

I hereby give notice that a hearing by commissioners will be held on:

**Date:** Wednesday 14 April, and Thursday 15 April 2021  
**Time:** 9.30AM  
**Meeting room:** Totara Room  
**Venue:** Level 2, Manukau Civic Building  
33 Manukau Station Road, Auckland 2104

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**PRIVATE PLAN MODIFICATION 43**  
**HEARING REPORT**  
**MCLAUGHLIN'S QUARRY**  
**STONEHILL TRUSTEES LTD**

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**COMMISSIONERS**

**Chairperson** Greg Hill  
**Commissioners** Peter Reaburn  
Mark Farnsworth

**Prasta Rai**  
**HEARINGS ADVISOR**

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## **WHAT HAPPENS AT A HEARING**

At the start of the hearing, the Chairperson will introduce the commissioners and council staff and will briefly outline the procedure. The Chairperson may then call upon the parties present to introduce themselves to the panel. The Chairperson is addressed as Mr Chairman or Madam Chair.

Any party intending to give written or spoken evidence in Māori or speak in sign language should advise the hearings advisor at least five working days before the hearing so that a qualified interpreter can be provided.

Catering is not provided at the hearing. Please note that the hearing may be audio recorded.

### **Scheduling submitters to be heard**

A timetable will be prepared approximately one week before the hearing for all submitters who have returned their hearing appearance form. Please note that during the course of the hearing changing circumstances may mean the proposed timetable is delayed or brought forward. Submitters wishing to be heard are requested to ensure they are available to attend the hearing and present their evidence when required. The hearings advisor will advise submitters of any changes to the timetable at the earliest possible opportunity.

### **The Hearing Procedure**

The usual hearing procedure (as specified in the Resource Management Act) is:

- The reporting officer may be asked to provide a brief overview of the plan change. The applicant will be called upon to present his/her case. The applicant may be represented by legal counsel or consultants and may call witnesses in support of the application. After the applicant has presented his/her case, members of the hearing panel may ask questions to clarify the information presented.
- Submitters (for and against the application) are then called upon to speak. Submitters may also be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker. The council officer's report will identify any submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
- Should you wish to present written information (evidence) in support of your application, or your submission please ensure you provide the number of copies indicated in the notification letter.
- Only members of the hearing panel can ask questions about submissions or evidence. Attendees may suggest questions for the panel to ask but it does not have to ask them. No cross-examination - either by the applicant or by those who have lodged submissions – is permitted at the hearing.
- After the applicant and submitters have presented their cases, the chairperson may call upon council officers to comment on any matters of fact or clarification.
- When those who have lodged submissions and wish to be heard have completed their presentations, the applicant or his/her representative has the right to summarise the application and reply to matters raised by submitters. Hearing panel members may further question the applicant at this stage.
- The chairperson then generally closes the hearing and the applicant, submitters and their representatives leave the room. The hearing panel will then deliberate "in committee" and make its decision by way of formal resolution. You will be informed in writing of the decision and the reasons for it.



**A NOTIFIED PLAN MODIFICATION TO THE AUCKLAND UNITARY PLAN BY  
STONEHILL TRUSTEES LTD**

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**Reporting officer, David Wren, Planner**

Reporting on a proposed private plan modification to rezone land from a Quarry zone to a Light Industrial zone and amend boundaries for an outstanding natural feature, significant ecological area and archaeological features at McLaughlin's Road, Wiri.

**APPLICANT:** STONEHILL TRUSTEES LTD

<b>SUBMITTERS:</b>	
Page 464	Ahikiwi Marae
Page 466	Geoscience Society of New Zealand
Page 490	Autotransform
Page 492	Millrush Holdings
Page 494	Super Freight Ltd
Page 496	TD14 Limited
Page 498	Starke Group Ltd
Page 500	Ngāti Te Ata Waiohua
Page 505	Cargo Plus Limited
Page 507	Advance Flooring Systems Ltd
Page 509	Withdrawn
Page 510	Department of Corrections
Page 517	Wurth New Zealand
Page 519	Auckland Transport

Page 525	Oyster Industrial Limited
Page 527	Wiri Oil Services Limited
Page 532	Auckland Volcanic Cones Society Inc
Page 536	Tyremax Limited Partnership
Page 538	David Fraser
Page 547	Reading Properties Manukau Limited
Page 552	Tūpuna Maunga o Tāmaki Makaurau Authority
Page 556	Box Property Investments Ltd
Page 558	Department of Conservation
Page 564	Ngati Tamaoho
Page 565	Heritage New Zealand Pouhere Taonga
Page 571	Te Ākitai Waiohū Waka Taua Incorporated
Page 574	Auckland Council

**LATE SUBMITTER:**

Page 578	Edith Tuhimata
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**FURTHER SUBMITTERS:**

Page 581	Director-General of Conservation
Page 589	Auckland Volcanic Cones Society
Page 593	Tūpuna Maunga Authority
Page 598	Royal Forest and Bird Protection Society of New Zealand
Page 600	Heritage New Zealand Pouhere Taonga
Page 609	Ngati Te Ata



Hearing Report for Proposed Plan Change 43: Stonehill Trustees Limited, Private plan change to the Auckland Unitary Plan (Operative in part)  
Section 42A Hearing Report under the Resource Management Act 1991

**Report to:** Hearing Commissioners

**Hearing Date/s:** 14-16 April 2021

**File No:**

**File Reference**

**Report Author** David Wren

**Report  
Approvers** Craig Cairncross

**Report  
produced** 17 March 2021

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## Summary of Proposed Plan Change 43 McLaughlin's Quarry

<b>Plan subject to change</b>	Auckland Unitary Plan (Operative in part), 2016
<b>Number and name of change</b>	Proposed Plan Change 43 (Private) – (McLaughlin's Quarry) to the Auckland Unitary Plan
<b>Status of Plan</b>	Operative in part
<b>Type of change</b>	Private (requested) plan change.
<b>Committee date of approval (or adoption) for notification</b>	Pursuant to clause 25(2)(b) of part 2 of Schedule 1 of the Resource Management Act 1991, Proposed Plan Change 43 was accepted under delegation by the Manager Central South on 24 April 2020.
<b>Parts of the Auckland Unitary Plan affected by the proposed plan change</b>	<p>a) Introduce a new Wiri Precinct into Chapter I Precincts (South) of the AUP(OP) to enable transition from quarry to industrial activities, while recognising the important cultural, ecological and geological values present within the precinct.</p> <p>b) Rezone 20.87ha of land from Quarry Zone to Heavy Industry Zone.</p> <p>c) Rezone 3.39ha of land from Quarry Zone to Light Industry Zone.</p> <p>d) Rezone 1.91ha of land from Quarry Zone to Open Space – Informal Recreation Zone.</p> <p>e) Rezone 0.29ha of privately owned land from Open Space – Informal Recreation Zone to Heavy Industry Zone.</p> <p>f) Rezone 0.34ha of privately owned land from Open Space - Informal Recreation Zone to Light Industry Zone</p> <p>g) Amend the boundaries of the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring).</p> <p>h) Amend the description of Outstanding Natural Feature ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring set out in Schedule 6: Outstanding Natural Features Overlay Schedule, to correctly refer to the part of the geological feature as an explosion crater.</p> <p>i) Amend the boundaries of the Significant Ecological Area (SEA) Overlay (ID SEA T 8443) applied to the site at 79 McLaughlins Road.</p>
<b>Date draft proposed plan change was sent to iwi for feedback</b>	The applicant has advised that it has engaged 10 iwi groups. On 3 December 2018, an overview of the private plan change request, including plans were sent to the iwi groups via email, providing an opportunity for queries and feedback prior to the lodgement of the request with council.
<b>Date of notification of the proposed plan change and whether it was publicly notified</b>	Full public notification. 28 May 2020

<b>or limited notified</b>	
<b>Plan development process used – collaborative, streamlined or normal</b>	Normal
<b>Submissions received (excluding withdrawals)</b>	28
<b>Date summary of submissions notified</b>	30 July 2020
<b>Number of further submissions received (numbers)</b>	6
<b>Legal Effect at Notification</b>	N/a
<b>Main issues or topics emerging from all submissions</b>	Sensitivity of the environment in terms of: Cultural and historic values Ecological values Outstanding geological features Reverse sensitivity issues

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## Abbreviations

Abbreviations in this report include:

Abbreviation	Meaning
PC43	Proposed Plan Change 43
RMA	Resource Management Act 1991
AUP	Auckland Unitary Plan

## Attachments

<b>Appendix 1</b>	<b>Plan Change 43</b>
<b>Appendix 1A</b>	<b>Applicants revised version PC 43</b>
<b>Appendix 2</b>	<b>Section 32 Report</b>
<b>Appendix 3</b>	<b>Council Decision to Accept PC43</b>
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## **EXECUTIVE SUMMARY**

1. The applicant seeks to rezone approximately 28 hectares of land forming part of the former McLaughlin's Quarry (located in the Wiri industrial area) from Quarry Zone and Open Space – Informal Recreation Zone to a mixture of Heavy and Light Industry Zones; introduce a new Wiri Precinct; and amend the boundaries of the Outstanding Natural Features Overlay and Significant Ecological Area Overlay applied to the site at 79 McLaughlins Road (Wiri)
2. The normal plan change process set out in Schedule 1 of the Resource Management Act 1991 ('RMA') was adhered to in developing PC43
3. PC43 was notified on 28 May 2020 and 28 submissions were received. The requests for changes were notified on 30 July 2020 and with submissions closing on 13 August 2020. A late submission was notified on 19 November 2020 with submissions closing on 3 December 2020.
4. 28 submissions received; including one late submissions and 6 further submissions were received.
5. In preparing for hearings on PC43, this hearing report has been prepared in accordance with section 42A of the RMA.
6. This report considered the issues raised by submissions and further submissions on PC43. the discussion and draft recommendations in this report are intended to assist the Hearing Commissions, and those persons or organisations that lodged submissions on PC43. The recommendations contained within this report are not the decisions of the Hearing Commissioners.
7. This report also forms part of council's ongoing obligations, which is, to consider the appropriateness of the proposed provisions, as well as the benefits and costs of any policies, rules or other methods, as well as the consideration of issues raised submissions on PC43.
8. A report in accordance with section 32 of the RMA has also been prepared by the applicant for this purpose and attached in Appendix 2. This 'Section 32 report' and associated documentation related to PC43, on the council's website should be considered in making decisions on PC43.
9. It is recommended that PC43 be approved with amendments.

## 1. BACKGROUND

10. This is a private plan change request from Stonehill Trustees Limited (i.e. the “applicant”).
11. The applicant seeks to rezone approximately 28 hectares of land forming part of the former McLaughlin’s Quarry (located in the Wiri industrial area) from Quarry Zone and Open Space – Informal Recreation Zone to a mixture of Heavy and Light Industry Zones; introduce a new Wiri Precinct; and amend the boundaries of the Outstanding Natural Features Overlay and Significant Ecological Area Overlay applied to the site at 79 McLaughlins Road (Wiri).
12. The location of the Plan Change area is shown on Map 1 below.

Map 1



13. The land is currently zoned a mixture of Quarry Zone and Open Space- Informal Recreation Zone. The land is also subject to wide range of overlays, controls and designations including the following;
  - Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_8443, Terrestrial
  - Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_612, Terrestrial
  - Natural Resources: High-Use Stream Management Areas Overlay [rp]
  - Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Manukau Southeast Kaawa
  - Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Manukau Waitemata Aquifer
  - Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Wiri Volcanic Aquifer



- Natural Heritage: Outstanding Natural Features Overlay [rcp/dp] - ID 93, Matukuturua lava field and tuff ring
  - Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 2163, Puhinui fish traps R11\_911
  - Mana Whenua: Sites and Places of Significance to Mana Whenua Overlay [rcp/dp] - 036, Maunga Matukutureia, 1
  - Controls: Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise
  - Controls: Macroinvertebrate Community Index - Exotic
  - Controls: Macroinvertebrate Community Index - Native
  - Controls: Macroinvertebrate Community Index - Rural
  - Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd
14. The land while being zoned largely for quarry purposes has been subdivided for industrial activities and in respect of much of the land has been developed with industrial buildings and roads. This has been made possible by a series of resource consents allowing the development currently on the site. The current development has also created some areas of reserve along the Puhinui Stream.
15. The land in the southern portion of the site remains largely undeveloped.
16. The Puhinui Creek forms the southern and western boundaries of the Plan Change Area. The western boundary of the Plan Change Area corresponds to the existing Quarry Zone/ Open Space zone boundary that includes the remnant McLaughlin's Mountain.
17. The undeveloped southern portion of the contains a number of features including a Lava Field and Tuff ring, a place of Historic interest (Puhinui Fish Traps) a site of significance to Mana Whenua and a significant ecological area. This combination of features, together with a wetlands and streams also present in this area, represents a complex mosaic of features.
18. The Plan Change area is located at the southern end of McLaughlins Road. The only vehicular access to the area is via Vogler Drive to Roscommon Road.
19. Immediately to the north of the site is the Puhinui Precinct (I432). The precinct recognises the cultural, spiritual and historical values and relationships that Te Akitai Waiohua have with the land and sea at Puhinui as part of the Maori cultural landscape. This precinct provides for predominantly light industrial and airport related activities and some large lot residential activity.
20. To the south and west (and to the immediate north of the site) is the Puhinui Reserve. This reserve includes the Puhinui Stream and extends to the edge of the Manukau Harbour. This reserve protects a variety of ecosystems and habitats, including extensive shell banks, intertidal mudflats, mangroves and shoreline salt marsh. Part of the reserve is a wildlife refuge. International migratory and New Zealand endemic waders feed on the sand flats and the shell banks as a high tide roost.
21. Maunga Matukutureia (McLaughlins Mountain) and the Matukuturua Stonefields adjoin the eastern boundary of the site. This land is held by the Crown and managed by the Department of Conservation. The stonefields is recognised as being of high archaeological significance, and the majority of the remains are protected within a historic reserve.

22. Also located close to the site (both in the Northeast) are the Auckland Region Women's Corrections Facility, Auckland South Corrections Facility and the Wiri Oil Terminal and the Wiri LPG Depot.

## 2. PROPOSED PLAN CHANGE PROVISIONS

23. PPC43 proposes a number of changes to the AUP as follows:

- a) The introduction of a new Wiri Precinct into Chapter I Precincts (South) of the AUP(OP) to enable transition from quarry to industrial activities. Notably the Precinct is divided into sub-precincts A and B. Throughout this report I will refer to sub-precinct A as area A and sub-precinct B as area A. This is illustrated below on Map 2 noting that the area to the south that is not labelled is sub-precinct B.

Map 2



- b) As shown on Map 3, rezoning of 20.87ha of land from Quarry Zone to Heavy Industry Zone.
- c) Rezoning of 3.39ha of land from Quarry Zone to Light Industry Zone.
- d) Rezoning of 1.91ha of land from Quarry Zone to Open Space – Informal Recreation Zone.

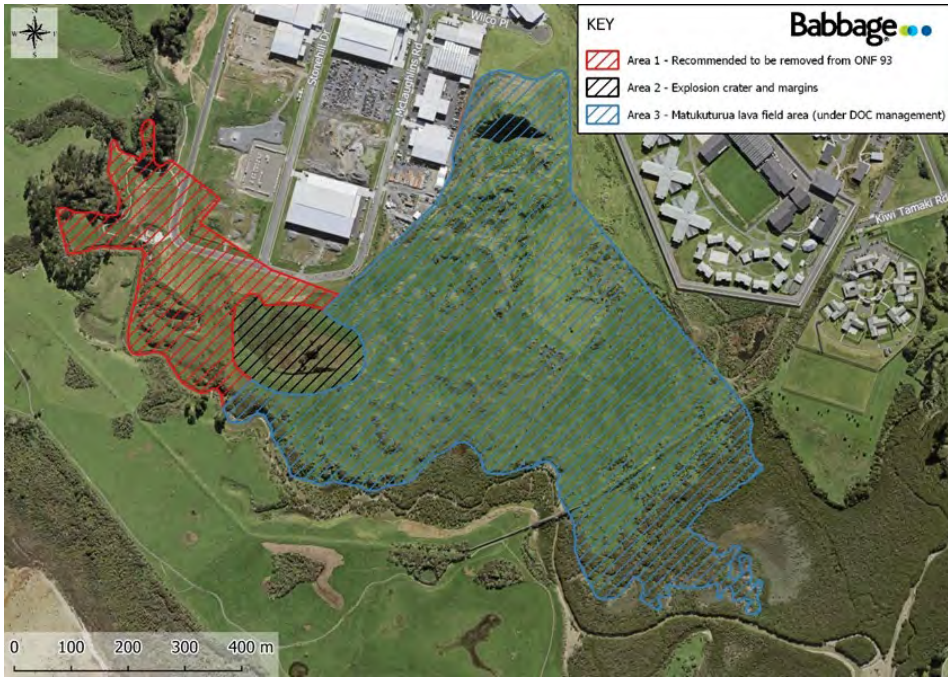
- e) Rezoning of 0.29ha of privately owned land from Open Space – Informal Recreation Zone to Heavy Industry Zone.
- f) Rezoning of 0.34ha of privately owned land from Open Space - Informal Recreation Zone to Light Industry Zone

Map 3



- g) As shown on map 4, amending the boundaries of the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring). (District Plan)

Map 4



- h) Amending the description of Outstanding Natural Feature ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring set out in Schedule 6: Outstanding Natural Features Overlay Schedule, to refer to the part of the geological feature as an explosion crater. (District Plan)
- i) As shown on map 5, amending the boundaries of the Significant Ecological Area (SEA) Overlay (ID SEA T 8443) applied to the site at 79 McLaughlins Road.(Regional Plan)

Map 5





24. Full details of PC43 are shown in Appendix 1 to this report.
25. On 4 March 2021 the applicant provided revised provisions presented as a response to the submissions. A tracked change copy of these provisions is also attached in Appendix 1.
26. The main changes from the notified version are as follows;
- Area A is now proposed to be zoned Light Industrial Zone.
  - The area of ONF93 to be removed from the notation of the ONF is reduced.
  - Additional text concerning the Mana Whenua cultural landscape.
  - The introduction of a new Sub-precinct C located between Harbour Ridge Drive and the crater wetland.
  - The introduction of an additional objective (ixx4.2(4)) regarding Maori cultural values.
  - Introduction of a new Policy 7A regarding Sub-precinct C.
  - Deletion of Policy 8 which enabled the reclamation of Area A.
  - Policy 9 is amended to further manage reverse sensitivity effects.
  - Introduction of a new Policy 10 to recognise, protect and enhance Maori cultural values.
  - Introduction of a new policy 11 encouraging the provision and enhancement of access for Mana Whenua to the Puhinui Creek and its margins.
  - Various changes to the activity table to deal with reverse sensitivity.
  - Amending the activity table (A2) so that reclamation of the intermittent steam is a discretionary activity.
  - Introduction of a suite of rules for Sub-precinct C aimed at managing the relationships between buildings and the adjacent wetland.
  - Introduction of assessment criteria aimed at managing effects on Maori cultural values.
27. I have set out a copy of the changes proposed in Appendix 1A of this report alongside the notified PC43.
28. It is understood that the applicant has discussed these changes with at least some of the submitters. This report will discuss PC43 as notified (as this is its statutory role), however it will also consider this amended version being the suggestion of the applicant to resolve some of the issues raised in submissions.

### **3. HEARINGS AND DECISION-MAKING CONSIDERATIONS**

29. Clause 8B of Schedule 1 of RMA requires that a local authority shall hold hearings into submissions on its proposed plan.
30. Section 34 of the RMA provides for a local authority to delegate its functions, powers or duties under the RMA.
31. The council's Regulatory Committee has delegated its authority to three independent hearing commissions to hear and make decisions on PC43.
32. These hearing commissioners will not be recommending a decision to the council but will be issuing the decision directly.

33. This report summarises and discusses submissions received on PC43. It makes recommendations on whether to accept, in full or in part; or reject, in full or in part; each submission. This report also recommends what amendments can be made to address matters raised in submissions if considered appropriate. Any conclusions or recommendations in this report are not binding to the hearing commissioners.
34. This report also includes views of the Manurewa Local Board and the Otara - Papatoetoe Local Board on the content of PC43.
35. The Hearing Commissioners will consider all the information in submissions together with evidence presented at the hearing.
36. This report draws on technical advice provided by the following technical experts:

<b>Author(s)</b>	<b>Name/s</b>
Technical expert – Transportation	Wes Edwards (Consultant)
Technical expert- – Ecology	Ebi Hussain
Technical expert – Ecology	Melinda Rixon
Technical expert – Ecology	Matthew Bloxham
Technical expert – Heritage	Robert Brassey
Technical expert – Healthy Waters	Gemma Chuah
Technical expert – Landscape	Stephen Quin
Technical expert – Geological	Alastair Jamieson
Technical expert – Maori heritage	Nathan Kennedy
Technical expert – Urban design	Chris Butler

#### **4. STATUTORY AND POLICY FRAMEWORK**

37. The RMA requires territorial authorities to consider a number of statutory and policy matters when developing proposed plan changes. There are slightly different statutory considerations if the plan change affects a regional plan or district plan matter.
38. PC43 matters are largely district plan related as the plan change involves a number of rezonings, with new provisions through a precinct which is a district plan method and amendments to mapped ecological and geological features. The geological feature changes are district plan matters while the change to the extent of the SEA is a regional plan matter.
39. The following sections summarise the statutory and policy framework, relevant to PC43.

## 4.1. Resource Management Act 1991

### 4.1.1. Plan change matters – regional and district plans

40. In the development of a proposed plan change to a regional and/ or district plan, the RMA sets out mandatory requirements in the preparation and process of the proposed plan change. Table 1 below summarises matters for plan changes to regional and district plan matters.

**Table 1 Plan change matters relevant to regional and district plans**

Relevant Policy/ Plan	Act/	Section	Matters
Resource Management Act 1991		Part 2	Purpose and intent of the Act
Resource Management Act 1991		Section 32	Requirements preparing and publishing evaluation reports. This section requires councils to consider the alternatives, costs and benefits of the proposal
Resource Management Act 1991		Section 80	Enables a 'combined' regional and district document. The Auckland Unitary Plan is in part a regional plan and district plan to assist Council to carry out its functions as a regional council and as a territorial authority
Resource Management Act 1991		Schedule 1	Sets out the process for preparation and change of policy statements and plans by local authorities

41. The mandatory requirements for plan preparation are comprehensively summarised by Environment Court in *Long Bay-Okura Great Park Society Incorporated and Others v North Shore City Council* (Decision A078/2008)<sup>1</sup>, where the Court set out the following measures for evaluating objectives, policies, rules and other methods. This is outlined in Box 1.

#### Box 1

##### A. General requirements

- 1. A district plan (change) should be designed to accord with and assist the territorial authority to carry out its functions so as to achieve, the purpose of the Act.*
- 2. When preparing its district plan (change) the territorial authority must give effect to any national policy statement or New Zealand Coastal Policy Statement.*
- 3. When preparing its district plan (change) the territorial authority shall:*
  - (a) have regard to any proposed regional policy statement;*
  - (b) not be inconsistent with any operative regional policy statement.*
- 4. In relation to regional plans:*
  - (a) the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) [or a water conservation order]; and*
  - (b) must have regard to any proposed regional plan on any matter of regional significance*

<sup>1</sup> Subsequent cases have updated the Long Bay summary, including *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55.

etc.;

5. When preparing its district plan (change) the territorial authority must also:
- have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations; and to consistency with plans and proposed plans of adjacent territorial authorities;
  - take into account any relevant planning document recognised by an iwi authority; and
  - not have regard to trade competition;
6. The district plan (change) must be prepared in accordance with any regulation (there are none at present);
7. The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters.

**B. Objectives [the section 32 test for objectives]**

8. Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act.

**C. Policies and methods (including rules) [the section 32 test for policies and rules]**

9. The policies are to implement the objectives, and the rules (if any) are to implement the policies;
10. Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account:
- (a) the benefits and costs of the proposed policies and methods (including rules); and
  - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

**D. Rules**

11. In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

**E. Other statutes:**

12. Finally territorial authorities may be required to comply with other statutes. Within the Auckland Region they are subject to:
- the Hauraki Gulf Maritime Park Act 2000;
  - the Local Government (Auckland) Amendment Act 2004.

**4.1.2. Resource Management Act 1991 – Regional Plan matters**

42. There are mandatory considerations in the development of a proposed plan change to regional plans and rules. Table 3 below summarises regional plan matters under the RMA relevant to PC43.



**Table 3 Plan change- regional plan matters under the RMA**

<b>Relevant Policy/ Plan</b>	<b>Act/</b>	<b>Section</b>	<b>Matters</b>
Resource Management Act 1991		Part 2	Purpose and intent of the Act
Resource Management Act 1991		Section 30	Functions of regional authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991		Section 65	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act 1991		Section 66	Matters to be considered by a regional authority when preparing a change to its regional plan. This includes its functions under section 30, Part 2 of the RMA, national policy statement, other regulations and other matter
Resource Management Act 1991		Section 67	Outlines the requirements in the contents of a regional plan
Resource Management Act 1991		Section 68	Outlines the purpose of regional rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the plan. A regional rule also requires the regional authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment

**4.1.3. Resource Management Act 1991- District matters**

43. There are mandatory considerations in the development of a proposed plan change to district plans and rules. Table 4 below summarises district plan matters under the RMA, relevant to PC43.

**Table 4 Plan change- district plan matters under the RMA**

<b>Relevant Policy/ Plan</b>	<b>Act/</b>	<b>Section</b>	<b>Matters</b>
Resource Management Act 1991		Part 2	Purpose and intent of the Act
Resource Management Act 1991		Section 31	Functions of territorial authorities in giving effect to the Resource Management Act 1991
Resource Management Act 1991		Section 73	Sets out Schedule 1 of the RMA as the process to prepare or change a district plan
Resource Management Act		Section 74	Matters to be considered by a territorial authority when preparing a change to its district plan. This

Relevant Policy/ Plan	Act/ Section	Matters
1991		includes its functions under section 31, Part 2 of the RMA, national policy statement, other regulations and other matter
Resource Management Act 1991	Section 75	Outlines the requirements in the contents of a district plan
Resource Management Act 1991	Section 76	Outlines the purpose of district rules, which is to carry out the functions of the RMA and achieve the objective and policies set out in the district plan. A district rule also requires the territorial authority to have regard to the actual or potential effect (including adverse effects), of activities in the proposal, on the environment

#### 4.2. National policy statements

44. Pursuant to Sections 74(1)(ea) and 75 of the RMA the relevant national policy statements (NPS) must be considered in the preparation, and in considering submissions on PC43. There are 3 NPS of relevance to PC43 being the National Policy Statement on Urban Development, the National Coastal Policy Statement and the National Policy Statement on Freshwater Management.

##### 4.2.1. National Policy Statement on Urban Development (NPSUD)

45. The NPSUD 2020 came into effect on 20 August 2020. It sets out the objectives and policies concerning urban environments. The objectives are:

**Objective 1:** *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

**Objective 2:** *Planning decisions improve housing affordability by supporting competitive land and development markets.*

**Objective 3:** *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

a) *the area is in or near a centre zone or other area with many employment opportunities*

b) *the area is well-serviced by existing or planned public transport*

c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

**Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

**Objective 5:** *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

**Objective 6:** *Local authority decisions on urban development that affect urban environments are:*

a) *long term; and*

b) *responsive, particularly in relation to proposals that would supply significant development capacity.*

**Objective 7:** *Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.*

**Objective 8:** *New Zealand's urban environments: support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.*

46. The applicant's request did not address this NPS as it came into force after the request was made and the plan change notified.

Comment

47. It is my assessment that PC43 does not provide significantly more business land as the land is already zoned for such purposes. It does however provide for more appropriate types of business given that the quarry has finished operation. The location of the plan change is not appropriate for residential development.

48. Given these facts I consider that the proposal sufficiently gives effect to the NPS UD 2020.

**4.2.2. New Zealand Coastal Policy Statement (NZCPS)**

49. The applicant has considered the NZCPS in paragraphs 11.9 and 11.10 of the statutory assessment. The applicant considers that Objective 2 is relevant as it seeks to preserve the natural character of the coastal environment and protect natural features and landscape values. With respect to ONFs, Policy 15(a) seeks to avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment.

Comment

50. I agree that this objective and policy is relevant. To the extent that PC43 looks to make the depiction of the ONF more accurate the plan change achieves this objective.

51. Also relevant is Objective 3 - Principles of the Treaty of Waitangi. The applicant has proposed some amendments specifically to take into account Maori cultural values. Whilst I consider that these amendments are positive, the extent to which these are appropriate will be for Mana Whenua to comment on.

52. Other relevant policies are as follows:

- Policy 4 – Integration – the existing reserves located between the site and the coastal marine area provides for separation between the site and the coast. However PC43 does not effectively integrate the ONF and other features on the land with the coastal

environment as it will allow industrial development between the ONF and the coastal reserves.

- Policy 7 – PC43 does not impact on strategic planning as it is not introducing a new land use (i.e. the land is already zoned for urban development).
- Policy 17 Historic Heritage. PC43 provides some protection to historic heritage in the coastal environment. Some changes to this are recommended later in this report in response to submissions.
- Policy 18 Public Open Space and Policy 19 Walking Access. PC 43 provides adequately in my view for public access to the coast and along the coast.

#### **4.2.3. National Policy Statement for Freshwater Management 2020 (NPZFW).**

53. The applicant did not consider the NPS FW as this had not come into force when the request was made and PC43 notified. The NPSFW includes a fundamental concept – Te Mana o te Wai. This refers to the fundamental importance of water and recognising that protecting the health of freshwater protects the health and well being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between water, the wider environment, and the community.

#### Comment

54. Of most relevance to PC43 are objective 2.1 and the priorities for freshwater management. This is relevant as PC43 makes possible changes to streams and watercourses within undeveloped parts of the plan change area including reclamation of those streams and watercourses as a permitted activity. This is unlikely to give effect to the NPSFW. This is discussed in more detail in the assessment of effects section of this report.

55. I consider that PC43 as notified does not give effect to the NPSFW.

56. The amended version of PC43 has amended the activity status of the reclamation of the intermittent stream a discretionary activity, a change from the previous permitted activity status. Based on expert advice I consider this activity status is more compatible with the NPSFW.

#### **4.3. National environmental standards or regulations**

57. Under section 44A of the RMA, local authorities must observe national environmental standards in its district/ region. No rule or provision may duplicate or be in conflict with a national environmental standard or regulation.

58. The applicant has not assessed PC43 against any national standards.

#### Comment

59. Of relevance are the National Environmental Standard on Air Quality (**NESQA**) and National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health. I consider that there are adequate provisions within the AUP to manage effects on air quality and the NPS provisions are not directly relevant to any changes being made by PC43.

60. Given the nature of activities that have occurred on the site and the areas of un-consented earthworks the National Environmental Standard for Assessing and Managing

Contaminants in Soil to Protect Human Health (**NESSC**) is also likely to be relevant to future development within the PC43 area. However these standards act largely separately from the AUP provisions and there would appear to be no conflict between PC43 and the NESSC.

61. The proposal as notified, so far as it relates to Sub-precinct B would appear to be in conflict with the NESFW as it provides for the reclamation of a stream and wetlands as a permitted activity. This is set out in more detail in the technical memos from Ebi Hussian and Gemma Chuah. This is also discussed in more detail in the assessment of effects section of this report.
62. Overall I consider that PC43 as notified is in conflict with the relevant national environmental standard for Fresh Water Management.
63. The amended version of PC43 has amended the activity status of the reclamation of the intermittent stream a discretionary activity, a change from the previous permitted activity status. I understand that this activity status is compatible with the activity status under the NESFWM.

#### **4.4. Auckland Unitary Plan Regional Policy Statement**

64. Section 75(3)(c) of the RMA requires that a district plan must give effect to any regional policy statement (RPS).

65. The chapters of the RPS that are most relevant to PC43 include;

- B2. Urban Growth and Form
- B3. Infrastructure, transport and energy
- B4. Natural heritage
- B5. Historic Heritage and special character
- B6. Mana Whenua
- B7. Natural Resources
- B8. Coastal Environment

##### **4.4.1. B2 Urban Growth and Form**

66. Chapter B2 of the AUP sets out the strategic framework to guide Auckland's urban growth and form. Section B2.5 sets out the strategic framework for commercial and industrial growth.

67. The applicant's statutory assessment notes that;

4.0 *Noting that the Plan Change Request seeks rezoning of land for industrial purposes, Objective B2.5.1(3) is of relevance. The Plan Change request to rezone the subject area from Quarry Zone to Heavy Industry and Light Industry Zones meet the intent of Objective B2.5.1(3), by enabling industrial growth and activities in a manner that:*

- promotes economic development.* <sup>[[1]]</sup><sub>[[SEP]]</sub>
- promotes the efficient use of buildings, land and infrastructure in industrial zones.* <sup>[[1]]</sup><sub>[[SEP]]</sub>
- manages conflicts between incompatible activities.* <sup>[[1]]</sup><sub>[[SEP]]</sub>
- recognises the particular locational requirements of some industries.*

<sup>[[1]]</sup><sub>[[SEP]]</sub>

*Policies B2.5.2(7),(8),(9) and 10 are the key strategic policies relating to the efficient use, supply and management of industrial land. The Plan Change Request, meets the intent of these policies by:*

- Enabling the supply of land for industrial activities, in particular for land-extensive <sup>[L]</sup><sub>SEP</sub> industrial activities and for heavy industry in areas where the character, scale and intensity of the effects from those activities can be appropriately managed. <sup>[L]</sup><sub>SEP</sub>*
- Enables the supply of industrial land which is relatively flat, has efficient access to freight routes, rail or freight hubs, ports and airports and can be efficiently serviced by infrastructure. <sup>[L]</sup><sub>SEP</sub>*
- Enables the efficient use of industrial land for industrial activities. <sup>[L]</sup><sub>SEP</sub>*
- Manages the reverse sensitivity effects on the efficient operation, use and development of existing industrial activities, including by preventing inappropriate sensitive activities locating or intensifying in or adjacent to heavy industrial zones. <sup>[L]</sup><sub>SEP</sub>*

#### Comment

68. I consider that PC43 largely gives effects to these objectives and policies. However a number of submitters have raised issues of incompatible activities and reverse sensitivity in respect of major facilities on adjoining sites (i.e. The Wiri Oil Terminal and the Department of Corrections Facilities). These are discussed in greater detail in the submissions section of this report.
69. The need to recognise these facilities and manage reverse sensitivity effects is consistent with these objectives and policies and therefore some amendments to PC43 are likely to be necessary for it to give full effect to these objectives.
70. The revised version of PC43 has made considerable changes in this regard. It is now proposed that Area A be zoned Light Industrial zone instead of Heavy Industrial zone with the rule excluding certain sensitive activities (I4.4.1(A1)) extended over the whole of the plan change area.

#### **4.4.2. B3. Infrastructure, transport and energy**

71. The applicant has not considered this Chapter of the RPS in its statutory assessment.

#### Comment

72. Of most relevance to PC43 is Objective B3.3.1(1) which is concerned with achieving effective, efficient and safe transport that (a) supports the movement of people, goods and services and (c) enables growth.
73. The traffic effects of the proposal have been assessed by Arrive Consultants for the Council who have concluded that the impact of PC43 on the transport environment is minimal. I have therefore concluded that PC43 gives effect to this objective.
74. Arrive has also considered the amended version and advise that the change from Heavy Industrial Zone in Area a to Light Industrial Zone is not likely to change the traffic environment.

#### 4.4.3. B4. Natural heritage

75. Chapter B4 of the AUP sets out the strategic framework for natural heritage resources. Section B4.2 sets out the strategic framework for outstanding natural features and landscapes.

76. The applicant notes that:

*Noting that the Plan Change seeks to amend the boundaries of ONF 93, Objectives B4.2.1 are of relevance. Objective B4.2.1(1) seeks to ensure that outstanding natural features are identified and protected from inappropriate subdivision, use and development. The relevant implementation policy is Policy B4.2.2(4), which sets out the factors for consideration when identifying and evaluating a place as an outstanding natural feature. Under Policy B4.2.2(5), any place identified as an outstanding natural feature should then be included in Schedule 6 Outstanding Natural Features Overlay Schedule.* <sup>[17]</sup><sub>[SEP]</sub>

*The proposed amendments to the extent of ONF 93 boundaries, is consistent with the intent of Policy B4.2.2(4), which is principally aimed at identifying and evaluating (or not) an ONF. The Plan Change Request is consistent with the intent of Policy B4.2.2(4) in that it re-evaluates ONF 93 based on the identified factors to determine whether it is deemed to be an ONF in whole or whether there are parts of the ONF which do not meet the identified factors.* <sup>[17]</sup><sub>[SEP]</sub>

*The Plan Change is consistent with Policy B4.2.2(5) as it seeks to retain the parts of the ONF 93 which are deemed to be “outstanding” within Schedule 6 Outstanding Natural Features Overlay Schedule. Once an ONF is scheduled for protection, then it is subject to Policy B4.2.2(6) which seeks to protect the physical and visual integrity of the ONF from inappropriate subdivision, use and development. Once identified as an ONF, it is principally managed under Chapter D10 (Outstanding Natural Features and Outstanding Natural Landscapes Overlay) of the AUP(OP). The Plan Change does not seek to amend the management framework of Chapter D10 as it relates to the future subdivision, use and development of the area within an ONF. The provisions of Chapter D10 give effect to Policies B4.2.2(6), (7) and (8).* <sup>[17]</sup><sub>[SEP]</sub>

#### Comment

77. In respect of the ONF Alastair Jamieson, Principal Advisor Biodiversity has provided a technical memo that outlines his involvement in the ONF and in the PC43 process. This memo is attached in Appendix 6 to this report.

78. Mr Jamieson notes in his conclusion and recommendation that;

*I have assessed the private plan change request on behalf of Auckland Council in relation to the geological heritage aspects and physical extent of the Outstanding Natural Feature at the site. In my opinion, the applicant has not adequately provided for the appropriate management of the ONF.*

*Following my review of the proposed plan change and relevant submissions, I consider that a number of amendments are required to address ONF matters satisfactorily. In summary, I consider the following changes should be made to the proposal:*

1. *Amendment of the ONF boundary to include the entire explosion crater, wetland and tuff ring landform, and in addition, the riparian areas adjacent to Puhinui Creek which are proposed to be zoned Open Space.*
2. *Amendment of the proposed Open Space zone to include the entire extent of the amended ONF within the plan change area.*
3. *Removal of building platforms from the ONF in I4.9.1. Wiri Precinct Plan 1, accompanying the precinct provisions.*
4. *Appropriate planning direction to provide for remediation of any unauthorised earthworks associated with the explosion crater and to restore the original underlying topography and wetland outlet.*
5. *Any other consequential amendments needed to achieve the preceding items.*

79. Map 6 below shows is referred to by Mr Jamieson. This shows his recommended extent of the ONF93 (noting that his recommendation also includes the riparian areas along the Puhinui Stream).

Map 6



80. I have relied on Mr Jamieson's assessment.

81. In addition to understanding the full extent of the features to be included within the ONF there are a number of matters that require addressing.

82. Firstly the plans provided by the applicant, and particularly in respect of any changes proposed in its revised version, have been at very small scale and it is difficult to fully understand the actual location of lines on the maps particularly in respect of where specific features are to be protected. I consider that the hearing would benefit from maps being provided at larger scales.

83. Secondly Mr Jamieson states in respect of the consideration of Mana Whenua values in respect of ONFs that:

*3.20 I am I am not qualified to comment on the cultural values of the area. However, it is my view that the mapped extent of the ONF overlay in general and of ONF 93 in particular should be determined in accordance with the actual physical extent of the underlying geological or geomorphological values of the feature. While the values of ONFs are identified in relation to a wide range of*



*criteria, I consider the underlying physical characteristics to be the foundation for ONFs as they have been identified and mapped in the Auckland Unitary Plan.*

84. I generally agree with this view. While cultural values (as expressed in the RPS Objectives and Policies) are important for understanding the full importance of a feature, the physical existence of a feature should be a foundation for defining the extent of the feature.

#### **4.4.4. B5. Historic Heritage and special character**

85. The applicant does not address this chapter in its statutory assessment.

##### Comment

86. Chapter B5 sets out a number of objectives concerned with the identification and protection of significant historic heritage places from inappropriate subdivision, use and development (Obj B5.2.1(a)).

87. The protection given to a number of historic heritage places (being archaeological sites) within the Plan Change Area has been assessed by Robert Brassey for the Council (**Appendix 6**). Mr Brassey's assessment is set out in the environmental effects section of this report below.

88. Mr Brassey is concerned that the identified sites have not been evaluated in accordance with the RPS and that the sites (and other sites not identified) may be significant. Mr Brassey has also considered the revised version and notes that the changes proposed do not make any material difference to his assessment.

#### **4.4.5. B6. Mana Whenua**

89. Chapter B6 of the AUP sets out the strategic framework for the recognition of the Treaty of Waitangi partnerships and participation, recognition of Mana Whenua values; Maori economic, social and cultural development; and the protection of Mana Whenua cultural heritage.

90. The applicant's assessment notes that it has consulted with various Mana Whenua groups and that responses were received from Ngāti Te Ata Waiohua (Ngāti Te Ata) and Te Ākitai Waiohua (Te Ākitai). Preliminary Cultural Impact Assessments have been received from these Iwi.

91. The CIA from Ngāti Te Ata contains a summary of the potential cultural impacts of the Plan Change Request. In particular, Ngāti Te Ata is concerned about the direct, indirect and cumulative effects on the following cultural sites, areas and resources:

- Maunga Matukutūreia <sup>[L]</sup><sub>[SEP]</sub>
- Maunga Matukutururu (Wiri Mountain) <sup>[L]</sup><sub>[SEP]</sub>
- Matukuturua Stonefields <sup>[L]</sup><sub>[SEP]</sub>
- Puhinui catchment <sup>[L]</sup><sub>[SEP]</sub>
- Manukau Harbour <sup>[L]</sup><sub>[SEP]</sub>

92. A Cultural Values Assessment has also been prepared by Te Ākitai Waiohua. Te Ākitai Waiohua has identified both the Puhinui peninsula area and the Plan Change Area as forming part of its cultural landscape. Te Ākitai Waiohua supports the application of Open Space Informal Recreation Zone over Sub-area B, as it better reflects the cultural and historical importance of the site. Te Ākitai Waiohua supports the retention of the

Outstanding Natural Feature Overlay, and prefers to seek the views of Auckland Council and other independent expert advice on this matter. <sup>[SEP]</sup>

93. The applicant generally considers that the existing provisions within the AUP (i.e. Historic Heritage Overlay, the Auckland Wide provisions in relation to natural resources and the protection of sites of significance to Maori) together with proposed provisions with PC43 (i.e. proposed view shaft) are sufficient to adequately address Mana Whenua issues. The applicant is also committed to on-going consultation with Mana Whenua.

#### Comment

94. Matters concerning Mana Whenua have been commented on by Nathan Kennedy, Senior Technical Specialist – Maori Heritage for the Council. A copy of Mr Kennedy's technical memo is attached in **Appendix 6**.

95. Mr Kennedy concludes his assessment as follows;

*There are many customary and Treaty-based values and interests associated with the subject land. These include values associated with the coastal marine area and waterways. This significance is described in a range of places, including the CVAs prepared for the applicant, the application/AEE itself, and in the submissions of the two iwi for PC43. It is not disputed by any party.* <sup>[SEP]</sup>

*These values should be taken into account when considering the extent of the ONF and SEA-terrestrial that the plan change application seeks to reduce.* <sup>[SEP]</sup>

*It is my assessment that a substantial part of the subject land would satisfy that criteria for Schedule 6 (Outstanding Natural Feature Overlay Schedule). Should it be determined that the ONF or similar schedules properly extend over part of all of the subject land then a high bar is set for the proposed (revised) proposal for light industrial zoning over a fair portion of the land. The ONF requirement to avoid significant effects on cultural and other landscape values would appear to prevent such a development.*

*While no specific criteria is included for SEAs, there are strong Māori recognitions and protections in the overlay provisions. These too would seem to necessitate consideration of Mana Whenua ecological values prior to any reduction of the current extent. <sup>[SEP]</sup>The subject land was considered in the consent conditions of the McLaughlin's Quarry, including the interim recognition of a conservation line, and requirements that cultural values be accommodated by any future development. Retrospectively, it is my view that inadequate measures were taken to address visual and other effects of the previous consents, and that the subject land is partially required to address that failure. At a minimum those effects must be considered in combination with those foreseeable/enabled by the proposed plan change.* <sup>[SEP]</sup>

*I concur with the Auckland Council submission in relation to the appropriate location for additional development on the subject land. This should be restricted to low impact development on the modified land adjacent to the road, and subject to a more in-depth investigation of the location of Māori cultural and historic heritage. Light industry zoning could be retained for the area of filled land immediately adjoining the road, but the remainder of sub-precinct B would be better zoned as either open space, Rural - Rural Coastal zone, or Rural – Rural Conservation zone.* <sup>[SEP]</sup>

*This case is similar to Ihumatao, with the traditional values associated with stonefields being very similar, involving land ..... that has particular tribal cultural, heritage and ecological and landscape-related significance. In the Ihumatao case the tension was resolved by the Crown purchasing the land from a willing seller. A similar solution might be warranted here, were the aspirations of the landowner deemed incompatible with values of the land, and no acceptable development solution found.*

*[REDACTED]*

*Were the plan change to proceed in any form I/the Māori Heritage Team would seek to be involved in drafting any Māori heritage provisions, and would first need to consult with both Ngāti Te Ata and Te Akitai more fully before making suggestions as to wording. Only Te Akitai and Ngāto Te Ata hold the mātauranga required to articulate their cultural landscapes.* *[REDACTED]*

*I don't respond to the proposed Unitary Plan text in any detail, basically because I see the impediments to the plan change proceeding as insurmountable in its current form (or the as-notified and first revised proposals). I note that the applicant says several times in the recently provided tracked change version of the proposal that certain text is inserted at the request of Te Akitai. This should not be taken to reflect any view of the iwi without its confirmation. My own discussions with the planner representing Te Akitai said that there are areas where agreement has not been reached. In effect, the current text is unacceptable to the extent that it enables or fails to address the issues described in this memo.* *[REDACTED]*

96. Based on this assessment I consider that there is a potential conflict between the aspirations of the applicant, for Area B particularly, and the values that Mana Whenua place on the land. I am not qualified to make a judgement on Mana Whenua values and these will likely be expressed at the hearing.
97. I consider that the cultural values expressed in the CIA and later in the submission have not all been addressed in PC43. In this instance I am unable to conclude that the Policies in B6.3.2 have been sufficiently met.
98. The applicant has included in its revised version of PC43 amended based on consultation with *Te Akitai*. I am unable to comment on the extent to which these changes meet the concerns of *Te Akitai*.

#### **4.4.6. B7 Natural Resources**

99. Chapter B7 – Natural Resources is concerned with a number of matters including land and water resources including habitats and biodiversity.
100. In respect of bio-diversity the objectives are concerned with the protection of significant areas of indigenous biodiversity and the maintenance and enhancement of indigenous biodiversity in other areas.
101. In respect of freshwater systems the objectives are that degraded freshwater systems are enhanced, loss of freshwater systems is minimised and the adverse effects of changes in land use on freshwater area avoided, remedied or mitigated.
102. The applicant does not address this section of the RPS in the statutory assessment.

Comment

103. The ecological effects of the proposal have been assessed in the technical memos from Ebi Hussain, Matt Bloxham and Gemma Chuah (Appendix 6). My analysis of these is set out later in this report under the assessment of effects and I rely on that analysis for the comments below.

104. I consider that based on the information presented to date that PC43 will not give effect to this chapter. The proposed loss of the intermittent stream as a permitted activity without sufficient analysis and off setting does not achieve the freshwater objectives and it is unlikely that the setbacks or buffers proposed around the wetland will be sufficient to give it adequate protection as required by these objectives.

105. The amended proposal changes the activity status of the stream reclamation to discretionary activity. The Council ecologists consider that this does not sufficiently align with the AUP which has a non-complying activity status.

#### **4.4.7. B8. Coastal Environment**

106. The PC43 land (and in particular Area B) is located within the coastal environment. In Chapter B8 – Coastal Environment of most relevance are Objectives B8.2.1(2) and B8.2.1(3). These state;

*B8.2.1(2) Subdivision, use and development in the coastal environment in the coastal environment are designed, located and managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment*

*B8.2.1(3) Where practicable, in the coastal environment areas with degraded natural character are restored or rehabilitated and areas of high and outstanding natural character are enhanced.*

107. The applicant does not address this section of the RPS in the statutory assessment.

#### Comment

108. It is considered that the combination of zoning patterns and the protections of features does not sufficiently provide for the maintenance of the coastal environment. The wetland areas have not been sufficiently defined, the scope for the degradation of freshwater systems has not been sufficiently addressed and the scope for visual disconnections between the coastal and river area and the wetland area exist.

109. Mr Quin, Council's Landscape Architect considers that Area B is located within the coastal environment for the reasons set out in paragraph 3.10 of his Technical Memo (Appendix 6). These include;

- The proximity to the coast
- Sub-precinct B is not separated from the coast by topography or built form modification.
- Much of Sub-precinct B and the intervening landform to the coast is largely unmodified aside from changes to vegetation cover.
- Sub-precinct B is part of a wider landscape that is, in part, characterised by low-lying drainage patterns that feed into the harbour. The tidal and coastal processes in this landscape are clearly evident.
- The landscape character and amenity of Sub-precinct B is derived, in part, from its association and proximity to the coast and the coastal processes.

- Due to the extensive modification / built development and changes to the natural character and processes, I do not consider Sub-precinct A is perceived as part of the coastal environment.

110. Further Mr Quin notes that;

*3.2 Within my area of specialist expertise, it is my opinion that the proposed plan change as amended will not be consistent with or work alongside the direction and framework of the AUP(OP), including in terms of giving effect to the Regional Policy Statement (RPS); for example, in relation to:*

- a) *Responding to the intrinsic qualities and physical characteristics of the site and area, including its setting (RPS policy B2.3.1 (1)(a)).*
- b) *Preserving the characteristics and qualities that contribute to the natural character of the coastal environment (RPS objective B8.2.1(2)).*
- c) *Avoiding, remedying or mitigating adverse effects on natural character of the coastal environment from inappropriate subdivision, use and development (RPS policy B8.2.2(4)).*
- d) *Enabling use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature (DP policy D10.3(5)).*

111. Mr Quin has also considered the revised version of PC43. Overall he considers that the amendments to the proposed plan change will reduce the potential for adverse landscape effects but has recommended some adjustments that could further reduce the potential for adverse landscape effects. These include the following:

- a) *Ensuring the amendments give effect to cultural landscape values identified by Mana Whenua.*
- b) *Including all of the amended ONF 93 spatial area as open space – informal recreation zone to ensure further protection of the ONF’s landscape values, and to ensure a visual and physical connection between the wetland and Puhinui Stream is retained, and to ensure that the wetland retains a coastal background when viewed from Matukutūreia, Matukuturua lava fields, and Harbour Edge Drive / McLaughlins Road.*
- c) *Including the area between Harbour Ridge Drive, east of Stonehill Drive, and the ONF wetland as open space – informal recreation zone to retain the existing level of visual connectivity between the ONF wetland and Matukutūreia and Matukuturua lava fields and to retain visual access and ‘breathing room’ for the wetland as viewed from Harbour Edge Drive / McLaughlins Road.*
- d) *Restricting the location and height of development within Sub-precinct B to retain the visual connectivity between Matukutūreia and Matukuturua lava fields, and Manukau Harbour.*
- e) *Identifying a protected viewshaft between the wetland crater and Puhinui Arena Crater. In this regard, it may be appropriate to identify building platforms within Sub-precinct B to facilitate a viewshaft between them.*

- f) *Identifying the purpose of the ONF wetland margin to also ensure a visual buffer between the ONF and adjacent development.*
- g) *Increasing the riparian margins of Puhinui Stream in the site's north-west corner and identifying the purpose of planting within the margins to also provide a visual buffer to adjacent development as viewed from the stream and from the coast.*
- h) *Ensuring that built form in Sub-precinct B is of a height, scale, form and colours that are sympathetic to the landscape values. It is considered appropriate that any development in Sub-precinct B is of a reduced height and coverage than is anticipated by the Light Industry Zone to ensure a finer grain and less dominant built form, whilst enabling visual and physical connections to surrounding landscape features and a transition of built development towards the coastal edge. In this regard, it is considered it would be beneficial to identify actual building platform areas.*
- i) *Changing the activity status of buildings greater than 50m<sup>2</sup> in Sub-precinct B to restricted discretionary and including assessment matters that allow consideration of landscape values.*
- j) *Changing the activity status of buildings of no greater than 50m<sup>2</sup> in Sub-precinct B to controlled.*
- k) *The proposed objective I4.2.(3) should be amended to include the context of natural character.*
- l) *The proposed policy I4.3.(7) should replace "surrounding open space environment" with "natural character and features" and also include reference to Puhinui Stream.*
- m) *Remove reference to building platforms or identify actual building platforms in Sub-precinct B (and Sub-precinct C if this area is not changed to open space – informal recreation zone).*

#### **4.4.8. Conclusion**

112. Overall it is my conclusion that PC43 as notified does not sufficiently give effect to the RPS for the following reasons set out above. These matters relate chiefly to Area B and the degree of protection that PC43 gives to the natural environment, historic and natural heritage and Mana Whenua values in this area.

#### **4.5. Auckland Unitary District Plan (AUPDP)**

113. The applicant in its statutory assessment does not make a specific assessment against the objectives and policies of the AUP. However the assessment does make a comparison between the current zone applying to much of the land (i.e. Business-Quarry Zone) and the proposed Business Industrial Zones (Heavy and Light).

114. The assessment notes that:

*The objectives and policies framework for the Quarry Zone in the AUP(OP) provides for mineral extraction activities, minimises associated adverse effects and enables rehabilitation of quarries assisted by cleanfills and managed fills. The provisions of*

*the Quarry Zone do not extend beyond the rehabilitation phase. As such, any non-quarry related activities (apart from those listed in Rule H28.4.4, including farming, forestry, conservation planting) have a non-complying activity status within the Quarry Zone. Noting that the objectives and policies framework of the Quarry Zone is principally focused on quarry activities, any non-quarry related activities (such as business land use) would fail to meet to objectives and policies framework of the Quarry Zone.* [L]  
[SEP]

115. It notes that a number of resource consents have been granted for subdivisions of the land and the authorisation of a number of industrial type land uses. The applicant considers that the Light Industrial Zone and Heavy Industrial zones are more appropriate for the activities now on the land and authorised by the resource consents.

#### Comment

116. I agree in principle that industrial zones are the most appropriate zones for the majority of the land in PC43 having regard to the objectives and policies of the zones and the level of development that has already taken place on the land. This is particularly the case in respect of Area A which has already been developed for industrial activity. I note that some of Council's specialists would prefer Light Industrial zoning over the entire plan change area. Area B comprises an interface between a more natural environment of some importance and the existing industrial area. The extent to which an industrial zone is appropriate for this area will in my view depend on the extent to which the suite of AUP provisions (including those proposed within PC43 and existing) provide for the protection of those natural features and processes of importance.

117. The assessment of the Council specialists is that as notified, PC43 does not adequately achieve this.

118. In respect of the revised version the change to Light Industrial zone for Area A is more in line with the activities that have established on the land. However the reverse sensitivity effects in respect of the Wiri Oil Terminal have not been assessed.

119. The proposed changes do make Area B (Now Area B and C) more sensitive to the natural state of that area.

#### **4.6. The Auckland Plan**

120. Section 74(2)(b)(i) of the RMA requires that a territorial authority must have regard to plans and strategies prepared under other Acts when considering a plan change.

121. The Auckland Plan 2050 prepared under section 79 of the Local Government (Auckland Council) Act 2009, is a relevant strategy document that council should have regard to when considering PC43.

122. The applicant's assessment of the Auckland Plan notes that ;

*The Plan Change Request aligns with the intent of the Auckland Plan: The use (or repurposing) of a rehabilitated quarried area for industrial purposes, within urban Auckland, assists in achieving quality compact approach to accommodating business growth.* [L]  
[SEP]

*The Plan Change increases the feasible capacity of commercially viable industrial land in urban south area.* [L]  
[SEP]

*The Plan Change enables safeguarding of important industrial land in Wiri by enabling contiguous expansion of this important business resource, in a strategically located and accessible location. <sup>[17]</sup><sub>SEP</sub>*

*Provides for increased business growth and employment in the Manukau area, which assists in addressing Auckland's current transport and employment challenges. <sup>[17]</sup><sub>SEP</sub>*

*The Plan Change enables labour efficiencies, through the provision of industrial land in close proximity to associated labour force. <sup>[17]</sup><sub>SEP</sub>*

#### Comment

123. I agree that the reuse of much of the PC43 land for industrial activity is likely to be consistent with the development strategy in the Auckland Plan. However the Auckland Plan also recognises in Direction 3 that urban development is likely to increase the severity and intensity of pressure on Auckland's already stressed environment.

124. I consider that the proposed arrangements of zones and the changes in the protection of the natural environment particularly in area B may be inconsistent with successfully managing this pressure. I consider that the extent to which PC43 allows development up to or onto streams, wetlands and archaeological sites has not been fully resolved.

#### **4.7. Any relevant management plans and strategies prepared under any other Act**

125. The applicant has not identified any other relevant plans and strategies prepared under any other act.

126. It is considered that the Manurewa Local Board Plan is a relevant consideration. There are 6 outcomes of this plan as follows;

1. Our communities are inclusive, vibrant, healthy and connected
2. We are proud of our strong Maori identity and thriving Maori community
3. Our people enjoy a choice of quality community spaces and use them often
4. Our safe and accessible network provides transport options to meet community needs.
5. Our prosperous local economy supports local people
6. Our natural environment is valued, protected and enhanced.

127. I consider that PC43 is largely consistent with outcomes 4 and 5, but that aspects effect on the natural environment.

#### **5. ANALYSIS OF THE SECTION 32 REPORT AND ANY OTHER INFORMATION PROVIDED BY THE APPLICANT**

128. Section 74 of the RMA requires that a plan change must have particular regard to an evaluation prepared in accordance with Section 32 of the RMA.



129. Section 32 of the RMA requires an evaluation report examining the extent to which the objectives of the plan change are the most appropriate way to achieve the purpose of the Act. Section 32 also requires the report to examine whether the provisions are the most appropriate way of achieving the objectives.
130. The applicant has prepared an assessment against Section 32 in the statutory assessment. This is set out in Appendix 2 of this report. A separate assessment is made in respect of the following matters;
- 130.1. Rezoning of the Plan Change Area
  - 130.2. Rezoning of land from Open Space to Heavy or Light Industrial zones
  - 130.3. Rezoning of land from Quarry zone to Open Space zone
  - 130.4. Amendment of the significant ecological area
  - 130.5. Amendment of the ONF overlay
  - 130.6. The new Wiri Precinct
131. The statutory report considers a number of options for most of these matters except for the rezoning of Quarry zone to Open Space zone and the new Wiri Precinct. These omissions are deficiencies in the Section 32 report that I consider should be addressed in evidence at the hearing.
132. The applicant has not however undertaken a full review of the Section 32 report in respect of the revised version of PC43.
133. The conclusion of the Statutory Report states that the Section 32 evaluation has been completed, and it concludes that *“the Plan Change Request will more effectively and efficiently achieve the objectives of the AUP(OP), and the purpose of the RMA, than the current provisions to be amended. The section 32 evaluation will continue to be refined as the Plan Change Request progresses through the various processing stages.”*
134. I consider that it will be necessary for the Section 32 evaluation to be updated and presented in evidence at the hearing.

#### **5.1. Assessment of Effects on the Environment (for private plan change requests)**

135. Clause 22 of Schedule 1 to the RMA requires private plan changes to include an assessment of environmental effects that are anticipated by the Plan Change, taking into account the Fourth Schedule of the RMA.
136. An assessment of actual and potential effects on the environment (“AEE”) is included in the Section 32 Evaluation Report. The submitted Plan Change request identifies and evaluates the following actual and potential effects:
- *Economic Matters*
  - *Integrated Transport Assessment*
  - *Geotechnical Matters*
  - *Archaeology*
  - *Ecology*
  - *Natural Heritage and Landscape Effects*
  - *Mana Whenua Values*
  - *Infrastructure*

*Economic Matters*

### *Applicant's Assessment*

137. The applicant's request includes an economic assessment from Property Economics. The economic assessment report concludes;

*"that the proposed rezoning to Heavy Industry Zone has potential to result in net economic benefits to the Auckland community through: [SEP]"*

- *Increase in scarce heavy industry land resource, resulting in a retention of growth that may otherwise locate outside the Auckland Region.*
- *Transportation efficiencies resulting from a highly accessible site (Plan Change area).*
- *Labour efficiencies, through the provision of industrial land in close proximity to associated labour force. [SEP]*
- *Increased certainty for business development through appropriate provision of Heavy Industry Zone, providing flexibility for growth and industrial change, as opposed to a static resource consent. This is especially vital for industrial activities due to capital investment requirements and the need for long term decision making." [SEP]*

### Comment

138. I agree that PC43 will have largely positive economic benefits. It provides increased certainty for businesses occupying or considering moving into the area will provide increased certainty about their long term ability to operate their business. The transactional costs are also likely to be reduced as they can rely on AUP provisions rather than the current resource consent.

139. The revised version is unlikely to make any significant difference to the economic benefits to be gained from PC43 noting that the assessments required for development in Area C may result in additional costs. This is not assessed in the updated statutory assessment.

### *Integrated Transport Assessment*

#### *Applicant's Assessment*

140. The applicant has provided an Integrated Transport Assessment (ITA) from Stantec. The ITA concludes that additional traffic movements resulting from PC43 can be accommodated in a manner that results in acceptable effects to the function, capacity and safety of the surrounding road network.

141. The ITA also notes the following;

- *McLaughlins Road and other roads within the Plan Change area are classified as local roads. [SEP]*
- *Overall, no road safety issues were identified in relation to the road geometry. The Plan Change is not expected to generate a large quantum of traffic and the vehicle types will be consistent with those already using the surrounding roads. As such, the road safety record is not expected to be exacerbated.*
- *Additional development enabled by the Plan Change will result in an increase in the number of trips generated within the Plan Change area by approximately 62% from what was observed in November 2018. [SEP]*

- *Traffic modelling has demonstrated that the Roscommon Road / Vogler Drive intersection is able to accommodate the additional trips anticipated within the Plan Change area without significantly affecting the current performance or effectiveness of this intersection.*
- *The Plan Change is able to be accommodated by the surrounding road network without the need for any upgrades to the existing transportation infrastructure. <sup>[L]</sup><sub>SEP</sub>*
- *The Southern Gateway Precinct is located to the west of McLaughlins Road and Puhinui Creek. Development of this Precinct will result in changes to the nearby road network, however, the timing of such upgrades are not known. The Plan <sup>[L]</sup><sub>SEP</sub> Change Request and the anticipated development within the Southern Gateway Precinct will not preclude each other from being developed as expected.*

#### Comment

142. The applicant's assessment has been reviewed by Wes Edwards of Arrive Transport Consultants for the Council. A copy of the assessment is set out in Appendix 6.

143. Mr Edwards concludes that;

- *The applicant has adequately predicted the likely trip generation arising from development enabled by the plan change.*
- *The assessment of effects on the 2018 transport environment is adequate, and the effects on the current road environment are likely to be minor.*
- *The assessment of the change on the future transport environment is poor. The analysis makes no allowance for consented development or traffic growth. The plan change land will utilise the same future road network as Puhinui Sub-Precincts D and E. The latter land is subject to Unitary Plan standards intended to manage adverse effects on the transport environment due to the environment having limited capacity during peak periods.*
- *Due to assessment for the Puhinui Precinct making a generous allowance for additional traffic from the McLaughlins Quarry area there would be sufficient reserve capacity within the road network to accommodate development of existing zoned areas. On that basis the impact of the proposed change on the transport environment is minimal.*
- *To conclude, I support the private plan change.*

144. From this analysis I have concluded that the immediate traffic effects of PC43 are acceptable. While other precincts in the area have had specific standards to limit development so as to avoid future adverse effects on the transport network, the modelling undertaken for those provisions has included the potential traffic demand provided by PC43.

145. Mr Edwards has advised that the revised version of PC43 is also acceptable from a traffic perspective.

#### Geotechnical Matters

### *Applicant's assessment*

146. The applicant has provided a geotechnical assessment from Tonkin and Taylor. Tonkin and Taylor provided geotechnical assessments for stages 1 and 2 of the Plan Change area at the time that resource consents were considered for those parts of the overall development. The assessment provided relates largely to Stage 3 which is currently undeveloped. The geotechnical assessment concludes that:

*the materials at the site comprise of natural deposits that are expected to be suitable for development with appropriate investigation and design at land development stage. The Memo further notes the following:*

- o The geomorphology and site observations suggest that the materials at the site are predominantly natural material in their original state. Limited amounts of fill are assessed as being present, and the extent and nature will need to be confirmed at the land development stage. [SEP]*
- o Earthworks will be required to provide suitable building platforms at the land development stage. [SEP]*
- o Shallow foundations are expected to be suitable. [SEP]*
- o A slopes stability assessment of the banks of Puhinui Creek will be required at land development stage. [SEP]*
- o The subsurface conditions are not at risk of liquefaction hazards under strong earthquake shaking. [SEP]*
- o Specific geotechnical investigations will be required at the land development stage. [SEP]*

### Comment

147. It is acknowledged that further investigation and assessment will be needed at subdivision/ development stage. However the preliminary assessment is sufficient to give comfort that the land can be developed in the future.

### *Archaeology*

#### *Applicants Assessment*

148. The applicant has provided an archaeological assessment from Clough and Associates. The applicant notes that;

*The Plan Change area was once part of an extensive pre-European landscape relating to former Maori occupation of the area centred on Matukutūreia Pa (McLaughlins Mountain) and Te Manurewa O Tamapahore Pa (Wiri Mountain). The Report notes that much of that landscape has been extensively modified over time. The Matukuturua Stonefields Historic Reserve (located adjacent to the Plan Change area) preserves an extensive representative part of that original landscape. [SEP]*

*Dr Clough considers that the archaeological remains previously recorded around Maunga Matukutūreia (McLaughlins Mountain) logically fall within a single archaeological landscape and could have been recorded as a single site. However, historically the archaeological sites have been recorded as individual sites, which combine to cover the settlement on the lava flow of Matukutūreia. [SEP]*

*There are two recorded archaeological sites within Sub-area B: R11/47 and R11/1632. Site R11/47 is generally described as "terraces, stone faced terraces, stone mounds, midden". Dr Clough notes that most of the archaeological remains of*

R11/47 located within Sub-area B have been excavated previously, however, some areas near the main wetland may contain some additional archaeological features. <sup>[17]</sup><sub>[SEP]</sub>

Site R11/1632 is a series of midden, pits and terraces located beside Puhinui Creek, and remains intact. <sup>[17]</sup><sub>[SEP]</sub>

Another archaeological site, R11/911 (stone fish traps) is located within the Puhinui Creek. In the AUP(OP), the Puhinui Fish Traps are included in the Historic Heritage Extent of Place Overlay, which extends into the south-western corner of the Plan Change area. <sup>[17]</sup><sub>[SEP]</sub>

In Figure 9-1, Dr Clough identifies a preliminary summary of likely constraints within Sub-area B based on archaeological potential: <sup>[17]</sup><sub>[SEP]</sub>

- Red areas: indicate high archaeological potential due to the presence of site R11/1632.
- Green areas: indicate limited archaeological potential. Some features may have survived previous earthworks, but the potential is considered low, and if archaeological features are present, they are likely to have limited archaeological value. <sup>[17]</sup><sub>[SEP]</sub>
- Orange areas: indicate moderate archaeological potential where archaeological features are likely but have been modified or previous research suggests that features have limited archaeological values. Previous excavations in this area had mixed results, with archaeological features identified in some areas but not all areas. <sup>[17]</sup><sub>[SEP]</sub>

Figure 9-11: Areas of differing archaeological potential in Sub-area B



Dr Clough considers that earthworks for future development in Sub-area B will destroy the remaining archaeological features relating to site R11/47 and any unidentified sites that may be present within the earthworks footprint. However, he notes that the green and orange areas are already disturbed / modified and better examples of stonefield features are preserved in the adjacent Matukuturua Stonefields Historic Reserve. <sup>[17]</sup><sub>[SEP]</sub>

Site R11/1632 is a series of midden, pits and terraces located beside Puhinui Creek, and remains intact. As per Dr Clough's expert advice, the protection of site R11/1632 will be given priority at the land development stage. With respect to site R11/1632 (Puhinui Fish Traps), it is noted that this site is scheduled for protection in Schedule 14.1 of the AUP(OP). Chapter D17 Historic Heritage Overlay sets out comprehensive

*objectives, policies and rules framework providing for the continued protection of the Puhinui Fish Traps. The Plan Change Request does not amend this existing framework. The provisions of the Historic Heritage Overlay will continue to apply to the Plan Change area.* [17]  
[SEP]

*Dr Clough recommends that site R11/1632 (series of midden, pits and terraces located beside Puhinui Creek) and R11/1632 (Puhinui Fish Traps) should be avoided in any future development of Sub-area B. Provided that this is achieved, Dr Clough considers that any adverse effects of future development will be mitigated through archaeological investigation and information recovery, and the effects of future development on archaeological values are likely to be minor in view of the modified nature of the property and low to moderate archaeological value of site R11/47.* [17]  
[SEP]

#### Comment

149. The applicant's assessment has been reviewed by Robert Brassey. Principal Specialist Cultural Heritage, Auckland Council Heritage Unit.
150. Mr Brassey considers that the key issue in relation to historic heritage is whether the proposed provisions adequately provide for the protection of archaeological sites in Sub-precinct B.
151. Additionally Mr Brassey considered that the applicant has not adequately assessed the private plan change effects on the environment in relation to historic heritage. In his opinion;
- *The locations and extents of archaeological sites and features within the plan change area have not been accurately defined at an appropriate scale.*
  - *The sites have not been evaluated in accordance with the AUP Historic heritage RPS(B5) and Council's non-statutory guidance.*
  - *This is inconsistent with the Auckland Regional Policy Statement Historic Heritage objectives and policies, in particular Objective B5.2.1(1): Significant historic heritage places are identified and protected from in appropriate subdivision, use and development.*
  - *Sites meeting the significance criteria set out in the AUP Historic heritage RPS (B5) should be included in Schedule 14.1 Schedule of Historic Heritage and the proposed plan change amended to ensure that it is consistent with the AUP historic heritage provisions.*
152. Mr Brassey is also concerned that some archaeological sites have not been identified and that the potential for other sites particularly within Sub Precinct B to exist and not be adequately protected by PC43. In other cases the extents of the archaeological sites may have not been adequately defined to include below ground extents and linkages for example.
153. Mr Brassey also notes that the revised version of PC43 does not address his concerns.
154. Given Mr Brassey's conclusions I remain uncertain whether the archaeological sites within Area B in particular have been fully identified, their significance determined and adequate protection given.

*Ecology*

*Applicant's Assessment*

155. The applicant's request included an Ecological Survey Report from Bioresarches. This request report notes;

*50. The Ecological Survey Report divides the undeveloped portion of the Plan Change area into seven ecological assessment zones, primarily delineated by their aquatic habitats (see Figure 3-4):*

- o Main wetland (SEA\_T\_8443): historical photography shows that the main wetland feature has been developed and changed over time. [L] [SEP]*
- o Wetland drain: wetland located in the drainage channel in the centre of the study area. [L] [SEP]*
- o Intermittent Stream 1 – located immediately above the ponds. [L] [SEP]*
- o Constructed ponds – western sector of the study area draining to Puhinui Creek. [L] [SEP]*
- o Downstream wetland – small wetland that drains into the watercourse downstream of the constructed ponds. [L] [SEP]*
- o Intermittent Steam 2 – located immediately downstream of the largest pond partially within the Puhinui Creek SEA. [L] [SEP]*

*The Ecological Survey Report records the vegetation present in each of the above mentioned zones. The survey results show that although native species are present in nearly all of the zones (no species were recorded in Intermittent Stream 1), exotic pasture species dominate the majority of the study area. Gorse and pampas also has a strong presence across the various zones. With the exception of the main wetland, the botanical value of all the zones was low. [L] [SEP]*

*The main wetland is identified as the dominant aquatic habitat within the study area. The wetland is the habitat of high ecological value with numerous species of native vegetation and fauna (such as birds and native eels). [L] [SEP]*

*It is considered that the Plan Change Request itself (i.e. the rezoning of land and the partial removal of the ONF and SEA Overlays) will not result in adverse effects on the ecological values present within the Plan Change area. [L] [SEP]*

*The SEA\_T\_8443 (main wetland) and SEA\_T\_612 (Puhinui Creek and its riparian margins) are subject to the objectives, policies and rules framework set out in Chapter D9 Significant Ecological Areas Overlay of the AUP(OP). In order to maintain indigenous biodiversity, Chapter D9 Significant Ecological Areas Overlay protects these SEAs from adverse effects of subdivision, use and development. The Plan Change does not seek to amend this existing framework. The provisions of Chapter D9 Significant Ecological Areas Overlay will continue to apply to the Plan Change area. [L] [SEP]*

*The Wiri Precinct identifies "Area A" for reclamation, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on the site. Ms Barnett has assessed the ecological values of Area A, and concludes that "The ecological values of the linear wetland between the drain core and the ponds, and the 32m of intermittent stream were assessed as very low and low, respectively". Ms Barnett identifies works to be completed to mitigate the effects of the proposed reclamation of Area A. [L] [SEP]*

156. In response to further information requests from the Council an updated ecological survey was provided in November 2020.

*Comment*

157. The ecological assessment has been reviewed by Ebi Hussain (Senior Ecologist) and Melinda Rixon (Senior Ecologist) for the Council. Additional comment has also been provided by Matthew Bloxham (Senior Freshwater Ecologist). Copies of these assessments are provided in Appendix 6.

158. The assessments from the Council officers identify a number of areas where the applicant's assessment has not adequately addressed ecological matters and where the potential for adverse effects to occur. The assessment concludes from Mr Hussain;

*Some of the additional assessments discussed above are related to the stream reclamation which will be dealt with through a separate resource consent. The intention to reclaim those streams is clear and the accurate quantification of freshwater values, the impacts and associated offsets are required by Council to assess the overall impact of the plan change. Additionally, if the reclamation will be addressed through separate consent applications the mitigation and offset should be decided at the time of the application and based on the effects at that time as conditions could change over time. Using the riparian planting listed in this plan change as an offset for future reclamation is considered as double dipping and sets the expectation that the reclamation will be consented. It is preferred that all offset and mitigation measures are discussed within the context of the effects at the time of resource consent application.*

*A proper assessment of all ecological values is needed to demonstrate that PC43 will not encourage environmental decline. Without accurately quantifying the environmental values on site it is difficult to assess how the environmental impacts will be managed through the precinct plan and the existing values maintained and enhanced.*

*I have included a fair amount of detail on the cascading environmental effects associated with the re-zoning of land to light industry to highlight the concern that whilst these effects will not materialise as a result of the plan change, they will likely occur post development and can be pro-actively managed through an updated precinct plan.*

*Overall, the current proposal does not adequately quantify the environmental values and effects on site. There is limited demonstration of additionality and the mitigation measures proposed are insufficient. There is limited regard for the environmental outcomes sought by the Wiri and Puhinui Precinct Plans. I cannot support the application in its current state from an ecological perspective.*

159. While Mr Hussain considers that from an ecological perspective PC43 should be declined the memo also outlines a specific set of matters that he considers should be addressed. These are as follows;

- 1. Change the activity status of the proposed stream reclamation in the precinct provisions to align with chapter E3 of the AUP:OP. A separate consent should be sought for any and all stream reclamation. <sup>[17]</sup><sub>[SEP]</sub>*
- 2. Provide a detailed ecological effects assessment outlining the impacts of all activities and associated mitigations. Currently it is unclear as to what activity each mitigation applies to and it appears as though a single mitigation measure is being proposed for all activities on site. The ecological effects*



assessment is to provide detailed discussion on mitigation measures including:

- Threatened plants <sup>[L]</sup><sub>[SEP]</sub>
  - Potential lizard populations <sup>[L]</sup><sub>[SEP]</sub>
  - Wetland bird species (bittern and spotless crane) <sup>[L]</sup><sub>[SEP]</sub>
  - Aquatic biota of the wetland <sup>[L]</sup><sub>[SEP]</sub>
  - the discharge of contaminants and stormwater into the wetland. <sup>[L]</sup><sub>[SEP]</sub>
  - the effects of newly created developments and impervious surfaces on <sup>[L]</sup><sub>[SEP]</sub> groundwater recharge and on wetland water level. <sup>[L]</sup><sub>[SEP]</sub>
  - Any other effects to the wetland and Puhinui stream. <sup>[L]</sup><sub>[SEP]</sub>
3. Provide a mitigation package which is in addition to the required 10 m riparian planting and all planting within the SEA. This will contribute to a mitigation package that will adequately address the impacts of the activities on site. <sup>[L]</sup><sub>[SEP]</sub>
  4. Restrict activities to those that would have minimal impact in terms of noise, light and contaminate discharge. Low impact activities that are environmentally sensitive and sympathetic to the wider landscape. <sup>[L]</sup><sub>[SEP]</sub>
  5. Significantly increase riparian planting along the Puhinui Creek to promote bank stabilisation. <sup>[L]</sup><sub>[SEP]</sub>
  6. Draft a site-specific riparian restoration and management plan aimed at addressing the key erosional and bank stability issues along the Puhinui Creek. <sup>[L]</sup><sub>[SEP]</sub>
  7. Provide a long-term site management plan that details how the open space would be maintained and kept free of pest species. <sup>[L]</sup><sub>[SEP]</sub>
  8. Create a setback around the riparian planting and wetland margin planting to create a managed buffer that allows for building maintenance and access ways without encroaching into the restorative planting.
  9. Substantially extend the wetland planting to provide a sustainable buffer of value as habitat space for cryptic avifauna. <sup>[L]</sup><sub>[SEP]</sub>
  10. Delineate the wetland and establish the maximum extent. This will inform where the planting and setbacks will begin. <sup>[L]</sup><sub>[SEP]</sub>
  11. Extend the no building zone on the southern end of the wetland at a minimum to align with the ONF boundary. This will provide a continuous natural space between the Puhinui Creek and the southern end of the wetland. This will be provided ecological and visual connectivity as well as a greater buffer for the wetland and native fauna. <sup>[L]</sup><sub>[SEP]</sub>
  12. Extend the Open Space zone to encompass the entire wetland. This will preserve the ecological integrity of the wetland and maintain wetland ecosystem functions. This will provide visual and ecological connectivity across the landscape. <sup>[L]</sup><sub>[SEP]</sub>
  13. Clarify the legality and extent of all previous earthworks within Sub-precinct B. This is required to assess the appropriateness of the current degraded state as a baseline. <sup>[L]</sup><sub>[SEP]</sub>

160. Mr Bloxham in his separate review raises similar concerns particularly in respect of the interrelationships between the main (crater wetland) and the unnamed intermittent stream that leads (or did lead) to the Puhinui Stream that will be allowed to be reclaimed. Mr Bloxham places a high value on the wetland as a habitat for the endangered Australasian Bittern and raises concerns about the effects of development on the Bittern.

161. Mr Hussain assessment takes into account the revised version of PC43.

162. The changes recommended by Mr Hussain can possibly be achieved through amendments to PC43. There is often in my experience scope to provide assessment at either Plan Change level or at the resource consent stage. Indeed more detail can often be provided at resource consent stage when specific details of development are known and their effects able to be established. I therefore consider that some of the assessments requested by Mr Hussain may be able to be provided at resource consent stage if the commissioners consider that the rezoning is appropriate in principle. However I rely on Mr Hussain's advice that in general the buffers proposed to be provided through the layout of zones and (i.e. Industrial and Open Space) are insufficient to provide adequate protection to the wetland and the riparian margins of the Puhinui Stream.

#### *Natural Heritage and Landscape Effects*

163. The applicant has undertaken a landscape assessment of ONF93 to determine whether the entire current ONF meets the AUP requirement to be outstanding.

164. With respect to the "Outstanding Natural Feature" status for ONF 93 from a landscape perspective, the Landscape Report notes that: <sup>[L]</sup><sub>[SEP]</sub>

*The Plan Change area and its surrounds has undergone significant change since the site analysis by the Brown Report in 2012. At the time of the completion of the Brown Report, the area was predominantly open grassland. The recent industrial and infrastructure development has had a significant influence on the character and quality of the landscape setting.* <sup>[L]</sup><sub>[SEP]</sub>

*Although Maunga Matukutūreia is a prominent landmark, it has been significantly compromised by quarrying activities which have affected the integrity of the landform. It is not a landform that compares with other Maunga recommended for ONF status in the Brown Report (such as Browns Island, One Tree Hill, Rangitoto Island). The other sites identified as meeting the ONF status in the Brown Report, are distinctive, highly legible, very expressive of formative processes and have landscape characteristics that set them apart within the Auckland region.* <sup>[L]</sup><sub>[SEP]</sub>

*Mr Hogan considers that the geological and associative values of the site have skewed the overall rating to elevate the feature to ONF status.* <sup>[L]</sup><sub>[SEP]</sub>

*The remnant wetland is not a landscape feature that elevates the status of the site in landscape terms into the same realm as other ONFs. The landscape amenity values associated with the site/feature are also inferior in comparison.* <sup>[L]</sup><sub>[SEP]</sub>

*Although the site has significant geological importance, the expression of this in landscape terms that most people can relate to are not conspicuous, and not comparable to most of the other sites and features listed as ONFs in the region.* <sup>[L]</sup><sub>[SEP]</sub>

*With respect to Area 1 in Figure 8-3 (part of ONF 93 recommended by Dr Cronin and the Brown Report to be removed), the Landscape Report concludes that:*

*It is an open modified landscape largely consisting of rank grassland and scattered <sup>[L]</sup><sub>[SEP]</sub>scrubland. Area 1 has limited landscape value, as it has no notable or distinctive features from a landscape perspective. <sup>[L]</sup><sub>[SEP]</sub>*

*Although Area 1 is currently undeveloped and provides some relief and contrast to the surrounding large industrial development as well as a transition to the harbour edge, it has no specific attributes that make it distinctive or valued in landscape terms. <sup>[L]</sup><sub>[SEP]</sub>*

*The characteristics and attributes of Area 1 are inconsistent with the values required to constitute ONF classification. <sup>[L]</sup><sub>[SEP]</sub>*

*It is apparent from the assessments completed by Dr Cronin, Mr Hogan and the Brown Report, that Area 1 has no significant geological or landscape values, nor is it “conspicuous, eminent and remarkable” to elevate it to an “outstanding natural feature” status. As such, there is no legitimate justification in landscape and geological terms for Area 1 to be included in the mapped extent of ONF 93. <sup>[L]</sup><sub>[SEP]</sub>*

#### Comment

165. The extent of the ONF93 has been discussed earlier in this report in paragraphs 75 to 84. That discussion is not repeated here. The landscape / natural character effects have also been discussed above in paragraphs 106-11.

#### *Mana Whenua Values*

166. The applicant's assessment of Mana Whenua are set out in the section on Mana Whenua matters in the RPS (see paragraphs 89-98) as is my assessment. I will not repeat those here.

#### *Infrastructure*

##### *Applicant's assessment*

167. The applicant's assessment is that the Plan Change area is located within an established business hub within the RUB. This area has reticulated wastewater, water and stormwater infrastructure. There are no infrastructure constraints identified for the servicing of the Plan Change area. <sup>[L]</sup><sub>[SEP]</sub>

#### Comment

168. The majority of the site (i.e. Sub precinct A) is already developed for industrial activities and is fully serviced. Sub precinct B is a relatively small area that can be adequately serviced from the existing water and wastewater infrastructure.

169. In respect of stormwater disposal the proposal as notified has been assessed by Gemma Chuah, Senior Healthy Waters Specialist, Healthy Waters.

170. I have attached a copy of Ms Chuah's technical memo in Appendix 6 of this report.

171. Ms Chuah concludes as follows;

*The notified documentation did not include sufficient assessment of the effects of the plan change in relation to stormwater.*

*The stormwater management and associated infrastructure from Area A is already established. The changes to the underlying zone in this area will not alter the development potential of the area and will therefore not change the effects of stormwater on the receiving environments.*

*In order to manage the effects of development of Area B it is recommended that the following modifications are made to the plan change precinct provisions:*

*Delete rule 14.4.1 (A2), the associated policy 14.3 (8) and 14.9.4. Wiri Precinct Plan 4: Areas for reclamation within sub precinct B. reclamation should be controlled through the existing AUP provisions in Chapter E3.*

*Add an additional precinct standard for all activities*

#### **14xx.6.7 Water Quality**

*Purpose: To ensure that the effects of stormwater runoff on the high value receiving environments are mitigated.*

*(1) Stormwater runoff from all impervious areas in Sub Precinct B must be treated by stormwater management device(s) that meets the following standards:*

*(a) the device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or*

*(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.*

*Declining the Plan Change would not result in any additional protection of Area B from development as parts of this area are already being developed in an ad hoc manner through the existing resource consents.*

172. Ms Chuah has provided an addendum to her memo in response to the revised version of PC43. Ms Chuah notes the following;
- The revised provisions do not include any specific mention of protecting water quality through stormwater runoff.
  - The updated Stormwater Management Plan is supported.
  - The SMP states that water quality treatment would not be required for any discharge into the lower portion of the intermittent stream MS Chuah does not agree.
  - An additional rule and associated activity status for infringement are required to ensure adequate treatment of stormwater from Area B
  - Ms Chuah agrees that there will be no significant effect on wetland hydrology however it is still preferable to maintain the natural hydrology of flows into the wetland in accordance with the principles of water sensitive design.
  - Rule 14.4.1(A2) which proposes reclamation of the intermittent stream is now consistent with the NES however this remains inconsistent with Chapter E3 of the AUP.
  - The precinct provisions still propose that no specific offsetting package would be provided for the loss of the section of the stream. This is inconsistent with

the policies of Chapter E3. While planting is proposed no less area will be planted if the stream is not reclaimed.

173. In respect of stormwater management I consider that PC43 requires amendments as set out by Ms Chuah. The removal of the stream if proceeded with should be subject to the same assessment as other streams particularly in this sensitive area.

#### *Urban Design*

174. The applicant's statutory assessment does not include an urban design assessment.
175. The urban design aspects of PC43 have been assessed by Chris Butler, Team Leader Urban Design Unit, Auckland Council. Mr Butler's assessment focuses on the effects of development within Area B (and C of the revised proposal).
176. Mr Butler identifies the main urban design issues as follows;
- a) *A lack of testing in regard to potential development outcomes enabled by the precinct provisions and the likely impact of this on the physical and cultural qualities of the site and area.*
  - b) *A lack of analysis of opportunities and constraints which in turn might inform a more refined approach to Sub Precincts B and C and their respective provisions.*
  - c) *Buildings in Sub Precinct C have the potential to reduce the visual and physical connectivity and sense of spaciousness currently afforded to the wetland crater when viewed from Harbour Ridge Drive / McLaughlins Road.*
  - d) *I am not convinced that a permitted activity status for buildings no greater than 50m<sup>2</sup> in Sub Precinct B or C, a controlled activity status for larger buildings greater than 50m<sup>2</sup> gross floor area in Sub Precinct B, or a restricted discretionary activity status for buildings over 50m<sup>2</sup> in Sub Precinct C adequately reflects the sensitivities and complexity of the setting, nor does it afford in my view, the level of oversight necessary to appropriately enforce the provisions of the Precinct.*
  - e) *The term 'building platform' used in 14.9.1 Wiri Precinct Plan 1, in my opinion more accurately reflects a 'building area' rather than a building platform and as currently proposed represents a very coarse response to the location of buildings in Sub Precinct B and C.*
  - f) *I am unconvinced that assessment criteria 14.7.2(d)(ii) - as it relates to building design elements that reflect the values and relationships Mana whenua have with the Puhinui area - is going to be accurately interpreted by future applicants and Council without more direct involvement from Mana Whenua.*
177. Mr Butler concludes as follows and recommends a number of changes to the PC43 provisions.

*Whilst I support the Light Industrial zoning and proposed provisions for Wiri Sub Precinct A, I retain concerns over the assessment and level of information provided to support the rezoning and development of Sub Precinct B and C. In particular, I am*

*concerned that the plan change does not adequately address potential development outcomes that may negatively impact on the physical and cultural amenity of the area. In response, I have identified a number of modifications in Section 5.0 of this memorandum that if incorporated I would be in a position to support the proposed plan change.*

178. I have included a number of the changes recommended by Mr Butler in the revised version of PC43 in Appendix 5. I have not included changes to the provisions relating to buildings in Sub-precincts B and C as the effect of these provisions will depend on the eventual extent and layout of those precincts. If these precincts are not provided then there will have to be changes to the latest proposals from the applicant. While I can potentially accept some of the changes proposed by Mr Butler I do consider that it is necessary to make additional activities discretionary activities.

### *Conclusion on Effects*

179. The Council specialists have raised a number of concerns about aspects of PC43. The majority of these concerns relate to sub-precinct B. I think these concerns can be summarised as follows;

- The actual effects of PC43 have not been adequately identified and accordingly there is a degree of uncertainty about the actual effects of development arising from PC43. In some cases this assessment may be able to be undertaken at a resource consent or development stage if appropriate rules are provided.
- The provisions within PC43 are not adequate to address the potential effects. For example stream and wetland reclamation is provided for as a permitted activity (or discretionary). This conflicts with the AUP.
- The extent of protection given to some features through buffers and open space are inadequate.
- The extent of ONF93 is inadequate.
- There are potential conflicts between the resolution of various effects. For example the resolution of some ecological effects through planting may conflict with the protection of archaeology.
- There is also a difference between when effects should be addressed (i.e. at the Plan Change stage or at a subsequent resource consent application.).
- A number of specialists have recommended that PC43 be declined on the basis of the effects generated. However I note that Ms Chuah suggests that declining PC43 may not resolve issues regarding protecting the features in Area B.
- The amended version of PC43 is likely to resolve a number of effects.

180. These concerns relate mainly to Area B (or Area C). It is my conclusion that the provisions of PC43 as amended are adequate to manage environmental effects in respect of Area A. In respect of Area B, I consider that the provisions including the extent of zone and feature boundaries will require change for a range of environmental effects to be adequately managed.

## **6. CONSULTATION**

181. Section 13 of the Applicant's request document sets out the consultation undertaken by the applicant. The extent of consultation is wide ranging and includes most of the people and organisations that subsequently made submissions on PC43.

182. The consultation included consultation with the following Iwi.

Ngāi Tai ki Tāmaki  
Ngāti Maru  
Ngāti Tamaoho  
Ngāti Tamaterā  
Ngāti Whanaunga<sup>[1]</sup><sub>SEP</sub>  
Te Ahiwaru – Waiohua  
Te Kawerau a Maki  
Waikato - Tainui  
Ngāti Te Ata  
Te Ākitai Waiohua

183. After initial contact more detailed consultation was undertaken with the latter two Iwi. As noted above Cultural Impact Assessments were received from both Ngāti Te Ata and Te Ākitai Waiohua which raised significant concerns with PC43. The assessment notes that consultation is ongoing.

184. A summary of consultation undertaken in preparation of PC43 is provided in the 'Section 32' evaluation report, attached as **Appendix 2** to this report.

185. The CIA from Ngāti Te Ata concludes as follows;

*Within Māori culture our ancestral lineage and lineage to the physical and natural elements that surround us define our individual identity and who we are as a people. Our connection to this place and landscape through whakapapa to our eponymous ancestor Te Ata Rehuia cannot be understated and results in an enduring cultural and spiritual relationship to this location. Due to this intrinsic connection any destruction or disturbance to these sites and places directly impacts upon the wellbeing of Ngāti Te Ata descendants.*

*This proposal would only serve to further desecrate and destroy our cultural heritage and waahi tapu and our relationship to it, and is reflective of historic pattern of development on and around the site. The proposal would result in an unacceptable level of intensification of the existing business park further encroaching upon our waahi tapu and adversely impacting upon our relationship to and ability to exercise kaitiakitanga over our significant sites and places and natural and physical resources. The partial removal of the ONF would only serve to further accelerate the continued piecemeal destruction of our significant sites and places and the wider cultural landscape.*

*It is also considered that the proposed plan change is in conflict with the Auckland Regional Policy Statement provisions relating to Mana Whenua and natural heritage, and specifically the AUP provisions relating to avoidance of effects to ONFs (E19.3, D10.3.3), avoidance of intensification in areas containing scheduled items (B2.4.2.5(a), B8.3.2.2(b), E38.3.4), and avoidance of significant effects to Sites of Significance to Mana Whenua (B6.5.2(4), D21.2.1, D21.3.1, and potentially F2.16.3.6(b)). It is also our contention that the NZCPS may apply to the proposal, and is equally inconsistent with the provisions in the NZCPS. The reduction of an ONF is not only in a landscape already so harmed by historic quarrying and development, but in the wider Auckland context of loss, is unacceptable.*

*Total avoidance is considered to be the only effective way of reducing these adverse cultural and spiritual effects to an acceptable level. On this basis Ngāti Te Ata will not entertain any offsetting measures at this time. It should also be noted that a further*

assessment would be deemed appropriate once the Assessment of Environmental Effects has been prepared.

186. The CIA from Te Ākitai Waiohua makes a number of recommendations;

**Outstanding Natural Feature**

*The technical assessment of Professor Shane Cronin, University of Auckland in “Geological Evaluation of Outstanding Natural Feature Matukutūreia and Matukuturua Lava Field and Tuff Ring” dated February 2019, (the Report) discusses the Outstanding Natural Feature overlay covering Matukutūreia and Matukuturua lava field and tuff ring (ONF93) in Schedule 6 of the Auckland Unitary Plan.*

*Te Ākitai Waiohua supports the retention of ONF93 over the proposed plan change area including the sections referred to in the Report as Area 2, which covers the explosion crater as well as Area 3, incorporating the lava field managed by the Department of Conservation which is subject to cultural redress negotiations with the Crown as part of the Te Ākitai Waiohua Treaty settlement.*

*It is understood sections of the Area 1 site are highly modified due to historical quarrying but this makes it no less important to Te Ākitai Waiohua as a physical feature of high cultural value. Although this is not based on a technical geological analysis, Area 1 adjoins Area 2 and Area 3 and should remain a part of ONF93. Te Ākitai Waiohua prefers to seek the views of Auckland Council and other independent expert advice in relation to Area 1 meeting the appropriate threshold for remaining a part of ONF93.*

**Heavy Industry Zone**

*Te Ākitai Waiohua supports the retention of the Open Space Informal Recreation Zone (Open Space Zone) rather than the Heavy Industry Zone proposed over area B in the private plan change.*

*It is understood area B is based on an error and resource consents have already been granted over the section in question. Te Ākitai Waiohua prefers to maintain the Open Space Zone as it better reflects the cultural and historical importance of the site as outlined in this CVA.*

**Te Aranga Cultural Landscape Principles**

*Te Ākitai Waiohua supports the application of the seven Te Aranga principles to this proposed plan change in the design and development of an iwi based cultural landscape. The principles as listed in the Te Aranga Maori Cultural Landscape Strategy 2006 have been modified for the purposes of this report. However, the relevant principles are directly cited in each of the other recommendations.*

**Participation**

*The ongoing participation, consultation and involvement of Te Ākitai Waiohua must be ensured in all phases of the proposed plan change. This includes the sharing of information about the proposed plan changes as they become available, particularly in relation to any further geological information for ONF93 and intended ongoing use of the proposed area B Heavy Industry Zone. This will allow Te Ākitai Waiohua to amend or make further recommendations based on any new information.*

*This recommendation follows the principle of Mana Rangatiratanga and the development of a relationship that recognises the status of Te Ākitai Waiohua as mana whenua reflecting the need to engage at a governance level.*



*It also demonstrates the principle of Ahi Kaa and the need to explore opportunities for Te Ākitai Waiohūa to resume a role as kaitiaki in the plan change area.*

### **Acknowledgement**

*The history of Te Ākitai Waiohūa within the proposed plan change area should be acknowledged where possible by recognising the significance of Matukutūreia. This can be achieved in various ways similar to the plan changes proposed for the Puhinui region and associated Puhinui Precinct rules established following this process.*

*This recommendation reflects the principles of Whakapapa and Tohu with the recognition of Te Ākitai Waiohūa place names and landmarks in the proposed plan change area.*

### **Iwi monitoring**

*Te Ākitai Waiohūa recommend that our nominated iwi monitor is engaged and resourced accordingly for plan change areas that may require inspection in terms of geology and heavy industry zone land use.*

*This recommendation follows the principle of Mauri Tu in emphasising the environmental health and life essence of the eco-systems in the region.*

### **Landscaping**

*Where possible the proposed plan changes should account for the natural and cultural landscape in a way that fits with the natural environs of the region.*

*This recommendation reflects the principle of Taiao and incorporating natural landscapes.*

### **Design**

*Māori cultural values and concepts should be recognised where possible as the proposed plan changes are developed.*

*Te Ākitai Waiohūa recommend that should an AEE or further design be undertaken, a more detailed CIA will be forthcoming.*

*These recommendations follow the principles of Mahi Toi and the incorporation of iwi design into the proposed plan change area.*

*It cannot be emphasised enough the importance Te Ākitai Waiohūa places on its role as kaitiaki to its taonga. The proposed plan change would serve to further erode this historical cultural site. Total avoidance of the area is considered to be the only effective way of reducing these adverse cultural and spiritual effects. Therefore, Te Ākitai Waiohūa cannot support the proposed plan changes.*

## **7. COMMENTS FROM LOCAL BOARDS**

187. Comments on PC43 have been received from the Manurewa Local Board and the Otara-Papatoetoe Local Board.

188. At its meeting of 19 November 2020 the Manurewa Local Board resolved as follows;

*That the Manurewa Local Board:*

*a) oppose the private plan change to rezone land at McLaughlin's Quarry for the following reasons:*

*i) the proposal would have adverse effects on the cultural value of the site and the broader cultural landscape, as expressed by Ahikiwi Marae, Ngāti Te Ata*

Waiohua, Tūpuna Maunga o Tāmaki Makaurau Authority, Ngāti Tamaoho and Te Ākitai Waiohua Waka Taua Incorporated in their submissions, and in the cultural impact assessments provided by Ngāti Te Ata and Te Ākitai Waiohua [L1][SEP]

ii) the proposal would have adverse effects on the ecological values of the site and that the proposed rezoning of land by the Puhinui Stream from Open Space – Informal Recreation to Heavy Industry and Light Industry would increase discharges from businesses into the stream [L1][SEP]

iii) the proposal would have adverse effects on the geological and archaeological values of the site

iv) the proposal would have adverse effects on the amenity values and landscape values of the site

v) the proposal does not provide sufficient protection for the outstanding natural feature values of the site as a volcanic explosion crater with associated features.

189. The Otara-Papatoetoe Local Board has commented as follows;

*The board’s position is to always protect its green spaces to ensure benefits will be enjoyed now and in the future. For this reason, the Otara-Papatoetoe Local Board oppose the plan change for the reasons outlined below:*

- *Protection of archaeological and cultural values [L1][SEP]*
- *Protection of ecological values associated with the Puhinui Stream and an existing [L1][SEP] wetland [L1][SEP]*
- *Protection of an outstanding natural feature being a volcanic explosion crater and associated features [L1][SEP] We value the views of our mana whenua and are concerned that there has been strong opposition to this plan change relating to cultural significances from the following iwi:*
  - *Ahikiwi Marae [L1][SEP]*
  - *Ngāti Te Ata Waiohua, [L1][SEP]*
  - *Tūpuna Maungao Tāmaki Makaurau Authority, [L1][SEP]*
  - *Ngāti Tamaoho [L1][SEP]*
  - *Te Ākitai Waiohua Waka Taua Incorporated [L1][SEP]*

*The board also note the concerns raised by the Geoscience Society of New Zealand and the Director-General of Conservation regarding potential impacts of the plan change on an outstanding natural feature and area of cultural significance. [L1][SEP]*

190. These matters have been considered in the preparation of this report.

## 8. NOTIFICATION AND SUBMISSIONS

### 8.1. Notification details

191. Details of the notification timeframes and number of submissions received is outlined below:

Date of public notification for submissions	28 May 2020
Closing date for submissions	10 July 2020
Number of submissions received	28
Date of public notification for further submissions	13 August 2020 Renotified 19 November 2020 (Due to

Closing date for further submissions (one late submission)

3 December 2020

Number of further submissions received 6

192. All initial submissions were received on time. There was one late further submission. A waiver of the time limit to receive a further submission from Ngati te Ata was granted under delegated authority on 16 September 2020. Copies of the submissions are attached as **Appendix 4** to this report.

## 9. LEGAL AND STATUTORY CONTEXT RELEVANT TO SUBMISSIONS

193. There are no legal matters resulting from the submissions.

## 10. ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

194. The following sections address the submissions received on PC43. It discusses the relief sought in the submissions, and makes recommendations to the Hearing Commissioners.

195. Submissions that address the same issues and seek the same relief have been generally been grouped together in this report under the following topic headings:

- Submissions supporting PC43 in its entirety
- Submissions opposing PC43 in its entirety
- Submissions in respect of industrial zoning
- Submissions in respect of geological matters (ONF93)
- Submissions in respect of cultural matters
- Submissions in respect of conservation and heritage matters.

### 10.1.1. Submissions supporting PC43 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
3	Autotransform	Supports the plan change in its entirety		<b>Accept in part</b>
4	Johnathan Stanley Brodie (Millrush Holdings)	Supports the plan change in its entirety		<b>Accept in part</b>
5	Superfreight Limited	Supports the plan change in its entirety		<b>Accept in part</b>
6	Glenn Ian Peach (TD14 Ltd)	Supports the plan change in its entirety		<b>Accept in part</b>
7	Ken Pridham	Supports the plan change in		<b>Accept in part</b>

	Starke Group Ltd	its entirety		
9	Cargo Plus Limited	Supports the plan change in its entirety		<b>Accept in part</b>
10	Advance Flooring Systems Limited	Supports the plan change in its entirety		<b>Accept in part</b>
13	Wurth New Zealand	Supports the plan change in its entirety		<b>Accept in part</b>
15	Oyster Management Limited	Supports the plan change in its entirety		<b>Accept in part</b>
18	Daniel Moore Tyremax Limited Partnership	Supports the plan change in its entirety		<b>Accept in part</b>

### Discussion

196. These submissions all support the plan change in its entirety and seek all elements of the plan change as proposed to be accepted.

197. Most submissions are based on the existing nature of subdivision and development on the land and that the provisions proposed are the most appropriate for the existing development. Some submissions noted that the old Quarry zone has been superseded and that this has resulted in development in most cases requiring resource consent and that the heavy and light industrial zoning more accurately reflects the pattern of development.

198. Some submissions also noted that the, amendments to the features reflected the existing situation also. The use of a precinct to recognise cultural, ecological and geological values within the Plan Change area is supported by those submissions that mentioned them.

199. At a high level these submissions have merit. The quarry activity that the current zoning pattern is based on now no longer exists and the land (Area A) at least has been largely developed for a range of industrial activities and the quarry zone is now no longer appropriate. The existing uses rely on general resource consents and this is not a satisfactory method for managing land use at this scale. An appropriate zoning (potentially with a precinct) is in my view a preferred option for managing land use.

200. There are however a number of submissions (which will be discussed in the sections to follow) that raise other matters that effect other aspects of the land.

### Recommendations on submissions

201. That submission **3,4,5,6,7,9,10, 13, 15 and 18** be accepted in part for the following reasons:

While the introduction of new provisions is appropriate given the change in land use and development patterns on the land, there are aspects of PC43 that are not supported as set out later in this report. Therefore full acceptance of PC43 is not appropriate.

202. There are no amendments associated with this recommendation.

### 10.1.2. Submissions Opposing PC43 in its entirety

Sub. No.	Name of Submitter	Summary of the Relief Sought by the Submitter	Further Submissions	Planners Recommendation
1	Ahikiwi Marae	Decline the Plan Change		<b>Reject</b>
17	Auckland Volcanic Cones Society Inc	Decline the Plan Change	<b>Tūpuna Manuga Authority FS03 Supports</b>	<b>Reject</b>
19	David Fraser	Decline the Plan Change	<b>Auckland Volcanic Come Society FS02 Supports</b>	<b>Reject</b>
22	David Jans Box Property Investments Ltd	Decline the Plan Change		<b>No recommendation</b>

#### Discussion

#### **Ahikiwi Marae**

203. Ahikiwi Marae seek that PC43 be declined in its entirety. The reasons given for this are that the submitter is the Mana Whenua for this land.

204. Without further information from the submitter it is difficult to provide a recommendation in respect of this submission.

#### **Auckland Volcanic Cones Society Inc**

205. The Auckland Volcanic Cones Society considers that:

- The plan change is in a part of Auckland which is in an area of grand narrative in terms of geology, archaeology, landscape and iwi values.
- ONF 93 adds considerable integrity to the Matukuturua Stonefields right across to the Puhinui Reserve.
- What remains of ONF93 has to be of great value.
- Questions what the appropriate buffer is to maintain geological integrity for ONF 93.
- The tuff ring down to the Puhinui Creek is a well-considered natural boundary for the outstanding natural feature.
- That the area is an archaeological landscape rather than just a series of archaeological sites and that its protection can only come through avoidance.
- The Puhinui Stream has a vital place in the geology, landscape, archaeology and iwi stories and that the stream needs a good buffer zone.
- The New Zealand Coastal Policy Statement (NZCPS) is of strong relevance to this issue.

206. While the submission opposes the entire PC43 its focus is on ONF93 and its retention. This is discussed in the technical memo from Alastair Jamieson. Mr Jamieson has some concerns about the extent of the reduction on the ONF as set out in his technical memo. However an appropriate boundary can be provided for the ONF and this does not require the rejection of the entire PC43.

**David Fraser**

207. While the submission opposes the plan change in its entirety, the issues focused on in the submission relate to SEA and the ONF. These matters are discussed in section 11.1.4 below.

**David Jans**

208. Mr Jans opposes the entire PC43 due to numerous effects. As these effects are not elaborated upon within the submission it is not possible to recommend to commissioners a response. It is understood that Mr Jans will be attending the hearing and will be able to elaborate on his concerns then.

Recommendations on submissions

209. That submissions **1, 17 and 19** be rejected for the following reasons:

209.1. The adverse effects of the plan change proposal can be managed through precinct provisions designed to protect important geological features (ONF93).

210. These amendments are set out in **Appendix 5** to this report OR There are no amendments associated with this recommendation.

211. No recommendation is made in respect of submission **22** as further information from the submitter should be provided at the hearing.

**10.1.3. Submissions on Industrial Zoning Matters**

<b>Sub. No.</b>	<b>Name of Submitter</b>	<b>Summary of the Relief Sought by the Submitter</b>	<b>Further Submissions</b>	<b>Planners Recommendation</b>
11	Fire and Emergency New Zealand	Seeks assurances that the water supply infrastructure for fire fighting is in accordance with the requirements of the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 (Water Supplies Code of Practice) to service the landholding		<b>Submission withdrawn</b>
12	Ara Poutama Aotearoa (the Department of Corrections)	Decline PC43, or Impose the Business – Light Industry Zone instead of the Business – Heavy Industry Zone where it has been proposed within the PC43 area, or Subject to expert analysis, splits the zoning to impose the	<b>Auckland Volcanic Come Society FS02 Supports decline PC43</b>	<b>Accept in part</b>

		Business – Light Industry Zone to those parts of the PC43 area closest to the ARWCF / ASCF site, and imposes the Business – Heavy Industry Zone only to the western parts of the PC43 area further away from the ARWCF / ASCF site.		
14	Auckland Transport	Supports the rezoning and Wiri Precinct if: <ul style="list-style-type: none"> <li>a. Sufficient information is provided to satisfactorily enable determination of the effects of the proposal; and</li> <li>b. Necessary modifications are made to the rezoning or Wiri Precinct to adopt appropriate transport network (or other) mitigation</li> </ul>		<b>Accepted in part</b>
16	Wiri Oil Services Limited (WOSL)	<ul style="list-style-type: none"> <li>• Supports proposed rezoning to heavy and light industry</li> <li>• Supports Activity Table I4.4.1, including the non-complying activity status for activities sensitive to hazardous facilities and infrastructure in sub-precinct B.</li> <li>• Supports policy I4.3(9) which requires the management of reverse sensitivity effects on the WOSL Terminal by avoiding the establishment of activities sensitive to hazardous facilities and infrastructure in sub-precinct B.</li> </ul>		<b>Accepted in part</b>
20	Reading Properties Manukau Limited (Transport concerns)	That the applicant provide further information which demonstrates that the traffic generation associated with the proposed rezoning can be sustained by the existing and future road network.. and If not that PC43 be refused.		<b>Accepted in part</b>

## **Discussion**

### **Fire and Emergency New Zealand (Sub 11)**

212. This submission has been withdrawn.

### **Ara Poutama Aotearoa (the Department of Corrections) (Sub 12)**

213. The submitter has two correctional facilities located in close proximity to the PC43 land being;

- Auckland Regional Women's Corrections Facility (ARWCF)
- Auckland South Corrections Facility (ASCF)

214. These facilities house a total of 1540 people.

215. The land subject to PC43 is located approximately 20m from the corrections site. The Department's submission concerns that part of PVC43 that seeks to zone land Business- Heavy Industrial Zone. This relates to Area A of the plan change map. The submitter seeks that the land in Area A be zoned Business- Light Industrial Zone (Light Industrial zone) instead.

216. The reasons given for this relate to the following;

217. The adverse air quality effects on people residing within the corrections facilities from activities that are able to establish within the Heavy Industrial Zone. The submission notes that the Heavy Industrial zone would allow land uses that could produce objectionable odour, dust and/or noise emissions.

218. The Department in the submission outlines how the area available within its site for further development is that area of land close to the PC43 land. Future development may lead to reverse sensitivity effects in the future if Area A is developed for industry that adverse air quality effects.

219. The submission notes that there are existing covenants and conditions within the existing land use consents that provide for industrial activities except those set out in Appendix 14B to the Manukau District Plan 2002. This appendix sets out discharges to air potentially capable of producing major or moderate adverse effects on air quality. Currently therefore under the existing resource consents, activities provided for do not include activities that are likely to have major or moderate adverse effects on air quality.

220. Chapter E14 – Air Quality of the AUP sets out that higher levels of dust and odour are provided for in the Heavy Industrial zone but that activities sensitive to air discharges should be avoided in the zone and that such activities should be discouraged from locating in adjacent zones.

221. In my view the change to the Heavy Industrial zone has the potential change the air quality environment in the area and the potential for hazardous activities less compatible with a facility that houses a large number of people than the Light Industrial Zone.. The Light Industrial Zone will be more compatible with the air quality expectations and environment that currently exists in Area A and will be more compatible with the corrections facilities and the adjacent open space areas.

222. The applicant's revised version rezoned Area A to Light Industrial zone in accordance with this submission.



### **Wiri Oil Services Limited (WOSL) (Sub 16)**

223. The submitter operates the Wiri Oil Terminal which is located approximately 170m from the Plan Change area and has a frontage to McLaughlin's Road to the north of the Plan Change land.
224. The submission supports PC43 and in particular the Heavy Industrial Zone on Area A and the Light Industrial zone on Area B. It also supports two aspects of the proposed precinct being the non-complying activity status for activities sensitive to hazardous facilities and infrastructure in Area B and Policy I4.3.(9) which requires management of reverse sensitivity effects on the WOSL Terminal by avoiding the establishment of activities sensitive to hazardous facilities and infrastructure in sub-precinct B.
225. This submission must be considered in light of the submission from the Department of Corrections (discussed above) which requests the extension of the Light Industrial Zone over the sub-precinct A.
226. I consider that the Heavy Industrial Zone does provide a degree of reverse sensitivity protection to the Wiri Oil Terminal and a change to the Light Industrial zone as requested by corrections will reduce that protection as the Light Industrial zone allows a greater range of activities than the Heavy Industrial zone. If the Light Industrial zone was seen as appropriate it would be necessary in my view extend the non-complying status for activities sensitive to hazardous facilities and infrastructure to the entire Plan Change area together with its accompanying policy which would have to be amended also to include the entire plan change area also.
227. These amendments raise the issue of the scope of the submission. I consider that the combination of a change to Light Industrial zone for Area A and an extension of the hazardous facility exclusions to the entire precinct is likely to be in scope because of the support provided in the WOSL submission read in combination with the Department of Corrections submission.
228. The applicant in its revised version of PC43 has shown the Light Industrial zone together with the sensitive activities exclusion. I understand that WOSL support these changes as meeting its submission.

### **Auckland Transport and Reading Properties.**

229. The submission from Auckland Transport supports PC43 in part subject to further assessment of the cumulative effects of PC43 and existing and consented development on the Vogler Drive/ Roscommon Road intersection. In particular traffic from a number of sources including the PC43 area, the full build out of the Wiri North Puaki Drive area and the new bridge / link between the Puhunui Precinct and McLaughlins Road requires assessment. The submission from Reading Properties raises similar concerns but particularly in respect of the Puhinui Precinct.
230. The applicant notes that the small number of additional vehicle movements compared with the consented baseline would represent significantly less than 1% of the total future volumes on these roads. This is well within the daily fluctuation in peak hour traffic at the Roscommon Road/ Volger Drive intersection. As such no traffic modelling is warranted at this stage. The trip generation effects of PC43 is therefore negligible within the context of the future road network.

231. This matter has been assessed by Arrive Consultants for the Council who have advised as follows.

*Upon enquiry, the transport assessments and information used to determine the effects of developing the Puhinui Precinct, and to determine the trip generation cap, took development within the McLaughlins Quarry area into account. The assessment made an allowance for completion of development in Area A, and that allowance was larger than the more recent projections of traffic volumes likely to eventuate from completion of development in Area A and the development of Area B.*

*As a result, there is expected to be sufficient reserve capacity in the local road network to accommodate the small amount of additional development proposed, without reducing the ability of the road network to accommodate development of the Puhinui Precinct.*

232. It is understood that Auckland Transport accept that this is the case.

233. Mr Edwards from Arrive Consultants has also considered the potential change in traffic density should the zoning of Area A be changed from Heavy Industrial to Light Industrial Zone. Mr Edwards considers that this change is unlikely to make any significant changes to the traffic volumes generated by the land.

#### Recommendations on submissions

234. That submissions **14, 16, 20** and **21** be accepted in part for the following reasons:

234.1. Some of the activities provided for in the Heavy Industrial zone are not likely to be compatible with the corrections facilities on adjacent land. However it is also important that new activities establishing in the PC43 area are not sensitive to the operation of the Wiri Oil Terminal. On balance it is considered that the Light Industrial zone is the most appropriate zone provided that sufficient safeguards are put in place to restrict sensitive activities over the entire PC43 area and not just Sub-precinct B.

234.2. Sufficient information has been provided to indicate that the traffic generated from the PC43 area will not have adverse traffic effects on the surrounding road network including an allowance for the future development of surrounding land.

235. These amendments are set out in **Appendix 5** to this report.

#### **10.1.4. Geological Matters**

2	Geoscience Society of New Zealand	(a) That PC 43 be rejected.  (b) That the change to the ONF boundary be rejected.  (c) That the retained ONF be zoned Open Space.  (d) That the damaged northwest corner of the crater swamp and overflow remain as part of the SEA and ONF and be restored.	<b>Department of Conservation FS01 Support</b>  <b>Auckland Volcanic Cone Society FS02 Support</b>  <b>Tūpuna Manuga Authority FS03</b>	<b>Accept in part</b>
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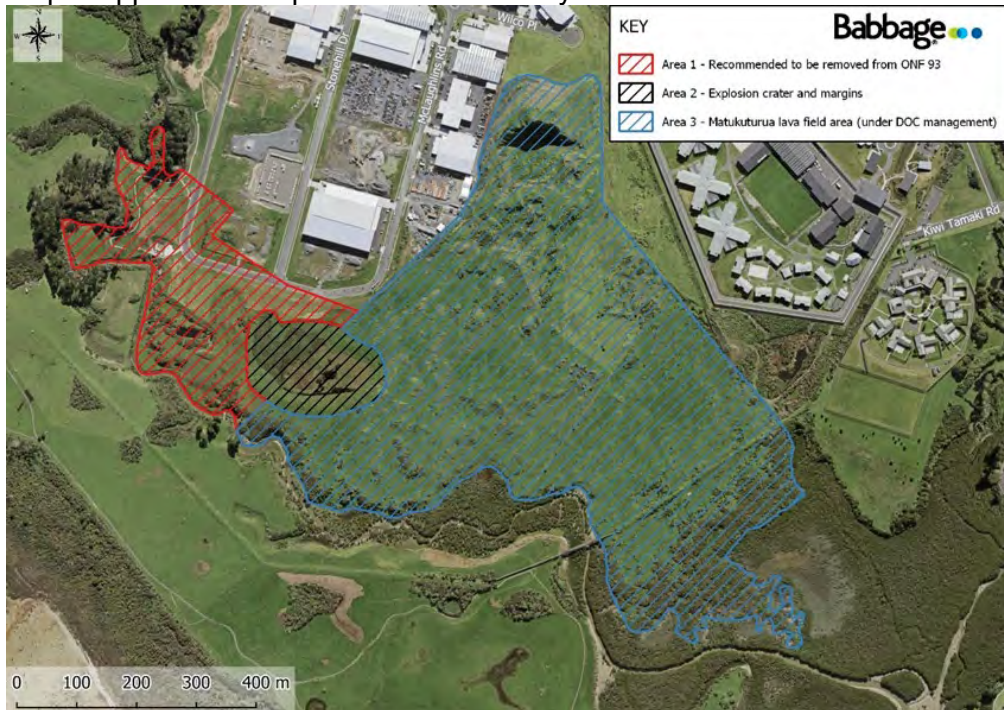
			<b>Supports</b>  <b>Royal Forest and Bird Society FS04 Supports</b>  <b>Heritage NZ Pouhere Taonga FS05 Supports</b>	
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**Discussion**  
**Geoscience Society of New Zealand**

236. The Geoscience Society of New Zealand seeks that the boundary for the Matukutureia/McLaughlins volcano and Matukuturua lava flow field and tuff ring Outstanding Natural Feature (ONF) and the associated Significant Ecological Area (SEA) not be changed from its current state and that it encapsulate the land beyond Harbour Ridge Drive down to the Puhinui Stream.

237. The following maps contrast the applicant’s proposed modification of the ONF with the Geoscience Society’s preferred and compromise boundary.

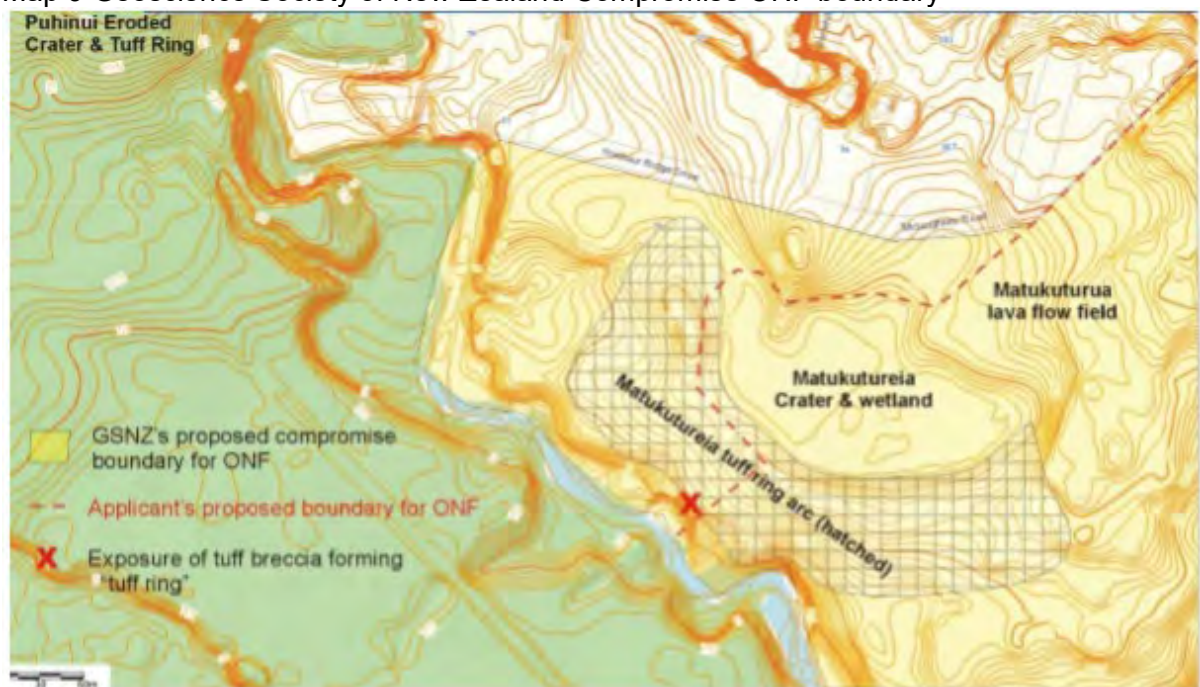
Map 7 Applicant’s Proposed ONF boundary



Map 8 Geoscience Society of New Zealand Preferred ONF boundary (note this is the white line boundary)



Map 9 Geoscience Society of New Zealand Compromise ONF boundary



238. The key reasons put forward by the Geoscience Society of New Zealand for its preferred ONF boundary include the following;

*The crater and its entire “tuff ring” arc are part of the one “unique” feature, and all should be included within the ONF, not just the crater and its inner boundaries.*



*The northwest corner of the crater and its natural stream overflow (part of the mapped SEA) were destroyed by the owner in the summer of 2012-2013 for no apparent reason as the area was apparently outside any consented development plan and has remained idle ever since. It is the Geoscience Society's understanding that DoC had negotiated an agreement with the developer prior to this to not extend earthworks into the area and further south (i.e. beyond the red line shown in the below scheme plan) because of its heritage values. In the Geological Society's opinion this area should remain in the ONF and SEA and should be restored as provided for by the Unitary Plan policies at the developer's expense.*

*The narrow northern margin of the crater that is part of the undamaged lava flow field should not be removed from the ONF.*

*The remaining, damaged narrow strip of land between the crater and Harbour Ridge Drive should be retained as a buffer to protect the integrity and aesthetic values of the crater and tuff ring that would otherwise be replaced by the austere concrete walls of high, overpowering factory buildings within 15-30 m of the crater floor.*

*Area 1, that is claimed to have no values, contains a wealth of geological history and unmodified landforms that compliment the volcanic values of the ONF and tell of the natural interaction between the damming of the Puhinui Stream by lava flows and tuff rings, its erosion around the edge of the volcanic field below sea level, its flooding to become an intertidal estuary about 7500 years ago and finally its partial drainage as sea level fell within the last 2000 years leaving behind alluvial terraces in the valley floor.*

*This undeveloped area 1 land south of Harbour Ridge Drive currently provides a connectivity and view shafts between Matukutueia, its cone, lava field and subsidiary crater and tuff ring with the three Puhinui crater ONFs across the Puhinui Stream in Puhinui Reserve. All these volcanic craters may be part of one episode of volcanic eruption centred on Matukutueia. Removal of the ONF on this land will allow large factory barriers to be built between these features that may have been produced by the one volcano degrading their values.*

*This undeveloped area 1 land (together with the crater and tuff ring) are all within the Coastal Environment. The NZ Coastal Policy Statement has raised the bar for protecting landforms in the coastal environment. It requires the avoidance of adverse effects on the values of all natural landforms in the coastal environment (not just those adjudged to be outstanding). There would be substantial adverse effects on the natural landforms if the current area of the ONF was reduced as requested by the applicant and development allowed to occur within it.*

*The recent slip exposure of the tuff breccia material that suggests that the crater was produced by phreatic eruptions, discovered by Dr Cronin, provides crucial evidence for understanding the eruption and should be kept within the ONF.*

*The ONF and SEA were approved only a few short years ago in the Unitary Plan and we are unaware that this inclusion was opposed at the time by the developer. It was supported by a submission from the Society.*

239. Alastair Jamieson (who originally mapped the ONF for the Auckland Unitary Plan) provided advice on the matter of the ONF as part of this report as has been noted in paragraphs 75-84 above.

240. In respect of the GSNZ submission Mr Jamieson notes:

- 3.10 *The submission on behalf of the Geoscience Society of New Zealand (GSNZ) provides considerable detail on the geology of the site and reasoning for opposing reduction of the ONF extent. I share some of these concerns, in particular that the entire crater and surrounding “tuff ring” should remain within the ONF for the reasons discussed in section 5 of the submission.*
- 3.11 *Subject to the proviso in paragraph 3.8 above, I consider that the revised ONF boundary shown in the Amendments Proposed by the Applicant in Response to the Submissions” (3 March 2021) is likely to address these specific concerns, as it includes the crater and the associated tuff ring landform.*
- 3.12 *GSNZ considers that the northern margin of crater comprises lava flows and should also remain in the ONF. The sketch map of revised ONF boundary I drafted in my December 2019 memo to Mr Mosely includes the portion of this area that I consider remains unmodified by earthworks but excludes the parts of the former lava field between the wetland and McLaughlins Road that I consider to have been destroyed by earthworks. This boundary could potentially be refined with further very detailed ground survey to determine the precise contact between the area of unmodified surface and earthworks.*
- 3.13 *I have a different opinion to GSNZ on the merits of retaining all of Prof. Cronin’s “Area 1” within the ONF overlay. When I mapped ONF 93 for the PAUP in 2012, I included this area because I understood from the information available to me that it consisted of more or less unmodified volcanic surface deposits arising from Matukutūreia volcano (McLaughlins Mountain). From my observations on the site visit of October 2019 and Prof. Cronin’s 2019 report, it is now clear that much of this area is not directly associated with the volcano. In addition, large parts of “Area 1” have been severely modified by earthworks, detracting from any geological values that may have been present.*
- 3.14 *In my opinion, much of “Area 1” lacks the values for which ONF 93 is scheduled, due to the lack of volcanic surface deposits from Matukutūreia volcano and its poor condition resulting from modification. I consider that the most appropriate boundary for the ONF within the plan change area should include the less modified portions of volcanic features associated with Matukutūreia volcano.*
- 3.15 *However, I agree with GSNZ that the course of Puhinui Creek has been influenced by the lava flows and tuff ring from Matukutūreia, even though I consider that the surface expression of those features is no longer clear. This association is reflected in the current western boundary of the ONF, which follows the steam edge within “Area 1”. I consider this to be an element of the Matukutūreia volcano and Matukutūrua lava field of sufficient scientific and educational significance to warrant continued inclusion within the ONF.*
- 3.16 *Consideration of this submission point has changed my view of the appropriate boundary for the ONF within “Area 1” from what is shown on the sketch map of the revised ONF boundary in my 2019 memo. I consider that the open space zone proposed for the margins of Puhinui Creek within the plan change area provides suitable coverage the area of stream banks which would need to be protected to preserve this element of the landform. In order to achieve appropriate management for this aspect of the feature within “Area 1”, I recommend retaining the portion of the ONF that corresponds with the proposed Open Space zone alongside Puhinui Creek.*

241. As I have noted above I consider that the physical extent of the volcanic feature should be the foundation upon which the ONF is established and maintained. I accept Mr Jamieson’s advice concerning the extent of the ONF. I also accept both Mr Jamieson’s and the submitters advice that the area of the ONF should also be zoned Open Space zone in order for the feature to be adequately protected.

242. In respect of the extent of the SEA I consider that based on the advice of the Council’s ecologists that while the area proposed to be deleted from the SEA has been degraded no offsetting or mitigation has been proposed as would be the case I understand from Mr Hussain for any development proposal that did the same thing.

243. I have not been able to find any consent that would have authorised such works which I understand were undertaken in 2012. There has been a consent notice of the title of this land since the first consent for development on the land in December 2009 that would have prevented such work.

Recommendations on submissions

244. That submission 2 be accepted in part for the following reasons;

- 244.1. The extent of the proposed reduction in the ONF93 does not include all of the underlying feature to be protected, however it is appropriate to reduce the size of the ONF following more recent advice.
- 244.2. It is considered most appropriate to zone land within the ONF Open Space zone to ensure its long term protection from buildings.
- 244.3. There is insufficient information to reduce the area of the SEA as set out in PC43.

245. These amendments are set out in **Appendix 5** to this report.

**10.1.5. Cultural Issues**

8	Ngati Te Ata Waiohua	Decline the plan change in its entirety or amend it as necessary and appropriate to respond to the cultural matters raised.	<p><b>Department of Conservation FS01 Support</b></p> <p><b>Tūpuna Manuga Authority FS03 Supports</b></p> <p><b>Heritage NZ Pouhere Taonga FS05 Supports</b></p> <p><b>Roimata Minhinick FS06 Supports</b></p>	<b>Accept in part</b>
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21	Tūpuna Maunga o Tāmaki Makaurau Authority	<p>(a) Decline the plan change or</p> <p>(b) (i) recognise the relationship of the land included in the plan change with I432 Puhinui Precinct as shown on 1432.10.1 Puhinui: Precinct Plan - Māori cultural landscape values.</p> <p>(ii) Amend the precinct description, objectives, policies, activity table and assessment criteria to recognise and protect Māori cultural landscape values in sub-precinct A and B.</p> <p>(iii) Apply a zoning to the land that reflects Māori cultural landscape values in sub-precinct A despite the presence of buildings on this part of the precinct.</p> <p>(iv) Recognise and include provisions showing the relationship between Matukutūru and Matukutūreia.</p> <p>(v) Extend the open space informal zone in sub-precinct B unless further information demonstrates the feasibility of the configuration for future development of the land proposed to be re-zoned Light Industry.</p> <p>c) Any other relief that addresses the concerns of the Tūpuna Maunga Authority.</p>	<p><b>Department of Conservation FS01 Support</b></p> <p><b>Heritage NZ Pouhere Taonga FS05 Supports</b></p>	<b>Accepted in part</b>
24	Ngati Tamaoho	<p>Ngati Tamaoho recommends this Plan Change be declined by Council.</p> <p>Ngati Tamaoho supports the submission made and the relief sought by Ngati Te Ata.</p>	<p><b>Auckland Volcanic Cone Society FS02 Supports</b></p> <p><b>Tūpuna Manuga Authority FS03 Supports</b></p>	<b>Accepted in part</b>
26	Te Akitai Waiohua Waka Taua Incorporated	<p>Decline plan change or Amend it to:</p> <p>1. Apply Light Industrial zone to sub-precincts A and B.</p>	<b>Department of Conservation FS01 Support</b>	<b>Accept in part</b>



		<ol style="list-style-type: none"> <li>2. Retain mapped area of ONF ID93.</li> <li>3. Retain mapped area of SEA ID 8443.</li> <li>4. Retain provisions protecting Matukutureia local viewshaft from Pukaki Marae.</li> <li>5. Retain policy 14.3(2).</li> <li>6. Amend precinct provisions as follows: <ul style="list-style-type: none"> <li>• Amend precinct description and objective 14.2(1) to recognise significance of Matukutureia and Matukutururu</li> <li>• Make new buildings over 50m<sup>2</sup> a restricted discretionary activity</li> <li>• Include in assessment criteria cultural values and provide for ongoing consultation with Te Akitai Waiohua</li> </ul> </li> <li>7. Any other consequential amendments to provide the relief requested.</li> </ol>	<p><b>Tūpuna Manunga Authority FS03 Supports</b></p> <p><b>Heritage NZ Pouhere Taonga FS05 Supports</b></p>	
28	Edith Tuhimata	There should be no further development on the Puhinui cultural landscape we are unequivocally opposed to the plan change 43 in its entirety.		<b>Accept in part</b>

### **Discussion**

246. These submissions generally seek that PC43 be refused or that it be amended to give more recognition to Maori cultural values within the land.

#### **247. Ngāti Te Ata Waiohua**

248. Ngāti Te Ata, in its submission states that the entire plan change 43 site is a cultural landscape, embedded with identity, meaning and significance. It states that the character and integrity of the whole is made up of its constituent parts and comprises a mosaic of cultural sites, places and customary resource areas. It advises that these parts include Matukutureia Pā and surrounds which comprise of traditional mahinga kai (gardening) areas and battle sites.

249. The submission advises that the cultural significance of Matukutureia and the surrounding environs is magnified by virtue of a whakapapa connection to this place, which is the birth site of eponymous ancestor Te Ata Rehuia. This connection through whakapapa transcends both the physical and meta-physical realms.

250. Moreover, it advises that the wider landscape of the application site encompasses customary resource areas such as the Manukau Harbour and that socio-cultural interactions with this resource over time have resulted in a pātaka of mātauranga (body of knowledge) and tikanga (cultural protocols and practices).

251. The preliminary CIA submitted by the applicant and prepared by Ngati Te Ata describes the specific sites, areas and resources included in PC43 that are of cultural significance to Ngāti Te Ata. Each of the following sites are considered to be of high cultural value:

- (a) Manukau Harbour;
- (b) Matukutueia (Mt McLaughlin);
- (c) Nga Matukuturua;
- (d) Matukutururu (Mt Wiri);
- (e) Puhinui Catchment;
- (f) Matukuturua/Wiri Stonefields; and
- (g) Isolated archaeological materials or features (e.g. midden, ditches, hangi pits)

252. Ngati Te Ata consider that PC43 enables significantly more intensive development than currently occurs at the application site,. It considers that both the construction of buildings and the types of activities that are proposed to be undertaken will cause significant adverse cultural and heritage impacts for Ngāti Te Ata. It states that these effects arise through:

- (a) Additional intensification and encroachment of activity that will further detract from the Sites. The permitted baseline under the Heavy and Light Industry Zones provide for large industrial buildings and activities and will result in significant adverse visual effects on the locational context of the Sites;
- (b) For example, in the Heavy Industry Zone new buildings up to 20 metres in height and Industrial activities are permitted;
- (c) The proposed new zoning will also lead to significant increases in noise, light and air pollution and increased heavy vehicle movements. This will have the effect of degrading the mauri of the Sites and their surrounding environment. These effects will diminish Ngāti Te Ata's ability to exercise kaitiakitanga and its kaitiaki role over the Sites;
- (d) Removal of part of the ONF and SEA overlays will further exacerbate the encroachment of intensive development in the locational context of the Sites. Ngāti Te Ata rejects the assertion that these changes rectify errors in the Unitary Plan and says that the applicant had every opportunity to be involved in the Unitary Plan submission process;
- (e) Indirect adverse impacts are also likely to occur from both the construction and operation that would be permitted through PC 43. These effects include erosion resulting from vegetation clearance; indirect impacts to the quality and mauri of the Manukau Harbour; traffic impacts; changes to the presence or behaviours of indigenous animals arising from the secondary impact of habitat removal and modification; and the introduction of visitors to cultural sites and the potential impact from certain behaviours on those sites;
- (f) Cumulative effects arising from the continued destruction and desecration of cultural values associated with sites of cultural significance across Tāmaki Makaurau. While the area has been used for quarrying for some time, the reliance on this as providing a baseline for further degradation of environmental and cultural values is unacceptable (also known as 'planning creep').

**253. Tūpuna Maunga o Tāmaki Makaurau Authority**

254. The Tūpuna Maunga o Tāmaki Makaurau Authority advises in its submission that:

- Matukutūruru (Wiri Mountain) is one of the 14 Tūpuna Maunga under the governance and administration of the Authority. The Authority advises that this maunga is part of the cultural landscape that is embedded with identity, meaning, and significance to mana whenua.
- A visual connection between Matukutūruru and Matukutūreia (Mt McLaughlin) remains, despite protrusions of buildings in the foreground. The Authority seeks to protect what remains of this connection, including the land around Matukutūreia to provide context for the maunga.
- Cultural Value Assessments (CVA) prepared by Te Ākitai Waiohua and Ngāti Te Ata Waiohua, and included as supporting technical documents to the plan change, set out the high cultural values of the broader ancestral cultural landscape, which extend well beyond the land included in the plan change and are recognised and provided for in the adjoining precinct plan 1432 Puhinui Precinct.1.
- Statements in the proposed precinct plan description and objectives about the significance of the mana whenua cultural landscape and values are not given effect to in the proposed policies and methods, and therefore the plan change fails to protect a significant mana whenua cultural landscape.
- The conclusion in the CVA's is that the plan change has high adverse cultural impacts on the identified values that cannot be mitigated or off-set.
- The Authority supports mana whenua in its role as kaitiaki of its taonga.

**255. Te Akitai Waiohua Waka Taua Incorporated**

256. Te Akitai Waiohua submit as follows:

- Any heavy industrial zoning will have significant adverse effects on cultural values and sites of cultural significance.
- The Light Industrial zone would be more appropriate in the area of the plan change.
- The plan change should protect the cultural landscape significance of Matukutūreia and its surrounding land and waterways.
- Care should be taken to ensure that any mapping of ONF93 reflects the full extent of the feature.
- Any reclamation of the wetland is not supported, and an explanation is sought as to how part of the wetland was partially reclaimed.
- Seeks to be engaged in the process so as to ensure that cultural values are appropriately reflected in the precinct provisions.
- Ensure that the Matukutūreia local viewshaft from Pukaki Marae is protected.
- Require a restricted discretionary activity consent for new buildings in the plan change area to be consistent with existing policy that requires such a status of resource consent for new buildings in localities with significant cultural values.

257. Ngati Tamaoho supports the submission made and the relied sought by Ngati Te Ata.

Comment

258. The assessment of Mana Whenua values is discussed previously in paragraphs 89-98 above and will not be repeated here.

259. It is clear from the submissions and the CIAs that PC43 as notified is considered by Mana Whenua to be inconsistent with and does not adequately reflect cultural values.

260. Some of the changes recommended above on other submissions and also those in the amended version of PC43 are likely to meet some of these concerns. For example the recommended change from Heavy Industrial zone to Light Industrial zone for Area A

appears to be consistent with some of the outcomes sought in these submissions. In respect of some other matters such as the proposed reduction in the extent of the ONF I consider that while cultural values must be taken into account, the actual physical extent of the feature provides a foundation for the definition of the extent of the feature which is not likely to meet Mana Whenua concerns. I also note that a significant portion of Area A is subject to the Mana Whenua: Sites and Places of Significance to Mana Whenua overlay 036 and Mana Whenua values within that area will be effectively managed through the overlay.

261. However I am not in a position to adequately comment on the extent to which Mana Whenua concerns have been met or taken into account, particularly in respect of the extent of development provided for in Area B. The applicant through its revised version has endeavoured to take into account the views of Te Akitai Waiohua. The extent to which these changes are acceptable to the submitter should be made clear at the hearing.

262. In my view the ideal situation for Mana Whenua (and for some other submitters – see below) is that the land in Area B be zoned Open Space. However I consider that zoning the entire area Open Space zone is likely to be impracticable without the land being purchased by a public body who would then be responsible for the land. I consider that the zoning of the land is not just a matter of concern to Mana Whenua but is to other submitters as well. Therefore I will discuss that in an omnibus section of this report following the discussion of submissions.

#### Recommendations on submissions

263. That submissions 8,21, 24, 26 and 28 be accepted in part for the following reasons;

- 263.1. The Light Industrial zone is likely to be more appropriate in this location than the Heavy Industrial zone.
- 263.2. The extent of ONF93 as specified by Mr Jamieson in the section of this report above is considered appropriate given the physical extent of the feature.
- 263.3. Additional amendments to PC43 may be required as a result of evidence presented at the hearing.
- 263.4. The Matukutureia local view shaft from Pukaki Marae is protected.

264. Any amendments are set out in **Appendix 5** to this report.

#### **10.1.6. Conservation/ Heritage**

23	Department of Conservation	<p>a. Decline the plan change application; or</p> <p>b. if the panel is minded to grant the plan change that it makes the following amendments;</p> <p>i. That sub-area B be rezoned to a more appropriate zone which protects the values of the site such as an Open Space zone; and</p> <p>ii. That the ONF overlay be</p>	<p><b>Auckland Volcanic Cone Society FS02 Supports</b></p> <p><b>Tūpuna Manuga Authority FS03 Supports</b></p>	<b>Accept in part</b>
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		<p>retained: and</p> <p>iii. That the proposed plan change appropriately recognises and provides for the significance of this landscape to Mana Whenua; and</p> <p>iv. That the proposed plan change is amended to address the concerns in this submission.</p>	<p><b>Heritage NZ Pouhere Taonga FS05 Supports</b></p>	
27	Auckland Council	<ol style="list-style-type: none"> <li>1. Ensure that the proposed zones and/or precinct provisions included in the private plan change request properly address the significant adverse cultural effects identified in the Cultural Values Assessments included with the application.</li> <li>2. Consider rezoning sub-precinct B as either open space or rural zoning instead of light industry zoning. Rural - Rural Coastal zone or Rural – Rural Conservation zone could be appropriate rural zonings in this sub-precinct. Light industry zoning could be retained for the area of filled land immediately adjoining the road while the remainder of sub-precinct B would be better zoned as either open space and one of the two rural zones referred to.</li> <li>3. Delete rule I4.4.1 (A2), the associated policy I4.3 (8) and I4.9.4. Wiri Precinct Plan 4: Areas for reclamation within sub-precinct B.</li> <li>4. Ensure that all one per cent annual exceedance probability floodplains are protected from urban development by either public reserve with open space zoning, covenants or development setback rules in the precinct, or rural</li> </ol>	<p><b>Department of Conservation FS01 Support</b></p> <p><b>Auckland Volcanic Cone Society FS02 Supports</b></p> <p><b>Tūpuna Manuga Authority FS03 Supports (in part)</b></p> <p><b>Heritage NZ Pouhere Taonga FS05 Supports</b></p>	

		<p>zoning, or a combination of the above.</p> <p>5. Provide a stormwater management plan (SMP) that meets the water quality and other requirements for adoption into the council's network discharge consent (NDC) or variation to the existing discharge consent for sub-precinct A. This includes ensuring that the discharge of stormwater from the precinct area does not adversely affect the terrestrial and marine Significant Ecological Areas (SEA) and make any necessary amendments to the precinct to that effect.</p>		
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25	Heritage New Zealand Pouhere Taonga	<p>Accept with amendments</p> <ol style="list-style-type: none"> <li>1. That an additional area of Open Space Zone be included in the plan change encompassing the area indicated in Appendix A, containing remnant gardening settlement areas that form part of archaeological site R11/47 including an appropriate buffer.</li> <li>2. That with regard to Lot 51, a portion of this site is retained in Open Space Zone to the extent necessary (including a buffer) to ensure archaeological site R11/2811 is retained and effects on the site will be avoided, which is not adequately addressed in the Statutory Assessment Report.</li> <li>3. That further detail is provided to ensure that the boundaries of proposed Open Space Zone encompasses the full extent of site R11/1632, and the AUP(OP) Historic Heritage Overlay Extent of Place for Schedule ID 2163 Puhinui</li> </ol>	<p><b>Department of Conservation FS01 Support</b></p> <p><b>Auckland Volcanic Cone Society FS02 Supports</b></p>	Accepted in part
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		<p>Fish Traps R11/911. These sites should be mapped on a cadastral plan and an appropriate scale to indicate their extent and an appropriate buffer.</p> <p>4. That the plan change is amended to include mechanisms to provide for the ongoing management of archaeological sites and their amenity in perpetuity.</p> <p>5. That the Wetland Margin Areas and Riparian Margin Areas planting provisions proposed in the plan change are amended to ensure that there is no planting within areas in which archaeological remains occur, and that any planting in the vicinity of archaeological sites utilises appropriate plant species to avoid damage to and obscuring of archaeological features, so as to ensure amenity of the historic heritage.</p> <p>6. That the plan change is amended to provide for interpretation of the historic and cultural heritage of the features within the site and as they relate to the wider cultural heritage landscape within which the site sits.</p> <p>7. That meaningful engagement with mana whenua continues to work towards acceptable mitigation options to with regard to the identified cultural heritage impacts of the proposed rezoning and precinct.</p>		
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**Department of Conservation (DOC)**

265. DOC notes that the proposal follows a series of subdivisions of the McLaughlin Quarry area since 2009, and that the site was subdivided in stages with stage one occurring in 2009, stage two occurring in 2011, and another subdivision in 2016. DOC states that as part of the mitigation measures offered by the applicant, it was agreed that no activity including excavations, earthworks or other activity shall be undertaken south of the identified minimum protection line without a resource consent.

266. DOC considers that the clear intention to not allow permitted activities without consent was considered as part of the package of undertakings in terms of avoiding, remedying, or mitigating the adverse effects of the original subdivision proposals. It states that this intent was relied upon when granting consent for the underlying subdivisions, and that It is inappropriate now to allow increased adverse effects which were anticipated, and clearly intended to be discouraged or at least mitigated through a consenting process, at the time of the granting of the original subdivision consent.
267. Moreover, DOC states, consent notices were registered against the titles of what was then Lot 100, 101, and now 102 and that allowing permitted activities is inconsistent with and undermines those legal instruments.
268. DOC notes that the cultural impact assessments provided by Ngāti Te Ata and Te Ākitai Waiohua for the applicant both identify that the proposal may have serious adverse effects on the cultural and spiritual associations of mana whenua with the proposed plan change area. DOC advises that it is not clear how the proposed light-industry zone, precinct plan and removal of the outstanding natural feature overlay will recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. DOC consider that the importance of this site to mana whenua may qualify it as an outstanding natural feature.
269. DOC states that the site potentially has significant geological values which will be irreversibly destroyed by the proposal, and that these geological values may contribute to the area qualifying as an outstanding natural feature.
270. DOC notes that the proposed plan change area has two significant ecological areas, the Puhinui Creek and the crater wetland. It considers that this site, and the surrounds are home to a number of indigenous plant species, including regionally and nationally threatened species and that the site is habitat for the threatened – nationally critical Matuku (Australasian Bittern). DOC states that the proximity and location of light industrial activities may have adverse effects on the ecological values of the wetland and riparian creek including light, noise, disturbance during construction, and reduced connectivity between the creek, the wetland, and the wider area.
271. DOC advises that only 5% of stone fields remain in the Auckland Region, and that the Matukuturua and Ōtuataua stone fields represent the largest and most intact examples of stone fields in South Auckland. DOC states that given the proximity to the adjacent historic reserve, and the presence of a number of archaeological sites within the plan change area, it is possible that this plan change will facilitate the accidental disturbance of presently undiscovered sensitive archaeological sites.
272. DOC considers that the building platform in the precinct plan is too close to the identified archaeological sites, and that the precinct plan also appears to ignore the advice at figure 25 of Dr Clough’s assessment and places the building platform entirely over the sites of moderate archaeological potential. DOC also considers that the precinct plan and zoning does not adequately protect historic heritage from inappropriate use and development.
273. DOC notes that the proposed zoning will result in 15m – 20m tall light industrial buildings and warehouses immediately on the boundary of the Matukuturua Stonefields Historic Reserve. It states that this may result in adverse effects on the amenity values of the reserve, and potentially visual effects on the outstanding natural feature values.

**Heritage New Zealand Pouhere Taonga (HNZ)**



274. HNZ notes that the information provided with the plan change proposal is not of sufficient detail or accuracy to be assured that the recorded extents are fully encompassed, and further it appears the proposed Open Space Zone boundaries do not provide for an appropriate buffer to these archaeological extents to ensure the protection of these features.
275. In addition to the proposed zoning of the explosion crater associated (ONF 93 / SEA\_T\_8443 and containing features associated with archaeological site R11/47) as Open Space Zone, Heritage New Zealand consider the portion of R11/47 described in the Archaeological Assessment accompanying the plan change request as 'a rocky outcrop in North East of Proposed Plan Change Sub-area', as shown in Appendix A, should likewise be zoned as Open Space Zone given the likelihood of this area (and the ridge around the explosion crater) containing additional unrecorded archaeological features.
276. Heritage New Zealand is concerned that the plan change request does not adequately address and consider proposed rezoning of Lot 51 (In the west of the site) in relation to archaeological site R11/2881, and the avoidance and protection of this feature.
277. HNZ consider that proposed riparian and wetland margin planting provisions as they are currently drafted will conflict with the preservation of archaeological sites located in these areas and their amenity values.
278. HNZ seek that provision is included in the proposed plan change for the on-going appropriate management of archaeological sites in perpetuity, and the preparation of a management plan to this end, and also provision for the interpretation of the historic and cultural heritage of these sites and the wider cultural landscape.
279. Heritage NZ supports mana whenua in the exercising of kaitiakitanga and supports on-going best practice consultation and engagement to ensure the cultural heritage effects of the proposal are appropriately recognised and addressed.

### **Auckland Council (AC)**

280. Auckland Council has provided a submission on the plan change. This submission was not prepared by the Section 42A report author. Accordingly it is assessed as any other submission would be. AC states that despite development and quarrying having taken place on a large proportion of the land to which the private plan change request relates, the area remains highly significant to Mana Whenua. It states that significant adverse cultural effects are identified in the cultural values assessments (CVA) provided by the applicant, to the extent that one of the CVA recommends the private plan change does not proceed. AC notes that the applicant has suggested changes be made to the original private plan change provisions to address those effects, however the degree to which the concerns raised in the CVA have been addressed is not clear.
281. AC notes that Sub-precinct B retains significant cultural and geological values and considers that it is also part of the coastal environment. AC considers that consequently, rezoning all this area as light industry may not be appropriate. AC suggests that either an open space or a rural zoning or a combination of the two may be a more appropriate option to protect these values in most of this sub-precinct. AC considers that Light industry zoning could potentially be applied at a reduced scale on the fill modified land immediately adjoining the road recognising the existing modification there.

282. AC states that the precinct proposes policy and rules to make reclamation of the existing pond and stream a permitted activity. AC considers that there is insufficient information on the values of the waterbodies and watercourses, potential downstream and upstream effects, the area to be reclaimed and the stream loss offset mitigation; to justify making this a permitted activity. AC states that this part of the precinct is inconsistent with the Auckland Unitary Plan (AUP) policy approach of protecting existing watercourses set out in B7.3.2(4) and E3.3(13). AC considers that it is more appropriate to rely on the AUP Auckland-wide rules in E3 which require resource consent for reclamation or piping of the streams and waterbodies. AC note that the provisions of E3 require an appropriate assessment of effects.
283. AC states that there are floodplains in the precinct associated with watercourses and in some areas the floodplains may extend beyond the proposed areas of public open space. AC notes that AUP 36.3 policy requires that buildings be avoided in floodplains. However, AC states that there is insufficient information in the PC 43 documentation to determine whether the proposed precinct provisions adequately give effect to this policy.
284. Moreover, AC advises that the PC 43 documentation does not include sufficient consideration of stormwater management planning. AC considers that a stormwater management plan that address this information is important in a plan change to enable development that: is in part greenfield (sub-precinct B), has potential flood issues and a sensitive receiving environment in nearby freshwater and coastal water bodies including significant ecological areas (SEA). AC advises that there is an existing discharge consent for sub-precinct A but this does not authorise discharge from sub-precinct B.
285. AC considers that the SMP for PC 43 needs to be completed to a standard that is sufficient for adoption under the council's network discharge consent, or alternatively approved via a variation to the existing discharge consent for sub-precinct A. AC states that the draft SMP was prepared before the proposed precinct provisions and is inconsistent with them and needs to be updated. AC believes that the SMP should also clearly state:
- a. what the specific water quality treatment standards are proposed to be achieved to protect the environment;
  - b. what infrastructure is required to achieve that;
  - c. whether the existing stormwater devices are adequate to provide the stated treatment level, or if not demonstrate by what additional devices are required to achieve that and provide sufficient design information (concept design and calculations) to demonstrate that;
  - d. include outline concept plans for any riparian planting or restoration plans proposed;
  - e. whether the intention is to seek approval to discharge under the council's network discharge or via a variation to the existing discharge consent to sub-precinct A;
  - f. whether the intention is to seek vesting of stormwater infrastructure with council.

### **Comment**

286. I have assessed these submissions as a group as they have issues in common that can be addressed together (noting however that there are specific aspects of each submission that are addressed separately)
287. The common theme in these submissions is that the protection given to the environment in Area B is insufficient. The submissions raise issues in respect of a matrix of known and potential features that remain relatively undisturbed in Area B that may be incompatible with the future development of that land. These are discussed below.

ONF 93

288. As noted above (Section 11.1.4) I consider that it is appropriate that the ONF be reduced in size given the actual nature of the volcanic landform. The actual extent of the ONF should be amended to reflect the definition provided by Jamieson (paragraphs 75-84).

*Appropriate Zoning*

289. The submissions suggest that the Light Industrial Zone is not appropriate and that an open space zone or rural zone would be more appropriate

290. I consider that a rural zone is not an appropriate zone for Area B as the land is located within the Rural Urban Boundary (RUB) and its size is small and not particularly suited to rural use. I have reviewed the location of rural zoned land in relation to the RUB. The general objectives of the Rural Zones (i.e. H19.2.1(2)) state that rural production activities are provided for throughout the rural area while containing adverse environmental effects on site. The zoning of the land Rural (even Rural Conservation Zone) will allow farming as a permitted activity which through ploughing and other farm related activities have adverse effects on geology and archaeology. A rural zone would also allow a dwelling to be located in this area which is likely to be incompatible with the industrial nature of adjoin activities.

291. I consider that an open space zone could be an appropriate zoning for Area B as this will not only give some protection to the features but will allow these to be seen and for ecological linkages to be maintained. I consider that the effects of industrial development on the matrix of features in Sub-precinct B will tend to obscure the features and agree that large buildings close to these features that will be enabled by the an industrial zone may not appropriate. There are however in my view difficulties with imposing an open space zone on a private land owner when that owner does not wish to have the land zoned in such a manner. A core principle of open space zoning is as a starting point, privately owned land should not be zoned open space where the owner does not support that zoning. This principle was outlined in the decision of Dilworth Trust Board v Auckland City Council 1980 7 NZTPA 198. I understand that the parks department of Council is not prepared to accept the entire area of the land as a reserve although it would support a widened esplanade reserve.

292. Arriving at the appropriate zoning is also somewhat influenced by a lack of information concerning the location or archaeological material within Area B.

293. I consider that there are several options available to the Commissioners in respect of Area B as follows;

294. Firstly it could reject the Plan Change so far as it relates to Area B. This would leave this area zoned Quarry zone and Open Space zone. I consider that this option is inappropriate as the site will not likely ever be used for quarry purposes and if it was the environmental outcomes (in the widest sense) would potentially be worse than PC43.

295. Secondly it could zone the Area B Open Space zone. In my view without some further information about the actual extent of features to protect (noting that I have recommended that the entire extent of ONL93 as defined by Mr Jamieson) such a zone is likely to be unsustainable without public ownership. Commissioners may decide that Mana Whenua and natural character values warrant such a zoning but even if the land owner accepted the zoning, there is no guarantee of ongoing protection and

maintenance without public or similar ownership. I am unaware of any proposal or offer a public body to purchase the land.

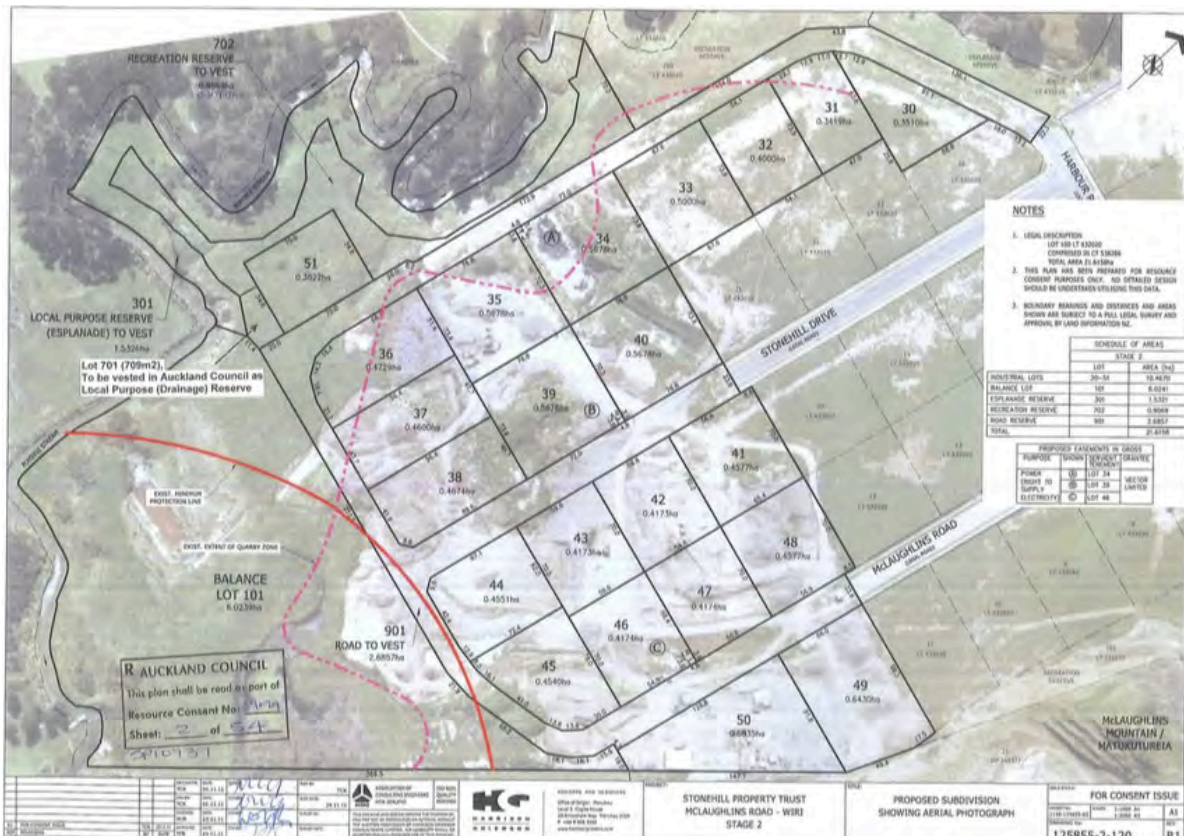
296. I consider a third option is to accept a mixed Light Industrial Zone and Open Space zone with appropriate buffers along the Puhinui Stream edge, all known archaeological sites, the wetland and the ONF. Defining the boundary between these zones requires additional work as they need to be defined at a larger scale than the applicant has proposed to date and the extent of some features and the appropriate buffers has not been resolved. This would result in a zone pattern with more open space zone that currently provided for in PC43.

297. A fourth option also involves a combination of Light Industrial Zone and Open Space zone with the boundary between the zones based on the location of the existing Heritage Exclusion area. As noted above there exists on the Area B land title, an exclusion area subject to consent notice where earthworks and development is not permitted. This has been continuously imposed since the first subdivision of the site in 2009 as has been identified in the DOC submission. This restriction currently states:

*No activity including excavations, earthworks or other activity shall be undertaken on Lot 100 DP432020 within the area labelled Heritage Protection Area, to the south of the line identified as "Minimum Protection Line" by officers of the Department of Conservation on the aerial photo with contours labelled "McLaughlins Quarry Conservation Area" referenced Proposal number 33887 by Council, unless appropriate resource consents are obtained from the Council to undertake the works within the area and this consent notice is varied accordingly.*

298. The extent of this restriction is shown as the curved solid red line on the plan below.

Map 10



299. As this area currently has some protection from development the ongoing continuation of the protection could be achieved by zoning this area Open Space zone. This may go some way to meeting the concerns of the submitters and is specifically mentioned by DOC in its submission. It may be that the extent of this area can be reduced but based on the advice of Council specialists there is insufficient information to assess this. I consider that this approach maintains wider protection to the various features of the land including maintaining visual links between existing public places, the Manuga and the Puhunui Stream is based on an existing mechanism that has been accepted since 2009. A disadvantage of this approach is that the origin of the 'line' as uncertain and cannot be said to be fully justified.

300. I consider that this approach is less appropriate than open space zoning for the whole of Area B, but in the absence of any public body willing to acquire the land and additional information about the extent of features, I consider this may be an appropriate option.

#### *Specific Matters DOC*

301. In addition to the matters discussed above DOC is concerned about the ecological effects of PC43 on Area B. In response to this the Council ecological advice is that the provisions within PC 43 that allow the reclamation of the intermittent stream should be removed and that the existing provisions within the AUP should be used for any development that affects the stream and or wetlands.

#### *Specific Matters Heritage NZ*

302. The Heritage NZ submission makes reference to Lot 51 and archaeological site R11/2811. This relates to a small area of land just to the north of 11 Harbour Ridge Drive which is proposed to be rezoned from Open Space to Light Industrial Zone. Heritage NZ is concerned that insufficient information is available to show that the archaeological site will be fully located within the remaining open space zone. This should be confirmed or otherwise by the applicant. A similar concern is raised in respect of archaeological site R11/911 which are eel traps located to the south of the crater/wetland area. Again cadastral information is required to ensure that this site is fully located within the land zoned open space.

303. HNZ also request that the plan change be amended to include mechanisms to provide for the ongoing management of the archaeological sites. The fish trap site is secluded in the AUP and PC43 has a rule in the proposed precinct (I4.6.4) preventing any activity within the areas identified as archaeological sites. I consider that if additional protection is required this should be provided by HNZ at the hearing.

304. HNZ request that the planting rules (I4.6.5 and I4.6.6) should be amended to prevent planting in vicinity of the archaeological sites. I accept that such an amendment is appropriate and resolves the apparent conflict between some of the ecological concerns and the archaeological concerns. On a practical note I do have some concerns with these two rules themselves. They have been drafted more like conditions of consent. There does not appear to be a trigger for their implementation. I would suggest that a trigger for the implementation of these rules is included within PC43 so that these two rules will be implemented.

305. HNZ also requests that PC43 provides for interpretation of historic features. The applicant in its revised version has provided such as part of the assessment criteria for new buildings over 50m<sup>2</sup>. I consider that this is appropriate.
306. The HNZ submission also touches on ensuring ongoing engagement with Mana Whenua. This is ongoing.

*Specific Matters Auckland Council.*

307. In respect of the cultural matters raised in the Council's submissions the discussion in paragraphs 89-98 above notes that it is for Mana Wheuna to explain the extent to which their concerns have been met through any changes proposed by the applicant or this report.
308. The AC submission requests that the one percent annual exceedance probability flood plains are protected from urban development. This matter has been assessed by Gemma Chuah for the Council (not Council as submitter). MS Chuah notes that the extent of both flood plains is contained within that area proposed to be zoned open space. This would appear to meet tat aspect of the AC submission. In respect of overland flow paths (OFPs) Ms Chuah notes;

*Overland flow paths will need to be managed carefully at the time of development and this is controlled under Chapter E36 of the AUP. In particular the location of the overland flow from the wetland must be identified to protect the hydrological and ecological functioning of the wetland and to protect the safety of the occupiers of the future development on the site. Historically the wetland would have overflowed via the overland flow paths shown on the GIS below. However due to land modifications which have already occurred in this area it is likely that it now overflows more directly to the Puhinui along its south western margin.*

309. Development in overland flow paths is managed by Chapter E36 Natural Hazards and Flooding. Policies E36.3(29) and (30) require the maintenance of the function of OGOs and require any changes to pass stormwater flows safely without damage to property or the environment.
310. Based on Ms Chuah's assessment and the existing provisions within the AUP (I.e. Chapter 36 Natural Hazards and Flooding) I consider that no further change is required to PC43.
311. The submission from AC also requests that the applicant provide a stormwater management Plan (SMP) that meets the water quality and other requirements for adoption into the Council's network discharge consent. In her updated assessment Ms Chuah notes that the applicant has submitted an updated SMP which sets out how stormwater is proposed to be managed from the developed site. MS Chuah has also recommended an additional rule (regarding expected water quality i4xx.6.7). Ms Chuah notes that provided such a rule is included within PC43 this will bring it line with the SMP and will ensure that the SMP can be implemented successfully.

312. Subject to these changes I consider that this submission is met.

Recommendations on submissions

313. That submissions 23, 25 and 27 be accepted in part for the following reasons;



314. That in respect of submission number 25 from HERITAGE NEW ZEALAND POUHERE TAONGA be accepted in part to the extent that the following requests be accepted:

1. That an additional area of Open Space Zone be included in the plan change encompassing the area indicated in Appendix A of the Heritage NZ submission shown as a triangular piece of land on the Department of Conservation boundary to the north of the wetland, and containing remnant gardening settlement areas that form part of archaeological site R11/47 including an appropriate buffer as set out on Map 11 below;

Map 11



2. That with regard to Lot 51 the applicant should provide information on large scale cadastral maps the full extent of archaeological site R11.2811. If part of that site is located within the land to be rezoned Industrial, a portion of this site be retained in Open Space Zone to the extent necessary (including a buffer) to ensure archaeological site R11/2811 is retained and effects on the site will be avoided.
3. That further detail is provided to ensure that the boundaries of proposed Open Space Zone encompasses the full extent of site R11/1632, and the AUP(OP) Historic Heritage Overlay Extent of Place for Schedule ID 2163 Puhinui Fish Traps R11/911. These sites are to be mapped on a cadastral plan and an appropriate scale to indicate their extent and an appropriate buffer.
5. That the Wetland Margin Areas and Riparian Margin Areas planting provisions proposed in the plan change ensure that there is no planting within areas in which archaeological remains occur, and that any planting in the vicinity of archaeological sites utilises appropriate plant species to avoid damage to and obscuring of archaeological features, so as to ensure amenity of the historic heritage.

315. The reasons for this are as follows:

- It is a requirement under sections 6(e) and (f) of the RMA to recognise and provide for the following matters of national importance:
  - the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

- the protection of historic heritage from inappropriate subdivision, use, and development:

316. In respect of submission number 27 from Auckland Council that the following matters be incorporated into the plan change and precinct provisions:

1. Delete rule I4.4.1 (A2), the associated policy I4.3 (8) and I4.9.4. Wiri Precinct Plan 4: Areas for reclamation within sub-precinct B.
2. Amend Rule (A6) as follows (additions underlined and deletions ~~struck through~~) –

(A6)	Activities that do not comply with the following Standards: (i) Standard I4.6.1 Building height (ii) Standard I4.6.5 Planting of Riparian margin areas (iii) Standard I4.6.6 Planting of Wetland margin areas (iv) <u>Standard I4.6.6.7 Water Quality</u>	NA	D	D
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3. Insert a new rule within the proposed Wiri Precinct as follows (additions underlined and deletions ~~struck through~~).

**I4xx.6.7 Water Quality**

Purpose: To ensure that the effects of stormwater runoff on the high value receiving environments are mitigated.

(1) Stormwater runoff from all impervious areas in Sub Precinct B must be treated by stormwater management device(s) that meets the following standards:

(a) the device or system must be sized and designed in accordance with ‘Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)’; or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of ‘Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)’.

317. The reasons for this are as follows:

- Rule I4.4.1 (A2) is inconsistent with the AUP and the development of the area including the management of the intermittent stream is better dealt with through the provision f the AUP as they apply throughout the plan.
- The addition of new rules to manage stormwater quality is necessary to ensure compliance with the SMP.
- While it is considered that some areas provided for development in Area B of PC43 would be avoided it is not appropriate for this area to have a rural zone and the site is within the RUB and agricultural activities may harm the features



on the site. Open space zoning is not appropriate for the entire site, as it is not proposed to be owned by a public body.

- The flood plains on the land are appropriately zoned Open Space and it is considered that the existing AUP provisions are adequate to manage overland flows.

318. In respect of submission number 23 from the Department of Conservation I have not included any specific recommendations other than the extent of the open space zone should be extended as discussed in paragraphs above to give better protection to the features within Area B noting also that the area of the ONF be amended as recommended by Mr Jamieson.

## **11. PLANNING EVALUATION**

319. Having considered all the information provided by the applicant, carried out an assessment of effects, reviewed all relevant statutory and non-statutory documents and made recommendations on submissions I have concluded that there are some aspects of PC43 that require amendment for the provisions to be adequately implemented that have not been directly addressed in submissions. I consider that the Council is able to include such changes within the decision provided that it has suitably evaluated those changes.

320. There are a number of standards in the proposed Wiri Precinct that specify certain planting must be implemented within Riparian margin areas (Standard I4.6.5) and within Wetland margin areas (Standard I4.6.6). I consider that these standards cannot be effectively implemented, as there is no trigger point or action that would cause the standards to come into play.

321. I consider that each of these standards should be prefaced with the words "Prior to any earthworks, development or subdivision occurring within Area B". These changes are reflected in the recommended version of PC43 set out in Appendix 5.

322. I have attached recommended changes to the text of PC43 in Appendix 5 for the information of the applicant, the submitters and the commissioners. There are a number of caveats on these changes as follows.

323. I have not included any changes to the maps other than the change to the zoning of Area A which I consider should be zoned Light Industrial Zone. As I have noted in my discussion of submissions there are a number of options for the zoning of Area B. If the option to zone Area B chiefly Light Industrial zone is seen as appropriate I consider that further work is required to establish the correct boundaries between the zones. This will have to take into account the defined locations of features to be protected through open space zoning and the appropriate buffers between features and any development.

324. In respect of the ONF93 boundary the appropriate crater boundary has been suggested by Mr Jamieson, however the exact location of the boundary that relies on the riparian areas will depend on the exact location of that boundary.

325. The recommended amendments have been made in respect of the revised version accepting in principle that these address at least some of the concerns of Mana Whenua and are supported to a degree by Mr Quin from a landscape and natural character perspective. However this acceptance is somewhat reliant on the extent to which Mana Whenua endorses these changes and to the extent the boundaries between zones can accommodate the amended precinct provisions.

## **12. CONCLUSIONS**

326. A number of submission have been received in respect of PC43. The majority of the submissions relate to Area B of the plan change area and the extent to which the plan change provides for the adequate protection of the various features and values that exist in this area. A number of submissions consider that the plan change should be rejected while others request changes to PC43.

327. Having considered all of the submissions and reviewed all relevant statutory and non-statutory documents, I recommend in principle that Plan Change 43 should be approved, subject to the amendments to the text and planning maps of the Auckland Unitary Plan. My recommended changes to the text are set out in Appendix 5, however I am unable at this stage to recommend specific changes to the maps given the options available for progressing PC43, particularly in respect of Area B. I consider that rejecting PC43 may not achieve adequate protection of features and values.

328. Subject to adequately resolving the details of the planning maps and matters in respect of Mana Whenua values the adoption of PC43, with its recommended amendments will:

- assist the council in achieving the purpose of the Resource Management Act 1991
- give effect to the National Coastal Policy Statement
- give effect to the National Policy Statement on Freshwater Management
- give effect to Auckland Unitary Plan Regional Policy Statement.
- be consistent with the NES Freshwater Management
- be consistent with the relevant parts of the Auckland Unitary Plan
- be consistent with the Auckland Plan.

## **13. SECTION 32AA ANALYSIS OF RECOMMENDED CHANGES**

329. The changes recommended above require an additional assessment in accordance with S32AA of the RMA.

330. This further evaluation is only made in respect of the changes I have proposed to the text on Appendix 5 to this report and discussed above and is at a level of detail which in my opinion corresponds to the scale and significance of the proposed changes.

331. Further evaluation of changes proposed by the applicant should be presented in evidence.

332. I consider that the changes I have recommended give effect to the RPS.

333. The consider that the changes concerning water quality are an improvement over PC43 as notified. They are necessary to ensure that water quality is maintained from stormwater run off from Area B through the provision of a Stormwater Management Plan. I consider that it is more efficient and effective to have this reference within the Precinct provisions.

334. In respect of deletions of the provisions relating to the intermittent stream, based on the information provided to date, I consider that it is more efficient and effective to utilise the existing provisions within the AUP. These are the most appropriate means of achieving the RPS and will result in consistent environmental outcomes.

335. In respect of the minor wording changes proposal I consider that these are required in order to increase the effectiveness of PC43.

#### 14. RECOMMENDATIONS

1. That, the Hearing Commissioners accept or reject submissions (and associated further submissions) as outlined in this report.
2. That subject to evidence to be presented and through additional information being provided and , as a result of the recommendations on the submissions, the Auckland Unitary Plan be amended by
  - the inclusion of the amendments set out in **Appendix 5** to this report.

#### 15. SIGNATORIES

Name and title of signatories	
Author	 David Wren – Planning Consultant 17 March 2021
Reviewer / Approver	 Craig Cairncross 17 March 2021



# **Appendix 1**

## **Plan Change 43**



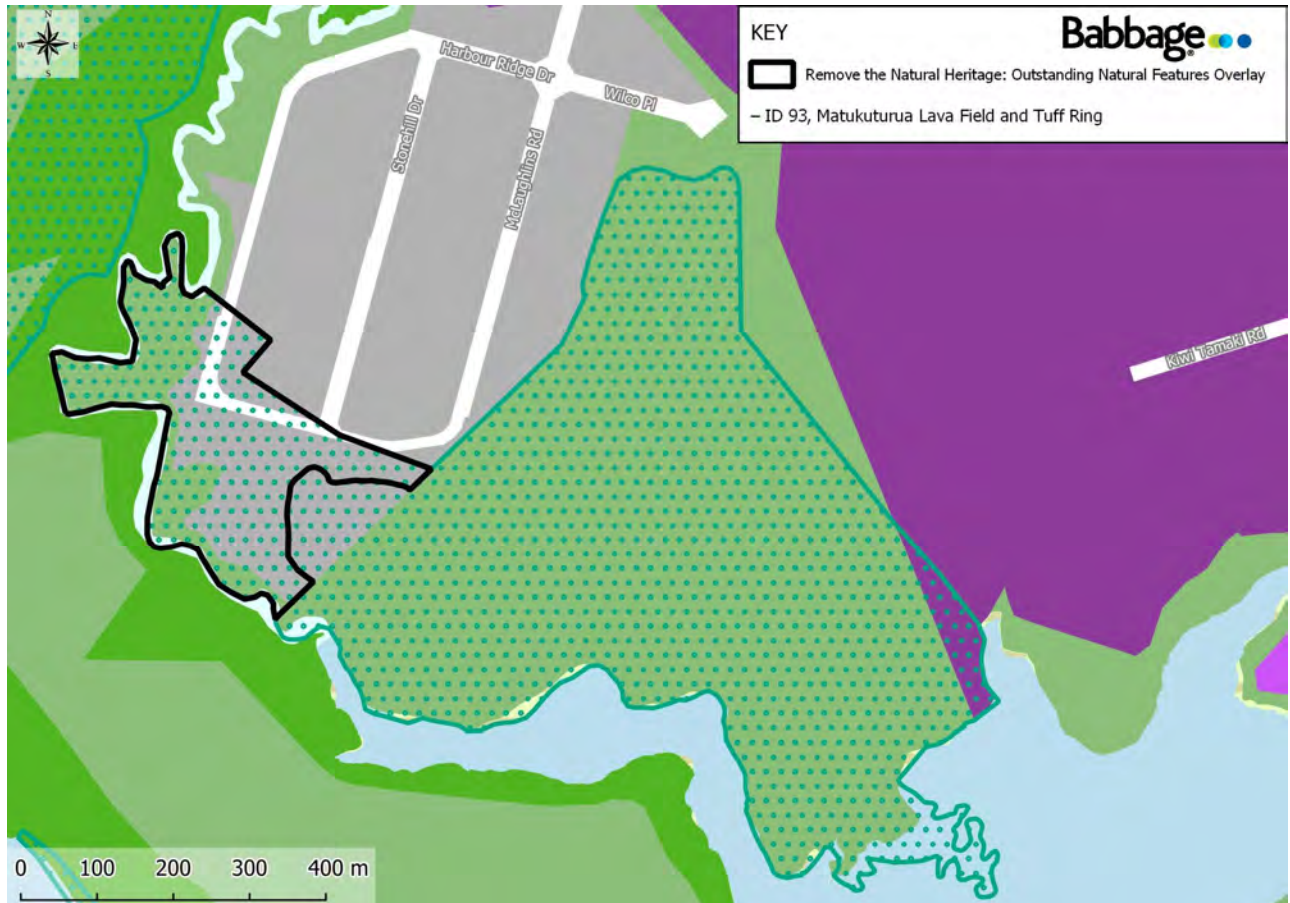
## APPENDIX 3 – PRIVATE PLAN CHANGE REQUEST – PROPOSED CHANGES TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

Amend the Auckland Unitary Plan (Operative in Part) as follows:

### 1) Rezone the Plan Change area as shown below:



2) **Amend the Outstanding Natural Features Overlay (ID 93 Matukuturua Lava Field and Tuff Ring) as shown below:**

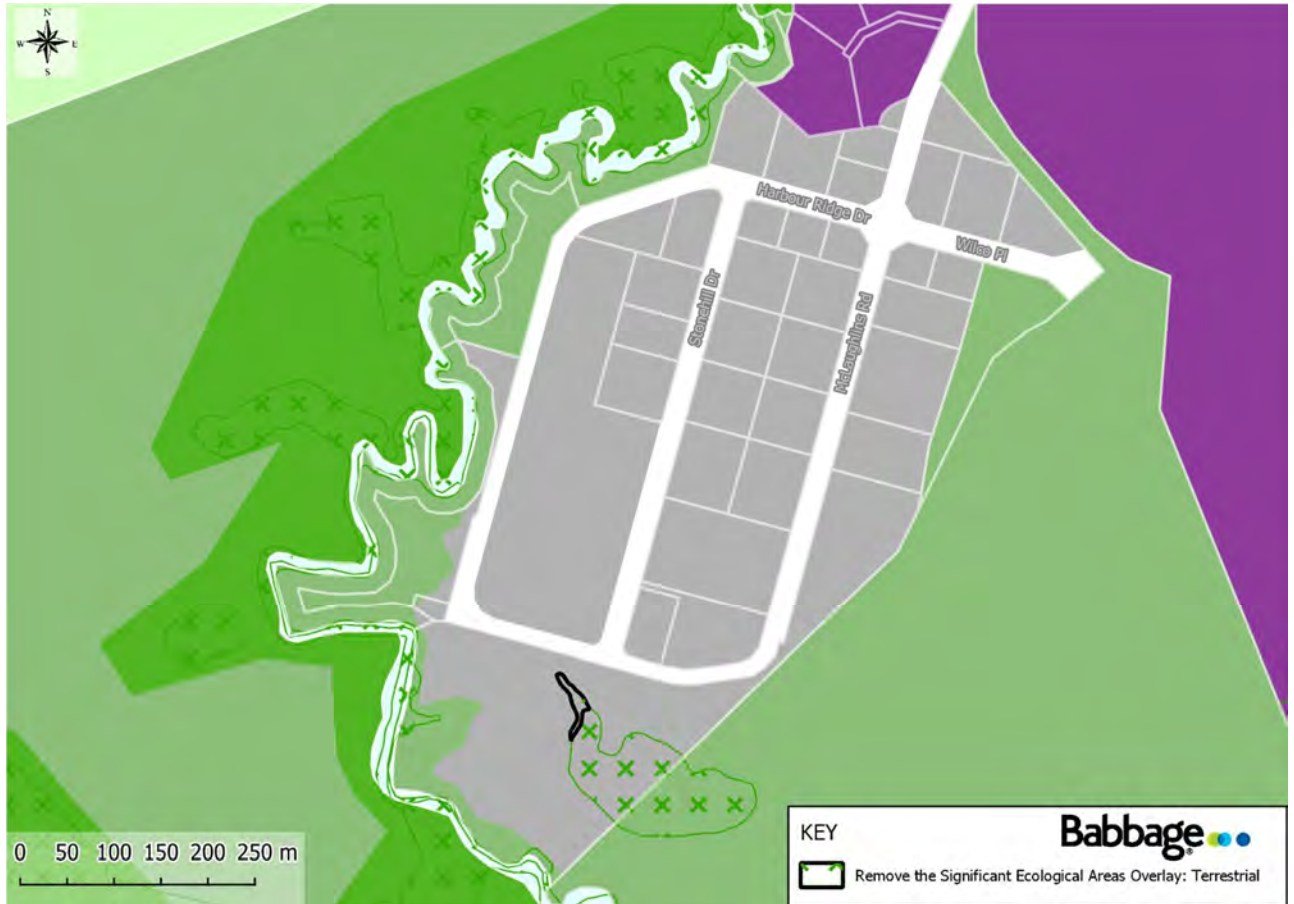




- 3) **Amend the description of Outstanding Natural Feature (ID 93 Matukuturua Lava Field and Tuff Ring) in Schedule 6: Outstanding Natural Features Overlay Schedule as shown below. As a consequence, also amend all references to ONF 93 in the AUP(OP) text and planning maps to align with the changes set out below.**

Item	Name	Location	Site Type	Description	Unitary Plan criteria met for scheduling set out in Chapter B4.2.2(4)
93	Matukutūreia and Matukuturua lava field and <del>tuff ring</del> <u>explosion crater</u>	Wiri	V (Large volcanic landforms)	The Matukuturua lava field is one of the best preserved lava fields remaining in the Auckland volcanic field and is an important representative example of the volcanic lava terrain that underlies much of the city. The lava field erupted from McLaughlins Mountain (Matukutūreia) volcano. Most of the original scoria cone and a section of the lava field in the north have been quarried away. Associated with the lava field is a section of <del>tuff ring</del> <u>an explosion crater</u> remaining from the early phases of the eruption. A small wetland has formed <u>within the explosion crater</u> <del>behind the ridge of tuff.</del>	a, c, d, e, g, h, i

**4) Amend the Significant Ecological Areas Overlay applied to the site at 79  
McLaughlins Road as follows:**



**5) Insert a new Wiri Precinct into Chapter I Precincts (South) as set as out below:**

**14. Wiri Precinct**

**14.1. Precinct Description**

The Wiri Precinct is located in the Wiri Industrial Area and is the site of the former McLaughlins Quarry. By 2009, all quarrying activities had ceased and the quarried area has been rehabilitated to enable the establishment of industrial activities.

The Wiri Precinct is bounded by Puhinui Creek along the southern and western boundaries, with Maunga Matukutūreia (McLaughlins Mountain) and the Matukuturua Stonefields adjoining the eastern boundary.

The purpose of the Wiri Precinct is to enable the transition from quarry to industrial activities, while recognising the important cultural, ecological, and geological values present with the precinct.

Sub-precinct A is zoned Heavy Industry Zone. The Wiri Precinct is contiguous with the Heavy Industry zoning applied to the wider Wiri Industrial area, contributing to the importance of Wiri as an industrial hub in the urban south area of Auckland.

Sub-precinct B is zoned Light Industry Zone.

Open Space – Informal Recreation Zone is applied to the land along the margins of Puhinui Creek and the mapped extent of the Matukuturua Stonefields Outstanding Natural Feature within the Precinct.

**Mana Whenua cultural landscape and values**

The Wiri area and the Puhinui peninsula reveal a complex but unique cultural environment of inter-related settlements, travel routes, and fishing, gardening and food and resource gathering areas all closely associated with a series of prominent natural features and waterways that together form an integral part of the stories, genealogy, mythology and history of Mana Whenua.

Examples of cultural resources of significance to mana whenua in the proximity of the Precinct include: Manukau Harbour, Maunga Matukutūreia (McLaughlins Mountain), Nga Matakuturua, Matukutururu (Mount Wiri), Puhinui Catchment, Matukuturua Stonefields, and archaeological materials or features.

Cultural values to be protected within the Wiri Precinct encompass the archaeological sites, geological features forming part of the Matukuturua Stonefields Outstanding Natural Feature, Puhinui Creek riparian margin areas, and areas of ecological values present within the precinct.



## **Natural environment**

The western and southern boundary of the precinct follows the Puhinui Creek, which flows into the Manukau Harbour, both of which are Significant Ecological Areas. In recognition of these receiving environments, the Wiri Precinct applies the Open Space – Informal Recreation Zone to the land along the margins of Puhinui Creek. Within sub-precinct A, the riparian margin areas have been revegetated and vested in Auckland Council ownership. Within sub-precinct B, the riparian margins of Puhinui Creek are to be enhanced through native vegetation planting.

### **Sub-precinct A**

Sub-precinct A is located on the footprint of the backfilled quarry. This area has been subdivided to enable the establishment of industrial land uses.

The northern portion of sub-precinct A contains a local viewshaft from Pūkaki Marae to Maunga Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.

### **Sub-precinct B**

Sub-precinct B is an area of greenfield land. It contains a large wetland, Significant Ecological Area (ID SEA\_T\_8443), half of which is located within sub-precinct B, and the other half forming part of the adjoining Matukurua Stonefield site. The wetland is also an important geological feature. It is an explosion crater, forming part of the Outstanding Natural Feature 93 (Matukutūreia and Matukurua lava field and explosion crater). Open Space – informal Recreation Zone has been applied to the explosion crater and its margins to ensure its continued protection in recognition of the important cultural, ecological and geological values.

## **14.2. Objectives [rp/dp]**

- (1) The Mana Whenua cultural, spiritual and historic values and their relationships associated with the Maori cultural landscape are recognised and identified values are protected or enhanced in the Puhinui Precinct.
- (2) The natural character and ecological values of Puhinui Creek and wetland (SEA\_T\_8443) are maintained and enhanced.
- (3) Enable new buildings within the Wiri sub-precinct B to be located and designed in a manner that reflects relationship of sub-precinct B within the context of the open space, geological and cultural environment within which it is located, while recognising the operational needs of industrial activities.

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



### **14.3. Policies [rp/dp]**

- (1) Protect the visual integrity of the local viewshaft from Pūkaki Marae to Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.
- (2) Require buildings to be located outside parts of the Wiri Precinct that are identified as having important cultural, archaeological, ecological and geological values.
- (3) Require planting of native vegetation along the riparian margins of Puhinui Creek.
- (4) Require planting of appropriate vegetation within the wetland margin areas (of SEA\_T\_8443) having regard to the wetland's hydrological and ecological functions, and the status of the wetland as an Outstanding Natural Feature.
- (5) Require open space areas to adjoin Puhinui Creek to ensure accessibility to the Puhinui Creek environment and to the Outstanding Natural Feature 93 (Matukutūreia and Matukurua lava field and explosion crater).
- (6) Application of the Open Space – informal Recreation Zone to the Outstanding Natural Feature 93 (Matukutūreia and Matukurua lava field and explosion crater) to ensure its continued protection in recognition of its important cultural, ecological and geological values.
- (7) Require development within sub-precinct B to be undertaken in a manner that takes into account the surrounding open space environment (including the Outstanding Natural Feature 93 (Matukutūreia and Matukurua lava field and explosion crater) in the site layout, building design and landscaping, while recognising the operational needs of industrial buildings.
- (8) Enable the reclamation of Area A as shown in the Wiri Precinct Plan 3, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on site.
- (9) Manage reverse sensitivity effects on the development and operation of the Wiri Oil Terminal by avoiding the establishment of activities sensitive to hazardous facilities and infrastructure in sub-precinct B.

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



#### I4.4. Activity table [rp/dp]

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

Activity Table I4.4.1 specifies the activity status of land use and development activities pursuant to section 9(2) and section 9(3) of the Resource Management Act 1991, and activities in, on, under or over streams pursuant to section 13 of the Resource Management Act 1991.

Where 'NA' has been included in the activity status column, the activity is not applicable in that particular section of the activity table.

**Table I4.4.1 Activity table [rp/dp]**

Activity		Activity status	
		Sub-precinct A	Sub-precinct B
<b>Activities</b>			
(A1)	Activities sensitive to hazardous facilities and infrastructure	NA	NC
<b>Reclamation</b>			
(A2)	Reclamation of Area A as shown in the Wiri Precinct Plan 3 – Areas for reclamation <sup>1</sup>	NA	P
<b>Development</b>			
(A3)	Buildings (including additions) no greater than 50m <sup>2</sup> gross floor area	NA	P
(A4)	Buildings (including additions) greater than 50m <sup>2</sup> gross floor area	NA	C
(A5)	Activities that do not comply with the following Standards: (i) Standard I4.6.2 Building platform	D	D
(A6)	Activities that do not comply with the following Standards: (i) Standard I4.6.5 Riparian margin areas	NA	D

	(ii) Standard I4.6.6 Wetland margin areas		
(A7)	Buildings that do not comply with Standard I4.6.3 Pūkaki Marae – Matukutūreia viewshaft	NC	NA
(A8)	Activities that do not comply with Standard I4.6.4 Archaeological sites	NC	NC

**Note 1**

No offset as set out in Chapter E3 Lakes, rivers, streams and wetlands will be required for the reclamation of these areas as this is deemed to be part of the revegetation of the Riparian Margin Areas and Wetland Margin Areas shown in Precinct Plan 1.

**I4.5. Notification**

- (1) Any application for resource consent for an activity listed in Activity Table I4.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**I4.6. Standards**

The overlay, Auckland-wide and zone standards apply in this precinct in addition to the following standards.

All permitted and restricted discretionary activities must comply with the following standards.



#### 14.6.1. Building height

Purpose: to manage the effects of building height, including dominance, on the open space areas within Wiri sub-precinct B.

- (1) Buildings must not exceed 15m in height within sub-precinct B.

#### 14.6.2. Building platform

Purpose: to ensure that buildings are not located within parts of the Wiri precinct that are identified as having important ecological, cultural and geological values which are sought to be protected, revegetated or enhanced.

- (1) All buildings must be located within the building platform areas identified in Wiri Precinct Plan 1.

#### 14.6.3. Pūkaki Marae – Matukutūreia Viewshaft

Purpose: to protect the visual integrity of the local viewshaft from Pūkaki Marae to Maunga Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.

- (1) Buildings and structures within sub-precinct A must not penetrate the floor height of the local viewshaft identified in Precinct Plan 2 - Pūkaki Marae – Matukutūreia Viewshaft.

Note: the floor of the viewshaft is determined in accordance with the survey coordinates contained in Table 1 below and Precinct Plan 3 - Pūkaki Marae – Matukutūreia Viewshaft, and “height” is to be measured using the rolling height method.

Table 1 Schedule of Coordinates

PT	Mt Eden circuit		Height (AGL)	NZ Map Grid	
	Northing	Easting		Northing	Easting
IS1	787316.27	404106.31	9.29	5904259.71	1761093.45
IS2	787333.30	404183.63	9.53	5904275.30	1761171.07
3	785179.79	407301.46	54.48	5902064.32	1764248.53
4	785119.81	407259.67	54.33	5902005.13	1764205.64
5	785684.81	406505.35	43.30	5902584.03	1763461.89





#### **14.6.4. Archaeological sites**

Purpose: to enable the protection of identified archaeological sites within the Wiri Precinct.

- (1) Any activity (including earthworks) must not be undertaken within the areas identified as archaeological sites in Precinct Plan 1.

#### **14.6.5. Riparian margin areas**

Purpose: to achieve areas of continuous indigenous vegetation within the riparian margin areas taking into account restoration of riparian margins, extension of existing ecological corridors and enhancement of existing vegetation.

- (1) Areas identified as Riparian Margin Areas in Wiri Precinct Plan 1 must be planted with locally sourced indigenous species in general accordance with Appendix 16 Guidelines for Native Vegetation Plantings.

#### **14.6.6. Wetland margin areas**

Purpose: to achieve planting of appropriate vegetation within the wetland margin areas having regard to both the hydrological and ecological function of the wetland, and the status the wetland as an outstanding geological feature.

- (1) Areas identified as Wetland Margin Areas in Wiri Precinct Plan 1 must be planted in accordance with a Wetland Margin Planting Plan prepared by an ecologist. The Wetland Margin Planting Plan must include appropriate indigenous wetland buffer species composition and densities for planting in the emergent, littoral and terrestrial zones and must be in general accordance with Appendix 16 Guidelines for Native Vegetation Plantings.

### **14.7. Assessment – controlled activities**

#### **14.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application.

- (1) For buildings over 50m<sup>2</sup> in gross floor area:
  - (a) Site layout
  - (b) Building design and appearance
  - (c) Landscaping



#### **14.7.2. Assessment criteria**

The council will consider the relevant assessment criteria below for controlled activities.

- (1) For buildings over 50m<sup>2</sup> in gross floor area:
  - (a) The extent to which site layout and configuration:
    - (i) Integrates the development within the context of the open space environment forming part of sub-precinct B. The site layout and configuration should enhance relationship to Harbour Ridge Drive and the surrounding open space areas.
    - (ii) Enables passive surveillance of Harbour Ridge Drive and contributes to streetscape amenity.
    - (iii) Car parking areas are designed and located to ensure an attractive site layout, particularly when viewed from Harbour Ridge Drive and the open spaces.
  - (b) The extent to which design and external appearance of buildings
    - (i) modulates the mass of the buildings by incorporating transitional elements or the use of contrast (such as colour and materials), to reduce the apparent scale and bulk of the buildings.
  - (c) The extent to which landscaping design and planting:
    - (i) Complements and enhances the existing landscape character of the area.
    - (ii) Is used to provide visual softening of large buildings.
    - (iii) is used as a means to integrate the development within the context of the open space environment forming part of sub-precinct B.
    - (iv) is used to enhance the overall appearance of the development.

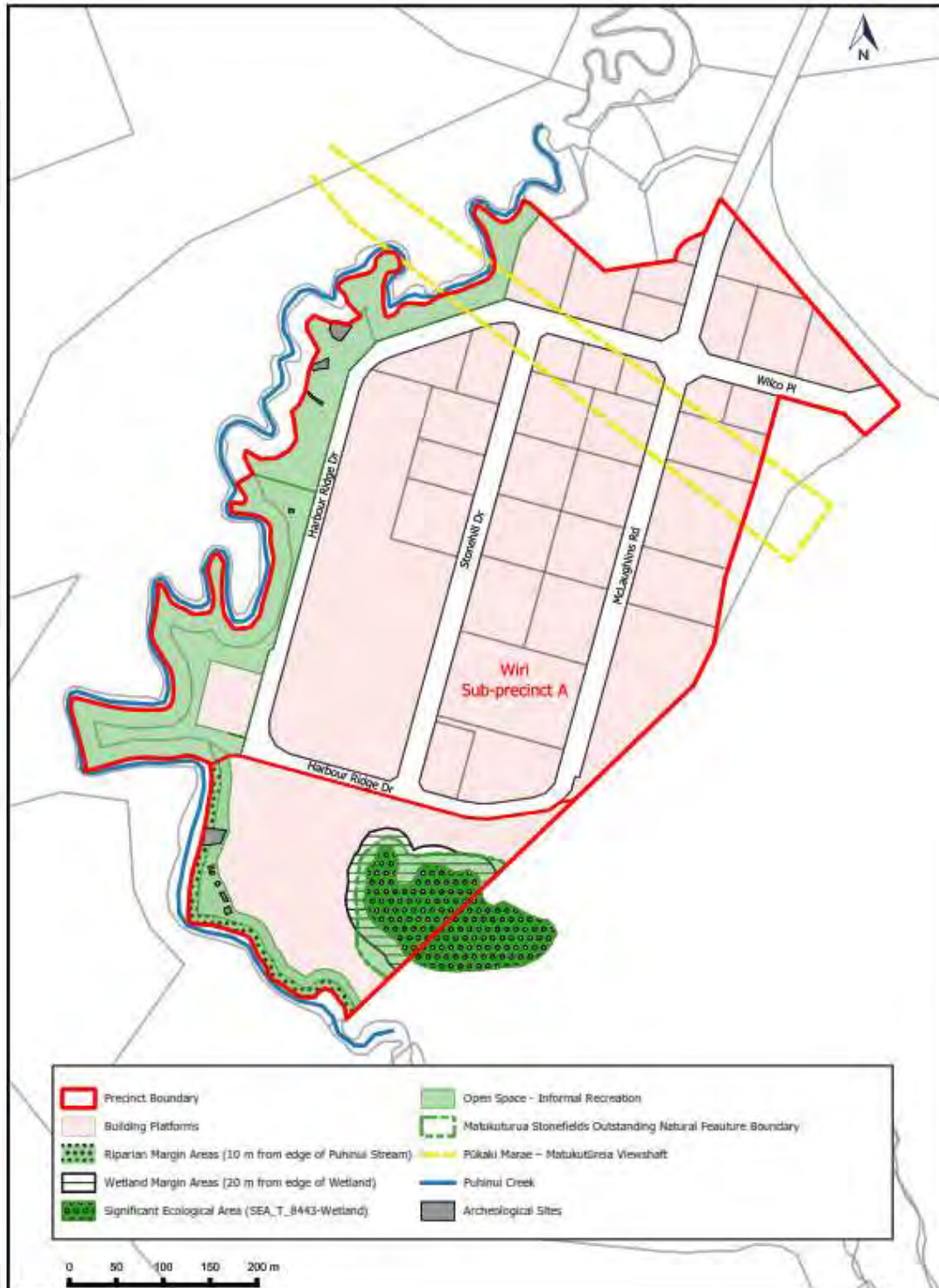
#### **14.8. Special information requirements**

There are no special information requirements in this precinct.



## 14.9. Precinct plans

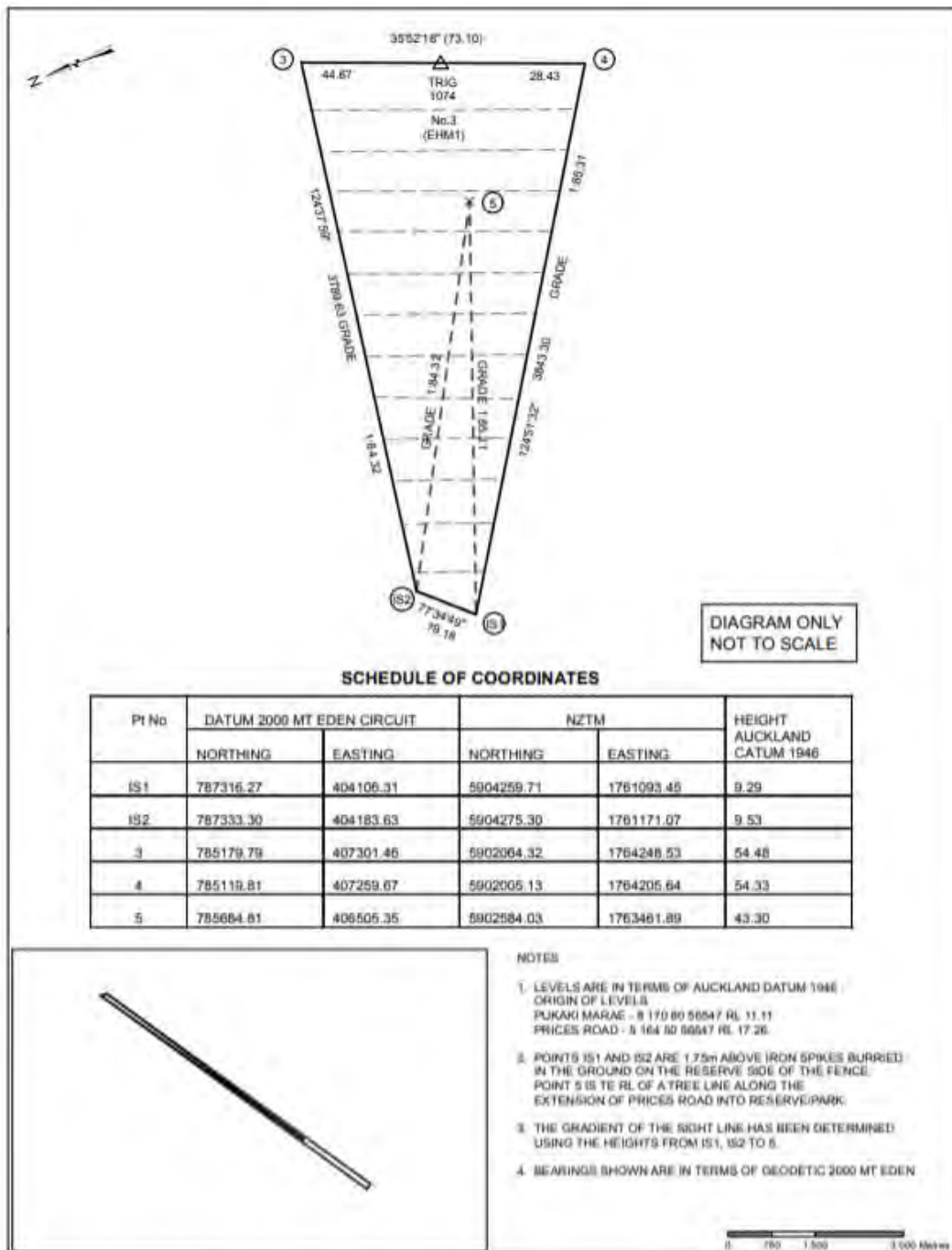
### 14.9.1. Wiri Precinct Plan 1







**14.9.3. Wiri Precinct Plan 3: Pūkaki Marae – Matukutūreia Viewshaft (survey diagram)**



#### 14.9.4. Wiri Precinct Plan 4: Areas for reclamation within sub-precinct B



**Appendix 1a**  
**Applicants revised version PC 43**





## PRIVATE PLAN CHANGE REQUEST – PROPOSED CHANGES TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

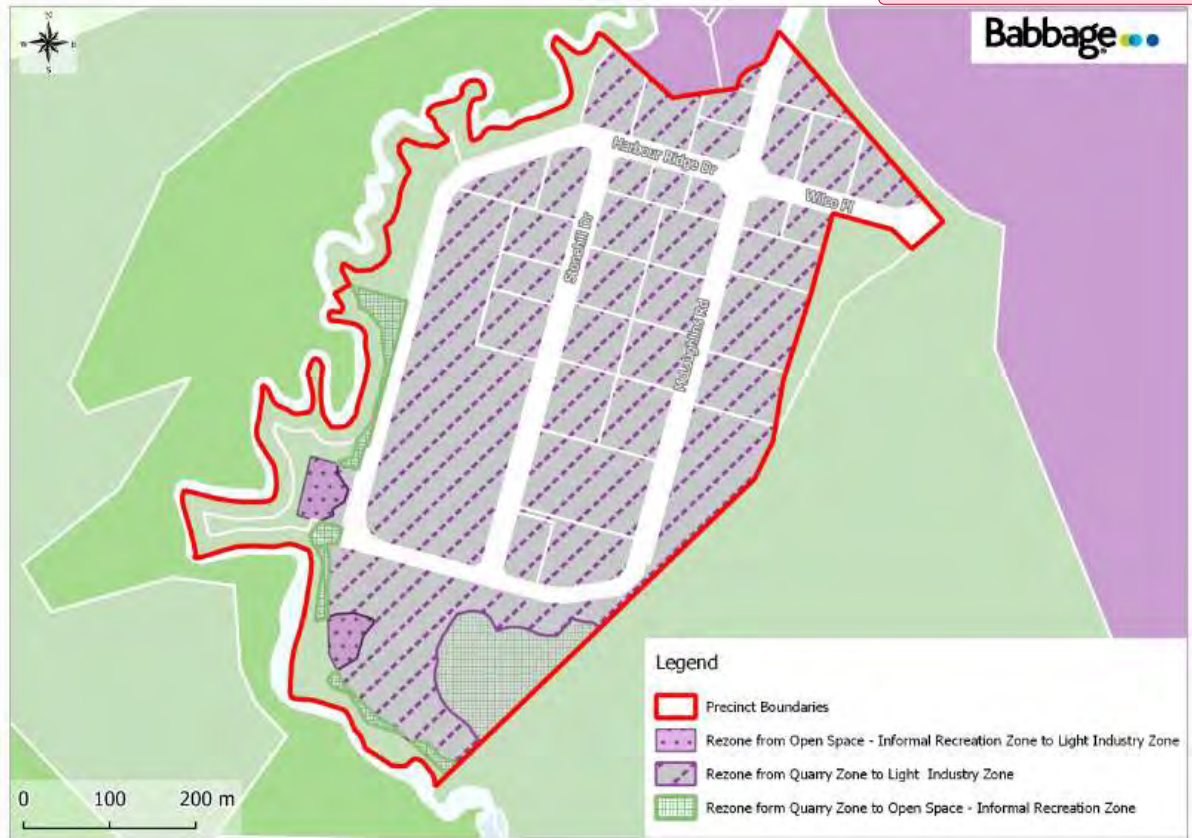
### AMENDMENTS PROPOSED BY THE APPLICANT IN RESPONSE TO THE SUBMISSIONS – DATED 3 March 2021

<i>Note:</i>	
Underlined, strike through and highlighted text	Amendments proposed by the applicant prior to the hearing in response to the relief sought in the submissions.
<ul style="list-style-type: none"><li>• Numbering to be updated later</li></ul>	

Amend the Auckland Unitary Plan (Operative in Part) as follows:

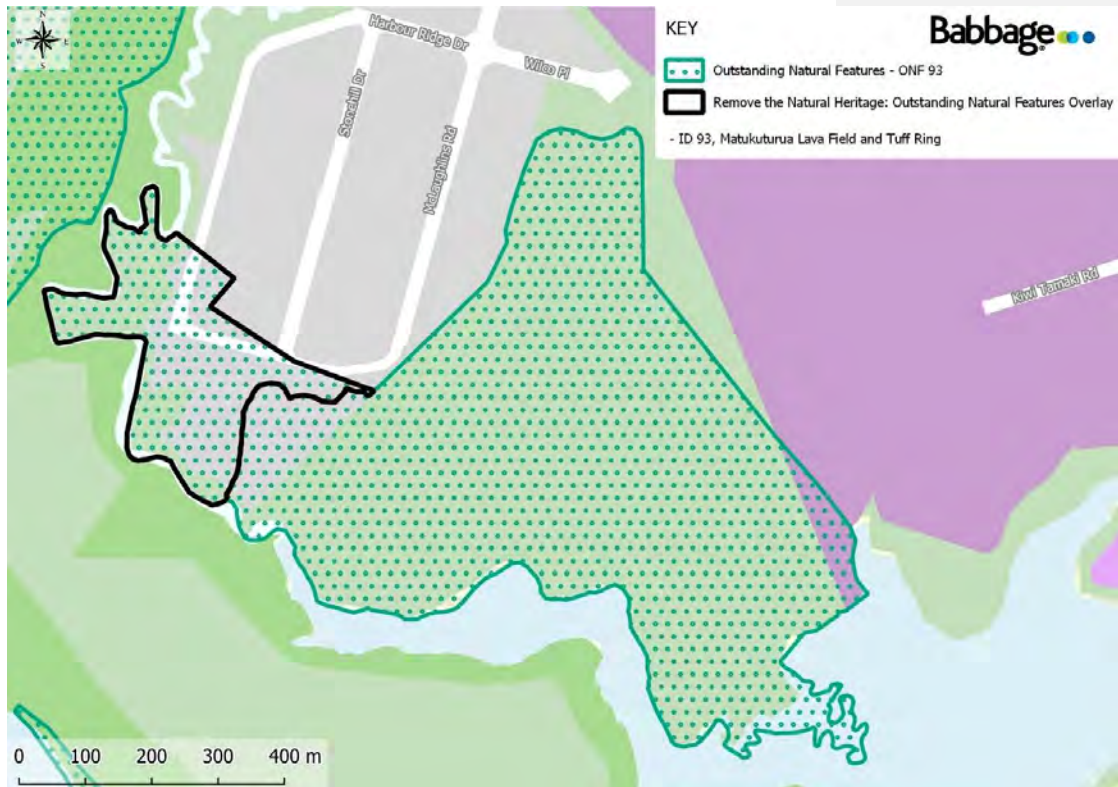
- 1) **Rezone the Plan Change area as shown below:**  
**(Delete the rezoning map as notified and replace it with the amended rezoning map shown below)**

**Commented [SS1]:** Whole of the Precinct to be rezoned to Light Industry (the notified version had Heavy Industry in sub-precinct A). Greater areas of Open Space zoning along the riparian margins of Puhinui Creek, the wetland, and significant portion of the amended ONF (refer to the Precinct Plan 1 for details informing this zoning plan).



2) Amend the Outstanding Natural Features Overlay (ID 93 Matukuturua Lava Field and Tuff Ring) as shown below:

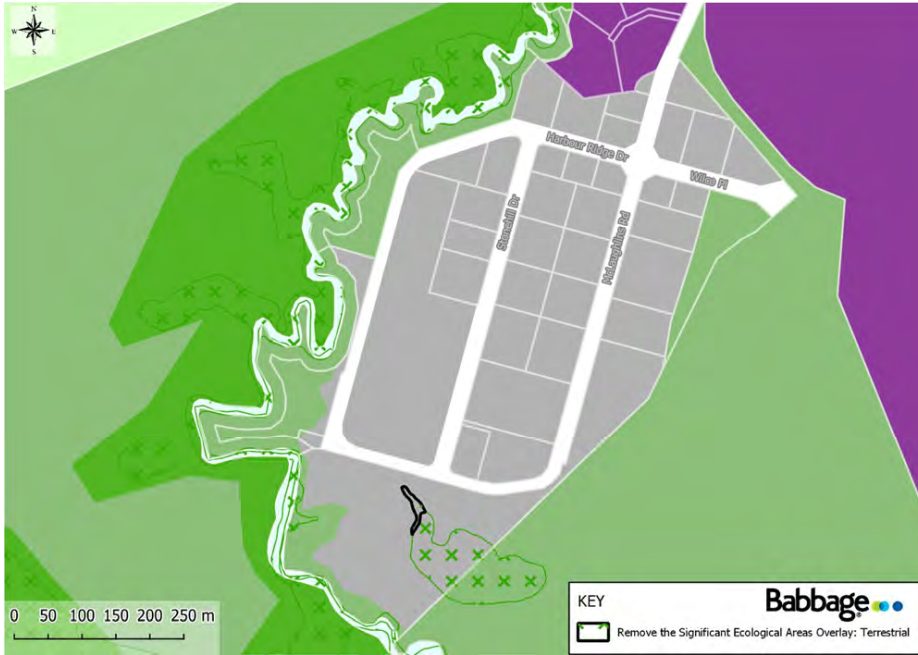
**(Delete the map as notified, and replace it with the map as shown below)**



- 3) **Amend the description of Outstanding Natural Feature (ID 93 Matukuturua Lava Field and Tuff Ring) in Schedule 6: Outstanding Natural Features Overlay Schedule as shown below. As a consequence, also amend all references to ONF 93 in the AUP(OP) text and planning maps to align with the changes set out below.**

Item	Name	Location	Site Type	Description	Unitary Plan criteria met for scheduling set out in Chapter B4.2.2(4)
93	Matukutūreia and Matukuturua lava field and <u>tuff ring explosion crater</u>	Wiri	V (Large volcanic landforms)	The Matukuturua lava field is one of the best preserved lava fields remaining in the Auckland volcanic field and is an important representative example of the volcanic lava terrain that underlies much of the city. The lava field erupted from McLaughlins Mountain (Matukutūreia) volcano. Most of the original scoria cone and a section of the lava field in the north have been quarried away. Associated with the lava field is a section of <u>tuff ring an explosion crater</u> remaining from the early phases of the eruption. A small wetland has formed <u>within the explosion crater</u> behind the ridge of tuff.	a, c, d, e, g, h, i

4) Amend the Significant Ecological Areas Overlay applied to the site at 79  
McLaughlins Road as follows:



5) Insert a new Wiri Precinct into Chapter I Precincts (South) as set as out below:

**14. Wiri Precinct**

**14.1. Precinct Description**

The Wiri Precinct is located in the Wiri Industrial Area and is the site of the former McLaughlins Quarry. By 2009, all quarrying activities had ceased and the quarried area has been rehabilitated to enable the establishment of industrial activities.

The Wiri Precinct is bounded by Puhinui Creek along the southern and western boundaries, with Maunga Matukutūreia (McLaughlins Mountain) and the Matukuturua Stonefields adjoining the eastern boundary.

The purpose of the Wiri Precinct is to enable the transition from quarry to industrial activities, while recognising the important cultural, ecological, and geological values present with the precinct.

Sub-precinct A The Wiri Precinct is zoned ~~Heavy~~ Light Industry Zone. The Wiri Precinct adjoins ~~is contiguous with~~ the Heavy Industry zoning applied to the wider Wiri Industrial area, contributing to the importance of Wiri as an industrial hub in the urban south area of Auckland.

**Commented [SS2]:** Amended to reflect the zoning change from Heavy to Light Industry in sub-precinct A, as sought by subs 12.2 (Department of Corrections) and 26.1 Te Ākitai Waiohū.

Sub-precinct B is zoned Light Industry Zone.

Open Space – Informal Recreation Zone is applied to the land along the margins of Puhinui Creek and a significant part of the mapped extent of the Matukuturua Lava Field and Explosion Crater lava field Stonefields Outstanding Natural Feature within the Precinct.

**Commented [SS3]:** Amended to reflect the area included in the open space zone, as sought by Heritage NZ.

**Mana Whenua cultural landscape and values**

The Wiri area and the Puhinui peninsula reveal a complex but unique cultural environment of inter-related settlements, travel routes, and fishing, gardening and food and resource gathering areas all closely associated with a series of prominent natural features and waterways that together form an integral part of the stories, genealogy, mythology and history histories of Mana Whenua.

Examples of cultural resources of significance to mana whenua in the proximity of the Precinct include: Manukau Harbour, Maunga Matukutūreia (McLaughlins Mountain), Nga Matakurua, Matukutururu (Mount Wiri), Puhinui Catchment, Matukuturua Stonefields, and archaeological materials or features.

**Commented [SS4]:** Amendments proposed by Te Ākitai Waiohū (sub 26).

Matukutūreia and Matukuturua are natural landmarks and terraced pa sites that were occupied by the ancestors of Te Ākitai Waiohū. The 'twin' maunga of Wiri are known collectively as Ngaa Matukurua or 'the two bitterns'. The surrounding land was cultivated with kumara and food gardens, parts of which are sectioned off with stone walls as found in the Matukuturua Stonefields. Puhinui Creek and Stream were used for travel and to supplement fresh water sources, a traditional fish trap is evident in the creek.

Matukutūreia can clearly be seen from Pūkaki Marae, and preservation of this volcanic viewshaft is a priority to Te Ākitai Waiohua in the future development of Wiri. The significance of the relationship between the maunga, Puhinui Creek and Stream, and the Manukau Harbour as a physical link to the histories and whakapapa of Te Ākitai Waiohua is also important. Cultural values to be protected encompass the history, spiritual, geological, the coastal, archaeological and ecological features within the precinct.

Cultural values to be protected within the Wiri Precinct encompass the archaeological sites, geological features forming part of the Matukuturua Stonefields Outstanding Natural Feature, Puhinui Creek riparian margin areas, and areas of ecological values present within the precinct.

### **Natural environment**

The western and southern boundary of the precinct follows the Puhinui Creek, which flows into the Manukau Harbour, both of which are Significant Ecological Areas. In recognition of these receiving environments, the Wiri Precinct applies the Open Space – Informal Recreation Zone to the land along the margins of Puhinui Creek. Within sub-precinct A, the riparian margin areas have been revegetated and vested in Auckland Council ownership. Within sub-precinct B, the riparian margins of Puhinui Creek are to be enhanced through native vegetation planting.

### **Sub-precinct A**

Sub-precinct A is located on the footprint of the backfilled quarry. This area has been subdivided to enable the establishment of industrial land uses.

The northern portion of sub-precinct A contains a local viewshaft from Pūkaki Marae to Maunga Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.

### **Sub-precinct B**

Sub-precinct B is an area of greenfield land. It contains a large wetland, Significant Ecological Area (ID SEA\_T\_8443), half of which is located within sub-precinct B, and the other half forming part of the adjoining Matukuturua Stonefield site. The wetland is also an important geological feature. It is an explosion crater, forming part of the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater). Open Space – informal Recreation Zone has been applied to the explosion crater and its margins to ensure its continued protection in recognition of the important cultural, ecological and geological values.

### **Sub-precinct C**

Sub-precinct C is an area of 0.37ha of greenfield land located between Harbour Ridge Drive to the north and the large wetland (described within sub-precinct B) to the south. Sub-precinct C seeks to deliver high quality development that consists of an appropriate land use activity type and built form that integrates with the wetland environment adjoining it.

**Commented [SS5]:** Introduction of sub-precinct C provisions to address concerns raised by submitters in regards to managing effects of development on the wetland environment.



#### 14.2. Objectives [rp/dp]

- (1) The Mana Whenua cultural, spiritual and historic values and their relationships associated with the Maori cultural landscape are recognised and identified values are protected or enhanced in the Wiri Precinct.
- (2) The natural character and ecological values of Puhinui Creek and wetland (SEA\_T\_8443) are maintained and enhanced.
- (3) Enable new buildings within the Wiri sub-precincts B and C to be located and designed in a manner that reflects relationship of these sub-precincts B within the context of the open space, geological and cultural environment within which it is these are located, while recognising the operational needs of industrial activities.
- (4) The location, scale and form of development is managed within the precinct to avoid, remedy or mitigate adverse effects on cultural, spiritual and landscape values and their relationship associated with Maori cultural landscape, while recognising the operational needs of industrial activities.

**Commented [SS6]:** New objective sought by Te Akitai Waiohau (sub 26), slightly amended to include reference to "while recognising the operational needs of industrial activities".

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

#### 14.3. Policies [rp/dp]

- (1) Protect the visual integrity of the local viewshaft from Pūkaki Marae to Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.
- (2) Require buildings to be located outside parts of the Wiri Precinct that are identified as having important cultural, archaeological, ecological and geological values.
- (3) Require planting of native vegetation along the riparian margins of Puhinui Creek.
- (4) Require planting of appropriate vegetation within the wetland margin areas (of SEA\_T\_8443) having regard to the wetland's hydrological and ecological functions, and the status of the wetland as an Outstanding Natural Feature.
- (5) Require open space areas to adjoin Puhinui Creek to ensure accessibility to the Puhinui Creek environment and to the Outstanding Natural Feature 93 (Matukutūreia and Matukurua lava field and explosion crater).
- (6) Application of the Open Space – informal Recreation Zone to the Outstanding Natural Feature 93 (Matukutūreia and Matukurua lava field and explosion crater) to ensure its continued protection in recognition of its important cultural, ecological and geological values.



(7) Require development within sub-precincts B and C to be undertaken in a manner that takes into account the surrounding open space environment (including the Outstanding Natural Feature 93 (Matukutūreia and Matukutūrua lava field and explosion crater)) and māori cultural values in the site layout, building design and landscaping, while recognising the operational needs of industrial buildings.

**Commented [SS7]:** Amendments sought by Te Ākitai Waiohū (sub 26).

~~(7A) Require development within sub-precinct C to be designed in a manner that integrates with the wetland environment adjoining it, by:~~

**Commented [SS8]:** New policy specific to sub-precinct C to appropriately manage development in this location.

- ~~(a) limiting building height to minimise visual dominance of buildings.~~
- ~~(b) managing the scale, design and appearance of buildings to reflect the relationship of sub-precinct C within the context of the landscape character and amenity values of the adjoining wetland environment.~~
- ~~(c) managing landscaping to reduce visual dominance of the buildings and create attractive and pleasant environment for people accessing the wetland and wider open space environment.~~
- ~~(d) providing for office activity to encourage building design incorporating large areas of glazing on walls overlooking the wetland and the open space environment.~~

~~(8) Enable the reclamation of Area A as shown in the Wiri Precinct Plan 3, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on site.~~

**Commented [SS9]:** Deleted as sought by Auckland Council (sub 27.3)

(9) Manage reverse sensitivity effects on the development and operation of the Wiri Oil Terminal by avoiding the establishment of dwellings and integrated residential development in sub-precinct A, and avoiding, remedying or mitigating the establishment of activities sensitive to hazardous facilities and infrastructure in sub-precincts A, B and C.

**Commented [SS10]:** Consequential amendment due to the zoning change in light of dwellings being a Prohibited activity in sub-precinct A only, and NC in sub-precincts B and C.

(10) Recognise, protect and enhance the cultural, spiritual and historical values and relationships associated with the māori cultural landscape at Wiri. These values include but are not limited to:

**Commented [SS11]:** Amendments sought by Te Ākitai Waiohū (sub 26)

- a) Important sites, places and areas, waahi tapu and other taonga.
- b) Views and connections between Maunga Matukutūrei, Puhinui Stream and Manukau Harbour.
- c) Coastal edge and waterways.
- d) Freshwater quality.
- e) Mauri, particularly in relation to freshwater and coastal resources.

(11) Encourage the provision and enhancement of access for Mana Whenua to Puhinui Creek and its margins, particularly access to scheduled sites or features of Karakia, monitoring, customary purposes and ahi kaa roa.

**Commented [SS12]:** Amendments sought by Te Akitai Waiohau (sub 26)

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

**I4.4. Activity table [rp/dp]**

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

Activity Table I4.4.1 specifies the activity status of land use and development activities pursuant to section 9(2) and section 9(3) of the Resource Management Act 1991, and activities in, on, under or over streams pursuant to section 13 of the Resource Management Act 1991.

Where 'NA' has been included in the activity status column, the activity is not applicable in that particular section of the activity table.

**Table I4.4.1 Activity table [rp/dp]**

Activity	Activity status			
	Sub-precinct A	Sub-precinct B	Sub-precinct C	
<b>Activities</b>				
(A1)	Activities sensitive to hazardous facilities and infrastructure (excluding dwellings and integrated residential development in sub-precinct A)	NA NC	NC	NC
(A1-1)	Dwellings and integrated residential development in sub-precinct A	PR	NA	NA
(A1-2)	Commercial sexual services	NC	NC	NC
(A1-3)	Food and beverage	NA	NA	P
(A1-4)	Offices	NA	NA	P
<b>Reclamation</b>				
(A2)	Reclamation of intermittent stream Area A as shown in the Wiri Precinct	NA	P D	NA

**Commented [SS13]:** (A1) and (A1-1) are consequential amendments resulting from the rezoning of sub-precinct A from Heavy Industry to Light Industry Zone to manage the potential effects on the Wiri Oil Terminal.

**Commented [SS14]:** Under Heavy Industry Zone, dwellings are a PR activity. This amendment retains the PR status under the Light Industry Zone.

**Commented [SS15]:** Amendments sought by Te Akitai Waiohau (sub 26)

**Commented [SS16]:** (A1-3) and (A1-4) introduced to encourage a form of development desired in sub-precinct C.

**Commented [SS17]:** Amended in response to sub 27.3 from Auckland Council. The D activity status aligns with Clause 57 of the NES for Freshwater Regulations 2020.

	Plan 3 – <u>Location of Intermittent Stream Areas for reclamation</u> <sup>1</sup> <u>Refer to Note 1</u>			
<b>Development</b>				
(A3)	Buildings (including additions) no greater than 50m <sup>2</sup> gross floor area	NA	P	<u>P</u>
(A4)	Buildings (including additions) greater than 50m <sup>2</sup> gross floor area	NA	C	<u>RD</u>
(A5)	Activities that do not comply with the following Standards: (i) Standard I4.6.2 Building platform	D	D	<u>D</u>
(A6)	Activities that do not comply with the following Standards: <u>(i) Standard I4.6.1 Building height</u> <del>(i)</del> <u>(ii) Standard I4.6.5 Planting of Riparian margin areas</u> <del>(ii)</del> <u>(iii) Standard I4.6.6 Planting of Wetland margin areas</u>	NA	D	<u>D</u>
(A7)	Buildings that do not comply with Standard I4.6.3 Pūkaki Marae – Matukutūreia viewshaft	NC	NA	<u>NA</u>
(A8)	Activities that do not comply with Standard I4.6.4 Archaeological sites	NC	NC	<u>NC</u>

**Commented [SS18]:** Formatting amendment to highlight the reference to Note 1 located at the end of the Activity Table as notified.

**Commented [SS19]:** Activity classification changed from C to RD in response to the sub from Te Ākitai Waiohūa (sub 26)

**Commented [SS20]:** (i) - Amendment sought by Te Ākitai Waiohūa (sub 26).  
(ii) and (iii) – minor amendments to the titles of the standard for clarification purposes.

**Commented [SS21]:** Amended in response to sub 27.3 from Auckland Council. Chapter E3 of the AUP(OP) is clear that “An offset is an action to compensate significant residual adverse effects on ecological functioning or biodiversity arising from subdivision, use or development”. Ms Barnett’s evidence illustrates that the reclamation of the subject stream will not result in “significant” residual effects. Furthermore, the applicant proposes to undertake significant level of planting and retiring of areas within the Wiri Precinct, and this should be included in any future off-set requirements as part of consenting pathway as a D activity. This is to ensure clarity at the RC consenting stage that the proposed planting forms part of any future “offset” that may be required by Council.

**Note 1**

No offset as set out in Chapter E3 Lakes, rivers, streams and wetlands will be required for the reclamation of ~~these areas~~ the intermittent stream as this is deemed to be part of the revegetation of the Riparian Margin Areas and Wetland Margin Areas shown in Precinct Plan 1.

#### **I4.5. Notification**

- (1) Any application for resource consent for an activity listed in Activity Table I4.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

#### **I4.6. Standards**

The overlay, Auckland-wide and zone standards apply in this precinct in addition to the following standards.

All permitted, controlled and restricted discretionary activities must comply with the following standards.

##### **I4.6.1. Building height**

Purpose: to manage the effects of building height, including dominance, on the open space areas within Wiri sub-precinct B.

- (1) Buildings must not exceed 15m in height within sub-precinct B, and 9m in height in sub-precinct C.

##### **I4.6.2. Building platform**

Purpose: to ensure that buildings are not located within parts of the Wiri precinct that are identified as having important ecological, cultural and geological values which are sought to be protected, revegetated or enhanced.

- (1) All buildings must be located within the building platform areas identified in Wiri Precinct Plan 1.

##### **I4.6.3. Pūkaki Marae – Matukutūreia Viewshaft**

Purpose: to protect the visual integrity of the local viewshaft from Pūkaki Marae to Maunga Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.

- (1) Buildings and structures within sub-precinct A must not penetrate the floor height of the local viewshaft identified in Precinct Plan 2 - Pūkaki Marae – Matukutūreia Viewshaft.

Note: the floor of the viewshaft is determined in accordance with the survey coordinates contained in Table 1 below and Precinct Plan 3 - Pūkaki Marae – Matukutūreia Viewshaft, and “height” is to be measured using the rolling height method.

Table 1 Schedule of Coordinates

PT	Mt Eden circuit		Height (AGL)	NZ Map Grid	
	Northing	Easting		Northing	Easting
IS1	787316.27	404106.31	9.29	5904259.71	1761093.45
IS2	787333.30	404183.63	9.53	5904275.30	1761171.07
3	785179.79	407301.46	54.48	5902064.32	1764248.53
4	785119.81	407259.67	54.33	5902005.13	1764205.64
5	785684.81	406505.35	43.30	5902584.03	1763461.89

**14.6.4. Archaeological sites**

Purpose: to enable the protection of identified archaeological sites within the Wiri Precinct.

- (1) Any activity (including earthworks) must not be undertaken within the areas identified as archaeological sites in Precinct Plan 1.

**14.6.5. Planting of Riparian margin areas**

Purpose: to achieve areas of continuous indigenous vegetation within the riparian margin areas taking into account restoration of riparian margins, extension of existing ecological corridors and enhancement of existing vegetation.

- (1) Areas identified as Riparian Margin Areas in Wiri Precinct Plan 1 must be planted with locally sourced indigenous species in general accordance with Appendix 16 Guidelines for Native Vegetation Plantings.

**14.6.6. Planting of Wetland margin areas**

Purpose: to achieve planting of appropriate vegetation within the wetland margin areas having regard to both the hydrological and ecological function of the wetland, and the status the wetland as an outstanding geological feature.

- (1) Areas identified as Wetland Margin Areas in Wiri Precinct Plan 1 must be planted in accordance with a Wetland Margin Planting Plan prepared by an ecologist. The Wetland Margin Planting Plan must include appropriate indigenous wetland buffer species

composition and densities for planting in the emergent, littoral and terrestrial zones and must be in general accordance with Appendix 16 Guidelines for Native Vegetation Plantings.

#### 14.7. Assessment – controlled activities

##### 14.7.1. Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application.

- (1) For buildings over 50m<sup>2</sup> in gross floor area in sub-precinct B:
  - (a) Site layout
  - (b) Building design and appearance
  - (c) Landscaping
  - (d) Māori cultural values

Commented [SS22]: Amendment sought by Te Ākitai Waiohū

##### 14.7.2. Assessment criteria

The council will consider the relevant assessment criteria below for controlled activities.

- (1) For buildings over 50m<sup>2</sup> in gross floor area:
  - (a) The extent to which site layout and configuration:
    - (i) Integrates the development within the context of the open space environment forming part of sub-precinct B. The site layout and configuration should enhance relationship to Harbour Ridge Drive and the surrounding open space areas.
    - (ii) Enables passive surveillance of Harbour Ridge Drive and contributes to streetscape amenity.
    - (iii) Car parking areas are designed and located to ensure an attractive site layout, particularly when viewed from Harbour Ridge Drive and the open spaces.
  - (b) The extent to which design and external appearance of buildings
    - (i) modulates the mass of the buildings by incorporating transitional elements or the use of contrast (such as colour and materials), to reduce the apparent scale and bulk of the buildings.
  - (c) The extent to which landscaping design and planting:
    - (i) Complements and enhances the existing landscape character of the area.
    - (ii) Is used to provide visual softening of large buildings.
    - (iii) is used as a means to integrate the development within the context of the open space environment forming part of sub-precinct B.
    - (iv) is used to enhance the overall appearance of the development.

- (d) The extent to which impacts of development on māori cultural values are avoided, remedied or mitigated:
- (i) the ability to incorporate maatauranga māori and tikanga māori, recognising and providing for the outcomes articulated by Mana Whenua.
  - (ii) the incorporation of building design elements, art works, naming and historical information to reflect the values and relationship Mana Whenua have with the Puhinui area.
  - (iii) native landscaping, vegetation and design including removal and replanting.
  - (iv) minimising landform modification where practicable, and respecting the Māori cultural landscape values identified in Precinct Plan 5: Māori Cultural Landscape Values
  - (v) maintenance of views from Maunga Matukutūreia to the Manukau Harbour within the areas marked as “No Building Area” within Precinct Plan 1.

**Commented [SS23]:** Amendments generally as sought by Te Akitai Waiohū (sub 26), with slight modifications.

#### **14.7A Assessment – restricted discretionary activities**

##### **14.7A.1 Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary activity resource consent application.

- (1) for buildings and structures over 50m<sup>2</sup> in gross floor area in sub-precinct C:
- (a) site layout
  - (b) Building design, orientation and appearance
  - (c) Landscaping
  - (d) Māori cultural values

##### **14.7A.2 Assessment criteria**

The council will consider the relevant assessment criteria below for restricted discretionary activities.

- (1) For buildings over 50m<sup>2</sup> in gross floor area in sub-precinct C:
- (a) The extent to which site layout and configuration:
- (i) integrates the development with the adjoining wetland and open space environment, while maintaining high quality relationship with Harbour Ridge Drive.
  - (ii) Enables good passive surveillance of the wetland and public open space environments.
  - (iii) Car parking areas are designed and located to ensure an attractive site layout, particularly when viewed from Harbour Ridge Drive or public open spaces.

**Commented [SS24]:** Introduction of assessment criteria noting the change in activity status from C to RD in sub-precinct C.

- (b) The extent to which design, orientation and external appearance of building:
- (i) reflects the relationship of sub-precinct C within the context of the landscape character and amenity values of the adjoining wetland environment.
  - (ii) contributes to the attractiveness, pleasantness, and enjoyment of the cultural, ecological and geological values present within the Wiri Precinct.
  - (iii) modulates the mass of the buildings by incorporating transitional elements or the use of contrast (such as colour and materials), to reduce the apparent scale and bulk of the buildings.
  - (iii) avoids blank facades or walls when viewed from Harbour Ridge Drive and visible from the adjoining wetland environment. The buildings should incorporate large areas of glazing on walls overlooking the wetland and the wider open space environment.
  - (iv) any security fencing is integrated with planting and buildings so as to avoid adverse visual effects on the adjoining wetland environment.
- (c) The extent to which landscaping design and planting:
- (i) is used as a means to integrate the development within sub-precinct C with the adjoining wetland environment and the wider open space environment forming part of the Wiri Precinct.
  - (ii) complements and enhances the landscape character of the area, in particular the adjoining wetland environment.
  - (iii) is used to provide visual softening of large buildings, screening of storage areas and visual softening of car parking areas.
  - (iv) is used to enhance the overall appearance of the development.
- (d) The extent to which impacts of development on māori cultural values are avoided, remedied or mitigated:
- (i) the ability to incorporate maatauranga māori and tikanga māori, recognising and providing for the outcomes articulated by Mana Whenua.
  - (ii) the incorporation of building design elements, art works, naming and historical information to reflect the values and relationship Mana Whenua have with the Puhinui area.
  - (iii) native landscaping, vegetation and design including removal and replanting.
  - (iv) minimising landform modification where practicable, and respecting the Māori cultural landscape values identified in Precinct Plan 5: Māori Cultural Landscape Values
  - (v) maintenance of views from Maunga Matukutūreia to the Manukau Harbour within the areas marked as “No Building Area” within Precinct Plan 1.

#### 14.8. Special information requirements

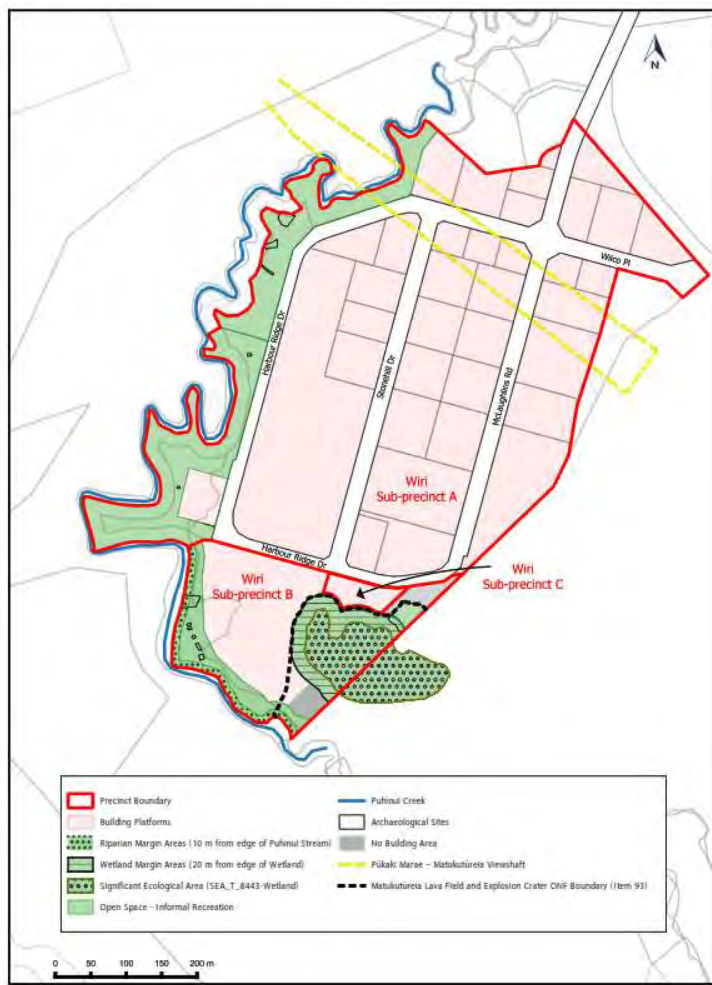
There are no special information requirements in this precinct.



#### 14.9. Precinct plans

##### 14.9.1. Wiri Precinct Plan 1

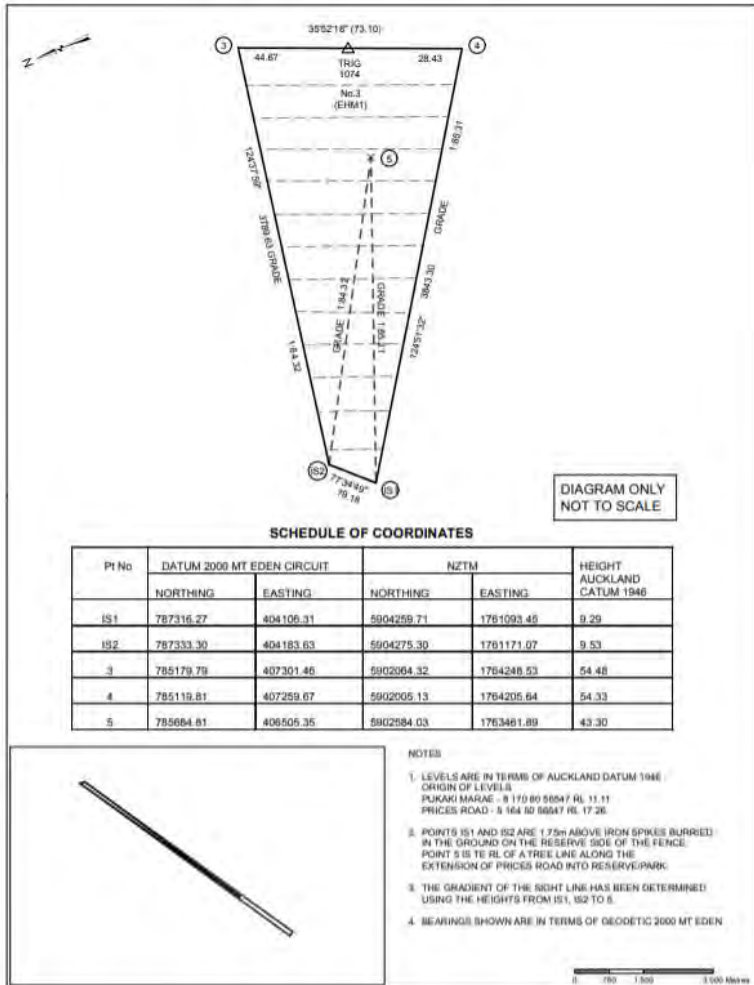
**(Delete Precinct Plan 1 as notified and replace it with the amended Plan shown below)**



**14.9.2. Wiri Precinct Plan 2 - Pūkaki Marae – Matukutūreia viewshaft**



**I4.9.3. Wiri Precinct Plan 3: Pūkaki Marae – Matukutūreia Viewshaft (survey diagram)**



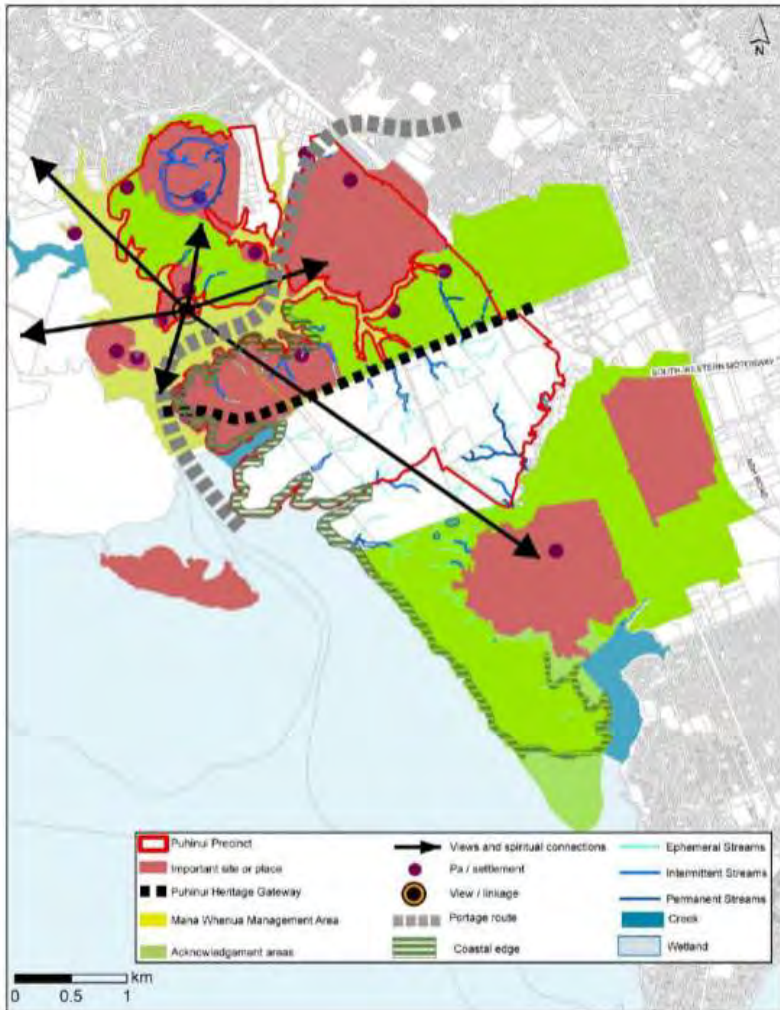
**14.9.4. Wiri Precinct Plan 4: Location of intermittent stream Areas for reclamation within sub-precinct B**

**(Delete the Precinct Plan 4 as notified and replace it with the amended Plan shown below)**



14.9.5. Wiri Precinct Plan 5: Māori Cultural Landscape Values

Commented [SS25]: Inserted as sought by Te Akitai Waiohua (sub 26)



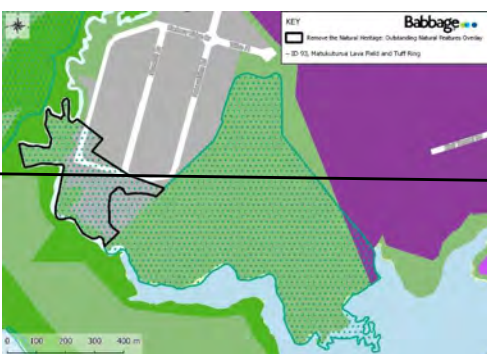


**NOTIFIED VERSION OF PLANS TO BE DELETED**

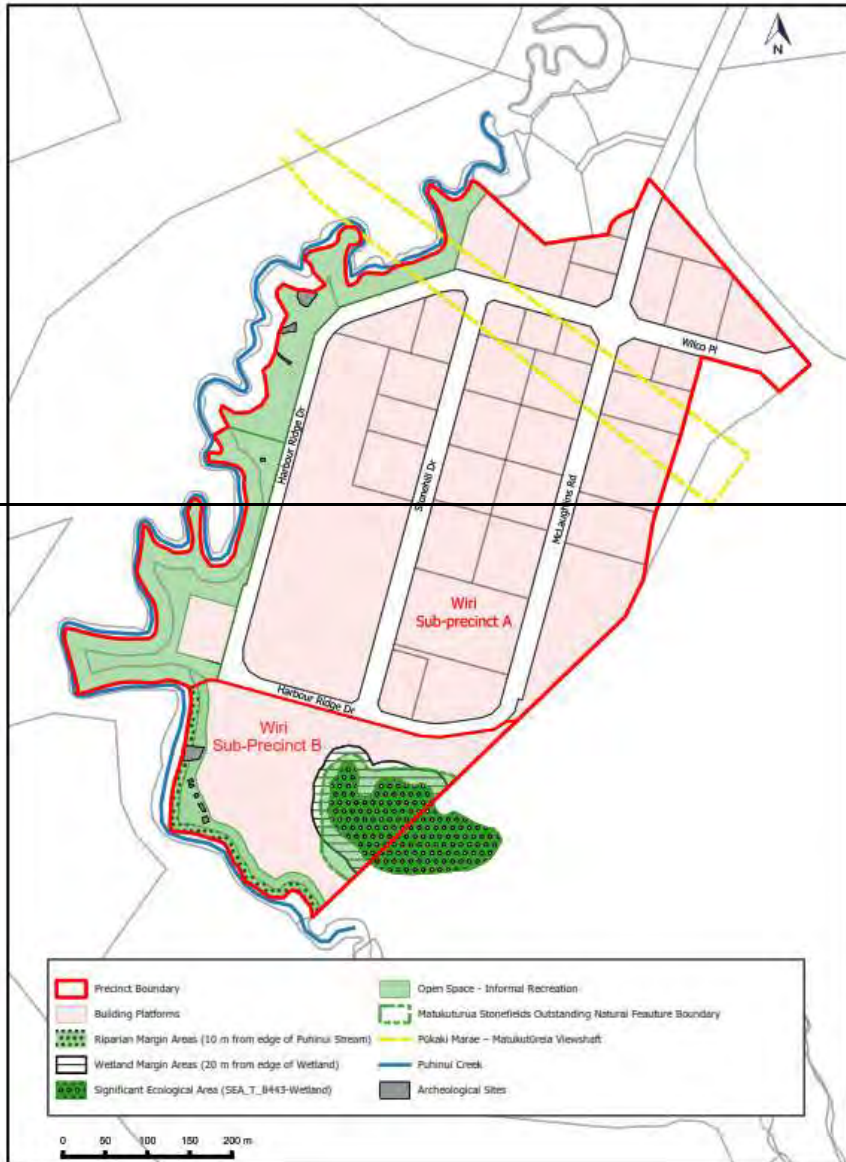
**Zoning map**



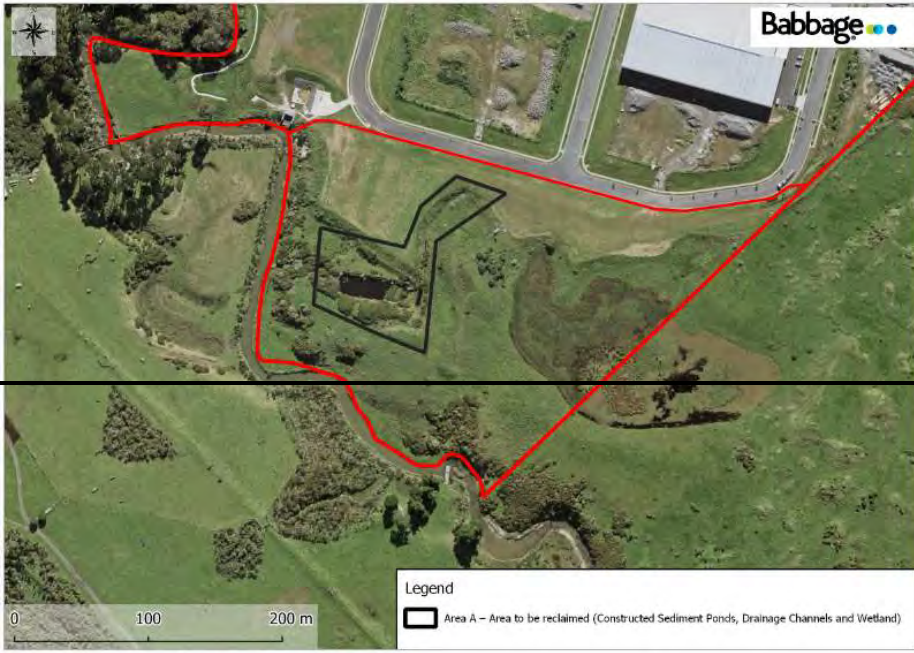
**Amended Outstanding Natural Features Overlay (ID 93 Matukuturua Lava Field and Tuff Ring)**



Wiri Precinct Plan 1



Wiri Precinct Plan 4





# **Appendix 2**

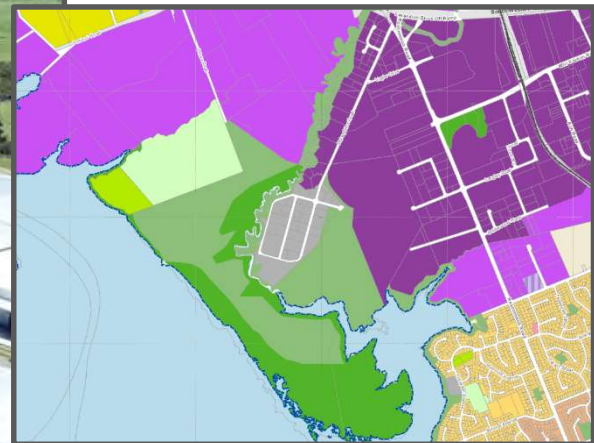
## **Section 32 Report**



## McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (Operative in Part)

Prepared for Stonehill Trustees Limited by Babbage Consultants Limited  
Date: 23 December 2019

### Statutory Assessment Report



## **ACKNOWLEDGEMENT**

This report was prepared for Stonehill Trustees Limited. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply withstanding that the report may be made available to other persons for an application for permission or approval or to fulfil a legal requirement.

Prepared by: Sukhi Singh (Principal Planner, Babbage Consultants Limited)

Approved for issue by: Joe Gray (Planning Manager, Babbage Consultants Limited)

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	Technical Report 8: Cultural Impact Assessment Ngāti Te Ata Waiohua Technical Report 9: Cultural Values Assessment Te Ākitai Waiohua	
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## 1 THE APPLICANT AND PROPERTY DETAILS

<b>To :</b>	Auckland Council
<b>Application:</b>	McLaughlins Quarry Private Plan Change Request (Refer to Appendix 1 for list of properties within the Plan Change area)
<b>Applicant:</b>	Stonehill Trustees Limited
<b>Address for Service:</b>	Babbage Consultants Limited L4, 68 Beach Road Auckland Central 1010 Attention: Sukhi Singh
<b>Zoning:</b>	Quarry Zone and Open Space – Informal Recreation Zone
<b>Designations:</b>	Airspace Restriction Designation – ID 1102: Protection of Aeronautical Functions – Obstacle Limitation Surfaces, Auckland International Airport Limited
<b>Modifications:</b>	Notices of Requirements 7: Proposed Northern Runway, Airspace Restriction Designation
<b>Overlays:</b>	Natural Resources: Significant Ecological Areas Overlay – SEA_T_8443, Terrestrial Natural Resources: Significant Ecological Areas Overlay – SEA_T_612, Terrestrial Natural Resources: High-Use Stream Management Areas Natural Resources: High-Use Aquifer Management Areas – Manukau Southeast Kaawa Natural Resources: High-Use Aquifer Management Areas Overlay – Manukau Waitemata Aquifer Natural Resources: Quality – Sensitive Aquifer Management Areas – Wiri Volcanic Aquifer Natural Heritage: Outstanding Natural Features Overlay – ID 93, Matukuturua Lava Field and Tuff Ring Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place – 2163, Puhinui Fish Traps R11_911 Mana Whenua: Sites and Places of Significance to Mana Whenua – 036, Maunga Matukutūreia
<b>Controls:</b>	Coastal Inundation 1 per cent AEP Plus 1m Control – 1m sea level rise Macroinvertebrate Community Index – Exotic, Native and Rural
<b>Record of Titles:</b>	Refer to Appendix 2

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## 2 INTRODUCTION

- 2.1 Under Clause 21 of Schedule 1 of the Resource Management Act 1991 (RMA), any person can request a change to a district or regional plan (including a regional coastal plan). Clause 22 of Schedule 1 of the RMA states that the plan change request must be made to the appropriate local authority in writing and:
- Explain the purpose and reasons for the plan change request;
  - Contain an evaluation report prepared in accordance with section 32 of the RMA for the plan change request;
  - Where environmental effects are anticipated, the plan change request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement or plan.
- 2.2 This Statutory Assessment Report has been prepared in support of a Private Plan Change Request to the Auckland Unitary Plan (Operative in Part) (AUP(OP)) on behalf of Stonehill Trustees Limited.
- 2.3 The area subject to the Plan Change Request is the site of the former McLaughlins Quarry located in the Wiri industrial area.
- 2.4 The Plan Change Request is set out in Appendix 3. In brief, it seeks to:
- Rezone 20.87ha of land from Quarry Zone to Heavy Industry Zone.
  - Rezone 3.39ha of land from Quarry Zone to Light Industry Zone.
  - Rezone 1.91ha of land from Quarry Zone to Open Space – Informal Recreation Zone.
  - Rezone 0.29ha of land from Open Space – Informal Recreation Zone to Heavy Industry Zone.
  - Rezone 0.34ha of land from Open Space - Informal Recreation Zone to Light Industry Zone
  - Amend the boundaries of the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring).
  - Amend the description of Outstanding Natural Feature ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring set out in Schedule 6: Outstanding Natural



Features Overlay Schedule, to correctly refer to the part of the geological feature as an explosion crater.

- Amend the boundaries of the Significant Ecological Area (SEA) Overlay (ID SEA T 8443) applied to the site at 79 McLaughlins Road.
- Introduce a new Wiri Precinct into Chapter I Precincts (South) of the AUP(OP) to enable transition from quarry to industrial activities, while recognising the important cultural, ecological and geological values present within the precinct.

2.5 The Plan Change Request is informed by the following specialist reports:

- Economic Assessment Report
- Integrated Transportation Assessment
- Geotechnical Feasibility Assessment
- Archaeological Assessment Report
- Ecological Survey Report
- Geological Evaluation Report
- Landscape Assessment Report
- Preliminary Cultural Impact Assessment - Ngāti Te Ata Waiohua
- Cultural Values Assessment - Te Ākitai Waiohua

2.6 The section 32 evaluation has been completed, and it concludes that the Plan Change Request will more effectively and efficiently achieve the objectives of the AUP(OP), and the purpose of the RMA, than the current provisions sought to be amended. This statutory assessment, including the section 32 evaluation, will continue to be refined as the Plan Change Request progresses through the various processing stages.

### 3 THE PLAN CHANGE AREA AND LOCALITY DESCRIPTION

#### Surrounding Context

3.1 Figure 3-1 illustrates the location of the Plan Change area relative to the surrounding environment.

**Figure 3-1: Locality Plan**



3.2 The Plan Change area is located within the general proximity of the Puhinui peninsula area. The local area is characterised by low lying, varied and gently undulating terrain located on the edge of the Manukau Harbour. Puhinui Creek adjoins the southern and western boundaries of the Plan Change area.

3.3 The Plan Change area forms part of the Wiri industrial area. Due to its location in close proximity to the Auckland International Airport, and access to State Highways 1 and 20, the Wiri industrial area is strategically placed to service the industrial business land supply needs of Auckland. The Wiri Inland Port is also located within the Wiri industrial area.

3.4 Puhinui Precinct (Chapter I432 of the AUP(OP)) is located immediately to the north of the Plan Change area. The precinct recognises the cultural, spiritual and historical values and relationships that Te Ākitai Waiohūa have with the land and sea in Puhinui as part of the

Māori cultural landscape. The precinct provides for predominantly light industrial and airport related activities, with some large lot residential development.

- 3.5 Te Pukakitapu o Poutukeka (Pukaki Crater and lagoon) and Nga Kapua Ohoura (Crater Hill) are located in close proximity to the Plan Change area.
- 3.6 Puhinui Reserve, at the edge of the Manukau Harbour, is located to the south- west of the Plan Change area. It contains significant conservation, heritage and amenity values. Puhinui Reserve protects a variety of ecosystems and habitats, including extensive shell banks, intertidal mudflats, mangroves and shoreline salt marsh. Part of the Reserve is a wildlife refuge. Thousands of international migratory birds and New Zealand endemic waders feed on the sand flats and use the shellbanks as a high tide roost.
- 3.7 Maunga Matukutūreia (McLaughlins Mountain) and the Matukuturua Stonefields adjoin the eastern boundary of the Plan Change area, both of which are held by the Crown and managed by the Department of Conservation (DoC). Maunga Matukutūreia (McLaughlins Mountain) is a prominent land mark. Matukuturua Stonefields is recognised as being of high archaeological significance, and the majority of the remains are protected within a historic reserve.
- 3.8 Auckland Region Women’s Corrections Facility and Auckland South Corrections Facility (high security men’s prison) are located to the east of the Plan Change area.
- 3.9 The Wiri Oil Terminal and the Wiri LPG Depot are located in close proximity to the Plan Change area. Wiri Oil Terminal is the only bulk facility storing and supplying fuel to the greater Auckland region and is an essential part of the national network for the distribution and transmission of petroleum throughout the upper North Island. It also supplies jet fuel to the Auckland International Airport via the Wiri to Auckland Pipeline.

### **The Plan Change Area Description**

- 3.10 Figure 3-2 illustrates the area subject to the Plan Change Request. It is the site of the former McLaughlins Quarry. By 2009, all quarrying activities had ceased within the Plan Change area.
- 3.11 The Plan Change area is located within the Rural Urban Boundary (RUB) as identified in the AUP(OP).

**Figure 3-2:** Area subject to the Plan Change Request



- 3.12 Puhinui Creek forms the southern and western boundaries of the Plan Change Area. Open Space – Informal Recreation Zone is applied to the margins of the Puhinui Creek. The remainder of the area is zoned Quarry.
- 3.13 Section 1 and Appendix 4 of this report identify the AUP(OP) modifications, designations, overlays and controls applying to the Plan Change area. The key provisions include:
- Outstanding Natural Features Overlay – ID 93, Matukutūreia and Matukuturua Lava Field and Tuff Ring.
  - Historic Heritage Overlay Extent of Place – 2163, Puhinui Fish Traps R11\_911.
  - Sites and Places of Significance to Mana Whenua – 036, Maunga Matukutūreia.
  - Significant Ecological Areas Overlay – SEA\_T\_8443 and SEA\_T\_612, Terrestrial.
- 3.14 The southern and south-western boundaries of the Plan Change area correlate with the extent of the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua lava field and tuff ring) applied within the Plan Change area (primarily within the site at 79 McLaughlins Road). The northern and eastern boundaries of the Plan Change area are informed by the extent of the Quarry Zone applying to the subject area.



3.15 The Plan Change area is located at the southern end of McLaughlins Road. The only access to McLaughlins Road is via the Vogler Drive and Roscommon Road intersection.

3.16 The Plan Change area consists of two distinct portions: Sub- areas A and B (Figure 3-3).

**Figure 3-3:** Sub-areas A and B within the Plan Change Area



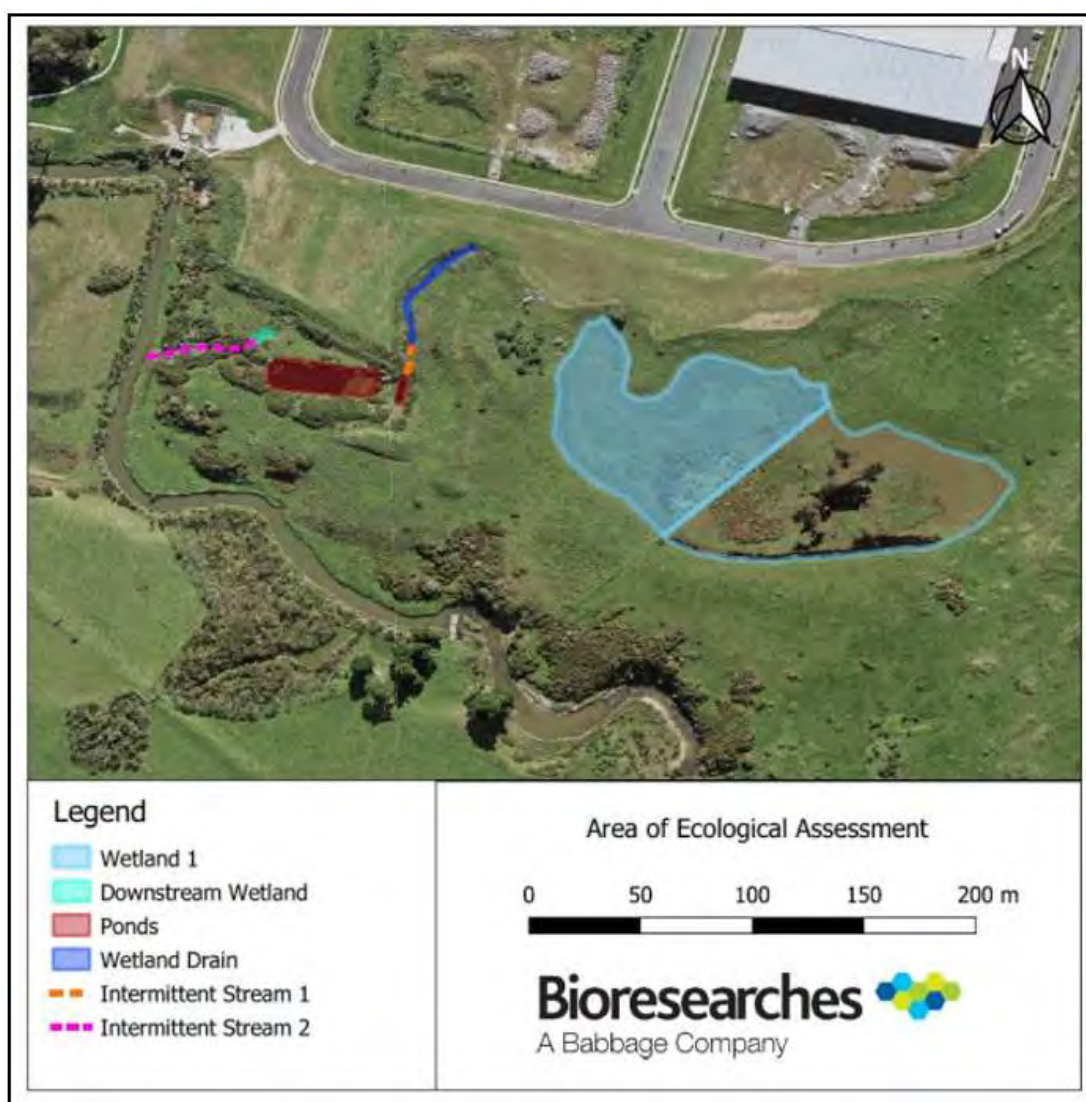
3.17 Sub-area A is located on the footprint of the backfilled quarry. Sub-area A is currently in the development phase, in accordance with land use and subdivision resource consents granted by the former Manukau City Council and Auckland Council to enable the establishment of business uses. The types of businesses already established within Sub-area A can generally be described as industrial activities.

3.18 Sub-area B is greenfield land, located at 79 McLaughlins Road. It contains a large wetland, which is dissected by a fenceline through the central area, separating the wetland into two

approximately equal halves. The western half of the wetland is located within Plan Change area, and the eastern half is the part of the Matukuturua Stonefields site, and is managed by the Department of Conservation.

3.19 Figure 3-4 illustrates the key ecological features located within Sub-area B. The stormwater detention pond located within the western portion of Sub-area B drains to Puhinui Creek.

**Figure 3-4:** Key features within Sub-area B



## 4 PLAN CHANGE REQUEST PART A: REZONE LAND FROM QUARRY ZONE TO HEAVY AND LIGHT INDUSTRY ZONES

### The Proposal

4.1 Rezone land within the Plan Change area as follows:

- 20.87ha of land from Quarry Zone to Heavy Industry Zone (areas marked as “A” in Figure 4-1).
- 3.39ha of land from Quarry Zone to Light Industry Zone (areas marked as “D” in Figure 4-1).

*Figure 4-1: Land requested to be rezoned*



### Background



- 4.2 The area subject to the Request is the site of the former McLaughlin’s Quarry. By 2009, all quarrying activities had ceased within the Plan Change area. However, the Plan Change area continues to be zoned Quarry within the AUP(OP).
- 4.3 Under Rule 9.8.2 of the Auckland Council District Plan (Manukau Section), subdivision within the Quarry Zone was a restricted discretionary activity. Pursuant to this provision, in December 2009, the former Manukau City Council granted land use and subdivision resource consent (No. 3387) to Stonehill Property Trust to subdivide and develop the Quarry zoned land for business use purposes.
- 4.4 The key resource consents granted within the Plan Change area include:
- **Resource Consent No. 33887**, was granted in December 2009 for Stage 1 subdivision and land use consent for part of the original parents’ sites, being 68 and 91 McLaughlins Road. The resource consent was for the subdivision of the parents site into 29 lots for business purposes, road, esplanade and recreation reserves and a residue lot (Lot 100).
  - **Resource Consent No. 39194** (*stage 2 subdivision*), involving regional stormwater discharge consent (No. 39328) and regional earthworks consent (No. 39901) for the development of Lot 100 into 22 lots was granted on 25 November 2011.
  - **Resource Consent No. 51522 SP 12591**, was granted on 3 November 2016 to create 19 fee simple business lots over three stages across the consented Stage 2 area.
  - **Variation to Condition 35 of Consent Notice 1088755.3**, was granted on 6 September 2019 to provide for a list of permitted activities generally aligned with the Light Industry Zone provisions of the AUP(OP) within 6 specified lots.

**Resource consent Decision (No. 51522 SP 12591)**

- 4.5 In lieu of a plan change process to rezone the land, the resource consent Decisions authorised a “blanket land use consent” or a “spot zone”, enabling Sub-area A in Figure 3-3 to be used for permitted activities enabled in the Business 5 Zone under the Auckland Council District Plan (Manukau Section). The Business 5 Zone applied to mixed areas of light and medium industry, offices, and a limited range of retailing activity.
- 4.6 Resource consent 51522 SP 12591 (refer Appendix 5A) sets out a specific list of “Permitted Activities” enabled within Sub-area A. The conditions of consent also specify that the list of permitted activities shall comply with Rule 14.11 General Development and Performance Standards of the District Plan (being the Auckland Council District Plan (Manukau Section)), unless explicitly varied by a condition of consent. The conditions of consent further stipulate that any non-compliance with the specified standards would require assessment pursuant



to Rule 5.19 and Rule 14.13 of the District Plan (being the Auckland Council District Plan (Manukau Section)).

4.7 Resource consent 51522 SP 12591 provides for the following activities to establish as “Permitted Activities” within Sub-area A shown in Figure 3-3:

- Retail sale activities provided that the activity is undertaken in premises with a gross floor area not exceeding 800m<sup>2</sup>, excluding the following:
  - Department stores
  - Clothing retailing
  - Footwear retailing
  - Domestic appliance retailing
  - Record music retailing
  - Toy and game retailing
  - Newspaper, Book and stationary retailing
  - Pharmaceutical, cosmetic and toiletry retailing
  - Watch and jewellery retailing
- The retail sale of any good manufactured on the site provided that the retail sales area does not exceed 25% of the gross floor area set aside for manufacturing, or 250m<sup>2</sup>, whichever is the lesser.
- Cafes, restaurants and takeaway food premises.
- Car parking areas and buildings not ancillary to a permitted activity.
- Care Centre
- Cleanfill activities involving the deposition of less than 5000m<sup>3</sup> of material per site.
- Educational facilities
- Entertainment facilities and activities
- Equipment hire premises
- Funeral director premises
- A single household unit needed for a person whose responsibilities require them of live on the site.
- Industry, except activities involving discharges to air categories listed in Appendix 14B of the Manukau District Plan 2002.
- Motor vehicle sales and service premises.
- Offices (no more than 20% of the gross floor area of buildings on each lot shall be used for office activities as defined in the district plan, unless resource consent has been obtained from the Council for a higher percentage of office space).
- Personal and other services
- Places of assembly

- Public open spaces
  - Public toilets
  - Service stations
  - Wholesale trade, warehousing, storage, auction rooms
- 4.8 Resource consent 51522 SP 12591 also includes the following key conditions in relation to the residue lot (Lot 102, this being the site at 79 McLaughlins Road):
- No quarrying permitted within 60m of the northern and western boundaries of the residue land.
  - No activity shall be undertaken within the area labelled “Heritage Protection Area” unless appropriate resource consent are obtained from the Council and the consent notice is varied accordingly.
  - No activity shall be undertaken elsewhere on the residue lot potentially affecting any other identified archaeological sites, unless those works have been approved by the Historic Places Trust, Department of Conservation, representatives of Ngāti Te Ata, Te Akitai ki Pukaki, and a resource consent has been granted for those works by the Auckland Council.
- 4.9 In addition to the conditions of consent, a number of interests are also recorded on the record of titles for the sites within the Plan Change area (see Appendix 1 and Appendix 2). The interests on titles generally replicate the conditions of consent, including the list of “Permitted Activities” as set out in paragraph 4.7 of this report.
- 4.10 Land covenants on lots 22, 31, 32, 34 and 40 of DP 508731 limit the maximum building height to 18m. The rationale for this is set out in the reasons for the resource consent Decision 39194 as follows:
- “The subject site is located in close proximity to Maunga Matukutureia (McLaughlins Mountain), which is Waahi Tapu site, it is important to maintain views to this mountain as far as practicable. With the above consideration, a height restriction of 18m is acceptable to Council as recommended by the applicant for any future development on the proposed lots”.*
- 4.11 Pursuant to the above mentioned resource consent Decisions, the types of land uses already established within Sub-area A can generally be described as industrial activities, as defined under the AUP(OP).

### **Variation to Condition 35 of Consent Notice 1088755.3**

- 4.12 On 6 September 2019, the Council granted a variation to Condition 35 of Consent Notice 1088755.3 on 6 lots within the Plan Change area, including Lot 102 DP 485905 (Lot 102). Lot 102 is the area shown as Sub-area B in Figure 3-3, being the site at 79 McLaughlins Road.

4.13 The amended Consent Notice 1088755.3 sets out the following list of activities which are provided for as “permitted activities” within Sub-area B:

- Works accommodation – one per site
- Dairies up to 100m<sup>2</sup> gross floor area
- Food and beverage up to 120m<sup>2</sup> gross floor area per site
- Garden centres other than H17.4.1(A13)
- Motor vehicle sales (other than H17.4.1(A13))
- Marine retail other than H17.4.1(A15)
- Offices that are accessory to the primary activity on site and the office gross floor area does not exceed 30 per cent of all buildings on the site; or the office gross floor area does not exceed 100m<sup>2</sup>.
- Retail accessory to an industrial activity on the site, where the goods sold are manufactured on site and the retail gross floor area does not exceed 10 per cent of all building on the site.
- Service stations
- Show homes
- Trade suppliers
- Emergency services
- Tertiary education facilities that are accessory to an industrial activity on the site
- Industrial activities
- Wholesaler
- Storage and lock-up facilities
- New buildings
- Additions and alterations to buildings
- Demolition of buildings

4.14 The amended consent notice further stipulates that the permitted activities listed above take precedence over any conflicting activity status in the Quarry Zone provisions (Rule H28.4.1) or clause C1.7 of Chapter C General Rules of the AUP(OP). Permitted activities are required to comply with the Standards set out in the Chapter H17 Light Industry Zone. The amended consent notice states that the Standards set out in Chapter H28 Special Purpose Quarry Zone do not apply.

4.15 Pursuant to the amended Consent Notice 1088755.3, Council has authorised Sub-area B to be developed for land uses consistent with the Light Industry Zone provisions (with the exclusion of some sensitive land uses). However, it is noted that the consent notice restrictions set out in paragraph 4.8 of this report continue to apply to Sub-area B.

### **The Issue**

- 4.16 Despite the significant development of the Plan Change area for business uses, the AUP(OP) continues to apply the Quarry Zone to this subject area. While the surrounding Quarry zoned areas in Wiri were rezoned as part of the Unitary Plan development process, it is not clear as to why the Quarry Zone was retained within the Plan Change area.
- 4.17 The objectives and policies framework for the Quarry Zone in the AUP(OP) provides for mineral extraction activities, minimises associated adverse effects and enables rehabilitation of quarries assisted by cleanfills and managed fills. The provisions of the Quarry Zone do not extend beyond the rehabilitation phase. As such, any non-quarry related activities (apart from those listed in Rule H28.4.4, including farming, forestry, conservation planting) have a non-complying activity status within the Quarry Zone. Noting that the objectives and policies framework of the Quarry Zone is principally focused on quarry activities, any non-quarry related activities (such as business land use) would fail to meet to objectives and policies framework of the Quarry Zone.
- 4.18 The resource consent Decision (no. 51522 SP 12591) is written in a manner and language which attempts to duplicate a suite of bespoke provisions of a district plan, rather than mitigating the effects of the activities arising from the resource consent triggers. The activities established in the Plan Change area are entirely dependent on the resource consent Decision for on-going development and operation of the business activities established within the Plan Change area. Any deviation from the resource consent Decision triggers the need for a new resource consent, resulting in unnecessary financial costs and time delays.
- 4.19 The conditions of resource consent (as set out in Appendix 5) refer to the full suite of Business 5 Zone provisions in the Auckland Council District Plan (Manukau Section). These provisions have now been superseded by the business provisions in the AUP(OP). This results in a planning framework, where the approved development within the Plan Change area is still reliant on the wholesale provisions of a legacy district plan, which is shortly to be replaced by the Operative Auckland Unitary Plan. This creates an environment where the planning outcomes within the Plan Change area does not align with the comprehensive planning framework applying to the Wiri area, which has recently been through a rigorous planning exercise as part of the Unitary Plan development process.
- 4.20 Rezoning of the Plan Change area to another appropriate zone is necessary to recognise that quarrying activities have ceased, the subject area has been rehabilitated, and a significant portion of the Plan Change area has already been developed for business land uses consistent with the resource consents granted to date.

**The Objective**

4.21 The objective of this proposal is to apply an appropriate zone to the Plan Change area in recognition of the facts that:

- Quarrying activities have ceased.
- The quarried area has been rehabilitated.
- A significant portion of the Plan Change area has been established for business land uses consistent with the resource consents granted to date.
- The consent notices on the certificate of titles provide for specified business land uses as permitted activities.
- The Plan Change area is an urban area located within the RUB.

**Rezoning Options Considered**

4.22 In determining the most appropriate means to respond to the issues identified in respect of the zoning of the Plan Change area, options were developed to explore the best means to address the issues, and achieve the sustainable management purpose of the act. The following reasonable options are explored:

- Option 1: Status Quo / Do Nothing
- Option 2: Rezone to Heavy Industry Zone
- Option 3: Rezone to Light Industry Zone
- Option 4: Rezone Sub-area A to Heavy Industry Zone and Sub-area B to Light Industry Zone (preferred option)
- Option 4: Rezone to a residential zone

4.23 Assessment of Option 1 (Status Quo / Do Nothing) is set out in Table 4-1 below.

**Table 4-1: Assessment of Option 1 (Status Quo / Do Nothing)**

<p>Cost (environmental, economic, social and cultural effects)</p>	<p>The Plan Change area is inappropriately zoned recognising the land uses anticipated by the Quarry Zone, in contrast to the current land uses established within this area. Inappropriately zoned land can lead to land resources being underutilised.</p> <p>Any future changes in land uses and/or subdivisions that are outside the scope of the resource consent Decision, will incur additional financial costs associated with the resource consent approval process. This will require a case by case approach to the assessment of environmental effects and an evaluation of the consistency of the proposal with the objectives and policies framework of the Quarry</p>
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	<p>Zone. The resource consent process will be cumbersome, time expensive and financially expensive and have a high level of uncertainty of outcome, recognising that any proposed non-quarry related land use may not deliver the outcomes anticipated by the Quarry Zone.</p> <p>The current environment (i.e. development enabled via a resource consent process based on a legacy district plan), creates a high level of uncertainty for both the public and the landowner regarding the future expected development within the Plan Change area.</p> <p>The status quo option creates a planning framework, where the approved development within the Plan Change area is still reliant on the wholesale provisions of a legacy district plan, which is shortly to be replaced by the Operative Auckland Unitary Plan.</p> <p>The status quo option creates an environment where the planning outcomes within the Plan Change area does not align with the updated comprehensive planning framework applying to the Wiri area under the AUP(OP), which has recently been through a rigorous planning exercise with input from the key stakeholders as part of the Unitary Plan development process.</p>
<p>Benefit (environmental, economic, social and cultural effects)</p>	<p>Avoids the need to undertake a plan change process.</p>
<p>Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.</p>	<p>The Quarry Zone has recently undergone a section 32 assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.</p>
<p>Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.</p>	<p>The “do nothing” option does not address the identified issue, nor does it achieve the objectives of this proposal. Under this option, the Plan Change area will continue to be inappropriately zoned, and the established land uses will continue to be contradictory to the objectives, policies and rules framework of the Quarry Zone.</p> <p>It is considered that the “do nothing” option is not an appropriate, efficient, or effective means to manage the current and future land uses within the Plan Change area.</p>

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Risk	It is considered that there is sufficient information available on which to consider the proposal.
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4.24 Assessment of Option 2 (rezone to Heavy Industry Zone) is set out in Table 4-2.

**Table 4-2: Assessment of Option 2 (Rezone to Heavy Industry Zone)**

<p>Cost (environmental, economic, social and cultural effects)</p>	<p>A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.</p> <p>The Preliminary Cultural Impact Assessment (CIA), prepared by Ngāti Te Ata Waiohua, considers that the application of the Heavy Industry Zone will result in adverse effects on the cultural values associated with the Matukutureia Cultural Landscape.</p> <p>The Cultural Values Assessment (CVA), prepared by Te Ākitai Waiohua, does not support the application of the Heavy Industry Zone to Sub-area B.</p>
<p>Benefits (environmental, economic, social and cultural effects)</p>	<p>Recognising that appropriately located industrial land (in particular heavy industry developable land) is experiencing competitive pressures from lower land intensive land use activities, Option 2 enables an increase in the supply of Heavy Industrial zoned land in Wiri (a recognised industrial hub in the urban south area). This is consistent with the intent of the National Policy Statement on Urban Development Capacity 2016.</p> <p>Option 2 enables an increase in scarce heavy industry zoned land resource, resulting in a retention of growth that may otherwise locate outside the Auckland region.</p> <p>The application of the Heavy Industry Zone is consistent with the development strategy set out in the Auckland Plan 2050. In particular, it enables the use (or repurposing) of a rehabilitated quarried area for industrial purposes within urban Auckland, assisting in achieving quality compact approach to accommodating business growth.</p>
	<p>Option 2 aligns with the zoning principles applied to the Wiri industrial area in the AUP(OP). The Plan Change area is contiguous with the Heavy Industry zoning applied to the larger Wiri industrial area. Further expansion of Heavy Industry Zone adds to the importance of Wiri as an industrial hub in the urban south area.</p>



	<p>The Heavy Industry Zone protects the anticipated outcomes (both amenity and functionality) of this important resource as a part of a larger area. In particular, it protects this resource from the incompatible activities that give rise to reverse sensitivity concerns.</p>
	<p>The Plan Change area is a cul-de-sac, with its only access via McLaughlins Road. The Wiri Oil Terminal, an infrastructure of national significance, is located to the north of the Plan Change area, and to the east of McLaughlins Road as it enters the Plan Change area. Chapter E29 Emergency Management Area – Hazardous Facilities and Infrastructure of the AUP(OP), identifies this general locality as being subject to the provisions of the emergency management areas for the Wiri Oil Terminal. Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people. The application of the Heavy Industry Zone (via the restrictive activity classifications for sensitive activities), is compatible with the operation of the Wiri Oil Terminal, including the reduction of risk to people and property within the Plan Change area as a result of an emergency event at the Wiri Oil Terminal.</p> <p>The application of the Heavy Industry Zone will create greater certainty for the public and the landowners regarding the expected development within the Plan Change area.</p> <p>The Heavy Industry Zone will enable a scale and intensity of built form that is consistent with outcomes anticipated by the AUP(OP) for the Wiri industrial area.</p> <p>The Heavy Industry Zone will enable increased opportunities for people to live and work in the area. It enables labour efficiencies, through the provision of industrial land in close proximity to associated labour force.</p> <p>It aligns with the established business activities in the Plan Change area which meet the definition of industrial activities in the AUP(OP).</p>
	<p>The comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay of the AUP(OP), will continue to provide for the protection</p>

	of scheduled sites and places of significance to Mana Whenua, including Maunga Matukutūreia and Matukuturua Stonefields.
	The comprehensive framework of objectives, policies and rules in Chapter D17 Historic Heritage Overlay of the AUP(OP), will continue to protect the Puhinui Fish Traps.
	The Auckland-wide provisions contained in Chapter E of the AUP(OP) will continue to manage natural resources (including Puhinui Creek) within the Plan Change area.
	The Heavy Industry Zone will ensure the avoidance of any onerous and unnecessary resource consent processes for future development / use of the Plan Change area (when compared to the current reliance on a static resource consent Decision). This is especially vital for industrial activities due to capital investment requirements and the need for long term decision making.
Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.	The Heavy Industry Zone has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	<p>While this option directly addresses the identified issues and objectives of the proposal, it does not address Mana Whenua concerns in relation to the application of the Heavy Industry Zone in Sub-area B.</p> <p>Within Sub-area A, the comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay, will continue to provide for the protection of Maunga Matukutūreia, a scheduled site and place of significance to Mana Whenua. As an overlay, the provisions of Chapter D21 take precedence over the Heavy Industry Zone, as such any noxious activities seeking to establish within Sub-area A will need to take into</p>

	<p>account the planning framework applying to the scheduled sites and places of significance to Mana Whenua.</p> <p>Noting that the provisions of Chapter D21 do not apply within Sub-area B, the application of the Heavy Industry Zone within this area may not address the concerns raised by Mana Whenua in relation to adverse effects of Heavy Industry Zone on the cultural values associated with Maunga Matukutūreia and Matukuturua Stonefields.</p> <p>It light of the above, it is concluded that Option 2 does not appropriately address the concerns raised by Mana Whenua in relation to Sub-area B.</p>
Risk	It is considered that there is sufficient information available on which to consider the proposal.

4.25 Assessment of Option 3 (Rezone to Light Industry Zone) is set out in Table 4-3.

**Table 4-3: Assessment of Option 3 (Rezone to Light Industry Zone)**

<p>Cost (environmental, economic, social and cultural effects)</p>	<p>A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.</p> <p>With the rezoning of land within the Puhinui Precinct (I432 of the AUP(OP) to Light Industry Zone, there is already a large supply of Light Industry zoned land in this proximity. Option 3 results in a forgone opportunity cost to increase the supply of Heavy Industry zoned land in Wiri (an area strategically placed to service the industrial business land supply needs of Auckland).</p> <p>The Plan Change area is a cul-de-sac, with its only access via McLaughlins Road. The Wiri Oil Terminal, an infrastructure of national significance, is located to the north of the Plan Change area, and to the east of McLaughlins Road as it enters the Plan Change area. Chapter E29 Emergency Management Area – Hazardous Facilities and Infrastructure of the AUP(OP), identifies this general locality as being subject to the provisions of the emergency management areas for the Wiri Oil Terminal. Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the</p>
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	<p>surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people.</p> <p>The application of the Heavy Industry Zone is a fundamental zoning principle which is applied to the land in the proximity of the Wiri Oil Terminal to manage the risks associated with an emergency event at the Terminal.</p> <p>The application of the Light Industry Zone within the Plan Change area does not align with the above zoning principle. The Light Industry Zone enables more people intensive activities than the Heavy Industry Zone. As such, the Light Industry Zone fails to manage the establishment of sensitive and incompatible activities in the proximity of the Wiri Oil Terminal, giving rise to reverse sensitivity effects. The application of the Light Industry Zone fails to recognise the strategic importance of Wiri Oil Terminal to Auckland’s (and New Zealand’s) fuel supplies.</p>
<p>Benefit (environmental, economic, social and cultural effects)</p>	<p>The application of the Light Industry Zone is consistent with the development strategy set out in the Auckland Plan 2050. In particular, it enables the use (or repurposing) of a rehabilitated quarried area for industrial purposes within urban Auckland, assisting in achieving quality compact approach to accommodating business growth.</p> <p>The application of the Light Industry Zone will create greater certainty for the public and the landowners regarding the expected development within the Plan Change area.</p> <p>The Light Industry Zone will enable increased opportunities for people to live and work in the area. Enables labour efficiencies, through the provision of industrial land in close proximity to associated labour force.</p> <p>Aligns with the established business activities in the Plan Change area which meet the definition of industrial activities in the AUP(OP).</p> <p>The comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay of the AUP(OP), will continue to provide for the protection of scheduled sites and places of significance to Mana Whenua, including Maunga Matukutūreia and Matukuturua Stonefields.</p>

	<p>The comprehensive framework of objectives, policies and rules in Chapter D17 Historic Heritage Overlay of the AUP(OP), will continue to protect the Puhinui Fish Traps.</p> <p>The Auckland-wide provisions contained in Chapter E of the AUP(OP) will continue to manage natural resources (including Puhinui Creek) within the Plan Change area.</p> <p>The Light Industry Zone will ensure the avoidance of any onerous and unnecessary resource consent process for future development / use of the Plan Change area (when compared to the current reliance on a static resource consent Decision).</p> <p>The application of the Light Industry Zone may address the concerns raised by Ngāti Te Ata Waiohua and Te Ākitai Waiohua regarding the adverse effects of noxious activities establishing within the Plan Change area.</p>
Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.	<p>The Light Industry Zone has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.</p>
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	<p>While this option addresses the identified issues and objectives of the proposal, it is not considered to be the most appropriate as it does not align with the zoning principles applied to land in proximity of the Wiri Oil Terminal, a recognised nationally significant infrastructure.</p>
Risk	<p>It is considered that there is sufficient information on which to base the proposal.</p>

4.26 Assessment of Option 4 (rezone Sub-area A to Heavy Industry Zone and Sub-area B to Light Industry Zone) is set out in Table 4-4.

**Table 4-4:** rezone Sub-area A to Heavy Industry Zone and Sub-area B to Light Industry Zone)

<p>Cost (environmental, economic, social and cultural effects)</p>	<p>A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.</p> <p>With the rezoning of land within the Puhinui Precinct (I432 of the AUP(OP) to Light Industry Zone, there is already a large supply of Light Industry zoned land in this proximity. Within Sub-area B, Option 4 results in a forgone opportunity cost to increase the supply of Heavy Industry zoned land in Wiri (an area strategically placed to service the industrial business land supply needs of Auckland).</p> <p>Application of the Light Industry Zone alone (without the supporting Wiri Precinct), does not align with the zoning principles applied to land in proximity of the Wiri Oil Terminal. The Light Industry Zone enables more people intensive activities than the Heavy Industry Zone. As such, the Light Industry Zone fails to manage the establishment of sensitive and incompatible activities in the proximity of the Wiri Oil Terminal, giving rise to reverse sensitivity effects. The application of the Light Industry Zone on its own within Sub-area B fails to recognise the strategic importance of Wiri Oil Terminal to Auckland’s (and New Zealand’s) fuel supplies.</p>
<p>Benefit (environmental, economic, social and cultural effects)</p>	<p>Option 4 enables an increase in the supply of both Heavy and Light Industrial zoned land in Wiri (a recognised industrial hub in the urban south area). This is consistent with the intent of the National Policy Statement on Urban Development Capacity 2016.</p> <p>Application of Heavy Industry zoned land within Sub-area A under Option 4 enables an increase in scarce heavy industry zoned land resource, resulting in a retention of growth that may otherwise locate outside the Auckland region.</p>

	<p>Option 4 aligns with the zoning principles applied to the Wiri industrial area in the AUP(OP). Sub-area A is contiguous with the Heavy Industry zoning applied to the larger Wiri industrial area. Further expansion of Heavy Industry Zone adds to the importance of Wiri as an industrial hub in the urban south area.</p> <p>The application of Heavy Industry Zone within Sub-area A protects the anticipated outcomes (both amenity and functionality) of this important resource as a part of a larger area. In particular, it protects this resource from the incompatible activities that give rise to reverse sensitivity concerns.</p>
	<p>Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people. The application of the Heavy Industry Zone to the area in close proximity to the Wiri Oil Terminal, will ensure the land uses within Sub-area A are compatible with the operation of this nationally significant infrastructure.</p> <p>The application of the Light Industry Zone within Sub-area B, together with the proposed Wiri Precinct provisions, will ensure that reverse sensitivity effects on the development and operation of the Wiri Oil Terminal are appropriately managed.</p>
	<p>The application of a mixture of Heavy and Light Industry Zones will create greater certainty for the public and the landowners regarding the expected development within the Plan Change area.</p>
	<p>Option 4 will enable increased opportunities for people to live and work in the area, enabling labour efficiencies through the provision of industrial land in close proximity to associated labour force.</p>
	<p>The comprehensive framework of objectives, policies and rules in Chapter D17 Historic Heritage Overlay of the AUP(OP), will continue to protect the Puhinui Fish Traps.</p>
	<p>The Auckland-wide provisions contained in Chapter E of the AUP(OP) will continue to manage natural resources (including Puhinui Creek) within the Plan Change area.</p>
	<p>Option 4 will ensure the avoidance of any onerous and unnecessary resource consent processes for future development / use of the Plan</p>

	<p>Change area (when compared to the current reliance on a static resource consent Decision). This is especially vital for industrial activities due to capital investment requirements and the need for long term decision making.</p>
<p>Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.</p>	<p>Both the Heavy and Light Industry Zones have recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.</p>
<p>Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.</p>	<p>It is essential that the right zoning is applied within Sub-areas A and B, recognising the special characteristics of these areas. If this does not occur, the current conflict between the approved development and the zone will continue to occur.</p> <p>Option 4 (together with the Wiri Precinct) ensures that the proposed zoning changes align with the zoning principles applied to land in proximity of the Wiri Oil Terminal. Option 4 also assists in addressing the concerns raised by Mana Whenua in relation to the adverse effects of Heavy Industry Zone on cultural values associated with Maunga Matukutūreia and Matukuturua Stonefields.</p> <p>Within Sub-area A, the comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay, will continue to provide for the protection of Maunga Matukutūreia, a scheduled site and place of significance to Mana Whenua. As an overlay, the provisions of Chapter D21 take precedence over the Heavy Industry Zone, as such any noxious activities seeking to establish within Sub-area A will need to take into account the planning framework applying to the scheduled sites and places of significance to Mana Whenua.</p> <p>Within Sub-area B, the application of the Light Industry Zone may address the concerns raised by Mana Whenua in relation to adverse effects of Heavy Industry Zone on the cultural values associated with Maunga Matukutūreia and Matukuturua Stonefields.</p> <p>Option 4 directly addresses the identified issues, and amending the zoning pattern (as proposed under Option 4) is considered to be the</p>



	most appropriate, efficient and effective in achieving the objectives of the proposal.
Risk	It is considered that there is sufficient information on which to base the proposal.

4.27 Assessment of Option 5 (Rezone to a residential zone) is set out in Table 4-5.

**Table 4-5: Assessment of Option 5 (Rezone to a Residential Zone)**

Cost (environmental, economic, social and cultural effects)	<p>A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.</p> <p>The Plan Change area is located in a prominent industrial area. Option 5 results in a forgone opportunity cost to increase the supply of industrial land in Wiri (an area strategically placed to service the industrial business land supply needs of Auckland).</p> <p>The Wiri Industrial area is predominantly zoned Heavy Industry, with Light Industry zoned land along the fringes. The Heavy Industry Zone protects the anticipated outcomes (both amenity and functionality) of this important resource as a part of a larger area. Option 5 will result in the establishment of sensitive and incompatible activities adjoining Heavy Industry zoned land, giving rise to reverse sensitivity concerns. The co-location of sensitive activities, such as residential, are not deemed suitable in close proximity to Heavy Industry zoned land in this location.</p> <p>The Plan Change area is a cul-de-sac, with its only access via McLaughlins Road. The Wiri Oil Terminal, an infrastructure of national significance, is located to the north of the Plan Change area, and to the east of McLaughlins Road as it enters the Plan Change area. Chapter E29 Emergency Management Area – Hazardous Facilities and Infrastructure of the AUP(OP), identifies this general locality as being subject to the provisions of the emergency management areas for the Wiri Oil Terminal. Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the</p>
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	<p>surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people.</p> <p>The application of a residential zone within the Plan Change area fails to manage the establishment of sensitive and incompatible activities in the proximity of the Wiri Oil Terminal, giving rise to reverse sensitivity effects. Option 5 fails to recognise the strategic importance of Wiri Oil Terminal to Auckland’s (and New Zealand’s) fuel supplies.</p> <p>A residential zone will not align with the established business activities in the Plan Change area which meet the definition of industrial activities in the AUP(OP).</p>
<p>Benefit (environmental, economic, social and cultural effects)</p>	<p>Option 5 will increase the supply of residential land in Auckland.</p> <p>Provides for the economic viability of land.</p> <p>A residential zone will enable increased opportunities for people to live and work in the area.</p> <p>The comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay of the AUP(OP), will continue to provide for the protection of scheduled sites and places of significance to Mana Whenua, including Maunga Matukutūreia and Matukuturua Stonefields.</p> <p>The comprehensive framework of objectives, policies and rules in Chapter D17 Historic Heritage Overlay of the AUP(OP), will continue to protect the Puhinui Fish Traps.</p> <p>The Auckland-wide provisions contained in Chapter E of the AUP(OP) will continue to manage natural resources (including Puhinui Creek) within the Plan Change area.</p> <p>The application of a residential zone within the Plan Change area is likely to be considered more favourably by Mana Whenua in terms of its effects on the cultural values associated with the Matukutureia Cultural Landscape.</p>
<p>Extent to which the option is the most appropriate way to achieve</p>	<p>All residential zones have recently undergone a section 32 analysis assessment as part of the Unitary Plan development process.</p>

<p>the purpose of the RMA and is in accordance with Part 2 of the Act.</p>	<p>Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.</p>
<p>Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.</p>	<p>Option 5 does not address the identified issue, nor does it achieve the objectives of this proposal. Under this option, the established land uses (industrial) within the Plan Change area will continue to be contradictory to the objectives, policies and rules framework of the residential zones.</p> <p>It is considered that the Option 5 is not an appropriate, efficient, or effective means to manage the current and future land uses within the Plan Change area.</p>
<p>Risk</p>	<p>It is considered that there is sufficient information on which to base the proposal.</p>

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## 5 PLAN CHANGE REQUEST PART B: REZONE LAND FROM OPEN SPACE TO HEAVY OR LIGHT INDUSTRY ZONES

### **The Proposal**

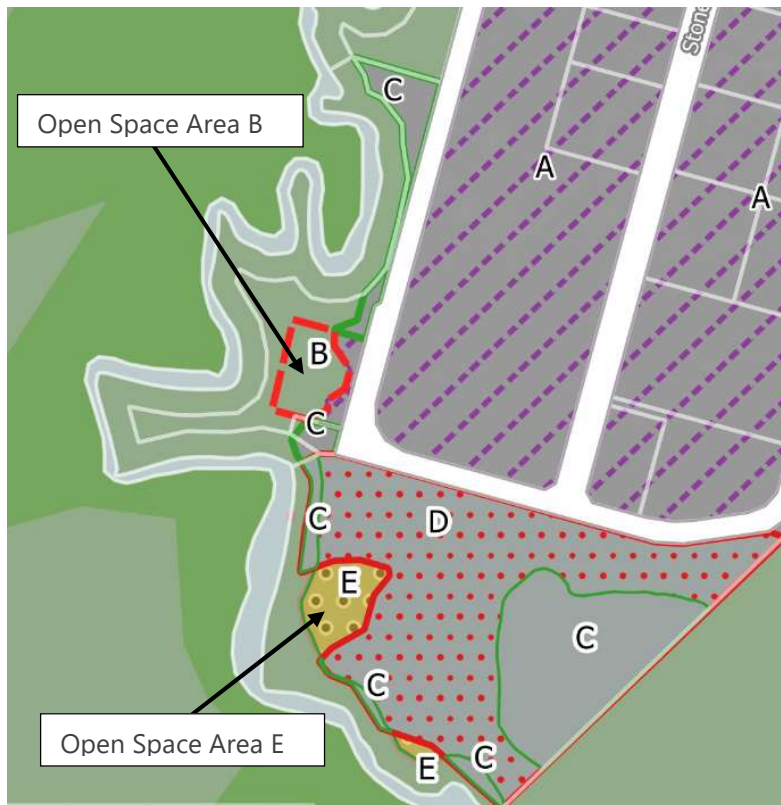
5.1 Rezone land within the Plan Change area as follows:

- 0.29ha of land from Open Space – Informal Recreation Zone to Heavy Industry Zone (area marked as “B” in Figure 4-1).
- 0.34ha of land from Open Space – Informal Recreation Zone to Light Industry Zone (areas marked as “E” in Figure 4-1))

### **Background / Issue**

5.2 The requested rezoning of land from Open Space – Informal Recreation Zone to Heavy and Light Industry Zones includes two separate areas within the Plan Change area, shown as Open Space Areas B and E in Figure 5-1.

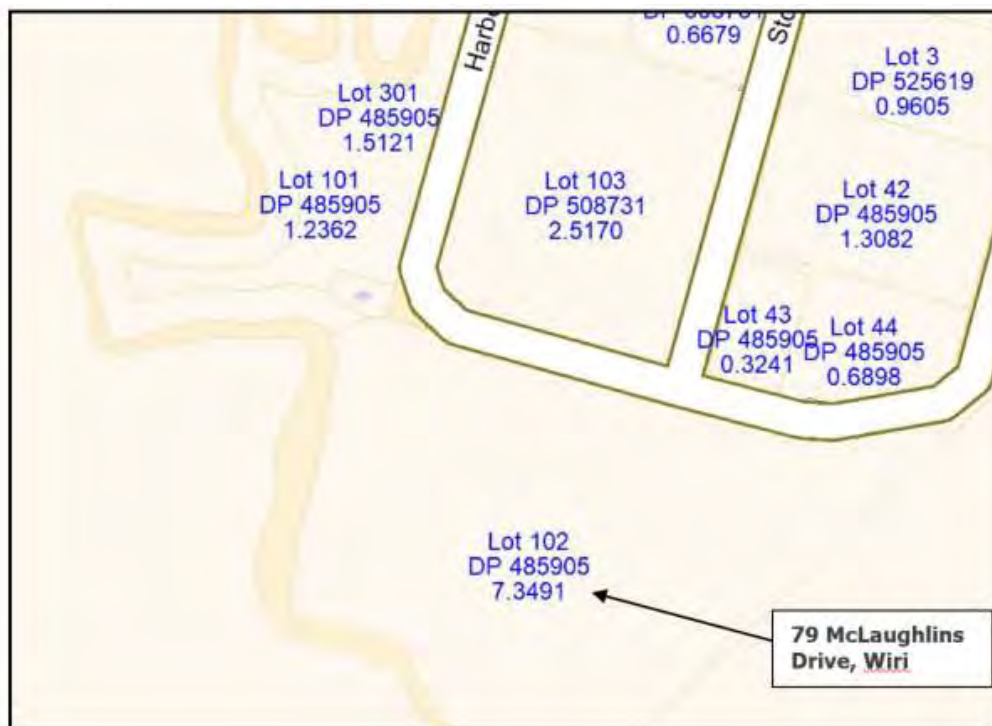
**Figure 5-1:** Open Space areas requested to be rezoned



#### Open Space Area E

- 5.3 Open Space Area E forms part of Lot 102 DP 485905 (79 McLaughlins Road). This is a balance lot resulting from the approved resource consents granted for the development of the land north of the southern portion of Harbour Ridge Road (i.e. Sub-area A in Figure 3-3).
- 5.4 The entire site at 79 McLaughlins Road (including Open Space Area E) is in a single title, owned by Stonehill Trustees Limited (see Figure 5-2). Puhinui Creek forms the western and southern boundaries of the site. Noting that the subject site remains greenfield land (i.e. there has been no development or subdivision of this land), no esplanade reserve or esplanade strip has been vested in Auckland Council on this parcel of land.

**Figure 5-2:** Lot titles and descriptions from QuickMaps, dated 18 January 2019



5.5 The AUP(OP) applies Open Space – Informal Recreation Zone to the area of land shown as Open Space Area E in Figure 5-1. Section H7.1 Background to Chapter H7 Open Space Zones in AUP(OP) sets out the approach to the application of open space zoning:

*"The majority of land zoned as open space is vested in Council or owned by the Crown. However some areas zoned open space are privately owned."*

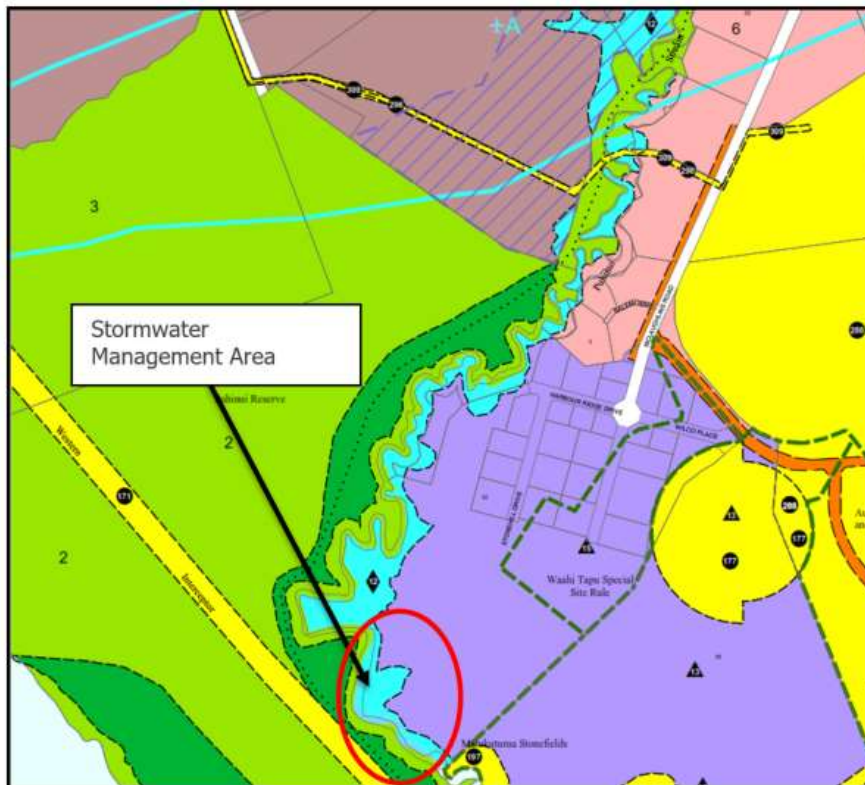
5.6 The broad principles guiding the mapping of open space zones in the development of the Auckland Unitary Plan is set out in the Auckland Council's Joint Evidence Report of Carol Anne Stewart, Anthony Michael Reidy, Lucy Deverall, Juliana Marie Cox on Topic 080: Rezoning, Public Open Space Zones, dated 3 December 2015, presented to the Auckland Unitary Plan Independent Hearings Panel. Section 13.2(e) of the Joint Evidence Report states that:

*"Privately owned 'open space' is generally only zoned Public Open Space in agreement with the landowner".*

5.7 With respect to the Open Space Area E, it is noted that Stonehill Trustees Limited as a landowner, did not provide written or verbal approval to Auckland Council in support of the open space zoning applied to the site at 79 McLaughlins Road. As such, the application of Open Space – Informal Recreation Zone to Open Space Area 1 is deemed to be a mapping error which is sought to be corrected via this Plan Change Request.

5.8 The application of the Open Space – Informal Recreation Zone to Open Space Area E appears to be an error resulting from the “translation” (mapping or carryover) of the Stormwater Management Areas from the legacy plans into the Auckland Unitary Plan. In Planning Map 20 of the Auckland Council District Plan (Manukau Section), Open Space Area 1 is shown as a “Stormwater Management Area” (Figure 5-3). The shape and extent of the Stormwater Management Area on Map 20 appears to be identical to Open Space Area E.

**Figure 5-3:** Map 20 of the Auckland Council District Plan (Manukau Section)



5.9 The following explanation of Stormwater Management Areas is set out in Chapter 9.1 of the Auckland Council District Plan (Manukau Section):

*“A number of stormwater management areas with indicative boundaries are shown on the Planning Maps generally in greenfields areas of the City. The main purposes of stormwater management areas are to minimise the risk of flooding to properties by maintaining the natural overland flowpaths and enabling flood management works to be undertaken where necessary.”*

5.10 In contrast to the above, the AUP(OP) does not contain maps identifying areas subject to flooding. Maps of the 1% AEP floodplains are shown in the Auckland Council’s GIS viewer for information purposes only (non-statutory layer). Based on the AUP(OP) approach, mapping of the previous Stormwater Management Areas from the Auckland Council District



Plan (Manukau Section) into Open Space – Informal Recreation Zone is deemed to be an error.

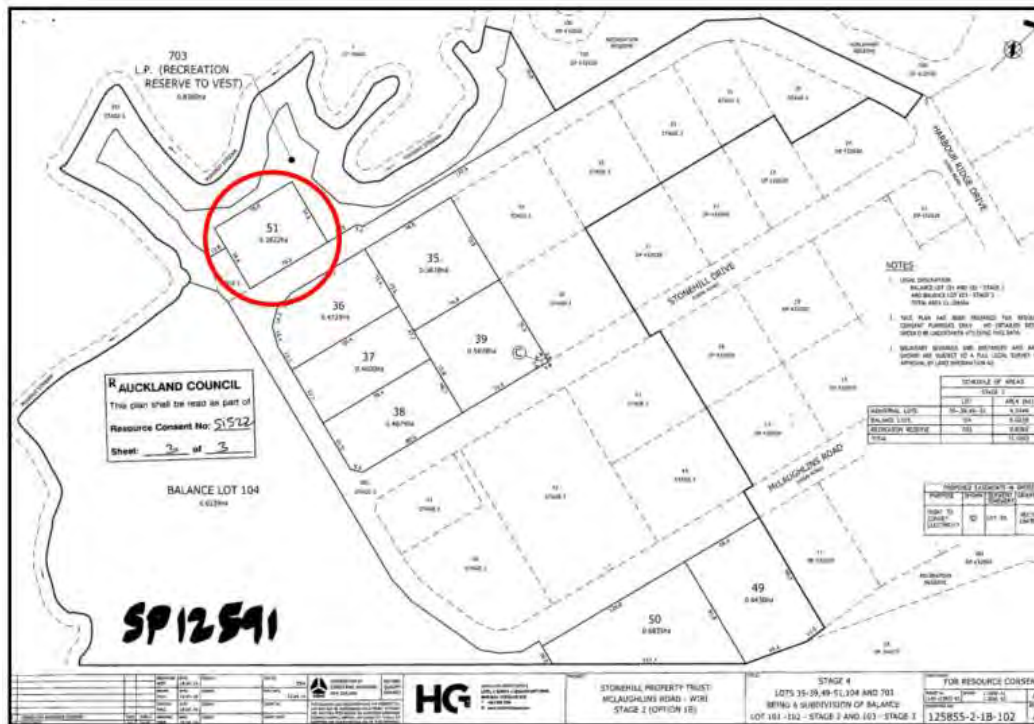
- 5.11 Acknowledging the important ecological and cultural values associated with the Puhinui Creek catchment, the Plan Change seeks to amend the Open Space – Informal Recreation Zone applying to Open Space Area E to accurately map the riparian margin areas of Puhinui Creek (as opposed to the boundaries being informed by the indicative Stormwater Management Areas). A minimum distance of 20m from the edge of Puhinui Creek is proposed to be retained in Open Space – Informal Recreation Zone. The Plan Change seeks to generally extend the Open Space – Informal Recreation Zone to a distance beyond the 20m from the edge of Puhinui Creek to incorporate identified archaeological sites within the Wiri Precinct area.
- 5.12 In accordance with section 230 of the RMA, any future development of the site at 79 McLaughlins Road will be required to create and vest esplanade reserve in Auckland Council.

#### Open Space Area B

- 5.13 The AUP(OP) applies Open Space – Informal Recreation Zone to the area of land mapped as Open Space Area B in Figure 5-1. Open Space Area B forms part of Lot 101 DP 485905. As part of resource consent application number 51522 SP 12591 (Appendix 5), Stonehill Trustees Limited supported the vesting of this land as a recreation reserve to Auckland Council.
- 5.14 Open Space Area B is referred to as Lot 51 in the resource consent Decision 51522 SP 12591 (see Figure 5-4).



**Figure 5-4:** Lot 51 in Resource Consent Decision 51522 SP 12591



5.15 With respect to Lot 51, Condition 44 of Resource Consent Decision 51522 SP 12591 states that:

*“In the event that Lot 51 is acquired, it shall be vested in Auckland Council as a recreation reserve. In the event that Lot 51 is not acquired by the Council as recreation reserve, it shall be developed as business lot in compliance with Condition 7 of Landuse Consent 39194 granted by Council on 11 June 2012”.*

5.16 Auckland Council’s Parks Team has confirmed that the Parks Acquisition Policy does not support the acquisition of Lot 51 as a recreation reserve. In accordance with Condition 44 mentioned above, Lot 51 is able to be developed for business purposes. As such, the application of Open Space – Informal Recreation Zone over Lot 51 is no longer appropriate.

**The Objective**

5.17 The objectives of this proposal are:

- Amend the Open Space – Informal Recreation Zone applied to Open Space Area E shown in Figure 5-1 to correct a mapping error and accurately map the riparian margin areas of Puhinui Creek.
- Remove the Open space – Informal Recreation Zone applied to Open Space Area B shown in Figure 5-1 to enable the development of Lot 51 in accordance with Resource

Consent Decision 51522 SP 12591, as the Auckland Council’s Parks Acquisition Policy does not support the acquisition of Lot 51 as a recreation reserve.

**Options Considered**

5.18 In determining the most appropriate means to respond to the issues identified in respect of the mapping of the Open Space – Informal Recreation Zone, options were developed to explore the best means to address the issue identified above and achieve the sustainable management purpose of the act. The following reasonable options are explored:

- Option 1: Status Quo / Do Nothing
- Option 2: Remove the Open Space – Informal Recreation Zone from Open Space Areas B (Lot 51) and E shown in Figure 5-1 (preferred option).

5.19 Assessment of Options 1 and 2 are set out in Table 5-1 below.

**Table 5-1:** Assessment of Options 1 and 2 relating to Open Space – Informal Recreation Zone applied to Areas B and E in Figure 5-1.

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Remove the Open Space – Informal Recreation Zone applied to Areas B (Lot 51) and E shown in Figure 5-1.
Cost (environmental, economic, social and cultural effects)	Development of Lot 51 for business purposes does not align with the objectives and policies framework for the Open Space – Informal Recreation Zone. Any future development on Lot 51, that does not align with this framework, will require onerous and unnecessary resource consenting process to be undertaken. This also creates a high level of uncertainty as to whether any non-open space uses will be approved on the site.  Inappropriately zoned land in Areas B and E can lead to land resources being underutilised.	A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.  The removal of the Open Space – Informal Recreation Zone from Areas B and E, compromises to a limited extent, the open and spacious character, and amenity values expected along Puhinui Creek margins.
Benefit (environmental, economic, social and cultural effects)	Alleviates the need to undertake a plan change process.  The open space zoning on Lot 51 results in good urban design outcomes, in that the open space areas are bounded by park edge	One of the key objectives of the Open Space – Informal Recreation Zone is to limit buildings and exclusive-use activities to maintain public use and open space for informal recreation. Development of Lot 51 for business purposes

	<b>Option 1: Status Quo</b>	<b>Option 2: Remove the Open Space – Informal Recreation Zone applied to Areas B (Lot 51) and E shown in Figure 5-1.</b>
	roads. The open space zoning enhances the character, and amenity values expected along Puhinui Creek margins.  In Open Space Area E, the open space zoning acts as a de facto esplanade reserve/strip, even though the land has not been vested in Auckland Council.	does not align with the objectives and policies framework for the Open Space – Informal Recreation Zone. The rezoning of this land will ensure Lot 51 is more economically utilised, and will remove any onerous and unnecessary resource consenting process for any future development within this land.
Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.	The Open Space – Informal Recreation Zone has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.	The Heavy and Light Industry Zones has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	This option does not address the identified issue, nor does it achieve the objectives of the proposal. Under this option, Areas B and E will continue to be inaccurately zoned as Public Open Space – Informal Recreation Zone.	This option directly addresses the identified issue and objectives of the proposal. The rezoning of Areas B and E is the most effective and efficient way to achieve the objective of the proposal.
Risk	It is considered that there is sufficient information on which to base the proposal.	It is considered that there is sufficient information on which to base the proposal.
Preferred Option		√

## 6 PLAN CHANGE REQUEST PART C: REZONE LAND FROM QUARRY TO OPEN SPACE ZONE

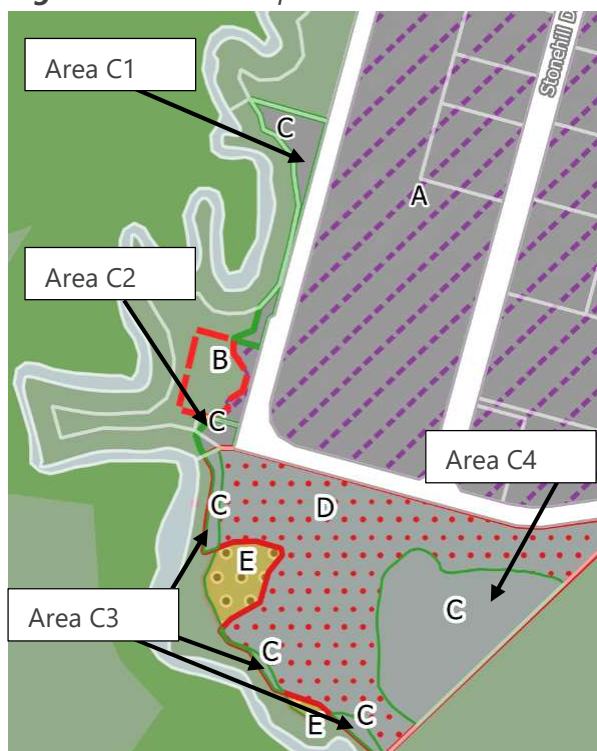
### The Proposal

- 6.1 Rezone 1.91ha of land from Quarry zone to Open Space – Informal Recreation Zone (marked as “C” in Figure 4-1).

### Background / Issue

- 6.2 The requested rezoning of land from Quarry Zone to Open Space – Informal Recreation Zone includes four separate areas within the Plan Change Area, shown as Areas C1, C2, C3 and C4 in Figure 6-1.

**Figure 6-1:** Areas requested to be rezoned to Open Space – Informal Recreation Zone



- 6.3 Area C1 forms part of Lot 101 DP 485905. Area C1 is referred to as Lot 703 in resource consent Decision 51522 SP 12591 (see Figure 5-4). While Area C1 is currently in the ownership of Stonehill Trustees Limited, it is in the process of being vested into Auckland Council as a recreation reserve. Recognising that Area C1 forms part of the open space

network beside Puhinui Creek, rezoning of this land to Open Space – Informal Recreation is considered appropriate.

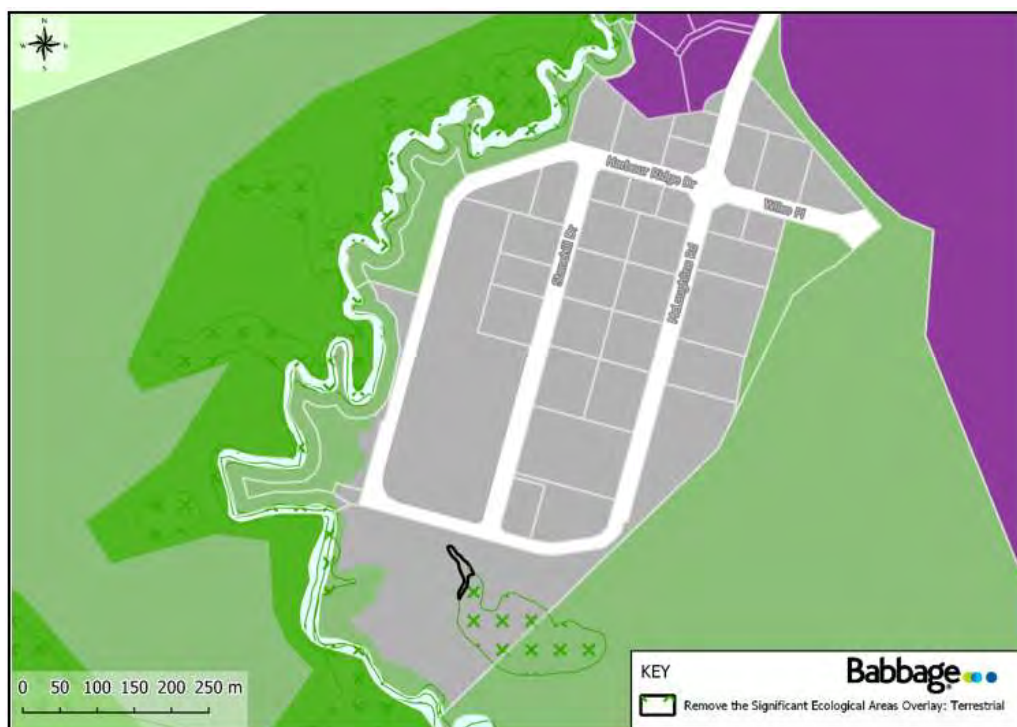
- 6.4 Area C2 is Lot 702 DP 485905. This area has been vested into Auckland Council as a local purpose drainage reserve as per the resource consent Decision 51522 SP 12591. Area C2 forms part of the open space network beside Puhinui Creek, rezoning of this land to Open Space – Informal Recreation is considered appropriate as it aligns with the approach to mapping of open spaces in the AUP(OP).
- 6.5 Area C3 includes all areas required to be rezoned to Open Space – Informal Recreation Zone to accurately map the riparian margins of Puhinui Creek (refer to paragraph 5.11).
- 6.6 In response to the consultation with Ngāti Te Ata Waiohua, Te Ākitai Waiohua and the key stakeholders, the Plan Change Request seeks to rezone all of the area encompassed within the amended boundaries of Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and tuff ring) located within the Plan Change area (shown as Area C4 in Figure 6-1) to Open Space – Informal Recreation Zone, to complement the existing protection mechanisms in place in recognition of the important cultural, ecological and geological values of this feature/wetland.

## 7 PLAN CHANGE REQUEST PART D: AMEND THE SIGNIFICANT ECOLOGICAL AREA OVERLAY

### The Proposal

- 7.1 Amend the extent of the Significant Ecological Area (SEA) Overlay (SEA\_T\_8443) applied to the site at 79 McLaughlins Road to remove an area of 625m<sup>2</sup> of the total mapped area of 6625m<sup>2</sup> (Figure 7-1)

*Figure 7-1: SEA Overlay requested to be amended*



### Background

- 7.2 The AUP(OP) identifies areas of significant vegetation or significant habitats of indigenous fauna located on either land or in freshwater environments as Significant Ecological Areas (SEA). In order to maintain indigenous biodiversity, SEA areas are protected from the adverse effects of subdivision, use and development.
- 7.3 Policy B7.2.2 identifies the following factors for evaluating identified areas of indigenous vegetation and habitats of indigenous fauna in terrestrial and freshwater environments:



- Representativeness;
- Stepping stones, migration pathways and buffers;
- Threat status and rarity;
- Uniqueness or distinctiveness; and
- Diversity.

7.4 The SEA Overlay (ID SEA\_T\_8443) is applied to the large wetland located in the Plan Change area. The factor for determination of the SEA over the wetland is “threat status and rarity”.

### The Issue

7.5 Figure 7-2 shows the extent of the SEA Overlay applied to the wetland SEA\_T\_8443 in the AUP(OP). The total area of SEA\_T\_8443 is 6625m<sup>2</sup>. In the Ecological Survey Report, Treffery Barnett, Freshwater and Coastal Ecologist, notes that 625m<sup>2</sup> of the total 6625m<sup>2</sup> area is in pasture, located outside the formed extent of the wetland area, and does not meet the criteria for the protection of SEA\_T\_8443, this being “threat status and rarity”.

**Figure 7-2:** SEA Overlay applied to wetland SEA\_T\_8443



7.6 In early 2011, Auckland Council initiated the process for the identification of potential SEA sites for protection to be incorporated into the notified Proposed Auckland Unitary Plan. This process is set out in the evidence of Abigail Salmond, on behalf of Auckland Council,

on Hearing Topic 023 SEA and Vegetation Management, before the Auckland Unitary Plan Independent Hearings Panel.

- 7.7 Auckland Council has confirmed that SEA\_T\_8443 was not surveyed at the time of the development of the Proposed Auckland Unitary Plan.
- 7.8 The Proposed Auckland Unitary Plan was notified in September 2013. Aerial photography, dated 21 January 2013 from Google Earth (Figure 7-3), shows the full extent of the wetland SEA\_T\_8443 prior to the notification of the Proposed Auckland Unitary Plan. It clearly illustrates that the “pasture area” sought to be removed, was outside the formed wetland extent of SEA\_T\_8443. The Plan Change seeks to accurately map the boundaries of the SEA Overlay (ID SEA\_T\_8443).

**Figure 13:** Aerial photography from Google Earth, dated 21 January 2013



### **The Objective**

- 7.9 The objective of this proposal is to accurately map the boundaries of the SEA Overlay (ID SEA\_T\_8443) applying to the site at 79 McLaughlins Road.

### **Options Considered**

- 7.10 In determining the most appropriate means to respond to the issue identified in respect of the SEA Overlay mapping of the wetland (ID SEA\_T\_8443), options were developed to



explore the best means to address the issue identified above and achieve the sustainable management purpose of the act. The following reasonable options are explored:

- Option 1: Status Quo / Do Nothing
- Option 2: Correct the mapping error for SEA Overlay (ID SEA\_T\_8443)

7.11 Assessment of Options 1 and 2 are set out in Table 6-1 below.

**Table 6-1:** Assessment of Options for Correction of SEA Mapping Error for Wetland (ID SEA\_T\_8443)

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Correct the mapping error for SEA Overlay (ID SEA_T_8443)
Cost (environmental, economic, social and cultural effects)	The objectives and policies framework for SEA Overlay seek to avoid significant adverse effects on wetlands in the first instance, and then remedy or mitigate the adverse effects of activities. Application of the SEA Overlay framework on land that does not form part of the wetland, places unnecessary and onerous requirements on the property owner to consider the SEA Overlay at the land development stage. This creates a high level of uncertainty as to whether the incorrectly mapped area will be able to be economically utilised and developed as part of the comprehensive development of the site at 79 McLaughlins Road.  Inaccurately mapped SEA Overlay can lead to land resource being unutilised.	A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.
Benefit (environmental, economic, social and cultural effects)	Alleviates the need to undertake a plan change process.	The SEA Overlay will accurately reflect the true extent of the wetland area currently on site based on expert advice.  The removal of the SEA Overlay as requested will enable the subject land to be economically utilised to form part of the comprehensive

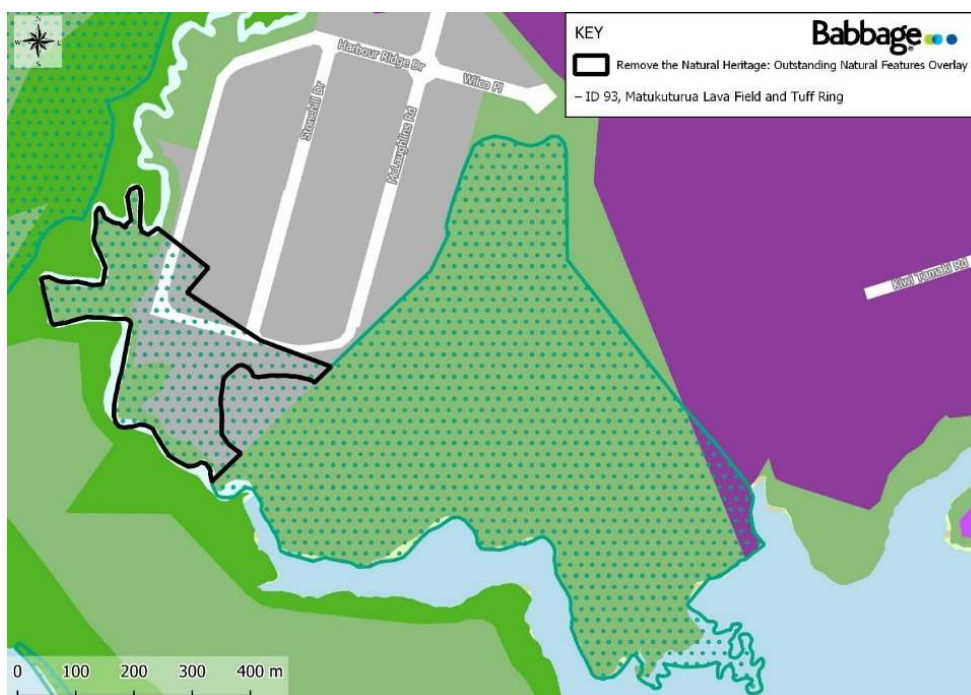
	<b>Option 1: Status Quo</b>	<b>Option 2: Correct the mapping error for SEA Overlay (ID SEA_T_8443)</b>
		<p>development of the site at 79 McLaughlins Road.</p> <p>The correct mapping of the SEA Overlay will ensure the avoidance of any onerous and unnecessary resource consenting for any future development within the area over which the SEA Overlay is sought to be removed.</p>
Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.	The SEA Overlay has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.	The SEA Overlay has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	This option does not address the identified issue, as the SEA Overlay will continue to inaccurately map the extent (boundaries) of the wetland (ID SEA_T_8443).	This option directly addresses the identified issue. It efficiently and effectively corrects a mapping error contained in the AUP(OP) for SEA (ID SEA_T_8443).
Risk	It is considered that there is sufficient information on which to base the proposal.	It is considered that there is sufficient information on which to base the proposal.
Preferred Option		√

## 8 PLAN CHANGE REQUEST PART E: AMEND THE OUTSTANDING NATURAL FEATURE OVERLAY

### The Proposal

- 8.1 Amend the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring) applied to the Plan Change area.

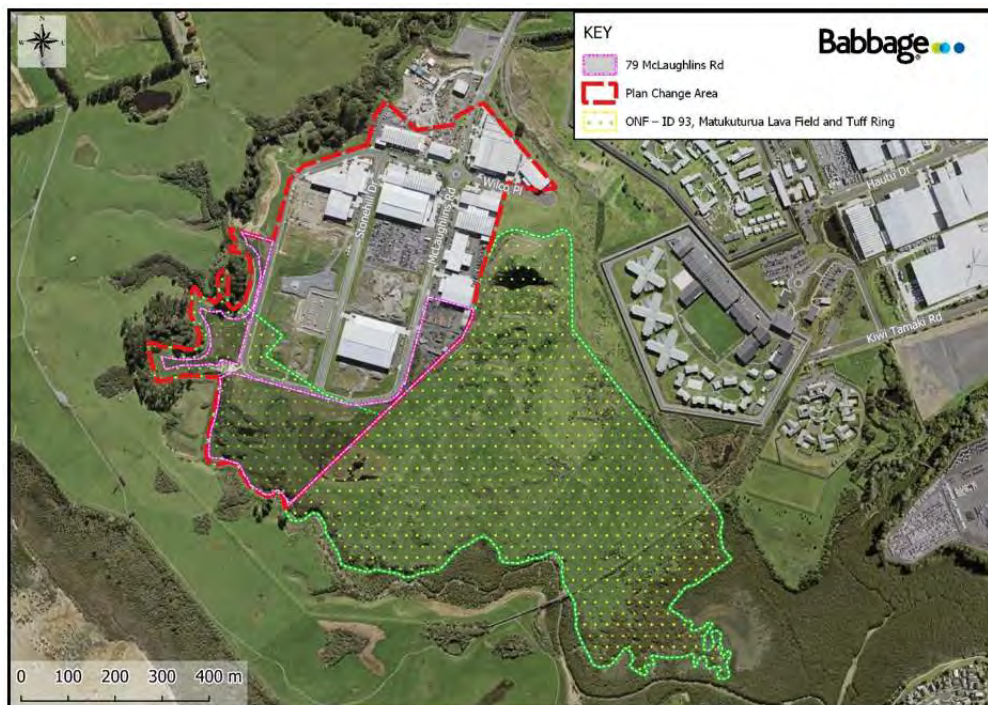
*Figure 8-1: Part of ONF 93 requested to be removed*



### Background

- 8.1 The AUP(OP) seeks to identify and protect Outstanding Natural Features (ONF) from inappropriate subdivision, use and development. The maunga and other geological and landform features that are deemed to have outstanding natural feature values are identified in Schedule 6: Outstanding Natural Features Overlay Schedule in the AUP(OP).
- 8.2 The AUP(OP) identifies ONF 93 (Matukutūreia and Matukuturua lava field and tuff ring) as being located within the Plan Change area (Figure 8-2). When the Proposed Auckland Unitary Plan was notified in September 2013, it was for the first time that ONF status was applied to the Matukuturua Stonefields.

**Figure 8-2:** Mapped extent of ONF 93 in the AUP (OP) relative to the Plan Change area



8.3 Schedule 6: Outstanding Natural Features Overlay Schedule contains the following information with respect to ONF 93:

Item	Name	Location	Site Type	Description	Unitary Plan criteria met for scheduling set out in Chapter B4.2.2(4)
93	Matukutūreia and Matukuturua lava field and tuff ring	Wiri	V (Large volcanic landforms)	The Matukuturua lava field is one of the best preserved lava fields remaining in the Auckland volcanic field and is an important representative example of the volcanic lava terrain that underlies much of the city. The lava field erupted from McLaughlins Mountain (Matukutūreia) volcano. Most of the original scoria cone and a section of the lava field in the north have been quarried away. Associated with the lava field is a section of tuff ring remaining from the early phases of the eruption. A small wetland has formed behind the ridge of tuff.	a, c, d, e, g, h, i

- 8.4 Introduction to Chapter D10 (Outstanding Natural Features Overlay and Outstanding Natural Landscapes) states that factors in Policy B4.2.2(4) have been used to determine the features that have outstanding natural feature values. Schedule 6: Outstanding Natural Features Overlay Schedule identifies ONF 93 as meeting the following factors set out in Policy B4.2.2(4):
- (a) the extent to which the landform, feature or geological site contributes to the understanding of the geology or evolution of the biota in the region, New Zealand or the earth, including type localities of rock formations, minerals and fossils;
  - (c) the extent to which the feature is an outstanding representative example of the diversity of Auckland's natural landforms and geological features;
  - (d) the extent to which the landform, geological feature or site is part of a recognisable group of features;
  - (e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape;
  - (g) the potential value of the feature or site for public education;
  - (h) the potential value of the feature or site to provide additional understanding of the geological or biotic history;
  - (i) the state of preservation of the feature or site.

### **The Issue**

#### ***The Geological Report Evaluation***

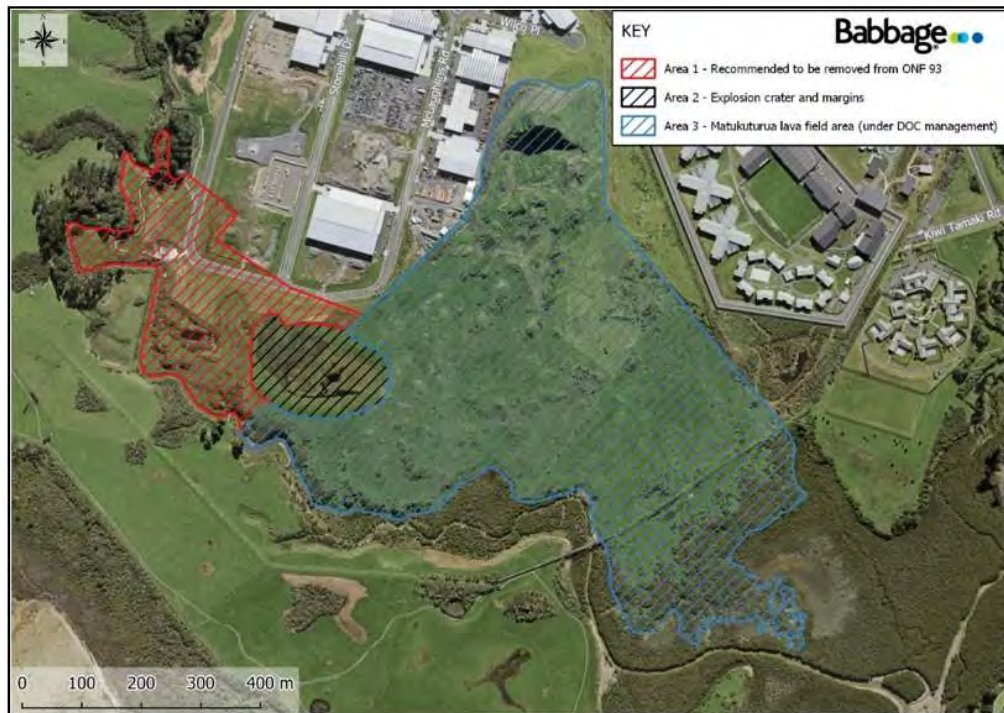
- 8.5 The statutory basis for the protection of ONF is encapsulated in section 6(b) of the RMA. Section 6(b) requires Auckland Council to recognise and provide for the protection of ONF from inappropriate subdivision, use and development as a matter of national importance.
- 8.6 To give effect to section 6(b), Auckland Council has identified and mapped the extent of ONF 93 in the AUP(OP) based on the factors set out in Policy B4.2.2(4), and imposed development restrictions to protect this ONF from inappropriate development.
- 8.7 In the context of considering whether a geological feature meets the threshold for "an outstanding natural feature", the Court of Appeal Decision on *Man O'War Station Limited v Auckland Council* [2017NZCA 24], acknowledged that identification of Outstanding Natural Landscapes (also relevant for ONF status), is a factual assessment, noting that: "*...the issue of whether land has attributes sufficient to make it an outstanding landscape within the ambit of s 6(b) requires an essentially factual assessment based on the inherent quality of the landscape itself*" (paragraph 61).

- 8.8 Although recently affirmed by the Court of Appeal in *Man O'War Station Limited v Auckland Council*, the lower Courts have previously adopted a “factual assessment” approach when making a decision as to whether or not an area is in fact an Outstanding Natural Landscape or an ONF.
- 8.9 In light of the above, a factual assessment approach has been undertaken for ONF 93 to help inform whether it meets the higher threshold required for a geological feature to be deemed to be “outstanding”. The findings of the factual assessment approach, with respect to geological matters, are set out in Technical Report 6: “Geological Evaluation of Outstanding Natural Feature: Matukutūreia and Matukuturua Lava Field and Tuff Ring”, dated February 2019 (hereon referred to as the Geological Report). The Geological Report has been prepared by Dr Shane Cronin, Professor of Volcanology at the University of Auckland.
- 8.10 Policy B4.2.2(4) of the AUP(OP) sets out the factors to be considered to identify and evaluate a place as being an “outstanding natural feature”. In accordance with this policy direction, Dr Cronin evaluated the geological values of ONF 93 within the Plan Change area as a place of “outstanding natural feature”, considering the factors set out in Policy B4.2.2(4). Dr



Cronin’s evaluation concludes that ONF 93 consists of three distinct sub-areas (1 to 3) as illustrated in Figure 8-3.

**Figure 8-3:** Sub-areas within ONF 93



8.11 Following a review of the geological literature pertaining to ONF 93, conducting a field geological survey, and evaluating the geological values considering the factors set out in Policy B4.2.2(4), Dr Cronin reaches the following conclusions and recommendations for ONF 93:

Area 1 (part of ONF 93 recommended to be removed)

- Area 1, which is currently included as part of ONF 93, has no direct value as a primary geological feature because this area either had no original volcanic cover, or those parts of it that did are highly modified with much of the material removed. Overall, this area contains no value as a geological feature characteristic of Auckland’s Volcanic Field. Cr Cronin recommends that Area 1 be removed from ONF 93.

Area 2 (explosion crater and its margins)

- Area 2: consists of the explosion crater and its margins. This area is of specific geological interest as the explosion crater comprising Area 2 was formed more than 15,000 years ago by a single steam, or gas-driven, explosion with no magma involved. This represents a rare type of “near-miss” eruption in the Auckland Volcanic Field where magma came close to the surface, but shed only gas and heat to disrupt the surface. Dr Cronin recommends that the western boundary of ONF 93 be re-aligned along the western margin of the explosion crater (Area 2). Area 2 is partially located within the Plan Change area, with the remainder being managed by the Department of Conservation.
- Dr Cronin also recommends that the description of ONF 93 set out in Schedule 6 of the AUP(OP) be corrected to refer to Area 2 as an “explosion crater” and not a “tuff ring”.

#### Area 3 (Matukuturua Lava Field)

- Area 3 forms the margin of the Matukuturua Lava Flow, and is located outside the Plan Change area. Dr Cronin does not recommend any changes to this part of ONF 93.

#### ***The Brown Report Evaluation***

- 8.12 A review of the Auckland Council documents informing the scheduling of ONF 93 was undertaken to ascertain the rationale for the mapped boundaries of ONF 93 in the AUP(OP). Prior to the notification of the Proposed Auckland Unitary Plan in September 2013, Auckland Council completed a report titled “*Landscape Evaluations of Geological Sites and Landforms of Auckland and the Identification of Outstanding Natural Features*”, dated May 2012, prepared by Brown NZ Limited (hereon referred to as the Brown Report).
- 8.13 The Brown Report evaluated the landscape values of 270 sites and landforms that were identified as geologically significant by Auckland Council prior to the notification of the Proposed Auckland Unitary Plan. The purpose of the Brown Report was to identify and map areas that were regarded as ONF within the context of section 6(b) of the RMA. Of the 270 geological sites and landforms that were assessed, the Brown Report identified 70 sites as ONF.
- 8.14 It is important to note that, in order for a geological feature to be classified as an “ONF”, it had to meet the threshold for “Outstanding Natural Feature” within the context of Auckland Council’s obligations for protection under section 6 of the RMA. In this regard, the Brown Report noted that “Likely Outstanding Features” category included “*Areas likely to be prominent and conspicuous natural landform features that stand out amongst the natural*



*features across Auckland*", and included descriptions such as "conspicuous, eminent and remarkable".

- 8.15 The applicable worksheet (Site No. 138) of the Brown Report sets out the overall landscape evaluation for Matukutūreia Lava Field. The worksheet scores the key values of the evaluation factors listed to determine the overall landscape evaluation score for the site at the upper end of the scale, which correlates with an "Outstanding" rating in the report.

The Brown Report contains the map shown in Figure 8-4, illustrating the geological feature boundary previously identified by Auckland Council (area within the white line), and the ONF boundary recommended by the Brown Report (area within the red line). The recommended ONF boundary in the Brown Report includes the intact Matukutūreia Lava Field (similar to Area 3 in Figure 8-3) and the small segment of the explosion crater (similar to Area 2 in Figure 8-3). The key finding of the geological assessment is the general agreement between Dr Cronin and the Brown Report regarding the area of ONF 93 that is deemed to meet the threshold of "outstanding".

**Figure 8-4:** Map as contained in Worksheet 138 of the Brown Report



8.16 The findings of the Brown Report illustrate that appropriate evaluation and evidence was available to Auckland Council prior to the notification of the Proposed Auckland Unitary Plan to accurately identify the boundaries or extent of the area of ONF 93 that meets the criteria/values for inclusion as an ONF.

### ***The Landscape Report Evaluation***

8.17 An updated landscape assessment of ONF 93 has been undertaken to inform the factual assessment approach set out in Policy B4.2.2(4), to determine whether ONF 93 meets the higher threshold required for a geological feature to be deemed to be “outstanding”. The findings of the landscape assessment, are set out in Technical Report 7: Landscape Assessment, dated February 2019 (hereon referred to as the Landscape Report). The Landscape Report has been prepared by Jason Hogan, LA4 Landscape Architects.

8.18 With respect to the “Outstanding Natural Feature” status for ONF 93 from a landscape perspective, the Landscape Report notes that:

- The Plan Change area and its surrounds has undergone significant change since the site analysis by the Brown Report in 2012. At the time of the completion of the Brown Report, the area was predominantly open grassland. The recent industrial and infrastructure development has had a significant influence on the character and quality of the landscape setting.
- Although Maunga Matukutūreia is a prominent landmark, it has been significantly compromised by quarrying activities which have affected the integrity of the landform. It is not a landform that compares with other Maunga recommended for ONF status in the Brown Report (such as Browns Island, One Tree Hill, Rangitoto Island). The other sites identified as meeting the ONF status in the Brown Report, are distinctive, highly legible, very expressive of formative processes and have landscape characteristics that set them apart within the Auckland region.
- Mr Hogan considers that the geological and associative values of the site have skewed the overall rating to elevate the feature to ONF status.
- The remnant wetland is not a landscape feature that elevates the status of the site in landscape terms into the same realm as other ONFs. The landscape amenity values associated with the site/feature are also inferior in comparison.
- Although the site has significant geological importance, the expression of this in landscape terms that most people can relate to are not conspicuous, and not comparable to most of the other sites and features listed as ONFs in the region.

8.19 With respect to Area 1 in Figure 8-3 (part of ONF 93 recommended by Dr Cronin and the Brown Report to be removed), the Landscape Report concludes that:

- It is an open modified landscape largely consisting of rank grassland and scattered scrubland. Area 1 has limited landscape value, as it has no notable or distinctive features from a landscape perspective.
- Although Area 1 is currently undeveloped and provides some relief and contrast to the surrounding large industrial development as well as a transition to the harbour edge, it has no specific attributes that make it distinctive or valued in landscape terms.
- The characteristics and attributes of Area 1 are inconsistent with the values required to constitute ONF classification.

8.20 It is apparent from the assessments completed by Dr Cronin, Mr Hogan and the Brown Report, that Area 1 has no significant geological or landscape values, nor is it “conspicuous, eminent and remarkable” to elevate it to an “outstanding natural feature” status. As such, there is no legitimate justification in landscape and geological terms for Area 1 to be included in the mapped extent of ONF 93.

### **The Objective**

8.21 The objectives of this proposal are to:

- Accurately map the boundaries of ONF 93 (Matukutūreia and Matukuturua lava field and tuff ring) within the Plan Change area, based on a factual assessment of the matters set out in Policy B4.2.2(4).
- Accurately describe the crater located within ONF 93 as an “explosion crater” and not a “tuff ring” in Schedule 6: Outstanding Natural Features Overlay Schedule in the AUP (OP).

**Options Considered**

8.22 In determining the most appropriate means to respond to the issue identified in respect of the mapped boundaries of ONF 93, options were developed to explore the best means to address the issue identified above and achieve the sustainable management purpose of the act. The following reasonable options are explored:

- Option 1: Status Quo / Do Nothing
- Option 2: Amend the boundaries of ONF 93 to accurately reflect the extent of the feature within the Plan Change area.

8.23 Assessment of Options 1 and 2 are set out in Table 8-1 below.

**Table 8-1:** Assessment of Options for the application of the mapped extent of ONF 93 within the Plan Change area

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Amend the boundaries of ONF 93 to accurately reflect the extent of the feature within the Plan Change area
Cost (environmental, economic, social and cultural effects)	The objectives, policies and rules framework under Chapter D10 Outstanding Natural Feature Overlay, seek to protect ONFs from inappropriate subdivision, use and development.	A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Amend the boundaries of ONF 93 to accurately reflect the extent of the feature within the Plan Change area
	<p>Application of the ONF Overlay framework on land that does not meet the threshold required to be elevated to an ONF status, places unnecessary and onerous requirements on the property owner to consider the ONF Overlay at the land development stage. This also creates a high level of uncertainty as to whether the subject area is able to be economically utilised.</p>	<p>The AUP(OP) seeks to identify and protect from inappropriate subdivision, use and development. There is an economic cost associated with the protection of the ONF, in that the area subject to the ONF is generally not able to be utilised for the purposes enabled by the underlying zone.</p> <p>This option is not supported by Ngāti Te Ata in the Preliminary Cultural Impact Assessment (CIA), as it enables the further development of the Plan Change area. Ngāti Te Ata considers that this will result in adverse effects on the cultural values associated with the Matukutureia Cultural Landscape.</p>
Benefit (environmental, economic, social and cultural effects)	<p>Alleviates the need to undertake a plan change process.</p> <p>This option is supported by Ngāti Te Ata in the Preliminary Cultural Impact Assessment (CIA), as it helps to retain the open character within the southern portion of the Plan Change area, thereby retaining the cultural values associated with the Matukutureia Cultural Landscape.</p>	<p>This option accurately maps the true extent of ONF 93 that meets the threshold of “outstanding natural feature” based on expert geological and landscape assessment.</p> <p>The partial removal of the ONF Overlay from the Plan Change area will enable the subject land to be economically utilised.</p> <p>The correct mapping of ONF 93 will ensure the avoidance of onerous and unnecessary resource consenting for</p>

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Amend the boundaries of ONF 93 to accurately reflect the extent of the feature within the Plan Change area
		the future development of the site at 79 McLaughlins Road.
Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.	The ONF Overlay has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.	The ONF Overlay has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	This option does not address the identified issue, as ONF 93 will continue to apply to parts of the Plan Change area which do not meet the threshold for “outstanding natural feature” in terms of landscape or geological values.	This option directly addresses the identified issue. It efficiently and effectively corrects a mapping error contained in the AUP(OP) as it relates to the mapped extent of ONF 93.
Risk	It is considered that there is sufficient information on which to base the proposal.	It is considered that there is sufficient information on which to base the proposal.
Preferred Option		√

## 9 PLAN CHANGE REQUEST PART F: NEW WIRI PRECINCT

### The Proposal

9.1 Introduce a new Wiri Precinct into Chapter I (South) of the AUP(OP).

### Issue

9.2 The AUP(OP) enables bespoke set of planning provisions to be developed in the form of “Precincts”, to recognise local differences by providing detailed place-based provisions which can vary the outcomes sought by the zone or Auckland-wide provisions.

9.3 It is evident from the resource consents granted to date, consent notices on certificate of titles, and the application of the Quarry Zone, that the Plan Change area has particular resource management issues that require an integrated approach to be managed. This Statutory Assessment Report illustrates that the Plan Change area has important cultural, ecological and geological values that require a bespoke set of planning provisions to ensure that this area is developed in a manner that recognises these values, and that the development avoids, remedies or mitigates the adverse effects on these values. A new Wiri Precinct for the Plan Change area is proposed in light of this context.

### The Objective

9.4 Introduce a new Wiri Precinct into Chapter I (South) of the AUP(OP) to enable the transition from quarry to industrial activities while recognising the important cultural, ecological and geological values present within the Plan Change area.

### Evaluation of objectives, policies and rules of the Wiri Precinct

9.5 Table 9-1 contains an evaluation of the objective, policies and rules proposed in the Wiri Precinct.

**Table 9-1:** Evaluation of the Wiri Precinct provisions

<b>Wiri Precinct Provisions</b>	<b>Evaluation</b>
<b>Objectives</b>	<b><i>The extent to which the objective is the most appropriate way to achieve the purpose of the RMA</i></b>
<u>Objective 1:</u>	This objective achieves the purpose of the Act in that it enables people and communities to provide for their



<p>The Mana Whenua cultural, spiritual and historic values and their relationships associated with the Maori cultural landscape are recognised and identified values are protected or enhanced in the Wiri Precinct.</p>	<p>social, economic and cultural well-being. This objective strengthens the relationship of Māori to the environment.</p> <p>This objective is consistent with the requirements of the Auckland Regional Policy Statement, Chapter B6 Mana Whenua, by supporting Mana Whenua’s relationship to the environment.</p>
<p><u>Objective 2</u></p> <p>The natural character and ecological values of Puhinui Creek and wetland (SEA_T_8443) are maintained and enhanced.</p>	<p>This objective achieves the purpose of the Act by enabling the development of the Wiri Precinct, while safeguarding the life-supporting capacity of Puhinui Creek and the main wetland by maintaining and enhancing the habitats and ecosystems, thus sustaining these important resources to meet the needs of the future generations.</p> <p>This objective is consistent with the policy direction of the Auckland Regional Policy Statement, Chapter 7 Natural Resources, as it provides for the enhancement of freshwater systems and wetlands.</p>
<p><u>Objective 3</u></p> <p>Enable new buildings within the Wiri sub-precinct B to be located and designed in a manner that reflects relationship of sub-precinct B within the context of the open space, geological and cultural environment within which it is located, while recognising the operational needs of industrial activities.</p>	<p>This objective achieves the purpose of the Act by enabling the development of the Wiri Precinct for industrial activities, while avoiding, remedying or mitigating adverse effects of industrial activities on the open space, ecological, geological and cultural environment.</p>
<p><b><i>Policies and Methods</i></b></p>	
<p><u>Policy</u></p> <p>Protect the visual integrity of the local viewshaft from Pūkaki Marae to Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.</p>	<p>This policy seeks to achieve objective 1 of the Wiri Precinct.</p> <p>This policy and standard seeks to ensure that development does not encroach into the existing view between Pūkaki Marae to Maunga Matukutūreia</p> <p>This is a local viewshaft, which originates from Pūkaki Marae, and is implemented via the Puhinui Precinct</p>

<p><u>Method - Standard:</u></p> <p>Buildings and structures within sub-precinct A must not penetrate the floor height of the Pūkaki Marae – Matukutūreia Viewshaft.</p>	<p>provisions in the AUP(OP). At present the protection afforded to this viewshaft terminates at the Puhinui Precinct boundary, located on the north side of Puhinui Creek.</p> <p>This policy and standard ensures that the visual integrity of the entire viewshaft is protected (collectively via the Wiri and Puhinui Precincts).</p> <p>The do nothing option, or the option to rely on assessment criteria, would not provide certainty of the protection of the viewshaft. In particular, the use of assessment criteria would require assessment on a case by case basis. Reliance on assessment criteria would not be efficient or effective.</p> <p>Infringement of the viewshaft standard is proposed to be a non-complying activity, supporting the significance of the values sought to be protected.</p> <p>As a permitted activity standard, this rule is considered to be the most efficient and effective way to deliver the objective and policies of the Wiri Precinct. It is clear, and precise and can be achieved without requiring additional consents.</p>
<p><u>Policy</u></p> <p>Require planting of native vegetation along the riparian margins of Puhinui Creek.</p> <p><u>Method - Standard:</u></p> <p><i>Require planting of Riparian Margin Areas mapped in the Precinct Plan.</i></p>	<p>This policy seeks to achieve objectives 1 and 2 of the Wiri Precinct.</p> <p>The underlying zone provisions require building setbacks, but do not require planting of riparian margins of Puhinui Creek. Wiri Precinct requires planting within Riparian Margin Areas mapped in the Precinct Plan.</p> <p>This standard has the benefit of achieving continuous indigenous vegetation planting within the riparian margin areas taking into account restoration of riparian margins, extension of existing ecological corridors and enhancement of existing vegetation.</p> <p>The do nothing option (i.e. no requirement for planting) is not considered to effectively mitigate effects on freshwater values. A requirement for</p>

	<p>planting provides opportunities for enhancement of the natural environment and engagement with Mana Whanau to incorporate tikanga Maōri and mātauranga Maōri to avoid, remedy or mitigate effects on values.</p> <p>As a permitted activity standard, this rule is considered to be the most efficient and effective way to deliver the objective and policies of the Wiri Precinct. It is clear, and precise and can be achieved without requiring additional consents.</p>
<p><u>Policy</u></p> <p>Require planting of appropriate vegetation within the wetland margin areas (of SEA_T_8443) having regard to the wetland’s hydrological and ecological functions, and the status of the wetland as an Outstanding Natural Feature.</p> <p><u>Method - Standard:</u></p> <p><i>Require planting of Wetland Margin Areas mapped in the Precinct Plan.</i></p>	<p>This policy seeks to achieve objectives 1 and 2 of the Wiri Precinct.</p> <p>The wetland (SEA_T_8443) has been afforded a greater level of protection via the application of the Significant Ecological Area Overlay. The proposed standard seeks to complement the existing level of protection by requiring wetland margin areas to be planted in appropriate vegetation.</p> <p>The Wetland Margin Areas contain an area of 20m from the edge of the main wetland. This level of planting is considered appropriate having regard to both the hydrological and ecological function of this wetland and the status of the wetland as an Outstanding Natural Feature.</p> <p>The do nothing option is not considered to effectively mitigate effects on ecological values of this wetland.</p> <p>A requirement for planting provides opportunities for enhancement of the natural environment and engagement with Mana Whanau to incorporate tikanga Maōri and mātauranga Maōri to avoid, remedy or mitigate effects on values.</p> <p>As a permitted activity standard, this rule is considered to be the most efficient and effective way to deliver the objective and policies of the Wiri Precinct. It is clear, and precise and can be achieved without requiring additional consents.</p>

<p><u>Policy</u></p> <ul style="list-style-type: none"> <li>Require open space areas to adjoin Puhinui Creek to ensure accessibility to the Puhinui Creek environment and to the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater).</li> <li>Application of the Open Space – informal Recreation Zone to the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater) to ensure its continued protection in recognition of its important cultural, ecological and geological values.</li> </ul> <p><u>Method: zoning</u></p> <p>Application of Open Space – Informal Recreation Zone to the Puhinui Creek riparian margin areas and the amended area of the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater).</p>	<p>These policies seek to achieve objectives 1, 2 and 3 of the Wiri Precinct.</p> <p>Policy E3.3(16) seeks to protect land alongside streams for public access through the use of reserves, easements or covenants.</p> <p>Application of the Open Space – Informal Recreation Zone to the Puhinui Creek riparian margin areas and the amended area of ONF 93 is considered appropriate as it enhances opportunities for public access to these important resources.</p> <p>The application of the Open Space – Informal Recreation Zone is considered to be the most efficient and effective way to deliver the objective and policies of the Wiri Precinct, as it provides the appropriate mechanism to protect ONF 93 and the margins of Puhinui Creek. This policy and zoning methodology also complements the existing protection mechanisms in place for ONF 93, to ensure the continued protection of its important cultural, ecological and geological values.</p> <p>The Open Space Zone provides certainty to Mana Whenua and the wider community that these important areas will be retained and enhanced.</p>
<p><u>Policy: sub – precinct B</u></p> <p>Require development within sub-precinct B to be undertaken in a manner that takes into account the surrounding open space environment (including the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua</p>	<p>This policy seeks to achieve objective 1, 2 and 3 of the Wiri Precinct.</p> <p>Buildings up to 20m is a permitted activity within the Light Industry Zone.</p> <p>Noting that the Wiri Precinct has important cultural, ecological and geological values, it is important that future development within sub-precinct B takes these values into account. In particular, when designing new</p>

<p>lava field and explosion crater) in the site layout, building design and landscaping, while recognising the operational needs of industrial buildings.</p> <p><u>Method: Activity status with sub-precinct B</u></p> <ul style="list-style-type: none"> <li>Buildings (including additions) greater than 50m<sup>2</sup> gross floor area are a controlled activity.</li> </ul> <p><u>Method: Standard</u></p> <ul style="list-style-type: none"> <li>Building within sub-precinct B must not exceed 15m.</li> </ul>	<p>buildings, the site layout, building design and landscaping should take into account the open space environment within its proximity.</p> <p>A permitted activity status for new buildings is not considered appropriate within sub-precinct B. The Wiri precinct proposes a controlled activity status for new buildings over 50m<sup>2</sup>.</p> <p>The introduction of a height restriction of 15m within sub-precinct B is considered to be an efficient and effective means of managing the effects of building heights, including dominance, on the open space areas within sub-precinct B.</p> <p>The benefit of the controlled activity status is that it provides certainty both to the landowners and the community as to how the future development within sub-precinct B is to be managed.</p> <p>The cost of the resource consent approval process for controlled activity status for new buildings will result in additional costs (both monetary and time) to the applicant seeking to construct new buildings.</p> <p>The certainty provided by the controlled activity status, and the clear building height rule is seen as being an effective and efficient means of managing new development within sub-precinct B.</p>
<p><u>Policy</u></p> <p>Require buildings to be located outside parts of the Wiri Precinct that are identified as having important cultural, archaeological, ecological and geological values.</p> <p><u>Method - Standard:</u></p> <ul style="list-style-type: none"> <li>Require all buildings to be located within the building</li> </ul>	<p>This policy seeks to achieve objectives 1 and 2 of the Wiri Precinct.</p> <p>The Wiri Precinct requires all buildings to be located within building platform areas identified in the Precinct Plan. The building platform areas are located outside parts of the Precinct which are identified as having important cultural, archaeological, ecological and geological values.</p> <p>As a permitted activity standard, these rules are considered to be the most efficient and effective way to deliver the objective and policies of the Wiri</p>

<p>platform areas identified in the Precinct Plan.</p> <ul style="list-style-type: none"> <li>Require activities not to be undertaken within the areas identified as archaeological sites in the Precinct Plan.</li> </ul>	<p>Precinct. It is clear, and precise and can be achieved without requiring additional consents.</p> <p>These rules provide certainty to Mana Whenua and the wider community that buildings will not be located within areas identified as having important values.</p>
<p><u>Policy</u></p> <p>Enable the reclamation of Area A as shown in the Wiri Precinct Plan 3, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on site.</p> <p><u>Method: Activity status</u></p> <p>Reclamation of Area A as shown in the Precinct Plan is a permitted activity.</p>	<p>Objective E3.2 seeks to ensure that Auckland’s lakes, rivers, streams and wetlands with high natural values area protected from degradation and permanent loss.</p> <p>The Wiri Precinct identifies “Area A” for reclamation, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on the site. The Ecological Survey Report has assessed the ecological values of Area A, and concludes that “<i>The ecological values of the linear wetland between the drain core and the ponds, and the 32m of intermittent stream were assessed as very low and low, respectively</i>”.</p> <p>The policy and the rule is considered to be the most efficient and effective as it clearly identifies the area of very low and low ecological values to be reclaimed, without the need for requiring additional consents. The appropriate assessment of the ecological values has been undertaken at the plan development stage as opposed to the land development stage. This provides certainty as to the area of the Wiri Precinct available for development in the future.</p>
<p><u>Policy</u></p> <p>Manage reverse sensitivity effects on the development and operation of the Wiri Oil Terminal by avoiding the establishment of activities</p>	<p>This policy implements Objective E29.2(2), which seeks to ensure that identified hazardous facilities and infrastructure are not unreasonably constrained by the establishment or expansion of sensitive and incompatible activities.</p>

<p>sensitive to hazardous facilities and infrastructure in sub-precinct B.</p> <p><i>Method: Activity status</i></p> <p>Activities sensitive to hazardous facilities and infrastructure are non-complying activities.</p>	<p>The Plan Change area is a cul-de-sac, with its only access via McLaughlins Road. The Wiri Oil Terminal, an infrastructure of national significance, is located to the north of the Plan Change area, and to the east of McLaughlins Road as it enters the Plan Change area. Chapter E29 Emergency Management Area – Hazardous Facilities and Infrastructure, identifies this general locality as being subject to the provisions of the emergency management areas for the Wiri Oil Terminal. Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people.</p> <p>The application of the Light Industry Zone within Sub-precinct B, together with the proposed non-complying status for “activities sensitive to hazardous facilities and infrastructure” is considered appropriate as it will ensure that reverse sensitivity effects on the development and operation of the Wiri Oil Terminal are appropriately managed.</p> <p>The proposed policy and rule is considered to be the most efficient and effective, in that it clearly articulates that activities sensitives to hazardous facilities and infrastructure are not provided for within sub-precinct B.</p> <p>The proposed policy and rule provides certainty that land uses within sub-precinct B will be compatible with the operation of the Wiri Oil Terminal.</p>
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## 10 ASSESSMENT OF ENVIRONMENTAL EFFECTS

### **Economic Matters**

- 10.1 An Economic Assessment Report, dated 6 December 2018, has been prepared by Phil Osborne of Property Economics to inform the suitability of the zoning proposed within the Plan Change area (refer Appendix 6, Technical Report 1). The Economic Assessment Report considers it appropriate to rezone the Plan Change area for heavy industry land use activities for the following reasons:
- The Plan Change area has attributes sought after for heavy industrial land uses.
  - The Wiri area is well situated to access both the Auckland and the regional market and the identified “Golden Triangle” (Auckland – Hamilton – Tauranga).
  - The AUP(OP) provides for a significant level of industrial zoning within the Wiri area, with 60% of the land zoned for industrial activities (light and heavy industry). The co-location of industrial activities within this area assists in removing any reverse sensitivity issues.
  - Industrial activities (in particular heavy industry) service a market significantly more extensive than a localised catchment.
  - Appropriately located industrial land (in particular heavy industry developable land) is experiencing competitive pressures from lower land intensive, high-value land use activities. As such, an increasing proportion of this regional resource is being broken into inefficient land sites, which has the effect of stifling the opportunity for Heavy Industry development and growth in Auckland irrespective of its economic importance to the region.
  - The data shows limited vacant heavy industrial land supply in the Manukau catchment, with most future catchment demand in this sector being forced to move south to the former Franklin area.
  - The Manukau catchment (an area that historically accommodates a large proportion of the associated labour force and remains highly accessible), has 9% of vacant Light Industry zoned land and only 6% of Heavy Industry zoned land.
- 10.2 The Economic Assessment Report concludes that the proposed rezoning to Heavy Industry Zone has potential to result in net economic benefits to the Auckland community through:
- Increase in scarce heavy industry land resource, resulting in a retention of growth that may otherwise locate outside the Auckland Region.

- Transportation efficiencies resulting from a highly accessible site (Plan Change area).
- Labour efficiencies, through the provision of industrial land in close proximity to associated labour force.
- Increased certainty for business development through appropriate provision of Heavy Industry Zone, providing flexibility for growth and industrial change, as opposed to a static resource consent. This is especially vital for industrial activities due to capital investment requirements and the need for long term decision making.

### **Integrated Transportation Assessment**

- 10.3 An Integrated Transport Assessment (ITA), dated 7 December 2018, has been prepared by Michael Hall of Stantec to consider the transportation implications of the Plan Change Request (refer Appendix 6, Technical Report 2).
- 10.4 The ITA concludes that additional traffic movements resulting from the Plan Change can be accommodated in a manner that results in acceptable effects to the function, capacity and safety of the surrounding road network.
- 10.5 The ITA further notes the following:
- McLaughlins Road and other roads within the Plan Change area are classified as local roads.
  - Overall, no road safety issues were identified in relation to the road geometry. The Plan Change is not expected to generate a large quantum of traffic and the vehicle types will be consistent with those already using the surrounding roads. As such, the road safety record is not expected to be exacerbated.
  - Additional development enabled by the Plan Change will result in an increase in the number of trips generated within the Plan Change area by approximately 62% from what was observed in November 2018.
  - Traffic modelling has demonstrated that the Roscommon Road / Vogler Drive intersection is able to accommodate the additional trips anticipated within the Plan Change area without significantly affecting the current performance or effectiveness of this intersection.
  - The Plan Change is able to be accommodated by the surrounding road network without the need for any upgrades to the existing transportation infrastructure.
  - The Southern Gateway Precinct is located to the west of McLaughlins Road and Puhinui Creek. Development of this Precinct will result in changes to the nearby road network, however, the timing of such upgrades are not known. The Plan

Change Request and the anticipated development within the Southern Gateway Precinct will not preclude each other from being developed as expected.

### **Geotechnical Matters**

- 10.6 A Geotechnical Feasibility Assessment Memo, dated 29 November 2018, has been prepared by Pierre Malan of Tonkin & Taylor Ltd (T&T) to provide the results of the geotechnical feasibility assessment to inform the Plan Change Request (refer Appendix 6, Technical Report 3). The Memo concludes that from a geotechnical perspective, the anticipated development within the Plan Change area is feasible using accepted design and construction approaches.
- 10.7 The Geotechnical Feasibility Assessment Memo notes that T&T provided geotechnical services to inform the resource consent process for the development of Plan Change area located within the rehabilitated quarry footprint. The foundation design requirements for Stage 1 of the development were set out in the Geotechnical and Earthworks Completion Report (June 2010). Subsequently, a Geotechnical Completion Report (March 2016) was completed to cover the geotechnical design requirements for Stage 2 of the development. Subdivision and land use resource consents have already been granted by Auckland Council to enable development within this area.
- 10.8 The scope of the preliminary desktop geotechnical assessment is limited to the undeveloped portion of the Plan Change area, this being the site at 79 McLaughlins Drive. The geotechnical assessment concludes that the materials at the site comprise of natural deposits that are expected to be suitable for development with appropriate investigation and design at land development stage. The Memo further notes the following:
- The geomorphology and site observations suggest that the materials at the site are predominantly natural material in their original state. Limited amounts of fill are assessed as being present, and the extent and nature will need to be confirmed at the land development stage.
  - Earthworks will be required to provide suitable building platforms at the land development stage.
  - Shallow foundations are expected to be suitable.
  - A slopes stability assessment of the banks of Puhinui Creek will be required at land development stage.
  - The subsurface conditions are not at risk of liquefaction hazards under strong earthquake shaking.
  - Specific geotechnical investigations will be required at the land development stage.

### **Archaeology**

- 10.9 An Archaeological Assessment Report, dated January 2019, has been prepared by Rod Clough and Simon Bickler of Clough & Associates Ltd to inform the Plan Change Request (refer Appendix 6, Technical Report 4). The Report notes that the developed portion of the Plan Change Area (Sub-area A in Figure 3-3) was previously assessed for archaeological values by Clough & Associates Ltd in 2007 to inform the Assessment of Environmental Effects for the resource consent application granted by Auckland Council to enable the establishment of business land uses within the Plan Change area. The Archaeological Assessment Report focuses on the undeveloped portion of the Plan Change area (Sub-area B in Figure 3-3) to inform the Plan Change Request and identify the requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA).
- 10.10 The Plan Change area was once part of an extensive pre-European landscape relating to former Maori occupation of the area centred on Matukutūreia Pa (McLaughlins Mountain) and Te Manurewa O Tamapahore Pa (Wiri Mountain). The Report notes that much of that landscape has been extensively modified over time. The Matukuturua Stonefields Historic Reserve (located adjacent to the Plan Change area) preserves an extensive representative part of that original landscape.
- 10.11 Dr Clough considers that the archaeological remains previously recorded around Maunga Matukutūreia (McLaughlins Mountain) logically fall within a single archaeological landscape and could have been recorded as a single site. However, historically the archaeological sites have been recorded as individual sites, which combine to cover the settlement on the lava flow of Matukutūreia.
- 10.12 There are two recorded archaeological sites within Sub-area B: R11/47 and R11/1632. Site R11/47 is generally described as “terraces, stone faced terraces, stone mounds, midden”. Dr Clough notes that most of the archaeological remains of R11/47 located within Sub-area B have been excavated previously, however, some areas near the main wetland may contain some additional archaeological features.
- 10.13 Site R11/1632 is a series of midden, pits and terraces located beside Puhinui Creek, and remains intact.
- 10.14 Another archaeological site, R11/911 (stone fish traps) is located within the Puhinui Creek. In the AUP(OP), the Puhinui Fish Traps are included in the Historic Heritage Extent of Place Overlay, which extends into the south-western corner of the Plan Change area.
- 10.15 In Figure 9-1, Dr Clough identifies a preliminary summary of likely constraints within Sub-area B based on archaeological potential:
- Red areas: indicate high archaeological potential due to the presence of site R11/1632.

- Green areas: indicate limited archaeological potential. Some features may have survived previous earthworks, but the potential is considered low, and if archaeological features are present, they are likely to have limited archaeological value.
- Orange areas: indicate moderate archaeological potential where archaeological features are likely, but have been modified or previous research suggests that features have limited archaeological values. Previous excavations in this area had mixed results, with archaeological features identified in some areas but not all areas.

**Figure 9-11:** Areas of differing archaeological potential in Sub-area B



- 10.16 Dr Clough considers that earthworks for future development in Sub-area B will destroy the remaining archaeological features relating to site R11/47 and any unidentified sites that maybe present within the earthworks footprint. However, he notes that the green and orange areas are already disturbed / modified and better examples of stonefield features are preserved in the adjacent Matukuturua Stonefields Historic Reserve.
- 10.17 Site R11/1632 is a series of midden, pits and terraces located beside Puhinui Creek, and remains intact. As per Dr Clough's expert advice, the protection of site R11/1632 will be given priority at the land development stage. With respect to site R11/1632 (Puhinui Fish Traps), it is noted that this site is scheduled for protection in Schedule 14.1 of the AUP(OP). Chapter D17 Historic Heritage Overlay sets out comprehensive objectives, policies and rules framework providing for the continued protection of the Puhinui Fish Traps. The Plan Change Request does not amend this existing framework. The provisions of the Historic Heritage Overlay will continue to apply to the Plan Change area.
- 10.18 Dr Clough recommends that site R11/1632 (series of midden, pits and terraces located beside Puhinui Creek) and R11/1632 (Puhinui Fish Traps) should be avoided in any future development of Sub-area B. Provided that this is achieved, Dr Clough considers that any adverse effects of future development will be mitigated through archaeological investigation and information recovery, and the effects of future development on archaeological values are likely to be minor in view of the modified nature of the property and low to moderate archaeological value of site R11/47.

## **Ecology**

- 10.19 An Ecological Survey Report, dated 26 September 2019, has been prepared by Treffery Barnett of Bioresearches to inform the Plan Change Request (refer Appendix 6, Technical Report 5). The Ecological Survey Report identifies the freshwater habitats present within the undeveloped portion of the Plan Change area, this being the site at 79 McLaughlins Road.
- 10.20 In 2000, an ecological survey report (titled “Matukutureia Quarry Habitat Features”, authored by Bioresearches), was completed to inform the resource consenting process for the now developed portion of the Plan Change area.
- 10.21 The Ecological Survey Report divides the undeveloped portion of the Plan Change area into seven ecological assessment zones, primarily delineated by their aquatic habitats (see Figure 3-4):
- Main wetland (SEA\_T\_8443): historical photography shows that the main wetland feature has been developed and changed over time.
  - Wetland drain: wetland located in the drainage channel in the centre of the study area.
  - Intermittent Stream 1 – located immediately above the ponds.
  - Constructed ponds – western sector of the study area draining to Puhinui Creek.
  - Downstream wetland – small wetland that drains into the watercourse downstream of the constructed ponds.
  - Intermittent Steam 2 – located immediately downstream of the largest pond partially within the Puhinui Creek SEA.
- 10.22 The Ecological Survey Report records the vegetation present in each of the above mentioned zones. The survey results show that although native species are present in nearly all of the zones (no species were recorded in Intermittent Stream 1), exotic pasture species dominate the majority of the study area. Gorse and pampas also has a strong presence across the various zones. With the exception of the main wetland, the botanical value of all the zones was low.
- 10.23 The main wetland is identified as the dominant aquatic habitat within the study area. The wetland is the habitat of high ecological value with numerous species of native vegetation and fauna (such as birds and native eels).



- 10.24 It is considered that the Plan Change Request itself (i.e. the rezoning of land and the partial removal of the ONF and SEA Overlays) will not result in adverse effects on the ecological values present within the Plan Change area.
- 10.25 The SEA\_T\_8443 (main wetland) and SEA\_T\_612 (Puhinui Creek and its riparian margins) are subject to the objectives, policies and rules framework set out in Chapter D9 Significant Ecological Areas Overlay of the AUP(OP). In order to maintain indigenous biodiversity, Chapter D9 Significant Ecological Areas Overlay protects these SEAs from adverse effects of subdivision, use and development. The Plan Change does not seek to amend this existing framework. The provisions of Chapter D9 Significant Ecological Areas Overlay will continue to apply to the Plan Change area.
- 10.26 The Wiri Precinct identifies “Area A” for reclamation, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on the site. Ms Barnett has assessed the ecological values of Area A, and concludes that *“The ecological values of the linear wetland between the drain core and the ponds, and the 32m of intermittent stream were assessed as very low and low, respectively”*. Ms Barnett identifies works to be completed to mitigate the effects of the proposed reclamation of Area A.

#### **Natural Heritage and Landscape Effects**

- 10.27 For the assessment of effects on natural heritage and landscape values, refer to section 8 of this Statutory Assessment Report; Technical Report 6: Geological Assessment; and Technical Report 7: Landscape Assessment.

#### **Mana Whenua Values**

- 10.28 For the assessment of effects on mana whenua values refer to section 12 of this Statutory Assessment Report and Technical Report 8: Preliminary Cultural Impact Assessment, prepared by Ngāti Te Ata Waiohua and Technical Report 9: Cultural Values Assessment prepared by Te Ākitai Waiohua.

#### **Infrastructure**

- 10.29 The Plan Change area is located within an established business hub within the RUB. This area has reticulated wastewater, water and stormwater infrastructure. There are no infrastructure constraints identified for the servicing of the Plan Change area.

## 11 STATUTORY CONTEXT

### **Resource Management Act 1991**

- 11.1 Section 5 of the RMA sets out the purpose of the RMA, and requires a broad judgement as to whether the proposal would promote the sustainable management of natural and physical resources. This exercise of judgement is informed by the principles of sections 6 to 8, and considered in light of the particular circumstances of each application.
- 11.2 Section 6 of the RMA sets out a number of matters of national importance which must be recognised and provided for and includes, in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significance of indigenous vegetation and significant habitats of indigenous fauna and protection of historic heritage.
- 11.3 Section 7 identifies a number of “other matters” to be given particular regard to by a territorial authority and includes the efficient use of natural and physical resources and the maintenance and enhancement of amenity values.
- 11.4 Section 8 requires the principles of Treaty of Waitangi to be taken into account.
- 11.5 Sections 4 to 8 of this Statutory Assessment Report contains an assessment of the various options for rezoning, amendments to SEA (SEA\_T\_8443), and ONF 93 and assessed these options against the Purpose of the Act. Overall, it is considered that the Plan Change Request will enable a more effective means of achieving the sustainable management purpose of the Act than the current zoning and extent of SEA and ONF Overlays applied within the Plan Change area.
- 11.6 The Plan Change Request provides for the continued protection of ONF 93, significant ecological areas, historic heritage and sites of significance to Mana Whenua as capsulated in section 6 of the Act.
- 11.7 With respect to section 7 of the Act, the Plan Change enables the efficient use and development of the Plan Change area for industrial land use purposes recognising the constraints placed on the subject area due to the location of the Wiri Oil Terminal (a significant hazardous facility and nationally significant infrastructure) in the vicinity of the Plan Change area.
- 11.8 With respect to section 8 of the Act, the need for Mana Whenua participation was recognised and sought in the Plan Change development process. In this regard, letters were sent to all relevant Mana Whenua groups to engage in a meaningful way (see section 12 of this report). Responses were only received from Ngāti Te Ata Waiohū and Te Ākitai Waiohū expressing an interest in the Plan Change area. Consultation with these two Mana Whenua groups is on-going.

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**New Zealand Coastal Policy Statement 2010 (NZCPS)**

- 11.9 The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. In relation to the Plan Change Request, Objective 2 is considered to be relevant, as it seeks to preserve the natural character of the coastal environment and protect natural features and landscape values. With respect to ONFs, Policy 15(a) seeks to avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment.
- 11.10 The NZCPS does not itself identify the criteria for the determination of ONF, its focus being on the avoidance of adverse effects of activities on ONF. The Plan Change Request seeks to amend the ONF 93 boundaries, as per the criteria (factors) set out in Policy B4.2.2(4) of the AUP(OP). This is necessary to ensure that the provisions of NZCPS are accurately applied to the area of ONF 93 that meets the threshold of “outstanding natural feature”, in the coastal environment.

**National Policy Statement on Urban Development Capacity 2016**

- 11.11 The National Policy Statement on Urban Development Capacity sets out the desire to provide for urban environments that enable social, economic, cultural and environmental wellbeing of current and future generations as well as provide opportunities for development of housing and business land to meet demand.
- 11.12 The National Policy Statement on Urban Development Capacity requires councils experiencing high growth to prepare a Future Development Strategy to demonstrate sufficient, feasible growth capacity in the medium to long term. The Development Strategy set out in the Auckland Plan 2050 serves as Auckland’s Future Development Strategy.
- 11.13 The Economic Assessment Report notes that after the notification of the Proposed Auckland Unitary Plan in 2015, an updated economic report was provided by Auckland Council to illustrate the changes to the proposed business zones by 2017 and their sufficiency to meet long term demand. This report, “National Policy Statement on Urban Development Capacity 2016: Housing and Business Development Capacity Assessment for Auckland December 2017” (hereon referred to as the Auckland Council Capacity

Report), concluded that there was sufficient industrial capacity within most areas through to 2048, with the exception of the "Rural North".

- 11.14 Within the Auckland Council Capacity Report, the land subject to the Plan Change Request falls within the "urban south" area. Figure 3-8 of the Auckland Council Capacity Report shows that by 2048, over 2.1 million square metres of industrial space would be required to meet estimated industrial demand. Figure 3-8 shows that under the AUP(OP) there is capacity for some 3.2 million square metres of industrial development, sufficient to meet the total industrial long term needs.
- 11.15 With respect to Figure 3-8 mentioned above, Mr Osborne provides the following commentary in the Economic Assessment Report:

*"Figure 3-8 has not however disaggregated the proportions of light and heavy industry land demand as it has for Figure 3-4 (refer Appendix 1 of this overview) relating to total regional demand. In Figure 3-4 heavy industrial activity constitutes approximately 28% of all industrial floorspace demand to 2048. When disaggregating the Urban South demand this translates to a total of 2.1m sqm, of which it can be estimated that 611,000sqm is heavy industrial, although given the location and accessibility to this area this is considered conservative as it would be expected to accommodate a higher proportion than the regional average.*

*Similarly, while Figure 3-8 identifies 3.1m sqm of capacity, Figure 3-6 attributes only 524,000sqm to this to heavy industrial (this is without the increasing pressures on competing uses). Therefore, the summary information provided in the Auckland Council Capacity Report for industrial activity within this area is not considered accurate (too conservative in Property Economics professional view) when specifically identifying heavy industrial land demand" (page 6).*

- 11.16 Recognising that appropriately located industrial land (in particular heavy industry developable land) is experiencing competitive pressures from lower land intensive, high-value land use activities, this Plan Change enables an increase in the supply of heavy industry zoned land in Wiri (a recognised industrial hub in the urban south area), which is consistent with the intent of the National Policy Statement on Urban Development Capacity.

## 12 STRATEGIC CONTEXT

### **The Auckland Plan 2050**

- 12.1 The Auckland Plan 2050 is a long-term spatial plan for Auckland. It outlines the three major challenges that face Auckland, and sets the direction for addressing these challenges over the next 30 years. The three key challenges are: population growth and its implications, sharing prosperity with all Aucklanders, and reducing environmental degradation.
- 12.2 The Auckland Plan 2050 sets out a Development Strategy, to illustrate how Auckland will physically grow and change over the next 30 years. It takes account of the outcomes sought to be achieved, population growth projections and the planning rules set out in the Auckland Unitary Plan.
- 12.3 The key elements of the Development Strategy include:
- Quality compact approach to growth and development.
  - Growth is enabled throughout most of Auckland’s urban footprint.
  - Building strong urban centres and neighbourhoods.
  - Managed expansion into future urban areas.
  - Recognising Auckland’s capacity for growth by identifying the expected location, timing and sequencing of future development capacity in the existing urban areas and future urban areas.
  - Assessing demand for housing and business land and floor space.
  - Growth requires substantial investment in infrastructure and services over a sustained period of time.
  - The Auckland Plan acknowledges that as Auckland grows, it must offer capacity for new business growth. The Plan Change Request aligns with the intent of the Auckland Unitary Plan: The use (or repurposing) of a rehabilitated quarried area for industrial purposes, within urban Auckland, assists in achieving quality compact approach to accommodating business growth.
  - The Plan Change increases the feasible capacity of commercially viable industrial land in urban south area.
  - The Plan Change enables safeguarding of important industrial land in Wiri by enabling contiguous expansion of this important business resource, in a strategically located and accessible location.

- Provides for increased business growth and employment in the Manukau area, which assists in addressing Auckland’s current transport and employment challenges.
- The Plan Change enables labour efficiencies, through the provision of industrial land in close proximity to associated labour force.

### **Auckland Unitary Plan (OP) – Urban Growth and Form**

12.4 Chapter B2 of the AUP(OP) sets out the strategic framework to guide Auckland’s urban growth and form. Section B2.5 sets out the strategic framework for commercial and industrial growth matters.

12.5 Noting that the Plan Change Request seeks rezoning of land for industrial purposes, Objective B2.5.1(3) is of relevance. The Plan Change request to rezone the subject area from Quarry Zone to Heavy Industry and Light Industry Zones meet the intent of Objective B2.5.1(3), by enabling industrial growth and activities in a manner that:

- promotes economic development.
- promotes the efficient use of buildings, land and infrastructure in industrial zones.
- manages conflicts between incompatible activities.
- recognises the particular locational requirements of some industries

12.6 Policies B2.5.2(7),(8),(9) and 10 are the key strategic policies relating to the efficient use, supply and management of industrial land. The Plan Change Request, meets the intent of these policies by:

- Enabling the supply of land for industrial activities, in particular for land-extensive industrial activities and for heavy industry in areas where the character, scale and intensity of the effects from those activities can be appropriately managed.
- Enables the supply of industrial land which is relatively flat, has efficient access to freight routes, rail or freight hubs, ports and airports and can be efficiently serviced by infrastructure.
- Enables the efficient use of industrial land for industrial activities.
- Manages the reverse sensitivity effects on the efficient operation, use and development of existing industrial activities, including by preventing inappropriate sensitive activities locating or intensifying in or adjacent to heavy industrial zones.

### **Auckland Unitary Plan (OP) – Outstanding Natural Features**

- 12.7 Chapter B4 of the AUP(OP) sets out the strategic framework for natural heritage resources. Section B4.2 sets out the strategic framework for outstanding natural features and landscapes.
- 12.8 Noting that the Plan Change seeks to amend the boundaries of ONF 93, Objectives B4.2.1 are of relevance. Objective B4.2.1(1) seeks to ensure that outstanding natural features are identified and protected from inappropriate subdivision, use and development. The relevant implementation policy is Policy B4.2.2(4), which sets out the factors for consideration when identifying and evaluating a place as an outstanding natural feature. Under Policy B4.2.2(5), any place identified as an outstanding natural feature should then be included in Schedule 6 Outstanding Natural Features Overlay Schedule.
- 12.9 The proposed amendments to the extent of ONF 93 boundaries, is consistent with the intent of Policy B4.2.2(4), which is principally aimed at identifying and evaluating (or not) an ONF. The Plan Change Request is consistent with the intent of Policy B4.2.2(4) in that it re-evaluates ONF 93 based on the identified factors to determine whether it is deemed to be an ONF in whole or whether there are parts of the ONF which do not meet the identified factors.
- 12.10 The Plan Change is consistent with Policy B4.2.2(5) as it seeks to retain the parts of the ONF 93 which are deemed to be “outstanding” within Schedule 6 Outstanding Natural Features Overlay Schedule. Once an ONF is scheduled for protection, then it is subject to Policy B4.2.2(6) which seeks to protect the physical and visual integrity of the ONF from inappropriate subdivision, use and development. Once identified as an ONF, it is principally managed under Chapter D10 (Outstanding Natural Features and Outstanding Natural Landscapes Overlay) of the AUP(OP). The Plan Change does not seek to amend the management framework of Chapter D10 as it relates to the future subdivision, use and development of the area within an ONF. The provisions of Chapter D10 give effect to Policies B4.2.2(6), (7) and (8).

### **Auckland Unitary Plan (OP) – Mana Whenua Values**

- 12.11 Chapter B6 of the AUP(OP) sets out the strategic framework for the recognition of the Treaty of Waitangi partnerships and participation; recognition of Mana Whenua values; Maori economic, social and cultural development; and the protection of Mana Whenua cultural heritage.
- 12.12 The objective and policy framework requires the principles of the Treaty of Waitangi to be recognised through Mana Whenua participation in the resource management process. In this regard, letters were sent to all relevant Mana Whenua groups to engage in a meaningful way in the development of the plan change process (see Section 13 of



this Report). Responses were only received from Ngāti Te Ata Waiohua (Ngāti Te Ata) and Te Ākitai Waiohua (Te Ākitai) expressing an interest in the Plan Change area.

- 12.13 A Preliminary Cultural Impact Assessment (CIA) has been prepared by Ngāti Te Ata. The CIA documents Ngāti Te Ata’s cultural values, interests and associations with the Plan Change area. The CIA notes that the Plan Change area is located within Ngāti Te Ata’s broader ancestral cultural landscape, referred to as the “Matukutureia Cultural Landscape”:

*“Matukutureia is a prominent local landmark and the birth place of our eponymous ancestor Te Ata Rehia. Ngati Te Ata continue to maintain a spiritual and cultural relationship to this landscape through whakapapa both terms of our connection to papatūānuku and ancestral relationship through Te Ata Rehia.” (page 16).*

- 12.14 The CIA contains the following summary of cultural sites, areas and resources within 1000m radius of the Plan Change area:

- The Manukau Harbour
- Maunga Matukutūreia (McLaughlins Mountain)
- Nga Matukuturua
- Maunga Matukutururu (Mount Wiri)
- Puhinui catchment
- Matukuturua Stonefields
- Isolated archaeological materials or features

- 12.15 The CIA contains a summary of the potential cultural impacts of the Plan Change Request. In particular, Ngāti Te Ata is concerned about the direct, indirect and cumulative effects on the following cultural sites, areas and resources:

- Maunga Matukutūreia
- Maunga Matukutururu (Wiri Mountain)
- Matukuturua Stonefields
- Puhinui catchment
- Manukau Harbour

- 12.16 A Cultural Values Assessment has also been prepared by Te Ākitai Waiohua. Te Ākitai Waiohua has identified both the Puhinui peninsula area and the Plan Change Area as forming part of its cultural landscape. Te Ākitai Waiohua supports the application of Open Space Informal Recreation Zone over Sub-area B, as it better reflects the cultural and historical importance of the site. Te Ākitai Waiohua supports the retention of the Outstanding Natural Feature Overlay, and prefers to seek the views of Auckland Council and other independent expert advice on this matter.

- 12.17 While it is acknowledged that Maunga Matukutururu (Wiri Mountain) is of significant spiritual and cultural value to Ngāti Te Ata and Te Ākitai, it is located outside the Plan Change area. The effects of the Plan Change on the other cultural sites, areas and resource is discussed below.
- 12.18 Chapter D21 Sites and Places of Significance to Mana Whenua Overlay applies to sites and places that have been scheduled and protected for their significance to Mana Whenua. The introduction to Chapter D21 recognises that:
- "Sites and places of significance to Mana Whenua have tangible and intangible cultural values in association with historic events, occupation and cultural activities. Mana Whenua values are not necessarily associated with archaeology, particularly within the highly modified urban landscape where the tangible values may have been destroyed or significantly modified."*
- 12.19 Maunga Matukutūreia (item 36) is identified as a site and place of significance to Mana Whenua. Item 36 has two parts, one being located within the Plan Change area and the other being applied to the site of the Auckland South Corrections Facility.
- 12.20 Matukuturua Stonefields (item 34) is also identified as a site and place of significance to Mana Whenua. The mapped extent of this site and place of significance to Mana Whenua does not extend into the Plan Change area. It is shown as being located on the adjoining site.
- 12.21 Chapter D21 Sites and Places of Significance to Mana Whenua Overlay sets out a comprehensive framework of objectives, policies and rules to provide for the protection of scheduled sites and places of significance to Mana Whenua. The Plan Change does not seek to amend this existing framework. The provisions of the Sites and Places of Significance to Mana Whenua Overlay will continue to apply to the Plan Change area.
- 12.22 With respect to the preservation of the volcanic view shaft between Pūkaki Marae and Maunga Matukutūreia, it is noted that the views have been protected via land covenants on lots 22, 31, 32, 34 and 40 of DP 508731. The land covenants on these titles limit the maximum building height to 18m. The rationale for this is set out in the reasons for the resource consent Decision 39194 as follows:
- "The subject site is located in close proximity to Maunga Matukutūreia (McLaughlins Mountain), which is Waahi Tapu site, it is important to maintain views to this mountain as far as practicable. With the above consideration, a height restriction of 18m is acceptable to Council as recommended by the applicant for any future development on the proposed lots"*.
- 12.23 In addition to the above, the proposed Wiri Precinct Plan introduces objective, policy and rule framework to ensure the protection of the viewshaft, consistent with the provisions of the Puhinui Precinct.

- 12.24 The AUP(OP) identifies the Historic Heritage Overlay Extent of Place – 2163, Puhinui Fish Traps R11-911 as being located within the Plan Change area. The Fish Traps are located within the south-eastern corner of the Plan Change area, over the Puhinui Creek and its margins. The identified area includes the primary feature and an area around this feature, referred to as “extent of place”. The provisions of the Historic Heritage Overlay apply both to the historic heritage feature and the “extent of place”.
- 12.25 Schedule 14.1: Schedule of Historic Heritage identifies the Puhinui Fish Traps as having a “Category A” level of significance. Chapter D17 Historic Heritage Overlay explains Category A Place as “historic heritage places of outstanding significance well beyond their immediate environs; generally expected to be of significance to the Auckland region or a greater geographic area”. Schedule 14.1 also identifies the Puhinui Fish Traps as being “Places of Maori Interest or Significance”.
- 12.26 Chapter D17 Historic Heritage Overlay sets out comprehensive objectives, policies and rules framework providing for the continued protection of the Puhinui Fish Traps. The Plan Change Request does not amend this existing framework. The provisions of the Historic Heritage Overlay will continue to apply to the Plan Change area.
- 12.27 The Manukau Harbour and Puhinui catchment are acknowledged as being of significant spiritual and cultural value to Ngāti Te Ata. Ngāti Te Ata is concerned about the direct, indirect and cumulative stormwater discharges resulting from the Plan Change area. It is noted that Sub-area A in Figure 3-3 is currently in development phase, in accordance with the land use and subdivision resource consents granted by the Auckland Council. The resource consent application was informed by the consultation undertaken with Ngāti Te Ata and Te Ākitai, both of which provided support for the proposal.
- 12.28 Chapter E of the AUP(OP) sets out the Auckland-wide provisions applying to the management of natural resources, including management of water quality and stormwater discharges. The Plan Change does not seek to amend the objectives, policies and rules framework of the AUP(OP) as it relates to the management of natural resources set out in Chapter E.
- 12.29 Ngāti Te Ata does not support the application of the Heavy Industry Zone to the Plan Change area on the basis that the proposed zoning would detract and have significant adverse effects upon Ngāti Te Ata’s values associated with Matukutūreia and Matukuturua Stonefields. While the concerns raised by Ngāti Te Ata are appreciated, the key challenge is that the location of the Plan Change area in the proximity of the Wiri Oil Terminal poses significant constraints on the feasible land uses for the Plan Change area. The various options for alternative zonings are assessed in section 5 of this report. It is noted that in the Wiri Industrial area, the AUP(OP) has strategically applied Heavy Industry Zone, including sites of significance to Mana Whenua in light of the challenges

posed by the Wiri Oil Terminal in this locality. However, it is noted that the comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay, will continue to provide for the protection of Maunga Matukutūreia, a scheduled site and place of significance to Mana Whenua. As an overlay, the provisions of Chapter D21 take precedence over the Heavy Industry Zone, as such any noxious activities seeking to establish within Sub-area A will need to take into account the planning framework applying to the scheduled sites and places of significance to Mana Whenua.

- 12.30 Stonehill Trustees Limited acknowledges the need for and commits to on-going consultation with Ngāti Te Ata and Te Ākitai during the Plan Change development process. The on-going consultation with these Mana Whenua groups is set out in section 13 of this report.

## 13 KEY STAKEHOLDER CONSULTATION

13.1 Consultation undertaken as part of the development of the Plan Change Request is set out in Table 13-1 below.

**Table 13-1: Consultation summary**

Key stakeholder/ Organisation	Summary of Consultation	Date
Landowners and occupiers within the Plan Change area	Letters sent to all landowners and occupiers within the Plan Change area providing an overview of the Plan Change Request.  No concerns raised by the landowners or occupiers.	10 Dec 2018
Alastair Jamieson Auckland Council Biodiversity Manager	Site walkover with Dr Cronin and Sukhi Singh to view and begin discussions about the ONF.  Alastair Jamieson agrees that the ONF 93 has been incorrectly mapped.	11 Oct 18  29 Oct 18 and 10 Dec 18
David Le Maquand Planner representing Wiri Oil Services Limited (WOSL)	Letter sent to WOSL providing an overview of the Plan Change Request.  Letter of support received from WOSL for the application of the Heavy Industry Zone within the Plan Change area. WOSL remains neutral with regards to other aspects of the Plan Change Request.	28 Nov 18  11 Dec 18
Andrew Wood and Paul Clark – Auckland Council Parks Department	Letter sent to Auckland Council’s Parks Team, providing an overview of the Plan Change Request and acknowledgement of potential matters of interest for the Parks team.  The Auckland Council Parks Team seeks to retain open space zoning within riparian margin areas of Puhinui Creek in Sub-area B.	28 Nov 18  20 Dec 18
Peter Smith, Angus Gray and Debbie Philp	Letter sent to Department of Conservation providing an overview of the Plan Change Request	28 Nov 18

Key stakeholder/ Organisation	Summary of Consultation	Date
<p>– Department of Conservation (DOC)</p>	<p>and acknowledgement of potential matters of interest for DOC.</p> <p>Request for specialist reports to read prior to determining stance.</p> <p>Initial meeting held to begin discussions.</p> <p>Request for additional specialist reports to read prior to determining a position. The additional information requested sent to DOC.</p> <p>Letter received from DOC, dated 30 September 2019:</p> <ul style="list-style-type: none"> <li>• DOC disagrees with Dr Cronin’s recommendation to reduce the extent of the ONF overlay. However, DOC acknowledges that some parts of the existing ONF (particularly the northeast of Harbour Ridge Drive/McLaughlins Road) may not meet the scheduling criteria, and DOC may be comfortable with some of the overlay being removed from the northern areas.</li> <li>• DOC prefers that riparian margins adjoining Puhinui Creek are protected, as these areas contain known archaeologically significant sites.</li> <li>• DOC does not support the Heavy Industry Zone over the main wetland area, nor the partial removal of the SEA Overlay.</li> <li>• DOC is not opposed to the Sub-area A being rezoned to better provide for the activities on site.</li> </ul> <p>Consultation on-going.</p>	<p>15 Jan 19</p> <p>21 Mar 19</p> <p>8 April 19</p> <p>30 Sept 19</p>

Key stakeholder/ Organisation	Summary of Consultation	Date
Kaletu Moala-Mafi and Peter Hall – Department of Corrections	<p>Letter sent to Department of Corrections providing an overview of the Plan Change Request and acknowledgement of potential matters of interest for Department of Corrections.</p> <p>Department of Corrections opposes the Heavy Industry Zoning proposed within the Plan Change area. Department of Corrections considers the Light Industry Zone to be more appropriate.</p>	<p>29 Nov. 18</p> <p>14 Mar. 19</p>
Gary Heaven - LiquiGas	<p>Letter sent to LiquiGas providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to LiquiGas.</p> <p>LiquiGas supports the application of the proposed Heavy Industry Zone within the Plan Change area.</p>	<p>29 Nov 18</p> <p>4 Dec 18</p>
Emma Howie – Auckland International Airport Limited (AIAL)	<p>Letter sent to AIAL providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to AIAL.</p> <p>AIAL requested a copy of the traffic impact assessment. No further comments from AIAL. The requested report was provided to AIAL.</p>	<p>27 Nov 18</p> <p>12 Dec 18</p>
Greg Smith and Linda Vink – Auckland Volcanic Cone Society Inc	<p>Letter sent to Auckland Volcanic Cone Society Inc providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to them.</p> <p>The Auckland Volcanic Society deferred to the opinion of Dr Bruce Hayward. The Society did not wish to meet with Dr Cronin to discuss this matter further.</p>	<p>3 Dec 18</p> <p>17 Dec 18</p>
Bruce Hayward – Geoscience Society of NZ	<p>Letter sent to Geoscience Society of NZ providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to them.</p>	<p>3 Dec 18</p>



Key stakeholder/ Organisation	Summary of Consultation	Date
	<p>Dr Hayward requested a map showing the location of the “exposure of rock seen by Dr Cronin”. Dr Hayward intends to consult with others in the relevant field.</p> <p>Geoscience Society of NZ opposes the proposed amendment to the ONF 93.</p>	<p>3 Dec 18</p> <p>5 Dec 18</p>
<p>Susan Andrews and Makere Rika-Heke – Heritage NZ Pouhere Taonga (Heritage NZ)</p>	<p>Letter sent to Heritage NZ providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to them.</p> <p>Heritage NZ requested copy of archaeological report for the area.</p> <p>Initial meeting to begin discussions. Heritage NZ requested a copy of the cultural values assessment. Heritage NZ does not support the rezoning of open space areas.</p> <p>Consultation on-going.</p>	<p>3 Dec 18</p> <p>9 Dec 18</p> <p>28 Feb 19</p>
<p>Ngāi Tai ki Tāmaki Ngāti Maru Ngāti Tamaoho Ngāti Tamaterā Ngāti Whanaunga Te Ahiwaru - Waiohua Te Kawerau a Maki Waikato - Tainui</p>	<p>Overview provided of the Plan Change Request, including attachments of maps. Acknowledgement of potential interest matters for Mana Whenua.</p>	<p>3 Dec 18</p>
<p>Ngāti Te Ata</p>	<p>Overview provided of the Plan Change Request, including attachments of maps. Acknowledgement of potential interest matters for Ngāti Te Ata.</p> <p>Meeting on site. Ngāti Te Ata opposes the proposed plan change.</p>	<p>3 Dec 18</p> <p>13 Dec 18</p> <p>27 Feb 19</p>

Key stakeholder/ Organisation	Summary of Consultation	Date
	<p>Ngāti Te Ata requested copies of archaeological report, geological report, and landscape report.</p> <p>Cultural Impact Assessment received from Ngāti Te Ata.</p> <p>Meeting with Ngāti Te Ata to discuss the Cultural Impact Assessment Report, following the lodgement of the McLaughlins Quarry Private Plan Change Request. Ngāti Te Ata:</p> <ul style="list-style-type: none"> <li>• defer to the position put forward by Dr Bruce Hayward. Ngāti Te Ata see the removal of the ONF as further intrusion into an otherwise contiguous cultural landscape.</li> <li>• considers the broader Wiri area to be part of a single contiguous ancestral cultural landscape.</li> <li>• is fundamentally opposed to the principle of development within this location due to the significance of this landscape.</li> </ul> <p>Meeting with Ngāti Te Ata to discuss three possible areas that could be investigated further in order for Ngāti Te Ata to potentially support development of the site:</p> <ul style="list-style-type: none"> <li>• Establishment of a restoration fund to be agreed by Ngāti Te Ata.</li> <li>• Inclusion of a precinct plan as part of the plan change process. The precinct plan could identify areas within the site that would be set</li> </ul>	<p>8 Apr 19</p> <p>22 May 19</p> <p>10 Oct 19</p>

Key stakeholder/ Organisation	Summary of Consultation	Date
	<p>aside for open space/planting and would be protected under the AUP(OP).</p> <ul style="list-style-type: none"> <li>Investigate if ownership of the protected areas discussed above can be transferred to Ngāti Te Ata.</li> </ul> <p>Letter sent to Ngāti Te Ata Board from Peter Bishop (Stonehill Trustees Limited):</p> <ul style="list-style-type: none"> <li>provide a map outlining areas for riparian management areas for protection and planting, to be incorporated into a new Precinct provisions.</li> <li>Commitment to continue to work with Ngāti Te Ata Board to use the above mentioned plan as a framework moving forward.</li> <li>Willingness to work with Ngāti Te Ata Board to establish a restoration fund to fund ventures (both within and outside the Plan Change Area) that would seek to enhance the mana of Ngāti Te Ata</li> </ul> <p>Consultation on-going.</p>	25 Nov 19
Te Ākitai Waiohua	<p>Overview provided of the Plan Change Request, including attachments of maps. Acknowledgement of potential interest matters for Te Ākitai Waiohua.</p> <p>Site walkover meeting.</p> <p>Meeting to discuss any matters of concerns with respect to the Plan Change Request. Requested copies of archaeological report, geological report, landscape report and Cultural Impact Assessment from Ngāti Te Ata.</p>	<p>3 Dec 18</p> <p>20 Dec 18</p> <p>14 Mar 19</p>

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<b>Key stakeholder/ Organisation</b>	<b>Summary of Consultation</b>	<b>Date</b>
	Consultation on-going.	

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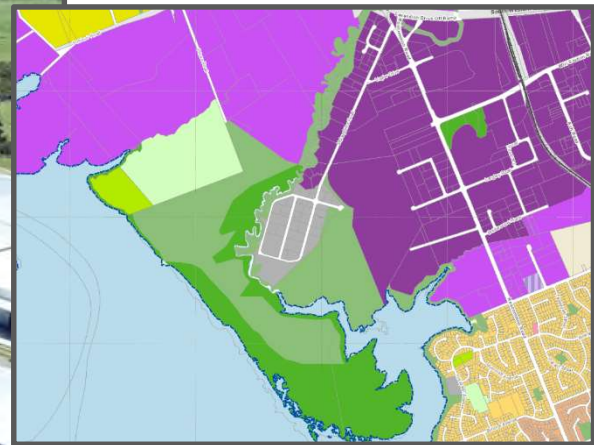
## 14 CONCLUSIONS

- 14.1 This Statutory Assessment Report has been prepared in support of a Private Plan Change Request to the AUP(OP) on behalf of Stonehill Trustees Limited.
- 14.2 The section 32 evaluation has been completed, and it concludes that the Plan Change Request will more effectively and efficiently achieve the objectives of the AUP(OP), and the purpose of the RMA, than the current provisions sought to be amended. The section 32 evaluation will continue to be refined as the Plan Change Request progresses through the various processing stages.
- 14.3 It is recommended that the Council accept the Plan Change Request.

## McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (Operative in Part)

Prepared for Stonehill Trustees Limited by Babbage Consultants Limited  
Date: 18 February 2021

### Statutory Assessment Report



## **ACKNOWLEDGEMENT**

This report was prepared for Stonehill Trustees Limited. No liability is accepted by this company or any employee or sub-consultant of this company with respect to its use by any other person.

This disclaimer shall apply withstanding that the report may be made available to other persons for an application for permission or approval or to fulfil a legal requirement.

Prepared by: Sukhi Singh (Principal Planner, Babbage Consultants Limited)

Approved for issue by: Joe Gray (Planning Manager, Babbage Consultants Limited)



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	Technical Report 8: Cultural Impact Assessment Ngāti Te Ata Waiohua Technical Report 9: Cultural Values Assessment Te Ākitai Waiohua	
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## 1 THE APPLICANT AND PROPERTY DETAILS

<b>To :</b>	Auckland Council
<b>Application:</b>	McLaughlins Quarry Private Plan Change Request (Refer to Appendix 1 for list of properties within the Plan Change area)
<b>Applicant:</b>	Stonehill Trustees Limited
<b>Address for Service:</b>	Babbage Consultants Limited L4, 68 Beach Road Auckland Central 1010 Attention: Sukhi Singh
<b>Zoning:</b>	Quarry Zone and Open Space – Informal Recreation Zone
<b>Designations:</b>	Airspace Restriction Designation – ID 1102: Protection of Aeronautical Functions – Obstacle Limitation Surfaces, Auckland International Airport Limited
<b>Modifications:</b>	Notices of Requirements 7: Proposed Northern Runway, Airspace Restriction Designation
<b>Overlays:</b>	Natural Resources: Significant Ecological Areas Overlay – SEA_T_8443, Terrestrial Natural Resources: Significant Ecological Areas Overlay – SEA_T_612, Terrestrial Natural Resources: High-Use Stream Management Areas Natural Resources: High-Use Aquifer Management Areas – Manukau Southeast Kaawa Natural Resources: High-Use Aquifer Management Areas Overlay – Manukau Waitemata Aquifer Natural Resources: Quality – Sensitive Aquifer Management Areas – Wiri Volcanic Aquifer Natural Heritage: Outstanding Natural Features Overlay – ID 93, Matukuturua Lava Field and Tuff Ring Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place – 2163, Puhinui Fish Traps R11_911 Mana Whenua: Sites and Places of Significance to Mana Whenua – 036, Maunga Matukutūreia
<b>Controls:</b>	Coastal Inundation 1 per cent AEP Plus 1m Control – 1m sea level rise Macroinvertebrate Community Index – Exotic, Native and Rural
<b>Record of Titles:</b>	Refer to Appendix 2

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## 2 INTRODUCTION

2.1 Under Clause 21 of Schedule 1 of the Resource Management Act 1991 (RMA), any person can request a change to a district or regional plan (including a regional coastal plan). Clause 22 of Schedule 1 of the RMA states that the plan change request must be made to the appropriate local authority in writing and:

- Explain the purpose and reasons for the plan change request;
- Contain an evaluation report prepared in accordance with section 32 of the RMA for the plan change request;
- Where environmental effects are anticipated, the plan change request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement or plan.

2.2 This Statutory Assessment Report has been prepared in support of a Private Plan Change Request to the Auckland Unitary Plan (Operative in Part) (AUP(OP)) on behalf of Stonehill Trustees Limited.

2.3 The area subject to the Plan Change Request is the site of the former McLaughlins Quarry located in the Wiri industrial area.

2.4 The Plan Change Request is set out in Appendix 3. In brief, it seeks to:

- Rezone 20.87ha of land from Quarry Zone to Heavy Industry Zone.
- Rezone 3.39ha of land from Quarry Zone to Light Industry Zone.
- Rezone 1.91ha of land from Quarry Zone to Open Space – Informal Recreation Zone.
- Rezone 0.29ha of land from Open Space – Informal Recreation Zone to Heavy Industry Zone.
- Rezone 0.34ha of land from Open Space - Informal Recreation Zone to Light Industry Zone
- Amend the boundaries of the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring).
- Amend the description of Outstanding Natural Feature ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring set out in Schedule 6: Outstanding Natural

Features Overlay Schedule, to correctly refer to the part of the geological feature as an explosion crater.

- Amend the boundaries of the Significant Ecological Area (SEA) Overlay (ID SEA T 8443) applied to the site at 79 McLaughlins Road.
- Introduce a new Wiri Precinct into Chapter I Precincts (South) of the AUP(OP) to enable transition from quarry to industrial activities, while recognising the important cultural, ecological and geological values present within the precinct.

2.5 The Plan Change Request is informed by the following specialist reports:

- Economic Assessment Report
- Integrated Transportation Assessment
- Geotechnical Feasibility Assessment
- Archaeological Assessment Report
- Ecological Survey Report
- Geological Evaluation Report
- Landscape Assessment Report
- Preliminary Cultural Impact Assessment - Ngāti Te Ata Waiohua
- Cultural Values Assessment - Te Ākitai Waiohua

2.6 The section 32 evaluation has been completed, and it concludes that the Plan Change Request will more effectively and efficiently achieve the objectives of the AUP(OP), and the purpose of the RMA, than the current provisions sought to be amended. This statutory assessment, including the section 32 evaluation, will continue to be refined as the Plan Change Request progresses through the various processing stages.

### 3 THE PLAN CHANGE AREA AND LOCALITY DESCRIPTION

#### Surrounding Context

3.1 Figure 3-1 illustrates the location of the Plan Change area relative to the surrounding environment.

**Figure 3-1: Locality Plan**



3.2 The Plan Change area is located within the general proximity of the Puhinui peninsula area. The local area is characterised by low lying, varied and gently undulating terrain located on the edge of the Manukau Harbour. Puhinui Creek adjoins the southern and western boundaries of the Plan Change area.

3.3 The Plan Change area forms part of the Wiri industrial area. Due to its location in close proximity to the Auckland International Airport, and access to State Highways 1 and 20, the Wiri industrial area is strategically placed to service the industrial business land supply needs of Auckland. The Wiri Inland Port is also located within the Wiri industrial area.

3.4 Puhinui Precinct (Chapter I432 of the AUP(OP)) is located immediately to the north of the Plan Change area. The precinct recognises the cultural, spiritual and historical values and relationships that Te Ākitai Waiohūa have with the land and sea in Puhinui as part of the

- Māori cultural landscape. The precinct provides for predominantly light industrial and airport related activities, with some large lot residential development.
- 3.5 Te Pukakitapu o Poutukeka (Pukaki Crater and lagoon) and Nga Kapua Ohoura (Crater Hill) are located in close proximity to the Plan Change area.
  - 3.6 Puhinui Reserve, at the edge of the Manukau Harbour, is located to the south- west of the Plan Change area. It contains significant conservation, heritage and amenity values. Puhinui Reserve protects a variety of ecosystems and habitats, including extensive shell banks, intertidal mudflats, mangroves and shoreline salt marsh. Part of the Reserve is a wildlife refuge. Thousands of international migratory birds and New Zealand endemic waders feed on the sand flats and use the shellbanks as a high tide roost.
  - 3.7 Maunga Matukutūreia (McLaughlins Mountain) and the Matukuturua Stonefields adjoin the eastern boundary of the Plan Change area, both of which are held by the Crown and managed by the Department of Conservation (DoC). Maunga Matukutūreia (McLaughlins Mountain) is a prominent land mark. Matukuturua Stonefields is recognised as being of high archaeological significance, and the majority of the remains are protected within a historic reserve.
  - 3.8 Auckland Region Women’s Corrections Facility and Auckland South Corrections Facility (high security men’s prison) are located to the east of the Plan Change area.
  - 3.9 The Wiri Oil Terminal and the Wiri LPG Depot are located in close proximity to the Plan Change area. Wiri Oil Terminal is the only bulk facility storing and supplying fuel to the greater Auckland region and is an essential part of the national network for the distribution and transmission of petroleum throughout the upper North Island. It also supplies jet fuel to the Auckland International Airport via the Wiri to Auckland Pipeline.

### **The Plan Change Area Description**

- 3.10 Figure 3-2 illustrates the area subject to the Plan Change Request. It is the site of the former McLaughlins Quarry. By 2009, all quarrying activities had ceased within the Plan Change area.
- 3.11 The Plan Change area is located within the Rural Urban Boundary (RUB) as identified in the AUP(OP).



**Figure 3-2:** Area subject to the Plan Change Request



- 3.12 Puhinui Creek forms the southern and western boundaries of the Plan Change Area. Open Space – Informal Recreation Zone is applied to the margins of the Puhinui Creek. The remainder of the area is zoned Quarry.
- 3.13 Section 1 and Appendix 4 of this report identify the AUP(OP) modifications, designations, overlays and controls applying to the Plan Change area. The key provisions include:
- Outstanding Natural Features Overlay – ID 93, Matukutūreia and Matukuturua Lava Field and Tuff Ring.
  - Historic Heritage Overlay Extent of Place – 2163, Puhinui Fish Traps R11\_911.
  - Sites and Places of Significance to Mana Whenua – 036, Maunga Matukutūreia.
  - Significant Ecological Areas Overlay – SEA\_T\_8443 and SEA\_T\_612, Terrestrial.
- 3.14 The southern and south-western boundaries of the Plan Change area correlate with the extent of the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua lava field and tuff ring) applied within the Plan Change area (primarily within the site at 79 McLaughlins Road). The northern and eastern boundaries of the Plan Change area are informed by the extent of the Quarry Zone applying to the subject area.

3.15 The Plan Change area is located at the southern end of McLaughlins Road. The only access to McLaughlins Road is via the Vogler Drive and Roscommon Road intersection.

3.16 The Plan Change area consists of two distinct portions: Sub- areas A and B (Figure 3-3).

**Figure 3-3: Sub-areas A and B within the Plan Change Area**

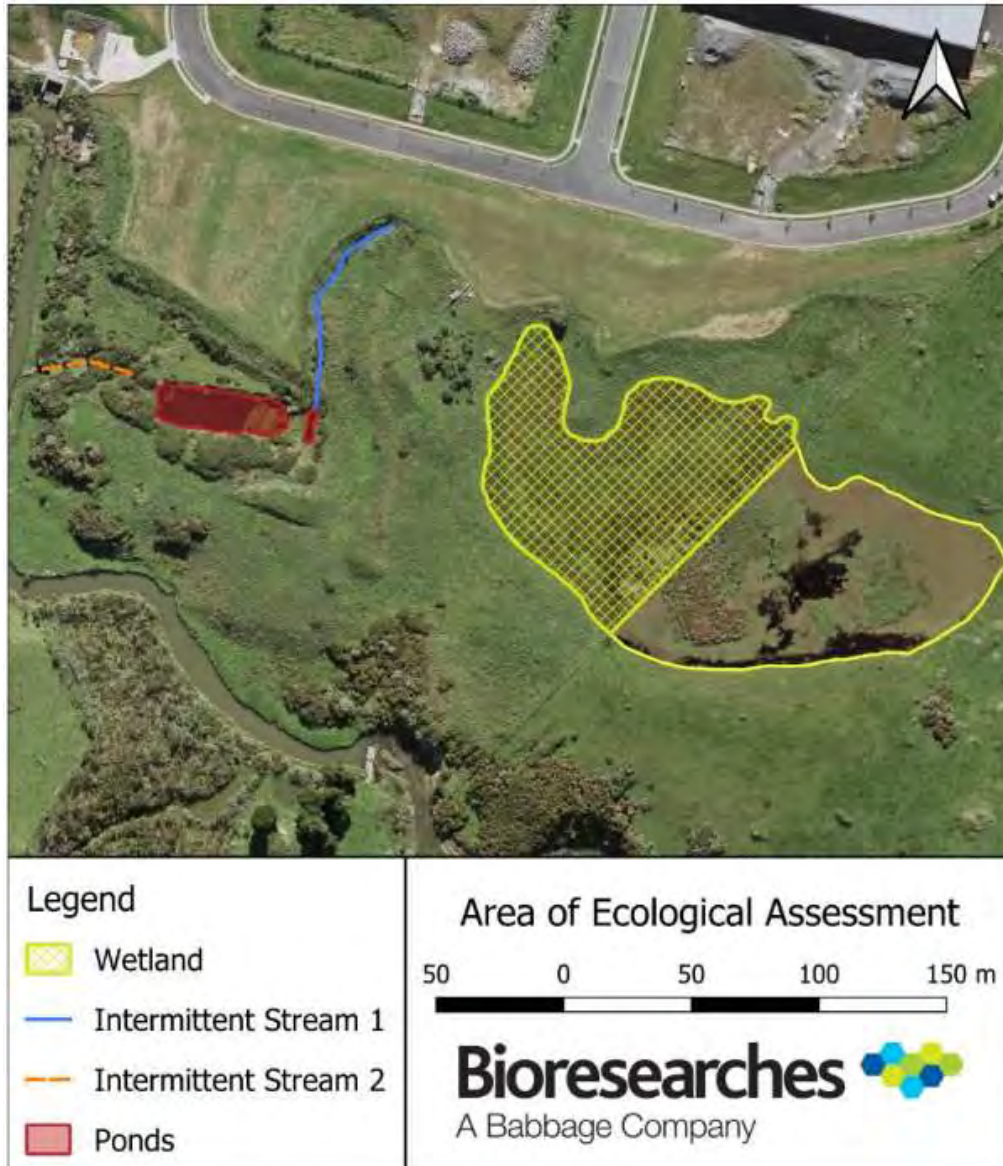


3.17 Sub-area A is located on the footprint of the backfilled quarry. Sub-area A is currently in the development phase, in accordance with land use and subdivision resource consents granted by the former Manukau City Council and Auckland Council to enable the establishment of business uses. The types of businesses already established within Sub-area A can generally be described as industrial activities.

3.18 Sub-area B is greenfield land, located at 79 McLaughlins Road. It contains a large wetland, which is dissected by a fenceline through the central area, separating the wetland into two approximately equal halves. The western half of the wetland is located within Plan Change area, and the eastern half is the part of the Matukuturua Stonefields site, and is managed by the Department of Conservation.

3.19 Figure 3-4 illustrates the key ecological features located within Sub-area B. The stormwater detention pond located within the western portion of Sub-area B drains to Puhinui Creek.

**Figure 3-4:** Key features within Sub-area B





## 4 PLAN CHANGE REQUEST PART A: REZONE LAND FROM QUARRY ZONE TO HEAVY AND LIGHT INDUSTRY ZONES

### The Proposal

4.1 Rezone land within the Plan Change area as follows:

- 20.87ha of land from Quarry Zone to Heavy Industry Zone (areas marked as “A” in Figure 4-1).
- 3.39ha of land from Quarry Zone to Light Industry Zone (areas marked as “D” in Figure 4-1).

*Figure 4-1: Land requested to be rezoned*



## **Background**

- 4.2 The area subject to the Request is the site of the former McLaughlin’s Quarry. By 2009, all quarrying activities had ceased within the Plan Change area. However, the Plan Change area continues to be zoned Quarry within the AUP(OP).
- 4.3 Under Rule 9.8.2 of the Auckland Council District Plan (Manukau Section), subdivision within the Quarry Zone was a restricted discretionary activity. Pursuant to this provision, in December 2009, the former Manukau City Council granted land use and subdivision resource consent (No. 3387) to Stonehill Property Trust to subdivide and develop the Quarry zoned land for business use purposes.
- 4.4 The key resource consents granted within the Plan Change area include:
- **Resource Consent No. 33887**, was granted in December 2009 for Stage 1 subdivision and land use consent for part of the original parents’ sites, being 68 and 91 McLaughlins Road. The resource consent was for the subdivision of the parents site into 29 lots for business purposes, road, esplanade and recreation reserves and a residue lot (Lot 100).
  - **Resource Consent No. 39194** (*stage 2 subdivision*), involving regional stormwater discharge consent (No. 39328) and regional earthworks consent (No. 39901) for the development of Lot 100 into 22 lots was granted on 25 November 2011.
  - **Resource Consent No. 51522 SP 12591**, was granted on 3 November 2016 to create 19 fee simple business lots over three stages across the consented Stage 2 area.
  - **Variation to Condition 35 of Consent Notice 1088755.3**, was granted on 6 September 2019 to provide for a list of permitted activities generally aligned with the Light Industry Zone provisions of the AUP(OP) within 6 specified lots.

### ***Resource consent Decision (No. 51522 SP 12591)***

- 4.5 In lieu of a plan change process to rezone the land, the resource consent Decisions authorised a “blanket land use consent” or a “spot zone”, enabling Sub-area A in Figure 3-3 to be used for permitted activities enabled in the Business 5 Zone under the Auckland Council District Plan (Manukau Section). The Business 5 Zone applied to mixed areas of light and medium industry, offices, and a limited range of retailing activity.
- 4.6 Resource consent 51522 SP 12591 (refer Appendix 5A) sets out a specific list of “Permitted Activities” enabled within Sub-area A. The conditions of consent also specify that the list of permitted activities shall comply with Rule 14.11 General Development and Performance Standards of the District Plan (being the Auckland Council District Plan (Manukau Section)), unless explicitly varied by a condition of consent. The conditions of consent further stipulate that any non-compliance with the specified standards would require assessment pursuant

to Rule 5.19 and Rule 14.13 of the District Plan (being the Auckland Council District Plan (Manukau Section)).

4.7 Resource consent 51522 SP 12591 provides for the following activities to establish as “Permitted Activities” within Sub-area A shown in Figure 3-3:

- Retail sale activities provided that the activity is undertaken in premises with a gross floor area not exceeding 800m<sup>2</sup>, excluding the following:
  - Department stores
  - Clothing retailing
  - Footwear retailing
  - Domestic appliance retailing
  - Record music retailing
  - Toy and game retailing
  - Newspaper, Book and stationary retailing
  - Pharmaceutical, cosmetic and toiletry retailing
  - Watch and jewellery retailing
- The retail sale of any good manufactured on the site provided that the retail sales area does not exceed 25% of the gross floor area set aside for manufacturing, or 250m<sup>2</sup>, whichever is the lesser.
- Cafes, restaurants and takeaway food premises.
- Car parking areas and buildings not ancillary to a permitted activity.
- Care Centre
- Cleanfill activities involving the deposition of less than 5000m<sup>3</sup> of material per site.
- Educational facilities
- Entertainment facilities and activities
- Equipment hire premises
- Funeral director premises
- A single household unit needed for a person whose responsibilities require them of live on the site.
- Industry, except activities involving discharges to air categories listed in Appendix 14B of the Manukau District Plan 2002.
- Motor vehicle sales and service premises.
- Offices (no more than 20% of the gross floor area of buildings on each lot shall be used for office activities as defined in the district plan, unless resource consent has been obtained from the Council for a higher percentage of office space).
- Personal and other services
- Places of assembly

- Public open spaces
  - Public toilets
  - Service stations
  - Wholesale trade, warehousing, storage, auction rooms
- 4.8 Resource consent 51522 SP 12591 also includes the following key conditions in relation to the residue lot (Lot 102, this being the site at 79 McLaughlins Road):
- No quarrying permitted within 60m of the northern and western boundaries of the residue land.
  - No activity shall be undertaken within the area labelled “Heritage Protection Area” unless appropriate resource consent are obtained from the Council and the consent notice is varied accordingly.
  - No activity shall be undertaken elsewhere on the residue lot potentially affecting any other identified archaeological sites, unless those works have been approved by the Historic Places Trust, Department of Conservation, representatives of Ngāti Te Ata, Te Akitai ki Pukaki, and a resource consent has been granted for those works by the Auckland Council.
- 4.9 In addition to the conditions of consent, a number of interests are also recorded on the record of titles for the sites within the Plan Change area (see Appendix 1 and Appendix 2). The interests on titles generally replicate the conditions of consent, including the list of “Permitted Activities” as set out in paragraph 4.7 of this report.
- 4.10 Land covenants on lots 22, 31, 32, 34 and 40 of DP 508731 limit the maximum building height to 18m. The rationale for this is set out in the reasons for the resource consent Decision 39194 as follows:
- “The subject site is located in close proximity to Maunga Matukutūreia (McLaughlins Mountain), which is Waahi Tapu site, it is important to maintain views to this mountain as far as practicable. With the above consideration, a height restriction of 18m is acceptable to Council as recommended by the applicant for any future development on the proposed lots”.*
- 4.11 Pursuant to the above mentioned resource consent Decisions, the types of land uses already established within Sub-area A can generally be described as industrial activities, as defined under the AUP(OP).

### **Variation to Condition 35 of Consent Notice 1088755.3**

- 4.12 On 6 September 2019, the Council granted a variation to Condition 35 of Consent Notice 1088755.3 on 6 lots within the Plan Change area, including Lot 102 DP 485905 (Lot 102). Lot 102 is the area shown as Sub-area B in Figure 3-3, being the site at 79 McLaughlins Road.



4.13 The amended Consent Notice 1088755.3 sets out the following list of activities which are provided for as “permitted activities” within Sub-area B:

- Works accommodation – one per site
- Dairies up to 100m<sup>2</sup> gross floor area
- Food and beverage up to 120m<sup>2</sup> gross floor area per site
- Garden centres other than H17.4.1(A13)
- Motor vehicle sales (other than H17.4.1(A13))
- Marine retail other than H17.4.1(A15)
- Offices that are accessory to the primary activity on site and the office gross floor area does not exceed 30 per cent of all buildings on the site; or the office gross floor area does not exceed 100m<sup>2</sup>.
- Retail accessory to an industrial activity on the site, where the goods sold are manufactured on site and the retail gross floor area does not exceed 10 per cent of all building on the site.
- Service stations
- Show homes
- Trade suppliers
- Emergency services
- Tertiary education facilities that are accessory to an industrial activity on the site
- Industrial activities
- Wholesaler
- Storage and lock-up facilities
- New buildings
- Additions and alterations to buildings
- Demolition of buildings

4.14 The amended consent notice further stipulates that the permitted activities listed above take precedence over any conflicting activity status in the Quarry Zone provisions (Rule H28.4.1) or clause C1.7 of Chapter C General Rules of the AUP(OP). Permitted activities are required to comply with the Standards set out in the Chapter H17 Light Industry Zone. The amended consent notice states that the Standards set out in Chapter H28 Special Purpose Quarry Zone do not apply.

4.15 Pursuant to the amended Consent Notice 1088755.3, Council has authorised Sub-area B to be developed for land uses consistent with the Light Industry Zone provisions (with the exclusion of some sensitive land uses). However, it is noted that the consent notice restrictions set out in paragraph 4.8 of this report continue to apply to Sub-area B.

### **The Issue**

- 4.16 Despite the significant development of the Plan Change area for business uses, the AUP(OP) continues to apply the Quarry Zone to this subject area. While the surrounding Quarry zoned areas in Wiri were rezoned as part of the Unitary Plan development process, it is not clear as to why the Quarry Zone was retained within the Plan Change area.
- 4.17 The objectives and policies framework for the Quarry Zone in the AUP(OP) provides for mineral extraction activities, minimises associated adverse effects and enables rehabilitation of quarries assisted by cleanfills and managed fills. The provisions of the Quarry Zone do not extend beyond the rehabilitation phase. As such, any non-quarry related activities (apart from those listed in Rule H28.4.4, including farming, forestry, conservation planting) have a non-complying activity status within the Quarry Zone. Noting that the objectives and policies framework of the Quarry Zone is principally focused on quarry activities, any non-quarry related activities (such as business land use) would fail to meet to objectives and policies framework of the Quarry Zone.
- 4.18 The resource consent Decision (no. 51522 SP 12591) is written in a manner and language which attempts to duplicate a suite of bespoke provisions of a district plan, rather than mitigating the effects of the activities arising from the resource consent triggers. The activities established in the Plan Change area are entirely dependent on the resource consent Decision for on-going development and operation of the business activities established within the Plan Change area. Any deviation from the resource consent Decision triggers the need for a new resource consent, resulting in unnecessary financial costs and time delays.
- 4.19 The conditions of resource consent (as set out in Appendix 5) refer to the full suite of Business 5 Zone provisions in the Auckland Council District Plan (Manukau Section). These provisions have now been superseded by the business provisions in the AUP(OP). This results in a planning framework, where the approved development within the Plan Change area is still reliant on the wholesale provisions of a legacy district plan, which is shortly to be replaced by the Operative Auckland Unitary Plan. This creates an environment where the planning outcomes within the Plan Change area does not align with the comprehensive planning framework applying to the Wiri area, which has recently been through a rigorous planning exercise as part of the Unitary Plan development process.
- 4.20 Rezoning of the Plan Change area to another appropriate zone is necessary to recognise that quarrying activities have ceased, the subject area has been rehabilitated, and a significant portion of the Plan Change area has already been developed for business land uses consistent with the resource consents granted to date.

**The Objective**

4.21 The objective of this proposal is to apply an appropriate zone to the Plan Change area in recognition of the facts that:

- Quarrying activities have ceased.
- The quarried area has been rehabilitated.
- A significant portion of the Plan Change area has been established for business land uses consistent with the resource consents granted to date.
- The consent notices on the certificate of titles provide for specified business land uses as permitted activities.
- The Plan Change area is an urban area located within the RUB.

**Rezoning Options Considered**

4.22 In determining the most appropriate means to respond to the issues identified in respect of the zoning of the Plan Change area, options were developed to explore the best means to address the issues, and achieve the sustainable management purpose of the act. The following reasonable options are explored:

- Option 1: Status Quo / Do Nothing
- Option 2: Rezone to Heavy Industry Zone
- Option 3: Rezone to Light Industry Zone
- Option 4: Rezone Sub-area A to Heavy Industry Zone and Sub-area B to Light Industry Zone (preferred option)
- Option 4: Rezone to a residential zone

4.23 Assessment of Option 1 (Status Quo / Do Nothing) is set out in Table 4-1 below.

**Table 4-1: Assessment of Option 1 (Status Quo / Do Nothing)**

<p>Cost (environmental, economic, social and cultural effects)</p>	<p>The Plan Change area is inappropriately zoned recognising the land uses anticipated by the Quarry Zone, in contrast to the current land uses established within this area. Inappropriately zoned land can lead to land resources being underutilised.</p> <p>Any future changes in land uses and/or subdivisions that are outside the scope of the resource consent Decision, will incur additional financial costs associated with the resource consent approval process. This will require a case by case approach to the assessment of environmental effects and an evaluation of the consistency of the proposal with the objectives and policies framework of the Quarry</p>
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	<p>Zone. The resource consent process will be cumbersome, time expensive and financially expensive and have a high level of uncertainty of outcome, recognising that any proposed non-quarry related land use may not deliver the outcomes anticipated by the Quarry Zone.</p> <p>The current environment (i.e. development enabled via a resource consent process based on a legacy district plan), creates a high level of uncertainty for both the public and the landowner regarding the future expected development within the Plan Change area.</p> <p>The status quo option creates a planning framework, where the approved development within the Plan Change area is still reliant on the wholesale provisions of a legacy district plan, which is shortly to be replaced by the Operative Auckland Unitary Plan.</p> <p>The status quo option creates an environment where the planning outcomes within the Plan Change area does not align with the updated comprehensive planning framework applying to the Wiri area under the AUP(OP), which has recently been through a rigorous planning exercise with input from the key stakeholders as part of the Unitary Plan development process.</p>
<p>Benefit (environmental, economic, social and cultural effects)</p>	<p>Avoids the need to undertake a plan change process.</p>
<p>Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.</p>	<p>The Quarry Zone has recently undergone a section 32 assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.</p>
<p>Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.</p>	<p>The “do nothing” option does not address the identified issue, nor does it achieve the objectives of this proposal. Under this option, the Plan Change area will continue to be inappropriately zoned, and the established land uses will continue to be contradictory to the objectives, policies and rules framework of the Quarry Zone.</p> <p>It is considered that the “do nothing” option is not an appropriate, efficient, or effective means to manage the current and future land uses within the Plan Change area.</p>

Risk	It is considered that there is sufficient information available on which to consider the proposal.
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4.24 Assessment of Option 2 (rezone to Heavy Industry Zone) is set out in Table 4-2.

**Table 4-2: Assessment of Option 2 (Rezone to Heavy Industry Zone)**

Cost (environmental, economic, social and cultural effects)	<p>A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.</p> <p>The Preliminary Cultural Impact Assessment (CIA), prepared by Ngāti Te Ata Waiohua, considers that the application of the Heavy Industry Zone will result in adverse effects on the cultural values associated with the Matukutureia Cultural Landscape.</p> <p>The Cultural Values Assessment (CVA), prepared by Te Ākitai Waiohua, does not support the application of the Heavy Industry Zone to Sub-area B.</p>
Benefits (environmental, economic, social and cultural effects)	<p>Recognising that appropriately located industrial land (in particular heavy industry developable land) is experiencing competitive pressures from lower land intensive land use activities, Option 2 enables an increase in the supply of Heavy Industrial zoned land in Wiri (a recognised industrial hub in the urban south area). This is consistent with the intent of the National Policy Statement on Urban Development Capacity 2016.</p> <p>Option 2 enables an increase in scarce heavy industry zoned land resource, resulting in a retention of growth that may otherwise locate outside the Auckland region.</p> <p>The application of the Heavy Industry Zone is consistent with the development strategy set out in the Auckland Plan 2050. In particular, it enables the use (or repurposing) of a rehabilitated quarried area for industrial purposes within urban Auckland, assisting in achieving quality compact approach to accommodating business growth.</p>
	Option 2 aligns with the zoning principles applied to the Wiri industrial area in the AUP(OP). The Plan Change area is contiguous with the Heavy Industry zoning applied to the larger Wiri industrial

	<p>area. Further expansion of Heavy Industry Zone adds to the importance of Wiri as an industrial hub in the urban south area.</p>
	<p>The Heavy Industry Zone protects the anticipated outcomes (both amenity and functionality) of this important resource as a part of a larger area. In particular, it protects this resource from the incompatible activities that give rise to reverse sensitivity concerns.</p>
	<p>The Plan Change area is a cul-de-sac, with its only access via McLaughlins Road. The Wiri Oil Terminal, an infrastructure of national significance, is located to the north of the Plan Change area, and to the east of McLaughlins Road as it enters the Plan Change area. Chapter E29 Emergency Management Area – Hazardous Facilities and Infrastructure of the AUP(OP), identifies this general locality as being subject to the provisions of the emergency management areas for the Wiri Oil Terminal. Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people. The application of the Heavy Industry Zone (via the restrictive activity classifications for sensitive activities), is compatible with the operation of the Wiri Oil Terminal, including the reduction of risk to people and property within the Plan Change area as a result of an emergency event at the Wiri Oil Terminal.</p> <p>The application of the Heavy Industry Zone will create greater certainty for the public and the landowners regarding the expected development within the Plan Change area.</p> <p>The Heavy Industry Zone will enable a scale and intensity of built form that is consistent with outcomes anticipated by the AUP(OP) for the Wiri industrial area.</p> <p>The Heavy Industry Zone will enable increased opportunities for people to live and work in the area. It enables labour efficiencies, through the provision of industrial land in close proximity to associated labour force.</p> <p>It aligns with the established business activities in the Plan Change area which meet the definition of industrial activities in the AUP(OP).</p>

	The comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay of the AUP(OP), will continue to provide for the protection of scheduled sites and places of significance to Mana Whenua, including Maunga Matukutūreia and Matukuturua Stonefields.
	The comprehensive framework of objectives, policies and rules in Chapter D17 Historic Heritage Overlay of the AUP(OP), will continue to protect the Puhinui Fish Traps.
	The Auckland-wide provisions contained in Chapter E of the AUP(OP) will continue to manage natural resources (including Puhinui Creek) within the Plan Change area.
	The Heavy Industry Zone will ensure the avoidance of any onerous and unnecessary resource consent processes for future development / use of the Plan Change area (when compared to the current reliance on a static resource consent Decision). This is especially vital for industrial activities due to capital investment requirements and the need for long term decision making.
Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.	The Heavy Industry Zone has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	<p>While this option directly addresses the identified issues and objectives of the proposal, it does not address Mana Whenua concerns in relation to the application of the Heavy Industry Zone in Sub-area B.</p> <p>Within Sub-area A, the comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay, will continue to provide for the protection of Maunga Matukutūreia, a scheduled site and place of significance to Mana Whenua. As an overlay, the provisions of Chapter D21 take</p>



	<p>precedence over the Heavy Industry Zone, as such any noxious activities seeking to establish within Sub-area A will need to take into account the planning framework applying to the scheduled sites and places of significance to Mana Whenua.</p> <p>Noting that the provisions of Chapter D21 do not apply within Sub-area B, the application of the Heavy Industry Zone within this area may not address the concerns raised by Mana Whenua in relation to adverse effects of Heavy Industry Zone on the cultural values associated with Maunga Matukutūreia and Matukuturua Stonefields.</p> <p>It light of the above, it is concluded that Option 2 does not appropriately address the concerns raised by Mana Whenua in relation to Sub-area B.</p>
Risk	It is considered that there is sufficient information available on which to consider the proposal.

4.25 Assessment of Option 3 (Rezone to Light Industry Zone) is set out in Table 4-3.

**Table 4-3: Assessment of Option 3 (Rezone to Light Industry Zone)**

<p>Cost (environmental, economic, social and cultural effects)</p>	<p>A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.</p> <p>With the rezoning of land within the Puhinui Precinct (I432 of the AUP(OP) to Light Industry Zone, there is already a large supply of Light Industry zoned land in this proximity. Option 3 results in a forgone opportunity cost to increase the supply of Heavy Industry zoned land in Wiri (an area strategically placed to service the industrial business land supply needs of Auckland).</p> <p>The Plan Change area is a cul-de-sac, with its only access via McLaughlins Road. The Wiri Oil Terminal, an infrastructure of national significance, is located to the north of the Plan Change area, and to the east of McLaughlins Road as it enters the Plan Change area. Chapter E29 Emergency Management Area – Hazardous Facilities and Infrastructure of the AUP(OP), identifies this general locality as being subject to the provisions of the emergency management areas for the Wiri Oil Terminal. Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the</p>
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	<p>surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people.</p> <p>The application of the Heavy Industry Zone is a fundamental zoning principle which is applied to the land in the proximity of the Wiri Oil Terminal to manage the risks associated with an emergency event at the Terminal.</p> <p>The application of the Light Industry Zone within the Plan Change area does not align with the above zoning principle. The Light Industry Zone enables more people intensive activities than the Heavy Industry Zone. As such, the Light Industry Zone fails to manage the establishment of sensitive and incompatible activities in the proximity of the Wiri Oil Terminal, giving rise to reverse sensitivity effects. The application of the Light Industry Zone fails to recognise the strategic importance of Wiri Oil Terminal to Auckland’s (and New Zealand’s) fuel supplies.</p>
<p>Benefit (environmental, economic, social and cultural effects)</p>	<p>The application of the Light Industry Zone is consistent with the development strategy set out in the Auckland Plan 2050. In particular, it enables the use (or repurposing) of a rehabilitated quarried area for industrial purposes within urban Auckland, assisting in achieving quality compact approach to accommodating business growth.</p> <p>The application of the Light Industry Zone will create greater certainty for the public and the landowners regarding the expected development within the Plan Change area.</p> <p>The Light Industry Zone will enable increased opportunities for people to live and work in the area. Enables labour efficiencies, through the provision of industrial land in close proximity to associated labour force.</p> <p>Aligns with the established business activities in the Plan Change area which meet the definition of industrial activities in the AUP(OP).</p> <p>The comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay of the AUP(OP), will continue to provide for the protection of scheduled sites and places of significance to Mana Whenua, including Maunga Matukutūreia and Matukuturua Stonefields.</p>

	<p>The comprehensive framework of objectives, policies and rules in Chapter D17 Historic Heritage Overlay of the AUP(OP), will continue to protect the Puhinui Fish Traps.</p> <p>The Auckland-wide provisions contained in Chapter E of the AUP(OP) will continue to manage natural resources (including Puhinui Creek) within the Plan Change area.</p> <p>The Light Industry Zone will ensure the avoidance of any onerous and unnecessary resource consent process for future development / use of the Plan Change area (when compared to the current reliance on a static resource consent Decision).</p> <p>The application of the Light Industry Zone may address the concerns raised by Ngāti Te Ata Waiohua and Te Ākitai Waiohua regarding the adverse effects of noxious activities establishing within the Plan Change area.</p>
<p>Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.</p>	<p>The Light Industry Zone has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.</p>
<p>Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.</p>	<p>While this option addresses the identified issues and objectives of the proposal, it is not considered to be the most appropriate as it does not align with the zoning principles applied to land in proximity of the Wiri Oil Terminal, a recognised nationally significant infrastructure.</p>
<p>Risk</p>	<p>It is considered that there is sufficient information on which to base the proposal.</p>

4.26 Assessment of Option 4 (rezone Sub-area A to Heavy Industry Zone and Sub-area B to Light Industry Zone) is set out in Table 4-4.

**Table 4-4:** rezone Sub-area A to Heavy Industry Zone and Sub-area B to Light Industry Zone)

<p>Cost (environmental, economic, social and cultural effects)</p>	<p>A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.</p> <p>With the rezoning of land within the Puhinui Precinct (I432 of the AUP(OP) to Light Industry Zone, there is already a large supply of Light Industry zoned land in this proximity. Within Sub-area B, Option 4 results in a forgone opportunity cost to increase the supply of Heavy Industry zoned land in Wiri (an area strategically placed to service the industrial business land supply needs of Auckland).</p> <p>Application of the Light Industry Zone alone (without the supporting Wiri Precinct), does not align with the zoning principles applied to land in proximity of the Wiri Oil Terminal. The Light Industry Zone enables more people intensive activities than the Heavy Industry Zone. As such, the Light Industry Zone fails to manage the establishment of sensitive and incompatible activities in the proximity of the Wiri Oil Terminal, giving rise to reverse sensitivity effects. The application of the Light Industry Zone on its own within Sub-area B fails to recognise the strategic importance of Wiri Oil Terminal to Auckland’s (and New Zealand’s) fuel supplies.</p>
<p>Benefit (environmental, economic, social and cultural effects)</p>	<p>Option 4 enables an increase in the supply of both Heavy and Light Industrial zoned land in Wiri (a recognised industrial hub in the urban south area). This is consistent with the intent of the National Policy Statement on Urban Development Capacity 2016.</p> <p>Application of Heavy Industry zoned land within Sub-area A under Option 4 enables an increase in scarce heavy industry zoned land resource, resulting in a retention of growth that may otherwise locate outside the Auckland region.</p>

	<p>Option 4 aligns with the zoning principles applied to the Wiri industrial area in the AUP(OP). Sub-area A is contiguous with the Heavy Industry zoning applied to the larger Wiri industrial area. Further expansion of Heavy Industry Zone adds to the importance of Wiri as an industrial hub in the urban south area.</p> <p>The application of Heavy Industry Zone within Sub-area A protects the anticipated outcomes (both amenity and functionality) of this important resource as a part of a larger area. In particular, it protects this resource from the incompatible activities that give rise to reverse sensitivity concerns.</p>
	<p>Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people. The application of the Heavy Industry Zone to the area in close proximity to the Wiri Oil Terminal, will ensure the land uses within Sub-area A are compatible with the operation of this nationally significant infrastructure.</p> <p>The application of the Light Industry Zone within Sub-area B, together with the proposed Wiri Precinct provisions, will ensure that reverse sensitivity effects on the development and operation of the Wiri Oil Terminal are appropriately managed.</p>
	<p>The application of a mixture of Heavy and Light Industry Zones will create greater certainty for the public and the landowners regarding the expected development within the Plan Change area.</p>
	<p>Option 4 will enable increased opportunities for people to live and work in the area, enabling labour efficiencies through the provision of industrial land in close proximity to associated labour force.</p>
	<p>The comprehensive framework of objectives, policies and rules in Chapter D17 Historic Heritage Overlay of the AUP(OP), will continue to protect the Puhinui Fish Traps.</p>
	<p>The Auckland-wide provisions contained in Chapter E of the AUP(OP) will continue to manage natural resources (including Puhinui Creek) within the Plan Change area.</p>
	<p>Option 4 will ensure the avoidance of any onerous and unnecessary resource consent processes for future development / use of the Plan</p>

	<p>Change area (when compared to the current reliance on a static resource consent Decision). This is especially vital for industrial activities due to capital investment requirements and the need for long term decision making.</p>
<p>Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.</p>	<p>Both the Heavy and Light Industry Zones have recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.</p>
<p>Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.</p>	<p>It is essential that the right zoning is applied within Sub-areas A and B, recognising the special characteristics of these areas. If this does not occur, the current conflict between the approved development and the zone will continue to occur.</p> <p>Option 4 (together with the Wiri Precinct) ensures that the proposed zoning changes align with the zoning principles applied to land in proximity of the Wiri Oil Terminal. Option 4 also assists in addressing the concerns raised by Mana Whenua in relation to the adverse effects of Heavy Industry Zone on cultural values associated with Maunga Matukutūreia and Matukuturua Stonefields.</p> <p>Within Sub-area A, the comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay, will continue to provide for the protection of Maunga Matukutūreia, a scheduled site and place of significance to Mana Whenua. As an overlay, the provisions of Chapter D21 take precedence over the Heavy Industry Zone, as such any noxious activities seeking to establish within Sub-area A will need to take into account the planning framework applying to the scheduled sites and places of significance to Mana Whenua.</p> <p>Within Sub-area B, the application of the Light Industry Zone may address the concerns raised by Mana Whenua in relation to adverse effects of Heavy Industry Zone on the cultural values associated with Maunga Matukutūreia and Matukuturua Stonefields.</p> <p>Option 4 directly addresses the identified issues, and amending the zoning pattern (as proposed under Option 4) is considered to be the</p>

	most appropriate, efficient and effective in achieving the objectives of the proposal.
Risk	It is considered that there is sufficient information on which to base the proposal.

4.27 Assessment of Option 5 (Rezone to a residential zone) is set out in Table 4-5.

**Table 4-5: Assessment of Option 5 (Rezone to a Residential Zone)**

<p>Cost (environmental, economic, social and cultural effects)</p>	<p>A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.</p> <p>The Plan Change area is located in a prominent industrial area. Option 5 results in a forgone opportunity cost to increase the supply of industrial land in Wiri (an area strategically placed to service the industrial business land supply needs of Auckland).</p> <p>The Wiri Industrial area is predominantly zoned Heavy Industry, with Light Industry zoned land along the fringes. The Heavy Industry Zone protects the anticipated outcomes (both amenity and functionality) of this important resource as a part of a larger area. Option 5 will result in the establishment of sensitive and incompatible activities adjoining Heavy Industry zoned land, giving rise to reverse sensitivity concerns. The co-location of sensitive activities, such as residential, are not deemed suitable in close proximity to Heavy Industry zoned land in this location.</p> <p>The Plan Change area is a cul-de-sac, with its only access via McLaughlins Road. The Wiri Oil Terminal, an infrastructure of national significance, is located to the north of the Plan Change area, and to the east of McLaughlins Road as it enters the Plan Change area. Chapter E29 Emergency Management Area – Hazardous Facilities and Infrastructure of the AUP(OP), identifies this general locality as being subject to the provisions of the emergency management areas for the Wiri Oil Terminal. Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people.</p>
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	<p>The application of a residential zone within the Plan Change area fails to manage the establishment of sensitive and incompatible activities in the proximity of the Wiri Oil Terminal, giving rise to reverse sensitivity effects. Option 5 fails to recognise the strategic importance of Wiri Oil Terminal to Auckland’s (and New Zealand’s) fuel supplies.</p> <p>A residential zone will not align with the established business activities in the Plan Change area which meet the definition of industrial activities in the AUP(OP).</p>
<p>Benefit (environmental, economic, social and cultural effects)</p>	<p>Option 5 will increase the supply of residential land in Auckland.</p> <p>Provides for the economic viability of land.</p> <p>A residential zone will enable increased opportunities for people to live and work in the area.</p> <p>The comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay of the AUP(OP), will continue to provide for the protection of scheduled sites and places of significance to Mana Whenua, including Maunga Matukutūreia and Matukuturua Stonefields.</p> <p>The comprehensive framework of objectives, policies and rules in Chapter D17 Historic Heritage Overlay of the AUP(OP), will continue to protect the Puhinui Fish Traps.</p> <p>The Auckland-wide provisions contained in Chapter E of the AUP(OP) will continue to manage natural resources (including Puhinui Creek) within the Plan Change area.</p> <p>The application of a residential zone within the Plan Change area is likely to be considered more favourably by Mana Whenua in terms of its effects on the cultural values associated with the Matukutureia Cultural Landscape.</p>
<p>Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in</p>	<p>All residential zones have recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.</p>

accordance with Part 2 of the Act.	
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	<p>Option 5 does not address the identified issue, nor does it achieve the objectives of this proposal. Under this option, the established land uses (industrial) within the Plan Change area will continue to be contradictory to the objectives, policies and rules framework of the residential zones.</p> <p>It is considered that the Option 5 is not an appropriate, efficient, or effective means to manage the current and future land uses within the Plan Change area.</p>
Risk	It is considered that there is sufficient information on which to base the proposal.

## 5 PLAN CHANGE REQUEST PART B: REZONE LAND FROM OPEN SPACE TO HEAVY OR LIGHT INDUSTRY ZONES

### The Proposal

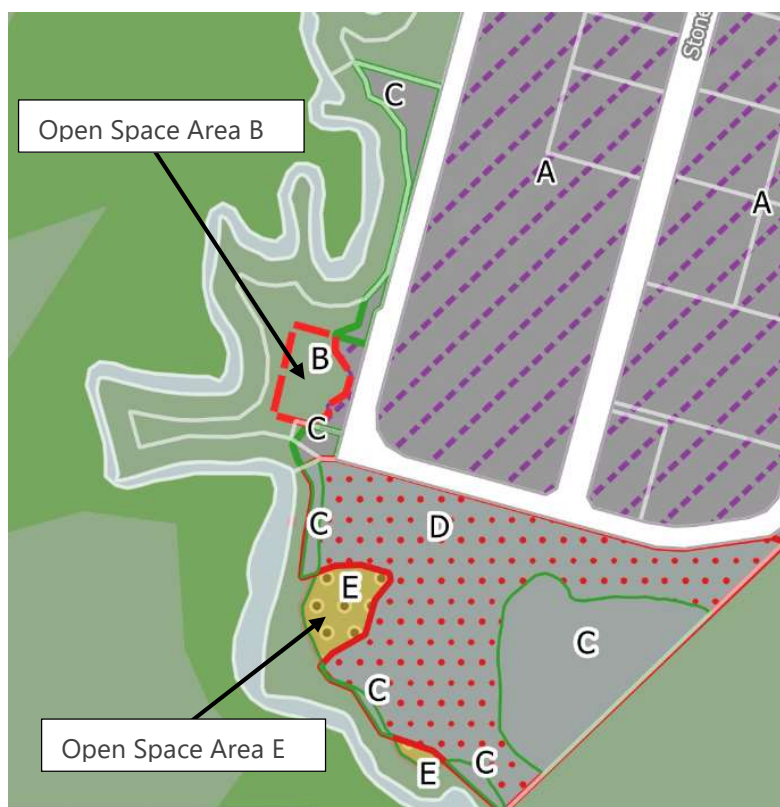
5.1 Rezone land within the Plan Change area as follows:

- 0.29ha of land from Open Space – Informal Recreation Zone to Heavy Industry Zone (area marked as “B” in Figure 4-1).
- 0.34ha of land from Open Space – Informal Recreation Zone to Light Industry Zone (areas marked as “E” in Figure 4-1))

### Background / Issue

5.2 The requested rezoning of land from Open Space – Informal Recreation Zone to Heavy and Light Industry Zones includes two separate areas within the Plan Change area, shown as Open Space Areas B and E in Figure 5-1.

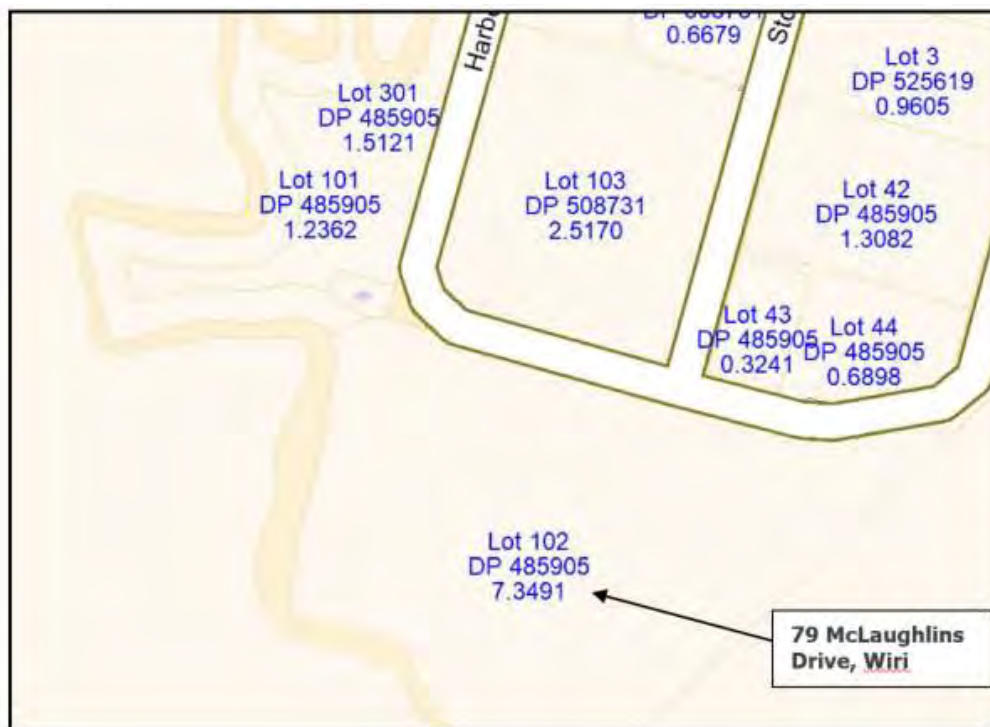
**Figure 5-1:** Open Space areas requested to be rezoned



### Open Space Area E

- 5.3 Open Space Area E forms part of Lot 102 DP 485905 (79 McLaughlins Road). This is a balance lot resulting from the approved resource consents granted for the development of the land north of the southern portion of Harbour Ridge Road (i.e. Sub-area A in Figure 3-3).
- 5.4 The entire site at 79 McLaughlins Road (including Open Space Area E) is in a single title, owned by Stonehill Trustees Limited (see Figure 5-2). Puhinui Creek forms the western and southern boundaries of the site. Noting that the subject site remains greenfield land (i.e. there has been no development or subdivision of this land), no esplanade reserve or esplanade strip has been vested in Auckland Council on this parcel of land.

**Figure 5-2:** Lot titles and descriptions from QuickMaps, dated 18 January 2019



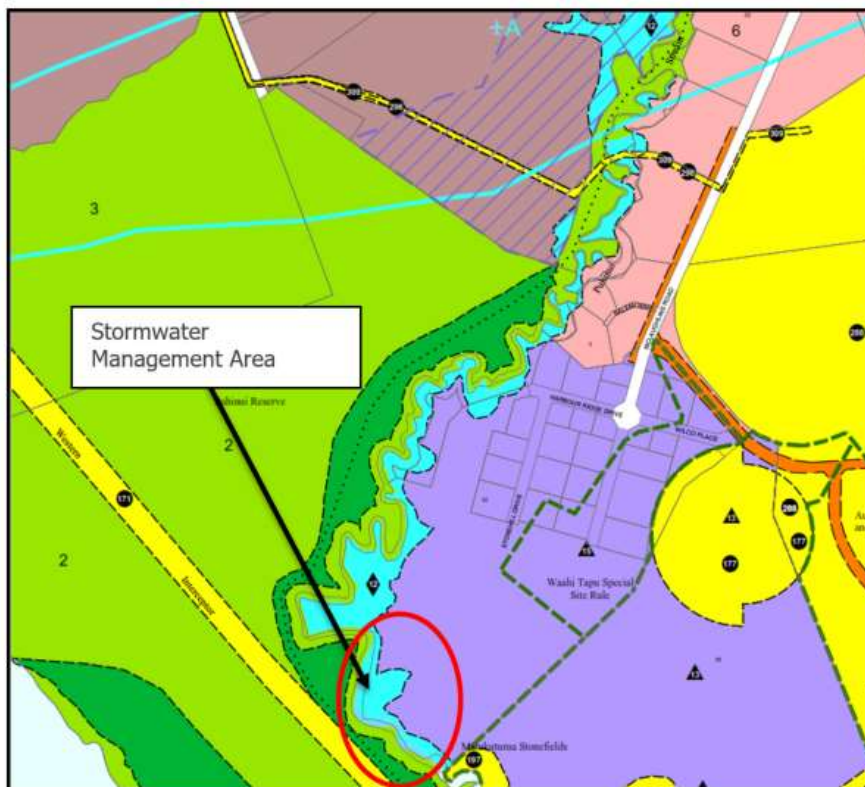
- 5.5 The AUP(OP) applies Open Space – Informal Recreation Zone to the area of land shown as Open Space Area E in Figure 5-1. Section H7.1 Background to Chapter H7 Open Space Zones in AUP(OP) sets out the approach to the application of open space zoning:
- "The majority of land zoned as open space is vested in Council or owned by the Crown. However some areas zoned open space are privately owned."*
- 5.6 The broad principles guiding the mapping of open space zones in the development of the Auckland Unitary Plan is set out in the Auckland Council's Joint Evidence Report of Carol Anne Stewart, Anthony Michael Reidy, Lucy Deverall, Juliana Marie Cox on Topic 080:

Rezoning, Public Open Space Zones, dated 3 December 2015, presented to the Auckland Unitary Plan Independent Hearings Panel. Section 13.2(e) of the Joint Evidence Report states that:

*"Privately owned 'open space' is generally only zoned Public Open Space in agreement with the landowner".*

- 5.7 With respect to the Open Space Area E, it is noted that Stonehill Trustees Limited as a landowner, did not provide written or verbal approval to Auckland Council in support of the open space zoning applied to the site at 79 McLaughlins Road. As such, the application of Open Space – Informal Recreation Zone to Open Space Area 1 is deemed to be a mapping error which is sought to be corrected via this Plan Change Request.
- 5.8 The application of the Open Space – Informal Recreation Zone to Open Space Area E appears to be an error resulting from the "translation" (mapping or carryover) of the Stormwater Management Areas from the legacy plans into the Auckland Unitary Plan. In Planning Map 20 of the Auckland Council District Plan (Manukau Section), Open Space Area 1 is shown as a "Stormwater Management Area" (Figure 5-3). The shape and extent of the Stormwater Management Area on Map 20 appears to be identical to Open Space Area E.

**Figure 5-3:** Map 20 of the Auckland Council District Plan (Manukau Section)



5.9 The following explanation of Stormwater Management Areas is set out in Chapter 9.1 of the Auckland Council District Plan (Manukau Section):

*“A number of stormwater management areas with indicative boundaries are shown on the Planning Maps generally in greenfields areas of the City. The main purposes of stormwater management areas are to minimise the risk of flooding to properties by maintaining the natural overland flowpaths and enabling flood management works to be undertaken where necessary.”*

5.10 In contrast to the above, the AUP(OP) does not contain maps identifying areas subject to flooding. Maps of the 1% AEP floodplains are shown in the Auckland Council’s GIS viewer for information purposes only (non-statutory layer). Based on the AUP(OP) approach, mapping of the previous Stormwater Management Areas from the Auckland Council District Plan (Manukau Section) into Open Space – Informal Recreation Zone is deemed to be an error.

5.11 Acknowledging the important ecological and cultural values associated with the Puhinui Creek catchment, the Plan Change seeks to amend the Open Space – Informal Recreation Zone applying to Open Space Area E to accurately map the riparian margin areas of Puhinui Creek (as opposed to the boundaries being informed by the indicative Stormwater Management Areas). A minimum distance of 20m from the edge of Puhinui Creek is proposed to be retained in Open Space – Informal Recreation Zone. The Plan Change seeks to generally extend the Open Space – Informal Recreation Zone to a distance beyond the 20m from the edge of Puhinui Creek to incorporate identified archaeological sites within the Wiri Precinct area.

5.12 In accordance with section 230 of the RMA, any future development of the site at 79 McLaughlins Road will be required to create and vest esplanade reserve in Auckland Council.

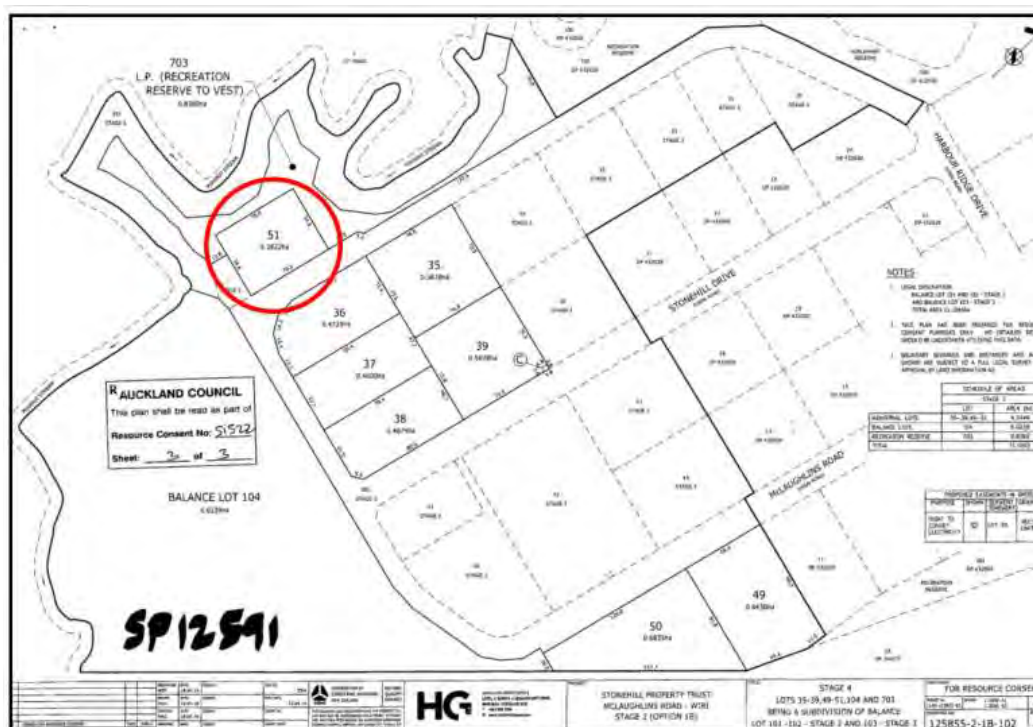
#### Open Space Area B

5.13 The AUP(OP) applies Open Space – Informal Recreation Zone to the area of land mapped as Open Space Area B in Figure 5-1. Open Space Area B forms part of Lot 101 DP 485905. As part of resource consent application number 51522 SP 12591 (Appendix 5), Stonehill Trustees Limited supported the vesting of this land as a recreation reserve to Auckland Council.

5.14 Open Space Area B is referred to as Lot 51 in the resource consent Decision 51522 SP 12591 (see Figure 5-4).



**Figure 5-4:** Lot 51 in Resource Consent Decision 51522 SP 12591



5.15 With respect to Lot 51, Condition 44 of Resource Consent Decision 51522 SP 12591 states that:

*“In the event that Lot 51 is acquired, it shall be vested in Auckland Council as a recreation reserve. In the event that Lot 51 is not acquired by the Council as recreation reserve, it shall be developed as business lot in compliance with Condition 7 of Landuse Consent 39194 granted by Council on 11 June 2012”.*

5.16 Auckland Council’s Parks Team has confirmed that the Parks Acquisition Policy does not support the acquisition of Lot 51 as a recreation reserve. In accordance with Condition 44 mentioned above, Lot 51 is able to be developed for business purposes. As such, the application of Open Space – Informal Recreation Zone over Lot 51 is no longer appropriate.

**The Objective**

5.17 The objectives of this proposal are:

- Amend the Open Space – Informal Recreation Zone applied to Open Space Area E shown in Figure 5-1 to correct a mapping error and accurately map the riparian margin areas of Puhinui Creek.
- Remove the Open space – Informal Recreation Zone applied to Open Space Area B shown in Figure 5-1 to enable the development of Lot 51 in accordance with Resource



Consent Decision 51522 SP 12591, as the Auckland Council’s Parks Acquisition Policy does not support the acquisition of Lot 51 as a recreation reserve.

**Options Considered**

5.18 In determining the most appropriate means to respond to the issues identified in respect of the mapping of the Open Space – Informal Recreation Zone, options were developed to explore the best means to address the issue identified above and achieve the sustainable management purpose of the act. The following reasonable options are explored:

- Option 1: Status Quo / Do Nothing
- Option 2: Remove the Open Space – Informal Recreation Zone from Open Space Areas B (Lot 51) and E shown in Figure 5-1 (preferred option).

5.19 Assessment of Options 1 and 2 are set out in Table 5-1 below.

**Table 5-1:** Assessment of Options 1 and 2 relating to Open Space – Informal Recreation Zone applied to Areas B and E in Figure 5-1.

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Remove the Open Space – Informal Recreation Zone applied to Areas B (Lot 51) and E shown in Figure 5-1.
Cost (environmental, economic, social and cultural effects)	Development of Lot 51 for business purposes does not align with the objectives and policies framework for the Open Space – Informal Recreation Zone. Any future development on Lot 51, that does not align with this framework, will require onerous and unnecessary resource consenting process to be undertaken. This also creates a high level of uncertainty as to whether any non-open space uses will be approved on the site.  Inappropriately zoned land in Areas B and E can lead to land resources being underutilised.	A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.  The removal of the Open Space – Informal Recreation Zone from Areas B and E, compromises to a limited extent, the open and spacious character, and amenity values expected along Puhinui Creek margins.
Benefit (environmental, economic, social and cultural effects)	Alleviates the need to undertake a plan change process.  The open space zoning on Lot 51 results in good urban design outcomes, in that the open space areas are bounded by park edge	One of the key objectives of the Open Space – Informal Recreation Zone is to limit buildings and exclusive-use activities to maintain public use and open space for informal recreation. Development of Lot 51 for business purposes

	<b>Option 1: Status Quo</b>	<b>Option 2: Remove the Open Space – Informal Recreation Zone applied to Areas B (Lot 51) and E shown in Figure 5-1.</b>
	roads. The open space zoning enhances the character, and amenity values expected along Puhinui Creek margins.  In Open Space Area E, the open space zoning acts as a de facto esplanade reserve/strip, even though the land has not been vested in Auckland Council.	does not align with the objectives and policies framework for the Open Space – Informal Recreation Zone. The rezoning of this land will ensure Lot 51 is more economically utilised, and will remove any onerous and unnecessary resource consenting process for any future development within this land.
Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.	The Open Space – Informal Recreation Zone has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.	The Heavy and Light Industry Zones has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	This option does not address the identified issue, nor does it achieve the objectives of the proposal. Under this option, Areas B and E will continue to be inaccurately zoned as Public Open Space – Informal Recreation Zone.	This option directly addresses the identified issue and objectives of the proposal. The rezoning of Areas B and E is the most effective and efficient way to achieve the objective of the proposal.
Risk	It is considered that there is sufficient information on which to base the proposal.	It is considered that there is sufficient information on which to base the proposal.
Preferred Option		√

## 6 PLAN CHANGE REQUEST PART C: REZONE LAND FROM QUARRY TO OPEN SPACE ZONE

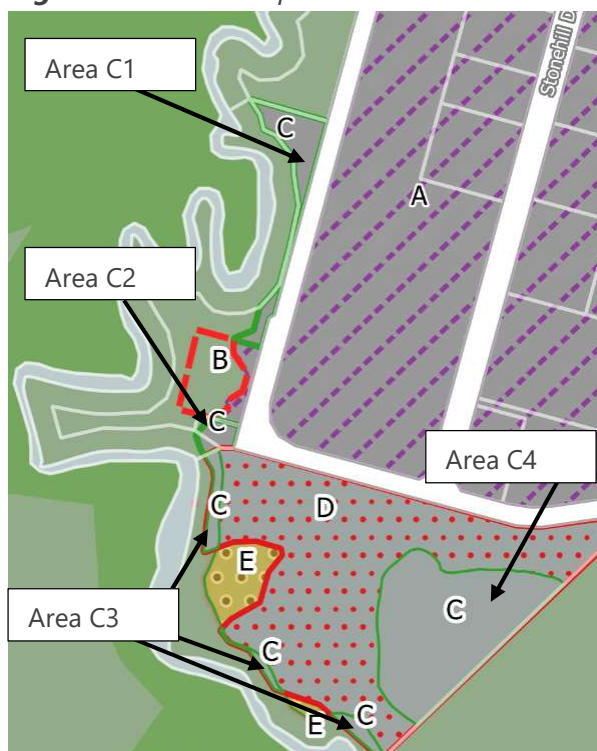
### The Proposal

- 6.1 Rezone 1.91ha of land from Quarry zone to Open Space – Informal Recreation Zone (marked as “C” in Figure 4-1).

### Background / Issue

- 6.2 The requested rezoning of land from Quarry Zone to Open Space – Informal Recreation Zone includes four separate areas within the Plan Change Area, shown as Areas C1, C2, C3 and C4 in Figure 6-1.

**Figure 6-1:** Areas requested to be rezoned to Open Space – Informal Recreation Zone



- 6.3 Area C1 forms part of Lot 101 DP 485905. Area C1 is referred to as Lot 703 in resource consent Decision 51522 SP 12591 (see Figure 5-4). While Area C1 is currently in the ownership of Stonehill Trustees Limited, it is in the process of being vested into Auckland Council as a recreation reserve. Recognising that Area C1 forms part of the open space

network beside Puhinui Creek, rezoning of this land to Open Space – Informal Recreation is considered appropriate.

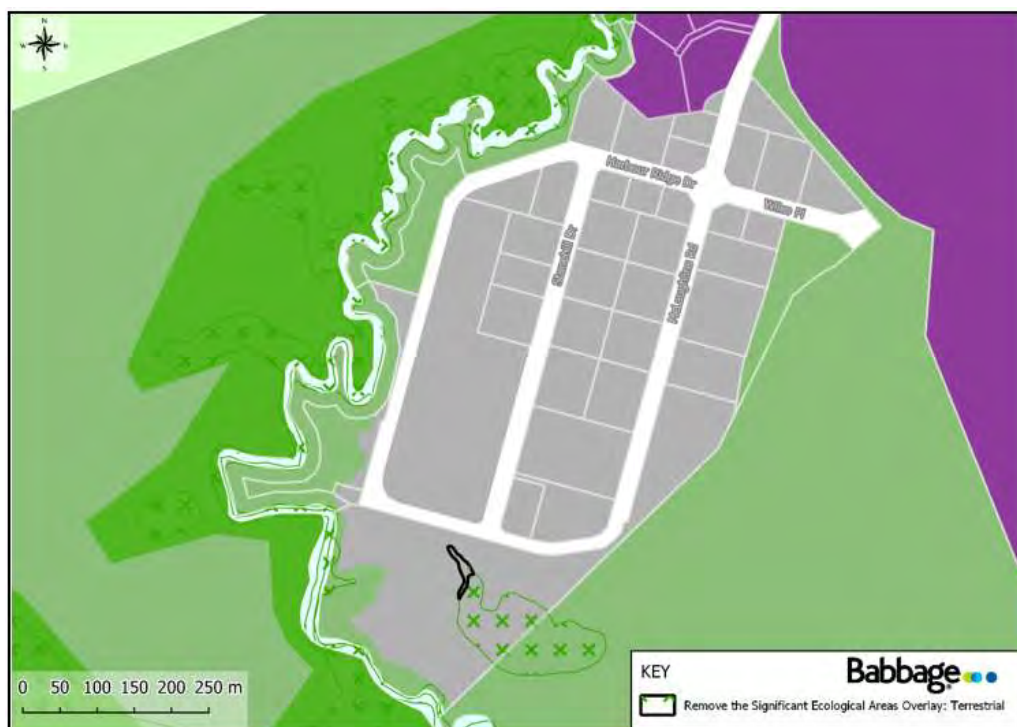
- 6.4 Area C2 is Lot 702 DP 485905. This area has been vested into Auckland Council as a local purpose drainage reserve as per the resource consent Decision 51522 SP 12591. Area C2 forms part of the open space network beside Puhinui Creek, rezoning of this land to Open Space – Informal Recreation is considered appropriate as it aligns with the approach to mapping of open spaces in the AUP(OP).
- 6.5 Area C3 includes all areas required to be rezoned to Open Space – Informal Recreation Zone to accurately map the riparian margins of Puhinui Creek (refer to paragraph 5.11).
- 6.6 In response to the consultation with Ngāti Te Ata Waiohua, Te Ākitai Waiohua and the key stakeholders, the Plan Change Request seeks to rezone all of the area encompassed within the amended boundaries of Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and tuff ring) located within the Plan Change area (shown as Area C4 in Figure 6-1) to Open Space – Informal Recreation Zone, to complement the existing protection mechanisms in place in recognition of the important cultural, ecological and geological values of this feature/wetland.

## 7 PLAN CHANGE REQUEST PART D: AMEND THE SIGNIFICANT ECOLOGICAL AREA OVERLAY

### The Proposal

- 7.1 Amend the extent of the Significant Ecological Area (SEA) Overlay (SEA\_T\_8443) applied to the site at 79 McLaughlins Road to remove an area of 625m<sup>2</sup> of the total mapped area of 6625m<sup>2</sup> (Figure 7-1)

**Figure 7-1:** SEA Overlay requested to be amended



### Background

- 7.2 The AUP(OP) identifies areas of significant vegetation or significant habitats of indigenous fauna located on either land or in freshwater environments as Significant Ecological Areas (SEA). In order to maintain indigenous biodiversity, SEA areas are protected from the adverse effects of subdivision, use and development.
- 7.3 Policy B7.2.2 identifies the following factors for evaluating identified areas of indigenous vegetation and habitats of indigenous fauna in terrestrial and freshwater environments:



- Representativeness;
- Stepping stones, migration pathways and buffers;
- Threat status and rarity;
- Uniqueness or distinctiveness; and
- Diversity.

7.4 The SEA Overlay (ID SEA\_T\_8443) is applied to the large wetland located in the Plan Change area. The factor for determination of the SEA over the wetland is “threat status and rarity”.

### The Issue

7.5 Figure 7-2 shows the extent of the SEA Overlay applied to the wetland SEA\_T\_8443 in the AUP(OP). The total area of SEA\_T\_8443 is 6625m<sup>2</sup>. In the Ecological Survey Report, Treffery Barnett, Freshwater and Coastal Ecologist, notes that 625m<sup>2</sup> of the total 6625m<sup>2</sup> area is in pasture, located outside the formed extent of the wetland area, and does not meet the criteria for the protection of SEA\_T\_8443, this being “threat status and rarity”.

**Figure 7-2:** SEA Overlay applied to wetland SEA\_T\_8443



7.6 In early 2011, Auckland Council initiated the process for the identification of potential SEA sites for protection to be incorporated into the notified Proposed Auckland Unitary Plan. This process is set out in the evidence of Abigail Salmond, on behalf of Auckland Council,

on Hearing Topic 023 SEA and Vegetation Management, before the Auckland Unitary Plan Independent Hearings Panel.

- 7.7 Auckland Council has confirmed that SEA\_T\_8443 was not surveyed at the time of the development of the Proposed Auckland Unitary Plan.
- 7.8 The Proposed Auckland Unitary Plan was notified in September 2013. Aerial photography, dated 21 January 2013 from Google Earth (Figure 7-3), shows the full extent of the wetland SEA\_T\_8443 prior to the notification of the Proposed Auckland Unitary Plan. It clearly illustrates that the “pasture area” sought to be removed, was outside the formed wetland extent of SEA\_T\_8443. The Plan Change seeks to accurately map the boundaries of the SEA Overlay (ID SEA\_T\_8443).

**Figure 13:** Aerial photography from Google Earth, dated 21 January 2013



### **The Objective**

- 7.9 The objective of this proposal is to accurately map the boundaries of the SEA Overlay (ID SEA\_T\_8443) applying to the site at 79 McLaughlins Road.

### **Options Considered**

- 7.10 In determining the most appropriate means to respond to the issue identified in respect of the SEA Overlay mapping of the wetland (ID SEA\_T\_8443), options were developed to



explore the best means to address the issue identified above and achieve the sustainable management purpose of the act. The following reasonable options are explored:

- Option 1: Status Quo / Do Nothing
- Option 2: Correct the mapping error for SEA Overlay (ID SEA\_T\_8443)

7.11 Assessment of Options 1 and 2 are set out in Table 6-1 below.

**Table 6-1:** Assessment of Options for Correction of SEA Mapping Error for Wetland (ID SEA\_T\_8443)

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Correct the mapping error for SEA Overlay (ID SEA_T_8443)
Cost (environmental, economic, social and cultural effects)	The objectives and policies framework for SEA Overlay seek to avoid significant adverse effects on wetlands in the first instance, and then remedy or mitigate the adverse effects of activities. Application of the SEA Overlay framework on land that does not form part of the wetland, places unnecessary and onerous requirements on the property owner to consider the SEA Overlay at the land development stage. This creates a high level of uncertainty as to whether the incorrectly mapped area will be able to be economically utilised and developed as part of the comprehensive development of the site at 79 McLaughlins Road.  Inaccurately mapped SEA Overlay can lead to land resource being unutilised.	A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.
Benefit (environmental, economic, social and cultural effects)	Alleviates the need to undertake a plan change process.	The SEA Overlay will accurately reflect the true extent of the wetland area currently on site based on expert advice.  The removal of the SEA Overlay as requested will enable the subject land to be economically utilised to form part of the comprehensive

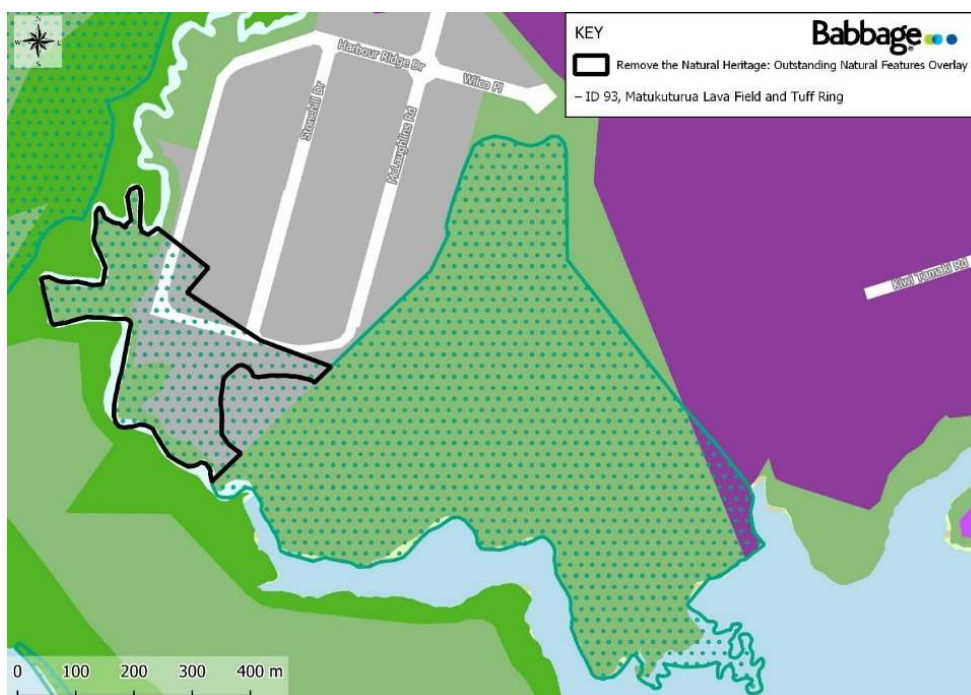
	<b>Option 1: Status Quo</b>	<b>Option 2: Correct the mapping error for SEA Overlay (ID SEA_T_8443)</b>
		<p>development of the site at 79 McLaughlins Road.</p> <p>The correct mapping of the SEA Overlay will ensure the avoidance of any onerous and unnecessary resource consenting for any future development within the area over which the SEA Overlay is sought to be removed.</p>
Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.	The SEA Overlay has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.	The SEA Overlay has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	This option does not address the identified issue, as the SEA Overlay will continue to inaccurately map the extent (boundaries) of the wetland (ID SEA_T_8443).	This option directly addresses the identified issue. It efficiently and effectively corrects a mapping error contained in the AUP(OP) for SEA (ID SEA_T_8443).
Risk	It is considered that there is sufficient information on which to base the proposal.	It is considered that there is sufficient information on which to base the proposal.
Preferred Option		√

## 8 PLAN CHANGE REQUEST PART E: AMEND THE OUTSTANDING NATURAL FEATURE OVERLAY

### The Proposal

- 8.1 Amend the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring) applied to the Plan Change area.

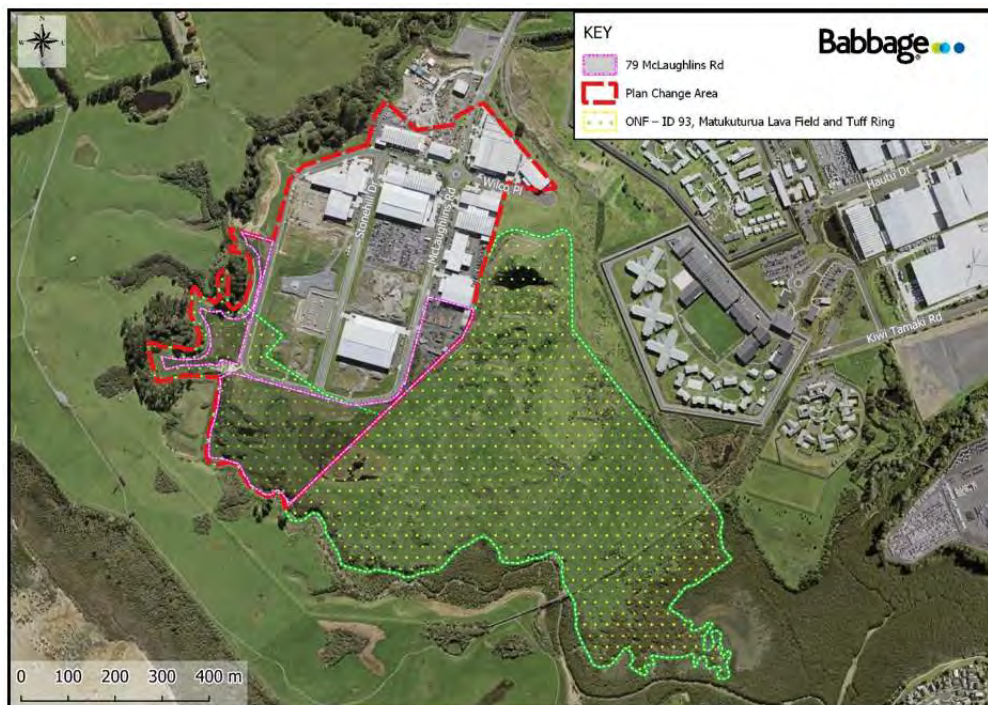
*Figure 8-1: Part of ONF 93 requested to be removed*



### Background

- 8.1 The AUP(OP) seeks to identify and protect Outstanding Natural Features (ONF) from inappropriate subdivision, use and development. The maunga and other geological and landform features that are deemed to have outstanding natural feature values are identified in Schedule 6: Outstanding Natural Features Overlay Schedule in the AUP(OP).
- 8.2 The AUP(OP) identifies ONF 93 (Matukutūreia and Matukuturua lava field and tuff ring) as being located within the Plan Change area (Figure 8-2). When the Proposed Auckland Unitary Plan was notified in September 2013, it was for the first time that ONF status was applied to the Matukuturua Stonefields.

**Figure 8-2:** Mapped extent of ONF 93 in the AUP (OP) relative to the Plan Change area



8.3 Schedule 6: Outstanding Natural Features Overlay Schedule contains the following information with respect to ONF 93:

Item	Name	Location	Site Type	Description	Unitary Plan criteria met for scheduling set out in Chapter B4.2.2(4)
93	Matukutūreia and Matukuturua lava field and tuff ring	Wiri	V (Large volcanic landforms)	The Matukuturua lava field is one of the best preserved lava fields remaining in the Auckland volcanic field and is an important representative example of the volcanic lava terrain that underlies much of the city. The lava field erupted from McLaughlins Mountain (Matukutūreia) volcano. Most of the original scoria cone and a section of the lava field in the north have been quarried away. Associated with the lava field is a section of tuff ring remaining from the early phases of the eruption. A small wetland has formed behind the ridge of tuff.	a, c, d, e, g, h, i

- 8.4 Introduction to Chapter D10 (Outstanding Natural Features Overlay and Outstanding Natural Landscapes) states that factors in Policy B4.2.2(4) have been used to determine the features that have outstanding natural feature values. Schedule 6: Outstanding Natural Features Overlay Schedule identifies ONF 93 as meeting the following factors set out in Policy B4.2.2(4):
- (a) the extent to which the landform, feature or geological site contributes to the understanding of the geology or evolution of the biota in the region, New Zealand or the earth, including type localities of rock formations, minerals and fossils;
  - (c) the extent to which the feature is an outstanding representative example of the diversity of Auckland's natural landforms and geological features;
  - (d) the extent to which the landform, geological feature or site is part of a recognisable group of features;
  - (e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape;
  - (g) the potential value of the feature or site for public education;
  - (h) the potential value of the feature or site to provide additional understanding of the geological or biotic history;
  - (i) the state of preservation of the feature or site.

### **The Issue**

#### ***The Geological Report Evaluation***

- 8.5 The statutory basis for the protection of ONF is encapsulated in section 6(b) of the RMA. Section 6(b) requires Auckland Council to recognise and provide for the protection of ONF from inappropriate subdivision, use and development as a matter of national importance.
- 8.6 To give effect to section 6(b), Auckland Council has identified and mapped the extent of ONF 93 in the AUP(OP) based on the factors set out in Policy B4.2.2(4), and imposed development restrictions to protect this ONF from inappropriate development.
- 8.7 In the context of considering whether a geological feature meets the threshold for "an outstanding natural feature", the Court of Appeal Decision on *Man O'War Station Limited v Auckland Council* [2017NZCA 24], acknowledged that identification of Outstanding Natural Landscapes (also relevant for ONF status), is a factual assessment, noting that: "*...the issue of whether land has attributes sufficient to make it an outstanding landscape within the ambit of s 6(b) requires an essentially factual assessment based on the inherent quality of the landscape itself*" (paragraph 61).

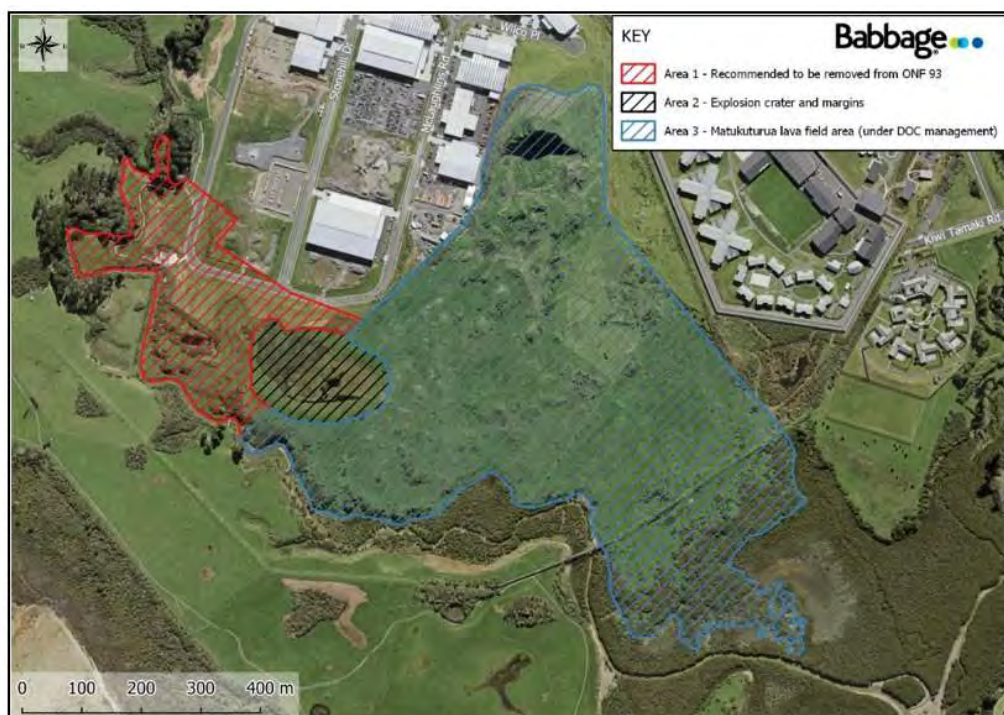
- 8.8 Although recently affirmed by the Court of Appeal in *Man O'War Station Limited v Auckland Council*, the lower Courts have previously adopted a “factual assessment” approach when making a decision as to whether or not an area is in fact an Outstanding Natural Landscape or an ONF.
- 8.9 In light of the above, a factual assessment approach has been undertaken for ONF 93 to help inform whether it meets the higher threshold required for a geological feature to be deemed to be “outstanding”. The findings of the factual assessment approach, with respect to geological matters, are set out in Technical Report 6: “Geological Evaluation of Outstanding Natural Feature: Matukutūreia and Matukuturua Lava Field and Tuff Ring”, dated February 2019 (hereon referred to as the Geological Report). The Geological Report



has been prepared by Dr Shane Cronin, Professor of Volcanology at the University of Auckland.

8.10 Policy B4.2.2(4) of the AUP(OP) sets out the factors to be considered to identify and evaluate a place as being an “outstanding natural feature”. In accordance with this policy direction, Dr Cronin evaluated the geological values of ONF 93 within the Plan Change area as a place of “outstanding natural feature”, considering the factors set out in Policy B4.2.2(4). Dr Cronin’s evaluation concludes that ONF 93 consists of three distinct sub-areas (1 to 3) as illustrated in Figure 8-3.

**Figure 8-3:** Sub-areas within ONF 93



8.11 Following a review of the geological literature pertaining to ONF 93, conducting a field geological survey, and evaluating the geological values considering the factors set out in Policy B4.2.2(4), Dr Cronin reaches the following conclusions and recommendations for ONF 93:

Area 1 (part of ONF 93 recommended to be removed)

- Area 1, which is currently included as part of ONF 93, has no direct value as a primary geological feature because this area either had no original volcanic cover, or those parts of it that did are highly modified with much of the material removed. Overall, this area contains no value as a geological feature characteristic of Auckland’s Volcanic Field. Dr Cronin recommends that Area 1 be removed from ONF 93.



### Area 2 (explosion crater and its margins)

- Area 2: consists of the explosion crater and its margins. This area is of specific geological interest as the explosion crater comprising Area 2 was formed more than 15,000 years ago by a single steam, or gas-driven, explosion with no magma involved. This represents a rare type of “near-miss” eruption in the Auckland Volcanic Field where magma came close to the surface, but shed only gas and heat to disrupt the surface. Dr Cronin recommends that the western boundary of ONF 93 be re-aligned along the western margin of the explosion crater (Area 2). Area 2 is partially located within the Plan Change area, with the remainder being managed by the Department of Conservation.
- Dr Cronin also recommends that the description of ONF 93 set out in Schedule 6 of the AUP(OP) be corrected to refer to Area 2 as an “explosion crater” and not a “tuff ring”.

### Area 3 (Matukuturua Lava Field)

- Area 3 forms the margin of the Matukuturua Lava Flow, and is located outside the Plan Change area. Dr Cronin does not recommend any changes to this part of ONF 93.

### ***The Brown Report Evaluation***

- 8.12 A review of the Auckland Council documents informing the scheduling of ONF 93 was undertaken to ascertain the rationale for the mapped boundaries of ONF 93 in the AUP(OP). Prior to the notification of the Proposed Auckland Unitary Plan in September 2013, Auckland Council completed a report titled *“Landscape Evaluations of Geological Sites and Landforms of Auckland and the Identification of Outstanding Natural Features”*, dated May 2012, prepared by Brown NZ Limited (hereon referred to as the Brown Report).
- 8.13 The Brown Report evaluated the landscape values of 270 sites and landforms that were identified as geologically significant by Auckland Council prior to the notification of the Proposed Auckland Unitary Plan. The purpose of the Brown Report was to identify and map areas that were regarded as ONF within the context of section 6(b) of the RMA. Of the 270 geological sites and landforms that were assessed, the Brown Report identified 70 sites as ONF.
- 8.14 It is important to note that, in order for a geological feature to be classified as an “ONF”, it had to meet the threshold for “Outstanding Natural Feature” within the context of Auckland Council’s obligations for protection under section 6 of the RMA. In this regard, the Brown Report noted that “Likely Outstanding Features” category included *“Areas likely to be prominent and conspicuous natural landform features that stand out amongst the natural*

features across Auckland”, and included descriptions such as “conspicuous, eminent and remarkable”.

8.15 The applicable worksheet (Site No. 138) of the Brown Report sets out the overall landscape evaluation for Matukutūreia Lava Field. The worksheet scores the key values of the evaluation factors listed to determine the overall landscape evaluation score for the site at the upper end of the scale, which correlates with an “Outstanding” rating in the report.

The Brown Report contains the map shown in Figure 8-4, illustrating the geological feature boundary previously identified by Auckland Council (area within the white line), and the ONF boundary recommended by the Brown Report (area within the red line). The recommended ONF boundary in the Brown Report includes the intact Matukutūreia Lava Field (similar to Area 3 in Figure 8-3) and the small segment of the explosion crater (similar to Area 2 in Figure 8-3). The key finding of the geological assessment is the general agreement between Dr Cronin and the Brown Report regarding the area of ONF 93 that is deemed to meet the threshold of “outstanding”.

**Figure 8-4:** Map as contained in Worksheet 138 of the Brown Report



8.16 The findings of the Brown Report illustrate that appropriate evaluation and evidence was available to Auckland Council prior to the notification of the Proposed Auckland Unitary Plan to accurately identify the boundaries or extent of the area of ONF 93 that meets the criteria/values for inclusion as an ONF.

### ***The Landscape Report Evaluation***

8.17 An updated landscape assessment of ONF 93 has been undertaken to inform the factual assessment approach set out in Policy B4.2.2(4), to determine whether ONF 93 meets the higher threshold required for a geological feature to be deemed to be “outstanding”. The findings of the landscape assessment, are set out in Technical Report 7: Landscape Assessment, dated February 2019 (hereon referred to as the Landscape Report). The Landscape Report has been prepared by Jason Hogan, LA4 Landscape Architects.

8.18 With respect to the “Outstanding Natural Feature” status for ONF 93 from a landscape perspective, the Landscape Report notes that:

- The Plan Change area and its surrounds has undergone significant change since the site analysis by the Brown Report in 2012. At the time of the completion of the Brown Report, the area was predominantly open grassland. The recent industrial and infrastructure development has had a significant influence on the character and quality of the landscape setting.
- Although Maunga Matukutūreia is a prominent landmark, it has been significantly compromised by quarrying activities which have affected the integrity of the landform. It is not a landform that compares with other Maunga recommended for ONF status in the Brown Report (such as Browns Island, One Tree Hill, Rangitoto Island). The other sites identified as meeting the ONF status in the Brown Report, are distinctive, highly

legible, very expressive of formative processes and have landscape characteristics that set them apart within the Auckland region.

- Mr Hogan considers that the geological and associative values of the site have skewed the overall rating to elevate the feature to ONF status.
- The remnant wetland is not a landscape feature that elevates the status of the site in landscape terms into the same realm as other ONFs. The landscape amenity values associated with the site/feature are also inferior in comparison.
- Although the site has significant geological importance, the expression of this in landscape terms that most people can relate to are not conspicuous, and not comparable to most of the other sites and features listed as ONFs in the region.

8.19 With respect to Area 1 in Figure 8-3 (part of ONF 93 recommended by Dr Cronin and the Brown Report to be removed), the Landscape Report concludes that:

- It is an open modified landscape largely consisting of rank grassland and scattered scrubland. Area 1 has limited landscape value, as it has no notable or distinctive features from a landscape perspective.
- Although Area 1 is currently undeveloped and provides some relief and contrast to the surrounding large industrial development as well as a transition to the harbour edge, it has no specific attributes that make it distinctive or valued in landscape terms.
- The characteristics and attributes of Area 1 are inconsistent with the values required to constitute ONF classification.

8.20 It is apparent from the assessments completed by Dr Cronin, Mr Hogan and the Brown Report, that Area 1 has no significant geological or landscape values, nor is it “conspicuous, eminent and remarkable” to elevate it to an “outstanding natural feature” status. As such, there is no legitimate justification in landscape and geological terms for Area 1 to be included in the mapped extent of ONF 93.

### **The Objective**

8.21 The objectives of this proposal are to:

- Accurately map the boundaries of ONF 93 (Matukutūreia and Matukuturua lava field and tuff ring) within the Plan Change area, based on a factual assessment of the matters set out in Policy B4.2.2(4).
- Accurately describe the crater located within ONF 93 as an “explosion crater” and not a “tuff ring” in Schedule 6: Outstanding Natural Features Overlay Schedule in the AUP (OP).

**Options Considered**

8.22 In determining the most appropriate means to respond to the issue identified in respect of the mapped boundaries of ONF 93, options were developed to explore the best means to address the issue identified above and achieve the sustainable management purpose of the act. The following reasonable options are explored:

- Option 1: Status Quo / Do Nothing
- Option 2: Amend the boundaries of ONF 93 to accurately reflect the extent of the feature within the Plan Change area.

8.23 Assessment of Options 1 and 2 are set out in Table 8-1 below.

**Table 8-1:** *Assessment of Options for the application of the mapped extent of ONF 93 within the Plan Change area*

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Amend the boundaries of ONF 93 to accurately reflect the extent of the feature within the Plan Change area
Cost (environmental, economic, social and cultural effects)	The objectives, policies and rules framework under Chapter D10 Outstanding Natural Feature Overlay, seek to protect ONFs from inappropriate subdivision, use and development.	A plan change process is complex and rigorous, requiring public notification and consultation. The cost of this option being time and money.

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Amend the boundaries of ONF 93 to accurately reflect the extent of the feature within the Plan Change area
	<p>Application of the ONF Overlay framework on land that does not meet the threshold required to be elevated to an ONF status, places unnecessary and onerous requirements on the property owner to consider the ONF Overlay at the land development stage. This also creates a high level of uncertainty as to whether the subject area is able to be economically utilised.</p>	<p>The AUP(OP) seeks to identify and protect from inappropriate subdivision, use and development. There is an economic cost associated with the protection of the ONF, in that the area subject to the ONF is generally not able to be utilised for the purposes enabled by the underlying zone.</p> <p>This option is not supported by Ngāti Te Ata in the Preliminary Cultural Impact Assessment (CIA), as it enables the further development of the Plan Change area. Ngāti Te Ata considers that this will result in adverse effects on the cultural values associated with the Matukutureia Cultural Landscape.</p>
Benefit (environmental, economic, social and cultural effects)	<p>Alleviates the need to undertake a plan change process.</p> <p>This option is supported by Ngāti Te Ata in the Preliminary Cultural Impact Assessment (CIA), as it helps to retain the open character within the southern portion of the Plan Change area, thereby retaining the cultural values associated with the Matukutureia Cultural Landscape.</p>	<p>This option accurately maps the true extent of ONF 93 that meets the threshold of “outstanding natural feature” based on expert geological and landscape assessment.</p> <p>The partial removal of the ONF Overlay from the Plan Change area will enable the subject land to be economically utilised.</p> <p>The correct mapping of ONF 93 will ensure the avoidance of onerous and unnecessary resource consenting for</p>

	<b>Option 1:</b> Status Quo	<b>Option 2:</b> Amend the boundaries of ONF 93 to accurately reflect the extent of the feature within the Plan Change area
		the future development of the site at 79 McLaughlins Road.
Extent to which the option is the most appropriate way to achieve the purpose of the RMA and is in accordance with Part 2 of the Act.	The ONF Overlay has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.	The ONF Overlay has recently undergone a section 32 analysis assessment as part of the Unitary Plan development process. Therefore, the objectives and policies have already been concluded to be consistent with the purpose and Part 2 of the RMA.
Extent to which the option is the most appropriate, efficient and effective in achieving the objectives of the proposal.	This option does not address the identified issue, as ONF 93 will continue to apply to parts of the Plan Change area which do not meet the threshold for “outstanding natural feature” in terms of landscape or geological values.	This option directly addresses the identified issue. It efficiently and effectively corrects a mapping error contained in the AUP(OP) as it relates to the mapped extent of ONF 93.
Risk	It is considered that there is sufficient information on which to base the proposal.	It is considered that there is sufficient information on which to base the proposal.
Preferred Option		√



## 9 PLAN CHANGE REQUEST PART F: NEW WIRI PRECINCT

### The Proposal

9.1 Introduce a new Wiri Precinct into Chapter I (South) of the AUP(OP).

### Issue

9.2 The AUP(OP) enables bespoke set of planning provisions to be developed in the form of “Precincts”, to recognise local differences by providing detailed place-based provisions which can vary the outcomes sought by the zone or Auckland-wide provisions.

9.3 It is evident from the resource consents granted to date, consent notices on certificate of titles, and the application of the Quarry Zone, that the Plan Change area has particular resource management issues that require an integrated approach to be managed. This Statutory Assessment Report illustrates that the Plan Change area has important cultural, ecological and geological values that require a bespoke set of planning provisions to ensure that this area is developed in a manner that recognises these values, and that the development avoids, remedies or mitigates the adverse effects on these values. A new Wiri Precinct for the Plan Change area is proposed in light of this context.

### The Objective

9.4 Introduce a new Wiri Precinct into Chapter I (South) of the AUP(OP) to enable the transition from quarry to industrial activities while recognising the important cultural, ecological and geological values present within the Plan Change area.

### Evaluation of objectives, policies and rules of the Wiri Precinct

9.5 Table 9-1 contains an evaluation of the objective, policies and rules proposed in the Wiri Precinct.

**Table 9-1:** Evaluation of the Wiri Precinct provisions

<b>Wiri Precinct Provisions</b>	<b>Evaluation</b>
<b>Objectives</b>	<b><i>The extent to which the objective is the most appropriate way to achieve the purpose of the RMA</i></b>
<u>Objective 1:</u>	This objective achieves the purpose of the Act in that it enables people and communities to provide for their

<p>The Mana Whenua cultural, spiritual and historic values and their relationships associated with the Maori cultural landscape are recognised and identified values are protected or enhanced in the Wiri Precinct.</p>	<p>social, economic and cultural well-being. This objective strengthens the relationship of Māori to the environment.</p> <p>This objective is consistent with the requirements of the Auckland Regional Policy Statement, Chapter B6 Mana Whenua, by supporting Mana Whenua’s relationship to the environment.</p>
<p><u>Objective 2</u></p> <p>The natural character and ecological values of Puhinui Creek and wetland (SEA_T_8443) are maintained and enhanced.</p>	<p>This objective achieves the purpose of the Act by enabling the development of the Wiri Precinct, while safeguarding the life-supporting capacity of Puhinui Creek and the wetland by maintaining and enhancing the habitats and ecosystems, thus sustaining these important resources to meet the needs of the future generations.</p> <p>This objective is consistent with the policy direction of the Auckland Regional Policy Statement, Chapter 7 Natural Resources, as it provides for the enhancement of freshwater systems and wetlands.</p>
<p><u>Objective 3</u></p> <p>Enable new buildings within the Wiri sub-precinct B to be located and designed in a manner that reflects relationship of sub-precinct B within the context of the open space, geological and cultural environment within which it is located, while recognising the operational needs of industrial activities.</p>	<p>This objective achieves the purpose of the Act by enabling the development of the Wiri Precinct for industrial activities, while avoiding, remedying or mitigating adverse effects of industrial activities on the open space, ecological, geological and cultural environment.</p>
<p><b><i>Policies and Methods</i></b></p>	
<p><u>Policy</u></p> <p>Protect the visual integrity of the local viewshaft from Pūkaki Marae to Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.</p>	<p>This policy seeks to achieve objective 1 of the Wiri Precinct.</p> <p>This policy and standard seeks to ensure that development does not encroach into the existing view between Pūkaki Marae to Maunga Matukutūreia</p> <p>This is a local viewshaft, which originates from Pūkaki Marae, and is implemented via the Puhinui Precinct</p>

<p><u>Method - Standard:</u></p> <p>Buildings and structures within sub-precinct A must not penetrate the floor height of the Pūkaki Marae – Matukutūreia Viewshaft.</p>	<p>provisions in the AUP(OP). At present the protection afforded to this viewshaft terminates at the Puhinui Precinct boundary, located on the north side of Puhinui Creek.</p> <p>This policy and standard ensures that the visual integrity of the entire viewshaft is protected (collectively via the Wiri and Puhinui Precincts).</p> <p>The do nothing option, or the option to rely on assessment criteria, would not provide certainty of the protection of the viewshaft. In particular, the use of assessment criteria would require assessment on a case by case basis. Reliance on assessment criteria would not be efficient or effective.</p> <p>Infringement of the viewshaft standard is proposed to be a non-complying activity, supporting the significance of the values sought to be protected.</p> <p>As a permitted activity standard, this rule is considered to be the most efficient and effective way to deliver the objective and policies of the Wiri Precinct. It is clear, and precise and can be achieved without requiring additional consents.</p>
<p><u>Policy</u></p> <p>Require planting of native vegetation along the riparian margins of Puhinui Creek.</p> <p><u>Method - Standard:</u></p> <p><i>Require planting of Riparian Margin Areas mapped in the Precinct Plan.</i></p>	<p>This policy seeks to achieve objectives 1 and 2 of the Wiri Precinct.</p> <p>The underlying zone provisions require building setbacks, but do not require planting of riparian margins of Puhinui Creek. Wiri Precinct requires planting within Riparian Margin Areas mapped in the Precinct Plan.</p> <p>This standard has the benefit of achieving continuous indigenous vegetation planting within the riparian margin areas taking into account restoration of riparian margins, extension of existing ecological corridors and enhancement of existing vegetation.</p> <p>The do nothing option (i.e. no requirement for planting) is not considered to effectively mitigate effects on freshwater values. A requirement for</p>

	<p>planting provides opportunities for enhancement of the natural environment and engagement with Mana Whanau to incorporate tikanga Maōri and mātauranga Maōri to avoid, remedy or mitigate effects on values.</p> <p>As a permitted activity standard, this rule is considered to be the most efficient and effective way to deliver the objective and policies of the Wiri Precinct. It is clear, and precise and can be achieved without requiring additional consents.</p>
<p><u>Policy</u></p> <p>Require planting of appropriate vegetation within the wetland margin areas (of SEA_T_8443) having regard to the wetland’s hydrological and ecological functions, and the status of the wetland as an Outstanding Natural Feature.</p> <p><u>Method - Standard:</u></p> <p><i>Require planting of Wetland Margin Areas mapped in the Precinct Plan.</i></p>	<p>This policy seeks to achieve objectives 1 and 2 of the Wiri Precinct.</p> <p>The wetland (SEA_T_8443) has been afforded a greater level of protection via the application of the Significant Ecological Area Overlay. The proposed standard seeks to complement the existing level of protection by requiring wetland margin areas to be planted in appropriate vegetation.</p> <p>The Wetland Margin Areas contain an area of 20m from the edge of the wetland. This level of planting is considered appropriate having regard to both the hydrological and ecological function of this wetland and the status of the wetland as an Outstanding Natural Feature.</p> <p>The do nothing option is not considered to effectively mitigate effects on ecological values of this wetland.</p> <p>A requirement for planting provides opportunities for enhancement of the natural environment and engagement with Mana Whanau to incorporate tikanga Maōri and mātauranga Maōri to avoid, remedy or mitigate effects on values.</p> <p>As a permitted activity standard, this rule is considered to be the most efficient and effective way to deliver the objective and policies of the Wiri Precinct. It is clear, and precise and can be achieved without requiring additional consents.</p>

<p><u>Policy</u></p> <ul style="list-style-type: none"> <li>Require open space areas to adjoin Puhinui Creek to ensure accessibility to the Puhinui Creek environment and to the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater).</li> <li>Application of the Open Space – informal Recreation Zone to the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater) to ensure its continued protection in recognition of its important cultural, ecological and geological values.</li> </ul> <p><u>Method: zoning</u></p> <p>Application of Open Space – Informal Recreation Zone to the Puhinui Creek riparian margin areas and the amended area of the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater).</p>	<p>These policies seek to achieve objectives 1, 2 and 3 of the Wiri Precinct.</p> <p>Policy E3.3(16) seeks to protect land alongside streams for public access through the use of reserves, easements or covenants.</p> <p>Application of the Open Space – Informal Recreation Zone to the Puhinui Creek riparian margin areas and the amended area of ONF 93 is considered appropriate as it enhances opportunities for public access to these important resources.</p> <p>The application of the Open Space – Informal Recreation Zone is considered to be the most efficient and effective way to deliver the objective and policies of the Wiri Precinct, as it provides the appropriate mechanism to protect ONF 93 and the margins of Puhinui Creek. This policy and zoning methodology also complements the existing protection mechanisms in place for ONF 93, to ensure the continued protection of its important cultural, ecological and geological values.</p> <p>The Open Space Zone provides certainty to Mana Whenua and the wider community that these important areas will be retained and enhanced.</p>
<p><u>Policy: sub – precinct B</u></p> <p>Require development within sub-precinct B to be undertaken in a manner that takes into account the surrounding open space environment (including the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua</p>	<p>This policy seeks to achieve objective 1, 2 and 3 of the Wiri Precinct.</p> <p>Buildings up to 20m is a permitted activity within the Light Industry Zone.</p> <p>Noting that the Wiri Precinct has important cultural, ecological and geological values, it is important that future development within sub-precinct B takes these values into account. In particular, when designing new</p>

<p>lava field and explosion crater) in the site layout, building design and landscaping, while recognising the operational needs of industrial buildings.</p> <p><u>Method: Activity status with sub-precinct B</u></p> <ul style="list-style-type: none"> <li>Buildings (including additions) greater than 50m<sup>2</sup> gross floor area are a controlled activity.</li> </ul> <p><u>Method: Standard</u></p> <ul style="list-style-type: none"> <li>Building within sub-precinct B must not exceed 15m.</li> </ul>	<p>buildings, the site layout, building design and landscaping should take into account the open space environment within its proximity.</p> <p>A permitted activity status for new buildings is not considered appropriate within sub-precinct B. The Wiri precinct proposes a controlled activity status for new buildings over 50m<sup>2</sup>.</p> <p>The introduction of a height restriction of 15m within sub-precinct B is considered to be an efficient and effective means of managing the effects of building heights, including dominance, on the open space areas within sub-precinct B.</p> <p>The benefit of the controlled activity status is that it provides certainty both to the landowners and the community as to how the future development within sub-precinct B is to be managed.</p> <p>The cost of the resource consent approval process for controlled activity status for new buildings will result in additional costs (both monetary and time) to the applicant seeking to construct new buildings.</p> <p>The certainty provided by the controlled activity status, and the clear building height rule is seen as being an effective and efficient means of managing new development within sub-precinct B.</p>
<p><u>Policy</u></p> <p>Require buildings to be located outside parts of the Wiri Precinct that are identified as having important cultural, archaeological, ecological and geological values.</p> <p><u>Method - Standard:</u></p> <ul style="list-style-type: none"> <li>Require all buildings to be located within the building</li> </ul>	<p>This policy seeks to achieve objectives 1 and 2 of the Wiri Precinct.</p> <p>The Wiri Precinct requires all buildings to be located within building platform areas identified in the Precinct Plan. The building platform areas are located outside parts of the Precinct which are identified as having important cultural, archaeological, ecological and geological values.</p> <p>As a permitted activity standard, these rules are considered to be the most efficient and effective way to deliver the objective and policies of the Wiri</p>

<p>platform areas identified in the Precinct Plan.</p> <ul style="list-style-type: none"> <li>Require activities not to be undertaken within the areas identified as archaeological sites in the Precinct Plan.</li> </ul>	<p>Precinct. It is clear, and precise and can be achieved without requiring additional consents.</p> <p>These rules provide certainty to Mana Whenua and the wider community that buildings will not be located within areas identified as having important values.</p>
<p><u>Policy</u></p> <p>Enable the reclamation of Area A as shown in the Wiri Precinct Plan 3, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on site.</p> <p><u>Method: Activity status</u></p> <p>Reclamation of Area A as shown in the Precinct Plan is a permitted activity.</p>	<p>Objective E3.2 seeks to ensure that Auckland’s lakes, rivers, streams and wetlands with high natural values area protected from degradation and permanent loss.</p> <p>The Wiri Precinct identifies “Area A” for reclamation, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on the site. The Ecological Survey Report has assessed the ecological values of Area A, and concludes that “<i>The aquatic ecological value of the intermittent stream between the drain core and the ponds, and the ponds were assessed as very low and negligible, respectively</i>”.</p> <p>The policy and the rule is considered to be the most efficient and effective as it clearly identifies the area of very low and low ecological values to be reclaimed, without the need for requiring additional consents. The appropriate assessment of the ecological values has been undertaken at the plan development stage as opposed to the land development stage. This provides certainty as to the area of the Wiri Precinct available for development in the future.</p>
<p><u>Policy</u></p> <p>Manage reverse sensitivity effects on the development and operation of the Wiri Oil Terminal by avoiding the establishment of activities</p>	<p>This policy implements Objective E29.2(2), which seeks to ensure that identified hazardous facilities and infrastructure are not unreasonably constrained by the establishment or expansion of sensitive and incompatible activities.</p>



<p>sensitive to hazardous facilities and infrastructure in sub-precinct B.</p> <p><i>Method: Activity status</i></p> <p>Activities sensitive to hazardous facilities and infrastructure are non-complying activities.</p>	<p>The Plan Change area is a cul-de-sac, with its only access via McLaughlins Road. The Wiri Oil Terminal, an infrastructure of national significance, is located to the north of the Plan Change area, and to the east of McLaughlins Road as it enters the Plan Change area. Chapter E29 Emergency Management Area – Hazardous Facilities and Infrastructure, identifies this general locality as being subject to the provisions of the emergency management areas for the Wiri Oil Terminal. Provisions of Chapter E29 recognise that the Wiri Oil Terminal poses a risk to the surrounding land uses and can result in emergency events. As such, the provisions seek to restrict sensitive activities or incompatible land uses, including those that generate high populations of people.</p> <p>The application of the Light Industry Zone within Sub-precinct B, together with the proposed non-complying status for “activities sensitive to hazardous facilities and infrastructure” is considered appropriate as it will ensure that reverse sensitivity effects on the development and operation of the Wiri Oil Terminal are appropriately managed.</p> <p>The proposed policy and rule is considered to be the most efficient and effective, in that it clearly articulates that activities sensitives to hazardous facilities and infrastructure are not provided for within sub-precinct B.</p> <p>The proposed policy and rule provides certainty that land uses within sub-precinct B will be compatible with the operation of the Wiri Oil Terminal.</p>
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## 10 ASSESSMENT OF ENVIRONMENTAL EFFECTS

### **Economic Matters**

- 10.1 An Economic Assessment Report, dated 6 December 2018, has been prepared by Phil Osborne of Property Economics to inform the suitability of the zoning proposed within the Plan Change area (refer Appendix 6, Technical Report 1). The Economic Assessment Report considers it appropriate to rezone the Plan Change area for heavy industry land use activities for the following reasons:
- The Plan Change area has attributes sought after for heavy industrial land uses.
  - The Wiri area is well situated to access both the Auckland and the regional market and the identified “Golden Triangle” (Auckland – Hamilton – Tauranga).
  - The AUP(OP) provides for a significant level of industrial zoning within the Wiri area, with 60% of the land zoned for industrial activities (light and heavy industry). The co-location of industrial activities within this area assists in removing any reverse sensitivity issues.
  - Industrial activities (in particular heavy industry) service a market significantly more extensive than a localised catchment.
  - Appropriately located industrial land (in particular heavy industry developable land) is experiencing competitive pressures from lower land intensive, high-value land use activities. As such, an increasing proportion of this regional resource is being broken into inefficient land sites, which has the effect of stifling the opportunity for Heavy Industry development and growth in Auckland irrespective of its economic importance to the region.
  - The data shows limited vacant heavy industrial land supply in the Manukau catchment, with most future catchment demand in this sector being forced to move south to the former Franklin area.
  - The Manukau catchment (an area that historically accommodates a large proportion of the associated labour force and remains highly accessible), has 9% of vacant Light Industry zoned land and only 6% of Heavy Industry zoned land.
- 10.2 The Economic Assessment Report concludes that the proposed rezoning to Heavy Industry Zone has potential to result in net economic benefits to the Auckland community through:
- Increase in scarce heavy industry land resource, resulting in a retention of growth that may otherwise locate outside the Auckland Region.

- Transportation efficiencies resulting from a highly accessible site (Plan Change area).
- Labour efficiencies, through the provision of industrial land in close proximity to associated labour force.
- Increased certainty for business development through appropriate provision of Heavy Industry Zone, providing flexibility for growth and industrial change, as opposed to a static resource consent. This is especially vital for industrial activities due to capital investment requirements and the need for long term decision making.

### **Integrated Transportation Assessment**

- 10.3 An Integrated Transport Assessment (ITA), dated 7 December 2018, has been prepared by Michael Hall of Stantec to consider the transportation implications of the Plan Change Request (refer Appendix 6, Technical Report 2).
- 10.4 The ITA concludes that additional traffic movements resulting from the Plan Change can be accommodated in a manner that results in acceptable effects to the function, capacity and safety of the surrounding road network.
- 10.5 The ITA further notes the following:
- McLaughlins Road and other roads within the Plan Change area are classified as local roads.
  - Overall, no road safety issues were identified in relation to the road geometry. The Plan Change is not expected to generate a large quantum of traffic and the vehicle types will be consistent with those already using the surrounding roads. As such, the road safety record is not expected to be exacerbated.
  - Additional development enabled by the Plan Change will result in an increase in the number of trips generated within the Plan Change area by approximately 62% from what was observed in November 2018.
  - Traffic modelling has demonstrated that the Roscommon Road / Vogler Drive intersection is able to accommodate the additional trips anticipated within the Plan Change area without significantly affecting the current performance or effectiveness of this intersection.
  - The Plan Change is able to be accommodated by the surrounding road network without the need for any upgrades to the existing transportation infrastructure.
  - The Southern Gateway Precinct is located to the west of McLaughlins Road and Puhinui Creek. Development of this Precinct will result in changes to the nearby road network, however, the timing of such upgrades are not known. The Plan

Change Request and the anticipated development within the Southern Gateway Precinct will not preclude each other from being developed as expected.

### **Geotechnical Matters**

- 10.6 A Geotechnical Feasibility Assessment Memo, dated 29 November 2018, has been prepared by Pierre Malan of Tonkin & Taylor Ltd (T&T) to provide the results of the geotechnical feasibility assessment to inform the Plan Change Request (refer Appendix 6, Technical Report 3). The Memo concludes that from a geotechnical perspective, the anticipated development within the Plan Change area is feasible using accepted design and construction approaches.
- 10.7 The Geotechnical Feasibility Assessment Memo notes that T&T provided geotechnical services to inform the resource consent process for the development of Plan Change area located within the rehabilitated quarry footprint. The foundation design requirements for Stage 1 of the development were set out in the Geotechnical and Earthworks Completion Report (June 2010). Subsequently, a Geotechnical Completion Report (March 2016) was completed to cover the geotechnical design requirements for Stage 2 of the development. Subdivision and land use resource consents have already been granted by Auckland Council to enable development within this area.
- 10.8 The scope of the preliminary desktop geotechnical assessment is limited to the undeveloped portion of the Plan Change area, this being the site at 79 McLaughlins Drive. The geotechnical assessment concludes that the materials at the site comprise of natural deposits that are expected to be suitable for development with appropriate investigation and design at land development stage. The Memo further notes the following:
- The geomorphology and site observations suggest that the materials at the site are predominantly natural material in their original state. Limited amounts of fill are assessed as being present, and the extent and nature will need to be confirmed at the land development stage.
  - Earthworks will be required to provide suitable building platforms at the land development stage.
  - Shallow foundations are expected to be suitable.
  - A slopes stability assessment of the banks of Puhinui Creek will be required at land development stage.
  - The subsurface conditions are not at risk of liquefaction hazards under strong earthquake shaking.
  - Specific geotechnical investigations will be required at the land development stage.

### **Archaeology**

- 10.9 An Archaeological Assessment Report, dated January 2019, has been prepared by Rod Clough and Simon Bickler of Clough & Associates Ltd to inform the Plan Change Request (refer Appendix 6, Technical Report 4). The Report notes that the developed portion of the Plan Change Area (Sub-area A in Figure 3-3) was previously assessed for archaeological values by Clough & Associates Ltd in 2007 to inform the Assessment of Environmental Effects for the resource consent application granted by Auckland Council to enable the establishment of business land uses within the Plan Change area. The Archaeological Assessment Report focuses on the undeveloped portion of the Plan Change area (Sub-area B in Figure 3-3) to inform the Plan Change Request and identify the requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA).
- 10.10 The Plan Change area was once part of an extensive pre-European landscape relating to former Maori occupation of the area centred on Matukutūreia Pa (McLaughlins Mountain) and Te Manurewa O Tamapahore Pa (Wiri Mountain). The Report notes that much of that landscape has been extensively modified over time. The Matukuturua Stonefields Historic Reserve (located adjacent to the Plan Change area) preserves an extensive representative part of that original landscape.
- 10.11 Dr Clough considers that the archaeological remains previously recorded around Maunga Matukutūreia (McLaughlins Mountain) logically fall within a single archaeological landscape and could have been recorded as a single site. However, historically the archaeological sites have been recorded as individual sites, which combine to cover the settlement on the lava flow of Matukutūreia.
- 10.12 There are two recorded archaeological sites within Sub-area B: R11/47 and R11/1632. Site R11/47 is generally described as “terraces, stone faced terraces, stone mounds, midden”. Dr Clough notes that most of the archaeological remains of R11/47 located within Sub-area B have been excavated previously, however, some areas near the wetland may contain some additional archaeological features.
- 10.13 Site R11/1632 is a series of midden, pits and terraces located beside Puhinui Creek, and remains intact.
- 10.14 Another archaeological site, R11/911 (stone fish traps) is located within the Puhinui Creek. In the AUP(OP), the Puhinui Fish Traps are included in the Historic Heritage Extent of Place Overlay, which extends into the south-western corner of the Plan Change area.
- 10.15 In Figure 9-1, Dr Clough identifies a preliminary summary of likely constraints within Sub-area B based on archaeological potential:
- Red areas: indicate high archaeological potential due to the presence of site R11/1632.

- Green areas: indicate limited archaeological potential. Some features may have survived previous earthworks, but the potential is considered low, and if archaeological features are present, they are likely to have limited archaeological value.
- Orange areas: indicate moderate archaeological potential where archaeological features are likely, but have been modified or previous research suggests that features have limited archaeological values. Previous excavations in this area had mixed results, with archaeological features identified in some areas but not all areas.

**Figure 9-11:** Areas of differing archaeological potential in Sub-area B



- 10.16 Dr Clough considers that earthworks for future development in Sub-area B will destroy the remaining archaeological features relating to site R11/47 and any unidentified sites that maybe present within the earthworks footprint. However, he notes that the green and orange areas are already disturbed / modified and better examples of stonefield features are preserved in the adjacent Matukuturua Stonefields Historic Reserve.
- 10.17 Site R11/1632 is a series of midden, pits and terraces located beside Puhinui Creek, and remains intact. As per Dr Clough's expert advice, the protection of site R11/1632 will be given priority at the land development stage. With respect to site R11/1632 (Puhinui Fish Traps), it is noted that this site is scheduled for protection in Schedule 14.1 of the AUP(OP). Chapter D17 Historic Heritage Overlay sets out comprehensive objectives, policies and rules framework providing for the continued protection of the Puhinui Fish

Traps. The Plan Change Request does not amend this existing framework. The provisions of the Historic Heritage Overlay will continue to apply to the Plan Change area.

- 10.18 Dr Clough recommends that site R11/1632 (series of midden, pits and terraces located beside Puhinui Creek) and R11/1632 (Puhinui Fish Traps) should be avoided in any future development of Sub-area B. Provided that this is achieved, Dr Clough considers that any adverse effects of future development will be mitigated through archaeological investigation and information recovery, and the effects of future development on archaeological values are likely to be minor in view of the modified nature of the property and low to moderate archaeological value of site R11/47.

### **Ecology**

- 10.19 An Ecological Survey Report, dated 13 November 2020, has been prepared by Treffery Barnett of Bioresearches to inform the Plan Change Request (refer Appendix 6, Technical Report 5). The Ecological Survey Report identifies the freshwater habitats present within the undeveloped portion of the Plan Change area, this being the site at 79 McLaughlins Road.
- 10.20 In 2000, an ecological survey report (titled “Matukutureia Quarry Habitat Features”, authored by Bioresearches), was completed to inform the resource consenting process for the now developed portion of the Plan Change area.
- 10.21 The Ecological Survey Report divides the undeveloped portion of the Plan Change area into four ecological assessment zones, primarily delineated by their aquatic habitats (see Figure 3-4):
- Wetland (SEA\_T\_8443): historical photography shows that the wetland feature has been developed and changed over time.
  - Intermittent Stream 1 – a constructed drainage channel in the centre of the site draining towards the ponds.
  - Constructed ponds – western sector of the site draining to Puhinui Creek
  - Intermittent Stream 2 – an incised channel originating from the discharge pipe from the largest pond, partially within the riparian SEA
- 10.22 The Ecological Survey Report records the vegetation present in each of the above mentioned zones. The survey results show that although native species are present in nearly all of the zones (no species were recorded in Intermittent Stream 1), exotic pasture species dominate the majority of the study area. Gorse and pampas also has a strong presence across the various zones. With the exception of the wetland, the botanical value of all the zones was low.



- 10.23 The wetland is identified as the dominant aquatic habitat within the study area. The wetland is the habitat of high ecological value with numerous species of native vegetation and fauna (such as birds and native eels).
- 10.24 It is considered that the Plan Change Request itself (i.e. the rezoning of land and the partial removal of the ONF and SEA Overlays) will not result in adverse effects on the ecological values present within the Plan Change area.
- 10.25 The SEA\_T\_8443 (wetland) and SEA\_T\_612 (Puhinui Creek and its riparian margins) are subject to the objectives, policies and rules framework set out in Chapter D9 Significant Ecological Areas Overlay of the AUP(OP). In order to maintain indigenous biodiversity, Chapter D9 Significant Ecological Areas Overlay protects these SEAs from adverse effects of subdivision, use and development. The Plan Change does not seek to amend this existing framework. The provisions of Chapter D9 Significant Ecological Areas Overlay will continue to apply to the Plan Change area.
- 10.26 The Wiri Precinct identifies “Area A” for reclamation, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on the site. Ms Barnett has assessed the ecological values of Area A, and concludes that “*The aquatic ecological value of the intermittent stream between the drain core and the pods, and the pods were assessed as very low and negligible, respectively*”. Ms Barnett identifies works to be completed to mitigate the effects of the proposed reclamation of Area A.

#### **Natural Heritage and Landscape Effects**

- 10.27 For the assessment of effects on natural heritage and landscape values, refer to section 8 of this Statutory Assessment Report; Technical Report 6: Geological Assessment; and Technical Report 7: Landscape Assessment.

#### **Mana Whenua Values**

- 10.28 For the assessment of effects on mana whenua values refer to section 12 of this Statutory Assessment Report and Technical Report 8: Preliminary Cultural Impact Assessment, prepared by Ngāti Te Ata Waiohua and Technical Report 9: Cultural Values Assessment prepared by Te Ākitai Waiohua.

#### **Infrastructure**

- 10.29 The Plan Change area is located within an established business hub within the RUB. This area has reticulated wastewater, water and stormwater infrastructure. There are no infrastructure constraints identified for the servicing of the Plan Change area.

## 11 STATUTORY CONTEXT

### **Resource Management Act 1991**

- 11.1 Section 5 of the RMA sets out the purpose of the RMA, and requires a broad judgement as to whether the proposal would promote the sustainable management of natural and physical resources. This exercise of judgement is informed by the principles of sections 6 to 8, and considered in light of the particular circumstances of each application.
- 11.2 Section 6 of the RMA sets out a number of matters of national importance which must be recognised and provided for and includes, in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significance of indigenous vegetation and significant habitats of indigenous fauna and protection of historic heritage.
- 11.3 Section 7 identifies a number of “other matters” to be given particular regard to by a territorial authority and includes the efficient use of natural and physical resources and the maintenance and enhancement of amenity values.
- 11.4 Section 8 requires the principles of Treaty of Waitangi to be taken into account.
- 11.5 Sections 4 to 8 of this Statutory Assessment Report contains an assessment of the various options for rezoning, amendments to SEA (SEA\_T\_8443), and ONF 93 and assessed these options against the Purpose of the Act. Overall, it is considered that the Plan Change Request will enable a more effective means of achieving the sustainable management purpose of the Act than the current zoning and extent of SEA and ONF Overlays applied within the Plan Change area.
- 11.6 The Plan Change Request provides for the continued protection of ONF 93, significant ecological areas, historic heritage and sites of significance to Mana Whenua as capsulated in section 6 of the Act.
- 11.7 With respect to section 7 of the Act, the Plan Change enables the efficient use and development of the Plan Change area for industrial land use purposes recognising the constraints placed on the subject area due to the location of the Wiri Oil Terminal (a significant hazardous facility and nationally significant infrastructure) in the vicinity of the Plan Change area.
- 11.8 With respect to section 8 of the Act, the need for Mana Whenua participation was recognised and sought in the Plan Change development process. In this regard, letters were sent to all relevant Mana Whenua groups to engage in a meaningful way (see section 12 of this report). Responses were only received from Ngāti Te Ata Waiohū and Te Ākitai Waiohū expressing an interest in the Plan Change area. Consultation with these two Mana Whenua groups is on-going.

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**New Zealand Coastal Policy Statement 2010 (NZCPS)**

- 11.9 The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. In relation to the Plan Change Request, Objective 2 is considered to be relevant, as it seeks to preserve the natural character of the coastal environment and protect natural features and landscape values. With respect to ONFs, Policy 15(a) seeks to avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment.
- 11.10 The NZCPS does not itself identify the criteria for the determination of ONF, its focus being on the avoidance of adverse effects of activities on ONF. The Plan Change Request seeks to amend the ONF 93 boundaries, as per the criteria (factors) set out in Policy B4.2.2(4) of the AUP(OP). This is necessary to ensure that the provisions of NZCPS are accurately applied to the area of ONF 93 that meets the threshold of “outstanding natural feature”, in the coastal environment.

**National Policy Statement on Urban Development Capacity 2016**

- 11.11 The National Policy Statement on Urban Development Capacity sets out the desire to provide for urban environments that enable social, economic, cultural and environmental wellbeing of current and future generations as well as provide opportunities for development of housing and business land to meet demand.
- 11.12 The National Policy Statement on Urban Development Capacity requires councils experiencing high growth to prepare a Future Development Strategy to demonstrate sufficient, feasible growth capacity in the medium to long term. The Development Strategy set out in the Auckland Plan 2050 serves as Auckland’s Future Development Strategy.
- 11.13 The Economic Assessment Report notes that after the notification of the Proposed Auckland Unitary Plan in 2015, an updated economic report was provided by Auckland Council to illustrate the changes to the proposed business zones by 2017 and their sufficiency to meet long term demand. This report, “National Policy Statement on Urban Development Capacity 2016: Housing and Business Development Capacity Assessment for Auckland December 2017” (hereon referred to as the Auckland Council Capacity Report), concluded that there was sufficient industrial capacity within most areas through to 2048, with the exception of the “Rural North”.
- 11.14 Within the Auckland Council Capacity Report, the land subject to the Plan Change Request falls within the “urban south” area. Figure 3-8 of the Auckland Council Capacity

Report shows that by 2048, over 2.1 million square metres of industrial space would be required to meet estimated industrial demand. Figure 3-8 shows that under the AUP(OP) there is capacity for some 3.2 million square metres of industrial development, sufficient to meet the total industrial long term needs.

- 11.15 With respect to Figure 3-8 mentioned above, Mr Osborne provides the following commentary in the Economic Assessment Report:

*"Figure 3-8 has not however disaggregated the proportions of light and heavy industry land demand as it has for Figure 3-4 (refer Appendix 1 of this overview) relating to total regional demand. In Figure 3-4 heavy industrial activity constitutes approximately 28% of all industrial floorspace demand to 2048. When disaggregating the Urban South demand this translates to a total of 2.1m sqm, of which it can be estimated that 611,000sqm is heavy industrial, although given the location and accessibility to this area this is considered conservative as it would be expected to accommodate a higher proportion than the regional average.*

*Similarly, while Figure 3-8 identifies 3.1m sqm of capacity, Figure 3-6 attributes only 524,000sqm to this to heavy industrial (this is without the increasing pressures on competing uses). Therefore, the summary information provided in the Auckland Council Capacity Report for industrial activity within this area is not considered accurate (too conservative in Property Economics professional view) when specifically identifying heavy industrial land demand" (page 6).*

- 11.16 Recognising that appropriately located industrial land (in particular heavy industry developable land) is experiencing competitive pressures from lower land intensive, high-value land use activities, this Plan Change enables an increase in the supply of heavy industry zoned land in Wiri (a recognised industrial hub in the urban south area), which is consistent with the intent of the National Policy Statement on Urban Development Capacity.

## 12 STRATEGIC CONTEXT

### **The Auckland Plan 2050**

- 12.1 The Auckland Plan 2050 is a long-term spatial plan for Auckland. It outlines the three major challenges that face Auckland, and sets the direction for addressing these challenges over the next 30 years. The three key challenges are: population growth and its implications, sharing prosperity with all Aucklanders, and reducing environmental degradation.
- 12.2 The Auckland Plan 2050 sets out a Development Strategy, to illustrate how Auckland will physically grow and change over the next 30 years. It takes account of the outcomes sought to be achieved, population growth projections and the planning rules set out in the Auckland Unitary Plan.
- 12.3 The key elements of the Development Strategy include:
- Quality compact approach to growth and development.
  - Growth is enabled throughout most of Auckland’s urban footprint.
  - Building strong urban centres and neighbourhoods.
  - Managed expansion into future urban areas.
  - Recognising Auckland’s capacity for growth by identifying the expected location, timing and sequencing of future development capacity in the existing urban areas and future urban areas.
  - Assessing demand for housing and business land and floor space.
  - Growth requires substantial investment in infrastructure and services over a sustained period of time.
  - The Auckland Plan acknowledges that as Auckland grows, it must offer capacity for new business growth. The Plan Change Request aligns with the intent of the Auckland Unitary Plan: The use (or repurposing) of a rehabilitated quarried area for industrial purposes, within urban Auckland, assists in achieving quality compact approach to accommodating business growth.
  - The Plan Change increases the feasible capacity of commercially viable industrial land in urban south area.
  - The Plan Change enables safeguarding of important industrial land in Wiri by enabling contiguous expansion of this important business resource, in a strategically located and accessible location.

- Provides for increased business growth and employment in the Manukau area, which assists in addressing Auckland’s current transport and employment challenges.
- The Plan Change enables labour efficiencies, through the provision of industrial land in close proximity to associated labour force.

**Auckland Unitary Plan (OP) – Urban Growth and Form**

- 12.4 Chapter B2 of the AUP(OP) sets out the strategic framework to guide Auckland’s urban growth and form. Section B2.5 sets out the strategic framework for commercial and industrial growth matters.
- 12.5 Noting that the Plan Change Request seeks rezoning of land for industrial purposes, Objective B2.5.1(3) is of relevance. The Plan Change request to rezone the subject area from Quarry Zone to Heavy Industry and Light Industry Zones meet the intent of Objective B2.5.1(3), by enabling industrial growth and activities in a manner that:
- promotes economic development.
  - promotes the efficient use of buildings, land and infrastructure in industrial zones.
  - manages conflicts between incompatible activities.
  - recognises the particular locational requirements of some industries
- 12.6 Policies B2.5.2(7),(8),(9) and 10 are the key strategic policies relating to the efficient use, supply and management of industrial land. The Plan Change Request, meets the intent of these policies by:
- Enabling the supply of land for industrial activities, in particular for land-extensive industrial activities and for heavy industry in areas where the character, scale and intensity of the effects from those activities can be appropriately managed.
  - Enables the supply of industrial land which is relatively flat, has efficient access to freight routes, rail or freight hubs, ports and airports and can be efficiently serviced by infrastructure.
  - Enables the efficient use of industrial land for industrial activities.
  - Manages the reverse sensitivity effects on the efficient operation, use and development of existing industrial activities, including by preventing inappropriate sensitive activities locating or intensifying in or adjacent to heavy industrial zones.

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### **Auckland Unitary Plan (OP) – Outstanding Natural Features**

- 12.7 Chapter B4 of the AUP(OP) sets out the strategic framework for natural heritage resources. Section B4.2 sets out the strategic framework for outstanding natural features and landscapes.
- 12.8 Noting that the Plan Change seeks to amend the boundaries of ONF 93, Objectives B4.2.1 are of relevance. Objective B4.2.1(1) seeks to ensure that outstanding natural features are identified and protected from inappropriate subdivision, use and development. The relevant implementation policy is Policy B4.2.2(4), which sets out the factors for consideration when identifying and evaluating a place as an outstanding natural feature. Under Policy B4.2.2(5), any place identified as an outstanding natural feature should then be included in Schedule 6 Outstanding Natural Features Overlay Schedule.
- 12.9 The proposed amendments to the extent of ONF 93 boundaries, is consistent with the intent of Policy B4.2.2(4), which is principally aimed at identifying and evaluating (or not) an ONF. The Plan Change Request is consistent with the intent of Policy B4.2.2(4) in that it re-evaluates ONF 93 based on the identified factors to determine whether it is deemed to be an ONF in whole or whether there are parts of the ONF which do not meet the identified factors.
- 12.10 The Plan Change is consistent with Policy B4.2.2(5) as it seeks to retain the parts of the ONF 93 which are deemed to be “outstanding” within Schedule 6 Outstanding Natural Features Overlay Schedule. Once an ONF is scheduled for protection, then it is subject to Policy B4.2.2(6) which seeks to protect the physical and visual integrity of the ONF from inappropriate subdivision, use and development. Once identified as an ONF, it is principally managed under Chapter D10 (Outstanding Natural Features and Outstanding Natural Landscapes Overlay) of the AUP(OP). The Plan Change does not seek to amend the management framework of Chapter D10 as it relates to the future subdivision, use and development of the area within an ONF. The provisions of Chapter D10 give effect to Policies B4.2.2(6), (7) and (8).

### **Auckland Unitary Plan (OP) – Mana Whenua Values**

- 12.11 Chapter B6 of the AUP(OP) sets out the strategic framework for the recognition of the Treaty of Waitangi partnerships and participation; recognition of Mana Whenua values; Maori economic, social and cultural development; and the protection of Mana Whenua cultural heritage.
- 12.12 The objective and policy framework requires the principles of the Treaty of Waitangi to be recognised through Mana Whenua participation in the resource management process. In this regard, letters were sent to all relevant Mana Whenua groups to engage



in a meaningful way in the development of the plan change process (see Section 13 of this Report). Responses were only received from Ngāti Te Ata Waiohua (Ngāti Te Ata) and Te Ākitai Waiohua (Te Ākitai) expressing an interest in the Plan Change area.

- 12.13 A Preliminary Cultural Impact Assessment (CIA) has been prepared by Ngāti Te Ata. The CIA documents Ngāti Te Ata’s cultural values, interests and associations with the Plan Change area. The CIA notes that the Plan Change area is located within Ngāti Te Ata’s broader ancestral cultural landscape, referred to as the “Matukutureia Cultural Landscape”:

*“Matukutureia is a prominent local landmark and the birth place of our eponymous ancestor Te Ata Rehia. Ngati Te Ata continue to maintain a spiritual and cultural relationship to this landscape through whakapapa both terms of our connection to papatuanku and ancestral relationship through Te Ata Rehia.” (page 16).*

- 12.14 The CIA contains the following summary of cultural sites, areas and resources within 1000m radius of the Plan Change area:

- The Manukau Harbour
- Maunga Matukutūreia (McLaughlins Mountain)
- Nga Matukuturua
- Maunga Matukutururu (Mount Wiri)
- Puhinui catchment
- Matukuturua Stonefields
- Isolated archaeological materials or features

- 12.15 The CIA contains a summary of the potential cultural impacts of the Plan Change Request. In particular, Ngāti Te Ata is concerned about the direct, indirect and cumulative effects on the following cultural sites, areas and resources:

- Maunga Matukutūreia
- Maunga Matukutururu (Wiri Mountain)
- Matukuturua Stonefields
- Puhinui catchment
- Manukau Harbour

- 12.16 A Cultural Values Assessment has also been prepared by Te Ākitai Waiohua. Te Ākitai Waiohua has identified both the Puhinui peninsula area and the Plan Change Area as forming part of its cultural landscape. Te Ākitai Waiohua supports the application of Open Space Informal Recreation Zone over Sub-area B, as it better reflects the cultural and historical importance of the site. Te Ākitai Waiohua supports the retention of the Outstanding Natural Feature Overlay, and prefers to seek the views of Auckland Council and other independent expert advice on this matter.

- 12.17 While it is acknowledged that Maunga Matukutururu (Wiri Mountain) is of significant spiritual and cultural value to Ngāti Te Ata and Te Ākitai, it is located outside the Plan Change area. The effects of the Plan Change on the other cultural sites, areas and resource is discussed below.
- 12.18 Chapter D21 Sites and Places of Significance to Mana Whenua Overlay applies to sites and places that have been scheduled and protected for their significance to Mana Whenua. The introduction to Chapter D21 recognises that:
- "Sites and places of significance to Mana Whenua have tangible and intangible cultural values in association with historic events, occupation and cultural activities. Mana Whenua values are not necessarily associated with archaeology, particularly within the highly modified urban landscape where the tangible values may have been destroyed or significantly modified."*
- 12.19 Maunga Matukutūreia (item 36) is identified as a site and place of significance to Mana Whenua. Item 36 has two parts, one being located within the Plan Change area and the other being applied to the site of the Auckland South Corrections Facility.
- 12.20 Matukuturua Stonefields (item 34) is also identified as a site and place of significance to Mana Whenua. The mapped extent of this site and place of significance to Mana Whenua does not extend into the Plan Change area. It is shown as being located on the adjoining site.
- 12.21 Chapter D21 Sites and Places of Significance to Mana Whenua Overlay sets out a comprehensive framework of objectives, policies and rules to provide for the protection of scheduled sites and places of significance to Mana Whenua. The Plan Change does not seek to amend this existing framework. The provisions of the Sites and Places of Significance to Mana Whenua Overlay will continue to apply to the Plan Change area.
- 12.22 With respect to the preservation of the volcanic view shaft between Pūkaki Marae and Maunga Matukutūreia, it is noted that the views have been protected via land covenants on lots 22, 31, 32, 34 and 40 of DP 508731. The land covenants on these titles limit the maximum building height to 18m. The rationale for this is set out in the reasons for the resource consent Decision 39194 as follows:
- "The subject site is located in close proximity to Maunga Matukutūreia (McLaughlins Mountain), which is Waahi Tapu site, it is important to maintain views to this mountain as far as practicable. With the above consideration, a height restriction of 18m is acceptable to Council as recommended by the applicant for any future development on the proposed lots"*.
- 12.23 In addition to the above, the proposed Wiri Precinct Plan introduces objective, policy and rule framework to ensure the protection of the viewshaft, consistent with the provisions of the Puhinui Precinct.

- 12.24 The AUP(OP) identifies the Historic Heritage Overlay Extent of Place – 2163, Puhinui Fish Traps R11-911 as being located within the Plan Change area. The Fish Traps are located within the south-eastern corner of the Plan Change area, over the Puhinui Creek and its margins. The identified area includes the primary feature and an area around this feature, referred to as “extent of place”. The provisions of the Historic Heritage Overlay apply both to the historic heritage feature and the “extent of place”.
- 12.25 Schedule 14.1: Schedule of Historic Heritage identifies the Puhinui Fish Traps as having a “Category A” level of significance. Chapter D17 Historic Heritage Overlay explains Category A Place as “historic heritage places of outstanding significance well beyond their immediate environs; generally expected to be of significance to the Auckland region or a greater geographic area”. Schedule 14.1 also identifies the Puhinui Fish Traps as being “Places of Maori Interest or Significance”.
- 12.26 Chapter D17 Historic Heritage Overlay sets out comprehensive objectives, policies and rules framework providing for the continued protection of the Puhinui Fish Traps. The Plan Change Request does not amend this existing framework. The provisions of the Historic Heritage Overlay will continue to apply to the Plan Change area.
- 12.27 The Manukau Harbour and Puhinui catchment are acknowledged as being of significant spiritual and cultural value to Ngāti Te Ata. Ngāti Te Ata is concerned about the direct, indirect and cumulative stormwater discharges resulting from the Plan Change area. It is noted that Sub-area A in Figure 3-3 is currently in development phase, in accordance with the land use and subdivision resource consents granted by the Auckland Council. The resource consent application was informed by the consultation undertaken with Ngāti Te Ata and Te Ākitai, both of which provided support for the proposal.
- 12.28 Chapter E of the AUP(OP) sets out the Auckland-wide provisions applying to the management of natural resources, including management of water quality and stormwater discharges. The Plan Change does not seek to amend the objectives, policies and rules framework of the AUP(OP) as it relates to the management of natural resources set out in Chapter E.
- 12.29 Ngāti Te Ata does not support the application of the Heavy Industry Zone to the Plan Change area on the basis that the proposed zoning would detract and have significant adverse effects upon Ngāti Te Ata’s values associated with Matukutūreia and Matukuturua Stonefields. While the concerns raised by Ngāti Te Ata are appreciated, the key challenge is that the location of the Plan Change area in the proximity of the Wiri Oil Terminal poses significant constraints on the feasible land uses for the Plan Change area. The various options for alternative zonings are assessed in section 5 of this report. It is noted that in the Wiri Industrial area, the AUP(OP) has strategically applied Heavy Industry Zone, including sites of significance to Mana Whenua in light of the challenges

posed by the Wiri Oil Terminal in this locality. However, it is noted that the comprehensive framework of objectives, policies and rules in Chapter D21 Sites and Places of Significance to Mana Whenua Overlay, will continue to provide for the protection of Maunga Matukutūreia, a scheduled site and place of significance to Mana Whenua. As an overlay, the provisions of Chapter D21 take precedence over the Heavy Industry Zone, as such any noxious activities seeking to establish within Sub-area A will need to take into account the planning framework applying to the scheduled sites and places of significance to Mana Whenua.

- 12.30 Stonehill Trustees Limited acknowledges the need for and commits to on-going consultation with Ngāti Te Ata and Te Ākitai during the Plan Change development process. The on-going consultation with these Mana Whenua groups is set out in section 13 of this report.

## 13 KEY STAKEHOLDER CONSULTATION

13.1 Consultation undertaken as part of the development of the Plan Change Request is set out in Table 13-1 below.

**Table 13-1: Consultation summary**

Key stakeholder/ Organisation	Summary of Consultation	Date
Landowners and occupiers within the Plan Change area	Letters sent to all landowners and occupiers within the Plan Change area providing an overview of the Plan Change Request.  No concerns raised by the landowners or occupiers.	10 Dec 2018
Alastair Jamieson Auckland Council Biodiversity Manager	Site walkover with Dr Cronin and Sukhi Singh to view and begin discussions about the ONF.  Alastair Jamieson agrees that the ONF 93 has been incorrectly mapped.	11 Oct 18  29 Oct 18 and 10 Dec 18
David Le Maquand Planner representing Wiri Oil Services Limited (WOSL)	Letter sent to WOSL providing an overview of the Plan Change Request.  Letter of support received from WOSL for the application of the Heavy Industry Zone within the Plan Change area. WOSL remains neutral with regards to other aspects of the Plan Change Request.	28 Nov 18  11 Dec 18
Andrew Wood and Paul Clark – Auckland Council Parks Department	Letter sent to Auckland Council’s Parks Team, providing an overview of the Plan Change Request and acknowledgement of potential matters of interest for the Parks team.  The Auckland Council Parks Team seeks to retain open space zoning within riparian margin areas of Puhinui Creek in Sub-area B.	28 Nov 18  20 Dec 18
Peter Smith, Angus Gray and Debbie Philp	Letter sent to Department of Conservation providing an overview of the Plan Change Request	28 Nov 18

Key stakeholder/ Organisation	Summary of Consultation	Date
<p>– Department of Conservation (DOC)</p>	<p>and acknowledgement of potential matters of interest for DOC.</p> <p>Request for specialist reports to read prior to determining stance.</p> <p>Initial meeting held to begin discussions.</p> <p>Request for additional specialist reports to read prior to determining a position. The additional information requested sent to DOC.</p> <p>Letter received from DOC, dated 30 September 2019:</p> <ul style="list-style-type: none"> <li>• DOC disagrees with Dr Cronin’s recommendation to reduce the extent of the ONF overlay. However, DOC acknowledges that some parts of the existing ONF (particularly the northeast of Harbour Ridge Drive/McLaughlins Road) may not meet the scheduling criteria, and DOC may be comfortable with some of the overlay being removed from the northern areas.</li> <li>• DOC prefers that riparian margins adjoining Puhinui Creek are protected, as these areas contain known archaeologically significant sites.</li> <li>• DOC does not support the Heavy Industry Zone over the <del>main</del> wetland area, nor the partial removal of the SEA Overlay.</li> <li>• DOC is not opposed to the Sub-area A being rezoned to better provide for the activities on site.</li> </ul> <p>Consultation on-going.</p>	<p>15 Jan 19</p> <p>21 Mar 19</p> <p>8 April 19</p> <p>30 Sept 19</p>

Key stakeholder/ Organisation	Summary of Consultation	Date
Kaletu Moala-Mafi and Peter Hall – Department of Corrections	<p>Letter sent to Department of Corrections providing an overview of the Plan Change Request and acknowledgement of potential matters of interest for Department of Corrections.</p> <p>Department of Corrections opposes the Heavy Industry Zoning proposed within the Plan Change area. Department of Corrections considers the Light Industry Zone to be more appropriate.</p>	<p>29 Nov. 18</p> <p>14 Mar. 19</p>
Gary Heaven - LiquiGas	<p>Letter sent to LiquiGas providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to LiquiGas.</p> <p>LiquiGas supports the application of the proposed Heavy Industry Zone within the Plan Change area.</p>	<p>29 Nov 18</p> <p>4 Dec 18</p>
Emma Howie – Auckland International Airport Limited (AIAL)	<p>Letter sent to AIAL providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to AIAL.</p> <p>AIAL requested a copy of the traffic impact assessment. No further comments from AIAL. The requested report was provided to AIAL.</p>	<p>27 Nov 18</p> <p>12 Dec 18</p>
Greg Smith and Linda Vink – Auckland Volcanic Cone Society Inc	<p>Letter sent to Auckland Volcanic Cone Society Inc providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to them.</p> <p>The Auckland Volcanic Society deferred to the opinion of Dr Bruce Hayward. The Society did not wish to meet with Dr Cronin to discuss this matter further.</p>	<p>3 Dec 18</p> <p>17 Dec 18</p>
Bruce Hayward – Geoscience Society of NZ	<p>Letter sent to Geoscience Society of NZ providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to them.</p>	<p>3 Dec 18</p>



Key stakeholder/ Organisation	Summary of Consultation	Date
	<p>Dr Hayward requested a map showing the location of the “exposure of rock seen by Dr Cronin”. Dr Hayward intends to consult with others in the relevant field.</p> <p>Geoscience Society of NZ opposes the proposed amendment to the ONF 93.</p>	<p>3 Dec 18</p> <p>5 Dec 18</p>
<p>Susan Andrews and Makere Rika-Heke – Heritage NZ Pouhere Taonga (Heritage NZ)</p>	<p>Letter sent to Heritage NZ providing an overview of the Plan Change Request and acknowledgement of potential matters of interest to them.</p> <p>Heritage NZ requested copy of archaeological report for the area.</p> <p>Initial meeting to begin discussions. Heritage NZ requested a copy of the cultural values assessment. Heritage NZ does not support the rezoning of open space areas.</p> <p>Consultation on-going.</p>	<p>3 Dec 18</p> <p>9 Dec 18</p> <p>28 Feb 19</p>
<p>Ngāi Tai ki Tāmaki Ngāti Maru Ngāti Tamaoho Ngāti Tamaterā Ngāti Whanaunga Te Ahiwaru - Waiohua Te Kawerau a Maki Waikato - Tainui</p>	<p>Overview provided of the Plan Change Request, including attachments of maps. Acknowledgement of potential interest matters for Mana Whenua.</p>	<p>3 Dec 18</p>
<p>Ngāti Te Ata</p>	<p>Overview provided of the Plan Change Request, including attachments of maps. Acknowledgement of potential interest matters for Ngāti Te Ata.</p> <p>Meeting on site. Ngāti Te Ata opposes the proposed plan change.</p>	<p>3 Dec 18</p> <p>13 Dec 18</p> <p>27 Feb 19</p>

Key stakeholder/ Organisation	Summary of Consultation	Date
	<p>Ngāti Te Ata requested copies of archaeological report, geological report, and landscape report.</p> <p>Cultural Impact Assessment received from Ngāti Te Ata.</p> <p>Meeting with Ngāti Te Ata to discuss the Cultural Impact Assessment Report, following the lodgement of the McLaughlins Quarry Private Plan Change Request. Ngāti Te Ata:</p> <ul style="list-style-type: none"> <li>• defer to the position put forward by Dr Bruce Hayward. Ngāti Te Ata see the removal of the ONF as further intrusion into an otherwise contiguous cultural landscape.</li> <li>• considers the broader Wiri area to be part of a single contiguous ancestral cultural landscape.</li> <li>• is fundamentally opposed to the principle of development within this location due to the significance of this landscape.</li> </ul> <p>Meeting with Ngāti Te Ata to discuss three possible areas that could be investigated further in order for Ngāti Te Ata to potentially support development of the site:</p> <ul style="list-style-type: none"> <li>• Establishment of a restoration fund to be agreed by Ngāti Te Ata.</li> <li>• Inclusion of a precinct plan as part of the plan change process. The precinct plan could identify areas within the site that would be set</li> </ul>	<p>8 Apr 19</p> <p>22 May 19</p> <p>10 Oct 19</p>

Key stakeholder/ Organisation	Summary of Consultation	Date
	<p>aside for open space/planting and would be protected under the AUP(OP).</p> <ul style="list-style-type: none"> <li>Investigate if ownership of the protected areas discussed above can be transferred to Ngāti Te Ata.</li> </ul> <p>Letter sent to Ngāti Te Ata Board from Peter Bishop (Stonehill Trustees Limited):</p> <ul style="list-style-type: none"> <li>provide a map outlining areas for riparian management areas for protection and planting, to be incorporated into a new Precinct provisions.</li> <li>Commitment to continue to work with Ngāti Te Ata Board to use the above mentioned plan as a framework moving forward.</li> <li>Willingness to work with Ngāti Te Ata Board to establish a restoration fund to fund ventures (both within and outside the Plan Change Area) that would seek to enhance the mana of Ngāti Te Ata</li> </ul> <p>Consultation on-going.</p>	<p>25 Nov 19</p>
<p>Te Ākitai Waiohua</p>	<p>Overview provided of the Plan Change Request, including attachments of maps. Acknowledgement of potential interest matters for Te Ākitai Waiohua.</p> <p>Site walkover meeting.</p> <p>Meeting to discuss any matters of concerns with respect to the Plan Change Request. Requested copies of archaeological report, geological report, landscape report and Cultural Impact Assessment from Ngāti Te Ata.</p>	<p>3 Dec 18</p> <p>20 Dec 18</p> <p>14 Mar 19</p>

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<b>Key stakeholder/ Organisation</b>	<b>Summary of Consultation</b>	<b>Date</b>
	Consultation on-going.	

## **14 CONCLUSIONS**

- 14.1 This Statutory Assessment Report has been prepared in support of a Private Plan Change Request to the AUP(OP) on behalf of Stonehill Trustees Limited.
- 14.2 The section 32 evaluation has been completed, and it concludes that the Plan Change Request will more effectively and efficiently achieve the objectives of the AUP(OP), and the purpose of the RMA, than the current provisions sought to be amended. The section 32 evaluation will continue to be refined as the Plan Change Request progresses through the various processing stages.
- 14.3 It is recommended that the Council accept the Plan Change Request.

**MCLAUGHLINS QUARRY PRIVATE PLAN CHANGE REQUEST – FURTHER INFORMATION RESPONSE UNDER CLAUSE 23 OF SCHEDULE 1 OF THE RMA**

Matters Request	Response
<b>Effects on Ecology</b>	
<p>1 Ecological value assessment of:</p> <ul style="list-style-type: none"> <li>• Wetlands</li> <li>• Intermittent streams</li> <li>• Puhinui Stream</li> </ul>	<p>The Plan Change Request includes an Ecological Survey Report, prepared by Bioresarches. The Ecological Survey Report divides the undeveloped portion of the Plan Change area into ecological assessment zones, primarily delineated by their aquatic habitats (see Figure 3 of the Ecological Survey Report). The key ecological areas are:</p> <ul style="list-style-type: none"> <li>• The main wetland</li> <li>• Wetland areas (downstream wetland and wetland drain)</li> <li>• Intermittent streams (1 and 2).</li> <li>• Constructed ponds.</li> </ul>
<p>2 Assessment of ecological effects should the Plan Change Request be granted.</p>	
<p>3 Opportunities to avoid the ecological effects</p>	
<p>4 Opportunities to mitigate the ecological effects, where avoidance is not possible.</p>	<p>The Ecological Survey Report identifies two Significant Ecological Areas (SEA) being present within the Plan Change area (the main wetland and Puhinui Creek and its margins).</p> <p>The Plan Change Request seeks a zoning change only, it does not seek to amend the objectives, policies or rules framework of the AUP(OP) as it relates to the management of natural resources. With respect to the above mentioned ecological areas, the key relevant provisions of the AUP(OP) are:</p> <ul style="list-style-type: none"> <li>• Chapter D9 Significant Ecological Areas Overlay</li> <li>• Chapter E3 Lakes, rivers, streams and wetlands (Auckland-wide provisions)</li> <li>• Chapter E15 Vegetation management and biodiversity (Auckland-wide provisions)</li> </ul> <p>The objectives and policies and rules framework set out in the above chapters of the AUP(OP) are either overlay provisions or Auckland-wide provisions that apply to all the zones. This objectives and policies framework does not generally specify a varied approach to the management of natural</p>



resources based on the different type of zoning, instead, a universal approach is applied to all the zones.

Noting that this is a Plan Change Request, a site design plan to reflect the future use of the site has not yet been developed. This is particularly difficult in light of the uncertainty of the partial removal of the Outstanding Natural Feature Overlay from the southern portion of the Plan Change area. Without having completed a development design for the site, it is not feasible to identify in detail the opportunities for avoidance, nor mitigation of ecological effects resulting from a zoning change. However, Council should have a high level of comfort that its current strategic framework as set out in the AUP(OP) provides sufficient guidance in terms of the future management of natural resources present within the Plan Change area.

In order to respond to the further information requested by Council and as per the discussions with the Council's ecologist, Melinda Rixon, potential broad ecological effects and opportunities for retention / enhancement / avoidance of ecological effects resulting from the Plan Change are set out below.

- The main wetland is the dominant aquatic habitat within the Plan Change area. The vegetation and aquatic habitats present within the wetland are detailed in the Ecological Survey Report.
- The main wetland and Puhinui Creek and its margins are subject to the provisions of Chapter 9 Significant Ecological Areas Overlay, which seeks to protect areas of significant indigenous biodiversity value in terrestrial, freshwater and coastal marine areas from adverse effects of subdivision, use and development.
- The Plan Change Request does not propose any alteration of vegetation, removal of vegetation, land disturbance or any other form of development within the Significant Ecological Areas. The provisions of the Significant Ecological Areas Overlay supersede the zone provisions, and as such, the existing protections that apply to the Significant Ecological Areas Overlay under the Quarry Zone will continue to apply within the Plan Change area under the proposed Heavy Industry Zone.
- The future development of the Plan Change area provides opportunities for the enhancement of indigenous biodiversity values within the Plan Change area by:
  - Ensuring the continued long term protection of the main wetland and Puhinui Creek via the Significant Ecological Areas Overlay being applied to these important natural resources within





		<p>the Plan Change area. This aligns with the Council’s strategic framework, which seeks to protect SEAs from adverse effects of subdivision, use and development.</p> <ul style="list-style-type: none"> <li>- The Plan Change enables the vesting of riparian reserve areas along the Puhinui Creek margins at subdivision stage, or alternatively by ensuring esplanade yards along Puhinui Creek. This provides opportunities for riparian planting within the riparian margins of the Puhinui Creek using native plants, thereby, improving water quality and enhancing biodiversity values within this important water body. This enhances ecological continuity through riparian corridors and enables pest control.</li> <li>- The Plan change provides opportunity to enable greater access to the main wetland feature and the continuation of existing walkways along Puhinui Creek margins to be enjoyed by the wider community.</li> <li>- With respect to the water levels within the main wetland, a hydrological assessment will be undertaken at the land development stage, to determine the effects of potential use of the land on the water levels within the wetland.</li> <li>- With respect to the intermittent streams and other wetland areas, the Ecological Survey Report details the vegetation and aquatic habitats present within these environments. It is recognised that the management of intermittent streams and wetland areas are important too for the protection of the natural ecology and biodiversity values. At the land development stage, the AUP(OP) provisions under Chapter E3 (Lakes, rivers, streams and wetlands), would need to be complied with, in particular as it relates to the overarching principle of maintaining, restoring or enhancing the rivers, streams and wetlands.</li> <li>- With respect to the constructed ponds within the Plan Change area, at the land development stage, there is opportunity to remove the artificial pond and restore the natural flow path and stream functions.</li> </ul>
<b>Stormwater management</b>		
5	Description of how stormwater is to be managed and how that management approach demonstrates the objectives	The Plan Change Request seeks a zoning change only, it does not seek to amend the objectives, policies or rules framework of the AUP(OP) as it relates to stormwater management.



	<p>and policies of relevant chapters of AUP, including E1.</p>	<p>The objectives and policies framework set out in Chapter E1 (Water quality and integrated management) of the AUP(OP) are Auckland-wide provisions that apply to all zones. This objectives and policies framework does not generally specify a varied approach to stormwater management based on the different type of zoning, instead, a universal approach is applied to all the zones.</p> <p>The Plan Change area is located within the area subject to the Puhinui Stream Catchment Management Plan. The Plan Change area is located within the area covered by an existing Stormwater Network Discharge Consent (for the Puhinui Stream Catchment).</p> <p>A review of Chapter E1 of the AUP, shows that the objectives are generally broad, and the policies are wide ranging in terms of what is to be considered in terms of stormwater management, and do not direct specifically towards any water management solutions. With respect to stormwater management, Policy E1.3(8) specifies that stormwater management for greenfield sites should avoid as far as practicable, or otherwise minimise or mitigate adverse effects on the environment (especially sensitive receiving environments) and apply an integrated stormwater management approach.</p> <p>At this stage of the Plan Change process, without a detailed site development plan, a stormwater management strategy for the Plan Change area will contain little information of value. However, Council should have a high level of comfort that its current strategic stormwater management framework provides sufficient guidance in terms of the future stormwater management strategy for the Plan Change area.</p> <p>Based on Council's current strategic framework, the future stormwater management approach within the Plan Change area will implement an integrated stormwater management approach, and will need to accord with the following:</p>
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		<ul style="list-style-type: none"> <li>• apply the most up to date stormwater provisions in respect of best practice;</li> <li>• be informed by the specific constraints and opportunities of the local context;</li> <li>• accord with the requirements of the Puhinui Catchment Management Plan;</li> <li>• meet the conditions of the current Network Discharge Consent; and</li> <li>• demonstrate the implementation of the objectives, policies and rules framework set out in in the AUP, in particular the provisions of Chapter E1 as it relates to generation and discharge of contaminants, effects on hydrology and fresh water systems).</li> </ul>
6	Supply information to indicate whether the existing discharge consent for the area and stormwater pond would be sufficient to meet water quality requirements for the site.	Item 6 withdrawn by Council (meeting with the applicant on 13 June 2019).
7	Advice whether any stormwater modelling has been carried out for the site, and whether flood models take account of climate change in accordance with the latest flood modelling requirements.	Item 7 withdrawn by Council (meeting with the applicant on 13 June 2019). However, it is noted that Council staff was provided with a map illustrating the results of the latest stormwater and flood modelling completed by the Council for the Puhinui Creek area.
<b>Effects on the transport environment and safety</b>		
8	A summary diagram showing the development traffic turning volumes (similar to Figure 2-5).	See Diagrams 1 and 2.
9	Modelling to take into account consented development from Puaki Drive	No response is provided to item 9 at this stage, as this matter is being further investigated by Auckland Transport.

10	Detail design for Vogler Road	Item 10 withdrawn by Auckland Transport (Email from Cath Heppelthwaite, consultant planner for Auckland Transport, dated 20 June 2019).
11	Identify land for Puhinui Crossing	See Diagram 3. It illustrates the general location of the Puhinui Creek crossing as shown in the "Roading and Bridge Application Prices Road, Puhinui Assessment of Environmental Effects" Report (dated 9 November 2018), prepared for the Southern Gateway Consortium and lodged with Auckland Council.
<b>Planning related matters</b>		
12	Clarify the reasons as to why the objectives of the proposal are the most appropriate means to achieve the purpose of the RMA.	The Statutory Assessment Report and the supporting technical reports provided to Council should be read as a holistic document. As the objectives of the zone being applied to the site have already been assessed as being the most appropriate means to achieve the purpose of the RMA, a detailed bespoke assessment is not considered necessary.
13	Advice whether any other option was considered to address objective 4.1	The Statutory Assessment Report and the supporting technical reports provided to Council should be read as a holistic document. The Statutory Assessment Report comprehensively assesses the viable options available.
14	Reasons for the selection of the preferred option.	The Statutory Assessment Report and the supporting technical reports provided to Council should be read as a holistic document. For specific considerations, please refer to Table 4-1.

**Diagram 1: Traffic Turning Volumes – PM Future**

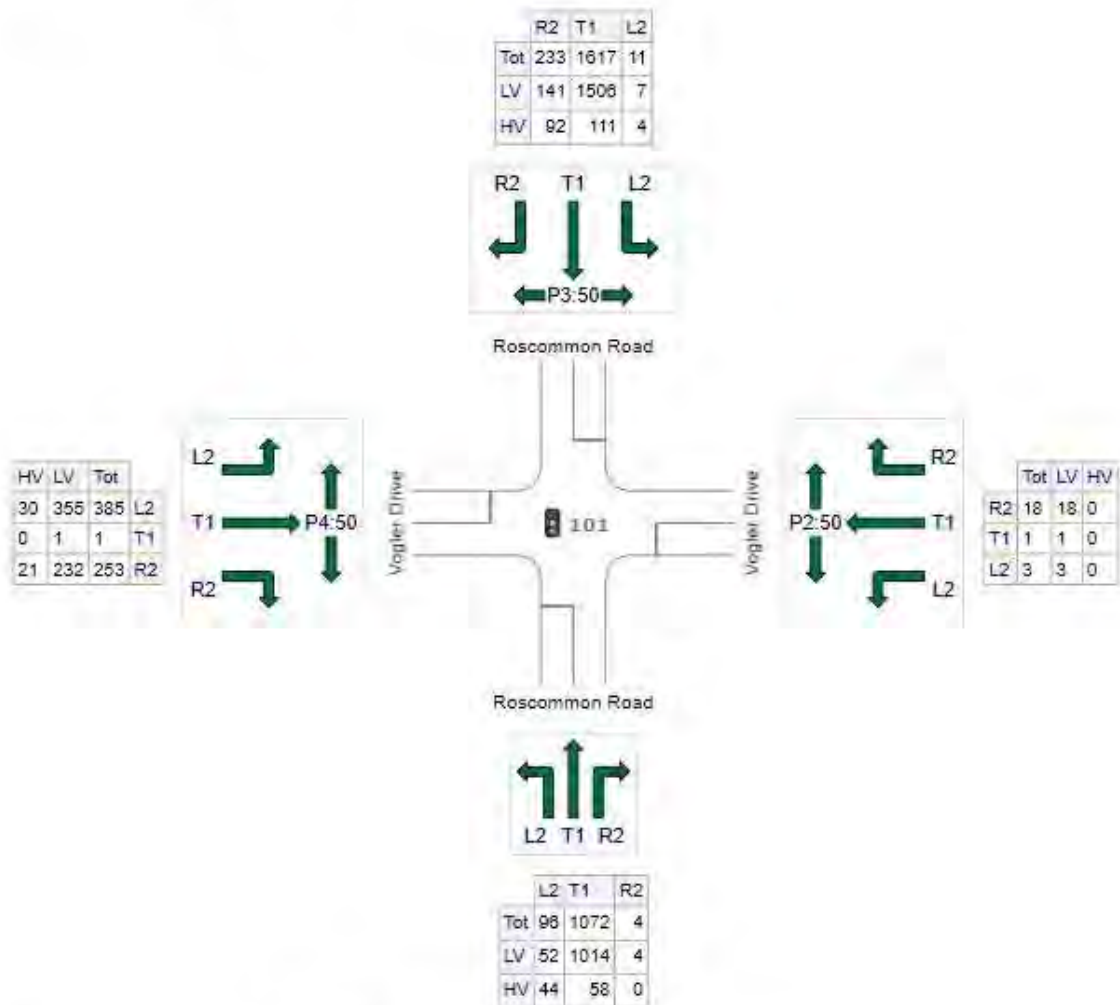
## INPUT VOLUMES

Vehicles and pedestrians per 60 minutes

**Site: 101 [Site1 - PM Future]**

New Site  
 Site Category: (None)  
 Signals - Fixed Time Isolated

Volume Display Method: Separate



	All MCs	Light Vehicles (LV)	Heavy Vehicles (HV)
S: Roscommon Road	1172	1070	102
E: Vogler Drive	22	22	0
N: Roscommon Road	1861	1654	207
W: Vogler Drive	639	588	51
<b>Total</b>	<b>3694</b>	<b>3334</b>	<b>360</b>

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## Diagram 2: Traffic Turning Volumes – AM Future

### INPUT VOLUMES

Vehicles and pedestrians per 60 minutes

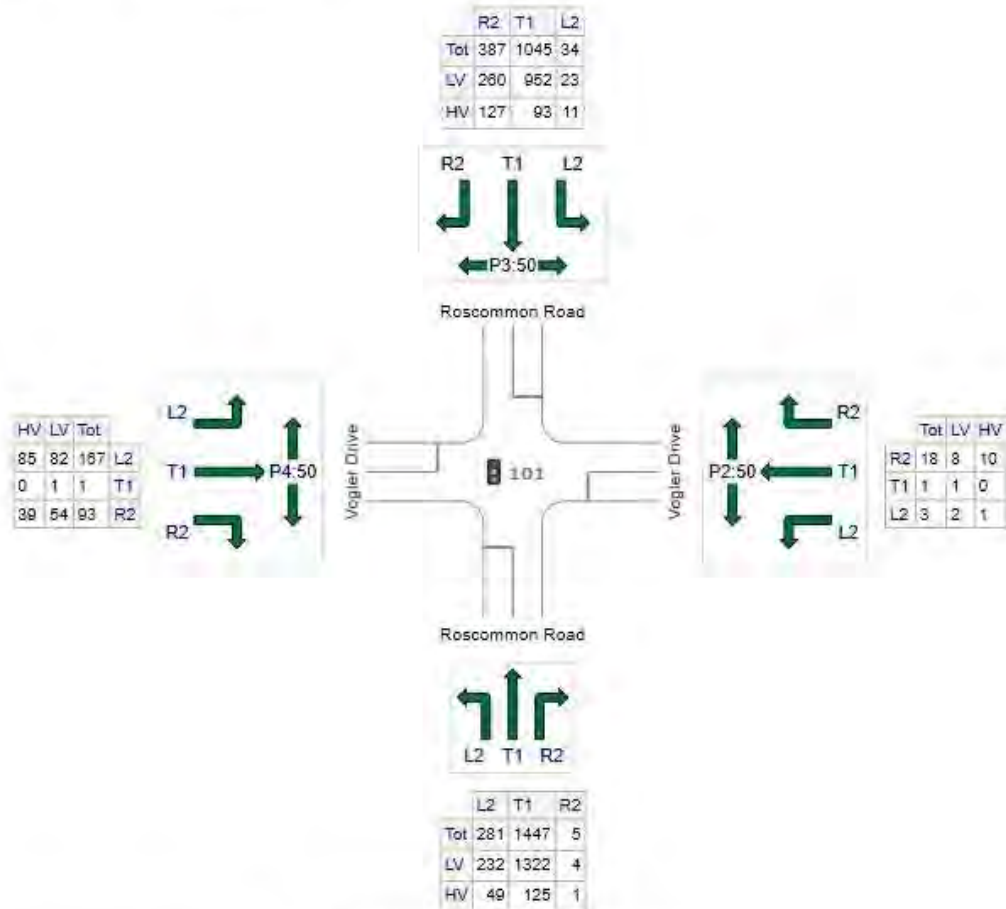
Site: 101 [Site1 - AM Future]

New Site

Site Category: (None)

Signals - Fixed Time Isolated

Volume Display Method: Separate



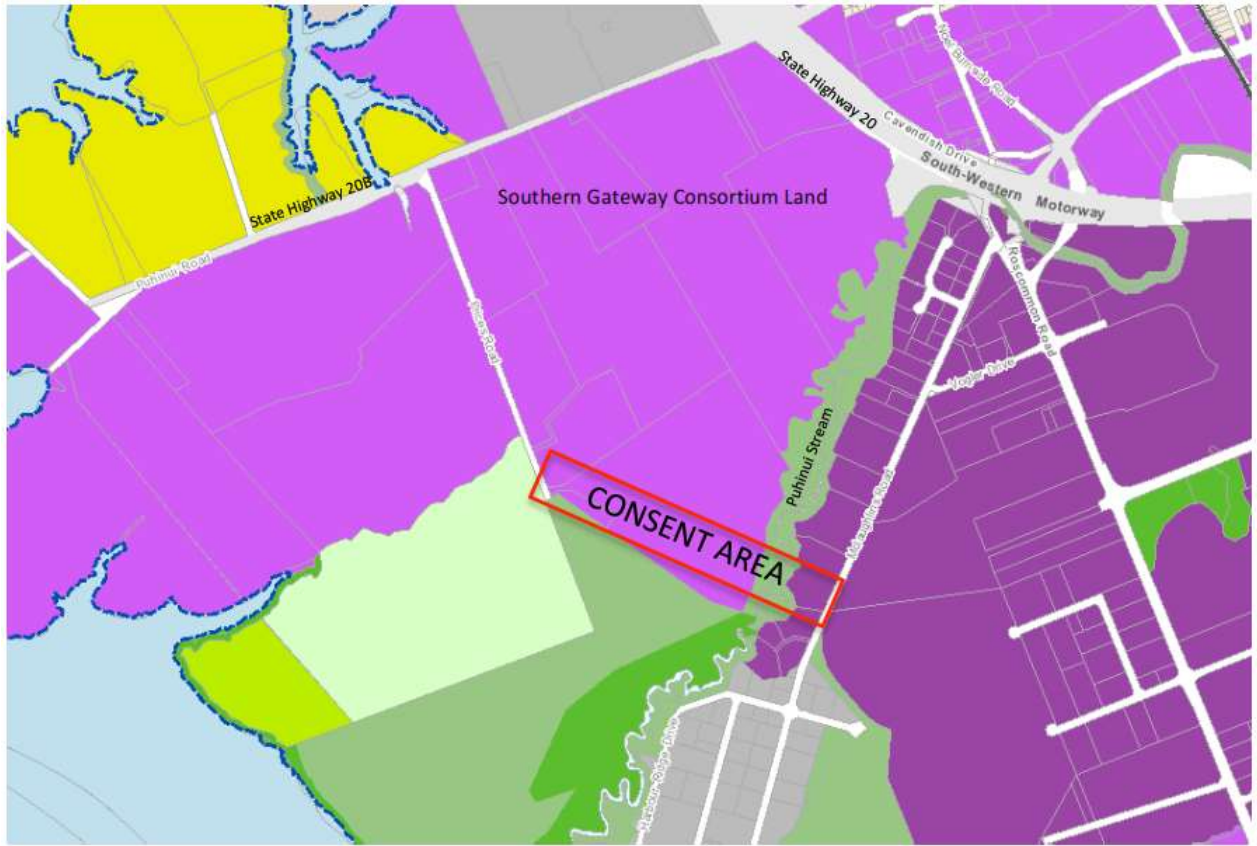
	All MCs	Light Vehicles (LV)	Heavy Vehicles (HV)
S: Roscommon Road	1733	1558	175
E: Vogler Drive	22	11	11
N: Roscommon Road	1466	1235	231
W: Vogler Drive	261	137	124
<b>Total</b>	<b>3482</b>	<b>2941</b>	<b>541</b>

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**Diagram 3: General location of the Puhinui Creek crossing**





# Stormwater Management Plan

McLaughlins Quarry Private  
Plan Change Request




## Document control

<b>Purpose</b>	Technical report to inform the McLaughlins Quarry Private Plan Change Request
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### Document

<b>Document Name</b>	Stormwater Management Plan, McLaughlins Quarry Private Plan Change Request
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### Version History

<b>Draft</b>	 November 2020
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### Approval

<b>Author of the Stormwater Management Plan – Suman Khareedi, Babbage Consultants Limited</b>		
Reviewed	Sukhi Singh, Babbage Consultants Limited	Date: November 2020
Approved		Date:

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## Introduction

*The overall purpose of the SMP is to provide guidance to the Applicant and Auckland Council on how stormwater will be managed based on a developed future land use scenario, and to support the Plan Change application.*

*The rezoning allows for a clustered development in the western half of Sub-area B minimising the land disturbance to preserve the outstanding natural features, and SEAs in the area. The result of the above is an effective balance of protected and enhanced natural environments and associated ecosystem services to support the proposed development, which is the objective of the Auckland Council's GD05.*

*The SMP is consistent with Councils policies and plans. Non-statutory policy and planning documents are also considered.*

This Stormwater Management Plan (SMP) has been prepared to support the McLaughlins Quarry Private Plan Change Request. The proposed Wiri Precinct is located in the Wiri Industrial area and is the site of the former McLaughlins Quarry. By 2009, all quarrying activities had ceased, and the quarried area has been rehabilitated to enable the establishment of industrial activities.

The purpose of the proposed Wiri Precinct is to enable the transition from quarry to industrial activities, while recognising the important cultural, ecological, and geological values present within the Precinct.

The Plan Change area consists of two distinct portions: Areas A and B. Area A is located on the footprint of the backfilled quarry. Area A is currently in the development phase, in accordance with land use and subdivision resource consents granted by the former Manukau City Council and Auckland Council to enable the establishment of business uses. The types of businesses already established within Area A can generally be described as industrial activities.

Area B, which is 7.35ha in area, is greenfield land located at 79 McLaughlins Road. Area B is bound by Harbour Ridge Drive in the north, Puhinui Creek in the west and south, and the Matukuturua Stonefields (lava fields) site to the east.

Area A (20.27ha in area) is serviced by a comprehensive stormwater management system comprising of a pipe network and a stormwater treatment device by way of a StormFilter that is designed to treat runoff from an area of 26.96ha that is industrial in land use. This stormwater management system was consented in November 2011 as a part of the Stage 2 of the development (Stormwater Discharge Consent No. 39328). As the Plan Change Request is to rezone Area A consistent with its current land use, the current stormwater management is deemed appropriate and adequate. Therefore, the focus of Stormwater Management Plan is on Area B.

## Purpose

The overall purpose of the SMP is to provide guidance to the Applicant and Auckland Council on how stormwater will be managed based on a developed future land use scenario, and to support the Plan Change application.

The SMP is consistent with Councils policies and plans. Non-statutory policy and planning documents are also considered.

## The scope of the SMP

The scope of this SMP is to:

- Detail proposed stormwater management for development of the Plan Change Area B.
- Demonstrate how stormwater management related expectations under the AUP and Auckland Council's Stormwater Network Discharge Consent have been met. B.

## Outcomes of the SMP

The outcomes sought by the SMP are:

- An integrated stormwater management approach
- A water sensitive treatment framework that manages and mitigates the impact of land use change from Quarry Zone to industry use
- Provide for the enhancement of the Puhinui Stream environments
- Identify flood risk areas and ensure any development is located outside the floodplain
- A set of Best Practicable Options (BPO) for stormwater that can be applied to the development.

## Network Discharge Consent (NDC)

Auckland Council obtained a Region-wide Network Discharge Consent to authorise the diversion and discharge of stormwater. The area covered by the NDC includes all future urban zoned land. The preparation of a SMP is a direct requirement of the NDC for any activity seeking to utilise or fall within parameters of the NDC by having the SMP "adopted" into the NDC framework. In relation to a notified Plan Change, the NDC requires that a SMP can only be adopted if a SMP has been prepared to support the notified Plan Change and the Plan Change must be consistent with that SMP (condition 13b). This SMP has been prepared to support the Private Plan Change Request for the rezoning of land known as the proposed Wiri Precinct.

# 1 Site Description

## 1.1 Summary of data sources and dates

Existing site appraisal item	Source and date of data used
Topography	<ul style="list-style-type: none"> <li>Auckland Council Geomaps</li> </ul>
Geotechnical / soil conditions	<ul style="list-style-type: none"> <li>Geotechnical Feasibility Assessment (Technical Report 3), dated 29 November 2018, prepared by Tonkin and Taylor</li> <li>Geological Evaluation of outstanding natural feature: Matukutūreia and Matukuturua Lava Field and Tuff Ring (Technical Report 6), dated February 2019, prepared by Shane Cronin of the University of Auckland</li> <li>Babbage geotechnical site assessment of 8 October 2020.</li> </ul>
Existing stormwater network	<ul style="list-style-type: none"> <li>Plans approved in the Resource Consent Decisions numbers 33887, 39194 and 51522 SP 12591.</li> <li>Auckland Council Geomaps</li> </ul>
Existing hydrological features	<ul style="list-style-type: none"> <li>Wetland Hydrological Assessment, dated 9 November 2020, prepared by Lobo Coutinho, Babbage.</li> </ul>
Stream, river, coastal erosion	<ul style="list-style-type: none"> <li>Geotechnical Assessment of the stream bank completed by Babbage, September 2020</li> </ul>
Flooding and flowpaths	<ul style="list-style-type: none"> <li>Auckland Council Geomaps</li> <li>Babbage site assessment of 15 September 2020</li> </ul>
Coastal Inundation	<ul style="list-style-type: none"> <li>Auckland Council Geomaps</li> </ul>
Ecological / environmental areas	<ul style="list-style-type: none"> <li>Ecological Survey Report for McLaughlins Quarry Private Plan Change Request, November 2020 by Treffery Barnett, Bioresearches</li> </ul>
Cultural and heritage sites	<ul style="list-style-type: none"> <li>Cultural Impact Assessment Ngāti Te Ata Waiohua (Technical Report 8)</li> <li>Cultural Values Assessment Te Ākitai Waiohua (Technical Report 9)</li> <li>Archaeological Assessment Report (Technical Report 4)</li> </ul>
Contaminated land	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>



## 1.2 Location and general information

The area subject to the Plan Change Request is the site of the former McLaughlins Quarry located in the Wiri industrial area. The Plan Change area is located at the southern end of McLaughlins Road.



**Figure 1: Location of the Plan Change Area**

The Plan Change area (refer Figure 2) is located within the general proximity of the Puhinui peninsula area. The local area is characterised by low lying, varied and gently undulating terrain located on the edge of the Manukau Harbour. Puhinui Creek adjoins the southern and western boundaries of the Plan Change area. Puhinui Reserve, at the edge of the Manukau Harbour, is located to the south-west of the Plan Change area.





**Figure 2: Area subject to the Plan Change Request**

The Plan Change area consists of two distinct portions: Areas A and B (Figure 3).

Area A is located on the footprint of the backfilled quarry. Area A is currently in the development phase, in accordance with land use and subdivision resource consents granted by the former Manukau City Council and Auckland Council to enable the establishment of business uses. The types of businesses already established within Area A can generally be described as industrial activities.

Area B, which is 7.35ha in area, is greenfield land located at 79 McLaughlins Road. Area B is bound by Harbour Ridge Drive in the north, Puhinui Creek in the west and south, and the Matukuturua Stonefields (lava fields) site to the east.

Area A (20.27ha in area) is serviced by a comprehensive stormwater management system comprising of a pipe network and a stormwater treatment device by way of a StormFilter that is designed to treat runoff from an area of 26.96ha that is industrial in land use. This stormwater management system was consented in November 2011 as a part of the Stage 2 of the development (Stormwater Discharge Consent No. 39328).

Therefore, the focus of Stormwater Management Plan is on Area B.



**Figure 3: Sub-areas A and B within the Plan Change Area**

### 1.3 Topography

From Harbour Ridge Drive, which forms the northern extent of Area B, the land generally falls to the south-southeast. To the west, the property is bounded by Puhinui Creek, with stream banks around 5 to 9 m in height. Puhinui Creek turns eastward and forms the southern property boundary. The eastern property boundary is marked by a fenceline.

The landform includes a ridge, parallel and adjacent to, Harbour Ridge Drive that is approximately 50 m wide. South of this ridge, there is a wetland to the east and undulating ground to the west. The eastern property boundary fenceline dissects the wetland into two halves. A rectangular erosion and sediment control pond constructed during the quarry operations lies below the ridge in a western central part of the site.

The slopes adjacent to Puhinui Creek reduce with height towards the Manukau Harbour to the south. The slopes themselves are typically oversteep, with evidence of surface instability along the bank.

The land to the east of Area B is 58 McLaughlins Road which is a lava field. A prominent feature of the lava fields is the McLaughlins Mountain (Matukutūreia) that is situated at the tip of this triangular piece of land. The lava field extends from McLaughlins Mountain to the south-west and south-east to the edge of the Puhinui Creek. It is characterised by a rolling hummocky landform predominantly covered in grassland. Distinctive features in this land include the widespread remnant gardens, with mounds, boundary walls and former settlement sites.



The western part of this lava field slopes from the peak of McLaughlin's Mountain towards the wetland.



Figure 4: The terrain (compares 2006 contours from Auckland Council GeoMaps and 2014 contours from Euroclass survey)

## 1.4 Geotechnical

The Site is located adjacent to McLaughlin's Mountain. The Geotechnical Feasibility Assessment Report states that the site is underlain by lithic tuff to the south (Area B), and basalt and basanite lava to the north (Area A). The geological conditions observed at the site during the construction within Area A were generally consistent with the published geological conditions, with a mixture of volcanic deposits visible.

During the construction of Harbour Ridge Road, exposures of natural volcanic deposits were observed. These deposits were interpreted to generally be poor quality basalt and volcanic deposits.

From the geomorphology of the Site and the observations during the development of Area A, the Site is assessed to generally comprise of general volcanic deposits, possibly with isolated thin lenses or flows of basalt.

### 1.4.1 Area B

The geomorphology and site observations suggest that the materials at the site are predominantly natural materials in their original state. Limited amounts of fill are present. The landform suggests that any filling that has been undertaken is likely to be restricted to the area around the ridge to the south of Harbour Ridge Drive.

Area B has limited potential for infiltration and that may be present will be problematic to locate, discontinuous and be insufficient to use infiltration as a method of flow mitigation. Besides, the soils observed on the site have poor infiltration rate. Infiltration of stormwater on the site has the potential of raising the groundwater that could lead to seepages on the banks of the Puhinui Creek adversely affecting slope stability.

#### **1.4.2 Wetland**

In the Geological Evaluation Report, Dr Shane Cronin states that the wetland in the eastern side of the site is an explosion creator formed more than 15,000 years ago by a single stream, or gas-driven explosion with no magma involved. According to the literature review completed by Dr Cronin, the wetland consists of sediment deposits and a 90cm thick peat layer. As peat has poor hydraulic conductivity, there is no significant discharge to groundwater from the bottom of the wetland.

#### **1.4.3 Slope Stability**

The slopes adjacent to Puhinui Creek are typically oversteep along the western boundary of Area B. These reduce in height towards the Manukau Harbour to the south. There are a number of locations with evidence of surface instability along the bank. One such slip site is along the southern boundary of the site (Figure 5).

It exposes a poorly sorted deposit with no bedding comprising blocks of sedimentary rock along with rare dense basaltic lava blocks set within a matrix of mud-sand. The bulk of the materials within this are derived from non-volcanic shallow sediments/rock characteristic common to this general area. There are no scoria-like fragments present.

Another noticeable site of landslide (slip) along the banks of the Puhinui Creek is present at the north-western corner of Area B adjacent to the stormwater outfall within Area A.

The Geotechnical Feasibility Assessment Report found no evidence of deeper instability. The existing instability on the stream face was assessed as superficial and not representing deep-seated instability that extends back significantly from the face. Following the preliminary geotechnical assessment of the site, Tonkin and Taylor's view was that the risk of instability could be addressed through the design of structures with setbacks, or by engineering works to either stabilise or protect the land adjacent to the stream. Besides, our site assessment has identified that this instability of the slope pre-existed the stormwater structure. It also confirmed that outfall was not causing scour at this location.

Our review of the historic photographs of the site available on from Retro Lens and the Auckland Council GeoMaps indicate the following:



**Figure 5: Annotated 2017 Aerial Photo (from Auckland Council Map Viewer), showing the outer margin of deposits from the Matukuturua Crater, with crater itself below swamp/water.**

1. The currently visible sites of bank instability predate 1939 (Figure 6), i.e., the outfall structure. The current outfall is not causing downstream scour or erosion.
2. The riparian planting undertaken by Euroclass between 2011 and 2015 has stabilised a part of the slip adjacent to the existing stormwater outfall (Figure 9).



**Figure 6: Photo of 1939**



**Figure 7: Photo of 1960**





**Figure 8: Photo of 2001 (source Auckland Council Geomaps)**



**Figure 9: Photo of 2017 (source Auckland Council Geomaps)**

## 1.5 Existing drainage features and stormwater infrastructure

Area A is serviced by a comprehensive stormwater management system comprising of a pipe network and a stormwater treatment device by way of a StormFilter that is designed to treat runoff from an area of 26.96ha. The existing outfall and the StormFilter are located to the north-west of Area B. Area B itself is largely undeveloped. The development that has occurred within Area B comprises of the following:

1. Placement of fill material to the south of Harbour Ridge Drive that is currently forming a ridge.
2. Construction of a sediment control pond circa 2010 as a part of developing Area A. This pond has been left on-site without backfilling despite not using it since circa 2012.
3. Construction of a subsoil drain pipe to discharge groundwater from Harbour Ridge Drive to the intermittent drain in the centre of the site. This drain in turn discharges flows to the sediment control pond.

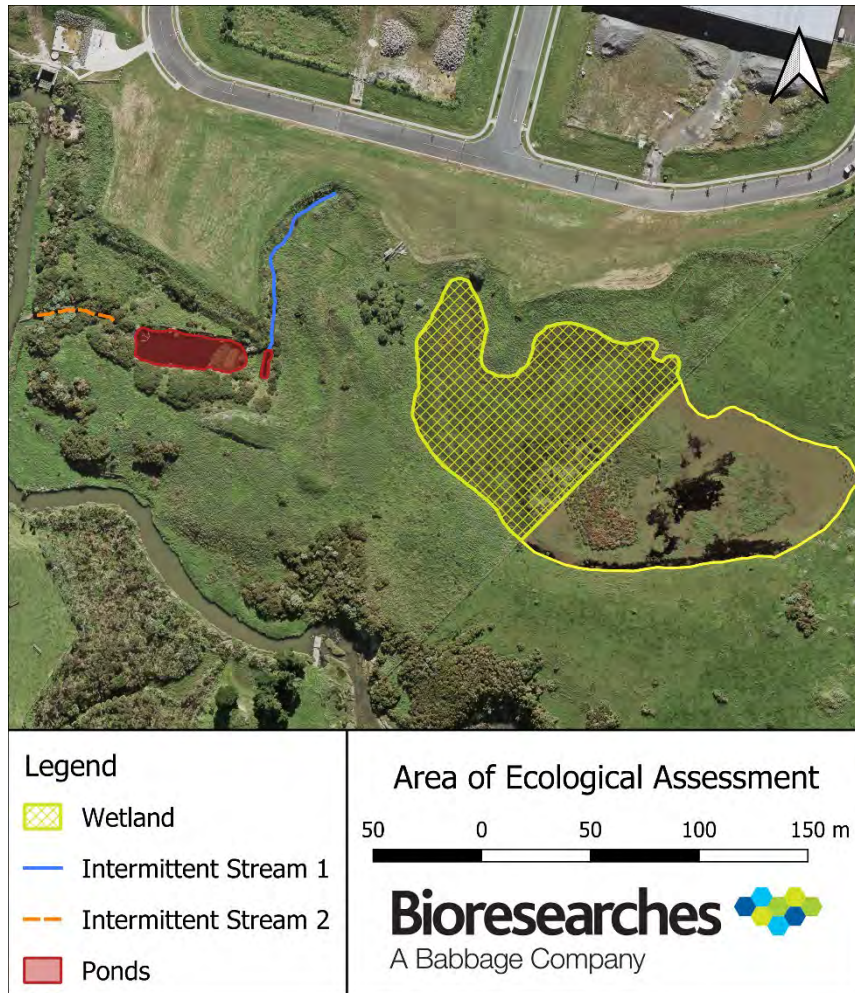
Our site inspection also revealed remnants of historic public infrastructure - a 225mm concrete pipeline near the existing outfall and a remnant 150mm steel pipe bridge near the remnant pedestrian bridge. Our review of the historic aerial photos of the site suggests these pipes were decommissioned more than 20 years ago.

As such, the existing drainage features in Area B comprises of overland flowpaths, drains and intermittent streams. The current drainage features in Sub-area B comprise of the following:

1. A wetland that dominates the eastern half of the site
2. An intermittent drain that extends from a 150mm corrugated PE subsoil drain
3. An intermittent drain at the bottom of the defunct erosion and sediment control pond

Area B generally slopes from the north-eastern corner to the south-western corner. The land south of the ridge parallel to the Harbour Ridge Drive also drains to the wetland as sheet flows. The overflows from the wetland drain to Puhinui Creek via an overland flow path shown in Figure 14. The land south of the wetland drains directly to the Puhinui Creek.

Rest of the land drains to the intermittent drains in Area B or directly to Puhinui Creek. A 150mm corrugated PE subsoil drain drains to the intermittent drain upstream of the defunct sediment control pond.



**Figure 10: Locations of the existing drainage features**

The existing StormFilter and the outfall are of particular relevance to the rezoning of Area B. The documents forming part of the resource consent applications for the development of Area A confirm the following:

1. The StormFilter is designed to service a total area of 26.961ha. As Area A is 20.27ha in area, it is capable of servicing approximately 6.69ha of Area B.
2. The existing outfall comprises of an energy-dissipating ‘drop’ manhole and a gabion/riprap structure. It is designed to discharge the peak design outflow at a relatively low flow velocity of 0.82m/sec. As such, it is designed to mitigate the risk of erosion at the outfall even after taking post-development discharge from 6.69ha of Area B.

### 1.6 Receiving environment

The drainage features of Area B comprise of the following:

1. A wetland that dominates the eastern half of the site



2. An intermittent drain that extends from a 150mm corrugated PE subsoil drain
3. A second intermittent drain at the bottom of the defunct sediment control pond

There receiving environment for all of the above drainage features is the Puhinui Creek. The wetland overflows infrequently. Stormwater that drains to it from the adjoining lava fields is detained in the wetland for extended periods. As such, we have discussed this wetland as a receiving environment.

Both receiving waterbodies are identified to be Significant Ecological Areas (SEA):

- SEA\_T\_8443 is located over the wetland. The factor/s for determination of the SEA over the wetland is number 2, threat status and rarity.
- SEA\_T\_612, located dominantly over the Puhinui Creek and the riparian margin of the creek. The factor/s for determination of the SEA for Puhinui Creek are numbers 2 and 4, threat status and rarity; and stepping-stones, migration pathways and buffers.



**Figure 11: Extents of the SEAs**

### 1.6.1 Wetland Ecology

The Ecological Survey Report details the freshwater habitats within the Plan Change area. The wetland has exotic pasture species around the edges, but the wetland, itself comprises of primarily of native vegetation, including raupō (*Typhae orientalis*) and lake club rush, kāpūngāwhā (*Schoenoplectus tabernaemontani*), but mostly the native willow weed (*Persicaria decipiens*) giving it a high ecological value.

### 1.6.2 Puhinui Creek Ecology

The AUP(OP) has a SEA overlay that extends over the section of the Puhinui Stream adjacent to McLaughlins Quarry and the intermittent drain downstream of the sediment control pond in Area B. This is because this section of the Puhinui stream is identified to be a migratory pathway for indigenous fish species.

Graded banks/floodplains are ideal Ininga spawning habitats. Puhinui Creek has incised banks making it not a good Ininga spawning habitat. Under moderate flows, there is approximately 0.6m of a drop from the bank to the water. Water levels reach the flood plains under infrequent storm events. Besides, there is no connectivity between the riparian vegetation and the stream water. Therefore, it provides poor quality Ininga spawning habitat.

### 1.7 Existing hydrological features

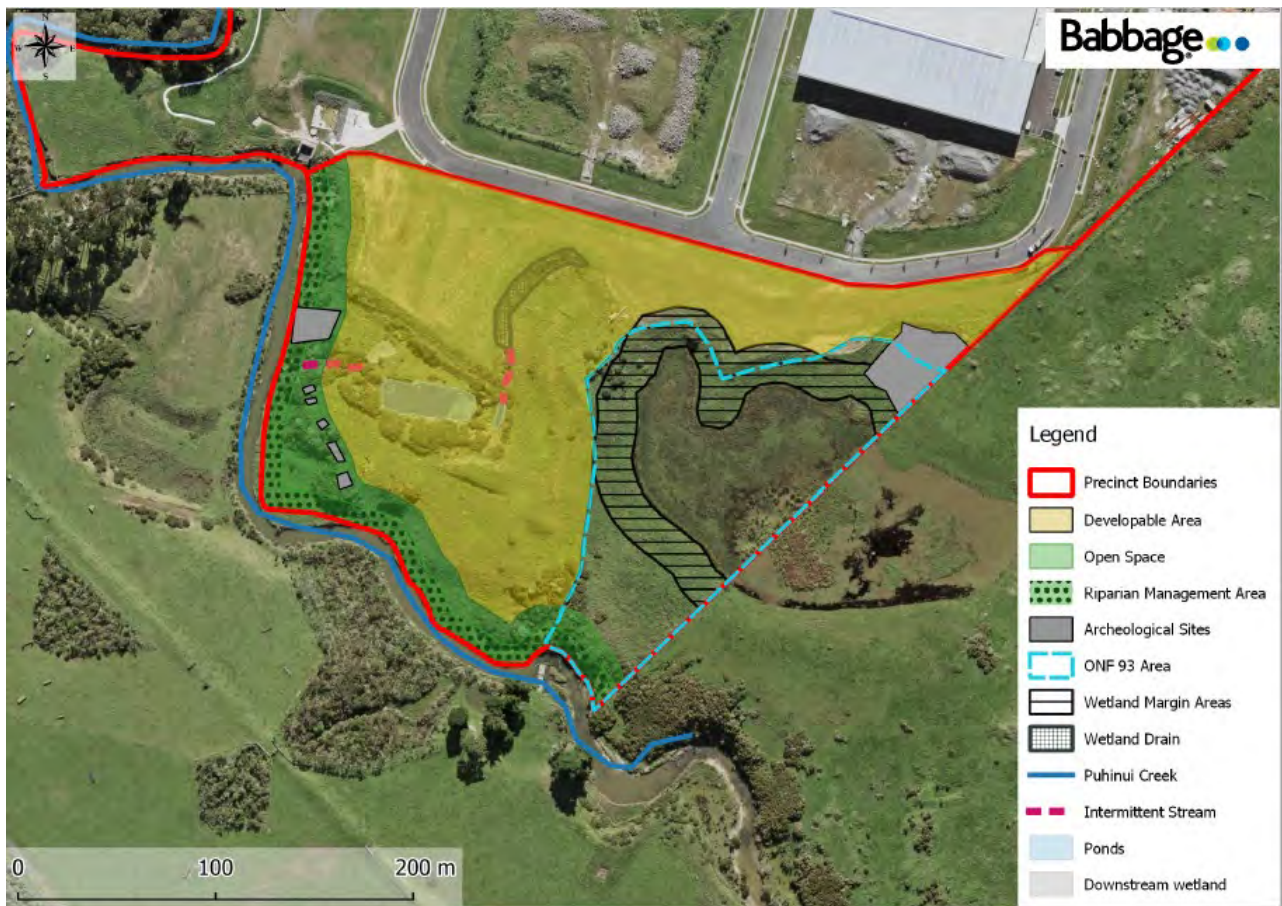


Figure 12: Site Hydrological Features

The most prominent hydrological features in the wetland in the eastern half of the Site. The other features of Area B are the followings:

- Intermittent drain both upstream and downstream of the above the constructed sediment control pond
- An intermittent drain downstream of the sediment control pond that water from the pond to the Puhinui Creek. This is a remnant section of the overland flow path that existed in this location.



Based on climate and weather data from NIWA , the Wetland directly receives about 20,000m<sup>3</sup> of stormwater per year, being 17,000m<sup>3</sup> of direct rainfall and 3,000m<sup>3</sup> of runoff from the contributing catchment. A review of the contour plans indicates that the wetland will overflow to the Puhinui Creek when the volume of water retained is above 20,000m<sup>3</sup> (storage volume of the wetland). Therefore, the wetland overflows only during prolonged periods of intense rainfall. As such, the wetland provides substantial storage during more frequent storm events.

## 1.8 Flooding and flowpaths

Figure 13 shows the overland flow paths through Area B as identified in the Auckland Council GeoMaps. The current overland flow paths are largely as shown in the Auckland Council GeoMaps. The development undertaken sometime between 2012 and 2015 around the ridge to the south of Harbour Ridge Drive has,

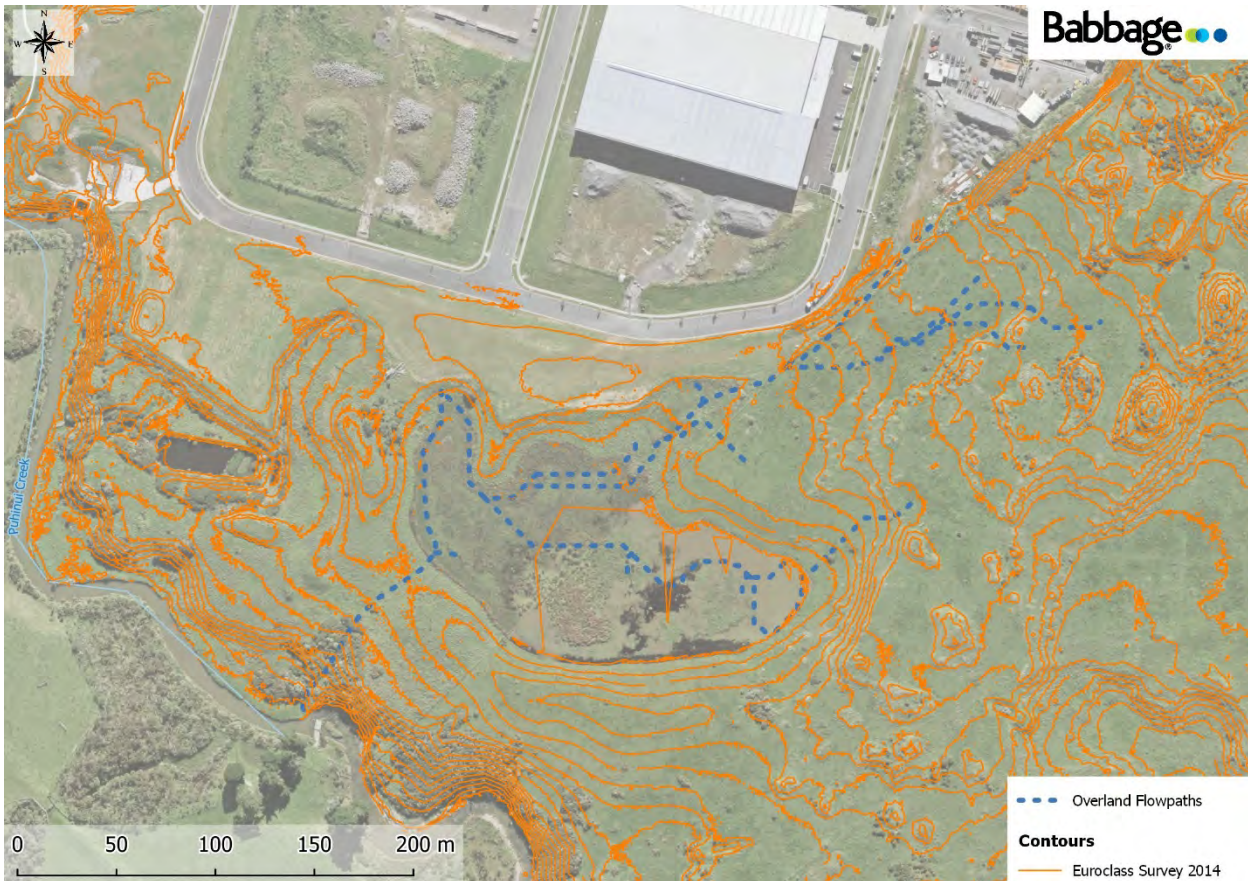
1. Diverted two minor overland flow from Area A down Harbour Ridge Drive to the western end.
2. Amended the overland flow path that conveyed overflows from the wetland to Puhinui Creek via the intermittent drain.



**Figure 13: Overland flow paths and extents of coastal inundation**

The actual overland flow paths that currently exist in Area B is as shown in Figure 14.





**Figure 14: Present overland flow paths inferred from review of contour maps and site visits**

The western part of this lava field slopes from the peak of McLaughlins Mountain towards the natural wetland. This slope forms one of the major overland flows in the area that ends in the wetland. It is the primary source of water for the wetland. We have estimated approximately 7ha of this lava field (including the area of the wetland itself) to drain to the natural wetland. This overland flow path enters Area B across the boundary fence approximately 19m south of Harbour Ridge Drive.

### 1.9 Coastal inundation

Coastal inundation 1% AEP plus 1m extents as shown in the Auckland Council GeoMaps is in Figure 15. The mouth of the Puhinui Creek is immediately downstream of Area B. The edge of the coastal marine area (CMA)/river boundary point is approximately 100m downstream of the Site boundary. From a review of the site contours on the Auckland Council GeoMaps, the coastal inundation adjacent to the Area B extends up to approximately the 4.5m contour. In the CMA, the coastal inundation appears to extend up to the 4.0m contour. The developable land in Area B is at an elevation of 10.0m RL or higher. The Auckland Council GeoMaps also shows the habitable floors to be outside the coastal inundation extents by a substantial height difference. As such, the downstream land is not at the risk of flooding because of the potential development in Area B.



**Figure 15: Extent of Coastal Inundation and the boundary of the CMA**

## 1.10 Biodiversity

### 1.10.1 Vegetation

The vegetation of the intermittent drain adjacent to Puhinui Creek that lies downstream of the defunct sediment control pond is classified as VS3- Mānuka, kānuka scrub (Singers et al., 2017). Neither mānuka nor kānuka were seen within the SEA however, there was some mānuka recorded near the constructed pond area. The present vegetation in this area predominantly comprises of Woolly Nightshade and Gorse.

Although native species are present in most zones, exotic pasture species dominated the majority of the sites. Gorse (*Ulex europaeus*) and pampas (*Solanum mauritianum*) also has a strong presence across the Site. With the exception of the wetland, the botanical value of all the zones is low.

### 1.10.2 Aquatic habitats

The dominant aquatic habitat on the site is the wetland. The wetland has exotic pasture species around the edges, but the wetland, itself comprises of primarily of native vegetation, including raupō (*Typhae orientalis*) and lake club rush, kāpūngāwhā (*Schoenoplectus tabernaemontani*), but mostly the native willow weed (*Persicaria decipiens*) giving it a high ecological value.

Adjacent to the intermittent stream upstream of the defunct sediment control pond, the vegetation is dominated by pasture and herbaceous weed species. This area is of very low/negligible freshwater quality ecologically, with no shading, no water temperature control,



and no aquatic habitat connectivity upstream and very limited connectivity downstream (to old sediment control pond).

The intermittent stream downstream of the defunct sediment control pond is steep and rocky in the upper reaches, with high shading from dense weedy riparian vegetation and flattened out and widened downstream near its confluence with the Puhinui Creek. The lower reaches of this intermittent stream is within the Puhinui Creek riparian SEA.

### **1.10.3 Native freshwater fish**

Native freshwater fish were not specifically assessed for on the site due to the limited fish habitat, presence of total barriers to fish passage throughout the site, lack of safe access to the large pond and isolation of the habitats.

The aquatic habitats are likely to support native eels (*Anguilla australis* and *A. dieffenbachii*), as in the right conditions these fish will travel overland to suitable habitats, and it is possible that banded kōkopu (*Galaxias fasciatus*) and redfin bully could be present in the lower intermittent stream habitat. The outlet from the defunct sediment control pond provides a total barrier to fish passage.

### **1.10.4 AVIFAUNA**

Avifauna was recorded opportunistically during the ecological assessment completed by Bio researchers. With the exception of an Australasian bittern, which laboriously took flight from the wetland during this assessment, the avifauna that occurred on the property was of low diversity, consisting of common species typically associated with rural and open pasture environments.

### **1.10.5 HERPETOFAUNA**

Herpetofauna (reptiles and amphibians) comprise a significant component of New Zealand's terrestrial fauna. Onsite visual inspection indicated that leaf litter, undergrowth and wooden debris suitable for skink habitat was very sparse throughout the property. A desktop habitat assessment revealed little significant suitable habitat for lizards and the overall habitat value for herpetofauna within the site was considered very low.

## **1.11 Cultural and heritage sites**

### **1.11.1 Archaeological Sites**

The archaeological sites in the vicinity of Area B is shown in Figure 16.

Archaeological site, R11/47 have been excavated previously. A patch of basalt stones in the northeast corner near the wetland may contain either evidence of Maori gardening or habitation, or be remnants of European farming.

Archaeological site, R11/1632, a small habitation site near the Puhinui Creek has a range of features associated with Maori occupation including midden and storage pits and is probably a small settlement. It is considered to be of moderate archaeological value in terms of the information it could provide relating to Maori settlement. R11/910, a midden,

has not been relocated in recent years and is almost certainly part of site R11/1632, which is more extensive and defined.

Archaeological site, R11/911 (stone fish traps) is located within the Puhinui Stream, outside the plan change project area, however, its scheduled Extent of Place in the AUP(OP) planning maps extends into the southern corner.

A details assessment of the above sites can be found in the Archaeological Assessment report included as Technical Report 4 in the plan change documentation.

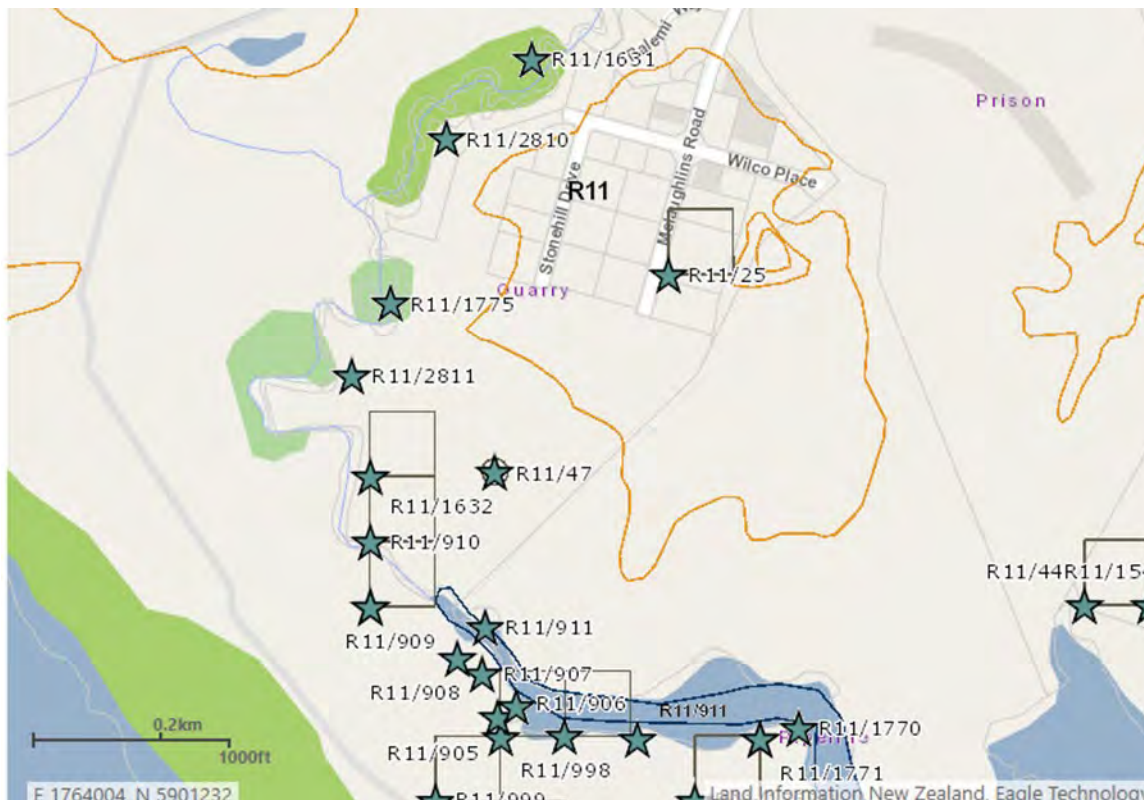


Figure 16: Recorded archaeological sites around the quarry (NZAA ArchSite 2018)

### 1.11.2 Cultural aspects

The cultural aspects that are relevant to stormwater management are the indirect adverse impacts have the potential to occur from both construction and operation. These include erosion resulting from vegetation clearance; indirect impacts to the quality and mauri of the Manukau Harbour, and changes to the presence or behaviours of indigenous animals arising from the secondary impact of habitat removal and modification.

### 1.12 Contaminated land


The geomorphology and site observations suggest that the materials at the site are predominantly natural materials in their original state. Limited amounts of fill are present. A review of the historical aerial photographs suggests the area was pastoral in use since 1939. As such, there are no known sites of contamination in Area B.



## 2 Development summary and planning context

### 2.1 Regulatory and design requirements

A summary of the existing Regulatory Requirements is provided in the table below.

Requirement	Relevant regulatory / design to follow
Unitary Plan – SMAF hydrology mitigation	<ul style="list-style-type: none"> <li>• None</li> </ul>
High Contaminant Generating Areas	<ul style="list-style-type: none"> <li>• Chapter E9 of the AUP will be relevant at the land development stage, given that industrial buildings generally utilise car parks and manoeuvring areas that are likely to meet the threshold for this activity. The provisions of Chapter E9 are noted and utilised in BPO for stormwater management.</li> </ul>
Natural Hazards	<p>Chapter E36 of the AUP sets out the provisions relating to natural hazards and flooding. Auckland Council's GeoMaps (Figure 17) indicates overland flow paths and the 1 per cent annual exceedance probability (AEP) floodplain are present with Area B. The provisos of Chapter E36 are used to inform the BPO for stormwater management.</p>
	
<p>Figure 17: Auckland Council GeoMaps</p>	
Auckland Unitary Plan Precinct	<ul style="list-style-type: none"> <li>• The proposal is to add new Wiri Precinct into Chapter I Precincts (South).</li> <li>• Relevant proposed policies include: <ul style="list-style-type: none"> <li>○ Policy I4.3(2) – <i>Require buildings to be located outside parts of the Wiri Precinct that are identified as having important cultural, archaeological, ecological and geological values.</i></li> </ul> </li> </ul>

Requirement	Relevant regulatory / design to follow
	<ul style="list-style-type: none"> <li>○ Policy 14.4(3) – <i>Require planting of native vegetation along the riparian margins of Puhinui Creek.</i></li> <li>● Policy 14.4(4) – <i>Require planting of appropriate vegetation within the wetland margin areas (of SEA_T_8443) having regard to the wetland's hydrological and ecological functions, and the status of the wetland as an Outstanding Natural Feature.</i></li> </ul>
Existing Catchment Management Plan	<ul style="list-style-type: none"> <li>● Puhinui Creek Catchment Management Plan.</li> </ul>
Auckland Council Regionwide Network Discharge Consent (NDC)	<ul style="list-style-type: none"> <li>● Regional Stormwater Discharge Consent No. 39328 is applicable.</li> <li>● Developers who wish to have the stormwater diversion and discharge associated with their proposal authorised by the NDC need to demonstrate that performance requirements under Schedule 4 are met.</li> <li>● The connection requirements for Greenfields are applicable to this proposal.</li> <li>● Integrated stormwater management approach in accordance with the policies in the AUP sections E1.3, B7 and B8 to: <ul style="list-style-type: none"> <li>○ Minimise stormwater related effects</li> <li>○ Retain/restore natural hydrology as far as practicable</li> <li>○ Minimise generation and discharge of contaminants and stormwater flows at source</li> <li>○ Minimise temperature related effects</li> <li>○ Enhance freshwater systems, including streams and riparian margins</li> <li>○ Minimise the location of engineered structures in streams</li> <li>○ Protect the values of SEAs as identified in the AUP</li> </ul> </li> <li>● WATER QUALITY: Where discharge is to degraded or sensitive aquatic environment, treatment of all impervious areas by water quality device designed in accordance with GD01/TP10. Schedule 4 identifies streams as sensitive aquatic environments, and figure B7.4.2.1 identifies the Manukau Harbour as a degraded environment (Coastal Degraded 2).</li> <li>● STREAM HYDROLOGY: Where discharge is to a stream via public stormwater network, achieve equivalent hydrology to pre-development.</li> <li>● Alternatives to water quality or stream hydrology measures may be determined through a SMP that</li> </ul>

Requirement	Relevant regulatory / design to follow
	<p>applies Integrated stormwater management approach; meets Schedule 2 of the NDC; and is the best practicable option.</p> <ul style="list-style-type: none"> <li data-bbox="695 394 1422 517">• FLOODING: Ensure sufficient capacity within pipe network to cater for a 10% AEP event; for 1% AEP events, develop to the Stormwater Code of Practice and accordance with SMP.</li> <li data-bbox="695 539 1422 734">• ASSETS: New assets to become part of public network to meet required level of service for life of asset. Vesting is subject to any required approvals under Stormwater Bylaw, and the Stormwater Code of Practice. Assets in the road corridor require approval from Auckland Transport.</li> </ul>

### 3 Mana whenua matters

#### 3.1 Identification and incorporation of mana whenua values

With respect to mana whenua matters, the Plan Change documentation includes the following two reports:

- Technical Report 8: Cultural Impact Assessment Ngāti Te Ata Waiohua
- Technical Report 9: Cultural Values Assessment Te Ākitai Waiohua.

The above mentioned reports detail the following key matters in relation to stormwater management matters:

- Manukau Harbour and Puhinui Catchment: Ngāti Te Ata Waiohua is concerned about the direct, indirect and cumulative impacts of stormwater discharges on the mauri of the natural and physical environment. They are also concerned about the cumulative impacts of increased impermeable surface and heavy industrial activities.
- Te Aranga Cultural Landscape Principles: Te Ākitai Waiohua supports the application of the seven Te Aranga principles to the Plan Change area in the design and development of an iwi based cultural landscape:
  - Participation: on-going participation, consultation and involvement of Te Ākitai Waiohua in all phases of the Plan Change.
  - Acknowledgement: acknowledgement of the history of Te Ākitai Waiohua where possible in the Plan Change area.
  - Iwi monitoring: recommends that an iwi monitor be engaged for the Plan Change area.
  - Landscaping: where possible, account for the natural and cultural landscape in a way that fits with the natural environs of the region.
  - Design: Maori cultural values and concepts should be recognised where possible as the Plan Change is developed.

The applicant is committed to undertaking further consultation with the Ngāti Te Ata Waiohua and Te Ākitai Waiohua as part of the Plan Change development process, and the finalisation of the Stormwater Management Plan.

## 4 Stakeholder engagement and consultation

Area A (20.27ha in area) is already serviced by a comprehensive stormwater management system comprising of a pipe network and a stormwater treatment device. As such no further engagement or consultation has been undertaken in regards to Area A.

Area B is green field land, and primary focus of this Stormwater Management Plan. The wider consultation undertaken in respect of the Plan Change provisions is set out in Section 13 of the Statutory Assessment Report. The Applicant is committed to undertaking further consultation with iwi and the key stakeholders as part of the continued processing of this Plan Change request. The Applicant is also committed to undertaking further consultation with the key stakeholders (including Auckland Council and the iwi) as part of the detailed design process at the land development stage.

## 5 Proposed development

The Plan Change is based on the Precinct Plan shown in Figure 18 below. As notified, the Plan Change includes the following:

- Rezone 26.17ha of Quarry Zone land to a mixture of Heavy Industry, Light Industry and Open Space – Informal Recreation zones.
- Rezone 0.29ha of land from Open Space – Informal Recreation Zone to Heavy Industry Zone.
- Rezone 0.34ha of land from Open Space - Informal Recreation Zone to Light Industry Zone
- Amend the boundaries of the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring).
- Amend the description of Outstanding Natural Feature ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring set out in Schedule 6: Outstanding Natural Features Overlay Schedule, to correctly refer to the part of the geological feature as an explosion crater.
- Amend the boundaries of the Significant Ecological Area (SEA) Overlay (ID SEA T 8443) applied to the site at 79 McLaughlins Road.
- Introduce a new Wiri Precinct into Chapter I Precincts (South) of the AUP(OP) to enable the transition from quarry to industrial activities, while recognising the important cultural, ecological and geological values present within the precinct.

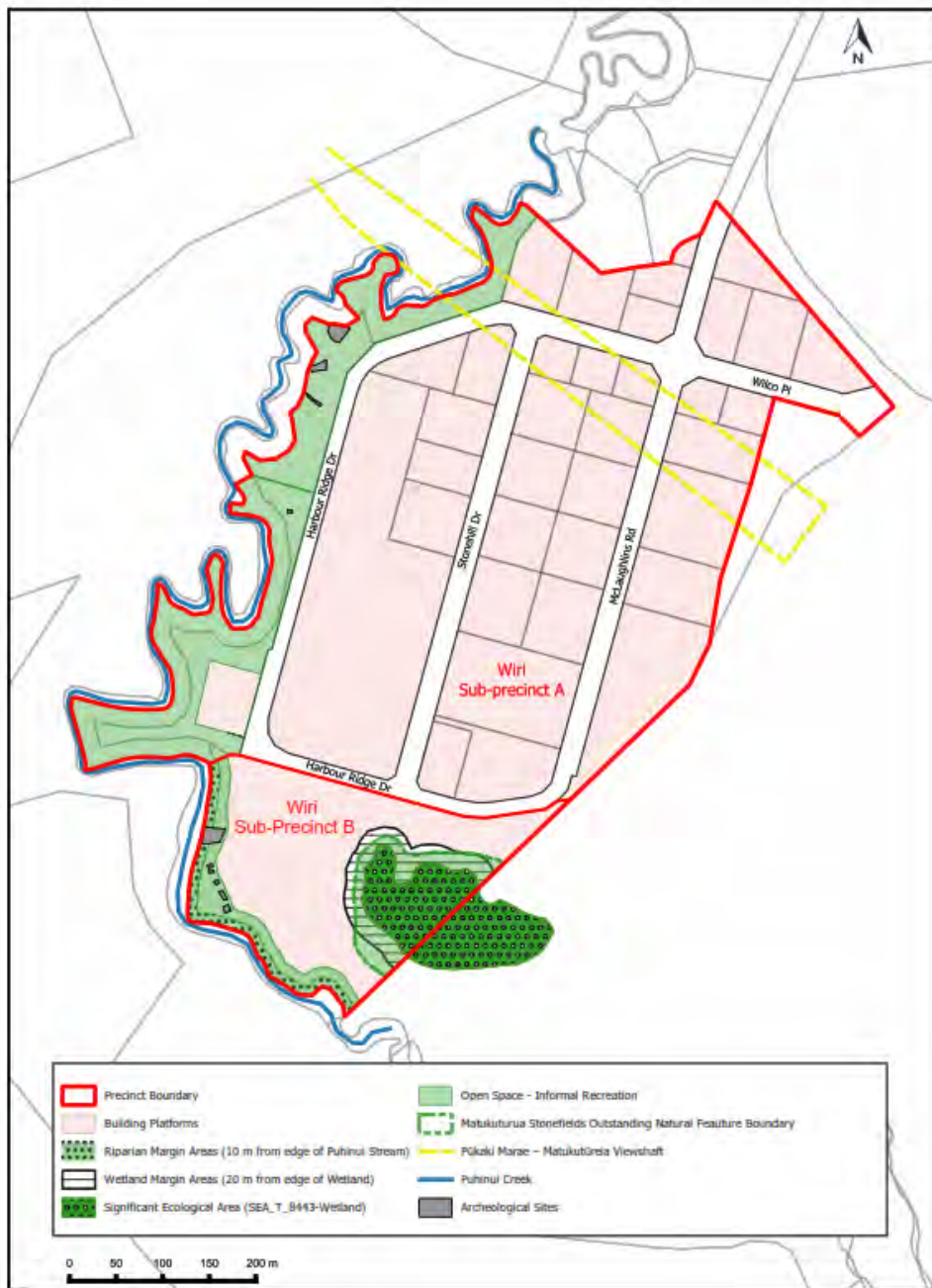


Figure 18: Proposed Wiri Precinct

Having considered the submissions lodged on the Plan Change, the applicant has further refined the precinct provisions, to identify potential “developable land” that takes into account the surrounding open space environment and the opportunities to avoid, remedy or mitigate the adverse effects on the important natural features within Area B.

Figure 19 below identifies the potential “developable land”, while ensuring

- The protection of the main wetland and 20m of enhancement planting within the wetland margin areas.
- 20m of enhancement planting within the riparian margin areas of Puhinui Stream.
- The protection of the Outstanding Natural Feature Overlay area as refined via the Plan Change process.



- A significant area of open space land adjoining Puhinui Stream to ensure the protection protection of identified archaeological sites, and associated areas.

The Plan Change will result in a “developable area” of 3.39ha in Area B, which is only 12.3% of the total area that is the subject of the Private Plan Change request.

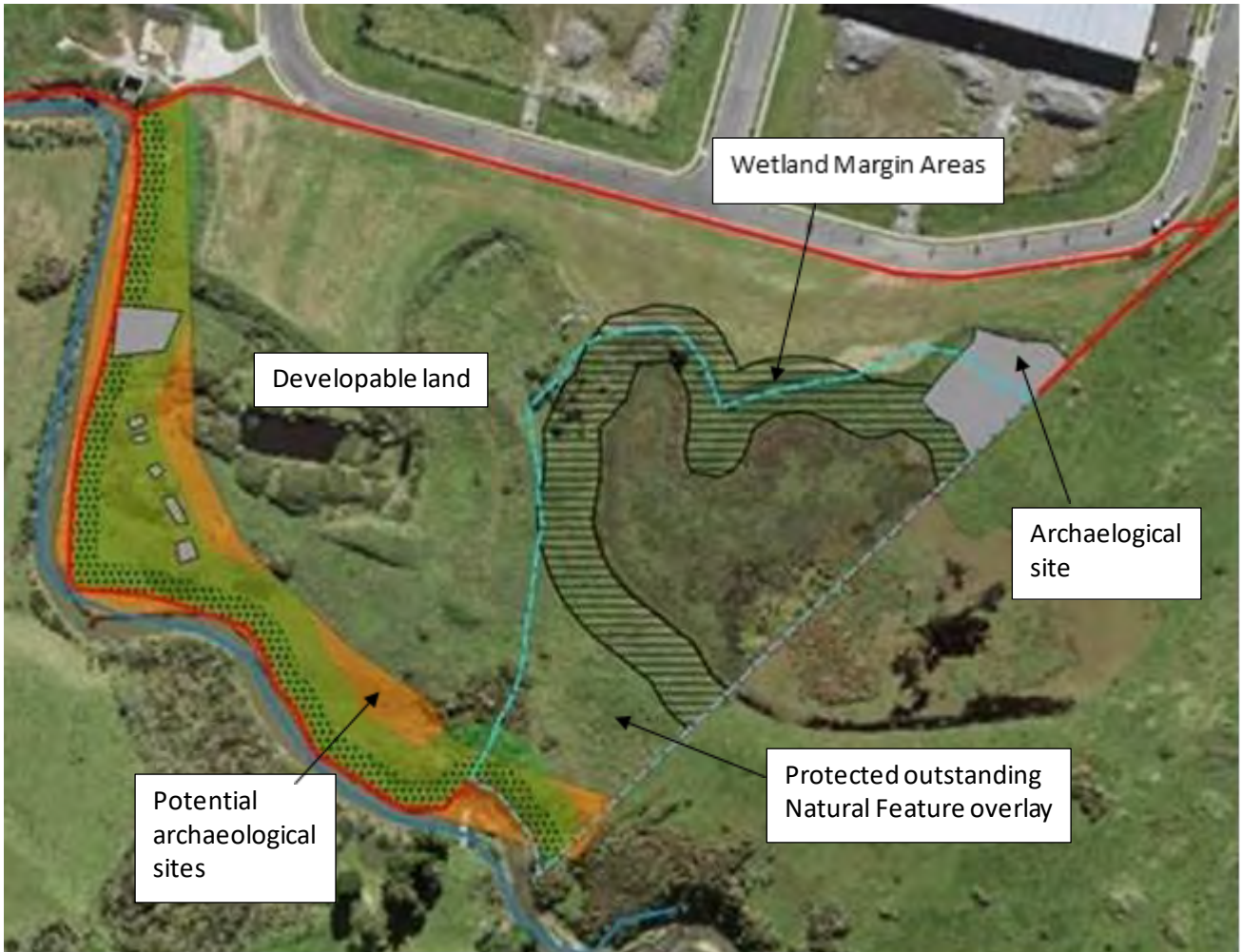


Figure 19: Developable land in Area B

## 5.1 Earthworks

No earthworks are proposed as a part of this Plan Change Request. Earthworks will be designed and carried out as a part of the subdivision development design that will be completed later.

The elevation of the developable land in Sub-area B varies between 10.0m RL and 20.0m RL. The high points are predominantly because of the fill placed in the area. With the exclusion of these mounds and the sediment control pond, the elevation of the developable land varies largely between 10.0 RL and 12.5m RL. Therefore, earthworks carried out to form building platforms will have an elevation in the above range.

The developable land can be graded in one of the following three possible ways:



1. Grading it to divert the stormwater flows to the existing outfall via the existing stormwater treatment unit.
2. Grading it to divert stormwater flows to a new outfall at the location of the intermittent stream that lies downstream of the existing sediment control pond.
3. Grading it to divert stormwater flows to a new outfall at the location of the overland flow from the wetland drains to the Puhinui Creek.

Notwithstanding the option chosen at the time of development, the land contributing flows to the wetland can be retained to maintain the volume of flow entering it.

Option 3 above is not preferred discharging stormwater to this location has the potential to exacerbate the bank instability. Besides, the current instability puts the new pipeline at the risk of failure.

Option 1 is preferred over Option 2 as the stormwater from the new development can be drained to the existing outfall that has adequate capacity, has an existing energy dissipation structure and a stormwater treatment device. Whereas, Option 2 will require further capital investment, operation and maintenance for a new stormwater treatment device. Besides, a stormwater treatment device constructed in the lower reaches of the developable land may pose challenges to accessibility for operation and maintenance.

This Plan Change Request is to rezone 3.39ha of Sub-area B from Quarry to Light Industrial zone. Considering the site constraints, it is likely that only 3.02ha is developable. As such, the extent of earthworks envisage will be less than that is typical for developments the size of Sub-area B.

Even if the entire developable area in the rezoned land were to be developed to be impervious, the total impervious area would be 46% which is less than that is typical similar sized Light Industrial areas.

Creating a light industrial section with an average lot size of 2,000m<sup>2</sup> may need an access road no longer than 250m (the distance from Harbour Ridge Drive to the southern boundary is approximately 220m). As such, the resulting impervious area roads is expected to be within the limits set by permitted activity rules in AUP(OP) for Light Industrial Zones i.e., 5,000m<sup>2</sup>.

## 6 Stormwater Management Approach

### 6.1 Summary of Stormwater management

The National Policy Statement for Freshwater Management, the New Zealand Coastal Policy Statement and the AUP(OP) seek to improve the integrated management of freshwater and the use and development of land. While it is recognised that a large portion of the Plan Change area is already developed, Area B is greenfield land. Policy E1.3.8(a) of the AUP(OP) requires that greenfield development be carried out using an integrated stormwater management approach. This can be achieved using Water Sensitive Design (WSD) as defined in GD04 as:

*“An approach to freshwater management, it is applied to land use planning and development at complementary scales, including region, catchment, development and site. Water sensitive design seeks to protect and enhance natural freshwater systems, sustainably manage water resources, and mimic natural processes to achieve enhanced outcomes for ecosystems and or communities”.*

Integrated approaches such as WSD are important to minimise the adverse effects of growth and development on freshwater systems and coastal waters. It is Auckland Council’s preferred stormwater management approach. It is recognised that the Stormwater Management Plan for the proposed Wiri Precinct is to incorporate WSD at all levels of planning and development.

### 6.2 Principles of stormwater management as it applied to approved development in Area A

The Plan Change area was not serviced by a stormwater network before Stage 1 development (pre-2011). Stormwater from the southern portion (Area B) of the site discharged directly to the Puhinui Creek in a non-point source manner. With ongoing quarry operations, the northern area (Area A), discharged via a point source discharge (in the form of water quality ponds) as per the Quarry Management Plan for the site. The original principles of stormwater management used for the development of the McLaughlins Quarry (for both Areas A and B) was to mitigate potential adverse stormwater runoff effects arising from the development, akin to a heavy industrial land use area. This comprised of maintaining water quality and the aquatic resources of the Puhinui Creek. Attenuation was not considered necessary, nor appropriate, at that time for the following reasons:

1. The site of development was at the bottom of the Puhinui Creek catchment. Detaining peak flows during stormwater events at the bottom of such a large stream catchment had the potential to cause the peak flows from the site to coincide with the peak flows in the stream.

2. The discharge point is upstream of the Manukau Harbour with the CMA boundary being only a few metres downstream of the south-eastern property boundary. As such there was no risk of flooding downstream.
3. While there were landslips in the area, there was no ongoing erosion in the section of the Puhinui Creek in the vicinity of the site or further downstream. This was because of the low energy of Puhinu Creek near the river mouth.

### 6.3 Updated principles of stormwater management for Area B

The foundation for stormwater management for Area B was laid at the time of the development of Area A. The stormwater management system was planned, designed and implemented considering the maximum probable developable area in Area B. The maximum probable development within Area B considered at the time of developing the original stormwater management principles for Area A is more than that that is likely to occur after the plan change. Therefore, the original stormwater management principles developed for the MCLaughlins Quarry development are still relevant.

The primary focus of stormwater management for this site is water quality management, mitigation of erosion at the outfall and protection and protection/enhancement of SEA. The secondary focus is maintaining overland flowpaths. Attenuation of flows is unnecessary.

This Stormwater Management Plan identifies the post-development stormwater sub-catchments that will require stormwater treatment, and the type of treatment devices considered appropriate.

The general approach for water quality is to adhere to the underlying AUP(OP) provisions in Chapter 9 which seeks to minimise the generation of contaminants as much as possible at source. It is not considered necessary to determine which devices will be used for the roads and car parks separately (as these are subject to change dependent on Auckland Transport / Healthy Waters requirements), and is more appropriate to enable flexibility of choice to suit the circumstances and specific design at the development stage.

This Plan Change Request seeks to maintain a good balance between land development and ecosystem services to ensure the values and sensitivities of the Manukau Harbour and Puhinui Creek as well as the Wetland on-site and the intermittent drain in the SEA. The rezoning allows for a clustered development in the western half of the site minimising the land disturbance to preserve the outstanding natural features, and SEAs in the area. The requested rezoning allows the following:

1. Enhancement of the riparian margin along the banks of Puhinui Creek
2. Enhancement of the riparian margin along the perimeter of the wetland in the eastern half of Sub-area B
3. Stabilisation of the instability along the banks of Puhinui Creek through riparian planting
4. Preserve the intermittent drain in the SEA

5. Adequately offset the adverse impacts of reclaiming the intermittent drain upstream of the sediment control pond.

The result of the above is an effective balance of protected and enhanced natural environments and associated ecosystem services to support the proposed development, which is the objective of the Auckland Council's GD05. Therefore the current stormwater principles include,

- Promote inter-disciplinary planning and design
- Protect and enhance the values and functions of natural ecosystems
- Address stormwater effects as close to the source as possible
- Mimic natural systems and processes for stormwater management.

## 6.4 Proposed stormwater management

### 6.4.1 General

This revision of stormwater management plan outlines clear directions and expectations for the next revision of this stormwater management plan at the time of finalising the subdivision division design. At this stage, this stormwater management plan outlines:

1. The principles of stormwater management applicable
2. The cumulative effects of the development
3. Opportunities for stormwater management
4. Identifies specific stormwater devices and their function
5. The details of how existing features are incorporated and enhanced

### 6.5 Stormwater sub-catchments within Area B

The pre-development sub-catchments in Area B are shown in Figure 20. Sub-catchments 1 and 5 directly drain to the Puhinui Creek. Sub-catchment 2 drains to Puhinui Creek via the two intermittent streams on site. Sub-catchment 3 drains to the stormwater pipe network in Harbour Ridge Drive and sub-catchment 4 drains to the wetland.

The likely post-development sub-catchments are shown in Figure 21. Sub-catchment 3 will continue to drain via the pipe network in Harbour Ridge Drive to the existing treatment device and outfall. Sub-catchment 1 will be combined partly with sub-catchment 2 and partly with sub-catchment 5. Sub-catchment 2 can be drained to the current stormwater treatment device and outfall through appropriate grading during the earthworks phase. Only this sub-catchment is expected to have a pipe network to drain stormwater. Sub-catchments 4 and 5 will be largely open space areas.

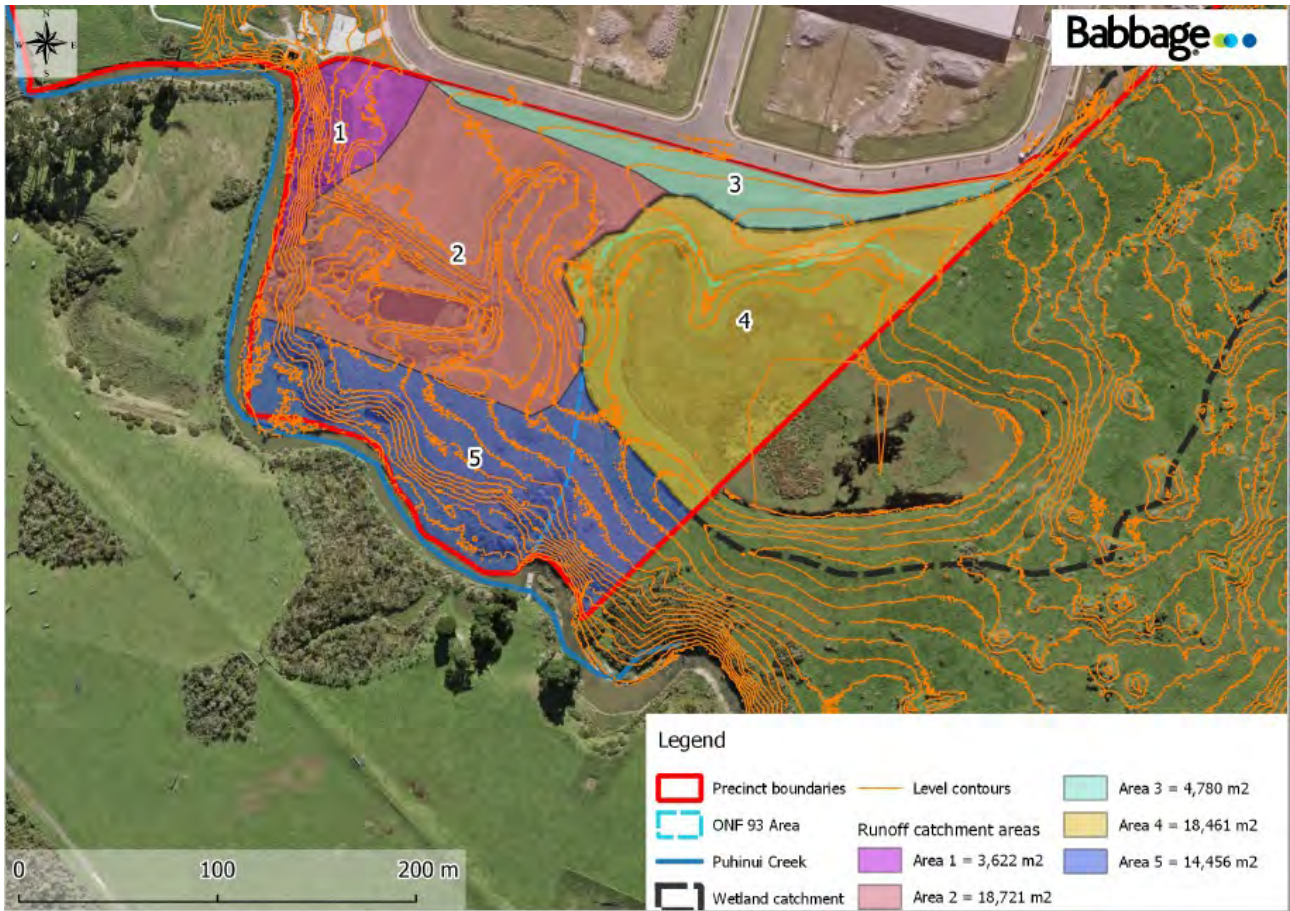


Figure 20: Pre-development sub-catchments

It is anticipated that only areas within sub-catchments 2 and 3 are likely to be developed subject to the approval of the Plan Change Request. The remainder of the land will likely remain as space areas, and will continue to drain to the receiving environment in the manner it currently does. The resulting increase in stormwater flows are in Appendix D.



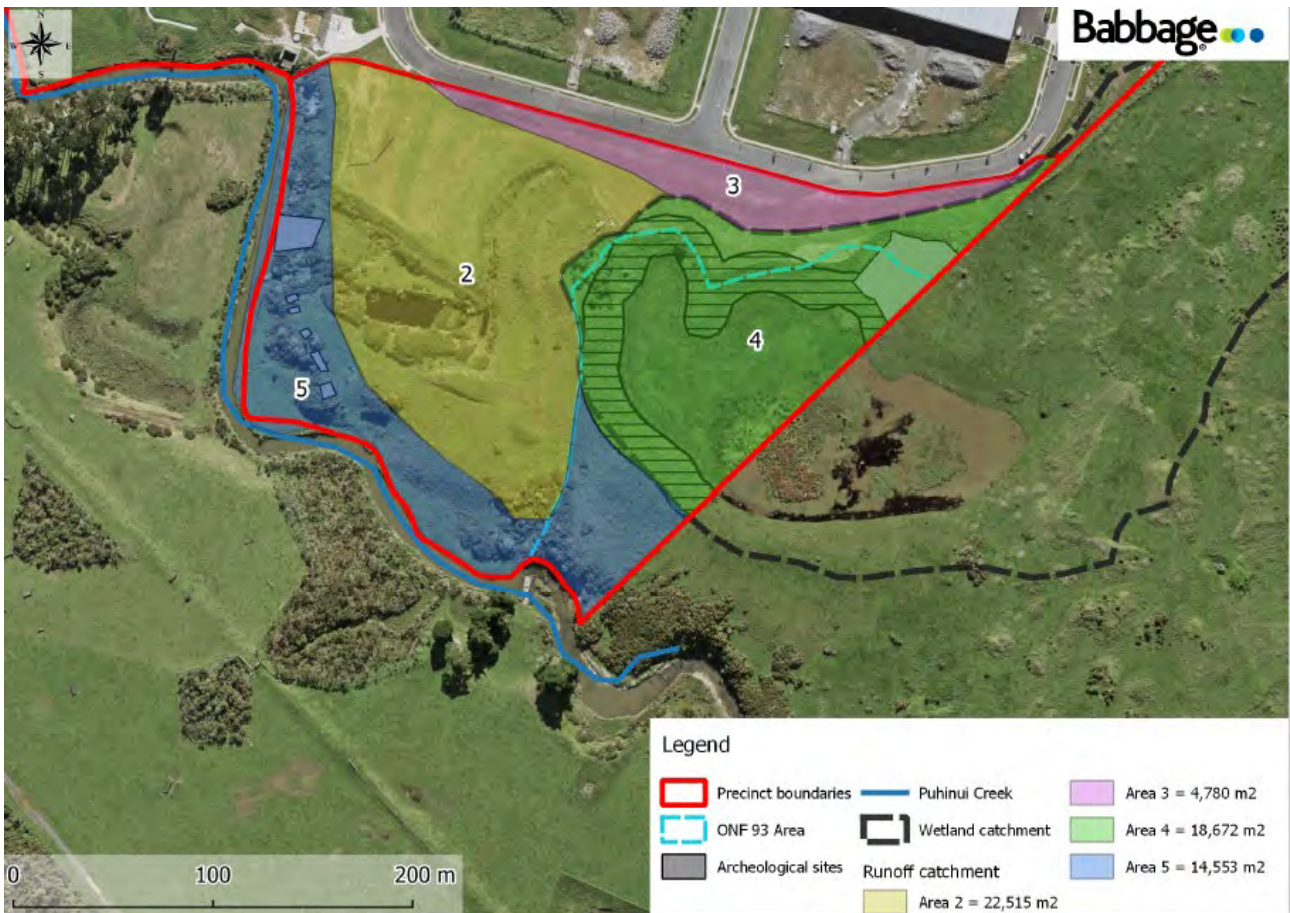


Figure 21: Post-development sub-catchments

## 6.6 Stormwater quality and quantity

Area B has limited potential for infiltration. Infiltration of stormwater on the site has the potential of raising the groundwater that could lead to seepages on the banks of the Puhinui Creek adversely affecting slope stability. Stormwater disposal via ground infiltration is not recommended. All stormwater discharges into the wetland will be treated. Raingardens, swales or similar bioretention devices are ideal for this location.

### 6.6.1 Stormwater quantity

The land that is the subject of the Private Plan Change Request is identified in the Stormwater management area control – Flow 1 and Flow 2 areas. Therefore, the provisions of section E10 of the Auckland Unitary Plan apply to Area B. Besides, there is no known habitable floor flooding downstream of Area B. Therefore, there is no benefit of providing detention. Detaining peak flows during stormwater events at the bottom of such a large stream catchment had the potential to cause the peak flows from the site to coincide with the peak flows in the stream.

### 6.6.2 Stormwater quality

Preserving the water quality in the wetland and the Puhinui Creek is vital to protecting the values and functions of natural ecosystems in the area. Both of these waterbodies are identified to be significant ecological areas.



The existing stormwater treatment device and the outfall (located within Area A) is designed to service a total area 26.961ha. Area A is 20.27ha in area. The developable land within Area B (sub-catchments 2 and 3) is collectively 3.39ha. The current stormwater treatment device and outfall are considered to have adequate capacity to service the maximum probable development area within Area B.

The preference is to utilise the existing stormwater treatment device and outfall to service sub-catchment 2, which has the following benefits:

1. It minimises land disturbance, which is an important matter for consideration given the important values and features sought to be retained within the Plan Change area.
2. It mitigates further operation and maintenance requirements.
3. It provides an economical solution recognising the established infrastructure in place.
4. It enables improved riparian enhancement opportunities along Puhinui Creek margin areas, as less land is required within the riparian margin area for stormwater infrastructure purposes.
5. It enables at source stormwater management options.

Some of the land to the south of Harbour Ridge Drive could potentially drain to the wetland. In such an event, all discharges should be treated. Raingardens, swales or similar bioretention devices are ideal of this location. The development of this land is likely to be linear in geometry. Therefore, the stormwater treatment devices such as raingardens or swales along the southern boundary of the lots can be easily created. Bio-retention devices work well in conjunction with the riparian enhancement along the perimeter of the wetland to enhance the values and functions of natural ecosystems.

A 20m wide strip of land along the Puhinui Creek will be maintained as open space. There are two recorded archaeological sites within the Site: R11/47 and R11/1632. R11/1632, a small habitation site near the Puhinui Creek lies in the proximity of the intermittent drain at the bottom of the sediment control pond. This area will be included in the open space to be created. As such, adequate stormwater is envisaged to drain to the intermittent drain to retain it in its current state. Notwithstanding this, there is potential for draining some of sub-catchment 2 to this location. Doing so in conjunction with riparian planting along Puhinui Creek could potentially enhance this drain. The detailed design for the development should include measures to do so. No stormwater treatment is likely to be required as:

1. Only a small area from the proposed development will need to be drained to the intermittent stream to maintain it.
2. As the capacity of the existing stormwater treatment device has more than that required for the maximum probable development. It will be treating runoff from sub-catchment 2 to a higher standard to offset potential impact of not treating a small area draining to the intermittent stream.

Stonehill Trustees Limited (Euroclass) intends to undertake the following measures to mitigate ecological effects of the development:

- Riparian planting, pest control and establishment maintenance of the riparian yard on the western boundary of the property, adjacent to Puhinui Creek. This would equate to riparian planting of 400 linear metres of stream.
- Establishing a 20m protective buffer around the main wetland, with a minimum of 10m of terrestrial restoration planting adjacent to the wetland. This would equate to over 3000m<sup>2</sup> of wetland enhancement.

The above works along with measures in conjunction with other stormwater management measures discussed earlier will enhance the ecological value of both the wetland and the Puhinui Creek by,

1. Provide shade over the intermittent drain and the Puhinui Creek
2. Improving the habitat value
3. Stabilising the stream banks

## 6.7 Puhinui Stream Hydrology



Figure 22: Extents of flood prone/flood sensitive area downstream of Sub-area B (source: Auckland Council GeoMaps)

The eastern (landward) banks of the Puhinui Creek banks in the Plan Change area are around 5-10m high. The western (seaward) banks are substantially lower forming the flood plains. As major storm event flows in Puhinui Creek extend across these flood plains, the flood levels do not increase to heights that cause flooding of neighbouring habitable floors that are along the eastern banks. As such, there is no known habitable floor flooding downstream of Area B.

The catchment that drains to the Puhinui Creek is large (~2,964ha). Area B land area is very small (7.35ha) compared to the overall contributing catchment. It sits just upstream of the CMA where the levels in Puhinui Creek are controlled by the sea level. As such the cumulative effects of developing Area B for Light Industrial land use will not have a noticeable impact on the flow or the flood levels in Puhinui Creek.

## 6.8 Overland flow paths and flooding

The current overland flow paths that traverse Area B are shown in Figure 14. They comprise of,

1. The overland flow path draining the adjoining lava field to the wetland
2. The overland flow path conveying overflows from the wetland to the Puhinui Creek
3. The intermittent drain conveying flows from a sub-soil drain to the sediment control pond, and
4. The intermittent drain conveying overflows from the sediment control pond to the Puhinui Creek.

The intermittent drain conveying flows from the sub-soil drain to the sediment control is likely to be reclaimed. This drain has low ecological value. The reclaiming this drain is not expected to cause any flooding issues as it is not conveying stormwater. Suitable off-set mitigation is recommended as a part of ecological enhancement proposed along the Puhinui Creek.

The overland flow path conveying overland flows from the wetland is on the eastern fringes of the developable land. The location where it discharges to the Puhinui Creek is a site of instability shown in Figure 14. Any proposed development is expected to avoid this site of instability. Therefore, the proposed development is unlikely to infringe on this overland flow path. It is recommended that the development design should aim to maintain this overland flow path.

A significant part of the intermittent drain conveying overflows from the sediment control pond to the Puhinui Creek lies within the SEA. As such, most of it will be protected. A small upstream section of this intermittent drain could potentially be affected by the development. Despite the low ecological aquatic value this intermittent stream, it could be potentially enhanced along with the riparian improvement works along the Puhinui Creek. As such, the detailed design for the development should include measures to retain this drain. It is practicable to do so by draining a small catchment to this drain.

## 6.9 Asset ownership

It is not considered necessary to determine which devices will be used for the roads and car parks separately (as these are subject to change dependent on AT/Healthy Waters requirements for each stage), and it is more appropriate to enable flexibility of chose to suit circumstances and specific design at development stages.

A toolbox range of options for stormwater management devices is proposed only by this SMP. The specific use of each device and its appropriateness for the development can be

managed at individual land use and/or subdivision application stages as solutions are more appropriately tailor made for each development. Council will have ample opportunity to assess the appropriateness of the toolbox options utilised for each development as well as its design, and any proposals for assets (devices, riparian margins/streams etc) to be vested or private and the associated ongoing maintenance obligations at the detailed design and land development stage.

## **7 Departures from regulatory or design codes**

There are no departures proposed as part of this Stormwater Management Plan.

## 8 Conclusions and recommendations

This Stormwater Management Plan has been prepared to support an application for the McLaughlins Quarry Private Plan Change Request. The SMP will support the Plan Change and future discharge and network discharge consents (NDC), through demonstrating the proposed stormwater management is the best practicable option, taking into consideration the existing site features. The stormwater management meets the requirements, objectives and outcomes of the NDC, together with the Code of Practice, GD01 and GD04.

The Plan Change will result in an area of 3.39ha in Area B available for light industry type land use.

The preferred option is to treat stormwater runoff from the future developable area using the existing stormwater treatment device. This mitigates the potential risk of erosion along the banks of the Puhinui Creek. The potential development seeks to retain all overland flows paths and intermittent drains but for one low value intermittent drain. Adequate mitigation measures are incorporated in the developments plans to offset potential adverse impacts of reclaiming this intermittent stream.

Notwithstanding the above, Water Sensitive Design is considered important and will be incorporated in the detail design stage.

In conclusion, this Plan Change Request seeks to maintain balance between land development and ecosystem services to ensure the values and sensitivities of the Manukau Harbour and Puhinui Creek as well as the Wetland on-site and the intermittent drain in the SEA. The result of the above is an effective balance of protected and enhanced natural environments and associated ecosystem services to support the possible development, which is the objective of the Auckland Council's GD05.



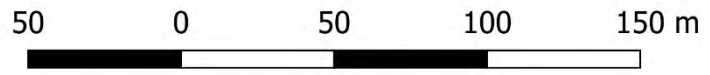
# Appendix A – Plans of existing site features



### Legend

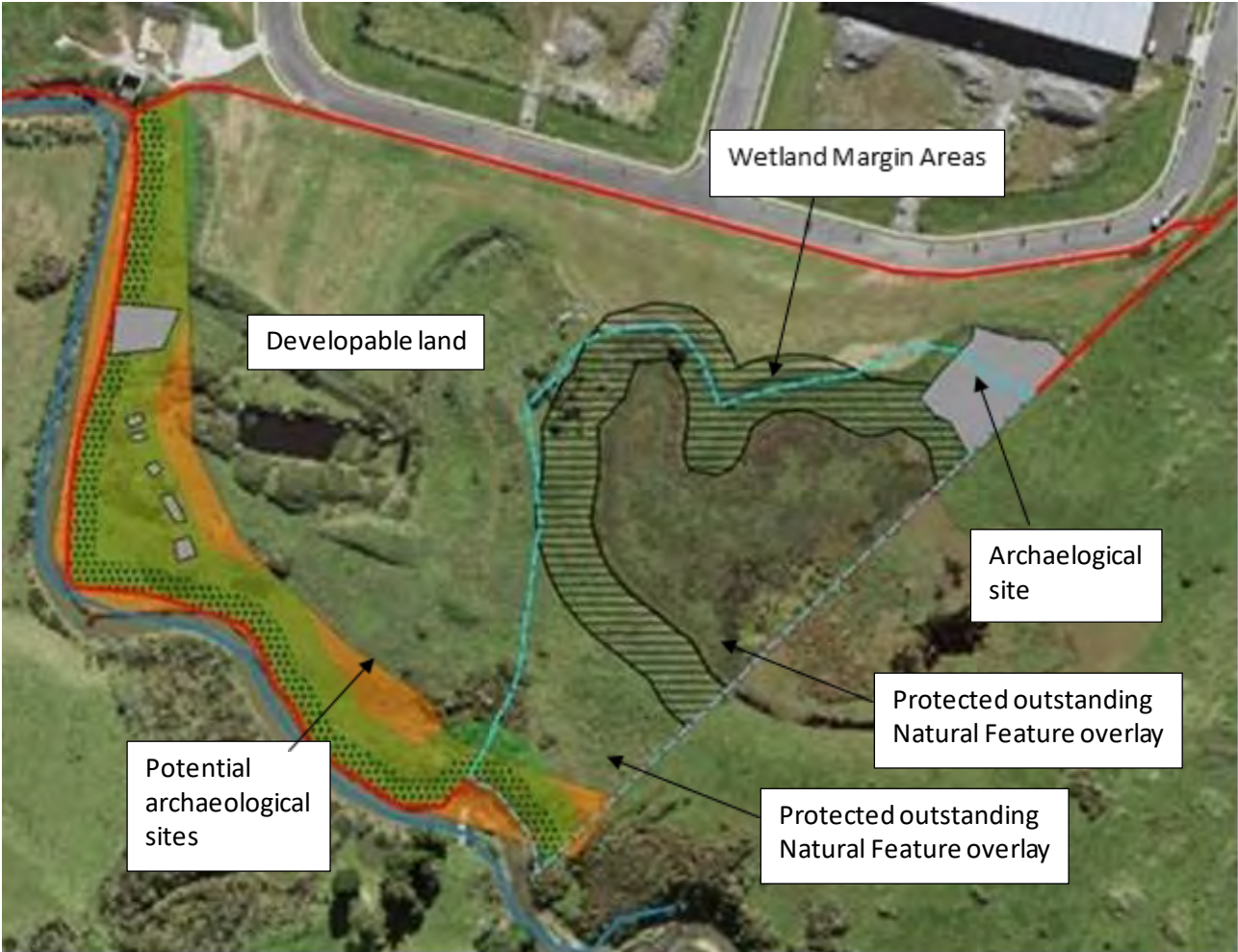
-  Wetland
-  Intermittent Stream 1
-  Intermittent Stream 2
-  Ponds

### Area of Ecological Assessment



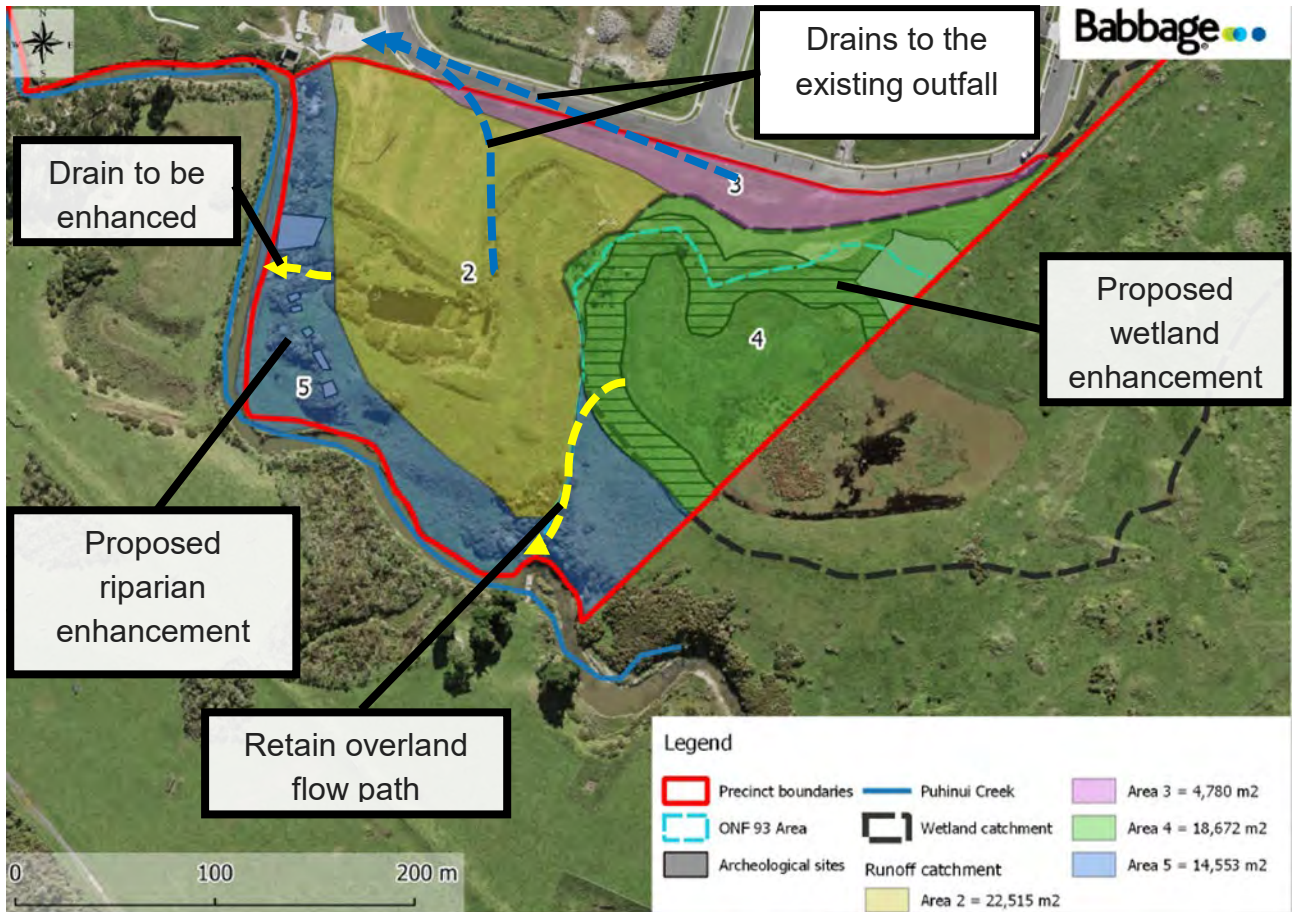
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# Appendix B – Proposed development plans





# Appendix C1 – Proposed stormwater management



# **Appendix C2 – Stormwater management selection process and assessment**

To be included in the next revision of this SMP

**Appendix C3 – Draft operation and maintenance**

Not required

**Appendix D – Hydrological Calculations**



**ECOLOGICAL SURVEY REPORT**  
**McLaughlins Quarry Private Plan**  
**Change Request**  
**November 2020**



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# ECOLOGICAL SURVEY REPORT McLaughlins Quarry Private Plan Change Request November 2020

## DOCUMENT APPROVAL

<b>Document title:</b>	ECOLOGICAL SURVEY REPORT McLaughlins Quarry Private Plan Change Request
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<b>Reviewer:</b>	

## REVISION HISTORY

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**Cover Illustration:** Stonehill Stage 5 wetland (16 August 2018)

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# 1. INTRODUCTION

## 1.1 BACKGROUND

Euroclass has engaged Biosearches to provide an ecological survey of the area subject to the McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (Operative in Part).

Figure 1 shows that the Plan Change area consists of two distinct portions: Area A and Area B. Area A is located on the footprint of the backfilled quarry and is currently in the development phase, in accordance with the land use and subdivision consents granted by Auckland Council. In 2000, an ecological survey report (titled “Matukutureia Quarry Habitat Features” authored by Biosearches) was completed for Area A, which described the habitats present within this part of the Plan Change area.

This ecological survey identifies the freshwater habitats (including a wetland, ponds and watercourses) present within the balance of the Plan Change area (Area B).

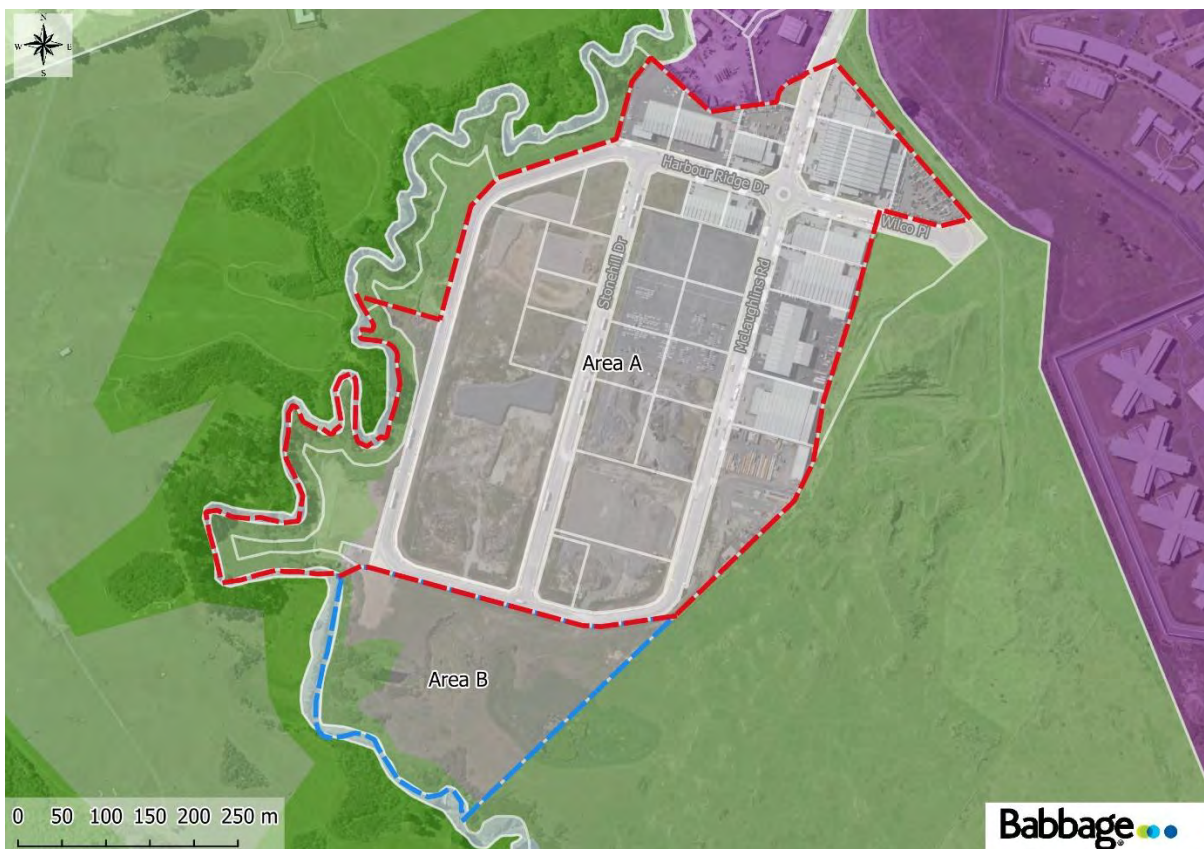


Figure 1. Plan change areas, Area A and Area B.

## 1.2 AUCKLAND UNITARY PLAN OVERLAYS

The majority of the property is zoned Special Purpose - Quarry Zone, with small areas zoned Open Space/informal recreation. The following overlays apply to Area B under the Auckland Unitary Plan (Operative in Part) (AUP (OP))



- High-use Stream Management
- High-use Aquifer Management
- Outstanding Natural Features
- Sites and Places of Significance to Mana Whenua (Half of SEA\_T\_8443).

Figure 2 shows that there are two Significant Ecological Areas (SEA) present at this location:

- SEA\_T\_8443 is located over the large wetland on the eastern boundary of the site. The eastern half of this wetland is managed by Department of Conservation. The factor/s for determination of the SEA over the wetland is number 2, threat status and rarity.
- SEA\_T\_612, located dominantly over the Puhinui Creek and the riparian margin of the creek. The factor/s for determination of the SEA for Puhinui Creek are numbers 2 and 4, threat status and rarity; and stepping-stones, migration pathways and buffers.



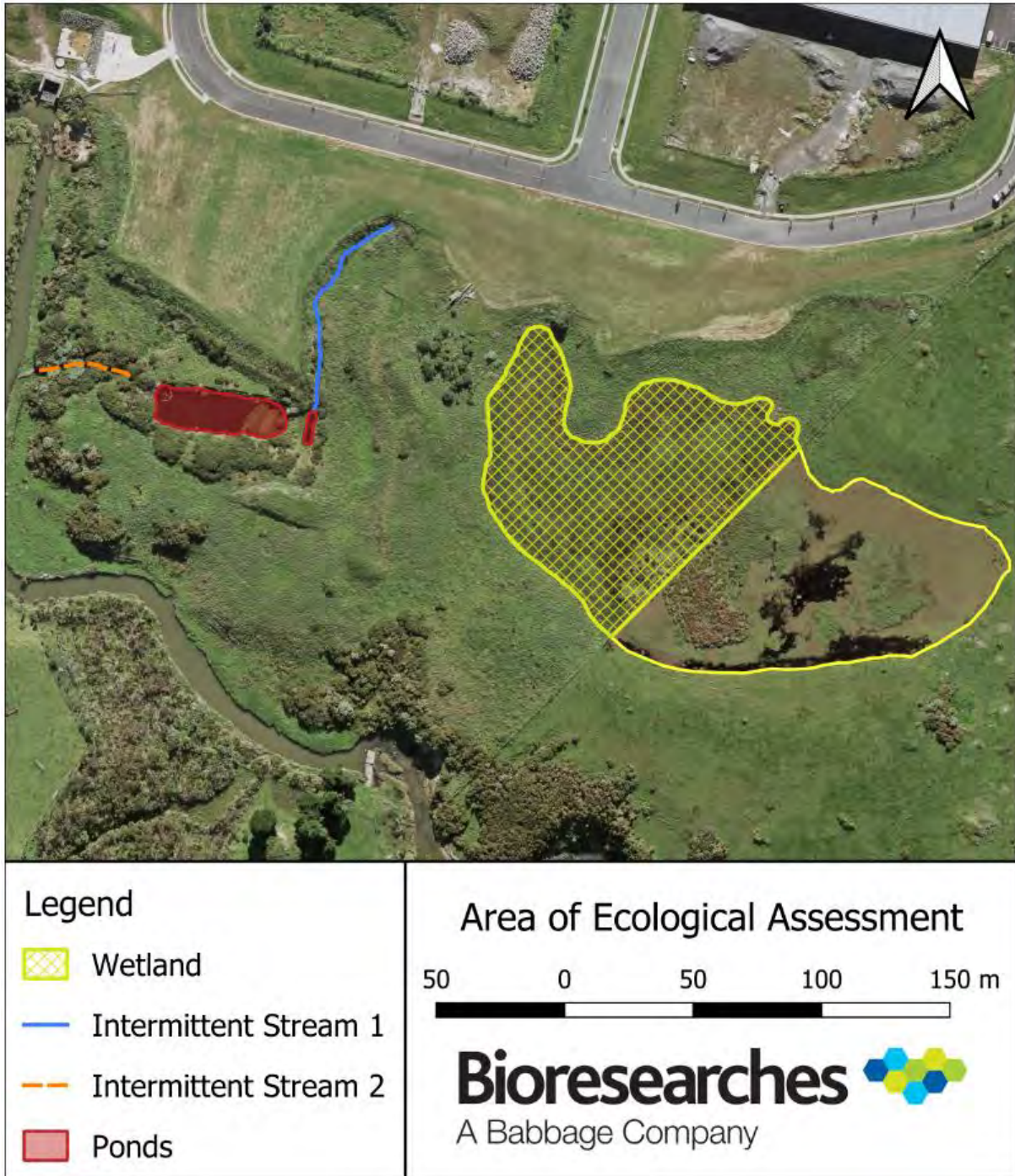
*Figure 2. SEA\_T\_8443 (standalone area) & SEA\_T\_612 (watercourse flowing southeast in photo).*

### 1.3 SITE OVERVIEW

Area B is divided into five ecological assessment zones, primarily delineated by their aquatic habitats (see Figure 3):

- Wetland - the primary wetland/waterbody located on the eastern boundary of the site (SEA), half within the Area B and half within the adjacent property
- Intermittent Stream 1 - a constructed drainage channel in the centre of the site draining towards the ponds.
- Constructed ponds - western sector of the site draining to Puhinui Creek

- d. Intermittent Stream 2 - an incised channel originating from the discharge pipe from the largest pond, partially within the riparian SEA
- e. Wider site



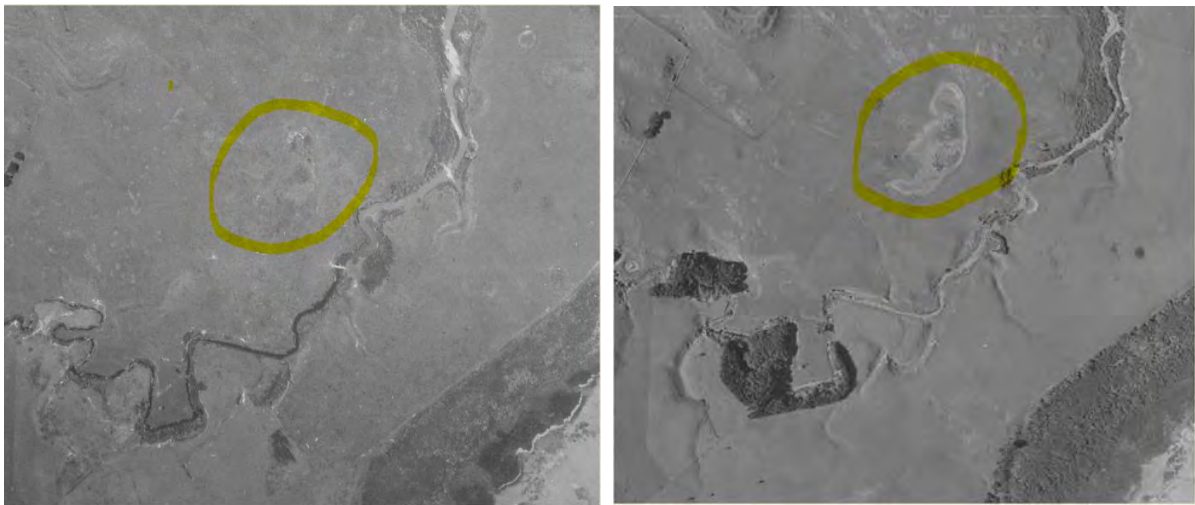
*Figure 3. Aquatic habitats and ecological areas assessed.*



#### 1.4 WETLAND 1 – HISTORICAL CONTEXT

The main wetland on the site is bisected by a fenceline through the central area separating the wetland into two approximately equal halves. The western half is located within the Plan Change area.

Historical photography of the wetland show that the wetland feature has developed and changed over time with land use changes. Retro lens historical photography (<http://retrolens.nz/>) do not show a significant wetland feature in 1939 but by 1960 a clearly demarcated feature is present. More recent aerial photography show a constructed (straight) drainage channel in 2001 which was no longer present in 2017 (Figure 5).



**Figure 4. Stonehills site 1939 and 1960 aerial photography (source Retrolens)**



**Figure 5. Stonehills site 2001 and 2017 aerial photography (source Auckland Council Geomaps)**

The Plan Change seeks to amend the Significant Ecological Area (SEA) Overlay applied to the wetland to remove 625m<sup>2</sup> of the total 6625m<sup>2</sup> area within the mapped SEA. The 625m<sup>2</sup> is pasture, outside of the wetland area and does not meet any of the criteria for a wetland or the criteria for the SEA - 8443, threat status and rarity.

## 2. METHODOLOGY

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### Site survey methodology

The site was assessed on 28 June 2018, 16 August 2018 and 24 September 2020 by experienced ecologists, with an additional general site meeting on 3 June 2019. A walkover of the wetland area, potential watercourses, stream habitats and a determination of the extent of the upper limits of coastal influence on the freshwater ecology was undertaken during the site visits. Photographs were taken and notes were made on the extent of the terrestrial and aquatic habitats and their ecological quality, including species, width, depth, substrate type, vegetation types, riparian cover and habitat-limiting factors. Watercourse extents, along with notable features, culverts, and flow paths were marked using a handheld GPS unit.

As part of the constraints analysis the flow paths identified on the Auckland Council GeoMaps Catchment and Hydrology Overlay (Figure 1) were ground-truthed, and classified under the definitions of the stream types in the Auckland Unitary Plan Operative in Part.

Additional ecological surveys for water quality, aquatic macroinvertebrates and a Stream Ecological Valuation (SEV) were carried out on 24 September on the upper section of intermittent stream above the ponds.

### Stream Ecological Valuation (SEV)

The SEV methodology (Storey *et al.*, 2011) enables the overall function of the streams to be assessed and compared to the quality of other streams in the Auckland Region. The SEV procedure involves the collection of habitat data (e.g. stream depth, substrate type, riparian cover), and sampling of instream fauna (e.g. insect larvae, snails), being recognised indicators of habitat quality. SEV data are then entered into a SEV calculator to calculate an averaged SEV value.

The SEV assessment was undertaken on the 80m section of the upper intermittent stream along with the collection of a macroinvertebrate sample. In situ water quality parameters were also measured during the site assessments.

### Water quality

In situ spot measurements of basic water quality parameters (temperature, dissolved oxygen and conductivity) were undertaken at a representative site within the stream. Measurements were undertaken using a Yellow Springs Instruments (YSI) Professional Series combined dissolved oxygen/temperature/conductivity meter.

### Macroinvertebrates

Macroinvertebrates were sampled from instream habitats within the stream to obtain semi-quantitative data in accordance with the Ministry for the Environment's current "Protocols for

Sampling Macroinvertebrates in Wadeable Streams” (Stark *et al.*, 2001). Sampling was undertaken along the reach, using protocol ‘C2: soft-bottomed, semi-quantitative’ as the streams were dominated by silt substrate. The macroinvertebrate sample was preserved in 70% ethyl alcohol (ethanol), returned to the laboratory and sorted (using protocol ‘P3: full count with sub-sampling option’ (Stark *et al.*, 2001)). Macroinvertebrates were then identified to the lowest practicable level and counted to enable biotic indices to be calculated.

Several biotic indices were calculated, namely the number of taxa, the number and percentage of Ephemeroptera (mayflies); Plecoptera (stoneflies) and Trichoptera (caddisflies) recorded in a sample (%EPT) and the Macroinvertebrate Community Index (MCI) (Stark & Maxted, 2007a). EPT are three orders of insects that are generally sensitive to organic or nutrient enrichment. The MCI is based on the average sensitivity score for individual taxa recorded within a sample (raw macroinvertebrate data are presented in the Appendices. For the MCI, scores of:

- $\geq 120$  are indicative of excellent habitat quality,
- 100 – 119 are indicative of good habitat quality,
- 80 – 99 are indicative of fair habitat quality and
- $< 80$  are indicative of poor habitat quality (Stark & Maxted, 2007b).

#### **Upper extent of estuarine influence**

Topographical maps and the Auckland Council GIS maps were used to assess the predicted zone of the upper extent of the coastal influence on the ecology of the stream. The stream was assessed within this zone to determine the presence or lack of upper estuarine flora and fauna, indicative of occasional brackish influence. The presence of the estuarine mud crab, *Austrohelice crassa*, was used as an indicator of this zone and the presence of upper estuarine plants e.g. batchelor’s buttons (*Cotula coronopifolia*), oioi (*Apodasmia similis*), remurmeu (*Selliera radicans*) and/or sea primrose (*Samolus repens*).

### 3. ECOLOGICAL ASSESSMENT

#### 3.1 VEGETATION

The vegetation of the wetland was not classified on Auckland Council geomaps, but the vegetation of intermittent stream adjacent to Puhinui Creek (Intermittent 2) was classified as VS3- Mānuka, kānuka scrub (Singers *et al.*, 2017). Neither mānuka nor kānuka were seen within the SEA however, there was some mānuka recorded near the constructed pond area. None of the Singers *et al.*, (2017), wetland classifications accurately represented the vegetation in any of the zones although WL15.2- Herbfield had some species present.

Vegetation was recorded in each of the habitat zones and is discussed below and presented in Table 1 to Table 4. Although native species were present in most zones, (no native species were recorded at Intermittent Stream 1), exotic pasture species dominated the majority of the sites. Gorse (*Ulex europaeus*) and pampas (*Solanum mauritianum*) also had a strong presence across the various zones. With the exception of the wetland, the botanical value of all the zones was low.

#### 3.2 AQUATIC HABITATS

##### 3.2.1 Wetland

The dominant aquatic habitat on the site was the wetland. The wetland formed a distinct habitat, with a clear demarcation line between the terrestrial and aquatic habitats. The wetland was bisected with a stock fence with half of the wetland on the Stonehills property and half on the adjacent property to the east. The SEA-T overlaid the entire wetland habitat and then extended into the pasture to the north-west of the wetland.

The wetland had exotic pasture species around the edges, but the wetland, itself was comprised of primarily of native vegetation, including raupō (*Typhae orientalis*) and lake club rush, kāpūngāwhā (*Schoenoplectus tabernaemontani*), but mostly the native willow weed (*Persicaria decipiens*) giving it a high ecological value (Table 1, Photo 1).

**Table 1. Wetland - vegetation species list \***

Botanical Name	Common Name
<b>Natives</b>	
<i>Cordyline australis</i>	cabbage tree
<i>Juncus australis</i>	wiwi
<i>Juncus pauciflorus</i>	leafless rush
<i>Persicaria decipiens</i>	native willow weed
<i>Phormium tenax</i>	flax
<i>Schoenoplectus tabernaemontani</i>	kuawa
<i>Typha orientalis</i>	raupō
<b>Exotics</b>	
<i>Agrostis stolonifera</i>	creeping bent grass
<i>Condrilla juncea</i>	skeleton weed
<i>Cyperus eragrostis</i>	umbrella sedge

<i>Dactylis glomerata</i>	cock's foot
<i>Daucus carota</i>	Queen Anne's lace
<i>Foeniculum vulgare</i>	fennel
<i>Galium aparine</i>	cleavers
<i>Galium divaricatum</i>	slender bedstraw
<i>Holcus lanatus</i>	Yorkshire fog
<i>Jacobaea vulgaris</i>	ragwort
<i>Juncus effuses var. effusus</i>	soft rush
<i>Paraserianthes lophantha</i>	brush wattle
<i>Persicaria hyrdopiper</i>	water pepper
<i>Plantago lanceolata</i>	narrow-leaved plantain
<i>Ranunculus repens</i>	buttercup
<i>Raphanus raphanistrum subsp raphanistrum</i>	wild radish
<i>Rubus fruticosus</i>	blackberry
<i>Rumex obtusifolius</i>	dock
<i>Solanum mauritianum</i>	woolly nightshade
<i>Ulex europaeus</i>	gorse

\*Additional species from a survey carried out in 2000 are presented in Appendix I.



**Photo 1. McLaughlins Quarry Wetland – winter 2018.**

The natural water level within the wetland is highly variable. There was no observed outlet flow from the wetland and during the site visit in winter 2018, the water depth was greater than 1.2m deep and overtopped the fence in the centre. A high overland flow path, likely only active during prolonged periods rainfall, appears to be present on the south-western corner of the wetland (refer to Figure 5



of the Wetland Hydrological Assessment). Subsequent site visits, photographs and discussion with locals indicate that the area dries over summer, sufficient to allow walking access across the wetland.

The wetland has been modified and impacted by land use changes over time, although stock is currently excluded from the western half of the wetland, stock has been recently grazing to the edges and within the eastern half of the wetland.

### **3.2.2 Intermittent Stream 1**

In the centre of the site, approximately 25m from the edge of Harbour Ridge Drive, a drain core pipe discharged to an incised constructed drainage channel running approximately north to south through the site (Photo 2, Photo 3). The ground was boggy and water was present under the vegetation downstream of the drain core pipe. A clear flow path was present and macrophytes, dominated by water pepper were present throughout the area. The channel ranged between 0.27 and 1.1m wide and was 82m long. The upper 40m was on the approximate line of the previous overland flow path from the wetland, but had been straightened and significantly deepened, and the lower 42m was a constructed channel directed to the sediment retention pond (Photo 4, Figure 6). The riparian vegetation comprised adventive exotic weed species (Photo 5, Table 2).

The stream has been modified from previous earthworks on the site, is linear, has been significantly deepened (as compared to the historical imagery), is located between high banks and at times is almost completely dominated by exotic water pepper. Adjacent to the stream the vegetation dominated by pasture and herbaceous weed species. This area was of very low/negligible freshwater quality ecologically, with no shading, no water temperature control, and no aquatic habitat connectivity upstream and very limited connectivity downstream (to old sediment detention ponds).

There was no connectivity to high quality aquatic habitats, with a drain core the source of the water immediately above the stream section and old sediment retention ponds immediately below.

The results of the macroinvertebrate analysis are provided in Appendix II. The macroinvertebrate fauna in the stream was depauperate, comprised of only six taxa with no sensitive taxa or EPT taxa present. The very low taxa number, lack of EPT or other sensitive taxa are indicative of poor quality aquatic habitat. The MCI and SQMCI values were 52 and 2.66, both very low and indicated of poor quality habitat (Stark & Maxted, 2007b)





*Photo 2. Drain core pipe and origin of water for the drain.*



*Photo 3. Incised drain – intermittent stream 1.*





*Photo 4. Intermittent Stream 1 – lower channel*



*Figure 6. Intermittent stream 1 (yellow) constructed with the initial 40m within the original overland flow path, and the lower 42m a newly constructed channel for diversion of water to sediment retention ponds (green). (Auckland Council GIS Aerial Photography 2006)*





**Photo 5.** Riparian vegetation on the banks of the intermittent stream.

**Table 2.** Intermittent Stream 1 vegetation species list for stream and banks.

Botanical Name	Common Name
<b>Natives</b>	
<i>Juncus australis</i>	wiwi
<i>Pteris tremula</i>	shaking brake
<b>Exotic</b>	
<i>Conium maculatum</i>	hemlock
<i>Persicaria hydropiper</i>	water pepper
<i>Plantago lanceolata</i>	plantain
<i>Ranunculus repens</i>	buttercup
<i>Raphanus raphanistrum subsp raphanistrum</i>	wild radish
<i>Rumex obtusifolius</i>	dock
<i>Convolvulus sabatius subsp. mauritanicus</i>	bindweed
<i>Dactylis glomerata</i>	cock's foot
<i>Helminthotheca echioides</i>	oxtongue
<i>Paraserianthes lophantha</i>	brush wattle

The overall mean SEV score was 0.29 (without macroinvertebrates or fish) with an estimated potential SEV score of 0.41. A summary of the SEV function scores and the table for the assumptions for the estimation of the potential score area presented as Appendices III and IV. The aquatic ecological value of intermittent stream 1 was assessed as negligible.

### 3.2.3 Constructed ponds

Two constructed ponds were present downstream of the constructed stream (Intermittent stream 1). The ponds were in parallel series, with the upper pond elevated approximately 4m above the larger lower pond (Photo 6, Photo 7). The largest pond was steep sided approximately 45m long by 14m wide and discharged via a white PVC pipe decant structure in the western end of the pond. Due to the steep sides access was not gained to the pond and the depth of the pond was not determined. The upper pond was shallow, 12m long by 2.5m wide. The intermittent stream drained to the north-eastern corner of the small upper pond, and then the upper pond drained down the embankment to the north-eastern corner of the large pond.

The large pond drained via a white PVA pipe which discharged approximately 20m downstream of the pond (Photo 8) to form the lower section of intermittent stream (Intermittent stream 2).

The riparian vegetation adjacent to the ponds was dominated by gorse, pampas and exotic weed species (Table 3).



*Photo 6. Shallow upper pond, view from outlet of intermittent stream 1, with embankment sloping to the larger pond on the right.*





*Photo 7. Large pond, previously a sediment retention pond.*



*Photo 8. Discharge pipe from downstream pond and start of lower intermittent stream (Intermittent Stream 2).*

**Table 3. Ponds species lists.**

Botanical Name	Common Name
<b>Native</b>	
<i>Azolla rubra</i>	azolla
<i>Juncus edgariae</i>	Edgar’s rush
<i>Leptospermum scoparium</i> var. <i>scoparium</i>	mānuka
<b>Exotic</b>	
	pasture grasses
<i>Cortaderia selloana</i>	pampas
<i>Dactylis glomerata</i>	cock’s foot
<i>Galium aparine</i>	cleavers
<i>Holcus lanatus</i>	Yorkshire fog
<i>Juncus effuses</i> var. <i>effuses</i>	soft rush
<i>Persicaria hydropiper</i>	water pepper
<i>Plantago lanceolata</i>	plantain
<i>Ranunculus repens</i>	buttercup
<i>Raphanus raphanistrum</i>	wild radish
<i>Rubus fruticosus</i>	blackberry
<i>Rumex obtusifolius</i>	dock
<i>Ulex europaeus</i>	gorse

### 3.2.4 Intermittent Stream 2

The overflow from the large pond discharged via a 0.24m bore white plastic pipe approximately 15m downstream from the pond to form an intermittent stream (Photo 8, Photo 9). The stream was approximately 40m long, including the Puhinui Creek riparian zone, and totally dependent upon flow from the decant in the old sediment pond. The stream was narrow, averaging 0.4m wide, steep, rocky in the upper reaches, as a result of the rip-rap in the pond wall, and with high shading from dense weedy riparian vegetation in 2018 (Table 4), and no effective shading in 2020 once the weed removal had occurred. The profile of the stream flattened out and widened downstream near its confluence with the Puhinui Creek, forming a thin sheet flow with no defined channel. The lower reaches of the intermittent stream were within the Puhinui Creek riparian SEA.





**Photo 9. Lower Intermittent stream, Intermittent Stream 2.**

**Table 4. Intermittent stream 2 vegetation species lists.**

Botanical Name	Common Name
<b>Native</b>	
<i>Cordyline australis</i>	cabbage tree
<i>Pteris tremula</i>	shaking brake
<b>Exotic</b>	
<i>Cenchrus clandestinus</i>	kikuyu
<i>Cortaderia selloana</i>	pampas
<i>Holcus lanatus</i>	Yorkshire fog
<i>Persicaria hydropiper</i>	water pepper
<i>Plantago lanceolata</i>	plantain
<i>Ranunculus repens</i>	buttercup
<i>Rubus fruticosus</i>	blackberry
<i>Rumex obtusifolius</i>	dock
<i>Solanum mauritianum</i>	woolly nightshade
<i>Ulex europaeus</i>	gorse

### 3.3 NATIVE FRESHWATER FISH

Native freshwater fish were not specifically assessed for on the site due to the limited fish habitat, presence of total barriers to fish passage throughout the site, lack of safe access to the large pond and isolation of the habitats.

The aquatic habitats are likely to support native shortfin eels (*Anguilla australis*), as in the right conditions these eels will travel overland to suitable habitats, and it is possible that banded kōkopu (*Galaxias fasciatus*) and redfin bully could be present in the lower intermittent stream habitat when water is present. The outlet from the large pond provides a total barrier to fish passage, both in the structure of the outlet within the pond and the hanging pipe discharging to the stream (Photo 8, Photo 10, Photo 11). Below the barrier, within the intermittent stream, native fish are possibly present as the stream has areas of low quality native fish habitat with undercuts and occasional deeper pool areas. Aside from possibly eels it is highly unlikely that native fish are present above the barrier.



**Photo 10. Decant structure from large on-line pond with vertical manhole and hanging pipes (providing a complete barrier to upstream fish passage).**





**Photo 11. Downstream bund for large pond.**

A search of the NZ Freshwater Fish Database for Puhinui Creek returned records for shortfin eel, longfin eel, banded kōkopu, inanga (*Galaxias maculatus*); and common, Crans and redfin bullies (*Gobiomorphus basalis*, *G. cotidianus*, *G. huttoni*). Kōura were also recorded in the creek. Of these species only the eels are capable of access the site above the lower intermittent stream (if they travel overland), and only shortfin eels could potentially utilise the upper stream habitat at times when water flow is sufficient.

### **3.4 AVIFAUNA**

Avifauna was recorded opportunistically during the site visit (Table 5). With the exception of an Australasian bittern, which laboriously took flight from the wetland, the avifauna that occurred on the property was of low diversity, consisting of common species typically associated with rural and open pasture environments. Australasian bittern threat status is listed as Nationally Critical (Robertson *et al.*, 2017). Bittern are known to frequent the wider Puhinui Creek area, and the wetland would provide one of many habitats that are utilised. There is the potential for other “At Risk” species to use the site intermittently, particularly Wetland 1, which will give that zone a higher ecological value.

**Table 5. Avifauna recorded on site.**

Species	Common Name
<i>Alauda arvensis</i>	skylark
<i>Botaurus poiciloptilus</i>	Australasian bittern
<i>Egretta novaehollandiae</i>	white-faced heron
<i>Fringilla coelebs</i>	chaffinch
<i>Halcyon sancta vagans</i>	NZ kingfisher
<i>Hirundo neoxena</i>	welcome swallow
<i>Phalacrocorax carbo</i>	black shag
<i>Porphyrio melanotus</i>	pukeko
<i>Tadorna variegata</i>	paradise shelduck
<i>Vanellus miles</i>	spur-winged plover

### 3.5 HERPETOFAUNA

Herpetofauna (reptiles and amphibians) comprise a significant component of New Zealand’s terrestrial fauna. More than 80% of the 104 endemic taxa are considered ‘Threatened’ or ‘At Risk’ of extinction (Hitchmough *et al.* 2016). All indigenous reptiles and amphibians are legally protected under the Wildlife Act 1953, and vegetation and landscape features that provide significant habitat for native herpetofauna are protected by the Resource Management Act 1991. Statutory obligations require management of resident reptile and amphibian populations where they or their habitats are threatened by disturbance or land development.

One introduced species, the plague skink (*Lampropholis delicata*), is classified as an “Unwanted Organism” by the Ministry of Agriculture and Fisheries (MAF) under the Biosecurity Act (1993) and was not considered in this assessment, other than noting its presence when observed.

Onsite visual inspection indicated that leaf litter, undergrowth and wooden debris suitable for skink habitat was very sparse throughout the property. A desktop habitat assessment revealed little significant suitable habitat for lizards and the overall habitat value for herpetofauna within the site was considered very low. However, there is potential for copper skinks (*Ologosoma aeneum*) and less likely ornate skinks (*Cyclodina ornata*) to be present.

#### 4. UPPER EXTENT OF ESTUARINE INFLUENCE

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The upper extent of the estuarine influence on the ecology of the stream was approximately 40m below the old concrete crossing in Puhinui Creek, just below the boundary between 79 McLaughlins Road and 58 McLaughlins Road. The stream was assessed within this zone to determine the presence or lack of upper estuarine flora and fauna, indicative of occasional brackish influence. The estuarine mud crab, *Austrohelice crassa*, was a clear indicator of this zone and the presence/absence of upper estuarine plants e.g. batchelor's buttons and oioi corroborated the location.

No indicators of the presence of the estuarine mud crab or brackish water vegetation were present at or above the bend in the river with the broken concrete crossing. The first indicator was oioi present on the western bank 15m downstream of the crossing, then the presence of estuarine mud crab and batchelor's button on the bank opposite the large macrocarpa, just before the next bend in the river (Photo 12, Figure 7).



**Photo 12.** Concrete ramp in river with only freshwater habitats, with oioi downstream (centre left of photo) transitioning to the upper extent of the salt water influence, and the macrocarpa (centre of photo) at the position of the confirmed upper extent of the salt water influence.





*Figure 7. Upper extend of estuarine influence at southern boundary.*



## 5. ECOLOGICAL EFFECTS OF POTENTIAL STREAMWORKS

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Euroclass propose to remove the old sediment retention ponds and reclaim the drain constructed to the ponds (which now meet the criteria for a stream, intermittent stream 1) i.e. the 40m of intermittent stream from the drain core in the upper site along the original overland flow path, and the additional 42m of channel excavated to the ponds (Figure 8). No works are proposed within the main wetland in the east of the site.



**Figure 8. Proposed intermittent stream and pond reclamation area (yellow polygon).**

This report was prepared in general accordance with the Ecology Impact Assessment (EclA) guidelines (EIANZ, 2018). The EclA guidelines (EIANZ, 2018) provide attributes and factors to be considered when assigning ecological value to a site or species, and provide guidelines to describe the magnitude and duration of the effects. The level of ecological effect is then determined from a matrix (Table 6; EIANZ 2018) based on ecological value and magnitude of the effect.

**Table 6. Criteria matrix for describing level of effects** *Note – Table content based on EIANZ 2018*

Ecological Value → Magnitude ↓	Very High	High	Moderate	Low	Negligible
Very High	Very High	Very High	High	Moderate	Low
High	Very High	Very High	Moderate	Low	Very Low
Moderate	High	High	Moderate	Low	Very Low
Low	Moderate	Low	Low	Very Low	Very Low
Negligible	Low	Very Low	Very Low	Very Low	Very Low

The aquatic ecological value of the intermittent stream between the drain core and the ponds, and the ponds were assessed as very low and negligible, respectively. The habitats were highly modified from the historic sediment retention works, presence of indigenous flora was negligible and the connectivity was very poor to absent. The potential for both sites was poor because of the high level of modification in the banks and bed of the habitats, the lack of permanent aquatic habitat in the stream, the poor potential for enhancement for the lined, deep, constructed pond with poor water quality and poor connectivity upstream and no connectivity downstream.

The proposed magnitude and duration of impact on the aquatic habitats are high (as some of the habitat remains in the lower section of the flow path) and therefore the level of effects (Table 6) are assessed as low and very low.

## 6. ENVIRONMENTAL COMPENSATION RATIO

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Although the level of effects for the reclamation of the aquatic habitats was assessed as low and very low, Auckland Council has requested information on the quantum of offset that could be required if the loss was assessed as a significant residual adverse effect.

Guidance on good practice biodiversity offsetting is provided in the AUP OP and in the Ministry for the Environment *et al.* (2014) document. In summary the offsetting restoration and enhancement documents recommend:

- a) The site be located as close as possible to the subject site;
- b) Be 'like-for-like';
- c) Preferably achieve no net loss;
- d) Consideration of the use of biodiversity offsetting; and
- e) The use of Storey *et al.* (2011), Appendix 8 (AUP Operative in part, 2016) and Ministry for the Environment *et al.* (2014) for guidance.

On-site riparian planting to 10m on the eastern banks of Puhinui Creek is proposed as offset for the loss of habitat elsewhere on the site. Although the Puhinui Creek is not strictly 'like-for-like' in terms of volume, it is a stream, it is the boundary to the subject site, and the subject watercourse discharges to this creek. This is appropriate and keeping the biodiversity enhancements within the same area as the biodiversity losses.

The recommended assessment method for this determination of offset is the Environmental Compensation Ratio, based on the potential and impact SEV scores of the impact site, and the current and potential SEV scores of the offset / restoration sites. The offset is proposed is riparian planting on the Puhinui Creek on the eastern embankment. The difference between the current and potential of the proposed offset has been determined by the addition of 10m of riparian planting on the site of the proposed plan change. Using data from twenty-eight recent ECR calculations for other Auckland sites, riparian planting on this scale on one bank, without other habitat enhancements, would result in an SEV uplift of approximately 0.12 (conservatively) for Puhinui Creek.

The ECR equation is calculated as follows:

$$ECR = [ (SEVi-P - SEVi-I) / (SEVm-P - SEVm-C) ] \times 1.5$$

Where:

- SEVi-P and SEVi-I are the potential SEV value and SEV value after impact, respectively, for the site to be impacted.
- SEVm-C and SEVm-P are the current and potential SEV values, respectively, for the site where the environmental compensation (mitigation) works are to be applied.
- 1.5 is a multiplier that allows for the delay in achieving compensation benefits.

Table 7 presents the input data and calculations of the ECR and Table 8 presents the results of the calculation at this site.

**Table 7. Estimation of area of compensation and ECR Inputs**

ECR Inputs and Calculation	
<b>Impact Stream – Intermittent Stream 1</b>	
SEVi-Current	0.29
SEVi-Potential	0.41
SEVi-Impact	0.0
SEVi-Potential - SEVi-Impact	0.41
Stream length	82
Average stream width	0.7
Stream bed area loss m <sup>2</sup>	57
<b>On-site restoration stream – Puhinui Creek</b>	
SEVm-Potential - SEVm-Current	0.12
Average stream width	7.8
<b>Calculation: ECR</b>	<b>= 0.41 / 0.12 x 1.5</b>
	<b>5.13</b>

**Table 8. Offset required for the loss of Intermittent Stream 1.**

	width (m)	length (m)	area (m <sup>2</sup> )
<b>Impact stream</b>	0.70	82.0	57.4
	<b>actual area (m<sup>2</sup>)</b>	<b>ECR</b>	<b>ECR area (m<sup>2</sup>)</b>
<b>ECR</b>	57.4	5.13	294.2
	<b>ECR area (m<sup>2</sup>)</b>	<b>width (m)</b>	<b>Mitigation length (m)</b>
<b>Offset stream</b>	294.2	7.8	37.7

Quantifying the offset for the loss of the constructed intermittent stream (intermittent stream 1), on-site using the adjacent Puhinui Creek would require 38m of riparian planting (Table 8). As this is less than the length of the channel lost (82m) the quantum is adjusted to 82m of riparian planting. As approximately 400m of Puhinui Creek would be planted to 10m with riparian planting on one side, this would be more than ten times the quantum calculated (38m) and five times the length lost.

With riparian planting of the Puhinui Creek, plus the additional planting proposed around the wetland, the loss of the degraded aquatic habitats (with very low potential) would be offset well in excess of the quantum that is required by the SEV-ECR model.

## 7. POTENTIAL ECOLOGICAL EFFECTS AND MITIGATION OF EFFECTS

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Euroclass intends to mitigate the effects of the proposed works in the aquatic habitats by

- Riparian planting, pest control and establishment maintenance of the riparian yard on the western boundary of the property, adjacent to Puhinui Creek. This would equate to riparian planting of 400 linear metres of stream to mitigate for the loss of 82 linear metres of stream loss and well in excess of the quantum required for offset of the loss.
- Establishing a minimum of 20m protective buffer around the main wetland, with a minimum of 10m of terrestrial restoration planting adjacent to the wetland with low growing indigenous vegetation to ensure the wetland maintains the turfing, herbfield and sedgeland species present. This would include weed removal and enhancement planting of the 10m band surrounding the main wetland on the site, and would equate to over 3000m<sup>2</sup> of wetland enhancement.

Concerns were expressed on the slight increase in impervious area north of the wetland resulting in potential changes in hydrology that would adversely effect the ecology of the wetland. The hydrology of the current wetland is highly variable ranging from completely saturated and too deep to access, to sufficiently dry to walk over within a season. The current flora and fauna of the wetland are robust to hydrological changes, and have adjusted to and have established within this variable hydrological regime. The hydrological assessment also shows the proposed developable area only has a very limited overlap with the catchment and flowpaths, and is unlikely to cause changes to the inflow and outflows to and from the wetland.

## 8. REFERENCES

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Conservation status of New Zealand birds, 2016. New Zealand Threat Classification Series 19. Department of Conservation, Wellington. 23 p.

### **Bioresearches (2000)**

Matukutureia Quarry Habitat Features. Report prepared for Winstone Aggregates, September 2000.



## 9. APPENDICES

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### Appendix I. Summary of wetland vegetation from Matukutureia Quarry Report

Bioresearches (2000). Matukutureia Quarry Habitat Features. Report prepared for Winstone Aggregates, September 2000.

Wetland Vegetation:

Tall spike sedge (*Eleocharis sphacelata*)

Raupō (*Typha orientalis*)

Jointed twig rush (*Machaerina articulate*)

*Isolepis prolifer*

Common water milfoil (*Myriophyllum propinquum*)

Swamp willow weed (*Polygonum decipiens*)

#### Northwestern Wetland

Grazing occurs right to the edge of the wetland, which is muddy with a slight admixture of peat. There are no relic cabbage trees or tussocks of *Carex* spp. along the edge, though a few grazed tussocks of *Juncus gregiflorus* do occur a short way out in the water.

Most of the vegetation of the wetland, including nearly all of the western half (outside the study area), is a low dense cover of *Isolepis prolifer*. In the east third or so this is replaced by a much redder-coloured cover of *Myriophyllum propinquum* and *Ludwigia* spp. Out in the deeper part, just extending into its western half, is a large colony of *Eleocharis sphacelata* with some *Baumea articulata*, with raupo on its eastward side; further west there is a discrete colony of the *Eleocharis*.

Also in the eastern half of the wetland, towards the southern shore, there are two tiny islets on which there are several scrappy smallish cabbage trees, with a growth at their base apparently mostly of *Carex* species (mostly *C. maorica*?). The only water-plant noted was the exotic *Azolla pinnata*; *Lemna* and *Spirodela* appear to be lacking.

Appendix II. Aquatic Macroinvertebrates

						SB
PHYLUM	CLASS: Order	Family	Taxa	Taxa MCI hb	Taxa MCI sb	Site 1
ANNELIDA	OLIGOCHAETA		Oligochaeta	1	3.8	28
ARTHROPODA	CRUSTACEA: Copepoda		Copepoda	5	2.4	8
	Ostracoda		Ostracoda	3	1.9	46
	INSECTA: Coleoptera	Dytiscidae	<i>Rhantus suturalis</i>	5	1	1
		Culicidae	<i>Culex</i> sp.	3	1.2	12
	Collembola	Collembola	Collembola	6	5.3	3
		<b>TOTALS:</b>	<b>NO. TAXA</b>			6
			<b>NO. EPT TAXA</b>			0
			<b>NO. INDIVIDUALS</b>			98

Appendix III. Summary SEV Data

Function category	Report section*	Function		Drain	Potential
Hydraulic	4.1	NFR	=	0.33	0.33
Hydraulic	4.2	FLE	=	0.00	0.00
Hydraulic	4.3	CSM	=	1.00	1.00
Hydraulic	4.4	CGW	=	0.61	0.61
biogeochemical	4.5	WTC	=	0.02	0.50
biogeochemical	4.6	DOM	=	0.40	0.60
biogeochemical	4.7	OMI	=	0.00	0.50
biogeochemical	4.8	IPR	=	0.20	0.20
biogeochemical	4.9	DOP	=	0.63	0.40
habitat provision	4.10	FSH	=	0.05	0.05
habitat provision	4.11	HAF	=	0.18	0.39
Biodiversity	4.12	FFI	=		
Biodiversity	4.13	IFI	=		
Biodiversity	4.14	RVI	=	0.10	0.35
<b>Overall mean SEV score (maximum value 1)</b>				<b>0.29</b>	<b>0.41</b>

**Appendix IV. Assumption table for Potential SEV Score for Intermittent Stream 1.**

Potential SEV Score – Assumptions		Impact Stream
Function	Variable	
<b>Hydraulic</b>	Vchann	No change.
	Vlining	No change.
	Vpipe	No change.
	Vbank	No change.
	Vrough	Changed to reflect riparian margins, with regenerating indigenous vegetation to 10m on both banks.
	Vbarr	No change.
	Vchanshape	No data entry required.
<b>Biogeochemical</b>	Vshade	Increased to reflect change in riparian margins.
	Vdod	Increased to reflect change in riparian margins.
	Vveloc	No change.
	Vdepth	No change.
	Vripar	Increased to reflect change in riparian margins.
	Vdecid	No change as no deciduous.
	Vmacro	Minor change with increase in shading.
	Vretain	No data entry required.
	Vsurf	Reduction of macrophytes in watercourse and increase in leaf litter.
	Vripfilt	No change but reflect potential riparian margins.
<b>Habitat provision</b>	Vgalspwn	No change due to topography.
	Vgalqual	Changed with increase in riparian shading.
	Vgobspawn	No data entry required.
	Vphyshab	Increase in parameters associated with riparian planting.
	Vwatqual	No change.
	Vimperv	Increase in impervious and increase in control.
<b>Biodiversity</b>	Vfish	Removed for ECR.
	Vmci	Removed for ECR.
	Vept	Removed for ECR.
	Vripcond	No data entry required.
	Vinvert	Removed for ECR.
	Vripconn	No change, full connection.

TO: Matt Doughney

Date: 9 November 2020

Job No: 61858#BEE02

FROM: Lobo, Luiz Coutinho

eTrack No: 200034791

## **WETLAND HYDROLOGICAL ASSESSMENT – PRIVATE PLAN CHANGE 43 MCLAUGHLINS QUARRY**

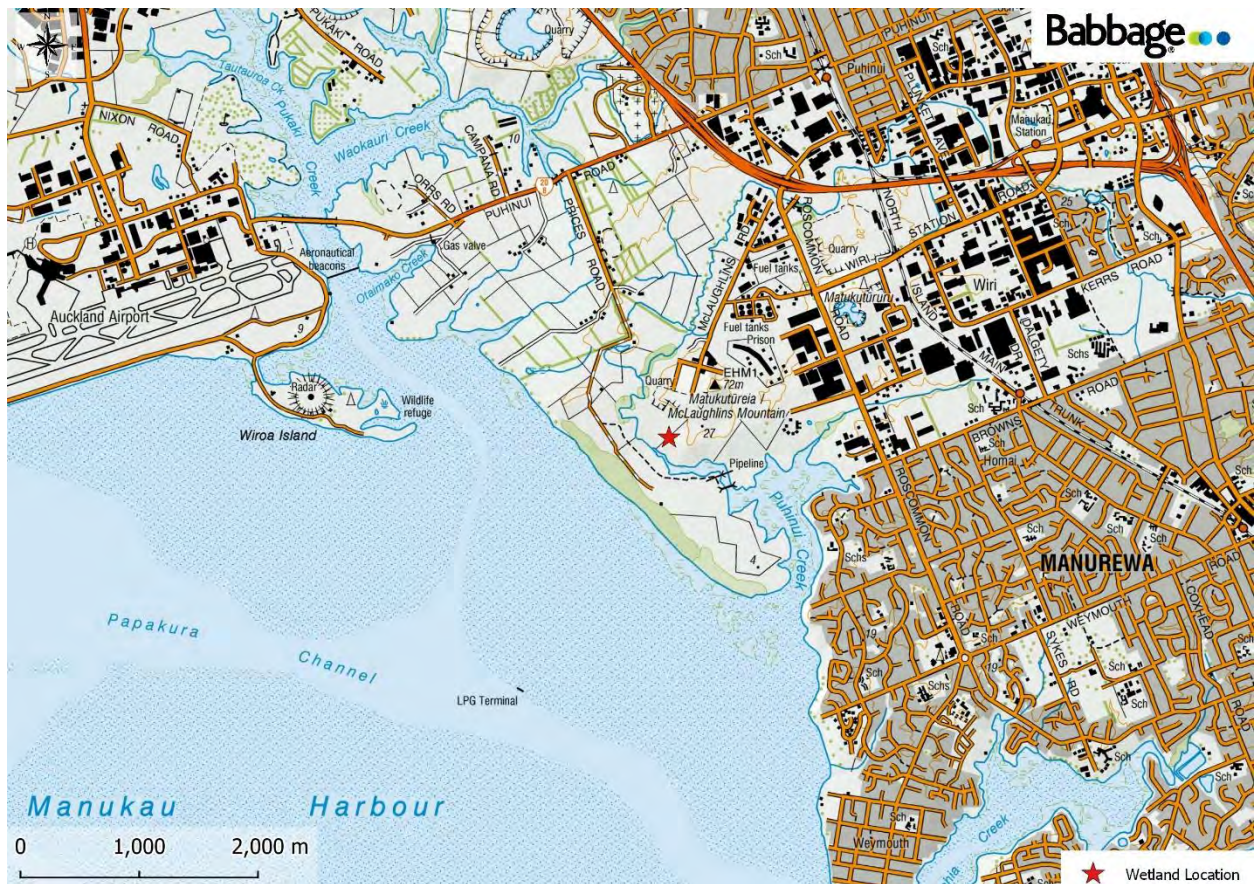
### **Background**

Stonehill Trustees Limited (trading as Euroclass) has lodged a Private Plan Request no. 43 (McLaughlins Quarry) with Auckland Council, to rezone the subject land primarily from Quarry Zone to a mixture of Light and Heavy Industry Zones. Area B of the Plan Change area contains a large wetland, which is dissected by a fence line through the central area, separating the wetland into two approximately equal parts. The western half of the wetland is located within the Plan Change area, and the eastern half is part of the Matukuturua Stonefields site, and is managed by the Department of Conservation.

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 came into force on 3 September 2020. In order to better understand the effects of the proposed development on the above mentioned wetland, Auckland Council staff have requested a hydrological assessment report to better understand the inflow and outflow of water from the wetland.

### **Wetland Details**

The Wetland is of approximately 1.6 ha in area, located, as shown in Figure 1: directly north of the Puhunui Creek and Puhunui Reserve; and south of the industrial developments along Mclaughlins Rd, Harbour Ridge Rd, and Stonehill Drive. The general surroundings are a mix of industrial areas directly north of the wetland, and open space areas to the east and south.



**Figure 1: Wetland Location**

## Geology

The Wetland adjoins the Matukutūreia Stonefiled site, and is part of the Matukutūreia (McLaughlin Mountain) lava field, forming part of the Auckland Volcanic Field. Dr Shane Cronin, author of the *“Geological Evaluation of Outstanding Natural Feature: Matukutūreia and Matukutūreia Lava Field and Truff Ring Report”*, dated February 2019, has advised that the Wetland is an explosion crater, formed more than 15,000 years ago by a single steam, or gas-driven, explosion with no magma involved.

Dr Cronin states that a drill core through the centre of the wetland encountered approximately 90cm of peat above beds containing volcanic particles and fragmented non-volcanic sediments recognized from deeper units.

Dr Cronin states that a rim of ejecta (material explosively expelled from the crater) surrounds the Wetland, particularly to the southern margin as shown in Figure 2. Dr Cronin describes one exposure of volcanic material found in a recent landslide scarp on the banks of the Puhinui Creek, as indicated in Figure 2. He states that the exposed material is a poorly sorted deposit with no bedding, comprising variable-sized blocks of sedimentary rock along with rare dense basaltic lava blocks set within a matrix of mud-sand.





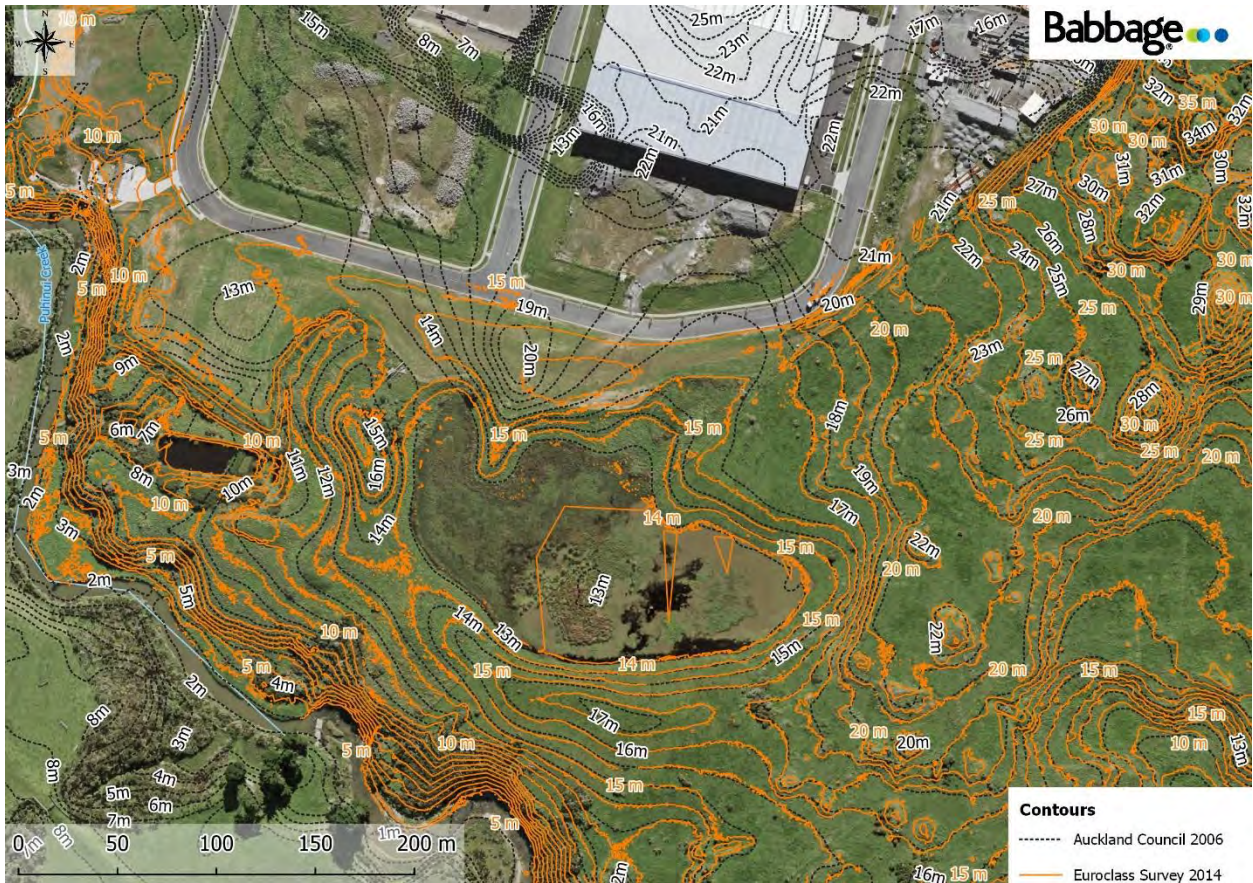
**Figure 2:** Annotated aerial photo showing the outer margin of the explosion crater (Figure 5 of the Geological Evaluation Report)

### Land Contours and Catchment

Land contours and overland flow paths to and from the wetland have changed overtime due to the alterations in the surrounding landscape. Contour lines and overland flow paths from Auckland Council (Geomaps), dating from 2006 (see Appendix 1), show a catchment drainage to the wetland including areas to the north (currently industrial areas), and a drainage channel flowing from the northwest side of the Wetland to the Puhinui Creek.

Figure 3 shows differences in contour surveys from 2006 (from Auckland Council Geomaps) and a LIDAR survey completed in 2014 by Euroclass. The 2014 contours show that the area north of the Wetland is no longer part of the Wetland catchment due to changes in topography to enable the establishment of industrial development in Area A. Area A is serviced by reticulated stormwater infrastructure. The previous channel linking the northwest of the Wetland to the Puhinui Creek to the west, no longer exists.



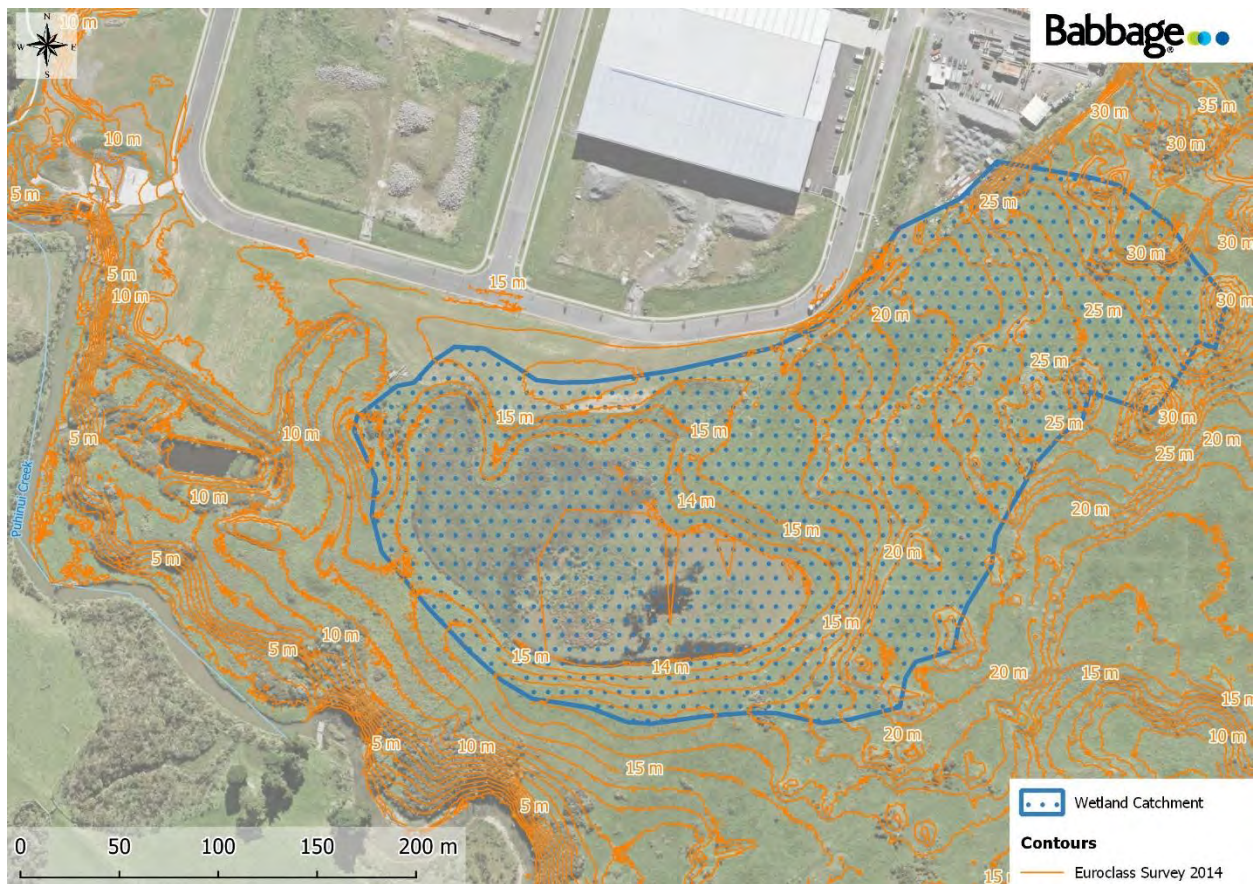


**Figure 3:** Contour comparison. 2006 Contours by Auckland Council, and 2014 Contours by Euroclass.

Based on the 2014 LIDAR survey, the current catchment of the Wetland is approximately 7 ha in size as shown in Figure 4.

The catchment area is comprised of grasslands in the immediate surrounding of the Wetland (including the Matukuturua Stonefired site) and part of the open space recreational reserve between the Wetland and Matukutūreia (McLaughlins Mountain).





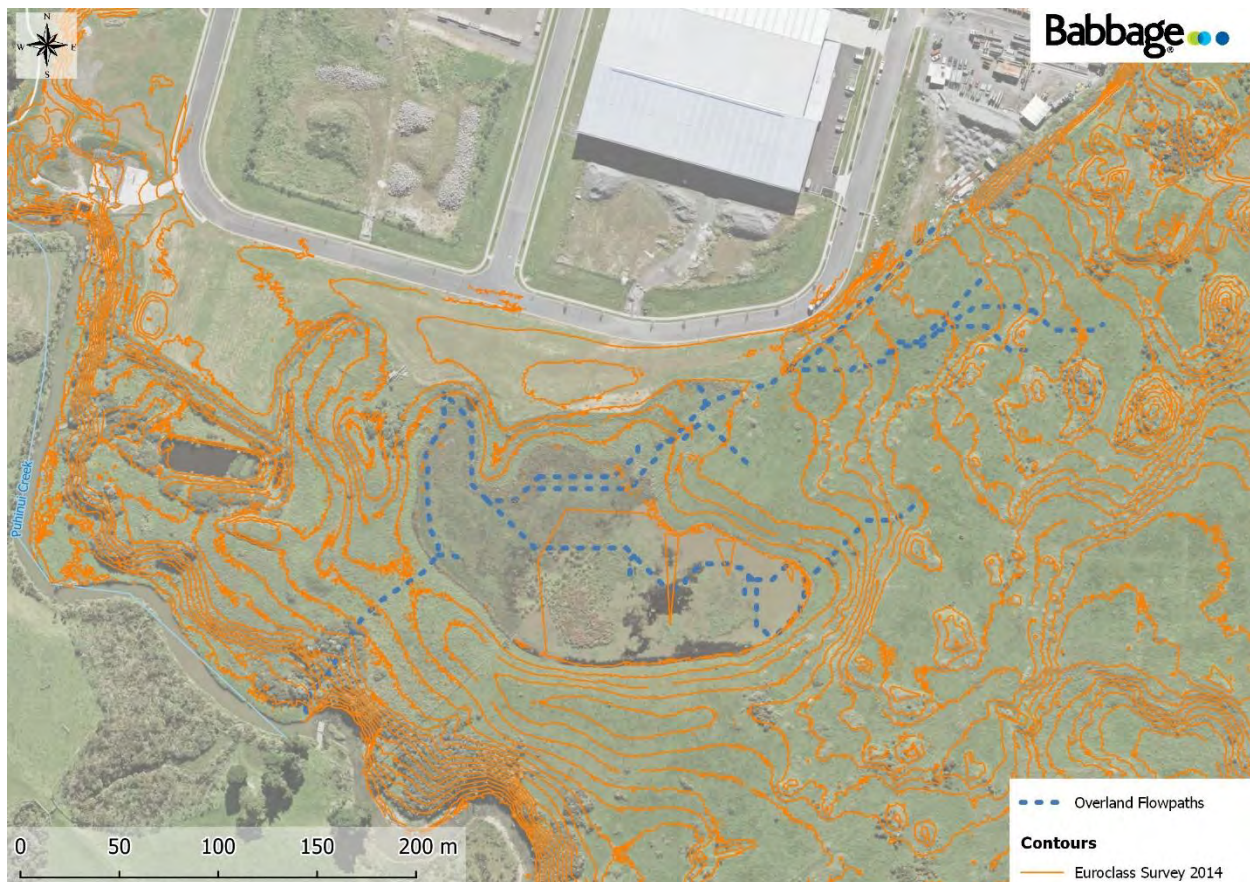
**Figure 4:** Estimated catchment area of the Wetland based on 2014 LIDAR survey by Euroclass.

### Wetland Hydrology

Based on climate and weather data from NIWA<sup>1</sup>, the Wetland directly receives about 20,000 m<sup>3</sup> of stormwater per year, being 17,000 m<sup>3</sup> of direct rainfall and 3,000 m<sup>3</sup> of runoff from the catchment. Groundwater contributions are likely to be minor, as the catchment is mostly underlain by the Matukuturua lava flow deposits, limiting the groundwater flow to fractures on the volcanic rocks.

The Wetland main discharge flow path has shifted from its previous location on the northwest side (shown in Appendix 1) to the southwest side (shown in Figure 5), discharging to the Puhinui Creek further downstream from the original location. This new discharge path appears to be at least one to two metres above the Wetland bed, what is supported by recent reports of water levels in the wetland of over 1.5 metres. This high overland flowpath indicates that the Wetland only directly discharges to the stream when its water volume is above 20,000 m<sup>3</sup>, and therefore, the flowpath is only likely to be active during prolonged periods of intensive rainfall.

<sup>1</sup> The Climate and Weather of Auckland, 2<sup>nd</sup> edition. <https://niwa.co.nz/static/Auckland%20ClimateWEB.pdf>



**Figure 5:** Inferred overland flowpaths to and from the Wetland based on recent contour surveys.

The bed of the wetland, based on the information reviewed by Dr Cronin, consists of sediment deposits and a thick (90 cm) peat layer. As peat has a poor hydraulic conductivity, it is unlikely that the Wetland has a significant discharge to groundwater through its bottom.

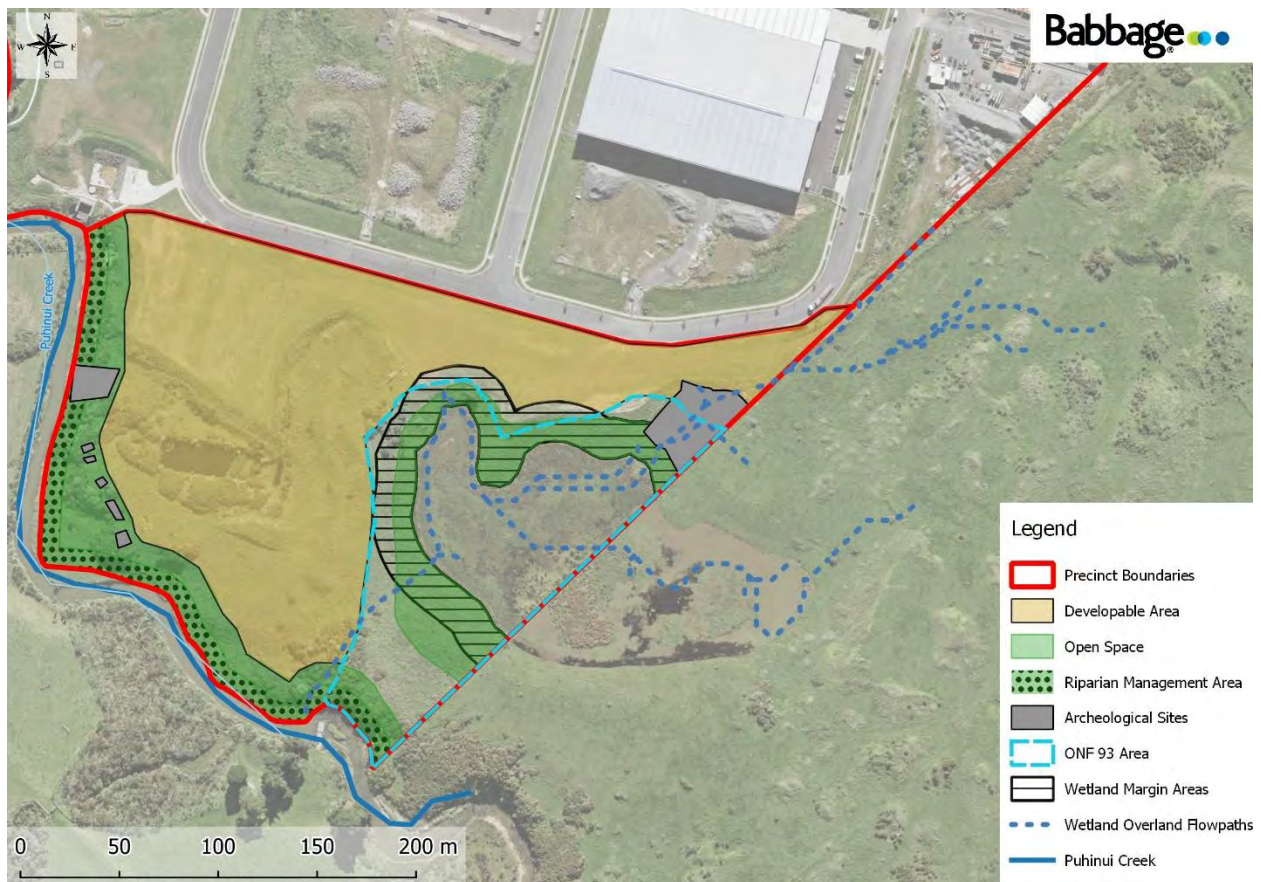
Some discharge to groundwater may occur, however, through the walls of the Wetland (through the fracture breccia and poorly graded explosion deposits) when water levels are sufficiently high. This outflow is likely to occur particularly on the southwest section of the Wetland and re-surface along the Puhinui Creek to the south. ,

### Effects of the proposed development on the Wetland

Figure 6 illustrates the indicative area available for development (shown in yellow colour) within Area B, having removed the areas subject to constraints (or areas required for mitigation or enhancement).

The indicative developable area has “negligible to nil” overlap with the identified Wetland catchment and flowpaths. Therefore, it is unlikely that any buildings or earthworks within the indicative developable area will have a significant effect on the inflow and outflow of surface water and groundwater into, and out of, the Wetland.





**Figure 6:** Inferred overland flowpaths to and from the Wetland relative to the developable area within the plan change.

## Conclusions

The Wetland located directly south of Mclaughlins Road, Auckland, is a volcanic explosion crater partially filled with peat deposits. It seasonally fills with rainwater and runoff from a small catchment along an open space zone of grasslands underlain by the Matukuturua lava flow deposits to the east and northeast. The Wetland only overland discharge occurs through an overland flowpath to its southwest into the Puhinui Creek. Discharge to groundwater is likely small and confined to the southern side of the Wetland, due to the low hydraulic conductivity of peat and the surrounding basalt deposits.

The indicative developable area within the plan change is unlikely to significantly impact on the Wetland's hydrology. The proposed developable area has limited overlap with the identified catchment and flowpaths of the Wetland and therefore, it is unlikely that any buildings or earthworks will cause significant changes to the inflow and outflow of surface water and groundwater into, and out of, the Wetland.



# McLaughlins Quarry Private Plan Change. Stonehill Trustees Ltd. Context Photographs.

12 November  
2020

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**Document record.**

Issue	Revision	Author	QA	Date
Draft	A	SE	XX	12.11.20



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Auckland Council, LINZ

**Figure 01**

Projection NEW ZEALAND TRANSVERSE MERCATOR  
DATUM: NZGD 2000 ● Viewpoint Locations



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Job Name  
**McLaughlins Quarry  
 Private Plan Change**

Job No.  
**4355**  
 North

Drawing No. **1.001**  
 Revision **A**  
 Issued For

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## Viewpoint 01

Figure 02



## Viewpoint 02

Figure 03





## Viewpoint 03

Figure 04



## Viewpoint 04

Figure 05





## Viewpoint 05

Figure 06



## Viewpoint 06

Figure 07





# Viewpoint 07

Figure 08



# Viewpoint 08

Figure 09





# Viewpoint 09

Figure 10



# Viewpoint 10

Figure 11





## Viewpoint 11

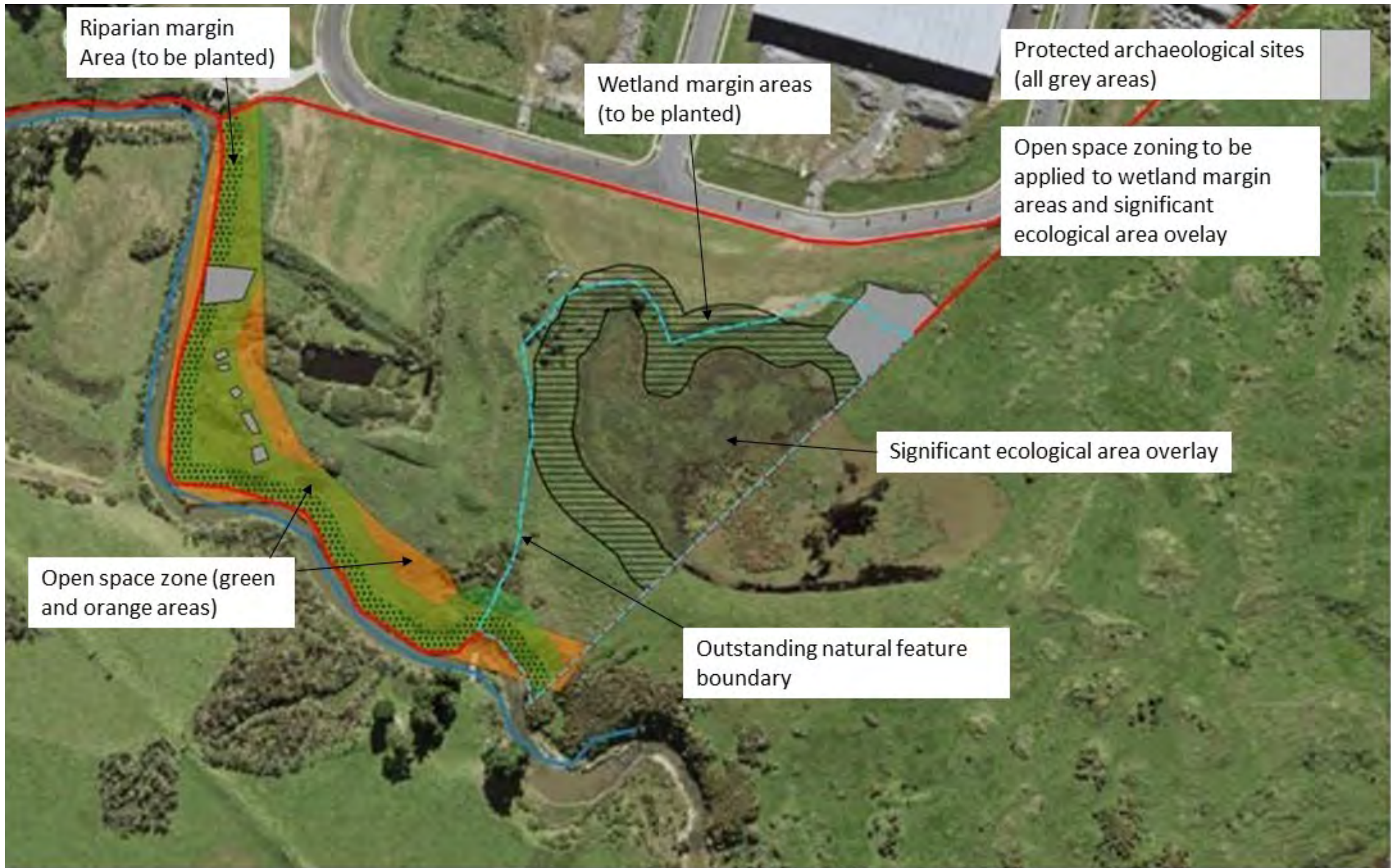
Figure 12



## Viewpoint 12

Figure 13





# Site Area with District Plan Layers

Figure 14



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**Appendix 3**  
**Council Decision to Accept PC43**





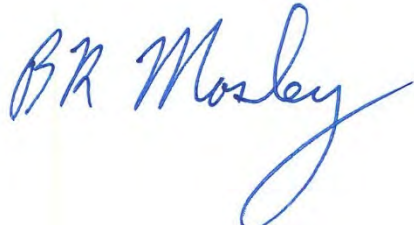

# Auckland Unitary Plan (Operative in Part) – Private Plan Change Request from Stonehill Trustees Limited, McLaughlins Road, Wiri

## Clause 25 Recommendation

In accordance with Auckland Council Combined Chief Executives Delegation Register (updated June 2019), all powers, functions and duties under Schedule 1 of the Resource Management Act 1991, except for the power to approve a proposed policy statement or plan under clause 17 of Schedule 1 (this power cannot be exercised by any Council officer or Hearings Commissioner), are **delegated** to the relevant T3 or T4 Manager.

This private plan change request requires decision-making pursuant to **clause 25(2)(b)** of part 2 of Schedule 1 of the Resource Management Act 1991, to determine whether it will be adopted, accepted, rejected or processed as a resource consent.

## Ngā kaihaina Signatories

Author	Barry Mosley Principal Planner- Plans and Places    Date: 4 April 2020
Authoriser	Celia Davison Manager: Central South Plans and Places    Date: 24 April 2020

## **Te take mō te pūrongo**

### **Purpose of the report**

1. To consider the private plan change request from Stonehill Trustees Limited (the applicant) to rezone approximately 28 hectares of land forming part of the former McLaughlins Quarry (located in the Wiri industrial area) from Quarry Zone to a mixture of Heavy and Light Industry Zones; introduce a new Wiri Precinct; and amend the boundaries of the Outstanding Natural Features Overlay and Significant Ecological Area Overlay applied to the site at 79 McLaughlins Road (Wiri).

## **Whakarāpopototanga matua**

### **Executive summary**

2. This report considers a private plan change request (the request) received on 8 May 2019 from Stonehill Trustees Limited. The area subject to the request is the site of the former McLaughlins Quarry located in the Wiri industrial area. The quarrying activities have ceased, the site has been rehabilitated and a significant portion of the site has been developed in accordance with the land use and subdivision resource consent granted by Auckland Council at 4 December 2009.
3. A decision of the Auckland Council in 2016 authorised a “blanket land use consent” enabling the Private Plan Change area to be utilised for business land use purposes. Despite the significant development of the subject area for industrial activities, it continues to be zoned Quarry zone under the Auckland Unitary Plan (Operative in Part). The Private Plan Change request seeks to:
  - a) Introduce a new Wiri Precinct into Chapter I Precincts (South) of the AUP(OP) to enable transition from quarry to industrial activities, while recognising the important cultural, ecological and geological values present within the precinct.
  - b) Rezone 20.87ha of land from Quarry Zone to Heavy Industry Zone.
  - c) Rezone 3.39ha of land from Quarry Zone to Light Industry Zone.
  - d) Rezone 1.91ha of land from Quarry Zone to Open Space – Informal Recreation Zone.
  - e) Rezone 0.29ha of privately owned land from Open Space – Informal Recreation Zone to Heavy Industry Zone.
  - f) Rezone 0.34ha of privately owned land from Open Space - Informal Recreation Zone to Light Industry Zone
  - g) Amend the boundaries of the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring).
  - h) Amend the description of Outstanding Natural Feature ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring set out in Schedule 6: Outstanding Natural Features Overlay Schedule, to correctly refer to the part of the geological feature as an explosion crater.
  - i) Amend the boundaries of the Significant Ecological Area (SEA) Overlay (ID SEA T 8443) applied to the site at 79 McLaughlins Road.
4. Under clause 25 of Part 2 of Schedule 1 to the Resource Management Act 1991 (RMA), the council is required to make a decision in relation to the Private Plan Change request that either:

- a) adopts the private plan change request as if it were a proposed plan made by the Council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1 (clause 25(2)(a), Schedule 1); or
- b) accepts the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request, under clause 25 (clause 25(2)(b), Schedule 1); or
- c) reject the private plan change request in whole or in part, in reliance on one of the limited grounds set out in clause 25(4), Schedule 1; or
- d) decide to deal with the private plan change request as if it were an application for a resource consent (clause 25(3), Schedule 1).

## Ngā tūtohunga Recommendation/s

That the Planning Committee:

- a) accept the Private Plan Change request from Stonehill Trustees Limited as set out in **Attachment A** to the agenda report pursuant to clause 25(2)(b) of Part 2 of Schedule 1 to the RMA for the following reasons:
  - i) having regard to the RMA and relevant case law the request does not meet any of the limited grounds for rejection under clause 25(4); and
  - ii) it is more appropriate to accept the request than adopt it or treat it as a resource consent application.

## Horopaki Context

### Cultural Considerations

5. The Private Plan Change request sits within a cultural landscape made up of four key natural and physical landscape features which are visible today. These include:
  - A remnant basalt lava flow located in a triangle of land at the southern end of the site;
  - An area of land known as the Matukuturua Stonefields;
  - The southern area of the site, adjacent to the Manukau harbour which incorporates several wetland sites;
  - Maunga Matukuturua (formerly McLaughlin's mountain) being the reported birth place of Te Ata I Rehia and a former pa and battle site.
6. Matukuturua and its terraced pa sites were occupied by Te Akitai Waiohua ancestors. The food gardens and cultivations of Matukuturua extended into the surrounding region of Puhinui and were sectioned off with stone boundaries. Although scarred by excavation Matukuturua still stands and can be seen from Pukaki Marae.
7. Essentially the cultural landscape sits over a geological landscape which has been suggested as appropriate for inclusion in a future Auckland Volcanoes World Heritage area consisting of the highly modified cone of Matukuturua being the source of lava flows upon which a stonefields settlement, gardens and fish traps were developed by pre-European Maori.
8. A sense of grievance still exists today amongst local iwi with regard to the loss of land for European development. In addition to the loss of land, the quarrying of Matukuturua and its surrounding stonefields for building stone has contributed to the feelings of grievance. These feelings have in my view influenced the iwi views communicated around further development in the locality.

### Historic Pattern of Development and Consenting

9. The Private Plan Change area, of approximately 28ha, is located within the Rural Urban Boundary as identified in the Auckland Unitary Plan (Operative in Part). The subject area is located within the general proximity of the Puhinui peninsula area (Figure 1). The local area is characterised by low lying, and gently undulating terrain located at the edge of the Manukau Harbour.
10. The Private Plan Change area also forms part of the Wiri industrial area. The area subject to the Private Plan Change request is the site of the former McLaughlins Quarry. By 2009, all quarrying activities had ceased within the Private Plan Change area. Pursuant to the provisions of the Auckland Council District Plan (Manukau Section), in December 2009, the former Manukau City Council granted land use and subdivision resource consent to Stonehill Property Trust to subdivide and develop the Quarry zoned land for business land use purposes. In lieu of a plan change process to rezone the land, the resource consent decision authorised a "blanket land use consent" enabling the plan change area to be utilised for business land use purposes.



11. On 3 November 2016, Auckland Council granted resource consent number 51522 SP 12591 to create 19 fee simple business lots over three stages. A copy of the resource consents is included in **Attachment B**. Pursuant to the various resource consent decisions, the types of land uses established within the plan change area generally come within the 'industrial activity' definition under Chapter J of the Auckland Unitary Plan (Operative in Part).
12. Despite the significant development of the Private Plan Change area for business uses, by way of resource consent, the Auckland Unitary Plan (Operative in Part) continues to apply the Quarry Zone to the subject area. While some of the surrounding Quarry zoned areas in the Wiri industrial area were rezoned as part of the Auckland Unitary Plan development process, the Private Plan Change area retains the Quarry Zone as no submission was made on the proposed Auckland Unitary Plan, seeking that the land be rezoned.
13. This has resulted in a planning framework, where the authorised land uses are reliant on a package of resource consent conditions and consent notices on the titles. These land uses do not align with the purpose of the Quarry Zone provisions applied to the subject area. The applicant considers that the rezoning of the Private Plan Change area is necessary noting that the quarrying activities have ceased, the subject area has been rehabilitated, and a significant portion of the Private Plan Change area has been developed in accordance with the bespoke set of planning provisions set out in the form of resource consent conditions.
14. The Private Plan Change area is located at the southern end of McLaughlins Road, Wiri. Maunga Matukutūreia (McLaughlins Mountain) and the Matukuturua Stonefields adjoin the eastern boundary of the Private Plan Change area, both of which are held by the Crown and managed by the Department of Conservation. Puhinui Creek adjoins the southern and western boundaries of the Private Plan Change area. Open Space - Informal Recreation Zone is applied to the margins of Puhinui Creek. The remainder of the Private Plan Change area is zoned Quarry zone.
15. The Private Plan Change area consists of two distinct portions: Area A and Area B (Figure 2). Area A is located on the footprint of the backfilled quarry. Whilst a large proportion of Area A has been developed for industrial purposes, undeveloped land remains available for industrial development in line with the land use and subdivision resource consents granted by the council in 2016.
16. Area B is undeveloped land, located at 79 McLaughlins Road. It contains a large wetland, which is dissected by a fenceline through the central area, separating the wetland into two approximately equal halves. The western half of the wetland is located within the Private Plan Change area, and the eastern half is part of the Matukuturua Stonefields site, and is managed by the Department of Conservation.

**Figure 1: Locality Plan**



**Figure 2: Sub-areas and Land to be Zoned within the plan change area**



## Private Plan Change Request

17. The Private Plan Change request is set out in **Attachment A**. The request consists of four key elements as described below.
18. Firstly, the request seeks to Introduce a new Wiri Precinct into Chapter I Precincts (South) of the AUP(OP) to enable industrial activities, while recognising the important cultural, ecological and geological values present within the precinct.
19. Secondly, the request seeks the following rezoning of land within the Private Plan Change area (Figure 3):
  - Rezone 20.87ha of land from Quarry Zone to Heavy Industry Zone.
  - Rezone 3.39ha of land from Quarry Zone to Light Industry Zone.
  - Rezone 1.91ha of land from Quarry Zone to Open Space – Informal Recreation Zone.
  - Rezone 0.29ha of privately owned land from Open Space – Informal Recreation Zone to Heavy Industry Zone.
  - Rezone 0.34ha of privately owned land from Open Space - Informal Recreation Zone to Light Industry Zone.

**Figure 3**

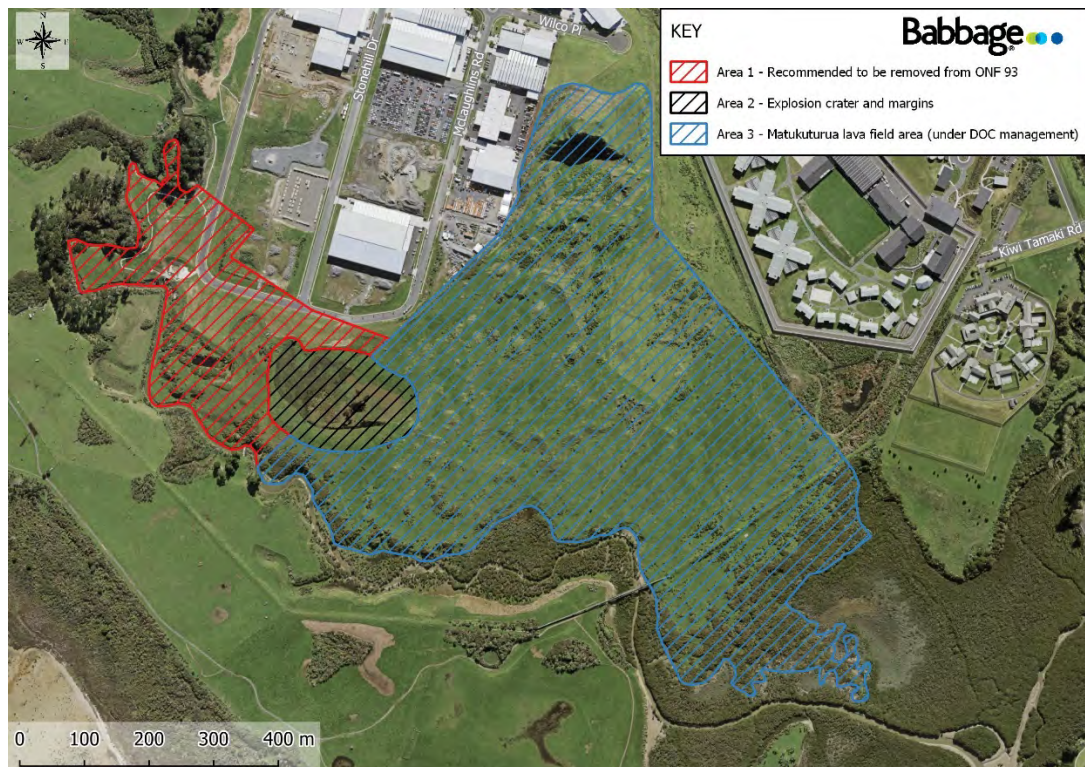


20. Thirdly, the request seeks to amend the boundaries of the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring)



as it applies within the Private Plan Change area (Figure 4). The intent of this request is to map the boundaries of Outstanding Natural Feature ID 93 within the Private Plan Change area, based on an assessment of matters set out in Policy B4.2.2(4) of the Auckland Unitary Plan (Operative in Part). The request also seeks to amend the description of Outstanding Natural Feature ID 93 set out in Schedule 6: Outstanding Natural Features Overlay Schedule, to refer to the part of the geological feature as an explosion crater. This would mean retaining areas two and three but removing area 1 from the feature identified below in figure 4.

**Figure 4: Area requested to be removed from Outstanding Natural Feature (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring) – shown in red.**



21. Fourthly, the request seeks a minor amendment to the boundaries of the Significant Ecological Area Overlay (ID SEA T 8443) applied to the site at 79 McLaughlins Road (Figure 5). The intent of the amendment is to map the extent of the Significant Ecological Area based on the relevant criteria for protection.

**Figure 5: Area requested to be removed from Significant Ecological Area Overlay (ID SEA T 8443) – shown in black.**



22. The applicant has provided the following documentation and specialist reports in support of the request:

- Private Plan Change Request
- Certificates of Title, and associated consent notices on Titles
- Statutory Assessment Report (includes a Section 32 evaluation)
- Economic Assessment Report
- Integrated Transportation Assessment Report
- Geotechnical Feasibility Assessment Report
- Ecological Survey Report
- Archaeological Assessment Report
- Geological Evaluation Report
- Landscape Assessment Report
- Stormwater Management Plan
- Preliminary Cultural Impact Assessment, prepared by Ngati Te Ata Waiohua
- Cultural Values Assessment, prepared by Te Ākitai Waiohua

23. It is considered that the information lodged is sufficient for the council to consider the request under clause 23(6), Schedule 1.



## Tātaritanga me ngā tohutohu Analysis and advice

### Resource Management Act

24. The process for considering private plan change requests is set out in Part 2 of Schedule 1 to the RMA. A request can be made to the appropriate local authority by any person under clause 21 of Schedule 1. After a request has been lodged, a local authority can request further information under clause 23, and modify a request under clause 24, but only with the applicant's agreement.
25. Under clause 23(6), if an applicant refuses to provide any requested further or additional information, a local authority that considers it has insufficient information to enable it to consider or approve the request, may reject the request or decide not to approve the private plan change requested.
26. Following requests from council for further information on 10 June 2019, additional information was received on 4 July 2019 in relation to ecology, stormwater management and transport matters. A fine-grained merits assessment of the request has not been considered in this report. Should the request be adopted or accepted by council, such matters would be assessed through the submission and hearing process.
27. Under clause 25, Schedule 1, after receiving the request, receiving all required further information and modifying the request (where relevant), the local authority is required to make a decision to either:
  - a) adopt the private plan change request as if it were a proposed plan made by the council, which must then be processed in accordance with the provisions of Part 1 of Schedule 1 (clause 25(2)(a), Schedule 1); or
  - b) accept the private plan change request, in whole or in part, which then triggers a requirement to notify the request, or part of the request, under clause 25 (clause 25(2)(b), Schedule 1); or
  - c) reject the private plan change request in whole or in part, in reliance on one of the limited grounds set out in clause 25(4), Schedule 1; or
  - d) decide to deal with the private plan change request as if it were an application for a resource consent (clause 25(3), Schedule 1).

### Options available to the council

28. The RMA provides the Council with the ability to reject a private plan change request, if the Council considers that it has insufficient information to enable it to consider or approve the request (clause 23(6), Schedule 1). Council staff consider that the applicant has provided sufficient information to enable the request to be considered. The next sections of this report assess the various options available to the council under clause 25, Schedule 1, when considering the Private Plan Change request.

#### **Option 1 - Reject the private plan change request, in whole or in part (clause 25(4))**

29. The council has the power to reject a private plan change request, in whole or in part, in reliance on one (or more) of the limited grounds set out in clause 25(4), Schedule 1. If the private plan change request is rejected by the council, the applicant has the ability to appeal that decision to the Environment Court under clause 27 of Schedule 1.
30. The grounds for rejection under clause 25(4) are as follows:
  - a) the request or part of the request is frivolous or vexatious; or
  - b) within the last two years, the substance of the request or part of the request:

- i. has been considered and given effect to, or rejected by, the local authority or the Environment Court; or
- ii. has been given effect to by regulations made under section 360A; or
- c) the request or part of the request is not in accordance with sound resource management practice; or
- d) the request or part of the request would make the policy statement or plan inconsistent with Part 5; or
- e) in the case of a proposed change to a policy statement or plan, the policy statement or plan has been operative for less than two years.

Is the request frivolous or vexatious?

- 31. The private plan change request contains a comprehensive section 32 report evaluation, including an assessment of the Auckland Unitary Plan (Operative in Part) objectives and policies, and a sufficiently detailed assessment of environmental effects. The request is also accompanied by a range of specialist assessments in relation to the key matters considered to be material to the request, including economic effects, transport, and geological assessment. The request enables the nature of the private plan change and its effects to be reasonably understood.
- 32. It is therefore recommended that the council not reject the private plan change request on the basis that it is frivolous or vexatious.

Has the substance of the request been considered and given effect to or rejected by the council within the last two years?

- 33. No, the substance of the request has not been considered and given effect to or rejected by the Council within the last two years.
- 34. These provisions largely seek to discourage repetitive private plan change requests that are substantially the same, with the associated costs to the council and the community. While a number of submissions seeking rezoning of Quarry zoned land in the Wiri industrial area were considered during the Auckland Unitary Plan hearings process, there was no submission received which specifically sought the rezoning of the plan change area.
- 35. However, it has been more than two years since the council made its decisions in response to the recommendations made by the Auckland Unitary Plan Independent Hearings Panel (in June 2016).
- 36. It is therefore recommended that the council not reject the request on the basis of this ground of rejection.

Has the substance of the request been given effect to by regulations made under section 360A?

- 37. Section 360A of the RMA relates to regulations amending regional coastal plans pertaining to aquaculture activities. The substance of this private plan change request or part of the request, being rezoning land from a Quarry Zone to Heavy Industry Zone does not relate to section 360A of the RMA.
- 38. It is therefore recommended that the council not reject the request on the basis of this ground of rejection.

Is the request in accordance with sound resource management practice?

Sound Resource Management Practice

- 39. The term "sound resource management practice" is not defined in the RMA.

40. In the recent Environment Court decision **Orakei Point Trust v Auckland Council** [2019] NZEnvC 117, the Court stated:

[13] What *not in accordance with sound resource management practice* means has been discussed by both the Environment Court and High Court in cases such as **Malory Corporation Limited v Rodney District Council** (CIV-2009-404-005572, dated 17 May 2010), **Malory Corporation Limited v Rodney District Council (Malory Corporation Ltd v Rodney District Council** [2010] NZRMA 1 (ENC)) and **Kerikeri Falls Investments Limited v Far North District Council (KeriKeri Falls Investments Limited v Far North District Council**, Decision No. A068/2009)

[14] Priestley J said in **Malory Corporation Limited v Rodney District Council** (CIV-2009-404-005572, dated 17 May 2010, at 95) that the words *sound resource management practice* should, if they are to be given any coherent meaning, be tied to the Act's purpose and principles. He agreed with the Environment Court's observation that the words should be limited to only a coarse scale merits assessment, and that a private plan change which does not accord with the Act's purposes and principles will not cross the threshold for acceptance or adoption (CIV-2009-404-005572, dated 17 May 2010, at 95)

[15] **Where there is doubt as to whether the threshold has been reached, the cautious approach would suggest that the matter go through to the public and participatory process envisaged by a notified plan change (Malory Corporation Ltd v Rodney District Council** [2010] NZRMA 1 (ENC), at para 22).

41. Overall, the consideration of this ground should involve a coarse assessment of the merits of the Private Plan Change request - "at a threshold level" - and take into account the RMA's purpose and principles – noting that the full merits assessment will be undertaken if the request is not rejected.

#### Purpose and Principles of the RMA

##### Section 6, 7 and 8 Matters of the RMA

Section 6(e) of the RMA requires as a matter of national importance that parties exercising powers and functions under the RMA recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 6(f) of the RMA requires as a matter of national importance that parties exercising powers and functions under the RMA recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development.

Section 7(a) of the RMA requires as a matter of national importance that parties exercising powers and functions under the RMA have regard to the principle of Kaitiakitanga (the right of Maori guardianship).

Section 8 of the RMA requires that in achieving the purpose of the RMA, that all persons exercising functions and powers under it, shall in relation to managing the use, development, and protection of natural and physical resources, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

In regard to all these RMA matters and section 5 (RMA) considerations the Plan Change proposes a precinct so as to identify taonga, parts of the environment and cultural values that are to be afforded special protection through a package of customised rules and standards.

Of special note is the proposed buffering of waterways and wetland areas, the continued protection of cultural resources such as fish traps and archaeology, and the use of height restrictions to preserve views of Maunga Matukutureia. These proposals

all are designed to align the Private Plan Change request to the requirements of sections 5, 6, 7 and 8 of the RMA as discussed directly above.

#### Information Supplied

The request includes a number of specialist reports, which all support the private plan change request. Council has consulted Auckland Transport, Healthy Waters and Watercare and engaged experts to consider the private plan change request. Having undertaken a coarse scale merits assessment of the private plan change request, there are aspects of the private plan change request that will need to be tested through the submission and hearings process.

#### Conclusion

Having reviewed the applicant's planning and specialist reports, undertaken a coarse scale merits assessment of the private plan change request, and taken the purpose and principles of RMA into account, the private plan change request is considered to be in accordance with sound resource management practice for the purposes of consideration under Clause 25(4)(c), Schedule 1. It is therefore recommended that the council not reject the private plan change request on the basis that it is contrary to sound resource management practice.

#### Would the request or part of the request make the policy statement or plan inconsistent with Part 5 of the RMA?

42. This subclause requires a consideration of whether the private plan change request would make the Auckland Unitary Plan inconsistent with Part 5 of the RMA.
43. Part 5 sets out the role and purpose of planning documents created under the RMA, including that they must assist a local authority to give effect to the sustainable management purpose of the RMA.
44. The most relevant part of the Auckland Unitary Plan in regard to this test is Chapter B6 of the Auckland Unitary Plan (Operative in Part) which sets out the strategic framework for the recognition of the Treaty of Waitangi partnerships and participation; recognition of Mana Whenua values; Maori economic, social and cultural development; and the protection of Mana Whenua cultural heritage.
45. The applicant has undertaken a comprehensive assessment of the Private Plan Change against the Objectives and Policies of Chapter B6 and concluded that the proposed Private Plan Change can support the direction of Chapter B6 and not undermine the Auckland Unitary Plan or be inconsistent with Part 5 of the RMA.
46. While it is acknowledged that Maunga Matukutururu (Wiri Mountain) is of significant spiritual and cultural value to Ngāti Te Ata and Te Ākitai Waiohū, it is located outside the private plan change area. The effects of the private plan change request on other cultural sites, areas and resources is briefly discussed below.
47. Chapter D21 (Sites and Places of Significance to Mana Whenua Overlay) of the Auckland Unitary Plan (Operative in Part) applies to sites and places that have been scheduled and protected for their significance to Mana Whenua (see figure 6 which outlines the spatial extent of Mana Whenua values and Historic heritage and Special Character within the plan change area). Maunga Matukūtūreia (item 36) is identified as a site and place of significance to Mana Whenua. Item 36 has two parts, one being located within the private plan change area and the other being applied to the site of the Auckland South Corrections Facility. Matukuturua Stonefields (item 34) is also identified as a site and place of significance to Mana Whenua. The mapped extent of this site and place of significance to Mana Whenua does not extend into the Private Plan Change area. It is shown as being located on the adjoining site.

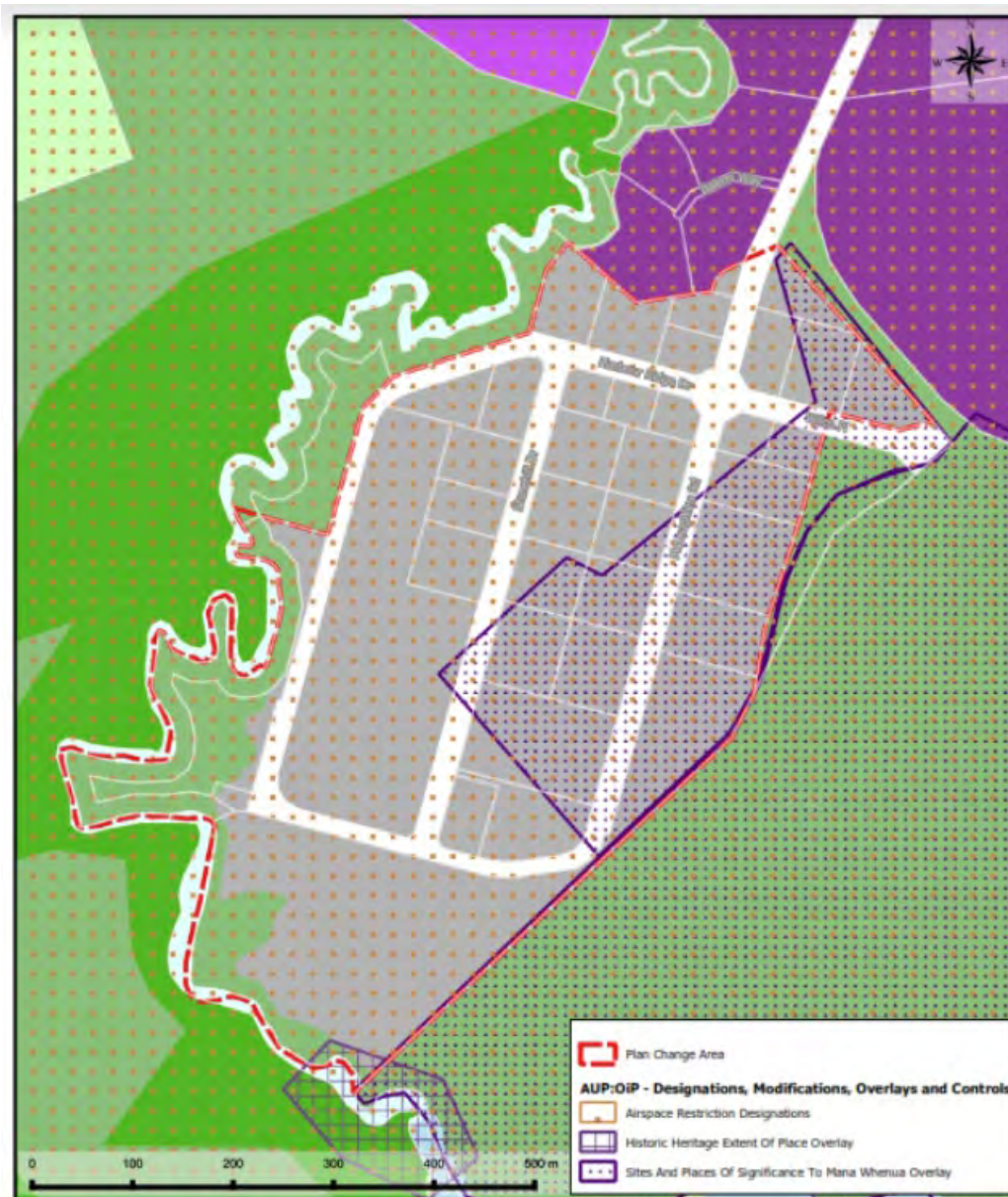
48. Chapter D21 Sites and Places of Significance to Mana Whenua Overlay sets out a comprehensive framework of objectives, policies and rules to provide for the protection of scheduled sites and places of significance to Mana Whenua. The Private Plan Change request does not seek to amend this existing framework. The provisions of the Sites and Places of Significance to Mana Whenua Overlay will continue to apply to the Private Plan Change area.
49. With respect to the preservation of the volcanic view shaft between Pūkaki Marae and Maunga Matukutūreia, it is noted that the views have been protected via land covenants on lots 22, 31, 32, 34 and 40 of DP 508731. The land covenants on these titles limit the maximum building height to 18m. In addition, the proposed Wiri Precinct introduces view shaft provisions to ensure that development does not encroach into the Pūkaki Marae to Maunga Matukutūreia view shaft, by duplicating the protection afforded in the adjoining Puhinui Precinct provisions, thereby ensuring that the entire view shaft is protected.
50. The Auckland Unitary Plan (Operative in Part) identifies the Historic Heritage Overlay Extent of Place – 2163, Puhinui Fish Traps R11-911 (see figure 6) as being located within the Private Plan Change area. The Fish Traps are located within the south-eastern corner of the Plan Change area, over the Puhinui Creek and its margins. Chapter D17 Historic Heritage Overlay sets out a comprehensive objectives, policies and rules framework providing for the continued protection of the Puhinui Fish Traps. The Private Plan Change request does not seek to amend this existing framework. The provisions of the Historic Heritage Overlay will continue to apply to the Private Plan Change area.
51. The Manukau Harbour and Puhinui catchment are acknowledged as being of significant spiritual and cultural value to Ngāti Te Ata and Te Ākitai Waiohū. Ngāti Te Ata is concerned about the direct, indirect and cumulative stormwater discharges resulting from the Private Plan Change area. Chapter E of the Auckland Unitary Plan (Operative in Part) set out the Auckland-wide provisions applying to the management of natural resources, including management of water quality and stormwater discharges. The Private Plan Change does not seek to amend the objectives, policies and rules framework as it relates to the management of natural resources set out in Chapter E.
52. Ngāti Te Ata does not support the application of the Heavy Industry Zone to the Private Plan Change area on the basis that the proposed zoning would detract and have significant adverse effects upon Ngāti Te Ata's values associated with Matukutūreia and Matukuturua Stonefields.
53. While the concerns raised by Ngāti Te Ata are appreciated, the key challenge is that the location of the private plan change area in the proximity of the Wiri Oil Terminal poses significant constraints on the feasible land uses within the private plan change area. The Heavy Industry Zone has been strategically applied for safety reasons to other nearby land in the Wiri Industrial area, including sites of significance to Mana Whenua in light of the challenges posed by the Wiri Oil Terminal. In particular, the zone applied to the Plan Change area must ensure that the provisions restrict sensitive or incompatible land uses, including those that generate people intensive activities.
54. The Plan Change area is a cul-de-sac, with only access via McLaughlins Road. The Wiri Oil Terminal, an infrastructure of national significance, is located to the east of McLaughlins Road as it enters the Plan Change area. Chapter E29 (Hazardous Facilities and Infrastructure) of the AUP(OP) recognises that Wiri Oil Terminal poses a risk to the surrounding land uses and can result in emergency events.
55. Within Sub-Area A, the comprehensive framework of objectives, policies and rules framework of Chapter D21 Sites and Places of Significance, will continue to provide for



the protection of Maunga Matukutureia, a scheduled site and place of significance to Mana Whenua. As an overlay, the provisions of Chapter D21 take precedence over the Heavy Industry Zone, as such any noxious activities seeking to establish within Sub-Area A will need to take into account the planning framework applying to the scheduled sites and places of significance to Mana Whenua.

56. Noting that the provisions of Chapter D21 do not apply within Sub-precinct B, the application of the Light Industry Zone is considered to be appropriate, as it addresses the concerns raised by Ngāti Te Ata regarding adverse effects of noxious activities enabled by the Heavy Industry Zone within the Plan Change area.
57. Stonehill Trustees Limited acknowledges the need for and commits to on-going consultation with Ngāti Te Ata and Te Ākitai during the Private Plan Change development process and subsequent development.
58. If the council accepts the private plan change request for notification, the iwi groups engaged by the applicant will have the opportunity to make submissions on the private plan change on any issues that are important to them.

Figure 6: Mana Whenua values and Historic heritage and Special Character Layers



59. The private plan change request will not make the Auckland Unitary Plan inconsistent with Part 5 of the RMA.
60. It is therefore recommended that the council not reject the private plan change request on the basis that the substance of the request would make the Auckland Unitary Plan inconsistent with Part 5 of the RMA.

Has the district plan to which the request relates been operative for less than two years?

61. The district plan provisions of the Auckland Unitary Plan relevant to this request were made operative on 15 November 2016. The provisions have therefore been operative for more than two years.
62. It is therefore recommended that the council not reject the private plan change request under clause 25(4)(e), as the relevant parts of the Auckland Unitary Plan have been operative for more than two years.

### **Option 2 - Decide to deal with the request as if it were an application for a resource consent**

63. The council can, in some circumstances, decide to deal with a private plan change request as if it were an application for resource consent. In this case, the plan change area already has in place land use and subdivision resource consents. The intent of the request is to align the zoning of the private plan change area with the development enabled by the land use and subdivision resource consents approved for the subject area. It is considered that the most appropriate process for achieving the outcome sought by the request is through a plan change process.
64. It is therefore recommended that the council not decide to deal with the request as if it were an application for resource consent.

### **Option 3 - Adopt the request, or part of the request, as if it were a proposed plan made by the council itself**

65. The council is able to decide to adopt the private plan change request and process it as though it were a Council initiated proposed plan change. A decision to adopt triggers the process set out in Part 1 of Schedule 1, which would then require the council to consult as required in clauses 3 to 3C of Part 1 of Schedule 1.
66. The plan change could have legal effect from notification if it includes a rule that protects or relates to a resource specified in section 86B, or provides for or relates to aquaculture activities. Aspects of the private plan change request relate to resources that may be afforded immediate protection by section 86B, but only if the request was adopted and a decision made for those relevant provisions to have immediate legal effect. I acknowledge these overlays are existing, are already protected through the Auckland Unitary Plan provisions and within the applicant's control. Accordingly, as there is no need to have immediate legal effect to thwart any potential "goldrush" effects I do not consider the private plan change should be adopted.
67. The request does not address a gap in the AUP's planning provisions. The private plan change proposal is not a matter in council's policy work programme, as determined by council's Planning Committee. The private plan change does not address a gap in the Auckland Unitary Plan (Operative in Part) 2016, introduce a new policy direction, nor does the private plan change have broad application by seeking to change provisions that apply across the region.
68. Following consultation, the Council would then need to notify the proposed plan change for submissions and conduct a hearing into submissions, if required. If a request is adopted, all costs associated with the plan change would rest with the

council. It is relevant to note that the applicant has not requested that the council adopt the private plan change.

69. Given that the applicant has not requested that the council adopts the request and that the council would need to account for all costs associated with the adopted request, it is not recommended that the council decide to adopt the private plan change request.

**Option 4 - Accept the private plan change request, in whole or in part, and proceed to notify the request, or part of the request, under clause 26**

70. If the council accepts the request, in whole or in part, it must then proceed to notify the request, or part of the request under clause 26. After the submission period has closed, the council would need to hold a hearing to consider any submissions, and a decision would then be made by the council in relation to the request in accordance with Schedule 1 of the RMA. All costs associated with the request (including notification and any hearing) would rest with the applicant.
71. This is the only remaining option available and is supported on the basis that the request does not meet the criteria for rejection under clause 25(4) of Schedule 1 to the RMA, having regard to relevant case law, and it is more appropriate to accept the request than to adopt it or treat it as a resource consent application.
72. It is therefore recommended that the council accepts the private plan change request.

**Conclusion**

73. Having carefully assessed the private plan change request against the relevant matters set out in the RMA and associated case law, it is recommended that council decide to accept the request and notify it for submissions. If accepted, a further assessment by council staff would take place prior to and during the course of the subsequent hearing.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera  
Council group impacts and views**

74. Auckland Transport has reviewed the private plan change request and has not reported any fundamental constraints which suggest that the request is not in accordance with sound resource management practice. Auckland Transport has identified one transport matter where further information will be required. This relates to the matter of transport modelling to take into account consented development from Pukaki Drive. Auckland Transport will review the response when it is available and will continue to be involved by way of submission in the private plan change process.
75. Healthy waters have been sent a copy of the private plan change request and accompanying stormwater management plan for review. Meetings have been held with Healthy waters and it has been demonstrated that measures can be put in place to manage potential adverse stormwater effects associated with volume of flow and contaminants.
76. The Parks Team was sent a copy of the private plan change request. The Parks Team has advised that it has undertaken an open space assessment of the area using Open Space Provision Policy (2016) and the Parks and Open Space Acquisition Policy (June 2013). The Parks Team has advised that there is no need to acquire any further land for open space purposes in the private plan change area under these policy documents.
77. The Parks Team does not have a budget to acquire land in business park, light industry or heavy industry zoned areas. The Parks Team notes that the plan change area is located beside Puhinui Reserve, which is 198ha of public open space. The

Parks Team considers that there is no justification for acquiring any extra area of esplanade reserve beyond the 20m required under the Resource Management Act 1991 for the site at 79 McLaughlins Road.

## **Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

### **Local impacts and local board views**

78. Local boards' views are important in Auckland Council's co-governance framework. The site subject to the request is located within the Manurewa Local Board area. The informal views of Manurewa Local Board were sought on the private plan change request following lodgment of the private plan change request with council.
79. The Manurewa Local Board provided a memo to Council, dated 5 July 2019, noting their support for the private plan change request. In providing their support the board has requested consideration on the following matters:
- “the Manurewa Local Board was briefed about this private plan change request on 28 June 2019. The board supports full notification of this proposed private plan change as we believe it has potential to bring economic and employment opportunities for our local residents. However, we note the issues raised by mana whenua regarding the potential effects on sites of cultural significance within the plan change area, and our support for notification is made on the basis that further discussion with mana whenua take place to address these concerns”.*
80. The applicant has advised that they are committed to continuing discussions with mana whenua to address their concerns. The mana whenua will also have the opportunity to be involved in the plan change process via the submissions and hearings process.
81. Formal views of the Manurewa Local Board will be sought after notification. All local board feedback will be included in the hearing report and the local board will present its views to hearing commissioners, if the board chooses to do so. These actions support the local board in its responsibility to identify and communicate the interests and preferences of people in its area, in relation to the content of Auckland Council plans.

## **Tauākī whakaaweawe Māori**

### **Māori impact statement**

83. The applicant has advised that it has engaged 10 iwi groups (see below). On 3 December 2018, an overview of the private plan change request, including plans were sent to the iwi groups via email, providing an opportunity for queries and feedback prior to the lodgement of the request with council.

**Table 1**

<b>Mana Whenua Group</b>	<b>Feedback</b>
Ngāi Tai ki Tāmaki Ngāti Maru Ngāti Tamaoho Ngāti Tamaterā Ngāti Whanaunga Te Ahiwaru - Waiohūa Te Kawerau a Maki Waikato - Tainui	No response
Ngāti Te Ata Te Ākitai Waiohūa	Response provided (discussed below)

84. The private plan change request documentation includes a Preliminary Cultural Impact Assessment, prepared by Ngāti Te Ata. The area subject to the request is located within Ngāti Te Ata's broader ancestral cultural landscape. Matukutūreia is a birth place of Te Ata Rehia. Ngāti Te Ata therefore maintain an enduring spiritual and cultural connection to this place through whakapapa. The plan change area and the surrounding wider environment is of significant importance to Ngāti Te Ata. Ngāti Te Ata considers the broader Wiri area to be part of a single contiguous ancestral cultural landscape. This perspective is not limited to physical/tangible values. Despite the resource consents already granted and the existing industrial development, Ngāti Te Ata is fundamentally opposed to the principle of development within this location due to the significance of this landscape. Ngāti Te Ata has not disclosed their preferred zoning for the plan change area. With respect to the proposed amendments to the boundaries of the Outstanding Natural Feature Overlay, Ngāti Te Ata sees the removal of this overlay as a further intrusion into an otherwise contiguous cultural landscape.
85. In response to the on-going consultation with Ngāti Te Ata and Te Ākitai Waiohūa, the applicant has amended the private plan change to introduce a new Wiri Precinct to be incorporated in the AUP(OP) to protect important cultural, ecological and geological values present within the precinct. As per the discussions with Ngāti Te Ata, the proposed Wiri Precinct identifies riparian management areas and wetland margin areas for planting. The applicant has also confirmed their willingness to work with Ngāti Te Ata Board to establish a restoration fund to fund ventures (both inside and outside the private plan change area) that seek to enhance the mana of Ngāti Te Ata.
86. The private plan change request documentation also includes a Cultural Values Assessment, prepared by Te Ākitai Waiohūa. Te Ākitai Waiohūa has identified the Puhinui peninsula area and the Plan Change area both forming part of its cultural landscape. Te Ākitai Waiohūa supports the application of Open Space Informal Recreation Zone over Area B of the plan change area, as it better reflects the cultural and historical importance of the site as outlined in the Cultural Values Assessment. Te



Ākitai Waiohua supports the retention of the Outstanding Natural Feature Overlay and prefers to seek the views of Auckland Council and other independent expert advice on this matter.

87. If accepted (or adopted) the private plan change request will be notified. Iwi authorities will have the opportunity to lodge submissions in addition to engagement described above.

## **Ngā ritenga ā-pūtea**

### **Financial implications**

88. If accepted, the council's costs associated with processing the private plan change request would be met by the applicant.

## **Ngā raru tūpono me ngā whakamaurutanga**

### **Risks and mitigations**

89. An applicant may appeal to the Environment Court a decision to:  
adopt the private plan change request in part only under clause 25(2);  
accept the private plan change request in part only under clause 25(2);  
reject the private plan change in whole or in part under clause 23(6); or  
deal with the private plan change request as if it were an application for a resource consent.<sup>1</sup>
90. I recommend that all of the private plan change request is accepted. The applicant requested the private plan change be accepted. The risk of a legal challenge by the applicant utilising the clause 27 appeal rights is negligible. No avenue for appeal would be available.
91. No substantial changes can be made to the private plan change request following the clause 25 decision. After obtaining expert advice from council's project team I sought further information from the applicant to ensure there would be sufficient information to evaluate the private plan change. I consider the information is sufficient.
92. The only risk associated with the recommendations made in this report is a judicial review by a third party. This risk is considered to be low and mitigated by the analysis provided in this report.

## **Ngā koringa ā-muri**

### **Next steps**

93. If the private plan change is accepted for notification, the implementation of this decision will follow the process set out in clause 26 of Schedule 1 of the RMA. This requires that the private plan change is notified within four months of being accepted, unless this time frame is waived in accordance with section 37 of the RMA.

<sup>1</sup> Resource Management Act 1991, First Schedule, Part 2, clause 27.

## Ngā tāpirihanga Attachments

Table 2

No.	Title
A	Private Plan Change Request
B	Latest Resource Consent Decisions granted within the Plan Change area

### Clause 25 determination

94. In accordance with Auckland Council Combined Chief Executives Delegation Register (updated June 2019), all powers, functions and duties under Schedule 1 of the Resource Management Act 1991, except for the power to approve a proposed policy statement or plan under clause 17 of Schedule 1 (this power cannot be exercised by any Council officer or Hearings Commissioner), are **delegated** to the relevant T4 Manager.
95. Having read the Council planner's report and recommendations on the private plan change request, I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (the RMA) and to make a decision under delegated authority.
96. Accordingly, I agree that this private plan change request by Stonehill Trustees Limited, McLaughlins Road, Wiri be:
- accepted under Clause 25(2)(b) of Schedule 1, Part 2 of the Resource Management Act 1991
  - progressed to notification under Clause 26, and through the statutory process.

Name: Celia Davison



Title: Manager Central South



# **Appendix 4**

## **Submissions and Further Submissions**





**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
1	1.1	Ahikiwi Marae Attn: Ancina Hohaia	<a href="mailto:ladeeallen@gmail.com">ladeeallen@gmail.com</a>	Oppose	Seeks to decline the plan modification
2	2.1	Geoscience Society of New Zealand Attn: Bruce W Hayward	<a href="mailto:b.hayward@geomarine.org.nz">b.hayward@geomarine.org.nz</a>	Oppose	Seek that Council declines the proposed plan change. If the proposed plan change is not declined, then amend it as outlined in submission.
2	2.2	Geoscience Society of New Zealand Attn: Bruce W Hayward	<a href="mailto:b.hayward@geomarine.org.nz">b.hayward@geomarine.org.nz</a>	Oppose	Seeks that the application to substantially change the ONF boundary be rejected and the present ONF classification and boundary be RETAINED over almost all of the original mapped extent of this feature as accepted in the Unitary Plan hearings because of the area's high geoheritage values explained above.
2	2.3	Geoscience Society of New Zealand Attn: Bruce W Hayward	<a href="mailto:b.hayward@geomarine.org.nz">b.hayward@geomarine.org.nz</a>	Oppose	Seeks that the retained ONF be rezoned Open Space to protect the valued landforms as required by the Coastal Policy Statement Policy 15 a and b.
2	2.4	Geoscience Society of New Zealand Attn: Bruce W Hayward	<a href="mailto:b.hayward@geomarine.org.nz">b.hayward@geomarine.org.nz</a>	Oppose	Seeks that the damaged northwest corner of the crater swamp and small overflow stream valley remain as part of the SEA and ONF and be restored to what it was before the developer filled it in and piped the stream overflow. The cost of this to be borne by the council if a RMA consent had been granted or by the developer if no RMA consent was granted.
3	3.1	Autotransform Attn: Kelvin Raymond Stanners	<a href="mailto:kelvin.stanners@autotransform.co.nz">kelvin.stanners@autotransform.co.nz</a>	Support	Seeks to accept the plan modification
4	4.1	Millrush Holdings Attn: Johnathan Stanley Brodie	<a href="mailto:johnathan@beatlys.co.nz">johnathan@beatlys.co.nz</a>	Support	Seeks to accept the plan modification
5	5.1	Super Freight Ltd Attn: Lance Peach	<a href="mailto:lance.p@superfreight.co.nz">lance.p@superfreight.co.nz</a>	Support	Seeks to accept the plan modification
6	6.1	TD14 Limited Attn: Glenn Ian Peach	<a href="mailto:glenn_peach@xtra.co.nz">glenn_peach@xtra.co.nz</a>	Support	Seeks to accept the plan modification
7	7.1	Starke Group Ltd Attn: Ken Pridham	<a href="mailto:ken@starke.co.nz">ken@starke.co.nz</a>	Support	Seeks to accept the plan modification

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**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
8	8.1	Ngāti Te Ata Waiohua Attn: Karl Flavell	<a href="mailto:karl.flavell@ngatiteata.iwi.nz">karl.flavell@ngatiteata.iwi.nz</a>	Oppose	Ngāti Te Ata Waiohua seeks that PPC43 be declined in its entirety.
8	8.2	Ngāti Te Ata Waiohua Attn: Karl Flavell	<a href="mailto:karl.flavell@ngatiteata.iwi.nz">karl.flavell@ngatiteata.iwi.nz</a>	Oppose	If not declined, Ngāti Te Ata Waiohua seeks such amendments as are necessary and appropriate to respond to the matters raised in this submission.
9	9.1	Cargo Plus Limited Attn: carl Mills	<a href="mailto:carl@carplus.co.nz">carl@carplus.co.nz</a>	Support	Seeks to accept the plan modification
10	10.1	Advance Flooring Systems Ltd Attn: Nigel Macintyre	<a href="mailto:nigel@advancefloors.co.nz">nigel@advancefloors.co.nz</a>	Support	Seeks to accept the plan modification
10	10.2	Advance Flooring Systems Ltd Attn: Nigel Macintyre	<a href="mailto:nigel@advancefloors.co.nz">nigel@advancefloors.co.nz</a>	Support	Seeks that the rezoning as requested is supported as it is necessary to recognise the approved business land uses consistent with the resource consents granted to date.
10	10.3	Advance Flooring Systems Ltd Attn: Nigel Macintyre	<a href="mailto:nigel@advancefloors.co.nz">nigel@advancefloors.co.nz</a>	Support	Seeks that the Heavy Industry and Light Industry Zones are supported as increases the supply of industrial zoned land in Wiri. This is consistent with the businesses established in the Wiri Industrial Area.
10	10.4	Advance Flooring Systems Ltd Attn: Nigel Macintyre	<a href="mailto:nigel@advancefloors.co.nz">nigel@advancefloors.co.nz</a>	Support	Seeks to support the proposed amendment to the extent of the Outstanding Natural Feature Overlay ID 93 (Matukūreia and Matukuturua Lava Field and Tuff Ring), to accurately map the extent of the feature based on a factual assessment.
10	10.5	Advance Flooring Systems Ltd Attn: Nigel Macintyre	<a href="mailto:nigel@advancefloors.co.nz">nigel@advancefloors.co.nz</a>	Support	Seeks to support the new Wiri Precinct as it enables the use of the land while recognising cultural, ecological and geological values within the Plan Change area. It provides a greater level of certainty of outcome for the businesses operating within this environment.
10	10.6	Advance Flooring Systems Ltd Attn: Nigel Macintyre	<a href="mailto:nigel@advancefloors.co.nz">nigel@advancefloors.co.nz</a>	Support	Seeks that the rezoning of open space as set out in the Plan Change is supported as these correct mapping errors and accurately map the riparian margin areas of Puhinui Creek.

Plan Change 43 (Private) - McLaughlin Quarry Summary of Decisions Requested						
Sub #	Sub Point	Name	Address for Service	Theme	Summary	
10	10.7	Advance Flooring Systems Ltd Attn: Nigel Macintyre	<a href="mailto:nigel@advancefloors.co.nz">nigel@advancefloors.co.nz</a>	Support	Seeks to support the re-zoning of Lot 51, as Auckland Council's Parks Acquisition Policy team does not support the acquisition of this land for a recreation reserve.	
10	10.8	Advance Flooring Systems Ltd Attn: Nigel Macintyre	<a href="mailto:nigel@advancefloors.co.nz">nigel@advancefloors.co.nz</a>	Support	Seeks to support the proposed amendment to the boundaries of SEA Overlay (ID SEA_T_8443) to ensure that it is accurately mapped.	
11		Withdrawn	Withdrawn	Withdrawn	Withdrawn	
12	12.1	Department of Corrections Attn: Andrea Millar	<a href="mailto:mmalm@corrections.govt.nz">mmalm@corrections.govt.nz</a>	Oppose	Seeks to decline PC43	
12	12.2	Department of Corrections Attn: Andrea Millar	<a href="mailto:mmalm@corrections.govt.nz">mmalm@corrections.govt.nz</a>	Oppose	Decline PC 43 or impose the Business – Light Industry Zone instead of the Business – Heavy Industry Zone where it has been proposed within the PC43 area or subject to expert analysis, split the zoning to impose the Business – Light Industry Zone to those parts of the PC43 area closest to the ARWCF / ASCF site, and imposes the Business – Heavy Industry Zone only to the western parts of the PC43 area further away from the ARWCF / ASCF site.	
13	13.1	Wurth New Zealand Attn: David Paterson	<a href="mailto:david.paterson@wurth.co.nz">david.paterson@wurth.co.nz</a>	Support	Seeks to accept the plan modification	

**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
14	14.1	Auckland Transport Attn: Kevin Wong-Toi	<a href="mailto:kevin.wong-toi@at.govt.nz">kevin.wong-toi@at.govt.nz</a>	Support in part	<p>Seeks to approve the rezoning and Wiri Precinct Plan if:</p> <ol style="list-style-type: none"> <li>Sufficient information is provided to satisfactorily enable determination of the effects of the proposal, and</li> <li>Necessary modifications are made to the proposed rezoning or Wiri Precinct to adopt appropriate transport network (or other) mitigation. Further assessment within the Integrated Transport Assessment should be made to consider the cumulative impact on the Vogler Drive/Roscommon Road intersection relative to the Plan Change and existing zoned or consented development.</li> </ol> <p>In particular, the following zoned or consented transport effects should be included when considering the operation of the Vogler Drive/Roscommon Road:</p> <ol style="list-style-type: none"> <li>Adequacy of factoring existing traffic volumes of the current development to obtain forecast Plan Change demands, noting that the current development is not yet 100% occupied;</li> <li>Traffic volumes associated with full build out of the Wiri North2/Puaki Drive area including the timing of construction of the Langley Road/Wiri Station Road access to the site;</li> <li>Traffic volumes (up to and above) 1,035 vph arising from the construction of new road/bridge link between the Puhinui Precinct and McLaughlins Road (connecting to the Vogler Drive/Roscommon Road intersection).</li> </ol>
15	15.1	Oyster Industrial Limited Attn: Liam Costley	<a href="mailto:liam.costley@oystergroup.co.nz">liam.costley@oystergroup.co.nz</a>	Support	Seeks to accept the plan modification
16	16.1	Wiri Oil Services Limited Attn: Mark Laurenson	<a href="mailto:mark@4sight.co.nz">mark@4sight.co.nz</a>	Support	WOSL seeks to ensure that PC43 appropriately mitigates potential adverse effects on the ongoing operation, maintenance, and upgrade of the terminal.

**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
16	16.2	Wiri Oil Services Limited Attn: Mark Laurenson	<a href="mailto:mark@4sight.co.nz">mark@4sight.co.nz</a>	Support	Seeks to support the proposed rezoning as depicted in Appendix 3 to the PC43 documents (see Figure 2 in submission), particularly the rezoning of sub-precinct A to Heavy Industry and sub-precinct B to Light Industry. This reflects that Heavy Industry Zoning closest to the WOSL Terminal is compatible with WOSL's activities and will appropriately manage the potential for reverse sensitivity effects.
16	16.3	Wiri Oil Services Limited Attn: Mark Laurenson	<a href="mailto:mark@4sight.co.nz">mark@4sight.co.nz</a>	Support	Seeks to support Activity Table I4.4.1, including the non-complying activity status for activities sensitive to hazardous facilities and infrastructure in sub-precinct B.
16	16.4	Wiri Oil Services Limited Attn: Mark Laurenson	<a href="mailto:mark@4sight.co.nz">mark@4sight.co.nz</a>	Support	Seeks to support that policy I4.3(9) which requires the management of reverse sensitivity effects on the WOSL Terminal by avoiding the establishment of activities sensitive to hazardous facilities and infrastructure in sub-precinct B.
17	17.1	Auckland Volcanic Cones Society Inc Attn: Greg Smith	<a href="mailto:avcs@xtra.co.nz">avcs@xtra.co.nz</a>	Oppose	Seeks to decline the plan modification
18	18.1	Tyremax Limited Partnership Attn: Daniel Moore	<a href="mailto:daniel.moore@tyremax.co.nz">daniel.moore@tyremax.co.nz</a>	Support	Seeks to accept the plan modification
19	19.1	David Fraser	<a href="mailto:Lasaiya@gmail.com">Lasaiya@gmail.com</a>	Oppose	Seeks to decline the plan modification
19	19.2	David Fraser	<a href="mailto:Lasaiya@gmail.com">Lasaiya@gmail.com</a>	Oppose	Seeks to oppose the reduction of the ONF overlay and SEA overlay, which would allow for development.
20	20.1	Reading Properties Manukau Limited Attn: Craig McGarr	<a href="mailto:cmcgarr@bentley.co.nz">cmcgarr@bentley.co.nz</a>	Oppose	Seeks to amend the plan modification if it is not declined



**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
20	20.2	Reading Properties Manukau Limited Attn: Craig McGarr	<a href="mailto:cmcgarr@bentley.co.nz">cmcgarr@bentley.co.nz</a>	Oppose	Seeks that:  (a) the applicant provide further information which demonstrates that the traffic generation associated with the proposed rezoning of the Plan Change area can be sustained by the existing and future road network, having regard to both the approved and envisaged transport infrastructure that will service the Puhinui Precinct, and not compromise the outcomes envisaged by the zoning of that land in terms of its forecast traffic generation characteristics.
20	20.3	Reading Properties Manukau Limited Attn: Craig McGarr	<a href="mailto:cmcgarr@bentley.co.nz">cmcgarr@bentley.co.nz</a>	Oppose	Seeks that:  (b) in the absence of (a) being satisfied, the Plan Change be refused.
21	21.1	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	<a href="mailto:dominic.wilson@aucklandcouncil.govt.nz">dominic.wilson@aucklandcouncil.govt.nz</a>	Oppose	Seeks to decline the plan change.
21	21.2	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	<a href="mailto:dominic.wilson@aucklandcouncil.govt.nz">dominic.wilson@aucklandcouncil.govt.nz</a>	Oppose	Seeks that if the proposed plan change is not declined, amend the plan change as follows:  (i) Recognise the relationship of the land included in the plan change with I432 Puhinui Precinct as shown on 1432.10.1 Puhinui: Precinct Plan - Māori cultural landscape values.
21	21.3	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	<a href="mailto:dominic.wilson@aucklandcouncil.govt.nz">dominic.wilson@aucklandcouncil.govt.nz</a>	Oppose	Seeks that if the proposed plan change is not declined, amend the plan change as follows:  (ii) Amend the precinct description, objectives, policies, activity table and assessment criteria to recognise and protect Māori cultural landscape values in sub-precinct A and B.

**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
21	21.4	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	<a href="mailto:dominic.wilson@aucklandcouncil.govt.nz">dominic.wilson@aucklandcouncil.govt.nz</a>	Oppose	Seeks that if the proposed plan change is not declined, amend the plan change as follows:  (iii) Apply a zoning to the land that Māori cultural landscape values in sub-precinct A despite the presence of buildings on this part of the precinct.
21	21.5	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	<a href="mailto:dominic.wilson@aucklandcouncil.govt.nz">dominic.wilson@aucklandcouncil.govt.nz</a>	Oppose	Seeks that if the proposed plan change is not declined, amend the plan change as follows:  (iv) Recognise and include provisions showing the relationship between Matukutūruru and Matukutūreia.
21	21.6	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	<a href="mailto:dominic.wilson@aucklandcouncil.govt.nz">dominic.wilson@aucklandcouncil.govt.nz</a>	Oppose	Seeks that if the proposed plan change is not declined, amend the plan change as follows:  (v) Extend to the open space informal zone in sub-precinct B unless further information demonstrates the feasibility of the configuration for future development of the land proposed to be re-zoned Light Industry.
21	21.7	Tūpuna Maunga o Tāmaki Makaurau Authority Attn: Dominic Wilson	<a href="mailto:dominic.wilson@aucklandcouncil.govt.nz">dominic.wilson@aucklandcouncil.govt.nz</a>	Oppose	Seeks any other relief that addresses the concerns of the Tūpuna Maunga Authority.
22	22.1	Box Property Investments Ltd Attn: David Jans	<a href="mailto:david@boxproperty.co.nz">david@boxproperty.co.nz</a>	Oppose	Decline the plan change.
23	23.1	Director-General of Conservation Attn: Angus Gray Attn: Michelle Hooper	<a href="mailto:agray@doc.govt.nz">agray@doc.govt.nz</a> <a href="mailto:mhooper@doc.govt.nz">mhooper@doc.govt.nz</a>	Oppose	Seeks to amend the plan modification if it is not declined
23	23.2	Director-General of Conservation Attn: Angus Gray Attn: Michelle Hooper	<a href="mailto:agray@doc.govt.nz">agray@doc.govt.nz</a> <a href="mailto:mhooper@doc.govt.nz">mhooper@doc.govt.nz</a>	Oppose	Seeks that the Council:  a. decline the plan change application; or

**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
23	23.3	Director-General of Conservation Attn: Angus Gray Attn: Michelle Hooper	<a href="mailto:agrav@doc.govt.nz">agrav@doc.govt.nz</a> <a href="mailto:mhooper@doc.govt.nz">mhooper@doc.govt.nz</a>	Oppose	Seeks that the Council: b. if the panel is minded to grant the plan change that it makes the following amendments: i. That sub-area B be rezoned to a more appropriate zone which protects the values of the site such as an Open Space zone; and
23	23.4	Director-General of Conservation Attn: Angus Gray Attn: Michelle Hooper	<a href="mailto:agrav@doc.govt.nz">agrav@doc.govt.nz</a> <a href="mailto:mhooper@doc.govt.nz">mhooper@doc.govt.nz</a>	Oppose	Seeks that the Council: b. if the panel is minded to grant the plan change that it makes the following amendments: ii. That the ONF overlay be retained; and
23	23.5	Director-General of Conservation Attn: Angus Gray Attn: Michelle Hooper	<a href="mailto:agrav@doc.govt.nz">agrav@doc.govt.nz</a> <a href="mailto:mhooper@doc.govt.nz">mhooper@doc.govt.nz</a>	Oppose	Seeks that the Council: b. if the panel is minded to grant the plan change that it makes the following amendments: iii. That the proposed plan change appropriately recognises and provides for the significance of this landscape to mana whenua; and
23	23.6	Director-General of Conservation Attn: Angus Gray Attn: Michelle Hooper	<a href="mailto:agrav@doc.govt.nz">agrav@doc.govt.nz</a> <a href="mailto:mhooper@doc.govt.nz">mhooper@doc.govt.nz</a>	Oppose	Seeks that the Council: b. if the panel is minded to grant the plan change that it makes the following amendments: iv. That the proposed plan change is amended to address the concerns outlined in this submission.
23	23.7	Director-General of Conservation Attn: Angus Gray Attn: Michelle Hooper	<a href="mailto:agrav@doc.govt.nz">agrav@doc.govt.nz</a> <a href="mailto:mhooper@doc.govt.nz">mhooper@doc.govt.nz</a>	Oppose	Seeks that any alternative, further, or consequential relief necessary to address the concerns outlined in this submission.
23	24.1	Ngati Tamaoho Attn: Lucie Rutherford Attn: Dennis Kirkwood	<a href="mailto:rmaofficer@tamaoho.maori.nz">rmaofficer@tamaoho.maori.nz</a> <a href="mailto:dennis@tamaoho.maori.nz">dennis@tamaoho.maori.nz</a>	Oppose	Seeks that this Plan Change be declined by Council.

**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
24	24.2	Ngati Tamaoho Attn: Lucie Rutherford Attn: Dennis Kirkwood	<a href="mailto:rmaofficer@tamaoho.maori.nz">rmaofficer@tamaoho.maori.nz</a> <a href="mailto:dennis@tamaoho.maori.nz">dennis@tamaoho.maori.nz</a>	Oppose	Seeks that Ngati Tamaoho supports the submission made by Ngati Te Ata and the relief sought by the commissioners from Ngati Te Ata
25	25.1	Heritage New Zealand Pouhere Taonga Attn: Susan Andrews	<a href="mailto:sandrews@heritage.org.nz">sandrews@heritage.org.nz</a>	Support	Seeks that the plan change not be approved unless a range of matters are addressed.
25	25.2	Heritage New Zealand Pouhere Taonga Attn: Susan Andrews	<a href="mailto:sandrews@heritage.org.nz">sandrews@heritage.org.nz</a>	Support	Seeks that an additional area of Open Space Zone be included in the plan change encompassing the area indicated in Appendix A, containing remnant gardening settlement areas that form part of archaeological site R11/47 including an appropriate buffer.
25	25.3	Heritage New Zealand Pouhere Taonga Attn: Susan Andrews	<a href="mailto:sandrews@heritage.org.nz">sandrews@heritage.org.nz</a>	Support	Seeks that with regard to Lot 51, a portion of this site is retained in Open Space Zone to the extent necessary (including a buffer) to ensure archaeological site R11/2811 is retained and effects on the site will be avoided, which is not adequately addressed in the Statutory Assessment Report.
25	25.4	Heritage New Zealand Pouhere Taonga Attn: Susan Andrews	<a href="mailto:sandrews@heritage.org.nz">sandrews@heritage.org.nz</a>	Support	Seeks that further detail is provided to ensure that the boundaries of proposed Open Space Zone encompasses the full extent of site R11/1632, and the AUP(OP) Historic Heritage Overlay Extent of Place for Schedule ID 2163 Puhinui Fish Traps R11/911. These sites should be mapped on a cadastral plan and an appropriate scale to indicate their extent and an appropriate buffer.
25	25.5	Heritage New Zealand Pouhere Taonga Attn: Susan Andrews	<a href="mailto:sandrews@heritage.org.nz">sandrews@heritage.org.nz</a>	Support	Seeks that the plan change is amended to include mechanisms to provide for the ongoing management of archaeological sites and their amenity in perpetuity.
25	25.6	Heritage New Zealand Pouhere Taonga Attn: Susan Andrews	<a href="mailto:sandrews@heritage.org.nz">sandrews@heritage.org.nz</a>	Support	Seeks that the plan change is amended to provide for interpretation of the historic and cultural heritage of the features within the site and as they relate to the wider cultural heritage landscape within which the site sits.
25	25.7	Heritage New Zealand Pouhere Taonga Attn: Susan Andrews	<a href="mailto:sandrews@heritage.org.nz">sandrews@heritage.org.nz</a>	Support	Seeks that meaningful engagement with mana whenua continues to work towards acceptable mitigation options to with regard to the identified cultural heritage impacts of the proposed rezoning and precinct.
25	26.1	Te Ākitai Waiohūa Waka Taua Incorporated Attn: Nigel Denny Attn: Karen Wilson	<a href="mailto:akitai.waka.taua@gmail.com">akitai.waka.taua@gmail.com</a> <a href="mailto:karen.a.wilson@xtra.co.nz">karen.a.wilson@xtra.co.nz</a>	Oppose	Seeks to amend the proposed plan to apply Light Industry Zone to both sub-precincts A and B

**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
26	26.2	Te Ākitai Waiohū Waka Taua Incorporated Attn: Nigel Denny Attn: Karen Wilson	<a href="mailto:akitai.waka.taua@gmail.com">akitai.waka.taua@gmail.com</a> ; <a href="mailto:karen.a.wilson@xtra.co.nz">karen.a.wilson@xtra.co.nz</a>	Oppose	Seeks to retain the mapped extent of the ONF ID93
26	26.3	Te Ākitai Waiohū Waka Taua Incorporated Attn: Nigel Denny Attn: Karen Wilson	<a href="mailto:akitai.waka.taua@gmail.com">akitai.waka.taua@gmail.com</a> ; <a href="mailto:karen.a.wilson@xtra.co.nz">karen.a.wilson@xtra.co.nz</a>	Oppose	Seeks to retain the mapped extent of the SEA ID8443
26	26.4	Te Ākitai Waiohū Waka Taua Incorporated Attn: Nigel Denny Attn: Karen Wilson	<a href="mailto:akitai.waka.taua@gmail.com">akitai.waka.taua@gmail.com</a> ; <a href="mailto:karen.a.wilson@xtra.co.nz">karen.a.wilson@xtra.co.nz</a>	Oppose	Seeks to retain provisions protecting the Matukutūreia local viewshaft from Pukaki Marae
26	26.5	Te Ākitai Waiohū Waka Taua Incorporated Attn: Nigel Denny Attn: Karen Wilson	<a href="mailto:akitai.waka.taua@gmail.com">akitai.waka.taua@gmail.com</a> ; <a href="mailto:karen.a.wilson@xtra.co.nz">karen.a.wilson@xtra.co.nz</a>	Oppose	Seeks to retain Policy 14.3(2)
26	26.6	Te Ākitai Waiohū Waka Taua Incorporated Attn: Nigel Denny Attn: Karen Wilson	<a href="mailto:akitai.waka.taua@gmail.com">akitai.waka.taua@gmail.com</a> ; <a href="mailto:karen.a.wilson@xtra.co.nz">karen.a.wilson@xtra.co.nz</a>	Oppose	Seeks to amend precinct provisions to better reflect cultural values including:  a. Amend the precinct description to better reflect the significant cultural values of Matukutūreia and Matukutururu b. Amend Objective 14.2(1) to reflect the significance of Matukutūreia and Matukutururu c. Amend the activity status for new buildings over 50m2 from controlled to restricted discretionary d. Amend assessment criteria to provide opportunities for cultural values to be incorporated into the development of the precinct and ensure ongoing consultation with Te Ākitai Waiohū
26	26.7	Te Ākitai Waiohū Waka Taua Incorporated Attn: Nigel Denny Attn: Karen Wilson	<a href="mailto:akitai.waka.taua@gmail.com">akitai.waka.taua@gmail.com</a> ; <a href="mailto:karen.a.wilson@xtra.co.nz">karen.a.wilson@xtra.co.nz</a>	Oppose	Seeks that any other consequential amendments to give effect to the relief sought by Te Ākitai Waiohū.



**Plan Change 43 (Private) - McLaughlin Quarry**  
**Summary of Decisions Requested**

Sub #	Sub Point	Name	Address for Service	Theme	Summary
27	27.1	Auckland Council Attn: Christopher Turbott	<a href="mailto:Christopher.Turbott@aucklandcouncil.govt.nz">Christopher.Turbott@aucklandcouncil.govt.nz</a>	Oppose	Seeks that's PC 43 be amended as follows:  A. Ensure that the proposed zones and/or precinct provisions included in the private plan change request properly address the significant adverse cultural effects identified in the Cultural Values Assessments included with the application.  Seeks that's PC 43 be amended as follows:
27	27.2	Auckland Council Attn: Christopher Turbott	<a href="mailto:Christopher.Turbott@aucklandcouncil.govt.nz">Christopher.Turbott@aucklandcouncil.govt.nz</a>	Oppose	B. Consider rezoning sub-precinct B as either open space or rural zoning instead of light industry zoning. Rural - Rural Coastal zone or Rural – Rural Conservation zone could be appropriate rural zonings in this sub-precinct. Light industry zoning could be retained for the area of filled land immediately adjoining the road while the remainder of sub-precinct B would be better zoned as either open space and one of the two rural zones referred to.
27	27.3	Auckland Council Attn: Christopher Turbott	<a href="mailto:Christopher.Turbott@aucklandcouncil.govt.nz">Christopher.Turbott@aucklandcouncil.govt.nz</a>	Oppose	Seeks that's PC 43 be amended as follows:  C. Delete rule 14.4.1 (A2), the associated policy 14.3 (8) and 14.9.4. Wiri Precinct Plan 4: Areas for reclamation within sub-precinct B.
27	27.4	Auckland Council Attn: Christopher Turbott	<a href="mailto:Christopher.Turbott@aucklandcouncil.govt.nz">Christopher.Turbott@aucklandcouncil.govt.nz</a>	Oppose	Seeks that's PC 43 be amended as follows:  D. Ensure that all one per cent annual exceedance probability floodplains are protected from urban development by either public reserve with open space zoning, covenants or development setback rules in the precinct, or rural zoning, or a combination of the above.

Plan Change 43 (Private) - McLaughlin Quarry				
Summary of Decisions Requested				
Sub #	Sub Point	Name	Address for Service	Theme
27	27.5	Auckland Council Attn: Christopher Turbott	<a href="mailto:Christopher.Turbott@aucklandcouncil.govt.nz">Christopher.Turbott@aucklandcouncil.govt.nz</a>	Oppose
				<b>Summary</b> Seeks that's PC 43 be amended as follows:  E. Provide a stormwater management plan (SMP) that meets the water quality and other requirements for adoption into the council's network discharge consent (NDC) or variation to the existing discharge consent for sub-precinct A. This includes ensuring that the discharge of stormwater from the precinct area does not adversely affect the terrestrial and marine Significant Ecological Areas (SEA), and making any necessary amendments to the precinct to that effect.

Plan Change 43 (Private) - McLaughlin Quarry					
Summary of Decisions Requested - Renotified 19 November 2020					
Sub #	Sub Point	Name	Address for Service	Theme	Summary
28	28.1	Ngati Te Ata Waiohua Attn: Edith Tuhimata,	<a href="mailto:edith71@hotmail.com">edith71@hotmail.com</a>	Oppose	Seeks no more development on the Puhinuicultural landscape and oppose plan change 43 in its entirety.

## Contact details

Full name of submitter: Ancina Hohaia

Organisation name: Ahikiwi Marae

Agent's full name: Vincent Hohaia

Email address: [ladeeallen@gmail.com](mailto:ladeeallen@gmail.com)

Contact phone number:

Postal address:  
19 Halsey Road,  
Manurewa  
Auckland 2102

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:  
Mana Whenua

Property address: Dome Valley Area

Map or maps:

Other provisions:  
Mana Whenua

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
Mana Whenua of this land

1.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 4 June 2020

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



## **Submission on a notified proposal for policy statement or plan change or variation Clause 6 of Schedule 1, Resource Management Act 1991**

### **FORM 5**

Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

or post to : Attn: Planning Technician Auckland Council Level 24, 135 Albert Street Private Bag 92300  
Auckland 1142

#### Submitter details

Full Name or Name of Agent (if applicable) Bruce W Hayward PhD on behalf of:

Organisation Name (if submission is made on behalf of Organisation)

Geoscience Society of New Zealand

#### Address for service of Submitter

19 Debron Ave, Remuera, Auckland

Telephone: 9 5231667 Fax/Email: b.hayward@geomarine.org.nz

Contact Person: (Name and designation, if applicable) Bruce Hayward, Convenor, Geoheritage Subcommittee, GSNZ

#### Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number PC 43 Plan Change/Variation Name McLaughlin Quarry (Private)

The specific provisions that my submission relates to are: (Please identify the specific parts of the proposed plan change / variation): Request to reduce the boundaries of the Outstanding Natural Feature (ONF) and the Significant Ecological Area (SEA)

Plan provision(s) Or Property Address Or Map Or Other (specify) Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

We oppose the specific provisions identified above we wish to have the provisions identified above amended Yes

The reasons for our views are provided in the attached document:

2.1

We seek the following decision by Council: Decline the proposed plan change / variation If the proposed plan change / variation is not declined, then amend it as outlined below.

We wish to be heard in support of our submission



Signature of Submitter

June 20 2020

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

We could not gain an advantage in trade competition through this submission.

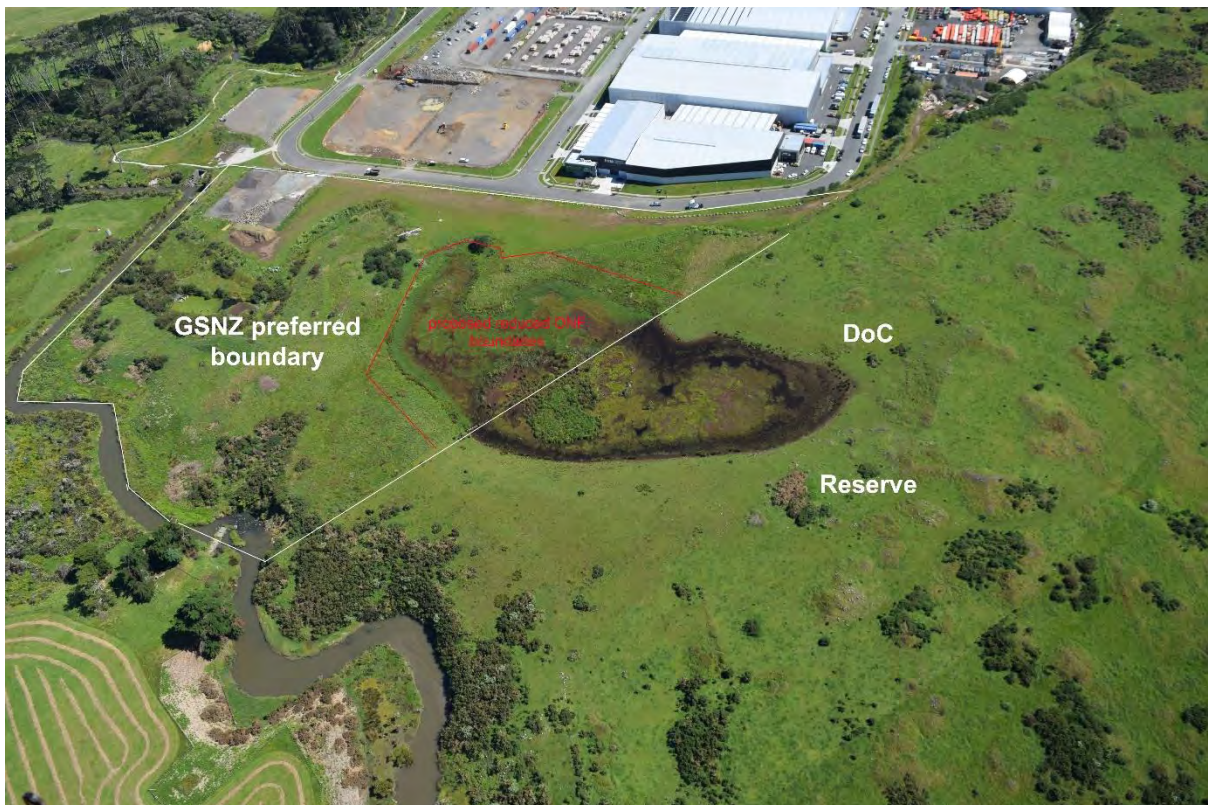
If you could gain an advantage in trade competition through this submission please complete the following: We are not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition

# SUBMISSION BY GEOSCIENCE SOCIETY OF NZ ON PROPOSED PRIVATE ZONE CHANGES TO MATUKUTUREIA ONE BOUNDARY

June 2020



*1952 air photo showing the arcuate crater and tuff ring of Matukutureia in the left foreground, prior to quarrying.*



## **Matukutureia/McLaughlins Mt “crater and tuff ring”**

### **1. Summary**

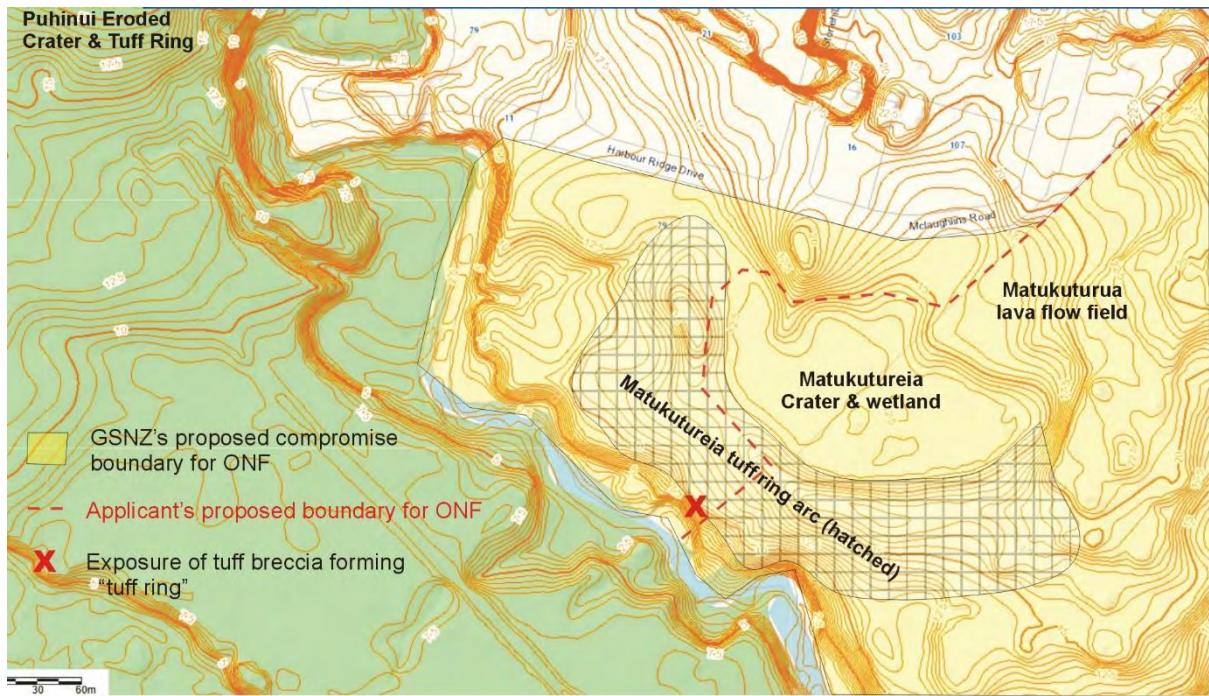
The Geoscience Society of New Zealand opposes the requested major changes to the mapped extent of the Matukutureia/McLaughlins volcano and Matukuturua lava flow field and tuff ring Outstanding Natural Feature (ONF) and the associated Significant Ecological Area (SEA) that are scheduled in the Unitary Plan, for the following nine reasons:

- 1.1 The crater and its entire “tuff ring” arc are part of the one “unique” feature and all should be zoned ONF, not just the crater and its inner boundaries.
- 1.2 The northwest corner of the crater and its natural stream overflow (part of the mapped SEA) were destroyed by the owner in the summer of 2012-2013 for no apparent reason as the area was apparently outside any consented development plan and has remained idle ever since. It is our understanding that DoC had negotiated an agreement with the developer prior to this to not extend earthworks into the area and further south (labelled “McLaughlin’s Quarry Conservation Area” on an aerial photo) because of its heritage values. In our opinion this area should remain in the ONF and SEA and should be restored as provided for by the Unitary Plan policies at the developer’s expense.
- 1.3 The narrow northern margin of the crater that is part of the undamaged lava flow field should not be removed from the ONF.
- 1.4 The remaining, damaged narrow strip of land between the crater and Harbour Ridge Drive should be retained as a buffer to protect the integrity and aesthetic values of the crater and tuff ring that would otherwise be replaced by the austere concrete walls of high, overpowering factory buildings within 15-30 m of the crater floor.
- 1.5 Area 1, that is claimed to have no values, contains a wealth of geological history and unmodified landforms that compliment the volcanic values of the ONF and tell of the natural interaction between the damming of the Puhinui Stream by lava flows and tuff rings, its erosion around the edge of the volcanic field below sea level, its flooding to become an intertidal estuary about 7500 years ago and finally its partial drainage as sea level

fell within the last 2000 years leaving behind alluvial terraces in the valley floor.

- 1.6 This undeveloped area 1 land south of Harbour Ridge Drive currently provides a connectivity and view shafts between Matukutureia, its cone, lava field and subsidiary crater and tuff ring with the three Puhinui crater ONFs across the Puhinui Stream in Puhinui Reserve. All these volcanic craters may be part of one episode of volcanic eruption centred on Matukutureia. Removal of the ONF on this land will allow large factory barriers to be built between these features that may have been produced by the one volcano degrading their values.
- 1.7 This undeveloped area 1 land (together with the crater and tuff ring) are all within the Coastal Environment. The NZ Coastal Policy Statement has raised the bar for protecting landforms in the coastal environment. It requires the avoidance of adverse effects on the values of all natural landforms in the coastal environment (not just those adjudged to be outstanding). There would be substantial adverse effects on the natural landforms if the current area of the ONF was reduced as requested by the applicant and development allowed to occur within it.
- 1.8 The recent slip exposure of the tuff breccia material that suggests that the crater was produced by phreatic eruptions, discovered by Dr Cronin, provides crucial evidence for understanding the eruption and should be kept within the ONF.
- 1.9 The ONF and SEA were approved only a few short years ago in the Unitary Plan and we are unaware that this inclusion was opposed at the time by the developer. It was supported by a submission from our Society.





## 2. The Geoscience Society of New Zealand (GSNZ)

GSNZ is the professional body that represents the geoscientists of New Zealand. It is the successor to the former Geological Society of New Zealand that was formed in 1955. For over 50 years, one of the objectives has been:

“(g) To seek the preservation of sites of geoscientific importance”.

To fulfill this objective the Geoscience Society of NZ has a standing Geoheritage Subcommittee, convened by Dr Bruce Hayward (Auckland) with representative subcommittee members from most regions of New Zealand, including two of New Zealand’s leading volcanologists and former members of the NZ Conservation Authority and Conservation Boards. This submission has been drafted by Dr Hayward and reviewed and improved by members of the Geoheritage Subcommittee, as well as the present and immediate past Presidents of GSNZ.

## 3. Background:

3.1 The unquarried remains of Matukuturua/McLaughlins Mt scoria cone and lava flow field at Wiri have been in DoC reserve since about 2008. Also present, and always regarded as part of this volcano, is an arcuate wetland surrounded by an arcuate ridge that has been regarded for a long time by geologists as part of a tuff ring surrounding a phreatomagmatic crater partly

filled by later lava flows. Half of this feature is in DoC Reserve and half on private land to the northwest. A recent exposure on the stream bank edge of the tuff ring suggests that the crater and ring may have been produced by phreatic (steam) explosions beneath the edge of the lava flows, although later flows probably still entered the northern part of the crater (see photo and map).

3.2 On 14 March 2009, Dr Bruce Hayward (on behalf of the Geological Society of NZ) visited the site with Bruce Tubbs (representing DoC), Ian Lawlor (archaeologist) and Shona Meyers (ecologist), both representing ARC, specifically to look at ways of protecting the wetland, crater and tuff ring arc landforms. It is our understanding that DoC had negotiated an agreement with the private landowner, who was undertaking earthworks for a new industrial subdivision, that it would not extend its works (south of a “Minimum protection line” pegged out and shown on an air photo) onto the wetlands and tuff ring and would recognise them as a future McLaughlin’s Quarry Conservation Area as a balance to the industrial subdivision. The earthworks were already within 10 m of the pegged line on the north side. We confirmed the location of the series of white posts as marking the boundary of the whole wetland crater and tuff ring to be protected, pending protection when scheduled as an ONF and SEA. Following this visit, Dr Hayward prepared a letter on behalf of the Geological Society of New Zealand that was sent to DoC explaining the heritage values of the explosion crater and tuff ring that extended onto private land next to their newly acquired stonefields reserve (see Annex 1).

3.3 At about the same time as this, Alastair Jamieson (ARC) drew up boundaries for proposed ONFs (RMA Clause 6b) on behalf of ARC and these boundaries were used for scheduling a few years later in the Auckland Unitary Plan and included all the DoC reserve and the identified area of wetland in the crater and tuff ring arc and some further area across to the stream that he believed at the time was unmodified and included lava flows (see map).

3.4 Some time between early 2009 and the formation of the Super City, Manukau City Council granted consent for the owner to undertake earthworks, build a road and settlement pond within Jamieson’s draft ONF boundaries, but it is our understanding that these were not meant to impact the wetland crater and tuff ring arc. The land damaged by this work that now lies beneath the Harbour Ridge Road and the existing subdivision was included within the scheduled ONF in the Unitary Plan and GSNZ does not oppose its removal now from the ONF.

3.5 The Unitary Plan was notified and GSNZ made extensive submissions in 2013 including **supporting** the inclusion of McLaughlin’s volcano and tuff ring

and the boundaries as an ONF. (“We are strongly supportive of the list of scheduled features with a few exceptions outlined below.” We requested that ONF 93 be “Rename as *Matukutureia and Matukuturua lava field and tuff ring*. This is because the scoria cone remains of Matukutureia (McLaughlins Mt) within the reserve is now considered by us to be of Regional Significance as the southernmost volcano in the Auckland Field and of highly characteristic shape visible from long distances away.” We are unaware that the private land owner made any objection to this scheduling of the ONF. The ONF was approved with the Unitary Plan coming into effect in ~2017.

3.6 In 2020 the private landowner has now applied for a private land change to remove almost all of the ONF classification over the remainder of its land (except the swamp inside the crater) that has not yet been developed for industrial subdivision and change its zoning to allow development. It is our opinion that the owner should have opposed the ONF scheduling when given the opportunity during the Unitary Plan hearings process.

3.7 In 2009 or slightly later the developer reached an agreement (maybe informal) with DoC and the ARC not to damage or develop the crater and tuff ring in question. A “Minimum Protection Line” was pegged out on the ground in 2009 and appears on aerial photographs with contours as the northern margin of an area labelled “McLaughlin’s Quarry Conservation Area”. Unfortunately because of staff retirements there is no institutional memory of this within DoC and the ARC no longer exists and we have not found mention of its existence in this Plan Change request, although it is mentioned in resource consents which specifically forbid earthworks inside the conservation area.

#### **4. Proposed change to ONF boundaries and GSNZ stance**

The boundaries of the proposed areas to be changed within the present ONF are based on a geological assessment report by Dr Shane Cronin. He identifies three areas.

Quote:

Area 1 (part of ONF recommended to be removed).

Area 1 which is currently included as part of ONF 93, has no direct value as a primary geological feature because this area either had no original volcanic cover, or those parts of it that did are highly modified with much of the material removed. Although this area is included as part of ONF 93 in the AUP(OP), its value as a geological feature area is not supported. Overall, this area contains no value as a geological feature characteristic of the Auckland's Volcanic Field. It is recommended that Area 1 be removed from ONF 93.

### Area 2 (explosion crater and its inner margins)

Area 2 which is also currently included as part of ONF 93, is an explosion crater and forms a more appropriate western boundary of the ONF 93 due to its geological interest. The feature is part of the distinctive Matukuturua lava field that makes up the eastern part of ONF 93. It is recommended that the western boundary of ONF 93 be realigned along the western margin of the explosion crater (Area 2). This area is partially located within the Plan Change area.

Area 2 of ONF 93 is of specific geological interest because the explosion crater comprising Area 2 was formed more than 15,000 years ago by a single steam, or gas – driven, explosion with no magma involved. This represents a rare type of 'near-miss' eruption in the Auckland Volcanic Field where magma came close to the surface, but shed only gas and heat to disrupt the surface. This is possibly similar to the events that formed the nearby Puhinui Craters. Due to its unique value, it is recommended that Area 2 be protected, by purchasing it from the current owner and adding it to the contiguous area of the lava field under protection to the east (i.e. the area currently managed by the Department of Conservation).

### Area 3 (Matukuturua lava field within DoC Reserve)

forms the margin of the Matukuturua Lava Flow, and is located outside the Plan Change area. No changes are recommended to this part of ONF 93.

End quote

GSNZ agrees with Dr Cronin's assessment that area 2 is of unique value (one of a kind) and should be protected. We may not fully agree with his preferred interpretation of the full history of formation of the crater and surrounding arc but that is not material to the argument of its outstanding nature.

**5. GSNZ does NOT agree with the proposed new boundary for the ONF in the following aspects:**

**5.1 The entire crater and surrounding "tuff ring" should remain within the ONF.**

- 5.2 The crater and “tuff ring arc” are all part of the **same unique feature** and all the tuff ring arc should **continue** to be included in the ONF. The “tuff ring” is a distinct landform and integral part of Dr Cronin’s “feature with unique value”. Dr Cronin has only been able to determine the probable phreatic eruptive origin of the crater because of the exposure of the material that was thrown out from it, which can be seen in a slip on the bank of Puhinui Stream on the eroded southern margin of the “tuff ring” and this area should **definitely** remain in the ONF down to the stream boundary.
- 5.3 Dr Cronin categorically states that the crater is not surrounded on the southern half by a tuff ring. In the strict vocabulary of some volcanologists he is correct, but this is quibbling over word definitions. Dr Cronin, nor any other volcanologist, cannot dispute that the southern side of the crater is surrounded by an arc of tuff breccia that was thrown out by the eruption(s) from the crater and now forms a low arcuate ridge 14-17 m above mean sea level. The original ground surface (before the lava flows) that the eruption blasted through was ~8 m above sea level and thus the crater is partly encircled by a ~50-80 m wide ridge of tuff breccia that is 6-9 m high above the original ground level along its crest.
- 5.4 “Tuff” is defined as consolidated volcanic ash. Volcanic ash is often loosely used to refer to all explosive eruption products no matter what their size (strictly speaking ash is material with a grain size smaller than 2 mm in diameter). Volcanologists use the term “lithic tuff” to describe rocks formed of erupted fragments that are broken-up existing rocks, as is the case here. Thus strictly speaking the important landform here is an arc of lithic tuff breccia, which in layman’s term can be simplified to part of a low **“tuff ring”** surrounding an explosion crater.
- 5.5 We disagree with Dr Cronin’s suggestion that the term tuff ring be replaced with explosion crater in the name for this ONF, as the ring of tuff breccia around the crater is as much part of the feature as the crater itself.
- 5.6 Dr Cronin and the applicant suggest that the new boundary of the ONF be the lip of the crater = the crest of the tuff ring. As stated above, this represents only a portion of the outstanding landform and the entire tuff ring should be included extending to the banks of the Puhinui Stream or to the significant change in slope at ~10 m above sea level to the west. It should also include the northwestern tip of the tuff ring which is excluded from the applicant’s map.
- 6. The site of the deliberately-destroyed northwest end of the crater and natural stream outfall should be included in the ONF and restored**



6.1 The northwest end of the crater wetland and its natural outlet stream were obliterated by the land-owner during the summer of 2012-2013 and we argue that their footprint should remain within the ONF and SEA and these natural features **should be restored**. This is the area that was included in the Significant Ecological Area Overlay of the AUP which the applicant is now asking to be removed from that overlay because they claim it was “a mapping error”. We submit that this was NOT a mapping error as the extent of the wetland was mapped accurately as it was prior to its being damaged by the applicant late in 2012. We submit that with restoration this land should then stay within the Significant Natural Area Overlay.

6.2 The Auckland Unitary Plan states:

**B4.2.1. Objectives**

- (1) Outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.
- (2) The ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland are recognised and provided for.
- (3) The visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features that are of local, regional, national and/or international significance are protected and, where practicable, enhanced.

6.3 We believe this is a good example of where the “visual and physical integrity” of the Matukutureia crater and tuff ring should be “enhanced” by restoration. It is our opinion that if the damage to the NW end of the crater and overflow outlet stream was given a resource consent permit by Manukau Council then we believe the restoration should be at council’s expense; but if the damaged area was not covered by a resource consent permit then the restoration must be at the owner’s expense.

**7. Northern margin of crater comprises lava flows and is part of area 3.**

7.1 The unmodified land along the northern edge of the wetland in private ownership is part of the lava flow field and toes of flows that appear to have flowed into the crater after it was formed. As such this northern margin is part of Dr Cronin’s area 3 and should remain in the ONF.

**8. Area 1 has volcanic and non-volcanic heritage values and should remain in ONF**

- 8.1 Dr Cronin states that all of area 1 has no value as a geological feature characteristic of the Auckland Volcanic Field. We disagree as there are considerable areas that have not been modified by the developer's earthworks, particularly in the Puhinui Stream valley to the west of the "tuff ring".
- 8.2 Dr Cronin has not assessed the heritage values of landforms and geological features in this area that are not of pure volcanic origin. The present course of the Puhinui Stream was clearly shifted by the eruption of the lava flows and tuff ring from Matukutureia and lava flows from Wiri Mt. These eruptions occurred during the Last Ice Age when sea level was lower than today. Over thousands of years the Puhinui Stream eroded its course around the edges of the erosion-resistant flows and cut a path through the low tuff rings of Matukutureia and Puhinui Craters.
- 8.3 When sea level rose after the end of the Last Ice Age it flooded up the Puhinui Stream Valley creating an estuary extending at least as far up the valley as the northwest corner of the present ONF boundary.
- 8.4 Sea level was 1-2 m higher than present between ~6000 and 2000 years ago and the floor of this part of the Puhinui Valley would have been intertidal mud flats from bank to bank, possibly colonised by mangrove forest. When sea level fell to its present level within the last 2000 years it left behind flat terraces (former tidal flats and delta fill) on the valley floor that lie within and next to the mapped ONF. These document the interaction between the recently formed volcanic landforms, the rise and fall of sea level and the erosion of the stream and deposition of alluvial silt by it at the head of its estuary.
- 8.5 On their own these features at the head of the Puhinui estuary would not be classed as outstanding but when viewed in conjunction with the volcanic landforms and the existence of an ONF that has been protecting them, we consider they should be retained in the ONF as part of geological and landform heritage of this area. Similar features around the coastal margins of Auckland's Volcanic Field have not usually been preserved as the city has grown and they are unlikely to survive here if the ONF no longer includes them.
- 8.6 Additionally the landforms between the "tuff ring" arc and Puhinui Stream provide clear visual geomorphological evidence to constrain the age of eruption of Matukutureia that can be easily explained to the general public. In the new exposure we see the tuff breccia from the phreatic eruption overlies a roughly flat surface at about 8 m above mean sea level. This was likely the high tide level of a coastal terrace formed during the high stand of sea level during the Last Interglacial Period (MIS 5e), ~130,000-

120,000 years ago. This same land level can be seen across the stream in Puhinui Reserve. Thus, although the Auckland Volcanic Field has erupted within the last 190,000 years, Matukutureia's eruption was clearly younger than 120,000 years. The presence of the low terrace within Puhinui Stream valley (4.4) eroded into and formed when sea level was higher than present 6000-2000 years ago, provides excellent evidence that Matukutureia erupted prior to this time.

## **9 Desirability of retaining connectivity between craters and tuff rings, potentially produced by the same volcano**

9.1 Retention of the ONF classification over the strip of land between the Matukutureia crater and "tuff ring" and the Puhinui Craters ONFs in Puhinui Reserve across the stream will preserve the natural connectivity and views between them. As Dr Cronin rightly points out the Puhinui Craters quite possibly were part of the Matukutureia Volcano eruptions. Allowing industrial subdivision and building of large factories between these features will impact their collective value.

## **10 Avoidance of adverse effects on natural features in the coastal environment**

10.1 The whole area of this ONF is within the coastal environment with high spring tide waters extending up the Puhinui Stream at least, or almost, as far as the end of Harbour View Drive. The NZ Coastal Policy Statement says:

### *Policy 15*

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
- (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;

10.2 Whether the features of Puhinui Valley and estuary located within the present ONF to the west of the crater and tuff ring are considered outstanding or not, the NZCPS Policy 15(b) indicates that adverse effects upon them should be avoided and therefore no major earthworks or construction should be allowed in this zone. This is a further reason for not removing the ONF status from this land, south of the southwest corner of Harbour Ridge Drive.

## 11 Need for a buffer zone along the northern margin of the crater

- 11.1 A buffer zone is required to protect the visual values of the crater and tuff ring and their connectivity to the volcanic cone. The typical development in the adjacent part of this industrial subdivision has been to erect large high factory buildings. If the relatively narrow strip of modified land between Harbour Ridge Drive and the crater wetland has ONF zoning removed from it, then this will allow for the construction of similar large factory buildings within 15-30 m of the northern edge of the crater floor and these will overpower the aesthetic values of this feature.
- 11.2 Leaving this strip within the ONF as a buffer will greatly “enhance” (as per Unitary Plan) the crater and tuff ring’s value and secondly, if and when it becomes reserve, will provide ready public access not only to the crater but to this southern part of the Matukuturua Stonefields Reserve.

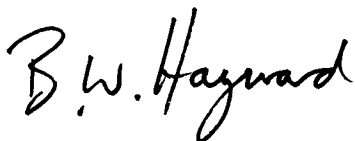
## 12. REQUESTED OUTCOME

- 2.2 12.1 The application to substantially change the ONF boundary be **rejected** and the present ONF classification and boundary be RETAINED over almost all of the original mapped extent of this feature as accepted in the Unitary Plan hearings because of the area’s high geoh heritage values explained above.
- 2.3 12.2 That the retained ONF be rezoned Open Space to protect the valued landforms as required by the Coastal Policy Statement Policy 15 a and b.
- 2.4 12.3 That the damaged northwest corner of the crater swamp and small overflow stream valley remain as part of the SEA and ONF and be restored to what it was before the developer filled it in and piped the stream overflow. The cost of this to be borne by the council if a RMA consent had been granted or by the developer if no RMA consent was granted.

Yours sincerely



James Scott PhD  
President, Geoscience Society of New Zealand



Bruce W Hayward PhD FRSNZ MNZM  
Convenor, Geoh heritage Subcommittee, Geoscience Society of NZ

ANNEX 1. Letter from GSNZ on values of Matukutureia tuff ring arc and wetland, 2009.



## GEOLOGICAL SOCIETY OF NEW ZEALAND

c/o 49 Swainston Rd,  
St Johns,  
Auckland  
New Zealand

13 March 2009

To whom it may concern,

### **Immediate threat to land with high heritage values, McLaughlins Mt, Manukau City**

I have just returned from a site inspection of DoC's recently acquired Matukuturua Stonefields Historic Reserve with representatives from DoC, Manukau City and ARC.

This is clearly now a major heritage jewel and would surely be part of the suite of reserves to be recommended for inclusion in the future Auckland Volcanoes World Heritage area, particularly on the basis of its archaeology. The reserve also contains the only remaining part of the highly modified and quarried away McLaughlins Mt scoria cone, marking the source of the lava flows over which the stonefields settlement, gardens and fish traps were developed by pre-European Maori.

In the south-west corner of the new Reserve there is a wetland with seasonal pond that has been created in an arc-shaped hollow that was formed by the eruptions of McLaughlins Volcano. Essentially this wetland is a crater lake, as it sits inside the crater created by the initial explosive eruptions of the volcano that threw up a large tuff ring around the vent. Later fire-fountaining created the scoria cone and lava flows that filled most of this crater leaving just an arcuate moat in the south between the remaining arc of tuff ring and flows. Ponds and



wetlands trapped between scoria cones, lava flows and tuff ring remnants were quite common features in the southern part of the Auckland Volcanic field at places such as Otuaataua and Maungataketake, but this one at McLaughlins is now the only one that still exists. Together with the tuff ring arc, the wetland and pond at McLaughlins is little changed from prehistoric Maori times (except water level is slightly lower), and it is the best remaining example of this kind of volcanic feature in the Auckland field. Peat within the pond also contains a record of the vegetation in the area since the volcano erupted and quite possibly preserves wooden and other artifacts from the time of pre-European activities all around it.

Unfortunately only half of the wetland/pond and arc of tuff ring is within the recently acquired reserve land. The remaining half is on the southern end of a parcel of land in private ownership that includes the quarry remains. This land is proposed to be subdivided into business sections with a road and storm water drain cut down right through the pond and the 3-5 m high tuff ring arc planned to be flattened. These subdivision plans and earthworks would spell the end for the other half of the pond/wetland on the DoC Reserve and effectively destroy the heritage landform, geological and archaeological values of this part of the reserve.

I note that the landowner of the features in question is currently extending earthworks to within a few metres of the edge of the wetland and if action is to be taken to try to acquire this piece of highly valued heritage land, then something needs to be done within days before all values are irreparably compromised and lost.

The Geological Society of NZ strongly supports the Department of Conservation in its current endeavours to achieve protection of this small piece of land adjacent to their new Matukuturua Stonefields Historic Reserve, because of its high earth science values (in addition to its archaeological, ecological and landscape values).

Yours sincerely

A handwritten signature in black ink that reads "B.W. Hayward". The signature is written in a cursive, slightly slanted style.

Bruce W Hayward PhD FRSNZ MNZM

Convenor, Geological Reserves Subcommittee, Geological Society of NZ

ANNEX 2. Google Earth satellite photograph 28 Aug 2012 prior to the damage to the outlet stream at northwest end of explosion crater. We submit that the area outlined in red should be restored to its state in August 2012.



ANNEX 3. Extract from 2019 book *Volcanoes of Auckland: A Field Guide* by Bruce W Hayward. Sections on Matukutūreia and Puhinui Craters.

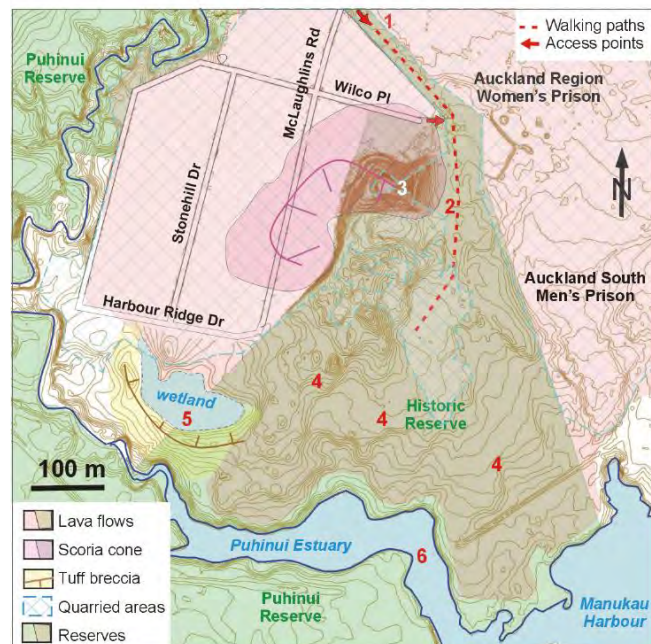


## **Matukutūreia/ McLaughlins Mountain**





📍 Matukutūreia/McLaughlins Mountain reserve viewed from the west in 2018 showing pyramidal scoria cone remains (top left), the humpy lava-flow field and the arcuate phreatic explosion crater in the foreground. Photo by Alastair Jamieson



**Places of interest around Matukutūreia/McLaughlins Mountain:**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Main entrance gate.</li> <li>2. Site of historic pumphouse.</li> <li>3. Crest of pyramidal remnant of scoria cone and site of former water reservoir.</li> <li>4. Stone heaps and rows – remains of pre-European gardens on lava-flow field.</li> </ol> | <ol style="list-style-type: none"> <li>5. Irregular steam explosion crater with wetland surrounded in the southwest by an arcuate ridge of tuff breccia. Lava flows entered the crater from the north side.</li> <li>6. Southwestern interceptor sewage pipeline bridge.</li> </ol> |
|---|---|

**Land status:** The remnant cone and lava flows with stonefield gardens are a historic reserve managed by the Department of Conservation. The rest of the volcano's footprint is in private industrial development and roads.

**What to do:** Climb to the top of the scoria cone remnant for the view and to see the remaining archaeology. Walk around the Matukuturua pre-European stonefield gardens.

### Geology

This is the southernmost volcano in the Auckland Volcanic Field and contains evidence of three styles of eruption. If there was an initial explosive phase, the crater and tuff ring are now buried. A large scoria cone was built by fountaining eruptions and voluminous lava flowed out from around its lower slopes and spread out in all directions to create an apron of lava flows. Lava pouring out from the southern side carried away some of the scoria cone, creating a U-shaped breached crater. Mounds of rafted scoria give the flows on this side a rough, irregular surface. The last phases of eruption from the cone's crater were fiery explosive eruptions of more pasty, less gaseous lava that produced numerous irregular twisted

and elongate bombs and ragged lumps of partly welded scoriaceous basalt that caps the cone.

Near the end of the eruption sequence, it appears that a dike of magma intruded up into the wet rocks out to the southwest of the cone. This heated the groundwater and resulted in one or more large phreatic (steam) explosions through the edge of the early lava flows, creating a crater surrounded by a ring of tuff breccia. The remaining arcuate tuff breccia ridge around the southwest side of the crater is a structureless heap of angular blocks of sedimentary rock and basalt in a matrix of sandy mud, all of which was broken up by the explosive blasts. Some of the last lava erupted from the base of the scoria cone appears to have flowed into the northern side of the crater creating its irregular margin.



➊ View west from the lower slopes of McLaughlins Mountain showing the curved tuff ring remnant and enclosed freshwater wetland in the remaining part of the phreatic explosion crater.



This explosion crater became a freshwater pond that gradually filled with sediment and in recent times has become a seasonally flooded swamp with remnant native wetland plants.

#### Human history

Like all of Auckland's scoria cones, Matukutūreia was terraced and used as a fortified pā by local Māori in pre-European times. The rich, volcanic-derived soil on the surrounding lava flows was intensively used by them for cultivation and growing kūmara and a few other crops. The naturally stony surface of the flows was modified as part of the gardening activities. Larger rocks were heaped into rows or mounds, often on top of natural rock outcrops. In places there are flattened, rectangular enclosures that were probably the sites of whare (dwellings). The 43-hectare historic reserve was created to protect the remnants of the Matukutūreia Stonefield gardening site.

The European name, McLaughlins Mountain, came from the long-time European owners. From 1929 to the 1960s, the Borough of Papatoetoe obtained water from a bore into scoria at the foot of McLaughlins Mountain. The water was

stored in a reservoir on the summit of the cone. The first quarrying of the scoria cone began in a small way in the 1850s to supply metal for the nearby Great South Rd. Quarrying on a larger scale did not commence until 1960, first removing all of the cone, except a benched pyramid that was retained to support the reservoir. As the scoria resource ran out, quarrying moved into the surrounding lava-flow field and removed most of it except that which is now in reserve. The reservoir and pumphouse were removed in 2011.



ⓐ This brick pumphouse on the southern side of McLaughlins Mountain in 1962 was used to pump fresh water from an adjacent water bore up to the reservoir (now removed) on the top of the scoria cone as part of the water supply for Papatoetoe Borough. *Whites Aviation Collection, Alexander Turnbull Library*

ⓑ View of Matukutūreia/McLaughlins Mountain from the southwest in 1952 before its profile was forever destroyed by quarrying. Note the arcuate phreatic explosion crater lake in the front left. *Whites Aviation Collection, Alexander Turnbull Library*

# Puhinui Craters



➊ View northeast over Puhinui Craters and their small surrounding tuff rings. Pond Crater is in the top left, Arena Crater is in the bottom right and Eroded Crater is centred on the eroded, scrub-filled valley beyond Arena Crater. *Photo by Alastair Jamieson, 2018*



📍 Near the entrance to Puhinui Reserve is Pond Crater surrounded by a low tuff ring.



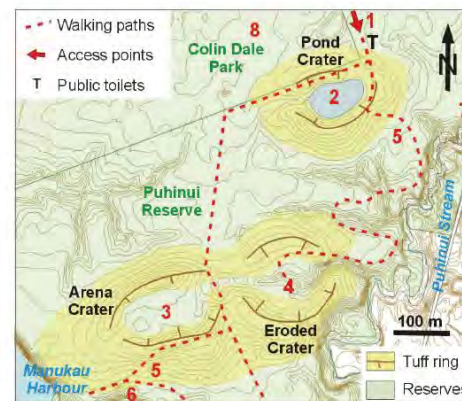
**Land status:** All three craters occur within Puhinui Reserve (end of Price Rd), managed by Auckland Council.

**What to do:** Enjoy a walk, mountain bike ride or picnic in a rural setting.

Puhinui Craters were recognised as volcanic features within the Auckland Field only in 2011. They consist of three small craters (150–250 m in diameter) surrounded by low tuff ring cones. Pond Crater, near the entrance to the reserve, is breached to the west and has a small farm dam controlling water level in the crater. Arena Crater is breached to the east and its swampy crater floor has been drained and slightly modified to form an equestrian arena. It has a flat floor because the crater has since filled up with peat and lacustrine sediment. Eroded Crater is the hardest to recognise as it has been eroded out by a small stream flowing from west to east through its middle, but the raised rim of tuff is still present on either side. The age of eruption of Puhinui Craters is unknown although they possibly erupted at the same time as their neighbour, Matukutūreia, across Puhinui Stream.

All three of these small craters have elliptical shapes with parallel northeast-trending axes, which suggest the magma came up as narrow intrusional dikes along two parallel northeast-aligned faults and the eruptions were

fissure-like. Most of the blasts were probably phreatic (steam), produced by groundwater that had been superheated by the rising magma. Some blasts may also have included some cooled and fragmented basalt from the surface of the magma.



**Places of interest around Puhinui Craters:**

1. Car park at entrance to Puhinui Reserve.
2. Pond Crater.
3. Arena Crater, used for showjumping and dressage.
4. Eroded Crater.
5. Walking tracks and mountain bike trails.
6. Coastal wildlife area for birds, such as fernbird, black stilt, NZ dotterel and wrybill.
7. Puhinui Stream walkway.
8. Colin Dale Park – new home for Auckland’s speedway races.

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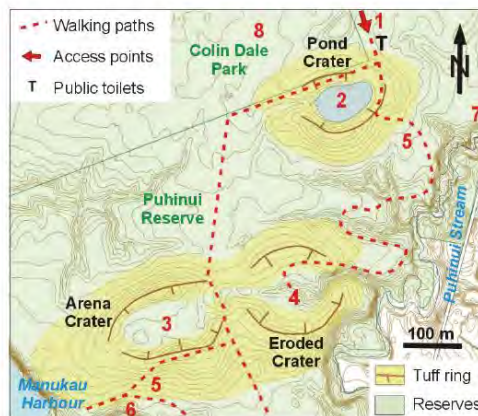
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## Contact details

Full name of submitter: Kelvin Raymond Stanners

Organisation name: Autotransform

Agent's full name:

Email address: [kelvin.stanners@autotransform.co.nz](mailto:kelvin.stanners@autotransform.co.nz)

Contact phone number:

Postal address:

PO Box 12935 Penrose Auckland 1642

Wiri

Auckland 2104

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:

Entirety of the plan change

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The proposed development will further enhance the area .

3.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 19 June 2020

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration



Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

### Full Name or Name of Agent (if applicable)

Mr Full  
Name) Johnathan Stanley Brodie

### Organisation Name (if submission is made on behalf of Organisation)

Millrush Holdings

### Address for service of Submitter

93 McLaughlin Road - Wiri

Telephone:   
Contact Person: (Name and designation, if applicable)

Fax/Email:

## Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

Plan Change/Variation Name

### The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or

Property Address

Or

Map

Or

Other (specify)

## Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are:

It will be good for the area in making Stonehill an industrial hub.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- 4.1 | Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing



\_\_\_\_\_  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

19<sup>th</sup> June 2020  
\_\_\_\_\_  
Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  /could not  gain an advantage in trade competition through this submission.

***If you could gain an advantage in trade competition through this submission please complete the following:***

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Contact details

Full name of submitter: Lance Peach

Organisation name: Super Freight Ltd

Agent's full name:

Email address: [lance.p@superfreight.co.nz](mailto:lance.p@superfreight.co.nz)

Contact phone number:

Postal address:

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:

Auckland Unitary Plan affecting the Stonehill Business Park

Property address: 7 Stonehill Drive Wiri

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The heavy industrial and light industrial zones are supported as increases the supply of industrial zoned land in Wiri. This is consistent with the businesses established in the Wiri industrial area.

5.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 23 June 2020

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



## Contact details

Full name of submitter: GLENN IAN PEACH

Organisation name: TD14 Limited

Agent's full name: GLENN IAN PEACH

Email address: [glenn.peach@xtra.co.nz](mailto:glenn.peach@xtra.co.nz)

Contact phone number:

Postal address:  
51 Paul Faith Lane  
RD1 Te Horo  
Otaki 5581

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:  
PC43

Property address: 14 Harbour Ridge Drive, Wiri

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
The area is now industrial / commercial and the plan should reflect this

6.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 23 June 2020

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Contact details

Full name of submitter: Ken Pridham

Organisation name: Starke Group Ltd

Agent's full name:

Email address: [ken@starke.co.nz](mailto:ken@starke.co.nz)

Contact phone number:

Postal address:

4 Wilco Place

Wiri

Wiri

Auckland 2106

## Submission details

**This is a submission to:**

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

**My submission relates to**

Rule or rules:

the Entirety of the Plan Change

Property address: McLaughlin's Quarry

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

- Despite the significant development of the Plan Change area for business uses, the AUP(OP) continues to apply the Quarry Zone to this subject area. The activities established in the Plan Change area are entirely dependent on the resource consent Decision for on-going development and operation of the business activities established within the Plan Change area. Any deviation from the resource consent Decision triggers the need for a new resource consent, resulting in unnecessary financial costs and time delays. As such, rezoning as requested is supported as it is necessary to recognise the approved business land uses consistent with the resource consents granted to date.
- The Heavy Industry and Light Industry Zones are supported as increases the supply of industrial zoned land in Wiri. This is consistent with the businesses established in the Wiri Industrial Area.
- Support the proposed amendment to the extent of the Outstanding Natural Feature Overlay ID 93 (Matukutūreia and Matukuturua Lava Field and Tuff Ring), to accurately map the extent of the feature based on a factual assessment. This will enable the land to be more economically utilised. It will also remove the need for onerous and unnecessary resource consenting for future development within the

Plan Change area, thereby providing greater certainty of outcome.

- Support the new Wiri Precinct as it enables the use of the land while recognising cultural, ecological and geological values within the Plan Change area. It provides a greater level of certainty of outcome for the businesses operating within this environment.
- Rezoning of open space as set out in the Plan Change is supported as these correct mapping errors and accurately map the riparian margin areas of Puhinui Creek.
- Support the re-zoning of Lot 51, as Auckland Council's Parks Acquisition Policy team does not support the acquisition of this land for a recreation reserve.
- Support the proposed amendment to the boundaries of SEA Overlay (ID SEA\_T\_8443) to ensure that it is accurately mapped.

7.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 23 June 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



# NGĀTI TE ATA

*“Ka whiti te ra ki tua o rehua ka ara a Kaiwhare i te rua”*

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## SUBMISSION ON NOTIFIED PROPOSAL FOR PRIVATE PLAN CHANGE PC43: MCLAUGHLIN'S QUARRY BY STONEHILL TRUSTEES LIMITED

TO: **AUCKLAND COUNCIL**  
[unitaryplan@aklc.govt.nz](mailto:unitaryplan@aklc.govt.nz)

NAME OF SUBMITTER: **NGĀTI TE ATA WAIOHUA**

### INTRODUCTION

1. This is a submission by Ngāti Te Ata Waiohua (**Ngāti Te Ata**) on the proposal for Private Plan Change 43: McLaughlin's Quarry (**PPC43** or the **Application**) by Stonehill Trustees Limited (the **Applicant**).
2. PPC43 proposes to amend the Auckland Unitary Plan (Operative in Part) by:
  - (a) rezoning approximately 28 hectares of land forming part of the former McLaughlin's Quarry (located in the Wiri industrial area) from Quarry Zone to a mixture of Heavy Industry, Light Industry and Open Space Zones;
  - (b) introduce a new Wiri Precinct; and
  - (c) amend the boundaries of the Outstanding Natural Features (**ONF**) Overlay and Significant Ecological Area (**SEA**) Overlay applied to the site at 79 McLaughlin's Road, Wiri.
3. Ngāti Te Ata are a mana whenua iwi of Tamaki Makaurau and the upper Waikato region. Ngāti Te Ata were invited by the Applicant to prepare a preliminary Cultural Impact Statement (**preliminary CIA**). This report is dated April 2019 and is attached to the Application as Technical Report 8.
4. Ngāti Te Ata could not gain an advantage in trade competition through this submission.
5. Ngāti Te Ata **OPPOSES** the Application in its entirety.
6. Ngāti Te Ata is interested in **ALL PARTS** of the Application, but is particularly interested in potential adverse effects (direct, indirect and cumulative) arising from the implementation of PPC43 on Ngāti Te Ata's cultural values, interests and associations with the Application site and its broader cultural landscape.



7. Ngāti Te Ata's submission is that PPC43:
- (a) will not assist the Council to carry out its functions to achieve the purpose of the RMA (s72);
  - (b) is inconsistent with Part 2 of the RMA (s74(1)(b)) in particular:
    - (i) the requirement in section 6(e) to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other Taonga);
    - (ii) the requirement in section 7(a) to have particular regard to the exercise of kaitiakitanga;
    - (iii) the requirement in section 8 to take into account the principles of Te Tiriti o Waitangi: section 8;
  - (c) is not the most appropriate way to achieve the purpose of the RMA in terms of section 32 (s74(1)(d));
  - (d) does not take into account the Ngāti Te Ata Tribal Policy Statement (section 74(2A));
  - (e) does not give effect to the National Policy Statement for Freshwater Management 2014, which among other matters provides for the recognition of Te Mana o Te Wai (section 75(3)(a));
  - (f) does not give effect to the New Zealand Coastal Policy Statement 2010 (section 75(3)(b)); and
  - (g) does not give effect to the Regional Policy Statement provisions in the Auckland Unitary Plan (s75(3)(c)). In particular, Chapter B6 Mana Whenua but also provisions in Chapters B2 Tāhuhu whakaruruhau ā-taone - Urban growth and form, B4 Te tiaki taonga tuku iho - Natural heritage and B8 Ngā tūpono ki te taiao - Environmental risk.
8. Without limiting the generality of the above, Ngāti Te Ata's specific submissions are outlined in the following paragraphs.

## BACKGROUND

9. Ngāti Te Ata is an iwi with customary interests that extend across Tamaki Makaurau, including the Manukau and Waitemata Harbours. Ngāti Te Ata hold mana whenua or customary rights in particular over the districts of Franklin, Papakura-Takanini and Manukau – which is the heartland of the iwi and where we assert lead cultural interests. Ngāti Te Ata descend from Te Waiohūa and Waikato-Tainui. It is these associations that connect the iwi to the Manukau district, with particular regard to their ancestral Pa, the Manukau Harbour and tributaries such as the Puhinui Stream.
10. The Application site sits within the broader ancestral cultural landscape of significance to Ngāti Te Ata. This wider context is required to better understand the cultural values associated with the physical and natural resources that comprise and surround the site. Cultural landscapes are the sum of the physical resources and geography, archaeological features, wāhi tapu, place names, histories, places

and sites that are interconnected and imbue a spatially defined area with context and meaning for a particular cultural group or groups. Cultural landscapes are what give meaning to and allow interpretation of otherwise spatially discrete sites and resources.

11. The detail of Ngāti Te Ata's cultural relationship with the Application site is outlined in detail in the preliminary CIA.

## SUBMISSION

12. For Ngāti Te Ata, the entire PPC43 site is a cultural landscape, embedded with identity, meaning and significance. The character and integrity of the whole is made up of its constituent parts and comprises a mosaic of cultural sites, places and customary resource areas. These include Matukutūreia Pā and surrounds which comprise of traditional mahinga kai (gardening) areas and battle sites. The cultural significance of Matukutūreia and the surrounding environs is magnified by virtue of our whakapapa connection to this place, which is the birth site of our eponymous ancestor Te Ata Rehuia. This connection through whakapapa transcends both the physical and meta-physical realms.
13. The wider landscape of the Application site encompasses customary resource areas such as the Manakau Harbour. Socio-cultural interactions with this resource over time have resulted in a pātaka of mātauranga (body of knowledge) and tikanga (cultural protocols and practices).
14. The preliminary CIA describes the specific sites, areas and resources included in PPC43 that are of cultural significance to Ngāti Te Ata. Each of the following sites are considered to be of high cultural value:
  - (a) Manukau Harbour;
  - (b) Matukutūreia (Mt McLaughlin);
  - (c) Nga Matukuturua;
  - (d) Matukutururu (Mt Wiri);
  - (e) Puhinui Catchment;
  - (f) Matukuturua/Wiri Stonefields; and
  - (g) Isolated archaeological materials or features (e.g. midden, ditches, hangi pits)(together, the **Sites**).
15. PPC43 enables significantly more intensive development than currently occurs at the Application site. Both the construction of buildings and the types of activities that are proposed to be undertaken will cause significant adverse cultural and heritage impacts for Ngāti Te Ata. These effects arise through:
  - (a) Further intensification and encroachment of activity that will further detract from the Sites. The permitted baseline under the Heavy and Light Industry Zones provide for large industrial buildings and activities and will result in significant adverse visual effects on the locational context of the Sites

- (b) For example, in the Heavy Industry Zone new buildings up to 20 metres in height and Industrial activities are Permitted;
- (c) The proposed new zoning will also lead to significant increases in noise, light and air pollution and increased heavy vehicle movements. This will have the effect of degrading the mauri of the Sites and their surrounding environment. These effects will diminish Ngāti Te Ata's ability to exercise kaitiakitanga and its kaitiaki role over the Sites;
- (d) Removal of part of the ONF and SEA overlays will further exacerbate the encroachment of intensive development in the locational context of the Sites. Ngāti Te Ata rejects the assertion that these changes rectify errors in the Unitary Plan and says that the Applicant had every opportunity to be involved in the Unitary Plan submission process;
- (e) Indirect adverse impacts are also likely to occur from both the construction and operation that would be permitted through PPC43. These effects include erosion resulting from vegetation clearance; indirect impacts to the quality and mauri of the Manukau Harbour; traffic impacts; changes to the presence or behaviours of indigenous animals arising from secondary impact of habitat removal and modification; and the introduction of visitors to cultural sites and the potential impact from certain behaviours on those sites;
- (f) Cumulative effects arising from the continued destruction and desecration of cultural values associated with sites of cultural significance across Tāmaki Makaurau. While the area has been used for quarrying for some time, the reliance on this as providing a baseline for further degradation of environmental and cultural values is unacceptable (also known as 'planning creep').

## RELIEF

- 8.1 | 16. Ngāti Te Ata seeks that PPC43 be **DECLINED** in its entirety.
- 8.2 | 17. In the alternative, Ngāti Te Ata seeks such amendments as are necessary and appropriate to respond to the matters raised in this submission.

## CONCLUSION

- 18. The wellbeing of Ngāti Te Ata descendants is intrinsically linked to a number of sites and locations in the locational context of the PPC43 Application area. The further piecemeal desecration and destruction of these sites and places not only impacts upon the physical landscape but also the wellbeing of the Ngāti Te Ata people.
- 19. Ngāti Te Ata wishes to be heard in respect of its submission.
- 20. If others make a similar submission, Ngāti Te Ata will consider presenting a joint case with them at a hearing.

**SIGNED** this 29<sup>th</sup> day of June 2020



---

**KARL FLAVELL**

On behalf of Ngāti Te Ata

Manager Te Taiao (Environment and Heritage)

Electronic address for service of the submitter: [karl.flavell@ngatiteata.iwi.nz](mailto:karl.flavell@ngatiteata.iwi.nz)

Telephone: 027 932 8998

Postal Address: Po Box 437, Pukekohe 2120



Signature

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**JOSEPHINE PEITA**

Chairperson

Te Ara Rangatu o te iwi o Ngati Te Ata Waiohua

Iwi Authority for Ngati Te Ata Waiohua

Telephone: 021 208 5606

## Contact details

Full name of submitter: Carl Mills

Organisation name: Cargo Plus Limited

Agent's full name:

Email address: [carl@cargoplus.co.nz](mailto:carl@cargoplus.co.nz)

Contact phone number:

Postal address:  
PO Box 76821

Manukau City 2241

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:

Property address: McLaughlins Road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The Heavy Industry and Light Industry Zones are supported as increases the supply of industrial zoned land in Wiri. This is consistent with the businesses established in the Wiri Industrial Area.

9.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 1 July 2020

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration



Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Contact details

Full name of submitter: Nigel Macintyre

Organisation name: Advance Flooring Systems Ltd

Agent's full name:

Email address: [nigel@advancefloors.co.nz](mailto:nigel@advancefloors.co.nz)

Contact phone number:

Postal address:  
10 Harbour Ridge Drive  
Wiri  
Auckland  
Auckland 2104

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:

Property address: the Entirety of the Plan Change

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

10.2

• Despite the significant development of the Plan Change area for business uses, the AUP(OP) continues to apply the Quarry Zone to this subject area. The activities established in the Plan Change area are entirely dependent on the resource consent Decision for on-going development and operation of the business activities established within the Plan Change area. Any deviation from the resource consent Decision triggers the need for a new resource consent, resulting in unnecessary financial costs and time delays. As such, rezoning as requested is supported as it is necessary to recognise the approved business land uses consistent with the resource consents granted to date.

10.3

• The Heavy Industry and Light Industry Zones are supported as increases the supply of industrial zoned land in Wiri. This is consistent with the businesses established in the Wiri Industrial Area.

10.4

• Support the proposed amendment to the extent of the Outstanding Natural Feature Overlay ID 93 (Matukutūreia and Matukuturua Lava Field and Tuff Ring), to accurately map the extent of the feature based on a factual assessment. This will enable the land to be more economically utilised. It will also remove the need for onerous and unnecessary resource consenting for future development within the Plan Change area, thereby providing greater certainty of outcome.

- 10.5 | • Support the new Wiri Precinct as it enables the use of the land while recognising cultural, ecological and geological values within the Plan Change area. It provides a greater level of certainty of outcome for the businesses operating within this environment.
- 10.6 | • Rezoning of open space as set out in the Plan Change is supported as these correct mapping errors and accurately map the riparian margin areas of Puhinui Creek.
- 10.7 | • Support the re-zoning of Lot 51, as Auckland Council's Parks Acquisition Policy team does not support the acquisition of this land for a recreation reserve.
- 10.8 | • Support the proposed amendment to the boundaries of SEA Overlay (ID SEA\_T\_8443) to ensure that it is accurately mapped.
- 10.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 5 July 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Withdrawn

**SUBMISSION ON PROPOSED PLAN CHANGE 43 (PRIVATE –  
MCLAUGHLIN’S QUARRY) TO THE AUCKLAND UNITARY PLAN  
(OPERATIVE IN PART)**

**To:** Auckland Council  
Private Bag 92300  
Auckland 1142

Attention: Planning Technician  
Email: [unitaryplan@aklc.govt.nz](mailto:unitaryplan@aklc.govt.nz)

**From:** Ara Poutama Aotearoa (the Department of Corrections)  
Private Box 1206  
Wellington 6140

Attention: Andrea Millar – Manager, RMA and Land Management  
Phone: 04 460 3060  
Email: [rmalm@corrections.govt.nz](mailto:rmalm@corrections.govt.nz)

Ara Poutama Aotearoa (the Department of Corrections ('the Department')) makes submissions on Proposed Plan Change 43 (Private – McLaughlin’s Quarry) to the Auckland Unitary Plan (Operative in Part) ('PC43') in the **attached** document.

The Department confirms it could not gain an advantage in trade competition through this submission.

The Department wishes to be heard in support of its submission. If other submitters make a similar submission, the Department will consider presenting a joint case with them at a hearing.



---

Andrea Millar – Manager, RMA and Land Management

For and on behalf of Ara Poutama Aotearoa (the Department of Corrections)

Dated this 8<sup>th</sup> day of July 2020



## Introduction

The Department is responsible under the Corrections Act 2004 for enforcing sentences and orders of the criminal court and the New Zealand parole board. In meeting this responsibility, the Department establishes and operates custodial and non-custodial corrections facilities across New Zealand.

Custodial corrections facilities include prisons and detention facilities, and the Department currently has 18 such facilities nationally. Two of these facilities are located in close proximity to the area of land subject to PC43, namely:

- Auckland Region Women's Corrections Facility ('ARWCF')
- Auckland South Corrections Facility ('ASCF')

Both ARWCF and ASCF are located on land held by Her Majesty the Queen for justice purposes. The landholding is legally described as Lot 1 DP 391946 and Lot 1 DP 448846, and is approximately 47.23 hectares in area. The northern part of the site is occupied by ARWCF and the southern part of the site by ASCF.

ARWCF is the first purpose-built women's prison in the North Island. The designation for the facility was confirmed in 2004 following the resolution of an Environment Court appeal. Construction commenced in mid-2004 and the facility was opened in 2006.

ASCF is subject to a lease and Private Public Partnership contract with Secure Future. The alteration of the ARWCF designation, to provide for the development of ASCF, was confirmed in 2011 through a Board of Inquiry process. Construction commenced in 2012 and the facility was opened in 2015.

Unlike many other rurally-based prisons around New Zealand, ARWCF and ASCF have the significant advantage of being located in close proximity to a large urban population base. This means that whanau and friends of people in our care have far less impediment for visitations; a key and beneficial factor in any individuals' rehabilitation programme.

Both facilities are subject to designation 3910 under the Auckland Unitary Plan (Operative in Part) ('Unitary Plan'), which includes a comprehensive suite of conditions that regulate the site's development and use. These include conditions restricting occupancy numbers accommodated within ARWCF and ASCF to 480 and 1,060 respectively; a total of 1,540 people in our care being able to reside on the site in accordance with the designation. In addition, on-site at any one time across both facilities are hundreds of security officers, administration staff, support staff, social services, work trainers and other associated contractors.

The ARWCF and ASCF site is subject to the Business – Heavy Industry Zone under the Unitary Plan. This zone also applies to the adjacent properties to the north and east. These properties include the Wiri Oil Services Limited ('WOSL') terminal to the north, a range of industrial businesses to the east, and Oranga Tamariki's Korowai Manaaki youth justice facility to the southeast. To the south is an estuary that flows into the Manukau Harbour, which is part of the Coastal Marine Area ('CMA'). Along the western edge of the site is a large Crown-owned parcel containing Maunga Mātukutureia (McLaughlin's Mountain), which is a registered historic reserve and is subject to the Open Space – Informal Recreation Zone.

At its nearest point, the land subject to PC43 is approximately 20m from the western boundary of the ARWCF / ASCF site, which is on the opposite side of an 'access leg' that forms part of the Mātukutureia historic reserve property.

All major features of the ARWCF / ASCF site, the PC43 land, and their surrounds, are shown in Figure 1 below.



**Figure 1: Aerial photograph of subject area, including Auckland Unitary Plan zone layers (source: Auckland Council GeoMaps)**

**Zone key:** Dark purple = Business – Heavy Industry(\*), light purple = Business – Light Industry, pale green = Open Space – Informal Recreation(#), darker green = Open Space – Conservation, grey = Special Purpose – Quarry(+), pale blue = Coastal – General Coastal Marine(^)

### The specific provisions of the proposal to which this submission relates

The Department’s submission relates to the parts of the PC43 land that are proposed to be rezoned to Business – Heavy Industry, as shown in ‘Figure 4-1: Land requested to be rezoned’ of the Plan Change Requester’s Statutory Assessment Report (refer to Figure 2 below).

More specifically, the Department’s submission is concerned with the proposed Business – Heavy Industry Zone where it would apply to the parts of the PC43 area that are near to the western edges of the ARWCF / ASCF site.



**Figure 2: Extract from the Plan Change Requester’s Statutory Assessment Report (‘Figure 4-1: Land requested to be rezoned’)**

## The Department’s submission

### Background

In March of 2019 the Department provided a written response to the Plan Change Requester, as a result of initial consultation. The Department stated that we are opposed to the rezoning of the site as Business – Heavy Industry, for the reasons discussed further below. The Department suggested instead that the requestor should consider a Light Industrial zoning for the application site, as this better aligned with the existing uses, developed under the current suite of resource consents. It is also considered that a Light Industrial zoning to be more compatible with the Department’s current and on-going activities on the adjacent land, which is that of a predominantly residential activity catering for the fulltime care of 1,500 people.

### Effects on ARWCF and ASCF

The Department is concerned that the proposed imposition of the Business – Heavy Industry Zone, particularly in terms of where it would apply to the parts of the PC43 area that are near to the western edges of the ARWCF/ ASCF site, will result in significant adverse effects on the Department’s site. Not only would this rezoning impact the future development and/or reconfiguration potential of the site (discussed further below and identified in red in Figure 3), but also the existing custodial facilities on the site.

The Air Quality Chapter of the Unitary Plan includes policies which discourage the establishment of activities sensitive to air discharges in areas adjacent to the Business – Heavy Industry Zone. ARWCF and ASCF are established facilities fundamentally comprising a residential activity, with people in our care living onsite 24/7.

A heavy industrial zone on the adjoining land with potential for objectionable odour and other discharges has the potential to adversely affect those residents, who reside in our care and would be exposed to any ensuing nuisance or discharge for extended periods of time and would not have the flexibility to leave the site to avoid them. The site is essentially a residential enclave with up to 1,500 permanent inhabitants and several hundred daily visitors. The establishment of a heavy industrial zone on the western periphery has the potential to negatively adversely affect the occupants of the site. The heavy industrial zoning would permit land uses that could produce objectional odour, dust and/or noise emissions. Both the men's and women's facilities house a large number of people in our care in different forms of accommodation, essentially undertaking a 24/7 residential activity, as well as considerable numbers of staff and other service providers. Within the prison facilities, there are also outdoor recreation areas and rehabilitation and cultural activities that rely on outdoor spaces. Heavy industrial activities in such close proximity could compromise the current use of these areas in accordance with their designated purpose, resulting in reverse sensitivity effects.

The Unitary Plan states that the Business – Heavy Industry Zone provides for “*industrial activities that may produce objectionable odour, dust and noise emissions*”. The Unitary Plan further notes that “*Air quality emissions standards that are different to the rest of Auckland will often apply*”. It provides for higher noise levels on the boundary from the Business – Heavy Industry Zone (70dB LAeq) than in the Business – Light Industry Zone (65dB LAeq), for example.

The Department is aware of covenants that apply to the PC43 land, which provide for “*Industry except activities involving discharges to air limited in Appendix 14B of the former Manukau District Plan*”. Given the stated zone purpose, the Department considers that a heavy industrial zoning is at odds with this limitation and that the Business – Light Industry Zone would be more appropriate. The Department also questions how the covenant would operate in conjunction with activities provided for by the proposed Business – Heavy Industry Zone, where the activities provided for by the covenants are at odds with that provided for by the proposed zone.

A stated key attribute of the Business – Heavy Industry Zone is that it contains sites large enough to accommodate large-scale industrial activities. The Department is not opposed to rezoning the application site, from its current ‘Special Purpose – Quarry’ zoning to better facilitate the existing activities and enable future development or a similar nature. However, we are of the view that the relatively small site sizes already established within the PC43 land through resource consents (subdivision and land use) are better suited to the Business – Light Industrial Zone activities and indeed this better describes the nature of activities established to date.

## **Hōkai Rangi and Future Development Potential**

### ***Hōkai Rangi***

Hōkai Rangi was launched by the Minister of Corrections in 2019. Through its implementation, the Department aims to achieve positive outcomes with and for Māori in its care and their whānau, and to begin to address the significant over-representation of Māori in the corrections system, which currently sits at around 50 percent nationally. Ultimately the aim is to lower the proportion of Māori in the Department's care to a level that matches the proportion of Māori in the general population.

Hōkai Rangi sets the direction to achieve positive outcomes for Māori in six high-level areas; partnership and leadership; humanising and healing; whānau; incorporating a Te Ao Māori worldview; whakapapa; and foundations for participation. The Department is actively working towards implementation of initiatives that will give effect to these key outcomes.

It is useful to note at this point that Hōkai Rangi was informed by the Prison Network Development Strategy (PNDS). The PNDS focused on improvements to the Department's operating approach, staffing and capability, and physical infrastructure; it is an important vehicle for delivering the aims of Hōkai Rangi and identified a need for:



- (a) a relentless focus on better rehabilitation and transitions through services that are ‘people-centric’ and tailored to the needs of specific groups of people in our care, such as Māori, women, and youth;
- (b) implementation of modern, ‘normalised’ physical environments enabled by technology that can support a refreshed operating approach, enhanced rehabilitation, and the provision of transition services;
- (c) an ‘all-of-government’ approach to greater wellbeing of people in our care, their whānau, and communities in New Zealand.

**Future development potential of the ARWCF / ASCF site**

It is considered that PC43 poses a real risk to the Department in achieving the outcomes sought through Hōkai Rangi, a critical national strategy. Past greenfield land acquisition processes, and the planning processes associated with providing the regulatory framework for the development of prisons on such land, have been complex, lengthy and costly. Given this context, the Department has a vested interest in ensuring that its existing designated prison landholdings retain the ability to respond to requirements of Hōkai Rangi, be it through reconfiguration of existing assets, expansion or new rehabilitation initiatives on our sites where this may be deemed necessary and feasible.

The ARWCF and ASCF site is no different in this respect.

Given the physical constraints imposed by the existing built form of the ARWCF and ASCF, and their ancillary uses such as carparking, coupled with the setback requirements from the boundary shared with the WOSL terminal to the north (a hazard mitigation measure imposed via designation conditions), the only available land for growth or new initiatives of any real magnitude, still within the designated boundary of the site, is a strip of land to the west of the existing ARWCF secure perimeter, shown in red in Figure 3 below. In total, the red area identified amounts to some 5ha of potentially useable land. As such there is also the potential for reverse sensitivity to occur should the prison facilities ever reconfigure the existing activities, or expand, along the western periphery of the site in the future if PC 43 was to be approved in its current proposed state.



**Figure 3: Possible future development area on the ARWCF / ASCF site (source: Auckland Council GeoMaps)**



It is recognised that the development of the red area would not be in accordance with the existing ARWCF / ASCF designation, therefore a formal planning process would first be required, be it a designation alteration, resource consent process, or outline plan application in the instance of a reconfiguration, in order to allow any kind of development in the western portion of our site for the Department's purposes. Whilst there is currently no such development proposal in place, this option needs to be retained as a future possibility given the difficulty of otherwise acquiring greenfield land in close proximity to urban populations within which to develop new facilities (one of the key advantages that the existing men's and women's facilities enjoy); or to provide for better rehabilitation opportunities and facilities for people in our care in line with the overarching guidance of Hōkai Rangi.

### **The Department seeks the following decision from the local authority**

That the local authority either:

- 12.1 | (a) Declines PC43, **or**
- 12.2 | (b) Imposes the Business – Light Industry Zone instead of the Business – Heavy Industry Zone where it has been proposed within the PC43 area, **or**
- (c) Subject to expert analysis, splits the zoning to impose the Business – Light Industry Zone to those parts of the PC43 area closest to the ARWCF / ASCF site, and imposes the Business – Heavy Industry Zone only to the western parts of the PC43 area further away from the ARWCF / ASCF site.

## Contact details

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Agent's full name:

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Contact phone number:

Postal address:

Wiri  
Manukau 2241

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:

Rezone the land forming part of the former McLaughlins Quarry from Quarry Zone to a mixture of Heavy Industrial, Light Industrial and Open Space

Property address: 79 McLaughlins Road

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The Heavy Industry and Light Industry Zones are supported as increases to the supply of industrial zoned land in Wiri. This is consistent with the businesses established in the Wiri Industrial Area,

13.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 9 July 2020

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

9 July 2020

Plans and Places  
Auckland Council  
Private Bag 92300  
Auckland 1142

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**PROPOSED PLAN CHANGE 43 (PRIVATE): MCLAUGHLIN'S QUARRY**

Please find attached Auckland Transport's submission on Proposed Plan Change 43 (Private) McLaughlin's Quarry.

If you have any queries in relation to this submission, please contact me at [kevin.wong-toi@at.govt.nz](mailto:kevin.wong-toi@at.govt.nz), or on 09 447 4200.

Yours sincerely



Kevin Wong-Toi  
**Principal Planner, Land Use Policy and Planning**

cc:  
Stonehill Trustees Limited  
Babbage Consultants Limited  
L4, 68 Beach Road Auckland Central 1010 Attention:  
Sukhi Singh  
Via email: [sukhi.singh@babbage.co.nz](mailto:sukhi.singh@babbage.co.nz)

## Submission by Auckland Transport on Proposed Plan Change 43 (Private): McLaughlin's Quarry

**To:** Planning Technician  
Auckland Council  
Private Bag 92300  
Auckland 1142

**Submission on:** Proposed Plan Change 43 (Private) which seeks to rezone approximately 28 hectares of land forming part of the former McLaughlin's Quarry.

**From:** Auckland Transport  
Private Bag 92250  
Auckland 1142

### 1. Introduction

- 1.1 Stonehill Trustees Limited (**STL**) has lodged a private plan change to rezone approximately 28 hectares of land forming part of the former McLaughlin's Quarry. A large proportion of the plan change area has been developed to accommodate industrial uses provided for by land use and subdivision consents. Some areas of undeveloped land and stream margins remain at the southern extent of the plan change area. Access to the plan change area is available only via the Vogler Drive/Roscommon Road/Puaki Drive intersection.
- 1.2 Key components of the Proposed Plan Change include a change in zone from Quarry Zone to a mixture of Heavy Industry, Light Industry and Open Space Zones. The Plan Change also looks to introduce a new Wiri Precinct and amend the boundaries of the Outstanding Natural Features Overlay and Significant Ecological Area Overlay (as applied to the site at 79 McLaughlin's Road).
- 1.3 Auckland Transport is a Council-Controlled Organisation of Auckland Council ('the Council') and the Road Controlling Authority for the Auckland region. Auckland Transport has the legislated purpose to contribute to an 'effective, efficient and safe Auckland land transport system in the public interest'.<sup>1</sup>
- 1.4 Auckland Transport is responsible for the planning and funding of most public transport; operating the local roading network and developing and enhancing the local road, public transport, walking and cycling network for the Auckland Region.
- 1.5 STL has engaged with Auckland Transport during the later pre-notification stages of Plan Change development. Auckland Transport generally considers the proposed rezoning is appropriate for the location in terms of the transport network relative to the activities enabled (for example, the sites proximity to freight routes). Some further information, however, is required in order to appropriately assess the effects of the proposal on the Vogler Drive/Roscommon Road intersection, in particular, whether the transport effects of the proposal will

<sup>1</sup> Local Government (Auckland Council) Act 2009, section 39.



cumulatively impact the operation of the Vogler Drive/Roscommon Road intersection when considering existing zoned or consented development.

- 1.6 Auckland Transport is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

## 2. Specific parts of the plan change that this submission relates to

- 2.1 The specific parts of the Proposed Plan Change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised are about effects of the Plan Change on the transport network or transport assets and Auckland Transport's responsibilities in relation to managing the operation of the transport network. These matters include ensuring that the transport effects have been adequately identified, assessed and, if required, mitigated. If Auckland Transport's concerns cannot be resolved, then the Plan Change should be declined.
- 2.2 Auckland Transport supports in part the Plan Change subject to the applicant satisfactorily addressing the matters raised in **Attachment 1** which include:
- a. provision of further transport network assessment; and
  - b. appropriate transport network (or other) mitigation provisions being included within the Wiri Precinct Plan.
- 2.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

## 3. Recommendations requested

- 3.1 The recommendations which Auckland Transport seeks from the Council are set out in **Attachment 1**.
- 3.2 In all cases where amendments to the Proposed Plan Change are proposed or existing wording is supported, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any consequential amendments required to give effect to the recommendations requested.

## 4. Appearance at the hearing

- 4.1 Auckland Transport wishes to be heard in support of this submission.
- 4.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

Name: Auckland Transport

Signature:



Christina Robertson  
Group Manager: Strategic Land Use and Spatial Management

**Date:** 9 July 2020

**Contact person:** Kevin Wong-Toi  
Principal Planner: Land Use Policy and Planning

**Address for service:** Auckland Transport  
Private Bag 92250  
Auckland 1142

**Telephone:** 09 447 4200

**Email:** [kevin.wong-toi@at.govt.nz](mailto:kevin.wong-toi@at.govt.nz)

## Attachment 1

Issue	Support / oppose	Reasons for submission	Decision / relief sought
<p>Adequacy of transport assessment relating to the rezoning of land from Quarry to Heavy Industry, Light Industry and Open Space Zones.</p> <p>(14. Wiri Precinct (Whole of Precinct Plan))</p>	<p>Support in part</p>	<p>Auckland Transport has reviewed the application documents and Integrated Transport Assessment prepared by Stantec which supports the Plan Change. The cumulative effects of the Plan Change and existing zoned or consented development on the Vogler Drive/Roscommon Road intersection are not considered to be adequately assessed.</p> <p>Further assessment within the Integrated Transport Assessment should be made to consider the cumulative impact on the Vogler Drive/Roscommon Road intersection relative to the Plan Change and existing zoned or consented development.</p> <p>In particular; the following zoned or consented transport effects should be included when considering the operation of the Vogler Drive/Roscommon Road:</p> <ul style="list-style-type: none"> <li>a. Adequacy of factoring existing traffic volumes of the current development to obtain forecast Plan Change demands, noting that the current development is not yet 100% occupied;</li> <li>b. Traffic volumes associated with full build out of the Wiri North<sup>2</sup>/Puaki Drive area (refer <b>Figure 1</b> below) including the timing of construction of the Langley Road/Wiri Station Road access to the site;</li> <li>c. Traffic volumes (up to and above) 1,035 vph arising from the construction of new road/bridge link between the Puhinui Precinct and McLaughlins Road (connecting to the Vogler Drive/Roscommon Road intersection).</li> </ul>	<p>Approve the rezoning and Wiri Precinct Plan if:</p> <ul style="list-style-type: none"> <li>a. Sufficient information is provided to satisfactorily enable determination of the effects of the proposal; and</li> <li>b. Necessary modifications are made to the proposed rezoning or Wiri Precinct to adopt appropriate transport network (or other) mitigation.</li> </ul>

14.1

<sup>2</sup> The 'Wiri North Precinct' at 114 Roscommon Road was proposed but not accepted for inclusion in the Draft Auckland Unitary Plan. The proposed precinct replicated the provisions of the Wiri North Structure Plan as per Plan Change 36 to the Manukau District Plan. The land is zoned as Business – Heavy Industry Zone in the Auckland Unitary Plan (Operative in part).


Issue	Support / oppose	Reasons for submission	Decision / relief sought
		<p>Auckland Transport's support of the proposed re-zoning and Wiri Precinct is contingent on the extent of transport effects being suitably assessed and, if appropriate, provision of transport specific mitigation being included within the Wiri Precinct Plan to accommodate the rezoning.</p>  <p>The map shows a large rectangular area shaded in pink, outlined with a thick orange border. This area is situated between a railway line to the north and a road labeled 'LANDSLY ROAD' to the east. Other roads visible include 'WIRI ROAD' and 'WIRI DRIVE'. The surrounding area is divided into various lots, some of which are numbered (e.g., 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100). A small green shaded area is visible at the bottom right corner of the pink area.</p>	

Figure 1: Wiri North Area – refer to (b) above

## Contact details

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Organisation name: Oyster Industrial Limited

Agent's full name: Liam Costley

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Contact phone number:

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PO Box 8302  
Symonds Street  
Auckland Central  
Auckland 1150

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:

Property address: 101 McLaughlins Road, Wiri

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

We believe that given the existing infrastructure existing within the established area and the fact that the areas proposed are currently under-utilised and are unlikely to present any higher or more productive use, the rezoning of the proposed area is an efficient use of the land and should be supported.

15.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 9 July 2020

## Attend a hearing

Do you wish to be heard in support of your submission? No



## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**NOTICE OF SUBMISSION TO PROPOSED PLAN CHANGE 43 TO THE AUCKLAND UNITARY  
PLAN PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT  
ACT 1991**

**To:** Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

Via email: [unitaryplan@aklc.govt.nz](mailto:unitaryplan@aklc.govt.nz)

**Submitter:** Wiri Oil Services Limited (*WOSL*)  
149-187 Roscommon Road  
Auckland 2104

**Address for Service:** 4Sight Consulting Limited  
201 Victoria St West  
PO Box 911310, Victoria St West,  
**AUCKLAND 1142**

Attention: Mark Laurenson

Phone: 021 0868 8135

Email: [markl@4sight.co.nz](mailto:markl@4sight.co.nz)

File ref: AA7349

## **A. Introduction**

1. Wiri Oil Services Limited (*WOSL*) is a joint venture owned by Mobil Oil New Zealand Limited, Z Energy 2015 Limited (formerly Chevron), Z Energy Limited and BP Oil New Zealand Limited. *WOSL* manages the receipt of fuel from the Marsden Point Refinery in Whangarei (delivered to the *WOSL* Terminal via the Refinery to Auckland pipeline), the stewardship and safe storage of petroleum products at the *WOSL* Terminal, and the dispatch of these fuels to Auckland Airport (via the Wiri to Airport pipeline), and to the road tankers which distribute fuel to a range of users for the Auckland Region and beyond.
2. The *WOSL* Terminal has storage capacity for up to 116 million litres (*ML*) of fuel at any one time and during an average month, more than 100ML of petrol, 50ML of diesel and 80ML of jet fuel move to and from the site. The *WOSL* Terminal is in constant operation 24 hours per day, 7 days per week to ensure the fuel network and demand needs are met by users, forming the backbone of New Zealand's fuel supply management system since 1983.
3. The *WOSL* Terminal is a designated site (reference 9701, Hazardous Substance Terminal) within the partially operative Auckland Unitary Plan (*AUP(OP)*). Chapter E29 of the *AUP(OP)* identifies the Wiri Oil Terminal and recognises the need to restrict or manage the encroachment of land uses in proximity to it to ensure that risk to those land uses is appropriately managed. This includes emergency management areas which restrict sensitive activities or incompatible land uses, including those generating high populations of people, within proximity of the *WOSL* site. The closest extent of the proposed plan change 43 (*PC43*) area is a short distance outside the Wider Emergency Management Area associated with the *WOSL* Terminal and as such emergency management plans are not specifically required for activities in the *PC43* area.
4. Primary access to the *WOSL* Terminal is via Oil Terminal Road at the junction with Wiri Station and Roscommon Roads.
5. The south-western corner of the *WOSL* Terminal is approximately 170 metres from the Plan Change area. The *WOSL* Terminal in relation to the *PC43* area is shown in Figure 1 below:

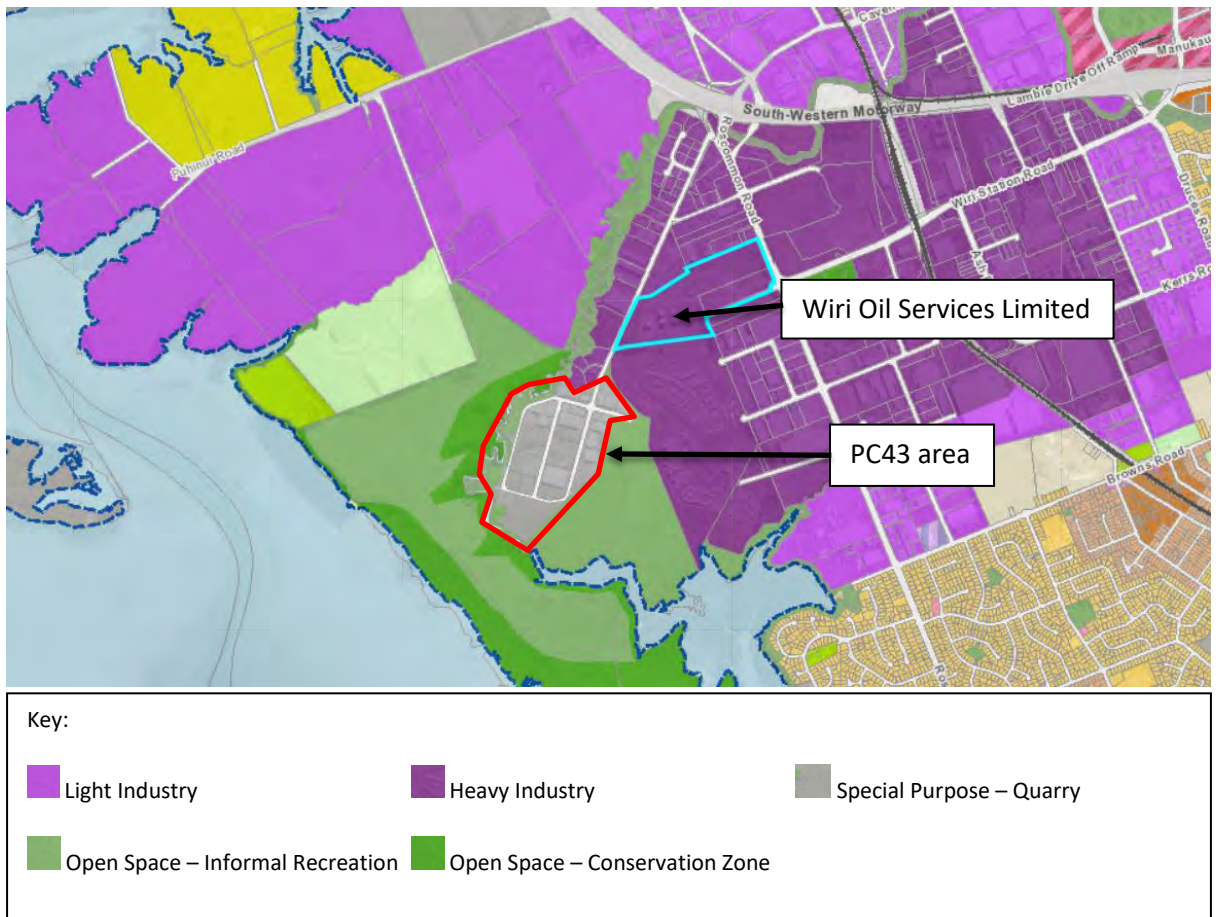


Figure 1: Location Plan, PC43 area and Wiri Oil Terminal facilities (Source: AUP(OP) Planning Maps)

6. The PC43 area is currently zoned Special Purpose – Quarry Zone. Several resource consents have been granted for the subdivision of the PC43 area and the use of those sites for business rather than quarry activities. In addition to industrial activities, wholesale retail, manufacturing and storage activities, the following have been approved by Council on the former quarry site: retail sale, cafes, restaurants, care centre, educational facilities, entertainment facilities and activities, and places of assembly.
7. PC43 proposes to rezone the northern 20.87ha of land nearest to the WOSL Terminal as Heavy Industry Zone; 3.39ha of land to the south of this area as Light Industry Zone; and the remaining areas as Open Space – Informal Recreation. The latter is proposed to reflect the Outstanding Natural Features, Historic Heritage and Significant Ecological overlays that affect the western and southern corners of the PC43 area. Implementation of the extant consents and / or the approval of PC43 would change the land use development potential on both the former quarry site and those areas newly included to the south.
8. WOSL seeks to ensure that PC43 appropriately mitigates potential adverse effects on the ongoing operation, maintenance, and upgrade of the terminal.

16.1

**B. The specific provisions of PC43 that WOSL's submission relates to are as follows:**

9. In the context of the background above, this submission supports:

16.2

- i. The proposed rezoning as depicted in Appendix 3 to the PC43 documents (see Figure 2 below), particularly the rezoning of sub-precinct A to Heavy Industry and sub-precinct B to Light Industry. This reflects that Heavy Industry Zoning closest to the WOSL Terminal is compatible with WOSL's activities and will appropriately manage the potential for reverse sensitivity effects.



Figure 2: Proposed zoning within PC 43 area (Source: Plan Change 43)

16.3

- ii. Activity Table I4.4.1, including the non-complying activity status for activities sensitive to hazardous facilities and infrastructure in sub-precinct B.

16.4

- iii. Policy I4.3(9) which requires the management of reverse sensitivity effects on the WOSL Terminal by avoiding the establishment of activities sensitive to hazardous facilities and infrastructure in sub-precinct B.

10. Subject to the retention of the above as notified, WOSL considers PC43 will:

- (a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
- (b) Be consistent with the AUP(OP);



- (c) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development, or protection of land;
- (d) Meet the requirements of the statutory tests in section 32 of the RMA; and
- (e) Avoid, remedy, or mitigate any relevant and/or identified environmental effects, particularly with respect to impacts on the operation and maintenance of the terminal site and the provision of fuel to the Auckland region and beyond.

11. WOSL remains neutral with regard to the other aspects of PC43.

**C. WOSL wishes to be heard in relation to this submission.**

**D. If others make a similar submission, WOSL would be prepared to consider presenting a joint case at any hearing.**

**E. WOSL could not gain an advantage in trade competition through this submission.**

**F. WOSL is not directly affected by an effect of the subject matter that –**

- i. Adversely affects the environment; and**
- ii. Relates to trade competition or the effects of trade competition.**

Signed on and behalf of WOSL as authorised signatory



.....

Mark Laurensen  
Principal Planner

Dated this day of 9 July 2020

## Contact details

Full name of submitter: Auckland Volcanic Cones Society Inc

Organisation name:

Agent's full name: Greg Smith

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Postal address:  
c/- 29 Mt St John Ave  
Epsom  
Auckland 1051

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:  
Please see supporting document

Property address:

Map or maps:

Other provisions:  
Please see supporting document

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
Please see supporting document

17.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 9 July 2020

Supporting documents  
AVCS McLaughlin's Quarry submission .pdf

## Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Auckland Unitary Plan

### Plan Change 43 (Private): McLaughlin's Quarry

This part of Auckland is in an area of grand narrative in terms of its geology, archaeology, landscape and iwi values. Most of the applicant's reports acknowledge this, but then fizzle out as they dissect the issue down.

But the logical truth stands that if there has been a grand narrative here, any original material that remains after all the destruction must be of even greater value, and certainly not lesser value to the point that it can go under the bulldozer as well.

The applicant has sought to break down Outstanding Natural Feature 93 into convenient sections prior to picking off any that hinder his development plans. From a grand narrative perspective this is nit-picking.

The photograph that prefaces each report in the application actually supports what the Auckland Volcanic Cones Society Inc (AVCS) is saying. Despite the development in the foreground, there is a panoramic sweep in the middle ground which is still prominent in the image. ONF 93 is in the centre of this sweep. Does its present more natural state sit comfortably with the development, or does it in fact help to bulk up the more open space panorama?

AVCS considers that ONF 93 adds considerable integrity to the Matukuturua Stonefields right across to the Puhinui Reserve which also has all the same grand narrative elements. If anything, ONF 93 is the natural bridge between these two areas.

The description of ONF 93 in Schedule 6 Outstanding Natural Features Overlay Schedule acknowledges the destruction of the grand narrative. The repeated use of the word "*remaining*" emphasises the importance of what is still there. There is an implicit mandate to protect. This means that what remains has to be of great value.

No party seems to deny the importance of the volcanic crater that lies in both the applicant's land and the Matukuturua Stonefields reserve. As it has such accredited importance, the question then becomes what is the appropriate buffer to maintain its geological integrity?

However one actually needs to look more closely at the scheduling. What has been scheduled is a "*section of tuff ring remaining from the early phases of the eruption*". The wetland crater is almost coincidental to "*the ridge of tuff*".

Any "ridge" has two sides. For tuff ridges there is an inner and outer slope. To make the importance of the ridge just the inner slope up to the crest of the tuff ring is nonsense. It over-emphasises the "*small wetland*" when what the scheduling was principally protecting was the "*section of tuff ring*", because the tuff ring of this volcano is now rare. Protecting the tuff ring down to the Puhinui Creek is not some sloppy and inexplicable error on the part of the ONF planners but a logical and well considered **natural** boundary for an outstanding **natural** feature.

Archaeology pervades this whole area. Quarrying and industrial development have destroyed much of it. Surely again it is only logical to preserve rigorously what remains. While there is a precautionary approach in the applicant's archaeological report, AVCS prefers the stronger outright avoidance wanted by the two iwi. This area is an archaeological landscape rather than just a series of archaeological sites. Its protection can only come through avoidance. Just recording what might be there before you destroy it is an insult to archaeology in such a landscape.

The Puhinui Stream threads through this area just as it does through all the values. It has a vital place in the geology, landscape, archaeology and iwi stories. The stream needs a good buffer zone for interpretation. Better provision seems to have been made for higher up the stream than what is being proposed now in the ONF 93 area.

The New Zealand Coastal Policy Statement (NZCPS) is of strong relevance to this issue. This area is similar in many of its values to Crater Hill. The recent decision there reinforced the NZCPS. The Waokauri Creek surrounded much of that ONF just as the Puhinui Creek does in this instance. Adverse effects on ONFs in the coastal area are to be avoided, which put simply from the Crater Hill decision means that you do not go there.

Much of Auckland once looked like the Stonefields. This is acknowledged in the ONF overlay schedule. This is a remaining portion not only of this area's grand narrative but all of Auckland's. The bulk of it is gone and we now only have a remnant – but an important one. Why should you whittle away further something now so special and precious? Matukuturua together with the Puhinui Reserve give the city a fabulous taonga. ONF 93 is a vital part of it.

AVCS gives thanks to earlier planners who had the foresight to try to protect what is so important. We need such people more than ever.

John Street MNZM

Chairman

Auckland Volcanic Cones Society

7 July 2020



## Contact details

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Contact phone number:

Postal address:

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:

The Entirety of the plan change

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

We support the new Wiri Precinct as it enables economically beneficial utilisation of the land while recognising cultural, ecological and geological values within the plan change area. It provides a greater level of certainty of outcome for the businesses operating within this environment.

18.1 | I or we seek the following decision by council: Accept the plan modification

Submission date: 9 July 2020

## Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Contact details

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## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:

Property address:

Map or maps:

Other provisions:  
Opposing the reduction of the ONF overlay and SEA overlay, which would allow for development.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
It is destruction of and impactful on an important volcanic and cultural site. Not just in this particular instance either, it is a continuation of destruction of such things in the area.

19.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 9 July 2020

Supporting documents  
McLaughlin's Quarry submission - David Fraser.pdf

## Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

I am submitting to this to oppose the ONF (outstanding natural feature overlay) and SEA (significant ecological area overlay) reduction on and around the Crater (which I'll refer to as Wetland Crater) on a number of grounds. These reasons are, in no particular order:

### 1. The visual impacts

The visual impacts are in two main parts:

A) Development there will destroy the connecting view between Puhinui Arena Crater and Wetland Crater. This interconnecting development-free view is rare enough in the Auckland Volcanic Field (AVF), yet alone between low craters. The Puhinui Arena Crater is part of the Puhinui Craters (Puhinui Pond/Arena/Eroded Craters), which are some of the only craters in the AVF with this honour. I've taken photos from the Wetland Crater to display this view, and drawn on a map an approximation of what these photos are showing.

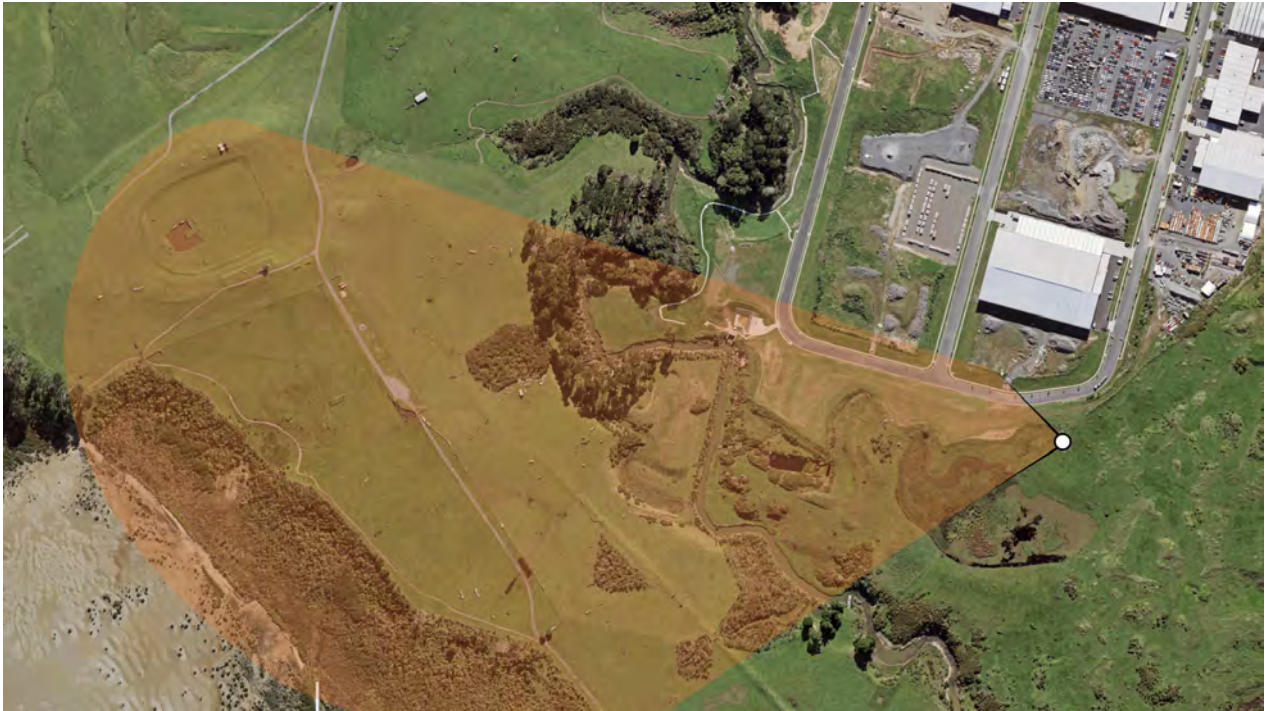
B) Development there will have large visual impact on the Wetland Crater itself.

I've created images approximating the visual impact on the Wetland Crater itself, as well as on the connecting view to Puhinui Arena Crater, as seen on the views from the photos mentioned in 'A'. They are all seen below:



*View #1: Looking across the northern side of Wetland Crater, Puhinui Arena Crater is easily spotted by its water tank through the trees.*





*View #1: Approximated view highlighted in an aerial. Puhinui Arena Crater is the bowl shape in the top left of the orange.*

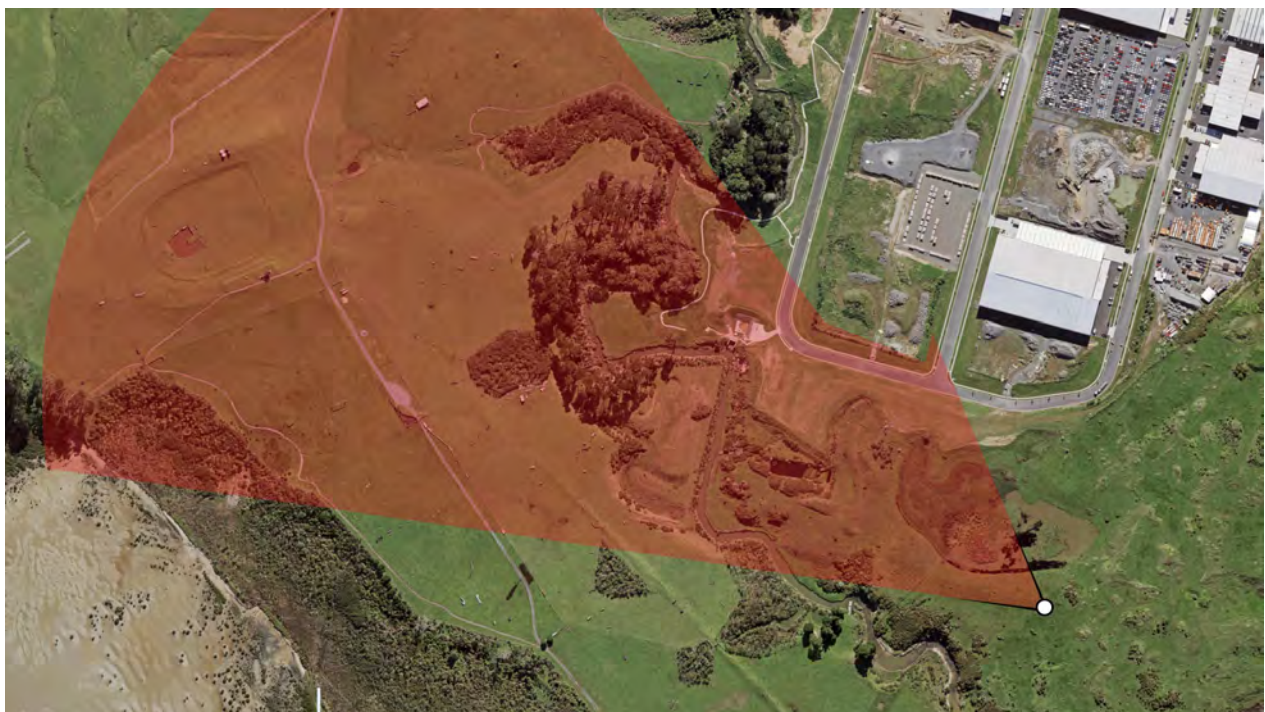


*View #1: Buildings added to the photo in all places proposed to be removed from the ONF. Puhinui Arena Crater is no longer visible and the visual integrity of Wetland Crater is severely compromised.*





*View #2: Looking across the southern side of Wetland Crater, the tuff ring of Puhinui Arena Crater rises from the left of the tall trees in the centre and continues behind them.*



*View #2: Approximated view highlighted in an aerial. Puhinui Arena Crater is the bowl shape towards the far left of the red.*





*View #2: Buildings added to the photo in all places proposed to be removed from the ONF. Puhinui Arena Crater is no longer visible and the visual integrity of Wetland Crater is severely compromised.*

## **2. The uniqueness of the ONF overlaying as much of the crater as it does, and its current condition.**

Out of the surviving volcanic features in the Auckland Volcanic Field that are primarily craters, they are affected by several common issues which I will evaluate each ones condition of:

- Their outer slopes get built on, and sometimes their inner slopes too.
- Their wetland/harbour crater floors get reclaimed.
- Their drainage ecosystems connecting them to streams or oceans get destroyed or modified.

Note: this doesn't include other issues like slightly modified slopes, as (i.e. Puhinui Arena Crater) as the scale of such things and how much it affects them varies wildly, and it doesn't remove them from sight. To further narrow down the comparisons, I'll exclude explosion craters with visible scoria cones (quarried or not).

**Puhinui Eroded Crater** – Only crater with no major modifications.

**Puhinui Arena Crater** – Floor reclaimed

**Puhinui Pond Crater** – Drainage dammed.

**Ash Hill Crater** – Entirely levelled and destroyed.

**Boggust Park Crater** – Floor reclaimed. Outer slopes built on. Drainage Stream destroyed.

**Cemetery Crater** – Floor reclaimed and built on. All slopes built on. Drainage stream partly destroyed.

**Kohuora Crater** – Floor partly reclaimed. Outer slopes built on / Inner slopes partly built on. Drainage stream destroyed.

**Pūkaki Lagoon** – Floor reclaimed. Outer slopes partly built on. Drainage dammed.

**Highbrook Park Crater** – Outer slopes partly built on. Drainage bridged.

**Styak’s Swamp** – Floor reclaimed and built on. All slopes built on. Drainage stream destroyed

**Pigeon Mountain Northwest Crater** – Floor reclaimed. Outer slopes built on. Drainage stream destroyed.

**Panmure Basin** – Outer slopes built on / Inner slopes partly built on.

**Onehunga Basin** – Floor mostly reclaimed. All slopes built on.

**Glover Park Crater** – Floor reclaimed. Outer slopes built on / Inner slopes partly built on. Drainage stream destroyed.

**Onepoto Crater** – Floor mostly reclaimed. Outer slopes built on / Inner slopes partly built on. Drainage dammed.

**Tank Farm Crater** – Outer slopes built on / Inner slopes partly built on. Drainage bridged.

**Lake Pupuke** – Outer slopes built on / Inner slopes partly built on.

**Ōrākei Basin** – Outer slopes built on / Inner slopes partly built on. Drainage causeway.

Out of all these, craters that have their drainage included in their ONF include the Puhinui Arena, Eroded and Pond Craters, Pūkaki Lagoon, Highbrook Park Crater, Panmure Basin and Tank Farm Crater. However those that have freshwater streams rather than openings to the ocean in this category reduce it further to just the Puhinui Arena, Eroded and Pond Craters. This makes the Wetland Crater the only one outside of the Puhinui Craters’ ONF.

### **3. Where the Volcano and Puhinui stream become one**

On top of the importance of the crater stream highlighted in point 2, there is another important point it represents. There’s two main natural features in the immediate vicinity – the Puhinui Stream and the Matukutūreia volcanic complex (including the scoria cone, lava flows, tuff and crater). Out of these 2 features they really only interacted insofar as the lava flows forced the Puhinui stream around it, forcing the Puhinui stream to cut out a new path. Other than that they largely stayed as two isolated environments.

Except for one place – the stream flowing from the Wetland Crater. Here the wetland environment that formed inside the crater began to drain through the stream which connected to the Puhinui. So, the stream holds extra importance as the only real point that the Matukutūreia volcanic landscape and the Puhinui stream become a strongly intertwining part of each other’s ecosystems.

### **4. The massive loss in the area**

It’s difficult to talk about this current application in isolation. The Matukutūreia volcanic complex which underpins a lot of the cultural and environmental importance of this area physically adjoined the nearby Matukutūruru volcanic complex which it shares a strong cultural connection to, along with Ash Hill Crater.

Quarrying at either of the scoria cones was small like on many cones until 1915, when the NZ Railways quarry took off at Matukutūruru. Matukutūreia quarrying started getting more severe until it really kicked off from the 1960s. Extensive quarrying of their lava flows also began taking off around here. By the 1980s not much remained of either cone and destruction of their lava flows and associated stonefields expanded rapidly, and was swallowed up in a combination of general quarrying and apparent preparation for industrial developments. Also during this time a small crater

between the cones was destroyed, and industrial development started encroaching on the Ash Hill Crater, culminating in 2016 when the last clear remnant of it was levelled for more space in an industrial yard.

The turn of the millennium at the apparent tail-end of this more than a century long destruction has been marked by a dramatic loss of potential at preserving at what is left. The flattened site of the Matukutūreia scoria cone (footprint) and wider quarry area where the Stonehill Industrial Development now stands was contemplated for purchase by the Manukau City Council, but their indecision led the quarry operator to get impatient and sell on the market, leading to the Stonehill Development. And thus attempts to preserve its wider history and views, create buffers between it and development, and potential for more usable spaces for the community to engage with it have been lost. The Matukutūruru footprint is now facing the same fate.

This new millennium push for development of the few pieces of the once vast landscape that remain, are simply a continuation of this destruction, and are based heavily on past destruction and modification to justify them. It's difficult not to look at the state of the Matukutūreia and Matukutūruru even 10 years ago and not think there were better potential outcomes centred on them than what has occurred, with better buffers and other measures.

Reduction of the ONF and SEA would continue this physical and visual destruction with the removal of parts of the tuff ring of Wetland Crater, its freshwater drainage stream and its surrounding visually buffering landscape. This all is some of the last remaining parts of a unique volcanic and cultural landscape that are being continually picked apart for decades after the destruction supposedly ceased.

## **5. The disregard the applicant has shown in the past**

With the ONF area not being announced until circa 2013 with the Auckland Unitary Plan, the applicant might perhaps throw up their hands and say "how could I have known?" with regard to the earthworks, stormwater pond and wetland destruction that occurred before then, on the sites of the ONF and SEA. However, since then they have continued to intrude on the ONF. Circa 2018 they have established 2 yards on the ONF, and have continued with construction of permanent structures at 22 Harbour Ridge Drive and 15 Stonehill Drive on the ONF.

The same company also has a number of bad faith issues at the nearby twin of Matukutūreia, Matukutūruru. They engaged in unconsented earthworks on the volcanic remnant since they took over there in 2015, some of which had mana whenua overlays, as well as destroying an entire cliff face of Department of Conservation land in this process. Since then they also destroyed part of the Matukutūruru tuff ring which formed a bund alongside Roscommon Road, despite attempted discussion.

Matukutūreia and Matukutūruru have been utterly robbed of the potential the footprints and landscapes had to be reclaimed and enhanced by the community post-quarrying. While a lot of this lost community, cultural and environmental potential can be put on poor planning by the Manukau City Council and subsequent Auckland Council, the Euroclass push for maximum profits at the expense of everything else as well as their general intrusions and destruction of the protected areas and push for less protection has made these already dire situations for the maunga worse.

## **Conclusion**

To summarise I oppose the reduction of the of the ONF and SEA on the grounds of the visual impacts on and between the craters, its uniqueness of having the crater's drainage stream included



within its ONF, the importance of this stream as a link between the Matukutūreia volcanic complex and the Puhinui Stream, physical destruction of the crater and surrounding area as an addition to the already massive losses in the area, as well as noting the disregard for important volcanic features in the area the applicant has shown in the past.

Regards,  
David Fraser

## Contact details

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## Submission details

**This is a submission to:**

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

**My submission relates to**

Rule or rules:  
Whole Plan Change

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
There are no provisions identified for amendment.

20.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

Details of amendments: Refer to the attached document.

Submission date: 10 July 2020

Supporting documents  
Final Submission Plan Change 43.pdf

## **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**SUBMISSION ON PRIVATE PLAN CHANGE 43 TO THE AUCKLAND  
UNITARY PLAN – MCLAUGHLIN QUARRY  
UNDER CLAUSE 6 OF THE FIRST SCHEDULE,  
RESOURCE MANAGEMENT ACT 1991**

**To:** Auckland Council  
Private Bag 92300  
Victoria Street West  
Auckland 1142  
Attn: Planning Technician

**Submission on:** Private Plan Change 43 McLaughlin Quarry

**Name:** Reading Properties Manukau Limited  
**Address:** Private Bag 24-902  
Manners Street  
Wellington 6142

**1. Introduction**

- 1.1. Stonehill Trustees Limited seek to rezone approximately 28 hectares of land (the Plan Change area) forming part of the former McLaughlin’s Quarry (located in the Wiri industrial area) from Quarry Zone to a mixture of Heavy Industry, Light Industry and Open Space Zones, among other matters.
- 1.2. Reading Properties Manukau Limited (“**Reading**”) is the owner of the properties to the north of the Plan Change area, at 69 McLaughlin’s Road, and 102 Prices Road, Manukau (the Reading land). These properties are zoned Heavy and Light Industry respectively in the Auckland Unitary Plan, with 102 Prices Road being located with the Puhinui Precinct.
- 1.3. Resource consent has recently been granted by the Auckland Council (June 2020) for the construction of a new bridge, collector road and associated works to extend Prices Road over Puhinui Stream, to McLaughlin’s Road, together with an associated 12 lot subdivision, which includes the Reading land. This consent and the resultant roading infrastructure to be created are part of a broader road infrastructure programme for the Puhinui Precinct, which will facilitate the Precinct’s redevelopment as a high quality, best practice, light industrial development with a strong sense of place for users and visitors, together with provision for local convenience retail activities and amenities for the precinct, to support the surrounding light industry areas and the needs of visitors and employees.

**2. Scope of Submission**

- 2.1. Reading’s submission relates to the proposed rezoning of the Plan Change area, and the implications of the resultant intensification/use of land in the vicinity of the Reading land, which will generate an increase in traffic in the locality. It is expected that a proportion of this traffic will generate trips though the approved connection of McLaughlin’s Road to Puhinui Rd via the new bridge connection which has recently been granted consent.

- 2.2. In support of the Plan Change application, an integrated transport assessment has been prepared. This assessment makes reference to the Puhinui Precinct, and includes the following:

*The additional right turn lane from Roscommon Road into Vogler Lane and the new connection between SH20B and McLaughlins Road will have the greatest impact on the subject McLaughlins Quarry Plan Change. However, these infrastructure upgrades have not been modelled as it is not known when these will be completed. Similarly, the exact composition and timing of development within the Southern Gateway Precinct is also unknown. Given that the current road network is able to accommodate the Plan Change Request with minimal change in network performance, it is considered that the future road network with additional development will also experience minimal change in performance. Overall, the additional traffic generated by the Plan Change Request will not noticeably affect the Southern Gateway Precinct development. The Southern Gateway Precinct is likely to result in a change in the surrounding road network however, the necessary mitigation measures have been identified to accommodate this additional traffic.*

- 2.3. The integrated transport assessment was prepared in July 2019, and takes no account of the consent held for the roading infrastructure improvements, nor does it sufficiently address the implications to the capacity of those further infrastructure improvements that the Unitary Plan identifies as being necessary to facilitate the development of the Puhinui Precinct, or the capacity of those measures to accommodate the additional traffic generated by the proposed rezoning.

### **3. Submission**

- 3.1. Reading could not gain an advantage in trade competition through this submission.
- 3.2. Reading seeks to ensure that the outcomes arising from the rezoning of the Plan Change area through Plan Change 43:
- are consistent with the sustainable management of natural and physical resources and is otherwise consistent with the purpose and principles of the Resource Management Act 1991 (RMA);
  - are consistent with, and achieves, the purpose and principles of the RMA, including meeting the reasonably foreseeable needs of future generations and enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety;
  - adequately avoids, remedies, and mitigates adverse effects on the environment;
  - are consistent with the objectives and policies of the Regional Policy Statement and any other relevant objectives and policies of the Auckland Unitary Plan (AUP);
  - complies with sections 74, 75 and 76 of the RMA;
  - meets the requirements to satisfy section 32 of the RMA; and
  - is consistent with sound resource management practice.
- 3.3. Without derogating from the generality of the above, Reading is particularly concerned that the scale and intensity of development enabled by Plan Change 43:



- Maintains the efficiencies of the transport network approved to service the Reading land, the Puhinui Precinct, and the related connections between McLaughlin's Road and Puhinui Road; and
- Maintains the efficiencies of the future transport network envisaged to service the Puhinui Precinct, in the event that the rezoning occurs.

#### 4. Relief Sought

4.1. Reading seeks the following relief:

20.2 | (a) That the applicant provide further information which demonstrates that the traffic generation associated with the proposed rezoning of the Plan Change area can be sustained by the existing and future road network, having regard to both the approved and envisaged transport infrastructure that will service the Puhinui Precinct, and not compromise the outcomes envisaged by the zoning of that land in terms of its forecast traffic generation characteristics.

20.3 | (b) In the absence of (a) being satisfied, the Plan Change be refused.

4.2. Reading wishes to be heard in support of this submission.

4.3. If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

#### READING PROPERTIES MANUKAU LIMITED

**Signature:** by its duly authorised agents, Bentley & Co Ltd




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**FORM 5**  
**RESOURCE MANAGEMENT ACT 1991**

**Submission on notified private plan change 43: McLaughlin's Quarry**

10 July 2020

Planning Technician  
Auckland Council  
Private Bag 92300  
Auckland 1142  
BY EMAIL [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**Introduction**

1. This submission is made on behalf of the Tūpuna Maunga o Tāmaki Makaurau Authority (**the Authority**).
2. The submission is to Proposed Private Plan Change 43 (**the plan change**) to the Auckland Unitary Plan (Operative in part). This plan change is to rezone approximately 28 hectares of land forming part of the former McLaughlin's Quarry from Quarry Zone to a mixture of Heavy Industry, Light Industry and Open Space Zones and introduce a Precinct Plan. The plan change also seeks to amend the boundaries of the Outstanding Natural Features Overlay and Significant Ecological Area Overlay applying to 79 McLaughlin's Road, Wiri.

**Tūpuna Maunga Authority**

3. In 2014, following five years of Te Tiriti of Waitangi settlement negotiations, 14 Tūpuna Maunga were transferred to the 13 iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau. The Tūpuna Maunga are held in Trust for the benefit of those iwi/hapū and people of Auckland.
4. Governance and administration of the Tūpuna Maunga is undertaken by the Authority. This is a co-governance body with equal representation from mana whenua and Auckland Council (together with a non-voting Crown representative).

5. Under section 109 of the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the Tūpuna Maunga to Ngā Mana Whenua.
6. The Tūpuna Maunga are among the most significant spiritual, cultural, historical, archaeological, and geological landscapes in the Auckland region. The maunga are sacred to Mana Whenua as taonga tuku iho (treasures handed down the generations). The Authority has a direct interest in protecting views to, from and between the Tūpuna Maunga.

### **Scope of the submission**

7. This submission relates to the plan change in its entirety.

### **Tūpuna Maunga Authority submission**

8. The Authority opposes the entire plan change in general.
9. The reasons for this submission are that the plan change:
  - a) does not promote the sustainable management of resources, and will not achieve the purpose of the Resource Management Act 1991 (**RMA**);
  - b) is inconsistent with Part 2 of the RMA, particularly sections 6(b), 6(e), 7(a) and 8;
  - c) does not avoid, remedy or mitigate the adverse effects of the proposal on mana whenua; and
  - d) it is not the most appropriate way to achieve the objectives of the Auckland Unitary Plan, in terms of section 32 of the RMA.
10. Without limiting the generality of the above the Authority makes the following additional comments in support of its submission.
11. Matukutūruru (Wiri Mountain) is one of the 14 Tūpuna Maunga under the governance and administration of the Authority. This maunga is part of the cultural landscape that is embedded with identity, meaning, and significance to mana whenua. A visual connection between Matukutūruru and Matukutureia (Mt McLaughlin) remains, despite protrusions of buildings in the foreground. The Authority seeks to protect what remains of this connection, including the land around Matukutureia to provide context for the maunga.
12. Cultural Value Assessments (**CVA**) prepared by Te Ākitai Waiohua and Ngāti Te Ata Waiohua and are included as supporting technical documents to the plan change. These set out the high cultural values of the broader ancestral cultural landscape, which extend well beyond the land

included in the plan change and are recognised and provide for in the adjoining precinct plan 1432 Puhinui Precinct.<sup>1</sup>

13. Statements in the proposed precinct plan description and objectives about the significance of the mana whenua cultural landscape and values are not given effect to in the proposed policies and methods. The plan change therefore fails to protect a significant mana whenua cultural landscape.
14. The conclusion in the CVA's is that the plan change has high adverse cultural impacts on the identified values that cannot be mitigated or off-set. The Authority supports mana whenua in its role as kaitiaki of its taonga.

### Decision by the Council

15. The Tūpuna Maunga Authority seeks the following decisions by the Auckland Council:

- 21.1 | a) Decline the plan change;
- 21.2 | b) If the proposed plan change is not declined, amend the plan change as follows:
  - 21.3 | (i) Recognise the relationship of the land included in the plan change with 1432 Puhinui Precinct as shown on 1432.10.1 Puhinui: Precinct Plan - Māori cultural landscape values.
  - 21.4 | (ii) Amend the precinct description, objectives, policies, activity table and assessment criteria to recognise and protect Māori cultural landscape values in sub-precinct A and B.
  - 21.5 | (iii) Apply a zoning to the land that Māori cultural landscape values in sub-precinct A despite the presence of buildings on this part of the precinct.
  - 21.6 | (iv) Recognise and include provisions showing the relationship between Matukutūruru and Matukutureia.
  - 21.6 | (v) Extend to the open space informal zone in sub-precinct B unless further information demonstrates the feasibility of the configuration for future development of the land proposed to be re-zoned Light Industry.

<sup>1</sup> The primary purpose of the Puhinui Precinct is to enable a transition from rural to urban development, while recognising the cultural, spiritual and historical values and relationships that Te Ākitai Waiohūa have with the land and sea in Puhinui as part of the Māori cultural landscape. The precinct also recognises the relationship which exists between Māori cultural landscape values and the management of natural and physical resources. The precinct provides for predominately light industrial and airport related activities and some large lot residential development, using specific standards and assessment criteria to guide urban development. This is to ensure that development and subdivision is coordinated with the provision of transport infrastructure improvements, and does not adversely affect the performance of the road network across a range of criteria including reliability, safety and intersection performance; as well as ensure that an integrated approach is taken to managing the adverse effects on the Māori cultural landscape values. The cultural landscape applies to the entire precinct, in areas within and outside of the Rural Urban Boundary.

- 21.7 | c) Any other relief that addresses the concerns of the Tūpuna Maunga Authority.
16. The Tūpuna Maunga Authority could not gain an advantage in trade competition through this submission.
  17. The Tūpuna Maunga Authority wishes to be heard in support of this submission.
  18. If others make a similar submission, the Tūpuna Maunga Authority will consider presenting a joint case with them at the hearing.

10 July 2020



Dominic Wilson  
Head of Co-governance / Te Pou Mana Whakahaere  
Tūpuna Maunga o Tāmaki Makaurau Authority

**Address for service of submitter:**

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Organisation name: Box Property Investments Ltd

Agent's full name:

Email address: [david@boxproperty.co.nz](mailto:david@boxproperty.co.nz)

Contact phone number: 0274777710

Postal address:

PO Box 85-044 Harris Rd Auckland 1545

1545

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:

I oppose the plan change in its entirety

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Numerous effects

22.1 | I or we seek the following decision by council: Decline the plan modification

Submission date: 10 July 2020

## Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Contact details

Full name of submitter: Director General of Conservation

Organisation name: Department of Conservation

Agent's full name: Michelle Hooper

Email address: [mhooper@doc.govt.nz](mailto:mhooper@doc.govt.nz)

Contact phone number: 64 027 324 6314

Postal address:  
Private Bag 3072 Hamilton 3240  
Hamilton Central  
Hamilton 3240

## Submission details

### This is a submission to:

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### My submission relates to

Rule or rules:  
See attached submission.

Property address: See attached submission.

Map or maps: See attached submission.

Other provisions:  
See attached submission.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
See attached submission.

23.1 | I or we seek the following decision by council: Amend the plan modification if it is not declined

Details of amendments: See attached submission

Submission date: 10 July 2020

Supporting documents  
Submission of Director-General of Conservation - PPC43 McLaughlins Quarry - DOC-6348740.pdf

## Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

10 July 2020

Auckland Council  
Private Bag 92300  
Victoria Street West  
Auckland 1142

Attention: Barry Mosley

Kei te rangatira, tēnā koe,

**Auckland Unitary Plan Proposed Plan Change 43 (Private) – McLaughlin Quarry**

Please find enclosed the submission by the Director-General of Conservation in respect of Plan Change 43 (Private) – McLaughlin Quarry. The submission identifies the Director-General's concerns.

Please contact [agray@doc.govt.nz](mailto:agray@doc.govt.nz) in the first instance if you wish to discuss any of the matters raised in this submission.

Nāku noa, nā



Kirsty Prior

Operations Manager *Pou Matarautaki*

Auckland *Tamaki Makaurau*



## RESOURCE MANAGEMENT ACT 1991

### SUBMISSION ON A CHANGE TO AUCKLAND UNITARY PLAN

**TO:** Auckland Council

**SUBMISSION ON:** Private Plan Change 43 – McLaughlin Quarry

**NAME:** Lou Sanson  
Director-General of Conservation

**ADDRESS:** Address for service:  
RMA Shared Services  
Department of Conservation  
Private Bag 3072  
Hamilton 3240  
Attn: Angus Gray

### STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF THE DEPARTMENT OF CONSERVATION

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Kirsty Prior, Operations Manager, Auckland Mainland, acting upon delegation from the Director-General of the Department of Conservation, make the following submission in respect of the Proposed Private Plan Change 43 to the Auckland Unitary Plan.

1. This is a submission on Private Plan Change 43 to the Auckland Unitary Plan ('the proposal').
2. The decisions sought in this submission are required to ensure that the proposal:
  - a. Gives effect to the New Zealand Coastal Policy Statement and the Freshwater Management National Policy Statement.
  - b. Recognises and provides for the matters of national importance listed in section 6 of the Act, has particular regard to the other matters in section 7 of the Act, and takes into account the principles of Te Tiriti O Waitangi as required by section 8.
  - c. Promotes the sustainable management of natural and physical resources.
  - d. Gives effect to the provisions of the Auckland Unitary Plan (Operative in part)
  - e. The decisions sought are necessary, appropriate and sound resource management practice.

#### **Intent of Stonehill Property Trust/Stonehill Trustees Ltd subdivisions and relevant instruments**

3. This proposal follows a series of subdivisions of the McLaughlin Quarry area since 2009. The site was subdivided in stages with stage one occurring in 2009<sup>1</sup>, stage two occurring in 2011<sup>2</sup>, and another

<sup>1</sup> Proposal 33887 SP10188

<sup>2</sup> Resource Consent No. 39194, SP10737

subdivision in 2016<sup>3</sup>. As part of the mitigation measures offered by the applicant, it was agreed that no activity including excavations, earthworks or other activity shall be undertaken south of the identified minimum protection line without a resource consent.

4. The clear intention to not allow permitted activities without consent was considered as part of the package of undertakings in terms of avoiding, remedying, or mitigating the adverse effects of the original subdivision proposals. This intent was relied upon when granting consent for the underlying subdivisions. It is inappropriate now to allow increased adverse effects which were anticipated, and clearly intended to be discouraged or at least mitigated through a consenting process, at the time of the granting of the original subdivision consent.
5. Moreover, consent notices<sup>4</sup> were registered against the titles of what was then Lot 100, 101, and now 102 and allowing permitted activities is inconsistent with and undermines those legal instruments.

#### **Effects on mana whenua values**

6. The cultural impact assessments provided by Ngāti Te Ata and Te Ākitai Waiohua for the applicant both identify that the proposal may have serious adverse effects on the cultural and spiritual associations of mana whenua with the proposed plan change area.
7. It is not clear how the proposed light-industry zone, precinct plan and removal of the outstanding natural feature overlay will recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
8. The importance of this site to mana whenua may qualify it as an outstanding natural feature.

#### **Effects on geological values**

9. The site potentially has significant geological values which will be irreversibly destroyed by the proposal. These geological values may contribute to the area qualifying as an outstanding natural feature.

#### **Effects on ecological values**

10. The proposed plan change area has two significant ecological areas, the Puhinui Creek and the crater wetland. This site, and the surrounds are home to a number of indigenous plant species, including regionally and nationally threatened species. The site is habitat for the threatened – nationally critical Matuku (Australasian Bittern).
11. The proximity and location of light industrial activities may have adverse effects on the ecological values of the wetland and riparian creek including light, noise, disturbance during construction, and reduced connectivity between the creek, the wetland, and the wider area.

#### **Effects on archaeological values**

12. Only 5% of stone fields remain in the Auckland Region. The Matukuturua and Ōtuataua stone fields represent the largest and most intact examples of stone fields in South Auckland. Given the proximity to the adjacent historic reserve, and the presence of a number of archaeological sites within the plan change area, it is possible that this plan change will facilitate the accidental disturbance of presently undiscovered sensitive archaeological sites.

<sup>3</sup> Resource Consent No. 51522 SP 12591

<sup>4</sup> 10888755 3 & 8939875

13. The building platform in the precinct plan is too close to the identified archaeological sites. The precinct plan also appears to ignore the advice at figure 25 of Dr Clough's assessment and places the building platform entirely over the sites of moderate archaeological potential. The precinct plan and zoning does not adequately protect historic heritage from inappropriate use and development.

**Effects on amenity values and landscape values**

14. The proposed zoning will result in 15m – 20m tall light industrial buildings and warehouses immediately on the boundary of the Matukuturua Stonefields Historic Reserve. This may result in adverse effects on the amenity values of the reserve, and potentially visual effects on the outstanding natural feature values.

**I seek the following decision from Council:**

15. That the Council:

- 23.2 | a. decline the plan change application; or
- b. if the panel is minded to grant the plan change that it makes the following amendments:
  - 23.3 | i. That sub-area B be rezoned to a more appropriate zone which protects the values of the site such as an Open Space zone; and
  - 23.4 | ii. That the ONF overlay be retained; and
  - 23.5 | iii. That the proposed plan change appropriately recognises and provides for the significance of this landscape to mana whenua; and
  - 23.6 | iv. That the proposed plan change is amended to address the concerns outlined in this submission.

23.7 | 16. Any alternative, further, or consequential relief necessary to address the concerns outlined in this submission.

17. I wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Kirsty Prior

Operations Manager *Pou Matarautaki*

Auckland *Tamaki Makaurau*

Pursuant to delegated authority

On behalf of

Lou Sanson

Director-General of Conservation

Date: 10 July 2020

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

## SUBMISSION ON NOTIFIED PROPOSAL FOR PRIVATE PLAN CHANGE PC43: MCLAUGHLIN'S QUARRY BY STONEHILL TRUSTEES LIMITED

This is a submission by Ngati Tamaoho on the proposal for Private Plan Change 43: McLaughlin's Quarry (PPC43 or the Application) by Stonehill Trustees Limited (the Applicant).

PPC43 proposes to amend the Auckland Unitary Plan (Operative in Part) by:

- (a) rezoning approximately 28 hectares of land forming part of the former McLaughlin's Quarry (located in the Wiri industrial area) from Quarry Zone to a mixture of Heavy Industry, Light Industry and Open Space Zones;
- (b) introduce a new Wiri Precinct; and
- (c) amend the boundaries of the Outstanding Natural Features (ONF) Overlay and Significant Ecological Area (SEA) Overlay applied to the site at 79 McLaughlin's Road, Wiri.

Ngati Tamaoho **opposes** this Proposed Plan Change in its entirety. This entire area is of cultural significance to Ngati Tamaoho, This Plan Change will forever change the landscape and is not in our best interests.

- 24.1 | Ngati Tamaoho recommends this Plan Change be **declined** by Council.
- 24.2 | Ngati Tamaoho supports the submission made by Ngati Te Ata and the relief sought by the commissioners from Ngati Te Ata

Naku noa Na

Lucie Rutherford

## Contact details

Full name of submitter: Susan Andrews

Organisation name: Heritage New Zealand Pouhere Taonga

Agent's full name:

Email address: [sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

Contact phone number: 09 307 9920

Postal address:

## Submission details

**This is a submission to:**

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

**My submission relates to**

Rule or rules:

Please see attached submission.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Please see attached submission.

I or we seek the following decision by council: Accept the plan modification with amendments

Details of amendments: Please see attached submission.

Submission date: 10 July 2020

Supporting documents

HNZPT Submission PPC43 - McLaughlins Quarry.pdf

APPENDIX A.pdf

**Attend a hearing**



Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

10<sup>th</sup> July 2020

Attention: Planning Technician  
Auckland Council  
Level 24  
135 Albert Street  
Private Bag 92300  
Auckland 1142

Dear Sir or Madam

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA**

**PROPOSED PLAN CHANGE 43 (PRIVATE): MCLAUGHLIN'S QUARRY**

**To:** Auckland Council

**Name of submitter:** Heritage New Zealand Pouhere Taonga

**1. This is a submission on the following proposed private change to the Auckland Unitary Plan (Operative in Part) (the proposal):**

To rezone approximately 28 hectares of land forming part of the former McLaughlin's Quarry (located in the Wiri industrial area) from Quarry Zone to a mixture of Heavy Industry, Light Industry and Open Space Zones; introduce a new Wiri Precinct; and amend the boundaries of the Outstanding Natural Features Overlay and Significant Ecological Area Overlay applied to the site at 79 McLaughlin's Road (Wiri).

**2. Heritage New Zealand could not gain an advantage in trade competition through this submission.**

**3. The specific provisions of the proposal that Heritage New Zealand's submission relates to are:**

- Provisions as they pertain to historic and cultural heritage associated with the proposed plan change area.

**4. Heritage New Zealand's submission is:**

- Heritage New Zealand is an autonomous Crown Entity with statutory responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage.
- The plan change area adjoins the New Zealand Heritage List / Rārangī Kōrero Matukurua Stonefields, a Category 2 Historic Heritage Place (List No. 6054), a unique and well preserved example of pre-European villages and gardens of the stonefields of Auckland.
- Heritage New Zealand supports the proposed retention of areas of Open Space Zone and re zoning of areas to Open Space Zone where fully encompass the extent of archaeological remains, including sites R11/1632 and AUP(OP) Historic Heritage Overlay Extent of Place for Schedule ID 2163 Puhinui Fish Traps R11/911.

- It is noted however that the information provided with the plan change proposal is not of sufficient detail or accuracy to be assured that the recorded extents are fully encompassed, and further it appears the proposed Open Space Zone boundaries do not provide for an appropriate buffer to these archaeological extents to ensure the protection of these features.
- In addition to the proposed zoning of the explosion crater associated (ONF 93 / SEA\_T\_8443 and containing features associated with archaeological site R11/47) as Open Space Zone, Heritage New Zealand consider the portion of R11/47 described in the Archaeological Assessment accompanying the plan change request as ‘a rocky outcrop in North East of Proposed Plan Change Sub-area’, as shown in Appendix A, should likewise be zoned as Open Space Zone given the likelihood of this area (and the ridge around the explosion crater) containing additional unrecorded archaeological features.
- Heritage New Zealand are concerned that the plan change request does not adequately address and consider proposed rezoning of Lot 51 in relation to archaeological site R11/2881, and the avoidance and protection of this feature.
- Proposed planting riparian and wetland margin planting provisions as they are currently drafted will conflict with the preservation of archaeological sites located in these areas and their amenity values.
- Further Heritage New Zealand seek that provision is included in the proposed plan change for the ongoing appropriate management of archaeological sites in perpetuity, and the preparation of a management plan to this end, and also provision for the interpretation of the historic and cultural heritage of these sites and the wider cultural landscape.
- Heritage NZ supports mana whenua in the exercising of kaitiakitanga, and supports ongoing best practice consultation and engagement to ensure the cultural heritage effects of the proposal are appropriately recognised and addressed.

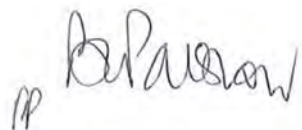
**5. Heritage New Zealand seeks the following decision from the local authority:**

That the plan change is not approved until the following matters are addressed:

- |      |   |
|------|---|
| 25.1 | 5.1. That an additional area of Open Space Zone be included in the plan change encompassing the area indicated in Appendix A, containing remnant gardening settlement areas that form part of archaeological site R11/47 including an appropriate buffer.   |
| 25.2 | 5.2. That with regard to Lot 51, a portion of this site is retained in Open Space Zone to the extent necessary (including a buffer) to ensure archaeological site R11/2811 is retained and effects on the site will be avoided, which is not adequately addressed in the Statutory Assessment Report.   |
| 25.3 | 5.3. That further detail is provided to ensure that the boundaries of proposed Open Space Zone encompasses the full extent of site R11/1632, and the AUP(OP) Historic Heritage Overlay Extent of Place for Schedule ID 2163 Puhinui Fish Traps R11/911. These sites should be mapped on a cadastral plan and an appropriate scale to indicate their extent and an appropriate buffer. |
| 25.4 | 5.4. That the plan change is amended to include mechanisms to provide for the ongoing management of archaeological sites and their amenity in perpetuity.   |

- 25.5 | 5.5. That the Wetland Margin Areas and Riparian Margin Areas planting provisions proposed in the plan change are amended to ensure that there is no planting within areas in which archaeological remains occur, and that any planting in the vicinity of archaeological sites utilises appropriate plant species to avoid damage to and obscuring of archaeological features, so as to ensure amenity of the historic heritage.
- 25.6 | 5.6. That the plan change is amended to provide for interpretation of the historic and cultural heritage of the features within the site and as they relate to the wider cultural heritage landscape within which the site sits.
- 25.7 | 5.7. That meaningful engagement with mana whenua continues to work towards acceptable mitigation options to with regard to the identified cultural heritage impacts of the proposed rezoning and precinct.

**6. Heritage New Zealand wishes to be heard in support of our submission.**



Yours sincerely

Sherry Reynolds  
Director Northern Region

Address for Service:  
Susan Andrews  
PO Box 105 291, Auckland  
09 307 9920  
[sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

**APPENDIX A**

Rocky Outcrop in North East of Proposed Plan Change Sub-area B (denoted by orange triangle).





## **Submission on a notified proposal for policy statement or plan change or variation**

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5

Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to:

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

### **Submitter details**

#### **Full Name or Name of Agent**

Nigel Denny

#### **Organisation Name**

Te Ākitai Waiohū Waka Taua Incorporated

#### **Address for service of Submitter**

PO Box 59 185  
Mangere Bridge  
Auckland, 2151

Telephone: 021400921

Email: [akitai.waka.taua@gmail.com](mailto:akitai.waka.taua@gmail.com)

Contact Person: Nigel Denny

#### **This is a submission on the following proposed plan change / variation to an existing plan:**

Plan change 43  
McLaughlin Quarry (Private)

#### **The specific provisions that my submission relates to are:**

1. Rezone from Quarry Zone to Heavy Industry Zone
2. Amend the Outstanding Natural Feature Overlay (ID 93 Matukuturua Lava Field and Tuff Ring)
3. Amend the Significant Ecological Area - terrestrial (No.8443)
4. Wiri Precinct Provisions

#### **My submission is:**

Te Ākitai Waiohū Waka Taua Incorporated opposes the plan change. Specifically the proposal to rezone land as Heavy Industry is not supported in this area of cultural significance. In addition, the amendments to the Outstanding Natural Feature and the Significant Ecological Area are not supported. Te Ākitai Waiohū Waka Taua Authority seeks the opportunity to work with the applicant to amend the proposed Wiri Precinct Provisions to better reflect the cultural values of the area.

**The reasons for my views are:**

The proposed plan change to rezone land Heavy Industry Zone will have significant adverse effects on the relationship of the people of Te Ākitai Waiohū with its whenua taonga.

The entire area of the plan change is within land that is significant to Te Ākitai Waiohū. The wider area of significance is reflected in the Puhinui Precinct I432 (Precinct Plan 1 – Māori cultural landscape values). Parts of the Māori cultural landscape at Wiri are scheduled as sites of significance (No. 34 and 36). The proposed Heavy Industry Zone would directly impact on sites of significance to Te Ākitai Waiohū, and would have significant impacts on the cultural values of this area.

Resource consent approved subdivision and development of the land for light industrial activities. Therefore, it would be more appropriate to zone this land as light industry rather than heavy industry. Although the site is largely already developed with buildings, there will potentially be changes to activities within the buildings that may have potential impacts on cultural values. The Light Industry Zone would be a more appropriate zoning given the cultural values of the area.

Matukutūreia is a volcanic cone and former hilltop pa settlement that was surrounded by mara kai gardens. Any plan change must recognise and protect the integrity of the maunga and surrounding environs including the land and waterways to a standard that matches its importance to Mana Whenua.

The plan change proposes to reduce the extent of the Matukutūreia and Matukutūruru Outstanding Natural Feature (ONF) to enable light industrial development. Whilst it is acknowledged that the maunga is not identified in Schedule 6 to meet criteria (k) in RPS Policy B4.2.2(4) relating to the importance of the feature of site to Mana Whenua, this is in fact a very significant site for Te Ākitai Waiohū. Accordingly, Te Ākitai Waiohū is concerned that the mapped extent of the ONF should be more carefully considered to ensure that it accurately reflects the full extent of the feature.

The plan change proposes to reduce the extent of the Significant Ecological Area (SEA) applying to the wetland within the ONF and to identify this area as open space. Whilst the approach to identify the SEA within open space is supported, Te Ākitai Waiohū does not support any reclamation of wetlands and seeks clarification on how the wetland has become partially reclaimed.

Te Ākitai Waiohū acknowledges the intention of the applicant to address cultural values in the proposed Wiri Precinct provisions and seeks the opportunity to work together to better define the cultural values in the precinct description and precinct provisions to ensure that any significant adverse effects are avoided or mitigated. It is not sufficient to pick up parts of the Puhinui Precinct and apply them to a Wiri Precinct without engaging with Te Ākitai Waiohū to understand how development at Wiri impacts on the cultural values of the specific area.

Protection of the local viewshaft from Pūkaki Marae to Matukutūreia as provided for in the Puhinui Precinct is supported as it provides a holistic approach to management of cultural values across the area.

Support the proposed policy I4.3(2) to require buildings to be located outside parts of the Wiri Precinct that are identified as having important cultural, archaeological, ecological and geological values. However, the precinct provisions are not consistent with this policy because the precinct enables development on the site of significance and within the wider area of significance.

Te Akitai Waiohū seeks a more consistent approach to managing development within the Wiri Precinct to reflect that the entire area is of cultural significance. New buildings and structures on a site of significance are a discretionary activity in accordance with Table D21.4.1(A5). Sub-precinct A proposes that new buildings greater than 50m<sup>2</sup> are a controlled activity. These two approaches are inconsistent. A restricted discretionary activity status is sought for new buildings to ensure that it provides for adequate consideration of potential impacts on cultural values.

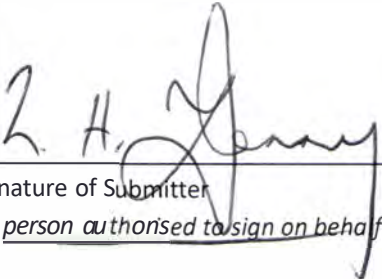
**I seek the following decision from the Council:**

Decline the plan change or address the above concerns, for example amend the plan change as follows:

- 26.1 | 1. Amend the proposed plan to apply Light Industry Zone to both sub-precincts A and B
- 26.2 | 2. Retain the mapped extent of the ONF ID93
- 26.3 | 3. Retain the mapped extent of the SEA ID8443
- 26.4 | 4. Retain provisions protecting the Matukutūreia local viewshaft from Pukaki Marae
- 26.5 | 5. Retain Policy 14.3(2)
- 26.6 | 6. Amend precinct provisions to better reflect cultural values including:
  - a. Amend the precinct description to better reflect the significant cultural values of Matukutūreia and Matukutūruru
  - b. Amend Objective 14.2(1) to reflect the significance of Matukutūreia and Matukutūruru
  - c. Amend the activity status for new buildings over 50m<sup>2</sup> from controlled to restricted discretionary
  - d. Amend assessment criteria to provide opportunities for cultural values to be incorporated into the development of the precinct and ensure ongoing consultation with Te Akitai Waiohū
- 26.7 | 7. Any other consequential amendments to give effect to the relief sought by Te Akitai Waiohū.

I wish to be heard in support of my submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing

  
\_\_\_\_\_  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

10/07/20  
\_\_\_\_\_  
Date

**Submission on publicly notified private plan change request:  
Plan Change 43 – McLaughlin’s Quarry**

Auckland Council  
135 Albert Street  
Private Bag 92300  
Auckland 1142

**Submitter:**  
Auckland Council

**Scope of submission:**  
This is a submission on proposed private Plan Change 43 – McLaughlin’s Quarry (PC 43).

**The specific provisions which my submission relates to are:**

The following provisions of proposed private PC 43:

- the I4. Wiri Precinct
- the Auckland Unitary Plan Maps.

**Submission:**  
Our submission is:  
PC 43 is opposed in part.

**The reasons for this submission are:**

1. Despite development and quarrying having taken place on a large proportion of the land to which the private plan change request relates, the area remains highly significant to Mana Whenua. Significant adverse cultural effects are identified in the cultural values assessments (CVA) provided by the applicant, to the extent that one of the CVA recommends the private plan change does not proceed. The applicant has suggested changes have been made to the original private plan change provisions to address those effects, however the degree to which the concerns raised in the CVA have been addressed is not clear.
2. Sub-precinct B retains significant cultural and geological values. It is also part of the coastal environment. Consequently, rezoning all this area as light industry may not be appropriate. Either open space or a rural zoning or a combination of the two may be a more appropriate option to protect these values in most of this sub-precinct. Light industry zoning could potentially be applied at a reduced scale on the fill modified land immediately adjoining the road recognising the existing modification there.

3. The precinct proposes policy and rules to make reclamation of the existing pond and stream a permitted activity. There is insufficient information on the values of the waterbodies and watercourses, potential downstream and upstream effects, the area to be reclaimed and the stream loss offset mitigation; to justify making this a permitted activity. This part of the precinct is inconsistent with the Auckland Unitary Plan (AUP) policy approach of protecting existing watercourses set out in B7.3.2(4) and E3.3(13). It is more appropriate to rely on the AUP Auckland-wide rules in E3 which require resource consent for reclamation or piping of the streams and waterbodies. The provisions of E3 require an appropriate assessment of effects.
4. There are floodplains in the precinct associated with watercourses. In some areas the floodplains may extend beyond the proposed areas of public open space. AUP 36.3 policy requires that buildings be avoided in floodplains. However, there is insufficient information in the PC 43 documentation to determine whether the proposed precinct provisions adequately give effect to this policy.
5. The PC 43 documentation does not include sufficient consideration of stormwater management planning. A stormwater management plan that address this information is important in a plan change to enable development that: is in part greenfield (sub-precinct B), has potential flood issues and a sensitive receiving environment in nearby freshwater and coastal water bodies including significant ecological areas (SEA). There is an existing discharge consent for sub-precinct A but this does not authorise discharge from sub-precinct B.
6. The SMP for PC 43 needs to be completed to a standard that is sufficient for adoption under the council's network discharge consent, or alternatively approved via a variation to the existing discharge consent for sub-precinct A. The draft SMP was prepared before the proposed precinct provisions and is inconsistent with them and needs to be updated to be consistent with them. The SMP should also clearly state:
  - a. what the specific water quality treatment standards are proposed to be achieved to protect the environment;
  - b. what infrastructure is required to achieve that;
  - c. whether the existing stormwater devices are adequate to provide the stated treatment level, or if not demonstrate by what additional devices are required to achieve that and provide sufficient design information (concept design and calculations) to demonstrate that;
  - d. include outline concept plans for any riparian planting or restoration plans proposed;
  - e. whether the intention is to seek approval to discharge under the council's network discharge or via a variation to the existing discharge consent to sub-precinct A;



- f. whether the intention is to seek vesting of stormwater infrastructure with council.

**I (the council) seek the following decision:**

Proposed Plan Change 43 – McLaughlin’s Quarry be amended as follows:

- 27.1 | A. Ensure that the proposed zones and/or precinct provisions included in the private plan change request properly address the significant adverse cultural effects identified in the Cultural Values Assessments included with the application.
- 27.2 | B. Consider rezoning sub-precinct B as either open space or rural zoning instead of light industry zoning. Rural - Rural Coastal zone or Rural – Rural Conservation zone could be appropriate rural zonings in this sub-precinct. Light industry zoning could be retained for the area of filled land immediately adjoining the road while the remainder of sub-precinct B would be better zoned as either open space and one of the two rural zones referred to.
- 27.3 | C. Delete rule I4.4.1 (A2), the associated policy I4.3 (8) and I4.9.4. Wiri Precinct Plan 4: Areas for reclamation within sub-precinct B.
- 27.4 | D. Ensure that all one per cent annual exceedance probability floodplains are protected from urban development by either public reserve with open space zoning, covenants or development setback rules in the precinct, or rural zoning, or a combination of the above.
- 27.5 | E. Provide a stormwater management plan (SMP) that meets the water quality and other requirements for adoption into the council’s network discharge consent (NDC) or variation to the existing discharge consent for sub-precinct A. This includes ensuring that the discharge of stormwater from the precinct area does not adversely affect the terrestrial and marine Significant Ecological Areas (SEA), and making any necessary amendments to the precinct to that effect.

I (the council) wish to be heard in support of this submission.

If others make a similar submission I (the council) would consider presenting a joint case with them at the hearing.

Submission prepared by:

Christopher Turbott  
Principal Planner  
Auckland Council

On behalf of Auckland Council:

A handwritten signature in black ink that reads "Warren Maclennan." The signature is written in a cursive style with a period at the end.

Signature of person authorised to sign on behalf of submitter

Warren Maclennan  
Manager North West and Islands  
Plans and Places  
Auckland Council

**Dated: 9 July 2020**

To: Auckland Council: unitaryplan@aklc.govt.nz

Individual Submitter: Edith Tuhimata, Ngati Te Ata Waiohua, Waikato, Ngati Kahu.

– 23b Martindale Lane, Tuakau - 0220445074

Submission on Plan Change PC 43 Matukutureia

My submission is as follows:

1. My whanau and I have a proven long-standing relationship through whakapapa with this area, being descendants of the original Wai O Hua who occupied Tamaki Makaurau. It is of immense cultural, historical, and spiritual value to me and my whanau.

2. From the Manukanuka o Hoturoa to the Hunua the cultural landscape is a valued taonga to my whanau and I, the area was known to be a trade, travel, communication hub, an interconnected paa trade network connected by traditional ara hikoi from the mountains to the Harbour and onto the river areas. My whanau not only occupied tracts of lands from Maungakiekie to Pukekura but were successful traders of their time along this corridor.

3. Our eponymous ancestress Te Ata I Rehia was born on the paa Matukutureia, it was her father's paa where he resided in his time. It has cultural and historical significance to our whanau. It is an area that is rich in history, genealogy, historical and cultural events that have happened on this land mai ra ano, this area was a mahinga kai, a taenga waka, mara for whakatoo kumara, there are battle grounds/ waahi tapu, te awa o Puhinui the water source, and is surrounded by the Puhinui Cultural Landscape not only the last large open space in Auckland, but a place which was rich in resources, seafood, fish, freshwater koura, watercress. The threat of development has been especially hard for our family to see in this area, establishment of the airport and large industry in these areas, contamination of the Manukanuka o Hoturoa has prevented us from gathering kai for over 30 years in these traditional areas.

4. My whanau and I have watched over time as have other Maori whanau the destruction, quarrying, modification of our Maunga in Auckland and intrusion into our cultural landscape more and more to provide the infrastructure backbone/ foundation for this city of Tamaki Makaurau this is not new to us. The process provided for us to protect our sacred areas on ancestral sites are flawed and are not conducive to helping us as a whanau to protect, preserve, honour, hear the stories of our ancestors. We do not have rangatiratanga under the Treaty of Waitangi for our sacred sites we do not have final say in whether a site is destroyed or protected, when we come to environmental court the developer has the monetary capacity to fight us in the courts, most times we lose to the detriment of our whanau.

5. We have seen the hardship caused by the confiscation of our ancestral lands and now we find ourselves in hearings and environmental court to fight for the protection of ancestral whenua/lands. Lands that we now do not even own. My whanau and I oppose this plan change, this developer has already put his business hard-up against the footprint of our Tupuna Maunga Matukutureia, this distresses us as recommendations from the iwi processing that resource consent was to keep the business a certain distance from the foot of the Maunga now they want to intrude into the significant natural feature within this cultural landscape, **no more development on the Puhinui cultural landscape we are unequivocally opposed to the plan change 43 in its entirety.**

28.1

Dated at Auckland, this 09 day of July 2020.



Edith Tuhimata

## **Further Submissions**



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**Form 6: Further submission in support of, or in opposition to,  
submission on notified proposed policy statement or plan, change or  
variation**

*Pursuant to clause 8 of the First Schedule of the Resource Management Act 1991*

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**To:** Auckland Council

**Name of submitter:** Lou Sanson, Director-General of Conservation (the **Director-General**)

1. This is a further submission in support of (or in opposition to) a submission on Plan Change 43 (Private) to the Auckland Unitary Plan – McLaughlin’s Quarry (the **Proposal**):
  
2. The **Director-General** represents relevant aspects of public interest and has an interest in the proposal that is greater than the interest of the general public. The Director-General has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions<sup>1</sup>. The Conservation Act 1987 (the **CA**) sets out DOC’s functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage<sup>2</sup>. Section 2 of the CA defines ‘conservation’ to mean *‘the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations’*.
  
3. I have outlined my views on specific submissions in a table on the **attached** table in the required format.
  
4. I wish to be heard in support of my further submission.
  
5. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

<sup>1</sup> Refer section 53 Conservation Act 1987.

<sup>2</sup> Conservation Act 1987, section 6.

6. A copy of this submission has been served on the original submitters.



Kirsty Prior

Operations Manager

Auckland Mainland district

Acting pursuant to delegated authority on behalf of Lou Sanson, Director-General of Conservation

Date: 13 August 2020

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

**Address for service:**

[mhooper@doc.govt.nz](mailto:mhooper@doc.govt.nz)

Attn: Michelle Hooper, Counsel

Telephone: 027 324 6314

Department of Conservation

Hamilton Shared Services Centre

Private Bag 3072

Hamilton 3240

I support (or oppose) the submission of:	The particular parts of the submission I support (or oppose) are:	The reasons for my support (or opposition) are:	I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed):
Geoscience Society of New Zealand (submitter #2)	I support their submission seeking that the present ONF boundary be retained over almost all of the original mapped extent of the feature.	<p>In pre-notification correspondence to the applicant, the Director-General identified that the removal/reduction of the majority of the ONF was potentially inappropriate as the geological significance of the surrounding area may qualify it as an outstanding natural feature.</p> <p>The submission by GSNZ reinforces my submission that the southern end of the site has significant geological values which may qualify the site as outstanding and will be irreversibly destroyed by the proposal.</p> <p>The submission by GSNZ aligns with the Director-General's position that sub-precinct B should not be rezoned as light industrial, and that an open space zone is more appropriate.</p>	I seek that the supported submission points be allowed.
Ngāti Te Ata Waiohau (submitter #8)	I support their submission seeking that the retained ONF zone be rezoned Open Space  I support their submission seeking that PPC43 be amended to respond to the matters raised in the submission.	<p>The Director-General seeks to work with the Crown's Treaty partners on matters of mutual interest and supports those submission points that align with his submission.</p> <p>The submission of Ngāti Te Ata reinforces my submission that the proposal is likely to have significant impacts on cultural and spiritual values of the plan change area. I support the need for the proposal to address the concerns set out in this submission.</p> <p>Addressing Ngāti Te Ata's concerns will better enable the Proposal to provide a framework for sustainable management and give effect to Part 2 of the RMA 1991 and the Auckland Unitary Plan.</p>	I seek that the supported submission points be allowed.

<p>Tūpuna Maunga o Tāmaki Makaurau Authority (submitter #21)</p>	<p>I support their submission seeking recognition of the relationship of the land included in the plan change with 1432 Puhinui Precinct as shown on 1432.10.1 Puhinui: Precinct Plan - Māori cultural landscape values.</p>	<p>The Director-General seeks to work with the Crown's Treaty partners on matters of mutual interest and supports those submission points that align with his submission.</p> <p>The proposed amendment will better enable the Proposal to provide a framework for sustainable management, give effect to Part 2 of the RMA 1991, and will be more integrated with the AUP.</p>	<p>I seek that the supported submission points be allowed.</p>
<p>I support their submission seeking amendment of the precinct description, objectives, policies, activity table and assessment criteria to recognise and protect Māori cultural landscape values in sub-precinct A and B.</p>	<p>I support their submission seeking amendment of the precinct description, objectives, policies, activity table and assessment criteria to recognise and protect Māori cultural landscape values in sub-precinct A and B.</p>	<p>The Director-General seeks to work with the Crown's Treaty partners on matters of mutual interest and supports those submission points that align with his submission.</p> <p>The proposed amendment will better enable the Proposal to provide a framework for sustainable management, give effect to Part 2 of the RMA 1991, and will be more integrated with the AUP.</p>	<p>I seek that the supported submission points be allowed.</p>
<p>I support their submission seeking to apply a zoning to the land that recognises Māori cultural landscape values in sub-precinct A despite the presence of buildings on this part of the precinct.</p>	<p>I support their submission seeking to apply a zoning to the land that recognises Māori cultural landscape values in sub-precinct A despite the presence of buildings on this part of the precinct.</p>	<p>The Director-General seeks to work with the Crown's Treaty partners on matters of mutual interest and supports those submission points that align with his submission.</p> <p>The proposed amendment will better enable the Proposal to provide a framework for sustainable management, give effect to Part 2 of the RMA 1991, and will be more integrated with the AUP.</p>	<p>I seek that the supported submission points be allowed.</p>
<p>I support their submission seeking to recognise and include provisions showing the relationship between Matukutūruru and Matukutūreia.</p>	<p>I support their submission seeking to recognise and include provisions showing the relationship between Matukutūruru and Matukutūreia.</p>	<p>The Director-General seeks to work with the Crown's Treaty partners on matters of mutual interest and supports those submission points that align with his submission.</p> <p>The proposed amendment will better enable the Proposal to provide a framework for sustainable management, give effect to Part 2 of the RMA 1991, and will be more integrated with the AUP.</p>	<p>I seek that the supported submission points be allowed.</p>

<p>Heritage New Zealand Pouhere Taonga (Submitter #25)</p>	<p>I support their submission seeking that an additional area of Open Space Zone be included in the plan change encompassing the area indicated in Appendix A, containing remnant gardening settlement areas that form part of archaeological site R11/47 including an appropriate buffer.</p>	<p>This reinforces the Director-General's submission that the applicant has chosen to ignore the recommendation of their expert archaeologist and proceed to impose a building footprint over known archaeological sites.</p> <p>An open space zoning is more appropriate than a light-industrial building footprint and will better achieve the purpose and principles of the RMA and the Auckland Unitary Plan.</p>	<p>I seek that the supported submission points be allowed.</p>
<p>I support their submission seeking that with regard to Lot 51, a portion of this site is retained in Open Space Zone to the extent necessary (including a buffer) to ensure archaeological site R11/2811 is retained and effects on the site will be avoided, which is not adequately addressed in the Statutory Assessment Report.</p>	<p>Appropriate buffers between the planned development and sensitive archaeological sites will ensure the effects are appropriately managed and the values of the sites protected.</p>	<p>Appropriate buffers between the planned development and sensitive archaeological sites will ensure the effects are appropriately managed and the values of the sites protected.</p>	<p>I seek that the supported submission points be allowed.</p>



	<p>I partially support the submission seeking that the Wetland Margin Areas and Riparian Margin Areas planting provisions proposed in the plan change are amended to ensure that there is no planting within areas in which archaeological remains occur, and that any planting in the vicinity of archaeological sites utilises appropriate plant species to avoid damage to and obscuring of archaeological features, so as to ensure amenity of the historic heritage.</p>	<p>I consider that avoiding planting in vicinity of archaeological sites is important as well as species selection. While I support this submission, I do not consider that it is appropriate for the applicant to reduce the total area of wetland planting, there should be no net loss of proposed planting area as a result of any amendments to avoid archaeological sites.</p>	<p>I seek that the supported submission point is allowed.</p>
<p>That the plan change is amended to include mechanisms to provide for the ongoing management of archaeological sites and their amenity in perpetuity.</p>	<p>This submission reinforces the Director-General's submission that the precinct plan does not adequately protect historic heritage from inappropriate use and development. The appropriate management of archaeological sites is supported due to the significant cultural and historical values of the plan change area. A management plan or amendments to the precinct plan are likely to improve outcomes for these values, and better give effect to the purpose and principles of the RMA 1991 and the Auckland Unitary Plan.</p>	<p>This submission reinforces the Director-General's submission that the precinct plan does not adequately protect historic heritage from inappropriate use and development. The appropriate management of archaeological sites is supported due to the significant cultural and historical values of the plan change area. A management plan or amendments to the precinct plan are likely to improve outcomes for these values, and better give effect to the purpose and principles of the RMA 1991 and the Auckland Unitary Plan.</p>	<p>I seek that the supported submission point is allowed.</p>
<p>I support the submission seeking that the plan change is amended to provide for interpretation of the historic and cultural heritage of the features within the site and as they relate to the wider cultural heritage landscape within which the site sits.</p>	<p>This submission reinforces the Director-General's submission that the precinct plan does not adequately protect historic heritage from inappropriate use and development. The appropriate management of archaeological sites is supported due to the significant cultural and historical values of the plan change area. A management plan or amendments to the precinct plan are likely to improve outcomes for these values, and better give effect to the purpose and principles of the RMA 1991 and the Auckland Unitary Plan.</p>	<p>This submission reinforces the Director-General's submission that the precinct plan does not adequately protect historic heritage from inappropriate use and development. The appropriate management of archaeological sites is supported due to the significant cultural and historical values of the plan change area. A management plan or amendments to the precinct plan are likely to improve outcomes for these values, and better give effect to the purpose and principles of the RMA 1991 and the Auckland Unitary Plan.</p>	<p>I seek that the supported submission point is allowed.</p>

<p>Te Ākitai Waiohūa Waka Taua Incorporated (Submitter #26)</p>	<p>I support the submission seeking that to amend precinct provisions to better reflect cultural values including:</p> <ul style="list-style-type: none"> <li>a. Amend the precinct description to better reflect the significant cultural values of Matukutūreia and Matukutūruru</li> <li>b. Amend Objective 14.2(1) to reflect the significance of Matukutūreia and Matukutūruru</li> <li>c. Amend the activity status for new buildings over 50m<sup>2</sup> from controlled to restricted discretionary</li> <li>d. Amend assessment criteria to provide opportunities for cultural values to be incorporated into the development of the precinct and ensure ongoing consultation with Te Ākitai Waiohūa</li> </ul>	<p>The Director-General seeks to work with the Crown’s Treaty partners on matters of mutual interest and supports those submission points that align with his submission.</p> <p>The submission of Te Ākitai Waiohūa reinforces my submission that the proposal is likely to have significant impacts on cultural and spiritual values of the plan change area. I support the need for the proposal to address the concerns set out in this submission.</p> <p>Addressing Te Ākitai Waiohūa’s concerns will better enable the Proposal to provide a framework for sustainable management and give effect to Part 2 of the RMA 1991 and the Auckland Unitary Plan.</p>	<p>I seek that the supported submission point is allowed.</p>
<p>Auckland Council (Submitter #27)</p>	<p>I support the submission seeking to ensure that the proposal be amended so that proposed zones and/or precinct provisions included in the private plan change request properly address the significant adverse cultural effects identified in the Cultural Values Assessments included with the application.</p>	<p>Addressing the significant adverse cultural effects identified in the cultural values assessments is necessary and will better enable the Proposal to provide a framework for sustainable management and give effect to Part 2 of the RMA 1991 and the Auckland Unitary Plan.</p>	<p>I seek that the supported submission point is allowed</p>

	<p>I support the submission seeking to consider rezoning sub-precinct B as either open space or rural zoning instead of light industry zoning. Rural - Rural Coastal zone or Rural – Rural Conservation zone could be appropriate rural zonings in this sub-precinct. Light industry zoning could be retained for the area of filled land immediately adjoining the road while the remainder of sub-precinct B would be better zoned as either open space and one of the two rural zones referred to.</p> <p>Delete rule 14.4.1 (A2), the associated policy 14.3 (8) and 14.9.4. Wiri Precinct Plan 4: Areas for reclamation within sub-precinct B.</p>	<p>This reinforces the Director-General’s submission and concerns that the light industrial zone proposed for sub-precinct B is inappropriate. The Director-General is supportive of a more appropriate zoning including Auckland Council’s proposition of rural coastal zone or rural conservation zone.</p>	<p>I seek that the supported submission point is allowed</p>
		<p>The relief sought is necessary to give effect to the provisions of the AUP, and the purpose and principles of the RMA.</p>	<p>I seek that the supported submission point is allowed</p>

## **Further submission by the Auckland Volcanic Cones Society Inc**

### **Auckland Unitary Plan**

#### **Proposed Plan Change 43 (Private): McLaughlin's Quarry**

1. Submitter No 2 Geoscience (GSNZ)

Auckland Volcanic Cones Society Inc (AVCS) supports the GSNZ boundary. This would better protect the archaeological, geological and landscape values that AVCS is concerned about.

2. Submitter No 8 Ngati Te Ata Waiohua

AVCS supports this submission because it emphasises the iwi values of the area. These values are a recognised part of volcanic heritage which are only gradually being understood by the wider Auckland public, mainly through the work of the Tupuna Maunga Authority. This particular part of the Auckland volcanic field is one of the most important in terms of this value. Heavy development has already destroyed much iwi heritage, so that anything which remains has to be very important.

3. Submitter No 12 Department of Corrections

AVCS supports the Department's relief sought at 12.1 which seeks to decline PC43 in its entirety. While the department seeks to preserve the iwi values on its own site which underpin the Hokai Rangi programme, it ignores those same iwi values that could equally apply to the land in PC43. As physically the prisons are so close by, surely a Te Ao Maori worldview would apply to both areas.

4. Submitter No 19 David Fraser

AVCS supports this submission because of the increased value it puts on ONF93 as a result of the destruction of so much volcanic heritage in the wider area. This submission also explains the landscape "connection" value of this ONF between the Matukuturua stonefields and the Puhinui Reserve. It also emphasises the special integral value of the outflow of the wetland crater to the Puhinui Creek.

5. Submission No 23 Department of Conservation

AVCS supports the Department in its concern about the effects on archaeological values from this proposal. Similarly, AVCS shares the same concerns about the proposal's effects on amenity and landscape values.

6. Submitter No 24 Ngati Tamaoho

AVCS supports the cultural significance of this area that Ngati Tamaoho seeks to defend. The large number of archaeological sites alone points to a very special iwi area.

7. Submitter No 25 Heritage NZ

AVCS shares the same concern as this submitter about what is an appropriate buffer for archaeological sites and also what is appropriate on-going management for them.

8. Submitter No 27 Auckland Council

AVCS supports the Council's recommendation A at submission point 27.1. Cultural values need to be addressed properly. With regard to any re-drawing of ONF93, AVCS still supports the preferred boundaries of Geoscience NZ.

John Street MNZM

Chairman

Auckland Volcanic Cones Society

12 August 2020



## Contact details

Full name of person making a further submission: Auckland Volcanic Cones Society Inc

Organisation name: Auckland Volcanic Cones Society Inc

Full name of your agent: Greg Smith

Email address: [avcs@xtra.co.nz](mailto:avcs@xtra.co.nz)

Contact phone number: 095242926

Postal address:  
c/- 29 Mt St John Ave  
Epsom  
Auckland 1051

## Submission details

**This is a further submission to:**

Plan change number: Plan Change 43

Plan change name: PC 43 (Private): McLaughlin's Quarry

### Original submission details

Original submitters name and address:  
Ngati Te Ata Waiohua

Submission number: 28

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:  
Point number 28.1

The reasons for my or our support or opposition are:  
The Auckland Volcanic Cones Society Inc. supports this submission. We share the submitter's concerns for the wider cultural landscape and the impact of further development in the vicinity of the Puhinui Creek on the scheduled ONF and many archaeological sites.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 1 December 2020

## Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

## Declaration

What is your interest in the proposal? I am the person representing a relevant aspect of the public interest

Specify upon which grounds you come within this category:  
public interest of incorporated society

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Form 6

### Further submission in opposition to submission on Proposed Plan Change 14 to the Auckland Unitary Plan (Operative Part)

#### Clause 8 of Schedule 1, Resource Management Act 1991

**To:**

Attention: Planning Technician  
Plans and Places  
Auckland Council  
Private Bag 92300

**AUCKLAND 1142**

By email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**Name of submitter:**

Tūpuna Maunga Authority (**the Authority**)

1. The Authority makes this further submission on Proposed Plan Change 43 to the Auckland Unitary Plan (Operative Part) in support of original submissions to the plan change.
2. The Authority is a person who has an interest in the proposal that is greater than the interest the general public as:
  - a) governance and administration of the Tūpuna Maunga is undertaken by the Authority, which is a co-governance body with equal representation from mana whenua and Auckland Council (together with a non-voting Crown representative);
  - b) in exercising its powers and carrying out its functions under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the Tūpuna Maunga to Ngā Mana Whenua;
  - c) the provisions the subject of the plan change impact on Ngā Mana Whenua and Tūpuna Maunga; and
  - d) the Authority is a submitter on the plan change (submission #21).
3. The Authority supports those submissions and parts of submissions as set out in Attachment A.
4. The reasons for the support/opposition are set out in Attachment A.
5. The Authority seeks that the submissions be allowed as set out in Attachment A.

6. The Authority wishes to be heard in support of this further submission.
7. If others make a similar submission, the Authority will consider presenting a joint case with them at the hearing.

13 August 2020



Dominic Wilson  
Head of Co-governance / Te Pou Mana Whakahaere  
Tūpuna Maunga o Tāmaki Makaurau Authority

**Address for service of submitter:**

Tūpuna Maunga o Tāmaki Makaurau Authority  
C/- Dominic Wilson  
Private Bag 92300  
Victoria Street West  
Auckland 1142  
[dominic.wilson@aucklandcouncil.govt.nz](mailto:dominic.wilson@aucklandcouncil.govt.nz)

## Attachment A

Proposed private plan change 43: McLaughlin's Quarry of the Auckland Unitary Plan (Operative in Part)						
Summary of Decisions Requested						
Sub no	Sub point	Name	Decision requested	Support or Oppose	Allow / Disallow in whole or in part	Reasons
2	2.1	Geoscience Society of New Zealand	That the Council declines the proposed plan change. If the proposed plan change is not declined, then amend it as outlined in submission.	Support	Allow	The submission aligns with matters raised in the Authority's submission relating to plan change being inconsistent with Part 2 of the RMA, particularly sections 6(b), 6(e), 7(a) and 8.
	2.2, 2.3, 2.4	Geoscience Society of New Zealand	That amendments are made to the retain the extent of the ONF and SEA and apply a zone that protect the valued landforms.	Support	Allow	The decisions sought align with matters raised in the Authority's submission regarding the significance of the environment and its importance to mana whenua.
8	8.1	Ngāti Te Ata Waiohua	Decline the plan change	Support	Allow	The submission aligns with matters raised in the Authority's submission relating to the plan change being inconsistent with Part 2 of the RMA, particularly sections 6(b), 6(e), 7(a) and 8.
	8.2	Ngāti Te Ata Waiohua	If the plan change is not declined make amendments as necessary and appropriate to respond to the matters raised in the submission.	Support	Allow	The submission aligns with matters raised in the Authority's submission relating to plan change being inconsistent with Part 2 of the RMA, particularly sections 6(b), 6(e), 7(a) and 8.  The matters raised also express concerns with the appropriateness of the Heavy Industry zone, including the permitted activities and building height.  The submission reinforces the Authority's request that the cultural values of the area be protected.  The Authority supports mana whenua in its role as kaitiaki of its taonga.



Proposed private plan change 43: McLaughlin's Quarry of the Auckland Unitary Plan (Operative in Part)						
Summary of Decisions Requested						
Sub no	Sub point	Name	Decision requested	Support or Oppose	Allow / Disallow in whole or in part	Reasons
17	17.1	Auckland Volcanic Cones Society Inc	Decline the plan change	Support	Allow	The submission aligns with matters raised in the Authority's submission relating to the plan change failing to recognise and provide for matters of national importance, particularly sections 6(b), (e) and (f).
23	23.1	Director-General Conservation	Decline the plan change	Support	Allow	The submission aligns with matters raised in the Authority's submission relating to the plan change being inconsistent with Part 2 of the RMA, particularly sections 6(b), 6(e), 7(a) and 8.
	23.2., 23.2, 23.3, 23.4	Director-General Conservation	If the plan change is not declined make amendments as are necessary and appropriate to respond to the matters raised in the submission.	Support	Allow	The submission aligns with matters raised in the Authority's submission relating to plan change being inconsistent with Part 2 of the RMA, particularly sections 6(b), 6(e), 7(a) and 8.  The decisions sought also matters raised also seek an alternative zoning and reinforce the Authority's request that the cultural values of the area be protected.
24	24.1	Ngati Tamaoho	Decline the plan change	Support	Allow	The Authority supports mana whenua in its role as kaitiaki of its taonga.
26	26.1	Te Ākitai Waiohū Waka Taua Incorporated	Decline the plan change	Support	Allow	The submission includes matters that align with the Authority's submission.
	26.2, 26.3, 26.4, 26.5, 26.6, 26.7	Te Ākitai Waiohū Waka Taua Incorporated	If the plan change is not declined make amendments to address the matters raised in the submission.	Support	Allow	The Authority supports mana whenua in its role as kaitiaki of its taonga. The submission includes matters that align with the Authority's submission.
27	27.1	Auckland Council	Ensure that the proposed zones and/or precinct provisions included in the private plan change request	Support	Allow	The Authority supports mana whenua in its role as kaitiaki of its taonga. This decision aligns with the Authority's submission that the CVA's

Proposed private plan change 43: McLaughlin's Quarry of the Auckland Unitary Plan (Operative in Part)						
Summary of Decisions Requested						
Sub no	Sub point	Name	Decision requested	Support or Oppose	Allow / Disallow in whole or in part	Reasons
			properly address the significant adverse cultural effects identified in the Cultural Values Assessments included with the application.			have not been reflected in the provisions of the plan change.
	27.2	Auckland Council	Re-zone sub-precinct B	Support in part	Allow in part	This decision aligns with the Authority's submission that the open space zone be extended over sub-precinct B.

## Contact details

Full name of person making a further submission: Royal Forest and Bird Protection Society of New Zealand

Organisation name: Royal Forest and Bird Protection Society of New Zealand

Full name of your agent: Att. Natasha Sitarz

Email address: [n.sitarz@forestandbird.org.nz](mailto:n.sitarz@forestandbird.org.nz)

Contact phone number: 02102421854

Postal address:

## Submission details

**This is a further submission to:**

Plan modification number: Plan Change 43

Plan modification name: PC 43 (Private): McLaughlin's Quarry

### Original submission details

Original submitters name and address:

Geoscience Society of New Zealand

19 Debron Ave, Remuera, Auckland

Email: [b.hayward@geomarine.org.nz](mailto:b.hayward@geomarine.org.nz)

Submission number: #02

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number all parts of the submission

The reasons for my or our support or opposition are:

Protection of SEA and ONF is a matter of national importance. The adverse effects to these areas proposed by PPC43 are inconsistent with the AUP, RPS and would not achieve the purpose of the Act with respect to those areas and features.

I or we want Auckland council to make a decision to: Allow the whole original submission

Submission date: 13 August 2020

## Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

## Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

Forest & Bird is New Zealand's largest independent nature conservation organisation, with many members and supporters. Our mission is to be a voice for nature on land, in fresh water and at sea. Forest & Bird has for many years had a strong interest and involvement in the Auckland area. This has involved advocating for greater protection of indigenous biodiversity on land, in freshwater and in the coastal environment, and in protecting and enhancing the healthy functioning and integrity of indigenous ecosystems across the region.

Forest & Bird have 47 branches throughout the country, seven of which are in the Auckland region and involved in a wide range of conservation and advocacy activities.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

13<sup>th</sup> August 2020

Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1143

Dear Sir or Madam

**FURTHER SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA  
PROPOSED PRIVATE PLAN CHANGE 43: MCLAUGHLIN'S QUARRY**

**To:** Auckland Council

**Name of Submitter:** Heritage New Zealand Pouhere Taonga

1. This is a further submission in respect of submissions on the following proposed change to the Auckland Unitary Plan (Operative in Part):

Proposed Private Plan Change 43: McLaughlin's Quarry

2. Heritage New Zealand is *a person who has an interest in the proposal that is greater than the interest the general public has:*

Heritage New Zealand Pouhere Taonga (formerly New Zealand Historic Places Trust) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead agency for heritage protection.

3. Heritage New Zealand supports the submission of:

- Refer to Appendix A for a list of those submissions which Heritage New Zealand supports.

4. The particular parts of the submission Heritage New Zealand supports are:

- Refer to Appendix A.

5. The reasons for Heritage New Zealand's support are as follows, and as listed in the table attached as Appendix A.

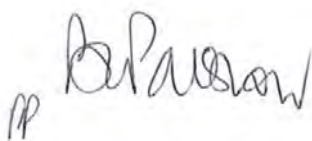
The adjacent New Zealand Heritage List Matukurua (or Matukutureia) Stonefields, Category 2 Historic Place (List No.6054), is of very high importance as one of only two substantial remnants of a once extensive complex on the Tamaki isthmus that demonstrates the complexity, innovation and longevity of Maori settlement and horticultural activity in Aotearoa New Zealand – and particularly the Auckland region, and forms part of a proposal on New Zealand's tentative list for World Heritage status - Auckland Volcanic Fields for both its outstanding Cultural and Natural Heritage values.

The extent of the current List entry directly reflects archaeological values known in 1991 and does not consider more recent knowledge about archaeological or a wide range of other likely heritage values associated with the place and its wider landscape context.

A recent re-evaluation of a comparable landscape at Otuataua Stonefields that considered these factors resulted in a substantially enlarged boundary and an increase from Category 2 to Category 1 Historic Place status. At Otuataua, the expanded boundary encompassed the entirety of a freshwater lagoon that may be comparable to the current explosion crater feature at Matukutureia extending beyond the List entry boundary into the proposed plan change area.

6. Heritage New Zealand seeks that the whole/part of the submission be allowed as listed in the tables in Appendix A.
7. Heritage New Zealand wishes to be heard in support of our further submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sherry Reynolds', with a small 'SR' monogram to the left.

Sherry Reynolds  
Director Northern Region

Address for Service:  
Heritage New Zealand Northern Regional Office  
PO Box 105 291, Auckland  
Telephone: 09 307 9920  
Email: [PlannerMN@heritage.org.nz](mailto:PlannerMN@heritage.org.nz)  
[sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

Attachment: Appendix A



**Appendix A: Heritage New Zealand Pouhere Taonga Further Submission on Private Plan Change 43 – McLaughlin’s Quarry**

No.	Submitter Details	Support or Oppose	Reasons for Submission	Decision Sought
2	<p>Geoscience Society of New Zealand  <a href="mailto:b.hayward@geomarine.org.nz">b.hayward@geomarine.org.nz</a></p>	<p>Support</p>	<p>Heritage NZ supports the submission in seeking that:</p> <ul style="list-style-type: none"> <li>- the present ONF classification and boundary be retained over almost all of the currently mapped extent of this feature on account of the area’s high geoheritage values, including archaeological and cultural heritage values; and</li> <li>- the retained ONF be zoned Open Space to protect the valued features.</li> </ul>	<p>Allow Submission</p>
8	<p>Ngāti Te Ata Waiohua  <a href="mailto:karl.flavell@ngatiteata.iwi.nz">karl.flavell@ngatiteata.iwi.nz</a></p>	<p>Support</p>	<p>Heritage NZ supports mana whenua in the exercising of kaitiakitanga and the submission which seeks amendments to PPC43 in response to matters raised regarding significant impacts on cultural and spiritual values of the plan change area.</p>	<p>Allow Submission</p>
21	<p>Tūpuna Maunga o Tāmaki Makaurau Authority  <a href="mailto:dominic.wilson@aucklandcouncil.govt.nz">dominic.wilson@aucklandcouncil.govt.nz</a></p>	<p>Support</p>	<p>Heritage NZ supports the submission in seeking:</p> <ul style="list-style-type: none"> <li>- recognition of the relationship of the plan change area with 1432 Puhinui Precinct;</li> <li>- amendment of the precinct description objectives, policies,</li> </ul>	<p>Allow Submission</p>

			<p>activity table and assessment criteria to recognise and protect Maori cultural landscape values within sub-precinct A &amp; B;</p> <ul style="list-style-type: none"> <li>- to apply zoning to the land that recognises Maori cultural landscape values in sub-precinct A;</li> <li>- recognition and inclusion of provisions regarding the relationship between Matukutururu and Matukutureia.</li> </ul>	
23	<p>Lou Sanson, Director-General of Conservation  <a href="mailto:agray@doc.govt.nz">agray@doc.govt.nz</a>; <a href="mailto:mhooper@doc.govt.nz">mhooper@doc.govt.nz</a></p>	Support	<p>Heritage NZ supports the submission in seeking that:</p> <ul style="list-style-type: none"> <li>- sub-area B be rezoned to a more appropriate zone that protects the values of the site such as Open Space zone; and</li> <li>- the proposed plan change appropriately recognises and provides for the significance of this landscape to mana whenua.</li> </ul>	Allow Submission
26	<p>Te Ākitai Waiohua Waka Taua Incorporated  <a href="mailto:akitai.waka.taua@gmail.com">akitai.waka.taua@gmail.com</a>;  <a href="mailto:karen.a.wilson@xtra.co.nz">karen.a.wilson@xtra.co.nz</a></p>	Support	<p>Heritage NZ supports mana whenua in the exercising of kaitiakitanga, and the submission in seeking amendment to the precinct provisions to better reflect cultural values, including:</p> <ul style="list-style-type: none"> <li>- amending the precinct description to better reflect the significant cultural values of Matukutureia and Matukutururu;</li> </ul>	Allow Submission

			<ul style="list-style-type: none"> <li>- amending Objective 14.2(1) to reflect the significance of Matukutureia and Matukutururu;</li> <li>- amending the activity status for new buildings over 50m<sup>2</sup> from controlled to restricted discretionary; and amending assessment criteria to provide opportunities for cultural values to be incorporated into the development of the precinct and ensure ongoing consultation with Te Ākitai Waiohū.</li> </ul>	
27	<p>Auckland Council</p> <p><a href="mailto:christopher.turbott@aucklandcouncil.govt.nz">christopher.turbott@aucklandcouncil.govt.nz</a></p>	Support	<p>Heritage NZ supports the submission in seeking amendments to ensure the proposed zone and precinct provisions properly address significant adverse cultural effects identified in the Cultural Values Assessments provided with the request, including rezoning sub-precinct B as open space zoning instead of light industry.</p>	Allow Submission

## Contact details

Full name of person making a further submission: Susan Andrews

Organisation name: Heritage New Zealand Pouhere Taonga

Full name of your agent:

Email address: [sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

Contact phone number: 09 307 9920

Postal address:

## Submission details

**This is a further submission to:**

Plan change number: Plan Change 43

Plan change name: PC 43 (Private): McLaughlin's Quarry

### Original submission details

Original submitters name and address:

Edith Tuhimata, Ngāti Te Ata Waiohua, Waikato, Ngāti Kahu, 23b Martindale Lane, Tuakau

Submission number: 28

Do you support or oppose the original submission? I or we support the submission

Specific parts of the original submission that your submission relates to:

Point number 28.1

The reasons for my or our support or opposition are:

Please see attached submission.

I or we want Auckland council to make a decision to: Allow part of original submission

Specify the parts of the original submission you want to allow or disallow:

Please see attached submission.

Submission date: 3 December 2020

Supporting documents

HNZPT Further Submission PPC43 - McLaughlin's Quarry 03 12 20.pdf

## Attend a hearing

I or we wish to be heard in support of this submission: Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?

Yes

## Declaration

What is your interest in the proposal? I am a person who has an interest in the proposal that is greater than the interest that the general public has

Specify upon which grounds you come within this category:

Heritage New Zealand Pouhere Taonga (formerly New Zealand Historic Places Trust) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. Heritage New Zealand is New Zealand's lead agency for heritage protection.

I declare that:

- I understand that I must serve a copy of my or our further submission on the original submitter within five working days after it is served on the local authority
- I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



3<sup>rd</sup> December 2020

Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1143

Dear Sir or Madam

**FURTHER SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA – PROPOSED PRIVATE PLAN CHANGE 43: MCLAUGHLIN’S QUARRY**

**To:** Auckland Council

**Name of Submitter:** Heritage New Zealand Pouhere Taonga

1. This is a further submission in support of a submission on the following proposed change to the Auckland Unitary Plan (Operative in Part) (the proposal):

Proposed Private Plan Change 43: McLaughlin’s Quarry

2. Heritage New Zealand is a person who has an interest in the proposal that is greater than the interest the general public has:

Heritage New Zealand Pouhere Taonga (formerly New Zealand Historic Places Trust) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) for the identification, protection, preservation and conservation of New Zealand’s historical and cultural heritage. Heritage New Zealand is New Zealand’s lead agency for heritage protection.

3. Heritage New Zealand supports the submission of:

Edith Tuhimata, Ngāti Te Ata Waiohua, Waikato, Ngāti Kahu, 23b Martindale Lane, Tuakau, Submission #28.

4. The particular parts of the submission Heritage New Zealand supports are:

That no more development on the Puhinui cultural landscape is provided for.

5. The reasons for Heritage New Zealand’s support are as follows:


Heritage NZ supports mana whenua in the exercising of kaitiakitanga and the avoidance of impacts of the proposed plan change on the significant cultural, historical and spiritual values of the plan change area.

6. Heritage New Zealand seeks that the submission be allowed in part such that the proposed plan change appropriately recognises and provides for the significance of this landscape to mana whenua.



7. Heritage New Zealand wishes to be heard in support of our further submission.

Yours sincerely

  
Sherry Reynolds  
Director Northern Region

Address for Service:

Heritage New Zealand Northern Regional Office

PO Box 105 291, Auckland

Telephone: 09 307 9920

Email: [PlannerMN@heritage.org.nz](mailto:PlannerMN@heritage.org.nz)  
[sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

# NGATI TE ATA

138 Elbow Road  
Pukekohe  
Tamaki Makaurau

Planning Technician

Auckland Council Level 24, 135 Albert Street

Private Bag 92300 Auckland 1143

## SUBMISSION OF NGATI TE ATA TO PROPOSED PRIVATE PLAN CHANGE 43: MCLAUGHLIN'S QUARRY

Tena Koe

1. My name is Roimata Minnick.
2. I am writing to seek permission to make a late submission to Plan Change 43. The reason is because we have simply been overloaded with additional work commitments as a result of Covid-19 restrictions on our whanau, kaiinga and Marae.
3. This submission is made in my representative role as the CEO and Lead Negotiator of Ngati Te Ata, concerned to ensure the mana, rangatiratanga and kaitiakitanga of Ngati Te Ata to Matukutureia is protected.
4. I hold the following additional responsible roles:
  - Expert Historian
  - Executive Member New Zealand Maori Council (NZMC)
  - Chair Tamaki Ki Te Tonga District Council (NZMC)
  - Chair Law, Justice & Corrections Committee (NZMC)
  - Chair Environment & Climate Change Committee (NZMC)
  - Chair Ngati Te Ata Uenuku Maori Committee (NZMC)
  - Co-Chair Tangata Whenua Committee/Department of Corrections
  - Chair Kaihau Whanau Trust
3. Please find attached a brief overview of our traditional, cultural and kaitiakitanga relationship to Matukutureia.
4. We oppose the private plan change 43 due to the affront it will cause to the traditional and cultural relationship of Ngati Te Ata to Matukutureia. This submission is lodged in support of the submission of Karl Flavel, Environment Manager on behalf of Ngati Te Ata
5. I wish to speak at the hearing regarding this matter.

Nga mi hi

A handwritten signature in black ink, appearing to read "Randa Al-Banah". The signature is written in a cursive style with a large initial 'R' and 'A'.

## SUMMARY OF NGATI TE ATA TIES TO MATUKUTUREIA

“Ko nga kahupokere ko nga kurirangaunu e kore e ngaro i te hinapouri”



“Our chieftainship in Tamaki will never be lost to darkness”

(Ngati Te Ata Chiefs Te Rangihahautu and Te Rangikaimata)

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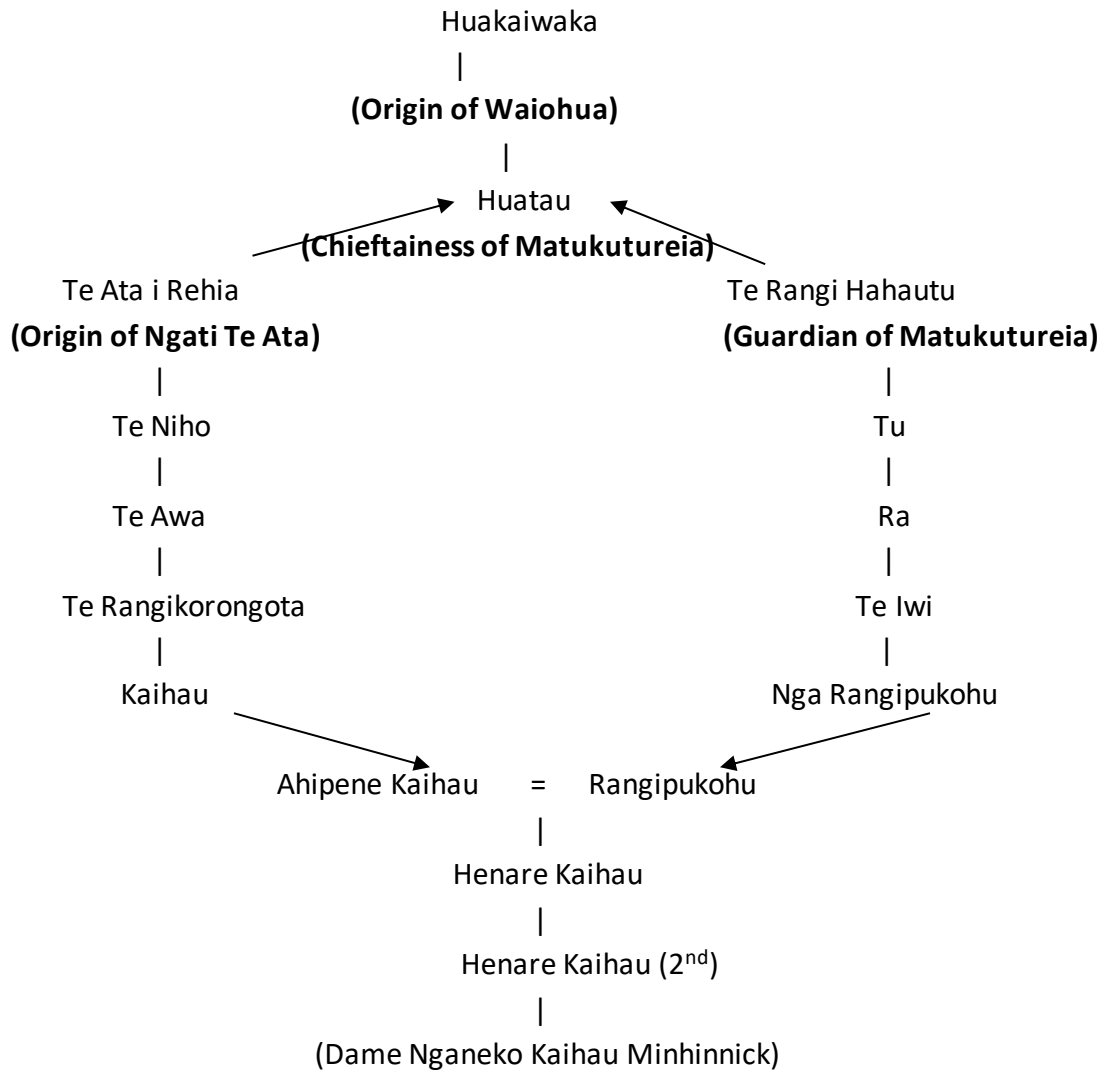
**Te Kahupokere, The Deeply Tatoed Hawke representing Chieftainship**

**Na Roimata Minhinnick**



## WHAKAPAPA

- Ngati Te Ata, the original inhabitants, with over 1000 year's history to the region, has direct whakapapa to the land, as a result of their founding ancestor being born on Matukutureia.





## TAMAKI TO TAMAKI MAKAURAU

- Ko Tamaki te kaiwhakaritenga o nga maunga o Tamaki Makaurau  
Tamaki te tamahine o te rangatira o Ngati Te Ata, ko Te Rangikaimata no Maunga Kiekie. Ko Tamaki te ingoa o te whenua ka ngaki mai ki waenganui Matukuturua  
Ka whanuitia te ingoa o Tamaki ki Tamaki Makaurau mai i nga tini rangatira i whawhai mo Tamaki te ingoa o Tamaki Makaurau ka puta.;

Tamaki originally represented the many maunga of the Auckland region  
Tamaki was also the daughter of the Ngati Te Ata chief Te Rangikaimata who resided at Maunga Kiekie and Maunga Takitaki Pa at Ihumatao. The name Tamaki was extended to Tamaki Makaurau after many chiefly suitors fought for her hand in marriage.

- Huatau, the daughter of Huakaiwaka, inherited significant sway over Matukutureia and Matukutururu leading to several land claims in the 19<sup>th</sup> century spanning “Nga Uru Tarata o Huatau” “The Special Grove o Tarata Trees” at Matukutureia, to “Te Totara Tapu o Huatau” “The Sacred Totara Tree of Huatau” and Guardian to Hikurangi Pa located at Hikurangi in West Auckland through to “Te Maru Oneone o Huatau” “the waterfront protected by Huatau” which hugs the Auckland waterfront.

## TE ATA I REHIA “The Dawn at Rehia”

- Huatau had Te Ata I Rehia, the founding ancestor of Ngati Te Ata abreast “Te Tautara o Matukutureia” on “the peak of Matukutureia”.
- Ko Matukutureia te mauri o Ngati Te Ata

Ko Matukutureia te mauri o Ngati Te Ata  
I reira i whanautia ai ia Te Ata I Rehia  
O raro iho tona whenua i hoki panumia  
I atawhai te tikanga o te tangata whenua  
Hei toi ake tatou no papatuanuku

Matukutureia enshrines the life-force of Ngati Te Ata  
It is where Te Ata I Rehia, the namesake of Ngati Te Ata was born  
And her whenua returned to the whenua  
Recognising the law that represents the people of the land  
Acknowledging Ngati Te Ata as the offspring of mother earth

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## TE RANGIHA HAUTU “The Sky that Encourages a Spirit of Bravery”



- Ko Matukutureia Te Tumu Whakarae  
Ko Te Rangihahautu Te Tangata  
Ka muri te ahi na Te Rangihahautu i atawhai tona ingoa  
hei tiaki tona Iwi

Matukutureia is the Seat of Authority

Te Rangihahautu is the man

In the heat of the battle, it was Te Rangihahatu who encouraged a spirit of bravery that protected his people

## TAMAPAHORE AND TAMAPAHURU

- Ko te ahua o Tamapahure me Tamapahore i atawhai nga ahuatanga o Matukutуреia me Matukutururu

The brothers, Tamapahure and Tamapahore reflect the character of Matukutуреia and Matukutururu. Tamapahore reflecting Matukutуреia, “The Vigilent Bittern Standing Alert” who alerted his father of an impending attack and Tamapahure reflecting Matukutururu, “The Bittern Standing Off-Guard” who fell asleep after he had been eating and exposing Matukutururu to invasion.

- Tamapahure and Tamapahore held a “Manu Aute” or kite flying competition. Tamapahure, annoyed at the splendour, height and skill to which Tamapahore flew his manu cast a spell dislodging his brother’s manu which drifted eastward. The Manu was seen flying over the land which was named Manurewa, its full name Te Manurewa o Tamapahore. Whenua Kite located on the eastern side of Tamaki Makaurau was named after the manu was seen flying in that direction. Its full name Te Whenua Kite Manurewa o Tamapahore or “The land that saw the flying kite of Tamapahore”.



## KAITIAKITANGA

- Ngati Te Ata has maintained and continued the ongoing kaitiakitanga, (guardianship and protection) of Matukutуреia through virtually every forum available including; 1993 occupation of the stonefields adjacent Matukutуреia and Matukutururu led by Dame Nganeko Minhinnick; 1997 Court of Appeal Matukutуреia Sewage pipeline case, applicant Dame Nganeko Minhinnick; the 2004 Environment Court case concerning the building of the womens prison at the base of Matukutуреia and the Ngati Te Ata 2004, application Dame Nganeko Minhinnick; Waitangi Tribunal claim Wai 1231 to Matukutуреia which formed part of the Tamaki Makaurau Settlement Process Hearing and Report of the Waitangi Tribunal in 2007; applicants Dame Nganeko Minhinnick & Roimata Minhinnick.

# Appendix 5

## Recommended Changes



## PRIVATE PLAN CHANGE REQUEST – PROPOSED CHANGES TO THE AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

### AMENDMENTS PROPOSED BY S42A Report – DATED 15 March 2021

<i>Note:</i>	
<u>Double Underlined</u> , strike through text	Amendments recommended in s42A report to text.
<ul style="list-style-type: none"><li>• Numbering to be updated later</li></ul>	

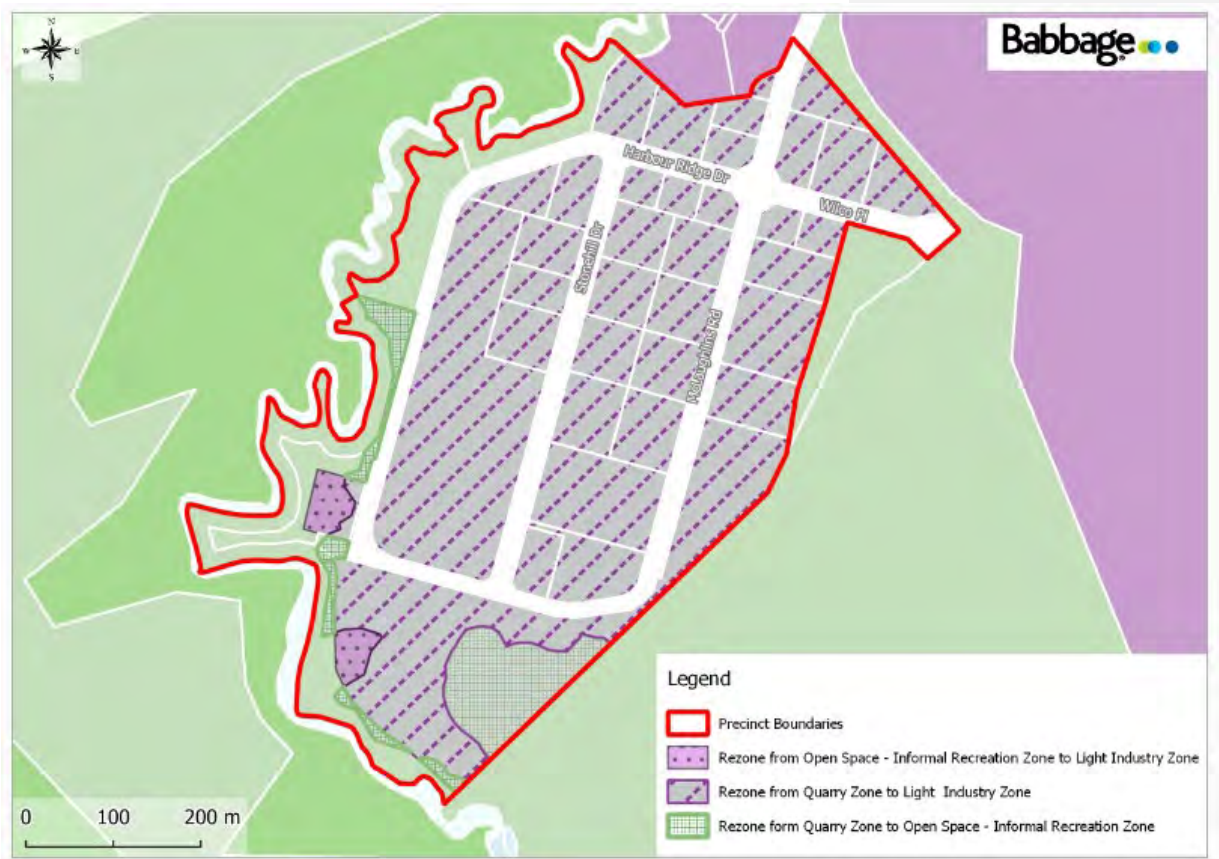
#### Notes;

1. The purpose of this document is to illustrate changes that I consider should be made to the text. This is based on the revised version of PC43 provided by the applicant for ease of referencing changes. These are subject to the notes below.
2. Apart from the change to the Area A zone – no changes are recommended to maps as additional information will be required to show details of boundaries.
3. I have not recommended any changes to Area B v Area C as these will depend largely on the zone boundary option decided upon by Commissioners.



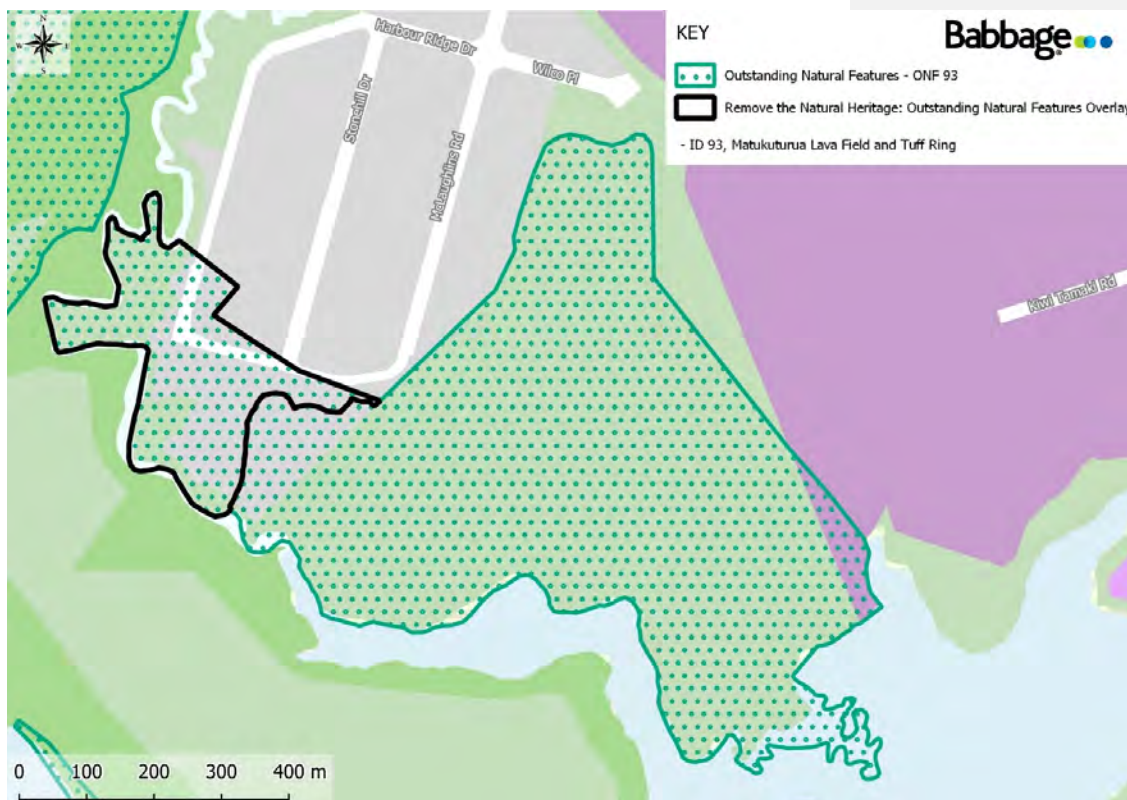
1) Rezone the Plan Change area as shown below:

(Delete the rezoning map as notified and replace it with the amended rezoning map shown below)



2) Amend the Outstanding Natural Features Overlay (ID-93 Matukuturua Lava Field and Tuff Ring) as shown below:

(Delete the map as notified, and replace it with the map as shown below)

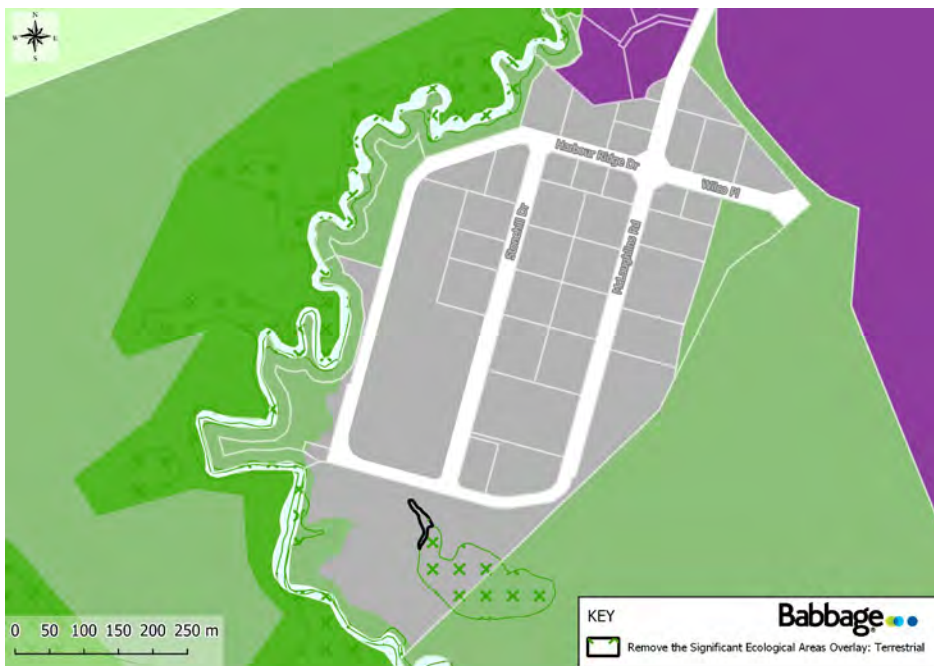


- 3) Amend the description of Outstanding Natural Feature (ID 93 Matukuturua Lava Field and Tuff Ring) in Schedule 6: Outstanding Natural Features Overlay Schedule as shown below. As a consequence, also amend all references to ONF 93 in the AUP(OP) text and planning maps to align with the changes set out below.

Item	Name	Location	Site Type	Description	Unitary Plan criteria met for scheduling set out in Chapter B4.2.2(4)
93	Matukutūreia and Matukuturua lava field and <del>tuff ring</del> <u>explosion crater</u>	Wiri	V (Large volcanic landforms)	The Matukuturua lava field is one of the best preserved lava fields remaining in the Auckland volcanic field and is an important representative example of the volcanic lava terrain that underlies much of the city. The lava field erupted from McLaughlins Mountain (Matukutūreia) volcano. Most of the original scoria cone and a section of the lava field in the north have been quarried away. Associated with the lava field is a section of <del>tuff ring</del> <u>an explosion crater</u> remaining from the early phases of the	a, c, d, e, g, h, i

				eruption. A small wetland has formed <u>within the explosion crater</u> <del>behind the ridge of tuff.</del>	
--	--	--	--	--	--

4) Amend the Significant Ecological Areas Overlay applied to the site at 79 McLaughlins Road as follows:



5) Insert a new Wiri Precinct into Chapter I Precincts (South) as set as out below:

## 14. Wiri Precinct

### 14.1. Precinct Description

The Wiri Precinct is located in the Wiri Industrial Area and is the site of the former McLaughlins Quarry. By 2009, all quarrying activities had ceased and the quarried area has been rehabilitated to enable the establishment of industrial activities.

The Wiri Precinct is bounded by Puhinui Creek along the southern and western boundaries, with Maunga Matukutūreia (McLaughlins Mountain) and the Matukuturua Stonefields adjoining the eastern boundary.

The purpose of the Wiri Precinct is to enable the transition from quarry to industrial activities, while recognising the important cultural, ecological, and geological values present with the precinct.

Sub-precinct A The Wiri Precinct is zoned Heavy Light Industry Zone. The Wiri Precinct adjoins is contiguous with the Heavy Industry zoning applied to the wider Wiri Industrial area, contributing to the importance of Wiri as an industrial hub in the urban south area of Auckland.

Sub-precinct B is zoned Light Industry Zone.

Open Space – Informal Recreation Zone is applied to the land along the margins of Puhinui Creek and a significant part of the mapped extent of the Matukuturua Lava Field and Explosion Crater lava field Stonefields Outstanding Natural Feature within the Precinct.

### Mana Whenua cultural landscape and values

The Wiri area and the Puhinui peninsula reveal a complex but unique cultural environment of inter-related settlements, travel routes, and fishing, gardening and food and resource gathering areas all closely associated with a series of prominent natural features and waterways that together form an integral part of the stories, genealogy, mythology and history histories of Mana Whenua.

Examples of cultural resources of significance to mana whenua in the proximity of the Precinct include: Manukau Harbour, Maunga Matukutūreia (McLaughlins Mountain), Nga Matakuturua, Matukutururu (Mount Wiri), Puhinui Catchment, Matukuturua Stonefields, and archaeological materials or features.

Matukutūreia and Matukuturua are natural landmarks and terraced pa sites that were occupied by the ancestors of Te Ākitai Waiohūa. The 'twin' maunga of Wiri are known collectively as Ngāa Matukurua or 'the two bitterns'. The surrounding land was cultivated with kumara and food gardens, parts of which are sectioned off with stone walls as found in the Matukuturua



Stonefields. Puhinui Creek and Stream were used for travel and to supplement fresh water sources, a traditional fish trap is evident in the creek.

Matukutūreia can clearly be seen from Pūkaki Marae, and preservation of this volcanic viewshaft is a priority to Te Ākitai Waiohua in the future development of Wiri. The significance of the relationship between the maunga, Puhinui Creek and Stream, and the Manukau Harbour as a physical link to the histories and whakapapa of Te Ākitai Waiohua is also important. Cultural values to be protected encompass the history, spiritual, geological, the coastal, archaeological and ecological features within the precinct.

Cultural values to be protected within the Wiri Precinct encompass the archaeological sites, geological features forming part of the Matukuturua Stonefields Outstanding Natural Feature, Puhinui Creek riparian margin areas, and areas of ecological values present within the precinct.

#### **Natural environment**

The western and southern boundary of the precinct follows the Puhinui Creek, which flows into the Manukau Harbour, both of which are Significant Ecological Areas. In recognition of these receiving environments, the Wiri Precinct applies the Open Space – Informal Recreation Zone to the land along the margins of Puhinui Creek. Within sub-precinct A, the riparian margin areas have been revegetated and vested in Auckland Council ownership. Within sub-precinct B, the riparian margins of Puhinui Creek are to be enhanced through native vegetation planting.

#### **Sub-precinct A**

Sub-precinct A is located on the footprint of the backfilled quarry. This area has been subdivided to enable the establishment of industrial land uses.

The northern portion of sub-precinct A contains a local viewshaft from Pūkaki Marae to Maunga Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.

#### **Sub-precinct B**

Sub-precinct B is an area of greenfield land. It contains a large wetland, Significant Ecological Area (ID SEA\_T\_8443), half of which is located within sub-precinct B, and the other half forming part of the adjoining Matukuturua Stonefield site. The wetland is also an important geological feature. It is an explosion crater, forming part of the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater). Open Space – informal Recreation Zone has been applied to the explosion crater and its margins to ensure its continued protection in recognition of the important cultural, ecological and geological values.

#### **Sub-precinct C**

Sub-precinct C is an area of 0.37ha of greenfield land located between Harbour Ridge Drive to the north and the large wetland (described within sub-precinct B) to the south. Sub-precinct C

seeks to deliver high quality development that consists of an appropriate land use activity type and built form that integrates with the wetland environment adjoining it.

#### **14.2. Objectives [rp/dp]**

- (1) The Mana Whenua cultural, spiritual and historic values and their relationships associated with the Maori cultural landscape are recognised and identified values are protected or enhanced in the Wiri Precinct.
- (2) The natural character and ecological values of Puhinui Creek and wetland (SEA\_T\_8443) are maintained and enhanced.
- (3) Enable new buildings within the Wiri sub-precincts **B and C** to be located and designed in a manner that reflects relationship of these sub-precincts B within the context of the open space, geological and cultural environment within which it is these are located, while recognising the operational needs of industrial activities.
- (4) The location, scale and form of development is managed within the precinct to avoid, remedy or mitigate adverse effects on cultural, spiritual and landscape values and their relationship associated with Maori cultural landscape, while recognising the operational needs of industrial activities.

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

#### **14.3. Policies [rp/dp]**

- (1) Protect the visual integrity of the local viewshaft from Pūkaki Marae to Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.
- (2) Require buildings to be located outside parts of the Wiri Precinct that are identified as having important cultural, archaeological, ecological and geological values.
- (3) Require planting of native vegetation along the riparian margins of Puhinui Creek.
- (4) Require planting of appropriate vegetation within the wetland margin areas (of SEA\_T\_8443) having regard to the wetland's hydrological and ecological functions, and the status of the wetland as an Outstanding Natural Feature.
- (5) Require open space areas to adjoin Puhinui Creek to ensure accessibility to the Puhinui Creek environment and to the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater).

- (6) Application of the Open Space – informal Recreation Zone to the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater) to ensure its continued protection in recognition of its important cultural, ecological and geological values.
- (7) Require development within sub-precincts B and C to be undertaken in a manner that takes into account the surrounding open space environment (including the Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and explosion crater)) and māori cultural values in the site layout, building design and landscaping, while recognising the operational needs of industrial buildings.
- (7A) Require development within sub-precinct C to be designed in a manner that integrates with the wetland environment adjoining it, by:
- (a) limiting building height to minimise visual dominance of buildings.
  - (b) managing the scale, design and appearance of buildings to reflect the relationship of sub-precinct C within the context of the landscape character and amenity values of the adjoining wetland environment.
  - (c) managing landscaping to reduce visual dominance of the buildings and create attractive and pleasant environment for people accessing the wetland and wider open space environment.
  - (d) providing for office activity to encourage building design incorporating large areas of glazing on walls overlooking the wetland and the open space environment.
- (8) Enable the reclamation of Area A as shown in the Wiri Precinct Plan 3, recognising that this area consists of constructed sedimentation ponds, drainage channels and wetland resulting from previous earthworks on site.
- (9) Manage reverse sensitivity effects on the development and operation of the Wiri Oil Terminal by avoiding the establishment of dwelling and integrated residential development in sub-precinct A, and avoiding, remedying or mitigating the establishment of activities sensitive to hazardous facilities and infrastructure in sub-precincts A, B and C.
- (10) Recognise, protect and enhance the cultural, spiritual and historical values and relationships associated with the māori cultural landscape at Wiri. These values include but are not limited to:
- a) Important sites, places and areas, waahi tapu and other taonga.
  - b) Views and connections between Maunga Matukutūrei, Puhinui Stream and Manukau Harbour.

c) Coastal edge and waterways.

d) Freshwater quality.

e) Mauri, particularly in relation to freshwater and coastal resources.

(11) Encourage the provision and enhancement of access for Mana Whenua to Puhinui Creek and its margins, particularly access to scheduled sites or features of Karakia, monitoring, customary purposes and ahi kaa roa.

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

#### **I4.4. Activity table [rp/dp]**

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

Activity Table I4.4.1 specifies the activity status of land use and development activities pursuant to section 9(2) and section 9(3) of the Resource Management Act 1991, and activities in, on, under or over streams pursuant to section 13 of the Resource Management Act 1991.

Where 'NA' has been included in the activity status column, the activity is not applicable in that particular section of the activity table.

**Table I4.4.1 Activity table [rp/dp]**

Activity		Activity status		
		Sub-precinct A	Sub-precinct B	Sub-precinct C
<b>Activities</b>				
(A1)	Activities sensitive to hazardous facilities and infrastructure <u>(excluding dwellings and integrated residential development in sub-precinct A)</u>	<u>NA NC</u>	NC	<u>NC</u>
<u>(A1-1)</u>	<u>Dwellings and integrated residential development in sub-precinct A</u>	<u>PR</u>	<u>NA</u>	<u>NA</u>

(A1-2)	<u>Commerical sexual services</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>
(A1-3)	<u>Food and beverage</u>	<u>NA</u>	<u>NA</u>	<u>P</u>
(A1-4)	<u>Offices</u>	<u>NA</u>	<u>NA</u>	<u>P</u>
<b>Reclamation</b>				
(A2)	Reclamation of <u>intermittent stream</u> Area A as shown in the Wiri Precinct Plan 3 – <u>Location of Intermittent</u> <u>Stream Areas for reclamation</u> <sup>†</sup> <u>Refer to Note 1</u>	NA	<u>P</u> <u>D</u>	<u>NA</u>
<b>Development</b>				
(A3)	Buildings (including additions) no greater than 50m <sup>2</sup> gross floor area	NA	P	<u>P</u>
(A4)	Buildings (including additions) greater than 50m <sup>2</sup> gross floor area	NA	C	<u>RD</u>
(A5)	Activities that do not comply with the following Standards: (i) Standard I4.6.2 Building platform	D	D	<u>D</u>
(A6)	Activities that do not comply with the following Standards: <u>(i) Standard I4.6.1 Building height</u> <del>(i)</del> <u>(ii) Standard I4.6.5 Planting of</u> Riparian margin areas <del>(ii)</del> <u>(iii) Standard I4.6.6 Planting of</u> Wetland margin areas (iv) <u>Standard I4.6.7 Water Quality</u>	NA	D	<u>D</u>
(A7)	Buildings that do not comply with Standard I4.6.3 Pūkaki Marae – Matukutūreia viewshaft	NC	NA	<u>NA</u>

(A8)	Activities that do not comply with Standard I4.6.4 Archaeological sites	NC	NC	<u>NC</u>
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**Note 1**

No offset as set out in Chapter E3 Lakes, rivers, streams and wetlands will be required for the reclamation of these areas the intermittent stream as this is deemed to be part of the revegetation of the Riparian Margin Areas and Wetland Margin Areas shown in Precinct Plan 1.

**I4.5. Notification**

- (1) Any application for resource consent for an activity listed in Activity Table I4.4.1 above will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (2) When deciding who is an affected person in relation to any activity for the purpose of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

**I4.6. Standards**

The overlay, Auckland-wide and zone standards apply in this precinct in addition to the following standards.

All permitted, controlled and restricted discretionary activities must comply with the following standards.

**I4.6.1. Building height**

Purpose: to manage the effects of building height, including dominance, on the open space areas within Wiri sub-precinct B.

- (1) Buildings must not exceed 15m in height within sub-precinct B, and 9m in height in sub-precinct C.

**I4.6.2. ~~Building platform~~ Potential Developable Area**



Purpose: to ensure that buildings are not located within parts of the Wiri precinct that are identified as having important ecological, cultural and geological values which are sought to be protected, revegetated or enhanced.

- (1) All buildings must be located within the ~~building platform~~ potential developable area areas identified in Wiri Precinct Plan 1.

#### 14.6.3. Pūkaki Marae – Matukutūreia Viewshaft

Purpose: to protect the visual integrity of the local viewshaft from Pūkaki Marae to Maunga Matukutūreia to maintain a visual linkage and connection with Ngā Matukurua.

- (1) Buildings and structures within sub-precinct A must not penetrate the floor height of the local viewshaft identified in Precinct Plan 2 - Pūkaki Marae – Matukutūreia Viewshaft.

Note: the floor of the viewshaft is determined in accordance with the survey coordinates contained in Table 1 below and Precinct Plan 3 - Pūkaki Marae – Matukutūreia Viewshaft, and “height” is to be measured using the rolling height method.

Table 1 Schedule of Coordinates

PT	Mt Eden circuit		Height (AGL)	NZ Map Grid	
	Northing	Easting		Northing	Easting
IS1	787316.27	404106.31	9.29	5904259.71	1761093.45
IS2	787333.30	404183.63	9.53	5904275.30	1761171.07
3	785179.79	407301.46	54.48	5902064.32	1764248.53
4	785119.81	407259.67	54.33	5902005.13	1764205.64
5	785684.81	406505.35	43.30	5902584.03	1763461.89

#### 14.6.4. Archaeological sites

Purpose: to enable the protection of identified archaeological sites within the Wiri Precinct.

- (1) Any activity (including earthworks) must not be undertaken within the areas identified as archaeological sites in Precinct Plan 1.

#### 14.6.5. Planting of Riparian margin areas

Purpose: to achieve areas of continuous indigenous vegetation within the riparian margin areas taking into account restoration of riparian margins, extension of existing ecological corridors and enhancement of existing vegetation.

- (1) Prior to any earthworks, development or subdivision within Sub-precinct B or C, areas identified as Riparian Margin Areas in Wiri Precinct Plan 1 must be planted with locally sourced indigenous species in general accordance with Appendix 16 Guidelines for Native Vegetation Plantings. Planting shall not be undertaken in any location identified as an archaeological site on Precinct Plan 1.

#### **14.6.6. Planting of Wetland margin areas**

Purpose: to achieve planting of appropriate vegetation within the wetland margin areas having regard to both the hydrological and ecological function of the wetland, and the status the wetland as an outstanding geological feature.

- (1) Prior to any earthworks, development or subdivision within Sub-precinct B or C, areas identified as Wetland Margin Areas in Wiri Precinct Plan 1 must be planted in accordance with a Wetland Margin Planting Plan prepared by an ecologist. The Wetland Margin Planting Plan must include appropriate indigenous wetland buffer species composition and densities for planting in the emergent, littoral and terrestrial zones and must be in general accordance with Appendix 16 Guidelines for Native Vegetation Plantings. Planting shall not be undertaken in any location identified as an archaeological site on Precinct Plan 1.

#### **14.6.7 Water Quality**

Purpose: To ensure that the effects of stormwater runoff on the high value receiving environments are mitigated.

(1) Stormwater runoff from all impervious areas in Sub Precinct B must be treated by stormwater management device(s) that meets the following standards:

(a) the device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.

## **14.7. Assessment – controlled activities**

### **14.7.1. Matters of control**

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application.

- (1) For buildings over 50m<sup>2</sup> in gross floor area in sub-precinct B:
  - (a) Site layout
  - (b) Building design and appearance
  - (c) Landscaping
  - (d) Māori cultural values

### **14.7.2. Assessment criteria**

The council will consider the relevant assessment criteria below for controlled activities.

- (1) For buildings over 50m<sup>2</sup> in gross floor area:
  - (a) The extent to which site layout and configuration:
    - (i) Integrates the development within the context of the open space environment forming part of sub-precinct B. The site layout and configuration should enhance relationship to Harbour Ridge Drive and the surrounding open space areas.
    - (ii) Enables passive surveillance of Harbour Ridge Drive and contributes to streetscape amenity.
    - (iii) Car parking areas are designed and located to ensure an attractive site layout, particularly when viewed from Harbour Ridge Drive and the open spaces.
  - (b) The extent to which design and external appearance of buildings
    - (i) modulates the mass of the buildings by incorporating transitional elements or the use of contrast (such as colour and materials), to reduce the apparent scale and bulk of the buildings.
  - (c) The extent to which landscaping design and planting:
    - (i) Complements and enhances the existing landscape character of the area.
    - (ii) Is used to provide visual softening of large buildings.
    - (iii) is used as a means to integrate the development within the context of the open space environment forming part of sub-precinct B.
    - (iv) is used to enhance the overall appearance of the development.
  - (d) The extent to which impacts of development on māori cultural values are avoided, remedied or mitigated:
    - (i) the ability to incorporate maatauranga māori and tikanga māori, recognising and providing for the outcomes articulated by Mana Whenua.

- (ii) the incorporation of building design elements, art works, naming and historical information to reflect the values and relationship Mana Whenua have with the Puhinui area.
- (iii) native landscaping, vegetation and design including removal and replanting.
- (iv) minimising landform modification where practicable, and respecting the Māori cultural landscape values identified in Precinct Plan 5: Māori Cultural Landscape Values
- (v) maintenance of views from Maunga Matukutūreia to the Manukau Harbour within the areas marked as “No Building Area” within Precinct Plan 1.

#### **14.7A Assessment – restricted discretionary activities**

##### **14.7A.1 Matters of discretion**

The Council will restrict its discretion to the following matters when assessing a restricted discretionary activity resource consent application.

- (1) for buildings and structures over 50m<sup>2</sup> in gross floor area in sub-precinct C:
  - (a) site layout
  - (b) Building design, orientation and appearance
  - (c) Landscaping
  - (d) Māori cultural values

##### **14.7A.2 Assessment criteria**

The council will consider the relevant assessment criteria below for restricted discretionary activities.

- (1) For buildings over 50m<sup>2</sup> in gross floor area in sub-precinct C:
  - (a) The extent to which site layout and configuration:
    - (i) integrates the development with the adjoining wetland and open space environment, while maintaining high quality relationship with Harbour Ridge Drive.
    - (ii) Enables good passive surveillance of the wetland and public open space environments.
    - (iii) Car parking areas are designed and located to ensure an attractive site layout, particularly when viewed from Harbour Ridge Drive or public open spaces.
  - (b) The extent to which design, orientation and external appearance of building:

- (i) reflects the relationship of sub-precinct C within the context of the landscape character and amenity values of the adjoining wetland environment.
  - (ii) contributes to the attractiveness, pleasantness, and enjoyment of the cultural, ecological and geological values present within the Wiri Precinct.
  - (iii) modulates the mass of the buildings by incorporating transitional elements or the use of contrast (such as colour and materials), to reduce the apparent scale and bulk of the buildings.
  - (iii) avoids blank facades or walls when viewed from Harbour Ridge Drive and visible from the adjoining wetland environment. The buildings should incorporate large areas of glazing on walls overlooking the wetland and the wider open space environment.
  - (iv) any security fencing is integrated with planting and buildings so as to avoid adverse visual effects on the adjoining wetland environment.
- (c) The extent to which landscaping design and planting:
- (i) is used as a means to integrate the development within sub-precinct C with the adjoining wetland environment and the wider open space environment forming part of the Wiri Precinct.
  - (ii) complements and enhances the landscape character of the area, in particular the adjoining wetland environment.
  - (iii) is used to provide visual softening of large buildings, screening of storage areas and visual softening of car parking areas.
  - (iv) is used to enhance the overall appearance of the development.
- (d) The extent to which impacts of development on māori cultural values are avoided, remedied or mitigated:
- (i) the ability to incorporate maatauranga māori and tikanga māori, recognising and providing for the outcomes articulated by Mana Whenua.
  - (ii) the incorporation of building design elements, art works, naming and historical information to reflect the values and relationship Mana Whenua have with the Puhinui area.
  - (iii) native landscaping, vegetation and design including removal and replanting.
  - (iv) minimising landform modification where practicable, and respecting the Māori cultural landscape values identified in Precinct Plan 5: Māori Cultural Landscape Values
  - (v) maintenance of views from Maunga Matukutūreia to the Manukau Harbour within the areas marked as “No Building Area” within Precinct Plan 1.

#### 14.8. Special information requirements

There are no special information requirements in this precinct.

Development or subdivision of land in Sub Precinct B or C

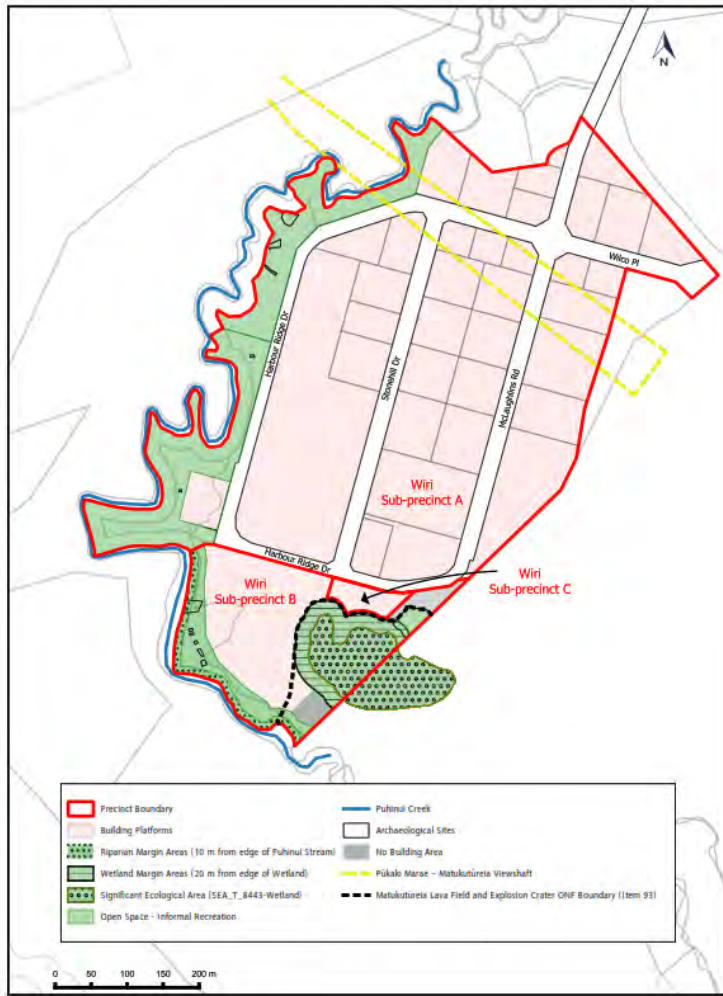
- (i) Planting and landscaping plan:  
A landscape plan must be submitted showing proposed planting of the site. The landscape plan must include the following information: (i) a schedule of plant species; (ii) planting specifications including the number, size and location of individual trees and shrubs; (iii) planting management plan, including weed management; (iv) the location and design of public amenity features; and (v) retention and enhancement of native vegetation, existing significant trees and natural features and recognition of the plant species once found within the site.
  
- (ii) A plan showing the location and layout of any proposed public open space and the locations / routes for Mana Whenua and public access.
  
- (iii) Evidence of consultation with Kaitiaki / Mana Whenua in respect of the external design and appearance of any buildings in excess of 50m<sup>2</sup> in Sub Precincts B and C.

**I4.9. Precinct plans**

**I4.9.1. Wiri Precinct Plan 1**

**~~(Delete Precinct Plan 1 as notified and replace it with the amended Plan shown below)~~**

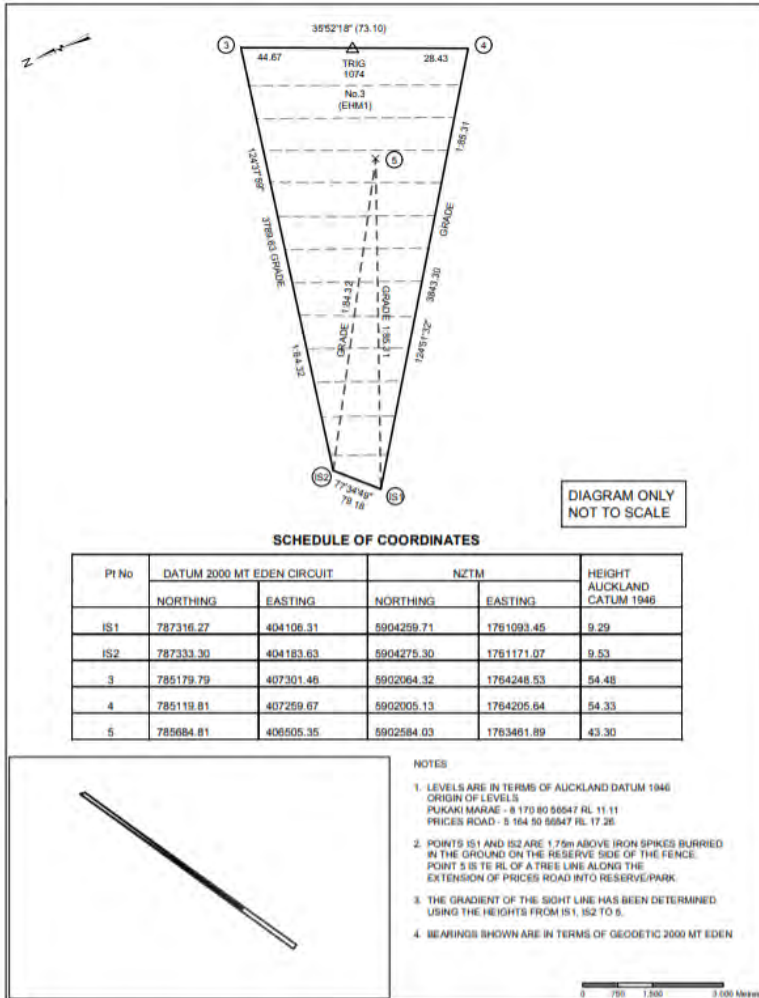




14.9.2. Wiri Precinct Plan 2 - Pūkaki Marae – Matukutūreia viewshaft



I4.9.3. Wiri Precinct Plan 3: Pūkaki Marae – Matukutūreia Viewshaft (survey diagram)



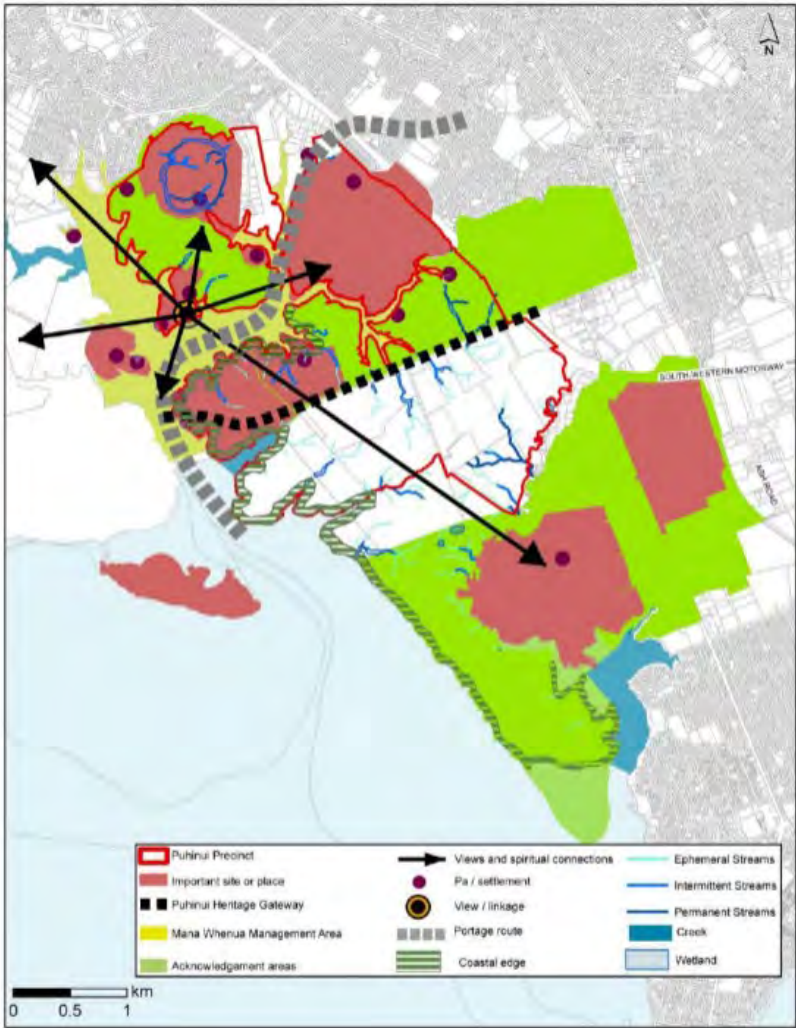
**14.9.4. Wiri Precinct Plan 4: Location of intermittent stream Areas for reclamation within sub-precinct B**

**(Delete the Precinct Plan 4 as notified and replace it with the amended Plan shown below)**



14.9.5. Wiri Precinct Plan 5: Māori Cultural Landscape Values

Commented [SS1]: Inserted as sought by Te Ākitai Waiohūa (sub 26)





# **Appendix 6**

## **Specialist Technical Memos**





**Memorandum (Technical specialist report to contribute towards Council's section 42A hearing report)**

3 March 2021

To: David Wren, Consultant for, Auckland Council  
From: Stephen Quin, Principal Landscape Architect, Auckland Council

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**Subject: Private Plan Change – PC43 McLaughlin Quarry – Landscape Effects**

## **1.0 Introduction**

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to the specialist topic of landscape effects.
- 1.2 I have worked as a Landscape Architect for ten years and as a Senior Open Space Planner and Parks Planning Manager for four years. I am currently a Principal Landscape Architect in the Urban Design Unit of the Plans and Places Department, Auckland Council.
- 1.3 My relevant qualifications include a Bachelor of Landscape Architecture. I am a Registered member of the Tuia Pito Ora / New Zealand Institute of Landscape Architects. My landscape architectural work is currently focussed in the landscape planning speciality of landscape architecture, where an assessment of effects on natural character, landscape and/or visual amenity values is required, primarily in relation to applications for resource consent or plan changes.
- 1.4 In writing this memorandum, I have reviewed the following documents:
  - *McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (operative in Part) – Statutory Assessment Report*, prepared by Sukhi Singh of Babbage Consultants Limited, dated 23 December 2019 (hereon referred to as the applicant's assessment).
  - Appendix 3 to the applicant's assessment – *Private Plan Change Request – Proposed Changes to the Auckland Unitary Plan (Operative in Part)*.
  - *McLaughlins Quarry Private Plan Change – Landscape Assessment* prepared by Jason Hogan of LA4 Landscape Architects, dated February 2019.
  - *McLaughlins Quarry Private Plan Change Request – Geological Evaluation of Outstanding Natural Feature: Matukutūreia and Matukuturua Lava Field and Tuff Ring* prepared by Professor Shane Cronin of University of Auckland, dated February 2019
  - *Cultural Values Assessment by Te Ākitai Waiohū for Matukutūreia Quarry Private Plan Change*, dated 2019.
  - *Preliminary Cultural Impact Assessment for McLaughlins Quarry Private Plan Change* prepared by Ngati Te Ata Waiohū, dated April 2019.
  - *Ecological Survey Report – McLaughlins Quarry Private Plan Change Request* prepared by Treffery Barnett and Jiliana Robertson of Bio researchers, dated 26 September 2019.

## **2.0 Key Landscape and Visual Effects Issues**

- 2.1 In my opinion, the key issues which relate to an assessment of landscape effects that arise through the proposed private plan change include:
  - a) Ensuring Mana Whenua values have been adequately identified and reflected, so that the proposed plan change will enable the avoidance of adverse cultural landscape effects.

- b) Ensuring the proposed spatial area of Outstanding Natural Feature 93 (ONF 93) has been mapped appropriately in terms of its physical, associative, and perceptual landscape values.
- c) The potential for adverse landscape effects that would result from the proposed plan change in the context of ONF 93 and the coastal environment and its natural character and features.

### 3.0 Applicant's assessment

#### ONF 93 Spatial Area

- 3.1 The applicant's assessment has taken into account the *McLaughlins Quarry Private Plan Change Landscape Assessment* prepared by Jason Hogan of LA4 Landscape Architects, dated February 2019 (hereon referred to as the Hogan report), as well as the report titled, *Landscape Evaluations of Geological Sites and Landforms of Auckland and the Identification of Outstanding Natural Features*, prepared by Brown NZ Limited, dated May 21012, (hereon referred to as the Brown report).
- 3.2 In respect of the spatial area of ONF 93, I have considered the findings of the Hogan and Brown reports, as well as the conclusions drawn from these reports in the applicant's assessment. I have also considered the memorandum from Alastair Jamieson to Barry Mosley dated 19 December 2019, the *Geological Evaluation of Outstanding Natural Feature: Matukutūreia and Matukutūrua Lava Field and Tuff Ring* prepared by Professor Shane Cronin, dated February 2019, the Cultural Values Assessment by Te Ākitai Waiohua (2019), the Preliminary Cultural Impact Assessment prepared by Ngati Te Ata Waiohua, dated April 2019, and relevant submissions relating to the ONF 93 spatial area.
- 3.3 The applicant's assessment draws from the Hogan, Brown and Professor Cronin reports to conclude:
- "Area 1 [part of ONF 93 recommended by Professor Cronin to be removed from ONF 93] has no significant geological or landscape values, nor is it "conspicuous, eminent and remarkable" to elevate it to an "outstanding natural feature" status. As such, there is no legitimate justification in landscape and geological terms for Area 1 to be include in the mapped extent of ONF 93".<sup>1</sup>*
- 3.4 It is not clear to me how the cultural landscape values of Mana Whenua (inherent to landscape values) have informed these conclusions. The Cultural Values Assessment by Te Ākitai Waiohua states:
- "It is understood sections of the Area 1 site are highly modified due to historical quarrying but this makes it no less important to Te Ākitai Waiohua as a physical feature of high cultural value. Although this is not based on a technical geological analysis, Area 1 adjoins Area 2 and Area 3 and should remain a part of ONF93".<sup>2</sup>*
- The Preliminary Cultural Impact Assessment by Ngati Te Ata Waiohua states:
- "The removal of part of the ONF layer would further exacerbate the encroachment upon this significant cultural landscape through the intrusion of further development and intensification".<sup>3</sup>*
- 3.5 In the context of these assessments and the submissions from Mana Whenua it is considered that the current ONF 93 area, and the wider landscape, has significant cultural landscape values. However, I agree with the Hogan report (and by exclusion, the Brown report) that with the exception of the additional areas recommended to be included in ONF 93 by Mr Jamieson, Area 1 does not meet the other evaluation factors for an ONF that relate to landscape values, particularly Policy B4.2.2(4)(d), (e) and (f) of the Auckland Unitary Plan (Operative in Part) (AUP(OP)).

<sup>1</sup> McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (operative in Part) – Statutory Assessment Report, prepared by Sukhi Singh of Babbage Consultants Limited, dated 23 December 2019 (paragraph 8.20).

<sup>2</sup> Cultural Values Assessment by Te Ākitai Waiohua for Matukutūreia Quarry Private Plan Change, dated 2019 (page 17).

<sup>3</sup> Preliminary Cultural Impact Assessment for McLaughlins Quarry Private Plan Change prepared by Ngati Te Ata Waiohua, dated April 2019 (page 23).

- 3.6 The reasons for these findings are, in agreement with the Hogan report, that the majority of Area 1 has no distinctive features or attributes from a landscape perspective and has been substantially modified by earthworks and changes to vegetation cover. I agree that the landscape characteristics and attributes of the majority of Area 1 lacks the physical or perceptual distinctiveness to constitute ONF classification in accordance with all the relevant evaluation factors in Policy B4.2.2(4).
- 3.7 As such, I consider the ONF 93 spatial area retained after the removal of 'Area 1' to be acceptable from a landscape perspective, subject to the inclusion of the additional areas recommended in Mr Jamieson's memorandum. These areas include the entirety of the explosion crater including the raised rim of ejecta surrounding part of the crater and westwards to the bank of the Puhinui Stream, including the exposures of breccia in the stream bank and continuing southeast to the property boundary with the DOC reserve, and also includes the catchment of the small wetland.
- 3.8 I agree with the additional areas recommended by Mr Jamieson for inclusion in ONF 93 as they are distinctive and recognisable as part of the volcanic landform that contributes to the physical, perceptual and associative landscape values of the ONF.

#### Coastal Environment

- 3.9 I do not consider the Hogan report and the applicant's assessment has given sufficient regard to the coastal environment and to the likely landscape effects of development in this context.
- 3.10 In reference to Policy 1 of the New Zealand Coastal Policy Statement 2010 (NZCPS) I consider that Sub-precinct B and the adjacent reserves as being part of the coastal environment for the following reasons:
- a) The proximity to the coast.
  - b) Sub-precinct B is not separated from the coast by topography or built form modification.
  - c) Much of Sub-precinct B (outside of Professor Cronin's 'Area 1') and the intervening landform to the coast is largely unmodified aside from changes to vegetation cover.
  - d) Sub-precinct B is part of a wider landscape that is, in part, characterised by low lying drainage patterns that feed into the harbour. The tidal and coastal processes in this landscape are clearly evident.
  - e) The landscape character and amenity of Sub-precinct B is derived, in part, from its association and proximity to the coast and the coastal processes.
  - f) Due to the extensive modification / built development and changes to the natural character and processes, I do not consider Sub-precinct A is perceived as part of the coastal environment.
- 3.11 The natural character of the coastal environment that includes Sub-precinct B is influenced by not only the spatial area of the Outstanding Natural Features within them, but by the presence of Manukau Harbour and Puhinui Stream, as well as the alluvial terraces that connect them.
- 3.12 To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development, Policy 13 of the NZCPS requires it to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment. This policy is given effect to by Policy B8.2.2(4) of the Regional Policy Statement in the AUP(OP). In this regard, it has not been specifically identified in the applicant's assessment or the Hogan report how the proposed plan change will avoid, remedy or mitigate adverse effects of activities on natural character.
- 3.13 I consider the following effects on natural character are likely to be created by the proposed plan change:
- a) Industrial development will encroach closer towards the wetland crater, Matukuturua lava fields, coastal edge and Puhinui Stream, reducing the current extent of openness in proximity

to these natural features and increasing the level of built modification in the coastal environment.

- b) There will be a change in the natural patterns of the landscape as the physical relationship between Matukutūreia, Matukuturua lava fields, the ONF wetland and Puhinui Stream will be transformed through the placement of potentially large industrial buildings and supporting activities.
- c) There will be a loss of visual connectivity between Matukutūreia, Matukuturua lava fields, the wetland crater, Puhinui Stream and Manukau Harbour that will adversely impact on the experiential attributes offered by these landscape features and the relationships between them.

3.14 As such, I do not support the proposed plan change as notified, and consider adjustments should be made that avoid, remedy or mitigate these likely adverse effects. Recommended adjustments to the proposed plan change are discussed in Section 5.0 of this memo.

Area B (as per the proposed rezoning plan in Appendix 3 of the applicant's assessment)

3.15 The Hogan report and the applicant's assessment has not specifically considered the landscape effects of the proposed heavy industrial zoning in Area B. This relatively small, flat area, currently used for storage (refer Appendix 1), is on the margins of Puhinui Stream and on the opposite side of the adjacent Harbour Ridge Drive from all other existing development in Sub-precinct A. Development of this area would physically and visually obstruct the potential for a continuous, green connection associated with Puhinui Stream on the west side of the street. Due to its proximity and potential obstruction of the green edge associated with Puhinui Stream, this proposed zoning would therefore enable adverse effects on the natural character associated with the stream. There would also likely be adverse visual amenity effects on users of the adjacent Puhinui Stream trail.

3.16 As such, I do not support the proposed rezoning of this area to Heavy Industrial and recommend it should be retained as Open Space Zone.

Sub-precinct A

3.17 The Hogan report and the applicant's assessment has not specifically considered the landscape effects of creating heavy industry zoning in proposed Sub-precinct A. Much of the existing development in this area, particularly in proximity to Sub-precinct B, ONF 93 and Puhinui Stream, is more akin to a light industrial built character. The introduction of heavy industrial zoning could change the existing built character to one that typically has less visual amenity. This could have adverse effects on the surrounding natural character and on the visual amenity of users of Puhinui Reserve and Matukuturua Stonefields Historic Reserve and of the workers within the existing environment. I also understand that this zoning would potentially have adverse cultural effects<sup>4</sup>.

#### **4.0 Submissions**

4.1 I have reviewed all submissions made on the proposed private plan change, concentrating on those that raise landscape matters. I have grouped my assessment of the relevant issues raised into sub-topics, as set out below, with all relevant submissions referenced being in opposition to the proposed plan change and all submissions seeking that the Council makes the decision to decline the plan modification.

#### **4.2 Cultural landscape effects**

Submission 1 – Ancina Hohaia on behalf of Ahikiwi Marae

*Mana whenua of this land.*

Submission 8 – Karl Flavell on behalf of Ngāti Te Ata Waiohū

<sup>4</sup> Submission from Nigel Denny on behalf of Te Ākitai Waiohū Waka Taua Incorporated

*Both the construction of buildings and the types of activities that are proposed to be undertaken will cause significant adverse cultural and heritage impacts for Ngāti Te Ata.*

Submission 21 – Dominic Wilson on behalf of Tūpuna Maunga o Tāmaki Makaurau Authority

*The plan change fails to protect a significant mana whenua cultural landscape.*

Submission 24 – Lucie Rutherford on behalf of Ngati Tamaoho

*This Plan Change will forever change the landscape and is not in our best interests.*

Submission 26 – Nigel Denny on behalf of Te Ākitai Waiohua Waka Taua Incorporated

*Any plan change must recognise and protect the integrity of the maunga and surrounding environs including the land and waterways to a standard that matches its importance to Mana Whenua.*

*Te Ākitai Waiohua is concerned that the mapped extent of the ONF should be more carefully considered to ensure that it accurately reflects the full extent of the feature.*

4.3 In regard to the submissions relating to cultural landscape effects, it is not clear to me how the applicant has identified and reflected Mana Whenua values associated with the landscape<sup>5</sup>.

#### 4.4 Geological effects

Submission 2 – Bruce W Hayward on behalf of Geoscience Society of New Zealand

*The crater and “tuff ring arc” are all part of the same unique feature and all the tuff ring arc should continue to be included in the ONF.*

4.5 In relation to this submission, whilst I acknowledge that volcanic geology is present over a larger area than the crater, in my opinion the larger area described by Mr Hayward as “tuff ring arc” has been significantly modified and does not have distinctive characteristics or attributes to constitute its conclusion in ONF 93<sup>6</sup>. However, I consider the additional areas recommended for inclusion by Mr Jamieson do meet these criteria due to their relative intactness and the legibility of their unique volcanic landform associated with the explosion crater.

#### 4.6 Various landscape effects

Submission 17 – Greg Smith on behalf of Auckland Volcanic Cones Society Inc

*This part of Auckland is in an area of grand narrative in terms of its geology, archaeology, landscape and iwi values.*

Submission 19 – David Fraser

*It is destruction of and impactful on an important volcanic and cultural site.*

Submission 23 – Michelle Hooper on behalf of Director General of Conservation

*The proposed zoning will result in 15m – 20m tall light industrial buildings and warehouses immediately on the boundary of the Matukuturua Stonefields Historic Reserve. This may result in adverse effects on the amenity of the reserve, and potentially visual effects on the outstanding natural feature values.*

Submission 27 – Christopher Turbott on behalf of Warren MacLennan for Auckland Council

*Sub-precinct B retains significant cultural and geological values. It is also part of the coastal environment. Consequently, rezoning all this area as light industry may not be appropriate.*

<sup>5</sup> AUP(OP) Policy B6.5.2(7).

<sup>6</sup> AUP(OP) Policy B4.2.2(4)(d), (e) and (f).



4.7 In relation to these submissions, it is my opinion that due to the likely location and scale of industrial buildings and associated activities in Sub-precinct B, the proposed plan change will not preserve the characteristics and qualities that contribute to the natural character of the coastal environment<sup>7</sup>, and will not maintain or enhance the values or appreciation of ONF 93<sup>8</sup> as directed by the AUP(OP).

## 5.0 Assessment of landscape effects

5.1 I generally agree with the description of the site and the wider landscape in the Hogan report (paragraphs 2.1 – 2.8). In addition to this description, I acknowledge the site's proximity to ONF 164 – Puhinui volcanic explosion craters on the other (western) side of Puhinui Stream. The crater known as "Puhinui Arena Crater" can be seen from the site and is a natural containing ridgeline to Sub-precinct B. There would be a loss of visual connectivity between the explosion crater within the site and the Puhinui volcanic explosion craters as a consequence of the proposed plan change. It is considered the visual connection between the wetland crater and Puhinui Arena Crater should be retained through future development of the site through creation of a view shaft between them.

5.2 Whilst not determinative of what has been proposed, I differ from the findings in paragraphs 4.10 – 4.12 of the Hogan report that disagree with the Outstanding Natural Feature classification of the crater wetland and adjacent Matukuturua lava fields.

5.3 In my opinion, the Matukuturua lava fields and the wetland crater are unique and distinctive volcanic landforms, and whilst the crater may not be readily identified by many observers as a volcanic explosion crater, with the assistance of signage from elevated positions, for example, from the adjacent Matukuturua lava fields, it would be legible due to its circular shape and raised 'lip', landform features that are commonly associated with volcanic craters. Due to their distinctive volcanic form, in my view there is a strong physical and visual landscape connection between the wetland crater and the adjacent Matukuturua lava fields, as well as the Puhinui explosion craters.

5.4 I consider the wetland crater's and Matukuturua lava field's uniqueness, intactness, distinctiveness, their proximity to Matukutūreia, which is readily identifiable as a volcano despite its modification, and Mana Whenua values clearly meet the criteria for ONF classification.

5.5 I also disagree with the statement in paragraph 4.17 of the Hogan report that Area 1 (as per Professor Cronin's plan) has limited landscape value. It is clear from the cultural values assessments and submissions from Mana Whenua that the entire site and wider landscape has significant cultural landscape values to Mana Whenua. These values cannot be separated from landscape values, as landscape values include all physical, perceptual and associative values, inclusive of Mana Whenua values. However, whilst of significance to Mana Whenua, except for the additional areas recommended to be included in ONF 93 by Mr Jamieson, I agree with the Hogan report that Area 1 does not exhibit the landscape attributes or qualities required to meet other relevant evaluation factors in Policy B4.2.2(4). The area has been extensively modified and unlike the adjacent wetland crater and lava fields, has no distinctive features or attributes. Unlike these landforms, it does not contribute significantly to the natural character or visual amenity.

5.6 Area 1 does in my opinion, however, allow the visual appreciation of its adjacent natural features, including the wetland crater, Matukuturua lava fields and Puhinui Stream, and their relationship to Manukau Harbour. This appreciation is enabled through the proximity of existing public spaces (Puhinui Reserve, Matukuturua Stonefields Historic Reserve, adjacent streets) to these features, the elevated vantages possible and the current lack of built development in Area 1.

5.7 As can be seen in the attached photograph in Appendix 2, there is a strong visual and physical landscape connection between Matukuturua lava fields (from where the photograph is taken), across the wetland crater and Puhinui Stream to Manukau Harbour. In my opinion, the natural character evident in this view is of moderate – high value. Parts of Area 1 are in this view, including

<sup>7</sup> AUP(OP) Objective B8.2.1(2).

<sup>8</sup> AUP(OP) Policy D10.3(5).

the grassed flattish area to the immediate left of the built form edge (north of the wetland crater) and wrapping around to the 'back' or south of the wetland crater. In my opinion, industrial activities and supporting activities in these areas of Area 1 would likely create adverse landscape effects on the natural character and visual amenity that could not be mitigated. To avoid, remedy or mitigate adverse effects on natural character, and to ensure a visual connection between Matukutūreia, the Matukuturua lava fields, the crater wetland and Manukau Harbour is retained, it is considered appropriate that any future development is restricted from the parts of Area 1 that adjoin to the north and south extents of the wetland crater. It is noted that the south part is included in Mr Jamieson's recommended ONF 93 area, of which I support.

- 5.8 The restriction of development from the area to the immediate north of the wetland would also have the benefit of continuing the existing visual connectivity from the adjacent streets (Harbour Edge Drive / McLaughlins Road) to the wetland and across to the Matukuturua lava fields and more distantly to Manukau Harbour. From these streets, an observer can appreciate the physical relationships between these landscape features, which contributes to the natural character and visual amenity. In a sense, it is the space / openness or 'breathing room' around these features that contributes to an appreciation of the natural landscape character and visual amenity in the context of the coastal environment.
- 5.9 In anticipation of the types of effects that could be created through industrial buildings, roading, car parking, fencing, signage, earthworks and retaining, other design controls are considered appropriate in this context to mitigate adverse effects on natural character and visual amenity. These include ensuring visual buffers to development through appropriate native planting of the margins of Puhinui Stream and the wetland crater, and ensuring built form is of a scale, form and colours that are sympathetic to the natural character and visual amenity of the landscape.
- 5.10 Potential adjustments to the proposed plan change could be made to better address landscape values, including the following measures:
  - a) Giving effect to cultural landscape values identified by Mana Whenua.
  - b) Amending the ONF 93 spatial area to align with the recommended ONF spatial area identified in Alastair Jamieson's memorandum to Barry Mosley, dated 19 December 2019.
  - c) Including all of the amended ONF 93 spatial area (as per (b) above) outside of the proposed open space zone as a no-build area to ensure further protection of the ONF's landscape values, and to ensure a visual and physical connection between the wetland and Puhinui Stream is retained, and to ensure that the wetland retains a coastal background when viewed from Matukutūreia, Matukuturua lava fields, and Harbour Edge Drive / McLaughlins Road.
  - d) Retaining the area between Harbour Ridge Drive, east of Stonehill Drive, and the ONF wetland as a no-build area to retain the existing level of visual connectivity between the ONF wetland and Matukutūreia and Matukuturua lava fields (refer Appendix 3), and to retain visual access and 'breathing room' for the wetland as viewed from Harbour Edge Drive / McLaughlins Road.
  - e) Restricting the location and height of development within Sub-precinct B to retain the visual connectivity between Matukutūreia and Matukuturua lava fields, and Manukau Harbour.
  - f) Identifying a protected viewshaft between the wetland crater and Puhinui Arena Crater.
  - g) Identifying the purpose of the ONF wetland margin to also ensure a visual buffer between the ONF and adjacent development.
  - h) Increasing the riparian margins of Puhinui Stream and identifying the purpose of planting within the margins to also provide a visual buffer to adjacent development as viewed from the stream and from the coast.
  - i) Ensuring that built form in Sub-precinct B is of a scale, form and colours that are sympathetic to the landscape values. It is considered appropriate that any development in Sub-precinct B is of a reduced height and coverage than is anticipated by the Light Industry Zone to ensure a finer grain and less dominant built form, whilst enabling visual and physical connections to surrounding landscape features and a transition of built development towards the coastal edge.

- j) Changing the activity status of buildings greater than 50m<sup>2</sup> in Sub-precinct B to restricted discretionary and including assessment matters that allow consideration of landscape values.
- k) Changing the activity status of buildings of no greater than 50m<sup>2</sup> in Sub-precinct B to controlled.
- l) Changing the zoning in Sub-precinct A to Light Industry to better reflect the built character of existing development and avoiding the adverse effects on the amenity of users of adjacent reserves and workers in the environment, that could be created by heavy industry activity, and to better reflect the cultural landscape values of Mana Whenua<sup>9</sup>.
- m) The proposed objective I4.2.(3) should be amended to include the context of natural character.
- n) The proposed policy I4.3.(7) should replace “surrounding open space environment” with “natural character and features” and also include reference to Puhinui Stream.

5.11 Within my area of specialist expertise, it is my opinion that the proposed plan change as notified will not be consistent with or work alongside the direction and framework of the AUP(OP), including in terms of giving effect to the Regional Policy Statement (RPS); for example, in relation to:

- a) Responding to the intrinsic qualities and physical characteristics of the site and area, including its setting (RPS policy B2.3.1 (1)(a)).
- b) Identifying and reflecting Mana Whenua values associated with the landscape (RPS policy B6.5.2(7)).
- c) Preserving the characteristics and qualities that contribute to the natural character of the coastal environment (RPS objective B8.2.1(2)).
- d) Avoiding, remedying or mitigating adverse effects on natural character of the coastal environment from inappropriate subdivision, use and development (RPS policy B8.2.2(4)).
- e) Enabling use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature (DP policy D10.3(5)).

5.12 It is recommended that the applicant considers the potential adjustments identified above as, in my opinion, their incorporation will assist the proposed plan change to better align with the direction and framework of the AUP(OP).

## 6.0 Conclusions and recommendations

- 6.1 In my opinion, the applicant has not adequately assessed the effects on the environment from the proposed private plan change in relation to landscape effects. Within my area of specialist expertise, it is my opinion that the proposed plan change as notified will not be consistent with or work alongside the direction and framework of the AUP(OP) and the NZCPS.
- 6.2 Following my review of the proposed plan change, it is considered many adjustments are required, including those identified in Section 5.0 of this memorandum, to be consistent with and work alongside the direction and framework of the AUP(OP) and the NZCPS.

### Stephen Quin

Principal Landscape Architect, Auckland Council



<sup>9</sup> Submission from Nigel Denny on behalf of Te Ākitai Waiohua Waka Taua Incorporated



**Appendix 1**

View from Harbour Ridge Drive to 'Area B', which is proposed to be rezoned from Open Space – Informal Recreation Zone to Heavy Industry Zone. Photograph taken from digital camera on mobile phone, 27 February 2021.





**Appendix 2**

View from Matukuturua Stonefields Historic Reserve looking across the wetland crater towards Manukau Harbour. Photograph taken from digital camera on mobile phone, 27 February 2021.



### Appendix 3

View from ONF wetland to Maunga Matukutūreia (image sourced from Ecological Survey Report – McLaughlins Quarry Private Plan Change Request, prepared by Bioreserchers, dated 26 September 2019).



**Addendum Memorandum (Technical specialist report to contribute towards Council's section 42A hearing report)**

11 March 2021

To: David Wren, Consultant for, Auckland Council

From: Stephen Quin, Principal Landscape Architect, Auckland Council

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**Subject: Amended Private Plan Change – PC43 McLaughlin Quarry – Landscape Effects**

## **1.0 Introduction**

- 1.1 I have undertaken a review of the amendments to the proposed private plan change as per the *Private Plan Change Request – Proposed Changes to the Auckland Unitary Plan (Operative in Part) – Amendments Proposed by the Applicant in Response to the Submissions, dated 3 March 2021*.
- 1.2 Overall, I consider the amendments to the proposed plan change will reduce the potential for adverse landscape effects. However, there are still some issues from a landscape effects perspective that I address in this memorandum. I also provide some recommended adjustments (in place of those provided to you in my memorandum dated 4 March 2021) that could further reduce the potential for adverse landscape effects to occur as a result of the proposed plan change.

## **2.0 Landscape Effects Issues**

- 2.1 In my opinion, the issues which relate to an assessment of landscape effects that arise through the amended proposed private plan change involve:
- a) Whilst it is evident that some of the amendments are in response to concerns raised by Te Ākitai Waiohū, it is considered appropriate that Mana Whenua identify whether these appropriately give effect to their cultural landscape values.
  - b) It is not clear what activities will be restricted by the proposed 'no-build areas'. Some activities that may still be permitted such as storage of vehicles, machinery and equipment are likely to detract from the natural character and amenity of ONF 93, and its relationship to Puhinui Stream and Manukau Harbour.
  - c) Light-industry zoning is partly within the amended ONF 93 boundary. Light industrial activities, including ancillary activities such as car parking, roading and earthworks, in this area are likely to detract from the natural character, visual integrity and amenity of ONF 93, and its relationship to Puhinui Stream and Manukau Harbour.
  - d) Light-industrial activity in Sub-precinct B will potentially block the visual connection between the wetland explosion crater within the site and the Puhinui Explosion Craters in Puhinui Reserve to the west. Consequently, the visual connection between these unique volcanic landforms could potentially be lost.
  - e) The Puhinui Stream riparian margin in the site's north west corner appears narrow and largely on sloping landform. This margin is unlikely to adequately provide a visual separation and buffer to maintain the natural characteristics and amenity values associated with the stream.
  - f) Buildings in Sub-precinct C have the potential to further reduce the visual connectivity between Matukutūreia in addition to the loss of connectivity created by existing development in Sub-precinct A (refer panoramic photograph in Appendix 1 of this memorandum). Buildings in Sub-precinct C will also reduce the visual connectivity and sense of spaciousness / 'breathing room' for the wetland crater when viewed from Harbour Ridge Drive / McLaughlins Road.
  - g) There will be a lack of discretion that could be applied to consent applications for buildings in Sub-precinct B due to their proposed controlled activity status (for buildings greater than

50m<sup>2</sup>). It is considered appropriate that in the context of the natural character context, that discretion can be given at consent stage to ensure buildings are appropriately integrated into the landscape.

- h) The building platform areas do not identify building platforms and this could be misinterpreted.

### 3.0 Recommended adjustments to respond to the landscape effects issues

3.1 Potential adjustments to the proposed plan change could be made to better address the landscape effects issues, including the following measures:

- a) Ensuring the amendments give effect to cultural landscape values identified by Mana Whenua.
- b) Including all of the amended ONF 93 spatial area as open space – informal recreation zone to ensure further protection of the ONF’s landscape values, and to ensure a visual and physical connection between the wetland and Puhinui Stream is retained, and to ensure that the wetland retains a coastal background when viewed from Matukutūreia, Matukuturua lava fields, and Harbour Edge Drive / McLaughlins Road.
- c) Including the area between Harbour Ridge Drive, east of Stonehill Drive, and the ONF wetland as open space – informal recreation zone to retain the existing level of visual connectivity between the ONF wetland and Matukutūreia and Matukuturua lava fields and to retain visual access and ‘breathing room’ for the wetland as viewed from Harbour Edge Drive / McLaughlins Road.
- d) Restricting the location and height of development within Sub-precinct B to retain the visual connectivity between Matukutūreia and Matukuturua lava fields, and Manukau Harbour.
- e) Identifying a protected viewshaft between the wetland crater and Puhinui Arena Crater. In this regard, it may be appropriate to identify building platforms within Sub-precinct B to facilitate a viewshaft between them.
- f) Identifying the purpose of the ONF wetland margin to also ensure a visual buffer between the ONF and adjacent development.
- g) Increasing the riparian margins of Puhinui Stream in the site’s north-west corner and identifying the purpose of planting within the margins to also provide a visual buffer to adjacent development as viewed from the stream and from the coast.
- h) Ensuring that built form in Sub-precinct B is of a height, scale, form and colours that are sympathetic to the landscape values. It is considered appropriate that any development in Sub-precinct B is of a reduced height and coverage than is anticipated by the Light Industry Zone to ensure a finer grain and less dominant built form, whilst enabling visual and physical connections to surrounding landscape features and a transition of built development towards the coastal edge. In this regard, it is considered it would be beneficial to identify actual building platform areas.
- i) Changing the activity status of buildings greater than 50m<sup>2</sup> in Sub-precinct B to restricted discretionary and including assessment matters that allow consideration of landscape values.
- j) Changing the activity status of buildings of no greater than 50m<sup>2</sup> in Sub-precinct B to controlled.
- k) The proposed objective I4.2.(3) should be amended to include the context of natural character.
- l) The proposed policy I4.3.(7) should replace “surrounding open space environment” with “natural character and features” and also include reference to Puhinui Stream.
- m) Remove reference to building platforms or identify actual building platforms in Sub-precinct B (and Sub-precinct C if this area is not changed to open space – informal recreation zone).

- 3.2 Within my area of specialist expertise, it is my opinion that the proposed plan change as amended will not be consistent with or work alongside the direction and framework of the AUP(OP), including in terms of giving effect to the Regional Policy Statement (RPS); for example, in relation to:
- a) Responding to the intrinsic qualities and physical characteristics of the site and area, including its setting (RPS policy B2.3.1 (1)(a)).
  - b) Preserving the characteristics and qualities that contribute to the natural character of the coastal environment (RPS objective B8.2.1(2)).
  - c) Avoiding, remedying or mitigating adverse effects on natural character of the coastal environment from inappropriate subdivision, use and development (RPS policy B8.2.2(4)).
  - d) Enabling use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature (DP policy D10.3(5)).
- 3.3 It is recommended that the applicant considers the potential adjustments identified above as, in my opinion, their incorporation will assist the proposed plan change to better align with the direction and framework of the AUP(OP).

#### **4.0 Conclusions and recommendations**

- 4.1 Within my area of specialist expertise, it is my opinion that the proposed private plan change as amended will not be consistent with or work alongside the direction and framework of the AUP(OP) and the NZCPS. To better achieve this objective, it is considered further adjustments are required, including those identified in this memorandum.

#### **Stephen Quin**

Principal Landscape Architect  
Auckland Council





### Appendix 1

Panoramic view from the western extent of the wetland crater. The flattish, grassed area to the left of image is proposed as Sub-precinct C. The peak of Matukutūreia can be seen just above the industrial building. Panoramic photograph taken from digital camera on mobile phone, 27 February 2021.

# MEMO

**To:** David Wren, Planning Consultant on behalf of Auckland Council

**From:** Alastair Jamieson, Principal Advisor Biodiversity  
Environmental Services, Auckland Council

**Date:** 10 March 2021

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**Subject:** Private Plan Change – PC 43 (Private): McLaughlin's Quarry –  
Outstanding Natural Features/ Geological Heritage.

## 1.0 Introduction

- 1.1 I have undertaken a review of the private plan change request on behalf of Auckland Council in relation to the geological heritage aspects and physical extent of the Outstanding Natural Feature.
- 1.2 I am currently employed as a Principal Advisor Biodiversity in the Environmental Services Department of Auckland Council. I have a Bachelor of Science degree in Zoology and Geography, and a Master of Science degree in Physical Geography from the University of Auckland. I am accredited as a panel member under the MfE Making Good Decisions Programme for Resource Management Act decision makers.
- 1.3 Since Auckland Council was established in 2010, I have provided technical expertise and assessments for resource consents in relation to significant geological features under the Auckland District Plan and Outstanding Natural Features (ONFs) under the Auckland Unitary Plan, initially as a consultant and continuing with this in my staff roles. I developed draft policies and the schedule and mapping of ONFs for the Proposed Auckland Unitary Plan (PAUP) while engaged as a consultant advisor to Auckland Council. In particular, I mapped the Outstanding Natural Features overlay which was adopted for the PAUP, including mapping the Matukutūreia and Matukuturua lava field and tuff ring (ONF 93).
- 1.4 I held Biodiversity Team Manager positions from October 2012 until October 2020. During this time, I was the technical expert providing evidence on ONFs for Council in relation to the PAUP throughout the Auckland Unitary Plan Independent Hearings Panel hearings process.
- 1.5 My involvement with the present proposal began in September 2018 when I was contacted by the applicant's planner to discuss ONF matters arising in relation to the proposed plan change. I participated in a site visit with geologist Professor Shane Cronin and Babbage Consultants' planner Sukhi Singh on 11 October 2018 and a further meeting with them on 29 October 2018, primarily to consider the mapped extent of ONF 93; Matukutūreia and Matukuturua lava field and tuff ring.
- 1.6 This assessment is based primarily on the amended version of the plan change request as it stands following receipt of the document "*Amendments Proposed by the Applicant in Response to the Submissions*" dated 3 March 2021. In preparing this memorandum, I have reviewed the following documents:
  - McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (operative in Part) – Statutory Assessment Report, prepared by Sukhi Singh of Babbage Consultants Limited, dated 23 December 2019.
  - Private Plan Change Request – Proposed Changes to the Auckland Unitary Plan (Operative in Part): Amendments Proposed by the Applicant in Response to the Submissions, dated 3 March 2021.
  - Appendix 3 to the applicant's assessment – Private Plan Change Request – Proposed Changes to the Auckland Unitary Plan (Operative in Part).

- McLaughlins Quarry Private Plan Change – Landscape Assessment prepared by Jason Hogan of LA4 Landscape Architects, dated February 2019.
- McLaughlins Quarry Private Plan Change Request – Geological Evaluation of Outstanding Natural Feature: Matukutūreia and Matukuturua Lava Field and Tuff Ring prepared by Professor Shane Cronin of University of Auckland, dated February 2019.
- Cultural Values Assessment by Te Ākitai Waiohua for Matukutūreia Quarry Private Plan Change, dated 2019.
- Preliminary Cultural Impact Assessment for McLaughlins Quarry Private Plan Change prepared by Ngāti Te Ata Waiohua, dated April 2019.
- Ecological Survey Report – McLaughlins Quarry Private Plan Change Request prepared by Treffery Barnett and Jillana Robertson of Biosearches, dated 26 September 2019.

## 2.0 Key Outstanding Natural Features Issues

2.1 In my opinion, the key issues which arise from the proposed private plan change in relation to geological heritage aspects and physical extent of Outstanding Natural Features are as follows:

- a) That the physical extent of Outstanding Natural Feature #93 (Matukutūreia and Matukuturua lava field and tuff ring – ONF93) is mapped appropriately in terms of the factors that contribute to its values as an ONF.
- b) That the proposed plan change provisions result in appropriate zoning to provide for the sustainable management of ONF 93 and the values for which it is scheduled.
- c) That the proposed plan change does not result inadvertently in authorisation for works that have damaged the ONF in the past and that any such works are remediated.

## 3.0 Proposed extent of ONF 93

3.1 The land surface underlying most of the area subject to the plan change request consists of volcanic deposits produced by eruptions from Matukutūreia (McLaughlin's Mountain) volcano. Portions of the land near Puhinui Stream are composed of alluvial materials. Sub area A of the site as it is referred to in the Statutory Assessment Report incorporates land that was predominantly occupied by the former quarry. This area was quarried for volcanic rock over many years and then backfilled after quarrying operations ended. This area has been subdivided and is now in various stages of development for industrial business activities.

3.2 Sub-area B is less modified greenfields land and identified as part of ONF 93, *Matukutūreia and Matukuturua lava field and tuff ring* in the Auckland Unitary Plan. Sub-area B includes roughly half of a crater landform which is now occupied by a wetland (scheduled as Significant Ecological Area SEA\_T\_8443 in the Auckland Unitary Plan). The crater resulted from explosive volcanic activity and is specifically mentioned in the precis description for the ONF in Schedule 6 of the Unitary Plan. The other half of the crater and wetland and the majority of the ONF extends eastwards contiguously from the plan change site into the Matukuturua Stonefields Historic Reserve, which is managed by the Department of Conservation. The reserve includes most of the remaining lava field and the remnant scoria cone of the volcano.

3.3 Part E of the plan change request is to amend the outstanding natural feature overlay. This proposes to reduce the extent of ONF 93 as it is applied to the plan change area. The objectives of this proposal given at paragraph 8.21 of the Statutory Assessment Report are to:

- *Accurately map the boundaries of ONF 93 (Matukutūreia and Matukuturua lava field and tuff ring) within the Plan Change area, based on a factual assessment of the matters set out in Policy B4.2.2(4).*
- *Accurately describe the crater located within ONF 93 as an “explosion crater” and not a “tuff ring” in Schedule 6: Outstanding Natural Features Overlay Schedule in the AUP (OP).*



- 3.4 The plan change request proposes a reduced extent for ONF 93 mainly on the basis of information provided in *Geological Evaluation of Outstanding Natural Feature: Matukutureia and Matukuturua Lava Field and Tuff Ring* prepared by Professor Shane Cronin, dated February 2019. In the summary of his report, Prof. Cronin recommended the following for the ONF 93 sub-areas 1-3 identified in his Figure 2 (see Appendix 1 to this report):

Area 1 (part of ONF 93 recommended to be removed)

*Area 1 which is currently included as part of ONF 93, has no direct value as a primary geological feature because this area either had no original volcanic cover, or those parts of it that did are highly modified with much of the material removed. Although this area is included as part of ONF 93 in the AUP(OP), its value as a geological feature area is not supported. Overall, this area contains no value as a geological feature characteristic of the Auckland's Volcanic Field. It is recommended that Area 1 be removed from ONF 93.*

Area 2 (explosion crater and its margins)

*Area 2 which is also currently included as part of ONF 93, is an explosion crater and forms a more appropriate western boundary of the ONF 93 due to its geological interest. The feature is part of the distinctive Matukuturua lava field that makes up the eastern part of ONF 93. It is recommended that the western boundary of ONF 93 be realigned along the western margin of the explosion crater (Area 2). This area is partially located within the Plan Change area.*

*The description of Area 2 within ONF 93, is incorrectly described in Schedule 6: Outstanding Features Overlay Schedule in the AUP(OP) as a "tuff ring". It is recommended that the description in Schedule 6 be amended to delete the reference to "tuff ring" and be replaced with "an explosion crater".*

*Area 2 of ONF 93 is of specific geological interest because the explosion crater comprising Area 2 was formed more than 15,000 years ago by a single steam, or gas – driven, explosion with no magma involved. This represents a rare type of 'near-miss' eruption in the Auckland Volcanic Field where magma came close to the surface, but shed only gas and heat to disrupt the surface. This is possibly similar to the events that formed the nearby Puhinui Craters. Due to its unique value, it is recommended that Area 2 be protected, by purchasing it from the current owner and adding it to the contiguous area of the lava field under protection to the east (i.e. the area currently managed by the Department of Conservation).*

Area 3 (Matukuturua Lava Field)

*Forms the margin of the Matukuturua Lava Flow, and is located outside the Plan Change area. No changes are recommended to this part of ONF 93.*

- 3.5 In addition to Prof. Cronin's report, the proposal has taken into account information from the *McLaughlins Quarry Private Plan Change Landscape Assessment* prepared by Jason Hogan of LA4 Landscape Architects, dated February 2019 (Hogan, 2012), as well as the report titled, *Landscape Evaluations of Geological Sites and Landforms of Auckland and the Identification of Outstanding Natural Features*, prepared by Bruce Mackenzie (an associate of Brown NZ Limited), dated May 2012 (Brown, 2012). From these three assessments, the statutory assessment report concludes:

*"...that Area 1 [the area recommended by Prof. Cronin to be removed from ONF 93] has no significant geological or landscape values, nor is it "conspicuous, eminent and remarkable" to elevate it to an "outstanding natural feature" status. As such, there is no legitimate justification in landscape and geological terms for Area 1 to be include in the mapped extent of ONF 93"<sup>1</sup>.*

- 3.6 The document "*Amendments Proposed by the Applicant in Response to the Submissions*" dated 3 March 2021 provides the most recent version of the proposed ONF revisions (Appendix 2). This appears to show a slightly greater extent of ONF to encompass the explosion crater and associated landforms than was proposed in the notified version.

<sup>1</sup> Paragraph 8.20 of McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (operative in Part) – Statutory Assessment Report, prepared by Sukhi Singh of Babbage Consultants Limited, dated 23 December 2019

- 3.7 While the amended ONF overlay map provided is not at a scale or detailed enough to be certain, it appears to match the delineation I provided in a memo in December 2019 to Barry Mosely, Council's planner working on this plan change at the time (Appendix 3). The memo provided my comments to Mr Mosely concerning Prof Cronin's report, *Geological Evaluation of Outstanding Natural Feature: Matukutureia and Matukuturua Lava Field and Tuff Ring*. The sketch map accompanying the memo showed what I considered at the time to be an acceptable extent for the ONF, for the reasons explained in the memo.
- 3.8 The revised ONF boundary shown in *Amendments Proposed by the Applicant in Response to the Submissions*" (3 March 2021) is obscured by the ONF overlay texture and unclear due to the scale and course resolution of the map. In order for me to provide a firm opinion on the suitability of the revisions, it will be necessary to see the proposed ONF boundary (including further amendments sought below) illustrated more clearly in relation to recent aerial photography, topography and geology at a suitable scale.

### Submissions

- 3.9 I have reviewed submissions made on the proposed plan change, concentrating on those that raise matters within my area of expertise concerning the geological values and physical extent of the Outstanding Natural Feature. In particular, I have considered the following submissions which are opposed entirely or in part to the plan change for reasons involving the ONF:
- Submission 2: James Scott and Bruce W Hayward on behalf of Geoscience Society of New Zealand.
  - Submission 19: David Fraser.
  - Submission 23: Angus Gray and Michelle Hooper on behalf of the Director-General of Conservation.
  - Submission 26: Nigel Denny and Karen Wilson on behalf of Te Ākitai Waiohua Waka Taua Inc.
  - Submission 24: Lucie Rutherford and Dennis Kirkwood on behalf of Ngāti Tamaoho (in support of Submission 26).
- 3.10 The submission on behalf of the Geoscience Society of New Zealand (GSNZ) provides considerable detail on the geology of the site and reasoning for opposing reduction of the ONF extent. I share some of these concerns, in particular that the entire crater and surrounding "tuff ring" should remain within the ONF for the reasons discussed in section 5 of the submission.
- 3.11 Subject to the proviso in paragraph 3.8 above, I consider that the revised ONF boundary shown in the *Amendments Proposed by the Applicant in Response to the Submissions*" (3 March 2021) is likely to address these specific concerns, as it includes the crater and the associated tuff ring landform.
- 3.12 GSNZ considers that the northern margin of crater comprises lava flows and should also remain in the ONF. The sketch map of revised ONF boundary I drafted in my December 2019 memo to Mr Mosely includes the portion of this area that I consider remains unmodified by earthworks but excludes the parts of the former lava field between the wetland and McLaughlins Road that I consider to have been destroyed by earthworks. This boundary could potentially be refined with further very detailed ground survey to determine the precise contact between the area of unmodified surface and earthworks.
- 3.13 I have a different opinion to GSNZ on the merits of retaining all of Prof. Cronin's "Area 1" within the ONF overlay. When I mapped ONF 93 for the PAUP in 2012, I included this area because I understood from the information available to me that it consisted of more or less unmodified volcanic surface deposits arising from Matukutureia volcano (McLaughlins Mountain). From my observations on the site visit of October 2019 and Prof. Cronin's 2019 report, it is now clear that much of this area is not directly associated with the volcano. In addition, large parts of "Area 1" have been severely modified by earthworks, detracting from any geological values that may have been present.
- 3.14 In my opinion, much of "Area 1" lacks the values for which ONF 93 is scheduled, due to the lack of volcanic surface deposits from Matukutureia volcano and its poor condition resulting from modification. I consider that the most appropriate boundary for the ONF within the plan change

area should include the less modified portions of volcanic features associated with Matukutureia volcano.

- 3.15 However, I agree with GSNZ that the course of Puhinui Creek has been influenced by the lava flows and tuff ring from Matukutureia, even though I consider that the surface expression of those features is no longer clear. This association is reflected in the current western boundary of the ONF, which follows the steam edge within "Area 1". I consider this to be an element of the Matukutureia volcano and Matukuturua lava field of sufficient scientific and educational significance to warrant continued inclusion within the ONF.
- 3.16 Consideration of this submission point has changed my view of the appropriate boundary for the ONF within "Area 1" from what is shown on the sketch map of the revised ONF boundary in my 2019 memo. I consider that the open space zone proposed for the margins of Puhinui Creek within the plan change area provides suitable coverage the area of stream banks which would need to be protected to preserve this element of the landform. In order to achieve appropriate management for this aspect of the feature within "Area 1", I recommend retaining the portion of the ONF that corresponds with the proposed Open Space zone alongside Puhinui Creek.
- 3.17 Other submitters express similar concerns to the Geoscience Society of New Zealand about the reduction to the extent of the ONF. None provide additional information concerning the geological values and physical extent of the feature, beyond the details covered by the Geoscience Society of New Zealand.
- 3.18 The submission on behalf of Te Ākitai Waiohua Waka Taua Inc. does not support the proposed amendments to the ONF overlay and states that the mapped extent should accurately reflect the full extent of the feature. This submission is supported by submission 26 on behalf of Ngāti Tamaoho. This position is also reflected in the Cultural Values Assessment by Te Ākitai Waiohua (2019) accompanying the plan change, which states;

*"It is understood sections of the Area 1 site are highly modified due to historical quarrying but this makes it no less important to Te Ākitai Waiohua as a physical feature of high cultural value. Although this is not based on a technical geological analysis, Area 1 adjoins Area 2 and Area 3 and should remain a part of ONF93. Te Ākitai Waiohua prefers to seek the views of Auckland Council and other independent expert advice in relation to Area 1 meeting the appropriate threshold for remaining a part of ONF93."*

- 3.19 The preliminary Cultural Impact Assessment for McLaughlins Quarry Private Plan Change prepared by Ngāti Te Ata Waiohua (2019) raises the concern that;

*"The partial removal of the ONF would only serve to further accelerate the continued piecemeal destruction of our significant sites and places and the wider cultural landscape."*

- 3.20 I am not qualified to comment on the cultural values of the area. However, it is my view that the mapped extent of the ONF overlay in general and of ONF 93 in particular should be determined in accordance with the actual physical extent of the underlying geological or geomorphological values of the feature. While the values of ONFs are identified in relation to a wide range of criteria, I consider the underlying physical characteristics to be the foundation for ONFs as they have been identified and mapped in the Auckland Unitary Plan.
- 3.21 In light of this, I consider some reduction of the mapped extent of the ONF from "Area 1" to be appropriate where those physical geology and landform characteristics are absent or badly damaged. However, it is clearly a matter of great importance that cultural and other values of the area be given appropriate protection through the plan change process. In my opinion, there are likely to be more effective methods than the ONF overlay to protect other values not clearly correlated with the physical characteristics and extent of the geological and landform features.
- 3.22 One submitter, Nigel Macintyre on behalf of Advance Flooring Systems Ltd. (Submission 10), supports the proposed amendment to the extent of the ONF, but provided no reasoning with respect to the geological values of the site.

#### **4.0 Appropriate zoning for ONF 93**

- 4.1 Part E of the plan change request is to Rezone 1.91ha of land from Quarry zone to Open Space – Informal Recreation Zone. Figure 6-1 of the Statutory Assessment report shows the four areas requested to be rezoned. Three of these identified areas are associated with the riparian margins of Puhinui Creek. The fourth area is described as follows:

*“In response to the consultation with Ngāti Te Ata Waiohua, Te Ākitai Waiohua and the key stakeholders, the Plan Change Request seeks to rezone all of the area encompassed within the amended boundaries of Outstanding Natural Feature 93 (Matukutūreia and Matukuturua lava field and tuff ring) located within the Plan Change area (shown as Area C4 in Figure 6-1) to Open Space – Informal Recreation Zone, to complement the existing protection mechanisms in place in recognition of the important cultural, ecological and geological values of this feature/wetland.”*

- 4.2 However, the revised boundaries of the ONF proposed in the Amendments Proposed by the Applicant in Response to the Submissions report (3 March 2021) are not reflected in the accompanying map showing the revised rezoning proposal. In the same document, the revised 14.9.1. Wiri Precinct Plan 1 also does not reflect the proposed revised boundary for the ONF. This would result in the precinct plan still providing for building platforms within the ONF. I note that GSNZ submits that the retained ONF should all be rezoned Open Space.
- 4.3 I consider Open Space to be the most appropriate zoning to ensure the values of the ONF are protected effectively in the long term. From my experience assessing resource consents under the ONF provisions since the Unitary Plan became operative, it is my opinion that the ONF overlay by itself provides a relatively weak level of protection. In particular, the ONF overlay rules do not confer enduring protection to ONFs, because resource consent applications may continue to be made, leading to the risk of cumulative effects and ongoing degradation.
- 4.4 In order that the ONF can be managed appropriately and its values sustainably managed, I consider that the zoning for the entire extent of the ONF within the plan change area should be Open Space and this should be illustrated on both the zoning and precinct plan maps.

## **5.0 The effects of unauthorised works**

- 5.1 The Background section of the Statutory Assessment Report contains a list and discussion of consents that have been granted for various activities within the plan change area. However, it is not clear that all the earthworks within Sub-area B of the plan change area have occurred under proper resource consent approvals. Council staff have been unable to locate a consent that authorises the earthworks which have affected northwest corner of the crater and the former outlet of from the wetland that previously allowed it to overflow out to the Puhinui Stream.
- 5.2 The GSNZ submission discusses these earthworks at some length and states that works occurred during the summer of 2012-2013. Aerial photographs I have taken illustrate that the works were not present in January 2012 but are clearly visible by 2018 (Appendix 4).
- 5.3 The earthworks at northwest corner of the crater have damaged part of the crater and tuff ring landform and affect the natural hydrological function of the wetland, which constitutes part of the ONF. I consider that if found not to have been authorised, these earthworks should be carefully remediated to restore the original underlying topography and wetland outlet. This would avoid the potential for the plan change to result in de facto authorisation for the works.

## **6.0 Conclusions and recommendations**

- 6.1 I have assessed the private plan change request on behalf of Auckland Council in relation to the geological heritage aspects and physical extent of the Outstanding Natural Feature at the site. In my opinion, the applicant has not adequately provided for the appropriate management of the ONF.
- 6.2 Following my review of the proposed plan change and relevant submissions, I consider that a number of amendments are required to address ONF matters satisfactorily. In summary, I consider the following changes should be made to the proposal:

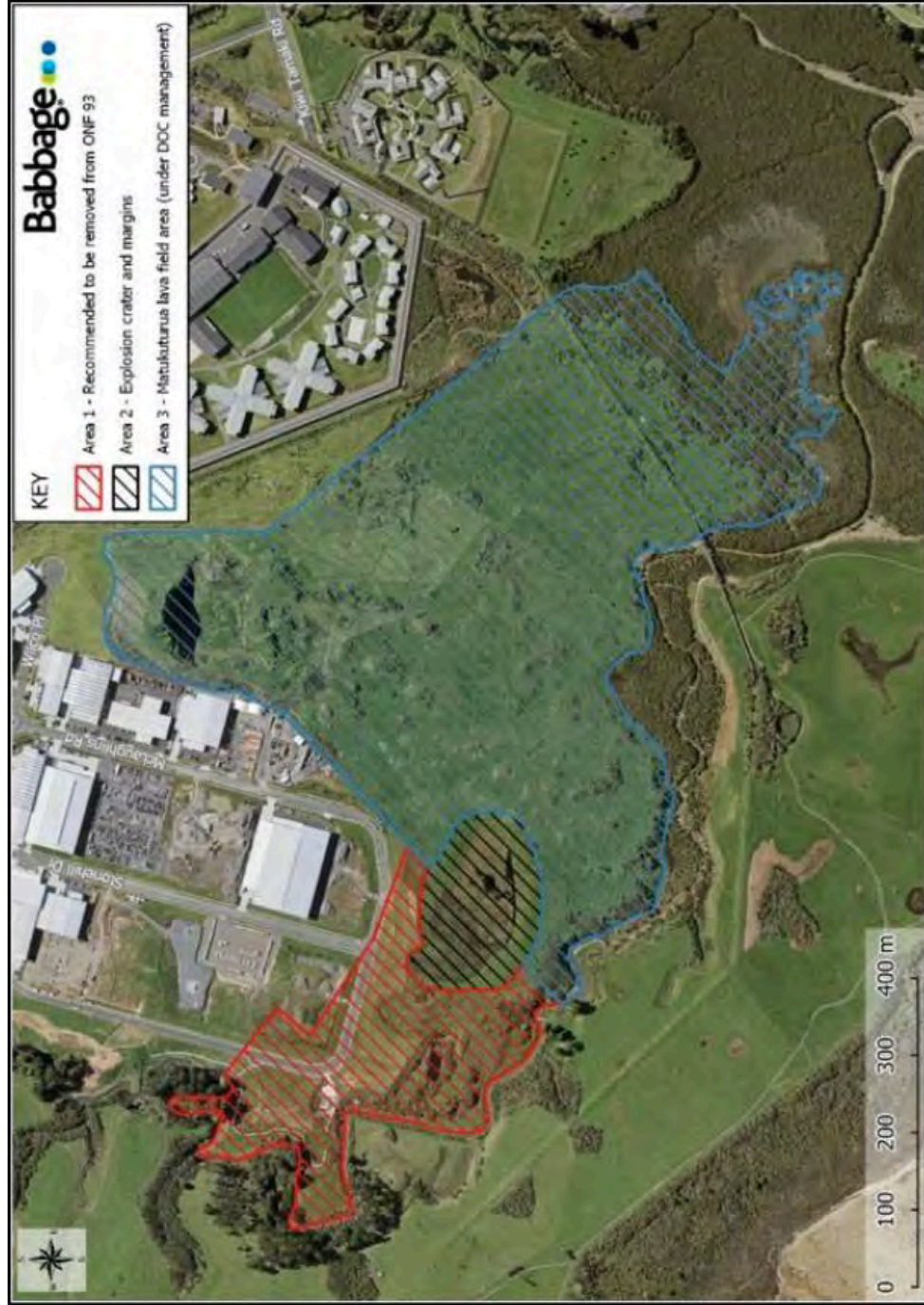
1. Amendment of the ONF boundary to include the entire explosion crater, wetland and tuff ring landform, and in addition, the riparian areas adjacent to Puhinui Creek which are proposed to be zoned Open Space.
2. Amendment of the proposed Open Space zone to include the entire extent of the amended ONF within the plan change area.
3. Removal of building platforms from the ONF in I4.9.1. Wiri Precinct Plan 1, accompanying the precinct provisions.
4. Appropriate planning direction to provide for remediation of any unauthorised earthworks associated with the explosion crater and to restore the original underlying topography and wetland outlet.
5. Any other consequential amendments needed to achieve the preceding items.

**Alastair Jamieson**

Principal Advisor Biodiversity, Auckland Council

**Appendix 1**

Sub-areas within ONF 93 identified in Figure 2 of Geological Evaluation of Outstanding Natural Feature: Matukutureia and Matukuturua Lava Field and Tuff Ring.  
Professor Shane Cronin, February 2019.

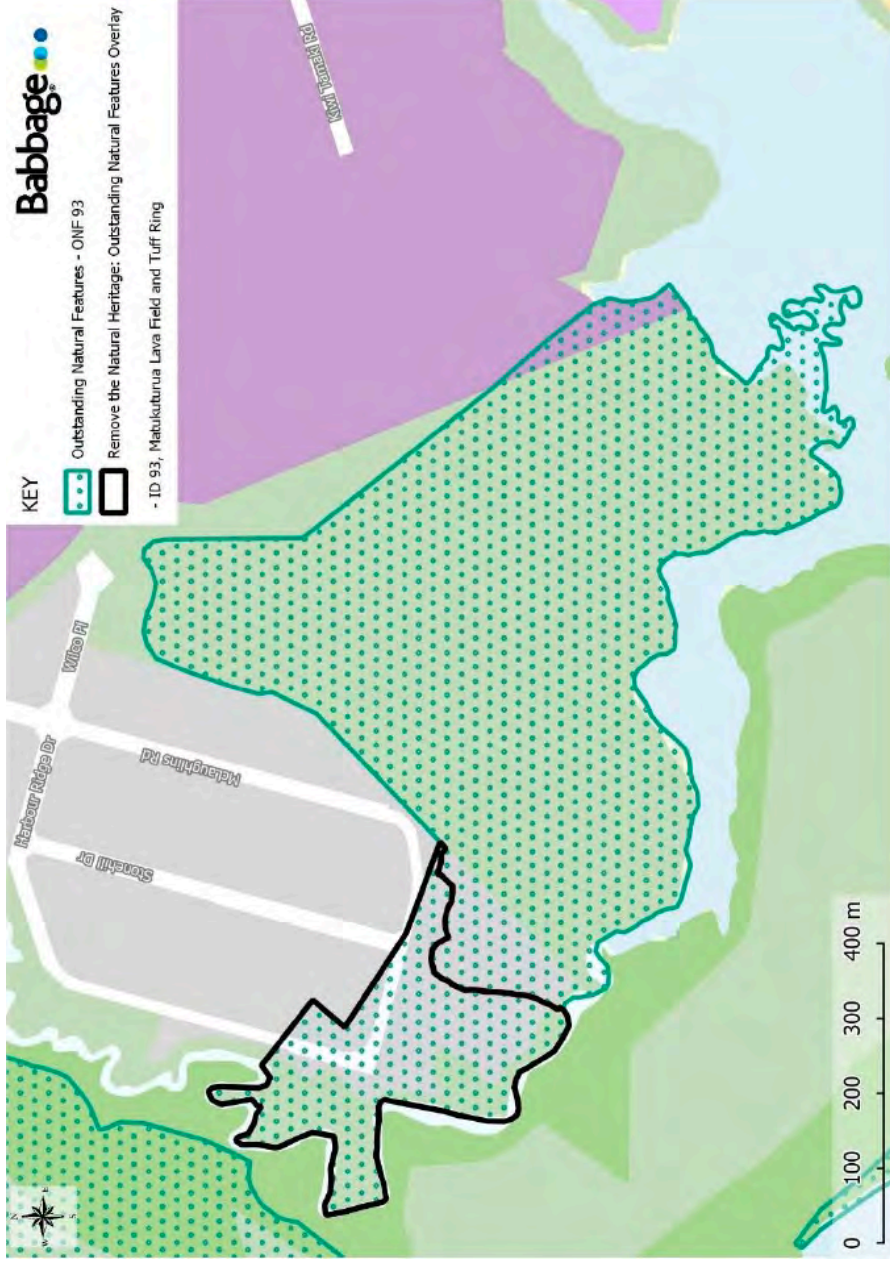




**Appendix 2**

Proposed amendment to the Outstanding Natural Features Overlay (ID 93 Matukuturua Lava Field and Tuff Ring).

From: Private Plan Change Request – Proposed Changes to the Auckland Unitary Plan (Operative in Part): Amendments Proposed by the Applicant in Response to the Submissions, dated 3 March 2021.



### Appendix 3

Memo from Alastair Jamieson to Barry Moseley dated 19 December 2019.

## MEMO

**To:** Barry Moseley

**From:** Alastair Jamieson, Team Manager Specialist Advice - Natural Environment Design, Environmental Services, Auckland Council.

**Date:** 19 December 2019

**Subject:** McLaughlin's Quarry Private Plan Change Request to the Auckland Unitary Plan - Outstanding Natural Feature extent.

Hi Barry,

A private plan change request is being prepared by Babbage Consultants Ltd for Stonehill Trustees Ltd. to change the Auckland Unitary Plan (Operative in Part) as it relates to the site of the former McLaughlin's Quarry located in the Wiri industrial area. Part of the plan change request seeks to amend the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring). Amendments are sought to reduce the mapped extent of the feature (Figure 1) and to change the description of the feature in Schedule 6 Outstanding Natural Features Overlay Schedule of the Unitary Plan.

I mapped the ONF overlay for the Proposed Auckland Unitary Plan, and the mapping for this particular ONF remained unchanged in the Auckland Unitary Plan (Operative in Part). I note that the Brown report (2012) referred to in the plan change request documentation was not used to map the ONF in question here.

I have been involved in various discussions about the ONF aspects of the plan change request, including a site visit to the location with geologist Professor Shane Cronin and Babbage Consultants' planner Sukhi Singh on 11 October 2018 and further meeting with them on 29 October 2018.

Following those discussions, Professor Cronin prepared a geological evaluation report on the ONF<sup>2</sup> and in summary has recommended the following for the ONF 93 sub-areas 1-3 identified in Figure 2:

*Area 1 (part of ONF 93 recommended to be removed)*

- *Area 1 which is currently included as part of ONF 93, has no direct value as a primary geological feature because this area either had no original volcanic cover, or those parts of it that did are highly modified with much of the material removed. Although this area is included as part of ONF 93 in the AUP(OP), its value as a geological feature area is not supported. Overall, this area contains no value as a geological feature characteristic of the Auckland's Volcanic Field. It is recommended that Area 1 be removed from ONF 93.*

<sup>2</sup> Professor Shane Cronin (February 2019) Technical Report 6: Geological Evaluation. Geological Evaluation of Outstanding Natural Feature: Matukutūreia And Matukuturua Lava Field and Tuff Ring. Babbage Consultants Ltd.

*Area 2 (explosion crater and its margins)*

- *Area 2 which is also currently included as part of ONF 93, is an explosion crater and forms a more appropriate western boundary of the ONF 93 due to its geological interest. The feature is part of the distinctive Matukuturua lava field that makes up the eastern part of ONF 93. It is recommended that the western boundary of ONF 93 be realigned along the western margin of the explosion crater (Area 2). This area is partially located within the Plan Change area.*
- *The description of Area 2 within ONF 93, is incorrectly described in Schedule 6: Outstanding Features Overlay Schedule in the AUP(OP) as a “tuff ring”. It is recommended that the description in Schedule 6 be amended to delete the reference to “tuff ring” and be replaced with “an explosion crater”.*
- *Area 2 of ONF 93 is of specific geological interest because the explosion crater comprising Area 2 was formed more than 15,000 years ago by a single steam, or gas – driven, explosion with no magma involved. This represents a rare type of ‘near-miss’ eruption in the Auckland Volcanic Field where magma came close to the surface, but shed only gas and heat to disrupt the surface. This is possibly similar to the events that formed the nearby Puhinui Craters. Due to its unique value, it is recommended that Area 2 be protected, by purchasing it from the current owner and adding it to the contiguous area of the lava field under protection to the east (i.e. the area currently managed by the Department of Conservation).*
- *Area 3 (Matukuturua Lava Field) forms the margin of the Matukuturua Lava Flow, and is located outside the Plan Change area. No changes are recommended to this part of ONF 93.*

**Comments:**

New information about the extent, geological origins and values of parts of the Matukutūreia and Matukuturua Lava Field and Tuff Ring ONF has been revealed as a result of the site visit held on 11 October 2018 and Professor Cronin’s detailed investigations. In particular, the recognition that the supposed tuff ring remnant is in fact an explosion crater is an important finding and increases the uniqueness of the site.

As a result of the site visit, I agree that *part* of Area 1 could be removed from the ONF overlay, as it is more extensive than the actual volcanic geology it is intended to include. However, I disagree with the extent of ONF reduction identified in the mapping of Area 1 proposed by Prof. Cronin.

The margin of the ONF in the site subject to the plan change request was mapped from older published geological maps that show the lava field extends to the margin of Puhinui Stream in this location (i.e. most of Area 1 identified in Figure 2). However, the 2018 site visit and the geological report make it clear that this older mapping is incorrect, and not all of the area is of volcanic origin.

I agree with Prof. Cronin’s reassessment of the origins of the explosion crater now occupied by the small freshwater wetland. As a result, I also agree with the proposed amendment to the description of ONF 93 in Schedule 6 to delete the reference to “tuff ring” and be replaced with “an explosion crater”.

I agree with Prof. Cronin that the explosion crater is of specific geological interest because it was formed by a single steam, or gas – driven, explosion with no magma involved. I agree that due to its unique value, this feature should be protected. I have no comment to add on the suggested mechanism that the land be protected by purchasing it from the current owner, as this appears to be outside the scope of the plan change request.

However, I disagree with the extent proposed to be protected in Area 2, as it does not capture the extent of the geomorphic feature identified as important by Prof. Cronin. In my opinion, the proposed mapping is inconsistent with the other recommendations of the report to protect the feature. I consider the proposed ONF extent revision leaves out important parts of both the landform and associated geological exposures. The geological evaluation report states that an

exposure of volcanic material is present in the banks of the Puhinui Creek (at the location illustrated in Figure 5 of the report).

In my view the ONF boundary on the site subject the plan change request should be mapped to include the entirety of the explosion crater with the wetland and the associated volcanic features. The area to be protected within the ONF should include the raised rim of ejecta surrounding part of the crater and westwards to the bank of Puhinui Stream, including the exposures of breccia in the stream bank and continuing southeast to the property boundary with the DOC reserve. The revised ONF should also include the catchment of the small wetland.

The area on the property that I consider should be retained within the ONF overlay is shown in Figure 3.

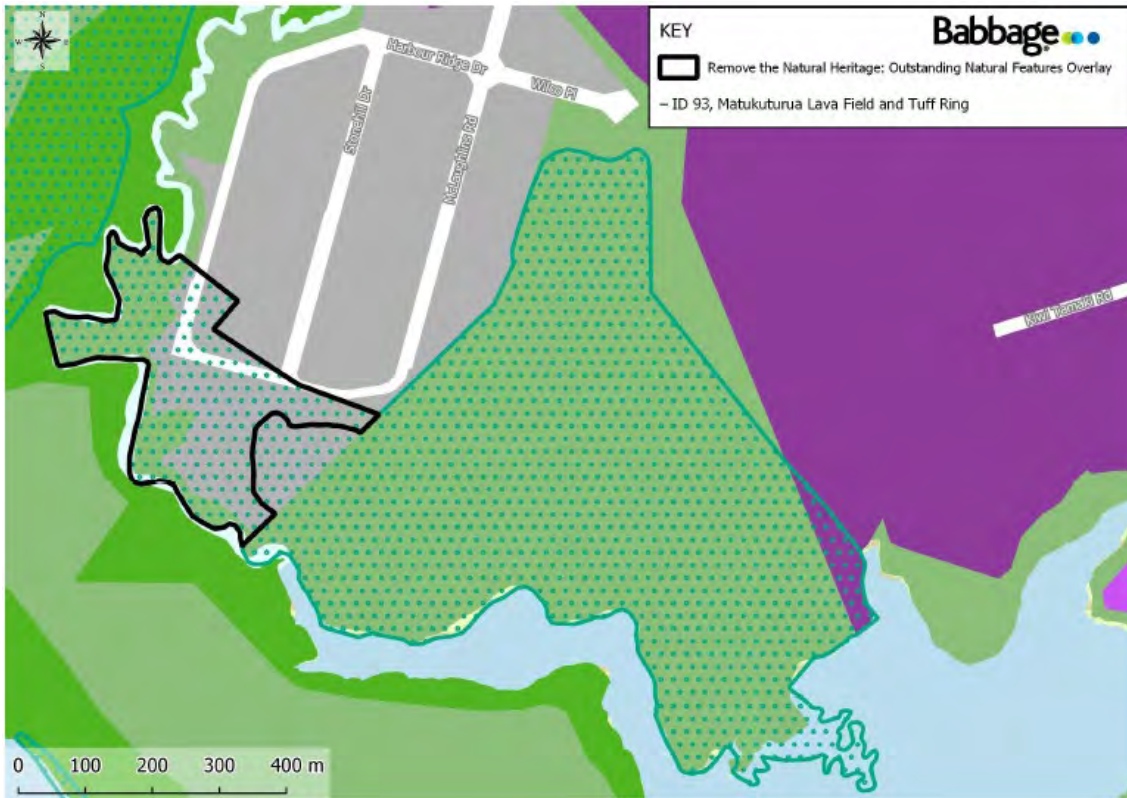
Please let me know if you require further details to assist with your reporting.

Alastair Jamieson.

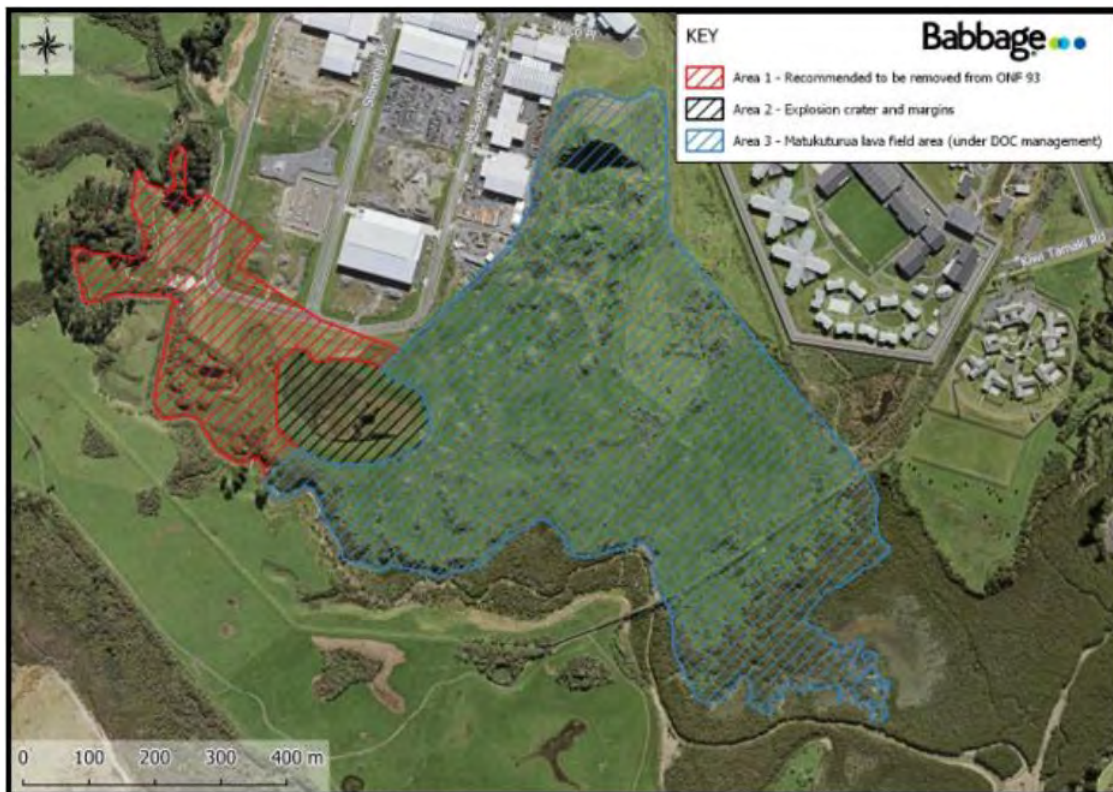
18 December, 2019.



**Figure 1:** Amendment sought to the Outstanding Natural Features Overlay (ID 93 Matukutūreia and Matukuturua Lava Field and Tuff Ring).



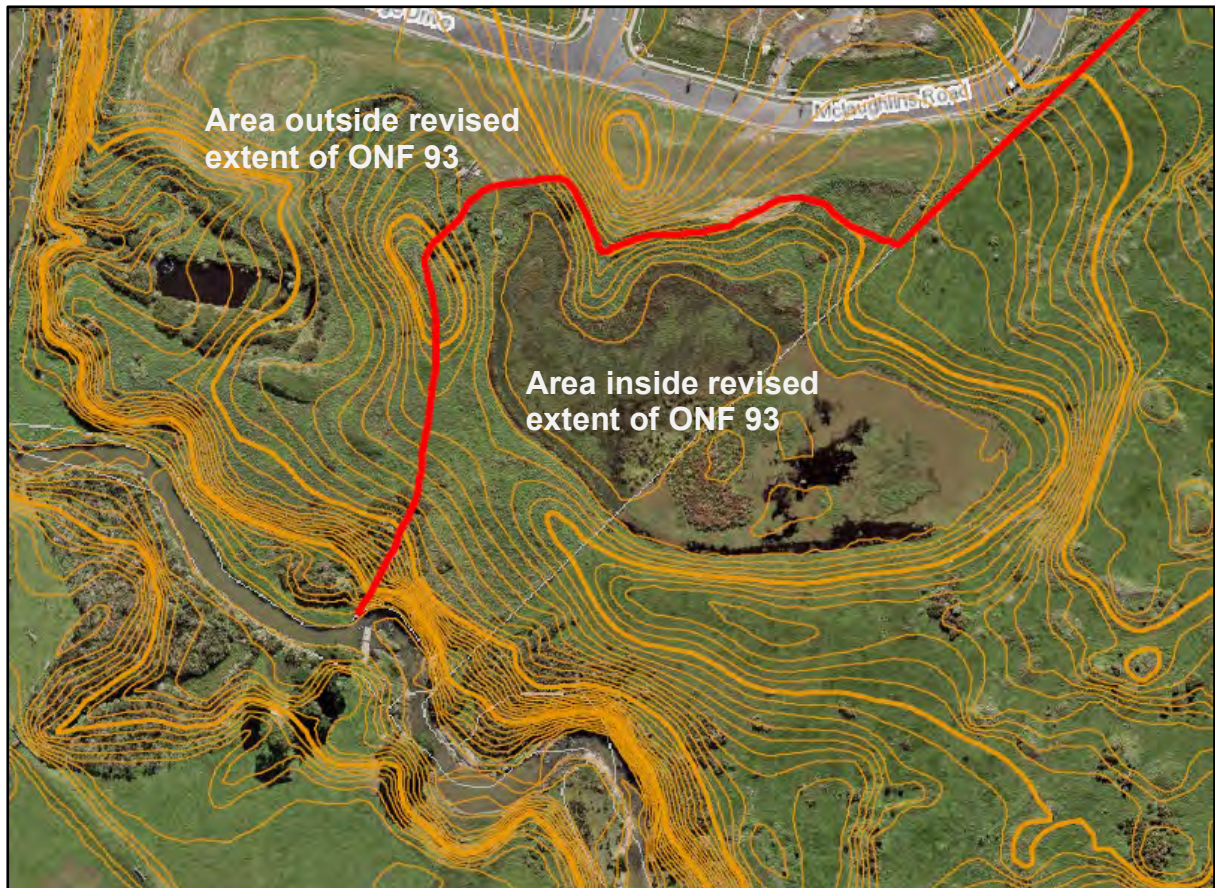
**Figure 2:** Sub-areas within ONF 93 referred to in Prof Cronin's geological evaluation report.





**Figure 3:**

Sketch map of revised ONF boundary (in red) recommended to include the significant explosion crater landform and associated volcanic deposits on the subject property. (At Puhinui Stream the boundary follows the stream south-eastwards to the DOC reserve).





**Appendix 4**

**Aerial photographs of the crater and wetland within ONF 93.**



Aerial photograph of the crater and wetland showing unobstructed wetland drainage path (centre left). 10 August 2008.



Aerial photograph of the crater and wetland showing unobstructed wetland drainage path (top centre). 23 January 2012.





Aerial photograph of the crater and wetland showing wetland drainage path obstructed by earthworks mound at left of wetland (centre). 7 December 2018.

12 March 2020

To: David Wren, Consultant for, Auckland Council

From: Chris Butler, Team Leader Urban Design Unit, Auckland Council

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**Subject: Private Plan Change – PC43 McLaughlin Quarry – Urban Design Assessment**

## 1.0 Introduction

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council in relation to urban design effects. This includes the amendments proposed by the applicant in response to submissions dated 3 March 2021.
- 1.2 Overall, I consider the amendments to the proposed plan change to reduce potential adverse urban design effects and start to address concerns I have with several of the Precinct provisions. Notwithstanding, there remain a number of urban design issues associated with the plan change which are detailed further below.

### Experience

- 1.3 I have over 15 years' experience as an urban designer. After completing my studies, I joined Harrison Grierson Consultants Ltd where I worked as an urban designer for 10 years. In this role I assisted in the preparation of urban design plans and advice for medium density housing, comprehensive super lot designs, structure plans and master plans. This included involvement in preparing a structure plan for the rezoning of rural land to industrial (Takanini Area 6A and 6B) and numerous Crime Prevention through Environmental Design (CPTED) reports assessing the layout and design of new office and industrial developments for Auckland international Airport and Goodman Property Trust<sup>1</sup>.
- 1.4 In November 2015 I joined Auckland Council as a Principal Urban Designer where I was tasked with providing urban design advice on a wide range of resource consent applications across the Auckland region. These assessments related to a range of residential, commercial, mixed use, industrial and subdivision proposals. In my current role as team leader I manage a team of seven urban design experts who provide specialist urban design advice into the resource consents process.
- 1.5 My relevant qualifications include a Master of Urban Design (2006), Master of Planning Practice (2005) and a Bachelor of Arts (2003) all from the University of Auckland.
- 1.6 In writing this memo, I have reviewed the following documents:
  - *McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (operative in Part) – Statutory Assessment Report*, prepared by Sukhi Singh of Babbage Consultants Limited, dated 23 December 2019 (hereon referred to as the applicant's assessment).
  - **Appendix 1** to the applicant's assessment *List of Properties within the Plan Change Area*.
  - **Appendix 3** to the applicant's assessment – *Private Plan Change Request – Proposed Changes to the Auckland Unitary Plan (Operative in Part)*.
  - **Appendix 4** to the applicant's assessment – *Auckland Unitary Plan (Operative in Part) planning Maps – Provisions Applying to the Plan Change Area*.

<sup>1</sup> Multi-Unit Warehouse Development at Percival Gull Place, Auckland Airport, 2012; Building B Central Park Corporate Centre, Godman Property, 2012; Central Park Carpark Greenlane, Goodman Property, 2014; Agility Logistics Office and Warehouse Building, Auckland Airport, 2015.

- **Technical Report 4** – *Archaeological Assessment Report* prepared by Clough & Associates Ltd, dated January 2019.
- **Technical Report 6** – *Geological Evaluation of Outstanding Natural Feature: Matukutūreia and Matukutūrua Lava Field and Tuff Ring*, prepared by Professor Shane Cronin University Of Auckland, dated February 2019.
- **Technical Report 7** - *McLaughlins Quarry Private Plan Change – Landscape Assessment* prepared by Jason Hogan of LA4 Landscape Architects, dated February 2019.
- **Technical Report 8** - *Preliminary Cultural Impact Assessment for McLaughlins Quarry Private Plan Change* prepared by Ngati Te Ata Waiohua, dated April 2019.
- **Technical Report 9** - *Cultural Values Assessment* prepared by Te Ākitai Waiohua for Matukutūreia Quarry Private Plan Change, dated 2019.

## 2.0 Key Urban Design Issues

- 2.1 In my opinion, the key urban design issues relevant to an assessment of this private plan change include:
- a) A lack of testing in regard to potential development outcomes enabled by the precinct provisions and the likely impact of this on the physical and cultural qualities of the site and area.
  - b) A lack of analysis of opportunities and constraints which in turn might inform a more refined approach to Sub Precincts B and C and their respective provisions.
  - c) Buildings in Sub Precinct C have the potential to reduce the visual and physical connectivity and sense of spaciousness currently afforded to the wetland crater when viewed from Harbour Ridge Drive / McLaughlins Road.
  - d) I am not convinced that a permitted activity status for buildings no greater than 50m<sup>2</sup> in Sub Precinct B or C, a controlled activity status for larger buildings greater than 50m<sup>2</sup> gross floor area in Sub Precinct B, or a restricted discretionary activity status for buildings over 50m<sup>2</sup> in Sub Precinct C adequately reflects the sensitivities and complexity of the setting, nor does it afford in my view, the level of oversight necessary to appropriately enforce the provisions of the Precinct.
  - e) The term ‘building platform’ used in I4.9.1 Wiri Precinct Plan 1, in my opinion more accurately reflects a ‘building area’ rather than a building platform and as currently proposed represents a very coarse response to the location of buildings in Sub Precinct B and C.
  - f) I am unconvinced that assessment criteria I4.7.2(d)(ii) - as it relates to building design elements that reflect the values and relationships Mana whenua have with the Puhinui area - is going to be accurately interpreted by future applicants and Council without more direct involvement from Mana Whenua.

## 3.0 Applicant’s assessment

- 3.1 No urban design report was prepared in support of the private plan change. This is not entirely surprising noting the plan change area is largely built out with a near complete street and block pattern.
- 3.2 Notwithstanding, the plan change area and wider surrounds clearly represents a complex and unique tapestry of significant cultural, geological, archaeological, ecological and landscape values. In fact, the assessment prepared by Ms Singh notes that these values require ‘a bespoke set of planning provisions to ensure that this area is developed in a manner that recognises

*these values, and that the development avoids, remedies or mitigates the adverse effects on these values*<sup>2</sup>.

- 3.3 In this context, I consider a broader assessment of the development potential of those parts of the site that are recognised as contributing to a unique physical and cultural landscape would have allowed for a more constructive conversation on firstly the merits of development in Sub Precincts B and C in particular; and secondly, if development is supported in these areas, what suite of measures are required to ensure future development contributes positively to the area and does not undermine the inherent values of the site and surrounds.
- 3.4 This could have taken a number of forms, but as a starting point an opportunities and constraints analysis represented in plan form, would have allowed for a clear and legible appreciation of the various physical and intrinsic layers that are relevant to the plan change area. From this information we can then start to identify what specific areas of the site are more suitable to development than others and to design a suite of precinct provisions around that.
- 3.5 From the documentation I have reviewed, it does not appear that this exercise was undertaken, particularly when considering the broad brush strokes that were applied to I4.9.1 Wiri Precinct Plan 1 and the relevant provisions of the notified plan change. Specifically, the entire area south of Harbour Ridge Drive was characterised as a single Sub Precinct (B) and labelled with a generic 'building platforms' reference. This is despite the clearly sensitive geography and the likely challenges to traditional large footprint industrial and office development in parts of sub precinct B due to the unconventional shape of the respective land area.
- 3.6 In addition, I considered the permitted and controlled activity status applying to development in Sub Precinct B were too permissive, while the matters of control (I4.7.1) and assessment criteria (I4.7.2) for buildings over 50m<sup>2</sup> in gross floor area, made no mention of the Mana Whenua cultural landscape despite the importance of this being clearly documented in the Preliminary Cultural Impact Assessment and Cultural Values Assessment and being a key consideration for the neighbouring Puhinui Precinct<sup>3</sup>.
- 3.7 I am not clear how some of the standards and anticipated outcomes for Sub Precinct C (i.e. height standard of 9m; buildings designed to avoid blank walls fronting Harbour Ridge Drive and walls fronting open space areas to incorporate large extents of glazing), squares with some of the industrial activities enabled in the underlying Light Industry zone (e.g. storage and lockup facilities).
- 3.8 In my opinion this represents a failure to adequately acknowledge and recognise the constraints of the site and potential development outcomes enabled by the provisions. It also downplays the intrinsic value of the existing cultural and physical landscape as an opportunity that could support wider benefits to the plan change area.
- 3.9 A number of reports talk specifically to the visibility and prominence of the crater from McLaughlin's Road<sup>4</sup> and the contribution it makes to local amenity, natural character and landscape diversity<sup>5</sup>.
- 3.10 Recognising the importance of this visibility and profile, I consider the mapping of opportunities for the plan change area could have identified the value in maximising road frontage to open space and the retention of sightlines and physical access to the SEA and wetland area. On both of these points I agree with the comments of Council's landscape specialist Mr Stephen Quin<sup>6</sup>.
- 3.11 There remains a lack of clarity around whether public pedestrian access to open space / wetland areas is encouraged through Sub Precinct B (now B and C), and if so what form it should take. I would argue that as an opportunity, it is preferable to try and secure agreement around the form and type of any pedestrian access at plan change stage (particularly in an industrial zoned area) due to the greater challenges associated with managing edge conditions, safety and legibility.

<sup>2</sup> *McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (operative in Part) – Statutory Assessment Report*, Babbage Consultants Limited, dated 23 December 2019. P.57

<sup>3</sup> I432 Puhinui Precinct. P.2

<sup>4</sup> Geological Evaluation Report, prepared by Professor Shane Cronin University of Auckland, dated February 2019. P. 18.

<sup>5</sup> Landscape Assessment prepared by Jason Hogan of LA4 Landscape Architects, dated February 2019. P.16

<sup>6</sup> Landscape Effects Memorandum, prepared by Stephen Quin and dated 3 March 2021, Paragraph 5.8.

3.12 I agree with the view that there are opportunities to incorporate educational signage within Sub Precinct b and c that talks to the rich history of the site from both a cultural and physical perspective. The Archaeological Assessment Report prepared by Clough & Associates Ltd, recommends that:

*‘Consideration should be given towards additional mitigation in the form of signage on the property relating to the archaeological history of the block, particularly in the area of the esplanade reserve, if this area is to be accessed by the public.’<sup>7</sup>*

3.13 Further to this point, the Geological Evaluation Report talks to the ‘*potential value for description as an aspect of the volcanic history of Auckland*<sup>8</sup>’ and that exposure of part of the breccia rim (e.g., during adjacent development) to preserve an outcrop of the breccia – along with providing public access/visibility.

3.14 In my opinion, there has been limited consideration of opportunities to enhance the visibility and openness of the site, while a plan for allowing public access and documentation of the site history have not been incorporated as meaningful elements of the plan change.

3.15 I have undertaken a review of the amendments to the proposed private plan change as per the *Private Plan Change Request – Proposed Changes to the Auckland Unitary Plan (Operative in Part) – Amendments Proposed by the Applicant in Response to the Submissions, dated 3 March 2021*.

3.16 Overall, I consider the amendments to the proposed plan change go some way to addressing the shortcomings of the notified plan change provisions and will help to reduce the potential for adverse urban design effects. However, there remain several urban design issues which I have outlined in section 2.0 above.

#### **4.0 Submissions**

4.1 I have reviewed all submissions made on the proposed private plan change. I note that none of the submissions refer to urban design specifically, however a number of submissions reflect urban design related issues.

##### Submission 2 – Bruce Hayward on behalf of the Geoscience Society of New Zealand

Mr Hayward raises concerns around the potential impacts of ‘*austere concrete walls of high, overpowering factory buildings*’ on the visibility of the crater and wetland should buildings be developed between the crater and Harbour Ridge Drive.

Mr Hayward goes on to state ‘*A buffer zone is required to protect the visual values of the crater and tuff ring and their connectivity to the volcanic cone. The typical development in the adjacent part of this industrial subdivision has been to erect large high factory buildings. If the relatively narrow strip of modified land between Harbour Ridge Drive and the crater wetland has ONF zoning removed from it, then this will allow for the construction of similar large factory buildings within 15-30 m of the northern edge of the crater floor and these will overpower the aesthetic values of this feature. Leaving this strip within the ONF as a buffer will greatly “enhance” (as per Unitary Plan) the crater and tuff ring’s value and secondly, if and when it becomes reserve, will provide ready public access not only to the crater but to this southern part of the Matukuturua Stonefields Reserve*<sup>9</sup>.

The amendments to the plan change provisions in response to submissions will go some way to addressing the concerns raised by Mr Hayward. Sub Precinct C will have a maximum height limit of 9m while buildings in excess of 50m<sup>2</sup> will require consent as a restricted discretionary activity. As outlined in this memo, I consider further amendments to the precinct provisions are necessary to more clearly direct acceptable outcomes that will minimise any potential adverse effects on Sub Precinct C and surrounds.

<sup>7</sup> Archaeological Assessment Report prepared by Clough & Associates Ltd, dated January 2019. P.36

<sup>8</sup> Geological Evaluation, Professor Cronin, dated February 2019. P.18

<sup>9</sup> Bruce Hayward Geoscience Society of NZ p.14



### Submission 23 - Department of Conservation (DOC)

In a similar theme to the submission of the Geoscience Society of New Zealand, the DOC submission refers to the height of buildings on the boundary of the Matukuturua Stonefields Historic Reserve. *The proposed zoning will result in 15m – 20m tall light industrial buildings and warehouses immediately on the boundary of the Matukuturua Stonefields Historic Reserve. This may result in adverse effects on the amenity values of the reserve, and potentially visual effects on the outstanding natural feature values<sup>10</sup>.*

It is still unclear what an appropriate height for buildings adjoining the Matukuturua Stonefields Historic Reserve is as the applicant has not provided any analysis / visual information to demonstrate what the effects would be.

### Submission 25 – Heritage NZ

The Heritage NZ submission recommends *‘the plan change is amended to provide for interpretation of the historic and cultural heritage of the features within the site and as they relate to the wider cultural heritage landscape within which the site sits’<sup>11</sup>.*

In regard to the submission to provide for interpretation of historic and cultural heritage, it is not clear to me how the applicant has provided for an interpretation of historic and cultural heritage features.

## **5.0 Recommended adjustments to the proposed plan change in response to urban design issues**

5.1 The following adjustments to the proposed plan change are recommended to provide greater clarity and direction in the areas of building design, layout and review of future development across Sub Precincts B and C in particular. The proposed adjustments will also help address urban design effects associated with the proposed plan change.

- a. It is recommended that activity table I4.4.1 be amended to include industrial uses from the underlying light industrial business activity table as follows:

Activity		Activity Status		
		Sub Precinct A	Sub Precinct B	Sub Precinct C
Industry				
A33	Industrial Activities			D
A34	Wholesaler			D
A35	Storage and Lockup Facilities			D

- b. The reference to ‘building platform areas’ on Wiri Precinct Plan 1 be amended to ‘potential developable area’.
- c. That further investigation be undertaken into establishing more clearly defined building platforms or areas in Sub Precinct B and C which better reflect the opportunities and constraints of the site.
- d. Amend the activity status of buildings greater than 50m<sup>2</sup> in Sub-precinct B to a restricted discretionary activity.
- e. Amend the activity status of buildings of no greater than 50m<sup>2</sup> in Sub-precinct B to a controlled activity.
- f. Amend the activity status of buildings greater than 50m<sup>2</sup> in Sub Precinct C to a discretionary activity.

<sup>10</sup> Department of Conservation p.6

<sup>11</sup> Heritage NZ, P.5

- g. Introduce a new assessment criterion under I4.7.A.2 for buildings over 50m<sup>2</sup> GFA:

*'Whether sub precinct (C) is developed in such a way as to provide a generous outlook from Harbour Ridge Drive that is dominated by open space and views of the Matukutureia and Matukuturua lava field and explosion crater rather than buildings or car parks'.*

- h. Introduce the following Special Information Requirements (I4.8):

Development or subdivision of land in Sub Precinct B or C

- (i) Planting and landscaping plan:  
A landscape plan must be submitted showing proposed planting of the site. The landscape plan must include the following information: (i) a schedule of plant species; (ii) planting specifications including the number, size and location of individual trees and shrubs; (iii) planting management plan, including weed management; (iv) the location and design of public amenity features; and (v) retention and enhancement of native vegetation, existing significant trees and natural features and recognition of the plant species once found within the site.
- (ii) A plan showing the location and layout of any proposed public open space and the locations / routes for Mana Whenua and public access.
- (iii) Evidence of consultation with Kaitiaki / Mana Whenua in respect of the external design and appearance of any buildings in excess of 50m<sup>2</sup> in Sub Precincts B and C.

## 6.0 Conclusions

Whilst I support the Light Industrial zoning and proposed provisions for Wiri Sub Precinct A, I retain concerns over the assessment and level of information provided to support the rezoning and development of Sub Precinct B and C. In particular, I am concerned that the plan change does not adequately address potential development outcomes that may negatively impact on the physical and cultural amenity of the area. In response, I have identified a number of modifications in Section 5.0 of this memorandum that if incorporated I would be in a position to support the proposed plan change.

**Chris Butler**

Team Leader Urban Design Unit, Auckland Council

To David Wren, Consultant for Auckland Council  
From Wes Edwards, Consultant for Auckland Council  
Date 17 February 2021  
Ref 101109  
Subject **Technical specialist report to contribute towards Council's section 42A hearing report  
Private Plan Change – PC43 McLaughlins Quarry – Transport Assessment**

## 1.0 Introduction

- 1.1 I have undertaken a review of the private plan change, on behalf of Auckland Council, in relation to transport effects.
- 1.2 I am a Transportation Advisor and Director of Arrive Limited, a specialist traffic and transport consulting practice. I hold a New Zealand Certificate in Civil Engineering, and a Bachelor's degree in Civil Engineering. I am a Chartered Professional Engineer and an International Professional (APEC) Engineer. I am a Chartered Member of Engineering New Zealand, and a Member of the Institute of Transportation Engineers. I have completed the Ministry for the Environment *Making Good Decisions* programme.
- 1.3 I have 34 years of engineering experience with 29 of those years as a specialist traffic engineer. I have experience in traffic matters associated with resource management, including resource consents, plan changes and notices of requirement; experience in the design of traffic infrastructure and facilities such as roads and intersections; and in road safety engineering, structure planning, subdivision design, street design, and traffic modelling.
- 1.4 In writing this memo, I have reviewed the following documents:
- Statutory Assessment Report, Babbage, 23 December 2019
  - Plan Change Request (Appendix 3 of Statutory Assessment Report)
  - Integrated Transportation Assessment Report, Stantec, 18 July 2019
  - Submissions and Further Submissions relating to transport
  - Technical Memorandum, Stantec, 2 September 2020
  - Letter to Council, Auckland Transport, 14 September 2020.

## 2.0 Key transport issues

- 2.1 The land use activities enabled by the proposed change to the Unitary Plan are not particularly unusual or unique with respect to transport and are not high-intensity traffic generating activities. The proposed change does not seek to introduce any precinct-specific measures relating to transport.
- 2.2 The key transport issue in this case is the ability of the future road network to accommodate the volume of traffic movements generated by activities enabled by the proposed changes cumulatively

with other development that is expected to occur. In the local environment, that issue is focussed on the ability of a small number of intersections to accommodate the increased volumes of traffic, particularly considering the planned development of the Puhinui Precinct to the north.

### 3.0 Applicant's assessment

#### The transport environment

- 3.1 The applicant's transport assessment is primarily contained in the Integrated Transportation Assessment [ITA] report published 18 July 2019 by Stantec. The technical memorandum [TM] issued by Stantec on 2 September 2020 summarises the ITA assessment, discussion between the applicant and Auckland Transport [AT], and additional assessment completed by Stantec in response to AT's submission.
- 3.2 The ITA describes the existing transport environment, informed by two traffic counts undertaken during peak hours in November 2018. The ITA also describes the road safety history of the area and describes provision for walking, cycling, and public transport.
- 3.3 The ITA considers "the subject area is not currently well served by public transport services", and I agree with that statement.
- 3.4 The plan change area and other sites along McLaughlins Rd to the north currently have a single connection to the remainder of the road network via Vogler Drive and the Vogler Dr/ Roscommon Rd/ Puaki Dr intersection.
- 3.5 The ITA recognises that the Puhinui Precinct (Unitary Plan Chapter I432) is nearby and development within that area is dependent upon several transport infrastructure projects being completed. These are discussed further below.
- 3.6 While the ITA acknowledges that the Puhinui Precinct projects may be implemented at some point in the future, it provides no other description of the future transport network, and provides no data on historic traffic growth or projections of traffic volumes in the future.
- 3.7 The ITA notes that development accessed from Puaki Drive is expected to occur soon as resource consents have been granted but does not include traffic from such development in its analysis.

#### Trip generation and distribution

- 3.8 The ITA assessment estimates the trip generation of activities enabled by the proposed changes based on a land-area-based pro-rata application of traffic volumes counted at the southern end of McLaughlins Road in 2018, making allowance for land that was not in use at that time.
- 3.9 The ITA calculation is based on a total plan change area of 34 hectares. The TM updates the calculation for a revised proposed development area of 31.2ha. The applicant's Statutory Assessment Report [SAR] describes the land areas proposed to be rezoned for development as an Area A of 20.87ha and an Area D of 3.39ha, totalling 24.26ha. It is assumed the ITA has used a gross area measurement that includes roads and reserves, and the SAR has used a net area measure that exclude those areas.
- 3.10 The TM also describes resource consents that allow development of 28 hectares of land within the plan change area and calculates the traffic volumes that would be expected from future development of that land under the existing consents.
- 3.11 The following table summarises the total peak-hour trip generation for each scenario:

Table 1: Summary of Actual and Estimated Trip Generation from ITA and TM

Scenario	AM Hour	PM Hour
Developed at Nov 2018 (21ha)	260	318
Consented Development (28ha)	347	424
Plan Change Request (31.2ha)	387	473

- 3.12 Compared with the consented baseline the traffic arising from the plan change represents peak-hour increases of 40 veh/h in the AM peak hour and 48 veh/h in the PM peak hour.
- 3.13 This methodology for predicting the changes in traffic volume likely to be generated by the plan change area is dependent on the future development being consistent with the development that has occurred to date. That development and the provisions of the consents contain activities that appear to be generally consistent with the Business-Light Industry Zone [B-LIZ]. This dependency is tempered by the relatively small area that is yet to be developed, so the trip generation methodology and estimate are reasonable.
- 3.14 The proposed change seeks to rezone several areas. Area A is the area covered by existing consents where the zone is to be changed from Quarry Zone to Business-Heavy Industry Zone [B-HIZ]. The other areas where development would be enabled include a small area to be zoned B-HIZ, with most of the currently undeveloped area to be zoned B-LIZ.
- 3.15 The estimated traffic volumes arising from the proposed rezoning would increase traffic volumes at the southern end of McLaughlins Road by 49% compared with the volumes counted in 2018, and by 11.5% compared with estimated volumes from completion of the consented development.
- 3.16 The methodology for distributing the traffic to the various turns at the Roscommon/ Vogler intersection is not stated but is consistent with a pro-rata calculation using the counted turning movements.
- 3.17 When the additional traffic volume from the plan change area reaches the Roscommon/ Vogler / Puaki intersection it represents a smaller proportion of the existing volumes due to traffic from activities elsewhere in the area. The following table summarises the changes in turning volumes at the intersection using a pro-rata distribution based on the 2018 counts.

Table 2: Changes to intersection turning volumes at Roscommon/ Vogler/ Puaki

Approach	Turn	Change from 2018 Count				Change from Consented			
		AM		PM		AM		PM	
Vogler	L	+29	(21%)	+67	(22%)	+9	(6%)	+20	(6%)
	R	+15	(20%)	+44	(22%)	+5	(6%)	+14	(6%)
Roscommon N	R	+54	(15%)	+31	(16%)	+17	(4%)	+10	(5%)
Roscommon S	L	+29	(14%)	+13	(16%)	+9	(4%)	+4	(4%)
<b>Total</b>		<b>+127</b>		<b>+155</b>		<b>+40</b>		<b>+48</b>	

## Effects on transport network

### Existing network

- 3.18 The ITA assesses the performance of the Roscommon/ Vogler / Puaki intersection using software models of the intersection for each peak hour. Inputs to the models included traffic movements surveyed in 2018 and the additional traffic volume from the plan change area. The output from the models shows a minimal reduction in performance in each peak hour.
- 3.19 The TM compares the plan change traffic with the consented baseline and concludes that the increase would result in any one turn at the intersection experiencing one or two additional vehicles each signal cycle (during peak periods a traffic signal cycle could be in the order of 2 to 2.5 minutes

long). The TM states that this is within the daily fluctuation in peak hour traffic flows and “does not warrant further specific assessment.”

- 3.20 The assessment of the 2018 transport network provided in the ITA is reasonable. The impact of the plan change on the 2020 transport network is likely to be slightly worse because of traffic growth over the intervening period.

#### Future network

- 3.21 No objective analysis of any future transport network has been provided by the applicant.
- 3.22 The ITA does not assess the impact of the proposed changes on the future transport network as no allowance is made for:
- a) traffic growth that has occurred since 2018, or growth that would normally occur in the future.
  - b) traffic volumes added by consented development in Puaki Drive.
  - c) changes to traffic volumes arising from the new connection to Puhinui Road (SH20B).
  - d) traffic volumes added by development of the Puhinui Precincts.
- 3.23 The TM addresses the future road network by noting that the small number of additional vehicle movements compared with the consented baseline would “represent significantly less than 1% of the total future volumes on these roads. This is well within the daily fluctuation in peak hour traffic at the Roscommon Road/Vogler Drive intersection” As such no traffic modelling is warranted at this stage. The trip generation effects of PPC43 is therefore negligible within the context of the future road network incorporating additional public road connections between the PPC43 land and wider elements of the primary road network.”

## 4.0 Assessment of transport effects and management methods

### **Puhinui precinct**

- 4.1 As noted above, development within Puhinui Sub-Precincts D and E is dependent on four transport infrastructure projects. As defined in Unitary Plan Standard I432.6.1.2(1) those projects are:
- a) a new double lane roundabout on SH20B that provides localised widening on the SH20B approaches to allow for two circulating traffic lanes. The roundabout should include a free eastbound through movement for SH20B traffic.
  - b) an additional southbound right turn lane from Roscommon Road (north) into Vogler Drive.
  - c) a new road connection between SH20B (Puhinui Road) and McLaughlins Road; and
  - d) widening improvements on the Puhinui Road approach to the SH20/Puhinui Interchange.
- 4.2 These projects provide a new link between McLaughlins Road and Puhinui Road (State Highway 20B [SH20B]) via a bridge over Puhinui Stream. This link would increase the resilience of the road network near the plan change area by providing a second connection to the wider network.
- 4.3 The Auckland Regional Land Transport Plan 2018-2028 [RLTP] includes these projects under the name “Infrastructure Supporting Development around Puhinui corridor”, describing the project as “Provision for new grade separated interchange and new bridge linking into McLaughlins Road to Price Road and associated bus priority improvements along Puhinui Road. May be provided in part by



NZTA". The project has an indicative project cost of \$115.9 million and is "Unfunded." This project is separate from the improvements to SH20B that are currently in progress.

- 4.4 I have been informed that a resource consent for the bridge over Puhinui Stream has recently been granted and would provide for a connection between the southern end of Prices Road and McLaughlins Road a short distance north of Balemi Way.
- 4.5 The remaining parts of Standard I432.6.1.2, with respect to Sub-Precincts D and E:
  - a) Limit the cumulative peak-hour trip generation of the 198.4ha area to 1,035 vehicle movements, a threshold that would result in significantly less traffic than typically generated by industrial land.
  - b) Provide for additional traffic movements over that limit if detailed transport assessments demonstrate that specific transport network performance criteria would be met.
- 4.6 These additional assessment provisions are intended to ensure that an adequate level of service is maintained along the Southern Gateway Connection (SH20B) between the airport and the South Western Motorway (SH20). This standard indicates that even with the new road connection that the transport network in the area has limited capacity during peak hours.

#### **Effects on future transport environment**

- 4.7 Where the transport network has ample spare capacity, a small additional traffic volume would typically produce a small effect. Where the demand on the transport network is close to, or exceeds, the available capacity, small increases in traffic volume can have an inordinately large impact on the performance of the network.
- 4.8 The impact of additional traffic volume at an intersection also depends on the movements involved, as some movements are critical for traffic signal timing and others are not. At the Roscommon/Vogler intersection the right turn movements in and out of Vogler Road are likely to be critical for traffic signal timing. As the signal-controlled intersections along this part of Roscommon Road are likely to be coordinated, particularly during peak periods, there is some potential for poorer performance of this intersection to adversely impact on flow along the Roscommon Road corridor if this intersection is or becomes the most critical intersection on the corridor.
- 4.9 The proposed changes are expected to increase the volume on the right turn movements by 5 or 6% compared with the consented baseline.
- 4.10 With the new road connection to Puhinui Road in place, some traffic generated by the plan change area would use that connection and Puhinui Road (SH20B). As highlighted by the Puhinui Precinct provisions, traffic using that connection has the potential to adversely impact on travel along SH20B, so methods have been included in the Unitary Plan for those Puhinui Sub-Precincts to manage those effects.
- 4.11 New traffic generated by the proposed plan change using the connection to SH20B would contribute to the same adverse effects on but as the plan change request has no transport provisions, additional development in the plan change area would not be subject to management methods like those in the Puhinui Precinct.
- 4.12 As noted earlier, development within Area A is similar to what could be developed under existing consents, so it is principally Sub-Precinct B that would produce trip generation above the consented baseline.
- 4.13 For reference, the 48 additional vehicle movements likely to be generated by the plan change in the PM peak hour is 5% of the Puhinui trip generation cap. A 5% increase in trip generation is potentially

at the level where it could have an effect that is more than minor, depending on which turns are involved at which intersections.

- 4.14 It is important to consider the development enabled by the proposed changes to ensure that the additional development does not compromise the ability of the road network to accommodate the development already enabled by the Unitary Plan in Puhinui Sub-Precincts D and E.
- 4.15 Upon enquiry, the transport assessments and information used to determine the effects of developing the Puhinui Precinct, and to determine the trip generation cap, took development within the McLaughlins Quarry area into account. The assessment made an allowance for completion of development in Area A, and that allowance was larger than the more recent projections of traffic volume likely to eventuate from completion of development in Area A and development of the new Area B.
- 4.16 As a result, there is expected to be sufficient reserve capacity in the local road network to accommodate the small amount of additional development proposed, without reducing the ability of the road network to accommodate development of the Puhinui Precinct.

## 5.0 Transport Policy

### National policy statements

- 5.1 The National Policy Statement on Urban Development 2020 [NPS-UD] obliges Council to take several matters into account when deciding to zone land. Council is required to provide sufficient development capacity for business land, and that development capacity must be “infrastructure ready”.
- 5.2 The NPS has requirements for short term (3 years), medium term (3 to 10 years), and long term (10 to 30 years). With respect to the short term, development capacity is infrastructure-ready if there is adequate existing development infrastructure. For medium-term capacity funding for adequate infrastructure is to be identified in a long-term plan.
- 5.3 Council must also be satisfied that additional infrastructure (not controlled by Council) to service the development capacity is likely to be available.
- 5.4 There is likely to be adequate transport infrastructure in place in the short term, or until the Puhinui projects and development occur.
- 5.5 When considering the medium term, some additional transport infrastructure is identified in a long-term plan, but it is not funded. It is possible that infrastructure may be adequate to service the proposed change, but no evidence of that has been provided. If the additional infrastructure is not provided no significant development of the Puhinui Precinct could occur, and in that case there would be adequate infrastructure in place to serve development of Area B.

### Auckland Council Regional Policy Statement

- 5.6 The Auckland Council Regional Policy Statement [ACRPS] Transport chapter sets out several policies and methods.
- 5.7 Method 4.4.2.1(i)(a) seeks to integrate land use and transport planning by plan provisions that enable development to be serviced efficiently by public transport, walking and cycling. The plan change area has reasonable walking and cycling connectivity internally, but external walking and cycling connections are poor due to the relative isolation of the area. As noted in the applicant’s ITA the area is poorly serviced by public transport.

## 6.0 Submissions

6.1 Two submissions raise transport-related issues.

### **Auckland Transport**

6.2 As set out in the Summary of Decisions Requested [SDR], Auckland Transport (submission 14) sought to approve the request if:

- a) *Sufficient information is provided to satisfactorily enable determination of the effects of the proposal. and*
- b) *Necessary modifications are made to the proposed rezoning or Wiri Precinct to adopt appropriate transport network (or other) mitigation. Further assessment within the Integrated Transport Assessment should be made to consider the cumulative impact on the Vogler Drive/Roscommon Road intersection relative to the Plan Change and existing zoned or consented development.*

*In particular the following zoned or consented transport effects should be included when considering the operation of the Vogler Drive/Roscommon Road:*

- a) *Adequacy of factoring existing traffic volumes of the current development to obtain forecast Plan Change demands, noting that the current development is not yet 100% occupied.*
- b) *Traffic volumes associated with full build out of the Wiri North2/Puaki Drive area including the timing of construction of the Langley Road/Wiri Station Road access to the site.*
- c) *Traffic volumes (up to and above) 1,035 vph arising from the construction of new road/bridge link between the Puhinui Precinct and McLaughlins Road (connecting to the Vogler Drive/Roscommon Road intersection).*

6.3 In a letter to Council dated 14 September 2020, Auckland Transport advised that discussion with the applicant summarised in the Stantec TM had clarified and addressed the issues raised in the submission. Auckland Transport advised that if there were no further changes to the proposed provisions it did not need to be heard, but the submission was not withdrawn.

### **Reading Properties Manukau Limited**

6.4 Reading Properties Manukau Limited (submission 20) seeks that:

- a) *the applicant provide further information which demonstrates that the traffic generation associated with the proposed rezoning of the Plan Change area can be sustained by the existing and future road network, having regard to both the approved and envisaged transport infrastructure that will service the Puhinui Precinct, and not compromise the outcomes envisaged by the zoning of that land in terms of its forecast traffic generation characteristics.*
- b) *in the absence of (a) being satisfied, the Plan Change be refused.*

6.5 The applicant has advised that the information provided to Auckland Transport has also been provided to this submitter.

## Issues raised

- 6.6 Submitters raised a few issues which can be summarised as requesting an assessment of effects on the future transport environment, including the development provided for by the active zoning in the Puhinui Precinct.
- 6.7 As noted above, the development enabled by the proposed changes is expected to generate traffic that would use the same routes that will be used by development in Puhinui Sub-Precincts D and E. Those Sub-Precincts are subject to traffic management methods intended to preserve adequate operation of SH20B in a transport environment with limited capacity.
- 6.8 To date, the applicant has not addressed the impact on the future road network beyond stating the increase in traffic volumes would be small.
- 6.9 Analysis for assessment of the Puhinui Precincts made allowance for development of McLaughlins Quarry to be completed, and that allowance is higher than the more recent projections of future traffic volume from development of the entire plan change area. As a result, there is likely to be sufficient reserve capacity in the road network to accommodate the additional development in the plan change area with Puhinui Precinct developed.
- 6.10 On that basis the impact of the proposed change on the transport environment is likely to be minimal.

## 7.0 Conclusions and recommendations

- 7.1 The applicant has adequately predicted the likely trip generation arising from development enabled by the plan change.
- 7.2 The assessment of effects on the 2018 transport environment is adequate, and the effects on the current road environment are likely to be similar.
- 7.3 The assessment of the change on the future transport environment is poor. The analysis makes no allowance for consented development or traffic growth. The plan change land will utilise the same future road network as Puhinui Sub-Precincts D and E. The latter land is subject to Unitary Plan standards intended to manage adverse effects on the transport environment due to the environment having limited capacity during peak periods.
- 7.4 Due to assessments for the Puhinui Precinct making a generous allowance for additional traffic from the McLaughlins Quarry area there would be sufficient reserve capacity in the road network to accommodate development of the plan change area without significantly reducing the ability of the network to accommodate development of existing zoned areas. On that basis the impact of the proposed change on the transport environment is minimal.
- 7.5 To conclude, I support the private plan change.

To David Wren, Consultant for Auckland Council  
From Wes Edwards, Consultant for Auckland Council  
Date 4 March 2021  
Ref 101109  
Subject **Addendum to Technical specialist report to contribute towards Council's section 42A report Private Plan Change – PC43 McLaughlins Quarry – Transport Assessment**

- 1.1 This memorandum is an addendum to the earlier specialist report and addresses the proposed amendments to PC43 circulated by the applicant on 3 March 2021.
- 1.2 With respect to transport, the amendments modify the zoning for sub-precinct A from Business-Heavy Industrial to Business Light Industrial. Sub-precinct A is the area of land which has largely been developed in accordance with an earlier resource consent.
- 1.3 Both zones provide for a variety of industrial activities with a range of trip generating potential.
- 1.4 Broadly speaking, I would expect Light Industrial land to be more likely to have office space and other activities with a higher trip generating potential such as fast food, factory shops, and trade suppliers. Light Industrial land is also more likely to have large warehouses which typically have few staff and a lower trip generating potential which would largely offset the higher potential from the other activities.
- 1.5 Heavy Industrial land is more likely to accommodate manufacturing activities and no warehousing. The trip generating potential depends largely on the type of manufacturing and the number of employees. This is usually not known at the time of rezoning.
- 1.6 In short, it is difficult to make much distinction between the two zones with respect to trip generation.
- 1.7 In the case of sub-precinct A, the land is largely already developed, so any change in zoning is unlikely to have any significant impact on trip generation. Given the location of the land, the area is unlikely to attract any significant volume of higher trip generating activities like fast-food outlets, or trade suppliers.
- 1.8 To conclude, in the case of sub-precinct A, a zoning change from Heavy Industrial to Light Industrial is unlikely to make any significant to the traffic volumes generated by the land. On that basis, the conclusions and recommendations in the earlier specialist report are considered to remain valid.

## Technical Memo – Ecology

To:	David Wren, Planning Policy Research
From:	Ebrahim (Ebi) Hussain, Senior Ecologist, Environmental Services Melinda Rixon, Senior Ecologist, Environmental Services
Date:	05/03/2021

Applicants Name:	McLaughlin Quarry Private Plan Change
Application Number:	Plan Change 43
Application Type:	Private plan change to rezone approximately 28 hectares of land from Quarry Zone to a mixture of Heavy Industry, Light Industry and Open Space Zones
Site Address:	79 McLaughlins Road, Manukau (1701)

### Summary of proposal

This private plan change aims to rezone approximately 28 hectares of land forming part of the former McLaughlin's Quarry (located in the Wiri industrial area) from Quarry Zone and Open Space to a mixture of Light Industry and Open Space Zones; introduce a new Wiri Precinct; and amend the boundaries of the Outstanding Natural Features Overlay and Significant Ecological Area Overlay applied to the site at 79 McLaughlin's Road (Wiri).

The plan change area is divided into Sub-precinct A, B & C. The ecological concerns are largely within Sub-precinct B & C as these areas contains a regionally significant wetland, two intermittent streams and is subject to the Significant Ecological Area (SEA\_T\_8443 and SEA\_T\_612) overlay. The proposal aims to facilitate the reclamation of the two intermittent streams and amend the SEA\_T\_8443 boundary.

### Assessment against National Policy

The current application does not satisfy the National Policy Statement for Freshwater Management (NPS-FM) effects management hierarchy which states that in relation to natural inland wetlands and rivers an approach is needed to manage the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) and requires the following:

- (a) adverse effects are avoided where practicable; and
- (b) where adverse effects cannot be avoided, they are minimised where practicable; and
- (c) where adverse effects cannot be minimised, they are remedied where practicable; and
- (d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and
- (e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and
- (f) if aquatic compensation is not appropriate, the activity itself is avoided

The proposal does not provide detailed descriptions of all proposed activities and their associated actual/potential environmental impacts. A comprehensive mitigation plan that explicitly discusses the mitigation strategy used to address each of the itemised environmental effects have not been provided. According to the NPS-FM and the National Environmental Standards for Freshwater (NES-FW) the applicant needs to demonstrate that there is no foreseeable further loss of extent of natural



inland wetlands, their values are protected, and their restoration is promoted. Under the NES-FW any activity resulting in alteration to the hydrology or water supply (runoff) to the wetland is a non-compliant or restricted discretionary activity. Any activity resulting in a partial or full drainage of a wetland is a non-compliant or restricted discretionary activity.

The current proposal does not adequately discuss how the long-term maintenance of wetland extent and values will be managed. Additionally, the impacts assessment does not fully quantify the effects of the proposed development on the wetland. This means mitigation strategies cannot be accurately prescribed or assessed. In terms of promoting restoration, the current proposal only refers to buffer planting around the wetland margin and makes no mention of restoring the historic hydrology or wetland fauna values.

The NPS-FM asks for enhancement of threatened species habitat and threatened freshwater bodies however the proposal has not adequately demonstrated how this policy intention will be achieved. The restoration of fauna values is not discussed in the proposal and habitat creation is not explicitly mentioned. Additionally, both ecological assessments did not provide a detailed assessment of threatened aquatic fauna within the area.

The plan change area is outside the coastal marine area however due to the nature of the landscape and downstream connectivity with the coastal marine area the objectives of the New Zealand Coastal Policy Statement apply. As is stated in the Department of Conservation submission.

The objectives and policies in the New Zealand Coastal Policy Statement and the Draft National Policy Statement for Indigenous Biodiversity strongly align with the current NPS-FM and reflect the need to maintain and enhance sensitive environments.

Overall, the current proposal does not demonstrate adequate alignment with the environmental objectives set out in the national policies mentioned above.

### **Comments on PPC 43, Puhinui & Wiri precinct provisions**

The following PPC 43 precinct provisions explicitly focus on environmental outcomes:

14.2. Objectives (2) - The natural character and ecological values of Puhinui Creek and wetland (SEA\_T\_8443) are maintained and enhanced.

14.3. Policies (3) & (4) - Require planting of native vegetation along the riparian margins of Puhinui Creek. Require planting of appropriate vegetation within the wetland margin areas (of SEA\_T\_8443) having regard to the wetland's hydrological and ecological functions, and the status of the wetland as an Outstanding Natural Feature.

Standard 14.6.5. - Achieve areas of continuous indigenous vegetation within the riparian margin areas taking into account restoration of riparian margins, extension of existing ecological corridors and enhancement of existing vegetation. 14.6.5(1) requires areas identified as Riparian Margin Areas in Wiri Precinct Plan 1 to be planted with locally sourced indigenous species in general accordance with Appendix 16 of the AUP:OP Guidelines for Native Vegetation Plantings.

Standard 14.6.6. - Achieve planting of appropriate vegetation within the wetland margin areas having regard to both the hydrological and ecological function of the wetland, and the status the wetland as an outstanding geological feature. 14.6.6(1) requires areas identified as Wetland Margin Areas in Wiri Precinct Plan 1 to be planted in accordance with a Wetland Margin Planting Plan prepared by an ecologist. The Wetland Margin Planting Plan must include appropriate indigenous wetland buffer species composition and densities for planting in the emergent, littoral and terrestrial zones and must be in general accordance with Appendix 16 of the AUP:OP Guidelines for Native Vegetation Plantings.

The Puhinui Precinct Plan and Sub-precinct Objectives state that subdivision, use and development is managed in a way that avoids, where practicable, adverse effects on Significant Ecological Areas and water ways. Objective 4 of the Puhinui Precinct Plan emphasises the directive to maintain and enhance water quality within the Puhinui catchment. Policy 3 of the Puhinui Precinct Plan requires buildings to be set back from streams and encourages retention of streams and native landscaping along riparian areas. Puhinui Precinct I432.6.3 (2) & (3) Yards – require a 10 m planted riparian yard around permanent and intermittent streams. To ensure freshwater values are maintained and enhanced within the Puhinui Precinct Table 0.4.1 – Precinct-wide activities (A1) states that stream reclamation in Sub-precinct A and the Puhinui Precinct plan 2 – streams area is a non-complainant activity. The enhancement of the Puhinui Creek and wetland (SEA\_T\_8443) are also reflected in the Wirir Precinct Plan policies I4.3 (3) & (4) that require planting the of native vegetation along the stream and the wetland.

The PPC 43 precinct provisions mirror the riparian enhancements of the Puhinui and Wiri Precinct Plans and, clearly state the intention for the precinct and the wider Wiri area is to plant the riparian margins of the wetland and the Puhinui Creek. The aim of this planting is to maintain and enhance the ecological value of these areas. As such the applicant is required to undertake this riparian planting by virtue of the policies and objectives in the proposed precinct plan and the Puhinui Precinct plan. This means that any proposed riparian planting cannot be used as mitigation for the proposed activities on site. Any proposed mitigation must be in addition to the required planting outlined above.

The PPC 43 Precinct activity table I4.4.1(A2) allows for the reclamation of the two intermittent streams within the Sub-precinct B as a discretionary activity. Strong discretion must be given toward this activity as reclamation goes against the objectives and policies in the Puhinui Precinct Plan, Wiri Precinct Plan, NPS-FM and NES-FW.

The PPC 43 Precinct Provisions do not comprehensively address the environmental impacts and do not adequately provide for the enhancement of ecological values in alignment with the Puhinui and Wiri Precinct Plans or NPS-FM/NES-FW.

### **Ecological Assessment**

The current proposal does not adequately quantify the current on-site environmental values, or the effects associated with the potential activities to be carried out on site. As a result, the applicants ecological impacts assessment is not sufficient to support the proposed plan change.

The freshwater environments on site have not been clearly delineated. The riparian margins of both intermittent streams have not been surveyed and the wetland has not been accurately delineated. Without a proper wetland delineation, the full extent of the wetland is unknown. Wetland extent can fluctuate seasonally so a full delineation is required to accurately draw out the maximum extent boundary.

SEA\_T\_8443 is a wetland ecosystem that could currently be classified as WL19 Raupo reedland. Wetlands are a highly threatened ecosystem type that has been severely depleted across the region. Increasing the significance and rarity of this wetland further still is the fact that this wetland is formed within the remnants of the volcanic crater lake. This crater wetland is one of the last remaining intact crater wetlands of its type in Auckland. Within the Tamaki Ecological District, there are only three other wetlands with a similar association of plants (de Lange et al., 2014) This plan change and the resulting land use of Light Industry zoning could cause significant effects to the wetland. Wetland systems are sensitive to changes in hydrology/ water flows entering and exiting the wetland system, and contaminants.

There are threatened fauna and flora on site and a quantitative assessment is required to accurately assess the ecological effects of the proposed development. The management of acute and chronic effects on the inhabiting threatened biota are not discussed.

Multiple threatened plant species have been recorded within this wetland (and are not listed within the applicant's ecological assessment). This includes:

- *Carex fascicularis* (Regional Threat Status - Critical; National threat status - At Risk – Declining)
  - *Gratiola sexdentata* (Regionally Critical; Nationally not threatened).
  - *Sparganium subglobosum* (Regional Threat Status – Endangered); National threat status – not threatened).
  - *Potamogeton ochreatus* (Regional Threat Status – Sparse; National threat status – Not threatened).
  - Willowherb (*Epilobium insulare*) (National Threat Status - At Risk – Declining)
  - Swamp buttercup (*Ranunculus Macropus*) (National Threat Status - Data deficient)
  - And the liverwort *ricciocarpus natans* (Nationally endangered)
- No proposed mitigation considers any specific needs of the threatened plants found on site.

Australasian bittern (*Botaurus poiciloptilus*) have been sighted in the wetland and DOC records show that spotless crane (*Porzana tabuensis*) have been recorded there in the past (threat status – Declining). Bittern are Nationally Critical (the highest threat classification) and in rapid decline across New Zealand including stronghold populations such as that in North Waikato that is tracking a population decline of 89% since the 1980s. 90% of bittern wetland habitat has already been lost to industrial and residential development and farmland. They are susceptible to the encroachment of development and the associated increase in noise and light pollution. In addition to this, bittern face increasing pressures from predation, poor water quality and reduced food availability. Bittern are known to use a patch work of wetland environments including the wetland in the plan change area. This large crater wetland is a rare example and provides valuable habitat space that is not replicated elsewhere in the area. The impacts to this wetland, if not managed appropriately, could cause bittern to vacate the area permanently and would contribute to the localised extinction of a highly threatened species.

Consideration must be given to the potential on-going effects on cryptic wetland birds caused by the future activities on site should the land be re-zoned. The activities associated with light industrial land use vary considerably, some activities are likely to have a greater impact on wetland avifauna than others. There is no evidence on how point source and diffuse contaminant loading to the wetland from the developed area will be managed. This has acute and chronic implications for wetland ecosystem health and fauna values. At this stage Council has no discretion on these activities and is unable to accurately assess the potential long-term effects. The current proposal does not address these concerns.

Given the history of the site, and the surrounding area, a high-density population of native lizards is not expected. It is however possible that the native copper skink or ornate skink inhabit the area at low densities.

The application has limited mention of fisheries values and omits the potential to reinstate connectivity between the wetland and the Puhinui Creek, there are still uncertainties regarding the legality of the earthworks that blocked the wetland outlet. No assessment of aquatic biota in the wetland was provided and the management of effects on aquatic fauna were not addressed adequately. Aquatic fauna is pivotal to wetland ecosystem health and they provide a myriad of ecosystem functions ranging from prey for avifauna (e.g. bittern) to nutrient assimilation and habitat bioturbation. The effects of future activities on aquatic wetland fauna will depend on the individual consented activities. Again, Council has no discretion over these activities at this stage and it is difficult to accurately assess the long-term effects. If the discharge of contaminants to the wetland is avoided and the natural hydrology is maintained the effects on aquatic wetland fauna is likely to be minor.

A Stream Ecological Valuation (SEV) assessment was used to quantify the stream values on site and calculate an environmental compensation ratio to offset the reclamation of the intermittent streams. The raw SEV data and calculators were not provided.

The proposal assessed the values of the two intermittent streams on site as low however a SEV was only done on intermittent stream 1. It is unclear what version of the SEV was used for the assessment. Considering the nature of the stream the intermittent stream SEV calculator should be used. The values of intermittent stream 2 was not assessed using the SEV method thus the resulting assessment may not be comparable to intermittent stream 1 as the SEV reach chosen may not be representative of both water courses. An assessment of the accuracy of the SEV calculations, and resulting stream values, cannot be done until the SEV version that was used is confirmed and applied representatively across both intermittent streams.

The proposed offset site for the reclamation of the intermittent streams is sections of the Puhinui Creek that run along the plan change area. The Puhinui Creek is a permanent stream and cannot be assessed using the intermittent SEV calculator. It is unclear if the applicant conducted a SEV on the respective reach of the Puhinui Creek or relied on a previous assessment. It is also unclear what SEV method was used to obtain a current SEV score for Puhinui Creek. As a result of this uncertainty the equitability of the SEV scores between the intermittent stream and the Puhinui Creek cannot be assessed. The best practice guidance provided by the Auckland Unitary Plan and by the Ministry for the Environment states that offsetting should be "like for like", this is not the case when comparing intermittent streams with permanent rivers. It is unclear if the reinstatement of natural hydrological connectivity was considered in the potential SEV score for the intermittent stream. There is no evidence of the initial stream diversion and pond installation being factored into the SEV calculations. It is also unclear how the historic blocking of the wetland outlet has affected the hydrology of the intermittent streams. This should be accounted for in the SEV. The exact mitigation measures used to achieve the potential score for the impact and offset sites is not discussed thus an assessment cannot be made.

One of the proposed mitigations included into the ECR calculation is 10 m of riparian planting along the Puhinui Creek. This planting cannot be considered as mitigation as the applicant is obligated to undertake the planting in accordance with the PPC 43, Wiri and Puhinui precinct plans. The 10 m of riparian planting should be a set variable in the potential score for the offset site.

A Macroinvertebrate Community Index (MCI) was calculated for intermittent stream 1 based on macroinvertebrate samples collected during the initial assessment. The resulting MCI score was low (52) however it is unclear why this score was not included into the SEV calculations used for intermittent stream 1. The MCI score is a key biodiversity metric in the SEV calculation.

Due to inconsistencies in SEV assessment methods and omission of MCI data, the accuracy of the SEV scores and the environmental compensation ratio cannot be assessed.

The hydrological assessment states that the effects of development within the plan change area is unlikely to cause significant effects to the wetland hydrology. The assessment uses the current hydrological state as a baseline and does not consider the effects of the extensive modifications already made in the wider catchment. The blocking of the NW outlet of the wetland is of particular concern as the legality of the earthworks that caused this blockage is ambiguous. Using a degraded state as a new baseline is not recommended and encourages continuous degradation. The hydrological assessment does not consider how the inflow of managed stormwater and runoff from the development will affect the wetland hydrology. Additional clarity is needed around what is deemed as a significant effect. Wetlands are highly sensitive environments, therefore, in some cases, a seemingly small alteration in hydrology can have a significant ecological effect. This is evident by fluctuation in water level resulting from minor diversions of flow. An assessment of the ecological impact of the modelled change of hydrology to the wetland needs to be completed. This should include reference to the functioning state of the wetland and the vegetation on site, including threatened plant species, that may well be already under stress due to highly fluctuating water levels.

No wetland water level monitoring was done and there is limited discussion around the effects of the development on water level. It is assumed that the wetland is largely fed by rainwater and a small sub-catchment however, groundwater infiltration is likely to contribute to the maintenance of inundation. The effects of increased impervious surfaces on aquifer recharge has not been discussed in the proposal. The impervious surfaces and managed stormwater infrastructure will channel surface flows into a piped network that discharges to the Puhinui Creek. This means that there is limited infiltration of surface water into the underlying aquifer. This reduction in groundwater recharge could affect the water level of the wetland.

The removal of the north east section of the SEA\_T\_8443 is requested as the area no longer exhibits the same characteristics of the wider SEA. I agree with the assessment of the area however no consideration was given to the reasons why this area no longer exhibits the SEA values. It is possible that this area has been degraded through time as a result of earthworks and the blocking of the wetland outlet. Additionally, the current proposal does not offer any mitigation for the loss of SEA habitat.

The applicant has failed to fully demonstrate the full extent of ecological values and their significance at the Mclaughlins Quarry site. As a consequence of this, the ecological effects assessment has substantial omissions, and Council has no confidence around whether the ecological effects can indeed be avoided, remedied, mitigated or offset. For these reasons and for the detailed reasons outlined below, we must recommend this application be declined. This recommendation is supported by.

### **Assessment of Proposed Mitigation**

The only proposed mitigation for all activities on site is riparian planting and setbacks. There is no proposed mitigation, or no direct discussion that suggests how this will directly address the effects of light industry on the highly significant wetland, bittern and spotless crane, any potential resident lizard population and threatened plant species.

The proposal offers 10 m of riparian planting along the banks of the Puhinui Creek and wetland margin with an additional 10 m setback around the wetland. This is contradicted by the statement on page 27 of the Stormwater Management Plan that states that 20 m of buffer planting will be done around the wetland and along the riparian margins of the Puhinui Creek.

The Wiri precinct plan, Puhinui Precinct plan, PC 43 Stormwater Management Plan and the initial PC 43 provisions state that the banks of the Puhinui and the wetland margin will be planted with native vegetation to 10 m. There is no demonstration of additionality thus the proposed planting cannot be considered as mitigation or offset. Only planting outside the riparian yard (10 m) of the Puhinui and the wetland margin (10 m) can be considered as mitigation.

The banks of the Puhinui Creek adjacent to the plan change area are prone to erosional issues and there is significant slumping occurring on the northern banks. The proposed 10 m of riparian planting is insufficient to mitigate the ongoing erosion and slumping. For erosional issues to be addressed a minimum planting from the wetted edge of the stream up to the level ground at the highest point of the stream side slope is required. Even then, to prevent bank slumping and to allow for the natural movement of the flow path of the Puhinui Creek there should be a setback.

A 10 m planted buffer is insufficient for a wetland of this size, rarity and regional significance, especially when considering the potential impacts of likely future activities. The sections above discuss the lack of effects assessment associated with future light industry activities. A 10 m width plantings would require high intensity, ongoing plant maintenance and pest control, narrow width planting is more prone to being overrun by pests. The planting would also be at risk of high plant mortality due to the long narrow shape, threatening the probability of a successful restoration planting outcome, and lending itself more towards amenity planting. A 10 m planting width also provides

minimal opportunities for high quality bird habitat as greater widths provide better buffering from anthropogenic disturbance.

For a planted wetland buffer to help mitigate the invasion of pest plants into the wetland, filter sediment and other contaminants, moderate water flows entering the wetland and provide for additional habitat for native fauna and flora, the riparian planting would at a minimum need to extend to the top of the sloped banks that surround the wetland or be at least 30 m wide. Whichever is the greater amount. A setback should be created from this point back to create a buffer. Furthermore, as the mitigation is currently proposed, it is not clear where the proposed wetland buffer starts and ends as the full extent of the wetland is unknown. The wetland extent can fluctuate seasonally so a full delineation is required to accurately draw out the maximum extent boundary. The planted buffer should start from the maximum extent and extend outward. There is no detailed information regarding the remaining 10 m of wetland buffer. The applicant proposes to do maintenance on the 10 m of restorative planting but if the remaining 10 m of buffer is left unmaintained weed incursion into the restorative planting will occur. Without any details regarding the intended purpose, use and ongoing maintenance within the 10 m buffer outside the planted area this mitigation measure cannot be considered.

There has been no mitigation proposed for the likely increase in contaminant loading and changes to the hydrological regime of the catchment. There are no site-specific mitigations proposed for identified discharge points. Specific planting densities have not been prescribed for areas prone to high levels of ponding or stormwater discharge. In general, there is no reference to adequate water sensitive design.

The Stormwater Management Plan does not address how contaminant laden stormwater and sheet flow/run off will be captured and treated prior to discharging into the wetland. Industrial activities are associated with the generation and subsequent discharge of persistent environmental contaminant such as heavy metals, PAH's and other emerging contaminants. Considering that highly threatened bittern frequent the area this is of great concern. The potential for contaminants to biomagnify in these tertiary consumers is a significant consideration. There are no site-specific mitigations proposed for identified discharge points. Specific planting densities have not been prescribed for areas prone to high levels of ponding or stormwater discharge. In general, there is no reference to adequate water sensitive design.

It is still unclear what mitigation measures pertain to each of the proposed activities. The quote below from the ecology report states that the riparian planting along the Puhinui Creek relates exclusively to the proposed stream reclamation however, this planting is referenced as mitigation for additional activities throughout the application. The effects of each proposed activity have not been adequately quantified against appropriate mitigation measures. *“Riparian planting, pest control and establishment maintenance of the riparian yard on the western boundary of the property, adjacent to Puhinui Creek. This would equate to riparian planting of 400 linear metres of stream to mitigate for the loss of 82 linear metres of stream loss and well in excess of the quantum required for offset of the loss.”*

A further issue with the proposed riparian planting is that it appears to be located within the SEA that runs along the Puhinui Creek (SEA\_T\_612). The SEA overlay is there to protect areas and ensure natural regeneration will occur over time. By planting up the SEA the applicant is simply accelerating the natural regeneration process. Thus, there is no demonstration of additionality or offset for the loss of stream and riparian habitat. This applies equally to the SEA around the wetland (SEA\_T\_8443). Regardless of what the riparian planting is intended to mitigate it cannot be considered as mitigation if it is within the SEA overlay. Only planting outside the SEA overlay will be considered. Additionally, no planting plans have been provided so the quality and appropriateness of the riparian planting cannot be assessed.



The current proposal does not offer any mitigation for the loss of SEA habitat associated with their request to amend the SEA\_T\_8443 overlay. At the subdivision/development stage all SEA on site will need to be identified, protected, and enhanced through a SEA management plan. By virtue of this the applicant would have had to restore this section of SEA\_T\_8443. If the habitat loss occurred prior to the mapping of that SEA than no mitigation would be required through this application. If the habitat destruction occurred post SEA mapping and was not a result of a consented activity, then remedial actions will be required. There is no demonstration of offset or mitigation for the permanent loss of SEA.

In my opinion the applicant has not proposed any suitable mitigations and/or offsets for the activities on site. All proposed riparian planting is either within an SEA or is already required by the overarching precinct plans and are not considered.

### **Additional Concerns**

There is no evidence of any proposed protection mechanisms to ensure the sustainability of the restored riparian areas in perpetuity. Currently a situation could arise in the future where further encroachment into the restored riparian areas is sought which would result in a loss of biodiversity gains. Plan provisions or other protection mechanisms such as covenants should be proposed to ensure permanent protection of any proposed restorative planting and secure biodiversity gains in perpetuity.

There are no proposed provisions for ongoing biodiversity and biosecurity management within the plan change area. This is particularly important for the areas zoned as Open Space, if left unmaintained these areas can quickly become overrun by pest and serve as a founder population for pests across the wider landscape. This issue can arise else where on site and is not exclusive to the Open Space zones.

There are uncertainties regarding the legality of the earthworks within Sub-precinct B particularly the blocking of the wetland outlet. This uncertainty extends to the compliance with previous consent conditions.

These concerns have yet to be addressed by the applicant and is required to complete a thorough assessment of environmental effects. The decision made on the 4th of December 2009 for a subdivision and landuse resource consent (Proposal number: 33887 SP10188), Part A: Subdivision, Constraints on activities on Lot 100 state that No excavations, earthworks or other activities to be undertaken south of the minimum protection line.

### **Conclusion**

The application in its current state should be declined for the reasons discussed below.

Some of the additional assessments discussed above are related to the stream reclamation which will be dealt with through a separate resource consent. The intention to reclaim those streams is clear and the accurate quantification of freshwater values, the impacts and associated offsets are required by Council to assess the overall impact of the plan change. Additionally, if the reclamation will be addressed through separate consent applications the mitigation and offset should be decided at the time of the application and based on the effects at that time as conditions could change over time. Using the riparian planting listed in this plan change as an offset for future reclamation is considered as double dipping and sets the expectation that the reclamation will be consented. It is preferred that all offset and mitigation measures are discussed within the context of the effects at the time of resource consent application.

A proper assessment of all ecological values is needed to demonstrate that PC43 will not encourage environmental decline. Without accurately quantifying the environmental values on site it is difficult to assess how the environmental impacts will be managed through the precinct plan and the existing values maintained and enhanced.

I have included a fair amount of detail on the cascading environmental effects associated with the re-zoning of land to light industry to highlight the concern that whilst these effects will not materialise as a result of the plan change, they will likely occur post development and can be pro-actively managed through an updated precinct plan.

Overall, the current proposal does not adequately quantify the environmental values and effects on site. There is limited demonstration of additionality and the mitigation measures proposed are insufficient. There is limited regard for the environmental outcomes sought by the Wiri and Puhinui Precinct Plans. I cannot support the application in its current state from an ecological perspective.

### **Recommendation**

Decline the application.

If the application is still to go ahead despite our recommendation, the recommendation of other specialists and as the consensus from submitters such as the Department of Conservation; we would request that the following points are addressed as a minimum.

1. Change the activity status of the proposed stream reclamation in the precinct provisions to align with chapter E3 of the AUP:OP. A separate consent should be sought for any and all stream reclamation.
2. Provide a detailed ecological effects assessment outlining the impacts of all activities and associated mitigations. Currently it is unclear as to what activity each mitigation applies to and it appears as though a single mitigation measure is being proposed for all activities on site.
  - The ecological effects assessment is to provide detailed discussion on mitigation measures including:
    - Threatened plants
    - Potential lizard populations
    - Wetland bird species (bittern and spotless crane)
    - Aquatic biota of the wetland
    - the discharge of contaminants and stormwater into the wetland.
    - the effects of newly created developments and impervious surfaces on groundwater recharge and on wetland water level.
    - Any other effects to the wetland and Puhinui stream
3. Provide a mitigation package which is in addition to the required 10 m riparian planting and all planting within the SEA. This will contribute to a mitigation package that will adequately address the impacts of the activities on site.
4. Restrict activities to those that would have minimal impact in terms of noise, light and contaminate discharge. Low impact activities that are environmentally sensitive and sympathetic to the wider landscape.
5. Significantly increase riparian planting along the Puhinui Creek to promote bank stabilisation.
6. Draft a site-specific riparian restoration and management plan aimed at addressing the key erosional and bank stability issues along the Puhinui Creek.

7. Provide a long-term site management plan that details how the open space would be maintained and kept free of pest species.
8. Create a setback around the riparian planting and wetland margin planting to create a managed buffer that allows for building maintenance and access ways without encroaching into the restorative planting.
9. Substantially extend the wetland planting to provide a sustainable buffer of value as habitat space for cryptic avifauna.
10. Delineate the wetland and establish the maximum extent. This will inform where the planting and setbacks will begin.
11. Extend the no building zone on the southern end of the wetland at a minimum to align with the ONF boundary. This will provide a continuous natural space between the Puhinui Creek and the southern end of the wetland. This will be provided ecological and visual connectivity as well as a greater buffer for the wetland and native fauna.
12. Extend the Open Space zone to encompass the entire wetland. This will preserve the ecological integrity of the wetland and maintain wetland ecosystem functions. This will provide visual and ecological connectivity across the landscape.
13. Clarify the legality and extent of all previous earthworks within Sub-precinct B. This is required to assess the appropriateness of the current degraded state as a baseline.

**Regards,**



**Ebrahim Hussain | Senior Ecologist | Ecological Advice Team | Infrastructure and Environmental Services**

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# Memo

(17 Feb 2021)

To: David Wren  
Cc: Ebrahim Hussain, Melinda Rixon & Tim Lovegrove  
From: Matt Bloxham

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## PLAN CHANGE 43 - MCLAUGHLIN QUARRY - COMMENTS STREAM WETLAND IMPACTS

Broadly speaking I consider that the plan change as proposed and the development following on from it will impact both the wetland and the Puhinui Stream itself, so both are discussed here.

The applicant's ecology report provides a fair summary of many of the area's values but, other than the bittern observation - which obviously is significant, falls somewhat short in terms of documenting aquatic fauna. Even if not permanently based there, wetlands in the lower Puhinui are likely form a patchwork of geographically overlapping foraging territories for Australasian bittern (*Botaurus poiciloptilus matuku*). Disturbance and the effects of surrounding land use will all presumably intensify with development of the land parcel (i.e., the closer proximity of light industrial premises) to seaward of Harbour Ridge Drive irrespective of whether buffering vegetation is established.<sup>1</sup>

Introducing an upper noise limit for adjacent developments<sup>2</sup> would be difficult to monitor and enforce throughout the life of the consent. Recent New Zealand research into the impacts of noise on bittern have raised the prospect of constant low frequency noises making the male's breeding call inaudible. Further, incidental loud, but transitory noises as well as general disturbance may also discourage bittern from continuing to use the wetland (pers. comm. Tim Lovegrove) and again this would be difficult to police.

This is of some concern as a recently published paper (O'Donnell and Robertson 2016) on the distribution and numbers of bittern in New Zealand has recommended upgrading the threat status for bittern from nationally endangered, to nationally critical, New Zealand's highest threat category. This would place bittern in the same threat category as the New Zealand fairy tern.

The freshwater features described in Bio-Researches' report (intermittent streams, wetlands and ponds) sit within a formally pastoral landscape and transition into scrub dominated by exotic plant species. With few exceptions, native vegetative cover is limited but no reference has been made in the report to the rare native wetland plants that Peter DeLange found in the larger of the two wetlands.

Bio-Researches' ecologists suggest that poor hydrological connectivity most likely limits use of the offline freshwater features for most fish species other than perhaps shortfin eels and possibly long fin eels. However, this is, to a large extent, due to the unlawful changes made to the wetland stream path and the fact connectivity for upstream migrants is now impaired. Being so close to the stream, it is possible eels may be able to access the former sediment detention pond. Smaller numbers of short fin eels may occasionally reach the wetland as well. However, it would require full reinstatement of the intermittent flow path (severed by previous illegal reclamation activities) to ensure interrupted eel recruitment into the wetland including -crucially- the elvers upon which bittern feed. Naturally, the development will not only preclude full reinstatement but the proposed cut-to-fill earthworks, will see this and the remainder of the open channel filled in and built on top of.

<sup>1</sup> I see most recently the applicant has narrowed the focus of their planting plan just to the 20-metre stream and wetland boundary which is disappointing

<sup>2</sup> Suggested by some as a possible solution to development drawing even nearer to the wetland.

Whether the development results in episodic recruitment or the complete failure of eels to reach the wetland, the loss of elvers will be keenly felt and could prevent bittern from using the wetland entirely.

By concentrating just on the detail and on each feature (the stream *and* wetland) in isolation, what Bio-Researches' report overlooks is that the wetlands and intermittent flow paths all fall within the Puhinui's floodplain and so are intrinsically linked to the primary stream feature. The adjoining low elevation reaches of the Puhinui can best be described as exhibiting passive meandering behaviour and I have picked out several former meanders in a AC 1940 aerial (figure 1). Note the apparent cut-through (dark blue line) which has short circuited at least one oxbow.

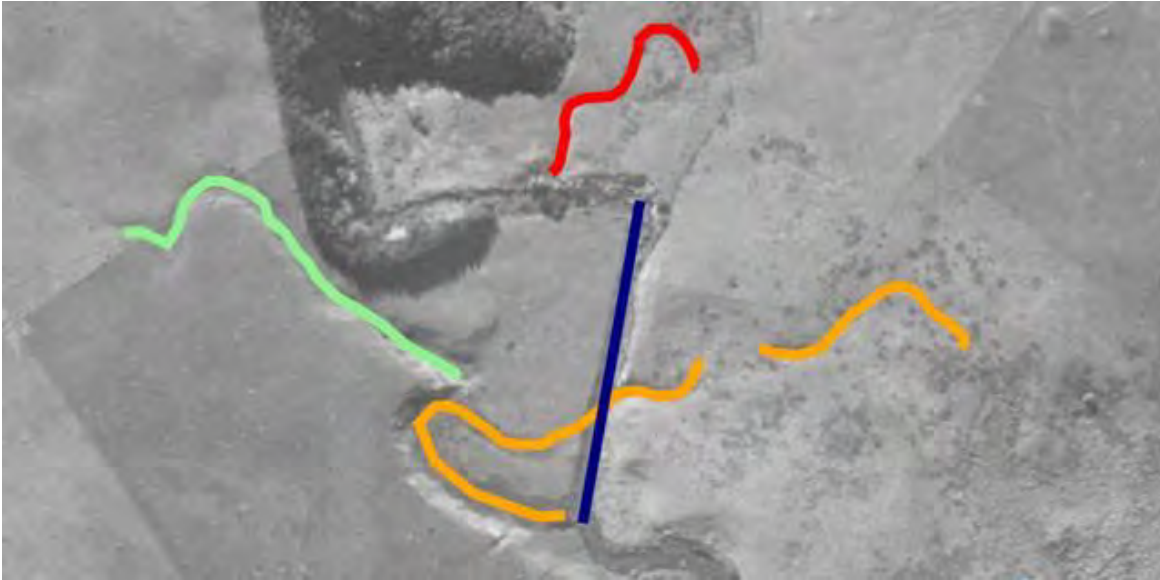


Figure 1: 1940 aerial showing former meanders in lower Puhinui Stream

The stream's lower reaches have also, until quite recently been laterally unconfined, although the degree of confinement has increased somewhat with the advent of light industrial development (circumscribed by the Harbour Ridge and McLaughlins Roads, Wiri). On the western side of the development rock rip rap has been installed on the Puhinui true left bank (adjacent to Harbour Ridge Road) to 'hold the line' (figure 2) and to prevent further natural lateral stream adjustments.



Figure 1: 2017 AC aerial showing hard engineering revetment placed on the true left bank of Puhinui Stream to protect new roading infrastructure from natural lateral stream adjustments of Puhinui Stream.

As suggested in Auckland Council's Technical Report 2013/033 *Ecological Responses to Urban Stormwater Hydrology* (2013), Floodplain engagement and lateral channel migration are both geomorphically and ecologically important. Not only does lateral migration in streams become more reduced in urban catchments, but reductions in floodplain engagement can increase flow energy within the channel. This is actually occurring further upstream in the Puhinui near Lambie Drive (such as shown in the Technical Report 2013/033 cover page).



Figure 3: Title image showing recently overtopped banks and flooding in middle sections of Puhinui Stream where floodwalls have concentrated flood flows.

Here (in the upstream reach) floodwalls have concentrated flood flows and confined channel energy within a much-abbreviated floodplain cross section with the result that banks have over steepened and are slumping (figure 3). As suggested in my earlier correspondence, similar erosion forces are at play in the lower Puhinui and the land parcel (that is the subject of a plan change) is coming under significant pressure from flood flows directed at the bank (figure 4).

As suggested earlier correspondence the Local Board and Council's Environmental Services Unit have already committed significant funding and resources at restoring the reach downstream of here (which contains inanga spawning habitat) and would resist any future overtures to harden the streambank and further domesticate the stream and its riparian margins. Hard engineering and revetments have no place and would significantly detract from Council's restorations plans for this reach of the Puhinui.





Figure 4: severe streambank slumping of the land parcel adjoining.

As it stands potential for the proposed plan change/development to impact negatively on the nearby freshwater features and their attendant values is large and as such the proposal should not be supported.

Kind regards

Matt Bloxham

## Memo (technical specialist report to contribute towards Council's section 42A hearing report)

5 March 2021

To: David Wren, Reporting Planner

From: Robert Brassey, Principal Specialist Cultural Heritage, Auckland Council Heritage Unit

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**Subject: Private Plan Change 43 – McLaughlin's Quarry– Historic Heritage Assessment (Including addendum)**

### 1.0 Introduction

1.1 I have undertaken a review of the private plan change on behalf of Auckland Council in relation to historic heritage effects, related to the proposed private plan change request for the McLaughlin's Quarry Private Plan Change (Private Plan Change 23). My review has not addressed effects on mana whenua cultural values other than in relation to information gaps. All identified historic heritage places within the plan change area are archaeological sites of Māori origin.

I have a Master of Philosophy degree with first class honours in anthropology specializing in New Zealand and Pacific archaeology. I have worked in the field of historic heritage management for nearly 40 years, including 20 years for Auckland councils. My experience spans archaeology, built and maritime heritage and heritage policy and planning.

1.2 In writing this memo, I have reviewed the following documents:

- Appendix 3: McLaughlins Quarry Private Plan Change Request
- Statutory Assessment Report
- Technical Report 4: Archaeological Assessment Report: McLaughlins Quarry Private Plan Change Request. Clough and Associates 2019
- Technical Report 7: Landscape Assessment Report
- Technical Report 8: Cultural Impact Assessment- Ngati Te Ata Waiohua
- Technical Report 9: Cultural Values Assessment- Te Akitai Waiohua
- Heritage New Zealand Pouhere Taonga (**Heritage New Zealand**) submission (#25) and further submission
- Department of Conservation (**DOC**) submission (#23) and further submission
- Maunga Authority submission (#21) and further submission (FS 03)
- Auckland Council submission (#27)
- Submissions (#08; #24; #26) and further submissions by mana whenua entities
- ArchSite record for NZAA Site Number R11/1632
- PC43 – Submissions progress summary table dated 22 September 2020
- McLaughlin's Quarry Archaeological site(s) management plan and protocols for Section 14 Authority from the Historic Places Trust #2007/351 Rod Clough, Clough and Associates 2008.

### 2 Key Historic Heritage Issues

The key issue in relation to historic heritage is whether the proposed provisions adequately provide for the protection of archaeological sites in Sub-precinct B.

### 3 Applicant's assessment

3.1 The applicant has provided an archaeological assessment by Rod Clough and Simon Bickler (Technical Report 4) to address actual or potential effects on historic heritage. Other reports including Technical report 7 and, and the cultural values assessments (Technical reports 8 and 9) also address historic heritage to some extent along with other values. The cultural values technical reports provide mana whenua perspectives on the significance of the archaeological sites that are assessed in the archaeological report.

The archaeological assessment provides a description of archaeological sites within the plan change area, and of the wider archaeological context. It then assesses the significance of the sites in the plan change area against both the Proposed Auckland Unitary Plan (**PAUP**) Historic heritage Regional Policy Statement (**RPS**) and Heritage New Zealand Pouhere Taonga Act (**HNZPTA**) criteria. A preliminary summary of potential effects and constraints is provided and summarised graphically.<sup>1</sup>

The report (pp 33-34) identifies: potential effects on:

- the scheduled extent of a Category A historic heritage place (stone causeway and fish traps, schedule ID 02163) (minor)
- Impacts on identified archaeological features and additional subsurface remains of two archaeological sites (R11\_47 and R11\_1632)

The report recommends that the most intact recorded site within the proposed plan change area (R11\_1632) be avoided, along with the scheduled extent of the stone causeway/fish traps, and that both be incorporated in an enlarged esplanade reserve.

It also states that other parts of the proposed plan change area with high archaeological constraints/potential, and the stone causeway and some fish traps that lie just outside the proposed plan change area, could be avoided/protected in an esplanade reserve along the margins of Puhinui Creek. The report recommends that interpretive signage should be considered in areas with public access.

Other recommendations focus on avoidance and mitigation outside the scope of the plan change.

3.2 I consider that there are several issues with the archaeological assessment.

#### Methodology

The archaeological assessment is based on an inspection undertaken five years ago in 2015. The conditions for the survey were suboptimal as the plan change area was substantially obscured at the time by rank grass.<sup>2</sup> My understanding is that parts of the plan change area have since been modified since by earthworks.

The assessment appears to be an interim report that predates the current plan change proposal and was intended to be followed by a more comprehensive assessment as it states:

*No detailed development plans for Sub Area B are available*

*Once detailed development plans are available, a final assessment of effects on archaeology should be prepared as part of the resource consent application.*<sup>3</sup>

I do not consider that the assessment provides sufficient information on historic heritage effects to inform the plan change. In my opinion, an up to date and detailed assessment should have been undertaken prior to lodgement of the plan change. There is insufficient information at an appropriate scale to clearly identify effects or to define the boundaries between archaeological sites and the proposed precinct.

The proposed plan change, if adopted, would enable land disturbance and subdivision to be undertaken without the requirement for a 'final assessment' or resource consent application. Those PAUP provisions only manage scheduled historic heritage.<sup>4</sup> Neither the archaeological assessment nor the plan change proposes scheduling of any currently unscheduled sites.

The exception would be requirement for resource consent to modify the scheduled extent of the stone causeway and fish traps, if this is affected by the proposed plan change.

<sup>1</sup> Clough and Bickler 2019: Figure 25, p. 33

<sup>2</sup> Clough and Bickler 2019:29

<sup>3</sup> Clough and Bickler 2019:32 and 34

<sup>4</sup> E11.3.(1); E12.3.(1); E38.3.(4). The PAUP accidental discovery rule would also still apply if a HNZPTA archaeological authority (consent) was not held.

A HNZPTA archaeological authority would still be required for sites or portions of sites in the plan change area, where this was not currently held. However, the provisions of that act are focussed on recovery of archaeological information as mitigation prior to modification or destruction of archaeological sites rather than avoidance of effects.

#### Significance assessment

The assessment of the significance of archaeological sites R11\_47 and 1632 (Tables 2-3, p. 31) lacks detail and is incomplete. I do not disagree with the conclusions of the evaluation in relation to most of the criteria that have been addressed in Table 2. However, the moderate value assigned to Context is questionable, while the Mana Whenua criterion has not been addressed at all. The assessment does not therefore give effect to the objectives and policies of the AUP B5 historic heritage regional policy statement.

The authors acknowledge that the sites within the PPC area are part of the archaeological landscape associated with Matukutureia pā and the associated gardens running down to the Puhinui Creek, and indeed that they ...*could have been recorded as one site*.<sup>5</sup> The significance of this landscape has been recognized in the historic reserve status of the land immediately adjacent to the PPC area, its inclusion in the NZ Heritage List (number 6054), and scheduling of the land for its significance to mana whenua (Schedule ID 34 and 036).

While it is not necessary for historic heritage places to be contiguous to have value in relation to the Context criterion, the sites within the PPC area remain geographically linked to the Matukuturua Stonefields Historic Reserve. There is a belt of undeveloped land bordering the Puhinui Creek. Shown as a red zone in Figure 25 of the Clough/Bickler report, this relatively unmodified strip of land of high archaeological potential links site R11\_1632 to the Category A scheduled stone causeway/fish traps and to the Matukuturua Stonefields Historic Reserve. Site R11\_1632 is thus contiguous with the wider archaeological landscape. Remaining parts of R11\_47, and the orange/moderate potential zone shown in Figure 25 also appear to be contiguous with the western boundary of the reserve. This would suggest that the collective significance of these sites under the Context criterion is more than moderate.

There is no assessed value under the mana whenua criterion. While I agree that it is not the role of the archaeologist to determine the significance of archaeological sites and other heritage places to mana whenua, this criterion does need to be assessed as part of the plan change as required under the B5 Historic heritage RPS provisions.<sup>6</sup> Cultural values assessments have been provided by mana whenua, who appear to hold the view that the archaeological sites within the proposed plan change area are of considerable significance and thus potentially meet the significance criteria in B5.2. The significance to mana whenua must be considered when defining the physical extent of a significant historic heritage place.<sup>7</sup>

Historic heritage places meet the criteria for inclusion in Schedule 14.1 Schedule of Historic Heritage if they have considerable or outstanding value in relation to one or more of the evaluation criteria in AUP RPS Policy B5.2.2 (1) and have considerable or outstanding overall significance to the locality or greater geographic area.<sup>8</sup>

In my opinion a more detailed evaluation of sites R11\_1632 and R11\_47 in sub-precinct B should be undertaken to inform which parts of the land are appropriate for development.

#### Location and extents of archaeological sites

The locations and extents of sites and the summary of constraints are mapped at a very small scale (ca 1:10,000 at A4). The proposed boundaries within the plan change area are also mapped at a similar scale (for example on the rezoning proposals map in Appendix 3, page i). This makes it difficult to clearly establish the relationship between the precinct boundaries, the recorded archaeological sites, and other areas of archaeological potential. If the plan change is

<sup>5</sup> Clough and Bickler 2019:4,12

<sup>6</sup> PAUP, B5.2.2 (1)(C)

<sup>7</sup> PAUP, B5.2.2. Policies

<sup>8</sup> PAUP, B5.2.2 (3)

adopted, it would present a risk that the boundaries are incorrectly identified and interpreted, and that compliance issues arise as I understand has occurred previously in the PPC area.

There is also no consistent way in which the extent of sites and areas of archaeological potential are defined and shown. The lack of consistency is illustrated in Figure 1 below. In the case of R11\_1632, the recorded extent in the ArchSite site record is shown in Figure 1a. The archaeological assessment does not show this full/recorded extent. Instead, it shows a much-reduced extent (in figures 13 and 18 of the report) based on individual features of the site (pits, terraces and midden) which are visible on the surface (Figure 1b below). The archaeological assessment<sup>9</sup> also graphically shows the likely archaeological potential within the plan change area (Figure 1c below). The three extents are different and do not match the extent in the 2008 archaeological management plan (1d).



Figure 1. Different mapped extents of site R11\_1632. (a) top left: recorded extent in ArchSite; (b) top right: extent shown in archaeological assessment; (c) Lower left: Areas of differing archaeological potential from archaeological assessment, Fig. 25 (red = high). (d) Lower right: Extent shown in 2008 archaeological site management plan.<sup>10</sup>

<sup>9</sup> Clough and Bickler 2019: Figure 25

<sup>10</sup> Clough 2008

In my opinion the area excluded from development should adequately encompass both the surface features and any that are likely to exist and/or continue beneath the surface, and the relationship with the setting of the site.<sup>11</sup> It is my view that all of the areas set aside for protection under the conditions of the 2007 archaeological authority<sup>12</sup> and in the 2008 AMP should remain as open space. A sufficient buffer will be necessary to provide for amenity planting and the construction and maintenance of fences, buildings, service, connections and other works.

#### 4. Proposed plan change

##### 4.1 Proposed provisions

The stated intention of the proposed plan change is that archaeological sites are protected.<sup>13</sup>

The paragraph in the precinct description on page v of the Appendix 3 should be amended to improve consistency and clarity to read:

*Examples of cultural resources of significance to mana whenua in the proximity of the Precinct include: Manukau Harbour, Maunga Matukutūreia (McLaughlins Mountain), Nga Matakuturua, Matukutururu (Mount Wiri), Puhinui Catchment, Matukuturua Stonefields, and archaeological materials sites er and features.*

The proposed plan change includes a relevant objective and policy as follows:

Objective 14.2.1 *The Mana Whenua cultural, spiritual and historic values and their relationships associated with the Maori cultural landscape are recognised and identified values are protected or enhanced in the Puhinui Precinct.*

Policy 14.3.2 *Require buildings to be located outside parts of the Wiri Precinct that are identified as having important cultural, archaeological, ecological and geological values.*

##### 4.2 Fundamental issues

The plan change is, as noted above, based on an incomplete evaluation of the significance of archaeological sites within the plan change area, and on an archaeological assessment that was not intended to provide the level of information required for a plan change of this nature. It would appear that at least one archaeological site, and potentially a wider area within sub-precinct B, may potentially meet the historic heritage significance criteria in B5.2 of the PAUP. If this is the case, the site/place or area should be considered for scheduling as part of the plan change, and the proposed plan change provisions amended so that they are consistent with the objectives and policies in B5 (RPS Historic Heritage and Special Character).

##### Objectives

Objective 14.2.1 addresses mana whenua cultural values but not the wider values associated with historic heritage, in particular archaeological sites. An additional objective similar to Objective 2 should be added:

*Significant archaeological sites are protected from inappropriate subdivision, use and development*

If one or more site within the sub-precinct meets the relevant criteria it should be scheduled and subject to the historic heritage RPS objectives.

<sup>11</sup> Auckland Council Methodology and guidance for evaluating Auckland's historic heritage, August 2020

<sup>12</sup> Issued to McLaughlin's Quarry Trust (no. 2007/35)

<sup>13</sup> Appendix 3:v



## Policies

Policy 14.3.2 only manages direct effects arising from the location of buildings. Adverse effects on the values of archaeological sites can arise from many forms of development in addition to the construction of buildings, including: land disturbance, construction of roads, driveways and paths, installation of fences and structures that are not buildings; services; planting, discharges, visual effects, removal of materials, activities and so forth. This policy should be reworded so that all new development is located outside parts of the Wiri Precinct that are identified as having cultural, archaeological, ecological or geological significance. The word 'important' should be replaced with 'significant' to align with the terminology used in the PAUP.

A new policy, similar to Policy 7, which addresses effects arising from adjacent development on archaeological sites should be included. For example:

*Policy xxx New development shall have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places.*

## Proposed precinct plan

The boundaries shown in the proposed precinct plan are not consistent with the objectives and policies, because they provide for the development of parts of the archaeological sites within sub-precinct B. They only seek to avoid features visible on the surface (shown in grey in the precinct plan – see Figure 2 below), rather than the full extent of the sites as recorded in ArchSite and identified in the AMP.

The proposed building platform area is located immediately adjacent to the surface features of site R11\_1642. This would permit subsurface components of the site to be damaged or destroyed. Moreover, it does not provide for a buffer between development and the sites/proposed open space area.



Figure 2. Proposed Wiri Precinct Plan 1 showing proposed archaeological extents (grey) in relation to building platforms (pink) (source: Appendix 3, Plan Change Request, 14.9.1).

## **4 Submissions and further submissions**

### 4.1 Heritage New Zealand

4.1 Heritage New Zealand Pouhere Taonga (#25) has submitted, in relation to historic heritage, that:

- an additional area of Open Space Zone be included in the plan change encompassing the area indicated in Appendix A, containing remnant gardening settlement areas that form part of archaeological site R11/47 including an appropriate buffer.

- with regard to Lot 51, a portion of this site is retained in Open Space Zone to the extent necessary (including a buffer) to ensure archaeological site R11/2811 is retained and effects on the site will be avoided, which is not adequately addressed in the Statutory Assessment Report.
- further detail is provided to ensure that the boundaries of proposed Open Space Zone encompass the full extent of site R11/1632, and the AUP(OP) Historic Heritage Overlay Extent of Place for Schedule ID 2163 Puhinui Fish Traps R11/911. These sites should be mapped on a cadastral plan and an appropriate scale to indicate their extent and an appropriate buffer.
- the plan change is amended to include mechanisms to provide for the ongoing management of archaeological sites and their amenity in perpetuity.
- the Wetland Margin Areas and Riparian Margin Areas planting provisions proposed in the plan change are amended to ensure that there is no planting within areas in which archaeological remains occur, and that any planting in the vicinity of archaeological sites utilises appropriate plant species to avoid damage to and obscuring of archaeological features, so as to ensure amenity of the historic heritage.
- the plan change is amended to provide for interpretation of the historic and cultural heritage of the features within the site and as they relate to the wider cultural heritage landscape within which the site sits.

### 3.1 Submissions and further submissions by mana whenua entities, Maunga Authority and DOC

There are a number of submissions and further submissions that state that the plan change area is part of a significant Māori cultural landscape, and seek that the plan change be declined, or accepted with amendments to provide for the protection of Māori cultural values. Some of these submissions seek that the relationship between Matukutūruru and Matukutureia is identified and provided for in the plan change provisions.

### 3.2 Response

In relation to the first three submission points by Heritage New Zealand, my view is that management of archaeological sites in the plan change area should be informed by significance assessments in accordance with the provisions in the AUP RPS. Significant sites should be accurately defined and protected from inappropriate subdivision, use and development. Sites that do not meet the AUP significance criteria should be avoided where practicable, and otherwise managed under the provisions of the Heritage New Zealand Pouhere Taonga Act.

I agree that the scheduled extent of the Puhinui fish traps and causeway should be excluded from development and included within the boundaries of the proposed open space zone.

I agree that the ongoing management of archaeological sites is an issue that needs to be addressed. Management problems can include pest plants, the establishment of damaging trees, visitor impacts and fire risk from unmanaged vegetation. I am unsure how this can be addressed from a planning perspective.

I also agree that planting of wetland and riparian margin areas presents a risk to archaeological sites. Planting of inappropriate species will eventually result in significant adverse effects on the condition of archaeological sites.<sup>14</sup> I note that there has been some recent planting within the extent of site R11\_1632. I do not know who was responsible for this and I am not aware of any archaeological authority being issued to undertake this planting. However, this serves to reinforce the need for a more managed approach to planting in the plan change area.

<sup>14</sup> Jones, Kevin 2007. Caring for Archaeological Sites: Practical Guidelines for Protecting and Managing Archaeological Sites in New Zealand. Department of Conservation, Wellington

In my opinion the plan change provisions should be amended to ensure that they do not require planting of archaeological sites within riparian or wetland margins. This could be facilitated by ensuring that the location and extents of archaeological sites are accurately defined, and the locations shown in the plan change provisions at an appropriate scale as recommended above. Significant sites should be considered for scheduling, which would provide protection from inappropriate planting under AUP rule D17 A23. Plan change provisions referencing riparian and wetland planting should be amended to require archaeological sites to be avoided, or in situations where the necessary consents are held, planted with appropriate species approved by a professionally qualified archaeologist.

I consider that interpretation can be an appropriate form of mitigation where the place it is sufficiently accessible to the public. However, the format and location need to be carefully considered. On-site panels require ongoing maintenance and periodic renewal and can be subject to frequent vandalism in insecure locations without surveillance. I would not consider the area in the vicinity of the plan change area to be an appropriate location for on-site interpretation. Alternative options could include online/digital interpretation or sponsoring of interpretation at a more appropriate location, for example within the adjacent historic reserve.

While my report is focussed on historic heritage which by definition comprises natural and physical resources,<sup>15</sup> there is clearly substantial overlap with matters raised in submissions regarding Māori cultural values and landscapes. In particular I have identified significant gaps in the historic heritage (archaeological) assessment in relation to the assessment of Historic Heritage RPS criteria C (mana whenua) and H (context) values.

These criteria are defined as:

(c) Mana Whenua: the place has a strong or special association with, or is held in high esteem by Mana Whenua for its symbolic, spiritual, commemorative, traditional or other cultural value;

(h) Context: the place contributes to or is associated with a wider historical or cultural context, streetscape, townscape, landscape or setting.

Historic heritage places meeting the RPS criteria can be scheduled individually or as historic heritage areas. As noted earlier, it is not necessary for historic heritage places to be contiguous to have collective value in relation to the context criterion, nor is it necessary for groupings of interrelated places to be contiguous to be scheduled as a historic area. They can also be scheduled as Sites of significance to mana whenua.

These submissions serve to reinforce my position that these criteria have not been adequately considered in the significance assessments included in the archaeological assessment.

#### **4 Assessment of historic heritage effects and management methods**

The archaeological assessment clearly predates the current plan change proposal<sup>16</sup>, and was not intended to address actual or potential effects at the level of detail required for a resource consent application<sup>17</sup> or indeed a plan change that enabled development. Rather, a key recommendation of the report is that a final assessment of effects on archaeological values should be prepared once detailed development plans are available.

The archaeological assessment makes a number of recommendations regarding the management of archaeological sites. In my opinion it is inappropriate to make recommendations for the purposes of a plan change in relation to effects on historic heritage, without first determining if the historic heritage places within the plan change area are significant as defined in the historic heritage RPS. If they are significant, then the plan change must be consistent with the historic heritage RPS provisions that apply to significant historic heritage places.

<sup>15</sup> RMA S2

<sup>16</sup> The report is dated January 2019, but the most recent inspection of the property was conducted on 28 October 2015 (Clough and Bickler 2019:1)

<sup>17</sup> P. 36

The existing archaeological report lacks detail in relation to the extent of sites within the plan change area, how these relate to the proposed boundaries of development areas, and the extent to which the proposed plan change is consistent with the recommendations of the existing report. If the intention as expressed in the plan change policies is to locate buildings or development away from significant archaeological sites, then the extent of sites close to development areas should be accurately defined, if necessary using a Heritage New Zealand Act exploratory authority.

In my opinion, there is likely to be potential to develop a portion of the plan change area without significant adverse effects on archaeological sites or features. This area is likely to lie within the area shown in green ('limited potential/constraints') in Figure 25 in the archaeological assessment. However, when the values associated with the archaeological sites in the plan change area are fully considered and the extents accurately defined, it may well be significantly smaller than that shown in Figure 25.

## 5 Conclusions and recommendations

The applicant has not adequately assessed the private plan change effects on the environment in relation to historic heritage.

In my opinion:

- The locations and extents of archaeological sites and features within the plan change area have not been accurately defined at an appropriate scale
- The sites have not been evaluated in accordance with the AUP Historic heritage RPS (B5) and Council's non-statutory guidance
- This is inconsistent with the Auckland Regional Policy Statement Historic Heritage objectives and policies, in particular Objective B5.2.1(1):

*Significant historic heritage places are identified and protected from inappropriate subdivision, use and development*

- Sites meeting the significance criteria set out in the AUP Historic heritage RPS (B5) should be included in Schedule 14.1 Schedule of Historic Heritage and the proposed plan change amended to ensure that it is consistent with the AUP historic heritage provisions

## 6 Recommendation

Insufficient information has been provided in relation to the identification and assessment of historic heritage in the plan change area. Without that information I am unable to determine if there are effects on archaeological sites of significant heritage value, and I am unable to support the proposed plan change.

**Addendum to initial memo: Amendments proposed by the applicant in response to submissions dated 3 March 2021**

I have undertaken a review of the amendments proposed to private plan change 43, as requested on 4 March 2020.

I do not consider that the proposed changes make any material difference to historic heritage effects or would require me to amend the recommendations of my existing S42a specialist report on the plan change as notified.

Robert Brassey

5 March 2020

DRAFT

**Memo (technical specialist report to contribute towards Council’s section 42A hearing report)**

To: David Wren, Consultant for Plans and Places, Auckland Council  
From: Gemma Chuah, Senior Healthy Waters Specialist, Healthy Waters  
Date: 2 March 2021

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**Subject: Private Plan Change – PC43 McLaughlin Quarry – Healthy Waters stormwater assessment**

## **1.0 Introduction**

- 1.1 I have undertaken a technical review and assessment of the private plan change, on behalf of Auckland Council in relation to stormwater effects.
- 1.2 I am a Senior Healthy Waters Specialist in the Healthy Waters Department of Auckland Council. I hold a Bachelor of Science (hons) degree from the University of Canterbury and I am a member of Water New Zealand. I have been employed by Auckland Council for ten years. In my current role I am responsible for providing technical and planning input from Healthy Waters perspective into plan changes and resource consent applications and for coordinating the implementation of Healthy Waters’ regionwide network discharge consent (NDC).
- 1.3 In writing this memo, I have reviewed the following documents which were notified:
  - *“McLaughlins Quarry Private Plan Change Request to the Auckland Unitary Plan (Operative in Part) – Statutory Assessment Report”*, prepared by Babbage Consultants Limited, dated 23 December 2019.
  - *“ECOLOGICAL SURVEY REPORT McLaughlins Quarry Private Plan Change Request”*, prepared by Bioresearchers, dated 26 September 2019.
  - and (*“Stormwater Management Plan for: Euroclass”*, prepared by Babbage Consultants Limited, dated 09 May 2019. submitted prior to notification but not included in notified documents)
- 1.4 Submissions received have also been reviewed and assessed. Site visits were undertaken on 19 July 2019 and 16 September 2020
- 1.5 Additional reports and plans (including an updated stormwater management plan) have been submitted by the applicant following notification. These



provide more information and update the proposal, however in accordance with advice from Plans and Places that the s42A report is not able to report on an amended plan change, these have not been considered within this memo.

### Plan Change proposal

1.6 The proposal is to rezone the Plan Change area from quarry zone to heavy and light industry zone and to open space zone as shown below. Additionally the plan change introduces a precinct and seeks to amend the SEA and ONF overlays.

1.7 The applicant describes the plan change area as:

*Sub-area A is located on the footprint of the backfilled quarry. Sub-area A is currently in the development phase, in accordance with land use and subdivision resource consents granted by the former Manukau City Council and Auckland Council to enable the establishment of business uses. The types of businesses already established within Sub-area A can generally be described as industrial activities.*

*Sub-area B is greenfield land, located at 79 McLaughlins Road. It contains a large wetland, which is dissected by a fence line through the central area, separating the wetland into two approximately equal halves. The western half of the wetland is located within Plan Change area, and the eastern half is the part of the Matukuturua Stonefields site, and is managed by the Department of Conservation.*



Figure 1. Plan Change as notified



Figure 2. Site location showing existing stormwater infrastructure in Area A, Puhinui Creek along the western and southern boundaries of the site and the natural wetland in Area B

## 2.0 Key stormwater issues

### Area A

- 2.1 Area A has already been developed through existing resource consents (including a stormwater diversion and discharge consent 39328) and the stormwater management infrastructure has been constructed and vested to Healthy Waters as part of that development. The effects of the discharge of stormwater were assessed and at the time consent was granted, effects were considered to be less than minor.
- 2.2 The proposed plan change will not alter the flow, volume or quality of the stormwater runoff from this area. The proposed Business – Heavy industry zone has a maximum impervious coverage of 100%. This is consistent with the impervious area coverage assumed for the existing development and the pipe network has capacity in this area.

- 2.3 As the network, treatment device and outfall have been vested to Council, these are already the responsibility of Healthy Waters for ongoing operation and maintenance. As the network, treatment device and outfall have been vested to Council, these are already the responsibility of Healthy Waters for ongoing operation and maintenance.
- 2.4 The stormwater management solutions in place do not represent current best practice due to access issues, excessive maintenance costs, erosion at the outfall, and poor visual amenity outcomes near a planned pedestrian link along the Puhinui. While proprietary devices like stormfilters have a lower capital cost for the developer, they have higher operational costs than other communal stormwater treatment devices such as wetlands. Maintenance costs are ratepayer funded, therefore inefficient treatment systems create a direct and ongoing cost burden.

#### **Area B**

- 2.5 Area B is currently undeveloped with no stormwater network in place. The plan change will allow impervious coverage of up to 100% of the developable area where the Light Industry zone is proposed. The resource consent to divert and discharge stormwater for Area A does not include the diversion and discharge of stormwater from Area B.
- 2.6 No information is included in the notified documents regarding the management of stormwater from Area B.
- 2.7 The key issues with regard to stormwater management for this plan change relate to water quality and the protection and enhancement of the freshwater environments on and adjacent to the site.

### **3.0 Applicant's assessment**

#### **Area A**

- 3.1 The applicant has assessed that as the stormwater infrastructure and most of the development in Area A is already existing "There are no infrastructure constraints identified for the servicing of the Plan Change area."

#### **Area B**

- 3.2 The notified documentation did not include any assessment of the effects of stormwater runoff from the development of this area, however an SMP was submitted prior to notification of the Plan Change.
- 3.3 The SMP identified that the key issues for stormwater are managing water quality and the impact of hydrology changes on the wetland. The SMP

proposed that details around stormwater management could be assessed and resolved at the time of resource consent.

## **4.0 Assessment of stormwater effects and management methods**

### **RMA/AUP framework for assessing likely effects**

- 4.1 Regional Policy Statement B7.3 Freshwater Systems Outcomes and provisions include that
- Degraded freshwater systems are enhanced.
  - Loss of freshwater systems is minimised.
  - The adverse effects of changes in land use on freshwater are avoided remedied or mitigated.
- 4.2 Chapter E1 of the AUP contains objectives and policies for managing the effects of development on freshwater. In particular for greenfield developments the objectives and policies of E1 direct that an integrated stormwater management approach be taken to minimise effects on freshwater systems.
- 4.3 The National Policy Statement for Freshwater Management 2020 has a clear hierarchy for the management of freshwater which places the health of the water as the first priority. Requirements of the Freshwater NPS include:
- Manage freshwater in a way that ‘gives effect’ to Te Mana o te Wai:
  - Improve degraded water bodies, and maintain or improve all others
  - Avoid any further loss or degradation of wetlands and streams, map existing wetlands and encourage their restoration.
- 4.4 The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES) protects streams and natural wetlands from development, imposing additional rules which supersede those in the AUP. The Freshwater NES sets requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. Anyone carrying out these activities will need to comply with the standards. The standards are designed to:
- protect existing inland and coastal wetlands
  - protect urban and rural streams from in-filling



## **Receiving environments**

- 4.5 The Puhinui Creek borders the site on the western and southern boundaries. Both the Puhinui Creek and the natural wetland are identified in the AUP as significant ecological areas. The Puhinui Creek (SEA\_T\_612) for threat status and rarity, and stepping stones, migration pathways and buffers, the wetland (SEA\_T\_8443) for threat status and rarity.
- 4.6 The Puhinui Creek catchment is the focus of several council and community lead restoration and enhancement projects.
- 4.7 The characteristics of the wetland are described in the applicant's ecological survey report.
- 4.8 The wetland in particular is a particularly sensitive environment. The Wetland no longer has an outflow to the Stream except in very high rainfall due to previous earthworks. It is therefore particularly vulnerable to potential contaminants entrained in stormwater as there is no flushing or dilution factor within this environment and any contaminants may be deposited and accumulate.

## **Water quality**

- 4.9 The AUP focuses water quality management on high contaminant generating areas such as high use roads and high contaminant generating car parks. However E1 also requires that discharges, subdivision, use, and development are managed to maintain or enhance water quality. Healthy Waters' NDC also requires water quality treatment for all impervious areas in greenfield and large scale brownfield developments.
- 4.10 Stormwater runoff from impervious areas associated with industrial zones is expected to contain more contaminants generated through the land use activities and heavy vehicle movements than from other land uses.
- 4.11 In the context of high quality and high value receiving it is important that the effects on water quality are avoided where possible or otherwise remedied or mitigated. .
- 4.12 There are no provisions in the proposed precinct plan which will protect these high value receiving environments from the effects of discharges.
- 4.13 This could be achieved through a requirement in the precinct for water quality treatment for all impervious surfaces prior to any run off discharging to the receiving environment.
- 4.14 It is recommended that the following precinct standard for 'all activities' is included.

### **I4xx.6.7 Water Quality**

Purpose: To ensure that the effects of stormwater runoff on the high value receiving environments are mitigated.

(1) Stormwater runoff from all impervious areas in Sub Precinct B must be treated by stormwater management device(s) that meets the following standards:

- (a) the device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or
- (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.

- 4.15 The existing proprietary StormFilter device that is part of the public network in Area A was designed to meet the above standard (b) so any runoff which is discharged to the public network could meet the standard without the need for additional onsite quality mitigation.
- 4.16 Healthy Waters is currently investigating the long term feasibility and possible alternatives of this device in this location due to the high ongoing maintenance costs and concerns about performance. A possible outcome of this investigation is the removal of the current device and replacement with an alternative.
- 4.17 Any sites that propose to discharge directly to the stream or to the wetland will need to provide onsite quality mitigation prior to the discharge point.
- 4.18 Future development within the precinct will need to assess site specific appropriateness of device options and network layout at the time of resource consent stage. These matters should also be included in an updated SMP which will be required in order for stormwater discharges to be authorised by Healthy Waters' NDC.

### **Stream hydrology**

- 4.19 The site is located at the bottom of the Puhinui Creek catchment very near to the tidal reaches of the stream. The existing outfall structure associated with Area A discharges at approximately RL 2m. It is therefore not considered useful to require any hydrology mitigation, such as that provided for in AUP Chapter E10, in order to manage or maintain the hydrology in the Stream and protect against downstream erosion and habitat loss.
- 4.20 The stream banks in the vicinity of the site show signs of existing erosion and slumping, in particular around the location of the outfall. If this continues it will



result in increased sediment loads in the stream potentially smothering habitat as well as an encroachment of the stream channel into the site

### **Wetland hydrology**

- 4.21 The natural wetland in Area B is a unique and significant ecological environment. Changes to the flows entering the wetland have the potential to alter the water levels within the wetland which could impact on the hydrological and ecological balance. Development of Area B will include impervious surfaces that may potentially result in the diversion of stormwater runoff away from the wetland.
- 4.22 Prior to development of this area an assessment will need to be provided that consider if diverting runoff away from the wetland will have and water levels in the wetland. Where the wetland relies on flows from the development area, runoff should not be diverted away from the wetland. Water quality treatment would be needed as discussed above.
- 4.23 These matters should be included in an updated SMP which will be required in order to comply with Healthy Waters' NDC.
- 4.24 Although outside the scope of this assessment, it should be noted that the applicant has, subsequent to notification, prepared a report on the hydrology of the wetland which identified that the catchment of the wetland includes only a small portion of the developable land in Area B and concluded that development would not have an effect on the wetland.
- 4.25 However it is still recommended that any impervious area in the catchment currently draining to the wetland continue to drain to the wetland post development. The updated SMP will need to include discussion of the routing of flows from this area.
- 4.26 The portion of Area B within the catchment of the wetland is also within the proposed revised ONF overlay. The ONF rules restrict buildings in this area but not impervious surfaces.
- 4.27 The NPS and NES both include direction around avoiding effects on wetlands from development and protecting and enhancing natural wetlands.

### **Flooding and overland flow paths**

- 4.28 There are identified flood plains associated with the Puhinui Creek and the natural wetland in the vicinity of the site.
- 4.29 The extent of both these flood plains is contained within the area of the Plan Change that is proposed to be zoned Open Space. This will ensure that any development is kept out of the flood plain.

- 4.30 The site is located at the bottom of the Puhinui catchment and therefore it is most appropriate to manage the increase in runoff due to development using a 'pass it forward' approach to the flood flows so that flood peaks do not coincide.
- 4.31 Overland flow paths will need to be managed carefully at the time of development and this is controlled under Chapter E36 of the AUP. In particular the location of the overflow from the wetland must be identified and maintained, both to protect the hydrological and ecological functioning of the wetland and to protect the safety of the occupiers of the future development on the site. Historically the wetland would have overflowed via the overland flow paths show on the GIS below. However due to land modifications which have already occurred in this area it is likely that it now overflows more directly to the Puhinui along its south western margin.



Figure 3. Flood plains and overland flow paths in the vicinity of the plan change Area B. Source Auckland Council

### Stream reclamation

- 4.32 The proposed precinct provisions include rule I4.4.1 (A2) which proposes that reclamation of streams in the area identified on the precinct plan area is a permitted activity. The area includes a constructed sediment pond and sections of intermittent stream. The Ecological Survey Report also identifies part of this area as a “wetland drain”.
- 4.33 The specific ecological effects are discussed further by other Council Specialists.
- 4.34 This rule will be inconsistent with the NES. Clause 57 of the NES makes reclamation of rivers a discretionary activity and clause 53 which prohibits

earthworks within a natural wetland that results, or is likely to result, in the complete or partial drainage of all or part of a natural wetland. It is not known if the “wetland drain” meets the definitions of natural wetland under the NES but if it does this area will need to be protected.

- 4.35 The reclamation in this area is also inconsistent with Chapter E3 of the AUP, under which reclamation is a non complying activity.
- 4.36 Further the applicant has proposed that no specific offsetting package would be provided for the loss of this section of stream which is inconsistent with the policies of E3.
- 4.37 It is acknowledged that a large area of riparian margin planting is proposed as part of the plan change, however this area of planting is proposed to be undertaken regardless of the reclamation of the stream (if the stream were not reclaimed, no less planting would be done). To rely on that planting to offset the effects of the reclamation is commonly known as “double-dipping”. Offsetting of the effects of the loss of this stream should provide additional ecological value and benefit beyond the riparian planting already proposed and should be calculated in accordance with the principles in Policy E3.3.4.
- 4.38 Submission 27 requests that this rule and the associated policy and plan be deleted.
- 4.39 It is recommended that this rule be deleted from the precinct plan and that the existing provisions of the AUP Chapter E3 apply to any reclamation which is proposed at the time of land development to be assessed as part of the resource consent application.

#### **Riparian and wetland margins**

- 4.40 The plan change proposes an open space zone along the Puhinui Creek edge, this includes a 10 m planted riparian margin. The plan change proposes a 20m planted margin around the wetland which will also be in the open space zone. The planting of both of these areas will be planted according to planting management plans to be decided at the time of development.
- 4.41 These open space and planted buffers are supported as they will help to protect and enhance the edges of these freshwater environments.
- 4.42 The riparian and wetland margin planting is discussed further by other Council Specialists.
- 4.43 Schedule 2 of the NES sets out requirements for wetland restoration plans.
- 4.44 It is recommended that lxxx.4.6.5 and lxxx.4.6.6 also include a timeframe to ensure that the preparation of the planting plans and the undertaking of the planting is triggered by the first development in the area.

## 5.0 Submissions

### Submission 27 - Auckland Council

5.1 Submission 27 raises several points in relation to stormwater management.

*Delete rule 14.4.1 (A2), the associated policy 14.3 (8) and 14.9.4. Wiri Precinct Plan 4: Areas for reclamation within sub precinct B.*

5.2 This is submission point supported. As discussed in paragraphs 4.24 – 4.30, it is recommended that this rule be deleted.

*Ensure that all one per cent annual exceedance probability floodplains are protected from urban development by either public reserve with open space zoning, covenants or development setback rules in the precinct, or rural zoning, or a combination of the above.*

5.3 The area identified as floodplain is within the proposed Open Space zone.

*Provide a stormwater management plan (SMP) that meets the water quality and other requirements for adoption into the council's network discharge consent (NDC) or variation to the existing discharge consent for sub-precinct A. This includes ensuring that the discharge of stormwater from the precinct area does not adversely affect the terrestrial and marine Significant Ecological Areas (SEA), and making any necessary amendments to the precinct to that effect.*

5.4 This submission point is supported. At the time of land development of the site, the applicant will be required to prepare and submit an SMP. Prior to connecting to or extending the public stormwater network the SMP must have been adopted under the NDC.

5.5 Following the notification of the plan change the applicant has submitted an updated SMP. The updated SMP identifies more details of the principles and options for managing stormwater from this site. Healthy Waters will continue to work with the applicant to agree a best practicable option for managing stormwater should the plan change be approved.

5.6 As discussed in paragraph 4.5 – 4.11, it is recommended that an additional standard relating to water quality is included in the precinct to ensure that the water quality management as determined by the SMP will be implemented effectively.

### Submissions 8, 21, 23, 23, 27, 28 – Maori cultural values

5.7 Although these submissions do not specifically raise stormwater management, this is a factor in the protection of te mana o te wai as required by the National Policy Statement: Freshwater and by Healthy Waters' NDC. Insufficient management of stormwater can result in adverse effects on the

receiving environments which have strong cultural and spiritual values to mana whenua.

## **6.0 Other Matters**

### **Healthy Waters Regionwide Network Discharge Consent and Auckland Council Stormwater Bylaw 2015**

- 6.1 Healthy Waters holds a regionwide NDC which authorises the diversion to and discharge of stormwater from the public stormwater network. Any connection to the existing network, extension of the network or new network must demonstrate compliance with the NDC before connection can occur.
- 6.2 in order to connect to the public stormwater network or vest assets to Auckland Council, approval from Healthy Waters will be required under the Stormwater Bylaw.
- 6.3 The purpose of the Bylaw is to ensure discharges into the public network do not compromise the council's ability to comply with any network discharge consent. This means that regardless of a development's status under the RMA or AUP, if the discharge will enter the public network, the development must be consistent with the requirements of the stormwater NDC.
- 6.4 Schedule 4 of the NDC requires that all greenfield development is supported by an SMP which takes an integrated stormwater management approach.
- 6.5 The land form of Area B means that it is likely that stormwater runoff from the majority of the site will be connected to the existing public stormwater network constructed as part of the development of Area A and as such an SMP is required. There may be some small sub-catchments which will discharge directly to the Puhinui Creek or to the natural wetland. These will need to be authorised separately under the AUP at the time of development.
- 6.6 The NDC requires that where an SMP has been prepared to support a notified Plan Change, the Plan Change must be consistent with that SMP. As recommended above the additional precinct rule regarding water quality mitigation will bring the precinct in line with the expectations of the SMP and ensure that the SMP can be implemented successfully.

## **7.0 Conclusions and recommendations**

- 7.1 The notified documentation did not include sufficient assessment of the effects of the plan change in relation to stormwater.



- 7.2 The stormwater management and associated infrastructure from Area A is already established. The changes to the underlying zone in this area will not alter the development potential of the area and will therefore not change the effects of stormwater on the receiving environments.
- 7.3 Declining the Plan Change would not result in any additional protection of Area B from the effects of development as parts of this area are already being developed in an ad hoc manner through the existing resource consents.
- 7.4 Modifications to precinct provisions are required to ensure that effects from stormwater are managed through subsequent consenting processes.
- 7.5 Delete rule I4.4.1 (A2), the associated policy I4.3 (8) and I4.9.4. Wiri Precinct Plan 4: Areas for reclamation within sub precinct B. reclamation should be controlled through the existing AUP provisions in Chapter E3.
- 7.6 Add an additional precinct standard for all activities

#### **I4xx.6.7 Water Quality**

Purpose: To ensure that the effects of stormwater runoff on the high value receiving environments are mitigated.

- (1) Stormwater runoff from all impervious areas in Sub Precinct B must be treated by stormwater management device(s) that meets the following standards:
- (a) the device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or
  - (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.
- 7.7 It is recommended that Ixxx.4.6.5 and Ixxx.4.6.6 also include a timeframe to ensure that the preparation of the planting plans and the undertaking of the planting is triggered by the first development applications the area.

**Memo (technical specialist report to contribute towards Council’s section 42A hearing report)**

To: David Wren, Consultant for Plans and Places, Auckland Council  
From: Gemma Chuah, Senior Healthy Waters Specialist, Healthy Waters  
Date: 5 March 2021

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**Subject: Private Plan Change – PC43 McLaughlin Quarry – Healthy Waters stormwater assessment - post notification addendum**

## **1.0 Introduction**

- 1.1 I have undertaken a technical review and assessment of the private plan change, on behalf of Auckland Council in relation to stormwater effects.
- 1.2 Additional reports and plans have been submitted by the applicant following notification. This memo is an addendum to my assessment dated 2 March 2021 and considers the revised provisions and additional documents.
- 1.3 In writing this memo, I have reviewed the following additional documents:
- *‘ECOLOGICAL SURVEY REPORT McLaughlins Quarry Private Plan Change Request.’* Prepared by Bioresearchers, version 6, dated 13 November 2020.
  - *‘Wetland Hydrological Assessment – Private Plan Change 43, McLaughlins Quarry.’* Memo prepared by Babbage, Dated 9 November 2020.
  - *‘Stormwater Management Plan, McLaughlins Quarry Private Plan Change Request’.* Prepared by Babbage Consultants Limited, dated November 2020.
  - *PC43 Track Changes Version*, dated 3 March 2021.

### **Plan Change proposal**

- 1.4 The revised proposal is to rezone the Plan Change area from special purpose - quarry zone to light industry zone and open space zone as shown below. Additionally the plan change introduces a precinct and seeks to amend the SEA and ONF overlays.

1.5 The revised provisions introduce two sub precincts into the area formerly known as Area B. Sub precincts B and C. Changes are proposed to the precinct rules, standards and plans.



Figure 1. Updated revised Plan Change (3 March 2021)



Figure 2. Revised I4.9.1. Wiri Precinct Plan 1 (3 March 2021)

## 2.0 Assessment of stormwater effects, management method and revised precinct provisions

### Area A

2.1 In area A the Plan Change is revised from proposing heavy industry to proposing light industry. This will not change the stormwater effects in this area given the area is already built out.

### Area B

#### Water quality

2.2 The revised provisions do not include any specific mention of protecting water quality through stormwater runoff.

- 2.3 The updated SMP has identified that all impervious areas should have water quality treatment prior to discharge. Specifically the majority of the site is proposed to discharge through the existing stormwater network via the existing stormfilter. The SMP identifies that onsite water quality treatment such as swales or raingardens should be provided prior to the discharge point for any run off which discharges to the wetland. These are supported.
- 2.4 The SMP states that a small sub catchment could discharge directly to the lower portion of the intermittent stream but suggests that water quality treatment would not be required this sub catchment. I do not agree that no treatment should be provided here.
- 2.5 In order to implement the water quality expectations of the SMP I recommend that the following precinct standard for 'all activities' is included and is referenced as a sub clause within rule (A6).

(A6)	Activities that do not comply with the following Standards: (i) Standard I4.6.1 Building height (ii) Standard I4.6.5 Planting of Riparian margin areas (iii) Standard I4.6.6 Planting of Wetland margin areas (iv) Standard I4.6.6.7 Water Quality	NA	D	D
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**I4xx.6.7 Water Quality**

Purpose: To ensure that the effects of stormwater runoff on the high value receiving environments are mitigated.

(1) Stormwater runoff from all impervious areas in Sub Precinct B must be treated by stormwater management device(s) that meets the following standards:

- (a) the device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or
- (b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.

- 2.6 The existing proprietary StormFilter device that is part of the public network in Area A was designed to meet the above standard (b) so any runoff which is discharged to the public network could meet the standard without the need for additional onsite quality mitigation.

2.7 Any sites that propose to discharge directly to the stream or to the wetland will need to provide onsite quality mitigation prior to the discharge point. The details of these can be assessed at the time of resource consents for development.

### Stream hydrology

2.8 No change to previous comments

### Wetland hydrology

2.9 The natural wetland in Area B is a unique and significant ecological environment. The values of the wetland are discussed in detail in the ecology and freshwater specialist input memos.

2.10 Changes to the flows entering the wetland have the potential to alter the water levels within the wetland which could impact on the hydrological and ecological balance. Development of Area B will include impervious surfaces that may potentially result in the diversion of runoff away from the wetland.

2.11 The applicant has provided a report assessing the hydrology of the wetland. The report identifies that the current catchment of the Wetland is approximately 7 ha, primarily in the adjacent DOC reserve. It concludes that “it is unlikely that any buildings or earthworks will cause significant changes to the inflow and outflow of surface water and groundwater into, and out of, the Wetland”.

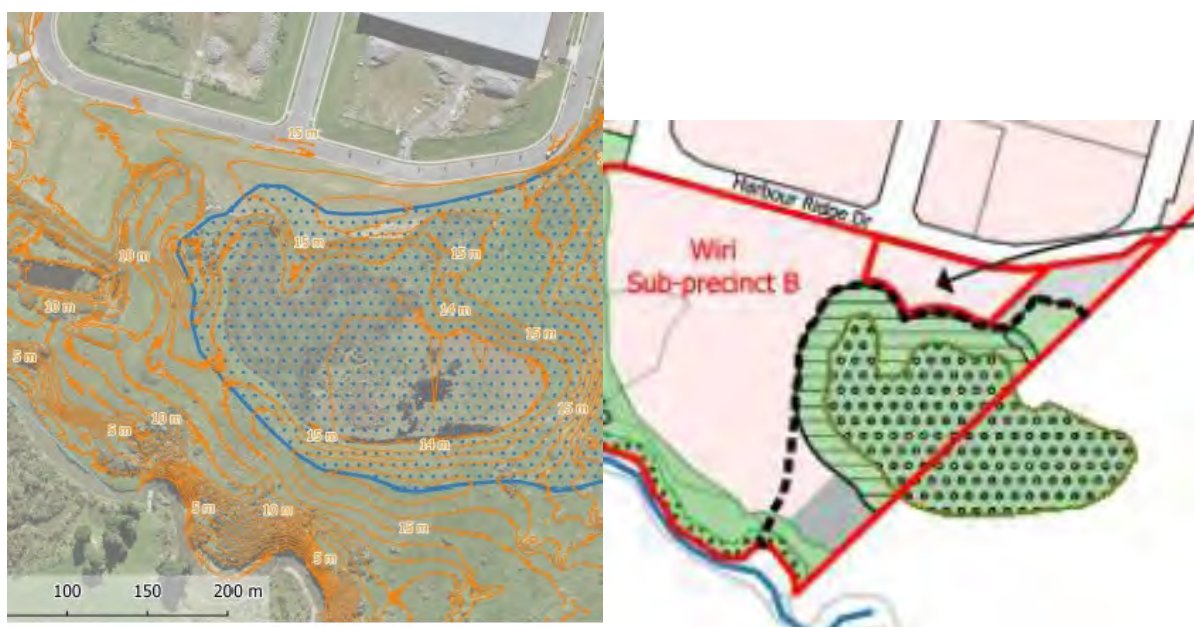


Figure 3. Wetland catchment on Plan Change site as identified in Wetland Hydrology assessment, based on Lidar contours taken in 2014 compared to 'building platform' areas (pink) and 'no build' areas (grey) shown on Precinct Plan 1.



- 2.12 Healthy Waters specialists have reviewed the hydrology report and although unclear how the rainfall and runoff volumes were calculated they agree with the conclusions reached.
- 2.13 Although there is no significant effect on wetland hydrology, it is still preferable to maintain the natural hydrology of flows into wetland in accordance with the principles of water sensitive design.
- 2.14 The portion of Area B within the catchment of the wetland is mostly outside the building platform area shown on Precinct Plan 1. Standard I4.6.2 does not allow buildings in this area, however, it does not control impervious surfaces. This means that industrial yards, storage areas or carparks could be constructed in this area. These carry a higher risk of contaminants and spills than roofs.
- 2.15 Therefore any runoff would need to have a high standard of treatment and spill prevention. The need to protect the wetland from potential spills may outweigh the small hydrological change. This will need to be addressed in detail once the particulars of the development for this site are known. It is therefore appropriate to manage this effect at the time of resource consents.
- 2.16 At the time of development any discharge directly to the wetland will be subject to consent requirements under Chapter E8 of the AUP and under regulation 54 of the NES and the potential effect can be assessed and balanced at that time.
- 2.17 The NPS and NES both include direction around avoiding effects on wetlands from development and protecting and enhancing natural wetlands.

### **Flooding and overland flow paths**

- 2.18 No change to previous comments

### **Stream reclamation**

- 2.19 The revised precinct provisions include rule I4.4.1 (A2) which proposes that reclamation of the intermittent streams in the area identified on the Precinct Plan 3 is a discretionary activity. This revision increases the activity status from permitted to discretionary. The advice note around no offsetting required remains. The Precinct plan is much clearer as to the stream location that this rule applies to.
- 2.20 A revised ecological survey report has been submitted which clarifies the status of the water features in this area.
- 2.21 The specific ecological effects are discussed in detail in the ecology and freshwater specialist input memos.

- 2.22 This rule is now consistent with the NES. Clause 57 of the NES makes reclamation of rivers a discretionary activity however remains inconsistent with Chapter E3 of the AUP, under which reclamation is a non complying activity.
- 2.23 The precinct provisions still propose that no specific offsetting package would be provided for the loss of this section of stream. This is inconsistent with the policies of E3.
- 2.24 It is acknowledged that a large area of riparian margin planting is proposed as part of the plan change, however this area of planting is proposed to be undertaken regardless of the reclamation of the stream (if the stream were not reclaimed, no less planting would be done). To rely on that planting to offset the effects of the reclamation is commonly known as “double-dipping”. Offsetting of the effects of the loss of this stream should provide additional ecological value and benefit beyond the riparian planting already proposed and should be calculated in accordance with the principles in Policy E3.3.4.
- 2.25 Submission 27 requests that this rule and the associated policy and plan be deleted.
- 2.26 It is recommended that this rule be deleted from the precinct plan and that the existing provisions of the AUP Chapter E3 apply to any reclamation which is proposed at the time of land development to be assessed as part of a comprehensive resource consent application.

### **Riparian and wetland margins**

- 2.27 No change to previous comments. The value and merit of the proposed planting is discussed in detail in the ecology and freshwater specialist input memos

## **3.0 Submissions**

- 3.1 No change to previous comments

## **4.0 Other Matters**

### **Healthy Waters Regionwide Network Discharge Consent**

- 4.1 The applicant has submitted an updated SMP which sets out how stormwater is proposed to be managed from the developed site.

- 4.2 The updated SMP identifies more details of the principles and options for managing stormwater, including clarifying that the majority of stormwater runoff is proposed to discharge through the existing stormwater network. As such the SMP will need to be adopted under the NDC before development can occur.
- 4.3 The NDC requires that where an SMP has been prepared to support a notified Plan Change, the Plan Change must be consistent with that SMP. As recommended above the additional precinct rule regarding water quality mitigation will bring the precinct in line with the expectations of the SMP and ensure that the SMP can be implemented successfully.
- 4.4 Healthy Waters will continue to work with the applicant to agree a best practicable option for managing stormwater should the plan change be approved and to adopt the SMP under the NDC.

## 5.0 Conclusions and recommendations

- 5.1 The updated documents and revised provisions provide a clearer picture of the potential effects of the plan change in relation to stormwater.
- 5.2 Further modifications are recommended to the precinct provisions to ensure that effects from stormwater are managed through subsequent consenting processes.
- 5.3 Reclamation of the intermittent stream should be controlled through the existing AUP provisions in Chapter E3. I recommend that rule I4.4.1 (A2) and the associated Wiri Precinct Plan 4 are deleted.
- 5.4 In order to protect the receiving environments from stormwater contaminants and to implement the water quality expectations of the SMP and I recommend that the following precinct standard for 'all activities' is included and is referenced as a sub clause within rule (A6).

(A6)	Activities that do not comply with the following Standards: (i) Standard I4.6.1 Building height (ii) Standard I4.6.5 Planting of Riparian margin areas (iii) Standard I4.6.6 Planting of Wetland margin areas <u>(iv) Standard I4.6.6.7 Water Quality</u>	NA	D	D
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### I4xx.6.7 Water Quality

Purpose: To ensure that the effects of stormwater runoff on the high value receiving environments are mitigated.

(1) Stormwater runoff from all impervious areas in Sub Precinct B must be treated by stormwater management device(s) that meets the following standards:

(a) the device or system must be sized and designed in accordance with 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'; or

(b) where alternative devices are proposed, the device must demonstrate it is designed to achieve an equivalent level of contaminant or sediment removal performance to that of 'Guidance Document 2017/001 Stormwater Management Devices in the Auckland Region (GD01)'.

## **Memo (technical specialist report to contribute towards Council's section 42A hearing report)**

16 March 2021

To: David Wren, Reporting Planner

From: Nathan Kennedy, Senior Specialist Cultural Heritage, Māori Heritage Team. Plans and Places Department

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**Subject: Private Plan Change 43 – McLaughlin's Quarry – Māori cultural and heritage assessment**

Dr Nathan Kennedy. 16 March 2021

In this memo I provide an assessment of the Māori cultural and heritage-related matters arising from proposed private plan change 43, for land that was part of the former McLaughlins quarry. I do so in my capacity as senior specialist in Māori heritage within Auckland Council's Māori Heritage Team, part of the Heritage Unit within Council's Plans and Places department. I am qualified to speak about Māori cultural and heritage values and interests that might be affected by the proposed plan change. I have a PhD based on, and decades of involvement in, Māori heritage and environmental management. I also have expertise in geo-spatial analysis, which is employed here to 'locate' the application in maps. My relevant expertise is outlined at the end of the memo.

### **Issues**

The issues arising or potentially arising from the proposed plan change in Māori cultural, Treaty, and heritage terms:

- Impacts on the Māori cultural landscape
  - The subject land is part of a significant Māori cultural landscape for at least two iwi of Tāmaki Makaurau
  - Its cultural significance covers most of the area intended for development in the plan change proposals
- Heritage Effects – Sites of Significance to Mana Whenua and archaeology
  - Affects nearby Schedule 12 site (Sites of Significance to Mana Whenua). The extent of significance should be reassessed, as it currently follows the DOC land boundary, excluding neighbouring private land.
- The outstanding natural feature
  - The existing ONF has significant Māori cultural values that were not identified at the time ONFs and ONLs were assessed. These values may be sufficient reason to retain the existing ONF, or to extend it.
- Mauri – The SEA and environmental restoration
  - The SEA – terrestrial largely coincides with the explosion crater and has cultural significance both as a wetland and according to traditions of the volcanic atua Mataoho.
  - Effects from the previous resource consents and cumulative and new industrialisation effects on the subject land and adjacent public open spaces
  - Additional space may be required for restoration or conservation and to remedy or mitigate new visual amenity and cumulative effects
  - Overland flow path from the wetland should be restored at the cost of the landowner
  - Coastal location provides for restoration, not just holding the line

### **Assessment approach**

The assessment involved reading the plan change application, accompanying documents, and submissions for and against the application. I kept abreast of communications with and efforts by the applicant to address concerns raised in submissions. My views regarding the heritage values and issues arising take into account the cultural values assessments provided by Ngāti Te Ata and Te Akitai, and submissions of iwi, Heritage New Zealand, the Maunga Authority, and Department of Conservation, amongst others.

I undertook a site visit to the subject land, and another day to the adjacent public open space lands. I held discussions with other experts advising on the plan change, including the two advising archaeologists, landscape architects, and planners. I had brief communications with the applicant's planner, and with Mana Whenua.

I undertook a desktop review, including public and archived literature relating to the historic and cultural significance of the subject area. I received a range of documents showing and describing modifications to the notified plan change, including notes from discussions between the applicant and its agents and Mana Whenua. These included a range of proposed changes, including changed boundaries and activity status.

I 'geo-referenced' application maps/plans, locating them geo-spatially in order to visualise them in GIS, then 'digitised' them into features – points, lines and polygons. I replicated the style of the original then displayed this on top of aerial photography, overlaid by other datasets in the series of maps included in this memo. The GIS techniques used for the analysis and mapping are standard functions, and due care was taken to ensure derived accuracy was adequate for the purpose for which the maps are being produced, as a visual aid to help understand the applicant's proposals in terms of many factors. My GIS-related expertise given at the end of the memo. The maps and images produced using geo-referenced applicant's plans, and the features derived from them, show the proposals overlying Auckland Council or Google aerial photography, and other spatial data. This was done to achieve spatial accuracy when assessing the proposal and its effects on Māori cultural heritage values. I also find it useful to picture the physical environment in relation to proposal.

Finally, I consulted Council's heritage and landscape experts, seeking to view their reports (memos). This seemed prudent to inform a Māori heritage position, as I am of neither field.



## Section 1. Introductions – The whenua, Mana Whenua, the application

### The whenua – past and present

The subject land at 79 McLaughlin Road sits within an internationally significant landscape, and is significant to a number of iwi, in particular Ngāti Te Ata-Waiohū and Te Akitai-Waiohū. The historic landscape is recreated in the painting below, featuring the area immediately to the east of the PC43 subject land, with maunga Matukutūreia/McLaughlin’s Mountain the background.



Figure 1. Historic recreation by artist Chris Gaskin, commissioned by Auckland Regional Council. Looking North over Puhinui Creek and Matukutūreia stonefields to Matukutūreia, and distant Rangitoto Island.



Figure 2. Aerial view of the Puhinui Creek and Matukutūreia in 1952. Photo from Rod Clough (2019) *Technical Report 4. Archaeological Assessment*. Prepared for Stonehill Property Trust by Clough and Associates. Referenced as Figure 7 to Air Logistics 1952. Yellow line shows approximate subject area. Contrast altered to aid visualisation.



The subject land is within the coastal environment, as made clear in the applicants copied photograph below. The LINZ defined coastline and mean high water springs intersects the subject land in the lower stretches of the Puhinui Stream. The story of how the land left Māori hands and has come to be bounded by urban Auckland and the remaining coastal open space is detailed in the report of Rod Clough, and the CVA of Ngāti Te Ata. While the city slowly approached, the subject land was first farmed and then quarried, as described by Clough:

By 1960 large scale quarrying of the two cones (Maunga Matukutūreia/ McLaughlins and Te Manurewa o Tamapahore Pa/ Wiri Mountain) was underway, although this process had started in 1915 at Wiri (Lawlor 2002:6). This quarrying has destroyed most of the archaeology on the pa at Maunga Matukutūreia, most of the archaeology on the pa at Te Manurewa o Tamapahore Pa, and over 80% of the associated agricultural field systems.

Almost half of Matukutūreia was destroyed. The remaining private land is shown below, characterised by open weedy grassland, bounded to the north by warehouses, to the west and south by the Puhinui Stream, and to the east by the rest of the remaining Matukutūreia stonefields. These are administered by the Department of Conservation since being acquired by a National government in 2008.



Figure 3. The subject area 79 McLaughlin Road at August 2020, viewed from over warehouses

Then Conservation Minister Chadwick said that the land was especially important because it represents a large proportion of the 200 hectares of remaining stonefields. The press reporting her saying ‘they are the last remaining examples of pre-European Maori settlement and gardening on volcanic soils and are nationally and internationally significant’ (Udanga, 2009). The land is part of Matukutūreia stonefields, and sits alongside the Puhinui Stream.

In recent decades more of the few remnant stonefields have been built over for industry or housing, with substantial ecological heritage and cultural loss. The subject land is the last remaining private land on this section of the Manukau coastline, surrounded by Crown and publicly owned land, and the coastal marine area.

Table 1 in Appendix 1 contains a series of photos showing the subject land from 2005 to 2020. The series shows a nearly 20-year view of its quarrying past, and the impacts of that and subsequent industrialisation on the values of the area. Changes are visible from quarrying, then after recent resource consents, subsequent development, digging a pit, and diverting the overland flow from the wetland. The images, taken at different times of year tide and day, differ in colour and contrast, but show the dynamic nature of the environment including the wetland, its overflow and the stream. The photos have been re-contrasted to partially compensate for inconsistent and dark photography.

## Mana Whenua

There are many iwi that have ancestral relationships with Matukutūreia, the Puhinui Stream, and the Matukutūkurua stonefields on the Manukau Harbour edge. The Property redress schedule of the Tāmaki Settlement documents includes Table 3, entitled *Iwi And Hapu Interests*. This is one indication of local associations. For Matukutūruru the table lists Ngai Tai ki Tamaki, Ngati Maru, Ngati Tamaoho, Ngati Tamatera, Ngati Te Ata, Ngati Whanaunga, Ngati Whatua Orakei, Ngati Whatua o Kaipara, Te Akitai Waiohua, and Te Kawerau a Maki.

Two iwi engaged with the landowner and applicant over proposed private plan change 43, Ngāti Te Ata – Waiohua and Te Aki Tai Waiohua. Both iwi have long associations with the subject area. In its CVA Te Akitai-Waiohua wrote of Matukutūreia (p.p. 14–15):

The food gardens and cultivations of Matukutūreia extended into the surrounding region of Puhinui and were sectioned off with stone boundaries. These walls were also used for gardening, cooking, heating and basic defence. Although most of the local stonefields have been destroyed, there are remnants that can still be seen today. The Otakawai and Puhiroa stonefields of Matukūtureia are some of the only places in Tāmaki Makaurau to feature ancient stonefields that are still intact. Other visible examples are also found close to Māngere Mountain, on Puketutu Island and at Ōtuataua in Ihumātao.

The Puhinui creek and stream were both close enough to Ngā Matukurua to meet the needs of the pa for travel and to supplement its fresh water sources including Waitapu, the main Matukutūreia puna (spring). The location of the pa next to the Manukau Harbour was also convenient for transport purposes and the gradient of the maunga provided natural irrigation to its gardens, as groundwater flowed out to the sea.

And on pages 15 and 16:

The lands surrounding Ngā Matukurua, feature soil that has been imported from the nearby volcanic cones. This made the area more appropriate for food and garden cultivation and shows a clear awareness of the impact of high quality soil on agriculture.

Ngāti Te Ata takes its name from the Wai-o-Hua chieftiness Te Ata I Rehia, a granddaughter of the founding Wai-o-Hua chief Te Hua-o-Kaiwaka. Te Ata I Rehia was born at Matukutūreia. Te Aki Tai writes of its long occupation of the area, alongside others of Waiohua, and the whakapapa connection between the two iwi is shown in the Ngāti Te Ata CVA, *Technical Report 8 – Cultural Values Assessment*, (attachments to the application) this refers to traditional iwi boundary markers on the stonefields. Regarding maunga Matukutūreia, the CVA says:

Matukutūreia is a prominent local landmark and the birth place of our eponymous ancestor Te Ata Rehia. Ngati Te Ata continue to maintain a spiritual and cultural relationship to this landscape through whakapapa both in terms of our connection to papatuanuku and ancestral relationship through Te Ata Rehia.

The plan change land is just out of picture to the left of Figure 1, and fish traps protected today by heritage listing are shown bottom-mid left of that picture. The historic, iwi, and archaeological record supports a conclusion that the subject land for this plan change was similarly intensively used. The description in the Ngāti Te Ata CVA emphasises the traditional use of the area, with the rivers and streams being both pathways and resources, focused on the Manukau Harbour, the Waiohua and Tainui iwi, like most Tāmaki tribes, being seafaring people.

## Alienation of ancestral lands

According to the Ngati Te Ata CVA and submission the subject land is within areas confiscated under the legislation used to legitimate the invasion of the Waikato. The colonial attack was aimed at freeing up rich Waikato lands, and at undermining the Kingitanga for that purpose. The attack was partially legitimised by claims of hostile Māori in South Auckland being a threat to the settler community, and the local Māori were obliged to swear an oath to the Queen and give up any arms, or withdraw to the Waikato:

Grey's troops moved to invade the Waikato on 12 July 1863. Most Maori on the Manukau Harbour were forced to abandon their settlements and retreat into the Waikato. Government policy treated Waikato Maori as 'rebels' – that included those from Manukau. Te Akitai, Ngati Tamaoho, and Ngati Te Ata lands on

the Manukau were confiscated as 'punishment'. Related tribes Te Kawerau and Ngati Whatua were also affected.

The Waitangi Tribunal's found in its early Manukau Harbour Report:

As the finding shows, our researches reveal that the Manukau Maori people were attacked without just cause by British troops, their homes and villages ransacked and burned, their horses and cattle stolen. They were then forced to leave their lands and were treated as rebels, all their property being confiscated in punishment for a rebellion that never took place.

This history is deemed to have no bearing on the current legal status of the land, or this process. But it warrants consideration in understanding the ancestral relationship of Mana Whenua with the subject land, which is a matter of national significance RMA under section 6e, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The Ngati Te Ata CVA describes the historic undermining of that relationship following raupatu (confiscation) of the area by the settler government, subsequent destruction of the cultural landscape, and impact on the people:

Matukututueia and its surrounding stonefields were eventually desecrated, with the sacred maunga quarried to feed the demand for building stone from a growing Auckland. Ngati Te Ata were not consulted regarding the destruction, the desecration of such an important tohu severely impacting the wellbeing of the iwi and being felt still to this day. This legacy of harm remains with the existing quarry and other development activities on the site.

The 'Ngati Te Ata Land Alienation Report' 1998 prepared by historian Tony Walzl reaffirms the enormous amount of land loss and the many breaches of the Treaty of Waitangi concerning land alienation on Ngati Te Ata. Ngati Te Ata, who once held dominion of the entire area from the panoramic view of Matukututueia are now landless in the Manukau and not one acre was willingly alienated within the city's boundaries.

Today the guardian families of the Manukau are represented in various marae (Pukaki, Makaurau, Te Puea, Tahunakaitoto and Whatapaka) all in close proximity to its shores. Each of these marae once thrived and relished in easy access to the bounty of the harbour. This includes the many significant waterways still used for food harvesting and ceremonial purposes. The Puhinui, Waimahia, Waokauri, Pukaki and Oruarangi are but a few.

I don't reproduce further detail by the two iwi of cultural significance associated with particular places on the subject land. The CVAs and submissions are on the record. Rather, I later describe the issues of concern to the iwi, and assess these in light of the statutory instruments, and Treaty principles.

### **Te Akitai Māori cultural landscape maps**

Te Akitai-Waiohua authored a series of cultural landscape maps that were included in the Puhinui Precinct plans. These also cover the subject area. One was geo-registered and is featured in **Figure XX**. All four of the cultural landscape maps are included below, with the location of the proposal area indicated.

These provide a graphic spatial representation of the subjects dealt with by each map. But they were developed centred on the north-west of the subject site, for a much larger area. Nevertheless, they tell us that part of the subject land was traditionally valued as a fish trapping location within the coastal margins, and that the Puhinui was a traditional ara, or pathway, in the vicinity of Matukututueia and its associated pa. The area is categorised as being of high sensitivity.

The cultural landscape maps are of high-level assistance here, but don't provide the fine-grained representation of Māori values and interests across this particular landscape. But they give an indication of what is involved in cultural landscape mapping.









Figure 5. Puhinui structure plan maps – Te Akitai-Waiohū Māori Cultural Landscape – Cultural Heritage Analysis Historic Sites and Linkages 2/4



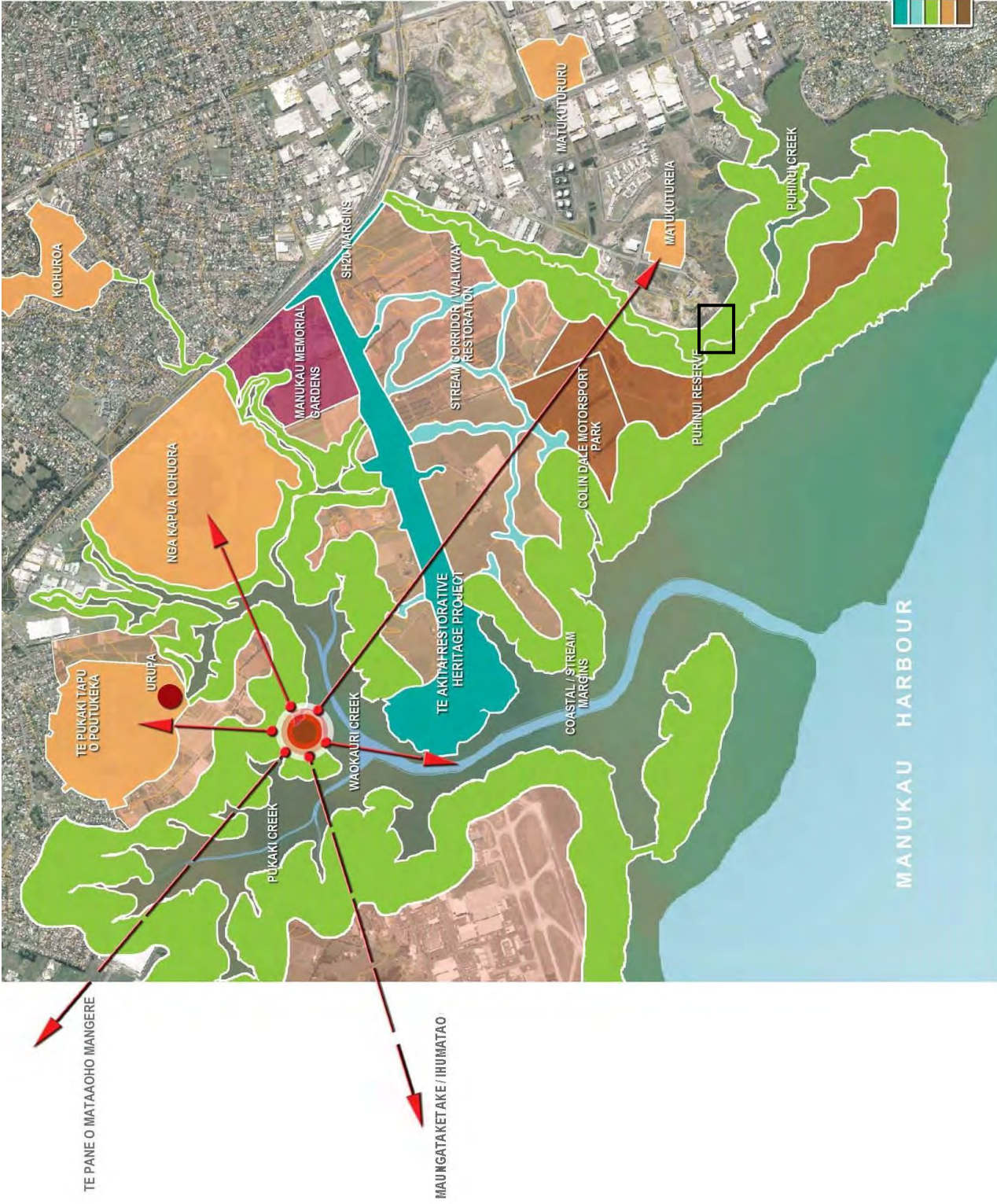


Figure 6. Puhinui structure plan maps – Te Akitai-Waiohau Māori Cultural Landscape Analysis Existing Opportunities



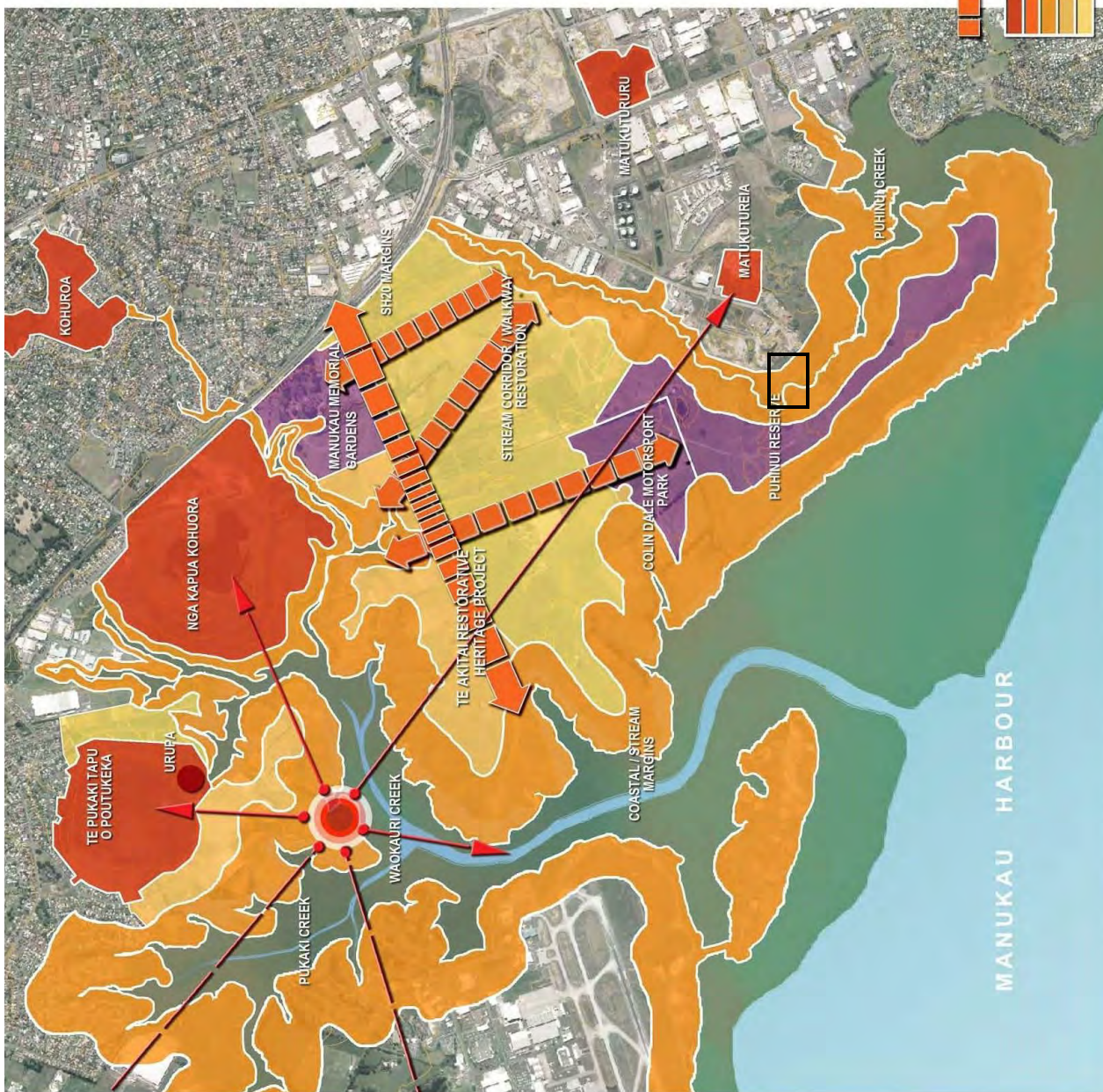


Figure 7. Puhinui structure plan maps – Te Akitai-Waiohū Māori Cultural landscape – Cultural Heritage Sensitivities



### Plan Change 43 Application

The plan change and proposed precinct are detailed elsewhere, including in the notified application, and its assessment of effects. In short the applicant seeks a precinct with associated planning provisions, revisions to existing zoning across the subject site zoning most of the area first heavy industry, and under revision light industry. It also seeks changes to open space informal recreation areas, and a reduction to an Outstanding Natural Landscape and Significant Ecological Area-terrestrial within the subject land.

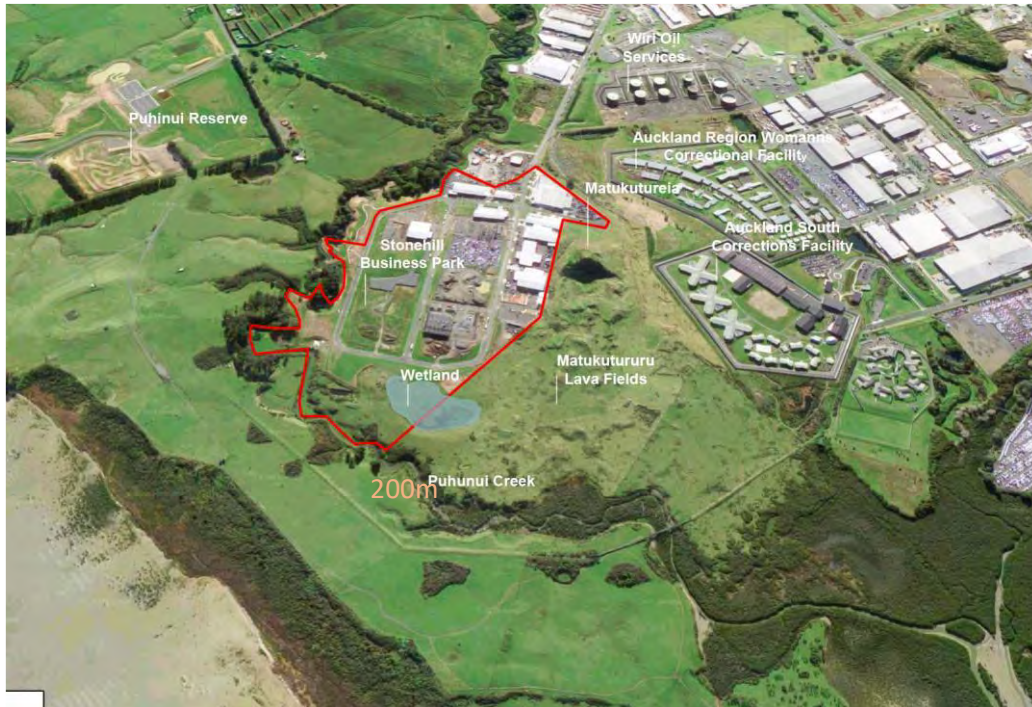


Figure 8. From SAR, Labelled as Figure 3: Oblique Aerial Photograph looking north (Plan change area highlighted in red)

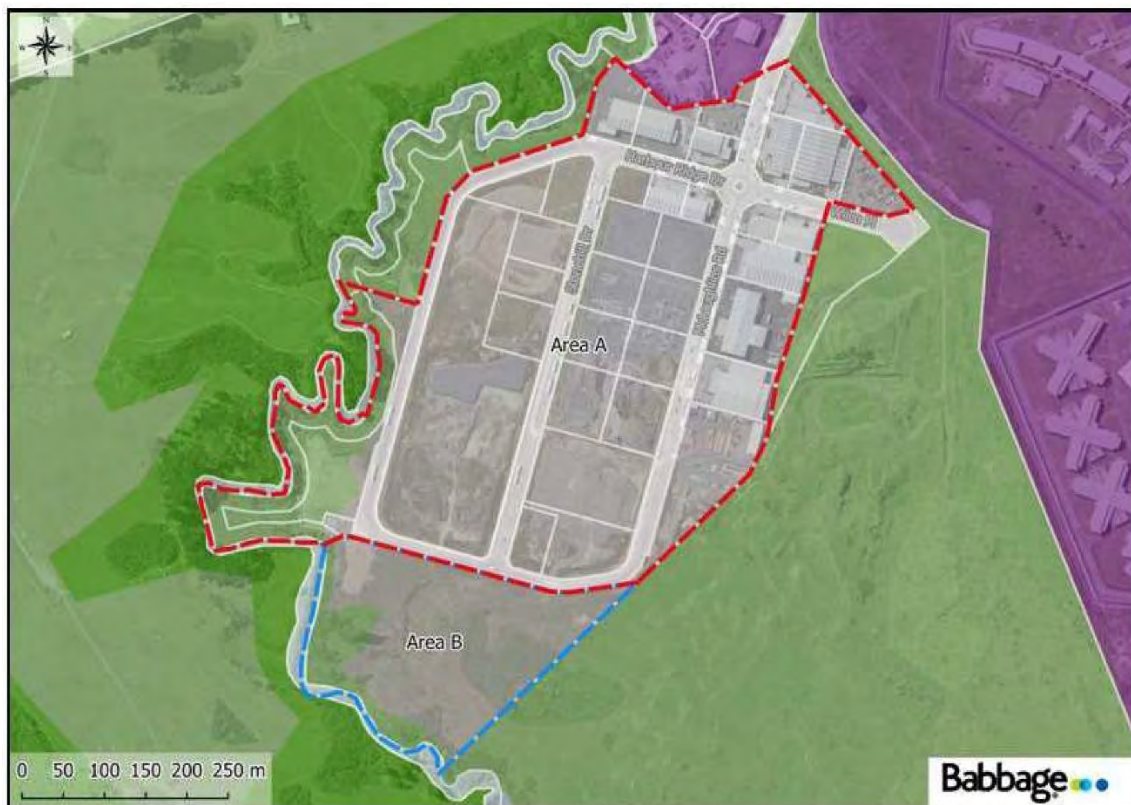


Figure 9. Copied from SAR - Labelled as Figure 3-3: Sub-areas A and B within the Plan Change Area



### Analysing the proposal using GIS to 'capture' the application plans

The plan change-related features included in my maps were taken from the notified documents, revisions provided by the applicant's planner to Auckland Council, and most recently a document distributed at the direction of the committee chair, entitled *Amendments Proposed by the Applicant in Response to the Submissions*, Dated 3 March 2021. Figure 10 below, shows the as-notified proposed zoning (inset) layered over aerial photography. Viewing the proposals in this manner, over aerial photography and alongside other spatial data in GIS, allows me to more confidently assess effects, including differences between the three versions of the plan change application.



Figure 10. proposed zoning as notified, digitised using GIS. Inset from application documents



Figure 11. Notified version zoning over applicant's archaeologist's mapped areas. Also schedule 12 Site of Significance to Mana Whenua (purple), schedule 14 fish trapping heritage area (purple striped area) Significant Ecological Area - terrestrial (green), and recorded archaeology (orange lines and points)





Figure 12. Overlaying the two recent plans from the applicant showing proposed zoning and sub precincts





Figure 13. Layers of value. Geo-registered plan from most recent proposals. Precincts and proposed open space areas overlaid by archaeological sites (orange) schedule 12 Site of Significance to Mana Whenua (purple), schedule 14 fish trapping heritage area (purple striped area) Significant Ecological Area (green striped area) (green).



## Section 2. The issues

Mana Whenua expressed concern about a wide range of issues that could arise from the proposed plan change, including loss of open space, reduction in the scheduled ONF area, and the need for the cultural landscape and a full impact assessment to inform any plan change. Ngāti Ta Ata identified direct, indirect and cumulative effects. These included intensification of use due to rezoning, conflict with Mana Whenua values, and activities and behaviour impacts upon wellbeing of Ngāti Te Ata descendants, piecemeal physical destruction of significant cultural sites and landscape, stormwater discharges, and impacts upon mauri of the natural and physical environment. Cumulative effects include impacts from increased impermeable surface and heavy industrial activities. Table 4: Summary of potential cultural impacts from the Ngāti Te Ata Preliminary CVA provides a fuller list. Both iwi opposed the plan change application in their CVAs and submissions.

Three other Māori entities made submissions opposing the plan change, Ngāti Tamaoho, The Tupuna Maunga Authority, and Ahikiwi Marae. Ngāti Tamaoho opposed this Proposed Plan Change in its entirety. They said that the entire area is of cultural significance to Ngāti Tamaoho, that the Plan Change will forever change the landscape and is not in their best interests. Ngāti Tamaoho recommended the Plan Change be declined by Council, and supported the submission made by Ngāti Te Ata and the relief sought by the commissioners from Ngāti Te Ata (Ngāti Tamaoho submission p.1).

The Tupuna Maunga Authority made a submission opposing the entire plan change in general. Governance and administration of the Tūpuna Maunga that were returned to Tāmaki iwi is undertaken by the Authority. It is a co-governance body with equal representation from mana whenua and Auckland Council. Ahikiwi Marae also made a brief submission opposing the application.

I have grouped the major potential effects associated with the plan change under four headings, The Māori Cultural Landscape, Heritage Effects, The ONF, and Mauri (SEA and restoration). I also briefly consider other matters. I briefly introduce each issue, summarise the views of Mana Whenua, identify relevant statutory provisions, discuss expert advice and points made in submissions, and provide an assessment/recommendations.

### 1. The Māori cultural landscape

The subject land is part of a significant Māori cultural landscape for at least two iwi of Tāmaki Makaurau. Its significance is well documented. Ngāti Te Ata included in its CVA under the heading 'The Ancestral Relationship of Ngāti Te Ata to the Matukutūreia Cultural Landscape' (p.16):

The project site sits within a broader ancestral cultural landscape. This wider context is required to better understand the cultural values associated with the physical and natural resources that comprise and surround the site. Cultural landscapes are the sum of the physical resources and geography, archaeological features, wāhi tapu, place names, histories, places and sites that are interconnected and imbue a spatially defined area with context and meaning for a particular cultural group or groups. Cultural landscapes are what give meaning to and allow interpretation of otherwise spatially discrete sites and resources.

Ngāti Te Ata wrote of its aims and objectives in preliminary CVA 'The ultimate outcome for Ngāti Te Ata in regard to the proposed development is protection and preservation through avoidance of any further adverse impacts upon the natural and cultural landscape and its resources' (p.7).

The applicant has accepted that this is a cultural landscape. The initial Statutory Assessment Report includes under the heading *The Plan Change Area And Locality Description*, 'The precinct recognises the cultural, spiritual and historical values and relationships that Te Ākitai Waiohū have with the land and sea in Puhinui as part of the Māori cultural landscape. (p.p 4-5). The proposed precinct provisions include the title 'Mana Whenua cultural landscape', this being described as:

The Wiri area and the Puhinui peninsula reveal a complex but unique cultural environment of inter-related settlements, travel routes, and fishing, gardening and food and resource gathering areas all closely

associated with a series of prominent natural features and waterways that together form an integral part of the stories, genealogy, mythology and history of Mana Whenua.

Examples of cultural resources of significance to mana whenua in the proximity of the Precinct include: Manukau Harbour, Maunga Matukutūreia (McLaughlins Mountain), Nga Matakuturua, Matukutururu (Mount Wiri), Puhinui Catchment, Matukuturua Stonefields, and archaeological materials or features. Cultural values to be protected within the Wiri Precinct encompass the archaeological sites, geological features forming part of the Matukuturua Stonefields Outstanding Natural Feature, Puhinui Creek riparian margin areas, and areas of ecological values present within the precinct.

The most recent track changes version plan change proposal includes the map entitled *Wiri Precinct Plan 5: Māori Cultural Landscape Values*, digitised below in **Figure 14**. The map categorises the whole Matukuturua Stonefields and Matukutureia maunga as an 'important site or place'. Given the undertakings in the most recent proposed text that such areas of significance will be spared destruction, this map is hard to reconcile with the other recent text revisions to the proposal. The applicant provides insufficient measures designed to address cultural values effects.



Figure 14. The latest revisions to the application for PC43 refer to the geo-referenced map showing Māori cultural values, which Te Akitai sought be included with the plan change documents. Subject area shown by black rectangle.

### Relevant statutory provisions

For the statutory provisions reproduced in this memo I sometimes emphasise provisions that I consider the application is inconsistent with, and may omit listed items not considered relevant.

Māori cultural landscapes as an expression of Māori values and interests is enabled in the RMA, including by sections 6 e and f, and are provided for in the NZCPS. Along with many other Māori values-related provisions in the NZCPS, cultural landscapes are explicitly addressed in Policy 15, Natural features and natural landscapes, which reads:

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
  - (b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;
- including by:

(c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:

(viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;

Cultural landscape-related provisions were partially removed from the Unitary Plan on the advice of the Independent Hearings Panel, accepted by Auckland Council. The Independent Māori Statutory and iwi unsuccessfully appealed that decision, along with the removal of the statutory recognition of sites of value to Mana Whenua.

Some cultural landscape-related provisions survived into the operative AUP, including in the definition of Mana Whenua cultural heritage (p.p.70-71). Policy B6.5 Protection of Mana Whenua cultural heritage, includes that a Māori cultural assessment identify Mana Whenua values associated with the landscape in structure planning and plan change processes.

Accordingly, this process is one of the few surviving processes that require that the opportunity be provided to iwi to express their values interests and world views as a cultural landscape. This has not been done, in the context of the current plan change.

However, iwi are not reliant on the Unitary Plan (Operative in Part) for legal recognition of cultural landscapes. In addition to the authority provided by the New Zealand Coastal Policy Statement, there is growing case law on the subject. The previously shown nearby Puhinui Māori Cultural Landscape maps were accepted as evidence of the traditional significance of the area to Te Akitai in *Self Family Trust* and subsequent appeals and hearings, which are amongst the authorities on cultural landscapes now.

There, the courts noted the combination of the mapped Puhinui cultural landscape and the other protection mechanisms in the vicinity, mainly the Significant Ecological Area and ONF were amongst the reasons the appeal was dismissed. The Environment Court acknowledged that cumulative effects on Te Akitai over time meant that particular protection of their residual values was warranted, as per these extracts:

[496] .....The agreement of the witnesses about the benefits of structural planning was as we understood their evidence in the context of the benefits of being consulted, and the protection of particular sites, not that structure planning would protect their cultural landscape as a whole. Second there is an accumulative effect here: if Te Akitai's values in "their" landscape have been reduced by the proposed development of southern Puhinui (as they claim) then that makes any remaining values even more important.

[501] "Significant" adverse effects are, like inappropriate ones, a matter of context. Any light industrial development which might arise under the counterfactual RUB could lead to rows of buildings turning their backs on the creeks, and separating the two sides of the Peninsula almost completely (even allowing for legal access to be provided for Pūkaki Road to the urupa). That effect would on any objective assessment be adverse to the coastal environment because it diminishes natural character and increases industrialisation and domestication. By themselves those adverse visual effects might not be significant in the coastal environment but coupled with the adverse effects on the cultural landscape of the Mana Whenua we find that they are significant.

#### Views of Mana Whenua

Iwi have consistently stated the importance of the wider area, in the CVAs produced for this plan change application, in submissions, and previously including the Puhinui Structure plan maps shown above. In its preliminary CVA Ngāti Te Ata stated a series of positions, including:

That notwithstanding our opposition to the proposal, should the plan change proceed, Ngati Te Ata will be resourced to undertake cultural landscape and potential sites of significance mapping as part of the plan change process, in accordance with AUP B6.5.2(7).

Similarly, Te Akitai Waiohau wrote in its submission opposing the application:



Te Ākitai Waiohūa supports the application of the Te Aranga principles to proposed PC43 in the design and development of an iwi based cultural landscape. Te Ākitai opposes the proposed Heavy Industry Zone, and supports retention of ONF93 over the proposed plan change area, and the Open Space Zone, as this better reflects the cultural and historical importance of the site.

The Te Aranga - Māori Cultural Landscape Strategy seeks the reinstatement, development, and articulation of the physical and metaphysical cultural landscapes of whānau, hapū, and iwi (Hoskins et al., 2008). Both iwi stated that Māori cultural values and concepts should be recognised where possible as any proposed plan changes are developed.

Te Akitai-Waiohūa authored the series of cultural landscape maps developed as part of the Puhinui Structure plan, shown in Figures 4 to 7. These are an example of a methodological approach taken to give effect to Policy B6.5 of the Unitary Plan. While the Puhinui cultural landscape maps include the subject land, they span a much wider landscape, rendering them inadequate for reflecting localised conditions. The subject land can be considered a localised cultural landscape. This is shown in Figure 15 below.

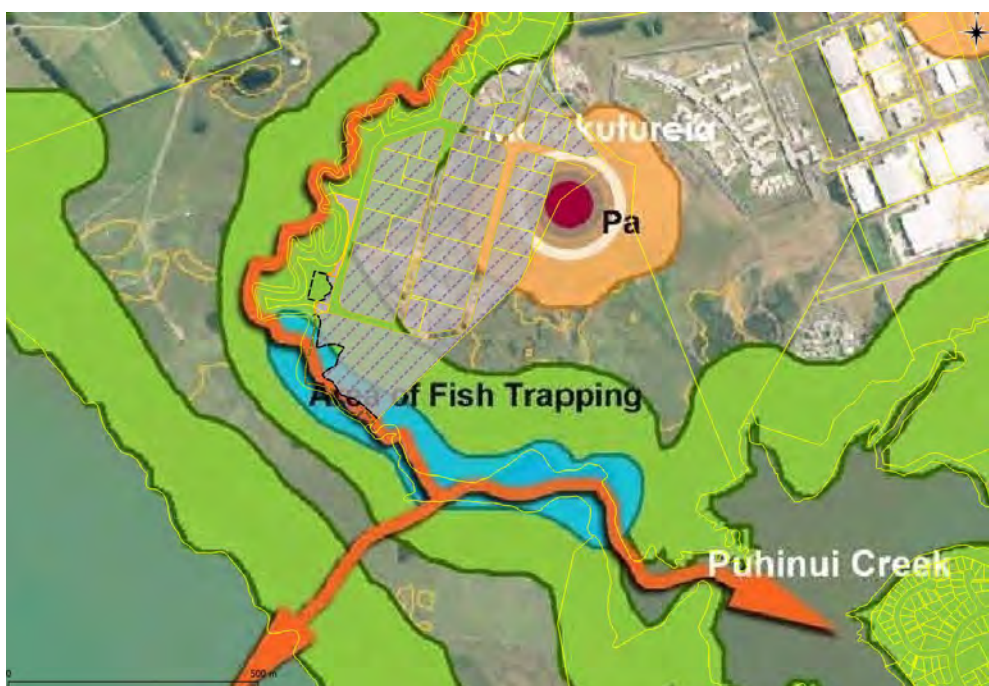


Figure 15. Te Aki Tai cultural landscape geo-registered showing legal parcel boundaries and subject site

I have only overlaid one of the four cultural landscape maps from the Puhinui precinct in the GIS, the other three are included earlier in the memo, each showing the location of the proposed plan change/precinct. All four show that the whole of the subject area is significant, of high sensitivity, and with iwi aspirations for ecological restoration.

Basing its position on the CVAs produced by Ngāti Te Ata and Te Akitai, the Tupuna Maunga Authority referred to the significance of this cultural landscape in its submission, writing:

13. Statements in the proposed precinct plan description and objectives about the significance of the mana whenua cultural landscape and values are not given effect to in the proposed policies and methods. The plan change therefore fails to protect a significant mana whenua cultural landscape.

14. The conclusion in the CVA's is that the plan change has high adverse cultural impacts on the identified values that cannot be mitigated or off-set. The Authority supports mana whenua in its role as kaitiaki of its taonga.

The Tupuna Maunga Authority sought that Auckland Council:

- a) Decline the plan change;
- b) If the proposed plan change is not declined, amend the plan change as follows:

- (i) Recognise the relationship of the land included in the plan change with I432 Puhinui Precinct as shown on 1432.10.1 Puhinui: Precinct Plan - Māori cultural landscape values.
- (ii) Amend the precinct description, objectives, policies, activity table and assessment criteria to recognise and protect Māori cultural landscape values in sub-precinct A and B.
- (iii) Apply a zoning to the land that Māori cultural landscape values in sub-precinct A despite the presence of buildings on this part of the precinct.
- (iv) Recognise and include provisions showing the relationship between Matukutūruru and Matukutūreia.
- (v) Extend to the open space informal zone in sub-precinct B unless further information demonstrates the feasibility of the configuration for future development of the land proposed to be re-zoned Light Industry.

### My assessment

The evidence presented by iwi suggests that significant effects on this Māori cultural landscape would result from the plan change in its current form.

The applicant has acknowledged that this is a significant cultural landscape, but the various sets of proposals still intend covering the bulk of the subject land with light industrial zoning.

Better spatial understanding of the distribution and extent of values across the subject area will assist the landowner seeking to best utilise the land in designing a land use that responds to those values. Cultural landscape modelling is also a means by which the values can be determined, as relate to the various overlays of the Auckland Unitary Plan discussed in the following sections.

Further mapping of this cultural landscape is required, in accordance with AUP Policy B6.5, before the extent of areas that could be developed in order to avoid or adequately mitigate effects on the cultural landscape can be determined with confidence.

## 2. Heritage effects – Sites of significance to Mana Whenua, and archaeology

Much of the Mana Whenua discussion in the two CVAs and submissions relates to the cultural landscape rather than to specific sites. However, archaeological sites are an important component of cultural landscapes identified by iwi.

The application relies partially on its archaeological report, commissioned from Rod Clough, in support of its extent of industrial/light industrial zoning. The intended development would require an authority for modifying or destroying sites of Māori origin, which would likely be granted subject to a discovery protocol and excavation/recording. Such an approach predetermines that sites encountered can be modified or destroyed. This is problematic given the high cultural significance of the area, and the likelihood – according to Mana Whenua – of encountering further ancestral sites.

Part of the proposed precinct (but outside the area proposed for future development) is covered by a scheduled site called Maunga Matukutūreia in the Sites and Places of Significance to Mana Whenua overlay, Schedule 12 of the AUP. A second scheduled site, Matukutūru, extends along the S.E boundary between the DOC administered stonefields and the subject site.

The scheduling of mainly public land in Schedule 12 is a result of legacy protected areas from several councils, and a cautious approach to implementing new Unitary Plan provisions. Accordingly, most currently scheduled sites avoid private land. But in scheduling areas for protection, authorities are now required to identify the extent of the significance, and to manage for or protect those particular values.

In the applicant's SAR, benefits from rezoning to heavy industrial are claimed to include that the comprehensive framework in Chapter D21 Sites and Places of Significance to Mana Whenua overlay will continue to provide for the protection of Maunga Matukutūreia and the Matukutūru Stonefields. Similarly, that the framework in Chapter D17 Historic Heritage Overlay will continue to protect the Puhinui Fish Traps.

But both the Mana Whenua significant sites fall outside although the subject land (although within the proposed precinct), and fish traps almost completely outside. Furthermore, potential effects may arise on both sites from

rezoning and consequential industrialisation. These might impact the relationship of Mana Whenua with their ancestral sites given that additional industrial building and activities will potentially diminish the experience of visiting both sites (amenity, visual effects, loss of habitat and ecological values, increased level of observation).

#### Relevant statutory provisions

The two primary provisions relating to ancestral and archaeological sites that apply here are Policy 17 of the NZCPS and AUP Historic Heritage Objective B5.2.1. Objective D21.2. relates to the Sites and Places of Significance to Mana Whenua Overlay.

#### NZCPS Policy 17 Historic heritage identification and protection

Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:

- (a) identification, assessment and recording of historic heritage, including archaeological sites;
  - (b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
  - (c) initiating assessment and management of historic heritage in the context of historic landscapes;
  - (d) recognising that heritage to be protected may need conservation;
- e to i omitted

#### AUP B5.2. Historic heritage

##### B5.2.1. Objectives

- (1) Significant historic heritage places are identified and protected from inappropriate subdivision, use and development.
- (2) Significant historic heritage places are used appropriately and their protection, management and conservation are encouraged, including retention, maintenance and adaptation.

#### D17. Historic Heritage Overlay. D17.2. Objectives [rcp/dp]

- 1. The protection, maintenance, restoration and conservation of scheduled historic heritage places is supported and enabled.
- 2. Scheduled historic heritage places are protected from inappropriate subdivision, use and development, including inappropriate modification, relocation, demolition or destruction.
- 3. Appropriate subdivision, use and development, including adaptation of scheduled historic heritage places, is enabled.

#### D21. Sites and Places of Significance to Mana Whenua Overlay

##### D21.2. Objective [rcp/dp]

- 1. The tangible and intangible values of scheduled sites and places of significance to Mana Whenua are protected and enhanced.
- 2. Scheduled sites and places of significance to Mana Whenua are protected from inappropriate subdivision, use and development, including inappropriate modification, demolition or destruction

##### D21.3. Policies [rcp/dp]

- 1. Avoid the physical destruction in whole or in part of sites and places of significance during earthworks.
- 2. Avoid significant adverse effects on the values and associations of Mana Whenua with sites and places of significance to them.
- 3. Require subdivision, use and development, where adverse effects on sites and places of significance cannot practicably be avoided, to remedy or mitigate those adverse effects by:
  - a. enhancing the values of the scheduled site or place of significance and the relationship of Mana Whenua with their tāonga, commensurate with the scale and nature of the proposal;
  - b. incorporating mātauranga, tikanga and Mana Whenua values, including spiritual values;



- c. recognising and providing for the outcomes articulated by Mana Whenua through an assessment of environmental effects with Mana Whenua and within iwi planning documents;
  - d. demonstrating consideration of practicable alternative methods, locations or designs that would avoid or reduce the impact on the values of scheduled sites and places of significance to Mana Whenua; and
  - e. demonstrating consideration of practical mechanisms to maintain or enhance the ability to access and use the scheduled site or feature for karakia, monitoring, customary purposes and ahikā roa by Mana Whenua.
4. Reflect within the development the relationship of the scheduled site or place of significance within the context of the wider local history and whakapapa.
  5. Recognise that some activities may have such significant adverse effects on Mana Whenua values that they are culturally inappropriate when considering the nature of the scheduled site or place of significance and associated values.
  6. Manage the adverse effects of subdivision where scheduled sites and places of significance to Mana Whenua are split into multiple land parcels. Provide incentives to encourage the protection and enhancement of scheduled sites and places of significance to Mana Whenua.
  7. Provide incentives to encourage the protection and enhancement of scheduled sites and places of significance to Mana Whenua.
  8. Recognise that the intangible values of sites or places of significance can be protected and enhanced even where the site or place has been significantly modified or destroyed
  9. Enable existing network utilities and electricity generation facilities on sites and places of significance including:
    - a. use and operation; and
    - b. minor upgrading, maintenance and repair in a manner that avoids, where practicable, or otherwise remedies or mitigates adverse effects on cultural values.
  10. Avoid where practicable the use of scheduled sites and places of significance to Mana Whenua for new infrastructure where this affects cultural values.
  11. Require an assessment of environmental effects where proposed works may have adverse effects on the values associated with sites or places of significance to Mana Whenua.

#### **Finally, E38. Subdivision -Urban - E38.2. Objectives**

(2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.

(7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.

8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.

(10) Subdivision: (c) maintains the function of flood plains and overland flow paths to safely convey flood waters, while taking into account the likely long term effects of climate change.

#### **E38.3. Policies**

4. Require subdivision to be designed to retain, protect or enhance scheduled features including those in the Historic Heritage Overlay and SSMW Overlay.

14. Encourage the design of subdivision to incorporate and enhance land forms, natural features, and indigenous trees and vegetation.

#### **Expert advice and points made in submissions**

The applicant commissioned Rod Clough to undertake an archaeological assessment of the subject area. Dr Clough argued that the areas within the green and orange zones, shown in Figure 16 below, are already modified, and that better examples of stonefield features are preserved in the adjacent Matukuturua Stonefields Historic Reserve. He describes the green area as having limited potential/constraints.

Dr Clough recommends that site R11/1632 (series of midden, pits and terraces located beside Puhinui Creek) and R11/1632 (Puhinui Fish Traps) should be avoided in any future development of Sub-area B (the subject area). Provided that this is achieved, Dr Clough considers that any adverse effects of future development will be mitigated through archaeological investigation and information recovery, and that the effects of future development on archaeological values are likely to be minor in view of the modified nature of the property and low to moderate archaeological value of site R11/47 (SAR p.54).



Figure 16. Clough report - Figure 25. Showing areas of differing archaeological potential in the project area. Red = high potential/constraints; orange = moderate potential/constraints; green = limited potential/constraints

I note that Council's archaeologist Robert Brassy found fault with the applicant archaeologists' assessment in terms of methodology, assessment of significance, and location and extents of archaeological sites.

My reading is that the likelihood of encountering archaeology across most of the subject land is higher than estimated by the applicant's archaeologist, and even were that not the case I am less inclined to introduce a starting point of sacrificing physical remains that might be encountered over much of the subject land.

HNZ engaged with the applicant seeking to preserve the cultural values of the subject site, and made a submission overall supporting the proposed plan change, with amendments. This despite (in summary) HNZ seeking that the plan change be not approved until a range of matters are addressed, including that additional areas of Open Space Zone be included to sufficiently buffer and protect:

- Site R11/47 (described in the Archaeological Assessment as 'a rocky outcrop in North East of Proposed Plan Change Sub-area')
- Site R11/2811 in lot 51
- The full extent of site R11/1632, and the AUP(OP) Historic Heritage Overlay Extent of Place for Schedule ID 2163 Puhinui Fish Traps R11/911.

HNZ sought that the plan change be amended to provide for the ongoing management of archaeological sites in perpetuity, and that proposed wetland and riparian margin areas provisions in the plan change be amended to ensure no planting within areas with archaeological remains. Finally, HNZ sought that the plan change be amended to provide for interpretation of the historic and cultural heritage of the features within the site and as they relate to the wider cultural heritage landscape, and that meaningful engagement with mana whenua continues to work towards acceptable mitigation options to with regard to the identified cultural heritage impacts of the proposed rezoning and precinct. Subject to those amendments being made HNZ supported the plan change being granted.

DOC also expressed concern about effects on archaeological values from the proposal, noting that only 5% of stone fields remain in the Auckland Region, and that the Matukuturua and Ōtuataua stone fields represent the largest and most intact examples of stone fields in South Auckland. DOC argued that given the proximity to the adjacent historic

reserve, and the presence of a number of archaeological sites within the plan change area, it is possible that this plan change will facilitate the accidental disturbance of presently undiscovered sensitive archaeological sites (DOC submission re PC43, Effects on archaeological values, p.5).

### Views of Mana Whenua

Most of the iwi texts describe sites of significance of culturally important areas, rather than archaeology, and so few views were expressed on the subject. In its submission Te Akitai supported the proposed policy that building be located outside parts of the Wiri precinct that are identified as having important cultural, archaeological, ecological and geological values.

Ngāti Te Ata wrote of its preliminary CIA, identifying a range of sites considered to be of high cultural value, including isolated archaeological materials or features (e.g. midden, ditches, hangi pits). Section 1.11 of the report, Māori Archaeology, briefly describes the extensive archaeology of the subject site and wider area, then recommends

In the consideration of archaeology Ngāti Te Ata encourage applicants and decision makers to take a holistic, whole landscape perspective where practicable. Archaeological sites should not be viewed in isolation but rather as part of a wider mosaic of cultural sites, places and resources that collectively form part of an archaeological landscape.

Both iwi refer to both Matukutureia and Matukutukuru, the areas covered by the Schedule 12 overlay, as being of the highest significance. Ngāti Te Ata refers to Unitary Plan provisions relating to Schedule 12, and included a map showing the extents. For example, the preliminary CVA includes (p.p26-27):

It is also considered that the proposed plan change is in conflict with the Auckland Regional Policy Statement provisions relating to Mana Whenua and natural heritage, and specifically the AUP provisions relating to avoidance of effects to ONFs (E19.3, D10.3.3), avoidance of intensification in areas containing scheduled items (B2.4.2.5(a), B8.3.2.2(b), E38.3.4), and avoidance of significant effects to Sites of Significance to Mana Whenua (B6.5.2(4), D21.2.1, D21.3.1, and potentially, F2.16.3.6(b)).

But the iwi doesn't focus further on schedule 12. Similarly, Te Akitai sought (p.3) that the commissioners amend precinct provisions to better reflect cultural values, including by amending the precinct description to better reflect the significant cultural values of Matukutureia and Matukutururu and amend Objective 14.2(1) to reflect the significance of Matukutureia and Matukutururu. But they didn't refer to the associated schedule 12 sites. Neither iwi engaged with the archaeologist's report, focusing instead on their own cultural landscapes.

I understand that discussions have taken place recently between iwi and the applicant about the potential to seek a modification to the schedule 12 sites. However, no such proposal has been presented by the applicant to date.

### My assessment

In this case the land in question is undoubtedly coastal and an area of high potential for undiscovered Māori heritage, in particular coastal pā and fishing villages.

The remaining 5% of Auckland's stonefields has been acknowledged for its local and international cultural and historic significance, and the subject land enjoys multiple layers of statutory protection. Archaeologists should exercise restraint in recommending the destruction of the last remnants of this significant Māori heritage area.

The assumption is unwarranted that the physical remains of Māori ancestral places are available for destruction in the Auckland region, and that such destruction is mitigated by archaeological investigation and information recovery, through the Heritage NZ authority process. Such authorised destruction is widely contested by Mana Whenua.

Heritage managers should be mindful of the state of Māori cultural heritage in the region. It is substantially destroyed. The imposes an obligation on managers to avoid effects on remaining Māori heritage where possible in preference to mitigation.

The applicant's archaeologist's suggested 'sensitivity' areas should be rejected.



A proper assessment of the actual extent of the schedule 12 sites is needed. Were the approach of properly identifying the cultural significance followed, it is likely that the scheduled sites would extend into the subject area.

### 3. The Outstanding Natural Feature



Figure 17. The ONF area sought for removal – overlying aerial photography and showing latest proposed precinct lines

The applicant seeks to remove the part of the ONF that sits over the subject land, as shown in the inset of Figure 17 above. The applicant acknowledged (SAR p.47) that removing the ONF status for the subject land is opposed by iwi in the cultural values assessments, as it enables the further development of the Plan Change area.

Following subsequent discussions, a revised proposal reduces the extent of the area sought for removal, as shown in Figure 18 below. However, subject to further discussion with iwi, the change does not make a material difference to the matters discussed below.

Auckland Council did not undertake an assessment of factor K (the importance of the feature or site to Mana Whenua), in the regional assessment that led to the current scheduled ONF/Ls. As a result, only six of 255 of the regions ONFs are recorded as having Māori values. Those that do are ONF 109 Mt Eden (Maungawhau), 110 Mt Hobson (Ōhinerua), 138 One Tree Hill (Maungakiekie), 143 Ōrākei Basin volcano, 176 Rangitoto Island, 253 Wiri lava cave. For these few, the associated text is silent on the Māori values. There has been clear direction from the Courts since (including *Self Family Trust vs Auckland Council*), that councils must state what specific values relate to a scheduled area, and manage for those values. Auckland Council's near universal failure to assess ONF/Ls for Māori significance hides Māori values from current decision makers.

Consequently, part of the ONF intended for removal has not been assessed for Māori cultural values. In a similar situation the Environment Court in *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2017] NZEnvC 147 overturned a decision by the BOP Regional Council which removed ONF/L status in the regional coastal plan from part of a barrier arm on Matakana Island. While BOPRC initially included the whole barrier arm in the Plan,

the area was reduced during the hearings process. The district Council and Mana Whenua sought that the whole barrier arm be included, despite the presence of production forestry, due to the significance of the area to Māori.

The issue revolved around the degree to which a feature or landscape which is covered by plantation forestry can properly be considered to be an outstanding natural feature or landscape within the meaning of s 6(b) RMA. The Court came to the conclusion that lower aesthetic value ratings for the whole of the sand barrier in respect of coherence, vividness and naturalness based on the presence of the forest plantation and associated forestry activity are not justified, because of the significance of the feature to Mana Whenua.

The reason was that those lower ratings effectively elevate one consideration above a number of others, finding that in the context of the wider landscape, the result was to diminish the significance of the sand barrier in relation to the neighbouring areas of the harbour which are scheduled as ONFLs. The Court found that “the associational elements of the landscape are very high, especially for Maori values. These elements support the overall assessment”..

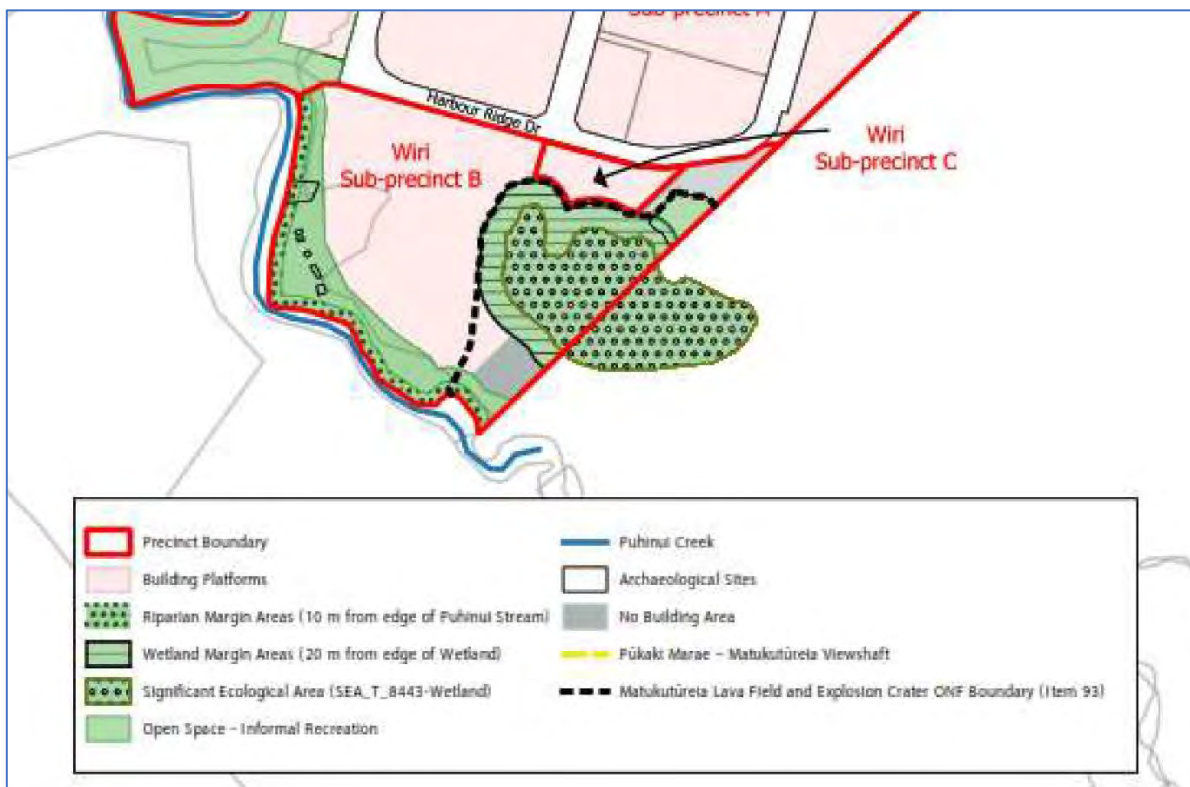


Figure 18. Part view of I4.9 Precinct Plans, I4.9.1 Wiri Precinct Plan 1 from recently provided application documents. Showing revised proposed boundary of the ONF.

### Relevant statutory provisions

#### NZCPS Policy 15 Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and

(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment;

including by:

(c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:

(i) natural science factors, including geological, topographical, ecological and dynamic components;

(ii) the presence of water including in seas, lakes, rivers and streams;

- (iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;
  - (iv) aesthetic values including memorability and naturalness;
  - (v) vegetation (native and exotic);
  - (vi) transient values, including presence of wildlife or other values at certain times of the day or year;
  - (vii) whether the values are shared and recognised;
  - (viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
  - (ix) historical and heritage associations; and
  - (x) wild or scenic values;
- (d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
- (e) including the objectives, policies and rules required by (d) in plans.

**AUP B4.2.Outstanding natural features and landscapes**, includes at B4.2.1. three objectives:

- (1) Outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development
- (2) The ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland are recognised and provided for [emphasis added]
- (3) The visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features that are of local, regional, national and/or international significance are protected and, where practicable, enhanced

B4.2.2 (4) requires that Auckland Council: Identify and evaluate a place as an outstanding natural feature considering the following factors:

- a) the extent to which the landform, feature or geological site contributes to the understanding of the geology or evolution of the biota in the region, New Zealand or the earth, including type localities of rock formations, minerals and fossils;
- b) the rarity or unusual nature of the site or feature;
- c) the extent to which the feature is an outstanding representative example of the diversity of Auckland's natural landforms and geological features;
- d) the extent to which the landform, geological feature or site is part of a recognisable group of features;
- e) the extent to which the landform, geological feature or site contributes to the value of the wider landscape;
- f) the extent of community association with, or public appreciation of, the values of the feature or site;
- g) the potential value of the feature or site for public education;
- h) the potential value of the feature or site to provide additional understanding of the geological or biotic history;
- i) the state of preservation of the feature or site;
- j) the extent to which a feature or site is associated with an historically important natural event, geologically related industry, or individual involved in earth science research;
- k) the importance of the feature or site to Mana Whenua. [emphasis added]

#### Views of Mana Whenua

Ngāti Te Ata and Te Ākitai consider that this proposal will result in adverse effects on the cultural values associated with the Matukutureia Cultural Landscape. Both iwi, along with Tamaoho and the Maunga Authority, sought the retention of ONF 93 over the proposed plan change area. In its CVA Te Akitai wrote of the importance of the ONF, including a statement that physical damage to parts of the feature might not affect its cultural value (p.17):



Te Ākitai Waiohua supports the retention of ONF93 over the proposed plan change area including the sections referred to in the Report as Area 2, which covers the explosion crater as well as Area 3, incorporating the lava field managed by the Department of Conservation which is subject to cultural redress negotiations with the Crown as part of the Te Ākitai Waiohua Treaty settlement.

It is understood sections of the Area 1 site are highly modified due to historical quarrying but this makes it no less important to Te Ākitai Waiohua as a physical feature of high cultural value. Although this is not based on a technical geological analysis, Area 1 adjoins Area 2 and Area 3 and should remain a part of ONF93. Te Ākitai Waiohua prefers to seek the views of Auckland Council and other independent expert advice in relation to Area 1 meeting the appropriate threshold for remaining a part of ONF93.

Similarly, Ngāti Te Ata wrote (p.23 of their CVA) that the removal of part of the ONF layer would further exacerbate the encroachment upon this significant cultural landscape through the intrusion of further development and intensification.

While providing substantial evidence of the cultural significance of the part of the ONF sought to be removed, neither iwi discussed the lack of recognition of Māori cultural values recorded against the feature.

#### Expert advice and points made in submissions

The applicant engaged a geologist (Shane Cronin Feb 2019) to undertake an assessment of the ONF, who found that Area 1, which is currently included as part of ONF 93, 'has no direct value as a primary geological feature because this area either had no original volcanic cover, or those parts of it that did are highly modified with much of the material removed. Overall, this area contains no value as a geological feature characteristic of Auckland's Volcanic Field' (p.3). This contrasts with the submission of the Geoscience Society of New Zealand, which argued that the boundary be retained over most of the original mapped extent of the ONF because of the area's high geo-heritage values.

Cronin takes a narrow geological view throughout the report, even his Table 1: ONF 93 and Evaluation Factors in Policy B4.2.2(4) provides only brief comments against the various non-geological factors. For criteria K, the importance of the feature or site to Mana Whenua, Cronin writes 'It is for mana whenua to comment'. But he gives no consideration to whether such values might be determinative of the extent of the ONF.

The applicant also engaged landscape architect Jason Hogan (LA4 Landscape Architects) to assess the proposed change to ONF 93. With respect to the part of ONF 93 recommended by Dr Cronin and the Brown Report to be removed, the Landscape Report concludes that:

- It is an open modified landscape largely consisting of rank grassland and scattered scrubland. Area 1 has limited landscape value, as it has no notable or distinctive features from a landscape perspective.
- Although Area 1 is currently undeveloped and provides some relief and contrast to the surrounding large industrial development as well as a transition to the harbour edge, it has no specific attributes that make it distinctive or valued in landscape terms.
- The characteristics and attributes of Area 1 are inconsistent with the values required to constitute ONF classification (SAR p.45).

Jason Hogan claims no expertise in Māori cultural significance. However, he discusses Māori cultural values in his report, for example at 2.2 he writes

The maunga is of particular significance to Ngati Te Ata (who in conjunction with Pukaki ki Te Akitai hold Mana Whenua status), being the birthplace of the tribe's eponymous ancestor Te Ata Rehia. The Stonefields are one of the last significant remaining examples of pre-European Maori settlement and gardening on volcanic soils in the region.

Hogan includes the previously mentioned *Table 1: ONF 93 and Evaluation Factors in Policy B4.2.2(4)* copied from the Cronin report. Hogan adds some comments in bold. For the Māori criteria, he writes

The Sites and Places of Significance to Mana Whenua Overlay depicted in the AUPOP maps (refer to Figure

7), the whole coastal area associated with Matukuturua lava field was historically a significant site for Maori occupation and gardening. So despite its modification, it is still likely to be of some value because of its proximity and historical associations.

However, Hogan does not explore this possibility further, and like Cronin ignores the potential for Mana whenua-related significance to be a determining factor for consideration in the extent of the ONF here. In conclusion he writes (5.1):

There is no doubt that the Matukuturua lava field is a significant natural feature, both in geological and landscape terms. It is also important with respect to cultural values and historical associations. However, because of its degraded landscape values and limited exposure, and based on guidance from Environment Court decisions, it is a matter of contention as to whether it is worthy of ONF status in a regional context. Even so, it is certainly of enough significance to justify its preservation and protection.

In emphasising the degraded nature of the site, Hogan ignores the emphasis on enhancement in the statutory instruments, and the requirement to address cumulative effects, arguing instead that previous effects provide a reason for allowing new ones. Without justification Hogan goes on to conclude that the subject area lacks the same cultural values and historical associations. In contrast, DOC observed that the importance of this site to mana whenua may qualify it as an outstanding natural feature, this is an important point, and is picked up in the advice from Auckland Council's Landscape Architect Stephen Quinn.

#### **My assessment**

As for other relevant issues here, the ONF provisions anticipate not only holding the line against further degradation, but enhancement.

The existing ONF has significant Māori cultural values. These were not identified at the time ONFs and ONLs were assessed. These values may be sufficient reason to retain the existing ONF, or to extend it.

The proposed plan change is dependent on removal of this portion of the ONF. Should it be determined that it should not be removed, either for Māori cultural reasons, geological, or for any of the other landscape related WESI and modified Pidgeon Bay criteria, then the plan change could not proceed.

#### **4. Mauri – the Significant Ecological Area and environmental restoration**

Mauri is the spiritual essence, inherent in all things derived from the atua from which all parts of the natural world whakapapa. It has been translated as the life supporting capacity.

There are several issues relating to waterways of the subject site. The mauri and health of the streams, wetlands and harbour, and their ongoing management.

The subject land is within the coastal environment and subject to the NZCPS. This places a greater emphasis of restoration and enhancement.

The proposed removal of a portion of the SEA-Terrestrial from the subject site is considered to have potential impacts on the mauri of the crater wetland and is opposed by iwi. The applicant has not considered the Māori-specific values associated with the SEA, or taken into consideration the Māori objective associated with the overlay.

The area intended for removal is argued to have reduced ecological values, but this is a result of historic damage caused to the wetland and associated overland flow path. There is a statutory basis for requiring that the historic damage be remediated, restoring the wetland to its previous condition.



Figure 19. Application changes sought. Light green area sought for removal from ONF. Black outline proposed for removal from SEA - terrestrial. Intersecting yellow lines are notified and first revised zoning edges.

*Overland flow*

The overland flow from the crater wetland was damaged by the illegal works, including digging a stormwater retention pond. The area proposed for removal from the SEA includes the natural overland flow path from the wetland to the Puhinui Stream. The photos in Appendix 1 show the natural overland flow path from the wetland to the Puhinui stream, and the earthworks that interrupted the path by digging a pit sometime between September 2007 and April 2009. The overland flow path is shown in Figure 20 below, taken from the application SAR.

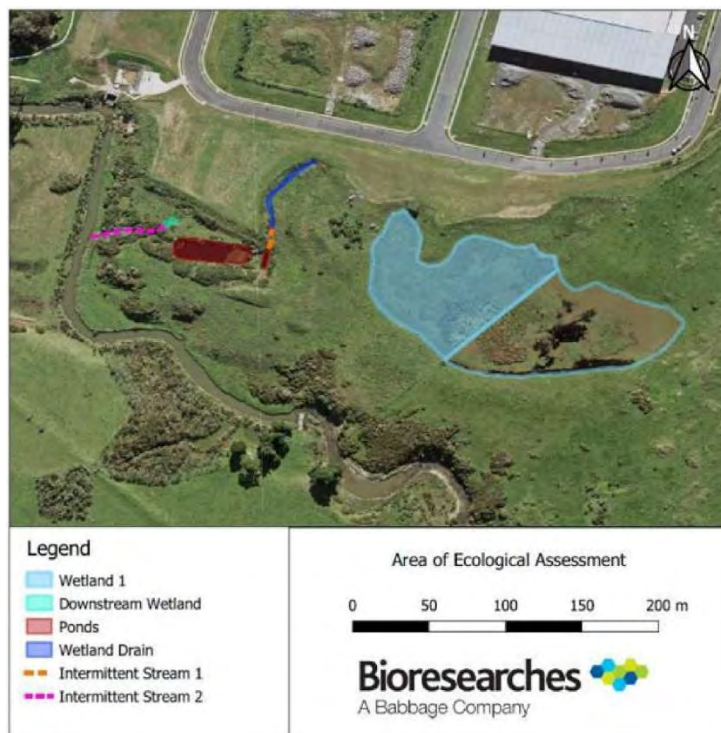


Figure 20. Map from SAR. The crater wetland and overland flow path.



### *The Puhinui Stream*

Auckland Council owns most of the land abutting the application area, being Lot 1 DP 45662 and Lot 4 DP 25968, which make up much of the Puhinui Reserve. Auckland Council has showcased [Puhinui Stream in a case study](#) in the Auckland Design Manual, as an approach to local reserve and ecosystem management.



Figure 21. – from 5 August 2019 Auckland Council publication Our Auckland

The associated article writes that:

*Strengthening the connection between nature and the community will be key in a project to restore the mauri of South Auckland's Puhinui Stream. Poor water quality, litter and other environmental problems will be addressed to create a healthy ecosystem by instilling a sense of kaitiakitanga (guardianship) through working with the local community and mana whenua.*

Figure 8 shows a section of the stream that has received some restoration effort. The photo also demonstrates the manner in which the current warehouses dominate the scene. Logically the stream restoration will mature and serve to partially screen the industrial area, but this may detract from or conflict with the selection of ideal species for stream health purposes, and needs to be addressed to mitigate the significant visual effects that have already arisen, and any additional and cumulative effects from the current proposal or other future uses of the subject land.

Rather than increase the stormwater outflow to the Puhinui Stream the wetland and wider subject land should be investigated for whether they can be used for stormwater management. Even the existing artificial pit should be considered for this purpose, before its removal is assumed. The large impervious area created by the previous McLaughlin's Quarry industrial warehousing area was noted in the Ngāti Te Ata CVA, with the intention expressed that this not be compounded by any future development.

The PC43 application concerns land alongside the existing industrial area, seeking to replace existing open space zoning to light industry. This should be considered only after the needs of the waterway, and of public rights associated with the waterways, have been addressed. This includes the space required for stream health, in addition

to space for visual and noise screening to reduce the recently consented impacts being experienced at the development's edges.

#### Relevant statutory provisions – coastal restoration and enhancement, and SEAs

The following provisions emphasise environmental restoration of the coastal environment, including waterways and wetlands.

NZCPS Objective 2 is to preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

#### NZCPS Policy 13 Preservation of natural character

(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and

(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;  
including by:

(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and

(d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(a) natural elements, processes and patterns;

(b) biophysical, ecological, geological and geomorphological aspects;

(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;

(d) the natural movement of water and sediment;

(e) the natural darkness of the night sky;

(f) places or areas that are wild or scenic;

(g) a range of natural character from pristine to modified; and

(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

#### Policy 14 Restoration of natural character

Promote restoration or rehabilitation of the natural character of the coastal environment, including by :

(a) identifying areas and opportunities for restoration or rehabilitation;

(b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;

(c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:

(i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or

- (ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or
- (iii) creating or enhancing habitat for indigenous species; or
- (iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or
- (v) restoring and protecting riparian and intertidal margins; or
- (vi) reducing or eliminating discharges of contaminants; or
- (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or
- (viii) restoring cultural landscape features; or
- (ix) redesign of structures that interfere with ecosystem processes; or
- (x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.

#### NZPS-Fresh Water

##### **A. Water quality, Objective A1, To safeguard:**

- a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
- b) the health of people and communities, as affected by contact with fresh water; in sustainably managing the use and development of land, and of discharges of contaminants.

##### Objective A2

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;
- b) protecting the significant values of wetlands; and
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

##### Objective C1

To improve integrated management of fresh water and the use and development of land in whole catchments, including the interactions between fresh water, land, associated ecosystems and the coastal environment.

##### Policy C1

By every regional council:

- a) recognising the interactions, ki uta ki tai (from the mountains to the sea) between fresh water, land, associated ecosystems and the coastal environment; and
- b) managing fresh water and land use and development in catchments in an integrated and sustainable way to avoid, remedy or mitigate adverse effects, including cumulative effects.

##### Objective D1

To provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.

##### Policy D1

Local authorities shall take reasonable steps to:

- a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region;
- b) work with iwi and hapū to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region; and
- c) reflect tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region.



### **B7.3. Freshwater systems**

#### B7.3.1. Objectives

(1) Degraded freshwater systems are enhanced.

(2) Loss of freshwater systems is minimised.

(3) The adverse effects of changes in land use on freshwater are avoided, remedied or mitigated.

#### B7.3.2. Policies

Integrated management of land use and freshwater systems

(1) Integrate the management of subdivision, use and development and freshwater systems by undertaking all of the following:

(a) ensuring water supply, stormwater and wastewater infrastructure is adequately provided for in areas of new growth or intensification;

(b) ensuring catchment management plans form part of the structure planning process;

(c) controlling the use of land and discharges to minimise the adverse effects of runoff on freshwater systems and progressively reduce existing adverse effects where those systems or water are degraded; and

(d) avoiding development where it will significantly increase adverse effects on freshwater systems, unless these adverse effects can be adequately mitigated.

### **B7.4. Coastal water, freshwater and geothermal water**

#### B7.4.1. Objectives

(1) Coastal water, freshwater and geothermal water are used within identified limits while safeguarding the life-supporting capacity and the natural, social and cultural values of the waters.

(2) The quality of freshwater and coastal water is maintained where it is excellent or good and progressively improved over time where it is degraded.

(3) Freshwater and geothermal water is allocated efficiently to provide for social, economic and cultural purposes.

(4) The adverse effects of point and non-point discharges, in particular stormwater runoff and wastewater discharges, on coastal waters, freshwater and geothermal water are minimised and existing adverse effects are progressively reduced.

(5) The adverse effects from changes in or intensification of land use on coastal water and freshwater quality are avoided, remedied or mitigated.

(6) Mana Whenua values, mātauranga and tikanga associated with coastal water, freshwater and geothermal water are recognised and provided for, including their traditional and cultural uses and values.

#### B7.4.2. Policies

Integrated management

(1) Integrate the management of subdivision, use, development and coastal water and freshwater, by:

(a) ensuring water supply, stormwater and wastewater infrastructure is adequately provided for in areas of growth; and

(b) requiring catchment management planning as part of structure planning;

(c) controlling the use of land and discharges to minimise the adverse effects of runoff on water and progressively reduce existing adverse effects where those water are degraded; and

(d) avoiding development where it will significantly increase adverse effects on water, unless these adverse effects can be adequately mitigated.

(3) Integrate Mana Whenua values, mātauranga and tikanga when giving effect to the National Policy Statement for Freshwater Management 2014 in establishing all of the following:

(a) water quality limits for freshwater, including groundwater;

(b) the allocation and use of freshwater resources, including groundwater; and

(c) measures to improve the integrated management of the effects of the use and development of land and freshwater on coastal water and the coastal environment.

Water continues to be available from high-use streams within limits while (1) safeguarding the life-supporting capacity and amenity values of the stream.

### D3.3. Policies [rp]

(2) Require the take or use water from an area in the High-use Stream Management Areas Overlay to:

(a) ensure that other water takes can continue to operate;

(b) maintain in-stream ecological values;

(c) maintain Mana Whenua values; and (c)

(d) maintain the stream's amenity values.

(3) Avoid as far as practicable and otherwise remedy or mitigate adverse effects on other uses of the stream and, in particular, avoid reducing the stream's assimilative capacity as far as practicable from proposals to discharge contaminants into high-use streams (or into or onto land where the contaminants may percolate into high-use streams).

## AUP Section D9. Significant Ecological Areas Overlay D9.2.Objectives[rp/rp/dp]

3) The relationship of Mana Whenua and their customs and traditions with indigenous vegetation and fauna is recognised and provided for.

### D9.3.Policies [rcp/rp/dp]Managing effects on significant ecological areas –terrestrial and marine

(2) Adverse effects on indigenous biodiversity values in significant ecological areas that are required to be avoided, remedied, mitigated or offset may include, but are not limited to, any of the following:

(n) a reduction in the historical, cultural, and spiritual association held by Mana Whenua or the wider community;

(o) the destruction of, or significant reduction in, educational, scientific, amenity, historical, cultural, landscape, or natural character values;

(3) Enhance indigenous biodiversity values in significant ecological areas through any of the following

(g) providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas.

### Vegetation management

(5) Enable the following vegetation management activities in significant ecological areas to provide for the reasonable use and management of land:

(f) vegetation removal necessary to provide for marae and papakainga on Māori land;

(7) Provide for the role of Mana Whenua as kaitiaki in managing biodiversity, particularly in Treaty Settlement areas, and for cultural practices and cultural harvesting in significant ecological areas where the mauri of the resource is sustained

## Views of Mana Whenua

Mana Whenua values associated with waterways and the natural environment are now well documented, and are described in depth in the two iwi CVAs.

The previous issues sections have detailed Mana Whenua views regarding the degraded state of the subject land, and the need for environmental restoration. For example, in its Table of AUP provisions of relevance Ngāti Te Ata referred to AUP Objective B6.3.1.2: The mauri of, and the relationship of Mana Whenua with, natural and physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall.

On page 8 of its submission, Ngāti Te Ata opposes the removal of the SEA writing:

Removal of part of the ONF and SEA overlays will further exacerbate the encroachment of intensive development in the locational context of the Sites. Ngāti Te Ata rejects the assertion that these changes rectify errors in the Unitary Plan and says that the Applicant had every opportunity to be involved in the Unitary Plan submission process.

While neither iwi discussed the SEA-Terrestrial associated with the subject site in detail, it is clear from both CVAs that the ecological and environmental values are of particular concern to iwi. Amongst the outcomes sought in its submission Te Akitai wrote, retain the mapped extent of the SEA ID8443.

#### Expert advice and points made in submissions

The applicant's ecologist wrote (Bio-Researchers, January 2019, ECOLOGICAL SURVEY REPORT McLaughlins Quarry Private Plan Change p.5):

The Plan Change seeks to amend the Significant Ecological Area (SEA) Overlay applied to Wetland 1 to remove 625m<sup>2</sup> of the total 6625m<sup>2</sup> area within the mapped SEA. The 625m<sup>2</sup> is pasture, outside of the wetland area and does not meet any of the criteria for a wetland or the criteria for the SEA - 8443, threat status and rarity.

However, DOC expressed concern about ecological effects from the proposed plan change in its submission, writing:

This site, and the surrounds are home to a number of indigenous plant species, including regionally and nationally threatened species, and the site is habitat for the threatened – nationally critical Matuku (Australasian Bittern).

The proximity and location of light industrial activities may have adverse effects on the ecological values of the wetland and riparian creek including light, noise, disturbance during construction, and reduced connectivity between the creek, the wetland, and the wider area.

There is substantial discussion of the stream and its margins, and of the wetland, in the ecological and landscape reports.

#### My assessment

Coastal location provides for restoration, not just holding the line.

The overland flow path from the wetland should be restored at the cost of the landowner, and any plan change should require such restoration.

The subject land provides one of limited opportunities for mitigation measures for visual and other effects from previous consents. These, and measures to address cumulative visual and amenity effects resulting from the proposed plan change should be factored into any plan change.

The ongoing restoration of the Puhinui stream and its margins needs to be accorded substantial weight in considering the current plan change. The needs of the stream (and the wetland) must be considered before space can be allocated for other purposes.

There is strong statutory support for Mana Whenua involvement in the management of these and other significance areas, but no mention of this is made in the application. This should be addressed.

## 5. Other matters

### Precincts

The method by which the intended plan-enabled development will be managed planning-wise is a new precinct, the latest version of this is shown in Figure 12.

Precincts enable local differences to be recognised by providing detailed place-based provisions which can vary the outcomes sought by the zone or Auckland-wide provisions and can be more restrictive or more enabling. In certain limited circumstances the rules in a precinct vary the controls of an overlay, either by being more restrictive or more enabling. However, the general approach is that overlays take precedence over a precinct (C1.6(3)). Precinct provisions are located in Chapter I and grouped according to their location as Auckland-wide, central, north, west and south.

Elsewhere, Council is processing plan changes using precincts as a management response to iwi seeking greater protection of heritage and cultural values at a catchment level. For the Wairoa River Plans and Places is promoting using a precinct as the planning approach, in the absence of a Māori Cultural Landscape schedule in the Unitary Plan.

So, while not anticipated by the proposed plan change as worded, consideration should be given here to the ongoing management and ownership of the culturally significance areas, including the crater wetland and surrounds, the stream margins, archaeological sites, and other culturally significance areas.

### Co-management, ownership and use, and Treaty redress

AUP B6.2.2(1)(e) provides that opportunities be given to Mana Whenua to participate in the sustainable management of natural and physical resources in a way which 'recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wahi tapu and other taonga'.

The potential exists for a change of land ownership as part of a plan change and resource consents. The previous resource consents involved land being vest as council reserve alongside the Puhinui stream. The applicant's geologist, in recommending removal of most of the ONF from the subject land found that the crater itself had geological value, recommending:

Due to its unique value, it is recommended that Area 2 be protected, by purchasing it from the 4 current owner and adding it to the contiguous area of the lava field under protection to the east (i.e. the area currently managed by the Department of Conservation).

Were a plan change and precinct allowed for this location it would create opportunities for real participation by Mana Whenua in the management of their significant traditional places. This might occur at varying levels, from full ownership of open space land by iwi, co-management, of delegations of powers and functions to iwi. This has not been considered in the plan change application.

### Section 3 – my assessment

There are customary and Treaty-based values and interests associated with the subject land. These include values associated with the coastal marine area and waterways. This significance is described in a range of places, including the CVAs prepared for the applicant, the application/AEE itself, and in the submissions of the two iwi for PC43. It is not disputed by any party.

These values should be taken into account when considering the extent of the ONF and SEA-terrestrial that the plan change application seeks to reduce.

It is my assessment that a substantial part of the subject land would satisfy that criteria for Schedule 6 (Outstanding Natural Feature Overlay Schedule). Should it be determined that the ONF or similar schedules properly extend over part of all of the subject land then a high bar is set for the proposed (revised) proposal for light industrial zoning over a fair portion of the land. The ONF requirement to avoid significant effects on cultural and other landscape values would appear to prevent such a development.

While no specific criteria is included for SEAs, there are strong Māori recognitions and protections in the overlay provisions. These too would seem to necessitate consideration of Mana Whenua ecological values prior to any reduction of the current extent.

The subject land was considered in the consent conditions of the McLaughlin's Quarry, including the interim recognition of a conservation line, and requirements that cultural values be accommodated by any future development. Retrospectively, it is my view that inadequate measures were taken to address visual and other effects of the previous consents, and that the subject land is partially required to address that failure. At a minimum those effects must be considered in combination with those foreseeable/enabled by the proposed plan change.

I concur with the Auckland Council submission in relation to the appropriate location for additional development on the subject land. This should be restricted to low impact development on the modified land adjacent to the road,

and subject to a more in-depth investigation of the location of Māori cultural and historic heritage. Light industry zoning could be retained for the area of filled land immediately adjoining the road, but the remainder of sub-precinct B would be better zoned as either open space, Rural - Rural Coastal zone, or Rural – Rural Conservation zone.

This case is similar to Ihumatao, with the traditional values associated with stonefields being very similar, involving land wanted for use by a private landowner that has particular tribal cultural, heritage and ecological and landscape-related significance. In the Ihumatao case the tension was resolved by the Crown purchasing the land from a willing seller. A similar solution might be warranted here, were the aspirations of the landowner deemed incompatible with values of the land, and no acceptable development solution found.

Were the plan change to proceed in any form I/the Māori Heritage Team would seek to be involved in drafting any Māori heritage provisions, and would first need to consult with both Ngāti Te Ata and Te Akitai more fully before making suggestions as to wording. Only Te Akitai and Ngāti Te Ata hold the mātauranga required to articulate their cultural landscapes.

I don't respond to the proposed Unitary Plan text in any detail, basically because I see the impediments to the plan change proceeding as insurmountable in its current form (or the as-notified and first revised proposals). I note that the applicant says several times in the recently provided tracked change version of the proposal that certain text is inserted at the request of Te Akitai. This should not be taken to reflect any view of the iwi without its confirmation. My own discussions with the planner representing Te Akitai said that there are areas where agreement has not been reached. In effect, the current text is unacceptable to the extent that it enables or fails to address the issues described in this memo.

### Conclusion and recommendations

The proposal would result in more than minor effects on a significant cultural landscape.

There is good reason to anticipate that the Māori cultural values alone or in combination with other values would justify the retention of the current ONF. This presents a barrier to the plan change as proposed because of the need to avoid effects of the nature anticipated by the plan change.

There are Māori cultural values associated with the SEA, and the Unitary Plan objectives include protecting Māori interests relating to SEAs. There is clear statutory direction for retaining the SEA, and restoring it to its previous condition.

For the reasons stated above I recommend that the plan change be declined.

### Author expertise and disclaimer

Nathan Kennedy is Auckland Council's Senior Technical Specialist in Māori Heritage. My role includes advising Council on Māori heritage, planning, and Treaty-related matters as they relate to heritage and planning.

I was environment officer for one of the region's iwi - Ngāti Whanaunga - from the late 1990s till 2016, and remain a Treaty claims negotiator for the iwi. My education in Te Ao Māori (the Māori world) and kaitiakitanga (Māori management of ancestral lands and waters) comes from decades of practice, mentoring by tribal elders, participation in tribal wananga, and formal education. My PhD investigated outcomes for Māori under the Resource Management Act 1991, focusing on Māori cultural issues within the coastal environment arising from a marina and illegal mangrove removal at Whangamata. I have written widely, lectured, and given evidence on matters of Māori environmental, cultural and heritage values and interests, the Treaty, and Māori land matters before multiple Waitangi Tribunal's, the Environment Court, High Court, Māori Land Court and Māori Appellate Court.

I am a GIS practitioner, experienced in spatial analysis of Mātauranga Māori relating to the landscape, and applying this to planning processes resource consents and plan writing. I was a 'preferred supplier' to the Crown Forest Rental Trust for 6 years, contracted to undertake GIS research, analysis and mapping for the Te Rarawa iwi Treaty Claims. I oversaw the mapping of the sites of significance and land-related knowledge of the Hauraki iwi collective. In 2016 and 2017 I was contract by Te Waka Anga Mua, then Māori outcomes department within Auckland Council, to research and map the tribal boundaries of the iwi of the Auckland region.

I am the conservation and heritage spokesperson for the Marutuahu collective on the Auckland Conservation Board since late 2015, appointed under the *Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014*. Ngāti Whanaunga has ancestral association with the wider South Auckland area but does not claim rights surrounding the plan change 43 area. Whanaunga, Marutuahu, and the Auckland Conservation Board are not parties to these proceedings, and no conflict arises here from those roles.



Appendix 1. Aerial photography of McLaughlin's Quarry and subject land - from 2005 to 2020 – from Google Earth

March 2005



Dec 2005



Sept 2007



April 2009





Feb 2012



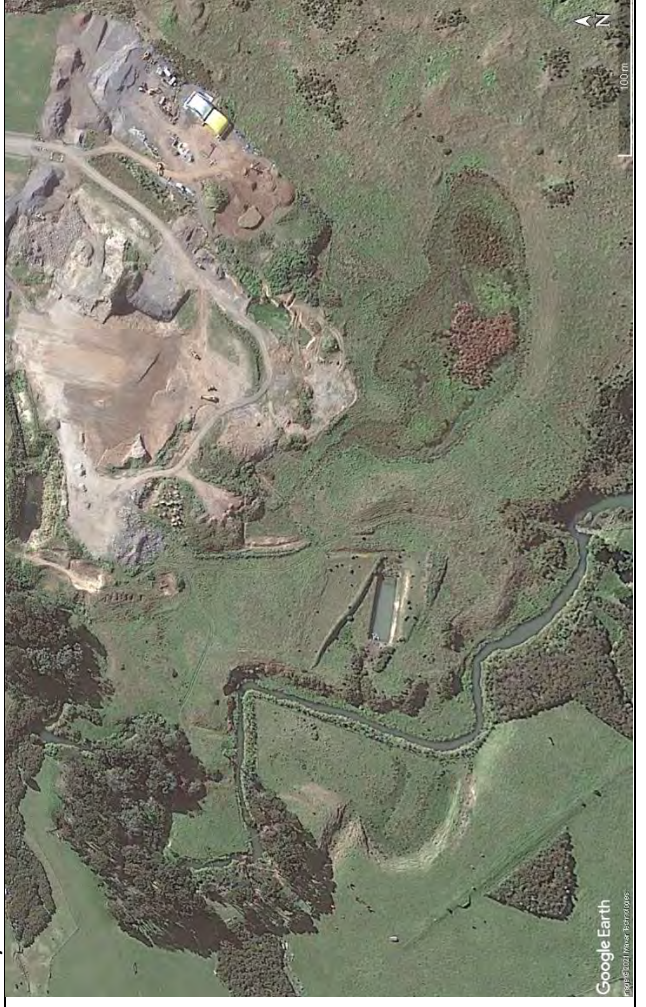
Jan 2013



April 2010



May 2012





Nov 2013



Google Earth

July 2014



Google Earth

April 2013



Google Earth

March 2014



Google Earth



NOV 2014



Google Earth

Dec 2015



Google Earth

May 2015



Google Earth

March 2016



Google Earth



July 2017



Oct 2018



Sept 2016



Oct 2017









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