ha within a 1,000m walk. The PPC land has a suburb park of at least 7ha immediately on its north-eastern boundary. All of the PPC land is situated within 1,000m of the park boundary and most of it is within 400m of the park. In addition, the indicative open space in the western corner of the PPC land is around 0.8ha in area and would be within 400m of all other parts of the land. On this basis, it is considered that the proposed open space shown on the precinct plan would more than meet the Council’s Open Space Provision Policy.

9.0 Environmental Effects

A number of specialist reports have been obtained to understand the likely effects of the proposed zone change and, where relevant, to satisfy the requirements of AUP Appendix 1 – Structure Plan Guidelines. Those reports are as follows:

- A Cultural Values Assessment, prepared by Ngāti Te Ata Waiohua (Appendix E);
- An Archaeological Assessment, prepared by CFG Heritage (Appendix F);
- An Engineering Report, prepared by Fraser Thomas (Appendix K)
- A Soil Assessment, prepared by Natural Knowledge Limited (Appendix N);
- A Land Productivity Assessment, prepared by Paul Sharp (Appendix O);
- An Economic Cost-Benefit Analysis, prepared by Urban Economics (Appendix P);
- An Integrated Transport Assessment, prepared by Parlane & Associates (Appendix Q);
- An Urban Design Statement, prepared by Common Ground (Appendix R);
- A Landscape Assessment, prepared by Simon Cocker Landscape Architecture (Appendix S);
- An Ecology Assessment, prepared by Boffa Miskell (Appendix T);
- A Stormwater Management Plan, prepared by Fraser Thomas (Appendix U);
- An Infrastructure Report prepared by Crang Civil (Appendix V)
- A Geotechnical Report, prepared by Fraser Thomas (Appendix W); and
- A Preliminary Site Investigation, prepared by Fraser Thomas (Appendix X).

The indicative concept design and landscape strategy illustrate a conceptual masterplan to determine the site constraints, density and yield, and stormwater response on the PPC land under a residential zoning. The indicative concept design is considered to essentially be the ‘structure plan’ in respect of the PPC. Key elements from this structure plan have been pulled through into the precinct provisions and Precinct Plan 1.

The AUP structure plan guidelines note that the level of analysis required needs to be appropriate to the type and scale of development, and these reports and ‘structure plan’ are considered to appropriately relate to the simple zone change proposed for a single block of land. Nonetheless, an assessment of the PPC in respect of each of the relevant matters set out in Appendix 1 of the AUP is attached at **Appendix M**.

The reports have comprehensively considered the potential environmental effects of the PPC, and demonstrate that the zone change will not give rise to any significant adverse environmental effects. The environmental effects of the PPC are addressed below.

9.1 Versatile Soils and Land Productivity Effects

Versatile soils and the associated productive value of such land for food production is an integral component of the AUP and RPS approach to rural land. The RPS identifies that the growth of existing rural towns is enabled in ways that *‘avoid elite soils and avoid where practicable prime soils which are significant for their ability to sustain food production’*⁴⁸[emphasis added].

A recent High Court decision [Gock v Auckland Council [2019] NZHC276] found that the Auckland Council and Environment Court interpretation of the RPS policy B2.2.2(2)(j) was too narrow and limiting. Judge Muir agreed with the appellant’s interpretation of the policy because:

“[77](e) The Environment Court’s near absolute protection is capable of producing perverse consequences, for example by preserving rural “islands” fully surrounded by urban development, or precluding land containing elite soils from within the RUB even though, for example, a reverse sensitivity analysis⁴⁹ made it unsuitable for food production”⁵⁰

The AUP defines land containing elite soils as being land which is the most highly versatile and productive in Auckland and is classified as Class 1 (LUC1).⁵¹ The definition of prime soils includes soil identified as classes two and three (LUC2 and LUC3), which have slight to moderate physical limitations for arable use.⁵²

The PPC land is zoned Mixed Rural under the AUP and directly adjoins existing live zoned urban land along the eastern and northern boundaries, including residential and open space zones (including newly consented residential lots at 45 Constable Road, and Waiuku College). The PPC land has historically been used for grazing of dry stock and has not been used for intensive agriculture or horticulture purposes.

⁴⁸Objective B2.6.1.(1)(b)

⁴⁹ The possibility of spray drift over adjoining residential areas may for example render the land unsuitable for cropping

⁵⁰ Gock v Auckland Council [2019] NZHC276 at [77(e)]

⁵¹ Auckland Unitary Plan, Chapter J1.4 – Land containing elite soil

⁵² Auckland Unitary Plan, Chapter J1.4 – Land containing prime soil

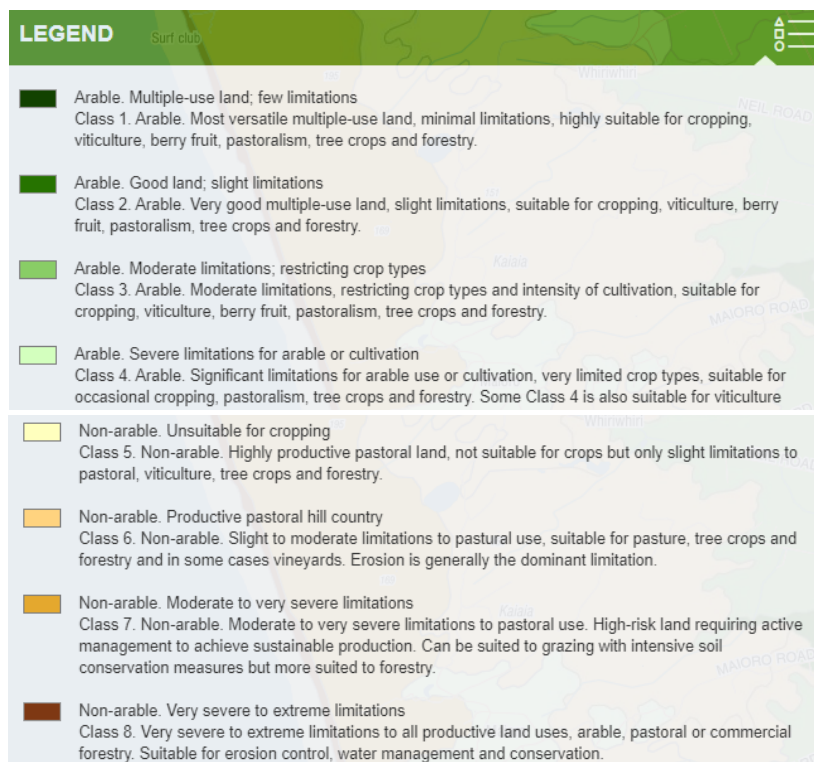
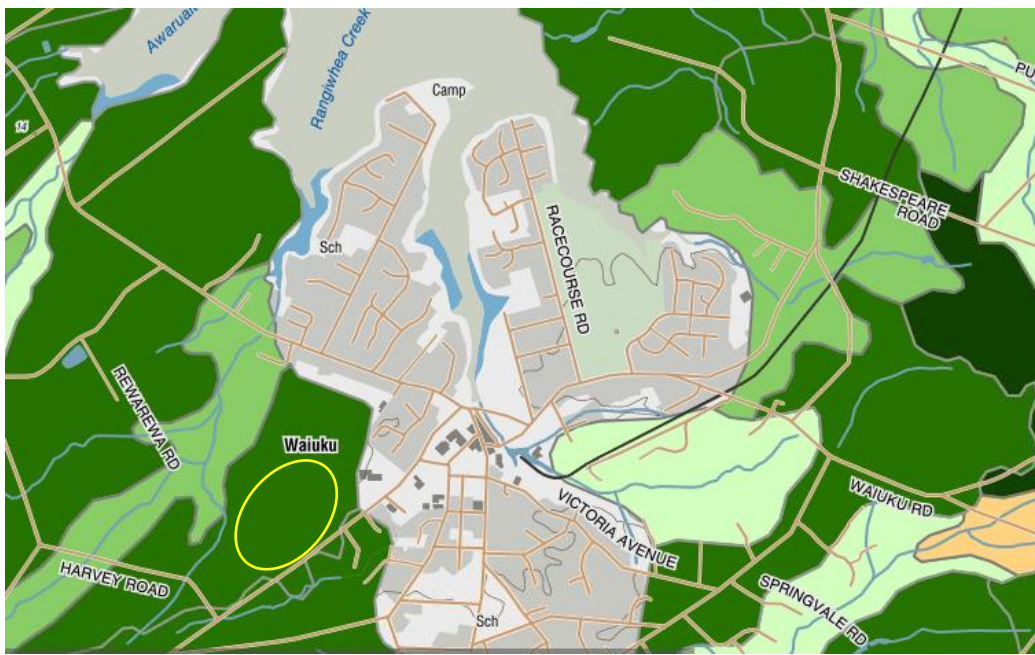


Figure 20: Land Resource Inventory Database (Source Our Environment mapping) - PPC land in yellow)

The land within the PPC area is identified in the Land Resource Inventory (LRI), which is a national data set on land use capability and is based on information from the Land Use Capability Survey Handbook (Edition 3). The LRI identifies the PPC land as Class 2 soils (refer Figure 20 above) being “Arable. Very good multiple-use land, slight limitations,

suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry”. This tool is high level and not site specific so a more detailed site-based analysis is required.

A more detailed land use capability assessment is used to determine the soil classifications for land. An investigation of the soil characteristics of the PPC land comprising 92-130 Constable Road has been undertaken as part of the analysis of the PPC. This was prepared by Dr Peter Singleton, who has 35 years’ experience in soil assessments and mapping land for LUC classifications. This assessment is included in **Appendix N**.

It is acknowledged that this soil assessment has not included the small zone tidy up within the Waiuku College site or 45A Constable Road. The latter has been excluded given it has been extensively earth worked in a cut to fill operation as part of an approved land use consent. This means that the soil characteristics of this site have physically altered from any existing condition, with the top soil removed with a cut across the entire site (refer Figure 6 above).

This assessment found that none of the PPC land is comprised of elite soil and 13.4 ha was prime soil (46.3% of the land assessed, or 40.8% of the overall PPC land, including the earthworked land in 45A Constable Road). The majority of the PPC land is therefore identified as other productive land or non-productive land. In addition, the areas of prime soils were fragmented across the site and were not contiguous, being separated by rolling, undulating or poorly drained soils, existing structures or accessways (refer **Figure 21** below). These factors all impact on the productive value of the site in terms of its ability to sustain food production.

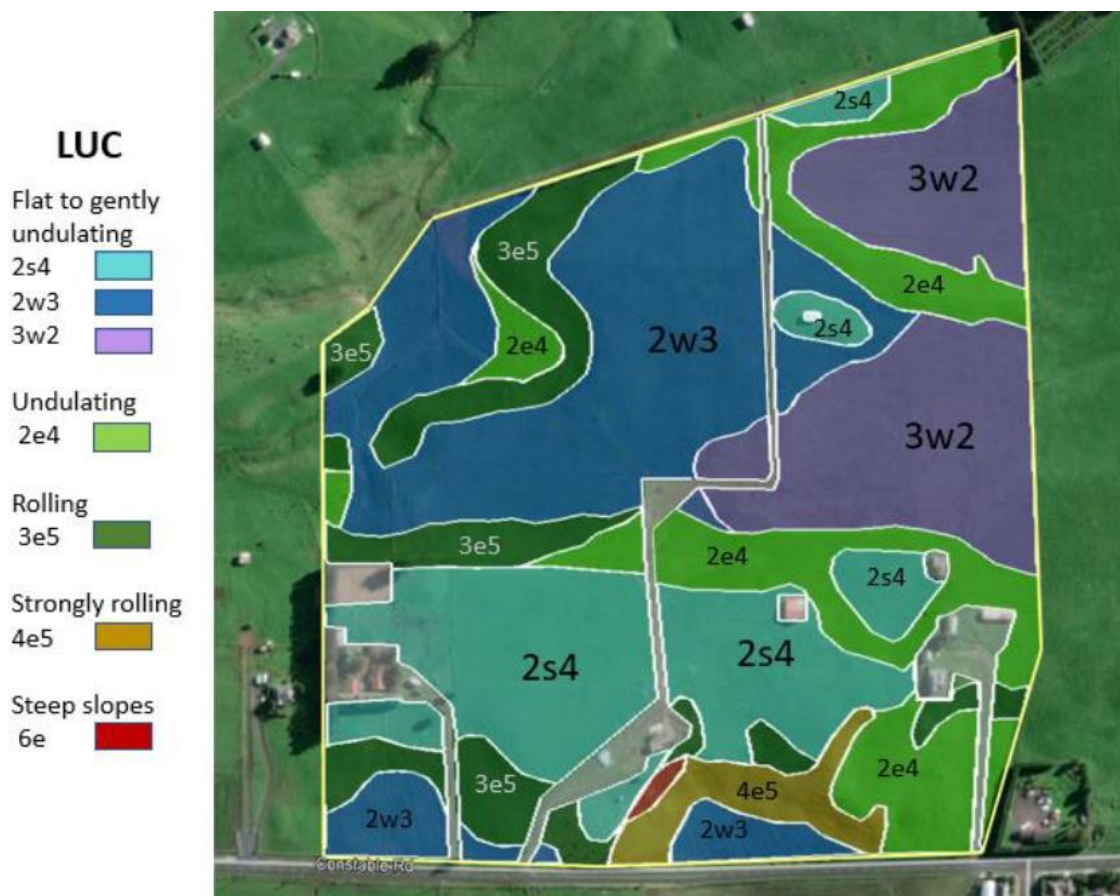


Figure 21: LUC Soil Classes on 92-130 Constable Road, Waiuku (Source: Natural Knowledge Ltd refer Appendix N)

The significance of the PPC land’s small and fragmented area of prime soils in a regional context is an important consideration, as found by the High Court in the recent Gock Decision.⁵³ This decision found that the regional significance or ‘scale’ of the quantum of elite and prime soils needs to be taken into account. In the most recent EC decision [2020] (subject to appeal) the Court considered that while a quantitative assessment is relevant it is not determinative and the context is also important. It considered that judgement is still required.

Based on the technical reports of Dr Singleton, Mr Sharp and the economic report of Mr Thompson on the productivity of the current dairy support activity, while ultimately a decision for the Hearings Panel, it is considered that the loss of these prime soils would not have a significant consequence for food production.

⁵³ Gock v Auckland Council [2019] NZHC276 at [93].

The consistent historic use of the land for dry stock grazing is instructive, as if it was financially or commercially viable to utilise the land for more intensive agricultural purposes this would have occurred over the past 100 years.

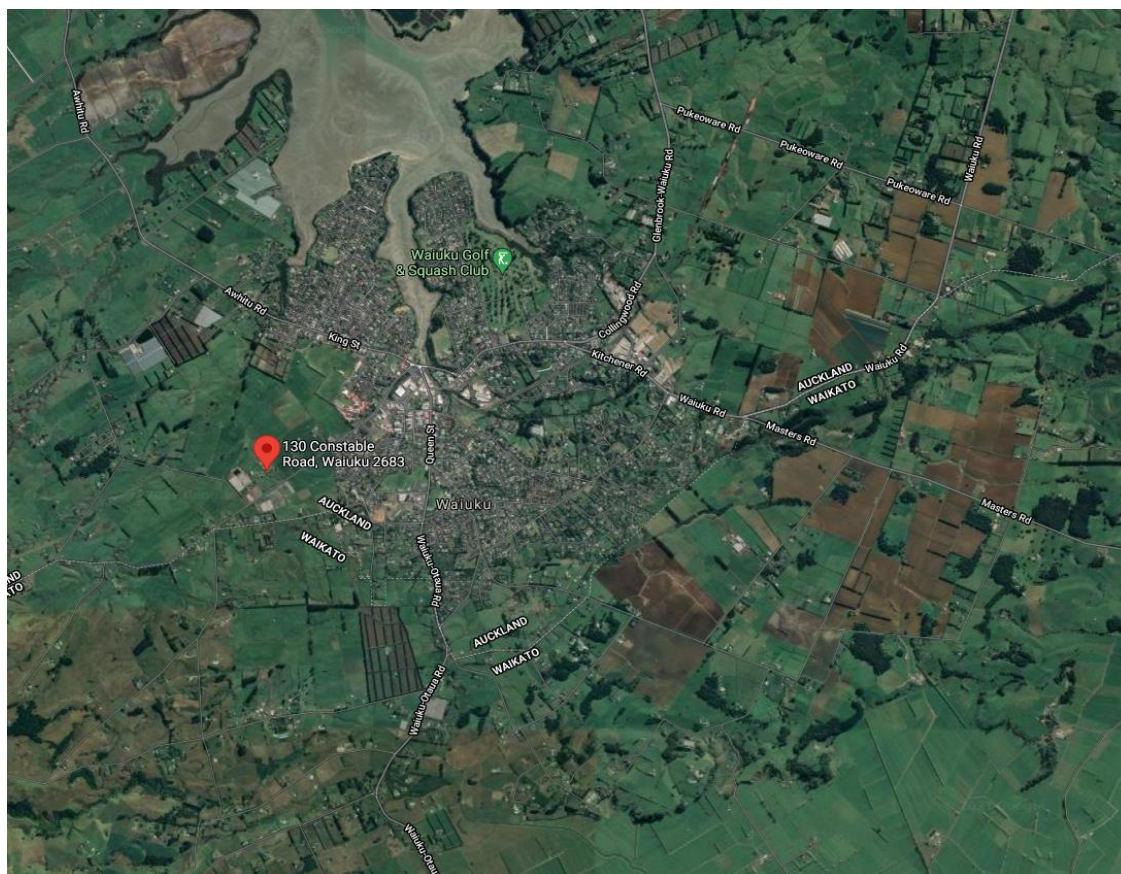


Figure 22: Aerial photograph of Waiuku with cultivated horticultural land highlighted (source: Primary Production Land Use Assessment refer Appendix O)

A Primary Production Land Use Assessment has also been undertaken, to consider the productive value of the PPC land. This assessment is attached at **Appendix O**. The assessment considered the primary production future uses of the land and canvassed a number of matters including economic returns, limitations to use, and matters of reverse sensitivity.

The assessment identifies that the most common primary land use around the PPC land is pastoral farming, comprising either dry stock or dairy stock grazing or beef growing/finishing. Use of the PPC land for more intensive vegetable or horticultural production uses would require significant capital investment and would be unlikely to occur given the small area suitable for such uses in terms of soil type and contour. The location of

the site along the existing urban edge hinders the ability of commercial horticulture to operate efficiently due to issues such as reverse sensitivity (particularly spray drift).

With regard to the existing pastoral use, the Land Use Assessment finds that, after allowing for current commercial gross margins, the Constable Road proprietries would be unlikely to generate sufficient profit to support more than one FTE.

Notwithstanding the clear evidence on soil classification of the PPC land, the options to manage growth around Waiuku have been extensively canvassed over the past 20 years and matters of soil quality and impact on land productivity has been an integral component of this analysis. The FDGS considered this in respect of Waiuku and found the rezoning of land on the western side of Waiuku to be preferable. The relative quality of the soil resource on the eastern and western sides of the town is immediately apparent when viewing the LRI database (which identifies Class 1 soils on the eastern side of Waiuku) and the aerial photography (refer **Figure 22** above) that shows the extensive cropping occurring to the east.

There is an obvious tension between increasing demand for housing and the correspondingly lack of supply and the rezoning of rural land for residential growth. New Zealand has the greatest quantum of food production per person in the OECD but also has one of the most unaffordable house markets in the OECD alongside a 20% increase in the median house price in Auckland in the past 12 months. While the importance of food production is accepted, there needs to be a balanced wider acknowledgment of the decreasing ability of Auckland to affordably house its residents.

The PPC seeks to rezone land that does not contain elite soils and is predominantly comprised of soils that are not prime, and is held in landholdings that are not significant in their ability to sustain food production. The proximate location to the existing urban boundary would limit any intensive use of the land in any event, given sensitive receptors for spray drift. The proposed rezoning would not adversely impact on food production within the region to any appreciable extent.

Overall, it is considered that the PPC land is not very extensive in area, and is not sufficiently important for primary production in the southern part of the region that its use, for urban development, would have more than minor consequences for sustaining primary production.

9.2 Reverse Sensitivity Effects

The site interfaces with other rural zoned properties to the north, west and south, and adjoins the open space zoning to the north which includes the Rugby clubrooms. This has the potential to result in reverse sensitivity effects.

The proposed precinct puts in place measures to appropriately address potential reverse sensitivity effects at the rural interface. These include larger minimum lot sizes, building setbacks, and a planted landscape buffer strip.

It is considered that land to the south-west of the PPC land is likely to be used more extensively (although still for grazing) than land to the north-west of the site, due to more gentle topography and better access.

The proximity of urban development adjacent to pastoral land along the boundaries of the site is unlikely to create any significant adverse reverse sensitivity effects. The adjacent rural land will not be subject to extensive use of sprays or fertilisers as would be the case for horticultural use. The presence of occasional livestock over the rear fence of a residential property does not constitute an adverse effect and is generally something that would be perceived as an amenity by future residents. In any event, the proposed precinct provisions applying to the urban-rural boundary will appropriately manage any potential reverse sensitivity effects.

In respect of the rugby clubrooms, this use is already flanked by other residential uses and the AUP provisions in respect of noise remain unchanged by the PPC. The clubrooms are also well separated from the boundary of the PPC land. The colocation of residential uses and open space zoning including sites used for recreational sport is common in Auckland. It is not considered to result in any adverse reverse sensitivity effects. Rather, it will provide improved access and surveillance over this area of open space zoning.

The precinct provisions will appropriately manage any potential reverse sensitivity effects on the adjacent rural zoned properties.

9.3 Economic Effects

Economic matters are addressed in detail in the report *‘Demand and Capacity Assessment & Economic Cost-Benefit Analysis: Proposed Residential Zone at 45-130*

Constable Road, Waiuku (**‘ECBA report’**), prepared by Urban Economics and attached at **Appendix P**.

The ECBA report has considered in detail the potential economic costs and benefits of rezoning the PPC land from rural production use to residential. In summary, the report concludes that the economic benefits of the PPC outweigh the economic costs. Specifically, there are a number of findings in the ECBA report that support the PPC and suggest that the land should be rezoned for housing.

First and foremost, the ECBA report identifies that Waiuku has a significant shortfall in residential development capacity. The estimated feasible development capacity in the town, based on current zoning and available land, is 77-309 dwellings over the next decade. At current growth rates, that capacity is capable of meeting 1-3 years of housing demand. This increases slightly when the additional supply provided by the recently enacted MDRS requirements is considered. In that scenario, up to 536 additional dwellings could be provided over the next decade, equating to 4-5 years of demand. The ECBA report identifies that there are only 12 undeveloped sites greater than 4,000m² in the town, which collectively would allow for 154 dwellings and demonstrates the lack of residential capacity in Waiuku.

That level of capacity is insufficient to achieve either the RPS minimum requirement of seven years’ projected growth⁵⁴ or the NPS-UD obligation to provide at least sufficient development capacity for a 10-year period.⁵⁵ The implications of having insufficient development capacity are rapidly increasing house prices and consequential social impacts arising from that. The number of new houses anticipated under the PPC will have the potential to increase Waiuku’s development capacity to 5.8-10.7 years. While that will not meet the NPS-UD requirement over the long term, it is at least a significant step in the right direction.

The increase in development capacity will also have a corresponding benefit in terms of housing affordability in Waiuku. While housing in the town is *relatively* affordable in the Auckland context, Waiuku is not immune to significant price increases. For example, 26% of house sales in the period from December 2019 to February 2020 were in the bracket of less than \$500,000. In the same period one year later, only 20% of sales were in that price range. The ECBA report identifies that the PPC would increase the number of dwellings available in Waiuku for less than \$600,000 to 50%, up from 31% in the

⁵⁴ RPS Policy B2.2.2(1)

⁵⁵ NPS-UD Policy 1

period from December 2020 to February 2021 and an increase from 41% projected under the current AUP provisions. Affordable housing is important in Waiuku because average household incomes are relatively low on a regional scale.

The PPC has benefits in respect of employment. At a direct level, the construction and civil works associated with the development of the land for housing is estimated to produce between 70 and 200 jobs per annum over the life of the project.

Residents of the housing that will result from the PPC will have access to a range of local employment opportunities. The ECBA report identifies that there are currently around 2,100 jobs in Waiuku and up to 73,000 jobs within a 40-minute drive of the town (including Pukekohe, Drury, and Manukau). There are also likely to be jobs available in the rural sector, with current shortages of agricultural workers having been well-publicised.

In addition, Waiuku is well served with a supply of undeveloped industrial land. Given current low vacancy rates and demand for industrial land, it is likely that development of this land will occur consistently over time. The vacant industrial land is located in an area to the north-east of the town and comprises approximately 100 hectares and is conservatively estimated to be capable of providing around 1,400 jobs and possibly many more. Those jobs will allow people to live and work locally, and further increase the demand for housing in Waiuku.

The ECBA report has identified additional benefits arising as a result of the size of the PPC land. Firstly, the scale of the new urban land allows for a master-planned approach to its development that will enable cost efficiencies and a broader range of housing typologies. That will assist with creating a more affordable price profile for housing that is added to the stock available in the town.

Additionally, the large size of the landholding will provide for the establishment of a retirement village in Waiuku. Currently, the only options available in this regard are rest home facilities and those are over-subscribed. The ECBA report identifies a significant unmet demand in Waiuku and the surrounding secondary catchment for independent living units within a managed retirement village. That deficit is projected to increase. A lack of a facility of this nature is undesirable, as it is forcing elderly residents to leave the town and potentially move away from family support.

In financial terms, the ECBA report concludes that the PPC will have a positive impact on the local economy, with a net present value of between \$184.2 and \$507.7 million

(depending on development scenarios) on the value-added portion of local GDP. This is calculated as the value of the construction, together with ongoing household expenditure and the value of the accommodation provided. The ‘costs’ proportion of this economic impact is a tiny deduction from the total, comprising just \$0.9 million over the same period as a result of removing the land from pastoral farming. On this basis, it is clear that economic benefits overwhelmingly exceed the economic costs of the PPC.

9.4 Transport Effects

Traffic and transportation effects from the proposed residential rezoning have been considered in the Integrated Transport Assessment (‘ITA’) prepared by Parlane & Associates, attached at **Appendix Q**.

There are public transport services to and from Waiuku in terms of commuter buses that service Papakura and Pukekohe Train Stations, and one of these services also completes a small loop of Waiuku.

The ITA finds, in terms of regional level assessments of the PPC, that the use of the Auckland Regional Transport model (‘ART’) has limitations. This is because Waiuku sits sub regionally and at the ‘extremity’ of the model, and consequently ART is not a suitable assessment model for Waiuku. Rather, the use of the census travel data provides a better model to assess any impacts from the rezoning request.

The self-contained nature of the Waiuku township and surrounds means that it has a different travel profile to other parts of Auckland. This is demonstrated by the recent census journey to work data from 2018, which shows that 1,629 people from the 3,261 Waiuku households (56%) travelled to a work destination either within Waiuku, Awhitu or Glenbrook. In addition, 38% of people travelled within Franklin/Papakura (21%) or Manukau (17%), with the remaining 6% travelling to Mt Wellington or Penrose.

The transport assessment finds, based on this travel pattern for Waiuku, that additional residential development has a limited impact on the wider transport network to other parts of Auckland as the data does not illustrate that Waiuku operates like other commuter belts. This is supported by the ECBA report, which found that the approximately 100 hectares of vacant industrial land has the potential to conservatively provide around 1,400 additional jobs. The increase in land values makes this vacant land even more attractive to light industrial uses and anecdotal evidence is that there is strong demand. The opportunity for further employment growth in Waiuku will enable

the existing commuter travel pattern to continue, allowing people to live and work locally.

The travel to work pattern is further supported by the current travel to education arrangements, with 81% of students travelling within Waiuku. This demonstrates the self-contained nature of Waiuku and illustrates why it is different to other rural and coastal towns.

In terms of local or district level assessment of traffic, the ITA finds that the additional traffic volumes from the rezoned area are unlikely to have any significant impact on the arterial road network. The peak hour assessments through the SIDRA models found only marginal delays at the Constable Road roundabout at morning peak, with no noticeable issues during the more important local school peak time.

In terms of local traffic issues, the ITA finds that the rezoning will have very little impact on the existing local intersections and the existing AUP transport framework will continue to provide a suitable tool box for future development assessment. A new intersection will be required for the development of 92-130 Constable Road, although there is an extensive street frontage to allow for this to occur in a safe manner and the AUP process will guide any matters relating to design and location. The ITA supports a number of site-specific provisions that are captured by the proposed precinct provisions, including connections provided by the internal road layout and access restrictions along part of the PPC land’s frontage to Constable Road.

The rezoning of the land will provide the ability for an alternative access to Waiuku College to be enabled, something that is not possible with the current rural zoning. The issue of road safety and school buses has been a significant concern for the local community and was a key driver in the earlier FDC work, being expressly covered in the MOU between the adjacent landowners and the FDC as part of the FDGS process. This continues to be an important element that can be enabled by the PPC.

It is important to record that development of the plan change land cannot in itself provide road access to the rear of Waiuku College, because there is an intervening area of reserve land that is owned by the Council.

However, the proposed precinct provisions seek a connection to the reserve land in this location, through the indicative road network illustrated on the precinct plan and through the objectives and policies. As a consequence, the subdivision of land adjacent to the reserve will not be able to proceed without a road connection being provided to

the reserve boundary (or Council determining that this is not required). A connected road network is generally anticipated in any event under the normal subdivision provisions of the AUP.

Third parties (such as Waiuku College or Council) would be responsible for providing the remaining part of the road connection to the school boundary, but the opportunity for that to occur in the future would be facilitated rather than foreclosed by the PPC.

On the basis of the above, it is considered that the PPC would not give rise to any significant adverse transportation effects. Rather, it would support the continued self-contained nature of Waiuku into the future.

9.5 Character and Visual Amenity Effects

Settlement in Waiuku is characterised by traditional residential development patterns of lots typically between 300m² and 1,000m², with an area of large lot development on the eastern and southern flanks of the town. The town centre contains an expected range of retail and commercial outlets, although its location is offset west of centre in terms of the geographical spread of the existing urban area.

The zoning proposed under the PPC is Mixed Housing Urban to align with the MDRS that is created by the recent RMA amendments. This will mean that the nature and form of anticipated development will be generally consistent with that currently observed in residential parts of the town, and will be aligned closely with the likely change in zoning and zone standards incorporated as part of the IPI. The precinct would introduce several measures to address the transition from urban to rural landscape character across the proposed urban edge. These include minimum size of 700m² for proposed lots immediately adjoining a rural zone, together with a building setback and planting requirement.

The Urban Design report prepared by Common Ground (refer **Appendix R**) identifies that much of the town sits in a basin at the southern end of the Waiuku River, with slightly higher terraced landforms to the west, east and south. The PPC land is located at the edge of the basin on the western terrace. The escarpment that forms the boundary between the basin and western terrace presents as somewhat of a loose ‘gateway’ in the landscape as you enter and leave the town from its south-western side. This point roughly correlates with the middle of the site at 92 Constable Road, about halfway along the frontage of the PPC land.

The indicative concept for development of the PPC land, while not forming part of the plan change provisions, recognises the position of the land at the transition between town and countryside and seeks to emphasise the ‘gateway’ within the urban design response. The development concept also attempts to maximise connections, including to the existing recreation reserve at the northern boundary and to Waiuku College. Other features of the intended development of the PPC land are the extensive use of greenways to provide some relief to built form and an element of naturalness within the landscape.

In a broader context, the PPC land provides for a transformation in landscape character from pastoral farming to the houses, fences, and roads that accompany residential development. While this is a change, the position of the PPC land means that it will have a contiguous connection to the existing residential area. Moreover, the PPC land occupies a rural ‘wedge’ in the side of the town that is close to the town centre and its development will tend to *complete* rather than *extend* the physical extent of the urban form.

An assessment of landscape effects has been prepared by Simon Cocker Landscape Architecture and is included in **Appendix S**. This assessment finds that the PPC is a logical extension to the urban area and can be supported subject to the precinct plan capturing:

- The maintenance of the existing gateway landscape feature;
- Provision of a rural buffer boundary on the south western and part of the south eastern boundaries in the form of a setback and minimum net site area; and
- Protection of the valley feature that defines the edge of a terrace in the south western end of the site as indicative open space reserve.

These recommendations from the landscape assessment have been incorporated into the PPC through Precinct Plan 1, with a minimum net site size of 700m² for proposed lots immediately adjoining a rural zone, together with a building setback of 6m and a landscape yard of 3m.

The interface with the existing open space zoning to the north will be important. A precinct provision has been proposed to ensure that access is provided and that the boundary treatment is appropriate.

It is acknowledged that there was an element of conflict between the aspirations for retaining the ‘gateway’ feature that is the small ridge that crosses Constable Road, and the originally lodged engineering drawings that showed the ridge being cut and partially levelled to improve its stability. This matter has been discussed within the project team and it was determined that the ridge can remain while still maintaining stability on the site and reasonable grades for future development.

For the reasons outlined above, it is considered that the PPC will have no significant adverse effects in relation to landscape character and visual amenity. The proposed precinct provisions will ensure existing important landscape features are secured on site and an appropriate buffer is provided to adjacent rural properties.

9.6 Heritage and Cultural Effects

The Waiuku area has a rich and strong cultural history due to its close proximity to the Awhitu Peninsula, Manukau Harbour and the Te Pai o Kaiwaka portage route, meaning it was a strategic site for iwi and this importance is demonstrated by its continued occupation since the 15th century.

The applicant has engaged with Mana Whenua to discuss the merits of the proposal and to get early advice on cultural matters. Ngāti Te Ata Waiohua and Ngāti Tamaoho visited the site in 2020. Following these visits a Cultural Values Assessment (‘CVA’) was prepared by Ngāti Te Ata Waiohua, and that document has been considered in the preparation of the PPC application.

Ngāti Te Ata Waiohua has identified that the Waiuku catchment is of high cultural and traditional importance, with the iwi descending from the earlier Tainui and Wai-o-Hua settlements. The PPC land is known by iwi as ‘Te Pahi’ and formed part of the networked waka route of Te Pae o Kaiwaka.⁵⁶ This was an important strategic gateway between Tamaki Makaurau and the Waikato for travel, trade, and used in times of war. The history and importance of the site is clear and Ngāti Te Ata Waiohua have identified that they would like to have a meaningful relationship with the applicants, rangatira to rangatira, as the site rezoning and development occurs. This is something the applicants welcome, and further consultation and workshops as the PPC moves forward to development are anticipated.

⁵⁶ Page 20, draft Cultural Values Assessment,

The CVA identifies a number of recommendations that iwi have stated should be considered for development of the site. These are set out in the CVA.

Notably, Ngāti Te Ata Waiohua state in the CVA that:

“The strategic goals of the proposed subdivision should be to support and create employment for residents, strengthen the local economy and unlock its potential, creating safe and connected neighbourhoods, and optimising the use of land and existing housing stock”.⁵⁷

That is indeed what the PPC seeks to achieve, together with enabling the sustainable growth of the town. The applicant intends to work closely with Ngāti Te Ata Waiohua as development progresses on site.

Consultation has also been undertaken with Lucie Rutherford from Ngāti Tamaoho and is on-going.

The proposed precinct provisions pull through elements from the CVA including specific objectives and policies to ensure that mana whenua are consulted over the development and management of the indicative open-space reserve and the greenway connection, the gateway area, and the naming of streets and places. The greenway connection allows for a link through the PPC land from the existing reserve to the open space reserve in the western corner and potentially beyond. That proposed reserve will afford access to the stream that passes through the site, and allow for a future connection along the stream that is not currently available due to the land being in private ownership.

The stormwater approach and requirement for riparian planting is secured under the precinct provisions.

These PPC outcomes are consistent with the CVA recommendations. The applicant intends to continue engagement with mana whenua as the land is developed, and that intention is included as an obligation through the proposed objectives and policies of the proposed precinct.

In addition to the CVA, an assessment of any archaeology on the site has been undertaken by CFG Heritage (refer Appendix F). This assessment outlines that, despite

⁵⁷ Page 20, Cultural Values Assessment

the long history of occupation, there has been a lack of archaeological surveying around the Waiuku township with more work occurring on the outskirts of Waiuku or on the Awhitu Peninsula.

The survey on the site found no archaeological material or features. There was a single Totara fence post identified on the northern boundary of 92 Constable Road, which is likely from when the site was subdivided and purchased by George O’Hara.

The existing villa on 92 Constable Road was assessed but it was unclear if the building was relocated or built on site. The villa appears to be late 19th century. There is potential that an authority to modify might be required for the removal of the villa at a later date, but a separate process would be required and advice from a built heritage specialist would be obtained at the time.

The archaeologist found no constraints on the rezoning of the PPC land, and while it is likely that at least parts of the land were historically gardened by Maori this cannot be confirmed from a visual inspection. A number of recommendations were made, including in respect of consultation with Mana Whenua, and recommending that a built heritage assessment of the villa be undertaken and a full archaeology assessment for any future resource consents to give effect to the zoning. The AUP and Heritage New Zealand Pouhere Taonga Act 2014 already provide a framework for these matters and Mana Whenua have been consulted in terms of the rezoning and will continue to be engaged with.

For the reasons outlined above, it is considered that there would be no significant adverse effects in terms of cultural and heritage matters resulting from the rezoning that could not be addressed by the planning provisions and consenting process. Local iwi Ngāti Te Ata Waiohua have helpfully provided clear and detailed guidance on the history and values applied to the PPC land and local area. This includes a number of suggestions and recommendations around the redevelopment of the land, which will be taken forward in the planning provisions and by the applicants in respect of any future development.

9.7 Community and Social Effects

The PPC provides a number of community and social benefits for Waiuku. In particular, the provision of additional development capacity on a relatively large area of land is likely to address worsening housing affordability issues in Waiuku and provide a broader range of housing options.

Increasing house prices can mean that a proportion of Waiuku’s younger generation are forced to leave the town in order to find affordable housing. That has the potential to impact adversely on social cohesion and interfere with established family support functions. Similarly, the absence of suitable retirement living options in Waiuku is resulting in older residents having to relocate to Pukekohe or further afield in order to find appropriate and supportive housing. That may result in more isolated living conditions for the elderly as the increased separation distance from friends and family will make it more difficult for them to maintain support networks.

While the letter of support from Waiuku College is focused on potential improvements to access, discussions with the College have not raised any issues with regard to the capacity of the school. The current roll of the school is 907 students (July 2021, MoE ‘Education Counts’ website) and this has been static or subject to relatively small growth over the last five years. The roll is not large by secondary school standards, and is comfortably accommodated on the relatively large site of over 9ha.

There are three state primary schools within proximity of the plan change land. Sandspit Road School (348 students), Waiuku Primary School (458 students), and View Road School (160 students). Records for the last five years show static or moderate growth.

The applicant has not consulted with the Ministry of Education regarding the ability of local schools to accommodate student growth. The Ministry’s role with regard to school capacity is to “*purchase and construct new property to meet increased demand*” (MoE website). The Ministry of Education should not therefore play a part in determining whether growth is appropriate, but rather should take steps to accommodate that growth.

It is however useful to consider whether the Ministry has sufficient time to accommodate growth in the context of the PPC. In that regard, the first homes on the site are unlikely to be occupied prior to 2-3 years from 2021, and full build out across the plan change land will occur incrementally over the following five years or more. Those time frames are sufficient to enable the Ministry of Education to anticipate the growth that is coming and increase capacity accordingly if required.

The proposed precinct provisions include two provisions that would have positive social and community effects, being:

- A requirement for a 500m² community garden to be provided as part of the open-space reserve shown on Precinct Plan 1. This seeks to recognise the productive heritage of Waiuku, and foster relationships between mana whenua, new residents, school students and the wider community; and
- Provision for affordable housing with development lots being set aside for a community housing provider.

An increase in population may act as a ‘shot in the arm’ for Waiuku. It will provide greater support for local businesses, community organisations, schools and sporting clubs. However, the degree of growth that would be enabled is not expected to be so great as to change the existing rural town character that is likely to be valued by many residents.

9.8 Ecology Effects

Effects on ecology are considered and discussed in the Boffa Miskell report ‘*Private Plan Change, Constable Road, Waiuku: Ecological Values Assessment*’ (the ‘Ecology report’, refer **Appendix T**).

The Ecology report assesses terrestrial and freshwater ecological features and values in the PPC site and in the immediate receiving environment, and includes an assessment of whether natural wetland features are present that may trigger any consenting requirements under the National Environmental Standards for Freshwater. Potential ecological effects and enhancement opportunities are outlined to the extent required to give assurance that these matters can be appropriately addressed at the resource consent stage.

The PPC land comprises close-cropped pasture with no significant trees, watercourses, or vegetation cover. No natural wetlands are present on the land, in terms of the NPS-FM definition. The Ecology report concludes that the land contains no notable indigenous ecological features, while the present management focus on rural production effectively maintains a near-monoculture of pasture across the site, with minimal habitat diversity or complexity.

In this context, the PPC represents an opportunity for ecological enhancement. Ecological benefits of the PPC potentially include establishment of green spaces, street trees and amenity plantings that will increase food availability and refuges for native

fauna. While the design of the residential development would be confirmed after the plan change is in place, the intention is for the site to be laid out in an environmentally sensitive manner with greenways being a feature. The greenways and open spaces will have a particular role in treating stormwater, which can result in an overall improvement in downstream water quality following urbanisation (particularly given the absence of stock once development has occurred).

The proposed precinct provisions include a requirement for riparian planting, open space provision and stormwater management. These will contribute to improving the ecological values on the site.

Overall, it is concluded that the PPC site has low ecological values and the proposal to urbanise the land provides an opportunity for enhancement of water quality and the establishment of greater habitat through revegetation.

9.9 Stormwater and Flooding effects

The site is split between three catchments at present, with the existing overland flow paths and flood plains across the site shown in Figure 10 above.

A Stormwater Management Plan (‘SMP’) has been prepared by Fraser Thomas and is included within **Appendix U**. The SMP has followed the Auckland Council Regional Stormwater Network Discharge Consent (‘NDC’), which guides the approach to stormwater discharge across the region. The PPC land is identified as a greenfield development site so stormwater needs to be managed in accordance with Schedule 4 of the NDC. Schedule 4 specifically requires the following matters to be addressed:

- Water Quality;
- Stream Hydrology;
- Flooding 10% AEP; and
- Flooding 1% AEP.

The SMP identifies that stormwater will be managed and guided on site by the following principles:

- Treatment of impervious areas, including roofing (except where relatively inert roofing materials are used), paving and roading.
- Retention of 5mm of rainfall from all impervious areas.

- Detention of the difference in runoff volume from pre development to post development for a 95th percentile storm.
- No increases in peak flow for a 10% Annual Exceedance Probability (AEP) event from the site, or otherwise demonstrating sufficient downstream stormwater system capacity.
- No increases in downstream flooding for a 1% AEP event, for those areas where downstream flooding is currently a problem.

These principles have been discussed with Auckland Council’s Healthy Waters team prior to lodgement, and its general support for the approach was confirmed.⁵⁸

The recommendations from the CVA in terms of the proposed SMP approach have been adopted and included where possible in the preparation of the plan.⁵⁹

The proposed SMP approach would result in eight catchment areas (see Drawing 32897/202 Rev A within Appendix U). Some of these catchments (B1, F1 and G1) will require recontouring of the PPC land from existing to redirect runoff from parts of the site to a new wetland that would provide treatment/retention and detention before draining to the Rangiwhea Stream. It has been confirmed that this stream has both flow and volume capacity. The creation of the wetland would require the diversion of an existing farm drain to facilitate the works. The detailed design of this diversion and wetland would be the subject of subsequent resource consents and would be considered under the existing NES-FW and AUP frameworks.

In respect of 45A Constable Road, the existing 1% AEP (OLFP) across the site towards the school will remain unchanged, with the 10% AEP to be conveyed via the existing pipe system on 45 Constable Road.

This approach to stormwater management limit would ensure future post development flows would be maintained to pre-development levels. However, as outlined in the SMP further upgrade works to Constable Road would be proposed as outlined on Drawing 32897/205 within Appendix U. This would seek to improve the stormwater issues in the Breaker Grove/O’Sullivan Place area resulting in downstream improvements for properties within this area which currently experience flooding.⁶⁰

⁵⁸ Section 4.3, Engineering Report, prepared by Fraser Thomas, refer Appendix K.

⁵⁹ Section 4.4, Engineering Report, prepared by Fraser Thomas, refer Appendix K.

⁶⁰ Page 34-35, section 4.11.3, Engineering Report, prepared by Fraser Thomas, refer Appendix K

Precinct provisions have been included to secure the stormwater management outcomes from the SMP. Alongside the SMP falling within the regionwide NDC, these precinct provisions will ensure the stormwater outcomes are achieved.

A careful consideration of stormwater management has been undertaken across the PPC land and a strong framework for the management is proposed that aligns with the recommendations from the CVA and guidance from Council. The ability to either fall under the NDC or alternatively achieve a private discharge consent are both available to manage this process at the detailed design stage. On this basis it is considered that no significant adverse stormwater effects are likely to result, with a more realistic outcome being that there will be an improvement on the existing situation.

9.10 Water Supply and Wastewater Capacity Effects

The capacity of infrastructure is an important consideration in any rezoning request. Two detailed assessments have been undertaken in this regard, one by Fraser Thomas (which covers 92-130 Constable Road and is included in Appendix K) and the other by Crang Civil (which covers 45A Constable Road and is attached at **Appendix V**).

The staging of development and the sequencing of the necessary works to provide infrastructure are outlined in the Fraser Thomas engineering report. A table outlining this sequencing and staging is included below:

Sequence	Stages served	Essential Infrastructure Prerequisites	Comments
0	1B2, 1C2, 2 (stormwater only)	Wetland	SRPs will be converted into wetland, with planting undertaken as early as practical based on planting seasons. This will allow maximum time for wetland plants to become established prior to the construction of impervious areas.
1	1A, 1B1, 1C1	New Constable Road stormwater and wastewater lines; new water supply ring main and booster pumps (TBC)	New wastewater reticulation line required along Constable Rd for all development; new stormwater line would be installed at same time for cost efficiencies
2	Part 1B2, 1C2 and 2	New wastewater pump station and associated rising main	

Figure 23: Infrastructure Staging (Source: Engineering Report, Fraser Thomas)

Water supply

The detailed design of the water network to service the PPC site would occur at development stage. However, initial work by Fraser Thomas identifies that Stage 1A will comprise 45A Constable Road which directly adjoins the recent development site at 45 Constable Road. The infrastructure to support the existing development site at 45 Constable involves the upgrading of the existing 50mm diameter pipe from the 150mm diameter watermain connection by Waiuku College to a 180mm diameter water supply line along Constable Road, with 180mm and 63mm diameter connections provided into 45A Constable Road. Consequently, the Stage 1A land within the PPC area already has existing water supply connections in place which would be extended into this stage. The developer of 45A Constable will extend this network through into the Stage 1A area with no further works required.

For all the other stages of development on the site, the provision of water supply will require *“connecting into the existing water supply network at two locations to create a new ring main, and the potential provision of booster pumps to achieve the minimum 250kPA design pressure across the majority of the site. The ring main and booster pumps need to be constructed as part of Stage 1 works. These will provide a reticulation network that can service the entire site, with laterals being constructed off it to service sub-stage areas. This infrastructure will be funded by the developer”*.⁶¹

Watercare Services Limited (**‘WSL’**) was granted a water permit for a groundwater take in 2016, allowing for 1,453,000m³/year or 5,680m³/day of groundwater to be taken from four bores to the Franklin Kaawa Aquifer for the municipal water supply for Waiuku. This consent has a 35-year duration. The current Waiuku water use, based on the census data of 9,650 Population Equivalent (PE) equates to 2,027m³/day or 739,855m³/year.⁶²

The PPC area would generate an average daily demand of 426m³/day and 155,490m³/year.⁶³ The Fraser Thomas report finds, when considering the forecasts for the 2040-2050 period (which cover the full build out timeframe of dwellings on the land), that the PPC area water demand would be:

⁶¹ Refer Engineering Report.

⁶² Page 50, Section 5.5.1, Engineering Report, prepared by Fraser Thomas, refer Appendix K.

⁶³ Page 49, Section 5.5.1, Engineering Report, prepared by Fraser Thomas, refer Appendix K.

- *Peak daily demand: 15% of the 2040 forecast and 13.7% of the 2050 forecast.*
- *Annual demand: 11.7% of the 2040 forecast and 10.7% of the 2050 forecast.*⁶⁴

This appears to demonstrate that the additional demand from the PPC area can be accommodated within both the WSL forecast demand for 2040-2050 and the consented resource consent water take limit for Waiuku.

It is noted that Fraser Thomas has consulted WSL on the servicing required for the PPC land. WSL has advised that it will work with developers to align required work and funding requirements. It did advise that the water extraction and treatment assets for Waiuku would require expansion to service the PPC area. Given the likely incremental build out period of the development and the projected Infrastructure Growth Charges for the land, it is considered that funding to cover any asset upgrades can easily be accommodated.

Wastewater

The existing Waiuku township is serviced by the Waiuku Wastewater Treatment Plant that is located at Clarks Beach. There is forward planning for wastewater infrastructure in place, with the recent Council Planning Scoping Study identifying that WSL has obtained a discharge consent for the Southwest scheme. The upgraded plant allows for a 16,000 increase in population allocated to Waiuku, with the plant anticipated to become operational in approximately 2026⁶⁵ as required under a Environment Court Order.

The Fraser Thomas report has reviewed the available documentation from WSL and undertaken projections of demand that would arise from the PPC land. This analysis has found that the combined current Waiuku population demand (1,545m³/day) and the demand from the PPC area population (354m³/day) would not exceed the consented Waiuku Wastewater Treatment Plant capacity of 3,230m³/day with 1,899m³/day generated.⁶⁶

Watercare advised in a public online meeting in September 2021 that it has advanced further investigation and design work for the South West project and is now in the process of working through a shortlist of potential site locations, with construction work

⁶⁴ Page 49, Section 5.5.1, Engineering Report, prepared by Fraser Thomas, refer Appendix K.

⁶⁵ Section 14.1, Waiuku - Planning Scoping Study, Auckland Council, refer Appendix G

⁶⁶ Page 59, Section 6.7.4, Engineering Report, prepared by Fraser Thomas, refer Appendix K

scheduled to commence in the next two years to meet the requirements of the Environment Court to be operational by June 2026. It is considered that this indicates that funding is available for the project. Ultimately, the PPC area would contribute towards the costs of this project through WSL’s Infrastructure Growth Charges (IGC).

The Fraser Thomas engineering assessment identifies that, in terms of the existing Wastewater Treatment Plan (**‘WWTP’**):

“Watercare have further advised that the existing Waiuku WWTP has capacity for a population of around 17,000 people with the current aeration installed on the ponds. Due to this being a pond based WWTP it is designed for removal of the organic load and has limited nutrient removal capacity. The current discharge consent enables discharge of flows up to 5,500m³/d plus rainfall onto the ponds. This equates to flow generated by a population of roughly 12,000 people. This population enables some growth in areas currently zoned for residential development. Hence, the existing WWTP has capacity to cater for a population increase of 5,000 people within its catchment area. They have also provided the following breakdown on their estimated population projections for reaching the 30,000 PE demand for the new WWTP in 2050. This shows the population of Waiuku being projected to reach 16,000 by then. The 2050 population of 16,000 represents a higher growth rate than extrapolation of predicted population growth in the Economics report.”⁶⁷

The network extensions to the PPC land have been considered in detail within the Fraser Thomas and Crang Civil reports. These both identify potential network routes with two viable options identified with routes considered, together with the need for any new pump stations or local upgrades.

There are two options included in the Fraser Thomas engineering report, with Option B being preferred at present. Option B would service the PPC site with a new wastewater line from MH2.12 to MH2 along Constable Road, with the system sized for wastewater flows from this entire area. This line would need to be constructed first and would be able to service approximately 69% of the proposed development by gravity reticulation. The line would be funded and installed by the developer, followed by staged implementation of the internal gravity reticulation. The balance of the development area may need to be serviced by a relatively small wastewater pump station, located by the proposed wetland. This pump station, rising main and associated gravity reticulation

⁶⁷ Refer Fraser Thomas Engineering Report

to the pump station would be funded by the developer. The detailed design of the final reticulated networks needed to service the PPC area, and any associated local upgrades to pump stations or lines can all be suitably managed via the existing AUP framework for subdivision and development.

Infrastructure funding

The above assessment demonstrates that there is sufficient capacity for both wastewater and water supply. In terms of funding for growth, it is noted that the last 2018-2028 LTP identified both the south water supply programme and the Southwest sub regional wastewater treatment plant as decade 1 projects see **Figure 24** below.⁶⁸ The final details of the COVID-19 recovery budget still identified funding for the south west wastewater servicing with construction expected in 2026 and 218m identified.⁶⁹

The relevant funding line from the current LTP is reproduced below, illustrating the funding available and the timing:

Table 4.5: Wastewater – major programmes and projects

Programme / Project	Description	Map Reference	Nominal \$ (millions)		
			Decade 1 2019-2028	Decade 2 2029-2038	Decade 3 2039 - 2048
South West sub-regional wastewater treatment plant catchment	Construction of a new sub-regional treatment plant and transmission network between Waiuku, Clarks Beach and Glenbrook	16	\$134	\$26	\$46

Figure 24: Provision in Auckland Council for Wastewater Treatment Plant in 10-year Budget 2018-2028⁷⁰

There are other anticipated funding announcements from Government that are relevant. In particular, the Housing Acceleration Fund is expected to be progressed in Mid-2021, and will be looking to assist with infrastructure delivery that is required for housing growth. Given that parts of the southern RUB rely on the Southwest project, and in light of the compelling arguments around the housing affordability of additional housing growth in Waiuku, this would appear to align with the goals of the fund.

⁶⁸ Tables 4.4, 4.5, Figures 4.3 and 4.4, 10-year budget 2018-2028 Volume 2, Auckland Council

⁶⁹ Auckland Council 10 year Budget 2021-2031, Volume 2, page 89 and 171

⁷⁰ It is noted that the Recovery Budgets provides funding of \$218m rather than the \$206 million in the earlier pre COVID budget.

It is also estimated that the PPC area would generate a WSL Infrastructure Growth Charge (‘IGC’) of approximately \$13,846,000 plus GST⁷¹ and Auckland Council development contributions of \$16,400,300 plus GST (collectively assisting growth funding requirements to the tune of approximately \$30,246,3000 plus GST).⁷² This is a significant contribution towards the cost of planned and future projects. As is usual for a project of this scale, development agreements are likely to be entered into with the Council regarding infrastructure and services provision.

The ECBA report assesses the feasibility of the Watercare planned investment in Waiuku and finds that the net present value (NPV) is negative given the lack of housing supply. It finds that this investment will not achieve sufficient revenue to cover the project costs given the lack of future residential capacity in Waiuku in the current AUP and MDRS supply scenarios. The additional supply provided by the PPC would be the preferred outcome as it allows for a lower NPV value and improved total discounted revenue.

It is considered that technical reports in support of the PPC have demonstrated additional capacity for wastewater and water supply exists and the PPC land is capable of being serviced. The design of the extension of the existing network has been carefully tested and considered by both Fraser Thomas and Crang Civil. The rezoning of the PPC land would generate significant development and infrastructure growth contributions that would assist in funding programmed and new Council or CCO led projects and also for social services infrastructure. Furthermore, the AUP would continue to provide a framework for considering the detailed design of the infrastructure network to supply the PPC land. On this basis the rezoning of the site from an infrastructure capacity and network perspective would not result in any significant infrastructure effects.

9.11 Land Stability and Geotechnical Effects

Fraser Thomas Limited has undertaken a high-level geotechnical assessment of the PPC land to establish any stability or sensitive ground conditions that would impact on the suitability of the site for residential rezoning. This assessment is included in **Appendix W**.

The geotechnical assessment included investigating the subsurface ground conditions, which involved a visual appraisal of the site and physical sampling by nine hand-augured boreholes and associated subsequent testing of the soil samples. A desktop study of the

⁷¹ This figure is based on 2020-2021 IGC figures and a density of 700 dwellings.

⁷² This figure is based on the 2020/2021 Development Control Policy and a density of 700 dwellings.

geological maps and review of any previous reporting relating to the site complemented this physical investigation.

The above assessment established that there were two main potential geotechnical hazards within the PPC land, being slope instability and settlements/subsidence.

A plan of the land showing three geotechnical risk zones was prepared, based on ground topography (refer **Figure 25** below). The hazard zones were blue (Zone 1) being low risk, yellow (Zone 2) having moderate risk, and red (Zone 3) having high risk. The area of Zone 3 comprised the more steeply sloping sections of the PPC land close to Constable Road. The geotechnical assessment found that the site earthworks through this area would regrade it, thereby reducing the hazard risk to that found in one of the lower risk zones Zone 2 (refer **Figure 26** below).

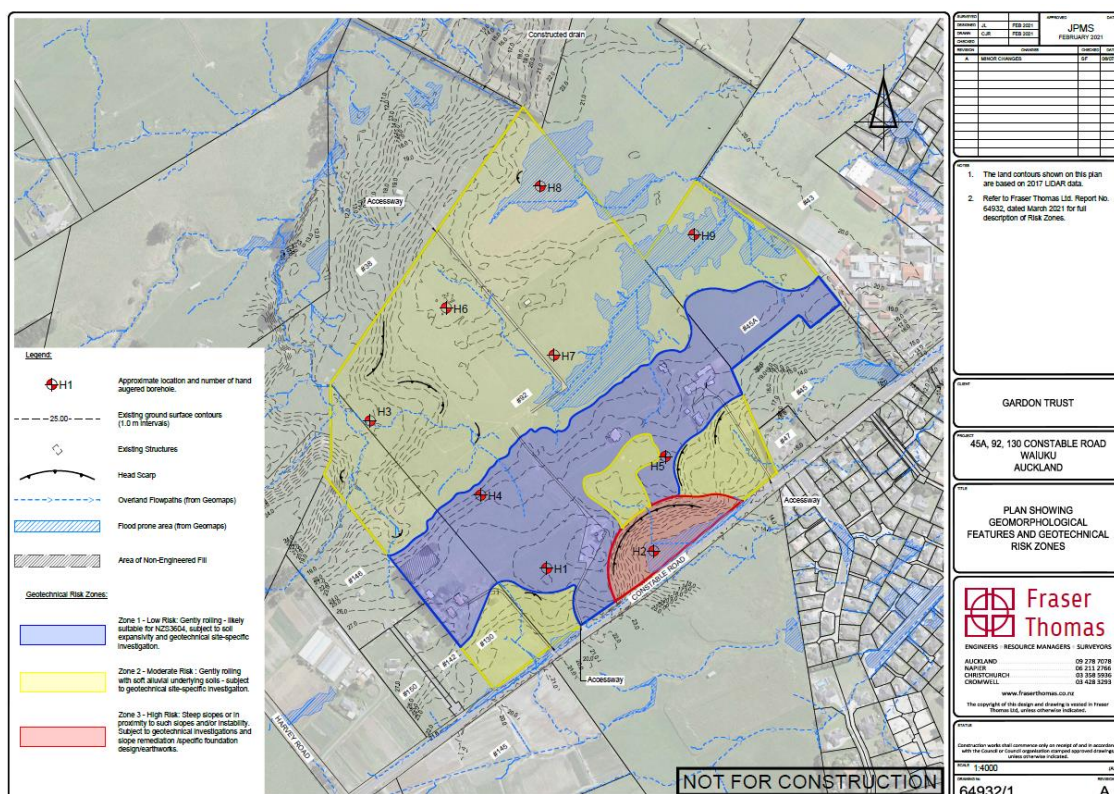


Figure 25: Geotechnical risk zones (source: Fraser Thomas Geotechnical Report Appendix W)

For the blue zones, the reporting found that there will be no significant geotechnical constraints that would restrict residential building development, beyond those that would normally be identified during any subdivision or development with conventional shallow foundations anticipated.

The yellow (Moderate) and red (High) risk zones posed a greater risk of slope instability and/or settlement due to the presence of highly compressible organic soils or soft sediments. The geotechnical assessment still found that the land within these risk zones would be suitable for residential development, but slope stabilisation or foundation improvement measures may be required following additional reporting and assessment at development or subdivision stage.

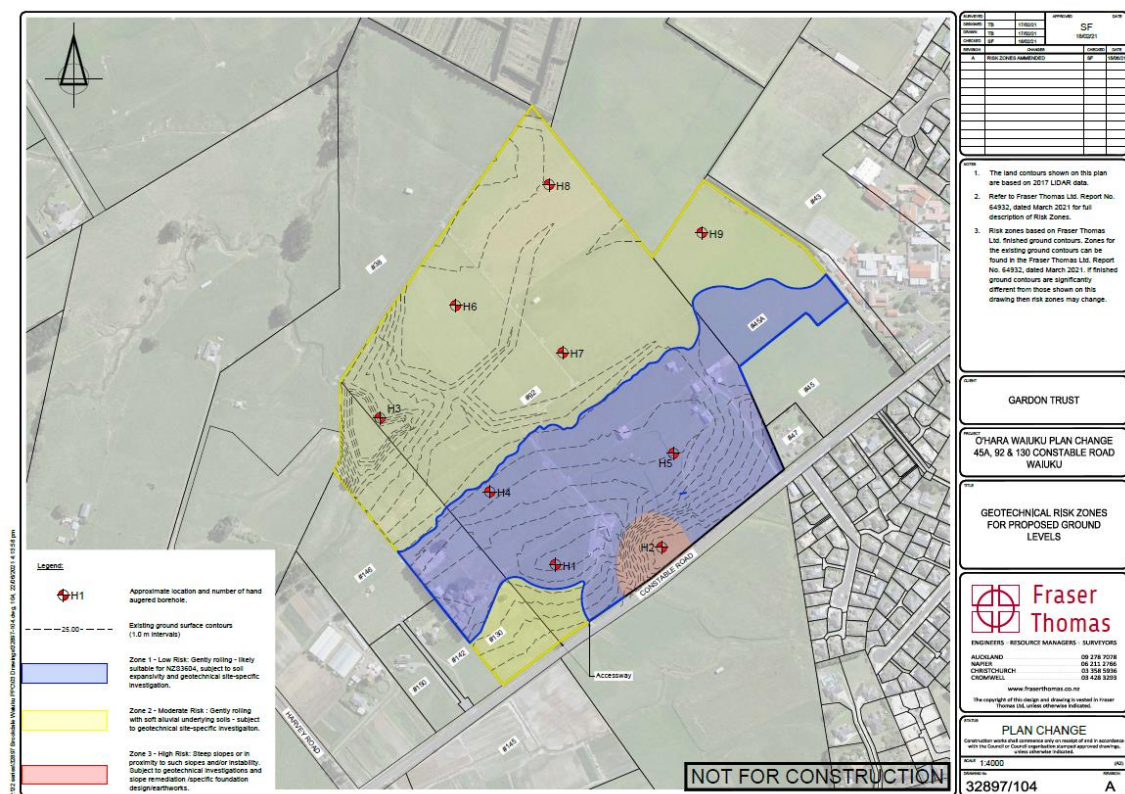


Figure 26: Geotechnical risk zones following earthworks on site (source: Fraser Thomas Engineering Report Appendix K)

It is not considered that any geotechnical-related precinct provisions are required as part of the PPC. Geotechnical investigations are routinely required at subdivision consent stage, in order to address the requirements of s106 RMA and the existing AUP Framework.⁷³ Potential effects on land stability can therefore be identified and avoided through the subdivision consent application. The geotechnical report provided with the PPC application confirms that the land is generally stable and capable of being developed

⁷³ AUP Policy E38.3(2), Rule E38.4.1(A11), Standard E38.8.1.1(2)(d), Matters of Discretion E38.12.1(4), and Assessment Criterion E38.12.2(4).

for urban purposes. The area of higher risk identified in the geotechnical investigation coincides with the area of indicative open space shown on the precinct plan and is a likely location for a stormwater pond, so is not an area that is expected to be subject to intensive residential development.

On the basis of the above, the geotechnical assessment found that the PPC land is suitable for residential purposes and associated subdivision, and consequently there are no adverse effects in respect of stability that would arise from the rezoning of the land. The AUP framework for considering matters of stability at development stage remains unchanged.

9.12 Contamination Effects

A Preliminary Site Investigation (‘PSI’) has been undertaken by Fraser Thomas Limited for the PPC land. The PSI involved a desktop study and site walkover for 92 and 130 Constable Road. A copy of the PSI is attached at **Appendix X**.

This PSI reviewed the historic use of land within the PPC area and considered whether the land was suitable for future residential development, including identifying any parts of the site that may require further investigation prior to development.

The PSI established that the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (‘NESC’) and Chapter E30 of the AUP applied to the PPC land given that the following HAIL activities have occurred on the site:

- Historical application of lead-based paint & burning of unknown materials (I);
- Stock loading ramps and potential spray races (A8); and
- Asbestos products in a deteriorated state at 92 Constable Road only (E1).

The history of hail activities on the PPC land means that a Detailed Site Investigation (‘DSI’) will be required once the site is rezoned or before any change of use/soil disturbance. This next level of analysis would require sampling to establish the appropriate consent status, and identify if any remedial or long-term management is required for any of these potential contamination sources.

The PSI does confirm that the site is suitable for rezoning, subject to this next layer of analysis being undertaken at development stage. On this basis, it is considered that potential soil contamination does not provide an obstacle to use of the PPC land for

residential purposes, with the AUP and NESCS providing a suitable framework to manage any potential contamination effects.

9.13 Overall Environmental Effects Conclusion

On the basis of the technical information that has been provided, it is concluded that the PPC will not generate any significant adverse environmental effects.

10.0 Consultation

In preparing the PPC, the applicant has commenced consultation and engagement with a number of parties, including iwi, Watercare, the Franklin Local Board and the Waiuku College.

A summary of consultation undertaken to date is included within **Appendix Y**. That Appendix will be updated as additional responses are received.

11.0 Conclusion

It is considered that the proposed rezoning of the site to Mixed Housing Urban zone (and introduction of a precinct) is the most appropriate means to achieve the purpose of the RMA. It would be the best available option to enable and facilitate the use of the land for residential growth required to support Waiuku as a well-functioning urban environment.

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