

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

Proposal

To rezone land from Future Urban Zone (**FUZ**) to Residential – Mixed Housing Suburban Zone (**R-MHS Zone**), to apply the Stormwater Management Area Flow 1 Overlay over whole plan change area and to add a new precinct (the Glenbrook 4 Precinct) to guide and direct future subdivision and development in the plan change area.

This plan change is APPROVED, subject to the modifications as set out in this decision. The reasons are set out below.

Private Plan Change:	91 - 80 McLarin Road, Glenbrook Beach
Applicant:	HD Project 2 Limited
Hearing commenced:	Wednesday, 15 November 2023 9.30 a.m.
Hearing panel:	Robert Scott (Chairperson) Nigel Mark-Brown Juliane Chetham
Appearances:	<p><u>For the Applicant:</u> HD Project 2 Limited represented by: Daniel Sadlier, Legal Counsel Sam Coles, Urban Design Andrew Temperley, Traffic Campbell McGregor, Civil Engineering/Stormwater (MS-Teams) Emma Willmore, Ecology Bryce Powell, Planning</p> <p><u>For the Submitters:</u> Sarah Fisher Ian Smith Benjamin Ross (MS-Teams) Aaron and Elizabeth Yorke represented by Sarah Shaw (MS-Teams) and Nick Williamson</p> <p><u>Submitter Tabled Statements</u> Auckland Transport Kahawai Points Development Limited Watercare</p> <p><u>For Council:</u> Craig Cairncross, Team Leader Katrina David, Planner Wes Edwards, Transport Consultant</p>

	Andreas Lilley, Consultant Parks Specialist (MS-Teams) Jason Smith, Ecology Consultant (MS-Teams) Kelly Seekup, Healthy Waters Stormwater Consultant Planner Lisa Dowson, Healthy Waters Stormwater Consultant Engineer Bevan Donovan, Kaitohutohu Whakawātanga, Hearings Advisor
Hearing adjourned	Wednesday, 15 November 2023
Commissioners' site visit	Tuesday 14 November 2023
Hearing Closed:	Tuesday 30 January 2024

Introduction

1. This decision is made on behalf of the Auckland Council (“**the Council**”) by Independent Hearing Commissioners Robert Scott (Chairperson), Juliane Chetham and Nigel Mark-Brown appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“**the RMA**”).
2. The Commissioners have been given delegated authority by the Council to make a decision on Private Plan Change 91 – 80 McLarin Road, Glenbrook (**PC 91**) to the Auckland Council Unitary Plan - Operative in Part (**Unitary Plan**) after considering all the submissions, the section 32 evaluation, the reports prepared by the Council officers for the hearing, and evidence presented during and after the hearing of submissions.
3. PC 91 is a private plan change request that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as also enabled under the RMA).
4. The plan change was publicly notified on 14 April 2023 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1. Notification involved a public notice as well as letters to directly affected landowners and occupiers alerting them to the plan change. The submissions period closed on 15 May 2023. The latter step was aimed at ensuring that landowners and occupiers of properties affected by potentially significant changes were made aware of the proposal.
5. A summary of submissions was notified for further submissions on 9 June 2023 and those submissions closed on 23 June 2023. A total of 39 primary submissions and two further submissions were received on the plan change request. A link to the summary of decision requested submissions received is here:

<https://www.aucklandcouncil.govt.nz/UnitaryPlanDocuments/pc-91-summary-of-decisions-requested.pdf>

SUMMARY OF PLAN CHANGE

The site and surrounding area

6. Section 5 of the plan change request AEE (**AEE**) provides a description of the site which was also generally adopted by the Council planner. We are also satisfied with the description of the area subject to the Request adopt the following from the AEE:

This PPC request relates to an irregular-shaped parcel of land at 80 McLarin Road, Glenbrook Beach. The land is held in single ownership and has an area of 7.9870 hectares. The site is currently used for grazing/ agricultural purposes and is bounded by McLarin Road to the north and east, while Glenbrook Beach Recreation Reserve and residential properties adjoin the site to the west. Land immediately to the south of the site is used for pastoral farming but is also zoned Future Urban zone and anticipated to be developed for urban activities.

The site, and the Glenbrook Beach settlement, is located outside of the Rural Urban Boundary (RUB), which identifies land potentially suitable for urban development (Part G1 of the AUP(OP)). However, the Glenbrook Beach settlement does include land that is zoned for residential and business purposes, which meets the definition of an “urban area” in Part J of the AUP(OP) and which are excluded from the AUP(OP) definition of a “rural zone.”

The site slopes from the northeast (roundabout corner), to southwest (near Ronald Avenue). The northeast corner of the site is approximately 22m above sea level, while the southwest corner of the site has an elevation of approximately 6m above sea level. Auckland Council’s Geomaps indicates that the low-lying southwest corner of the site is located within the 1% AEP floodplain and is affected by the Coastal Inundation overlay (1 %AEP plus 1m sea level rise).

(...)

Terrain is steepest in the central to southwestern portions of the site where slopes of greater than 1:5 prevail. There is a particularly steep escarpment on the southwestern boundary with properties that front Ronald Avenue to the west. A distinct ridgeline that runs from west to east defines the central portion of the site and separates an elevated plateau in the northern portion of the site from the sloping terrain to the south. This ridgeline affords sweeping views from the site over Glenbrook Beach and the Waiuku River inlet of the Manukau Harbour.

Currently, there are limited services/ amenities available in Glenbrook Beach. However, land has been rezoned on the east side of McLarin Road, opposite the site, to establish a small local shopping parade that will provide for the day-to-day needs of the local community. This centre will be easily walkable from the subject site.

The surrounding amenities are reflective of the site's harbourside location, with Glenbrook Beach Beachfront Esplanade Reserve beyond the site's western boundary. Glenbrook Beach Boat Ramp Reserve is approximately 800m from the site. The older part of Glenbrook Beach on Ronald Road has a beach settlement character, while the Kahawai Point neighbourhood to the north of the site has a more urban character informed by built form, yard setbacks, lot size, and road layout (kerb, channel, footpaths).

Glenbrook Beach is located on a peninsula that is surrounded by inlets to the southern coastline of the Manukau Harbour. To the south, Glenbrook Steel Mill is a major employer in the region. The town of Waiuku is approximately 11km to the south of Glenbrook Beach; Waiuku is the largest settlement in the immediate area and provides a wide range of retail, commercial and community services and facilities. Glenbrook Beach is located approximately

18km to the west of Pukekohe, the largest town in the northern coastal area of the former Franklin District and 30km to the west of Drury where access to State Highway 1 can be obtained.¹

7. The hearing report adds that the Glenbrook settlement is accessed by a single road in and out. It is approximately a 15 minute drive from Waiuku and a 24-29 minute drive from Pukekohe.
8. The Council report prepared under section 42A of the RMA (**hearing report**) also acknowledges that overland flow paths traverse the plan change area, generally towards the low-lying area in the south-western corner of the plan change area. Pockets of the area are identified as being within the 1% annual exceedance probability (AEP) floodplain. These floodplains are associated with flat land in the northern portion of the site and the watercourse in the western site catchment. Another floodplain area in the southwestern catchment is connected to the significant floodplain system in the Glenbrook Beach township associated with the low-lying, flat land fronting the beach. A very small portion of that floodplain area is also subject to the coastal inundation mapping in the Unitary Plan.²

Structure Plan

9. We were advised by the Requestor and Council that the Auckland Regional Policy Statement (**RPS**) directs that any new or significant expansions of existing rural and coastal towns and villages only be pursued through the structure planning and plan change processes in accordance with Appendix 1 Structure plan guidelines³. As there is no current structure plan for Glenbrook, the Requestor has prepared a Structure Plan to support the plan change request. The proposed structure plan addresses only that land subject to the Request. This was submitted with the

¹ PC 91 AEE Page 8

² Hearing report para 32

³ RPS policy B2.6.2

Request and forms part of the documents that were notified along with the plan change request.

10. The Structure Plan prepared by the Requestor to inform and support the plan change identifies the applicant's vision statement:

To create a new residential community at Glenbrook Beach that compliments the existing village, provides high quality mixed housing opportunities for all ages and household types, and seamlessly integrates the natural environment of the site with future development.⁴

11. The Structure Plan identifies four key development principles that it states will influence development of the site:

- a) Principle 1: Enable a wider range of housing typologies and lot sizes that will cater to the full life-cycle population of Glenbrook.
- b) Principle 2: To integrate roading within the site with the established roading network around the site, to support traffic safety for all road users and provide connectivity to and through the site.
- c) Principle 3: Establish a pedestrian and cycle route through the site, to enable active frontage to the Glenbrook Beach Recreation Reserve, connect to the beach, future local centre and existing Kahawai Point SHA.
- d) Principle 4: Protect and enhance the values and functions of natural ecosystems, including the hydrology of existing intermittent streams and wetlands, by mirroring natural systems and processes for stormwater management.

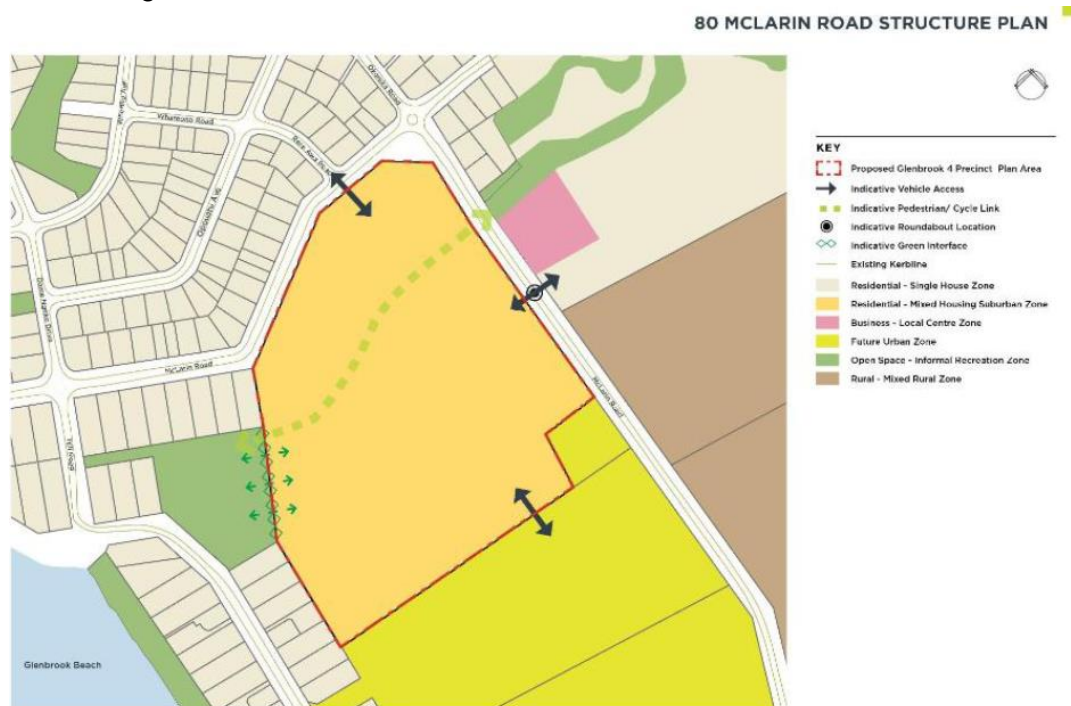


Figure 1 Proposed Structure Plan map for Glenbrook

⁴ Structure Plan, page 32

12. The Structure Plan states that while it is not a precise blueprint for growth, it is anticipated that growth will be in general accordance with the Structure Plan and Structure Plan map. The Structure Plan is supported by a range of technical engineering, archaeological, economic, landscape/urban design, transportation, economic and cultural assessments. These assessments are also relied upon for the plan change request. The Structure plan concludes that:

... the Structure Plan provides a framework for growth at 80 McLarin Road that is consistent with all technical investigation and reports, and relevant district and regional objectives and policies and desired outcomes.

13. The Requestor states that the Structure Plan has been prepared in accordance with Appendix 1 of the RPS.

The Plan Change Request

Zoning and Overlays Requested

14. The proposed plan change is described in detail in the Requestor's AEE and this has largely been adopted by the Council planner in the hearing report. By way of summary, we note the following aspects of the plan change request:
- Rezone the entire plan change area (**PCA**) at 80 McLarin Road from FUZ to R-MHS Zone.
 - Apply the Stormwater Management Area – Flow 1 (**SMAF1**) overlay to 80 McLarin Road. No changes are proposed to the SMAF1 overlay provisions.

Proposed Precinct Plan

15. The Request includes a new precinct (Glenbrook 4 Precinct) to the land at 80 McLarin Road that would modify the standard R-MHS Zone provisions as well as other Auckland wide provisions to reflect the specific site characteristics and context of the PCA and to achieve site-specific development outcomes on this basis.
16. The proposed precinct plan includes specific rules and standards relating to delivery of the following:
- indicative pedestrian/cycling link;
 - vehicle access points and roundabout shown on the precinct plan;
 - riparian and wetland margins;
 - the integration of land use and water and wastewater infrastructure; and
 - fencing.
17. The precinct includes objectives, policies, rules, notification requirements, standards, matters for discretion and assessment criteria. The objectives and

policies relate to the delivery and timing of infrastructure (water supply, wastewater, stormwater and transport), key connections (walking, cycling, motor vehicles) and visual links within the precinct and the surrounding area, freshwater quality of intermittent streams and wetlands, biodiversity, management of stormwater, and housing typologies and housing choice.

18. The proposed precinct rules relate to land use and subdivision, with three activity tables. The precinct states that all relevant zone, overlays and Auckland-wide activity tables apply unless otherwise specified in the precinct.
19. At the start of the hearing proposed Activity Table 1 (A1) of the proposed precinct provided for the development of up to three dwellings that comply with the precinct standards as a Permitted activity with Activity (A2) being the development of four or more dwellings provided for as a Restricted Discretionary activity with precinct specific triggers relating to the provisions of fencing standards, riparian margins and setback standards and provisions of infrastructure.
20. We note that at the close of the hearing, and in response to evidence presented and questions from the Commissioners, the Request has been modified such that Activity (A1) permits only two dwellings on a site and Activity (A2) triggers resource consent for a restricted discretionary activity at three or more dwellings. We have more to say about this aspect of the proposal in our discussion and findings to follow.

HEARING PROCESS

21. The hearing was held over single day on 15 November 2023 at Waiuku Community Hall, 8 King Street, Waiuku. All expert evidence of the Applicant and submitters was pre-circulated (via the Council's website) and pre-read by the Commissioners prior to presentation.
22. The Panel undertook a visit to the PCA, the wider context of the Glenbrook township and the various roading intersections under consideration on 14 November 2023.

PROCEDURAL MATTERS AND LATE SUBMISSIONS

23. There were no procedural matters raised or late submissions received by the Council.

RELEVANT STATUTORY FRAMEWORK

24. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. As set out in the hearing report the mandatory requirements for plan preparation are as summarised in *Long Bay-Okura Great Park Society Inc v North Shore City Council*⁵. In summary, therefore, the relevant statutory requirements for the plan change provisions include:

⁵ Long Bay-Okura Great Park Society Inc v North Shore City Council NZEnvC Auckland A78/08, 16 July 2008 at [34].

- a. whether they are designed to accord with and assist the Council to carry out its functions for the purpose of giving effect to the Resource Management Act 1991;
 - b. whether they accord with Part 2 of the RMA;
 - c. whether they give effect to the regional policy statement;
 - d. whether they give effect to a national policy statement;
 - e. whether they have regard to the Auckland Plan (being a strategy prepared under another Act);
 - f. whether the rules have regard to the actual or potential effects on the environment including, in particular, any adverse effect.
25. Under s32 of the RMA we must also consider whether the provisions are the most appropriate way to achieve the purpose of the plan change and the objectives of the Unitary Plan by:
- a. identifying other reasonably practicable options for achieving the objectives; and
 - b. assessing the efficiency and effectiveness of the provisions in achieving the objectives, including by:
 - i. identifying and assessing the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:
 - economic growth that are anticipated to be provided or reduced; and
 - employment that is anticipated to be provided or reduced; and
 - ii. if practicable, quantifying the benefits and costs; and
 - iii. assessing the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
26. Clause 10 of Schedule 1 requires that this decision must include the reasons for accepting or rejecting submissions. The decision must include a further evaluation of any proposed changes to the plan change arising from submissions, with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by submitters and Council and our own evaluation and findings effectively represents this assessment, and that material should be read in conjunction with this decision.

SUMMARY OF EVIDENCE

27. The Council hearing report was circulated prior to the hearing and taken as read. The expert evidence of the Requestor and submitters was also pre-circulated. The

Applicant's expert evidence also included summary statements (presented at the hearing) and rebuttal evidence.

28. The hearing report prepared by Katrina David took a cautious approach and recommended that PC 91 be approved subject to being satisfied with further evidence on stormwater, water quality and flooding matters raised in the hearing report. Ms David also recommended a number of changes to the precinct provisions concerning the following matters:
- a) traffic/transport;
 - b) stormwater, water quality and flooding;
 - c) biodiversity/ecology;
 - d) amenity; and
 - e) effects on Mana Whenua values.

The Requestor's Evidence

29. The evidence presented by the Requestor can be referred to as part of the online hearing record, including by reference to an 'Evidence Index' that had been prepared as part of that record (and which lists the evidence generally in the order that it was heard). That index includes reference to the witnesses' statements of evidence and the various legal submissions, communications, photographs, videos and other documentation that were presented to us, or tabled, during the hearing process. This evidence can be found here:

<https://onedrive.live.com/?authkey=%21ANRDprkHoBOIm4&id=943FC6A80B823296%2131974&cid=943FC6A80B823296>

30. In that light, we have not provided an exhaustive summary of the evidence presented but we set out a brief summary of the evidence in the sections that follow.

Legal Submissions

31. As discussed above, legal submissions were prepared by Daniel Sadlier, and he set out the legal framework for the assessment and determination of private plan change requests including the relevant provisions of section 32 and section 75 of the RMA.
32. He summarised the outstanding issues as set out in the hearing report being:
- a) Transport infrastructure upgrades required and in particular:
 - (i) Upgrade of the Mission Bush Road intersection
 - (ii) The need for a roundabout and pedestrian crossing on McLarin Road
 - b) Stormwater mitigation; and
 - c) The classification of wetlands.

Sam Coles (urban design)

33. Urban design evidence was presented by Sam Coles who is a qualified urban designer with 17 years' experience, including medium-to-large scale residential and commercial developments across the North Island. His evidence addressed the urban design assessment undertaken, the design process to date, the urban design context of the site, and the extent to which the Request would contribute to the Glenbrook Beach settlement and enable a quality (well-functioning) urban environment. His evidence referred to the Unitary Plan, the National Policy Statement on Urban Development (**NPS-UD**) and Ministry for the Environment Urban Design Protocol. Mr Coles stated that the subject site is physically well-suited to urbanisation and has few inherent constraints. He opined that development on the subject site may support the provision of further amenities for the community (by increasing the local population), improved public access to Glenbrook Beach, enable views to the Waiuku River, activate a local park, and support the proposed neighbourhood centre.
34. Mr Coles' evidence supported the use of the R-MHS Zone including its potential for terrace housing development on the basis that any such proposal would be subject to assessment criteria in the Unitary Plan that would address the provision of attractive and safe streets, positive relationships between buildings and the street, and effects on neighbourhood character and amenity.
35. It was his conclusion that the site, once developed, will contribute further population and vibrancy to the community of Glenbrook Beach.

Andrew Temperley (transportation)

36. Transportation evidence was provided by Andrew Temperley who is qualified traffic engineer with 21 years experience in the United Kingdom and New Zealand.
37. His evidence summarised the transportation measures already undertaken within Glenbrook Beach associated with the Kahawai Point development (and associated provisions of the Glenbrook 3 Precinct) and he explained how the proposed precinct for PC 91 would provide appropriate arrangements for local access, car parking, cycle parking and servicing.
38. Mr Temperley's evidence considered all the intersections in the wider roading network and concluded that the adjoining road network will continue to function in a manner that provides safe and efficient access to key local destinations such as Waiuku, Pukekohe and Paerata, and in turn, the wider sub region of South Auckland.
39. Mr Temperley also presented rebuttal evidence addressing the transportation implication of a potentially higher dwelling yield (as referenced by the Council traffic engineer) and its effect on the local and wider transport network.

Emma Willmore (ecology)

40. Ecological evidence was presented by Emma Willmore who is a qualified ecologist with 16 years' experience both in the public and private sectors. Her evidence

summarised the ecological investigations undertaken between 2020 and 2022 including the identification of 500m of intermittent stream reaches, largely on the southern section of the site and three natural wetlands. All were assessed as having low ecological values from stock grazing and lack of indigenous vegetation.

41. She stated that she supported the mitigation measures proposed by the Requestor, to protect and restore ecological values to the existing watercourses and wetlands on the site have and that these have been incorporated adequately in the Glenbrook 4 Precinct Provisions under the PC 91 application, through the specified objectives, policies and standards.

Campbell McGregor (civil engineering and stormwater)

42. Evidence regarding infrastructure servicing – including three waters servicing, was presented by Campbell McGregor who is an experienced Chartered Professional Engineer with 20 years experience in New Zealand, Australia and the United Kingdom.
43. Mr McGregor's evidence stated that existing and planned infrastructure will support the development of the PC 91 site and he supported the proposed precinct provisions which would require connection to a wastewater network and adherence to stormwater management objectives. He confirmed that reticulated water and utilities are already available.
44. With regard to stormwater Mr McGregor advised that servicing is governed by the Auckland Network Discharge Consent, with a Stormwater Management Plan (**SMP**) framework in place. Overall, he was of the view that the provisions within PC 91 are considered adequate for rezoning and development of the site.
45. Mr McGregor presented rebuttal evidence addressing stormwater matters raised by Healthy Waters in the hearing report.

Bryce Powell (planning).

46. Planning evidence was presented by Bryce Powell who is a qualified planner with 23 years experience. Mr Powell stated that he relied on the expert evidence presented by the Requestor's experts and that he supported the provisions of the precinct plan subject to a number of amendments recommended in response to matters raised in the hearing report.
47. Mr Powell's evidence addressed the higher order planning instruments including all relevant national policy statements, the Auckland Regional Policy Statement, the National Emissions Reductions Plan and Climate Adaptation Plans and Part 2 of the RMA.
48. Rebuttal evidence was also presented addressing transportation modelling, stormwater attenuation and matters raised in submitter evidence and the hearing report addendum.

Submitters Evidence

Sarah Fisher

49. Ms Fisher lives at 32 Ronald Avenue and adjoins the PCA on its south western boundary. She advised us that she has lived at the current address for at least 12 years.
50. Ms Fisher's primary concern related to flooding issues, and she stated that she did not want flooding on her site to get worse following residential development. She also stated that she preferred single storey dwellings against the shared western boundary to avoid unnecessary shading and dominance.

Ian Smith (for Glenbrook Beach Residents Association)

51. Mr Smith advised us that he was the Secretary of the Glenbrook Beach Residents Association and he stated that he had concerns regarding the implementation of Medium Density Housing Standards (**MDRS**). While it was pointed out to Mr Smith that Glenbrook Beach was not included in the Council plan change that provided for MDRS he expressed concern that terrace housing development could be established under the requested zoning and that this would be incompatible with current residential development in the community.
52. In answer to our questions, Mr Smith stated that most dwellings at Glenbrook Beach were occupied permanently (as opposed to holiday homes) and that he wanted to retain the low density "look and feel" of the existing settlement.

Ben Ross

53. Ben Ross is a resident of Glenbrook Beach and lives and works with his family in the recently established Kahawai Point development. Mr Ross stated that he is a qualified and experienced planner and spatial planner with experience in both the public and private sector but was providing evidence in his capacity as a local resident.
54. Mr Ross took us through the recommended amendments he sought to the precinct provisions which focussed on triggers for the provision of public transport and to provide for pocket parks within the PCA when the land is developed.
55. Mr Ross also suggested that three storey mixed use development could be enabled along the McLarin Road frontage to offset any loss of development area used to create the recommended pocket parks.

Aaron and Elizabeth Yorke

56. Aaron and Elizabeth Yorke reside at 140 McLarin Road which is a 3082m² residential property adjoining the PCA at the south eastern corner. Mr and Mrs Yorke were represented by Nick Williamson who is a strategist & spatial planning consultant and planner.

57. The Yorke's submission sought that the property at 140 McLarin Road be included in the plan change request and it is also zoned FUZ. The evidence of Mr Williamson stated that the Yorke's site aligned with the strategic goals of the proposed structure plan and was consistent with the objectives of the proposed precinct plan. In terms of infrastructure Mr Williamson stated that three waters infrastructure can be provided and extended into the Yorke's property and that inclusion of the site in the PCA would not create any additional transportation issues.
58. Mr Yorke also provided verbal evidence clarifying that the dwelling was built in the 1930s by the Lowe Family and the mature trees present were planted by Mrs Lowe.

Tabled Evidence

59. We received three briefs of tabled evidence.

Auckland Transport

60. Auckland Transport (**AT**) submitted a letter from Robbie Lee – Planner: Spatial Planning Policy Advice stating that AT was supportive of the Request subject to the amendments sought by the Council via the hearing report.
61. AT stated that a roundabout and pedestrian crossing on McLarin Road needed to be expressly stated within the policies, and assessment criteria of the Glenbrook 4 Precinct to ensure that the necessary transport infrastructure is in place at the time of the development of the precinct. The letter stated that this approach avoids any potential risk of the construction of the roundabout and pedestrian crossing on McLarin Road being delayed or not aligning with the development of the Glenbrook 4 Precinct.

Kahawai Points Development Limited

62. We received tabled evidence from Ian Smallburn on behalf of Kahawai Point Development Limited. Mr Smallburn is a qualified and experienced planner with 23 years experience.
63. He advised that the submitter supports the Request subject to the suggested recommendations and changes set out in the hearing report.

Watercare Services Limited

64. We received a letter from Mark Iszard who is Head of Major Development at Watercare Services Limited. The letter states that there is adequate bulk water supply to service development on the PC 91 land and that the Southwest Servicing Scheme is required to be operational before any new connections to the PCA can be approved.
65. The letter states that the precinct plan provides adequate provisions and triggers to ensure that there would be no development or subdivision prior to the availability of the bulk wastewater infrastructure required to service the development of PC 91.

Council Response

66. We allowed the Council the opportunity to respond to the evidence presented and advise us of any changes to conclusions and recommendations. We received the following verbal responses.

Transportation

67. The Council transportation assessment was provided by Wes Edwards who is a qualified and experienced traffic engineering consultant. Mr Edwards raised concerns regarding the adequacy of the intersection leading into Glenbrook Beach at Mission Bush Road and was of the view that it should be upgraded based on modelling data regarding expected use once the land was developed.
68. He advised us that a “transformational” upgrade such as a roundabout was needed.
69. Mr Edwards stated that he supported the creation of a roundabout and pedestrian crossing on McLarin Road and that it should be shown on the precinct plan.
70. Mr Edwards advised that the establishment of a public transport bus service was unlikely and that for this reason Glenbrook Beach was a poor location for urban growth.

Healthy Waters

71. Healthy Waters were represented by Kelly Seekup (consultant planner) and Lisa Dowson (consultant engineer). Their response to the evidence was that likely communal stormwater devices (including size and type of device) needed to be identified and shown on the precinct plan.

Ecology

72. Jason Smith is an experienced and qualified ecological consultant for the Council and was responsible for the Council ecological assessment of the Request. He advised that he wanted to see all wetlands identified within the PCA on the precinct plan including those that might only be “indicative” at this stage. He stated that confirmation on actual wetland status can be confirmed at development stage and subject to relevant provisions of the National Environmental Standards – Freshwater.

Parks

73. Comment on behalf of the Council Parks and Community Facilities was provided by Andreas Lilley who is an experienced and qualified consultant parks planner. Mr Lilley stated that he supported the Request but wanted to see a park edge road adjoining the identified riparian areas or (as a minimum) a joint owned access lot with pedestrian access.

Planning

74. Ms David provided concluding remarks as planner and author of the hearing report. She stated that she continues to rely on the specialist assessments of the Council experts and supported the inclusion of the indicative wetland on the upper portions of the site for the same reasons as set out by Mr Smith. She advised us that following the evidence of Mr and Mrs Yorke, she stated there was still insufficient assessment provided to support the inclusion of 140 McLarin Road in the Request.

Requestor's Reply

75. Following the response from the Council, the Requestor sought an adjournment to provide a written right of reply and offered to engage further with Council officers on the outstanding matters in contention relating to stormwater, intersection upgrades and the issue of density enabled under R-MHS Zone.
76. We agreed and we received the Requestor's right of reply on 22 December 2023.
77. The reply addressed dwelling typology and the potential for multi-unit terrace housing developments which many submitters considered to be out of character with the existing intensity and housing typology at Glenbrook Beach. Mr Sadlier states:

In particular, there appeared to be a concern that repeated blocks of three terraced houses might be constructed as a permitted activity pursuant to the provisions of the MHS Zone, with no or limited design oversight to ensure development was sympathetic to the character and scale of Glenbrook Beach.⁶

78. In response to the evidence that raised these concerns the Requestor proposes that the precinct provisions be modified such that consent is required whenever three dwellings or more are proposed per site (as opposed to four dwellings in the R-MHS Zone). Mr Sadlier stated that this means that in the event that a vacant site subdivision of the PCA were undertaken, that only detached dwellings or at most duplexes could be constructed on any site as a permitted activity.
79. With regard to indicative wetlands, Mr Sadlier stated that the Requestor disputes that there is a qualifying wetland in the north eastern end of the PCA and opposed any inclusion of it as an "indicative wetland".
80. In response to matters raised by Healthy Waters the Requestor submits that requests sought were unnecessarily specific but proposes to include a plan showing the relevant sub-catchments, together with indicative volumes of the proposed communal attenuation basins in tabular form.

⁶ Right of reply submissions para 3.2

Witness Caucusing

81. Associated with the Requestor's right of reply, a joint witness (**JWS**) statement of transportation experts (Council and Requestor) was submitted. That JWS reported agreement between the witnesses as follows:
- (a) The forecast performance of the Mission Bush Road / Glenbrook Waiuku Road intersection is within normal and acceptable ranges for peak-hour performance for the 2031 plus PC 91 scenario; and
 - (b) That an upgrade of the Mission Bush Road / Glenbrook Waiuku Road intersection is not required as a result of PC 91 and should not be a pre-requisite for development pursuant to PC 91.
82. This JWS was provided with a Council addendum report following the Requestor's right of Reply.

Council Addendum

83. Ms David supplied us with an addendum to the hearing report which to the JWS from the transportation experts.

FINDINGS AND REASONS ON THE PLAN CHANGE REQUEST

84. The following section addresses our overall findings on PC 91 and why we have approved it; having heard and considered all of the material and evidence before us.
85. We had extensive evidence before us, with parties requesting a number of specific changes to the precinct provisions. Many of these were addressed by the Requestor's planner and we appreciated the input into these provisions from submitters and Council officers. At the time of writing this decision, the provisions of the proposed precinct are mostly settled between the Council and Requestor. We have taken these provisions into account as part of our overall assessment and reasoning for our decision.
86. We address the submissions received to PC 91 and the relief sought in those submissions. In this respect, in accordance with Clause 10(2) of the RMA, we have grouped together those submissions under the headings that were used in the hearing report for consistency.
87. We also note that we must include a further evaluation of any proposed changes to the Plan Change arising from submissions; with that evaluation to be undertaken in accordance with section 32AA of the RMA. With regard to that section, the evidence presented by the Requestor, Submitters and Council Officers, effectively represents that assessment.

The Reason for the Plan Change

88. We accept the Requestor's rationale for seeking to change the Unitary Plan and rezoning of the site from FUZ to MHS Zone. This was detailed in the Request, evidence and the legal submissions.

89. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and the Council officers' response to questions, our findings and reasons are set out below.

Proposed Structure Plan

90. While the PCA land at Glenbrook Beach is zoned FUZ, it is not subject to a current structure plan. As we have described earlier in this decision, it is a requirement under the RPS that any new or significant expansions of existing rural and coastal towns and villages only be pursued through the structure planning and plan change processes in accordance with Appendix 1 Structure Plan Guidelines. The Requestor has prepared a Structure Plan to support the plan change request and this was submitted with the Request and forms part of the documents that were notified along with the plan change request.
91. The Structure Plan states that while it is not a precise blueprint for growth, it is anticipated that growth will be in general accordance with the Structure Plan and Structure Plan map. The Structure Plan is supported by a range of technical engineering, archaeological, economic, landscape/urban design, transportation, economic and cultural assessments. These assessments are also relied upon for the plan change request. The Structure plan concludes that:

... the Structure Plan provides a framework for growth at 80 McLarin Road that is consistent with all technical investigation and reports, and relevant district and regional objectives and policies and desired outcomes.

92. Ms David has provided comments on the merits of the structure plan in paragraph 192 of the hearing report and states:

A structure plan was provided with the plan change, and in my opinion this has generally followed the structure planning guidelines, although further information is requested in relation to some of the technical reports provided e.g. Stormwater Management Plan (SMP).

Finding

93. As will be set out in our findings to follow regarding stormwater effects and the SMP, the Requestor has provided additional information and assessment on these matters. On that basis, it is our finding that the Structure Plan has been prepared with sufficient detail to address matters set out in the structure plan guidelines of the RPS. In making this finding we note that the proposed structure plan is somewhat light in the assessment detail and only addresses the land subject to the proposed plan change request. However, we are satisfied that in this case the structure planning assessment need only address that land being rezoned and that the plan change request itself proposes a single residential zoning already provided for within the Unitary Plan. In that regard we are also satisfied that the detail provided is sufficient and fit for purpose to satisfy the direction of the RPS.

Proposed Zoning Framework

94. Under the Government's National Policy Statement on Urban Development (**NPS:UD**) the Council is required to incorporate the Medium Density Residential Standards (**MDRS**) that enable three storey housing in relevant residential zones in urban Auckland via an Intensification Planning Instrument (**IPI**). This has been incorporated into Proposed Plan Change 78 to the Unitary Plan which applies to residential areas across the Region. However, we are advised that the IPI is not required to include existing settlements with a population of less than 5,000 residents.

95. In particular, the RMA definition of 'relevant residential zone' specifies in section 2 of the RMA is:

relevant residential zone—

(a) means all residential zones; but

(b) does not include—

(i) a large lot residential zone:

(ii) an area predominantly urban in character that the 2018 census recorded as having a resident population of less than 5,000, unless a local authority intends the area to become part of an urban environment: [emphasis added]

(iii) an offshore island:

(iv) to avoid doubt, a settlement zone.⁷

96. The council's PC78 response to MDRS requirements includes removing the application of the Residential – Single House Zone (**R-SH Zone**) and MHS Zone from within the urban environment, replacing it with either the Low Density Residential Zone (**LDRZ**), Residential - Mixed Housing Urban Zone (**R-MHU Zone**) or Terrace Housing and Apartment Buildings (**THAB**) Zone. These relevant residential zones incorporate MDRS into them.

97. We confirm that PC 78 does not apply to Glenbrook Beach as its population is below 5,000 residents⁸. As a consequence of this, current operative residential zones including the R-SH Zone and R-MHS zone have been retained for small settlements such as Glenbrook Beach. Accordingly, as the current residential zoning of Glenbrook Beach consists of R-SH Zone this zoning has been retained through PC78. We also note that PC 78 does not propose any changes to the current Glenbrook 3 precinct or the FUZ Zone that applies to the PCA land.

⁷ RMA Section 2 Interpretation

⁸ The hearing report notes that the population of Glenbrook Beach was 2,193 in the 2018 census (see paragraph 250)

98. Despite there not being any requirement for intensification under the IPI, the Requestor has sought a R-MHS Zone which is a more intensive residential zoning than the R-SH Zone which currently applies to the entirety of Glenbrook Beach. This was a matter that was raised in submissions and the evidence of the Glenbrook Residents Association. In particular these submitters were concerned that the low-density residential character of Glenbrook Beach would be undermined by the potential enablement of terrace housing and multi-unit housing under the R-MHS Zone.
99. We were advised by the planning witnesses that the R-SH Zone provided for a single dwelling on a site with a net site area of 600m² whereas the R-MHS Zone had no density requirements and that three dwellings on a site were permitted and that four or more dwellings was enabled subject to a resource consent for a restricted discretionary activity.
100. This potential outcome appeared to be reinforced by a sketch plan included in Mr Coles' urban design evidence which appeared to show multi-unit or terrace housing typologies in the vicinity of the Business – Neighbourhood Centre Zone and on the opposite side of McLaren Road.
101. We have similar concerns regarding the intensity enabled under a R-MHS zoning and asked questions of Mr Coles and Mr Powell on why a more intensive zoning had been chosen, given there was not a requirement to intensify Glenbrook Beach under PC 78.
102. In response, Mr Coles stated that the market conditions would likely produce a density similar to what is currently at Glenbrook Beach but Mr Powell conceded that terrace-housing or multi-unit development was possible and enabled. He added that if the Request was approved it was likely that sites would be developed comprehensively and that it was unlikely that individual sites, allowing up to three dwellings to be erected as a permitted activity, would be created. We asked the Requestor to consider this matter in the reply submissions and invited the Requestor to revisit the Precinct Provisions and Precinct Plan to identify specific parts of the site where, if any, denser development such as terraced housing may occur and whether this was justified in this locality.
103. In reply submissions the Requestor submitted that should terraced housing be proposed on the site, that this should be subject to the resource consent process and the design scrutiny that goes along with that process under the provisions of the R-MHS Zone. However, to avoid terrace house being built as of right up to three dwellings on individual sites, the Requestor proposed an amendment to the precinct provisions that reduced the number of permitted dwellings per site from three to two dwellings. The Requestor stated that this would mean that if a vacant site subdivision were to occur, then detached dwellings, or at most duplexes, could be constructed on any site as a permitted activity.

Finding

104. We accept that the residential market is likely to be the primary determinant for density at Glenbrook Beach should a R-MHS Zone be approved and this may well

continue to deliver single stand-alone dwellings on relatively generous sized sites. That's said, the Panel is of the view that it is possible that these signals may be misinterpreted or ignored by developers resulting in development that goes against the grain and character of residential development at Glenbrook Beach. On the other hand, we are also cognisant that the intensification principles enshrined in NPS-UD still apply to settlements like Glenbrook Beach even if it is not directly mandated to intensify through instruments like PC 78.

105. In this regard we agree with Mr Coles that there may be suitable opportunity to provide some higher density residential typologies in locations opposite the Business – Neighbourhood Centre and adjoining the main transport thoroughfare of McLarin Road. We also note that Mr Ross also supported higher intensity in this locality. In that regard, we agree that such higher intensity development should only be achieved through a resource consent process.
106. We considered this matter very carefully including the arguments for and against intensity of residential development and how this could be enabled to be finely balanced. Rather than adopting a lower intensity zone (i.e. the R-SH Zone) we prefer the compromise solution presented to us by the Requestor. We therefore adopt the approach taken by the Requestor in its reply submissions to rezone the site R_MHS Zone and include a specific precinct provision that reduces number of permitted dwellings on a site from three to two.

Inclusion of 140 McLarin Road in Plan Change Request

107. The Yorke's submission sought that the property at 140 McLarin Road, which is also zoned FUZ, be included in the plan change request. This property is located at the south eastern corner of the site and has an area of 3082m² and contains a single dwelling which the submitters state was erected circa 1930s. The evidence of Mr Williamson was that the site was a natural addition to the PCA and could easily be serviced by three waters infrastructure in a manner similar to the rest of the PCA. His evidence also addressed roading access and transportation matters, environmental and ecological matters, urban design and cultural effects. He also included a brief s32AA assessment to support his conclusions.
108. In the hearing report, Ms David stated that there was "merit and logic" to including this property in the Request but was reluctant to support the inclusion of the property based on High Court case law⁹ which set out that at least one of the following limbs must be satisfied:
 1. The submission must address the proposed plan change itself, that is it must address the alteration to the status quo which the change entails; and
 2. The council must consider whether there is a real risk that any person who may be directly or potentially directly affected by the decision sought in the

⁹ Palmerston North City Council v Motor Machinists Ltd [2013] NZHC 1290, at [80] - [82]

submission has been denied an effective opportunity to respond to what the submission seeks.

109. Ms David stated:

It is up to the Hearing Commissioners to determine whether this submission is within scope of the plan change. If the Hearing Commissioners consider that this submission is in scope, and the submitter provides a section 32/32AA evaluation to support their request to rezone the site. If the submitter is able to provide the necessary evaluation to support their request and any other necessary supporting evidence, I would be open to supporting this submission request.¹⁰

110. In her addendum report, Ms David acknowledged the evidence of Mr Williamson but added that there were no technical assessments provided to support his conclusions or an assessment against the provisions of the Unitary Plan or RPS. She concludes that she is still unable to support the submission due to a lack of supporting technical information.

111. We have considered the evidence of Mr Williamson and the evidence of the Requestor as it would relate to the property at 140 McLarin Road and consider that many of the conclusions of the Requestor's technical assessments could equally apply to this site. We also consider this site to be similar in characteristics to the adjoining PCA land. We also recognise that if this land were to be included in the Request and rezoned, the Council would still retain a substantial level of discretion under the Unitary Plan provisions that would apply at the subdivision or development stage to address any site specific matter that may arise. In that regard we are satisfied that at least one (or even both) of the limbs from the High Court case cited by Ms David are met.

Finding

112. We find that there are sufficient grounds and assessment to include the property at 140 McLarin Road in PC 91 and that there has been sufficient assessment under section 32AA of the RMA to justify its inclusion.

Environmental Effects of the Plan Change

113. The proposed R-MHS Zone and its rules and standards, together with the proposed rules and standards in the proposed precinct provisions have actual or potential adverse effects on the environment. These effects were extensively canvassed in the Requestor's evidence, the hearing report and expert evidence of submitters.

Ecological Effects

114. There was agreement between the ecologists Ms Willmore for the Requestor and Mr Smith for Council, that the onsite ecological values at 80 McLarin Road are low and degraded. The site is characterised by grazed pasture with a lack of indigenous

¹⁰ Hearing report Paragraph 747

vegetation and contains approximately 500m of intermittent stream reaches and three wetland areas.

115. In terms of terrestrial and freshwater ecological effects, the AEE concluded that the plan change will recognise and protect the ecological values on the site and provide for their enhancement during subsequent subdivision and land use resource consent stages.
116. Mr Smith stated that PC 91 can adequately address potential ecological impacts with the qualifier that the plan change include a precinct plan mapping all wetlands and streams on the site. He also noted some small technical details to improve the provisions relating to planting densities and setbacks for riparian margins. These amendments were all accepted by the Requestor. Between them, the planners for the Requestor and Council further agreed some tidying up of wording around riparian setbacks and the use of “indigenous” instead of “native” where relevant in the provisions for consistency and better alignment with the National Policy Statement–Indigenous Biodiversity (**NPS-IB**).
117. Overall, we are satisfied that that ecological effects can be adequately managed under the provisions of the Unitary Plan, with the addition of the proposed site-specific precinct objectives, policies and standards. These will provide for the planting of native riparian buffers, maintenance and enhancement of the freshwater values of intermittent streams and wetlands within the precinct, enhancement of biodiversity, and the management of stormwater at source through water sensitive principles, prior to discharge into existing watercourses. At the consent stage, the National Policy Statement: Freshwater Management 2020 (**NPS:FM**) and National Environmental Standard: Freshwater (**NES:F 2020**) will also be applied alongside the effects management hierarchy, to avoid, remedy or mitigate adverse effects on identified streams and wetlands.
118. The only outstanding area of disagreement between Ms Willmore and Mr Smith was whether the potential wetland in the northern corner of the site should be included in the Precinct Plan map. This is discussed further in stormwater section of this decision.

Finding

119. Our finding is that that the proposed precinct provisions, including riparian enhancement and management of stormwater quality, will improve ecological values within the site and the aquatic receiving environment.

Geotechnical Effects

120. The key findings from the Preliminary Geotechnical Assessment Report prepared for the Request are¹¹:

Based on our analyses and prevailing site conditions, potential geotechnical hazards on this site including coastal erosion, slope

¹¹ Preliminary Geotechnical Assessment Report (2021); Lander Geotechnical Consultants Ltd), Sections 1 and 8

*instability, liquefaction susceptibility, tsunami and earthquake risks are considered to be of **low risk** for this site. Volcanic risk should be considered and mitigated on a regional level.*

However, there is softer ground in the lower lying (southern) portion of the land holding and consolidation settlement of these deposits induced by applied surcharges from future development may present geotechnical constraints. This will not preclude development from occurring over this area, but will require further site investigations and engineering design at the time of a future Resource Consent.

Land modifications to create a future subdivision remain to be seen, however with appropriate engineering it is foreseeable that such works will not adversely affect prevailing conditions (and therefore should introduce no additional geotechnical hazards).

Overall, it is considered that 80 McLarin Road is suitable for the PPC and residential intensification / development. Precedence in the area has been set via intensive development to the north in the adjacent Kahawai Point, and other residential developments in South Auckland in similar geology.

The geotechnical hazards identified in this report, in particular the potential for consolidation settlement to be induced from imposed development surcharges, can be addressed and resolved {where required} in due course through appropriate site investigations and geotechnical design as part of the Resource Consent process.

121. The AEE summarises geotechnical effects as follows¹²:

The geotechnical investigation report concludes that, with appropriate engineering design measures, the identified geotechnical conditions that form the base of the geotechnical assessment should not constrain future development (density or type of land use).

Potential geotechnical issues can be identified during detailed/ more specific investigation at the time of subdivision and development. This will ensure that any potential geotechnical issues can be avoided, remedied or mitigated to a no more than minor level through the Resource Consent and Building Consent processes.

122. The Council in the hearing report relies on the advice of the preliminary geotechnical study and Ms David states:

At this stage the preliminary assessment is sufficient and confirms that geotechnical issues can be resolved through appropriate design methodologies, commensurate with development and earthworks

¹² AEE, Section 8.6

*plans as part of the resource consent process when detailed design and more specific investigations will be undertaken.*¹³

Finding

123. We find that, based on the advice of the preliminary geotechnical study, the land at 80 McLarin Road is suitable for future development allowed by the plan change. Geotechnical issues can be resolved through appropriate design methodologies, commensurate with development and earthworks plans as part of the resource consent process when detailed design and more specific investigations will be undertaken.

Contamination Effects

124. Contaminated land investigations have been undertaken across the plan change area and are documented in a Preliminary Site Investigation (**PSI**) Report¹⁴.
125. The PSI Report notes that it made a Contaminated Land Enquiry (**SCE**) to Auckland Council. The Council's response (September 2021) indicated that the sites adjacent to the northern end of the property have been used for horticultural activity. The site may thus have been subject to spray drift from pesticide use. However, no other potentially contaminating activities were identified.¹⁵
126. The PSI report states that the following activities listed on the HAIL (**Hazardous Activities and Industries List**)¹⁶ may have impacted the site:
- *HAIL ID H: Any land that has been subject to the migration of hazardous substances from adjacent land in sufficient quantity that it could be a risk to human health or the environment.*
 - *The sites adjacent to the northern end of the property were historically used for horticultural purposes, therefore the site may have been subject to spray drift during pesticide application on this neighbouring property.*
 - *HAIL ID I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.*
 - *Agrichemicals, in particular superphosphate fertiliser, are likely to have been applied to the site to support use as grazing land. Cadmium is often co-located with the source of superphosphate fertiliser, resulting in a build-up of cadmium in soils where superphosphate fertiliser is regularly applied.*

¹³ Hearing report paragraph 412

¹⁴ Preliminary Environmental Site Investigation - 80 McLarin Road, Glenbrook, 2021, ENGEO

¹⁵ Preliminary Environmental Site Investigation - 80 McLarin Road, Glenbrook, 2021, ENGEO, page 6

¹⁶ HAIL; MfE, 2011

127. The PSI concludes:

For either HAIL IDs H or I to apply to the site, the contaminant concentrations must be at levels that pose an unacceptable risk to human health or the environment. Based on our experience on similar sites, it is unlikely that contaminants from one or both of the above HAIL land uses are present in site topsoil above standard residential Tier 1 human health criteria. As such, the site is not considered to meet the NES definition of a “piece of land” on which an activity or industry described in the HAIL is being undertaken, has been undertaken or is more likely than not to have been undertaken (MfE, 2012).

Therefore, the NES does not apply to the proposed land use change, or future subdivision and soil disturbance works associated with redevelopment activities.

Contaminants may be present in topsoil above regional background levels, meaning that topsoil excavated from site could not be disposed as cleanfill or re-used on another earthworks site without Auckland Council approval. It is recommended that prior to or as part of future redevelopment works, a Suitably Qualified and Experienced Practitioner (MfE, 2012) is engaged to sample topsoil for laboratory analysis of heavy metals / metalloids and organochlorine pesticides at a minimum rate of 1 per 1,000 m³ of topsoil to be disturbed. These data shall be used to assess disposal and re-use options for excess topsoil generated during the redevelopment works.

128. The AEE summarises soil contamination as follows¹⁷:

Based on the Preliminary Environmental Site Investigation (PSI) of the site undertaken by ENGEO Ltd at 80 McLarin Road including a desktop study and site walkover, there is no evidence that the PPC land area contains elevated levels of contaminants that would prevent or hinder the use, subdivision and development of the land for residential purposes.

These reports have taken into account the historic horticultural use which may have used spraying to remove pest plants. A detailed investigation will be completed at the integrated land use and subdivision consent stage.

There are no triggers for National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NESCS'), Chapter E30 of the AUP, as the site is not identified as a HAIL site in the council system. As stated above, if detailed site investigation identifies it as a HAIL site, appropriate consents will be sought at resource consent stage with appropriate contamination

¹⁷ AEE Section 8.7

remediation to be undertaken (if required) during the earthworks phase of any future land development projects.

129. As with the geotechnical assessment the Council relies on the assessment and conclusions of the PSI provided with the Request. Ms David states that:

that any potential risk to human health can be appropriately managed, through any requirements at the consenting stage if needed.¹⁸

Finding

130. We find that, based on the PSI, that any potential risk to human health associated with past soil contamination can be appropriately managed, through relevant requirements at the consenting stage.

Stormwater, Water Quality and Flooding Effects

Stormwater

131. A Stormwater Management Plan (**SMP**) was provided with the lodged plan change and updated through the applicant's clause 23 response. The Requestor states it intends that the SMP be adopted into the Auckland Council Healthy Waters Regional Stormwater Network Discharge Consent (**NDC**).¹⁹
132. The Requestor's description of stormwater runoff effects and water quality are summarised as follows ²⁰:

A careful consideration of stormwater management has been undertaken across the PPC land and a strong framework for management is proposed that aligns with the recommendations from the Iwi and guidance from Council. The ability to address this development under the NDC using the SMAF 1 overlay will enable water sensitive development that will not compromise the surrounding natural environment and its ecological functions.

It is considered that a mixture of detention and retention measures will adequate 'throttle' the rate of run-off from new impervious surfaces to the southern corner of the site, which is low lying and prone to flooding during high-intensity rainfall events. This corner of the site is identified on Council's Geomaps as being within both a 1% AEP floodplain and within a Coastal Inundation 1 % AEP overlay (both 1m and 2m sea level rise).

The site currently drains to through culvert prior to discharging to the Manukau Harbour. The SMP concludes that stormwater runoff from development that is typical of the MHS zone, can be mitigated on site without worsening the flood hazard for the low-lying residential properties on Ronald Road or requiring the culvert to be upgraded.

¹⁸ Hearing report paragraph 419

¹⁹ para 441 s42a Report

²⁰ para 8.9 Assessment of Environmental Effects , HG 8 July 2022

On this basis it is considered that stormwater from the impervious surfaces associated with urban development can be controlled and managed and no significant adverse effects are likely to result from development enabled by the MHS zone.” The AEE also notes that the council can review the appropriateness of stormwater measures during the resource consent process. Furthermore, the Council can review the appropriateness of stormwater measures during the resource consent process. ¹³⁵

133. With regard to funding implications for stormwater infrastructure the applicant stated:²¹

Due to the proximity of the site to Manukau Basin and no existing service connections, upgrades will be required. New assets to service the underlying lot will be subject to works proposed in future subdivision applications independent of plan change. ¹³⁶

Council review

134. Healthy Waters reviewed the stormwater aspects of the plan change on behalf of Auckland Council by way of technical review by Kelly Seekup (consultant planner) and Sarah Basheer (consultant engineer) and reported on this in the s42A report . They had concerns with certain aspects of the Request and the SMP provided by the applicant. These concerns relate to the treatment of stormwater and effects on water quality, and effects of flooding and stormwater runoff on downstream properties (i.e. Ronald Avenue) and the sensitive receiving environment. The latter being an adverse effect raised by several submitters. They stated that their concerns could generally be addressed by additional information and/or amendments to the precinct provisions.
135. Ms Seekup and Ms Basheer considered it is essential to ensure that stormwater effects are fully understood, and that the plan change demonstrates that adverse effects can be appropriately avoided or mitigated and that the mitigation measures proposed are feasible. They both agreed that these matters need to be addressed at the plan change stage rather than left to the resource consent stage so that potential development on the site is considered as a whole, and to ensure the precinct provisions proposed are appropriate.
136. Ms Seekup and Ms Basheer made a number of recommendations and amendments to the precinct provisions and further information required in the SMP.
137. Our understanding is that the recommended amendments to the precinct provisions from the S42A report were implemented to the satisfaction of Healthy Waters as at 9 November 2023, with the exception of those for stormwater attenuation infrastructure.
138. This matter was set out in Council’s Addendum Hearing Report via the reporting of Healthy Waters stormwater experts Kelly Seekup and Lisa Dowson who considered

²¹ Technical Memo Infrastructure- Clause 23 response HG 21 October 2023

that if the Requestor did not provide at the hearing details of attenuation to be provided a separate standard for stormwater attenuation was required.

139. Our understanding of the various components of stormwater together with discussion of relevant submissions, Council peer review comments and the Applicant's proposed provisions are set out below.

Stream hydrology

140. Ms Basheer supports the introduction of the SMAF1 Control to the entire plan change area and considers it will provide appropriate hydrology mitigation to retain base flow and reduce the risk of scoring the wetlands and streams. No amendments are recommended in relation to this.²²

Stormwater devices

141. Ms Seekup and Ms Basheer recommend the SMP is updated stating:

Stormwater devices can have multiple functions covering water quality treatment, retention and detention for hydrology mitigation, as well as flood attenuation. Therefore, the Applicant's SMP needs to clearly state the target performance requirements and intended catchment areas to be serviced by the proposed basins, rain gardens and swales, in addition to the costs and feasibility to operate and maintain the proposed stormwater devices from a lifecycle costing perspective, as raised by Auckland Transport in their submission, to ensure that effects will be able to be practically mitigated.²³

142. The Applicant shows indicative locations of communal stormwater devices on the precinct plan. The Applicant commented on this matter as follows²⁴:

These are to be located upstream of the known wetland features on the site, to ensure that wetland hydrology can be maintained. This approach also provides greater certainty regarding the stormwater strategy, and in particular the desirable outcome of providing fewer and larger communal devices within the PPC 91 area. This assists to avoid a proliferation of smaller devices with more complex requirements regarding maintenance and life cycle costs associated with the devices.

However, it is proposed to defer provision of detailed information of the size of these devices as this cannot be realistically confirmed until such time as a specific development layout is available. Information regarding indicative sizing was provided for in the SMP supporting the plan change, however some flexibility needs to be retained to address specific needs.

²² s42A report, at [451]

²³ s42A report, at [452]

²⁴ Opening Legal Submissions of Applicant, at [5.1]

143. The Applicant has subsequently provided in the closing statement an image in the provisions in IXXX.11 Appendix 1²⁵ which shows indicative device sub-catchments and indicative volume of the proposed communal attenuation basins.

Water quality – treatment of stormwater

144. Stormwater runoff from the watercourses in the southwestern corner of the site currently drain into the Waiuku River inlet of the Manukau Harbour. This is a sensitive receiving environment and it is identified in the Unitary Plan as a Significant Ecological Area - Marine (**SEA-M**) Overlay. Therefore, appropriate on-site treatment is required before being discharged, in order to avoid and/or mitigate adverse water quality effects.
145. Ms Seekup and Ms Basheer considered the existing Unitary Plan provisions are not adequate to manage these potential water quality effects and recommend the applicant provide additional precinct objectives, policies, rules and assessment criteria if the SMP is not adequately updated. In addition to this Ms Seekup and Ms Basheer recommend further amendments be also made to the precinct provisions and provide suggested wording for these.²⁶ The recommended further amendments were included with the s42A report and agreed to by the Applicant and are included in Standard IXXX6.5- Stormwater quality in the Applicant's final recommended provisions.

Flooding and stormwater effects on downstream properties (i.e. Ronald Avenue)

146. Ms Seekup and Ms Basheer identified within the s42A report a number of issues on this matter including what they consider to be inconsistencies within the SMP. To resolve their concerns they recommended that the Requestor adopt either of the following two options²⁷:

Appropriately robust precinct provisions (objectives, policies, standards) to ensure that downstream flood impacts and adverse effects on the receiving environment will be avoided and or mitigated at the Resource Consent/development stage, addressing the full plan enabled development and effects to ensure certainty of attenuation/mitigation at a catchment level

147. The above issue was re-iterated in Council's Addendum Hearing Report via the reporting of Healthy Waters stormwater experts Kelly Seekup and Lisa Dowson as previously described above.
148. The option above has not been provided to the satisfaction of the Council reporting officers and experts. However another option has been implemented by way of a standard prepared by the Council (IXXX.6.6 - Stormwater attenuation), to ensure stormwater attenuation infrastructure is in place at the time of development and that

²⁵ We note that the reference for this plan should be Appendix 2 as the precinct already has an Appendix 1.

²⁶ s42A report, at [453]

²⁷ s42A report at [455]

flooding risks are not exacerbated downstream. This standard is included with some additions and refinements subsequent to that initially recommended by Council.

Submissions

149. In relation to stormwater matters, submissions raised the following issues:
- 80 McLarin Road appears to be susceptible to flooding;
 - recent weather events are likely to become more frequent;
 - concern about how runoff from development of the plan change area will affect properties already affected by such issues;
 - the existing stormwater system is inadequate with flooding issues on Ronald Avenue and request for a thorough upgrade and effective stormwater plan;
 - there is a need to provide necessary infrastructure upgrades (e.g. culvert upgrades) to mitigate adverse stormwater runoff effects on Ronald Avenue and the safe, effective and efficient use and operation of this road;
 - stormwater provision needs upgrading as high density housing will mean that the houses on the beach will be flooded with the volume of water coming off the new development;
 - the contours of the plan change area (sloping towards Glenbrook Beach residents) already contributes to flooding and developing the site is a future safety hazard.
 - Auckland Transport requests that the proposed precinct provisions area amended to *include objectives, policies, and rules relating to stormwater including to address whole of life costs and effectiveness of treatment over time associated with publicly vested stormwater assets (as a matter for discretion and policy).*
150. In addition to the matters raised in submissions, the Franklin Local Board expressed concern about the adequacy of stormwater infrastructure and the existing runoff issues for Ronald Avenue.
151. While they did not appear at the hearing, the matters addressed in the Ngati Te Ata Cultural Impact Assessment (**CIA**) relevant to stormwater are summarised as follows.²⁸
- a. The mixing of waters can adversely affect mauri (lifeforce), and Ngati Te Ata advocate for the highest level of stormwater treatment before being discharged into waterways. The mauri, and life supporting capacity of all-natural waterways and the food producing capacity of natural waterways

²⁸ s42 Report, at [566]

(including wetlands) should be protected and enhanced. Water should be conserved and used efficiently. Water sensitive design and stormwater flow quantity and control mechanisms can effectively mitigate cultural impact issues. Ngati Te Ata recommend a number of methods including the use of rain barrels and cisterns, permeable pavement, tree pits, vegetated swales, rain gardens, wetlands.

- b. Intermittent Streams: The removal of a portion of a stream could have adverse cultural effects, affecting waiora (life-giving properties water provides) and permanently removing its mauri (life force). The holistic Māori view of the connectivity between life systems means that the negative loss of one system is likely to impact on another or other systems. Intermittent streams have ecological and hydrological significance and provide the same functions as perennial streams. Ngati Te Ata consider that active streams should be retained where possible, but recognise that in some cases intermittent streams can be lost where appropriate mitigation takes place. Ngati Te Ata states they would only support the removal of an intermittent stream if other options have been fully explored.

152. The stormwater matters raised in the Ngati Te Ata CIA have been proposed to be addressed by way of standards for stormwater treatment in the proposed precinct provisions and retention of intermittent streams as shown in the proposed precinct plan. Ms Seekup and Ms Basheer have confirmed that flooding is a long term known issue for the Ronald Avenue properties (28-38 Ronald Avenue) that back onto 80 McLarin Road.²⁹
153. We generally agree that the latest version of the precinct provisions as they relate to the stormwater treatment and attenuation as generally agreed between the Requestor and the Council (Healthy Waters) are appropriate. However, we have identified a potential conflict in the provision of IXXX.6.5 – Stormwater Quality. These provisions (as amended by the Council) are as follows:

IXXX.6.5 – Stormwater quality

Purpose:

- *Contribute to improvements to freshwater and coastal water quality*
 - *Protect and enhance mana whenua values*
- (1) *Stormwater runoff from all impervious areas other than roofs must be either:*
- (a) *treated at-source by a stormwater management device or system that is sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or*

²⁹ s42A Report, at [772]

(b) *treated by a communal stormwater management device or system that is sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)' that is designed and authorised to accommodate and treat stormwater from the site.*

(2) *Stormwater runoff from roofs must be:*

(a) *from inert building materials; and*

(b) *directed to an approved stormwater management device that is sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'*.

154. We have concerns that the inclusion of IXXX.6.5(2)(b) is potentially confusing. Our reading of IXXX.6.5(2)(a) is that it requires stormwater from roofs to be constructed from inert building materials and therefore do not need to be treated prior to discharge. However, IXXX.6.5(2)(b) requires the stormwater from inert roof areas to be directed an approved stormwater management device under IXXX.6.5(b), presumably for further treatment. Given that attenuation for roof areas is addressed in IXXX.6.6 the need for IXXX.6.5(2)(b) as a stormwater treatment method is considered unnecessary. For that reason, we have deleted IXXX.6.5(b) from the precinct provisions.

Finding

155. In response to general submitters concerns, in particular the potential adverse effects on Ronald Avenue properties, a number of amendments have been made to the precinct provisions in particular for stormwater attenuation to ensure there is sufficient stormwater attenuation infrastructure and that flooding risks are not exacerbated further downstream. We are satisfied that this will address the concerns of those submitters and residents that adjoin the PCA along the southern western boundary pf the PCA.

156. Our finding on stormwater runoff, water quality and flooding is that potential adverse effects from increased stormwater runoff from development enabled by the proposed plan change will be adequately avoided or mitigated by way of implementation of the SMAF 1 overlay, together with provisions that include standards for stormwater quality and stormwater attenuation.

Purported additional wetland

157. Ms David and the Council's consultant ecologist Mr Smith have recommended including an additional "Indicative wetland" at the northern end of the precinct plan.³⁰ The area referred to has been the subject of a number of assessments and has not

³⁰ s42A Addendum Report, at [46] to [50]

consistently been identified as meeting the definition of a “Natural Inland Wetland” for the purposes of the National Environmental Standards – Freshwater (**NES-F**)³¹.

158. The Requestor does not accept the Council’s position that there is a wetland meeting the NES-F definition of natural inland wetland at the northern end of the PCA. Rather, the Requestor considers it would be inappropriate to identify a wetland in this location on the Glenbrook 4 Precinct Plan in the same manner as the three wetlands that the Applicant proposes are identified.³²
159. The Requestor proposes, in the alternative, that a “possible wetland” is indicatively identified in this location and illustrated on the Precinct Plan. The Requestor considers that this approach would provide guidance to the future developer and Council processing staff that a wetland feature may be anticipated in this location, without assuming that such a feature necessarily exists, which the Requestor says is the clear result of identifying it in the same manner as the other three indicative wetlands included on the precinct plan. This approach has been adopted in the updated recommended precinct provisions.³³

Finding

160. Our finding on the matter of the purported wetland at the northern end of the PCA is that we agree with the Requestor’s evidence that it is sufficient for it to be shown on the precinct plan as an “Indicative Location of Possible Wetland”. We also agree with the Applicant that this will provide sufficient guidance to the future developer and Council processing staff that a wetland feature may exist in this location.

Water Supply and Wastewater Infrastructure

Water Supply

161. The evidence from the Requestor’s civil engineer - Mr McGregor stated that works were performed by Watercare 6-7 years ago to extend the Patumahoe watermain to provide water supply to the Glenbrook Beach, Clarks Beach and Kingseat communities. He advised that this work was part of a project to improve water supply resilience to the northern coastal communities and that the Patumahoe watermain has capacity to service the existing developed area as well as all Future Urban Zone land.
162. The tabled evidence of Mr Iszard from Watercare stated that Watercare agrees with the Requestor’s assessment that there is adequate bulk water supply to provide for development of PC 91.

Finding

163. We are satisfied that there is sufficient water supply infrastructure to support the plan change Request. We also note that no specific provisions were included in the

³¹ Evidence of E. Willmore, at [5.11]&[9.5]

³² Legal Reply Submissions for the Applicant, at [4.1]

³³ Legal Reply Submissions for the Applicant, at [4.2]

precinct relating to water supply and we are satisfied that this can be ensured through the resource consent and engineering approval process.

Wastewater

164. Mr McGregor's evidence acknowledges that there is no available wastewater capacity in the network for future connections above allocations associated with the Kahawai Point Special Housing Area. He refers to the Watercare's Southwest Wastewater Servicing project which is intended to provide additional servicing of any development as part of the Request and the first stage is programmed to be completed by mid-2026. He advised us that the treatment facility will be staged to service growth over time with Stage 1 to be constructed to service a wider population equivalent of 20,000, Stage 2 would increase capacity to 30,000 and Stage 3 would increase capacity to 60,000 (by 2053).
165. We were advised that in September 2023 Watercare lodged a Notice of Requirement on the designated land at 372 Glenbrook Beach Road to enable the construction, operation and maintenance of the Southwest Wastewater Treatment Plant intended to service the South West Growth area (of which Glenbrook Beach is a part). While work on the plant has not commenced, Mr McGregor stated that it is likely that new treatment would be operational in 2026 before any dwellings would be occupied.
166. In his planning evidence, Mr Powell advised that the precinct provisions included a provision (IXXX.6.1) requiring development and subdivision in the precinct to either:
- a) be connected to publicly available reticulated water and wastewater networks with sufficient capacity to service the proposed development and/or subdivision, or
 - b) be supported by written confirmation from the infrastructure services provider for the area that planned capital works required to provide connections for water and wastewater are suitably advanced and capable of servicing proposed subdivision and development.
167. The evidence of Watercare supported this approach and stated:
- Watercare considers that the proposed Precinct provisions in the applicant's evidence would ensure no development or subdivision prior to the availability of the bulk wastewater infrastructure required to service the development of PC 91.³⁴*
168. We note that Watercare sought a number of minor amendments to the precinct provisions and these have been accepted by the Requestor.

Finding

169. We find that wastewater and water servicing can be aligned with the development of PC 91 such that adverse wastewater effects are sufficiently avoided remedied or

³⁴ Evidence of Mark Iszard – Watercare Page 2

mitigated. Furthermore, we find that the infrastructure upgrade works and the development staging can be aligned as provided for in the provisions.

Transportation

170. We received evidence on transportation effects from Mr Temperley for the Requestor and from Mr Edwards for the Council. The transportation effects generally fell into two areas of contention: transportation effects within and immediately adjoining the PCA and transportation effects related to the wider road network and at intersections leading to Glenbrook Beach.

Traffic effects within and immediately adjoining the PCA

171. The evidence of Mr Temperley described the traffic upgrades to be provided with the subdivision and development of the land under the requested zoning. These are summarised as follows:

- a) Footpaths are provided along the northern side of McLarin Road in the vicinity of the subject site, as part of the development of Kahawai Point / Glenbrook 3 Precinct.
- b) No dedicated cyclist facilities are provided in the area, with cyclists being required to share the road with other road users but with an extension of the 50km/hr speed limit along McLarin Road, to ensure a safe environment that is suitable for cyclists.
- c) A proposed new roundabout on McLarin Road on the eastern boundary of the PCA (as also required by the provisions in the Glenbrook 3 Precinct) and in the vicinity of the existing Business – Neighbourhood Centre zoned land.
- d) Two additional priority intersections either side of the roundabout and a further priority intersection opposite Rere Awa Road.

172. Mr Temperley notes that there is currently no public transport to Glenbrook Beach and that AT has no plans to provide a service, due to a lack of demand. Despite this Mr Temperley states that the road layout along McLaren Road can provide for future public transport facilities:

Notwithstanding this, the proposed development will be consistent with AUP(OP) provisions in E27 and E38, ensuring that road layout and geometry does not prevent Glenbrook Beach from being served by public transport or school buses in future. Auckland Transport road formation / engineering standards have adequate flexibility to secure a sufficiently wide road corridor to future proof public transport facilities, should this be deemed necessary at the time of subdivision / development.³⁵

173. The Council review undertaken by Mr Edwards raised concerns about the relatively isolated location of the PCA opining that it has poor access to employment and

³⁵ Evidence of Andrew Temperley paragraph 8.4

services and is not serviced by public transport (either currently or planned). Mr Edwards was concerned that this will increase private vehicle trips and vehicle kilometres travelled (**VKT**), which would increase vehicle emissions. Mr Edwards considers this will also potentially increase road safety risks because travel will be on high-speed rural roads. Mr Edwards is also concerned about the timing of urbanisation of the plan change area, noting it may be earlier than the delivery of bulk transport infrastructure in the wider South Auckland region.

174. Based on these concerns, Mr Edwards recommended that if the plan change is approved, the R-SH Zone would be more appropriate as it is a lower density zone. He also suggested a density threshold to ensure a lower density of development and to limit any development until certain transport upgrades were implemented.
175. In terms of walking and cycling, Mr Edwards recommended that the precinct be amended to require a pedestrian/cycling crossing facility on McLarin Road. In his view, this would connect the proposed pedestrian/cycling link through the plan change area to the Business - Neighbourhood Centre zoned land. Mr Edwards also considered developers should upgrade the road frontage of McLarin Road where it adjoins the plan change area.
176. The submission and tabled evidence of AT is generally supportive of the proposed transportation upgrades associated with the Request subject to a number of suggested amendments to the precinct provisions.

Finding

177. We have considered the issue of VKT and the increase of emissions associated with the Request not being supported by public transport facilities. We accept that this is a relevant matter in the NPS:UD and that the Council has a number of other guidance documents that promote transport efficiency and the establishment of integrated public transport facilities as a prerequisite for urban growth.
178. That said, the Panel is cognisant that the land has been zoned FUZ and there is an expectation that growth should be enabled in remote communities such as Glenbrook Beach even though there is no viable public transport services or any plans to provide these. In our view, while there is an expectation to undertake urban growth in a sustainable manner which includes the integration of public transport facilities, it appears reasonable to us that this should be a priority for decision-making where such facilities are viable and practical. Similarly, it is our view that if there is no viable public transport solution for remote communities with FUZ zoning (and AT is not seeking these), then urbanisation is not precluded. We also agree with the Requestor that future proofing for public transport facilities is relevant and appropriate.
179. We agree with Mr Temperley that a pedestrian crossing facility on McLarin Road near Neighbourhood Centre needs to be provided and have included this in the precinct provisions.
180. We agree with Mr Temperley that the Request promotes and enables active mode options for walking and cycling and would be connected with other areas of

Glenbrook Beach. The low density residential nature of the locality, coupled with the relative flat topography suggests to us that walking and cycling has been sufficiently enabled and would be implemented for this coastal settlement.

181. As set out in our finding about the zoning framework being requested, we are comfortable with the residential zoning being sought (being the R-MHS Zone) subject to a limitation on the number of dwellings that could be built as a permitted activity being reduced from three dwellings to two dwellings via the precinct provisions. We are satisfied that this limitation also addresses any transportation related intensity matters raised by Mr Edwards.

Transportation effects at intersections leading to Glenbrook Beach

182. The transportation review by Mr Edwards raised concerns about the adequacy of the existing intersection of Mission Bush Road with Glenbrook-Waiuku Road, being a primary route to access Glenbrook Beach. Mr Edwards, based on an estimated dwelling yield for the PCA of 200 dwellings, was of the view that this intersection required a substantial upgrade to a roundabout. He also recommended a trigger for this upgrade to be included in the precinct provisions at 25 dwellings.
183. Mr Temperley disputed this analysis, and relying on the evidence of the Requestor's economic expert, disputed the potential for 200 dwellings and relied on the development yield being in the vicinity of 100 dwellings. He states:

Based on the evidence provided by specialists acting on behalf of HD Project 2 Ltd, namely our Planning expert Mr Bryce Powell, our Urban Design expert Mr Sam Coles and the reports prepared by Market Economics expert Greg Akehurst, and taking account of site constraints and local market factors, I consider that there is no reasonable basis for the proposed increase in potential dwelling yield, from 100 units to 200 units, which underpins Mr Edwards' conclusion.³⁶

184. Mr Temperley acknowledges that the intersection at Mission Bush Road was identified for potential upgrade in the provision of the Glenbrook 3 Precinct but states:

I understand from subsequent correspondence with AT that this was subsequently deleted from the Infrastructure Funding Agreement. My assessment subsequently found that the level of additional traffic generated by PC 91 at this intersection was sufficiently low, so as not adversely compromise the traffic operation or safety at this location. I thus remain of the opinion that there is no justification for upgrade works to be undertaken at this intersection as part of PC 91.

185. Similarly, Mr Temperley opposes Mr Edwards' recommendation of a 25 dwelling trigger for the establishment of an upgrade of the intersection at Mission Bush Road.
186. Following the adjournment of the hearing, we were advised that the Requestor had arranged an expert caucusing session with Mr Temperley and Mr Edwards on this

³⁶ Evidence of Andrew Temperley paragraph 9.3

issue. We were supplied with a Joint Witness Statement (**JWS**) from these transportation experts whereby both experts agreed that an upgrade of the intersection is not required as a result of PC 91 and should not be a pre-requisite for development of PC 91.³⁷

Finding

187. We accept the JWS of the transportation experts regarding there not being a need for a roundabout (or other roading infrastructure upgrade) at Mission Bush Road as part of the Request.
188. We also prefer the evidence of Mr Temperley on the potential dwelling yield (and resulting traffic effects) as this is based on a credible economic assessment submitted with the Request.

Urban design

189. The urban design experts have generally agreed that the plan change request should be approved albeit with some differences of opinion regarding the precinct provisions.
190. The urban design assessment submitted with the Request undertook a context analysis discussing various urban design responses to the site including its slope, topography, presence of streams and wetlands as well as its context and location within the existing Glenbrook Beach settlement. The assessment recognised the existing subdivision pattern, characterised by large lots varying generally from 800m²-1000m² and supports the R-MHS Zone on the basis that demand and site characteristics would likely deliver similar subdivision and development outcomes. That said, the urban design assessment supports the enablement of multi-unit dwellings on the land opposite the Business – Neighbourhood Centre zoned land on McLarin Road.
191. The urban design assessment in the AEE makes the following conclusions:

Based on our assessment of the urban design aspects of the proposal to rezone 8ha of land at 80 McLarin Road, Glenbrook Beach, including the proposed Structure plan , the proposed Glenbrook 4 zoning provisions, and our understanding of the site and context we conclude that:

- *As an outcome for the site and community, the transition from a Future Urban Zoned area to a Mixed Housing Suburban Zoned area is entirely anticipated.*
- *The scale and form of housing enabled by the proposed zoning would increase the variety of housing choices available.*
- *The outcomes as guided by the proposed structure plan would be within the context of the surrounding development and would enhance and complement the character and amenity of the surrounding area.*

³⁷ Expert Joint Witness Statement paragraph 12

- *The discretion applied through the resource consent process would be enough to manage the quality of any future development and in particular urban design outcomes as controlled within Glenbrook 4 Precinct Plan and the Zone provisions of the AUP(OP).*
- *The management and protection of on site natural wetlands and intermittent water courses will provide increased amenity and enhance the existing natural environment through provision of appropriate riparian margins and native vegetation.*
- *The provision of connected open space will add value and amenity to the surrounding area.*³⁸

192. The urban design evidence of Mr Coles generally supported this approach including the R-MHS Zone as the preferred residential zone. Mr Coles supported the assessment and conclusion of the hearing report and adopted the recommended change to the fencing height standard in the proposed precinct provisions to reduce the fence height for front boundaries to 1.2m (or 1.8m with 50% permeable visibility).
193. The Council urban design review by Ms Esterman generally supported the methodology of Mr Coles and supports the land being zoned R-MHS Zone on the basis that this zone and the lower intensity R-SH Zone both provide similar provisions that relate to streetscape and character outcomes. She states:

From an urban design perspective, the aesthetic of a neighbourhood is experienced from the public realm. From public streets the MHS zoning will not look materially different to the development throughout Kahawai Point given the plan provisions that control yard setback, landscape treatment within front yards and building height. Further to this, the existing Glenbrook Beach area does have some degree of infill development due to the size and shape of the existing lots. I acknowledge that the density within the MHS zone has the potential to be greater, but it also provides an opportunity to create more variety in housing typologies such as duplex houses.

194. We heard from submitters that there were concerns regarding the intensity of development enabled under the R-MHS Zone and in particular we acknowledge that this residential zone, unlike the R-SH Zone, enables multi- unit development and up to three dwellings on a site as a permitted activity.
195. The evidence of Mr Ross stated that he supported higher density development opposite the proposed neighbourhood commercial centre on McLarin Road and opined that development intensities could be even greater to offset the potential loss of land to establish pocket parks adjoining riparian areas.

Finding

196. In terms of the urban design character and amenity outcomes sought by the Request we acknowledge that Glenbrook Beach has two distinct characters being the existing beach community largely located to the west of the PCA land and the

³⁸ AEE - Urban Design Assessment, page 17

more recent Kahawai Point development located mostly to the north. We agree with the Applicant and Council urban design experts that this proposal would be consistent with both character elements and would provide a complementary link between the two existing areas of development. As stated above, in our finding regarding the zoning framework we agree with these experts that the R-MHS Zone is the most appropriate residential zone and with the addition of a further limitation of the number of dwellings that could be established as a permitted activity being reduced to no more than two dwellings, will provide additional control over the intensity of development enabled. In our view this measure together with the agreed lower front fence height standard satisfactorily addresses the concerns raised by submitters.

197. We note that the outcome sought by Mr Ross for higher intensities to support the establishment of pocket parks is still enabled under the R-MHS Zone provisions and precinct provisions but we find that rather than mandating that outcome at this stage, it should be left to the subdivision and development stage, where the Council still retains considerable discretion as part of those processes to achieve this outcome. We discuss the public open space implication of this finding further in the section below.

Public Open Space Effects

198. The precinct plan includes a proposed pedestrian and cycle connection between the public reserve adjoining the PCA to the west and McLarin Road. Both Ms Esterman and the Council Park specialist – Mr Lilley support this connection and the linkage it would provide between the existing beach settlement and McLarin Road.
199. There was general agreement that the riparian and wetland areas identified by the Applicant should be protected and enhanced. These areas flow from the north eastern edge of the PCA in a generally south west direction. There was some discussion as to whether these areas should also be taken as public open space and used for pedestrian and cycle access.
200. The Council Parks expert, Mr Lilley was of the view that the precinct should provide for a walkway network that runs parallel and outside of the restored 10m riparian margins of the intermittent stream and he recommends that the precinct plan be amended to include this. Mr Lilley also wanted to see a park-edge road identified on the precinct plan that would run alongside the protected riparian network and connecting to the Glenbrook Beach Recreation Reserve.
201. In response to Mr Lilley's assessment, Ms David supported the establishment of walking and cycling opportunities alongside the riparian areas but did not consider that these should be included in the precinct provisions with this decision being left to the subdivision and development stage. We were also advised by Mr Smith that any public access for pedestrians and cyclists needed to be outside the 10m riparian yard in order to achieve the expected level of ecological protection and enhancement.

202. Mr Coles acknowledged the benefits of a park-edge road, but questioned whether this would be feasible given the distance between the riparian areas and the Glenbrook Beach Recreation Reserve. Mr Coles stated:

To facilitate access and activation of the Glenbrook Beach Reserve, it would be appropriate to provide a small lane or private way along the edge, or terminating at the edge of the reserve. This lane would have only a small number of properties accessing it, but could include a public footpath component. Any potential accessway of this type would best designed in association with the residential development and in context of the proposed walking and cycling connection, and the riparian corridor.³⁹

203. We heard evidence from Mr Ross who recommended the acquisition of public reserves in combination with the riparian areas. In his view this would provide a necessary recreation and amenity outcome in addition to the ecological benefits of riparian protection and enhancement.

Finding

204. We agree with the Requestor, Council and Mr Ross that there is an opportunity to integrate the protection and enhancement of riparian areas with public access and recreation opportunities and support the provision of both outcomes in principle alongside the riparian network. However, we are also mindful that it is not Council policy to acquire public reserves as part of the plan change phase and it is not within our decision making discretion to require the acquisition of land for this purpose. As we understand the process, an assessment and decision on the need for the acquisition of reserve land would be undertaken at the subdivision and development stage and would be negotiated between the Council and an applicant. That said, while we agree that this should not be included in the precinct plan provisions we would encourage the Council give consideration to establishing an integrated riparian and public open space network along the identified riparian network corridor. Accordingly, while we support the integration of riparian protection with public access and open space along the identified riparian corridor we find that this should occur at the subdivision and development stage. While we have not included a rule or standard to achieve this we consider that this outcome should be recognised in the precinct polies and have amended Policy 8 as follows:

(8) *Require residential development and subdivision to provide for safe public access to the Glenbrook Beach Recreation Reserve and encourage the establishment of public access (walking and cycling) or pocket parks alongside riparian areas where practicable.*

We reach a similar conclusion with regard to the provision of a park-edge road linking the riparian areas with the Glenbrook Beach Recreation Reserve. We agree with Mr Coles that such a connection may not be viable due to the width of land available. However, we support the inclusion of an “indicative green interface”

³⁹ Evidence of Same Coles paragraph 9.35

notation as shown on the precinct plan that straddles the connection between the PCA western boundary and the reserve. We are of the view that this would provide an improvement to both that connectivity and the future usability of the reserve and the amenity that residential development adjoining it would achieve.

Heritage and Archaeology

205. Historic heritage matters were generally not in contention. The experts for the Requestor and Council agreed that no archaeological and heritage constraints on site were identified, and any potential effects associated with the plan change can be appropriately managed through the existing provisions in the Unitary Plan and under the Heritage New Zealand Pouhere Taonga Act (2014).
206. In relation to the request to include 140 McLarin Road into the Plan Change, Council's built heritage expert, Ms Walker was unclear whether the house or trees on the site warranted scheduling and queried whether specific assessments should have been done in relation to the Yorke property. However, Mr Williamson, the planner appearing for the Yorke's, highlighted that the RPS Appendix 1 Structure Plan Guidelines primarily refers to 'scheduled' heritage items and 140 McLarin Road contains no scheduled heritage features. In response to speculation from the Council that the house at 140 McLarin Road could be linked with the McLarin family, Mr Yorke gave evidence that discussions with the original owner had confirmed the house and the trees in the garden were established later, by the Lowe family.

Finding

207. We concur with the technical experts for the Applicant and Council and find that there are no constraints to approval of PC 91 from a heritage perspective and agree with witnesses for the Yorke family that there is also no reason for not including 140 McLarin Road on that basis.

Cultural Effects

208. Ngāti Te Ata Waiohua as Mana Whenua of the area subject to the proposed plan change provided a Cultural Impact Assessment/Cultural Values Assessment (CIA)⁴⁰ for the application that set out their associations to Glenbrook (Kahawai) and surrounds, along with a number of issues and recommendations. Many of the cultural aspirations of the iwi are encompassed by the Te Aranga principles.⁴¹
209. In the AEE, the Requestor considered the aspirations outlined in the CIA could be achieved through working closely with Mana Whenua. Ngāti Te Ata, however, made a submission in opposition to PC 91, stating that there was too much reliance on future engagement rather than demonstrating how the proposed provisions would achieve the outcomes sought. In response to this, Council's planner and urban design expert considered the precinct provisions could more specifically identify Ngāti Te Ata values and aspirations in relation to the plan change area, and reinforce consideration of these during the consenting stage. As such objectives, policies and assessment criteria that incorporate the Te Aranga Principles were

⁴⁰ AEE, Appendix 9

⁴¹ Ngāti Te Ata Waiohua CIA, Section 4.0

included in the precinct provisions and accepted by the Applicant. The submitter Kahawai Point Developments Limited also supported these amendments as they are largely consistent with the Glenbrook 3 Precinct.⁴²

210. Other matters identified in the CIA related to ecological aspects, such as the use of native plant species in design, the protection of waterways, and stormwater and wastewater management. We generally agree with the Applicant and Council experts that the plan change approach to stormwater, including opportunities for re-use and the requirements for riparian planting can be appropriately provided for by application of the SMAF1 overlay and the proposed precinct provisions. Through the hearing it was agreed the provisions will require public water supply and wastewater infrastructure to be in place before development can proceed which will avoid further degradation of the mauri of the Manukau Harbour.
211. In regards to the waiora and mauri of freshwater features, the mapping and protection of intermittent streams and wetlands on site in the precinct provisions should assist in enhancing these values. We agree with Ms David that effects associated with earthworks and hazardous substances from construction are able to be addressed at the resource consenting stage when more detailed work is undertaken.⁴³

Finding

212. Ngāti Te Ata Waiohua did not appear at the hearing to speak to their submission so we did not receive any additional evidence from them. Notwithstanding this, we find that incorporation of the Te Aranga principles, along with those relating to management of stormwater, riparian margins, and the interface with the Recreation Reserve in the proposed precinct provisions can appropriately deal with the issues raised in the CIA.

Regional Policy Statement

213. There are a number of the chapters in the RPS that are relevant to PC91 and these have been extensively canvassed in the planning evidence before us. As set out in the Request, hearing report and evidence we agree that the most relevant chapters of the RPS are:
- a. B2 Urban growth and form;
 - b. B3 Infrastructure, transport and energy;
 - c. B6 Mana whenua;
 - d. Natural Resources (Chapter B7); and
 - e. Environmental Risk (Chapter B10).

⁴² Mr Smallburn (Tattico) for Kahawai Point Developments Ltd (KPD), tabled statement, paragraph 7

⁴³ S42A, paragraph 578

Urban Growth and Form (Chapter B2)

214. Part B2 of the Unitary Plan addresses urban growth and form. It focuses on the enablement of growth in a quality and compact urban form and includes enabling growth in rural towns subject to the avoidance of identified adverse effects. These are set out in Objective B2.6.1 and Policies B2.6.2. Of relevance to this plan change the objective and policies set out adverse effects to be avoided and these relate to mana whenua values, the loss of elite soils and where practicable, prime soils which are significant for their ability to sustain food production. The objective also requires any urban development to be consistent with the local character of the town or village and the surrounding area and the provision of adequate infrastructure.
215. We note that Plan Change 80 incorporated key directions from the NPS-UD into the RPS including specific direction relating to environmental risk, natural hazards and climate change, a compact urban form, a quality and well-functioning built environment, and residential growth and intensification.
216. The planning witnesses are in agreement that PC 91 will maintain the anticipated character of Glenbrook Beach and has been well-designed to achieve an acceptable quality of urban form. Its proximity to a Business - Neighbourhood Local Centre Zone is also appropriate and complementary and in this regard we agree that it would contribute to a well-functioning urban environment. Added to this is the resilience against natural hazards and riparian protection and enhancement measures that form part of the proposed precinct provisions.
217. We accept that this plan change has undertaken an appropriate level of structure planning in accordance with B2.2.2(2) and has generally followed and satisfied the requirements of Appendix 1 of the RPS.

Infrastructure, Transport and Energy (Chapter B3)

218. Chapter B3 sets out objectives and policies relating to the provision of resilient, efficient and effective infrastructure which in this case includes the three waters: water supply, wastewater and stormwater and the provision of effective, efficient and safe transport infrastructure. All parties agree that the provision of these infrastructure components are essential for any well-functioning urban environment.
219. As discussed in the effects assessment above, we are satisfied that the Requestor can provide adequate three waters and transportation infrastructure and we acknowledge the effort made by the Requestor to engage with relevant submitters (being AT and Watercare) to resolve these matters. We therefore find that PC 91 is consistent with Chapter B3 of the RPS.

Mana Whenua (Chapter B6)

220. Chapter B6 - Mana Whenua of the RPS provides for iwi and mana whenua to engage and participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga.⁴⁴

⁴⁴ Chapter B6 RPS - B6.2.2. Policies

221. As set out the evidence of Mr Powell, the Requestor has engaged with mana whenua throughout the process to discuss the merits of the proposal and to obtain advice on cultural matters. This has resulted in the CIA being prepared by Ngāti Te Ata and inclusion of Te Aranga design principles into the precinct provisions. We are therefore satisfied that the Request is consistent with Chapter B6 of the RPS.

Natural Resources (Chapter B7)

222. Chapter B7 relates to the management of freshwater resources and in particular the impact of urban growth on these values. The provisions endeavour to manage the effects of urban development on freshwater resources for environmental and social/cultural well-being.

223. While the PCA does not contain any identified areas with high biodiversity values it proposes to protect and enhance degraded stream and wetland areas and would achieve a net positive improvement to ecological values. Accordingly, the Request is found to be in accordance with Chapter B7.

Environmental Risk (Chapter B10)

224. Chapter B10 relates to natural hazards and climate change. We are satisfied that the Request has addressed the issues associated with flooding and we find that the Request would not worsen, and could potentially lessen the risk of flooding on the site and those adjacent or downstream of it. Accordingly, the Request is found to be in accordance with Chapter B10.

Overall Finding on the RPS

225. We find that the Request (with modifications) will be generally consistent with the relevant RPS provisions.

NATIONAL POLICY STATEMENTS

National Policy Statement – Urban Development (2020)

226. The provisions of the NPS-UD were extensively described and evaluated in the expert planning and urban design evidence for the Requestor and the Council in the hearing report.

227. The NPS-UD has the primary objective of ensuring that New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future⁴⁵. This also includes, among other things, improving housing affordability by supporting competitive land and development markets and ensuring that urban environments are integrated with infrastructure planning and funding decisions.⁴⁶ In the context of the Auckland Region (as a Tier 1 local authority) the

⁴⁵ NPS-UP Objective 1

⁴⁶ Ibid Objective 6

NPS-UD requires Auckland to provide sufficient development capacity within urban environments, so more homes can be built in response to demand.

228. The planning evidence of Mr Powell was that while Glenbrook Beach has been excluded from PC78 – Intensification and the implementation of MDRS, the Request still gives effect to the NPS-UD and its focus on well-functioning urban environments for the following reasons:
- a. The R-MHS zoning will promote housing choice within a settlement of mostly detached dwellings, which will allow the market with the flexibility to provide housing at different price points.
 - b. The Requestor has committed to further engagement with Mana Whenua to express their culture and norms at the design stage.
 - c. PC 91 will be accessible to natural spaces and open spaces, and the future neighbourhood centre. While there is no public transport service to Glenbrook Beach and it is relatively remote in terms of employment and community services, it is the closest community to the Glenbrook Steel Mill, which is a major employer in the regional economy. It is also close to a large agricultural sector, which would employ a large sector of the workforce, and the industry may never be walkable or served by public transport.
229. While the hearing report identified a number of matters that were potentially inconsistent with the NPS-UD, we are satisfied that these were addressed in evidence at the hearing and in the right of reply, including the JWS of transport experts.
230. We have discussed the issue of Glenbrook being a remote, low-density residential coastal community wholly dependent on private modes of travel with no public transport facilities existing or planned. While this could be interpreted as being inconsistent with the NPS:UD direction that urban development be well serviced by existing or planned public transport (Objective 3), we find that the decision to enable urbanisation in this locality was determined when the land was zoned FUZ and prior to the NPS:UD. We also note that while AT has no plans to provide a public transport link to Glenbrook Beach, the plan change has been designed to enable these facilities along McLarin Road.

Finding

231. We are satisfied that, PC 91 is consistent with the NPS-UD and would achieve a well-functioning urban environment.

National Policy Statement – Highly Productive Land 2022

232. The NPS-HPL was approved by the Governor-General under section 52(2) of the Resource Management Act 1991 on 12 September 2022 and under section 1.2(1) it came into force on 17 October 2022. As a national policy statement, PC 91 must give effect to the NPS-HPL under section 75(3)(a) of the RMA.

233. The NPS-HPL requires councils to identify and map highly productive land based on a set of criteria. However where land is already identified for future urban development, such as land zoned FUZ, it cannot be identified as highly productive land.
234. Therefore, because the plan change area is zoned FUZ, we are satisfied that the NPS:HPL does not apply to PC 91.

National Policy Statement on Freshwater Management

235. The National Policy Statement Freshwater Management 2020 (**NPS:FM**) provides direction for local and regional authorities about how they must carry out their responsibilities and functions in managing freshwater.
236. Requirements of the NPS:FM focusses on the management of freshwater in a way that 'gives effect' to the fundamental concept of Te Mana o te Wai being a hierarchy of obligations that prioritises:
- a. firstly the health and well-being of water bodies and freshwater ecosystems
 - b. secondly the health needs of people
 - c. thirdly the ability of people and communities to provide for their social, economic and cultural well-being, now and into the future.
237. Section 6.6 of the AEE assesses the plan change against the NPS-FM and identifies that the watercourses within the PCA cannot be considered as 'outstanding' as per Policy 8 of the NPS-FM but the site can be developed under a R-MHS Zone without loss of the existing watercourse and wetlands and that the overland flow paths can be accommodated. The proposal also includes a SMAF1 control that would protect the ecological values of the stream and wetlands by managing run-off from impervious surfaces.
238. We find that the plan change is generally consistent with the NPS-FM with agreed amendments to the precinct provisions provided to address issues raised by Council ecology experts and Healthy Waters.

National Policy Statement for Indigenous Biodiversity

239. The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into force on 23 August 2023. This is after the plan change was notified, therefore the AEE does not consider this NPS.
240. The NPS-IB provides direction to councils to protect, maintain and restore indigenous biodiversity requiring there is at least no further reduction nationally. It does this by providing direction on how to identify and protect significant indigenous

biodiversity and manage the adverse effects of subdivision, use and development. This is to be achieved:

- a. by recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity
- b. by recognising everyone is a steward of indigenous biodiversity
- c. by protecting and restoring indigenous biodiversity as necessary to achieve overall maintenance
- d. while providing for the social, economic and cultural wellbeing of people and communities now and in the future.

241. The NPS is limited to land (terrestrial) ecosystems and some aspects of wetlands.

242. As set out in the hearing report the Unitary Plan has not yet been amended to give effect to the NPS-IB. The ecology experts for the Requestor and the Council agree that the site is primarily in pasture with exotic trees as part of the shelter belt, and has degraded ecological values. There are no terrestrial SEAs identified on the site.

Finding

243. We find that the Request is consistent with the NPS-IB as there are no significant indigenous biodiversity values present on the site and the protection and enhancement of wetlands and streams will ultimately improve indigenous biodiversity along with subdivision and development.

STATUTORY PROVISIONS

244. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change. We note that the plan change included a detailed section 32 analysis which addressed the relevant matters.

245. We also note that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

246. Section 32AA of the RMA requires a further evaluation for any changes that are proposed to the notified plan change after the section 32 evaluation was carried out. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes. This decision has considered the modifications to the proposed plan change including those changes throughout the hearing to address evidence presented as suggested by the Requestor and agreed to (on a without prejudice basis) by Council officers.

247. The hearing report has set out the relevant policy framework which must be considered and provided a summary analysis of the proposal against the relevant provisions. The plan change Request also provided an analysis of the applicable

statutory documents. Where relevant we have referred to these documents in our evaluation above. As stated in the hearing report, the relevant provisions are found in:

- The National Policy Statement on Urban Development 2020 (NPS-UD);
- The National Policy Statement on Freshwater Management 2020 (NPS-FM);
- The National Policy Statement for Highly Productive Land 2022 (NPS-HPL);
- National environmental standards or regulations (NES);
- Auckland Regional Policy Statement (RPS); and
- The Auckland Plan.

248. Section 5(1) RMA provides that the purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management is defined as: managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b. safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- c. avoiding, remedying, or mitigating any adverse effects of activities on the environment.

249. Having considered the evidence and relevant background documents, we find that there is merit to the proposal particularly in terms of its urban design, provision for infrastructure and the protection and enhancement of riparian and wetland areas.

250. Overall, we find that proposed plan change PC 91 has been developed in accordance with the relevant statutory and policy matters with regard to the protection of prime soils and highly productive land now and for future generations.

DECISION

251. That pursuant to Schedule 1, Clause 10 of the Resource Management Act 1991, that Proposed Plan Change 91 – 80 McLarin Road, Glenbrook to the Auckland Unitary Plan (Operative in Part) be **granted**. Attached to this decision are the approved precinct provisions subject to the modifications as set out in this decision.

252. Submissions on the plan change are accepted and rejected in accordance with this decision being: all those submissions and further submissions seeking that PC 91 be refused are rejected and all those submissions and further submissions seeking it be approved (including those seeking approval subject to amendment of the precinct provisions) are accepted. In general, these decisions follow the

recommendations set out in the Council's section 42A report, Council's reply to evidence and closing statement.

253. The reasons for the decision are that Plan Change 91:

- a. Will overall assist the Council in achieving the purpose of the RMA;
- b. Is consistent with the Auckland Regional Policy Statement;
- c. The proposal is consistent with the NPS-UD with regard to being able to achieve a well-functioning urban environment.
- d. The proposed Request is consistent with Part 2 of the RMA and in particular the proposal will enable people and communities to provide for their social, economic, and cultural well-being that will adequately sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.



Handwritten signature in black ink, appearing to be 'RB' with a flourish.

Chairperson

On behalf commissioners Juliane Chetham and Nigel Mark-Brown

Date: 26 April 2024

IXXX Glenbrook 4

IXXX.1 Precinct Description

The underlying zoning of land within this precinct is Residential – Mixed Housing Suburban. Refer to the planning maps for the location and extent of the precinct.

The Glenbrook 4 Precinct is located landward of the adjacent Glenbrook Beach coastal settlement. The Precinct will enable a range of housing typologies to be provided that will meet the full generational housing needs of the local community. Precinct standards will integrate subdivision and development within the Precinct with the established Glenbrook Beach coastal settlement, and with the Glenbrook 3 Precinct / Kahawai Point to the north.

It is intended that walking and cycling connections will be provided within the Precinct to connect the established Glenbrook Beach coastal settlement to land that is zoned Business – Neighbourhood Centre on the eastern side of McLarin Road, and to connect the Glenbrook 3 Precinct/ Kahawai Point with the coast and beach. These connections will build upon the network of walkways established and planned for in the Glenbrook 3 Precinct.

Subdivision and development will incorporate natural drainage patterns, including wetlands and watercourses. Indigenous planting is encouraged to enhance freshwater values. Stormwater will be managed to mitigate adverse effects on freshwater values using precinct and Auckland-wide stormwater provisions of the AUP(OP) and the Stormwater Management Area – Flow 1 Control provisions.

The Glenbrook 4 Precinct will integrate subdivision and development with the delivery of infrastructure, including water supply, wastewater, transport and stormwater.

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

IXXX.2 Objectives

- (1) Subdivision and development are undertaken in general accordance with the precinct plan.
- (2) Subdivision and development achieves an attractive, safe and healthy environment for living with good access to the public realm including parks, riparian and wetland margins and roads.
- (3) Subdivision and development occurs in a manner that achieves the coordination and delivery of infrastructure including active mode facilities, roading, wastewater, water supply and stormwater services.
- (4) The precinct is supported by a well-connected, safe, efficient, and legible movement network with low-speed internal streets and appropriate connections to existing and future urban areas surrounding the precinct.
- (5) Subdivision and development encourages a choice of transport modes including walking and cycling, and provides strong, legible connections within and through the precinct.
- (6) Subdivision and development maintains and enhances the freshwater values of intermittent streams and the wetlands within the precinct.
- (7) Subdivision and development achieves attractive and well-designed residential developments that support a range of housing densities and typologies that increase variety and housing choice.

- (8) Subdivision and development achieves integration of built form within the precinct, with the existing Glenbrook Beach settlement, and with the Glenbrook 3 Precinct / Kahawai Point Special Housing Area.
- (9) Freshwater is protected, with the effects of stormwater runoff on the receiving environment and freshwater systems avoided to the extent practical or otherwise mitigated using water sensitive design principles.
- (10) Freshwater, sediment quality and biodiversity is enhanced.
- (11) Subdivision and development manages downstream flooding effects so that the risks to people and property (including infrastructure) are not increased in a flood event.
- (12) Stormwater quality and quantity is managed to maintain the health and wellbeing of the receiving environment where it is excellent or good, and it is enhanced over time where the receiving environment is degraded. [rp/dp]
- (13) Subdivision and development respects Mana Whenua values.

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

IXXX.3 Policies

- (1) Provide for a range of lot sizes and housing typologies that support lifestyle and housing choice at a variety of densities.
- (2) Require publicly reticulated wastewater and water supply network to be available to service any subdivision or development within the precinct.
- (3) Avoid subdivision, use and development prior to the availability of bulk water, wastewater and roading infrastructure to service development in the Glenbrook 4 Precinct.
- (4) Avoid, remedy or mitigate adverse effects on the safe and efficient operation of the transport network, including by requiring the road frontages on McLarin Road to be upgraded to an urban form in accordance with IXXX.11.1 Appendix 1.
- (5) Require any subdivision and development within the precinct to incorporate the following elements of the precinct plan:
 - (a) linkages to adjacent land, including a pedestrian/cycle link between the Glenbrook Beach Recreation Reserve and the land zoned Business – Neighbourhood Centre Zone on McLarin Road;
 - (b) a roundabout intersection on McLarin Road near the Neighbourhood Centre; and
 - (c) a pedestrian crossing facility on McLarin Road near the Neighbourhood Centre.
- (6) Require that subdivision and land use activities establish a transport network that provides for the safe and efficient movement of motor vehicles, pedestrians and cyclists.
- (7) Require residential development to have a visual connection between the house and the street and/ or public spaces.

- (8) Require residential development and subdivision to provide for safe public access to the Glenbrook Beach Recreation Reserve and encourage the establishment of public access (walking and cycling) or pocket parks alongside riparian areas where practicable.
- (9) Stormwater is managed in a manner that integrates with development to make efficient use of land and where possible, contributes to the amenity and character of the Glenbrook 4 Precinct, and complements the cultural aspirations of tangata whenua.
- (10) Contribute to improvements to water quality, habitat and biodiversity, including by providing planting on the riparian margins of wetlands and intermittent streams.
- (11) Require subdivision and development to be consistent with any approved stormwater management plan including:
 - (a) requiring the management of runoff from all impervious surfaces to enhance water quality and protect the health of the receiving environment, requiring appropriate design/sizing and location of stormwater outfalls/outlets;
 - (b) requiring stormwater to be managed at source and by applying water sensitive principles prior to the discharge of stormwater to existing watercourses and wetlands to achieve water quality and hydrology mitigation; and
 - (c) attenuating stormwater to manage downstream flood effects to that of pre-development levels in a manner that integrates stormwater management with subdivision and development to make efficient use of land. [rp/dp]
- (12) Require that subdivision and development incorporate Te Aranga principles, including the principles of Mana, Whakapapa, Taiao, Mauri tu, Mahi toi, Tohu and Ahi ka.
- (13) Avoid or mitigate adverse effects on Mana Whenua values by:
 - (a) taking an integrated approach to stormwater management in the Glenbrook 4 Precinct;
 - (b) maintaining and enhancing the mauri of intermittent streams and wetlands; and
 - (c) protecting the mauri of Waiuku Awa (River) and Manukau Harbour.

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

IXXX.4 Activity Tables

The provisions of the relevant zone, overlays and the Auckland-wide activity tables apply unless otherwise specified below.

Table IXXX.4.1 and Table IXXX.4.2 specify the activity status of land use and development activities in the Glenbrook 4 Precinct pursuant to section 9(3) and the activity status for subdivision pursuant to section 11 of the Resource Management Act 1991.

Table IXXX.4.1 Activity table – land use

Activity		Activity status
Residential		
(A1)	Development of up to two dwellings that complies with standards IXXX.6.1 (Water supply and wastewater infrastructure), IXXX.6.2 (Precinct Plan), IXXX.6.3 (Riparian and wetland yards and planting), IXXX.6.4 (Fences), IXXX.6.5 (Stormwater quality), IXXX.6.6 (Stormwater attenuation), and IXXX.6.7 (Road design and upgrade of existing rural roads)	P
(A2)	Development of three or more dwellings that complies with standards IXXX.6.1 (Water supply and wastewater infrastructure), IXXX.6.2 (Precinct Plan), IXXX.6.3 (Riparian and wetland yards and planting), IXXX.6.4 (Fences), IXXX.6.5 (Stormwater quality), IXXX.6.6 (Stormwater attenuation), and IXXX.6.7 (Road design and upgrade of existing rural roads)	RD
(A3)	Development that does not comply with standard IXXX.6.3 (Riparian and wetland yards and planting)	RD
(A4)	Development that does not comply with standard IXXX.6.4 (Fences)	RD
(A5)	Development that does not comply with Standard IXXX.6.1 (Water supply and wastewater infrastructure)	NC
(A6)	Development that does not comply with Standard IXXX.6.2 (Precinct Plan).	D
(A7) [rp/dp]	Development that does not comply with Standard IXXX.6.5 (Stormwater quality).	RD
(A8)	Development that does not comply with Standard IXXX.6.6 (Stormwater attenuation).	RD
(A9)	Development that does not comply with Standard IXXX.6.7 (Road design and upgrade of existing rural roads)	RD

The controls in [E38 Subdivision](#) shall apply within the Glenbrook 4 Precinct unless specified in the following provisions:

Table IXXX4.2 – [E38.4.1](#) and [E38.4.2](#) apply in Glenbrook 4 Precinct, except as specified below.

Table IXXX.4.2 Activity table - subdivision

Activity		Activity status
Subdivision and associated development activity		
(A10)	Subdivision that complies with standards IXXX.6.1 (Water supply and wastewater infrastructure), IXXX.6.2 (Precinct Plan), IXXX.6.3 (Riparian and wetland yards and planting), IXXX.6.5 (Stormwater quality), IXXX.6.6 (Stormwater attenuation), and IXXX.6.7 (Road design and upgrade of existing rural roads)	RD
(A11)	Subdivision that does not comply with Standard IXXX.6.2 (Precinct Plan).	D

(A12)	Subdivision that does not comply with Standard IXXX.6.3 (Riparian and wetland yards and planting)	RD
(A13)	Subdivision that does not comply with standard IXXX.6.1 (Water supply and wastewater infrastructure)	NC
(A14)	Subdivision that does not comply with Standard IXXX.6.6 (Stormwater attenuation).	RD
(A15)	Subdivision that does not comply with Standard IXXX.6.7 (Road design and upgrade of existing rural roads)	RD

IXXX.5 Notification

- (1) Any application for resource consent for the following activities will be considered without public or limited notification or the need to obtain written approval from affected parties unless Council decides that special circumstances exist under section 95A(4) of the Resource Management Act 1991:
 - (a) three or more dwellings that comply with standards IXXX.6.1 (Water supply and wastewater infrastructure), IXXX.6.2 (Precinct Plan), IXXX.6.3 (Riparian and wetland yards and planting); IXXX.6.4 (Fences), IXXX.6.5 (Stormwater quality), IXXX.6.6 (Stormwater attenuation), and IXXX.6.7 (Road design and upgrade of existing rural roads); or
 - (b) development which does not comply with Standard IXXX.6.4 (Fences).
- (2) Any application for resource or subdivision consent for an activity listed in Table IXXX.4.1 and Table IXXX.4.2 which is not listed in IXXX.5(1) above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

IXXX.6 Standards

The standards of the relevant zone, overlays and the Auckland-wide provisions apply unless otherwise specified below.

IXXX.6.1 – Water supply and wastewater infrastructure

Purpose:

- To ensure that development and subdivision within the Glenbrook 4 Precinct is serviced by publicly available reticulated water and wastewater networks.
 - To achieve the integration of land use and water supply and wastewater infrastructure.
- (1) Development and subdivision in the Glenbrook 4 Precinct must either:
 - (a) be connected to publicly available reticulated water and wastewater networks with sufficient capacity to service the proposed development and/or subdivision, or
 - (b) be supported by written confirmation from the infrastructure services provider for the area that planned capital works required to provide connections for water and wastewater are suitably advanced and capable of servicing proposed subdivision and development.

IXXX.6.2 – Precinct Plan

Purpose:

- To implement the indicative connections and pathways, as shown in the Glenbrook 4 Precinct Plan (IXXX.10.1).
 - To provide a safe and efficient transport network.
- (1) Development and/ or subdivision must provide the connections and pathways in general accordance with the Glenbrook 4 Precinct Plan (IXXX.10.1).
 - (2) Development and/or subdivision fronting McLarin Road on the eastern side of the precinct must not occur until the roundabout and pedestrian crossing facility shown on the Glenbrook 4 Precinct Plan (IXXX.10.1) have been provided.

IXXX.6.3 - Riparian and wetland yards and planting

Purpose:

To maintain and enhance indigenous biodiversity, ecosystem health, freshwater quality and intermittent streams and wetlands within the Precinct.

- (1) Development and/or subdivision must comply with clauses (a) – (d) below:
 - (a) A minimum 10m yard must be provided between buildings and:
 - (i) the top of the bank belonging to any intermittent stream; and
 - (ii) the delineated edge of any wetland.
 - (b) Indigenous planting shall be planted within 10m of any intermittent stream or wetland. Planting should be undertaken at least a density of 10,000 plants per hectare, using eco-sourced indigenous vegetation consistent with local biodiversity.
 - (c) The yards required by clauses (a) and (b) above can be either located within private property and protected by a consent notice or covenant or vested at council's request.
 - (d) Walkways and cycleways must not locate within any yards required by clauses (a) and (b) above except where a walkway or cycleway crosses over an intermittent stream or wetland.

IXXX.6.4 - Fences

Purpose:

To promote:

- open space character and enable opportunities for passive surveillance of public open spaces and streets; and
 - the viability of the planted riparian and wetland margin to act as, and be maintained as, a continuous green corridor.
- (1) Fences fronting a wetland, an intermittent stream, or the Glenbrook Beach Recreation Reserve, must not exceed 1.2m in height, except that fences may be up to 1.6m in height if the fence is at least 60 percent visually permeable.
 - (2) No fences are permitted within a planted riparian and wetland margin or within 10m of a wetland or an intermittent stream.

- (3) Fences on the front boundary must not exceed 1.2m in height or 1.8m in height if the fence is at least 50 percent visually permeable above 1.2m.
- (4) All other fences must comply with H4.6.14 (Front, side and rear fences and walls in the Residential – Mixed Housing Suburban Zone).

IXXX.6.5 – Stormwater quality

Purpose:

- Contribute to improvements to freshwater and coastal water quality
 - Protect and enhance mana whenua values
- (1) Stormwater runoff from all impervious areas other than roofs must be either:
 - (a) treated at-source by a stormwater management device or system that is sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or
 - (b) treated by a communal stormwater management device or system that is sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)' that is designed and authorised to accommodate and treat stormwater from the site.
 - (2) Stormwater runoff from roofs must be:
 - (a) from inert building materials.

IXXX.6.6 – Stormwater attenuation

Purpose:

To ensure that there is sufficient stormwater attenuation infrastructure providing an integrated catchment solution in place at the time of development and that flooding risks are not exacerbated further downstream.

- (1) Development and/ or subdivision must provide stormwater communal management devices in the general location that they are shown in the Glenbrook 4 Precinct Plan (IXXX.10.1).
- (2) Discharge of stormwater runoff from subdivision and development cannot occur until the necessary stormwater attenuation infrastructure is in place or until appropriate mitigation exists to mitigate downstream flood effects.
- (3) Development and/or subdivision must provide stormwater communal management devices able to attenuate the indicative volumes shown in IXXX.11.2 Appendix 2.

IXXX.6.7 Road design and upgrade of existing rural roads

Purpose: To ensure that:

- any activity, development and/or subdivision complies with IXXX.11.1 Appendix 1: Glenbrook 4 Precinct - road function and required design elements.
 - existing rural roads are progressively upgraded to an urban standard.
- (1) Any development and/or subdivision that includes the construction of new roads, or the upgrade of existing roads, must comply with IXXX.11.1 Appendix 1: Glenbrook 4 Precinct - road function and required design elements.
 - (2) Existing rural roads adjoining the Glenbrook 4 Precinct must be upgraded to the urban standard specified in IXXX.11.1 Appendix 1 where any new activity, development and/or subdivision proposes vehicle access (including by road) to or from these roads, or where the development and/or subdivision has frontage to these roads, and where the upgrade has not already occurred.
 - (3) Standard IXXX.6.7(2) does not apply to the eastern side of McLarin Road opposite the Glenbrook 4 Precinct which is to the south of the land zoned Business – Neighbourhood Centre-

IXXX.7 Assessment – controlled activities

There are no controlled activities in this precinct.

IXXX.8 Assessment – restricted discretionary activities

IXXX.8.1 Matters of discretion

For development and subdivision that is a restricted discretionary activity in the Glenbrook 4 Precinct, the council will restrict its discretion to the following matters in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions.

- (1) For subdivision that complies with Standards IXXX.6.1 (Water supply and wastewater infrastructure), IXXX.6.2 (Precinct Plan) and IXXX.6.3 (Riparian and wetland yards and planting), IXXX.6.5 (Stormwater quality), IXXX.6.6 (Stormwater attenuation), and IXXX.6.7 (Road design and upgrade of existing rural roads) the council will restrict its discretion to the following matters:
 - (a) consistency with the Glenbrook 4 precinct plan in IXXX.10.1;
 - (b) connections to neighbouring land;
 - (c) infrastructure and servicing;
 - (d) stormwater management;
 - (e) road design and layout including the provision of adequate site distances;
 - (f) access arrangements;
 - (g) formation, alignment and location of cycleways and pathways;
 - (h) Crime Prevention through Environmental Design (CPTED) principles;

- (i) interface with McLarin Road;
- (j) access to and interface with the Glenbrook Beach Recreation Reserve;
- (k) measures applied to protect, enhance, and maintain riparian margins alongside streams and wetlands, including the removal and control of exotic and pest vegetation;
- (l) access to the roundabout shown in the precinct plan and the futureproofing of an access leg to the roundabout; and
- (m) effects on the safe movement of pedestrians, cyclists and vehicles.

In addition to (a)-(m), the following matter applies to subdivision that involves the vesting of public roads or reserves:

- (n) effects on Mana whenua values and integration of Te Aranga principles.
- (2) Development of three or more dwellings that complies with Standard IXXX.6.1 (Water supply and wastewater infrastructure), IXXX.6.2 (Precinct Plan), IXXX.6.3 (Riparian and wetland yards and planting), IXXX.6.4 (Fences), IXXX.6.5 Stormwater quality), IXXX.6.6 (Stormwater attenuation), and IXXX.6.7 (Road design and upgrade of existing):
- (a) Relationship to the street and open spaces;
 - (b) Design of parking and access;
 - (c) Layout and design of roads and pathways;
 - (d) Access to and Interface with McLarin Road;
 - (e) Access to the roundabout shown in the precinct plan and the futureproofing of an access leg to the roundabout;
 - (f) Interface with Glenbrook Beach Recreation Reserve and any other areas of public open space;
 - (g) Crime Prevention through Environmental Design (CPTED) principles;
 - (h) access arrangements;
 - (i) measures applied to protect, enhance, and maintain riparian margins alongside streams and wetlands;
 - (j) Interface of residential properties with riparian margins alongside streams and wetlands;
 - (k) Infrastructure and servicing;
 - (l) Stormwater management; and
 - (m) - effects on the safe movement of pedestrians, cyclists and vehicles.

In addition to (a)-(m), the following matter applies to residential developments that involve the creation of communal spaces and public spaces (such as parks, thoroughfare, and roads).

- (n) effects on Mana whenua values and integration of Te Aranga principles.
- (3) Subdivision and development of two dwellings or less that does not comply with standard IXXX.6.3 (Riparian and wetland yards and planting):
- (a) Effects on the function of the yard;
 - (b) Effects on natural hazards;
 - (c) Effects on amenity and character values;
 - (d) Public access (if relevant);
 - (e) Stormwater management;
 - (f) Degree to which the riparian and wetland setback and planting enhances indigenous biodiversity, ecosystem health, freshwater quality and ecological values;
 - (g) Degree to which the riparian and wetland planting can either be self-sustaining or maintained by the property owner; and
 - (h) The extent to which the development and/ or subdivision integrates Te Aranga principles and respects mana whenua values within the riparian and wetland margin provided.
- (4) Subdivision and development of three or more dwellings (or residential lots) that does not comply with IXXX.6.3 (Riparian and wetland yards and planting):
- (a) Effects on the function of the yard;
 - (b) Effects on natural hazards;
 - (c) Effects on amenity, landscape and character values;
 - (d) Public access (if relevant);
 - (e) Stormwater management;
 - (f) Degree to which the riparian and wetland setback and planting enhances indigenous biodiversity, ecosystem health freshwater quality and ecological values;
 - (g) Degree to which the riparian and wetland planting can either be self-sustaining or maintained by the property owner;
 - (h) The effect that providing a compliant riparian and wetland margin may have on urban form and on the efficient development of the precinct;
 - (i) Any special or unusual characteristic of the site that would make providing a compliant riparian and wetland margin;
 - (j) Where it is not practicable to provide a planted riparian and wetland margin at the point of impact, the beneficial ecological effects of planting provided elsewhere within the precinct to offset the effect of not providing a compliant riparian and wetland margin at the point of impact; and
 - (k) The extent to which the development and/ or subdivision integrates Te Aranga

principles and respects mana whenua values within the riparian and wetland margin provided.

- (5) Development that does not comply with standard IXXX.6.4 (Fences):
 - (a) Neighbourhood character;
 - (b) The function and amenity of the open space;
 - (c) Crime Prevention through Environmental Design (CPTED) principles;
 - (d) Stormwater/ overland flow;
 - (e) Planting/ greenway function; and
 - (f) The amenity provided for future residents on site.
- (6) Development that does not comply with Standard IXXX.6.5 (Stormwater quality):
 - (a) Matters of discretion in E9.8.1(1) apply.
- (7) Development and subdivision that does not comply with Standard IXXX.6.6 (Stormwater attenuation):
 - (a) The purpose of the standard;
 - (b) The effects of the infringement of the standard;
 - (c) Whether the alternative attenuation device location and volume represents the Best Practicable Option (BPO) for the catchment, and achieves the stated outcomes of the Stormwater Management Plan; and
 - (d) Whether the alternative attenuation device location and volume achieves a more efficient development / subdivision layout and results in a better community outcome.
- (8) Subdivision and development that does not comply with Standard IXXX.6.7 (Road design and upgrade of existing rural roads):
 - (a) The purpose of the standard;
 - (b) The effects of the infringement of the standard;
 - (c) The design of the road and associated road reserve and whether it achieves Policies IXXX.3(4), and (6);
 - (d) Design constraints; and
 - (e) Interface design treatment at property boundaries, particularly for pedestrians and cyclists.

IXXX.8.2 Assessment criteria

For development and subdivision that is a restricted discretionary activity in the Glenbrook 4 Precinct, the following assessment criteria apply in addition to the assessment criteria specified for the relevant restricted discretionary activities in the overlay, Auckland-wide or zone provisions.

(1) Subdivision in accordance with the Glenbrook 4 precinct plan and Standard IXXX.6.1 (Water supply and wastewater infrastructure), Standard IXXX.6.2 (Precinct Plan), Standard IXXX.6.3 (Riparian and wetland yards and planting), Standard IXXX.6.5 (Stormwater quality), Standard IXXX.6.6 (Stormwater attenuation), and IXXX.6.7 (Road design and upgrade of existing rural roads):

(a) the Glenbrook 4 precinct plan:

(i) the subdivision is consistent with and gives effect to the key elements in the Glenbrook4 precinct plan including:

- Roads, their locations, and purpose;
- The location, formation and alignment of walkways and cycleways;
- The provision of a roundabout adjacent to the Business – Neighbourhood Centre zone and future road access from that roundabout to the Glenbrook 4 precinct; and
- Subdivision will provide for an appropriate interface between lots and open spaces.

(b) Riparian margins:

(i) The timing and appropriateness of planting within the required riparian setback from the wetland and/ or stream.

(ii) The appropriateness of the measures proposed to maintain planting within the riparian and wetland yard.

(c) transport:

(i) provision of an interconnected roading network;

(ii) road design promotes a low-speed network suitable for pedestrians, cyclists, and vehicles.

(iii) function and design of roads are consistent with IXXX.11.1 Appendix 1; and

(iv) the design of a network which connects to McLarin Road and the wider neighbourhood that includes the Glenbrook Beach Recreation Reserve, land zoned Future Urban and Business –Neighbourhood Centre zones.

(d) Stormwater management

(i) Policy IXXX.3(9).

(ii) Policy IXXX.3(10).

(iii) Policy IXXX.3(11).

(iv) Policy IXXX.3(13).

(v) For communal stormwater devices:

- The extent to which the device can be accommodated adjacent to the stream corridors and wetlands to allow efficient operation and maintenance, and appropriate amenity; and

- Whether the use of communal devices achieves the best practicable alternative to on-site management.

(e) Indicative Pedestrian/Cycle Link:

- (i) Degree of consistency with the indicative alignment shown in IXXX.10.1 (Precinct Plan), and the degree to which any alternative alignment provides a connection between Glenbrook Beach Recreation Reserve and McLarin Road;
- (ii) The degree to which the pedestrian/cycle link contributes to the amenity of the Glenbrook Beach community;
- (iii) The degree to which the link provides for the safe movement of pedestrians, cyclists and vehicles within the Glenbrook 4 Precinct; and
- (iv) Policy IXXX.3(5)(a).

(2) Development of three or more dwellings that complies with Standard IXXX.6.1 (Water supply and wastewater infrastructure), Standard IXXX.6.2 (Precinct Plan), Standard IXXX.6.3 (Riparian and wetland yards and planting), Standard IXXX.6.4 (Fences), Standard IXXX.6.5 (Stormwater quality), Standard IXXX.6.6 (Stormwater attenuation), and Standard IXXX.6.7 (Road design and upgrade of existing rural roads)

(a) The development is consistent with the key elements of the Glenbrook 4 precinct plan (IXXX.10.1)

(b) Relationship to the street and open spaces:

- (i) development should contribute to the visual amenity and safety of streets and open spaces by:
 - Maximising frontage orientation, including doors, windows and balconies to the street and open space clearly defining the boundary between the site and the street or open space by planting and/ or fencing;
 - Ensuring dwellings closest to the street each have direct and clearly defined pedestrian access from the street;
 - Providing soft landscaping within the front yard that balances outlook and privacy for dwellings at ground floor level and provides visual interest along the street.
- (ii) ground level balconies or patios to a street or open space should be designed to provide privacy for residents while enabling sightlines to the street or open space.

(c) design of parking and access:

Connections to the neighbourhood

- (i) where practicable and appropriate, developments on larger sites should extend and connect road, pedestrian, and cycle links through the site.
- (ii) Policy IXXX.3(5).
- (iii) Policy IXXX.3(6).

Location and design of parking

- (iv) parking areas and garages should be designed and located to minimise the number of vehicle crossings at the street frontage.

Location and design of vehicle and pedestrian access

- (v) vehicle access ways should be designed to reduce vehicle speed and moderate the visual effects of long driveways and large areas of hard paving with landscaping.
- (vi) vehicle crossings and access ways should be clearly separated from pedestrian access or integrated where designed as a shared space with pedestrian priority to ensure a safe pedestrian environment; and
- (vii) accessways and routes within the site should be clear and logical, enhance way-finding and safety and contribute to the quality of open spaces through the development.

(d) infrastructure and servicing:

- (i) there should be adequate capacity in the existing stormwater and public reticulated water supply and wastewater networks to service proposed development. All service connections and on site infrastructure must be located within the boundary of the proposed site it serves or have access to the public network by an appropriate legal mechanism.
- (ii) required infrastructure should integrate into the design of the site. This includes low impact stormwater design devices, overland flow paths/floodplains, wastewater systems, and water supply.
- (iii) Policy IXXX.3(2)
- (iv) Policy IXXX.3(3)
- (v) Policy IXXX.3(8)
- (vi) Policy IXXX.3(9)
- (vii) Policy IXXX.3(11)
- (viii) Policy IXXX.3(13).

(3) Development and subdivision that does not comply with Standard IXXX.6.3 (Riparian and wetland yards and planting):

- (a) The effect of the proposal on the management of natural hazards and stormwater run-off effects;
- (b) The timing and appropriateness of planting within the required riparian setback from wetlands and/ or the stream;
- (c) The appropriateness of the measures proposed to maintain planting within the riparian and wetland yard;

- (d) The degree to which the planting enhances the ecological function of the watercourse or wetland and meets the purpose of the standard;
- (e) Site constraints that would prevent the practical and efficient development of the site and the precinct; and
- (f) If the purpose of the standard cannot be met with the planting at the point of impact, Council may consider planting proposals elsewhere within the precinct to offset the shortfall of riparian planting at the point of impact.

Offset mitigation will be deemed effective if:

- Adequate measures and agreements are in place to plant, maintain and protect the area(s) of offset planting proposed and at the point of impact; and
- The offset planting achieves an equal or better ecological outcome in another part of the precinct than would otherwise be achieved by complying with IXXX.6.3 (Riparian and wetland yards and planting):

(4) Development that does not comply with standard IXXX.6.4 (Fences):

- (a) the amenity values and character of the open space, public road or riparian area;
- (b) the interface between sites and the open space, public or riparian area;
- (c) effects on streetscape amenity; and
- (d) impacts on sightlines and opportunities for passive surveillance of pedestrian walkways or public spaces.

(5) Subdivision and development that does not comply with standard IXXX.6.5 (Stormwater quality):

- (a) Assessment criteria E9.8.2(1) apply.
- (b) Whether development and/or subdivision is in accordance with an approved Stormwater Management Plan and policies E1.3(1) – (14).
- (c) Whether a treatment train approach is implemented to treat runoff so that all contaminant generating surfaces are treated, including cumulative effects of lower contaminant generating surfaces.
- (d) The design and efficiency of infrastructure and devices (including communal devices) with consideration given to the likely effectiveness, whole lifecycle costs, ease of access, operation and maintenance and integration with the built and natural environment.

(6) Subdivision and development that does not comply with Standard IXXX.6.7 (Road design and upgrade of existing rural roads):

- (a) Whether there are constraints or other factors present which make it impractical to comply with the required standards.
- (b) Whether the design of the road, and associated road reserve achieves Policies IXXX.3(4),

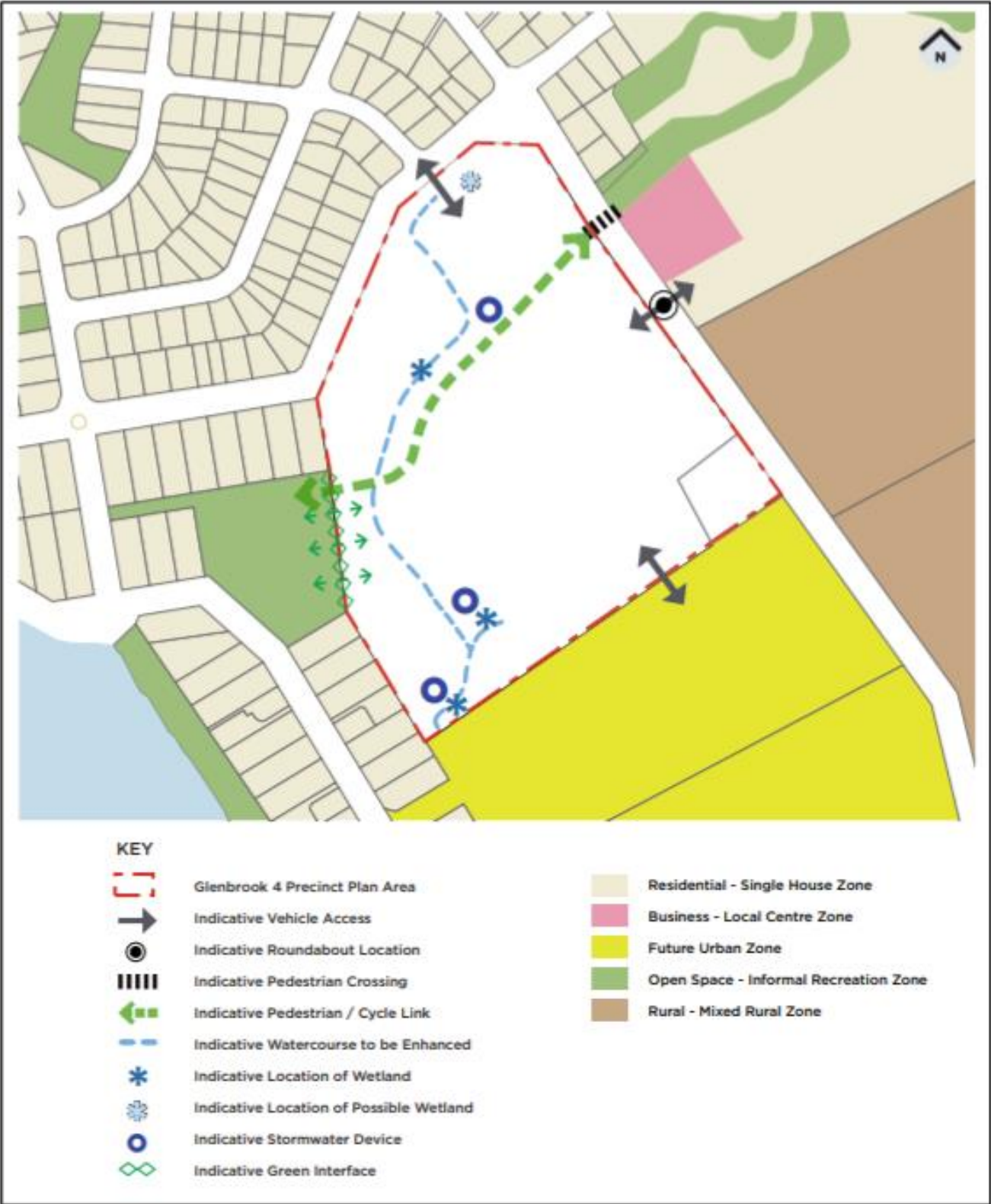
- (5) and (6)
- (c) Whether the proposed design and road reserve:
 - (i) incorporates measures to achieve the required design speeds;
 - (ii) can safely accommodate required vehicle movements;
 - (iii) can appropriately accommodate all proposed infrastructure and roading elements including utilities and/or any stormwater treatment;
 - (iv) assesses the feasibility of upgrading any interim design or road reserve to the ultimate required standard.
- (d) Whether there is an appropriate interface design treatment at property boundaries, particularly for pedestrians and cyclists.
- (7) Subdivision and development that does not comply with Standard IXXX.6.6 (Stormwater attenuation):
 - (a) Whether the alternative stormwater solution is consistent with the approved Stormwater Management Plan.
 - (b) Whether the location and volume of attenuation devices are appropriate with consideration to the likely effectiveness, ease of access, operation, and integration with the surrounding environment.
 - (c) Whether the location, size, volume and design of the proposed stormwater attenuation devices ensures that development manages flooding effects upstream and downstream of the site so that the risks to people and property (including infrastructure), are not increased for all flood events, up to a 1% AEP flood event.
 - (d) Policy IXXX.3(9).
 - (e) Policy IXXX.3(10).
 - (f) Policy IXXX.3(11).
 - (g) Policy IXXX.3(13).
 - (h) Whether the alternative solution achieves a more efficient development / subdivision layout and results in an outcome that is better than would have resulted if the device being located where indicated on the Precinct Plan (IXXX.10.1), or at the attenuation volume indicated in Appendix 2 (IXXX.11.2).

IXXX.9 Special information requirements

There are no special information requirements in this precinct.

IXXX.10 Precinct Plan

IXXX.10.1 Precinct plan 1



IXXX.11 Appendices

IXXX.11.1 Appendix 1: Glenbrook 4 Precinct - road function and required design elements

Road Name	Role and Function	Min. Road Reserve ¹	Design Speed	Access Restrictions	Median	Bus Provision ²	On Street Parking	Cycle Provision	Pedestrian Provision
McLarin Road	Secondary Collector	20m	40	No	Optional	Yes	Yes	Shared path on both sides	Shared path on both sides
Local Street	Local	16m	30	No	No	No	Yes	No	Both sides

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

Note 2: Carriageway and intersection geometry capable of accommodating buses.

Note 3: Any interim, hybrid, constrained or ultimate upgrades must be designed and constructed to include a new road pavement and be sealed to the appropriate standard in accordance with the Role and Function of the road.

Note 4: The width and required design elements of local roads where they adjoin open space may be modified.

IXXX.11.2 Appendix 2: Glenbrook 4 Precinct indicative stormwater attenuation device volumes

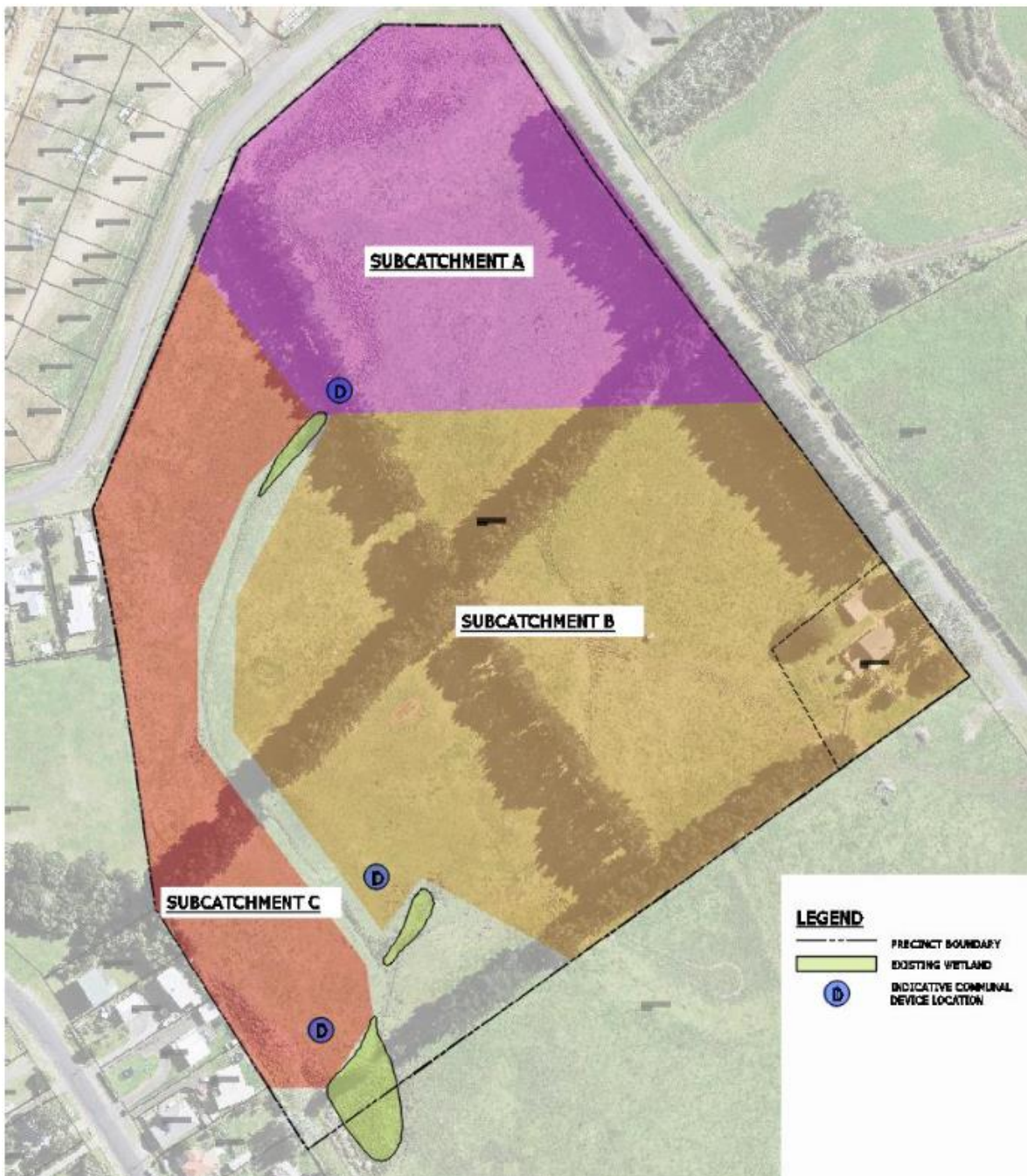


Image 1 – Stormwater sub catchments within the Glenbrook 4 Precinct

Indicative volume of attenuation basins – 1% AEP runoff			
Indicative device location	Percentage of catchment	Indicative volume	% of impervious land within catchment
Subcatchment A	27%	1,215m ³	60%
Subcatchment B	54%	2,610m ³	60%
Subcatchment C	18%	875m ³	60%

Note: These are indicative volumes only and the actual attenuation volume of each device may change depending on how the precinct is developed.