

# Decision following the hearing of a Plan Modification (Private Plan Change 40: Warkworth-Clayden Road) to the Auckland Unitary Plan under the Resource Management Act 1991



## Proposal

To rezone approximately 102 hectares of land north of Warkworth from Future Urban Zone and Light Industry Zone to a range of residential, business, open space and rural zones and apply a new precinct called the Warkworth Clayden Road Precinct.

Plan Modification PPC40 is APPROVED as amended by us. The reasons are set out below.

<b>Plan modification number:</b>	Private Plan Change 40 (PPC 40)
<b>Site address:</b>	Clayden Road, Warkworth
<b>Applicant:</b>	Warkworth Land Company, White Light Family Trust Ltd, Kaurilands Trustee Ltd, Rob Mills and Patrick & Laura Richards
<b>Hearing commenced:</b>	Monday 5 at 9.30am, Friday 9, Monday 12 and Friday 16 October 2020 at 9.00 a.m.
<b>Hearing panel:</b>	Les Simmons (Chairperson) Bridget Gilbert Michael Parsonson
<b>Appearances:</b>	<p><u>For the Applicant:</u>            Bill Loutit and Sarah Mitchell – Legal Counsel            Vaughan Bell – Warkworth Land Company Ltd            Deborah Steel – 245 Matakana Road            Jennifer Hanson – Registered Architect            Ian Munro – Urban Design            Rob Pryor – Landscape Architect            Chris Day – Acoustics            Glen Bellingham – Engineering/Infrastructure/Stormwater            Richard Montgomerie – Ecology            Graham Ussher – Ecology Peer Review            Todd Langwell – Traffic            Tim Heath – Economics (on call)            Gavin Lister – Landscape Peer Review            Craig Webb – Arboriculture            John Duthie – Planning</p> <p><u>For the Submitters:</u>            Goatley Holdings and Skywork Helicopters represented by:            Bronwyn Carruthers – Legal Counsel</p>

	<p>Burnette O'Connor – Planning  Rhys Hegley – Acoustics  Roger &amp; Miriam Stevenson</p> <p>Auckland Transport represented by Katherine Dorofaeff</p> <p>Auckland Council as a submitter represented by:  Anne Buchanan – Legal Counsel  Dr Iresh Jayawardena - Healthy Waters</p> <p>Roger Williams</p> <p>Mahurangi Collective Sport and Recreation Collective Inc  represented by Nicola Jones</p> <p>Warkworth Hockey Turf Charitable Trust represented by  Brett Illingworth</p> <p>Watercare represented by Andre Stuart</p> <p>QEII National Trust represented by Chris Floyd</p> <p><u>For the Local Board</u>  Beth Houlbrooke for Rodney Local Board</p> <p><u>Tabled statements were received from:</u>  Michael Cronin  Waka Kotahi (NZTA)  Warkworth Properties (2010) Limited</p> <p><u>For Council:</u>  Peter Vari, Team Leader  Petra Burns, Planner  Ryan Bradley, Principal Planner Warkworth Structure Plan  Martin Peake, Traffic Engineer  Stephen Brown, Landscape Architect  Derek Foy, Economist  Mark Lowe, Freshwater Ecologist  Hillary Johnston, Stormwater Specialist  Jack Turner, Stormwater Specialist  Maylene Barrett, Parks Planning Specialist  Ezra Barwell, Parks Policy Specialist  Rue Statham, Terrestrial Ecology Specialist  James Corbett, Contaminated Land Specialist  Ross Roberts, Geotechnical &amp; Geological Specialist  Wendy Stephenson, Hearings Advisor</p>
<b>Hearing adjourned</b>	Friday 16 October 2020

<b>Commissioners' site visit</b>	Tuesday 29 September and Friday 16 October 2020
<b>Hearing Closed:</b>	Monday 30 November 2020

## Introduction

1. This decision is made on behalf of the Auckland Council ("**the Council**") by Independent Hearing Commissioners Les Simmons (Chairperson), Bridget Gilbert and Michael Parsonson appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("**the RMA**").
2. The Commissioners have been given delegated authority by the Council to make a decision on Private Plan Change 40 ("PPC 40") to the Auckland Council Unitary Plan Operative in Part ("the Unitary Plan") after considering all the submissions, the section 32 and 32AA evaluations, the reports prepared by the officers for the hearing and evidence presented during and after the hearing of submissions.
3. PPC 40 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).
4. The plan change was publicly notified on 27 February 2020 following a feedback process involving Iwi, as required by Clause 4A of Schedule 1. Notification involved a public notice as well as letters to directly affected landowners and occupiers alerting them to the plan change. The latter step was aimed at ensuring that landowners and occupiers of properties affected by potentially significant changes were made aware of the changes. The plan change was re notified 2 July 2020 after it was discovered that there was a technical issue with the receipt of submissions during the initial notification period.
5. The initial submission period closed on 2 April, with the second submission period closing on 30 July. A summary of submissions was notified for further submissions on 30 April, 28 May, 25 June and 6 August 2020. A total of 19 submissions (including one late submission which was accepted in terms of s37 of the RMA) and 10 further submissions (including one late submission which was accepted in terms of s37 of the RMA) were made on the plan change.

## SUMMARY OF PLAN CHANGE

6. The proposed plan change is described in detail in the hearing section 42A report prepared by Ms Petra Burns and in the evidence presented on behalf of the applicant. A summary of key components of the plan change is set out below.
7. The plan change relates to land that is currently zoned Future Urban. The land is within the Warkworth Structure Plan (WSP) that was adopted by Auckland Council in June 2019. The land has been identified within the Future Urban Land Supply Strategy (FULSS) dated July 2017 and the FULSS seeks to provide for this land north of Warkworth to be development ready in 2022.

8. In summary, this land has been identified for urbanisation and a structure plan has been adopted to guide how the land is to be rezoned and developed. Subdivision and buildings are anticipated in the immediate future.
9. The primary issues with respect to the plan change is how rezoning and development is to proceed, rather than whether or not urban zones and development are to take place.
10. PPC40 has been lodged by five landowners who own 76 hectares of the 102 hectares under consideration.
11. The key components of PPC 40 and the surrounding area are:
  - To rezone approximately 102 hectares of land north of Warkworth.
  - Current zonings are Future Urban (97 ha) and Light Industrial (5.2 ha).
  - Proposed zonings are Residential (Large Lot, Single House, Mixed Housing Suburban and Mixed Housing Urban), Rural Countryside Living, Neighbourhood Centre, Light Industrial and Open Space Conservation.
  - To enable the future development of approximately 1,000 – 1,100 new residential dwellings.
  - To introduce a new precinct over the plan change area to be known as the Warkworth Clayden Road precinct.
  - The precinct proposes a number of area-specific provisions in relation to: landscaping provisions along the boundary to industrial land and the Rural Urban Boundary (RUB); reverse-sensitivity provisions at the interfaces with industrial land and the Warkworth Showgrounds; subdivision controls altering minimum lot sizes; height and yard controls along the Clayden ridge; yard controls to industrial land and Tomlinsons Bush; stream protection and enhancement; a greenway/walkway network.
  - The Matakana Link Road (MLR), which will link State Highway 1 and Matakana Road, is currently under construction (due to be completed 2022). The MLR will bisect the central portion of the PPC 40 land and provide access to the plan change area.
  - The Warkworth Showgrounds borders the southern portion of the PPC 40 land.
  - Industrially zoned land which is yet to be developed borders the western portion of the PPC 40 land.
  - Skywork Helicopters operate a consented helicopter base to the north west of the PPC 40 land within the industrial zoned land.

## HEARING PROCESS

12. Prior to the hearing, the Commissioners undertook a site visit that included the PPC 40 land and the immediate surroundings. Our visit included the Warkworth Showgrounds, the view point locations that had been identified in Mr Pryor's landscape and visual evidence, the trees at 245 Matakana Road, and the full length of Clayden and Goatley roads. On Friday 15 October we undertook a further site visit

following the last hearing day. We had made arrangements to visit the Skywork Helicopter base in Goatley Road. During that visit we accepted an invitation by Mr Stevenson and undertook a helicopter flight over the plan change land and the surrounding environment.

13. The hearing itself took place over two weeks, with hearing days only taking place on Monday's and Friday's. The evidence that had been pre circulated by all witnesses had clearly identified the specific matters that were in contention. Following our questioning each day, where matters remained in contention, we encouraged parties to meet, on the "non-hearing days," to see if common ground could be reached on possible revised wording of the precinct provisions. We appreciated the parties working together in this manner and the results that they achieved.
14. Following the adjournment of the hearing on Friday 16 October and up until Friday 27 November, we received further information as set out below under the heading Summary of Evidence. As we had no further questions following the receipt of that information the hearing was closed on Monday 30 November.

## **PROCEDURAL MATTERS AND LATE SUBMISSIONS**

### **Late Submissions**

15. One late submission and one late further submission were received by Auckland Council. They were both accepted by the Council, pursuant to section 37 of the RMA, prior to the preparation of the section 42A report.

## **RELEVANT STATUTORY PROVISIONS CONSIDERED**

16. The RMA (and settled case law) sets out an extensive set of requirements for the formulation of plans and changes to them. These requirements were set out in the application material, legal submissions, evidence and the section 42A report.
17. We have noted in particular the Statutory Requirements set out in Section 9 of the plan change request dated 24 February 2020 and the Statutory and Policy Framework set out in Section 5 of the section 42A report. As those provisions were not in dispute, we have not repeated them in our decision.
18. With respect to section 32 of the RMA we have noted that Ms Burns in Section 6 of her section 42A report accepted that the applicant's section 32 evaluation (Section 10 of the plan change request) had appropriately addressed the matters that it should.
19. Mr Loutit submitted that the Council had not undertaken a full section 32 evaluation in support of its recommendation to impose notable status on the three trees at 245 Matakana Road. As a consequence, he submitted that the scheduling of these trees in the AUP cannot take place in the absence of the assessment of the appropriateness, and in particular the benefits and costs of scheduling these three trees. We will address the proposed scheduling of these three trees later in our decision as it was clearly a matter that remained in contention by the end of the

hearing itself. With respect to the lack of a Council section 32 evaluation we note the following.

20. Mr Loutit submitted the only expert section 32 evaluation was the assessment of Mr Duthie as set out in his evidence in chief at Section 12. Ms Burns in her closing statement dated 16 October, in Section 6, relied on the evidence of Mr Donaldson when she retained her recommendation to include the three trees as Notable Trees in Schedule 10 of the AUP. In response to a question, she acknowledged that she had not undertaken any additional planning evaluation. In paragraph 9.2 of her closing statement, with respect to section 32AA, she stated that, *“Essentially, the council officer’s s32AA assessment of PC 40 is in the s42A hearing report the evidence of the applicant and submitters and their closing statements, and no separate report has been produced (or is required to be produced).* Ms Burns made reference back to paragraph 139 of her section 42A report and section 32AA1(d)(ii) of the RMA, in support of her conclusion that no separate section 32AA report is required, provided our decision contains sufficient detail that a further evaluation was undertaken.
21. Mr Loutit in his legal submissions was critical of the lack of a section 32AA further analysis from the Council reporting team. It was his submission that the only statutory analysis in terms of section 32AA was that attached as Appendix 1 to Mr Duthie’s evidence in chief. As set out above Ms Burns considered that a separate Council section 32AA was not required.
22. We have concluded that we have sufficient evidence in order to determine whether or not the three trees should be scheduled as part of this plan change and will address this later in our decision when we set out our findings on the principal matters that remain in contention.
23. Clause 10 of Schedule 1 requires that our decision must include the reasons for accepting or rejecting submissions. We note that Clause 10(3) does not require us to give a decision that addresses each submission individually. The decision must include a further evaluation of any proposed changes to the plan change arising from submission; with that evaluation to be undertaken in accordance with section 32AA. With regard to Section 32AA, we note that the evidence presented by all parties effectively represents this assessment, and that that material should be read in conjunction with this decision, where we have determined that a change to PPC 40 should be made.

## **SUMMARY OF EVIDENCE**

24. In accordance with our section 41B Direction, dated 27 August 2020, the Council’s reporting planner’s section 42A report and the applicant’s and submitter’s expert evidence were circulated prior to the hearing.
25. The section 42A report was prepared by Ms Petra Burns, Planner, North West and Islands, Plans and Places. Her planning assessment was supported by technical advice provided by the following technical experts.

### Specialty area and relevant council specialist

Speciality area	Reviewing specialist
Contamination	James Corbett, Principal Contaminated Land Specialist, Auckland Council
Ecology (Terrestrial)	Rue Statham, Senior Ecologist, Biodiversity Team, Auckland Council
Geotechnical	Ross Roberts, Geotechnical & Geological Practice Lead, Auckland Council
Infrastructure funding	Alan Hanley, Infrastructure Funding Agreements Specialist, Auckland Council
Landscape	Stephen Brown, Director, Brown NZ Ltd
Parks Policy	Ezra Barwell, Senior Policy Advisor, Parks and Recreation Policy, Auckland Council
Parks Sport and Recreation	Maylene Barrett, Principal Specialist Parks Planning, Auckland Council
Stormwater	Hillary Johnstone, Environmental Specialist, Tektus Jack Turner, Director, Engineer & Planner, Tektus
Streams	Mark Lowe, Environmental Scientist, Morpium Environmental Ltd
Transport	Martin Peake, Director, Progressive Transport Solutions Ltd
Urban Design	John Stenberg, Principal Urban Design, Auckland Council
Development Engineering	Steve Cavanagh, Development Engineer, Auckland Council
Arboriculture	Gavin Donaldson, Senior Specialist, Auckland Council
Economics	Derek Foy, Associate Director, Market Economics
Noise	Bin Qiu, Senior Specialist (Noise), Auckland Council

26. Ms Burns in her section 42A report recommended that PPC40 be approved with modifications.
27. On behalf of the applicants, legal submissions were presented by Mr Bill Loutit and Ms Sarah Mitchell, and evidence was presented, or circulated, by the following witnesses.
- Mr Vaughan Bell - Warkworth Land Company (Corporate)
  - Ms Deborah Steel - White Light Family Trust (245 Matakana Road)
  - Ms Jennifer Hanson – A Studio Architects (Masterplan)
  - Mr Ian Munro – (Urban design)
  - Mr Rob Pryor – LA4 Landscape Architects (Landscape and visual)
  - Mr Chris Day – Marshall Day Acoustics (Noise)

- Mr Richard Montgomerie – Freshwater Solutions Limited (Ecology)
- Mr Graham Ussher – RMA Ecology Limited (Ecology peer review)
- Mr Todd Langwell – Traffic Planning Consultants (Traffic)
- Mr Gavin Lister – Isthmus Group Limited (Landscape peer review)
- Mr Craig Webb – Craig Webb Consultant Arborist Limited (Arboriculture)
- Mr Glen Bellingham – Maven Limited (Engineering, infrastructure, stormwater)
- Mr Tim Heath – Property Economics Limited (Economics)
- Mr John Duthie – Tattico Limited (Planning)

28. In addition to the evidence in chief that had been circulated the applicant's witnesses presented a summary statement of evidence and in some cases also presented supplementary and/or rebuttal evidence, before answering questions. Mr Duthie, in particular presented several statements of supplementary evidence, together with a number of versions of the plan change itself during the hearing process.

29. On behalf of submitters statements were tabled from Waka Kotahi NZ Transport Agency and Warkworth Properties Limited. Both submitters supported the recommendations within the section 42A report that were relevant to their specific submissions.

30. Mr Michael Cronin also tabled his statement as he was unable to attend the hearing.

31. Evidence, or submissions, was presented at the hearing on behalf of the following submitters.

- Auckland Council  
Ms Anne Buchanan (Counsel)  
Dr Iresh Jayawardena (Senior Healthy Waters Specialist)
- Rodney Local Board  
Ms Beth Houlbrooke (Deputy Chair)
- Warkworth Area Liaison Group  
Mr Roger Williams
- Mahurangi Community Sport and Recreation Collective Incorporated  
Ms Nicola Jones
- Warkworth Hockey Turf Charitable Trust  
Mr Brett Illingworth
- Watercare Services Limited  
Mr Andre Stuart (Network Planning Manager)
- QEII National Trust  
Mr Chris Floyd
- Goatley Holdings Limited and Skywork Helicopters Limited  
Ms Bronwyn Carruthers (Counsel)  
Ms Miriam and Mr Roger Stevenson (Landowners and Heliport Operators)  
Mr Rhys Hegley (Acoustic Consultant)  
Ms Burnette O'Connor (Planner)
- Auckland Transport  
Ms Katherine Dorofaef (Principal Planner)



32. In addition to the evidence in chief that had been circulated, some of the submitters' witnesses also presented a summary statement and/or rebuttal evidence before answering questions.
33. The Council's reporting team's response and closing statement was presented by Ms Burns. In her written statement dated 16 October she set out what she considered to remain in contention and attached an updated version of PPC 40. She identified where she had changed her original recommendations and set out the reasons why she now supported a number of aspects of the plan change, where previously she had concerns. She clearly identified where she had reached a different recommendation from some of the reviewing specialists of the reporting team. Each of the members of the reviewing team had also prepared written responses to the evidence that had been presented during the hearing. We read each of those written responses before questioning the reporting team.
34. In addition, we received from Ms Burns copies of the Warkworth Show Grounds Reserve Management Plan (2004) and the various resource consents that had been granted in relation to the show grounds.
35. Ms Burns' closing recommendation was that PPC 40 should be adopted with some amendments, however the extent of the amendments had been reduced from her section 42A report recommendations. The final version of PPC 40 recommended by Ms Burns was circulated on 20 October.
36. With respect to the evidence presented over the four hearing days from all parties, we see no benefit in summarising any of the evidence. Most witnesses presented summary statements and those statements can be referred to as part of the hearing records. The focus of the hearing was on how PPC 40 should proceed, not whether or not it should be adopted. Therefore, we have considered the relevant evidence below in relation to the principal matters that remain in contention.
37. The applicant's reply, dated 16 October, was given by Mr Loutit and was supported by the evidence of Mr Duthie dated 15 October. Mr Duthie also tabled his latest version of PPC 40 (version 7.7), dated 16 October. On 23 October we received a memorandum from Mr Loutit and a further statement of evidence for Mr Duthie in which they responded to the final amendments being recommended by Ms Burns. Attached to Mr Duthie's evidence was a further version of the plan change, being version 7.8, in a marked up version and clean version.
38. With respect to Goatley Holdings Limited and Skywork Helicopters Limited we understood that agreement had been reached with the applicant in relation to the wording of provisions. We sought confirmation that agreement had been reached and that there were no unresolved issues. On 11 November we received a joint memorandum from these parties confirming that agreement had been reached. The agreed amendments were attached to the memorandum.
39. In addition, Mr Loutit provided a further memorandum also dated 11 November. He informed us that version 7.8 (23 October version) of the plan change had included

amendments in the marked up version that had in error, not been included in the clean version.

40. On 12 November we issued a minute enabling all parties that participated in the hearing the opportunity to comment on the latest amendments proposed to the plan change, as contained in version 7.9 (11 November version). The only further comment we received was a memorandum from Warkworth Properties (2010) Limited, requesting that the correct alignment of the SH1/MLR intersection be shown on the relevant precinct plans. For the record we agree that there appeared to be different versions of the alignment of this intersection and we have amended the relevant plans as requested in the decision version of the plan change.
41. For the record we also note that we received on 19 October a copy of the noise management plan in relation to Skywork Helicopters operations.

## **PRINCIPAL ISSUES IN CONTENTION**

42. Ms Burns in her section 42A report identified the main issues or topics emerging from all submissions received as being:
  - Lack of alignment with the Warkworth Structure Plan in terms of zoning pattern and open space
  - Inadequacy of transport assessments including traffic modelling and effects on wider network
  - Stormwater and stream management across the plan change area, including adequacy of the draft Stormwater Management Plan (SMP)
  - Management of reverse sensitivity issues between residential and industrial land
  - Provision of walking and cycling connections across the site and delivery of these facilities
  - Legibility and efficacy of precinct provisions and structure
43. In her closing statement after considering the evidence presented during the hearing process, Ms Burns identified the following key areas she considered that remained in contention.
  - The zoning along the northern ridge
  - The zoning of the knoll
  - The open space zoning of the access to Tomlinson Bush
  - Stream protection
  - Walkways
  - Collector roads
  - The three trees identified as notable trees at 245 Matakana Road
  - The location of the indicative open space
  - Notification rules
  - Reverse sensitivity provisions with respect to industrial land and Skywork helicopter operations
  - Reverse sensitivity provisions with respect to the Warkworth Showgrounds
  - Stormwater

44. In his legal submissions in reply Mr Loutit also identified what he considered to be the issues that remained in contention. His list mirrored that of Ms Burns, albeit using slightly different headings, as set out below.
- Zoning and other provisions that apply in the northern part of the plan change area
  - Stream protection
  - Stormwater
  - Walkways
  - Collector roads
  - Trees located at 245 Matakana Road
  - Indicative locations for open space
  - Reverse sensitivity
45. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing, the Council reporting team's response to the evidence presented, the reporting team's closing statements, the applicant's reply and the further information provided by parties after 12 November, we acknowledge that there had been many areas of agreement reached during the hearing process. We have, however, identified the following principal issues in contention, even though for some of these issues, an agreed position had been reached, or the extent of the matters originally in contention had been significantly narrowed by the close of the hearing.
- Alignment with the Warkworth Structure Plan
  - Zoning and other provisions that apply in the northern part of the plan change area
  - Stream protection
  - Stormwater
  - Walkways
  - Collector roads
  - Trees located at 245 Matakana Road
  - Indicative locations for open space
  - Reverse sensitivity: Warkworth Showgrounds, Skywork Heliport, Industrial zoned land

## **FINDINGS ON THE PRINCIPAL ISSUES IN CONTENTION**

### **Alignment with the Warkworth Structure Plan**

46. Ms Burns had identified the lack of alignment with the zoning pattern and open space provision within the Warkworth Structure Plan as issues. While most zoning and open space issues are discussed in more detail below, issues raised specifically in relation to the alignment of PPC 40 with Warkworth Structure Plan are considered under this heading.

47. Mr Cronin in his written submission had concerns that PPC 40 “...*goes entirely against the wishes of the community and the Auckland Council within a few months of the Warkworth Structure Plan 2019 being completed.*” He identified what he considered to be a lack of community green spaces, walkways and provision for schools, that roundabouts should be utilised instead of traffic lights on the MLR, the neighbourhood centre zoning should be increased in size and the existing light industrial zoned land within the plan change area should be retained.
48. In his tabled statement he clarified his position and indicated that it was not his intention to object “*to the whole proposal.*” Instead, he stated that his position was essentially one of “*accepting with amendments.*” His primary concerns related to pedestrian access within the development, roundabouts rather than traffic lights on the Matakana Link Road to mitigate traffic noise and the need for a larger neighbourhood commercial centre.
49. Although we could not question Mr Cronin, as he could not attend the hearing, we take his concerns to relate to specific outcomes rather than whether or not the plan change is fully aligned with the earlier structure plan.
50. The Matakana Link Road, for example, was identified in the structure plan and separate consents have been granted in relation to its design and construction. Mr Langwell in his traffic evidence at paragraph 10.11 stated:
- “There is nothing in the proposed precinct provisions that requires traffic signals to be installed on MLR. Only points of access have been identified. Each of these access points are subject to further assessment and agreement with Auckland Transport and NZTA. It may well be that roundabouts may be proposed as development occurs; however I am aware that there is general agreement between landowners, Auckland transport and NZTA that there is a preference for traffic signals. I also support the preference for traffic signals. These provide safer crossing opportunities for pedestrians and allow Auckland transport to manage flows depending on demand and apply more green phases times to the approaches that need it.”*
51. We note that Precinct Plan 3 identifies access points onto the MLR and is silent on how those access points are to be controlled.
52. We note that the further submission lodged by Auckland Transport opposes Mr Cronin’s submission, specifically in relation to roundabouts instead of traffic lights.
53. We also record that no expert traffic evidence was presented to us that supported roundabouts instead of traffic lights.
54. With respect to pedestrian access within the precinct we note that Precinct Plan 3 includes “indicative greenway routes” and that specific provisions are set out at IXXX.6.10 Greenways – Walking and cycling infrastructure. The intention being that the specific provisions for pedestrian and cycling access will be determined at the time of subdivision of land. We have concluded that the precinct provisions will

enable the appropriate design and location of pedestrian and cycling access consistent with the outcomes sought by Mr Cronin.

55. With respect to the extent of the land to be zoned commercial Mr Duthie, Mr Heath and Mr Foy identified that the neighbourhood centre has been sized to service the local community while not undermining the Warkworth town centre. The specific services to be provided, the number of shops and the provision of parking spaces are all matters for specific design at a later date. There was no evidence presented that would suggest commercial development cannot occur on the land to be zoned. We understand the concerns Mr Cronin has raised, but at this stage we have no basis upon which to extend the area of commercial land.
56. With respect to the general question, is PPC 40 in alignment with the Warkworth Structure Plan? We record that we have accepted Ms Burns' evidence that *"The structure plan is intended to be the foundation to inform future plan changes to rezone the land"*<sup>1</sup> and that *"The structure plan recognises that it is not an exact site by site zoning map with the accuracy required for a statutory plan change."*<sup>2</sup>
57. We also accept Mr Duthie's evidence that *"This Plan Change request delivers largely residential rezoning of this land consistent with the Council's Future Land Supply Strategy and the Structure plan in the timeframe contemplated by those strategies. This will help meet the Council's obligations under the NPS-UD. Development is co-ordinated with the delivery of infrastructure, particularly timed with the construction of the MLR."*<sup>3</sup>
58. In this regard we have concluded that PPC 40 is generally consistent with the Warkworth Structure Plan. In reaching this conclusion we have also taken into account the National Policy Statement on Urban Development 2020 and the directions to decision-makers under the RMA on planning for urban environments. Mr Duthie comprehensively assessed the NPS-UD 2020 in his supplementary evidence dated 23 October and we have adopted his evidence in that regard. With respect to the overall zonings and precinct provisions of PPC 40, if there were to be any doubt that the plan change was not consistent with and in alignment with the Warkworth Structure Plan, we have concluded that the NPS-UD 2020 provides significant support for any deviation from the indicative zoning outcomes contemplated by the structure plan.

## FINDING

59. Given the construction of the MLR is well advanced in terms of the specific consents that have been granted, the preference for traffic lights by Auckland Transport, NZTA and the relevant land owners, together with the lack of any expert traffic evidence to the contrary, as well as the fact that Precinct Plan 3 only identifies access points and does not specify how these intersections are to be controlled, we find no justification to require roundabouts to be specified within the precinct provisions.

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<sup>1</sup> Para 47 S42A Report

<sup>2</sup> Para 57 S42A Report

<sup>3</sup> Para 16.1 evidence dated 21 Sept 2020

60. With respect to pedestrian access and the extent of the land to be zoned for a neighbourhood commercial we find that the precinct provisions make appropriate provision for these activities.
61. With respect to the alignment of PPC 40 with the Warkworth Structure Plan we find the plan change is generally consistent and is aligned with the indicative zoning outcomes contemplated by the structure plan.

### **Zoning and other provisions that apply to the northern part of the plan change area**

62. The Warkworth Structure Plan's indicative zoning for land in the northern part of the precinct was Residential Large Lot. In addition, potential controls are signalled in relation to building design, revegetation and landscape protection.
63. On page 24 of the structure plan it is stated that:

*“The Large Lot zoning at the northern edge of Warkworth (west of Matakana Road) rises to a ridgeline on which the RUB is located. To retain the rural and natural character of Warkworth it is important to retain the more natural and spacious elements around the edge of the basin that Warkworth sits within and to retain views from the urban area to areas of landscape value on the edge. This Large Lot zone area is anticipated to contain large sections for residential development with potential additional controls around building design (size, height, colour etc) and a requirement to revegetate a significant amount of the land within each section. Some of this northern edge is zoned Single House, but with further landscape protection controls (see section 3.3.2.2) to ensure a natural/landscaped boundary is retained.”*

64. Ms Burns at paragraph 150 of her Section 42A report noted that *“PPC 40 differs in some instances from the WSP with regard to the extent of the intensity of residential zoning that is applied across the land with greater use of the Mixed Housing Urban and Suburban zones and less Single House zone. The extent of SHZ along the Clayden Road ridge is reduced, and both MHU and MHS encroach further up towards the Clayden Road ridge than envisaged in the WSP.”* From an urban design perspective the zoning approach proposed was considered acceptable by Ms Burns, based on the evidence of Mr Munro and Mr Stenberg. From a landscape perspective however, Ms Burns preferred the assessment and conclusions of Mr Brown.

65. In his Landscape effects Assessment dated 13 July 2020, Mr Brown considered that:

*“The key landscape issues that I have identified pertain to the layering of residential development, at different levels of intensification, up the valley slopes on the northern side of the PC40 ‘site.’ The applicant proposes a degree of intensification on those slopes which exceeds that proposed under the Warkworth Structure Plan. In my opinion, the proposed residential intensification on that terrain would degrade the significance of the hilltop and ridgeline landforms exposed to the future Warkworth North residential*

*catchment and the adjoining Warkworth Showgrounds. It would also erode any sense of transition into the rural catchment beyond the Clayden Road ridgeline. In my assessment, the degree of residential intensification in this area is excessive and is not consistent with the realisation of the key landscape objectives implicit in the Warkworth Structure Plan.”*

66. In his summary and rebuttal evidence dated 9 October, Mr Duthie responded in some detail to these matters. Key aspects of his evidence included the following:

*“This Plan Change has protected the ridgeline through techniques other than density including yard setbacks, height, landscaping controls and open space. Density itself is not a planning method that directly protects landscape features.*

*Of more importance to me is the negative impact this extent of low density zoning will have on the development of this area. Theoretically this could impact 50-70 homes between the Council’s s 42A report’s proposed extension of the northern Single House zone and the extended Large Lot zoning in the west. It enshrines an ineffective use of land which detracts from the outcomes sought by section 7 of the RMA and the intent of the National Policy Statement on Urban Development. Growth boundaries in Auckland are continually expanding. There is a long planning history of this in the northern corridor. Inappropriate low density activity on land suitable for medium density development, only puts pressure of further urban expansion on to rural land. That expansion will need to be sooner and more extensive if released urban land is not used to appropriate efficiency. This is a poor planning outcome. The landscape objective can be successfully met through other methods that do not compromise planning and urban design outcomes.”*

67. In her closing statement dated 16 October, Ms Burns changed her position in relation zoning along the northern ridge, as set out below.

*“ 2.1 After considering the evidence of Mr Pryor, Mr Lister, Ms Hanson, Mr Munro and Mr Duthie for the applicant and discussing the zoning with Mr Stenberg and Mr Brown (Council’s Urban Design and Landscape experts, respectively), I have changed my position on the zoning recommended for the northern ridge in my s42A report.*

*2.2 I acknowledge the applicant’s update to the landscape control along the northern ridge by extending the depth of the Special Yard: North from 6m to 12 m and requiring half of that yard to be landscaped with native trees. I also understand the applicant has amended the additional 5 metre height limit so it extends for 10 metres from the Special Yard: North.*

*2.3 Mr Brown remains of the opinion that the zoning proposed by the applicant does not adequately respond to the landscape values of the ridgeline, and anticipates that given the upward viewing angle from*

*everywhere in the valley floor, a wall of development would completely obscure the majority of the ridgeline. Whilst Mr Brown acknowledges that the strip of planting proposed may eventually rise above the development in places, he considers that the layers of housing rises up to the proposed 'single house crest' and the absence of any real permeability or softening of the upper edge would effectively negate any beneficial effects arising from the planted strip. He believes that the current proposal would not achieve any meaningful sense of transition along or articulation of the Clayden Road ridgeline.*

2.4 *Mr Brown believes that a better option would be to rely on the unformed Clayden Road for vehicle site access and apply a 'top down' approach to the master planning for the upper slopes of the bowl. He notes Mr Duthie expresses concern about the landscape implications of such an approach, but notes that in his opinion, such an approach would benefit from,*

- *Reduced earthworks and retaining on the upper slopes, with the road using the flatter ridge crest,*
- *Public access to a natural high point and series of viewpoints over the local area,*
- *The potential to establish a boulevard of trees that, in turn, create a spine of trees and vegetation cover along the crest of the Clayden Road ridge, and*
- *The provision of access to large lot/single house lots on the PC 40 side of the ridge and CSL lots on the Goatley Road side.*

2.5 *He notes his preference for combining this approach with Large Lot zoning along the ridgeline.*

2.6 *I acknowledge Mr Brown's concerns and concur with his assessment that a 'top-down' master planning approach for the upper parts of the bowl could enable development that treads more lightly on the ridgeline. However, I note that Single House zoning with a subdivision control requiring larger lot sizes was anticipated along the ridge and upper slopes by the Warkworth Structure Plan, not Large Lot zone, and the applicant's proposal aligns with Warkworth Structure Plan in this respect.*

2.7 *The applicant has proposed a strip of Single house along the ridgeline, with a minimum lot size of 1,000m<sup>2</sup>. I consider this appropriate. I not[e] Ms Hanson in her evidence noted that 600m<sup>2</sup> lots are proposed in the master plan to create a transition from the Single House zone along the ridge, and the smaller lots of the Mixed Housing Suburban below. I consider it more appropriate for the underlying zone for the 600m<sup>2</sup> lots to be Single House, without a control requiring larger lot sizes. To re-*



*enforce the notion of a transition in lot size down the slope, it is appropriate that the underlying zone has a minimum lot size that reflects this. However, her masterplan shows these “transition lots” as Mixed Housing Suburban. This effectively means the extent of Single House zoning is amended as shown in the attached plan.*

- 2.8 *I note that Mr Brown’s suggestion of taking a ‘top-down’ approach to developing the top of the ridge and utilising the unformed Clayden Road is still possible within the precinct, given the indicative nature of the master planning undertaken so far.”*

## **FINDING**

68. We have adopted the planning evidence of Mr Duthie and Ms Burns in support of our finding to accept the zoning as proposed on behalf of the applicant.
69. In this regard we have concluded that PPC 40 is generally consistent with the Warkworth Structure Plan and repeat our earlier comments with respect to the 2020 NPS-UD.

*“In reaching this conclusion we have also taken into account the National Policy Statement on Urban Development 2020 and the directions to decision-makers under the RMA on planning for urban environments. Mr Duthie comprehensively assessed the NPS-UD 2020 in his supplementary evidence dated 23 October and we have adopted his evidence in that regard. With respect to the overall zonings and precinct provisions of PPC 40, if there were to be any doubt that the plan change was not consistent with and in alignment with the Warkworth Structure Plan, we have concluded that the NPS-UD 2020 provides significant support for any deviation from the indicative zoning outcomes contemplated by the structure plan.”*

70. With respect to the landscape issues of concern to Mr Brown we have carefully considered the pattern of development proposed across the higher slopes of the Clayden Road ridge, particularly in the context of the topography, the significance of this ridgeline itself, and the specific precinct provisions, including the Special Yard:North and the Special Subdivision Control Area in the Single House zone. Overall, we find that the package of provisions, including the proposed zoning and the specific controls that apply to the residential zoned land, are appropriate, are consistent with the outcomes contemplated by the Warkworth Structure Plan, will give effect to the NPS-UD and we agree with Mr Duthie that the NPS-UD 2020 provides significant support for approving the plan change as proposed.

## **Stream Protection**

71. The National Policy Statement for Freshwater Management 2020 and the accompanying National Environmental Standards for Freshwater came into effect on 3 September 2020. The plan change was modified as a consequence and there was general agreement as to the modified provisions.

72. The fundamental difference that remained between the reporting team and the applicant related to whether every stream should be identified on the precinct plan maps.
73. In his summary and rebuttal evidence dated 9 October Mr Duthie stated that as he understood the Council's final position there was no longer any disagreement. Ms Burns in her closing statement at her 3.3 stated that:

*"Therefore, I accept the applicant's proposal in relation to the 'two tier' approach to stream protection and amend my recommendation accordingly, and accept Precinct Plan 2 as proposed by the applicant in relation to streams."*

74. Mr Duthie in his supplementary evidence dated 23 October noted, however, that Ms Burns had recommended that policies 15 and 16 be amended by removing reference to 'Precinct Plan 2' and 'protected' streams.

## **FINDING**

75. As we understood this issue there was agreement that a two tier approach was the most appropriate outcome. The intention being that Precinct Plan 2 would identify those streams where a higher level of protection was being proposed for the high value streams. Those streams within the precinct but not identified on Precinct Plan 2 were to be subject to the Auckland-wide provisions that apply to all the watercourses in the plan change area.
76. We find that minor amendments are required to the policies to clarify the agreed position and avoid any ambiguity. We have added the word 'identified' to policy (16) and added a newly numbered policy (17) to clearly set out the agreed two tier approach.

(16) *Enhance protected streams and natural wetlands **identified** on Precinct Plan 2 through native planted riparian yards.*

(17) *Protect and enhance intermittent stream reaches not identified on Precinct Plan 2 where those reaches are confirmed for protection by a resource consent.*

## **Stormwater**

77. Issues in relation to stormwater were raised by Auckland Council in the submission lodged on behalf of the Council. The submission sought a number of amendments to the precinct provisions.
78. Dr Jayawardena, an urban planning specialist in the Healthy Waters Department, presented evidence in support of the Council's submission. He outlined those precinct provisions that remained in contention. Given the extent of the changes he recommended we refer readers of our decision to his evidence rather than list or attempt to summarise his recommendations.

79. Instead, we set out the relevant comments Ms Burns stated in her closing statement, based on the conclusions of Ms Johnston the stormwater specialist who was part of the Council's reporting team.

*“8.10 Ms Johnston generally agrees with the evidence of Mr Jayawardena and supports his recommended changes to the precinct provisions to align the precinct with the proposed Stormwater Management Plan.*

*8.11 Ms Johnston comments that while the Regionwide Stormwater Network Discharge Consent and resulting Stormwater Management Plans do provide greater certainty with regard to the appropriate management of stormwater, the reliance on these in conjunction with solely relying on the existing suite of Auckland-wide stormwater rules in Chapter E8, E9 and E10 could be considered insufficient for the management of stormwater effects from greenfield developments. She considers that the framework in these chapters relies on high-level policies and non-prescriptive rules that give little certainty for developers or outcomes. In contrast, the inclusion of stormwater specific provisions in the precinct provides the opportunity to provide clarity and certainty for developers, regulators and outcomes.*

*8.12 I adopt the assessment of Ms Johnston, and consider that solidifying the Stormwater Management Pl[an] in the precinct provisions provides rigour and clarity in the execution of the stormwater management practices identified in the Stormwater Management Plan at the consenting stage. I have updated my recommendation to include the changes identified by Mr Jayawardena in his evidence.”*

80. Mr Duthie in his summary and rebuttal evidence responded to the matters raised by Dr Jayawardena. Mr Duthie's rebuttal extends to over four pages. We quote below what he identified as the key issues that remain in contention.

*“4.2 The first is that it tries to set an objective and policy regime which seeks to “avoid” the effects of stormwater on the environment. As drafted, the Plan Change provides for the mitigation of the effects arising from stormwater management.*

*4.4 The second is that Dr Jayawardena is seeking to introduce a rule whereby the development must proceed in accordance with any stormwater management plan approved by the network utility operator (in this case Healthy Waters).*

*4.5 Dr Jayawardena's evidence talks about ‘any stormwater management plan.’ Mr Bellingham and Healthy Waters have worked through and approved a SMP for this precinct. It is acknowledged that matters may change over time and this SMP may need refinement in the future.*

4.9 Equally, I agree with Dr Jayawardena that there needs to be an operative stormwater management plan and development should proceed in accordance with that plan. WLC and White Light Trust have an approved SMP. The approval is provisional until the Plan Change is operative.

4.10 The full Auckland-wide provisions on stormwater apply in this precinct. They set a policy position that effectively directs that sites are to be developed in accordance with an approved stormwater management plan. Furthermore, I have taken the rule that Dr Jayawardena has suggested and created an assessment criteria on all subdivision requiring an effective stormwater management plan that has been approved by the network utility operator.”

4.11 Dr Jayawardena in his evidence states “...the existing suite of Auckland-wide rules that relate to stormwater management is not sufficient for new greenfield development” (at paragraph 8.28(a)). He then states “The Auckland-wide provisions may not, in my opinion, efficiently address the effects on a stormwater discharge from a greenfields development at a more local or place-based level” (at paragraph 8.28(b)). Dr Jayawardena set out the reasons for this conclusion. It is not clear to me whether this is his personal view or the Council’s view.

4.12 If there is a view that the AUP provisions are inappropriate for greenfields development (clearly not the Council view when they adopted the AUP) then the way to address that is through plan changes to the Auckland-wide provisions so these can be appropriately tested.

4.13 Certainly in crafting this Plan Change I have imported all the objectives, policies, rules and assessment criteria of the Auckland-wide rules which deal extensively with water quality, hydrology and stormwater management among other matters. This Plan change does not seek to reduce or exempt development in this precinct from any of these proven measures.

4.15 The Commissioners will be well aware the Applicants must operate in accordance with a NDC for the site. It can either rely on the Auckland Council global NDC, or seek its own NDC. In either case a stormwater management plan is required. One of the important checks and balance in the way the AUP and Auckland Council’s global NDC works, is the ability for an applicant who cannot reach agreement with the Council as stormwater network utility operator, to seek its own NDC and for that to be tested in front of Independent Commissioners or, if necessary, the Environment Court. If any of the applicants were to proceed under the Council’s NDC then that will require a SMP approved by the Council. You do not need a rule in the plan specifying that requirement. It is contained within the Council’s NDC. If agreement can’t be reached, then the recourse is for the Applicant’s to seek a resource consent for an independent NDC. That would be a high bar to cross. This would be a discretionary activity – not a non-complying activity as proposed

*by Healthy Waters. That will only occur if there is a disagreement between the Council and the Applicants (otherwise the Applicants would come under the Council's NDC). There is nothing about this catchment that warrants a different, more onerous approach. A rule giving the Council as stormwater network operator an effective veto over a stormwater management plan with a default to a non-complying activity when the more critical NDC is a discretionary activity is inappropriate.*

*4.16 In my view, the correct planning method is to address it in exactly the same way as the rest of the Auckland region. The application of the Auckland-wide provisions, and the assessment criteria achieve this. It will result in similar outcomes the Dr Jayawardena wants. In the context where Healthy Waters and the Applicants have agreed an approved SMP for the area and what we are referring to is the potential to refine this over time. The assessment criteria approach is the correct method.*

*4.17 In this case, apart from the physical works associated with the treatment train process, stormwater matters associated with discharges will likely never use the rules within this precinct Plan. That is because it will rely on the Auckland Council NDC. The evidence of Mr Bellingham and the evidence of Dr Jayawardena confirms that a SMP has been approved for the site, and that that SMP is consistent with the Council's NDC. There is a qualification that, should circumstances change through this Plan Change, it might need to be refined. Consequently all aspects of discharge are resolved provided the development proceeds in accordance with the standards and rule of the Council's NDC and the approved SMP. At least for the next 34 years, there will be no reference back to these Plan Change provisions. Rather it will operate in terms with the issued NDC. The SMP will still be relevant and will still apply to all physical works associated with implementing the stormwater network."*

## **FINDING**

81. We find that stormwater provisions as proposed by Mr Duthie are consistent with the AUP, including the relevant Auckland-wide stormwater provisions<sup>4</sup>, and the relationship with the Council's Stormwater Network Discharge Consent and the draft Stormwater Management Plan that has been agreed for the plan change area.
82. We note that Mr Duthie was the co-author of the Section 42A report in relation to the Council's Stormwater Network Discharge Consent application in 2018. The other co-author of that report was Commissioner Parsonson. Commissioner Simmons chaired the hearing in relation to that application. We note that one of the explicit purposes of the Council's NDC is to facilitate integrated stormwater management on a site by site basis, and within greenfield areas once they have an urban zoning. The approach proposed by the applicant is consistent with that purpose.

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<sup>4</sup> These include Chapters E8, E9, E10 and E1 (Water quality and integrated management), all of which would also be engaged if the applicant sought its own stormwater discharge consent.

83. We adopt the evidence of Mr Duthie in support of our finding.

### **Walkways**

84. During the hearing process we encouraged Mr Duthie and the relevant members of the reporting team to meet and discuss walkways/greenways, in particular the vesting of greenways and the proposed provision of walkways within riparian yards. Discussions took place however only limited agreement could be reached.

85. Ms Burns in her closing statement advised that the outcome of discussions was that:

*“Council staff clarified that vesting of greenways is a decision to be made at subdivision stage and we do not wish to neither preclude or require vesting within the precinct, thereby allowing the discussion and decision on vesting to take place at subdivision consent stage.*

*Whilst we agree that having greenways infrastructure outside of the riparian yards is a better design and ecological outcome and any walkway within the riparian yard should be a restricted discretionary activity, we did not reach agreement on how best to deal with this within the precinct provisions.*

*There was a general agreement that not all the greenway routes would necessarily be practical for cycling.”*

86. Mr Duthie in his summary and rebuttal evidence set out his response on these matters.

*“In my view, the cumulative effect of the changes the Council is seeking makes the approach to walkways unworkable and effectively strongly incentivise land owners to get as much of the walkway and cycleway network on the public road network as possible.*

*The original concept was for essentially a walking network, although some key routes could be both walking and cycling. The network would be a combination of public footpaths on streets, or metalled tracks within the green corridors aligned to the stream network.*

*The Plan Change requires that walking tracks are to be constructed to regional park standards. They are gravel tracks 2m wide which could have stairs with small bridges across streams. They ran both up valleys and also create connections across the precinct. Some of these facilities would be suitable to meander alongside or close to the streams. Some, because of ecological sensitivity, needed to be set back. Those are all matters to be addressed at resource consent stage.”*

87. After discussing in some detail the amendments being recommended by Council, together with examples of how these issues have been dealt with in other precincts, he concluded as follows:

*“In all the circumstances of this Plan Change, these applicants were faced with three options:*

- (a) Convince the Council to vest the walkway network as it does elsewhere throughout the Auckland region; or*
- (b) Provide no walkways at all, and just landscape key areas so there is public amenity through landscaping, but not access; or*
- (c) Set up a new approach of privately owned but publicly accessible walkways. That is the approach that I put to the Applicants and they accepted. The Council Officers are questioning how this will work. I have said in my evidence in chief that the cumulative effect of the changes the Council is making is taking something that is new but in my view workable, and placing a range of further impediments which I think will pass the tipping point such that it will no longer work.*

*The Council does not wish to own, or maintain and operate the network. It does however, want a public good provided by a private property owner. If this is to work the Council needs to set up the control regime to make the location and maintenance/operation of the track network as pragmatic and straightforward as possible. The provisions I have drafted in to the Plan Change I believe strike this balance.”*

88. Mr Loutit in his Reply at 5.5 submitted that:

*“The principle behind these changes is that the best time to identify the best route and alignment is at the resource consent stage, at which time there will be detailed information as to the contour, topography and road layout. The Council as regulator, and future asset owner, will be able to sort out the appropriate location and ensure the walkway will meet its requirements, as part of the restricted discretionary consent process. That is the right time for these decisions to be made.*

*In my submission these amendments will appropriately address the concerns raised during the course of the hearing and are the most appropriate provisions to achieve the objectives of both the AUP and the precinct provisions themselves.”*

## **FINDING**

89. We find that the approach proposed on behalf of the applicant will appropriately enable these matters to be determined and resolved when more detailed information is available at the resource consent stage.

90. While we note the reservations to this approach raised by the Council, we also note the following the objectives and policies for the precinct. These objectives and policies seek to manage the outcomes sought in relation to walkways, cycleways and the protection of natural wetlands and streams. To maximise the benefits envisaged for recreation as well those envisaged for wetlands and streams, we find these objectives and policies need to be interpreted together to enable the best overall outcomes, rather than for either outcome to be at the exclusion of the other.

*“Objective (4) Create an accessible residential development with safe and integrated vehicle, walking and cycling connections while supporting the safety and efficiency of the surrounding transport network.*

*Policy (7) Provide extensive active walking and cycling networks and futureproof key walkway/cycleway routes.*

*Objective (11) Protect and enhance the ecological values of streams, natural wetlands and areas of indigenous vegetation within the precinct as shown on Precinct Plan 2.*

*Policy (15) Require subdivision and development to protect and enhance natural wetlands, permanent streams and intermittent streams identified on Precinct Plan 2.*

*Policy (16) Enhance protected streams and natural wetlands on Precinct Plan 2 through native planted riparian yards.*

91. We adopt the evidence of Mr Duthie in support of our finding.

### **Collector Roads**

92. Issues in relation to access to collector roads had been raised in the submission and further submissions from Auckland Transport and also by Mr Peake in his Transport Review that he prepared as part of the Council’s reporting team.
93. In her section 42A report Ms Burns recommended a blanket prohibition on vehicular access from any property directly onto the proposed collector road shown on Precinct Plan 3. She also recommended that separated cycle facilities be provided for on collector roads.
94. During the hearing process Auckland Transport advised that they were no longer pursuing this particular submission point. In her evidence on behalf of Auckland Transport Ms Dorofaeff stated that, apart from two drafting anomalies, Auckland Transport had resolved all its submission points. The two anomalies were also accepted and formed part of Mr Duthie’s final version of the transport related provisions. Auckland Transport supported these final provisions.
95. Ms Burns in her closing statement noted that Mr Peake maintained his concerns about vehicle crossings conflicting with separated cycle facilities. She acknowledged



Mr Peake's concerns, "...but in this instance, defer to Auckland Transport, the acknowledged Roding Authority, and Ms Dorofaeff's evidence."

96. In his Technical Memo dated 15 October Mr Peake stated in his paragraph 2.14 that;
- "...in my view, separated cycle facilities are required along at least part of the collector road. The exact form and extent could be determined through the subdivision and consenting stage of the precinct. At that stage, the developer will be required to liaise with Auckland Transport as to the design and configuration of the road and street network within the precinct as it is anticipated that these would be vested in Council."*
97. Mr Langwell in his traffic evidence considered that the relevant Auckland-wide subdivision and transport rules were sufficient in order to assess any vehicle crossing or vehicle access on all roads. He noted that those rules do not recognise collector roads and that only arterial roads and limited access roads have standards that seek to control vehicle crossings.
98. We note that in Chapter A of the AUP, at A1.6.5, *"Precincts enable local differences to be recognised by providing detailed place-based provisions that can vary the outcomes sought by the zone or Auckland-wide provisions and can be more restrictive or more enabling."*

## **FINDING**

99. Given that Auckland Transport no longer sought the inclusion of any more restrictive provisions within the precinct, and instead agreed to rely on the Auckland-wide provisions, we were not convinced by Mr Peake's evidence that a more restrictive approach is necessary in this precinct.
100. Auckland Transport is the acknowledged roading authority and will be involved with the detailed subdivision and consenting stage of development. We have preferred the planning evidence of Mr Duthie and Ms Burns, together with the traffic evidence of Mr Langwell and the resolution of the matter reported to us by Ms Dorofaeff. For the reasons set out in their evidence we find no reason to depart from the Auckland-wide provisions.

### **Trees located at 245 Matakana Road**

101. Mr Webb, Consultant Arborist, had prepared an Arboricultural Report dated 24 February 2020 on behalf of the applicants. He had visited 245 Matakana Road and carried out an assessment of trees that *"...stand out due to their size and visibility."*<sup>5</sup>
102. He identified three trees growing adjacent to the driveway serving the dwelling on the site as being noteworthy specimens; being two pin oaks and one oriental sweet gum. He assessed these trees using the "Guidelines for Nominating a Notable Tree for Evaluation" contained in the AUP. His assessment was that each of these trees

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<sup>5</sup> Para 4.1 Arboricultural Report

achieved a total score of 26 based on the criteria contained in the guidelines. The threshold under the guidelines is 20 points to enable trees to be considered as being notable, noting that consideration does not automatically mean they should be given a notable status.

103. With respect to his assessment of the pin oaks, Mr Webb's score was made up of:
- 6 points in relation to their age and health. (He estimated them to be 61-80 years old and to have high vigour and vitality).
  - 5 points in relation to their character and form. (He considered them to be an exceptional local example as he knew of no other trees of this species in the local area that have the form and character these trees possess).
  - 5 points in relation to their size. (He considered these trees were the largest examples of these species in the location).
  - 10 points in relation to their visual contribution. (Due to their location adjacent to a main road).
104. He considered that the pin oaks did not merit any score in relation to their heritage, scientific, ecosystem, cultural or intrinsic values set out in the guidelines.
105. With respect to the oriental sweet gum, his score was made up of:
- 6 points in relation to age and health. (He estimated it was 61-80 years old with low vigour and vitality)
  - Zero points in relation to character and form. (Due to the structural issues identified in its form).
  - 10 points in relation to size. (Because it is of substantial size for this species, when considering the lateral spread of the crown).
  - 10 points in relation to its visual contribution, (Due to its location adjacent to a main road).
106. Despite the scores Mr Webb considered that *"The trees do not display exceptional qualities that make them worthy of being notable trees, due to them being either average examples of a very common species (pin oaks) or poorly structured, though rare (oriental sweet gum)."*<sup>6</sup>
107. The trees were not included within PPC 40 for protection, based on Mr Webb's assessment.
108. Auckland Council, as a submitter to PPC 40, sought that the three trees at 245 Matakana Road be included in Schedule 10 as Notable trees in the AUP.
109. The White Light Family Trust, the owners of 245 Matakana Road, lodged a further submission that opposed the above Auckland Council submission. Ms Steel, a Trustee, presented evidence at the hearing. The Trust's primary concerns were that their 14.75 hectare property has been adversely affected by the Matakana Link Road

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<sup>6</sup> Para 7.2 Arboricultural Report

which bisects it; that the development potential of their land, already significantly reduced by the MLR and the extent of the streams and bush area within the site that will be retained, will be further reduced if the trees are to be scheduled and that the additional restrictions will add to an already unfair burden to the family who have experienced significant sacrifice for the greater good of the community.

110. Based on a plan prepared by Warkworth Surveyors Limited dated 9 June 2020 Ms Steel stated that 3.7 hectares of the existing 14.75 hectare site will be retained in bush and riparian areas. She noted that; *“This is a significant amount of land retained in native bush dedicated to retaining and enhancing the local flora, fauna and waterways but which will also serve to enrich the amenity of the residents in the future urban land use.”*
111. The proposed zoning for the Trust’s land is Mixed House Urban, a zoning that provides for reasonably high density residential development of up to three storeys with a minimum site size of 300m.<sup>2</sup>
112. Ms Steel stated in her paragraph 5.2 that the oriental sweet gum (liquid amber) *“...has considerable rot in its base and has been held together for the last 15 years with a cable so the weight of the wide stretched limbs does not split the tree in half. It is impractical to protect a tree that is not likely to be viable beyond the short term.”*
113. In its capacity as the submitter that raised this issue, Auckland Council did not present any arboricultural or planning evidence in support of its submission.
114. Ms Burns, in her capacity as the reporting planner, relied upon the specialist input of Mr Donaldson, a Senior Specialist Arborist from the Earth Stream and Trees Unit of the Auckland Council, as he was one of her reviewing specialists.
115. Mr Donaldson recommended the three trees be included as notable trees in Schedule 10 to the AUP. He had visited the site and concluded that Mr Webb’s assessment and the scores he had given the three trees were “both reasonable and accurate.”
116. Mr Donaldson in his second memorandum dated 12 September (we think this date is incorrect and should have been 12 October) stated that he believed that Mr Webb *“... is suggesting that the trees, and in particular the Liquidambar tree, exhibit negative attributes that should preclude them from being scheduled as Notable trees.”* He went on to refer to the “Negative effects” criteria in the guidelines and noted that the explanatory notes stated that:

*“The notes explain that most hazards and all negative effects can be managed, and “in all cases these issue[s] must be unmanageable for them to impact on the possible scheduling of a Notable tree.”*

117. He went on to summarise his position as follows.

*“In summary, these three trees have been scored as suitable for inclusion as Notable trees in the AUP schedule. The trees do not currently present any*

*negative attributes that cannot be managed, and the implications of a future change in land use that may make their long term retention are as yet undefined and do not rule out their scheduling at this stage. The trees are currently afforded no protection and their retention on the site is dependant upon being scheduled as part of this plan change. Scheduling as a part of this plan change is the only mechanism available to the Council that will ensure that the trees are still on the site when the land eventually undergoes urban development. The trees can be further assessed at the time of development during the consent process at no extra cost beyond the base fee for a land use or subdivision application. Scheduling does not preclude tree removal at a later date and the AUP includes a list of assessment criteria for the removal of scheduled Notable trees that includes reference to negative effects and effects on infrastructure.”*

118. Ms Burns noted in her closing statement that the AUP guidelines for nominating a notable tree are derived from section B4.5. She referred us to policy B4.5.2 (2) and it was her opinion that in addition to the scientific importance and intrinsic values “...an evaluation must also take into account the effects of a tree on human health, public safety, property, amenity values and biosecurity.”<sup>7</sup>

119. She also concluded that;

*“In response to Mr Loutit and Ms Steel’s assertion that having both a designation for the Matakana Link Road and three notable trees on a site is too onerous and unreasonable, I cannot find any evidence to support this claim. Incorporating the three trees into any development is very unlikely to make a future subdivision economically unviable. Standalone trees can be fairly easily designed into any subdivision layout and mature vegetation often adds appeal to new residential subdivisions (giving them a sense of established character and amenity.”<sup>8</sup>*

120. She retained her original support for the three trees to be included as notable trees.

121. Mr Duthie addressed the possible scheduling of these three trees in section 12 of his evidence dated 21 September. He noted that:

- (a) These trees had not been identified through the community consultation process or by the Council as part of the development of the Warkworth Structure Plan. He considered that should have been the opportunity where the Council signalled to the landowners the key public good planning aspects that would impact development potential.
- (b) The White Light Trust has had their land cut in two by the MLR and have lost land for the significant roundabout where the MLR intersects with Matakana Road. In addition, because of the proximity to the roundabout, property access

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<sup>7</sup> Para 6.3 Closing Statement

<sup>8</sup> Para 6.4 Closing Statement

is restricted and the Trust is required to build another access off Matakana Road.

- (c) The Warkworth Structure Plan did identify (appropriately in his opinion) the important bush and stream area within the Trust's land and that this was signalled, known and protected as part of the plan change.
- (d) It was his opinion that it seemed unreasonable to, at this late stage of the process, impose yet another impediment on development of the land.
- (e) It was also his opinion that Part 2 of the RMA is about finding the balance in environmental, cultural, social and economic considerations. He considered that an aspect of this must be the social and economic wellbeing of the community and the ability to use land efficiently as referred to in section 7 of the RMA. Based on Mr Webb's evidence, Mr Duthie concluded that in balancing the protection of these trees against enabling high quality urban development, the balance clearly falls on the side of enabling urban development, not protecting trees. He considered that protecting these trees would be an unreasonable imposition on the site, given their relatively low value and health.

## FINDING

122. We find that the Regional Policy Statement objectives and policies set out at B4.5 in relation to Notable trees are a very useful place to begin our consideration of the competing evidence we received from the arborists and the planners. We note that we received very little in the way of analysis in relation to these provisions in evidence.

123. Objective B4.5.1 (1), the sole objective, states that:

*“Notable trees and groups of trees with significant historical, botanical or amenity values are protected and retained.”*

124. We note the objective seeks to protect and retain trees with “significant” historical, botanical or amenity values.

125. With respect to evaluation factors, policy B4.5.2 (1) lists five factors, which we summarise below.

- (a) Heritage or historical association. (Whether the trees are associated with or commemorate a historic event, or historic or notable figure, have a strong public association, or are associated with a local historic feature).
- (b) Scientific importance or rarity. (Whether the trees are the largest or only example of a species in Auckland, a significant example of a species rare in the Auckland region, a native species that is nationally or regionally threatened, or have outstanding value because of their scientific significance).

- (c) Ecosystem service or environmental function. (Whether the trees provide a critical habitat for a threatened species population).
  - (d) Cultural association and accessibility. (Whether the trees demonstrate a custom, way of life or process once common but now rare or in danger of being lost and the like).
  - (e) Intrinsic value. (Whether the trees are intrinsically notable because of a combination of factors including size, age, vigour and vitality, stature and form or visual contribution).
126. In evaluating the above factors, policy B4.5.2 (2), the effects of the trees on human health, public safety, property, amenity values and biosecurity are to be taken into account.
  127. Policy B4.5.2.2 (4) is to avoid development that would destroy or significantly adversely affect the identified values unless those effects are otherwise appropriately remedied or mitigated.
  128. Mr Webb and Mr Donaldson agreed that all three trees scored 26 points, with 20 points being the minimum needed for favourable consideration.
  129. Mr Webb took his assessment a step further. With respect to the oriental sweetgum, he noted it was an uncommon species in Auckland and significant in size, therefore the scientific special factor may apply. However, overall he concluded the poor form, structural defects, fair crown conditions and the cable that had been installed in the crown to arrest the splitting of main stems, mean that the tree would have a limited useful life expectancy, in the order of ten years.
  130. In relation to the two pin oaks, he described them as being average examples of a very common species.
  131. With respect to the above regional policy statement objectives and policies, we cannot ignore the wording of the objective when it identifies that trees with “significant” historical, botanical or amenity values are to be protected and retained. The primary difference in the evidence of the two arborists, is that Mr Webb effectively concluded that these three trees do not have significant values that merit their protection and retention, despite passing the minimum score for possibly being added to the schedule of Notable trees.
  132. We find the evidence of Mr Webb more compelling as he has taken a more comprehensive approach to his assessment of these three trees. In this case we agree with him that despite scoring sufficient points to enable these trees to be considered, a broader conclusion can be reached that these trees do not have significant values to support their scheduling as notable trees.
  133. We also find the planning evidence of Mr Duthie more compelling as he has appropriately concluded that the protection and retention of these three trees will not

promote the sustainable management of natural and physical resources as contemplated by Part 2 of the RMA, particularly given the Residential Mixed Housing Urban zoning proposed for the Trust's land.

134. For all of the above reasons, our overall finding is that these three trees do not merit inclusion in Schedule 10 as Notable Trees.

#### **Indicative locations for open space**

135. During the hearing process we encouraged Mr Duthie and the relevant members of the reporting team to meet and discuss the options available with respect to the identification of the locations of future open space within the precinct. There was agreement with respect to all indicative open space areas indicated on Precinct Plan 1, other than in relation to the proposed neighbourhood park.
136. A key aspect of the open space areas shown on Precinct Plan 1 is that they are all indicative. Detailed consideration of the final location will be undertaken at the consenting stage for the subdivision of the land.
137. The Council position was that the neighbourhood park should be indicated by a circle, generally focussed on the location preferred by the Council for future acquisition. Mr Duthie in his evidence dated 15 October at his 4.5 did not support this approach and preferred a more flexible location being indicated. He suggested an enlarged indicative location that included the Council's preferred location, but would also enable other alternative locations. There was agreement that the best time to finalise the location of the neighbourhood park was at the consenting stage for the subdivision of the land.
138. Mr Barwell, the Council's Senior Policy Advisor (Parks) in his statement/email dated 15 October identified his concerns with respect to Mr Duthie's approach as follows.

*"My concern and the reason I want the park shown in that location is that it accords with the council's Open Space Provision Policy (2016). If it gets moved too far in any direction it will not meet council policy which aims for equitable distribution and access as we have already made clear in my s42A memo and your planning report. That would certainly be the case if it got moved westward to beside the indicative collector road as proposed by the applicant. As discussed yesterday the applicant is weary of having the location shown on the plans/maps and you indicated you could potentially help with words around that. FYI, what I have done in my submissions on four plan changes in Drury-Opaheke where they do not have indicative parks shown on precinct plans is to state that all park locations, sizes and configurations must be consistent with council open space policy. That would be appropriate here too as it unambiguously states that open spaces proposed for acquisition by the council must meet council policy to be supported for acquisition. But at the same time this approach provides some flexibility of location if the applicant is jittery about being locked-in to a particular location."*

139. Ms Burns in her closing statement dated 16 October stated as follows.

*“7.3 Mr Duthie has amended his location for the indicative open space in his 15 October updated precinct provisions. He has made the indicative location to cover a wider oval shaped area. Mr Barwell does not support this change. He considers that in terms of the Open Space Provision Policy it sets unrealistic expectations and includes some areas that would be extremely unlikely to be supported for acquisition by the council.*

*7.4 I adopt the assessment of Mr Barwell and agree that the location of the indicative open space on Precinct Plan 1 should set clear expectations for future developers about where an open space is likely to be supported and purchased by council. I recommend that Precinct Plan 1 is updated to include the indicative open space at the location recommended by Mr Barwell.”*

140. From his earlier evidence dated 21 September Mr Duthie had identified at his 14.10 the reasons why he did not support the indicative location preferred by Council. In summary he considered stated:

*“It is far better to locate the park where it is likely to be developed early and where it would have good accessibility from a broader range of the new urban catchment.”*

*“It is preferable to set the playground up where it has direct connections to the southern side of the MLR enabled by a full safe pedestrian crossing facility.”*

*“In terms of location there is little difference in terms of topography, centrality within the catchment, or adjacency to the greenway walkway network.”*

## **FINDING**

141. While clearly no agreement could be reached before the end of the hearing, as we understand matters, the larger indicative location preferred by Mr Duthie essentially defers the final decision until the resource consent for the subdivision land is processed. It enables a number of sites to be considered including the one preferred by Mr Barwell.

142. Once the detailed subdivision layout is determined then a more fully informed discussion can take place before the actual location of the neighbourhood park agreed. At the end of the day if the neighbourhood park is to be acquired by Council, they will need to agree to the actual location.

143. We see no “unrealistic expectations” for the applicant, arising from the enlarged indicative location proposed by Mr Duthie. The relevant assessment criteria for the design and layout of any future subdivision include IXXX.7.2 (1) (a) (v) and (vi). They are not in dispute and are set out below.



- “(v) *Public open space and greenway spaces consider the public street network to support legibility, ease of visual access, and CPTED principles.*
- (vi) *Land is provided for a neighbourhood park in the location shown on Precinct Plan 1, or such other location that is suitable for a neighbourhood park and that public park site forms part of the land area of the application.”*

144. The above assessment criteria contemplate that Precinct Plan 1 will guide the final location, while enabling an alternative suitable location to be considered. There was no expectation expressed by the applicant that the Council could be made to acquire the park if they didn't agree to the final location. Mr Duthie made it clear during the hearing that the decision to acquire any specific site lies with the Council.
145. We find, for the reasons set out in Mr Duthie's evidence, that the larger indicative location for the neighbourhood park is appropriate and will enable a more fully informed decision to be made based on the more detailed subdivision plans in due course. We see no disadvantage arising for the Council in this regard. We have retained Precinct Plan 1 as proposed by the applicant.

### **Reverse sensitivity**

146. Reverse sensitivity issues, in relation to three separate existing activities and/or areas of zoned land adjacent to the proposed precinct, were significant issues in contention at the hearing. We discuss each the issues under separate headings below.

#### **Warkworth Showgrounds**

147. Evidence was presented on behalf of the Mahurangi Community Sport and Recreation Collective Incorporation (Mahu Sport), Warkworth A&P Society and the Warkworth Hockey Turf Charitable Trust, representing the existing 11 clubs that operate from the Warkworth Showgrounds. The primary concern of these submitters was the extent to which activities on the showgrounds may be impacted upon by development within the proposed precinct. To that end, the evidence presented sought to ensure that any adverse or reverse sensitivity effects of the plan change can be taken into account at this early stage and adjusted or mitigated.
148. The Warkworth Showgrounds consists of 26.88 hectares of land zoned Open Space-Sport and Active Recreation. The nature and use of the showgrounds is generally consistent with the zone description set out below.

#### ***“H7.6.1. Zone description***

*The Open Space – Sport and Active Recreation Zone applies to open spaces used for indoor and outdoor organised sports, active recreation and community activities. It includes facilities such as sports fields, hard-court areas and greens, recreational and multi-sport facilities, and marine-related*

*activities such as ramps, jetties, slipways, hardstand areas. These spaces often include buildings and structures such as grandstands, sport and community clubrooms and toilets and changing facilities associated with these uses. Most of these open spaces are also available for informal recreation activities such as walking, jogging and informal games when not used for sport and active recreation.*

*Commercial activities accessory to sport and active recreation activities may be undertaken in appropriate locations. These activities can provide economic benefits as well as social benefits, such as providing food or beverage to support recreational use and by adding to safety through passive surveillance.*

*The more intensive use of these open spaces can attract large numbers of people. This can generate high levels of traffic, noise, glare and other adverse effects that need to be managed.”*

149. The showgrounds are located on the southwestern edge of the proposed precinct and has frontage on to State Highway 1. Ms Jones on behalf of Mahu Sport identified the current and possible future activities that take place on the showgrounds.

- The Annual Warkworth A&P Show.
- Hockey (1 existing artificial turf, a grassed practise field and a planned future artificial turf).
- Rugby and Touch Rugby (3 fields and 2 other fully formed fields currently used by horse clubs).
- Netball (4 courts).
- Basketball (1 court).
- Arena Sports (Rodeo and arena events).
- Karate dojo.
- Dog training.
- Athletics club.
- Harrier club.
- Perimeter track for walking and cycling exercise.

150. The following activities have expressed interest in locating on the showgrounds.

- Warkworth Football Club.
- Warkworth Cricket.
- Mahurangi Gym sports.
- Pickleball and other smaller sports.

151. Ms Jones advised that electronic gates enable public vehicle access from 6am to 10pm seven days a week, but that pedestrian and bicycles can gain access 24 hours a day. She noted that the showgrounds are a permanently open public facility.

152. She also identified two major developments proposed projects, a multisport facility building with the first stage to primarily encompass gym sports and indoor courts and

a second stage to replace clubrooms, kitchen, administration facilities and additional indoor courts. A bike and skate park is also planned, with lighting for evening use, on the northern boundary that abuts the proposed precinct.

153. These submitters sought a reverse sensitivity “no complaints covenant area” across the precinct for light and noise associated with the recreational use of the Warkworth Showgrounds. In addition, they sought increased screen planting bordering the north and north eastern borders of the showgrounds to mitigate the visual impacts of the plan change area when viewed from the showgrounds, and mitigate the noise and light from the use of the showgrounds.
154. The plan change as notified provided for a no complaints covenant and requirements for residential buildings within the identified noise and light sensitive area identified on Precinct Plan 1. This covered land within 200 metres of the showgrounds boundary.
155. Ms Burns in her section 42A report had recommended, in her paragraph 336, that the extent of the covenant area be extended further to the north to help address the submitters concerns. She recommended an extension out to approximately 300 metres from the showgrounds boundary. We were unable to find any assessment to support her recommendation. In her closing statement at her paragraph 8.8 she stated that:

*“Having considered the evidence of the applicant, the submissions by the various groups with an interest in the Warkworth showgrounds, and the consideration of Mr Qiu, I consider that the reverse sensitivity measures proposed are appropriate, and note that short of proposing a zoning of the land that is not a residential but otherwise considered inappropriate for the context of the plan change, the measures proposed by the applicant are the most effective means to manage any reverse sensitivity effects arising out of the proposed plan change on the Warkworth Showgrounds.”*

156. Mr Duthie, Mr Munro and Mr Day provided evidence on behalf of the applicant covering the planning, urban design and acoustic issues in relation to the showgrounds. The key aspects of their evidence are as follows.
157. Mr Duthie in his evidence in chief dated 21 September stated:

*“15.52 A requirement for a no-complaints covenant covering light and noise, together with a requirement for mechanical ventilation is proposed in the modified Plan change. These requirements apply to the Mixed Urban land which is close to the showgrounds. It is a distance of approximately 220m back from the common boundary.*

*15.53 In my view, a fence requirement is not appropriate. Individual land owners of course are able to build fencing if that is what they want. Nevertheless, given the elevated nature of this land above the showgrounds, there can be no practical screening unless an*

*extremely over-height fence is built. That would be disproportionately high and may have adverse effects in itself.*

15.57 *The no-complaints covenant and the mechanical ventilation requirement ensure that:*

- (a) Anybody purchasing the property is fully aware of the showgrounds operation;*
- (b) There can be no complaints against lawful noise and lighting emitted by the showgrounds; and*
- (c) With the windows shut in summer there is still high amenity within the dwelling itself.”*

15.58 *With the exception of the request for fencing on the boundary, I believe the Plan Change addresses the relief sought by the submitters.”*

158. Mr Munro in his evidence in chief dated 21 September stated:

*“8.26 The Plan provisions now recognise the Warkworth Showgrounds and allow for consideration of potential reverse sensitivity effects with the introduction of the Noise and Lighting Sensitive Area, in which, mechanical ventilation and no-complaints covenants are required.*

*8.27 However, I do not regard it as necessary in this instance; the reserve is in the scheme of things a medium-sized facility and I liken it to Becroft Park in Glenfield (which has floodlights for evening football use, a state highway to the west and housing to the north and east rising up from it, and a large tennis centre to the south with a similar context). I am aware of many schools and public open spaces with relatively large-scale, quite continuous organised sports operations including floodlighting adjoining residential zoned land.*

*8.28 In my opinion, co-location of suburban parks in residential areas is a desirable outcome including a concentration of density within close walking distance of such facilities. These, and the concentration of activity that they bring, forms a part of the amenity and character values of residential areas. Because there is an inherent compatibility between residential activities and the recreational activities undertaken at the Warkworth showgrounds, I consider it very unlikely that a real reverse sensitivity effect could result.”*

159. Mr Day in his Summary and Rebuttal evidence dated 5 October stated:

*“7.1 The Warkworth Showgrounds are located to the south of the Plan Change land. The Showgrounds are home to a number of community sporting facilities including rugby fields, netball courts and a hockey turf. The type of noise emanating from these playing fields is community based with a character that involves people having fun*

*participating in sporting activities. The closest playing field appears to be approximately 80m from the Plan Change land boundary.*

7.2 *In my opinion this type of activity is unlikely to cause annoyance at 80m. There are a large number of community playing fields in suburban Auckland much closer to the residential interface than this. The adverse effects of this recreation noise on the new residents would not be significant and in addition they will be aware that the playing fields are there when they purchase the property.*

7.3 *Having noted this, I understand the Plan Change includes provisions that address potential reverse sensitivity issues through a 'Noise and Lighting Sensitive Area.' With no complaints covenants and mechanical ventilation in the area shown on Precinct Plan 9.1. This 'area' extends some 220m into the Plan Change land and I consider is ample reverse sensitivity protection for the Showgrounds."*

160. During the hearing we were provided with copies of the resource consents that had been granted for activities on the showgrounds. We note that "blanket consent for community events within the area covered by the former Rodney District," which included the Warkworth Showgrounds, appears to have expired on 31 December 2017. The most relevant consents appeared to be the "redevelopment of the Warkworth Showgrounds" dated 23 December 2008 and the "erection of floodlighting towers" dated 25 March 2015.

161. The current zoning of the showgrounds is also particularly relevant in terms of the wide range of activities permitted under that zoning. Activities that are permitted in Activity Table H7.9.1 include: clubrooms, informal recreation, organised sport and recreation, public amenities, recreation facilities, gardens including botanic and community gardens, non-security floodlighting fittings and supports and tower up to 18m high, parks infrastructure, sports and recreation structures parks maintenance and recreational trails.

162. We were also provided with a copy of the reserve management plan for the Warkworth Showgrounds dated June 2004. We note the extensive transformation of the showgrounds that has occurred since 2004.

## **FINDING**

163. We have carefully considered the issues raised in relation to the Warkworth Showgrounds and fully understand the concerns identified by the submitters. We acknowledge that the showgrounds are the most significant active recreation facility in Warkworth. They also serve the wider rural population and they will continue to do so for the foreseeable future as Warkworth grows as is contemplated in the Warkworth Structure Plan.

164. The showgrounds are appropriately zoned and have been extensively developed for sports and active recreation activity. It would seem most unlikely that any person

looking to purchase future residential land and/or live within the precinct could do so without physically being aware of the showgrounds because of their size, location and visibility. In other words, it would be almost impossible to be unaware of their existence and the general types of activities that take place at the site.

165. We acknowledge, however, that it is possible that future residents within the precinct could have concerns over the impact the showgrounds may have on the residential amenities they hope to enjoy.
166. We accept Mr Munro's evidence that there are many similar reserves and parks within urban Auckland in terms of scale, activities being undertaken, including night-time use. We also accept that the co-location of recreational facilities and residential areas can be a desirable outcome.
167. We are not aware of the extent to which noise and light sensitive areas have been applied to residential land elsewhere in Auckland around recreational facilities, such as the showgrounds, however we acknowledge the clear benefits of the type of provisions being proposed in the proposed precinct.
168. The primary issue that remained in contention is the extent of the noise and light sensitive area being proposed. As we understood the submitter's position, they were supportive of the provisions themselves.
169. We also note the point raised by Mr Duthie with respect to lighting effects, that the environment that will exist once the land adjacent to the showgrounds is developed will include light emitted from residential properties and from street lighting and cars using the MLR. It will be a very different environment to the existing night-time situation.
170. We also find it relevant that the Council, as the owner of the showgrounds, did not actively support, oppose or express a view on the issues raised by the occupiers of the showgrounds. It was also significant that Ms Burns after hearing all of the evidence presented during the hearing, amended her initial recommendation as to the extent of the identified noise and light area and supported the proposed area as being appropriate and that the measures themselves are the most effective means of managing any reverse sensitivity effects.
171. We record that we have included additional wording within the Precinct description to specifically identify the Warkworth Showgrounds to signal its size, location and that a wide range of sport and recreation activities use the showgrounds.
172. Based on the expert evidence of Mr Duthie, Mr Munro, Mr Day and Ms Burns, together with the absence of any expert evidence to the contrary, we find that the precinct provisions as proposed are the most effective means to manage any reverse sensitivity effects on the Warkworth Showgrounds, in the context of the new urban zonings and outcomes provided for within the precinct.

## **Skywork Heliport**

173. Skywork Helicopters Limited operate from a consented heliport at 38 Goatley Road to the north west of the precinct land. The consent enables up to 60 helicopter movements (30 flights) per day on specifically identified flight tracks that enable helicopters to fly over land within the precinct. The heliport is sited within the industrial zoned land that abuts the proposed precinct.
174. Skywork sought the inclusion of precinct provisions that would address reverse sensitivity effects on their operations, including no complaints covenant and the requirement of mechanical ventilation in all residential dwellings.
175. We heard extensive evidence from Mr and Mrs Stevenson, the landowners and heliport operators, Mr Hegley, acoustic consultant and Ms O'Connor, planning consultant. On behalf of the PPC 40 applicants we heard acoustic evidence from Mr Day and planning evidence from Mr Duthie. On behalf of the Council reporting team we had acoustic evidence from Mr Qiu and planning evidence.
176. All of that evidence is part of the hearing record and as agreement was reached by all parties we see no need to summarise that evidence as part of our decision.
177. At the end of the hearing on 16 October we were advised that agreement had been reached, however the specific wording was not made available until 11 November. Ms Burns in her closing statement dated 16 October stated that she considered the proposed reverse sensitivity measures to be appropriate. As mentioned earlier in our decision, other submitters who attended the hearing, together with the Council reporting team, were given the opportunity to study and provide any further comments on the agreed provisions. No further comments were lodged with us on the agreed provisions.

## **FINDING**

178. In the absence of any submissions or evidence opposing the agreed provisions, IXXX.6.6 Noise Management Area, Noise Measurement Line and Covenants, we have, with one modification, accepted the agreed provisions as being most effective means to manage any reverse sensitivity effects on the Skywork heliport at 38 Goatley Road.
179. Proposed Standard IXXX.6.6 requires that a “no-complaints covenant be registered against the certificate of title for every site within the precinct in favour of the owner and operator of the Warkworth Heliport”. For the purpose of measurement of noise generated by the Heliport, the standard states:
  - “The noise generated by the Heliport is measured at the notional boundary of the dwellings that existed or were under construction on 9 March 2010. The notional boundary is a line 20 metres from any side of those dwellings, or the legal boundary where that is closer than 20 metres.”

180. To avoid ambiguity in future interpretation and compliance monitoring, we find that an additional precinct map be included that shows the location of the dwellings that existed or were under construction on 9 March 2010. We have requested that Council provide that map and it has been incorporated into our decision of PPC 40..

### **Industrial zoned land**

181. Goatley Holdings Limited own 51.83 hectares of Business- Light Industrial zoned land that includes the Skywork heliport. Mr and Mrs Stevenson are the directors of Goatley Holdings. The industrial land is currently vacant. The submitter sought two matters. Firstly, provisions that would ensure the potential reverse sensitivity effects on the industrial land are effectively managed. Secondly, amended zoning to ensure a more appropriate buffer between industrial and residential activities.
182. We heard evidence on these matters from the same witnesses who addressed us on the Skywork heliport issues discussed above.
183. Agreement was reached between the parties and we followed the same process as outlined above to enable other submitters and the Council reporting team to provide any further comments before we closed the hearing. No further comments were received on the agreed provisions which were included in IXXX.6.6 referred to above.

### **FINDING**

184. In the absence of any submissions or evidence opposing the agreed provisions, IXXX.6.6 Noise Management Area, Noise Measurement Line and Covenants, we have accepted the agreed provisions as being most effective means to manage any reverse sensitivity effects on the Business- Light Industrial zoned land currently owned by the submitter.

### **STATUTORY MATTERS**

185. The RMA sets out a range of matters that must be addressed when considering a plan change, as identified in the section 32 report accompanying the notified plan change and in the Section 42A report. We confirm that we have addressed those matters in reaching our decision.
186. We also note that section 32 clarifies that analysis of efficiency and effectiveness is to be at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
187. Having considered the evidence and relevant background documents, we are satisfied, overall, that PPC 40 has been developed in accordance with the relevant statutory and policy matters and will clearly assist the Council in its effective administration of the AUP(OP).



## SUBMISSIONS

188. Ms Burns in Section 11 of her Section 42A report had recommended whether submissions should be Accepted, Accepted in Part or Rejected. At the beginning of the hearing she amended her recommendations as set out below.
- On page 74 (in the table) in relation to submission 5.27 by Auckland Transport she recommended the submission be accepted in part, rather than being accepted.
  - On page 76 (paragraph 284) in relation to submission 5.27 by Auckland Transport she deleted the recommendation for the submission to be accepted.
  - On page 82 (paragraph 303) in relation to submission 5.29 by Auckland Transport she recommended the submission be accepted in part.
  - On page 85 (paragraph 310) in relation to submission 1.3 by Warkworth Area Liaison Group she recommended the submission be accepted.
  - On page 85 (paragraph 310) in relation to submission 5.28 by Auckland Transport she deleted the reference to the submission because it had already been recommended to be accepted on page 82.
  - On page 93 (paragraph 339) she deleted the references to submissions 16.6-15, 22.2 and 22.6-16 and replaced those references with the correct submission references, being 15.4 by Mahurangi Community Sport and Recreation Collective and 16.2 by Warkworth Hockey Charitable Trust.
189. By the end of the hearing, after considering all the evidence presented, Ms Burns updated her recommendations in her written closing statement dated 16 October 2020. For a number of matters she changed her position from the recommendations that she had summarised in Section 11 of her Section 42A report. She specifically identified the following matters using the following headings as she set out her final recommendations in her closing statement.
- Zoning - Northern ridge.
  - Zoning - the knoll.
  - Zoning – Open space zoning of Tomlinson Bush access.
  - Stream protection.
  - Collector Roads.
  - Notable trees.
  - Location of the indicative open space.
  - Notification rules.
  - Goatley Holdings and Skywork.
  - Warkworth Showgrounds.
  - Auckland Council – stormwater.
190. We have noted the final recommendations of Ms Burns, together with the fact that her recommendations did not always align with the specialist input from some members of the reporting team. We have carefully considered any competing recommendations from within the Council's reporting team.

191. Where there has been an agreement reached, between submitters and the applicants and/or the Council reporting team, we have generally adopted any agreed outcomes. In all cases our decisions have been based on the evidence presented during the hearing process.
192. With respect to our overall decisions on the submissions received, we have placed considerable weight on the fact that all of the submitters who attended and presented evidence at the hearing focussed on how the rezoning of the land should take place, rather than whether or not rezoning should proceed.
193. We understood that there was only one submission that sought the decline of the plan change. That submitter, Mr Reddell did not attend or table any further information. The written submission stated that, *“Until Council has the funds to upgrade sewerage, stormwater and city water plus roading problems they should not be advancing on expansion schemes.”* The written submission referred to the need for a roundabout at the Hill Street intersection, lowering of speed limits on Matakana Road and the provision of public footpath on land outside the proposed precinct land. We note the evidence of Mr Stuart on behalf of Watercare Services Limited that the water and waste water/sewerage network will be available to the precinct land by 2022 or 2023 at the latest.
194. We acknowledge that Ms Burns had changed her recommendations to us in response to the evidence presented at the hearing on behalf of the applicants and submitters. In general terms overall we have preferred the evidence on behalf of the applicants, for the reasons set out in our findings on the principal issues that were in contention.
195. In terms the requirements of Schedule 1, Clause 10 (3) of the RMA we are not required to give a decision that addresses each submission individually. While acknowledging that Ms Burns in her Section 42A report had provided recommendations on individual submissions, we have not followed that approach in our decision. Instead, we have either accepted or accepted in part the submissions (including the further submissions) that supported the proposed rezoning and precinct provisions, or sought amendments to the plan change, to the extent that our decision enables rezoning and development for the reasons set out in our decision. The only submission that has been rejected is the one from Mr Reddell that sought the decline of the plan change.

## **DECISION**

196. That pursuant to clause 29(4) of Schedule 1, Clause 10 of the Resource Management Act 1991, Proposed Private Plan Change 40 to the Auckland Unitary Plan (Operative in Part) is approved, subject to the modifications as set out in this decision and, attached as Appendix 1 and the submissions and further submissions be accepted, accepted in part, or rejected in accordance with our decision.

197. Submissions on the plan change are accepted or accepted in part in accordance with this decision. As stated above only the submission from Mr Reddell has been rejected.
198. In general, these decisions flow from our findings on the principal matters that remained in contention by the end of the hearing.
199. The reasons for the decision are that Private Plan Change 40:
- a. will assist the Council in achieving the purpose of the RMA;
  - b. gives effect to the Auckland Regional Policy Statement;
  - c. is consistent with the relevant provisions of the AUP(OP);
  - d. will promote the sustainable management of natural and physical resources as contemplated by Part 2 of the RMA;
  - e. is supported by necessary evaluation in accordance with section 32 and 32AA;
  - f. gives effect to the relevant national policy statements, in particular the National Policy Statement for Freshwater Management 2020 and the National Policy Statement on Urban Development 2020; and
  - g. will help with the effective implementation of the Auckland Unitary Plan.



**Les Simmons**  
**Chairperson**

**And for Commissioners Bridget Gilbert and Michael Parsonson**

**Date: 15 February 2021**

# APPENDIX ONE

**PRIVATE PLAN CHANGE 40: DECISION VERSION**  
**PART A – AMENDMENT TO AUCKLAND UNITARY PLAN GIS VIEWER (MAPS)**

**Map 1 – Proposed Zoning of IXXX Warkworth Clayden Road Precinct**

Notes:

1. The proposed change to the viewer (maps) has not been made.
2. The map is shown to place the changes in context.

<b>Map number:</b>	1
<b>Geographic area:</b>	North
<b>Current zones:</b>	Future Urban zone and Business Light Industry zone
<b>Proposed zones:</b>	Residential – Mixed Housing: Urban zone Residential – Mixed Housing: Suburban zone Residential – Single House zone Residential – Large Lot zone Rural Countryside Living zone Business – Neighbourhood Centre zone Business – Light Industry zone Open Space – Conservation zone

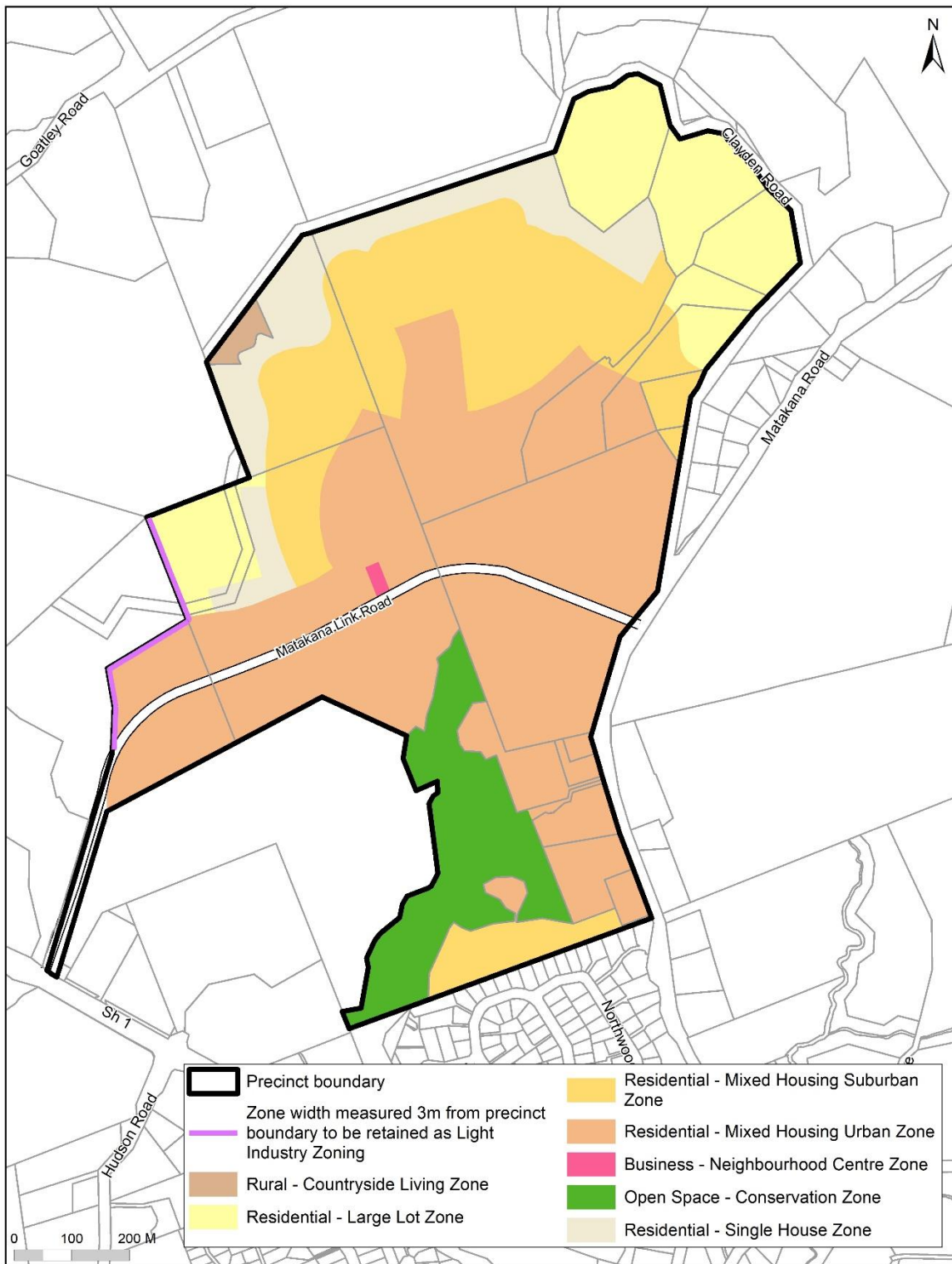
## **PART A AMENDMENT TO THE MAPS**

### **ZONING**

That the land currently zoned Future Urban Zone be rezoned Residential - Mixed Housing Urban zone, Residential - Mixed Housing Suburban zone, Residential - Single House zone, Residential - Large Lot zone, Rural – Countryside Living zone, Business-Neighbourhood Centre zone and Open Space – Conservation zone as shown on the following zoning plan.

That the land currently zoned Business- Light Industry zone be substantially rezoned Residential – Mixed Housing Urban, with the interface area retained as Light Industry, as shown on the following zoning plan.

# Map 1 – Zoning

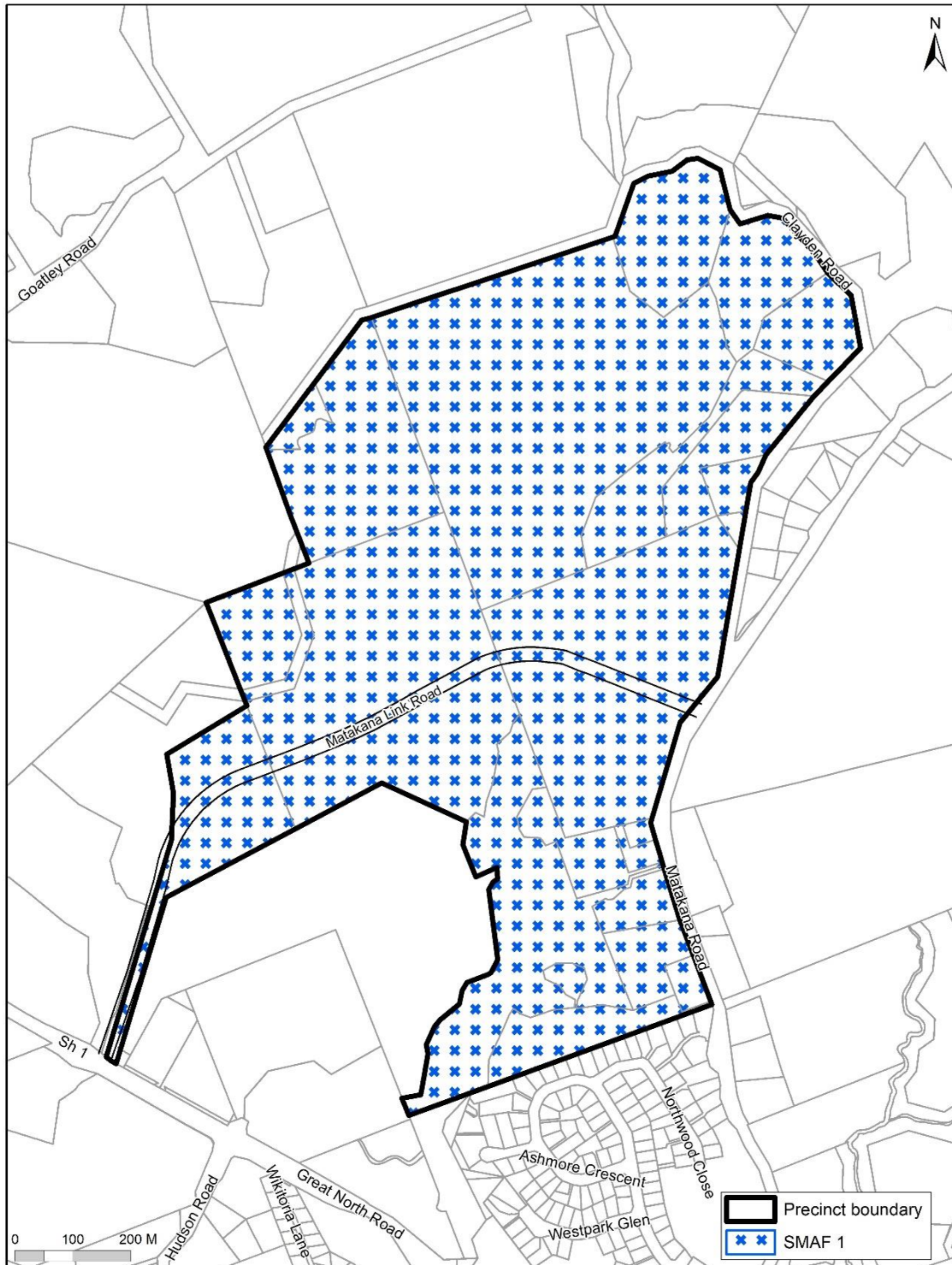


Warkworth Clayden Road - Zoning map

## CONTROLS

The land shown below be identified as "SMAF1" in the 'Controls' map.

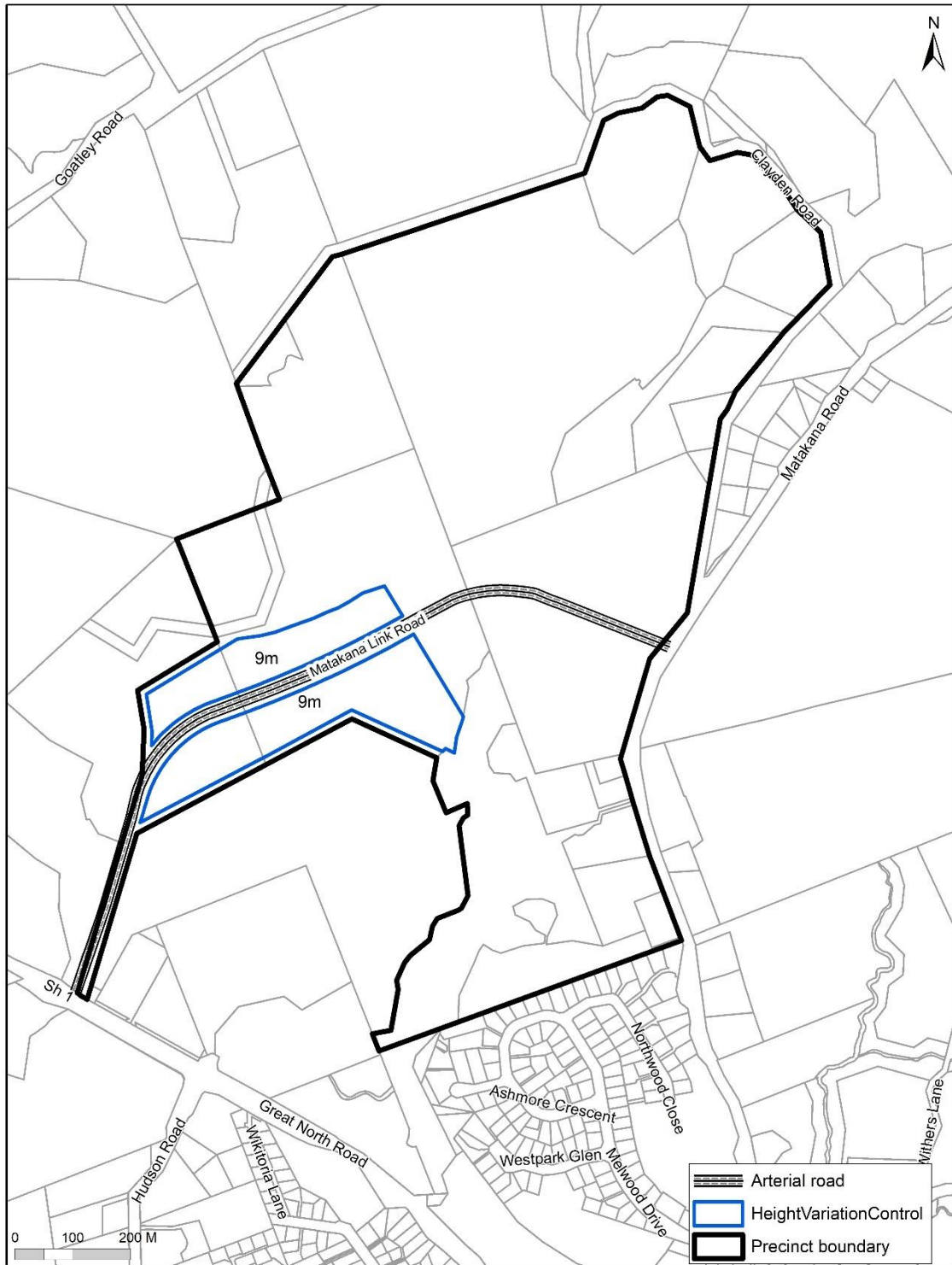
### Map 2 – Control: SMAF1



Warkworth Clayden Road - Control: SMAF 1



### Map 3 – Control: Height Variation Control, and Arterial Roads

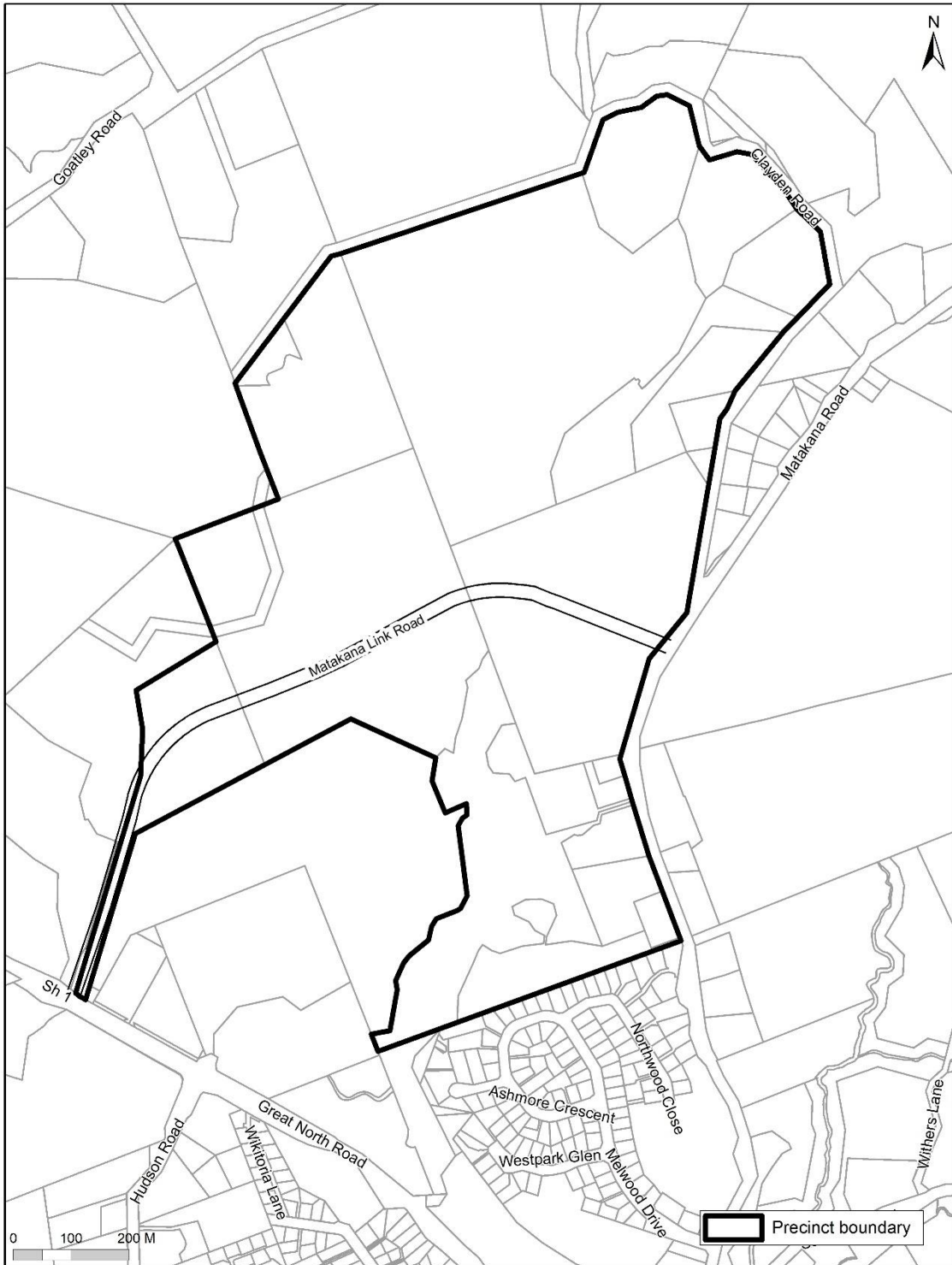


Warkworth Clayden Road - Control: Height Variation Control

## PRECINCTS

The land shown below be identified as 'Warkworth Clayden Road' in the 'Precinct' Map.

**Map 4 –Precinct Boundary of IXXX Warkworth Clayden Road Precinct**

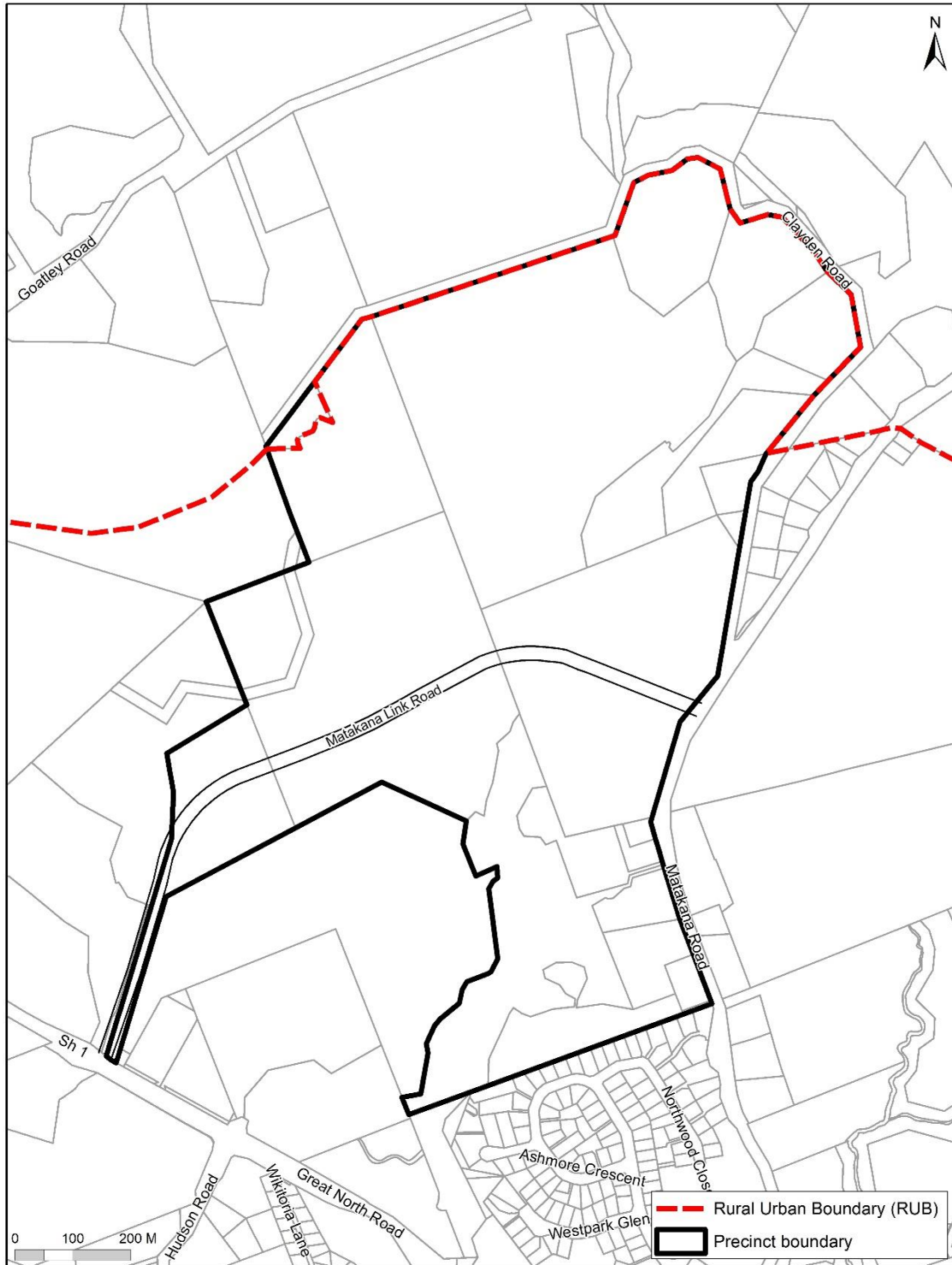


**Warkworth Clayden Road - Precinct Boundary**

## RURAL URBAN BOUNDARY

The location of the Rural Urban Boundary on the planning maps be modified as shown below.

**Map 5 –Rural Urban Boundary**



**Warkworth Clayden Road - Rural Urban Boundary (RUB)**

## **PART B AMENDMENT TO IXXX WARKWORTH CLAYDEN ROAD PRECINCT**

**Insert the following new precinct provisions:**

### **IXXX Warkworth Clayden Road**

#### **IXXX.1 Precinct description**

The Warkworth Clayden Road Precinct assists in providing for growth within the Warkworth area. The land slopes up to the north to adjoin the Rural Urban Boundary. The ridgeline that demarks the northern extent of the precinct with the back drop of Dome Valley and the bush clad streams reaching up the slopes toward it, are valued as landscape and ecological features within the precinct. Development in accordance with the precinct provisions will create a range of housing types, respond to existing topography, and maximise urban landscape and environmental outcomes while balancing urban land use efficiency imperatives. The planned Matakana Link Road creates good connectivity to this part of Warkworth with direct connections to State Highway 1.

The zoning of land within this Warkworth Clayden Road Precinct is Rural – Countryside Living, Residential - Large Lot, Residential - Single House, Residential - Mixed Housing Suburban, Residential - Mixed Housing Urban, Business - Neighbourhood Centre and Open Space – Conservation zones.

A small portion of land within the Precinct will be retained as Business – Light Industry zoned land to enable a 3-metre buffer to the Business – Light Industry zoned land to the north west. This buffer, in conjunction with other controls, will manage potential reverse sensitivity and other effects on the light industrial land uses that may arise as a result of development within the precinct. Those adjacent land uses include a consented and operational heliport that can operate up to 60 flight movements a day.

The Precinct is also adjacent to the 26.8 hectare Warkworth Showgrounds which is zoned and used for a wide range of sport and active recreation activities. To manage any potential reverse sensitivity issues regarding noise and lighting issues associated with the Warkworth Showgrounds specific provisions apply to the identified noise and lighting sensitive areas to the north of the showgrounds.

The Residential - Mixed Housing Urban zone applies to the more intensive residential opportunity created around the Matakana Link Road and the future public transport options this offers with direct access to and views across the Warkworth Showgrounds. Residential - Mixed Housing Suburban zone medium density housing is provided in the northern area of the Precinct. Low density Residential - Single House zoning is provided on the Rural Urban Boundary fringe with particular controls applying along the interface between the Countryside Living zone and the Residential - Single House zone and the Rural – Countryside Living zone, where rural character is to be maintained and lower levels of residential intensification enabled. A small area of land is zoned Residential - Large Lot and Rural - Countryside Living. These zones and controls are designed to create a lower density interface and a landscape buffer between the urban and rural areas.

Provision is made for a neighbourhood centre designed to provide services to the northern Warkworth community and yet be complementary to the Warkworth town centre.

Provision is made for a greenway network providing a network of tracks and walkways along streams and connecting to the broader network outside the precinct.

Special provision is made for the northern arena, a planned recreational facility.

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

### **IXXX.2 Objectives**

- (1) Provide for residential urban growth within the northern Warkworth area.
- (2) Apply urban zoning efficiently to protect against future urban expansion into Warkworth's valued rural hinterland.
- (3) Enhance the character of the rural – urban interface through limitations in key locations on housing density, building location, height and enhanced landscaping.
- (4) Create an accessible residential development with safe and integrated vehicle, walking and cycleway connections while supporting the safety and efficiency of the surrounding transport network.
- (5) Provide an appropriate interface and controls between the existing light industry zone and the new residential areas to manage adverse reverse sensitivity effects on industrial activity and heliport operations.
- (6) Subdivision and development is coordinated with the delivery of the transport, infrastructure and services required to provide for development within the precinct and connect it to the wider transport network.
- (7) Subdivision and development recognises and provides for Matakana Link Road and the strategic transport connection this makes through the Warkworth Clayden Road Precinct which support growth in the wider Warkworth area.
- (8) Subdivision and development within the precinct occurs in a manner which remedies or mitigates adverse effects on the safe and efficient operation of transport infrastructure and services.
- (9) Subdivision and development within the precinct provides for the protection and enhancement of identified landscape features within the Warkworth Clayden Road Precinct.
- (10) Provide amenity for, and manage effects from, operations within the industrial area to the north west of the Warkworth Clayden Road Precinct including heliport operations, on activities sensitive to noise within the area identified on the Precinct Plan IXXX.9.1.
- (11) Protect and enhance the ecological values of streams, natural wetlands and areas of indigenous vegetation within the precinct as shown on Precinct Plan 2.
- (12) Subdivision and development provide riparian yards and design stormwater management function to respect natural processes through best practicable options to protect the high ecological values and maintain good water quality and enhance degraded water quality present in the receiving environment.

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

### **IXXX.3 Policies**

- (1) Provide a range of diverse residential zones and therefore housing options to help meet community needs.
- (2) Locate more intensive housing adjacent to Matakana Link Road and overlooking the Warkworth showgrounds and Mahurangi tributaries and supporting public transport.
- (3) Create low density housing along the rural - urban boundary to form a transition from urban to rural uses.
- (4) Create the opportunity for local shops to service the neighbourhood, by zoning a suitable area of land for a "neighbourhood centre".

- (5) Create an intensively landscaped interface along the rural urban boundary.
- (6) Protect landscape values by preventing building on the special landscape areas shown on Precinct Plan 1 and requiring planting of these landscape elements, and applying the height variation control to limit building heights in sensitive locations.
- (7) Provide extensive active walking and cycling networks and futureproof key walkway/cycleway routes.
- (8) Create the opportunity for a recreation facility adjacent to the Warkworth showgrounds.
- (9) Create a 10 metre landscaped buffer and associated bund with a minimum height of 3 metres, where the topography allows; and require 'no complaints covenants' and mechanical ventilation on the properties adjacent to the industrial zoned land, so as to manage reverse sensitivity effects.
- (10) Avoid direct vehicle access from individual sites on to Matakana Link Road, while allowing direct pedestrian and cycle access.
- (11) Utilise riparian yard planting and at source hydrological mitigation of stormwater to prevent bank erosion and to protect and enhance in-stream and wetland water qualities.
- (12) Require subdivision and development to provide transport infrastructure within the precinct and to provide connections to adjoining land in accordance with Precinct Plan 3.
- (13) Mitigate the adverse effects of stormwater runoff from all impervious areas in the precinct through a treatment train approach which assists in maintaining high water quality and enhances poor water quality.
- (14) Require subdivision and development to be co-ordinated with the provision of transport infrastructure and services identified in the precinct plan.
- (15) Require subdivision and development to protect and enhance natural wetlands, permanent streams and intermittent streams identified on Precinct Plan 2.
- (16) Enhance protected streams and natural wetlands identified on Precinct Plan 2 through native planted riparian yards.
- (17) Protect and enhance intermittent stream reaches not identified on Precinct Plan 2 where those reaches are confirmed for protection by a resource consent.
- (18) Require subdivision and development to protect the landscape values of the ridgeline of the knoll adjacent to the north western boundary of the precinct.
- (19) Require "no complaints covenants" on the properties adjacent to the Warkworth Show grounds so as to manage potential reverse sensitivity issues regarding noise and lighting.
- (20) Create a special yard buffer on the properties adjacent to Tomlinsons Bush so as to manage the interface between the bush and adjacent residential land.
- (21) Manage the design and construction of residential buildings within the area identified on the Precinct Plan IXXX.9.1. so as to mitigate the adverse potential noise effects and manage potential reverse sensitivity effects on operations within the industrial area to the north west of the Warkworth Clayden Road Precinct including heliport operations.

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

#### **IXXX.4 Activity table**

The provisions in any relevant overlays, Auckland-wide provisions and zones apply in this precinct, except the following:

- (a) E.12.4.1: Activity Table relating to Land Disturbance – District: Activities (A6) and (A10)

Activity Table IXXX.4.1 – IXXX.4.6 specify the activity status of regional and district land use, development and subdivision in the Warkworth Clayden Road Precinct pursuant to sections 9(2), 9(3),

11 and 13 of the Resource Management Act 1991 or any combination of all of these sections where relevant.

A blank in the activity status column means that the activity status in the relevant overlay, Auckland-wide or zone provision applies and one or more precinct standard applies.

Note

Activities and standards apply to vegetation removal within SEA overlay as listed in Chapter E15 Vegetation management and biodiversity.

**Table IXXX.4.1 All zones**

Activity		Activity status
<b>Use</b>		
<b>Development</b>		
(A1)	New buildings and additions.	
(A2)	New buildings and additions to buildings which meet Standards IXXX.6.8 High Contaminant Yield Material.	
(A3)	New buildings and additions to buildings which do not meet Standard IXXX.6.8 High Contaminant Yield Material.	NC
(A4) [rp]	New reclamation or drainage, including filling over or piping of a stream shown as a High Value Protected Stream on Precinct Plan 2 IXXX.9.2.	NC
(A5) [rp/dp]	Removal of any native vegetation shown as covenanted bush or area of significant bush on Precinct Plan IXXX.9.2, not otherwise provided for except this shall not preclude: (i) removal of deceased or damaged limbs or trees that could create a fall hazard;	NC

	(ii) clearing of bush up to 2m wide to create or maintain consented walking tracks.	
(A6)	Activities sensitive to noise within the area shown on Precinct Plan IXXX.9.1 as Noise Management Area, Noise Measurement Line and Covenant that comply with Standard IXXX.6.6 Noise Management Area, Noise Measurement Line and Covenants.	P
(A7)	Activities sensitive to noise within the area shown on Precinct Plan IXXX9.1 as Noise Management Area, Noise Measurement Line and Covenant that do not comply with Standard IXXX.6.6 Noise Management Area, Noise Measurement Line and Covenants.	NC
(A8)	Earthworks for construction of an earth bund and associated landscaping in accordance with Standard IXXX.6.3 Special Yard: West.	C
(A9)	Any development of the land shown on Precinct Plan IXXX.9.1 that is not in accordance with Standard IXXX.6.3 Special Yard: West.	NC
<b>Subdivision</b>		
(A10)	Subdivision involving parent sites of 1ha or greater complying with Standard E38.8.2.1 or E38.8.3.1, and Standards IXXX.6.5 Special Subdivision Control Area in Single House Zone, IXXX.6.3 Special Yard: West, IXXX.6.6 Noise Management Area, Noise Measurement Line and Covenants, and generally in	RD



	accordance with Precinct Plans IXXX.9.1, IXXX.9.2 and IXXX.9.3.	
(A11)	Subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.1 or E38.8.2.3 and Standards IXXX.6.5 Special Subdivision Control Area in Single House Zone, IXXX.6.3 Special Yard: West, IXXX.6.6 Noise Management Area, Noise Measurement Line and Covenants and generally in accordance with Precinct Plans IXXX.9.1, IXXX.9.2 and IXXX.9.3.	RD
(A12)	Subdivision that does not comply with either Standards IXXX.6.5 Special Subdivision Control Area in Single House Zone, IXXX.6.3 Special Yard: West, or IXXX.6.6 Noise Management Area, Noise Measurement Line and Covenants.	NC
(A13)	Subdivision or development that does not comply with the 'access points onto Matakana link Road', 'eastern access', and / or 'pedestrian and cycle connection to Matakana Link Road' as shown on Precinct Plan IXXX.9.3.	D
(A14)	Public walkways within a riparian yard.	RD
(A15)	Subdivision of the Special Subdivision Control area: South as shown on Precinct Plan 1	NC

**Table IXXX.4.2 Rural - Countryside Living Zone**

Activity		Activity status
Use		
Development		
(A1)	New buildings and additions to buildings within the Special Yard: North on Precinct Plan 1.	NC

**Table IXXX.4.3 Residential - Large Lot Residential Zone**

Activity		Activity status
Use		
Development		
(A1)	Integrated residential development.	
(A2)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents.	
(A3)	New buildings and additions to buildings within the Special Landscape Area on Precinct Plan 1.	NC

**Table IXXX.4.4 Residential - Single House Zone**

Activity		Activity status
Use		
Development		
(A1)	Integrated residential development.	

(A2)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents.	
(A3)	New buildings and additions to buildings that do not comply with Standard IXXX.6.1 Special Height Limit.	D
(A4)	New buildings and additions to buildings on a site subject to the Special Yard: North on IXXX.9.1 Precinct Plan 1 that do not comply with Standards IXXX.6.2 Special Yard: North.	NC
<b>Subdivision</b>		
(A5)	Any subdivision in the “special subdivision control area” area shown in Precinct Plan 1 that does not meet the minimum net site size requirements in Standard IXXX.6.5 Special Subdivision Control Area.	NC

**Table IXXX.4.5 Residential - Mixed Housing Urban Zone**

<b>Activity</b>		<b>Activity status</b>
<b>Use</b>		
<b>Community</b>		
(A1)	Recreation Facility in the location shown on Precinct Plan 1 as Recreation Facility complying with Standard IXXX.6.9 Maximum Gross Floor Area.	RD
(A2)	Recreation Facility in the location shown on Precinct Plan 1 as Recreation Facility	D

	not complying with Standard IXXX.6.9 Maximum Gross Floor Area.	
<b>Development</b>		
(A3)	Integrated residential development.	
(A4)	Supported residential care accommodating greater than 10 people per site inclusive of staff and residents.	
(A5)	Development that does not comply with standard E27.6.4.1(3).	NC
(A6)	Construction of a road that does not comply with Standard IXXX.6.4 Limited Access.	NC
(A7)	New buildings and additions to new buildings that do not comply with the Height Variation Control Standard IXXX.6.1A.	D
(A8)	Residential activity within the area shown on Precinct Plan 1 IXXX.9.1 as Noise and Lighting Sensitive Area that complies with Standard IXXX.6.7 Noise and Light Sensitive Areas.	P
(A9)	Residential activity within the area shown on Precinct Plan 1 IXXX.9.1 as Noise and Lighting Sensitive Area that does not comply with Standard IXXX.6.7 Noise and Light Sensitive Areas.	NC
(A10)	Residential activity on a site subject to Special Yard Tomlinsons Bush that complies with standard IXXX.6.3A.	P

(A11)	Residential activity on a site subject to Special Yard Tomlinsons Bush that does not comply with standard IXXX.6.3A.	D
<b>Subdivision</b>		
(A12)	Any subdivision not complying with standard IXXX.6.4 Limited Access.	D

**Table IXXX.4.6 Business – Neighbourhood Centre**

<b>Activity</b>		<b>Activity status</b>
<b>Use</b>		
<b>Development</b>		
(A1)	Development that does not comply with standard E27.6.4.1(3).	NC
(A2)	Construction of a road that does not comply with Standard IXXX.6.4 Limited Access.	NC
<b>Subdivision</b>		
(A3)	Any subdivision not complying with standard IXXX.6.4 Limited Access.	D

**Table IXXX.4.7 Business – Light Industry Zone**

<b>Activity</b>		<b>Activity status</b>
<b>Use</b>		
<b>Development</b>		
(A1)	New buildings and additions.	NC

(A2)	Earthworks and/or landscaping associated with any bund.	C
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### IXXX.5 Notification

- (1) Any application for resource consent for a controlled activity listed under IXXX.4 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under sections 95A(9) or 95B(10) of the Resource Management Act 1991;
- (2) Any application for resource consent for a restricted discretionary, discretionary or non-complying activity listed in IXXX.4 will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991; and particular regard will be given to the following;
  - (a) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration, in relation to Rules IXXX.6.3, IXXX.6.6 and IXXX.6.7 which manages reverse sensitivity effects, to any owner / operator of the adjacent industrial land and heliport which is protected by the rule from such effects.
  - (b) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration, in relation to Rule IXXX.6.6A which manages reverse sensitivity effects, to the operators/clubs of the Warkworth Showgrounds which is protected by the rule from such effects.

### IXXX.6 Standards

- (1) Unless specified in Standard IXXX.6(2) below, all relevant overlay, Auckland-wide and zone standards apply to all activities listed in Activity Tables IXXX.4.1 to IXXX.4.6 above.
- (2) The following Auckland-wide and zone standards do not apply to the activities listed in activity tables above:
  - Activity (A6): E38.8.2.3 does not apply to subdivision in Single House Zone where land is subject to special subdivision control area shown on IXXX.9.1 Precinct Plan 1 and Standard IXXX.6. 5 applies
  - Activity (A7): E38.8.3.1(3)-(5) does not apply to subdivision in Single House Zone where land is subject to special subdivision control area shown on IXXX.9.1 Precinct Plan 1 and Standard IXXX.6. 5 applies
- (a) Activity Table IXXX.4.4 Residential – Single House Zone:
  - Activity (A1): H3.6.6 Building height standard of 8 metres does not apply to that part of the site subject to the height variation control shown on the

planning maps and where Standard IXXX.6.1 Height Variation Control applies

- Activities (AX), (AX): H3.6.8 Yards. The relevant yard in Table H3.6.8.1 Yards does not apply where
  - Standard IXXX.6.2 Special Yard applies
  - Standard IXXX.6.3 Special Landscape Yard applies

(b) Activity Table IXXX.4.5 Residential – Mixed House Urban Zone:

- Activity (AX) H5.6.4 Building height standard of 11 metres does not apply to that part of the site subject to the height variation control shown on the planning maps and where Standard IXXX.6.1 Height Variation Control applies
- Activity (AX) H5.6.8 Yards. The relevant yard in Table H5.6.8.1 Yards does not apply where
  - Standard IXXX.6.3 Special Landscape Yard applies

(3) Activities listed in Activity Tables IXXX.4.1 to IXXX.4.6 must comply with Standards IXXX.6

### **IXXX.6.1 Special Height Limit**

Purpose: To reduce the height of buildings adjacent to the Rural Boundary interface.

- (1) The maximum height limit in the Single House zone in the area shown as “special height limit” on Precinct Plan 1 (IXXX.9.1) shall be 5m for any part of a building that is within 22m but further than 12m from the Rural Urban Boundary.

### **IXXX.6.1A Height Variation Control**

Purpose: To reduce building height below the standard zone height, where the standard zone height would have adverse effects on the rural backdrop of Dome Valley

- (1) If the site is subject to the Height Variation Control, buildings must not exceed the height in metres shown for that part of the site on the planning maps.

### **IXXX.6.1B Yard**

Purpose:

- to increase the side and rear yard set back to a vested walkway adjoining or within a riparian yard.

No building, or retaining wall greater than 1 m in height, shall be constructed within 2m of a vested public walkway adjoining or within a riparian yard.

### **IXXX.6.2 Special Yard: North**

Purpose:

- to form a transition from urban to rural uses;
  - to avoid buildings on the upper slopes of identified parts of the precinct which contribute to the landscape values and amenity of the Warkworth Clayden Road precinct
- (1) A building or parts of a building on sites shown as subject to the Special Yard on IXXX.9.1 Precinct Plan 1 must be set back 12m from the boundary as shown on Precinct Plan 1.
  - (2) All land within the “special yard: north” shown on Precinct Plan 1 shall be landscaped. Fifty percent of the yard shall be planted in native trees that will attain a height of at least 5m when mature.
  - (3) The yard shall be legally protected by a covenant or consent notice providing for the maintenance and protection of the landscaped area and planting in perpetuity.

### **IXXX.6.3 Special Yard: West**

Purpose:

- to provide a landscape buffer and manage reverse sensitivity effects;
  - to maintain a reasonable standard of residential amenity for sites adjoining business land; and
  - to establish a landscape bund at the interface with industrial land on that part of the site with appropriate contour for an urban bund.
- (1) A building or parts of a building must be set back from the precinct boundary by at least 30 m where sites are subject to the Special Yard: West on IXXX.9.1 Precinct Plan 1.
  - (2) For that part of the Special Yard: West within the Mixed Housing Urban zone, and that part within the Large Lot Residential zone with a slope less than 1 in 5, a 10m wide strip measured from the boundary of the precinct shall be planted with indigenous vegetation that will attain a height of at least 5m when mature, forming a planted visual buffer along the precinct boundary. The planting shall have attained a height of at least 1.5m prior to the construction of any dwelling within 100m of the Special Yard: West.
  - (3) The yard shall be legally protected by a covenant or consent notice providing for the maintenance and protection of the landscaped area and planting in perpetuity.
  - (4) On that part of the land within the mixed housing urban zone, and that part of the land within the large lot residential zone that has a slope of less than 1 in 5 a bund shall be constructed within the 10m planting strip of the Yard and shall have a minimum width at its base of 8m and a minimum height at its apex of 3m.
  - (5) The landscaping and bund shall be constructed at the time of any earthworks consents or other form of development on land within the area subject to this rule, or prior to the issue of any new title for development of the land within the Precinct; or construction of any dwelling, whichever occurs first.

### **IXXX.6.3A Special Yard Tomlinsons Bush**

Purpose:

- to provide a buffer adjacent to Tomlinsons Bush.
- (1) A building or parts of a building must be set back from the legal boundary with



Tomlinsons Bush by 6m where sites are subject to the Special Yard Tomlinsons Bush on IXXX.9.1 Precinct Plan 1.

- (2) A 3m wide strip of the Special Yard measured from the boundary of the Tomlinsons Bush site shall be planted with indigenous vegetation that attain a height of at least 5m when mature, except where a public walking track is constructed within the 3m yard.
- (3) The 3m wide strip of the Special Yard shall be legally protected by a covenant or consent notice providing for the maintenance and protection of the landscaped area, the prevention of dumping of rubbish and garden waste, the management of noxious weeds, and a prohibition on the keeping of domestic cats.

#### **IXXX.6.3B Special Landscape Area**

Purpose:

- to provide landscaping features on two key upper portions of the precinct.
- (1) Land identified on IXXX.9.1 Precinct Plan 1 as Special Landscape Area shall be landscaped in either indigenous vegetation or retained as grassed land.
  - (2) No buildings or part of the building shall be constructed within the identified Special Landscape Area.

#### **IXXX.6.4 Limited Access**

Purpose:

- to avoid direct vehicle access from individual sites onto Matakana Link Road; and
  - to have safe and efficient operation of transport infrastructure.
- (1) Road intersections with Matakana Link Road servicing the precinct, shall be located as identified as Access Points onto Matakana Link Road on IXXX.9.3 Warkworth Clayden Road: Precinct Plan 3 except:
    - (a) that the intersections from the north and south connecting with the easternmost access point identified on IXXX.9.3 Precinct Plan 3 shall be limited to a left turn in/left turn out intersection with Matakana Link Road only, and may be offset from each other by a maximum distance of 100m.

#### **IXXX.6.5 Special Subdivision Control Area in Single House Zone**

Purpose: To create larger sites along a portion of the northern boundary of the precinct identified as a "Subdivision Control Area".

- (1) Proposed sites in the area shown as "Special Subdivision Control" on IXXX.9.1 Precinct Plan 1 must comply with the minimum net site area of 1,000m<sup>2</sup>.

#### **IXXX.6.5A Subdivision and development standard – Riparian yards for streams and natural wetlands**

Purpose:

- To protect and enhance water quality and ecology of the streams and natural wetlands shown on Precinct Plan 2 while preventing erosion.
- (1) The riparian yards of any permanent or intermittent stream must be planted at the time of subdivision or land development to a minimum width of 10m measured from the top of the stream bank or, where the stream edge cannot be identified by survey, from the centre line of the stream. This standard does not apply to that part of a riparian yard where a road or consented public walkway crosses over the stream and/or passes through or along the riparian yard.
  - (2) The riparian yards of any natural wetland shown on Precinct Plan 2 must be planted at the time of subdivision or land development to a minimum width of 10m measured from the wetland's fullest extent. This standard does not apply to that part of a riparian yard where a road or consented public walkway crosses over the wetland and associated riparian area, and/or generally passes across a stream and associated riparian area, or along the riparian yard.
  - (3) The planting must:
    - (a) Use eco-sourced native vegetation;
    - (b) Be consistent with local biodiversity; and
    - (c) Be planted at a density of 10,000 plants per hectare.
  - (4) Planting must be undertaken in accordance with Standard IXXX.6.5(3) and Special Information Requirement IXXX.8.2

#### **IXXX.6.6 Noise Management Area, Noise Measurement Line and Covenants**

Purpose: To manage the reverse sensitivity effects on industrial activity in the Business: Light Industry zoned land located between Goatley Road and the precinct boundary and helicopter operations to and from the Warkworth Heliport at 38 Goatley Road by:

- Identifying a Noise Management Area within which mechanical ventilation is required.
  - Identifying a Noise Measurement Line where noise levels from industrial activity are to be measured.
  - Requiring a no complaints covenant in the Industrial Covenant Area related to industrial activity.
  - Requiring a no complaints covenant throughout the entire precinct related to helicopter operations.
- (1) Any residential building or part of a residential building within the Noise Measurement Area shown on IXXX.9.1 Precinct Plan 1 must provide ventilation and/or an air conditioning system(s) that satisfies the requirements of New Zealand Building Code Rule G4 with all external doors of the building and all windows of the habitable rooms closed.
  - (2) When determining whether any activity carried out in the Business: Light Industry zone complies with the noise limits in E25.6.19, noise levels are to be measured at the "Noise Measurement Line" and not at the closest residential boundary.

(3) A 'no complaints' covenant is registered against the certificate of title for every site in the Industrial Covenant-Area shown on IXXX.9.1 Precinct Plan 1 in favour of all sites within the Business: Light Industry zoned land located between Goatley Road and the precinct boundary. The requirement to register a covenant shall apply at the time of any landuse consent or 224C certification on any subdivision, or in the case where no landuse consent or subdivision is required, at the time of building consent for a dwelling or a noise sensitive use. Any landuse or subdivision consent that fails to comply with this rule is a non-complying activity. Where a building consent for a dwelling or a noise sensitive use is applied for and there is no covenant on the title then the activity contravenes this rule and is a non-complying activity. The covenant must acknowledge and agree that:

- the site is adjacent to an industrial area that may operate 24 hours a day 365 days a year;
- the covenantor shall not, either personally or through another, either directly or indirectly:
  - complain to the Council about any activity;
  - make, support or encourage any enforcement action about any activity;
  - make any demands or bring any legal action;
  - do or permit to be done any act, matter or thing intended to restrict or inhibit any activity;

provided the activity is meeting district plan standards, or operating lawfully in accordance with a resource consent.

(4) A 'no complaints' covenant is registered against the certificate of title for every site within the precinct in favour of the owner and operator of the Warkworth Heliport. The requirement to register a covenant shall apply at the time of any landuse consent or 224C certification on any subdivision, or in the case where no landuse consent or subdivision is required, at the time of building consent for a dwelling or a noise sensitive use. Any landuse or subdivision consent that fails to comply with this rule is a non-complying activity. Where a building consent for a dwelling or a noise sensitive use is applied for and there is no covenant on the title then the activity contravenes this rule and is a non-complying activity. The covenant must acknowledge and agree:

- the Heliport was established at 38 Goatley Road in 2010.
- The noise generated by the Heliport is measured at the notional boundary of the dwellings that existed or were under construction on 9 March 2010. The notional boundary is a line 20 metres from any side of those dwellings, or the legal boundary where that is closer than 20 metres.
- IXXX.9.4 Warkworth: Clayden Road Precinct Plan 4 identifying the dwellings that were existed or under construction on 9 March 2010 shall be attached to the covenant.
- The noise limit at the notional boundary of those dwellings is 50 dBA  $L_{dn}$  and a night time limit of 70 dBA  $L_{max}$  (10pm – 7am the following day). Noise generated by emergency flights and training for emergency flights are excluded from the measurements.
- The site may be closer to the Heliport than the dwellings existing or under construction on 9 March 2010, and may experience a higher level of noise.
- the covenantor shall not, either personally or through another, either directly or indirectly:
  - complain about any heliport or any helicopter activity operating lawfully, or any helicopter operation at any time responding to an emergency flight including search and rescue or fire fighting, to Auckland Council or the Civil Aviation Authority;
  - make, support or encourage any enforcement action about the Heliport;
  - make any demands or bring any legal action in relation to the Heliport; or

- do or permit to be done any act, matter or thing intended to restrict or inhibit the Heliport;  
provided the Heliport is operating lawfully in accordance with its resource consent, or
- lodge, support or encourage any submission, objection or appeal which has the effect of limiting, restricting or prohibiting the Heliport or amending the planning provisions applying to the Heliport provided that:
  - the noise generated by the Heliport is no greater than the levels above at the notional boundary of the dwellings that existed or were under construction on 9 March 2010; and
  - the Heliport has been operated lawfully;

*Note: For the purpose of this standard, a no complaints covenant is defined as a restrictive covenant registered on the title to the property or a binding agreement to covenant by the landowner. Details of an agreed form of the covenant may be obtained from Goatley Holdings Limited.*

#### **IXXX.6.7 Noise and Lighting Sensitive Area**

Purpose: To help manage potential reverse sensitivity issues regarding noise and lighting issues associated with the Warkworth Showgrounds by requiring a no complaints covenant and mechanical ventilation or air-conditioning.

- (1) A no complaints covenant shall be registered against the certificate of title for the sites adjacent to the Warkworth Showgrounds at which active sports and recreation activities are carried out in the Noise and Lighting Sensitive Area on IXXX.9.1 Precinct Plan 1. The covenant shall acknowledge the site is adjacent to the Warkworth Showgrounds including existing and future active sports and recreation activities and that the residents will not complain about any permitted activity meeting district plan standards, or any sports activity or sporting event that is being lawfully operated or carried out.
- (2) Any residential building or part of a residential building within the Noise and Lighting Sensitive Area shown on IXXX.9.1 Precinct Plan 1 that is within 80m of the boundary with the Warkworth Showgrounds must provide ventilation and/or air-conditioning systems that satisfy the requirements of New Zealand Building Code Rule G4 with all external doors of the building and all windows of the habitable rooms closed.

#### **IXXX.6.8 New Buildings and additions - High Contaminant Yielding Materials**

Purpose:

- to protect water quality in streams, and the Mahurangi East catchment, by limiting the release of contaminants from building materials.
- (1) New buildings, and additions to buildings must be constructed using inert cladding, roofing and spouting buildings materials.

#### **IXXX.6.9 Maximum Gross Floor Area Recreation Facility**

Purpose:

- to indicate the size of recreation facility anticipated in Warkworth Clayden Road Precinct.
- (1) The maximum gross floor area of any recreational facility in the location shown on Precinct Plan 1 shall be 2,000m<sup>2</sup> gross floor area.

### **IXXX.6.10 Greenways – Walking and cycling infrastructure**

- (1) Walkways and cycleways (where practicable) that are to be vested in the Council shall be provided within the greenways shown on Precinct Plan IXXX.9.1 and;
  - (a) Shall be constructed either to a walking track standard similar to that constructed in Regional Parks if not part of a vested formed road, or in the case where the greenway is part of a-vested formed road, constructed to normal footpath standards as appropriate;
  - (b) Shall provide connections to greenways on public or private land outside the land subject to resource consent, and are futureproofed by constructing track access to the boundary of the application site;
  - (c) The width of the track shall have a minimum width of 2m.
  - (d) Where the walkways and cycleways (where practicable) are adjacent to a stream for which an esplanade reserve is not required, but a 10m riparian yard is required by IXXX.6.5A, the walkway shall have a width of 2m and shall not be within the 10m riparian yard required by IXXX.6.5A unless a resource consent has been obtained that authorises that location.  
Where the off-road greenway is not indicated on Precinct Plan 1 IXXX.9.1 to be adjacent to a stream and it is intended to be vested, the walkway and cycleway shall be a minimum width of 8m from the stream.
  
- (2) Where the Council does not want or is unable to accept vesting of the walkway and associated riparian yard and stream bank, then there is no requirement to provide the walkway.

### **IXXX.6.11 Integrated residential development and supported residential care**

- (1) Transport infrastructure including walking and cycling as indicated in IXXX.9.3 shall be provided as part of the development.

### **IXXX.7A Assessment –controlled activities**

#### **IXXX.7A.1 Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application, in addition to the matters specified for the relevant controlled activities in the overlay, Auckland wide or zone provisions:

- (1) Landscaping in accordance with Standard IXXX.6.3.
  - (a) Landscaping effects.
  - (b) Reverse sensitivity on adjacent Light Industry zoned land.
  
- (2) Earthworks and/or landscaping associated with any bund in the Business Light Industry zone
  - (a) Erosion and sedimentation effects.
  - (b) Land stability.

### **IXXX.7 Assessment – restricted discretionary activities**

### **IXXX.7.1 Matters of discretion**

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary activity resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the overlay, Auckland wide or zone provisions:

- (1) Subdivision
  - (a) The matters of discretion listed at E38.12.1(7).
  - (b) Landscaping.
  - (c) Transport including access, walking and cycling infrastructure, traffic generation and parking.
  - (d) The design and operation of any intersection with Matakana Link Road.
  - (e) Stormwater management.
  - (f) The extent to which greenway connections are provided.
  - (g) The extent to which riparian yards are provided adjacent to streams and natural wetlands.
  
- (2) Recreation Facility in the location shown on IXXX.9.1 Warkworth Clayden Road: Precinct Plan 1:
  - (a) Building scale.
  - (b) Landscaping.
  - (c) Transport including access, parking and traffic generation.
  - (d) Interface with residential development.
  - (e) Interface with Warkworth Showgrounds.

### **IXXX.7.1A Assessment criteria – Controlled Activities**

The Council will consider the relevant assessment criteria identified below for controlled activities, in addition to the assessment criteria specified for assessment of the relevant controlled activities in the zone, Auckland wide or overlay provisions:

- (1) Landscaping in accordance with Standard IXXX.6.3
  - (a) The extent to which:
    - (i) The landscaping and bund form a visual buffer between the industrial area to the west of the precinct and the housing within the Precinct.
    - (ii) Plant species are suitable for the location, and will achieve 5m in height when mature and are planted at an appropriate density to achieve the screening function.
    - (iii) The contour of the land is suitable for a bund.
    - (iv) Any application proposes a condition of consent requiring the landscape planting to be maintained and replaced as necessary to ensure that it is well maintained in perpetuity.

### **IXXX.7.2 Assessment criteria - Restricted Discretionary Activities**

The Council will consider the relevant assessment criteria identified below for restricted discretionary activities, in addition to the assessment criteria specified for assessment of the relevant restricted discretionary activities in the zone, Auckland wide or overlay provisions:

(1) Subdivision

(a) Design and layout;

The extent to which:

- (i) The proposal contributes to the implementation of policies and in particular IXXX.3(1)-(5).
- (ii) Subdivision layout is consistent with Precinct Plans 2 and 3.
- (iii) Subdivision layout is designed to meet the minimum lot sizes of Rule IXXX.6.5 (Special Subdivision Control) to retain a lower density at this rural urban interface and provide a transition from urban to rural land uses.
- (iv) Subdivision layout is designed to ensure that no sites require vehicular access from Matakana Link Road. Sites shall be serviced from local roads, laneways JOAL's, or other suitable mechanisms.
- (v) Public open space and greenway spaces consider the public street network to support legibility, ease of visual access, and CPTED principles.
- (vi) Land is provided for a neighbourhood park in the location shown on Precinct Plan 1, or such other location that is suitable for a neighbourhood park and that public park site forms part of the land area of the application.
- (vii) Subdivision complies with rules IXXX.6.3 and IXXX.6.6 so as to manage adverse reverse sensitivity effects on the owners and operators of the adjacent Business-Light Industry land and the heliport.
- (viii) Any application proposes a condition of consent requiring the landscape planting to be maintained and replaced as necessary to ensure that it is well maintained in perpetuity.

(b) Streams, natural wetlands, stormwater, and walkways

The extent to which:

- (i) Sites that include streams shown on Precinct Plan 2, have complying practical building platforms clear of identified stream areas.
- (ii) Earthworks are managed in such a way as to provide high quality erosion and sediment control measures.
- (iii) The erosion and sediment control measures shall provide for and include use of the stormwater management ponds shown in Precinct Plan 2, and establishment of the wetland(s).
- (iv) The cumulative effect of the approach to stormwater management is in accordance with a Stormwater Management Plan approved by the network utility operator and achieves a 'treatment train' process based on a ten year attenuation standard which mitigates urban stormwater, quality issues and controls runoff from roads and other impervious surfaces.
- (vi) Connections to greenways on public or private land outside the land subject to resource consent, are futureproofed by constructing track access to the boundary of the application site.
- (vii) Any walkways are set back a minimum of 10m from any natural wetland.
- (viii) Any walkway is set back a minimum of 5m from the top of the bank of any stream, except a walkway and bridge which crosses the stream.
- (ix) Any walkway within a riparian yard successfully manages potential stream erosion and sedimentation effects and are planted in indigenous vegetation to the edge of the walkway.

- (x) The treatment of walkway edges including retaining walls protects the ecology of the stream and does not unduly detract from the amenity of the stream and walkway.
- (xi) The location and alignment of the walkway addresses any effects on the ecology of the immediate area and existing trees, land contour and the practicality of constructing the walkway and the amenity that would be provided to users of the walkway.

(c) Transport

The extent to which:

- (i) The staging of any subdivision or development, including any residential or business zoned site, relying on access to Matakana Link Road is such that completed homes or businesses are not occupied prior to Matakana Link Road becoming operational.
- (ii) A walkway network, generally in accordance with Precinct Plan 3 IXXX.9.3 including roads and open space area, is created to ensure an interconnected neighbourhood. This includes connections to the footpaths, cycleways and known bus stops on Matakana Link Road.
- (iii) Cycling facilities are provided on collector roads to integrate with cycling facilities on Matakana Link Road.
- (iv) The intersection design of any road intersection with Matakana Link Road as shown on Precinct Plan 3 is supported by a transport assessment and safety audit demonstrating the intersection will provide a safe, efficient and effective connection to service the expected subdivision and development. This includes safe and convenient provision for pedestrians and cyclists.
- (v) The transport assessment and safety audit demonstrate the design and operation of the proposed intersection will not have adverse effects on the function of the surrounding transport network including Matakana Link Road.
- (vi) The greenway network crossing of the Matakana Link Road occurs either at at-grade pedestrian crossing facilities at the access points on to the Matakana Link Road shown on Precinct Plan 3, or as a walking track underneath the Matakana Link Road bridge.
- (vii) The location of walkways within or adjacent to a riparian yard manages the effects of the walkway on any stream, ecological area or riparian planting.

(d) Stormwater management

- (i) Development is in accordance with the approved Stormwater Management Plan and policies E1.3(1) – (14).

(2) Recreation Facility

The extent to which:

- (a) The recreation facility is located within the land area identified on Precinct Plan 1.
- (b) The height of the building complies with height variation control.
- (c) Landscaping, particularly front yard and the yard adjoining residential zoned land, provides a reasonable amenity to the neighbourhood.
- (d) Traffic generation effects can be accommodated within the transport network, safe access is provided to the site, and sufficient well designed and well located parking is provided.



- (e) The interface with the Warkworth Showgrounds provides a good built and landscaped amenity, and a degree of visual overlooking of the Showgrounds.

## **IXXX.8 Special information requirements**

### **IXXX.8.1 Transport and safety**

An application for subdivision and development that proposes an intersection with the Matakana Link Road must be accompanied by the following information as a minimum:

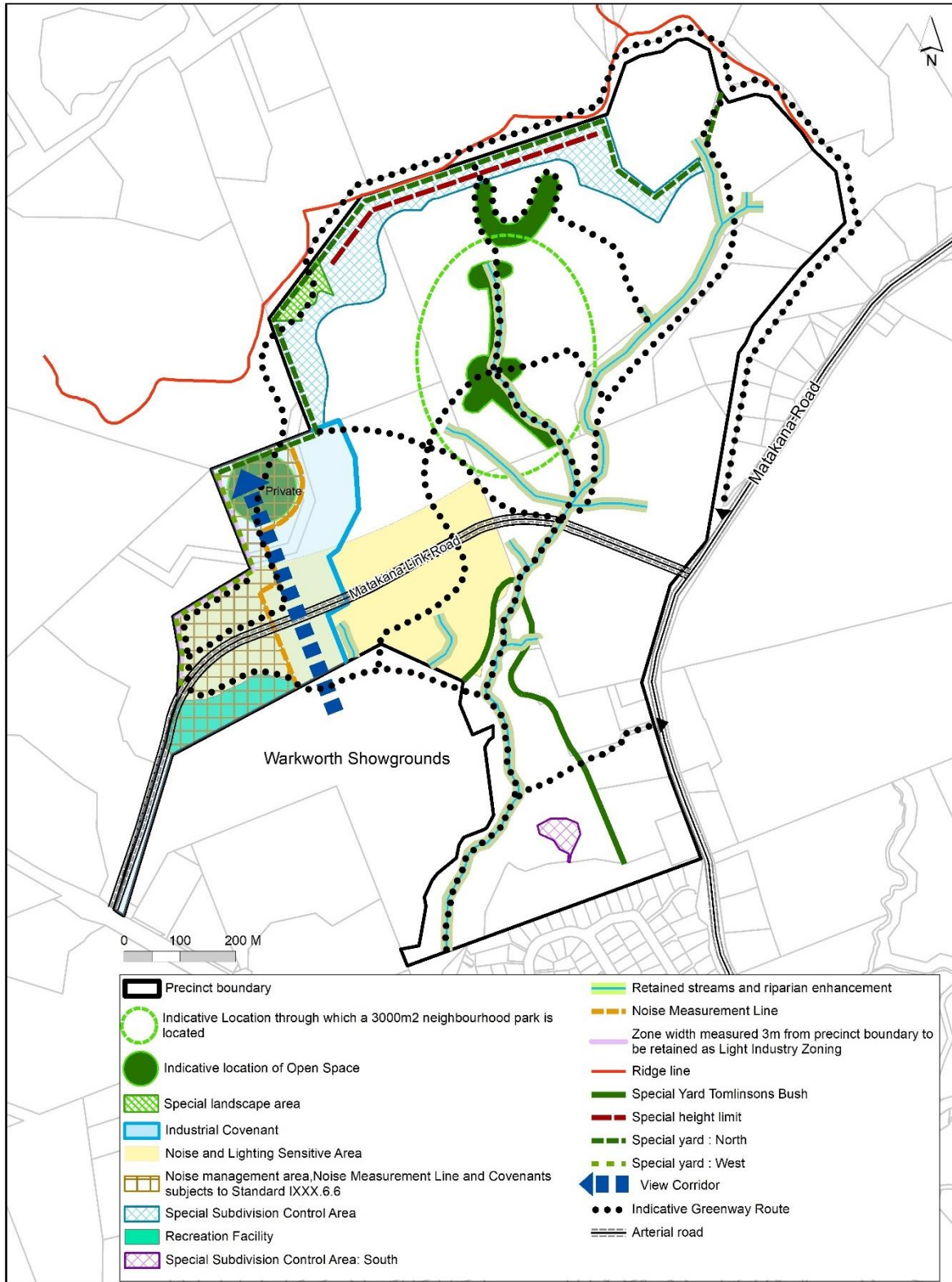
- (1) A transport assessment and safety audit prepared by a suitably qualified person for any proposed intersection with the Matakana Link Road.

### **IXXX.8.2 Riparian planting plan**

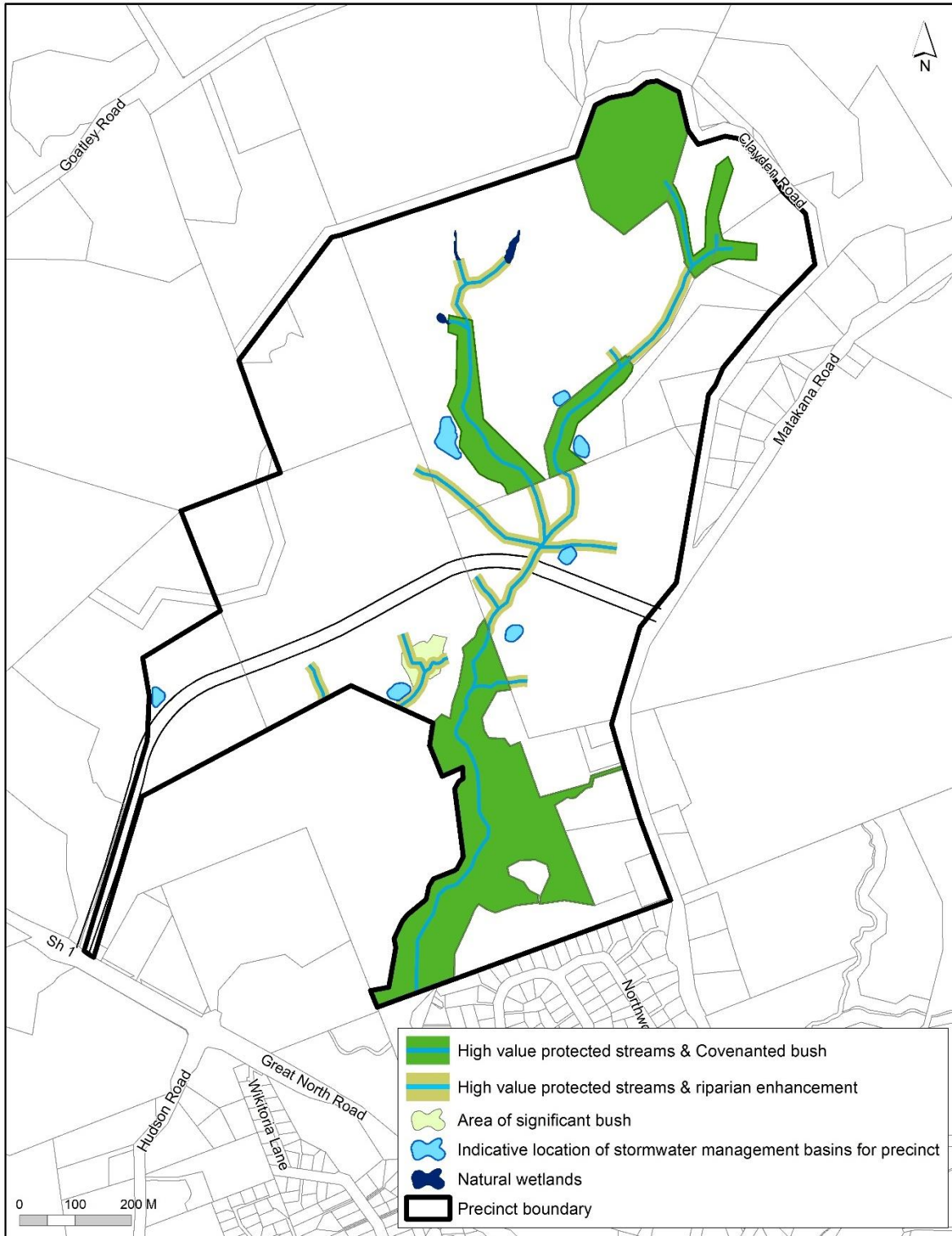
An application for any subdivision or development that requires the planting of a riparian yard under IXXX.5.B must be accompanied by the following information as a minimum:

- (1) A planting plan prepared by a suitably qualified person
  - (a) The planting plan must;
    - (i) Identify the location, species, planting bag size and density of the plants;
    - (ii) Confirm detail on the eco-sourcing proposed for the planting; and
    - (iii) Take into consideration the local biodiversity and ecosystem extent.

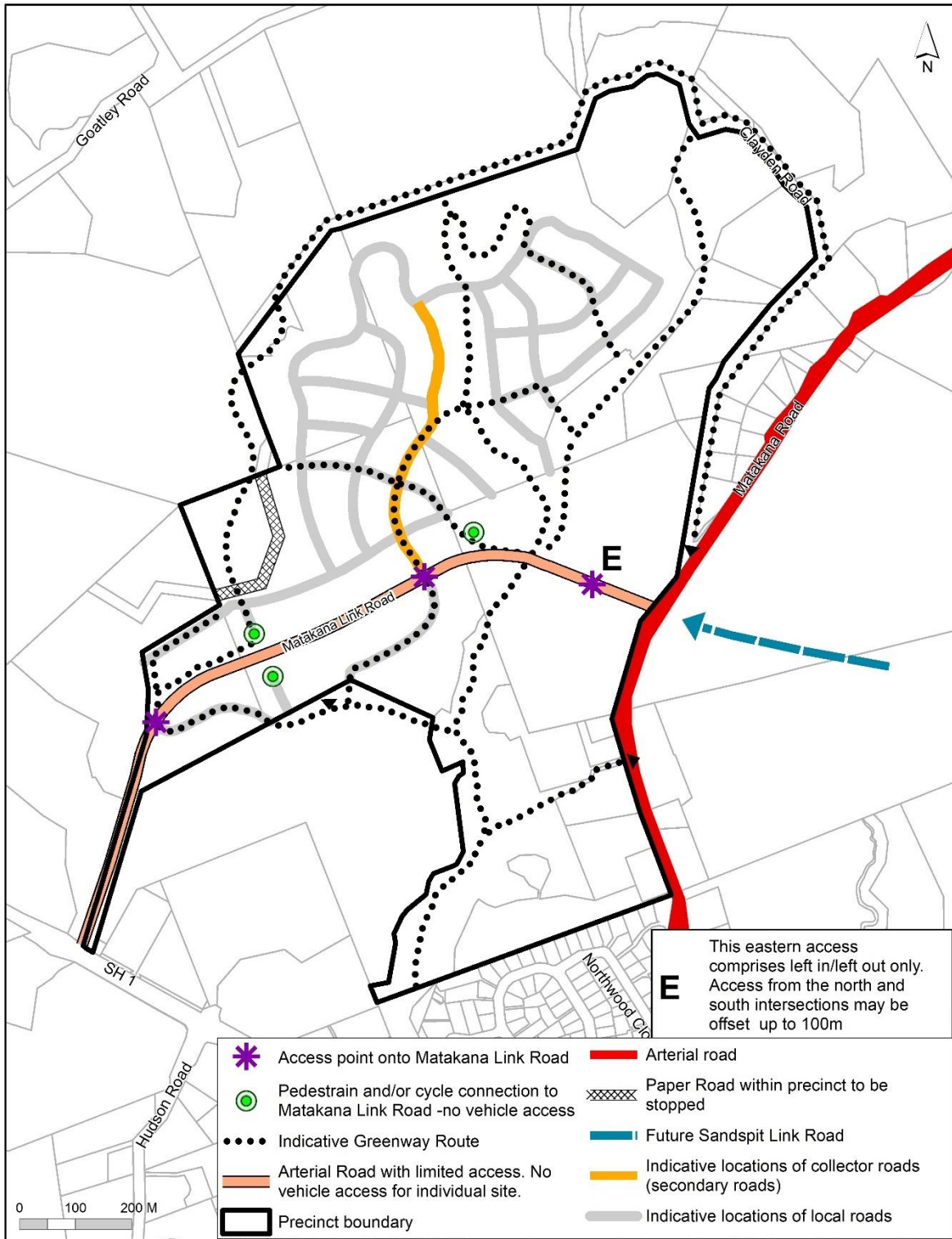
# IXXX.9.1 Warkworth : Clayden Road Precinct Plan 1 Spatial provisions



# IXXX.9.2 Warkworth : Clayden Road Precinct Plan 2 Environment

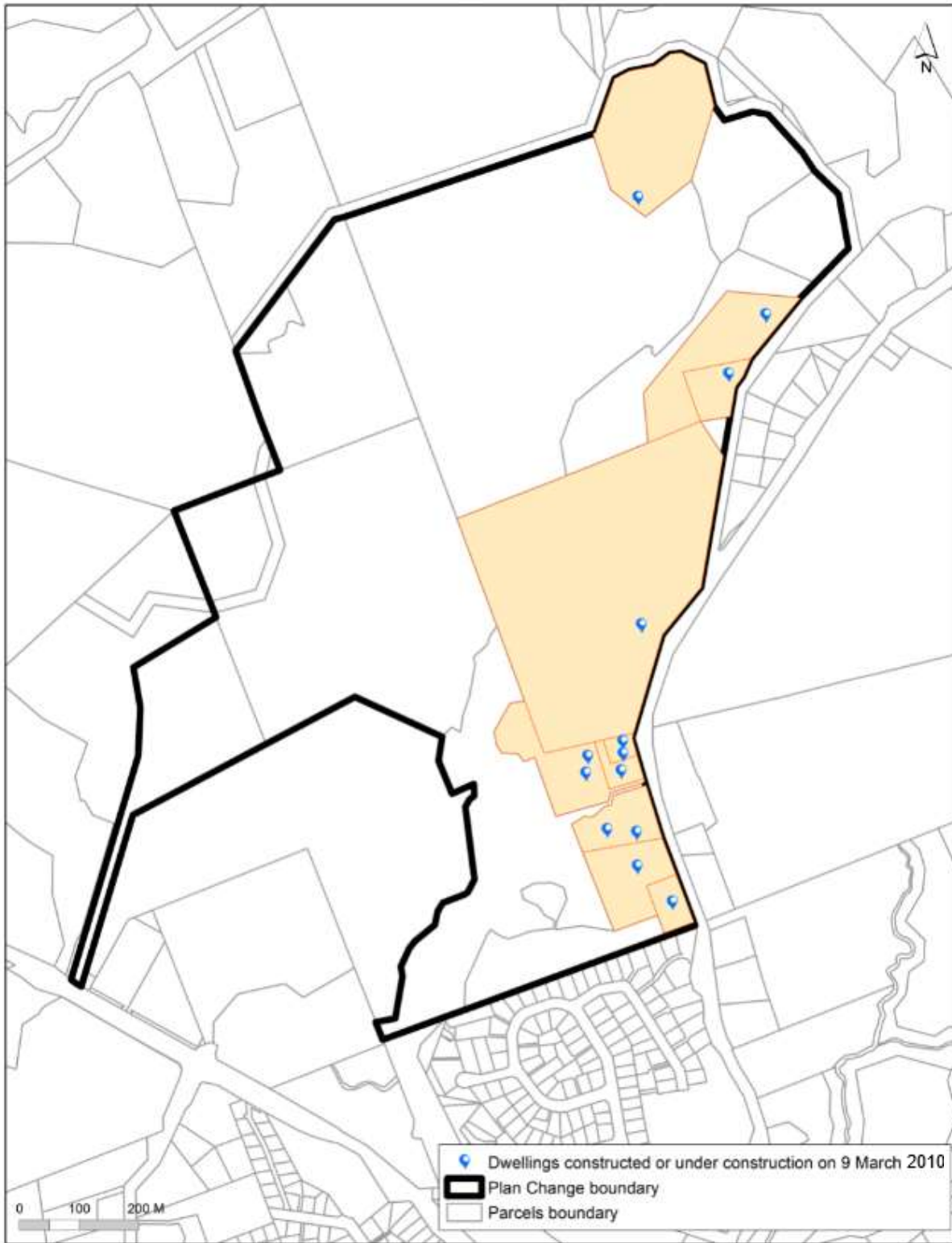


# IXXX9.3 Warkworth : Clayden Road Precinct Plan 3 Transportation





**IXXX9.4 Warkworth : Clayden Road Precinct Plan 4 Dwellings constructed or under construction on 9 March 2010**



**PART C: CONSEQUENTIAL AMENDMENT TO RULE E25.6.19**

Add the following clause to E25.6.19 Noise and Vibration Business Zones Interface

- “(3) For measurement of noise in the Warkworth: Clayden Road Precinct, noise shall be measured from the Noise Measurement Line as shown on Precinct Plan IXXX.9.1 and as set out in Rule IXXX.6.6 Noise Management Area, Noise Measurement Line and Covenants.”