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 rezone approximately 2 hectares of land in Papakura from Rural - Countryside Living Zone to a Residential - Mixed Housing Urban Zone and introduce a new precinct to the Auckland Unitary Plan to apply to the rezoned land and adjoining Rural - Countryside Living Zone. The plan change also seeks to shift the Rural Urban Boundary to align with the boundary between the proposed Residential - Mixed Housing Urban Zone and the Rural - Countryside Living Zone.

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

Private Plan Change:	Private Plan Change 108
Applicant:	Harbour View Heights Limited Partnership
Hearing commenced:	9:30am, 23 June 2025
Hearing Panel:	Richard Blakey Helen Mellsop Vaughan Smith
Appearances:	<u>For the Applicant:</u> Harbour View Heights LP represented by: Asher Davidson, Legal Counsel Alan Blyde, Civil Engineering James Paxton, Landscape Russell Baikie, Planning Jimmy Zhuang, Urban Design <u>For the Submitters:</u> Eden Rima, Ministry of Education (tabled statement) Anthony Graham (tabled statement) <u>For the Council:</u> Craig Cairncross, Team Leader Christopher Turbott, Planning Rob Pryor, Landscape Architecture Nick Goldater, Ecology and planting Carmel O'Sullivan, Stormwater

	Chayla Walker, Hearings Advisor
Commissioners' site visit:	17 June 2025
Hearing adjourned:	23 June 2025
Hearing Closed:	30 June 2025

INTRODUCTION

1. This decision is made on behalf of the Auckland Council (**the Council**) by Independent Hearing Commissioners Richard Blakey, Helen Mellsop 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 108 (**PC108**) to the Auckland 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 and submitters.

3. PC108 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 described in the Applicant's Assessment of Environmental Effects (**AEE**) and the Council's s.42A report (**Agenda report**) as being adjacent to an existing urban area, with a north-west aspect with a rural backdrop, part of which is a partly vegetated ridgeline and native bush area. There is a component of established countryside living dwellings in close proximity accessed from Settlement Road to the south.

5. More specifically, the site is comprised of Rural - Countryside Living Zone (**CLZ**) land on the eastern periphery of Papakura with two distinct components - a north facing area and a south-facing bush clad area comprising a ridgeline and steep escarpment. No dwellings occupy the land. The area proposed to be rezoned for urban development has a contiguous boundary with the existing urban area, is fairly steep land with an east-west contour and is largely covered in gorse. A large previously earth-worked soil stockpile area is located near the corner of Crestview Rise and Kotahitanga Street.

6. The site is physically well-defined with roading connection points with Crestview Rise and Kotahitanga Street for new urban housing and Settlement Road for some of the rural lots. The second component of the site which is not proposed to be rezoned but forms part of the larger precinct area is part ridge or spur, and the larger south-facing escarpment is covered by vegetation (primarily native bush). The escarpment topography is steep and falls from the ridge line. The site extends to Settlement Road with a perennial stream running through the land and connecting to a piped stormwater system under Crestview Rise. The location of the site or neighbourhood context has the site positioned at the

eastern periphery of Papakura between Crestview Rise (a new and emerging neighbourhood) and Settlement Road.

7. In terms of transport, it is noted that prior subdivision approvals connected Crestview Rise with Keri Vista and Settlement Roads. A bus route servicing the nearby Redhill area is accessible from the site with an approximately 600m walk distance to a bus stop. The site is some 2.7kms from the Papakura train station and some 800m to access bus route 373 via established footpaths on Crestview Rise, to Settlement Road, with connections to Papakura CBD and train station.

8. A Watercare water reservoir is located on the eastern site boundary and four dwellings are located approximate to the southern boundary near the ridgeline (no's 182, 190, 188, 186 Settlement Road). The designated (9561) Watercare Reservoir located at 279 Kaipara Road is included within the existing RUB and has an underlying zoning of Mixed Housing Suburban. Two easements exist on the site. A Watercare water easement runs adjacent the southern cadastral boundary from the Watercare reservoir. This is typically a 2.5m strip of land running the length of the site. The other easement is for stormwater quantity management in favour of the Council. This is located and defined on Lot 126 and was established with mutual obligations on the Council and the landowner as part of the earlier resource consent approvals for subdivision for Crestview Rise.

SUMMARY OF PLAN CHANGE

9. The proposed plan change, as sought by Harbour View Heights Limited Partnership (the **Applicant**) is described in detail in the application materials and the Council's Agenda report prepared by Christopher Turbott (Planner for the Council). In summary, PC108 seeks to rezone approximately 2ha of land at 28, 30, 66 and 76 Crestview Rise and 170 Settlement Road in Papakura from Rural - Countryside Living Zone (**CLZ**) to a Residential - Mixed Housing Urban Zone (**MHUZ**), having a total area of 5.4513 ha. The plan change also proposes to introduce a new precinct to the Auckland Unitary Plan (**AUP**), the 'Crestview Rise Precinct', to apply to the rezoned land and the adjoining CLZ land (the 'Crestview Rise Precinct Plan'). The plan change also seeks to shift the Rural Urban Boundary (**RUB**) to align with the boundary between the proposed MHUZ and the CLZ.

10. It is relevant to note here that the Resource Management (Enabling Housing Supply) Amendment Act came into law in December 2021. The Act requires the introduction of new standards – the Medium Density Residential Standards (**MDRS**). This is being undertaken in Auckland through Plan Change 78 (**PC78**) and associated Intensification Planning Instrument plan change processes. However cl.25(4A) of Schedule 1 provides that the Council must not accept or adopt a private plan change request that does not incorporate the MDRS as required by s.77G(1) of the RMA.

11. Accordingly, the plan change also incorporates the MDRS into the proposed precinct as required by s.77G(1) and Schedule 3A of the RMA. The precinct includes text provisions and a precinct plan, and includes:

    - description of the proposed precinct;

- six objectives, two of which are mandatory MRDS objectives and the remainder relating to the proposed precinct;
- eight policies, five of which are mandatory MRDS policies and the remainder relating to the proposed precinct;
- an activity table that sets out the resource consent activity status for activities according to MRDS requirements and specific to the proposed precinct;
- standards including those required by the MRDS and those specific to the proposed precinct and subdivision standards;
- special information requirements relating to:
    - landscaped buffer, ridgeline and existing bush planting enhancement and protection; and
    - cultural landscape,
- a precinct plan.

12. No changes to any other spatial layers or text in the AUP are proposed.

13. The plan change request was lodged on 29 May 2024. A request for further information under cl.23 of Schedule 1 of the RMA was issued by the Council on 1 July 2024, and further information was progressively provided by the Applicant subsequent to that date. It was accepted for processing by the Council under cl.25 on 10 December 2024.

RELEVANT STATUTORY PROVISIONS CONSIDERED

14. 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[1] and in section 2 of the Agenda report.

15. 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.

16. 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 PC108 has been developed in accordance with the relevant statutory requirements.

17. 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

[1] 'AEE and Section 32 Evaluation Report', prepared RDBConsult as updated on 25 November 2024

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. In this regard, we note that the evidence presented by the Applicant and the Council effectively represents this assessment, and that that material should be read in conjunction with this decision.

NOTIFICATION PROCESS AND SUBMISSIONS

18. PC108 was accepted by the Council (under delegated authority) pursuant to cl.25(2)(b) of Schedule 1 of the RMA on 10 December 2024. PC108 was then publicly notified on 23 January 2025, following a feedback process involving Iwi, as required by cl.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 latter step was aimed at ensuring that landowners and occupiers of properties affected by potentially significant changes were made aware of the changes.

19. The submission period closed on 21 February 2025, with nine submissions received (but four submissions were subsequently withdrawn). The further submission period opened on 14 March 2025 and closed on 28 March 2024, and one further submission was received but was subsequently withdrawn. The submissions were from adjoining/local residents, Veolia, and the Ministry of Education (**MoE**) .

20. The main topics raised by submissions are summarised in the Agenda report,[2] and related to visual amenity, traffic effects, noise, construction effects, lack of infrastructure, stormwater and flooding, cultural values, as well as changes to the zoning to require wastewater network upgrades and to require walking and cycling upgrades for school students.

21. Comments were also received from the Papakura Local Board (**Local Board**), arising from its business meeting on 26 March 2025. In summary, the Local Board raised concerns in respect of land stability (if development is enabled on steep land) and made a request for traffic management options to be developed for the intersection of Crestview Rise and Settlement Road. The Local Board subsequently advised of its decision to decline the opportunity to speak at the hearing.[3]

22. Direction 1 was issued by the Panel on 4 April 2025 which 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 17 April 2025 advising that it had held a number of constructive meetings and discussions with submitters and other interested parties (i.e., Healthy Waters) and that these were ongoing. It further advised, however, that no material changes to the proposal have been identified as being required at this stage.

23. Direction 2 (issued on 17 April 2025) subsequently set out the evidence exchange timetable.

[2] Agenda report, at section 10 (pp.56-64)
[3] Advice received on 18 June 2025

24. Although as described later the matters of contention between the Applicant and the Council were resolved, and the hearing was moved to an online format (per Direction 4 issued on 17 June 2025), we summarise the evidence that we received in the following section of this decision.

SUMMARY OF EVIDENCE

Section 42A Report

25. Mr Turbott's Agenda report, prepared in accordance with s.42A of the RMA, was based on the plan change as notified, and addressed the relevant statutory requirements, the relevant environmental effects and the issues raised by submissions. It was Mr Turbott's overall recommendation that the plan change could be approved, subject to certain recommended amendments including those arising from the input of the Council's specialists. These were summarised as changes in respect of:

- the Precinct text to address stormwater management effects and wastewater infrastructure upgrades;
- the Precinct plan to include a geotechnical notation feature; and
- application of the AUP Flow 1 control map to include Sub-precinct A.

26. Mr Turbott's assessment concluded that, on the basis of his review of the information from the Applicant, his assessment of effects and an evaluation of PC108 against the relevant NPS and AUP policies, all relevant statutory (and non-statutory) documents and the submissions, that PC108 should be approved. This was subject to resolution of the above matters, and adoption of the amendments to the text and planning maps of the AUP (as set out in Attachment 8 to his Agenda report). On this basis, it was his view that PC108 would:

- assist the Council in achieving the purpose of the RMA;
- give effect to section 6(e) of the RMA ('the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga');
- give effect to section 6(h) ('the management of significant risks of natural hazards');
- give effect to the National Policy Statement on Urban Development (**NPS-UD**), the National Policy Statement on Freshwater Management and the National Policy Statement on Indigenous Biodiversity; and
- give effect to the Regional Policy Statement (**RPS**).

27. Mr Turbott's report incorporated the specialist advice and memoranda that had been received from the Council's specialist advisers, being Ruben Naidoo (contamination), Rob Pryor (landscape), Sarah Budd (ecology), Nicole Li (engineering), Amber Tsang and Carmel O'Sullivan (Healthy Waters, stormwater engineering) and Martin Peake (transportation).[4]

[4] Agenda report, at Attachment 4

Applicant evidence

28. The evidence prepared on behalf of the Applicant followed the requirements set out in Direction 2. We set out below the experts who provided statements of evidence on behalf of the Applicant and a brief summary of their conclusions.

29. **Paul Fletcher** provided evidence in respect of the geotechnical aspects of PC108. Mr Fletcher's evidence addressed the suitability of the subject site for the proposed development and responded to the Agenda report, and in particular to the comments from the Local Board and the submission from Michael Atkinson (275 Kaipara Road). He noted the supporting analysis from Ms Li for the Council, and while he did not consider that the additional Precinct provisions related to instability were necessary, he did not oppose their inclusion. Overall it remained his view that, based on the findings of the desktop and field investigations summarised in his evidence, the subject site would be generally suitable for the proposed residential subdivision as depicted within the submitted plan set.

30. **Alan Blyde** provided evidence in respect of the civil engineering matters arising from PC108, and responded to servicing and environmental and construction concerns of some of the submitters. He provided an overview of the findings set out in the Engineering Infrastructure Report and Stormwater Management Plan report and the Engineering Plans provided with the plan change request, which showed that the site can be adequately serviced for 3-waters infrastructure. He also considered that development can be undertaken with appropriate earthworks to create the necessary roading and final landform. In his view these works will support the creation of well-designed and desirable lot areas which are also safe from flood risk and achieve suitable contour to enable land drainage.

31. Mr Blyde's evidence also confirmed the inclusion of provisions which he considered would ensure that stormwater from the site is well managed so that stormwater quality is treated to a high standard. He also advised that flows from the site will be attenuated to the extent that post-development peak flow rates would be 80% of the pre-development flow rates, thereby improving downstream stormwater network capacity and reducing flood risk.

32. **Leo Hills** provided evidence regarding the transportation aspects of PC108, and responded to issues raised in submissions by Robert Taylor (5 Crestlands Place) and Ines Burzig, the Ministry of Education (**MoE**) and Mr Atkinson. He summarised the key findings from the Integrated Transportation Assessment report provided with the plan change application, from which he concluded that there is no traffic engineering or transport planning reason that would preclude approval of PC108. He also noted that there were no areas of disagreement between the Applicant and the Council's specialist Mr Peake in respect of transportation matters.

33. The concerns raised by submitters related to increased traffic volumes within Crestview Rise and Settlement Roads, as well as vehicle speeds and pedestrian safety and provision for active modes to schools. Mr Hills responded to these issues, noting that traffic volumes would remain very low, and specific traffic calming devices were not necessary, but in any event would be considered at the resource consent and engineering plan approval stage. In

addition, footpaths and pram crossings would be provided for within the subdivision, which he considered would facilitate transport by active modes.

34. **James Paxton** provided evidence on the landscape and visual effects-related aspects of PC108, and responded to the particular issues raised in the submissions by Mr Atkinson, Anthony Graham ([redacted]) and Mr Taylor, with regards to effects on views and amenity. In general, Mr Paxton was of the view that PC108 would complete the urban form and development pattern along Crestview Rise and Kotahitanga Street on a site that he considered would be suitable for urbanisation. In particular, he noted that the plan change would enable the provision of several housing options within a feasible form that responds to its location adjacent to the RUB.

35. Mr Paxton also highlighted that retention of the existing vegetation in the gully area, the long-term enhancement of this vegetation, and the creation of a 10m-wide revegetation planting buffer and ridgeline planting, would help to establish and support a key landscape element on the site and improve the values of this forest for fauna and flora, while also establishing a defensible rural-urban buffer and area of visual amenity for residents. Accordingly, he was of the view that the proposal would generate no more than a low level of adverse visual effect, that would reduce to 'very low' as future development 'grows in' and become a familiar and indiscernible component of the urban environment.

36. In terms of submitter concerns, Mr Paxton acknowledged that the change from rural to urban land use will result in a change to the site, including views from neighbouring properties, and result in a visual change to the landscape. However, he considered that the proposed provisions of PC108 would appropriately manage any landscape effects arising from this change, and that the development to be facilitated by PC108 was appropriate from a landscape perspective.

37. **Jimmy Zhuang** provided evidence that addressed the architectural and urban design aspects of PC108. He provided commentary in respect of the suitability of the site for urban development, including with reference to its physical characteristics, design principles and site structure-planning responses and the relevant provisions of the Crestview Rise Precinct. He presented additional visual documents to assist in responding to the submissions of Messrs Graham and Taylor, and responded to the Agenda report in respect of:

    (a) the suggestion that the height of buildings within Precinct Area A might be limited to two storeys; and
    (b) the feasibility of the suggested new Precinct standard requiring the use of 'low contaminant generating materials'.

38. It was Mr Zhuang's opinion that the potential development that would be enabled by this plan change will:[5]

    (a) fit its immediate and wider context;

    (b) reflect and enhance the distinctive character of the PC Land and the immediate neighbourhood;

    (c) ensure choices of various types of houses for people, which are similar and complementary to the recent developments in the immediate neighbourhood;

    (d) enhance connections to a key site of public infrastructure;

    (e) ensure creative and sustainable stormwater treatments in relation to the PC Land and individual house design.

39. Mr Zhuang noted the Applicant's intention for the proposed neighbourhood, being to provide affordable houses which are two to three-storeys, timber structure, detached, semi-detached and terraced houses, with each house having a public frontage. He referred to his 'Scenario 6' drawings as depicting the most likely outcomes for the proposal, due to its development patterns (e.g., the mixed house types, their respective subdivision layouts and retaining wall locations) being very similar and complementary to the immediate neighbourhood.

40. Mr Zhuang also advised of his agreement with Mr Paxton in respect of the concerns of submitters. He noted that he had prepared additional photomontages which had been used by Mr Paxton to inform his assessment of effects for submitters, and those on Mr Taylor in particular.

41. In summary, Mr Zhuang considered that the Precinct provisions (as included in the evidence of Russell Baikie, referred to below) would "*lead to the most appropriate outcomes in terms of future implementation/residential development in terms of urban design*", and that, "*all elements of structure planning are considered in the CR Precinct, with the corresponding built form responding appropriately to the context to create a high-quality 2ha neighbourhood*".[6]

42. **Russell Baikie** provided evidence on the planning-related aspects of PC108. His evidence included an overview of the proposed plan change and the development anticipated in response to its provisions; the issues raised by submitters; consultation with mana whenua; a response to issues raised in the Agenda report (including comment on servicing obligations relating to stormwater and wastewater; specific geotechnical design management; and the potential for a qualifying matter as to dwelling height limitations). Mr Baikie set out his recommended changes to the Precinct, and provided an assessment of those changes in accordance with s.32AA of the RMA.

[5] EV05, at [37]
[6] EV05, at [39]

43. Mr Baikie set out the consultation undertaken with submitters and subsequent actions or areas of clarification provided, including with respect to Veolia and the MoE and the submission made by the Applicant itself. The purpose of the latter was to indicate an acceptance of the Mixed Housing Suburban zone provisions should the legal requirement to adopt a relevant urban zone and to include the MDRS not be retained as compulsory in terms of s.77G and cl.25(4A) of the RMA. However, he noted that at the time of preparing his evidence, those matters remained mandatory.

44. Mr Baikie noted that while there was broad agreement with the Agenda report, there were a number of matters which he provided additional comment. These were addressed through a revised version of the Precinct provisions, as attached to his evidence. The more substantive of these were the subject of subsequent joint witness conferencing, which we discuss further below and so do not summarise here.

45. In terms of the further changes described in his evidence, Mr Baikie provided an analysis under s.32AA. He noted in this regard that the addition and deletion of provisions in accordance with the Applicant's amendments did not materially alter his original assessment and conclusion with respect to s.32. In summary, he considered that these amendments "*are suitably appropriate or effective in the administration of the precinct to achieve the objectives and the Precinct's purpose and those of the AUP which remain applicable to this land*". In his view, "*[t]hey will in my opinion be effective and efficient in delivering the urban and environmental outcomes anticipated*".[7]

46. Mr Baikie also advised that the relationship with mana whenua and anticipated outcomes from the plan change was articulated in a draft Memorandum of Understanding between the parties as an act of good faith, and that this would inform the nature of expectations at resource consent stage. He highlighted that those discussions are ongoing.

47. Overall, it was Mr Baikie's evidence that the urban extension proposed by the plan change would be of minor significance and was 'contextually appropriate', and that it would give effect to the RPS and relevant national policy statements and enhance the RUB. He concluded that:[8]

> *The rezoning and resource management approach suitably considers and integrates cultural, development and conservation values with environmental management enhancement to the site's urban/rural interface and the bush clad landform to achieve a well-functioning urban and rural environment with associated consequential benefits. Those benefits include housing to support the well-being of the population of an intensity and form typical of the adjacent successful subdivision of Crestview Rise. Watercare and the public also benefit in having new direct road access to the reservoir.*

[7] EV01, at [78]
[8] EV01, at [83]

48. As a result, it was Mr Baikie's view that PC108 would enable a suitable outcome for the site that generates multiple benefits, does not present any significant adverse effects and will therefore be consistent with the purpose and principles of the RMA.

Joint Witness Conferencing

49. Following receipt of the Applicant's evidence, a memorandum was received from Asher Davidson, the Applicant's counsel, on 29 May 2025 that sought directions for joint witness conferencing. The memorandum summarised the matters within the Agenda report as outstanding as:

    (a) How stormwater management requirements are appropriately reflected in the proposed Crestview Rise Precinct;
    (b) Whether a wastewater upgrade standard is required; and
    (c) Whether some amendments proposed by the Applicant address queries raised by Mr Turbott as to the operation of the Precinct (including treatment of the Special Information requirements and a Geotechnical notation recommended to be added to the Precinct Plan).

50. The memorandum noted that two matters appeared capable of being resolved, or the issues narrowed, ahead of the hearing, being:

    (a) The need for the Applicant to demonstrate that stormwater will be conveyed to attenuation ponds in a 100-yr flood event; and
    (b) Whether a qualifying matter applies to justifying limiting new residential development within sub-Precinct A to two-storeys.

51. Accordingly, it was proposed that conferencing between the relevant experts on these matters during the week of 9 June and before the Council's addendum s.42A report would be due. This was agreed to by the Panel, and accordingly Direction 3 was issued to this effect on 30 May 2025.

52. A copy of the two Joint Witness Statements (**JW Statements**) was received on 12 June 2025.

Council Addendum Report

53. Mr Turbott's Addendum s.42A report was issued on 13 June 2025, which responded to the Applicant's evidence as well as the JW Statements. He confirmed in this regard that:

    > *6. The expert conferencing of 11 June included HVHLP's and the council's planners. It confirmed the provisions agreed on 10 June 2025. It also addressed precinct provisions or issues relating transport, geotechnical, wastewater, the Medium Density Residential Standards and qualifying matters, corrections, consequential changes and renumbering of precinct provisions. All matters*

conferenced were agreed. A revised set of precinct provisions was prepared. This is also attached to this addendum as Attachment 1.

7. *I understand that all matters at issue between HVHLP and the council have been resolved. In my opinion, PPC 108 should be approved subject to the amendments in Attachment 1.*

54. Mr Turbott included, as Attachment 2, a s.32AA analysis of the amendments set out in his Attachment 1. He reiterated his original recommendation that the Panel accept or reject the submissions as outlined in the Agenda report, with amendment to reflect recently withdrawn submission points, and that PC108 be approved with the modifications identified in his Attachment 1.

Hearing Procedure

55. Prior to receipt of the JW Statements, the Panel received a further memorandum from Ms Davidson (of 12 June 2025) which noted that the conferencing had resolved all outstanding issues as between the Applicant and the Council. In addition, and because no submitters had advised of an intention to attend the hearing, it was suggested that the hearing could be held online or proceed on the papers, and subject to advice of any queries from the Panel. The memorandum also advised that the Applicant's own submission on the plan change had been withdrawn (with counsel subsequently confirming that this had been formally advised to the Council on 11 June 2025).

56. The Panel undertook its site visit on 17 June 2025. Based on that, and its review of the evidence and the JW Statements, and because the areas of contention had been resolved, we issued Direction 4 which advised that the hearing would be held online rather than in person. The Direction advised of a number of matters on which the Panel had questions and would seek further clarification during the hearing. These related to:

(a) Provisions regarding wastewater;

(b) Inclusion of landscape plan details and clarification as to the expectations for the landscape planting within the buffer area; and

(c) Ownership and management of the landscape areas and stormwater management devices.

57. The Local Board confirmed that they did not wish to attend the hearing, and no submitters requested to attend. However, tabled statements were received from the MoE (dated 18 June 2025) and from Mr Graham (the latter in the form of an email).

58. The statement from the MoE noting that while they had chosen not to attend the hearing, they reiterated the relief sought in their submission. This related to "*the provision and implementation of development that encouraged active mode usage and provision of high-quality active mode links to the local road network and the local schools*". The MoE statement noted their disagreement with the Council that the provision for these modes was

not required, beyond what was proposed, given the forecasted level of traffic, public transport and active mode trips. It restated its primary relief, and commented that:

> *The Ministry consider that the PCA should be well serviced with safe and accessible pedestrian and cycling linkages that connect to the nearest schools to allow students to continue to commute safely to school, regardless of the increase in vehicular traffic within the area as a result of the intensification enabled by PPC108.*

59. The statement from Mr Graham cited adverse effects on his property at [redacted] (obstruction of views, construction effects and devaluation of property). He requested compensation prior to approval, and a sewer connection be provided from [redacted] Settlement Road to the new development.

THE HEARING AND MATTERS RAISED

60. The hearing was held on 23 June 2025, and was focused on resolution of the Panel's queries as set out above. The hearing process was assisted by pre-circulation of a memorandum and hearing statement from Ms Davidson dated 19 June 2025 (**Hearing Statement**). This provided an overview of the plan change, noting that it represents the completion of the existing residential suburb at Crestview Rise, "*including the creation of a well-defined, defensible rural urban boundary within a precinct that ensures enhancement of the natural environment*".[9] Ms Davidson also provided an update with respect to provisions related to Plan Change 78 and the MDRS as follows:[10]

> *…I note that while there is now a proposal to allow Auckland Council to withdraw Plan Change 78, which introduces the MDRS to most of the Auckland urban area,1 that is not a matter relevant for the Panel, given:*
>
> *(a) The proposal must be assessed against the law as it currently stands;*
>
> *(b) The ability not to apply the MDRS through PC78 is heavily conditional, and requires a later decision of Auckland Council, plus a new plan change to be notified by 10 October 2025;*
>
> *(c) Development in accordance with the MDRS is agreed to be appropriate for this site and there is no scope, nor evidence, to support any different planning approach.*

61. The Hearing Statement addressed the matters raised in Direction 4 on a preliminary basis, and in particular:

    (a) In terms of wastewater provisions, Ms Davidson provided a distinction with the precincts referred to within Direction 4, while also noting that on the basis of a broader review of precinct provisions there did not appear to be a consistent approach to

[9] Hearing Statement, at [4]
[10] Ibid, at [8]

wastewater standards. However, in practice, Ms Davidson advised that the Applicant was not opposed the addition of additional wording of the type used in the Pukekohe East-Central 2 Precinct. She highlighted, however, that the Applicant would be opposed to inclusion of clause preventing construction of dwellings where effects would not arise until they are occupied, as well as the use of a non-complying activity status where compliance with the relevant standard is not achieved.

(b) In terms of the landscape buffer area, Ms Davidson agreed that it would be appropriate to introduce a second precinct plan to reflect the Landscape Plan diagram attached to Mr Paxton's evidence (but not the 'indicative planting palette' plan). She submitted that the key requirements of the Landscape Plan are already reflected in the standards, and that, "*[i]t is appropriate that the planting plan be developed following the required consultation, by a suitably qualified expert, at the relevant time*".[11]

(c) The expectations in terms of the landscape buffer area were clarified as seeking to provide visual mitigation and screening as well as amenity and ecological benefits. The density of the planting was guided by advice from the Applicant's ecologist, while "*the actual on-site plant spacing and density within the existing bush would be determined at consent stage after consultation with Watercare, mana whenua and Council*".[12]

(d) Longer term maintenance obligations were described, with reference to the Applicant's likely consenting strategy regarding subdivision, highlighting that because the Applicant owned all the subject land, there is no issue with the landscaping obligations being attached to that land. The consent notice *"would be recorded on the title and be known to, and enforceable against, any subsequent owner*".[13]

(e) In terms of the stormwater devices, these would become public assets per standard engineering practice as envisaged by Healthy Waters and as described in the Applicant's Stormwater Management Plan.

62. The Hearing Statement also responded to matters arising from the tabled statements from the MoE and Mr Graham. In summary:

(a) Footpaths are provided in the plan change area and on all surrounding roads that link to destinations such as schools, and that "*[w]hile there are no formal cycleways in the local area, the expert evidence of Mr Hills and Mr Peake is that the volume of traffic in the area would not warrant such facilities*".

(b) There is no evidence to support Mr Graham's statement that there will be unacceptable adverse effects on his property, and that there is no jurisdiction to require compensation for such effects (via s.85(1) of the RMA).

[11] Hearing Statement, at [22]
[12] Ibid, at [26]
[13] Ibid, at [30]

63. We note here our agreement with the Hearing Statement in respect of these matters, and in particular we are satisfied that the active mode network is acceptable in view of the scale of the proposal and its connection to existing footpaths, and that there was no evidence to establish that effects on Mr Graham's property would be unacceptable. We further note that property valuation effects are not a relevant matter to our decision on the plan change, and there is no basis on which we would require compensation for adverse effects.

64. The hearing itself followed a 'workshop' format, where we addressed each of the above topics in turn to ensure that the Panel understood the responses, and to seek further comment from the Applicant's witnesses as necessary with provision for comments or responses from the Council. The primary change arising from the hearing in this regard was an agreement for more specificity to be incorporated into the landscape standard and the way in which these would be incorporated into the Special Information Requirements at IXXX(9)(1) of the Precinct provisions.

APPLICANT REPLY

65. The Applicant's right of reply (**Reply**) was received on 27 June 2025. This noted that as a result of matters traversed during the hearing, the Applicant proposes further amendments to the Crestview Rise Precinct provisions, shown in Appendix A to the Reply as red underline / strike-through highlighted text in Appendix A. The Reply advises that the amendments have been reviewed by the Council team, with all further changes recommended by Mr Turbott and Mr Goldwater having been accepted by the Applicant and reflected in its Appendix A. The amendments were described in the Reply as seeking to clarify outcomes already proposed and assessed, "*rather than adding substantive new requirements, requirements, meaning [a] further s 32AA assessment is not considered to be required*".[14]

66. The changes included the addition of a sub-clause (2) to Standard IXXX.6.7 – Wastewater (as referred to above).

67. Changes in respect of landscape provisions were made in respect of requirements to establish a landscape buffer, ridgeline and existing bush planting enhancement and protection. They can be summarised as follows:

    (a) A change to IXXX.6.1 to include the Landscape Concept Plan as part of the Precinct provisions and remove the recommended planting density from this section and move it to IXXX.9 (Special Information Requirements). The Reply notes that these densities reflect "*discussion with the Council's ecologist, Mr Goldwater, at the hearing and have been confirmed by the applicant's ecologist, Mr Anderson, in the memorandum attached as Appendix C*".[15] We note from that memorandum that the densities are reduced to 1.4m and 5m spacings to align with the requirements at Appendix 16 of the AUP, with 1.4m described as being sufficient if blanket spraying of Kikuyu can be undertaken beforehand.

[14] Reply, at [3]
[15] Ibid, at [5]

(b) An additional requirement has been added to IXXX.9(1)(c)(iv) to require that the required ecological plans demonstrate how the specific outcomes are achieved for each of the four planting areas.

(c) A new provision has been added as IXXX.9(1)(f) which requires evidence that the preference of adjoining landowners regarding the nature and form of the proposed planting within the Landscape Buffer has been taken into consideration.

(d) The first page of the landscape plan prepared by Mr Paxton and attached to his evidence as Appendix A is to be included as 'IXXX.12. Landscape Concept Plan' with the required planting to be provided in general accordance with this plan as well as the Precinct Plan.

68. The Reply made the concluding submission that, "*in combination with the existing proposal, these additions will provide a high level of comfort that the landscape and ecological enhancements proposed by the applicant will be delivered and can be appropriately monitored and enforced by the Council*".[16]

69. The Panel has reviewed those changes and we confirm that we are satisfied that these meet the outcomes anticipated from the discussion on those points during the hearing. We note that there were no other matters of contention arising, and so we do not need to make findings in respect of the amended provisions, and adopt them as part of our decision, save for some minor typographic corrections, and a minor change arising as a result of the Council's technical review of our draft decision. Specifically, it was recommended to us that an additional plan be included at the end of the Precinct showing the changes to the zoning and relocation of the RUB. This additional plan was subsequently prepared and provided for our consideration, and we have incorporated it as part of our decision accordingly.

OVERALL FINDINGS AND REASONS FOR APPROVING THE PLAN CHANGE

70. The changes referred to in the preceding part of this decision are incorporated into the revised version of the Precinct at **Attachment 1**, which includes the Precinct plans.

71. Overall, and based on those amendments, we accept Mr Turbott's overall recommendation set out in the Agenda report that PC108 should be approved, 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.

[16] Ibid, at [7]

DECISIONS ON SUBMISSIONS

72. 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 2** and these are based on the recommendations provided in the assessment by Mr Turbott in his Agenda and Addendum reports, and our overall decision to approve the plan change.

FINDINGS WITH RESPECT TO PART 2

73. In terms of s.5 of the RMA, it is the Panel's finding that the provisions of PC108 are consistent with, and are the most appropriate way, to achieve the purpose of the RMA. PC108 will enable the efficient development of the site for residential activities while also avoiding, remedying, or mitigating any adverse effects on the environment.

74. 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. PC108 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.

75. Having considered all the evidence and relevant background documents, we are satisfied, overall, that PC108 has been developed in accordance with the relevant statutory and policy matters with regard to s.32 (and s.32AA as applicable) 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 108 to the Auckland Unitary Plan (Operative in Part) be **approved**, on the basis of the Plan Change 108 provisions as provided with the Applicant's Reply and as set out in **Attachment 1**.

II. Submissions on the plan change are accepted and rejected in accordance with **Attachment 2** to this decision. In general, these decisions follow the recommendations set out in the Council's Agenda report, but updated to record the outcomes of the JWS, and the withdrawal of the Applicant's own submission.

III. The overall reasons for the decision are that Plan Change 108:

(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 sections 32 and 32AA of the RMA; and

(d) will assist with the effective implementation of the Auckland Unitary Plan.

SIGNED:

Richard Blakey

Chairperson

Helen Mellsop

Vaughan Smith

14 July 2025

ATTACHMENTS

Attachment 1 IXXX Crestview Rise Precinct

Attachment 2 Table of Decisions on Submissions