

AUCKLAND UNITARY PLAN OPERATIVE IN PART

PROPOSED PLAN CHANGE 74 (Private): Golding Meadows and Auckland Trotting Club Inc

LATE SUBMISSION - SUMMARY OF DECISIONS REQUESTED

Enclosed:

- **Explanation**
- **Late Submission - Summary of Decisions Requested**
- **Submission #28**

Explanation

- You may make a “further submission” to support or oppose any submission already received (see summaries that follow).
- You should use Form 6.
- Your further submission must be received by 27 June 2022
- Send a copy of your further submission to the original submitter as soon as possible after submitting it to the Council.

Late Submission from YLH Holdings Limited - Summary of Decisions Requested

Plan Change 74 (Private) - Golding Meadows and Auckland Trotting Club Inc					
Summary of Decisions Requested					
Sub #	Sub Point	Submitter Name	Address for Service	Theme	Summary
28	28.1	YLH Holdings Limited Attn: DJ Sadlier	dsadlier@ellisgould.co.nz	Accept the plan change with the amendments requested	Accept, however oppose the inclusion of MDRS provisions into the precinct as duplicative and unnecessary at this stage, when they could be addressed later under the statutory provisions provided by the Act.
28	28.2	YLH Holdings Limited Attn: DJ Sadlier	dsadlier@ellisgould.co.nz	Accept the plan change with the amendments requested	Accept, however oppose provisions relating to a vehicle access restriction along Golding Road as inappropriate and unreasonable burden on landowner when there is no confirmed layout for the future arterial. Likewise oppose provisions relating to a 6m strip alongside the road for future widening as inappropriate, as it is not clear what amount of land will actually be required in future. This provision should be replaced with alternative provisions such as a building setback provision.
28	28.3	YLH Holdings Limited Attn: DJ Sadlier	dsadlier@ellisgould.co.nz	Accept the plan change with the amendments requested	Accept but oppose Precinct Plan 1 unless amended to delete Indicative Collector Road and Indicative Key Walking/Cycling Route or to show Indicative Collector Road and Indicative Key Walking/Cycling Route following the boundary between 152 Golding Road, Pukekohe and its neighbour to the north along Golding Road, to avoid bisecting north-western corner of the land and impeding its future development or plan is otherwise deleted.
28	28.4	YLH Holdings Limited Attn: DJ Sadlier	dsadlier@ellisgould.co.nz	Accept the plan change with the amendments requested	Accept but opposes provisions relating to the protection and enhancement of streams and wetlands and also the requirement for 10m minimum riparian planting, as these are inappropriate and impractical. Instead a more flexible approach is required that considers the individual values of streams and wetlands in consideration of the existing AUP provisions and other relevant statutory documents (relevant NPSs and NESs).

Submission #28

**RESOURCE MANAGEMENT ACT 1991
SUBMISSION ON PRIVATE PLAN CHANGE 74
TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)**

To: Auckland Council,
Attention: Planning Technician
Email: unitaryplan@aucklandcouncil.govt.nz

YLH HOLDINGS LIMITED c/- Ellis Gould, Solicitors at the address for service set out below (“YLH”) makes the following submission in relation to proposed Private Plan Change 74 (“PC74”) to the Auckland Unitary Plan (Operative in Part) (“AUP”), requested by Golding Meadow Developments Limited and Auckland Trotting Club Incorporated (together the “Applicants”).

Introduction

1. YLH owns land at 152 Golding Road, Pukekohe, legally described as Lot 6 DP 437089 (“YLH Land”). YLH ultimately wishes to develop the YLH Land for residential purposes. YLH participated in the AUP submission and hearing process, and more recently the Pukekohe South Structure Plan process which led to the land being identified as suitable for rezoning from Future Urban Zone to enable development for residential purposes.
2. YLH engaged with the Applicants prior to lodgement of PC74, and confirmed its preference that the YLH Land was identified as Residential – Mixed Housing Urban rather than the Mixed Housing Suburban Zone. It also raised issues in relation to the potentially disproportionate burden that the Applicants’ concept plans could place on the YLH Land to accommodate the provision of recreational and amenity land and/or transport, stormwater and other infrastructure intended to service and/or mitigate the effects of the broader subdivision and development of the PC74 area.
3. YLH was not directly notified of the notification of PC74, despite it applying to the YLH Land and YLH having an apparent interest in RMA and other planning processes in relation to the land and broader Pukekohe South area. YLH became aware that PC74 had been notified on 30 May 2021.

Waiver of time to file submission

4. YLH requests that Auckland Council waive the requirement to lodge this submission by 26 April 2022, and accept this submission, on the basis that:
 - (a) YLH only became aware that PC74 had been notified on 30 May 2022, despite having previously been involved in RMA processes relating to the YLH Land and broader plan change area;
 - (b) YLH has made this submission as promptly as practicable after becoming aware of PC74 having been notified;
 - (c) The YLH Land is directly affected by PC74, and associated “Pukekohe Golding Precinct”, Zone Maps, Overlay Plan, Precinct Plans 1 and 2 (“**Precinct Provisions**” and “**Precinct Plans**”);
 - (d) YLH will be prejudiced by any decision not to accept this submission, and thereby to not allow it to participate in the submission and hearing process;
 - (e) YLH consents to a further period being provided to other potential interested parties to lodge further submission in support or opposition to YLH’s submission; and
 - (f) Any further delay created by accepting the YLH submission will not be unreasonable in the circumstances.

Scope

5. YLH is interested in PC74 in its entirety.
6. In particular, YLH is interested in:
 - (a) Changes to zoning of land, in particular the YLH Property;
 - (b) The content of the Precinct Provisions and Precinct Plans including in particular those provisions which:
 - (i) require the setting aside of land for infrastructure purposes, including future widening of Golding Road;
 - (ii) apply a vehicle access restriction to land fronting Golding Road; and

- (iii) require riparian planting of permanent and ephemeral streams and natural wetlands.

Reasons for submission

7. YLH:

- (c) Generally supports PC74, particularly insofar as it proposes the rezoning of the YLH Land to facilitate subdivision and redevelopment for residential purposes;
- (d) Supports the rezoning of the YLH Land from Future Urban Zone to Residential – Mixed Housing Urban Zone;
- (e) Opposes the incorporation of the MDRS into the provisions of the Precinct, as this is unnecessary, duplicative and inefficient. The MDRS will necessarily be incorporated into the underlying Residential – Mixed Housing Urban Zone through the statutory processes provided for in the RMA as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021;
- (f) Opposes the Precinct Provisions and Precinct Plans insofar as these:
 - (i) require the setting aside of land for infrastructure purposes, including future widening of Golding Road;
 - (ii) apply a vehicle access restriction to land fronting Golding Road;
 - (iii) require riparian planting of permanent and ephemeral streams and natural wetlands; and
- (g) Otherwise supports PC74, including the Precinct Provisions and Precinct Plans as notified.

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8. The Submitters will be directly and potentially adversely affected by PC74.

9. The Submitters are not trade competitors for the purposes of the Resource Management Act 1991 (“**RMA**”).

10. The reasons for the submission are as follows:

(a) YLH considers that an objective of PC74 should be that transport infrastructure is integrated and coordinated with subdivision and development and provides connections to the wider transport network. It also considers that PC74 should not preclude necessary upgrades to the road network adjoining the plan change area. However:

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(i) The application of a vehicle access restriction along Golding Road, where there is currently no confirmed layout or plan for the future upgrading of that road to arterial status is unnecessary, inappropriate and creates an unreasonable burden on adjoining land; and

(ii) Furthermore, in that context it is not appropriate to require that a 6m strip of land is “set aside” for future widening/vesting purposes, when it is not clear whether that amount of land will actually be required in future. YLH considers a more appropriate approach is the application of a building setback from the Golding Road road reserve boundary, with any standards that are usually measured from the road reserve (ie, yard setbacks, building in relation to boundary controls (if any)) to be measured instead from the setback. That approach was adopted in I445 Gatland and Great South Road Precinct, which was inserted into the AUP by Private Plan Change 52.

(b) YLH acknowledges the “indicative” nature of the Indicative Collector Road and Indicative Key Walking/Cycling Route’s illustrated on Precinct Plan 1. However, it remains concerned that rather than showing these routes running along a cadastral boundary, Precinct Plan 1 shows these cutting awkwardly from the north western corner of the YLH land towards Golding Road, which would create a wedge of land that would be difficult to develop in future and could compromise the efficient development of the YLH Land overall. It considers that Precinct Plan 1 should be amended to show these routes following the cadastral boundary between the YLH Land and its neighbour to the north along Golding Road.

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(c) YLH considers that an objective of PC74 should be that the ecological values of streams, wetlands and significant ecological areas are protected from inappropriate subdivision and development. The Precinct Provisions, however, require “protection and enhancement” of ecological values of

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streams and wetlands, including through a requirement for 10m minimum riparian planting along the margins of any permanent or ephemeral stream and any natural wetland. YLH considers that this approach is inflexible, inappropriate and impractical. It considers that a more flexible approach should be taken, which reflects the actual values of the relevant stream or wetland. It considers that such matters can and should be considered in light of the existing provisions of the AUP and other relevant statutory documents such as relevant National Policy Statements and National Environmental Standards that will be mandatory considerations in any future subdivision and development processes.

- (d) As a consequence, as notified PC74:
 - (i) Would not most efficiently, effectively and appropriately enable the AUP to promote the sustainable management of natural and physical resources and otherwise give effect to Part 2 of the RMA;
 - (ii) Would not most efficiently, effectively and appropriately enable the AUP to give effect to the objectives, policies and other provisions in the relevant planning instruments; and
 - (iii) Would not warrant being upheld in terms of section 32 of the RMA.

- (e) The Submitters otherwise generally support the provisions of PC74.

Relief sought

- 11. YLH seeks the following relief:
 - (a) That PC74 is confirmed insofar as it results in the rezoning of land, including the YLH Land, from Future Urban Zone to Residential – Mixed Housing Urban Zone, Business – Light Industrial Zone and Business – Neighbourhood Centre Zone;
 - (b) Subject to the amendments sought in (c) and (f) below, that PC74, including the Precinct Provisions and associated Precinct Plans, are confirmed without amendment;

(c) At a minimum, YLH considers that the Precinct Provisions should be amended to address the concerns raised in this submission, including (without limitation) through the following amendments:

(i) Amend objective (4) as follows:

Transport infrastructure is integrated and coordinated with subdivision and development and provides connections to the wider transport network and will not preclude any future upgrades to the road network adjoining the precinct.

(ii) Amend objective (8) as follows:

The ecological values of streams, wetlands and the significant ecological area are protected from inappropriate subdivision and development and where practicable are enhanced.

(iii) Amend Policy (3) as follows:

Require subdivision and development to provide an interconnected urban road network which ensures that anticipated future includes necessary upgrades to existing infrastructure adjoining the Precinct and connections to existing and future networks outside the Precinct are not precluded.

(iv) Delete Policy (5);

(v) Amend Policy (8) as follows:

Require subdivision and development ~~to plant the riparian margin of streams and wetlands and~~ to provide at source hydrological mitigation, attenuation and quality treatment to prevent stream bank erosion and to enhance in-stream morphology, and stream and wetland water quality.

(vi) Delete (T5) from Table I4XXX.6.1.1;

(vii) Insert a new standard into I4XX.6 as follows:

I4XX.6.X. Building Setback along Golding Road

Purpose:

• To provide for the potential future widening of Golding Road.

(1) A 6m-wide building setback must be provided along the entire frontage of the land adjoining Golding Road measured from the legal road boundary that existed at 1 June 2022. No buildings, structures or parts of a building shall be constructed within this 6m wide setback.

(2) The applicable minimum front yard setback of the underlying Mixed Housing Urban zone for land adjoining Golding Road shall be measured from the 6m wide building setback required in (1) above.

(3) Subdivision or development that does not comply with Standard I445.6.2(1) is a discretionary activity.

- (viii) Delete I4XX.6.2. Riparian and Buffer Planting;
 - (ix) Delete I4XX.6.6 Development Controls – Residential – Mixed housing Urban Zone – Medium Density Residential Standards.
 - (d) That Precinct Plan 1 is:
 - (i) Deleted; or
 - (ii) In the event that the relief sought in (i) above is not considered appropriate; amend Precinct Plan 1 to remove the Indicative Collector Road and Indicative Key Walking/Cycling Route; or
 - (iii) In the event that neither the relief sought in (i) nor (ii) above are considered appropriate, amend Precinct Plan 1 to locate the Indicative Collector Road and Indicative Key Walking/Cycling Routes along the shared boundary of the YLH Land and its neighbour to the north along Golding Road;
 - (e) Delete the “Vehicle Access Restriction” illustrated on the “Overlay Plan” from PC74; and
 - (f) Such further, other or consequential relief as is considered appropriate or necessary to address the concerns expressed in this submission.
12. YLH wishes to be heard in support of this submission. If other parties make a similar submission, YLH would consider presenting a joint case with them at any hearing.

DATED 2 June 2022

YLH HOLDINGS LIMITED by its solicitors and duly authorised agents, Ellis Gould



DJ Sadlier

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. Attention DJ Sadlier, dsadlier@ellisgould.co.nz.