

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager Planning – Regional, North, West, and Islands

FROM Jo Hart, Senior Policy Planner – Regional, North, West, and Islands


DATE 12 April 2023

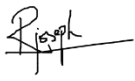


SUBJECT **Plan Modification of the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**



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

Reason for update – Plan Change 70 (Private) – 751 and 787 Kaipara Coast Highway, Kaukapakapa to become operative.	
Chapter	AUP GIS Viewer
Section	AUP GIS Viewer
Designation only	
Designation #	Name & RA
Locations:	
Lapse Date	
Purpose	.
Changes to text (shown in underline and strikethrough)	N/A
Changes to diagrams	N/A
Changes to spatial data	<ul style="list-style-type: none"> • Rezone 751 and 787 Kaipara Coast Highway, Kaukapakapa from Rural – Countryside Living Zone to Residential – Rural and Coastal Settlement Zone • Remove the Subdivision Variation Control, Kaukapakapa Countryside Living from 751 and 787 Kaipara Coast Highway, Kaukapakapa.
Attachments	Attachment A: PC70 Decision Attachment B: Updated GIS viewer

Prepared by: Jo Hart Senior Policy Planner	Text Entered by: n/a Planning Technician
Signature: 	Signature:

Maps prepared by: Rachel Joseph Geospatial Specialist	Reviewed by: Peter Vari Team Leader
Signature: 	Signature: 
Signed off by: Warren Maclennan Manager Planning - Regional, North, West, and Islands	
Signature: 	

Decision

Decision following the hearing of a Plan Modification to the Auckland Unitary Plan under the Resource Management Act 1991

PROPOSAL

To rezone 5.6432 hectares of land at 751 and 787 Kaipara Coast Highway, Kaukapakapa from Rural – Countryside Living to Residential – Rural and Coastal Settlement and to remove from these properties the Subdivision Variation Control – Rural, Kaukapakapa Countryside Living.

This plan modification is **APPROVED**, subject to the modifications as set out in this decision and in the Plan Change 70 document attached. Submissions are accepted and rejected in accordance with the decision.

Plan modification number:	70
Site address:	751 and 787 Kaipara Coast Highway, Kaukapakapa
Applicant:	Riverview Properties Limited
Hearing commenced:	Monday, 25 July 2022, 9.30 a.m.
Hearing panel:	Janine Bell (Chair) Peter Reaburn
Appearances:	<p><u>For the Applicant:</u> Riverview Properties represented by:</p> <ul style="list-style-type: none"> - Jeremy Brabant, Legal - Phillip Fairgray, Civil Engineering - Don McKenzie, Transport Engineering - Paul Boocock, Corporate - Burnette O'Connor, Planning - Jessica Andrews, Planning - Mike Nelson, Corporate (in attendance only) <p><u>Local Board</u> Rodney Local Board represented by: Phelan Pirrie, Chair</p> <p><u>Submitters</u> Auckland Transport represented by: - Katherine Dorofaeff</p> <p><u>Tabled Staement</u> Waka Kotahi NZ Transport Agency</p> <p><u>For Council:</u> Jo Hart, Planner Bevan Donovan, Hearings Advisor</p>
Hearing adjourned	Monday, 25 July 2022
Commissioners' site visit	14 July 2022
Hearing Closed:	24 August 2022

INTRODUCTION

1. This decision is made on behalf of the Auckland Council (“**Council**”) pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 (“**RMA**”) by Independent Hearing Commissioners Janine Bell (Chair) and Peter Reaburn, appointed and acting under delegated authority under sections 34 and 34A of the RMA.
2. The Commissioners have been given delegated authority by the Council to make a decision on Private Plan Change 70 - 751 and 787 Kaipara Coast Highway, Kaukapakapa (“**PC 70**”) to the Auckland Council Unitary Plan Operative in Part (“**AUP(OP)**”) after considering all the submissions, the section 32 evaluation, the reports prepared by the officers for the hearing and evidence presented during, after the hearing of submissions and having visited the land subject to the plan change.
3. PC 70 is a privately initiated plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).
4. PC 70 was received in August 2021 and following receipt of all further information on 21 September 2021 it was accepted for processing under Clause 25 of Schedule 1 on 2 November 2021 and publicly notified on 27 January 2022. Five submissions were received by the Council. The summary of submissions was notified by the Council on 24 March 2022 and one further submission was received.

BACKGROUND AND SITE DESCRIPTION

5. The site is approximately 5.65 hectares of land situated within the southern part of Kaukapakapa. The main frontage of the site is to the Kaipara Coast Highway along with frontages to McLennan Farm Lane and Awatiro Drive. Both of these latter roads were formed within the first stage of the Riverview Estate development. The land is currently zoned Rural – Countryside Living. The land directly to the north is zoned Residential – Rural and Coastal Settlement zone and has been subdivided as part of Stage 1 of the Riverview Estate development.
6. The Rural – Countryside Living Zone (CLZ) provides for rural lifestyle living in identified areas of rural land which are generally closer to urban Auckland or rural and coastal towns. This zone incorporates a range of rural lifestyle developments, characterised as low-density residential development on rural land. Rural lifestyle sites with this zone include scattered rural residential sites, farmlets and horticultural sites, residential bush sites and papakāinga. The CLZ provides for one dwelling per site subject to compliance with the relevant standards. The minimum net site area an average net site area for subdivision without transferable rural site subdivision is 2.0 hectares. With a transferable rural site subdivision this is reduced to a minimum area of 8,000m² and minimum average of 1 hectare.

SUMMARY OF PLAN CHANGE

7. The proposed plan change request is described in detail in the description of PC 70 prepared on behalf of Riverview Properties Limited (“the Requester” or “the Applicant”) and in the hearing report. A summary of key components of the plan change is set out below.
8. The request seeks to rezone at 751 and 787 Kaipara Coast Highway, Kaukapakapa from Rural - Countryside Living zoning under the AUP(OP) to Residential - Rural and Coastal Settlement zone. The request also seeks to remove the Subdivision Variation Control- Kaukapakapa from the site, as the control will no longer be relevant if the proposed rezoning is approved. PC 70 does not seek to change any of the objectives, policies or rules applying within the Residential - Rural and Coastal Settlement zone and it does not seek to change any of the Auckland wide rules that apply to the land.
9. The Residential – Rural and Coastal Settlement Zone applies to rural and coastal settlements in a variety of environments including high-quality landscape areas and coastal areas. The zone description outlines that some settlements rely on on-site wastewater disposal and treatment and water supply, while others are serviced relying on reticulated community wastewater facilities and water supply. Due to factors including servicing, infrastructure and accessibility constraints and, in some cases their sensitive character, growth needs to be managed accordingly. The zone limits lot sizes and/or development to avoid, remedy or mitigate existing or potential adverse effects on water and land and to maintain rural and coastal character.
10. The private plan change will enable residential development of the Plan Change area, consistent with the development on adjoining land to the north and also on the opposite side of the Kaipara Coast Highway. The applicant saw the request as being a response to the high demand for quality housing outcomes with the Auckland region, particularly within the Kaukapakapa Township. We were advised there is currently a waiting list of at least 60 parties seeking residential sites at Kaukapakapa.



STATUTORY MATTERS

Resource Management Act 1991

11. The RMA sets out an extensive set of 'tests' for the formulation of plans and changes to plans. In this case, the plan change request involves a change in zoning, but no changes are proposed to the associated objectives, policies or rules of the Unitary Plan. The main statutory test is therefore whether the amended zoning better implements the relevant, higher order objectives of the Unitary Plan.
12. Section 32 of the RMA requires an assessment of reasonable alternatives when considering how to implement the objectives of the proposed plan change. As stated, a section 32 RMA assessment is included with the request for the proposed plan change.
13. Clause 10 of Schedule 1 refers to decisions on provisions and matters raised in submissions and particularly the need to include the reasons for accepting or rejecting submissions and to provide 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.

National Policy Statements

14. Pursuant to Sections 74(1)(ea) and 75 of the RMA the relevant national policy statements (“NPS”) must be given effect to in the preparation of the proposed plan change and in considering submissions. There are three NPSs of relevance to PC 70:
 - a. the National Policy Statement on Urban Development 2020 (NPS UD);

- b. the National Policy Statement on Freshwater Management. 2020 (NPS FM).

National Environmental Standards or Regulations

15. Under section 44A of the RMA, local authorities must observe national environmental standards in its district/ region. No rule or provision may duplicate or in conflict with a national environmental standard or regulation.
16. The applicant has assessed PC 70 in general terms against the provisions of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NES-CS”).

Auckland Unitary Plan – Operative in Part

17. There are a number of provisions of the Unitary Plan that are relevant to PC 70 and these are listed as:

Regional Policy Statement

18. The aspects of the Regional Policy Statement (RPS) relevant to PC 70 include:
 - a. Chapter B2 – Tāhuhu whakaruru hau ā-taone - Urban Growth and Form
 - b. Chapter B3 – Ngā pūnaha hangahanga, kawekawe me ngā pūngao – Infrastructure, transport and energy
 - c. Chapter B6 – Mana Whenua
 - d. Chapter B7 – Toitū te whenua, toitū te taiao – Natural resources
 - e. Chapter B9 – Toitū te tuawhenua – Rural environment
 - f. Chapter B10 – Ngā tūpono ki te taiao – Environmental risk

Auckland Unitary Plan - District Plan

19. The district plan aspects that are particularly relevant to this plan change request are:
 - a. E27 Transport
 - b. H2. Residential – Rural and Coastal Settlement Zone and
 - c. H19.7 Rural – Countryside Living Zone

Other Plans and Strategies

20. There are a number of other plans and strategies that are relevant to the consideration of private plan change requests and these have been identified as:
 - a. The Auckland Plan 2050;

- b. Kaukapakapa Structure Plan 2010.
- c. The Kaukapakapa Design and Development Guideline.
- d. Rodney Local Board Plan 2020.
- e. Rodney West Local Paths (Greenway) Plan 2019.

SUBMISSIONS

21. There were five submissions received. These are summarised below:

a. Heritage NZ Pouhere Taonga

This submission requires additional information be provided prior to decision making on the proposed plan change to inform historic heritage mapping and mitigation measures within the scheme plan of subdivision.

b. Waka Kotahi NZ Transport Agency

Waka Kotahi NZ Transport Agency seeks amendments to the plan change to addresses provisions for walking, cycling and public transport connectivity; an demonstrates that the effects of state highway noise will not impact human health.

c. Auckland Transport

Auckland Transport opposes the plan change and requests that it be declined as it considers that the plan change does not give effect to the RPS because of its reliance on the private car for transport, lack of footpaths beyond the existing and proposed Riverview subdivision, its limited access to public transport, and lack of access to the town or village through a range of transport options including walking and cycling.

d. Riverview Estate Residents

Support the Stage 2 subdivision of Riverview Properties Limited as they believe it will add to the community being developed at Riverview. The scale form and character of the proposed development is entirely consistent with, and in keeping with the current and surrounding development.

e. Fire and Emergency New Zealand

Fire and Emergency New Zealand set out its concerns in relation to requiring adequate water supply to be available for firefighting activities; and adequate access for new developments and subdivisions to ensure that Fire and Emergency can respond to emergencies. While Fire and Emergency considers the firefighting water supply solution of three sets of twin firefighting water tanks located on Lot 1, Lot 7 and Lot 9 with a minimum storage of 45m³ as adequate. The firefighting water supply, however, must be accessible to Fire and Emergency at all times without fences or other obstructions as per New Zealand Fire Service Fire Fighting Water Supplies Code of Practice. These requirements to be carried forward into the subdivision approval process.

22. One further submission from Riverview Properties Limited was received to all the submissions received which responds to the matters outlined in the submissions.

LOCAL BOARD COMMENT

23. **Mr Phelan Pirrie**, Chair of the Rodney Local Board addressed the Panel. He had been a member of the Rodney Local Board for 9 years and for the last three years had been the Board's project lead for the Rodney Local Board's transport targeted rate programme, a \$46 million programme that provides for transport infrastructure upgrades. This meant he was particularly familiar with the recent issues around public transport in the Kaukapakapa area.
24. Mr Pirrie advised the Board considered that PC 70 should be declined as it did not provide for safe walking and cycling and public transport connectivity nor did it align with the objectives of the AUP(OP) or the Government Policy Statement on transport or the NPS UD. He had reviewed the applicant's evidence to address the concerns raised by Waka Kotahi and Auckland Transport around the connectivity issues but felt that the responses were somewhat unsatisfactory. He drew the Commissioners' attention to the Eliga Concept Investigation report¹ commissioned by the Local Board in response to the requests by the local Kaukapakapa residents to have safe walking and cycling routes. In his opinion SH16 is not suitable for walking and cycling. It is an extremely dangerous stretch of roads with a high accident rate. It is a high-speed traffic environment, with a narrow road width and no safe walking routes to enable pedestrians to cross the narrow bridges.
25. He advised that the Local Board had received numerous requests from local residents particularly in the Peak Road subdivision about public transport and safe walking and cycling access. In response Auckland Transport had introduced the 128 bus which is funded by the Local Board out of the targeted rate. This service was by no means certain with the number of passengers adversely impacted by Covid and while the frequency has been increased this has come at a significant cost of around \$1.3m per year. There were also issues with the location of bus stops with no south bound bus stop for the residents in Peak Road and in the vicinity of the plan change area with the bus stop being located further along Kahikatea Flat Road. While the Board has tried there is no easy way to get pedestrian access to the bus stop. It is also not possible to get a bus stop on SH16, due to safety concerns of people crossing the state highway in the vicinity of the plan change where there is limited visibility. The Board had also not been successful in getting a safe footpath from this area down to the existing bus stop.
26. He took Commissioners through the other options investigated by Eliga to provide pedestrian connections from Peak Road to the Kaukapakapa school/ village. The estimated costs for a connection were calculated at \$7.19m. For the number of dwellings in this vicinity the improved pedestrian connections relative to the amount paid by these households in the targeted rate do not stack up. In his view the type of development proposed clearly demonstrated the challenges faced by the Local Board where the residents of these new developments have an expectation that they and their children will be able to walk and cycle to the local schools and local

¹ Eliga, Concept Investigation Kaukapakapa Footpath Connections (November 2021)

facilities. The targeted rate had been brought into assist Auckland Transport in addressing the deficit in local infrastructure provision in areas such Warkworth, Kaukapakapa and Kumeu. In his view, plan changes like PC 70 make this situation considerably worse.

27. The Board therefore consider that the plan change should be declined for the reasons set out in the submissions of Waka Kotahi and Auckland Transport. If the Commissioners were of a mind to grant consent to the plan change then it should be on the condition the developer provide and build the pedestrian connections and improvements set out in the Eliga report, although he understood this might be a step too far.
28. In response to Commissioner's questions that PC 70 amounted to only another 16 houses in this location, he responded that it would add additional pressure to that already arising from the existing residents in these subdivisions who move to Kaukapakapa for the rural lifestyle but with a high expectation of the level public amenity that will be provided without realising the costs associated with providing this infrastructure.

SUMMARY OF EVIDENCE

29. The hearing evidence in this case includes the requested plan change, the accompanying s32 report, the supporting documentation, the Council officer's s42A report, the submissions and further submissions received, and the statements of evidence prepared by expert witnesses appearing on behalf of the Requester and the submitters. This information is all part of the public record and is not repeated. The pre-circulated reports and statements of evidence were taken as read with the witnesses provided with the opportunity to highlight the main points raised in their expert evidence and to respond to questions from the Commissioners. The following is a summary of the evidence presented at the hearing.

Requester

30. **Mr Jeremy Brabant**, legal counsel for the requester, introduced the team of expert witnesses who had prepared the private plan change application. He outlined the request proposes to rezone a comparatively small area of approximately 5.6 ha of land at 751 and 787 Kaipara Coast Highway, Kaukapakapa ("the Site") from Rural - Countryside Living (RCL) to Residential - Rural and Coastal Settlement ("RRCS") zone. The outcome sought is straightforward, seeking to extend the RRCS zone, which is in place on land adjoining to the site, to create a logical and consolidated RRCS zone in this discrete area.
31. He considered the proposed rezoning gives effect to the relevant statutory framework including the including the National Policy Statement Urban Development 2020 ("**NPS UD**") and the Regional Policy Statement ("**RPS**") provisions of the AUP(OP) and is the most appropriate means of achieving the purpose of the RMA. He noted that the Council officer's report supported approval of the Plan Change.
32. Of the five submissions received he noted the only opposition was from the transport agencies of Waka Kotahi and Auckland Transport. In his view the position taken by

these agencies “is unreasonable and does not correctly interpret and apply the law and relevant NPS and AUP provisions and fails to properly engage with the environment and a real-world assessment of potential effects (including the scale of development which would be enabled by PC 70)”². He was particularly critical of the Auckland Transport submission which in his view took an “incorrect, narrow and unbalanced” application of the RPS provisions that had resulted in a flawed assertion that PC 70 must be declined. He considered the evidence against that proposition is weighted in favour of the approval of PC 70. He submitted PC 70 was appropriate from an effects perspective and would enable a low level of future residential development consistent with the existing development pattern of southern Kaukapakapa.

33. Mr Brabant outlined the statutory framework within which PC 70 must be considered and the planning instruments, including the non-RMA documents that were relevant to this consideration.
34. In relation to the NPS UD, he agreed with the Council’s position that the statutory requirements relating to the Medium Density Residential Standards (MDRS) do not apply to the PC 70 area “because both the existing zoning and zoning sought do not fall within the definition of a relevant residential zone.”³ He did, however, consider the NPS UD was still relevant to PC 70 as the entire Auckland region is considered an “urban environment” for the purpose of the NPS UD. He highlighted the approach taken in the recent decision on PC 61 which supported a contextual reading of the NPS UD.
35. Mr Brabant concluded that the objectives and policies sought to apply to the PC 70 site appropriately gives effect to all applicable higher order planning instruments (including all national policy statements and national environmental standards, and regional policy statements), and is not inconsistent with any directive objectives, policies or constraints from such higher order instruments. The rules which will apply will appropriately implement the policies. In terms of s32 of the RMA the proposed objectives were the most appropriate means of achieving the objectives of the AUP (OP). Approving the plan change accorded with the Council’s functions and was consistent with and promoted the sustainable management of resources as required by s5 of the RMA.
36. **Mr Paul Boocock** spoke to his pre-circulated brief of evidence. He advised he was one of two Directors of Riverview Properties Limited, the other Director being Mr Mike Nelson. He had over 25 years’ experience in property investment in both rural and urban areas. He outlined the history of the Riverview development, how the land had been acquired in 2016. Mr MacLennan the owner had lodged a submission to the proposed AUP seeking to realign the zone boundary between the proposed Rural – Rural Production zone and the Rural and Coastal Settlement zone to align with the Natural Hazard – Coastal Inundation overlay. The submission was successful, and Riverview had lodged resource consent for the Stage 1 development

² Legal submissions, Jeremy Brabant, page 1, paragraph 7.

³ Ibid, page 7, paragraph 24.

in September 2016 which was granted subdivision and land use consent was by Auckland Council on 10 March 2017.

37. At the time of purchasing the land and commencing the development for Stage 1, Riverview had identified the potential to develop the remaining land at some future point and had ensured the road network, service capacity and connections were designed and constructed with capacity for Stage 2 should the area be rezoned.
38. In developing Stage 1, Riverview became aware that while people wanted to live in the country, the typical 1–2-hectare lifestyle block was both expensive and not what people actually wanted. For these reasons the Residential – Rural and Coastal Settlement zone had been identified as the most appropriate zone. Applied on a very small scale in the Auckland region in places “such as Puhoi, Waitoki, Tapora and coastal settlements such as Leigh, Scott’s Landing and the settlements up Awhitu peninsula and on the Firth of Thames”⁴.
39. He noted that the plan changed site was only 5.6432 hectares and it is not realistic to operate it as productive farmland. Other activities that could be undertaken in the Countryside Living zone are limited given the proximity of housing and could generate reverse sensitivity effects, for example garden centres and markets or rural tourist and visitor activities. Accordingly, Riverview considers the most appropriate use of the site is for rural lifestyle living consistent with Stage 1.
40. Mr Boocock also outlined the consultation the Company had undertaken with the local community and how pedestrian connectivity had been identified as an issue. This had been addressed by the construction of a concrete footpath from the new road to the esplanade river reserve along with the extensive amenity planting that had occurred in this area. Two further pedestrian connections to the river are proposed and the Company are committed to brokering further connections.
41. Mr Boocock did not consider solving the pedestrian connectivity issue in the area was Riverview’s issue to solve alone. In addition to the three pedestrian connections in Stage 1 Riverview had formed a walkway through to South Avenue. Given the small scale of additional development enabled by Stage 2 he thought these existing connections were suitable until such time as the Council, the Local Board and the community decided to form an access along the esplanade reserve through to the highway to enable connection to the village.
42. In Mr Boocock’s opinion rezoning the site to Residential – Rural and Coastal Settlement is an efficient use of the land in this location and makes sense spatially given the residential development on the southern side of the Kaipara Coast Highway.
43. **Mr Phillip Fairgray**, a qualified civil engineer, advised he had been providing the engineering services for PC 70 and was the author of the Engineering Design Report (EDR)⁵ and the Stormwater Management Plan (SMP). The EDR addressed matters related to earthworks, access, stormwater, and water supply and firefighting and the

⁴ Paul Boocock, Statement of Evidence, page 2, paragraph 12.

⁵ Aspire Engineering Design Report (EDR) dated 5 July 2021

SMP outlines the overall impacts and management strategy for stormwater generated on the site from PC 70.

44. In relation to stormwater management plan, Mr Fairgray highlighted the advice of Ms Andrews, the Council's Healthy Waters specialist, that the requesters should seek to achieve adoption of the SMP under the Network Discharge consent (NDC) in conjunction with the plan change. He advised he considered it appropriate for the SMP to be adopted and included in the global NDC as part of this plan change.
45. In relation to other infrastructure, he outlined that while there is no access to public reticulated services in the PC 70 area as the site is outside the area serviced by Watercare, there were no outstanding concerns with water services. These constraints would be addressed through the provision of:
 - a. On-site water tanks for the collection of roof water for potable and non-potable water supply;
 - b. On-site wastewater disposal; and
 - c. On-site tanks for firefighting water supply.
46. In relation to the Fire and Emergency New Zealand submission regarding there being sufficient water for firefighting and ensuring physical access to that water by fire trucks, he confirmed the advice in the Council's s42A report that the supply of water for firefighting must be dealt with in the resource consent process and is required to meet Standard E38.6.3 in Chapter E38 Subdivision – Urban of the AUP(OP).
47. Mr Fairgray advised that from an engineering perspective the rezoning proposed in PC 70 was supported. He also noted there is a high level of agreement between the requester, the Council and Fire and Emergency New Zealand that the proposed servicing is appropriate and that matters of detail can be appropriately addressed at the future resource consent stage.
48. **Mr Don McKenzie**, a specialist transportation engineer, advised that he had overseen the preparation of the Stantec transportation assessment report in support of PC 70 including reviewing the final report. He briefly outlined the surrounding transportation network and its associated features according to mode – private vehicles, passenger transport and pedestrian and cyclists. He also highlighted that both Auckland Transport and Waka Kotahi agreed that forming pedestrian and cycle connections along the State Highway was not desirable. The agreed preference being that the indicative connections shown in the Rodney West Greenways Plan⁶.
49. He outlined that PC 70 was designed to facilitate an alternative zoning that would allow for the creation of 16 residential sites accessed from MacLennan Farm Lane and Awatiro Drive, Kaukapakapa, and potentially future dwellings accessed directly off SH16 (via the existing Lot 36). In his opinion the proposed rezoning will not markedly alter the existing effects associated with a lack of connectivity in this

⁶ Rodney Local Board (Auckland Council), Rodney West | Local Paths (Greenways) Plan, June 2019

location. He also considered the additional population might increase the likelihood of a design solution for access to the north from the Stage 1 development to the village crossing the river, utilising the esplanade reserve and land-owner agreements.

50. Mr McKenzie advised that the traffic modelling had been undertaken to assess the increase in vehicle movements travelling through the SH 16/ MacLennan Farm Lane intersection. This modelling showed, with the inclusion of the development traffic arising from the rezoning, the intersection was expected to continue to operate at an acceptable level of service. The maximum delays predicted of approximately 11 seconds per vehicle associated with right turning traffic from MacLennan Farm Lane during the afternoon peak, an increase of 2 seconds on current activity patterns. In his opinion this was not a material impact when compared to the existing situation.
51. In response to the matters raised in the Waka Kotahi and Auckland Transport submissions around additional cycle and pedestrian connections from the PC 70 area to adjoining parts of the pedestrian network he advised he considered that the pedestrian connectivity provided for within and adjoining the PC 70 land is appropriate and will provide an appropriate level of facility for those future residents walking and/or cycling beyond the site. In his opinion the rezoning would not noticeably exacerbate this situation due to the relatively low-level of development enabled.
52. Mr McKenzie advised that having reviewed the submissions received from Auckland Transport and Waka Kotahi raising issues related to the provision of additional or alternative walking connections associated with the site, he had concluded that while such facilities may provide additional benefits to future residents of the PC 70 site and surrounding areas, they are not required to address the multi-modal transport effects of the proposed rezoning.
53. **Ms Burnette O'Connor**, a qualified planner, provided planning evidence in support of PC 70 and a statement of Rebuttal evidence in response to the planning matters raised in the evidence of Ms Dorofaeff and the matters raised by Waka Kotahi.
54. Her evidence in chief summarised the proposal and outlined the existing Residential – Rural and Coastal Settlement zoning occurred as part of the Auckland Unitary Plan process in 2016. The land was to be rezoned to Residential – Rural and Coastal Settlement to give effect to the Kaukapakapa Structure Plan (KSP) which had been adopted by the former Rodney District Council on 30 September 2010. She emphasised that the existing zoning had been imposed on the land under the same Regional Policy Statement provisions that exist now.

55. Having reviewed the Council's s42A report, she agreed with its overall findings, conclusions and recommendations. In terms of the effects of the proposal on the environment, she highlighted that the application AEE had considered the effects of the proposal in relation to character values, ecology, archaeology, cultural values, soil contamination, transport, infrastructure, and geotechnical constraints. The AEE had concluded that the PC 70 area is suitable for residential development, and that development can be adequately serviced. These conclusions were supported by the Council's specialists and in the recommendation of the Council's reporting planner. The matters of contention were limited to the matters raised by submitters in relation to servicing (firefighting water supply and stormwater management) and walking and cycling connectivity.
56. As set out in the evidence of Mr Fairgray the servicing issues had been addressed to the satisfaction of Fire and Emergency New Zealand in relation to firefighting water supply and Council's Healthy Waters department in relation to stormwater management. In relation to stormwater management, the Stormwater Management Plan ("SMP") prepared by Aspire is consistent with the Auckland Council's global Network Discharge Consent ("NDC") for developments in greenfield areas and the plan change is consistent with the SMP.
57. In relation to walking/cycling and public transport connectivity Ms O'Connor highlighted that the transport effects associated with the plan change were addressed in the application and this should be read in conjunction with Mr McKenzie's evidence. PC 70 would enable 20 additional lots within the southern township of Kaukapakapa, a 13.2% increase in residential development. She considered the effects of this increase in development in relation to pedestrian and cycle connectivity to be less than minor.
58. The RPS B2.6. Rural and coastal towns and villages objectives and policies framework require the expansion of existing rural villages "*provides access to the village through a range of transport options including walking and cycling*"⁷. In Ms O'Connor's assessment the proposal is not contrary to this policy as there are existing bus stops that can be accessed in the same way that the existing settlement can access these stops. She also highlighted that there is existing legal connectivity provided by the Stage 1 development that created one formed, and three legal walkways access points onto the vested esplanade reserve. The esplanade linking the Stage 1 walkways and the northern portion of the Village, with all the land being owned by Auckland Council. In her opinion the request does not foreclose or compromise the ability for future connections to be created and is consistent with the policy.
59. In responding to Auckland Transport's concerns that the proposal was reliant on private vehicles and therefore does not support a reduction in greenhouse gases, Ms O'Connor considered the impact of the proposal on greenhouse gas emissions as negligible. Rather she considered future growth and greater population in the area will more likely facilitate the provision of future funding to achieve the identified Greenways connections.

⁷ AUP(OP), Chapter B2 Urban growth and form, policy (1)(g)

60. In relation to the RPS Transport Chapter B.3. she highlighted that the reverse sensitivity effects associated with residential development occurring adjacent to the state highway can be addressed through the subsequent subdivision consents. She also did not consider the effects associated with stage 2 warranted the construction of a new walkway by the applicant. In her opinion the minor scale of the proposal is consistent with the relevant transport policy provisions.
61. With respect to RPS Chapter B.6. Mana Whenua, Ms O'Connor outlined engagement had occurred with the relevant mana whenua with stage 1 and no concerns were raised. Stage 2 is located further away from waterways, involved less earthworks and the land is more modified than stage 1. Iwi had not raised any concerns through the plan change process. Therefore, she considered the proposal was in keeping with Chapter B.6.
62. Ms O'Connor advised the Residential – Rural and Coastal Settlement zone is an appropriate zoning that gives effect to the RPS and is already applied in Kaukapakapa. She considered the request had only a negligible impact on additional demand for walking and cycling connectivity. She outlined the discussions that had occurred between the applicant, Auckland Transport, Waka Kotahi and the Council for a bridge and walkway. She considered that it was not possible for the applicant to commit to a specific design until the Council's budget enables a feasibility assessment to be completed to determine the appropriateness of any proposal. She did not consider it appropriate or necessary to require such a connection in the context of the plan change.
63. In relation to the Heritage New Zealand Pouhere Taonga ("HNZ") submission, Ms O'Connor referred Commissioners to the detailed response provided in Riverview Properties further submission noting, that as a result of the additional consultation on the issues raised, HNZ no longer wished to be heard. In response to the HNZ concerns about the villa at 751 Kaipara Coast Highway, Clough and Associates had undertaken further research into the construction date of the villa which had proved inconclusive. The Requester's position being that should a proposal for subdivision or development of the site be proposed that a heritage and or archaeological assessment would be prepared to address the effects of the proposal on the heritage villa and its setting. Responding to the absence of a cultural values assessment, Ms O'Connor highlighted that the earlier consultation undertaken as part of the Stage one subdivision of the Riverview Estate included the land at 751 and 787 Kaipara Coast Highway. No mana whenua groups had raised any issues with the development and therefore there would be no adverse impacts on the cultural values associated with PC 70.
64. Ms O'Connor concluded the requested plan change can be approved as it is the most appropriate way to achieve the purpose of the Act and the objectives and policies of the AUP(OP). In her opinion there are no adverse effects associated with the proposal that cannot be effectively avoided or mitigated and any identified adverse effects are less than minor. The proposal represented an appropriate and efficient use of the land that will meet some of the demand for additional residential sites in this location.

65. Ms O'Connor also provided rebuttal evidence in response to the planning matters, raised in the pre-circulated evidence of Ms Dorofaeff for Auckland Transport and the matters raised by Waka Kotahi, related to establishing infrastructure for active transport modes. In her opinion a "small logical extension to the zoning as sought in this case, with a yield of 16 dwellings" would not in any real-world assessment adversely affect transport or infrastructure outcomes. She reaffirmed her view that PC 70 gave effect to the NPS UD and the RPS. Policy B2.6.2.(1) requires "adequate provision" which in her opinion related to the scale and nature of the proposal and context of the existing settlement. The Residential -Rural and Coastal Settlement zone acknowledges that growth needs to be managed as areas may have servicing, infrastructure, and accessibility constraints. In Ms O'Connor's view the proposal is small scale and the growth provided does not 'tip any balance' with respect to effects. In her opinion the proposal is effectively 'filling in' a gap between existing parts of the Residential – Rural and Coastal Settlement land at Kaukapakapa South and the existing infrastructure provided by the Stage 1 development, is adequate to service this proposal.
66. Ms O'Connor considers PC 70 gives effect to the RPS and the relevant NPSs. She did not consider that "giving effect to the provisions" requires an assessment in totality rather an assessment needs to be undertaken in relation to the scale and related effects of any proposal on the existing and foreseeable environment. She considered PC 70 should be approved because it will assist in providing a variety of homes that meet the needs of different households.

Submitters

Auckland Transport

67. **Ms Katherine Dorofaeff**, Principal Planner in Auckland Transport's Land Use Policy and Planning North/West team, addressed the planning matters raised in Auckland Transport's (AT) submission on the plan change.
68. In her evidence she provided a statutory and policy assessment of PC 70 against the National Policy Statement - Urban Development (NPS UD) and RPS objectives and policies.
69. The NPS UD seeks to achieve well-functioning urban environments as defined in Policy 1 and that growth and development needs to be co-ordinated with infrastructure planning and funding decisions. She highlighted Objectives 3 and 6 of the NPS UD that aim to ensure growth occurs in urban environments well served by existing or planned public transport and for decisions on urban development to be integrated with infrastructure planning and funding decisions and to be strategic over the medium and long term.

70. In terms of the AUP-RPS, Ms Dorofaeff considered Chapter B2 Urban growth and form and B3 Infrastructure, transport, and energy relevant to consideration of the transport matters arising from PC 70. She set out the relevant provisions, emphasising that PC 70 must give effect to relevant that s75(3)(c) of the RMA requires.
71. Based on this assessment she concluded that PC 70 does not give effect to the relevant provisions of the NPS UD and RPS which requires (amongst other matters):
- i. Integrating development with infrastructure provision including the infrastructure needed for effective, efficient and safe transport. (NPS UD: Objective 6(a). RPS: B2.2.1(1)(c) and (5); B2.6.1(2); B2.6.2(1)(b); B2.3.1(1)(d); B3.3.1(1)(a) to (c); B3.3.2(4)(a); B3.3.2(5)(a));
 - ii. Reducing dependence on private vehicle trips by encouraging land use development and patterns that support other transport modes such as walking, cycling and public transport and reduce the need to travel. (NPS UD: Objective 3(b); Policy 1(c). AUP-RPS: B2.2.1(1)(d); B2.3.2(2)(b); B2.6.2(1)(g); B3.3.1(1)(e); B3.3.2(4)(b) and (5)(b)).⁸
72. Ms Dorofaeff highlighted that the applicant had previously indicated a willingness to provide a path linking the site with Kaukapakapa North, via the esplanade reserve along the Kaukapakapa River. The path would link the southern area to Kaukapakapa North where the majority of the local community facilities and commercial service are located and the local primary school. She advised if this path was provided it would to an appropriate standard it would address the concerns raised in the Auckland Transport submission. The applicant was no longer proposing to provide the path.
73. She advised that Auckland Transport were investigating a comparable proposal for a pedestrian connection between Kaukapakapa South and Kaukapakapa North as outlined in the Eliga report previously referred to by Mr Pirrie. The report had been prepared to assist the Local Board to identify and evaluate potential projects for funding through the Board's targeted rate. The report included 4 pedestrian connections in Kaukapakapa. While the Board had approved funding from the targeted rate for a footpath connection in Kaukapakapa, the focus of these improvements was on improving footpath connections within the village and would not connect to Kaukapakapa South or the PC 70 land. She also outlined the limited access the area had to public transport.
74. In response to the Council's s42A report recommendation to reject the Auckland Transport's submission, Ms Dorofaeff disagreed with the reporting planner's view that the appropriate time to undertake the traffic assessment to manage any potential effects was at the subsequent subdivision or resource consent stage. In her view the appropriate time to assess the broader transport matters of the proposal related to the integration of land use and transport was at the plan change approval stage. She felt it unlikely that matters such as private car dependency, access to

⁸ Katherine Dorofaeff, Statement of Evidence, page 17, paragraph 9.2

public transport and cycling and walking facilities would be addressed at resource consent stage.

75. In her view PC 70 was unlikely to reduce dependence on private vehicle trips and will not provide for safe walking and cycling beyond the immediate neighbourhood. This included the lack of safe active mode connections to facilities at Kaukapakapa North or to bus stops. In particular, she considers the proposal will not give effect to AUP-RPS Policy B2.6.2(1)(b) and (g) which requires the expansion of existing rural towns and villages to *'incorporate adequate provision for infrastructure'* and *'provide access to the town or village through a range of transport options including walking and cycling'*. She concluded that from her assessment PC 70 should be declined.
76. Responding to Ms O'Connor rebuttal evidence she confirmed her conclusions that PC 70 should be declined. She disagreed with Ms O'Connor that the proposal was well connected to the southern village with all modes of transport possible. In her opinion there was an absence of safe active connections from the plan change area to the facilities in Kaukapakapa South compounded by the requirement to cross the Kaipara Coast Highway (SH16) to reach them.
77. In response to the Commissioners' questions Ms Dorofaeff advised she was not satisfied that the proposal gave effect to the RPS policy B2.6.2.(g) and she disagreed with Mr McKenzie that it was sufficient to require people to find their own way across SH16 to access bus stops. Auckland Transport has an emphasis on Vision Zero and would be wanting safer facilities than are currently available to the bus stops including formed all weather facilities to access the bus stops. She also reiterated the advice from Mr Pirrie that the bus services were not guaranteed, reliant on the targeted rate as they have insufficient patronage to be funded by Auckland Transport.
78. Ms Dorofaeff outlined the discussions that had occurred between the applicant, Auckland Transport and Waka Kotahi in relation to the development of the walkway connection along the esplanade reserve as a condition of consent on the subsequent subdivision consent. She explained that Auckland Transport was not in a position to advance this option as it was not on land along a road rather involved land under the control of Auckland Council. She was also conscious that the land was in a flood plain and the works were likely to be expensive. As a submitter Auckland Transport was unable to advance these discussions.

Waka Kotahi

79. A letter was tabled by on behalf Waka Kotahi from **Ms Ashleigh Peti** a planner in the Environmental Planning, System Design. The letter acknowledged the applicant's previous efforts in establishing connections to South Avenue and the adjacent esplanade reserve (along the Kaukapakapa River). These connections, however, did not link to established infrastructure, designated for active modes (such as a shared path to the northern Kaukapakapa Township). In her opinion, active mode choice for the future residents is essential for this development. If PC 70 was accepted she hoped the applicant would continue to work with Waka Kotahi (and other stakeholders) to address these matters through subsequent resource consent application(s). Continued growth around the rural fringes of Kaukapakapa meant

that active mode and public transport connectivity is an emerging issue. In relation to Waka Kotahi's submission point on reverse sensitivity, Waka Kotahi advised this issue had been addressed by the applicant and was no longer relevant to the plan change.

Council

80. The hearing report was prepared by **Ms Jo Hart**, Senior Policy Planner - Regional, North, West and Islands and was comprehensive and detailed. The report was circulated prior to the hearing and was taken as read. The hearing report recommended that PC 70 should be approved noting that the potential adverse environmental effects of the enabled subdivision, development and use will require assessment and be managed through conditions on subsequent subdivision and/or resource consents.
81. Ms Hart advised that she had visited the site on two occasions and agreed that the state highway between Kaukapakapa South and Kaukapakapa North would not be her preferred walking and cycling route. She was unaware of the issues outlined by the Local Board in relation to the bus service. In terms of getting in and out of the subdivision by car she had had no problems and while driving within stage 1 she felt it provided a safe environment.
82. In response to Commissioner Reaburn's question about how the proposed plan change was consistent with the RPS Policy B2.6.2(1)(g), Ms Hart advised the transport options to serve the subdivision is limited to private car, as recognised in her s42A report, although within the subdivision itself there was quite good connectivity. She advised that unlike a resource consent application, the problem with a private plan change, where the requester was not seeking any changes to the provisions, was the difficulty in addressing operational matters. In her opinion it would be quite difficult to decline the plan change based on this one policy unless there was a strong and robust reason, although she did acknowledge the cumulative effects arising from the smaller subdivision site sizes.

Right of Reply

83. Mr Brabant gave a verbal reply. He considered that the way the hearing had evolved essentially came down to Auckland Transport's proposition that there is a difficulty with Policy B2.6.2(1)(g) and on that basis Commissioners should decline the Plan Change. From an interpretation perspective, he acknowledged that the policy in question used some strong directive language. Referring to the Environment Court's *Eden Epsom* case he advised the Court advised that policies with this kind of wording should be accorded quite considerable weight. It was however not a binary policy, rather it was one of a series of policies relevant to the Commissioners' consideration of the plan change. The focus in the hearing is on the issues of contention and as Commissioners refined their assessment through the decision-making process, they needed to ensure that the policy is not conflated and elevated in importance and meaning beyond what it should attract. While it uses strong directive language, and therefore does have significant weight, it was but one of many policies.

84. In this case there was no disagreement or evidence provided to demonstrate that the effects arising from the additional 16 houses enabled by the rezoning would create a problem. He identified that even under the current zoning provides for the land to be used for a range of activities including the development of a dwelling, a home occupations and care centres up to 10 people. The plan change needed to be assessed in the local context. The question was whether the rezoning of the land is an appropriate and sensible extension to the land which it adjoins, but in the context, did it materially change the position.
85. In relation to Policy B2.6.2(1)(g), Mr Brabant considered there was no proposition that what was proposed would result in a regional problem. He considered that the position taken by Auckland Transport and the Local Board was a very granular and had misinterpreted the policy. The policy requires access is provided to the town or village through a range of transport options and it did not require that access be provided by every form of transport including walking to the entirety of the town or village. Nor did the policy require that there was access by every possible means of transport to every type of community infrastructure or certain types of commercial operation. There is access from this development to the village which encompasses both the north and south village, and that access includes through walking and cycling. The context was important and relevant to the Commissioner consideration of the plan change. Historically the village had geographically been split by the river resulting in the exceedance of the normal desirable pedshed distance. In his view, this context was relevant to the Commissioners' consideration and decision on the relevance of Policy B2.6.2(1)(g).
86. In relation to the proposal outlined in the Eliga report for an alternative walkway utilising the link up the esplanade reserve he reminded Commissioners that the distance would set outside the desired walking distance for most people.
87. Mr Brabant outlined his concern with the evidence provided by the Local Board Chair noting that some of it was hearsay or verging into areas in which he had no technical expertise. That the technical evidence of Mr McKenzie was to be favoured. The pressures outlined by the Chair from residents who would like better connectivity and the provision off road cycle facilities was not restricted to Kaukapakapa and applied across the Rodney area. In his submission, while such requests were relevant in the background, they were not determinative in relation to the request to rezone this land to provide for an additional 16 dwellings, on land which, in any event, is going to be used for some activity. These circumstances did not tip the balance in a way that is problematic by reference both to an effects assessment or to policies and objectives generally or policy B2.6.2(1)(g) specifically.
88. He concluded that based on the evidence presented the plan change warranted granting consent. In granting consent this did not preclude the provision of links being improved in the future. The ability to achieve this sat with the Council. He acknowledged that Kaukapakapa has its short comings by reference to outcomes that would be expected in an Auckland urban context. Like other rural and coastal villages what is deemed adequate from an infrastructure perspective must by necessity be different, this is acceptable as long as context is considered. The

applicant's position was that the small size of this proposal and its link with what is already there means that the is acceptable and appropriate and can be approved.

PRINCIPAL ISSUES IN CONTENTION

89. The matters raised in the submissions to PC 70 by Heritage NZ Pouhere Taonga and Fire and Emergency New Zealand were addressed by the requester prior to the hearing. Likewise, Waka Kotahi advised its concerns in relation to reverse sensitivity and the effects of state highway noise on human health had been addressed.
90. There is general agreement between the requester's experts and the Council's specialists that PC 70 is consistent with the relevant RPS Objectives and Policies dealing with B2.1 Urban growth and form, B7 Natural resources, B9 Rural environment, and B10 Contaminated land. Although the Council's planner had sought the requester undertake a more robust assessment of the objectives and policies of Chapter B3.3 Transport and B6 Mana Whenua. This assessment formed part of Clause 23 request for further information (RFI).
91. In response to the RFI in relation to Transport the Council's reporting planner agreed that PC 70 was generally consistent with Policy B3.3.1 although remained concerned that the plan change does not specifically facilitates transport choice for alternative modes such as walking and cycling. These matters would need to be assessed against the relevant AUP(OP) provisions as part of the subsequent subdivision and resource consent applications.
92. In relation to Chapter B.6 Mana Whenua the Council's reporting officer was concerned that a Māori cultural assessment was not included with the plan change request. Rather the requester relied on the consultation undertaken for the original subdivision and the Council's Schedule 1 submission process. Through this process correspondence was received from Ngāi Tai ki Tāmaki, Te Rūnanga o Ngātai Whātua and Ngāti Tamaoho all of whom indicated the plan change was not in their area of interest. Te Rūnanga o Ngātai Whātua advised they recognised the mana whenua status of Nga Maunga Whakaahi. The Council advised all 12 iwi as part of the plan change notification process. There were no submissions received from iwi authorities.
93. The principal issue in contention was accordingly whether PC 70 gives effect to the RPS, Urban Growth and Form, Rural and Coastal towns and villages, and in particular Policies B2.6.2 (1)(b) and (g). In that respect the hearing's proceedings had a focus on the subdivision's reliance on the private car for transport, lack of footpaths beyond the existing and proposed Riverview subdivision, its limited access to public transport, and lack of transport connections to Kaukapakapa particularly walking, cycling and public transport connectivity.

FINDINGS ON PRINCIPAL ISSUES IN CONTENTION

94. The RPS encompasses a broad strategy to address the resource management issues arising from the scale of urban growth in Auckland. The principal focus of the RPS for urban growth is on a quality compact form focussing residential intensification in and around commercial centres and transport nodes and along major transport corridors. The strategy also anticipates and provides for urban growth in rural and coastal towns and villages such as Kaukapakapa.
95. The RPS envisages that the establishment of new or significant expansion of existing rural towns and villages will occur through the structure planning and plan change process. Structure plans, however, are not required in the case of small-scale extensions to existing towns and villages although such proposals are required to be consistent with the policies B2.6.2(1) and (2). The RPS requires “compatibility with existing local character, the protection of areas with identified values (including areas of land containing elite soils) and the avoidance of areas with significant natural hazards”⁹.
96. We find that the requester has appropriately demonstrated that the proposed expansion to the Residential – Rural and Coastal Settlement zoning to the land at 751 and 787 Kaipara Coast Highway accords with the RPS policy framework. The land is not in an area scheduled in the AUP(OP) in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage or special character nor is it in an area of elite soils or prime soils used to sustain food production. The proposed expansion of the zoning will accord with the existing local character of the existing Riverview subdivision.
97. We further find that it would be unreasonable to decline the application solely on the grounds that the plan change does not fully give effect to policies B2.6.2(1) (b) and (g). We have carefully considered that matter, including the directive wording of B2.6.2(1)(g). We find that these provisions must be considered having regard to the context of other provisions (which we have found this plan change to be consistent with), together with the geographical context of the land, the history of development to date and the scale of development that will be enabled by this plan change. In those respects, we note that the proposal involves a small-scale extension to an area of Residential – Rural and Coastal Settlement zone that has been developed without a dedicated pedestrian / cycling linkage having been required or provided. The area is separated from the (northern) Kaukapakapa Village, and we were advised that, due to flooding constraints, these will likely remain separate areas of development. Accordingly, while we acknowledge the concerns raised by Auckland Transport and the Rodney Local Board regarding the limited access to public transport in the local area and a lack of walking, cycling and public transport connections to Kaukapakapa (north), we agree with the evidence of Ms O'Connor that the relevant provisions are given effect to as:

⁹ AUP(OP), Chapter B2 B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form, page 15.

- Given the existing context and physical separation of the villages, it is sufficient and appropriate that this proposal provide access to the southern village by all modes.
- B2.6.2(1)(g) does not necessitate that this proposal provide access through all modes to the north village.
- It is not for this proposal, effectively for approximately 16 additional houses, to fully or largely fund a walking / cycling solution to the existing gap between the south and north village, noting that an additional 16 dwellings do not materially change the existing position.¹⁰

RELEVANT STATUTORY PROVISIONS

98. The RMA sets out the mandatory requirements for the preparation and processing of a proposed plan change. We are satisfied that PC 70 has been developed in accordance with the relevant statutory and policy matters, including consideration of the submissions received to PC 70. This assessment is set out in detail in the plan change application. The following section summarises this statutory and policy framework. The Assessment of Effects accompanying the Plan Change Request (AEE) contains an evaluation of how PC 70 aligns with each matter. The development of PC 70 and the analysis of submissions were undertaken in line with this framework.
99. The relevant statutory and regulatory framework for PC 70 includes:
- The Resource Management Act 1991 (RMA).
 - National Policy Statement Urban Development 2020 (Updated May 2022) (NPS UD).
 - Resource Management (Enabling Housing Supply and Other Matters) Amendments Act 2021.
 - National Policy for Freshwater Management 2020 (NPS FM).
 - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NPSCS).
 - Auckland Unitary Plan (Operative in Part) (AUP(OP)) including Chapter B
 - Auckland Plan 2050
 - Rodney Local Board Plan 2020
 - Rodney West Local Paths (Greenways) Plan 2019.

¹⁰ Rebuttal Evidence Burnette O'Connor, page 5, paragraph 14

- Kaupakapaka Structure Plan 2010.
100. The Section 32 Assessment Report¹¹ (Pages 13-21) provides a summary of the principal statutory and strategic documents that were considered in the development of the plan change. This assessment was reviewed by the Council's reporting planner. There is general agreement between the Requester and the Council's planner that PC 70 is consistent with the NPS UD, NPS FM and NES CS.
 101. In relation to the RPS, as outlined above in our findings on the principal matters of contention, we agree with the advice provided by Ms O'Connor and Ms Hart that PC 70 is consistent with the relevant RPS Objectives and Policies dealing with B2.1 Urban growth and form, B.3 Infrastructure and transport, Chapter B6 – Mana Whenua, B7 Natural resources, B9 Rural environment, and B10 Contaminated land.
 102. The RPS does envisage the expansion of existing rural towns and villages will occur and provides for small scale proposals such as PC 70 to proceed without the need for a structure plan, although they are required to be consistent with the policies B2.6.2(1) and (2). We are satisfied that PC 70 is generally consistent with these policies.
 103. As we noted earlier in this decision, the RMA sets out a range of matters that must be addressed when considering a plan change. We confirm that we have addressed those matters.
 104. We also note that section 32 clarifies that analysis of efficiency and effectiveness 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 reviewed the s32 evaluation undertaken by The Planning Collective, we accept that as sufficient for the notified PC 70.
 105. Section 32AA RMA requires the undertaking of a further evaluation on any changes proposed subsequent to the original s32 evaluation, in such detail as corresponds to the scale and significance of those proposed changes, and sufficient to demonstrate that such has been undertaken as required.
 106. There are no amendments suggested to the proposed plan change since the development of the underpinning Section 32 Evaluation Report. There is no demonstrated need for the Commissioners to undertake a Section 32AA Further Evaluation.
 107. Having considered the relevant background documents, we are satisfied, overall, that PC 70 has been developed in accordance with the relevant statutory and planning policy requirements and will assist the Council in its effective administration of the AUP(OP).

¹¹ The Planning Collective, Riverview Properties Limited Private Plan Change, 15 July 2021

CONCLUSIONS

108. The Commissioners have considered the plan change request, the accompanying s32 report, the submissions received, the s42A hearing report, the evidence presented at the hearing and the response to questions and consider the Plan Change to rezone 5.6432 hectares of land at 751 and 787 Kaipara Coast Highway, Kaukapakapa from Rural – Countryside Living to Residential – Rural and Coastal Settlement and to remove from these properties the Subdivision Variation Control – Rural, Kaukapakapa Countryside Living should be approved.

DECISION

109. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Change 70 to the Auckland Unitary Plan (Operative in Part) to rezone 5.6432 hectares of land at 751 and 787 Kaipara Coast Highway, Kaukapakapa from Rural – Countryside Living to Residential – Rural and Coastal Settlement and to remove from these properties the Subdivision Variation Control – Rural, Kaukapakapa Countryside Living be **approved**.
110. Submissions on the plan change are accepted and rejected in accordance with this decision. In general, the decision follows the recommendations set out in the Council’s hearing report, response to commissioners’ questions and expert planning evidence given on behalf of the Requester.
111. Our decision in relation to submission is:

Submission Number	Submitter	Decision
1	Heritage NZ Pouhere Taonga	Accepted in part
2	Waka Kotahi NZ Transport Agency	Accepted in part
3	Auckland Transport	Rejected
4	Riverview Estate Residents	Accepted
5	Fire and Emergency New Zealand	Accepted in part

That the further submission lodged by Riverview Properties Limited be received.

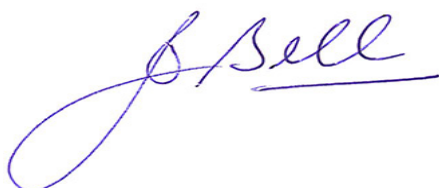
112. The reasons for the decision are that PC 70 will:
- the give effect to the National Policy Statement on Urban Development 2020, in particular Policy 1(a)(i) to enable a variety of homes that meet the needs, in terms of type, price, and location of different households.
 - give effect to the National Policy Statement Freshwater Management, in particular Objective 1 in ensuring that natural and physical resources are

managed in a way that prioritises the health and well-being of water bodies; the health needs of people; and the ability of people and communities to provide for their social, economic and cultural well-being, now and in the future.

- c. be consistent with Auckland Unitary Plan Regional Policy Statement, regional, and district plan level objectives and policies.
- d. be consistent with the Auckland Plan in providing for a small amount of additional growth in villages and towns outside the identified node of Warkworth.
- e. is supported by necessary evaluation in accordance with section 32; and
- f. give effect to Part 2 of the RMA.

AMENDMENTS TO THE DISTRICT PLAN

113. Amend the planning maps in accordance with Attachment 1.



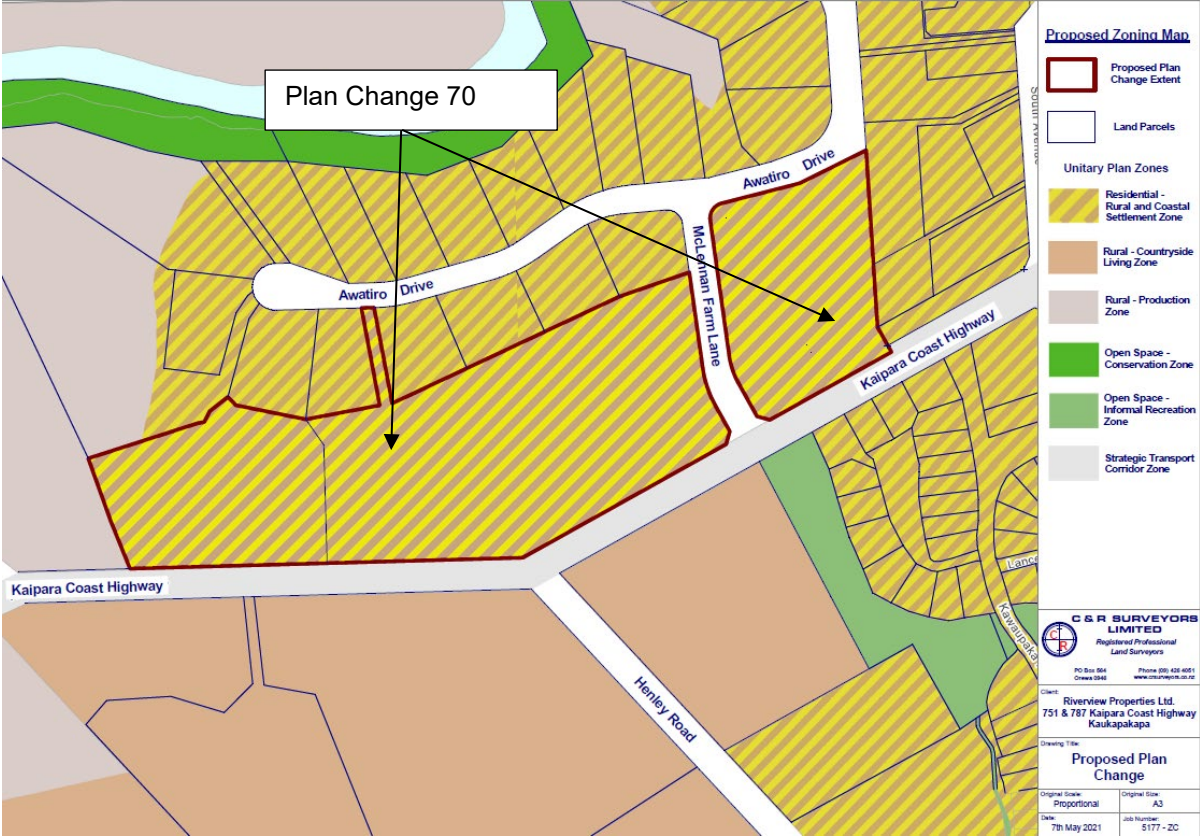
Janine A. Bell (Chair)

03 October 2022

ATTACHMENT 1 - AMENDMENTS TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

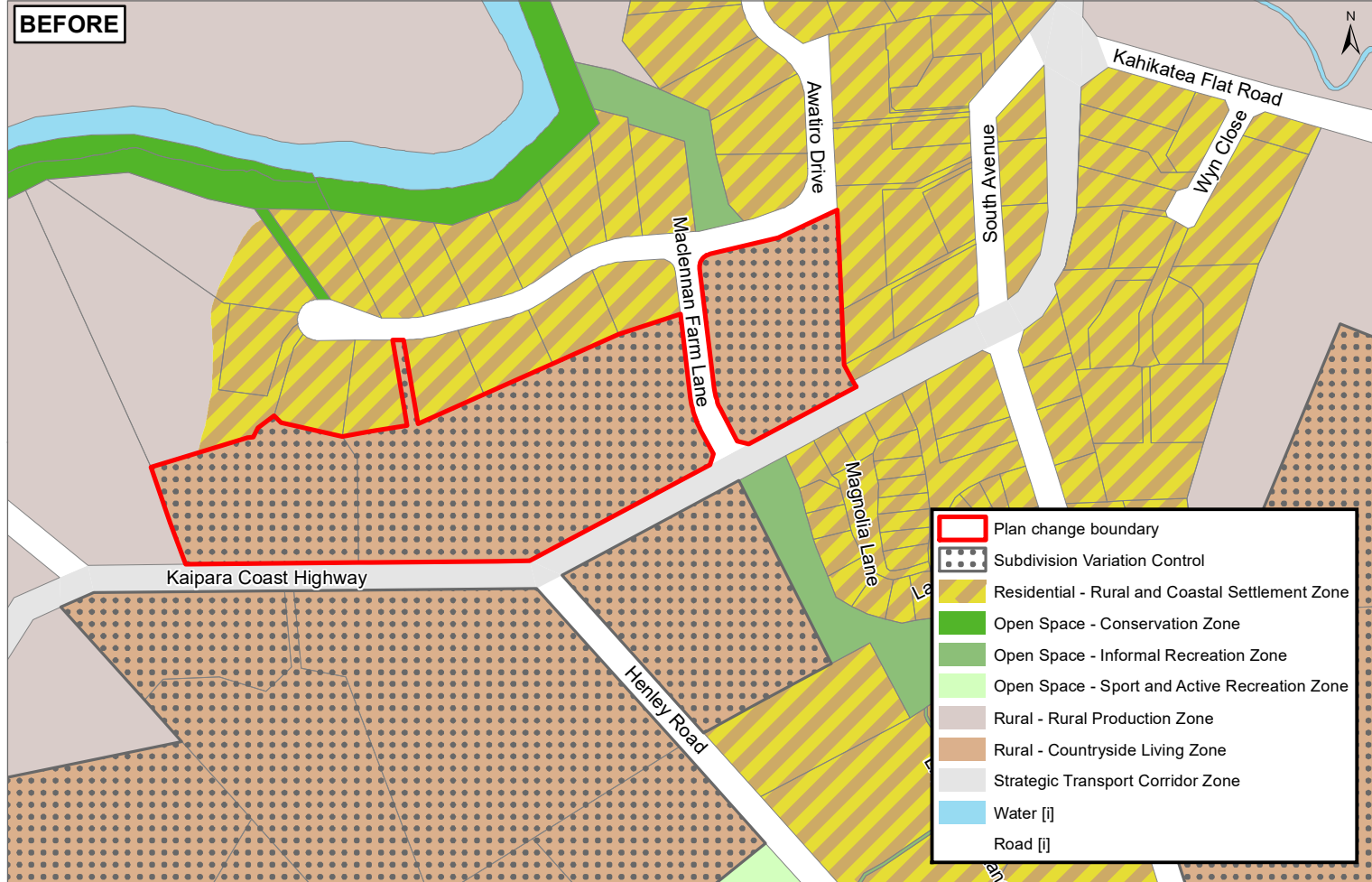
Amendments to the Planning Maps

Rezone 751 and 787 Kaipara Coast Highway, Kaukapakapa (comprising 5.6432 hectares) from Rural – Countryside Living to Residential – Rural and Coastal Settlement and remove from these properties the Subdivision Variation Control – Rural, Kaukapakapa Countryside Living.

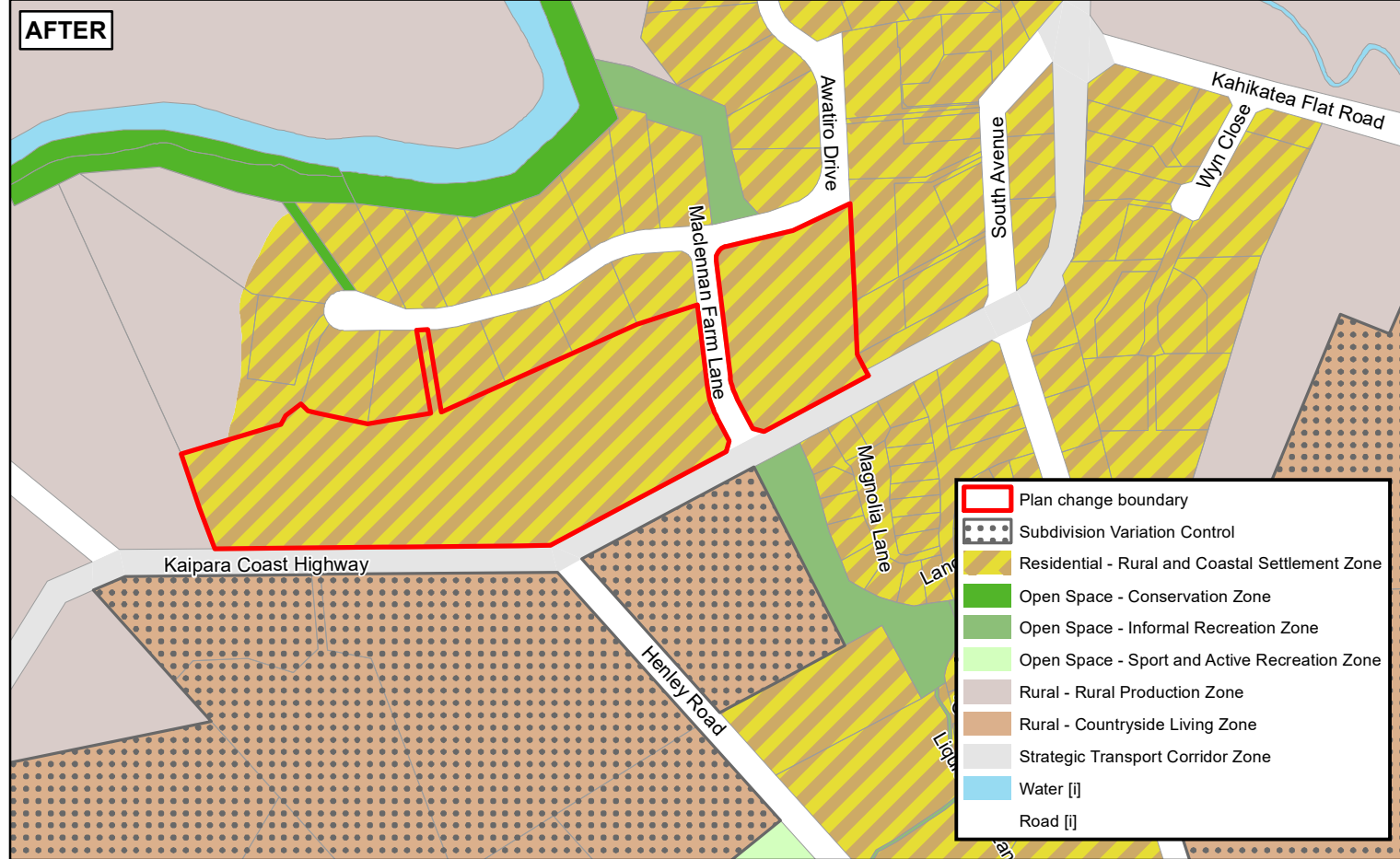


Updated GIS Viewer

BEFORE



AFTER



Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 12/04/2023

**PC 70 (Private) Rezone
751 and 787 Kaipara Coast Highway, Kaukapakapa
and remove Subdivision Variation Control**

