Memorandum

From: Austin Fox
Senior Policy Planner
Regional, North, West, and Islands
Policy, Planning, and Governance
Auckland Council

Date: 07 October 2026

Fast Track Application: Auckland Surf Park Community – Stage 2
Planning Policy Comments

Proposal

1. The proposal includes residential development for 486 units, visitor accommodation, a commercial centre, data centre, solar farm, and ancillary activities. The proposal also involves variations to the development of a surf park, visitor accommodation, a solar farm, and data centre, that gained resource consent under the COVID-19 Fast-track Consenting Act 2020 in June 2024.

2. The site is located at 1320 and 1350 Dairy Flat Highway, 89 and 105 Lascelles Drive, and 237 and 253 Postman Road, Dairy Flat. The land is zoned Future Urban (FUZ) in the Auckland Unitary Plan (AUP).

3. The application has been lodged under the Fast-track Approvals Act 2024 (FTAA). The purpose of the FTAA is (Section 3 of the FTAA):

   The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

4. The FTAA in Schedule 5 s5(1)(h) requires an applicant to include an assessment of the activity against any relevant provisions in any of the documents listed in subclause (2). The documents in subclause (2) include a national policy statement, a regional policy statement and a plan. Subclause (3) states:

   (3) *An assessment under subclause (1)(h) must include an assessment of the activity against—*

   (a) any relevant objectives, policies, or rules in a document listed in subclause (2);…

5. My comments relate to the assessment under these provisions of the FTAA.

Comments

5. These comments relate primarily to strategic and land use policy issues. Comments on other detailed aspects, such as traffic, landscaping, wastewater disposal etc, are to be provided by the relevant experts.

6. There are some key themes below that I raise concerns about. I outline these first and then comment in more detail about the application in relation to the relevant policy documents.

Development ahead of structure planning and a plan change

7. As the land is FUZ, the application is effectively rezoning by resource consent. This approach is contrary to the objectives and policies of the RPS and the FUZ which require that a structure plan and plan change process be followed to rezone and develop FUZ land. The matter of developing FUZ land is addressed in more detail below.

8. A structure plan is required to be prepared in accordance with the guidelines set out in Appendix 1 of the AUP. The detailed structure plan and plan change process has not been followed for the applicant's site. A Masterplan has been prepared (Application Appendix 9) however this does not appear to follow the guidance set out in Appendix 1 of the AUP. This includes in relation to the preparation of a structure plan being a precursor to a plan change (AUP Appendix 1 1.2).

9. The structure plan and plan change process as outlined in AUP Appendix 1 would also enable wider public consultation, including, eg environmental groups, other interest groups and the wider community over just the immediate neighbours.

10. In my view, a structure plan that aligns with AUP Appendix 1 followed by a plan change is required by the Regional Policy Statement and is a more appropriate approach to enable development of the land.

Infrastructure

11. The application states that the wastewater and water supply proposals provide for self-sufficient systems with provisions for future connection to public networks. However, comment should be sought from those public infrastructure network providers, including Watercare, to ensure that the any such infrastructure provision as proposed by the application is of a type and standard to be acceptable to public infrastructure network providers for possible future adoption.

Underlying zoning

12. Granting resource consent for urban development while the underlying zoning remains Future Urban is problematic for ongoing development. Future activity will be subject the underlying zone rules and Auckland Wide rules that relate to the Future Urban Zone. The activities provided for in the Future Urban Zone are much more restrictive than for the residential uses that the resource consent seeks.

National Policy Statement on Urban Development 2020

13. The National Policy Statement on Urban Development, through various objectives and policies, requires that planning decisions contribute to well-functioning urban environments. The application considers that the proposal will result in a well-functioning urban environment.

14. I have reservations that this is the case as it does not integrate the provision of the necessary infrastructure or integrate with possible adjoining future land uses. At present, it is spatially remote from other urban environments and will remain so until the future urban land to the north in earlier stages in the Structure Plan (see below) is developed. Also it is planned for the surrounding land to become Industrial over time, which could raise concerns related to reverse sensitivity from the proposed uses, in particular the residential activities.

Future Development Strategy 2023

15. The Council's Future Development Strategy 2023 (FDS) identifies the area as "Silverdale West (Stage 3)" and indicates that the land is not to be zoned for development before 2035+ due to infrastructure constraints. The FDS also sets out Infrastructure Prerequisites for the area which are:
    - Dairy Flat Highway upgrade
    - Dairy Flat to Redvale Interchange Arterial
    - SH1 Interchange upgrades and new interchanges including active modes (Wilks Road, Redvale & Silverdale)
    - North Shore Rapid Transit (extension to Milldale)
    - Army Bay Wastewater Treatment Plant Upgrade
    - Orewa 3 Watermain

The application therefore seeks the development of the land in advance of timeline identified in Councils strategic planning document. There are also the timings set out in the Silverdale West Industrial Area Structure Plan 2020, which is covered below.

Silverdale West Industrial Area Structure Plan 2020

16. The site is located within the Council's Silverdale West Industrial Area Structure Plan 2020. The Structure Plan identifies the land for light and heavy industry (See Figure 1).

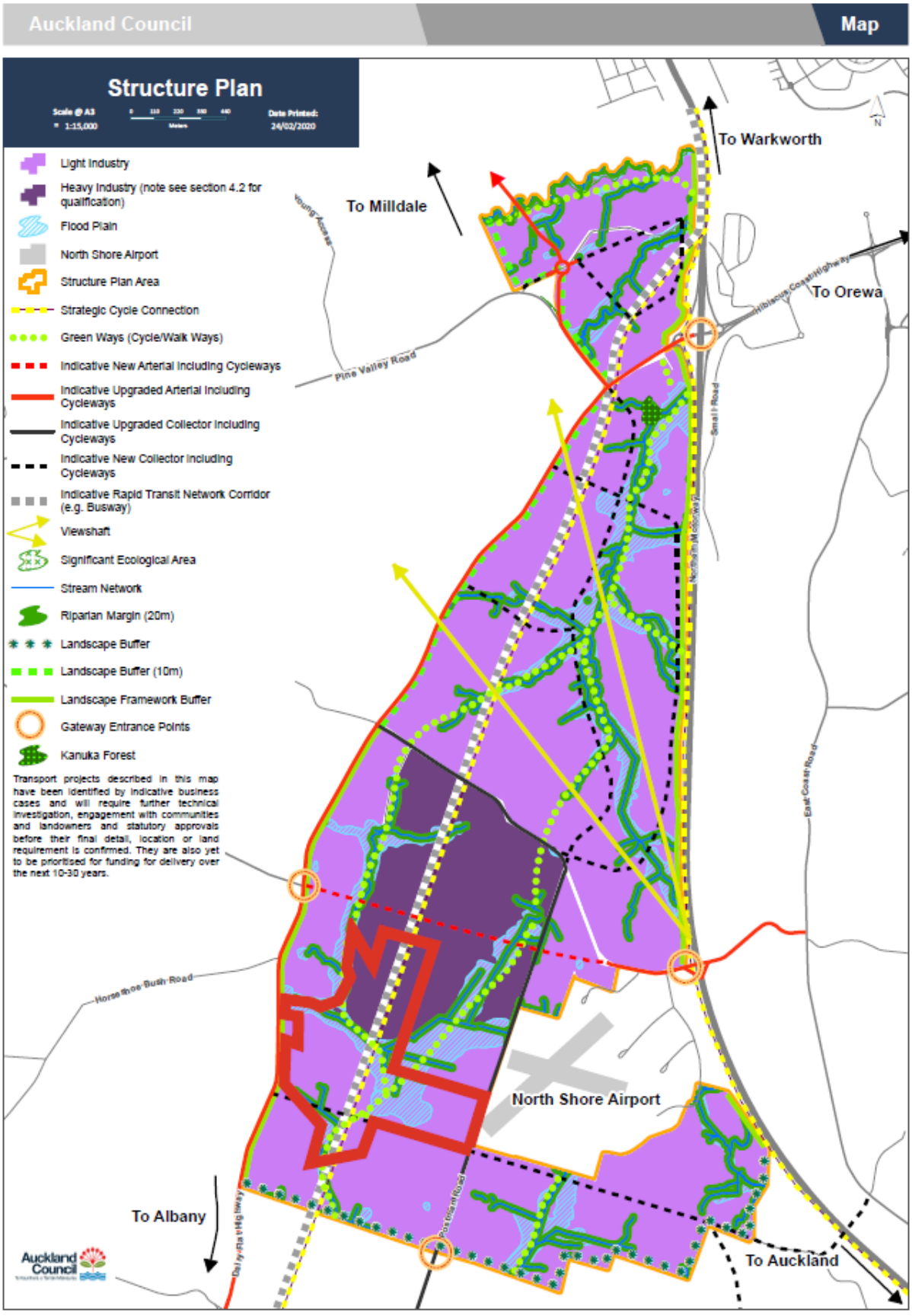


Figure 1 Silverdale West Industrial Area Structure Plan
(Site highlighted in red)

17. The Structure Plan identified three stages of development. The land where this proposal is located is in the Stage 3 area in the Structure Plan staging plan (see Figure 2). This is projected to be developed after 2048. As discussed above, the Future Development Strategy has this as being after 2035. The discussion in the Structure Plan under the Stage 3 topic, refers to the need for transport and wastewater infrastructure before the land can be rezoned. The future demand for industrial land was also a factor in determining a later staging for parts of the land. The Structure Plan also indicates that before a rezoning decision is made on heavy industry the need for it will have to be reassessed at that time.

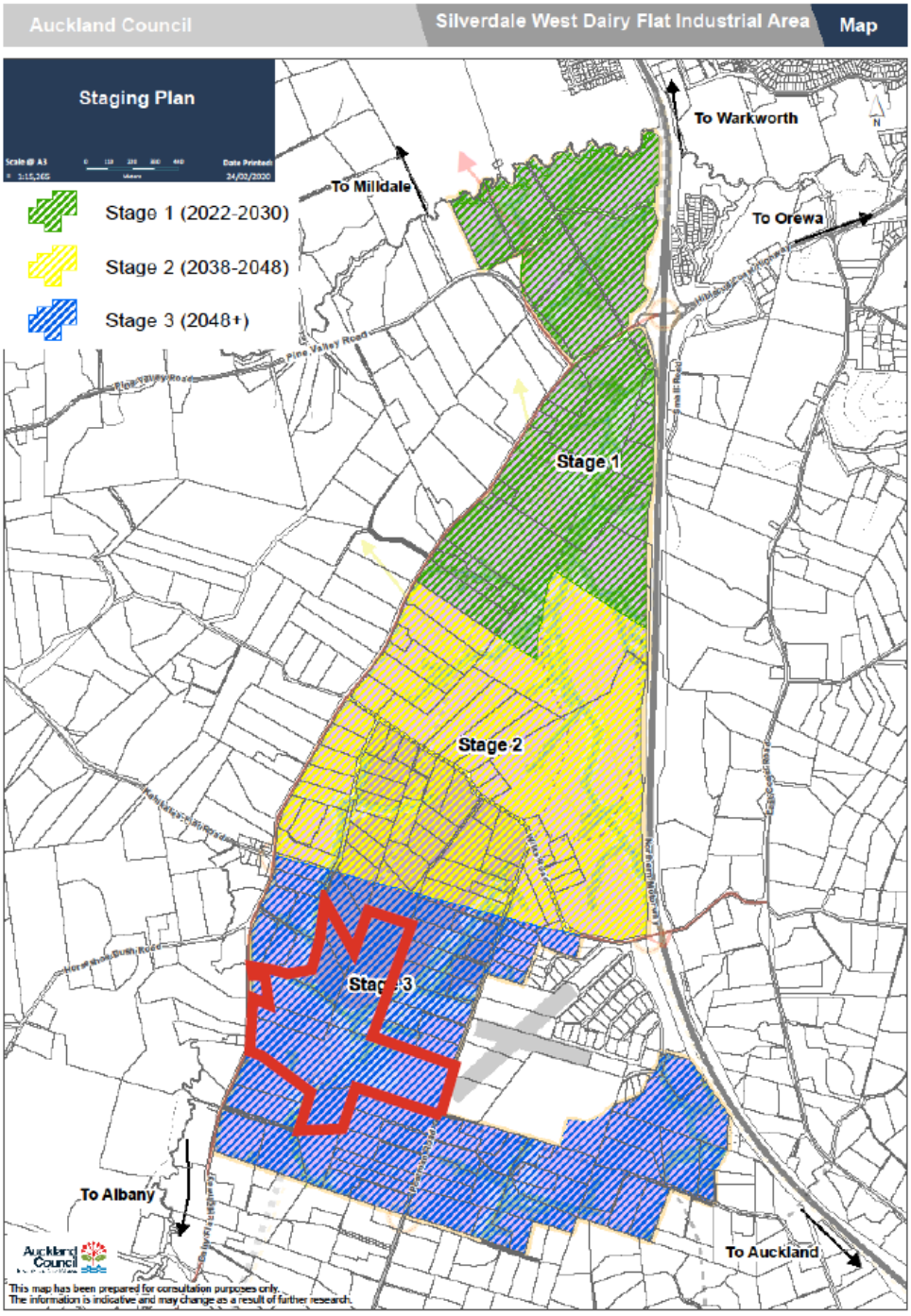


Figure 2 Structure Plan Staging (Site highlighted in red)

18. In terms of the future industrial land use identified by the Structure Plan, there are elements of the proposal that I consider would be consistent with the proposed land use in the Structure Plan, namely the data centre and solar farm. However, there are elements of the proposal that in my opinion are not consistent with an industrial zoning, including the residential dwellings, village centre, live/work area, and visitor accommodation, as discussed further below.

Auckland Unitary Plan - Regional Policy Statement

19. The Regional Policy Statement in B2 Urban Growth and Form sets out the high-level strategic objectives for the management of Auckland. In the context of this application in my view the following objectives and policies are relevant.

> Objective 2.2.1
>
> *(5) The development of land within the Rural Urban Boundary, towns, and rural*
> *and coastal towns and villages:*
> *(a) is integrated with the provision of appropriate infrastructure; and*
> *(b) improves resilience to the effects of climate change.*
>
> Policy 2.2.2 (3)
>
> *(3) Enable rezoning of future urban zoned land for urbanisation following Structure Planning and plan change processes in accordance with Appendix 1 Structure plan guidelines.*
>
> *(8) Enable the use of land zoned future urban within the Rural Urban Boundary or other land zoned future urban for rural activities until urban zonings are applied, provided that the subdivision, use and development does not hinder or prevent the future urban use of the land.*

20. In my view the proposal is contrary to these objectives and policies, particularly Policy 8. While a Council Structure Plan has been prepared, the land has not been rezoned for urban purposes, and the proposal does not align with the Structure Plan developed for the area. There are elements of the proposal that in my opinion could hinder future urban development and these are discussed below.

Auckland Unitary Plan – District Plan

21. The site is zoned Future Urban in the AUP. The zone statement states that the FUZ is a transitional zone. Land may be used for a range of general rural

activities but cannot be used for urban activities until the site is rezoned for urban purposes.

22. The FUZ includes objectives and policies that seek to protect the land for future urbanisation and retain its use as rural until it is rezoned through a plan change process. They are:

H18.2 Objectives

(1) Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes.

(2) Rural activities and services are provided for to support the rural community until the land is rezoned for urban purposes.

(3) Future urban development is not compromised by premature subdivision, use or development.

(4) Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.

H18.3 Policies

(1) Provide for use and development which supports the policies of the Rural – Rural Production Zone unless that use and development is inconsistent with policies H18.3(2) to (6)…

(2) Enable activities that are reliant on the quality of the soil or require a rural location to operate or which provide for the day to day needs of the local rural community.

(3) Require subdivision, use and development to maintain and complement rural character and amenity.

(4) Avoid subdivision that will result in the fragmentation of land and compromise future urban development.

(5) Prevent the establishment of more than one dwelling on a site except for the provision for minor dwellings and workers' accommodation.

(6) Avoid subdivision, use and development of land that may result in one or more of the following:

(a) structures and buildings of a scale and form that will hinder or prevent future urban development;

(b) compromise the efficient and effective operation of the local and wider transport network;

(c) require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure:

(d) inhibit the efficient provision of infrastructure;

(e) give rise to reverse sensitivity effects when urban development occurs;

(f) give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or

(g) undermine the form or nature of future urban development.

23. At a broad level I have concerns with any urban type of activity occurring in the FUZ ahead of rezoning through a plan change process. I am concerned to ensure that any new development does not compromise future urban development of the land. In my view the scale and urban nature of this proposal is contrary to the FUZ objectives and policies.

24. The proposal is in my view contrary to Objectives H18.2(1), (2), and (4) and is urban development occurring before the land is rezoned for urban purposes. As noted above, the Future Development Strategy and the Structure Plan identify the land for urban development in the periods after 2035 and 2048 respectively due to infrastructure constraints.

25. The scale and character of the proposal is in my opinion contrary to Policy H18.3(3) and it does not maintain and complement the current rural character and amenity of the area. The activities are in my view of an urban scale and character. In particular 486 dwellings, visitor accommodation, and the data centre building are of a scale far greater that what would be expected of buildings associated with rural activity contemplated in the FUZ.

26. In my view, a significant issue is that aspects of the proposal could compromise the future urban development of the adjoining land for industrial activity (contrary to Policy H18.3(6)(e)). Reverse sensitivity effects could arise for adjoining industrial uses from the dwellings, visitor accommodation, etc with pressure on industrial activity to reduce effects that are a normal part of an industrial area. Also, the dwellings, visitor accommodation, etc could be vulnerable to effects from the adjoining industry eg noise, odours etc. I note that dwellings and visitor accommodation are not provided for in the Heavy or Light Industrial Zones, the likely future zoning of the area as identified in the Structure Plan.

27. The proposal could also compromise the future development of an interconnected local roading network and integration with adjoining industrial land to the north and south (see Figure 3). This is addressed in Policy H18.3(6)(b). As the site and the development extend from Dairy Flat Highway through to the Postman Road it effectively severs the industrial area into a northern area and a southern area.

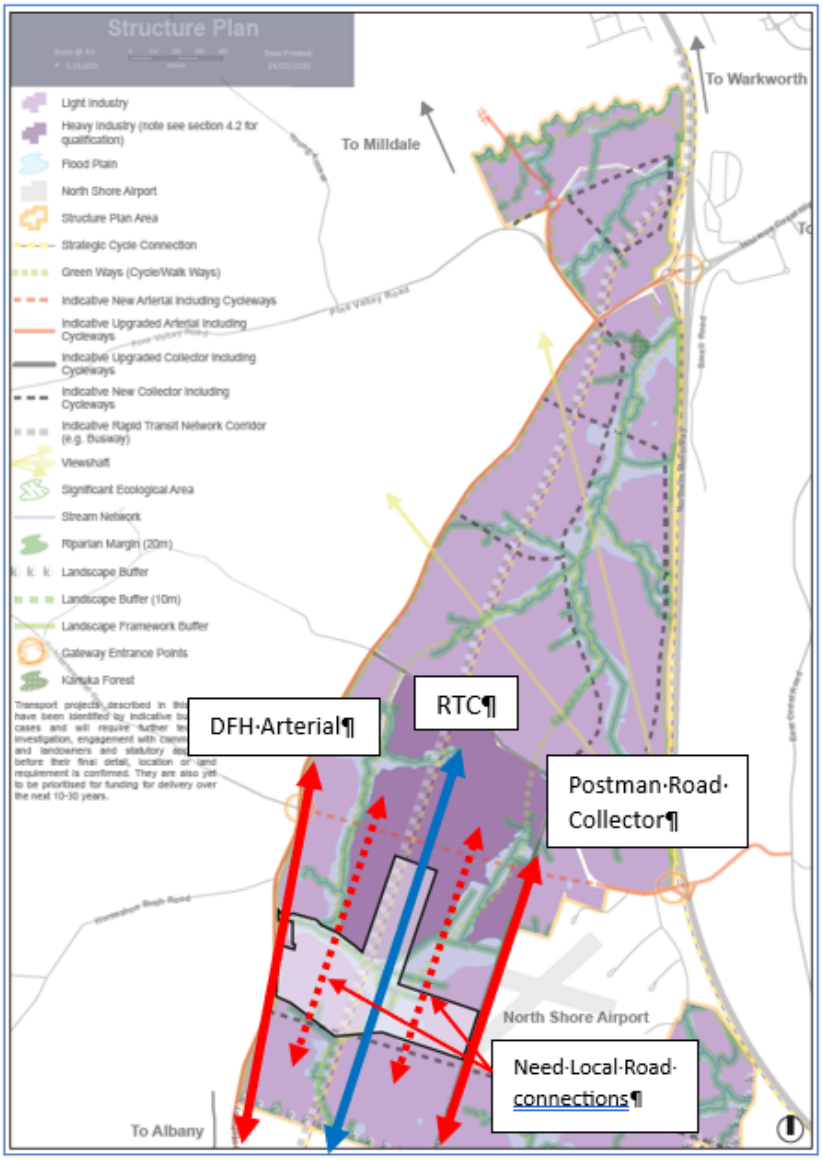


Figure 3 Conceptual Road Access

28. I also consider the lack of the integrated provision of network connected water and wastewater infrastructure to not be consistent with Policies H18.3(6)(c) and (d).

29. The applicant considers that the surf park (which the AEE now describes as a 'surf lagoon') fits under the definition of "Organised Sport and Recreation" however, I have reservations that it adequately meets that definition, which is:

> *Activities that require physical effort and skills, are competitive, occur on a regular basis, have formal rules, referees and officials, and are organised within formal structures. The activity typically involves the following:*
>
> *• use of sport and recreation structures;*
> *• exclusive use of public open space during the course of the activity;*
> *• participants and spectators;*
> *• use of clubrooms, changing facilities;*
> *• training and practice sessions;*
> *• payment of money to conduct activity;*
> *• organised by a club, sporting body or group;*
> *• booking and recording system of scheduled hours per week of each sports filed by the owner or administrator of the sports field.*
>
> *Includes, but is not limited to:*
> *• team sports; and*
> *• competitive sports.*

30. While the definition says, "*The activity typically involves the following,"* and the surf park can meet some of the elements, there are two elements that suggest the definition is more aimed at sports fields and those are, the reference to "*exclusive use of public open space"* and *"… hours per week of each sport filed by the owner or administrator of the sports field".* The proposal is not on "public open space" and is not a "sports field". This is, in my view, relevant when the plan includes another relevant definition which is recreation facility which is:

> *Recreation facility*
> *A facility where the primary purpose is to provide for sport and recreation activities.*
> *Includes:*
> *• recreation centres;*
> *• aquatic facilities, swimming pools, both indoor and outdoor;*
> *• fitness centres and gymnasiums; and*
> *• indoor sports centres.*

31. Recreation facility is not included in the Future Urban Zone activity table. In my view the surf park fits more comfortably with this definition, being an aquatic facility. By not being listed in the Future Urban Zone Activity Table, it is therefore not a use contemplated in the zone.

32. The proposal is contrary to Policies H18.3(1), (2), (3) and (5) as it is not retaining rural activities. On Policy (6), the first point to note is the use of the strong term to "avoid" activities relating to the subsequent bullet points. In relation to (6)(a) and (g) the application is proposing urban development, and I referred to this above in respect of the objectives. The bullets (b), (c), (d), (e), (f) relate to specific matters which other Council specialists will address, particularly relating to the provision of infrastructure and transport effects.

33. The issue of the development of the Future Urban Zone ahead of a plan change has been addressed by the High Court in Auckland Council V Matvin[1]. This was a case under the Covid Fast Track legislation and addressed a proposal for a retirement village (ie urban development), in the FUZ. Justice Woolford's view is captured in his comment below[2]:

> *However, I view the Zone description as a synthesis of the objectives and policies. It is quite clear in its meaning. It succinctly states in three sentences:*
> *The Future Urban Zone is applied to greenfield land that has been identified as suitable for urbanisation. The Future Urban Zone is a transitional zone. Land may be used for a range of general rural activities but cannot be used for urban activities until the site is re-zoned for urban purposes.*

34. Justice Woolford goes further in his decision referring to the specific wording of the objectives and policies and refers to the strong words used – "require", "avoid" and "prevent"[3]. He then states:

[36] In interpreting the FUZ provisions, it is not a question of weighing up the various objectives and policies for and against urban development. There are no provisions specifically allowing urban development.

35. At paragraph 37 Justice Woolford states:
[37] *I am therefore persuaded that the Panel made an error of law in finding that the overall purpose of the FUZ was to preclude activities that may compromise future urban development. The overall purpose of the FUZ is as a holding zone and to provide a transition from rural to urban use and development. The zone recognises the need for comprehensive and intentional design for soon-to-be urban areas. Until rezoned urban, the primary set of activities that are to occur in the FUZ are rural.*

1 CIV-2023-404-835 [2023] NZHC 2481
2 Auckland Council V Matvin paragraph 29
3 Auckland Council V Matvin paragraph 35

36. I am therefore of the view that the appropriate process for pursuing the development of the land is by the preparation of a comprehensive structure plan that accords with the guidance in AUP Appendix 1, followed by a plan change.

Conclusion

37. In my opinion, the proposal is contrary to key objectives and policies of the RPS and the Future Urban Zone in respect that a comprehensive structure plan and plan change process has not been followed.

38. While in my opinion the proposal is contrary to the objectives and policies of the Future Urban Zone, if the Expert Panel is of a mind to grant consent, then the following matters should in my opinion be addressed by conditions:

    - no complaints covenants be placed on the dwellings and accommodation units to prevent complaints against future industrial activities.
    - ensure that the dwellings and accommodation units have appropriate acoustic insulation to take account of potential future neighbouring industrial activities.