

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



## Proposal

The proposal is a plan change to the Auckland Unitary Plan (Operative in Part) to re-zone approximately 0.85 hectares of land at 26 and 52 Golding Road, Pukekohe, from Mixed Housing Urban to Business – Neighbourhood Centre Zone.

The Plan Change also proposes a “Golding Road Neighbourhood Centre Sub-precinct” over the proposed change area.

This plan change is **APPROVED**. The reasons are set out below.

<b>Private Plan Change:</b>	Private Plan Change 95
<b>Applicant:</b>	Aedifice Development No.1 Limited
<b>Hearing commenced:</b>	5 August 2024, 9:00am (MS Teams)
<b>Hearing Panel:</b>	Richard Blakey Bridget Gilbert Vaughan Smith
<b>Appearances:</b>	<p><u>For the Applicant:</u> Aedifice Development No.1 Limited represented by: Andrew Braggins, Legal Counsel Ian Munro, Urban Design Balaji Karnan, Civil Engineering Todd Langwell, Transport Duncan Ross, Planning</p> <p><u>For the Submitters:</u> N/a</p> <p><u>For the Council:</u> Craig Cairncross, Team Leader Peter Reaburn, Planner (consultant) Martin Peake, Traffic Engineer (consultant) Maria Baring, Development Engineer Chayla Walker, Hearings Advisor</p>
<b>Hearing adjourned</b>	5 August 2024
<b>Hearing Closed:</b>	9 August 2024

## INTRODUCTION

1. This decision is made on behalf of the Auckland Council (**the Council**) by Independent Hearing Commissioners Richard Blakey, Bridget Gilbert and Vaughan Smith (**the Panel**), appointed and acting under delegated authority under s.34A of the Resource Management Act 1991 (**RMA**).
2. The Commissioners have been given delegated authority by the Council to make a decision on Plan Change 95 (**PC95**) to the Auckland Council Unitary Plan (Operative in Part) (**AUP**) after considering all the submissions, the s.32 evaluation, the reports prepared by the Council and evidence presented by the Applicant.
3. PC95 is a private plan change that has been prepared following the standard RMA Schedule 1 process (that is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA).

## THE SITE AND EXISTING PLAN PROVISIONS

4. The site subject to the plan change request is located on the eastern side of Pukekohe and is part of a larger 20.5ha site. The land has frontage to the western side of Golding Road approximately 350m south of that road's intersection with East Street / Pukekohe East Road. Golding Road is a collector / arterial road that will provide access to developing urban land to the south, including that now enabled by Plan Change 74 (now known as the Pukekohe Golding Precinct) and the immediately adjoining Plan Change 76 (now known as the Pukekohe East-Central Precinct).
5. East Street / Pukekohe East Road is classified as an arterial route under the AUP and forms part of an east - west link between the centre of Pukekohe and State Highway 1 Southern Motorway, at the Mill Road interchange. East Street is subject to a 50km/hr speed limit through the urban area of Pukekohe, which transitions to 70km/hr speed limit on Pukekohe East Road. There is a roundabout at the intersection of Golding Road with East Street / Pukekohe East Road. A separate plan change application (Plan Change 98) is seeking Mixed Housing Urban (**MHU**) zoning for the land immediately opposite on the eastern side of Golding Road.
6. The land is currently zoned MHU. There is a small, unzoned area of unused road at the northern end of the area shown to be rezoned, however it has been clarified by the Applicant that this area is not proposed to be rezoned. The surrounding land is also in the MHU zone with the land opposite the site on Golding Road, and other land further to the south, zoned Future Urban Zone (**FUZ**). The plan change land is currently subject to earthworks as part of the development of the broader development of the Pukekohe East-Central Precinct.

## SUMMARY OF PLAN CHANGE

7. The proposed plan change, as sought by Aedifice Development No.1 Limited (**Applicant**) is described in detail in the application materials and the Council's s.42A hearing report prepared by Peter Reaburn (Consultant Planner to the Council). In summary, PC95 seeks to apply the Business – Neighbourhood Centre Zone (**NCZ**) to approximately 0.85ha of MHU land within the Pukekohe East-Central Precinct land. The plan change request was lodged

on 30 May 2023. A cl.23 request for further information was issued by the Council on 3 August 2023, and further information was progressively provided by the Applicant subsequent to that date.

8. The s.42A report advises that future development of the site was proposed to be managed by way of discrete Golding Road Neighbourhood Centre Precinct provisions that formed part of the plan change request. The proposed provisions contain a number of urban design, landscaping, stormwater and transport standards and all new development would be subject to review as a restricted discretionary activity resource consent.
9. A concept plan was provided with the plan change to illustrate a possible development scenario. This shows 13 small retail tenancies plus a cafe, a medical facility and a 1,500m<sup>2</sup> supermarket (approximately). There would be an active frontage to the new collector road passing immediately to the north of the land, which was proposed as part of PC76. A rear access road would border possible residential development on the western side of the land. A privately-owned “village green” is also shown, although the Applicant acknowledged that this particular aspect may need to be refined, including for the reason that it is shown in an area of currently unused road reserve, as noted above.
10. The concept plan is not part of the formal plan change but is instead intended to demonstrate that the land can be developed with a neighbourhood centre that is appropriately scaled to serve the future surrounding residential community.
11. A proposed precinct plan shows basic features that would need to be incorporated in future development, including the active frontage, an indicative access and a Golding Road frontage landscaping strip. The proposed precinct plan provisions require subdivision and development to be undertaken in accordance with the precinct plan (this being comprised of Precinct Plans 1 and 2).
12. The Applicant prepared revised Precinct Provisions on 24 May 2024 that amended PC95 to include the proposed NCZ land as a sub-precinct of the Pukekohe East-Central Precinct, described as Sub-precinct A. The Applicant’s memorandum of the same day advised that the Applicant has sought to address the changes sought by submitters, “*except for those that it considered were not appropriate or necessary due to the physical characteristics of the PC95 area (e.g. provisions relating to watercourses as there are no watercourses in the PC95 Area)*”.<sup>1</sup>
13. It noted that the changes sought by Auckland Transport (**AT**) involved the largest change to the provisions, in respect of the approach to include a new sub-precinct.
14. The s.42A report advises that those provisions were then the subject of expert conferencing to address remaining issues with the earlier version that were raised by AT as submitter and Mr Peake as the Council’s reviewer. The Joint Witness Statement (**JWS**) dated 25 June 2024 outlines the outcomes of that conferencing and includes the set of agreed Precinct provisions.

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<sup>1</sup> Memorandum, 24 May 2024, at [4.1]

## RELEVANT STATUTORY PROVISIONS CONSIDERED

15. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the Applicant's Plan Change Request, including an evaluation pursuant to s.32<sup>2</sup> and in section 2 of the s.42A report.
16. In particular, s.32(1)(a) requires an assessment of whether the objectives of a plan change are the most appropriate way to achieve the purpose of Part 2 of the RMA. Section 72 also states that the purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA. In addition, s.74(1) provides that a territorial authority must prepare and change its district plan in accordance with the provisions of Part 2. While this is a private plan change, these provisions apply as it is the Council that is approving the private plan change, which will in turn change the AUP.
17. The Panel also notes that s.32 clarifies that analysis of efficiency and effectiveness of the plan change is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposed re-zoning. Having considered the evidence and relevant background documents, the Panel is satisfied that PC95 has been developed in accordance with the relevant statutory requirements.
18. Clause 10 of Schedule 1 also 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 s.32AA. This further evaluation must be undertaken at a level of detail that corresponds to the scale and significance of the changes. Although not stated within the s.42A report, or the Applicant's evidence, it appears that while there have been amendments to the precinct provisions and plan change throughout the process to date and in response to submissions, these amendments have been to improve and refine aspects already included in the provisions. The Panel considers that they do not fundamentally alter or add new aspects such that supplementary assessment under s.32 of the RMA is required by virtue of s.32AA of the RMA.
19. We also note that no party considered that further analysis of the proposed changes under s.32AA was required.<sup>3</sup>

## NOTIFICATION PROCESS AND SUBMISSIONS

20. PC95 was accepted by the Council (under delegated authority) pursuant to cl.25(2)(b) of Schedule 1 of the RMA on 7 November 2023. PC95 was then publicly notified on 16 November 2023, with the submission period closing on 14 December 2023. The further submission period opened on 16 February 2024 and closed on 1 March 2024.
21. Five submissions were received on PC95, from the following persons/organisations:

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<sup>2</sup> 'AEE and Section 32 Evaluation Report', prepared by Civix and dated 30 May 2023

<sup>3</sup> As also confirmed by the respective planning witnesses during the hearing.

- The Ngāti Tamaoho Trust
- Ngāti Te Ata Waiohua
- Chenglang Feng
- Auckland Transport
- Watercare Services Limited

22. The main topics raised by submissions are summarised in the s.42A report.<sup>4</sup> It is noted that no further submissions on the plan change were received.
23. Comments were also received from the Franklin Local Board from its business meeting of 26 March 2024. The Local Board outlined some concerns with respect to the plan change but declined the opportunity to speak at the hearing.<sup>5</sup>
24. The s.42A report notes that, subsequent to notification and submissions being received, the Applicant has undertaken further consultation with all submitters.
25. Direction 1 from this Panel issued on 8 April 2024 directed the Applicant to file a memorandum outlining what, if any, changes they recommend to the proposal and outline which changes were in response to which submissions. The Applicant filed a memorandum on 24 May 2024 that provided an update with respect to its further consultation undertaken with submitters, sought further directions in respect of witness conferencing on transport matters, and provided a revised set of draft plan provisions.
26. Direction 2 (issued on 24 May 2024) subsequently directed expert conferencing on a specific transport-related issue and set out amended evidence timetable. Conferencing took place on 11 June 2024, and as noted above a signed conferencing statement was completed on 25 June 2024.
27. Further directions were issued as follows:
- (a) Direction 3 (21 June 2024) set out an amended evidence exchange timetable.
  - (b) Direction 4 (12 July 2024) was issued in response to a memorandum from the Applicant of 8 July 2024 seeking a pre-hearing conference to determine whether the hearing would be necessary and providing an update on consultation with submitters and advising of acceptance of the changes set out within the JWS and those proposed within the s.42A report.
  - (c) A pre-hearing conference was subsequently held on 16 July 2024. A record of that conference was provided in Direction 5 issued on 19 July 2024, as well as noting the receipt of written confirmation from AT dated 16 July 2024 that they support the provisions in terms of transportation matters and would not need to be heard in respect of their submissions. The hearing was moved to an online basis, and the direction identified the witnesses who the Panel may have questions for.

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<sup>4</sup> Agenda, at pp.14-15

<sup>5</sup> Ibid, at pp.17-18

28. A memorandum from Watercare dated 22 July 2024 advised that it supports the provisions in relation to water and wastewater servicing, and so did not need to file evidence nor attend the hearing.
29. On 25 July 2024 counsel for the Applicant sought confirmation in respect of the hearing process, namely that it commence at an earlier time (9am), be conducted in a 'workshop' format (noting that no submitters were now expected to attend the hearing) and requested an outline of the Panel's questions (in particular related to the urban design topic) to allow witnesses to prepare considered answers and/or amended wording for the Precinct provisions. This was responded to by the Panel on 26 July 2024 via email, incorporating the questions that the Panel had on the plan change at that time.
30. Finally, the Panel was also provided on 30 July 2024 with written statements from the Ngāti Tamaoho Trust, Ngāti Te Ata Waiohua and Chenglang Feng confirming that they did not wish to attend the hearing.

## **SUMMARY OF EVIDENCE**

### **Section 42A Report**

31. Mr Reaburn's s.42A report was based on the plan change as notified as well as the changes introduced through the Applicant's memorandum of 24 May 2024 and the subsequent JWS, and addressed the relevant statutory requirements, the relevant environmental effects and the issues raised by submissions. It was Mr Reaburn's overall recommendation that the plan change could be approved, subject to certain recommended amendments as set out in Appendix F to his report (and based on the Applicant's amended version that was included as Appendix D).
32. Mr Reaburn's assessment was based on specialist advice and memorandum received from Martin Peake (transportation) and Derek Foy (economics).<sup>6</sup>

### **Applicant evidence**

33. The evidence presented on behalf of the Applicant followed the requirements set out in Direction 4 but preceded the pre-hearing conference, in order to fulfil its timetable obligations, with the evidence being due on 15 July 2024. We set out below the witnesses who provided evidence on behalf of the Applicant and a brief summary of their conclusions.
34. Adam Thompson provided evidence from an economics perspective. He noted that the Council's economics expert, Mr Foy, supports PC95 on the basis that it will enable commercial development to support the local needs of the growing Pukekohe East population and would have no real potential for adverse economic effects to arise on other centres, or the local community. Mr Thompson confirmed that he remained of the view that the development enabled by PC95 would result in net economic benefits in the Pukekohe residential market, and recommended it be approved.

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<sup>6</sup> Agenda, at Appendix H

35. Balaji Karnan provided evidence in respect of infrastructure matters. He confirmed that the stormwater management plan for PC95 meets the requirements of the Council’s Regional Stormwater Network Discharge Consent; and the assessment of water and wastewater demand concludes that the anticipated peak demand for services in the proposed NCZ is not expected to exceed the potential demand enabled by the current MHU zoning. There were no matters arising from the submissions or the Council’s assessment that caused him to change or reconsider his recommendations on the plan change, and he recommended that it be approved from an infrastructure perspective.
36. Todd Langwell provided evidence regarding the transportation aspects of the plan change. He summarised the key conclusions of the Integrated Transport Assessment provided in support of the plan change. He agreed with the amendment to include the relevant provisions by way of a sub-precinct, and noted his involvement in the JWS, and that he agrees with the revised precinct provisions. He advised that he remains of the view that PC95 is recommended to be approved in respect of transport aspects.
37. Duncan Ross provided evidence in respect of planning matters. He set out a summary of the s.32 evaluation undertaken for PC95 and advised that he continued to support the conclusions reached in that analysis. He noted that there were no issues arising from the Council’s assessment and it was his view that PC95 should be approved because *“it implements the outcomes sought under the PPSP and aligns strongly with the current planning framework”* and *“also accords with the sustainable management conclusion on the basis of the detailed assessment set out in the s32 report”*.<sup>7</sup>

## THE HEARING AND MATTERS RAISED

### Introduction

38. As outlined above, the hearing was held in an online format. Prior to the hearing the Applicant had helpfully provided a memorandum dated 2 August 2024 (**Memorandum**) in response to the Panel’s outline of its questions set out in its email of 25 July 2024. These questions related to broader considerations associated with other changes in the surrounding environment, as well as specific queries related to the Precinct provisions. The Memorandum largely addressed the Panel’s queries and enabled the hearing to be focused on the various matters raised and for the Applicant’s responses to be further clarified by the Panel. The key matters raised by the Panel and the responses to those issues, including by reference to the Applicant’s reply submissions (**Reply**) are summarised below.

### Road reserve stub

39. The Sub-precinct A plans were noted by the Panel to partially incorporate an area of road reserve in its northern corner, including part of the proposed area denoted as a ‘village green’ on the concept plan, and proposed 3m landscape strip. It was queried whether this road reserve can be included in Sub-precinct A, noting that the land is presently un-zoned, and if

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<sup>7</sup> Ross, at [5.1]

so, what changes to the PC95 provisions would be necessary to incorporate this land into Sub-precinct A.

40. The Memorandum advised of a number of options to address the status of the land. During the hearing it was agreed that the road stub could not be 'zoned' and so an amendment to the proposed zone map would be necessary. However, this would not affect the way in which the proposed village green, which would incorporate part of the road stub, could be used in the manner intended by the Sub-precinct provisions.

41. The Reply noted the Applicant's agreement that the road stub should remain unzoned, consistent with the approach under the AUP. It also identified that where a road stub is stopped, E26.2.3(3) and (4) of the AUP provides that the zoning reverts to that of the adjoining land (to the centreline in the case of two different zones). The Reply goes on to say:<sup>8</sup>

*As a result a future plan change to rezone the road stub might not be required. However, as noted the road stub might become pedestrian mall which might not trigger that rule. Nothing particularly turns on this issue, but it is appropriate to inform the Panel of this rule now that it has been located.*

42. The Panel accepts that submission and considers that the existence of the road stub will not affect the implementation of the proposed village green as part of the future development of the Sub-precinct.

#### **Effect of Notice of Requirement 5**

43. The Panel wished to understand whether there were any implications for the Precinct or PC95 provisions, arising from Auckland Transport's Notice of Requirement: Pukekohe South-East Arterial (**NoR 5**) that affects Golding Road.

44. In this regard the Memorandum advised that the precinct provisions had been developed with NoR 5 in mind and that consultation with AT has been underway, including in response to the Applicant's submissions and evidence on NoR 5. While it is noted that the designation boundary extends into the subject land further than the final width required for the future formation of Golding Road, the Panel is satisfied that the works proposed by the Applicant are likely to tie into the designation, and that no further issue arises with respect to NoR 5 (noting also that AT had no further concerns with respect to the plan change).

#### **Intersection of Golding Road/Pukekohe East Road/Belgium Road**

45. The Panel questioned whether there is a proposal to upgrade the Golding Road/Pukekohe East Road/Belgium Road intersection to provide pedestrian connectivity (possibly via NoR 5).

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<sup>8</sup> Reply, at [4.3]



46. The Memorandum included comment from Mr Langwell who advised of his expectation that *“given the requirement for pedestrian and cyclist facilities along Pukekohe East Street, the full crossing facilities will be necessary”*.<sup>9</sup>
47. Mr Thompson considers that the zoned Neighbourhood Centre on the northern side of Pukekohe East Road will, when established, operate independently of the centre enabled with Sub-precinct A and that the latter is unlikely to attract a significant number of pedestrians from the north.
48. The Panel accepts the evidence of Mr Langwell and Mr Thompson and considers that no further issues arise in respect of this matter.

### **Implications of Private Plan Change 98**

49. The Panel noted that part of the justification for the proposed NCZ appeared to rely on rezoning the land on the eastern side of Golding Road for residential activity. We were therefore interested to understand any implications for PC95 if approval is not granted to Private Plan Change 98 (**PC98**), relating to the land on the opposite side of Golding Road. The Memorandum included comment from Messrs Ross and Thompson to the effect that there would be minimal implications for PC95 if approval is not granted to PC98, and that the demand for PC95 is driven by Plan Changes 74 and 76.
50. The Panel accepts that evidence and considers that no further issues arise in respect of this matter.

### **Timing under the Future Development Strategy**

51. The Panel requested advice as to what the expected timing for development of the land under the Council's Future Development Strategy (**FDS**). Mr Ross' advice through the Memorandum was that the FDS is not of particular relevance, as the PC95 land is already live-zoned. He also noted that *“[b]y having a neighbourhood centre, the Applicant will be reducing traffic and demand on wastewater/water and bringing convenience to the community”*.<sup>10</sup> The Applicant's response in this regard is acknowledged, and the Panel confirms that this matter has been addressed.

### **Location of the Village Green**

52. The Panel enquired as to whether the location for the proposed village green would be the most appropriate if Golding Road is developed as an arterial road, in accordance with PC95 (while also noting the potential signalised intersection at this location for 'Road 12' associated with PC98). The Panel was also interested to understand the most appropriate use for the village green, and how this area should be defined in the Sub-precinct provisions.

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<sup>9</sup> Memorandum, at p.5

<sup>10</sup> Ibid, at p.6

53. The urban design advice of Mr Munro conveyed through the Memorandum was that the village green is an appropriate use and is envisaged as a community focal point that can accommodate multiple activities or outcomes. In particular, he expected that it will be “*an urban gathering space used in association with adjacent tenancies that will also be a front door for the centre*”, and that it “*should be seen as being closer to an intimate outdoor area associated with a group of shops, not a public ‘kick a ball’ park*”.<sup>11</sup> He also referred to other similar spaces, such as that at Kaea Lane in Drury, to provide an example of the way in which the village green could function, and that this would be provided for whether held in public or private ownership (with the latter being the more likely outcome).

54. A further query arose during the hearing, as it was identified by the Panel that the location of the village green is not actually specified within the Precinct provisions. The Reply addressed this matter, noting that:<sup>12</sup>

*A conservative interpretation of the plan provisions could result in a view that the Village Green could not be located in the road stub area, i.e. outside the boundary of the Precinct Plan, resulting in the size of the Village Green being substantially larger than is proposed.*

55. To address this matter, the Reply version of the Precinct included amended wording at Policy I453.3(17) and Standard I453.6.5.1 to allow use of the road stub as part of the Village Green (if the road stub still exists at the time of development). For Policy I453.3(7) the addition is as follows:

*The Village Green is to be utilised for a range of passive and social recreation activities which may include a commercial or entertainment component such as, but not limited to, farmers markets, book fairs, outdoor dining, busking and music.*

56. The Panel notes that part of its query, not addressed in the Reply, was that the village green could be in a separate location from that shown, unrelated to the road stub. Overall, however, the Panel considers that the precinct provisions are of sufficient detail to address any urban design -related aspects associated with its location within the bounds of the NCZ (including the way in which it will be used as discussed below), and that the proposed changes are appropriate and have adopted them accordingly.

### **Precinct Provisions**

57. The Panel had a number of questions related to the Precinct provisions themselves, as set out below.

#### Activity table I453.4.1(A4)

58. In terms of Activity table I453.4.1(A4)(i), it was queried whether this should be amended to define which Precinct Plan is to be complied with (or if it is both, then it might follow the

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<sup>11</sup> Ibid, at p.10

<sup>12</sup> Reply, at [3.5]

wording for (A11)(i)). Mr Ross confirmed that it should be amended to align with (A11)(i)) and this was addressed in the Reply version of the provisions.

#### Permeability of fencing

59. It was noted that Rule I453.6.2(1) requires that “*Fences adjoining the Village Green must not exceed 1.4m in height and remain visually permeable*” but does not define what ‘visually permeable’ means. The Panel suggested that the rule would benefit from inclusion of a requirement to be at least 50% visually open, as used in the Mixed Housing Urban Zone standards.
60. Following a discussion on this matter during the hearing, the Reply incorporated similar wording to that used in the MHUZ standards, so that Rule I453.6.2(1) is amended to read:

*Fences adjoining the Village Green must not exceed 1.4m in height and remain visually permeable, meaning that the fence is at least 50 per cent visually open as viewed perpendicular to the front boundary.*

61. The Panel agrees with and adopts that amendment.

#### Village Green descriptor

62. It was queried by the Panel whether use of the term ‘village green’ in Purpose statement I453.6.5.1(2) is the most appropriate descriptor if it may be “*utilised by adjacent tenancies for outdoor commercial activities*”. Through the hearing the Panel sought therefore that the purpose and anticipated uses of the village green be clarified in the Precinct plan provisions. In this regard, the Reply commented that:

3.3. *It is proposed that the types of activities be described in Policy 17 and the design be addressed in the description of the purpose of the Village Green in Standard I453.6.5.1, but there does not appear to be any particular issue moving the wording across the two provisions.*

3.4. *It is considered that the Precinct does not need specific rules for the relevant activities as they would already be covered off by the underlying zoning or the temporary activity provisions in E40.*

63. The Panel accepts that submission, and accordingly we find that the provisions described in the Reply, and the reference to underlying zone and temporary activity provisions within the AUP appropriately define the expected uses of the village green.

#### Purpose statement I453.6.5.1(3)

64. With respect to Purpose statement I453.6.5.1(3), it was queried how commercial leasing arrangements for the village green would be addressed if the Council “*accepts vesting for public purposes*”.

65. Mr Ross confirmed in the Memorandum that the Applicant is not proposing to vest the land for public purposes, noting push-back from the Council's Parks department in this regard across other projects in Auckland. No further issue arises in respect of this evidence.

Active frontages

66. The Panel also queried why the requirement for an “*active commercial/retail frontage*” did not rely on use of the AUP's Key Retail Frontage or General Commercial Frontage identification and rules for such frontages, noting that there is no rule to underpin the outcome sought by proposed Objective I453.2(9).
67. This matter was addressed by Mr Munro, who highlighted that the frontage control is limited to Metropolitan and Town Centres, and not Local or Neighbourhood Centres. He also did not consider that any standards were required to address this matter, as all buildings already require consent and would be subject to design-related assessment criteria that directs the need for buildings to activate and front the street.
68. It was acknowledged during the hearing, however that these provisions do not require specific consideration of retail activities on the proposed collector road. In this regard, the Panel considers that the following changes are necessary to address this matter:

- (a) Amend Objective I453.3(9) as follows:

*Development within Sub-precinct A is undertaken to ensure a suitable and functional landscaped edge along the Golding Road frontage, ~~or~~ and an active commercial interface where buildings front the proposed Collector Road reserve.*

- (b) Amend Assessment criterion I453.7.2.1(1)(a) as follows:

*The extent to which Policies I453.3.1(11), (12), (15), ~~and (16)~~ and (17) are achieved.*

69. These changes will, in the Panel's view, ensure that building design and interface considerations are appropriately addressed in respect of the collector road frontage.

Rule I453.6.5.5(1) - Landscaping

70. It was noted that Rule I453.6.5.5(1) relating to landscaping states “...*excluding the area identified for vehicle access into the zone*”. It was queried whether this should be changed to “*into ~~the zone~~ Sub-precinct A*”. Mr Ross confirmed in the Memorandum that this change was agreed.

**FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE**

71. As noted above, no evidence was presented on behalf of submitters, and beyond the queries and matters of clarification raised by the Panel, there are no matters of contention on which we need to make findings.

72. Therefore, and based on the responses received to our queries, it is a relatively straightforward matter for the Panel to record its acceptance of the evidence for both the Applicant and the Council that the proposed Neighbourhood Centre zoning and inclusion of new precinct provisions is appropriate for the plan change area, and will not give rise to adverse economic, transport or urban design effects on the surrounding locality.
73. There are, however, several minor changes that we have made for consistency or clarity or to provide consistency, within the Sub-precinct provisions. These comprise minor formatting changes and underlining of changed provisions and other amendments set out as follows (deletions in strikethrough and additions in underline font):
- (a) Objective I453.2(12): “...in ~~the~~ Sub-precinct A...”.
  - (b) Policy I453.3(17): change of wording to “...*design of* ~~the~~ Sub-precinct A, *is added*...”.
  - (c) I453.4.1 (Activity Table): renumber so that existing numbering is not affected.
  - (d) I453.4.1 (Activity Table): (A4) clarify the reference so that it is Precinct Plan 1 and 2.
  - (e) I453.4.1 (Activity Table): (A4) and (A8) delete a redundant reference – ~~I453.5~~.
  - (f) I453.6.3.2 (Water Quality): add reference to clause (1).
  - (g) Table I453.6.4.2.1 (Transport Infrastructure Requirements) Note 1: correct reference to I453.7.1(4).
  - (h) I453.6.4.7 – Road Widening Setback along Golding Road: place Purpose in a bullet point and renumber.
  - (i) I453.6.5.1 (Purpose statement): “*To create a useable and flexible green space that identifies the entrance to ~~s~~Sub-precinct A ~~entrance~~”.*
  - (j) I453.6.5.1(2)(b): addition of “soft” to the phrase “green landscaping” to provide greater clarity of meaning.
  - (k) Table I453.6.5.4.1(T1): “*Land use consent for buildings within ~~the~~ Sub-precinct A or issue of a s224(c) RMA certificate...”.*
  - (l) I453.6.5.5. Landscaping: amend the reference to ~~the zone~~ to Sub-precinct A.
  - (m) I453.6.5.6(1): “*at the time of subdivision (s224(c) RMA certificate)”.*
  - (n) I453.7.1. Matters of discretion: Amend the numbering and, consequentially, the references to Sub-precinct A.
  - (o) I453.7.2.1(1)(c): “*integrated with the design of ~~the~~ Sub-precinct A...”.*
  - (p) I453.7.2(4)(a),(c),(d) and (j): change the reference to Precinct Plans.
  - (q) I453.7.2(4)(b)(i) and (l): change the reference to Precinct Plan 1.

- (r) I453.6.5.5(1) change the reference to Precinct Plan 2.
- (s) I453.7.2.1 Assessment criteria - Sub-precinct A: delete the heading, refer to Sub-precinct A within the standards and replace the reference to in the general precinct provisions in I453.7.2 with above in I453.7.2(1)-(6).
- (t) I453.8 Special information requirements: Relocate the Riparian Planting Plan clause to be the first clause I453.8.1 and renumber.

74. The Panel also notes that, as part of its final review of the Precinct provisions, a possible error in Policy I453.3(5)(a)(i) with the reference to the requirement to provide “*a collector road and key intersections generally in the locations shown in the Precinct Plan 1 or as fixed by Precinct Plan 1*”. We consider that the second reference should be to Precinct Plan 2, and we have amended this policy accordingly. As a further minor grammatical matter, we consider that use of “the” before “Precinct Plan 1” within this policy and again at Rule I453.4.1(A11) is redundant, and so we have made deletions as a result.
75. Precinct Plan 2 is amended so that it is one plan only. The sub-precinct boundary is shown as including the road stub with a consequential change to the active commercial/retail frontage notation. In addition, it is noted that some references within the Precinct Plan maps and legend themselves need aligning with Precinct Plan 1 or are superfluous (for instance, references to PC76) and have been shown as deleted. This may be a matter of a simple tidy-up by the Council in conjunction with the Applicant before the plan change is made operative.
76. These changes, along with those referred to in the preceding part of this decision, are incorporated into the revised version of the Precinct at **Attachment 1**.
77. We have also included the zone map for the plan change as a further attachment – being **Attachment 2**.
78. Overall, and based on those amendments, we accept Mr Reaburn’s recommendation that PC95 should be adopted, and that the plan change and associated change in the zoning of the land will:
- assist the Council in achieving the purpose of the RMA;
  - give effect to the NPS-UD;
  - be consistent with the RPS; and
  - be consistent with the Auckland Plan.

## DECISIONS ON SUBMISSIONS

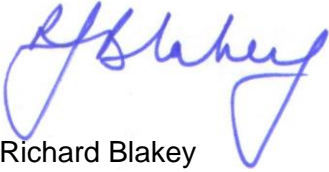
79. It is also necessary for us to set out our decisions with respect to the submissions received on the plan change. We have set out our decision on the submissions, and the relief sought in those submissions, at **Attachment 3** and these are based on the recommendations provided in the assessment by Mr Reaburn in his s.42A report and addendum, and our overall decision to approve the plan change.

## FINDINGS WITH RESPECT TO PART 2

80. For all of the reasons set out in this decision, we are also satisfied the matters set out in ss.6, 7 and 8 of the RMA have been addressed. PC95 and its provisions, as amended, have recognised and provided for, have had particular regard to and taken into account those relevant ss.6, 7 and 8 matters.
81. In terms of s.5 of the RMA, it is our finding that the provisions of PC95 are consistent with, and are the most appropriate way, to achieve the purpose of the RMA. PC95 will enable the efficient development of the site for residential activities while also avoiding, remedying, or mitigating any adverse effects on the environment.
82. Having considered all the evidence and relevant background documents, we are satisfied, overall, that PC95 has been developed in accordance with the relevant statutory and policy matters with regard to ss.32 and 32AA and Part 2 of the RMA. The plan change will clearly assist the Council in its effective administration of the AUP(OP).

## DECISION

- I. That pursuant to Schedule 1, clause 10 of the Resource Management Act 1991, that Proposed Plan Change 95 to the Auckland Unitary Plan (Operative in Part) be **approved**, on the basis of the Plan Change provisions as provided with the Applicant's memorandum of 8 August 2024, subject to those amendments that we have described in this decision.
- II. Submissions on the plan change are accepted and rejected in accordance with Attachment 1 to this decision. In general, these decisions follow the recommendations set out in the Council's s.42A report, except as otherwise identified in the JWS in relation to the matters that were then in contention.
- III. In addition to the reasons set out above, the overall reasons for the decision are that Plan Change 95:
  - (a) will assist the Council in achieving the purpose of the RMA;
  - (b) is consistent with the Auckland Regional Policy Statement;
  - (c) is supported by necessary evaluation in accordance with s.32 of the RMA; and
  - (d) will assist with the effective implementation of the Auckland Unitary Plan.



Richard Blakey

Chairperson



Bridget Gilbert



Vaughan Smith

7 October 2024

#### ATTACHMENTS

Attachment 1 I453 Pukekohe East-Central Precinct

Attachment 2 Plan Change Zone Map

Attachment 3 Table of Decisions on Submissions



