

16 April 2024

Attention: Vijay Lala, Tattico

Dear Vijay,

Private Plan Change – Second Request for Information under Clause 23 of Schedule 1 of the RMA

Applicant:	Fletcher Residential Limited
Address:	79 Ladies Mile, Remuera

Thank you for providing the additional information in response to our initial request dated 8 February 2024 under Clause 23(1) of Schedule 1 of the Resource Management Act 1991 (RMA). We acknowledge receipt of your responses on 19 March 2024, 25 March 2024, and 11 April 2024.

After reviewing the information provided, we have determined that further clarification and additional details are necessary to fully understand your request and its potential effects on the environment. Therefore, pursuant to Clause 23(1) of Schedule 1 of the RMA, we are issuing a second request for information.

The further information we require is set out in Appendix 1.

If you have any questions or concerns about this notice, please contact me at 022 091 7233 or daniel.kinnoch@colabplanning.co.nz.

Yours sincerely,



Daniel Kinnoch
Consultant Planner for Auckland Council

Appendix 1 – Clause 23 Request for Information

#	Category of Information	Specific Request	Reasons for request	Applicant response (please reference any attachments)
Planning (Daniel Kinnoch, 022 091 7233, daniel.kinnoch@colabplanning.co.nz)				
P1	Precinct Provisions	<p>The response to the first Clause 23 request includes a set of marked up precinct provisions in response to the request. This mark up however is to an older version of the Precinct provisions dated 30 November 2023, and not the set included with the lodged request, which were dated 20 December 2023. The latter included a number of changes in response to pre-lodgement feedback provided to the requestor. Please explain why the 30 November provision set has been used. Or alternatively, please provide an updated set of marked up provisions based on the 20 December 2023 set.</p> <p><i>Note: See non-clause 23 matters below and Appendix 2. We have attempted to assist by incorporating the 20 December 2023 set with the changes made in response to the first Clause 23 request.</i></p>	To ensure that the correct set of proposed provisions are being considered.	<p>The changes are accepted except for proposed Objective 5 relating to stormwater. Reasons for rejecting this objective have previously been provided. With regard to Standard 6.11 Stormwater Management – the changes are accepted except for the removal of the word “current”. This needs to be retained to ensure it is the current adopted SMP that is being referenced here.</p> <p>We have also opposed some of the changes to the assessment criteria – refer to the amend provisions.</p>
P2	Apartment Setback Assessment Criteria IXXX.7.2(9)	The proposed assessment criteria in the precinct at IXXX.7.2(9) for an infringement to IXXX.6.9 Apartment Setback cross-references the height infringement assessment criteria in THAB. It is unclear why the assessment criteria for height in THAB are referenced and not the criteria for yards. As written, this would also require an assessment of THAB Policy H6.3(4), which refers to ‘identified locations adjacent to centres’. The proposed precinct is not located adjacent to a centre. Please clarify the thinking proposed.	To understand the relationship between proposed precinct and zone assessment criteria.	Agree with and accept this correction
P3	Ellerslie Racecourse Precinct	The Clause 23 response proposes that I313.6.8. Interface control area will not apply adjoining the proposed precinct. Please explain what has distinguished the need for no interface control to apply in this location versus where the control applies adjoining other residential properties and public roads on I313.10.1. Ellerslie Racecourse: Precinct plan 1. Please also provide a copy of the amended Ellerslie Racecourse Precinct Plan 1 as a PDF.	To understand the rationale for why the existing interface control method for the Ellerslie Racecourse is not considered necessary to manage effects in this location adjoining the proposed precinct.	<p>The Interface Control Area standard is not required on the racecourse land adjoining the proposed precinct as the adjacent racecourse land is utilised for the racecourse and will remain as a grassed racecourse area for the foreseeable future, particularly given that the track has just been re-laid with the new StrathAyr surface which has cost tens of millions of dollars.</p> <p>Further this approach is consistent with the approach used for the Ellerslie 1 precinct, whereby the Interface Control Area standard is not applied to what is essentially an ‘internal’ boundary.</p> <p>Track is the buffer – 35m wide. On FRL land there is a requirement to have a swale and footpath which provides more than adequate separation and protection to future residents from potential development within the racecourse.</p>
Transport / Infrastructure (Daniel Kinnoch, 022 091 7233, daniel.kinnoch@colabplanning.co.nz)				
TI1	Assessment of Upzoning and Development Potential	Please explain how the existing Auckland Unitary Plan and/or the proposed precinct provisions would ensure that any permitted activities (including, but not limited to, an increase from 1 to 3 dwellings per site) within the MHU and THAB zones of the precinct are appropriately assessed in terms of infrastructure and transport effects, considering that the fast-track consent does not limit this future development potential. In your response, please address the potential for cumulative effects from permitted activities that could occur over time without any specific precinct control.	There are concerns about the level of assessment associated with upzoning the site to MHU and THAB, and the potential for the new zoning to enable greater development than what was approved under the fast-track consent. In particular, it is unclear how permitted activities within these zones, which can occur without a resource consent process, would be assessed under the existing Auckland Unitary Plan and/or	<p>In response, a maximum cap of 357 dwellings has been included on the plan change as a standard. Any infringement of this rule is a non-complying activity. An objective and policy have also been proposed to support this new rule. Refer to additional provisions proposed on a without prejudice basis below:</p> <p><u>Objective 6</u> Adverse effects on the safe and efficient operation of</p>

			proposed precinct provisions in terms of infrastructure and transport effects, including potential cumulative effects.	<p><i>the existing road network are avoided.</i></p> <p><u><i>Policy 8</i></u> <i>Avoid any activity, development and/or subdivision that would result in more than 357 dwellings within the Precinct</i></p> <p><u><i>Activity Rule 4.1 (A4)</i></u> <i>Any activity, development and/or subdivision that would result in more than 357 dwellings within the Precinct = Non Complying</i></p> <p>The Section 32 analysis has also been updated to include a qualifying matter for this rule.</p> <p>The consented development which is 'baked in' to the proposed precinct provisions by way of the rules, standards, matters of discretion, assessment criteria and precinct plans result in the development being restricted to the already consented outcome. The topography of the site, the roading layout and the retaining wall locations only enable the consented outcome.</p> <p>On the outside chance that some additional dwellings might be accommodated on some of the site, this would only enable smaller dwellings with the same or similar number of bedrooms overall and not result in any additional traffic. Should this unlikely outcome occur, a s127 variation application would be required and this would need to be assessed as a discretionary activity and any adverse traffic and or infrastructure effects would be able to be considered as part of such an application.</p> <p>Further, this situation could occur across any of the MHU and THAB zoned land across the region and some specific traffic analysis or consideration of cumulative effects has been undertaken to address such potential outcomes.</p>
Arboricultural (Allan Holmes, 021 811 757, allan.holmes@greenscenenz.com)				
A1	Tree #13 and Standard IXXX.6.5	<ol style="list-style-type: none"> Please provide an explanation for why Tree #13 has not been proposed to be scheduled as a notable tree, given it meets the eligibility criteria. The proposed standard IXXX.6.5 does not explicitly restrict the removal of the Pohutukawa trees and does not address tree trimming or alteration. Please advise how these matters are proposed to be addressed by the standard. 	The Arbor Connect report identifies Tree #13 as meeting the threshold for potential scheduling as a notable tree. However, the requestor has not proposed scheduling this tree under the plan change. In addition, the proposed standard IXXX.6.5 for protecting the existing Pohutukawa trees along Ladies Mile has several shortfalls including in relation to tree trimming/alteration and restricting the removal of the trees.	The scheduling of Tree #13 is accepted.
Parks Planning (Roja Tafaraji, 021 937 084, roja.tafaraji@aucklandcouncil.govt.nz)				
OS1	Publicly Accessible Pedestrian Routes	Please explain how the current standards and provisions of the precinct plan, particularly IXXX.6.3 (Publicly Accessible Open Space) and IXXX.6.4	The proposed precinct provisions and precinct plans do not clearly ensure that the identified	Accept this change subject to including provision for temporary closures for safety, security, repair and

	and Open Spaces	(Pedestrian Routes), ensure that both the publicly accessible open spaces and the proposed pedestrian routes will be unrestricted and available for public access at all times.	pedestrian routes and open spaces will be publicly accessible and not restricted for public access. While easements are proposed under the approved fast-track consent, the plan change needs to consider the scenario where that development does not eventuate.	maintenance.
Healthy Waters (Lee Te, lee.te@aucklandcouncil.govt.nz)				
HW1	Stormwater Management and Flood Risk	Objective 4 of the proposed precinct provisions states, " <i>Development is coordinated with the supply of sufficient three waters, energy and communications infrastructure.</i> " Please explain how this objective responds to and manages flood risk within and downstream of the precinct. If Objective 4 does not adequately address flood risk, please advise whether the requestor would consider including an additional objective to specifically manage flood risk.	While Objective 4 addresses the coordination of development with infrastructure provision, it does not appear to specifically address the management of flood risk within and downstream of the precinct. Further information is needed to understand how the proposed objectives will ensure that flood risk is appropriately managed.	Disagree – do not accept – reasons provided previously.
HW2	Incorporation of Stormwater Management Devices Document by Reference	Given that the Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01) December 2017 is referenced in the proposed precinct provisions at IXXX.7.2(11), please advise whether the requestor proposes to incorporate this document by reference and include it within Appendix 17 of the Auckland Unitary Plan. If not, please provide reasons for this position.	The Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01) December 2017 is referenced in the proposed precinct provisions. To formally incorporate this document into the Auckland Unitary Plan, it needs to be included within Appendix 17 as per Schedule 1, Part 3, Clause 30 of the RMA.	This is a recommendation from Healthy Waters and is not supported due to the implications pointed out here.
Non-Clause 23 Matters				
	Suggested Precinct Changes	We have suggested a number of changes to the Precinct provisions in line with the questions above and the information received in response to the initial Clause 23 response. It would be helpful if you could please review these and consider whether the requestor would be prepared to modify their request in line with these. Note that we have also tried to integrate the changes that had been made in the 20 December 2023 provision set, see P1 above. Please see Appendix 2.	To assist the requestor by providing markup suggestions that could be one way of responding to the questions above, and ensuring that the provision set aligns with the changes incorporated into the 20 December 2023 provision set.	Reviewed and responded to in the plan change provisions. Clean version also provided.

Appendix 2 –Suggested Changes to Precinct Provisions