

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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**Report to Auckland Council**  
**Hearing topics 016, 017**  
**Changes to the Rural Urban**  
**Boundary; 080, 081 Rezoning**  
**and precincts**

**Annexure 3**  
**Precincts South**

**July 2016**

## Annexure 3 Precincts South

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## Part 1 Precincts supported

The Panel recommends the precincts below for inclusion in the Auckland Unitary Plan.

### 400 Ardmore 3 Precinct

#### 1. Summary of recommendations

The Panel supports this precinct and notes the Council, the University of Auckland and Ardmore Airport Limited have all agreed that a precinct is appropriate for this land.

Ardmore Airport Limited was concerned that the provisions enabling masts and aerials within the precinct would appropriately recognise and manage the potential safety implications for the operation of the Ardmore Airport. The Panel recommends that the revised mast and aerial provisions contained in the evidence of Mr Karl Cook on behalf of the University of Auckland be adopted.

This precinct was heard in Topic 080.

#### 2. Precinct description

The Ardmore 3 Precinct applies to land at 79-81 Mullins Road Ardmore (part Allotment 48 Parish of Papakura). The facilities on the site are used for science and technology research by the University of Auckland.

The purpose of the Ardmore 3 Precinct is to enable the continuation of existing research in science and technology fields. The precinct will also facilitate the potential for further expansion of those facilities including the addition of teaching facilities and structures or facilities required to meet the wider purpose of the tertiary education facility.

#### 3. Key issues

The Panel accepts the need for a precinct to enable the continuation of the research facilities on this site and notes that the Council, Ardmore Airport Limited and the University of Auckland all agreed on the need for this precinct to be zoned Rural - Mixed Rural Zone in close proximity to Ardmore Airport.

The key issue in contention in relation to the Ardmore Airport related to the provisions enabling masts and aerials within the precinct. Ardmore Airport Limited requested that the precinct provisions appropriately recognise and manage the potential safety implications for the operation of the Ardmore Airport. The Panel agreed with Ardmore Airport Limited and has amended the provisions consistent with the revised wording contained in the evidence of Mr Cook on behalf of the University of Auckland.

In relation to the remaining precinct provisions that were in contention they essentially came down to how activities accessory and complementary to tertiary education facilities are to be provided for within the precinct. Consistent with the approach the Panel has recommended in relation to other tertiary education precincts, the Panel has provided for accessory activities but not complementary activities. In this regard the Panel has preferred the evidence of the Council and agrees that given the site's limited function, size and location it is not appropriate to enable a wide range of tertiary and complementary activities that do not relate to the primary scientific and research purposes of the site.

A number of other changes are recommended to this precinct to address best practice matters that the Panel seeks to provide across the Plan and more minor changes are made to the provisions to improve their functionality and for clarity.

#### **4. Panel recommendations and reasons**

The Panel, having regard to the submissions, the outcomes of mediation, the evidence and sections 32 and 32AA of the Resource Management Act 1991, recommends that the provisions of the Ardmore 3 Precinct be adopted. Once amended further by best practice approaches outlined above these provisions are considered the most appropriate way to achieve the purpose of the precinct, give effect to the regional policy statement and achieve the purpose of the Resource Management Act 1991.

#### **5. Reference documents**

[080 Ak Cncl - Public Open Space, Tertiary \(excl Wairaka\), Schools, Maori, Major Rec & Coastal - CLOSING REMARKS \(18 March 2016\)](#)

[080 Ak Cncl – Mt Albert 2 sub-precinct A and B; Lincoln sub-precinct A and B; Manukau 4; Ardmore 3; Grafton; Epsom; St Johns Theological College; Tamaki 1 \(joint statement\) - Planning \(3 December 2015\)](#)

[080 Ardmore Airport Ltd \(C Reaburn\) - Planning - REBUTTAL \(27 January 2016\)](#)

[080 University of Auckland - Ardmore Campus \(K Cook\) - Planning \(19 December 2015\)](#)

[080 University of Auckland - Ardmore Campus \(Prof. S Bradley\) \(19 December 2015\)](#)

## 403 Beachlands 1 Precinct

### 1. Summary of recommendations

The Panel recommends a precinct as proposed by Council and agreed with the principal submitter, Duckie Investment Company Limited.

This precinct was heard in Topic 081.

### 2. Precinct description

The Beachlands 1 Precinct derives from Private Plan Change 30 to the Auckland Council District Plan – Operative Manukau Section. The change was made operative in November 2014.

The Beachlands 1 Precinct covers approximately 122ha of land bounded by Jack Lachlan Drive to the south, Beachlands and Karaka Roads to the north, and Whitford-Maraetai Road to the east. Its purpose is to provide for residential expansion to the south of the existing Beachlands Village and to the west of the Pine Harbour marina development in a way that integrates with and maintains and enhances the key features of Beachlands Village.

The original Beachlands Village was laid out in the 1920s as a marine garden suburb. It is characterised by the following key features:

- i. a grid-based roads pattern with informal road construction and generous verges;
- ii. a 'green' landscape resulting from significantly vegetated front and rear yards;
- iii. a low-density character with rectangular-shaped allotments of a consistent size and frontage (20m); and
- iv. few or no rear sites.

More recent subdivision in the area bounded by Bell Road, Third View Avenue, Beachlands Road and Whitford-Maraetai Road has seen some departure from this pattern; however the village retains a significant rural and coastal character.

The zoning of land within this precinct is the Residential - Single House Zone.

### 3. Key issues

There was one outstanding issue between Council and the principal submitter, Duckie Investment Company Limited.

The submitter sought that the matter of the former Formosa irrigation dam, the main structural element in the stormwater management areas and public open spaces, which was removed in 2014 pursuant to a 2013 abatement notice, be updated in the provisions and on the maps. The submitter contended that the removal of that element reduced the physical extent of the floodplain and stormwater management area by up to 80 per cent. Subsequent subdivision layout planning with Council utilises that vacated area but, without updating of the proposed rules and plans, the submitter was concerned that future development could

be prejudiced – although the Panel understood that a relevant live resource consent is held by the submitter.

Council did not consider that updating was necessary as any consequential would be covered by the resource consents held by the submitter. Furthermore, Council noted that as titles had yet to issue, further changes might occur, and that insufficient evidence had been presented as to how the layout changes proposed might affect adjacent properties. The Panel also understands that removing the dam from the map layer, while relatively straightforward in itself, leaves a wider issue of recalculating the flood plain which goes well beyond the precinct.

The Panel acknowledges Council's position while agreeing with the submitter that there is little real utility in including provisions regarding a matter that no longer exists but that has significantly changed a key parameter, i.e. stormwater. However, and while the Panel agrees with Duckie Investment Company Limited that the provisions ought to have been amended by excluding those elements relating to the disestablished irrigation dam, in practice to do this now would not achieve the relief actually sought because the wider issue of the 'real' floodplain still remains and is a factor for the remainder of the precinct as well as further afield. The short point is that a plan change will be required to correct this anomaly, and that will require a recalculation of the wider affected floodplain. That must await a later process. For that essentially technical reason the Panel does not accept the submitter's request.

The main differences between the Beachlands 1 Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies;
- ii. bespoke development controls; and
- iii. reframing of assessment and discretion criteria.

Provisions are generally more design-specific than those provided for by the Residential - Single House Zone.

The Council's position in relation to the Beachlands 1 Precinct is set out in the planning evidence in chief and rebuttal of Mr Michael Luong, and Council's Closing Remarks.

Duckie Investment Company Limited's position is as stated in Mr Mark Tollemache's planning evidence in chief and supplementary evidence.

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and recommends the changes generally proposed by Council as agreed with the submitter, Duckie Investment Company Limited, for the reasons set out in section 3 above.

#### **5. Reference documents**

[081f Ak Cncl - South - Precincts \(Beachlands 1\) - \(M Luong\) - Planning](#) (27 January 2016)

[081f Ak Cncl - South - Precincts \(Beachlands 1\) - \(M Luong\) - Planning - REBUTTAL](#) (25 February 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (page 228)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 (26 May 2016) (page 1324)

081 Duckie Investment Company Ltd (M Tollemache) - Planning (12 February 2016)

081 Duckie Investment Company Ltd (M Tollemache) – Planning – Summary Statement (11 April 2016)

## 404 Beachlands 2 Precinct

### 1. Summary of recommendations

The Panel recommends a precinct as proposed by Council and agreed with the principal submitter, Progressive Enterprises Limited.

This precinct was heard in Topic 081.

### 2. Precinct description

The Beachlands 2 Precinct derives from Private Plan Change 30A to the Auckland Council District Plan – Operative Manukau Section, approved by the Environment Court in May 2013.

The precinct is zoned Business - Local Centre Zone and covers approximately 6ha of land at the corner of Beachlands and Whitford–Maraetai Roads. Its purpose is to provide for an integrated business centre that provides a wide range of retail and commercial activities to service the needs of the growing community while ensuring the design and layout does not compromise the character of Beachlands as a rural and coastal settlement.

It is important to ensure that the development form, look and feel of the local centre is sympathetic to the character of the existing Beachlands settlement. Development within the local centre therefore needs to be designed specifically for the Beachlands community and setting.

The precinct is divided into three sub-precincts.

### 3. Key issues

There were no outstanding issues between Council and the principal submitter, Progressive Enterprises Limited. The Panel notes that development pursuant to a resource consent issued in January 2015 has already commenced on the land.

The main differences between the Beachlands 2 Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies;
- ii. bespoke development controls; and
- iii. reframing of assessment and discretion criteria.

Provisions are generally more design-specific than those provided for by the Business - Local Centre Zone.

In summary, the Council's position in relation to the Beachlands 2 Precinct is set out in the planning evidence of Mr Todd Webb; and Council's opening legal submissions.

Progressive Enterprises Limited's position is as stated in Mr Mike Foster's planning evidence.

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and recommends the changes agreed between Council and the submitter, Progressive Enterprises Limited, for the reasons set out in section 3 above.

#### **5. Reference documents**

[081f Ak Cncl - South - Precincts \(Beachlands 2\) \(T Webb\) - Planning](#) (27 January 2016)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (page 183)

[081 Progressive Enterprises \(M Foster\) - Planning](#) (11 February 2016)

# 405 Big Bay Precinct

## 1. Summary of recommendations

The Panel supports and recommends four of the seven precincts into which the notified Franklin Precinct was divided. These four precincts are: 405 Big Bay Precinct, 426 Matingarahi Precinct, 430 Patumahoe Precinct and 440 Wattle Bay Precinct. All four are generally supported by Council

The Panel does not support the remaining three proposed precincts - Grahams Beach Precinct, Karaka South Precinct, and Te Toro Precinct - and recommends their deletion. The Panel concludes that the relevant zoning and Auckland-wide provisions as recommended by the Panel satisfactorily address the matters at issue in the three proposed precincts.

This precinct was heard in Topic 081.

## 2. Precinct description

As notified the Franklin Precinct contained nine sub-precincts that applied to particular settlements. On reflection post-notification Council proposed to delete the Franklin Precinct and substitute individual precincts for six of the previous sub-precincts, delete three sub-precincts (Kauritutahi, Matakawau Point, and Waiiau Pa), and introduce one new precinct, Wattle Bay.

Council considered this restructuring an out of scope change but necessary to avoid multiple layers within a single precinct and including non-contiguous geographical areas.

The Panel does not share Council's view on scope in this instance. It considers this a consequential change, more appropriate in the circumstance, and having negligible effect on potential or actual submitters.

### 2.1. Precincts Supported

The Big Bay Precinct identifies areas for growth at Big Bay on the Awhitu Peninsula, providing for limited residential density (minimum site area of 2,500m<sup>2</sup> in sub-precinct A; maximum of seven lots inclusive of existing dwellings in each of Sub-precincts B and C with a minimum site area of 5000m<sup>2</sup>) and protection and enhancement of vegetation and other features at the time of subdivision.

The precinct is derived from a 20 December 2010 Environment Court consent order to Plan Change 14 to the Auckland Council District Plan - Operative Franklin Section.

The precinct is divided into three sub-precincts and imposes specific subdivision restrictions.

Sub-precincts A, B and C are zoned Residential – Rural and Coastal Settlement Zone. An area south of Sub-precinct C is zoned Rural – Mixed Rural Zone, and a small northern part of precinct is zoned Rural – Rural Coastal Zone. New residential development is limited to Sub-precincts B and C with other areas of the Precinct included to provide for mitigating ecological protection, enhancement and/or planting.

The Matingarahi Precinct on the western side of the Firth of Thames coast identifies areas for a new village at Matingarahi, including the village layout, while requiring the protection and enhancement of vegetation and other features at the time of subdivision. Provision is made for a maximum of 31 residential sites with specific maxima allocated to each of the five sub-precincts.

The precinct is derived from a 2011 Environment Court consent order to Plan Change 14 to the Auckland Council District Plan - Operative Franklin Section.

The precinct is zoned Residential -Rural and Coastal Settlement, Rural - Rural Coastal, Rural - Countryside Living and Business - Neighbourhood Centre.

The Patumahoe Precinct comprises some 35ha straddling Kingseat Road in the existing Patumahoe settlement. Sub-precinct A is to the east of Kingseat Road; sub-precincts B-D are located on a weathered volcanic cone to the west of Kingseat Road.

The precinct incorporates a number of the provisions of the Patumahoe Hill Structure Plan introduced through Plan Change 37 to the Auckland Council District Plan - Operative Franklin Section.

The precinct is zoned Residential - Single House Zone.

The precinct contains a suite of tailored provisions for development (including sub-precinct site sizes, roading, landscape and open space requirements, stormwater mitigation measures, retaining wall, yard and staging requirements), at a more detailed level than are provided for in the general zone provisions.

The Wattle Bay Precinct identifies areas for growth at Wattle Bay on the Awhitu Peninsula, providing for limited residential density (12 lots), planting of vegetation and management of the development layout.

The precinct is derived from a 27 June 2012 Environment Court consent order to Plan Change 14 to the Auckland Council District Plan - Operative Franklin Section.

The precinct is zoned Residential -Rural and Coastal Settlement Zone.

The above four precincts are supported because they include specific provisions designed to allow limited growth within defined parameters, matters not otherwise defined by the respective zoning or wider plan provisions, and thereby satisfy the minimum requirements for a precinct.

## **2.2. Precincts Not Supported**

The Grahams Beach Precinct, Karaka South Precinct and Te Toro Precinct (all zoned Residential -Rural and Coastal Settlement Zone) are not supported. These precinct provisions essentially seek to control subdivision with no specific cap. However the provisions are essentially those provided for by the zone and wider plan provisions and are therefore, in the Panel's view, unnecessary and not supported.

The Panel notes that Council proposed to delete a further three of the separated out precincts, being: Kauritutahi (formerly sub-precinct D), Matakawau Point (formerly sub-precinct F), and Waiau Pa (formerly sub-precinct I). The Panel agrees with those proposed deletions.

### 3. Key issues

There were no substantive remaining issues.

The main differences between the supported precincts as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of a tailored set of objectives and policies;
- ii. additional activity and development controls – including maximum additional lot provisions; and
- iii. additional matters of discretion and assessment criteria.

Council's review and conclusions were included in the joint planning evidence in chief of Mr Patrick Clearwater and Mr Todd Webb (January 2016), and the landscape evidence in chief and in rebuttal of Mr Stephen Brown (dated 26 January 2016 and 29 February 2016) with respect to the Matingarahi Precinct.

### 4. Panel recommendations and reasons

The Panel supports the Big Bay Precinct, Matingarahi Precinct, Patumahoe Precinct and Wattle Bay Precinct and recommends the provisions generally proposed by Council. Also supported is Council's proposed deletion of Kauritutahi (formerly sub-precinct D), Matakawau Point (formerly sub-precinct F), and Waiau Pa (formerly sub-precinct I). The Panel does not, however, support the Grahams Beach Precinct, Karaka South Precinct and Te Toro Precinct, and recommends their deletion for the reasons set out in section 3 above.

### 5. Reference documents

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) Attachment F, page 227

[081f AK Cncl - South - Precincts \(Franklin\) - \(P Clearwater, T Webb\) - Planning](#) (27 January 2016)

[081f AK Cncl - South - Precincts \(Franklin - Matingarahi\) - \(S Brown\) - Landscape](#) (27 January 2016)

[081a Ak Cncl - General \(S Brown\) - Landscape - REBUTTAL - LATE](#) (29 February 2016)

## 406 Bombay 1 Precinct

### 1. Summary of recommendations

The Panel supports a precinct as generally proposed by Council.

This precinct was heard in Topic 081.

### 2. Precinct description

The Bombay 1 Precinct derives from Plan Change 39 to the Auckland Council District Plan - Operative Franklin Section (made operative 1 September 2013 too late for inclusion in the notified version of the Unitary Plan) and applies to two sites located at 2038 Great South Road and 216 Mill Road, which are located in proximity to the Bombay on and off ramps of State Highway 1. The precinct was sought in the Council's submission.

The precinct has two sub-precincts: Sub-precinct A (216 Mill Road) is on the western side of State Highway 1; and Sub-precinct B (2038 Great South Road) is on the eastern side of State Highway 1. They have been added after submissions and are accordingly out of scope.

The purpose of the precinct is to provide for establishment and operation of motorway service areas in proximity to the Bombay motorway junction. The precinct seeks to restrict activities to those needed to meet the demands of motorists for convenience services, while ensuring safe and efficient movement of traffic in proximity to State Highway 1, adequate on-site infrastructure and that the amenity effects on adjacent properties are minimised. The precinct also makes provision for suitable rural activities, acknowledging its semi-rural location.

The zoning of land within this precinct is the Business – Neighbourhood Centre Zone.

The principal submitter (Takanini Properties Limited) agreed with this zoning, although preferring a Business - General Business Zone or Business - Light Industry Zone. As notified the sites were zoned Business - General Business Zone and Rural - Rural Production Zone (respectively for Sub-precincts A and B).

### 3. Key issues

Two matters remained at issue between Council and the submitter Takanini Properties Limited:

- i. the underlying zone; and
- ii. whether a wider range and size of supermarket and retail should be enabled.

As noted above, Takanini Properties Limited accepted a Business – Neighbourhood Centre Zone, albeit this was not its first preference. The Panel agrees this zoning is appropriate for the reasons outlined in Council's closing remarks.

Similarly the Panel agrees with Council that enabling a wider and larger range of supermarket and retail in this centre as a permitted or restricted discretionary activity would

not be appropriate in view of its location straddling State Highway 1 and its function as a neighbourhood centre.

The main differences between the Bombay 1 Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of a tailored set of objectives and policies;
- ii. additional activity and development controls – including tree trimming and protection provisions; and
- iii. additional matters of discretion and assessment criteria.

Council's position was as stated in Mr Todd Webb's planning evidence in chief and rebuttal (dated 29 January 2016 and 24 February 2016 respectively) and Council's closing remarks Volume 1.

Submitter Takanini Properties Limited's position was as stated in the legal submissions of Mr Douglas Allan (April 2016) and the planning evidence in chief of Mr David Haines (February 2016.)

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and recommends the changes generally agreed between Council and the principal submitter, Takanini Properties Limited, for the reasons set out in section 3 above.

#### **5. Reference documents**

[081f Ak Cncl - South - Precincts \(Bombay 1\) - \(T Webb\) - Planning](#) (29 January 2016)

[081f Ak Cncl - South- Precincts \(Bombay 1\) - \(T Webb\) - Planning - REBUTTAL](#) (24 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment F, page 4; or pdf page reference 230)

[081 Takanini Properties Limited \(D Haines\) - Planning](#) (15 February 2016)

[081 Takanini Properties Limited - Legal submissions](#) (18 April 2016)

## 408 Clevedon Precinct

### 1. Summary of recommendations

The Panel supports the retention of the precinct generally as amended by the Council in agreement with submitters and between submitters. The Panel has made amendments for workability and alignment with the whole Plan.

The Panel has added two areas located to the east of the Wairoa River to Sub-precinct C and these are zoned Rural – Countryside Living Zone. The site owned by Stratford Properties Limited at 272 Clevedon-Kawakawa Road is considered to be more appropriately zoned as Rural – Rural Coastal Zone and is therefore not included with the extended area of Sub-precinct C.

Consequential amendments are made to include:

- i. the Clevedon Showgrounds, local hall, school and open spaces in a new Sub-precinct E;
- ii. 112, 124, 128, 132 and 136 McNicol Road within the extended Sub-precinct C and Rural – Countryside Living Zone; and
- iii. a change to the coverage requirements in Sub-precinct C from 10 per cent to 20 per cent of the net site area for clustered lots.

This precinct was heard in Topic 081.

### 2. Precinct description

The Clevedon Precinct provisions carry over into the proposed Auckland Unitary Plan the provisions of Plan Change 32 to the Auckland Council District Plan – Operative Manukau Section.

The purpose of the precinct is to provide for the growth and expansion of Clevedon as a rural village, with higher densities closer to the centre and lower densities adjacent to the Rural – Rural Production Zone. Development is linked to the provision of a public wastewater system. More restrictive rules apply to land modification within the one per cent annual exceedance probability floodplain.

The Council's planning evidence made a number of amendments such as removal of Sub-precinct 4 and replacing the Stormwater Management Policy Area with non-complying activity status for land modification. Other amendments addressed the Plan Change 32 consent orders and responded to submitters e.g. removal of framework plan provisions. All of these are summarised in the Council's legal submissions.

Further amendments were made after the hearing e.g. provision for trails.

The Council's position is set out in the planning evidence in chief and evidence in rebuttal of Ms Vrinda Moghe. After the hearing, Mr Stephen Brown provided a statement of further evidence responding to questions raised in the evidence in chief of Ms Bridget Gilbert,

landscape architect for Stratford Properties Limited, Netherlea Holdings Limited and Roscommon Properties Limited.

### 3. Key issues

The Panel's starting position is the version of the provisions attached to the Council's closing remarks. This version incorporates the post-hearing amendments made in response to submitters as well as other minor amendments improving the workability of the provisions.

The outstanding issues are:

- i. activity status for comprehensive development of community facilities on the property owned by Acorn Parish Holdings (3933);
- ii. whether to amend the heritage policy to refer to scheduled heritage;
- iii. amendments to the coverage rules and activity table for sub-precincts to recognise a post-hearing agreement between Clevedon submitters and Karaka Harbourside Estate Ltd;
- iv. rezoning of the Business - Neighbourhood Centre Zone (Sub-precinct D) to Business - Local Centre Zone; and
- v. whether land to the north and east should be included within Sub-precinct C and rezoned as Rural – Countryside Living Zone.

With respect to Acorn Parish Holdings, now in Sub-precinct A and with a Residential – Single House Zone, the Panel agrees with the Council that the church and an array of retail, restaurant, community and education facilities are enabled as discretionary activities in the zone. A comprehensive development is therefore possible although it will be subject to the usual notification tests in light of the Panel's decision not to use framework plans as a method. For this reason, the Panel does not recommend any changes in response to this submission.

Clevedon Cares Incorporated (5456, FS3170) and Clevedon Business Association (7421) and Holiolio Farm (6665) generally supported the notified proposed Auckland Unitary Plan provisions as subsequently amended by the Council. These submitters sought amendments that would reinstate key elements of the master plan such as the trails, which the Council responded to in its closing remarks by making further changes. The Panel supports these various changes.

The submitters also sought the addition of a new policy protecting historic heritage, scheduled or not. The Panel agrees with the Council that this policy is not necessary because the protection of scheduled historic heritage is already provided for in D17 Historic Heritage Overlay. There is no provision in the Plan for protection of unscheduled historic heritage. Accordingly, the Panel does not recommend any changes to the provisions in response to this issue.

After the hearing, an agreement was reached between Clevedon Cares Incorporated, Clevedon Business Association and Holiolio Farms on the one hand and Karaka Harbour Estates Limited (Conmara Farms) with respect to the coverage rule. Rule I408.6.1(1) now provides as follows:

- (1) Maximum building coverage within Sub-precinct C for clustered lots is 20 per cent of the net site area.

This is a consequential amendment which the Panel agrees is appropriate to ensure that cluster housing sites within this zone enable development that maintains and complements the rural built character, any landscape qualities and natural features within the precinct.

Karaka Harbourside Estate Limited sought to change the Business - Neighbourhood Centre Zone to a Business - Local Centre Zone. The Council questioned whether there is scope to make this change and supported retention of the Business - Neighbourhood Centre Zone on its merits. The Panel acknowledges the agreement amongst the parties to rezone the area to Business - Local Centre Zone and amend the activity status for various activities. However, in the Panel's view, there may be significant implications that arise from both the rezoning proposal and the activity table amendments. These have not been subject to due process because they were settled after the closing of the hearing. The Panel agrees with Ms Elworthy's statement during the hearing that the centre is too big to be a neighbourhood centre and too small for a Business - Local Centre Zone. The adjustments made to the activity status to address this 'in between' status suggest to the Panel that the whole shopping centre requires a fresh look. For these reasons, the Panel does not support zoning of Business - Local Centre Zone for the Clevedon shopping village area, nor does it support the version of the activity table as agreed amongst the parties.

A number of submitters sought an extension of Sub-precinct C and Rural – Countryside Living zoning onto land located to the north of the village and to the east of McNicol Road:

- i. 272 Clevedon-Kawakawa Road, Stratford Properties Limited (2367);
- ii. 252 Clevedon-Kawakawa Road, Netherlea Holdings Limited (2415);
- iii. 100, 102, 110 and 150 McNicol Road, Roscommon Properties Limited (2551);  
and
- iv. 90 McNicol Road, Trent and Katherine Archer (5416)

At the hearing, Roscommon Properties sought to broaden Sub-precinct C to cover its own land and all of the land between McNicol Road and Clevedon Precinct, including south of McNicol Road to the northern side of the Wairoa River and west of Clevedon-Kawakawa Road.

Stratford Properties, Netherlea Holdings and Roscommon Properties also sought amendments to the Council's amended version of the provisions.

The case for these three submitters is fully described and reasoned in their legal submissions. Evidence was also provided by Mr Tim Grace (planning – cluster subdivision), Ms Bridget Gilbert (landscape) and Messrs Sherning and Walker (corporate).

Mr Trent Archer presented his own submission. The Panel acknowledges its useful focus on the 'big picture', and Mr Archer's logical analysis of the precinct boundary options, land use patterns and the fragmentation of landholdings in the McNicol Road area. His local

knowledge provided invaluable insights into the issues and the implications of various options for change.

The Panel considers that landscape effects are the key determinant of the appropriateness of the Rural – Countryside Living Zone and extension of the precinct boundaries in the context of this Plan review. These must be evaluated in light of the purpose of the zones.

Ms Gilbert’s opinion on this matter is set out in her hearing statement where she addresses the differences between her and the Council’s landscape expert, Mr Stephen Brown. The Panel agrees with Ms Gilbert that there is a relatively soft edge to the village on both sides of the river and that countryside living as provided for in the notified extent of Sub-precinct C will reinforce this outcome. The pattern of existing small-scale holdings on the east side of the Wairoa River contributes to this sense of transition as confirmed by Mr Archer’s evidence on fragmentation and land use.

It follows that the Panel does not agree with Mr Brown that Clevedon’s character is “strongly associated with it being a clearly defined, physically demarcated village that is attached to but separate from its rural surrounds”. In addition, Mr Archer pointed out that Mr Brown’s opinion contradicted Ms Moghe’s approach of using “a spatial transect or effectively a ‘soft’ edge (despite predominantly applying it to only the other side of the river)”. This highlights one of the key questions which is whether the ‘spatial transect’ approach ought to be extended northwards and eastwards.

A fundamental difference between the two witnesses is the purpose of the Rural – Countryside Living Zone. Ms Gilbert notes that “this zone is used throughout the region as a planning tool to safeguard character, by effectively locking up land from urban sprawl and providing a legible transition between urban and rural land uses”. In her view, this is the outcome that is envisaged around the Clevedon Village margins on the western side of the Wairoa River and the proposed extension would capture this transition on its eastern side. By contrast, Mr Brown describes a “fundamentally ‘rural’ pastoral quality to the landscapes within Sub-precinct C” and further afield, preferring to retain Rural – Rural Production zoning in McNicol Road and north of the village. The Panel agrees with Ms Gilbert in part because the average lot size within Sub-precinct C is four hectares rather than the two hectares provided for in the Rural – Countryside Living Zone.

The Panel considered this landscape evidence together with the submitters’ evidence on land use and smallholdings in the area in light of the purpose of the Rural – Countryside Living Zone. For example, Mr Archer showed that his property was not a productive unit and noted that it met all the criteria for a zoning of Rural – Countryside Living Zone. Roscommon Holdings is a large, landscaped property. The Panel concluded that countryside living is well established in and around Clevedon Village contributing to its character as a community hub. In the Panel’s view, the land to the east of the Wairoa River and north of the village (up to the boundary with the Rural - Rural Coastal Zone) generally satisfies the description of the Rural – Countryside Living Zone as set out below:

The Rural – Countryside Living Zone provides for rural lifestyle living in identified areas of rural land which are generally closer to urban Auckland or rural and coastal towns. There is a diversity of topography, land quality and landscape character within the zone which results

in a diversity of site sizes. The zone is the main receiver area for transferable rural site subdivision from other zones. Objectives 1 and 2 and Policy 5 are particularly apt:

Land is used for rural lifestyle living as well as small-scale rural production; (Objective H19.7.2 (1).)

The rural character, amenity values, water quality, ecological quality, historic heritage values and the efficient provision of infrastructure is maintained and enhanced in subdivision design and development. (Objective H19.7.2 (2).)

Acknowledge that the rural character and amenity values associated with this zone reflect its predominant use for rural lifestyle living rather than for rural production activities. (Policy 5, H19.7.3 (5).)

In principle, the Panel supports the rezoning of these additional areas as Rural – Countryside Living Zone for the reasons set out above.

The Panel considered the extent of the new Rural – Countryside Living Zone and concluded that it should expand eastwards of McNicol Road taking in all the land from 90 - 150 McNicol Road (see Precinct Plan 1). A consequential amendment includes 112, 124, 128, 132 and 136 McNicol Road in order to create a logical parcel capable of orderly subdivision, use and development. The Panel decided not to include the land between the Wairoa River and McNicol Road, taking account of the floodplain and because of the existing subdivision pattern which means that the same outcomes are achieved under both zonings.

The properties at 252 and 262 Clevedon-Kawakawa Road, and all the area to the south between the eastern side of the Wairoa River and the road are also included (see Precinct Plan 1). However, the zoning of Rural – Rural Coastal Zone applies to 272 Clevedon-Kawakawa Road due to it being adjacent to the defined coastal marine area boundary. This decision gives effect to the strategic zoning approach adopted in considering all the submissions in Topic 81.

Having concluded that the Rural – Countryside Living Zone should be extended northwards and eastwards from McNicol Road, the Panel considered the relevance of applying Sub-precinct C to these areas. A key matter is provision for subdivision. In the Rural – Countryside Living Zone, the average lot size is two hectares whereas in Sub-precinct C, the average lot size is four hectares. This is relatively generous and, together with the provisions that enable clustering of up to five lots, would result in outcomes that are compatible with rural character and amenity values. The Panel examined Mr Grace's proposed amendments enabling cluster subdivision and concluded they need more work before they could be adopted. Accordingly, the Panel supports inclusion of these areas within Sub-precinct C and retains the subdivision provisions as set out in the Council's closing remarks version of the provisions, noting the amendment to the relevant rule in Sub-precinct C on housing clusters clarifying the requirements.

#### **4. Panel recommendations and reasons**

The Panel agrees that the precinct is necessary to carry forward the provisions of Plan Change 32 the Auckland Council District Plan – Operative Manukau Section. The Council, landowners and the community have settled expectations of the density and pattern of development that is appropriate in the precinct based on this plan change. In particular,

there is community support for the creation of bridle trails and walkways and the implementation of these linkages is enabled by the precinct provisions.

The Panel supports the retention of the precinct generally as amended by the Council in agreement with submitters. The Panel has made amendments for workability and alignment with the whole Plan.

The Panel has added two areas located to the east of the Wairoa River to Sub-precinct C and these are zoned Rural – Countryside Living Zone.

The property at 272 Clevedon-Kawakawa Road remains in the Rural – Rural Coastal Zone and is not included in the extended Sub-precinct C.

Consequential amendments are made to:

- i. include the Clevedon Showgrounds, local hall, school and open spaces in a new Sub-precinct E;
- ii. include 112, 124, 128, 132 and 136 McNicol Road within the extended Sub-precinct C and Rural – Countryside Living Zone; and
- iii. change the coverage requirements in Sub-precinct C from 10 per cent to 20 per cent of the net site area for clustered lots.

## 5. Reference documents

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (page 187)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 236)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016](#) (26 May 2016) (page 1040)

[081f Ak Cncl - South - Precincts \(Clevedon\) - \(V Moghe\) - Planning](#) (26 January 2016)

[081f Ak Cncl - South - Precincts \(Clevedon\) - \(V Moghe\) - Planning - REBUTTAL](#) (29 February 2016)

[081f Ak Cncl - South - Precincts \(Clevedon\) - \(S Brown\) - Landscape - Response to panel question on Clevedon](#) (20 April 2016)

[081 Stratford Properties Ltd \(D Sherning\) - Corporate](#) (16 February 2016)

[081 Roscommon Properties Ltd \(P Walker\) - Corporate](#) (16 February 2016)

[081 Straford Properties Ltd., Netherlea Holdings Ltd., Roscommon Properties Ltd. \(B Gilbert\) - Landscape & Visual](#) (16 February 2016)

[081 Straford Properties Ltd., Netherlea Holdings Ltd., Roscommon Properties Ltd. \(T Grace\) - Planning](#) (16 February 2016)

[081 Clevedon Cares Inc \(M Whitehouse\) - primary sub evidence](#) (14 February 2016)

[081 Clevedon Cares Inc \(M Whitehouse\) - further sub evidence](#) (14 February 2016)

[081 Clevedon Bus Ass and Hololio Farm \(J Elworthy\)](#) (12 February 2016)

081 Clevedon Bus Ass and Hololio Farm (D Scott) (13 February 2016)  
081 Acorn Parish Holdings (J Maplesden) - Planning (12 February 2016)  
081 Acorn Parish Holdings (J Maplesden) - Planning - Hearing statement (10 April 2016)  
081 Acorn Parish Holdings and all (J Maplesden) - Planning – Attachment – BNZ Weekly Overview (11 April 2016)  
081 Trent & Katherine Archer - (T Archer) - Hearing Statement (12 April 2016)  
081 Trent & Katherine Archer - (T Archer) - Response to panel question (15 April 2016)

# 409 Clevedon Waterways Precinct

## 1. Summary of recommendations

The Panel supports the precinct and recommends the changes proposed by submitter Clevedon Waterways Limited.

This precinct was heard in Topic 081.

## 2. Precinct description

The Clevedon Waterways Precinct comprises 234.1 hectares of land next to the Wairoa River located approximately 5km to the northeast of Clevedon village. The precinct includes 123.3 hectares to the east of North Road that will support residential canal housing and 110.8 hectares to the west of North Road to be utilised partly as a wastewater disposal field, and open space.

The purpose of the Clevedon Waterways Precinct is to allow for a canal-based maritime village of up to 350 dwellings with 300 berths together with surrounding public open space, green infrastructure, a small village hub, a lock and weir, and a network of walking and cycle trails.

A key aspect of the proposed purpose is the fact that the canals will be 'declaimed'. That is, they will be formed on land outside of the river's banks, above the line of mean high water springs and therefore initially beyond the coastal marine area. Only when the opening to the Wairoa River is finally breached will those canals become coastal marine area and which will require relevant coastal permits and a formal management structure for holding and administering those (and other) permits.

The precinct is made up of four Sub-precincts - A, B, C and D.

- i. Sub-precinct A applies to the flat land between North Road and the Wairoa River and is approximately 56 hectares in area. The purpose of the sub-precinct is to create a unique form of canal housing with the associated waterways, boat berths, and the access to the Wairoa River via a lock and weir. Sub-precinct A is zoned Residential – Rural and Coastal Settlement Zone.
- ii. Sub-precinct B is situated adjacent to the main road entrance to the precinct where it meets the canals and is approximately four hectares in area. The purpose of the sub-precinct is to reinforce the area as a local service centre for the precinct and to recognise appropriate business and community uses. More intensive housing options are to be enabled. Sub-precinct B is zoned Business - Neighbourhood Centre Zone.

- iii. Sub-precinct C is located around the perimeter of the precinct and is approximately 62 hectares in area. It provides a buffer and transition between the village area and the surrounding farmland and river/coastal environment. Sub-precinct C is intended to reduce the potential impacts of the canal development on the rural and river environment, provide public access to the river, and passive recreation opportunities. It also incorporates the enhancement of the existing natural streams with riparian margin planting and wetland. Sub-precinct C is zoned Open Space - Informal Recreation Zone.
- iv. Sub-precinct D comprises the 110.8 hectare block of land to the west of North Road. The purpose of Sub-precinct D is to provide a wastewater disposal field on farmland in the event that this is not available to the Clevedon wastewater network, bush protection, plus walking trails for village residents. Sub-precinct D is zoned Rural - Mixed Rural Zone.

The sub-precincts vary and/or substitute many of the subdivision, development and activity controls of the respective zones.

### 3. Key issues

Council opposed the precinct primarily because of the Environment Court's rejection of a similar, if slightly smaller, proposal in 2010 on regional policy and adverse landscape and cultural effect grounds. Council also noted concerns about coastal water quality effects arising from boat antifoulants and contaminant concentration caused by the lock and weir system proposed. Council considered that insufficient information had been provided in time for it to properly assess these effects prior to the hearing.

Those concerns were restated in Council's closing remarks.

#### 3.1 Regional strategic direction

The submitter argued that the key difference since the adverse Court decision on Plan Change 13 to the Auckland Council District Plan – Operative Manukau Section in 2010, is that the Metropolitan Urban Limit and new village restraint policies have been overtaken by the proposed regional policies, as modified by various parties. The submitter acknowledged that if the Panel adopts Council's more constraining Rural Urban Boundary policy then materially things would be as they were in 2010.

The Panel has not adopted Council's policies in that regard and is recommending a more flexible approach to the Rural Urban Boundary, with the ability to develop and grow rural and coastal villages provided they satisfy established criteria.

The Panel is therefore satisfied that the submitter's argument has sufficient merit and that the proposal does not thereby contravene the recommended strategic regional policies regarding new settlement development outside the Rural Urban Boundary.

### 3.2 Adverse cultural effects

The submitter provided evidence of its attempts to consult with Mana Whenua, Ngāi Tai ki Tāmaki. The submitter acknowledged that there are matters that require consultation but urged the Panel not to accept Ngāi Tai's apparent unwillingness to engage and respond as a ground for refusing to allow the proposal to move forward. The submitter was clear in its expectation that confirming the precinct would provide the necessary threshold for consultation to be re-engaged – and which would certainly be necessary at resource consent stage anyway.

The Panel agrees that unwillingness to engage in consultation – including the making of submissions on a proposal – if competently sought should not be used as an argument against the satisfaction of relevant Part 2 matters. While the Panel cannot substitute its understanding of Ngāi Tai's cultural concerns; silence is not a ground. The submitter correctly pointed out that the Court's careful 2010 decision did not record its then concerns as being insurmountable. The Panel has reached a similar conclusion. Clearly, as advanced by Council and the submitter, there are matters that need to be addressed before full consents are obtained. In the Panel's view there is no evidence to suggest that an applicant should not proceed in good faith and attempt to address the matters that it can identify and resolve.

### 3.3 Adverse landscape effects

The landscape evidence remained in contention.

Council's conclusion was that there was little substantively new in the present proposal that overcame its concerns as put to the Court and accepted in 2010. Ms Melean Absolum's landscape and visual evidence was that her 2010 conclusions were unchanged by hearing and considering the current evidence. She maintained that the proposed precinct would result in significant adverse effects on the natural character of the coastal environment, as well as on landscape and amenity values.

The submitter's landscape and visual evidence (provided by Mr Gavin Lister) acknowledged that there would be adverse effects on the river's natural character because of the introduction of a settlement into the floodplain. He submitted that this would be mitigated by the proposed 60-100m buffer planting, riverbank revegetation works and other works such as the re-naturalising of the two streams (currently farm drains) that run through the land. Mr Lister disagreed with Council that there would be any significant visual effect on more distant landscape features such as Whakakaiwhara Point and Poutu Point. Furthermore, while the settlement would alter the rural character of the lower Wairoa Valley, his view was that it would itself become a distinctive feature of the valley. That evidence was supported by the landscape architecture evidence of Mr Dennis Scott, who provided a wider regional spatial planning assessment.

Having carefully considered the evidence the Panel is not persuaded that development of the precinct cannot be undertaken with sufficient and appropriate design and mitigation (as indicated in evidence) or that it will necessarily have the significant adverse landscape effects of concern to Council. Certainly those concerns will need to be further addressed – but that can be advanced through the consent process that will be required.

### 3.4 Water quality

Because of the existing degraded coastal water quality state of the Wairoa estuary Council expressed concern about the likely adverse effects of an additional 300-berth marina effectively discharging contaminants at this general location.

That concern was addressed in evidence for the submitter by Mr Graham Don (ecology), Dr Tim Fisher (water quality) and Mr Richard Reinen-Hamill (coastal engineering). Their conclusions were to the effect that the matters of concern could be satisfactorily managed without creating significant adverse effects.

The Panel is satisfied that relevant water quality issues were identified and have been considered. Furthermore it notes that these are matters that will require detailed consideration in any subsequent consent process. While recognising the importance of the matters raised, the Panel was not persuaded on the evidence that these could not be addressed.

The main differences between the Clevedon Waterways Precinct as proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. a comprehensive suite of objectives and policies to reflect the structure and purpose of the four sub-precincts;
- ii. detailed development control and activity provisions appropriate for the coastal/riverside context; and
- iii. contingency provisions for infrastructure.

In summary, the Council's position in relation to the Clevedon Waterways Precinct is set out in its closing remarks volume 1, which refers back particularly to the evidence in chief and rebuttal of Ms Jacqueline Bartley, Ms Melean Absolum, Ms Lara Taylor, Mr Marcus Cameron and Mr Ian Mayhew.

For the submitter, multiple statements of evidence were made on behalf of Alec and Keith Smith, and Stuart and Merle McKenzie, summarised in the legal submissions of Ms Helen Atkins and the planning evidence of Mr David Haines.

Council and the submitters did not resolve their respective differences.

Having considered the relevant evidence presented, the Panel prefers the overall evidence of the submitter and supports a precinct moving forward.

## 4. Panel recommendations and reasons

The Panel supports and recommends a precinct with the changes generally proposed by submitter Alec and Keith Smith, and Stuart and Merle McKenzie, for the reasons set out in section 3 above.

## 5. Reference documents

- 081f Ak Cncl - South - Precincts (Clevedon 3) - (J Bartley) - Planning (29 January 2016)
- 081f Ak Cncl - South - Precincts (Clevedon 3) - (J Bartley) - Planning (26 February 2016)
- 081f AK Cncl - South - Precincts (Clevedon 3) - (M Absolum) - Landscape (26 January 2016)
- 081f Ak Cncl - South - Precincts (Clevedon 3) - (L Taylor) - Maori Cultural Heritage (26 January 2016)
- 081f AK Cncl - South - Precincts (Clevedon 3) - (L Taylor) - Maori Cultural Heritage - REBUTTAL (26 February 2016)
- 081f AK Cncl - South - Precincts (Clevedon 3) - (M Cameron) - Antifouling Contaminants - REBUTTAL (26 February 2016)
- 081f AK Cncl - South - Precincts (Clevedon 3) - (I Mayhew) - Water Quality - REBUTTAL (26 February 2016)
- 081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (page 244)
- 081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 (26 May 2016) (page 1040)
- 081 Alec and Keith Smith and Stuart and Merle McKenzie - Legal submissions (26 April 2016)
- 081 Alec and Keith Smith and Stuart and Merle McKenzie (G Lister) - Landscape & Urban Design - Clevedon Waterways precinct (16 February 2016)
- 081 Clevedon Bus Ass and Hololio Farm (D Scott) (13 February 2016)
- 081 Alec and Keith Smith and Stuart and Merle McKenzie (G Don) – Ecological - Clevedon Waterways precinct (15 February 2016)
- 081 Alec and Keith Smith and Stuart and Merle McKenzie (T Fisher) – Stormwater - Clevedon Waterways precinct (15 February 2016)
- 081 Alec and Keith Smith and Stuart and Merle McKenzie (R Reinen-Hamill) - Coastal Engineer (15 February 2016)
- 081 Alec and Keith Smith and Stuart and Merle McKenzie - Legal submissions (26 April 2016)
- 081 Alec and Keith Smith and Stuart and Merle McKenzie (D Haines) - Planning - Clevedon Waterways precinct (16 February 2016)

# 410 Drury South Industrial Precinct

## 1. Summary of recommendations

The Panel supports and recommends a precinct as generally proposed by Council along with a number of the changes sought by submitters, especially by Stevenson Group Limited.

This precinct was heard in Topic 081.

## 2. Precinct description

The Drury South Industrial Precinct applies to approximately 361ha of land, bounded by State Highway 1 in the west, the Drury Quarry and the Hunua foothills in the east, the rural areas of Fitzgerald Road in the north and Ararimu Road in the south. The precinct largely mirrors the recently operative Drury South Plan Change provisions (Plan Change 19 Auckland Regional Council regional policy statement; Plan Change 3 Auckland Regional Plan – Air, Land, Water; Plan Change 12 – Auckland Council District Plan – Operative Papakura Section; Plan Change 38 – Auckland Council District Plan – Operative Franklin section) and was proposed through the submissions of Council and Stevenson Group Limited.

The precinct is characterised by a flat to subdued contour and is traversed by the Hingaia Stream and its tributaries including the Maketu Streams. Land that surrounds and defines the precinct has more pronounced topographical contours.

The zones underlying the precinct are Business – Light Industry Zone and Business – Heavy Industry Zone.

The purpose of the precinct is to provide for land-extensive industrial activity and employment opportunities as well as provide for areas of stormwater management, existing and proposed network utility infrastructure, public open space and proposed roads, while recognising the ecological, cultural, landscape and other environmental constraints of the locality.

The precinct is divided into the following five sub-precincts:

- i. Sub-precinct A Light Industry (approximately 107ha);
- ii. Sub-precinct B Motorway Edge (Light Industry) (approximately 73ha);
- iii. Sub-precinct C Commercial Services (Light Industry) (approximately 19ha);
- iv. Sub-precinct D Open Space/stormwater management (approximately 98ha);  
and
- v. Sub-precinct E Heavy Industry (approximately 42ha).

A special housing area has been approved over part of the precinct – that special housing area does not align with sub-precinct boundaries. No plan variation or qualifying development has yet been processed.

### 3. Key issues

Submitters on this precinct, in addition to Council, were Stevenson Group Limited and Transpower New Zealand Limited.

Planning evidence in chief and rebuttal for Council was provided by Mr Craig Cairncross, who supported the precinct and the amendments sought by Mr Greg Osborne, planner for Stevenson Group Limited, and the transportation amendments in Mr Andrew Murray's evidence in chief – which Mr Cairncross confirmed with Auckland Transport and New Zealand Transport Agency.

The only remaining point of difference with Council concerned the provision sought by Ms Sylvia Allan in her planning evidence for Transpower New Zealand Limited, relating to the National Grid. Ms Allan was not persuaded about the relationship between the proposed National Grid Corridor Overlay and the precinct rules as proposed by Council. The Panel, having determined that with very few exceptions, not including this particular one, overlays are always dominant, has no need to consider the matter further.

Counsel for Stevenson Group Limited raised a general matter regarding the consequence for incomplete special housing areas if the Unitary Plan is made operative before a special housing area plan variation request is completed. That matter has been addressed in the Panel's Report to Auckland Council – Overview of recommendations July 2016.

The main differences between the Drury South Industrial Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies;
- ii. additional subdivision and activity controls; and
- iii. reframing of assessment criteria and matters of discretion.

Provisions are more tailored than those provided by the underlying business zones – some being more restrictive and others less.

In summary, the Council's position in relation to the Drury South Industrial Precinct is set out in the evidence in rebuttal of Mr Cairncross, and Council's closing remarks Volume 1 (pages 253 – 261).

### 4. Panel recommendations and reasons

The Panel supports the precinct and recommends the changes generally agreed between Council and the submitter, Stevenson Group Limited, and considers the matter raised by Transpower New Zealand Limited resolved for the reasons set out in section 1.3 above.

### 5. Reference documents

[081f Ak Cncl - South - Precincts \(Drury South\) - \(D Cairncross\) - Planning](#) (26 January 2016)

[081f AK Cncl - South - Precincts \(Drury South\) - \(D Cairncross\) - Planning - REBUTTAL](#) (24 February 2016)

[081 Stevenson Group Limited \(G Osborne\) - Planning](#) (10 February 2016)

081 Stevenson Group Limited (Greg Osborne) - Planning - REBUTTAL (24 February 2016)  
081f AK Cncl - South - Precincts (Drury South) - (D Cairncross) - Planning - REBUTTAL (24 February 2016)  
081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (page 253)  
081 Stevenson Group Limited (A Murray) - Transport (10 February 2016)  
081 Transpower NZ Ltd (S Allan) - Planning (11 February 2016)

# 412 Flat Bush Precinct

## 1. Summary of recommendations

The Panel generally prefers and recommends the changes proposed by Mr Tollemache (on behalf of Dong Global Investment Limited and others) in Annexure 1 of his 14 April 2016 Memorandum. The Council supports in part the revised text proposed by Mr Tollemache for reasons described in its closing statement.

This precinct was heard in Topic 081.

## 2. Precinct description

The Flat Bush precinct covers approximately 1730ha of land adjacent to the Rural Urban Boundary. It incorporates the comprehensive provisions of Plan Change 20 to the Auckland Council District Plan – Operative Manukau Section, which was made operative in January 2015 (including consent orders in 2012 and 2014) after the proposed Unitary Plan was notified. As notified, Council had proposed a split precinct – Precinct 1 being urban and Precinct 2 being countryside living.

Extensive reformatting of those provisions to better fit the structure of the Unitary Plan (and integrate with the 19 February 2016 operative Sub-precinct C, approved under the Housing Accords and Special Housing Areas Act 2013 ) has resulted in recasting those two precincts into a single precinct with ten sub-precincts.

Eight sub-precincts apply to land within the urban residential zones as set out below.

- i. **Flat Bush Sub-precinct 1 – General** – this sub-precinct is generally located on the low-lying lands within 1.5km of the Flat Bush Town Centre and Barry Curtis Park.
- ii. **Flat Bush Sub-precinct 2 – Central** – this sub-precinct has a residential emphasis and is generally located within a five-minute walk of the Flat Bush Town Centre.
- iii. **Flat Bush Sub-precinct 3 – Arterial** – this sub-precinct is generally located within 60m of the main road networks and enables a range of residential activities.
- iv. **Flat Bush Sub-precinct 4 – Barry Curtis Edge** – this sub-precinct is located around the perimeter of Barry Curtis Park, which is a substantial public open space of approximately 90ha. All parts of this sub-precinct are located within a 10 to 15 minute walk from the Flat Bush Town Centre.
- v. **Flat Bush Sub-precinct 5 – Local Centre** – this sub-precinct is similar to the Flat Bush Area 1 (General) but is located immediately around three Neighbourhood Centres in, or immediately adjacent to, the Flat Bush Precinct.
- vi. **Flat Bush Sub-precinct 6 – Public Open Space** – the land contained within this sub-precinct surrounds the main waterways (Stormwater Management Areas) within the Flat Bush catchment and as a result is generally linear in shape.

- vii. **Flat Bush** Sub-precinct **7** – Mixed Housing Suburban – this sub-precinct relates to land in the upper McQuoids Road/Flat Bush School Road area.
- viii. **Flat Bush** Sub-precinct **10** – **Single House** – this area relates to steeper land in the upper McQuoids Road / Flat Bush School Road area.

Outside the urban areas the following apply.

- ix. **Flat Bush** Sub-precinct **8** – **Countryside Transition** – this sub-precinct relates to land within the upper catchment area and alongside the many streams and waterways in the sub-precinct.
- x. **Flat Bush** Sub-precinct **9** – **Conservation and Stormwater Management** – this sub-precinct covers the steep gully areas and waterways that have been identified as warranting environmental enhancement.

The sub-precincts vary the subdivision controls of the respective underlying zones in relation to block design, road design and road construction standards.

The underlying zoning of land within this precinct is the Business - Neighbourhood Centre Zone, Residential - Terrace Housing and Apartment Buildings Zone, Residential - Mixed Housing Urban Zone, Residential - Mixed Housing Suburban Zone, Residential - Single House Zone, Residential - Large Lot Zone, and Rural – Countryside Living Zone.

### 3. Key issues

While Council supported many of the changes sought through Mr Tollemache's evidence, it remained opposed to the single precinct option and to a number of the detailed controls proposed in his primary and rebuttal evidence.

At the hearing Mr Tollemache was requested by the Panel to produce a more streamlined version of provisions (on which this recommendation is based as noted above). That version, dated 14 April 2016, was not supported by Council, which preferred a split precinct as notified between development on the lower reaches of the Ōtara catchment on the one hand, and protection/enhancement of the natural gullies and waterways of the upper reaches of the Ōtara catchment on the other. Council was concerned, among other things, that in the absence of vesting of the proposed green finger network the underlying zone controls would not sufficiently protect or enhance those features, and because it considered that stormwater management would require different integrative methods.

Council also contended that aspects of the restructuring of the precinct were matters that was out of scope.

The above matters are summarised in Council's closing remarks.

The main differences between the Flat Bush Precinct as proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. a new suite of objectives and policies to reflect the modified structure of sub-precincts and align with the Court's decisions on Plan Change 20;
- ii. development control and activity provisions that more closely align with the Court's decisions on Plan Change 20.

In summary, the Council's position in relation to the Flat Bush Precinct is set out in its closing remarks – which refer back to the evidence in chief and rebuttal of Ms Moghe and Ms Bartley of 26 January and 29 February 2016 respectively.

Council and the submitters did not resolve their respective differences.

#### **4. Panel recommendations and reasons**

Having considered the relevant evidence presented, the Panel prefers the approach proposed by the submitter as that approach more appropriately fits the structure of the Plan as recommended. In particular the hierarchy of overlays over precinct controls will facilitate the outcome that seemed of principal concern to Council. Having accepted the structure proposed by Mr Tollemache, the Panel has generally accepted the detailed amendments also proposed, as these broadly reflect matters of experience derived from current developments in or near to the precinct.

The Panel generally supports the changes proposed by Mr Tollemache on behalf of submitters Dong Global Investment Limited, Singyip Estate Limited, Eastfield Development Limited (successor to Furu Ding), Murphys Developments Limited, and Ray Boshier and Boshier Family Trust, for the reasons set out in section 1.3 above.

#### **5. Reference documents**

Auckland Council

[081f Ak Cncl - South - Precincts \(Flat Bush\) - \(V Moghe, J Bartley\) - Planning](#) (26 January 2016)

[081f Ak Cncl - South - Precincts \(Flat Bush\) - \(V Moghe, J Bartley\) - Planning - REBUTTAL](#) (1 March 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) Attachment F, p 36

[081 Dong Global Investments Limited, Singyip Estate Ltd. and Eastfield Development Ltd. \(M Tollemache\) - Planning](#) (15 February 2016)

[081 Furu Ding \(Eastfield Development Ltd\) \(M Tollemache\) - Planning - Track change Flat Bush Precinct](#) (14 April 2016)

## 415 Glenbrook Steel Mill Precinct

### 1. Summary of recommendations

The Panel recommends a precinct as sought by submitter New Zealand Steel Limited.

This precinct was heard in Topic 081.

### 2. Precinct description

The Glenbrook Steel Mill is located on Mission Bush Road, Glenbrook, and is a significant industrial resource within the Auckland region. The Glenbrook Steel Mill Precinct seeks to provide for the Mill's growth and operation in a way that continues to support the local, regional and national economy.

The purpose of the Glenbrook Steel Mill Precinct is to support and enable the continued operation of the existing steel mill and associated facilities. The precinct was introduced by way of submission by New Zealand Steel Limited.

The zoning of land within this precinct is the Business - Heavy Industry Zone.

The precinct sought by the submitter comprised two sub-precincts: Sub-precinct A (including 35 Higgins Road) being the existing steel mill operation to be zoned Business - Heavy Industry Zone; and Sub-precinct B being two separated areas to the north of Brookside Road and east of Mission Bush Road, having a mix of rural zones but intended for future landfill and workers' accommodation.

Council does not support the precinct.

### 3. Key issues

The key points of difference between Council and New Zealand Steel Limited concerned whether the Business - Heavy Industry Zone provided sufficient certainty for the Mill's accessory activities and the extent to which the existing noise management regime remains appropriate, preferring that this be managed through a resource consent application process. Council was also concerned that the proposed activities accessory to the industrial activity in proposed Sub-precinct B are effectively provided for under the Business - Heavy Industry Zone and therefore are unnecessary.

For New Zealand Steel Limited, Mr Hegley's evidence was that with three exceptions - all of which were readily resolved - noise had not been an issue over some 30 years. He noted that the noise standards in the proposed Plan would effectively render the plant non-compliant for no meaningful resource management effect as the Mill is surrounded by rural activities - the only such example of a Business - Heavy Industry Zone. Mr Hegley recommended the retention of the noise management regime as in the operative district plan.

Having reviewed the evidence the Panel largely agrees with Council with respect to Sub-precinct B. In particular this area was not historically covered by the Iron and Steel Production Zone - consistency with which is one of the submitter's arguments for the precinct. The Panel is not persuaded that Sub-precinct B is necessary and therefore recommends its deletion from the precinct.

With respect to Sub-precinct A, the Panel agrees with the submitter. This is a unique situation of a heavy industry zone in a coastal setting surrounded by rural-zoned land. Furthermore, the Panel does not propose to rezone that surrounding rural land to a different use; it is persuaded that that land should remain rural at this time. No foreseeable reverse sensitivity effect is therefore evident that might suggest further restrictions on noise. If that should be the case, then provisions can be changed as appropriate. Council produced no acoustic evidence that contradicted Mr Hegley on the point and no submissions were received on the matter from neighbouring landowners that might suggest an issue.

When considered with the fact that this site contains a regionally important industry, the unique nature of the operations on this site, and the proposed provisions underlining the relationship with the community to achieve mutually beneficial outcomes, the Panel is persuaded that a bespoke precinct is appropriate for Sub-precinct A - including 35 Higgins Road - based on the set of provisions provided by New Zealand Steel Limited, modified by the removal of Sub-precinct B.

The main differences between the Glenbrook 1 Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of specific objectives and policies;
- ii. additional activity and development controls that are more appropriate to the context; and
- iii. reframing of matters of discretion and assessment and criteria.

Provisions are significantly more tailored than those otherwise provided, particularly through the Business - Heavy Industry Zone core provisions.

In summary, the Council's position in relation to the Glenbrook Steel Mill Precinct is set out in the planning evidence in chief of Mr Todd Webb and Council's closing remarks Volume 1.

New Zealand Steel Limited's position is as stated in the joint planning evidence in chief of Ms Andrea Rickard and Mr Matt Lindenberg, the acoustic evidence in chief and supplementary evidence of Mr Nevil Hegley, and the legal submissions of Ms Catherine Somerville and Mr Peter Bevan.

#### **4. Panel recommendations and reasons**

The Panel:

- i. supports a heavy industry zoned precinct for Sub-precinct A, including the extension to 35 Higgins Road, and recommends the changes generally proposed by the submitter, New Zealand Steel Limited;

- ii. agrees with Council and does not support Sub-precinct B and recommends its deletion from the precinct; and
- iii. recommends miscellaneous consequential and minor other amendments to the provisions, for the reasons set out in section 3 above.

## 5. Reference documents

Auckland Council

[081f Ak Cncl - South - Precincts \(Glenbrook 1\) - \(T Webb\) - Planning](#) (26 January 2016)

[081 New Zealand Steel Ltd \(N Hegley\) - Noise](#) (12 February 2016)

[081 New Zealand Steel Ltd \(N Hegley\) - Noise - Summary statement - Post hearing](#) (4 May 2016)

[081 New Zealand Steel Ltd - Legal Submissions](#) (4 May 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS - Volume 1 - Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 273)

[081 New Zealand Steel Ltd \(A Rickard, M Lindenberg\) - Planning](#) (12 February 2016)

## 416 Karaka 1 Precinct

### 1. Summary of recommendations

The Panel supports the retention of the precinct and the changes proposed by Council in response to the submitter, New Zealand Bloodstock Limited. The precinct name remains as Karaka 1.

This precinct was heard in Topic 081.

### 2. Precinct description

The Karaka 1 precinct is an existing precinct comprising approximately 18 hectares of land adjacent to the Southern Motorway and the Papakura Interchange. The precinct has provided for the continued use and development of the New Zealand Bloodstock Karaka Sales Centre since 1999.

Activities related to the New Zealand Bloodstock Karaka Sales Centre include bloodstock sale and purchase and related temporary activities. The precinct aims to ensure that the associated adverse effects of these activities are avoided, remedied or mitigated.

The underlying zone of the Karaka 1 precinct is Business – Light Industrial Zone, and there were no requests to change this zoning, and the submitter (land owner) supported this zoning. The surrounding area is characterised by residential development, and the Hingaia Special Housing Area which is located adjacent to the precinct.

### 3. Key issues

The Council proposes to retain the precinct with some amendments in response to submissions, as well as minor out-of-scope amendments to ensure consistency across the Plan and to reduce confusion in the application of the Karaka 1 precinct.

The submitter, New Zealand Bloodstock Limited, agrees with the matters addressed in the Council's evidence in rebuttal, and there are no outstanding issues.

The main differences between the Karaka 1 Precinct as proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. objectives and policies specifically providing for the bloodstock industry;
- ii. less restrictive provisions relating to visitor accommodation;
- iii. more restrictive provisions relating to amenity issues in the precinct because of the existing landscape of the site providing a high level of amenity value for the precinct and surrounding area; and
- iv. provision for certain unique temporary activities on the precinct site.

The Council proposes a change to the activity status for visitor accommodation from a controlled activity to a restricted discretionary activity. The Council considers that this will allow the application of a more comprehensive set of assessment criteria, including the design and appearance of buildings, transportation effects and landscaping treatment.

In response to a submission from the New Zealand Bloodstock Karaka Sales Centre, the Council proposes to remove Rule 3.3 relating to additions and alterations to buildings. The Council also proposes deleting a rule controlling building height within the precinct to no more than 15 metres, which is in conflict, for no apparent reason, with the light industry zoning provisions that allow buildings up to 20 metres high.

The Council proposed an out-of-scope amendment to change the precinct name to 'Hingaia Bloodstock precinct' in the evidence in chief of Ms Yin. However upon request from the landowner the Council now supports reinstating the precinct name 'Karaka 1', which is associated with the centre's brand and important for recognition by both international and domestic customers.

In summary, the Council's position in relation to the Karaka 1 Precinct is set out in the planning evidence in chief of Ms Yin (dated 26 January 2016), and her statement of evidence in rebuttal (dated 24 February 2016). Mr Pearce, the submitter's expert planner, stated in his planning summary statement that he concurs with the provisions for the Karaka 1 Precinct detailed in Ms Yin's rebuttal statement, along with any applicable amendments to improve clarity. The submitter, New Zealand Bloodstock Limited, agrees with the matters addressed in the Council's (Ms Yin) evidence in rebuttal.

#### **4. Panel recommendations and reasons**

The Panel supports the retention of the precinct and the changes proposed by Council in response to the submitter for the reasons set out in section 1.3 above.

#### **5. Reference documents**

[081f Ak Cncl - South - Precincts \(Karaka 1\) - \(C Yin\) - Planning](#) (26 January 2016)

[081f AK Cncl - South - Precincts \(Karaka 1\) - \(C Yin\) - Planning - REBUTTAL](#) (24 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (Attachment F page 52)

[081 New Zealand Bloodstock Limited \(Carey Pearce\) - Statement of Evidence - Planning](#) (10 February 2016)

## 417 Karaka North Precinct and rezoning

### 1. Summary of recommendations

The Panel recommends the relief sought by Karaka North Village Limited to establish a village at Karaka. Some amendments have been made to the precinct provisions to ensure that they reflect the outcomes of the master plan as presented to the Panel.

To the extent that the relief sought and recommended by the Panel is out of scope, the Panel exercises its power under section 144(5) of the Local Government (Auckland Transitional Provisions) Amendment Act 2010.

The Panel does not recommend the relief sought by Karaka Village 2005 Limited or Fulton Bloodstock Limited to extend the Karaka Village zoning and precinct provisions on the southern side of Linwood Road. While the Panel considers these may be appropriate extensions at some time, insufficient work has been undertaken at this time to justify the relief sought.

This zoning and precinct was heard in Topic 081.

### 2. Precinct description

The Karaka North Precinct is a proposed precinct that provides for the development of a village in Karaka. The precinct is located at the junction of Blackbridge Road and Linwood Road. The village is intended to support the wider rural community with local retail, service and community activities.

The Karaka North Precinct largely gives effect to Council and Environment Court decisions in respect of Plan Change 14 to the Auckland Council District Plan – Operative Franklin Section. Plan Change 14 became operative on 21 October 2013, including the provisions in respect of the Karaka Village.

As notified, the zoning of the precinct is Business - Local Centre Zone, Residential - Mixed Housing Suburban Zone and Residential - Single House Zone.

The surrounding area is predominantly rural in character, with the exception of a small village node at the junction of Blackbridge and Linwood Roads, which includes St Margaret's Church, Karaka Recreation Area, as well as some retail activity. The western edge of the precinct is located approximately 500 metres from the Whangamarie Creek which flows out to the Pahurehure Inlet.

### 3. Key issues

The Council supported the Karaka North Precinct as set out in the notified proposed Auckland Unitary Plan. The reasons for this are those set out in Council's opening submissions and in the evidence in chief and evidence in rebuttal of Mr Webb, expert planner for the Council, as well as the evidence in rebuttal of Messrs Allen (Watercare), and Segedin (Transport).

The main outstanding issue is the proposed expansion of the precinct as proposed by several submitters, namely Karaka North Village Limited (5925; FS 877), Karaka Village 1995 Limited (4003) and Fulton Bloodstock Limited (3081), to extend the precinct area, and rezone the rural land surrounding the Karaka Village to an urban (village) zoning. The Council does not support the expansion.

In summary the Council opposed the relief sought by the submitters for the following reasons:

- i. it is contrary to the regional policy statement;
- ii. effects on productive rural land;
- iii. effects on rural character and amenity;
- iv. reverse sensitivity effects;
- v. cumulative traffic effects;
- vi. effects on water quality; and
- vii. effects on Mana Whenua values and wastewater.

#### **4. Panel recommendations and reasons**

In relation to the changes sought the Panel has briefly set out the Council's position and then addressed the requests from Karaka North Village Limited and then Karaka Village 2005 Limited and Fulton Bloodstock Limited jointly.

The Council was opposed to the expansion of the precinct as sought by the submitters.

In summary its concerns were:

- i. the submitters' requests to extend the precinct boundary and rezone land for residential development is not consistent with the proposed regional policy statement;
- ii. the cumulative effect of the additional residential development sought in Karaka Village and areas such as Kingseat would significantly exceed the capacity of Linwood Road, resulting in severe traffic congestion and consequent increased safety risk;
- iii. issues relating to wastewater infrastructure.

##### **4.1 Karaka North Village Limited**

Mr Brabant, in his legal submissions, usefully provided some background to the proposed Karaka North Village as envisaged by Karaka North Village Limited. He submitted that an essential starting point for considering whether a change should be made to the Karaka North Village (in the manner proposed by Karaka North Village Limited) was to have an understanding of the plan change outcomes which resulted from appeals to the Environment Court on decisions of Franklin District Council on its Plan Change 14. That plan change was a comprehensive review of the rural section of the Auckland Council District Plan – Operative Franklin Section.

Mr Brabant submitted that when the Karaka North Village zone was incorporated into the operative district plan, and effectively 'rolled over' into the proposed Auckland Unitary Plan, that:

The Wallace family's landholding at Karaka was not subject to a full and detailed assessment as has now been completed to identify the extent to which provision could be made for a high-quality rural village development. That work has been done to support the submission to the PAUP, and at the same time KNVL has resourced an application for subdivision consent (including consenting on-site infrastructure) to demonstrate an un-serviced rural village was feasible. As Robert Wallace's evidence states, the restraints imposed by the agreed plan provisions settled through PC 14 result in a form of village development they would not be happy to undertake. (Paragraph 7)

The Panel accepts that the starting point is:

- i. the village location is identified in the operative district plan as the Karaka North Growth Node;
- ii. the village is centred on the intersection of Linwood Road, Dyke Road and Blackbridge Road, and has been formed around a cluster of established social infrastructure and small businesses;
- iii. the Karaka North Village Limited land is located in the north-western quadrant of the village, being 80.1 hectares with 17 fee simple titles;
- iv. Karaka North Village Limited has obtained the necessary resource consents to develop the village that was envisaged under the operative district plan, which includes 139 residential lots, a medium residential 'super-lot' (expected to produce something in the order of 70 sections), a wastewater treatment and on-site disposal system.

Mr Brabant's submissions, as well as the extensive expert evidence presented (addressed in more detail below), set out that the changes sought would fundamentally improve the current consented village and result in a better rural village outcome. For the reasons set out below the Panel agrees.

The Panel has relied on the following evidence.

- i. Mr B McKenzie (landscape architect) and Mr A de Graaf (Urban Design) detailed the underlying philosophy and analysis of the design.
- ii. Mr T Bassett (stormwater and flooding) and Mr T Bryce (wastewater and water supply) confirmed that the outcome sought by Karaka North Village Limited does not require any additional water or wastewater infrastructure and that stormwater can be appropriately managed on site.
- iii. Mr B Hall (traffic engineer) confirmed from a traffic perspective that development of the village as proposed by Karaka North Village Limited can be adequately serviced by existing transport and roading infrastructure subject to localised upgrading.

- iv. Mr P Osbourne (economist) set out that a cost-benefit analysis had determined that the proposed village will have a positive impact.
- v. Mr R Wallace (owner) described the significant consultation undertaken with local iwi and the formal Memorandum of Understanding which has been concluded from this.
- vi. Mr Grala (planning) set out that the zoning and precinct provisions sought were appropriate from a resource management perspective provided a section 32AA analysis.

The Panel addresses below the concerns raised by the Council in its expert evidence. While the Panel understands those concerns, they have been appropriately addressed in section 32 and section 32AA terms by the expert evidence for Karaka North Village Limited.

#### **4.2 Productive rural land**

Mr Webb, expert for the Council, was concerned that the expansion of the precinct would result in urbanisation of land containing prime soil. While the Panel acknowledges this, it is more persuaded by the evidence of Mr Wallace which in summary explains:

- i. the property is in 17 titles;
- ii. a resource consent has been issued under the Auckland Council District Plan – Operative Franklin Section - Karaka Village provisions enabling subdivision and development of the part of the property presently part zoned for a village development into 139 residential lots, one medium density residential ‘super-lot’ (expected to contain up to 70 300m<sup>3</sup> residential lots) and a commercial ‘super-lot’;
- iii. if development were to proceed in accordance with this unimplemented consent, Mr Wallace's evidence was that the current dairy farming operation could no longer continue. The balance of the landholding is already in 16 titles which would likely be used for rural - residential purposes.

#### **4.3 Rural character and amenity**

The Panel accepts that the rural character and amenity of the immediate area will change. This is an inevitable consequence of urban (village in this case) development. The potential effects on character and amenity were fully considered by Mr McKenzie and Mr de Graaf in the context of a detailed master plan, including an indicative settlement pattern (the grouping and clustering of dwellings) with large parts of the area left open to retain rural amenity and character.

As part of the master plan a Rural Amenity Area and Rural Character Area were shown, and these areas were not to be intensively developed for residential dwellings. The Rural Amenity Area and Rural Character Area were included in the precinct plan.

In relation to the Rural Amenity Area and Rural Character Areas Mr McKenzie, at paragraph 40 of his evidence in chief, stated:

Importantly the Precinct Plan includes an indication of the spatial extent of a Rural Amenity Area and a Rural Character Area. The purpose of these areas is to reinforce the underlying landscape patterns of the site; to maintain and enhance the rural and natural character qualities of the western “landscape frame”; and to provide the basis for the distribution of built development in relation to a central “Farm” as a key spatial organising element of the future development of the site. In my opinion these areas will also provide for a high degree of rural amenity.

He also stated at paragraphs 85 and 96:

The development areas of the proposal are framed by the western Stream Corridor Margins which the Precinct Plan and Overall Plan seek to maintain as a Rural Character Area dominated by pastoral open space. This area is also the principal means of preserving natural character as well as providing the opportunity to enhance natural character through environmental enhancement. This in combination with the maintenance and enhancement of the site’s gully systems provides a strong landscape and natural character “frame” to the northern and western boundary of the proposed Precinct. In my opinion, this provides for a strong legible pattern of rural landscape characteristics that responds to the site’s landscape and natural character setting.

The Masterplan also illustrates the central Farm or Rural Amenity Area concept that is included in the Precinct Plan. This area will provide rural amenity including visual amenity for the immediate community as well as from viewpoints on Dyke Road. Significant areas of rural open space are integrated throughout the overall design proposal including passive recreational and open space elements that are complementary to the natural landscape elements of the site such as the upper harbour margins and gully features. These open spaces also reflect the wider rural character of the site and Karaka North Peninsula, they also provide a spatial and landscape management framework to underpin rural development of high rural amenity value including rural visual amenity which is exemplified by a predominance of rural open space characteristics over built form.

The purpose of quoting Mr McKenzie’s evidence is that the Rural Amenity Area and the Rural Character Area are key mechanisms for ensuring the village develops as envisaged by the master plan. This was strongly supported by the Panel and important in terms of the Panel’s recommendations.

However, while the Rural Amenity Area and the Rural Character Area were shown in the precinct plan, there were no provisions referring to those areas and controls to limit more intensive residential development in these areas. Without some control limiting residential development in these areas the objectives and policies of the precinct, which seek a distinctive form of village, could not be achieved.

The Panel has amended the objectives and policies to reflect the Rural Amenity Area and Rural Character Area to avoid more intensive housing in these areas. This reflects the proposed policy 1 which as drafted was:

Enable a range of residential living opportunities to achieve a rural village character, with more intensive housing located either immediately adjacent to the local centre or

in locations that positively contribute to a rural village character and make best use of landscape attributes. (emphasis added).

Dwellings are generally a controlled activity in Sub-precinct A, and the Panel considers this is appropriate outside of the Rural Amenity Area and Rural Character Area. The Panel's recommendation, reflecting the revised objectives and policies, is that dwellings within the Rural Amenity Area and Rural Character Area are discretionary.

The Panel notes that no landscape or urban design evidence was presented by the Council. However the Panel notes that Mr Webb in his evidence in rebuttal accepted that development proposed on the 'eastern aspect of the site' would not adversely affect the character and amenity of the surrounding rural area, but was concerned about the 'western aspect of the site' and "particularly with the 'Western Headland' and Southern Rural Terrace".

In response to Mr Webb's concern, Mr McKenzie's landscape summary records that his recommendation for the western headland and southern rural terrace (as part of his analysis of the landscape character area framework for Karaka Village) was to limit built development. As a result a predominance of rural open space has been maintained for the areas identified. The Panel agrees with Mr McKenzie.

#### **4.4 Reverse sensitivity**

Mr Webb was concerned that two areas proposed to be rezoned from Rural - Rural Coastal Zone to Residential - Single House Zone would be located abutting a working dairy farm within the Rural- Rural Coastal Zone.

Mr Grala (expert planner for the submitter) set out in his evidence in chief (Appendix 11, page 4) that there was adequate separation between incompatible land uses. He stated:

There are no adjoining incompatible land uses. The only adjoining property is the dairy farm to the north. The immediately adjoining portions of this farm are used for grazing. More intensive infrastructure for the farm, such as milking sheds and implement sheds, are located 500m to the north of the common boundary.

Mr Grala also set out that the more intensive infrastructure on the adjoining farm is located half a kilometre to the north, with the adjoining land being pasture. He and Mr McKenzie also set out that the landscape characteristics at the northern boundary of the site result in very limited interaction between the properties.

Mr Brabant also advised the Panel that the operative zoning and the consented village development for this site did not treat the interface between the village and adjoining rural land as a matter which gave rise to reverse sensitivity concerns. The Panel finds that this rural village will sit within a context of land used for rural productive purposes, and in this respect the Karaka North Village Limited's site has the advantage in that it is bounded to the west by a stream and to the south and east by roads. The Panel is not persuaded there are reverse sensitivity effects that would halt this proposal.

## 4.5 Transport

Auckland Transport was concerned about the effects of further urbanisation and the impact on the roading network with additional development on the Karaka Peninsula in particular the cumulative effect of the additional residential development sought in areas such as Karaka Village and Kingseat. Auckland Transport's concern was that the zonings sought (and the scale of development that would enable) would significantly exceed the capacity of Linwood Road, resulting in severe traffic congestion and consequently increased safety risk. Mr Segedin's evidence for Auckland Transport (particularly paragraphs 4.4 to 4.13) notes that exhausting the capacity of the corridor will lead to a costly upgrade in the order of \$320 million.

The Panel notes that this level of upgrade specifically relates to the large increases in residential development capacity proposed by some submitters as a result of significant movements on the Rural Urban Boundary, and this is addressed in section 2 of the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016. It is noted the submission by Karaka North Village Limited was not seeking any extension to the Rural Urban Boundary.

With respect to the Karaka North zoning and precinct, Mr Grala and Mr Wallace detailed the resource consents already issued for the property and the existing titles. On this basis approximately 225 residences could be constructed with additional business development. Mr Grala identifies that the provisions of the Plan as notified would allow approximately 218 dwellings to be constructed on land owned by Karaka North Village Limited. The Karaka North Village Limited submission would enable an additional 242 dwellings.

The expert traffic evidence for Karaka North Village Limited (Mr Hall) addressed the traffic-generation potential for the increased village development. He set out that localised roading improvements were always intended and acknowledged as necessary by the submitter. Mr Hall's evidence confirmed a net increase of some 242 dwellings on the Karaka North Village Limited land above that provided for in the notified provisions.

The Panel understands and accepts the concerns of Auckland Transport, particularly as it relates to the cumulative effects of all of the proposals to enable greater urban development on the Karaka Peninsula. This is set out more fully in other sections of the Panel's Report to Auckland Council on Changes to the Rural Urban Boundary, rezoning and precincts as referenced above (see Annexure 4, 421 Kingseat, and Annexure 6 the section on Karaka), and is one of the reasons why the Panel has not recommended extending the Rural Urban Boundary or rezoning more land at Kingseat or extending the Karaka North Precinct beyond that sought by Karaka North Village Limited.

However the Panel agrees with Mr Hall that in the context of Karaka Village the resulting additional density is small in terms of what has been modelled and referred to in the Auckland Transport evidence. The Panel finds that the amount of development enabled by the zoning and precinct provisions does not generate the need for major roading upgrades or have implications for roading capacity.

## **4.6 Water Quality**

The Council was concerned about the effects on water quality from the development enabled by the proposed zoning and precinct. Mr Webb's evidence in rebuttal referred to potential effects on water quality, relying on the evidence of other Council witnesses, including Dr Bird. The Panel notes that Dr Bird's evidence related more broadly to the extension of the Rural Urban Boundary into Karaka North and water quality issues derived from stormwater in the context of a large expansion of urban-zoned areas.

As explained above the site has an operative village zoning and a resource consent in place to enable a reasonably significant amount of development. Those consents enable this development to use on-site stormwater and wastewater disposal techniques. Mr Bassett set out in his evidence that the general approach to stormwater management for the village is consistent with the approach set out in Auckland Council guideline documents and aligns with positions agreed and recorded in expert conference joint statements for hearing topic 049 Discharges, Stormwater and Wastewater and evidence put before the Panel on behalf of Auckland Council in the context of that topic (see the Panel's Report to Auckland Council – Hearing topics 046/047/048/049 Water July 2016.) The Panel does not support Mr Webb's suggestion that more thorough assessment or modelling of urban contaminant loads should be undertaken before additional zoning is approved.

The Panel also accepts the expert evidence of Karaka Village North Limited that the work done to support a village development using the existing (and notified) village zone demonstrates that the outcome of the change of use would be an improvement in water quality and environmental conditions on the land.

## **4.7 Mana Whenua and wastewater**

Mr Wallace's evidence details consultation carried out with local iwi and the signing of a Memorandum of Understanding. That Memorandum of Understanding makes clear that iwi are supportive on the basis that wastewater treatment is undertaken to a high quality. As noted above, a wastewater system has already been consented as part of the development approved in late 2015. Mr Bryce's evidence on behalf of Karaka North Village Limited is that there are viable options at Karaka North Village for wastewater treatment and disposal (and water supply) for the scale of development proposed.

On this basis the Panel concludes that the relevant Part 2 matters of the Resource Management Act 1991 in relation to Mana Whenua are satisfied.

## **4.8 Framework plan**

The Panel notes and supports the submitter's departure from the framework plan approach proposed in the submission. The provisions as redrafted by Mr Grala have removed the framework plan and consent requirements.

## **4.9 Norfolk Pine**

The Council proposed an out of scope change to delete the general tree protection provisions and establish a tree schedule to protect a Norfolk Pine that was identified as significant through Plan Change 14. The Council stated that the Pine has not been

assessed against the notable tree criteria but listed for protection within Appendix 3.4 - Tree Schedule in the notified proposed Auckland Unitary Plan.

The Panel does not support this out of scope change. The proposed provisions were not supported by any analysis or evidence from the Council.

#### **4.10 Scope**

The Council raised the matter of scope in relation to the relief sought by Karaka North Village Limited. Council noted that a comparison of the relief sought in the original submission by Karaka North Village Limited and the residential zoning pattern now proposed indicates that the proposal has changed as in the Karaka North Master-plan Report Annexure 1 dated February 2016 (page 35).

The Local Government (Auckland Transitional Provisions) Act 2010 (Section 144(5)) enables the Panel to make recommendations to the Council which are out of scope of the submissions lodged. The Panel has reviewed the original submission as lodged and the evidence presented. The 'decision sought by the council' in the original submission was broadly cast in seeking the zoning and precinct to enable the Karaka Village as addressed in the submissions and evidence. The Panel notes that the spatial extent of the zoning and precinct is the same, that the activities sought (residential in this case) are the same and that extensive evidence has been presented to the Panel to justify the changes proposed, including a section 32AA analysis in Mr Grala's evidence.

For these reasons, to the extent that the relief sought may be out of scope, the Panel exercises its power under section 144(5) to make the changes sought by Karaka North Village Limited.

#### **4.11 Overall finding for Karaka North Village Limited**

The Panel agrees with the submitter that the work undertaken by Karaka North Village Limited has been done to the standard required to recommend the village expansion and consequential changes to zoning and precinct provisions. In section 32 and 32AA terms the Panel is satisfied that the proposed village expansion, and consequential changes to zoning and precinct provisions, are more appropriate than those in the notified proposed Auckland Unitary Plan. The provisions recommended by the Panel better give effect to Part 2 of the Resource Management Act 1991 than the notified provisions. The Panel's reasons are as set out in section 4.1 of this report.

### **5. Panel recommendations and reasons – south of Linwood Road**

Karaka Village 1995 Limited owns land at 343 Linwood Road, 355 Blackbridge Road and 315 Blackbridge Road, Karaka. As set out in the legal submissions, the submitter sought rezoning of part of its land to 'round out' the existing Karaka North Village.

The original submission sought that significant areas be changed from the notified Mixed Rural Zone to urban zones. The relief sought has now been refined and approximately 37 hectares of the submitter's land is sought to be zoned Business - Local Centre Zone, Residential - Mixed Housing Suburban Zone and Residential - Single House Zone. The

submitter also sought that the Karaka North Precinct be extended to apply to the rezoned land.

The submitter's case was supported by expert witnesses as follows:

- i. Mr I Munro – urban design;
- ii. Mr K Norgrove – economics;
- iii. Mr M Smith – engineering/infrastructure;
- iv. Ms S Boone – traffic; and
- v. Ms R Fraser-Smith – planning.

Fulton Bloodstock Limited owns approximately 8 hectares of land at 359 Linwood Road, and adjoins Karaka Village 1995 Limited's land. The submitter sought a zone change to enable it to subdivide:

- i. to the same degree as the Karaka Precinct;
- ii. to 2500 m<sup>2</sup> sections, as would be the outcome of the more limited subdivision right for Karaka Precinct; or
- iii. at worst, one hectare sections.

See paragraph 4 a of evidence prepared by Mr Fulton, director and 50 per cent shareholder of Fulton Bloodstock Limited.

## **5.1 The evidence for the submitters**

Ms Fraser-Smith, in her evidence in chief (paragraph 1.5), and relying on the other expert evidence, considered that the existing Karaka North Village could be expanded on the submitter's land to accommodate additional housing, without negatively impacting on the concept of Karaka North being a 'village'.

In urban design terms, Mr Munro's key reason for supporting the zoning and precinct expansion (paragraph 5 of his summary statement) was the presence of the village and that the Council's proposed urban zoning north of Linwood Road would set in train a significant change of local character. He supported that change because rural villages have a legitimate part to play in Auckland's approach to growth management and the village exhibits all of the characteristics expected of a small-scale, walkable settlement.

From a transport perspective Ms Boone considered that the extent of any upgrades required to the Linwood Road/Blackbridge Road/Dyke Road intersection and the wider road network would need to be considered alongside the upgrades already proposed and in terms of what additional development was provided for as part of this Plan process. She considered that the consent process would identify any specific upgrades required to mitigate development of the site. In her view the implementation of road upgrades, or contributions towards upgrades required through the normal consent process, as well as use of development contributions for additional roading required to support development of the north Franklin/Hingaia area as a whole, will ensure the transport network will be safe and efficient.

The Panel acknowledges that from a transport perspective, Auckland Council's position opposing the rezoning was based on analysis undertaken by Auckland Transport that has considered a large area of urban development on the Karaka North peninsula. Ms Boone did not consider this to be a suitable basis for assessment of the Karaka Village 1995 Limited proposal, and that the necessary upgrades can be achieved through the ordinary requirements placed on developers through the normal consent process.

The Panel in this case agrees with the evidence in rebuttal of Mr Segedin for Auckland Council. This is due to the lack of sufficiently detailed transport modelling by the submitters on the actual effects of increased traffic and the cumulative effects of development of the site alongside further proposed extensions of the Karaka North Precinct and the Kingseat Precinct. This would likely trigger the need for a more substantial upgrade of Linwood Road.

With respect to infrastructure, Mr Smith considered the evidence in rebuttal filed by Council as being "overly focused on having a definitive solution and design for that solution right now, rather than acknowledging, as my evidence sought to demonstrate, that there are multiple possibilities to enable servicing (particular wastewater servicing) of this land" (paragraph 2 of his summary statement). In summary the site was capable of being serviced, and that definitive solutions could be "worked through contemporaneously (or prior to) resource consent applications for development of the land. This is not inconsistent with usual practise (in my experience) for plan changes and development." (Paragraph 3 of his summary statement.)

It is the Panel's view that any significant rezoning proposal such as this requires a greater evidential basis of how the land may be serviced given there is no bulk infrastructure in this area. Watercare had set out its approach to this and more detail is included in the Panel's Report on Changes to the Rural Urban Boundary, rezoning and precincts as referenced above (see Annexure 6 Karaka and Annexure 4, 421 Kingseat).

The same issues, in a cumulative sense, arise with the Fulton Bloodstock Limited submission, accepting that the site is smaller.

## 5.2 Overall findings

With respect to the zoning and precinct (mainly additional residential development) over the land owned by Karaka Village 1995 and Fulton Bloodstock Limited the Panel is not persuaded that it is appropriate at this time to extend the zoning and precinct provisions as it has recommended for Karaka North Village Limited. The reasons for this are set out above, but in summary are:

- i. that the work undertaken by the submitters is not sufficiently advanced, as it was for Karaka North Village Limited, to recommend the village expansion and consequential changes to zoning and precinct provisions;
- ii. landscape and urban design matters have not been fully addressed;
- iii. no detail is provided as to proposed water or wastewater solutions;
- iv. the additional population that would be added in this location raises issues over the capacity of Linwood Road to accommodate that expansion of the village.

The Panel, while acknowledging that in the future it may be appropriate to expand the Karaka Village south of Linwood Road for the reasons set out in the case for Karaka Village 1995 and Fulton Bloodstock Limited, the work done to date is largely conceptual. Significant further work and evaluation would be required to satisfy section 32 of the Resource Management Act 1991 that it was appropriate, particularly from an infrastructure servicing perspective (roading and wastewater). In section 32 and 32AA terms the Panel is not satisfied that the submitters' proposed village expansion and consequential changes to zoning and precinct provisions are more appropriate than those in the notified proposed Auckland Unitary Plan.

## 6. Reference documents

### Auckland Council

[081f AK Cncl - South - Precincts \(Karaka 2\) - \(T Webb\) - Planning](#) (27 January 2016)

[081f AK Cncl - South - Precincts \(Karaka 2\) - \(T Webb\) - Planning – REBUTTAL](#) (1 March 2016)

[081f AK Cncl - South - Precincts \(Karaka 2\) - \(C Allen\) – Corporate - Watercare – REBUTTAL - LATE](#) (1 March 2016)

[081f AK Cncl - South - Precincts \(Karaka 2 & Kingseat\) - \(T Segedin\) - Transport - REBUTTAL](#) (2 March 2016)

[016&017 Hrg - Auckland Council - 017 Area Specific Evidence \(Manu Bird\) - Ecology - Karaka - REBUTTAL](#) (17 December 2015)

### Fulton Bloodstock Limited

[081 Fulton Bloodstock Ltd \(K Fulton\)](#) (8 March 2016)

### Karaka North Village Limited

[081 Karaka North Village Ltd - Legal submissions](#) (12 April 2016)

[081 Karaka North Village Ltd \(B McKenzie\) - Landscape](#) (15 February 2016)

[081 Karaka North Village Ltd \(A de Graaf\) - Urban Design](#) (15 February 2016)

[081 Karaka North Village Ltd \(T Bassett\) - Stormwater](#) (15 February 2016)

[081 Karaka North Village Ltd \(A Bryce\) - Water and wastewater](#) (15 February 2016)

[081 Karaka North Village Ltd \(B Hall\) - Traffic](#) (15 February 2016)

[081 Karaka North Village Ltd \(P Osborne\) - Economics](#) (15 February 2016)

[081 Karaka North Village Ltd \(N Grala\) - Planning](#) (15 February 2016)

[081 Karaka North Village Ltd \(R Wallace\) - Corporate](#) (15 February 2016)

[081 Karaka North Village Ltd \(B McKenzie\) - Landscape - Summary statement](#) (12 April 2016)

### Karaka Village (1995) Ltd

[081 Karaka Village \(1995\) Ltd - Legal submissions](#) (12 April 2016)

[081 Karaka Village \(1995\) Ltd \(L Fraser-Smith\) - Planning](#) (12 February 2016)

[081 Karaka Village \(1995\) Ltd - \(I Munro\) - Urban Design - Summary Statement \(12 April 2016\)](#)

[081 Karaka Village \(1995\) Ltd \(S Boone\) - Transport \(12 February 2016\)](#)

[081 Karaka Village \(1995\) Ltd - \(M Smith\) - Infrastructure - Summary Statement \(12 February 2016\)](#)

## 418 Kingseat Precinct, Rural Urban Boundary and zoning

### 1. Summary of recommendations

The Panel does not recommend a Rural Urban Boundary around Kingseat for that area proposed to be zoned urban in the notified proposed Auckland Unitary Plan or any expansion to that area. The reasons for this are set out below and in the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016 which sets out the Panel's approach to the Rural Urban Boundary.

The geographical extent of the zoning and precinct is recommended to stay the same as in the notified proposed Auckland Unitary Plan, generally reflecting the outcome of Plan Change 28 to the Auckland Council District Plan – Operative Franklin Section, and as reflected in a recent consent order from the Environment Court released in April 2015.

The zoning and precinct is not recommended to be expanded to the east to cover the area sought by various submitters, including F and J Reynolds, Linwood Farms Limited, or a southern extension as sought by Karaka Estate Limited and Kingseat Farms Limited.

The Panel recommends precinct provisions which have largely been agreed between the Kingseat Group and the Council. Some amendments have been recommended by the Panel where agreement was not reached between the parties.

This precinct was heard in Topic 017 and Topic 081.

### 2. Precinct description

The Kingseat Zone and Precinct covers approximately 298 hectares. The area encompasses the existing Kingseat Village, the former Kingseat Hospital site and parts of the surrounding rural area. It adjoins the Whatapaka Creek of the Manukau Harbour, which is of significance to the Tangata Whenua of the area.

The purpose of the Kingseat Zone and Precinct is to provide for the integrated and comprehensively planned expansion of the rural village of Kingseat for a population of approximately 5000 people. It will provide the opportunity for an appropriately designed, managed, and environmentally sensitive village to serve this community and the surrounding area.

The zone and precinct also recognises the historic, cultural and environmental attributes, and character of the area, such as providing for the adaptive reuse of the former Kingseat Hospital site and protecting environments of the Whatapaka Inlet.

The Kingseat Zone and Precinct incorporates the provisions of the Kingseat Structure Plan and modifies the Unitary Plan zones where appropriate to provide for integrated and sustainable management of the precinct.

### 3. Key issues

Whether a Rural Urban Boundary is placed around Kingseat, including that area proposed to be zoned urban in the notified proposed Auckland Unitary Plan, or any expansion to that area as requested by a number of submitters.

Whether the geographical extent of the zone and precinct should be expanded to the east to cover the area sought by F and J Reynolds and Linwood Farms Limited, or in the south as sought by Karaka Estate Limited and Kingseat Farms Limited.

If the zone and precinct were not expanded as sought, whether the notified Kingseat Zone and Precinct should be implemented at all, i.e. whether it should be zoned Future Urban Zone to enable a broader structure planning exercise to occur.

The appropriate zone and precinct provisions, given the Panel's recommendation to retain the zone and precinct, reflecting Plan Change 28 to the Auckland Council District Plan – Franklin Section.

### 4. Panel recommendations and reasons

#### 4.1. Rural urban boundary and zoning

Several submitters sought to provide a Rural Urban Boundary around the proposed urban zoning at Kingseat (approximately 290 hectares of land subject to the recent Plan Change 28 to the Auckland Council District Plan – Operative Franklin Section to accommodate around 5,000 people) and to extend that Rural Urban Boundary and urban zoning to the east and south of this area. The Panel notes the Kingseat Group (submitters who own the land that was subject to the recent Plan Change 28) were neutral as to whether this area should be encompassed by a Rural Urban Boundary.

The Panel's approach to the Rural Urban Boundary is set out in respect of Kingseat below and more broadly in the Panel's Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts July 2016. In summary the Panel does not support the technique of a Rural Urban Boundary other than for the metropolitan area and the satellite towns. Other areas, such as Kingseat and other urban or potential urban areas, can develop and grow through plan changes without the need for extensions to the Rural Urban Boundary. Accordingly the Panel has not recommended a Rural Urban Boundary around Kingseat.

The Panel also recommends that the extent of the Kingseat Zone and Precinct remain as notified. This means the Panel does not recommend any expansion to the east to cover the area sought by the Reynolds of Linwood Farms Limited, nor a southern extension as sought by Karaka Estate Limited and Kingseat Farms Limited. Furthermore the Panel is not recommending a Future Urban Zone be applied to these submitters' land, or the Kingseat Village area to prevent it from developing in accordance with the provisions of the Unitary Plan (i.e. as generally agreed to in Plan Change 28).

Mr Allan, counsel for the Reynolds and Linwood Farms Limited, submitted that all of the Reynolds land (224 hectares) to the east of the proposed Kingseat Village should be included within the Rural Urban Boundary at Kingseat. He also sought that the area be

given a live zoning (mainly residential) and a precinct and, if not, at least a Future Urban Zone. This would signal that the area was suitable for urbanisation rather than foreclosing this opportunity by retaining a rural zoning. He submitted that there were no significant adverse effects of more supply of land than demand for it. This position was supported by the economic evidence of Mr Norgrove and the planning evidence of Mr Comer to support the expansion of the Rural Urban Boundary and zoning.

Mr Nolan, counsel for the Karaka Estate Limited and Kingseat Farms Limited, also sought an expansion to the Rural Urban Boundary to include his clients' land (330 hectares to the south of the proposed Kingseat Village) and to have a live zoning and a precinct applied to it. The Panel notes that Mr Nolan, Mr Rae, expert urban designer, and Mr Putt, expert planner, for Karaka Estate Limited and Kingseat Farms Limited, all stated that their clients were no longer seeking a live zoning for their land, but a Future Urban Zone.

The experts for the submitters also argued that the existing Kingseat Precinct should not be implemented because Plan Change 28 had not included all landowners in the area or reflected good urban design, including appropriate setbacks from the coast. They sought that all of the land at Kingseat be zoned Future Urban Zone to enable a holistic structure planning exercise to occur. The Council did not agree and set out in legal submissions and expert planning evidence (Mr B Mosley, Council's expert planner) the process that was undertaken with respect to Plan Change 28, including the degree of detail in the consent orders issued by the Environment Court and the detailed precinct provisions proposed by the Council.

As set out in evidence for the Reynolds, Linwood Farms, Karaka Estate Limited and Kingseat Farms Limited, expanding the area to be zoned for urbanisation would enable a population of up to 20,000 (9000 if only expansion to the east). The Council's position was that this scale of development (a new town significantly larger than Pukekohe) would be contrary to the Auckland Plan's growth strategy of urban growth along the State Highway and rail network. It would also not give effect to the regional policy statement in terms of a quality compact city.

Mr Mosley's evidence for the Council, in relation to Kingseat Precinct and on Topic 017 Rural Urban Boundary South regarding expanding the Rural Urban Boundary at Kingseat, outlined the background for Plan Change 28 as a village and not a major new town with a potential population up to 20,000 people. A village was consistent with the place of Kingseat in the Auckland Plan and significant work had gone in to the development of the precinct, including urban design, as seen in the numerous precinct plans. Moreover input from iwi had resulted in a 20 metre setback from the Whatapaka Reserve, with a 30 metre building setback, resulting in a 50 metre total setback to protect the interface with the reserve.

The Council's position was that the scale of urbanisation would require significant infrastructure, particularly wastewater and roading.

The joint evidence in chief by Watercare Limited's Messrs D Blow, C Allen and A Stuart on Topic 017 (Rural Urban Boundary south) estimated that the inclusion of the land in Karaka north and Karaka west (including Kingseat) would have a capital work cost in the order of \$300 million to service this land if it were able to be urbanised. Additional population demand in Karaka north and west would attract consequential upgrades in the trunk

wastewater network north of Manurewa to the Māngere Wastewater Treatment Plant. The Panel was advised that the cost of this additional work has not yet been identified and there was currently no budget allocated. Watercare Limited also set out in evidence its investigations for a sub-regional wastewater discharge at or near Clarks Beach to service the entire catchment (including the potential for a greater population in and around Karaka/Kingseat). The Panel was advised that Watercare Limited would likely lodge a resource consent in late 2016. Due to the lengthy resource consent process (to obtain consent or have it refused), there is little certainty in determining if greater urban growth can be accommodated from a wastewater perspective.

It is noted that infrastructure servicing for the proposed Kingseat Village was agreed as part of Plan Change 28.

Auckland Transport was also concerned about the effects of further urbanisation and the impact on the roading network. The cumulative effect of the additional residential development sought in Karaka Village and areas such as Kingseat would, in their opinion, significantly exceed the capacity of Linwood Road, resulting in severe traffic congestion and consequently increased safety risk. The Panel is particularly mindful of the analysis in paragraphs 4.4 to 4.13 of Mr Segedin's evidence (for the Council). Mr Segedin notes that exhausting the capacity of the corridor will necessitate a costly upgrade, which could take several forms.

The evidence of Mr J Arbury for Auckland Transport in Topic 016 and 017 did not support the expansions to the Rural Urban Boundary sought by the Kingseat submitters, given the scale of the wider transport network improvements that would be needed. The inclusion of either of the proposed expansion areas (to the east and/or the south) would significantly increase the number of east-west trips along the Hingaia-Linwood corridor to the extent that a significant upgrade of the corridor would be required.

The Ngāti Tamaoho Trust (Ngāti Tamaoho) presented to the Panel at the hearing on Topic 017 Rural Urban Boundary South in support of the Council's position to confine future urban development at Kingseat to the Plan Change 28 boundaries, while acknowledging its reluctance to settle the appeals on Plan Change 28 because of the lack of existing roading, water and wastewater, and stormwater infrastructure. However Ngāti Tamaoho made it clear at the hearing that it does not support the expansion of Kingseat as sought by the Reynolds, Linwood Acres, Karaka Estate Limited and Kingseat Farms Limited submitters. In particular, Ngāti Tamaoho was concerned at the potential impact of the extension on the Whatapaka Inlet which is a Marae Reservation.

Ngāti Tamaoho also expressed that additional urban development beyond Plan Change 28 could compromise important environmental values and impact on the Manukau Harbour, including sedimentation aggravated by stormwater. Ngāti Tamaoho explained that this area was its last ancestral stronghold in the Manukau. The Panel accepts that expanding the Rural Urban Boundary would have adverse impacts on Ngāti Tamaoho's relationship with, and its culture and traditions in relation to, its land and water, pursuant to sections 6(e) and 8 of the Resource Management Act 1991.

For all of the reasons set out above the Panel is not recommending an expansion of the precinct as requested by a number of submitters. As addressed above the Panel is not

recommending an expansion of the Rural Urban Boundary in the Karaka/Kingseat area, other than the Pararekau and Kopuaingahinga Islands, nor is it recommending any significant rezoning for urban development, other than the Islands and the Karaka Village. This is due to the strategic growth management issues (as set out in the Auckland Plan and the regional policy statement), the lack of infrastructure, particularly bulk infrastructure (roading and wastewater), and for cultural and environmental reasons.

Overall, the Panel does not consider expanding the Rural Urban Boundary or the zoning beyond the proposed Kingseat Village as proposed by submitters is in accordance with sections 6(e), 7(b) and (g), and 8 of the Resource Management Act 1991. However it is noted that the Panel's recommended regional policy statement and approach to the Rural Urban Boundary leaves open the possibility of future plan changes where extensions to rural and coastal towns and villages can be considered. In section 32 and 32AA terms it is the Panel's view that not providing a Rural Urban Boundary, and not extending the zoning beyond the proposed Kingseat Village, is the most appropriate outcome in terms of the Auckland Plan and the regional policy statement, and takes into account the cost of providing bulk infrastructure if all of the land were to be urbanised as sought.

#### 4.2. The Kingseat Precinct

The Panel recommends the retention of the Kingseat precinct with amendments to its provisions. The Panel also notes that most of the precinct provisions were agreed between the Kingseat Group and the Council. There were some outstanding matters and these are addressed below.

As outlined in Council's closing statement, Mr Hook, Kingseat Group's expert planner, presented a number of changes to the Council's provisions outlined in Mr Mosley's rebuttal evidence, on the day of the hearing. The Panel was advised in the Council's closing statement that Mr Mosley has reviewed these proposed changes. Some reflect errors that have been corrected, some could be refined and others conflicted with the intent of the consent order to Plan Change 28.

The Panel has considered both Mr Hook's and Mr Mosley's provisions and has made amendments as set out in the recommended precinct provisions. These are summarised below.

i. Errors and refinements

The errors and refinements have been corrected.

ii. Objective 4

Mr Hook argues that Objective 4 is new and, given the proposed change at the Kingseat Hospital site, maintaining and enhancing the existing amenity is not possible. Mr Mosley suggests the following wording:

Identified elements of the existing amenity values and character of the Kingseat precinct, including the former Kingseat hospital site, the coastal environment of the Whatapaka inlet of the Manukau Harbour, and its surrounding rural environment are maintained and/or enhanced.

The Panel agrees with Mr Hook that the objective be deleted, but for different reasons. The objectives when read together already address the issues in the objective quoted above. Examples of this include a specific objective to recognise and enhance the significant heritage, environmental and cultural values of the former Kingseat Hospital site and one that recognises and protects the protected heritage places and the relationship of Mana Whenua to the surrounding area and Whatapaka Creek.

iii. Assessment criteria

The Panel has amended the assessment criteria to the format it has adopted in the Plan, which is to write the criteria as assessment matters rather than statements which are effectively rules.

Overall the Panel is satisfied in section 32 and 32AA terms that the zoning and precinct provisions are the most appropriate to enable integrated and comprehensive expansion of the Kingseat rural village to accommodate approximately 5000 people. The provisions also recognise the historic, cultural and environmental attributes, and character of the area, such as providing for the adaptive reuse of the former Kingseat Hospital site and protecting environments of the Whatapaka Inlet.

## 5. Reference documents

### Auckland Council

[081f Ak Cncl - South - Precincts \(Kingseat\) - \(B Mosley\) - Planning \(27 January 2016\)](#)

[016&017 Hrg - Auckland Council - 017 Area Specific Evidence \(Barry Mosley\) - Planning - Kingseat - REBUTTAL \(17 December 2015\)](#)

[081f AK Cncl - South - Precincts \(Karaka 2 & Kingseat\) - \(T Segedin\) - Transport - REBUTTAL \(2 March 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(Attachment F, p 57\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(Attachment E, p 1234\)](#)

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Joshua Arbury\) - Strategic Transport \(14 October 2015\)](#)

[016&017 Hrg - Auckland Council - Strategic Overview Evidence \(Chris Allen and Andre Stuart\) - Watercare - REBUTTAL \(18 December 2015\)](#)

[081f AK Cncl - South - Precincts \(Karaka 2 & Kingseat\) - \(T Segedin\) - Transport - REBUTTAL - LATE \(2 March 2016\)](#)

### Karaka Estate and Kingseat Farms Ltd

[081 Karaka Estate Ltd and Kingseat Farms Ltd \(D Nolan\) - Legal Submissions \(12 April 2016\)](#)

[081 Karaka Estate Ltd and Kingseat Farms Ltd \(B Putt\) - Planning \(14 February 2016\)](#)

[081 Karaka Estate Limited and Kingseat Farms Limited \(N Rae\) - Urban Design \(15 February 2016\)](#)

Frank and Juliet Reynolds

[081 Frank & Juliet Reynolds \(D Allan\) - Legal Submissions \(12 April 2016\)](#)

[081 Frank & Juliet Reynolds \(K Norgrove\) - Economic \(16 March 2016\)](#)

[081 Frank & Juliet Reynolds \(P Comer\) - Planning \(from 016-017\) \(13 February 2016\)](#)

The Ngāti Tamaoho Trust

[016&017 Hrg - Ngati Tamaoho Trust - Supplementary Evidence - Presentation](#)

The Kingseat Group

[081 Kingseat Group \(J Hook\) – Planning - Kingseat precinct \(18 February 2016\)](#)

# 419 Mana Whenua Management Precinct

## 1. Summary of recommendations

The Panel supports the retention of the two existing precincts and the changes as proposed by Council in response to submitters.

The Panel agrees with Council in recommending that the proposed new precincts not be accepted (see Annexure 1 Precincts Auckland-wide, Mana Whenua Management Precinct).

This precinct was heard in Topic 080.

## 2. Precinct description

The Mana Whenua Management Precinct replaces the Tangata Whenua Management Areas in the operative Auckland Regional Plan: Coastal. The precinct applies to two inlets of the Manukau Harbour (Whātāpaka Creek and Pūkaki-Waiokauri Creek) which the Waitangi Tribunal recommended be reserved for the exclusive use of the hapū of the adjacent marae. In 1992, the Māori Land Court established the inlets as Māori reservations under the Māori Affairs Act 1953 (replaced by the Te Ture Whenua Māori Act 1993).

The precinct provides, among other things, that the direct discharge of sewage into the waters within the precinct is a prohibited activity. This replicates a similar provision in the operative Auckland Regional Plan: Coastal.

## 3. Key issues

### 3.1 Proposed amendments to objectives and policies

The existing Mana Whenua Management Precincts were sought to be retained by two submitters: Ms Elva Conroy and Te Ākitai Waiohua Waka Taua Trust. Amendments to the precinct provisions were sought by Auckland International Airport Limited and the Kingseat Group. No party sought the deletion of the precinct.

Auckland International Airport Limited proposed a number of amendments to the precinct and the Kingseat Group sought a specific change to a policy. Ms Coombes, the Council's expert planner, suggested some changes in response to Auckland International Airport Limited's request, but did not accept the request from the Kingseat Group.

Auckland International Airport Limited supported the Mana Whenua Management Precinct, but sought several amendments to the provisions including:

- i. a new paragraph in the precinct description;
- ii. a new objective;
- iii. amendment to Policy 3;
- iv. amendment to Policy 4;
- v. a new policy;
- vi. amendment to the activity table; and

- vii. amendment to the notification rule.

The Kingseat Group sought that Policy 3 relating to discharges be amended to be more permissive.

Ms Coombes for Auckland Council fully addressed all of these matters in section 26 of her evidence in chief. In response to Auckland International Airport Limited, Ms Coombes recommended a number of changes including:

- i. adding a precinct description and a policy in recognition of the airport, particularly in light of the provisions in chapter 23 of the operative Auckland Regional Plan: Coastal, which specifically recognise the need to manage the adverse effects of airport activities on the values of the Pukaki-Waikauri Creek, and
- ii. amending Policy 3 to recognise that 'direct' point discharges should be avoided and that stormwater treatment using stormwater ponds (and subsequent indirect discharges) should be promoted.

In relation to a new objective, Ms Coombes considered that it was unnecessary to include a new objective as the existing objective addressed the matter of concern to the submitter.

Ms Coombes did not support the Kingseat Group's request, as the policy change does not place sufficient importance on the need to restrict untreated discharges to the Mana Whenua Management Precinct.

### **3.2 Additional precincts**

Wahanga Manaakitanga o Te Tai Ao supports the existing precincts and sought consideration of additional precincts in consultation with Ngāti Whātua o Kaipara, noting that they could be applied to Kaipara, Mahurangi and other coastal areas. Twelve other submitters (the Independent Māori Statutory Board and various iwi) submitted seeking new Mana Whenua management areas for marae and papakāinga areas and areas of customary importance throughout the region, where supported by Mana Whenua.

It was not clear if the submissions sought additional coastal marine areas to be included in the Mana Whenua Management Precinct or a different type of precinct for marae and papakainga areas on land. The submitters were asked to provide further information on what it was they were seeking. As advised by the Council no information was provided and as a result they were listed in Mr Duguid's evidence for hearing topics 080 and 081 as new precincts which have failed the 'gateway test'.

## **4. Panel recommendations and reasons**

The Panel, having considered the submissions and evidence, agrees with the recommendations made by Ms Coombes and considers that, in terms of section 32 and 32AA, the provisions as amended are now efficient and effective in achieving the purpose of the precinct, that is, the provisions are the most appropriate. The Panel supports the retention of the precinct with the amendments suggested by Ms Coombes in her primary evidence.

The Panel accepts the position of Council in not recommending the new precincts proposed by submitters.

## 5. Reference documents

Auckland Council

[080 Ak Cncl - Coastal rezoning and precincts - Boat Building, Mana Whenua Management, Rowing and Paddling, Manukau Harbour new, Onehunga 3 new \(Port of Onehunga\), Mt Wellington 1 new \(Ports of Auckland, Gabador Place\) - \(K Coombes\) Planning \(4 December 2015\)](#)

[080 Ak Cncl - Precincts \(J Duguid\) - General statement \(5 December 2015\)](#)

[080 Ak Cncl - Legal submissions \(Coastal\) \(16 February 2016\)](#)

## 420 Māngere 1 Precinct

### 1. Summary of recommendations

The Panel supports the retention of the Māngere 1 precinct and the changes proposed by the submitter, SPCA Auckland, and the Council.

This precinct was heard in Topic 081.

### 2. Precinct description

The Māngere 1 precinct is an existing precinct relating to the SPCA Auckland Animal Village at 50 Westney Road, Māngere. The SPCA Animal Village was established in 1978 and the purpose of the precinct is to enable this regionally significant facility to continue operating while addressing the potential for reverse sensitivity given the proximity of a school and housing.

The zone of the Māngere 1 precinct is Residential – Mixed Housing Suburban Zone and there were no requests to change this zoning. The Precinct is subject to aquifer and aircraft noise overlays and to a designation.

The main differences between the precinct and the relevant overlays, Auckland-wide rules and the zone are: enablement of restaurants, cafes and education facilities in Sub-precinct A (the SPCA centre); and allowance for a maximum noise level of 75db L<sub>aeq</sub> from Monday to Saturday where there is otherwise no maximum provided for.

### 3. Key issues

The Council proposes to retain the precinct with some amendments in response to submissions from the SPCA. These amendments include changes to the precinct description to more accurately capture the activities that are provided for and to extend the list of activities that can take place in sub-precincts. Minor amendments to correct errors and ensure consistency across the Plan are also proposed.

These changes generally address the main concerns of the submitter, SPCA Auckland, which are to ensure that animal hospitals, animal adoption and educational/training facilities are provided for as permitted activities. Inclusion of an amended precinct plan was also requested showing the removal of buildings in the north-western corner of the site and the full range of activities as allocated to the sub-precincts.

In summary, the Council's position in relation to the Māngere 1 precinct is set out in the planning evidence in chief of Mr Eccles (dated 26 January 2016) and his supplementary statement of evidence (dated 24 February 2016). Mr Childs, the submitter's expert planner, tabled a letter dated 12 January 2016 stating the SPCA's general support for the precinct and seeking clarification of various matters related to activity status as described above.

### 4. Panel recommendations and reasons

The Panel supports retention of the precinct because it enables SPCA Auckland to continue operating its animal welfare services from this long-established complex. The Panel agrees

with the Council's proposed amendments for the reasons set out in planning evidence such as inclusion of 'animal welfare' in the activity table. In light of uncertainty about the status of training as an activity, the Panel has added 'tertiary education facilities' to the activity table and qualified the activity of 'animal welfare' by adding 'includes keeping of animals, animal adoption services, education and training of people about animal welfare'. The latter insertion also addresses the submitter's concern that 'animal adoption' was not provided for in the precinct. No change is necessary to provide for 'animal hospitals' because the definition of 'veterinary clinics' includes animal hospital treatment. Various amendments have been made to present the precinct in standard format and to improve workability, for example separating activity status from the relevant standards.

The Panel supports the retention of the precinct generally as amended by the Council in response to the submitter, and further amended by the Panel to clarify activity status, for the reasons set out above.

## 5. Reference documents

Auckland Council

[081f Ak Cncl - South - Precincts \(Māngere 1\) \(R Eccles\) - Planning](#) (2 February 2016)

[081f Ak Cncl - South - Precincts \(Māngere 1\) \(R Eccles\) - Planning - REBUTTAL](#) (24 February 2016)

SPCA Auckland

[081 SPCA Auckland \(J Childs\) - Planning](#) (12 January 2016)

## 421 Māngere 2 Precinct

### 1. Summary of recommendations

The Panel supports the retention of the precinct generally as amended by the Council and further amended by the Panel to manage the effects of new buildings or relocation of buildings, for workability and consistency with the whole Plan.

There are consequential amendments managing the effects of new works in I1.4 Activity table and I1.8 Assessment – restricted discretionary activities.

This precinct was heard in Topic 081.

### 2. Precinct description

The purpose of the precinct is to protect one of the first examples of cluster housing in New Zealand in Teo and Tioro Lanes, Māngere. This state housing cluster was built in 1978 and is significant because it represents a change in the Government's housing policies relating to architectural and subdivision design.

The zoning of land in the precinct is Residential – Single House Zone and several overlays apply none of which influences the outcome sought for this precinct.

The main differences between the precinct and the relevant overlays, Auckland wide rules and the zone are more restrictive activity status for demolition and additions and alterations to buildings and more restrictive side-yards.

### 3. Key issues

There were no submissions relating to the Māngere 2 Precinct. No issues were identified in the Council's planning evidence other than the need to amend the provisions to ensure consistency in the organisation and terminology of all precincts.

In summary, the Council's position in relation to the Māngere 2 Precinct is set out in the planning evidence in chief of Ms D Briggs.

The Panel identified an issue arising from the lack of any controls managing the construction of new buildings or relocation of buildings. The purpose of the precinct may not be achieved due to the adverse effects of incompatible new works in the absence of such controls.

### 4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary to assist in the protection of this innovative example of cluster housing developed by the State.

The issue identified by the Panel is likely to be a low risk because all of these properties are owned by Housing New Zealand Corporation. However, this notable example of cluster housing is potentially capable of inclusion in the schedule of historic heritage and therefore it is necessary to manage the effects of new works on the whole complex. It is not sufficient to control demolition or destruction of buildings and external additions and alterations in this

context. Accordingly, this issue has been addressed by adding 'construction of new buildings or relocation of buildings onto a site' as a restricted discretionary activity in I1.4 Activity table. Assessment criteria are also added.

In Table I1.4 (A1), 'total and substantial demolition' is amended by adding 'or footprint (whichever is the greater)' to accord with recommendations made in the Panel's Report to Auckland Council - Hearing topic 031 Historic Heritage July 2016.

The Panel supports the retention of the precinct generally as amended by Council and further amended by the Panel to manage the effects of new works, for workability and consistency with the whole Plan.

The amendments managing effects of new works in I1.4 Activity table and I1.8 Assessment - restricted discretionary activities are out of scope.

## **5. Reference documents**

Auckland Council

[081f Ak Cncl - South - Precincts \(Māngere 2\) - \(D Briggs\) - Planning](#) (26 January 2016)

## 422 Māngere Gateway Precinct

### 1. Summary of recommendations

The Panel supports a precinct and a number of the changes proposed by Council and/or by submitters.

### 2. Precinct description

The Māngere Gateway precinct is derived from an existing precinct resulting from Plan Change 14 to the Auckland Council District Plan – Operative Manukau Section, which was made operative following appeals in May 2013. The precinct is comprised of land generally north of the Auckland International Airport and west of George Bolt Memorial Drive and Kirkbride Road. The area has historically been rural in character; however it is now in transition with industrial development occurring within the precinct. The wider area contains important resources such as the Makaurau Marae and papakāinga area, Ōtuataua Stonefields Historic Reserve, and the Waitomokia and Oruarangi Creeks.

Significant characteristics of the precinct include:

- i. Māori cultural associations with the area, including wāhi tapu;
- ii. heritage and historic associations;
- iii. the adjoining Ōtuataua Stonefields reserve;
- iv. volcanic cone slopes and lava caves; and
- v. landscape and amenity values.

The Council has identified a Māngere Gateway heritage route, part of which runs through this precinct, to recognise the character and identity of this area.

The precinct has four sub-precincts as follows:

- i. Sub-precinct A applies to approximately 25.5ha of land fronting Kirkbride, Creamery and Ascot roads, with an extensive frontage to Kirkbride Road adjacent to the Māngere Wastewater Treatment Plant. The zone is Business - Light Industry Zone.
- ii. Sub-precincts B and C apply to approximately 29ha east of Ōruarangi Road. They form part of the Māngere Gateway heritage area. The zone is Business - Light Industry Zone.
- iii. Sub-precinct D applies to the future urban zoned areas which front Ihumātao Road. The zone is Future Urban Zone.

The purpose of the precinct is to encourage the subdivision and development of the land in a comprehensive manner to achieve a quality built and well-connected environment.

On 24 May 2016 the Oruarangi Special Housing Area was made operative with the consequence that, under section 75 of the Housing Accords and Special Housing Areas Act 2013, that area and any relevant submissions are automatically withdrawn from the Unitary Plan process. This area has been deleted from the precinct.

In addition to Council, submitters heard by the Panel included the Sewu Family Trust and Bianconi Investments Limited which sought both amendments to the precinct provisions and rezoning within the precinct.

### 3. Key issues

The two outstanding issues related primarily to Sub-precinct C and the matter of the indicative roads and the extent of open space along the southern coastal edge.

Submitter Sewu Family Trust opposed the extent of the mapping and provision of both matters, seeking the removal of the indicative road through its property, and removal of the extensive requirement for open space as notified. In particular it opposed the provision requiring this extent to be provided at no cost to Council.

Bianconi Investments Limited proposed a different alignment of the indicative roads so that the Sewu Family Trust land was avoided, but did not agree with the complete removal of open space as proposed by Sewu Family Trust, submitting that such was not compatible with the Māngere Gateway open space strategy adopted through Plan Change 14 to the Auckland Council District Plan – Operative Manukau Section. Bianconi Investments Limited proposed a return to the 18m width adopted by the Environment Court.

Council agreed with Bianconi Investments Limited regarding the alternative indicative road placement and which avoids the Sewu Family Trust land, and similarly with the open space reduction proposed by Bianconi Investments Limited. It did not agree with the Sewu Family Trust's relief.

As the position supported by Council and Bianconi Investments Limited effectively gives the relief sought by Sewu Family Trust with respect to removing the indicative roads off its property, the Panel agrees.

With respect to the open space matter, the Panel was not persuaded by the argument for identifying the notified indicative extent of this on a plan in advance of subdivision – notwithstanding Council's reduction of the width to 18m in its closing remarks. For a variety of reasons under the Plan (and the Resource Management Act 1991) it is clear that an area of open space will be required along this coastal margin and the Sewu Family Trust did not appear to dispute that. It therefore seems more sensible to await the detail of any proposed subdivision so that the relationship between roads, lots and open space (including consideration of the wider Māngere Gateway element) can be carefully considered and determined. Furthermore, the Panel notes Sewu Family Trust's additional concern that this effectively seeks to acquire an 18m wide strip of land (reduced from the initial 80m) without compensation of any kind – notwithstanding the fact that Mr Webb advised that this 18m width is sourced from the Court's Consent Order on Plan Change 14. The Panel considers that a matter that should be open for consideration at the appropriate time.

The Panel notes that a similar 18m-width open space is proposed on the north-eastern boundary of the precinct adjacent to the Special Purpose – Māori Purpose Zone and the purpose for this was not disputed.

Accordingly the Panel agrees with Sewu Family Trust that the open space provision, as shown on the Plan, should be deleted, and the land zoned Business – Light Industry Zone.

The expectation is that the appropriate extent of open space will be determined at the time of future subdivision in accordance with the objectives for the Māngere Gateway.

The main differences between the Māngere Gateway Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of specific objectives and policies; and
- ii. tailored site-specific provisions for each sub-precinct.

Provisions are generally more detailed than those provided for by the zones.

In summary, the Council's position in relation to the Māngere Gateway precinct is set out in the planning evidence in chief and rebuttal of Mr Todd, and Council's closing remarks volume 1.

The Panel agreed with Council, except for the matters raised by submitters regarding Sub-precinct C, where the Panel generally agrees with the relief sought by the Sewu Family Trust and Bianconi Investments Limited.

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and the changes generally proposed by Council and in response to the submitters, (with the exception of the extent of rezoning of sub-precinct C to Business - Light Industry Zone and the removal of the indicative road on the Sewu Family Trust property and open space) for the reasons set out in section 3 above.

#### **5. Reference documents**

Auckland Council

[081f Ak Cncl - South - Precincts \(Mangere Gateway\) - \(T Webb\) - Planning](#) (26 January 2016)

[081f AK Cncl - South - Precincts \(Mangere Gateway\) - \(T Webb\) - Planning - REBUTTAL](#) (24 February 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 290)

[081 Sewu Family Trust \(S Dines\) - Planning](#) (14 February 2016)

[081 Sewu Family Trust \(M Arbuthnot\) - Planning](#) (6 April 2016)

[081 Sewu Family Trust - Legal submissions](#) (10 April 2016)

[081 Bianconi Investments Ltd \(B Put\) - Planning](#) (14 February 2016)

## 423 Māngere Puhinui Precinct

### 1. Summary of recommendations

The Panel recommends the changes proposed by Council.

This precinct was heard in Topic 081.

### 2. Precinct description

The Māngere Puhinui Precinct is comprised of land to the north and east of the Auckland International Airport, outside of the rural urban boundary. It includes areas of Māngere and Puhinui which were once main areas of Māori settlement (c1000AD – 1860s) as documented in the Report of the Waitangi Tribunal on the Manukau Claim 1985, and which are now largely in rural or public open space use today.

The area contains important geological features, including Pukaki Lagoon, Māngere Lagoon Explosion Crater, Puketutu Island, and the remnants of Maungataketake. Most of these have been modified through quarrying, but the remnants still remain. The volcanic soils of Māngere and Puhinui are well known as a prolific food growing area, particularly compared to other areas around the region, due to the highly fertile soils, moderate climate and gentle topography.

The purpose of the precinct is to recognise the relationship and values that Mana Whenua have with the area; maintain an open rural character and areas for food growing; to protect wāhi tapu from being destroyed during site development; and to protect the significant geological features that remain in the area from damage or further development.

The underlying zones of land within this precinct is Rural - Rural Production Zone, Open Space - Informal Recreation Zone, Open Space - Conservation Zone, Coastal - Coastal Transition Zone, and Business - Light Industry Zone. The precinct straddles the Rural Urban Boundary.

### 3. Key issues

The Council proposed to separate the Māngere Puhinui Precinct (as notified) from the Puhinui Precinct, creating two distinct precincts - the Māngere Puhinui Precinct and the Puhinui Precinct. This is supported as the two are not immediately contiguous and represent different purposes. There were no submissions seeking to remove the Rural Urban Boundary from the Māngere Puhinui Precinct.

Auckland International Airport Limited sought the reallocation of its land at 260 Ihumatao Road, Māngere to the Auckland Airport Precinct (Māngere Gateway Sub-precinct D) inside the Rural Urban Boundary. Council supported that, as does the Panel.

A further consequential amendment proposed by Council is to reallocate the site at 619 Oruarangi Road to Māngere Gateway Sub-precinct E. The Panel agrees.

Makaurau Marae and Te Kawerau-ā-Maki sought amendments in line with the *Wallace* Environment Court decision to recognize and protect their cultural interests. Council supported that, as does the Panel.

The submitters took no formal issue with the matters addressed in the Council's evidence and there are no outstanding issues.

The main differences between the Māngere Puhinui Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are the inclusion of objectives, policies and methods to:

- i. recognise the Mana Whenua and kaitiaki roles of Te Kawerau-ā-Maki;
- ii. protect and enhance the amenity and character of the papakāinga; and
- iii. enhance the economic autonomy and development opportunities for Te Kawerau-ā-Maki in the Ihumatao Peninsula.

Provisions are generally more restrictive than those provided for by the underlying zones, particularly in the underlying Rural - Rural Production Zone.

In summary, the Council's position in relation to the Māngere Puhinui Precinct is set out in the planning evidence in chief of Mr David Wong. No further evidence was presented.

#### **4. Panel recommendations and reasons**

The Panel recommends the changes proposed by Council and in response to the submitters for the reasons set out in section 1.3 above.

#### **5. Reference documents**

Auckland Council

[081f AK Cncl - South - Precincts \(Māngere Puhinui\) - \(D Wong\) - Planning \(27 January 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 68\)](#)

## 424 Manukau 2 Precinct

### 1. Summary of recommendations

The Panel recommends a precinct as proposed by Council and the submitter, Auckland University of Technology.

This precinct was heard in Topic 080.

### 2. Precinct description

The Manukau 2 Precinct is located at 640 Great South Road and is situated close to major transport hubs within the Manukau Metropolitan Centre. The precinct is occupied by the Auckland University of Technology Campus.

The purpose of the precinct is to enable the development and operation of a range of activities to cater for the diverse requirements of the student population, employees and visitors. Community use of the facilities is also provided for.

The precinct and zone also provides for businesses, offices, research and laboratory facilities which are increasingly co-locating within these campuses.

The zoning of the land within the Manukau 2 Precinct is the Business - General Business Zone.

### 3. Key issues

All issues in contention between Council and the principal submitter, the Auckland University of Technology, were resolved by the close of the hearing. Specifically, Auckland University of Technology accepted Council's reasoning that the Business - General Business Zone was more appropriate than the Business - Metropolitan Centre Zone initially sought because of the fact that the site is covered by the Aircraft Noise Overlay and therefore residential use is prohibited.

Having reviewed the evidence the Panel agrees with the reasons advanced and supports the precinct.

The main differences between the Manukau 2 Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of a tailored suite of objectives and policies;
- ii. additional activity and development controls;
- iii. additional matters of discretion and assessment criteria; and
- iv. a specific information requirement relating to transport.

In summary, the Council's position in relation to the Manukau 2 Precinct is set out in the planning evidence in chief of Mr Ian Bayliss, and Ms Jennifer Caldwell and Mr Mathew Gribben's legal submissions (Rezoning and Precincts) – POS, Tertiary, and Other zones.

Auckland University of Technology's position was as stated in the planning evidence in chief of Ms Justine Bray.

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and recommends the changes generally proposed by Council and the submitter, Auckland University of Technology, for the reasons set out in section 3 above.

#### **5. Reference documents**

Auckland Council

[080 Ak Cncl - Massey University Albany, AUT, Albany 9, Akoranga 1, Manukau 2 Precincts \(I Bayliss\) - Planning](#) (1 June 2016)

[080 Ak Cncl - Legal Submissions \(POS, Tertiary and Other zones\)](#) (15 February 2016)

[080 Auckland University of Technology - South Campus \(J Bray\) - Planning](#) (19 December 2015)

## **425 Manukau Precinct**

### **1. Summary of recommendations**

The Panel recommends a precinct as proposed by Council.

This precinct was heard in Topic 081.

### **2. Precinct description**

The Manukau Precinct is derived from the Auckland Council District Plan – Operative Manukau Section and comprises 55ha of land. The precinct is zoned Business – Metropolitan Centre Zone.

Manukau Square is a focus of activity in the Manukau Metropolitan Centre and contributes to a high standard of amenity in the area. This precinct seeks to protect the admission of sunlight to Manukau Square during the daytime hours when it will be commonly used and will maintain both the amenity of this square and its function as a community focal point. To achieve this, development controls are placed on sites in close proximity to Manukau Square to ensure adequate sunlight for seated areas in the square.

### **3. Key issues**

The only issue in contention between Council and the principal submitter, the Department of Corrections, was the extent of the precinct and whether development on the latter's properties would be affected due to the potential creation of adverse shading effects. Council's shadowing analysis evidence was that there would be no such effects from buildings on the road boundary even at the maximum permitted height of 72.5m. That evidence was not contested.

The main differences between the Manukau Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of a specific sunlight access objective and policy; and
- ii. associated activity control and additional assessment and discretion criteria.

In summary, the Council's position in relation to the Manukau Precinct is set out in the joint planning evidence of Ms Vrinda Moghe and Mr Jimmy Zhang; and Council's opening legal submissions.

### **4. Panel recommendations and reasons**

The Panel supports the precinct and recommends the changes generally proposed by Council for the reasons set out in section 3 above.

## 5. Reference documents

081f Ak Cncl - South - Precincts (Manukau) - (V Moghe and J Zhang) - Joint Statement Planning (26 January 2016)

081 Ak Cncl – LEGAL SUBMISSIONS (PRECINCTS ONLY) (3 March 2016) (Page 217)

081 Department of Corrections (P Hall) - Planning (12 February 2016)

## 426 Matingarahi Precinct

Please refer to 405 Big Bay Precinct.

## 428 Papakura Precinct

### 1. Summary of recommendations

The Panel supports the retention of the precinct and some of the changes proposed by Auckland Council. Additional amendments have been made to improve workability, particularly the inclusion of an activity table setting out the restricted discretionary activity status for pedestrian linkages for subdivision and development. In addition, the Panel has recommended that the southern extent of the precinct be reduced so that it no longer applies over the properties designated by the Minister for Courts and Minister of Police and other nearby land. This is an out of scope recommendation.

This precinct was heard in Topic 081.

### 2. Precinct description

The Papakura Precinct is an existing precinct comprising a 2.7ha block bounded by Great South Road, Averill Street, Railway Street West and Wood Street, containing retail and commercial businesses, the District Court and Police Station. The purpose of the precinct is to ensure that a key pedestrian linkage between the Papakura railway station and the Papakura Metropolitan Centre is retained and formalised.

The zoning of land in the precinct is Business – Metropolitan Centre. There are two designations, seven overlays and three constraints (e.g. Key Retail Frontage) applicable within the precinct.

The main difference between the precinct and the Auckland-wide rules and the zone is that the preferred route for the desired pedestrian linkage is identified on the precinct plan and the precinct provisions are more restrictive because they require consideration of how best to secure this linkage at the time of subdivision or development.

### 3. Key issues

The Council is the only submitter to the precinct, seeking changes relating to the transport network and minor editorial amendments to correct errors and ensure consistency across the Plan.

In its submission, the Council sought an additional transport objective and a new policy relating to the integrated transport network, but revised its position before the hearing. The Council now seeks reference to the “southern rapid and frequent services network” in the description and objective.

The Council’s position in relation to the Papakura Precinct is set out in the planning evidence in chief of Ms La Nauze.

### 4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary to ensure that a formal pedestrian linkage is provided between the Metropolitan Centre and the Papakura railway station, a key part of the public transport network. The Panel explored alternative methods of achieving this

outcome, such as relying on the objectives and policies of the Business – Metropolitan Centre Zone, but concluded that the alignment is specific and would only be secured if clearly identified on the precinct plan. Also, land may be subdivided as well as developed, and reliance on the objectives and policies in the subdivision chapter may be insufficient on its own to secure this link.

The Panel considers it is not sufficient to rely on the precinct plan to achieve this linkage at the time of subdivision or development because, in the absence of an activity status triggering an assessment, there is no mechanism connecting the precinct plan to the process of subdivision and development. Accordingly, the Panel has included an activity table setting out the activity status of pedestrian linkages for both subdivision and development as restricted discretionary. This will enable the Council to exercise its discretion with respect to the detailed alignment of the pedestrian route, safety matters and availability of public access. The Panel notes that in the Business – Metropolitan Centre Zone, subdivision and new buildings and sizeable additions and alterations to buildings require restricted discretionary consent. The recommendation to provide this new activity status does not increase the regulatory burden on developers but does enable the Council to evaluate opportunities to provide pedestrian linkages between the shopping centre and railway station.

The precinct includes standards requiring building or subdivision to provide this access. Failure to provide the access is specified as a non-complying activity to ensure the objectives and policies are likely to be given effect. The Panel considered that the existing assessment criteria were equivocal so these have been replaced with a cross-reference to strengthened policy.

The Panel concluded that the adoption of restricted discretionary activity status for subdivision and buildings would result in resource consent applications being required for properties that were not close to the desired alignment. This is inefficient and is addressed by reducing the extent of the precinct as a consequential amendment.

The Panel supports the retention of the precinct generally as amended by Council and further amended by the Panel for the reasons given above.

## **5. Reference documents**

Auckland Council

[081f Ak Cncl - South - Precincts \(Papakura\) - \(J LaNauze\) - Planning](#) (3 February 2016)

## 429 Pararēkau and Kopuahingahinga Islands (Hingaia islands) Precinct

### 1. Summary of recommendations

The Panel recommends an extension to the Rural Urban Boundary to include the Pararēkau and Kopuahingahinga Islands. Pararēkau Island is recommended to be zoned Residential - Single House Zone and Kopuahingahinga Island Open Space - Conservation Zone, other than the vehicular route across the centre of that island which is also to be zoned Residential - Single House Zone. A precinct is also recommended.

This precinct was heard in Topic 081.

### 2. Precinct description

Pararēkau and Kopuahingahinga Islands (referred to as the Hingaia Islands) are in the Pahurehure Inlet, and currently accessed by single lane private causeways from the mainland. They are outside the Rural Urban Boundary as notified in the proposed Auckland Unitary Plan. Karaka Harbourside Estate Limited (submitter 3644) sought that the islands come within the Rural Urban Boundary, and that live zonings and a precinct be applied. These issues are addressed below.

### 3. Key issues

#### 3.1 Rural Urban Boundary

The Council produced legal submissions and expert evidence on the Hingaia Islands. Evidence has been prepared by: Ms LaNauze – planning; Mr Kensington – landscape and visual effects; Ms Shona Myers – ecology; Ms Sinclair – coastal engineering; Messrs van Schalkwyk, Keating, Lovell and MacArthur – Auckland Transport; and Messrs Blow, Allen and Stuart – Watercare.

The Council's position was that the Hingaia Islands should remain outside of the Rural Urban Boundary. The Council's position was set out in the planning evidence, where Ms LaNauze explained the planning background to the identification of the Rural Urban Boundary in Hingaia. In relation to the islands, this included Private Plan Change 8 (Pararēkau Island Countryside Living Zone) to the Auckland Council District Plan – Operative Papakura Section 1999 which became operative on 19 December 2012. The Private Plan Change 8 provisions were approved by a decision of the Environment Court and provide for 11 countryside living lots on the 20 hectare Pararēkau Island and for the 11 hectare Kopuahingahinga Island which is of ecological value, and was not to be developed.

Ms La Nauze's evidence supported the retention of the Rural Urban Boundary as notified in the proposed Auckland Unitary Plan which excludes Pararēkau and Kopuahingahinga Islands from the Rural Urban Boundary. The reasons for her view, and relying on the other expert evidence for the Council, include that the islands have a unique coastal and non-urban character and this should be retained. She considered that the islands are an

important sensitive environment visually and culturally and should be differentiated from urban-zoned land on the mainland.

Ms La Nauze also considered that the Environment Court's decisions on the Private Plan Change 8 provisions demonstrate that Pararēkau Island is not suitable for urban development.

Karaka Harbourside Estate Limited sought that the islands be brought within the Rural Urban Boundary. The submitter produced legal submissions and expert evidence from Mr Brown – planning; Mr Parlane – transportation; Ms Sky – ecology; Mr Smith – engineering; Mr Lander – geotechnical; Mr Clarke – stormwater; Mr Dahm – coastal processes; and Mr Scott – landscape and visual.

The evidence of the Karaka Harbourside Estate Limited supports the urbanisation of Pararēkau Island and its inclusion within the Rural Urban Boundary. The Panel notes that Karaka Harbourside Estate Limited also sought that Pararēkau Island be rezoned from the Rural - Countryside Living Zone to the Residential - Single House Zone and that the Pararēkau and Kopuahingahinga Islands Precinct be amended to reflect the important coastal and cultural aspect of the islands.

As has been addressed in the Panel's Report to Auckland Council – Hearing topic 013 Urban growth July 2016, Ms Trenouth for the Council proposed a policy setting out the approach to identifying and including land with the Rural Urban Boundary. The Panel in accepting that such a policy was appropriate, has modified that policy and applied it to the identification of land sought to be included in the Rural Urban Boundary. In terms of that policy and the evidence of the submitter, the Panel is persuaded that it is appropriate to include the Hingaia Islands within the Rural Urban Boundary.

The Panel agrees with the case for Karaka Harbourside Estate Limited on the points set out below.

- i. The islands more logically form an extension to the urban area given the urban development that surrounds them, rather than retaining them as rural or 'countryside living' in terms of Private Plan Change 8.
- ii. The rural and coastal character of the islands, the landscape amenity values that arise from that character, ecological, heritage and cultural values are not of such significant value to prevent urban development, and those values can be managed through appropriate planning controls in the Plan, including the zoning and precinct provisions. The Panel notes that the islands are not covered by any scheduled overlays.
- iii. Coastal erosion and sea level rise matters have been addressed to the Panel's satisfaction by Mr Dahm.
- iv. The islands are able to be served by all necessary public infrastructure.
- v. Bringing the islands within the Rural Urban Boundary represents a sound approach to strategic growth planning and is an efficient use of a scarce physical resource.

The Panel notes that the Council placed significant reliance on the Environment Court decision as a reason why it was not appropriate to enable greater urbanisation of the islands. Ms La Nauze considered that the Court's decision demonstrated that only a low-density, sensitively planned countryside living-type development can be accommodated on Pararēkau Island without resulting in unacceptable environmental, cultural and landscape impacts. Mr Allan addressed this matter in legal submissions.

Mr Allan advised the Panel that the Environment Court had not made the findings as expressed by Ms La Nauze. The plan change was a private one, with the limit on the number of sites proposed by the applicant. A greater level of urbanisation was not sought by the applicant and this was not a matter before the Court. Furthermore the decision of the Court was a consent order, and was not the outcome of a contested hearing.

The issue arising from including the land within the Rural Urban Boundary is determining the appropriate zoning for the islands. This is addressed in 3.2 below.

### 3.2 Zoning

As the Council did not support the extension of the Rural Urban Boundary, it follows that the Council also did not support a zoning different from that notified in the proposed Auckland Unitary Plan; which was countryside living.

Mr Brown, expert planner for Karaka Harbourside Estate Limited, supported the application of a 'live' urban zoning to Pararēkau Island, together with specific precinct provisions to manage the effects of development. He considered that the Residential - Single House Zone for Pararēkau Island would be appropriate, as this has been applied to the residential land on the adjacent mainland and is consistent with the larger lot sizes shown on the concept plan that had been prepared. He further considered that this zone would also avoid the prospect of future infill subdivision, which may not be appropriate in the context of coastal land that is not located close to an existing centre. The Residential - Single House Zone that he proposed enables a less intensive form of development than would be enabled under the Residential - Mixed Housing Suburban Zone sought in the submission.

The Panel agrees with expert evidence for Karaka Harbourside Estate Limited for the reasons set out in that evidence. This includes the landscape evidence of Mr Scott, (landscape architect), in respect of the landscape and visual effects of the Residential - Single House Zone compared with the Residential - Mixed Housing Suburban Zone as requested in the original submission.

### 3.3 Precinct

Mr Scott prepared an amended precinct plan that establishes the key development constraints and opportunities for the islands.

The provisions of Private Plan Change 8 included controls to protect coastal amenity, archaeological and landscape features, and required native planting to be carried out. Some of the relevant provisions of Private Plan Change 8 have been carried over into the Precinct. These include: works relating to Kopuahingahinga Island about covenanting the open space areas; vesting the majority of the island in public ownership; access over the island; and issues relating to landscaping, vegetation management and herpetofauna relocation.

## 4. Panel recommendations and reasons

It is the Panel's recommendation, having heard all the evidence, that it is more appropriate in section 32 and 32AA terms to include Pararēkau and Kopuahingahinga Islands (the Hingaia Islands) within the Rural Urban Boundary than for them to remain outside. Leaving the islands outside of the Rural Urban Boundary will result in the under-utilisation of land which is clearly suitable for a greater level of urbanisation. Due to the islands' location and the nature of the existing urban development surrounding them, enabling more urban development here will assist in creating a quality compact urban form.

The Panel recommends that Pararēkau Island be zoned Residential - Single House Zone and Kopuahingahinga Island zoned Open Space – Conservation Zone, other than the vehicular route across the centre of that island which is also to be zoned Residential - Single House Zone.

The Panel considers that the amended provisions give effect to the controlled development of the Pararēkau Island for urban residential purposes, while protecting those features of the natural and cultural environment, in particular those relating to Kopuahingahinga Island.

## 5. Reference documents

Auckland Council

[081f AK Cncl - South - Precincts \(Pararekau and Kopuahingahinga Islands\) - \(J La Nauze\) - Planning \(3 February 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 308\)](#)

[081 Karaka Harbourside Estate Limited - Legal submissions \(18 April 2016\)](#)

[081 Karaka Harbourside Estate - Pararekau Island \(P Brown\) - Planning \(from topic 016-017\) \(13 February 2016\)](#)

[081 Karaka Harbourside Estate \(D Scott\) - Landscape \(from topic 016-017\) \(13 February 2016\)](#)

[081 Karaka Harbourside Estate - Pararekau Island \(J Dahm\) - Coastal Processes \(from topic 016-017\) \(13 February 2016\)](#)

[081 Karaka Harbourside Estate - Pararekau Island \(J Dahm\) - Coastal Processes - Supplementary \(from topic 016-017\) \(13 February 2016\)](#)

## **430 Patumahoe Precinct**

Please refer to 405 Big Bay Precinct.

# 431 Pine Harbour Precinct

## 1. Summary of recommendations

The Panel recommends retaining the existing precinct. Amendments have been made to the precinct, with the vast majority of these agreed between the submitter, Pine Harbour Holdings Limited, and the Council.

There are several matters not agreed between the parties and the Panel's recommendations on these are:

- i. Rule 2.3 (Road Connection) – has been deleted as the rule has already been complied with, despite Auckland Transport's evidence suggesting that technically it had not been met;
- ii. that the activity status for various activities sought by the submitter to be controlled activities, has been retained as restricted discretionary;
- iii. public transport facilities have been listed as a permitted activity in Sub-precinct F;
- iv. residential activity in Sub-precinct F has not been enabled.

This precinct was heard in Topic 081.

## 2. Precinct description

The Pine Harbour Precinct is an existing precinct located in Beachlands on the south-eastern coast of Auckland. It provides for land-based marine activities, including marine industry and boat storage, associated with an existing marina development.

A number of complementary activities such as food and beverage activity and office space are also present within the precinct. Further inland the precinct provides for residential activity ranging in density from apartments and terrace houses to more traditional forms of low-intensity residential development. The precinct also provides for areas of open space and the management of a major watercourse that flows through the precinct to the sea. The overall purpose of the precinct is to encourage high-quality, mixed-use development in the area in a manner that integrates positively with the wider Beachlands settlement.

## 3. Key issues

Following presentation of Pine Harbour Holdings Limited's evidence to the Panel, the following areas of difference remain between it and the Council:

- i. Rule 2.3 (Road Connection) – Mr Hay, the expert planner for Pine Harbour Holdings Limited, sought that Land Use Control 2.3 (Road Connection) be deleted from the precinct provisions on the basis that this rule has already been complied with. The Council, supported by Mr Scott, Council's expert planner, opposed this.
- ii. Controlled versus restricted discretionary status for various activities – Mr Hay sought that a number of activities within the precinct be reclassified as

controlled rather than restricted discretionary as proposed in the precinct provisions as notified. The Council, supported by Mr Scott, Council's expert planner, opposed this.

- iii. Public transport facilities in Sub-precinct F – Mr Hay was opposed to having this activity (permitted) in Sub-precinct F. The Council, supported by Mr Scott, Council's expert planner, supports the inclusion of public transport facilities as a permitted activity in Sub-precinct F.
- iv. Residential activity in Sub-precinct F – Mr Hay supported the provision of 'residential activity except on ground floors' as a permitted activity in this sub-precinct. The Council, supported by Mr Scott, Council's expert planner, opposed this.

#### **4. Panel recommendations and reasons**

Mr Hay, expert planner on behalf of Pine Harbour Holdings Limited presented evidence to the Panel in relation to this precinct. In his evidence he confirmed that the following areas of difference had been resolved since the filing of Mr Scott's evidence in rebuttal on behalf of the Council:

- i. Pine Harbour Holdings Limited no longer sought to amend the precinct description;
- ii. Pine Harbour Holdings Limited no longer considers that the Auckland-wide provisions should not apply to the precinct; and
- iii. Pine Harbour Holdings Limited no longer sought an amendment to the assessment criterion at 4.2.1(i) - Roading Network.

The remaining outstanding matters are addressed below:

##### **4.1 Rule 2.3 (Road Connection)**

The Panel recommends deleting this rule. Mr Hay set out in his evidence that the rule was no longer required on the basis that it had already been complied with. Mr Waddell, expert planner for Auckland Transport, did not agree that this condition had been fully complied with.

Mr Waddell in his evidence in rebuttal at paragraph 2.16 set out that "Land Use Control 2.3 Road Connection was agreed in discussions as part of PC 34 [Auckland Council District Plan –Operative Manukau Section] to ensure that Pine Harbour did not develop as an isolated community and awareness that the preferred long-term transport option relied on the willingness of the adjacent landowner to develop."

At paragraph 2.18 Mr Waddell goes on to say:

I have been informed that the first consent application for Pine Harbour under PC34 was lodged in 2013 and that subsequent consents have been lodged and approved. To this extent the Rule as written is now defunct. However, while Mr Hay states it has been met and recommends it be struck out, in my opinion the Rule has not been implemented well or effectively met to date. Notably, it is the consultative part

of this Rule that has never been effectively met as the relevant department within AT was not engaged and no formal response from AT was given.

It is the Panel's view that the rule is now defunct as accepted by Mr Waddell. If there was some deficiency in how that rule was implemented through the first consent application, that is not a reason to retain it here. The Panel does not accept the further reasoning given by Mr Waddell to retain the rule.

#### **4.2 Controlled versus restricted discretionary status for various activities**

The Panel's recommendation is to retain the activity status as restricted discretionary for various activities sought by the submitter to be reclassified as controlled.

Mr Hay seeks that a number of activities within the precinct be reclassified as controlled rather than restricted discretionary as proposed in the precinct provisions as notified. His reasons were set out in his evidence, including the summary statement presented at the hearing, that the operative plan provisions were controlled (other than in the Village Square and Future Harbour Precincts) and that this had proven an effective rule.

Mr Scott, for the reasons set out in his evidence in chief and evidence in rebuttal, continued to support the restricted discretionary status of activities as set out in the proposed precinct provisions. His view was that reclassifying the activities as controlled would not allow adequate levels of discretion. Furthermore, the reclassification would be inconsistent with the wider Plan, particularly the residential zone provisions which, other than for permitted activities, generally require restricted discretionary consent approval.

In section 32 terms, the Panel considers that the restricted discretionary activity status is more appropriate than controlled activity status given the location and nature of the development within the precinct.

#### **4.3 Public transport facilities in Sub-precinct F**

The Panel recommends the inclusion of public transport facilities as a permitted activity in Sub-precinct F.

Mr Scott supported the inclusion of park-and-ride facilities as a restricted discretionary activity in Sub-precinct F. Mr Hay is opposed to this on the basis that while part of the sub precinct is currently used for marina parking, any future park-and-ride facilities operated by Auckland Transport should be on the adjoining Council-owned land, which is already developed for parking purposes.

Mr Waddell for Auckland Transport confirmed at the hearing that Auckland Transport was not seeking park-and-ride facilities within Sub-precinct F, but that it was seeking that public transport facilities be provided for as a permitted activity.

Mr Hay supported the provision of these facilities as restricted discretionary. Mr Waddell considers that the provision of permitted status to public transport facilities would better enable Auckland Transport to provide for bus stops within the sub-precinct and next to the ferry terminal to facilitate the development of an effective public transport hub. This would

create consistency with the approach taken in other precincts, and would not prejudice the landowner, as the provision of permitted activity status does not confer land rights.

#### **4.4 Residential activity in Sub-precinct F**

The Panel has not recommended the provision of limited residential use in this sub-precinct.

Mr Hay supported the provision of 'residential activity except on ground floors' as a permitted activity in Sub-precinct F. Mr Scott considered that there should be no residential activity in this sub-precinct, given its focus on commercial and office activity and the extent to which residential activity is provided for elsewhere in the precinct. The Panel agrees with Mr Scott for the reasons set out in his evidence.

### **5. Reference documents**

Auckland Council

[081f Ak Cncl - South - Precincts \(Pine Harbour\) - \(R Scott\) – Planning \(28 January 2016\)](#)

[081f Ak Cncl - South - Precincts \(Pine Harbour\) - \(R Scott\) – Planning - REBUTTAL \(26 February 2016\)](#)

[081f Ak Cncl - South - Precincts \(Pine Harbour\) - \(B Waddell\) – Planning - REBUTTAL \(26 February 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(p 84\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(Attachment E, page 1320\)](#)

Pine Harbour Holdings Limited

[081 Pine Harbour Holdings Ltd \(D Hay\) - Planning \(12 February 2016\)](#)

[081 Pine Harbour Holdings \(D Hay\) - Planning - Summary Statement \(21 March 2016\)](#)

# 432 Puhinui Precinct, Rural Urban Boundary and Zoning

## 1. Summary of recommendations

The Panel recommends deleting the proposed Rural Urban Boundary from the precinct.

The Panel supports a precinct and a number of the changes proposed by Council and/or by submitters. The Panel does not support Council's proposed zonings for Sub-precincts C and, H (Crater Hill and Pukaki peninsula) but recommends a Future Urban Zone for Sub-precinct C and Pukaki peninsula; and a mix of residential and open space zoning for new Sub-precinct I - Crater Hill.

This precinct was heard in Topic 081.

### 1.1 The Rural Urban Boundary

The key issues heard concerning whether the Rural Urban Boundary should be extended (i.e. removed) around Puhinui related to traffic effects (particularly on the wider State Highway network), cultural effects, and rural productivity. There was broad agreement among Council and submitters that large parts of the notified precinct should be live zoned, and the Panel heard that considerable time and effort had been put into structure planning for the area.

Submitters with an interest in this issue (and the precinct) included Auckland International Airport Limited, James Kirkpatrick Group Limited, Tunicin Investments Limited and Airface Limited, Southern Gateway Consortium, and Landplan Property Partners Manukau Limited and Reading Properties Partners Limited, Te Ākitai Waiohū Waka Taua Trust, New Zealand Transport Agency, David Tam/Lake Brunner Lodge (2005), Gock Family and Self Family Trust, as well as Council and its related organisations (Auckland Transport and Watercare).

The Panel also took into consideration the question as to whether the open space areas of Pukaki Crater and Crater Hill should be brought inside the Rural Urban Boundary if that was to be extended.

Council supported the Rural Urban Boundary being extended to a more limited extent, excluding the Pukaki Peninsula, Pukaki Crater and Crater Hill.

Infrastructural concerns raised by Te Ākitai Waiohū Waka Taua Trust regarding wastewater provision were addressed to the Panel's satisfaction by Watercare in evidence in Topic 016/017.

Having satisfied itself that both the cultural and traffic effects could be managed through suitable provisions (generally agreed), the Panel determined that the Rural Urban Boundary should be removed. Furthermore, it saw no policy impediment to removing the boundary as the edge of the Coastal Management Area is a logical boundary and including the two outstanding natural features of Pukaki Crater and Crater Hill – noting that the multiplicity of overlays and relevant provisions would be sufficient for their protection and management. The Panel noted that this was no different to many other volcanic features that exist within the Rural Urban Boundary across the region. Indeed argument was made to the effect that

better protection was afforded within the urban zone because land use and development controls are more prescriptive.

With respect to the Pukaki Peninsula, the Panel determined that leaving such a relatively small pocket of land outside the Rural Urban Boundary, but surrounded by land inside the Rural Urban Boundary, had little planning merit – notwithstanding the existence of some 27ha of land containing elite soil and the regional policy statement policy of general avoidance. On that matter Council was opposed by a number of landowners, including the Self and Gock Family Trusts, who provided planning and other technical evidence in support of a Future Urban Zone across the Pukaki peninsula. This is discussed further in the following section with respect to rezoning

## 2. Precinct description

The Puhinui Precinct applies to some 809ha of land west of SH20B and adjoining the Waokauri Creek. The Precinct includes six sub-precincts that provide for predominately light industrial and airport-related activities, some large lot residential development (using specific development controls and assessment criteria to guide urban development), and pockets of residential and open space zones.

Future Urban Zones are placed over:

- i. Sub-precinct C as notified, north of Puhinui Road between Orrs Road and Manukau Memorial Gardens, now removed as a sub-precinct, noting that this is different to Council's closing remarks that this should be live zoned to Business - Light Industry Zone; and
- ii. the Pukaki peninsula that was notified as part of Sub-precinct H.

The Puhinui Precinct comprises of the following six sub-precincts and zones:

- i. Sub-precinct A - Airport- Coastal and Sub-precinct B -Airport- Core – Business - Light Industry Zone and Coastal - Coastal Transition Zone;
- ii. Sub-precinct D - Business - Light Industry Zone;
- iii. Sub-precinct E – Business - Light Industry Zone;
- iv. Sub-precinct F - Tidal Road - Business - Light Industry Zone;
- v. Sub-precinct G - Retreat Drive – Residential - Large Lot Zone, Coastal - Coastal Transition Zone, Open Space – Informal Recreation Zone; and
- vi. Sub-precinct I - Crater Hill – Residential – Single House Zone and Residential - Mixed Housing Suburban Zone; Coastal – Coastal Transition Zone and Open Space – Conservation Zone;

The precinct also comprises the following zones which sit outside of any sub-precinct: Open Space – Conservation Zone, Special Purpose Zone – Māori Purpose Zone, Special Purpose Zone – Quarry Zone, Strategic Transport Corridor Zone, Future Urban Zone and Special Purpose Zone – Cemetery Zone (Manukau Memorial Gardens).

The Puhinui peninsula is notable for its continued occupation by Te Ākitai Waiohua since pre-European times due to its proximity and access to the coast (Manukau Harbour and its

tributaries) for collecting kaimoana, fertile soils for food growing, and maunga for defence purposes. Puhinui is inextricably linked to the history, stories, whakapapa and mythology of Te Ākitai Waiohū. Te Ākitai Waiohū have a strong spiritual (taha wairua) association with Puhinui which gives its people a sense of meaning and purpose.

The Puhinui Precinct is bisected by the Waokauri Creek, a Mana Whenua Management Precinct, which recognises the Māori reservation status of the Creek under the Te Ture Whenua Māori Act 1993, for the purpose of a landing place, and place of historic, spiritual and cultural significance for the use and benefit of the local hapū of Te Ākitai and Te Ahiwaru o Wai-o-hua.

The primary purpose of the Puhinui Precinct is to enable a transition from rural to urban development, while recognising the cultural, spiritual and historical values and relationships that Te Ākitai Waiohū have with the land and sea in Puhinui as part of the Māori cultural landscape. The precinct also recognises the relationship that exists between Māori cultural landscape values and the management of natural and physical resources.

### 3. Key issues

Four key issues are presented by the Puhinui Precinct:

- i. the extent to which immediate development is enabled because of traffic issues relating to the wider State Highway network;
- ii. whether the land encompassed by Sub-precinct C should be live zoned;
- iii. whether the land around Crater Hill should be developed; and
- iv. what zone is appropriate for the Pukaki peninsula.

#### 3.1 Development and Traffic

As the traffic evidence noted, for some years it has been accepted that development pressures on the network create potential problems for the development of Puhinui because major works will be required when capacity is reached around 2026. Through the hearing and expert facilitation the traffic experts (Mr Leo Hills, Mr Don McKenzie, Mr Terry Church and Ms Judith Makinson) agreed that this concern could best be managed through a development trigger based on an agreed vehicle/hour capacity threshold rather than the earlier proposed spatial threshold of 30ha of development. That trigger was agreed as 1,035vph on Puhinui Road/SH30B, above which consent would need to be sought with traffic effects being a prime consideration (and a review of the cap undertaken). The Panel accepts that solution as a practical way forward.

#### 3.2 Sub-Precinct C

Council sought a live zoning of Business - Light Industry Zone in Sub-precinct C. That was opposed by Te Ākitai Waiohū who were concerned about uncertainties of effects (particularly discharges) on Pukaki Creek and Waokauri Creek and its Mana Whenua Management Precinct, and potential for future traffic infrastructure being required across Pukaki Creek. Te Ākitai expressed a strong preference for this area to be properly planned before live zoning ensued.

The Panel did not understand Te Ākitai to be opposed to the seemingly inevitable zoning to Business - Light Industry Zone, as it lies beneath the High Aircraft Noise Area (HANA) and Moderate Aircraft Noise Area (MANA).

Auckland International Airport Limited also had concerns related to the traffic matter discussed above, but that is resolved by means of the agreed capacity trigger.

The Panel agrees that a number of adverse effect matters can properly and appropriately be managed through the proposed (and largely agreed) control provisions. However, in this instance it considers that the Resource Management Act 1991 section 6(e) matters raised suggest that a more cautious approach be taken. Furthermore the extent of land live zoned to Business – Light Industry Zone in the overall precinct suggests that timing for this area to be developed is not so critical. The Panel therefore finds that Sub-precinct C should not be live zoned but notated as Future Urban Zone so that these matters can be addressed specifically through a subsequent structure plan process, and the sub-precinct deleted.

### **3.3 Crater Hill**

Council proposed a Rural – Rural Production Zone around Crater Hill along with a Special Purpose - Quarry zone. The Self Family Trust proposed a mix of residential and open space zones around Crater Hill supported by landscape evidence (Mr Dennis Scott) and planning evidence (Mr Brian Putt and Ms Emily Bayley).

Having reviewed the evidence, the Panel is satisfied that the residential zonings proposed by the Self Family Trust and the additional provisions recommended (for example the 5m height limitation on dwellings on the flanks) are appropriate, while ensuring that the feature itself is protected. A new Sub-precinct I is therefore recommended.

### **3.4 Pukaki Peninsula**

Council's position on the peninsula was largely a consequence of its position on the Rural Urban Boundary, i.e. to support a rural zoning (in this case Rural - Rural Production Zone).

This was opposed by the Self and Gock Family Trusts, which sought a Future Urban Zone within the Rural Urban Boundary. Mr Brian Putt included, as an attachment to his planning evidence of 10 February 2016, a report by Ms Lynda Hawes, a horticultural consultant, regarding the economic productivity and potential of the 58ha Gock property. That report concluded that there was a very marginal financial return despite the land comprising approximately 27ha of land containing elite class 1 soils. Ms Hawes noted that the soils had been compromised for their versatility (including by the presence of a widespread structureless layer below the topsoil limiting root penetration and impeding drainage) and were now only suitable for shallow-rooted, short-rotation summer crops. She concluded that urbanisation would represent a relatively insignificant potential loss of 39ha of productive land on the property (the elite soils loss being some 0.16% of the Auckland region's elite soils, based on Dr Curran-Cournane's figure of 4397ha).

The Panel notes that while the recommended regional policy statement policy on land containing elite soils requires 'avoidance', this is not an absolute but is in the overall context of the soil's significance for its ability to sustain food production across the values for which elite soils are protected. In this instance, and with the wider and surrounding urbanisation of

Puhinui, this area is effectively a rural island whose soils are not significant in terms of their ability to sustain food production across the versatile range that is associated with elite soils.

As the Panel has determined that the Rural Urban Boundary should be deleted, the options for zoning are either Future Urban Zone or a live zone. No evidence was presented for a live zone, and the Panel thinks that appropriate. A Future Urban Zone will provide the opportunity for a careful consideration of the appropriate land use, taking into consideration the existence of the Special Purpose – Māori Purpose Zone around Pukaki Marae, the sensitivity of the coastline and adjoining waterway, and the soils.

The main differences between the Puhinui Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies;
- ii. Sub-precinct A, D, E, F, G and I provisions are more restrictive reflecting site-specific constraints; and
- iii. Sub-precinct B local centre provisions are more enabling.

Provisions are generally more restrictive than those provided for by the zones.

In summary, the Council's position in relation to the Puhinui Precinct is set out in the joint planning evidence of Mr Nicholas Lau and Mr David Wong (dated 28 January 2016); and the rebuttal evidence of Mr David Wong (dated 26 February 2016) and Council's closing remarks.

The Panel agreed with Council and submitters, except for the matter of zoning Sub-precinct C Future Urban Zone (and its deletion as a sub-precinct); the zoning of Sub-precinct I around Crater Hill; and the zoning of Pukaki Peninsula to Future Urban Zone and deletion of Sub-precinct H.

#### **4. Panel recommendations and reasons**

In summary:

- i. the Panel recommends removal of the Rural Urban Boundary from the precinct, including from the Pukaki peninsula and around Pukaki Crater and Crater Hill;
- ii. the Panel supports the precinct and agrees in part with the changes generally proposed by Council and in response to the submitters. The Panel recommends those changes in addition to:
  - a. the rezoning of Sub-precincts C and H (Pukaki Peninsula) to Future Urban Zone (and the deletion of those as sub-precincts), and
  - b. the rezoning of new Sub-precinct I around Crater Hill to Residential – Single House Zone, Residential – Mixed Housing Suburban Zone, Coastal – Coastal Transition Zone and Open Space – Conservation Zone;

for the reasons set out in section 1.4 above.

## 5. Reference documents

Auckland Council

081f Ak Cncl - South - Precincts (Puhinui) - (N Lau and D Wong) - Planning (28 January 2016)

081f AK Cncl - South - Precincts (Mangere Puhinui) - (D Wong) - Planning - REBUTTAL - amended 16.03.2016 (16 March 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Attachment F, page 68)

016&017 Hrg - Auckland Council - Strategic Overview Evidence (Chris Allen and Andre Stuart) - Watercare - REBUTTAL (18 December 2016)

Self Trust

081 Self Trust (D Scott) - Landscape Evidence - SUPPLEMENTARY & REBUTTAL (17 February 2016)

081 Self Trust (B Putt) - Planning (17 February 2016)

081 Self Trust (E Bayly) - Planning (17 February 2016)

# 433 Pukekohe Hill Precinct and Rezoning

## 1. Summary of recommendations

The Panel supports the rezoning requested by submitters and recommends the rezoning of the land currently zoned Residential - Large Lot Zone to Residential - Single House Zone, inclusion of the land in Sub-precinct A and deletion of the Residential - Large Lot Zone and Sub-precinct B from the Pukekohe Hill Precinct.

In terms of the amendments sought to the precinct provisions, the Panel agrees with the Council that the subdivision standards should be retained and that the assessment criteria are necessary. The Panel does not however, support the inclusion of the explanations of the assessment criteria.

## 2. Precinct description

The Pukekohe Hill Precinct covers approximately 196ha of land and is located at the Southern urban edge of Pukekohe. The precinct as notified comprised five sub precincts and four zones (Residential - Single House Zone, Residential - Large Lot Zone, Rural - Countryside Living Zone and Rural – Rural Production Zone).

The precinct imposes additional standards designed to enable subdivision and development that complement and integrate with the rural landscape character, manage stormwater and protect the heritage and amenity values of the summit and the northern slopes of Pukekohe Hill from inappropriate development.

## 3. Key issues

A number of submitters have sought the rezoning of land from Residential - Large Lot Zone to Residential - Single House Zone and amendments to the precinct provisions.

The submitters and Council have reached agreement about the precinct description, the objectives and policies for the precinct and the stormwater standards. However, the Council does not support the rezoning requests, and there are still differences between the Council and one submitter regarding the subdivision controls and various assessment criteria.

The submitters Mr Karl Schweder, Searle Heights Limited and the Pukekohe Hill East Group have sought Residential - Single House Zone and the inclusion of this rezoned area in Sub-precinct A. In conjunction with the rezoning Mr Schweder has sought lot sizes of an average net site area of 1,000m<sup>2</sup>.

At the hearing the Council's witnesses continued to support retention of Sub-precinct B and its Large Lot zoning on the grounds that the rezoning would have adverse effects to the landscape and stormwater management.

Following the hearing the Council and Mr Schweder agreed on a set of stormwater standards relating to stormwater disposal, volume control and peak runoff flows to address the effects of increases in impervious areas associated with future residential development.

Council's experts considered that the standards should apply to both Sub-precincts A and B as this would result in a better overall stormwater outcome. Both parties support the application of the standards to Sub-precincts A and B.

The only outstanding issue relating to the rezoning, is the effects on landscape character and the visual amenity values of Pukekohe Hill.

Ms Gilbert, the landscape witness for Mr Schweder is of the opinion that the proposed change in zoning is likely to have a negligible effect on landform and vegetation patterning and that it will not adversely impact on the perception of Pukekohe Hill. Ms Gilbert considers that residential development at the density proposed by Council for Sub-precinct B (i.e. minimum lot size of 2,500m<sup>2</sup>) would be virtually indistinguishable from key viewpoints from residential development at 1,000m<sup>2</sup> lot sizes as provided for by the Residential - Single House Zone.

Council's landscape expert Mr Pryor disagrees with Ms Gilbert's conclusions and considers that increased density would have a significant visual impact. Mr Pryor also considers that the Residential - Large Lot Zone serves an important purpose to create a graduated intensity of suburban development by creating a buffer zone between the Residential - Single House Zone and the Rural - Countryside Living Zone.

Mr Schweder has sought amendments to the subdivision standards relating to stormwater management, and to a number of the assessment criteria, including the deletion of the explanations to the assessment criteria.

The Council generally does not support the proposed amendments. The subdivision standards are required to ensure that subdivision explicitly provides for stormwater management solutions by reference to the precinct standards. The assessment criteria are necessary to ensure proposals are considered in the context of the wider environment.

The Council raised concerns regarding wastewater servicing constraints in the area. The evidence of Mr Bourne from Watercare (3 December 2015) sets out that the Pukekohe trunk wastewater pipe is currently being upgraded and is being sized to cater for growth in the wider Pukekohe area, including neighbouring growth areas in the Waikato District (Tuakau and Pokeno). The estimated completion date for these works is 2017.

#### **4. Panel recommendations and reasons**

The Panel prefers the evidence of Ms Gilbert and agrees with her conclusion that the differences in the visual effects of the two densities would be virtually indistinguishable. It is also noted that Council has significantly reduced the minimum lot size of the Residential - Large Lot Zone from 4,000m<sup>2</sup> to 2,500m<sup>2</sup> thereby reducing the difference between the Residential - Large Lot Zone and the Residential - Single House Zone.

The Panel is not convinced by the evidence of Mr Pryor that the Residential - Large Lot Zone is required to create a buffer of graduated intensity between the Residential - Single House Zone and the Rural - Countryside Living Zone.

The Panel recommends the rezoning of the land currently zoned Residential - Large Lot to Residential - Single House Zone, inclusion of the land in Sub-precinct A and deletion of the Residential - Large Lot Zone and Sub-precinct B from the Pukekohe Hill Precinct.

The Panel's recommendation will result in consequential zoning changes to two pockets of land that were not covered by the submissions of Mr Karl Schweder, Searle Heights and the Pukekohe Hill East Group. These pockets are located on the eastern edge of the precinct between Queen Street, Jellicoe Road and Anzac Road, and on the western edge of the precinct between Rowles Road, Blake Road and Foy Road.

It is the Panel's view that to retain these areas as Residential - Large Lot Zone within a separate sub-precinct would result in an irregular zoning pattern. In effect it will create two Residential - Large Lot spot zones and a split sub-precinct. Rezoning these areas to Residential - Single House Zone will result in a more efficient use of a land resource.

The Panel agrees with the Council that the subdivision standards in the precinct should be retained. The standards are required to ensure that subdivisions are designed to manage stormwater on-site or with communal facilities or both as appropriate. The Panel also agrees with the Council that the assessment criteria are necessary to ensure future development is integrated and to assist with the preparation and processing of resource consent applications.

The Panel does not however, support the inclusion of the explanations of the assessment criteria. This approach is not consistent with the drafting of assessment criteria throughout the Unitary Plan.

The Panel accepts that the land currently has no reticulated wastewater services, but the evidence from Watercare indicates these services will be available in the near future. The Panel therefore does not share the same concerns as Council regarding the servicing of the land. With regard to other infrastructure services, as discussed above, the management of stormwater has been agreed by the parties and Auckland Transport has not identified issues regarding effects on the roading network or wider transport issues for the area.

Overall the Panel considers that the rezoning of the land is a more efficient use of the land resource and that the precinct provisions with the amendments agreed by the Panel will ensure that any adverse effects on the environment will be appropriately managed.

## **5. Reference documents**

Auckland Council

[081f Ak Cncl - South - Precincts \(Pukekohe Hill\) \(C Cairncross\) - Planning](#) (26 January 2016)

[081f Ak Cncl - South - Precincts \(Pukekohe Hill\) \(R Pryor\) - Landscape](#) (26 January 2016)

[080 Ak Cncl - Watercare Services \(M Bourne\) - Water Supply, Wastewater Networks, Transmission Infrastructure](#) (5 December 2015)

[081 Ak Cncl – LEGAL SUBMISSIONS \(PRECINCTS ONLY\)](#) (3 March 2016) (page 231)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts -  
Attachments A-F - Updated - 19 May 2016 (19 May 2016) (page 313)

081 Karl Schweder (B Gilbert) – Landscape – Pukekohe Hill Precinct (12 February 2016)

## 435 Pukewairiki Precinct

### 1. Summary of recommendations

The Panel recommends a precinct as generally proposed by the Goodman Property Trust.

This precinct was heard in Topic 081.

### 2. Precinct description

The Pukewairiki Precinct in East Tāmaki comprises around 200ha of land at the western end of the Waiouru Peninsula. It has an extensive coastline. The tidal Pakuranga Creek and the upper reaches of the Tāmaki River are to the north and north-west. To the south-west are the remnants of the Pukewairiki Tuff Mound, a regionally important and ancient volcano. To the south is the tidal Ōtara Creek.

The purpose of the precinct is to enable development in a location where low-impact technology businesses and offices can group together in a low-intensity park-like environment. The precinct will allow for development of a business centre containing offices, with supporting retail and food and beverage outlets which are surrounded by light industrial activity areas and accessory offices. The precinct also protects the Pukewairiki Tuff Mound Outstanding Natural Feature.

The precinct comprises three sub-precincts:

- i. Sub-precinct A enables light industrial activities and associated offices;
- ii. Sub-precinct B is aimed at high-technology tenants requiring a relatively high proportion of office space alongside warehousing; and
- iii. Sub-precinct C, at the centre of the precinct, comprises higher-intensity activities and predominantly contains offices and businesses which support the wider precinct, such as food and beverage outlets.

The zoning of the land within the precinct is Business – Light Industry Zone.

### 3. Key issues

The main issue outstanding between Council and the principal submitter, Goodman Property Trust, concerned the height of buildings in Sub-precinct C. The submitter sought a 45m height limit; Council sought to retain the notified 20.5m height limit. Both parties brought landscape and visual effect evidence.

For Council, Mr Frost's principal concern was that he considered Ms Gilbert's photo simulations inadequate to accurately portray the overall effect of a built-out development to the 45m height supported. He disagreed that a comparison with a single existing 40m building provided a sufficient base. Mr Frost noted that the building area of Sub-precinct C was significantly greater at 42,350m<sup>2</sup> compared with the 1,250m<sup>2</sup> footprint of the existing 40m building used as the base.

While Ms Gilbert could not address Mr Frost's criticisms directly, she had already done so implicitly in responding to Ms Jennings' earlier comments, noting that she had conceded that not all areas of Sub-precinct C could be developed to that height precisely for landscape and visual effect reasons, and that she had given careful consideration to feasible clusters of buildings.

Having reviewed the evidence the Panel agrees with the 45m height sought by the submitter. The Panel does not entirely share Council's concern regarding build out to the maximum gross floor area. It notes the practical evidence that the current height-enabled gross floor area exceeds the foreseeable demand. Maximum take-up is therefore unlikely. Furthermore, the precinct provisions do not override other relevant overlay and Auckland-wide provisions, which will still apply for consideration.

The main differences between the Pukewairiki Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of a tailored suite of objectives and policies;
- ii. additional activity and development controls; and
- iii. additional matters of discretion and assessment criteria.

In summary, the Council's position in relation to the Pukewairiki Precinct is set out in the planning evidence in chief and rebuttal of Ms Anna Jennings, the landscape and visual evidence of Mr Ben Frost, and Council's closing remarks Volume 1.

Submitter Goodman Property Trust's position was as stated in the planning evidence in chief of Mr Gerard Thompson, the landscape and visual evidence of Ms Bridget Gilbert and Mr Douglas Allan's legal submissions.

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and recommends the changes generally proposed by Goodman Property Trust, for the reasons set out in section 3 above.

#### **5. Reference documents**

[081f Ak Cncl - South - Precincts \(Waiouru\) \(A Jennings\) - Planning](#) (26 January 2016)

[081f Ak Cncl - South - Precincts \(Waiouru\) \(A Jennings\) – Planning - REBUTTAL](#) (25 February 2016)

[081f Ak Cncl - South - Precincts \(Waiouru\) \(B Frost\) - Landscape & Visual](#) (11 March 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 329)

[081 Goodman Property Trust \(G Thompson\) - Planning - Pukewairiki Precinct](#) (13 February 2016)

[081 Goodman Property Trust \(B Gilbert\) - Landscape - Pukewairiki Precinct](#) (12 February 2016)

[081 Goodman Property Trust - Legal Submissions](#) (21 March 2016)

# 436 Rosella Road Precinct

## 1. Summary of recommendations

The Panel supports the retention of the precinct generally as amended by the Council and further amended by the Panel to manage effects of new works, workability and consistency with the whole Plan.

This precinct was heard in Topic 081.

## 2. Precinct description

The purpose of the precinct is to protect the established built character of buildings along Rosella Road by applying built development controls to achieve this outcome. Californian bungalows, transitional villas, English cottage and English revival houses built around the 1920s and 1930s predominate.

The zoning of land in the precinct is Residential - Single House Zone and several overlays apply, none of which influences the outcomes sought for this precinct.

The main differences between the precinct and the relevant Auckland-wide rules and the zone are more restrictive activity status for demolition and additions and alterations to buildings, maximum height is 5.5m, a more permissive minimum site size for subdivision applies (400m<sup>2</sup>) and more expansive yards are expected.

## 3. Key issues

A single submission was received from Bruce Ringer (5176) supporting retention of the Rosella Road Precinct and seeking that the 'Pre-1944 Building Demolition Control' overlay also be applied to the precinct. No other issues were identified in the Council's planning evidence, other than the need to amend the provisions to correct errors and ensure consistency in the organisation and terminology of all precincts.

In summary, the Council's position in relation to the Rosella Road Precinct is set out in the planning evidence in chief of Mr N Lau (dated 26 January 2016).

The Panel identified an issue arising from the lack of any controls managing the construction of new buildings or relocation of buildings and external additions and alterations to existing buildings. The standards set a height limit of 5.5m and more generous yards to retain single-storey buildings in their spacious setting. However there is no activity status for new buildings or relocation of buildings or external additions and alterations, therefore the purpose of the precinct may not be achieved due to the adverse effects of incompatible new works. That purpose - protection of historic heritage or maintenance and enhancement of special character - is not entirely clear from the provisions as drafted. Therefore the issue is how best to protect the existing built character until such time as the Council evaluates the neighbourhood in terms of its historic heritage and/or special character values and initiates a plan change to protect (or maintain and enhance) those values.

The Panel identified the need to include subdivision in the activity table to activate the minimum site size enabled by Rule I1.6.3.

## 4. Panel recommendations and reasons

The Panel agrees that the precinct is necessary to protect the established built character along Rosella Road.

With respect to the submitter's request, there is no need to apply the Pre-1944 Demolition Control Overlay to this precinct because the activity status rules address this matter. Elsewhere, the Panel recommends that this overlay be removed from the Plan because it purports to protect unidentified heritage (see the Panel's Report to Auckland Council – Overview of recommendations July 2016). For these reasons, the Panel does not support the submitter's request.

The Panel considers that new works are likely to pose a risk to the established built character of the precinct if left un-managed. For this reason, provision is made for the following activities as restricted discretionary activities in I1.4 Activity table:

- i. external additions and alterations to buildings;
- ii. construction of new buildings or relocation of buildings onto a site; and
- iii. subdivision.

Assessment criteria are also added.

In the Panel's view, these amendments address the concerns implicit in the submitter's request to retain the Pre-1944 Demolition Control Overlay, address gaps and improve workability. They enable assessment of the effects of new works on the established built character until such time as the area is evaluated for its historic heritage or special character values and a plan change is initiated.

In Table I1.4 (A1), 'total and substantial demolition' is amended by adding 'or footprint (whichever is the greater)' to accord with recommendations made in the Panel's Report to Auckland Council – Hearing topic 031 Historic heritage July 2016.

The Panel supports the retention of the precinct generally as amended by Council and further amended by the Panel to manage the effects of new works, workability and consistency with the whole Plan.

## 5. Reference documents

Auckland Council

[081f Ak Cncl - South - Precincts \(Rosella Road\) - \(N Lau\) - Planning](#) (26 January 2016)

## 437 Runciman Precinct

### 1. Summary of recommendations

The Panel supports and recommends a precinct as generally proposed by Council along with a number of the changes sought by submitters, Birch Hill Trust and Landview Farms Limited and Heather Ballantyne.

This precinct was heard in Topic 081.

### 2. Precinct description

The Runciman Precinct is an existing precinct located east of Pukekohe in the vicinity of Runciman. The precinct derives from two Environment Court consent orders (12 May 2011 and 8 October 2013) relating to Plan Change 14 to the Auckland Council District Plan – Operative Manukau Section.

The purpose of the Runciman Precinct is to provide a rural countryside living opportunity where subdivision and development can be undertaken in a comprehensive and integrated manner, recognising the environmental values and character of the area.

The precinct is zoned Rural - Countryside Living Zone.

The precinct is divided into two sub-precincts:

- i. Sub-precinct A – Open; and
- ii. Sub-precinct B - Treed.

Sub-precinct A is characterised by a large degree of spaciousness and is designed around the use of subdivision clustering to protect those landscape values. Council has proposed its suitability for limited transferable rural site subdivision.

Sub-precinct B contains the Bush Park Concept Plan area with identified building areas and is characterised by gentle hills and more established vegetation. Due to the sensitivity of this environment, transferable rural site subdivision is not permitted in this sub-precinct.

An outstanding natural landscape overlay applies to a small extent in the south-eastern corner of Sub-precinct A.

The precinct incorporates the following plans:

- i. Precinct plan 1 - landscape and visual absorption capacity plan;
- ii. Precinct plan 2 - reserves and connections;
- iii. Precinct plan 3 - natural and physical resources;
- iv. Precinct Plan 4 - riparian corridors; and
- v. Precinct Plan 5 - Bush Park concept plan development areas.

### 3. Key issues

Submitters heard on this precinct, in addition to Council, were Birch Hill Trust and Landview Farms Limited and Ms Heather Ballantyne. The matters raised by those two submitters were largely resolved with Council. Matters outstanding were summarised in Council's closing remarks relating to subdivision activity status, staging and timing of subdivision, which riparian corridor plan to adopt, and which development area plan to adopt.

The Panel agreed with Mr Mosley that a restricted discretionary activity status is appropriate for subdivision (as elsewhere across the Plan); that staging is provided for under the Resource Management Act 1991 and requires no further provisions; and with the submitters that the riparian corridors and development control area maps and provisions should reflect the agreed provisions of Plan Change 14 (without the amendments proposed by Council) and relevant evidence.

The main differences between the Runciman Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. the inclusion of a comprehensive set of specific objectives and policies;
- ii. additional subdivision controls, including for clustering of sites and transferable rural site subdivision receiver sites; and
- iii. reframing of assessment criteria and matters of discretion.

Provisions are significantly more tailored than those provided for by the Rural - Countryside Living Zone.

For the record, the Panel notes that a prohibited activity status applies to transferable rural site subdivision receiver sites in Sub-precinct B. The Panel understands that this status was changed by Council from the non-complying activity status it had through the Court's consent order but, as this was not contested by any submitter in this process, the Panel has not inquired further into the rationale for that activity status.

In summary, the Council's position in relation to the Runciman Precinct is set out in the evidence in chief of Mr Barry Mosley and Ms Shona Myers, and in Council's closing remarks Volume 1.

For submitters, Birch Hill Trust and Landview Farms Limited's position was set out in the planning evidence in chief and supplementary reply of Mr Graeme Lawrence; and Mr Michael Savage made legal submissions for Ms Heather Ballantyne.

### 4. Panel recommendations and reasons

The Panel:

- i. supports the precinct and recommends the changes generally agreed between Council and the submitters, Birch Hill Trust and Landview Farms Limited and Heather Ballantyne;
- ii. notes that the Panel has recommended that a southern portion of the precinct be rezoned to Future Urban Zone as a consequence of related submissions

from P L and R M Reidy and A J and P M Kloeten and Ruatotara Limited, and is thereby removed from the precinct; and

- iii. recommends other minor amendments sought for the reasons set out in section 3 above.

## 5. Reference documents

Auckland Council

[081f Ak Cncl - South - Precincts \(Runciman\) - \(B Mosley\) - Planning](#) (26 January 2016)

[081f Ak Cncl - South - Precincts \(Runciman\) - \(S Myers\) - Ecology](#) (26 January 2016)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016](#) (19 May 2016) (page 322)

[081 Birch Hill Trust \(G Lawrence\) - Planning](#) (14 February 2016)

[081 Birch Hill Trust \(G Lawrence\) – Planning – Reply to the Panel](#) (11 April 2016)

[081 Heather Ballantyne – LEGAL SUBMISSIONS](#) (6 April 2016)

## 438 Takanini Precinct

### 1. Summary of recommendations

The Panel supports a precinct and a number of the changes proposed by Council and/or by submitters.

This precinct was heard in Topic 081.

### 2. Precinct description

The Takanini Precinct applies to some 290 hectares of land. The precinct is divided into four sub-precincts (A, B, C and D) in four non-contiguous areas, which seek to encourage the subdivision and development of this land in a comprehensive manner to achieve a quality built and well-connected environment.

The precinct contains development controls in response to known geotechnical limitations.

The sub-precincts are as follows.

Sub-precinct A applies to some 53.5 hectares of land between the Papakura Stream, Takanini School Road, Manuroa Road and Porchester Road. This land is currently undeveloped. The underlying zones within the sub-precinct are:

- i. Open Space - Informal Recreation Zone;
- ii. Business - Light Industry Zone;
- iii. Residential - Single House Zone; and
- iv. Residential - Mixed Housing Suburban Zone.

Sub-precinct B applies to some 4.5 hectares of land with frontage to Porchester Road. This land is currently undeveloped. The underlying zone is Business - Local Centre Zone.

Sub-precinct C applies to some 184 hectares of land throughout the wider precinct, and covers the largest land area of the four sub-precincts. The underlying zone is Residential - Mixed Housing Suburban Zone.

Sub-precinct D applies to an area of land between Papakura-Clevedon and Old Wairoa Roads. Development at a low density is encouraged in this sub-precinct to assist in maintaining the elements of amenity and open space character. Sub-precinct D contains development controls in response to the known geotechnical limitations in the area, and provides for a landscape buffer between development along Papakura-Clevedon Road and the adjacent rural zone. The underlying zone is Residential - Single House Zone.

The purpose of the precinct is to encourage the subdivision and development of the land in a comprehensive manner to achieve a quality built and well-connected environment.

In addition to Council, submitters heard included New Zealand Defence Force; Takanini Central Limited; TONEA Properties New Zealand Limited; Transpower New Zealand Limited; and Wallace Group Limited, seeking both amendments to the precinct provisions and for rezonings within the precinct.

Much of this precinct is subject to a plan variation request under the Housing Accords and Special Housing Areas Act 2013 that had not been determined by the close of hearings.

### 3. Key issues

Council agreed with:

- i. amendments sought by NZDF in Sub-precinct C (previously D as notified) to reflect the Papakura Military Camp provisions elsewhere in the Unitary Plan;
- ii. the reinstatement of the fence provision in Sub-precinct C for Transpower New Zealand Limited;
- iii. a small zoning boundary change at 296 Porchester Road to the east of Sub-precinct A as sought by Wallace Group Limited; and
- iv. the removal of 147 Airfield Road owned by the Roman Catholic Bishop of the Diocese of Auckland from the precinct.

Council did not support:

- i. the modifications sought by Takanini Central Limited as these were considered unnecessary as the proposed zones and existing resource consent provide the opportunity for what is sought at 55 Takanini School Road; and
- ii. TONEA Properties New Zealand Limited's request to extend the Business - Town Centre zone over 30 Walters Road.

The Panel does not agree with Council regarding the submissions from Takanini Centre Limited. It considers the removal of the Business – Light Industry Zone from the northern half of the site at 55 Takanini School Road and rezoning the entire site to Residential - Mixed Housing Suburban Zone as sought better meets the purpose of the precinct and otherwise avoids split zoning.

The Panel does not agree with Council regarding the submission from TONEA Properties New Zealand Limited to extend the Business - Town Centre Zone to 30 Walters Road and recommends that be rezoned to Business - Town Centre Zone.

In his planning evidence of 4 February 2016 Mr Vaughan Smith presented three relief options:

- i. Option 1 - status quo (Business - Mixed Use Zone with precinct);
- ii. Option 2 - Business - Town Centre Zone with no precinct; and
- iii. Option 3 - Business - Town Centre Zone with precinct.

Mr Smith advised that Takanini Village Stage 1 (being 12,800m<sup>2</sup> gross floor area, occupying 2.9ha of the 5.4ha site) was completed in 2014, and Stage 2 is proposed). Further evidence on this was provided by Mr Nick Rae (urban design), Mr Bryce Hall (traffic) and Mr Timothy Heath (retail economics).

Council opposed this proposal on the following principle grounds:

- i. it relies upon a rail station at Glenora Road (which is not presently preferred by Auckland Transport);
- ii. the Court had determined through decision on Plan Change 12 in 2011 a mixed use Business - Mixed Use Zone status for the land as being a suitable transition to residential from the existing town centre; and
- iii. no retail economic modelling had been undertaken as of July 2015.

While the Panel acknowledges the advice from Auckland Transport that the Takanini station review was favouring a location at Tironui Road over Glenora Road, that decision has not yet been finalised. In any event either station location would be no further from this land than it would be for the rest of the land zoned Business - Town Centre Zone – and TONEA Properties New Zealand Limited's evidence was not dependent on station location.

The retail economic concern was addressed by Mr Heath's evidence (dated 10 February 2016), in which he concluded that rezoning to Business - Town Centre Zone and developing the remainder of the site was likely to produce positive net economic benefits. That analysis was not contested.

The Panel's starting position on the matter of whether to rezone to Business - Town Centre Zone is the higher order strategic policy direction of the Plan, which clearly identifies Takanini as a growth area over the medium term. As such, and in view of the evidence presented by TONEA Properties New Zealand Limited, the Panel finds there to be good planning reason for upzoning this land to Business - Town Centre Zone at this time – and heard no compelling evidence to the contrary. The Panel accepts that the ground has changed, even since 2011, sufficient to justify this rezoning. As to whether precinct provisions should apply, the Panel heard no compelling evidence on the point. As over half the land has only recently been developed, the Panel reasonably expects that stage two would be developed sympathetically. It therefore sees little need for precinct provisions rather than underlying zone and Auckland-wide provisions.

The main differences between the Takanini Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies;
- ii. Sub-precinct A, C and D provisions more restrictive reflecting site-specific constraints; and
- iii. Sub-precinct B local centre provisions more enabling.

Provisions are generally more restrictive than those provided for by the underlying zones.

In summary, the Council's position in relation to the Takanini Precinct is set out in the planning evidence in chief and rebuttal of Ms Joy La Nauze and Council's closing remarks

The Panel agreed with Council, except for the matter of 30 Walters Road and 55 Takanini and 55 Takanini School Road.

With respect to 30 Walters Road, the Panel agreed with that submitter (TONEA Properties New Zealand Limited) that rezoning this land from Business - Mixed Use Zone to Business -

Town Centre Zone would likely assist and strengthen the development of the overall centre, and was suitably proximate to key roading and rail access.

With respect to 55 Takanini School Road, the Panel agreed with the submitter to rezone the land Residential - Mixed Housing Suburban Zone, given its general proximity to major arterial roads, the rail-line and employment centre.

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and the changes generally proposed by Council and in response to the submitters, with the exception of the rezoning of 30 Walters Road to town centre and its removal from the precinct, for the reasons set out in section 1.3 above.

#### **5. Reference documents**

Auckland Council

[081f Ak Cncl - South - Precincts \(Takanini\) - \(J LaNauze\) - Planning - Evidence Report \(3 February 2016\)](#)

[081f Ak Cncl – South – Rezoning - Precincts \(Takanini\) - \(J LaNauze\) - Planning – REBUTTAL \(1 March 2016\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 325\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 1394\)](#)

Submitters

[081 TONEA Properties \(New Zealand\) Ltd \(T Heath\) - Retail Economic \(16 February 2016\)](#)

[081 TONEA Properties \(New Zealand\) Ltd \(N Rae\) - Urban Design \(14 February 2016\)](#)

[081 TONEA Properties \(New Zealand\) Ltd \(B Hall\) - Traffic \(16 February 2016\)](#)

## 439 Waiuku Precinct

### 1. Summary of recommendations

The Panel supports the retention of the Waiuku Precinct and does not support the amendment sought by Counties Power Limited to ensure its infrastructure is provided for in the precinct and protected from adverse effects.

This precinct was heard in Topic 081.

### 2. Precinct description

The Waiuku Precinct comprises approximately 107 hectares of land to the east of Waiuku township. It is strategically situated adjacent to the Glenbrook - Waiuku Road, the main road that leads to the steel mill at Glenbrook and to State Highway 1 and Waiuku Road, the main road that leads to Pukekohe.

The precinct comprises four sub precincts. Sub-precincts A, B and C are zoned Business - Light Industry Zone and Sub-precinct D is zoned Rural - Rural Production Zone.

The purpose of the precinct is to form a business park in Waiuku by providing for a number of manufacturing, processing, assembling, storage and distribution wholesale and service activities, while acknowledging its sense of place within the rural setting of Waiuku.

### 3. Key issues

There is only one key issue associated with this precinct. This relates to the concerns of Counties Power Limited that the precinct provisions make no mention of its important future infrastructure and the effects of this infrastructure on those developing land within the precinct.

Counties Power's planning witness Ms Coste proposed a number of amendments to the precinct's objectives policies and rules to ensure that the company's infrastructure is provided for in the precinct and protected from adverse effects such as reverse sensitivity.

Mr Luong, Council's planning, witness did not support the changes to the precinct proposed by Ms Coste. This was because the proposed provisions are repeating provisions in the zones, overlays and Auckland-wide rules and have already been provided for by way of an existing Counties Power designation. Mr Luong also noted that Counties Power as a requiring authority has the ability to designate for any additional future works.

### 4. Panel recommendations and reasons

The Panel does not support the amendments to the precinct proposed by Counties Power for the reasons set out in the planning evidence of Mr Luong.

### 5. Reference documents

[081f Ak Cncl - South - Precincts \(Waiuku\) - \(M Luong\) - Planning \(27 January 2016\)](#)

[081f Ak Cncl - South - Precincts \(Waiuku\) - \(M Luong\) - Planning - REBUTTAL \(24 February 2016\)](#)

[081 Counties Power Ltd \(W Coste \) - Expert \(11 February 2016\)](#)

## **440 Wattle Bay Precinct**

Please refer to 405 Big Bay Precinct.

# 441 Whitford Precinct

## 1. Summary of recommendation

The Panel supports a precinct and the changes generally proposed by Council and/or by submitters.

## 2. Precinct description

The Whitford Precinct applies to approximately 3735ha of rural land that lies entirely within Tūranga, Waikōpua, Te Puru and Beachlands stream catchments, collectively known as the Whitford catchment. The precinct is a rural area located close to the urban areas of Botany, Howick and Flat Bush.

The Whitford Precinct includes two sub-precincts - Whitford Sub-precinct A and Whitford Sub-precinct B, and six mapped indicative constraints areas.

An incentive is given to encourage improvements to the natural and physical environment through provisions for additional subdivision for significant enhancement planting.

The Whitford Sub-precinct A contains a significant proportion of slopes steeper than 15 degrees within the precinct. An average site size of 3.5ha is applied to this sub-precinct.

The Whitford Precinct provisions acknowledge the presence of the Whitford Landfill within Sub-precinct A and the need to minimise the potential for reverse sensitivity effects on the landfill activities. The Whitford Quarry Buffer overlay identifies areas sensitive to both the quarry activities and the Whitford Landfill, which are co-located on the site.

Whitford Sub-precinct B lies within both the Te Puru and the Beachlands south stream catchments. It has a coastal edge and, as a result, it includes specific provisions addressing both the landscape character and environmental considerations. An average site size of five hectares is applied to this sub-precinct.

The six indicative constraints areas apply as follows:

- i. the road corridor indicative constraints area is based on a visibility out to 300m every 50m along arterial roads within the Whitford Precinct;
- ii. the scenic amenity indicative constraints area applies to all sensitive ridgelines above the 80m (RL) contour within the Whitford Precinct that are visible from the main roads;
- iii. the riparian management indicative constraints area applies, as a minimum, to all land lying 10m either side of all existing permanent streams within the precinct;
- iv. the coastal indicative constraints area covers the area where land subdivision, use and development can influence coastal landscape and amenity within the precinct;
- v. the native vegetation indicative constraints area identifies areas of native vegetation for protection and enhancement; and

- vi. the slopes indicative constraints area applies to those slopes steeper than 15 degrees which contain large tracts of unstable ground.

Land not located within any of the six constraints areas is generally considered to be the least sensitive of all land within the precinct and the most appropriate location for development. However, as the constraints are indicative, detailed analysis and design is required to accompany resource consent applications to subdivide or develop land.

The primary purpose of the Whitford Precinct is to provide for countryside living development, subject to a management framework that maintains and enhances landscape character, rural amenity values and the environmental quality of the area.

The zoning of land within this precinct is Rural - Countryside Living Zone.

### 3. Key issues

As the precinct essentially translates the provisions confirmed by the Environment Court in 2010 with respect to Plan Change 8 to the Auckland Council District Plan – Operative Manukau Section, few issues arose.

The key issue, and one that occupied considerable attention during Plan Change 8, relates to whether a development lot ‘carrying’ capacity cap should continue to apply. A 925 lot threshold cap was adopted for Plan Change 8 as a ceiling control across the Whitford A and B areas. That threshold has not yet been reached by development within the precinct.

While Council agreed that the capacity cap rule should not be carried forward into the Plan as a rule because the lot density provisions effectively achieved the same purpose, it proposed a statement in the text explaining the background to the cap as an indication of the expected overall development outcome – which many local resident submitters supported. That was opposed by other submitters who considered that it would thereby operate as a de facto interpretation rule.

Having considered the merits of those submissions the Panel recommends deletion of reference to the carrying capacity cap. It agrees that the maximum average lot sizes coupled with other provisions (including the precinct’s indicative constraint areas and the Plan’s overlays) should be sufficient to ensure that wider catchment resource management concerns are appropriately addressed as and when necessary.

On a secondary matter, Kotuku Trust sought a reduction in the minimum average lot size for land of less than 15° slope in Sub-precinct A to a two hectare minimum. Council opposed that proposal primarily on landscape character and amenity grounds. The Panel agrees with Council; noting that application by way of resource consent is available to any landowner who considers otherwise (and particularly with the removal of the capacity cap).

Recognising that the lot density issue is of long-standing contention, the Panel concludes that more fine-grained landscape and amenity evidence would be necessary before those minimum lot sizes could be changed.

The main differences between the Whitford Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies; and

- ii. inclusion of subdivision and development provisions that are more restrictive reflecting sub-area and site-specific constraints.

In summary, the Council's position in relation to the Whitford Precinct is set out in the planning evidence in chief and rebuttal of Mr Peter Reaburn and Council's closing remarks.

The Panel generally agrees with Council and submitters except for the matter of the inclusion of a reference to a 925 lot precinct cap.

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and recommends the changes generally proposed by Council, with the exception of the explanatory reference to the previous 925 lots carrying capacity cap, for the reasons set out in section 3 above.

Various amendments have been made to present the precinct in standard format and to improve workability, for example separating activity status from the relevant standards.

#### **5. Reference documents**

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 229\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 1532\)](#)

[081f Ak Cncl - South - Precincts \(Whitford\) - \(P Raeburn\) – Planning \(28 January 2016\)](#)

[081f Ak Cncl - South - Precincts \(Whitford\) - \(P Raeburn\) – Planning - REBUTTAL \(25 February 2016\)](#)

[081 Kotuku Trust \(B Putt\) – Planning - Whitford A Precinct \(18 February 2016\)](#)

## 442 Whitford Village Precinct

### 1. Summary of recommendations

The Panel supports a precinct and the changes generally proposed by Council and/or by submitters.

This precinct was heard in Topic 081.

### 2. Precinct description

The Whitford Village Precinct is an existing precinct, the extension to which comprises approximately 204.14ha of land and is located at the head of Turanga Creek on the Pohutukawa Coast, 3km from the Auckland Rural Urban Boundary.

The precinct provisions carry forward the Environment Court's consent order of 14 May 2012 on Plan Change 27 to the Auckland Council District Plan – Operative Manukau Section, relating to the Whitford Village Special Policy Area.

The primary purpose of the Whitford Village Precinct is to provide for the limited expansion of Whitford Village for both business and residential land uses and to provide and enhance public open space and connections within the precinct. Expansion will be enabled through the provision of a developer-funded reticulated wastewater treatment and disposal system and improved water and stormwater infrastructure.

The precinct is divided into three areas:

- i. Sub-precinct A applies to the existing business centre, straddling Whitford-Maraetai Road, and has the underlying zones of Business - Neighbourhood Centre Zone, and Open Space - Civic Spaces Zone and Open Space - Community Zone;
- ii. Sub-precinct B applies to existing residential areas in the village, and has the underlying zone of Residential - Single House Zone; and
- iii. Sub-precinct C applies to greenfield land to the south of the existing village bounded by Whitford Park Road, Turanga Creek and Saleyard Road, and has the underlying zones of Residential - Single House Zone, Open Space - Conservation Zone, and a small area of Coastal - Coastal Transition Zone.

The reason for the three sub-precincts is to ensure that new subdivision and development or redevelopment in any sub-area is provided with servicing by way of connection to a reticulated wastewater collection and disposal system constructed by the subdivider of Sub-precinct C.

### 3. Key issues

The expansion to the existing village precinct was supported by Council with no other submissions in opposition to the provisions, although some submitters sought to expand the precinct further. This further expansion was not supported by Council on the ground that the

currently proposed expansion provided was sufficient. The Panel heard no persuasive evidence to the contrary and agrees with Council.

Council produced supplementary evidence seeking some stormwater amendments. The Panel has accepted those with the exception of references to water-sensitive design, for the reasons discussed earlier in the Plan with respect to stormwater management provisions.

The main differences between the Whitford Village Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:

- i. inclusion of specific objectives and policies;
- ii. inclusion of water supply and wastewater and disposal specific provisions that are more directive to reflect the privately-funded nature of this infrastructure; and
- iii. inclusion of consequential rules and standards.

In summary, the Council's position in relation to the Whitford Village Precinct is set out in the planning evidence in chief and supplementary evidence of Mr Bain Cross. Council did not include any further comment in its closing remarks.

The Panel agrees with Council.

#### **4. Panel recommendations and reasons**

The Panel supports the precinct and recommends the changes proposed by Council for the reasons set out in section 1.3 above.

Various amendments have been made to present the precinct in a standard format and to improve workability, for example separating activity status from the relevant standards.

#### **5. Reference documents**

Auckland Council

[081f Ak Cncl - South - Precincts \(Whitford Village\) - \(Bain Cross\) - Planning](#) (2 February 2016)

[081f Ak Cncl - South - Precincts \(Whitford Village\) - \(Bain Cross\) - Planning - SUPPLEMENTARY STATEMENT](#) (24 February 2016)

## **Part 2 Precincts unsupported**

### **Grahams Beach Precinct**

Please refer to 405 Big Bay Precinct.

# Hayman Park Precinct

## 1. Summary of recommendation

The Panel does not recommend the inclusion of the Hayman Park Precinct.

This precinct was heard in Topic 080.

## 2. Precinct description

The precinct seeks to accommodate the proposed National Centre for Collections, Learning and Exhibitions (National Centre), and to provide a range of activities that are accessory to the use of the National Centre, including conference facilities, education activities, exhibitions, restaurant and café, and retail activities, as permitted activities.

Specific development controls proposed for the precinct are:

- i. maximum building height of 18m;
- ii. maximum site coverage of 70 per cent; and
- iii. maximum impervious surface of 27,000m<sup>2</sup>.

The zoning of land in the precinct is Open Space – Informal Recreation Zone.

## 3. Key issues

Whether or not to include the precinct in the Plan given that there is no agreed proposal to locate a National Centre for Collections, Learning and Exhibitions (National Centre) at Hayman Park.

## 4. Panel recommendations and reasons

The Panel does not recommend the inclusion of the precinct as requested by The Museum of New Zealand Te Papa Tongarewa (6318-2) (Te Papa Tongarewa) covering the south western part of Hayman Park, Manukau.

Mr Vinall, expert planner for Te Papa Tongarewa, set out that Te Papa Tongarewa is proposing to develop a National Centre for Collections, Learning and Exhibitions (Te Papa Manukau) on Hayman Park in Manukau, South Auckland. It was his opinion that the facility will have a significant positive long-term cultural, social and economic impact for the Auckland region, especially South Auckland communities, as well as delivering on Te Papa's nationwide responsibilities.

Mr Vinall advised that a letter of agreement, signed in September 2013 by the Minister for Arts, Culture and Heritage, the Mayor of Auckland, the Te Papa Board Chair and the Chair of the Ōtara-Papatoetoe Local Board, sets out an agreement to work jointly to explore and advance the development of a national cultural centre to be located in South Auckland. Auckland Council has agreed in principle to make available between two and four hectares of land within Hayman Park for the development of Te Papa Manukau.

The Panel was advised that while some general concept designs were prepared that show the location of the proposed development, they are subject to revision in response to consultation. The Panel was also advised that the timing of the development has been adversely impacted by a Cabinet decision not to proceed with funding in the current financial year. While Te Papa has advised that it intends to proceed, the nature, size, detailed location and timing of development has not been resolved.

Mr Wong, the Council's expert planner, in his evidence in chief did not support the precinct. However in his evidence in rebuttal, having reviewed Mr Vinall's evidence, he changed his position and now supports the precinct.

The Panel agrees with Mr Wong's evidence in chief. Mr Wong did not support the proposed new precinct because it provided for all of the activities associated with the National Centre as permitted activities, with very permissive development controls. Consequently, the provisions (i.e. activity statuses, controls and assessment criteria) did not provide sufficient certainty to the Council that the adverse effects related to the following matters can be adequately addressed or mitigated:

- i. development design;
- ii. external appearance;
- iii. landscaping;
- iv. stormwater;
- v. screening of refuse collection areas; and
- vi. effects of the proposal on public access to, and use of Hayman Park.

His concerns, which are shared by the Panel, regarding the lack of controls over these matters, are exacerbated by the lack of detailed final plans for the National Centre. The provisions of the precinct are also inconsistent with the provisions of the underlying zone, contrary to the Panel's Interim Guidance - Best practice approaches to re-zoning and changes to the Rural Urban Boundary (31 July 2015).

The Panel also notes its recommendation in its Report to Auckland Council – Hearing topic 058 Open Space July 2016, where a key theme of those recommendations is to retain public access to, and use of these areas. Buildings and activities should be assessed to determine what impact they have on public access and use, particularly for areas zoned for informal recreation, as is this park. While it is accepted that Te Papa Tongarewa is a public facility and would likely have positive effects, there is no firm proposal, and therefore its effects are unknown.

Having regard to the above, the Panel notes that, in the absence of a precinct, other options are open to the Minister for Arts, Culture and Heritage. These include lodging a notice of requirement to designate land on Hayman Park for the National Centre, seeking a resource consent or proposing a plan change once there is a firm proposal.

The Panel acknowledges that Te Papa Tongarewa could have significant positive long-term cultural, social and economic benefit for the Auckland region, especially South Auckland communities, as well as delivering on Te Papa's nationwide responsibilities. However the Panel is of the view that in section 32 and 32AA terms, a precinct on land zoned Open

Space - Informal Recreation Zone for a national museum is not the most appropriate resource management planning outcome at this time, given that there is only an initial concept design that is subject to revision in response to consultation, and that there is as yet no funding.

## **5. Reference documents**

Auckland Council

[080 Ak Cncl - Hayman Park Precinct \(D Wong\) - Planning](#) (4 December 2016)

[080 Ak Cncl - Public Open Space - Hayman Park Precinct \(D Wong\) - Planning - REBUTTAL](#) (27 January 2016)

Museum of New Zealand Te Papa Tongarewa

[080 Museum of New Zealand Te Papa Tongarewa \(M Vinall\) - Planning](#) (21 December 2015)

## **Karaka South Precinct**

Please refer to 405 Big Bay Precinct.

# Matukutūruru Precinct

## 1. Summary of recommendations

The Panel does not support a precinct and recommends its deletion.

## 2. Precinct description

The Matukutūruru Precinct was proposed by Council as an out of scope precinct arising from matters raised during the 081 hearing on the Wiri 2 Precinct relating to the Wiri Oil Services Limited terminal, particularly by submitters Independent Māori Statutory Board and Ngā Mana Whenua o Tāmaki Makaurau.

At the close of the hearing Council proposed a precinct over that part of Matukutūruru/Wiri Mountain that was part of the Crown's Treaty settlement under Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 - vested as a historic reserve in the Tupunga Taonga Trust - whereby certain cultural activities and traditional uses would be permitted.

Significantly the proposed precinct would enable marae development and use, and workers' accommodation (which Ngā Mana Whenua o Tāmaki Makaurau sought to change to kaitiaki accommodation). This was opposed by Wiri Oil Services Limited, which sought a Business - Heavy Industry Zone over the site consistent with the surrounding zoned area and the emergency management area provisions in the Plan (now section E29) – and in which such activities are defined as sensitive activities and have a prohibited activity status (as proposed).

## 3. Key issues

The key issue for the Panel in this respect is whether the compromise proposed by Council, in order to recognise the spirit of the Redress Act 2014, to effectively and asymmetrically limit the spatial extent of the outer emergency management area Auckland-wide rule in this area, is appropriate. Council submitted that because the sensitivity contour on which the emergency management area is established is necessarily conservative, relaxation of the contour over Matukutūruru is justified by reference to competing considerations of a cultural and settlement nature.

Wiri Oil Services Limited disagreed, maintaining that the strategic importance of Auckland's fuel supplies should not be further compromised by potential developments involving sensitive activities in an area currently zoned for heavy industry – which zoning pattern is confirmed under the Plan – and which, conceivably, could curtail planned activities tabled as part of the Notice of Requirement presently before the Court under appeal.

In this instance the Panel agrees with Wiri Oil Services Limited. It has established appropriately-zoned nationally strategic infrastructure which is increasingly encroached on by activities that reduce its ability to contain its potential adverse effects within its site or within reasonable distance of its boundaries. Evidence of the order of magnitude cost of relocation was provided and is substantial. While the Crown's vesting of the reserve and Ngā Mana Whenua o Tāmaki Makaurau's aspirations for Matukutūruru are important matters to recognise, they are not overriding. As counsel for Wiri Oil Services Limited noted, section

67 of the Redress Act 2014 qualifies the use of the land by reference, among other matters, to compliance with the Resource Management Act 1991. With the appropriate open space zoning and notwithstanding the emergency management area, many activities can still be held on Matukutūruru. However, and despite the alleged conservative nature of the outer contour, the Panel does not consider it appropriate to sanction activity of a residential nature.

In summary, the Council's position in relation to the Matukutūruru Precinct is set out in the planning evidence in chief and rebuttal evidence of Ms Sukhdeep Singh in reliance on the technical evidence of Mr Norbert Schaffoener, and Council's Closing Remarks, Volume 1.

The Panel disagrees with Council.

The Panel has recommended new Auckland-wide provisions (E29) to address emergency management areas for hazardous facilities and infrastructure - see the Panel's Report to Auckland Council - Hearing topic 042 Infrastructure July 2016.

#### **4. Panel recommendations and reasons**

The Panel does not support the precinct and recommends its deletion for the reasons set out in section 3 above.

#### **5. Reference documents**

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(19 May 2016\) \(page 344\)](#)

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 2 – Revised Precinct Provisions and Maps – Attachments A-E - Updated - 26 May 2016 \(26 May 2016\) \(page 1525\)](#)

[081f Ak Cncl - South - Precincts \(Wiri 2\) - \(S Singh\) – Planning \(26 January 2016\)](#)

[081f Ak Cncl - South - Precincts \(Wiri 2\) - \(S Singh\) - Planning - REBUTTAL \(18 March 2016\)](#)

[081f Ak Cncl - South - Precincts \(Wiri 2\) - \(N Schaffoener\) - Hazardous Substances \(26 January 2016\)](#)

[081f Ak Cncl - South - Precincts \(Wiri 2\) - \(N Schaffoener\) - Hazardous Substances - REBUTTAL EVIDENCE \(18 March 2016\)](#)

## Mill Road Precinct

### 1. Summary of recommendations

The Panel recommends the zoning of the land (remain) as Residential - Mixed Housing Suburban Zone, and the deletion of the precinct.

This precinct was heard in Topic 081.

### 2. Precinct description

The notified Mill Road Precinct is located at 49, 57 and 71 Mill Road, Manurewa, comprising an area of approximately 50,000m<sup>2</sup> adjacent to the Rural Urban Boundary. The purpose of the precinct was to provide for residential development while establishing a defensible urban boundary along Mill Road in the form of a vegetation buffer. The precinct also limited the number of residential sites to 45.

The precinct was based on the provisions of Plan Change 38 to the Auckland Council District Plan – Operative Manukau Section; made operative on 21 June 2013. That Plan Change provided for an extension of the Metropolitan Urban Limit to include the properties at 49, 57 and 71 Mill Road and to rezone those sites from Rural 3 to Main Residential Zone.

The northern section of the precinct is now almost completely developed and subdivision consent has been granted for the central section. The remaining large land parcel at the southern end of the precinct is a Special Housing Area (23 November 2015) under the Housing Accord and Special Housing Areas Act 2013.

The main differences between the precinct provisions and the provisions notified in the proposed Auckland Unitary Plan are set out below.

<b>Main Precinct provision or group of changes</b>	<b>Difference from notified plan provisions</b>
Total number of sites is limited to 45.	The Residential - Single House Zone (which the Council supported) provides for one house per 600m <sup>2</sup> . This would provide for approximately 80 sites to be developed on the precinct site
Provide a landscaped vegetation buffer along the Mill Road road reserve boundary.	No requirement for a planted buffer strip or vegetation along the Mill Road road boundary.

The precinct is more restrictive than the notified proposed Auckland Unitary Plan as it limits residential development to 45 sites and requires a landscaped vegetation buffer along the Mill Road Road reserve boundary.

### 3. Key issues

The appropriate zone for the sites, and whether the precinct should be retained or deleted.

The submitter, Cazadora Holdings Limited, sought:

- i. that the Residential - Mixed Housing Suburban Zone be retained as notified (the Council saying this zone was a mapping error and should have been Residential - Single House Zone), and
- ii. the precinct either be deleted, as it is no longer required, or should be significantly modified as it is effectively addressed by the Residential - Mixed Housing Suburban Zone and the Ridgeline Protection Overlay.

The Council supported retention of the precinct, in particular the 45-lot restriction. The Council considers this is essential to ensure that development is sensitive to the surrounding topography, ridgeline location, and location of the sites. The Council supported the removal of the 5.5 metre height limit that was in the precinct as notified.

#### **4. Panel recommendations and reasons**

The Panel agrees with the evidence of Mr Putt for the submitter and accordingly recommends the retention of the Residential - Mixed Housing Suburban Zone and the deletion of the precinct.

As Mr Putt pointed out, the special provisions imposed through Plan Change 38 over the site arose in circumstances that have since become irrelevant. His evidence set out that the starting point was concern about structures on the ridgeline at the top of 'The Gardens' subdivision development. The area contains the termination of the low-rising ridge system which extends through 'The Gardens' subdivision commencing at the Manurewa/Hill Road motorway interchange. The ascent up the ridge is gentle and consistent.

At the time that Plan Change 38 was assessed it was considered that views from Mill Road towards the site required integration with vegetation to absorb the future development. The result was the imposition of a vegetated buffer across the site and parallel to Mill Road. A further aspect of the special provisions was the imposition of a 5.5 metre height limit over part of the site.

The Panel accepts that the important difference that has now occurred is that the Mill Road corridor is to be shifted further northwards as part of a major Auckland Transport initiative to provide a parallel north-south link to relieve the southern motorway. The hearings of the requirement notice for that new alignment took place in 2015. The Mill Road corridor immediately adjoining the site will become a local road mainly providing access to properties.

The Panel considers that the Residential - Mixed Housing Suburban Zone over the sites is the appropriate zone. The land is fully serviced for wastewater, stormwater and water supply. There is also no distinction between the subject land and the land immediately adjoining in Stage 12 of 'The Gardens' subdivision which is now fully developed. The Panel agrees that in all respects this is a Residential - Mixed Housing Suburban Zone environment and it does not accord with the objectives and policies of the Residential - Single House Zone as sought by the Council. Moreover the capacity limit of 45 household units is an inefficient use of an urban physical resource and unnecessary for all of the reasons set out above.

## 5. Reference documents

081f Ak Cncl - South - Precincts (Mill Road) - (A Jennings) - Planning (26 Jan 2016)

081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 (19 May 2016) (Attachment F, page 77)

081 Cazadora Holdings Ltd (B Putt) - Planning (4 April 2016)

# Ramarama 1 Precinct

## 1. Summary of recommendation

The Panel does not support the precinct proposed by Templemore Land Company Limited and recommends its deletion.

Submitters were heard in Topic 081.

## 2. Precinct Description

The Ramarama 1 Precinct is a request by submitter Templemore Land Company Limited

The Ramarama 1 precinct is proposed to facilitate a cluster form of residential development across multiple sites within a combined area of approximately 100ha. The proposed precinct is situated on the western side of the southern motorway, in proximity to the Ramarama off-ramp. The western boundary of the precinct is defined by Great South Road, while the northern boundary of the precinct abuts the Rural Urban Boundary and land zoned Future Urban Zone. As notified, the land is zoned Rural - Mixed Rural Zone.

Templemore Land Company Limited liaised with other submitters with a view to presenting a joint case to create an enlarged precinct which would encompass 228ha (approximately) on the western side of State Highway 1 and include all of the land zoned Rural - Mixed Rural Zone north of Ararimu Road, covering an additional area of approximately 128ha.

The purpose of the Ramarama 1 precinct is to establish subdivision controls to facilitate a clustered form of residential development with a maximum density of one dwelling per 8000m<sup>2</sup>, while allowing minimum site size of 1500m<sup>2</sup> and maximum of 6000m<sup>2</sup>. The intention would be to cluster the residential development in such a way as to allow the continued use of the remaining productive land for rural purposes.

The precinct is zoned Rural - Countryside Living Zone.

Council does not support the precinct.

## 3. Key issues

For a number of planning, landscape, stream ecology and productive soil reasons, Council concluded that the zone change should be considered in the context of a wider analysis of future urban development in the area and opposed the precinct and associated zone change. These matters were summarised in Council's closing remarks.

The submitter provided substantial expert evidence in response to and answering Council's concerns. Counsel for the submitter, Mr Sadlier, concluded that the provisions of the countryside living zone sought, buttressed by the precinct provisions proposed and supported by the concept plans prepared, provided a more nuanced and appropriate approach.

After considering the evidence the Panel was inclined to agree with the submitter. However, from a wider perspective based on the precincts and rezonings it proposes through the Plan,

the Panel notes that significant additional land zoned Future Urban Zone is recommended to the north of this site. To the west the potential of the substantial countryside living zoned Runciman Precinct remains relatively undeveloped; and to the east, across the state highway, the Drury South Industrial Precinct remains undeveloped. The general area is clearly undergoing considerable change. The appropriate future for the Templemore Land Company Limited land therefore lies within that matrix of uses – and the Panel agrees with Council that its strategic future remains to be properly assessed and evaluated, notwithstanding that process could conceivably confirm a countryside living future.

Accordingly the Panel considers it premature to determine the appropriate zoning for this land at this time.

In summary, the Council's position in relation to the Ramarama 1 Precinct is set out in the planning evidence in chief and rebuttal evidence of Mr Todd Webb (dated 26 January 2016 and 1 March 2016 respectively) - together with evidence from Ms Melean Absolum (landscape), Ms Shona Myers (ecology), Dr Fiona Curran-Cournane (land and soil) and Mr Robert Hillier (geotech) - and Council's closing remarks Volume 1 (pages 317 – 321).

The position of the submitter, Templemore Land Company Limited, is as stated in the planning evidence in chief and summary statement of Mr Nicholas Roberts (dated 10 February 2016 and 16 March 2016) – with supporting technical evidence from Dr Grant Dumbell (ecology), Mr John Goodwin (landscape and visual), Mr Leo Hills (traffic), Mr Matthew Wallace (infrastructure/engineering), Dr Peter Singleton (soils) and Mr Sandy Ormiston (wastewater) - and the legal submissions of Mr Daniel Sadlier (dated 16 March 2016).

#### **4. Panel recommendations and reasons**

The Panel does not support the precinct proposed by Templemore Land Company Limited and recommends its deletion for the reasons set out in section 1.3 above.

#### **5. Reference documents**

Auckland Council

[081 Ak Cncl - Precincts - CLOSING REMARKS – Volume 1 – Specific Precincts - Attachments A-F - Updated - 19 May 2016 \(Attachment F, page 317\)](#)

[081f Ak Cncl - South - Precincts \(Ramarama 1\) \(T Webb\) - Planning \(26 January 2016\)](#)

[081f Ak Cncl - South - Precincts \(Ramarama 1\) \(T Webb\) - Planning - REBUTTAL - LATE \(1 March 2016\)](#)

[081f Ak Cncl - South - Precincts and Rezoning \(Runciman, Ramarama 1, North East Pukekohe zoning\) - \(M Absolum\) - Landscape \(29 January 2016\)](#)

[081f Ak Cncl - South - Precincts \(Ramarama 1\) \(Dr F Curran-Cournane\) - Land and Soil Science - REBUTTAL - LATE \(1 March 2016\)](#)

Templemore Land Company Limited

[081 Templemore Land Company - Legal Submissions \(16 March 2016\)](#)

[081 Templemore Land Company \(N Roberts\) - Planning \(12 February 2016\)](#)

IHP Report to AC Changes to RUB, rezoning and precincts Annexure 3 Precincts South 2016-07-22

- 081 Templemore Land Company (G Dumbell) - Ecology (12 February 2016)
- 081 Templemore Land Company (J Goodwin) - Landscape and Visual (12 February 2016)
- 081 Templemore Land Company (L Hills) - Traffic (12 February 2016)
- 081 Templemore Land Company (M Wallace) - Infrastructure (12 February 2016)
- 081 Templemore Land Company (P Singleton) - Productive Soils (12 February 2016)
- 081 Templemore Land Company (S Ormiston) - Wastewater (12 February 2016)

## Te Toro Precinct

Please refer to 405 Big Bay Precinct.

# Wesley College Precinct, Rural Urban Boundary and rezoning

## 1. Summary of recommendation

The Panel recommends that submitters' land (Grafton Downs Limited in conjunction with the Wesley College Trust Board), referred to as the 'Wing', be brought within the Rural Urban Boundary and zoned Residential - Mixed Housing Urban Zone, but that the Franklin 2 precinct not be applied.

It is noted that the majority of the submitters' land is already included within the Rural Urban Boundary of the notified proposed Auckland Unitary Plan, and is in the Wesley College Special Housing Area under the provisions of the Housing Accords and Special Housing Areas Act 2013.

This matter was heard in Topic 017 and Topic 081.

## 2. Precinct Description

The submitters' total land holding is approximately 320 hectares at Paerata North bounded by State Highway 22 to the north and west (Karaka and Paerata Roads respectively) and the North Island Main Trunk rail-line to the east. The Wing is approximately 22 hectares.

The majority of the land is included in the Wesley College Special Housing Area under the provisions of the Housing Accords and Special Housing Areas Act 2013. Pursuant to the provisions of that act, Grafton Downs Limited lodged and was granted consent for a private plan variation (Plan Variation 3) request that has rezoned the Wesley College Special Housing Area from Future Urban Zone and Special Purpose - School Zone to Residential - Mixed Housing Urban Zone and Business - Local Centre Zone. In addition the land was identified as a precinct; the 'Franklin 2 Precinct', with its own objectives and policies and tailored set of activity and development controls.

That precinct, which was also sought for the land subject to these submissions, provides for the development of a sustainable community with a compatible mix of residential and supporting activities to meet the daily needs of the new, largely residential, community. The precinct is designed as an accessible, multi-modal, walkable residential community, based on a passenger transport interchange, that achieves high-quality environmental outcomes and that offers its residents access to quality connected open space, integrated stormwater management and a local commercial centre. That precinct has not been applied to the Wing for the reasons set out below.

## 3. Key issue

The key issue was whether Part lot 3, DP 7497, the land subject to the submissions (the Wing), be: included within the Rural Urban Boundary; zoned Residential - Mixed Housing Urban Zone; and have a precinct (Franklin 2) applied to it.

The Council supported the outcomes sought by the submitters. This was set out in the evidence in chief of Mr Cairncross for topic 017 regarding the Rural Urban Boundary, and in

the Joint Evidence Report on submissions by Mr Cairncross, Mr Clearwater, Ms La Nauze, Mr Luong, and Ms Yin presented to the Panel on 26 January 2016. At paragraph 11.2 of the Joint Evidence Report it states:

In the Topic 017 Area Specific – Pukekohe Drury rebuttal evidence of Craig Cairncross on behalf of Auckland Council, proposes to include an area of approximately 22ha to the immediate north east of the Wesley SHA within the RUB. The 017 evidence of Janine Bell dated 11 November 2015 proposes that the area is rezoned from Mixed Rural to Mixed Housing Urban (with Franklin 2 precinct sub-precinct a provisions being applied over the subject land). Having reviewed Ms Bell's evidence we support the rezoning as it would give effect to the RPS and is the most appropriate way to achieve the objectives and policies of the zone.

## 4. Panel recommendations and reasons

The submitters sought:

- i. an amendment to the Rural Urban Boundary location at Paerata North to include the Wing;
- ii. a Residential - Mixed Housing Urban Zone for the Wing;
- iii. to extend the Franklin 2 Precinct to encompass the Wing; and
- iv. to provide for some minor consequential amendments to the Franklin 2 Precinct plan diagrams and the Stormwater Management Area Flow 1 overlay map to reflect the inclusion of the Wing within the precinct;

A part of the submitters' landholding, approximately 22 hectares (Part lot 3, DP 7497), was excluded from the special housing area. The reasons for this were set out in the evidence of Ms J Bell, the submitters' expert planner. She advised that the land was excluded from the Wesley Special Housing Area as it was not located within in the proposed Auckland Unitary Plan's Rural Urban Boundary and, as a consequence, could not be considered for inclusion in the Wesley College Special Housing Area.

### 4.1 Rezoning

Having reviewed the Council's and submitters' evidence the Panel recommends the submitters' relief, other than applying the precinct. The reasons are summarised below.

- i. Given the zoning of the adjoining land (the submitters' land) and the location of the Wing, a rural zoning is no longer the most appropriate zoning in terms of section 32 of the Resource Management Act 1991.
- ii. The most appropriate plan provisions are those applied to the balance of the submitters' land (this is being within the Rural Urban Boundary and zoned Residential - Mixed Housing Urban Zone).
- iii. This outcome is consistent with the Plan's objectives and policies regarding urban growth and compact urban form, and the proposed zoning will better and more appropriately achieve the Plan's objectives, the directives of the Auckland Plan and the purpose of the Resource Management Act 1991.

- iv. The objectives, policies and rules applying to the Residential - Mixed Housing Urban Zone will ensure that future development of the site can be undertaken in a manner that will not have adverse effects on the surrounding environment.
- v. A Water and Wastewater Plan has been developed which provides the basis for the development of the appropriate water infrastructure to the site. Also a Stormwater Management Plan has been developed and this can be extended to cover the Wing given it has similar characteristics to the adjoining precinct.
- vi. The surrounding road network is capable of accommodating the traffic associated with the development of the site with safe access and egress ensured through the development of four new access points on State Highway 22.
- vii. The change avoids areas with significant scheduled heritage, Māori, natural character and landscape values.
- viii. Land containing elite soils is avoided.

## 4.2 Precinct

The Panel has not applied the Franklin 2 (sub-precinct A) Precinct, but understands why the submitters have sought it.

As the Panel understands it, the Franklin 2 (Sub-precinct A) Precinct was applied to the Wesley Special Housing Area. It provided for the bulk of the land to be developed with a variety of residential activities and housing typologies including terrace, duplex and standalone dwellings, predominantly single and two-storey houses, with a limited opportunity for additional height in the local centre. Provision was also made for more comprehensively planned and integrated residential developments, including retirement villages.

The precinct was developed in terms of the Residential - Mixed Housing Urban Zone as was in the notified proposed Auckland Unitary Plan. The zoning of Residential - Mixed Housing Urban Zone, as recommended by the Panel, is materially different to that of the notified zone, so much so that it is not appropriate to apply the Franklin 2 (sub-precinct A) Precinct.

The Panel's recommended approach to residential development in the residential zones is quite different to the notified version. The objectives and policies are different and many of the development standards have been amended or deleted, and some have been added. Examples relate to universal access, density, alternative height in relation to boundary control, retirement villages no longer being a specific activity (which the Franklin 2 (Sub-precinct A) Precinct has). Moreover the matters of discretion and assessment criteria for restricted discretionary activities are framed differently.

The Franklin 2 (Sub-precinct A) Precinct is heavily reliant on framework plans. The Panel has recommended that framework plans be deleted from the Plan, and it would be inappropriate to provide for this for the Wing.

For the above reasons the Panel has not applied the Franklin 2 (sub-precinct A) Precinct.

The Wing only makes up a small proportion of the entire Wesley site. The Panel has recommended the Residential - Mixed Housing Urban Zone, and this is more enabling than

the notified proposed Auckland Unitary Plan. Not applying the Franklin 2 (Sub-precinct A) Precinct will unlikely prevent the development occurring.

## 5. Reference documents

Auckland Council

[016&017 Hrg - Auckland Council - 017 Area Specific Evidence South \(Craig Cairncross\) - Planning - Drury Pukekohe \(15 October 2015\)](#)

[081f Ak Cncl – South – Rezoning - Rural – \(C Cairncross, P Clearwater, J La Nauze, M Luong, C Yin\) - Planning \(28 January 2016\)](#)

Wesley College Trust Board and Grafton Downs Limited

[016&017 Hrg - Wesley College Trust Board and Grafton Downs Limited \(Janine Bell\) - Planning Evidence and Appendices \(18 November 2015\)](#)