UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Celia Davison, Manager Planning – Central South

FROM Sanjay Bangs, Senior Policy Planner – Central South

DATE 23 November 2021

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

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

Reason for update – Plan Change 52 – 520 Great South Road, Papakura to be made operative.	
Chapter	Chapter I Precincts AUP Viewer
Section	N/A
Designation only	
Designation #	N/A
Locations:	N/A
Lapse Date	*N/A*
Purpose	N/A
Changes to text (shown in underline and strikethrough)	Introduce a new precinct titled 'Gatland and Great South Road Precinct'. Refer to precinct text in **Attachment 1**, **Attachment 3** and **Attachment 6**.
Changes to diagrams	N/A
Changes to spatial data	Rezone land and apply new precinct as shown in **Attachment 4** and **Attachment 7.**
Attachments	***Attachment 1: PC52 decision*** ***Attachment 2: Planning Committee resolution to make operative PC52*** ***Attachment 3: PC52 text changes shown in strikethrough and underline*** ***Attachment 4: PC52 spatial changes*** ***Attachment 5: Further Clause 20A changes to text*** ***Attachment 6: PC52 Updated Text clean version*** ***Attachment 7: Updated GIS Viewer***

Prepared by: Sanjay Bangs Senior Policy Planner – Central South	**Text Entered by:** Sarah El Karamany Planning Technician
Signature: 	**Signature:** 
Maps prepared by: Mitesh Bhula Geospatial Analyst	**Reviewed by:** Craig Cairncross Team Leader – Central South
Signature: 	**Signature:** 
Signed off by: Celia Davison Manager Planning – Central South	
Signature: 	

Attachment 1: PC52 decision

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

Proposed Private Plan Change 52 –to the Auckland Unitary Plan

Proposal - in summary.

The Applicant seeks to rezone 4.63 ha of land at 520 Great South Road, 522 Great South Road and 21 Gatland Road from Future Urban Zone to Residential – Mixed Housing Urban Zone.

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

Private Plan Change number:	52
Site address:	520 Great South Road, 522 Great South Road and 21 Gatland Road
Applicant:	520 GSR Limited
Hearing	16 and 17 May 2021
Hearing panel:	Greg Hill (Chairperson) Karyn Kurzeja Mark Farnsworth MNZM
Appearances:	Applicant: Daniel Sadlier, Legal Counsel Fraser Heaven, Corporate Cameron Wallace, Urban Design Todd Langwell, Traffic Charlotte Peyroux, Stormwater Nick Roberts, Planning Mary Wong, Planning Papakura Local Board Brent Catchpole, Chairperson Submitters: Wainono Investments Limited Annabel Hawkins, Legal Counsel Peter Hall Planning Auckland Transport Matthew Allan, Legal Counsel Josephine Tam, Corporate

	Chris Freke, Planning & Transport For the Council: Craig Cairncross, Team Leader Sanjay Bangs, Planner (section 42A report author) Chloe Trenouth (Healthy Waters) Terry Church, Traffic Engineer Hearings Advisor: Sam Otter, Senior Hearings Advisor
Tabled Statements from Submitters	Karl Flavell - Ngāti Te Ata Waiohua - including a *Cultural Values Assessment Dated May 2021*

PROCEDURAL NOTE

This fixture had been set down as a combined hearing of Plan Change 52 (to rezone the site) and a Resource Consent hearing (to enable the development of residential dwellings and associated works). The Hearing Panel was advised by Mr Sadlier, legal counsel for the Applicant, by email[1] on the eve of the hearing, that the Applicant was requesting a short adjournment of the resource consent hearing due to the discovery of a potential natural wetland on the site. Mr Sadlier sought confirmation that:

- The hearing of Plan Change 52 go ahead as planned; but
- The hearing of resource consent (BUN60356792) be adjourned for a short period to enable further investigations to be undertaken; and
- The hearing of resource consent (BUN60356792) be rescheduled to commence at the Hearing Panel's earliest convenience thereafter.

We discussed this issue at the hearing. Following the discussion, Mr Sadlier confirmed that his client sought that the resource consent be placed on hold, and that they would seek to have it heard after the decision on Plan Change 52 had been made. We confirmed the adjournment of the resource consent as requested by the Applicant.

INTRODUCTION

1. The private plan change request was made under Clause 21 of Schedule 1 to the RMA and was accepted by the Council, under clause 25(2)(b) of Schedule 1 to the RMA on 28 July 2020.

[1] Daniel Sadlier, email to the Sam Otter the hearing administrator 14 June 2021 @ 1701

2. A report in accordance with section 32 and 32AA (in relation to the changes sought) of the RMA was prepared[2] in support of the proposed plan change for the purpose of considering the appropriateness of the proposed provisions.

3. This decision is made on behalf of the Auckland Council (**the Council)** by Independent Hearing Commissioners Greg Hill (Chair), Karyn Kurzeja and Mark Farnsworth appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (**RMA**).

4. The Commissioners have been delegated the authority by the Council to make a decision on Plan Change 52 (**PC 52**) to the Auckland Council Unitary Plan Operative in Part **(AUP (OP)**). In making our decision we have considered: the application, all of the submissions, the section 32 and 32AA evaluations, the section 42A report prepared by Mr Sanjay Bangs for the hearing, legal submissions, the evidence presented during the hearing of submissions, and closing submissions.

SUMMARY OF PLAN CHANGE AS NOTIFIED

5. The proposed Plan Change was described in detail in the Application[3] and in the Council's section 42A hearing report. The *Applicant's Section 32A Assessment Report*[4] sets out why a private plan change was necessary[5]. The Report notes:

> *"The purpose of the Plan Change, or the objective of the Plan Change, is to apply an urban residential zoning[6] to 4.6268 hectares of Future Urban zoned in Papakura, consistent with the Council's Drury-Opāheke Structure Plan.*
>
> *The reason for this Plan Change request is that the applicant, who is the majority owner of the Plan Change area, and intends to develop their landholdings in a manner consistent with the proposed zoning framework, which this Plan Change request will enable".*

6. The subject site is identified for urban development in the policy documents on future urban growth in Auckland. The Future Urban Land Supply Strategy 2017 (**FULSS**) identifies the land as being development ready between 2028 – 2032. The Drury-Opāheke Structure Plan 2019 (**DOSP**) identifies the land as being zoned (and developed) as Residential - Mixed Housing Urban (**MHUZ**).

THE SITE AND SURROUNDING ENVIRONMENT

7. The Applicant, in Section 4.0 of the plan change request, provided a full description of the PC 52 site and surrounds. The Section 42A Report also provided[7] a summary of that description.

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[2] REQUEST FOR PRIVATE PLAN CHANGE 52 – Section 32 Assessment Report – Rachel Morgan B & A Urban & Environmental 25 May 2020
[3] Ibid at [5.1]
[4] Ibid at [5.2]
[5] Clause 22(1) of the RMA requires that a Plan Change request explains the purpose of, and reasons for the proposed plan change.
[6] Mixed Housing Urban Zone (**MHUZ**)

8. The plan change area is 4.63 hectares and is comprised of three separate lots, being:

    - 520 Great South Road, Lot 2 DP 172553;
    - 522 Great South Road, Lot 1 DP 172553; and
    - 21 Gatland Road, Lot 16 DP 43579.

9. The Applicant owns 520 Great South Road and this site makes up the majority of the area (3.02ha).

10. The site contains three dwellings and a health food store, with the balance being in pasture. The properties all slope gently down to a watercourse that runs through the middle of the plan change area.

11. The plan change area is situated between the centres of Papakura and Drury, approximately 3km south of the Papakura Metropolitan Centre. The plan change area is bounded to its west by existing residential subdivisions and Great South Road, to its north and east by the Papakura South Cemetery and to the south by rural lots not located within the Rural Urban Boundary **(RUB)** and, is primarily used for horticulture and pasture.

12. The surrounding area can be described as peri-urban, with both urban and rural features fragmented throughout. Established residential areas are generally aligned along the Great South Road corridor between Papakura and Drury, west and north of the subject site.

13. The site is located within 2km of the motorway interchanges at Papakura and Drury, and within 2.5km of the existing Papakura Train Station which features a 230-space park and ride facility. The 376-bus route operates along Great South Road between Drury and the Papakura Train Station.

EXISTING PLAN PROVISIONS

14. The subject site is zoned Future Urban Zone (**FUZ**) in the AUP (OP). The FUZ is a transitional zone applying to greenfield land that has been identified as suitable for urbanisation, but cannot yet be used for urban activities. As a holding zone for future development the FUZ enables a range of rural activities and development to occur until the land is rezoned for urban purposes through a plan change process. In the interim, rural activities that align with those enabled in the Rural Production Zone are provided for.

15. The Regional Policy Statement (**RPS**) section of the AUP (OP) requires the rezoning of FUZ land to follow the structure planning and plan change processes in accordance with DOSP guidelines.

[7] Section 42A Report at [2.1]

16. Great South Road adjacent to the subject site is identified as an Arterial Road within the AUP (OP). Under Chapter E27 – Transport of the AUP (OP), new vehicle crossings and replacements of existing crossings to and from Arterial Roads require resource consent in order to maintain the effective and safe operation of arterial roads, and ensure safe and functional access to sites.

17. The wider Opāheke area east of the site is subject to flooding constraints, identified by Council's flood plains maps and the Coastal Inundation (1 per cent AEP plus 1m sea level rise) control in the AUP(OP).

18. The site is also subject to the Macroinvertebrate Community Index (Rural and Urban) which outline guidelines for freshwater ecosystem health, derived from the different land uses within a given catchment.

STRATEGIC CONTEXT

19. The Section 42A Report provided[8] a Strategic Context. In summary - the Auckland Plan 2050 seeks that most of Auckland's anticipated population and dwelling growth over the next 30 years is within the existing urban area. The remaining development is anticipated to occur in future urban areas and in rural areas. In the southern area, 6,706ha of land is zoned for future urban growth; with an anticipation of 60,000 residents within the DOSP area.

20. The FULSS sets out the sequencing of future urban land for development within Auckland. The FULSS stages the supply of such land to ensure that new growth is supported by the necessary infrastructure networks, and to help inform infrastructure investment decisions made by the Council, Central Government and the private sector. The FULSS identifies the PC 52 land and surrounding Drury and Opāheke area, east of SH1 as being development ready within 2028-2032.

21. The DOSP outlines how growth anticipated within this area can be achieved by indicating the location of future land use zonings, infrastructure and constraints within Drury and Opāheke. This includes the location of residential areas, town centres, business areas and critical infrastructure amongst other elements.

22. Through Te Tupu Ngātahi Supporting Growth Alliance (**SGA**), Auckland Transport (**AT**) and Waka Kotahi New Zealand Transport Agency have identified the preferred transport network and interventions required to support future urban growth in the southern sector. In January 2021, SGA lodged Notices of Requirement (**NoRs**) to route protect five strategic transport corridors identified in the preferred transport network for the south.

23. In January 2020, Central Government committed funding to transport infrastructure projects through the New Zealand Upgrade Programme (**NZUP**). The funding allocation for these projects was incorporated into the Auckland Transport Alignment Project 2021-2031 (**ATAP**), an agreed investment programme between Central

[8] Section 42A Report at [2.2]

Government and Auckland Council on transport priorities for Auckland. In relation to PC 52, ATAP outlines investment for the 'Drury & Paerata Growth Area' ($243m), for transport infrastructure in the Drury area to support the NZUP investment.

24. In May 2021 Central Government announced a revision of the NZUP which withdrew funding from the previously identified Mill Road upgrade. This matter is addressed further below.

NOTIFICATION PROCESS AND SUBMISSIONS

25. PC 52 was publicly notified on 27 August 2020 with 15 primary submissions received. A summary of submissions was publicly notified on the 9 October 2020, with 4 further submissions received.

26. The Section 42A Report provided a tabulation[9] of the issues raised by the submitters. The submitters who addressed PC 52, and their main issues are set out below:

Sub No	Submitter	Matters Raised
1	Tingran	Approve plan change
2	Casey Norris	Decline Plan Change
3	Jamie Mackenzie	Decline Plan Change
4	Chris Caldwell	Approve Plan Change
5	Judy & Peter Coleman	Treat entire area as a whole
6	Priyanka Hulikoppe	Decline Plan Change. Whole area developed together
7	Julia Marr	Approve Plan Change
8	Ngāti Te Ata Waiohua	Consultation and engagement with respect to submitter's culture preferences.
9	Lee & Gary Running	If not declined make amendments
10	Veolia Water Services	Water & wastewater capacity and network design
11	Srini Reddy	Objects – impact on new drive-way
12	Heritage New Zealand Pouhere Taonga	Need for archaeological prior to plan change approval or

[9] Section 42A Report at pp163 - 166

		development
13	Auckland Transport	Alignment with transport infrastructure planning/funding, delivery of frontage upgrades, pedestrian improvements and road widening, internal transport network and future connectivity
14	David & Sarah Bryant	Decline – if granted make amendments
15	Wainono Investments Ltd	Supports the plan change, seeks no additional precinct provisions be applied

SUMMARY OF MODIFICATIONS SOUGHT TO THE PLAN CHANGE

27. The Section 42A Report[10], while recommending approval of the Plan Change, sought the following modifications:

    a. Application of the Stormwater Management Area Flow 1 (**SMAF 1**) control to the PC 52 site; and

    b. Application of precinct provisions to manage stormwater quality and quantity and to require local transport improvements to be implemented.

28. The Section 42A Report also noted that the recommendation to approve PC 52 was dependent on the findings of the following evidence provided on the following matters:

    a. Evidence to determine that sufficient water capacity is available in the reticulated network to service the site; and

    b. Evidence from submitter Ngāti Te Ata Waiohua and further submitter Ngāti Tamaoho Trust outlining their cultural preferences in regard to PC 52.

29. The Applicant tabled an email from Mr Flavell (Ngāti Te Ata Waiohua) with an attached *Ngāti Te Ata Cultural Values Assessment Report.* Mr Flavell noted that they were satisfied there had now been sufficient consultation and consideration of Ngāti Te Ata's cultural preferences. Ngāti Te Ata stated they were now in support of, and had no opposition to, PC 52.

HEARING AND HEARING PROCESS

30. The hearing commenced on 15 June 2021 and was adjourned on 16 June 2021 having heard from the Applicant, the Submitters and the Council. The Hearing Panel undertook a site visit on the afternoon of 15 June 2021. The Applicant's Closing Reply Statement, and a set of 'marked up' provisions, was provided on the 25 June 2021.

RELEVANT STATUTORY PROVISIONS CONSIDERED

[10] Section 42A Report at [13]

31. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the Section 42A Report[11].

32. The Applicant in their Plan Change Request dated 25 May 2020, provided an evaluation pursuant to section 32, and the additional information requested by the Council.

33. We do not need to repeat contents of the Applicant's Plan Change Request and Section 32 Assessment Report in any detail, as we accept the appropriate requirements for the formulation of a plan change have been comprehensively addressed in the material before us. However, in its evidence and at the hearing, we note that the Applicant proposed some changes to the plan change in response to concerns raised by the Council and Submitters.

34. We also note that the Section 32 Assessment Report clarifies that analysis of efficiency and effectiveness of the plan change is to be at 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. Having considered the application and the evidence, we are satisfied that PC 52 has been developed in accordance with the relevant statutory requirements.

35. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must also include a further evaluation, in accordance with section 32AA of the RMA, of any proposed changes to the Plan Change. We address these matters below, as well as setting out our reasons for accepting, accepting in part, or rejecting submissions.

FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE.

36. The following section addresses our overall findings on PC 52 having heard and considered all of the material and evidence before us. We then more specifically address the submissions received to PC 52 and the relief sought in those submissions. In this respect, in accordance with Clause 10(2) of the RMA, we have grouped together those submissions under the headings that were used in the section 42A report for consistency and simplicity.

37. With respect to further submissions, they can only support or oppose an initial submission. Our decisions on the further submissions reflects our decision on those initial submissions having regard, of course, to any relevant new material provided in that further submission. As an example, if a Further Submission supports a submission(s) that opposes the Plan Change and we have recommended that the initial submission(s) be rejected, then it follows that the Further Submission is also rejected.

[11] Section 42a Report at section 3

38. We also note that we must include a further evaluation of any proposed changes to the Plan Change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA of the RMA. With regard to that section, the evidence presented by the Applicant, Submitters and Council Officers and this report, including the changes we have made, effectively represents that assessment. All the material needs to be read in conjunction with this decision report where we have determined that changes to PC 52 should be made.

Reasons for the Plan Change Proposal

39. For context, we set out and accept the Applicant's rationale for seeking changes to the AUP (OP) and rezoning of the site from FUZ to MHUZ. This was detailed in the Application[12], evidence and the legal submissions. For the reasons that follow, it is our view that the provisions of PC 52 (as we have determined them) are more efficient and appropriate in terms of the section 32 and section 32AA of the RMA than those of the AUP (OP).

40. The FUZ is applied to "*greenfield land that has been identified as being suitable for urbanisation"*[13]. The FUZ is therefore a transitional zone until such time as this land is rezoned. As set out in the Section 32 assessment report, the Applicant, who is the majority landowner of the Plan Change area, intends to develop their landholdings in a manner consistent with the proposed MHUZ framework.

41. In addition, the rezoning sought is consistent with the zoning set out in the Council's DOSP. Further, we agree with the Applicant's reasoning in the section 32 assessment report[14], that this plan change, while not strictly consistent with the timing for development set out in the FULSS, nevertheless delivers an integrated land use/infrastructure development. Specifically, the location of the plan change area adjoins the urban area of Papakura, the land can be serviced, and is on the frequent bus route network; thereby, in our view justifying enabling the residential development now.

42. We also note that the development enabled by the plan change is relatively small scale (4.63 hectares) compared to a number of other private plan changes in Drury. In this respect it will not, in our view, have any strategic planning impacts.

43. The question that arises from the plan change proposal is whether or not PC 52 as proposed and subsequently modified by the Applicant through the hearing process, satisfies the section 32 requirements of the RMA. In a nutshell, it requires an evaluation as to whether the objectives in PC 52 are the most appropriate way to achieve the purpose of this Act; noting there is no presumption that the operative provisions are the most appropriate.

[12] REQUEST FOR PRIVATE PLAN CHANGE 52 – Section 32 Assessment Report – Rachel Morgan B & A Urban & Environmental 25 May 2020 at [5.2]
[13] AUP (OP), Chapter H18.1, Zone description
[14] REQUEST FOR PRIVATE PLAN CHANGE 52 – Section 32 Assessment Report – Rachel Morgan B & A Urban & Environmental 25 May 2020 at [6.2.1]

44. For the reasons that follow, we are satisfied that PC 52 (in the form we have approved), better meets the Act's section 32 requirements, and Part 2 of the Act, than those in the AUP (OP). We address these matters below.

Rezoning Boundary

45. Mr Freke, planner for Auckland Transport (AT) was of the view that the plan change boundary was not based on any logical planning boundary.[15] Mr Roberts and Ms Wong, planners for the Applicant, set out in their rebuttal statement that they considered the PC52 area was appropriate as the proposed rezoning achieved a contiguous boundary with an existing urban residential area and that the rezoning terminated with the two adjacent paper roads and Papakura South cemetery (which have a different zoning under the AUP (OP) or are specifically shown as roads on the planning maps.[16]

46. These findings were evident from our site visits. We therefore agree with Mr Roberts and Ms Wong.

Applicability of the National Policy Statement for Urban Development

47. At the hearing, Mr Allan on behalf of AT referred us to the Environment Court's very recent decision regarding the applicability of the National Policy Statement for Urban Development 2020 ("NPS-UD") in relation to a private plan change proposal in *Eden-Epsom Residential Protection Society Incorporated v Auckland Council* [2021] NZEnvC 082.

48. The Court determined that:

    (a) Its decision on the private plan change application would be a "planning decision" for the purposes of the NPS-UD; and

    (b) That the Court was not required to and would not be giving effect in its decision to Objectives and Policies in the NPS-UD that are not requiring "planning decisions".

49. Mr Sadlier on behalf of the Applicant submitted that the decision is the only direct consideration of the applicability of the NPS-UD to date by the Environment Court, and on its face would equally apply to the Hearing Panel's decision on PC52. Accordingly, the Panel would be required only to apply the following provisions of the NPS-UD when making its decision:[17]

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

[15] C Freke EiC at [4.5]
[16] N Roberts and M Wong Rebuttal Evidence at [2.1]
[17] D Sadlier Reply Submissions at [5.4]

(b) ***Objective 5:*** *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

(c) ***Objective 7:*** *Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.*

(d) ***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 Maori 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.*

(e) ***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."*

50. The Hearing Panel notes the responses given in the hearing by Mr Roberts and Mr Hall that resort to the NPS-UD is not required in order for PC52 to be supported. Specifically, the analysis of the operative RPS provisions of the Unitary Plan demonstrates that the rezoning sought by PC52 is the most appropriate outcome in terms of section 32 of the RMA. We agree.

51. However, Mr Sadlier submitted that notwithstanding the above, PC 52 is, in particular, consistent with Policies 1 and 6 set out above, as it will:[18]

"(a) Enable a variety of dwelling typologies that are atypical of historical development in the Papakura area, but are in high demand;

[18] D Sadlier Reply Submissions at [5.6]

(b) Enable alternative, more affordable dwelling options relative to the typologies traditionally available in the area;

(c) Be accessible to the various identified elements of the urban environment, including by public transport along Great South Road;

(d) Support competitive land and development markets by providing additional capacity for growth in this part of the city;

(e) Will enable additional development capacity to be realised under the AUP, consistent with requirements of the NPS-UD; and

(f) Contribute to and enable the realisation of benefits associated with well-functioning urban form."

52. We accept and agree with the above legal submissions of Mr Sadlier, noting specifically that while the Applicant is not relying on the NPS-UD provisions in order for PC 52 to be confirmed, it acknowledges that PC 52 would be consistent with the relevant objectives and policies of the NPS-UD anyway.

National Policy Statement for Fresh Water

53. While we are dealing with National Policy Statements, it is important to provide comment on the National Policy Statement for Freshwater Management 2020 (**NPS-FM**).

54. The Applicant alerted us to the fact that there may be a natural wetland on the site, but that the ecological experts were yet to apply the Ministry for the Environment's guiding criteria to determine whether it was in fact a natural wetland in terms of the NPS-FM definition. As a consequence, as outlined in the Procedural Note above, the Applicant requested that the resource consent application be put on hold.

55. We acknowledge the Applicant's position that there may be a natural wetland on the property. However, at this stage, we have not received any evidence that it is or is not a natural wetland. We accept the legal submissions that, notwithstanding there may be a natural wetland on the property, this does not affect our decision that the MHUZ is the most appropriate zoning for the land. However, if a natural wetland is confirmed, this will likely impact on how, and to what extent, the land may be able to be developed for residential (MHUZ) purposes. The Hearing Panel is therefore of the view that rezoning the PC 52 land residential will not prevent the concept of Te Mana o te Wai from being recognised and provided for on the subject land.

56. The conclusion that the Hearing Panel has reached above is in-line with the AUP OP's approach of zoning land for its intended purpose (in this case, residential). As discussed above, the DOSP has identified that this land should be rezoned MHUZ. We note that there is no contention that this is not the most appropriate zoning for this land.

Integration with Infrastructure Planning and Funding Decisions

57. The evidence of Ms Tam and Mr Freke for AT was that the land in PC 52 should not be released for rezoning until the wider strategic transport network connections, upgrades and facilities are confirmed, and there was certainty around the financing and funding of that transport infrastructure. Ms Tam's evidence[19] also stated that there was "inter-dependency" between PC 52 with the identification and programming of the wider strategic network improvements that are being separately undertaken by the SGA.

58. Mr Langwell had a different view; he considered that there are no further mitigations beyond the site and its frontage with Great South Road that were necessary to support the rezoning of the land.[20] He confirmed that the trip generation effects would be localised and would not have adverse cumulative effects on the wider transport network. Apart from the upgrade of Great South Road, Mr Langwell advised that each of the future network upgrades identified by the SGA in their Integrated Transport Assessment (ITA) for Council's DOSP were focused on connectivity to the Drury Centre and future urban zones to the south of the PC 52 site and public transport improvements.[21]

59. Mr Roberts and Ms Wong, relying on the evidence of Mr Langwell, reiterated that the traffic modelling undertaken for PC52 demonstrated that there was sufficient capacity in the transport network to accommodate the rezoning without the reliance of any major transport upgrades or any of those identified to be undertaken by the SGA.

60. We agree with the Applicant in respect of the matters of financing and funding of transport infrastructure and services surrounding the other Drury plan changes. We do not find there is any inter-dependency with PC52 such that it should preclude the timing or outcome of the proposed rezoning sought by PC 52.

Great South Road 5m Building Setback

61. This building setback standard was a matter of some discussion throughout the hearing. In particular the issue was whether the proposed 5m building setback along Great South Road proposed by the Applicant would be adequate, and give effect to the RPS provisions that relate to the integration of infrastructure and land use.

62. The areas of disagreement between the Applicant, the Council and AT were significantly narrowed as a result of further discussions between those parties. However, the key overriding disagreement remaining was the degree to which the precinct provisions should provide express protection/consideration for the future widening of 520 Great South Road.

[19] J Tam EiC at [6.5 & 6.7].
[20] T Langwell EiC at [7.5 & 7.6]
[21] ibid

63. The Hearing Panel notes that the future road frontage upgrade to align with a regional road upgrade is neither designed, designated, funded nor proposed to be constructed within the foreseeable future. In the absence of any design, Mr Freke did helpfully refer in his evidence[22] to the Drury Arterials Network: Jesmond to Waihoehoe West FTN Upgrade (Auckland Transport) NOR. This provides for a 30 metre road reserve. Mr Freke considered this cross section would be equivalent to that which he would expect to be applied to Great South Road.

64. Mr Freke noted that this cross section had the same width as was acquired by the former Papakura District Council which applied a 5 metre widening to both sides of Great South Road. Based on this, he considered the Applicant's proposal for a 5 metre widening along the section of Great South Road adjoining PC 52 (as well as any land required) would accommodate the new intersections.[23]

65. For the sake of clarity, we note that the application of the relevant front yard setback for sites fronting Great South Road must be measured from this 5m setback. This is to ensure that the front yards of any dwelling constructed retain appropriate amenity when Great South Road is widened in the future.

66. The parties other than AT agreed that Policy 2a was now appropriately worded as enabling the future widening of Great South Road. AT did not agree, and considered a stronger word than "enable" was required. This has consequential implications for subsequent precinct provisions. Specifically, AT considers there should be stronger wording of the purpose statement for Rule Ixx.6.2. Building Setback along Great South Road. While the Applicant was seeking the use of the word *"enable*" with respect to the future required widening of Great South Road, AT prefers stronger wording than enable, such as "*to enable and not hinder".*

67. The Hearing Panel considers it important that the purpose of this rule is met and therefore finds in favour of AT; that stronger wording is appropriate in this instance. We consider that the use of the words "*provide for*" will best meet this intention and this is reflected in the final precinct wording of both Policy 2a and the purpose statement of Rule Ixx.6.2. Building Setback along Great South Road.

Stormwater Quality Treatment

68. The Hearing Panel acknowledges that the Council's (and Healthy Waters) support the overall stormwater management approach proposed in the Stormwater Management Plan (**SMP)**. We note that Healthy Waters has provided provisional approval to the SMP.

69. The remaining areas of disagreement between the applicant and the Auckland Council / Healthy Waters are limited in scope. They relate to the wording of Policy 1 and associated criteria in relation to whether the precinct provisions should require a

[22] C Freke EiC at [4.19 – 4.20].
[23] ibid at [4.20]

specific method of stormwater treatment, and whether it is necessary to include a criterion relating to future maintenance of stormwater devices.

70. Ms Peyroux set out the water quality treatment approach in her evidence, which sought to treat all contaminant-generating impervious areas at or near source to target sediment, metals and gross pollutants in the stormwater runoff.[24] This is on the basis that not all impervious surfaces require stormwater quality treatment, but only those connected to the stormwater network.

71. Ms Peyroux advised that the SMP provides for other best practicable treatment options in the toolbox which may be available as an alternative to the use of inert building materials and GD01 devices, and so these should be expressly referred to but not in an exclusive manner. The Council however, remains of the opinion that all impervious surfaces should be subject to stormwater quality treatment.

72. We generally agree with the Applicant's stance and find that the SMP includes appropriate treatment devices for runoff from public roads and carparks to meet the NDC requirements. The Panel does however find merit in further refining the precinct provisions around this matter, which is discussed in more detail below.

Cultural

73. Ngāti Te Ata had submitted in opposition to the PC 52 citing a lack of consultation and engagement with respect to their cultural preferences. We were informed by Mr Sadlier in his opening submissions that engagement and consultation has since been undertaken, including the preparation of a Cultural Values Assessment which explains the cultural values and iwi environmental preferences for future development of the PC 52 land. This is noted in an earlier paragraph regarding an email that was tabled from Ngāti Te Ata saying they were in support of PC 52.

Matters not in contention

74. There were a couple of matters addressed in PC 52 that were not contested. These included:
    - Geotechnical engineering; and
    - Contamination

75. While evidence was prepared on these matters, and considered by the Hearing Panel, we had no questions for those relevant expert witnesses[25]. We accept these matters have been appropriately addressed by PC 52 and the plan provisions. These matters are now addressed individually below.

Geotechnical

[24] C Peyroux EiC at [6.3b]

[25] P Fletcher – Geotechnical & L Windross - Contamination

76. Mr Fletcher provided geotechnical evidence which confirmed that the land was generally suitable for the proposed plan change to rezone the land for residential use. He considered the proposed site levels to be stable and suitable for a residential development, noting that the site will require further geotechnical investigation and more detailed assessment of the proposed development as part of future works.[26]

Contamination

77. Ms Windross provided evidence which confirmed the soil investigation results that overall contamination levels are low and do not present a risk to human health.[27] She informed us that there were a few hotspots within the property but advised that a Site Management Plan had been prepared to minimise discharges to the environment during any earthworks on the property. We note that the SMP includes procedures for asbestos clearing around buildings.

Positive Outcomes

78. We find there will be positive effects from approving PC 52 – namely the rezoning of land for additional residential housing. That is PC 52 will provide for rezoning of approximately 4.63 hectares from FUZ land to MHUZ.

79. The MHUZ is in keeping with the adjoining zones and land uses surrounding the site, with good access to both the current and future arterial road and rail networks servicing the surrounding local area. Enabling this land to be utilised for residential purposes is an efficient use of the land resource and it will assist in ensuring the demand for residential land is being met across the wider Auckland region.

80. In respect of providing additional residential land, this would satisfy the provisions of the NPS:UD as we have addressed earlier in this report, and those of the RPS. .

Plan Provisions

81. Earlier in this decision we set out the modifications the Applicant proposed to address the concerns raised in submissions and by the Council officers. As part of the legal closing submissions Mr Sadlier set out that Mr Roberts and Ms Wong had prepared a further revised set of plan provisions. In addition to those already addressed, further amendments included:

- The re-naming of the "Gatland Road Precinct" to the "Gatland and Great South Road Precinct" as this more appropriately describes the land area;
- An amended Precinct description to better reflect the purpose of the precinct provisions, including discussion on how adverse stormwater quality effects will be managed, with inclusion of the wording*: "including urban standard of frontages along Great South Road and Gatland Road, and connectivity through*

[26] P Fletcher EiC at [2.2 – 2.3]
[27] L Windross EiC at [7.2]

the precinct" to better describe the transport expectations of the precinct and to include additional wording which "*recognises the planned future frequent and active transport network along Great South Road*" to better reflect the intent of the precinct provisions;

- Insertion of additional wording in Objective 1 to include "*otherwise minimise, or"* to be consistent with regional level objectives and policies;

- Insertion of additional wording in Objective 2 to include *"for all modes"* to better reflect the intent of the provision;

- Deletion of Objectives 3 and 4, as these objectives were deemed to be surplus to the matters already covered in the Auckland-wide provisions of the AUP(OP) (Chapter E38 Subdivision – Urban and Chapter E27 Transport);

- Amended wording to Policy 1 identifying the stormwater devices within the SMP that should be employed to treat stormwater runoff from the contaminant-generating impervious areas;

- Amendments to Policy 2 to clarify the requirements to provide for the future upgrade of Great South Road and Gatland Road to accommodate the planned frequent and active transport network;

- Deletion of the series of five policies under the 'subdivision and development' heading, as these matters are already covered in the Auckland-wide provisions of the AUP(OP) (Chapter E38 Subdivision – Urban and Chapter E27 Transport);

- Deletion of the two policies 6 and 7 regarding transport infrastructure, as these matters are already covered in amended policy 2;

- Amendments to Ixx.4.Activity table to remove references to discharges under sections 11 and 15 of the RMA;

- Deletion of the subdivision and development activity table as there is no longer a precinct plan proposed and replacement with a blank activity cell activity table to reflect that the remaining subdivision and development matters are captured in the Auckland-wide provisions of the AUP(OP) (Chapter E38 Subdivision – Urban and Chapter E27 Transport);

- Insertion of an activity status for building materials to provide a direct link to the matters for discretion and assessment criteria within the precinct;

- Amendments to the building setback standard along Great South Road to advise what restrictions apply within the 5m building setback, to clarify where the front yard setback is to be measured from and the activity status for subdivision and development that does not meet this standard;

- Relocation of the road construction standards to an appendix to the precinct provisions, clarifying that these standards should be guidelines only and are not intended to represent the only design solution for new roads within the PC 52 area;

- Consequential amendments to the matters for discretion in relation to subdivision and development within the precinct;

- Deletion of matters 3 and 4 in relation to future arterial road improvements as these matters are captured in the Auckland-wide provisions of the AUP (OP) (Chapter E38 Subdivision – Urban and Chapter E27 Transport);

- Consequential changes to the assessment criteria to be consistent with the changes above; and

- Deletion of the precinct plan, as it was deemed to not be necessary for the precinct.

82. We have accepted the majority of the suggested changes sought (with some minor editorial changes) noting the agreement reached between the parties. Those we have not accepted are addressed below, with our reasons. These reasons and all of those above constitute our evaluation pursuant to section 32AA of the RMA.

83. The Applicant had sought to delete the word "all" from the Precinct description. The Applicant's position was that only impervious surfaces that are connected to the stormwater network should be treated for stormwater quality. Ms Trenouth and Mr Bangs did not support the deletion as they both considered that all impervious areas should receive stormwater quality treatment.

84. The precinct description reads:

"The purpose of this precinct is to manage adverse stormwater quality effects on the receiving environment by providing stormwater quality treatment to all impervious surfaces, and to ensure that subdivision and development provides for the necessary transport infrastructure, including urban standard of frontages along Great South Road and Gatland Road, and connectivity through the precinct."

85. We agree with Mr Roberts and Ms Wong that it is not necessary to specify in the precinct description the reference to "all" impervious surfaces. The specific details for stormwater quality treatment can be found within the SMP. We have subsequently removed the reference to "all" in the precinct description.

86. We note in the evidence of Ms Peyroux that the SMP provides a toolbox with the best practicable treatment options that can be considered as an alternative to the use of inert building materials and GD01 devices, and so while these methods are referred to within the provisions, they should not be exclusive. This matter is revisited again

in Policy 1 and the parties have taken the same positions with assessment criteria Ixx.8.2(1)(a)(i) and (2)(a)(i) (second bullet points in each case).

87. The Applicant has suggested amendments to reflect that not "all" impervious areas require stormwater quality treatment, such as an outdoor patio, but only those that are contaminant generating and connected to the stormwater network. Ms Trenouth and Mr Bangs remain of the opinion that all impervious areas should be treated.

88. We have 'landed' somewhere in the middle of these two parties, noting that the reference to the SMP within the policy allows for other BPO treatment options in the toolbox to be considered and adopted for treatment too, and not only inert building materials and GD01 devices which are now provided for within the precinct provisions. We find that the focus should remain on treating contaminant-generating impervious areas and we have amended the policy wording accordingly. In doing so, we have removed the reference to "all" and the need for only having to treat the impervious areas "*that are directly connected to the public stormwater network*".

89. In relation to the Applicant's proposed change to the subsequent assessment criteria, we agree with Ms Trenouth. Where resource consents are a restricted discretionary activity, only those matters that are identified for discretion can be considered. Therefore without relevant matters of discretion or provisions in the AUP OP to address the outcomes of the SMP, it is not possible to impose the necessary conditions on consents.[28]

90. On this basis, we find that it is appropriate to include a matter of discretion and assessment criterion within the precinct provisions that enables consideration of the on-going maintenance of stormwater treatment devices. We have found it necessary however to amend this criterion so that it is clearer for the reader.

91. Mr Roberts and Ms Wong considered that Policy 2(a) is appropriately worded as it enables the future widening of Great South Road. They considered the existing wording to be more appropriate, and reflective of the fact that any Great South Road widening project is uncertain in terms of its final form and likely timing. We note that both Mr Hall and Mr Bangs both agree with this position.

92. Mr Freke did not agree, and considered a stronger word than "*enable*" is required. He considered that there needed to be a higher level of obligation/care than "*enable"* to protect and not add undue cost to the future upgrade of Great South Road outlined within the DOSP. This is largely driven by the 'out of sequence' Plan Change and the fact that the rezoning is happening before AT/SGA has had an opportunity to route protect any widening. Mr Freke suggests the word *"facilitates*" be used in place of "*enables*" or equivalent alternative wording, for example: "*enables and does not hinder*".

[28] C Trenouth, Specialist Memo at [4.2 – 4.3]

93. We agree with Mr Freke that more certainly is required, given the circumstances outlined above. However, we disagree with the suggested replacement wording. In our view, the use of the words "*provide for*" will better achieve the outcome sought by Mr Freke. It is more directive and certain, and it is consistent with the use of the words "*provides for*" within the related Objective 2.

94. Agreement could not be reached by the parties in relation to Activity (A3), Activity table and what the status should be for "Subdivision and/or development involving land adjoining Great South Road that is within 5 metres of the legal road boundary (as at 2021)". Mr Freke considered it should be a full discretionary activity as the ultimate form of Great South Road is unknown and that there is no designation (or notice of requirement) to refer to and no funding allocated to undertake any works in the next 10 years. He considered that a Discretionary status would enable consideration of a wide range of factors and measures.[29]

95. Mr Roberts, Ms Wong, Mr Hall and Mr Bangs considered that a restricted discretionary activity status for new buildings and additions to buildings and subdivision, together with the matters of discretion and assessment criteria in Ixx.3(2) provided a robust framework for assessment of any future resource consent with reference to integration with / enablement of the future widening of Great South Road. We agree and find that the potential effects identified above can be appropriately addressed and managed as a Restricted Discretionary activity.

96. We have, however, made consequential amendments to the activity table as we find that there was no clear or direct link between the Auckland-wide provisions of the AUP(OP) (Chapter E38 Subdivision – Urban and Chapter E27 Transport) and the matters of discretion and assessment criteria in Ixx.3(2). To address this matter, we have removed the blank table cell with no activity status specified, meaning that the zone, Auckland-wide and overlay provisions apply. We have in turn introduced activity Table Ixx.4.1 Activity table to the precinct provisions. This activity table better identifies the activity statuses within the precinct. It also provides for a more direct linkage between the activities within the precinct and the matters of discretion and assessment criteria in Ixx.3(2), in relation to both 'New buildings and additions to buildings', and 'subdivision' within the precinct.

97. In relation to the wording of the purpose statement for Standard Ixx.6.2, Mr Freke considered, for the reasons given above that stronger wording, such as *"To enable and not hinder*" or replacement of the word *"enable*" with *"facilitate*" is required. For the same reasons as specified in paragraphs above, Mr Roberts and Ms Wong do not agree with the proposed wording changes.

98. Again, For the same reasons as we have set out above, we agree with Mr Freke's evidence. However, as stated previously we find that the use of the words "*provides for*" is more appropriate wording and will be more likely to achieve the outcomes sought by Mr Freke.

[29] C Freke, Evidence Summary Statement at [k]

99. Agreement could not be reached between the parties on Standard Ixx.6.2(1). Mr Roberts, Ms Wong, Mr Hall and Mr Bangs considered that deletion of the words *"works that would adversely impact on the ability to widen Great South Road in the future"* was necessary to avoid wording that is subjective and creates uncertainly in terms of compliance with the standard.[30] Mr Freke instead considered that the wording is too limited in scope and that matters such as "*utilities, earthworks and landscaping*" should be included as they could create a potential "impact".[31]

100. In relation to the matter in the preceding paragraph, we find in favour of Mr Roberts and Ms Wong but for slightly different reasons. That is - utilities, earthworks and landscaping can be worked around, whereas, buildings, structures or parts of a building are more difficult to relocate for the future widening of a road.

101. Having regard to the wording of Standard Ixx.6.2(1), the Hearing Panel considers the wording should be made clearer, through a consequential amendment. Specifically, we find that the addition of the words "*entire frontage of the*" will provide for more certain provisions as to where the 5m-wide building setback must be provided from.

102. Mr Freke sought the inclusion of a third matter of discretion Ixx.7.1(3) in relation to *"measures to protect the ability to efficiently and effectively acquire the required land and construct the future arterial road improvements to Great South Road including any mechanism or agreement required in relation to the above"* for the reasons mentioned in the earlier paragraph above. We note that Mr Roberts, Ms Wong, Mr Hall and Mr Bangs did not consider this additional matter of discretion was required or appropriate, given what they consider to be the uncertainty associated with any future widening of Great South Road.

103. We also note Mr Sadlier's submission that issues in relation to the future acquisition of land (by a requiring authority, which can avail itself of the provisions of the Public Works Act 1981), and/or private agreements in relation to the acquisition of land are issues outside of the scope of the RMA and it is unnecessary, unreasonable and inappropriate for these to be addressed through matters of discretion in the AUP OP.[32]

104. It is our finding that the addition of this third matter of discretion is not required, given our earlier findings in relation to the wording of Policy 2a and Standard Ixx.6.2. Specifically, the policy and the relevant standard are now more strongly worded with the direction to *"provide for*" the future required widening of Great South Road in conjunction with any subdivision and/or development of the land that is required to comply with the specified 5m-wide building setback in Ixx.6.2(1). We note that subdivision or development that does not comply with Standard Ixx.6.2(1) is a discretionary activity.

[30] Daniel Sadlier, Reply Submissions at [7.3(e)]
[31] Gatland Precinct Provisions, Clean version dated 5 July 2021
[32] Daniel Sadlier, Reply Submissions at [7.3(f)]

105. Ms Trenouth sought that the addition of assessment criterion Ixx.7.2(1)(a) final bullet point, is necessary in relation to *"The design and efficacy of infrastructure and devices (including communal devices) with consideration given to the likely effectiveness, lifecycle costs, ease of access and operation and integration with the built and natural environment"*.[33]

106. Mr Roberts, Ms Wong and Mr Hall did not agree that this criterion was necessary or appropriate. They stated that on-going maintenance requirements of such devices are addressed in section 8.5 of the SMP and will need to be complied with, otherwise an applicant will need to demonstrate why the proposed non-compliance is appropriate.

107. In relation to those matters above, we agree with Ms Trenouth - that the design and effectiveness of the stormwater infrastructure is a relevant assessment criterion when considering stormwater quality within this precinct. We have however made some consequential amendments to the wording to ensure that the criterion is clearer and more focussed on the key matters of assessment. We have amended the wording as follows:

"The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation and integration with the surrounding environment."

108. The final matter that was not able to be resolved between the parties relates to Appendix Ixx. Table 1 – cycle provision Great South Road to Gatland link. Mr Roberts, Ms Wong, Mr Langwell and Mr Hall agreed that it was not necessary to specify cycle provision in relation to the future Great South Road to Gatland Road link. Mr Sadlier submitted that this does not preclude such provision being made and as noted in the evidence of Mr Langwell, a 20m cross section provides sufficient space for cycle provision in either a separated or shared lane.[34]

109. Mr Freke considered that cycle facilities were warranted on the Great South Road to Gatland link, as it would provide the opportunity to connect with the cycle lanes on Parkway Avenue (and any east-west green paths), and it would also provide a more direct link than one that might utilise the northern end of Gatland Road. It was also his view that as the Great South Road to Gatland Road link is proposed to be 20 metres wide and it will have an estimated 2,000 average daily traffic movements, the provision of a protected cycle path is preferred.[35]

110. The Hearing Panel is conscious of providing a consistent approach to the provision of cycle paths in the wider Drury area, which is currently subject to several rezoning applications. We are also mindful of the fact that cycle way provision is also encouraged in the DOSP. Having taken into account the above evidence, we

[33] Daniel Sadlier, Reply Submissions at [7.3(g)]
[34] Ibid at[7.3(h)]
[35] Chris Freke, Statement of Evidence, paragraph 8.25

consider it is preferable that a cycle path is provided along the Great South Road to Gatland Link Road. This is reflected within the Road Construction Guidelines Table in Appendix Ixx and consequential amendments to the footnote.

111. In addition to the above change, we also find that there was surplus wording preceding the Road Construction Guidelines Table in Appendix Ixx regarding the purpose of the appendix. We have consequentially deleted the purpose wording as the remaining text more succinctly sets out that it is the guideline for the construction of roads in the precinct, but is not intended to represent the only design solution.

SUBMISSIONS AND FURTHER SUBMISSIONS

112. The following section specifically addresses the submissions received and sets out our decision on those submissions. For efficiency reasons we have adopted the submission tables set out in the Council Officer's section 42A report.

113. Submissions that address the same issues and seek the same relief have generally been grouped together under the following topic headings:

- Submissions supporting PC 52 in its entirety;
- Submissions conditionally supporting PC 52;
- Submissions opposing PC 52 in its entirety; and
- Submissions in respect of cultural matters.

Submissions Supporting PC 52 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions
1	Tingran	Support Plan Change	
4	Chris Caldwell	1. Approve Plan Change with amendments sought 2. Upgrade intersection	
7	Julia Marr	1. Approve Plan Change with amendments 2. Less dwelling more community space	
15	Wainono Investments Limited	Accept plan Change and extend to 21 Gatland Road	

Decision

114. These submissions either supported the plan change in its entirety or sought that the plan change be approved, with amendments.

115. Only submitter 15 attended the plan change hearing and provided evidence in support of PC 52 proceeding. It appears that most of these submissions would like to see the plan change approved, but some submitters sought amendments to provide for additional matters such as intersection upgrades or the provision of more community space.

116. For the reasons already set out, we have approved PC 52, subject to the amendments to the plan change as notified in relation to the concerns of the Applicant, other Submitters and the Council Officers. Accordingly, we have accepted the submissions in part. Notwithstanding 'acceptance in part' of the submissions, we have enabled the land sought to be zoned MHUZ with precinct provisions.

117. We have set out our reasons above as to why we have approved PC 52 and the amendments we have made to it so it satisfies the purpose of the RMA. For all of those reasons specified above we have not declined PC 52.

Decisions on Submissions

118. That submission 1, 4, 7 and 15 be **accepted in part**.

119. The revised provisions of PC 52 are set out in **Appendix 1** to this report.

Submissions Conditional Support for PC 52

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions
10	Veolia Water Services	1. Decision should ensure water and wastewater capacity and servicing	FS04 Wainono Investments Ltd Oppose
		2. Existing water infrastructure is modelled to ensure sufficient capacity	FS04 Wainono Investments Ltd Oppose
		3. Wastewater to be connected to public wastewater network	FS04 Wainono Investments Ltd Oppose
		4. Applicant to: cost design and construct: - The required wastewater infrastructure	FS04 Wainono Investments Ltd Oppose

		- The required water infrastructure to connect Plan Change area to public supply 5. Applicant to obtain Veolia approval for connection points	FS04 Wainono Investments Ltd Oppose

Decision

Veolia Water

120. This submitter did not attend the hearing. Mr Patel, civil engineering expert for the applicant provided evidence that his investigations to date confirm that servicing can be provided for PC 52.[36] He advised that Veolia has confirmed wastewater disposal and water supply can be provided for the future residential development, with the necessary downstream infrastructure upgrades in place.[37]

121. We have set out our reasons above why we have approved PC 52 and the amendments we have made to it so it satisfies the purpose of the RMA. For all of those reasons specified we have not declined PC 52.

Decisions on submissions

122. That submission 10 be **accepted in part** for the reasons set out above.

123. The revised provisions of PC 52 are set out in **Appendix 1** to this report.

Submissions Opposing PC 52 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions
2	Cassey Norris	Decline plan Change directly affects property	FS02 Judith Coleman Support
3	Jamie Mackenzie	Decline Plan Change	FS02 Judith Coleman Support
5	Judy & Peter Coleman M & J Coleman	1. Plan for whole area 2. Oppose parcel of land to be zoned MHUA	FS02 Judith Coleman Support

[36] J Patel EiC at [2.1]
[37] ibid at [2.2 (d) & (e)]

6	Priyanka Hulikoppe	1. Decline Plan Change 2. Whole area to be developed 3. Need for open space between urban and suburban zones	FS02 Judith Coleman Support
7	Lee & Gary Running	1. Plan not rejected amend. 2. Seeks stormwater connections at 9 & 11 Gatland Road	
11	Srini Reddy	Opposition – development will affect newly proposed driveway	FS01 Auckland Transport Support in part
13	Auckland Transport	1. Plan Change include mechanism upgrade Great South Road 2. Form link road with cycle way between Great South Road and Gatland Road 3. More optimal alignment of Great South Road and Gatland Road included in Plan Change 4. Plan Change provisions and mechanisms to provide certainty around assessment of local network improvements. Plan Change incorporate provisions on the staging of subdivision 5. Plan Change incorporate provisions to address matters raised in AT's	FS04 Wainono Investments Ltd Oppose FS04 Wainono Investments Ltd Oppose FS04 Wainono Investments Ltd Oppose FS04 Wainono Investments Ltd Oppose

		submission Could be in precinct plan	FS04 Wainono Investments Ltd Oppose
14	David & Sarah Bryant	1. Decline Plan Change if approved make amendments 2. Rezone Residential to Mixed Housing Suburban 3. Establish safe pedestrian access to Town Centre 4. Undertake consultation with property owners	FS02 Judith Coleman Support

Decision

Auckland Transport

124. The submission from Auckland Transport sought significant changes to the notified version of PC 52.

125. The relevant experts met at the end of the submitters' evidence being presented in an attempt to see if they could narrow the matters in contention. Considerable progress was made, resulting in only a few matters remaining outstanding for AT; with a focus on the precinct provisions adequately enabling and not hindering the future widening of Great South Road.

126. We have set out our reasons above why we have approved PC 52 above and the amendments we have made to it so that it satisfies the purpose of the RMA. However, given the substantial number of changes we have made to PC 52 we have not outright rejected these submissions, but have accepted them in part.

Decisions on Submissions

127. That submissions 2, 3, 5, 6, 7, 11, 13 and 14 and the supporting further submissions be **accepted in part** to the extent that we have made a number changes to PC 52 that ensures it satisfies the purpose of the RMA.

128. The revised provisions of PC 52 are set out in **Appendix 1** to this report.

Cultural Submissions opposing PC 52 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions

8	Ngāti Te Ata Waiohua	Decline the plan change lack of iwi consultation. Failure to give effect to sections 6(c), 6(f), 7(a) and 8 of RMA	FS02 Judith Coleman Support FS03 Ngāti Tamaoho Support

Decision

129. During the Applicant's legal submissions at the opening of the hearing, the Hearing Panel was provided with an email from Ngāti Te Ata Waiohua updating its position on their submission.

130. The email stated that the cultural concerns relating to PC 52 had now been fully addressed. The Applicant had engaged with the Ngāti Te Ata Waiohua after the submission was received. Ngāti Te Ata Waiohua had also prepared a Cultural Values Assessment (CVA) for PC 52 explaining the cultural values and iwi environmental preferences for the land. Following the engagement, Ngāti Te Ata Waiohua is now satisfied there has been sufficient consultation and consideration of their cultural preferences expressed in the CVA and that PC 52 is aligned with these.

131. Ngāti Te Ata Waiohua is now in support of PC 52.

Decisions on submissions

132. That submission 8 and the supporting further submissions be **accepted in part** noting the change of position to one of support, and to the extent that we have made a number changes to PC 52 that ensures it satisfies the purpose of the RMA.

133. The revised provisions of PC 52 are set out in **Appendix 1** to this report.

Conservation/ Heritage Submissions Conditional Support for PC 52

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions
12	Heritage New Zealand Pouhere Taonga	1. Approve plan change with amendments requested 2. Plan Change not to be approved until an archaeological assessment has been completed 3. Plan Change not to be approved until the Plan Change is amended in response to the effects identified in the	FS02 Judith Coleman FS02 Judith Coleman

		archaeological assessment have been addressed 4. Plan Change not to be approved until the Plan Change is amended in response to the effects identified in the archaeological assessment have been addressed	FS 04 Wainono Investments Ltd Oppose

Decision

134. This submitter did not attend the hearing and no evidence was tabled in support of its position.

135. We have set out our reasons above why we have approved PC 52 and the amendments we have made to it so it satisfies the purpose of the RMA. For all of those reasons specified we have not declined PC 52.

Decisions on submissions

136. That submission 12 be **accepted in part** for the reasons set out above.

137. The revised provisions of PC 52 are set out in **Appendix 1** to this report.

SECTION 32AA EVALUATION

138. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out.[38] This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes.[39] In our view this decision report, which among other things addresses the modifications we have made to the provisions of PC 52, satisfies our section 32AA obligations.

PART 2 OF THE RMA

139. Section 32(1)(a) of the RMA requires assessment of whether the objectives of a plan change are the most appropriate way for achieving the purpose of the RMA in Part 2. Section 72 of the Act also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, section 74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. While this is a private plan change,

[38] RMA, section 32AA(1)(a)
[39] RMA, section 32AA(1)(c)

these provisions apply as if it is the Council who is approving the private plan change, which will change the AUP OP.

140. For all of the reasons set out in this decision, we are satisfied the matters set out in sections 6, 7 and 8 of the RMA have been addressed. PC 52 and its provisions, as we have modified them, have respectively recognised and provided for, have had particular regard to and have taken into account those relevant section 6, 7 and 8 matters.

141. Finally, in terms of section 5 of the RMA, it is our finding that the provisions of PC 52 are consistent with, and the most appropriate way, to achieve the purpose of the Act. PC 52 will enable the efficient development of the site for a greater intensity of housing development, while also protecting the identified values (cultural and archaeological), as well as avoiding, remedying, or mitigating any adverse effects on the environment.

DECISION

142. That pursuant to Schedule 1, Clause 10 and 29 (4) of the Resource Management Act 1991, that Proposed Plan Change 52 to the Auckland Unitary Plan (Operative in Part) be approved, subject to the modifications as set out in this decision.

143. Submissions on the plan change are accepted or accepted in part in accordance with this decision.

144. In addition to the reasons set out above, the overall reasons for the decision are that PC 52:

- is supported by necessary evaluation in accordance with section 32 and s32AA;
- gives effect to the National Policy Statement on Urban Development;
- gives effect to the Auckland Regional Policy Statement; and
- satisfies Part 2 of the RMA.

Greg Hill - Chairperson

- for Commissioners Karyn Kurzeja and Mark Farnsworth

25 August 2021

Amended Plan Provisions

The amended plan provisions are attached as **Appendix 1**.

Appendix 1 – Private Plan Change 52

Ixx. Gatland and Great South Road Precinct

Ixx.1. Precinct Description

The Gatland and Great South Road Precinct applies to 4.63ha of land in Papakura.

The purpose of this precinct is to manage adverse stormwater quality effects on the receiving environment by providing stormwater quality treatment to impervious surfaces, and to ensure that subdivision and development provides for the necessary transport infrastructure, including urban standard of frontages along Great South Road and Gatland Road, and connectivity through the precinct.

The precinct also recognises the planned future frequent and active transport network along Great South Road.

The zoning of land within this precinct is Residential – Mixed Housing Urban Zone.

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

Ixx.2. Objectives [rp/dp]

(1) Stormwater quality is managed to avoid, as far as practicable, or otherwise minimise or mitigate~~,~~ adverse effects on the receiving environment.

(2) Subdivision and development provides for the safe and efficient operation of the current and future transport network for all modes.

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

Ixx.3. Policies [rp/dp]

(1) Require subdivision and development to achieve stormwater quality treatment of stormwater runoff from contaminant-generating impervious areas within the precinct to be consistent with the treatment train approach outlined in the Stormwater Management Plan including:

(a) The use of inert building materials to eliminate or minimise the generation and discharge of contaminants; and

(b) Treat runoff from public road carriageways and carparks at or near source by a water quality device designed in accordance with GD01.

(2) Require subdivision and development to provide for a transport network that:

(a) Provides for Great South Road to be widened in the future for the planned frequent and active transport network;

(b) Delivers an urban standard of frontage to Great South Road and Gatland Road, including at a minimum, footpaths and pedestrian connectivity.

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

Ixx.4. Activity table [rp/dp]

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is otherwise listed in Activity Table Ixx1.4.1 below.

Activity Table Ixx.4.1 specifies the activity status of subdivision and development in the Gatland and Great South Road Precinct pursuant to sections 9 and 11 of the Resource Management Act 1991.

Table Ixx.4.1 Activity table

Activity		**Activity status**
Development		
(A1)	New buildings and additions to buildings	P
Subdivision		
(A2)	Subdivision	RD

Ixx.5 Notification

(1) Any application for resource consent for an activity listed in Table Ixx.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) When deciding on who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

Ixx.6. Standards

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

All activities listed in Activity Table Ixx.4.1 must also comply with the following Standards.

Where there is any conflict or difference between standards in this precinct and the Auckland-wide and zone standards, the standards in this precinct will apply.

Ixx.6.1. Building materials

Purpose:

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

(1) New buildings, and additions to buildings must be constructed using inert cladding, roofing and spouting building materials that do not have an exposed

surface made from contaminants of concern to water quality (i.e. zinc, copper and lead).

(2) Development that does not comply with Standard Ixx.6.1 is a restricted discretionary activity.

Ixx.6.2. Building Setback along Great South Road

Purpose:

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

(1) A 5m-wide building setback must be provided along the entire frontage of the land adjoining Great South Road measured from the legal road boundary that existed at the year of 2021. No buildings, structures or parts of a building shall be constructed within this 5m wide setback.

(2) The minimum 2.5m front yard setback of the underlying Mixed Housing Urban zone for land adjoining Great South Road shall be measured from the 5m-wide building setback required in (1) above.

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

Ixx.7 Assessment – controlled activities

There are no controlled activities in this precinct.

Ixx.8. Assessment – restricted discretionary activities

Ixx.8.1. Matters of discretion

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

(1) Subdivision and development

(a) Stormwater quality

(b) Safe and efficient operation of the current and future transport network

(c) The staging of subdivision

(2) Infringements to Standard Ixx.6.1. Building materials

(a) Stormwater quality

Ixx.8.2. Assessment criteria

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

(1) Subdivision and development

(a) Stormwater quality

i. The extent to which subdivision:

- Is in accordance with the approved Stormwater Management Plan and Policies E1.3(1) – (14).
- Implements a treatment train approach to treat runoff from impervious surfaces so that all contaminant generating surfaces are treated, including cumulative effects of lower contaminant generating surfaces.

ii. The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation and integration with the surrounding environment.

(b) Safe and efficient operation of the current and future transport network

i. Whether the frontage along Great South Road is designed and constructed to an urban standard, including at a minimum footpath, and connectivity to the footpath network, including on the western side of Great South Road.

ii. Whether a road connection between Great South Road and Gatland Road is enabled through the design and layout of the subdivision.

iii. Whether the frontage along Gatland Road is designed and constructed to an urban standard.

(c) Refer to Policies within Ixx.3(2)

(d) The extent to which new roads are designed in accordance with the typical road construction guidelines in Appendix 1 Ixx.

(2) Infringements to Standard Ixx.6.1 Building materials

(a) Stormwater quality

i. The extent to which development:

- Is in accordance with the approved Stormwater Management Plan and Policies E1.3(1) – (10) and (12) – (14).
- Implements a treatment train approach to treat runoff from impervious surfaces so that all contaminant generating surfaces are treated including cumulative effects of lower contaminant generating surfaces.

I1.1. Special information requirements

There are no special information requirements in this precinct.

I1.2. Precinct plans

There is no precinct plan for this precinct.

Appendix lxx. Gatland and Great South Road Precinct – Typical Road Construction Guidelines

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

Table 1: Road Construction Guidelines – Gatland and Great South Road Precinct

Road name	Proposed Role and Function of Road in Precinct Area	Minimum Road Reserve1	Total number of lanes	Design Speed	Median	Cycle provision	Pedestrian provision	Freight or Heavy Vehicle route	Access Restrictions	Bus Provision
Gatland Road	Local	20m	2	30km/h	No	No	Both Sides	No	No	No
Great South Road to Gatland Link Road	Local	20m	2	30km/h	No	Preferable	Both Sides	No	No	No
Local Internal Roads	Local	16m	2	30km/	No	No	Both Sides	No	No	No

1 Typical minimum width which may need to be varied in specific locations where required to accommodate batters, structures, stormwater treatment, intersection design, significant constraints or other localised design requirements.

Attachment 2: Planning Committee resolution to make operative PC52

11 Auckland Unitary Plan (Operative in Part) - Making operative Plan Change 52 (Private) 520 Great South Road, Papakura

Resolution number PLA/2021/139

MOVED by Cr A Dalton, seconded by Deputy Mayor BC Cashmore:

That the Planning Committee:

a) approve the proposed amendments to the Auckland Unitary Plan (Operative in Part) for Plan Change 52 (Private) 520 Great South Road, Papakura under clause 17(2) of Schedule 1 of the Resource Management Act 1991

b) request staff to undertake the steps in Schedule 1 of the Resource Management Act 1991 to make operative in part Plan Change 52 to the Auckland Unitary Plan (Operative in Part).

CARRIED

Attachment 3: PC52 text changes shown in strikethrough and underline

I445. Gatland and Great South Road Precinct

I445.1. Precinct Description

The Gatland and Great South Road Precinct applies to 4.63ha of land in Papakura.

The purpose of this precinct is to manage adverse stormwater quality effects on the receiving environment by providing stormwater quality treatment to impervious surfaces, and to ensure that subdivision and development provides for the necessary transport infrastructure, including urban standard of frontages along Great South Road and Gatland Road, and connectivity through the precinct.

The precinct also recognises the planned future frequent and active transport network along Great South Road.

The zoning of land within this precinct is Residential – Mixed Housing Urban Zone.

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

I445.2. Objectives [rp/dp]

(1) Stormwater quality is managed to avoid, as far as practicable, or otherwise minimise or mitigate~~,~~ adverse effects on the receiving environment.

(2) Subdivision and development provides for the safe and efficient operation of the current and future transport network for all modes.

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

I445.3. Policies [rp/dp]

(1) Require subdivision and development to achieve stormwater quality treatment of stormwater runoff from contaminant-generating impervious areas within the precinct to be consistent with the treatment train approach outlined in the Stormwater Management Plan including:

(a) The use of inert building materials to eliminate or minimise the generation and discharge of contaminants; and

(b) Treat runoff from public road carriageways and carparks at or near source by a water quality device designed in accordance with GD01.

(2) Require subdivision and development to provide for a transport network that:

(a) Provides for Great South Road to be widened in the future for the planned frequent and active transport network;

(b) Delivers an urban standard of frontage to Great South Road and Gatland Road, including at a minimum, footpaths and pedestrian connectivity.

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

I445.4. Activity table [rp/dp]

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is otherwise listed in Activity Table I445.4.1 below.

Activity Table I445.4.1 specifies the activity status of subdivision and development in the Gatland and Great South Road Precinct pursuant to sections 9 and 11 of the Resource Management Act 1991.

Table I445.4.1 Activity table

Activity		**Activity status**
Development		
(A1)	New buildings and additions to buildings	P
Subdivision		
(A2)	Subdivision	RD

I445.5 Notification

(1) Any application for resource consent for an activity listed in Table I445.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) When deciding on who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I445.6. Standards

All relevant overlay, Auckland-wide and zone standards apply to the activities listed in Activity Table I445.4.1 unless otherwise specified below.

All activities listed in Activity Table I445.4.1 must also comply with the following Standards.

Where there is any conflict or difference between standards in this precinct and the Auckland-wide and zone standards, the standards in this precinct will apply.

I445.6.1. Building materials

Purpose:

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

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

(2) Development that does not comply with Standard I445.6.1 is a restricted discretionary activity.

I445.6.2. Building Setback along Great South Road

Purpose:

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

(1) A 5m-wide building setback must be provided along the entire frontage of the land adjoining Great South Road measured from the legal road boundary that existed at the year of 2021. No buildings, structures or parts of a building shall be constructed within this 5m wide setback.

(2) The minimum 2.5m front yard setback of the underlying Mixed Housing Urban zone for land adjoining Great South Road shall be measured from the 5m-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.

I445.7 Assessment – controlled activities

There are no controlled activities in this precinct.

I445.8. Assessment – restricted discretionary activities

I445.8.1. Matters of discretion

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

(1) Subdivision and development

(a) Stormwater quality

(b) Safe and efficient operation of the current and future transport network

(c) The staging of subdivision

(2) Infringements to Standard I445.6.1. Building materials

(a) Stormwater quality

I445.8.2. Assessment criteria

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

(1) Subdivision and development

(a) Stormwater quality

i. The extent to which subdivision:

- Is in accordance with the approved Stormwater Management Plan and Policies E1.3(1) – (14).
- Implements a treatment train approach to treat runoff from impervious surfaces so that all contaminant generating surfaces are treated, including cumulative effects of lower contaminant generating surfaces.

ii. The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation and integration with the surrounding environment.

(b) Safe and efficient operation of the current and future transport network

i. Whether the frontage along Great South Road is designed and constructed to an urban standard, including at a minimum footpath, and connectivity to the footpath network, including on the western side of Great South Road.

ii. Whether a road connection between Great South Road and Gatland Road is enabled through the design and layout of the subdivision.

iii. Whether the frontage along Gatland Road is designed and constructed to an urban standard.

(c) Refer to Policies within I445.3(2)

(d) The extent to which new roads are designed in accordance with the typical road construction guidelines in Appendix 1 I445.11.1.

(2) Infringements to Standard I445.6.1 Building materials

(a) Stormwater quality

i. The extent to which development:

- Is in accordance with the approved Stormwater Management Plan and Policies E1.3(1) – (10) and (12) – (14).
- Implements a treatment train approach to treat runoff from impervious surfaces so that all contaminant generating surfaces

are treated including cumulative effects of lower contaminant generating surfaces.

I445.9. Special information requirements

There are no special information requirements in this precinct.

I445.10. Precinct plans

There is no precinct plan for this precinct.

I445.11. Appendix

I445.11.1. Gatland and Great South Road Precinct – Typical Road Construction Guidelines

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

Table 1: Road Construction Guidelines – Gatland and Great South Road Precinct

Road name	Proposed Role and Function of Road in Precinct Area	Minimum Road Reserve[1]	Total number of lanes	Design Speed	Median	Cycle provision	Pedestrian provision	Freight or Heavy Vehicle route	Access Restrictions	Bus Provision
Gatland Road	Local	20m	2	30km/h	No	No	Both Sides	No	No	No
Great South Road to Gatland Link Road	Local	20m	2	30km/h	No	Preferable	Both Sides	No	No	No

1 Typical minimum width which may need to be varied in specific locations where required to accommodate batters, structures, stormwater treatment, intersection design, significant constraints or other localised design requirements.

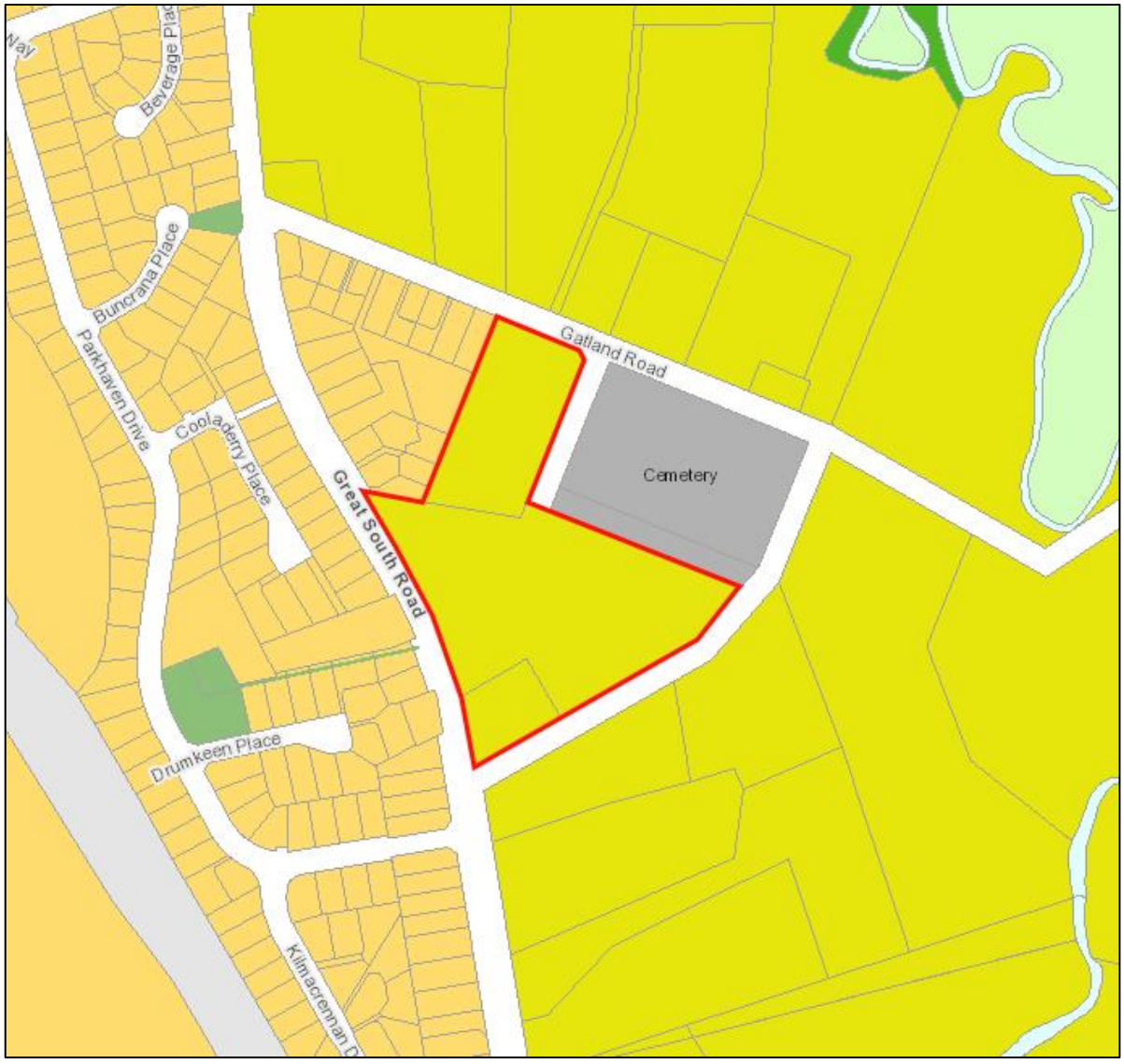
Local Internal Roads	Local	16m	2	30km/	No	No	Both Sides	No	No	No

Attachment 4: PC52 spatial changes

Attachment 4 Changes to spatial data

Within the Plan Change 52 area shown in red below (520 Great South Road, 522 Great South Road and 21 Gatland Road, Papakura):

- Rezone the land from Future Urban to Residential – Mixed Housing Urban Zone
- Apply a new precinct 'Gatland and Great South Road Precinct' to the land



Attachment 5: Further Clause 20A changes to text

Memo

Date 02 Dec 2021

To: Celia Davison – Manager Planning - Central/South

From: Sanjay Bangs – Senior Policy Planner - Central/South

Subject: **Plan Modification: Clause 20A modification to Auckland Unitary Plan**

Corrections are required to the Auckland Unitary Plan (Operative in Part) 2016 (the AUP).

I seek your approval of this plan modification pursuant to clause 20A, first schedule, Resource Management Act 1991.

You have delegated authority, as a tier four manager, to make a decision to correct an error to an operative plan under clause 20A. Schedule 2A of the Auckland Council Combined Chief Executives Delegation Register authorises all powers, functions, and duties under RMA's first schedule (except clause 17 which cannot be delegated) to tier four positions.

Rule or Section of Unitary Plan	I445. Gatland and Great South Road Precinct
Subject Site (if applicable)	N/A
Legal Description (if applicable)	N/A
Nature of change	A Clause 20A modification is required to correct a number of minor errors in Chapter I445 in the AUP.
Effect of change	The change is minor in nature. The amendment does not change the application or intent of the provisions but rather it ensures the correct administering of the plan as was originally intended. There is no effect nor impact upon either the environment or persons.
Changes required to be made (text/in-text diagrams)	Amend Chapter I445 in the Operative in Part version. - **I445.8.2(1)(d)** (d) The extent to which new roads are designed in accordance with the typical road construction guidelines in Appendix ~~1~~ I445.11.1. - In Appendix I445.11.1 Table 1 row 3 in column 'Design Speed' is currently 30 km/ when it should be 30 km/h.
Changes required to be made (maps)	N/A
Attachments	N/A

Prepared by: Sanjay Bangs Senior Policy Planner - Central/South	**Text Entered by:** Sarah El Karamany Planning Technician
Signature: 	**Signature:** 
Maps prepared by: N/A Geospatial Analyst	**Reviewed by:** Craig Cairncross Team Leader - Central/South
Signature:	**Signature:** 
Decision: I agree/disagree to authorise the Clause 20A modification using my delegated authority Celia Davison Manager Planning - Central/South Date: 06/12/2021	
Signature: 	

Attachment 6: PC52 Updated Text clean version

I445. Gatland and Great South Road Precinct

I445.1. Precinct Description

The Gatland and Great South Road Precinct applies to 4.63ha of land in Papakura.

The purpose of this precinct is to manage adverse stormwater quality effects on the receiving environment by providing stormwater quality treatment to impervious surfaces, and to ensure that subdivision and development provides for the necessary transport infrastructure, including urban standard of frontages along Great South Road and Gatland Road, and connectivity through the precinct.

The precinct also recognises the planned future frequent and active transport network along Great South Road.

The zoning of land within this precinct is Residential – Mixed Housing Urban Zone.

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

I445.2. Objectives [rp/dp]

(1) Stormwater quality is managed to avoid, as far as practicable, or otherwise minimise or mitigate, adverse effects on the receiving environment.

(2) Subdivision and development provides for the safe and efficient operation of the current and future transport network for all modes.

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

I445.3. Policies [rp/dp]

(1) Require subdivision and development to achieve stormwater quality treatment of stormwater runoff from contaminant-generating impervious areas within the precinct to be consistent with the treatment train approach outlined in the Stormwater Management Plan including:

(a) The use of inert building materials to eliminate or minimise the generation and discharge of contaminants; and

(b) Treat runoff from public road carriageways and carparks at or near source by a water quality device designed in accordance with GD01.

(2) Require subdivision and development to provide for a transport network that:

(a) Provides for Great South Road to be widened in the future for the planned frequent and active transport network;

(b) Delivers an urban standard of frontage to Great South Road and Gatland Road, including at a minimum, footpaths and pedestrian connectivity.

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

I445.4. Activity table [rp/dp]

All relevant overlay, Auckland-wide and zone activity tables apply unless the activity is otherwise listed in Activity Table I445.4.1 below.

Activity Table I445.4.1 specifies the activity status of subdivision and development in the Gatland and Great South Road Precinct pursuant to sections 9 and 11 of the Resource Management Act 1991.

Table I445.4.1 Activity table

Activity		Activity status
Development		
(A1)	New buildings and additions to buildings	P
Subdivision		
(A2)	Subdivision	RD

I445.5. Notification

(1) Any application for resource consent for an activity listed in Table I445.4.1 Activity table will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

(2) When deciding on who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I445.6. Standards

All relevant overlay, Auckland-wide and zone standards apply to the activities listed in Activity Table I445.4.1 unless otherwise specified below.

All activities listed in Activity Table I445.4.1 must also comply with the following Standards.

Where there is any conflict or difference between standards in this precinct and the Auckland-wide and zone standards, the standards in this precinct will apply.

I445.6.1. Building materials

Purpose:

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

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

(2) Development that does not comply with Standard I445.6.1 is a restricted discretionary activity.

I445.6.2. Building Setback along Great South Road

Purpose:

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

(1) A 5m-wide building setback must be provided along the entire frontage of the land adjoining Great South Road measured from the legal road boundary that existed at the year of 2021. No buildings, structures or parts of a building shall be constructed within this 5m wide setback.

(2) The minimum 2.5m front yard setback of the underlying Mixed Housing Urban zone for land adjoining Great South Road shall be measured from the 5m-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.

I445.7. Assessment – controlled activities

There are no controlled activities in this precinct.

I445.8. Assessment – restricted discretionary activities

I445.8.1. Matters of discretion

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

(1) Subdivision and development

(a) Stormwater quality

(b) Safe and efficient operation of the current and future transport network

(c) The staging of subdivision

(2) Infringements to Standard I445.6.1. Building materials

(a) Stormwater quality

I445.8.2. Assessment criteria

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

(1) Subdivision and development

(a) Stormwater quality

(i) The extent to which subdivision:

- Is in accordance with the approved Stormwater Management Plan and Policies E1.3(1) – (14).

- Implements a treatment train approach to treat runoff from impervious surfaces so that all contaminant generating surfaces are treated, including cumulative effects of lower contaminant generating surfaces.

(ii) The design and efficacy of infrastructure and devices with consideration given to the likely effectiveness, ease of access, operation and integration with the surrounding environment.

(b) Safe and efficient operation of the current and future transport network

(i) Whether the frontage along Great South Road is designed and constructed to an urban standard, including at a minimum footpath, and connectivity to the footpath network, including on the western side of Great South Road.

(ii) Whether a road connection between Great South Road and Gatland Road is enabled through the design and layout of the subdivision.

(iii) Whether the frontage along Gatland Road is designed and constructed to an urban standard.

(c) Refer to Policies within I445.3(2)

(d) The extent to which new roads are designed in accordance with the typical road construction guidelines in Appendix I445.11.1.

(2) Infringements to Standard I445.6.1 Building materials

(a) Stormwater quality

(i) The extent to which development:

- Is in accordance with the approved Stormwater Management Plan and Policies E1.3(1) – (10) and (12) – (14).

- Implements a treatment train approach to treat runoff from impervious surfaces so that all contaminant generating surfaces are treated including cumulative effects of lower contaminant generating surfaces.

I445.9. Special information requirements

There are no special information requirements in this precinct.

I445.10. Precinct plans

There is no precinct plan for this precinct.

I445.11. Appendix

I445.11.1. Gatland and Great South Road Precinct – Typical Road Construction Guidelines

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

Table 1: Road Construction Guidelines – Gatland and Great South Road Precinct

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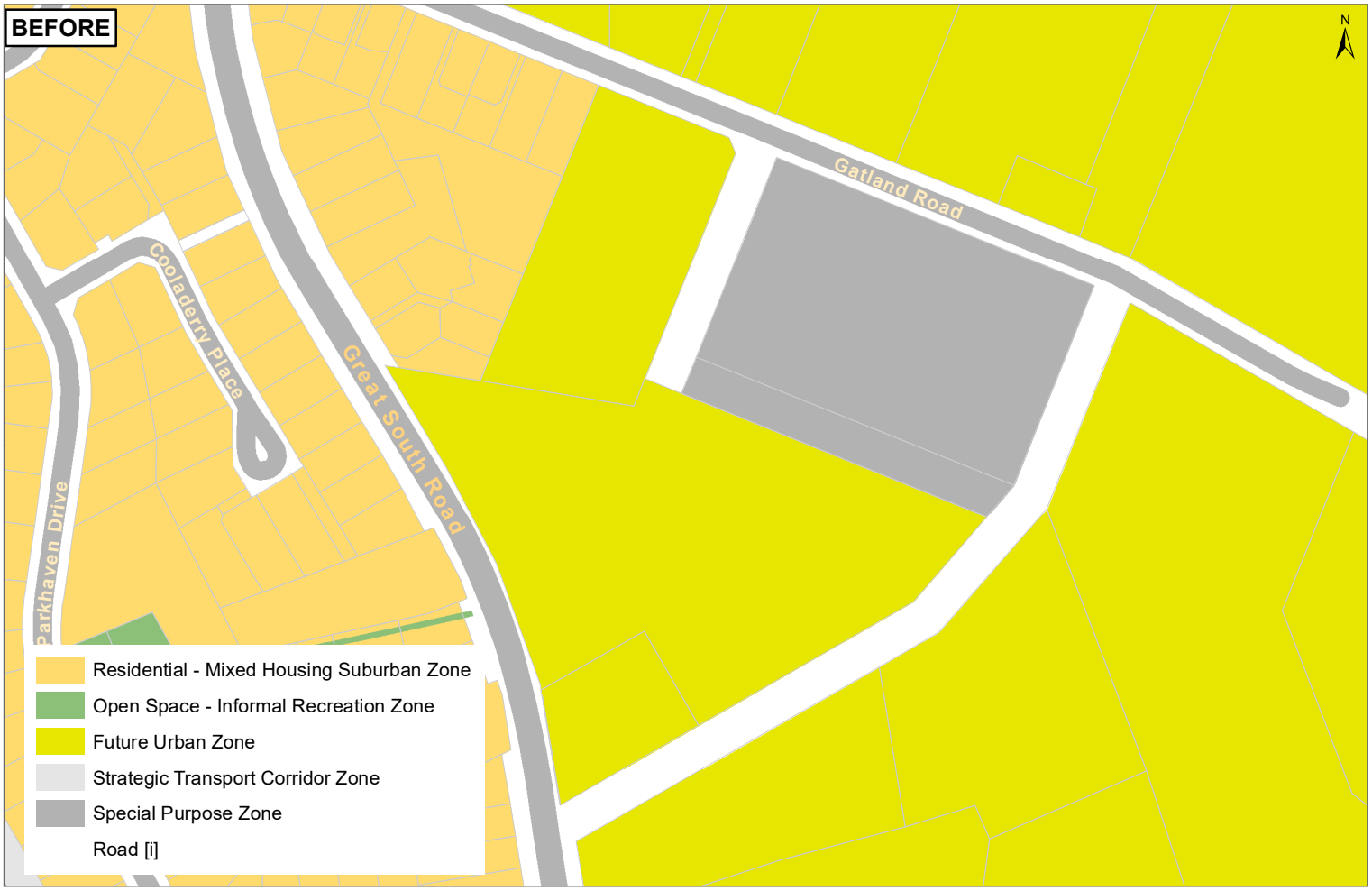
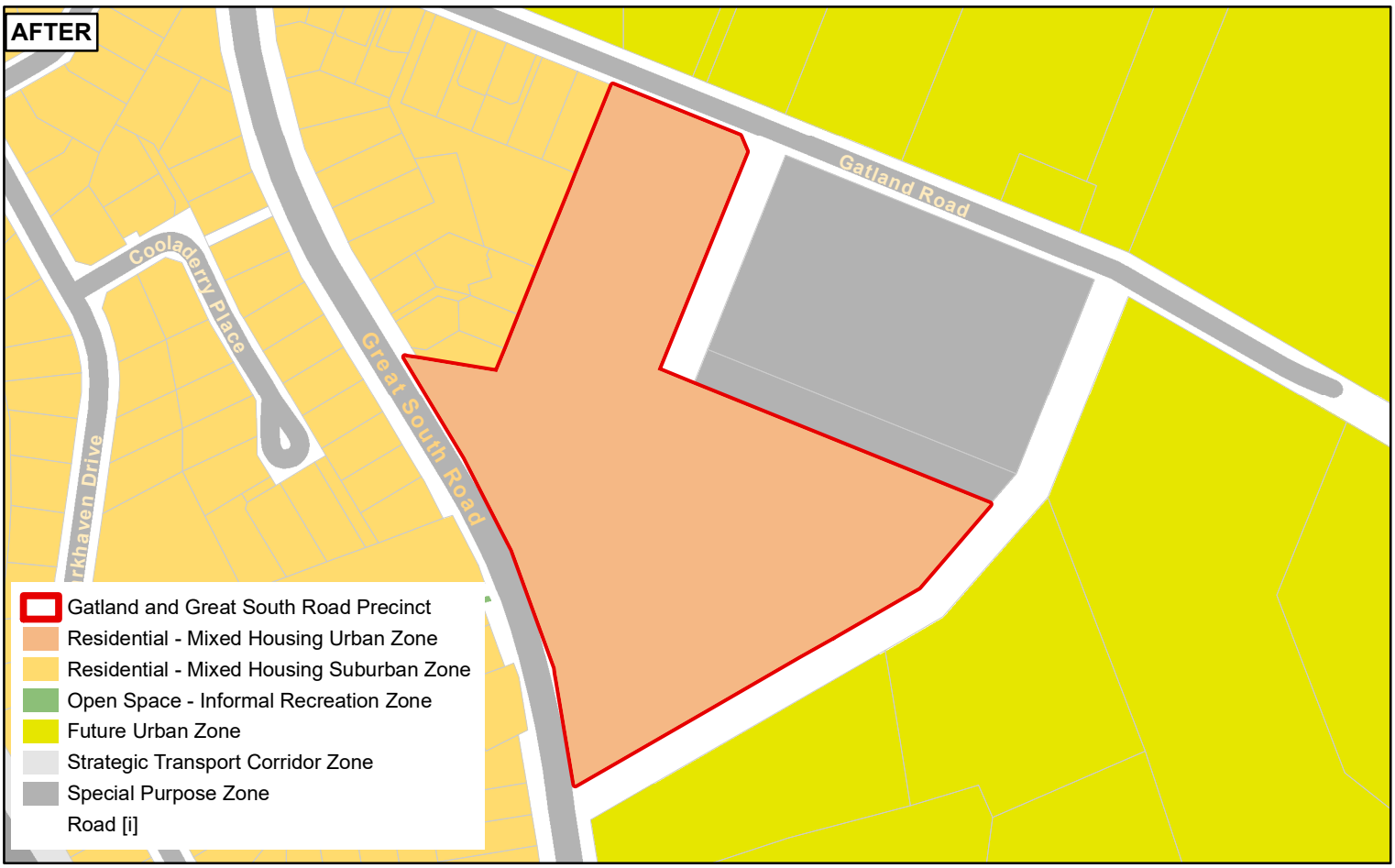
Local Internal Roads	Local	16m	2	30km/h	No	No	Both Sides	No	No	No

1 Typical minimum width which may need to be varied in specific locations where required to accommodate batters, structures, stormwater treatment, intersection design, significant constraints or other localised design requirements.

Attachment 7: Updated GIS Viewer





0 25 50 100 Metres

Date: 2/12/2021

Plan Change 25 - Gatland & Great South Road Precinct

Auckland Council
Te Kaunihera o Tāmaki Makaurau

Plans and Places